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# Standing Committee on Official Languages

EVIDENCE

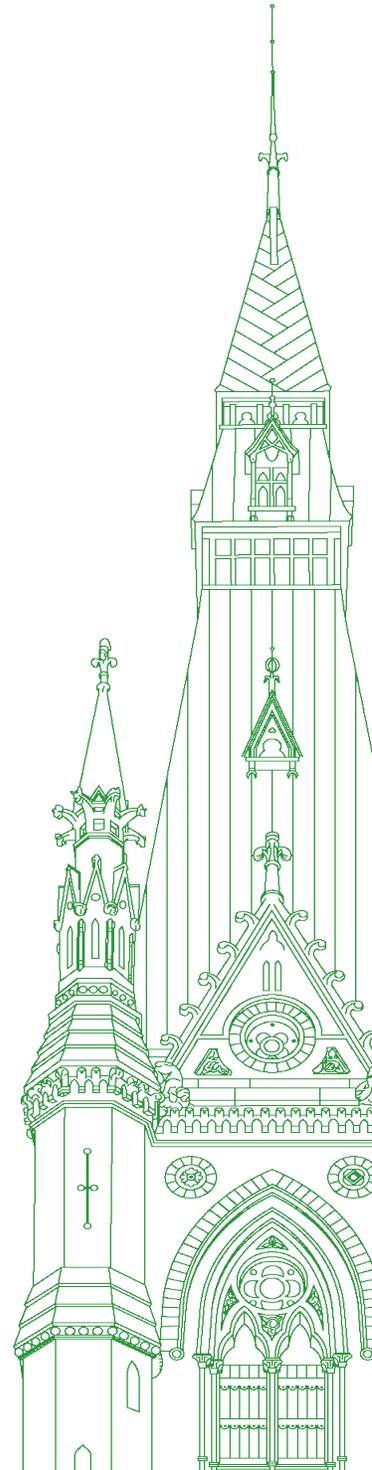
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Monday, May 9, 2022

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Chair: Mr. René Arseneault





## Standing Committee on Official Languages

Monday, May 9, 2022

• (1635)

[*Translation*]

**The Chair (Mr. René Arseneault (Madawaska—Restigouche, Lib.)):** We will resume. We are now in public session.

Pursuant to Standing Order 108(3)(f) and the motion adopted by the committee on Monday, April 25, 2022, the committee is undertaking its study on the importance of official languages at Canadian National.

I would now like to welcome the witnesses.

First and foremost, I would like to welcome the Minister of Transport, the Honourable Omar Alghabra.

[*English*]

We also have, from the Department of Transport, Serge Bijimine, assistant deputy minister, policy; Tamara Rudge, director general, surface transportation policy; and Colin Stacey, director general, air policy.

Minister, as you know, you will be given a maximum of five minutes for your remarks, after which we will proceed to a round of questions.

[*Translation*]

I will signal to you when you have one minute left and when you have 15 seconds left.

The floor is yours for five minutes.

**Hon. Omar Alghabra (Minister of Transport):** Thank you, Mr. Chair.

Thank you for inviting me to meet with the committee today. This is the first time I have appeared in a committee in person. It is a privilege to be with you.

[*English*]

I'm pleased to be joined today, as the chair has mentioned, by the following representatives from Transport Canada: Serge Bijimine, assistant deputy minister, policy; Tamara Rudge, director general, surface transportation policy; and Colin Stacey, director general, air policy.

Mr. Chair, our official languages are at the heart of our country.

[*Translation*]

Our official languages are at the heart of our country, and French is at the heart of the Quebec nation.

[*English*]

That's why I'm pleased to be here today to speak about our government's commitment to protecting both official languages in the federally regulated transportation sector.

We believe that all Canadians deserve to be served in the official language of their choice by federally regulated businesses. In addition, we agree that employees of federally regulated private sector companies like CN Rail have a right to work in French.

[*Translation*]

Quebeckers must be able to work in French in Quebec.

[*English*]

In fact, as a former Crown corporation, CN's services are subject to the Official Languages Act.

For all of these reasons, we agree that the lack of francophone directors on CN Rail's board is unacceptable.

[*Translation*]

We have spoken with CN representatives and made it clear that we expect them to correct this lapse as soon as possible.

[*English*]

In fact, CN has agreed to address the situation during the next round of board appointments this year and has already begun searching for a francophone, Quebec-based board member.

In addition, we are working on modernizing the Official Languages Act to ensure that it reflects the current situation in Canada and promotes real equality between English and French.

Through Bill C-13, we're proposing changes to several provisions relating to private enterprises under the federal jurisdiction in Quebec and in other regions with a strong francophone presence. These changes would strengthen official language rights by making sure private companies in those regions provide French-language services to consumers, respect the language rights of their employees and promote the use of French in their workplaces.

[*Translation*]

The passage of Bill C-13 will enhance the use of French and promote genuine equality between our two official languages.

[English]

Above all, these proposed changes would give the Commissioner of Official Languages new enforcement tools, including the ability to impose financial penalties.

[Translation]

The Commissioner of Official Languages will have more powers.

[English]

**The Chair:** You have one minute remaining.

**Hon. Omar Alhabra:** Thank you, Mr. Chair.

[Translation]

Companies like CN should reflect the values of our society.

[English]

It's also why we've introduced changes to modernize and strengthen the Official Languages Act.

[Translation]

That's why we have taken steps to ensure that CN respects the official language rights of its customers and employees.

On a more personal note, I want to say that I was born and grew up outside Canada. I didn't have an opportunity to learn French growing up, but, as an immigrant, I love and respect the way French is part of the Canadian identity.

**The Chair:** Please conclude your presentation, Minister.

• (1640)

**Hon. Omar Alhabra:** That's a reminder of our diversity and cultural richness.

As an immigrant, I believe I can continue to play a role in helping new Canadians understand the importance of French and defend the language rights of francophone Canadians.

**The Chair:** Thank you very much.

[English]

You will have a chance to continue with the different questions that will come out of this committee.

[Translation]

We will now go to the first round of questions. The first vice-chair of the Standing Committee on Official Languages, Mr. Godin, will be first to speak.

Mr. Godin, you have six minutes.

**Mr. Joël Godin (Portneuf—Jacques-Cartier, CPC):** Thank you, Mr. Chair.

[English]

Minister, thank you for your efforts in French. It's the same problem for me in English.

[Translation]

The motion the NDP has introduced is in response to recent news that there are no francophones on CN's board of directors. As you

know, we've questioned Air Canada's president and CEO here in this committee. Now it's CN's turn. There are probably other federal agencies that unfortunately have no interest in, or pay no attention to, the French language.

I'd like you to respond briefly to the following question, Minister: how can you require federally regulated corporations to appoint a given percentage of francophones to their boards?

[English]

**Hon. Omar Alhabra:** Thank you, Mr. Chair.

Thank you, Mr. Godin, for the question.

Let me just say, thank you for indulging me and giving me a bit more time as I am working through French. I am doing my best to learn French as quickly as possible.

Monsieur Godin, those are important questions to be posed to former Crown corporations that are subjected to the Official Languages Act. It is really important that CN and others, like Air Canada, set leadership examples. They have a responsibility to meet their obligation under the Official Languages Act, but even on things where the act is silent, they have a responsibility to demonstrate leadership. It's unacceptable that the board of directors does not have a francophone representative on it.

[Translation]

**Mr. Joël Godin:** I agree with you, Minister. I think the main problem is that the federal government doesn't lead by example. Just consider the fact that a person who speaks only English and an indigenous language was appointed Governor General instead of someone who speaks English and French.

I'd like to know if anyone consulted you, as Minister of Transport, on the drafting of the bill to modernize the Official Languages Act.

[English]

**Hon. Omar Alhabra:** Yes, I was consulted, Mr. Godin. I supported strengthening our Official Languages Act, including the new idea of giving the commissioner new tools to impose fines when a corporation that is expected to meet its obligation fails to do so.

[Translation]

**Mr. Joël Godin:** And you're entirely right, Minister. However, I've read Bill C-13, and it makes no provision for any tools or means for a minister, prime minister or government to compel the appointment of a specific percentage of francophones to the boards of federally regulated institutions in Canada.

I understand that you rely on people's good faith, but, as we've seen in the past, Air Canada hasn't demonstrated any willingness to include francophones in its senior management over the past 45 years. What obviously happens is that this attitude trickles down through the organization.

These organizations have a lot of problems. Earlier you mentioned leadership. You rely on the good faith of those managers. Isn't that an error on the government's part?

The past is an indication of what the future holds, and we've seen what's been done.

[*English*]

**Hon. Omar Alhabra:** Monsieur Godin, what we are really focused on and interested in are outcomes. We want to make sure that customers receive services in the language of their choice, either English or French, and that employees are protected so they can work in the language of their choice.

I look forward to the committee's study of Bill C-13. I'd like to see it get here as quickly as possible. I'm confident that you are going to study all components of it and offer your own recommendations.

We're really determined to make sure that customers' and employees' right to be served or to work in the language of their choice is protected.

• (1645)

[*Translation*]

**Mr. Joël Godin:** Would you, as the Minister of Transport, concerned for the balance and equality between the two official languages, be comfortable proposing that regulations or an obligation be set forth in the act to require boards to meet a certain francophone representation percentage? Some have suggested 25% and others higher or lower percentages depending on the region. As minister, would you be comfortable if you had the power to compel that?

[*English*]

**Hon. Omar Alhabra:** Monsieur Godin, we know that both of these organizations we're talking about, CN and Air Canada, are private companies. Having said that, I'm really interested in protecting the rights of customers and employees in ensuring that they get the language of their choice.

Having said that, I don't want to pre-empt the study of your committee. I know that you're going to study it thoroughly.

I want to take a moment to encourage all members of the House to pass the second reading of Bill C-13 so that it gets to this committee and you are able to conduct a full study on it.

[*Translation*]

**Mr. Joël Godin:** Thank you, Minister.

**The Chair:** Thank you, Minister.

Thank you, Mr. Godin. You kept your speaking time to exactly six minutes.

[*English*]

The next question will come from Mr. Iacono.

[*Translation*]

Go ahead for six minutes.

**Mr. Angelo Iacono (Alfred-Pellan, Lib.):** Thank you, Mr. Chair.

Thanks as well to the minister and all his officials.

Minister, I have to say your French has vastly improved since you started taking French courses and visiting Quebec. Congratulations on the tremendous progress in your language learning.

Your remarks and supporting illustrations give us considerable hope that the situation will be corrected.

What's your understanding of CN's obligations as a business subject to the Official Languages Act?

[*English*]

**Hon. Omar Alhabra:** Thank you very much, Mr. Iacono, for your kind remarks. I still have a long way to go to work on my French, but I'm grateful for your kind support.

CN was commercialized in 1995, just like Air Canada was commercialized in 1988. One condition of that commercialization was that it uphold its obligation under the Official Languages Act. There's a legal obligation on CN to ensure that their customers' and employees' right to be served or work in the language of their choice is protected. CN has that obligation enshrined in law.

[*Translation*]

**Mr. Angelo Iacono:** Thank you, Minister.

Does that also apply to Air Canada?

**Hon. Omar Alhabra:** Yes.

**Mr. Angelo Iacono:** Air Canada is a Crown corporation unlike CN, which is a private business. So will the same obligations apply?

[*English*]

**Hon. Omar Alhabra:** Yes. Let me pause here and explain why. Air Canada and CN are both private corporations indeed, but they are former Crown corporations, in which the Canadian public had invested in the past a significant amount of investment. Part of the commercialization deal was to ensure that they maintained that respect of Canada's identity and respect for official languages.

So yes, both organizations have those obligations.

[*Translation*]

**Mr. Angelo Iacono:** Thank you.

As minister, do you have a say in the composition of CN's board of directors and the fact that francophones should be represented on it?

[English]

**Hon. Omar Alhabra:** Yes. I believe CN understood that after the announcement of the new board members that occurred. They understood that this should not have happened. They are working very hard on ensuring that there is adequate representation in their next round of appointments.

We shared with CN that, again, the law might be silent on the makeup of the board of directors, but CN has an obligation to Canada, to Canadians, to set a leadership example and ensure that there's adequate representation on the board of directors.

• (1650)

[Translation]

**Mr. Angelo Iacono:** Does Transport Canada have the authority to assess penalties if it deems that businesses that the department regulates, such as CN, have contravened the Official Languages Act?

[English]

**Hon. Omar Alhabra:** Transport Canada does not have the authority to enforce the Official Languages Act. However, we work closely with the official languages commissioner on whatever assistance and support they need. We regularly remind CN and Air Canada of their obligation towards upholding the Official Languages Act, but the power is vested with the official languages commissioner.

This bill that's coming to you soon, Mr. Iacono, has now new authority for the commissioner to impose fines.

[Translation]

**Mr. Angelo Iacono:** Would you agree that Transport Canada should have that authority?

[English]

**Hon. Omar Alhabra:** Again, I'm looking forward to the study of the committee when Bill C-13 arrives here. The idea here is to ensure that the official languages commissioner, who has the expertise, the knowledge and the authorities, is able to investigate and uphold the Official Languages Act responsibility.

[Translation]

**Mr. Angelo Iacono:** For the record, I'd like you to tell me whether you think official languages should feature in Canadian National's promotional and inclusion efforts.

[English]

**Hon. Omar Alhabra:** As I stated, legal obligation is one thing. Setting an example, and creating an environment of leadership and inclusivity, is another. I think CN needs to be aware of the responsibility they have towards their employees and customers.

[Translation]

**Mr. Angelo Iacono:** Thank you, Minister.

Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Iacono.

The second vice-chair of the Standing Committee on Official Languages will ask the next questions.

Mr. Beaulieu, you have the floor for six minutes.

**Mr. Mario Beaulieu (La Pointe-de-l'Île, BQ):** Good afternoon, Mr. Alhabra. I congratulate you on your French, which has greatly improved. We can see you've had a good teacher, perhaps an even better one than Mr. Rousseau's. It's definitely hard to speak off the cuff, but you get used to it if you try.

I didn't mean to prejudge your ability at the time, but you spoke no French at all when Mr. Trudeau appointed you. Don't you think that sends a message? Earlier we mentioned the Governor General and the Lieutenant-Governor of New Brunswick. That happens quite frequently. Don't you think it sends a strange message? It's pretty much what's happening at CN.

**Hon. Omar Alhabra:** Thank you for your questions and kind words, Mr. Beaulieu.

[English]

First of all, not every Canadian is able to speak both languages. What we need to do is support and help every Canadian to see the importance of French. There are many Canadians who, like me, either didn't grow up here and never had the opportunity to learn French growing up, or, for one reason or another, didn't learn French.

I feel that my responsibility, as someone who is like them, is to remind everyone of the importance of French in Canada, of the importance of Quebec to Canada, and of the fact that Quebec is a unique nation within Canada and we need to work with everyone.

Yes, ideally everyone in Canada should speak French, but given that we have a significant segment of our society who do not, I feel I have a responsibility to set an example that I'm putting in an effort to learn French. Even for those who don't learn French, they should respect French and understand why it's important that those who speak French receive services in their workplace or from their provider or supplier in French.

• (1655)

[Translation]

**Mr. Mario Beaulieu:** Thank you for saying that Quebec is a unique nation. Do you agree that Quebec is a nation whose only official and common language is French?

[English]

**Hon. Omar Alhabra:** I've learned over the years, in my political involvement, never to speak on behalf of Quebec. I let Quebecers speak on behalf of Quebecers. I am here to defend their rights and—

[Translation]

**Mr. Mario Beaulieu:** Pardon me for interrupting, but the Quebec government has proposed to entrench in its constitution the fact that Quebec is a nation whose sole official and common language is French, and we introduced a motion to that effect not long ago. I didn't notice whether you'd voted for it, but many members did.

Do you agree with that?

[*English*]

**Hon. Omar Alhabra:** I can tell you that in 2006, my first time being a member of the House of Commons, at that time in the opposition, when the idea of Quebec as a nation came to the House of Commons—and at that time it was seen by some as a controversial notion—I was proud to stand in support of that motion.

As I said, I totally understand...maybe not fully, but I try my best to understand the unique identity of Quebec as a nation and its protection of its culture and of its language, and I will do whatever I can to promote Quebec's culture and language.

[*Translation*]

**Mr. Mario Beaulieu:** That's great.

Ultimately, this isn't just about Quebec; it's about the self-determination of peoples, whether it's Palestine, Catalonia, Scotland or other nations. There's a movement in that direction.

Many problems in the federal government have been reported. According to one study, 40% of francophones aren't comfortable speaking French in the departments. The Quebec regional vice-president of the Public Service Alliance of Canada said he thought English still dominated, even in Quebec.

Does your department operate mainly in French in Quebec?

**Mr. Francis Drouin (Glengarry—Prescott—Russell, Lib.):** I have a point of order, Mr. Chair.

**The Chair:** Go ahead, Mr. Drouin.

**Mr. Francis Drouin:** Although I enjoy the questions my colleague Mr. Beaulieu is asking, I would note that the minister is here to answer questions about Canadian National, not the public service in general. Consequently, I'm trying to understand the connection between the questions he's asking the minister and the motion the committee unanimously adopted.

**Mr. Mario Beaulieu:** If the department doesn't set an example, it will fail to influence CN; I don't see how it can encourage it to operate in French.

**The Chair:** Mr. Beaulieu, I was listening to you before Mr. Drouin spoke, and the same question came to my mind.

We decided with all-party unanimity to hear the Minister of Transport on the motion introduced by the New Democrats respecting CN.

I understand your reasoning to a degree, but I would ask you to focus your questions more on the subject.

**Mr. Mario Beaulieu:** I can comply with your request, but I think my questions are entirely relevant because I also think an example has to be set.

I'll focus more on CN.

As you explained, Air Canada and CN are former Crown corporations that have obligations under the Official Languages Act. How then can you explain why complaint after complaint is filed against those Crown corporations? It's constant.

Even the president of CN in the 1960s said no francophones were qualified enough to be vice-presidents or to sit on the board. Today, 50 years later, the organization still has no francophones on its board.

We can clearly see that the Official Languages Act isn't effective. What do you think you can do?

Under Bill 101, for example, the Quebec government can withdraw all loan guarantees and subsidies it grants to a business that refuses to obtain a francization certificate or to cooperate.

Would you consider the idea that your department might do the same?

• (1700)

**The Chair:** I'm sorry, Mr. Beaulieu, but you're well over your six minutes, even though I stopped the clock during the point of order.

[*English*]

The next questions will come from Ms. Niki Ashton.

Ms. Ashton, there are six minutes for you.

[*Translation*]

**Ms. Niki Ashton:** Thank you very much, Mr. Chair.

Thanks to the minister for being here.

First, I'd like to say that the people of Quebec and the entire country are concerned about the decline of French. Francophones are facing a genuine systemic crisis. You've been in power for seven years, and the failures are piling up. The Minister of Immigration, Refugees and Citizenship is unilingual. That's a failure for francophone immigration. The CEO of Air Canada looks down on French, and the Commissioner of Official Languages says your government's responsible for a systemic crisis that francophone workers are paying for. More recently, we've become aware of the situation at CN.

Why has your government abandoned francophones instead of protecting French?

[*English*]

**Hon. Omar Alhabra:** Thank you, Mr. Chair.

Thank you, Ms. Ashton. Perhaps this will help me build, also, on trying to answer Monsieur Beaulieu's question.

I do agree that we have to do everything we can to protect French, and that the French language is under threat. Therefore, we need to ensure that we address all systemic issues and ensure that there are no obstacles to Canadians to receive services, or as an employee to work in a place of the language of their choice.

We will continue to modernize. There's a proposal right now to modernize the Official Languages Act, including providing the official languages commissioner with new tools that include the imposition of fines when failures occur. I will continue to do my part personally, and do more. We all have to do more.

I stand here humbly asking for more ideas from this committee. What else can we do to ensure that we protect the rights of all Canadians?

[*Translation*]

**Ms. Niki Ashton:** I want to go back to the CN situation because there's also a safety issue here. If railway companies can't hire supervisors who can understand and speak French, dangerous situations may arise, as has happened in eastern Canada. Sometimes people are asked to act as interpreters in the course of shunting trains. That then becomes a transportation safety issue.

We know that increasing numbers of railway accidents have occurred in recent years. Consequently, we have to do more than just talk about Bill C-13. We have to act now because we know the problems also concern safety.

What are you waiting for in order to take action? Do we have to wait for another accident to happen because team members misunderstood instructions?

[*English*]

**Hon. Omar Alhabra:** Ms. Ashton, I agree with you about how critical it is that workers are able to work in their language of choice. These obligations for CN have existed for decades. CN is expected to ensure that all of its employees and all of its customers are able to work in the language of their choice. It would be unacceptable for CN not to fulfill that obligation, even before Bill C-13 passes.

We all need to work together on identifying areas of improvement so we can ensure that the Official Languages Act, as it is today, is not only upheld, but can be improved upon. You're right. First, we have to respect Canadians' rights and ensure that they work in a safe place, but also that they are able to conduct their job properly, adequately and safely. We have to remain vigilant and work together to ensure that we uphold those responsibilities.

[*Translation*]

**Ms. Niki Ashton:** We know that the statutes that protect passengers in Canada are very weak compared to those in Europe, for example. Francophone passengers are at a twofold disadvantage. That's clear from the many complaints that have been filed against Air Canada, for example. The Office of the Commissioner of Official Languages received 2,680 complaints after the company's CEO, Michael Rousseau gave that speech in English. That's the largest number of complaints ever filed in a single case in the history of that office. The frustration of Canadian passengers is obvious, but the government isn't taking the situation seriously.

When will you defend francophone passengers and force Air Canada to meet its official languages obligations?

• (1705)

[*English*]

**Hon. Omar Alhabra:** Ms. Ashton, we heard these complaints loud and clear. That's why a significant element of Bill C-13 is creating more powers for the Commissioner of Official Languages to impose serious fines on corporations or organizations that fail to uphold their responsibility, including Air Canada.

I can assure you that not only do I, Transport Canada and other government officials keep reminding Air Canada of their responsibility, but we're now providing new tools and there will be severe consequences for any failure to uphold these obligations.

[*Translation*]

**The Chair:** You have 30 seconds left, Ms. Ashton.

**Ms. Niki Ashton:** Air Canada and CN clearly have major problems. We can see a lack of respect for francophones and perhaps even safety issues.

We're talking about Bill C-13 but are you prepared to assume your ministerial duties and apply the Official Languages Act to Air Canada and CN since that's within your area of responsibility?

**The Chair:** We won't have time to hear the answer, Ms. Ashton. The minister may have a chance to answer in the second round of questions, which we will begin momentarily.

Mr. Lehoux, you now have the floor for five minutes.

**Mr. Richard Lehoux (Beauce, CPC):** Thank you, Mr. Chair.

Good afternoon, Minister. Thank you for making the effort to speak French.

Has your colleague the Minister of Official Languages met with you to ask you to take action in the CN file?

[*English*]

**Hon. Omar Alhabra:** Yes. She and I have met on multiple occasions and we have spoken on multiple occasions. Whether it was regarding Bill C-13 or whether it was the CN board of directors appointment issue, we have spoken.

[*Translation*]

**Mr. Richard Lehoux:** Thank you for your answer, Minister, but I'd appreciate more specific details on steps you've taken in the CN file.

[*English*]

**Hon. Omar Alhabra:** Immediately after the appointments were announced and it became clear that there was a shortcoming there, we spoke with CN and let them know it was unacceptable. I can't speak on behalf of Minister Petitpas Taylor, but I can tell you that the message was sent loud and clear to CN.

They've acknowledged this shortfall and they've committed to addressing it in the next appointment. I know that CN is coming before this committee. I'm sure you will be asking them all the questions that you have, and I look forward to that exchange.

[*Translation*]

**Mr. Richard Lehoux:** Thank you, Minister.

That's ultimately just a slap on the wrist. You're not calling for any specific action.

Have you also taken steps to ensure a greater francophone presence on CN's board? What specific steps do you intend to take or have you already taken?

[English]

**Hon. Omar Alhabra:** This is an important question that I know the committee is looking at. I want to repeat what I said earlier. The Official Languages Act is silent on the makeup of a board of directors. We need to remember that there is no legal obligation right now for CN to have a certain makeup within its board of directors.

Now, the committee is going to look at Bill C-13 and consider what else can be done. However, I still think, whether the law remains silent or not on the board of directors, that CN should set an example. It should set leadership in demonstrating to its employees and its customers that they continue to want to have adequate representation on their board of directors.

• (1710)

[Translation]

**Mr. Richard Lehoux:** On that point, Minister, CN has definitely decided to recruit outside Quebec to fill its new director positions. That's what we saw in the newsletter that was sent to shareholders for the next meeting, which will be held in a few days.

How did you, as minister, and your department react when the board sent out a memo to everyone announcing they would be looking for francophone candidates outside Quebec? What's your reaction to that situation?

[English]

**Hon. Omar Alhabra:** I know that CN is not confused about our position on the importance of having a francophone, somebody who is from Quebec, on the board of directors. The message was sent loud and clear to CN. I know that CN is taking the issue very seriously and, as I said, I look forward to their presentation before you when they come here.

[Translation]

**Mr. Richard Lehoux:** Thank you for that answer, Minister.

Bill C-13 is under consideration in the House. We're eager for it to be referred to our committee so we can amend it. There will definitely be major amendments to make so, for example, we can give you the authority to intervene with the boards of various organizations such as CN and Air Canada.

**The Chair:** You have 15 seconds left, Mr. Lehoux.

**Mr. Richard Lehoux:** Thank you, Mr. Chair.

Minister, do you really intend to consider positive recommendations and actually implement them in future?

[English]

**Hon. Omar Alhabra:** I look forward—

[Translation]

**The Chair:** I apologize for interrupting, Minister.

Mr. Lehoux, the minister may have a chance to answer your question in the next round.

[English]

The next questions will come from Mrs. Patricia Lattanzio.

[Translation]

You have the floor for five minutes.

**Ms. Patricia Lattanzio (Saint-Léonard—Saint-Michel, Lib.):** Thank you, Mr. Chair.

I would like to welcome the minister too.

[English]

I would also take the opportunity to commend you, Minister, for your efforts in speaking and understanding French. Do know that you are before the best standing committee here.

Without further ado, it's very clear from your testimony today that the Official Languages Act is silent with regard to the makeup of the board of directors, but could you tell us what criteria CN looks at in selecting its board members? Do you have any idea? Can you enlighten us on this topic?

**Hon. Omar Alhabra:** CN is a private corporation and they get to decide the types of skills and backgrounds that their board members need to have. I suspect that is a dynamic thing depending on the challenges or opportunities they see. They need to be filled within their board of directors, so they do not run the qualification or the type of individuals they are looking for by me or by Transport Canada.

**Ms. Patricia Lattanzio:** Okay, if it's based on skill set, and we know that you are setting the example because you are saying quite clearly here today that you would like CN and Air Canada to be the leaders, to wave that leadership flag with regard to making sure that there is francophone representation on their board of directors... That being said, would you not agree that if there were a skilled individual, French could also be learned?

**Hon. Omar Alhabra:** I think one's ability to speak official languages, French or English, should be part of the skills that any board of directors or any corporation is looking for. It is really important that CN have adequate representation, not only adequate francophone representation, but representation from Quebec. This is part of the set of skills that need to be present on the board of directors for CN.

**Ms. Patricia Lattanzio:** How many director positions exist right now at CN, to your knowledge?

**Hon. Omar Alhabra:** Again, at the risk of speaking on behalf of CN, my knowledge is they have 11 members right now. Their articles of incorporation allow up to 20, but currently they only have 11.

**Ms. Patricia Lattanzio:** Okay, there would be room for nine more appointed individuals, if there is need. That is what you're telling us. I understand it's a private corporation, but it's up to 20.

• (1715)

**Hon. Omar Alhabra:** That's what their articles allow for, but it's up to them to decide the size of it. It's a minimum of seven, a maximum of 20, but right now they've chosen to have 11.

**Ms. Patricia Lattanzio:** Okay. Let's shift gears now and speak a little bit about the language commissioner.

**Hon. Omar Alhabra:** Sorry, I've been corrected: it's up to 21. I apologize.

**Ms. Patricia Lattanzio:** It's 21, so there's one more spot on that board. Thank you.

Let's shift gears now. Let's go on to speak a little bit about the official languages commissioner. Are you aware if the commissioner has previously investigated CN for compliance with the act?

**Hon. Omar Alhabra:** Yes, I actually looked into this before appearing at this committee and found that the Commissioner of Official Languages has received five complaints against CN. All of these were received in 2019-20 in relation to part V of the Official Languages Act, dealing with the language of work.

**Ms. Patricia Lattanzio:** I'm sorry, Minister, but are you saying five were received since 2019 or only in 2019?

**Hon. Omar Alhabra:** Over the past five years, they received only five complaints, in the year 2019-20, that is, between 2019 and 2020.

**Ms. Patricia Lattanzio:** Okay, they've received five on part V of the law.

What were the circumstances and conclusions of those complaints?

**Hon. Omar Alhabra:** They were under part V, dealing with the language of work. Those are internal matters. Typically the commissioner does not make the findings public in order to protect the privacy of the complainant, ensuring thereby that the complainant's issues remain private. I don't know the outcome because the commissioner never releases these investigations.

[*Translation*]

**The Chair:** Thank you, Minister and Ms. Lattanzio.

Mr. Beaulieu, you have the floor for two and a half minutes.

**Mr. Mario Beaulieu:** I'd like to go back to francophone board appointments.

The Teamsters Union of Canada has filed a lot of complaints that reveal various problems and involve safety issues. There's a risk of accident if a controller gives important instructions to someone but can't speak to him in his language.

Do you have some sort of authority to intervene in safety matters?

[*English*]

**Hon. Omar Alhabra:** I agree on the importance of the ability of workers to work in their language of choice, and it has a safety ramification. CN, if we're talking here about CN, has an obligation to ensure that all of its workers are able to work in their language of choice, and if it is not upholding that responsibility, the official lan-

guages commissioner is able to investigate and hold them accountable for potential failure.

To your point, I want to reiterate that safety is at stake, and not only rights. Safety is at stake and CN must fulfill its obligation.

[*Translation*]

**Mr. Mario Beaulieu:** CN is subject to the Official Languages Act, unlike other federally regulated private businesses such as Air Canada. As you said earlier, these are former crown corporations that made amendments with respect to official languages when they were privatized, but we can see that isn't working.

The Official Languages Act is based on institutional bilingualism. That means that individuals may use the language of their choice. However, what happens if one person wants to work in English and another in French? That principle doesn't work. There has to be a common language. That's why the purpose of Bill 101 is to make French the common language.

The Official Languages Act hasn't worked in the past 50 years. Why do we keep saying it will work better? The very principle of the Official Languages Act doesn't work. Why not let Quebec, for example, apply Bill 101 to federally regulated businesses?

**The Chair:** Thank you, Mr. Beaulieu. That's all the time you had. Two and a half minutes go by very quickly.

The next speaker for two and a half...

[*English*]

**Hon. Omar Alhabra:** I would love to respond to this, Mr. Chair.

[*Translation*]

**The Chair:** You may do so if someone asks you a question on the subject. I have to give everyone a chance to speak.

• (1720)

[*English*]

The next questions are from Ms. Ashton, for two minutes and 30 seconds.

**Ms. Niki Ashton:** Thank you, Mr. Chair.

We've heard today about how both Air Canada and CN—now privatized—are not living up to their obligations when it comes to respecting the rights of francophones, that is, their responsibilities when it comes to services in French.

I'm very concerned by the government's most recent proposal, seeking private proposals to cover service for Via Rail's high-frequency corridor. Unifor, which represents more than 2,000 workers at Via, was clear in its opposition, saying, "Public-private partnerships cost more, don't work, and the facts speak for themselves. Privatization in transport means higher costs, broken promises, worse service and route closures?"—and perhaps we could add that it will impact service in French.

Nevertheless, this is a strategy that your government is using time and again. We've seen this with the Infrastructure Bank. We are trying to fix that through my bill, Bill C-245, investing in indigenous and northern communities in light of the climate crisis.

Why is your government continuing to rely on bad economic policies that privilege the ultra-wealthy, push privatization and, ultimately, impact negatively on service and service delivery in French?

**Hon. Omar Alhabra:** Mr. Chair, and Ms. Ashton, while we are talking today about some of the shortcomings of some former Crown corporations or areas of improvement for our Official Languages Act, I think it's really important as well to take stock of the fact that Canada and Canadians have been working really hard together to protect French and to ensure that our cultural identity remains as diverse and as rich as we're accustomed to. I think it's really important to identify what else we can do to improve our Official Languages Act, but we should also recognize that we've done a lot of good. We will continue to do more to ensure that we protect people's rights.

As far as high-frequency rail is concerned, this is a great project for rail workers and travellers. We're going to deliver the largest project in Canada's history, which offers to revolutionize the corridor. I'm looking forward to your support in ensuring that we do it right and deliver it on behalf of Canadians.

Thank you, Mr. Chair.

[Translation]

**The Chair:** Thank you.

[English]

Ms. Ashton, you have only three seconds left.

[Translation]

We will hear two more speakers, Mr. G n reux and Ms. Kayabaga.

I'll have to take back one minute from both of you to stay on schedule. So you will have four minutes each.

Go ahead, Mr. G n reux.

**Mr. Bernard G n reux (Montmagny—L'Islet—Kamouraska—Rivi re-du-Loup, CPC):** Finally, some speaking time, Mr. Chair. Thank you.

Good afternoon, Minister. Thank you for being here.

I'm honestly disappointed today because you don't have any solutions for us apart from Bill C-13, which our committee will soon begin considering.

The bill would provide for fines of up to \$25,000 that the Commissioner of Official Languages could impose. Given CN's revenues, which run into the billions of dollars, I'm not sure a \$25,000 fine would change much.

The bill would also give the Commissioner authority to order businesses subject to the Official Languages Act to take certain types of action. I would like to hear what you think of that. Are you in favour of that possibility?

[English]

**Hon. Omar Alhabra:** Mr. Chair, and Mr. G n reux, CN already has legal obligation. It is obligated by law. What Bill C-13 proposes are additional tools to enforce the law.

[Translation]

**Mr. Bernard G n reux:** If CN already has that obligation under the act, why isn't it meeting it?

Actually, to be fair to CN, I have to say it appointed Jean Charest, but he unfortunately resigned so he can do something else now. I have at least 100 experienced Quebec candidates that I could suggest to CN. They include Lawrence Cannon, former Minister of Transport, Infrastructure and Communities and former Canadian ambassador to Paris. He would definitely be ready to take on that role in a business like this, just as you will be, Minister, once you've left politics, since you'll have the necessary experience.

So there are hundreds of perfectly bilingual candidates in Quebec who could definitely play a role like that at CN.

My impression is that no one has made the effort. The fact of the matter is that the Canadian government can't really do anything except make suggestions and then be disappointed when they aren't considered.

[English]

**Hon. Omar Alhabra:** We should make a distinction between CN's obligation under the law and the makeup of the board. You have heard me here today speak very clearly in opposition to how CN appointed its board members from a leadership standpoint, but the law is silent on this issue. Having said that, we are here today learning from that shortcoming and there is an ongoing discussion about CN's responsibility. CN has acknowledged that this should not have happened.

I'm looking forward to the committee's study and report on this, but again, I'm not going to shy away from doing everything I can to defend the interests and the rights of Quebecers to speak and work and receive service in the language of their choice.

I will encourage CN not only to uphold the law—its obligation under the law—but also to go beyond that to ensure that they are promoting and protecting the rights of French and those who work at CN.

• (1725)

[Translation]

**Mr. Bernard G n reux:** I have other names I could give you...

**The Chair:** You have 30 seconds left, Mr. G n reux.

**Mr. Bernard G n reux:** Time goes by way too fast.

Minister, is there a political connection between your department and these appointments? As minister, do you personally recommend specific individuals to be nominated to CN's board.

[English]

**Hon. Omar Alhabra:** No. CN is a private corporation and they get to make their business decisions on their own. However, we at Transport Canada have a responsibility to ensure that they are upholding the highest safety rules and that they are meeting their—

**The Chair:** Thanks, Minister.

I have to cut you off there because there's another four minutes from our colleague, Ms. Arielle Kayabaga.

[Translation]

Ms. Kayabaga, you have the floor for four minutes.

**Ms. Arielle Kayabaga (London West, Lib.):** Thank you, Mr. Chair.

First of all, I want to thank the minister for being here today.

[English]

Minister, you wanted to finish your comment to Monsieur Beaulieu. I will allow you to start there, as I think he deserves to hear that answer.

**Hon. Omar Alhabra:** Thank you, Ms. Kayabaga.

On the question about uniform language, I understand the point you're making. However, I also want to remind everyone that just as we are talking about the importance of safety and the ability of workers to work so they can do their jobs properly, we also need to respect the rights of individuals who may not be able to speak French so they can do their jobs safely and adequately.

We want to protect the rights of both languages. Obviously, French is under a more significant type of threat than English. I recognize that, but when it comes to safety also, we want to make sure that those who don't speak French are able to conduct their jobs safely. That said, we will do everything we can to ensure that CN upholds its responsibility towards its workers and customers when it comes to the French language.

[Translation]

**Ms. Arielle Kayabaga:** Thank you, Minister.

How often are director positions renewed? How long are the terms, and how many times can they be renewed?

[English]

**Hon. Omar Alhabra:** Again, at the risk of answering on behalf of CN, I will share with you my knowledge. I know that you're going to speak with CN.

My understanding is that each term is a one-year term. It's renewable, but it happens to be a one-year term.

[Translation]

**Ms. Arielle Kayabaga:** How do you think Bill C-13 would change the way businesses like CN approach the French language?

How do you think that would benefit francophones across Canada?

[English]

**Hon. Omar Alhabra:** Bill C-13 builds on our government's commitment to protect the French language and to ensure that francophones are supported whenever they want to work in the workplace, ensuring that they use their language of choice. It also gives additional powers and authorities to the official languages commissioner to impose significant fines to make sure that it's not only made public, but also imposed and that there are financial ramifications to such infractions.

• (1730)

[Translation]

**The Chair:** You have one minute left, Ms. Kayabaga.

**Ms. Arielle Kayabaga:** How do Air Canada and CN compare with respect to the Official Languages Act?

Do you think the present situation at Air Canada and CN is representative of the way we would like to see businesses of that size across Canada conducting themselves with francophones in and outside Quebec?

[English]

**Hon. Omar Alhabra:** I think it's important to note the difference between Air Canada and CN, in that Air Canada has customer-facing interactions with its millions of passengers, while CN deals with business customers and obviously has a lot of workers. So does Air Canada, but there's a difference in the nature of their business, and that's why there is additional emphasis, as we've said before, on Air Canada and the complaints that Air Canada received.

I think both need to continue to uphold their obligation under the Official Languages Act.

I see you, Mr. Chair.

**The Chair:** Thank you, Minister. It seems cruel, but I have to do that.

Minister Alhabra, as we say to our other witnesses who have been here in the past, if you have anything else that you think should be shared with our committee, please provide our clerk with a written addendum to today's testimony and she'll share that with all members.

Thank you, Minister. It was a pleasure and an honour to have you with us, as well as your officials here today.

[Translation]

We will reconvene on Wednesday. The meeting is adjourned.







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