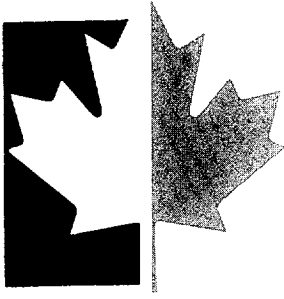




Commissioner
of
Official
Languages

Third
Annual
Report

1972·1973



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1972 • 1973



COMMISSIONER OF OFFICIAL LANGUAGES

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The Speaker,
Senate,
Ottawa

Madam Speaker,

Pursuant to Section 34 (1) of the Official Languages Act, I hereby submit to Parliament through your good offices the third annual statement relating to the discharge of my duties under this Act, covering the fiscal year 1972-73.

Yours respectfully,

A handwritten signature in black ink that reads "Keith Spicer". The signature is written in a cursive, flowing style.

Commissioner of Official Languages

March 1974

The Speaker,
House of Commons,
Ottawa

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Commissioner of Official Languages

March 1974

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Preface

This report tells more than most parliamentarians might really care to know about "bilingualism". Two reasons lead my colleagues and me to write still more this year than last. First, Members of Parliament in committee have asked me to specify, by department or agency, how well or badly implementation of the Official Languages Act is going. Second, having complained so long about the lack of progress toward linguistic equality, I think it is time to produce more facts to show that we are not invariably crying wolf.

In general, this report confirms that too many federal services taken for granted everywhere in Canada in English continue to be denied to French-speaking Canadians in their language, or allowed to them merely as an inconvenient concession. In addition to this inequality, figures on opportunities for work in the government, while improving somewhat, again show a distressing lopsidedness. In 1973, job openings in the federal public service were still nearly seven times more numerous for unilingual English-speakers than for unilingual French-speakers: of 98,515 jobs filled that year under the Public Service Employment Act (and excluding the 7.6 per cent of these jobs requiring both languages), 76 per cent demanded only English, while 11.6 per cent called only for French. For the 27 per cent of Canada's people speaking French as a mother tongue, this is not exactly a linguistic coup d'État. . .

Once again I am happy to report that virtually all the departments and agencies we have dealt with, among the 180-odd institutions covered by the Official Languages Act, gave us, though to widely varying degrees, their co-operation. Never in the past nearly four years have I found it necessary to use the exceptional coercive powers of the Act's Section 30: low-key, if sometimes triflingly testy, diplomacy still seems the best way of getting the job done.

What is new this year, though consistent perhaps with our past work, is our systematic attempt to give parliamentarians, press and public plain answers about who, in the roughly half-million-member universe of the federal government, is fulfilling Parliament's wish for linguistic fair play and who is not. My first report set out our philosophy and methods; the second listed several hundred recommendations (my main substantive power as linguistic "ombudsman" and "auditor-general"); this one, without illusions of infallibility, tries to document what happened to those and subsequent recommendations—that is, to measure the precise degree of progress in as many institutions as we could cover responsibly this year.

From the outset, in April 1970, I never thought of my annual report to Parliament as a catalogue of crimes against bilingualism. This year, the first when my colleagues and I have tried as thoroughly to assess federal institutions' respect for Canada's Official Languages Act, we throw roses as well as rocks; why shouldn't the linguistically law-abiding get credit where due?

This document officially covers the fiscal year ending 31 March 1973. To keep our information from gathering archival dust even before being tabled, we decided to extend our reporting year for "follow-up" data to 30 September 1973. Indeed, giving in to the insidious temptation to race against the treadmill of still-more recent and relevant data, we have sometimes—and almost always to the benefit of genuine reformers—sneaked in news conveyed to us in January, and even mid-February, 1974.

For all its discouraging thickness, this report tries to be handy. Chapter I sums up personal, and admittedly sometimes impressionistic, views on a few matters of general interest. Chapter II gives some notion of what it is like to live (and occasionally work) in the eye of the linguistic storm. And Chapter III, discreetly indiscreet, seeks to tell, wherever evidence allows, what my colleagues and I, as reluctant but dutiful dragons (with the help of many vigilant citizens), have seen in the nooks and crannies of a State committed to the equal dignity of our two language communities. This, with scrupulous impartiality, of course, in alphabetical order.

The report being long, its preface shall be short.

K. S.

Chapter I

SOME THOUGHTS ON THINGS BILINGUAL

This year's summing-up chapter, like its two predecessors, indulges the Commissioner's penchant for more or less constructive meddling. Offering Parliament and public some focus here on half a dozen questions he thinks timely, the Commissioner tries to help resolve a small irony of our data-drenched society: we know too little and yet, sometimes, we know too much.

In matters linguistic, as in others, many people seek a middle ground of information between capsule comment and fastidious accounting. It seems useful to suggest trends or changes which the concerned, though less than obsessed, student of language questions may care to watch. Hence, for busy parliamentarians and other observers, the following review of a few questions perhaps of interest today and for the months ahead. Needless to say, this year's bird's-eye view of what appears to be happening to our official languages rests no more than the Commissioner's sketches of earlier years on any Olympian authority. It mirrors just the fairest impressions that he and his colleagues can form for now on a few points they think deserve wider discussion.

Starting with a context-setting little safari through Ottawa's bureaucratic jungle with a diplomatically dull machete, we move on through some ideas on Parliament's official-languages resolution of June 1973, and the still perilous plight of French-speaking federal employees. Next, the Commissioner makes his ritual, and self-righteous, assault on the government's information effort. Finally, he continues to mutter prophecies of doom on the dismal state of second-language teaching in Canada, but this year trying harder to glimpse auguries that some salvation may be at hand.

A. The Bureaucratic Jungle Revisited: Darwin Said It All

Hacking through the jungle this year causes a little less bewilderment: several previously scattered responsibilities now sit in the delicately intertwined hands of the Public Service Commission and Treasury Board. After commenting on this more effective concentration of energies, the Commissioner summarizes a few problems these and other agencies face in advancing linguistic equality, and comments briefly on an unusual complaint he received about the government's previous handling of the Official Languages Act.

1. Sabu and Simba: Such Good Friends

In last year's report, the Commissioner tried to sketch out a simple road map for Ottawa's lush rain forest of linguistic jurisdictions. He identified seven main centres of responsibility and summarized their duties. He hopes this cartographic exercise (reprinted with a layman's guide to the Act for federal employees) is helping a few to sidestep the quicksands of confusion which lurked before all who sought straight answers to questions of language.

This year, it makes sense to concentrate on two central agencies, the Public Service Commission and the Treasury Board. This focus does not mean that the law of the jungle has enabled these agencies to gobble up the others. It merely mirrors the consolidation of management structures which they now embody and which, leaving behind the feebly orchestrated chaos of yesteryear, gives hope (if not assurance) of a long-overdue coherence in the government's action.

For some fifty years, the Public Service Commission has defended hiring and promotion based on competence, in recognized independence from the government of the day. The last phrase of Parliament's June 1973 resolution approving nine principles to guide managers of the Official Languages Act does not abolish the survival of the fittest (classically termed the "merit principle") which the PSC is committed to uphold; but it plainly incites the PSC to mesh its defence of excellence with the executive branch's need to govern expediently—in a word to climb into a cosier tent with the government. The resolution approves "... the Treasury Board and the Public Service Commission, taking the measures required to give effect to the aforementioned Principles . . ."

The success of this joint effort to translate Parliament's new principles into practice for some 250,000 public servants will turn on many factors. One is the still-to-be-proven boldness and realism of the government's policies, which the Commissioner briefly speculates

on in a later section on some possible effects of the resolution. But a breakthrough in linguistic justice will depend greatly too on the delicate mechanism of co-operation which the two central management agencies have now set up. This mechanism rests on a supple and informal understanding between the people at the top of each agency and on a clear delimitation of each agency's responsibilities.

In the eight months since Parliament passed its resolution, the two or three persons at the top of the PSC and Treasury Board have been thrown into consultations of unprecedented intimacy and frequency. Inevitably, frictions still occur between "technicians" of each agency; but being flung together onto centre stage has brought upper management to resolve overlapping jurisdictions, minor quarrels of ideology and occasional fits of bureaucratic imperialism through weekly, sometimes almost daily, informal summit meetings.

But of more basic interest to explorers of the official-languages jungle is the demarcation of territories of responsibility. Even while working in close tandem on all major aspects of the resolution's implementation, the PSC and Treasury Board carry distinct duties.

a) Sabu Rides Again: But Is the PSC Elephant Aerodynamic?

As of this report's tabling, the Commissioner's staff is carrying out a wide-ranging special study of the PSC's role as a central agency implementing the Official Languages Act. The results of this study will appear in next year's report. Meanwhile, one can summarize the PSC's four specific functions related to Parliament's resolution of June 1973:

1. With departments, determine the levels of language knowledge, and abilities required for individuals and/or groups of position(s);
2. Determine the level of language knowledge of individuals;
3. Provide language training;
4. Hear appeals against language qualifications required when a competition process is undertaken to fill vacant positions.

These duties are in addition to the PSC's main job of staffing the public service. The PSC is of course still bound by the Public Service Employment Act to ensure that (as Parliament's Principle 3 reaffirms) "a knowledge of English and French is one of the elements of merit in the selection of candidates for bilingual positions." Later in this chapter, in reviewing some aspects of the resolution, the Commissioner will touch on a misunderstanding which may result from the new interpretation of "linguistic merit" in Principle 4.

The PSC's four basic language duties lay on it immense new burdens, which will require not only fireless attention to the detail of great numbers of individual cases but a strong-nerved, long-term financial commitment by the Treasury Board. Dealing with nearly a

quarter of a million public servants has already accustomed the Commission to offering tender loving care to the "little man" or woman who needs advice or redress. But devising credible and adaptable techniques for evaluating precise degrees of language skills needed for a given job, and facing the controversial task of measuring the level of language knowledge of perhaps some 40,000 to 50,000 individuals will throw massive new strains on the PSC's imagination and administrative agility. And the PSC's Appeals Branch (which can review the language requirements of a position or an individual's personal language qualifications), a mechanism to be called on in perhaps several hundred cases a year, will require ombudsmanship of a high order. As for the duty (already exercised with less than astounding success for nearly a decade) of providing usable language training, the PSC will now probably have to perform prodigies in finding methods and teachers to meet what is likely to prove a stunningly heavy demand. This demand results from the new rights of unilinguals to try out for "bilingual" jobs and from the new concept of "continuous" (up to 12 months, full time) language training which replaces the old three-week on-and-off sessions cited here last year as the Don Juan in Hell syndrome.

The PSC Language Bureau has been making encouraging progress in its two home-made curricula, *Dialogue Canada* (for English-speakers) and *Contact Canada* (for French-speakers). But the Bureau's more flexible approach, adopted over the past year, of offering up to a dozen different remedies for curing the malady of bureaucratic unilingualism will be tested to the limit. And the widespread cynicism of many public servants about the relevance, cost and usefulness of their courses will no longer allow the PSC to tolerate mistakes, and especially a drop-out rate, on the scale of years past: in the teaching year ending August 1973, the scholastic mortality rate among English-speaking government students of French remained, by the most conservative definition, a worrisome 23.4 per cent.*

* In 1971-72, a survey was conducted in the Language Bureau to discover the reasons for the continuing pattern of drop-outs from language training. The following reasons were given in 2,228 questionnaires which were returned:

—Attained level of bilingualism	20.5%
—Change in departmental priorities	19.9%
—Travel	10.2%
—Transfers to another department	9.7%
—Resignations from public service	7.6%
—Problems in learning	6.6%
—Foreign posting	6.3%
—Following other courses	5.5%
—No precise reason given	5.0%
—Position not requiring second language	3.1%
—Age	2.9%
—Other (health, transportation problems, death, personal difficulties, etc.)	1.9%

Here is where the Treasury Board's nerve will be legitimately strained; without a striking breakthrough in graduation rates, retention and use of second language (let us say French...), the Board's willingness to cough up tens of millions a year for training (and "double-banking" money to cover off the jobs of absent students) may wither. On the other hand, one hopes the Treasury Board, whatever the turnover in its top staff over the next five to seven years, will not leave the PSC holding the financial and political bag by dropping this long-term training priority in favour of some more attractive budgetary fad.

Two notable developments on the language-training front are the fusion of the PSC's Language Bureau with its Bureau of Staff Development and Training; and wider, clearer access to language training. The fusion (creating a new Staff Development Branch), whatever risks it appeared to pose to some PSC French-speaking administrators used to the Language Bureau's autonomy, may present the psychological merit of equating and twinning the need of English-speakers for language training and the long-neglected need of many French-speaking employees for professional development courses in their own language—an essential step to stemming the tide of assimilation into the English-speaking Establishment. It remains to be seen whether this controlled fusion, like the elusive thermonuclear kind, will release vast new reserves of energy; it ought to save some money by pooling pedagogical and administrative services both aimed at upgrading public servants' skills.

Access to language training has recently been improved in two ways. First, Parliament's Principle 9 categorically confirms a right the Commissioner is ungracious enough to recall advocating for the last two years: "... language training, at public expense, will be provided to unilingual public servants as well as to persons who are appointed to the public service to bilingual positions." Language training "on company time and at company expense" strikes the Commissioner as a normal and civilized part of the Canadian Government's language reform; he would only wish that some Crown agencies would draw inspiration from this principle of Parliament—if only because, in the long run, as self-proclaimed profit-oriented firms, they would derive profit from it as well. The other improvement is to eliminate the mandarins' "droit de seigneur" in language training by setting up a new four-tiered system of language-training priorities. This ensures that "... all persons, regardless of their classification level, who wish to become bilingual and who occupy identified or designated bilingual positions have priority in language training." No longer, or less, one trusts, will the taxpayers' money subsidize the linguistic adventures

of lords over those of more needy serfs; feudalism, even in Ottawa, seems to be dying.

But, for the PSC language schools across the country, the Industrial Revolution lies ahead. And the Commissioner devoutly hopes they can avoid the worst evils (already obvious in Ottawa and Hull) of factory-line mass production, and respond to their tens of thousands of new students with the wit and suppleness which, for a very large public, are the price of the schools', indeed the Act's, credibility.

b) *The Lord of the Jungle: Can a Lion Ride a Tiger?*

In his first two reports, the Commissioner dropped rather heavy hints that the government ought to back its prophecies of linguistic paradise with more high-level administrative brawn. After the Act's being in effect for four and a half years, he is happy to report that the management machine now in place within the Treasury Board Secretariat—the Official Languages Branch—promises at least and at last a serious chance of snatching the Act from its too-long, or too-frequent, limbo. Having learned from his still-junior government experience that it is not easy to lead cavalry charges into swamps, the Commissioner can only congratulate those who, however belatedly, have set in march this rather impressive 47-member team of linguocrats extraordinary.

Judgements on the Branch's ability to move the bilingual mountain must await another year or two. But, for this year's record, it may be worth putting a few paragraphs to paper on the Branch's mandate, structure and concerns, then suggesting a few patterns of inaction the Branch might usefully look into. Three other sections of this report bear upon policy challenges facing the Board's new Branch: the brief review of a rather unusual complaint later in this section; a series of comments on Parliament's resolution of June 1973; and a more detailed report on the Commissioner's special study of the Board's role, in Chapter III—perhaps a little inflatedly termed *A Friendly Read-Out*.

The Board's Official Languages Branch defines its mandate thus: "to develop and communicate the federal government's policies and programs for the application of the Official Languages Act within the Public Service and to monitor their implementation and evaluate their effectiveness." This mandate to manage all aspects of "bilingualism" not allotted to the PSC covers all departments and agencies controlled by the Board under the Financial Administration Act—about a quarter of a million federal employees out of a total of roughly 500,000. This gives the Board a spearheading role of enormous potential, even if perhaps 250,000 other federal employees are left to be helped to meet the need for linguistic reform by the Commissioner, the only

federal official or body assigned to annoy absolutely everybody on this subject.

Details of the Board's mandate fall into five categories. First, in line with Parliament's June 1973 resolution, the Board has worked out policies and guidelines to help its client departments and agencies identify and designate the language requirements of all public service positions. This gigantic task, which mobilized hundreds of officials, especially personnel staff, throughout the government was completed and computerized in the six months ending 31 December 1973. Second, the Board, allied with the PSC, is to assist departments and agencies in any matters linguistic and help them to implement language "strategies and programs"—in many cases still either fragmentary, feeble or non-existent. One hopes this includes telling departments and agencies to move more quickly and coherently on easy-to-settle and inexcusably overdue "visual" reforms affecting items such as signs and forms. Third, following the much less detailed second part of Parliament's resolution, the Board "also develops a number of measures designed to increase the use of the French language throughout the Public Service." The Commissioner does not think he unfairly maligns the Board by noting that it has yet to devote to this vital aspect of language reform one-tenth of the imagination and labour it has invested in implementing part one of the resolution, whose practical thrust (in spite of identical guarantees to both language groups) seems aimed to reassure unilingual English-speaking employees. On this score, he reaffirms his belief that continued inattention to spelling out policies for spreading French as a federal language of work will lead within a year or so to a "French skepticism" far more damaging to the Official Languages Act than the somewhat overblown "English backlash".

A fourth task the Board assumes relates to evaluation of past and present progress. This includes studies (some of which, to the government's dismay, were mysteriously lent to the press), statistical analyses, and general monitoring of the effectiveness of the Board's own and departments' performance. This last function may prove a crucial factor for change if the Board does not hesitate to press departments and agencies with all the authority and financial muscle Parliament has given it. In particular, the Commissioner would be happy if the Board were to put more heat on departments dragging their heels on his recommendations. Through the statutory channel of the Clerk of the Privy Council, the Board gets copies of all the hundreds of recommendations the Commissioner makes each year. Whether or not the Board uses this ready-made leverage, the Commissioner will increasingly "harass" departments on his own, and will fulfill his duty to dump on delinquents, as well as encourage the law-abiding, in his annual reports to Parliament.

The Board's final self-assigned job is information—for "federal employees and other interested publics . . ." The less said here the better, for in the Commissioner's view, the Board has said very little to anybody, at least in language anybody can understand. Reasons for this bilious assessment, as well as notes on some good things the Board is starting to do, are outlined later in this chapter under *Information: At Last, a Little More Light than Heat?*

The structure of the Board's new Official Languages Branch now reflects a strength and a high level in the inevitable hierarchy which the Commissioner, with some others, thought necessary to move the Act to reality. Since last year's report, the Treasury Board's small Bilingualism Division has been upgraded to the status of a full Branch, reporting, as the Commissioner had hoped, to a Deputy Secretary handling this mandate full-time. This beefing up of language administration has led to three main benefits: 1) the Board can now order major changes in departments and agencies without fighting for them up through a complex hierarchy; 2) mandarins as a species, knowing well the symbolic and political importance of the Ottawa pecking order, now see a striking demonstration that the government has finally recognized that language reform commands a high and lasting priority; and 3) from the Commissioner's own narrow viewpoint, the existence of a strong interlocutor from the executive branch is leading to a creative tension which, more euphemistically, might be termed a healthy interplay of ideas. Without either the Board's officials or the Commissioner comprising their responsibilities, it is at last possible to discuss matters between linguocrats from both sides (not forgetting the PSC) able to speak something close to a final word.

It is not the Commissioner's business to analyze the organization chart of the Board's Official Languages Branch and assess its worth; he has enough trouble understanding his own small Office's structure. Suffice it to note that the Branch's three divisions—Policy and Planning, Operations, and Information Programmes—appear to interlock neatly on paper, and may well do so in fact.

What concerns now animate the Board's Official Languages Officers (OLOs)? Since June 1973, their major interest has been the identification and later designation of the language requirements of some 250,000 public service positions. A glance at the heavy tomes of hieroglyphics dropped on the desks of deputy ministers and personnel officers should convince all but the incorrigibly cynical that the Board and its OLOs have been busy. The results of this immense effort to "linguify" every job in the public service hardly indicate a revolutionary advance in the status of unilingual or even bilingual French-speaking Canadians in "their" country's government service. Again one must urge the Board to pay much more care to the parallel concern of

reforming the structures of government—especially by expanding and upgrading French-language units—to make them more congenial to recruitment of unilingual French-speaking citizens wishing to work in French.

The Treasury Board's new language team are undeniably astute, enthusiastic and—a great progress over years past—committed to reform through consultation with unions. The very quality of the Board's staff creates new and much higher expectations of leadership and sensitive but forceful management. These challenges should include finally a systematic use, as agents of change and information, those too-often neglected departmental allies called Bilingualism Advisers.

Strong leadership may at some time bring the Board to insist on reforms in entrenching French as a language of work which may not fit all the hopes and anxieties of Canada's still massively English-speaking public service. Enlightened union leaders will surely support such moves; but the test of will for the Board will prove stressful. If the Board takes its mandate for change as seriously as it proclaims, it should now be able to afford at least as much time on acting to convince French-speaking Canadians that it means business as it has on reassuring English-speaking Canadians that "bilingualism", like dentistry, can be guaranteed painless.

2. *Quicksands and Quagmires: Patterns of Immobilism*

The more the Commissioner's staff do studies or investigations, the more they discover universal problems. The outskirts of the official languages jungle may not look the same in each department or agency, but as one explores deeper into it, definite patterns emerge. Hence the common vein in many of the Commissioner's recommendations.

Similar maladies require similar treatment, but always with a little personal care: despite surface sameness in some recommendations, the reader will recognize that because each federal institution offers peculiar traits of its own, the Commissioner's recommendations must try to reflect those peculiarities.

The following are a few patterns noted in recent special studies and complaints investigations dealing with the headquarters of various agencies. Managers of the government's official languages policy in the Treasury Board, Public Service Commission and elsewhere will no doubt recognize familiar problems.

a) *Tribal Theology: the Gap Between Faith and Deeds*

Most senior administrators at the headquarters of federal institutions appear committed in principle to the Act. In some cases, their

good intentions have found expression in a somewhat broadly stated policy-paper. A few departments, such as Manpower and Immigration, have even shown the commendable care to prepare for employees a detailed guide on official languages.

But drawing up a policy-paper seems easier than giving reality to management's declarations of purpose. The gap between the declaration of purpose and action is often wide. Frequently, such declarations remain at the level of rhetoric, and high officials go through a prolonged ritual of simulated action, no doubt sincerely and satisfyingly, to find ways and means to carry out their goals. In other cases, impressively bound policy-papers become archival artifacts, their currency (though not their application) being extended year by year until they command not reform but veneration. The Official Languages Act contains no provision for measuring change through time-lapse photography; the Act requires reform here, now, as soon as humane personnel management allows. Therefore, the first task in any linguistic fact-finding effort is that of trying to sort out the factors which underlie each institution's special problems and delay implementing management's commitment. These factors may be many, and the Commissioner's recommendations strive to take them all into account: in the unlikely event of a contradiction between "bilingualism" and safety, for example, even the normally zealous Commissioner would prefer to land in a unilingual plane than crash in a bilingual one.

b) Maybe Tom-Toms Could Pass the Word

In this era of telephone, telegrams, Telex and even mental telepathy, nine out of ten of the Commissioner's investigations show that information on language policy from headquarters chiefs seldom filters down through the hierarchy to the people who man the front counters, or even the backroom desks, of local and regional management. Too often head office takes for granted that a memo written is a directive applied—instantly and universally. Such paper paradises, where wordy generalities (not even information) replace action, lead not to progress but, through heightened doubts, to paranoia.

To cure this administrative ill, two remedies come to mind. First, each department or agency should spell out in plain language the precise, concrete duties and rights the Official Languages Act creates for its employees in terms of the institution's role. Either Treasury Board or, in areas outside its ambit, the Commissioner's Office, could assist in checking such materials before distribution. Second, the Commissioner believes still more this year that the linguistic information gap within each agency can best be filled by the agency's own "mobile mandarins"—accompanied, if they wish, by resource people from the

Treasury Board, Public Service Commission, the Commissioner's Office and—why not?—staff unions. Systematic, voluntary-attendance meetings between headquarters chiefs (briefed and flanked by the above resource people) and local employees could bring the Act's simple, supple justice home with authority and clarity—precisely the two qualities it now lacks for so many. The Armed Forces brass tried this; they learned much and so did several thousand soldiers. Civilian generals would do well to visit their front lines too.

c) *Our Computer Only Knows Swahili*

In some 2,500 complaints and 45 special studies, the Commissioner and his colleagues have found the number of institutions with a systematic, cohesive programme of implementation to be negligible. He wonders who has got all the Career Assignment Programme (CAP) graduates and other trained managers the government is rightly proud of. The cool-headed, computer-conscious manager of Ottawa legend should not work, one hopes, through "adhococracy"—pressing the linguistic panic button only when the Commissioner sends a deputy minister a notice of intention to investigate. Crisis management is an estimable science, but managers ought to do more than cope with crises; normally, through wise long-term planning, they should try to prevent them. Whatever miracles departments are pulling off in their own vocational arenas, in matters of language all but a few still stumble erratically from drama to melodrama, like compulsive but aimless travellers. By dashing hither and yon in times of flap, departments go nowhere—surely not coherently closer to the goals of the Official Languages Act.

Systems and management specialists permeate the federal public service. The Treasury Board has drawn some to the business of language in its own house; but it ought to press departments to mobilize a few of their own organizational whiz kids to the linguistic cause as well: otherwise, the Board's new Official Languages Branch risks increasingly becoming an ivory tower, its minions flow-charting pan-governmental triumphs which exist only on paper. For great ministries of State commanding legions of highly trained systems analysts and managers, and treating each day archives of abstruse data through electronic brains, it should be possible to put a minimum of order, foresight and tautly-tuned planning (with self-monitoring) into a matter of such simple justice.

d) *The Chief Must Prove Omniscient*

Just because a federal institution is decentralized does not mean that headquarters should deliberately cultivate ignorance about goings-

on in the hinterland. That headquarters should delegate certain authority to the field implies to some that a central follow-up or monitoring mechanism on languages is sacrilege, an impious affront to principles of modern management. Yet untrammelled exercise of delegated duty can lead to curious fiefdoms, each regional baron levying troops and taxes for results which headquarters (much less Parliament) may never have intended. If agency chiefs do not follow up on what's happening in a major programme, in this case official languages, neither Treasury Board for the government nor the Commissioner for Parliament can accurately measure progress. Top management of any institution is ultimately responsible for every government policy affecting it. In matters linguistic, as in all their other concerns, mandarins should not hesitate to meddle in their own affairs. Their boredom, alas, is contagious.

e) Can Tokenism Replace Totemism?

Not all public servants, the Commissioner knows, share his near-ecstatic vision of our two official languages. In short, many consider the whole thing a drag. Not a few believe (and hope) the wretched business of language will evaporate into the twilight mists of administrative inertia. The way to this goal, they know, is the classic one of all great bureaucracies—inventive stalling, or doing absolutely as little as possible. But convincing lip-service, like all fine arts, takes time and energy—more so here perhaps because slowing the advance of two tongues demands holding one's own.

But the effort required for sullen sabotage is at least equal to that needed for muddling helpfully through. Thus the Commissioner invites the reticent and recalcitrant to review their own individual energy crises. Accepting with good humour that Parliament will not likely repeal the Official Languages Act, they will find serenity, he thinks, in putting their best talents into banishing “bilingualism” by changing it from a dreary slogan to a happy reality. Less, despite Browning and Mies van der Rohe, is not always more.

f) Unripe Mangoes Cause Upset Tummies

The languor of many departments in taking action on the Act should not be laid grossly to the hostility of a few employees or to the indifference or ineptitude of management. One cause of tardiness engages the very practical matter of moving from concept to action. Departments and agencies administer acts of Parliament in fields where they hold specialized knowledge and experience. Then, in the Official

Languages Act of 1969, came a requirement totally outside their habitual range of expertise. Indeed the Act explained the new linguistic duties in often general terms, affording little or nothing in the way of clearly defined administrative steps, standards and bounds. Translating the principles and requirements laid down in the Act into specific measures, objectives, time-frames, methods and procedures—into definite duties, action and expected results at all levels of the organization—can appear, and perhaps be, forbidding. Such circumstances often lead people to play it safe, to carry on business as usual until some kind of consensus develops or until they get direction or guidance from higher up. Few administrators, not unnaturally, want to risk starting down a wrong road, setting in march structures that might later have to be dismantled or activities that might soon be rerouted.

This is one of the human realities managers and public must take into account. The Commissioner, in his recommendations to an institution following investigation of complaints or completion of special studies, tries to offer some guidance; and his recommendations, by and large, have been viewed as serving that purpose. Since about the beginning of 1973, both the government and the central organizations most concerned (the Treasury Board and Public Service Commission) have taken steps towards achieving increased and more uniform activity in the field of official languages by federal institutions as a whole. This leadership, four and a half years after the Act came into force, has still to make a dramatic impact. But if the central agencies continue to deepen and affirm their mandate, they should, by showing how to bridge the concept-implementation gap, help management to overcome many inhibitions.

g) *Signs, Symbols and Portents: the Entrails of Many Chickens*

Whatever may be said in extenuation of inertia in meeting the Act's requirements, there are certain aspects of bilingual service where delay and incompleteness remain, if not inexplicable, certainly appalling.

Admittedly, achieving institutional bilingualism in the realm of personnel through hiring, training and deployment can entail holdups, hang-ups and complications. Coping with day-to-day needs for translation (including speed and accuracy) until correspondence and other materials can be satisfactorily originated in the two languages calls for imagination, ingenuity and discipline.

But signs? One finds it hard to justify why nearly all signs, both external and internal, on federal premises designated by the Act, have not been rendered bilingual, and correctly bilingual, long since 1969. Yet the disturbing fact, with its connotations of unwillingness and/or inefficiency, remains that even today this relatively simple but significant

matter of tokenism is approached slowly and often sloppily. One can say as much of forms used by and with the public, of federal publications, of equal use of the media in the two languages for both information and promotion, and of public announcements. These are physical things which can be grasped and organized with relative ease, and accomplished once and for all in a fairly short time. That the Act can be perceived visually and aurally at this late date as unimplemented in its letter and spirit through such obvious and elementary manifestations casts doubt on the credibility of all those associated with carrying out Parliament's intent—and much worse, on that of the Act itself. Whatever lead time implementing the more complex and difficult human aspects of the Act may demand, it is unpardonable that rendering bilingual most signs, forms, general publications and other printed material should take more than four years.

It is feeble consolation to be told that signs are the responsibility of the Department of Public Works rather than of the department or agency, or that the Federal Identity Programme's official output is timelessly awaited, or again that it might hurt the institution's public relations to change over "suddenly" to a bilingual image. Advancing excuses of this calibre tends only to confirm the worst impressions the snail-like pace of reform in such visible and controllable matters already conveys.

h) Mercenaries or Spear-Carriers?

One area where departments and agencies have also notably tended to drag their feet is that of concessionaires. Unwillingness to face up to the Act's requirement that concessionaires, as well as departments and agencies, must serve the travelling public in both official languages seems widespread. Administrators try various devices to dodge the problem, such as an excessively narrow interpretation of the Act's requirements, or an exclusivist definition of "a contract for the provision of . . . services . . ." Still less bold managers vaguely promise to "take the matter up" with concessionaires and include a bilingual clause in their contracts when those already in force come up for renewal—an event which may occur years hence.

Some concessionaires (say, in airports) are other federal institutions, for which there should be no excuse for not offering bilingual service. Others are large private concerns with enough staff, internal manoeuvrability and resources to comply with the Act. Still others are small single-family undertakings that can ill absorb the extra costs that services in two languages would impose. Thus, it would seem, contracting federal institutions ought to adopt a seriously persuasive approach to all and a variety of imaginative measures to assist conversion to,

and continuance of, bilingual service where called for. It is those institutions, after all, which have primary responsibility for complying with the Act, not the concessionaires.

It was plainly not the intention of legislators to put small concessionaires out of business. Neither, however, one is sure, was it their intention under Section 10 (1) that the travelling public be deprived of service in the language of its choice merely because it happens to be dealing with a firm under contract with a federal institution rather than with the institution itself. Service in the two official languages engages the whole package of services within a federal building; and the travelling public will neither understand nor tolerate the pettifogging of officials who seem terrified of large firms who profit from the privilege of government-guaranteed monopolies.

i) Preserving (and Counting) the Extended Family

Even with the best of intentions and without any conceptual or procedural barriers to overcome, a federal institution may suffer some lag in bringing itself into line with the Act. The attitude of top management and the support it is seen to give quickly permeate other levels of institutions.

Good intentions, as proverb tells us, are not enough. When a new goal or outlook must be worked into an institution, someone must be charged with the task. That someone should hold authority and resources to speak for or through top management, send impulses down through the normal chain of command and secure feedback on results. What steps are taken and particularly what results actually follow are matters that must be known in a regular, detailed, even statistical way for the institution to plan, monitor and control—and incidentally for the Commissioner to report progress to Parliament.

Unless administrative arrangements set up to ensure implementation of the Commissioner's recommendations achieve these purposes, they can only be viewed as what the White House used to term "in-operative". Some institutions are meeting these needs. Most are not. Sometimes the reason for falling short is a lack of staff assigned to the task. Such cases lead to delay and frustration, indeed to the pathetic situation where overworked individuals become the butt of criticism for the unsatisfactory performance of their institution. At other times the reason is a control and reporting procedure whose built-in, time-consuming complexity reduces follow-up deadlines to Greek Calends. In these cases, though recognizing that the procedure may be admirably suited to management's normal needs, the Commissioner must insist on his duty to report accurately to Parliament and remind managers of

what that implies in the concrete, detailed information they should offer Parliament through him. Marshalling this data on progress should in fact well serve managers in their grasp of their institution's total environment—perhaps even enabling them to misunderstand it in two languages instead of one.

j) The New Sleeping Sickness—But, O Tse-Tse Fly, Where Is Thy Sting?

The Commissioner suspects that the programme launched and deadlines set by the Treasury Board for identifying and designating bilingual positions may have had, in some federal institutions (at least until 31 December 1973), the effect of absorbing time and energy that could otherwise have been available for implementing institutional bilingualism. As a result, and since this designation process will go on for thousands of positions, carrying out recommendations the Commissioner has made to those institutions might risk losing its still sometimes fragile priority.

The Official Languages Act, subject to all reasonable accommodation to human and technical realities, demands observance now. It contains no proviso for its implementation to be set aside or slowed down to make way for administrative measures of any kind. The Commissioner's recommendations relate directly to meeting the Act's requirements and he hopes his promptings are sometimes valid. The demands of the bilingual positions programme should not serve as justification for suspending or retarding action to carry those recommendations into effect as soon as possible.

The government governs. But Parliament makes law. As an avowed linguistic opportunist, and realizing that he is only the servant and not the spokesman of Parliament, the Commissioner is unscrupulous enough to try to exploit fully this constitutional truism for the "good cause".

3. Cruising Down the Congo: The Ship of State Has Sprung a Leak

On the morning of 18 October 1972, Ottawa readers of the Montreal newspaper *Le Devoir* digested their bacon and eggs with varying serenity. Civil servants savoured breakfast with alarm or titillation; politicians, facing a general election 12 days off, rushed to reassess the place of "bilingualism" as a campaign issue; officials of the Treasury Board Secretariat and Public Service Commission switched from caffeine-rich coffee to Sanka; and the Commissioner, anticipating a day with only an average share of disasters and crises, thought briefly of

returning to bed: he had found himself the public recipient of six volumes of "borrowed" state documents and a complaint of unprecedented scope which would influence his priorities for reform for well over a year.

All these reactions grew from *Le Devoir's* main headline, "Bilingualism Programmes Are Ineffective and Inadequate". Behind this lurked several pages of mysteriously leaked Treasury Board Task Force studies considered confidential (the six studies arrived later that day by registered mail) and a lead editorial conveying an open letter to the Commissioner inviting him to investigate a situation which might lead to a "radical failure of the federal Government's whole bilingualism policy". Publication of extracts from the studies, and accompanying reviews, continued for six consecutive days.

This was not, one might say, a routine complaint. Apart from the minor difficulty of protecting the complainant's anonymity as required by the Act (all *Le Devoir's* editorials being signed), the Commissioner and his staff had to analyze some 5,000 pages of documents, much of which the government regarded as "stolen", and try to draw as quickly as possible frank and constructive conclusions.

From the outset, after a first study of the documents, the Commissioner and his colleagues decided to concentrate on the fundamental question raised by the complaint: "linguistic equality in Canada: reality or myth?" They sought to focus on a systematic, long-term review of the three central agencies where possibly needed reforms could advance linguistic equality with greatest impact throughout many of the 180-odd federal institutions: the Translation Bureau of the Department of the Secretary of State, the Public Service Commission and the Treasury Board Secretariat. This option meshed in with plans or studies the Commissioner had under way concerning the first two of the three central agencies, but accelerated his examination of the Treasury Board Secretariat.

By the time the complaint arrived, the Commissioner's staff had already completed a review of the Translation Bureau's role and activities. This review, including a number of suggestions concerning recruitment, training and terminology, appeared in the Commissioner's *Second Annual Report*, tabled in January 1973. This was not meant to be the Commissioner's last word on translation, but the initial step in opening a realistic dialogue for reform in this area. As for the Public Service Commission, the same report included a summary of some basic problems in language training, as well as some solutions, such as continuous training and wider access to it, which have since become official policy. Further, the Commissioner and his staff, as of August 1972, had assigned the Public Service Commission priority for early, more comprehensive, study. By mid-October they had prepared

an outline of points for study, completed their background research, compiled a list of documents needed, and discussed 51 complaints already received against the Commission. Formal launching of this special study was delayed until the following March, partly because of recruitment competitions for the Commissioner's Office but mainly as a result of the *Le Devoir* complaint and its accompanying documentation: the Commissioner aimed now to concentrate all necessary staff first on the Treasury Board Secretariat.

The Board Secretariat was the central management agency sponsoring the leaked studies and was just beginning to assume a vital role in implementing the Act within the public service. Even more so because the Secretariat was especially open to suggestion at the formative stage of its new official languages group did it seem the best "target" for study. Thus the complaint could be most profitably used as an instrument for reform should the alleged inadequacies prove founded. Already the Commissioner had prepared for his *Second Annual Report* a brief outline of the main challenges facing French-language units, one of the major concerns the complaint raised. But more broadly than this, the Board Secretariat had recently gained the authority and money to implement the Act for both language of service and language of work; the Commissioner saw his role in pursuing the complaint as verifying whether it also had the ideas and the will to do so.

As a matter of record, on 13 October, five days before the complaint was lodged, the Commissioner had informally requested from the Board's Secretary the entire 16-volume series of the confidential studies in question. The Secretary immediately agreed to supply the documents whenever the Commissioner and his staff, then immersed in preparing their *Second Annual Report* to Parliament, were ready to deal with them. The Commissioner at that time considered that however important the studies might prove in the long run, the immediate need to report to Parliament on schedule must take precedence. With the limited staff and time available then, it would not have been possible to analyze seriously the 16 full studies and to publish, in the *Second Annual Report*, responsible judgements on their conclusions.

Because of the Board's exceptional role as central manager, the Commissioner publishes full results of his special study of the Board Secretariat in Chapter III of this report, even though some of the activity reported occurred some months after his self-imposed cut-off date for routine follow-up data, 30 September 1973. Further changes at the Board and Public Service Commission are noted earlier in this chapter under the heading *Sabu and Simba: Such Good Friends*.

The Commissioner can scarcely urge press leaks as an habitual method of achieving reform. However, in sum, he notes three benefits from this leak and the resulting complaint. First, dramatic publication

of the studies undeniably strengthened the hand of all those in Ottawa who wished the government to move with more boldness and imagination in translating the Official Languages Act into specific, concrete terms of linguistic equality. Not a few such people, it is only fair to say, worked already within the Board, the Public Service Commission and other agencies associated with the Act's implementation. Second, the complaint hastened by several months the Commissioner's own planned study of the Board, by invoking the duty laid on him in Section 25 as an ombudsman. Finally, the Commissioner's customary follow-up on his recommendations to the Board Secretariat (and eventually those made to the Public Service Commission) activates a stable long-term monitoring mechanism on behalf of Parliament. This sustained review of measures taken by central management agencies to implement the Act will give echo to the complaint's essential concern: the status of, and opportunities for, French-speaking Canadians in their federal government's service.

*B. The Ten Commandments Minus One
(Parliament's Resolution of 6 June 1973 and the Treasury Board
Guidelines)*

On 6 June 1973, Parliament passed a resolution reaffirming the principles of the Official Languages Act, and on 29 June Treasury Board published guidelines on the language requirements of positions in the federal public service. Generally, the guidelines restated the nine principles laid down by the President of the Board in his statement of 14 December 1972, while taking into consideration the wishes Parliament had recently expressed.

In the report on the special study of the Treasury Board carried out by the Commissioner's Office, a report summarized in Chapter III, there is mention of some questions raised by the principles stated in December 1972. In view of the similarity between these principles and the June 1973 directives, the Commissioner refers readers to this report and will limit himself, in the following pages, to a brief survey of the guidelines published on 29 June, lingering over only a few points which might present some difficulties or which invite additional comment.

1. A New Testament?

The Official Languages Act represents Parliament's Official Languages policy in statutory form. The Parliamentary resolution of June 1973 spelled out that policy in less legalistic terms than required in

statutory expression. The Treasury Board guidelines tried to explain the government's Official Languages policy by providing a "nuts-and-bolts" diagram. In introducing the guidelines, the President of the Treasury Board said: "It has been my experience that public servants by and large have supported the objectives of the government's Official Languages policy. However, until the how, where and when details of this policy had been worked out, some were concerned as to how the implementation of the policy would affect them as individuals and what particular provisions would be made for unilingual public servants who occupy or wish to compete for bilingual positions . . ."

Parliament's resolution is short and straightforward. It recalls that the Official Languages Act confers "equality of status and equal rights and privileges" on the French and English languages "as to their use in all the institutions of the Parliament and Government of Canada" and that departments and agencies of government must ensure service, in accordance with the Act, in both official languages. The resolution then first recognizes and approves nine principles for achieving those objectives and second, approves measures designed to produce a greater use of French as a language of work in the federal administration. This second part of the resolution is discussed later in this chapter.

The nine principles enunciated in the first part aim principally at "language of service" objectives. Their starting point is the position rather than the person. Positions "seen under the present circumstances" as requiring the use of French and English are to be first identified, then designated, as bilingual. The identification process was completed on 31 December 1973 and the designation will take place during a five-year period after that date (Principles 1 and 2). Quite logically, if the position is a bilingual one, a knowledge of French and English is said to be an element of merit in the selection of candidates (Principle 3). Not quite so logically, but perhaps necessarily under present circumstances (as the Commissioner noted in his *First Annual Report*), competitions for these bilingual positions are, nevertheless, open to unilingual candidates who have formally indicated their willingness to become bilingual (Principle 4).

But what about a unilingual incumbent of a post designated as bilingual? He or she has an option. He or she can choose to become bilingual and take language training on government time and at government expense, or transfer to a unilingual position offering a salary maximum at least within the range of one annual increment of the position previously occupied. Indeed, such incumbents have a further option. If they decline the transfer, they can remain in the bilingual job without becoming bilingual—taxpayers then being obliged to subsidize other means, perhaps a second full-time public servant, to ensure that citizens' statutory language rights are respected (Principle 6).

Further, if a public servant had 10 years continuous service as of 6 April 1966 and has had continuous service since then, he or she can even apply for a bilingual job without having to indicate willingness to become bilingual (Principle 7). Unilinguals from outside the public service can also apply for bilingual jobs but they must be willing to become bilingual (Principle 8).

These last principles would seem, at first blush, to be a giant step on the spot. In fact, if ineptly applied, they could lead to infractions of the Act. Suppose, for example, a position is designated as bilingual because it requires a service to the public of the type described in Section 9 or Section 10 of the Act (service in both official languages to a department's local public or to the travelling public). If the unilingual incumbent used his option under the resolution to stay in the job, an infraction of the Act might seem likely to occur. The government clearly wanted to implement the Act. But it also wanted to protect certain individual employees' rights.

Obviously, something had to be added to the resolution to avoid involuntary infractions of the Act, and that's where the Treasury Board guidelines came in. The solution chosen for this problem is sometimes called double-banking. Where, under the circumstances described, a unilingual employee occupies a position identified as bilingual, the department concerned is required to make "alternative administrative arrangements" to meet the language requirements of the position. The Treasury Board provides the necessary funds and man-years to give effect to these arrangements. In this way, the guidelines answer one of the "how, where and when" questions referred to by the President of the Treasury Board when he introduced the guidelines.

Attempting to answer the many practical problems of implementing the resolution, the guidelines explain a number of things: the identification of bilingual positions both in principle and procedures, the identification of unilingual positions, competitions for both bilingual and unilingual positions, language training, administration, and the role of the Public Service Commission, as well as the rights of unilingual incumbents of bilingual positions, long-service employees and new entrants to the public service.

The Commissioner does not pretend to offer here an exhaustive analysis of the guidelines. To try this only weeks after a complex new administrative system to implement them (for some 250,000 people) has started to function seems premature, indeed foolhardy. Firmer judgments on their fairness and practicality must wait another year: the proof of any recipe is in the eating. But the Commissioner might hazard four comments about the resolution and the guidelines that strike him as meriting attention even before the pudding leaves the oven.

2. *Four Quibbling Caveats*

a) *Don't Chip the Tablets!*

The first caveat warns that neither the resolution nor the Treasury Board guidelines intend to or did amend the Official Languages Act. Rather they recognize the importance of trying to define more precisely the application of the Act's principles in terms of action by the individual manager and by many individual public servants carrying out non-managerial duties—these are after all the people who must ultimately realize Parliament's intention by making the Act work.

The resolution and guidelines thus were meant to be consistent with the Act and to aid its implementation. Yet in some circles the resolution and guidelines are viewed as a kind of amendment to the Act. Indeed, even a minister of the Crown, in issuing an otherwise helpful message to his department, stated that "Implementation of the [Official Languages Act] . . . has created an obvious need for change at all levels of the public service. It has also meant *modifying the Act itself.*" Presumably as evidence of the "modifications" of the Act, the minister cited the resolution by Parliament and the Treasury Board guidelines. Of course, as stated, the resolution and the guidelines intend to implement the Act's principles. But where, in any case, implementation appears to the Commissioner to result in an infraction of the provisions, spirit or intent of the Official Languages Act, it remains his duty under the Act to say so and to make recommendations when appropriate.

b) *Multiplying the Bread*

A second caveat: under the guidelines, departments must take the first two basic steps, first identifying bilingual positions, then setting the effective date for their designation. The Commissioner hopes the Board will be exceptionally careful and thorough in reviewing the exercise of these departmental prerogatives. While urging that all measures be taken to provide service guaranteed to the public by the Official Languages Act, he continues to think unilingual public servants of both language groups are entitled to reasonable protection of their positions. Should positions be identified as bilingual where this is not necessary, "identification overkill" could start a whole new range of problems—including a weakening of French as the predominant language in Quebec. In general, excessive or careless identification, including identification aimed at reshuffling staff or for other reasons unrelated to language policy, could set that policy back years by portraying it as insensitive, opportunistic or exaggerated.

c) *The Walls of Jericho*

The third caveat recalls that the guidelines spell out geographical criteria to be used by departments in identifying bilingual positions. One set of criteria apply to positions providing service to the public in the two official languages. Those criteria are identical to those in Sections 9 and 10 of the Official Languages Act: the National Capital Region, head or central office of agencies outside the NCR, eventual bilingual districts (and elsewhere through “feasibility”, “significant demand”), as well as everywhere for the travelling public. Another set of criteria deal with the use of the two official languages for operations *inside* the public service and touch on positions of a supervisory nature and those providing internal services. The guidelines provide that within French-speaking areas of Canada, supervision and internal services will be available in French, and within English-speaking areas, in English; within areas where both official languages are in relatively common use, supervision and internal services will be available in English and French—these areas including, according to the guidelines, the National Capital Region, parts of Montreal and of the province of Quebec, parts of Eastern and Northern Ontario, and parts of Northern and Eastern New Brunswick.

While it is true that the Official Languages Act has some “geographic” provisions concerning language of service, the Commissioner did point out in his *Second Annual Report* that he has been able to administer the Act effectively and flexibly with the “non-geographic” powers in Sections 9 and 10: “significant demand”, “feasibility” and, for the travelling public, the assumption of country-wide demand. In the light of the heavy geographic dimension the guidelines introduce, the Commissioner thinks it timely to warn departments and the Treasury Board of the pitfalls of bilingual boundaryism, in matters of language of service as in matters of internal language of communication. The Commissioner, to give full effect to Parliament’s intent, has always interpreted the geographic provisions of the Official Languages Act in their broadest sense and he invites all those concerned to do the same in applying the Treasury Board guidelines. The “bilingual areas” traced by the Board may prove a handy initial rule of thumb; but they neither fulfil nor override the Act’s broader territorial terms.

d) *A Cosy Tower of Babel*

The third principle of the resolution states that “knowledge of English and French is one of the elements of merit in the selection of candidates for bilingual positions.” To the average reader, the wording of this principle seems clear enough: a bilingual person competing

for a bilingual position meets one of the selection criteria. This principle also conforms with Public Service Commission policy, as the Treasury Board guidelines recognize: "As required by the Public Service Employment Act, the knowledge and use of English and French is one of the elements of merit in the selection of candidates for bilingual positions."

Everyone knows that "Appointments to . . . the Public Service shall be based on selection according to merit, as determined by the Commission" (Public Service Employment Act, Section 10). The Public Service Commission recognized language ability as an element of merit in the selection of candidates for bilingual positions even before the resolution was passed. The resolution confirmed this practice, indeed extended it, by stating that henceforth "competitions for bilingual positions will be open both to bilingual candidates and unilingual candidates who have formally indicated their willingness to become bilingual" (fourth principle).

According to this fourth principle, the Public Service Commission now admits to competitions for bilingual positions not only candidates who already know both official languages, but also unilingual candidates who formally consent to become bilingual. In other words, either the knowledge of both languages or the willingness to acquire this knowledge constitute equal elements of merit in the selection of candidates for bilingual positions. Bilingual candidates and consenting unilingual candidates are placed on an equal footing, and in theory neither has an advantage over the other.

The resolution, by recognizing as an element of merit the formally expressed willingness of a unilingual candidate to become bilingual, has therefore broadened the merit principle as regards language requirements. The Commissioner has no wish whatever to cast doubt on the soundness of this decision. He knows too well that this compromise was in part the result of painstaking negotiations between the government and its staff unions. But he ventures to believe that the government which, with Parliament's support, opened its generosity to willing unilingual candidates will recognize that its gesture was made in a short-term perspective and cannot take the place of a long-term policy.

The federal government has given the provinces \$300 million to improve the teaching of second languages (as well as for teaching in minority languages); it has invested other millions of dollars in its own language schools to make many of its civil servants bilingual. This is praiseworthy, and fits well the spirit of the Act. But to be logical with itself, the government must agree that these investments sought a specific goal. This goal was surely not to discourage anyone from learning a second language, and the resolution, in the way it sets out the merit principle, did not seek either to create this impression. However, this could well be the perception that many of our children and

future civil servants will draw from it. Our young people should not be left on the horns of a dilemma: to be, or not to be, bilingual.

This situation, perhaps ambiguous for some, can be avoided if the government lets it be clearly known that the new merit principle as regards language skills is only a transitional measure meant to lead to a realistic and profitable recognition of the advantages of individual bilingualism. Thus tax-paying parents and teachers, already worried by the weak motivation of many of our young people for picking up a second language, will be certain that the bilingual game, in the schools, is well worth the candle.

C. The Creeping Hours of Time: a Slightly Shakespearian Report on the Fate and Fortune of French-Speaking Federal Employees

*1. "I summon up remembrance of things past,
I sigh the lack of many a thing I sought . . ."*

In his *Second Annual Report*, the Commissioner noted euphemistically that working in French in the federal administration was "still the hard option". He has since pointed out on many occasions, at the risk of seeming a prophet of doom, that reforms in this area are progressing at a snail's pace, and has urged the government to introduce a number of measures to improve the status of the French language within federal institutions. He suggested, among other things, that the recruitment of Francophones be greatly intensified, that French-language units be increased and upgraded, that working tools in both languages be created and that a series of directives be circulated on the right of federal employees to work in the official language of their choice.

These appeals, no doubt tiresome if not tireless, for a stepping up of reforms regarding language of work are based on the Official Languages Act. The principle of the equality of French and English is stated in Section 2, which recognizes the rights associated with the language of work. It is the Commissioner's responsibility to monitor closely the application of this vital aspect of the Official Languages Act, so that this right to work in either of the two official languages does not end up merely as "such stuff as dreams are made on". The reason, plainly stated, is that the wishes expressed by Parliament and the government, however promising and specific, have so far remained virtually a dead letter. It remains to be seen what will be the fate of the resolution on the official languages adopted by Parliament in June 1973.

This resolution is particularly explicit:

“. . . public servants should, as a general proposition and subject to the requirements of the Official Languages Act respecting the provision of services to the public, be able to carry out their duties in the Public Service of Canada in the official language of their choice.”

Parliament said in this same resolution that in order to meet this objective, the government should take various measures to “produce a greater use of the French language at all levels in the Public Service.”

Thus in theory both the Act and the policy adopted by Parliament and the government are aimed at ensuring equality of the two languages within the federal administration. This means that the federal public service should essentially be both French- and English-speaking. Genuine bilingualism implies the co-existence of two strong and living languages, neither of which should hinder the development of the other.

This real and realistic bilingualism will have been achieved when French becomes the normal working language of the federal administration in Quebec and when it is a recognized working language widely used by this same administration in the National Capital Region.

For French to be a working language in the federal administration, its foundations must be solid and unshakable—that is, its predominance in one area must be such that there is no doubt about its strength and utility. This area is Quebec, and the Commissioner has said on several occasions that there is no point trying to make French a useful working language in the federal administration until it is first well established in the reality of Quebec. Francophones outside Quebec can of course play a part in the promotion of French, but not without a Quebec which is French “to the marrow”.

Even though most of the effort must be focused on Quebec and the National Capital Region, we must not overlook other places, particularly those where federal institutions have their head offices and where federal employees of both language groups work, whether in regional offices, local offices or offices abroad.

The Commissioner will therefore examine briefly, in the paragraphs that follow, the place of the French language within the federal government. First, he will try to track down any unhealthy conditions that are impeding introduction of necessary reforms, then propose as fortifying a remedy as possible and, finally, examine the problem posed by the recruitment of French-speaking Canadians.

2. *“Nightly she sings on yon pomegranate tree:
Believe me, love, it was the nightingale.”*

The past year has raised certain hopes about the status of the French language within the federal administration, especially in view of

the affirmation and administrative recognition of the right of federal public servants to work in their own language.

The resolution adopted by Parliament in June 1973 clearly commits the government to taking measures to increase the use of French in the public service. Some specific measures are set out in the resolution: increasing the number of French-language units, intensifying the recruitment of Francophones, setting up new training programmes in French, and developing the bilingual character of the National Capital Region. Parliament is counting on these various means to help realize "the objective of achieving full participation in the Public Service by members of both the Anglophone and Francophone communities." An interesting outcome of the resolution is the new approach adopted by the government for trying to make the public service bilingual—organizing it on the basis of the language requirements for positions. This new policy will at least have the advantage of providing for the first time data on the size and quality of Francophones' participation in the federal administration, but its application will obviously have to be very closely supervised if positive results are to be obtained. Several obstacles are already evident.

The Treasury Board guidelines on the language requirements for positions are generally explicit with respect to the criteria and procedures for identifying and designating bilingual positions; the same does not apply, however, to the identification of unilingual—particularly unilingual French—positions. The three criteria retained for identifying these latter positions seem too restrictive: the positions that can be identified as unilingual French are those in French-language units (FLUs), those in which the incumbents deal with the public in French (or supervise only employees occupying positions in which French is essential, or provide internal services only to such employees) and finally, a very special case, those for which a knowledge of French is required under international agreements.

Since this procedure allows the departments to identify only a very small percentage of their positions as unilingual French, particularly in the National Capital Region, it was to be feared that the number of unilingual French positions in this region would be approximately equivalent to only the number of positions in French-language units already set up. To dispel any fears of a bureaucratic "revenge of the cradles", we should point out that the FLUs located in Ottawa comprise barely 3,000 public servants (1,200 of whom are employed by the Translation Bureau), or approximately 5 per cent of the total number of positions. This is a rather fragile base for Francophones wishing to work in their own language. If the situation does not change—and the data available at the beginning of 1974 allow little optimism—French

as a working language will be like an exotic textbook-case patient attended not by doctors of medicine but of language.

If this were the case, it would be fairly difficult to increase the use of French in the federal public service. The strengthening and enlarging of French-language units would be delayed and the possibility of working in French seriously jeopardized.

The Commissioner is well aware that use of French is not limited to unilingual French positions. Bilingual positions and those—hermaphrodites?—in which either of the two languages can be used also make possible the use of French. However, this does not necessarily mean that there is a numerically adequate representation of Francophones in the public service. The new policy adopted by Parliament guarantees unilingual persons the right to compete for bilingual positions. As everyone knows and as the figures given below prove, bilingual positions were traditionally the principal and often the only means of access to the public service for Francophones, who were—and still often are—bilingual out of necessity. There will now be an increasing number of unilinguals, the vast majority English-speaking, using this same means of access, since unilinguals can compete for bilingual positions.

It is conceivable that bilingual positions will become less and less the preserve of Francophones. Here again, a small number of positions identified as unilingual French would pose a crucial problem. Francophones already enjoy very limited means of access to the public service. Will their path eventually resemble a tightrope? The danger is real. If the government does not quickly give priority to increasing the number of unilingual French positions at all levels and does not group them into French-language units, the Commissioner may have nothing left to do but perform an autopsy on the working language aspect of linguistic reform.

Certain data established by a branch of the Public Service Commission might give food for thought to those who see the Commissioner as a comic opera soothsayer—an amusing role, certainly, but one that he would not claim at any price. The data indicate that openings for those wishing to work in French in the federal bureaucracy are still very limited.

Of the appointments made in the federal public service between January and the end of June 1973, 7.4 per cent were to positions requiring a knowledge of both languages and 11.5 per cent to positions requiring a knowledge of French. Theoretically, a knowledge of French was required for 18.9 per cent of the positions (19.7 per cent, if the 0.8 per cent unspecified is taken into account). The percentage of Francophones appointed was 21.8 per cent. We can therefore conclude that a large number of Francophones, whether because they wish to

do so or because they have no other choice, are occupying unilingual English positions (5 per cent of these positions).

The situation is even more pronounced in the National Capital Region. During this same period, 12.6 per cent of the positions filled required a knowledge of both English and French and a mere 3.4 per cent required only French. The proportion of unilingual English positions was 78.9 per cent. Theoretically, 16 per cent of the positions (plus 5 per cent unspecified, thus a total of 21 per cent) required a knowledge of French, yet the proportion of Francophones appointed was 24.4 per cent. Here again, the Francophones must use unilingual English positions to find room in the public service. In effect, 12.6 per cent of the unilingual English positions in the National Capital Region were occupied by Francophones during this period, whether by choice or by necessity.

As far as "hermaphrodite" positions are concerned, the Commissioner hopes that the government will not use them as a boudoir curtain, by applying this label to many positions already held by Anglophones, thus elegantly disguising the number of positions theoretically open to Francophones.

Until the proportion of positions in the National Capital Region requiring knowledge only of French increases appreciably, the Commissioner will continue to sound the alarm, even at the risk of straining his listeners' eardrums. He will also suggest that the government frankly warn Francophones that some of them will have to forget their language if they want to work for "their" government. Then at least the authorities could not be charged with Falstaffian falsity.

Various solutions have been proposed by agencies responsible for implementing bilingualism in an effort to compensate for this lack of marked out "home ground" in the public service for Francophones. In order to meet the growing demand for staff to replace employees on language training, some have suggested setting up, on an experimental basis, a pool of employees capable of providing the "bilingual" requirements of the various departments. According to its proponents, this idea could open up new possibilities for French-speaking public servants. Although the method could produce positive results, the Commissioner also sees some dangers in it. Generalized use of this expedient could restrict Francophones to serving eternally as acting staff. In any case, it cannot be construed as a cure-all for the problem of under-representation of Francophones. If the public service is unable fully and completely to integrate Francophones into its fabric, the Official Languages Act will have lost a vital part of its meaning.

The solutions chosen to enable Francophones to feel at ease in the public service cannot be of a marginal nature. They must be incorporated into the broad bureaucratic structure. From this point of view,

the Commissioner deplores the slowness and hesitancy which seem to be paralysing the development of French-language units. This inaction is all the more inexcusable in that the FLU experiment, which has already been underway for over two years, has generally proven to be worthwhile. Despite a few weak points noticed during this period, the results seem to justify the expansion and upgrading of the FLUs in the public service, particularly in the National Capital Region.

The major weak point noted was the difficulty the FLUs had in communicating in French with other sectors of the federal administration. The identification and designation of bilingual positions ought logically to create a much more favourable environment and facilitate communications in French between FLUs and interfacing units. In addition, it appears that, in spite of certain improvements announced in February 1974, the FLUs still lack an adequate supply of work tools in French—especially in the areas of procedural manuals, reference works, computer print-out lists and memos distributed department-wide.

There are, however, many positive aspects. Undeniably, the most important one is the dissipation of the apprehension that FLUs would become ghettos of sorts, with very little influence on their milieu. The Commissioner was pleased to note that at least one group of Franco-phone employees, working in a scientifically-oriented department, asked to have their section made a French-language unit. This type of effort has the Commissioner's full support and sympathy: he encourages French-speaking public servants to defend their rights and to work toward creating a much more favourable atmosphere for their professional and human development.

As a justification for this slowness in expanding the French language unit programme, one could advance the argument that all efforts were being devoted to identifying the language requirements of positions. The Commissioner has already mentioned that this phase is an essential prerequisite in planning the development of French as a working language, because it will provide Treasury Board with a complete language census of the public service. He is doubtful, however, that this phase will lead immediately to implementation of a specific plan to increase the number of French-language units with important decision-making powers and to an intensification in the recruitment of Franco-phones wishing to work in French. The departments and agencies seem, in fact, to have identified a high number of bilingual and "hermaphrodite" positions compared with the number of unilingual French positions. If this proved to be the case, carrying out the part of the Parliamentary resolution concerning promotion of the French language would be delayed, if not seriously put at risk, because it would not necessarily

foster an intensified recruitment of either unilingual or bilingual French-speaking Canadians.

3. *"I do begin to have bloody thoughts."*

Although the balance sheet for 1973 shows few concrete achievements, we must nevertheless look to the future and try to rough out a comprehensive plan of action to enable French to assert itself in federal institutions. The government has been talking about announcing such a plan for a few months now; the Commissioner, writing in mid-February 1974, would not be wounded in the least if the government were to make the following remarks superfluous by disclosing its plan before this report is tabled. Unless we want to risk undermining the Act's credibility, 1974 must be the year in which our efforts are concentrated on the question of French as a language of work. In the following paragraphs, the Commissioner intends to propose, without claiming it as the last word on the matter, an administrative "strategy" designed to use the Official Languages Act, four and a half years after its coming into force, as it already should have been used: as an instrument of full linguistic equality.

a) The first objective, which could be achieved in about two years, is to make French the normal working language of the federal administration in its Quebec regional operations—including Crown corporations. The Commissioner sees no contradiction between this objective and the statutory requirement to serve in English the Anglophone population of Quebec and English-speaking visitors to the province. It is simply a matter of establishing a certain proportion of bilingual positions so as to comply with the Act in this respect. This obligation toward English-speaking Canadians will surely not prevent internal work from being done in the language of the Tremblays, be it the Parisian brand of Jean-Noël or the cosy joul of Michel, at each employee's choice. In other words, by the end of about 1975, the very large majority of federal employees working in regional offices in Quebec should belong to French-language units, a result allowing all of Quebec (in so far as regional administrations are concerned) to be considered, so to speak, as one large French-language unit—the counterpart, one might say, of the huge "English-language unit" formed by the rest of Canada. This large French-language unit would include some English-language units to allow members of the linguistic minority to work in English as the spirit of the Act requires. These English-language units would work along the same lines and principles as the French-language units. Thus they would possess a bilingual capacity enabling them to offer, where ne-

cessary, services to the public in both official languages and to receive French-language communications from interfacing units.

Following the same logic, the rest of Canada would include French-language units in areas of the country where there is a substantial French-speaking minority—that is to say, at least in Ontario and New Brunswick. Indeed a few French-language units already exist in these two provinces, but they include barely 150 employees.

Such an organization would have the merit of ensuring solid foundations for both of Canada's official languages in areas where they are predominant, while guaranteeing the rights of the linguistic minority.

b) In addition, French should be the usual language for communications between regional offices located in Quebec and their respective head offices: in this way, the latter would be given a strong incentive to bolster the number of their staff capable of working in French, so that they could communicate with their Quebec offices. By starting at the grassroots, this movement to "Frenchify" head offices (for it *is* a question of helping French to grow) would be done under the pressure of real needs, so to speak. This approach is even more interesting in that it would create a certain number of positions requiring knowledge of French at the head-office level. Similarly, sectors of the federal administration (other than head offices) which have dealings with the French-language units should be able to receive communications from the latter in French, even if they reply in English. Such replies should be made without aggressiveness or condescension, in an atmosphere in which each side strives to outdo the other in heart-touching kindnesses between Anglophones and Francophones.

c) The programme to strengthen the French language should also include the National Capital Region. As part of the administrative restructuring brought about by the resolution and guidelines of June 1973, it is essential that the proportion of unilingual French positions increase markedly within about two years at the most. Since Treasury Board is responsible for implementing the bilingualism policy, it will no doubt have to come up with an energetic plan to promote the identification of unilingual French positions, even if the incumbents of these positions do not work in French at the moment. In other words, some provision must be made for a continuous process of transforming the language requirements of these positions.

For their part, departments and agencies should proceed with administrative reorganization aimed at making these positions viable. Most of these could be regrouped into French-language units to ensure them some stability. Moreover, these positions should be in a variety of employment categories at all levels as to provide Francophones

with a wide range of career possibilities in their own language in Ottawa.

If necessary, the government should consider the possibility of creating, in the National Capital Region and in the head offices of federal institutions, adequately staffed sectors reserved for public servants able to work in French. It would not be a question of setting up administrative units (divisions, branches or departments) doing the same work in English and French, but rather of creating complementary units, some working essentially in English and others essentially in French. There would therefore be fields of activity characterized by one language or the other, but this compartmentalization would at least make it possible to ensure firmer linguistic justice, because it would be rooted in a solid infrastructure. In addition, the waste involved in the creation of parallel "ghettos" would be avoided.

d) Furthermore, the government will have to prepare administrative directives designed to increase the use of French as a working language and to ensure Francophones a climate favourable to their professional development. These directives would cover all matters relating to the working language of federal employees. Steps will therefore have to be taken to settle not only questions arising from the static aspects of the language of work (manuals, instruction books, machines, general internal communications, libraries and personnel services), but also those connected with its more active aspects (language used at meetings, creative work, participation in decision- and policy-making and individual internal communications). Without this "housekeeping"—which must not be too slow or sloppy—public servants wishing to work in French will be like a group of famished guests seated before a mouth-watering platter of sealed oysters, but unable to eat them for lack of a suitable knife.

e) At the same time, the federal government will have to provide federal employees with professional training and development that is equal in quality and access for both languages. The Commissioner is naturally pleased with the progress promised for 1975 by the President of Treasury Board. But the latter will have to co-operate with the Public Service Commission in closely supervising the action taken in order to carry out this promise, to ensure that nothing goes awry. At the end of 1973 the Commission was able to offer about 30 per cent of its courses in French. However, the courses organized by the PSC represent only a small percentage of all courses offered in the Public Service. According to statistics gathered by the Treasury Board's Task Force on Bilingualism, nearly 80 per cent of the courses offered by departments and other agencies were given only in English in 1970-71.

The small proportion of courses given in French is accompanied by another problem: many French-speaking public servants seem to prefer taking the courses in English. This attitude clearly confirms the underdeveloped state of French in the work setting. Since they work in English and know that promotion often depends on their knowledge of English, many Francophones apparently decide to take training courses in that language. Departments and agencies must therefore concentrate their efforts on several fronts at once if they are to break this vicious circle; the most important step will be upgrading French as a working language to give it equal status and prestige with English.

In short, the public service must be organized so as to guarantee full development of French as a working language. The Commissioner intends to play an active part in this process. Thus his officers are focusing their attention on this fundamental aspect of the Act in their current special studies. In order to assist federal institutions in this undertaking, the Commissioner will draw up, for each agency studied, recommendations designed to correct any shortcomings he might find in the area of language of work.

4. *"Wisely and slow; they stumble that run fast."*

The measures recommended above, while not exhaustive, are a likely prerequisite to implementing the part of the resolution approved by Parliament in June 1973 regarding promotion of the French language in the public service. The proposed reforms are intended to create a setting conducive to the development of French, and they may entail a radical change in the very make-up of our administration. Once we have passed this stage of creating "home grounds" or structures in which the needs and aspirations of French-speaking Canadians can be fulfilled, it will be easier to increase the proportion of Francophones, both unilingual and bilingual, joining the federal government in Ottawa and elsewhere.

This brings us to the heart of the matter: the crucial issue remains the recruitment of French-speaking Canadians. The Commissioner considers notably intensified recruiting of Francophones to be the key to creating a public service representative of the two main language groups. Without native speakers, French is in danger of becoming (as it already has for some) a federal pidgin spoken only during coffee breaks by English-speaking civil servants who have obtained their bilingualism diploma and are on the way to becoming satyrs in a harem without women. This is an absurd and costly situation, despite the folkloric and platonic pleasures it may bring. Equal status for both official languages will not be attained without balanced participation by

both language groups. French will be a useful language of internal communication only when the proportion of Francophones at all levels rises considerably, especially in the National Capital Region. It is mainly on such terms that French will cease to be cloistered in the debilitating detours of translation or the frustrating role of a second language taught after a fashion, and will finally become a normal and effective working language.

“Progress” in the area of recruiting Francophones scarcely makes one giddy with excitement. In fact, the Commissioner sometimes gets the impression of watching a parade “progressing”—through inverting the strategy of Mao Tse-Tung—by taking one step forward, then two backward.

The studies by the Task Force on Bilingualism have shown that the proportion of Francophones appointed through recruiting programmes aimed at post-secondary graduates rose little between 1968 and 1972—from 21.4 per cent in 1968 to 26.8 per cent in 1972. However, according to these same studies, the percentage of applications for employment by candidates attending French-language academic institutions increased in a higher proportion during roughly the same period: from 10.6 per cent in 1967 to 19.3 per cent in 1971. Available information indicates that there is a multi-talented pool of French-speaking manpower qualified for the public service; now we must organize recruiting so as to take the greatest possible advantage of this resource. The PSC is trying honestly, if a little gingerly, to open fairer chances to Francophones; it deserves much broader and franker support from parliamentarians and public.

Participation of French-speaking Canadians seems weakest at the middle and upper levels of the public service, whereas it has increased in the operational categories. Statistics from the PSC’s last two annual reports supporting this judgement. From 1971 to 1972 the proportion of positions requiring knowledge of French only climbed from 7.3 to 14.8 per cent in the Administrative Support category and from 11.0 to 11.8 per cent in the Operational category. On the other hand, there was a drop in the number of such positions in the Scientific and Professional and the Administrative and Foreign Service categories—from 14.0 to 12.0 and from 13.6 to 9.4 per cent respectively. If this trend continues over the next few years, it will be very difficult to achieve equitable and realistic representation of both Francophones and Anglophones at all levels of the federal administration.

The government, in short, can still expend considerable effort to make French-speaking federal employees feel fully integrated into a work setting offering as much potential for their language as for English. Furthermore, it will have to rework its present “home ground” structures so that the French-speaking person seeking an interesting career

in the federal service can be certain that he will not have to leave his language in the office cloakroom. The government agencies responsible for such reforms have demonstrated a great deal of good will. The Commissioner hopes this will now be borne out by concrete and coherent action. To achieve this, these agencies will have to prove creative and generous enough to dispel the resentment of some and the fears of others. Of such modest miracle-men, the Bard spoke thus: "O! what men dare do! what men may do! what men daily do, not knowing what they do!"

D. Information: At Last, a Little More Light than Heat?

In previous reports, the Commissioner deplored the poverty of federal efforts to tell private citizens and public employees just what the Official Languages Act meant, and did not mean. Too long confusing prudence with paralysis, the authorities faced a public still perplexed, over three years after the Act became law, by mythologies equating "bilingualism" with cultural genocide, anti-English plots and other crimes against humanity. For the chicken-hearted, the chickens had come home to roost.

The Commissioner doubts whether his harangues about explaining rather than complaining have done much to move tongue-tied officials. Indeed, though aware of his own sins of omission, he would still not be tempted to accuse the government of excessive boldness or imagination in informing citizens and its own employees of the new rights the Act assures them. True, in the past year, public opinion has begun to accept somewhat better the Act's elemental reasonableness; but this seems due more to new factors in our cultural environment than to specific and systematic information work by the central agencies promoting official languages.

In travels about the country, and in general correspondence, the Commissioner has noted several factors which are tending to bring citizens to a more serene view of the Act. Concrete, visible reform—always the best "information"—has begun to teach many English-speaking Canadians that the equality of our two official languages must be a real, as well as legal, part of the federal administrative scene. Seeing and hearing French more and more in agencies of government, it seems, accustoms the reticent to viewing institutional bilingualism as a natural (or at least inevitable) dimension of federal activities. Unfortunately, one cannot claim that this persuasion through change has similarly impressed French-speaking Canadians. Their skepticism, one notes, continues to deepen, and they need to see and hear, and be able to use, much more French in federal institutions if Ottawa is to inspire them with the poetic faith of Coleridge's "willing suspension of disbelief".

Other factors placing the Act in a more agreeable context for English-speaking Canadians include the continuing renaissance of French-language culture inside and outside Quebec; broadening grass-roots interest in teaching French as a living language to English-Canadian children; the basically unchallenged extension of French-language radio and television to many parts of English Canada; a notable increase in English-French bilingualism among individuals across Canada (a rise of some 23 per cent between 1961 and 1971, even though the total reaches only 13.4 per cent of all Canada's population); and, for Canadians of other ethnic backgrounds, the government's multiculturalism grants programme which, whatever its intrinsic merits, appears to have helped reassure cultural groups distinct from the French- and English-language core communities that the Official Languages Act is not incompatible with respect for the dignity of their cultures.

Against this more hospitable background, one must continue to view progress in federal information programmes on official languages as rather timid. With regret, the Commissioner reports that the hopes he expressed for a co-operative information centre bringing together all political parties, major staff associations, central management agencies and his own office remain unmet. This idea has failed not from ill-will by anyone but, one senses, from the difficulty of producing and sharing complementary materials within a structure all could accept. Some agencies too, it must be said, persisted until recently in regarding their plans or dreams for films, kits and pamphlets as military secrets.

Needless to say, in proposing such a centre, it was never the Commissioner's intention to end up in bed with the government on information or anything else. But some informal co-operation among administrators of the same Act seems sensible both in terms of ideas and money: 36 parallel films on language training or Section 9 (2)'s "significant demand" would be hard to defend before the Miscellaneous Estimates Committee. Thus the Commissioner trusts that Parliament will find his constitutional virginity secure in any attempts to avoid costly overlapping of efforts. Through mutual consultation with government officials promoting Parliament's law, the Commissioner and his colleagues of the executive branch will merely be acting pragmatically in private as consenting adults.

Though the central agencies of the executive itself still do not work on information as a tightly unified team, they no longer resemble a hockey team on which everyone wants to play goalie. The "Beefeater" syndrome, which compelled each friendly protagonist to guard his informational triumphs as jealously as the Crown Jewels, is becoming, at last, a poignant memory of bureaucratic sibling rivalry.

Within the new loose framework, central agencies are finally gearing up with staff and programmes to meet their specialized publics.

Efforts by the Secretary of State's Department, now adapted to exclude responsibility for federal employees, remain discreet—perhaps a hang-over from earlier days when even rather inoffensive films and television spots were shot down for fear of antagonizing the very English-language public which needed their lucid good humour.

The Secretary of State himself, however, in the course of visits during the last eight months to all provinces, has held many press conferences and has made a number of very helpful speeches about the two official languages. The Department's officials likewise make public appearances, participate in seminars and conferences and maintain liaison with organizations and institutions. They also reply to inquiries from the public and consult regularly with the news media.

In addition, the Secretary of State's Department makes available pamphlets, reports and press releases about its many-faceted programme of aid to language education in the provinces, its grants to voluntary associations and its technical aid and co-operation to business groups wishing to operate in both official languages. The Department draws too on a well-stocked documentation service and its network of regional representatives to produce a brightly written monthly magazine called *Bilingualism Review/Les Cahiers du bilinguisme*. This publication, with a circulation of 2,000, deserves further development and distribution as a useful link between students, teachers and official-language groups around the country.

The National Film Board, which reports to Parliament through the Secretary of State, has also entered the lists of the formerly listless. In May 1973, the NFB announced a new series of films, 20 in English and 15 in French, "to help Canadians learn English or French as a second language." This "Language Learning Support Drama" series may not directly deepen the public's knowledge of the Official Languages Act; but, by dramatizing "authentic Quebec culture and language" for English-speaking students of all ages, and the "authentic" English-Canadian equivalents (should they be found) for French-speakers, these films could greatly enliven the otherwise dreary scene of second-language instruction in Canada—by adding a previously heretical, and contemporary, Canadian content. The NFB also promises "filmstrips, slides, tapes and booklets to aid teachers" in using the films.

One hopes that both networks of the Canadian Broadcasting Corporation will likewise break boredom and precedent by more imaginatively interpreting Canada's two solitudes to each other. The CBC has made some excellent, but too isolated, efforts in this direction, such as the NFB-produced television series "Adieu Alouette". Yet with a little wit, and more than the vicarious courage it displays in importing T.V. shows mocking the prejudices of Americans, the CBC

should more consistently reach the "masses" on this theme, and convince itself that popular education and entertainment are not incompatible.

In January 1974 the Public Service Commission launched a new communications programme for public servants following or entering language training, as well as for those engaged in professional development courses. For its priority public, language trainees, the Public Service Commission recognized that "federal public servants need to be adequately informed and properly motivated in order to view the language training program in its true light as an attractive, beneficial activity of government designed to meet the requirements of bilingual services to the community at large, and to broaden the capacity and performance of the public servant himself."

To accomplish these prodigies, the Public Service Commission proposes to produce a general information brochure about "Life at School" for new language trainees; for employees and public, a more concise general information leaflet on language training; a monthly bilingual newspaper, including no doubt cheerful case histories of certifiably contented students; and audio-visual presentations on language training, especially a series of 18 five-minute colour video tapes illustrating all aspects of language-training policy, aims, experiences and methods. Finally, two "program spokesmen" are to be named to convey language training information to employees, to keep liaison with other interested agencies, and to act as sounding boards for employees' opinions on language training.

Assuming all these plans get off the ground, one can hope that the Public Service Commission will at last have a fighting chance of bringing home to English-speaking federal employees the fact that they are receiving, in language training, an unprecedented and potentially fulfilling fringe benefit never enjoyed by their French-speaking predecessors of a decade ago. The programme should also elicit systematic "consumer-reaction" data which ought to have been marshalled years before. Aware that public opinion is questioning more and more, and rightly so, the cost of language training, double-banking of staff, and still-high drop-out rates, the Public Service Commission will no doubt wish to use these data immediately and constantly in its reforms of curricula and methods.

As logic and duty dictate, the main burden of government information on official languages has been assumed for some months now by the Treasury Board. In May 1973, the Board's newly upgraded and reorganized Official Languages Branch set up a nine-person Information Group to devise and run a "global" information effort giving top priority to the public service. The Group will also try to tighten co-ordination with the Public Service Commission and the Department of the Secretary of State so that the government can finally present its employees with

an integrated view of its languages policies. These include such basic but previously unrelated aspects as the language requirements for positions, French-language units and the still-vague conditions for federal employees' exercising the right to work in the official language of their choice.

The first fruits of the Board's endeavours command respect for their thoroughness and energy in trying to spell out the Government's intentions on language requirements. Already the FLUs had profited from a valuable monthly bulletin and the obvious concern of one or two Board employees. But during the middle six months of 1973, the Board took on the massive task of rendering into regulations Parliament's basic linguistic principles (from the June 1973 Resolution reaffirming the core ideas of the Official Languages Act).

For untutored administrators such as the Commissioner, it would not be unfair to say that the Board's manuals, with their hundreds of pages of repetitive articles, flow charts, organization charts and computer-destined gobbledegook do not shine a light of incandescent clarity on the government's plans. Indeed, in the name of promoting bilingualism, the Board's experts, slide-ruling us all into handy language-requirement slots, may have slipped into the realm of trilingualism—by inventing Treasury Board Volapük, a strange and learned tongue resembling English (or French at times) but whose authority, to the initiate, seems to rest on its obscurity. True, one has to get down to nuts and bolts; but surely not at the cost of screwing up comprehension. If the Board wishes to explain as well as impress, it would not waste “man-years”, light years or even face if it found simpler wording for some of the manuals it has jointly authored with the Public Service Commission. The Official Languages Administrative System (OLAS) has already spawned a small compendium of acronyms (after OLAS itself, and FLUs we now have—with two-language variants—OLIFs, OLISs and LKEs—all this on top of that always popular SIN). One hopes the OLAS information thrust will not end up by requiring a lexicon of code-words still more scary than the cosy old bug-a-bear of “bilingualism” itself.

Friendly hyperbole apart, and bearing in mind that OLAS was designed for people who talk mainly to computers, the Board has an extremely detailed plan for information which, if followed through, should make a major contribution to helping clarify language issues and solutions for the layman. Its regional and department-by-department briefing sessions, its regular consultation with staff associations, its nine background kits on important aspects of the Act and its implementation, its question-and-answer paper, and above all, its declared determination to explore all avenues and media for reaching its public give cause for hope that official languages understandings with employees will in

future be open conventions, openly arrived at. In all the items—movies, slide shows, kits and so on—that it comes up with, however, one hopes the Board will recall that a serious message need not exclude simplicity and good humour.

No less vital than clear, accessible documentation is a campaign to make sure that the Board's and the Public Service Commission's policies are sensitively explained in person to each employee. The CN, for one large agency outside the Treasury Board guidelines, has at least a frank, region-by-region video tape briefing for managers which other institutions could learn from. Already the Commissioner hears echoes of middle- and even high-level administrators in a few departments perpetuating, if not deepening, old anguishes by heavy-footed or needlessly ominous presentations of language-requirement designations. The Board can choke the channels of command with reams of splendid regulations; but if these are conveyed to individual employees as ukases or in a tone of looming disaster, the result will be panic and resentment. The task of managing a quarter of a million public servants is gigantic; yet so are the Board's and Public Service Commission's and departments' resources. The public service does not need a snow-job: just clear and repeated directives to managers at every level to remember they are dealing in individuals' happiness and to use, accordingly, at least the normal amount of tact required by healthy personnel relations. Gambling so heavily on the success of their new guidelines, the Board and Public Service Commission cannot afford the risk of clumsiness adding up to inadvertent sabotage.

It might be unchaste and immodest, but perhaps fair, to say that while the government, on information, is finally pulling its finger out, the Commissioner is still putting his oar in. In the past year, he and his colleagues have been pressing on, despite classic bureaucratic delays, with a three-pronged information programme. The first aspect concerns the general public, and follows work begun soon after the Commissioner's appointment through widely distributed pamphlets and posters, as well as speeches, television and radio interviews, hot-line shows, service club meetings, seminars and other public appearances. This activity provides a useful format for getting across the Act's basic message and for reminding citizens how to assert their federal language rights. It is a stimulating pursuit, no doubt lively sometimes for the same reasons of morbid curiosity and death-defying titillation that interest bullfight fans. For M.P.s, journalists and other more sober aficionados of matters linguistic the Commissioner's Office operates a small but utilitarian documentation centre-cum-library which tries to dig out facts and figures on short-deadline demand. Finally, a 35-mm. version of the Office's informal bilingual movie on the Act (*Bons*

Amis) is quietly bicycling itself around a few of the country's cinemas as an apparently inoffensive short: in November 1973 it was sandwiched between Donald Duck and Dracula in 106 movie houses in three provinces. By January 1974, distributors estimated that *Bons Amis* had been inflicted on some half million citizens.

A second aspect embraces a school programme, as promised last year. Working over the fall of 1973 with curriculum advisers from the Ottawa Public and Separate School Boards, the Commissioner's Office expects to be testing in early 1974 study guides for various age levels in conjunction with the Office's existing 12-minute movie, which has already proven of interest to intermediate and high school, as well as adult, audiences. When dry-runs with these guides have satisfied both professional pedagogues and the Commissioner's staff, materials will be distributed later in 1974 throughout Canada in social studies and second official-language classes as tools for supporting the relevance of language and Canadian studies programmes.

The third, and since last year top-priority, programme tries to reach federal employees. All observers of the official languages universe have noted in years past that "bilingualism" was not, for most federal public servants, a source of nirvana-like serenity. Only in the past eight months has the government, through the Treasury Board and Public Service Commission, started to inform its employees in a systematic manner. Even their commendable new efforts cannot help the total range of federal employees (such as some additional 250,000 persons in Crown corporations and other independent agencies) to whom the Commissioner's jurisdiction extends. Both to buttress the government's good intentions and to fill the need for a general explanation of the Official Languages Act in layman-manager's terms, the Commissioner's Office completed in October 1973 a "Safari Kit" for line managers containing three elements: the Office's basic pamphlet on the Act and the Commissioner's role; a question-and-answer brochure reprinted from a text by the Commissioner in the September 1973 *Civil Service Review*; and *The Jungle Book on Official Languages*, a cartoon-illustrated booklet telling who does what on Ottawa's bilingualism scene and what the Act means for administrators in down-to-earth, practical terms. The latter text came almost verbatim from last year's Annual Report, as was intended. This, like the other texts, was worked out in consultation with unions and management, and was distributed in an initial run of 40,000 through both. Subsequent demand led to a reprint order in 1974 for 100,000 more Safari Kits.

Armed with the Safari Kit, the Office's ice-breaking little movie and a stoically thickening skin, the Commissioner and five or six of his colleagues are at present re-enacting Eisenhower's promise "I will go to Korea" for some 500,000 unsuspecting federal employees across the

country. It is with no evangelic pretension that the Commissioner and his colleagues consider that wherever two or three civil servants are gathered together in the name of “bilingualism”, they—or somebody sounding clued-in—should be there. They wish merely to press for clarity, wherever necessary—in short, to fill vacuums. Not, therefore, to usurp the divinely-established order of the Treasury Board or other statutory authorities, but to complement the good, if a little tardy, work these agencies have started and to add to it the non-partisan flavour of an agency directly responsible to Parliament.

E. Education: Oases in the Wasteland

In an earlier speech and his *Second Annual Report*, the Commissioner referred to the teaching of second languages in Canada as a “national disaster”, then a “country-wide castastrophe”. Aware that verbal flatulence sometimes reflects intellectual constipation, he will refrain this year from escalating his Cassandra-like lamentations into a “cosmic apocalypse”.

In fact, things don’t seem quite all that bad—though bad enough they remain. Indeed, the meagre merit of the Commissioner’s goadings may have been to bring to light, and occasionally fruition, actions which prove wrong the theme that linguistic doom is at hand. Thus, Edith Piaf-like, he regrets nothing, while hoping much. A sketch of trends, as well as of a certain progress, in second-language teaching may lead to other thoughts for bringing closer our two solitudes.

I. Some Reasons Not to Weep

Among striking trends the Commissioner notes in his travels and correspondence is the stronger wish of parents, especially English-speaking, to have their children learn Canada’s other official language. Among French-speaking Canadian parents, this freely-felt desire to give their children a second language seems less common: for French-speaking minorities outside Quebec, English is an economic, social and thus academic obligation; within Quebec too this is often so, but with the added resentment that English is imposed on a society striving hard to retain the French character of its cultural majority. Still, the deepening conviction of English-speaking parents across Canada in favour of extending and bettering the teaching of French to their offspring is an encouraging fact. Not only do such parents wish their young to start French earlier (more and more in

the early elementary school grades or even kindergarten); they wish their children to learn to speak a living Canadian language, if necessary through total immersion in all subjects, instead of going through the motions of "passing" a dead, "foreign" subject.

This desire shows itself in two ways: an insistence, now widely shared by teachers, on oral fluency rather than on abstruse and rote-learned syntax; and a demand for teaching materials illustrating French as a language of Canada. Both these moves represent first vital steps in laying to rest the hoary desideratum of "Parisian French" which, for generations of English Canadians, has crippled students' motivation while disguising the inability of most "professional" teachers of French to speak any kind of French at all. The myth of "Quebec patois", that face-saving pretext for so many tongue-tied traditional teachers, seems now at last to be giving way to a more candid recognition that the rich particularism of Canadian French is no more incompatible with a high standard of international French than is the twangy argot of "Trawna" with mid-Atlantic English. Demosthenes could orate with his mouth full of pebbles; there now seems hope that many more English-speaking students will have a chance to converse in French with their heads empty of 19th-century prejudice.

A second trend to note, as a corollary of this, is the growing percentage of teachers of French trained not only as specialists but as more fluent pedagogues. Whereas ten years ago, most English-Canadian university French departments regarded a student's enthusiasm for the spoken language as *prima facie* evidence of intellectual shallowness, they no longer consider language laboratories as electronic limbos for the lame-brained. After for so long accusing the nation's French departments of linguistic dinosaurism, the Commissioner is happy to pay tribute to this developing awareness that literature and language share more than a few pages in a syllabus. So too the departments of English in French-Canadian universities appear to be stressing higher oral fluency. By all accounts and observation, they also until recently were inflicting on teacher trainees, notably in Quebec, a wooden and inarticulate English which did little for already complex-ridden motivation. Now they are at least goaded by their own Minister of Education, whose personal variant (through a departmental study) of the Commissioner's "country-wide catastrophe" is that the teaching of English to French-speakers in Quebec has been "deplorable"—thus deserving special care in his new long-term \$100-million programme for language reform.

A third trend promising for the long term is the rapid growth in enrolment in French as a second language in elementary schools. Over the next five years or so a reverse trend of falling enrolment in French in English-language secondary schools will probably leave many parents with a discouraged view of their teenagers' chances to participate in a




more bilingual Canada. This fall-off seems to derive from three factors: the grant-starved universities' scramble for students which, by "facilitating access" (not to be confused with lowering standards), has too often lopped off French as an entry prerequisite; the resulting dropping of French by secondary schools as an obligatory subject; and the perennial low motivation of high school students, too many of whose texts, curricula and teachers still fail to relate the French language engagingly to current Canadian realities. In spite of this saddening drop from the top, the elementary schools of English-speaking Canada are registering heartening increases in enrolment in French, particularly in French immersion, a development which augurs well for the bilingual preparedness of the graduate generation of the early 1980s. The following tables tell some of today's story.

Table A. The Teaching of French as a Second Language from Kindergarten to Grade 12, 1973-74

	KINDER- GARTEN	1	2	3	4	5	6	7	8	9	10	11	12
NEWFOUND- LAND	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines
PRINCE EDWARD ISLAND	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines
NOVA SCOTIA	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines
NEW BRUNSWICK	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines
QUEBEC*	Blank	Blank	Blank	Blank	Blank	Blank	Blank	Blank	Blank	Blank	Blank	Blank	Blank
ONTARIO	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines
MANITOBA	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines
SASKATCHEWAN	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Blank	Blank	Blank	Blank	Blank	Blank
ALBERTA	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines
BRITISH COLUMBIA	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines	Diagonal lines

Source: Office of the Commissioner of Official Languages.

Legend:

-  The teaching of French as a second language is not part of the curriculum recognized by the Department of Education.**
-  The teaching of French as a second language may be part of the curriculum recognized by the Department of Education at the discretion of each Board of Education.***
-  The teaching of French as a second language is compulsory within the curriculum recognized by the Department of Education.

*This refers to French instruction given to pupils of the English-speaking school boards.




**However, certain school boards teach French as a second language.

***In certain provinces, some school boards have made second language instruction compulsory at one level or another,

Table B. The Teaching of English as a Second Language from Kindergarten to Grade 12, 1973-74

	KINDER- GARTEN	1	2	3	4	5	6	7	8	9	10	11	12
NEWFOUND- LAND	Diagonal lines (top-left to bottom-right)	Diagonal lines (top-left to bottom-right)	Diagonal lines (top-left to bottom-right)										
PRINCE EDWARD ISLAND	Stippled	Stippled											
NOVA SCOTIA*	Diagonal lines (top-left to bottom-right)	Diagonal lines (top-left to bottom-right)											
NEW BRUNSWICK	Diagonal lines (top-left to bottom-right)	Diagonal lines (top-left to bottom-right)	Diagonal lines (top-left to bottom-right)										
QUEBEC	Diagonal lines (top-left to bottom-right)	Diagonal lines (top-left to bottom-right)	Diagonal lines (top-left to bottom-right)	Diagonal lines (top-left to bottom-right)	Diagonal lines (top-left to bottom-right)								
ONTARIO	Diagonal lines (top-left to bottom-right)	Diagonal lines (top-left to bottom-right)	Diagonal lines (top-left to bottom-right)	Diagonal lines (top-left to bottom-right)	Diagonal lines (top-left to bottom-right)								
MANITOBA	Diagonal lines (top-left to bottom-right)	Diagonal lines (top-left to bottom-right)	Diagonal lines (top-left to bottom-right)	Diagonal lines (top-left to bottom-right)									
SASKAT- CHEWAN**	Diagonal lines (top-left to bottom-right)												
ALBERTA**													
BRITISH COLUMBIA**													

Source: Office of the Commissioner of Official Languages.

- Legend:
-  The teaching of English as a second language is not part of the curriculum recognized by the Department of Education.
 -  The teaching of English as a second language may be part of the curriculum recognized by the Department of Education.
 -  The teaching of English as a second language is compulsory within the curriculum recognized by the Department of Education.

*According to provincial legislation, English is the language of instruction in all institutions. However, because of great demand, certain schools are allowed to teach in the language of the minority.

**Even if French is used as the language of instruction, its use is limited to about 50% of the time.

Table C. Minority Language* Enrolment as Second Language, 1972-73, 1973-74

	Grade	School Enrolment	Minority Language as Second Language		% of Instruction Time Devoted to Second Language
			Enrolment	%	
Newfoundland					
1972-73	K-6	101,210	31,951	31.6	6.3
	7-12	61,333	35,641	58.2	10.8
1973-74	K-6	97,800	32,520	33.3	5.8
	7-12	63,620	34,583	54.4	10.7
Prince Edward Island					
1972-73	1- 6	15,599	4,918	32.5	6.4
	7-12	13,333	8,678	66.6	10.8
1973-74	1- 6	15,750	6,226	40.7	5.6
	7-12	13,320	8,156	62.8	10.8
Nova Scotia					
1972-73	K-6	121,032	16,736	14.4	5.8
	7-12	91,624	57,853	65.0	12.0
1973-74	K-6	115,703	23,853	21.3	5.6
	7-12	90,086	59,420	67.4	12.1
New Brunswick					
1972-73	1- 6	91,273	33,332	56.0	5.9
	7-12	82,788	39,097	70.9	14.7
1973-74	1- 6	88,005	31,997	55.9	6.2
	7-12	83,785	37,852	67.5	12.9
Ontario					
1972-73	K-8	1,445,101	596,729	43.9	6.6
	9-13	583,013	218,187	39.4	13.0
1973-74	K-8	1,422,750	597,050	44.5	7.6
	9-13	596,490	208,373	36.4	13.0
Manitoba					
1972-73	K-6	135,710	44,401	34.1	5.9
	7-12	110,500	48,432	45.3	11.9
1973-74	K-6	128,450	47,845	39.0	5.1
	7-12	111,930	45,121	41.8	11.2
Saskatchewan					
1972-73	K-6	124,019	6,235	5.1	8.3
	7-12	111,401	61,913	55.7	11.3
1973-74	K-6	117,438	6,674	5.7	7.8
	7-12	109,074	56,696	52.1	10.8
Alberta					
1972-73	1- 6	224,143	61,904	28.1	5.4
	7-12	206,308	68,668	34.5	10.3
1973-74	1- 6	225,129	62,010	27.9	5.5
	7-12	209,453	63,554	31.2	10.2
British Columbia					
1972-73	K-7	324,631	20,315	6.3	5.0
	8-12	201,430	115,212	57.2	11.3
1973-74	K-7	350,710	31,226	8.9	5.1
	8-12	218,550	105,664	48.3	11.0

Table C. Minority Language* Enrolment as Second Language, 1972-73, 1973-74

	Grade	School Enrolment	Minority Language as Second Language		% of Instruction Time Devoted to Second Language
			Enrolment	%	
Total					
(9 Provinces)					
1972-73	Elem.	2,582,718	816,521	33.3	6.4
	Sec.	1,461,730	653,681	47.0	12.0
1973-74	Elem.	2,561,735	839,401	34.4	7.0
	Sec.	1,496,308	619,419	43.2	11.7
Quebec					
1972-73	K-7	888,970	249,600	33.4	11.1
	8-12	716,700	606,300	100.0	14.2
1973-74	K-7	830,900	233,850	33.4	11.0
	8-12	698,250	599,075	100.0	14.2

SOURCE: Statistics Canada. Figures for 1973-74 are preliminary estimates drawn from information provided by provincial departments of Education.

*Minority language is English in Quebec and French in all other provinces.

2. *Yes, the Feds Can Help*

Second-language teaching, like every other sector of education, belongs constitutionally to the provinces. Nevertheless, the federal government has demonstrated a commendable leadership to provincial governments through several programmes. The Department of the Secretary of State has initiated or financed all of these, as an increasingly effective catalyst.

The Department's major programme in this area is its agreement to grant provincial governments \$300 million in a four-year plan up to 1974. This "Federal-Provincial Program of Cooperation for the Development of Bilingualism in Education" has led to some murmurings of misspending already noted in last year's report: during the fiscal year under review, the Commissioner received 15 complaints from citizens or associations in six provinces alleging misuse of federal language funds. Since this first federal-provincial agreement left provinces exclusive rights to spend, and account for, federal grants, the Commissioner could do little to track down the facts behind the allegations.

Given the constitutional realities of Canada, the Commissioner thinks it unwise, indeed unfair, to drop hints of scandal. In the face of some skepticism about the funds' disposal, however, he cannot ignore the issue, and thinks it reasonable to repeat last year's hope that money Parliament votes for language will be spent on language. In the end, the vigilance already shown by parents and the press should ensure that

education departments will use the grants as intended—including an equitable distribution between the programme's two goals: teaching official languages as second languages and teaching in official "minority-language" schools. Indeed, recent consultations between the Secretary of State and all ministers of education, together with continuing contacts between his officials and the provinces, led him in January 1974 to report to members of both Houses that he was "impressed and encouraged" by progress in school language programmes—plainly implying that he (as well as the provinces) believes federal language money is being properly spent. He has also indicated that the second federal-provincial agreement (to be negotiated in 1974) will provide Ottawa some form of closer "accountability".

Accountants' quarrels aside, a report tabled by the Secretary of State in June 1973 confirms several signs of progress the Commissioner has noted in personal observations, and which reflect an undeniable commitment on the part of provincial educators to improve language programmes. In sum, the report shows an encouraging increase in enrolment in minority-language schools—some regional declines being laid at the door of a slight general drop or of mobility in French-speaking minority populations. It is also confirmed by the above Table C showing a rise in elementary-school enrolment in French as a second language and the short-term (one hopes) fall in such enrolment at the secondary level. More specific improvements include: creation by most provinces of French sections within their curriculum branches; launching of new programmes and reviews, and hiring of special advisers for both types of teaching assisted; establishment of more minority-language secondary schools (previously often the missing link in French-language education outside Quebec) with better qualified teachers; seminars, pilot programmes, summer courses and other methods for upgrading skills of second-language teachers; student exchanges; and the marked spread of up-to-date, often made-in-Canada textbooks and audio-visual materials. All of these reforms, even if subject to a little good-natured doubt, convince the Commissioner that the Secretary of State's linguistic "seed money" is a programme richly deserving renewal and expansion.

A second continuing success story is the Summer Language Bursary Programme. During the summer of 1973, this scheme allowed over 4,000 young Canadians, in junior colleges or universities, to spend about six weeks full time learning a second official language. Likewise a new \$4-million two-year shared-participation programme with Ontario to enrich teaching of French as a second language in the Ottawa area seems to be working well. The Commissioner's contacts with two of the four school boards benefiting from these funds indicate that this more than symbolic stimulus has moved teachers and curriculum

specialists to undertake experiments, notably in immersion classes and teaching materials, which should, when tested, provide sound lessons for the whole country. The Department has also played a valuable role in aiding research into language pedagogy. The Commissioner, bearing in mind that others will do the administrative work, suggests to citizens or institutions interested in money or guidance for any of these purposes to apply to their own provincial authorities, who are fully aware of resources and opportunities available through the Secretary of State's Department.

A final, and potentially revolutionary, plan is the Interprovincial Second-Language Monitors Programme. Readers of the Commissioner's first two reports may recall his harangues in favour of such a scheme: it allows young post-secondary students to "work their way through college" for a university degree in a province other than their province of residence, in exchange for helping out with their mother tongue (especially through conversation and accent training) in local schools as assistants to second-language teachers. Shameless and probably unconstitutional lobbying by the Commissioner and his colleagues finally paid off in May and June 1973. Then they were lucky enough to gain the backing of all 10 provincial Ministers of Education (in consultation with the Canadian School Trustees' Association and the Canadian Teachers' Federation) and, for all the money once again, of the Secretary of State supported by the Prime Minister. In a matter of weeks, the Secretariat of the Council of Ministers of Education, in close liaison with provincial co-ordinators, pulled off the miracle of getting liaison programme on the rails for September 1973 with 176 monitors and, a few weeks later, and in varying degrees, the participation of all provinces. By January 1974, the Secretariat had virtually reached the total goal of 200 volunteer monitors for the first year of the two-year pilot programme, each monitor receiving an assistanceship of up to \$4,000 plus a maximum of \$300 for travel costs.

In late November the Commissioner met some forty monitors in Ottawa. Their early weeks of experience reflected great goodwill on all sides to cure the inevitable growing pains any programme of such untested nature and scope must meet. The monitors' enthusiasm, and that of participating teachers and school boards the Commissioner has spoken to, lead him to hope that within two or three years, a vastly expanded programme will at last enable our country to exploit, with the realism and spontaneity only young native speakers can bring, the living linguistic heritage which has so tragically escaped most of our classrooms. The programme is not a cure-all; but it should make real to thousands of young Canadians for the first time the dream that most of Canada's adult population may some day express itself, however haltingly, through two world-girdling tongues. And, at least as important,

it should help young people reject old prejudices about their countrymen speaking the other official language by allowing them to meet face-to-face, agree, debate or disagree, within their normal place of academic work.

3. At Forty You're Not Over the Hill: Beat the Energy Crisis While Seeing Canada First

Investing in youth is foresight. Acknowledging the influence of age is realism. The Commissioner here briefly floats an idea which Parliament may wish to study to help all adult Canadians participate in the search for a country which knows itself a little better.

In several European countries, governments have for long subsidized yearly holidays by citizens on national railways. The Commissioner notes constantly in his travels about our country that many citizens are more familiar with the United States, Europe or even other continents than with vast parts of their homeland—particularly parts speaking predominantly a different official language. He wonders if Parliament should not consider subsidizing a much more extensive scheme along the European example.

Of course many travel companies already offer special fares for those over 65, those who ski or manifest other such perilous affinities. But it seems time to broaden such privileges more usefully and democratically for all Canadian taxpayers. The Commissioner thinks that a national travel policy for all adult Canadians (with or without children), a plan offering every citizen one strongly subsidized trip a year within Canada, could work quite simply: Parliament would subsidize all public and private airlines, railways and buslines in Canada (on a cost-recovery basis) to enable them to announce major, across-the-board discounts to all citizens at any time of year during annual vacations. To promote long-distance travel most likely to mingle the two language groups, the CN, Air Canada, CPR, CP Air and private buslines might for example allow a 50 per cent discount on distances of at least 1,000 miles and 75 per cent on distances over 2,000 miles. Seasonal adjustment of discounts could take into account fluctuations in load factors, particularly for airlines, for which these can so easily mean profit or loss.

The advantages of such a scheme could prove significant. First, it could lead to a vastly better understanding among Canadians of both language groups who, even if they did not learn to love each other, could at least learn to distrust each other more intelligently. Second, it could provide potentially great help to Canada's balance-of-payments position by enticing Canadians to spend more tourist dollars at home---

in 1973, Canadian travelers spent some \$1,684 million abroad. Finally, for travel companies themselves, a seasonally sliding, but always generous, subsidized discount scheme could smooth out annual curves of passenger revenue, thus facilitating planning and budgeting, and possibly easing some labour troubles by making lay-offs less necessary. Even the Minister of Energy, Mines and Resources might sleep better and dream of gargantuan savings of oil through use of public, instead of motor car, transport.

The Commissioner recognizes that he cannot speak with authority on a question with so many economic, political and administrative implications. But in praise of slightly older women, and men as well, of the luckless taxpayers squeezed and squeezed out between special fares for teenagers and Goldenagers, he invites Parliament and public opinion to give this scheme more than a passing thought. Henry Ford, in pursuit of profit, put the U.S.A. on wheels in 1914; maybe, in 1974, somebody ought to put wheels and wings under Canadians in pursuit of both self-interest and national self-knowledge.

Chapter II

YOU'RE O.K., I THINK I'M O.K.

What do the Commissioner and his colleagues do when not pontificating at Parliament and public in annual reports? Trying not to tilt too much at windmills, they busy themselves with investigating complaints and initiating "preventive medicine" studies to meet the duties laid on them by law. For the reader curious about the nuts and bolts of procedure, this chapter outlines how each of the Commissioner's two operational services functions and how each views its experience of the past three years. But first, a breath of the invigorating climate in which the Commissioner and his colleagues work. Here the Commissioner opens wide his letter-box (omitting names, of course) to offer a small but perhaps revealing slice of Canada's linguistic life.

A. The Mail Box: Not Fanatics, Just Different Kinds of Fans

In his role as "linguistic ombudsman", the Commissioner receives many letters covering areas within or without his jurisdiction. These letters come from Canadians writing not to complain of an alleged infraction of the Official Languages Act, but to encourage (or discourage) the Commissioner in his task, raise questions about the Act, pass along suggestions, criticize the implementation of official languages policy, or ask money for causes invariably commendable. Apart from teaching him much about his own misconceptions and follies, these letters aid the Commissioner to identify fields where he and other people in government need to help the public come to grips with matters bilingual through more and better speeches, interviews and information programmes.

Most of these general-subject letters come from English-speaking correspondents. Letters containing specific complaints are mainly from French-speaking citizens.

The Commissioner and his correspondence staff try to write detailed answers to questions raised in letters. As stated in last year's Annual Report to Parliament, "the ombudsman must never shut his door . . . If he cannot help the complainant officially under the Act, he should try either to explain clearly and simply to the complainant why all the possible 'doors' seem closed, or unofficially to find him or her the 'right door'—the valid recourse—on which the ombudsman is ready to knock in the complainant's name."

This philosophy in dealing with complaints applies to all letters: several people were helped to straighten out unemployment problems, complicated forms or what they saw as an interdepartmental run-around often unrelated to language; a lady from B.C. requested and received copies of Christmas carols in French; a nurse on the Labrador border got teaching materials for colleagues who, while not following the Commissioner's advice to teach French in bed, wished to treat bed-ridden patients in English; and countless others got a painless referral, for funds, to the philanthropy of the Secretary of State.

To give an idea of types of letters the Commissioner receives, he reprints some excerpts here, excluding however missives judged grossly obscene, and therefore unparliamentary.

1. *Two Official Languages—Pro and Con*

As the reader will note, many citizens still prefer to think of language with their hearts.

a) *Pro*

ALBERTA

"We stand to gain much by the implementation of the government policy. It is an opportunity to be fair to the French-speaking minority in Canada and a tremendous opportunity to enrich the lives of the majority by a knowledge of the French language and culture."

NOVA SCOTIA—"If they knew more of each other, I guess they'd lay aside one half of their fears and all of their abuse."

—T. C. Haliburton, *Sam Slick*.

" . . . I am not French and do not speak the French language, but I have a very deep admiration and appreciation for the part that the French Canadian people have played in the exploration and development of our Country. The French part of our history is as illustrious, if not more so, than the rest of it . . . "

ONTARIO

[Translation]

“ . . . I am surprised that the federal statutes of Canada are written in one official language and translated into the other. This practice could be interpreted as an indication of inequality of status between the two languages, one of them being the ‘translated’ or ‘second’ language. It would seem that the bilingual character of Canada can be maintained only if the laws that govern it are written simultaneously in English and in French . . . ”

ONTARIO

“ . . . Personally I don’t believe that the majority of English-speaking Quebecers consider the Government’s bilingualism policy as a replay of the Battle of the Plains of Abraham in which this time they lose. I think most English-speaking Quebecers support the Official Languages Act and the bilingualism policy as a positive step in which both sides should win.”

ONTARIO

[Translation]

“The federal government seems to be becoming aware [and] has done its subjects justice by printing all documents in both official languages and giving a seven per cent premium to those of its employees capable of speaking both languages. This is an encouraging step, and I hope that more will be done along these lines.

As for the provinces, much apparently remains to be done in this area . . . ”

MANITOBA

“I am a middle-aged Western Canadian, one of many who wanted to become bilingual. Unfortunately, I am not employed by the Federal Civil Service so had to pay for my own language lessons . . . I would like to suggest subsidized family holiday exchanges between Quebec and Western Canadian families . . . I feel that any Canadian with a sense of nationhood must learn about the ‘other’ culture. My own investment of time and money has been rewarded by a real understanding and respect for the ability of my fellow Canadians.”

b) *Con*—“Audi partem alteram—Hear the other side.”
—Saint Augustine.

ONTARIO

“ . . . Everyone knows that the working language of North America and of a large part of the world is English . . . the sooner we have the majority telling the minority what to do, it will be better for all of us.”

QUEBEC

“...I am not against French—most of our best friends are French.”

ONTARIO—“My sone, keep wel thy tonge, and keep thy freend.”
—Chaucer, “The Maunciple’s Tale”, *The Canterbury Tales*.

“... Everyone knows that English is the working language of not only North America but of the world and it didn’t get that way by being jammed down peoples’ throats as they are trying to do with French...”

ONTARIO

“In reply to my recent complaint about the unilingual French now rampant in Ottawa, you have sent me a reply through a Franco-phoney...”

ONTARIO

“... So far the problem has been debated in Parliament, dialogued in the press, discussed by the public (especially those in the Public Service) and absolutely no progress has been made on the implementation of bilingualism into the Public Service. In putting forth ideas and proposals that may help to make bilingualism work everyone—parliament, the press and the people—all choose to ignore the obvious. Bilingualism cannot work just as long as the “Waspish” hierarchy remain in control. You cannot legislate against emotion...”

ALBERTA

“... and nine out of ten of the people I talk to, both in my office and in the profession are strongly against the great push towards making this a bi-lingual Country to pacify one Province... most of them tell me it is a big laugh, go to Montreal or to a local university for a big party, and learn French while drawing full pay and have the tax payer bear the brunt... Quebec of course, the one Province that is running this country why do you keep forcing the issue like a Dictator...”

Let them integrate like the other Nationals have done and other Cultures and will have one great Country.”

ALBERTA

“... The majority have never accepted the Official Languages Act and never will!!... Contrary to your personal opinion the Official Languages Act has not unified Canada. It has alienated all Canadians who are not Quebecois.”

ALBERTA

“It’s about time for us all to be frank and consider deeply the term heard ‘FRENCH CANADA’—‘FRENCH CANADIANS’. Could

someone tell where French Canada is? and how long France has held any area in CANADA?...but to try and force all government employees to become bilingual or multicultural it speaks of a touch of dictatorship and time for a government change.”

QUEBEC

“...Canada’s and Quebec’s continuance of this program of preventing assimilation of the French Quebecers by having English Quebecers speak French is unrealistic. This well conceived program will not prevent assimilation it will merely delay it...the truth is they can only be saved by the United States becoming a French speaking nation...”

QUEBEC—“... This is the only clear idea we have of ourselves and our destinies, to persist, to keep our identity. And we have kept our identity; perhaps centuries in the future the world will turn to us and say : ‘These people come from a race that does not know how to die.’”

—Louis Hémon, *Maria Chapdelaine* (trans.).

“... It is somewhat unjust to condemn or criticize the great majority of the unilingual English Quebecers for following a natural normal human behaviour pattern... That the French in Quebec over the course of centuries will be assimilated regardless of what they do and that Canadians should have the perception or the honesty and the courage to face this fact now if they are to have a hope of preventing Separatism...”

QUEBEC

“... Do you know that at the Université de Québec in Montreal you risk being beaten up physically if you advocate speaking English? ... Are you aware that the French maintained a closed society here for centuries until the English arrived with the Conquest? Did you know that not a single Protestant or Jew was allowed to set foot on Quebec’s hallowed soil under the Ancien Régime, that, in fact, it lived in an isolation as extreme as Japan’s until the British with their godless ways arrived?”

QUEBEC

“... We find that our language and culture is being threatened by the French, and through official government decree...”

QUEBEC

[Translation]

“... we cannot even speak our own language correctly and they want to impose bilingualism on us. And even worse, we are speaking in translation...”

BRITISH COLUMBIA—"We are in the rapids and must go on."

—Thomas D'Arcy McGee, *Confederation Debates*, 9 February 1865.

"Two official languages can only cause trouble, check Belgium . . . Speaking two languages is a beautiful idea, but not when you must have every piece of printed matter in the country in two languages, people have always complained about red tape & this is WOW! . . . All of my New Canadian friends think we are Stark Staring Nuts! . . . Please call it off! there must be some constructive things to spend our time & money on . . ."

MANITOBA—"Can Getting There Be Half the Fun?"

" . . . You can keep your Frenchmen down in the East. I wish they could all be transported back to France where they belong . . ."

NEW BRUNSWICK

" . . . I don't think the French meant Bilingualism but unilingual French only . . ."

NEW BRUNSWICK—"As far as I can judge, not much good can be done without disturbing something or somebody."

—Edward Blake, Speech at Aurora, Ont., 3 October 1874.

. . . We now have a situation where one of these ethnic groups has been selected for special consideration at the expense and inconvenience of all others. This trend must cease at once . . . I would ask you in all fairness, Mr. Spicer, with less than 3% of the population outside Quebec unable to speak English, who needs or wants bilingualism?

The facts are, Mr. Spicer, bilingualism is being brought about by a mere handful of agitators aided and abetted by politicians wanting votes and the press out to sell newspapers. . . . I trust I have made myself clear and that immediate steps will be taken to reverse this trend toward a divided country and get on with business of making Canada great."

2. *The Public Service*

None of the comments received express strong reactions against teaching second languages in the public service. There remains concern about the difficulty in learning a second language while working, or trying to do it (i.e. learn another language) at an "advanced age". Some English-speakers still worry about career advancement being blocked because of official languages policy. One person believes that not only public servants but ordinary citizens should be given govern-

ment second-language training; many others, of both language groups, wish easier access to such training.

ONTARIO

“... Recognizing the difficulties encountered by students who find themselves in a classroom situation after many years away from school, and of the mental strain created by the conflicting job responsibilities and emotional factors, it is vital that everything possible be done to create and maintain strong motivation... Films could show people not only how a second language can open up new vistas of books, newspapers, television, films, plays, entertainers but also business reports, papers, correspondence, conferences, not to mention ideas and friends...”

NEW BRUNSWICK

“... I am myself a Federal Civil Servant of many years and feel that either the various heads of departments or the Public Service Commission have lost sight to the approach to the implementation of bilingualism which has seriously hampered the unilingual English people from applying for Federal Civil Service jobs when the competition posters require bilingual employees...”

BRITISH COLUMBIA—“Merit is never having to say ‘you’re right.’”

“... I too feel that there should be more clarification on the issue of bilingualism in the Civil Service... In my view, most Canadians are willing to accept bilingualism and I do, but certainly not at the expense of the merit system in the civil service... my criticism is that the implementation has been too speedy... The careers of civil servants who are not bilingual and who have devoted many years in the service of their country, must not be prejudiced in any way...”

BRITISH COLUMBIA—“There is no strength where there is no strain; seamanship is not learned in calm weather, and born of the vicissitudes and struggles of life are the wisdom, the dignity, and the consolations.”

—Joseph Howe, Address to the Ottawa YMCA, 12 February 1872.

“Over the past years I have made several abortive attempts to learn French. These always fail because for one thing it is hard for me to discipline myself at home to take the time for a daily lesson.

As I cannot afford to buy records or pay tuition fees I am never sure if I have the correct pronunciation and this is discouraging, so here I am at middle age, still unilingual... and can you explain why the opportunities to learn French have not been given to the ordinary

taxpayer. I understand that Civil Servants can get this training and this is helpful but why not all loyal citizens be treated equally?"

ONTARIO—"Maybe this man has the answer."

"SUBJECT: *A Proposed Alternative Method of Providing French Language Training to Public Servants*

PROPOSAL: To allow public servants to live in a francophone milieu for a fixed period of time in order to obtain a thorough familiarity with the french language.

REMARKS: The basis of the proposed tuition method is the popular assumption that the best way of learning a language is to have a mistress or lover who only speaks that language. It has been demonstrated analytically . . . that this assumption is economically sound and the proposal is that public servants be allowed the option of moving to a francophone milieu at the government's expense and obtain a french language capability at a cost not exceeding the true present cost of language training.

COST: The financial cost of this proposal will be less than the present method of french language training."

ALBERTA—"And for those no longer moved by sex . . . "

" . . . I would seriously suggest that once tuition fees in the French language are made tax deductible, you will see a large resurgence of interest in this language . . . "

ONTARIO

"Purpose: To make bilingualism a national and personal goal of Canadians and an energizing force in the formation of a dynamic national character having dual French and English poles.

Means: A popular mass education movement diffused from public relations centers established in the principal cities, towns, villages and countrysides across the nation. These centers would act as gathering places for the French-speaking people of the locality, to help them conserve and cultivate their cultural heritage and its contemporary expression. The centers would also serve as a focal point for the activities of students' French clubs, adult education language study classes, study groups (e.g. University women) curious about French literature, theatre, films, chansonniers . . . "

3. Education

A majority of correspondents writing about education did so to support the teaching of French. Many writers reacted to the Commissioner's

statement in his Second Annual Report to Parliament that “the teaching of second official languages in Canada remains a country-wide catastrophe . . .” Most, if not all, letters centered on the teaching of French in English schools, and tended either to deepen the Commissioner’s apocalyptic gloom or to exempt a certain district or school from the national disaster area.

a) *Pro*

ONTARIO—“If every day in the life of a school could be the last but one, there would be little fault to find with it.”
—Stephen B. Leacock, *College Days*.

“. . . But I was most of all impressed by what you said about the educational failings of the provinces in teaching the French language. I could not agree with you more. In this matter there is a sad failure in Canadian enterprise and imagination . . .”

ONTARIO AND QUEBEC—“Now You’re Talking.”

“. . . Might I as a concerned Canadian citizen suggest most strongly that the very ultimate in bi-linguality for all could be achieved at far less cost. By the simple expedient of (beginning in kindergarten classes in 1975) assuring full and proper bi-lingual instruction in all this nation’s primary and secondary schools— with standardized first-rate school textbooks (bi-lingual) made available for all schools . . .”

QUEBEC

[Translation]

“If from the outset both official languages were taught on an equal basis in all Canadian schools, how many unnecessary words and how much turmoil could have been avoided!

Why not introduce the second language into the curriculum everywhere? Each Canadian would become twice as valuable without any effort whatsoever . . .”

BRITISH COLUMBIA

“. . . Surely, in Canada, our children should learn Quebec French . . . I believe the problems of bilingualism which our children will have to contend with,—are all with the parents. I have observed instances where parents are still hotly debating the pros and cons of bilingualism, —(in Northern Quebec),—and the little ones are chatting away using either language quite indiscriminately. Sometimes the very small ones do not even know they are bilingual . . .”

ENGLAND—“Modesty forbids the Commissioner and his bilingual colleagues from believing all of this . . .”

“... bilingualism is a means of expanding the general intelligence of this generation of Canadians and all the new generations to come. Julian Huxley has pointed out that an increase of even a fraction or two in the general level of a society's I.Q. can have very material benefits to that society. So here, in the very nature of Canadian federalism (and in the policy of bilingualism and multiculturalism) lies an unrecognized but invaluable means of raising the average Canadian I.Q. levels, and thereby raising our material and spiritual well being as well—while at the same time saving Canadian unity. (Hallelujah!) . . .”

b) Con

BRITISH COLUMBIA—“Look what they've done to my song!”

“... If you are so anxious to shove French Language down the throats of 5 and 6 year old non-French speaking peoples, you should start shoving English down the throats of all French in Canada. Is this not very fair? . . . But you, and others who have no consideration for little children will try to force an almost impossible task on the unsuspecting very young . . .”

c) Other Ideas

ONTARIO—“Go West, young man . . . or East, but go!”

“... However, my colleagues wish me to express their disappointment that no reference seems to have been made to the very real efforts which have been made in recent years by the teachers themselves to update methodology and to develop more interesting and relevant materials . . . I think it must also be pointed out that teachers as a group very often carry on a heroic struggle against the indifference in the community and in some Boards . . . Finally, in closing I think that your suggestion that the situation in Europe is better is ill-founded . . . We all know that the reason European children pick up a second language more readily has to do with school systems and methodology than with the intellectual and social climate in which they live . . . Massive exchange between young people in European countries has been going on for many years while we, in Canada, have scarcely scratched the surface in this regard . . .”

4. “Third” Languages

Writers interested in “third” languages do not usually oppose the Official Languages Act itself, but often believe that languages apart from English and French should be given official status. One correspondent worries about a fortune cookie plot and another about Canadians being turned into a bizarre species akin to the Hydra. Most

correspondents, however, seem to base their view of justice on more sober studies of the census by mother tongue.

ONTARIO

“Linguistic fair play? Just what is that, in a country made up of many languages, and so should be known as multilingual and not bilingual. How can this Government hope for national unity when one second language is raised and all the others are ignored? There seems to be all kinds of concern for the Canadian of French origin to feel at home in government and in the capital, but none for the Canadians of the other ethnic origins. This is called ‘Linguistic fair play?’”

ONTARIO—“The chow mein probably tasted better . . .”

“ . . . In a Chinese restaurant in the province of Quebec we were given fortune cookies in French and English. Is this not carrying things a bit far? And what about the Chinese people who operate the Restaurant? They have their language too. This is discrimination.”

MANITOBA

“ . . . We would have much more happiness in our Country if we had one language officially. I think it is simply wonderful for anyone to be able to speak many languages, but how does the French get in there officially and not Italian or any of our other many languages . . .”

QUEBEC—“True feeling is critical as well as honest thought.”

—John McNaughton, *Essays*.

“ . . . You feel sympathy for the French, and wish to spread the use of French, because ‘their culture is threatened’. The Jewish culture in America is threatened too. Would you be willing to convert to Judaism in order to save it? . . .”

ALBERTA

“ . . . We have a lot of nationalities in the Province, German, Italian, Greeks, Yugo-Slave, Poles who are, and are proud to be, Canadians, and they are just as much entitled to have their mother-tongue displayed and used as are the French.”

U.S.A.

“ . . . If the Quebec French and other French in Canada wants to be fair with everyone, then it is only fair that the Indians and all nationalities in Canada practise their own language and display it as French is displayed and used. . .”

MANITOBA—“Could you explain the oxygen system again, please? We are about to land.”

“ . . . May I ask what about the other ethnic groups. Their language is just as important to them as French is to the French Canadians. In

all fairness their languages should appear on packages, be announced on air flights and on signs in our national parks . . .”

QUEBEC—“There is no room in this country for hyphenated Americanism.”

—Theodore Roosevelt, Speech, New York, 12 October 1915.

“Those who, in effect are charged by the Government of Canada to ensure that the implementation of this programme is done in such a way that there is no shadow of doubt, that a Canadian, no matter his origin, is a Canadian, not a hyphenated hybrid. . .”

5. *The World of Business*

Following are opposing views about a business world using more than one language. An Ontario writer, no doubt moved by a wish to diversify Canada’s exports, suggests that Spanish would prove a more useful business language than French.

ONTARIO—“Bilingualism is good for business.”

“. . . It was not until I actually read the article that I appreciated the massive task you and your staff have undertaken.

Your patience must be partially guided by the satisfaction of knowing that when fully implemented your ambition and efforts will have placed Canada in an unprecedented cultural spotlight. As our export business increases and Canadians more and more take to travelling abroad, the bilingualism and the personal enrichment it must bring will be the fruits of your efforts.

I personally feel that an important part of the bilingual program’s success lies in its acceptance by business and industry, and accomplished through the positive implementation of French instruction to those who require it and want it within the large corporate structures. . . . I think we are in agreement that Canada as a whole, and only as a whole, has a wonderful and bright future. It is every Canadian’s responsibility to preserve those aspects of our short yet colourful heritage, not least of which is our French culture . . .”

ONTARIO—“There comes a time in the affairs of man when he must take the bull by the tail and face the situation.”

—W. C. Fields.

“Your posture on bilingualism has long been a source of mystery and irritation to me . . . To command a second language is an asset but may I suggest that our efforts in this direction should be to learn Spanish. As a business language it would aid Canada, an exporting nation, to

conduct business with the burgeoning market of South America rather than pursue a patois French which is of dubious value in Canada and even less in France which hardly recognizes our 'French' and is solidly locked in with the European Common Market . . . ”

ALBERTA—“If English was good enough for Jesus Christ, it's good enough for me.”

—A “B & B” legend.

“ . . . a divided Canada—mostly brought about as a result of the ‘Official Languages Act’ which could be termed a costly, unnecessary, politically inspired faux-pas. It should be repealed. . . . Bilingualism has increased the cost of every manufactured or packaged product sold in Canada, thus contributing to inflation. Bilingualism has not achieved unity in Canada—it will only serve to further divide Canada similar to what has happened in Ireland Belgium where it recently brought down the Government. . . . I would hope that French-Canadian members of the house would forget about emotionalism for their mother tongue and talk common sense to their constituents.

I consider the Official Languages Act to be discriminating and injurious to the citizens of rural Quebec—they deserve every opportunity to take their rightful place—as citizens of Canada—in the upper echelon of the business world. Without English the rural, or any Quebecker is [not] going anywhere—except maybe to the Fedesal Civil Service . . . ”

6. *Flowers and Weeds (Preceded by Flora and Fauna of Africa)*

The following excerpts touch on the Commissioner and his role.

a) “*Westmount Rhodesians*”—“He put his foot in it.”

—T. C. Haliburton, *Sam Slick*.

The Commissioner's briefly infamous “*Westmount Rhodesians*” remark about Montreal's mainly English-speaking community produced considerable comment in letters and newspapers. He used (though cannot claim he coined) this expression during a question-and-answer period before the members of The Association for Canadian Studies in the United States in the spring of 1973 in Washington, D.C. Unaccustomed to facing such learned assemblies, the Commissioner shot from the hip and, on his return to Canada, all Hell broke loose—including one fleeting threat of impeachment. His hasty backpedalling about the term's “affectionate” overtones convinced few, or at least not all . . .

Among those who understood the Commissioner's remark, one person was moved to create a poem. Others wrote to praise the Commissioner or to bury him.

ONTARIO

“Congratulations for smacking those smug faces down in Washington last weekend. I wish I could have been there to applaud . . . Once again, congratulations for socking it to them . . .

Keep stirring the pot.”

ONTARIO

“ . . . We have our fuddle duddles

And our Civil Service slobs
I do declare the media
Maintains we might get charged
For harbouring White Rhodesians
But Spicer brought them up
In hope that each of us could share
A tender loving cup
Of anglophone and francophone
And fuddle duddle slobs
It makes for quite a ‘cocktail’
At our international clubs!”

QUEBEC—“Isn’t it queer that only sensible people agree with me?”

—Robert C. (Bob) Edwards, *Calgary Eye Opener*, 5 October 1912.

“ . . . I felt, particularly after your speech of Saturday last, extremely pleased to know that someone as talented, and doggedly dedicated as you were in such a frustrating but frighteningly important job. This letter is to remind you that you are not alone in caring . . . ‘Il faut l’encourager’. Keep fighting the good fight . . . only a few of those present could really have taken your remarks to be shocking or offensive . . . In conclusion although some may have found the distorted report of Mr. Spicer’s comments shocking or flippant or ‘offensive’, the truth often hurts. Unless we, as English-speaking Canadians, either Liberal or Conservative, are not prepared to make genuine efforts, and here the people of Westmount should be in a conspicuous lead, instead of in the rear to learn French, safeguard the unique culture of Quebec, and so have for the future the immense benefits such as preservation can bring all of Canada, Confederation is worth very little indeed . . . ”

QUEBEC

“ . . . Many of us in Westmount are French. Our Mayor is French. Our public services are perfectly bilingual. We send our children to French immersion classes. Newcomers like myself attend conversational French classes at night. Perhaps other parts of Canada are not coming up to your expectations—why blame Westmount? . . . ”

QUEBEC

“... My sense of humour may be feeble, but for the life of me I can find nothing ‘affectionate’ in the term ‘Rhodesian’...”

QUEBEC—“But the Commissioner’s only party is Saturday night...”

“... It helps a lot, then, to have an elected representative of the people, of cabinet rank, ridicule us in a foreign capital as you have done. Thanks very much... I shall never vote liberal again and I intend to join actively in working for the defeat of your party...”

ONTARIO

“... I submit to you that, apart from your statutory and moral duty to protect English language rights within that context, it is further incumbent upon you to use your good offices to see to it that English continues as an official language, in fact as well as in law, within the context of relationships by Quebeckers with their provincial government in Quebec City.

QUEBEC—“My family has attended Oxford University for three generations...”

—Lady in street, in television interview.

“More importantly, I suggest to you that your comment is indicative of the very kind of “Archie Bunker” type of bigotry which you continue to damn in others publicly and angrily...”

ONTARIO

“*Westmount Rhodesians*. Please do not insult Rhodesians of whom you can know little, by comparing them with your overfed and grey-faced Montreal compatriots.”

b) *Flowers*

QUEBEC

“I want to say thank you for helping bring bilingual and make someday Unity... and I hope you’ll keep the good work for the sake of all our grand-Childrens sake...”

QUEBEC

“... I have commented to you previously on the fine work you are doing in your official capacity as Commissioner for the Official Languages... With very best wishes to you for continued success in your essential mission.”

NOVA SCOTIA

“Wish all Canadians could have heard you on Encounter today for the sake of keeping Canada together. Please work at getting your message across.”

QUEBEC—"He who has conquered by force has only half vanquished his enemy."

—François-Xavier Garneau, c. 1826.

[Translation]

"... I am writing to congratulate you on your impartiality towards all Canadians, from coast to coast. I know that your job is a thankless and difficult one. I deplore the fact that despite your efforts, you have not been as successful as you deserve to be. You know that the ill will does not come from the Québécois; we have been patient and resigned for 105 years! If the Anglophones hate us so much, why do they persist in keeping us in Confederation? Because after we become independent, they will no longer have us as their victims. What will they have then to amuse them? . . ."

QUEBEC

[Translation]

"... good luck in your fight, which will probably be a long and hard one."

ONTARIO

[Translation]

"... and I realize that you have numerous problems to cope with. PLEASE KEEP FIGHTING! . . ."

QUEBEC

[Translation]

"... You will not be able to say it often enough, since people are thick-skinned and hard of hearing when it come to changing old personal habits. But you must not despair. Didn't Saint John the Baptist cry in the wilderness for forty days! . . ."

QUEBEC

[Translation]

... I am very much in favour of languages and think that it is a great asset for a nation to have two languages and two cultures. I am looking forward to the day when people will understand that it is a great advantage to be a polyglot, because we will perhaps then have made considerable progress toward achieving understanding and fraternity between peoples.

I therefore encourage you to continue in the same direction, preserve the same attitude and persevere in your activities; there are others who support you . . ."

c) *Weeds*

ONTARIO—"Fere libenter homines id quod volunt credunt—Men willingly believe what they wish."

—Julius Caesar, *De Bello Gallico*.

"Whereas I contribute to your salary in some small way, I believe I have the right to let you know what I think of your position and what you are doing with it . . . Perhaps if you had talked with English speaking Civil Servants from coast to coast since your appointment, you might not be so disappointed; they have been force-fed on French until they hate the word. Bilingual districts outside Quebec are a damned joke—and the greatest joke of all is that Quebec wants no part of it at all, and wants only one official language there. Guess which one . . . With the Canadian percentage of French down to 27, and going lower, you are flogging a dead horse. Suggest you get out while you have a few friends left . . . Since I speak for millions of people who, for a variety of reasons, cannot speak out on this national issue, except at elections . . . I would like to suggest that you get out of your thankless job while, I repeat, you have a few friends left."

ONTARIO

" . . . I have been wanting to ask for some time why you, an English Canadian (apparently) are doing your best to sell your English speaking friends down the river.

. . . And you might better spend your time trying to correct some of the injustices in gov't offices than turning traitor on your heritage. Maybe it is more lucrative your way. I hope you get pasted on the program next Sunday . . ."

ONTARIO—"Doubts are inseparable from life."

—John MacNaughton, *Essays*, 1946.

"You are fighting a losing battle which can only defeat its own purpose. The legislation was illegal in the first place by the enforcers."

ONTARIO—"Every man has his price."

". . . Anyway, Keith baby—keep whipping us—maybe Pierre will give you and John Carson a Knighthood (oops, that's English) or a Senatorship, or membership in the St. Jean Baptiste Society. As I said it sure beats selling Real Estate!"

ALBERTA

" . . . Anyhow thanks again for admitting this whole effort of stuffing French down our throats is only to please Quebec."

QUEBEC

“When the English minority in Quebec has friends like you, they don’t need enemies.”

QUEBEC—“He’s a muddled fool, full of lucid intervals.”

—Cervantes, *Don Quixote*.

“You may not appreciate the fact that 95% Canadians look upon your role as one of Formal Fool in trying to interpret what is obvious to all but more obtuse to some . . .”

[*Editor’s note:* You can’t fool some of the people any of the time.]

“The rest is silence.”

—Shakespeare, *Hamlet*.

B. *How and Why Stories: The Owl and the Pussycat*

Readers who survived the Commissioner’s First and Second Annual Reports to Parliament will excuse a review of methods which they will now consider old hat. But the Commissioner owes something to new readers. Even seasoned observers of his Office’s activities might find interest in its experience with these methods during the period under review.

The Special Studies Service, the main instrument the Commissioner has used to fulfil the duty of initiative opened to him by the Act’s Section 25, has continued to help him perform the dual functions of “linguistic auditor-general” and dispenser of preventive medicine. The Complaints Service plays the role of linguistic ombudsman. The Commissioner’s aim as linguistic auditor-general and ombudsman is to give Parliament a “read-out” on how, and at what pace, the 180-odd federal institutions, including Parliament itself and Crown corporations, implement the Official Languages Act. His intention in offering preventive medicine, and indeed ombudsmanship, is to be as helpful as possible not only to citizens but to the institutions themselves—while avoiding any confusion about his role of scrutiny on behalf of Parliament with the executive’s responsibility for the Act’s implementation.

1. *Special Studies: Not Firemen, Perhaps Medical Missionaries*

How does the Special Studies Service go about its tasks? First, its staff is guided by the need for a continuing audit of institutions that is implied by the Commissioner’s task of linguistic auditor-general. The Service will thus study the same institutions at different times so that the Commissioner can provide Parliament with a progress report on their efforts to implement the Act at any given moment. This attempt at pre-

ventive medicine carries limits: the Commissioner cannot, as it were, provide a warranty that there will be no further malfunction. He cannot immunize institutions which have benefited from special studies against later investigation of complaints alleging their failure to meet the Act.

a) Doing It

So much for the framework within which special studies are conducted. What now is their main thrust? They are designed to be systematic, comprehensive reviews of a practical rather than academic cast, although they are done following the basic canons of research methodology. Their salient feature is administrative analysis. Because of this emphasis on the administrative process of implementing the Official Languages Act (i.e. the policies and techniques of implementation and self-audit), and to hasten the pace of reform with a wise use of staff and money, the Service continues to concentrate its studies on policy, current practices and plans as developed at headquarters and at regional offices. These predominantly policy "audits" have extended, where appropriate, to field offices throughout the country. Indeed, this shift away from the "periphery" (the empirical audit of selected field situations which preoccupied the Office during the first year) to the "core" does not make officers less interested in the concrete implementation of the Act: professional advisory, person-to-person service to the members of the public right down to the more mundane questions of bilingual forms and signs.

The reader might want to know a little bit about how the Special Studies Service "gets it together". Staff must keep three main processes simultaneously at as high a level of efficiency, flexibility and smoothness as they can reach:

- a) execution of studies as bases for the Commissioner's subsequent reports and recommendations to administrative heads of institutions;
- b) consultation with officials of these institutions about implementation of the Commissioner's recommendations;
- c) follow-up work, including field trips where necessary, to see what steps departments or agencies have actually taken to make recommendations a reality.

The criteria influencing the choice of institutions for review remain basically the same as set out in the two previous annual reports. These are:

- a) the extent of the organization's contact with the public;
- b) the extent of the institution's service to the travelling public—a criterion suggested by Section 10 of the Act;

- c) the geographical distribution of the institution's offices, with particular interest in the National Capital Region (Section 9);
- d) the organization's symbolic significance;
- e) the strategic importance of the organization's activities, i.e. whether or not the institution exercises pervasive influence in key policy areas;
- f) the number and implications of the complaints received at our Office.

We have proceeded to place that selection process in a slightly longer-term perspective than in the past. Specifically we adopted a long-term plan of priorities for special studies while leaving room for unforeseen new needs. In conducting special studies we follow the classical "technical" steps: planning, including the preparation of interview guides and questionnaires; data-gathering, notably through interviews, but also by means of documentary search, review of policy documents and scrutiny of statistical and other material; analysis and synthesis of findings; writing of a report and formulation of draft recommendations for submission to the Commissioner.

Consultation with an institution's officials on draft recommendations is vital to the work of preventive medicine. After the study team has written its report and drafted a set of possible recommendations, it discusses with the institution's senior representatives (sometimes deputy and assistant deputy ministers opt to be present) the feasibility of tentative recommendations. This has the advantage of making the recommendations more realistic as to ways and means of action, including feasible target implementation dates. It also increases departmental officials' awareness of the legal and administrative implications of the proposed recommendations, and reduces the possibility of the Commissioner's final recommendations taking an institution's "establishment" completely by surprise.

From the beginning, and despite the feasibility discussions which precede the Commissioner's sending his recommendations to the administrative head of an institution, the Office has thought that regular, informal consultations between the Commissioner's and the organization's staff might be profitable. The Office is sometimes approached by institutions for clarification of certain points and for consultation about the general strategy of action they could adopt to implement the Commissioner's recommendations; in such cases officials like to "bounce" ideas off the Commissioner's staff or test their reaction to draft policy guidelines meant to incorporate or, allegedly, even go beyond the scope of those recommendations. These consultations can also turn on very specific, concrete problems which emerge in the course of time from an attempt to implement the recommendations. The discussions sometimes concern suggestions in the Commissioner's reports about possible

courses of administrative action. While his staff do not function as management consultants and recognize that a department's professional personnel know their jobs better than outsiders, they can often propose specific ways or methods observed in their increasing experience with other institutions. They are therefore able to share the fruits of their accumulated experience and thereby serve as a sort of clearing-house for ideas on ways of giving effect to certain aims of the Official Languages Act.

In the course of such consultations, Special Studies officers try to be good pragmatists : they are as flexible as possible about the precise means of administrative action while remaining firm, indeed unyielding, on fundamental principles related to the equality of status of both official languages. This suppleness is informed by an awareness that the Commissioner's recommendations are not chiselled in stone.

While the Commissioner's staff have had many pleasant consultative sessions, especially with institutions that initially requested the co-operative assistance of the Special Studies Service, the Commissioner thinks it timely to invite further use of this device. His experience is that this is not a sufficiently used process and, practising what he preaches about information, he wants to make it more generally known that this service is one his staff are always prepared to offer, however taxing it can be on their time, resourcefulness and diplomatic skills. Some institutions seem to wait until matters reach the follow-up stage before engaging in any type of consultations; this seems an unnecessary and mutually unproductive delay.

Following up the initial special study has emerged during the period under review as one of the major activities of the Special Studies Service.

The credibility of the Official Languages Act—and therefore the credibility and authority of Parliament itself—as well as the effectiveness of the Commissioner's Office are closely linked to the concrete action which institutions actually take to implement his recommendations. The public, especially those elements of it grown sceptical if not cynical about the prospects of deep-rooted linguistic reform, is anxious to see results.

Machinery has existed from the outset both inside and outside the Office for systematic follow-up of the Commissioner's recommendations. In keeping with the requirements of the Act, the Commissioner reports the findings and recommendations which result from special studies to the Clerk of the Privy Council as well as to the administrative head of an institution.

The Clerk of the Privy Council keeps track of these recommendations (as he does of those resulting from the investigation of complaints)

but has arranged for the Treasury Board Secretariat to pay close attention, within the scope of its mandate, especially to the administrative aspects of these recommendations, given that central management agency's strategic location and its specific responsibilities for execution of the government's bilingualism programme within the public service.

The Commissioner's practice based on the privilege granted him by Section 31 (2) of the Act, is to ask deputy ministers and other chief administrative officers for reports on steps they have taken to implement his proposals. Some administrative heads rightly take the initiative in keeping the Commissioner posted on the status of particular recommendations. To facilitate the reporting task of others he jogs their memories when, for example, his proposed target implementation dates have passed.

In fact, during the reporting period we have put this internal follow-up machinery, mentioned in our last report, to even greater use. We have requested comprehensive and detailed reports from institutions on the precise status of implementation of each recommendation made to them. This was done in the fall of 1972 and again in February 1973 to elicit from organisations, by the end of March, information on developments up to the end of the fiscal year. The Commissioner decided in the spring of 1973 that, considering the time that had elapsed since the Act was passed and given the fairly large number of investigations he had done, it would be timely for him to put more emphasis on evaluation of the performance of institutions in his *Third Annual Report* than he had accorded such assessments in the previous two reports. One of the allied administrative steps he took was to extend the reporting period to 30 September 1973, and all of the Special Studies staff (of whose jobs follow-up is an integral part) was fully occupied with collecting, analysing and digesting the requisite information that would provide part of the basis for the Commissioner's assessments recorded in Chapter III.

Our experience with this exercise in determining what was the actual outcome of the Commissioner's recommendations and institutional action leads us to think that in some instances institutions might usefully create or improve internal monitoring systems, so that they may be in a better position to implement the Commissioner's recommendations in a systematic way and report on action taken. At its worst the envisaged internal machinery has seemed to constitute an acknowledgement and the mere circulation of his report. To speak more directly, our staff did experience difficulty in prying the information loose from some agencies. This might be partly due to the relative novelty of the process, and we hope that in future it will be easier to receive status reports couched in terms of the actual recommendations even if, as is

sometimes claimed, more ambitious action is contemplated. Above all we would prefer institutions to use the consultative process mentioned above when they receive the Commissioner's reports rather than engage in polemics when follow-up information is requested. The Commissioner is confident that, once these "kinks" have been worked out of the process, the follow-up work of the Special Studies Service and his other staff, taken in conjunction with the pattern of complaints received, will allow him to provide Parliament and the public with the kind of constant "read-out" that they legitimately expect of him.

b) Looking Back (In Ever So Little Anger)

1) What Does Ottawa Want?

It is perhaps an ironical fact of contemporary North American life that, at the very time when there are so many instruments and vehicles of communication and so much talk of it, there is so little actual communication.

One of the major findings of the special studies undertaken during fiscal year 1972-73 was the information gap which seemed to exist between headquarters and the field (and sometimes between different sections within headquarters) on matters bilingual. The Commissioner weeps over various aspects of this problem in Chapter I.

Indeed a recurrent theme in the Commissioner's recommendations was an exhortation to institutions either to start or to improve a programme designed to transmit accurate information about the Official Languages Act, the government's bilingualism programme and the institutions own specific plans. The Office's main aim in preaching this kind of rudimentary doctrine was to suggest a method of creating a more favourable climate for implementing the Act.

There seemed no doubt, in the course of our studies, that well-mounted information programmes could do much to "demystify" the Act, to explain the content and rationale of government as well as department policies. The end result of such information initiatives would be, in our judgement, to foster employees' interest in the Act, create better understanding of it among them, enlist their active participation in its implementation and make known the ways and means available for meeting its requirements.

But in addition to these more general potential objectives, an information programme might help employees face the difficult transition period through which their departments pass in gearing up to the requirements of such a fundamental piece of legislation as the Act. Successful information drives, including the use of films, pamphlets and question-and-answer sessions, could help considerably to answer nagging questions as well as to dispel legitimate doubts and uneasiness.

Issuing policy directives does not seem to be enough to meet the psychological and other needs of employees and “guidelines” are certainly not the stuff to create enthusiasm and goodwill.

2) *The Numbers Game*

“There are lies, damned lies and statistics.” This well-known saying points up the danger of too great a reliance on statistical information to plan the provision of important services to the Canadian public in both official languages. When we listen to some departmental officers, we get the impression they would be ready to take out their slide-rules (or newfangled desk computer-calculators) to measure the rise or fall of local population figures before making some fairly elementary administrative decisions.

While the Commissioner thinks he grasps the meaning of eventual bilingual districts, and the 10 per cent population benchmark to be used in establishing them, and has been an advocate of the application of common sense and compassion in administering the Act, the special studies indicate that a strange doctrine seems to seize the minds if not paralyse the wills of many administrators: the wish to use administrative convenience as a basis for not fully implementing the law, or at any rate not properly fulfilling its spirit and intent.

This state of mind has sometimes manifested itself in a spurious link made by some administrators between the relative percentages of English-speakers and French-speakers resident in the immediate area of an office and the ratio of bilingual to non-bilingual positions they think they should have on staff. What might appear a logical connection, at first glance, turns out on further examination to be an over-simplified attempt to apply a mechanistic formula. There is no substitute for a thorough analysis of the specific requirements for achieving a bilingual capability (including the use of unilingual English-speaking and French-speaking personnel) in a given office. In some cases, depending on the nature of the work and the deployment of staff it entails, the degree of bilingual capability required (and more specifically the number of “bilingual positions” which should ideally be filled) bears no resemblance to figures on the linguistic population “mix”.

The percentage fallacy has a variant in the search for statistical indicators of weak proportionate potential demand—sometimes to the neglect of large absolute numbers. Hard-nosed executives will argue that it becomes too costly and is inefficient to plan to provide official language services for a small percentage of the population (almost invariably a French-speaking minority) of a given region or district, especially if the minority mirrored in that percentage is somewhat scattered. By “linguistic gerrymandering” one can prove almost anything.

Often the figures used are for very restricted areas and the institutions do not consider that a given district office, despite its location and the linguistic composition of its immediate population, might be providing service to a very large area and that there are significant numbers of people who speak what is for the region the minority official language. The cumulative effect of neglecting high absolute numbers of potential "clients" is to exclude, for reasons of administrative convenience, large numbers of people from the linguistic benefits proffered by the Act. Institutions should develop better yardsticks than proposed bilingual districts and rising aggregate population percentages to determine the potential demand represented by the actual areas of concentration of the minority language group in an area. Statistics Canada's street-by-street technique of "geocoding" could prove a valuable new tool in measuring demand more precisely. In many urban areas it can give administrators (or business) print-outs, and thus maps, showing exactly which families use French or English at home. Linguistically staffing a new post office under such conditions should no longer cause insurmountable doubts.

The point becomes particularly poignant when institutions rely on traditional statistical measures to decide on distributing printed material, posting notices and posters and erecting signs. It is one thing to be concerned about the possibility of creating almost a luxury margin of bilingual capability in a centre where it is not required and thereby "wasting" the scarce resources of bilingual staff: it is quite another matter to consider "tangible" items on the same level and in the same way as the provision of services through highly skilled staff.

And yet we continue to note a certain hesitation on the part of some administrators to apply the concept of administrative convenience in the reverse sense to that mentioned above and simply recognize how handy it is, for example, to opt for Canada-wide use of the bilingual publication under one cover, the bilingual poster and especially the bilingual sign. Such an approach removes the rock of distribution on which quite a few good programmes have foundered and it avoids the need of changing signs every time the population rises above or falls below the magic 10 per cent or other figure of demarcation.

Such an administrative decision would of course, in a sense, require that institutions assume "system-wide" demand for printed material as well as recognize the functional and symbolic importance of having federal institutions identified in both our official languages at home, and in at least those two languages abroad. It would be absurd for us to argue that such an assumption of demand, which is dictated by Section 10 for institutions serving the travelling public and the overseas offices of all agencies, is a legal imperative for other institutions and opera-

tions. What we have been suggesting on the basis of this three-year apprenticeship, is that it is infinitely less complicated to have the material on hand for instant distribution, whenever it is required by persons of either official language group. As for signs, they usually provide basic information for the general (including the travelling) public and do much for projecting the bilingual image of the institutions, and thereby indirectly announce and "offer" bilingual services—an advertisement which normally causes potential demand to become manifest.

Two sets of arguments are often advanced against the Commissioner's recommendations and suggestions on this score—the practical and the psychological. Public servants, rightly conscious of the need for frugality and care in spending taxpayers' money, easily appeal to our sense of economy with arguments based on anxieties about probable high costs and inefficiency. These are legitimate, practical considerations which the Commissioner and his colleagues understand. Yet the experience of certain institutions (such as the Office of the Chief Electoral Officer) with the actual costs of printing and publishing bilingual material is that having such material prepared in both official languages is, as a rule, not substantially costlier than producing it in one. Anxiety about "waste" is, this experience suggests, essentially at the level of myth—at any rate a preconception which administrators might find quickly dissipated by an actual request for tender. The marginal additional money cost can certainly be justified considering the aspect of Canadian linguistic justice at stake.

If the equality of status of both languages that can be reflected conveniently in printed material is usually contested on grounds of anticipated cost, the installation of bilingual federal signs except in the most obvious regions of the country is often opposed on "psychological" grounds. Some well-meaning federal public servants with a concern for finding ways to advance the cause of linguistic fair play seem to think that the mere sight of the official language spoken by a tiny minority in a given area (and this almost always means French) would trigger hostile reaction, if not riots, and provoke political "backlash" against the Act and the government's whole official languages policy.

The Commissioner and his colleagues have no evidence that a few French words on a bilingual sign need lead to bloody revolution. On the contrary, they know that many such small reforms have taken place without causing an uproar in some supposedly "difficult" cities. For example, a follow-up tour in the summer of 1973 by Special Studies staff, accompanied by departmental officers, revealed no defacement of bilingual signs and plaques erected, as part of a country-wide programme, by the Parks and Historic Sites Branch of the Department of

Indian Affairs and Northern Development, even in territories that might surprise strong supporters of the Act who would perhaps wish to proceed with what they consider cautious realism (based on stereotypes). Lest it be thought that it is merely a question of acceptance of the identification of federal institutions and buildings, the Commissioner adds that many of these unattacked signs are “directional” and “informational”. The conclusion he draws from the happy experience of this department (which, it is true, serves the travelling public through that particular Branch) is that these bilingual signs point the way to a broad road down which other institutions should think of going.

Moreover, when in discussions about both the tangible and the “personnel” aspects of bilingualism the Commissioner and his colleagues encounter middle-level and sometimes relatively junior public servants playing a pseudo-political role, they are tempted to tell them, with all the delicacy they can muster, to let their political masters worry about implementing a law which was adopted by all parties. It is wise, of course, to apply the Act within the reasonable limits prescribed in it (and everybody expects that at least senior public servants should be sensitive to the political realities of the country); but every effort should be made to fulfil not only the letter but the spirit and intent of that law. The danger of leaving decisions on fairly straightforward matters like those on “tangibles” to local amateur politicians is that too much might turn on the vagaries of their individual, locally well-informed, but limited, judgements. A law of Canada that goes to the core of our national life deserves a better fate than that.

3) *Assumption of Demand*

The assumption of demand across the country and abroad by institutions serving the travelling public, in Canada and abroad, rests on the Act's Section 10. The Commissioner and his colleagues have been trying, with a doggedness close to despair, to impress this simple truth on the major institutions serving that public.

While it would be absurd to suggest that a reasonable interpretation of Section 10 could stretch it to apply to other operations, there is room for the suggestion that, from a practical administrative point of view, most departments and other institutions, particularly those serving a large clientele, should consider the possibility of starting from such a position. Almost invariably they might find it necessary to have at least an irreducible minimum of (institutional) bilingual capability—quite apart from the tangible tools discussed above. This is particularly true of institutions called upon to serve an itinerant public.

This means that administrators of all institutions would find themselves viewing at least all language-of-service questions from a very

positive perspective. They would start from a presumption in favour of citizens receiving service in whichever of the official languages they choose: the idea that the taxpayer is, as to language of service, always right. Then they would decide where service would be offered on a very small scale and where it would be patently unnecessary.

This is an entirely different tack to take from that of eliminating whole areas of the country by the application of some rigid mathematical formula, then seeing what is the *least* one has to do in providing services in our two official languages. This latter approach has two vitiating elements—it's too negative and it's too territorial. The first defect puts the organization in a defensive posture and almost invariably attracts complaints because not enough contingencies can be covered off by such a minimal strategy. The second drawback is even more disturbing: it reduces considerably the chances of small "second-language" minorities getting adequate services and makes it virtually impossible for Canadians (again, almost always French-speaking) to feel at home throughout the country. This, unless they stick to the very beaten path of the institutions, serving the *travelling* public, which happen to be properly equipped to do so at the time they are on the move *a mari usque ad mare*. In short, the Commissioner and his colleagues advocate both a possible reassessment of administrative convenience and a wider interpretation of the spirit and intent of the Act.

Creating the administrative infrastructure to give practical form to interpreting the Act broadly could be facilitated by potential "back-up" mechanical devices already at administrators' disposal. For example, radio-telephone equipment and indeed ordinary telephones connecting offices far apart can greatly increase an institution's capacity to provide bilingual service over far-flung geographical areas. A case in point is the rapid but polite transfer of a call from a citizen in the official language in which the public servant is not fluent to another officer even 500 or more miles away having the knowledge and language facility to provide the answer. Planners of short-term or highly cyclical operations saddled with heavy reliance on temporary staff could find the exploitation of such technology particularly useful. Managers of less fluctuating operations might, on the other hand, find such a strategy a double advantage—they could concentrate their limited bilingual resources where they are most needed (always ensuring minimum capability elsewhere) and at the same time use those very resources to "cover off" whole regions.

Similarly, mobile officers (possibly fisheries inspectors) using walkie-talkies and similar devices could actually get, long-distance, the equivalent of simultaneous translation for citizens and themselves either when they are unable to provide service in the official language of the

citizen's choice or when it is clear that their level of competence would seriously impair the quality of that service.

Apart from the advantages of courtesy, speed and efficiency, such imaginative use of existing gadgets should provide mechanical support for *institutional* bilingualism and thereby reduce the strain on meagre bilingual resources. For the Commissioner and his colleagues hold firmly to the basic principle of institutional bilingualism, one corollary of which is that unilingual English- and French-speaking Canadians should have access to jobs in the federal public service. Another is that the careers of those persons in the service should not be jeopardized by tinkering with administrative structures required to provide bilingual services. The main measures currently considered optimal, namely the identification and designation of bilingual posts, are already creating a problem of supply. In other words, it is illusory for advocates of increased bilingualism in the federal public service to harp on demand without being keenly aware of the problems of limited human resources, and especially of fluently bilingual people qualified to fill the jobs and willing to be transferred all over the country (even if the reticence to date to employ unilingual French-speakers does not escape our notice).

4) *Some Priorities Are More Equal than Others*

Probably one can best gauge an institution's whole approach to the Act by its senior management's perception of the "priority" for implementing the Act within that institution's particular mandate.

Looking back over the past three fiscal years, and especially the last one, we come to the conclusion that management's telling us that the Act is high on its priority list, sometimes obligingly in second or third place, is a bad sign—except in the case of central agencies charged with a specific mandate for bilingualism.

The message which comes out loud and clear from our many interviews and discussions with most officials is that the Act should be considered as the law of the land and one, especially because of its deep political meaning, to be implemented as an *integral* part of their respective operations. It is not a question, we think, of bilingualism being on somebody's mixed shopping list—usually cited as an index of "commitment"—but rather is it a matter of an institution's doing everything possible to fulfil the letter, and particularly the spirit and intent, of a law passed over four years ago.

5) *Putting New Wine Into Old Bottles*

While encouraging institutions to make the Act an integral part of their normal operations, the Commissioner and his colleagues would

exhort them to recognize that the novelty of the Act demands that special action be taken to expedite this integration.

One measure we have constantly advocated is the appointment of an officer highly and strategically placed in an institution's hierarchy as the person to bear operational responsibility for the Act's proper implementation. The key condition we attach to this suggestion is that he or she be a person of institutional "power", by virtue of his or her other post (say that of Assistant Deputy Minister), and thereby have easy access to the deputy minister or other administrative head of the institution. A senior official of that rank is normally a member of the institution's management committee, and a person with other operational duties besides bilingualism. But, in our view, pinning this specific responsibility on him or her avoids the possible bad consequences of diffused authority. We have seen evidence to support the dictum that "what everybody is responsible for, nobody is responsible for".

In advancing this view, the Commissioner does not deny the possible counter-argument that the administrative head of an institution should hold all his immediate assistants responsible for implementation of the Act and the government's bilingualism policies in their respective parts of the organization. One could say that this approach fits in well with our plea for "integration". Indeed if the administrative head of an institution thinks this is a better strategy and, by implication, himself assumes general operational responsibility for bilingualism in his organization, this is all to the good : the programme would presumably get very special attention.

Whatever the precise means of assigning responsibility, the important thing is what is actually done. Our limited experience suggests that centralized long-term planning on a system-wide basis is essential. This need is particularly great in personnel administration; but even relatively simple matters like "signage" and publications programmes could benefit from such strong central cohesion and drive.

6) Centralization vs Decentralization

But there might be the rub: in a highly decentralized organization initiatives coming from the centre often irritate. After all, this is a vast, continent-wide country with great regional variety, and decentralization seems to be the way of the future. Far be it from the Commissioner to intrude into the domestic affairs of institutions; yet the demands of vigorously implementing a new law seem to dictate that they should make its fulfilment an exception to the decentralization rule, at least during this transitional stage. Such a proposal does not necessarily imply, for example, that regional managers should be deprived of their customary authority in staffing and some other fields. It means

that, in their efforts to administer their programmes with full regard to the Act, they should get clear and strong direction, as well as the required support, from the centre. Potential benefits of clarity, speed, cohesion, uniformity and efficiency probably outweigh the temporary risks of hurt sensibilities and resentment of apparent "Ottawa" control. In fact the visits the Commissioner's staff have made to regional and other field offices reveal that many officials in those offices would welcome decisive action and clear guidance from headquarters.

7) *Blowing Your Own Trumpet*

Sometimes it's bad to hide your candle under a bushel. Whether through ingrained habits of modesty (bred in part of bureaucratic caution and a wish for anonymity) or a fit of absent-mindedness, many managers simply do not make the public know that their institutions have the bilingual capability which they do in fact possess.

To them we say, "Go tell it on the mountain". They should literally advertise or "market" their services as much as possible in the media of *both* languages. Then, more importantly, they should, as the Commissioner has suggested in his *Second Annual Report* and his *Safari Kit*, actively offer their services to clients, in ever so subtle ways like cheerful bilingual telephone reception, including courteous referral to another officer when one's second language skill is slight or absent, or through bilingual posters and informational signs. Of course prudence might suggest not promising what you cannot deliver. Thus institutions would probably prefer to communicate to the public their capacity to serve in both languages wherever that capability is reasonably adequate, then tell them later where else the capacity exists as soon as they develop it.

But if modesty is a becoming trait, absent-mindedness can at times incur wrath which not even a subsequent soft answer can turn away. Some institutions that have at least a fair measure of bilingual capability still send out correspondence or printed material in the "wrong" language. One or two of the cases that come readily to mind are of correspondence not only with individuals with evidently French names but also with French-language associations! One possible way out of the printed-material trap is to have as much bilingual material as possible under one cover: distribution will always be a risky problem when separate versions of printed material, including form letters, are used. Where two separate versions of a document or publication exist, institutions should ensure that they have a sufficient stock of both versions on hand throughout "the system"; otherwise their capacity to furnish the material in one of the languages may be so weakened as to appear non-existent.

Again it's bad enough making your own mistakes, not to mention getting blamed for the mistakes of others. Some institutions have taken the commendable initiative of having most if not all of the material they distribute to the public prepared in a bilingual format. Yet out of courtesy to other agencies or because of a functional link between them, they display unilingual material from these other sources (usually unilingual English). Not knowing the exact source of these offending documents, the public tars the host institution with the same unilingual brush. To protect itself in part, such an institution might consider labeling, in both official languages, as non-federal all unilingual material from "outside" agencies. Probably the most ironical, if not heart-rending, case of all is when the bilingual material is right there in tumble (flip-over) format but is so displayed that only the version in one language is in evidence!

8) *The New Environment of the Public Servant*

Because we all live in a time of such head-spinning change on so many different fronts, it may be that public servants do not realize the extent to which their jobs have changed. The net result of Parliament's passage of the Official Languages Act is that the environment of the public servant, what the academics would call the "ecology of public administration", has been transformed. This change is for the better—the public service now aims to better serve members of the public in the official language of their choice, and initial attempts, however limited, are being made to allow more public servants whose mother tongue is French to use it as a language of work.

While some federal employees still fear that the best traditions of the Canadian public service could be undermined, if not destroyed, by the attempt to give it greater bilingual capability, the responsible authorities have taken steps to demonstrate in tangible ways that they do not intend to dismantle the system. Yet the corollary of both the requirement to serve the public in both official languages, and the imperative of giving substance to the legal equality of status of both inside the service as languages of work, is an altered public service.

The implications and repercussions of this are many. Some will become clear only in the years ahead. It might not be too much to say that not only the legal, but the psychological, context is now different. If this is the case, it raises some interesting questions about the kind of public servants we need now and will require in the future. Rapid technological change has already been making its impact on rates of obsolescence of technical knowledge and skills for certain tasks, including managerial ones. Probably the impact of the "bilingual" reality of the federal public service will be further examination of

bilingualism as an integral part of the "merit principle" in today's and tomorrow's Canadian context.

Putting the question another way, one might ask whether the ideal federal public servant of the future, serving a bilingual country under the direction of his political masters, should not be expected to hold among his array of skills considerable mastery of both official languages. The weight to be given such language skills in any "merit equation" would of course depend on the specific job in question. But we should probably recognize the intrinsic value of at least familiarity with both official languages, quite beyond the precise functional requirements of so-called "bilingual positions".

To raise this question (pursued more amply in Chapter I) is to open the Pandora's Box of limited access to unilingual people from both language groups, of a bias against those who do not have a gift for languages and of stifling the careers of those already in the service. The answer is of course that adequate guarantees exist to avoid those possible outcomes, even if much more has to be done about the access to government service of unilingual French-speakers. We are really looking to the future, with probably a Utopian view. Still, one hopes, the voluntary choices of the current generation of parents and children might result in bilingualism (or at least passive knowledge of a second official language) being one string to the bow of nearly all candidates for the federal public service in the year 2000.

c) *The Things We Did Last Summer (Fall, Winter and Spring)*

As in the past we list in Table I the studies undertaken during the fiscal year 1972-73, placed in chronological order of starting date; but in order to facilitate Parliament's review of the cumulative aspect of the work, we present this as an expanded version of the similar table in the two previous reports. The usual summaries of studies done, the lists of the recommendations the Commissioner made as a result of them, and descriptions and assessments of the action taken by the institutions, where appropriate, are provided in Chapter III.

Parliament might, however, find it convenient for the Commissioner to restate what he said to the Miscellaneous Estimates Committee of the House of Commons on 10 April 1973 about the work of the Special Studies Service during 1972-73. The Service undertook 21 new studies while continuing with the two in progress during the previous year, making a total of 23 studies affecting 17 departments and agencies. As of 31 March 1973, 21 of them had been completed and two others were under way. In addition, the Service had by that time consulted with 25 departments and agencies to ascertain how they were acting on more than 600 recommendations made as a result of 40 studies. (Since

the reporting period for follow-up has been extended by six months to at least September 1973, it is easy to deduce that the subsequent follow-up work, which strictly speaking is part of what we will report for 1973-74, has absorbed a considerable additional amount of the staff's time and energies.)

The studies brought the staff in contact with the operational realities of a good sample of offices across the country—even though the focus of most studies was, as stated above, on headquarters policies, current practices and plans for the future. Indeed in two instances, particular geographical regions—the National Capital Region and the Moncton area—were chosen for special attention, in keeping with the criteria for selection mentioned above.

This type of exposure, ranging from library services, through services offered to the travelling public (a subject on which we continued to concentrate our efforts), to the central management responsibilities of the Treasury Board Secretariat, afforded the Special Studies Service an enriching experience on which it hopes to draw in its continued efforts to help the Commissioner provide “preventive medicine”.

TABLE I. Federal Institutions Studied by the Office of the Commissioner of Official Languages

Study	Launched	Completed
Minister's Offices (Telephone Answering)	21/ 9/70	1970-71
Air Canada—Ottawa	9/10/70	1970-71
Ministry of Transport—Ottawa	13/10/70	1970-71
Ministry of Transport—Toronto	18/12/70	1970-71
National Museums of Canada	4/ 2/71	1970-71
National Capital Commission	5/ 2/71	1970-71
Royal Canadian Mounted Police	9/ 2/71	1971-72
Dominion Bureau of Statistics	17/ 2/71	1971-72
Department of National Defence— Canadian Forces Base—Uplands	18/ 2/71	1971-72
Department of Public Works—Ottawa	8/ 3/71	1971-72
Department of Manpower and Immigration—Montreal	15/ 3/71	1971-72
Department of Public Works—Winnipeg	22/ 4/71	1971-72
Department of Manpower and Immigration—Winnipeg	22/ 4/71	1971-72
Eldorado Nuclear Limited	27/ 4/71	1971-72
Central Mortgage and Housing Corporation	27/ 4/71	1971-72
Atomic Energy of Canada Limited	27/ 4/71	1971-72
Department of Communications	27/ 4/71	1971-72
National Research Council of Canada	27/ 3/71	1971-72
Department of Agriculture	27/ 4/71	1971-72
Canadian Broadcasting Corporation	27/ 4/71	1971-72
Department of Energy, Mines and Resources	27/ 4/71	1971-72
Department of Manpower and Immigration—Ottawa-Hull	2/ 5/71	1971-72

Study	Launched	Completed
Department of External Affairs	12/ 5/71	Canadian Repre- sentation Abroad
Department of Industry, Trade and Commerce	12/ 5/71	
Department of Manpower and Immigration	12/ 5/71	
Department of Indian Affairs and Northern Development (National and Historic Parks)	21/ 5/71	1971-72
Central Mortgage and Housing Corporation	26/ 5/71	1971-72
Air Canada—London and Paris	9/ 8/71	1971-72
Farm Credit Corporation	21/ 9/71	1971-72
Air Canada	19/12/71	1971-72
Department of the Environment (Atmospheric Environment Service)	12/ 1/72	1971-72
Department of National Revenue (Customs & Excise)	17/12/71	1972-73
Statistics Canada—1976 Census	27/ 3/72	1972-73
Canadian National Railways	30/ 3/72	1972-73
Office of the Chief Electoral Officer	21/ 4/72	1972-73
Department of Indian Affairs and Northern Development (Canals)	15/ 5/72	1972-73
Department of National Revenue	12/ 6/72	Moncton
Post Office Department	12/ 6/72	
Unemployment Insurance Commission	12/ 6/72	
Department of Agriculture	12/ 6/72	
Department of the Environment	12/ 6/72	
Department of National Health and Welfare	12/ 6/72	
Department of Manpower and Immigration	13/ 6/72	
Air Canada	13/ 6/72	
Canadian National Railways	13/ 6/72	
Department of the Secretary of State— Translation Bureau	19/ 6/72	1972-73*
Department of National Revenue (Taxation)	28/ 6/72	1972-73
Department of National Health and Welfare (Welfare Component)	25/10/72	1972-73
Post Office Department	27/10/72	1972-73
National Library	23/11/72	1972-73
National Arts Centre	6/12/72	1972-73
Treasury Board Secretariat	26/ 1/73	1972-73
Unemployment Insurance Commission	11/12/72	
Public Service Commission	7/ 3/73	

*Done as background study for preparation of *Second Annual Report*.

2. *Complaints: We're All Ears*

a) *Summary of Activities*

Between 1 April 1972 and 31 March 1973, the Commissioner's Office received 943 complaints, 834 of them against 71 federal institutions (see Table 11). The other 109 dealt with a variety of subjects such as education, the provinces, private firms, federal M.P.s, and

public service unions, as well as Section 38 of the Official Languages Act, which has to do with languages other than French and English (see Table 14).

Since the Commissioner assumed his duties in April 1970, the Complaints Service has been faced with an increasingly difficult task as a result of the steady growth in the number and complexity of complaints. Whereas only 181 complaints were recorded during the first year of operations (the address and indeed the very existence of the Commissioner's Office were largely unknown), during the second year, the number rose to 745. The following chapter contains a report on investigations carried out by the Service during the 1972-73 fiscal year as a result of complaints received by the Commissioner during 1971-72 and 1972-73. All 143 files still under investigation on 31 March 1972 have now been closed. During the 1972-73 period, 970 files were closed; 136 of them did not involve specific federal institutions. Summaries of 109 of those dealing with specific federal institutions have been omitted for a variety of reasons : complainants decided to withdraw their complaints, or the nature of their grievances would have revealed their identity, or the facts reported either dealt with subjects which had already been covered in other summaries or else were not sufficiently important to merit inclusion in this report.

In a number of investigations, merely bringing a fact or situation to the attention of the institution concerned was enough for it to take immediate corrective action. In the other cases of contravention of the Act, the Commissioner had to make recommendations and, occasionally, discuss the terms and conditions of their implementation. As required by the Act, these recommendations were brought to the attention of the Clerk of the Privy Council, who has the authority to take any further action he deems necessary. When it seemed required, the Complaints Service did follow-ups to verify the information supplied by institutions. During the first three years, as a result of complaints received, the Commissioner made a total of 426 recommendations to federal institutions. A few months ago, the Clerk decided that the Treasury Board Secretariat should be kept informed of the Commissioner's recommendations.

In the case of Air Canada, the Complaints Service did not consider it worth while to repeat recommendations already made following investigation of similar complaints, if Air Canada had merely given the same reasons for not observing the requirements of the Act. On occasion, the Complaints Officer found that the best way of settling certain problems was to pass them on to the Special Studies Service, whose role is to examine linguistic situations which are beyond the scope of mere complaints. Some examples are the Royal Canadian Mounted

Police in New Brunswick, the Treasury Board, the Public Service Commission and the Canadian Transport Commission. From a procedural point of view, a complaint concerns a particular case submitted by a member of the public and generally requiring an immediate solution, whereas a special study is undertaken on the Commissioner's initiative with a view to finding systematic and more comprehensive solutions on a long-term basis.

b) The Complainant

The activities of the Complaints Service are the direct result of decisions by members of the public to bring to the Commissioner's attention actions or situations involving a contravention of the Official Languages Act.

Of the 943 files opened in the fiscal year 1972-73, 666 were for complaints submitted by French-speakers and 277 for complaints by English-speakers (71 and 29 per cent). For the fiscal years 1970-71 and 1971-72, the ratios were 76 to 24 and 79 to 21 per cent respectively. During the last year, therefore, there was a trend towards an increase in the number of complaints from English-speakers. This has been due mainly to the fact that a group of employees of the Department of Manpower and Immigration in Winnipeg and Edmonton submitted more than 100 complaints dealing with the application of departmental directives on bilingualism. As for the French-speakers, their complaints were undoubtedly motivated by a growing frustration over the fact that a statute which had been in force for four years had still not succeeded in guaranteeing federal government services in French, as a matter of course, to a large portion of the Canadian population, or in enabling French-speaking federal employees, particularly those in Quebec, to work in the language of their choice. Although English-speakers sometimes have good reason to complain about a lack of services in English, what they fear above all is that official bilingualism will keep them from the normal pursuit of a career in the public service.

Complaints are being received at an ever-increasing rate, but the total number is still less than it might be, considering the progress made by the federal government in the field of bilingualism. Despite an extensive advertising campaign by the Commissioner, many citizens still appear to be ignorant of the Act's existence or of the procedure to be followed in submitting complaints. Nevertheless, more and more people are reporting to the Commissioner what they feel to be contraventions of the Act. They believe firmly that they are exercising a right given them by Parliament. Obviously, many people neglect to exercise this right, for a variety of reasons. However, it would be unrealistic to suppose that a federal institution deserves a certificate

of excellence simply because the Commissioner has received only a small number of complaints about it. In such a case, the recurrence of similar complaints or the scope of the grievances might well indicate a serious situation.

Cultural associations throughout the country might ask their members to be more on the look-out to bring to the Commissioner's attention any facts or situations which, in their opinion, contravene the Official Languages Act. The Commissioner has increased his efforts to provide information to these associations, especially those which operate on a province-wide scale.

It has been objected that some complaints were unimportant and even "trivial". It should be noted, however, that the public is free to submit any grievances it wishes and that the Commissioner is obliged to examine them; he will then take appropriate action within the limits of the Act. What may appear to be insignificant to the administrator or journalist is often some undoubtedly innocuous situation that exasperates the citizen who refuses to be cynical about it. More disturbing is the considerable length of time it takes some institutions to correct what are basically simple problems. Moreover, because he is aware that a citizen who goes to the trouble of complaining is a person who has a civic sense of exercising his rights, the Commissioner is reluctant to dismiss out of hand those complaints which, when viewed objectively, are admittedly of marginal importance, even though the Act would allow him to do so. In short, provided there is no wide-spread abuse of this open invitation to express one's views, the Commissioner is of the opinion that no complaint is trivial if a single citizen feels it is relevant.

Whatever the nature of the facts reported by the complainant, after obtaining all relevant information from him, the Complaints Service is required to ask the federal institution concerned for its version in as complete detail as possible. The Commissioner cannot make any objective decision before carefully examining the arguments on both sides: any other procedure would be arbitrary and would run counter to a fair interpretation of the Act. Good judgement and caution are needed in deciding whether or not there has been a contravention of the Act. It is also necessary to remain within the limits of the Commissioner's jurisdiction, as set out in the Act. In cases that fall outside his jurisdiction, the Complaints Service tries to provide the correspondent with the information he needs by unofficially approaching the authorities concerned. An examination of the summaries of complaints involving non-federal institutions would reveal many examples of this desire on the part of the Complaints Service to deal effectively with complaints from

members of the general public by acting in the broadest spirit of ombudsmanship—never against the law, it is hoped, but sometimes “beyond” the law.

During the past year, the Complaints Service, like the Commissioner’s secretariat, handled many inquiries which only indirectly concerned the Official Languages Act. These inquiries usually dealt with the availability of language courses to public employees or members of the public, with grants for second-language study, or with discrimination on ethnic grounds. Regarding this last subject, the Service endeavoured to make more people aware of the existence of the Anti-Discrimination Branch of the Public Service Commission, which is responsible for investigating all allegations of discrimination in the public service because of sex, ethnic origin, colour or religion. The Complaints Service also investigated a number of complaints by secretary-stenographers, whose status in the public service constitutes a rather special case.

The Commissioner received a few complaints in connection with Section 38 of the Act, which deals with the legal or customary rights or privileges acquired or enjoyed by languages other than the two official languages either before or after 7 September 1969. For example, a number of ethnic groups wrote to the Commissioner in connection with the CBC’s acquisition of the French-language radio station CKSB in St. Boniface. They claimed that the CBC intended to broadcast only French programmes from the station and asked the Commissioner to intervene so that CKSB might continue to broadcast programmes in other languages. The summary of these complaints may be found in File Nos. 1661, 1662, 1702, 1772 and 1864 in the section on the Canadian Broadcasting Corporation.

The editor of a Russian-language newspaper requested the Commissioner’s assistance in obtaining advertising from the federal and provincial governments, arguing that other newspapers published in languages other than French and English were receiving aid. In the Commissioner’s opinion, this matter did not constitute a contravention of the Act; as there is no central agency responsible for federal advertising, the Commissioner could only advise the editor to approach each federal institution direct.

A correspondent suggested to the Commissioner that the Indian and Eskimo languages be recognized as official languages in Canada. The Commissioner replied that he shared the correspondent’s concern for protecting the cultural and linguistic heritage of the Indians and Eskimos, but drew his attention to the rather “passive” scope of Section 38 of the Official Languages Act.

c) *The Institution*

The experience of the Complaints Service over the past year has shown that in several cases, certain federal institutions were rather reluctant to provide the Commissioner with adequate information about the progress made by them in the development of bilingualism, particularly when the incidents under investigation concerned regional offices. Not only were there sometimes considerable delays, but the replies often lacked precision. Even though the institutions in question had issued directives regarding bilingualism, staff members in the regions concerned were generally unfamiliar with them. They did not appear to understand that services must be provided to members of the public without their having to insist on being served in the official language of their choice.

As far as the reforms suggested by the Official Languages Act and the administrative arrangements proposed by the Treasury Board and the Public Service Commission are concerned, some see the need for a series of measures to be taken (with a minimum of hardship to individuals) so as to ensure eventually that French is guaranteed equal importance and equal status with English in a public service which, in the past, has been mainly unilingual English. Many unilingual English-speaking public servants have accepted this new direction quite willingly and, in some cases, even with enthusiasm. We must not allow their efforts to be neutralized by the unconscious or deliberate lethargy of a few "mandarins". If the latter feel that there are more important problems to worry about in the running of their institutions, they should realize that, in the final analysis, the question of language is of vital importance to the survival of our country.

The investigation of complaints is increasingly being held up because institutions are tackling the problems posed by Treasury Board directives regarding the identification and designation of bilingual positions. It is important to make a clear distinction between administrative regulations and the provisions of the Official Languages Act. Some agencies have reorganized in order to facilitate implementation of the Treasury Board's programme, but in the process they appear to have reduced contact with the Commissioner's Office. It should be remembered that the Commissioner attaches considerable importance to complete and prompt replies to his inquiries, and to the implementation of his recommendations in as short a time as possible. While the Treasury Board is particularly interested in the language requirements of positions in the public service, the Official Languages Act (Sections 9 and 10) stresses rather the right of members of the public to be

served in the official language of their choice, and reflects Parliament's concern for ensuring the equality of French and English as languages of service and work (Section 2).

The summaries of complaints do not always indicate the many steps the Complaints Service must often take before reaching a solution. In an increasing number of cases, the Complaints Officer now investigates on the spot with a representative of the institution concerned and discusses the settlement of a complaint with regional staff members. This approach often produces favourable results, for it provides an opportunity to make the true purposes of the Act better known. The investigation of certain complex complaints sometimes takes on rather large proportions. In the future, this will be more and more the case with complaints concerning language of work, as it becomes necessary to examine not only the administrative structures and the directives of the institution but also the working environment itself, and even personal attitudes. The reader may find examples of this in the summaries concerning the Auditor General's Office and the departments of National Revenue (Customs and Excise) and the Environment. Other complaints also require lengthy investigation because they involve technical areas such as aviation, scientific research, and meteorology, in all of which custom (and often even safety) has established English as the principal language of work or communication.

Whenever the Complaints Service finds that a complaint is of relatively minor importance, even though there has been a violation of the Act, the Commissioner's Office tries to settle the matter (after sending a notice to the head of the department as required by Section 27) with a phone call or visit. This is done quite informally and is intended to provide the complainant with a reply in the shortest possible time.

d) Evaluation

Following will be found a series of evaluations of performance, based on the first three years of operation of the Commissioner's Office, and indicating the amount of co-operation received from various federal institutions. The contribution made by the Complaints Service to the evaluations is to a large degree concerned with the amount of co-operation received from the various institutions during the investigation of complaints and later in the implementation of the recommendations made. It was possible in some cases to make objective evaluations, on the basis of documentary evidence, of the "performance" of the institution in question as far as observance of the Act was concerned; in others, however, there was not sufficient conclusive evidence.

Breakdown of Complaints

TABLE 1. Number of Files by Year

	1970-71	1971-72	1972-73
Opened	181	745	943
Closed	115 (64%)	602 (80%)	827 (88%)
Still Active at the End of the Fiscal Year	66 (36%)	143 (20%)	116 (12%)

TABLE 2. Cumulative Total of Files for the First Three Years

Opened	1,869
Closed	1,753*
Still Active	116

*The 143 files still active at the end of the 1971-72 fiscal year are included in this total.

TABLE 3. Files Opened in 1972-73

Complaints Concerning Specific Federal Institutions	834 (88.4%)
Complaints Not Concerning Specific Federal Institutions	109 (11.6%)
	943 (100%)

TABLE 4. Language of Complainants

	1970-71	1971-72	1972-73
French	137 (76%)	591 (79%)	666 (71%)
English	44 (24%)	154 (21%)	277 (29%)

TABLE 5. Method of Submitting Complaints (1972-73)

By Letter	780 (83%)
By Referral	17 (2%)
In Person	12 (1%)
By Telephone	117 (12%)
Other Means (telegram, newspaper, note, etc.)	17 (2%)
	943 (100%)

TABLE 6. Origin of Complaints (1972-73)

Newfoundland	1	(0.1%)
Prince Edward Island	3	(0.3%)
Nova Scotia	21	(2.2%)
New Brunswick	41	(4.4%)
Quebec	242	(25.7%)
Ontario	418*	(44.3%)
Manitoba	144**	(15.3%)
Saskatchewan	21	(2.2%)
Alberta	32	(3.4%)
British Columbia	15	(1.6%)
Yukon and Northwest Territories	3	(0.3%)
United States	1	(0.1%)
Pakistan	1	(0.1%)
	943	(100%)

*Complaints originating in the National Capital are included in this total.

**This total includes 108 complaints concerning the designation of bilingual positions in Winnipeg by the Department of Manpower and Immigration.

TABLE 7. Origin of Complaints (Cumulative)

	1970-71	1971-72	1972-73	Total	% of Total
Newfoundland	0	2	1	3	0.2
Prince Edward Island	2	13	3	18	1.0
Nova Scotia	0	12	21	33	1.8
New Brunswick	10	43	41	94	5.0
Quebec	54	167	242	463	24.7
Ontario	73	222	418	713	38.0
Manitoba	12	71	144	227	12.1
Saskatchewan	22	53	21	96	5.1
Alberta	1	131	32	164	8.8
British Columbia	6	20	15	41	2.2
Yukon and Northwest Territories	0	0	3	3	0.2
United States	0	5	1	6	0.2
Pakistan	0	0	1	1	0.1
France	1	2	0	3	0.2
Great Britain	0	1	0	1	0.1
Austria	0	1	0	1	0.1
Chile	0	1	0	1	0.1
Senegal	0	1	0	1	0.1
	181	745	943	1,869	100

TABLE 8. Receipt of Complaints—Distribution by Month (1972-73)

	Number of Complaints Received During Month	Cumulative Total
April	57	57
May	66	123
June	69	192
July	58	250
August	74	324
September	57	381
October	184*	565
November	63	628
December	32	660
January	65	725
February	125	850
March	93	943

*More than a hundred of these complaints were on the same subject: the designation of bilingual positions in Winnipeg and Edmonton.

Complaints Concerning Specific Federal Institutions (1972-73)

TABLE 9. Language of Complainants

French	607 (73%)
English	227 (27%)
	834 (100%)

TABLE 10. Nature of Complaints Investigated

Language of Work	135 (20%)
Language of Service	539 (80%)
	674* (100%)

*Thus 81% of the 834 complaints concerning specific federal institutions were investigated in accordance with Section 27 of the Act.

TABLE 11. Federal Institutions Cited in Complaints

	1970-71	1971-72	1972-73	Total
Agriculture	1	3	11	15
Air Canada	13	30	66	109
Atomic Energy of Canada Ltd.	0	0	2	2
Auditor General	0	1	0	1
Bank of Canada	1	1	1	3
Canadian Broadcasting Corporation	4	139	34	177

	1970-71	1971-72	1972-73	Total
Canadian International Development Agency	1	1	3	5
Canadian National Railways	8	33	46	87
Canadian Pension Commission	0	1	0	1
Canadian Radio-Television Commission	0	2	2	4
Canadian Transport Commission	0	0	3	3
Canadian Wheat Board	0	1	1	2
Central Mortgage and Housing Corporation	0	0	7	7
Chief Electoral Officer	0	0	17	17
Commissioner of Official Languages	0	2	2	4
Communications	1	3	13	17
Company of Young Canadians	0	1	0	1
Consumer and Corporate Affairs	0	4	6	10
Economic Council of Canada	0	0	1	1
Energy, Mines and Resources	2	4	4	10
Environment	0	10	15	25
External Affairs	1	15	6	22
Farm Credit Corporation	0	0	2	2
Federal Court	0	0	2	2
Federal Electoral Boundaries Commission for Ontario	0	0	1	1
Finance	0	0	2	2
Indian Affairs and Northern Development	3	10	14	27
Industry, Trade and Commerce	2	5	4	11
Information Canada	2	6	6	14
Insurance	0	1	2	3
Joint Parliamentary Committee on the Constitution	0	2	0	2
Justice	1	2	0	3
Labour	0	0	3	3
Manpower and Immigration	4	20	136	160
Ministers' Offices	1	0	0	1
National Arts Centre	2	0	2	4
National Capital Commission	1	3	8	12
National Defence	11	11	46	68
National Film Board	0	1	2	3
National Harbours Board	0	0	1	1
National Health and Welfare	2	12	17	31
National Library	1	2	1	4
National Museums	2	3	12	17
National Research Council of Canada	2	4	5	11
National Revenue—Customs and Excise	6	13	21	40
National Revenue—Taxation	1	21	22	44
Northern Canada Power Commission	0	0	2	2
Northern Transportation Co. Ltd.	0	0	1	1
Parliament	1	10	13	24
Polymer (Polysar)	0	0	2	2
Post Office	6	40	60	106
Privy Council Office	0	1	0	1
Public Archives	0	2	1	3
Public Service Commission	5	25	36	66
Public Works	1	7	15	23

	1970-71	1971-72	1972-73	Total
Regional Economic Expansion	1	4	5	10
Royal Canadian Mint	0	2	3	5
Science Council of Canada	0	0	4	4
Science and Technology	0	0	1	1
Secretary of State	2	19	20	41
Solicitor General				
(1) Royal Canadian Mounted Police	2	7	20	29
(2) Canadian Penitentiary Service	0	9	7	16
(3) National Parole Board	0	2	4	6
Statistics Canada	1	71	13	85
Supply and Services	3	3	14	20
Tax Review Board	0	1	0	1
Transport	5	24	39	68
Treasury Board	1	2	6	9
Unemployment Insurance Commission	2	13	14	29
Urban Affairs	0	0	1	1
Veterans Affairs	2	2	4	8
	105	611	834	1,550

TABLE 12. Complaints Concerning Specific Federal Institutions from Federal Employees (as Federal Employees), Including Members of the Armed Forces and Employees of Crown Corporations

	Total	Investigated	Not Investigated
French-speaking	38 (20%)	28	10
English-speaking	152 (80%)	115	37
	190 (100%)		

TABLE 13. Nature of Complaints Concerning Specific Federal Institutions from Federal Employees

	English-speaking	French-speaking
Language Tests	4	1
Language Courses	13	1
Competitions, nominations, duties, designation of language requirements	124*	17
Working Conditions	11	19
	152	38

*This total includes more than a hundred complaints on the same subject: the designation of bilingual positions in Winnipeg and Edmonton.

Complaints Not Concerning Specific Federal Institutions

TABLE 14. Breakdown by Categories

Bilingualism Policy	18*
Education	15
Members of Parliament	6
Municipal Governments	1
Other Languages	2
Private Enterprise	31
Provinces	21
Public Service Unions and Associations	4
Telephone Companies	11
	109

*This figure for specific complaints represents only a fraction of the inquiries and comments received by the Commissioner's Office on this subject. The section entitled "The Mail Box" in Chapter II gives a profile of these inquiries and comments.

Chapter III

A FRIENDLY READ-OUT

(The 1974 Academy Awards for the Best, Worst and Most Average Bilingual Performances by All-Canadian Departments and Agencies)

In previous reports to Parliament the Commissioner conveyed his findings and recommendations from complaints investigations and special studies of federal institutions. Between his appointment on 1 April 1970, and September 1973, he made over one thousand recommendations. His work, which began with making recommendations, is now entering a more decisive part of ombudsmanship: reporting results. No ombudsman, as parliamentary custodian of an Act, wants to indulge in futile posturing; he wants his queries or recommendations to lead to reform. Sometimes departments correct weaknesses merely on hearing from the Commissioner of his intention to investigate. But how reform is taking place, and may be measured, can be learned best by following up on his interventions.

With these ends in view, the Commissioner's Office has been systematically pursuing facts on the fate of recommendations.

In his last report the Commissioner said his Office's follow-up activity is the acid test of whether or not reforms are taking root. Follow-up activity has, in many cases, shown positive results: some institutions took immediate corrective action to implement the Commissioner's recommendations. Too often, however, foot-dragging has continued. In some cases, the institutions' reasons for failing to implement the Commissioner's recommendations seem less than convincing, their excuses reminding one of a needle stuck in a warped record. Parliamentarians and public have a right to be informed on the true pace of reform. Hence, department-by-department evaluation four and a half years after the Act, as plainly and accurately—albeit fallibly—as the Commissioner and his colleagues can make it.

Evaluations in the following pages are made in the light of carefully selected indicators uniformly applied to all federal institutions, whatever their size and nature of business. In choosing criteria the Commissioner recalled that while some institutions had begun implementing the Act after 1969, others started only in 1971 (with the Government Management Objectives: Treasury Board Circular 1971-21). Still others could be called a group of pioneers (Canadian National and Central Mortgage and Housing Corporation, for example, who received honourable mention in the B & B Commission reports). Yet some others claimed to have started using English and French in their business long before the Act came into effect, even before the "Pearson pledge" of April 1966 assuring that no long-term employees would suffer from reform.

In a technical sense, this Annual Report covers only the fiscal year 1972-73. However, to make the document as useful and up-to-date as possible, the Commissioner and his colleagues have tried to incorporate follow-up data received as recently as early 1974. They believe indeed that this attempt to keep pace with actuality, however it stretches a calendar, may, in the end, prove fairer to departments and agencies "evaluated".

Readers will and should ask, against what standards are institutions' performance judged? The Commissioner thinks the architects of the Official Languages Act set out plainly the broad goals against which the performance of federal institutions should be measured. Devotion to the Act's letter, spirit and intent, wedded, one hopes, to common sense and an awareness of human realities, mirrors the Commissioner's approach to assessment; and his recommendations, based on this approach, offer more specific benchmarks. The Commissioner's recommendations claim this calling only because they try to echo constantly and independently Parliament's intent in passing the Act.

Indicators the Commissioner and his staff use focus on well-defined degrees of compliance with the Act, related both to the recommendations' content and to the time taken to implement them. These indicators do not presume to sum up the ultimate in the science of evaluation. But the Commissioner and his colleagues have depended on a reasonable man's approach, common sense, and the simplest and most ancient of all management principles, those of a doubtless at least bilingual Aristotle: "First, have a definite, clear, practical ideal—a goal, an objective. Second, have the necessary means to achieve your ends—wisdom, money, materials and methods. Third, adjust your means to that end." In short, following *The Peter Prescription*, "if you don't know where you're going, you will end up somewhere else."

Information for evaluation has been obtained through follow-up on complaints and special studies by telephone, letters, personal in-

terviews, and on-site visits with agency officials, as well as through questionnaires. Not all these methods apply to all evaluations. In certain cases information provided by federal institutions could be checked out; in others the Commissioner took the institutions' word, which came to him by means of a questionnaire or by other oral or written assurance. (The Commissioner's use of a questionnaire sent to several institutions naturally does not take the place of any special study that he might, in future, suggest for them, or preclude his normal follow-up checks). Usually, this chapter specifies the type of evidence on which the evaluation is based, so that readers may appreciate the various degrees of healthy skepticism the Commissioner, by duty, must bring to bear.

In order to avoid jumping to conclusions, and to report most fully and fairly about federal institutions, the Commissioner wrote twice to nearly all institutions in 1973, and he and his colleagues later made many telephone calls to obtain needed information. But, as the report shows, sometimes all efforts were in vain.

For the convenience of readers, federal institutions are listed alphabetically. Summaries where enough evidence permits evaluation embody, where apt, a fusion of separate assessments by the Commissioner's two operational services, the Complaints Service and the Special Studies Service. For some new studies, where follow-up is to come, the Commissioner merely lists his findings and recommendations—evaluations to follow next year, and every year, till "justice is done" . . .

The reason for fusing the two services' views is to marshal in one place all information related to each federal institution. Thus readers, be they parliamentarians, public servants, general public or journalists, may easily refer to a department or agency they are interested in. Wherever enough known facts allow, a nutshell appraisal of the institution's general performance appears in italics at the outset, followed by specific supporting evidence for specialists and other masochists.

AGRICULTURE—"Random Harvest"

EVALUATION

To produce more fruitful results from its efforts to implement the Official Languages Act, the Department has readily sifted out the causes of complaints identified by the Commissioner. It moved with notable speed to carry out his recommendations for its field office in Moncton. In general, the Department seems to take a serious and systematic approach to making the Act a reality for both the public and its own staff.

The Commissioner made 10 recommendations to the Department as a result of a special study of the Moncton District Office. Acting on them immediately, the Department had implemented seven recommendations by February, and nine by September, 1973.

The Department reported that the Moncton District Office is now automatically serving its public in both official languages. All new publications are said to be bilingual and all earlier unilingual publications have been discontinued. Correspondence as well as all oral communications are now either in French or in English according to the language of the individual requesting service. Recommendation 9, to the extent it applies to forms, has been acted on but not yet fully implemented. Due to staffing problems and the great number of forms to be revised, the Department had, as of September 1973, only 50 per cent of external forms and only 3.5 per cent of internal forms in bilingual format. Its deadlines for completing the task are March 1974 for the external forms and March 1976 for internal forms. The Commissioner has urged the Department to make every effort, without delay, to find ways of speeding up production of bilingual forms and documents so that the Act's requirements may be met as soon as possible.

The Commissioner investigated nine complaints against the Department of Agriculture, and the Department reacted in a fairly positive manner. Some of the complaints concerned service to the public (unilingual forms, information services, sign and correspondence), others the language of work (working documents from the central administration to public servants in Quebec, language requirements on competition notices, shortage of support staff able to work in French). Following the Commissioner's intervention or recommendations, the Department had the unilingual English-language working documents (circulars) translated into French. The Department also revised the language requirements on competition notices so that the eventual incumbent of the position would be able to help his division provide services in accordance with the Act.

In response to the Commissioner's questionnaire of October 1973, the Department described some activities under its own bilingualism programme which began in 1968. It outlined ten broad objectives concerning service to the public and the use of the two official languages in its internal operations.

The Department reported that its bilingualism programme comprises elements such as testing employees' knowledge of the other official language, language training, retention (a variety of linguistic and cultural activities, use of monitors, encouraging employees to originate work in French and placing English-speaking personnel in French-language units), 13 French-language units and its bicultural

development programme which permits a number of administrators and professionals to work in offices where the other official language predominates.

The bilingualism adviser, working in close collaboration with the Committee on Bilingualism, is in charge of the bilingualism programme. The Committee on Bilingualism is made up of senior officials of the Department and the application of the programme is apparently evaluated every two to three months.

The Department stated that most of its printed matter intended for public use, such as forms, publications and other printed material, is issued in both official languages. Signs, notices, posters and identification plaques, in general, bear the Department's or its different divisions' or branches' identification in the two official languages.

As for materials for internal use, such as forms and manuals, the Department's own objective is to render them bilingual by March 1974 and December 1975 respectively. Job-training courses are on the way to becoming bilingual.

The Department stated that its bilingual capacity is not yet sufficient to provide adequate services in both official languages to the public, but it is set to remedy this deficiency by 1978.

SPECIAL STUDY—MONCTON

The study was conducted with the aim of examining the availability of bilingual services offered to the public by the Department's district office in Moncton. The study focused on the operations of the district office which exercises jurisdiction over the four Atlantic Provinces and deals principally with other government departments and agencies, individual business, professional and technical personnel, as well as with the general public.

The team's findings revealed that the office was to some degree aware of its need for institutional bilingualism but they also pointed to gaps in its attempts to meet that need. Public-contact positions called for ability to work in English or in both languages. Fifty-nine employees had contact with the public and 14 of these were bilingual. An additional five employees possessed a rudimentary knowledge of French. Each of the eight sections in the Moncton Office had some bilingual capability though some had no bilingual support staff. The team noted that, as the public with which the district office deals is, generally speaking, a specialized one, it was probably being adequately served in the two official languages.

The Department faced considerable difficulty in recruiting bilingual and unilingual French-speaking personnel to fill positions as Agricul-

tural Officers. In Canada, only two French-language institutions of higher learning offered programmes of study in agriculture, and their graduates were very much in demand by all levels of government and business. In recruiting technical and clerical staff, the office advertised positions with a specific language requirement in the appropriate language and press. However, positions requiring a knowledge of English were advertised only in the English-language press and those requiring a knowledge of French only in the French-language press. The team noted that this practice could work to the disadvantage of many bilingual people who subscribe to newspapers in one language only.

During the three years preceding the study, nine members of staff from the Moncton District Office had enrolled in French-language courses. In addition, employees were accepted for French-language training at the University of Moncton in September 1972. This still left a waiting list of 20 who could not be accommodated and meant that, given the limited facilities in the Moncton region for language training, the district office would have to make more use of Public Service Commission facilities in Ottawa.

In the visual domain, the Department of Agriculture issued in May 1972 a memorandum directing that visual identification of divisions and branches of the Department appear in both official languages, but the team observed that certain internal informational and directional signs were in English only. Generally, all forms in use with the public were bilingual in varying formats, but a number of publications were not. For instance, the *Atlantic Livestock Market Report*, distributed to both language groups, was published in English only.

Most aspects of public-contact activities conformed with the Official Languages Act. Little correspondence in French was received by the office and each section was able to reply to it appropriately. Telephone identification, however, was carried out in English only, though calls received from a French-speaker were referred to French-speaking personnel when necessary. The Moncton District Office did not make extensive use of the media; usually it did so only in response to specific requests from the media. The office made special efforts to convey press releases, news and programme information, whether issued locally or by headquarters, to the French-language media.

Finally, it should be noted that the office's entire range of bilingual services was not always made available automatically and spontaneously to both language groups in accordance with the equality of status of the two official languages. Service was often provided in English automatically and in French only upon specific request.

The Commissioner recommended that:

(1) regardless of the language requirement of the job, the Moncton District Office present its vacancies and competitions to the PSC for announcement and advertisement with the stipulation that such vacancies and competitions appear in French and in English on posters and in the English and French language press, so that no portion of the available manpower market be neglected;

(2) serious consideration be given to recruiting more bilinguals and unilingual French-speakers in the technical and clerical categories for permanent positions in order to make service in both official languages available to the public;

(3) all signs, external and internal, in areas of public access be rendered correctly in both official languages and installed in the Moncton District Office by 31 December 1972;

(4) all existing unilingual forms and publications produced either by headquarters or the Moncton District Office and distributed by the Moncton Office for use by the public, be available in both official languages by 31 March 1973 for forms and by 31 December 1973 for publications;

(5) all future publications and forms directed to the public and used by the Moncton District Office be automatically published in both languages and, whenever possible, under one cover;

(6) more specifically, the *Atlantic Provinces Weekly Livestock Market Report* issued by the Moncton District Office be produced in both official languages;

(7) employees answering telephone calls from the public identify the division in both official languages at all times;

(8) employees answering telephone calls from the public and who are not proficient in the language of the caller—be it English or French—be at least able to inform the caller in the latter's language that the call will be referred to another employee capable of providing the service in the appropriate language;

(9) the Moncton District Office make a special effort to contact French-language media when locally- or headquarters-initiated press releases, news and/or programme information are issued;

(10) service to the public be provided automatically in both official languages rather than only on specific request.

COMPLAINTS

File No. 1014—From a Scientist

A French-speaking scientist with the Department complained of not being able to work in his own language as efficiently as his English-speaking colleagues because the administrative support staff (a secretary and a technician) did not understand French well enough. He also maintained that the lack of interest in botany shown by French-

speaking students was probably due to the small number of French-speaking staff the Public Service Commission employed in this field.

As far as the first part of the complaint was concerned, the Department informed the Commissioner that a competent bilingual stenographer was available at all times to the complainant, and that it had even offered to have his work typed outside. The Department acknowledged, however, that there was no bilingual technician in the section where the complainant worked.

The Commissioner recommended that the Department provide the complainant with administrative support services in French (secretary and technician), comparable to those enjoyed by his English-speaking colleagues.

The Department then indicated that it had considered (even before the complaint had been made) reorganizing its technical and administrative support services to accord with its bilingualism policy and the needs of the Branch. For this purpose, the Branch had been provided with two new positions: a bilingual stenographer and technician.

The Commissioner asked the Department to keep him informed of the results of this staffing programme.

The Department later informed the Commissioner that a French-speaking technician had begun work in early April 1973 and that a bilingual secretary had been employed since 26 June 1973.

The second part of the complaint did not come under the jurisdiction of the Commissioner but was nevertheless brought to the attention of the Public Service Commission. The Commission confirmed that the Department had for some time been studying ways to recruit more French-Canadian scientists. For its part, the Commission was trying to increase the number of French-Canadian scientists in the public service by organizing each year a large recruitment campaign in Quebec universities.

File No. 1040—Signs

A French-language cultural association reported that both sides of a sign at the entrance to the Fredericton Research Station were in English only.

Investigation of the complaint revealed that the absence of bilingual signs in Fredericton resulted from various misunderstandings as to the application of the provisional guidelines of the Federal Identity Programme.

As a result of a recommendation by the Commissioner, the Department took the necessary steps to have installed as soon as possible either a bilingual sign or one in French which would be placed next to the one in English.

- A departmental employee working in Quebec complained that a competition notice for the post of Director of the Education and Development Division of the Health of Animals Branch in Ottawa only required a knowledge of English. In his opinion, the language requirements should also have included a knowledge of French.

An investigation was made under Section 39 (4) of the Official Languages Act to establish whether or not the Education and Development Division was able to provide adequate service to the public in both official languages.

The first time the Department wrote to the Commissioner, it informed him that the position of Director did not involve any contact with the public and that the Branch, which already had three bilingual employees, was able to carry out its functions in both official languages. The Commissioner then asked the Department for further information, since the competition notice clearly stated that the incumbent would have contact with the public—with professional associations and universities, for example. He also reminded the Department that it had to offer the public comparable services in both official languages. The Commissioner accordingly recommended that the incumbent of the position of Director be either bilingual or at least willing to become so as soon as possible.

The Department then pointed out that, as a general rule, all communication with the University of Montreal and the *École de médecine vétérinaire de St-Hyacinthe* (St. Hyacinthe School of Veterinary Medicine) was handled by the Regional Office of the Health of Animals Branch in Montreal, which had been designated a French-language Unit. Moreover, when these institutions had to communicate with head office in Ottawa, the assistant director (who was bilingual) would handle the communication. The Department finally agreed with the Commissioner's recommendation and said that it would take it into account when choosing a new director: if the appointee was not already bilingual, he must be willing to become bilingual.

The Commissioner concluded that the Education and Development Division met the requirements of the Official Languages Act as to its ability to serve the public in French or in English, without the necessity of designating the position of Director as bilingual.

- A group of French-speaking members of the staff of a university in the province of Quebec sent the Commissioner a copy of a letter they had written to the Public Service Commission protesting that a poster for a competition for professional librarians for the Department of Agriculture was in English only. A Franco-Manitoban made the same complaint.

The Public Service Commission issued a revised poster. It was bilingual in format but while the English text said that a knowledge of English only was required for the positions advertised, the French version stated that both English and French were required.

A second letter from the complainants raised the question of the language requirements. It pointed out that the duties described seemed to indicate that a knowledge of both official languages should be required, for some positions at least. The Public Service Commission admitted that the revised poster was in error and told the Commissioner that the positions had been re-advertised with a requirement of English only as essential.

The Commissioner then took the matter up with the Department, which explained that there were four positions to be filled: in Charlottetown, Kentville (Nova Scotia), Winnipeg and Ottawa. The incumbents would provide an internal library service to a unilingual English-speaking staff in the first three locations. The library in Ottawa also provided service, to a certain extent, to other organizations and to the public. In Ottawa, however, five out of twenty professional librarians were already bilingual and nine others were enrolled in language training; service to the public and to employees was always provided by bilingual staff in the language of the client's choice.

The Commissioner recommended that:

- 1) the Department review its ability to provide its professional services to the public in accordance with the requirements of the Official Languages Act at the four locations, paying particular attention to Winnipeg;
- 2) in Ottawa, language training should be given to the new head of the Acquisitions Section, in view of the responsibilities described in the poster; and
- 3) the Department should adapt its recruiting methods to attract a larger number of people able to fill positions requiring a knowledge of French, and of French and English. It should organize systematic visits to potential recruiting sources and disseminate information through direct contact. These sources might include French-language universities, colleges and technical schools, and Manpower Centres in areas where French was spoken.

In response to the Commissioner's recommendations, the Department said that it believed it was able to meet the requirements of the Act at the four locations named. It further stated that between 25 and 30 of its employees at Kentville and a number of employees in Charlottetown were starting language courses in December 1972, and

language courses for some of its employees in Winnipeg would begin early in 1973. The new head of the Acquisitions Section in Ottawa was in fact already bilingual. Finally, the Department pointed out that recruiting tours were the responsibility of the Public Service Commission; the Department would welcome a more co-ordinated approach that would help it overcome the problem of recruiting French-speaking personnel.

For its part, the Public Service Commission explained that departments had the responsibility of declaring positions bilingual. Statistics showed that the Commission had succeeded in filling all bilingual positions with bilingual candidates in recent years. Moreover, 80 out of 329 librarians in the LS category were bilingual; at the LS-1 and LS-2 levels, 25 per cent were bilingual. The Commission added that the new Treasury Board guidelines would broaden its field of selection so as to include candidates who were willing to become bilingual.

- The complainant informed the Commissioner that, according to competition notice 72-AGR-0-367 A, a knowledge of both French and English was required for three vacant positions at the CANFARM Regional Office in Ste-Foy, Quebec. Another competition notice, 72-AGR-0-367, for positions to be filled at CANFARM's main office in Guelph, specified English as the only language requirement. Since the Ste-Foy Regional Office reports to the main office in Guelph, the complainant wondered whether or not a knowledge of English was required at the Ste-Foy office simply because the Guelph office was unable to communicate in French. The complainant added that the competition notice also included a vacancy in Saskatoon, for which only English was required.

In its initial reply to the Commissioner's inquiry, the Department said that, after examining the nature of services offered by the incumbents of these positions in Ste-Foy to the English-speaking public (125 farmers, English-language universities, business firms connected with agriculture), it had found it necessary to designate the three positions as bilingual. As for the Guelph office, the Department acknowledged that its bilingual capability was limited.

In view of the Treasury Board's interest in bilingualism, the Commissioner sent the Board a copy of the letter he had written to the Department concerning the complaint.

The Treasury Board pointed out that to require a knowledge of both French and English for the positions in Ste-Foy, but only a knowledge of English for the positions in Guelph and in Saskatoon, was contrary to the public service's principle of equal opportunity. The Board felt that, since the Ste-Foy office was not a main office, it did not seem likely that the services offered to the English-speaking public in

the area would require bilingual incumbents for all three positions. It suggested, therefore, that the Department should designate only one of the positions as bilingual, making the other two unilingual French. The Board stressed that under no circumstances should knowledge of English be made a requirement at the Ste-Foy office in order to facilitate communication with Guelph.

As for the positions in Guelph, the Board stated that the language requirements should be designed to ensure not only services to the public in both official languages but also communication with the Ste-Foy office in French.

After a careful study of this question in the light of Sections 2, 9 (1) and (2), and 39 (4) of the Act, the Commissioner made recommendations to the Department as follows:

- 1) With regard to the Ste-Foy office, the Commissioner agreed with the Treasury Board's suggestion that one position should be designated as bilingual and the other two as unilingual French.
- 2) With regard to the Guelph office, the Commissioner recommended that an adequate number of bilingual positions be created to ensure that:
 - a) the public would be served in both official languages;
 - b) the Ste-Foy office could carry on its communications, and be served, in French; and
 - c) training courses would be offered in both official languages.

The Department responded favourably to these suggestions and recommendations; its decisions may be summarized as follows:

- 1) At Ste-Foy, only the position of Regional Director would be designated as bilingual; the assistant regional director would not be required to be bilingual. The two positions in operations would be designated as unilingual.
- 2) At the Guelph office, a new position of Head of Regional Offices (to whom regional directors will report) and a position of Training Officer would be designated as bilingual. In addition, the Department intended to see that one employee in operations, one in special projects, and one stenographer would be bilingual. This would give the office a bilingual capability in its three principal regional branches: training, communications and operations. Finally, 40 employees were to begin language training in February 1973.
- 3) At the Saskatoon office, all personnel were unilingual. However, since the office would be serving a possible bilingual district, the Department wanted to give the office's present employees an opportunity to take language courses.

File No. 1301—Forms

A Franco-Albertan complained that there was no French version of a Grassland Incentive Programme form.

The Commissioner recommended to the Department that it correct this situation, which it did by issuing the form in French.

File No. 1593—Interpretation Service

The complainant criticized the Department for not providing a simultaneous interpretation service during an information seminar for French- and English-speaking veterinarians. He also reproached it with sending participants documentation in English only.

Members of the Commissioner's staff discussed with departmental representatives the formula adopted for seminars and even attended one session. They found that both French-speaking and English-speaking participants expressed themselves freely in their own language and that a bilingual monitor did an excellent job of summarizing the statements made in each language. Nevertheless, the Department was aware that this was an outdated procedure and it believed that simultaneous interpretation would be preferable. It had therefore decided to provide such a service in 1974.

The Department also expressed regret that it had distributed only documentation in English before the conference, and promised to see that this did not happen again.

AIR CANADA—"Jonathan Livingston Seagull"

EVALUATION

Air Canada has still not quite got off the ground with the Official Languages Act. In spite of some recent improvements and very promising plans, the corporation's performance in complying with the Act has been fitful and sparing.

The Commissioner made 59 recommendations to Air Canada as a result of four special studies by his staff between 1970 and 1972. He also made 37 recommendations after investigating the 109 complaints he received during the last three fiscal years. The recommendations were mainly directed towards actively offering system-wide service in both official languages at all Air Canada premises and on all flights, as the Act's Section 10 (apart from minor and specific exemptions) requires. The recommendations also tried to assure the equal status of both official languages in the corporation's dealings (such as signs, forms, announcements and publications) with the public.

Although several recommendations carried deadlines for implementation, few of these were met. Air Canada's response to the recommendations was slow, owing in part to initial reluctance to accept the principle of offering service to the travelling public in both official languages across its system. The corporation has also displayed, until recent months, a lack both of concern and of effort—as evidenced not only by delays and apologetics in answering complaints, but in the very small headquarters staff which top management has been willing to assign to language reform.

The nature of complaints received and the airline's reaction to them reveal that, in spite of commendable but too-rare exceptions, service to the public in the official language of its choice is usually haphazard, indeed often non-existent. They disclose further that Air Canada could not with any certainty provide services in French on flights originating or terminating west, north or south of Toronto, because it was possible, as recently as September 1973, for crews to be made up entirely of unilingual English-speaking employees. Even when bilingual flight attendants were on board, service frequently was not offered in French. The corporation's instructions about the need to make announcements and actively to offer services to clients in the language of their choice have not been made effectively clear to most employees. Further, the corporation could not ensure that counter service in French would be available on a regular basis at many locations outside the province of Quebec. As of September 1973, Canada's national airline had little bilingual capability at Sudbury, although 33 per cent of the local population has French as its mother tongue. It had no bilingual staff at Timmins, where more than 40 per cent of the residents are French-speaking. It could not make departure announcements in French at Fredericton, the capital of an officially bilingual province, 35 per cent of whose population has French as its mother tongue.

The Commissioner is aware of the difficulties presented by collective agreements between Air Canada and the various unions to which its employees belong, but he believes that management had the responsibility of taking the initiative much earlier in negotiating terms and conditions that would lead to respect for citizens' rights under the Act.

As in the past, Air Canada is promising much for the future. As in the past, the Commissioner would prefer action to promises and therefore he too, like many other citizens, will be looking to the future.

The Commissioner's office obtained the information summarized below in three ways: from a written reply by Air Canada to a specific request for a status report on all recommendations made as a result of special studies carried out up to the end of the 1972-73 fiscal year; from subsequent meetings, correspondence and telephone conversations

with Air Canada personnel to elicit supplementary data; and finally through a follow-up tour of main Canadian airports in October 1973 by members of the Commissioner's staff accompanied by, among others, Air Canada personnel.

Ottawa Study

As a result of this study, the Commissioner made four recommendations in 1970, relating to the bilingual appearance of premises and publicity, the availability of service in both official languages at Air Canada airport counters and ticket offices in Ottawa, and the provisions of bilingual flight announcements.

A follow-up enquiry indicated that by February 1972 the two recommendations relating to the bilingual appearance of premises and publicity appeared to have been almost fully implemented. The follow-up tour of Canadian airports in October 1973 confirmed that signs at Ottawa International Airport were bilingual but revealed that announcements were not always made in both official languages.

In Air Canada's report of 13 June 1973 on the progress in implementing the specific recommendations, all four were described as implemented. The Corporation stated that all unilingual English-speaking personnel in Ottawa received language training in 1972. Because the implementation of the remaining recommendation that flight announcements be made in both official languages raised a union problem at the beginning, Air Canada said that its directive to this effect was withdrawn. Although other steps were subsequently taken, some announcements are still being made in only one language. By mid-December 1973 Air Canada was able to report that its new collective agreement with CALEA* would allow it to have staff available to make flight announcements in both official languages.

London and Paris Airports Study

Two locations abroad, London and Paris, were the subject of a special study to ascertain Air Canada's compliance with the Official Languages Act in locations outside Canada. Four recommendations were made to Air Canada in January 1972 as a result of this study. Two of them related to visual aspects of service to the public (signs and printed material) and were to be implemented by 1 June 1972. Another called for immediate steps to be taken to ensure provision of bilingual

* Canadian Air Line Employees' Association

service at London's Heathrow Airport, and the fourth required that telephone identification and listing in London and Paris be in both official languages.

Only one recommendation, that concerning bilingual signs and inscriptions in these two locations, was said by Air Canada to have been fully implemented. Air Canada excepted from the recommendation on bilingual printed matter, advertising and promotional material directed to, and designed for, the local market. Such material would be only in the language of that market.

Air Canada had given language training to some passenger agents at London's Heathrow Airport. In late December 1973 it reported that at Heathrow Terminal Building "services in both languages are available upon request".

The fourth recommendation—that callers be greeted in two official languages—was not being implemented, although the airline stated reservations could be made in either language in both London and Paris.

Moncton Study

Seventeen recommendations were made to Air Canada on 25 September 1972 as a result of this study. These recommendations covered the principle of ensuring equality of status of the two official languages, the need for bilingual service to the public, the staff required to provide that service, the visual aspects at Air Canada premises, and the encouragement needed by public-contact staff to take second-language training. Fifteen of the recommendations were due to be implemented either immediately or by 31 December 1972; the Corporation met the deadlines for nine. By 30 September 1973, 11 of the recommendations had been implemented. These included the need for corporation directives outlining staff responsibility under the Official Languages Act, a bilingual capacity in management, assurance of adequate service in both official languages at the Moncton Sales and District offices, the inclusion of a bilingualism clause in contracts for services and the need for forms, brochures, advertisements, contracts, and other printed material to be bilingual or available in both official languages. Of the remaining six recommendations, four were partly implemented. Concerning two dealing with telephone identification and referral of calls, Air Canada informed the Commissioner that its telephone greetings were "alingual" and "phrase books are being developed" to assist its personnel in handling referrals. The previously mentioned tour of airports in Canada indicated that Air Canada signs at Moncton Airport were bilingual. The airline planned to bring out new bilingual badges in the summer of 1974.

Headquarters Study

As stated in his *Second Annual Report, 1971-1972*, the Commissioner made 34 recommendations to Air Canada in May 1972. These related to recruitment, language training, ground and in-flight personnel, public relations, forms, advertisements, correspondence, other printed materials, telephone identification and information, airport and in-flight announcements and service, monitoring of language reform, and other matters.

In following up these points, as recently as January 1974, the Commissioner's staff found that four recommendations were implemented, four were mostly implemented, 12 were well on the way to implementation, eight were in the initial stages of implementation, one indicating minor progress, two resulting in little or no significant action and three remaining untouched.

The four shown as implemented covered immediate action on the Commissioner's recommendations without waiting further for policy development by the company. These also included placing high priority on meeting the requirements of the Act across the airline's system, accepting the existence of demand for service in both official languages, by the travelling public across the system and accessibility by the airline personnel to language training under conditions most conducive to good results. The four mostly implemented ones dealt with tapping all available sources of bilingual recruits, entrusting primary responsibility for implementing the Act to senior officers in the Regions and Districts, rendering bilingual the few remaining unilingual public-use forms, and maintaining close liaison with the unions in carrying out the Commissioner's recommendations. Indeed, both the corporation and CALEA and CALFA (passenger agents' and flight attendants' unions respectively) state they have reached agreements containing provisions which will facilitate compliance with the Act.

The 12 recommendations well on the way to implementation touched upon language training, testing and related facilities, translation services, public relations, signs, inscriptions and similar material, and the determination of the airline's institutional requirement for bilingual staff in public-contact positions. Considerable work remained to be done to carry the 14 other recommendations into effect.

By 30 September 1973, recommendations covering the visual aspects of bilingualism such as forms for public use, stamps, signs and inscriptions, had been complied with almost completely. On the other hand, oral aspects of bilingualism, such as automatic service, airport and in-flight announcements and service, and telephone identification and communication, still left much to be desired. The follow-up tour of Canadian airports revealed that Air Canada's signs in several air-

ports were still unilingual and that announcements made by Air Canada were frequently unilingual.

On the question of hiring and language training, Air Canada had, as of September 1973, established bilingual requirements (numbers and levels) for public-contact employees, and language training courses for ground and flight personnel had begun. According to the corporation's plans, "some 1,400 employees across the system would be undertaking language courses in either French or English during 1974 . . ." To encourage participation, courses are given, particularly in the case of public-contact employees, on Air Canada's time and at its expense. The airline volunteered the information that:

"On matters related to translation and terminology, translation services have been and will continue to be expanded by providing field stations with translators beginning January 1974. Telex services would be available for urgent translations in spring 1974. Two terminology manuals were prepared and distributed to employees. The first, 'Vocabulaire Air Canada Vocabulary', contains English/French and French/English equivalents of most common airline terms. The second, 'Signs/Écritureaux—Stamps/Tampons', contains a repertoire of all signs or stamps, temporary or permanent, that may be required by the various field locations. Also, illustrated terminology posters have been prepared and will be distributed to employees in January 1974."

The corporation stated further that, "Guidelines developed by Air Canada, currently under discussion with its regional and district personnel, include measures designed to facilitate implementation of the recommendations. These measures include a systematic monitoring system" to ensure that service in both official languages was actually being provided.

SPECIAL STUDY—MONCTON DISTRICT

The Office of the Commissioner undertook this study with a view to determining to what extent Air Canada, in serving the general and travelling public in Moncton, was in compliance with the Official Languages Act.

The study team's findings touched on four principal domains: directives, oral communications, written communications, and personnel. The team discovered that two Air Canada directives had been received by the Moncton District Office regarding the official languages, one explaining Sections 9 and 10 of the Act and specifying the employee categories to which each section applies, the other, issued only to management, restating the corporation's general policy on bilingualism. Neither dealt with the practical problems that can occur when the appropriate provisions of the Official Languages Act are put into effect.

With regard to direct oral communications with the public, the team learned that none of the five senior officers of the district office, who to a greater or lesser degree had contact with the public, was bilingual.

Two employees, one of whom was bilingual, served the general and travelling public at the sales counter but bilingual service was neither offered at all times—for example in the absence of the bilingual incumbent—nor was it spontaneous. At the airport, seven of the eight customer service officers were bilingual. On the other hand, none of the three Air Freight employees was bilingual, although they had contact with the corporation's customers.

Telephone contacts with the public were an important activity. The study team was informed that, between 29 May and 4 June 1972, the Reservations Office received 2,576 calls, of which 108 were in French. The corporation identified itself in both official languages and though, occasionally, bilingual telephone service was not provided in the Reservations Office, the corporation had installed a system whereby the Reservations Office could transfer calls to the airport where bilingual service was always available. At the airport, public announcements were made in both languages and clients were paged in the language of the person requesting paging. Both arrangements were entirely in keeping with the requirements of the Act.

As for printed matter and signs, the team learned that 40 of the 45 forms used by members of the public were bilingual. Of 86 advertising brochures examined, 30 were in French and 55 in English; only one was printed in both languages. Folders containing information on air and road freight transportation were in English only. Date stamps and calling cards were not bilingual. Although bilingual material for advertising displays was available, the team found that the district office used English-language material only. Signs and inscriptions in the District Sales Office were in both official languages, though a few at the airport were unilingual.

Two contractual agreements were worth noting: one between the district office and a trucking company which received and delivered merchandise for the corporation thus entailing numerous contacts with the citizens of Moncton, the other with an insurance company providing for the sale of insurance policies to the corporation's customers. Neither contract stipulated that the company in question had to provide service in both official languages and the contracts themselves were available in one language only.

Recruitment and transfers together with language training constitute the principal means by which federal institutions can increase their bilingual capability. Air Canada was rather limited in the extent to which it could control the recruitment of staff; collective agreements

between the corporation and the employees' unions restricted initiative in this regard. At the time of the study, the Moncton Office seemed to be taking little advantage of language training programmes. With the exception of the District Manager, none of the employees of the office was scheduled to take second-language training during 1972-73.

The Commissioner made 17 recommendations to the corporation for improving the quality of its bilingual services at Moncton and reducing the number of situations that might trigger complaints. The Commissioner recommended that:

(1) between now and 31 December 1972, the corporation send the Moncton District Office a set of directives on the practical obligations that fall on the personnel as a result of the implementation of the Official Languages Act;

(2) the corporation, without endangering the job security of present incumbents, appoint to the management of the Moncton District Office a person capable of carrying out his duties in both of Canada's official languages;

(3) the corporation take immediate steps to ensure that the Moncton Sales Office is capable of serving the public in both of Canada's official languages at all times;

(4) between now and 31 December 1972, the corporation make sure that the staff of the Moncton District Office use both of Canada's official languages spontaneously when initiating contact with a customer, and, when necessary, be capable of establishing such contact in the official language of the customer;

(5) the corporation, without endangering the job security of the present employees in Air Freight, take the necessary steps to ensure that between now and 31 December 1973, Air Freight can serve the public at the Moncton Airport in both of Canada's official languages;

(6) the corporation take immediate steps to ensure that the Moncton District staff identify their office in both of Canada's official languages when answering the telephone;

(7) between now and 31 December 1972, the unilingual staff of the Moncton District Office who have telephone contacts with the public acquire the capability of informing—by means of a few set phrases—callers of the other language group that their call will be handled by another employee;

(8) all the corporation's forms which are likely to be seen by the public and used by the Moncton District Office be available in both of Canada's official languages by 30 September 1972, and that they respect the equal status of the two languages;

(9) by 31 December, 1972, the Moncton District Office offer the public at all times a comparable number of brochures and advertising folders in both of Canada's official languages;

(10) all timetables, lists of fares and other printed information of a similar nature published by Air Canada and distributed to users of the corporation's services by the Moncton District Office be made available in both of Canada's official languages by 31 December 1972;

(11) by 31 December, 1972, all visiting cards, date stamps and other stationery items used by the Moncton District Office be available in both of Canada's official languages, with both English and French on the same item;

(12) all signs, notices and badges used by the Moncton District Office which can be seen by the public, be, by 31 December, 1972, in both of Canada's official languages;

(13) the Moncton District Office, henceforth, respect the equality of status of Canada's two official languages when using advertising displays;

(14) all contracts drawn up by Air Canada which are made between the corporation and the private sector and which concern services provided by the Moncton District Office be made available in both of Canada's official languages by 31 December, 1972;

(15) the corporation add to all contracts under which companies or individuals agree to provide services for Air Canada in Moncton, a clause requiring the other party to provide its services in both of Canada's official languages; this addition should be made when such agreements are tacitly or formally renewed or when new contracts are drawn up;

(16) the corporation immediately ask the insurance company, whose policies it sells through its Moncton District Sales Office, to provide it with policies written in both of Canada's official languages, preferably with both English and French in the same document;

(17) the corporation encourage, as soon as possible, the staff of the Moncton District Office who are, in some way, in contact with the public, to take second-language training, for example, by allowing them to take courses during working hours, at the corporation's expense, or by providing effective incentives which would motivate them to take courses outside working hours.

COMPLAINTS

1. *Service to the Public*

a) *Lack of French-Language Service on Flights*

The Commissioner received a number of complaints concerning lack of service in French by flight attendants, lack of French reading material on board, and public announcements by pilots and flight attendants in English only.

<i>Flight</i>	<i>File No.</i>	<i>Subject</i>
Montreal-Ottawa	954, 1309, 1345	Attendant service and reading material
Saskatoon-Winnipeg-Saskatoon	976, 1148	Public announcements
Toronto-Regina	1056	Attendant service

<i>Flight</i>	<i>File No.</i>	<i>Subject</i>
Toronto-Winnipeg	1162, 1196	Attendant service and public announcements
A section of flight 633 (Halifax-Ottawa)	1186	Public announcements
Chicago-Toronto	1265	Attendant service, public announcements and reading material
Regina-Winnipeg-Regina	1303	Attendant service and public announcements
Toronto-Sudbury	1670	Reading material
Sept-Îles-Montreal	1026	Reading material
Montreal-Regina	1501	Attendant service, public announcements, baggage claim tracer forms
Miami-Montreal	982	Public announcements in flight and at Miami
Ottawa-Winnipeg	848	Attendant service
Montreal-Halifax	1034	Public announcements
Fredericton	1423	Reading material
Flights not specified	1612, 1247	Instructions on salt packets and match booklets

1) *Montreal-Ottawa*

In the first case, Air Canada apologized to the complainant and explained that the unilingual hostess should have called on a bilingual colleague for assistance in French in accordance with company policy. As a result of the complaint, Air Canada had cautioned the personnel involved.

In the second, Air Canada said that the complainant had spoken such impeccable English that the hostess did not think it necessary to ask for assistance from the bilingual hostess on the flight.

The Commissioner told Air Canada that he found it difficult to understand why its directives to personnel were not complied with and he recommended that Air Canada serve the public on flights between Ottawa and Montreal in both official languages.

In the third case, Air Canada explained that flight delays had held up the bilingual hostesses who were scheduled for duty and they were replaced at short notice by unilingual English-speaking attendants.

2) *Saskatoon-Winnipeg-Saskatoon*

In the first case, on the east- and westbound flights, there were bilingual attendants on board but they were not called on to make announcements in French as they should have been.

In the second case, there were no bilingual personnel on the east-bound flight. Air Canada said it did not have sufficient bilingual personnel at present for it to make sure that at least one member of the aircrew was always bilingual, which was what it hoped to achieve eventually. However, the proportion of bilingual personnel at Air Canada's three western bases was increasing.

3) *Toronto-Regina*

Three of the six crew members were bilingual; the unilingual attendants should have obtained help from a bilingual colleague.

4) *Toronto-Winnipeg*

The number of bilingual personnel at Air Canada's Toronto base was insufficient to ensure that all flights had bilingual personnel on board. It was, however, Air Canada's aim to have at least one bilingual attendant on board whenever possible.

5) *A section of flight 633 (Halifax-Ottawa)*

There were bilingual attendants on board but apparently they forgot to translate the pilot's observations. Air Canada pointed out that this journey consisted of a series of short flights lasting an hour or so. The hostesses were usually very busy serving meals and attending to passengers and might sometimes not remember to translate.

6) *Chicago-Toronto*

Air Canada said that two of the four daily flights, at the time of the complaint, carried a crew with bilingual capability; the others had crews from the Toronto base who had little or no French. Since 30 September 1972, at least 50 per cent of the crew of all regular flights on this route was bilingual. All reading material was provided by Toronto and Montreal sources in a proportion established according to the linguistic needs of Air Canada passengers. The Company said it would review its requirements in this matter.

7) *Regina-Winnipeg-Regina*

Air Canada admitted it had no bilingual personnel on this short-distance flight and on others particularly in predominantly English-speaking parts of the country. It added that it was striving to develop a fully bilingual service on all its flights.

8) *Toronto-Sudbury*

Newspapers were put on board at the beginning of the flight. This flight originated in Toronto where there was no French-language daily newspaper; consequently, the only newspapers on board were in English. The problem of magazines was a temporary one as the distribution agency which supplied Air Canada was unable at the time to provide the required quantity of magazines in either language.

9) *Sept-Îles-Montreal*

The Viscount aircraft which usually made this trip had been replaced that day by a DC-9 and for unaccountable reasons the usual quota of French-language literature had not been put on board. The personnel involved had been told to be more careful.

10) *Montreal-Regina*

Bilingual attendants were on board this flight, but their services were not used, as they should have been, to translate announcements and attend to the needs of French-speakers. The personnel involved had been reminded of their obligation to provide service in the official languages of the passengers.

Air Canada said that its baggage claim tracer forms were bilingual and sent one to the Commissioner.

11) *Miami-Montreal*

All personnel on the flight were bilingual and all public announcements during the flight had been made in both official languages. Air Canada admitted that no announcements had been made in French at Miami Airport and apologized.

12) *Winnipeg-Ottawa-Winnipeg*

There was a bilingual hostess on the Winnipeg-Ottawa flight who should have realized that she had to offer service in French without having to be asked. There was, however, no bilingual hostess on the return flight. Air Canada blamed this on collective agreements which restricted its freedom to assign staff to particular flights.

13) *Montreal-Halifax*

There was no announcement in French explaining why the plane could not land at Halifax. French-speaking passengers could not understand what was happening and, as a result, some became considerably distressed. Air Canada reminded the flight personnel concerned of the need to make all in-flight announcements in both official languages and offered its apologies to the French-speaking passengers.

14) *Fredericton*

It was decided to double the number of copies of *L'Évangéline* on each flight.

15) *Flights not specified*

Air Canada told the Commissioner that as soon as stocks of match booklets and salt packets were exhausted they would be replaced by new ones with bilingual instructions.

b) *Lack of Adequate English-Language Service in Flight*

File No. 948

A complainant from North Bay, Ontario, alleged that on Air Canada flights between Canada and the United States, English announcements were very often made by French-speaking stewardesses in broken English. She considered this insulting to English-speaking persons.

Air Canada told the Commissioner that its policy was that the flight attendants with the greatest fluency in the languages should make the announcements. In some cases, however, all flight attendants on a particular flight might have French as their first language but at least one of them should be able to speak English sufficiently clearly to handle the announcements.

Air Canada was giving language training in both official languages at its training school and at its bases, and was also providing financial assistance to encourage its flight attendants to reach a high degree of fluency in both English and French.

c) *Lack of French-Language Service at Airport Counters*

<i>Airport</i>	<i>File No.</i>
Ottawa	840, 1324, 1631, 1666, 1683
Toronto	1258, 1285

<i>Airport</i>	<i>File No.</i>
Timmins	1288
Vancouver	1427
Sudbury	1857
Gander	1072
Winnipeg	1194

1) *Ottawa*

Several French-speaking complainants said they had been treated at the Ottawa Airport in a discourteous manner by counter personnel who made no attempt to call on their French-speaking colleagues for assistance. The members of the staff involved could not be identified and the chief of service issued a collective reprimand. Air Canada assured the Commissioner that its personnel had been instructed many times to provide impeccable service to the public in both official languages. It explained to the French-speaker who had been paged over the public address system in English, in spite of his unmistakably French name, that presumably no bilingual person had been available during the peak hour at which the event took place.

2) *Toronto*

One incident involved a Belgian visitor who had missed her connection to Sudbury because her flight had been delayed in Montreal. No one at the Air Canada counter could explain the situation to her in French and finally, after about an hour, Air France personnel were called on to translate. When she continued her journey next day there was no French service on the Toronto-Sudbury flight.

The Commissioner recommended that there should always be a bilingual capability at Air Canada's counter at Toronto International Airport to serve the travelling public in both official languages at all times, in accordance with Section 10 (1) of the Official Languages Act. He further recommended that Air Canada take action to provide bilingual service on Toronto-Sudbury-Toronto flights and that, if there were problems as a result of union contracts, it should try to work out solutions with union representatives.

3) *Timmins*

The company admitted that it had no bilingual capability at Timmins. At first it said this could not be altered owing to binding union contracts but later it agreed to seek a solution with the unions. The flight

information board was to be changed so that details would be shown in both English and French and there would be recorded announcements in French about flight departures.

The Commissioner recommended to Air Canada that its flight information boards at all airports be in both official languages and that bilingual service be offered at Timmins as soon as it was possible to reach a solution acceptable to the union. Air Canada told the Commissioner that it had already instructed its six regional directors to have all notice boards and signs made bilingual by December 1972. It reported that good progress had been made; signs at all airports and city ticket offices, except at Vancouver and Regina, were already in both official languages.

4) *Vancouver, Sudbury, Gander and Winnipeg*

Air Canada claimed that it had varying degrees of bilingual capability at Sudbury, Gander and Winnipeg. It was redeploying its bilingual staff at Vancouver so that it would be in positions serving the public.

d) *Lack of French-Language Flight Departure Announcements*

<i>Airport</i>	<i>File No.</i>
Sudbury	1172
Halifax	1034, 1329
Regina	1509
Fredericton	1423

1) *Sudbury*

A bilingual flight board was installed at the airport. Air Canada said public announcements would be made in both official languages as far as possible, but a bilingual passenger agent was not always available.

2) *Halifax*

Air Canada expected to be able to make announcements in both languages by 1 November 1972. Some bilingual staff had been hired and it was hoped that more would shortly be available. The use of pre-recorded announcements was being considered.

3) *Regina*

The airport had a bilingual capability and public announcements should have been in both languages.

4) *Fredericton*

Air Canada said that collective agreements with the union prevented it from hiring or transferring staff to provide a bilingual capability at the airport. It was looking into the possibility of having a bilingual flight information board.

e) *Lack of French-Language Signs*

File Nos. 1275, 1339, 1589, 1634, 1595

The Commissioner received several complaints about unilingual English signs in Air Canada's DC-9 aircraft indicating where passengers could hang their coats, and so forth. One complainant objected to the sign showing where galley refuse was to be disposed of.

There was also criticism of a unilingual English sign at Sudbury Airport telling customers to ring the bell for service, and of notices in North Bay and Toronto giving business hours of Air Canada offices in English, and information also in English only on how to obtain service after hours.

Air Canada pointed out that some of the signs in aircraft were there for its employees, not the public. It would have all signs intended for the public put in both official languages. The signs complained of in Sudbury, North Bay and Toronto had already been made bilingual.

f) *Lack of French-Language Telephone Service*

<i>City</i>	<i>File No.</i>
Sydney, N.S.	814
Sudbury	853
Edmonton	1053
Ottawa	1263

Air Canada gave the Commissioner the following reasons for failing to provide adequate service in French:

1) *Sydney*

Only two of the eight reservation clerks were bilingual. Air Canada could not therefore provide bilingual service at all times.

2) *Sudbury*

Air Canada said that it had bilingual personnel who should have been called on by their colleagues to provide service in French.

3) *Edmonton*

Although there were two bilingual employees, they had finished their shift just before the complainant called.

4) *Ottawa*

There was bilingual staff available but Air Canada hoped to recruit more. Unilingual English-speakers should have asked bilingual colleagues for assistance in serving customers in French.

g) *Lack of French-Language Correspondence*

File Nos. 980, 1001

- A French-speaking complainant alleged that he had received letters in English from a bank and a debt-collection agency which were acting on behalf of Air Canada. Air Canada said that, after receiving the complaint, it had instructed both agents to correspond in French with its French-speaking customers.

The Commissioner reminded Air Canada that all services offered to the travelling public, either by itself or by those under contract to it, must be in both official languages.

- A French-speaking person from Toronto complained that he had received Air Canada publicity brochures with a covering letter written in English.

The letter and brochures had been sent to credit card customers to announce the new Rapidair service between Toronto and Montreal. From the standpoint of preferred language, Air Canada's mailing list for the Toronto area was not entirely reliable. The Corporation explained that before 1968 the application form for an Air Canada/Canadian National credit card had not asked the customer to state the language in which he wished to be served.

Air Canada sent the Commissioner brochures in French and a form on which the complainant was asked to record his language preference. The Commissioner forwarded these with Air Canada's explanation and apologies to the complainant.

h) Advertising

File Nos. 556, 1540

- A Franco-Manitoban sent the Commissioner a photocopy of an advertisement published by Air Canada and claimed that this advertisement had appeared in Winnipeg's English-language newspapers only. According to him, one had to subscribe to an English-language newspaper in order to keep informed about the activities of government agencies. This, he believed, constituted discrimination against French-speaking people living in Manitoba.

Air Canada informed the Commissioner that it was then preparing publicity campaigns directed to French-speaking people outside Quebec which were distinct from those aimed at the English-speaking public: the text of the advertisements would be specifically designed for French-speaking readers and would not be translations or adaptations of English material. As was only fitting, local French advertising media would be used.

When the Commissioner followed this up, however, he found that no Air Canada advertisement had appeared in the French weeklies in the West. Air Canada said that there had been unforeseen delays but advertisements would appear in the French weeklies, starting 15 November 1973.

- A complainant drew the Commissioner's attention to the poor quality of French in an announcement for a meeting of the Canadian Association of Sport Sciences in Vancouver. He also criticized a unilingual English sign wishing members an enjoyable convention.

Air Canada explained to the Commissioner that the Professional Travel Consultants agency in Toronto was responsible for publishing the text in question, which had already been written before Air Canada was named official carrier for the convention. Air Canada had been assured that a French version of the text had been written in Montreal, but, unfortunately, its officials had not checked the translation.

The Commissioner suggested that Air Canada check all texts published by travel agencies, etc., which are using the company's name, to make sure they meet the requirements of the Official Languages Act. He contacted the owner of Professional Travel Consultants, who then wrote to the complainant.

i) Lack of French Language in Forms

File Nos. 1106, 1114, 1116, 1313, 1646

- There was criticism of a unilingual English form for sales reports which was distributed by Air Canada to travel agencies.

The company admitted that the form was in English only but said a bilingual form would shortly be published.

- A French-speaking complainant alleged that, at the Ottawa Airport, Air Canada used a unilingual English form for internal administrative purposes.

The company said that a bilingual form had existed for several months, and sent a sample to the Commissioner. It had instructed its vice-president (Eastern Region) to use only the bilingual version throughout the region and to return any unilingual English forms to head office for use in areas of the country where only English was required. When these unilingual supplies were exhausted they would be replaced by the bilingual form in all Air Canada offices.

Air Canada added that its policy was to have all forms, directives and manuals (except for highly technical manuals) bilingual as soon as possible. Documents and forms used by staff serving the public were to have priority.

- A French-speaking person who travelled frequently with Air Canada complained that a form he had seen posted at a plane's entrance was in English only. Since it was plainly visible to all passengers, he thought it should be bilingual.

Air Canada pointed out that it was making many of its internal forms bilingual, particularly those affecting the employees' welfare and those used for interdepartmental communications, throughout its organization. At that time, however, no provision had been made to render bilingual the forms used for maintenance or flight operations, which was the case of the form in question.

The Commissioner asked Air Canada to explain why these forms were not to be shortly available in both official languages. The company replied that it had begun a three-phase survey of all written material used, or referred to, by its employees in 1972. The second phase was near completion and the third one, dealing with a detailed inventory of airport maintenance and computer technology, would make available as soon as possible a bilingual format for employees' daily reference material.

The complainant was informed accordingly.

2. Personnel Problems

File No. 977—Job Transfer

A letter was received from the Fair Employment Practices Branch of the federal Department of Labour concerning a complaint by an

English-speaking Air Canada stewardess whose husband, a pilot with Air Canada, was obliged to transfer from Winnipeg and chose Montreal with a view to furthering his career. Under company policy, the stewardess was not allowed to transfer to the Montreal base, and she felt she was being discriminated against. She had been flying in and out of, and staying over in, Montreal for a number of years. According to the complainant, the policy that only bilingual hostesses could be based at Montreal was an unwritten rule that was not to be found in any manual or document. Furthermore, some unilingual English-speaking stewardesses were based in Montreal as they were already there when the new policy was established.

The Commissioner told the Fair Employment Practices Branch that as long as Air Canada had taken due account of Section 39 (4) of the Official Languages Act, dealing with the appointment and promotion of personnel whose positions include duties relating to the provision of services to the public, there was no contravention of the Official Languages Act. It was the Commissioner's opinion that the stewardess' complaint arose from a decision by Air Canada that was of an administrative nature.

File No. 1295—Competition

A unilingual English-speaking employee at Ottawa wrote to protest Air Canada's refusal to consider his application for the position of Sales Agent because the job was designated as bilingual.

The Commissioner advised the complainant that the designation of bilingual positions within the corporation was Air Canada's prerogative and that he could only intervene if the result of such designation led, in his opinion, to a contravention under the Act. He sympathized however with the correspondent's situation and wrote to the company in an unofficial capacity to express his concern.

Air Canada informed the Commissioner that the position in question had been designated as one requiring a bilingual incumbent but that it had been considered as temporary and subject to abolition due to budgetary constraints. In fact, the position had already been abolished and no longer existed. The corporation added that its policy concerning promotion to a position designated as bilingual was quite clear: any unilingual employee could apply and be considered on the same basis as a bilingual employee, provided he agreed to acquire the language knowledge the position called for within a given time. In the case in question, a bilingual employee had been hired on the basis of merit and aptitude.

The Commissioner informed the complainant of Air Canada's explanation.

File Nos. 1038, 1699—Conditions of Work

- A French-speaking employee sent the Commissioner a copy of a letter he had written to his union director asking what the company's policy was concerning the use of the French language in its Montreal offices, in view of the Official Languages Act. However he did not wish to make a formal complaint.

Subsequently he informed the Commissioner that Air Canada had issued in mid-June 1972 a policy paper on bilingualism and that since September some progress had been made. Nevertheless, he believed the slowness to implement the policy was unjustifiable, particularly with regard to training and the publication of bulletins explaining the air fares.

- An English-speaking employee in Ottawa wanted to know if the company could transfer its personnel as it wished in order to deploy its English-speaking and French-speaking members to better advantage so it could serve the public in both official languages more efficiently.

The Commissioner replied that the Official Languages Act dealt principally with language of service to the public on the part of all the institutions and organizations of the Parliament and Government of Canada, including Crown corporations such as Air Canada. He pointed out that his responsibility, as defined in the Act, was to make sure that service to the public was provided in both official languages by those institutions, but he did not instruct them how to achieve that goal.

He added that there was no infraction of the Official Languages Act in Air Canada's procedure, but if the complainant believed the company was exceeding the terms of its union contract, he could have recourse to his union representative.

File No. 1147—Language of Work

A French-speaking worker in the Alexis Nihon Plaza reservation bureau in Montreal complained about the lack of the use of French in directives, forms and communications from his supervisor, and in the training courses given. He claimed he frequently had to work in English because some personnel were unilingual English-speakers, both at the Plaza and at Air Canada Headquarters at Place Ville-Marie, Montreal. In addition, the union contract with the corporation was in English only.

Air Canada explained to the Commissioner that all directives for employees at Alexis Nihon Plaza, at city ticket-offices and at the airport would be issued in both official languages. Certain very technical terms, particularly in relation to Reservec II, would continue to be given only in English until French technical terminology had been standardized. All forms would eventually be translated and many had already been. All correspondence with an employee would be in the

official language of the employee and an employee had the right to use the official language of his choice in communicating with his local or regional administration. The union collective agreement would be translated as soon as possible.

Air Canada's explanation was transmitted to the correspondent who wrote again to ask for details on certain points. He wanted to know when the translation of all forms would be completed and whether the present union contract would be translated or just the new one which was to come into effect around August 1973. He asked if training courses would be given in the official language of the employee and if unilingual English-speaking staff would receive basic French-language courses so that they could reply to simple French queries with a few courteous and useful phrases. He wondered if the company's cheque stubs would eventually be bilingual as were the stubs of federal government pay cheques.

Air Canada replied that the fusion of the language services of Air Canada and CN had suffered a delay but that this joint service would be ready to function by the end of April 1973. This would greatly improve the translation facilities of both organizations. The company believed it was not worth while, for various reasons, to translate the present collective agreement with the union, but it would translate the new one due in August. Ninety per cent of training courses given in Montreal were given in French, but certain unilingual English-speaking personnel from other parts of the Eastern Region came to Montreal for some courses, which were necessarily given in English. All unilingual employees in Montreal and Ottawa had had a minimum of 120 hours of French-language training to familiarize them with the language. The Finance Service of Air Canada had studied the question of pay cheque stubs and found there were technical difficulties because of the size and shape of the cheque form in relation to the computer and the large number of deduction codes. The question was still under consideration and Air Canada requested a sample of a federal government pay cheque.

The vice-president (Finance) of the corporation then telephoned to point out how costly it would be to make the changes necessary to make the cheques bilingual. He wondered if the Commissioner might support a request to Treasury Board for additional funds to make the changes.

The Commissioner said he would discuss the matter at a projected meeting with the Chairman of the Board of Air Canada. At a subsequent meeting between the Commissioner and the Chairman, at which many questions related to bilingualism were discussed, the Commissioner made it clear he would not involve himself in internal financial matters of the company.

The complainant was advised of the developments up to the time of the meeting.

Some months later, and after several other meetings, Air Canada advised the Commissioner that the pay cheque stubs would be issued in bilingual format as of 1 January 1974.

ATOMIC ENERGY OF CANADA LIMITED

COMPLAINTS

File No. 1323—Parking Lots and Vehicles

A French-language cultural association reported to the Commissioner that there were two unilingual English signs in the corporation's parking lots at South March in the suburbs of Ottawa and that one of its trucks was apparently identified only in English.

Investigation revealed that one of the signs had been erected at the request of a contractor and would be removed when work was completed. The other sign was replaced by a bilingual one.

The corporation informed the Commissioner that its policy was to have French identification on one side of its trucks and English on the other. The truck in question had been damaged in an accident. For reasons of economy, it had been put back into service temporarily without the French inscription. The corporation said that since the truck was not used to serve the public, it did not intend to recondition it.

The Commissioner concurred in this decision, but recommended that the corporation make sure in future that all signs and other identification were in both official languages.

File No. 1587—Stationery

A French-speaking person complained that he had received printed material from Atomic Energy of Canada Limited in an envelope bearing a return address in English only. He could not understand why, as everything else on the envelope was in both French and English.

The corporation admitted its error, which it attributed to an oversight at the time of printing. Envelopes in stock would be immediately overprinted to make the return address bilingual.

The Commissioner was pleased to learn of the decision to have the envelopes overprinted and asked for one to be sent to him. He also observed that the stationery the corporation used when it wrote to him had a letterhead in English only and that the envelope, although different in size and style from the one originally complained of, bore a unilingual

return address. The Commissioner therefore suggested that the corporation should make a thorough inventory of its stationery, including envelopes, to ensure that all of it complied fully with the provisions of the Official Languages Act.

Atomic Energy of Canada Limited sent the Commissioner a copy of the overprinted envelope as he had requested and informed him that the other envelope with a unilingual return address had been withdrawn from use. The corporation said it was carrying out an inventory of envelopes and other stationery. It already had some stationery with a bilingual letterhead but was reluctant to order new supplies until the question of whether or not the corporation was to adopt the Federal Identity Programme's format had been finally settled.

AUDITOR GENERAL

COMPLAINT

File No. 497—Language of Work—Follow-up

The Commissioner has already explained on page 144 of his *Second Annual Report* the nature of this complaint, the gist of which is that it is impossible to work in French in the Auditor General's Office.

The comments of the Auditor General on this complaint and the first stages of the Commissioner's investigation were also reported in the *Second Annual Report*.

In the spring of 1972, however, the Commissioner was informed by the complainant that, although Audit Office Bulletins were then bilingual, many other instructions and directives as well as personnel services were still being provided in English only. It was also alleged that there was no change in the field of language of work in the Auditor General's Office and that all reports had to be done, as in the past, in English. According to the information received by the Commissioner, no instructions had been issued in the above-mentioned Office altering the practice.

Under the circumstances, the Commissioner recommended to the Auditor General that:

- 1) all instructions and directives to employees, and all personnel services be provided in both official languages;
- 2) instructions be given which would allow employees, whenever practicable, to prepare internal memoranda, analyses, reports and similar written material in the official language of their choice; and

3) in order to offer more opportunities to members of the staff of the Auditor General's Office to work in French, a formal invitation be extended to all federal institutions to submit their accounts for inspection in French, if they so desire.

At the beginning of October 1973, the Auditor General sent the Commissioner the following progress report on the implementation of the above-mentioned recommendations:

Recommendation 1

All instructions and directives, which were interpreted to include audit programmes and questionnaires, were being reviewed and brought up to date with a view to issuing them in bilingual form. A number of audit programmes and questionnaires were in hand for translation, after which they would be issued in bilingual form. A bilingual capability had been developed in administration and personnel services and was available on request to all employees.

Recommendation 2

The Office had not yet issued formal instructions to all employees concerning language of work. However, at the Montreal Office, where the officer in charge was bilingual, for the past year all internal memoranda had been in French. It had not been found possible to extend this practice immediately to audit working papers, but in 1973-74, employees in the Montreal Office had been given the option of preparing working papers in either official language for Crown corporations and agencies with headquarters in Montreal or Quebec City, the files of which were kept in that Office. The Auditor General hoped to extend this practice in the near future to audit assignments carried out by the Montreal Office that were an integral part of the work of his Office in Ottawa; he also hoped to extend the practice to the work of his Office in Ottawa.

Recommendation 3

The Department had not yet extended formal invitations to federal institutions, which so desired, to submit their accounts for inspection in French, since they did have this option. Where accounts were maintained in French, the Office endeavoured to assign bilingual employees to the audit. This matter would be the subject of further study as the Office proceeded with the implementation of the government's Official Languages Policy.

BANK OF CANADA

COMPLAINT

File No. 970—Meeting of the Montreal Bond Traders' Association

A French-speaking Montrealer told the Commissioner that the Bank of Canada's representatives had refrained from voting on a resolution that he had presented to a meeting of the Montreal Bond Traders' Association which would have required the composition of the executive to be truly bilingual and bicultural. He felt the Bank of Canada's representatives should have supported what he claimed was government policy, and he asserted that by their lack of support they had influenced others to vote against his resolution.

Although private organizations do not come within the Commissioner's jurisdiction and the Bank of Canada's representatives are merely "honorary" members of the association, having no voting rights, the Commissioner nevertheless unofficially informed the Governor of the Bank of Canada of the situation.

The Governor of the Bank confirmed that the Bank's three representatives were "honorary" members, even though the Bank paid the regular annual fee for membership. He said that it would be quite inadmissible for honorary members to vote upon substantive matters such as the rules and regulations of the Association, its membership, or its executive. Apart from two occasions in past years, the Bank's representatives had always abstained from voting and the Governor had been assured that abstention would continue to be the practice.

The Commissioner passed this information to the complainant.

CANADA COUNCIL

SUMMARY

In December 1973, the Council stated that 86 per cent of its staff was bilingual, and adequate for serving its public in the two official languages. But it expected to increase its bilingual strength (counting positions designated unilingual) to 96 per cent by 1978.

Replying to the Commissioner's questionnaire, the Council stated that since its creation in 1957 it has tried to practice bilingualism with its clients as well as within. By the time the Act came into effect it had apparently made much "progress in this regard over most of the federal departments and agencies". The Council claimed to have continued along the same lines since. It does not have a formal programme to assure bilingual service; bilingualism is a "way of life", for the Council.

The Council added that it was intensifying its "bilingualisation" efforts. The Secretary-Treasurer and the Assistant Director of the Council were stated to be responsible for implementing the Act. Within its administration, the Council said, English is used more than French because of the numerical preponderance of English-speakers also because many French-speakers work in English by force of habit. Official communications internally, however, are stated to be done in both official languages. Simultaneous translation is available at meetings.

The Council's publications, such as programmes, reports and press releases, are reported to be bilingual or they are published simultaneously in two separate versions.

The Council indicated that its branches and sections function in the two official languages, and that manuals are bilingual. Employees can work in the language of their choice because most of the supervisors are, according to the Council, bilingual.

CANADIAN BROADCASTING CORPORATION—"How to Succeed in Business Without Really Trying"

EVALUATION

Over the first three years, the Commissioner received 177 complaints, 75 of which dealt with the lack of television programmes in French in the St-Paul-Bonnyville-Lac La Biche area. Considering the special nature of many of the complaints and the funds available at its disposal, the Corporation's general co-operation with regard to complaints was good.

Several complaints dealt with the lack of radio or television programmes especially in French, in various regions of Canada. The Commissioner recalled in his *Second Annual Report* that in February 1972 the government envisaged the establishment of a five-year plan to make radio and television services in their own language available to all English- and French-speaking communities of over 500 people. In March 1972, the Corporation estimated that there were more than 300 communities with at least 500 inhabitants that were still not receiving broadcasts in their official language.

In accordance with the wishes of the government, the Corporation prepared an accelerated coverage expansion programme containing all priorities and costs, for providing service to isolated communities. This plan was developed in consultation with other agencies, such as the Secretary of State Department, Treasury Board, the Department of Communications and the Canadian Radio-Television Commission. On 14 February 1974, the Secretary of State announced that the government

had just approved the plan, and set aside \$50-million for its implementation over five years. The Commissioner was happy to hear this news and hoped that the Corporation will be able to carry out its programme on schedule.

A number of complaints from Winnipeg concerned broadcasting of programmes in foreign languages on the government network. It was on this occasion that the CBC made public its language policy. Although it is in accordance with the Official Languages Act and the Broadcasting Act, the Commissioner expressed the opinion that it should be less rigid and should allow broadcasting in certain cases of a limited number of programmes in foreign languages. He suggested that the CBC and the government reconsider this question, which is of vital importance to the various ethnic groups in Canada.

The other complaints about the Corporation were quite diverse (unilingual notices, lack of telephone service in French, documents in English sent to French speakers, and so on). In all these cases, the Corporation endeavoured to correct the situation as soon as possible following the Commissioner's intervention.

On 15 October 1973, the Commissioner sent a questionnaire on the application of the Official Languages Act to the CBC and to 19 other federal institutions. In its reply on 22 January 1974 the CBC revealed the state of bilingualism in its five major administrative sectors: Head Office, French Services Division, English Services Division, Ottawa Area and finally the special divisions responsible for the International Service, Northern and Armed Forces Services, external relations and the overseas offices.

In short, according to the Corporation institutional bilingualism in four of its major sectors is good. The English Services Division is apparently experiencing some problems in complying generally with the provisions of the Official Languages Act. The Corporation stated, however, that it intends to develop several programmes in the near future to enable this Division to overcome the obstacles. The CBC informed the Commissioner also that it had taken several measures so that in the Toronto area the English Services Division will be able to provide service to the public in both official languages.

COMPLAINTS

1. Radio and TV Stations

File Nos. 819, 820—Newfoundland

In March 1972, two English-speaking complainants told the Commissioner that they believed that French-language radio was needed in

Newfoundland to supplement the teaching of French in schools since students have little opportunity to hear the language outside the classroom.

In May, the CBC informed the Commissioner that its low-power relay transmitter at Labrador City provided French network radio service to Labrador City and Wabush. The CBC planned to file an application with the Canadian Radio-Television Commission (CRTC) early in 1973 to obtain permission to bring the power up to 1,000 watts, which would extend coverage beyond the range of the present 40-watt low-power relay transmitters.

The CBC also said it expected to file an application for an FM rebroadcasting station at Port-au-Port to serve the Stephenville-Lourdes area of Newfoundland, which it hoped the CRTC would consider at one of its hearings in the fall of 1972. The Commissioner was later informed that this matter could not be examined until December 1973.

The CBC's accelerated coverage plans included provision for a French-language radio station in St. John's as well. Since the list of priorities had not been determined, the CBC was unable to predict with any degree of certainty when the St. John's project would be undertaken.

File No. 796—Prince Edward Island

A complainant deplored the fact that in Charlottetown it was practically impossible to pick up French-language radio and television programmes broadcast from Moncton.

In May 1972, the CBC informed the Commissioner that its long-term plans included the creation of French-language radio and television stations in each of the provincial capitals. These stations would then serve as distribution centres for regional news and public affairs programmes likely to be of interest to other regions within these provinces.

The CBC added that it was implementing this plan as fast as funds permitted, taking into account also the size of the population to be served. It also pointed out that its accelerated plan for expansion of services, which was announced by the government in the Speech from the Throne on 17 February 1972, called for the creation of a French-language radio and television station in Charlottetown.

In October 1973, the CBC told the Commissioner that it was not able to provide further details on the matter as the Cabinet had not yet taken a decision.

File Nos. 719, 1236—New Brunswick

- An English-speaking correspondent complained about the mispronunciation of French names by English-speaking announcers on CBC television programmes. He felt it was an insult to the French-speaking population of Moncton.

The CBC explained that it requires all announcers, even those who are unilingual, to pronounce in an acceptable manner commonly used place-names and family names that are in another language, and particularly those in the other official language. Announcers are encouraged to consult their supervisors or any other reliable source of information in doubtful cases. The director of the Moncton station had been told of the complaint and his attention drawn to the need for assistance on the part of some announcers.

- A complainant wondered why CBC French-language programmes broadcast from Moncton did not reach French-speaking residents in northern New Brunswick.

The CBC informed the Commissioner that on 25 November 1971 it had asked the CRTC for authorization to set up a broadcasting transmitter in Neguac which would enable the population of north-eastern New Brunswick to pick up the French-language programmes broadcast from Moncton. At the public hearing in Kingston on 19 June 1972, the CRTC heard the CBC's request; on 20 July 1973, it decided to undertake a study of the question.

The CBC added that for three years it had been giving special attention to the extension of French-language television in the Maritime provinces. In New Brunswick, the French television programming could be received by 92 per cent of the French-speaking audience, but the affiliated stations in Rimouski and Carleton reached only half the population. The transmitter in Neguac would make it possible to serve a population which had so far been without French-language television broadcasts.

File Nos. 943, 1660—Quebec

- An English-speaking correspondent from Black Cape in Bonaventure County told the Commissioner that many people on the Gaspé coast cannot get news on the radio in English about local and Quebec provincial affairs.

On investigation, the Commissioner found that the CBC has two low-powered relay stations at Gaspé and Murdochville which carry its English-language radio network programmes. It plans to replace the present Gaspé relay station by a relatively high-powered one as soon as funds permit. Privately-owned stations in Campbellton and Bathurst provide English programming, although it is directed more to New Brunswick audiences.

These facts did not establish a contravention of the Official Languages Act.

- A French-speaking member of an organization in which both linguistic groups were represented deplored the fact that the CBC had not

provided English-language radio and television broadcasts in the Trois-Rivières area.

The CBC informed the Commissioner that its expansion plans for the Canadian network included the establishment of English-language radio and television stations in this area. It pointed out, however, that the plan had to be submitted to the Corporation's Board of Directors first before it could be sent to the Department of the Secretary of State, which was to present it to the Cabinet. It was impossible for it to say at this stage what priority would be given to these two projects.

File Nos. 744, 931, 1035, 973, 987, 1684—Ontario

- A correspondent complained of the lack of radio and television programmes in French in the Fort Frances-Dryden-Kenora area. She pointed out that the French-speaking people of the region as well as a number of English-speaking people learning French would like to receive such services.

The CBC informed the Commissioner that this matter had been examined in studies on the regional extension of the CBC network in the Prairies. It was decided to plan for radio and television stations to be set up in Kenora and Dryden to relay French programmes from Winnipeg. However, there was no such plan for Fort Frances.

The CBC added that it could not provide the Commissioner with the dates when these stations would go into service because the study on priorities for extension of the network for the whole of Canada was not yet finished.

- Some French-speakers complained about the lack of information programmes about northern Ontario on French television in Sudbury.

In its reply to the Commissioner, the CBC said it was aware of the need to broadcast more local and regional news in the Sudbury area. One of its long-range objectives was to regionalize radio and television services to reflect the activities of each particular region better. It stressed, however, that this could only be done as fast as funds became available and in accordance with certain priorities.

The CBC added that the establishment of a French-language television station in Toronto was a good illustration of its effort to regionalize. From the beginning, this station had not been intended to broadcast only to the local public, but to serve also as a master station for all French network retransmitters in Ontario, making available to them news of special interest to French-speaking audiences. At the time of the Corporation's reply to the Commissioner, CBC's engineers were studying the technical aspects of the new French-language tele-

vision stations that it planned to install in Kitchener, London, Chatham, Windsor, Espanola and Chapleau. In accordance with an accelerated broadcasting plan announced by the government in the Speech from the Throne on 17 February 1972, the Corporation was also planning French television stations for Geraldton, Penetanguishene, Kingston-Belleville and Thunder Bay.

The above list gives an idea of the scope of the CBC's plans for extending its French television services in Ontario. The Corporation pointed out, however, that these plans could not be accomplished within a year but had to be spread over several years, because it had at the same time to meet other needs arising from the extension of services in both official languages on a national scale.

The Corporation regretted that it was not able to be more specific at the moment. It stressed that all its plans would have to be assigned an order of priority which would take into account the funds available.

- A number of French-speaking and English-speaking residents deplored the lack of French television programmes in the Penetanguishene area. In order to remedy this situation, they suggested that the CBC install a television relay transmitter in Parry Sound as soon as possible, from which broadcasts from the French station at Sturgeon Falls could be retransmitted.

The CBC informed the Commissioner that its goals had not changed: a television retransmitter for French broadcasts would be put into service in 1975 and a current study was to set priorities within the Corporation's accelerated broadcasting plan. The date of the retransmitter's entry into service might even be advanced. However, the CBC added that it had to stick to the date of 1975 until it received the recommendations of the study and could change its goals.

It was too soon to fix the location of the retransmitter and no decision had yet been made. However, the Corporation assured the Commissioner that its engineers would select the location with great care so as to ensure that the public, especially in Penetanguishene, got the best possible reception.

- A French-speaking resident of Espanola stated that the citizens of that region had been promised French television for four years. She wanted to know when they would receive service from the French television station in North Bay.

The CBC informed the Commissioner that on 16 January 1973 the CRTC had authorized the establishment of a French television station in the Espanola area. It hoped that the station would be ready to broadcast by about mid-November 1973.

Various ethnic groups informed the Commissioner of the CBC's decision to acquire French radio station CKSB in St. Boniface. They claimed that the CBC intended to use this station to broadcast exclusively in French and asked the Commissioner to intervene so that CKSB could continue to broadcast programmes in other languages.

The CBC informed the Commissioner of its language policy which can be summed up as follows:

- 1) When national broadcasting was first introduced, the Corporation applied a policy of broadcasting in English and French. As its services were expanded to the North (the Yukon and Northwest Territories), it modified its initial policy slightly and authorized broadcasting in Indian and Eskimo languages.
- 2) Broadcasting in other languages is confined to Radio Canada International, whose programmes are relayed by some private stations serving various ethnic groups.
- 3) The Broadcasting Act clearly specifies the priorities which the Corporation must follow to carry out the wishes of Parliament. The development of a service in English and French is one of these priorities. There are a number of places across the country where such service in English and French is non-existent or in need of improvement. It is the CBC's responsibility to remedy this.
- 4) The CBC must meet the needs of various regions. As its services in the North expand, it cannot meet the special needs of this region without providing service in local languages. Although this has been undertaken, no one is completely satisfied with the way things are. Besides, in order to play its role fully in other regions, the CBC still has much to do.
- 5) On 29 January 1973, during a re-examination of the CBC's language policy occasioned by the CKSB affair, the CBC's Board of Directors gave consideration to all these problems.
- 6) The CBC's limited financial resources do not permit it to create services in new languages until it has accomplished the missions assigned to it by Parliament. Any other policy would result in the deterioration of present service.
- 7) While it is of the opinion that broadcasting in new languages cannot be considered, the CBC believes that Canada's various cultures should be reflected more in its regular programming.
- 8) One of the current objectives of the CBC is the improvement of its regional services. There is a close relationship between regional and

ethnic programming. This factor alone guarantees increased interest in the cultural contribution of ethnic groups, and the CBC will consider this matter carefully.

9) It believes that the national broadcasting service in its present form is not adaptable to multilingualism. The best solution to the problem would be for the ethnic groups to continue their efforts to obtain broadcast time on private stations. For its part, the CBC would assume its primary obligation to develop national services in English and French, while attempting to improve the multicultural content of these services.

10) Broadcasts from Canada's numerous ethnic groups would enrich the CBC's present services. It plans to explore the possibility of this type of programming.

On 19 February 1973, two representatives of the Office of the Commissioner attended the CRTC's public hearing on this matter as observers. The Commissioner afterwards obtained from the CRTC a copy of the reports submitted to it as well as the transcript of the testimony. An examination of these documents revealed the following:

1) CKSB had been broadcasting in foreign languages for more than 20 years.

2) The ethnic groups were asking for six and a half hours broadcast time per week (about one hour per ethnic group) on this station.

3) Most of the broadcasts in foreign languages were made by volunteers, and the various ethnic groups were apparently ready to defray the expenses of such broadcasts. They were asking the CBC only for a little time on the air.

4) Broadcasts in foreign languages, according to representatives of the ethnic groups, provided a service to immigrants who did not understand English or French and helped them integrate more smoothly into Canadian life.

5) The Société franco-manitobaine did not oppose multiculturalism or the principle of ethnic groups having some broadcasts in their languages. However, it did not want this to be entirely at the expense of French-speaking programming; in its opinion, the English network as well as the French network should broadcast some programmes in foreign languages; it also believed that English private radio stations should help to solve this problem.

6) The Corporation's language policy was based on the Broadcasting Act, Section 3 of which stipulates that "all Canadians are entitled to broadcasting service in English and French as public funds become available", and that the national broadcasting service should "be in

English and French, serving the special needs of geographic regions, and actively contributing to the flow and exchange of cultural and regional information and entertainment". That was a priority of the Corporation, although it did not mean that the CBC was forbidden to broadcast in other languages.

Even though, in his opinion, there was no violation of Section 38 of the Official Languages Act in this case—because the Corporation was not relying on that Act but on the Broadcasting Act—the Commissioner decided to express his point of view on the question. He asked the CBC to reconsider its language policy and, if possible, to permit its French and English radio stations in Winnipeg to broadcast some weekly programmes in foreign languages. The Commissioner felt, in fact, that most of these broadcasts should be made on one of the CBC's English radio stations rather than on the only French radio station. If private AM radio stations in Winnipeg were to agree to broadcast some of these programmes, the CBC's responsibility in this regard would of course be lessened.

On 29 March 1973, the CRTC announced that it had authorized the purchase of station CKSB by the CBC, and stated the following with regard to broadcasts in foreign languages:

At the public hearing at which this application was heard, there were a number of interventions protesting the proposed discontinuance of certain programmes which CKSB has carried for many years, produced for the benefit of citizens of the following language groups: Ukrainian, Polish, German, Portuguese, Jewish and Italian. The CBC has informed the Commission that, in view of this long-standing practice, broadcast time will continue to be made available on a similar basis to any of these groups desiring it, for a period of twelve months, in order to provide sufficient time for those groups which have not already done so to make other suitable arrangements for their programming in the Winnipeg area. The Commission considers this to be a reasonable and equitable proposal.

The CBC later informed the Commissioner that the extension of one year granted to the ethnic groups concerned must not be considered as a change in policy but merely as a short-term arrangement. It also informed the Commissioner that it could not follow his suggestion and change its policy in the matter of broadcasting in foreign languages. However, it said that it would re-examine its position in the light of any new policy the federal government might adopt.

File Nos. 727, 1508, 1525, 1555, 1686—Saskatchewan

- A French-speaking person complained about the lack of French television programmes in Saskatoon and northern Saskatchewan.

The Corporation informed the Commissioner that its English-language television stations in Moose Jaw, Regina and Saskatoon broad-

cast about three and a half hours of French-language programmes weekly for the French-speaking people of these cities. This service would be provided until the CBC was able to open French-language TV stations in these places.

The CBC added that it intended to apply to the CRTC for authorization to establish a French-language television station at Regina/Moose Jaw, and one in Saskatoon. It hoped that the CRTC would be able to put these applications on the agenda of a public hearing at the beginning of the fall of 1972, so that the Corporation could begin broadcasting as early in 1973 as possible. The CBC also intended to submit an application in 1973 for authorization to establish a French-language television station in Prince Albert.

It further envisaged other French-language television stations at Radville, Montmartre, Willow Bunch, Ponteix, North Battleford, Arborfield and Meadow Lake.

Although the complaint referred solely to television, the CBC also provided the Commissioner with information concerning the extension of its French-language radio services in Saskatchewan. It hoped to set up French-language radio stations in Regina, Saskatoon and Meadow Lake, and was negotiating the acquisition of CFRG Gravelbourg. It could not, however, give the dates on which these stations would go into operation.

In October 1973, the Corporation informed the Commissioner that it would apply to the CRTC before the end of 1973 for authorization to establish a French-language radio station at Regina/Moose Jaw. A similar application for French television in this region should be submitted in the fall of 1974. Finally, the CBC pointed out that the establishment of French-language television stations in Saskatoon and Prince Albert, and of a French-language radio station in Prince Albert, was called for under its accelerated extension plan, but that, since the project had not yet been approved by the Cabinet, the Corporation could give no further details on this matter.

- A French-speaking resident complained about the lack of French-language television programmes in the St. Louis region. She also deplored the fact that Canadians, especially those who are denied access to the Corporation's French television programmes, are not able even to hear the French portions of politicians' speeches on the English television network. She cited as examples the press conferences of Messrs. Trudeau and Lewis of 1 November 1972 where all the French questions and answers were translated into English on the English network.

The CBC informed the Commissioner that it would submit to the CRTC some time in 1972 an application for authorization to establish a French-language television station in Prince Albert. Regarding the

question of the translation of interviews on English-language programmes, the Corporation pointed out that the function of its English services was to serve their English-language listeners in their language. According to the CBC, it was essential that the entire message broadcast be understood, particularly in the case of communications of national interest. It added that there was not yet any satisfactory system for providing subtitles in the other language for live programmes.

- Several organizations protested, for cultural and economic reasons, against the CBC's moving its newly-acquired French-language radio station CFRG Gravelbourg to Regina, as part of the reorganization of the Corporation's production facilities.

After examining the question, the Commissioner concluded that this was a purely administrative matter, and in his opinion, it did not contravene the Official Languages Act.

File Nos. 974, 998—Alberta

- A complainant wrote to the Commissioner about the discontinuation of French broadcasting on CBC Channel 5 in Edmonton as a result of the strike by NABET union members. She enclosed in her complaint a letter from a technician who claimed that the Corporation could have broadcast some French programmes if it had shown a little imagination.

The Commissioner replied that the situation as reported did not, in his opinion, constitute a contravention of the Official Languages Act. He believed that, in cases of strike action, changes in or discontinuation of broadcasting for technical reasons or to serve management or union interests did not contravene the spirit and letter of the Act.

- A French-speaker complained of the lack of French television programmes in the Peace River region.

The Commissioner forwarded to the complainant the information on this matter contained on page 152 of his *Second Annual Report*. In October 1973, the Corporation informed the Commissioner that it had submitted an application on 9 July 1973 to the CRTC for the establishment of a television retransmitter in Falher, which would serve the Peace River region.

File No. 1278—British Columbia

A French-speaker stated that a number of people in the Chilliwack region were opposed to the CBC's plan to establish a French-language FM radio station in Chilliwack. He asked the Commissioner to intervene with the federal authorities in favour of the project.

The Corporation pointed out that it had submitted an application on this matter to the CRTC at the beginning of 1972. The CRTC said

it would place this application on the agenda of the public hearing to be held in Edmonton in October 1972. However, in September the Corporation had found that the proposal was provoking strong reactions in Chilliwack. Furthermore, according to the CBC, people had maintained that its English-language radio service in the Chilliwack region was inadequate. The CBC had therefore decided that it should look into both these questions before its application relating to an FM station was heard. The Corporation on 22 September 1972 asked the CRTC to postpone the hearing of the application.

The Commissioner expressed the opinion that, since there were several English-language radio stations in this region and no French-language stations, the Corporation ought to do all in its power to extend its French-language radio service to this region as soon as possible and improve its English services later if this was required. The Corporation wrote to the CRTC on 8 December 1972 to communicate the results of its study, and to request that its application again be placed on the agenda of a forthcoming public hearing. The hearing was held in June 1973, and the application was approved the following month. The CBC hoped that the new station would begin operation in December 1973.

2. *Miscellaneous*

File No. 557—Advertising

A French-speaking person from Manitoba felt that the Corporation's French services in Winnipeg did not advertise enough in *La Liberté*. He noted that this weekly published CBC press releases and television programme schedules, but thought that the number of advertisements was insufficient to provide Franco-Manitobans with the full information on these programmes in their language. He hoped that in regions where there were no French-language daily newspapers, federal organizations would advertise in the French-language weeklies.

The Corporation stated that its interest in the French culture in Western Canada, and more especially in the Winnipeg region, was well known. It added that it was quite familiar with *La Liberté*, and that it had often worked with that weekly. In fact, it had just signed a contract with the newspaper for the insertion of advertisements.

File No. 688—Language Training

Two English-speaking senior television technicians in Ottawa told the Commissioner they had been unable to obtain French-language training and were suffering loss of income as a result. They explained

that it was the producer of a programme who decided which technicians were to work with him. Because an increasing number of French-speaking producers were insisting on having French-speaking or bilingual technicians, unilingual English-speaking ones were now getting less work and consequently earning less money. To correct this, the technicians wanted total-immersion courses in French which would qualify them to work on French as well as English programmes. They said they believed that the CBC would save in the long run by being able to cut out costly duplication of staff. The Commissioner agreed to take the matter up with the CBC.

The CBC told the Commissioner that it was making a detailed study of the linguistic requirements of every position in the Ottawa area. The result of the study would form the basis of future decisions.

In the meantime, the technicians' union, NABET, went on strike. The CBC then informed the Commissioner that its study dealt exclusively with positions; matching people with the linguistic requirements of the positions would take considerably longer. The CBC felt that it should tell its own staff what it intended to do rather than pass the information through a third party.

The Commissioner told the complainants what the CBC had replied. Changes in the CBC's top management and the settlement of the strike had considerably altered the picture. The Commissioner believed that things were moving in the right direction.

File No. 715—An Eskimo in Montreal

An English-speaking woman complained about the attitudes of French-speaking Montrealers concerning language and alleged that the CBC switchboard operators disconnected her calls when she spoke English. She explained that her husband, an Eskimo, worked for the CBC, having been transferred to Montreal from the Northwest Territories. He was told by the technicians at work that they were to speak only French, which made his job very unpleasant.

She also claimed that there was no sign in English in the new CBC building in Montreal and that folders distributed throughout the building were all in French. She reminded the Commissioner that Mr. Diefenbaker had publicly stated that he had not seen any English signs when he visited the building.

The Commissioner offered to forward the complaint about the linguistic attitudes of French-speaking Montrealers to the Commissioner of Languages for Quebec but did not receive the authorization he requested from the correspondent. He took up the other matters with the CBC.

The CBC replied that all telephone employees in the Montreal office were bilingual and had earned a reputation for politeness and

helpfulness. The complainant's was the first such charge it had received, and it refused to believe that anyone who could not converse in French had deliberately been disconnected.

The difficulties the complainant's husband was having at work appeared to be a question of relations between employees, which was something beyond the control of management. On the other hand, they might have been connected with a labour dispute at that time, in which the union wished to press its demand for a bilingualism bonus.

Most directional signs in the building consisted of graphics rather than words. In a few cases, where space did not permit more than one language, the language of the overwhelming majority of the occupants was used, for example "sortie", or "3ème". Apart from this, the building had at least as many bilingual signs as other CBC buildings across the country. The folders intended for visitors to the building were bilingual.

The Commissioner passed the CBC's explanations on to the complainant.

File Nos. 968, 1744, 1794—Visual Aspects

- A French-speaking person stated that the sign on the Corporation's building at Belle-Côte, in Inverness County, Nova Scotia, was in English only.

The CBC informed the Commissioner that the unilingual sign had been removed and replaced by a bilingual one.

- Two French-speaking Ottawans said that they had received from the CBC some T4A-1972 forms on which the Corporation's name and address were written in English only.

The Corporation admitted that the complaint was justified, but pointed out that this was the first time the sheets had been printed by computer. The error had been corrected at the end of February 1973, but by then all the forms had already been distributed. The Corporation assured the Commissioner that corrective measures had been taken to prevent recurrence of this irregularity.

According to the Commissioner, the Corporation's name and address ought to appear in both official languages, or else in English on forms for English-speaking employees and in French on those for French-speaking employees. The Commissioner asked the CBC to consider this in issuing documents of this type.

File No. 1768—"Chez Hélène"

An English-speaking person deplored the discontinuation of the programme "Chez Hélène" on the English television network. It was,

she said, the only bilingual programme that taught the rudiments of French to English-speaking children. She maintained that the programme that replaced "Chez Hélène" was shorter and not of as high quality.

In the opinion of the Corporation's producers and outside consultants, "Chez Hélène" had been valuable but it had now been superseded by new French-teaching methods and new production techniques. The CBC also took into account the fact that the ratings of "Chez Hélène" had been steadily decreasing in recent years, and were frequently below those of "Sesame Street". It considered that a greater number of children could learn about how French-speaking people lived from the French-language sequences in "Sesame Street".

The bilingual and multicultural features incorporated into "Sesame Street" did not take the place of "Chez Hélène", but this had never been the Corporation's intention. A new programme for English-speaking children on learning French was being prepared in the Montreal studios.

The Corporation was convinced that through this new programme, entitled "Pourquoi", and through the French-language sequences on "Sesame Street", a larger number of young Canadians would learn the French language and discover French culture.

File Nos. 703, 730, 1019—Telephone and Reception Services

- Two French-speakers living in Ontario stated that they could not obtain service in French from the Corporation's switchboard operators in Toronto. They claimed that at the beginning of a conversation the name of the Corporation was often given in English only; furthermore, the operators often replied in English, sometimes in an unpleasant tone of voice, to questions asked in French; finally, in some cases it was impossible to get through to the person one wished to speak to without talking to the operator in English.

The Corporation reported that when French-language radio station CJBC was opened in Toronto on 1 October 1964, the switchboard staff were unilingual. In September 1972, however, seven of the thirteen were bilingual. Furthermore, when a position became vacant, candidates were required to have at least a minimum of knowledge of the other language. The Corporation estimated that service was provided in both languages 85 per cent of the time. It also assured the Commissioner that if the opening of the new French-language television station in 1973 produced a substantial increase in the number of telephone calls in French, it would make sure that the new requirements were met.

After investigating, the Commissioner recommended to the Corporation that:

- 1) when switchboard operators in Toronto answered calls, they give the name of the Corporation in both languages: "CBC-Radio-Canada";
- 2) unilingual English-speaking operators automatically transfer calls received in French to colleagues with a good knowledge of that language, after alerting the caller with the very simple phrase: "Un instant, s'il vous plait";
- 3) operators refrain from speaking English to French-speaking callers, as service should be provided automatically in the language of the caller;
- 4) waiting time be in all cases kept as short as possible; and
- 5) the composition and deployment of the staff be such that service can be provided in both languages at all times, in accordance with the foregoing.

In September 1973, the Corporation informed the Commissioner that it accepted his recommendations, noting that it had recently created four new positions for bilingual switchboard operators. It felt that this would enable it to provide service in both languages at all times.

• A French-speaking person complained that the Corporation did not have sufficient bilingual staff in its Winnipeg reception and information office to provide continuous and efficient services in both languages.

The Corporation stated that there was a bilingual employee in its Winnipeg information office. He was available from 9 a.m. to 5 p.m., Monday to Friday. After 5 p.m., calls in French were transferred to the duty announcer in the French-language broadcast control room. In December 1972, the Corporation hired a bilingual switchboard operator. It proposed to improve the situation by further increasing the number of bilingual operators in Winnipeg.

Reminding the Corporation that it should provide services of equal quality in both languages in the Winnipeg area at all times, the Commissioner recommended that it take the necessary steps to see that the information and reception services complied with the Act.

CANADIAN INTERNATIONAL DEVELOPMENT AGENCY

SUMMARY

CIDA believes that it is able to offer services to the public in both official languages adequately. Further, it indicates that French and English are used as languages of work on an equal basis; some 350 employees work in French while about 400 work in English.

In response to the Commissioner's questionnaire, the agency stated that its policy since August 1971 had been to ensure respect of the Official Languages Act in its service to the public and to encourage the use of French, as well as English, as a language of work. It set 1975 as the target date for completion of its bilingualism programme. Responsibility for this programme is shared by its Bilingualism, Information and Administrative Services under the direction of the Vice President (Administration). The Treasury Board has apparently reviewed CIDA's implementation of bilingualism; however, the agency's Operational Audit Branch is expected to complete its own evaluation in 1974.

The agency sought to offer bilingual services not so much by designating bilingual positions as by having sufficient staff using one or the other official language to meet their needs.

COMPLAINT

File No. 1017—Bilingual Wanted

An English-speaking public servant came to see the Commissioner to complain that he had been discriminated against because he was not bilingual. He claimed that he had been eased out of his former job for that reason. He had been shifted about to a number of different positions, all of them temporary, and the position he now held could be terminated at any time. He was receiving the same salary as when he had been a director but he had been told to find employment with some other government department or agency. Despite his own efforts and those of his employer, the Public Service Commission had not succeeded in finding him alternative employment.

The Commissioner was of the opinion that CIDA, in acting within the terms of the Public Service Employment Act, had taken due account of the provisions of the Official Languages Act. He nevertheless raised the issue unofficially with the Chairman of the Public Service Commission who, in the meantime, had himself received a communication from the complainant. It was decided that the complainant would be granted education leave, after which suitable employment would be provided.

CANADIAN NATIONAL RAILWAYS—"Closely Watched Trains"

EVALUATION

Parliamentarians should expect great strides in bilingualism from one of its pioneers. In some vital areas, indeed, such as language training, employee information, and standardization of terminology and

signs, the CN has lived up to this hope. Moreover, the Commissioner has often benefited from the President's personal counsel and co-operation. Yet to date, and in spite of some noticeable progress, the CN's performance remains disappointing. This is the Commissioner's opinion, recalling the Company's preparatory work to implement recommendations from two special studies of CN railways and hotels. It also mirrors his experience with the complaints he has received on the persistent lack of bilingual service on CN passenger trains—even on such heavily travelled and culturally symbolic main lines as Toronto-Montreal.

The studies dealt only with the language of service, not including the Company's telecommunications. Moreover, the Commissioner did not receive enough information from the CN concerning the status of implementation of his recommendations to make a full report to Parliament. Hence, any assessment of the Company's compliance with recommendations resulting from special studies must be qualified by some serious reservations and, as such, can only be considered incomplete.

The CN did not give any answer to the recommendation (no. 3, Headquarters study) that establishes the cornerstone for all other recommendations affecting the CN: i.e., that as an institution serving the travelling public the Company "accept the existence of overall regular demand for bilingual . . . service" to the public "across the system". On the contrary, the effect of the recommendations was curtailed by the CN's repeated reservations that the provision of bilingual service be based on "where the need exists" and "where we have the capacity". These and other statements seem to indicate that the Company accepts the absence of service in both languages as a permanent condition at some points in its system.

The CN has made many statements of intent, but so lacking are they in explicitly formulated concrete objectives and time-frames that they give the impression of an inadequate effort and sense of urgency.

Implementation of the Commissioner's recommendations, as interpreted from the CN's own data, has been incomplete and uncoordinated. Moncton seems to have benefited from the Company's attention. But the absence of general information, apart from individual complaints touching on other centres, makes it difficult this year for the Commissioner to tell the reader about uniform progress across the system. Next year's report will monitor system-wide change (or lack of it) more completely.

The Commissioner appreciates that full implementation of his recommendations across the system, as well as collecting data about implementation, requires time and personnel. A particularly warm

summer in labour relations in 1973 has, understandably, done little to speed things up. It also seems that a fragmented rather than systematic approach has slowed the pace of reform.

Given the complexity and reach of this institution, the Commissioner points out that this evaluation remains less than all-encompassing. It cannot be taken as a comprehensive view of the CN, since no special studies have yet been conducted of the CN's telecommunications and trucking operations. The reader may consider the above merely part of a continuing evaluation which will be expanded over the next year or two.

The answers to the 10 recommendations indicate two main areas of progress. First, the company is expanding its employee information programme; a policy guide on official languages with notes on implementation has been distributed to regions, departments and union officers. The programme, which has also made use of publications, videotapes and meetings, represents a rare and commendable effort among federal institutions.

In second-language training, facilities were expanded in the regions. Classes were established permanently in Moncton for employees serving the travelling public and extended to Western Canada in the spring of 1973. By September 1973 a school was established in Winnipeg, and another is planned for Vancouver in early 1974. The CN has also expressed its intention to extend priority to those employees identified (by it) as likely to be engaged in passenger service. The specific application of such a policy must, as the Company stresses, be negotiated with the appropriate unions.

As regards the provision of bilingual service at CN stations, offices, terminals, hotels, and on passenger trains throughout Canada, the situation does not appear to have changed a great deal, except perhaps at Moncton.

The main areas of service dealt with in the CN's response to the Commissioner's recommendations were telephone reception and oral public announcements. With respect to telephone reception, instructions were issued on 29 September 1972 concerning the procedure to be followed by unilingual employees addressed by a member of the public in the other official language; this procedure, "where applicable", was to be incorporated in job training. This was done "in some areas", but Moncton is the only concrete example given. A recording is being experimented with in Winnipeg, but again no planned programme is clearly observable.

With respect to oral public announcements at railway stations, there appears to have been relatively little divergence from the September 1969 policy on bilingual announcements at 23 main stations across Canada. The CN stated that in many other stations in Ontario

and Quebec, live announcements were made in both official languages and that taped installations, to be completed shortly, would increase this service. It is difficult to see how this bilingual service can be extended much beyond Quebec, let alone to all points across the system, if the Company resigns itself to the position described in its statement: "Where the need does not exist and where we have not got the facilities to make bilingual announcements we can only leave the situation as it is whether it be unilingual announcements in French, or unilingual announcements in English."

Announcements made on passenger trains pose a problem for the CN. The Company intends "to see what alternative arrangements, if any, can be made" where it does not have bilingual capability, but envisages "15 to 20 years" [sic] to resolve this particular problem.

The Company reported that an effort is being made by all regions and departments to hire bilingual personnel "for services to the travelling public where the need exists". The only example offered was the new Hôtel Beauséjour at Moncton, which was staffed predominantly with bilinguals.

Most of the 80 complaints settled between 1 April 1970 and 31 March 1973 were justified. Almost all of them concerned the language of service. Two complaints dealt with the language of work. Complaints received from a few English-speakers, on the other hand, alleged that the CN hired mainly bilingual applicants in certain areas.

The results of the investigation of the ten or so complaints about lack of services in French on some of the CN trains were far from encouraging: this was especially true of the Montreal-Toronto run, where an absence of bilingual services would seem to be unpardonable. The Commissioner reminded the CN that the complaints reflected a growing dissatisfaction among the public with the linguistic aspect of the services provided on the CN's trains, particularly in the province of Quebec.

About 20 complaints cited lack of telephone service in French in the CN-CP Telecommunications offices in various Canadian cities. The CN acknowledged—sometimes only after lengthy discussions and when several complaints against certain offices had been brought to its attention—that it lacked sufficient staff in several regions to provide services in French at all times. In order to rectify the situation as quickly as possible, the CN in these cases used the Zenith telephone service. The CN also indicated that wherever there was a significant and regular demand for telecommunications services in French, it would do its utmost to recruit bilingual employees. Again, this attitude simply seems to consider as a dead letter, Section 10 of the Act, which is based on an assumed system-wide demand.

The other complaints about the language of service were quite varied: lack of service in French in various CN offices, in hotels, on ferry boats, in railway stations, and so on. On the whole, complaints of this nature received the CN's immediate attention. The CN rectified the situation in almost all of these cases and, where the Commissioner made recommendations, the Company strove to implement them.

The Commissioner's Office carried out two investigations concerning French as a language of work in the CN. In both cases, the CN reacted favourably and explained to the Commissioner the measures it had already taken and those it planned to take in the future. However, much remains to be done in this respect before French and English enjoy equal status in the CN. The Commissioner intends to keep a close eye on the situation, especially in the regional offices of the Company in Quebec, where he considers that French should be the normal working language of the CN and, indeed, of other federal institutions.

SPECIAL STUDY—HEADQUARTERS

This study, begun towards the end of the 1971-72 fiscal year and completed in the fiscal year under review, received only brief reference in the *Second Annual Report*. As indicated in that report, the Office chose to study Canadian National Railways in the context of a series of studies of institutions furnishing transportation facilities. As a national transportation company, CN has a special obligation, under Section 10 of the Official Languages Act, to provide bilingual services to the travelling public, and the Commissioner's Office wished to examine and appraise the measures adopted by the company's headquarters to ensure corporate compliance with the Act.

The study concentrated on headquarters as a central administrative body whose policies and decisions affect all its offices and units across the country and abroad. Because of the size of the institution and the diversity of its enterprises, this study was confined to railroad and hotel operations. As these operations outside Canada were exempted from the application of Section 10 (2) of the Official Languages Act by Order-in-Council, the company's Canadian operations alone were considered .

Company Approach

The senior management of the company was largely convinced of the desirability and necessity of continually raising the company's

level of institutional bilingual competence. But the process was, at the time of the study, viewed by the company as one of continuing evolution and development with no clearly defined objectives and no specific completion dates. Although the study team noted some evidence of indifference and reluctance within the company towards the introduction or increase of a bilingual capability outside Quebec, it was clear that senior management was trying to persuade its personnel to view bilingualism as an intergral part of its service to the public. However, its efforts were directed mainly at the management cadres. During the study the team found that, except for the distribution of certain written material, no sustained attempt had been made to bring to the attention of the rank and file the necessity and benefits of complying with the Act.

It was concluded, on the basis of information obtained and a study of relevant documents made available, that except in the area of tangibles such as signs, forms, and publications, no ultimate specific goals had been defined and established for the whole company. Some minimum standards for the disposition of bilingual personnel had been set in mathematical terms, but a detailed plan for meeting the requirements of the Act did not exist. Indeed, it was left to management in the regions to determine requirements, with no specific administrative goals or criteria from headquarters to determine them. While existing policy documents revealed a general intent on the part of senior management to comply with the Act, no methodical or coherent programme (in terms of personnel, language capability and location) for determining or of translating that intent into action existed at the time of the study. In most areas of operation, no monitoring system, no clear chain of authority and no procedures had been introduced to facilitate implementation of the Act. The linguistic profile of employees taken by the company, although restricted to certain levels, reflected self-assessment by employees and had not been amended at the time of the study to reflect the findings of subsequent testing.

The company viewed its obligations to the local and travelling public as restricted mainly to specific areas and to where there was significant demand. There was no precise explanation or definition of the requirements of the Act, priority for the provision of service was given to the Province of Quebec, and service in the two official languages across the country to the travelling public was uneven. The company did not seem to appreciate that, even though operations in the Province of Quebec had in general been rendered bilingual, the French-speaking travelling public did not confine its movement to any one particular area but travelled throughout the country; moreover, it did not seem clear to the company that a local French-speaking public existed in all provinces. Because the company's primary responsibility

is to the travelling public, and because the travel pattern of that public cannot be predicted accurately, the one safe way to ensure that service is available at all times is to assume the existence of demand across the country. The Commissioner proposed, therefore, that as a preventive and practical measure the company ensure that all aspects of public communication and service to the travelling public be available everywhere in both official languages. Naturally, the level and volume of that service will vary.

Printed Material

With respect to other aspects of service such as signs, forms and other printed material, the company was to render them bilingual. But there was some discrepancy between that policy and its execution. Application of the policies was uneven and it was difficult to establish the degree of urgency with which the company viewed the programme of rendering the tangible aspects bilingual. The company was not able to retrieve at a given point in time, even for its own management review, a complete status report on signs in stations, hotels, ticket offices, ferries, terminals, etc., or on displays.

Advertising was effected through agencies which were instructed to seek coverage in both official languages. Because of the absence of a monitoring system, however, there was no way of ascertaining that in this aspect everything was being done in accordance with the Act.

The company made a distinction between sales promotion material and material intended for the information of the public. As far as promotional material was concerned, it appeared that the company might not have been paying equal attention, and perhaps had inadvertently not been providing equivalent information, to both linguistic groups in their respective media except where commercial factors made it profitable to do so.

Correspondence was answered in the official language of the addressee. Headquarters translation facilities were seldom used and, generally, English and French correspondence was answered with equal dispatch. Where regular professional translation facilities were lacking in a particular unit, regular support staff was frequently called upon to do the translation required for correspondence. The quality of translation was on occasion imperfect. The company's linguistic services are now attempting to monitor this work more closely. With regard to announcements on trains, at stations, on ferries and in terminals and hotels, the company was gradually attempting to replace live announcements by taped ones.

Oral Communication

No specific implemental guidelines were available on the subject of telephone identification and reception. In major cities, reservation requests coming over the telephone were directed to a main telephone reservation centre where there were personnel capable of dealing with such requests in either official language. As for hotels, only two hotels across the system were said to have sufficient bilingual capability among their telephone answering staff.

Information on the actual status of bilingual services provided by concessionaires in railway stations and hotels was not fully available. The only bilingual service clause existing at the time of the study was in a contract between one hotel and a giftshop on its premises. The CN hotels were instructed by hotel management, during the course of the study, to ensure that when future agreements or renewals of agreements were negotiated, a clause covering provision of bilingual services be included in the agreement.

Language Training

Second-language training programmes existed at the CN long before the Official Languages Act came into effect. At the time of the study, the company showed impressive accomplishments for which it deserves recognition. Unfortunately the frequency of the courses and the scale on which they were made available were inadequate when measured against the size of the company and the complexity of its organization and its relationship with its various publics. There was no "system-wide" plan for language training, and whatever training was provided was of an *ad hoc* nature. Certain major, basic elements for planning seemed to be missing. Training only staff who were in "out-front" posts would not solve the company's problems because of the small number of bilingual employees elsewhere in the company. CN's tendency to deal first with areas where the problem was most pressing was seen by the team as an attempt to cope with the situation on a crisis basis rather than to get to the core of the problem and resolve it. Training had been neither intensive nor extensive enough and was not being given to the number of people required to meet linguistic demand on principal runs. In addition, there was no apparent incentive for employees to take language courses. The company had made notable strides by developing and introducing a 17-day course and by improving and updating it, but had not succeeded fully in meeting its system-wide requirements for linguistic capability among its personnel.

Deferments

In certain areas within Canada, the company requested, and was subsequently granted, four broad deferments under the Official Languages Act. Two of these had already expired at the time of the study, one would expire shortly, and one would come to an end in August 1974. On the basis of the information it received, the study team saw little likelihood of the company being in a position at the locations in question to comply with the requirements of the Official Languages Act upon the expiry of these deferments.

Manpower

While the company could overcome, without much difficulty, most of the deficiencies related to the tangible aspects of language of service, it may prove extremely difficult for it to serve the travelling public automatically and satisfactorily at all times unless it works out a step-by-step plan of action for meeting manpower requirements. On the surface, the objectives of the company as outlined in what was at the time of the study its draft bilingualism policy, couched as they were in broad general terms, appeared quite laudable. However, a detailed scrutiny showed results to be somewhat illusory.

Unless the company knew its requirements for bilingual personnel, unit by unit, and the resources on hand at any given time, it could hardly move in a concerted manner towards compliance with the Act. The setting of minimum standards as to the number of bilingual employees per train was rather arbitrary and involved a built-in denial of service to a portion of the travelling public.

Absence of specific guidelines explaining how demand should be viewed, translating the requirements of the Act into administrative terms, and indicating the steps that should be taken to develop the manpower needed to provide that service in both languages left the Act's requirements and implementation open to varied interpretation by management at different levels and locations. Because of lack of planning, 99 per cent of the personnel on hand in Quebec were bilingual while other provinces suffered from a dearth of bilingual resources. The company, up to the time of the study, had relatively minor success in acquiring or developing bilingual personnel for the provision of service to the public in both official languages and then utilizing that personnel effectively. Employees' acquired rights to seniority and to bidding for jobs within different occupational categories and geographical areas were certainly an inhibiting factor. This, however, only underlined the necessity and advisability of continuing consultation with employees' unions before management action was taken, rather than after the fact.

Conclusion

In essence, at the time of the study, the absence of a comprehensive, co-ordinated, systematic and monitored approach towards implementation of the Act indicated that, for the foreseeable future, CN would probably lack the bilingual manpower required to meet the needs of institutional bilingualism across its system.

The Commissioner recommended that:

(1) the Company initiate immediately a full-fledged and in-depth information programme directed to its employees at all levels but particularly to those in contact with the travelling public or with a local public comprising Francophones or both official language groups. This programme should include both printed material and face-to-face communication and be designed to explain the obligations under the Act, to foster the employees' interest and to elicit their understanding and active participation in achieving its objectives. This programme should also serve to guide employees through the difficult period of transition in such a way as to answer questions or dispel legitimate doubts and uneasiness;

(2) the Company, in order to complete its fulfillment of the requirements of the Official Languages Act,

(a) develop implementational objectives and plans of action for the "System" and for its administrative components relating to all aspects of service to the public,

(b) chart and oversee achievement of those objectives and plans of action,

(c) convey, to its regions, for purposes of common understanding, guidelines on demand, the implications of automatic service in the two official languages, the level of linguistic proficiency required for different positions, and other essential elements;

(3) the Company, in recognizing its position as Canada's national railway system, *accept the existence of overall regular demand* for bilingual passenger train and hotel service to the *travelling public across the "System,"* and that it therefore accept the offering of such service spontaneously throughout the "System" as a permanent objective. It is further recommended that the Company, as a federal institution, *accept the existence of regular demand* for its bilingual service to the *local public* wherever that public is made up of the two official language groups. All existing and future measures to provide bilingual services to the public should be regarded and assessed as steps to these ends;

(4) the Company communicate to the public, where it is not already doing so and where such capability already exists or is in future developed, its capability of providing service in both official languages, and thereby encourage the public to assert its entitlement to service in the language of its choice, which it might not otherwise be inclined to do;

(One way of so communicating with the public could be, where that is not already being done, to use the large and/or small poster from the Commissioner of Official Languages: "Now You're Talking—Vous Avez La Parole." A second could be to post signs stating "Ici on parle français—English spoken here", as the case may be. There are no doubt other techniques.

In any event, the communication should indicate not only that service in the other official language is available but also where it may be obtained.)

(5) the Company take all necessary steps to render bilingual as soon as possible those train, ferry and freight terminal, station and hotel signs outside of Quebec that are still unilingual and that it accelerate its existing programme to that effect;

(6) the Company render bilingual, as soon as possible, all remaining unilingual printed material intended for the public, including forms, publications, leaflets, brochures, notices, posters, calling cards, office stamps, freight tariffs under the Company's control, specifications, tenders, contracts and other related technical material, preferably in one document, and they be displayed with appropriate precedence as indicated in Recommendation 10(a). Furthermore, it is recommended that when space and technicalities compel the Company to keep the printed material bilingual in separate language versions, all precautions should be taken to ensure joint distribution of the material where that is not already the case, when the choice of the official language of the recipient is not known;

(7) the Company apprise responsible officers of the full implications of Section 7 of the Official Languages Act to the effect that promotional, as well as purely informational, advertising be generously carried out in both official languages to reach equally the two official language groups through publications and through media other than publications, to ensure that the requirement of informing the public is fulfilled throughout the country as part of the equality of status and service to the public requirements stipulated in Sections 2, 9 and 10 of the Act;

(8) the Company pursue its objective of making correspondence and other matter pertaining to service to the public available in both official languages, by continuing to encourage and upgrade the originating of material in the two languages, by ensuring the adequacy of in-house and outside translation facilities accessible to the regions and, in deference to the principle of equal linguistic quality in both languages, by entrusting translation work wherever possible to professional translators;

(9) oral public announcements, whether of a routine or other nature, at railway stations and ferry terminals and en route announcements, be made in both official languages, where this is not currently being done, and that employees in hotels as well as railway stations and ferry terminals determine the official language in which a person should be paged, by inquiring from the person requesting the paging;

(10) (a) telephones, in offices and locations serving the travelling public and a local public consisting of both official language groups, be answered and the institution identified, where that is not already being done, in both official languages giving precedence to French in Quebec and to English in other provinces;

(b) where more extensive information than in 10 (a) is required over the telephone, the person answering, if bilingual, change into the language of the caller, and if not bilingual, master such courteous phrases and sentences in the other official language as to be able to keep the caller waiting until another person can be brought on the line who can deal with the caller in the latter's language;

(c) in all hotels across the "System", where sufficient bilingual capability is lacking, until such sufficiency can be developed, a suitable arrangement such as a central answering service should be devised to provide bilingual responses satisfactorily and automatically to requests emanating from customers within and from outside the hotels for various utilities, facilities, activities, etc.;

(11) the Company establish a system which would require each Region (a) to contribute, for each six-month period, a certain number of bilinguals into a regional pool covering the public-contact areas, and (b) to report on its progress at regular intervals to Headquarters;

(12) in the acquisition and development of bilingual personnel, greater attention and effort be devoted to providing bilingual service outside Quebec to the travelling public on CN passenger trains and at stations, offices, terminals and hotels, where such service has not to date either been provided or been provided completely;

(13) the minimum standards on the number of bilinguals on passenger runs east and west of Capreol be replaced by standards more commensurate with the linguistic service required by the Act;

(14) every possible step be taken to ensure that all passenger runs are equipped, where that is not already the case, with the necessary bilingual complement;

(15) the Company, while hiring for the passenger-freight pool of train conductors, trainmen and yardmen as well as for the public-contact employee categories in railway ground locations and in hotels, make every effort across the country to secure the greatest possible number of bilinguals so as to increase in time to the maximum the proportion of public-contact employees capable of providing service to the travelling and the local public in both official languages;

(16) the Company ensure, by whatever means at its disposal including the enforcement of a bilingual service clause in existing and future contracts, that concessionnaires at all locations, where they are not so doing already, provide service in both official languages. In the case of contracts in which such a clause does not now exist, or renewal of which is not due until a number of years hence, some interim measure be adopted to ensure the availability of bilingual service by those concessionnaires;

(17) serious consideration be given to making second-language training an integral part of CN's overall job-training programme for present public-contact and potential public-contact employees to the degree each is likely to need it from time to time;

(18) (a) intensive second-language training through the use of all available and reputable language training facilities offered by public and private enterprises, be made available to present unilingual public-contact and potential public-contact employees on a scale designed to meet the Company's requirements for bilinguals in the shortest possible time;

(b) that training should be made available under whatever conditions are most conducive to results, accepting the fact that the use of "double-banking" has to remain a part of the bilingualism programme until such time as this measure is no longer required;

(c) a cohesively planned retention programme including courses and, where possible, temporary transfers be instituted, in order to protect the investment by maintaining the acquired bilingual capability;

(19) as a step towards the attainment of satisfactory bilingual service on passenger train runs on which such service is not available or adequate, all personnel in the passenger-freight pool who have high seniority and are about two years away from entering into passenger service, before they are assigned to duty on passenger runs, henceforth possess such proficiency in the two official languages as to be able to serve the travelling public suitably in both. It is further recommended that they either have that proficiency at the time of successful bidding for such runs or acquire it through Company means thereafter; a two-year "cushion" period could allow unilinguals to bid successfully on the understanding that their tenure is tied to achieving within that time a specified level of language skill; personnel proven to be truly incapable of reaching such a reasonable standard of "functional bilingualism" should be offered employment of equal salary and prestige in a non-public-contact position;

(20) all of the recommendations above that directly or indirectly affect railroad stations be deemed to apply to those stations covered by Order-in-Council 1969-1774 to the extent necessary to anticipate the expiry of this deferment on 31 August 1974.

(21) implementation of the recommendations listed in this document be conceived and carried out without jeopardizing in any way the job security or career opportunities of the Company's personnel;

(22) furthermore, in implementing the preceding recommendations CN maintain close liaison with its employees' unions.

SPECIAL STUDY—MONCTON

In June 1972, the Commissioner's Office conducted a study of the Canadian National Railways in order to examine with local management the level of bilingual services offered to the public in Moncton, site of the Atlantic Regional Office.

Canadian National engages in four major activities: hotel service, telecommunications, passenger service and freight service. Passenger and freight services were the principal subjects of the study. With respect to the other services, suffice it to say that the Hotel Beauséjour, which was to have opened in October 1972, planned to offer all its services to the public in both official languages as an integral part of its operations, and that telegrams sent in English were handled locally while those sent in French were relayed directly to Quebec for action.

Total personnel resources in the regional office numbered approximately 950 but officials did not know how many public-contact positions were filled by bilingual incumbents. The information was provided, however, for eight sub-offices and sections. Most of the 210 positions

in the sub-offices were public-contact positions, and 60 of the employees filling them were bilingual, thus guaranteeing at least some bilingual capability in each sub-office. Annual turnover of staff was reportedly light. Only a limited number of positions were designated bilingual, although it has been the policy of the office since 1968 to fill public-contact positions with bilingual people wherever possible.

During the last three years, 14 employees enrolled in French-language training. Priority for training was accorded to public-contact employees and particularly to those dealing with the travelling public. The office expected to expand its language-training programme considerably and to make more use of a retention programme.

In the realm of oral communications, bilingual counter service in the Moncton railway station was guaranteed by the presence of bilingual employees on each shift. Telephone listings were bilingual but, in answering calls, the CN identified itself in English only. At least one bilingual reservations clerk was on duty during each shift to accept calls in French. Four of seven switchboard operators who relayed calls to other sections were bilingual but did not always transfer French-language calls to appropriate bilingual section personnel who were capable of handling these calls. Officials assured the team that announcements at the railway station were always made in both official languages.

Most forms intended for public use were bilingual: of 86, 67 were bilingual in one format or another, 18 were in English only, and one in French only. All publications, of which there were few, were printed in both official languages and issued simultaneously. As for signs, insignia and the like, they were generally bilingual with some minor discrepancies.

The regional office made use of local radio and press essentially for advertising purposes but did not accord equal status to both official languages in this activity. The French radio was not used at all (officials claimed it was economically unfeasible to do so) and rather more advertisements were inserted in the English-language press than in the French-language press.

Canadian National was, in the team's estimation and on the basis of the information obtained, making a sustained effort to provide bilingual services in Moncton though it did not always do so in the spirit of providing its services automatically in both languages. In the light of the deficiencies noted, the Commissioner recommended that:

(1) Regional Office in Moncton obtain by 1 January 1973 statistics for all personnel, in particular, for personnel in public contact positions, concerning competence in the two official languages;

(2) employees in Moncton answering the reservations or central switchboard telephones (or any other telephone receiving direct outside calls) identify the corporation in both English and French;

- (3) CN devise a system to ensure that, when calls in Moncton are transferred internally, the employee to whom the call has been transferred identify his department bilingually or identify himself by name only and carry on the conversation in the language of the caller;
- (4) all CN public-use forms (including contracts) used by the Moncton offices be made available to the public in both official languages by 31 March 1973, and preferably in bilingual format;
- (5) all stamps employed by the Moncton offices to obliterate, validate or cancel public-use forms be rendered bilingual or that texts of stamps be replaced by symbols by 31 March 1973;
- (6) as of 1 January 1973, stationery and envelopes with identification in both official languages be available at all times in departments in Moncton which enter into correspondence with the public;
- (7) all calling cards in Moncton be rendered bilingual on the same copy by 31 March 1973;
- (8) all inscriptions on CN Express trucks in the Moncton area be rendered fully bilingual by 31 March 1973;
- (9) Regional Office place bilingual advertisements in the Saturday edition of the Moncton English-language newspapers;
- (10) in order to ensure that French- and English-language groups have equal access to information, all advertising by the Regional Office in Moncton on its own account be placed in both English and French media;
- (11) services to the public offered by CN in Moncton be provided automatically in both official languages rather than only on specific request.

COMPLAINTS

1. Service to the Public

a) On Trains

File Nos. 768, 945, 1016, 1769—Rapido

- A letter published in *Le Devoir* of 6 March 1972 reported an incident involving a French-speaking passenger in Central Station in Montreal. The complainant was about to take the *Rapido* to Toronto. At the gate, he was addressed in English, and when he went to get on the train the employee on duty did not understand even the coach number in French.

- Two other complainants drew the Commissioner's attention to this open letter and emphasized the need for CN to offer its services in both languages.

The complainants were informed of CN's policy at Central Station in Montreal and on the *Rapido*. The reader will find the details on page 163 of the *Second Annual Report* of the Commissioner.

- A French-speaking traveller complained of the arrogant manner of a unilingual English CN porter on the Montreal-Toronto *Rapido* when he asked for a French-language newspaper. The complainant stated that there were no French newspapers on the train.

CN informed the Commissioner that it would see that this kind of incident was not repeated. It pointed out, however, that all the employees who might have been involved in this incident had sufficient command of both languages to be able to serve customers in the language of their choice. CN also stated that its directives stipulated that French-language newspapers (*Le Devoir* and the *Journal de Montréal*) were to be provided free of charge to passengers in the club car, and pointed out that these papers could be purchased in the snack bar on the *Rapido*.

The Commissioner expressed the opinion that CN should see that these services were offered in a courteous manner to French-speakers as well as to English-speakers. His recommendation to CN, therefore, was that all services on the *Rapido* be offered spontaneously in both official languages.

File No. 969— Ocean

In February of 1972, the complainant made a trip from Montreal to Halifax and back on the *Ocean*. During the entire trip she was unable to obtain service in French in the dining-car, in the sleeping-car, and in Central Station in Montreal.

Taking up this question with CN, the Commissioner pointed out that the complaints he was receiving showed growing public dissatisfaction with the services being offered in French on the trains, particularly in the province of Quebec.

In its reply to the Commissioner, CN explained that it had decided to assign extra employees to Central Station in order to guarantee service to the public in both official languages. As for the *Ocean*, there was apparently always a bilingual waiter on duty in the dining-car. CN was sorry that the other dining-car staff members had not called upon this waiter when the complainant asked to be served in French. It was also surprised to learn that the complainant had had difficulty in obtaining service in French on the *Ocean* when she was returning from Bathurst on 29 February, since there were four bilingual waiters on duty in the dining-car that day.

CN told the Commissioner that it was continuing to give French courses to its employees who come in contact with the public, and said it felt the situation was improving.

File No. 1129—Scotian

A French-speaker reported to the Commissioner that during a trip made on 31 July 1972 on the *Scotian* from Bathurst to Montreal the service was far from bilingual, especially in the dining-car.

CN informed the Commissioner that of 14 employees who had dealings with the public on the *Scotian* that day, five were perfectly bilingual. It regretted that the complainant had been unable to obtain service in French in the dining-car. It also pointed out that continuing efforts were being made to ensure that, as far as possible, employees who dealt with the public were able to communicate with customers in both official languages. With this aim in mind, CN was continuing to offer its employees courses in French, and some positions on the *Scotian* and the *Ocean* had been designated bilingual. These measures should enable CN to provide service on these trains that would meet the requirements of the Official Languages Act.

File No. 1237—Super Continental

A French-speaking person reported that on 16 August 1972, just before the *Super Continental* from Montreal arrived in the Ottawa Station, the employee on duty repeated three times, in English only: "Ottawa Station in five minutes". Apparently he later added: "This way out, please".

CN asked the employees on duty that day about the incident, and none of them recalled it. They did say, however, that if the announcements had been made in English only, it was simply an oversight on their part.

CN further pointed out that its staff had been ordered to make announcements in both official languages, and reminded the group of employees concerned of their obligation to use both official languages in their dealings with the public.

b) *In Hotels*

File No. 1055—Bessborough

A complainant from Saskatoon claimed that the CN did not provide services in French at the Hotel Bessborough in Saskatoon. While admitting that there were some signs in both official languages, he said

that he was nevertheless obliged to use English everywhere in the hotel to obtain the services he desired. He sent the Commissioner a sample of publicity material about the hotel, all of which was in English only.

The CN informed the Commissioner that 11 of the 85 employees at the Hotel Bessborough were bilingual, but added that despite the management's efforts it might not be possible to offer complete bilingual service in the hotel for a while since it was extremely difficult to hire French-speaking staff in Saskatoon. The CN stated it was taking immediate steps to ensure that its advertising materials would be bilingual in future.

File No. 1434—Beauséjour

An English-speaking person from New Brunswick complained of the CN's hiring policy at the Hotel Beauséjour in Moncton. She alleged the CN was hiring only bilingual personnel, and that her unilingual English-speaking daughter could not obtain employment at the hotel. She believed this was unfair and discriminatory.

The Commissioner informed the complainant that in the same way as the Official Languages Act assured French-language service at the Hotel Beauséjour, it assured the right to service in English at the CN Queen Elizabeth Hotel in Montreal, and that such equality of treatment across the country was a goal very hard to present as discrimination. Although the Commissioner found no contravention of the Official Languages Act in the CN procedures, he offered to forward a copy of the complainant's letter to the CN if she authorized him to do so.

The correspondent wrote a second letter and asked the Commissioner to forward both letters to the CN, which he did. The CN later provided the Commissioner with information about the language skills of the personnel hired for the Hotel Beauséjour: 72 of the 87 persons hired were bilingual. The CN implied it had explained its policy to the complainant direct.

File Nos. 1441, 1492, 1530, 1566, 1668—Château Laurier

Five French-speaking complained against the Château Laurier in Ottawa on the following grounds: unilingual English receipts given to parking lot customers; unilingual English signs beside the cloakrooms of the Cock and Lion and the Canadian Grill; use of stationery with unilingual English letterhead; and bilingual bills with details of charges listed only in English.

CN informed the Commissioner that it had asked the parking lot concessionaire to have bilingual receipts printed. It agreed to have all signs in the Château Laurier in both official languages. It attributed

the use of stationery with English letterhead in replying to a French-speaking customer to negligence on the part of an employee. As for the bills, CN told the Commissioner that it had asked the people who supply the adding machines to make the necessary alterations to the equipment. It said it intended to make this correction in its other hotels as well as in the Château Laurier, so that bills would in future be made out in both official languages. Priority, however, was being given to the Château Laurier. Finally, the Château Laurier's management reminded all its staff to serve members of the public in the official language of their choice.

c) *On Ferries*

File Nos. 782, 795, 1184—Ferryboats between New Brunswick and Prince Edward Island

An English-speaking complainant took exception to the inadequate service in French provided aboard the CN ferry between Cape Tormentine, New Brunswick, and Borden, Prince Edward Island. He stated that the only newspaper he was able to purchase on board was the *Moncton Times and Transcript* and he thought that both French and English newspapers should be made available. He also objected to the CARA restaurant service being in English only, and to the fact that none of the restaurant personnel was able to make changes or corrections to the French part of the bilingual menu board.

A French-speaking person made a similar complaint about the CN's inability to offer service in French in the ferryboat's restaurant and in the restaurant on the disembarkation wharves. Another complained about the unintelligibility of the French menu posted in the restaurant aboard the ferryboat *Vacationland*, plying between Prince Edward Island and New Brunswick.

The CN replied that it had sought, to the best of its ability, to provide services in both official languages on ferries operating between Cape Tormentine and Borden. All signs were in English and French, and announcements were made in both official languages. Menus on the vessels and at the terminal building restaurants were displayed in French and English. With regard to the *Vacationland*, the CN explained that the menus were made up with individual letters and that the ship's vibration sometimes dislodged some of them. To remedy this problem, the company had replaced the old menu boards with framed glassed-in printed menus.

The CN had asked the companies operating newsstands and restaurants on the ships and at the terminals and also the P.E.I. Tourist Bureau to recruit bilingual staff wherever possible. Despite their

willingness, these agencies had always had difficulty recruiting bilingual personnel. The CN gave language training to its own staff when feasible. As a result of this complaint, the CN was arranging for local French newspapers and other reading material in the French language to be made available on the ferries.

The Commissioner suggested that the CN get in touch with the president of the Société Saint-Thomas d'Aquin in Summerside, P.E.I., who would be happy to furnish the company with a list of bilingual potential candidates for positions requiring a knowledge of French.

d) Telecommunications

File Nos. 787, 854, 1154, 1259, 1315, 686, 765, 1022—Charlottetown, Sudbury, Windsor, St. Catharines, Grande-Prairie, Bonnyville and Edmonton

French-speaking people in Charlottetown, Sudbury, Windsor, St. Catharines, Grande-Prairie, Bonnyville and Edmonton complained that their local CN-Telecommunications offices were not able to provide services in French at all times. They supported their allegations with the following statements: employees were unable to telephone a telegram to the addressee, senders were forced to spell out each word, and one employee flatly refused to accept a dictated message.

CN pointed out that in Charlottetown the office manager, a telephone receptionist and a clerk were all of Acadian origin and all three of them spoke French. It issued instructions, nevertheless, that messages in French to people living in Prince Edward Island were to be transmitted through Moncton or Quebec whenever a French-speaking employee was not immediately available in Charlottetown. As for French telegrams originating on the Island, these were already being relayed to the Zenith system in Quebec and then forwarded by telephone operators who had a good knowledge of French.

CN stated that the telecommunications office in Sudbury was run by Canadian Pacific. CP asserted that, on the whole, messages in French were transmitted without any problem.

CN admitted that its offices in Windsor, St. Catharines and Bonnyville were not in a position to provide services in French at all times. It also informed the Commissioner that the telecommunications office in Grande-Prairie belonged to the Northern Alberta Railways Company and had nothing to do with the CN-Telecommunications Service. CN pointed out that after 7 p.m. any important messages to or from Grande-Prairie were routed through its Edmonton office. It said that it deeply regretted the lack of courtesy shown by one of its Ed-

monton employees, and asked the Commissioner to kindly pass its apologies on to the complainant.

In order to improve its services in Windsor, St. Catharines, Grande-Prairie and Bonnyville, CN agreed to use the Zenith service to direct calls in French to the CN-Telecommunications office in Quebec City, and promised to publicize its services in the telephone directories in these areas.

The Commissioner made it clear to CN that he could accept the use of the Zenith system only as a temporary solution. He recommended that CN take the measures necessary to provide services in both official languages at all times wherever the demand was great enough to warrant it.

CN replied that wherever there was a significant and regular demand for telecommunications services in French, it would do everything possible to recruit bilingual employees.

File No. 1291—Ottawa

A French-language association received from the CN-Telecommunications office in Ottawa a memorandum in English repeating details of a previous statement of account.

CN deeply regretted this error, especially as its Ottawa office was perfectly able to correspond with customers in both official languages. To prevent such an incident from occurring again, CN reminded its employees that they should always serve a customer in his own official language.

The Commissioner in addition made a formal recommendation to CN that all memoranda sent to customers should be made out in the official language used by the customers.

e) In Offices and at Stations

File No. 1033—Halifax

A French-speaking complainant stated that the CN did not provide service in French at any of its outlets in Halifax. She said that all information concerning trains, telecommunications, and business services at the Hotel Nova Scotian were provided in English only.

The CN replied that there were bilingual employees at its three offices in Halifax. At the Hotel Nova Scotian all directional signs, menus and forms used by the public were bilingual and bilingual employees were always on duty.

Regarding telecommunications, there was a special telephone service available 24 hours a day to handle business in French and it was

listed in the Halifax telephone directory. At the Telecommunications offices, however, the level of bilingualism available was not up to CN's expectations.

At the train station, taped French-language announcements were used when a bilingual employee was not on duty. French-language training for employees had been accelerated and would be further expanded in 1973 in order to meet CN's objective of providing bilingual services to the public.

The above information was transmitted to the complainant.

File No. 653—Campbellton

In January 1972, the complainant tried unsuccessfully to obtain service in French at the CN office in Campbellton. In April of the same year, the complainant tried again and found the service in French less than satisfactory.

CN informed the Commissioner that five employees worked by turns at the ticket-counter in the Campbellton station. Four of them were sufficiently bilingual to serve the travelling public without difficulty in both official languages. The head ticket-clerk, however, spoke only English, and under the collective agreement his seniority gave him certain privileges, such as being able to choose his hours of work. On the day in question, he had chosen to work from 8 a.m. to 4 p.m.

CN decided to add one more bilingual person to its existing staff. Agreement was reached with the union, and CN published a competition notice advertising a position for a bilingual ticket-clerk. Until someone was hired, one of the bilingual employees would act as assistant to the head ticket-clerk. When the latter retired, the person hired to replace him would have to be able to speak French.

The Commissioner recommended that the need to serve the public in both languages be always taken into account when staff are hired and scheduled; that unilingual employees be instructed to transfer automatically and without delay to one of their bilingual colleagues all calls in French; that unilingual English-speaking employees be asked to refrain from replying in English to French-speaking customers since service was to be provided automatically in the customer's official language; and finally, that as a general rule every effort be made to provide the French-speaking public with prompt service.

File No. 1226—Bathurst

A French-speaker complained that he was unable to obtain service in French at the CN fares and reservations office in Bathurst.

CN informed the Commissioner that all regular employees at the office in question were bilingual. It added, however, that a unilingual English-speaker had worked there in the summer of 1972 to enable regular employees to take their vacations.

CN reminded all its employees that service should be provided automatically in both official languages.

File No. 1153—Montreal

A French-speaker said she was unable to obtain service in French when she telephoned the CN Passenger Sales and Services Department in Montreal.

CN explained that its policy was to have bilingual employees available at all times to handle telephone calls. It added that, on the day of the incident, there were a few minutes during the lunch period when the bilingual employee on duty was not present: he left his post before his colleague returned from lunch and that was why a clerk with limited knowledge of French had taken the complainant's call. CN repeated its directives to employees in this Department in an effort to prevent such incidents from recurring.

File No. 1245—Ottawa

A French-speaking traveller complained that he was unable to obtain service in French in the cafeteria at the Ottawa Station, and further pointed out that the menu was in English only.

CN told the Commissioner that the cafeteria in the Ottawa Station was run by the concessionaire, Cara Operations Limited. According to CN, the Cara staff was composed of two cashiers and five bus boys. One of the cashiers was bilingual, the other had a very limited knowledge of French and three of the bus boys were bilingual. CN did admit, however, that the menu displayed behind the counter was in English only. It therefore took steps to have the menu posted in French.

In addition, CN said that when Cara's lease was renewed in January 1973 it would see that a new clause was added, requiring Cara to provide service in both official languages at all times.

The Commissioner recommended that CN insert similar clauses in all leases of this type with Cara, which operates a number of concessions in CN buildings throughout the country.

File No. 1006—Winnipeg

A French-speaking woman in Manitoba complained that she was unable to obtain service in French when she telephoned the CN infor-

mation office in Winnipeg at the beginning of May 1972. She added that there was only one bilingual employee working in this office and informed the Commissioner that it was often necessary to insist on being served in French before a call was transferred to the bilingual employee.

CN admitted that the office in question was often unable to reply automatically in French when required to do so. In an effort to correct the situation, CN decided to increase its bilingual staff by hiring additional employees and allowing some of its present employees to take French courses. CN was also considering the possibility of using a tape recorder to record calls received in French. With such a system, whenever an employee was unable to reply in French, a recorded message in French would automatically be played, asking the caller for his name and telephone number and telling him that he would be called back in a few minutes.

The Commissioner duly noted CN's intentions to increase its bilingual staff in Winnipeg and recommended that:

- 1) employees of the Information Service in Winnipeg give the Service's name in both languages when answering the telephone;
- 2) unilingual English-speaking employees automatically transfer calls in French to colleagues with a good knowledge of the language, using this very simple French phrase: "Un instant, s'il vous plaît";
- 3) employees of the Information Service refrain from speaking in English to French-speaking callers, since service should be provided automatically in the customer's official language; and
- 4) delays be kept to a strict minimum.

While making it clear that he did not think that the system of recorded messages would ensure equally good service in both official languages, the Commissioner told CN that it could use the system as a temporary measure until it had enough staff to provide satisfactory service in French.

CN agreed in principle with the Commissioner's recommendations and told him that everything possible would be done to ensure that the Information Service in Winnipeg was able to provide a better service in French.

At the beginning of October 1973, CN informed the Commissioner that:

- 1) it had hired a bilingual employee for the summer so as to improve the Information Service's ability to handle calls in French;
- 2) one of the supervisors was currently taking an intensive nine-week course in French; and
- 3) three new positions had been created in the Information Service and these would be filled by bilingual employees. CN further stated that the

additional positions would enable other employees in the service to take language courses.

File No. 1052—Edmonton

A French-speaker said he had telephoned the CN's Passenger Service in Edmonton several times. He spoke in French each time but could not get an answer in his language. He was finally told that nobody in that office could speak French.

To correct this situation, CN decided to enrol three employees in a French course at the Berlitz School. The course was to finish around the end of the fall of 1972. To ensure that operations would continue to run smoothly while an employee was on course, the CN decided that the supervisor should be bilingual.

CN stated that a number of employees working in its Winnipeg offices were bilingual, and that it had issued instructions that French-speakers be referred to them. This was only possible, however, during regular office hours. From 4:30 p.m. to 9 a.m., Monday to Friday, and all day Saturday and Sunday, this bilingual service was not available.

Since the Official Languages Act requires that bilingual services be offered to the travelling public at all times by federal institutions or Crown corporations, the Commissioner recommended that the CN:

- 1) give clear instructions to unilingual telephone operators to transfer automatically to a bilingual colleague all calls in French, without the customer having to insist;
- 2) request that unilingual English-speaking telephone operators refrain from speaking English to French-speaking persons since service is to be provided automatically in the official language of the customer; and
- 3) ensure that the waiting time is always as short as possible.

The CN authorities said that they were prepared to follow the Commissioner's recommendations.

f) Miscellaneous

File No. 844—Press Releases

The editorial staff of a western French-language newspaper complained that the CN had sent it a press release in English.

When the Commissioner inquired about this, the CN admitted that a press release in English had inadvertently been sent to the newspaper, and expressed its apologies. The CN added that, in future, more attention would be paid to press releases being sent to French-language newspapers so as to avoid the recurrence of such incidents.

File No. 949—Public Announcements

An English-speaking person from North Bay (Ontario) complained that public announcements at CN stations were frequently made in broken English by French-speaking personnel. She stated that on many occasions these messages were hardly intelligible because of the heavy French accent and she claimed it was most upsetting to English-speaking travellers.

The CN replied that naturally it wanted all announcements to be clear and intelligible and, as far as possible, free of any accent that might be distasteful to its patrons. To this end, the CN taped announcements wherever possible. The CN said it also endeavoured to teach both English- and French-speaking employees the proper way to use the other language. It felt that it was perhaps better for employees to speak both languages, even with an accent, than not make the effort at all.

The Commissioner informed the complainant of the CN's views, adding that they were quite in keeping with the spirit and intent of the Official Languages Act.

File No. 1028—Intolerance

A French-language association received from the CN in Ottawa a copy of an express contract form on which the words "English Please" were written beside the association's French name.

The CN told the Commissioner that the fact that one of its employees had written "English Please" on the document in question could indicate a certain resentment against the Official Languages Act. It added that such an attitude would not be tolerated and it contravened the CN's policy.

After considering the circumstances, the Commissioner pointed to the need for the CN to issue clear directives to all employees at the office concerned so that the repetition of incidents of this type would be avoided.

The CN accepted the Commissioner's recommendation.

File No. 1043—Sign

A French-speaking person pointed out to the Commissioner that the unilingual English sign "C.N.R. Courtesy and Service" stood on both sides of the viaduct at the entrance to Fredericton.

The Commissioner informed the complainant that the CN authorities had told him that the sign would be replaced by a bilingual one as soon as the bridge was repainted.

File Nos. 1105, 1113, 1115—Requisition Forms

A complainant from Ottawa drew the Commissioner's attention to an article in a Montreal newspaper claiming that the CN was still using unilingual English requisition forms. Two other correspondents wrote about the same article.

The CN told the Commissioner that a bilingual form had been in use since April 1972. The CN admitted that some of the old unilingual forms might still be lurking in one of its offices but said the bilingual form was now the only one being issued by the Stores Department. A copy of the new form was forwarded to the complainant.

File No. 1497—CN (France)

A French-speaking complainant reproached the CN subsidiary in France with advertising under a unilingual English name.

Replying to the Commissioner's inquiry, CN said that its French subsidiary was registered in France under the name "Canadian National Railways (France)". CN pointed out, however, that it was considering the possibility of having the name of its French subsidiary registered in both official languages. The Board of Directors of the French company would, in fact, be looking into the question shortly.

Because a decision would soon be taken on this matter, the Commissioner thought it advisable to present his opinion to CN at once. He recommended that the Crown corporation always identify itself abroad in both official languages. If, for any reason, the corporation's name could not be registered in both languages in some countries, the Commissioner recommended that CN take whatever steps necessary so that it could use its French name in French-speaking countries and its English name in English-speaking countries.

CN subsequently informed the Commissioner that as of 17 May 1973, the name of its French subsidiary "Canadian National Railways (France)" had been changed to "CN (France)", and that the subsidiary's regulations had been amended accordingly.

2. Internal Problems

File No. 933—Language Training

An employee of CN-Telecommunications in New Brunswick wrote concerning the language requirements for CN employees in that area. He said he was alarmed at the number of bilingual people being recruited and wondered why he could not have access to language training.

The Commissioner replied that in the course of his continuing investigation of second-language requirements and facilities, he had

obtained a legal opinion as to whether access to language training is a right under the Official Languages Act. He was advised that no government department or institution is required explicitly by the Official Languages Act to provide second-language training; accordingly, such training cannot be considered a clear right under the law. As regards policy, he concluded that the designation of bilingual positions is the prerogative of the institution concerned and he would intervene only if the result of such designation led, in his opinion, to an infringement of the Act.

The Commissioner, however, stressed the great importance his Office placed on federal institutions considering with all possible sympathy every request for second-language training, even though, under the Act, employees cannot insist on being given such courses. The Commissioner has consistently expressed the view that second-language training should be offered to everyone who wishes it and who is likely to require it in order to further his career.

The Commissioner suggested that the complainant request, through his Personnel Officer, second-language training as soon as possible.

File No. 1101—Discrimination

The president of an English-language association in New Brunswick wrote to the president of the CN criticizing its hiring and promotion practices in the Moncton area and claiming there was outright discrimination against English-speakers in favour of French-speakers. He sent a copy of his letter to the Commissioner.

At his request, the Commissioner was sent a copy of the CN's reply to the complainant. In it, the CN denied any discriminatory practices on its part and pointed out that it was subject to the Canada Labour Code, which incorporates the Canada Fair Employment Practices Act, prohibiting discrimination based on race, colour, national origin, sex and marital status. Under the Official Languages Act, the CN stated it was required to provide service to the travelling public in both official languages. The CN invited the complainant to arrange a meeting with its vice-president at Moncton who supervised operations in the Atlantic Region.

The Commissioner thanked the CN for its prompt and willing co-operation.

File No. 1253—Internal Communications

A French-speaking cook said that he received instructions in English from the office of CN's Operations Supervisor, Customer and Catering Services, in Montreal.

CN informed the Commissioner that this office was mainly responsible for calling the staff assigned to the sleeping-cars and dining-cars—

the conductors, waiters, kitchen staff, and so on. According to CN, instructions to the crews were issued mainly by telephone by the staff of this office which comprised 12 employees, eight of whom spoke both languages fluently. CN added that, if an employee wanted to receive his instructions in French, it could be arranged. CN further explained that a certain number of routine instructions concerning kitchen staff were issued verbally or in writing in both official languages. For this reason, CN was trying to have all documents translated that were used by its employees in the performance of their duties.

The Commissioner pointed out to CN that it was unacceptable that an employee who wanted to have his instructions in French should be obliged to make a request. In his opinion, these instructions should be automatically issued in the employee's language. The Commissioner therefore recommended that all instructions given by CN to a French-speaking employee be in French, unless the employee has expressed the wish to receive them in English. He also pointed out that the same principle would naturally apply to English-speaking employees.

File No. 1658—Loss of Job

A Member of Parliament asked the Commissioner to comment on a situation that had arisen in the CN-Telecommunications office in Ottawa. In the past, a telephone operator used to take down the message dictated by the customer and pass it to a teleprinter operator who prepared a coded tape. New machines were now eliminating the teleprinter operator's job by encoding typed messages electronically. The personnel displaced believed that the employer was unreasonable in insisting that all operators of the new machines should be bilingual, thus making it difficult for long-serving unilingual teleprinter operators to qualify for the new jobs.

The Commissioner replied, explaining the requirements of the Official Languages Act and various possible ways of meeting them. However, the employer had already found that the seniority rule could be maintained and service provided in both official languages, so the file was closed.

CANADIAN RADIO-TELEVISION COMMISSION

COMPLAINTS

File No. 194—Radio Programming

In his *Second Annual Report* (page 164) the Commissioner reported that several people had complained of the high proportion of

English-language records in the programming of stations CKCH (Hull) and CJRC (Ottawa).

Having brought this matter to the attention of the Commission, he learned early in 1973 that the CRTC had asked several French-language radio stations, among them CKCH and CJRC, not only to reduce the high percentage of English-language vocal pieces they broadcast, but also to improve the quality of the spoken language in their broadcasts.

The Commissioner congratulated the CRTC on the position it had taken and expressed the hope that there would soon be an appreciable improvement in the broadcasts.

File Nos. 1725, 1751—French Television in Ontario

Some French-speaking people complained that, because of a decision of the Commission, the quality of reception of the French-language television station in Toronto, CBLFT Channel 25, had been lowered in southern Ontario. They feared that this would be detrimental to the interests of French-speakers in that region.

The CRTC sent the Commissioner its press release of 21 February 1973 which pointed out that it was necessary, when technical difficulties arose, to rebroadcast Channel 25 programmes on Channels 5 and 9. The CRTC emphasized that adequate reception on Channel 25 would be ensured by 1 January 1974. The release noted that it was the diversity of technical installations in the Metropolitan Toronto cable systems that had led the CRTC to approve the rebroadcasting of Channel 25 programs on Channels 5 and 9 on a temporary basis.

After studying this matter in detail, the Commissioner informed the CRTC in September 1973 that, if a high quality of reception on Channel 25 was guaranteed from January 1974 on, the spirit of the Official Languages Act would be respected.

CANADIAN TRANSPORT COMMISSION

COMPLAINTS

File No. 1698—Service for French-Speakers

A French-speaking person asked the Commissioner to examine the way the Official Languages Act was being enforced in the Canadian Transport Commission. He felt that the Commission could not serve the French-speaking public as effectively and promptly as it served the English-speaking public because not enough of middle management

was bilingual and it was therefore necessary to resort regularly to translation.

The Commissioner informed the complainant that he would study this possibility and, in fact, he decided that his Office would undertake a special study on the Commission in 1973-74.

File No. 1778—Unilingual Position

A complainant drew the Commissioner's attention to the poster advertising a competition for a Supervisor's position in the Personnel Services. According to this poster, the only language required was English; the complainant believed that the nature of the work called for a knowledge of both official languages.

The Commission told the Commissioner that English was indispensable as many of the people with whom the incumbent would work were unilingual English-speakers and the internal paper work was in English. It agreed that a knowledge of French would certainly be useful and added that if the Commissioner felt that this position should be designated as bilingual, it was quite prepared to discuss the matter. The Commissioner then made a formal recommendation that the competition poster should be withdrawn and a new one substituted which required a knowledge of both English and French.

The Commission replied that it had already filled the position to its satisfaction and could not therefore accept the Commissioner's recommendation. It pointed out that all its positions would shortly be reviewed in accordance with Treasury Board directives and bilingual positions duly designated.

Officers of the Complaints Service then met with the Secretary and other members of the Commission's staff and discussed various aspects of the case. In particular, they requested that traditional attitudes to the language of work should be re-examined with a view to allowing present and future employees the maximum freedom of choice consistent with effective performance of the organization's role.

CANADIAN WHEAT BOARD

COMPLAINT

File No. 843—Press Release

The editorial staff of a French-language newspaper in Western Canada complained that they had received from the Minister responsible for the Board the text of a speech and a letter written solely in English.

The Commission brought this matter to the attention of the Privy Council Office. The Principal Secretary of the Prime Minister's Office asked all executive assistants to ensure that when a minister gives the text of one of his speeches to the press, either directly or by mail, he provides it in both official languages.

CENTRAL MORTGAGE AND HOUSING CORPORATION—"The Apartment"

EVALUATION

The Commissioner, although reserving judgement on CMHC's country-wide performance, commends the Corporation for its sustained efforts to implement the Official Languages Act in the National Capital Region.

Before the Commissioner conducted a special study in 1971, the Corporation had already moved towards increasing its bilingual capability by establishing a language school on its own premises. This early initiative and the Corporation's subsequent performance in carrying out the five recommendations of the study, of which the two relating to language training and retention programmes had already been met by the end of the 1971-72 fiscal year, mirror the Corporation's commendable efforts to provide bilingual services to the public and achieve institutional bilingualism in the National Capital Region.

In February 1973, the Corporation provided an up-to-date report on its implementation of the five recommendations. The Corporation stated that the number of its employees in language training programmes had increased from 78 in 1971-72 to 131 in 1972-73. Substitute personnel were hired on a limited basis to allow staff flexibility and interchangeability for employees away on language training. The Corporation had established a rotational transfer system to help language retention and has set up a language assessment section which gathers data on bilingual employees and determines yearly losses and gains in bilingual personnel. Finally, the recommendation about some minor printed material had received necessary action.

The Commissioner investigated six complaints against this institution between 1 April 1970 and 31 March 1973. These touched on such things as forms, signs, advertisements in newspapers and an information kit. The Corporation quickly corrected the situations which gave rise to the minor complaints and promptly put into effect two recommendations the Commissioner made concerning advertisements in newspapers.

COMPLAINTS

File Nos. 1207, 1567, 1781—Unilingual Signs

- A French-speaking person who was passing through Toronto noticed that the sign outside the Morningside Court housing project, which was financed by the Corporation, was unilingual English.

The Corporation told the Commissioner that it did not own the project. Although it had suggested to recipients of loans in 1970 that they should indicate this source of funds by means of bilingual signs, it had not insisted that they do so. The borrowers concerned may have erected the English section of a billboard dating back to 1970 to acknowledge publicly that there had been federal participation in Morningside Court, but they had not consulted the Corporation about it. As a result of the complaint, the Corporation asked the borrowers to remove the sign, and they agreed to do so immediately.

- A complainant objected to the fact that polythene used in construction by the Corporation bore the unilingual English identification "CMHC".

The Corporation wrote to the Commissioner that in future all material used in construction would be identified in both official languages. A sample of the new bilingual identification was enclosed with the letter.

- A complainant stated that the sign outside the Corporation's office in Edmonton was in English only.

The Corporation replaced the sign with a bilingual one and asked its regional directors to have all signs visible to the public checked to make certain that they complied fully with the provisions of the Official Languages Act.

File No. 1272—Forms

A French-speaking person filled out a bilingual questionnaire in French in order to obtain a mortgage from the Corporation, but when he went to a bank branch in Ottawa, he noticed that the terms of the mortgage were drawn up in English on a unilingual English form. He insisted that these terms be in French on a French or bilingual form.

This complaint had various legal and administrative implications. It was the contractor and not the buyer (the complainant) who had the mortgage with the Corporation. The contractor had mortgaged his property and entrusted the administration of the loan to a bank. According to the Ontario Registry Act, all mortgages must be registered in English, but a French version may be added and registered as well.

Private enterprise and Ontario legislation were responsible for the fact that the documents were not in French. The complainant had ac-

cepted the mortgage by signing a form which was issued by the bank and not by the Corporation. From a legal point of view, the Corporation was not a party to the agreement as it was only guaranteeing the loan.

Although the agreement form had been issued by the bank, the Commissioner was nevertheless of the opinion that the Corporation played an important role in approving the purchaser and guaranteeing the loan. Even though, in the Commissioner's opinion, this complaint did not involve a violation of the Official Languages Act, he nevertheless recommended that the Corporation should urge lenders to provide borrowers with explanatory texts and blank forms in the language of their choice.

File No. 1643—Advertisement

A complainant alleged that an advertisement published in the *Montreal Gazette* for an architect/town planner on 22 January 1973 was discriminatory because it said that preference would be given to candidates "d'expression française". The advertisement indicated that the position was in a federal government agency, but did not say which.

After a number of inquiries, the Commissioner established that the Corporation was the institution responsible. It explained that it would like to recruit a bilingual architect/town planner—in any event it had to be one who was fluent in the French language—to fill a vacancy in the Montreal office, where the language of work was French. The Corporation maintained that, despite the wording of the advertisement, it would give every consideration to any fluently bilingual candidate who met the requirements for the position.

Since what was really wanted was a knowledge of both official languages with fluency in French, the Commissioner recommended that a revised advertisement should be inserted in all newspapers that carried the original advertisement. The new one should make it plain that both languages were required for the work, and indicate to what degree.

The Commissioner also recommended that the advertisement itself should be bilingual or in the language of the publication in which it appeared.

The Corporation revised its advertisement to indicate clearly the language requirements of the position. The new advertisement was placed in all newspapers in which the original had appeared. The Corporation also reminded its regional directors to take account of the Official Languages Act when advertising positions.

File No. 1735—Information Kit

A complainant who had received an information kit from the Corporation informed the Commissioner that three of the four documents in the kit were in English only.

The Corporation said that the documents had been printed in both French and English. The information kit had been distributed to some 4,000 people, both French- and English-speaking, after the introduction of Bill C-133 in Parliament. It seemed that an English kit had inadvertently been mailed to a French-speaking person. The Corporation sent the Commissioner a French kit and asked him to forward it to the complainant along with its apologies.

CHIEF ELECTORAL OFFICER—"The Manchurian Candidate"

EVALUATION

The Office of the Chief Electoral Officer showed an excellent spirit of co-operation in dealing with the complaints which the Commissioner received at the time of the October 1972 general election. In addition, the Chief Electoral Officer had taken the welcome initiative of personally consulting the Office of the Commissioner before the election with a view to preventing such complaints from occurring.

On the other hand, the Commissioner believes that the agency could have exercised a little more diligence in applying several of the 16 recommendations formulated in July 1972 following a special study. Indeed, the information supplied by the Office of the Chief Electoral Officer in October 1973 indicates that after more than a year, four of the recommendations were still being studied, four had been implemented unsatisfactorily and three others had been only partially implemented. The Commissioner wishes to point out, however, that despite the special situation resulting from the election on 30 October 1972 (the possibility of having to organize a new election at very short notice was a very real one), the agency had taken, or was planning to take, the necessary measures to put the remaining recommendations into effect.

The agency informed the Commissioner that his recommendations concerning ballots, telephone service, correspondence and certain notices which the "electoral officers" send to voters had already been acted upon or would be implemented before the next general election or by-election. The measures proposed by the Office for giving effect to these recommendations are wholly satisfactory. However, final approval by the Commissioner will depend on how they are actually carried out.

The information provided by the Office concerning the other three recommendations indicates that it will be possible to implement them all together, once the measures already planned have been introduced.

The steps the Office of the Chief Electoral Officer plans to take to carry out the two recommendations dealing with notices, lists and other documents posted for public view should make it possible to reduce

considerably the risk of creating situations which would violate the Official Languages Act, especially when the agency has succeeded in solving the difficult problem of translation required at election time in the various constituencies.

Moreover, regarding the choice of printer by the returning officers, the Chief Electoral Officer agreed to issue directives for the next election which would take the Commissioner's recommendation into account. The Chief Electoral Officer mentioned, however, that it was difficult in some cases to find printers with equipment capable of printing French texts properly. While recognizing that this is a genuine problem, the Commissioner is of the opinion that precautions must definitely be taken to ensure that the equality of status of the two languages is respected (which would not be the case if, for example, there were no accents in the French text).

The measures the agency plans to take in order to put four of the recommendations into effect are inadequate; these are the two recommendations concerning "electoral officers" working in constituencies considered bilingual and two others aimed at amending two sections of the Canada Elections Act.

The Commissioner had formulated the first two after noting that the suggestions made to the returning officers in the bilingual constituencies concerning recruitment by the Chief Electoral Officer before the 1972 election omitted certain elements or lacked precision. In reply, the Chief Electoral Officer said that he intended to "ask the returning officers in the constituencies in question to make a greater effort to reach a point which would come closer to meeting the requirements of the Official Languages Act". This initiative falls far short of the aim of the two recommendations, namely that precise and complete information be given to the returning officers concerned.

The Chief Electoral Officer informed the Commissioner that he would submit the other two recommendations to the "Standing Committee on Privileges and Elections, when it meets to make amendments to the Canada Elections Act". However, the Commissioner had asked the Chief Electoral Officer to propose the desired amendments "to the Speaker of the House of Commons as soon as possible". Although the action proposed by this agency would make it possible eventually to achieve the objective of the two recommendations, the Commissioner is of the opinion that the procedure chosen is likely to delay study of the question *sine die*.

Finally, nothing has been planned regarding four other recommendations, since the Chief Electoral Officer wishes to study them in greater depth before implementing them. These are the recommendations concerning communications with the public at the polling stations in certain constituencies, directives the Chief Electoral Officer should

send to the special returning officers, candidates for the positions of Special Deputy Returning Officer and the suggested amendment to the Canada Elections Act authorizing the Chief Electoral Officer to pass on to the "electoral officers" the instructions he considers necessary for respecting the Official Languages Act. Yet these recommendations, and particularly the last one, are important, since if implemented with care they would better enable the Chief Electoral Officer to avoid situations which violate the Act. The Commissioner therefore intends to continue monitoring the implementation of his recommendations and to comment on the results in his next Annual Report.

The investigation of the 17 complaints received did not in general result in recommendations concerning the management of the elections, since the appropriate recommendations had already been formulated as part of the special study. However, the Commissioner drew each complaint to the Chief Electoral Officer's attention and requested him for his comments on circumstances described by the complainants. The Chief Electoral Officer subsequently asked for information from returning officers in the constituencies concerned and sent his findings to the Commissioner.

SPECIAL STUDY

The Commissioner's purpose in undertaking this study in April 1972, following consultations with the Chief Electoral Officer at the latter's invitation, was to examine the services provided during elections by the Office of the Chief Electoral Officer and to indicate, if necessary, corrective measures to be taken in the preparation of general elections and by-elections to make them conform to the Official Languages Act.

The study dealt with the preparations then being made for the general elections which, it was generally assumed, would take place in the near future. As will be recalled, they were held in October 1972.

The study team first defined those aspects of the activities of the Office of the Chief Electoral Officer which brought it into contact with the public. Six areas were identified for research: posters and notices, forms and stationery items, telephone service, correspondence, direct dealings between the public and election officers, and information and publicity.

For the purposes of the study, the word *public* was interpreted in its broadest sense. Public thus included not only the general population and the electorate (including members of the armed forces and employees of the federal government stationed abroad, in their capacity as electors) but also the candidates and their various representatives and agents.

The Canada Elections Act governs the conduct of federal elections and the activities of the Office of the Chief Electoral Officer. Administratively speaking, it gives the Office a character of its own. From Ottawa, the Office organizes and supervises general elections and by-elections throughout Canada and in electoral districts located abroad. However, in contrast to those of most federal institutions, its activities covering a vast geographical area are conducted without the help of regional offices. The structures established in the various electoral districts enjoy relative autonomy, and the Chief Electoral Officer can intervene with the election officers only within the limits prescribed by the Act.

At the time of the study, the Office's headquarters had 25 permanent employees, eight of whom had regular contact with the public and were bilingual. During elections, varying numbers of temporary employees are recruited but they do not come into direct contact with the public. It is mainly at the level of the electoral district, revisal districts and special polling areas that contact is maintained between election officers and the public. In the 264 electoral districts, more than 220,000 election officers are at work during an election. Procedures for selecting and appointing election officers are actively influenced and controlled by political groups but scarcely at all by the Chief Electoral Officer.

In the case of the 1972 elections, the Chief Electoral Officer determined in which electoral districts the requirements of the Official Languages Act should be applied. He decided that electoral districts in which one of the two official languages is the mother tongue of at least 5 per cent of the enumerated population would be designated as bilingual. On the basis of the results of the 1971 Census, 89 electoral districts were considered bilingual, and 175 unilingual. During the election, approximately 70,000 election officers would work in the bilingual districts.

In addition, the Chief Electoral Officer issued to all returning officers a memorandum dated 1 May 1972, dealing with the use of the two official languages in the conduct of elections. This memorandum was issued in different editions to both unilingual and bilingual electoral districts. The memorandum dealing with bilingual districts was on the whole appropriate, but still contained certain shortcomings and omissions.

As regards posters, notices and forms, the study group discovered certain omissions which the Office of the Chief Electoral Officer should be able to remedy easily.

One aspect of the preparation and production of posters deserves mention. Most posters are printed in the constituencies on the basis of models prepared by the Office of the Chief Electoral Officer. The Elections Act gives returning officers the responsibility for choosing printers to do the work. This arrangement would not appear however to guar-

antee impeccable printing in both languages, since the printers selected are not always adequately equipped to work in both English and French. Greater vigilance should be devoted to this potential source of difficulty. The Elections Act might have to be altered to remedy this situation.

Examination of the stationery items—writing paper, envelopes, compliment slips of the Chief Electoral Officer, visiting cards—submitted to the study group revealed that these items were impeccable from the point of view of the Official Languages Act.

With respect to contacts — oral and written — between the Office of the Chief Electoral Officer and the regional election offices on the one hand and the public on the other, the study group noted that the measures taken did not, despite their positive character, always necessarily guarantee that the Act would be respected. Some aspects of the directives sent by the Chief Electoral Officer were not entirely clear or did not deal at all with a number of particular cases. For example, the study revealed the total absence of provisions for special polling areas. Within a broader perspective, the Commissioner is also concerned that Section 4 (1) of the Elections Act empowers the Chief Electoral Officer only to issue instructions relating to the execution of the Elections Act. The Commissioner believes that the Act should be amended to enable the Chief Electoral Officer to issue orders and not merely make suggestions regarding requirements resulting from the Official Languages Act.

Two other sections of the Elections Act were noted by the study group: Section 45 (19) and Rule 60 of Schedule A to Section 18. The former reads as follows:

Where a deputy returning officer does not understand the language spoken by any elector, that officer shall appoint and swear in an interpreter, who shall be the means of communication between him and the elector with reference to all matters required to enable such an elector to vote, except that, where no interpreter is found, the elector shall not be allowed to vote.

Rule 60 Schedule A to Section 18 reads as follows:

Where the language of any applicant is not understood by the revising officer, an interpreter may be sworn and may act.

Although these two provisions of the Elections Act have apparently never given rise to difficulties involving either of the official languages, the Commissioner believes that amendments should be made to forestall any situation which would contravene the Official Languages Act if these two sections were applied *stricto sensu*. It would, for example, be very embarrassing if an English- or French-speaking citizen were prevented *under Section 45* from exercising his right to vote.

Finally, examination of the preparations for the information and publicity campaign for the October 1972 election revealed that all the

proceedings apparently had been entirely in keeping with the provisions of the Official Languages Act.

In conclusion, while revealing that the Office of the Chief Electoral Officer had taken numerous steps to ensure compliance with the Official Languages Act in many respects, the study brought to light certain facts or omissions which contravened, or might have contravened, certain provisions of the Act. In order to forestall, as far as possible, any litigious situation, the Commissioner made the following 16 recommendations:

(1) that the Office of the Chief Electoral Officer print in both official languages all notices which within the framework of an election, are brought to the attention of the public;

(2) that the Office of the Chief Electoral Officer take the necessary steps in order to ensure that the following forms are posted in both official languages, with due regard to the equality of status of the English and French languages: *Notice of Rural Enumeration* (Form No. 22), *Urban Geographical Preliminary List* (Form No. 8), *Rural Preliminary List* (Form No. 24) and *Urban Alphabetical Preliminary List* (Form No. 161);

(3) that, henceforth, the Office of the Chief Electoral Officer see to it that during the election period, the printers selected by the returning officers are able to perform the work entrusted to them, without spelling or typing errors, in both official languages.

(4) that the Office of the Chief Electoral Officer see to it that, beginning with the 1972 or 1973 election, all ballot papers are printed in both official languages.

(5) that the Office of the Chief Electoral Officer see to it that all the notices sent to the voters during an election are in both official languages.

(6) that the Office of the Chief Electoral Officer set up in the bilingual electoral districts an appropriate system to ensure that henceforth election officers who send to the public bilingual notices or notifications printed on both sides fill in the side written in the language in which the addressee wishes to receive communications from federal institutions.

(7) that the Office of the Chief Electoral Officer immediately take the necessary measures so that in unilingual electoral districts, those who wish to communicate orally or in writing with the Office of the Chief Electoral Officer in the minority language (be it either English or French) of the electoral district, could, if the need arises, be served directly by the Office of the Chief Electoral Officer;

(8) that the Office of the Chief Electoral Officer forward immediately a guideline to the bilingual electoral districts returning officers asking them to ensure that the manner of identification and the form of greeting be in both official languages of Canada when their office receives a telephone call;

(9) that the Office of the Chief Electoral Officer specify immediately to returning officers of bilingual districts that their office must answer letters in the official language used by the addressees;

(10) that the Office of the Chief Electoral Officer send immediately to the special returning officers, guidelines dealing with the requirements of the Official Languages Act which returning officers themselves and their staff must respect at election time;

(11) that the Office of the Chief Electoral Officer inform persons in charge of nominating (pursuant to Section 60 of the Special Voting Rules) applicants for the positions of special deputy returning officers that it is necessary to have for these positions, persons who are able to work in both official languages;

(12) that the Office of the Chief Electoral Officer immediately advise the returning officers in bilingual electoral districts that rural enumerators must, in all polling divisions located in their constituency, be in a position to carry out their functions in both official languages of Canada;

(13) that the Office of the Chief Electoral Officer immediately inform the returning officers in bilingual electoral districts that the requirement of having a bilingual enumerator in all rural polling divisions, at least one bilingual enumerator in urban polling divisions, at least one bilingual revising officer in all revisal districts and bilingual deputy returning officers in all polling stations applies uniformly to the whole of their electoral district and not only "to areas where there is a particularly significant linguistic minority group of one or the other official language";

(14) that the Chief Electoral Office propose as soon as possible to the Speaker of the House of Commons that the Canada Elections Act be amended in such a manner as to allow the Chief Electoral Officer to issue to election officers those instructions he considers necessary to ensure that the appropriate provisions of the Official Languages Act are complied with;

(15) that the Office of the Chief Electoral Officer propose, as soon as possible, to the Speaker of the House of Commons, that the Canada Elections Act be modified in such a manner that Section 45(19) which in its present form could result in voters losing their right to vote for linguistic reasons, shall in no case apply to French- or English-speaking voters;

(16) that the Chief Electoral Officer propose, as soon as possible to the Speaker of the House, that Rule 60, Schedule A, Section 18 of the Canada Elections Act, be modified in such a manner, that English- and French-speaking voters who must deal with a revising officer, can, when the need arises, be provided with the services of an interpreter.

COMPLAINTS

File Nos. 1277, 1279, 1283, 1289, 1298, 1306, 1317, 1346, 1354, 1426, 1430, 1440, 1493, 1503, 1511, 1526, 1533—Various Complaints

Numerous complaints were submitted to the Commissioner following the federal elections of 30 October 1972. Of these, 17 were investigated.

The Chief Electoral Officer had issued, on 1 May 1972, directives to all returning officers in bilingual ridings explaining the use of both official languages in the conduct of elections. Any electoral district

where the official-language minority was at least 5 per cent of the population was considered to be bilingual. The Commissioner, therefore, studied the complaints in the light of the Official Languages Act and these directives. The investigation of these complaints showed up the weaknesses of the present system when it came to providing services to the electors in the official language of their choice. These deficiencies, as well as a certain lack of clarity in the directives, were brought to the attention of the Chief Electoral Officer as a result of a study made by the Special Studies Service of the Commissioner's Office. That is why the Commissioner made no recommendations after the investigation of the complaints which are described in detail in the following pages.

1. Enumeration

<i>Location</i>	<i>File No.</i>
Ottawa East	1277, 1511
Ottawa-Carleton	1283
Ottawa Centre	1317
Lapointe	1289
Westmount	1346
Vaudreuil	1493
Moncton	1279, 1306

The investigation of these complaints revealed that the returning officers' efforts to have the enumeration carried out in both official languages were often hampered because, in accordance with the Elections Act, the enumerators were proposed by the political parties, which are not subject to the Official Languages Act. This factor often made it difficult to apply both the Official Languages Act and the Chief Electoral Officer's recommendation that returning officers should make sure that the deputy returning officers, and in urban polling divisions one of the two enumerators, should be able to communicate with the electors in both official languages.

a) Ottawa East

- A French-speaking elector complained that both enumerators who came to his home on 11 October were unilingual English-speakers and they wanted to ask him the usual questions in English. He made them understand that he wished to be questioned in French, and they

had to leave without finishing the enumeration. When informed of this incident, the Office of Chief Electoral Officer asked the district returning officer to meet with the complainant. The enumerators then returned to the man's home with a French-speaking person who acted as interpreter.

The complainant said he was glad to have been able to vote, but he was very doubtful whether this procedure was in keeping with the spirit of the Official Languages Act. Since it is the political parties who propose the enumerators, they should be obliged to name bilingual people for electoral districts in the National Capital Region and for other districts where the percentage of the official-language minority is high enough to warrant it. He felt that it would be logical for Parliament to amend the Elections Act so that it would be in keeping with the spirit and the letter of the Official Languages Act.

- Enumerators handed a French-speaking elector a copy of Form No. 7 (Enumerators' Notice to Elector) which had been filled out in English, even though the information had been given in French.

The Chief Electoral Officer ascribed this infraction of the Official Languages Act to an error on the part of the enumerator who had filled out the form.

b) Ottawa-Carleton

Two electors reported to the Commissioner that the enumerators who came to their home were unilingual English-speakers. They added that one of the enumerators took offence when they said that they would like to have the necessary information in French.

The returning officer explained that the enumerators were unilingual English-speakers because the people living in the Alta Vista, Urbandale and Elmvale areas were able to speak English. It goes without saying that this attitude was contrary to the spirit and the letter of the Official Languages Act.

c) Ottawa Centre

A French-speaking person had to use English when he spoke with the enumerators. He was especially annoyed about the situation since he lived in a city where there was no shortage of bilingual people.

d) Lapointe

An English-speaking elector complained that the two enumerators who came to her home were unilingual French-speakers, and that she

had to translate for a neighbour who was unable to give them the information required in order to have her name registered on the lists of electors.

The returning officer stated that he thought he had taken all necessary precautions by appointing the ex-manager of an English-language business as an enumerator. Presuming that this person knew English, he had not seen any need to check his linguistic qualifications. He added, however, that because of the small minority of English-speakers in Lapointe, it was not considered a bilingual district.

e) *Westmount*

A reporter from *Le Devoir* complained about the unilingualism of the enumerators in this district.

According to the returning officer, there were apparently not enough bilingual people or unilingual French-speakers on the lists proposed by the political parties to give each team at least one enumerator who could communicate in French.

f) *Vaudreuil*

One elector in this district was surprised to find that both enumerators who came to his home were unilingual English-speakers. The returning officer said he regretted this incident and added that, when the enumerators were chosen, these two had said they were bilingual and had been taken at their word.

g) *Moncton*

- An indignant French-speaker from Moncton wrote a letter to *L'Évangéline* complaining that the enumerators who came to his home were unilingual English-speakers. He refused to give them the usual information, so they returned half an hour later with a bilingual person. Immediately after enumerating the complainant, the bilingual person went back to the returning officer's office, and the other French-speakers on that street had to be enumerated in English.

- Another French-speaking person from Moncton reported that the enumerators who came to his home were unilingual English-speakers.

According to the returning officer for this district, the political parties did not provide enough people who spoke French to give each team an enumerator who could express himself in that language.

2. Name, Address and Occupation of French-Speaking Electors Registered in English on the Lists of Electors

<i>Location</i>	<i>File No.</i>
Sudbury	1298, 1430, 1354
Ottawa-Carleton	1283
Ottawa Centre	1317
Westmount	1346
Dollard	1440
Fredericton	1526
South Western Nova	1426

In his directives to the returning officers in bilingual ridings, the Chief Electoral Officer specified that information concerning the name, address and occupation of electors should be printed in the same form as it was given to the enumerators and in which they have indicated it on the lists they prepared. Only one of these complaints came from a unilingual riding, Fredericton. In the other cases, the registrations on the lists should have been in the language used by the elector when he was enumerated.

In Sudbury, the returning officer explained that he had neglected to inform the enumerators of these directives.

In Ottawa-Carleton, Ottawa Centre and Westmount, the shortage of enumerators with a sufficient knowledge of French explains why information was written down in English even in the case of French-speaking electors.

In Dollard, the returning officer made certain that he would be able to offer services to the electors in both languages by asking the political parties to choose bilingual enumerators. Even so, he still found that one list was typed entirely in English in a subdivision where there had been a French-speaking and an English-speaking enumerator.

In South Western Nova, the returning officer apparently believed, mistakenly, that the electors in that area were more familiar with the language of Shakespeare than with that of Voltaire.

3. Services to the Public

a) Sudbury

File No. 1354

The complainant reported to the Commissioner that there was only one bilingual person employed by the office of the returning officer. The

officer explained that he had thought, in all honesty, that one person who could speak French would be enough to answer requests for information by the French-speaking public. This person usually did answer the telephone, and did so in French when necessary. As far as the translation of certain election documents went, the returning officer apparently hired another person who knew French to do this work.

b) Grenville-Carleton

File No. 1503

An elector went to polling station 281 on 30 October. No one there was able to answer him in French, and he was forced, as he put it, to "pronounce his words as distinctly as an actor" in order to make himself understood. The deputy returning officer tried to translate what he was saying, smiling all the while. And to complete the outrage, this person apparently thanked him at first in English, then caught himself and said: "Merci", adding: "You see, I am bilingual". The complainant found it hard to see the humour of it. In this case, neither the Official Languages Act nor the directives from the Chief Electoral Officer had been respected. The people responsible for this incident were taken to task by the Chief Electoral Officer.

c) Ottawa East

File No. 1533

A French-speaking elector received an envelope (Form 140) which was addressed in English and bore the unilingual English stamp of the electoral district.

As a result of his complaint the Chief Electoral Officer decided to provide the returning officers in bilingual ridings with stamps that identified their districts in both official languages.

COMMISSIONER OF OFFICIAL LANGUAGES

COMPLAINT

File No. 1202—Stamp

A French-speaking person lodged a complaint against the Office of the Commissioner for using a unilingual English-language stamp to mark information on an envelope sent out by the Office.

The Commissioner explained to the complainant that the Office had a set of stamps in each language, and these were used in the following way: where the address appears in French, the French stamp is

used, and where the address is in English, the English one is used. Since the complainant's note was written in English, the envelope sent him was addressed in that language, and the English stamp was used.

To avoid future misunderstandings, the Commissioner decided that his Office would now use bilingual stamps.

COMMUNICATIONS—"The Loneliness of the Long Distance Runner"

EVALUATION

Of the 17 complaints the Commissioner received against the Department in the last three fiscal years, 13 were registered in 1972-73. Complainants rightly wished operators at government information numbers to provide bilingual service and to have local telephone directories list federal agencies in both English and French. The Department settled the complaints effectively. It also reported that a number of activities were underway towards implementing the Official Languages Act.

The Department of Communications informed the Commissioner, in response to a questionnaire, that it had begun to implement an official languages programme during the summer of 1969 and the completion date was tentatively set for 1978 in keeping with recent Treasury Board directives. The purpose of the programme was to ensure that members of the public could obtain available services in both official languages and to permit public servants to use either French or English in their work. Responsibility for the programme was centralized and vested in the Director of the Bilingualism Programmes Branch.

To ensure orderly implementation of the programme, this Branch had created a number of coordinator positions dealing with language training, terminological research, language monitors and text revisions. The Department also stated that it had organized a number of complementary activities such as cultural exchange programmes and temporary assignments of language school graduates to work in milieux where they could use their newly acquired skills. The Department had also created 17 French-language units in Quebec and five in Ottawa.

The Department believed it could serve the public in either official language, as required. It said signs were bilingual, publications were available in French and English, and the Department used French- and English-language news media as required to reach its public.

Internal documents and memoranda addressed to employees were stated to be bilingual. The Department also expected to complete the translation of manuals during the 1973-74 fiscal year. Training and development courses were apparently available in either official language.

The Department recognized that there were some shortcomings in its efforts to extend the use of French as a language of work, but held that progress was relentless and sure.

COMPLAINTS

File Nos. 1064, 1515—Telephone Directory

- A French-speaking employee of a federal institution in Winnipeg complained that the federal government directory for the Winnipeg region was printed in English only.

The Department informed the Commissioner that the new directory, scheduled for publication in May 1973, would be bilingual. Furthermore, all telephone directories for which the Government Telecommunications Agency is responsible would, in future, reflect the bilingual nature of the country.

- A complainant objected to the fact that the Department had listed the various time zones in English only in the 1971 and 1972 Spring versions of the Government Directory for the National Capital Region.

The Department agreed to change the format in order to have a completely bilingual listing. Since printing of the Winter 1972 edition was already in process, the proposed changes would appear in the Spring 1973 version of the Directory.

File Nos. 1425, 1543, 1835—Telephones

- An English-speaking complainant alleged that when she telephoned the Government of Canada exchange, 232-8211, to obtain certain information the operator answered in French only; she later spoke English to the caller but was very rude and finally closed the line before the complainant had finished her conversation.

The Department discussed the matter with officials of the Government Telecommunications Agency and Bell Canada, which is responsible for the operation of the Ottawa switchboard complex.

Bell Canada supervisory staff interviewed the operators and reminded them that each and every incoming call must be handled in accordance with written instructions requiring all calls to be answered in both English and French. Furthermore, officials of the Government Telecommunications Agency, in conjunction with Bell Canada, arranged a retraining programme of standard answering phrases and rules of courtesy for the operators at the Ottawa switchboard complex.

- A complainant reported that he had had difficulty in obtaining information in French when he called 985-5454, the number of the government telephone service in Winnipeg.

While investigating a similar complaint in February 1972 concerning another Canadian city, the Office of the Commissioner had carried out tests to see whether it was possible to make telephone calls in French in the following cities: Halifax, Toronto, London, Ottawa, Moncton, Winnipeg and Vancouver. Each test revealed that it was indeed possible to do so.

The Commissioner nevertheless recommended that the Department:

- 1) clearly instruct unilingual operators to transfer any call in French automatically to a bilingual colleague without the caller's having to insist;
- 2) ask unilingual English-speaking operators to refrain from speaking to French-speaking clients in English, since service should automatically be provided in the official language of the caller;
- 3) pursue its efforts to set up a means of communication which would allow French-speaking callers to place their calls in their own language in all cities where the service is not yet bilingual; and
- 4) make sure that the delay is as short as possible.

The Department accepted all these recommendations.

With regard to the government service in Winnipeg in particular, the Department informed the Commissioner that the Manitoba Telephone System was providing this service on behalf of the federal government. The contract between this company and the government called for a bilingual operator to be stationed at the switchboard or available nearby. Representatives from the Department visited the offices and confirmed that the measures taken by the Manitoba Telephone System ensured adequate service to the public in French. The Department was also making spot checks to see whether switchboard operators in cities such as Winnipeg were following the procedures recommended by the Commissioner.

- A French-speaking complainant wanted assistance in finding the telephone numbers of government offices in London and Hamilton. He called the government information numbers in each of these cities, but was unable to get a reply in French.

The Department made a number of test calls to the two exchanges. The London operators followed the proper procedure, transferring the call immediately to a bilingual operator. The Hamilton operators, however, did not do so. The Department took steps to correct this.

File No. 1729—Security Officer

When a complainant went to the Department's reception area in the Vanguard Building in Ottawa, the security officer was unable to answer him in French.

The Department explained that it had had difficulty in setting up a security service that would be both effective and bilingual. When the Department opened its offices in the Vanguard Building it could not get any officers from the Canadian Corps of Commissionaires and therefore had to engage the services of a private agency. To minimize contacts between guards and visitors, it had placed signs containing appropriate information in both official languages at the entrance to its offices.

The Commissioner recommended that the Department take the necessary steps to offer service to visitors in the official language of their choice at all times. If it proved impossible to recruit bilingual guards, the Department should ensure that one of its bilingual employees was available to supply information in both official languages.

The Department agreed to adopt the Commissioner's recommendations.

File Nos. 1158, 1199, 1592—Notice of Competition

- Two French-speaking persons, one from Quebec and the other from Manitoba, complained that the Department had listed only a knowledge of English as the language requirement in a notice of competition for the position of Librarian with the head office in Ottawa. They protested against this injustice and against the fact that the notice was printed only in English.

After the Commissioner intervened, a new bilingual notice was printed which gave knowledge and use of both French and English as a requirement for the position.

- A French-speaker wrote to the Commissioner about a notice of competition for the position of Director, Telecommunications Standards Branch. He alleged that a first notice which stipulated that a knowledge of both English and French was a requirement for the position had later been withdrawn and replaced with another which listed a knowledge of English as the only language requirement.

The Department explained that there were very few eligible candidates for the position, owing to the high degree of specialization and experience required. A search through the Data Stream Record showed that the competition would have to be opened to unilingual English-speaking persons in order to ensure a sufficient number of candidates possessing the necessary professional qualifications.

Since the Department had stated at first that the position required someone with a knowledge of both languages, the Commissioner recommended that the competition be opened to both unilingual French-speakers and unilingual English-speakers.

The Department replied that a thorough knowledge of English was essential for day-to-day work in the office, and that the use of French was limited to occasional reading of reports.

Meanwhile, the Department offered the position to a unilingual English-speaking candidate. Faced with this *fait accompli*, the Commissioner recommended that the Department provide French courses for the new director.

File Nos. 1151, 1597—Fair Treatment for Women

Several people, including an incensed male, criticized the Department for almost always listing the marital status and title of French-speaking women in English in the bilingual lists in the first section of the federal government's Summer 1972 directory for the National Capital Region.

The Department admitted that the complaints that had been brought to its attention by the Commissioner were well founded. In fact, of the 2,000 French-sounding feminine names, only 8.5 per cent were designated "Mlle" or "Mme". To ensure that the marital status and title of female employees would be properly indicated in the official language of their choice, the Department, at the Commissioner's request, asked all personnel directors of institutions listed in the directory to have their employees indicate their preference on this point. The necessary modifications were to be made in the Winter 1972 directory.

COMPANY OF YOUNG CANADIANS

COMPLAINT

File No. 694—Form

A French-speaker complained that the Company had sent him a deductions form in English only.

The Company informed the Commissioner that the form had been redesigned and made bilingual.

CONSUMER AND CORPORATE AFFAIRS—"The Shop on Main Street"

EVALUATION

Of the ten complaints the Commissioner received against this Department, two called for recommendations. One concerned the

Department's correspondence with a French-speaker and the other cited absence of bilingual service in Regina. The Department reacted to these complaints positively.

Among various measures it had taken, the Department's attractive policy document for its employees, and a specially designed language course for secretaries and receptionists, underscored its constructive approach.

The Department informed the Commissioner that because of its customer-oriented philosophy, in 1968 it began using both English and French in dealings with the public. When the Official Languages Act came into effect, the Department intensified its efforts to using the two languages on an equal basis. In January 1972, it brought out a booklet on bilingualism titled "Oui-Yes". This document would presumably be amended early in 1974 to reflect the Treasury Board guidelines of 29 June 1973.

The Department, like many other federal institutions in November 1973, was engaged in identifying linguistic requirements of positions. It intends to use, as a matter of routine, the two official languages equally within its administration and in serving the public. It stated that despite progress made so far, "much is left to be done", and expected to achieve both aims by 1977.

Responsibility for implementing the Official Languages Programme, the Department said, rests with the Director of Personnel at headquarters. Although this responsibility is not delegated to the field, it is implemented in co-operation with the Assistant Deputy Minister, Field Operation Services.

The progress of the field offices towards attaining the departmental objectives on bilingualism is "closely monitored", and the Department said that officials visit the field offices "on a spot basis". The implementation programme, is evaluated yearly and reviewed by the Executive Committee.

The Department reported that nearly all signs and notices are bilingual; it was taking steps to render bilingual the remaining unilingual ones. It indicated further that forms and other printed materials are published in both official languages. In addition, the Department was (as of November 1973) proceeding to publish the Patent Office Record and the Trade Marks Journal in English and French.

As examples of equal use of English and French internally, the Department cited that existing manuals were being translated and new ones were being published simultaneously in both official languages. Staff-development courses, with one exception were given in both English and French. Of its seven French-language units, three are in the province of Quebec and four in Ottawa. The Department said it planned to

review the achievement and organization of these units and to explore the possibility of forming new ones in 1974.

In addition to using language training facilities provided by the Public Service Commission's Language Bureau and other accredited schools, the Department has set up an "in-house" language training programme for "key personnel who are unable to leave their place of work for extended periods of time". It has also established a short and simple language course for receptionists and secretaries "which should enable them to answer simple questions in French". The Department has also created a text revision service to encourage a wider use of French among its staff. The standard of written communications is said to be improving through courses given to employees in administrative writing in English and French. The Department uses monitors to help employees retain and improve their proficiency in the second official language. Finally, the Department stated that it placed more emphasis on hiring French-speaking staff "whenever feasible".

COMPLAINTS

File No. 1013—Patents

A Montreal inventor holding an American patent wished to obtain his Canadian patent in French. He complained that the Patent and Copyright Office had refused to translate into French the description of specifications that he had submitted in English.

According to the regulations, an applicant for a patent must enclose a description of specifications written entirely in English or French with his application. Thus the inventor can describe his invention in the official language of his choice. Once a patent is granted, it is published in the Patent Office *Gazette* in the language in which the application was submitted. The patent certificate is then issued to the inventor in the same language.

The Commissioner decided that the procedure adopted by the Patent Office was in accordance with the Official Languages Act.

File No. 1047—Sudbury

Several French-speakers criticized the Department because they had been unable to receive service in French at its Regional Office in Sudbury and had been insulted by an employee, who did not respect their right to address the federal government in the official language of their choice.

The Department explained that the employee responsible for the incident had been unable to adapt to working conditions in the office

in question and had left his position; a bilingual person had been recruited to take his place. The Department regretted this incident and asked the Commissioner to convey its apologies to the complainants.

File No. 1067—Regina

A French-speaking person was unable to obtain service in French at the Regional Office in Regina.

The Department said that in its opinion there was not sufficient demand to justify the offer of French services at this office, which was not situated in a proposed bilingual district. It added that one of the twenty-eight employees was bilingual and that services in French could have been provided if he had been there at the time. The Department stated that it intended to provide the best service possible to the public, but that it did not want to anticipate a government decision on bilingual districts.

The Commissioner was of the opinion that the Department should undertake a more pragmatic assessment of the demand by offering at least a minimum of bilingual services, since demand for services could only be considered in relation to their availability. He therefore recommended that:

- 1) the office recognize that the mere fact of speaking French constituted a demand for services in French and that employees should answer with a courteous phrase such as “Un instant, s’il vous plaît” and look for the bilingual employee;
- 2) posters and signs for the information of the public should be bilingual; and
- 3) the Department should offer employees who deal with the public the opportunity to take language courses.

The Department informed the Commissioner that on 19 April 1973 the Regional Office for the Prairies, in Winnipeg, issued a directive to all Regina supervisors, asking them to make sure that all unilingual employees were informed of the procedure for handling requests made in French. He assured the Commissioner that in future such requests would be passed along to bilingual personnel on duty. Furthermore, a bilingual sign would soon be put up at the entrance to the building to provide information to the public. Finally, the Department was continuing to encourage its employees in Regina to take language courses.

File No. 1302—Altercation

The complainant witnessed a dispute late one afternoon between a unilingual English-speaking commissionaire and a French-speaking

woman who, apparently, was reporting for work at the Department in Ottawa. He stated that the commissionaire was very rude to this woman who did not understand English well. The complainant, who spoke a little French, tried to act as interpreter but the commissionaire remained belligerent.

The Department told the Commissioner that the complaint was justified. The incident described was the last in a series that had occurred that afternoon because the commissionaire was impaired by alcohol. The Corps of Commissionaires later discharged him.

File No. 1690—Precedence Given to English

A complainant pointed out that in the French edition of a departmental publication the federal symbol was shown with the Department's name in both official languages, but that precedence was given to English.

In accordance with the Federal Identity Programme, federal agencies print the symbol on all official documents in order to stress the bilingual character of federal services. The Commissioner expressed the opinion that, far from contravening the Act, this policy respected the equal status of both official languages.

File No. 1718—Bilingual Positions

The complainant alleged that in the reorganization of the Standards Branch proper consideration was not being given to the need for serving the public in both official languages.

The Department told the Commissioner that some positions in the new organization would be identified as bilingual in accordance with the latest Treasury Board directives. The Department intended to increase the bilingual capability of the Branch through language training and the recruitment of French-speaking personnel.

ECONOMIC COUNCIL OF CANADA

COMPLAINT

File No. 1774—Documents in English

A French-speaking person from Toronto was surprised that some Council studies quoted in its annual report were not available in French. He wondered how French-speakers could become interested in the economy of their country when such source documents were not issued in their language.

The Council explained that all its publications were distributed by Information Canada in both official languages. Since 1963 only 11 studies out of a total of 111 had not been translated into French, because of their technical nature and the difficulty of having them translated within a reasonable period of time.

The studies mentioned by the complainant had been reproduced in the language of the author as they were considered to be working documents.

ENERGY, MINES AND RESOURCES—"The Gold Rush"

EVALUATION

In three years the Commissioner investigated seven complaints concerning violations of the Act. The Department co-operated by taking steps to rectify the situations which gave rise to the complaints, and the Commissioner was generally satisfied with this co-operation. The Department informed the Commissioner that despite its limited contact with the public, it has set machinery in motion to implement the Act, and apparently it is not resourceless merely because there is an energy crisis.

According to the information the Department sent the Commissioner in response to his questionnaire, the divisions responsible for answering enquiries from the public (the Public Relations Division in Quebec City and the Surveys and Mapping Branch in Ottawa) have a sufficient number of bilingual employees to serve the public in both official languages.

The Department also informed the Commissioner of the steps it had taken to ensure implementation of the principles stated in the Act and those outlined in the Treasury Board circular 1971-21. The Department had a number of mechanisms for facilitating the implementation of its bilingualism and biculturalism programmes: a task force to identify bilingual positions, a committee to translate manuals, French-language units, French language monitors, a bilingualism information centre, a programme providing a year in Quebec City for its middle-management staff and a special summer employment project for students. Although on the one hand the Department affirmed that it could satisfy the institutional bilingualism requirements for services to the public, it also said that realization of this same objective regarding personnel services, supervision and evaluation will require a great deal of work over a long period involving recruitment and language training.

COMPLAINTS

File No. 1167—Stamps

A French-speaking Montrealer received from the Department an envelope on which the return address, EARTH PHYSICS BRANCH, was in English only.

The Earth Physics Branch took the necessary steps to replace the stamps which had occasioned the complaint with bilingual ones. The Department made sure at the same time that no other branch was using unilingual stamps.

File No. 1557—Memorandum

An employee of the Department complained that he had received a memorandum about Christmas leave written in English only.

The Department said that this memorandum was addressed to the senior assistant deputy minister, the assistant deputy ministers, the branch directors and the division chiefs for their information, and was not meant to be distributed as such to the other employees. The Department regretted that it had not been accompanied by a French version.

Following the Commissioner's intervention, the Department asked the branch director who had circulated this unilingual memorandum to take the necessary steps to ensure that incidents of this nature did not recur.

File No. 1577—Order Form

The complainant criticized the Department for issuing only in English an order form for publications on aeronautics.

The Department explained that the preparation and revision of the publications listed on the order form were the responsibility of the Ministry of Transport, but that their distribution was the responsibility of the Canada Map Office. This Office had undertaken to revise its distribution procedures in order to conform to the Official Languages Act. Moreover, the Department had ordered preparation of a bilingual order form.

File No. 1664—Stamps

A French-speaker pointed out that the Department used unilingual stamps at the National Air Photo Library in Ottawa.

The Department had the stamps in question ("Parcel Post" and "NAPL Reproduction Centre") replaced by bilingual ones.

EVALUATION

Considering that in May 1973, 88.9 per cent of the employees in the Department of the Environment were unilingual English-speaking, the Commissioner considers that this Department's performance with respect to complaints and to the recommendations arising from two special studies he made during the 1971-72 fiscal year was fairly good. However, the Commissioner is of the opinion that much remains to be done in the area of bilingualism throughout the Department. He hopes that the new bilingualism policy put out by the Deputy Minister in June 1973 and addressed to all the Department's employees will stimulate further action.

The Department settled most of the complaints to the Commissioner's satisfaction without his having to make specific recommendations. In the few cases where recommendations were made, the Department took the required steps to implement them.

Information contained in a report from the Department and dated October 1973 enabled the Commissioner to take note of the Department's numerous achievements in implementing the 45 recommendations contained in the special study on the Atmospheric Environment Service. The Department generally acted quickly in correcting the problems mentioned in the Commissioner's report, although further efforts would still be required to give effect to the recommendations that had not yet been carried out or were only partially applied.

However, the Department's efforts in applying the recommendations resulting from the special study on the Moncton district office were rather timorous. The information obtained revealed that four of the nine recommendations had been applied as of last October. Improvements had been made, but only to visual aspects. The Commissioner understands the administrative difficulties invoked by the Department, but they must be surmounted if the organization wishes to provide service in the Moncton area in conformity with the Act.

The study on the Moncton district office, made during the summer of 1972, dealt with both visual bilingualism (two recommendations) and service to the public (seven recommendations). The Department reported last October that one of the recommendations concerning the visual aspect had been applied, but with a certain amount of delay. The Commissioner had asked the Department to make the signs identifying the office in question bilingual by 31 December 1972. The other recommendation concerning the visual aspect required that the Department make the identification on caps and uniforms bilingual. The Department has not yet implemented this scarcely revolutionary recommendation; it is waiting for government directives to this effect.

Three recommendations concerning forms, stamps and correspondence have been implemented. The three concerning bilingual telephone service had not yet been put into effect in October. According to the Department, the lack of permanent bilingual personnel in the Moncton office makes it impossible to implement these recommendations. In view of the possible solutions provided by Treasury Board's new policy on bilingual positions, it would appear that the Department has not studied all the means of ensuring that telephone service be provided in both official languages. In the meantime, the Department is clearly violating the Act on this rather elementary point.

The recommendation requiring that bilingual service be provided in Albert county in New Brunswick is in abeyance. The Department maintains that there are very few French-speakers in Albert county and that, in any case, these services will shortly be centralized in Moncton. The Commissioner hopes that "shortly" is not a synonym for in the indefinite future.

The other study made by the Commissioner's office aimed to evaluate the efforts of the Atmospheric Environment Service headquarters to comply with the Act and was completed in March 1972. In it the Commissioner formulated 45 recommendations concerning signs, public relations, weather forecasts, translation, personnel, language and training courses, recruitment and the creation of French-language units.

The Department said that it had implemented the recommendations relating to signs, printed matter, public relations, translation, staff development courses, second language retention and recruitment designed to make better use of French-speaking resources in the community.

The Department informed the Commissioner that the seven recommendations relating to recruitment, training and assignment of bilingual personnel to provide service to the public in the official language of its choice were being put into effect.

Ten recommendations have been partially implemented, or will be put into effect even though the deadlines have not been respected. The Commissioner had recommended that weather bulletins be broadcast in both languages in the major weather offices and in places where there is a sizeable official language minority. The Department accepted these recommendations in principle. Owing to the lack of bilingual personnel, however, it was unable to conform to them in the West, that is, west of Thunder Bay. However, it undertook to do so by 31 December 1975 at the latest. The Commissioner hopes that in the meantime French-speakers in the area not served will not have their summer picnics spoiled by unexpected snowfalls. Finally, the recommendation dealing with the internal newsletter *Zephyr* has not been applied. The Commissioner's office had asked that the newsletter be produced completely in both

official languages. An examination of a number of copies revealed that only a limited number of articles had been translated into or written in French.

Of the 22 complaints settled between 1 April 1970 and 31 March 1973, 17 were justified. Most dealt with the language of service (lack of services in French—books, circulars, brochures, questionnaires, stamps, and so on, in English only). In all cases where the complaints concerned language of service, the Department made an effort, following the Commissioner's intervention, to rectify the situation as soon as possible. The translation into French of certain publications, in particular *Native Trees of Canada*, took a fairly long time. By way of explanation, the Department cited—sometimes a little too glibly—the technical nature of the works. The Department recently revised its policy on the translation and publication of documents made available to the public. The Department's new bilingualism policy provides, among other things, that publications issued by the Department and addressed to the public should as a general rule be prepared and published in both official languages simultaneously.

Three of the complaints concerned the language of work and staff development courses given in French at the Atmospheric Environment Service office in Montreal. Although the departmental authorities were well-disposed toward their French-speaking employees in Montreal, these problems had nevertheless to be brought to their attention. The Commissioner made eight recommendations following his investigation of these three complaints. The Department informed the Commissioner last October that the eight recommendations had been put into effect. The Department is to be congratulated on the work it has done in this area. Perhaps, after all, where there's a will there's a way. As one is aware, some federal institutions are reluctant to broach the question of language of work and concrete solutions in this area are usually very rare.

Finally, four complaints involved the language requirements indicated in competition posters. In one of the cases, the Act had not been violated. In another one, the Commissioner had to make recommendations, which were taken into account by the Department. In the other two cases, the Department recognized that the language requirements were not appropriate and agreed to change them in order to meet the requirements of the Act.

The Commissioner has reason to believe that the Department's new bilingualism policy, if applied with care, will enable this institution not only to deal with the particular situations he brings to its attention but also to comply with the general requirements of the Act.

SPECIAL STUDY—FISHERIES SERVICE, MONCTON

The aim of the study was to evaluate the availability and quality of bilingual services provided by the Fisheries Service to the public, with whom it has numerous and varied contacts. While the study focused mainly on the Moncton District Office, it also took account of the latter's branch offices in the counties of Westmorland, Kent and Albert and in a sector of Northumberland county.

In the visual domain the team observed that the Department's policy—announced in May 1970—of “bilingualizing” all signs, inscriptions, nameplates, etc., had not been fully implemented. Though all signs, on the basis of the sample provided, were bilingual, inscriptions, nameplates and insignia on uniforms were in English only. The team also noted that an inventory of these materials had not been made.

Telephone listings had been placed in relevant directories in both official languages but it was not the office's practice to identify itself orally in both languages or to provide bilingual reception service at the caller's point of initial contact.

Not all departmental publications were bilingual but those frequently in demand were. Of the 268 forms used with or by the public, only 80 per cent were bilingual. Forms existing in separate language versions were not always on hand. All communications of general interest originated in the Department's information service in Ottawa. Local press releases were drafted and issued simultaneously in both official languages.

A commendable practice was to forward information of interest to fishermen in the area to information media in the two official languages. Though it was the policy of the office to reply to correspondence in the language of the correspondent, the team uncovered, in a review of a small sample of French-language form letters, numerous mistakes in grammar and style. Nevertheless, the office possessed considerable bilingual capability. Seven out of ten permanent employees and 17 out of 21 seasonal employees were bilingual, and all six temporary employees were bilingual. Except in one case, these employees were also suitably deployed throughout the region to ensure the provision of bilingual services.

Considerable effort and goodwill were demonstrated by the office in implementing the Official Languages Act. The few weaknesses observed are reflected in the following nine recommendations:

(1) That the Department make an inventory of all name plates and signs in the Moncton District Office and its branch offices and that these name plates and signs be bilingual by 31 December 1972.

(2) That all insignia on caps and uniforms which the Department provides for its officers be bilingual by 31 March 1973.

(3) That henceforth the Department be identified over the telephone in both official languages of Canada in the Moncton District Office and its branch offices.

(4) That henceforth all employees performing the duties of telephone receptionist in the Moncton District Office, who are unable to reply to French callers in the latter's own language, be able at all times at least to inform a caller in his own language that his call will be referred to another employee who is able to provide service in the appropriate language.

(5) That by 31 March 1973 the Department take the steps it feels are necessary to ensure that bilingual telephone services are available at all times in the Moncton District Office.

(6) That all forms intended for the public which might be used in the Moncton District Office or its branch offices be completely bilingual by 31 March 1973.

(7) That all rubber stamps used on documents which might be seen by the public be rendered bilingual by 31 December 1972.

(8) That the Department take stock of all form letters used by the Moncton District Office to reply to correspondence, revise the linguistic quality of the texts of these letters and, by 31 October 1972, make available in the Moncton District Office form letters whose texts are acceptable.

(9) That by 31 March 1973 the Department take the necessary steps to ensure services to the required extent in both official languages in the county of Albert without jeopardizing the job security or professional advancement of employees already hired.

COMPLAINTS

1. Internal Problems

File Nos. 147, 580, 831—Language of Work

Several French-speaking employees from Montreal stated that French does not have equal status with English at the Canadian Atmospheric Environment Service. The meteorologists requested, among other things: that employees of the Service in Quebec be allowed to work in French if they so desired; that all training courses in meteorology be given in French as well as English; that the Montreal Weather Office be made a French-language Unit as soon as possible; and that a translation office for the Service be set up in the Montreal area.

In his *Second Annual Report* (pages 172-3), the Commissioner published the Department's initial explanations concerning these complaints. During meetings held between representatives of the Department, the Commissioner's Office and the French-speaking employees of the Service, the Department described the measures it had already taken and planned to take in order to settle all these problems.

The Department began by pointing out that meteorologists in the Montreal Weather Office had been allowed to work in the official language of their choice since June 1972. It had also been decided that the Office would become a French-language Unit in the near future. Furthermore, the Department of the Secretary of State was to establish a permanent translation service in the Office before 15 November 1972.

The Department told the Commissioner that the Atmospheric Environment Service was in the process of defining a language policy for the Canadian Meteorological Centre. In principle, the Centre would be bilingual, and each employee would be entitled to work in the official language of his choice. Some services in the Atmospheric Service's headquarters organization were intensifying their efforts to make themselves capable of issuing administrative and technical directives in both official languages. To remedy the lack of technical manuals in French, the employees of the Service could themselves develop a set of procedures for the preparation of meteorological bulletins for French Canada.

Concerning training courses in French, the Department stated that, beginning in January 1973, the Atmospheric Environment Service would be giving the elementary course in meteorology in French at the Air Services Training School in Ottawa, and the Upper Air Training School in Toronto would give a course in French before April 1973.

The Atmospheric Environment Service had also begun talks with the Université du Québec in Montreal with the object of having the University give an advanced course in meteorology in French, beginning in September 1973. The course would be based on the theoretical course given in English by the Atmospheric Environment Service. The University was also studying the possibility of offering intensive courses in meteorology, lasting six months, beginning in January 1973.

After re-examining the entire question, the Commissioner recommended the following, in addition to the measures already taken by the Department:

- 1) that the Atmospheric Environment Service issue directives making it clear to all its employees working in the province of Quebec that they may work in the language of their choice;
- 2) that the Service continue its efforts to make the Montreal Weather Office a French-language Unit as soon as possible;
- 3) that all documents for general use—notices, directives, reports, manuals and so on used by the employees in performing their duties—be made available in both official languages, so that the employees may more readily work in the official language of their choice;

- 4) that all services provided to the staff be available in the official language of the employee, or in both languages;
- 5) that the services of the translation office which had been set up for the Montreal Weather Office a few months previously be made available to the Canadian Meteorological Centre and to the other offices of the Atmospheric Environment Service in Montreal;
- 6) that the Service study the possibility of requiring at least passive bilingualism for most supervisory positions in the Montreal area, and particularly those at the Canadian Meteorological Centre, to ensure that each employee may express himself verbally or in writing in the official language of his choice;
- 7) that the Service continue its efforts to give training courses in meteorology to its technical and professional staff in both English and French; and
- 8) that the Service carry on with the laudable work undertaken in co-operation with the Université du Québec in Montreal so that a complete course in meteorology may be offered in French at all university levels.

In October 1973, the Department sent the Commissioner the following report on the implementation of his recommendations:

- 1) In June 1973, it had published a document outlining the departmental bilingualism policy. Copies were distributed to all employees of the Department. The document contains the statement that, as a general rule, employees must be able to work in the official language of their choice.
- 2) The Montreal Weather Office was to become a French-language Unit in December 1973.
- 3) Several forms and manuals used by the employees in performing their duties had already been translated. The Department's new language policy also dealt with this question; in future all new forms, manuals, directives and so on would be issued in both official languages.
- 4) A personnel office had been established in Montreal, and personnel services were now available in both French and English.
- 5) The Canadian Meteorological Centre could now use the services of the translation office set up in the Montreal area.
- 6) The sixth recommendation had been implemented. Bilingual positions in the Montreal area had been identified. All supervisory positions at the Canadian Meteorological Centre were bilingual. The Department would take the necessary action to see the language requirements of these positions were met as soon as possible.

7) A basic course in meteorology had been given in French to meteorological technicians. In addition, an intensive course for professional meteorologists had been given at the Université du Québec in Montreal. These courses had since been repeated.

8) This recommendation had also been implemented. Negotiations were in progress with the Université du Québec in Montreal for the establishment of a course at the master's level.

File Nos. 434, 857—Language Training

- An English-speaking public servant alleged that briefing technicians at the Moncton Weather Office had been advised that they must all be proficient in both official languages by 1975, but that no language training had been provided so far for any of them. He also wondered why, in the light of the Treasury Board's stated 1975 goal of 15 per cent bilingual personnel in the technical categories of the public service, the briefing personnel of the Moncton Weather Office would be required to be 100 per cent bilingual.

Environment Canada took some time in replying to an inquiry by the Commissioner who, in the interval, met with the complainant during a tour of the Maritimes and informed him he had requested that employees of the Moncton Weather Office be given priority for second-language training. He also told the complainant that there was no contravention of the Official Languages Act in the Department's requiring 100 per cent bilingual capability.

Later, the Department advised the Commissioner that the officer in charge and all technicians on his staff at the Moncton Weather Office had been enrolled in French courses; five of them were taking the Public Service Commission courses either at the Université de Moncton or in Halifax; one was taking the 45-week Berlitz course in Moncton.

The Commissioner informed the complainant of the Department's reply.

- An employee of the Department in New Brunswick wrote to the Commissioner concerning the availability of language training to employees who lacked the required language skills for positions designated as bilingual.

The Commissioner replied that he had recently obtained a legal opinion on whether access to language training is a right under the Official Languages Act. It revealed that no government department or institution is explicitly required by the Official Languages Act to provide second-language training; accordingly, such training could not be considered a clear right under the statute.

As a matter of policy, the Commissioner concluded that the designation of bilingual positions within the federal public service was

(in March 1972) the prerogative of the Public Service Commission and of the department concerned and that he would intervene only if the results of such designation led to a complaint admissible under the Act.

After carefully studying the complainant's case, the Commissioner was obliged to conclude that neither of the factors giving rise to it, that is, the lack of opportunity for him to obtain French-language training and his disqualification from competition for a bilingual position, constituted a contravention of the Act. Accordingly, while he was prepared to refer the complainant's case unofficially to the Deputy Minister and to request that the Department reconsider its decision about the necessity of second-language training in this instance, the Commissioner informed the complainant that he could not take any official action in this matter. He suggested that the complainant continue to indicate to his Personnel Officer his desire to take French-language training.

The Commissioner reiterated his belief that second-language training should be offered to everyone who wishes it and who has a reasonable expectation of needing it to pursue all likely opportunities for a useful and fulfilling career.

File Nos. 1487, 1559, 1659, 1689—Competitions

• A public servant protested that an advertisement in the *Moncton Times* for meteorological technician trainees specified that proficiency in both French and English was essential. He claimed that such was not the case, and that the bilingual requirement closed the door to unilingual English-speaking applicants.

The complainant was informed that there was no contravention of the Official Languages Act, since the designation of bilingual posts was (in January 1973) the joint responsibility of the Treasury Board and the department concerned—in this case Environment Canada. However, the Commissioner unofficially requested the Department's comments on the complaint.

The Department replied that there was an acute need for bilingual personnel in the Moncton Weather Office: a special study of the Atmospheric Environment Service at Moncton, undertaken by the Commissioner's own Office, had brought this to the Department's attention.

Moreover, the Department would conform to government policy, as explained by the Treasury Board, according to which "competitions for bilingual positions will be opened both to bilingual candidates and to unilingual candidates who have formally indicated their willingness to become bilingual . . ." The complainant was sent a copy of the Department's reply.

- The complainant criticized the Department for requiring only a knowledge of English for two positions of Scientific Support Officer of the Atmospheric Environment Service in Moncton in the Atlantic Regional Office. He added that this Service had no bilingual capability in the Moncton area.

The Department stated that it was true that the Atmospheric Environment Service had no bilingual capability in the Atlantic Region, although a modest language-training programme had been started there. The priorities in that Service were, according to the Department, to develop its bilingual capability in the Quebec Region, to begin French-language training courses for meteorologists and meteorological technicians, and to develop a bilingual capability in those weather offices across Canada which serve bilingual districts. The Moncton Weather Office, which is in this latter category, had received top priority, and a programme of intensive language training had already been started there. The Atmospheric Environment Service planned to have 100 per cent bilingual staff in the Moncton Weather Office by 1975.

The Department stressed that these programmes had placed a severe strain on the bilingual capabilities of the whole Service and on the resources available for training and recruitment. This was particularly true in the case of meteorologists. The two positions in question required rather specialized skills. These officers would serve all of the Atlantic provinces and, in order to meet the demand of areas like Moncton, would need to be proficient in French. The Department told the Commissioner that it would make every effort to employ people with either a competent knowledge of French or a commitment to obtain it. There were then three vacancies in the Quebec Regional Office requiring the same or similar scientific qualifications. The Service was also sending meteorologists to the Université du Québec to assist with the first French-language post-graduate courses in meteorology starting in January 1973.

Under the circumstances, the Atmospheric Environment Service did not consider it appropriate to give these scientific positions in the Atlantic Region a high priority in its bilingualism programme at that time. Language training for one of the incumbents was planned to begin in 1973-74.

The Commissioner agreed that the Atlantic Regional Office and its branch, the Moncton Weather Office, should have a bilingual capability because of the areas they serve. However, he thought that this bilingual capability could be acquired, in this as in many other cases, not only by giving French language courses but also by recruiting bilingual people and by transferring bilingual employees to the offices concerned. The Commissioner therefore recommended that these offices be provided as soon as possible with sufficient bilingual staff through

the three above-mentioned means, in order to enable them to serve the public at all times in both official languages.

The Commissioner invited the Department to take this recommendation into account in every competition concerning these two offices until they had the required bilingual strength.

The Department answered that the necessary steps would be taken in order to implement the Commissioner's recommendation, taking into account the current situation in the Department and the needs existing in other regions.

- A French-speaking correspondent drew the Commissioner's attention to a competition poster indicating that only knowledge of English was required for the position of Chief of the Information Section of the Canadian Forestry Service in Ottawa.

Following the Commissioner's intervention, the Department agreed that the nature of the position called for bilingualism. For administrative reasons not related to the language requirements, the Department decided not to fill the position.

- Under the heading QUALIFICATIONS, a competition poster for positions in the Water Quality Branch stated that for positions in the Central, Western and Pacific regions knowledge of English was essential, and for those in Quebec, knowledge of both French and English was essential. A French-speaking person claimed that by requiring bilingualism in Quebec and knowledge of English only in the rest of Canada this poster did not respect the principle of equality of status for both official languages.

The Department informed the Commissioner that it had considered knowledge of both official languages essential for Quebec because the incumbent would be required to supervise employees of both language groups. However, the question was re-examined, and the Department decided to require knowledge of French only.

2. *Service to the Public*

File No. 792—Prince Edward Island

A complainant from Prince Edward Island reported that the Fisheries and Marine Service's Conservation and Protection representative in his province was a unilingual English-speaker, unable to deal in French with the fishermen on the island, most of whom were French-speaking.

After looking into the matter, the Department decided to hire a bilingual fisheries officer, and enrolled him in an intensive theoretical

and practical training course before sending him to the Charlottetown district office.

File No. 1142—Nova Scotia

The complainant criticized the Department for not having a bilingual fisheries officer in the Pubnico region, where the majority of the population was of Acadian origin.

The Department stated in its reply to the Commissioner that two of its branches were represented in the region, namely the Inspection and the Conservation and Protection branches. The officer assigned to Pubnico was a bilingual man whose mother tongue was French, while the inspector who went to the nine Parrington Passage plants was a bilingual Pubnico man. On the other hand, the inspector of the five Pubnico plants was a unilingual English-speaker.

The Yarmouth district office, several of whose staff members were bilingual, also served the Pubnico region. The Department assured the Commissioner that it was perfectly willing to offer inspection services in French in Pubnico, but added that until then it had not been aware that there was a demand for them.

File Nos. 1523, 1636—Ontario

- After visiting the Wye Marsh Wildlife Centre in July 1972, a French-speaking complainant told the Commissioner that there was no guide who could express himself in French, that the five films shown to the public were entirely in English and that the French edition of the information booklet was out of date.

The Department informed the Commissioner that in mid-July 1972 and throughout the summer there had been a bilingual naturalist on duty, as well as a student who could get by in French. Of the seven students whom the Department had hired for the summer, two had been able to serve visitors in both official languages. The Department nevertheless regretted not having been able to offer more bilingual services in the summer of 1972. It would make up for this in the summer of 1973 by trying to hire at least four bilingual students.

The Department added that one of the five films shown in English in 1972 was also available in French. Since showings of the French version were made only upon request, the Department had posted a sign inviting the public to ask about audio-visual presentations in that language. In the 1973 season, the Department planned to show four films in English and three in French. At the time the complaint was being investigated, the Department was trying to have the fourth film translated into French.

Finally, the Department admitted that the Centre's hours as given in the French booklet distributed in 1972 were indeed no longer in effect. The same error had occurred in the English booklet but it had been corrected. The error in the French version would be corrected in the 1973 edition.

The Commissioner expressed his satisfaction that after receiving the complaint the Department had decided to improve services to the French-speaking public, beginning the next tourist season. He pointed out to the Department, however, that it was important for the public to be made aware that guided tours and audio-visual programmes were available in French, and advised it to make sure this was done.

At the end of the summer of 1973, the Department informed the Commissioner that three of the five students hired for the season were bilingual, that all four films had been shown in both French and English and that the errors in the booklet had been corrected.

- A French-speaking complainant alleged that at the Sudbury Airport there was a unilingual English sign which read: "The weather forecast by Environment Canada—A.E.S. Sudbury Weather Office".

The Department informed the Commissioner that the sign had been removed and replaced by a bilingual one.

File Nos. 972, 1733—Correspondence

- A French-speaking person complained that he had received a United Nations document from the Department in English, accompanied by a letter also in English, even though he had made his request in French.

The Department informed the Commissioner that the document had been sent to the complainant in English by mistake, the Department's policy being to make sure that the public is always served in the language of its choice. The Department asked the Commissioner to kindly convey its apologies to the complainant.

- A French-speaker criticized the Department for having sent him a document in an envelope stamped: "Wye Wildlife Centre, Canadian Wildlife Service, Box 100, Midland, Ontario", in one language.

The Department informed the Commissioner that this stamp would be replaced with a bilingual one and that the French would read: "Le Centre d'Histoire Naturelle du Marais Wye, Service canadien de la Faune, Case postale 100, Midland, Ontario".

File Nos. 1145, 1539—Publications

- A French-speaking correspondent criticized the Department for having published the booklet entitled *Felling and Bucking Hardwoods—How to Improve Your Profit* in English only.

The Department informed the Commissioner that this booklet had been published by the Eastern Forest Products Laboratory of the Canadian Forestry Service to inform the public on the efficient use of hardwoods. Documents of this type were normally published in both French and English, each version containing a summary in the other language. The French version of the booklet was due to be printed and circulated shortly.

The Department added that its requirements for translation from English into French were in excess of what the Translation Bureau of the Department of the Secretary of State could handle, and that it was trying to find a solution to this problem.

- The complainant criticized the Department for not having published by November 1972 a French version of *Native Trees of Canada*, although the English one had been in circulation since 1969.

The Department told the Commissioner that this delay was due to difficulties involved in the translation and revision of the text. When a similar complaint had been lodged during 1971-72, the Commissioner had indicated that the lapse of such a period of time between the publication of the English and French versions of a text constituted a violation of the Official Languages Act and had recommended that the Department take steps to ensure that such a situation did not recur.

The Department informed the Commissioner that *Les Arbres indigènes du Canada* would be published towards the end of 1972 or at the beginning of 1973. It also informed him that its policy concerning the translation and distribution of its publications was being given a thorough review, and that specific directives would be issued in order to satisfy the requirements of the Official Languages Act.

The French version of *Native Trees of Canada* was published on 30 March 1973.

EXTERNAL AFFAIRS—"Last Tango in Paris"

EVALUATION

The Department's dealings with the Commissioner remain cordial, co-operative and savorously tactful. Its concrete dealing with his recommendations, however, cannot in all candour be termed vertiginous: its pace, in settling complaints and in implementing the Commissioner's special studies recommendations does not invariably remind him of Henry Kissinger.

The Department seems well advanced in terms of bilingual Foreign Service Officers (roughly 60 per cent of the total) and of French-language units: five important Divisions at Ottawa headquarters. Fifteen missions abroad, the Department states, also work mainly in French. Nevertheless, the Commissioner would be reassured to observe quicker progress on a number of recommendations still outstanding, many of them on rather minor, easy-to-settle points.

In the 1971-72 fiscal year the Commissioner's Office simultaneously undertook three studies of Canadian missions abroad, involving the department of External Affairs, Manpower and Immigration, and Industry, Trade and Commerce.

The Commissioner considers that the Department of External Affairs should have acted with more vigour and dispatch in carrying out the 51 recommendations that he made on 30 March 1972 following his study of the Department. The information provided by the Department regarding application of these recommendations was often vague and sometimes disjointed, but early in November 1973 it was possible to say that at least 19 recommendations had been either taken up too timidly or completely ignored. On the other hand, the information gathered revealed that the Department had taken or intended to take the necessary steps to implement 22 recommendations. Finally, the target dates for three recommendations had not then fallen due and seven others were to be the subject of joint action with Treasury Board or the Public Service Commission.

The Department has been or will be able to apply the recommendations to include directives on use of the official languages in its Manual of Procedures and to set up a bilingualism file in each of its missions. It has also agreed to ensure that all public events (exhibitions, trade fairs, receptions, and so on) organized abroad under its auspices reflect Canada's bilingual character. Further, the Department has taken the necessary steps to implement most of the recommendations on telephone service, forms for external use and the Department's identification on publications, press releases and classified advertisements. Moreover the recommendations on dictionaries and typewriter keyboards have now been acted upon—a minor but still encouraging consolation. The Commissioner would also like to stress that the Department has taken some interesting and positive steps concerning communications between missions and head office, language courses and general development courses for personnel. It should be pointed out, however, that a large number of these recommendations were to be incorporated into the new Manual of Procedures which the Department planned to publish; the Department must therefore see that their implementation is properly monitored. In this regard, the Commissioner hopes that the Department's initiative in asking its Inspection Service staff to report the ob-

servations on bilingualism made during their tours and in asking its Adviser on Bilingualism to make on-the-spot studies of what is being done will improve implementation, which, given the distances involved, requires regular monitoring.

In contrast, the Department has not reacted as positively with regard to 19 other recommendations. For some, covering such important areas as printed matter, library holdings, films, press releases and memoranda, the Department invoked the relative absence of demand or the lack of bilingual staff in the missions to justify its inaction. As for the other recommendations, the Commissioner noted that in its last progress report, the Department had changed its attitude on the solutions agreed upon by its representatives and those of the Commissioner in the consultations held following the study. This is true of recommendations on the availability of services in both languages, forms, registration cards for Canadian citizens living abroad, employment offers made abroad, signs and notices.

Finally, seven recommendations required joint action with Treasury Board or the Public Service Commission. These concerned the linguistic composition of mission staff (statistics on linguistic composition of personnel, ability of heads of posts and their secretaries to work in both official languages, assignment of officers and stenographer-typists), recruiting plans and the language tests which candidates for Foreign Service Officer positions must take.

The Commissioner is aware of the difficulty an institution may have in applying 51, sometimes complex recommendations, but he is nonetheless disturbed by the Department's slowness in certain areas; he intends to continue watching carefully the application of his recommendations and, if necessary, will resume the consultations begun after the study.

In the past three years the Commissioner has received 22 complaints against the Department. Of these, eight cited violations of the Act; some concerned services to the public abroad and others, services to the public in Canada. All these complaints have been settled.

The results obtained from investigating the complaints are acceptable. However, the Department sometimes appeared more anxious to justify itself than to propose corrective action.

COMPLAINTS

File No. 528—Notice of Competition

A French-speaking public servant told the Commissioner that he believed the notice of competition for a position as Assistant Director

(Technical Services) in the Telecommunications Division should have mentioned under language requirements that the knowledge of both French and English was at least advantageous, if not essential.

An investigation was made to see whether the provisions of Section 39 (4) of the Act were being complied with and to determine whether there were enough bilingual people at the higher levels of this Division to provide services to the staff and to the public in both official languages.

The Department informed the Commissioner that it had studied the possibility of designating the position in question as bilingual. However, because this would have considerably reduced the number of eligible candidates, and because bilingualism was not an essential qualification, it was decided to leave it as it was. This Division seemed to have very little contact with the public, and the Assistant Director's duties consisted mainly of telegraphing copy handed to him and seeing to it that the equipment was in good working order. The number of bilingual employees in the Division, though not actually very high, nevertheless seemed sufficient to fulfil the requirements of institutional bilingualism as far as services to the public were concerned.

The Commissioner reminded the Department of the need to maintain at all times, especially in the upper ranks of this Division, a sufficient level of bilingualism to allow employees to communicate with their superiors in the official language of their choice in any matter concerning employer-employee relations.

File No. 738—External Communications

A French-speaking person complained that the Department had sent him an invitation in English only to a reception in Edmonton to mark the opening of a Regional Passport Office.

The Department informed the Commissioner that its directives on the subject, dated 17 November 1971, stipulated that an equitable balance should be observed in the matter of invitations. It was established practice in the Department to send out all invitations in the language of the recipient. In the complainant's case, the directives had not been followed.

File No. 903—Consulate General in Boston

A Canadian citizen residing in the United States said that when he visited the consulate general in Boston none of the seven or eight newspapers on display in the reading room were in English. The complainant had also written to a Canadian senator who in turn wrote to the Commissioner. Their letters were almost identical.

The Department explained that the English-language papers were all being read by consulate personnel and had not been returned to the reading-room, but that measures had been taken to avoid such a situation in future. The Department also forwarded a copy of an extract from its administrative circular concerning "service to the travelling public".

Both the complainant and the senator were informed of the Department's explanation.

File Nos. 1333, 922—News Bulletins

Some members of the Department and of the Department of Manpower and Immigration at a Canadian embassy overseas complained to the Commissioner about the format of the CBC-CP daily news bulletins which the embassy received from Ottawa. The bulletins consisted of extracts from English- and French-language Canadian newspapers. The news items were in the language in which the newspaper was published and were not translated. The complainants wanted to receive the whole of the news in both languages because they were not all bilingual.

The Commissioner investigated the matter and came to the following conclusions:

- 1) The format of the news bulletin did not contravene the Official Languages Act.
- 2) As the recipients were the embassy staff and not the general public, the only section of the Act which was applicable was Section 2. Since the news items were published without translation, and the English and French items were roughly equal in number, the equality of the status of both official languages was respected.
- 3) If the bulletin were made available to the travelling public in the same way as Canadian newspapers, it fell within the terms of Section 10 of the Act. Newspapers were not translated; since the bulletin consisted of excerpts from them, it need not be translated either.
- 4) Where the English- and French-language press reported important news items in a significantly different way, the Department included reports in the bulletin in both languages.

The correspondents were not happy with the Commissioner's reply and claimed it did not meet the spirit and intent of the Act.

The Commissioner explained that if the sending of untranslated excerpts was a breach of Parliament's intention, then the same would be true of the circulation of untranslated newspapers. He did not believe that such was Parliament's will as expressed in the provisions and spirit of the Act.

The Commissioner conceded that if the Department were to publish a daily synopsis of the news the case would be different. However, his investigation showed that the Department was publishing excerpts taken direct from the media, and that by providing a linguistically balanced selection it was respecting the Act.

The ambassador wrote to the Commissioner to make it clear that the correspondents had written to him in their private capacities and that their views should not be interpreted as reflecting the views of all personnel, or of the embassy.

Later, a correspondent from another post abroad claimed that the bulletins contained more news items in French than in English, and sent a photocopy of a bulletin which appeared to be two-thirds in French and one-third in English. The Commissioner asked the Department for an explanation.

The Department replied that, although it sought to provide a balanced quantity of news items in both official languages, the predominant consideration was the selection of the most newsworthy items. Sometimes important news items in one language outnumbered those in the other.

During January 1973, the bulletins had contained approximately 11,000 words in French and 9,000 words in English; given that normally more words are needed in French to convey an idea than are needed in English, the Department believed there was a reasonable balance.

The Commissioner accepted the Department's explanation and the news bulletins continue to be issued as before.

File No. 1320—Bilingualism . . . in Moscow

A French-speaking fan deplored the fact that during the Canada-Russia hockey games in Moscow in the fall of 1972, announcements in the arena were made only in Russian and English. He asked the Commissioner to discuss this matter with the federal authorities concerned and to see that they took the necessary steps to ensure that Canada would in future project the image of a bilingual country when it was represented abroad.

The Department admitted that, during these hockey games, announcements and commentaries inside the Moscow arena had been made in Russian and, occasionally, in English. It pointed out that the Soviet authorities in charge of the arena had exclusive responsibility for such matters. The Soviet representatives considered it a favour to broadcast any commentary at all in a foreign language. After the first game, the Canadians remarked to their hosts that the French-speaking members of their delegation would be happy if the most important announcements could be made in French as well. A senior Russian

official replied that, compared to what had been done in Canada in the past (where announcements were made over the loudspeaker in English and French, but not in Russian), the Soviets were already making a considerable effort.

The Commissioner expressed the opinion that the next time such sports events were held in Canada, the Canadians should have announcements broadcast not only in French and English, but also in the language or languages of the visiting team if they wanted the visiting country to give them the same consideration. This would undoubtedly help Canada, on such occasions, to project its image as a bilingual country and to provide Canadians with all services in both official languages in accordance with the spirit of the Official Languages Act. The Commissioner further suggested that this principle should be kept in mind when arranging any matches, whether hockey or other sports, with foreign teams.

File Nos. 1553, 1561—The Minister on the Hot Seat

The Secretary of State for External Affairs gave radio and television reporters an account in English of his 20 November 1972 meetings on Vietnam with the American Secretary of State, William Rogers. Some French-speaking reporters complained that they had not been able to record the Minister's statement at the same time as their English-speaking colleagues because Mr. Sharp was not available to make a statement in French until later in the day.

The Department informed the Commissioner that Mr. Sharp had agreed to meet with reporters at 10 o'clock the day after his meetings with Mr. Rogers. At that time, he made a brief statement in English and answered a number of questions, but no text was distributed. Mr. Sharp also agreed to grant the French-speaking reporters' request for a similar statement in French for the benefit of the French-language radio and television audience. But he was not able to make it until later in the day. It was then that the radio reporters, annoyed at being unable to record the Minister's communiqué at the same time as their English-speaking colleagues, decided to boycott the second press conference.

The Department assured the Commissioner that Mr. Sharp was very anxious to respect the equal status of the two official languages, and that for this reason all written statements and communiqués issued in his name were given out in both languages simultaneously. Mr. Sharp also made every effort to present his verbal statements in French and in English. He regretted this incident. That is why the Department's Press Office and Mr. Sharp himself were subsequently eager to discuss the matter with the reporters concerned.

The Commissioner said he was convinced that this incident did not reflect the Department's policy with regard to services offered to the public, and he believed that services to the news media would in future put the two official languages on an equal footing.

FARM CREDIT CORPORATION—"All That Money Can Buy"

EVALUATION

The Corporation's continuing efforts accrued to its credit a significant progress towards implementing the Commissioner's recommendations.

As indicated in the Commissioner's *Second Annual Report* the Corporation was, at its own invitation, the subject of a special study in 1971-72. Having completed an internal report on bilingualism in August 1969, the FCC has, since 1971, worked closely with the Office of the Commissioner to analyse and solve problems associated with implementation of the Official Languages Act. The Corporation's continued efforts to recruit bilingual personnel for public-contact positions where there is a substantial demand for service in both official languages and the active encouragement it gives its staff to enrol in a variety of language-training programmes provide hope that bilingual services will soon be available in all FCC offices serving both official-language groups.

In March 1972, the Corporation reported that it was taking action to implement all eight of the Commissioner's recommendations. In March 1973, the Corporation issued a bilingualism manual to all branch managers in which it laid down policy guidelines, announced the appointment of a bilingualism adviser and spelled out its policy on the use of both official languages in various services to the public, in internal communications and in inter-office services. The Corporation also set out the conditions under which its employees could receive language training in various programmes.

The Corporation reported that it had taken the following action on the Commissioner's recommendations by 30 September 1973:

- 1) Bilingual services to the public were now available in 21 of the 26 centres specifically named in the 1971 recommendations. The Corporation reported that it was experiencing a severe shortage of bilingual graduates in agriculture and that some time would elapse before full bilingual capacity could be provided in certain of its offices;
- 2) Arrangements were made in the autumn of 1972 with the Language Bureau of the Public Service Commission for a monitor to come to Head Office two afternoons a week to assist students attending language training;
- 3) The Corporation had implemented recommendations 3, 5, 6 and 8 concerning respectively language training for spouses of employees enrolled in

language programmes, bilingual signs at its offices, bilingual calling cards for authorized employees and policies for advertising in the press;

4) Most local telephone directory listings of FCC offices now had a bilingual format. Those still unilingual would be rendered bilingual in the next directory printing; and

5) Although the Public Service Commission's Language Schools are used for training certain selected employees and other language-training facilities are used in Alberta and the province of Quebec, the Corporation's employees have not been offered correspondence courses as recommended by the Commissioner. This disadvantage would, however, appear to be adequately offset by the Corporation's positive policy of making a variety of other language-training programmes available to its employees.

The Commissioner received only two complaints which the Corporation settled immediately to the satisfaction of all concerned.

COMPLAINTS

File No. 1639—Application Form

A complainant sent the Commissioner the English-language version of Form 3201 H 11. He wished to know whether or not a French version of this form was available.

The Corporation explained that the form in question was an abbreviated version of their main application Form 3901 which was available in both official languages, but that the shorter one was available in English only. Both were due to be replaced by a new, bilingual form early in 1973.

The Commissioner asked the Corporation to send him a copy of this new form as soon as it was available. He received it in June and was assured that the form complained of had earlier been taken out of circulation.

File No. 1722—St. Paul

A French-speaker pointed out that the Corporation did not serve the public in French in St. Paul, Alberta. He said that as the former chief of the local office was probably going to be replaced by two people, it would seem logical for one of them to be bilingual, since 35 per cent of the population served was French-speaking.

The Corporation informed the Commissioner that a bilingual credit adviser was working temporarily in St. Paul. It was also taking steps to transfer a bilingual credit adviser who was at present working in Quebec to a permanent position in St. Paul by July 1973 at the latest.

The adviser was appointed on 22 May 1973.

FEDERAL COURT OF CANADA

COMPLAINTS

File No. 1027—Simultaneous Translation

An English-speaking newspaper reporter, who was attending a hearing in a case conducted in French before the Federal Court, alleged that lack of simultaneous translation constituted a *de facto* denial of his right to information as a representative of the public.

Prior to the coming into force of the Official Languages Act, the Federal Court (it was called the Exchequer Court until December 1970) operated as a bilingual court in the manner set out in Section 133 of the British North America Act, 1867. Accordingly, to the extent that it was feasible for it to do so, the Court ensured that either of the official languages could be used by any party to proceedings before it. Generally speaking, this was achieved, in cases where both languages were to be used, by the presence of judges and lawyers who understood both languages. The obvious weakness in that system was that a party to a lawsuit who understood only one official language was not able to understand evidence given by witnesses testifying in the other official language. Section 11 (2) of the Official Languages Act remedied the difficulty faced by any such unilingual party by providing for the simultaneous translation of the proceedings.

To arrange for the provision of simultaneous translation in particular cases, a procedure was established by means of Rule 356 of the Rules of Court. This rule appeared to require that the party requesting translation satisfy the Court that he would be placed at a disadvantage if simultaneous translation could not conveniently be made available.

The Commissioner believed that Section 11 (2) of the Official Languages Act required that this service be provided as a right by the Court unless it could be shown that there would be no disadvantage. Accordingly, he recommended that Rule 356 be amended to comply more fully with the relevant section of the Act. The Federal Court replied that the Commissioner's recommendation would be brought to the attention of the judges of the Court for their consideration. The Court refused to make the suggested amendment. The administrator of the Court informed the Commissioner that, "after due consideration, it was decided that an amendment such as suggested would not comply with the requirements of Section 11 (2) of the Official Languages Act".

Finally, the Commissioner examined the question of the rights of members of the public to simultaneous translation under Section 9 (1) of the Official Languages Act. He concluded that the service in question could not be considered an "available service" as set out in that section

for if that were the case, there would be no requirement for a provision such as Section 11 (2). It seemed clear to him that, as a matter of statutory construction, Section 11 (2) of the Act has a purpose, and that it would have none if, in such cases, simultaneous translation were considered an "available service" according to Section 9 (1).

File No. 1079—Unilingual Judge

A French-speaking complainant said that a unilingual English-speaking judge presided at the hearing of a case in which the defendants, their lawyer and witnesses were French-speaking. The complainant further stated that although simultaneous translation facilities were employed this was not sufficient to make up for the lack of a French-speaking presiding judge.

The Federal Court replied that one of the principal objectives, in arranging for the hearing of a matter, quite apart from the Official Languages Act, "is to have a judge or judges constituting the Court who is or are, to the degree possible, of the appropriate language or languages". However, there are other factors besides the language or languages of the judge that must be considered when arranging a hearing.

"In any particular case", the reply continued, "the appropriate chief justice makes the best arrangement that he can, taking into account the requirements of the particular situation—in doing so he must, among other things, balance against the degree in which the judge available knows the appropriate language or languages, the desires of the parties as to when the hearing should take place, and the delay that would be involved in arranging for a hearing presided over by a judge who has a more profound knowledge of one of the languages . . ."

The Commissioner was of the opinion that the situation contravened Section 9 (1) of the Official Languages Act because parties to a Court action are members of the Court's public and as such are entitled to obtain service from the Court and communicate with it in both official languages. The Commissioner therefore recommended that when it is apparent that there is a predominant official language in a case, a judge competent in that language be assigned to it.

The Chief Justice replied that the Commissioner's recommendation was given careful consideration.

FINANCE

SUMMARY

The Department in answering the Commissioner's questionnaire of October 1973, considered its institutional bilingualism "adequate under

present conditions". Among other information, it sent the news of offering an in-house language training programme to complement the classes of the Public Service Commission's Language Bureau.

The Department's policy and specific objectives concerning official languages were "generally those of the Government of Canada". The Adviser on Bilingualism is responsible for implementing the Department's programmes. Apparently a number of on-going programmes are "subject to a continuing review as to their efficiency and adaptability to a changing situation" (an unassailable goal), and these programmes, the Department believed, were tailored to meet the expected increase in demand for bilingual services.

The Department appeared to have no specific deadlines for implementing its bilingualism programme. Existing manuals, for example, were "gradually" being translated and new manuals were stated to be published in both official languages.

English and French, according to the Department, enjoyed equal status, rights and privileges. Staff development training, for example, was said to be offered in both official languages. A Terminology and Linguistic Section has been established to improve the quality of written communications. It has a French-language unit, as well as other units where a significant part of the work is carried out in French. Internal communication is in either or both official languages. The Department explained that supervision is mainly in English, but that its capability in French is increasing as more French-speakers are hired and as language training develops.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT—"How Green Was My Valley"

EVALUATION

In implementing the Commissioner's recommendations emerging from two special studies (conducted at the Deputy Minister's request) of the National Parks and Historic Sites Branch and recommendations arising from complaints, the Department has acted, sometimes immediately and at other times progressively, to produce concrete and positive results.

The Branch's inability to meet the specific target dates for completion of the change-over programme of visual objects (such as signs and historic markers) from unilingual to bilingual should be seen against a more fundamental achievement concerning Section 10 of the Official Languages Act. This section obliges federal institutions serving the travelling public to assume demand for bilingual service everywhere.

Without waiting for any directive or prompting, either from the Commissioner or from any one of the central agencies of the government, this Branch (because it serves mainly the travelling public) assumed the existence of a general and regular demand for service in the two official languages across the country. That the Branch has assumed such a demand from coast to coast does not mean that it has fulfilled all its obligations under the Act; but the Commissioner points this out to congratulate the Branch, because where some other federal institutions with similar responsibilities to the travelling public are still trying to disprove demand and have shied away from applying Section 10 with imagination and fairness, this Branch has taken on the task and is proceeding with perseverance. The Commissioner's duty of monitoring has been aided by the Department's co-operation and its receptiveness to his suggestions and comments.

As for recommendations resulting from the special studies, the Commissioner is somewhat worried about the Department's slowness in implementing his recommendations in the following areas: (1) the programme for rendering all historic markers bilingual; (2) completion of the bilingual signs programme; (3) provision of services to visitors in both official languages and advertising the availability of such services; (4) provision of interpreting programmes in both English and French to the public; (5) selection of staff for language training, development of training and retention programmes, recruitment of bilingual staff and provision of accommodation for casual employees; (6) assistance to concessionaires in providing bilingual public-safety signs and this Department's responsibility regarding other federal government agencies' compliance with the Official Languages Act; and (7) provision of services to the public in both official languages automatically.

Concerning recommendations the Commissioner made after the special studies, the Department reported these were at various stages of implementation. As for historic markers, the Department indicated that it will be unable to complete this programme by the recommended target date of June 1975; considering the procedures that must be followed, it expects that all historic markers will be bilingual by the end of 1977. The Commissioner finds this date far removed from the time-frame within which he intended this reform.

The Department has not been able to meet the recommended target date of 1 June 1972 for rendering all signs bilingual. It has given June 1975 as a more practical date for the completion of the programme. The Commissioner does not consider this to be a reasonable date for signs in the canal systems. Furthermore, although checking signs in national parks and at historic sites tends to prove tedious, he

urges the Department to mobilize its will and find ways to advance this date. The Department has not yet completed an inventory of all interpretative texts, plaques and ground signs in the western region, a step needed before making them bilingual, and does not anticipate having an inventory prior to June 1974. The Commissioner, given the nature of this recommendation, thinks the Department could have acted more quickly in preparing this inventory. Lastly, the Department anticipates that all nature-trail signs will be rendered bilingual in the western region by 1 June 1974.

The Commissioner believes the Department could improve service in both official languages, in particular in Nova Scotia, Ontario, Manitoba and Saskatchewan. The lack of such service at information booths, where there is substantial contact with the public, is of great concern. Although the use of both official languages in recorded announcements and publications does provide some awareness to the public of the availability of bilingual service, the inadequacy of advertising that availability does not fulfil the Commissioner's recommendation. Telephone listings are not generally in both official languages; although the task of ensuring it may be the responsibility of the Department of Communications, the Commissioner considers that the Department could expedite this matter without much difficulty.

The number of interpretative programmes in both official languages is still not enough in the Maritime provinces, Quebec and Ontario, notwithstanding the recommended target date of 1 June 1972. There is also a marked lack of advertising the availability of bilingual guides in these provinces, as well as a reluctance to hire such guides on weekends during the off season. A further cause of concern is the Department's failure to increase sufficiently its complement of bilingual naturalists and guides at all parks in the western provinces; recruitment problems, according to the Department, have been a significant factor. The Department expected to complete recordings used in interpretative programmes available in both French and English in December 1973; the Commissioner trusts that this date was respected.

The Commissioner recommended the Department develop language training and retention programmes for its staff. As of the end of September 1973, the Department appeared to have done little about this and its plans for the future were tentative and might only entail a pilot language-training project. The Department indicated that in the past it provided language training on a voluntary basis; the Commissioner hopes that in the future the Department will accord high priority to language training to employees with public-contact functions.

Recruitment of casual employees appears to be a problem because there is not enough housing for them nearby; the Department should make greater efforts to provide more accommodation at parks located

some distance from towns in order to increase the complement of bilingual casual employees.

There are some national parks in Quebec, Ontario and the Western provinces where the number of bilingual temporary employees is still insufficient to provide adequate service to the public at all times. Lastly, there has been a reticence on the part of the Department to search for bilinguals beyond the local regions, notwithstanding a considerable lack of such people in some of these areas. The Commissioner appreciates that economic factors, custom and the reluctance of people to move great distances will have to be taken into account; but he thinks the Department should explore alternative solutions.

In December 1973 the Department took steps to make available, on a voluntary basis, its translation and editing services to concessionaires in order to help them render their public-safety signs bilingual. However, it did not give the Commissioner any assurance that the concessionaires would in fact use these services; neither did it give any indication as to when this programme would be completed. The Commissioner had recommended a target date of 1 June 1973 for this assistance; he regrets that all public-safety signs are still not in both official languages. Since public safety is in question, the Commissioner believes the Department should take more positive steps to ensure that this recommendation is fully carried out in the immediate future.

The Department has not ensured that signs and publications of federal government agencies with facilities in the parks were in the two official languages by the above-mentioned date. The Office urges the Department to look into this matter more closely.

With few exceptions, service to the public is still not offered in both official languages automatically. The Commissioner strongly encourages the Department to take more positive steps to ensure that the public is aware that service is available in both English and French. Bilingual recorded announcements or explanations represent a technique the Department has used in a few instances with good results and the Commissioner thinks it should be considered for other locations.

Between April 1970 and 31 March 1973 the Commissioner received 27 complaints about this Department, 11 of which concerned service to the public by the National Parks; the rest dealt with such matters as unilingual English documents, poor quality of French, and other services to the public. The Department readily corrected all problems. In a few cases, the Commissioner judged it necessary to make specific recommendations which the Department gradually implemented.

The Department settled two complaints regarding linguistic requirements of positions, in one case by modifying those requirements and in the other by sending the incumbent to language training.

Two complaints came from French-speaking employees about language of work and being obliged to take the oath of allegiance in English. The Department informed the Commissioner that it had remedied both situations.

*SPECIAL STUDY—NATIONAL AND HISTORIC PARKS
BRANCH, CANALS DIVISION*

The study was undertaken at the request of the Department following its assumption, on 1 June 1972, of jurisdiction over the Canals Division (formerly part of the Department of Transport), and as a result of the keen interest displayed by the Department in making its services equally accessible to both English- and French-speaking people throughout the country.

The study focused mainly on the requirements of Section 10 of the Official Languages Act. The study team conducted interviews with officials of the head office, and of the Rideau, Trent and Quebec district offices. Included in the study team was a member of the Department's Official Languages Branch staff who provided valuable assistance in gathering necessary data.

At the time of the study, the Canals Division was responsible for four canal systems in Canada, each of which was highly decentralized and treated, for administrative purposes, as a distinct district. Upon assuming control of the canal systems, the Department directed its attention to meeting bilingual requirements in the National Capital Region. It had already taken the initiative of providing bilingual publications and interpretative services in both official languages at a number of lock stations but it had not yet assessed the overall requirements of service to the travelling public, nor had it devised a programme to satisfy the needs of the canal systems lying outside the National Capital Region and Quebec. Services in those systems were offered in a limited and sporadic fashion.

According to Division officials, no specific policy had been developed to ensure that external and internal signs in areas of public access gave equal prominence and presence to English and French. A general review of signs at canal sites had, however, been undertaken by members of the head office with the aim of determining where signs could be standardized, eliminated or converted to symbolic ones. Except in Quebec, the majority of signs on canal premises were unilingual English. Only a few of the signs in the National Capital Region had been rendered bilingual, in collaboration with the National Capital Commission. Needless to say, a system of signs posted at canal sites is essential

for maintaining proper control of traffic and operations and for ensuring public safety.

It was in the area of publications that most progress had been made. All but one or two publications were printed in the two official languages, but, being in separate language versions, they were not always equally available or adequately distributed in both languages. An information sheet, distributed on a daily basis to inform boaters of hazardous weather conditions, was printed in English only; this was clearly a serious oversight. Only one form was used by the public in Ontario and it was in English. Calling cards were also in English only, except for those used in Quebec, which were bilingual. Materials printed by other federal government departments and agencies and distributed by the Canals Division were not always displayed and made equally available in both official languages.

An important realm of activity was information services. These include telephone services, correspondence, contacts with the media, speaking engagements and special exhibits. The Division had no specific policy regarding telephone-answering practices though it appeared that telephones were answered unilingually in either English or French depending on the location of the office or canal site. A number of the Quebec offices had bilingual receptionists, however. Frequently, correspondence had to be sent to Ottawa for translation, which resulted in delays of approximately ten days before it could be dispatched.

The Division did not support an information services unit. Most of the Division's publicity was done, at no cost, through public broadcasting and, in most cases, it was representatives of the media who initially contacted canal offices for the purpose of subsequently relaying information to the public. Most of these contacts were with English-language media. Press releases of national interest were issued in both official languages, but often those of a local nature were transmitted to the press in English only even where French-language newspapers existed. The Division mounted special exhibits at a variety of boat shows and displayed commendable initiative in ensuring that all aspects of these exhibits were bilingual.

The principal service the Division provides to the public is a technical and operational one required by vessels passing through lock and bridge structures. Contact between lock-operating personnel and the boating public can be direct or indirect, and oral communication is normally used to convey safety instructions to boat owners while locks are being filled or emptied. This service was provided only in English on three of the four canal systems though this particular information could, if necessary, be transmitted in both official languages by means of cassette recorders.

The use of recorders, however, would not cover all cases where boaters or the general public required or requested services in either of the official languages. The Division considered that to meet these situations would be no small task, given the shortage of bilingual personnel outside Quebec as well as the large number (103) of lock stations to which attention would have to be given. In Quebec, 34 out of 42 staff members were bilingual, but elsewhere only 21 out of 232 employees were bilingual. All lock stations could not of course be staffed by bilingual personnel immediately, but priority in staffing could be accorded to key locations, particularly those where contact with the public would be greatest. Obviously, bilingual personnel would have to be deployed immediately to lock stations serving areas where there are local English- and French-speaking populations. In the Rideau canal system, 14 bilingual employees were stationed in the National Capital Region, but at least one lock station had no bilingual capability at all. The team estimated that a minimum of two bilingual employees would be needed to cover shift requirements in this and similar areas.

As pointed out, the Division had yet, at the time of the study, to assess its full obligations under the Act and the means by which to comply with them. In recruiting staff, it was evident that district offices placed little emphasis on the recruitment of bilingual personnel, a fact that seemed attributable in part to the absence of a well-defined policy in this matter. To surmount deficiencies in the provision of bilingual services, the study team proposed that the Division resort to recruitment and deployment of bilingual casuals to public-contact positions, and to second-language training. The team learned, however, that it was not the Division's practice to view casual employees who assist lock operating personnel as public-contact employees. This practice could be modified because the seasonal nature of canal operations allows a high measure of adaptability in the deployment of personnel.

At the time of the study, the Division had made limited use of the Public Service Commission's language-training facilities. Although operational personnel could in principle apply for language training, none did and little had been done to promote this programme in the field. Clearly, the Division did not view language training as a suitable means of augmenting bilingual capability in public-contact positions in the field. Moreover, no provision had been made to ensure that staff who had received required language training maintained and improved their ability in the second language. This was left up to the individual.

As for concessionaires, of whom Section 10 (1) of the Official Languages Act requires the provision of services to the travelling public in both official languages, the Division had yet to assemble the information required to evaluate concessionaires' obligations under the Act. The team believed, however, that obliging and, if necessary, assisting con-

cessionaires to serve the travelling public in both official languages must be an integral part of any bilingualism programme involving the Division. In spite of the commendable initiatives taken by the Division to make a number of services available to the public in both official languages, the team's findings indicated that there were still essential services provided to the public which were not offered in total compliance with the Official Languages Act. These oversights seemed to be due to the absence of clear and precise guidelines for implementing government and departmental policies and directives on bilingualism and on the Act. In the judgment of the team, one way to overcome these difficulties would be to designate an official at Division headquarters level to be responsible for planning, implementing, co-ordinating and monitoring a programme designed to meet the Division's obligations under the Act.

In view of the shortcomings and oversights noted and the expressed desire of the Department for detailed administrative guidance, such as that which resulted from the previous collaboration of our two organizations in the study of the National and Historic Parks, the Commissioner recommended that:

- (1) all existing external and internal signs and inscriptions within the Canals Division's jurisdiction, in areas accessible and visible to the public, be rendered bilingual by 1 December 1973;
- (2) to facilitate the implementation of Recommendation 1, the Division ensure that all district officials receive guidelines for rendering unilingual signs bilingual and for correcting bilingual signs in which inaccuracy or error occurs in one or the other of the two official languages;
- (3) a record be established and maintained both at headquarters and at the district offices of all signs identifying canal premises, and that this record be kept up to date by means of the addition of the texts of all newly translated signs;
- (4) requests for translation of texts of signs be accompanied by a brief statement specifying the context in which the signs will be used;
- (5) the official translation of texts of signs be checked at Division headquarters before they are distributed to those responsible for the production of signs;
- (6) a qualified member of the Division's staff located at the point at which signs are produced be responsible for proof-reading texts of signs in order to ensure that they are free of errors and omissions before they are installed on canal premises;
- (7) upon completion of the bilingual signs programme, a centrally controlled survey be carried out by the district offices to ensure that:
 - (a) no unilingual signs remain;
 - (b) the texts have been rendered accurately and correctly in both official languages;

- (c) both official languages enjoy equal prominence in all cases;
- (8) all new signs which are erected be bilingual at the outset;
- (9) all new vehicle decals and uniform insignia be bilingual in the same identification format;
- (10) all written material, including forms, maps and calling cards, issued by the Canals Division for public information and use, be produced in both official languages by 1 June 1973;
- (11) all future publications be published in both official languages, under one cover where feasible, rather than in separate English and French versions;
- (12) whenever publications are displayed, both English and French editions receive equal prominence;
- (13) where separate English and French editions of publications are used, a sufficient supply of both versions be at all times available at all points of distribution;
- (14) where other federal government publications are distributed by the Canals Division for public information, steps be taken to ensure that these are made available in both English and French;
- (15) whenever the Division or any of its field offices or lock stations are listed in local telephone directories, they be entered in both official languages. The Division should approach the Government Telecommunications Agency of the Department of Communications for assistance in this matter;
- (16) the Division ensure that bilingual telephone services are available in the district offices, at those canal offices and stations serving areas where there are local English- and French-speaking populations, and at the Division headquarters in Ottawa, when these facilities are open to the public;
- (17) every effort be made to eliminate delays in answering correspondence in the minority official language;
- (18) district officials investigate, ascertain and use whatever French-language news media there are in their areas of jurisdiction to ensure that French-language groups have equal access to information in their own language;
- (19) where both language media exist, all press releases issued by Headquarters or by the district offices be transmitted simultaneously in both official languages;
- (20) all safety announcements which are provided as part of the regular service to the public using lock facilities, be given in both official languages. Where bilingual personnel are not available to provide such service, the Division might for example, consider the use of recorded announcements;
- (21) the Division take necessary steps to ensure that bilingual services are available to the travelling public as soon as possible at points on all canal systems where communication takes place with that public;
- (22) pending the complete implementation of recommendation 21, the Division make services in both official languages available on a first priority basis, whether through the deployment of available personnel with the necessary linguistic skills or the use of bilingual casuals, at the St. Peters

Canal lock station, at the extremities of the Rideau and Trent Canals systems and at a sufficient number of other points between those extremities so as to adequately cover off the system as a whole and at the same time make bilingual service available to the largest possible segment of the interested public;

(23) where guides provide interpretive and informational services in the two official languages, the availability of these services be advertised in both languages by means of either signs, literature or both;

(24) to meet the requirements of institutional bilingualism, the Division should fill with bilingual personnel, to the extent necessary, future vacancies occurring among junior permanent positions, so that services are ensured in both of the official languages;

(25) the Division recruit bilingual casuals for positions at lock stations requiring but otherwise lacking bilingual capability and so deploy them that the public can receive service in both official languages;

(26) in order to increase the complement of bilingual personnel on staff, the Division explore all possible sources of supply of bilinguals and devise means of maximizing awareness of openings requiring such personnel;

(27) the Division ensure that language training is made available to those permanent employees engaged in public-contact functions;

(28) the Division, in conjunction with the Official Languages Branch of the Department, develop and implement language training and retention programmes that take into account the seasonal nature of the Division's operations and time limitations facing operating personnel;

(29) the Division review all existing contracts with concessionaires to determine what can be done to require or assist concessionaires serving the travelling public to comply with the Official Languages Act; the results of this review to be made available to the Commissioner by 30 March 1973;

(30) an official be designated at the Division headquarters level to be responsible for the planning, implementing, co-ordinating and monitoring of a programme designed to meet the Division's obligations under the Official Languages Act;

(31) where bilingual service is available, service to the public be offered automatically in both official languages rather than only on specific request.

COMPLAINTS

File Nos. 701, 1191—Correspondence

- The complainant wrote in French to the Department's headquarters concerning a vacant position. An employee in the Personnel Division sent him a reply in English.

The Department informed the Commissioner that the letter in English had been sent in error and that it was an exceptional case. Instructions were issued to the staff at headquarters and at the regional offices reminding them of the requirements of the Official Languages Act and stressing the importance of replying to requests from the public in the official language used by the correspondents.

- A French-speaking person received a notice in English from the National Parks Branch. He complained to the Department and, in reply, was sent a letter of apology in French. Unfortunately, two other letters were subsequently sent to the complainant, both written in English.

The Department informed the Commissioner that although an investigation had been made, no satisfactory explanation for the incident had been found. The National Parks Branch therefore took the necessary action to ensure that the complainant's rights would be respected and apologized a second time. The Department added that it hoped such incidents would not occur again.

File Nos. 960, 1527—Competitions

- An English-speaking complainant told the Commissioner that he had applied for an engineering position with the Department in March 1972 and had been interviewed twice. On neither occasion was he informed that bilingualism was a necessary qualification, although he was asked if he knew French. He answered that he had a limited knowledge of the language and was told it was not important for the position in question.

He was not hired. When he called to ask why, he was told that his technical qualifications were adequate for the position and that it was too bad he could not speak French.

The Commissioner explained to the complainant that the matter lay outside his jurisdiction, because there was nothing to indicate that the Department had not taken due account of Section 39 (4) of the Act, dealing with the appointment or promotion of personnel part of whose duties related to the provision of services to members of the public. Nevertheless, he offered to forward the complaint to the Department. The complainant authorized him to do so.

The Department replied to both the Commissioner and the complainant in separate but identical letters, sending the Commissioner a copy of its letter to the complainant. The Department explained what appeared to be a misunderstanding; there had been two vacant positions, one in the General Architecture Unit where English was the working language and one in the French Period Unit where the working language was French. The complainant had been considered for the position in the General Architecture Unit, but a candidate with superior

qualifications and experience had been hired for the position. Because of his limited knowledge of French, the complainant was not eligible to compete for the position in the unit dealing with restoration of French Period architecture where French was the language of work.

- The complainant reproached the Department with only requiring a knowledge of English in competitions for the positions of Manager of the Arts and Crafts Central Marketing Services and Executive Secretary of the Interdepartmental Committee on Indian and Eskimo Affairs. He felt that only requiring a knowledge of English, for no apparent professional reason, put English-speaking candidates in a privileged position as compared with French-speaking candidates and ran counter to the legislators' intentions. The Act recognizes both English and French as having "equality of status and equal rights and privileges as to their use in all the institutions of the Parliament and Government of Canada".

The Department replied that it had reviewed the language requirements for these positions and stated that now a knowledge of either French or English was required. It re-advertised the position of Manager of the Arts and Crafts Central Marketing Services, incorporating this amendment. The competition for the position of Executive Secretary had been cancelled and no steps had been taken to fill this position.

File No. 1080—Internal Communications

An employee of the Department working in the Montreal district office stated that correspondence between her office and the head office in Ottawa was regularly written in English. She also claimed that a very easy-going approach was taken to bilingualism examinations for officers, but quite the opposite was true in the case of support staff.

Replying to an inquiry by the Commissioner, the Department stated that it had taken the necessary action to ensure that its policy giving regional employees the right to choose their language of communication with Ottawa was fully respected. With regard to language tests, it added that everything had been done to make sure that each member of the staff took these under the best possible conditions. The Department did recognize, however, that it still had an excessively unilingual English image and added that it was making a considerable effort towards achieving bilingualism, both so that its staff could use either official language and so that its own image would come into line with the linguistic realities of Canada.

In the light of these observations, the Commissioner recommended that the Department issue very strict directives to its regional offices, reminding all employees of their right to use the official language of their

choice when dealing with Ottawa, and assuring them that their choice would in no way affect the speed or quality of the reply.

The Department explained that directives dealing with internal communications would be one element in the bilingualism policy it was preparing. In the meantime, it would apply the relevant section of the Staffing Manual, which gives the author of an internal communication a choice of either official language.

File No. 1030—Oath of Allegiance

A French-speaking employee in Fundy National Park, New Brunswick, stated that he was forced to sign his Oath of Allegiance on the English portion of the form, even after he had voiced his objection.

Shortly after the Commissioner had referred the complaint to the Department, the correspondent informed the Commissioner that his superiors had finally allowed him to sign the French version of the document. The Department did make it clear, however, that the complaint was justified.

It appears that the Park Administrator must have incorrectly interpreted the provincial law concerning the taking of the oath in New Brunswick. The Act stipulates that the person administering the oath must read it. The Administrator refused the employee's request to take the oath in French on the pretext that he (the Administrator) could neither read nor understand French. The important thing in taking the oath, however, is that the employee sign the form and that he assure the Administrator that he understands what he is signing. Once this was explained to the Administrator, he agreed to allow the employee to take the oath in French.

Following this incident, the Regional Director in Halifax wrote to the administrative officers of all parks in the Atlantic Region urging them to respect their employees' choice of official language for the purpose of taking the oath.

File Nos. 690, 1143, 1150, 1180, 1250, 1299, 1671—Information in National Parks and at Historic Sites

- A visitor to Nova Scotia reported to the Commissioner the poor quality of the French in an advertising brochure describing the attractions of Ingonish Beach in Cape Breton Highlands National Park.

The Department informed the Commissioner that the translation of the brochure had not been approved by departmental authorities in Ottawa. It admitted, however, that this did not excuse the publication of texts written in poor French. The Department had already

approached the Department of the Secretary of State to obtain a good regional translation service.

Until a solution could be found, the Department had no alternative but to suspend all local publishing in French for the 1972 season in regions where there was no staff capable of providing satisfactory translation. Translations would be sent to Ottawa to be checked by Department employees before publication. It would cause some delay but the Department chose this course of action because it felt delay was preferable to the risk of offending French-speaking visitors.

The Commissioner recommended that the Department do everything possible to obtain both quality and speed in its translation work.

As a follow-up to this recommendation, a comprehensive proposal was submitted to Treasury Board listing the additional requirements in staff and materials. The Department was granted additional staff so that it could appoint five co-ordinators and three clerks to its Ottawa and regional offices. They were given the task of co-ordinating the implementation of the recommendations the Commissioner made after a special study of the National Parks Service. The budget to cover the cost of materials and manpower (signs, publications, and so on) to 1 December 1972 was under negotiation with the Treasury Board. The Department wished to emphasize that the implementation of some of the recommendations was dependent on its receiving these additional funds.

Department representatives, together with officials from the Commissioner's Office, examined the recommendations and agreed on improvements which could be achieved in 1972-73 using the funds that had been allotted for this purpose.

With respect to signs, a new bilingual approach which included the use of pictographs was tried on an experimental basis in Fundy National Park, New Brunswick, to test the public's reaction. This experiment is part of the general programme to revise signs in parks. If the experiment produces favourable results, it will be extended to all national parks and historic sites in Canada. The Department also agreed, as far as its budget allowed, to provide visitors with publications in both official languages.

- Three French-speakers complained about the signs, information and service in the national parks in Western Canada.

Following a special study, the Commissioner submitted a series of recommendations to the Department. In October 1972, it informed the Commissioner that it had taken steps to set up the administrative structures needed to carry out these recommendations. In the 1972 season, therefore, service in the West was improved through the hiring of 55 bilingual students and five French teachers. Revision of the signs was also being undertaken.

- Some French-speaking people who visited Fundy National Park at the beginning of July 1972 complained that they were unable to obtain service in French at the information centre on the campgrounds. In addition, they pointed out that there were no brochures available in French and that the labels identifying the flora were in English only.

The Department replied that in Fundy National Park, three of the six employees at the information centre, four of the eleven campground attendants and two of the nine naturalist guides were bilingual. Unfortunately, at the time the complainants visited the park, all of the bilingual staff had not yet started work.

The Commissioner recommended that the Department should make sure, through better deployment of its staff, that its services were at all times available in both official languages.

The unilingual labels identifying plants were to be used in the training programme for naturalist guides and have since been removed.

- A French-speaker complained about the unilingual signs at the approaches to Hog's Back Bridge in Ottawa, which comes under the jurisdiction of the Department's Rideau Canal Office.

The Department informed the Commissioner that it replaced the unilingual signs with bilingual ones as soon as it received the complaint.

- An English-speaking complainant alleged that only bilingual persons were hired in the summer of 1972 as guides at Fort Wellington in Prescott (Ontario), a national historic site under the jurisdiction of the Department.

The Department informed the Commissioner that it had hired three bilingual and two unilingual English-speaking guides at that location for the summer of 1972, in order to meet its obligations to provide service to the public of both official-language groups.

The Commissioner passed this information on to the complainant and told her that there had been no contravention of the Official Languages Act.

INDUSTRY, TRADE AND COMMERCE*—"The Hucksters"

EVALUATION

In spite of minor achievements noted below, the Department's performance in carrying out the Commissioner's special study recommendations makes him think the Department believes "Better a little

*In the fiscal year 1971-72 the Commissioner's office undertook three studies simultaneously of the operations of three federal departments in Western Europe and in the Americas: External Affairs, Industry, Trade and Commerce (including the Canadian Government Travel Bureau), and Manpower and Immigration. The "read-outs" on Manpower and Immigration and External Affairs appear elsewhere in this chapter.

with contentment than a lot with contention." Out of the 38 recommendations the Commissioner made, seven could require gradual or long-term action because they called for recruitment, testing, training and deployment of bilingual or unilingual officers to meet the demands of service in the second official language to the public. The rest dealt with tangibles such as printed information, films, manuals, forms, signs and notices. The Commissioner believes that the Department could have been more energetic, industrious and innovative in putting his recommendations into effect. Instead, it spent more time disputing 13 of the Commissioner's 38 recommendations than in trying to implement them.

Following are some of the achievements of the Department of Industry, Trade and Commerce: in October 1973 the Department issued its Policy on Bilingualism, containing general guidelines to be followed by its administrative components in Canada as well as abroad. This document, although a little overdue, underscores several points covered by the Commissioner's recommendations. This policy is a step in the right direction but it may prove ineffective unless the Department closely monitors its application; the Department has not proposed any concrete steps to ensure implementation.

In addition to the policy document, the Department has asked its trade commissioners' offices and its Travel Bureaux to create and maintain an up-to-date file containing directives, circulars and other documents pertaining to bilingualism. Likewise, the Department is carrying out the most part of the Commissioner's recommendations concerning the Department's identification on publications and printed matter. Equally positive is the Department's reaction to the Commissioner's recommendations touching on such items as films, library, contact with media and internal communication.

During the last three fiscal years, the Commissioner received 13 complaints about this Department; three were justified and were settled satisfactorily.

The Department has no plans to take the necessary measures to apply 13 recommendations. It cites the demand factor to justify its inaction on seven of these, thus ignoring Section 10(2) of the Official Languages Act. The Act, however, is specific on this point: federal institutions are responsible for providing their services abroad in English and French, thereby respecting the equality of status legally conferred on both official languages. Offices abroad continue to provide telephone reception only in the language of the country in which they are situated, even if that language is English or French; publications, forms and stationery (envelopes, letter paper, and so on) may be printed in only one of the official languages; some signs abroad are likely to be posted only in a third language, and the Department's participation in trade

fairs and exhibitions abroad does not always reflect Canada's bilingual character. In another context, although the Department has agreed to put into effect some of the recommendations on the Travel Bureau, it considers that the Bureau's primary function is to provide services to nationals of the countries in which it maintains offices and that it therefore does not have to comply with all the provisions of the Official Languages Act. Basing itself on this restrictive interpretation of the Act, the Department has made no plans to apply four of the recommendations dealing specifically with the Travel Bureau, concerning forms, advertising posters, notices which the Bureau places in the local press and services provided orally by the Bureau's employees abroad. The Commissioner is not satisfied with this situation and intends to pursue this matter further with the Department.

Some other details which could easily have been rectified were also neglected; the Department had not followed up two recommendations, the first concerning postal and consular stamps, and the second, the Department's identification on publications printed in separate versions (it must have been owing to an oversight that the Department identified itself in English only in the November 1973 issue of the magazine *Canada Commerce* and in French only in the October 1973 issue of the French edition, *Commerce Canada*).

Finally, two other recommendations for which the target dates fall in 1974, in October 1973 seemed well on the way to realization (the first concerning administrative manuals and other Department reference works, and the second, forms used by the public and staff). Four recommendations required joint action with Treasury Board or the Public Service Commission, in the light of Parliament's resolution of June 1973 on the official languages. These are recommendations on the linguistic composition of staff of overseas offices (statistics, assignment of officers and recruiting plans) and on the assessment of the linguistic knowledge of candidates for Foreign Service Officer positions.

In view of the importance of the still unresolved problems and the fact that most of the Department's positive measures amount to issuing guidelines, the Commissioner plans to pursue actively the monitoring process which he has already begun.

Only one complaint needed a recommendation by the Commissioner. This concerned the Department's unilingualism during the International Book Exhibition held in Dallas, Texas, in 1971. The Commissioner recommended that during such exhibitions the Department should provide its services and advertise in such a way as to respect the equality of the two official languages. The other two admissible complaints touched upon the language of service at the Travel Bureau and the Metric Commission.

COMPLAINTS

File No. 850—Competition

The complainant entered a competition for a bilingual position with the Metric Commission, which reports to the Department. He said that the staffing division had agreed in advance that the interview would be in French, but that it had been conducted in English and the competition results had been sent to him in English. The complainant added that he had already passed the Public Service Commission's bilingualism test.

The Department informed the Commissioner that for this competition, a preliminary screening of candidates was done using the Public Service Commission's Data Stream. The position required a working knowledge of both official languages, and only five candidates met all the requirements.

The candidates were told at the interview that they were entitled to be questioned in the language of their choice and that they would also have to answer a few questions in the other official language, for the selection committee had to be sure that candidates were bilingual. A working knowledge of both official languages was required of Commission personnel, since the Commission had to hold meetings throughout the country and the proceedings would be taken down in French or in English, with no translation.

At the examination, the candidates had to translate a paragraph from French to English and another from English to French. This procedure had been approved in advance by the Public Service Commission.

The Department pointed out that at no time during the interview was a candidate consistently interviewed in a language other than that of his choice. At the end of each interview, candidates were asked if they were satisfied, if they had any questions to ask the committee and if they wished to make any comments. All said they were satisfied with the way the interview had been conducted.

The Department added that the complainant had inadvertently been informed of the results of the competition in English and that it regretted this oversight.

The Commissioner accepted the Department's explanations.

File No. 1060—Office of Tourism

A Quebec organization complained that it had received a letter in English from the Office of Tourism.

The Department informed the Commissioner that as a general rule the Office of Tourism sent a bilingual circular to organizations

asking them for advertising material to distribute to its offices abroad. Receipt of this material was immediately confirmed by another bilingual circular. The mail clerk had inadvertently sent the complainant a letter written in English only. The Department spoke to this employee and took steps to avoid further such incidents.

File No. 1544—Metric Commission

The complainant said that when he telephoned the Metric Commission at 4:20 p.m. on 6 December 1972 he was answered in English and was not offered service in French.

The Department informed the Commissioner of the steps taken following this complaint to ensure that services were provided to the public in both official languages. Officials at the Commission issued a directive stressing the need to reply in both official languages to telephone inquiries and to take care to transfer calls to employees who spoke the language of the caller.

INFORMATION CANADA—"Canadian Graffiti"

EVALUATION

During the last three fiscal years, the Commissioner received 14 complaints against this institution. Information Canada co-operated well in finding solutions to these complaints.

The agency indicated in November 1973 that, feeling the need to bridge an information gap, it had circulated a questionnaire to its employees with a view to designing an effective information programme for them about the government's new orientation in the two official languages.

In answer to a questionnaire sent by the Commissioner's Office, Information Canada reported that it adopted a bilingualism policy in May 1972 taking into account the requirements of the Official Languages Act and the Treasury Board guidelines. Responsibility for the policy's implementation rests with the Chief of the Official Languages Division.

The goals of Information Canada's programme are to ensure that services are offered in both English and French where required by law and that staff may work in the official language of its choice. To this end, the agency revealed that it offers training and development courses in both official languages; it is identifying bilingual positions as required, and is translating manuals. Auxiliary services communicate in both English and French. The agency also added that, to the extent that it is now feasible to do so, employees are free to work and to address

their supervisors in the language of their choice. Also the Montreal and Ottawa Information Centres are French-language units.

Information Canada stated that frequent consultations take place between headquarters and the regional offices and thereby bilingualism programmes are evaluated periodically, if not in depth. However, it expected to undertake a thorough review once recent Treasury Board directives on identification and designation of bilingual positions had been completed.

COMPLAINTS

File Nos. 1163, 1179, 1234—Publications

Four complainants, two French-speaking and two English-speaking, objected to the publication by Information Canada of the English version only of two studies on the problems of communication at the community level.

Information Canada stated that the time lag between the publication of the English and French texts was attributable to the time required for translating, revising and typing the final text.

The Commissioner recommended that publications of a general nature appear simultaneously in both languages as far as possible, even if adhering to this principle means a delay in publication.

File No. 1203—Calling Cards

A complainant received a circular in English about calling cards and concluded that the Canadian Government Specifications Board had printed it in English only. He also took exception to its contents because it stated that precedence would be given to the French language in Quebec only. He believed that this was contrary to the spirit of the Official Languages Act since it could mean that French-speaking public servants working in French-speaking areas in New Brunswick, for example, would not be able to use calling cards which gave precedence to French.

The complainant also sent the Commissioner a photocopy of the French version of *Contact*, a bulletin published by the Department of Consumer and Corporate Affairs. The Department's name was in both languages but precedence was given to English. The complainant blamed the circular for this too.

The Canadian Government Specifications Board told the Commissioner that the circular was available in both official languages but, because of delays in translation and printing, the French version had

been published three months after the English one. The Board stated that Information Canada and the Inter-departmental Committee on the Federal Identity Programme had established guidelines on precedence in departmental identification which it had simply applied.

The Commissioner told Information Canada that giving precedence to French in Quebec was only the minimum requirement, and that all directives on this matter should be flexible enough to allow French to be given precedence in some areas outside Quebec. Information Canada replied that it was in complete agreement with the Commissioner.

The Commissioner informed the complainant of this and told him that he believed that precedence on calling cards could be granted to either language, according to the bearer's choice.

File No. 1535—Sign

The Commissioner received a complaint that the sign on the outside of a building used by Information Canada to house its Expositions Division in Ottawa was in English only.

Information Canada agreed to replace the sign with a bilingual one.

INSURANCE

COMPLAINTS

File No. 630—Staffing

The complainant criticized the Department for not providing suitable services in French in the area of staffing.

The Commissioner studied the nature of the service provided by the personnel manager and concluded that his duties required a knowledge of both official languages. He therefore recommended the Department to modify its selection standards for the position of Personnel Manager to ensure that the next incumbent was bilingual. He also recommended that it develop a bilingual capability in the personnel area by creating a second position which would be bilingual or by offering language courses to the present manager as soon as possible.

The Department replied that it intended to create a second position at the beginning of 1973. Shortly afterwards, the Department informed the Commissioner that the position had been filled.

File No. 934—Correspondence

A French-speaking representative of a Montreal insurance company complained that the Department had sent him a letter in English with a request for reports.

The Department sent a letter of apology to the president of the company and informed the Commissioner that an error had been made, since its policy was to serve members of the public in the official language of their choice.

File No. 1528—Competition Poster

A complainant criticized the Department because it stipulated in a competition notice for the position of Central Registry Supervisor that a knowledge of English was essential. The complainant believed that the position should require either a knowledge of both official languages, or a knowledge of either French or English.

An investigation showed that a knowledge of English was essential because the Department communicated with insurance companies chiefly in English. The Commissioner considered that the authorities had taken due account, in this case, of the provisions of the Official Languages Act, since bilingual services were already being provided by the Department.

JUSTICE

SUMMARY

To meet the requirements of the Official Languages Act, the Justice Department has provided language training for 90 judges. According to the Department, service to the public is provided in English or French, "as much as it is possible at this time."

Responding to the Commissioner's questionnaire, the Department stated in November 1973 that its bilingualism policy was developed in 1967 and has since been intensified. The Department reports that it constantly evaluates the programme's implementation. There were no specific deadlines for implementing the policy, but the objective to increase the percentage of bilingual employees is to be reached by 1978.

French and English have been recognized as having equal status within the Department. In addition to the Public Service Commission's language training facilities, the Department has made provision for private tuition. Further, several French-language units have been established. Internal administration (meetings, memos, etc.) are carried out in both languages, "when possible". Supervision will be increasingly bilingual as more positions are identified bilingual.

Reporting on its institutional bilingual capacity, the Department said, "there are units or sectors where a favourable answer can be

given, but there are still sectors, particularly at headquarters, where the answer would be no". However, the Department expected to develop adequate bilingual strength "within the next few years". It stated further that services such as telephone communications, printed material, correspondence and signs, are bilingual.

LABOUR

SUMMARY

In November 1973, the Department assessed its institutional bilingual capacity as "not yet adequate". It informed the Commissioner that it had made "a great deal of progress to increase the use of French". In answering the Commissioner's questionnaire, the Department described some activities pertaining to its own official languages policy.

An Official Language Division has been established to promote the Department's official languages policy and to administer the government's directives. Apparently ". . . all levels of management have a responsibility for ensuring that official language policy and programmes are carried out. . ." Primarily the Co-ordinator of Official Languages evaluates the bilingual policy development.

The Department expressed many good intentions for the future. These included staff development courses in both languages and intensive language training for supervisors in positions identified as bilingual. The Department was trying to "maximize" the amount of bilingual internal communication. Internal memos were stated to be bilingual and employees were encouraged to initiate work in the official language of their choice. All major internal services such as personnel, library and general administration, were expected to provide those services to employees in both official languages. The Department was enriched by three French-language units.

The Department stated that services to the public were bilingual (including signs, letters and telephone communications).

COMPLAINT

File No. 1342—In Toronto

A French-speaking correspondent reported that she had telephoned the Department's office at 74 Victoria Street in Toronto and had been unable to obtain service in French because none of the employees were able to speak the language.

The Department admitted that there was no one in its Toronto office capable of serving the public in French. It acknowledged that it should have told employees of regional offices without a bilingual capability to ask French-speaking clients to leave their telephone number so that their calls could be returned from the head office in Ottawa. The Department had now done so.

The Department was aware this was not an entirely satisfactory solution but it had not succeeded in reaching its goal of having one or two bilingual employees in every one of its offices in Canada. It had had great difficulty in recruiting bilingual clerical and switchboard staff, especially in the major cities where there is great competition for such people.

The Commissioner said he understood the Department's problems, but that the Official Languages Act nevertheless required it to provide bilingual services to the public. He therefore formally recommended that the Department take the necessary steps to recruit bilingual staff and provide its employees with language training so that all its regional offices would, in time, be able to serve the public adequately in both official languages.

He also commented on the Department's plan for the head office to return calls made in French to field offices. One major drawback, he said, was that a unilingual French-speaker would not be able to understand a unilingual English-speaker explaining in English that service was available in French from the head office. Nor could it be said that the French and English languages had equal status in a federal institution where one had to be an English-speaker to be served automatically in one's own language. The Commissioner therefore recommended that the Department should arrange for a message to appear in local telephone directories at the earliest opportunity, explaining how service could be obtained in French by making a collect call to Ottawa. He stressed that this should only be regarded as a temporary measure to enable French-speaking clients to obtain service in French automatically in cities such as Toronto where the local office lacked a bilingual capacity.

The Department replied that it believed its solution to the problem would, for the time being, be more practical than placing a message in local directories. Its bilingualism adviser had visited field offices to discuss the language requirements of positions and the extent to which bilingual capability could be increased through recruitment and language training.

The Commissioner reiterated his recommendation because he believed that it was a relatively simple procedure which was both practical and more effective than the one now being followed by the field offices.

EVALUATION

This Department's response to the Commissioner's investigations and recommendations has generally been prompt and thorough. It has handled more than 70 recommendations arising from special studies, and investigations of complaints, in a manner reflecting concern for its obligations to the public in Canada and abroad.

There have, however, been difficulties and delays in the Department's efforts to attain certain goals: the provision of local forms for public use in both languages in Winnipeg is considerably overdue; the Department is not always able to obtain or provide equivalent professional training in the two official languages for officers going abroad; and, two years after the Commissioner's recommendation was submitted, bilingual reception staff in the Winnipeg area was still not available in all offices and positions.

In immigration offices abroad, some of the Commissioner's recommendations (specifically those dealing with telephone reception and the circulation of internal documents) related to materials or services which, since the integration of support services abroad, have become the responsibility of the Department of External Affairs. These are mentioned in the Commissioner's read-out on that department elsewhere in this chapter. The Department of Manpower and Immigration has established a comprehensive monitoring mechanism to ensure that its administrative guidelines are being fully respected both in Canada and at all its overseas offices.

Between April 1971 and March 1973, the Commissioner's Office undertook four studies of the Department's services in Montreal, Moncton, Winnipeg, and the National Capital Region, as well as a study of its operations in various immigration offices abroad. In October 1973, the Commissioner found that implementation of his recommendations for Montreal, Moncton and Ottawa-Hull was quite advanced. These recommendations ranged from provision of bilingual forms and publicity to the development, on a priority basis, of enough staff to deal with the various publics in the official language of their choice. As for the 18 recommendations the Commissioner made on services provided by several offices in the Winnipeg area, the most recent departmental survey indicated that most were in process of implementation. Of those outstanding in March 1972, three (dealing with contract forms, language training, and the provision of bilingual immigration services at Winnipeg airport) appeared to have been implemented. Two more (relating to telephone communications and reception services) had been fulfilled

in all centres where there is a known demand for bilingual services; in Winnipeg West and Winnipeg North, offices will have such services when posts having just been identified as bilingual are filled. The remaining centres, such as the University of Winnipeg, are prepared to transfer inquiries to the main Winnipeg Centre should the need arise. The task of rendering bilingual all unilingual local forms for communication with the public was, in October 1973, some 18 months behind the Commissioner's proposed deadline of April 1972, and the Department did not volunteer any completion date for this "ongoing process". It explained that the project had been seriously delayed by a prolonged vacancy in the position of Regional Forms Co-ordinator but this explanation hardly seems to justify such a long delay.

Of the 32 recommendations made in March 1972 about Canadian immigration offices overseas, the Department declares that only three had not been fully implemented by October 1973: one on equivalent job-training programmes for English-speakers and French-speakers, and two on the development and maintenance of current inventories of the language competence of its officers in the field. The Department reported that the in-house training courses it provides for employees being posted abroad are mostly given in English, with bilingual co-ordination; classroom sessions are supplemented by considerable periods of apprenticeship in Manpower Centres and elsewhere across Canada and abroad, and trainees would normally receive such on-the-job training in areas where their mother tongue was in regular use. As for finding enough bilingual officers to serve abroad, the Department anticipates that the substance of the Commissioner's recommendations will have been accounted for by the government-wide identification of language requirements of positions that was completed by 31 December 1973.

During the first three years, the Commissioner received 160 complaints against this Department. Of the 155 complaints settled, 27 revealed contraventions of the Act, and the Commissioner made 12 recommendations. It should be noted, however, that more than a hundred cases were identical grievances made by employees in Winnipeg and Edmonton regarding the implementation of the Department's bilingualism programme. The Department seems to have experienced serious communication and information problems in these areas.

The Department has encouraged French as a working language by designating all manpower and immigration centres in Quebec as French-language units. It should, however, make sure that bilingual service is always offered automatically in all areas where the French-speaking public is in a minority. The thorny problem of the availability of manpower training courses in both official languages also requires the Department's continuing attention.

SPECIAL STUDY—MONCTON

The purpose of the study, conducted in the summer of 1972, was to examine the extent to which services in both official languages are provided to the public by the Department's Manpower Area Office and Immigration District Office in Moncton.

The situation with respect to signs, posters and publications was found to be thoroughly satisfactory, with two relatively minor exceptions: the unavailability of the Manpower registration card (MAN 712) in French and the fact that a commercial insurance folder was available in English only.

Arrangements to deal promptly with correspondence in both languages were in effect and involved minimal external translation. Similarly, both offices had taken the necessary steps to ensure that advertisements in the media were published equitably in French and English.

As regards the language capacities of personnel, the study revealed that both the Manpower and the Immigration offices had designated a sufficient number of properly distributed bilingual positions to provide reception, counselling and immigration services in the client's language of choice but in the Manpower Area Office one such position, that of Unit Receptionist, was occupied by a unilingual employee. Over and above their actual bilingual capacities, both offices seemed concerned to improve their linguistic flexibility through training and recruitment.

Given that the offices studied had shown commendable understanding and initiative in meeting the requirements of the Official Languages Act, the study brought to light only a very few minor weaknesses. The Commissioner recommended that:

- (1) the Moncton Manpower Area Office immediately order and keep on hand at all times a sufficient supply of form MAN 712, and make it available to its clients as is done for the English version, that is MAN 711;
- (2) the Department combine as soon as possible forms MAN 711 and MAN 712 in the same document;
- (3) the Immigration District Office request outside organizations to provide their advertising material in both languages, and that when available these documents be displayed in both languages;
- (4) henceforth, any person employed as a "unit receptionist" in the Moncton Office, and who is unable to speak French, be able at least to direct the client at all times to the bilingual receptionist capable of assuring service in the appropriate language;
- (5) the Department, whenever the bilingual receptionist is absent, take the appropriate measures to ensure that French-speaking clients of the Moncton Office can, at all times during this absence, be served in their own language once they address the "unit receptionist" by telephone or in person.

COMPLAINTS

File No. 790—Summerside

A French-speaking correspondent stated that at the Manpower Centre in Summerside, Prince Edward Island, the staff could not provide the public with services in both official languages, except for bilingual telephone service.

The Department informed the Commissioner that in this office two positions occupied by unilingual English-speakers had been designated as bilingual. It added that the information officer, who was not bilingual according to the Language Bureau standards, could nevertheless serve the public in French. In addition, one of the counsellors already had some knowledge of French, as he had been taking a language-training course for the past two years. Another of the counsellors had just registered for a French course, which was about to begin.

Since an employee could not be dismissed simply because he was not bilingual and since there was no other way of staffing the office with a bilingual employee, the director had been authorized to hire an additional bilingual counsellor, on a temporary basis, until there was a vacancy.

File No. 1264—Halifax

The president of a French-language organization which has its head office in New Brunswick received a letter in English for the second time from the Local Initiatives Programme Division at the Department's Halifax office.

The Department explained to the Commissioner that an investigation of this complaint had revealed that the problem had arisen because of an administrative error rather than through any ill-will or ignorance of departmental policy in this regard.

To prevent such incidents from recurring, the officer in charge of Local Initiatives projects for the Atlantic region called a meeting of the staff and reminded them of departmental policy regarding correspondence. In addition, the manager sent a memorandum on this subject to all staff in the region.

File No. 997—Campbellton

A French-speaking correspondent complained about the attitude of a receptionist at the Manpower Centre in Campbellton, New Brunswick, who claimed to be bilingual but who refused to speak French.

The Department informed the Commissioner that an investigation of this complaint revealed that both the full-time and the relief receptionists were bilingual and provided service of equal quality in French and in English. However, it did sometimes happen that these two persons were temporarily occupied with more urgent work; a third clerk, having only a limited knowledge of the French language, then replaced them as receptionist.

The Department added that steps had been taken by the manager to ensure that the public was served politely at all times in both official languages.

File No. 1788—Moncton

The complainant stated that six or seven employees in the Moncton office of the Department had been removed from language-training courses because they were needed at the office. He thought that this was unfair.

The Commissioner was told that the seven employees in question were withdrawn from language training because eight members of the staff were on sick leave. The Department believed that the only way to provide proper service to the public was to recall people on language training. The Commissioner was assured that the Department was doing its best to return the employees to language training as soon as possible.

File No. 1785—Lachute

An English-speaking complainant stated that at the Canada Manpower Centre in Lachute, Quebec, the receptionist could not answer her in English. She said she had to wait while about four people who came in after her were served, and when the counsellor finally saw her, he asked her to speak in French.

The Department told the Commissioner that the unilingual receptionist on duty when the complainant visited the Centre was a temporary employee who was soon to be replaced by a bilingual receptionist. The Department also explained that each counsellor specialized in certain occupational groups and interviewed only clients registered in those groups. This was probably why the complainant had had to wait. It was unfortunate that this had not been explained to her at the time. The Centre had since sent a letter of apology to the complainant and had invited her to discuss the matter further if she wished.

File No. 1556—Ottawa

An English-speaking public servant alleged that it was the policy of the Department that all its staff in Canada Manpower Centres in

Ottawa should be bilingual. He complained that language-testing procedures were arbitrary and that insufficient courses in French and English were available to unilingual staff in the lower grades.

The Commissioner explained to him that present government policy was that determination of linguistic requirements for public service positions was the joint responsibility of the Treasury Board and the department concerned. He pointed out that this policy was not in itself inconsistent with the Official Languages Act.

It seemed that the complainant had misunderstood the language-testing procedures, which appeared to have been the normal ones, and his misapprehensions were largely due to lack of information.

The Commissioner drew the Department's attention to the desire of its employees to have more information on its bilingualism policies and how they were applied in the Canada Manpower Centres in Ottawa. He also emphasized that this information should be readily accessible and presented in a way that was easily understood by the average employee.

File No. 1432—Kirkland Lake

A French-speaking person from Kirkland Lake (Ontario) complained that the receptionist at the local Manpower Centre spoke English only. Professional services provided there were less than satisfactory because only one of the counsellors was bilingual and, when he was absent or busy, French-speaking clients were unable to obtain services in their language.

The Department acknowledged that only one of the counsellors at this office was bilingual. It explained that the manager and another counsellor were engaged in language training and, as a result, the Kirkland Lake Centre would gradually improve its ability to deal with French-speaking clients in their own language. While recognizing that this was not entirely satisfactory, the Department nevertheless believed that it was complying with the provisions of the Official Languages Act. It was under the impression that the Act allowed departments time to build up an adequate bilingual capacity.

The Department also admitted that none of the employees in the support category at this office was bilingual and said it was not planning to send any employees in this category on French language training because counsellors had priority for such courses. The Department was, however, planning to hire a bilingual employee to look after reception.

The Commissioner pointed out that the Official Languages Act makes no mention of allowing departments time to comply with its

provisions. However, the Commissioner always tried to set realistic and reasonable time-limits on his recommendations.

Because 20 per cent of the population of Kirkland Lake is French-speaking, the Commissioner believed that services in French had to be provided now. He therefore recommended that the Manpower Centre comply with the provisions of the Official Languages Act as quickly as possible and asked the Department to send him a progress report within one month.

When he received the report, the Commissioner concluded that no real progress had been made in offering services to the public in French. He acknowledged the long-term value of language courses, but said that the French-speaking population of Kirkland Lake simply could not go without service in its language for three or four years. He therefore repeated his recommendation and asked the Department to implement it.

Several months later, the Department announced that it had hired a bilingual casual employee as receptionist. It reiterated its belief that the Kirkland Lake Manpower Centre was providing adequate professional services in French.

File Nos. 911, 1286—Sudbury

- A public servant alleged that the receptionist at the Manpower Centre in Sudbury greeted visitors in English only and that French-speaking visitors had to ask to be served in French. He added that the texts of many small signs at this office were also in English only.

The Department stated that its policy in that office was to serve the public in the official language of its choice. Since the majority of the public served by the office was English-speaking, employees answered the telephone first in English, then in French; the receptionist at the information counter and her replacement, and two of the other three receptionists in the office, were bilingual. The one unilingual receptionist could call on her colleagues for assistance.

Departmental policy required signs to be bilingual and this was made quite clear in the *Accommodation Manual*. An on-the-spot check by the Department after the receipt of this complaint revealed that the only unilingual signs were those at the information counter explaining the registration and appointment procedures. These procedures had been changed and the signs removed.

The Commissioner agreed that, provided that its personnel in public-contact positions were properly deployed, the Department was able to offer service to the public in the official language of its choice.

- A French-speaking complainant reported that he received telephone calls and letters in English alone from the Student Manpower

Centre in Sudbury. He also alleged that some of the signs at the main Manpower Centre in this city were in English only, and mentioned that the receptionist there spoke to him in English.

The Department informed the Commissioner that the switchboard operator at the main Centre usually answered in both languages, as did her regular replacement, who was also bilingual. It added, however, that difficulties could arise in the absence of these two persons. To prevent such incidents from recurring, receptionists would in future be required to refer all calls to those employees at the Centre who are capable of answering in the language used by the client.

During the investigation, it was also revealed that the Student Placement Office at the Sudbury Manpower Centre employed five students, one of whom was bilingual. Another was capable of conversing in French. The forms which had been sent to the complainant were available in both official languages.

The Commissioner recommended that the Department make certain that the composition and deployment of staff at the Student Placement Office of the Manpower Centre be such as to enable persons coming to the Centre to be served in both official languages at all times.

The Department agreed to remind staff at the Manpower Centre of the need to present a bilingual image to the public.

File Nos. 1362, 1558—Toronto

- A complainant drew the Commissioner's attention to a newspaper article describing the difficulties encountered by a group of visitors from Ecuador and Haiti, who had to spend the night at Toronto International Airport on 17 October 1972. Apparently, the Department did not have enough Spanish and French interpreters to handle them.

The Department informed the Commissioner that the incident described in the newspaper should be considered in its context. It resulted from a situation which the Department had sought to end when it decided to suspend temporarily the right of visitors to apply for landed immigrant status once they were in Canada. For several weeks before the suspension of the regulation took effect, the Department's services at the various international airports were overloaded with work.

Although, as a general rule, services provided in French represented only a small proportion of all services provided by immigration officers at Toronto International Airport, sometimes it happened that most of the patrons were French-speaking, because of point of origin of the flight. During the period in question, the overload of work had resulted in delays for the French-speaking visitors.

On the whole, immigration officers and receptionists appeared to have sufficient knowledge of the French language to meet the demand. Approximately 30 per cent of the customs staff were bilingual. However, when the demand for services in French was particularly high, Portuguese, Spanish and other interpreters who had a good knowledge of French were used.

The Department stated that a recurrence of the situation complained of was unlikely in view of the decision to change the regulations.

- An employer in Sturgeon Falls complained that he received a contract in English from the Department's Regional Office in Toronto, although he had requested a French copy. The complainant pointed out that the previous year he had had the same difficulty and the Canada Manpower Centre in Sturgeon Falls had apologized for the inconvenience. He felt it was time for the Toronto office to provide services to French-speaking Canadians in their mother tongue.

The Department informed the Commissioner that all forms used in promoting and administering the Training-on-the-Job Programme were available in both official languages and that the wrong form had probably been sent. The Department was sorry that the complainant had experienced difficulty in being served in French for the second time, and assured the Commissioner that French forms had now been sent to him.

Two weeks later, the complainant told the Commissioner that he had still received nothing and said he was afraid that his contract might be refused because he had insisted on obtaining it in French. He explained that his training courses were scheduled to begin in three days time and that it was important for his contract to be accepted before that date.

At the Commissioner's request, the Department got in touch right away with its Toronto office about this matter. The complainant was immediately informed by the latter that his contract had been accepted and that he could begin courses as planned.

The Department then explained that the reason for this delay was the time required for translation, as the facilities which the Translation Bureau had put at the disposal of the Department's Toronto office were inadequate. After receiving this complaint, the regional manager took steps to put matters right and to ensure that French-speaking clients receive satisfactory service.

File No. 896—Winnipeg

A French-speaking person stated that he had gone to the Winnipeg Manpower Centre for information on the courses being offered. An employee had told him in English that no one at the Centre could provide him with this information in French. The complainant main-

tained that this was untrue and that the Centre employed a number of bilingual public servants who could have been called upon.

The Department explained that, because of the large number of persons visiting the office every day, the investigation had unfortunately not made it possible to determine the exact circumstances surrounding the incident or to verify the accuracy of the complaint.

The manager stated, however, that the receptionists were quite familiar with the Department's policy, which required that the public be served at all times in the language of its choice. To ensure that a similar incident did not recur, he again reminded all his employees of the importance of this policy.

The Department pointed out that certain positions at the Centre had been assigned to personnel capable of providing services in both official languages. The employees in question were the receptionist at the information desk, a clerk responsible for liaison with the federal Public Service Commission, and a typist. The services of three bilingual counsellors were also available at the Centre.

File Nos. 1344, 1352, 1364-1421, 1431, 1445-1486—Winnipeg and Edmonton

In October 1972, a number of employees of the Department in Winnipeg and Edmonton expressed their concern at a departmental staffing policy for their region. In order to meet the Treasury Board's 1975 target percentages of bilingual employees in bilingual districts, by category of employment, the Department proposed to recruit only bilingual candidates at entrance levels, placing particular emphasis on receptionists and others who dealt with the public, until the targets had been achieved.

None of the present staff would be displaced. It was estimated that to fill positions vacant through normal attrition at Edmonton and Winnipeg, approximately seven bilingual people a year would be hired at each Canada Manpower Centre until 1975, or a total of 20 in Edmonton and 22 in Winnipeg. The staff of the Winnipeg Manpower Centre now numbered 167, including six bilingual employees. Language training was to be offered to 44 of them by 1975. The staff of the Edmonton Manpower Centre numbered 135, including three bilingual employees. Language training was to be provided for 35. The complainants believed that the Department's policy contravened the spirit and intent of the Official Languages Act.

Two members of the Commissioner's Office visited the Manpower Centres in Edmonton and Winnipeg and discussed these complaints with management and local staff representatives separately in order to get all the relevant details.

The Commissioner informed the complainants that the Official Languages Act did not require all public servants or all employees at every level to be, or to become, bilingual. The Act called for "institutional" bilingualism, which meant that each federal institution had to ensure, where the Act requires, the provision of service to the public in both official languages. The Act set out no percentage requirements for bilingual employees by employment category: it simply required that hiring and promotion procedures for positions involving service to the public took due account of the requirements of the Act.

The government had decided that the determination of linguistic requirements for public service positions would be the joint responsibility of the Treasury Board and the department concerned. The Public Service Commission, in accordance with the Public Service Employment Act and the requirements of departments, prescribed selection standards, including those relating to language, and determined the language knowledge of candidates. The Treasury Board and departments could set management objectives for bilingualism, which exceeded the requirements of the Official Languages Act concerning service to the public, without contravening the Act.

The Commissioner discussed the complaints with the Department and made a number of suggestions. He pointed out the need for better communication with staff in order to dispel unfounded but understandable fears about job security and opportunities for advancement.

He also discussed the availability of second-language training and suggested that it should be offered to everyone who wanted it and who might conceivably need it to pursue a useful and fulfilling career. He emphasized that staff who were likely to be in contact with the public should be accorded the highest priority.

He reminded the Department that the success of institutional bilingualism depended on the willing support of public servants. Such support was most likely to be obtained if the provisions of the Official Languages Act were properly explained to employees and were seen to be clear, just and humane. It was equally important that there should be complete understanding of administrative procedures designed to achieve institutional bilingualism, and the Commissioner advocated consultation between management and staff associations over both policy-making and implementation.

File No. 1599—Regina

A representative of a Saskatchewan French-language association complained that none of the employees at the Regina Manpower Centre

could express themselves in French. The association he represented had to deal with the Centre to discuss such matters as the Local Initiatives Programme, and wished to be served in French.

When the Commissioner made inquiries, the Department told him that the regional administration would have certain positions designated as bilingual, so that the Department's programmes and services would be available in both French and English in accordance with the requirements of the Official Languages Act. In the meantime, an employee of the Regina Manpower Centre had started taking language-training courses. The possibility of offering French courses to other employees of the Centre, if necessary, was also being contemplated.

The Commissioner was assured that the manager of the Regina Centre was able to arrange services in French immediately, if the complainant would be kind enough to get in touch with him. Furthermore, those in charge of the Local Initiatives Programme and the Training-on-the-Job Programme at the Regional Office could provide services in both languages on request.

File No. 662—Edmonton

A French-speaker reported that he had on several occasions spoken to the Manpower Centre in French and that the officials had always replied to him in English. He had then asked to speak to an employee who knew French. This service had been refused him on the pretext that he spoke English well enough to make himself understood.

The Department informed the Commissioner that the policy in force at this office was to serve each client in the official language of his choice. Accordingly, all employees who did not speak French had access to a list of bilingual clerks and counsellors whom they could call upon when dealing with French-speaking clients. This list included the names of two manpower counsellors and four senior clerks with a good knowledge of French. Three more counsellors and one administrator possessed a sufficient knowledge of the language to provide at least a rudimentary service in French.

This had provided the Edmonton Manpower Centre with a sufficient bilingual capacity to meet the demand for French services—a demand which had until then been quite small. Since it foresaw an increase in this demand, the Centre had taken steps to increase the number of its bilingual employees.

To avoid the recurrence of similar incidents, the manager of the Edmonton office again impressed upon his employees the importance of providing the public with service in both official languages and reminded them of the Department's directives on this subject.

File No. 778—St. Paul

A complainant deplored the fact that there was no service available in French at the counter at the St. Paul (Alberta) Manpower Centre and that signs were in English only.

The Department explained to the Commissioner that the policy at this office was to serve each client in the official language of his choice. One of the six positions at this office was bilingual, and had been filled since January 1972. The receptionist, too, was bilingual.

As regards the unilingual English signs, the Department pointed out that it was not always easy to enforce its policy when its offices were located in buildings that were not owned by the government.

Following the complaint, the Department of Public Works brought this matter to the attention of the owner of the building, who agreed to make the recommended changes. It was decided to put up bilingual signs.

The Commissioner said that he was satisfied with these steps, but recommended that the Department increase the number of bilingual counsellors to ensure that service in French would be available at all times and that it would be as efficient as the service provided in English.

The Department took note of this recommendation and informed the Commissioner that it would try to recruit a second bilingual counsellor as soon as there was a vacancy.

File No. 975—New York

A Canadian student in the United States reported that he had twice written in French to the Canadian Immigration Service in New York for information concerning the formalities his wife would have to go through in order to become a naturalized Canadian. He stated that the office had replied in English and that the documents sent to him were likewise in English. He concluded from this that the New York office was unable to provide services in both of Canada's official languages.

The Department expressed its regret that its office had replied to the complainant's letters in English. It also pointed out that the Consul had once more brought to the attention of his staff the importance of serving the public in both official languages. He assured the Commissioner that measures had been taken to ensure that replies were always written in the language used by the correspondents. Finally, the Department informed the Commissioner that the special assistant to the Minister had sent the complainant a booklet entitled *Comment devenir citoyen canadien*, together with the name and address of the official in the Department of the Secretary of State responsible for dealing with questions of naturalization.

File No. 731—Press Releases

The secretary in the office of a French-language newspaper in the West criticized the Department for having sent him press releases in English.

The Department acknowledged that everyone had a fundamental right to be served in the official language of his choice, and issued instructions to this effect to the regional general managers. The documents in the case in question all related to new programmes designed to stimulate the labour market and create new jobs. These temporary programmes were not part of the Department's current operations and therefore gave rise to an increased volume of correspondence with the public. The large number of press releases which had to be issued without delay, the scarcity locally of bilingual employees able to prepare texts in French and the fact that the Department had no translation service of its own compelled it to issue its releases in English only.

To alleviate this difficulty, the Department had made arrangements with the Department of the Secretary of State for a commercial firm in Winnipeg to handle departmental translations until the government opened a regional translation bureau. In addition, a position for an Information Officer in the regional administration that had just become vacant had been designated as bilingual. This position would be filled as soon as possible.

File Nos. 830, 1591, 1615—Correspondence

• A French-speaker brought to the Commissioner's attention a letter the Department had sent to him from Ottawa. This letter, written in extremely poor French, was in fact a literal translation from English.

The Department admitted that the French in this letter left much to be desired and regretted that the letter had been sent. It added, however, that this type of incident might recur as employees now wrote letters in their second language when they had achieved the level of bilingualism judged adequate by the Public Service Commission's Language Bureau.

The Commissioner recommended that documents intended for the public be systematically revised by someone qualified to make the necessary corrections. Such a step would benefit employees wishing to improve their knowledge of the second language and would prevent the recurrence of similar incidents.

Following this recommendation, a survey was made of the Department's various divisions and branches in Ottawa. It showed

that they were able to provide systematic revision in French as well as in English, and that such revision was normally provided in day-to-day work. However, it was felt necessary in certain cases to appoint a qualified person to revise within his own sector any text intended for the public that had been drafted by an employee in a language other than his mother tongue.

- A member of a French-language cultural association sent the Commissioner a copy of a letter in English which his association had received from the Canada Manpower Centre's Student Placement Office at Algonquin College in Ottawa. Also, although the envelope had been addressed to him in French, the return address stamped on the envelope was in English only.

The Department said that the letter had been prepared in both French and English, and agreed that each employer should have received it in the language of his choice. In this instance, the wrong version of the letter had evidently been sent out by mistake. The Department had again reminded the employees of the Student Placement Office that it was important to serve the public in both official languages, and it assured the Commissioner that this office was fully capable of offering all its services to the public in both official languages. The Department added that a bilingual stamp for the return address had been obtained and was in use.

- The director of a Local Initiatives project in Ottawa received a circular letter in English alone from the Department and had to have it translated before distributing it to those participating in the project.

The Commissioner's investigation revealed that the circular letter had been inadvertently sent in English. This form, as well as all others used for the promotion and administration of the programme in question, was available in both official languages. The Department regretted the inconvenience caused by this error and tightened controls to prevent the recurrence of such incidents.

File No. 863—Language Training

An English-speaking correspondent from Sudbury said she believed that the Department should provide tutoring in French to English-speaking immigrants, especially in bilingual areas.

The Commissioner made inquiries of the Department and was told that immigrants wishing to learn one of Canada's official languages were given assistance by the Department and by the Citizenship Branch of the Department of the Secretary of State.

The Department of Manpower and Immigration's policy was to provide language training to immigrants who were having difficulty in

obtaining suitable employment because their knowledge of English or French was inadequate. Subject to certain conditions, language training was given under the Canada Manpower Training Programme. In addition, Canadian workers moving to parts of the country where the language of work was different from theirs might be eligible for language training under similar programmes, if they could not find employment because of a language handicap.

The Citizenship Branch of the Department of the Secretary of State assisted the provinces in teaching English and French to adult immigrants, and was discussing with the provinces a mutually acceptable form of federal aid towards the teaching of official languages to immigrant children. Many local school boards, of course, were providing language courses on a part-time basis.

The Commissioner communicated this information to the correspondent.

File Nos. 1068, 1217, 1235, 1332—Retraining Courses

The complainants were upset that the Department did not offer French-speaking students suitable retraining courses in French at the Algonquin College Retraining and Counselling Centre in Ottawa. They said that manpower counsellors did not always direct students towards courses given in French and that advertising for these courses was inadequate. They could not understand why the number of students enrolled did not exceed 40, since there was a large French-speaking public in the region. Finally, they pointed out that student services were offered mainly in English.

At the Commissioner's request, the Department made a study of the situation and took steps to correct some shortcomings and to improve the quality of its services in French.

First of all, the Department attempted to find out whether or not its directive concerning the language of instruction was being complied with in the Canada Manpower Training Programme. The purpose of this directive was to let persons living in bilingual regions take training courses in the official language of their choice, when the number interested justified it. When numbers were insufficient, arrangements could be made for a trainee to take a course in his own language elsewhere, sometimes even in another province.

As a general rule, a minimum of 15 students was required for a course to be given. This number applied to English as well as French trainees.

Furthermore, the provincial departments of education had set a maximum class size of 20 students for each group of trainees. The Department felt that these two figures—15 and 20—struck a fair

balance between the maximum number of students a teacher could handle and the minimum required by economic considerations. In addition, the minimum number of students per course was sometimes quite flexible. Some courses could begin with fewer than 15 trainees. In actual fact, the majority of courses were organized to suit the number required. Experience had shown that it was easier to find candidates when definite starting and closing dates could be announced for courses. Thus, in 1971 for example, the Department had purchased 240 places in courses given in French by Algonquin College. However, only 159 persons had indicated interest in these courses. In this case, 66 per cent of the places had been used, as compared to a national average of 80 per cent.

The "customer's" choice as to the language in which he wished to receive instruction was the only criterion by which the course in which he was to be enrolled could be determined. As far as financial and teaching considerations permitted, the Department purchased places in the training courses on the basis of trainees' preferred language of instruction.

The Department was, however, concerned about certain shortcomings in services offered to students, that is to say, services that were not under its jurisdiction but came under the administration of Algonquin College. Information the Department obtained from the College indicated that it was looking into the situation and had either already taken steps to correct it, or intended to do so.

A bilingual counsellor had to spend one day a week at the Retraining Centre helping French-speaking students. The College was also studying the possibility of hiring a bilingual nurse part time, or arranging for a bilingual nurse from another campus to visit the Retraining Centre periodically. As for the library, a new position had just been created and the College was trying to recruit a bilingual incumbent.

As for manuals and working tools, the College had taken the initiative of adapting English manuals for use in French; this had been done to meet its own needs, and with its own funds. The College was also participating in a similar project in co-operation with Quebec CEGEPs as a member of the Association of Canadian Community Colleges.

An examination of notices and posters was conducted at the Retraining Centre and steps were taken to replace unilingual posters with bilingual ones. The College's Board of Governors had also discussed the possibility of issuing memoranda in both official languages.

Finally, the Department said it was in a position to offer services in both official languages in its Ottawa office. In addition, the Canada Manpower Centre in Ottawa had in the past published several adver-

tisements and press releases concerning courses offered in French and in English, and intended to step up advertising, in the media and at the Canada Manpower Centre, of training courses offered in French.

File No. 1570—Form

A French-speaker complained that a contract in English under the Training-on-the-Job Programme had been sent to him by the Canada Manpower Centre in St. Boniface.

The Department informed the Commissioner that this contract had inadvertently been drawn up in English on Form MAN 111 7 E. A new contract, in French, had immediately been forwarded to the complainant on Form MAN 111 7 F.

To prevent the recurrence of such an error, the Department issued directives asking its personnel to make sure that queries and correspondence were answered in the language in which they were received.

NATIONAL ARTS CENTRE—"A Touch of Class"

EVALUATION

The National Arts Centre, as befits a place for civilized people, tends to rectify infractions of the Act with celerity and poise.

The Commissioner's report of a special study of the National Arts Centre in May 1973 contained five recommendations dealing with personnel, contracts, signs and printed material. In October 1973, all recommendations had been acted upon, although three remained to be fully implemented. The four minor complaints received by the Commissioner were settled by the Centre immediately.

The National Arts Centre reported that signs on its premises were bilingual and were being checked on a continual basis; all forms had been reviewed and corrected where necessary, and information materials originating from within the Centre were released in both official languages. Unfortunately, this was not always the case with publicity and material produced by outside agencies and, generally speaking, this question remained to be settled.

The recommendation dealing with contracts had not yet been fully implemented since the contract with the Capital Convention and Tourist Bureau, Inc., is due for renewal only in 1974. However, the Centre had been assured by the Bureau that it tried to have an equal display and availability of French- and English-language information

materials. The Bureau had also indicated that it had adequate personnel available to provide service in both official languages at all times.

On the question of the Centre's own personnel, the Corporation reported that the restaurant and café now had adequate staff to provide service automatically and at all times in both English and French. In addition, the Centre was making progress in acquiring bilingual nursing staff; at the time of reporting, three out of four nurses were bilingual.

SPECIAL STUDY

The Commissioner undertook a study of the National Arts Centre with the aim of reviewing the Centre's policies, plans and administrative procedures for the provision of bilingual services to the public.

The study revealed the serious manner in which the Centre has, from its inception, provided bilingual services to the public, and has, through its efforts, generally complied with the spirit and intent of the Act. Except in a few cases, the entire range of the Arts Centre's bilingual services to its publics was offered automatically and as a matter of course in both official languages. Though it did not fall within the purview of the study to inquire into cultural programming and balance, it is worth noting that the Centre was very mindful of the need to give equal attention to the two official languages of Canada in programming. Noteworthy are the Centre's efforts to attract the French-speaking community of the National Capital Region to the Centre and particularly to French-language performances.

Areas of weakness, in which the Centre did not measure up to its own high and ambitious standards for the provision of bilingual service, generally resulted from oversight and lack of attention and not from any apparent absence of intent or desire to comply with the Act. The shortcomings related to visual aspects, information and publicity services, and personnel.

All forms and other similar printed matter intended for the public were produced appropriately in the two official languages but those in use by the Box Office left something to be desired as far as correctness and presentation were concerned. All interior and exterior signs were bilingual, but signs and notices used by groups of artisans exhibiting and selling handicrafts on the exterior premises of the Centre may have contravened the Act. Defects noted in the presentation and distribution of publicity and information materials under the Centre's own auspices were of a minor, if not inconsequential, nature. The French texts of promotional and commercial advertisements were not always presented as well and as completely as their English-language counterparts. Nor

did information and publicity materials displayed on the Centre's premises always include a sufficient and representative sampling of French-language materials. This oversight was rather serious on the premises occupied by Canada's Capital Visitors and Convention Bureau, Inc., especially as it affected the travelling public. In all other respects, it was apparent that the National Arts Centre has scrupulously endeavoured to ensure the equality of status of the two official languages in its public relations activities.

The most important weakness in the preservation and promotion of the equality of status of the two official languages at the Arts Centre pertained to personnel, particularly nursing and catering personnel. It is of interest to note that the Centre's stated policy was to fill, as far as possible, all public-contact positions with bilingual incumbents, and indeed in particular sectors this was achieved. On the basis of data provided by the Centre, the team estimated that 80 per cent of incumbents of all public-contact positions had a bilingual capability. In the nursing and catering personnel categories, however, this high level of bilingualism had not been achieved; the team viewed these as areas of special concern since they had given rise to complaints. None of the nursing personnel possessed even a rudimentary knowledge of French. The Centre had been grappling during the past few years with the problem of developing an adequate bilingual capacity in its Opera Restaurant and Café but hoped to solve the problem by mid-1973 by undertaking a systematic campaign to recruit and maintain the number of bilingual staff. The team noted in regard to these operations that the Centre had neglected to use language-training programmes in one or two important instances where they could have assisted key public-contact employees in the catering services to discharge their duties better in the light of the Official Languages Act. Admittedly these programmes had not been an important or even very necessary tool in the Centre's efforts to develop its overall bilingual capability.

The Commissioner recommended that:

Forms

(1) the National Arts Centre review by 30 September 1973 all its forms and similar material in use with the public, giving priority to those at the Box Office, with a view to correcting linguistic errors, thus better assuring the equality of status of the two official languages;

Signs

(2) in the event artisans are invited in the summer to display and sell crafts on the exterior premises of the National Arts Centre, the Centre determine to what extent signs and notices are erected to publicize these activities, and if they are, take the necessary steps to ensure that they are suitably bilingual;

Publicity and Information Materials

(3) the National Arts Centre in its promotional and publicity services

(a) ensure that equal prominence be accorded to the French and English texts of promotional or commercial advertisements and announcements;

(b) ensure, wherever possible, that promotional and information materials displayed and made available on the Centre's premises on behalf of other agencies, be provided equally in the two official languages;

(c) make, with regard to booking national tours of the NAC Orchestra, publicity and programme materials available in both official languages automatically to all local organizers;

Contracts

(4) the National Arts Centre

(a) include a clause in the contract negotiated with Canada's Capital Convention and Tourist Bureau Inc., for the provision wherever possible of an equal display and availability of French- and English-language information and other printed material;

(b) determine whether sufficient personnel is present at the Convention and Tourist Bureau to provide service automatically and at all times of operation, in the two official languages;

Personnel

(5) (a) the National Arts Centre take immediately the necessary steps to ensure that when nursing services are offered to the public, they be made available automatically and at all times in the two official languages;

(b) the National Arts Centre take the necessary steps, including recruitment, to provide in its Restaurant and Café by 31 December 1973, adequate services in the two official languages at all times and automatically;

(c) until such time as sufficient bilingual capability is present in the Restaurant and Café to assure an automatic and continuous bilingual service, the National Arts Centre devise procedures for suitably deploying existing and newly recruited bilingual personnel, and formulate instructions to unilingual staff advising them how to arrange for the courteous and efficient provision of services in the two official languages.

COMPLAINTS

File No. 1164—Programmes

An English-speaking lady complained to the Commissioner that the programme for a French play at the National Arts Centre in Ottawa was entirely in French and there was no synopsis of the plot in English.

The Centre informed the Commissioner that its policy was to publish programmes for plays in the language of the play. Programmes for musical performances, opera and ballet were bilingual. Synopses

were normally only included for opera, ballet and classical plays when the plot was so complicated that it could hardly be understood without one. All the Centre's programmes for plays did, in fact, at one time include a synopsis in the other language but patrons had complained that this was language discrimination.

File No. 1649—Correspondence

A member of a French-language cultural organization complained that his organization had received an envelope from the National Arts Centre with the unilingual phrase "Printed Matter Only" stamped on it.

Upon investigation by the Commissioner, it was found that the Centre did indeed have stamps in each of the two official languages. Its officials maintained, however, that it was too time-consuming to sort mail according to the language of addressee, which, in any case, could not always be established with certainty.

The Centre therefore gave instructions to its staff to use only bilingual stamps.

NATIONAL CAPITAL COMMISSION—"A Tale of Two Cities"

EVALUATION

In the last three years, the Commissioner received twelve complaints against the NCC. The agency was resourceful in finding solutions to complaints, though settling some took nearly as long as a skating promenade along the Rideau Canal in February.

The National Capital Region has a symbolic importance and must reflect the bilingual image of the country. To that end, the National Capital Commission has assumed its responsibilities. The Commissioner happily recalls the promptness with which the agency acted on recommendations he made to it in 1971 following a special study of the exterior signs under its jurisdiction.

The NCC developed a bilingualism programme in 1966 and set 1978 as its completion date. Its objective are to meet the requirements of both the Official Languages Act and the Treasury Board guidelines. The Secretary of the NCC is in charge of Bilingualism Policy Development at Head Office and supervisors are in charge in field offices.

The NCC informed the Commissioner in November 1973 that person-to-person communication and forms, signs, publications and other material were in both official languages.

The NCC stated that internal communications were bilingual, as were most manuals. It added that the NCC encouraged French-speaking employees to use French as a working language, although most supervision was carried out in English.

COMPLAINTS

File No. 1094—Gatineau Park

The complainant objected to the Commission's failure to ensure that the tea-room waitresses at Moorside, in Gatineau Park, could communicate with the public in both official languages.

The Commission informed the Commissioner that the tea-room in question was rented to the Gatineau Historical Society, a voluntary body, and that six of the eight waitresses could carry out their work in French.

The Commissioner nevertheless asked the NCC to suggest to the Gatineau Historical Society that it use its staff in such a way that French-speaking customers are served promptly in their own language.

File No. 1170—Mill Restaurant

A French-speaking correspondent drew the Commissioner's attention to the many errors in French on the menu of the Mill Restaurant in Ottawa, which is operated by a concessionaire of the Commission.

The NCC told the Commissioner that the menu contained errors in English also. It had already been reprinted once with corrections but evidently not too successfully. The NCC would impress upon the lessee the need to make all the necessary corrections at the next printing.

File No. 1341—In the Gatineau Park

An English-speaking complainant stated that he was rather horrified to find that English signs seemed to be almost entirely lacking at the Champlain Lookout and the Brulé Lookout in Gatineau Park.

The Commission admitted that the word "Lookout" had been omitted from two signs. These signs consisted of a number of planks or panels and when it was discovered that the planks bearing the word "Lookout" were missing, it was decided to erect the signs as they were and insert the other panels later. Since the Parkway was shortly to be closed for the winter, the NCC would remove the signs for refinishing and re-erect them as they should be next season. The Commissioner was told that another sign which did not comply with the Official

Languages Act would also be corrected. The NCC explained to the Commissioner that there were signs entirely in one language or the other elsewhere in the Park but these appeared in pairs, a system frequently used when a single sign with the message in both languages would be difficult to read quickly.

The Commissioner made a formal recommendation to the Commission that all signs erected in the spring of 1973 should meet the requirements of the Official Languages Act.

File No. 1500—Initials

A French-speaking resident of Ottawa complained that the Commission's initials appeared only in English on its storage and garbage containers.

The Commission told the Commissioner that this matter would be settled by the systematic replacement of the initials by the NCC symbol. A follow-up six months later showed that this programme was well under way and would be completed before 31 December 1973.

File No. 1510—On the Ottawa River Parkway

A complainant objected to the fact that two signs on the Ottawa River Parkway were in English only.

The Commission said that it continuously reviewed its signs and that the two unilingual signs would be corrected under its current programme of making signs bilingual.

The Commissioner reminded the NCC that he had made a special study of its signs and had sent it a report in April 1971. This report contained a recommendation that all exterior signs in the National Capital Region which came under the NCC's jurisdiction should be made bilingual. The NCC had told him in March 1972 that the recommendation had been complied with. The Commissioner therefore set a deadline of March 1973 for changing the two signs complained of, and the NCC agreed.

File No. 1532—Invoice

A French-speaker complained that the Commission sent him an invoice on which the date, the post office box and the name of the post office were in English only.

The NCC informed the Commissioner that it had decided to re-programme the computer used for invoicing. The date would be changed to show the day, month and year in figures, and the address would be in the language of the client.

File No. 1736—Parking Receipt

A French-speaker complained that the receipt issued to him at the Commission's parking lot at the corner of Queen and Kent Streets in Ottawa was in English only.

The NCC quickly put this right and sent the Commissioner a copy of the bilingual receipt which would be used henceforth.

NATIONAL DEFENCE—"In Which We Serve"

EVALUATION

The Department itself recognizes that much work still remains to be done in achieving full institutional bilingualism, yet National Defence is marching ahead not only to implement a detailed bilingualism programme; it helps the Commissioner investigate complaints thoroughly, in general handling them expeditiously and acting upon the Commissioner's recommendations with vigour and disciplined imagination.

With respect to the 10 recommendations ensuing from the special study of Canadian Forces Base Uplands (Ottawa) the Department reported in October 1973 that it had implemented five of them fully and four partially, and that it had found an alternative means for implementing the one dealing with the Base's translation needs. Although the Department failed to meet the target date of 1 September 1971 for the "bilingualization" of its outdoor signs, it has made considerable progress in meeting the broad requirements of the Official Languages Act, particularly in terms of bilingual personnel services and other visual elements of bilingualism, such as markings, etc.

In regard to the four partially implemented recommendations, the Department reported that all signs and 90 per cent of the letterings on aircrafts would be bilingual by the end of 1973. It has taken steps to improve bilingual services to the public and to its civilian and military personnel, and is currently engaged in identifying and designing bilingual civilian positions.

The Department found that, for reasons of administrative efficiency, it was unable to implement the recommendation that a translator with a bilingual secretary be assigned to the Uplands Base. The headquarters Translation Bureau therefore continues to provide for all the Base's translation needs. This service has been markedly improved through the establishment of direct communication between the Base, the Director of Terminology and Translation Services at Headquarters and the Translation Bureau.

Between April 1970 and 31 March 1973, the Commissioner's staff processed a total of 60 complaints directed against the Department, 39 of which were found to be justified. The Commissioner's Office has conducted investigations at Bagotville and Trenton which resulted in a number of recommendations. Those recommendations have been or are being implemented. The Department, however, on its own initiative, and almost concurrently with the passage of the Official Languages Act, developed and is implementing a comprehensive and phased bilingualism and biculturalism programme extending over a 15 year period. The Department's exhaustive planning provides a high degree of assurance that maximum benefits could be derived from its available bilingual resources.

The Bilingualism and Biculturalism Division plays a key role in settling complaints and sees to it that, wherever feasible, the Commissioner's recommendations, meant for a particular unit, are implemented throughout the whole of the Canadian Forces.

The government announced in its White Paper *Defence in the 70's*, published in August 1971, that "twenty-eight per cent of the Canadian Forces establishment is being designated as francophone." While the adoption of such a policy has widened the scope of satisfactory service for French-speakers, some English-speaking employees took exception to a circular published under the authority of the Chief of the Defence Staff which acknowledged that "If it is necessary to deviate from the strict order of merit to achieve an increase in francophone representation, a non-francophone who would otherwise be promoted during the promotion year must be bypassed. . ." While the Commissioner did not find any breach of the letter, spirit and intent of the Act, the cases showed a certain inability on the part of the Department to see the need for explaining the rationale behind major policy decisions *when* they are taken rather than *after* their impact gives rise to the worst suspicions among the individuals they affect.

COMPLAINTS

File No. 5065-52/N3—Follow-up—Bagotville

In his *Second Annual Report* (pp. 191-4), the Commissioner reported that he had made certain recommendations to the Department after an on-the-spot investigation of complaints concerning bilingualism at Canadian Forces Base Bagotville, that the Department had received these recommendations favourably and that he was following their implementation closely.

This summary is a report on the status of the implementation of the recommendations.

Recommendations 1, 2, 4-9, 11-12b, and 13b have been implemented or are being implemented on a continuing basis. They dealt respectively with: implementation of a programme to provide bilingual services on the Base; appointment of an adviser on bilingualism; a better balance of French books in the library; showing of French-language movies; language contracts and agreements made with French-speakers for Base concessions; language of documents dealing with married quarters and mobile parks; English lessons for servicemen; increased French-language content of the *Bagotville Phare-Beacon*; bilingual publications and documents for the administration of civilian employees; French-language publications, orders, administrative bulletins, etc., for units with French-speaking personnel; employment of sufficient bilingual administrative staff to ensure proper service in English; and services to 433 Escadrille tactique de combat (ETAC) personnel.

The Department reported that it was still actively considering Recommendation 3 concerning the establishment of a translation unit on the Base.

With regard to Recommendation 10, which suggested a revision of radio station CKBG's licence to permit French programming, the Department reported that when the station's licence was renewed in 1972 permission was granted for French programming. There had been little response, however, from French-speaking people to a request for announcers (the station operates with unpaid volunteer labour). A new English-language commercial station had begun broadcasting in the area, and the closing down of CKBG (originally set up because of the lack of an English-language station within range) was being considered.

Regarding Recommendation 13a, which required that unilingual English-speaking personnel posted to 433 ETAC be volunteers, the Department replied that its regular policy ensured that unilingual English-speakers were not posted to French-language units unless an urgent operational requirement existed and a qualified French-speaking person could not be found. As a general rule, only unilingual English-speakers who had indicated a willingness to work in French were posted to 433 ETAC, and only after they had been given the necessary amount of French language training. Every effort was made to minimize the number of non-volunteers and to increase the number of French-speakers in the unit.

Finally, in reply to Recommendation 13c, which called for a speeding up of translations, the Department said that publications were being translated as quickly as possible but that it could not set a target date because of the heavy volume of translation that had to be done.

Several complainants alleged that the policy on bilingualism and biculturalism adopted by the Department discriminated against English-speaking members of the Canadian Armed Forces. In support of their contention, they drew the Commissioner's attention to a widely publicized letter which was issued under the authority of the Chief of the Defence Staff with the object of providing information about the promotion system and its relation to bilingual and bicultural goals. The complainants particularly objected to the following statement in the letter:

If it is necessary to deviate from the strict order of merit to achieve an increase in francophone representation, a non-francophone who would otherwise be promoted during the promotion year must be bypassed. To protect this individual, his name is placed at the head of the subsequent year's list and he is promoted at the first opportunity unless there appear, ad interim, justifiable reasons for denying promotion.

In its reply to the Commissioner, the Department explained the rationale behind the policy. It maintained that the small representation of French-speakers in the Canadian Armed Forces had been directly related to inequality in promotion opportunities offered to them and to inadequate socio-cultural facilities in French. The Department's present policy was essentially based on the recommendations of the Royal Commission on Bilingualism and Biculturalism and on the requirements of the Official Languages Act. The Department also had the obligation to see that French, in the same way as English, was increasingly used as a working language, and that in all activities, in all ranks and at every responsibility level, the participation of French-speakers was proportional to their national representation, which was 28 per cent before the last census. In short, the Department's policy was aimed at promoting Canadian unity by meeting the requirements of the Official Languages Act and by offering English- and French-speaking persons opportunity to pursue a career in the Canadian Armed Forces in their mother tongue.

The Commissioner passed on these details to the complainants and gave his opinion that the promotion policy to which they objected did not involve a contravention of, or a failure on the part of the Department to comply with, the Official Languages Act. In his view, he added, the Canadian Armed Forces were trying to provide equal opportunity to members of both language groups and thus give practical effect to Section 2 of the Official Languages Act.

The Commissioner also told the complainants that their criticisms clearly showed the need for honest and thorough explanation of the

bilingualism and biculturalism policy of the Canadian Armed Forces and how it was to be applied. He felt that the wide dissemination of the departmental letter, and other measures adopted showed that the need had been recognized by the authorities.

File Nos. 1127, 1230, 1361—Language of Work

• A French-speaking union representative employed at 202 Workshop-Depot in Montreal claimed he was obliged to write in English the directives covering the manufacture of equipment in different sections of the workshop, that most of the sections of the unit were identified in English only and that nearly all internal forms were solely in English. The complainant's letter was signed by several other employees.

The Department sent a team of investigators to study on the spot the manner in which its policy on bilingualism was being implemented in this military workshop.

The Department described the role and composition of 202 Workshop-Depot, pointing out that it was not a French-language Unit but rather a National Unit in the Department's bilingualism programme, that is, one in which the proportion of French-speaking servicemen reached 28 per cent. About forty posts occupied by servicemen required a knowledge of both official languages. Not all of these posts were held by persons with the required level of linguistic competence, because of the general shortage of bilingual persons within the Canadian Forces.

The Department added that in carrying out their duties members of the personnel, especially craftsmen, regularly had to consult several kinds of technical publications such as manuals, ready-reckoners, parts catalogues, technical orders, etc., many of which came from the manufacturer, who was usually American or British. The workshop's library held more than 5,000 publications, of which only five were published in French. English alone was used to identify millions of pieces of equipment and materials from various sources. It seemed to the Department that one could not escape North American realities and that technicians, both civilian and military, still needed to have some knowledge of English. The departmental investigators had found that, with few exceptions, signs indicating the different sections of the workshop were bilingual; so were posters, standing orders and other orders and directives addressed to the personnel as a whole. All administrative services were offered to members of the personnel in the language of their choice.

The Department concluded from the investigation that 202 Workshop-Depot had been rigorously applying departmental policy regarding bilingual services, and that the incident reported by the

complainant was an isolated case, attributable to an acting planner accustomed to working in English only, a fact that had obliged the complainant to write planning directives in English. Subsequently, however, these directives were all written in French.

The Department said that proper functioning of the unit required bilingual persons as supervisors and in key administrative positions. The complete review of bilingual posts being carried out by the Canadian Forces should make it possible to assure an adequate distribution of such persons.

The Commissioner recommended that all necessary steps be taken to make signs bilingual at 202 Workshop-Depot and to speed up the translation of forms used by the unit. He also recommended that, in order to avoid misunderstandings, the workshop's union representatives be regularly and systematically informed of the implementation of the bilingualism programme of 202 Workshop-Depot.

Shortly afterwards, the complainant received a "bilingual" Service standing order, the French version of which was reduced to a laconic "Voir version anglaise". The complainant also called the Commissioner's attention to a recent notice of an internal competition for the post of Supervisor in the unit, for which the basic language requirement was only a knowledge of English.

The Commissioner told the Department that the French version of the standing order fell far short of meeting the requirements of the Official Languages Act and that he hoped it would promptly be replaced with a bilingual publication. As for the competition notice, the Commissioner requested a clarification of the language requirements of the post in view of the fact that 80 per cent of the civilian employees of 202 Workshop-Depot were French-speaking and the duties of the post included several having to do with personnel.

The Department informed the Commissioner that standing orders would in future be bilingual in conformity with the letter and spirit of the Official Languages Act and that the complaint had grown out of a regrettable oversight.

A few weeks later, the complainant pointed out to the Commissioner that the standing order had still not been published in French and that the competition had been cancelled because it did not conform to Public Service Commission directives.

The Department eventually informed the Commissioner that a French version of the standing order had been published and that the competition notice had been corrected to show knowledge of French as a basic requirement.

- A French-speaking member of the Canadian Armed Forces serving with a French-language Unit in Quebec said that, even though he was

bilingual, he would like to work in English only. He asked the Commissioner to explain to him what his linguistic rights were under the Official Languages Act.

The Department took some time to explain its policy on this important question of principle, admitting that it had not previously studied the matter and had no precedents on which to base a reply.

It began by pointing out that when a man enlists he agrees unconditionally to serve in the Canadian Armed Forces, either for a specified time or for an indefinite period, and may therefore be called upon to serve in various places, according to the needs of the moment. Thus, a bilingual person might be obliged to work in an area where the working language is not the official language in which he is more at ease.

The Department's policy, as expressed in its bilingualism and biculturalism programme, seeks to enable as many French-speaking people as possible to work in their first language. This goal is being gradually achieved through the creation of French-language units. The number of units of this type will increase appreciably in the next few years, making it possible for French-speakers who wish to pursue their career in their first language to do so.

The plan is for bilingual servicemen to alternate between French-language and English-language units, a career pattern especially suited to those wishing to increase their knowledge of the other official language. For example, a French-speaking serviceman who has shown that he has an adequate knowledge of English can choose at the beginning of his military training to take his trade courses in English. Such a decision would obviously increase his chances of being posted to an English-language Unit.

The French-language units are the cornerstone of the programme to provide equal opportunities for advancement and their viability could be jeopardized if there were to be an exodus of bilingual French-speakers to English-language units. The Department cannot therefore allow a bilingual French-speaker complete freedom to choose to work in English.

The Department believed that in the present case it was necessary to ask the question: Was the man bilingual when he enlisted, or did he learn the second language through courses offered by the Department? If the first were the case, he could have indicated the working language he preferred and his wishes would have been respected as far as possible when he was posted. If the second were the case, the Department did not consider that he was within his rights to refuse to work in one of the official languages, because language proficiency acquired through the Department's courses must be considered in the same light as any other kind of proficiency obtained through its training courses.

Should a French-speaking bilingual serviceman categorically refuse to work in French he may, if he has passed the usual language examinations, choose to have English recognized as his first language. In that case, he would be considered as unilingual English-speaking. This would not be to his advantage, because bilingualism is taken into consideration in assessing merit and generally increases chances for advancement.

The Department recognized that the present number of bilingual servicemen in the Canadian Armed Forces did not give it the flexibility it would like. In order to fill all important positions with people who have the right professional qualifications, the Department must sometimes require a bilingual serviceman to work in one or other of the official languages. The Department expected, however, that increased recruitment of French-speaking personnel would soon enable it to meet the wishes of those who expressed a definite language preference.

The Commissioner explained to the complainant that the Official Languages Act was not a Bill of Rights. The basic purpose of the Act was to establish both English and French as the official languages of the Parliament and Government of Canada, and to establish that they both possess and enjoy equality of status and equal rights and privileges as to their use in all federal institutions. The Commissioner gave his opinion, based on a careful review of the case, that the Act did not establish the right of the complainant, as a member of the Canadian Armed Forces, to select his preferred language of work under all circumstances. Accordingly, the decision of the Department to assign him to or retain him in a French-language Unit was not in itself a contravention of the letter, spirit or intent of the Act. He reminded the complainant that, under the terms of his enlistment and the National Defence Act, the Canadian Armed Forces had the right to assign him duties in a unit where his linguistic competence in both official languages and his technical skills best served the interests of the Service.

Finally, the Commissioner transmitted to the complainant the information he had obtained from the Department on how he should proceed if he wished to have his linguistic status recorded differently.

- A French-speaking person complained that the Quality Assurance Division issued its directives, instructions, circulars and memoranda in English only, and that the Department's Headquarters, except for the Office of the Director General of Bilingualism and Biculturalism, corresponded with the division in English. He also stated that publication No. 193, *DND Manual of Quality Assurance* (four volumes), was available only in English, and added that no effort was being made to improve the language situation in his division.

The Department sent the Commissioner an outline of its bilingualism policy regarding publications. Documents distributed to the Forces

were to be produced in both official languages and printed in a bilingual format. Documents of a local nature intended for personnel of the National Capital Region and other areas where the demand is heavy were also to be bilingual. So far, the Department had been unable to meet this goal because often bilingual staff was totally absent, and because of translation, type-setting and printing problems.

However, despite these problems, the production of the bilingual publications had begun and the Department expected to accelerate this work shortly.

The Department further explained that internal communications were conducted in the language of work of the units concerned. However, senior officials should correspond in the language of work of the unit with which they were communicating. The Department's Headquarters is a so-called "National" Unit, that is to say, one in which French- and English-speaking persons are represented in the same proportion as on the national level. Departmental policy allowed national units to correspond in both official languages as necessary.

Since the Quality Assurance Division was part of Headquarters, the writer was free to use the language he chose. If internal correspondence was almost entirely unilingual English, this was because the great majority of the staff belonged to this language group.

The Department said it planned to translate all manuals used by the Canadian Forces and to publish them in a bilingual format, starting with the new manuals.

The Commissioner was of the opinion that the details of the bilingualism policy outlined in the Department's reply, a copy of which was forwarded to the complainant, were in conformity with the Official Languages Act. He informed the complainant that the Department had undertaken to correct the deficiencies pointed out as soon as possible.

File No. 964—Teaching at Chilliwack

A member of a professional association wrote to the Commissioner regarding the setting up of French classes at the elementary level at Chilliwack, B.C., based on the total-immersion experimental model established at St-Lambert, Quebec. He enclosed a copy of a study submitted to the local school board. Although close to six hundred parents from the region, including several servicemen from the Chilliwack Base, had declared themselves in favour of such a school, the school board had not agreed to set up French classes. French-speaking servicemen had therefore to send their children to English public schools. The complainant hoped that a kindergarten and Grade 1 would shortly be set up on the Base, and be open for moderate enrol-

ment fee to the children of French-speaking persons living outside the Base.

The Commissioner pointed out to the complainant that education fell within the exclusive jurisdiction of the provincial governments, and gave him a detailed explanation of the policy covering relations between the Department and these governments.

At the same time, the Commissioner brought the complaint to the attention of the Department, which replied that the children of servicemen attended public schools in the area under an agreement between the Department and the Government of British Columbia. Courses were given in English only. So far, the demand had not been considered sufficient to justify asking Chilliwack authorities to establish schools in which the language of instruction would be French. However, a team from the Department had gone to the Base to study the question more closely and the Commissioner was invited to send an observer to join it. The invitation was accepted.

Following this visit, the Department said that a study would be carried out to determine whether there was a sufficient number of possible French-speaking pupils to justify an official request to the Chilliwack school board for a French-language school.

The study showed that the parents of only six children, out of a total of about forty, wanted to enrol their children at a French-language school in September 1973. Nevertheless, the Department said it was willing to reconsider the question as soon as a sufficient number of parents had expressed a desire to have their children do their lessons in French.

The Department added that a committee had just been set up at Headquarters to study the complex problem of the education of children of servicemen and civilian employees. This committee was to examine in particular the schooling in French of dependants. One of the possibilities envisaged was the establishment of French-language classes on certain bases outside Quebec where the number of French-speakers justified such an initiative. In October 1973, the Department informed the Commissioner that the committee had been established on a permanent basis.

The report by the observer from the Commissioner's Office who had visited Chilliwack revealed that, except for a notice in the canteen, signs and markings on the Base were in English only. The Commissioner therefore recommended that the Department take this fact into account in implementing its stated policy on signs and markings.

The Department decided to set in motion a plan aimed at making all signs and markings on the Chilliwack Base bilingual by 1 December 1973.

The Commissioner informed the complainant that it seemed to him that the Department was conscious of its responsibilities in the field of education and was doing its utmost in this regard to abide by the Official Languages Act.

File No. 1165—Medical Course

The complainant claimed that on completing their medical studies in June 1972, a group of 29 officers were sent for three weeks to Canadian Forces Medical Services School at Borden to take the course Basic Medical Officers 7201. The course was given exclusively in English although 12 members of the group were French-speaking and unable to use English as a working language. Seven of the doctors, including five French-speakers, were later called upon to take another, one-week course, also given solely in English because of the dearth of French-speaking instructors on Canadian Forces Base Borden. The spokesman for the group added that repeated verbal requests to the responsible officers for courses in French or simultaneous translation had gone unheeded.

The Department informed the Commissioner that, since 1969, servicemen whose mother tongue was French had been able more and more frequently to get their training in French under the policy of the Canadian Forces, designed to ensure that courses were given in French to the largest possible number of recruits, taking into account the availability of competent instructors. The Department estimated that 85 per cent of French-speaking recruits were able to take basic training in their speciality in French. For the others, there was a programme of private lessons, but its effectiveness was being hampered by the scarcity of French-speaking instructors and the difficulty in getting translations of teaching materials, examinations, etc.

The Department added that school authorities were studying the implications of an extension of instruction in French at all levels of a speciality. This extension would necessarily be tied to the schedule for implementing the programme to increase bilingualism and biculturalism within the Department. Until it became possible to give the elementary course for military doctors in French, tutorial assistance in French would be provided to French-speaking doctors as far as possible.

After receiving further details from the complainant, the Commissioner informed the Department that, in his opinion, the Canadian Forces were assuming that most of the French-speaking doctors who were finishing their training had a passive knowledge of English, whereas the complainant claimed that many of them had only a very superficial knowledge of written English. He stressed that this factor was of particular importance because, according to the complainant, the recourse to tutorial assistance in French was not an adequate solution.

The Commissioner suggested that the possibility of offering the elementary course in French be studied further, since the number of French-speakers who had taken this course in the summer of 1972 constituted, in his opinion, a significant demand under the terms of the Official Languages Act. He recommended that the course be given in French in 1973 if the number of French-speaking candidates justified it, even if exceptional measures had to be taken in order to do so.

The Department, after further study, replied that it recognized the right of the individual to receive training in the language of his choice, but that in the present case it could not carry out the Commissioner's recommendation beginning in the summer of 1973 in view of the present lack of resources.

The Commissioner regretted that the Department would not be able to offer the training course in French in the summer of 1973 to 13 new French-speaking military doctors. However, he was pleased to note that they would benefit from a number of special measures that the Department had decided to take in order to reduce as much as possible the handicap which the young French-speaking military doctors would once more have to face. The Commissioner noted the constraints and priorities advanced by the Department but recommended that as soon as possible young French-speaking doctors be given initial training in their own language, in conformity with the Official Languages Act.

In October 1973, the Department reported that this matter was still under consideration.

File No. 1351—Language Testing

A French-speaker complained that public servants who wished to take a course at the Canadian Forces Foreign Language School had to take the Modern Languages Aptitude Test which was available only in English. Thus, from the very beginning all French-speakers without a good knowledge of English were eliminated. The complainant also claimed that few of the teachers had a knowledge of French and that consequently foreign languages were taught at the school from the standpoint of English only.

The Department admitted that the test existed in English only but said that neither French- nor English-speaking students were obliged to take it and that it was intended only for the internal use of the School. In no case did it serve as a basis for selection and the results were not placed in the individual's file.

The Department pointed out that, in keeping with the new method of language teaching of the Public Service Commission's Language Bureau, the foreign-languages teacher should not use both official languages

during classes. However, if the teacher knew French this would facilitate his relations with French-speaking students outside the classroom and at the start of classes. Finally, the Department stated that Canadian Forces Headquarters was aware of the absence of French-speaking staff at this school: the assignment to the school of a specialist in education with a mastery of the French language was already planned and would be implemented shortly.

The Commissioner reminded the Department that it had a duty to provide administrative and instructional services in both official languages to the "public" of the Canadian Forces Foreign Language School. It did not seem that this was being done.

The Department informed the Commissioner of steps taken to provide the required services. However, the courses offered at the Foreign Language School all came from the United States and were published in the language taught, with explanations in English.

The Commissioner pointed out to the Department that, in these circumstances, French-speaking trainees were not benefiting from the services of the School in the official language of their choice and did not have the same chances of succeeding as their English-speaking colleagues. As this situation contravened the letter and spirit of the Official Languages Act, he recommended that the Department make every effort to provide teaching which met the needs of French-speaking trainees.

In October 1973, the Department reported that this matter was still under study.

File No. 1135—Ceremony at Ottawa

A French-speaking complainant drew the Commissioner's attention to an article in the newspaper *Le Droit*, concerning the presenting of the colours by the Governor-General's Footguards on Parliament Hill on 1 July 1972. This ceremony was allegedly conducted entirely in English.

The investigation revealed that the regiment which took part in this ceremony was an English-language unit and the orders were consequently called in English. However, His Excellency the Governor-General, who is Honorary Colonel of the regiment, gave the speech in both French and English. The actual ceremony of presenting the colours is essentially a religious one and the text of the consecration of the colours was read in French by the Chaplain General of the Canadian Armed Forces. The text of this blessing appeared in both official languages in the programme for the occasion.

The Commissioner agreed with the Department that this ceremony did have some bilingual content. In his opinion, however, the programme

designed for the event did not conform with the spirit and letter of the Official Languages Act. He recommended that programmes printed for military ceremonies to be held in public appear either in a bilingual format or in separate French and English versions. In October 1973, the Department informed him that all such programmes were being printed in a bilingual format.

File No. 1187—The Cadets of Saint-Eustache

A complainant sent the Commissioner a copy of a letter published in a Montreal French-language daily concerning the annual inspection of air cadets in the Saint-Eustache area. According to the writer, the ceremony had taken place entirely in English although most of the participants were French-speaking.

The Department informed the Commissioner that each squadron commander was free to choose the official language to be used within his unit. In the present case, the commander had made his choice on the basis of advice from the instructors and cadets of the squadron. At the ceremony in question, he had begun and ended his address in French, while the representative of the Provincial Committee of the Air Cadet League had made his speech entirely in French.

The Department added that, to prevent similar criticisms in future, it had been decided that, beginning in September 1972, the squadron would adopt the French version of drill commands.

The Commissioner recommended that the Department take the necessary measures to ensure that the choice of the language of command within squadrons of the Air Cadet League of Canada is based on criteria common to all squadrons rather than on the decision of their commanders, and that this language policy be applied also to the Naval Cadet League of Canada and the Army Cadet League of Canada.

The Department accepted the Commissioner's recommendation and later sent him a copy of its "Bilingualism and Biculturalism Guidelines for Cadet Units and Summer Camps". The Guidelines, which were aimed at implementing within the Department "various government bilingual and bicultural policies and directives", covered administration and organization, recruiting, training, drill, visits and inspections, and publications.

File Nos. 958, 1084, 1212, 1223, 1220, 1261, 1357, 1517, 1568, 1578, 1757, 1793—Visual Aspects

- A complainant pointed out that at the Canadian Armed Forces Base at Uplands, Ottawa, there was a unilingual sign, "Expressmart", to identify the Base's grocery store. She added that the store's staff badges and bags also bore the same inscription in English only. She

also stated that the translation "Market-Express" would be unacceptable.

The Department said it had chosen this commercial sign because it thought it adequately described the store to both language groups. It did not believe that the word "Expressmart" contravened the Official Languages Act.

The Commissioner agreed with the Department and decided to close the investigation of the complaint since the offending word, which was neither French nor English, represented only a commercial sign. He informed the Department, however, that, in his opinion, the Canadian Armed Forces could not claim this word as being truly bilingual.

- A French-speaking person claimed that at a military exhibition at the St. Laurent Shopping Centre in Ottawa, directives, information and written publicity were all in English only.

The Department informed the Commissioner that the complaint was unfounded but that it thought a misunderstanding existed owing to negligence on the part of certain commercial interests at the exhibition. Some had failed to comply with its request that all advertisements be posted in the two official languages, side by side. To prevent such errors, the Department would make sure that publicity for future exhibitions in the National Capital and in bilingual districts be in bilingual format.

The Commissioner recommended to the Department that all publicity for exhibitions be bilingual.

The authorities involved took note of this recommendation and assured the Commissioner that they would take the necessary steps to conform to the spirit and letter of the Official Languages Act.

- Two French-speaking complainants from Ontario and New Brunswick said that the signs on the road to the Canadian Armed Forces Station at Falconbridge and at the bases in Chatham and Saint Margarets, were in English only. As an example, the first correspondent mentioned such signs as "No Trespassing", "Salesmen or Peddlers Not Allowed", and "Keep Right".

The Department explained that in January 1973 it had issued a directive stating that all signs and posters on Armed Forces bases must be bilingual. As a result, all relevant signs in the National Capital Region were immediately corrected. In view of the large number of unilingual signs in existence and considering the high cost of carrying out this directive, the Department decided to extend the time limit to December 1973. It informed the Commissioner that it had asked military authorities to encourage their bases and stations to use all possible

means to speed up the replacement of unilingual signs. The Department had recommended they start by correcting the signs in public view.

The Commissioner was advised that the programme was well under way and that the signs should all be bilingual by December 1973.

- A correspondent said that at a meeting of army cadets he had noticed that the uniforms worn by those affiliated to the Royal 22^e Régiment, the Royal Montreal Regiment and the Fusiliers Mont-Royal, reflected English unilingualism or at least the priority given to the English language.

The Department told the Commissioner that the majority of cadet corps were affiliated to a unit of the Regular Forces or of the Reserves. Only three French-language cadet corps had no such affiliation. When there was this affiliation, as in the present case, the shoulder flash worn was usually that of the unit to which the corps was attached. The names of historic regiments, such as the Royal 22^e Régiment and the Royal Montreal Regiment, were not translated. It was therefore possible that a French-language cadet corps attached to an English-language unit wore an English-only insignia.

The Department went on to explain that two other insignia were authorised: one bearing a maple leaf and the inscription RCAC (Royal Canadian Army Cadets), then available in English only but which would be distributed in French as soon as possible, the other with the words "Army Cadet", also in English only. The French-language corps wearing the latter usually made a practice of cutting the insignia in half, so that only the word "Cadet" appeared.

Finally, the Department said, all insignia to be worn on the new green military uniform would be available in French and English. In this way, the choice of insignia would be made according to the corps' affiliation and its language of work.

The Commissioner passed on these details to the correspondent and said that he thought the steps the Department had taken for future insignia would correct the situation.

- Two complainants pointed out there were several signboards in English alone in buildings belonging to the Department.

The Department admitted that the signboards were unilingual and said they had been immediately corrected and made bilingual. It added that all military establishments in Ottawa had been checked to make sure that unilingual English signboards had been changed.

- A French-speaking person told the Commissioner that parking stickers issued at the Department's Headquarters were in English only.

The Department said that these stickers had been modified for 1973 with the use of numbers or alphabetical codes, which are identical

in both official languages. If this new version proved unsatisfactory, and if another were needed for 1974, the Department assured the Commissioner that it would see to it that all details appeared in both official languages.

- A French-speaking complainant objected to a number of unilingual English signs in the parking area of the Department's Medical Centre on Alta Vista Drive, Ottawa.

The Department admitted that such signs were posted and set about replacing them with bilingual versions. The project was expected to be completed by the end of 1973.

- A French-speaking person complained about the unilingual English wording "Canadian Armed Forces" on the doors of military planes.

The Department explained that "Canadian Armed Forces" appeared on the left of its planes, where the door was located, while "Forces Armées Canadiennes" appeared on the right side. This gave the impression to those entering the planes that there were only English markings. The Department had adopted a new policy on this matter and in future the words "Armed Forces" and "Forces Armées" would appear in two lines on each side of the maple leaf badge at the front of the aircraft. The identical markings would be on both sides of the plane. In addition, "Canada" would be painted just above the middle line on the fuselage.

This programme was being carried out as fast as possible and by the end of 1973 it was hoped that 90 per cent of military planes would carry the new markings.

- A French-speaking correspondent said that during a stay at North Bay he had noticed several unilingual English signboards at barracks in Chippewa.

The Department agreed to erect bilingual signs.

- A member of a French-speaking cultural organization complained that a vehicle bearing licence number 15901 (Canada) carried a unilingual sign on its windshield.

The Department agreed to remove the offending sign.

File No. 940—Documents in English—News Releases

The editorial section of a French-language newspaper in Alberta said it had received news releases in English only from the information services of a military base in the Edmonton region.

The Department expressed its surprise over the matter as it had recently sent out a directive on the subject of French-language newspapers. It went on to say that the head office of its Information Service

distributed news releases in both French and English to conform to the Official Languages Act. On the other hand, the Department's regional offices published news of local interest in French or English or in both languages, depending on the region concerned.

The Department's policy was that it should be able, upon request, to give all information in both languages in Canada and abroad. It was trying to surpass the government objective of dealing with all important requests in a satisfactory manner. At the moment, however, the Department lacked both the competent bilingual staff and the translation services it needed to meet its goals. This was also the situation in the Edmonton Regional Office, which had already published about 50 news releases since the beginning of 1972. A suggestion that the Ottawa office translate all news releases was not accepted in view of the small proportion (less than 10 per cent) published in French.

The chief of the Edmonton Regional Office talked to the editor of in the Edmonton office which would be of interest to French-language the newspaper in question and it was agreed that news releases prepared readers would be discussed orally and then written direct in French by the newspaper itself or, if necessary, sent to Ottawa for translation.

In the meantime, investigation in Edmonton revealed the existence of translation services in the local office of the Department of the Secretary of State which would henceforth translate all news releases concerning the 1^{er} Commando aéroporté, the only items of interest to the newspaper which had complained.

The Department admitted that this situation was not ideal since have either bilingual personnel or translation services which would oral reports would still be given in English, but it hoped to eventually ensure that all news releases were published in both official languages.

File No. 1583—Canada Emergency Measures Organization

A French-speaking public servant complained that he had received with his pay cheque an English copy of a pamphlet prepared by the Canada Emergency Measures Organization.

Investigation revealed that all such pamphlets were available in both French and English. They were supplied in bulk to departments and provincial governments, who were responsible for seeing that they were distributed correctly.

To avoid the possibility of such mistakes recurring, the Department told the Commissioner that it had asked the Canada Emergency Measures Organization to publish pamphlets and brochures intended for the public in bilingual format, in accordance with the Department's general policy of using a bilingual format wherever possible.

The Commissioner asked for a copy of the new pamphlet and was told that one would be sent to him. The Department said it would take about six months to use up current stocks and print the new pamphlet.

File Nos. 1085, 1273, 1290—Telephones

- A member of the Quebec Department of Social Affairs pointed out that he could not communicate in French on the telephone with a section of Headquarters which he was advised to contact for certain information.

The Department asked the Commissioner to offer its apologies to the complainant. It emphasized that if there were few bilingual personnel at Headquarters it was because the positions designated as bilingual by the Canadian Armed Forces were not all filled owing to a lack of sufficiently qualified candidates. In the Department's opinion, the complainant should have been advised to call a directorate where bilingual staff was usually available rather than a section where there was normally no contact with the public and where no position was classified as bilingual.

The Commissioner recommended that in order to prevent, as far as possible, a recurrence of the complaint, personnel should be reminded of the Department's policy or, if necessary, a directive should be issued explaining the procedures to be followed when a unilingual member of the staff received a call in the official language he did not know.

Following this recommendation, an overall study was undertaken by the Department in an attempt to find a permanent solution to the problem, since the solution of filling all sections and directorates immediately with bilingual personnel was not contemplated.

In July 1973, the Headquarters Telephone Information Centre went into operation on Colonel By Drive in Ottawa. It was staffed from half an hour before to half an hour after normal working hours each weekday by carefully selected bilingual personnel. The Centre issued visitors' passes and answered visitors' questions and telephone inquiries. Difficult questions were transferred on direct line telephones to bilingual officers and clerks.

- A complainant said that he was unable to find a listing in French of different numbers of the Canadian Armed Forces in the December 1971 edition of the Ottawa-Hull telephone directory.

The Department said that it had already taken the necessary steps to make sure that a French listing of such numbers appeared in the next edition of the directory. It had already issued a directive concerning military establishments in Europe as well as all those in Canada. All telephone numbers whose subscription was paid by public funds had to be indicated in both French and English as of December

1972. In addition, the Department distributed its directives to several enterprises under its control but not supported by public funds. Another directive was to be distributed stating that all the telephone numbers of enterprises such as exchanges, messes, canteens, etc., in the National Capital Region, in Quebec, in bilingual districts and in all places with French-language units, had to be listed in both official languages.

- A French-speaking person claimed that when he telephoned Canadian Forces Headquarters in Ottawa about a traffic ticket, someone answered in English only and told him a bit angrily that nobody in the office spoke French.

The Department pointed out to the Commissioner that the call was taken by a military policeman in charge of automobile traffic. The number dialled was not listed in the Ottawa-Hull telephone directory because the main function of the post was to regulate traffic, not to give information to the public.

According to the instructions in force, two policemen were on duty in this office, one of them bilingual. If a French-speaking person called and the other policeman was unable to converse with him, he offered to put him through to his bilingual colleague. At the time of the call in question, the officer on duty was temporarily alone in the office. It appeared that this officer, who was unilingual English-speaking, did not have the time to offer the services of a third party, because the complainant made some quick remarks and hung up. The Department said that it had found it difficult to determine whether there really had been improper behaviour on the officer's part.

The Commissioner informed the complainant that there had been no contravention of the Official Languages Act. He further pointed out that, in order to prevent misunderstandings, the Canadian Forces Headquarters had issued a directive setting forth the procedure to be followed when a military policeman or an officer of the guard-room was unable to reply in the official language of the caller.

File No. 1300—Correspondence

A French-speaking person, secretary-treasurer of an Alberta school district, complained that he had received a unilingual English letter concerning recruitment of teachers for the Department's schools in Europe.

The Department explained that its general policy was always to address school boards in their language. The letters sent out during the annual campaign to recruit teachers for its schools in Europe followed this rule. In cases where the boards represented French

and English schools, correspondence was in both official languages. In the case of a number of newly-created school boards throughout the country it was difficult to know which language to use. Some had stated their preference for one language or the other, or for both, and the Department had complied. The Department added that it would like to know in which language the school board concerned wished to receive correspondence.

At his request, the complainant's name and address were communicated to the Department along with the information that he wished to receive future correspondence in French.

NATIONAL ENERGY BOARD

SUMMARY

The National Energy Board views its bilingual capacity, for its predominantly English-speaking clientele, as adequate, but not sufficient. It expects to remedy this insufficiency by December 1978.

In response to the Commissioner's questionnaire, the Board replied that in 1969 it adopted the provisions of the Official Languages Act "in the discharge of its statutory responsibilities and in the conduct of its informal operations" and said that its objectives corresponded to those of the government.

NEB informed the Commissioner that because the Board's regulatory functions are primarily co-ordinated by its Secretary, a bilingual capability is provided within the Board's Secretariat. Oral information and telephone communications are reportedly handled in the language of the caller by designated personnel. Materials such as forms, publications, signs, notices and inscriptions on the Board's premises were stated to be bilingual.

As for equal use of English and French within the Board, the Board recognized that "additional efforts must be made to fully subscribe to Section 2" of the Act. However, it seemed to have taken some steps: internal written communications of interest to all staff, for example, are produced in a bilingual format. Work between employees and supervisors, according to the Board, is mainly done in English; but in certain sections such as the Secretariat and the Personnel Division, supervision is possible in both official languages.

Members of senior management, the Secretary and the Director General (Operations), are in charge of general administration of the Act. The Board is developing an inventory of the linguistic skills of its employees, and expects this will be helpful in developing bilingual staff.

NATIONAL FILM BOARD

COMPLAINT

File No. 984—Publications

The complainant criticized the NFB for not publishing its *Challenge for Change Newsletter* in French.

An investigation of the complaint revealed that the *Challenge for Change/Société Nouvelle* programmes were financed and administered by an interdepartmental committee made up of representatives from the NFB and seven other government agencies. The committee decided that these publications would better serve the interests of their readers if two different editions were prepared, one for English-speakers and one for French-speakers. For this reason, *Challenge for Change Newsletter* was published in English and *Multi-Media* in French.

A group of editors were asked to supervise the publication of the two editions. They decided that both editions would have more or less the same format and would contain articles on the English and French programmes. Provision was made for occasionally reprinting in the English edition an article appearing in the French one and vice versa.

The Commissioner informed the complainant that the NFB's decision about its publications *Challenge for Change Newsletter* and *Multi-Media* was in accordance with the principle that the two official languages have equal status.

NATIONAL HARBOURS BOARD

COMPLAINTS

File No. 555—Notice for Tenders

The Commissioner received from a French-speaking correspondent in Winnipeg a copy of a Notice to Contractors calling for tenders for the construction of various projects. The notice had appeared in a Winnipeg English-language daily. The complainant contended that a French notice should have appeared in the local French-language weekly (there is no French daily press in Winnipeg).

According to the Board, advertising in a French weekly could create more cause for complaining since people relying on the French

weekly might conceivably read a notice as many as six days after it had first appeared in the English daily press. The Board, however, was willing to abide by whatever procedure the Department of Public Works followed in such cases.

There had been discussions between the Commissioner and the Department of Public Works but the question of tenders had not yet been resolved. However, it was agreed, and the complainant was so informed, that the Special Studies Service of the Commissioner's Office would carry out a study of the Department that would include an examination of the tendering process in the light of the Official Languages Act.

File No. 1614—Directory

The complainant wanted to know when the French version of the *Port Directory* would appear.

The Board informed the Commissioner that the delay in the appearance of the French version was due to delays in translation.

The Commissioner recommended that the Board make every possible effort to have publications of public interest appear simultaneously in both official languages, even if that might cause delays.

NATIONAL HEALTH AND WELFARE—"Bringing Up Baby"

EVALUATION

Over the last three years, the Department quickly corrected the 31 complaints lodged against it. Many complaints arose from administrative errors. For instance, someone sent the wrong version of a letter or pamphlet, or a clerk sent back a bilingual form because he did not notice that it had been completed on the French side. French-speaking complainants also reported that telephoned requests for information were not always handled in French. Most complaints could probably have been avoided if the staff had better understood the implications of the Department's bilingualism policy in its daily work—a surprising weakness, since the Department is one of those which have taken the trouble to spell out their policy in a helpful and readable pamphlet for all employees.

The Commissioner made a special study of the Welfare side of the Department. Although the Department did not receive his recommendations until May 1973, its approach to them during the following six months appears encouraging.

In December 1973, the Department provided general information about action taken on the recommendations appearing below and contained in the study report the Office sent it in May of that year.

On Recommendation 1, the Department decided to ensure implementation of the Official Languages Act by holding its assistant deputy ministers responsible for administering this Act within their respective branches. In response to Recommendation 2, the Department took steps to inform all staff about the new bilingualism policy; it distributed the two relevant Treasury Board circulars to all staff. In addition, during a cross-country tour, a team of the Department, it reports, stressed the importance of the official languages programme to all employees and explained the language requirements of positions.

The Department stated in November 1973 that Recommendations 3, 4, 6, 7 and 18, dealing with signs, forms, telephone listings and other printed material, were already substantially implemented, or would be by the end of 1973. As for Recommendations 5 and 8, it indicated that all its booklets and publications had been produced simultaneously in both official languages since 17 September 1973 and that the same principle was being generally applied to posters and other visual material. The Department reported that it has asked employees to ensure an equitable distribution of visual material in both languages when the Department or government supplies it. As for Recommendations 9, 10, 11, 12, 13 and 20, the Department sounded out its field offices to determine the demand for services in the minority official language, and it intended to apply the Treasury Board's guidelines. The Department, in December 1973, was implementing Recommendations 14, 15, 16 and 17 concerning information services, and had also acted on Recommendation 21.

Since this study is among the more recent ones conducted by his Office, the Commissioner will obtain, through future follow-up, additional and more precise information on the results of the various measures taken by the Department to implement his recommendations.

The Health side of the Department was one of the twenty federal departments which received the Commissioner's management questionnaire. From the general information the Office obtained, it is possible to have a bird's-eye view of the Department's official languages activities which began in 1970.

The Department's bilingualism policy document was developed in 1971 and has apparently been distributed to all employees. The ultimate responsibility for implementation of this policy, the Department said, rests with senior management. However, actual implementation receives the attention of many others, including the Bilingualism Adviser, the Language Training Service, the Bilingual Staffing Service, the Second Language Testing Service and the Forms and Manuals Control Service.

Information directed to the public, the Department said, is available in both official languages. With the assistance of a centrally located unit, the Department stated it is pursuing the task of assuring that forms, publications and other documentation are available in the two official languages to the public as well as to its employees. Items such as notices, posters and bulletin boards were reportedly in both official languages. The same principle, indicated the Department, applied to telephone listings, but there were some outstanding deficiencies which would be corrected by September 1974. The Department uses simultaneous translation at conferences to serve English- and French-speaking participants equally.

The two official languages, the Department admitted, do not yet enjoy equal status within its operations. But French-language units were apparently "functioning quite well", and the Department hoped to increase the number of these units in Ottawa and strike a better balance between the use of French and English.

The Department declared that all its manuals will be bilingual by 1975. It reportedly encourages employees to originate work in French and discourages translation of replies to letters. It maintained that in meetings, more and more employees express themselves in French. Where the supervisor is bilingual employees work in the language of their choice, but the Department does not claim this arrangement to be widely prevalent.

SPECIAL STUDY—WELFARE COMPONENT

The study was conducted in order to determine to what extent the requirements of the Official Languages Act had been met with respect to the provision of services to the public. Since the Welfare Component's responsibilities are many, those related to pensions, allowances, grants, sports, recreation, social and information services in particular, were selected for study.

The team found that by the end of 1971 the Department had widely distributed its policy statement on bilingualism with accompanying implementation dates and had, in certain areas, undertaken useful reforms. However, in several offices institutional bilingualism was not achieved and little progress had been made in the recruitment of bilingual personnel and in the field of language training.

Furthermore, departmental arrangements did not allow the office of the Bilingualism Adviser to play its role fully.

The general departmental policy required that elements of visual bilingualism such as signs, telephone listings, publications, forms,

calling cards and visual material used in reception areas be bilingual. At the time of the study, a good percentage of this material was already bilingual or was in the process of being made so.

All services studied at head office involved oral communication with the public. The researchers observed that sports services were not always all accessible in both official languages but that the recreation services had the necessary potential to comply at all times with the requirements of institutional bilingualism. The team found that in order to make services equally available in both official languages, the proportion of bilingual staff within the ranks of officers and support personnel of the Welfare Grants Division should be increased, as should the level of bilingualism in the Family Planning Division, where there was only one bilingual employee.

Some regional and local offices of the Income Security Branch, the Canada Pension Plan Branch, New Horizons, the Canada Assistance Plan Branch, the Information Services Directorate, Sport Canada and Recreation Canada were also studied. (The latter two now come under Health.)

In all Income Security offices except those in Newfoundland and Prince Edward Island there was at least one bilingual employee. However, bilingual field officers were attached only to the following offices: Winnipeg, Ottawa (region), Montreal and Quebec. Therefore, in most of the provinces, the services of the Income Security Branch provided by its travelling field officers were available in one language only. Services provided orally in the offices themselves or through correspondence were reported to be available in both languages in every province where there was at least one bilingual member. This was the case in most provinces.

The Canada Pension Plan Branch had two bilingual employees in Alberta, two in Nova Scotia, eight in New Brunswick and four in Manitoba, but none in British Columbia, Saskatchewan, Prince Edward Island, Newfoundland and several regions of Ontario. In the whole of Ontario, there appeared to be 30 bilingual employees out of a total of 172. Officials nonetheless assured the team that, in these areas, written services, at least, were available in the two official languages.

The New Horizons Branch was in a position to provide at least partial bilingual services in several provinces. In British Columbia, Alberta, Saskatchewan and Newfoundland there were no bilingual employees. In two instances the representatives did not anticipate engaging the services of bilingual assistants or calling upon the services of bilingual employees at head office to reach the two linguistic communities.

Sport Canada and Recreation Canada had no bilingual employees in their regional offices.

The Information Services Directorate had at its central office 22 officers, 13 of whom were bilingual. Five regional offices were in the process of being set up. At the time of the study, two officers were on duty; one was unilingual and the other had completed the third cycle of the Public Service Commission's French course. Plans indicated that the only regional office to have a bilingual capability would be the one in Montreal.

For paid advertising, the Information Services utilized media such as radio, television and daily newspapers. The press presented a special difficulty as there were only three provinces with French-language dailies; for this reason, it was obviously impossible for an agency to reach all French-speakers in the country. In some instances, weeklies were the only available organs but they were not used. Films were used in several of the branches but not all were in French- and English-language versions.

Language training caused a particular problem owing to an apparent lack of communication between head office and the field on the various aspects of language training. At headquarters, 45 employees were enrolled in language training; at the field offices visited, only about 25 employees across the country took language training in 1971-72. Few field offices resorted to language testing and, in one of the branches, full reimbursement for language courses was not offered in keeping with the generally accepted departmental practice.

The Welfare Component made a real effort to achieve institutional bilingualism in various branches, particularly in the domain of visual material. However, in other areas such as information services, personnel and language training, the component did not fully comply with the spirit and intent of the Official Languages Act. In view of these deficiencies the Commissioner recommended that:

General Policy

(1) a senior civil servant be appointed as the official responsible for the implementation of the requirements of the Official Languages Act whose duties would be

(a) to preside over the establishment of objectives and the planning and implementation of the consequent programmes; and

(b) to supervise and monitor all activity related to the different aspects of bilingualism in relation to the Act;

Staff Information Programme

(2) (a) an extensive staff information programme based on the requirements of the Act and complementing the Department's policy statement be immediately set up; and

(b) all civil servants both at Headquarters and in regional offices be fully informed and that all new recruits (permanent staff, contractual officers,

temporary staff, etc.) be made aware of the established policy and know what action is necessary to comply therewith;

Signs

(3) it actively pursue its programme of rendering signs and directories bilingual so that the work be completed by 30 September 1973;

Telephone Listings

(4) (a) it ensure that all its offices place bilingual listings in the telephone directories and that the Department contact the Telecommunications Agency of the Department of Communications to obtain its assistance in negotiating bilingual listings with telephone companies in the various jurisdictions where difficulties have been encountered in the past;

(b) until this recommendation can be put into effect, the telephone numbers of all programmes and services of the Department be published every three months in the appropriate French-language weeklies;

Publications

(5) all remaining unilingual publications emanating from the Department and intended for public use be rendered bilingual by 30 September 1973;

Forms

(6) all remaining unilingual forms which are intended for public use, be they published at headquarters or locally, be rendered bilingual by 31 December 1973;

Stamps

(7) all rubber stamps and imprints made by postage meters be rendered bilingual by 30 September 1973;

Printed Material in Reception Areas

(8) all reception areas of every office have available in both official languages, all booklets, publications, posters or other visual material, emanating from their own department or any other federal government department and that an equitable distribution of non-federal government French-language and English-language magazines, booklets or other visual material be made available to their public;

Services Provided Orally

(9) (a) a review of the composition of the staff of each service, programme, office, and so on, be undertaken immediately so as to determine the ability of the latter to meet the requirements of the Official Languages Act with respect to services;

(b) between now and 30 September 1973, a statistical report be prepared indicating the number of permanent and contract employees, casual and term staff (six months and longer), and including information on the degree of bilingualism of the staff in each of the services, programmes, offices, and so on; that these statistics and information be kept up to date;

(10) it avail itself of every opportunity, without endangering the job security of the present staff, to recruit bilinguals or unilinguals using the language of the community not fully benefiting from services, to transfer staff members and to enable a certain number of them to acquire a knowledge of the second language, where the linguistic composition of the staff prevents the provision of services in both official languages;

(11) henceforth, in the offices which have to provide bilingual services, such services be at all times automatically provided in one or other of the official languages without undue delay for any member of either of the two linguistic groups and without the client having to insist on using his own language before being attended to by an employee who speaks his language;

(12) the public in all regions and districts in which the Welfare component has a bilingual staff be informed that it is possible for them to have their inquiries dealt with in either of the two official languages;

Telephone and Reception Services

(13) (a) all its divisions, branches, programmes and services at headquarters, in field offices serving whole provinces and in field offices serving an official language minority, identify their respective offices in both official languages; and that anyone requesting service in either one of the official languages by telephone or in person but who cannot obtain it through the receptionist on duty, have his or her request immediately transferred in his or her language to an employee capable of answering in the language of his or her choice;

(b) in the offices mentioned in 13(a) where there are no bilingual telephone receptionists, the officers in charge see to it that these employees have access to the special language courses (made available through the office of the Adviser, Bilingualism Development), designed to train secretaries and receptionists to receive calls in the two official languages;

Information Services

(14) steps be taken to ensure that contacts with the French and English press, advertising and promotion, and the supplying of general and particular information (telephone requests, for example) always be assured equally in both official languages;

(15) (a) in choosing advertising and communications media, care be taken to henceforth ensure that they can in fact serve both language groups; and

(b) henceforth, weekly newspapers be used as substitutes in provinces and regions in which there is no daily newspaper in the language of one of the language groups;

(16) concrete steps such as hiring, language training, transfers, telephone communication service with headquarters, be taken immediately in regional offices, without endangering anyone's job security, so that the various publics can benefit from the information services in their own language, in accordance with the Official Languages Act;

(17) steps be taken to ensure that the information services in the Halifax office have, as soon as they are set up, a staff capable of providing information and communicating in both languages;

Exhibitions and Films

(18) (a) whenever the Department, a Branch or a Division is identified on signs and material used at exhibitions and fairs, it be so identified in both official languages and that all material displayed for the use of the public be bilingual;

(b) henceforth at all fairs and exhibitions, whenever the Department, a Branch or a Division takes part, there be an appropriate number of bilinguals or unilinguals from both language groups on duty to serve the public in the two official languages;

(19) henceforth there be equitable showings of both English and French films whenever it takes the initiative to show films during exhibitions or others public events;

Language Training

(20) it re-examine its policy of only reimbursing 50 per cent of language training as it pertains to headquarters and especially to the field offices by (a) engaging in direct communication with the field offices with respect to language training programmes and keeping these offices continuously informed of all programmes and any new developments;

(b) informing the field offices of all schools and approved institutions where language training is available and, in collaboration with these offices, make every effort to have staff members enlist in these courses;

(21) it re-examine its policy of only reimbursing 50 per cent of language costs for Canada Pension Plan employees and consider offering the full reimbursement as it does for the other branches;

(22) it report to the Commissioner of Official Languages by 31 December 1973 on its efforts and improvements in the field of language training.

SPECIAL STUDY—CANADA PENSION PLAN OFFICE, MONCTON

The principal aim of the study was to determine to what extent the Canada Pension Plan Office in Moncton complied with the Official Languages Act, as far as language of service was concerned.

The findings of the study revealed that the Office had shown laudable initiative in providing bilingual services to the public, and indicated the staff's genuine interest in complying with both the letter and the spirit of the Act.

All four staff members, the study team noted, were competent to handle, in both official languages, the wide range of contacts they had with the public.

All signs, forms and publications were, without exception, in the two official languages. Advertising and publicity activities were carried out about equally through French and English communications media.

Approximately 20 per cent of the correspondence received was in French and, of course, was answered in this language. The sole shortcoming observed by the team, and a very minor one at that, was the lack of bilingual calling cards. This led to the formulation of the single recommendation:

that all calling cards authorized for staff in Moncton be presented in both languages, either on one side or on both.

COMPLAINTS

File Nos. 631, 1319, 971, 1325—Various Forms

- Two French-speaking persons from the West complained that the Department was not serving the public in the official language of its choice. The complaints referred to forms connected with the old-age security pension and with family allowances. In the first case, the name and address had been written on the English side of the form; in the second, the forms had been returned because they were signed on the French side.

The Department informed the Commissioner that the forms were printed on both sides, in French and in English. The Department of Supply and Services addressed them with an addressograph machine and mailed them out.

When the Department was planning how to send out the forms, the problem of which side to use for the address came up. It was decided that the French side would be used for forms sent to Quebec, and the English side for those sent to all other regions in Canada; the addressee would, of course, be free to fill out his form in the official language of his choice.

As a result of these complaints, the Department considered the possibility of devising a new classification system for addressograph plates so that the addressee's official language could be taken into account. It planned, however, to replace its addressograph machines with computers by 1974-75. The new system would include a code which would enable the computer to identify language preferences after initial contact with the addressee.

The Commissioner asked the Department to study the possibility of checking sorted forms a second time before sending them back to be completed.

- A French-speaking public servant in Ottawa drew the Commissioner's attention to a grammatical error in the French text of the bilingual form CPP2502 (10-71), "Authorization to Disclose

Medical or Vocational Information”, used by the Canada Pension Plan Branch of the Department.

The Department agreed with the complainant and took action to have the error corrected in the next printing of the form.

- A French-speaking complainant alleged that the text of mailing form 7690-21-029-1566 used by the Department’s New Horizons Programme was in English only. He also pointed out two spelling mistakes in a label addressed to him in French.

The Department stated that extra care was being taken by those implementing the recent New Horizons Programme to avoid recurrence of misspelt words, and that a new bilingual mailing form was now available for departmental use. The complainant was informed accordingly.

File No. 706—Press Releases

The editorial staff of a French-language weekly newspaper in the West complained that the Department was sending it press releases in English.

The Department told the Commissioner that this could only have been an inadvertent error since its mailing lists were drawn up by category of addressee and language. The error was repeated and the Commissioner once again notified the Department, which made an investigation and took immediate steps to correct the situation.

File Nos. 1049, 1213, 1318—Correspondence

- The Commissioner received, through the Department of the Secretary of State, copies of correspondence between the Food and Drug Directorate and a French-speaking person from Quebec. This person had complained that the Department had answered in English a letter he had written to it in French.

The Department acknowledged its error with regard to the letter but pointed out that the report it had sent to the complainant was written in French.

The Commissioner took note of the Department’s version, but nevertheless suggested that the Department impress on all those who communicate with the public that they must make sure that correspondence is always in the language of the client.

- A French-speaking person criticized the Quebec Regional Office for writing on the English side of a form letter which it had sent to his wife regarding her family allowance.

The Department accounted for its error by explaining that although the complainant's wife had filled out the application in French, she had done so on the English side of the form. The Department nevertheless apologized to the complainant's wife.

- A French-speaking person from Montreal received from the Department an envelope on which the address EDUCATIONAL SERVICE DIVISION, HEALTH PROTECTION BRANCH, TUNNEY'S PASTURE and also PRINTED MATTER appeared in English only.

The Department told the Commissioner it regretted this incident, especially as it makes a practice of using bilingual rubber stamps. It also informed the Commissioner that it had given precise instructions to those in charge of the service concerned, so that such a mistake should not happen again.

File No. 1032—Family Allowance Cheques

A French-speaking person from Sudbury asked the Commissioner why the Canadian Government did not pattern its bilingualism policy on the Belgian and South African models. He also indicated that his mother would like to have her name and address appear in French on her family allowance cheque.

The Commissioner informed the complainant that the policies of several bilingual countries, including Belgium and South Africa, had been studied carefully by the Royal Commission on Bilingualism and Biculturalism. The Commission concluded that the Canadian context did not lend itself to the adoption of the Belgian or South African models. It had therefore decided to recommend that the Canadian Government adopt measures which would lead to institutional bilingualism and provide the public with services in both official languages without, however, requiring that all public servants be bilingual.

As far as the name and address on the family allowance cheques were concerned, the Department made the necessary changes, as requested by the Commissioner.

File Nos. 1562, 1590—National Conference on Fitness and Health

Two French-speaking persons brought to the attention of the Commissioner newspaper articles that appeared in the 7 December 1972 issues of *La Presse* and *Le Droit* which said that there were no official documents available in French at the National Conference on Fitness and Health.

The Department informed the Commissioner as follows:

- 1) All official documents dealing with the conference, whether sent in advance or given to delegates at the time of their registration, were available in both official languages.
- 2) All letters sent to delegates and all notices, press releases and invitations were written in both English and French.
- 3) The Department of the Secretary of State provided simultaneous translation services at all plenary sessions and at all three workshops.
- 4) The original plan was for the summing-up to be made verbally only, but then a rough draft was distributed. It was this document, which was only available in English, that was given to the press.
- 5) The chairman of the conference made it clear, however, that the official report which would be sent to all delegates later would be bilingual. Moreover, he assured the Department that all proceedings of the second Montmorency Conference on Leisure would be published simultaneously in both official languages.

After studying this information, the Commissioner recommended that the Department make sure that all documents provided to the public during these conferences are available in both official languages.

File No. 1506—Yukon Territory

A French-speaking resident of the Yukon complained to the Commissioner that his Yukon health insurance membership card was printed in English only.

The Department informed the Commissioner that the document in question was issued by the territorial government, which administers the health insurance plan. The Department is responsible only for sharing the costs in accordance with the Medical Care Act, and therefore could not intervene in the administration of the programme.

Acting on a suggestion by the Department of Indian Affairs and Northern Development, the Commissioner brought the complaint to the attention of the Commissioner of the Yukon Territory so that he could deal with it. The results of the investigation will appear in the next annual report.

File No. 1620—Gravelbourg

The municipal authorities of Gravelbourg informed the Commissioner of their desire to obtain services from the Department in both official languages.

Officers from the Department studied the matter on the spot with the mayor and the secretary of Gravelbourg. They then informed the

Commissioner that the Department had no plans to open an office in Gravelbourg, even on a part-time basis. In case of emergency, however, local residents could obtain information by telephone at government expense. The Department was prepared to send one of its officers to Gravelbourg if problems became too numerous.

The Department also offered to hold a meeting in French, or to organize a local radio programme explaining the Old Age Security and Canada Pension Plans.

The Department's proposed solution appeared to satisfy the residents of Gravelbourg.

NATIONAL LIBRARY—"The Paper Chase"

EVALUATION

Action taken by the National Library to implement the Commissioner's special study recommendations has been, in general, briskly co-operative.

The Library has acted on the six recommendations the Commissioner made in April 1973. Thus the institution has moved quickly towards becoming fully equipped to meet the Act's requirements as far as language of service is concerned. Minor contraventions of the Act were corrected satisfactorily.

The Library reported in October 1973 that the recommendation which called for the issue to its staff of precise directives concerning its obligations under the Official Languages Act had been implemented. Specific sections in the directives require immediate implementation of three recommendations dealing with provision to the public of various services (telephone services, publications and information material such as cards, signs, badges, etc.) in such a way that the equality of status of the two official languages is respected. Interim administrative measures have been taken to give effect to the recommendation which calls for sufficient personnel to provide services in both official languages to be assigned by 31 March 1975 to those units which are in contact with the public. The Library foresees full implementation of this recommendation when such positions have been identified and designated as bilingual. Finally, regarding the Commissioner's recommendation about the availability of services in both languages in the cafeteria, the Library has made representations to the Department of Public Works which is responsible for such service. The Commissioner will be monitoring the results of these steps.

Only four complaints against this institution were registered during the period of 1 April 1970 to 31 March 1973 and they concerned various types of printed material. One of these complaints was settled promptly. In the other cases, the Commissioner made three recommendations, to which the Library responded only after some time had passed. Nevertheless, in all three cases, it found satisfactory solutions.

SPECIAL STUDY

The object of this study was to determine the extent to which the National Library was fulfilling the requirements of the Official Languages Act in its dealings with the public.

The study revealed that the National Library had on the whole made a very great effort to respect the Act. In fact, the study group found only a few weak points, which could be easily corrected.

Corrective measures were especially called for in questions related to the staffing of the Library. At the time of the study, some of the offices dealing with the public were not in a position to provide all services in both languages. Of the 263 employees who had contact with the public, 166 were unilingual and 97 bilingual. Forty employees, 15 of whom had no contact with the public, were taking second-language courses; of the 166 unilingual people who did have contact with the public, only 25 were taking language courses. The team noted that service by telephone was, in general, excellent: the main switchboard operator identified the Library in both languages, as did some 25 employees in control stations. A temporary lack of bilingual personnel, however, could occasionally cause problems. This was the case, apparently, in the Cataloguing Branch, where only the control station employee was bilingual and service over the telephone was consequently unilingual whenever she was absent.

The service in the restaurant did not seem to satisfy the requirements of the Act. This resulted in part from the fact that a private group was operating the restaurant, under an agreement with the Public Works Department. Nevertheless, since the restaurant was located in the Library building and offered its services to Library users, the Commissioner asked the Library management to arrange with the interested parties to have the restaurant serve its patrons in both official languages.

Finally, a few deficiencies revealed the need for detailed directives: not all documents were published in both languages, or at least not simultaneously, while others, though bilingual, did not respect the equal status of the two languages.

In the light of these findings, the Commissioner, while pointing out the positive nature of the measures taken by the Library to implement the Act, made the following recommendations:

- (1) that the National Library, as indicated in the document dated 7 December 1971 entitled "Policy and General Guidelines on Bilingualism and Biculturalism," issue as soon as possible precise directives concerning its obligations under the Official Languages Act;
- (2) that, without endangering the job security of the staff, the National Library take, immediately, the necessary steps to ensure that, by 31 March 1975, there be sufficient personnel in those units which are in contact with the public, to provide services in both official languages;
- (3) that the National Library take the necessary steps to ensure, at all times, a telephone service in both official languages;
- (4) that henceforth, all publications, including technical reports, emanating from the National Library and intended for the public, be available in both official languages simultaneously and preferably under the same cover; and that, in all publications printed in separate versions, a statement appear in the other official language to the effect that the same text is also available in that language;
- (5) that the National Library continue its practice of issuing all items such as cards, labels, badges, etc. likely to be seen by the public, simultaneously in both official languages, that all such items which may still be unilingual be rendered bilingual by 31 December 1973 and, further, that the equality of status of the two official languages be respected on all such items;
- (6) that the National Library make, immediately, the necessary representations to the Department of Public Works so that, without endangering the job security of the staff, all the services of the cafeteria on the premises of the Library be provided to the public in both official languages.

COMPLAINT

File No. 1550—List of Libraries

A member of a French-language organization received from the National Library a list of some 190 departmental libraries and their branches. Only seven were listed in French; the rest were in English.

The National Library told the Commissioner that the list was not an official list, but one intended for internal use. Apparently it had been sent to the complainant as a special favour. The great majority of librairies appeared in English because their directors were English-speaking, and English was the language used to correspond with them. The National Library went on to assure the Commissioner that the official list of Canadian librairies which it was planning to publish would be fully bilingual.

While the Commissioner appreciated that the list complained of was intended mainly for internal use, he recommended that all documents which are distributed to the public, officially or unofficially, be in the two official languages.

NATIONAL MUSEUMS OF CANADA—"Bring 'Em Back Alive"

EVALUATION

The Corporation of the National Museums and the National Museum of Science and Technology, not always with the speed of Kohoutek, have taken action on the seven recommendations the Commissioner made after a special study in April 1971. The Corporation was cited in 17 complaints during the three years under review; eight complaints were justified. The National Museums corrected the infractions of the Act—in a few instances, however, with a little persuasion by the Commissioner, who tried to make the Science and Technology Director offers he could barely refuse. And, graciously, did not.

The three recommendations which dealt with guides, lectures and library signs have been implemented as indicated in the Commissioner's second *Annual Report* (page 63). Of the remaining recommendations, one concerned the National Museums of Canada (with the exception of the National Gallery), another, the Corporation of the National Museums of Canada, and two, the National Museum of Science and Technology. Following Recommendation 5, "the National Museums of Canada are fully translating English scientific works for publication, which are researched in French Canada, rather than providing short résumés as in the past".

Recommendation 6, for the creation of a unit of translators for the exclusive use of the Museums, has not been implemented. However, the Corporation has found an alternative solution: the creation within the Translation Bureau, of a group of translators "who deal specifically with Museum documents". The National Museum of Science and Technology informed the Commissioner independently that Recommendation 1, for a systematic and thorough correction of its display signs, was implemented last fall, as was Recommendation 2, for the provision of bilingual public signs in the same museum.

In evaluating the action taken by the National Museums to settle complaints made against them, consideration will be given to the National Museum of Natural Sciences, the National Museum of Man, the National Museum of Science and Technology and the National Gallery of Canada. The first three were also the object of a special study.

The National Museums (with the exception of the National Gallery) were responsible for eight infractions of the Official Languages Act. The quality of French used by guides and in the descriptions and explanatory notes accompanying displays was criticized; complaints were also received about the unilingualism of an advertisement in the publication *What's on in Ottawa/Voici Ottawa* and of identification plaques, documents and correspondence. The lack of simultaneous interpretation service for meetings held in Toronto and Winnipeg was also criticized.

The quality of French spoken by guides at the Canadian War Museum and the National Museum of Science and Technology was examined as part of a special study. As for the errors in French found in the explanatory notes and captions, the Museum, on receipt of the complaint, undertook a revision and standardization programme for its signs and captions with the help of Translation Bureau of the Department of the Secretary of State.

Following the complaint about the unilingual advertisement in *What's on in Ottawa/Voici Ottawa*, the Commissioner recommended that the advertising by the National Museum of Science and Technology reflect the equality of status of the two official languages. At that time, the Museum was content to express its goodwill regarding observance of the Official Languages Act, but persisted in claiming that the publication in question was not bilingual; it therefore maintained its decision to publish its advertisements in English only. Two years later, however, in reply to an identical complaint, the Museum informed the Commissioner that it had cancelled the autumn advertisement and that when the time came for a spring advertisement, it would reconsider the question in the light of the Commissioner's recommendation. The Museum decided in the meantime to place a weekly advertisement in *Le Droit* in order to reach the French-speaking community.

As a result of the Commissioner's intervention, the National Museums of Canada took the necessary steps to replace the unilingual identification plaques and signs which had been the subject of complaints. The Consultative Committee on National Museum Policy assured the Commissioner that simultaneous interpretation would be arranged for the next meetings and that all documentation and correspondence addressed to members and observers would be in both official languages.

The National Gallery was the subject of six admissible complaints. These dealt with the guide service provided to English-speakers, a unilingual English explanatory leaflet and unilingual English signs. In all these cases, the National Gallery authorities took necessary steps to ensure that all services provided to the public comply with the requirements of the Act.

COMPLAINTS

File Nos. 1438, 1775—National Museums

- The complainant reported that the signs identifying the building occupied by the Design and Display Division of the National Museums of Canada in Ottawa were in English only.

The management of the National Museums told the Commissioner that the signs had been put up by the owner of the building and that they would be replaced with bilingual ones.

- The complainant reproached the Consultative Committee on National Museum Policy with not having offered services in the French language at two meetings held in Toronto in December 1972 and in Winnipeg in February 1973. All preliminary correspondence and press releases issued at the meetings were in English only, and, what was more, no simultaneous interpretation service was provided.

The Committee explained to the Commissioner that the two meetings had been organized at short notice. This did not, the Committee stated, leave enough time to prepare them as carefully as it would have liked. It stressed that the museums taking part in the planning and implementation of the programme included no French-language institutions, although some of the observers were French-speaking. The Committee added that the latter were aware that discussions would take place in English, since information sent out beforehand was in English. The Committee assured the Commissioner that simultaneous translation would be provided at future sessions and that all documentation would be made available to members and observers in both official languages.

File Nos. 1041, 1331, 1608—National Gallery of Canada

- A French-speaking person pointed out to the Commissioner that some of the panels at the Plaskett exhibition held at the Beaverbrook Gallery in Fredericton were in English only.

The National Gallery informed the Commissioner that the exhibition had been set up by the University of British Columbia, as part of the National Gallery's travelling exhibition programme, and that someone had neglected to check the panels. The director of the Beaverbrook Gallery had since removed the panels because they were in English only and because they added nothing to an understanding of the exhibition. Moreover, the labels under each work were in both English and French.

The National Gallery told the Commissioner that it would make sure that such incidents did not occur again.

- An English-speaking correspondent complained that when he visited the National Gallery in Ottawa a guardette and a woman elevator operator both persisted in answering him in French, although he kept speaking to them in English. He also claimed that a unilingual French sign was used to advertise an exhibition of Quebec paintings.

The Gallery admitted that the guardette was not yet bilingual, although she was following language courses at night at her own expense. She had since been transferred to another position where she would not be in contact with the public, until her English was adequate.

The Gallery was unable to identify the elevator operator and the unilingual French sign.

- An English-speaking woman and her three daughters visited the National Gallery on a Sunday afternoon. The youngest daughter was carrying her skates. The elevator operator spoke to the girl in French, but as no one in the family understood French, they did not know what she was saying. Another passenger in the elevator informed them the operator had told the girl to check her skates. The mother replied that she would comply when she was asked in English. The elevator operator continued to speak in French and the complainant maintained her attitude. A second passenger then said: "We had to put up with this sort of thing in English for 100 years. Now it is your turn." The mother retorted that two wrongs did not make a right.

When she and her daughters reached the fourth floor, a guide once again told her to check the skates. This guide also spoke only in French and did not switch to English.

The same thing happened on another floor, but this time the guide repeated in English what she had said in French.

The complainant professed to be very irritated and declared that while she agreed to the idea of bilingualism, she would not put up with unilingual French-speaking employees in public places. She planned to return to the National Gallery soon to see if conditions had improved.

The National Gallery told the Commissioner that, although the mother tongue of most of the elevator operators and guardettes is French, all of them have a reasonable ability to communicate in both official languages. The elevator operator and the two guardettes concerned have a satisfactory knowledge of both official languages and they all had tried to communicate in English, but had been ignored. The ability to speak both languages and the need for a pleasant co-operative approach to the public are specified in the security staff contract. All guards are frequently reminded, on their pre-shift parade, of the importance of their contacts with visitors. While the service is not perfect, the staff make a sincere effort to do their jobs well.

The Commissioner reminded the National Gallery that while its approach seemed to meet the requirements of the Official Languages

Act, constant vigilance was needed to make sure that the language clauses of contracts were adhered to so that the public could be served in both official languages at all times.

File Nos. 1177, 1216, 1507—National Museum of Man

- The complainant criticized the National Museums for including a unilingual map in a bilingual pamphlet on the Canadian War Museum.

The Commissioner brought this to the attention of the National Museum of Man, which has jurisdiction over the War Museum, and was told that the oversight would be rectified when the pamphlet was reprinted.

- The complainant alleged that some of the explanatory cards at an exhibition of artefacts presented by the Museum of Man at the Ukrainian Festival in Dauphin (Manitoba) did not bear texts in the two official languages and Ukrainian.

The Museum told the Commissioner that the catalogue, texts and captions for the Ukrainian Travelling Exhibition had been prepared in both official languages. The co-ordinators of the Ukrainian Festival, however, apparently put up various signs in English and Ukrainian, many of which were in the area leading into the exhibition mentioned. When the weekend rush of visitors threatened disaster to several valuable pieces that were displayed without protective showcases, a handwritten "Do Not Touch" sign in Ukrainian and English had been prepared and put up in haste. The Museum apologized for the omission of the French language in these signs and affirmed that it was most conscious of its role, as a federal agency, in the implementation of the Official Languages Act.

The Museum went on to say that it was economically impractical for it to present exhibitions in three languages, as funds for its multi-cultural programme were limited and it wanted to reach as many parts of the country as possible. It explained that the cost of preparing catalogues in a third language and the extra time required to prepare displays were very considerable and that the use of several languages created problems of space and design.

The Commissioner informed the complainant of the results of his inquiry.

- A French-speaking complainant drew the Commissioner's attention to a few minor mistakes in French on some of the captions used during an exhibition of Eskimo and Indian art at the National Arts Centre in Ottawa.

The Museum of Man, which was responsible for this exhibition, immediately checked for errors and corrected them.

- A French-speaking complainant pointed out that pictures of aircraft on sale to visitors at the entrance to the National Aeronautical Collection in Ottawa bore the inscription in English only: “Reproduced for the National Museum of Science and Technology, Ottawa”.

The Museum informed the Commissioner that the plates from which most of these coloured pictures were printed were owned by Shell and other companies and were very difficult to alter. It said that it would keep the complaint in mind and do what it could to make the inscription bilingual. In the meantime, it would continue to sell the pictures it had in stock.

The Commissioner said that he appreciated that there might be some difficulty in altering the plates. He did not know the extent of the Museum’s stocks or the rate of turnover, but he was of the opinion that since the Official Languages Act had been in force for over three years, this request for service to French-speaking visitors should be given prompt attention. He therefore recommended that the plates should be altered immediately or new plates obtained with the inscription in French so that the Museum could provide visitors with service in both official languages without delay.

This recommendation was accepted and the Museum expected to receive delivery of pictures with bilingual legends soon after the end of the fiscal year.

- A French-speaking complainant reproached the Museum of Science and Technology with using captions which were either in English only or in French of inferior quality.

At the time the complaint was made, the Museum had already undertaken the revision of all panels and captions with the assistance of the Translation Bureau of the Department of the Secretary of State.

NATIONAL RESEARCH COUNCIL OF CANADA—“The Wizard of Oz”

EVALUATION

Since 1970, the Council has been the object of 11 complaints; only one required a recommendation from the Commissioner. Most of the complaints were justified and the Council took necessary steps to remedy these infractions.

The major complaints cited translation of special publications and other documents. Although the Commissioner recognizes the Council’s evident willingness to bring about improvement in this area, he is obliged

to comment that the translations were not always produced as rapidly as he would have desired.

The Council declared that the objectives of the bilingualism programme were "well on the way to being met". Aware of the precision of scientists, the Commissioner trusts the Council is right and hopes time will bear out its optimism.

In reply to the Commissioner's questionnaire, the National Research Council stated that responsibility for implementing the Official Languages Act in the N R C rests with the Adviser on Bilingualism, who reports to the Vice-President (Laboratories). It maintained periodical statistical reports on employees' bilingual capability and said these showed a steady increase. As for deadlines on completion of its bilingualism programme, the Council replied that "we do not view this as a finite program with a specific completion date, but rather as a continuing on-going process with the highest priority requirements receiving first attention".

The two official languages were said to have equal status "in proportion to known and identified needs", both public and internal. The Council did not, however, claim its institutional bilingual capability to be adequate.

Internal communications of a general nature were reportedly bilingual. The manual of Operating Policies and Procedures was expected to be translated by April 1974. The Council stated that its staff was encouraged to follow language courses and was fully or partly reimbursed for courses approved by it.

The Council observed that service to the public has for some time been provided in the language of the client. Signs, forms and other items of a general informative nature were, or were becoming, bilingual.

The Council said that it had not encountered serious difficulties in developing bilingual capability among staff. However, it suggested that, due to a "supply and demand" situation, it had experienced frustration in its attempts to recruit significant numbers of French-speaking scientists and engineers. The Commissioner believes, with evangelical naïveté, "Seek and ye shall find".

COMPLAINTS

File No. 956—Publications

The complainant objected to the Council's excessive slowness in translating documents into French. To illustrate the problem, he sent a leaflet entitled *Digeste de la Construction au Canada* (Cana-

dian Building Digest), which is published monthly. He deplored the fact that whereas this publication had reached its 143rd issue in English, the 100th issue in French had only just appeared. At the time of the complaint, this difference amounted to a delay of three and a half years.

The Council informed the Commissioner that several events had combined at the beginning of 1969 to reduce the technical translation resources then available to the Division of Building Research. Despite all efforts, translation of the *Digest* had been delayed. Finally, in 1971, in order to solve this growing problem while ensuring that the translations remained technically accurate, the Council had decided to engage the services of a Montreal firm on contract.

Acting on a recommendation by the Commissioner, the Council adopted a new order of priority so that the most recent issue of the *Digest* would be translated before the back issues. The Council realized that translation of previous issues would as a result be delayed but said it would continue its efforts to improve the situation; it had in particular taken steps to recruit extra qualified persons for this highly specialized work.

For his part, the Commissioner considered that a delay between the publication of the English and the French versions of the *Digest* constituted an infraction of the Act. He therefore recommended that the Council issue in both official languages simultaneously any document intended for the public and have a reasonable number of the original texts produced in French. The Council accepted this recommendation and promised to do its best to comply with the provisions of the Act.

File No. 1311—Truck Markings

A French-speaker complained that an NRC truck carried markings in English only.

The Council agreed that this complaint was justified, adding that some vehicles purchased before September 1968 carried only English markings. It then corrected the markings to comply with the Act.

File Nos. 1563, 1564—Internal Communications

Two French-speaking persons complained about a directive that accompanied a questionnaire distributed in order to determine the official language of employees. This directive carried the following note: "It will be assumed that anyone who does not return the form wishes to receive cheque stubs and correspondence in English..."

The complainant expressed the opinion that such action did not respect the equality of status, rights and privileges prescribed in the use of both official languages in federal institutions.

The Council told the Commissioner that it had not intended to infringe either the spirit or the letter of the Official Languages Act. It had merely wished to determine which official language each employee preferred so as to be able to serve him in his language.

The Commissioner was of the opinion that this directive obliged French-speaking persons to fill out a form in order to receive services which were provided automatically to English-speakers. He therefore suggested that the Council use other methods to determine the language preference of those not answering the questionnaire.

As a result of this recommendation, the Council decided to contact each employee individually.

NATIONAL REVENUE—CUSTOMS AND EXCISE—“You Can’t Take It With You”

EVALUATION

In general, the Department reacted most positively to recommendations made in the Commissioner’s special studies reports of September 1972 and January 1973 and to complaints during the last three years. As for the reports, the Department has not always been able to meet target dates, but it has started action on most recommendations and made significant progress, particularly in its efforts to foster second-language learning and retention.

The Department has dealt satisfactorily with all but two of the Commissioner’s proposals to achieve implementation of the Official Languages Act. It has not introduced a new policy statement as set forth in Recommendation 1, preferring to reach management first through briefings and seminars, and it has not yet produced a plan for providing service in the two official languages. However, both policy statement and plan are being prepared and the Commissioner hopes they will soon appear.

With few minor exceptions, action has begun on signs, telephone listings, telephone service, etc. The Department’s translation unit is giving high priority to correspondence for the public and the Department is trying to persuade non-federal sources to provide information material in both official languages. It has also issued directives to ensure that departmental advertising is placed in appropriate newspapers to meet the requirements of the Act.

The Department's attitude to language training and retention seems sensible. The Linguistic Services Division of the Official Languages Programme Branch has begun researching job-oriented language training and the Department is arranging voluntary transfers to help students retain the second language, though there does not yet appear to be a Department-wide plan.

At the Moncton office, where a separate study was made, service is now more consistently available in the two official languages. In October 1973, the Department reported that it had implemented all nine recommendations the Commissioner made in September 1972 concerning its Moncton office: all signs on Customs and Excise operations at Moncton are bilingual, it said, telephone calls are answered in the two official languages and employees can, when necessary, relay incoming calls in the other language to a colleague who can deal with them suitably.

The public may now obtain copies of the *Boating Safety Guide* as well as all forms intended for public use, in French and English. Counter service to the public is offered in both languages, and at Moncton Airport, where the study indicated there were not enough bilingual staff, one more bilingual position has been established and filled.

In most cases, complaints received adequate attention. As was perhaps only to be expected, customs service at border checkpoints and international airports gave rise to 40 complaints from the travelling public.

Customs officers, like tax-collectors, have never been able to rival Santa Claus in popularity. Some of the complaints were justified, however, and the special studies undertaken as a result of the complaints gave rise to 48 recommendations. Most of the complaints about service at border checkpoints and airports were settled satisfactorily. Moreover, the Department often incorporated corrective measures resulting from individual complaints into its country-wide bilingualism programme.

However, in the case of its Niagara Falls office about which a complaint had been lodged alleging lack of service in French, the Department expressed its unwillingness to provide a 24-hour bilingual service because it claimed there was insufficient demand for French to justify it. The Commissioner could not accept this answer. In response, the Department agreed to instruct all its personnel to determine which language a member of the public wished to use; the Commissioner, for his part, made several recommendations in his special studies' report to assist the Department in overcoming this problem. He will be monitoring the results of these recommendations.

SPECIAL STUDY—CUSTOMS AND EXCISE

The study of the Customs and Excise sector of the Department of National Revenue was undertaken with a view to evaluating measures taken by the Department to comply with the Official Languages Act, particularly in regard to the provision of bilingual services to the travelling public. The original focus of the study was on headquarters as a central administrative body, but the study later had to be enlarged to include an investigation of regional offices across Canada.

The findings of the study touched on matters of policy, directives, departmental information programmes, the Department's publics and the notion of demand. The departmental policy statement on bilingualism, issued two years after the proclamation of the Official Languages Act, lacked clarity and precision. This statement, together with departmental directives, failed to define the Department's publics, the extent and breadth of bilingual services to which they are entitled, and the Department's understanding of what constitutes regular and sufficient demand.

In the course of its regional visits, the study team observed that the bilingualism objectives of the government and the department, as well as the requirements of the Official Languages Act, were not well understood. At a few regional offices, some indifference and hostility to bilingual reform was expressed. Little attempt had been made to provide information about bilingualism to the Department's staff. The team learned that the Customs Operations sector was in the process of appointing a programme co-ordinator for bilingualism, but the Department, as a whole, possessed neither the personnel nor the organization necessary for co-ordinating, evaluating and overseeing the application of departmental policies and programmes.

In its centrally administered activities, the Department was generally in compliance with the Official Languages Act. At the time of the study, all forms in use with the public were bilingual, although the Department did not know, because of their quantity and diversity, to what extent they were distributed and displayed equally in both languages. Eighty per cent of publications destined for the public were bilingual; the remainder were expected to be so by September 1972. The team noted that publications of other departments and of provincial governments were not always equally displayed in the two official languages.

Signs and inscriptions were unilingual at headquarters but would be bilingual when the Department had moved to its new premises. Signs in regional Excise offices were also unilingual but would be bilingual by February 1973. Depending on the region, between 40 and 100 per cent of the signs were bilingual in the Customs Operations sector.

With the exception of those in one region, all signs were to be entirely bilingual by March 1973. In addition, the Department had negotiated or was negotiating the installation of bilingual signs with bridge authorities, but it was not optimistic that the negotiations would be successful.

The team concentrated its study on the Customs Operations, Excise, and Tariff Programmes and Appraisal Branches, branches which had by far the most contact with the public. The Customs Operations Branch deals with three publics, commercial, resident and travelling. The team was satisfied that bilingual service was adequately provided to the Department's commercial public, but found that administrative procedures for doing so could be improved. The level of services to accommodate the general public in the commercial sector was very difficult to assess, and for this reason, complaints might occur. The team recognized that demand from the business community for French-language service outside the province of Quebec would be rare.

The main public served by Customs Operations is the international travelling public. The Branch made systematic attempts to plan for bilingual services in this operational sector until late 1971. Regional programme forecasts were invited at that time but they revealed serious weaknesses in the planning process. Headquarters failed to provide specific guidelines to the regions on where and to what extent bilingual service is required to serve the travelling public, particularly in certain areas of the country. Data relating to personnel requirements were also inadequate. As pointed out, a clear policy on demand and on the requirements of bilingual service was not enunciated. The Department did not distinguish between two separate aspects of the problem: acceptance or rejection of the principle of significant and regular demand either everywhere or at certain locations; and the determination, given acceptance of this principle, of the level or levels of bilingual service required. Actually, the Department did not seem to assume the existence of regular and significant demand for service in both official languages throughout the country; service in English was provided at all times and in all locations, but service in French if, and only to the extent that, it was specifically requested.

The Customs Operations Branch felt that the major problem to be faced, before its bilingualism objectives could be fully realized, lay in the area of personnel. However, it was hoped that recruiting would enable the Department to meet the requirements of the Act.

At the time of the study, the Branch had difficulty in ascertaining the distribution of its bilingual and unilingual staff, since personnel data were not available in terms of the most basic operational unit functioning across the country. The data available were nonetheless sufficiently reliable to indicate that the Customs Operations Branch was providing adequate bilingual service to the travelling public only in Quebec, at

certain ports in Central and Eastern Ontario, at the Port of Windsor, at the Toronto International Airport, and at ports in New Brunswick. The Branch was not certain that there would be at least one bilingual person per shift to serve the travelling public at any other location.

Casual employees constitute an important seasonal supplement to the permanent staff of every region. In 1971-72, the Branch hired almost 600 casual employees of whom, the Branch asserted, approximately one-third of those assigned to ports outside of Quebec were considered either bilingual or at least possessing a knowledge of the second official language. However, no region outside that of Quebec made linguistic skills a prerequisite for employment.

The Branch and its regions have been delegated extensive authority for recruitment. The team learned that competitions for bilingual personnel, particularly clerical and supervisory, are rarely held outside the immediate jurisdiction of the region, although regulations do permit this. Two regions had, nevertheless, held successful open competitions for bilingual candidates, especially for posts at major border crossings and international airports. The Branch relied rather extensively on the use of temporary "back-up" personnel where the requirement for bilingual service was particularly acute. Such a practice had two advantages: firstly, it facilitated the replacement of established employees absent on language training; secondly, since the Branch forecast an increased volume of work over the next few years, back-up positions could be absorbed naturally into the normal establishment. The Branch recognized the value of deploying personnel so as to ensure the most effective use of scarce bilingual resources, but its attempts to transfer bilingual employees either within or between regions was not successful.

Indeed, the Branch exerted little pressure on its personnel to transfer. However, it was accepted that personnel would be more likely to transfer if the Customs Operations Branch modified the conditions underlying the present lack of staff mobility, offered incentives and alleviated the hardships experienced by bilingual French-speakers living and working outside their cultural milieu.

An important element of the Branch's endeavours to meet its bilingual requirements would have been to make an increased and more effective use of language training. But according to the data and information provided, only headquarters and the Quebec and Central Ontario regions enrolled significant numbers of language trainees. The lack of regional schools and the high median age of the Branch's operational personnel were two obstacles to the programme. The Department had shown initiative in establishing a language retention programme on a limited inter-regional basis in the Quebec and Atlantic regions to allow employees from predominantly unilingual areas of the

country to have an opportunity to reinforce and perfect their knowledge of the second language. This programme had not, however, been applied across the country.

The Excise Branch, embracing both the Excise Tax and Excise Duty sectors, claimed that the provision of bilingual services to its clients and licensees posed few problems. The study team discovered, nonetheless, that the procedures used by the Branch for offering bilingual service did not strictly conform to the Official Languages Act; the Branch did not advise licensees that it provided all services in English and French nor did it invite its licensees to indicate the official language or languages in which they and their staff desired to receive service. All Excise Tax regions maintained some bilingual capability and bilingual personnel could be deployed relatively easily within certain regions for the purpose of providing services in both languages. The Excise Tax sector did not appear to have firm plans for expanding its bilingual capability even though it expected an increased demand for such service. While the recruiting of trained, bilingual personnel was not promising for this sector, the team felt that the Branch had not given sufficient attention to the possibility of meeting its bilingualism goals by recruiting and training bilingual personnel from outside the sector. Despite the fact that language-training programmes appeared to offer a means for achieving a general increase in the Excise Tax Branch's overall bilingual capability, participation in these programmes was quite minimal. Indeed, during the 1971-72 fiscal year, out of a total of approximately 1,100 personnel attached to the regions, only about a dozen were enrolled or nominated for language training. Two or three regions expressed the desirability of transferring employees to locations where they would have occasion to work and socialize in the second language.

The Excise Duty sector had very few bilingual staff except at Ottawa headquarters and in the Quebec region. Neither the Atlantic nor the Prairie regions possessed a single bilingual officer, and language-training programmes had been almost entirely ignored. Admittedly, outside the province of Quebec, demand for service in French was less frequently expressed, but the team felt that all regions should possess at least a minimal bilingual capability in order to meet a possible increased demand for service in both official languages.

The Tariff Programmes and Appraisal Branch is largely a headquarters operation, although four units perform customs activities in the field within Canada, and six overseas. Generally speaking, the team observed that while the headquarters operations of this Branch complied with the Official Languages Act, the Branch's practices and procedures relating to the preparation and translation of rulings and decisions on the application of customs law could be improved. Although the Department's bilingualism objectives in the headquarters operations and

overseas offices of this Branch were well advanced and complied with the Official Languages Act, in the Branch's field activities, only the Montreal unit maintained a bilingual capability. Recruitment of bilingual personnel in the other three units was not considered either a necessity or a priority for the purpose of providing service in the official languages if the occasion arose. The Branch's lack of support for language-training programmes was considered to be valid, but the fact remained that a minimal bilingual capability in all units was both desirable and necessary since all were serving English- and French-speaking populations and would thus have to assume that demand for French-language service existed in each area they served. The Branch was studying the possibility of recruiting bilingual personnel who could be trained to conduct the work of its field investigation units. The team considered that the best solution to the Branch's problems probably lay in recruiting rather than in language training.

The Commissioner made 48 recommendations to the Department as a possible contribution to the solution of its problems and difficulties in providing bilingual service and in complying with the Official Languages Act. The Commissioner recommended that:

Policy Statements

(1) the Department reissue its statements on bilingual policy and goals to reflect more accurately the spirit and intent of the Official Languages Act;

(2) the Department use the recommendations made throughout this report as a basis for formulating a plan for the provision of service, in both official languages, to the publics it serves;

(3) the Department, in recognizing its extensive and special relationships with the public, accept the existence of regular demand for service in both official languages

(a) to the travelling public across the country, and

(b) to local publics comprising the two official language groups;

(The Department should, therefore, accept the provision of such service as a permanent objective. All existing and future measures to provide bilingual service to those publics should be regarded and assessed as steps to that end.)

Bilingualism Information Programme

(4) the Department develop and actively undertake an extensive and imaginative information programme to familiarize departmental managers and their staffs with the purposes and intent of the Official Languages Act, and departmental and government policies on bilingualism;

(5) the Department create the post of Bilingual Programme Co-ordinator to oversee the implementation of the Department's bilingual policies and programmes;

(6) this Officer be charged with implementing the recommendations in this report, including Recommendation 4;

(7) the departmental Adviser on Bilingualism report to the Bilingual Programme Co-ordinator so as to ensure proper co-ordination of their respective responsibilities and programmes;

Centrally Administered Activities

(8) a notice be issued to all field offices, reminding them that whenever a form is displayed, both official language versions of the text must be in evidence;

(9) the Department attempt, in the case of non-federal government departments and agencies, to obtain their information material in both official languages, and insist, in the case of federal government departments and agencies, that their material where not now thus available be provided, henceforth, in both official languages;

(10) the Department separate and label in both official languages as non-federal government material all unilingual material from sources other than federal departments and agencies;

(11) the Department refrain from distributing at ports of entry to Canada unilingual material from federal departments or agencies, unless delay in waiting for translation would occasion hardship or injustice to any person or class of persons or be otherwise prejudicial to the public interest, as prescribed by Sections 4, 5(2) or 5(4) of the Official Languages Act. In such exceptional cases, translations should be sought and offered to the public as soon as possible;

(12) steps be taken to accelerate the conversion of unilingual signs required by the Excise Tax Operations not involving the Department of Public Works, so that all these signs be bilingual by 28 February 1973;

(13) the Excise Duty Division request licensees in those areas of the province of Quebec, and other locations across Canada where the licensee's work force includes both English-speakers and French-speakers, to install bilingual identification signs provided by the Department;

(14) steps be taken to accelerate the conversion of unilingual signs required by the Customs Operations Branch not involving the Department of Public Works, so that all these signs be bilingual by 28 February 1973;

(15) the Department continue negotiations with bridge authorities concerning bilingual signs and inform the Commissioner of Official Languages by 28 February 1973 of the scope and success of these negotiations;

(16) the Department immediately contact the Department of Public Works in order to accelerate the completion by 28 February 1973 of sign programmes related to the Excise Tax and Customs Operations across the regions and which involve the Department of Public Works;

(17) the Department contact the Telecommunications Agency of the Department of Communications to obtain its assistance in negotiating bilingual listings with telephone companies in the various jurisdictions where difficulties have been encountered in obtaining such listings;

(18) the Department adopt a policy of providing bilingual telephone answering and reception service in all offices serving both official language groups;

(19) the Department enlist the assistance of the Public Service Commission in providing a bilingual telephone reception training program for all receptionists requiring the same;

(20) calling cards be of uniform linguistic standard and quality and that they and all date, cancellation and other stamps be rendered bilingual where they are not already so;

(21) correspondence intended for a member of the public and requiring translation be afforded a high priority by the Department's translation unit in Ottawa;

Customs Operations Branch

(22) the Customs Operations Branch determine the number of customs brokers desiring to be served in English and in French and ensure that personnel be available to serve them in the language required wherever they conduct business with the department;

(23) signs be erected at all customs offices having a bilingual capacity to indicate that service is available in both English and French;

(24) the Customs Operations Branch accept as a priority the necessity to provide service in both English and French to the travelling public at international airports and at major frontier ports across Canada, as well as at vessel clearing stations, local airports and ports serving areas containing both official language groups;

(25) the Branch establish by 31 March 1973 a detailed national plan to provide bilingual service at locations covered by Recommendation 24, indicating the nature and extent of service necessary, staffing methods and target dates for the provision of service at various locations;

(26) the regions be asked to co-operate with headquarters by providing the data required to ensure that the Department's linguistic information retrieval system become operational as soon as possible;

(27) the Department, in conjunction with the appropriate division or divisions of the Public Service Commission, develop a language testing system based upon the occupational requirements of customs officers;

(28) the Department accord priority for language training to employees who have been assessed by managers as possessing a bilingual competence, but whose test results indicate they have failed to achieve the linguistic standard established for their occupational category and for those categories to which they can reasonably expect to be promoted;

(29) (a) the Customs Operations Branch establish linguistic requirements for casual public-contact positions in the regions, in accordance with the need to provide service in both official languages to the travelling public across Canada;

(b) each region, in accordance with the Customs Operations Branch's overall plan for providing service in both official languages to the travelling public, establish the requirement for bilingual casuals;

(c) competitions for bilingual casuals be held in all regions to satisfy the requirements determined pursuant to Recommendations 24 and 25;

(30) the practice of holding competitions for bilingual candidates become established in all Customs Operations regions in accordance with the region's needs to provide service in both official languages;

(31) the Department, when advertising positions in the newspapers, do so in weekly papers serving the minority official-language groups when there is no corresponding local daily newspaper serving speakers of the minority language;

(32) the Customs Operations Branch continue to staff, and wherever necessary increase, temporary back-up positions requiring bilingual incumbents until such time as sufficient established staff exist to provide the required level of service in both official languages;

(33) the Customs Operations Branch actively encourage newly recruited customs officers and highly motivated personnel of all eligible ages to make greater use of opportunities for language training;

(34) resources for highly functional language training be allocated to the regions in accordance with a national plan for the provision of service to the public in both official languages across Canada;

(35) the Customs Operations Branch establish a programme of temporary voluntary transfers to enable employees from all regions to live and work for a time in a region where the second language they have acquired is in daily use;

Excise Branch

(36) to ensure compliance with the Official Languages Act, the Excise Tax Operations and Excise Duty Divisions immediately devise and implement appropriate procedures for notifying licensees and applicants for licences, immediately and at appropriate intervals in the future, of the availability of services in both official languages, and inviting licensees to indicate the language or languages in which they and their employees desire to be served by the Excise Branch;

(37) the Excise Tax Operations Division give urgent attention to determining, on the basis of the implementation of Recommendation 36, the bilingual capability needed by each region to meet the requirements of its licensees for bilingual service;

(38) the Excise Tax Operations Division devise a plan, on a nation-wide basis, for determining and developing the required bilingual capability and that the plan include the use of such techniques as recruitment, deployment, transfers, language training and incentives as necessary to achieve the required level of bilingual service in the shortest possible time;

(39) the Excise Tax Operations Division adopt the principle that, as a matter of course, new recruits be offered highly functional language training and that officers in all categories also be given this opportunity;

(40) the Excise Tax Operations Division actively encourage these persons to enrol in language training programmes;

(41) the Excise Tax Operations Division evaluate and implement various methods and techniques suitable to its needs for enhancing and strengthening second-language learning;

(42) the Excise Tax Operations Division evaluate the prospects for establishing and maintaining an exchange or transfer programme between English- and French-speaking personnel for the purpose of promoting second-language retention;

(43) the Excise Duty Division determine, on the basis of the implementation of Recommendation 36, the bilingual capability needed by each region to meet the requirements of its licensees for bilingual service;

(44) in the event that the requirement for bilingual personnel exceeds the present availability of employees with a second-language competence, the same action be taken as appropriate by the Excise Duty Division as is outlined in Recommendations 39 to 42 relating to the Excise Tax Operations;

Tariff Programmes and Appraisal Branch

(45) the Tariff Programmes and Appraisal Branch determine in the Toronto, Winnipeg and Vancouver investigation units, and the Halifax unit when created, the number of bilingual personnel and the level of their second-language proficiency needed in public-contact positions to serve the public suitably in both official languages. The required bilingual staff should be acquired either through recruiting bilingual personnel, through establishing second-language training for unilingual public-contact employees, or through using a combination of both these techniques;

Conclusion

(46) implementation of the report's recommendations not jeopardize the job security and career opportunities of departmental personnel;

(47) in offering its services to the public, the Department make them available automatically in the minority official language rather than merely respond to requests or complaints;

(48) the Department, in implementing the recommendations of this report, maintain close liaison and consultation with the Customs and Excise Union and other employee associations.

SPECIAL STUDY—CUSTOMS AND EXCISE, MONCTON

The purpose of the study was to examine, with local management, the quality and availability of bilingual services offered to the public by the Department in Moncton and to make appropriate recommendations.

The Customs office deals with international travellers, commercial firms, customs brokers, representatives of carriers and fishermen. The

Excise office deals mainly with licensed and unlicensed wholesalers and retailers, manufacturers and small businessmen.

Signs at the Customs office were reported to be bilingual except for a locally drafted sign which was in English only. There were two Customs signs at the Moncton Airport, one of which was unilingual English. Signs at the Excise office were bilingual with the exception of one sign in English. The Customs office dealt with a total of 55 public-use forms of which 38 were available in English and French and the other 17 were stocked locally in English only, though available from the Department in French. All seven Excise forms used by the public were available from headquarters if not stocked in both languages.

Publications used by both Customs and Excise offices were available in both languages. Telephone listings were given in both languages, though offices were identified over the telephone in English only. Both offices were, however, able to handle calls in the two languages.

With respect to personnel, the Customs office employed 14 full-time public-contact staff of whom five, the office claimed, were bilingual. Of the seven public-contact employees attached to the Excise sector, five were bilingual. In the last three years, only one employee of the Customs office had enrolled in language training and no Excise employee had enrolled, though one was to have done so in the fall. The Customs office was, at the time of the study, attempting to devise a retention and transfer programme for second-language learning.

Both offices had made laudable efforts to provide bilingual services to the public but had not grasped the notion of providing them automatically. Generally the two offices were adhering to the provisions of the Official Languages Act with only a few minor exceptions. The Commissioner recommended that:

- (1) all internal and external signs at the Customs and Excise Tax Offices in Moncton, and at Customs' premises at the Moncton Airport, whether drafted locally or in Ottawa, be made fully bilingual by 15 November 1972;
- (2) henceforth, at the Customs and Excise Tax Offices in Moncton, the persons whose duties include answering incoming telephone calls from the public and any other persons who may answer the telephone identify the Offices in both official languages of Canada;
- (3) in order to be able to carry out the above recommendation, unilingual anglophone or francophone employees of the Customs and Excise Tax Offices in Moncton learn to identify their respective Offices in English and French;
- (4) unilingual English-speaking or French-speaking employees of the Customs and Excise Tax Offices in Moncton learn one or two phrases in the other language in order to be able to relay telephone calls to an employee who speaks the appropriate language;

(5) the Department of National Revenue, Customs and Excise, take all necessary steps to distribute copies of the *Boating Safety Guide* at the Customs Office in Moncton which are identified in French and English in both versions, precedence being given to English in the English version and to French in the French version, by 31 December 1972;

(6) henceforth the Customs and Excise Tax Offices in Moncton have on hand at all times a sufficient permanent stock in both official languages of public-use forms presented separately in both languages;

(7) henceforth the Customs Office in Moncton use the newer bilingual versions of forms A8A, A10, AG1 and C10 in place of the older, unilingual versions which they presently have in stock;

(8) the Department take all necessary steps so that bilingual services are provided at all times at the Moncton Airport by the Customs Office in Moncton;

(9) service to the public be provided automatically in both official languages at the Customs and Excise Tax Offices in Moncton, rather than on specific request.

COMPLAINTS—CUSTOMS AND EXCISE

1. *Customs Offices*

File No. 939—Gander

The complainant noticed that French immigrants who were on their way to work for the Michelin Tire Company in Nova Scotia were unable to obtain services in their own language from customs officers at Gander International Airport.

The Department acknowledged that it had been unable to provide services in French in this instance. However, a customs officer at Gander was now learning French. Arrangements would be made with Air Canada for an interpreter to be on hand when a demand for services in the French language was anticipated.

File No. 1044—Fredericton

A French-speaking person pointed out that the plate identifying the Customs and Excise building in Fredericton was in English only.

The Commissioner informed the complainant that the Department had raised the matter with the Department of Public Works, and a new bilingual plate had been installed.

File No. 1801—Moncton

A woman complained that the information service in the Moncton office answered telephone calls in English only, and that French-speaking clients were treated with considerable arrogance.

The Commissioner informed the complainant that in September 1972, the Special Studies Service of his Office had investigated the bilingual services provided by the Department in its Moncton office. The Commissioner made nine recommendations, three of them with respect to telephone service. At the end of February 1973, the Department told the Commissioner that it had been able to carry out all his recommendations, and assured him that services were now available in both official languages.

File No. 1209—Clair

A French-speaking person reported that the part of the Canada Customs building fronting on the main street in Clair, New Brunswick, bore the unilingual designation "Canada Customs". On the other hand, the sign on the part of the building fronting on the United States was bilingual.

The Department informed the Commissioner that the Department of Public Works had corrected the situation.

File No. 1239—Lacolle

A French-speaking person complained that the Lacolle customs post had issued passengers on a bus with unilingual English versions of the E 67 5/69 Secondary Referral form.

The Department replied that at the time of the complaint, only English versions of the form were in stock at Lacolle. Bilingual forms were available, but had not yet been shipped to the Lacolle post. Since 6 September 1972, only the bilingual form had been issued to travellers.

File No. 952—Montreal

A complainant sent the Commissioner a bilingual slip issued by the Department bearing the legend "NO INF".

The Department took action to correct the situation.

File No. 996—Ottawa

A complainant reported that he had been unable to obtain service in French during the Christmas season in 1971 at the customs office located in the post office building on Alta Vista Drive.

Because of the vagueness of the complaint, the Department was unable to determine its cause. At the time the incident occurred, service to the public was provided by eight employees, four of them unilingual English-speakers and the rest bilingual.

The Commissioner reminded the Department that the fact of a client's addressing a member of the staff in French constituted in itself an implied request for service in French, and it should be provided without delay.

File No. 655—Toronto

A correspondent from Quebec City wrote to the Secretary of State to protest against the seizure by customs officers at Toronto International Airport of a camera he had purchased at a duty-free port abroad and which he had not declared. He said he had not received service in French and, as he did not understand English very well, a situation had arisen which could easily have been avoided if matters had been explained to him in French. The Secretary of State forwarded the correspondence to the Commissioner.

According to the complainant, he had been advised (incorrectly) by his travel agency, before undertaking his trip, that it was not necessary to declare articles purchased at a duty-free port; he had therefore claimed only a \$25 exemption instead of the \$100 exemption to which a person is entitled in any given year. He refused to pay the \$112.20 demanded by Customs, believing himself fully justified, and accepted a receipt for his seized camera because his connecting flight to Montreal was about to take off.

The complainant wrote to the Department of National Revenue (Customs and Excise) to claim the return of his camera on the grounds that it had been unjustifiably seized. He asked what he would have to do to prove his case.

After this the complainant exchanged a great deal of correspondence with the Department, including sworn affidavits and letters from the travel agency and the complainant's travelling companion, in an attempt to convince the Department that there had been no intent to smuggle, or to defraud the government.

The Commissioner's role was naturally confined to trying to determine whether the complainant had been served in French at the airport, and whether being served in French would have made a difference to the complainant's comprehension of the regulations and in his declaration at Customs.

The Department maintained that two or three bilingual customs officers had been available, that the complainant had not indicated he wanted to deal with a bilingual officer, and that his comprehension of,

and speech in, English was such that they had no reason to suppose there was any language difficulty. The Department added that the reason given by the complainant for not declaring the camera at the airport was not one of language difficulties, but resulted from a misunderstanding between the travel agency and the complainant.

The customs declaration form was bilingual, and the portion dealing with purchases made abroad was made conspicuous by the use of red ink.

The complainant had stated at one point that he had asked a person in uniform standing near the baggage chute if anyone spoke French, and had received no reply. The Department believed that this could have been an employee of an airline company or other organization, but not a customs agent.

The Department emphasized that the complainant had not used his right of appeal, in the prescribed manner.

The Commissioner concluded that the complainant had failed to declare the camera for other than linguistic reasons. He therefore did not pursue the question further and informed the complainant of this decision.

File No. 1121—Niagara Falls

A French-speaking person stated that he had not been offered services in his language at the Niagara Falls customs office and added that most of the posters and signs there had been in English only.

The Commissioner investigated this complaint in the context of an inquiry being conducted by his Special Studies Service into the Department's bilingual services to the public. Following this study, the Commissioner formulated 48 recommendations for ensuring that services were offered in conformity with the requirements of the Official Languages Act. Several of these dealt with the recruiting and assigning of bilingual staff and the display of posters in both official languages. Although some of these recommendations would require more time than others to be put into effect, the Commissioner assured the complainant that he would be following closely the steps the Department took to conform with the requirements of the Act.

File No. 1297—Sudbury

A complainant from Sudbury reported that the customs clearance stamp used for damaged parcels was in English only. When he telephoned the customs office for an explanation, he noted that the receptionist, although bilingual, gave the name of the Department in English only.

The Department replied that all unilingual stamps would be replaced by bilingual ones and that it had issued instructions for the Sudbury office always to be identified in both official languages on the telephone.

File No. 1337—North Bay

A French-speaking visitor to the federal building in North Bay found that the signs on the doors of the Excise Tax District Office and of the Customs & Excise Examining Warehouse were in English only.

The Department made arrangements with the Department of Public Works to replace the unilingual sign at the District Office with a bilingual one, and to remove the sign at the warehouse, which was not open to the public.

File No. 1074—Edmonton

A French-speaking person alleged that when he went to the Edmonton customs counter to claim a parcel of books from France, the clerk had said during the course of their conversation that French was a foreign language in Canada.

The Department informed the Commissioner that the vouchers which were presented in order to clear the parcel were printed in French, Flemish and English. There seemed to have been a misunderstanding about the clerk's remarks to the effect that French was a "foreign language". She had not intended to question the status of French as an official language, but had merely been asking a question, somewhat clumsily perhaps, in order to establish whether or not the books were subject to duty. In fact, the regulation specified that books "in any language other than English" were admitted duty-free. In order to prevent the recurrence of such misunderstandings, the Department instructed its clerks to quote the actual text of the tariff regulation.

File No. 1343—Vancouver

A complainant claimed that when he went through Customs at Vancouver International Airport he had been denied service in French by a unilingual employee who did not call upon a bilingual colleague to serve him in his own language.

The Department told the Commissioner that the complainant had presented a declaration form completed in French, and acknowledged that this should have been taken by the customs officer as an implicit demand for service in that language. If he was not himself bilingual, he should have called upon a bilingual colleague to serve the complainant. The Department had since reminded all officers at the airport of their obligations and of the relevant guidelines to follow.

However, the Department had not made it clear whether or not there had been a bilingual officer on duty when the incident occurred. Although it said that it had assigned four bilingual officers to the airport two days later, the actual position when the complainant passed through was still obscure.

The investigation confirmed that there had been no bilingual employees on duty at the airport when the complainant was there. It was also learned that the Department was planning to assign a fifth bilingual officer because five were needed to ensure that services in French were available on each shift.

As a result of the investigation and because Vancouver is an international airport, the Commissioner decided to recommend that the Department assign the fifth bilingual officer to it without delay. He asked to be informed when the fifth officer was actually "on the job".

The Department in due course told the Commissioner that a fifth bilingual employee had been added.

2. *Language of Work*

File No. 45—Montreal

The nature of this complaint was set forth by the Commissioner in his *Second Annual Report* (pages 213-14). Briefly, it concerns a French-speaking employee of the Department who works in Montreal and wishes to communicate in French with his colleagues outside Quebec.

When the complainant repeated his complaint at the end of the 1971-72 fiscal year, the Commissioner decided to have a member of his team carry out an on-the-spot inquiry.

From the documents already in the Commissioner's possession and from the report of the above-mentioned inquiry, it appeared that, among other things, there had been a distinct increase in the use of French as a language of work at the Excise Tax Office of the District of Montreal West since the office became a French-language unit in November 1971. At the beginning of 1971, about 70 per cent of the customs inspection reports had been written in English, whereas the reverse was true by the spring of 1973, with some 70 per cent of the reports being written in French. Since 33 of the office's 39 employees were French-speaking, there was no doubt that the predominance of French as the language of work reflected in a more pragmatic way the requirements of the Official Languages Act in this area.

Nevertheless, there were still language problems in this office in the summer of 1972. The inquiry revealed that, as a general rule,

employees could not communicate in French with other units of the Department outside Quebec. The Commissioner therefore recommended that the Department authorize its employees to communicate in the official language of their choice with any other unit of the Department anywhere in Canada.

In addition, some of the forms used by the employees of this office were still only in English. The Commissioner therefore recommended that the forms be made available in both official languages as soon as possible.

Before 1971, the employees of this office worked almost exclusively in English and were consequently on the whole more familiar with English technical terminology than French. The Commissioner recommended that each employee be given a French dictionary and that French technical dictionaries and English-French and French-English technical vocabularies or glossaries be placed at the disposal of all employees.

The inquiry also disclosed that among the office's six English-speaking employees, some were unilingual while others had a limited knowledge of French. The Commissioner recommended that those English-speaking employees who so desired be permitted to take French courses. He recommended further that in future no English-speakers should be assigned to the French-language units unless they had a sufficient knowledge of French.

The Department said it accepted the view expressed by the Commissioner on the subject of communication with other units, but informed him that certain practical considerations prevented it, for the present, from putting his recommendation into effect on a nationwide basis. The Commissioner continued his discussions with the Department on this point. As for the remaining recommendations, the Department had given them careful consideration, and had already put a number of them into effect. For example, all forms used by employees had for some time been available in both official languages. The matter of dictionaries and glossaries had also been settled.

File No. 1625—Quebec

A senior officer in charge of a French-language unit of the Department in Quebec City sent the Commissioner a copy of a letter he had written to the head of the Treasury Board's Bilingualism Division.* Although more than a month had gone by, he still had not received a reply. His complaint was that his unit had been visited by two departmental inspectors from Ottawa, both unilingual English-speakers. He

*Now Official Languages Branch.

believed that inspectors sent to Quebec City to visit an officially designated French-language unit should be able to speak French.

The Treasury Board's Bilingualism Division sent the Commissioner a copy of its reply to the complainant. The Department had acknowledged its error and would see that future inspections involving French-language units were carried out by inspectors with a good knowledge of French. It had apparently been an isolated incident but nevertheless the Bilingualism Division asked the complainant to inform it of any unilingual English communications, either oral or written, that his unit received from the head office in Ottawa during the next five or six months.

During the investigation, it was found that the unit lacked basic working instruments such as typewriters with French keyboards and French versions of departmental manuals. Their absence was obviously a greater obstacle to the promotion of French as a working language than a single visit by English-speaking inspectors. The complainant was told how to obtain these materials from his Department.

The Commissioner was very pleased to learn of the firm stand which the Bilingualism Division had taken and its insistence that the Department fulfill its duties to its French-language units. He also observed that one problem had led to the discovery of another perhaps more important one, and action had been taken to remedy them all.

3. Miscellaneous Complaints

File Nos. 1242, 1243—Competition

A Member of Parliament and a union representative wrote to the Commissioner concerning an employee of the Department who was disqualified from competing for promotion to a bilingual position. The employee had failed a Public Service Commission French-language test which was a prerequisite for the competition.

After carefully examining the information provided, the Commissioner was obliged to conclude that he had no clear jurisdiction in the matter since the nature of the complaint did not constitute a contravention of the Official Languages Act. The government's policy was that the determination of linguistic requirements for federal public service positions was the joint responsibility of the Treasury Board and the department concerned. The Public Service Commission, in accordance with the Public Service Employment Act and the position requirements of departments, prescribed selection standards, including those related to language, and determined the language knowledge of candidates.

It is only if these procedures result in an infraction of the Act, for example by a failure to provide service in both official languages, that the Commissioner's jurisdiction is invoked. Nevertheless, upon receipt of written authorization, the Commissioner referred the matter to the Department, the Treasury Board and the Public Service Commission.

The Commission reassessed the second-language knowledge of the employee and concluded that he did not qualify for the position sought. The Department re-examined the case and stated that it was satisfied that no discrimination or injustice had occurred. The complainants on behalf of the employee were informed of the results of these reviews.

File No. 986—Dating System and Postmarks

A Montrealer complained that the Department's dating system did not conform to the usual order of giving the date in French. The complainant also deplored the inequality shown in the selection of characters for French and English in postmarks.

The Department explained that the abbreviation "Fév. 2/72" conformed to the instructions given in the office manual published in 1961 with the authorization of the Department of the Secretary of State. While taking due note of the Department's version of the facts, the Commissioner nevertheless recommended the use of the day/month/year sequence and suggested that the month be indicated in Roman numerals. As for the postmarks, the Commissioner, in cooperation with the Department, studied the possibility of granting precedence to French on postmarks in Quebec.

The Department acknowledged that the international system for identifying the date (day/month/year) had the advantage of eliminating the problem of giving precedence to one language in indicating the month, but it was of the opinion that it would be preferable to indicate the month in letters, since an experiment in its Montreal offices had shown that the use of Roman numerals led to confusion.

At the Commissioner's suggestion, the Department agreed to convert all its date stamps to the international system.

File No. 1499—Labelling

A French-speaking correspondent complained that the excise labels on liquor bottles were in English only.

Following the Commissioner's intervention, the Department ordered new bilingual labels.

EVALUATION

The Department's efforts to correct situations which gave rise to infractions of the Official Languages Act, and generally to implement 5 of the 13 recommendations made by the Office, have been positive and seldom parsimonious. The Commissioner's interest in this Department is growing at an increasing if not compound rate: even before the Department became the subject of a special study, it had already drafted a basically sound policy statement, had made a serious effort to provide a variety of language-training programmes, and made bilingual a major part of its forms and written informational material.

In general, the Department has been co-operative in handling complaints and has done its best to comply with the provisions of the Official Languages Act throughout the country. Experience has shown that taxes can be collected in French as well as in English, with no loss of revenue.

Time has not of course allowed some of the recommendations made by the recent study (completed in May 1973) to be fully implemented. Indeed, in a few cases, precise indications as to how the Department plans to implement its recommendations are lacking; but the Commissioner, in view of the Department's active co-operation, hopes that all recommendations will soon have been acted upon.

Of the 13 recommendations the Commissioner made, five have been put into effect (Recommendations 1, 2, 6, 12, 13) and the others are in various stages of implementation. The Department has agreed to publicize more widely its capacity to offer services in the two languages, to issue all future publicity, with minor exceptions, in a bilingual format, to staff its public-contact positions with an adequate number of bilingual personnel, and to arrange for correspondence to be answered without delay in the language of the correspondent. While the problem of ensuring that English and French tax forms are adequately displayed in post offices has not been resolved, the Department has taken new steps to ensure that taxpayers will receive their tax returns in the language of their choice.

During the period under review the Commissioner received 44 complaints concerning the Department; most of them were settled within a reasonable time.

Only six complaints needed recommendations, and in certain instances corrective action was extended by the Department on a nationwide basis.

Some situations, in particular telephone services at the Ottawa office, gave rise to a series of complaints. However, considering the large

number of calls received at this office, a few complaints were to be expected. In most cases, the complaints were not specific enough to allow accurate assessment of the Department's share of responsibility.

On several occasions taxpayers complained of not receiving income tax forms in the official language of their choice. It should be pointed out, however, that in most cases the Department was not to blame as the language of the form matched the language used by the complainant in his return of the preceeding year. In rare instances, administrative error was cited, but *errare humanum est* applies even to computers.

SPECIAL STUDY—TAXATION

This study of the Taxation sector was initiated at the invitation of the Department in July 1972. Its purpose was to examine and evaluate the steps taken by the Department to ensure compliance with the Act as far as language of service was concerned. Focusing first on head office, both as an operating entity with public contacts of its own and as a central administrative body whose policies affect all its offices across the country, and secondly on the service provided by the district and regional appeals offices, the study dealt with questions of policy, personnel, language training and language retention, public information programmes, telephone services, documents directed to the public and signs.

The study team found that the departmental policy statement on bilingualism was basically a sound guide to employees in terms of the Department's responsibility to provide service to the public in both official languages. However, the team determined that there was a need to complement this statement so as to define the Department's publics, the extent and breadth of bilingual service to which they are entitled, and the Department's understanding of what constitutes regular and sufficient demand. Furthermore, the findings revealed that, in all but a few instances, staff at the district level could have benefited from additional information on the implementation of the bilingual programme.

The operations of head office result in little direct contact with the public, except in the case of the Data Centre, which processes Individual Income Tax Return forms. The Centre follows the policy of sending out the notice of assessment to members of the public in the official language used in the tax return itself. If further contact is necessary, taxpayers are directed to the district taxation offices; it is here and at the regional appeals offices that the Department has most of its contacts with the public.

Although all but one of the twelve offices visited had some bilingual capability, in most instances it was inadequate to meet the

current or potential demand for services in both official languages. In some cases there was an insufficient number of bilingual staff and in others the bilingual personnel were inadequately distributed, both within functional divisions and at various levels of seniority. The team learned that the Department had experienced difficulty in recruiting bilingual personnel with the necessary technical expertise, particularly in such fields as auditing. Since it was unlikely that the recruiting problem could be resolved in the short term, language training appeared to be a necessity.

The Department had made a serious effort to provide a variety of language-training programmes for its staff. Senior staff at head office had attended courses offered by a private agency and other employees in Ottawa had enrolled in the Public Service Commission's Language Bureau Programme. The Department also supports a Bicultural Exchange Programme and had posted language teachers to its Edmonton and Saskatoon offices. A major problem, however, is that of language retention and the team found that the Department should, when language trainees return to work, give careful consideration to the potential use of their newly acquired language skills.

The Department is to be commended on the care it has taken to provide public information programmes in both official languages. It also offers an extensive information service at individual district taxation offices, where the officer responsible participates in local radio and television interviews to inform the public about tax law and regulations. At all but one office, the Department provided this service in both official languages. The major part of all written informational material was also available in both languages, but the team found that its distribution to the media and to the public was uneven. It is therefore possible that minority language groups in some areas did not receive such information in their own language. If the Department made a concerted effort to inform the public that it is capable of providing bilingual services, there is reason to believe that the demand for such services would reach its normal ceiling. The Department would then have the threefold advantage of using its bilingual resources more fully, of offering greater opportunity to its language-training graduates to use their second language and, finally, of taking an important step towards changing its image from that of a unilingual institution.

Other written material directed to the public, such as various forms and the publication *Inside Taxation*, are prepared bilingually either in single format or in separate English and French versions. Although this presentation is quite in keeping with the requirements of the Act, the team found that counter displays of the material often contained only the English version or gave the impression that only the English version was available. Moreover, many post offices did not maintain stocks of

Individual Income Tax Return forms in both languages. The responsibility for this oversight was shared by the Department and the Post Office since the former is responsible for originating the forms and the latter for their availability, an arrangement which members of the public are unlikely to accept as a reason for lack of service. In addition to these documents, it should be mentioned that calling cards were found to be unilingual. Such cards are not of course items of major importance, but for convenience and symbolic reasons they should be rendered bilingual.

The question of telephone services may be divided into three parts, namely listings, reception and information. In certain parts of the country, directory listings either were in English only, or, if bilingual, could only be found under the English heading "Income Tax". Telephone reception practices varied widely, but only one office answered incoming calls in both languages. With respect to requests for information, especially those placed with the assessing section of district taxation offices, it was anticipated that the "Zenith" system, in effect for the 1973 tax filing period, would cause problems of some magnitude as a result of an insufficient quantity or an inadequate distribution of qualified bilingual personnel.

Still within the general context of communication with the public, translation played an important role. Of nine offices using translation to answer correspondence received in French, six used their own staff to do the translations, two used their own staff together with the translation services of their head office in Ottawa and one systematically sent all French correspondence to Ottawa for translation. The team determined that, although asking local office staff to translate correspondence avoided the delays which often result from sending work to Ottawa, the present system nonetheless contained certain drawbacks. A lack of accuracy could result in a violation of the Official Languages Act regarding the equality of status of the two languages; secondly, the Translation Bureau Act gives the Translation Bureau sole authority over translation for government departments. Therefore, while the ideal solution to the problem would be the presence of an increased number of qualified bilingual personnel, the study team formed the opinion that, in the interim, directors of district offices should make efforts to have the Translation Bureau hire professional translators and post them to offices where needs are sufficient to justify their presence.

As regards signs, both internal and external, the team found that the programme to render them bilingual was well behind the Department's own deadlines. Given their symbolic importance in projecting the bilingual image of the Government of Canada, it was necessary to give prompt attention to this question.

Despite the weaknesses outlined above, the Commissioner commends the Department on the high priority it is according to bilingual reform and on the important changes that have taken place within the organization in recent years. In order to assist the Department in bringing its goals to a more permanent and complete realization, the Commissioner recommended that:

(1) the Department substitute for its present manner of determining the staff required by its various offices to provide services in both official languages, i.e. proposed bilingual districts, population percentages and numerical minimums, a method which more clearly reflects the potential demand represented by the actual areas of concentration of the minority-language group, the qualified bilingual staff actually needed to serve those areas throughout the working day and the most effective distribution of that staff across and within functional sectors of the Department having contact with the public;

(2) in line with its own intent, as expressed in its statement of bilingual policy, the Department develop and implement a comprehensive information programme involving senior officials and the Bilingualism Advisor, to inform all levels of staff across the country of the Department's programme to implement the Official Languages Act. This programme should be completed by 28 September 1973;

(3) so as to eliminate error, delay and unnecessary referrals in the provision of service in both official languages, the Department ensure that all important public information facilities such as counter and telephone reception in district taxation offices be adequately staffed with personnel capable of providing service in both official languages; and, where there is an insufficient capacity, at present, to provide the service required in both official languages automatically, the Department consider adopting the following measures:

(a) designating by means of notices particular contact points at counters where the public may obtain service in either of the two official languages;

(b) listing, in telephone directories, a number or numbers which will be answered by personnel with competence in both official languages;

(4) so as to inform the public of its willingness and capacity to provide service in both official languages, the Department adopt a policy of answering telephones in both official languages when:

(a) there is a significant concentration of the minority language group in the area served by the office and;

(b) when a central switchboard system is used in the office;

(5) the Department utilize its public relations officers in district taxation offices to publicize its capacity to provide service in both official languages;

(6) the Department ensure that all media of both official languages throughout the country be offered publicity of informational material, such as *Tax Tips*, so that equal access to information is available to both language groups;

(7) the Department ensure that all publications available in district taxation offices be displayed so that titles are visible in both official languages. Where publications have been prepared in separate French and English editions, steps be taken to ensure that supplies are readily available and displayed in both official languages;

(8) the Department pursue its objectives of answering correspondence in the language in which it is received by continuing to encourage and upgrade the originating of material in the two languages; and, the Department also work out with the Translation Bureau of the Department of the Secretary of State whatever additional translating arrangements are meanwhile needed to provide, for its security requirements, equal quality in both languages and the elimination of any disparity in the relative time taken to answer correspondence in both official languages;

(10) in order to ensure freedom of choice for the taxpayer, and as one indicator for determining demand for service in both official languages, the Department consider providing on 1973 Individual Income Tax Return forms a method for enabling the taxpayer to indicate his or her language preference for future service;

(11) the Department discuss immediately with the Post Office Department ways and means of ensuring that, in all post offices where Individual Income Tax Return forms are made available to a public comprising both official-language groups, those forms are stocked and displayed without fail in both languages;

(12) a system of regular monitoring be established to ensure compliance of the Department as a whole with the requirements of the Official Languages Act;

(13) implementation of the above recommendations jeopardize neither the job security nor the career opportunities of departmental personnel.

COMPLAINTS—TAXATION

1. Tax Forms

File Nos. 766 (Bonnyville), 1766 (Brossard), 1770 (Ottawa)

Three French-speaking people complained that they had received tax forms in English even though they had filled them out in French the previous year. One of them added that several of his friends had received their forms in French a month after the English ones had been distributed.

The Department said it regretted these incidents and pointed out to the Commissioner that its practice was to send tax forms to the millions of Canadian taxpayers in the official language of their choice. The Department's computers had been specially programmed to do this. However, mistakes were always possible in mail sorting. The

computer determined the language of the taxpayer according to whether he had used English or French in filling out the previous form. The 1971 forms had had to be altered as a result of certain changes in the tax law, and the need for translation had delayed the printing of the French version. The English forms therefore had been distributed before the French ones were ready. The Department stated that it intended in future to issue the forms simultaneously in both languages, and it had reminded employees at its district offices of its instructions for complying with the Official Languages Act.

File No. 1682—Memramcook

A French-speaker from New Brunswick received an English version of the 1972 income tax return form. He asked the Commissioner to arrange to have the Department send him a French form as quickly as possible. In addition, he said he wished to receive all future forms and correspondence in French.

The Department stated that the computer code which determines the language of the form was based on the language of the last return filed, which, in the complainant's case, was a 1971 English return. The code on the complainant's record had been changed to French to ensure that future correspondence and forms would be sent to him in that language. In the meantime, the Department had sent him a 1972 French form.

File No. 1758—Ste-Foy

A French-speaking taxpayer complained that he had received an assessment notice in English.

The Department explained that it determined the official language of its correspondents from the language which they had used in completing their most recent tax forms. It appeared that the complainant had used an English form, which explained why an assessment notice had been sent to him in that language. The Department took steps to ensure that he would in future receive all correspondence in French.

File No. 1645—Sudbury

A French-speaking complainant stated that his family received two English and two French income tax return forms. According to him, all four had received English forms the previous year and had replaced them with French forms which they obtained from the local post office. Consequently, they all had expected to receive French forms the next year. He also complained that the guides accompany-

ing the two French forms were in English. Finally, he could not understand why the equivalent of the word "street" that appeared as part of the address on the English forms was not included on the French forms: only the number and name of the street appeared on the latter.

The Department confirmed that the complainant and his sister had filed income tax returns for 1971 in French. However, his father and brother had both filed English personalized forms for 1971, which was why they were sent English forms for 1972. The Department suggested that the father and brother should obtain French forms at the local post office or, if they had already filed their returns in English, they could request the local District Office to arrange for the computer language code to be changed the following year. The Department was unable to determine why English guides had been sent with the two French forms. Some ten million forms and guides were assembled and put in envelopes mechanically and it was possible that some errors occurred.

The Department said that the absence of the word "rue" on French forms had been brought to the attention of the officers responsible and would be taken into consideration when the present computer printing system was next reviewed.

Since the word "rue" is an integral part of a correctly written address in French, the Commissioner recommended that it be included in the address on French-language forms mailed out to the public the next year.

The Department then explained that the computer logic included an alpha identification which would have been rendered inoperative had "rue" preceded the street name on the French address. A numerical identification was now being used which made it possible to give the full and correct address in French. However, because it would have been very costly and time-consuming to change all the master files for the 1973 season, the Department would make the change on all new addresses and extend it to all street addresses in French over a period of time.

File No. 1740—Toronto

A French-speaker criticized the Department because he had been unable to obtain French tax forms at the Toronto district office. The person who answered him had treated his request in a rather offhand manner.

The Department said it was very sorry that the complainant had received an ungracious reply. It informed the Commissioner that the policy at this office had always been to make forms available in both official languages. Since at the time of the incident there were more

than 70 employees handling telephone enquiries, the Department was unable to identify the person responsible. However, the office director had brought the matter to the attention of the employees and reminded them of the instructions on this subject.

The Commissioner informed the complainant that his Office's Special Studies Service was in the process of completing an inquiry into the bilingual services offered by this Department and intended to make specific recommendations on the basis of the inquiry.

File Nos. 741, 920—Winnipeg

- A French-speaking correspondent complained that French tax forms did not become available at Winnipeg postal station No. 4 until more than a month after the English forms.

The Department admitted that this was so, adding that at that time French forms had been available in Winnipeg only at the district office. It expected, however, that from the following year it would be able to send the forms out earlier in both official languages.

The Commissioner reminded the Department that, in order to comply with the requirements of the Official Languages Act, it must supply postal substations with forms in both official languages so that a taxpayer is not obliged to go to the district office to obtain a form in the language of his choice.

- The complainant had been unable to obtain a T3-1971 tax form in French at the Winnipeg district office.

The Department claimed that it had sent forms in both official languages to this office. The Commissioner reminded the Department that it was not sufficient merely to have the form in stock: employees should make it actually available to the taxpayer in the language of his choice.

File Nos. 919, 1069, 1070—Edmonton

- The complainant had been unable to obtain a T2019 "Basic herd" form in French at the Edmonton district office. He claimed, moreover, that he had not received satisfaction from the Department's offices in Ottawa, to which he had sent a written request for one.

The Department could not explain why the complainant had failed to obtain a copy of the French form as it had indeed been available at the Edmonton office. As for the request submitted to Ottawa, the Department said that it could not check the facts without knowing the complainant's name and address. The latter, however, did not wish to reveal his identity to the Department.

The Commissioner sent the complainant a copy of Form No. T2019.

- The complainant criticized the Edmonton district office for not supplying the St. Isidore post office with enough tax forms and for taking too long to reply to letters written in French.

The Department replied that it had supplied the post office with forms in both official languages. On the basis of the previous year's demand, it had sent out, in January 1972, 10 T1 Short forms in English and 12 in French, with instructions for reordering. As for the delay in replying to letters in French addressed to the Edmonton office, the Department was unable, without more details, to determine exactly what the complainant had been referring to. It agreed, however, that as a general rule a correspondent should not have to wait three weeks for a reply.

Since reordering forms was the responsibility of the Post Office Department, the Commissioner brought this matter to that Department's attention. It sent a directive to its regional directors requiring them to make sure that the forms supplied to post offices by the Department of National Revenue (Taxation), and any other government forms, were always available in both official languages.

2. On the Telephone

File Nos. 1171, 1655, 1745—Ottawa

- A French-speaker complained that the telephone switchboard operators of the Appeals Division in Ottawa were unable to provide service in French.

The Department acknowledged that such a situation could have arisen during the renovations which had forced the Division's staff to move to temporary premises. Because of this, the rule that calls must be received and routed by a bilingual person had not always been observed. It had been agreed that for a short time secretaries, some of whom were unilingual, would answer telephone calls to their employer.

The Commissioner considered that the Department's explanations did not justify even a temporary suspension of bilingual reception services and he recommended that the Department take the necessary steps to ensure that such infractions of the Act did not recur.

- A French-speaker and an English-speaker alleged that the Income Tax Information Service of the Ottawa District Office was unable to serve them over the telephone promptly and adequately in their language.

The Department stated that it was its policy to ensure service to every citizen in the official language of his choice. It explained that at

the Ottawa District Office there were 18 staff members answering Information Service telephones. Ten of them were unilingual English-speaking and eight bilingual. In addition, two supervisors were available who were both fluent in English. The unilingual employees had instructions to transfer French-language calls to their bilingual colleagues. However, at peak periods the Service sometimes became over-taxed and the waiting period longer.

The Department added, in the case of the English-speaking complainant, that every effort would have been made to accommodate him if he had asked to be served by an English-speaking employee.

The Commissioner reminded the Department that a person should not have to ask specifically to be served in English or French. The very fact of addressing the Information Service in either language was an implicit request for service in it. The obligation to offer service to the public in the official language of its choice rested with the institution. The Commissioner added that it should be an easy matter to instruct all personnel to use a simple phrase such as "One moment, please" or "Un instant, s'il vous plaît" and transfer the caller to a colleague who spoke the appropriate language.

The Commissioner recommended that the staff of the Ottawa District Office be deployed in such a way as to assure to everyone telephoning the Information Service prompt service in the language of his choice. He also suggested that one or two employees be designated to answer telephone calls from French-speakers only: they would transfer to others calls from English-speakers.

3. Miscellaneous Complaints

File No. 1090—Income Tax Allowance

A complainant wrote to the Commissioner about the difficulty she was having in obtaining income tax allowance for tuition fees she incurred for French-language courses in 1970. She told him that she had obtained a tax allowance for the same purpose in 1971.

The Commissioner explained he had no jurisdiction in the situation described, but offered, in an unofficial capacity, to forward the correspondent's letter to the Taxation Branch of the Department. The complainant accepted the Commissioner's offer.

The Commissioner was later informed by the Department that the tax deduction had been allowed.

File No. 1097—Poor French

A complainant from Welland criticized the Department for the poor quality of the French in a bilingual circular.

The Department admitted that the complainant's assertions were well founded, and apologized to him. An employee had not had his letter checked by the Translation Division.

The Commissioner suggested that the Department pay special attention to the quality of its French so that similar incidents would not recur.

File No. 1332—Competition Poster

A French-speaking person told the Commissioner that the language requirements on competition poster 72-TAX-HO-CCID-109 for the position of Printing and Scheduling Clerk should specify that a knowledge of both French and English was essential: if the position were given to a unilingual English-speaker, French-speaking public servants who wanted to order printing work in their own language would find themselves unable to exercise this right.

An investigation of the complaint disclosed that the position in question was in a section comprising five positions, two of which were filled by bilingual employees. French-speaking public servants could deal with one of them. As long as these two employees, or one of them, could work with French-speakers in French and see that orders for printing received in French were properly executed, the language requirements of the position in question would not be an obstacle to French-speaking public servants working in their own language. The Department stated, moreover, that less than 10 per cent of the work of this section was done in French.

The Commissioner informed the Department that if the section could, as claimed, carry out its work with equal efficiency in both official languages, then it satisfied the requirements of institutional bilingualism without needing to declare the position in question bilingual.

4. Correspondence

File No. 783—New Brunswick

A complaint from Moncton criticized the Saint John office for replying in English to a letter written in French.

After making inquiries, the office stated that it had written to the complainant in English because she had completed her tax form in that language. However, there was no excuse for replying in English to a request for information made in French. Indeed, departmental directives required employees to answer letters in the official language used by the correspondents.

The Department asked the Commissioner to convey its apologies to the complainant. On the Commissioner's recommendation, it asked its Saint John office to send the complainant forms in French in future.

File Nos. 1651, 1819—Ottawa

- A French-speaking person who had completed his tax declaration in French complained that the Department had sent him in English a request for additional information.

The Department informed the Commissioner that the complainant's tax declaration had been in a batch of 50 that had been completed in English and the clerks had quite unintentionally forgotten to pass his to the appropriate service. Even though instructions to employees concerning language use were quite specific, the Department thought it advisable to draw the clerks' attention to this incident so as to prevent a recurrence.

- A complainant wrote to inform the Taxation Data Centre in Ottawa that he had changed his address. His letter was returned to him stamped with the date and the notation "Received—Taxation Data Centre" in English only. He claimed that the stamp should have been in French or bilingual format.

The Department replied that its policy was to correspond with the public in the official language of its choice. The complainant's letter had been returned to him by mistake, an error that was unlikely to recur. The Department added that stamps in bilingual format were being made available wherever they were likely to be used by departmental personnel of both language groups.

The Commissioner accepted the Department's explanation that the letter was returned to the complainant in error. He recommended that the Centre be provided with bilingual stamps as soon as possible.

The Department replaced the unilingual stamps with bilingual ones.

PARLIAMENT—"For Whom the Bell Tolls"

EVALUATION

Members of the public are particularly alert in noting contraventions of the Official Languages Act in such symbolically important places as the Parliament Buildings. Here, if anywhere, they rightly consider, compliance with the Act should be taken for granted.

During the period 1970-73, the Commissioner received 24 complaints. Most touched on services provided to public or parliamentarians

by House of Commons staff; a few dealt with working conditions of security guards. Speakers of both Houses were concerned with criticisms about activities under their control, and co-operated readily in investigating complaints.

The Speaker of the House of Commons took an active interest in all complaints alleging inadequate arrangements for French-language guided tours of Parliament's Centre Block. Regrettably, complaints continued to arise during 1973, indicating that his obvious good intentions had not yet produced their full desired impact.

COMPLAINTS

File No. 772—Sessional Journals

A French-speaking correspondent complained that, in the House of Commons, although most of the working documents issued by the Index Branch are written in both French and English, only the English texts are revised by the Journals Branch. According to the complainant, the French-speaking writers must then adapt their versions accordingly, without consideration of the original content of their texts; thus priority is always given to the English documents, and almost everything written in French is merely a translation from the other official language.

The Clerk of the House of Commons explained to the Commissioner the established procedures for compiling the indexes for the English and French journals: every day, the French and English sections of the Index Branch receive their respective copies of the votes and proceedings of the House. These are indexed as quickly as possible on a day-to-day basis, with each section having full responsibility for indexing its own copies.

At the end of each session, before the sessional indexes are printed in the journals, the English and French indexers meet with the advisory and research personnel of the English and French sections of the Journals Branch to go over the part of their indexes which deals with questions of procedure only. They do not go over entries for the topics discussed, since these are checked jointly by the English and French sections of the Index Branch when the indexes for the daily votes and proceedings are compiled.

Shortly after receiving the reply from the Clerk of the House, the Commissioner learned from the complainant that the situation which was the subject of her grievance had been rectified to her complete satisfaction.

File No. 991—Special Senate Committee on Poverty

A French-speaking correspondent drew the Commissioner's attention to the poor quality of the French translation of *Poverty in Canada*, the report of the Special Senate Committee on Poverty. He also complained of the quality of the French in documents published by the Canadian Council on Social Development.

The Commissioner informed him that he had already consulted both the chairman of the Committee and the Speaker of the Senate regarding the translation of *Poverty in Canada*. He had urged them to do everything possible to ensure the highest quality of French in future publications.

The publications of the Canadian Council on Social Development do not come within the Commissioner's jurisdiction, even though the Council receives grants from federal institutions. The Commissioner, however, said he would forward the complaint to the Council if the complainant authorized him to do so and provided him with specific examples of poor French. The complainant did not take up the Commissioner's offer.

File Nos. 1004, 1051, 1219, 1257, 1585—Guide Service

- A lady who accompanied a group of students during their visit to the Parliament Buildings complained that the guides were hard to understand because their English was poor.

The Commissioner referred the complaint to the Speaker of the House of Commons who explained that it had been difficult to secure sufficient students with both the right personality to perform guide duties and an adequate knowledge of both official languages. The guides had only just taken up their duties a few days before the incident complained of occurred. Because of the complaint, each guide would be tested to determine whether or not he was able to give satisfactory service to the public in both English and French.

- A French-speaking person who had visited the Parliament Buildings with his family and friends wrote to a newspaper to complain of certain aspects of his visit.

A guard at the entrance announced "English at right, Français à gauche", so he took his place in line. He soon noticed that the other line moved forward more rapidly. When they eventually reached the entrance, the French-speaking group had to squeeze against the wall to allow those leaving to pass. This was not required of people in the other line.

The visitor asked a guard a question in French and received no reply. He informed another guard of this and was told that 20 years ago

French-speaking persons would not hear any French spoken in the Parliament Buildings, whereas they were now accorded this favour. The guard added that any complaint should be made to the Speaker of the House, and asked the complainant to stop haranguing him.

Near the end of the tour, the guide assigned to the group told them they could go to the top of the tower if they wished. However, when they reached the stairway to the tower a sign, in both official languages, informed them that the tower was closed. The French-speaking visitors therefore dispersed, but the complainant remained behind and saw a guide with an English-speaking group remove the sign and take them up the tower.

The Commissioner felt there were sufficient elements of discrimination in this newspaper account to warrant bringing the matter to the attention of the Speaker of the House.

The Speaker replied that he had no comments to offer.

- A French-speaking person from Sudbury, who had resided in Ottawa the previous year, told the Commissioner that it was only after many visits to the Parliament Buildings that he had realized that guided tours were available in French. When he lived in Ottawa, visitors used to be directed to the right of the balustrade at the entrance by a guide who spoke in English only.

In July 1972 the complainant returned to Ottawa with his brother and they went together to visit the Parliament Buildings. On this occasion, because of the crowd, visitors had to wait outside, and a guide informed new arrivals that if they wanted to visit the Buildings they must get in line. This was said in English only.

Since the complainant knew it was possible to have a French-speaking guide, he asked to have one. He was told that a tour in French would be organized and was asked to stand aside to the left of the line. The guide informed them that since there were only two of them, they would have to wait until a large enough group was assembled. Others who were waiting in line asked why the complainant and his brother were standing apart. The guide told them that he was organizing a tour in French. Immediately ten or so joined the complainant and his brother. All of them had been unaware that tours were available in French.

The guide inside the Parliament Buildings who shepherded the visitors along did not seem to know that a tour was to be conducted in French and the outdoor guide had to remind him of it.

The complainant said he considered it shameful that this was the situation at the very seat of government in Canada.

Another French-speaking correspondent wrote to the Commissioner in same vein. He did not discover that tours in French were available until his party, being guided in English only, was in the House of Commons proper and it was too late to go back and start over again.

At the main entrance to the Parliament Buildings, two French-speaking persons asked in French at the reception desk what time the guided tours took place. The reply was: "Do you speak English?" The receptionist continued speaking in English and neglected to tell them that there were tours given in French; they therefore took an English tour. Moreover, the complainants had to translate the guide's explanations for the rest of the group, since everyone was French-speaking.

The Speaker of the House of Commons told the Commissioner that, in his opinion, the guide service in the Parliament Buildings was generally satisfactory. He added that, as far as possible, persons with personalities and good judgement suited to this type of work were recruited for the position, and that the public's reaction was generally favourable.

There were some problems, however, particularly during the summer months, when the number of visitors increased considerably. It was not surprising that certain difficulties arose during this peak period. The Speaker nevertheless felt that two changes should be made to improve the situation. Firstly, signs would be placed in the lobby telling visitors where to go to obtain the services of a French or English guide as desired. Secondly, instructions would be given so that the visitors would no longer have to wait until there was a large group before beginning their guided tours. The tours would thus take place at more reasonable intervals.

The Commissioner suggested that, in addition to these changes, people waiting in line outside the Buildings should be informed as soon as they arrive that tours are conducted in both English and French and they should be directed to the appropriate line.

File No. 1437—Mailboxes

A French-speaking person pointed out to the Commissioner that there was a plate bearing the word "Letters" without its French equivalent on the mailbox located near Room 139 in the West Block.

The Clerk of the House informed the Commissioner that, following this complaint, an investigation had been made of all plates of this type in the Centre and West Blocks and that 36 bilingual plates had been put on mailboxes to replace unilingual ones.

File No. 1693—Conditions of Work

A French-speaking secretary working for a Member of Parliament in the House of Commons complained that she was called upon to translate French-language correspondence into English for the benefit of the Member's unilingual English-speaking first secretary. The complainant, who was the third secretary in her particular unit, did not believe that translation should be considered part of a secretary's work.

The Clerk of the House of Commons expressed the opinion that this problem was a general one affecting secretarial staff, and language was only involved incidentally. He told the Commissioner that every Member of Parliament had several secretaries, at least one of whom was assigned to him from a central pool. The higher-ranked and higher-paid secretary frequently did less actual work than junior secretaries, who were often called upon to remain late at the office, despatch the mail, and do last-minute tasks. The junior secretaries were naturally resentful of this state of affairs. The Clerk said it was a difficult problem to solve and emphasized that it was not one that involved racial or linguistic discrimination.

The Commissioner agreed.

POLYMER

COMPLAINT

File No. 1093—When is a Crown Corporation Not a Crown Corporation?

The complainant received from the Corporation a reply in French to an inquiry made in French. He complained to the Commissioner that the Corporation used stationery with an English-language letterhead and with an English-language advertising slogan stamped on the envelope.

The Corporation assumed that the complaint was lodged by a person with whom it had previously communicated in French but to whom it had replied in English on a subsequent occasion. Since the correspondent requested a reply in French to the second communication, the Corporation had complied with his wishes.

The Corporation indicated that since several members of its staff were bilingual, it was in a position to communicate with the public in French as required by the Official Languages Act. It requested for its guidance a copy of any directives or guidelines

issued by the Commissioner as it had not understood that the Act required that its letterhead and the advertising slogan stamped on the envelope by postage meter machine be also in French.

The Commissioner advised the Corporation that the Act imposed on Crown corporations the duty to provide at their head office services in both official languages. The lack of a French letterhead on official stationery used by the Corporation for correspondence with French-speaking persons was, in his opinion, inconsistent with the provisions, spirit and intent of the Act. He stated also that the practice of using a solely English letterhead in such cases seemed to warrant a review as the Corporation had been granted supplementary letters patent authorizing it to use a French name.

The Commissioner therefore recommended that the Corporation use either a bilingual or a French-language letterhead in communications with French-speaking correspondents or in replies to letters received in that language. The Commissioner further stated that he did not issue general directives or guidelines but made recommendations directed to specific situations. He sent the Corporation a copy of his *First Annual Report* hoping that the Corporation might find it useful.

In its reply, the Corporation stated that Polymer was sold by the government on 31 July 1972 and was now a wholly-owned subsidiary of the Canada Development Corporation. The latter company, by its incorporating statute, was not an agent of Her Majesty or a Crown corporation within the meaning of the Financial Administration Act. "Although our status has changed," the Corporation added, "we recognize that there are practical benefits to be derived from using the French language in dealing with Francophones. While we receive few letters in French, we intend to continue our practice of replying in that language."

The Commissioner felt that although neither Polymer nor its new parent, the Canada Development Corporation, is a Crown corporation or agency of Her Majesty within the meaning of the Financial Administration Act, they are institutions of the Parliament and Government of Canada under Section 2, and agencies of the government under Section 9, of the Official Languages Act. The Commissioner was of the opinion that they both represent the "federal presence" as emanations of Parliament and that Polymer's status has accordingly not changed in the eye of the Official Languages Act.

At the end of the fiscal year, the Commissioner was still awaiting appropriate action by the Corporation.

EVALUATION

This Department has rendered bilingual most of its forms and publications, and many of its signs and other printed material. In January 1974, it started to devise ways of informing its employees about the Act's requirements. Yet its person-to-person service to the public in both official languages, viewed on a national scale, has been scanty and uneven. Headquarters has generally been slow and somewhat uncooperative in settling the 106 complaints received since 1970, and has needed numerous proddings. Recurrence of complaints from the same area or locality, often revealing similar infractions of the Act, and the Department's failure to remove their causes, leave the Commissioner just a little perplexed.

In a study relating specifically to the Moncton post office, and carried out in the summer of 1972, the Commissioner made 11 recommendations. The Department carried out those dealing with the visual aspects of bilingualism. It informed the Commissioner that printed matter intended for the public and stamps for use on envelopes and documents that go outside the office had been rendered bilingual. Unilingual signs, notices and insignia for which the Department was itself responsible had been replaced. On the other hand, some unilingual signs which were the responsibility of the Department of Public Works had still not been translated in October 1973.

The Department, however, showed little haste to implement the five recommendations on oral communication with the public. Only one of these recommendations had been applied as of October 1973—that concerning bilingual telephone service. The other four recommendations were in the process of being applied. The Commissioner recommended that bilingual services be provided at wickets in the main office and sub offices and that postal delivery service be available in both official languages in Moncton. He also recommended that the Department institute language-training and recruiting programmes in order to increase the bilingual capability of the staff in this office. In accordance with new Treasury Board directives, the Department is to "identify" and "designate" as bilingual a certain number of positions; the Commissioner hopes that this will enable it to comply with the requirements of the Act.

Although the Department's new attitude is positive and implies a respect for the requirements of the Act, the Commissioner still has no real guarantee that service is currently being provided in both official languages. He believes that the Department could obtain better results if it exercised greater supervision over the implementation of its direc-

tives at the local level. It could thus ensure that members of the public receive prompt and courteous service in the official language of their choice.

SPECIAL STUDY

This study was conducted by the Commissioner's Office because of the institution's broad contact with the public, the essential nature of the service the institution provides and the number of complaints received by the Commissioner.

The Post Office Department's public consists of a local public, a travelling public and migrant workers seeking employment across Canada in various seasons. Postal services to the public are provided primarily by wicket (counter) clerks, letter carriers, mail service couriers and rural route couriers. In small post offices, such as revenue and sub-post offices, the postmaster or postmistress was the sole public-contact employee.

This study revealed that senior management felt generally committed to the Act. However, the gap between senior management's desire to implement the Official Languages Act and its actual execution was wide. Bilingual service was provided mainly upon request and then only when and where deemed feasible and possible by the Department. That was taken to mean that the Department should at least provide minimal services in the two official languages in areas having a minority official-language group of 10 per cent or more. Locations where provision of such services was greater than the absolute minimum were exceptions rather than the rule. The overriding concern of the Department was to respond, as well as it could, to demands for service as they appeared, while relying heavily on "remaining within the law". The action taken by the Department during the period under review to meet its country-wide obligations to the aforementioned publics had been sporadic rather than systematic.

The Department had waited over the years for some clear guidance, from a central agency of the government, concerning the implementation of a languages programme. However, when no such direction was forthcoming, the Department proceeded to make bilingual service available to its public on the basis of its own "Proposal for Bilingualism".

Despite their limitations and problems, the Department's accomplishments, namely the provision of at least minimum bilingual service in areas having a linguistic minority of 10 per cent or more and the rendering bilingual of some of the tangible aspects of service, were attributed to senior management's positive attitude towards the Act, the

appointment of a Bilingualism Adviser, creation of the "New Look" programme, the provision of language training and some preparatory consultations and arrangements with the employees' associations.

The Commissioner's staff learned that the other programmes of the Department were run on "management by objectives" principles. Unfortunately, implementation of the Act did not benefit from such techniques. The Department required an all-embracing policy statement, specific short- and long-term objectives accompanied by dates of completion where practicable and the allocation of ultimate responsibility for the whole departmental programme to the senior management committee. Guidelines translating the Act's requirements, especially those relating to demand for service, into administrative terms were found to be absent. The lack of such guidelines rendered unlikely a common understanding of the Department's obligations under the Official Languages Act and effective contribution by all administrative components to the common goal. A consistent and well-planned information programme for employees and management alike was also found to be lacking. The study revealed that such a programme was indispensable if implementation of the Act was to be based on firm grounds.

Essential elements for planning and execution required more attention. These would include a specific knowledge of existing total and bilingual resources and of future requirements, plans for meeting those requirements, second-language test results, budgetary arrangements and additional human resources, bilingualism co-ordinators, and review and monitoring systems. Persons with breadth of administrative and management experience, imagination and vision would have to be entrusted with the complexity of the task of ensuring the whole Department's compliance with the Act. By virtue of the Department's "New Look" programme, many of the unilingual physical aspects of service to the public such as signs, inscriptions, printed material and other visual aspects were, or were being rendered, bilingual without any definite target dates for completion. The programme for change-over to a bilingual format of these unilingual objects could, as a short-term objective, be completed as quickly as possible and without much effort.

Likewise, support facilities, such as translation, language training and retention, needed to be organized and extended on a well-planned basis.

Because most of the public-contact employees belong to employee unions, a great deal of preparatory work and consultation would be necessary before any serious manpower planning could be effected. Similarly, formal agreements and informal arrangements with the Department's smaller post office and delivery-route working staff needed revision. A firm agreement between them and the Department would have to be concluded to ensure service to the public in either official

language. Any administrative arrangement concerning postal employees should be carried out after prior consultation with the unions and with due regard for the job security and negotiated rights of the employees.

The main conclusion which could be drawn from the study was that, although the Department had managed to make some progress towards implementation of the Act, a great deal of work still lay ahead to ensure full compliance. On the basis of the research team's findings it was evident that, to bring itself into compliance with the Official Languages Act within the foreseeable future, the Department had to approach the task in a more rational and systematic manner than in the past.

The Commissioner recommended that:

(1) (a) the headquarters set, for the Department, as soon as possible, clearly defined short-term and long-term objectives, fully reflecting the letter as well as the spirit and intent of the Act, accompanied wherever possible by target dates for completion;

(b) the ultimate responsibility of initiating a programme of implementation, developing plans of approach, establishing teamwork between the headquarters and its administrative arms, giving a common direction to both concept and application, and integrating the goals of the units with those of the Department as a whole, be assumed by the Department's Advisory Committee;

(2) the headquarters communicate, fully and precisely to its appropriate administrative arms, for the purpose of ensuring a common understanding and uniformity of approach, guidelines on how to view demand, on how to establish an adequate and satisfactory level of bilingual service, the distinction to be made between service upon request and service made available automatically, the level of linguistic proficiency required for different public-contact activities, the importance of bilingualism in the audio-visual facets of service to the public and the many other essential requirements of the Act;

(3) the headquarters plan and launch, as soon as possible, an in-depth explanation cum information programme concerning the Department's obligations under the Official Languages Act, directed to its employees at all levels but especially to those responsible for implementing the Act and to those directly or indirectly serving the public;

(4) in order to arrive at the planned course of action required to comply fully with the Act, the Department determine

(a) the number of unilinguals speaking French or English and of functional bilinguals, with the latter's level of second-language proficiency, currently employed in each public-contact activity, at each regular, sub-, and revenue post office where there is a minority language group in the area served by the office;

(b) the number of unilinguals speaking French or English and of functional bilinguals, and, in the case of the latter, the level of second-language proficiency, needed to serve the public automatically and satisfactorily, by each public-contact activity, at each post office as in (a);

(c) the number of unilinguals speaking French or English and of bilingual employees possessing the requisite level of proficiency, by each public-contact activity, and by each post office as in (a) that must be produced through recruitment, deployment, language training or a combination of these, to make up the difference between (a) and (b) within a foreseeable future;

(5) in determining 4(b) the Department should replace its present manner of determining its unilingual and bilingual staffing needs on the basis primarily of bilingual districts, population percentages and numerical minima, by a method more clearly reflecting the potential demand represented by

(a) the minority official language group inhabiting the area being served,
(b) the response of that group when service is offered to it automatically in its language,

(c) the requirements of the Act respecting the travelling public including migrant workers, and covering

(i) all primary and secondary public-contact employees, namely postal clerks, letter carriers, mail service couriers, rural route couriers, postmasters, assistant postmasters, supervisors, secretaries and others with any level of public contact,

(ii) the number of qualified unilingual or bilingual staff, regular and other, needed to serve those areas throughout the working day, and the most effective distribution of that staff across and within functional areas having public contact, on the basis of all or some of (a), (b) or (c) above;

(6) the headquarters ensure effective implementation of the Act

(a) by appointing full-time co-ordinators at the regional and/or district level, accountable for achieving desired and timely results;

(b) by making a separate budget and supplementary manpower available to the regions and/or districts for purposes of the Act at least until such time as the Act is fully implemented and its implementation is an integral part of all departmental administration and operations;

(c) by taking the necessary steps so that the results of tests on second-language proficiency administered to employees are made available to the manpower sections at the district level to enable them and the co-ordinators to incorporate the linguistic factor into their manpower utilization activities;

(7) the headquarters institute a systematic method for periodic review and measurement for evaluating the extent to which its objectives are being achieved and the effectiveness of its plans of action in relation to these objectives;

(8) an annual turnover record of employees be kept by the personnel function at the regional or district level as appropriate and that this be made available to the co-ordinator of bilingualism for effective forecasting, planning and programming of the net bilingual manpower complement required;

(9) in order to strengthen its bilingual public image the Department communicate to the public its capability of serving in the two official languages wherever that capability is now reasonably adequate, and elsewhere as soon as that capability is developed;

(10) the Department make optimum use of its unilingual and bilingual staff by relocating, where necessary, those bilinguals who are willing and able to move, and replacing them by unilinguals when the duties can be performed equally efficiently in one language only, by defraying the costs of moving the family if and when required and providing suitable incentives to make such moves mutually beneficial;

(11) the headquarters introduce a bilingual service clause in formal contracts and informal arrangements with those who are serving the public, on its behalf, namely sub-, and revenue post offices, mail service couriers and rural route couriers, when the area being served embodies a minority language group. Such a clause should be comprehensive enough to cover any service provided by such persons as sub-contractors, too. In the case of contracts and arrangements the renewal of which is not due until a number of months or years hence, some interim measures be adopted to ensure the availability of bilingual service in the meantime;

(12) (a) the Department seriously consider making language training, at appropriate levels of proficiency and content, an integral part of the overall job training programme;

(b) the Department take all possible steps

(i) to ensure that English- and French-language training is made available, through existing and reputable language training facilities offered by both the government and private sectors across the country;

(ii) to ensure that the various levels of management make such language training available to those employees currently occupying public-contact positions and to those who will or may occupy such positions eventually, on a top priority basis under whatever conditions are most conducive to results, whether it be on the Department's time and at its expense, or after hours and with suitable incentives, or any combination of these conditions, and including the adequate provision of temporary replacements;

(c) in addition to a systematically planned language-training programme, the Department establish a sustained retention programme for employees at all levels, making use of monitors, audio-visual aids, informal sessions, inter-district, inter-regional and national transfers whenever possible and any other suitable means;

(13) the Department take all steps to

(a) determine the level of translation assistance, including that for correspondence, required at regional or district level, making sure that service to the public does not suffer from undue delay caused by lack of facilities in one or the other official language;

(b) make that facility available through headquarters or outside facilities or a combination of both; support staff and/or other employees who are not recognized trained translators should not be called upon or indirectly pressed into doing translation, in deference to the principle of equality of quality of the two official languages and bearing in mind that translation now performed by regular employees may, if it violates that principle, constitute a contravention of the Official Languages Act;

(14) (a) the Department take immediate steps to render bilingual as soon as possible

- (i) all remaining exterior unilingual identificational signs across the country;
 - (ii) all remaining unilingual directional and informational signs, including directory boards and others, in areas to which the public has access in and around offices serving both official language groups;
 - (iii) all remaining unilingual printed material for public use including calling cards, telephone listings, tags, stickers, rubber stamps, notices, posters, leaflets, inscriptions on trucks, mail boxes, vending machines, uniforms etc.
- (b) and ensure that in offices serving both official language groups, all departmental and other material intended for public view is displayed in the two languages;
- (c) the Department ensure further that all media of both official languages throughout the country be offered publicity or informational material, so that both language groups are equally informed;
- (15) (a) the Department is identified in both official languages over the telephone in any office where the area covered by that office contains a minority language group;
- (b) when more extensive information than in 15(a) is required by the caller, the person answering, if unilingual, be taught a few courteous phrases in the other official language designed to keep the caller waiting until a bilingual person can be brought on the line;
- (16) implementation of the recommendations listed in this document is conceived and carried out without jeopardizing the job security or career opportunities of the Department's personnel;
- (17) furthermore, in implementing the preceding recommendations, the Department maintain close liaison and consultation with its employees' unions.

SPECIAL STUDY—MONCTON

The Office undertook a study of the Moncton Post Office in June 1972, with a view to determining its capacity to provide services to the public in both official languages.

The Moncton Post Office, the study team found, provided certain services to the public in both official languages with no difficulties. All Post Office forms as well as other federal department forms made available to the public at the post office were bilingual. With the exception of one item published locally in Moncton, all printed information material was available in both official languages.

However, the study team discovered major weaknesses in the provision of other essential services to the public. For the most part, there was a lack of bilingual personnel in key public-contact positions and an inefficient deployment of bilingual employees already on staff. The Moncton Post Office employed 315 employees of whom 312 were

in the Main Post Office and three in Postal Station "A". A large number of these employees had frequent contact with the public. For instance, 18 postal clerks occupying wicket positions were in continuous contact with the public. Only two were able to serve the public in both official languages. Fifty per cent of the local letter carriers were bilingual. Five of the twelve sub-postmasters were also bilingual. The *Memorandum of Conditions*, it should be noted, which serves as a contract between the sub-postmasters and the post office, did not include a clause for the provision of bilingual services. With regard to telephone identification and service, the team observed that service was available only in English for the line connecting with "Administration".

Owing to the low rate of turnover in staff throughout the year, very little active recruitment takes place. In the past, a bilingual capability has only been thought necessary for two officially designated bilingual positions of Postmaster and Information Clerk. Although post office officials stated that recruitment for certain public-contact positions (wicket section and letter carrier) was rendered more difficult by the collective agreement with the postal unions, the team concluded that a greater emphasis should be placed on creating an adequate bilingual capability when postal clerks and letter carriers are first recruited.

Finally, it was observed in the course of the study that with only one postal employee enrolled in second-language training, the post office did not appear to have taken advantage of the language-training facilities in the Atlantic Region.

The Commissioner recommended that:

- (1) the Department send the Moncton Post Office specific directives concerning the practical implementation of the Official Languages Act by 31 December 1972;
- (2) all printed information for public use published by departmental headquarters or at the regional, district or local levels, be made available in both official languages at the Moncton Post Office by 31 December 1972;
- (3) all unilingual stamps used by the Moncton Post Office for external use, be made bilingual by 31 December 1972;
- (4) without jeopardizing the job security of present incumbents of wicket positions, the Department take the necessary steps to ensure that service is provided in both official languages at the wickets in the Post Offices of Moncton by 30 September 1973;
- (5) without jeopardizing the job security of present incumbents, the Department take the necessary steps to ensure that all letter carriers working on walks requiring a bilingual capacity in Moncton be able to serve the public in both official languages by 31 March 1975;
- (6) henceforth, all employees answering calls from the general public identify the Post Office in both English and French;
- (7) henceforth, all persons at the Moncton Post Office answering calls from the public, who speak only one official language, be able to inform

the caller in the language used by the latter, that the call will be transferred to another employee capable of providing service in the appropriate language;

(8) the Department review its terms of agreement with Sub-Postmasters in Moncton to ensure that the latter are capable of providing services to the public in both official languages by 31 December 1973;

(9) all signs, inscriptions and insignia used by the Department in Moncton, be rendered bilingual by 31 March 1973;

(10) the Moncton Post Office make a concerted effort to recruit bilingual personnel for all positions involving contact with the public in order to ensure compliance with the requirements of the Official Languages Act;

(11) the Department provide all employees occupying public contact positions in the Moncton Post Office the opportunity to participate in second language training at the earliest date possible.

COMPLAINTS

File No. 1255—Prince Edward Island

A complainant with an unmistakably English name received through the mail a publicity folder written entirely in French, advertising new Canadian postcards issued by the Department.

The Department admitted that a mistake had been made. It checked with post offices in Prince Edward Island to make sure they had received the instructions to distribute this kind of information in the official language of the client and were following the correct procedures.

File Nos. 771, 875, 929, 1182, 1225, 1548—New Brunswick

• A French-speaking person reported that in two Moncton post offices, namely Station "A" and the Reid Street office, income tax return forms were not available in French, some of the signs were in English only and service was not provided in French.

Regarding the income tax return forms which are normally placed in post offices at the beginning of each year, the Department drew the Commissioner's attention to a directive enjoining the regional directors to ensure that all offices make the forms sent them available to the public and that they order more forms when necessary.

The Department also made an investigation of the signs in all its New Brunswick offices. Subsequently, the Department of Public Works issued a call for tenders for the manufacture of 107 bilingual signs. They were to be put up before the end of March 1973.

Concerning Station "A", the Department said that two of the three employees working there were bilingual. Normally, at least one of these two was on duty, and the Department regretted that the complainant had not been able to obtain service in French.

The Commissioner recommended that the Department make sure that its employees are assigned in such a way as to enable the office to provide service in both official languages at all times.

The Department pointed out that the Reid Street office is located in a store belonging to a private individual. The Commissioner recommended that agreements made with private individuals take into account the requirements of the Official Languages Act.

- Some complainants pointed out that the signs outside and inside a post office in Bathurst were in English only.

The Department informed the Commissioner that to rectify the situation it had ordered French signs. It added that it was inspecting all post offices in New Brunswick and Prince Edward Island to ascertain whether there were any other such unilingual signs.

- Some French-speakers pointed out that certain mailboxes and post office boxes in the Moncton area were identified in English only.

The Department admitted that the identification on the mailboxes located along Highways 1 and 5 was unilingual, and told the Commissioner that it was correcting this. It was also arranging to make the identification on the post office boxes in the Moncton area bilingual.

- A French-speaker sent the Commissioner a bilingual order form that she had received from a post office in Moncton, and pointed out that there were apparently no employees in this office capable of speaking French.

The Commissioner pointed out to the Department that it was its legal duty to provide the public with service in both French and English in areas like Moncton. He added that the order form could be useful in areas where there was no great demand for service in one of the two official languages. The Commissioner also reminded the Department of the recommendations he had made following a special study of postal services in Moncton by his Office, particularly Recommendation 4, which suggested that, without prejudicing their job security, the Department should ensure that by 30 September 1973 the counter clerks were capable of providing service in both official languages.

The Department replied that it would use the bilingual order form in Moncton until its training and recruitment programmes made it possible to increase the number of bilingual clerks.

The Commissioner contacted the Department a second time to remind it that use of the order form in Moncton constituted a violation of the Official Languages Act, even if it was only a temporary measure.

The Commissioner recommended that the Department withdraw the order form as soon as Recommendation 4 had been applied.

The Department subsequently informed the Commissioner that it had increased the number of bilingual employees in its Moncton office, but admitted that there were still not enough of them to meet the demand satisfactorily. The office continued to use the bilingual order forms.

File Nos. 842, 870, 874, 1108—In Quebec

- A complainant told the Commissioner that it was impossible to obtain proper service in English at two post offices in Sainte-Thérèse.

The Department replied that the employee in charge at one of the post offices was experienced and, although not fluently bilingual, had a sufficient command of English to serve English-speaking customers. The Commissioner concluded that there was no contravention of the Act. The other post office had ceased operation in November 1971.

- A citizen complained that he had not been able to obtain service in French at the Gracefield post office during the lunch hour.

The Department informed the Commissioner that three of the four employees in this office were bilingual; the fourth had trouble expressing himself in French but worked only nine hours a week. The Department added that he replaced the postmaster or his assistant in their absence. At the time of the incident, he was replacing the postmaster's assistant.

The Commissioner recommended that the Department rectify this situation and ensure that service was at all times provided in both official languages.

The Department accepted the Commissioner's recommendation and assured him that the public would in future be served in the official language of its choice.

- A French-speaking Montrealer criticized the Department for making notes in English (such as "call for") on envelopes addressed to him.

The Department informed the Commissioner that shortened phrases were generally used to minimize the time required for handling the mail. However, it asked the employees to write the notes in French when the mail was being sent to French-speakers. The supervisor of the Montreal postal stations was to send a directive to this effect to all personnel.

- A French-speaking person pointed out that the Beauharnois post office used a unilingual English stamp on mail bearing insufficient postage.

The Department admitted that the complaint was justified and rectified the situation.

- In October 1971, a complainant was unable to obtain service in French at the post office on the corner of Slater and Metcalfe Streets in Ottawa, although bilingual service had been provided there in the past.

The Department informed the Commissioner that this post office, which was closed in February 1972, was part of a commercial establishment. The owner was responsible for postal services and had assured the Department that French-speaking customers were able to obtain service in French from bilingual clerks.

The Department admitted that it would have been preferable if the owner had hired a bilingual assistant, but added that he could not be forced to do this under the terms of the contracts in effect at the time.

The Commissioner recommended that the Department revise the contracts with the sub-post offices so that the latter respect the Official Languages Act.

- A French-language association in Ottawa received a letter in English from the Department.

The Department informed the Commissioner that this had been an oversight, since its policy was to answer correspondents in the official language of their choice.

- A correspondent complained of not being able to obtain service in French at the post office in the Westgate Shopping Centre.

The Department stated that this sub-post office was located in a privately owned establishment. The owner, who was under contract to the Department, assured it that French-speaking customers could be served in French because there was a bilingual person on the premises.

The Department acknowledged that it would be equitable to have bilingual staff in every sub-post office, but said that this could not be required under the terms of the existing contracts. The Commissioner recommended that in order to avoid this difficulty the Department should revise the contracts to take into account the requirements of the Official Languages Act. The Department, in accordance with Article 1 (6) of its contracts, asked those in charge of sub-post offices in the National Capital Region to have someone available to provide service to the public in both official languages.

- A complainant reported that the Alta Vista post office did not always offer services in both official languages and did not identify itself in both languages on the telephone.

The Department said that four of the eight employees in this post office were bilingual and that it tried to ensure that there was

always one of them on duty. The Department admitted, however, that because of unforeseen circumstances there were times when no bilingual person was on duty.

The Commissioner recommended that the Department redeploy its staff in such a way that services in both official languages would be ensured at all times. As for answering the telephone, the Department reminded its employees of their obligation to identify the post office in both languages, in order to avoid a repetition of such incidents.

- A complainant reported that on 27 July 1972 he had been unable to obtain the French version of Form 79-14-506 from the Besserer Street post office.

The Department informed the Commissioner that it had issued directives to all its postmasters asking them to make sure that all documents intended for the public were bilingual.

In October of the same year, the complainant pointed out to the Commissioner that the form was still not available in French. The Commissioner then asked the Department to confirm that the form had indeed been translated, and to send him a copy of it. Two months later the Commissioner received a bilingual copy of the form.

- A French-speaking person complained that a notice and a poster in the Alta Vista post office were printed in English only.

The Commissioner's investigation revealed that the labels were available either in English or in French. The Department agreed to replace these with bilingual labels.

The Commissioner recommended that the bilingual labels be adopted by 31 March 1973 at the latest, and this was done.

- A French-speaking person complained that a notice and a poster in the Besserer Street post office were printed in English only.

The Department said that in future all posters would be bilingual. The notice was replaced with a bilingual document.

- A French-speaking complainant stated that too many of the clerks at Postal Station "D" were unilingual English and that this situation had existed for some time. He had noticed it most recently at 2:30 p.m. on 7 February 1973.

The Department said that on the date and at the time of the incident, two of six employees and the manager on duty were bilingual. It added that one of the other employees was taking a French course. The Department had repeated its instructions to all employees to ensure that the linguistic rights of the public were respected.

The Commissioner asked for and received a copy of these instructions. He informed the complainant of the action taken by the Department.

File Nos. 852, 910, 1262, 1623, 1174, 1433, 1521, 1644, 1617—In Ontario

- The Commissioner received four complaints from French-speaking persons who told him they were obliged to speak English to get service at post offices in Sudbury.

The Department said it could not understand why the complainants had not received service in French as the post offices had the facilities to provide it. In fact, over 50 per cent of the wicket staff in the city's post offices were bilingual. At the Elm Street post office, seven of the fifteen full-time wicket staff were bilingual and the relief clerk was also bilingual. At the postal station on Lasalle Boulevard, two of the four employees were bilingual.

The Department informed the Commissioner that all unilingual employees in Sudbury would be reminded that customers must be given service in the official language of their choice.

Despite the Department's assurances, and after making a formal recommendation that Post Office personnel should offer service in the official language first used by the client, the Commissioner received a further complaint. He told the Department that he could not understand why its directives and instructions were not being followed, particularly as there was considerable bilingual capability at the Sudbury post offices.

- A complainant stated that it was almost impossible to obtain service in French at the Kirkland Lake post office since only one employee out of twenty-seven could speak French. He added that 20 per cent of the population of Kirkland Lake was French-speaking.

The complainant also alleged that the three post office employees at Virginiatown were unilingual English-speakers whereas the population was 75 per cent French-speaking. He added that at Kearns the sole postal employee was a unilingual English-speaker although 60 per cent of the people in the village spoke French.

Another complainant said that postal service was not available in French at Matachewan, Larder Lake and Swastika.

The Department informed the Commissioner that the Kirkland Lake post office had 25 employees, two of whom were bilingual. The Department planned to raise the French-speaking capability to at least 20 per cent.

At Virginiatown and Swastika, the situation was as the complainants had described it. The Department believed that staff changes and retirements over the next two years would enable it to hire a bilingual employee for each office. In the meantime, bilingual order-forms would be provided to assist French-speaking customers to obtain service.

At Kearns, the post office was operated by a unilingual English-speaking postmaster because no bilingual person had the necessary qualifications when the position was advertised.

The Matachewan post office was operated by one employee whom the Department considered to be proficient in both official languages. His wife, who occasionally assisted him, was bilingual.

The post office at Larder Lake had a staff of three. The postmaster was a unilingual English-speaker but his two assistants were bilingual.

The Commissioner, when he had investigated the first complaint, recommended that:

- 1) the Kirkland Lake post office be staffed with sufficient bilingual personnel so that it could offer services in both official languages to the public;
- 2) the Virginiatown post office develop a bilingual capability so that it could offer service to the public in both official languages; and
- 3) the Kearns postmaster be given French language training relating to his work so that he could offer service to the public in both official languages.

Shortly afterwards, Post Office Department personnel and two members of the Complaints Service of the Commissioner's Office met to discuss the implementation of the recommendations.

It was evident that the Department was having considerable difficulty in determining what steps it should take to meet the requirements of the Official Languages Act in all its post offices, large and small.

The Department was working on a policy and programme to be applied throughout Canada which it intended to present to the Commissioner for his comments before it was put into effect. It would be based on Treasury Board guidelines. It was agreed that the Commissioner's Special Studies Service would examine the specific complaints that had been made, in the broader context of a special study.

- Several French-speaking persons complained that the Department did not provide services in French in the post office in Belle-Rivière, which has a large French-speaking population.

The Department said that the staff in that post office consisted of a postmaster, two full-time assistants and a part-time assistant. It pointed out that the postmaster was bilingual and used both languages in the course of his duties. It added that the part-time assistant, who was bilingual, had been replaced in September 1972 by a unilingual English-speaker, and that the Department was looking for a full-time bilingual assistant. When this position was filled, at least half the staff would be bilingual.

The Commissioner asked the Department to inform him as soon as the bilingual assistant had been hired, and added that he hoped the post office would then be in a position to offer services to the public in both official languages. He recommended that the Department issue a directive reminding its employees of the requirements of the Official Languages Act.

The Department later informed the Commissioner that it had hired a full-time assistant who had a fairly good knowledge of French. It added that the postmaster was aware of his obligations under the Official Languages Act and that the post office was now in a position to serve the public in both languages at all times.

- A complainant sent the Commissioner a copy of a newspaper clipping showing that the sign on the post office at 17 Front Street, Toronto, had larger lettering for the English text than for the French. He believed that the equality of status of the two official languages had not been respected.

The Department replaced the sign with a new one which gave equal prominence to the French and English texts.

File Nos. 1058, 1522—Manitoba

- A complainant was concerned about the fate that had befallen the designation “St. Boniface” when this city joined Winnipeg, and the postal codes had to be changed.

Since this complaint did not concern the equal status of the two official languages, the Commissioner was unable to carry out a formal investigation. He did, however, bring this matter unofficially to the Department’s attention.

The Department replied that a decision to amalgamate St. Boniface and other municipalities with Winnipeg to create a metropolitan region was taken after consultations between the provincial government and the municipalities concerned. The Department, for its part, was obliged to respect this decision and regretted that the only solution it could provide was to use cancellation stamps bearing the designation “St. Boniface—Winnipeg”.

- A member of a French-language organization in Manitoba complained of inadequate bilingual services at the Winnipeg General Post Office. She also sought assurance that the full range of bilingual postal services would be maintained at Saint-Norbert.

The Department informed the Commissioner and the complainant that the Winnipeg General Post Office was able to offer all its services to the public in both official languages. It added that the French-speaking population at Saint-Norbert would have the full range of postal services in their own language.

The Commissioner was satisfied with the information provided by the Department.

File No. 721—In Alberta

A complainant informed the Commissioner that service to French-speaking customers was very slow at the main post office in Edmonton. He added that services in French were virtually non-existent in the Kensington and Wellington areas, particularly at four smaller post offices.

The Department, armed with statistics from the 1961 Census, told the Commissioner that in its view there was no significant demand for services in French in Edmonton.

The Commissioner replied that population statistics were one element to be considered in determining demand but they were not the only factor. He suggested that complaints were in themselves evidence of demand and added that, in his experience, when bilingual service was made available, it always brought out latent demand which had not previously been evident. The Commissioner therefore recommended that bilingual services should be offered at the four smaller post offices.

The Department made a general survey to determine which areas needed more bilingual capability. As an interim measure, dictionaries, word-lists and bilingual order-forms were distributed to appropriate areas of the Western Region. According to the Department, its survey showed that bilingual personnel were available to provide the public with services in both official languages, where necessary. In places where it believed demand was low, bilingual order-forms had been placed at the disposal of staff and customers. The Department said that it would take no further action until it had examined the Canada-wide survey undertaken by the Commissioner's Special Studies Service.

The Commissioner accepted the use of the form in certain Edmonton post offices as a short-term solution. He said that it was not acceptable as a long-term solution because it meant that services to the public were not of equal quality for both language groups: English-speaking clients had only to ask for what they wanted, while unilingual French-speaking people were obliged to go through the somewhat humiliating exercise of filling out a form.

The Commissioner repeated that the Department should strive to develop a satisfactory bilingual capability at all post offices in the Edmonton area so as to provide services of equal quality to both languages groups, in keeping with the Official Languages Act. The Department replied that it was identifying bilingual positions in accordance with Treasury Board directives and would complete this procedure by December 1973.

File No. 1181—In British Columbia

A complainant pointed out that the Coquitlam postal station was identified in English only and claimed that it could not provide service to the public in both official languages.

The Department acknowledged that the sign outside the postal station was unilingual and agreed to replace it with a bilingual one. It also said that it would assign a bilingual counter-clerk.

The Commissioner asked to be notified as soon as the clerk was actually performing his duties at the station. The Department admitted that it was having difficulty in hiring a bilingual clerk for the job. Many months later, there was still no bilingual capability at the postal station.

File Nos. 887, 1266—Precedence

- A complainant from Quebec City sent the Commissioner examples of stamps and imprints used by the Department on envelopes and asked why priority was often accorded to the English language on many bilingual stamps and imprints used in the province of Quebec.

With regard to the question of which language should have precedence, the Department pointed out that because mail moves across provincial boundaries, it could not guarantee that all mail received in the province of Quebec would bear stamps and imprints that gave precedence to French. For example, a package on its way to Quebec might be damaged in Toronto and would bear a stamp on which English had priority. Nevertheless, the Department agreed to give all possible consideration to converting the stamps and imprints it used in the province of Quebec so that they, at least, would grant precedence to French.

The Commissioner concluded that there had been no infringement of the Act since the public had been served in both official languages. However, he believed that common sense and respect for the spirit of the Official Languages Act implied that the Department should be encouraged to convert its stamps and imprints to give precedence to French in Quebec.

- The Commissioner was sent a copy of an advertisement which the Department had placed in a French-language newspaper in the province of Quebec. The Department was duly identified in both official languages but the complainant said he objected to precedence being given to the English title: the words “Canada Post” appeared to the left of “Postes Canada”.

The Commissioner told the Department that he was well aware of the efforts it was making to project a bilingual image. He believed, however, that it should modify its policy slightly so as to give precedence

to French in French-language newspaper and television publicity in Quebec. This the Department undertook to do. The Commissioner then asked the Department to build into its policies enough flexibility to allow precedence to be given to French in other places, such as parts of New Brunswick, where there was a high proportion of French-speaking citizens.

File Nos. 938, 1496, 1531, 1565, 1685—Stamps

- A complainant from Manitoba sent the Commissioner an envelope he had received from Quebec City. He said he objected to the use of a unilingual General Delivery stamp.

The Department admitted that the stamp constituted a contravention of the Official Languages Act and undertook to have it made bilingual.

The complainant also asked why priority was often accorded to the English language on many bilingual stamps used in the province of Quebec. This matter is dealt with in the summary of File No. 887 (see page 388).

- A complainant objected to the unilingual English stamp that the Special Delivery Service of the Department had used on a letter for delivery in Ottawa.

The Commissioner drew the stamp to the Department's attention and recommended that it be corrected. The Department explained that the stamp was used to remind its employees to avoid any delay in delivering this type of mail. The Department complied with the Commissioner's recommendation and ordered a bilingual stamp.

- A complainant sent the Commissioner a photocopy of the first page of a booklet about postage meters and drew his attention particularly to a stamp which was partially bilingual, but which lacked the French equivalent of the word "street". About two months later, the same person made another complaint, this time about a unilingual English stamp.

The Department told the Commissioner that it had already begun an inventory of all rubber stamps, tags, etc., that could cause complaints; the two stamps mentioned by the complainant would be added to the list. When the inventory was completed, the Department informed the Commissioner that it had found that out of a total of 981 rubber stamps, 475 were already bilingual and 101 were obsolete. Bilingual stamps had been ordered to replace the 405 that were unilingual.

- A French-speaker pointed out that on the postage stamp issued in commemoration of Mgr. François-Xavier de Montmorency-Laval de Montigny, the cedilla on "François" had been omitted.

The Department explained that it had always been careful to respect the correct usage of orthographical signs in its publications and especially in the printing of postage stamps.

The absence of the cedilla was an exceptional case, and was the result not of an oversight but rather of the smallness of the stamp.

The Commissioner was surprised, to say the least, to learn that there had been no room on the stamp in question for an innocent little cedilla. He felt that it did very little honour to the prelate to butcher his name on a stamp issued in his memory.

File Nos. 1246, 1573, 1633, 1762, 1588—Vehicles

• The Commissioner received complaints that the letters "OHMS" had been put on the windshields of a number of automobiles and panel trucks in the National Capital Region without their French equivalent (SSM). The vehicles were believed to belong to, or be used by, the Department.

The Department replied that the director of its Eastern Ontario Region (which includes most of the National Capital Region) had made inquiries and had not found any of the Department's vehicles marked "OHMS" without the French equivalent. However, further investigation revealed that the vehicles complained of belonged to private companies and individuals who delivered mail under contract with various government departments. When asked about it, one of the owners of the vehicles stated he had purchased the letters "OHMS" at a hardware store, without asking anyone's authorization, for the purpose of obtaining special parking privileges from the local police.

Since the complaints concerned private companies and individuals who are not covered by the Official Languages Act, the Commissioner was unable to make any formal recommendations to them. Nor, for that matter, could he make formal recommendations to the Post Office Department, because it did not employ them.

However, because the public invariably associates "OHMS" with the Post Office Department, the Commissioner suggested that the Department might consider printing a number of bilingual OHMS-SSM stickers which could be made available to private delivery companies.

The Department replied that the use of "OHMS" by private messenger firms is a device whose purpose is to mislead the public by implying official or semi-official status. If it carried out the Commissioner's suggestion, the Department would in effect appear to be sanctioning an illegal practice. The Department declared that it would take steps to stop the use of "OHMS" by private firms and was considering the possibility of legal action.

The Commissioner accepted the Department's position.

- A complainant reported that a vehicle belonging to the Department had a unilingual English notice on its windshield.

The notice was a temporary parking permit placed on the windshield for the information of the local police. The Department agreed to use a bilingual version of the notice in future.

File No. 1003—Slogan

An English-speaking complainant from Ottawa drew the Commissioner's attention to a slogan concerning retarded children, stamped on an envelope mailed in Halifax. The slogan was bilingual but the four French words contained two grammatical errors.

The Department explained that many organizations asked it to help them promote their cause and goods works. The organization itself prepared the wording, which the Department's Public Affairs Branch checked for grammatical errors. The Branch apologized for the mistake and said it was one of the very few errors that had occurred in recent years. It promised even closer scrutiny in future.

The Commissioner so informed the complainant.

File No. 1082—Folders

A French-speaking Montrealer complained of the numerous errors in the French version of the folder entitled *Modifications au tarif postal en vigueur le 1^{er} juillet 1971* (Changes in the Postal Rate in Effect from 1 July 1971).

The Department informed the Commissioner that it had set up a team of revisers who were to be responsible for the quality of all its official printed matter. The folder, which had been published before this service was established, had since been completely revised.

File No. 1512—Imprint

A complainant from Ottawa received a letter from a private organization and noticed that the imprint the Department used on third class mail was not completely bilingual. There was a French equivalent for "Canada Post Office" and "Bulk Third Class" but not for "Ottawa Post Office", appearing at the bottom of the envelope.

The Department sent the Commissioner a copy of imprints which it made available to its customers for their mailing purposes. Each imprint is entirely bilingual. However, the permit number and name of the post office are printed by the customer, who also decides on the wording of the lower part of the imprint.

The Commissioner transmitted this information to the complainant, adding that he did not believe that the Department could oblige

private organizations, which are not subject to the Official Languages Act, to fill in the lower portion of these imprints in both English and French.

File No. 1731—Calendar

A complainant pointed out to the Commissioner that a 1973 calendar which the Department published and distributed free of charge to the public omits "la Saint-Jean", French Canada's holiday, from its list of Canadian holidays.

The Department explained that the calendar did not include all Canadian holidays and celebrations, but only those such as Christmas, Easter, Mother's day and Father's day which tend to increase the volume of mail. Other holidays such as the Queen's birthday, Ontario's provincial holiday in August and "la Saint-Jean" had been omitted.

The Commissioner found the Department's explanation to be reasonable. However, in view of the historical and cultural importance of "la Saint-Jean", he suggested that it be included in the next edition along with other such holidays which had little effect on the volume of mail. This would prevent any possible misunderstanding concerning the Department's attitude towards French-Canadians and it would make the calendar even more useful.

The Department thanked the Commissioner for his suggestion and said that it would take it into consideration along with other suggestions it had received, should it decide to publish a calendar for 1974.

PRIVY COUNCIL OFFICE

COMPLAINT

File No. 446—Cabinet Documents

A French-speaking public servant complained that the Privy Council Office did not distribute reports of Cabinet decisions to his Department in both official languages.

The Office informed the Commissioner that Cabinet documents were confidential and were distributed solely for the use of the government, which retains ownership of them. It added that the provisions of the Official Languages Act regarding services to the public could not be applied since the public did not have access to these documents. However, it maintained that their distribution to senior officials was in accordance with the Act.

The Office pointed out that in February 1970 the Cabinet had studied various methods of ensuring the application of the Official Languages Act as regards its documents. At the same time, the Cabinet had had to consider the problem posed by the increasing volume of business submitted to it. The Office pointed out that during the 12 months from 1 July 1969 to 30 June 1970 more than 1,300 documents, ranging in length from two or three pages to more than 100 pages with the average being about 10 pages, had occupied its attention. The agenda for 78 Cabinet and 310 Cabinet committee meetings had to be written up, as well as the minutes and corresponding reports. These meetings resulted in several hundred decisions, often very complex and detailed, which had to be communicated quickly.

In the light of these considerations, the Cabinet had concluded that it was neither realistic nor desirable to require that its documents be written in both official languages or to have the Office translate the Cabinet's conclusions before they were presented as recorded decisions. In this the Cabinet was motivated by the need for prompt action and the desire to ensure accuracy and eliminate any risk of ambiguity.

The Office also pointed out that after careful consideration the Cabinet had decided that the ministers would submit documents in either language or in both, as they wished. For documents submitted in both languages, it would be up to the minister to specify which of the two versions would constitute the original for recording in the agenda and in the writing of the report. Questions on the agenda of meetings of a Cabinet committee or of the Cabinet itself would be recorded in the language of the document or of the original. No translation would be made in the Office of the document itself or of the agenda. As for the minutes of the Cabinet committee meetings, it was decided that they would be drawn up in the language that predominated during the discussion of each subject. According to the Office, the minutes of all meetings could include passages in both official languages.

The question of what language to use for recording a decision was a problem. Indeed, a document could be written in one language and the discussion relating to it be mainly in the other language. In what language would the decision be recorded? For the sake of accuracy, the best solution would be to record the decision in the same language as the document. Experience had confirmed that this was the right course. Once drawn up, the decision was forwarded in its original language to the ministers and officials responsible for taking the action it called for. The Office added that it had more than once refused to provide a translation of records of decisions written in French. It considered that the departments should equip themselves to under-

stand and apply the decisions, regardless of the language in which they arrive.

It was the Office's opinion that the equal status of both official languages was scrupulously observed as far as writing and distribution of Cabinet documents was concerned. However, it pointed out that this did not mean that there was in fact equal use of both languages. The number of documents submitted in English was always greater than the number in French, and this resulted in more records of decisions being written in English. Nevertheless, the Office considered that the situation had improved since February 1970. The Cabinet had recognized then that it would take a while for French to be more widely used in documents and in debates, and it proposed to review this matter periodically. The Office realized that the situation was not yet satisfactory but it hoped that within a year or two there would be more frequent use of French in Cabinet documents and, consequently, in records of decisions.

Although the Office's principles regarding the language of Cabinet documents seemed to comply with the Official Languages Act, the Commissioner pointed out that further improvement was needed to attain equality in actual use of both languages.

Consequently, considering the difficulties that had been pointed out and the fact that the situation was gradually improving, the Commissioner recommended that, whenever possible, documents for the Cabinet, Cabinet decisions and documents issued by the Cabinet should be provided or recorded in both official languages.

At the end of September 1973, the Office informed the Commissioner that it had succeeded in making considerable progress in meeting the first part of the recommendation, regarding documents for Cabinet use. It pointed out that ministers were increasingly presenting their documents to the Cabinet in both official languages, specifying which version was to be regarded as the "original" for the purposes of committee reports and Cabinet decisions. Moreover, the ministers had been asked to present the titles of their documents in both languages. This had enabled the Office to present the agenda of all committee and Cabinet meetings in a bilingual form. The Office added that it had requested the ministers to provide the summary and the recommendations of documents intended for the Cabinet in both languages whenever possible. As a result, ministers and senior officials could to a greater and greater extent receive working papers for the Cabinet and its committees in the official language of their choice. The Office hoped that this would make possible an increase in the use of French.

The Office pointed out that the second part of the recommendation, regarding Cabinet decisions and documents put out by the Cabinet, posed an especially difficult problem. According to the Office, it was a

question of balancing what was obviously desirable with what was possible. It said that it was giving serious attention to the possibility of making some important changes and would keep the Commissioner informed.

PUBLIC SERVICE COMMISSION—"A Man for All Seasons"

EVALUATION

The Commissioner's encounters with the PSC's Chairman and his colleagues rest on a trust never lacking cordiality. Relations are, however, sometimes stimulatingly stressful—a result perhaps even to be wished, for the spiritual freedom of each. Without the counsel and guidance of the war-wise Chairman, rampart skirmishes for the two official languages could have left still more scars on the Commissioner.

Although the Chairman and Commissioner sometimes agree to disagree, the PSC's response to complaints has been very constructive. Always maintaining its constitutional distance, the PSC has reacted positively to suggestions and comments the Commissioner has made on matters not strictly within the terms of the Official Languages Act but which may have some bearing on the public's attitudes to the official languages.

Many of the 66 complaints against the Commission concerned matters more administrative than linguistic. Public servants, for instance, did not appreciate long delays in receiving results of language tests, or complained that they had been denied access to language training—a denial often not due indeed to the PSC, but to departments.

A number of complainants protested that information on some competitions was only available in English. The Commission thereupon took two important steps to ensure that career opportunities in the Public Service became better known to the French-speaking public. It decided that all competition posters should be bilingual and, secondly, it greatly increased its advertising of job vacancies in weekly newspapers serving French-language minorities. The Commissioner hopes that all competitions will be advertised in such a way that both official language groups will automatically receive this information in the language they understand best.

The Commissioner suggested that a review process be initiated to reassess language test results where there were grounds for believing that they did not fairly reflect the candidate's linguistic ability. The Commission set up a review committee in September 1971 and it appears to be working well. In the fall of 1973, the Commissioner asked

for an additional review mechanism to be made available to public servants who had been withdrawn from language training on the grounds of some learning disability. This was provided early in 1974.

The relatively small number of professional training courses in French also caused concern. The situation appears to be improving slowly, but the Commissioner believes that this subject must continue to receive high priority, since it is fundamental to developing professional equality between the two official-language groups in the Public Service.

SPECIAL STUDY

In March 1973, the Commissioner informed the Chairman of the Public Service Commission of his intention to make a study of that body. An investigation had been planned for some time but its inception was accelerated as a result of a complaint lodged by the Director and Editor-in-Chief of *Le Devoir*. The study, similar in approach to one already being made on the Treasury Board, was to differ from most other studies initiated by the Commissioner in that it would examine the role of the Public Service Commission in the implementation of the Official Languages Act within the areas of its jurisdiction. Accordingly, attention would not be focused on the Public Service Commission's own internal compliance with the Official Languages Act, except in so far as the latter might prove of importance to the primary goals of the study, but rather on what the Public Service Commission was doing to guarantee implementation of the Official Languages Act within bodies responsible to it.

The study had, however, to be delayed: in March 1973, it became clear that the effectiveness of any investigation would be seriously impaired by a reorganization, then already under way, of the Language Bureau and the Bureau of Staff Development and Training. As a result, it was mutually agreed to defer the study until later in the year. The study team began its work again at the beginning of October and by the middle of November had completed its initial exploratory interviews with top management and had begun to isolate those aspects of the Commission's work that were relevant to the study.

COMPLAINTS

1. Linguistic Requirements

File Nos. 880, 1063, 1087, 1328, 1495—Positions

- A bilingual English-speaking public servant in Ottawa believed that she had been discriminated against when she applied for a recep-

tionist position in the Department of Supply and Services. She claimed that she had not been hired because her surname was not French. She said that her son had had a similar experience when he applied for a position as a language teacher with the Commission. He had been excluded, she alleged, because he was not sufficiently familiar with the French culture.

After careful consideration of the circumstances surrounding the complainant's interview for the position, the Commissioner concluded that there was no contravention of the Official Languages Act.

The Commissioner suggested that the complainant inform the Commission of the facts of her case if she believed that she had been the victim of ethnic discrimination. Her son's case also appeared to involve ethnic or cultural factors rather than linguistic ones.

- A French-speaking person, who had entered four competitions for which no special language aptitude was required, reported that a representative of the Commission's Regional Office in Ottawa had given her to understand, during a telephone conversation, that she had no chance of being appointed to any of the positions because she was not bilingual.

Invited by the Commissioner to investigate this matter, the Commission could find nothing to support the complainant's claim. She had first entered four competitions and then temporarily withdrawn in order to bring her file up to date. A few weeks later, she had re-applied. In the meantime, an inventory search had made it possible to organize some interviews and to establish an eligibility list, from which the Commission had made some appointments. In addition, the complainant had indicated that she was seeking employment for an indeterminate period, while two of the competitions were for term employment. As for the other competitions, the candidate could not be considered because of her temporary withdrawal just when the selection board was organizing interviews. The complainant was informed by the staffing officer that her file would be examined as soon as a position for an indeterminate period fell vacant.

The complainant, who had expressed a wish to learn English, again applied for positions for which there would be openings in 1973. The Commission later received a request to fill a position likely to be of interest to the complainant. As she had all the essential qualifications and was then available, she was appointed and began work shortly afterwards.

- An English-speaking person from the province of Quebec wrote to the Commissioner about linguistic requirements for employment in the public service. She claimed that a promotion she deserved as a bilingual stenographer had been given to a person who only spoke French.

The Commissioner explained that the Official Languages Act was concerned with institutional bilingualism: it did not require each individual in a particular department, or particular section of a department, to be bilingual. It followed that competence in the two official languages was not necessarily needed for all positions at any level. He advised the complainant to discuss the linguistic requirements of the particular position she had in mind with the personnel officer of her Department.

- A French-speaking woman had applied for a position as a stenographer with four different government departments. She alleged that hiring practices varied according to the language spoken by unilingual applicants.

The Commissioner investigated each of these cases and brought each to the attention of the Commission.

The Commission carried out a thorough investigation and found no evidence of discrimination based upon the language spoken by applicants.

Neither did the Commissioner's own investigations reveal any discrimination of this kind. Problems had arisen in each case as a result of administrative errors and misunderstandings and had led the complainant to draw mistaken conclusions about hiring practices. The departments involved undertook to tighten up their procedures so that such misconceptions would be avoided in future.

- A unilingual English-speaking public servant, who had been secretary to a senior officer of the Public Service Commission and had been placed on several special training and development programmes with a view to furthering her career, wrote to the Public Service Alliance of Canada to state that she believed she had been shunted about in order that her former employer could obtain the services of a bilingual secretary. The complainant was then in a CR 4 position with a division of the Staffing Branch. She sent a copy of her letter to her Member of Parliament, who in turn sent a copy to the Commissioner, requesting that he investigate the circumstances.

Although there was no infraction of the Official Languages Act, the Commissioner unofficially referred the matter to the Chairman of the Public Service Commission, requesting that he review the complainant's situation. This was done and a number of alternatives offered to the secretary: 1) to return to her former position on condition that she be willing to take a French language course; 2) to remain in her present CR 4 position; 3) to remain in her present position with the option of taking the French language course; or 4) to obtain another post at the ST 6 level without taking a French language course. The complainant would not accept any of the proposals; she wanted only to return to her former position.

The Commissioner invited the complainant to a private meeting to discuss the whole question, with a view to reconciling certain discrepancies between her concept of the situation and the concept of the PSC, including that of her former employer. It was pointed out to the secretary that the personal relationship between her employer and herself might well be strained and perhaps untenable if he were obliged to take her back. She did not think so, stating they had always had a cordial relationship.

At a subsequent meeting between the Commissioner and the senior officer, who graciously came to see the Commissioner at the latter's request, the officer stated he had always acted in what he believed to be the best interests of the secretary and in accordance with what he believed she desired. He stated she was the best secretary he had ever had, but he was hesitant to take her back because of the interpretation he believed would be put upon the situation, namely that an error had been made and was being rectified.

Ultimately, it was decided the senior officer required the services of two secretaries, one who would handle the French-language workload and the other, the complainant, who would handle the English-language work-load. The complainant accepted this offer.

File No. 397—Selection Board

A French-speaking public servant complained in the summer of 1971 about the composition of a selection board and the way a closed competition for a bilingual position in the Department of Manpower and Immigration had been conducted. He alleged that, contrary to the Public Service Commission's regulations, the board had not had a majority of bilingual members. In his view, only one member of the board was genuinely bilingual; the other two members had only a very superficial knowledge of French and had not been able to put a single question to him in that language. The examination of all the candidates had been entirely oral.

The Department rejected the complainant's allegation that two of the three members of the board had only a superficial knowledge of French.

The Commissioner then asked if he might see, in confidence, copies of the candidates' applications for the competition and the written reports which the selection board had made on each of them. The Department said it was unable to accede to the Commissioner's request because Section 25 of the Public Service Employment Regulations stipulated that names of candidates for a position, and any information and documents pertaining to them, may not be given to persons other than those directly involved in the selection process, without the candidates' consent.

The Commissioner therefore asked the Chairman of the Public Service Commission to send him information on the language of the competition and the candidates. The Chairman did so, but the details he sent did not, in the Commissioner's opinion, really come to grips with the complainant's contention that the board had not been properly constituted.

There followed a protracted exchange of views on what constituted, from the linguistic point of view, proper communication between a board and the candidates. During this period, the Public Service Commission modified its position and the changes were embodied in new circulars and amendments to regulations. These amendments stated that the majority of the members of a selection board should be sufficiently proficient in the English or French languages, or both, as the case might be, to communicate with the candidate in the language or languages selected by him.

Before the complainant could be advised of the above changes, he passed away.

2. Language Training

File Nos. 779, 881, 941, 1011, 1092, 1314, 1429, 1529, 1747

• A French-speaking Nova Scotian raised several questions concerning:

- 1) the establishment in Halifax of a language school administered by the Commission's Language Bureau;
- 2) the limited co-operation between the Language Bureau and French-language institutions such as the University of Moncton and the Collège Sainte-Anne in Church Point, Nova Scotia; and
- 3) the strong Quebec bias of introductory courses on French culture.

Although none of these questions constituted a contravention of the Official Languages Act, the Commissioner asked the Commission to look into them. The investigation revealed that for almost five years the Language Bureau had been working in close co-operation with the University of Moncton to serve federal public servants in New Brunswick and Nova Scotia. In fact, under a contract with the University of Moncton, the Bureau was running a teaching centre consisting of three classes on the campus itself.

The decision to set up a teaching centre in Halifax was not intended to affect the service already existing in Moncton, but simply to

improve teaching conditions in the Atlantic provinces. As for the "Dialogue Canada" method, which had prompted criticism of the highly Quebec-oriented nature of introductory courses, the Bureau declared that the socio-cultural views it presented corresponded to the realities of French Canada.

- An English-speaking employee in the New Brunswick-Prince Edward Island District Office of the Post Office Department wrote to the Commissioner asking that French courses at the Memramcook Institute or at the University of Moncton be made available to him and his colleagues during working hours and at government expense. He stated that courses were only available outside office hours and that students had to pay 50 per cent of the cost.

The Commissioner replied that, although the Official Languages Act did not confer a right to second-language training, he believed that it should be offered, as far as possible, to everyone who wanted it and who was likely to need it in his career. He would therefore unofficially bring the matter to the attention of the Chairman of the Commission.

The Commission informed the Commissioner that it had since 1969 offered language training during working hours and at government expense through contractual arrangements with the University of Moncton. Each year, approximately a hundred public servants were nominated and took the course. The Language Bureau was to open a new school in Halifax in September 1972. This would provide nine weeks of intensive training, during working hours and at government expense, for up to 200 students a year.

The Commission said it had approved language courses offered by eight nearby institutions, including the one at Memramcook. Treasury Board policy allowed departments and agencies to reimburse up to 100 per cent of tuition and other direct expenses incurred in language training at approved institutions outside normal working hours. The Commission was planning an extension programme at a number of locations in the Maritimes which would meet the needs of some 1,000 language students a year.

The Commissioner forwarded this information to the complainant and enclosed a list of institutions in the Atlantic Region approved by the Commission for French instruction.

- An English-speaking public servant questioned the Language Bureau's assertion that an average student, starting with little or no knowledge of French, could become bilingual after 27 weeks of language training.

The Commissioner put the question to the Director-General of the Language Bureau and received the answer that, based on the experience

of the past two years, the Bureau concluded that an average student needed approximately thirty-two weeks of instruction to complete the third level. However, preliminary results from the new "Dialogue Canada" course suggested that a 27-week period might soon be sufficient.

The Commissioner passed on this information to the correspondent.

- An English-speaking administrative trainee, who had attended two series of French language courses, said that the Language Bureau had informed him that he was incapable of learning French by auditory methods. The Language Bureau implied that his hearing was defective.

The Commissioner arranged for him to take a hearing test, which revealed no significant impediment. He also took a "white noise" test administered by the Language Bureau.

Some months later the correspondent informed the Commissioner that he was receiving individual French language lessons, one hour each day, at work. He believed he was making good progress and expected to be able to return to the Language Bureau.

- An English-speaking public servant reported that the Language Bureau would not allow him to continue with French language courses, although his Department was prepared to allow him the necessary time off.

The Commissioner unofficially contacted the Department and was told that permission for the complainant to continue the course depended on the Language Bureau's evaluation of his progress, which had not yet been received. The report later showed that between 1966 and 1971 the complainant had had a total of 1,254 hours of French and that he simply could not master the language sufficiently to warrant further training. Neither the Language Bureau nor the Department questioned either his intelligence or his ability in other spheres, and both praised his persistence and motivation in wanting to pursue French language courses. However, they were fully agreed that additional training would not be fruitful, and the Language Bureau had no further courses of a specialized nature that it could offer the complainant.

The Commissioner advised the complainant that if he were denied a posting or promotion for linguistic reasons, he would be prepared to examine his case again.

- An English-speaking public servant told the Commissioner that although he had a good knowledge of the French language, he was not allowed to make use of monitors because he was not enrolled in a recognized course of French instruction.

The Commissioner replied that he had obtained a legal opinion on whether access to language training was a right under the Official

Languages Act. The enquiry had revealed that no government department or institution was explicitly required by the Act to provide second-language training. Accordingly, such training could not be considered a clear right under the statute. It followed, therefore, that access to a language retention programme did not come within the purview of the Act either.

However, the Commissioner, with the complainant's permission, referred the case unofficially to the Public Service Commission for its consideration.

- An English-speaking public servant who was sent to the Carson Road language school wrote to the Commissioner criticizing the school and its teaching methods.

Since this matter did not fall within the Commissioner's jurisdiction under the Official Languages Act, he forwarded the complaint, with the correspondent's authorization, to the Commission. Some time later, the Director-General of the Language School arranged for the complainant to be taught French by a method other than "Dialogue Canada" when next she came for language training, since that method obviously did not suit her.

- An English-speaking public servant complained that he had been withdrawn from the Carson Road language school, allegedly because he could not keep up with the class, was considered a problem student and had hearing difficulties. He denied all these allegations. He told the Commissioner that he did not want to go back to tape recordings and home study, but wanted to return to the Carson Road school.

The Language Bureau's Guidance Service had several interviews with the complainant in an effort to find a solution. Although highly motivated, he simply did not seem to have the knack of learning French. He was offered the Active French course on a home-study basis, which would have allowed him to progress at his own pace until he was able to be reintegrated into the Carson Road course. He was reluctant to accept this proposal and managed instead to get a language monitor to help him for two or three hours a week.

The Commissioner asked the Commission for details of the complainant's academic record. This information was confidential and could not be divulged without the individual's authorization. The complainant offered to send the Commissioner his own copy, but he never did.

- An English-speaking public servant complained that he was unable to obtain French language training at the Language Bureau. He said that he needed French for his present job and future career.

The Commissioner discussed the case informally with the complainant's Department and was told that because he had difficulty in

sound discrimination, it was questionable whether he would benefit greatly from any course based on audio-visual methods. In his work, moreover, he dealt mainly with written materials.

The Department told the Commissioner it would provide a monitor who would concentrate on helping him to handle practical problems and deal with French correspondence and documents.

3. *Language Test*

File Nos. 1140, 1249

- A public servant complained to the Commissioner in the summer of 1972 about delays in recording second-language test results in Data Stream files. He claimed that there were about twelve thousand files in which test scores had still to be entered and that some of them dated back to 1969.

The Commissioner said he shared the complainant's concern that records which might be used to identify bilingual candidates for competitions be kept up to date. He made inquiries to find out whether the situation was as the complainant described it.

The Commission assured the Commissioner that most language test results had been registered in the Data Stream files. There had, however, been some delays due to the computer's rejection of research data sheets that had not been properly filled out by the employee at the time of writing the Language Knowledge Examination; usually this meant contacting departments for the missing details. The Commission added that, except in cases mentioned above, results must now be registered in the Data Stream within three months of the test, a period which the Commission hoped to reduce to two weeks.

- A French-speaking public servant stated that his score on the "listening" sub-test of the examination F400A was substantially lower than his scores on other sub-tests. He was convinced that this score did not accurately reflect his comprehension of French, and, since it was vitally important for him to achieve as high a standard as possible, he asked the Commissioner to help him.

Because there was no contravention of the Official Languages Act, the Commissioner was unable to take official action. He did, however, refer the case to the Commission which, since September 1971, had had a review committee of three linguistic experts whose job was to interview public servants who believed that their second-language capabilities had not been assessed accurately.

The committee interviewed the complainant and agreed with him that the mark he obtained in "listening" did not properly reflect his ability to comprehend spoken French.

4. *Language of Service*

File Nos. 583, 584, 585, 588—Advertising

A Franco-Manitoban complained that in the Winnipeg area the Public Service Commission advertised only in English-language daily newspapers. He sent the Commissioner a number of competition notices for positions in the public service that had appeared in the *Free Press* and the *Tribune* but not in any French-language newspaper.

The Commission explained that it had been its policy to advertise competitions in daily newspapers only. Because there were no French daily newspapers in many parts of the country, the Commission said it would use French weekly newspapers, as far as possible, in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, New Brunswick and Nova Scotia to advertise competitions for bilingual positions.

The Commissioner did not believe that this was completely satisfactory. He recommended that all job advertisements placed in the printed media should always appear in both English- and French-language newspapers (including weeklies when necessary) within the appropriate area, regardless of the linguistic requirements of the position advertised.

In subsequent discussions with the Commission, it was tentatively agreed that all newspaper announcements of competitions for positions requiring a knowledge of both official languages and those for which a knowledge of either English or French was sufficient should appear in bilingual format in both the English-language and French-language press. However, the Commission said it would like to study the suggested use of a bilingual format in relation to unilingual positions in the light of current practices. (The great majority of the positions advertised required the knowledge of one specified language.) The Commission's future stand would be based on the result of this research, which was expected to take about two months.

The Commission later informed the Commissioner that it would be very costly to produce advertisements in bilingual format and that the volume of these advertisements might change considerably once the identification of bilingual positions was completed in December 1973. It proposed, therefore, to let the matter rest and reopen discussions at that time.

File Nos. 1007, 1039, 1054, 1076, 1161—Competition Posters

The Commissioner received complaints that a number of competition posters advertising positions in the National Capital Region were only available in English.

When these complaints were made, in the first half of 1972, the Commission's Bulletin 1972-8 regulated the use of languages in competition posters. Following the Commissioner's intervention, this bulletin was amended by Bulletin 1972-22. The Commissioner, however, felt that the new regulation did not go far enough: it only obliged departments to produce posters in both official languages for positions which required one language when the position was in the National Capital Region or a bilingual district.

The Commissioner discussed the matter with the Commission and it was agreed that bilingual posters would be produced for positions which required one language, no matter in what part of the country the position happened to be.

File No. 749—Written Communication

A unilingual English-speaking public servant, whose job was to co-ordinate arrangements for French- and English-language training between the Commission's Language Bureau and departmental personnel, told the Commissioner that she objected to receiving all written communication from the Bureau in French. She complained that it was becoming impossible for her to do her job, and that she had been told her duties would have to be transferred to a person who spoke French.

After an investigation involving discussions with officials of the Language Bureau, the Commissioner informed the correspondent that, because the Bureau had been declared a French-language unit, administrative information it sent to departments and institutions of the government had only to be provided in French.

The Commissioner asked her permission to refer the case unofficially to the deputy minister of her Department, requesting that she be given an opportunity to enrol for French language courses. She did not, however, pursue the matter.

File No. 1134—Courses in French

The complainant accused the Bureau of Staff Development and Training of not offering French-speaking employees enough courses in French.

The Commissioner investigated the complaint, bearing in mind that the Bureau's main role was one of service. In a report to the complainant, he noted that the Bureau's activities were largely determined by external factors, since departments and the Treasury Board's Personnel Policy Branch identified training needs. Although the Bureau could take the initiative in offering courses, it could not foresee the number of enrolments, which depended entirely on departments. It operated on a cost recovery basis and so had to try to

make maximum use of its resources. The Bureau had for some time been preparing its new course models simultaneously in both official languages and intended to offer approximately 35 per cent of its 70 to 75 models in French in the 1972-73 financial year. However, the number of times each model was offered depended on departmental requirements and the number of employees in each language group.

The Commissioner felt that the Bureau recognized its responsibility regarding the training of French-speaking staff and was trying as much as possible to comply with the Official Languages Act. However, he found that departments were not making enough effort to inform their employees of the existence of the courses it offered. He added that he was fully aware of the need to support and defend the right of employees to work, and to avail themselves of training services, in the official language of their choice.

File No. 1537—Promotional Board Report

A French-speaking administrative trainee at Environment Canada told the Commissioner that although she had had an interview in French, she was given her promotional board report in English. She said she wanted a copy of the report in French.

The Commission explained that the report was essentially an internal document that was prepared after an interview concerning promotion. It emphasized that it was within the Department's discretion whether to give the report to the interviewee or not; in the complainant's case, it had decided to do so. In the light of the circumstances, the Commission asked the Department to give the complainant the translation of the report which it had prepared.

The Commissioner told the Commission that he appreciated that it might be discretionary whether the report was given to an interviewee, but that if interviewees were given their reports, these should be in their own official language. He therefore recommended that the Commission take action to ensure that interviewees be given board reports in their own language.

As a result of this case, when administrative trainees are given their board reports, these are now in the official language of their choice.

File No. 1621—Publications

An English-speaking public servant complained that some of the photo captions in the Commission's publication *Interaction*, published by the Office of Equal Opportunities for Women, were in English only.

The Commission said this was due to an oversight and informed the Commissioner that the mistake would not be repeated.

File No. 1694—Receptionist

The Commissioner was told that the receptionist at the Ottawa Linguistic Centre of the Language Bureau identified the Bureau in French only.

The Commission was informed of the situation and took steps to ensure that the Bureau would always be identified in both French and English.

PUBLIC WORKS—"The Asphalt Jungle"

EVALUATION

This Department's approach to settling complaints has been generally solicitous. It has implemented some recommendations the Commissioner made after two special studies, but in its efforts to implement the rest, the Department has not been able to cut through its own and others' red tape and has resigned itself so far to following traditional rather than innovative ways to help departments and agencies render bilingual such visual objects as signs, directory boards and plaques. The Department deserves credit for breaking new ground in November 1973 by publishing for its support staff a thoughtful and highly utilitarian "Course in Administrative Writing" for employees working in French.

The Commissioner's office undertook two special studies on signs, one in the National Capital Region and the other in Winnipeg.

In August 1973, the Department of Public Works adopted a provisional policy regarding signage including commemorative plaques, written signs and construction site signs. The principles outlined, if followed properly, will result in changes in this area. The policy has been initiated, but no target dates have been set. The Department also plans to set up a comprehensive programme to introduce bilingual signs systematically across Canada.

It should be noted, however, that according to the policy mentioned, French will be given precedence only in the province of Quebec, whereas Recommendation (d) of the Commissioner's *Second Annual Report*¹ concerning the National Capital Region allowed greater flexibility by suggesting that French be used in communities outside Quebec where the majority of the population is French-speaking.

1. Page 84.

The measures to be taken regarding interior signs, for which responsibility belongs to other federal institutions, are not covered by the policy paper. The Department of Public Works does not wish to interfere with their internal administration. It has agreed, however, to remind them of the aims of the Official Languages Act and of the best ways of attaining them.

Although the Department has postponed the deadline of 30 September 1972 for the National Capital Region, it has said nonetheless that it will implement the recommendation concerning all external signs by the summer of 1974; ninety-five per cent of the work was to have been completed by 30 November 1973. As for the recommendation requiring that the errors in signs be corrected by 30 June 1972, the Department said that it was correcting them as they were detected. The recommendation concerning the lettering on rented buildings will be applied gradually and fully implemented by 1975-76. In the case of Recommendation 4, which advocates giving precedence to French in the Hull region, the Department intends to follow its above-mentioned policy, and has informed the Commissioner that the sign on the Fontaine Building, which gave English precedence, has been changed.

The Department said that it would implement the 13 recommendations relating to signs in Greater Winnipeg and respect the target date set for most of them—September 1974. It also said that it had implemented Recommendation 12, concerning the revision and correction of the French on signs and lettering in the region. Recommendation 11, concerning signs prepared and erected by contractors, was still under study in the fall of 1973.

A total of 17 complaints against this Department were received by the Commissioner from 1 April 1970 to 31 March 1973. The investigation of one complaint revealed that there had been no infraction of the Official Languages Act, and two other files were closed because the complainants failed to provide essential information.

Two of the complaints concerned language of work, and for these the Commissioner made four recommendations, three of which the Department agreed to implement. The implementation of the fourth recommendation was not required (see summary of File No. 762).

The rest of the complaints (12) concerned advertising in newspapers, competitions, signs and plaques, and some printed materials. The Department was able to settle these promptly.

2. See *Second Annual Report (1971-72)*, p. 85.

COMPLAINTS

File Nos. 1045, 1160, 1338, 1498, 1640, 1707—Unilingual Signs

- A French-speaking person pointed out that the following unilingual English sign had been posted in Fredericton: "Alterations to Federal Building—Department of Public Works, J. E. Dube, Minister".

The Department informed the Commissioner that there had been an error on its part and that the offending sign had been removed. Staff in the area were reminded of the provisions of the Official Languages Act and of the Department's policy regarding signs.

- A French-speaker drew the Commissioner's attention to an article which had appeared in a French-language newspaper concerning the quality of the French on a sign which had been placed on the door of an out-of-service elevator in the Parliament Buildings.

The sign in question had been put up by a private company which was doing the repairs. Although this question did not, strictly speaking, come under the direct jurisdiction of a federal institution, a departmental employee prepared a grammatically correct translation and requested that the company make the necessary changes. Unfortunately, however, the printer added a few errors of his own, which then had to be corrected with a paintbrush.

- A French-speaking person from Ottawa pointed out that some of the signs and notices in the Hunter Building, which is occupied by the departments of National Defence, and Manpower and Immigration, were in English only.

The Department took the necessary steps to correct all the unilingual signs mentioned by the complainant.

- The complainant drew the Commissioner's attention to the unilingual English signs at the entrance to the building occupied by the War Museum.

The Department informed the Commissioner that it intended to install plaques and engrave inscriptions in French corresponding to the English ones.

- A French-speaking person noticed that in one of the elevators in one of the buildings occupied by the Department of the Secretary of State in Ottawa, the "No Smoking" sign and button markings were in English only.

At the Commissioner's request, the Department agreed to put up a bilingual sign and have the button markings changed. The Department added that it was already gradually changing such signs in order to comply with the Act.

- A member of a French-language cultural organization complained that exterior signs on the post offices in Porcupine and Schumacher (Ontario) were in English only.

The Department told the Commissioner that it had installed bilingual signs at these post offices and that within a few weeks it would also erect a bilingual sign on the federal building at South Porcupine.

File Nos. 762, 1349—Competitions

- A complainant alleged that a unilingual English-speaking Master was being appointed to Dredge No. 23, although, he stated, 97 per cent of the population of the coastal area of New Brunswick between Cape Tormentine and Campbellton served by the dredge was French-speaking and five of the seven crew members had French as their mother tongue.

The Department explained that the dredge-master had no contact with the public in carrying out his assignments. It also maintained that his being a unilingual English-speaker did not in any way lessen the effectiveness of the supervision, since four members of the crew whose mother tongue was French were bilingual. Consequently, the Department had confirmed the appointment of the Master after consultation with the Public Service Commission.

However, because the majority of the population served by Dredge No. 23 and most of the members of the crew were French-speaking, the Commissioner recommended that the Department issue the necessary directives to ensure that:

- 1) the public of the coastal area receive service in the official language of its choice;
- 2) the French-speaking crew members receive personnel services in their own language; and
- 3) the incumbent Master be given French courses as soon as possible.

The Department agreed to implement the second and third recommendations but reiterated that the dredge-master had no need to have contact with the general public when carrying out dredging assignments.

- A French-speaking complainant with limited knowledge of English who had applied for a job as a stenographer with the Department reported that she was told she was not eligible for the position because a knowledge of English was required. She believed that these positions should be open not only to bilingual applicants and unilingual English-speakers, but also the unilingual French-speaking candidates.

The Department told the Commissioner that it was difficult to determine what had actually happened, but that in any event the

complainant should not have been told that she had to have a good knowledge of English in order to apply for the position. Although openings in the Department for unilingual French-speakers were more limited in number, each job application ought to be fully explored and the complainant should have been interviewed. The Department therefore reminded its National Capital Region office that it must ensure that all employees who have contact with the public are fully briefed on the procedures for interviewing all applicants seeking employment, regardless of their mother tongue.

File No. 517—Advertising

A French-speaking complainant from Winnipeg stated that it was essential to read the English-language newspapers in that city if one wanted to obtain general information about government services and news of competitions for jobs in the public service or to see tender announcements by federal government agencies.

The Public Service Commission and federal government departments dealing with the general public agreed to make greater use of local French-language weekly newspapers for advertising and publicity in areas such as Winnipeg where there were no local French daily newspapers.

Because publishing notices was just one element in the process of obtaining goods and services by tender, the Commissioner decided that the whole process should be examined in depth as part of a study of the Department, which the Special Studies Service planned to undertake early in 1973-74.

File No. 572—Internal Communication

A French-speaking worker at the Central Heating Plant on Cliff Street, in Ottawa, complained that administrative notices and directives were given to the personnel in English only.

The Department informed the Commissioner that all directives relating to personnel matters and bulletins intended for general circulation in the National Capital Region were, and had been for quite some time, in bilingual format. Some display posters dealing with occupational safety were available only in English but the Department had already taken steps to obtain similar bulletins in French and these would be prominently displayed. Admittedly, some notice-boards did not have fully bilingual headings but this was being corrected. Planned safety talks and films would include presentations in French.

The Chief Operating Engineer was fully bilingual and could deal with problems of plant management in either official language.

The Department admitted, however, that operating manuals consisting of (a) departmental directives and (b) manufacturers' blueprints and operating instructions were in English only.

The Department agreed to follow the Commissioner's recommendation that all instructions initiated within the National Capital Region be prepared in both official languages. It added that the translation of technical manuals and manufacturers' instructions posed a more difficult problem but that it would consult with the Translation Bureau on ways and means of producing translations of the essential material.

REGIONAL ECONOMIC EXPANSION—"North by Northwest"

EVALUATION

Since 1970 the Commissioner has received ten complaints against the Department; only one called for a recommendation. After investigation, most of the others were found to be not justified. The Department co-operated well with the Commissioner's Office in the investigations and settled complaints within a reasonable time.

This Department was unable to reply to the Commissioner's questionnaire due to a "large-scale re-organization" of its operations. The Commissioner was given assurance, however, that it will continue to observe "in every way possible" the Official Languages Act.

COMPLAINTS

File No. 515—Advertising

The complainant notified the Commissioner that departmental calls for tenders appeared only in Winnipeg's English-language dailies. Since there are no French-language dailies in several areas of Canada, he suggested that federal institutions use French-language weeklies for advertising.

The Department told the Commissioner that in the area concerned there were no contractors whose working language was French and who had expressed a wish to communicate in French. It added that if it published its calls for tenders in French-language weeklies, plans and specifications would also have to be in French. This would create difficulties at the professional level and would involve expenses out of proportion to actual needs.

The Commissioner recommended to the Department that it use French-language weeklies in areas where there were no French-language dailies for its advertising other than calls for tenders.

File No. 764—NewStart

French-speaking people in New Brunswick were amazed that in the largely French-speaking Richibouctou region, three of the four *NewStart** employees assigned to serve the public were English-speaking. They admitted that at least two of them were perfectly bilingual, but found it hard to understand why so few Acadians, who know the people and the area, were members of the management team. They added that most of the forms and reports were in English only.

After speaking with those in charge, the Commissioner concluded that the *NewStart* corporation was in general complying with the Official Languages Act. Forty-nine of the fifty-five full-time employees of this bilingual organization spoke French. There were only three unilingual English-speaking employees, and supervisory staff were all bilingual to some extent. In addition, the corporation encouraged its employees to communicate amongst themselves in the language of their choice, and memoranda and reports were prepared in the language preferred by the author.

NewStart's Director-General told the Commissioner that internal forms were available in both official languages. As a general rule, authors of reports that were submitted to Ottawa and elsewhere could draft them in the language of their choice, except where the recipient was unilingual, in which case the language of the latter was used. The Director-General added that the funds available to *NewStart* did not permit it to publish all its reports in both official languages and he said that, where necessary, the recipient had to make the translation. The Commissioner noted that the 1971-72 annual report contained chapters written in both French and English.

As for the ethnic composition of the corporation's staff, the Commissioner informed the complainants that this matter did not come under the Official Languages Act.

File No. 1120—Stamp

The complainant received documentation from the Department in an envelope marked "First Class" only.

**NewStart*, an organization incorporated under New Brunswick legislation, was established following an agreement between the Department of Regional Economic Expansion and the New Brunswick Department of Education. Its purpose is to conduct research in order to find solutions to the problems of poverty.

The Department informed the Commissioner that the necessary measures had been taken to obtain bilingual stamps as soon as possible.

File No. 1347—Unilingual Positions

A French-speaking woman with a limited knowledge of English, who had applied for a job as a stenographer with the Department, claimed that she was told that unilingual positions were open to English-speaking candidates only. According to a departmental information sheet, there were openings at the time for both bilingual and unilingual stenographers. The complainant believed that, in turning her down for a job which she might have obtained had she been English-speaking, the Department had treated her unfairly.

The Commissioner's investigation revealed that, at the time the complainant applied for a job, only unilingual English and bilingual positions were available, all positions for which unilingual French-speaking candidates were eligible having been filled. The Department suggested that, because no positions requiring only a knowledge of French were available at the time, the complainant may have concluded that only English-speaking persons could be hired for unilingual positions. It assured the Commissioner that this was not the case and admitted that the information sheet in question was somewhat misleading because it had not made clear that the only unilingual positions available at that time required English. The Department promised to amend the sheet to make the situation clear.

File No. 1436—Memorandum

A French-Canadian association complained that it had received material accompanied by a memorandum in English from the Department.

Following the Commissioner's investigation, the Department apologized to the association and reminded its division heads to take all necessary steps to comply with the Official Languages Act.

ROYAL CANADIAN MINT

COMPLAINTS

File No. 1519—Identification

A French-speaking correspondent complained he received a package on which the name of the agency appeared several times in English only.

The Mint pointed out to the Commissioner that specific directives had been given that all unilingual forms were to be replaced by bilingual ones at the time of reprinting, or sooner, if at all possible. As for the gummed paper tape which was the subject of the complaint, the stock would be used up towards the end of March 1973. The Commissioner was assured that the new gummed paper tape bearing the agency's name in both official languages would be used after that.

File No. 1650—Correspondence

A French-speaking complainant who applied for a position with the Mint received a reply in English although her letter of application had been in French.

The Mint told the Commissioner that its policy was to answer letters in the language of the correspondent. Because an unusually large number of applications were received in this competition, it was decided to use a form letter to reply to those who had not qualified. The form letter was in English since 90 per cent of the applications received had been in that language. Unfortunately, this form letter, rather than a letter in French, was sent to the complainant in error.

The Commissioner passed on to the complainant the Mint's explanation with its apologies.

SCIENCE COUNCIL OF CANADA

COMPLAINTS

File Nos. 1504, 1552, 1560, 1713—Publications

Four French-speakers criticized the Council for publishing only in English two studies aimed at the general public. Three of the complaints dealt with Study No. 23, *Innovation and the Structure of Canadian Industry*, and the fourth with Study No. 24, *Air Quality: Local, Regional and Global Aspects*. These four complaints were the subject of a single investigation.

The Council first explained to the Commissioner its policy on the publication of its documents in both official languages. It published three kinds of documents:

1) An *Annual Report*, which is submitted to the House of Commons in accordance with the Science Council of Canada Act. All of the Council's annual reports are published simultaneously in French and English.

2) *Reports of the Science Council of Canada*, which contain the Council's official recommendations. Since 1 April 1969, 14 of them (Nos. 5-18) have been published in both languages at the same time.

3) *Special Studies*, which are in-depth studies submitted by the authors to the Council. Since 1 April 1969, it has published 19 of them (Nos. 6-24), nearly all simultaneously in both languages: only Nos. 23 and 24 were in English only.

Thus the Council published an average of nine reports per year: one annual report, three Science Council reports and five special studies.

In the matter of language of publication, the Council of course followed the Official Languages Act. During the summer of 1970, the Council had sought the opinion of the Department of Justice, which informed it that the annual report had to be published in both languages, but not other Council publications.

In spite of this opinion, the Council decided to spare no effort to comply with the spirit as well as the letter of the law. This explained the long list of studies which it had published simultaneously in both languages. It intended to continue issuing simultaneously both versions of its annual report and Science Council reports. As for special studies, they would appear in both languages, but on different dates.

Finally, the Council's difficulty in guaranteeing the simultaneous appearance of special studies in both official languages was due to a shortage of translation services. In fact, the Council had only two translators available to handle all its translations.

First, the Commissioner expressed his disagreement with the interpretation of the Department of Justice. While agreeing that the Council's annual report had to be published in both official languages, the Commissioner refused to make a distinction between this report and other Council publications. The Act is concerned not with the content of a publication but with its distribution. Whether or not a document should be published in both official languages would therefore depend on the nature of the public for which it was intended.

The Commissioner concluded that the Council's intention to continue publishing its annual report and Science Council reports simultaneously in English and French was in accordance with the Act. The Council should, however, follow the same policy for special studies since they were intended for the French-speaking as well as the English-speaking public.

Noting that documents were usually published in English first, the Commissioner suggested that the Council encourage French-speaking scientists to write their texts in French in order to hold the scales even and publish some studies first in French, if it was impossible to publish both versions at the same time. As for translation difficulties, the Com-

missioner was of the opinion that the Translation Bureau would no doubt be able to improve the situation.

In order to help the Council prepare the French version of its publications, the Translation Bureau made available a "module" of three translators who give priority to Council translations.

The Commissioner hopes that this measure will make it possible, if not to guarantee the publication of all documents simultaneously in both official languages (Council officials have expressed doubts about this), at least to improve the quality of translation and to help reduce the time lag between the appearance of the English and French texts.

In the investigation of this complaint, the Council expressed concern about the lack of qualified translators and interpreters in scientific and technical fields and suggested that it would be advisable for the appropriate federal services to study the matter in order to determine how to improve the situation. The Commissioner then invited the Superintendent of the Translation Bureau to his Office to discuss this matter with the Director of the Science Council. This first meeting revealed that scientific translation in Canada suffered from a lack of competent translators and of co-ordination in terminology. The difficulties experienced by the Council in this regard were common to most government agencies.

The Translation Bureau therefore met with representatives of the main departments concerned in order to ascertain their scientific and technical translation needs and to seek solutions to these specific problems. It soon became apparent that there were pressing needs. However, they would be defined more scientifically on the basis of a survey conducted among the departments by the Translation Bureau, which was moreover prepared to launch a new specialist recruiting campaign. The Bureau and the Council were also to meet with representatives of the Université de Montréal to develop a translator training programme that would attract graduates of various disciplines.

It was also deemed urgent that the various existing terminology services be improved and co-ordinated. The Translation Bureau would endeavour to play its role fully in this area, on the understanding that, in the meantime, the departments concerned would have access to all the reference material and services of the Bureau's Terminology Centre.

Early in December 1973, the Translation Bureau brought the following facts to the attention of the Commissioner:

A training programme for scientific translators has been set up at the Université de Montréal with the co-operation of the Translation Bureau. The federal government is awarding grants to students with a bachelor's degree in biology, chemistry, engineering, mathematics or physics, so that they can work towards a master's degree in translation. In return, once the grant-aided students have completed their postgraduate work, they are required

to join the Translation Bureau for a period at least equal to the number of years they received grants. There will be compulsory training periods in the Translation Bureau.

SECRETARY OF STATE—"Three Coins in the Fountain"

EVALUATION

In the last three years the Commissioner has received forty-one complaints concerning this department. Of these, thirty-one showed violations of the Official Languages Act and received the Department's prompt and careful attention.

The recurrence of complaints of the same nature, however, indicates that the Department has not always succeeded in motivating its employees sufficiently to reduce administrative errors and hence guarantee service to the public in the official language of its choice. Neither has the Department apparently been able, without the Commissioner's intervention following complaints, to place in regional offices a sufficient number of bilingual staff to meet the public's needs, especially in implementing the Opportunities for Youth programme.

The services provided to the public during implementation of the Opportunities for Youth programme gave rise to ten complaints. While six of these concerned the Atlantic provinces, two came from Winnipeg and two from St. Catharines, Ontario. In general, they dealt with the lack of adequate services in French. Following the Commissioner's intervention, the Department decided to improve the situation by recruiting bilingual project officers.

The other complaints dealt with general services to the public both in Ottawa and in the regions. In each case the Department said that there had been an administrative error which in no way reflected its bilingualism policy. It apologized to the complainants and assured the Commissioner that it was doing everything possible to avoid a recurrence of such incidents.

COMPLAINTS

1. *Opportunities for Youth*

File Nos. 794, 1104—Prince Edward Island

• A complainant claimed the Opportunities for Youth co-ordinator for Prince Edward Island was a unilingual English-speaker. He pointed

out that, according to the forms printed in French, French-speaking people were requested to discuss their projects with the co-ordinator and obtain his approval. As the co-ordinator did not understand French, he agreed to the projects without having read them.

In a letter to the Commissioner, the Department maintained that although the project officer for Prince Edward Island was English-speaking, he understood enough French to be able to provide French-speaking participants in the province with the services necessary for the success of their projects. It added that the Nova Scotia project officer, who was French-speaking, paid particular attention to the projects of French-speaking people from Prince Edward Island.

Since the Department's version differed considerably from that of the complainant, the Commissioner asked the complainant to comment further. He did not reply.

- A French-speaking resident of Prince Edward Island sent the Commissioner a copy of a letter in English that had been signed by the Secretary of State and was addressed to the person in charge of a project submitted by French-speaking people. The complainant also sent a copy of the agreement on which he had circled the numerous errors which he supposed had been made when Opportunities for Youth transcribed a passage from the original text.

The Department pointed out that more than 19,000 projects had been submitted to Opportunities for Youth 1972 and that more than 16,000 letters of rejection had had to be sent out in a period of three weeks.

The Department informed the Commissioner that in order to prevent similar mistakes from recurring, Opportunities for Youth had set up an information service staffed by officers who were specially trained in letter-writing in both French and English.

File Nos. 827, 845—Nova Scotia

Two French-speakers told the Commissioner of their doubts whether projects submitted by French-speaking people from Nova Scotia were receiving a fair appraisal. According to the complainants, the Atlantic sector had nine representatives, including one bilingual French-speaker and one bilingual English-speaker, and the four project appraisers were unilingual English-speakers. Moreover, in Acadian schools, promotional information on the programmes had apparently been provided by unilingual English-speaking representatives, who at the meetings replied only in English to questions asked in French. The complainants wondered how many projects submitted by French-speaking groups would reach the headquarters and how the equality of the two official languages would be respected.

The Department informed the Commissioner that it had appointed a French-speaker in Nova Scotia to facilitate communications with the groups in question and to improve the quality of services provided in French. He also pointed out that the 25 projects submitted by French-speakers in the Atlantic sector had been evaluated impartially by the two bilingual officers already assigned to analysing projects.

The Commissioner passed on to the complainants the information obtained from the Department.

File Nos. 1103, 1748—Ontario

A French-speaking group from Camp Rapprochement in St. Catharines complained in June 1972 that they did not receive services in French from the officials responsible for the Opportunities for Youth programme. Their project officer was unilingual English-speaking and all briefings were conducted in English.

Another complainant later alleged that he had been unable to get French application forms for the programme from the Manpower Centres in Welland and St. Catharines when he visited them for that purpose in January 1973. However, he had received the forms a week later by mail.

The Department informed the Commissioner that it had appointed a bilingual project officer in September 1972 to serve the St. Catharines region and had sent an information booklet in French to the group of young people. It planned to recruit in 1973 at least one liaison officer capable of expressing himself in French, in order to ensure service in that language to the French-speaking population of south-eastern Ontario. The Department admitted that the Welland and St. Catharines Manpower Centres had no French application forms in January 1973. This had been due to an error in distribution that had been promptly corrected by the Department of Manpower and Immigration.

File No. 1012—Manitoba

A French-speaking person from St. Boniface submitted a project in French to Opportunities for Youth and it was accepted. When he telephoned the Winnipeg office for further information, he was unable to obtain service in French. He also said that the project officer for the Summer 1972 programme was not able to speak French.

The Department replied that a bilingual project officer was assigned to the Winnipeg office. However, as he had to meet with different groups in order to evaluate the work they had done, he was often away from the office. This had no doubt been the case when the complainant made his telephone call.

The complainant subsequently informed the Commissioner that he had had to go to Winnipeg to give explanations in English about the project he had written up in French. Also, he had been obliged to speak English each time he telephoned the Winnipeg office, since none of the administrative support staff or of the project officers was able to answer him in French, even after he had made several requests.

The Commissioner asked the Department for full particulars of its staff's composition and ability to speak French. The Department replied that in 1972 only five of the projects under way in the Winnipeg area had been submitted by French-speakers. In the circumstances, it had considered that a single project officer capable of speaking French would be sufficient. According to the complainant, this solution was inadequate. As Opportunities for Youth was a seasonal programme and its support staff changed every year, the Department promised to take this into account when recruiting for the 1973 programme.

In order to ensure that services complied with the requirements of the Official Languages Act, the Commissioner recommended that the organization take steps to see that in 1973 the projects submitted by French-speaking people in the Winnipeg area were entrusted to one or more project officers who were able to speak French. He also asked the Department to keep him informed about what it had done to implement this recommendation.

At the beginning of May 1973, the Department informed the Commissioner that the project officers in the Winnipeg office had established close relations with representatives of the French-speaking community who were acting as advisers, and that frequent meetings were taking place between these two groups. In addition, during the selection of the projects, the Opportunities for Youth staff would work with two French-speakers, one of them a social worker and the other a provincial government official.

In August 1973, the Commissioner was informed that the Department had hired two bilingual employees for the summer of 1973—a project officer and a support employee—to deal with projects submitted by French-speaking people.

2. *Various Topics*

File No. 709—Unilingual Public Servant

An English-speaking member of the Department believed she had been discriminated against in a rather flagrant manner because she was not bilingual. She had held an acting supervisory position for some time

and performed her work efficiently. She had not been allowed to retain it in a permanent capacity and had been returned to her original job for language reasons. She claimed bilingualism was wholly unnecessary in the supervisory position she had held, since no work was done in French. As she had been unable to obtain redress, despite her continued efforts, she had asked for a transfer to another department but had encountered the same difficulty.

The Commissioner made unofficial representations to the authorities concerned. They reviewed her case and finally granted her wish to be transferred to another department, and assisted her in obtaining a suitable job.

File Nos. 754, 994—Correspondence

- A circular in English was sent by the Summer Programmes Division in reply to a request in French.

The Department pointed out that its policy was to reply to requests in the official language of the correspondent. It added that mistakes were sometimes made, and that when informed of them the Department hastened to present its apologies.

Drawing his inspiration from the old saying “Prevention is better than cure”, the Commissioner asked the Department to make sure that the composition and distribution of the personnel in all sections dealing with the public are such that each language group can always be served in the official language of its choice.

- The complainant asked the Citizenship Branch for a certificate regarding his job. Although he was French-speaking and made his request in French, he received a letter in English from the personnel office.

The Department told the Commissioner that it had sent the complainant a second certificate, this time in French. It added that such incidents were in contradiction with its directives on bilingualism. It had asked its personnel to make sure there was no repetition.

File No. 1677—On the Telephone

The complainant telephoned the general information number of the Personnel Administration Branch to obtain information about a cultural service. The person who answered was unable to speak French. The complainant’s call was transferred to a second and then a third number before she was able to obtain service in French.

According to the Department, the complainant called during coffee break, when the Branch was not able to provide bilingual service. The Department assured the Commissioner that in future there would always

be someone on duty who could answer inquiries in both official languages.

File No. 1098—Citizenship Court

An English-speaking complainant wrote concerning the linguistic requirements for employment as a receptionist and inquiry clerk with the Citizenship Court in Halifax.

The Commissioner explained to her that his Office and the departments and agencies responsible for the development of bilingualism within the federal public service were primarily interested in promoting institutional bilingualism. Some positions were designated by the Treasury Board and the department concerned as requiring a bilingual incumbent, but competence in the two official languages was certainly not an invariable requirement for positions at every level.

The Commissioner advised the correspondent to put her question to the department concerned because it referred to the linguistic requirements of a specific position.

File No. 1422—Translation Bureau

The complainant said that his wife had telephoned the Slavonic Languages Section of the Translation Bureau to ask if the Department of External Affairs hired people to translate from Russian to French. The person who answered told her that French was a foreign language.

The Translation Bureau told the Commissioner that the Chief of the Multilingual Services Division had reminded this employee that French was as much an official language of Canada as English.

File Nos. 1123, 1124, 1125, 1130, 1133, 1137—Canada Day Celebrations

Complaints were received from six English-speaking persons who objected strongly to the commentary in French only during a performance by a celebrated Quebec pianist on Parliament Hill which formed part of the 1972 Canada Day celebrations.

The Department acknowledged its responsibility for the Canada Day arrangements.

The Commissioner told the complainants he was sorry that the incident had marred their enjoyment of the music. He agreed with them that the Department of the Secretary of State should have provided translation on stage for the benefit of English-speaking members of the audience. Occasions where English was missing on Parliament Hill were rare but that was no excuse for the organizers' failure on

this occasion to comply with the Official Languages Act, which impartially protects the rights of the English and French languages. He told the complainants that, as Parliament's Commissioner of Official Languages, he had formally recommended that events of this kind held under federal auspices anywhere in Canada should always respect the equality of status, rights and privileges of the two official languages as spelt out in the Act.

File No. 1146—Festival Canada

An English-speaking complainant stated that in the bilingual section of the Festival Canada booklet issued by the Department the times of the various events were indicated in the French manner, e.g. 20h00, rather than 8 p.m. which he considered to be the English way.

The Department said that it had used the 24-hour system because it could readily be understood by English- or French-speakers, Canadians or foreigners. It was the method most frequently employed in railway and airline schedules and information directories.

The complainant wrote again, stating that the Department had missed the point. He did not object to the use of the 24-hour system, but to the use of the French form of specifying time in the bilingual portion of the booklet.

The Department explained further that because the 24-hour system was not universally used there were many ways of indicating a given time. The Department took as an example half-past nine in the morning and gave eleven different ways of indicating it on the 24-hour system: 0930 hrs, 0930h, 09h30, 9 h 30, 0930, 9:30, 9:30 AM, 9:30 A.M., 9.30 A.M., 9:30 a.m. and 930a. It provided documentation ranging from airline schedules to television and cinema time schedules to illustrate its point. As authorities on the subject could not agree on a single method the Department felt it was incorrect to call any particular one "the French system", "the English system", "the American system" or "the Canadian system".

SOLICITOR GENERAL—"The Great Escape"

EVALUATION

Under the umbrella of the Solicitor General, the Canadian Penitentiary Service, National Parole Board and Royal Canadian Mounted Police are autonomous agencies; however, the heads of these agencies

are ultimately responsible for developing and administering measures to implement the Official Languages Act. Between 1 April 1970 and 31 March 1973, the Commissioner's Office investigated 22 complaints directed at the Canadian Penitentiary Service and the National Parole Board. In all instances the complaints were settled promptly with full co-operation of the institutions.

The investigation of complaints brought about some linguistic reforms. Nevertheless, the Commissioner believes that issuance of a directive from the heads of these agencies and its monitored implementation are urgent to ensure full compliance with the Act. At the end of November 1973, such a directive embodying the requirements of the Act and outlining procedures to be followed by the agencies' administrative components was not in sight.

Of the 22 complaints received 16 were directed at the Canadian Penitentiary Service. Two occasioned a preliminary on-the-spot investigation by the Commissioner and a colleague at Dorchester Institution, New Brunswick, which was followed by a more comprehensive study carried out by a complaints officer, and by another study by the same complaints officer at Springhill Institution, Nova Scotia. The Commissioner of Penitentiaries fully co-operated in the investigation of these complaints and promptly instituted steps to correct the deficiencies.

The Canadian Penitentiary Service operates bilingual institutions only in the province of Quebec. In other provinces, providing services in French is a continuing problem owing to the lack of bilingual academic or vocational training instructors. Also, certain inmates, for personal reasons, will not accept transfer to institutions in Quebec.

During the same period, the Commissioner investigated six complaints directed at the National Parole Board, four of which concerned a competition notice. These matters were promptly resolved.

ROYAL CANADIAN MOUNTED POLICE—"Rose Marie" (what else?)

EVALUATION

The RCMP made a noticeable effort to increase its bilingual staff during the 1972-73 fiscal year. However, despite its implementation of most of the recommendations ensuing from the special study conducted in 1971 and its prompt co-operation in resolving problems giving rise to complaints, work remains to be done before the RCMP meets fully the letter, spirit and intent of the Official Languages Act.

Up to 31 March 1973, the Commissioner of Official Languages received a total of 29 complaints directed at the RCMP, 22 of which were found to be justified. Seven related to a lack of bilingual signs or other identifying marks and 13 alleged that services were not available in French. After receiving these complaints, the RCMP undertook on its own initiative to correct 14 situations and the Commissioner made 10 recommendations to the Force. In addition, the Commissioner made 19 recommendations to the RCMP as a result of the special study completed in May 1971.

In October 1973, the RCMP reported that, for the most part, the recommendations resulting from the study had been carried out and that its aim was to attain complete implementation as soon as possible. The RCMP appears to have met eight of the nine recommendations for "A" Division, the majority of which concern guard and commissionaire services at major government buildings in Ottawa. The Staffing Branch is attempting to comply with the one outstanding recommendation for "A" Division by actively seeking bilingual personnel with the necessary technical qualifications to man its Boat Details at Kingston, Long Sault and Sault Ste-Marie. With respect to headquarters and "N" Division, it stated that receptionist, telephone answering, guard and basic information services are now available in both official languages.

On 13 March 1973, the Solicitor General announced that building signs and automobile decals which met the requirements of the Official Languages Act had been approved for the RCMP. This decision ended a controversy which had for a time effectively impeded the ability of the Force to make progress in its programme for the "bilingualization" of signs of all kinds and it had resulted in a number of complaints being received by the Commissioner which perhaps might otherwise have been avoided. However, a recent follow-up check of signs and public announcements in a number of airports across the country, made in collaboration with Air Canada and the Ministry of Transport revealed that the RCMP's external signs at most airports and its internal signs at the Victoria, Vancouver, and Edmonton airports were still unilingual English. Bilingual automobile markings and shoulder flashes are reported to be, and seem to be, in effect across the country.

The RCMP is currently unable to satisfy the demand for services in the French language in all localities where such a demand is known to exist. Priority for the posting of qualified bilingual personnel has been given to the National Capital Region, and to the provinces of Quebec, Ontario and New Brunswick. Since the Force must recruit and train its own personnel, the rate at which qualified members become available is obviously a question of time. The Force is making use of several different types of language-training and retention courses and is posting graduates of its Bilingual Troop Training Programme

to parts of the country where their newly-acquired skills can be improved through regular contact with the local population.

The Commissioner of Official Languages found, as of October 1973, that the RCMP did not yet have a unified programme or plan in effect for ensuring that headquarters and field organizations of the Force complied in all respects with the letter and spirit of the Official Languages Act. Since 1967, a commissioned officer with responsibility for bilingualism in the Force reported directly to the Deputy Commissioner (Administration), but this arrangement did not lead to the desired results. However, in a reorganization of its senior administrative structure in the fall of 1973, the Force entrusted a chief superintendent within the Organization and Personnel Directorate with responsibilities for centralized planning, co-ordination and monitoring of positions in accordance with the Treasury Board guidelines of June 1973. The RCMP estimated that, by the end of 1973, it would have a central plan, to be implemented across the Force, for serving the public in both official languages. These steps do not meet the first three recommendations made after the headquarters and "N" Division study, but the Commissioner of Official Languages is more interested in results than in the administrative means that are used to achieve them. He will therefore be observing closely how this new arrangement works out.

COMPLAINTS

1. *Service to the Public*

File No. 89—Follow-up

The author of a brief submitted to the Special Joint Committee of the Senate and the House of Commons on the Constitution of Canada (see the Commissioner's *Second Annual Report*, pages 247-9) was still of the opinion that the Royal Canadian Mounted Police did not post enough French-speaking constables to areas of Saskatchewan with a large percentage of French-speaking inhabitants. He cited the case of a French-speaking constable who graduated in Regina and was posted to Arborg, Manitoba, a completely English-speaking region, whereas Regina, which had two or three thousand French-speakers, apparently had no French-speaking constables. He felt that the provinces or municipalities which relied on the RCMP for police service should require that the Force respect the official bilingualism policy. In addition, he stressed that documents such as summonses and arrest warrants should be in both official languages.

The RCMP informed the Commissioner that in the posting of bilingual personnel priority was given to key areas such as the National Capital Region, Quebec, Ontario and New Brunswick. It added that in bilingual areas, members of the Force were required to learn both official languages. Since the Public Service Commission's language courses did not completely meet the needs of its members, the RCMP had set up a language-training programme for recruits who had already taken a language course before beginning their training at Regina. Such recruits were subsequently posted to detachments in which they could continue their language training—the English-speaking recruits to French-speaking areas, and vice versa. Experience had shown that constables progressed more rapidly under such conditions than when they worked in a region where they spoke mainly their mother tongue. This explained why a French-speaking constable had been posted to the Arborg detachment. The RCMP did nevertheless transfer a bilingual constable from its special programme to the Regina detachment.

The Commissioner of Official Languages recognized the merit of the policy on posting graduates of the RCMP's special language course. However, in view of the shortage of staff capable of providing service in French, he recommended that the RCMP ensure, in accordance with Section 25 of the Act, that this policy did not delay the provision of services in either official language, and further that the RCMP allow exceptions to the rule when necessary. The RCMP agreed to act accordingly.

File Nos. 1224, 1632—New Brunswick

• A French-language cultural society pointed out that RCMP cars in the Moncton region bore the unilingual coat of arms with "RCMP". It also complained that several RCMP constables in Shediac, a region with a French-speaking majority, were unilingual English-speakers.

The RCMP admitted that several of its cars bore the English coat of arms only, not just in the Moncton region but elsewhere as well. It said that a bilingual coat of arms had been designed but that its use had been discontinued because of the controversy it had created. The RCMP had therefore temporarily reverted to the original coat of arms until a new bilingual one was approved.

With respect to Shediac, the RCMP pointed out that the detachment was composed of two corporals and six constables. Three of the latter had a good knowledge of French but were not bilingual, the officer in charge was taking second-level French courses and the four remaining members of the detachment were unilingual English-speakers. In view of the shortage of bilingual staff in Shediac, the RCMP had temporarily posted some unilingual English-speakers there, but it

planned to improve its bilingual capacity in Shediac as soon as possible. Finally, the RCMP stated it was aware of the necessity of providing service to the public in both official languages throughout New Brunswick, particularly in regions with a high concentration of French-speaking people.

The Commissioner of Official Languages recommended that the RCMP take all necessary steps to correct as soon as possible the shortcomings that had been pointed out.

- Another French-language cultural society informed the Commissioner that the RCMP was posting unilingual English-speaking constables to north-eastern New Brunswick, particularly to Caraquet.

The RCMP stated that it had three detachments in this region, those of Caraquet, Shippagan and Tracadie. It had temporarily added five extra constables to the regular 12 in these detachments for the purpose of on-the-job French language training. The RCMP said that five of the seven constables posted to Caraquet were bilingual and that the other two were taking French courses. In addition, it pointed out that one of the four constables in the Shippagan detachment was bilingual, another understood some French and the remaining two were completing their French training. Finally, five of the constables posted to Tracadie were bilingual and the sixth was taking French courses. In conclusion, the RCMP pointed out that in posting bilingual staff, priority was given to the National Capital Region, Quebec, Ontario and New Brunswick.

The Commissioner of Official Languages informed the complainant that in order to serve the public in the official language of its choice, the RCMP had set up a programme of bilingual training for recruits who had already taken a language course before enrolling at the Regina base. These constables were then posted for approximately one year to detachments where they could continue their language training while performing their regular duties. English-speaking constables were sent to a French-speaking region, and vice versa. The RCMP stressed that when trainees worked in a region where they used mainly their second language, they were found to make marked progress in that language. This explained why five English-speaking constables were working in the region in question. Finally, the RCMP calculated that, allowing for these five, the ratio of 11 completely bilingual officers out of a regular total of 12 in these detachments compared favourably with the proportion of French-speakers in the region.

The Commissioner concluded that the RCMP was able to serve the population of north-eastern New Brunswick in accordance with the Official Languages Act. He informed the complainant that he had already recommended to the RCMP that it allow for exceptions to its

policy on postings when necessary in order to provide service in French. The RCMP had agreed to act accordingly.

The society also complained that in other places such as Buctouche, St. Quentin and Madawaska County, the RCMP's bilingual services seemed inadequate. It asked the Commissioner how one could justify a training programme in which citizens were required to provide services to the very agencies set up to serve them. With respect to the action to be taken, the complainant asked whether it might not be better for the RCMP to create a school in Quebec to train people who would be working in the French-speaking regions of Canada, rather than to expose the citizens of these regions to such deplorable service.

These questions were brought to the attention of the RCMP, which, in its reply, merely repeated the arguments it had already submitted to the Commissioner of Official Languages, adding further details about the staff of the four detachments located in the other regions mentioned by the complainant. As a result, the Commissioner decided to have a special study done on the enforcement of the Official Languages Act in "J" Division in New Brunswick. The study would also examine questions regarding the bilingual capacity of the RCMP as a whole.

File No. 1024—Quebec City

In a letter signed by 45 people, a French-speaking person criticized the RCMP band for not introducing the musical selections in suitable French at a concert at Lévis College in May 1972.

While not wishing to criticize the admirable effort made by the English-speaking master of ceremonies, the Commissioner concluded that the RCMP should have provided an introduction in more polished French.

He recommended that commentaries at the concerts be made in both official languages in accordance with the Act, unless use of one language only was justified.

File No. 1206—Parliament Buildings

A French-speaker complained that when he visited the Parliament Buildings, the two members of the RCMP on duty at the main entrance were unilingual English-speakers.

An investigation showed that six of the twenty-six constables on duty on the day in question had been unilingual English-speakers. In view of the shortage of bilingual staff, the RCMP had decided to form teams composed of one unilingual and one bilingual constable. Since this directive had not been observed on the day of the complainant's visit, the Commissioner of the RCMP reminded those concerned of

the obligation to comply with it. The Commissioner of Official Languages moreover recommended that periodic checks be made by the Division's Commanding Officer to ensure that the directive was being implemented.

File No. 1112—Toronto

A French-speaker reported that while he was at Toronto International Airport in June 1972, he was not able to obtain service in French from the RCMP. He added that only one of the five officers wore a bilingual badge.

The investigation revealed that a bilingual officer was on duty from 7 a.m. to 11 p.m., but that the RCMP was unable to provide bilingual services round the clock at this locality. Because of a shortage of bilingual manpower, the RCMP was able to provide such services only during periods of peak passenger traffic. However, its aim was to have bilingual officers on duty at international airports at all times, and it expected to achieve this objective in the near future. Finally, the RCMP informed the Commissioner that its Toronto division had encountered difficulties in obtaining bilingual badges, but that this problem was now being solved.

After investigating the complaint, the Commissioner of Official Languages recommended that the RCMP provide round-the-clock bilingual services at Toronto International Airport as soon as possible.

File No. 1721—Alberta

A cultural association stated that none of the 17 RCMP officers posted to St. Paul spoke French, even though the population of St. Paul and district was about 35 per cent French-speaking. The complainant believed that it was a flagrant injustice to allow such a situation to persist.

The RCMP stated that it was aware of the need to provide bilingual service in St. Paul, and that a bilingual officer had been transferred there at the end of January 1973.

The Commissioner of Official Languages recommended that the RCMP take the necessary steps to increase its bilingual capacity in St. Paul as soon as possible.

The RCMP accepted this recommendation and decided to assign another bilingual officer to St. Paul.

2. *Signs*

File Nos. 1042, 1208—New Brunswick

• A French-speaking person reported that the RCMP building in Fredericton was identified only by a plaque inscribed in English.

The Commissioner of Official Languages informed the complainant that the RCMP had rectified the situation and that signs had been put up in both French and English.

- A French-speaker travelling through New Brunswick noticed that a police station was identified by the English initials "RCMP".

The RCMP informed the Commissioner that the New Brunswick Department of Public Works had put up the signs according to RCMP specifications about 1968. The Force had the unilingual sign replaced by a bilingual one.

File Nos. 1312, 1336, 1518, 1534—Miscellaneous

The lack of bilingual identification on RCMP buildings and vehicles provoked complaints by a French-language cultural association which drew attention to:

- 1) Unilingual lettering on vehicles in Ottawa and Moncton;
- 2) The initials "RCMP" alone on an office door in North Bay; and
- 3) The unilingual English sign on a building in Ottawa.

The RCMP pointed out that the matter of bilingual identification was receiving special attention from the Solicitor General and the provincial attorneys-general. It added that once these consultations were concluded, it would see that the necessary steps were taken to correct the existing deficiencies. The crests and plaques on RCMP buildings and vehicles throughout the nation were the subject of a ministerial statement in the House of Commons on 12 and 13 March 1973, in pursuance of which, crests and signs would be adopted which complied with the Official Languages Act.

3. Competitions

File Nos. 1169, 1198, 1580—Notice of Competition

- A French-speaking group from Montreal complained that they had received a notice in English relating to a competition for six librarian positions in three federal institutions; one of these was a Head Librarian's position at RCMP headquarters in Ottawa. (The other positions are discussed under the departments of Agriculture and Communications.)

A Franco-Manitoban who had received a bilingual version of the same competition notice complained that it appeared that French-speaking candidates were expected to be bilingual whereas only a knowledge of English was required of English-speakers.

The Commissioner discovered that the Public Service Commission had originally issued the competition notice in English. This was withdrawn as a result of complaints and replaced by a bilingual notice which also had to be withdrawn because the French version of the section on language requirements did not match the English version. Finally, the Commission had issued a bilingual competition notice for each of the three institutions requiring librarians.

The RCMP maintained that only a knowledge of English was required for the position of Head Librarian in its library at headquarters as no services were offered to the public. It recognized, however, that a greater bilingual capability would be useful and undertook to provide it when funds were available.

The Commissioner of Official Languages recommended that the library's bilingual capability should be increased as soon as possible to meet the needs of French-speaking members of the Force. The RCMP informed the Commissioner shortly afterwards that it had created two bilingual positions in the library.

- A complainant reported that an RCMP advertisement published in a Toronto daily to recruit officers for airports mentioned no language requirements.

The Commissioner pointed out to the complainant that the fact that no language requirements were mentioned in the advertisement did not necessarily mean that the RCMP was shirking its obligation under the Official Languages Act to provide services at airports in both official languages. Anyone with the required qualifications who wished to take part in the competition could do so, whether he was bilingual or unilingual. He added that the advertisement had also appeared in the French-language newspapers and that the RCMP had informed him that it intended to give preference in this recruitment campaign to bilingual applicants.

CANADIAN PENITENTIARY SERVICE

COMPLAINTS

File No. 1205—Inmates' Language Rights

Some British Columbia residents wanted information on the language rights of French-speaking inmates of Canadian penal institutions.

The Commissioner of Penitentiaries explained that even though the Quebec region was in fact the only one recognized as a French-language unit, most of the penitentiaries had bilingual staff members

who were able to answer inmates in their own language. He added that the number of French-speaking inmates in British Columbia penitentiaries was very small and that the bilingual staff assigned to this province was adequate to meet the needs.

In a long conversation with the Commissioner of Penitentiaries, the Commissioner of Official Languages discussed the current application of bilingualism in institutions situated in English-speaking areas. He stressed the need for providing French-speaking inmates with the services of French-speaking psychologists and psychiatrists.

The Commissioner of Official Languages also examined the possibility of allowing French-speaking inmates to be transferred out of English-speaking areas. The Commissioner of Penitentiaries was willing to study cases individually and take appropriate action. However, such transfers had already been offered to French-speaking inmates of one institution in the West, and they had turned them down for personal reasons.

File Nos. 646, 691—Dorchester and Springhill

The Commissioner's *Second Annual Report* (pages 252-3) listed recommendations for setting up bilingual services in the Dorchester and Springhill institutions.

In an initial progress report, the Commissioner of Penitentiaries informed the Commissioner of Official Languages that he had already sent the Treasury Board circular "Management Objectives for Bilingualism" to the directors of these two institutions. He had indicated to them that these objectives would serve as a basis for the Canadian Penitentiary Service's bilingualism policy once the Department's policy on bilingualism had been approved. The Commissioner of Penitentiaries pointed out that the implementation of some of the recommendations depended on the authorities of the institutions concerned and on the Service's directorate.

A second report submitted several months later disclosed that the recommendations were being put into effect at the Dorchester institution. However, it appeared that at Springhill services in French were being provided to inmates only on request and that the institution had not yet taken the initiative in serving inmates in the official language of their choice.

The Commissioner of Official Languages reiterated one of the conclusions of his original report to the Commissioner of Penitentiaries, namely that the Department should define its bilingualism policy without waiting for bilingual districts to be established.

The Commissioner of Official Languages noted that Dorchester's French-speaking inmates had benefited from the progress made in the

educational and cultural spheres. He also observed, however, that in several of the institution's workshops there was a shortage of instructors and monitors who could speak French.

He told the Commissioner of Penitentiaries that an increase in bilingual educational services at Springhill would fill a real need and that bilingual instructors and monitors should be recruited immediately.

Finally, the Commissioner of Official Languages reminded the Service that it had an obligation to provide French-speaking inmates with services in accordance with the Official Languages Act.

File No. 965—Dorchester

A cultural association asked the Commissioner to inquire into the proportion, appointments and promotions of French-speaking employees at the Dorchester institution, and into the refusal by some staff members to wear the Service's bilingual shoulder flashes.

The Commissioner reminded the association that, following the investigation of a previous complaint, he had already made recommendations to the Commissioner of Penitentiaries on this subject. He added that under the terms of Section 39 (4) of the Official Languages Act, his powers in questions relating to the appointment or promotion of staff whose duties involved services to the public were restricted to verifying whether the Public Service Commission or the authority concerned had taken the Act into due consideration. He would therefore not be in a position to rule on this matter until after he had received a reply from the Commissioner of Penitentiaries regarding the recommendations made previously.

The Commissioner of Official Languages reiterated that it was not his responsibility to deal with questions concerning the proportion of French-speaking staff, since the Official Languages Act aimed not at individual but at institutional bilingualism. It was clear, however, that in order to comply with the requirements of the Act, a federal institution needed to have a certain bilingual capacity.

Finally, the Commissioner of Official Languages pointed out, on the strength of information supplied by the institution, that none of the employees at Dorchester were opposed to wearing bilingual shoulder flashes. He had nevertheless recommended that in future such flashes be made compulsory.

File No. 927—Stony Mountain

An inmate at the Farm Annex at Stony Mountain reported that he had difficulties expressing himself in English and asked the Commis-

sioner whether he had to speak that language. He also wanted to know whether it would be possible to tune one of the Annex's three television sets to a French-language channel.

The Commissioner of Penitentiaries pointed out that his Service was still awaiting the approval of the Solicitor General before promulgating the Department's policy on bilingualism. He stated that the Canadian Penitentiary Service had begun a programme aimed at offering bilingual services to inmates in all penal institutions where there was a significant demand, to the extent that it was feasible for it to do so. He informed the Commissioner of Official Languages that, with this in mind, his Service was proceeding with the identification and designation of bilingual positions in certain institutions where this had not already been done, particularly in Ontario and the Western provinces.

The Commissioner of Penitentiaries added that the 28 French-speaking inmates at Stony Mountain (5.5 per cent) were all bilingual and that 16 of them were natives of Quebec. The institution only had about ten bilingual employees, none of them at the Annex, who could communicate with the inmates in French. As a general rule, services to inmates were given only in English.

At a meeting with the Commissioner of Penitentiaries, the Commissioner of Official Languages asked whether it would be possible to offer French-speaking inmates a transfer to another institution where French-language services were available. The Commissioner of Penitentiaries replied that such transfers had been authorized in the past and that other requests, probably including that of the complainant, were being studied. During the conversation, the Commissioner of Penitentiaries promised to send a directive that very day to all institutions and all regional directors of the Canadian Penitentiary Service, specifying that correspondence to or from the Commissioner of Official Languages was not to be censored.

In order to continue with the investigation of the complaint, the Commissioner of Official Languages wrote asking the inmate for written authorization to refer his case to the Canadian Penitentiary Service. The complainant did not reply, so the officer in charge of the study telephoned him. The inmate stated that he was satisfied with the answers he had received to letters he had written to the Solicitor General and to the Commissioner of Penitentiaries, and asked the Commissioner of Official Languages to discontinue the investigation of his complaint.

The Commissioner was later informed that the inmate had refused a transfer, for personal reasons, and had returned to the main building of the institution.

File No. 1284—Laval

A complainant reported that notices at the minimum security institution at Laval were often in English only. By way of example, he sent along photocopies of two documents.

The Commissioner of Penitentiaries stated that all communications issued by the institution's authorities were posted in both official languages. One of the examples sent in by the complainant was a telegram authorizing uncensored correspondence between inmates and the Commissioner of Official Languages. This telegram had inadvertently been sent in English only.

The Commissioner of Official Languages recommended that all communications from the Penitentiary Service that were intended for staff and inmates be published in both official languages.

File No. 838—Shoulder Flashes

A Member of Parliament wrote to the Commissioner about the Department's decision to provide bilingual shoulder flashes for penitentiary personnel throughout Canada. He suggested that government departments and institutions should accord precedence to one or the other official language in their bilingual signs and insignia depending on the region in which they were worn.

The Commissioner replied that the decision to adopt bilingual shoulder flashes for penitentiary personnel throughout Canada met the requirements of the Official Languages Act. He was unable to make any recommendation as to their format or design.

File No. 1008—Competition Poster

A competition poster advertising a position with the Service in Ottawa was in English only. The complainant believed that bilingual French-speakers in the National Capital Region who wished to apply for the position had a right to read the job description in French, especially as more than 80 per cent of all positions in the public service required a knowledge of English and were advertised in that language. He feared that French would suffer as a language of communication within the federal administration if the practice of advertising positions mainly in English was to continue.

The Commissioner discussed the matter with the Public Service Commission. As a result, the Commission issued Bulletin 72-22 which stated that "... in the National Capital Region and in the bilingual districts, any poster or circular used to advertise a position that requires a knowledge of the English language or . . . a knowledge of the French

language shall appear in both official languages". Departments were, however, still free to issue unilingual circulars outside the National Capital Region and bilingual districts to advertise positions requiring a knowledge of one specified official language.

The Commissioner felt that this bulletin did not go far enough, and discussions were resumed. The Public Service Commission eventually agreed that all competition posters should be published in bilingual form.

NATIONAL PAROLE BOARD

COMPLAINTS

File No. 909—Identification

A complainant reported that the name of the Parole Board was indicated only in English on the directory in the lobby of the federal building on Lisgar Street in Sudbury.

The Board informed the Commissioner that it had asked to have its name put on the directory in both official languages.

File Nos. 1193, 1210, 1218, 1233—Notice of Competition

Several complainants brought to the Commissioner's attention the fact that the language requirements for a competition held in August 1972 to fill the position of Executive Director of the Parole Board mentioned only a knowledge of English. They felt that the incumbent of this position would have to deal regularly with both French- and English-speaking people, groups and organizations, and that the knowledge of both languages should be required.

The Board first informed the Commissioner that it had seemed unfair to exclude from the competition unilingual people who, except for a knowledge of French, had all the necessary qualifications. During the investigation, however, the Commissioner came to the conclusion that the duties of Executive Director involved not only responsibilities towards both linguistic groups but also the right of public servants to work in the official language of their choice.

The Commissioner recommended that knowledge of both English and French be made an essential requirement. After refusing at first to implement this recommendation, the Parole Board reconsidered and agreed to give the position to a bilingual person. It later decided to designate the position as bilingual.

EVALUATION

Statistics Canada has been the subject of two special studies, one in 1971-72 and the other in 1972-73. The second was undertaken in response to an invitation from the agency to review its plans for the 1976 Census. The action taken by Statistics Canada in responding to recommendations made following the first study (reprinted in the Second Annual Report), as well as to complaints received during the period under review, has been prompt and co-operative. Services provided on a day-to-day basis, such as technical reports and responses to telephone inquiries, are becoming increasingly available in both official languages.

The agency's response to the recommendations made in the second study is not as encouraging. Statistics Canada proposes to implement procedures in the 1976 Census which, due to technical and administrative difficulties, do not take fully into account the equality of status of both languages prescribed by the Act and the Commissioner's recommendations that service be offered to each official language group automatically rather than to one (almost invariably the French-speakers) only on request. Unless automatic service in both official languages is provided for in the 1976 Census, the possibility of infractions of the Act will remain, and the Commissioner will have to deal with the resulting complaints as they arise.

In his first special study, the Commissioner made seven recommendations affecting the Census Division, the Information Division and the Publications Programme. Two of the three recommendations to the Census Division, dealing with information to potential census staff and publicity posters will be implemented before the 1976 Census; the third concerning recruitments of census commissioners, is discussed in a later paragraph on the study of plans for the 1976 Census. Statistics Canada carried out two other recommendations concerning the Inquiries Section of the Information Division: that Statistics Canada be listed bilingually in the Ottawa-Hull telephone directory, and that the Inquiries Section provide the same quality of service in both languages.

Statistics Canada also intends to implement the recommendations concerning translation and publication of reports. It expects to make its publications available in both official languages by March 1974, except for some of the older ones which will continue to be available in only one language until stocks run out and they are reprinted. The Commissioner trusts that the agency will take steps to see that these too are translated and distributed as quickly as possible.

The present *Annual Report* lists 13 recommendations resulting from the second study, relating to the 1976 Census. Statistics Canada plans full implementation of nine recommendations and has given reasons for partial implementation only of the remainder. The agency has set limitations to its compliance with the Commissioner's recommendations in three instances. The first relates to delivery of the questionnaire. Although Statistics Canada is adopting a questionnaire "drop-off" procedure which seems better than that used in the 1971 Census, many citizens may still have to make a special request in order to obtain a questionnaire in the language of their choice. This situation is likely to occur since Statistics Canada, is unable because of apparently insurmountable technical obstacles, to use a bilingual questionnaire and is reluctant to leave both versions of the questionnaire when the respondent has not indicated a preferred language. Only a bilingual format or more extensive use of the two questionnaires would eliminate this likely source of legitimate complaints. The second difficulty arises from the agency's intention to recruit bilingual census representatives within proposed or proclaimed bilingual districts *only* for those enumeration areas in which 10 per cent or more of the population speak a minority official language. Since the recommendation in question makes no provision for this distinction, bilingual census representatives should be appointed in every enumeration area containing both language groups.

The final point concerns census representatives and commissioners in the rest of the country. While the Commissioner recommended that bilingual staff be appointed wherever concentrations of a minority official-language group exist, Statistics Canada proposes to appoint bilingual personnel only where there are concentrations of 10 per cent or more. This too could prevent many people from receiving services in their language. Despite representations from the Commissioner's Office, the agency has maintained its stand and intends to retain both these limitations in its procedures for the 1976 Census.

Most of the complaints received by the Office in the 1971-72 fiscal year concerned forms and language of service used during the 1971 Census. These complaints were the subject of a special report by the Commissioner to Parliament.¹ Other complaints received in the first three fiscal years dealt with infractions of the Act: poor translation into French, lack of service in French and use of unilingual English notices and forms. The agency handled these complaints quickly and in a satisfactory manner.

1. See *Second Annual Report (1971-72)*, pp. 254-256.

SPECIAL STUDY—STUDY OF PLANS FOR 1976 CENSUS

This study was carried out at the invitation of Statistics Canada in order to assist it in taking the Official Languages Act into account when establishing procedures for the 1976 population and housing census.

The principal areas of investigation were questionnaire design and distribution, the deployment of Census field staff, and publicity and information programmes.

The design and language format of the 1976 Census was one of the most critical problems facing Statistics Canada. An obvious solution to many problems stemming from "drop-off" procedures could have been to prepare an integrally bilingual census questionnaire. However, the team learned that technical postal limitations and the existing state of development of electronic equipment used by Statistics Canada in processing census data rendered the use of a bilingual questionnaire unfeasible for 1976. Thus, the only practical solution, according to the agency, would be to adopt a procedure involving separate documents in the two official languages and the dropping off of a single questionnaire.

With the use of this method, the burden of ensuring that each respondent receives a document in the language of his choice will depend entirely upon the distribution procedures adopted for 1976. The introduction of these procedures would entail acceptance by Statistics Canada of the principle that a sufficient and regular demand exists across Canada for service in both official languages. The maintenance, by enumeration area, of a record of all documents returned in French in English-speaking areas of Canada and in English in French-speaking areas would also facilitate planning for the 1981 Census.

A methodological problem that could arise from dropping off two questionnaires is the risk of respondents submitting duplicate questionnaires which could confuse the actual response rate. In order to avoid this risk and to minimize adverse reaction to a duplicate drop-off, the Commissioner suggested the inclusion of a note explaining the purpose of the procedure.

Ensuring that the respondent receives a questionnaire in the language of his choice is a critical aspect of providing service to the public under the requirements of the Official Languages Act. The equally complex task of ensuring face-to-face services (dropping off and calling back for additional information) must also take into account the requirements of the Act. Census representatives employed in areas where concentrations of a minority official-language group reside would have to be bilingual. In conducting "call-back" procedures, however, Statistics Canada could control, to a large extent, the time and circumstances of collecting additional information, thus minimizing the number of bilin-

gual staff required to perform this service. The team believed that with adequate preparations Statistics Canada could succeed in its efforts to staff itself bilingually, whether through individual bilingual employees or through a combination of unilingual English- and French-speaking people. The team noted that many of the provisions made for Census representatives would also have to be made for the Census Commissioners, though it is recognized that finding competent personnel to serve in relatively difficult supervisory positions for a very short period of time would not be a simple task.

According to information conveyed to the team, the publicity programme undertaken by Statistics Canada to inform the Canadian public about the 1971 Census is to be repeated in 1976. The only problem to surmount will be to ensure adequate distribution of publicity material in both official languages to all parts of the country. The team proposed that Statistics Canada contact groups, associations and societies representing English-speakers and French-speakers in order to inform them about plans to implement the Official Languages Act in the conduct of the Census. In doing so, a good deal of the ill-feeling that occurred in 1971 could be eliminated.

Included in the 1971 Census operation were a number of regional Telephone Assistance Service centres which answered questions and requests regarding the Census. Generally speaking, these functioned quite successfully and it was expected that the same service would be offered in 1976.

In concluding its report, the team observed that the efforts of Statistics Canada to fulfil the applicable provisions of the Official Languages Act should not be impeded by a shortage of funds or man-years. In addition, the team proposed that the findings and recommendations of the report be used where applicable by Statistics Canada in the conduct of other censuses and surveys, most notably the census of agriculture.

The Commissioner made 13 recommendations in an attempt to assist Statistics Canada to plan its 1976 Census in the light of the requirements of the Official Languages Act.

The Commissioner recommended that:

- (1) for the purposes of the 1976 and subsequent censuses, Statistics Canada adopt the principle that a sufficient and regular demand exists across Canada for service in both official languages;
- (2) in 1976 a record be maintained, by enumeration area, of all documents returned in the French language in English-speaking areas of Canada and in English in French-speaking areas;
- (3) Statistics Canada adopt a drop-off procedure which incorporates the following:
 - (a) in all households where someone is home, the respondents be offered a questionnaire in the language of their choice;

(b) when no one is home a questionnaire be left in each of the two official languages, together with an explanation note, only after at least one call-back has been made by the Census Representative and it has still not been possible to determine the respondent's official language preference;

(4) all Census Representatives employed in proposed or proclaimed Bilingual Districts be bilingual;

(5) all Census Representatives employed in areas not in proposed or proclaimed Bilingual Districts but where concentrations of members of the minority official language group reside, be bilingual;

(6) (a) when it is necessary to return to a respondent for additional information, the respondent should be dealt with in the language in which he or she has completed the census document;

(b) where Census Representatives are not bilingual, a bilingual capacity be present at no higher a level than the Electoral District to ensure equality of service in both official languages;

(7) all Census Commissioners employed in proposed or proclaimed Bilingual Districts be bilingual;

(8) Census Commissioners employed in areas not in Bilingual Districts but where concentrations of members of the official language group reside be bilingual;

(9) the training programme for Census Commissioners include a thorough examination of the implications of the Official Languages Act for the 1976 Census;

(10) Statistics Canada, with the assistance of the Commissioner of Official Languages, attempt to reach groups, associations, societies, etc., representing either Anglophones or Francophones across Canada to inform them directly of plans for implementing the Official Languages Act in the 1976 Census;

(11) Statistics Canada ensure that all Telephone Assistance Service centres be able to provide service in both official languages;

(12) such additional funds and man-years as may be required for implementation of the Official Languages Act in the 1976 and any subsequent censuses, be made available;

(13) to the extent applicable, the recommendations in this report also be considered as referring to such other censuses (including the census of agriculture) and surveys as Statistics Canada might from time to time undertake.

COMPLAINTS

File Nos. 906, 921, 985, 1061, 1021, 1065, 1720—Surveys

• A French-speaking complainant stated that he was handed an English-language questionnaire and envelope prepared by Statistics Canada, at the Winnipeg International Airport.

Statistics Canada explained that the questionnaire was available in bilingual format but through an oversight the bilingual one had not

been sent to the customs officers at Winnipeg. This had since been put right.

- A French-language company in Manitoba objected to the address in French appearing on the English side of Form ES2 (“Just Three Little Questions”) received from the Labour Division of Statistics Canada. Two French-speaking Montrealers made similar complaints.

Statistics Canada informed the Commissioner that the Census of Merchandising and Services faced a problem with regard to language preference. The survey was conducted only once every five years, so feedback was limited and the institution had not had time to determine the language preference of respondents listed in supplemental registers. However, language preference was now being recorded from completed returns and this information would be stored on tape for future surveys.

Statistics Canada said it was also engaged in developing a complete register of all businesses in the country, based on the Department of National Revenue’s records. This register would show the language used by the Department for payroll deductions. Although statistical reporting was not exactly comparable to the reporting of payroll deductions, this information, taken with information from other sources, would enable Statistics Canada to prepare its mailing list according to language preference for the next Census of Merchandising in 1976.

The complainant was informed accordingly.

- A member of a Franco-Manitoban society received a questionnaire in English. The covering letter was also in English. The complainant wondered why Statistics Canada should send English-language forms to an organization whose purpose was to promote French culture.

Statistics Canada replied that the name of the society first came to its attention in an English-language trade journal where it appeared in its English form. It also pointed out that the questionnaire made provision for a respondent to indicate language preference.

The correspondent told the Commissioner that he thought Statistics Canada should show more imagination in its dealings with the public. The federal and provincial governments had invested a million dollars in building a cultural centre for Franco-Manitobans because they both wished to promote French culture and language. Statistics Canada’s action seemed to contradict this policy.

The Commissioner forwarded the correspondent’s comments to Statistics Canada.

- A complainant from New Brunswick alleged that school principals throughout the province had received letters from the Department of Education concerning a nation-wide survey of physical education being undertaken by the Education Division of Statistics Canada. The letters

to principals were accompanied by Statistics Canada forms which were in English. The complainant wondered whether Statistics Canada had these forms in English only or whether the fault lay with the provincial government in not requesting forms in French for French-speaking schools.

Statistics Canada attributed the lack of French forms partly to poor communication between Statistics Canada and the Department of Education and partly to delays in the translation and printing of the French form. The English form had been distributed by Statistics Canada well in advance of the French form.

The Commissioner told Statistics Canada that all forms should be made available in both official languages at approximately the same time, except where unusual and unavoidable circumstances made this impossible.

- An English-speaking complainant with a French name criticized the procedure followed by Statistics Canada in Quebec at the time of the 1971 Census. He said he was given a French questionnaire to complete and had had to ask for an English one several times before getting it. Furthermore, he had been told on one occasion that he should speak French as his name was French. He had replied to the employee that she should speak Yiddish since she had a Jewish accent.

The Commissioner explained to the complainant that he was not in a position to explain the various incongruities that occurred during the Canada Census, but that they had been sufficiently numerous to cause him to make a special report to Parliament.

File Nos. 1057, 1111, 1752—Publications

- A French-speaking person from Montreal complained of the poor quality of French in a Statistics Canada publication. He cited many instances of bad grammar, lack of accents, incorrect use of capital letters, wrong titles and the like.

Statistics Canada conceded that the French in its publication *La Classification des professions, Recensement du Canada 1971, inspirée de la Classification et dictionnaire canadiens des professions* was of poor quality. For a start, the title itself was to be changed to *Classification canadienne descriptive des professions*. This publication was to be released in October 1972; at the time of writing, the French edition was being translated by the Department of the Secretary of State. The change of title called for a corresponding change in that of the census manual.

Unfortunately, the technology and time Statistics Canada had to prepare the 1971 edition did not permit the use of accents. The fault would be corrected for the next issue of the coding manual.

Capital letters had been used to begin all words in both French and English. The typesetting machine had been programmed to do this because Statistics Canada had believed that this method procured copy that was easier to read than one with everything printed in capitals, but it did result in less than acceptable French. This would also be put right in the next issue of the manual.

Statistics Canada explained that the terms in the manual were those most frequently encountered on census questionnaires, regardless of whether they were good or poor French or English. This, unfortunately, was a practical necessity because the manual's effectiveness as a guide to coding depended on it.

The Commissioner transmitted Statistics Canada's detailed explanation to the complainant.

- A French-speaking Montrealer complained about the delay in publishing the French version of the *Census Data News (Actualités du Recensement)*.

The Chief Statistician blamed the delay in publication of the French version on a series of translation, typing and correction problems that had developed in the production of the French copy and that had not been anticipated when it was decided to release the English version. It had also been discovered that one appendix had not been translated, which meant a further loss of time, with the result that the French version was not produced until two months after release of the English version.

In order to prevent such difficulties arising in the future, new procedures for translating, editing and approving the text of this type of newsletter had been devised and future issues would be published simultaneously in both official languages.

- A French-speaking person complained that Statistics Canada had sent her an invoice on which the details had been typed in English. The complainant clearly remembered placing her order in French.

Statistics Canada apologized for its error and explained that the procedures in its Publications Distribution Section were designed to ensure that all documents sent to a customer were in the language used when the order was placed. Unfortunately, mistakes sometimes occurred. Statistics Canada said that it would take steps to guard against the same thing happening again.

File Nos. 1189, 1696—Internal Communications

- A French-speaking person complained that a directive to the staff of the Data Processing Division was written only in English.

The agency promised to have a French version prepared without delay.

- A public servant working with Statistics Canada complained that he had received only an English version of the organization chart published in January 1973.

The agency informed the Commissioner that it was only at the end of January that the Treasury Board authorized it to make certain changes in its structure. This explained why it had not been able to have the new chart translated in time for the meetings of 31 January and 1 February. It needed this chart to explain the reorganization to the staff and had had to settle for unilingual copies. The agency added that the explanatory notes distributed at the two briefings were bilingual and that a new bilingual organization chart had been distributed in February 1973.

File No. 1327—Telephone Directories

A complainant stated that Statistics Canada was listed in the Ottawa Telephone Directory solely in English.

A telephone call to the bilingualism adviser of Statistics Canada revealed that arrangements had already been made to list the institution in both official languages in the next issue of the directory. Statistics Canada was also listing its regional offices across Canada in both languages in the new directories.

File No. 1669—Signs

A complainant alleged that in the lobby of the main building of Statistics Canada there was a large sign, in English only, lauding the merits of geocoding. The sign was highly visible to any member of the public entering the building, as well as to personnel working there.

Statistics Canada explained that the display was originally constructed to help explain the Canadian geocoding system to a large group of visiting United States economists, statisticians and econometricians, members of the American Economic Association and the American Econometric Society. The exhibit was then erected in the lobby to demonstrate the availability of that kind of hardware for other uses by other divisions of the institution. However, in view of the complaint, the display had been removed until bilingual panels, which had already been started before the complaint was received, had been completed.

SUPPLY AND SERVICES—"Butch Cassidy and the Sundance Kid"

EVALUATION

During the last three fiscal years the Commissioner received 20 complaints against this Department; only one entailed a recommendation. It concerned the French version of the General Audit Manual and the Cost Audit Manual which are used by government employees. The majority of other complaints touched on services to the public and were settled without too much delay.

The Department considers its institutional bilingual capacity adequate.

In November 1973, the Department provided the following information about its bilingualism development programme to the Commissioner in answer to his questionnaire.

The Department's official languages development programme is co-ordinated by the Director of Bilingual Programmes. It has not developed a formal evaluation of the implementation of its bilingualism policy but conducts management reviews to ensure that regional offices comply with it. A member of the office of the Director of Bilingual Programmes makes visits periodically and the Director General of Regional operations undertakes consultations. There are no specific deadlines for this programme, since the Department maintains that implementation of the Official Languages Act has been "completed". However, it added, the designation of bilingual positions would be done by 1978.

Some offices in the National Capital Region and the Quebec City and Montreal offices traditionally operate in French. Manuals, internal communications and staff development courses are said to be bilingual. The Department stated that supervision is in French and English, as required.

The Pay and Superannuation sections "in bilingual areas" are staffed to handle enquiries in both official languages. It added that all services to the public are provided in both official languages "as a matter of routine".

COMPLAINTS

File Nos. 946, 1088—Internal Communications

• An employee in Printing Operations received a letter of an administrative nature from the Department that was written in English. He claimed that he had a right to receive communications of this type

in French, especially as Printing Operations had been designated as a French-language unit.

The Department informed the Commissioner that there had been an administrative error and that the Personnel Services Branch of Printing Operations had been in touch with the complainant and had seen that he received satisfaction.

- The complainant criticized the Department for not providing its employees with a French version of the general audit and cost audit manuals.

The Department said it recognized the importance of providing its French-speaking employees with manuals in their own language, but stated that it was experiencing difficulty in having these texts translated, since they were of a technical nature and were continually being revised.

In coming to a decision, the Commissioner took into account the right of public servants, under Section 2 of the Official Languages Act, to work, wherever possible, in the official language of their choice, and the fact that the Audit Services Bureau (Quebec sector) is a French-language unit. He recommended that the Department have the general audit manual and the cost audit manual translated as soon as possible—chapter by chapter, if necessary. He also suggested that the Department should look into the possibility of preparing and circulating lists of revisions to these manuals simultaneously in both official languages.

The Department replied that the Audit Services Bureau had prepared a translation of Chapter 10 of the cost audit manual and expected to distribute it in a month's time. In addition, a meeting was to take place between departmental officials and representatives of the Translation Bureau in order to set up a co-ordinated translation programme.

File Nos. 1131, 1719, 1741, 1750, 1754, 1756—Tax Documents

- A French-speaking taxpayer complained that the Department had used a unilingual English stamp to cancel a tax cheque deposited in the account of the Receiver General of Canada.

The Department informed the Commissioner that one of its representatives had been in touch with an official of the Department of National Revenue, who said that he would see that all taxation offices were equipped with bilingual stamps for cancelling cheques.

- Several French-speaking public servants stated that they had received T4-1972 slips, and in some cases TP4-1972 slips, from the Department's Central Pay Division that had been filled in in English only. One public servant also criticized the quality of the French on pay cheques and stubs, and on certain other documents issued by the Division.

The Department admitted that the T4 and TP4 slips for public servants, and the T4A and TP4A slips sent to retired public servants, had been filled in by the Central Pay Division in English only.

The Department agreed that the employer's title which appeared on these forms should have been in both official languages. It pointed out, however, that departmental officers had not discovered this irregularity until after the forms had already been sent out.

As for special entries on these forms such as "UNITED APP", for example, there was not enough space to write them in both official languages. The Department stated that, as a result, it would ask to be provided with new T4, TP4, T4A and TP4A forms which would allow it to conform fully with the government's policy on bilingualism.

The Department also assured the Commissioner that it would take into account the suggestions made by one of the complainants regarding the quality of the French on documents issued by the Central Pay Division; it was planning to make a study of these linguistic questions. It asked the Commissioner to thank the complainant for his suggestions.

The Commissioner told the Department that he was pleased to learn that all the new tax forms would be filled in in both official languages. He believed that this would meet the requirements of the Official Languages Act. He considered, however, that the Department had failed to comply with the Act as regards the 1972 slips. Because it was apparently impossible, due to a lack of space, to complete them in both languages, the slips sent to French-speaking public servants should have been filled in in French and those sent to their English-speaking colleagues, in English.

It was too late to request that the Department issue new slips for 1972. However, the Commissioner pointed out to the complainants that if they wished to receive new ones filled in in French, they could apply to the Department's Central Pay Division or communicate with him, giving the necessary details and authorizing him to approach the Department on their behalf.

File No. 1256—Central Travel Service

A complainant said that he could not get service in French when he phoned the Central Travel Service of the Department to make a reservation for a flight to Quebec but was asked to leave his phone number and was told he would be called as soon as a French-speaking reservation agent was available. He claimed that this had happened on a number of occasions.

The Department explained that personnel was provided by Air Canada and was permanently attached to the Central Travel Service. This was only the second such complaint that the Service had ever re-

ceived although it handled between 600 and 1,000 calls a day. Its staff consisted of 12 bilingual and eight unilingual English-speaking reservation agents. Two of the unilingual agents were retiring soon and after that there would be 14 bilingual and six unilingual agents on the job.

The Department assured the Commissioner that it was doing everything possible to provide service in both official languages. It believed that it had on the whole been very successful.

File No. 1348—Unilingual Positions

A complainant with a limited knowledge of English who had applied for a job as a stenographer with the Department said she was told that the Department was recruiting bilingual and unilingual stenographers but the unilingual positions were for English-speakers only. The complainant claimed that she had been unfairly treated because she had been turned down for a job she might have obtained had she been English-speaking.

The Commissioner's investigation revealed that the Department hired both unilingual English-speakers and unilingual French-speakers according to its requirements. At certain times positions were available for one and not for the other. The Department believed that, because there was not a position available for unilingual French-speakers when she applied, she had concluded erroneously that unilingual positions were open only to English-speakers.

File No. 1728—Language Training

An English-speaking worker in a French-language unit at the Printing Bureau in Hull (Quebec) sent the Commissioner a copy of a letter he had written to his bilingualism adviser in which he complained about the Department's language-training policy. He alleged that language training was given to people according to the seniority of their position, regardless of their desire or aptitude to learn.

The Department informed the Commissioner that at the present time supervisors who needed language training were sent to the government's language schools during office hours while employees in the operational category were reimbursed for courses taken in their spare time.

The Commissioner replied that if French was really to be the language of work in French-language units, unilingual English-speakers in these units should be given every chance of learning French, whatever their occupational category. The Department wrote again to the Commissioner outlining its plan to provide language training for

90 unilingual English-speakers in the Main Plant and Plant Engineering Branch of the Printing Bureau. It explained that before it could put forward such a plan the impact of technological change and procurement policy had had to be fully assessed and its five-year manpower plan had had to be approved by Treasury Board. The first group was to begin language training in July 1973 and would include the complainant.

File No. 1734—Printing Bureau

A member of a French-language cultural organization complained that the label on the package containing copies of the Commissioner's *Second Annual Report* which he had received from the Information Canada Bookstore in Ottawa bore the words "Second Annual Report" in English only.

Asked by the Commissioner how this had come about, the Printing Bureau replied that when the original printing of the *Report* was being packaged for shipment, standard package labels were temporarily out of stock. A substitute label therefore had to be printed on blank gummed paper. The title of the *Report* was in English on one cover and in French on the other; it seemed most likely that the compositor had received a copy, English side uppermost, and simply copied the title he saw.

When the *Report* was reprinted, bilingual labels were used on the packages.

TAX REVIEW BOARD

COMPLAINT

File No. 861—Telephone Service

A French-speaking person charged the Board with failing to provide adequate telephone service to the French-speaking public.

Investigation revealed the validity of this complaint. The Commissioner reminded the Board that the fact that a person speaks in French constitutes an implicit request to be served in French, and recommended that measures be taken so that the public might be served in both official languages at all times.

The Board promised to hire a bilingual employee to answer the telephone, and in the meantime assigned two bilingual clerks to the reception desk.

EVALUATION

The Ministry has been slow to implement specific recommendations arising from two special studies of the Ottawa and Toronto international airports, carried out in 1970 and 1971, and from individual complaints investigated over the last three years. Although the minister himself co-operated readily with the Commissioner, his department's attitude towards the Commissioner's recommendations has been, on balance, disputatious and evasive, and seems to reflect a tendency to react reluctantly under repeated promptings rather than to anticipate demand and take appropriate initiatives. Even where individual efforts at local- and middle-management levels have been considerable and praiseworthy, they sometimes appear to have been vitiated by wasteful deficiencies in central planning and co-ordination.

The Ministry's own deadlines for rendering signs into both official languages have come and gone. Despite some recent reforms, counter services, oral announcements and services by concessionaires remain predominantly unilingual English. In sum, four and a half years after the Act came into effect, the Ministry seems to have failed entirely to grasp Section 10's clear and simple requirement for "system-wide" services to the travelling public.

While some improvements can be reported, the target date for completion of the system-wide "Bilingual Signs Programme", which has only recently replaced the Ministry's former *ad hoc* approach, is now set at March 1974. However, a tour of international airports undertaken by the Commissioner's staff with MOT officials in October 1973 indicated that, although at most of these airports, internal signs were all or mainly bilingual, external signs at six out of ten of them were still only partly bilingual at that date. These on-site inspections of "high-priority" airports leave uncertain, until later verification, the status of signs in some 75 other MOT-controlled airports.

The vagaries of public address systems in both international and national airports continue to cause concern. While MOT announcements are allegedly made in both official languages, and in theory "any paging by the Ministry is done in the language of the passenger concerned"—though how this is determined is unclear—a major source of difficulty is that other messages concerning aircraft movements are made by the airlines, not by the Ministry. The Ministry has only very recently made approaches to prevail upon airlines and other agencies using its PA system to observe the courtesies and law of a bilingual country. However, a three-hour period of observation at Toronto International Airport in October 1973, in the company of MOT officials,

failed to reveal a single announcement in French. The Ministry must now either use contractual leverage to achieve bilingual announcements, or provide a centralized communication service channelling all announcements through linguistically competent staff.

As for bilingual services provided to the travelling public by concessionaires, the Commissioner said in his *Second Annual Report* that "the department must adopt a clear policy on this question". In October 1973, the Ministry reported that it had now "decided that all future airport contracts and leases in locations where there is significant demand for bilingual services will contain an article obliging concessionaires to provide them in both English and French" and that it had also developed "standards and guidelines for the use of Regional Administrators in determining their needs". However, in practice, although the Ministry claims to have accepted the assumption of "significant demand" at all international airports, it still proposes to differentiate degrees of bilingual services at these airports on the basis of locally determined demand. The Commissioner's view is that this approach is not consistent with the law's intent that Canadian travellers should be equally served at all times in their own country; here again, the Ministry is more inclined to think in terms of the circumstances in which services need *not* be provided than of the positive contribution it could make to the convenience of all Canadians. In short, instead of imagining sensible ways of serving the public, as the law has now so long required, it still seems obsessively concerned with "getting off the linguistic hook". The Commissioner considers that, unless the Ministry can establish that there is "no significant demand", or "the demand (for bilingual services) is so irregular as not to warrant (them)", the Act plainly obliges it or its tenants to provide appropriate bilingual services to the travelling public everywhere. Reasonable interpretation of this clause does not include its abolition; meanwhile, energy spent in trying to demonstrate that demand is *not* "significant" could be better employed in developing services to meet an assumed demand.

The Ministry and the Commissioner also have differing views of what constitutes appropriate concessionaire services at major national airports. The Ministry's criteria for determining demand at such airports had not, as of October 1973, been finally approved but its proposed preliminary listing of airports at which demand might be virtually assumed did not strike the Commissioner as reflecting a fair, let alone a generous, standard. On this point, however, discussions are still in progress and the Ministry is prepared to listen to counter-arguments. The crux of the matter is that, granted the administrative difficulties involved, concessionaire services outside Ottawa, Montreal, Quebec, Moncton and Sept-Îles still leave much to be desired and the Ministry

had not, until November 1973, shown any inclination to move forcefully to improve this situation.

Over the last three fiscal years, the Commissioner received 68 complaints concerning the Ministry of Transport. Of these, 47 were founded and three were still under active consideration at the end of March 1973. As a result of these complaints, the Commissioner made to the Ministry a total of 44 recommendations. The following recommendations were implemented in a reasonable time. The Ministry was making good progress in translating certain aviation documents such as pilot licences. The Commissioner had recommended that all such forms be made available in both official languages by 31 March 1973. In October 1973, the Ministry indicated that 44 of the 58 forms were available, or about to be issued, in both official languages. The Ministry had also made measurable progress in implementing the Commissioner's recommendations concerning the Radio Operator Training Centre. Finally, it had made a serious effort to respect better the equality of status of both official languages at the Canadian Coast Guard College.

COMPLAINTS

1. Airports

File Nos. 818, 1330—Halifax

• A complainant reported that when he visited the Halifax International Airport all flight and public service announcements were made in English only and that while many signs were in English and French, or in English, French and Spanish, a large number were in English only.

The Ministry informed the Commissioner that changes were under way to provide bilingual signs. Ministry personnel transmitted messages over the public address system in exceptional circumstances only. Flight and public service announcements were made by airline employees. Should there be a demand for a bilingual capability among the staff of the limousine service, the Ministry would require in future leases that the lessee engage some staff proficient in both official languages.

The Commissioner asked to be informed when the signs had been replaced, and recommended that any messages of a general information nature that the Ministry made be transmitted in both official languages.

The Ministry subsequently informed the Commissioner that terminal and outside signs had either been obtained or were on order. Tenants had also been informed of the requirements of the Official Languages Act and, where necessary, existing signs had been noted for correction or amendment. The Ministry stated that because the

limousine company could not recruit bilingual personnel, its announcements continued to be made in English.

- A French-speaking person complained that all signs in a parking lot at the Halifax International Airport were in English only.

The Ministry replied that bilingual traffic control and directional signs would be provided at the airport and that the concessionaire operating the parking lot had already ordered signs in both official languages, giving rates and other information dealing directly with the operation of the concession.

File Nos. 1271, 1424—New Brunswick

- The complainant reported to the Commissioner that the signs on the doors of the Moncton airport were in English only.

The Ministry asked its regional representatives to correct this situation. The Commissioner recommended that this work be finished by 31 March 1973 at the latest. In point of fact, the Ministry did not take action on this recommendation until six months later.

- A French-speaking person alleged that all signs in the parking lot at the Fredericton Airport were in English only.

The Department replied that it had requested its regional officials to take the necessary action to rectify the situation.

File No. 1282—Quebec City

A complainant reported in September 1972 that several signs in the airport at Ancienne Lorette were in English only.

Following the Commissioner's inquiry, the Ministry undertook a survey of signs in all airports administered by the federal government. On 16 October 1973, the Commissioner was informed that all signs in public view at Ancienne Lorette had been made bilingual.

File Nos. 932, 1107, 1222, 1232, 1254, 1269, 1280, 1335, 1274, 1326, 1606—Ottawa

- In April 1972, a French-speaking person pointed out that the menus and service in the restaurants at Uplands Airport were unilingual.

The next month, the Ministry informed the Commissioner that the regional office would take immediate steps to have the menus made bilingual. This was done in August.

Concerning the service, the Ministry indicated that the concessionaire faced the following obstacles in trying to recruit bilingual employees: remoteness of the airport and lack of transportation; the

need for some waitresses to take the early-morning or late-night shifts, which eliminated anyone without her own means of transportation; less generous tips than in downtown restaurants; and the opening of several new hotels which attracted bilingual labour.

In June 1972, the concessionaire ran an advertisement for workers in the Ottawa French-language daily newspaper for three weeks, but without success. In August, he again published his advertisement in all three dailies in the capital and, in a further effort to recruit bilingual waitresses, he raised the salaries and also offered free transportation.

- Two French-speaking translators working for a federal government agency alleged they could not obtain service in French by phone from an insurance company handling air accident policies at the airport. They had been seeking assistance in translating the technical term "exposure". They added that they had then spoken in English to the insurance company representative, but she professed not to understand their English any better than their French. According to the complainants, the representative further stated she had no French texts and did not use French in her work.

The president of the insurance agency wrote to the Ministry, disputing in considerable detail the various allegations, and included a copy of a letter signed by the representative in which she affirmed she had not understood, until the end of the second phone call, that the complainants were even discussing insurance. She had previously received some "crank" calls. She also claimed that although not fluent in French she nevertheless spoke it and "got along" at the counter.

The Ministry thought the company's explanation sincere and an adequate reply to the complainants' allegations. Nevertheless, the Commissioner's Office believed it advisable to have an interview with the translators to clarify certain issues, since there was such contradiction between the two versions of the incident. Only one translator could be present: the other was abroad on an extended study session.

At the meeting, the translator maintained his version of events, but stated that he realized the insurance company would not alter its version either. In view of such an apparent impasse he had decided it would be useless to pursue the matter.

Nevertheless, certain points of agreement were established. At the Ottawa Airport no insurance forms were available in French. No documents or written information of any kind were available in French. There was little bilingual capability at the counter of the insurance company.

Subsequently, the insurance company modified its vending machines to sell English- and French-language insurance policies, with appropriate bilingual instructions.

- Several French-speaking persons and a representative of a French-language cultural organization complained that receipts issued by the airport parking lot and restaurant were unilingual. One of them pointed out that the sign identifying the Telecommunications and Electronics Centre was in English only.

The Ministry informed the Commissioner that it had ordered the parking lot and restaurant operators to use a bilingual stamp for the receipts until stocks ran out. After that, they were to use receipts printed in both languages.

Three months later, one of the complainants pointed out to the Commissioner that the parking lot tickets were still in English only. Only the name of the company that operated the parking lot had been changed. The Ministry explained that the company had agreed to comply with its directives but that for some unknown reason, the new tickets were printed only in English. The Ministry then issued another directive stating that the tickets were to be replaced immediately with bilingual ones. It sent a photocopy of one of the new tickets to the Commissioner.

The Ministry also had the English sign identifying the Telecommunications and Electronics Centre removed, and gave assurances that it would soon be replaced with a sign that met the requirements of the Official Languages Act.

- A French-speaker complained that the insurance policy he got from a vending machine in the airport was in English only.

Investigation revealed that the concessionaire was modifying his distributing machines in order to offer insurance policies written in French.

The Commissioner recommended to the Ministry that similar modifications be made to machines selling insurance policies in all federal airports.

On 16 October 1973, the Ministry informed the Commissioner that the insurance company concerned was drafting bilingual insurance policies and expected to finish this work by 1 January 1974. Until then, French-speaking customers could obtain insurance policies in French at the counter.

- A French-speaking complainant alleged that the instructions on the shoe-polishing machine in a men's room at the airport were solely in English. Apparently, one could polish one's shoes in brown or black in English, but not in French. In French, one would sportingly take one's chance: black polish on brown shoes or vice versa. The Russian roulette element added a certain zest for French-speakers.

The Ministry agreed to make the shoe-polishing machine officially bilingual, removing all possibilities of tone-on-tone "en français",

and making certain in both official languages that what's brown is brown, and what's black is black, and that the twain shall never meet.

- A French-speaking person alleged that he had seen a unilingual English sign at the airport that warned the public of the dangers of walking nonchalantly across wet floors. Because he felt that the necks and legs of unilingual French-speakers were as easily broken as those of English-speakers, the complainant brought the matter to the Commissioner's attention.

The Department replied that the appropriate officials were taking the necessary remedial action.

File Nos. 757, 1281, 1581—Toronto

- Representatives of a Franco-Ontarian association arriving at Toronto International Airport stated that at least 30 of the signs were in English only, that the only bookstore at the airport had only 40 books in French out of a total of 5,000, that the menu in each of the restaurants, except for the one on the roof, was in English only, and that none of the announcements over the PA system (there were about 130) were in both languages during the five-hour period they were at the airport.

In the autumn of 1971, the Ministry had taken the necessary steps to ensure that all signs at the airport would be bilingual by March of 1972. The contractor, however, encountered several unexpected delays, and the Ministry was forced to exert pressure on him to complete the work as quickly as possible.

The Ministry informed the Commissioner that it had no control over announcements concerning air traffic (arrivals, departures, and so on), as this was the responsibility of the airlines. General announcements were made by the Information Service. Acting on previous recommendations by the Commissioner, the Ministry had endeavoured to hire only bilingual staff for it, so as to be able to provide service at all times in both official languages.

The Ministry added that the concessions which had leased space in the airport did not come under its direct jurisdiction, and that it would have to wait for the leases to expire in 1974 before it could require that concessionaires hire bilingual employees, in accordance with the Official Languages Act. The bookseller in question informed the Ministry that he would make an attempt to meet the growing demand for French books.

As far as the restaurant owners were concerned, they explained that although a bilingual menu was already offered in the rooftop restaurant, this was not possible in the cafeteria because of the menu changes which were required every day. The Ministry stated that it

would continue studying this question with the concessionaires and that it hoped a solution would be found.

With regard to signs at the airport, the Ministry informed the Commissioner that pictographs were being put up, that bilingual signs had already been placed at Terminal II, and that the installation of bilingual road signs was almost completed.

- The complainant stated that the parking lot receipts and the bills and menus at the airport restaurant were in English only.

The Ministry was planning a meeting with the concessionaires to solve this problem. The Commissioner recommended that all necessary steps be taken to arrive at a satisfactory solution.

On 16 October 1973, the Ministry informed the Commissioner that the parking lot had obtained bilingual tickets and receipts. As for the restaurant, it was in the process of obtaining menus and bills in both official languages for its customers.

- A French-speaking correspondent alleged that at the baggage claim section of the airport there were unilingual English signs without any French equivalents.

The Ministry replied it had discussed the matter with its officials in Toronto, who said they were aware of the situation, and that correction of the signs was included in its Bilingual Signs Programme.

The Commissioner asked the Ministry when the Programme would be completed. He further stated he could not understand the delay, and that the target dates previously set by the Ministry had long since passed.

The Ministry sent the Commissioner a progress report that was also related to recommendations made a year earlier by the Special Studies Service.

It regretted that there had not yet been full implementation of the recommendations but said that it was pressing on with the job.

The Commissioner later had a meeting with the Minister of Transport at which these questions were discussed.

File No. 1287—Timmins

A French-speaker complained that most of the signs at the airport were in English only. He stated that the only official sign on the outside (facing the runways) read "Department of Transport, Timmins Airport". Furthermore, with regard to parking facilities, he claimed that signs were generally in English only, with the signature "Canada Transport". The complainant claimed some of the French signs inside the airport were misspelt or incorrect, e.g. "passagers autorisés seulement", "salle de bain", etc.

The Ministry replied that the appropriate officials had been requested to have the signs corrected. In addition, all regional offices were conducting surveys to determine the total requirements for bilingual signs at airports under their jurisdiction.

File No. 1549—North Bay and Kapuskasing

A French-speaking complainant alleged that certain of the Ministry's signs at the North Bay and Kapuskasing airports were in English only.

At North Bay the following signs were cited:

- 1) A sign advising pilots to ring the bell to communicate with the control tower between 2400 hours and 0700. This sign is located at the entrance from the runway area;
- 2) Three signs inside the airport building, dealing with the claiming of baggage;
- 3) A sign at the baggage recovery office which said: "Warning, remove control belt and keep off";
- 4) A sign in the airport building which read: "This building closed midnight to seven A.M. daily";
- 5) A sign stating: "Spectator Deck"; and
- 6) A sign stating: "Construction Branch Engineering Office".

At Kapuskasing, the sign at the entrance to the airport read: "Kapuskasing Airport owned and operated by the Department of Transport".

The Ministry informed the Commissioner it was requesting its officials in Toronto to ensure that the discrepancies cited be included for correction in their Bilingual Signs Programme.

File No. 1635—Sudbury

A French-speaking complainant alleged that a sign at the airport read: "Department of Transport Aeradio and Weather Office" in English only.

The Ministry stated it was requesting the Regional Office in Toronto to contact the appropriate officials in Sudbury, directing that a French translation of the sign be added.

2. Miscellaneous

File Nos. 992, 1547—Competitions

- The complainant could not understand why the Ministry's Competition No. 72-2352, for the position of Civil Aviation Inspector,

did not specify the need for a bilingual incumbent since, in his opinion, the position required the ability to establish and maintain relationships with various organizations, some of which used French in the course of their normal business activities. The complainant also expressed doubts about the ability of the Flight Standards and Regulations Division to provide adequate service to the public in French since fewer than 10 per cent of its staff, it seemed, were bilingual. In fact, given its low bilingual capability, the Airways Section, in the complainant's opinion, could not help but provide inferior service, poor liaison, low quality translation of texts and unilingual English licences, endorsement forms and questionnaires.

The Ministry replied that the position required the ability to establish and maintain relationships with the International Civil Aviation Organization and the aviation industry as a whole, a field in which, according to the Ministry, the major part of external communication, including correspondence and reporting, has traditionally been carried on in English. The Ministry's competition poster made no mention of language requirements because it was understood that French-speaking candidates would be treated on an equal footing with unilingual English-speakers, providing that they possessed the necessary technical qualifications and that their knowledge of English could meet the requirements of the job. The Ministry assured the Commissioner that routine correspondence in French could be translated within the Division. Legal documents, however, were handled by its official translation services.

Regarding the personnel of the Flight Standards and Regulations Division, the Ministry stated that, out of a total of 115 regular employees, there were seven bilingual inspectors in the Aviation Section and eight bilingual employees in the support category. In addition, 19 inspectors of the Aviation Section and six employees in the support category were said to be engaged in language training. The Ministry added that it intended to recruit qualified applicants capable of offering bilingual services where needed. Furthermore, the language-training programme would also be utilized to meet the requirements of the Official Languages Act.

With respect to licences and endorsement forms, the Ministry stated that these items were in the final stages of preparation in a bilingual format and would be put into use as soon as available. It appeared that student pilot permits were already being issued in French and English and that examination papers edited by the Translation Bureau had been available in the two official languages for several years.

The Commissioner was pleased to note that tests and student pilot permits were available in French and English and that bilingual licences

and endorsement forms would soon be put into use. He recommended that the necessary steps be taken to have the licences and endorsement forms ready and in use no later than 31 March 1973.

Concerning bilingual service to the public in the Flight Standards and Regulations Division, the Commissioner noted the Ministry's intention to use its language-training programme along with recruitment to meet the requirements of the Official Languages Act. He requested that the Ministry send him a report before the end of the fiscal year 1972-73 describing progress made in this regard.

Concerning the linguistic requirements of Competition No. 72-2352, the Commissioner stated that he was of the opinion that the position should have been advertised as requiring a bilingual incumbent.

- A French-speaking complainant objected to the fact that two separate posters advertising positions in the Ministry at the PM2 and PM6 levels specified that knowledge of the English language was essential and made no mention of knowledge of French. In his opinion, the nature of the duties as described in the advertisements clearly required a knowledge of both official languages.

The Commissioner commented that the Ministry should reconsider the language requirements of both positions in accordance with Section 9 (1) of the Official Languages Act, as these positions were located in Ottawa or in proposed bilingual districts.

The Ministry agreed that a bilingual capability was necessary for the position at the PM2 level and amended the poster to have two of the six positions designated as requiring knowledge of both official languages. However, it did not consider that the incumbent of the PM6 position required a knowledge of both official languages, as the bilingual capability would exist in the unit as a whole.

The Commissioner was not entirely convinced by the Ministry's explanation, since the timing of the hiring of the employees might create a situation in which a unilingual English-speaking superintendent of the unit had to deal with subsections across Canada before the bilingual capability of the unit was established.

The Ministry assured the Commissioner that establishment of the bilingual capability of the unit would precede the appointment of the superintendent. The Commissioner accepted the Ministry's assurances, but pointed out that the superintendent might later encounter problems relating to language of work and possibly even language of service.

File No. 961—Canadian Coast Guard College

A complainant alleged contraventions of the Official Languages Act at the Canadian Coast Guard College in Sydney, Nova Scotia.

These allegations concerned:

- 1) Two competitions held by the College to appoint a senior language instructor to serve as Head of the Arts and Language Department;
- 2) Failure to accord equal status to the French language in providing service and facilities to cadets and staff members at the College, specifically:
 - a) The inability of the College to offer all its professional courses in both official languages;
 - b) The absence of opportunities for French-speaking students to write examinations in their own language for possible subsequent translation by the College translators;
 - c) The failure of the College to afford French-speaking students summoned for reprimand or disciplinary interview the right to present their case in their own language;
 - d) The inability of the College to permit unilingual French-speaking members to participate in required staff meetings, conducted in English only; and
 - e) The lack of encouragement and opportunity for members of the staff wishing to attend total-immersion language courses offered by the Public Service Commission's Language Bureau.

A preliminary analysis of this complaint indicated that its investigation could not be confined to specific charges made by the complainant, since the fundamental issue of the equality of status and of equal rights and privileges of the two official languages was raised.

Accordingly, the Commissioner decided that two Complaints Officers, accompanied by an observer from the Ministry, should visit the College to investigate the complainant's allegations and to determine whether the College was providing its public with services in both official languages in accordance with the requirements of the Act.

The first phase of the investigation focused on the complainant's allegations concerning the conduct of two competitions held to appoint a Head of the College's Arts and Language Department. Since the first competition was cancelled because of alleged procedural anomalies and errors in defining the position requirement standards, and since the outcome of the second competition was that no appointment was made, a third competition was to be held in an attempt to appoint a permanent Head of the Arts and Language Department. The equivocal result of the first two competitions appeared to have had a deplorable effect on staff and student morale. The Commissioner recommended that the third competition be held and an appointment made without further delay.

With regard to the second part of the complaint, representatives of the Commissioner's Office examined the specific allegations in detail and

proceeded to an investigation of the general areas of administration, personnel, and provision of services to cadets.

The Commissioner was able to conclude that in general the College had made a serious effort to meet requirements of the Official Languages Act in the provision of training to cadets. When the investigation team had completed its study, the Commissioner forwarded to the Ministry a report containing a summary of its findings and 19 recommendations. These recommendations were made not merely to correct noticeable infractions of the Official Languages Act but also to assist the Ministry in devising a policy which better respected the equality of status and the equal rights and privileges of the English and French languages as to their use at the College.

The Commissioner recommended, for example, that daily orders always be issued in a bilingual format and that memoranda of a general nature, whether addressed to staff or to cadets, appear simultaneously in both official languages. Other recommendations may be summarized as follows:

- a) That all signs, announcements, notices, reports, forms and lists be issued simultaneously in both official languages and that both versions be accorded equal prominence in display and distribution;
- b) That consideration be given to the provision of language training for certain staff since the Commissioner believed that, although not all College staff members need be bilingual, a sufficient number had to be competent in each or both official languages to provide adequate and appropriate service to staff and to cadets, as required;
- c) That courses be offered at all levels in both official languages except in exceptional circumstances, and that, if, for reasons beyond the College's control, it were necessary to insist that some cadets take courses taught in their second language, these cadets be permitted to submit all course projects and papers and write examinations in the official language of their choice;
- d) That great care be taken in the selection of French-language textbooks and manuals, and that every effort be made to equip the library with reference and reading material in both official languages;
- e) That a total-immersion language programme for new cadets be studied;
- f) That any cadet called before a Review Board be permitted to use the official language of his choice, and that the Review Board be so constituted that the majority of its members have a working knowledge of the cadet's preferred official language; and

g) That consideration be given to measures to lessen the high attrition rate among the French-speaking cadets and to facilitate the effective development of the College's bilingual character.

The Ministry readily agreed in principle to these recommendations and is implementing them.

TREASURY BOARD

SPECIAL STUDY—TREASURY BOARD SECRETARIAT

Purpose of the Study

Whenever the Commissioner of Official Languages conducts and carries out investigations pursuant to Section 25 of the Official Languages Act, he usually seeks to assess how a given federal institution is fulfilling its obligations under that Act. He thus ascertains whether the institution is providing its services to the public in both official languages and, where the investigation is not limited to language of service, whether the equality of status of both languages is being respected within the department or agency under review.

The orientation of the Treasury Board Secretariat study, of which an outline is given in Chapter I of this report, was completely different. Basically it involved studying this institution as a central agency capable of introducing measures for enabling or facilitating application of the Official Languages Act in a large section of the federal administration. It was necessary, in short, to assess the Secretariat in its capacity as employer and manager of the public service, in the area of the official languages, and thus to appraise the effectiveness of the measures taken by the executive to have its administrative bodies comply with the Act.

Although the report on the study was not sent to the Secretary of Treasury Board until October 1973—after the end of the 1972-73 fiscal year—the Commissioner decided, in view of the importance of the matter, not to wait for publication of his fourth annual report to present the results of his investigation. This study was conducted between 12 February and 6 March 1973. Twenty-nine interview sessions were held, and provided most of the data necessary for the study. The Commissioner's representatives also studied various documents, such as legislative texts, directives and internal study reports.

Conceptual Framework of the Study

The group responsible for the study began by drawing up a framework specifying four categories of data to be collected.

The first step was to define the responsibilities and powers of the Secretariat, not only in the area of bilingualism but also in the broader context of its management authority for those institutions which come under its jurisdiction.

It was then necessary to determine whether the Secretariat had taken the necessary steps to assess the bilingualism situation in the federal administration before taking on responsibilities in that regard.

Thirdly, the measures that the Secretariat had taken or proposed to take in order to foster application of the Official Languages Act constituted the core of the study. In other words, this meant ascertaining whether the Secretariat had made full use of its powers with respect to the official languages and, if not, analysing what it planned to do to correct the situation. To this was linked an examination of the controls which the Secretariat can use to check whether the measures it lays down are actually being applied.

Finally, it was necessary to assess the resources which the Secretariat had marshalled in order to fulfil its responsibilities in the area of the official languages and to determine whether the means were commensurate with the objectives.

Principal Observations

The Commissioner's study found that the Secretariat, despite constraints inherent in its situation and role, has enough freedom of movement to be able to exert, in the area of the official languages, a possibly decisive influence over the departments and agencies under its jurisdiction.

In this regard the Secretariat had in the past shown itself to be unnecessarily slow and circumspect in assuming its responsibilities and playing, as required, its role of guide and active agent in the implementation of the Act. It had also tended to consider establishing bilingualism in the public service as a task to be measured and managed largely through budgetary allocations. In short, the Secretariat's actions appeared fragmentary, sporadic and lacking in vigour. Thus, the human resources mustered up to the time of the study appeared insufficient in relation to the many tasks the Secretariat must cope with in the official languages field. However, as this report mentions elsewhere, the situation has since improved.

One of the basic propositions of the study undertaken by the Commissioner was that, before actually assuming its responsibilities of manager and employer in the official languages context, the Treasury Board must have a comprehensive and at the same time clear picture of the status of bilingualism in the federal public service.

This goal may be achieved through studies of an all-embracing nature or by a series of partial assessments, or by a combination of both methods.

On 15 December 1970, the Cabinet instructed the Treasury Board to assess the effectiveness of the bilingualism programme as a whole in order to determine what progress had been achieved since 1966. On 15 March 1971, the Treasury Board announced the formation of a Task Force on Bilingualism to carry out the required assessment.

At the time of the study undertaken by the Commissioner, the Treasury Board was in possession of most of the results of the Task Force's work, including the integrated report. It was then too early to know to what extent this overall assessment, encompassing such important subjects as translation, language training and French-language units, enabled the Treasury Board to take meaningful and effective action. However, there was no guarantee that the data gathered would remain current for very long. Apparently analysis of the Task Force reports and formulation of a plan of action based on them were set aside, at least temporarily, in favour of application of the principles contained in the statement made by the President of Treasury Board on 14 December 1972.

And yet, since the Secretariat had not made any localized surveys, prompt analysis of the Task Force reports seemed necessary if the Secretariat wished to draw from them, while they were still current, certain material enabling it to plan its activities in the official languages sphere.

The Secretariat's activity in the realm of the official languages is conditioned by the orientations the Treasury Board has given language policy in the public service since early 1971, when it inherited from the Department of the Secretary of State the primary role among the executive bodies with respect to the official languages. The Commissioner's representatives therefore studied two basic documents closely.

The first is circular No. 1971-21, entitled "Management Objectives for Bilingualism", addressed by the Secretary of the Treasury Board to heads and deputy heads of departments and agencies and submitted by the President of Treasury Board to the Standing Committee on Miscellaneous Estimates on 9 March 1971. It was observed that, while this document contains many positive points, it also reveals certain gaps and omissions, and it makes no direct reference to the Official Languages Act, even though some of the principal sections of the Act are reflected in the objectives it outlines. Analysis of the circular also showed that the Secretariat had not given detailed clarification of the general content of some of the objectives and that the time factor had been neglected. The circular does ask the departments and agencies to "give priority to the planning and implementing of activities to achieve these bilingual-

ism objectives”, but this exhortation would have carried more weight had it been accompanied by deadlines and controls reflecting the fact that the Official Languages Act had then been in force for over 18 months. While recommending that the circular’s relevancy be maintained, the Commissioner also asked the Secretariat to take the necessary steps to remedy the deficiencies he had found in it.

The second document analysed by the team responsible for the study is the 14 December 1972 statement by the President of the Treasury Board, distributed to all federal employees, dealing with identification of the language requirements for government positions and the conditions that apply to those seeking employment in the public service.

Although the nine principles outlined in the statement governing implementation of these new policies by federal departments and agencies are based on the Official Languages Act, the study revealed that incautious application of these principles could in some cases lead to violations of that Act. Thus, the target date set for the “designation”, that is the staffing, of bilingual positions—namely 31 December 1978, with the possibility of an extension—might in some cases defer application of the Act by almost 10 years. Moreover, the administrative measures planned to protect the job security of present public servants—excellent measures in themselves, and of the kind the Commissioner has always recommended in the past—should not exempt the departments and agencies from taking the necessary steps to comply with the provisions of the Act relating to the language of service and language of work.

In another connection, one of the principles outlined in the statement gave priority to the “identification” and “designation” of bilingual positions as opposed to unilingual positions or those that can be staffed by either an English-speaker or a French-speaker. The study group felt that “identifying” these three categories of positions at the same time would provide the government with statistical data that would enable it to evaluate the relative importance of the two official languages in the federal public service.

It would seem that the Secretariat has since given special attention to this point and to the two preceding it.

Another passage in the President’s statement which attracted attention was the paragraph dealing with federal government employees’ choice of working language. The basic objective expressed there is definitely one of the important elements which will make it possible to apply Section 2 of the Official Languages Act. In this case, the two relevant comments which were made concerned, on the one hand, the geographical limits to be imposed on the objective and, secondly, the period of time required to achieve it. It is true that the geographical

limits were given merely as an example, but they must not become restrictive, since, if applied to the letter, they would, for instance, exclude certain cities and regions where there is a high concentration of field offices of federal institutions; such offices may well serve areas where both language groups are represented and where consequently government employees of both language groups are likely to work.

Moreover, since the passage in question makes no mention of federal public servants working abroad, the study group pointed out that the fundamental objective regarding the working language should apply to all Canadian government offices in other countries as well.

The authors of the report pointed out that the target date for implementation of the measures relating to the working language—provisionally set for 1978—should not be used as an excuse for not taking immediate steps, such as defining the administrative procedures which will enable the federal institutions concerned to achieve the stated objectives.

On a different plane, the study showed that the Secretariat's activities in the area of the official languages seemed to be more the product of chance rather than of a carefully thought-out plan. The terms of the President's statement of 14 December 1972 and the documents following from it had obviously obliged the Treasury Board's Bilingualism Division* to concentrate all its energy on the "identification" and "designation" of bilingual positions and to leave aside the other possibilities for action and intervention, such as formulation of administrative policies covering the requirements relating to the official languages, giving information to public servants, introducing administrative arrangements that would enable departments and agencies to comply more fully with the Act from the viewpoints of both language of work and language of service, and monitoring application of the measures imposed on the institutions concerned—an activity which must presuppose earlier intervention.

Thus the study revealed that, with only one exception, the administrative directives, which are one of the means by which the Secretariat exercises its role as manager of the public service—in this case through its Administrative Policy Branch—made no mention of the administrative requirements deriving from the Official Languages Act.

It soon became apparent that the Secretariat's efforts to disseminate information fell considerably short of what was needed. Indeed, at the time of the study, the entire staff of the information and communications "group" attached to the Bilingualism Division consisted of one officer and one temporary employee. Moreover, although this group had been able to prepare and in some cases start up interesting

* Now the Official Languages Branch.

programmes, the study revealed the contingent nature of the Secretariat's activities in providing information on the official languages—its inability, in short, to launch and sustain long-term programmes to inform public servants in particular and the public in general about the practical aspects of implementing the Official Languages Act.

The study also revealed that the Secretariat had not been able to devote the necessary attention to introducing administrative arrangements designed to foster the use of French so that it became a normal and enriching language of work for French-speaking public servants, just as English is for their English-speaking colleagues. The French-language unit experiment was still at the evaluation stage, and no precise orientation had been established in the language of work domain.

At the time of the study, the Secretariat had not yet had an opportunity to evaluate the success of its official languages programmes, except for the FLU experiment. Obviously it could not put the cart before the horse, but had to wait until a sufficiently large number of measures had been instituted before making any kind of assessment. The report issued following the study points out, however, that without taking over the duties of the Commissioner of Official Languages, who is responsible for keeping an eye on the extent to which the Official Languages Act is being respected, the Treasury Board Secretariat could greatly help departments and agencies to comply more fully with the Act by monitoring the implementation of measures which it had itself laid down—measures which would presumably tend to facilitate application of the Act.

Treasury Board at the Crossroads

In conclusion, the Commissioner's representatives pointed out that if the Treasury Board Secretariat wished to play in its entirety the active role in bilingualism which the political authorities had entrusted to it, it would have not only to adopt a more energetic approach and display greater initiative than in the past, but also to specify in detail those measures regarding language of service and language of work that the entire public service must implement in order to comply more fully with the Official Languages Act. With this in mind, the study group submitted to the Secretariat a list, based on the accumulated experience of the Commissioner's Office, of the principal elements which must be taken into account in connection with the language of service. Moreover, although it was difficult to deal exhaustively with all the questions to which equal use of both languages at work and in internal communications gives rise, it was obvious that neither the creation of French-language units nor determination of the language requirements of positions made up the sum total of possible steps open to the Secretariat.

In short, the study gave a picture of the Treasury Board Secretariat at a critical point in time. Preoccupied as it was with the "identification" of the language requirements for positions, it had not given the other aspects of bilingualism all the attention they deserved. The Secretariat has since clearly stated its intention, as this report mentions,* to extend its efforts to other fronts. The choice facing the Secretariat can be summed up as follows: either it can withdraw into a purely passive role and content itself with reacting to submissions from the institutions under its jurisdiction, or it can take the bull by the horns and resolutely tackle the problems remaining. The year 1974 will be decisive in this regard.

The Commissioner recommended that the Secretariat:

Scope of the Secretariat's Action and Resources Called Upon

(1) urgently expand its plan for achieving the earliest possible compliance with the Official Languages Act by all institutions within its jurisdiction, to encompass

(a) all means of communication, of whatever kind or form, whereby service is rendered to the public or any portion of it;

(b) all means of communication and ambient facilities that make up and render possible the use of both official languages as languages of work in federal institutions;

(2) so organize and equip itself internally that

(a) in the field of official languages, its action extends beyond the sole questions of bilingual positions and French-language units;

(b) ensuring compliance with all aspects of the Act by the federal institutions referred to is given significant priority and importance;

(c) the size of the Official Languages Branch, the scale of its operations and of the human and physical resources within its possession or accessible to it are such as to indicate the priority and importance of the Secretariat's extended responsibility and to permit the successful and timely accomplishment of its task;

(d) it is enabled, with respect to the Official Languages Act, to exert its influence simultaneously over all departments and other appropriate federal institutions;

(e) the influence of the Branch takes the form not only of setting uniform objectives, establishing administrative definitions, conditions and time frames and stimulating to action across a broad front, but also of evaluating progress and taking remedial measures;

(f) all its other components participate, in their respective fields of activity, in achieving implementation of the Act and that an integrated approach is taken with all federal institutions involved;

Treasury Board Circular No. 1971-21

(3) keep Treasury Board Circular 1971-21 current, at the same time completing the objectives concerning the language of service and communications with the public so that the first (objective No. 5) mentions the duty in-

* See Chapter I.

cumbent on federal institutions to provide service outside the country in both of Canada's official languages and that the second (objective No. 6) provides for cases where a communication of a specialized nature, such as a technical report made available to specialists in the private sector, and so forth, may in some instances constitute a service and consequently must comply with Sections 9 and 10 of the Official Languages Act;

(4) define the concrete measures that institutions concerned should take to achieve objectives Nos. 5 and 6 of Treasury Board Circular No. 1971-21, as revised in accordance with Recommendation 3;

(5) set target dates for achievement of objectives Nos. 5 and 6 of Treasury Board Circular No. 1971-21, keeping in mind the urgency of implementing the Official Languages Act without undue delay;

(6) regularly monitor the progress made by the institutions concerned towards achievement of the eleven objectives of Circular No. 1971-21, as revised in accordance with Recommendations 3, 4 and 5 of this report, and regularly communicate to the Commissioner the results of such monitoring;

Statement of 14 December 1972

(7) take the necessary steps to ensure that the institutions involved strictly observe the requirements of the Official Languages Act in applying the nine principles laid down in the 14 December 1972 statement by the President of the Treasury Board;

(8) intervene with the institutions concerned for the purpose of advancing as far as possible the target date (31 December 1978) set for designating bilingual positions whenever implementation of the Official Languages Act is at issue;

(9) instruct the institutions concerned that, notwithstanding the target date of 31 December 1978, by which date bilingual positions must be designated pursuant to the statement of 14 December 1972, they shall observe any target date set by the Commissioner, as a result of carrying out a study or investigating a complaint, for filling a position, whether or not it had been identified as bilingual, or for providing adequate bilingual staff for ensuring, in accordance with the Official Languages Act, service in both official languages or equal status of the two official languages as languages of work;

(10) ask the institutions concerned to identify the unilingual positions and those that can be filled equally well by either an anglophone or a franco-phone at the same time that they are identifying the bilingual positions and, in order to enable the Commissioner of Official Languages to assess the respective use of the two official languages in the Public Service of Canada, from the standpoint of both service and of languages of work, forward to the Commissioner, as the data becomes available, complete and detailed statistics on

(a) bilingual positions;

(b) unilingual positions for which a knowledge of English is essential;

(c) unilingual positions for which a knowledge of French is essential;

(d) positions where either English or French may be used;

(11) indicate to the federal institutions concerned that they must take the necessary administrative measures to ensure that the services provided by a unilingual employee occupying a bilingual position can be provided in both English and French while that employee, in pursuance of principles Nos. 6

and 8 of the statement of 14 December 1972, is taking language courses and as long as he is not capable of performing his duties in both English and French;

(12) make the federal institutions concerned aware of their obligation to take the necessary administrative measures for complying with the Official Languages Act, from both the language of service and the language of work standpoints, whenever, by virtue of principle No. 7 of the statement of 14 December 1972, long-service unilingual employees continue to occupy bilingual positions;

(13) see that the federal institutions concerned, in implementing that part of the statement of December 1972 that relates to languages of work
". . . Canadians who work for the Government of Canada should be able, as a general rule, to work in the language of their choice. This equality of opportunity will be realized when and where the supervision of employees, and central services, can be provided in both languages",

extend the reforms they will be introducing in Canada to areas other than those cited in the statement as examples (Montreal, certain other parts of Quebec, parts of Eastern and Northern Ontario and parts of Northern and Eastern New Brunswick);

(14) make it clear to the federal institutions concerned that the principles relating to language of work apply equally to public servants posted outside the country;

(15) define in the nearest possible future the administrative procedures whereby the federal institutions concerned may attain the federal objectives pertaining to languages of work that are set out in the statement of 14 December 1972, and see that those institutions take all necessary steps as soon as possible so that the approximate target date of 1978 specified in the statement will not induce them to delay action unduly;

Administrative Policy Directives

(16) include, wherever applicable, in the administrative policy directives prepared by the Administrative Policy Branch, instructions relating to the requirements of the Official Languages Act;

Information

(17) intensify its information activity in the area of the official languages, bearing in mind the need for informing the public and, more particularly, federal public servants, of all aspects relating to implementation of the Official Languages Act and for acquiring to that end greater human and material resources than those available at the time of the study;

Monitoring and Evaluation

(18) as employer and manager, monitor the application of the measures which it causes the federal institutions concerned to take and which have a bearing, in one way or another, on the use of the two official languages both as languages of service and languages of work;

(19) in the federal institutions over which it has authority, monitor implementation of the recommendations made by the Commissioner of Official Languages as a result of a special study or the investigation of a complaint, and send to the Commissioner on request the results of such monitoring.

Reply by the Treasury Board Secretariat

On 15 October 1973, the Commissioner sent to the Secretary of the Treasury Board the results of the study together with his recommendations. In a letter dated 28 November 1973, the Secretary commented on each of these 19 recommendations. In view of the importance of the role this agency plays in the field of the official languages, and also to enable the institution to report on developments since the study, the Commissioner has decided to reproduce below, *in extenso*, the text of this letter. This gesture does not imply outright endorsement of the explanations given by the Secretary: the Commissioner reserves the right to evaluate them in the light of the regular follow-up work carried out by his colleagues.

DEAR MR. SPICER:

Thank you for your letter of October 15, 1973 and the enclosed report and recommendations of a study you undertook, in February and March, 1973 of the Treasury Board Secretariat and the measures being taken or planned by the Treasury Board to foster the implementation of the Official Languages Act within the Public Service.

First let me say that I appreciate having your views on how the Treasury Board Secretariat could become more effective in ensuring that the Act is implemented consistently. I am particularly pleased that you are in agreement with steps that have already been or will be undertaken in the near future to make sure that Canadians, whether they are served by the Federal Service or work within it, can use the official language of their choice.

As you are aware, the time that you requested a study of the Treasury Board Secretariat be undertaken coincided with a period of substantial activity and build up of the Treasury Board's concern and interest in the official languages. The draft of the Treasury Board Guidelines on the Language Requirements of Positions had been circulated in early January, 1973, and was the subject of intense and fruitful discussions with both departments and bargaining agents. These Guidelines were formally adopted in March by the National Joint Council, on which both the employer and bargaining agents are represented. On April 1, 1973, the President of the Treasury Board approved the establishment of the Official Languages Branch reporting directly to me. This is totally in keeping with recommendations along the same lines which you sent to me in October. Since April, the resources assigned to this Branch were more than doubled.

I am citing the above as background to convey to you that the clear intent of the President of the Treasury Board, is to ensure that the Treasury Board Secretariat is in a position to take an active and constructive role in ensuring that the Official Languages Act is implemented effectively within the Public Service. Continuing attention is also being given, of course, to

the many related administrative problems to flow from the Act and the Government's Official Languages policies and programmes.

I would now like to respond with regard to the action that has been or will be taken on your recommendations.

Recommendation 1(a)

The following steps have been or will be taken to implement this recommendation.

1. Positions are being determined in all federal offices across Canada to ensure that, where there is a significant demand, services are available to the public in both official languages.
2. In certain parts of Canada, there are population concentrations of one or the other official language group. In such areas, service has often been only available in one official language. In the future, services will be made available in both official languages to determine, if possible, that the latent demand is sufficient to justify providing services in both English and French.
3. Departments will be asked to ensure that in offices where the public has contact with the federal government all signs, public notices and other means of communication in Canada and abroad are in both official languages. In cases where the demand is significant or the travelling public is concerned, the public will be referred, in the language of its choice, to persons who can provide information in both official languages. I might add that in a majority of offices across Canada and abroad, these services are already being provided. The Treasury Board Secretariat will be monitoring departments' performance and will continue, of course, to work closely with your Office as well as with the departments concerned to ensure that the spirit and intent of the Official Languages Act are followed.

Recommendation 1(b)

1. The government, as a matter of policy, identified bilingual geographic areas and situations where public servants may use both official languages at work. These areas will be reviewed after the report of the Bilingual District Advisory Board becomes available, to determine if changes should be made.
2. To allow public servants to work in either English or French in these bilingual areas, supervisory positions have to be identified as bilingual. This task will be completed by December 31, 1973. By the end of 1978, unilinguals who are in these positions will have an opportunity to undertake up to 12 months language training at public expense. Creating equality of opportunity in the use of both official languages as language of work will be progressive to 1978.
3. Public servants will only be able to work in the language of their choice if, for example, work instruments (manuals, procedures, administrative directives, signs, computer print-outs, etc.) are available in both official languages. I am not satisfied that this is now the case and during 1974, guidelines will be developed relating to the language of work within the Public Service and to other areas in the field of official languages, such as work instruments.

4. Work is also proceeding within the context of the Federal Identity Program to develop a standardized use of federal symbols and signage.

Recommendation 2(a)

Present and planned activities of the Treasury Board extend well beyond concerns for bilingual positions and French Language Units. The following list illustrates some of these concerns: matters related to the language of work and work instruments; the availability of professional and managerial training in French as well as a French-speaking recruitment capacity; internal department structures to implement the Official Languages Act, policies and programmes; development of the bilingual character of the National Capital Region; problems associated with translation and terminology; language training and retention; the review of all official studies on matters related to official languages; liaison with the public and private sectors on matters related to official languages; the development of statistical data and information systems related to official languages. In addition, the Secretariat works closely with the Public Service Commission on such matters related to recruitment, particularly of francophone personnel.

Recommendation 2(b)

This recommendation is supported. In addition to its own activities, my staff will continue to rely heavily on your Office for information on the areas where you feel such compliance is lacking.

Recommendation 2(c)

As I described earlier, this recommendation has been overtaken by events when action was taken in April 1973, to create the Official Languages Branch and increase its establishment to 47 man-years. Even further developments are expected in this area.

Recommendation 2(d)

The creation of the Official Languages Branch together with the steps outlined earlier is intended to carry out just what this recommendation suggests.

(e)(f)

The Policy and Planning Division of the Official Languages Branch has the official responsibility for evaluating progress and, where necessary, recommending to the Treasury Board "remedial" measures and policies required to ensure implementation of the Act and government policies and programs related to official languages.

Recommendations 3, 4, 5

1. All Treasury Board guidelines and circulars relating to the official languages are under constant review to ensure their continued compatibility and up-dating.

2. Steps have already been taken with departments having operations abroad to ensure that Canada is effectively represented in other countries and that services are available in both official languages. The draft guidelines giving effect to this recommendation are presently under discussion with the departments concerned.

3. The question of providing specialized communications such as technical reports in both languages poses complex problems. Many of these reports are read only by one language group; the delay in translation (apart from problems of terminology) may seriously delay publication of important technical reports such as those originating from scientifically oriented departments. This matter will be examined within the context of the requirements of the Official Languages Act, bearing in mind the significant demand factor and problems of feasibility in providing such reports in both English and French.

4. When this matter has been studied, the Treasury Board will be asked to approve an appropriate policy with specific implementation deadlines. We would, of course, intend to discuss this matter with your Office prior to any recommendation being made to Ministers.

Recommendation 6

As already indicated, definite steps are now being taken so that all matters related to the implementation of the Official Languages Act and the government's Official Languages policies and programs can be monitored. As has already been established, your Office may have access to the results of such monitoring.

Recommendation 7

As the statement on December 14, 1972 by the President of the Treasury Board was directed at ensuring that Federal Government services were available to the public in both English and French, and at providing, as a general rule, for public servants to work in the language of their choice, by their very nature the principles adopted later by Parliament are intended to support and ensure the implementation of the Act, in particular until the year 1978, and thereafter.

Recommendation 8

In the administrative procedures giving effect to the principles, first priority in designation will be for those positions providing service to the public. Further, until such time as the person occupying such a position becomes bilingual, the department is obliged to use appropriate administrative arrangements to ensure immediate compliance with the Act.

Recommendation 9

As I have already indicated to you, the Operations Division of the Official Languages Branch will be following up with departments in the implementation of your recommendations and taking whatever steps are necessary to ensure compliance with the Act.

Recommendation 10

Departments are presently identifying the language requirements of some 250,000 public service positions, be they bilingual, English essential, French essential or positions where either English or French will be used. The identification process will be completed by December 31, 1973. The information requested will be available in 1974.

Recommendation 11

The necessary steps have already been taken and are outlined in Treasury Board Circular 1973-88 concerning the Language Requirements of Positions.

Recommendation 12

The necessary provisions to give effect to this recommendation are already contained in Treasury Board Circular 1973-88. The departments' performance will be monitored in this respect.

Recommendation 13

As indicated in my answer to recommendation 1(b), these areas will be reviewed in light of the Report of the Bilingual Districts Advisory Board and the Government's decision with regard to the report. Appropriate action will then be taken by the Treasury Board Secretariat.

Recommendation 14

This matter will be covered in the draft policy presently being reviewed with departments having operations abroad.

Recommendation 15

The Government's policy with regard to ensuring equality of status of both official languages as working languages within the Public Service is quite clear. I have already outlined some of the steps that will be taken to ensure that the specific deadline of 1978 set by the government is met. I am optimistic that much can be done well before that date to accomplish this objective. However, given the anticipated language training load, it is unrealistic to believe that a bilingual supervisory capacity can be developed much faster.

Recommendation 16

A review will be undertaken of all Treasury Board administrative directives and circulars to determine where specific instructions related to the requirements of the Official Languages Act should be included.

Recommendation 17

The establishment of the Information Programmes Group within the Official Languages Branch has recently been increased to 7 man-years and adequate financial resources have been allocated to the Group. Its information programmes are at various stages of development and include such activities as the preparation of a booklet for public servants and a handbook for the general public, information and training sessions and seminars, information kits, audio-visual material including films, and relations with governmental and non-governmental organizations. The Group is also concerned with the coordination of departmental information projects relating to the implementation of the Treasury Board Guidelines.

Recommendation 18

As already indicated, the Official Languages Branch has been assigned and is already performing this monitoring and evaluation function with regard to the implementation of the Treasury Board Guidelines on the Language Requirements of Positions. This role will be expanded to cover all other elements of the Official Languages policy and programs.

Recommendation 19

As implied in my answers to recommendations 2(b) and 9, your recommendations to departments and agencies will be studied and a follow-up system established to monitor departmental action and compliance with the Official Languages Act.

I trust these comments will be useful in the preparation of your annual report. If I can be of any further help, please do not hesitate to call on me.

Yours sincerely,

G. F. OSBALDESTON

COMPLAINTS

File No. 675—Discrimination

A French-speaking employee of the Board informed the Commissioner of difficulties he was experiencing in his work setting. He claimed that he had been the victim of racial discrimination. His superiors allegedly submitted unobjective appraisal reports on him in order to deny him a position the duties of which he was already performing. This position was apparently then offered to a unilingual English-speaking person even though the duties included serving a partly French-speaking public.

After studying the complaint, the Commissioner had to conclude that the alleged discrimination seemed to be of an ethnic rather than a linguistic nature and therefore did not constitute a contravention of the

Official Languages Act. He suggested that the complainant bring his case to the attention of the Appeals Branch of the Public Service Commission.

As for the appointment of a unilingual English-speaking person to the position, the Commissioner stated his willingness to study this aspect of the complaint if authorized to do so. However, the complainant did not authorize him to pursue the matter.

File No. 955—Internal Communications

An employee of the Board complained that the list of personnel directors of the various departments was written in English only.

The Board expressed the opinion that documents of this kind did not necessarily have to be published in both official languages, since their distribution was restricted to a few Board officials. However, it accepted the Commissioner's suggestion to publish the list in both languages.

File No. 1652—Policy on Bilingualism

A French-speaking correspondent took issue with the government's policy on bilingualism in the public service as expressed in the nine principles announced by the President of the Treasury Board on 14 December 1972. He complained that, whereas the Official Languages Act stated that "The English and French languages . . . possess and enjoy equality of status and equal rights and privileges as to their use in all the institutions of the Parliament and Government of Canada", these nine principles reinforced the privileged position of one language. In particular, he claimed that the principles would perpetuate the discriminatory language habits of those unilingual public servants, mostly English-speaking, who wanted to remain unilingual although their jobs were designated as bilingual.

The Commissioner informed the Secretary of the Treasury Board of the complaint. The Secretary replied that, in his opinion, the issues raised did "not appear to involve directly or relate directly to any matters dealt with in the Official Languages Act".

The Commissioner, however, believed that the implementation of some of the principles could contravene the provisions, spirit and intent of the Official Languages Act. While he hoped that the principles would not in fact violate any aspect of the Act, he reminded the Secretary of the Treasury Board that he (the Commissioner) still had a statutory duty, under Section 25 of the Act, to investigate any complaint which alleged a violation of the Act.

File No. 1657—Telephone Service

A French-speaker who telephoned the Planning Branch received in reply a message recorded in English only, asking him to leave his number so that he could be called back.

The Board informed the Commissioner that, to avoid any further misunderstandings of this sort, instructions had been given for recorded messages to be bilingual.

UNEMPLOYMENT INSURANCE COMMISSION—"Robin Hood"

EVALUATION

The Commissioner considers that he has received excellent co-operation from the Unemployment Insurance Commission in implementing the recommendations he made after a special study of the Moncton Office, and in settling complaints in general.

In August 1973, the UIC informed the Commissioner that it had acted upon the four recommendations he made on its Moncton office concerning bilingualism directives, exterior signs, interior posters and signs, and bilingual telephone services.

During the last three years, 16 justified complaints have been lodged against the Commission, to which it has given immediate attention. The complaints dealt with the language of service and concerned the offices in Charlottetown, Bathurst, Moncton, Winnipeg, St. Boniface, Timmins, Sudbury and Cornwall. In most of the cases, the correspondents complained that they were unable to obtain information in French either over the telephone or in person at the above-mentioned offices.

The Commission promptly corrected these deficiencies by making lateral transfers within an office, by creating a new bilingual position or by recruiting new staff so as to enable the offices in places where there was a considerable French-speaking minority to provide service in French. In some cases where the demand was extremely small, the Commission made use of bilingual employees of the Department of Manpower and Immigration. The Commission also reminded its employees that they must always complete the French side of bilingual forms that were to be sent to French-speaking people and the English side of those to be sent to English-speaking people.

As a result of the Commissioner's intervention, the Unemployment Insurance Commission, which had been criticized for publishing employment opportunities only in English-language newspapers in Manitoba, agreed to make use of the French-language media for that purpose.

SPECIAL STUDY

In December 1972, a study of the head office of the Unemployment Insurance Commission was undertaken to examine, in terms of bilingualism, the services this organization offers to the public. The principal reason for the Commissioner's interest in the Commission was the wide range of contacts it has with the public.

Because the administrative structures of the Commission were found to be relatively decentralized, the study team decided to visit the following representative offices: the regional offices in Montreal, Toronto, Winnipeg and Vancouver, and the district offices in Halifax, Hull, Toronto south, Sudbury and Edmonton.

Between December 1972 and 22 March 1973, the study group held interviews at head office in order to become familiar with the organization of the Commission, the nature of its work, its methods and the publics it served.

It then reviewed the Commission's policy on language of service, as well as all measures taken and anticipated by the various central services with respect to the two official languages.

By the end of the fiscal year, the group had visited one district office (Halifax) and one regional office (Montreal) and was preparing for its last meeting at the regional and head office levels. It had also begun to analyse the data and information obtained up to that point.

SPECIAL STUDY—MONCTON

The purpose of this study was to evaluate the quality of bilingual services offered to the public by the offices of the Unemployment Insurance Commission in Moncton. In the course of its enquiries in the early summer of 1972, the study team focused its attention on the use of the two official languages in public-contact positions at the regional and at the district office. It was found that directives on bilingualism had been circulated in the regional office, but not in the district office. In the regional office, all signs, with the exception of a few older ones, were bilingual. All signs and posters in the district office were also bilingual, though the research team noted that posters were not displayed in such a manner as to ensure the equal visibility of the English and French versions to the public. In both the regional and district offices, all forms, publications and calling cards were prepared bilingually, either in a single version or in separate versions.

The regional office had a sizeable budget for publicity and made extensive and equal use of both French- and English-language media.

The district office, however, with no specific budget for advertising, rarely used the media. Contractual agreements entered into by either office were negotiated in the language of the contractor or leasing agent. Similarly, correspondence in both offices was answered in the language of the addressee. Both the regional and district offices claimed to identify their offices bilingually on the telephone, though the team observed, in its communications with those offices for purposes of the study, that on several occasions only English was used.

In terms of manpower, at the time of the study, 73 regular and 50 casual employees were on staff in the regional office, of whom 20 and 10 respectively were said to be bilingual. Of the regular employees, only nine held public-contact positions and five of those were bilingual. None of the casual employees occupied positions requiring them to deal with the public. At the district office, 18 of the 75 regular employees, and 31 of the 93 casual employees, were bilingual. The 18 bilingual regular employees held public-contact positions as did 29 of the 31 bilingual casual employees.

The regional office was responsible for recruitment up to the level of Programme Manager 4, while the district office's responsibility for recruitment stopped at the rank of Clerk 5. All job posters were bilingual and all advertisements appeared in both English and French newspapers.

Career potential, age, and responsibilities involving contact with the public had a particular bearing on the selection of candidates for language training in both offices. At the regional office five employees started French-language training in the last three years whereas only one employee took such training in the district office. However the latter hoped to place at least six or seven on language training during the 1972-73 fiscal year.

The study of the offices of the Unemployment Insurance Commission disclosed a commendable effort to comply with the provisions of the Official Languages Act. In view of certain deficiencies, however, the Commissioner recommended that:

- (1) the regional office keep all its directives on bilingualism up to date and that the district office immediately collect, from headquarters or the regional office, all pertinent directives on bilingualism in a file for the use of its employees and see that all public contact personnel are familiar with the provisions of the Official Languages Act;
- (2) all existing unilingual signs under the jurisdiction of the Moncton Regional Office be rendered bilingual by 31 March 1973;
- (3) all posters be immediately displayed in such a manner that both the English and French versions are equally visible to the public;
- (4) the senior officers see to it that at all times the receptionists identify their respective offices in the two official languages of Canada.

COMPLAINTS

File No. 789—Charlottetown

A French-speaking person from Prince Edward Island said that there was no bilingual service in the Charlottetown office.

The Commission explained to the Commissioner that all information brochures and all claim forms in the Charlottetown office were available in both official languages. However, the office staff did not recall receiving any applications for benefits in French for three years, except for one forwarded by the Montreal office. Since the nine employees were unilingual English-speakers, it was decided to call upon the Canada Manpower Centre next door to the Charlottetown Unemployment Insurance Office when a French-speaking person came in. This had occurred twice. The Moncton District Office would be responsible for written communications in French.

The Commission did not designate any bilingual positions in Charlottetown because it considered that the present arrangements were adequate for serving the public in both official languages. It could thus deploy its bilingual manpower resources in other sectors of the Atlantic Region where the demand was much greater.

File Nos. 774, 784, 785, 786—New Brunswick

A number of French-speaking people complained that it was difficult to communicate in French with the Bathurst and Moncton Unemployment Insurance Offices. For example, some said that they had waited for half an hour on the telephone before the Moncton office answered in French. They reproached the Bathurst office with putting documents in the files of French-speaking clients which were written entirely in English.

The Commission stated that it had made lateral transfers in the Moncton office in order to make bilingual telephone clerks and information officers available to the public.

In the Bathurst office, all the employees except one were bilingual. Verbal and written communications with the customers were in the official language of the client's choice. Since the majority of the clients were bilingual, they could address the office either in French or in English. All documents placed on file were written in the language of the claim. Communications between the Bathurst and Moncton office employees were in English or French at the employees' choice. It was possible that a memorandum relating to an internal communication was placed in a file and it would not necessarily have been written in the language of the client. This practice could not be detrimental to the

client since all the documents he might require, as well as the verbal and written communications between him and the office, were in the language of his choice.

File No. 1638—Cornwall

A member of a French-language association sent a copy of a form he had received from the office of the Commission in Cornwall (Ontario). The form itself was bilingual in a tumble format, but the Cornwall office had used the English side instead of the French side.

The Commission explained that its Cornwall office always tried to serve the public in the official language of its choice. It added that nine of the office's employees in the administrative and foreign service category, and 15 of its 22 employees in the administrative support category were bilingual.

When answering incoming correspondence, the appropriate language to use was obvious. Difficulties arose when initiating correspondence with someone whose language preference was unknown. For example, a firm might have a partially French name such as "Lalonde Service Station", which did not provide clear indication of the language in which it carried out its business transactions. On the basis of its experience in places like Cornwall, the Commission believed that writing exclusively in French to such employers was, at best, risky, since most of them used English when conducting their business affairs. It therefore proposed, where the language preference was not known, to write in French only to employers whose business name was entirely French.

The Commissioner believed that this practice implied that the Cornwall office would write in English to employers whose business names were partly in French and partly in English. Such a practice might well lead to contraventions of the Official Languages Act. The fact that a French-speaking employer, who did business with both English- and French-speaking clients in the Cornwall area, chose a business name which was partly in English did not mean that federal institutions should always write him in English. Such an employer could legally insist that they communicate with him in French.

With this in mind, the Commissioner recommended that, in cases where an employer's business name was partly in English and partly in French, the Cornwall office should telephone him to determine which official language he would like to be used in correspondence.

File No. 1520—Sudbury

Two French-speaking complainants objected to the fact that employees at the Sudbury office of the Commission had spoken to them

in English over the telephone, even though they had used French when completing their forms.

The Commission apologized and said that this incident must have been the result of a mistake. The office in Sudbury had a high proportion of bilingual employees: five out of six senior officers, including the manager, 33 out of 68 employees in sections which had contact with the public, and all of the receptionists and telephone operators. Overall, 48 per cent of the employees in the office were bilingual.

To prevent a recurrence, the manager reminded the employees that they must always serve the public in the official language of its choice.

File No. 1439—Timmins

A French-language organization complained that it had received from the Timmins office a form letter filled out on the English side.

Investigation revealed that this was an oversight rather than an infraction of the Commission's policy concerning services to the public.

As a result of the Commissioner's intervention, the Timmins office reminded employees that it was essential to serve the public in the language of its choice.

File Nos. 895, 1059—St. Boniface

- A French-speaking person came to the Place Provencher office in St. Boniface and asked the hostess for information. She replied in French that no one from the office could help him, and advised him to go to the main office in Winnipeg. The complainant concluded that no one in the St. Boniface office could provide service in French.

The Commission informed the Commissioner that this office had been closed to the public since June 1971. The staff there consisted of inspectors whose job was to control claims, not to provide service to the public. This was what the hostess meant by her answer.

The Commissioner informed the complainant that it was merely a case of simple misunderstanding.

- A French-language company in St. Boniface complained that the Commission had sent it a circular letter in English.

The Commission informed the Commissioner that it had sent to its Winnipeg Regional Office a list of 211 organizations involved with Local Initiatives Programmes. To facilitate the recording of the claims at the end of the programmes, it was decided to write to the organizations to outline the procedure to be followed in submitting claims. The company in question was one of the four French-language employers to whom a letter in English had inadvertently been sent.

The Commission sent to the company, along with its apologies, a French version of the letter. The Commissioner, for his part, recommended that the Commission take the necessary measures to avoid errors of this type in the future.

File No. 1350—Competition

A complainant with limited English who had applied for a position as a stenographer at the Personnel Office of the Commission in Ottawa alleged that she was told there was a unilingual English ST 3 position available but, because her knowledge of English was quite limited, she was only eligible for a bilingual ST 1 position. The complainant could not understand why, as a French-speaker with some knowledge of English, she was limited to a position at the ST 1 level while unilingual English-speakers had access to superior positions.

The Commission explained to the Commissioner that the complainant was qualified for an ST 3 position which only required French, or an ST 1 position which only required English. The Commission employed unilingual English-speaking, unilingual French-speaking and bilingual stenographers at all levels.

Candidates for stenographic positions were referred to the Commission by Manpower Centres and the Public Service Commission and had to take a test to determine their level of competence in accordance with Public Service Commission standards.

If this test showed that the applicant was qualified and if there was an appropriate position available, a job offer was made. If, on the other hand, there was no position available at the candidate's level at the time, both she and the Public Service Commission were notified.

The results of the complainant's test, according to the Unemployment Insurance Commission, showed that she was capable of filling an ST 3 position which only required French, or an ST 1 position which required the use of English as well as French. Unfortunately, there were no positions at either of these levels available at the time and the complainant had been informed of this.

File No. 1647—Correspondence

A representative of a French-language association complained that a return address was printed in only one language on some of the Commission's envelopes.

The Commission informed the Commissioner that it was looking closely at a series of instructions relating to the general use of its identification symbol and texts that appeared on documents intended for the public; it was doing this to ensure that the instructions clearly reflected the requirements of the Official Languages Act and the need

for giving priority, in certain regions, to the language spoken by the majority of the population. The points raised by the complainant were to be taken into consideration during this review. The Commission said that it would inform the Commissioner of the results.

At the end of September 1973, the Commission had still not completed this study. Consequently, no new directives had been issued, and the envelopes complained about still bore unilingual addresses. The Commission, however, assured the Commissioner that directives were going to be issued forthwith.

File No. 1305—Job Announcements

An English-speaking Montrealer complained that an advertisement for a number of positions with the Commission appeared in French in *The Gazette*, an English-language newspaper.

After investigation, the Commissioner found that the Commission had provided a French text only, with a list of both French and English newspapers, to the Public Service Commission, which arranges publication of advertisements for staff.

The Unemployment Insurance Commission has since taken steps to make sure that the text of advertisements for staff in the appropriate language(s) accompanies the lists of newspapers in which these are to appear.

URBAN AFFAIRS

SUMMARY

The Ministry found it difficult to answer the Commissioner's questionnaire "in a simple, concise way". The Commissioner was relieved, however, to receive the Ministry's assurance of its "desire and intention to work within the requirements of the Act and its principles".

VETERANS AFFAIRS—"The Way We Were"

EVALUATION

During the first three fiscal years, the Commissioner received eight complaints on this Department. It reacted positively to the infractions brought to its attention by taking corrective measures. The Commissioner is pleased with the Department's co-operation with his Office in the investigation of complaints.

The Department stated, in November 1973, that services were generally provided in both official languages and were "adequate".

Answers to the questionnaire the Commissioner sent the Department revealed that Veterans' Affairs bilingualism programme had been in existence for more than four years. The Deputy Minister chairs the Management Committee on Bilingualism. The Adviser on Bilingualism co-ordinates implementation and oversees periodic evaluations. Almost all forms as well as publications and other printed material are reported to be bilingual. Signs and notices are bilingual "where applicable". Employees filling bilingual positions will receive language training by the designation date of December 1978.

The Department said that English and French enjoy equal status within its administration. It also pointed out that several French-language units had been established, and that employees have the option of using either language for internal communications. Most internal documents were also stated to be bilingual. Staff development courses, said the Department, are provided in "either language as required". The language of supervision, however, remains a problem, since supervisors in Montreal and the National Capital Region are mainly English-speaking.

COMPLAINTS

File No. 1244—Unilingual Printed Form

A French-speaking correspondent reported to the Commissioner that a departmental form supplied to a Quebec pharmacist was only available in English.

The Department said that the Treatment Services Branch, which was responsible for negotiations with the Association québécoise des pharmaciens propriétaires (Quebec Association of Independent Pharmacists) in Montreal, had stated that there was a verbal agreement that the English form would be used until the stock ran out. The Department added that either a bilingual or French version of this form was to be adopted during the next contract negotiations. It was pointed out that those responsible were in the process of drawing up a bilingual form which they would submit to the Association, and which would be distributed to interested parties once the agreement had been signed.

Notwithstanding these statements, the Commissioner recommended that the new form be put into use not later than 31 December 1972.

The Department later informed the Commissioner that the new bilingual form had been approved by the Association and was distributed to pharmacists in May 1973.

File No. 1574—Signs

A French-speaking complainant alleged that there were a number of unilingual English signs outside the Rideau Veterans Home at 363 Smyth Road in Ottawa.

The Department agreed to replace English signs outside and inside the building with bilingual signs.

File No. 1648—Calling Cards

A French-speaking complainant alleged that he could not find a word of French on a calling card which came from the Ottawa District Office of the Department.

The Department told the Commissioner that its policy on this matter was to use both languages and that the Ottawa District Office was awaiting a shipment of bilingual calling cards it had ordered earlier.

The Commissioner passed this information on to the complainant. The Department forwarded to the Commissioner a sample of the bilingual calling card.

* * * *

COMPLAINTS NOT CONCERNING SPECIFIC FEDERAL INSTITUTIONS

1. Education—“Pontius Pilate Also Respected the Constitution”

Several people wrote to the Commissioner during the year either to obtain information or to comment on the distribution or use of federal funds allocated for second-language teaching. Provincial governments have exclusive jurisdiction over education, but funds for second-language instruction are distributed among the provinces under a federal-provincial agreement. The Commissioner asked the complainants to get in touch with the Minister of Education in their province or with the Director of the Language Administration Branch of the Department of the Secretary of State. In addition, several people complained about the teaching of French or about related problems. As far as possible, the Commissioner referred these correspondents to the appropriate authorities.

File No. 665

A student inquired about the possibility of his receiving the financial assistance granted young English-speakers wishing to take French courses at Laval University.

The Commissioner sent him a folder from the Department of the Secretary of State explaining the bursary programme for summer language courses.

File Nos. 687, 728, 756, 800, 803, 1002

Residents of five provinces (Nova Scotia, New Brunswick, Ontario, Saskatchewan and Alberta) maintained that the grants given to these provinces each year by the Canadian Government through the Department of the Secretary of State for teaching in French and for teaching French as a second language were not being wholly used for this purpose.

The Commissioner sent the complainants a copy of the reports prepared by the provinces and presented to the House of Commons by the Secretary of State on 12 June 1973.

File Nos. 797, 817

- A French-speaker in Prince Edward Island deplored the fact that children of French-speaking Armed Forces personnel stationed at Summerside were not authorized to attend the regional French school, Evangéline.

As the correspondent did not lodge a formal complaint, no investigation was made.

- A French-speaker informed the Commissioner during an interview in Fredericton that an application for a grant had been submitted to the Department of National Defence to obtain secondary-level courses in French, in addition to the primary education programme already offered in the school district serving the Gagetown Base.

Before he could examine the question thoroughly, the Commissioner received a letter asking him not to take any action, whereupon the file was closed.

File No. 1020

An English-speaking student at Trent University informed the Commissioner of difficulties she had met in being considered for a bursary for the Opportunities for Youth Summer Language Programme in French at St-Pierre et Miquelon. The Commissioner advised her that bursary funds for the programme were provided by the Department of the Secretary of State and administered by the Ontario Ministry of Colleges and Universities.

File No. 1050

An English-speaking university student employed for the summer by a government department in Ottawa asked if second-language training could be made available after working hours because, by the time students arrived in Ottawa for summer employment, it was too late for them to enrol in university courses. He added that private lessons were too expensive.

The Commissioner told him that Algonquin College offered several summer programmes which might meet his needs. The cost of language training would not be reimbursed by the departments in the case of summer employees.

File No. 1139

A lady from Toronto asked why adults could not have free tuition in French as did students. She believed this was necessary if Canada was to become a bilingual country. The Commissioner referred her to the Ontario Minister of Education and to the Department of the Secretary of State.

File No. 1799

The French Committee of a Toronto school complained to the Department of the Secretary of State that, because of lack of funds, French instruction in the school was threatened. A copy of the letter was sent to the Commissioner. The Commissioner explained that he had no jurisdiction in the matter but offered his moral support.

File No. 1866

A resident of Alberta complained that financial assistance for teachers wishing to continue studies in French during the summer was offered only to those following non-credit courses. He said those teachers enrolled in credit courses or in programmes leading to a degree were ineligible for financial assistance. He felt it was unreasonable to exclude those who chose to take a degree at a French-language university and who would like to pursue their studies in the summer. The Commissioner explained that the matter did not come within his jurisdiction. He asked, however, to be kept informed of developments.

New Brunswick

File Nos. 917, 1270, 1663

- A resident of New Brunswick stated that the time allocated for the teaching of French in primary schools was inadequate and that the

children could not possibly become bilingual unless the system improved. The Commissioner forwarded the complaint to the provincial Minister of Education.

- A French-speaking correspondent alleged that a Department of Education brochure entitled *The Organization of Instruction for New Brunswick Schools* described the basic curriculum for junior high schools as including English, mathematics, science and social studies. He suggested it should read “mother tongue” rather than “English”, in view of the duality of the educational system in that province. The complainant did not reply to the Commissioner’s offer to refer the matter to the provincial Department of Education.

- A female student at the École Polyvalente Restigouche sent the Commissioner, for his information, a copy of a communication addressed to the Minister of Education for New Brunswick concerning problems encountered in bilingual schools.

The Commissioner replied that he was following closely the efforts being made by French-speakers throughout the country to preserve their language and their cultural identity.

Ontario

File Nos. 1192, 1571, 1674, 1851

- A group of French-speaking parents in Mississauga informed the Commissioner that they wanted education in French for their children. They had approached the Peel County Public School Board, which had told them the classes were possible but transportation was not. Consequently, they had withdrawn their application and contacted the Separate School Board, which had refused to provide such classes for September 1972. At this juncture, the group wrote to the Premier of Ontario.

- A French-speaker drew the Commissioner’s attention to a newspaper advertisement in which French courses offered by Conestoga College in Guelph appeared under the heading “Foreign Languages”.

Since Conestoga College was not a federal institution, the Commissioner could not investigate this complaint. He commended the correspondent’s initiative in pointing out to the College administration that French was one of Canada’s two official languages.

- A French-speaking father from Windsor said that because of a new legal interpretation of separate school supporter which required both parents to be Roman Catholic, he could no longer support with taxes the Separate School Board which was educating his children in French. His wife was not a Roman Catholic so he would be obliged

to pay tuition fees for his children's schooling. He also took exception to the assumption that French-speakers were Roman Catholic and English-speakers Protestant. It turned out, however, that the way a computer had been programmed was the cause of his problem. Later on, the father wrote that his case had been settled.

- The students' council of the École secondaire St-Laurent in Cornwall, which was sharing a building with English-speaking students on shift basis, asked for the Commissioner's assistance in obtaining a separate French-language secondary school.

The Commissioner referred this request to the Bilingualism Coordinator of the Province of Ontario and has been kept informed of the action taken in this matter by the Ministry of Education.

Manitoba

File Nos. 856, 876, 924, 1642

- An English-speaker from Winnipeg complained of the limited availability of bilingual education in Manitoba schools and of the high cost of obtaining such instruction privately. The provincial Minister of Education told the Commissioner that bilingual education was available in the metropolitan area of Winnipeg, although not in the schools of the Winnipeg School Division. Under legislation establishing bilingual education in Manitoba, if a child from a school division where such education was not available was able to gain admission to a school in a division where it was, the home school division was required to pay the receiving school division all extra costs involved. Children from the Winnipeg School Division were already attending schools in St. Boniface under this arrangement, free of tuition costs to their parents.

- A Winnipeg resident stated that local English-speaking children had no opportunity to use the French they learned in school. She suggested the creation of a provincial programme of shared academic and social activities for English- and French-speaking students in the Winnipeg area. The Commissioner brought her suggestion to the attention of the Manitoba Minister of Education.

- Another Winnipeg correspondent complained that after a few classes, the fees for a course in French were raised above the advertised price. An unofficial inquiry by the Commissioner revealed that the course had been organized without the knowledge or participation of the local school board, which subsequently decided to increase the fees

in order to bring them into line with those for similar courses offered in the area.

- A Member of Parliament forwarded to the Commissioner a complaint from an industrial arts teacher who had been dismissed by the St. Boniface School Division because he was not prepared to teach in French at two schools where French was to be the main language of instruction.

The Commissioner offered to refer this complaint to the provincial ombudsman and said he hoped that a way might be found to relieve the material hardship suffered by the teacher without derogating from the right of French-speaking children to receive instruction in the official language of their choice.

Saskatchewan

File No. 1176

An English-speaking lady from Gravelbourg said that because her son was not French-speaking he had not been accepted in Grade 11 at a bilingual school which he had been attending for three years. The Commissioner referred her to the provincial Minister of Education.

Alberta

File No. 603

A French-speaker asked the Commissioner's assistance in obtaining transportation for his children to a separate school where they could learn both French and English. The Commissioner agreed to forward the complainant's letter to the Alberta Minister of Education.

British Columbia

File No. 1276

An English-speaking teacher of French wrote to the Commissioner about the inadequate system of teaching French in the province. He also wanted to know if French-speaking minorities could have legal recourse in federal courts against the provincial government.

With regard to rights of French-speaking minorities to legal recourse against provincial governments, the Commissioner stated that the Official Languages Act gave no guidance on the subject.

2. *Members of Parliament*—"Governing Is Planning"

File Nos. 1293, 1308, 1494, 1704, 1767, 1810

Some French-speakers complained that certain M.P.s sent them questionnaires or letters in English only and that they also made election speeches in this language only. One even criticized a French-speaking minister for replying in English to a question he was asked in this language in the House of Commons.

The Commissioner informed the complainants that the fact that a Member of Parliament wrote or spoke in English only did not, in itself, constitute a contravention of the Official Languages Act, because, in all such cases, the communications were not made on behalf of the Government or Parliament of Canada but rather on a personal basis. With respect to the minister's answering in English, the Commissioner pointed out that M.P.s were free to give replies in either official language.

3. *Private Enterprise*—"How Much Is That Doggie in the Window?"

During the year, the Complaints Service handled a large number of complaints against private firms; a few of them had been mistakenly made against federal institutions. Complaints from French-speakers and English-speakers were in the ratio of two to one. The Commissioner was not empowered by the Official Languages Act to investigate these complaints, because none concerned firms holding a concession from, or a contract with, the federal government. Nevertheless, with the written consent of the correspondents, he brought several complaints to the attention of the appropriate authorities.

Most of the complaints centred round lack of service of one kind or another in French. They included a grievance over the poverty of French in an advertisement and an account of difficulties and delays encountered in registering a pedigree dog in French. In Ottawa, a new mother found that the hospital had no Family Allowance registration forms in French. The Commissioner asked the Department of National Health and Welfare to send her a French form and requested the hospital to keep on hand adequate supplies of appropriate government forms in both official languages. Another Ottawa correspondent took exception to a unilingual sticker the Red Cross gave to blood donors, and a French-speaking Montrealer criticized a federally subsidized sports association for thanking him in English for a financial contribution. The Red Cross promised to order French stickers; the sports association failed to reply to the Commissioner's inquiry.

A Quebec college said it was asked by an Ontario company to send all future correspondence in English, the only language of the province, and a correspondent complained of a monthly statement in English received from an Ottawa company. A complaint from a creditor who had received a unilingual statement from a receiver in bankruptcy was referred to the Commissioner of Languages for Quebec.

A complaint of a unilingual stamp affixed by a travel agency in the National Capital Region on an Air Canada ticket was brought to the attention of the airline. Although the Commissioner considered the company blameless in the matter, he passed on to it certain suggestions the complainant made for modifying the stamps used by travel agencies. Air Canada agreed to write the agencies on the subject. There were two complaints of lack of service in French on CP Air's international flights. The company regretted that, because of union agreements and seniority rights, it could not provide bilingual personnel on all flights.

French-speakers also complained of the absence of service in French at the Ottawa bus station, in a Montreal supermarket, at a Moncton hotel, and on a sightseeing bus in Quebec City.

A complaint about a unilingual advertisement placed in the Manitoba press by the newly-created Canadian International Grains Institute brought to light the fact that, although related to several federal institutions, the Institute would probably be incorporated as a private association. The Institute nevertheless announced plans designed to meet the needs of French-speakers.

A French-language association, which incorrectly believed the federal government controlled Panarctic Oils Ltd., thought the company should publish its annual reports in both official languages. The company, in which the government is merely a shareholder, decided to publish its 1972 report in both languages.

A complaint concerning lack of French and delays in service from the Registration Division of the Canadian Kennel Club revealed that the Club, although incorporated under the Livestock Pedigree Act administered by the Department of Agriculture, was an autonomous organization. An abortive attempt at computerizing the Registration Division had resulted in a backlog of applications, but this was being cleared up and bilingual staff was being hired to communicate in either language with members.

The only English-speaker to complain of lack of service in English was a correspondent who told of the refusal by a lawyer in Hull to provide a translation of a French document relating to the purchase of some of her property. Her own lawyer had read the document and approved it from a legal standpoint. In the end she agreed that an Ontario

lawyer would probably be just as unwilling to furnish free French translations of routine legal documents.

The second largest category of complaints dealt with unilingual labels, mainly on food products, and instructions. Complaints were evenly divided between French-speakers and English-speakers and covered items ranging from a unilingual French wrapper on a chocolate bar to a unilingual English instruction manual accompanying a foreign car. Nearly all of these complaints were referred, with the complainants' consent, to the Consumer Services Branch of the Department of Consumer and Corporate Affairs in Ottawa, the Commissioner of Languages for Quebec or the Service de la loyauté des ventes (Fair Sales Practices Service) of the Quebec Government.

A few complaints had to do with publications. An English-speaker thought that contributors to a new scientific journal, which he wrongly believed to have received a federal grant, should be allowed to publish in French as well as English. The Commissioner was able to enlighten him and also to give him information he had sought regarding bilingual glossaries. A Bathurst resident appealed for help in getting a local newspaper to resume publishing a French-language section. The Commissioner passed on the appeal to the editor.

Three complaints concerned language of work or employment practices. A correspondent charged that policy at an Ottawa hospital forbade French-speaking personnel to converse in French while on duty. An English-speaking Quebecer detected subtle racial discrimination in an advertisement inserted in a Montreal newspaper by an English-language Ontario university; it sought a bilingual secretary whose first language was English, but who could talk with ease in French. The correspondent failed to respond to the Commissioner's offer to refer the complaint to the Ontario Human Rights Commission. The personnel officer of a hospital serving a largely French-speaking Ontario community reported that the hospital wished to hire a bilingual person to fill a position it considered bilingual, but the union wanted a unilingual English-speaker, already on the staff, to be given the post. With the complainant's consent, the Commissioner forwarded her letter to the Ontario Co-ordinator on Bilingualism, who was later assured by the Chairman of the Ontario Human Rights Commission that the hospital was not contravening any law in requiring a bilingual competence for the position.

Finally, two correspondents sought the Commissioner's assistance in obtaining language training. An English-speaking member of the Ottawa Division of the Corps of Commissionaires asked whether he could enrol in a Public Service Commission French language course. He was referred to the Adjutant of his Division, which maintained a list

of members desirous of undertaking French language training. A Quebecer who was denied leave without pay to study English authorized the Commissioner to approach the president of his company on his behalf. He later wrote to say he had been granted the necessary leave.

4. *Provinces*—“Ah, But Where Exactly Is the Rubicon?”

During the year, the Commissioner received several complaints regarding provincial institutions or services. Since most of the problems did not come under his jurisdiction, he referred them to the appropriate authorities when he thought this advisable.

Prince Edward Island

File No. 799

A French-speaker told the Commissioner that the provincial government was not paying sufficient attention to the French fact when recruiting employees to work in regions where the majority of the population spoke French. The complainant felt this attitude was unfair to Acadians.

The Commissioner subsequently learned that the complainant had not intended to lodge an official complaint; the file therefore had to be closed.

New Brunswick

File Nos. 1102, 1551

- A French-speaker informed the Commissioner that the Department of Health had replied in English to a letter she had written in French.

The Department forwarded the Commissioner a copy of a letter sent to the complainant, in which it apologized for the oversight and assured her that steps would be taken to avoid a repetition of such incidents in the future.

- A French-speaker reported that the highway signs in the vicinity of Kouchibouguac National Park were in English only.

A few days later, the complainant informed the Commissioner that the unilingual English signs were the property of the Government of New Brunswick. He therefore withdrew his complaint.

Quebec

File Nos. 928, 947, 966, 1353, 1138, 1292

- A French-speaking Montrealer asked for the Commissioner's opinion on various questions regarding the status of the French language in Quebec.

The Commissioner sent him a copy of his *First Annual Report* and suggested that he read the article entitled "A realistic view of Quebec's role", on pages 4-5, for answers to his questions.

- An English-speaker complained that the language requirements of competitions to recruit provincial public servants had the effect of excluding English-speaking people.

The Commissioner asked the complainant for authorization to refer his grievances to the Commissioner of Languages for Quebec and the Public Protector.

- An English-speaker living in Quebec and a French-speaker from Ontario criticized the language policy of the Quebec Government. The former claimed that the government wished to establish French as the only language, and the latter deplored its increased efforts to eliminate English. Both emphasized that road signs on the Trans-Canada Highway, built with financial assistance from the federal government, were in French only, particularly in the Montreal area.

The Commissioner brought these complaints to the attention of the Commissioner of Languages for Quebec.

- An English-speaker from British Columbia sent the Commissioner a newspaper clipping which reported the dismissal of a unilingual English-speaking government employee by the Quebec Government.

He said that he was convinced the promotion of French in Canada was "illogical, objectionable, unworkable, discriminatory and unreasonably expensive", and that it would have disastrous consequences for the unity of the country.

The Commissioner informed the complainant that the problems raised by his questions were the responsibility of the provincial government.

- A correspondent was indignant that a Quebec Superior Court judge had handed down a judgment in English only whereas the parties to the dispute had been French-speaking. The Commissioner brought this complaint to the attention of the Commissioner of Languages for Quebec.

File Nos. 1229, 1231, 1524, 1833, 1841

- A resident of Hull said that the unilingual English summons he received to appear before a Justice of the Peace, on a charge of unlawful parking on federal government property, should have been in both official languages or in French.

The Commissioner pointed out to the complainant that, although the offence had been reported by the Royal Canadian Mounted Police, the summons had been issued by a judge of the Court of Sessions of the Peace in Hull, a court under provincial jurisdiction. The Commissioner added that he understood that the practice in Hull was to issue a summons in the official language of the defendant, when this was known. He offered to pass the complaint on the Quebec authorities, but the complainant did not reply.

- An inmate serving a sentence for robbery in a Quebec prison asked the Commissioner for information regarding his legal rights and about legal aid.

With the complainant's authorization, the Commissioner sent a copy of his letter to the Quebec Public Protector.

- An English-speaking person from Quebec complained about her personal income tax problems with the provincial Taxation Department and about bilingualism in general within the province.

The Commissioner provided the names of five persons to whom the correspondent could address herself.

- A keen fisherman from Ottawa complained of difficulty in obtaining instructions from the Quebec Department of Tourism on how to get a map of fish-stocked lakes. He said he could not make sense of a French address which was spelt out to him on the telephone. The Commissioner helped him to identify the agency.

- A resident of western Quebec said she asked if the local motor vehicle licence bureau could give her information in English. This could not be provided, so she obtained it in English from City Hall in Hull. When she complained to the City Hall that no one at the local licence bureau could help her in English, she received a curt reply. The Commissioner explained to her that French was the normal language of provincial authorities in Quebec: she could hardly expect a small local office to provide service in English.

Ontario

File Nos. 860, 912, 999, 1025

- A bilingual employee of the Ontario Department of Social and Family Services said that because her supervisor was unilingual

English-speaking, she was obliged to translate from English to French. She believed she should be remunerated for the additional work required. The Commissioner offered to refer the complaint unofficially to the Ontario Minister of Social and Family Services, but the complainant did not reply.

- A French-speaking lawyer in Hull said that Forms 2 and 8 of the Office of the Registrar General, for reregistering the birth of an adopted child, were in English only. He asked if they could be made available in French for a unilingual French-speaking couple engaged in adoption proceedings in Ontario. With the complainant's permission, the Commissioner forwarded the complaint to the Ontario Government, which acknowledged it but ignored all subsequent reminders.

- A representative of a French-language association in Ontario drew the Commissioner's attention to a unilingual English notice at Algonquin College, Ottawa, concerning a programme of grants offered by the federal government for summer language courses.

With the complainant's agreement, the Commissioner informed the Department of the Secretary of State and the Director of Grants of the Ontario Ministry of Colleges and Universities, which administered the programme. The Ministry explained that the notice was put out in haste before the end of the school year and that, owing to an omission on its part, the French version had not been published. Shortly afterwards, the Director sent the Commissioner a copy of the new bilingual notice prepared by the federal government.

- A correspondent told the Commissioner of her intention to bring a complaint against the Ontario Ministry of Transportation and Communications for not providing an examiner with knowledge of French, as she had been assured, for her driver's licence test in Ottawa.

Since the complainant did not respond to the Commissioner's suggestion that she lodge an official complaint with the appropriate authorities of the Province of Ontario, the file was closed.

File Nos. 1155, 1188, 1439

Three French-speakers complained that they had received summonses written only in English from the Provincial Court of Ontario in the districts of Ottawa-Carleton and Sudbury.

The Commissioner informed them that he had already brought this matter to the attention of the provincial authorities who had replied that

summonses addressed to French-speakers by the Provincial Court would soon be accompanied by an explanatory note in French.

File Nos. 1294, 1771

- A federal public servant drew the Commissioner's attention to a document stating that a judge of the Provincial Court of Ontario would in future refuse to endorse warrants of commitment unless they were written in English.

The Commissioner informed the complainant that such a refusal did not constitute a violation of the Official Languages Act and suggested that he look specifically at Section 11 (4) of the Act.

- A French-speaker from Ontario complained that Ontario Provincial Police officers spoke only English. An officer who stopped her on Highway 17 was unable to answer her in French and merely handed her a report written in English.

After receiving the complainant's authorization, the Commissioner referred this complaint to the appropriate provincial authority, which sent her its comments.

Saskatchewan

File No. 735

A French-speaker suggested to the Commissioner that French be considered an official language in Saskatchewan courts.

The Commissioner replied that the suggestion did not constitute a complaint under the Official Languages Act. He reserved the right to give a legal opinion in cases where he had to decide whether the Act had been contravened.

British Columbia

File No. 1619

A French-speaking correspondent from the Yukon said he would be unable to plead his case in French when being tried for an offence he had committed in British Columbia.

The Commissioner informed him of his right to give evidence in the language of his choice, but he could not guarantee that the trial could be held in French. The Commissioner also advised him of his right to retain a lawyer.

5. *Public Service Unions*—"All for One and One for All"

File Nos. 862, 869—Public Service Alliance of Canada

- A French-speaker telephoned the National Component of the Alliance and was answered in English only. Since he insisted on speaking French, he had to wait a while before someone who could speak French took his call.

- A public servant with the Department of Agriculture complained that, in the local to which he belonged, French was not used in notices and reports or during meetings.

The Alliance was not covered by the Official Languages Act but the Commissioner unofficially referred these complaints to its president, who assured him that he would bring them to the attention of those concerned and ask them to take the necessary steps to remedy these situations as far as possible.

File No. 1149—Professional Institute of the Public Service of Canada

A correspondent reproached the Institute with the poor quality of the French in a membership application form.

The Commissioner did not investigate this complaint formally because it concerned a private organization. However, the Institute acknowledged in a letter to the complainant that the quality of its translations could be improved.

File Nos. 1355, 1601—Ottawa Public Service Recreational Association

Two residents of the National Capital Region criticized the Association for presenting its programme for the 1972-73 Fall-Winter seasons in English only, and for identifying departments only with English initials on hockey team sweaters.

The Commissioner informed the complainants that the Association, as a private institution, was not subject to the Official Languages Act. However, with their authorization, he unofficially brought their complaints to the Association's attention.

Concerning the first complaint, the Association informed the Commissioner that the programme was available in both languages.

As regards the second complaint, the Commissioner suggested that the Association encourage its membership to adopt an identification system more representative of its bilingual character. The Association replied that most of the teams were identified by the initials by which the departments were known. Furthermore, during the matches the Association's official announcer made his commentary and announced goals and penalties in both languages.

6. *Telephone Services*—"Mr. Watson, Come Here; I Want You."
—Alexander Graham Bell.

The Complaints Service handled 11 complaints against Bell Canada and four other telephone companies, nine of them from French-speakers and two from English-speakers. Ten of the complaints alleged lack of service in French and the eleventh questioned the employment practices of a company. The Commissioner was not authorized under the Official Languages Act to investigate these complaints. Nevertheless, whenever possible, he referred them to the appropriate authorities, with the complainants' permission.

Six complaints criticized Bell Canada's French-language service or the lack of it.

- An English-speaker complained of unilingual English operating instructions on some pay telephones in the National Capital Region. The company agreed to replace the English instructions, the result of an oversight, with bilingual ones.

- A Quebecer requested the Commissioner's assistance in getting the company to refrain from anglicizing the name of his municipality on its bills. The company agreed to correct the error which it blamed on a computer.

- A correspondent found it discriminatory that the company charged extra to list a business under a French heading in the Yellow Pages of the Ottawa directory. The company told the Commissioner that its listing practices depend largely on personal choice: a business subscriber is allowed one free alphabetical listing in the White Pages and one free listing under a French or an English heading in the Yellow Pages. If the subscriber wishes a listing under both headings in the Yellow Pages he must pay for one; and if the second listing is in a different name—a translation, for instance—he must also pay for a second listing in the White Pages, the directory being a cross-reference book intended for the convenience of all the company's customers. The Commissioner passed on this information to the complainant.

- Three complaints alleging a lack of French telephone service in Ottawa, Windsor and Blind River, Ontario, were brought to the company's attention. In its replies to the Commissioner, Bell Canada outlined its procedures for answering calls in all three places and mentioned that, although there were not enough bilingual candidates available for all of its operators to be bilingual, 80 per cent of the 320 operators in the Ottawa-Hull region spoke French and English; that it had 22 bilingual employees in Windsor, where 17 per cent of the staff hired since January 1972 were bilingual; and that it was doing everything possible

to furnish services in both official languages in the Blind River region, where, of its 21 operators and supervisors, three were fluently bilingual, one sufficiently so to carry on normal working conversations, and six able to translate requests for numbers adequately.

The Commissioner suggested that in the Blind River region operators answering the telephone should identify themselves in English and French (“Operator-Téléphoniste”), that unilingual English-speaking operators referring French calls to a colleague should first ask the caller in a short French phrase to wait (“Un instant, s’il vous plaît”), and that operators referring French calls to Ottawa should do so in a simple French phrase (for example, “705, Blind River, abonné francophone à l’appareil”). The company said it could not adopt these suggestions because the proposed procedures would create delays. The Commissioner expressed the hope that the company would reconsider this decision.

Four complaints alleged lack of French service by other telephone companies and a fifth objected to the employment policies of one of these companies. In each case the Commissioner offered to bring the complaint unofficially to the attention of the proper authorities.

- A correspondent from Prince Edward Island complained that the Maritime Telegraph & Telephone Company Limited (owner of Island Telephone Company) was not adequately serving its French-speaking public.

- Two French-speakers sent the Commissioner a copy of a letter they had written to Saskatchewan Telecommunications deploring the absence of French telephone services in the province. The Commissioner brought the matter to the attention of the Trans-Canada Telephone System, of which the company was a member, and invited it to take the necessary measures to convince its members of the importance of furnishing services in English and French throughout the country.

- A request from an Alberta couple for help in obtaining telephone services in French was referred to the provincial Minister of Telephones and Utilities, who wrote direct to the correspondents about the difficulty of obtaining bilingual operators.

- A correspondent from Victoria, B.C., reported that whenever he tried to telephone Montreal direct an operator asked for his telephone number in English and would angrily hang up if he gave it in French. The complainant did not avail himself of the Commissioner’s offer to refer the complaint to the British Columbia Telephone Company and the Trans-Canada Telephone System.

- An English-speaker from Vancouver alleged that the British Columbia Telephone Company, which handles federal government calls through its Centrex switchboard, was replacing English-speaking employees with French-speakers newly arrived in the province. The company, she said, had informed her that the government insisted the switchboard be staffed at all times with some French-speaking personnel, but two federal agencies had assured her these employment practices were not government policy.

She added that, if the company considered it necessary to have a bilingual service, it should give an opportunity "to its own employees to learn French before bringing people in off the street".

The Commissioner explained to the complainant his mandate under the Official Languages Act and offered to forward her letter unofficially to the B.C. Telephone Company. In the meantime, the correspondent had also complained to a federal minister. He in turn referred the letter to the federal Minister of Communications, who replied, among other things, that his Department had asked members of the Trans-Canada Telephone System, which services the federal government's switchboard complex, to implement institutional bilingualism; it had specifically requested the B.C. Telephone Company to provide a bilingual capability, preferably by having one attendant on duty during normal working hours. He added that it was not the Department's intention "to staff the switchboard complex with bilingual operators but only to provide effective service to the public according to the Official Languages Act". In the case of Vancouver, this would mean that one out of five employees would be bilingual.

On receiving copies of this correspondence, the Commissioner informed the complainant that the action taken by the B.C. Telephone Company was the result of an arrangement between the Department of Communications and the Trans-Canada Telephone System, of which the company is a member, to enable the Canadian public to telephone federal agencies in the official language of its choice. He added that the administrative decisions taken by the company in implementing the programme were beyond his jurisdiction under the Official Languages Act, unless they failed to achieve its objectives.

An Odious Ode to Joy

“God help the M.P.s and the readers too!”
Exclaims our Muse. “Surely this will do.
You’ve written the report, explained the law . . .
Though few will say you’ve done it without flaw.”

“We’ve finished,” said we to the lyric wench,
“Let them applaud or hiss when we expose
The might of English or the grace of French.
We could not bear to end the year in prose.”

Appendix

OFFICIAL LANGUAGES IN THE PUBLIC SERVICE
OF CANADA

Resolution adopted by Parliament in June, 1973

That this House

- (i) aware that, as provided in the Official Languages Act, the English and French languages possess and enjoy equality of status and equal rights and privileges as to their use in all the institutions of the Parliament and Government of Canada; cognizant that it is the duty of departments and agencies of the Government of Canada to ensure, in accordance with that Act, that members of the public can obtain available services from and communicate with them in both official languages; while recognizing that public servants should, as a general proposition and subject to the requirements of the Official Languages Act respecting the provision of services to the public, be able to carry out their duties in the Public Service of Canada in the official language of their choice;

DO HEREBY RECOGNIZE AND APPROVE
the following Principles for achieving the foregoing:

- (1) that positions which are seen, under present circumstances, as requiring the knowledge and use of both the French and English languages will be identified, and then designated, as bilingual in the course of the period ending December 31, 1978;

- (2) that positions will also be identified where English is an essential requirement of the job, where French is essential, or whether either French or English may be used;
- (3) that a knowledge of English and French is one of the elements of merit in the selection of candidates for bilingual positions;
- (4) that competitions for bilingual positions will be open both to bilingual candidates and unilingual candidates who have formally indicated their willingness to become bilingual;
- (5) that competitions for unilingual positions will continue to be open to unilingual or bilingual candidates who meet the language requirements of the job;
- (6) that unilingual incumbents of bilingual positions may elect to become bilingual and undertake language training or transfer to another job having the same salary maximum, or, if they were to decline such a transfer, to remain in their positions even though the posts have been designated as bilingual;
- (7) that employees who, as of April 6, 1966, had at least ten years of continuous service and who, since that date, have been employed continuously in the federal Public Service, will be entitled to apply for any job that has been identified for future designation as bilingual without having to indicate their willingness to become bilingual;
- (8) that unilingual French-speaking and English-speaking persons from outside the Public Service who are willing to become bilingual may apply for bilingual positions open to public competition;
- (9) that language training, at public expense, will be provided to unilingual public servants as well as to persons who are appointed to the Public Service to bilingual positions;

DO FURTHER APPROVE the Government of Canada, and in particular, the Treasury Board and the Public Service Commission, taking the measures required to give effect to the aforementioned Principles; and

- (ii) DO FURTHER APPROVE the taking of measures, after consultation with employee representatives, designed to produce a greater use of the French language at all levels in the Public Service,

through increasing, where practical, the number of French Language Units, through further recruitment efforts by the Public Service Commission, through training programs offered in the French Language and by developing proposals, in conjunction with the Governments of the Provinces of Ontario and Quebec, to enhance the bilingual character of the National Capital region, thus helping to realize the objective of achieving, within the merit principle, full participation in the Public Service by members of both the anglophone and the francophone communities.