

ANNUAL REPORT

THE TEXTURE OF CANADA

A fabric is woven of many threads. Those of us who speak English and those of us who speak French – ourselves made up of many different elements – have joined together to weave a social fabric called Canada.

2000 • 2001



OFFICE OF THE
COMMISSIONER OF
OFFICIAL LANGUAGES



COMMISSARIAT
AUX LANGUES
OFFICIELLES

CANADA

ANNUAL REPORT

THE TEXTURE OF CANADA

A fabric is woven of many threads. Those of us who speak English and those of us who speak French – ourselves made up of many different elements – have joined together to weave a social fabric called Canada.

2000 • 2001



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

COMMISSIONER OF
OFFICIAL LANGUAGES



COMMISSAIRE AUX
LANGUES OFFICIELLES



CONTENTS

PREFACE	10
SUMMARY	12
Chapter 1	
LEADERSHIP ON OFFICIAL LANGUAGES	16
1.1 The leadership of the Office of the Commissioner of Official Languages	18
<i>Changing course</i>	18
<i>Complaints as an instrument of change</i>	19
<i>Toward lasting solutions</i>	20
<i>Informative consultations, common priorities</i>	21
<i>Young people cite the need for discussion</i>	22
<i>Promoting Canada's experience and skills on the international scene</i>	23
1.2 Mobilization of the federal leadership	24
<i>The government's commitment: Good omens in the last Throne Speech</i>	24
<i>Renewing the implementation of the Act</i>	27
<i>Committee of Deputy Ministers on Official Languages</i>	29
<i>Network of departmental Official Languages Champions</i> ...	30
<i>Regional Councils of Senior Federal Officials</i>	30
<i>Leadership in Parliament</i>	32
<i>Fruitful co-operation between the government and communities</i>	33
1.3 Provincial and territorial leadership: Notable initiatives ...	35
1.4 Conclusion	36
Chapter 2	
GOVERNMENT TRANSFORMATIONS	38
2.1 Devolution of responsibilities	39
<i>To the provinces: Federal-provincial agreements on labour market development</i>	39
<i>To the territories: Dispute resolution at Whitehorse General Hospital</i>	40
<i>To provinces and municipalities: The Contraventions Act</i> .	41
<i>To communities: Service delivery by the communities themselves</i>	43

10	2.2 Privatization	44
12	<i>Privatization of airports</i>	46
16	2.3 Municipal mergers	47
18	<i>In Ontario</i>	47
18	<i>In Quebec</i>	48
19	2.4 Conclusion	49
19	Chapter 3	
20	COMMUNITY DEVELOPMENT	52
21	3.1 The federal government's wavering commitment	54
22	<i>Fédération Franco-Ténoise et al. v. Her Majesty the Queen et al.</i>	55
23	<i>Restructuring that could compromise the vitality and</i>	
24	<i>growth of the minority community</i>	56
24	<i>Language requirements for immigration to Canada:</i>	
24	<i>A knowledge of French is not enough</i>	56
24	<i>The development of Francophone ethnocultural communities</i>	57
27	3.2 Immigration and the integration of immigrants	58
29	<i>Study on immigration and linguistic duality in Canada</i>	59
30	<i>A holistic approach</i>	60
30	3.3 Education	62
32	<i>Recruitment of the target school population</i>	62
33	<i>Legal challenge of New Brunswick's Education Act</i>	63
35	<i>Ranking of schools causes a stir in Quebec</i>	65
36	3.4 Health care services	65
38	<i>The Department of Health to be commended</i>	65
38	<i>Montfort Hospital</i>	66
38	3.5 Municipal services	67
38	<i>Charlebois v. The City of Moncton and the Attorney General</i>	
38	<i>of New Brunswick</i>	67
38	3.6 Broadcasting services	68
38	<i>Digital distribution creates new opportunities</i>	68
38	<i>French-language broadcasting services outside Quebec</i>	68
38	<i>The CRTC's commitment to enhance the vitality of minority communities</i>	69
38	<i>The right to follow the debates of the House of Commons in</i>	
38	<i>the official language of choice</i>	70

3.7 Conclusion	71
Chapter 4	
SPECIAL STUDIES AND INVESTIGATIONS	72
4.1 Studies and investigations	73
<i>National Report on Service to the Public in English and French.</i>	73
<i>TIME FOR A CHANGE IN CULTURE</i>	74
<i>GUIDING PRINCIPLES THAT INSTITUTIONS SHOULD ADOPT</i>	76
<i>The next challenge for Air Canada: Linguistic mergers</i>	77
<i>THE SAGA OF THE SUBSIDIARIES</i>	78
<i>IN-FLIGHT SERVICES</i>	78
<i>UNION ISSUES VERSUS GROUND SERVICES AT AIRPORTS</i>	80
<i>COMMUNICATIONS IN THE PRINT MEDIA</i>	80
<i>LANGUAGE OF WORK AND EQUITABLE PARTICIPATION</i>	81
<i>THE NEED TO IMPLEMENT AN APPROPRIATE STRATEGY TO ENSURE THAT</i> <i>AIR CANADA COMPLIES WITH ITS OBLIGATIONS</i>	82
<i>French in high performance sport.</i>	83
<i>The linguistic obligations of Crown agents</i>	85
<i>Customs services in French at Ontario border crossings</i>	88
4.2 Follow-ups	89
<i>Study on the Government of Canada and French on the Internet</i>	89
<i>Special study on the services offered in French by the RCMP in Manitoba</i>	90
<i>Investigation of the language profile of constable positions in New Brunswick</i>	91
<i>Study on pre-boarding security screenings and safety briefings</i> <i>aboard aircraft.</i>	92
4.3 Conclusion	93
Chapter 5	
CITIZEN CONCERNS	94
5.1 The Commissioner is listening	95
<i>Overview of the information provided</i>	95
<i>Media interventions</i>	95
<i>Participation in various public activities</i>	96
<i>Overview of the complaints received.</i>	97
5.2 Complaints regarding services to the public	101
<i>Proactive attitude at the Hazardous Materials Information</i> <i>Review Commission</i>	102
<i>A trainer with insufficient knowledge of English.</i>	103
<i>The Games of La Francophonie and the World Championships in Athletics</i>	103

<i>Amendments to the Canada Elections Act</i>	105
<i>The November 2000 federal elections</i>	105
<i>Cloudy with the possibility of sunny breaks at Environment Canada</i>	106
5.3 Complaints regarding the language of work of federal employees	106
<i>Travellers who have had enough!</i>	107
<i>A few discrepancies at Measurement Canada</i>	108
<i>Steering toward English at the Canadian Coast Guard College</i>	109
5.4 Complaints regarding the language requirements of positions	110
<i>In the Atlantic region, there is a need to provide advice in French</i>	111
<i>Lasting corrective measures at the Department of Public Works and Government Services</i>	112
<i>Via Rail—Profiles in the West</i>	113
5.5 Complaints regarding equal employment and advancement opportunities and the equitable participation of both language groups in the federal public service	113
<i>Representation by language in the federal public service</i>	114
<i>Participation of Anglophones in the federal public service in Quebec</i>	115
<i>English-speaking employees of Canada Post in Quebec</i>	115
<i>Equal employment opportunities at the Department of Foreign Affairs and International Trade</i>	116
5.6 Conclusion	117
IN CLOSING	118
APPENDIX	120
INDEX	122



PREFACE

The Commissioner's mandate is set out in the *Official Languages Act* (hereafter the Act). It is the duty of the Commissioner to

take all actions and measures within the authority of the Commissioner with a view to ensuring recognition of the status of each of the official languages and compliance with the spirit and intent of this Act in the administration of the affairs of federal institutions, including any of their activities relating to the advancement of English and French in Canadian society (section 56).

Every year, the Commissioner of Official Languages submits a report on her activities to Parliament. This year, the publication of the Annual Report coincides with the publication of an overview marking the 30th anniversary of the Office of the Commissioner of Official Languages, *Our Official Languages: As a Century Ends and a Millennium Begins*.

Much water has passed under the bridge since the very first Commissioner's report was published in 1971. Entrenched in the *Canadian Charter of Rights and Freedoms* (hereafter the Charter), linguistic duality is undeniably a fundamental Canadian value. It is reflected in a multitude of government and institutional responsibilities, policies and programs. Tremendous progress has been made in 30 years. In spite of the controversies sometimes generated by official bilingualism, Canada's linguistic landscape has truly been transformed. The number of bilingual Canadians has doubled. Attitudes have also changed: the many benefits of Canada's official languages policy have become a source of pride for the majority of Canadians, even unilingual ones.

Although the language rights of Canadians are entrenched in the Constitution and clearly set out in the *Official Languages Act*, successive commissioners' reports

Annual Report
2000-2001

Official
y of

have described numerous difficulties in the application of the Act. This is the case once again this year. Some federal institutions attach very little importance to the shortcomings identified by the Office of the Commissioner of Official Languages, and the careless response of many of them to the Commissioner's recommendations must change. As this report will show, the Commissioner intends to use different methods to achieve her objectives.

ges
year,
ne
ry of
Our
m

This 30th Annual Report follows the previous report closely, both in form and content. It deals with matters that have captured the attention of Commissioner Dyane Adam in 2000-2001. It sets out the issues, outlines new developments and describes the key actions taken by the Commissioner and her team. A list of their activities is provided in the appendix. The record and administrative aspects of the Office's activities as a whole are described in detail in two separate reports, the *Report on Plans and Priorities* and the *Performance Report*.¹

ne
l.

The key issues are presented under five main themes and discussed in each of the following chapters: leadership on official languages (chapter 1); the impact of government transformations on language rights (chapter 2); the development of minority communities (chapter 3); special investigations and studies (chapter 4); and citizens' concerns (chapter 5).

<<

The importance of language rights is grounded in the essential role that language plays in human existence, development and dignity. It is through language that we are able to form concepts; to structure and order the world around us. Language bridges the gap between isolation and community, allowing humans to delineate the rights and duties they hold in respect of one another, and thus to live in society.

>>

(Supreme Court of Canada, *Reference regarding Manitoba Language Rights*, 1985)

¹ Office of the Commissioner of Official Languages, *2000-2001 Estimates, Part III – Report on Plans and Priorities, and, Performance Report for the period ending March 31, 2001, 2001.*



SUMMARY

As the Office of the Commissioner of Official Languages marks its 30th anniversary, Commissioner Dyane Adam is tabling her second Annual Report, covering the period from April 1, 2000, to March 31, 2001. In addition to outlining the main activities of the Office of the Commissioner over the last fiscal year, this report reasserts the renewed approach and the mission as agent of change that Commissioner Adam has adopted.

The Commissioner's first report offered a diagnosis of the problems and sounded the alarm about the slow but cumulative erosion of language rights. The warning does seem to have been heard and understood by the federal government, which the Commissioner reproached for a flagrant lack of leadership. The last Throne Speech heralded the start of a long-awaited political mobilization. This was also reflected at the highest levels of the public service when the Clerk of the Privy Council cited official languages as one of his five strategic priorities. Everything is now in place for a shift in direction which will enable the government to achieve the full implementation of the official languages program.

In spite of these encouraging signs, much remains to be done to redress the damage resulting from years of budget cuts, government restructuring and, more generally, political inattention. Commissioner Adam is cautiously optimistic, but she remains on the alert waiting for the government to clarify its intentions and unveil an action plan that has clear objectives, a series of specific measures and co-operative mechanisms. In order to implement this action plan, the government must quickly mobilize all key actors and invest adequate resources to produce concrete, lasting and measurable results.

This plan should be designed to achieve the full implementation of the *Official Languages Act* in all federal institutions. The institutions must recognize that the *Official Languages Act* applies not only to their daily operations, as regards language of work and language of service, but also to the role they play in promoting English and French in Canadian society and supporting the development of minority official language communities. The road to linguistic duality may be paved with good intentions, but it can be reached only through concrete action and tangible results.

Now is the time for all levels of government to assume responsibility. The government must quickly adopt a policy guaranteeing that government transformations and the transfer of responsibilities do not diminish the public's acquired language rights. The government must demonstrate increased leadership: it must take advantage of these opportunities to strengthen our linguistic duality and institute a policy based on the principle of equality of opportunity, accountability, and respect for established language rights and supported by an appropriate level of resources. Should the government fail to do so, it will leave behind a trail of missed opportunities and, even worse, the image of a government not actively supporting one of this country's most fundamental values.

The federal government should set the example through concerted action with provincial and territorial governments, which are also called upon to support the advancement toward the equality of English and French in Canadian society and to foster the development of minority official language communities. This coordinated action is essential since the growth and vitality of minority official language communities depend on too many factors—such as education, immigration, municipal services, health services and broadcasting—for the leadership of a few specific institutions to be able to provide the needed support. If the government is to fulfill its obligations under the *Official Languages Act*, that also means respecting Part VII of the Act, which stipulates that the government must undertake to foster the vitality of official language minorities, support their development, and promote the recognition and use of English and French in Canadian society.

Linguistic duality and official bilingualism demand an effort that must be sustained and stimulated by solid leadership, both at the political level and in the communities. Several minority official language communities do show leadership that strengthens the ties among them, expands their networks, and opens them up to immigration and to the other communities surrounding them. This networking breaks their isolation and contributes greatly to their social and economic development. This is essential and it must to continue to expand and receive solid support.

The shortcomings and deficiencies reported this year again point to systemic problems in the implementation of Canada's official languages policy. The in-depth studies that have been conducted to identify the root causes generally lead to the same conclusion: the resistance or indifference of the institution against which complaints are filed stands in the way of lasting solutions. Once again, the answer to the problem can be summarized in three key words: leadership, commitment and responsibility.

A concerted effort by the political and administrative leadership is required in order to bring about a far-reaching change in the culture of institutions. The duty to offer services of equal quality in both official languages must again become central to the federal public service ethic. This duty derives from the respect for the distinctiveness of all Anglophone and Francophone communities, wherever they may be in the country. National cohesion would surely be strengthened if Canada's linguistic duality were reflected in all the services provided in the areas of air transportation, police services, high-performance sport, and communications on the Internet.

Overall, this report challenges the government to put words into action and to make the shift in direction necessary to reverse the effects of the cumulative erosion of language rights that has occurred in recent years. It also enjoins the government to respect not only the letter of the *Official Languages Act* but also its spirit. The Commissioner's first report pushed the federal administration to take some initial steps in the right direction; this second report must now incite it to take vigorous action in the near future. The whistle has sounded; now let's see when the train leaves the station!

CHAPTER 1:

LEADERSHIP ON OFFICIAL LANGUAGES

PROBLEM

In her Annual Report of October 2000, the Commissioner of Official Languages noted an unacceptable situation attributable to a flagrant lack of leadership by the federal government in the implementation of the *Official Languages Act*. In the Throne Speech of January 30, 2001, the government renewed its commitment to mobilizing the federal administration. There are a number of signs of reflection taking place in the public administration. Concrete and immediate action is nevertheless required to make this renewal a reality.

PRINCIPLE

The federal government must show its pride in Canada's official languages and serve as a model of implementation of the Act, for other orders of government and for Canadian society as a whole, in order to demonstrate the value of our linguistic duality, which is an essential element of Canada's social fabric.

ACTION

The commitment made in the Throne Speech of January 30, 2001, should be followed by an action plan presenting a clear strategy and well-targeted measures, and supported by appropriate levels of resources. This plan should include co-operative mechanisms to mobilize the federal administration and bring about a real shift in direction as regards official languages.

Dr. Dyane Adam was appointed Commissioner of Official Languages in 1999. In her opinion, the objectives of the *Official Languages Act* will not have been truly achieved until English and French attain real equality in federal institutions and in Canadian society as a whole.

Linguistic duality reflects a major commitment that involves not only promoting the equal status of the two official languages throughout the country, but also the quality of services offered to the public in English and French, employees' ability to work in their preferred language in the public service, the equitable participation of both language groups in the public service, minority official language community development, and access to health and education services in both official languages.

A commitment of this scope requires the full and complete co-operation of the entire government. In her first Annual Report, published last year, the Commissioner strongly denounced the administrative and political resistance to the implementation of the Act. She firmly demanded that the federal government take the strong measures required.

While political leadership is necessary, it cannot itself lead the machinery of government to change its organizational culture. It alone cannot give the two official languages truly equal status in our society. A collective effort is required. The political leadership must mobilize protagonists in all sectors of the federal public service, as they are ultimately responsible for achieving the objectives of the Act. For the equality of the two languages in our society to become tangible, this objective will also have to include the citizens of all provinces and their governments. Without their support, it will be increasingly difficult for minority communities to achieve full growth and vitality.

The following paragraphs describe the leadership that has been shown in the past fiscal year by the main authorities on official languages in Canada: the Commissioner of Official Languages, the federal administration, and provincial and territorial governments.

1.1 THE LEADERSHIP OF THE OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES

CHANGING COURSE

Dr. Adam took office as Commissioner with full resolve to do everything in her power to ensure compliance with the *Official Languages Act*. In particular, she encourages the federal government to make the required shift in direction in order to adequately fulfill its linguistic obligations. She also attempts to convince the provinces and territories to join in the movement toward real equality of English and French throughout the country.

The Commissioner will continue to perform her traditional role as ombudsman with vigilance but also intends to expand this protective role and serve as an educator. She wishes to better inform the Canadian people of their rights and consolidate the place of linguistic duality at the heart of Canadian identity.

In recent months, the Commissioner and her team have sought especially to work as an “agent of change.” In this effort, they have rallied around a common vision and mission:

Vision. We are dedicated to ensuring a Canada which holds the equality of English and French as a fundamental value and takes pride in the vitality of its official language communities.

Mission. As an agent of change and an ombudsman, the Office of the Commissioner of Official Languages has a mandate to take all measures intended to ensure that the three main objectives of the *Official Languages Act* are met, namely:

- the equality of English and French in Parliament, within the Government of Canada, the federal administration and institutions subject to the Act;

- the preservation and development of official language communities in Canada;
- the equality of English and French in Canadian society.

COMPLAINTS AS AN INSTRUMENT OF CHANGE

When a founded complaint is brought to her attention, the Commissioner does not simply note violations of language rights. Investigations and the resolution of complaints must address the very root of violations in order to achieve lasting solutions. In a case heard in court, the Federal Court of Appeal described the Commissioner's role as follows:

A quite unusual power to intervene has been conferred on the Commissioner and, when he receives a complaint, Parliament has expressly ordered him to get to the heart of the matter and not simply examine the technical legality of the actions taken by the government department against which the complaint is laid.²

The hundreds of complaints filed every year can create momentum for change. The legislator gave the Commissioner a range of powers to encourage institutions to comply with the provisions of the *Official Languages Act*. The Commissioner's primary tool is still making recommendations. If shortcomings persist, the Act provides that the Commissioner can bring them to the attention of Treasury Board, conduct a follow-up, submit a report to the Governor-in-Council and to Parliament, or seek remedy from the Federal Court.

To resolve especially complex problems, a comprehensive study of their causes and ramifications may be in order. The Commissioner intends to devote more resources to studies of this kind. They tend to explore innovative avenues that often lead to effective solutions since they seek to resolve problems at their source. The most recent special investigations and studies conducted by the Commissioner are summarized in chapter 4.

² *St-Onge v. The Office of the Commissioner of Official Languages*, [1992] 3 FC 287 (FCA).

TOWARD LASTING SOLUTIONS

Many complaints are so similar that they point to systemic problems in some institutions, preventing those institutions from adequately fulfilling their linguistic obligations. When the normal process is not successful, how can institutions be persuaded to adopt permanent corrective measures?

In response to these repetitive complaints, the Commissioner intends to consult the complainants and the institutions in question to discuss the possibility of using new methods that could achieve lasting solutions. One of the approaches proposed could encourage greater involvement by the federal institution in the search for solutions so that it takes greater responsibility for the permanence of the solutions. Another potential approach is facilitation. The Commissioner could consider this option when the usual avenues have proven unsuccessful. If circumstances allow and the complainant and the institution in question agree, a specialist in facilitation could be chosen to help the parties reach a practical solution that is consistent with the Act. The Commissioner would consider using any other valid method suggested by the parties during consultation.

It goes without saying that solutions adopted through greater involvement by the institution, through facilitation or any other valid method would have to meet the requirements of the Act. These new approaches will not in any way affect the complainant's right to legal remedy if he or she is not satisfied.

The investigators will all be trained in negotiation techniques. This training will allow them to develop their ability to gain the co-operation of the parties and encourage them to participate actively in the search for lasting solutions. To support the investigators' work, a group of liaison officers has been created to encourage all federal institutions to voluntarily comply with the Act. They will initiate discussions with institutions to simplify the complaints resolution process. More generally, the group will develop strategies to enhance co-operation between the Commissioner and institutions.

INFORMATIVE CONSULTATIONS, COMMON PRIORITIES

From February to August 2000, the Commissioner undertook a major nationwide consultation exercise. Meetings were held in 20 cities in all parts of the country. There were over 500 participants, divided into 51 groups with an interest in official languages.³ The topics discussed varied, but pertained primarily to the role of the key protagonists (the Commissioner of Official Languages, the federal and provincial governments); the main issues on the horizon; the avenues for improving the status of both official languages; minority language education and the learning of English and French as second languages; and the status of minority Anglophone and Francophone communities throughout Canada.

These consultations helped to create a list of *Strategic Priorities*, which sets out the leading issues on which the Commissioner will concentrate:⁴

- Community development, including immigration, health and social services.
- The quality of services offered to the Canadian public.
- Language of work in the federal public service.
- Canada's linguistic duality at the international level, including on the Internet.
- Section 23 of the *Canadian Charter of Rights and Freedoms*.
- The equal status of English and French in Canadian society, including changes in public opinion and the issue of the national capital.

³ Office of the Commissioner of Official Languages, *A call for Action: Cross-Canada Consultations by the Commissioner of Official Languages*, October 2000.

⁴ This list in a way validates the provisional list of *Leading Issues* set out in the 1999-2000 Annual Report (p. 9). It is subject to change in accordance with the priority of future events.

- The government's framework for implementing the Act, including strengthening political and administrative leadership and changing the culture in the federal public service.
- Youth.

YOUNG PEOPLE CITE THE NEED FOR DISCUSSION

At the Youth Parliament held in Winnipeg in November 2000, the Commissioner took the opportunity to gather the opinions of young Francophones on the topics cited above. The participants from provinces and territories in the West and the North indicated that they sincerely wish to preserve and assert their distinct character but added that they consider themselves to be marginalized. They need to feel proud and included and to form ties among themselves. In this regard, they noted that the Internet would never take the place of large gatherings. They consider it the federal government's responsibility to promote the two official languages through specific programs that encourage them to engage in discussion. In their opinion, the majority of Anglophones should gain a greater awareness of linguistic duality and the benefits of the French fact to Canada.

The Commissioner also met with young Anglophone students from the University of Manitoba. In their view, linguistic duality is an integral part of Canadian values. They consider it important to know French, if only to contribute to the country's unity. They also believe that the federal government should increase its support for the growth and vitality of minority Francophone communities. They feel the federal government should invest more resources in programs that promote the learning and preservation of French, such as immersion and exchange programs.

In this regard, it should be noted that the Summer Language Bursary Program is celebrating its 30th anniversary this year. Launched in 1971, this federal program gives young Canadians the opportunity to learn English or French as a second language or, in the case of

minority Francophone youth, to perfect their command of French. Over 190,000 young people have taken part in this program to date. The Commissioner strongly encourages the Department of Canadian Heritage to raise public awareness of this program, which makes a valuable contribution to linguistic duality and Canadian unity.

PROMOTING CANADA'S EXPERIENCE AND SKILLS ON THE INTERNATIONAL SCENE

The Commissioner is a member of both the International Ombudsman Institute and the *Association des ombudsmans et médiateurs de la Francophonie*, of which she is regional coordinator for the Americas and the Caribbean.

With its two official languages and extensive experience in language planning, Canada can play a leading role internationally with regard to linguistic duality. As an ombudsman, the Commissioner put Canada's expertise to use at international meetings in the 2000-2001 fiscal year, citing Canada's attachment to democratic values and its respect for its official language communities.

The Commissioner intends to foster the development of such international co-operation in order to allow Canada to play a role equal to its skills, as it is already doing with regard to the information highway. The possibilities are many and varied, since linguistic duality has many facets, be they political, democratic, legal, economic, social or cultural. Similarly, the economic value of Canada's official languages "industry" should not be overlooked.

At the same time, the Commissioner promotes Canada's Francophone character abroad. She has, for example, strengthened ties with some international Francophone organizations, such as the *Délégation générale de la langue française* and the *Agence universitaire de la Francophonie*.

In the context of the Summit of the Americas, the Commissioner appealed to Canadian officials to promote the place of French in this free

trade area. She stressed the importance of truly recognizing the place of both official languages in Canada, especially in the new information technologies. The need for the government to promote the place of French in the Free Trade Area of the Americas was also raised in a highly relevant report by the *Conseil de la langue française du Québec*.⁵

1.2 MOBILIZATION OF THE FEDERAL LEADERSHIP

THE GOVERNMENT'S COMMITMENT: GOOD OMENS IN THE LAST THRONE SPEECH

The federal elections of November 2000 did not generate major debate about official language issues. Politicians made very little mention of key language issues during the campaign. While language issues were largely absent from election debates, the platform of the winning party nevertheless includes a section on official languages. The topics addressed include language promotion, change in organizational culture and French immersion. The post-election period saw several heartening initiatives, culminating with the Throne Speech on January 30, 2001. It includes the most important statement made in 15 years in a speech of its kind:

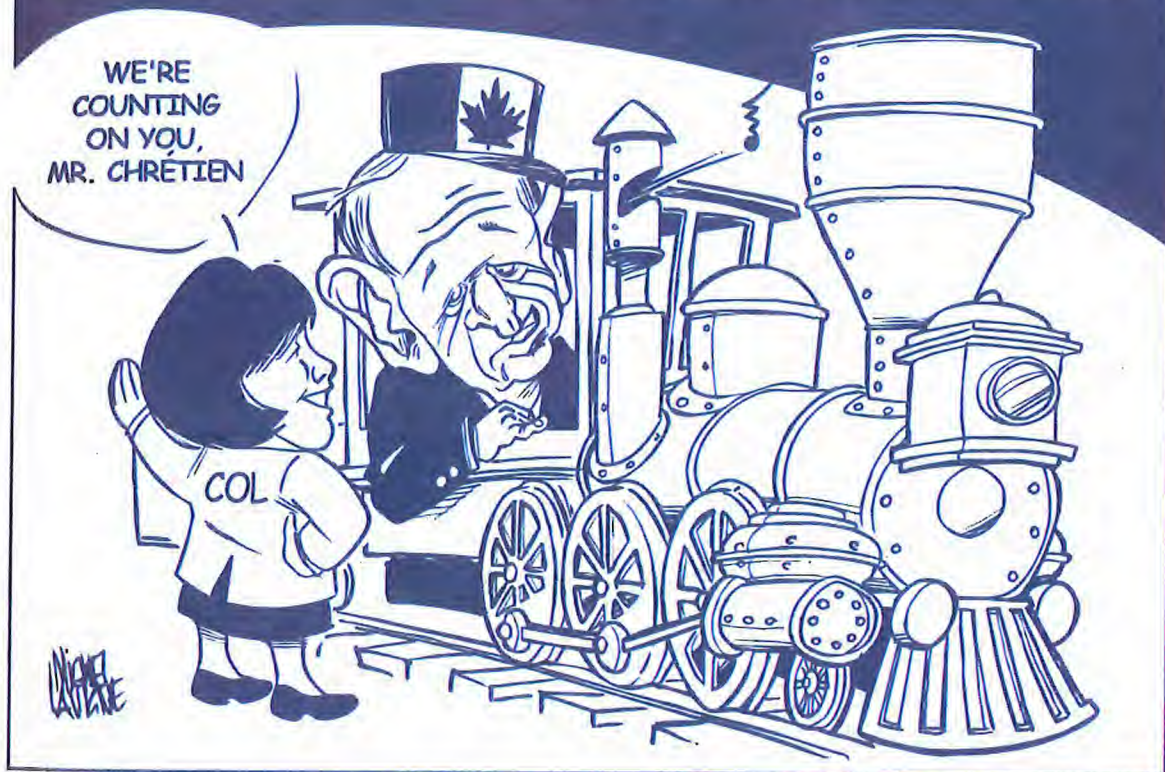
Canada's linguistic duality is fundamental to our Canadian identity and is a key element of our vibrant society. The protection and promotion of our two official languages is a priority of the Government — from coast to coast. The Government reaffirms its commitment to support sustainable official language minority communities and a strong French culture and language. And it will mobilize its efforts to ensure that all Canadians can interact with the Government of Canada in either official language.

⁵ Conseil de la langue française, *Language issues in the integration of the Americas*, February 2001.

of
nch in
nt

These words must definitely set the tone for the future to make federal institutions take more concrete action on their commitment to actively support the growth of official language minorities, strengthen the French language and culture, and promote the full recognition and the use of both official languages in Canadian society. In spite of these encouraging signs and the good intentions shown by the government, we must nevertheless remain vigilant because, although the whistle has sounded, the train has not yet left the station.

THE WHISTLE HAS SOUNDED! THE TRAIN WILL SURELY LEAVE THE STATION SOON!



Achieving the objectives of Canada's official languages policy requires a concerted approach by all parts of the Canadian government. The management framework for intergovernmental co-operation must be reviewed to ensure that all governments pool their efforts to fulfill their linguistic responsibilities.

The term "responsibility" refers first of all to the accountability of government and of Parliament as a whole to respect and implement the linguistic obligations set out in the Constitution, in the Act and in other legislation, regulations and policies. This therefore includes leadership or commitment, concerted action, accountability and the promotion of official languages.

This responsibility is clearly very broad, and it is difficult to imagine any effective accountability, structured coordination or dynamic communication program without committed leadership. Each member of the federal Cabinet must be imbued with a renewed sense of the priority that must be given to the advancement toward linguistic equality. The federal government must set the example and support concerted action by provincial legislatures and governments, which are also called upon to work toward equality. The federal government must provide adequate means to reach this objective.

The very notion of ministerial responsibility is based on the premise of effective control of the means of achieving the intended outcomes of legislation or policies. This also partly explains the difficulty governments experience in managing horizontal or thematic issues that involve the responsibility of several ministers at the same time. All the more so in a federal system where the action of several orders of government must be coordinated in order for them to effectively discharge their linguistic responsibilities. Effective accountability and implementation mechanisms must therefore be instituted for all official language programs in the federal government to achieve effective coordination of intergovernmental co-operation through a strong responsibility centre at the Privy Council Office.

RENEWING THE IMPLEMENTATION OF THE ACT

To begin with, we must recognize the magnitude of the changes that have taken place with regard to official languages in the last 30 years, since the first Act came into effect. In the last decade, however, deficit fighting, changes due to government transformations, including the reorganization of programs, privatization and the devolution of programs, as well as the simplification of accountability systems, have led to a cumulative and significant erosion of language rights. Government transformations have had a serious impact on minority communities because their economic, social, cultural and educational development were excluded from the government decision-making process. These communities were already too fragile to be able to weather such offloading of the government's linguistic obligations, and Canada as a whole has suffered as a result.

The government must take stock of the accomplishments to date and the challenges that lie ahead; it must draw on the work of the Royal Commission on Bilingualism and Biculturalism and strive toward the full implementation of the rights recognized in the 1982 *Canadian Charter of Rights and Freedoms* and the 1988 *Official Languages Act*. We present here some of the avenues we will be pursuing throughout the year.

The government's strategic orientation should focus on equality of opportunity, namely, the equal status of Anglophone and Francophone communities and their right to distinct institutions, especially educational and cultural institutions. To achieve this objective, the government must acknowledge the disparities between official language communities in the same way that it recognizes regional disparities by providing for equalization in section 36 of the Constitution. To grow and develop, official language communities need venues, spaces and institutions in which they can express their culture and their specific characteristics.

As to services to the public, officials at all levels must be required to address the fact that Canadians have only a seven in ten chance, on average, of being served in the official language of their choice and a one in five chance of being actively offered this choice. The government could also, among other things, focus on new technologies and create integrated minority language service centres. Such centres would offer services from the various

orders of government and could, thanks to modern technology, be accessible to the smallest communities through a networked minority community.

As to language of work, we must concentrate more on the “dynamic” and especially the psychological and behavioural aspects of the problem rather than the purely linguistic aspects by drawing more extensively on tools from the social sciences (surveys, focus groups, direct observation, etc.) to better understand the daily reality.

Achieving the objectives of Part VII of the Act is the responsibility of federal institutions as a whole and each of them should develop an implementation framework and adequate resources for this purpose. The approach should also be reviewed and adapted to specific sectors of development — namely, economic and cultural development, communications, social development and health, human resources development — and also take an integrated regional or provincial approach. To this end, the provisions of section 45 of the Act open the door to a broader view of consultations and negotiations with provinces to achieve the greatest possible coordination of federal, provincial, municipal and educational services.

This strategic outline is based on the premise that official languages are a fundamental value in Canadian society and that the full implementation of all objectives of the Act must be at the heart of the concerns of public authorities. A clear and constant commitment by the federal government to these objectives must be reflected in concrete and visible action in the daily operations of the institutions of government.

It is essential that numerous institutions change their internal culture and make the objectives of the Act among their very top priorities. They often limit themselves to the bare minimum in carrying out their obligations. A major shake-up is in order if they are to integrate their linguistic responsibilities into their daily operations. Much remains to be done, especially as regards the less than stellar findings of the *National Report on Service to the Public in English and French*, outlined in chapter 4.

While it is too early to make a definitive statement, there are nevertheless several promising signs that seem to suggest that the federal administration has shifted course in the right direction. The following are a number of commendable initiatives the Commissioner has noted.

COMMITTEE OF DEPUTY MINISTERS ON OFFICIAL LANGUAGES

The Commissioner is pleased to note that official languages are one of the five priorities reflected in the strategic objectives set by the Clerk of the Privy Council for the coming year.

The Clerk also renewed the mandate of the Committee of Deputy Ministers on Official Languages in 1999. The Commissioner met with the committee in June 2000 to discuss the need for stronger leadership on the implementation of the Act, and then in September 2000 to explore specific avenues of action. In the last fiscal year, the committee has served as a forum where senior federal officials have engaged in constructive discussion of the major issues relating to official languages. Several deputy ministers have begun a process of reflection on the status and future of official languages, 30 years after the Act became law. This process must nevertheless lead to concrete action in the near future. It is vital that horizontal coordination efforts produce significant decisions, actions and tangible change.

The committee has set four priorities for itself: health, language of work, French on the Internet and the vision of the official languages. Some progress has been made in the last fiscal year with regard to health, French on the Internet and the renewal of the government vision. There is no doubt that language of work in the public service poses the greatest challenge to the committee. This challenge is such that the Commissioner has undertaken a special study on the subject, and its preliminary findings and avenues for action will be released in the coming months.

NETWORK OF DEPARTMENTAL OFFICIAL LANGUAGES CHAMPIONS

Since 1998, a member of senior management from each federal institution has served the role of Official Languages Champion for his or her organization. Reporting directly to the deputy minister, this senior manager plays a key role by ensuring that the department fulfills its official language commitments.

A network of these managers meets annually to discuss issues relating to the implementation of the Act. At their last meeting in November 2000, they discussed the "renewed vision" of the official languages program, its strengths and weaknesses, and identified the challenges that lie ahead in the next five years.

The departmental resources allocated to official languages management have decreased significantly over the last decade. The official languages branches in several departments have been cut to a single person, whose status in the hierarchy is now much lower than in the past. Their ability to ensure the implementation of the official languages policy in their departments has been seriously compromised. The creation of the Network of Champions is therefore encouraging, assuming that the federal government does indeed give it a greater role in the development of policies and programs for federal institutions, along with the required resources to fulfill this role. Such a group of senior managers who are motivated and interested in promoting the official languages has tremendous potential that must be fully utilized.

REGIONAL COUNCILS OF SENIOR FEDERAL OFFICIALS

Each province and territory has a council of senior federal officials whose role is to foster discussion on regional and local issues. The vast majority of these federal councils have also formed official languages subcommittees, which see to the local implementation of official languages legislation. They also provide liaison with members of the minority community in their regions. In addition to local federal government representatives, these committees also include provincial and territorial

officials responsible for services to official language minorities and, often, spokespersons for the minority community. These subcommittees have now been created in all provinces except Quebec, where the federal council has yet to create one. Such a subcommittee would face considerable challenges, such as more closely examining the chronic under-representation of Anglophones in the federal administration in the province. The Quebec Federal Council, which met with the Commissioner in December 2000, has nevertheless shown leadership by launching discussions with the Clerk of the Privy Council and the Treasury Board Secretariat to find solutions that would encourage head offices in Ottawa to better respect the status of the French language in their communications with public servants.

Some activities of the federal councils merit closer attention. In British Columbia, for instance, the federal council has undertaken a pilot project in conjunction with Treasury Board and the Francophone community that would improve French-language services in federal offices designated bilingual in the province. Alberta's federal council, in conjunction with the Canada Information Office, has launched a campaign to promote federal services offered in French in the province. In Manitoba, the subcommittee on official languages has worked toward the creation of three service centres in St. Boniface, St. Pierre and Notre Dame. In Saskatchewan, the subcommittee has worked to open two single-service windows in Gravelbourg and Bellevue. In Ontario, the council has made official languages a top priority in its action plan for 2001. In the Atlantic Region, the Prince Edward Island council has held numerous information sessions and public fairs to discuss the federal commitment and to present programs of potential interest to the Francophone community.

Through the Internet, regional managers have created a network (GENet) that fosters discussion between their federal councils, the subcommittees, working groups, the secretariat and federal, provincial or territorial public servants in their regions, or anyone interested in the councils with access to the Internet. The Commissioner is delighted to note that interested parties have access to bilingual sites in Ontario, Quebec, Manitoba, Saskatchewan and New Brunswick. She recommends that the other federal councils follow suit and offer the content of their sites in both official languages as well.

LEADERSHIP IN PARLIAMENT

As an officer of Parliament, the Commissioner attaches great importance to her dealings with parliamentary committees, especially the Standing Joint Committee on Official Languages. These committees are places for reflection and accountability in our democracy that influence federal departments and agencies and public debate through their work, the witnesses they hear, and the reports they produce. To some extent, one can measure the impact of the issues taken up by the Office of the Commissioner by the interest they have generated among parliamentarians.

In June 2000, the Commissioner appeared before the Standing Senate Committee on Transport and Communications in connection with the examination of Bill C-26, an act amending other acts, notably the *Air Canada Public Participation Act*. The Commissioner is delighted that the new provisions have confirmed that Air Canada continues to be subject to the *Official Languages Act*, that it must ensure that its subsidiaries comply with their linguistic obligations as regards service to the public, and that the Federal Court is not required to rule on this matter. She will nevertheless rely on the co-operation of parliamentarians to ensure that the Act is implemented in its entirety by the corporation and its current and future subsidiaries (see chapter 4). The Commissioner also appeared before the Standing Committee on Citizenship and Immigration in March 2001 to propose amendments to Bill C-11, which would amend current immigration legislation, in order to foster a more equitable demographic contribution to official language communities through immigration.

The Standing Joint Committee on Official Languages is of particular importance as a result of section 88 of the *Official Languages Act*, which states that it is responsible for reviewing "the administration of this Act, any regulations and directives made under this Act and the reports of the Commissioner, the President of the Treasury Board and the Minister of Canadian Heritage." This committee met nine times from April 1, 2000, until the election was called in October 2000. It focused primarily on the implementation of Part VII of the Act, which pertains to the federal commitment to the development of minority official language communities. The June 2000 interim report, intended as a follow-up on the 1996 report on the same subject, summarizes the committee's consultations with federal

leaders and community leaders in the cultural, social and economic sectors. Several witnesses presented their concerns about the devolution of some federal responsibilities to the provinces and about the impact of the deficit-fighting cuts. The Commissioner hopes very much that the committee's final report on Part VII will be consistent with the last Throne Speech and will include clear directives that will make it possible to eliminate persistent ambiguities in the interpretation and application of provisions of this important part of the Act.

In the new session of Parliament, the Standing Joint Committee on Official Languages began its work in March 2001, meeting three times before March 31, 2001, the end of the period covered by this report. At the time this report was drafted, the committee was planning to study the Commissioner's Annual Report and examine issues relating to Air Canada, as well as the broadcasting of the debates of the House of Commons in both official languages. The Commissioner wishes to maintain an effective working relationship with the joint committee to ensure that permanent action is taken on the recommendations contained in her reports. To this end, the Commissioner will explore ways to increase her parliamentary liaison capacity in order to better inform and support parliamentarians and their staff in following up on her reports.

FRUITFUL CO-OPERATION BETWEEN THE GOVERNMENT AND COMMUNITIES

The National Committee for Canadian Francophonie Human Resource Development was formed in 1998 to foster closer ties between minority Francophone communities and federal organizations devoted to economic and human resources development. In our view, this committee is a very promising innovation. It represents a new model of co-operation among government and community representatives in the management of federal programs that will foster the growth and vitality of Francophone communities in Canada. This inclusive concept is not only taking root in departmental culture; it also seems to be setting an example for other institutions. The Department of Health created a similar committee in 2000, and the Department of Industry is studying the possibility of forming one to improve the management of its programs.

The Commissioner was pleased to hear of the creation of an equivalent committee in Quebec. The office of the National Human Resources Development Committee for the English Linguistic Minority opened in Montreal in the spring of 2001. This committee, which includes representatives of the province's Anglophone community, will support the development of this minority, which faces significant challenges, especially in rural areas.

The Community Development Program was created by Industry Canada in 1986 to help foster the local skills required for the economic development of the country's rural communities. The Commissioner would like federal regional development agencies to review their program in order to create a component specifically tailored to the needs of minority official language communities.

The Commissioner has also followed with great interest the progress made by the Department of Health in its work with minority official language communities to better meet their needs and in the development of specific action plans. The Consultative Committee for French-Speaking Minority Communities and the Consultative Committee for English-Speaking Minority Communities are becoming models of coordination.

Created by the Department of Health during the year 2000, the Francophone committee serves as a national platform for reflection in order to identify potential ways of improving French-language health services. The federal Minister of Health has thereby recognized the need for minority Francophone communities to receive quality health services. The committee has requested the help of the *Fédération des communautés francophones et acadienne* (FCFA) to conduct a study for the department to describe the current status of French-language services. For its part, the Consultative Committee for English-Speaking Minority Communities began its work in February 2001 and is now setting its priorities for the current year.

1.3 PROVINCIAL AND TERRITORIAL LEADERSHIP: NOTABLE INITIATIVES

Provincial and territorial authorities have not always seemed to grasp the scope of their responsibilities relating to linguistic duality since the *Canadian Charter of Rights and Freedoms* came into effect in 1982. The federal government must ensure that these authorities recognize that when they accept a financial contribution from the federal government for one of their programs, they also assume certain obligations as regards services to their official language minority. All federal-provincial and federal-territorial agreements should therefore stipulate the government's commitments in this regard, with related clauses that provide a real accountability mechanism.

Some positive initiatives in the last year should nevertheless be noted. In Prince Edward Island, for example, a *French Language Services Act* took effect in March 2000. Its provisions guarantee the right of Francophones to use French in their dealings with the Legislative Assembly, the government and provincial courts. The support provided by the government of Premier Pat Binns for the development of Francophone and Acadian communities merits special recognition.

The Commissioner also takes her hat off to the goodwill shown thus far by the government of Nunavut in its discussions with the Nunavut Francophone Association on developing a model for the delivery of services in French throughout the territory.

There are other noteworthy initiatives. In particular, the subsidy provided by the Yukon government for the construction of a Francophone centre in Whitehorse. The Northwest Territories has also invested in various community development projects. The government of British Columbia created a Francophone affairs responsibility centre, a first for the province.

In Ontario, new regulations were adopted simplifying the procedure to obtain provincial legal services in French. The Newfoundland government is making an admirable effort to offer services in both official languages. It is spending a great deal of energy on language training for its employees, especially in the health sector. The Saskatchewan government has renewed the mission of the Francophone Affairs Office by appointing a director in consultation with the community.

1.4 CONCLUSION

Linguistic duality produces real economic, cultural and social benefits for Canada. It also demands equally real attention and support, both individually and collectively. These must be encouraged by all the authorities involved. Their leadership will always play a vital role with regard to official languages. The *Official Languages Act* is the result of a strong show of leadership, and its implementation requires even greater leadership. The Commissioner is making every effort to renew her leadership by diversifying her activities and methods. The federal government has been rather lax in recent years but is now showing signs of recovery. It must strengthen its commitment if we are one day to convince all the provinces and territories to follow suit.

Following the government's statement of good intentions in the latest Throne Speech, the Commissioner now expects to see quick, concrete and energetic action. Stronger government commitment is essential to ensure the full implementation of the Act in all federal institutions and to convince all the provinces and territories to do the same. The government will need a major shift in direction to mobilize its heavy apparatus and take immediate measures to encourage the provinces to comply with their linguistic obligations when they accept a federal contribution. The whistle has sounded; now let's see when the train leaves the station!

re to
rnment is
ges. It is
ees,
renewed
ctor in

benefits
th

ith regard
rong
adership.

y
been
must
vinces

latest
e and
sure
nvince
need a
ediate



CHAPTER 2:

GOVERNMENT TRANSFORMATIONS

PROBLEM

Government transformations, especially privatization and the devolution of certain responsibilities to other levels of government, have weakened federal support for the development of minority official language communities and adversely affected the services provided to the public in both languages.

PRINCIPLE

Government transformations should always respect the public's language rights and advance the equality of English and French throughout Canada.

ACTION

The Commissioner urged the federal administration to implement a policy designed, in view of government transformations, to fully preserve language rights and foster the development of minority official language communities.

With a view to modernizing and above all streamlining public services, governments have greatly diversified the ways they manage and deliver services. Transformations such as the devolution of responsibilities (to provinces, territories, municipalities, communities and the private sector), privatization and municipal mergers have reduced both the quantity and the quality of services provided to the public in both official languages.⁶

⁶ These negative impacts are examined in detail in a 1998 study by Commissioner Victor Goldbloom entitled *Government Transformations: The Impact on Canada's Official Languages Program*.

The preservation of existing rights is fundamental to the Commissioner. When a government service, whether federal or provincial, undergoes a transformation, users must always retain their right to be served in the official language of their choice. Such transformations must of course respect existing rights and must be consistent with the government's obligation to bring both official languages closer to real equality.

As the following examples show, over the past year the Commissioner increased her efforts to fight the erosion of language rights that often results from government transformations.

2.1 DEVOLUTION OF RESPONSIBILITIES

All too often, the federal government transfers its responsibilities to other levels of government, or to the private sector, without ensuring continued respect for the language rights of the persons receiving these services.



*Regardless of the constraints,
language rights must be maintained*

TO THE PROVINCES: FEDERAL- PROVINCIAL AGREEMENTS ON LABOUR MARKET DEVELOPMENT

In 1996 and 1997, the Department of Human Resources Development reached an agreement with every province and territory, other than Ontario, to transfer the management of manpower training programs. In some cases, the terms and conditions of the transfers were outlined in the individual agreements.

In a 1997 investigation report,⁷ the Commissioner drew attention to the agreements' many shortcomings as regards language rights. He issued several recommendations to authorities at the Department of Canadian Heritage, the Department of Human Resources Development and Treasury Board to ensure respect for the public's existing rights. In April 2001, Dr. Adam informed them that she planned to conduct a follow-up on the implementation of the recommendations.

The Commissioner's findings will appear in her next Annual Report. For the time being, it should be noted that there is still no sign of a Treasury Board policy addressing the issue of devolution and transformations despite repeated calls by the Commissioner. The government must act with diligence in this matter.

TO THE TERRITORIES: DISPUTE RESOLUTION AT WHITEHORSE GENERAL HOSPITAL

Over the last few years, the Department of Health transferred the management of several programs and services to the Yukon Territorial Government. In a 1999 investigation report, the Commissioner criticized the Department of Health for failing to include a language provision in the framework agreement reached with the Yukon governing the transfer of the Whitehorse hospital. She advised the department and the territorial government to create an effective mechanism to process complaints by Francophones encountering difficulties receiving care in their language at Whitehorse General Hospital.

The Department of Health responded that such measures would serve no useful purpose since there were already mechanisms in place to deal quickly with disputes. The Commissioner disagreed and asked departmental representatives to discuss complaint resolution with all parties involved. The first meetings with representatives of the Department of Canadian Heritage, the territorial government and the *Association franco-yukonnaise* were held early in 2001. The Department of Health explained it intended to find ways to ensure that the language rights of Yukon's minority francophone

⁷ Office of the Commissioner of Official Languages, *Investigation Report on Complaints concerning the Labour Market Development Agreements (LMDAs) and the Employment Insurance Act*, July 1997.

community would be respected, and later confirmed this position with the Commissioner. We will follow developments in this matter very closely.

TO PROVINCES AND MUNICIPALITIES: THE *CONTRAVENTIONS ACT*

Parliament amended the *Contraventions Act* in 1996 to enable the Government of Canada to authorize by regulation a province, territory or municipality to initiate criminal proceedings for federal offences in accordance with the particular criminal procedure of that province or territory. Since the coming into effect of the amendments, the Department of Justice has developed a draft framework agreement with the province of Ontario, and has concluded two specific agreements with the municipalities of Mississauga and Ottawa that outline procedures for parking violations.

None of the *Contraventions Act*, its regulations, or the draft framework agreement with Ontario contain language guarantees similar to those found in Part XVII of the *Criminal Code* (addressing certain aspects of court proceedings, such as the right to a trial in one's language, the obligation of the Crown prosecutor to speak the language of the accused, and the right of the accused to be tried by a judge who understands the language of the accused, etc.) or in Part IV of the *Official Languages Act* (for out-of-court services such as information about offences, correspondence, communications with the public, etc.). The language provisions contained in the agreements with the two municipalities are inadequate. Thus, the accused is now limited to the official language rights provided by the provinces—assuming such guarantees actually exist.

These guarantees exist in Ontario, but only under certain circumstances. The guarantees contained in the *French Language Services Act* do not apply outside regions designated bilingual. The language rights set out in the *Courts of Justice Act* are not the same as those guaranteed by the *Criminal Code*. Moreover, the guarantees do not bind municipalities even though it is the Ontario municipalities that have been authorized by the provincial government to prosecute federal criminal offences.

In an investigation report issued to the parties in 1997, Commissioner Goldbloom recommended that the Department of Justice always include

language guarantees in framework agreements for the transfer of prosecutorial responsibility. When the department refused to act on this recommendation, the Commissioner, with the consent of the *Association des juristes d'expression française de l'Ontario*, commenced an action in the Federal Court. There were hearings in January and October 2000.

The Commissioner argued that the federal government had failed to honour its commitment to enhance the vitality of minority communities, established in Part VII of the *Official Languages Act*. The enactment and application of the *Contraventions Act* amendments undermined this commitment in several respects, in particular because the amendments failed to preserve language rights guaranteed by the *Criminal Code* and by Part IV of the *Official Languages Act*. Moreover, the impact on Ontario's Francophone community had not been taken into account, and there had been no prior consultation with these communities.

The Commissioner also submitted that the federal government had failed to comply with section 25 of the *Official Languages Act*. Section 25 requires the government to ensure that services provided on its behalf by third parties meet the same obligations that apply to services provided by the government. The Commissioner also argued that the government should keep watch that provinces and municipalities prosecuting federal offences comply with their linguistic obligations, both in and out of court (provided by the *Criminal Code* and Part IV of the *Official Languages Act*, respectively), and that, in failing to preserve these language rights, the federal government had violated section 16 of the Charter.

In its March 2001 decision, the Court ruled in favour of the Commissioner. The Court held that it did not have the jurisdiction to consider possible failures to meet the obligations set out in Part VII of the *Official Languages Act*, but the Court nevertheless concluded that the measures taken by the Department of Justice to implement the *Contraventions Act* did not adequately protect all the quasi-constitutional language rights provided by Part XVII of the *Criminal Code* and by Part IV of the *Official Languages Act*.

The Court found that the Ontario government and the municipal authorities act on behalf of the government of Canada in implementing the *Contraventions Act* and must therefore respect the quasi-constitutional language rights set out in the *Official Languages Act* and sections 530 and

530.1 of the *Criminal Code*. The Court also stated that, in failing to respect the language rights set out in the *Official Languages Act* and the *Criminal Code*, the Department of Justice had violated sections 16 and 20 of the Charter. The Court therefore ordered that the Department of Justice take the legislative, regulatory and other measures necessary to ensure respect for the quasi-constitutional language rights contained in sections 530 and 530.1 of the *Criminal Code* and Part IV of the *Official Languages Act*.

The Commissioner was pleased to learn that the Minister of Justice would not be appealing the decision. The Department of Justice therefore has one year from the date of the decision to comply with the Orders of the Court. The Commissioner will very closely monitor the measures taken by the department to ensure that amendments to the *Contraventions Act* and its regulations and the agreements reached with the Government of Ontario or the municipalities do in fact guarantee full implementation of the language rights provided by the *Official Languages Act* and the *Criminal Code*. As Justice Blais observed quite rightly, "accused persons are entitled to expect the same language rights guarantees as if it were the Attorney General of the Canada administering the *Contraventions Act*."

It has now been clearly established that the federal government can no longer evade its linguistic obligations by transferring or delegating its responsibilities for the delivery of services. This judgment will have major repercussions throughout Canada, because the Department of Justice will have to review all of its agreements with provincial authorities to ensure that the language rights guaranteed by the *Official Languages Act* and the *Criminal Code* are stated clearly and respected. Above all, this judgment raises the fundamental question of whether the government ought to review all the agreements entered into in the context of government transformations to ensure that the language rights of all Canadian citizens are fully respected.

TO COMMUNITIES: SERVICE DELIVERY BY THE COMMUNITIES THEMSELVES

In 1999, the Fontaine task force on government transformations recommended that the federal government establish more partnerships with community organizations, delegating the delivery of certain services in the

minority official language to these organizations.⁸ The suggestion was taken up: most existing partnerships have been maintained, and several others have since been created.

A study released by the Commissioner in June 2000⁹ lists and examines some one hundred agreements signed to date. The study notes that most transferred services are in the sectors of economic and human resources development. The partnerships are widespread in the West, and are starting to take off in Ontario, but they are still uncommon in the Atlantic region and Quebec. The Commissioner recommended that the government introduce a data collection system to allow it to track changes to agreements with a view to an overall evaluation. She also suggested that each agreement include appropriate control and evaluation mechanisms.

The partnerships should always preserve the rights and remedies provided by the Charter and the *Official Languages Act*. There must be measures guaranteeing that, in a given region, the transferred services are of the same quality as those provided in the other official language. The agreements should be funded on a multi-year basis to ensure stability. They should also make provision for the reintegration of services into federal institutions upon expiry of the agreements.

2.2 PRIVATIZATION

Like the instances of devolution of responsibilities cited in the previous section, the privatization of public corporations often takes place to the detriment of citizens' language rights. The privatization of Air Canada is the most blatant example. There have been so many complaints against the carrier since its privatization that the Commissioner decided to conduct a comprehensive review of the matter, the results of which appear in chapter 4.

⁸ Treasury Board Secretariat, *No Turning Back: Official Languages in the Face of Government Transformations*, report of the Task Force on Government Transformations and Official Languages, January 1999.

⁹ Office of the Commissioner of Official Languages, *Cooperation between the Government and the Communities: New Models for Service Delivery*, June 2000.

A PRODUCTIVE PARTNERSHIP IN LONDON, ONTARIO

One of the partnerships reviewed in the Commissioner's study is between the Department of Human Resources Development's resource centre in London and the *ACFO de London-Sarnia*. Since 1997, these two organizations have developed an effective system to direct Francophone users toward ACFO's employment resources centre. Employment counselling is offered jointly by both centres. A client services representative for the department's French-language services coordinates their work with the employment counsellor for *ACFO de London-Sarnia*.

While she acknowledged the synergy that exists between the two organizations, the Commissioner also noted there could be a more extensive collaboration. This observation seems to have been taken into account since the two parties recently set the following series of objectives for themselves to increase the number and the quality of services offered in French:

- To improve the active offer of service in French at the service counters and on the telephone.
- To provide better quality French versions of job notices and telemessages.
- To increase Francophone presence at the resource centre by hiring new Francophone or bilingual employees and by providing language training for staff members on request.
- To broaden the range of services provided to include employability and career awareness programs, literacy programs and computer training.

Even if it does not solve all the problems, the results of the agreement reached between the department and *ACFO de London-Sarnia* are significant, and the local community has voiced its satisfaction. Their partnership should be a model for all communities served by human resources centres. It could also be adapted for other departments.

PRIVATIZATION OF AIRPORTS

About ten years ago, the Department of Transport leased or sold off the majority of the country's national and regional airports. The 1992 *Airport Transfer (Miscellaneous Matters) Act* states that new directors of airports must continue to comply with certain provisions of the *Official Languages Act*.

In response to complaints received concerning the Sudbury, Windsor and Sault Ste. Marie airports, the Commissioner launched a comprehensive investigation into the linguistic consequences of the privatization of all regional airports. Her final report was released in February 2001. Investigations of individual complaints against the three Ontario airports are ongoing.

The investigation found that the federal government had not implemented the language provisions of the *Airport Transfer (Miscellaneous Matters) Act* when the airports were sold and that its failure to do so had led to the erosion of the travelling public's language rights. Services in the minority language should have been guaranteed under language provisions in the operating agreements for those airports where there is a significant demand for services in the minority language. Unfortunately, the Department of Transport did not create a mechanism to ensure that language requirements are applied. The investigation also showed that once the ten-year operating agreements expire, the airports will no longer have any obligation to provide services in the minority official language.

The Commissioner recommended that the Department of Transport develop policies to strengthen the language provisions of the operating agreements and monitor their implementation. She asked the department to ensure continuity of services to the linguistic minority after the ten years provided for in the agreements and to develop a detailed information program for the administrators of privatized airports where there is significant demand. The department stated it would do what it could to enforce the language provisions in the agreements. It noted, however, that the airports that had been sold were no longer departmental offices or facilities, so that the department would have no authority to impose linguistic requirements at the end of the ten-year operating agreements. The Commissioner takes the position that an amendment to the *Airport Transfer (Miscellaneous Matters) Act* would address this shortcoming.

The Department of Transport has not played the active supervisory role it should have by responding to the complaints brought to its attention. However, after reviewing the Commissioner's investigation report, the department has implemented a number of measures to resolve the problems identified. Its managers moved quickly to resolve the most pressing problems and are carefully examining their options to rectify more complex situations. Some of the corrective measures put in place include inspection visits of the airports in question and the addition of a glossary to the department's website to assist airport administrators in creating bilingual signage.

2.3 MUNICIPAL MERGERS

The provinces are tending more and more towards the merging of neighbouring towns and cities into larger municipalities. In Ontario and Quebec, some mergers have included municipalities until then officially, or unofficially bilingual, because of their high concentration of minority official language residents. A number of those residents are worried by the decrease in the comparative significance of their community and fear the erosion of their language rights at the municipal level.

IN ONTARIO

Tabled in the Ontario legislature in December 1999, Bill 25 provided for the creation of two amalgamated cities in Ottawa and Sudbury. Amongst other matters, the Harris government refused to include a clause declaring these municipalities officially bilingual. The new cities of Ottawa and Sudbury are 20 percent and 33 percent Francophone, respectively. The past year saw considerable public debate on the status of official languages take place at both city halls. Discussions regarding the bilingual character of the national capital were particularly heated.

In the spring of 2000, the Commissioner called on Prime Minister Jean Chrétien and Minister of Intergovernmental Affairs Stéphane Dion for their support. Both promised to intervene with the Government of Ontario and

encourage it to recognize the official status of both languages in the national capital.

The Commissioner also argued in favour of municipal bilingualism before the Ottawa and Sudbury transition committees. The Ottawa transition committee finally adopted an official language policy on May 8, 2000, essentially a renewal of the earlier policy of the former Regional Municipality of Ottawa-Carleton. The Sudbury transition committee also adopted a language policy for services to the public for the amalgamated city on March 27, 2001. Four Francophones and eight Anglophones sit on the recently elected city council.

The residents of the new city of Ottawa elected four Francophones to their new city council in November 2000. The opening ceremony for the first council meeting was held in both official languages, and the mayor announced he was in favour of a bilingual city. The Commissioner intends to step up efforts to convince political authorities of the need to give official status to English and French as the official languages of Canada's capital city.

IN QUEBEC

In December 2000, the National Assembly adopted Bill 170 (*An Act to reform the municipal territorial organization of the metropolitan regions of Montreal, Quebec and the Outaouais*). Under this act, five major municipalities in the areas of Montreal, Longueuil, Quebec City, Lévis and Hull will be created as the result of amalgamations involving some sixty towns and cities (henceforth known as "boroughs"). Bill 171 (*An Act to amend the Charter of the French language*) was adopted at the same time. It narrows the criteria for granting bilingual status to municipalities as provided by section 29.1 of the *Charter of the French Language*. In future, municipalities or boroughs applying for bilingual status must have a majority of residents who "have English as their mother tongue", rather than (as it was before) a majority of residents who "speak a language other than French".

Prior to the enactment of Bill 170, the Commissioner approached the Minister of Municipal Affairs, and the Minister's representatives, asking them to ensure that municipal residents' existing language rights would be preserved. Although Bill 170 provides that former municipalities with bilingual status will be made part of bilingual boroughs, Bill 171's amendment of section 29.1 of the *Charter of the French Language* has nonetheless reduced the right of a borough or municipality to obtain bilingual status and in turn to provide the benefits of such status to its minority Anglophone community. The Commissioner believes that such a reduction in the rights of the minority Anglophone community is inconsistent with the principle of advancement toward equality of status and use of English and French that is entrenched in section 16(3) of the *Canadian Charter of Rights and Freedoms*.

Following the enactment of Bills 170 and 171, the Commissioner continued her communications with the Minister, and also wrote to the chair of the Montreal transition committee expressing her concern about the effect this legislation would have on the minority Anglophone community. Eighteen municipalities from the Island of Montreal and the City of Ancienne-Lorette (in the Quebec City area) have commenced court proceedings in order to challenge the validity of Bill 170. Amongst these applicants, the City of Westmount has also challenged the validity of Bill 171. The Commissioner intends to monitor these matters very closely as they unfold.

2.4 CONCLUSION

The modernization and effective management of the public service are highly desirable objectives, but they must never overshadow linguistic duality or its underlying values. When changes are necessary, the federal government must do everything it can to ensure that government transformations—whether or not initiated by the government itself—do not infringe on the language rights of Canadians. The government must demonstrate increased leadership: it must take advantage of these

opportunities to strengthen our linguistic duality. Should the government fail to do so, it will leave behind a trail of missed opportunities and, even worse, the image of a government not actively supporting one of this country's most fundamental values.

This is not a new problem: attention was first drawn to it in 1998. Despite the many recommendations made to the federal government, it still has not put in place any policy to prevent the repetition of its past mistakes. It is high time for such a policy: the Federal Court has made it abundantly clear that the Constitution will not allow the federal government to evade its linguistic obligations by transferring or delegating its responsibilities. It would be a shame to have to resort again to the courts to compel compliance with this fundamental rule. Since it is far more difficult to correct a situation than to prevent its occurrence, the Commissioner urges the government to implement an accountability-based policy aimed at the full preservation of language rights and the fostering of the development of minority official language communities during government transformations.

As well, federal-provincial agreements, hundreds of which are signed every year, are an important part of government transformations. The management framework for federal-provincial agreements should be re-examined with a view to ensuring that, in future, the federal government fully carries out its responsibilities under the *Constitution Act, 1982* and the *Official Languages Act* of 1988. Accordingly, respect for existing language rights must be included in all agreements signed by the federal government.

ment
ven

3.
it still
stakes.
antly
ade its
lt

ges
the
nt of
tions.

ned

nt
d the
ge
ment.



CHAPTER 3:

COMMUNITY DEVELOPMENT

PROBLEM

Minority official language communities face numerous obstacles that limit their development and vitality.

PRINCIPLE

In order to be able to grow and reach their full potential, minority communities need greater support from government institutions that are active in areas affecting community development.

ACTION

The Commissioner continues to intervene with federal institutions so that they fulfill their obligations relating to community development and to the recognition of English and French, as set out in Part VII of the Official Languages Act. Her interventions are varied, involving elected officials, administrators, public opinion and, when necessary, the courts.

The year 1988 is a milestone in the establishment of language rights for Anglophone and Francophone minorities in Canada, as it marks the coming into force of the new *Official Languages Act*. In Part VII of the Act, the federal government makes a commitment to enhance the vitality of official language minorities, support and assist their development, and foster the recognition and use of both English and French in Canadian society.

For the communities, this commitment meant that, from that time forward, the administrators of all federal institutions were to plan their programs to ensure that action is taken to foster the communities' development and the recognition of English and French.

Twelve years later, some progress has been made by some federal departments. Much remains to be done, however, for managers to fully understand the ramifications of this commitment and incorporate it into their daily activities. Over the course of her mandate, the Commissioner expects every institution subject to the Act to institute an appropriate plan to implement the government's commitment to the minority language communities in all provinces and territories.

Admittedly, the development of minority language communities requires full access to federal programs, but it also depends on other contributing factors that are not always under direct federal authority. Education is the classic example but not the only one. The minority communities are expending increasing effort to obtain some measure of control over various activities affecting their development. Post-secondary education, early childhood services, the integration of immigrants from the same language community, health care, municipal services, economic development, and broadcasting are some other key areas.

The first chapter of this report cites some of the federal government's initiatives that reflect a strengthening of its commitment. The cases outlined in this chapter serve as reminders that this commitment must be better managed. The following sections recount the events of 2000-2001 that featured various activities conducive to community development.

3.1 THE FEDERAL GOVERNMENT'S WAVERING COMMITMENT



*Progress is not always as fast
as we would like...*

The government is often criticized for failing to initiate measures that are sufficiently concrete and decentralized to truly support the development of minority communities. If the federal government's actions are to advance the equality of English and French in Canadian society and the development of minority Anglophone and Francophone communities effectively, the government's main purpose should be, according to the Supreme Court, to foster "the preservation and development of official language communities in Canada." This is how the Court described the ultimate aim of our system of language rights as a whole in the *Beaulac*¹⁰ decision. Federal institutions,

including the Office of the Commissioner of Official Languages, must ensure accordingly that their activities contribute to this objective.

In this respect, we must bear in mind the uncontested facts that Quebec's Anglophone community is a minority in that province and Quebec's Francophone community is a minority in the country as a whole and on the continent, while the Francophone and Acadian communities in the other provinces and territories are minorities on all three counts. As regards immigration, for example (discussed below), the government must ensure all of Canada's Francophone communities can benefit equitably from the demographic contribution of immigration, taking into account the fact that this challenge is greater outside Quebec.

In her last Annual Report, the Commissioner urged the government to strongly encourage its institutions to fulfill their responsibilities under Part VII of the Act. The Commissioner repeated her appeal to the government to modify its interpretation of the scope of Part VII in order to recognize its

¹⁰ *R. v. Beaulac*, [1999] 1 S.R.C. 768.

binding nature to achieve the objective of the Act. The federal government will be unable to fully implement the commitments made in the Throne Speech without first revising its interpretation.

FÉDÉRATION FRANCO-TÉNOISE ET AL. V. HER MAJESTY ET AL.

The Francophone Association of the Northwest Territories, along with other plaintiffs, commenced an action in the Federal Court alleging that the federal and territorial governments (more specifically, the Commissioner and the Speaker of the Legislative Assembly of the Northwest Territories, and the Territories' Languages Commissioner) had violated sections 16, 18 and 20 of the Charter. They also criticized the Government of Canada for abdicating its linguistic obligations under the Charter and failing to fulfill its commitment, as contained in Part VII of the *Official Languages Act*, to enhance the vitality and development of the Francophone minority in the Northwest Territories.

To date, only a preliminary matter has been debated, namely, the jurisdiction of the Federal Court to entertain the dispute. The territorial government considers itself to be a separate and accountable level of government and, as such, not part of the (federal) "Crown," as defined in section 17 of the *Federal Court Act*. This provision grants the Federal Court jurisdiction to hear cases against the Crown. The plaintiffs asked that the case be referred to the Supreme Court of the Northwest Territories. The Federal Court Trial Division rejected the plaintiffs' argument, stating that it had jurisdiction to hear the case. This decision was appealed and the hearing set for May 2001.

The Commissioner believes that this case raises important language rights issues for the Francophone community of the Northwest Territories, and for other minority official language communities throughout the country. She therefore sought, and was granted, intervenor status in this litigation.

RESTRUCTURING THAT COULD COMPROMISE THE VITALITY AND GROWTH OF THE MINORITY COMMUNITY

In the fall of 1999, the Canadian Food Inspection Agency reorganized its New Brunswick offices. There were several objections to the transfer of four employees from the Shippagan office, located in the northeast of the province, to an office in the south. Residents claimed that this decision could adversely affect the economy of the Francophone communities in northern New Brunswick.

The investigation confirmed that the administrative reorganization did not take into account all of the agency's obligations under Part VII of the Act. The Commissioner recommended three measures to remedy the situation. Her staff initiated discussions with agency representatives to explain the scope of the agency's obligations with regard to the development and vitality of minority official language communities and to explore possible avenues for action. The situation will be re-evaluated in a few months, in consultation with the communities, to ascertain whether the steps have been satisfactorily implemented.

LANGUAGE REQUIREMENTS FOR IMMIGRATION TO CANADA: A KNOWLEDGE OF FRENCH IS NOT ENOUGH

The immigration applications of two Francophones from Morocco were rejected on the grounds that any applicant going to St. Boniface, Manitoba had to be reasonably proficient in both official languages. Arguing that her clients were treated in a discriminatory manner, the applicants' lawyer filed a complaint with the Commissioner.

The investigation found that undue importance was given to the two applicants' language knowledge (insufficient knowledge of English in this case) by assessing it against both factor 8 of the *Immigration Regulations, 1978* (Knowledge of English and French Languages) and factor 9 (Personal Suitability). Factor 9 should be used only to assess the applicant's ability to

adapting (motivation, initiative, resourcefulness and other similar qualities). The approach used by the Department of Citizenship and Immigration in their assessment unfairly penalized the applicants. Furthermore, should this be widespread practice, it could have a negative impact on the vitality of Canada's Francophone minorities and, by not encouraging Francophone applicants to settle outside Quebec, could even constitute discrimination on the basis of language. The Commissioner concluded that this approach was inconsistent with the department's obligations under section 41 of the Act, and, more generally, with the spirit of Part VII.

During the investigation, the department reversed its decision and accepted both applicants. Nevertheless, the Commissioner made several recommendations. She asked the department to review the way factor 9 is used, amend its internal *Language Assessment Guide*, ensure that language tests are objective and reliable, develop a plan to publicize the existence of Canada's Francophone minorities overseas, provide its overseas immigration officers with written information about these minorities, and make information about these minorities part of the training these officers receive. These recommendations must all be implemented during 2001.

THE DEVELOPMENT OF FRANCOPHONE ETHNOCULTURAL COMMUNITIES

In June 1999, an organization representing Ontario's Francophone ethnocultural communities contacted the Commissioner to complain about the Department of Citizenship and Immigration's lack of interest in the development of their community.

After reviewing the department's Part VII implementation plan, its policies and its various grant programs, the Commissioner pointed out that, as currently administered, the immigrant reception, settlement and adaptation programs do not meet the needs of Francophone ethnic minority communities. Generally speaking, the French-language services offered to Francophone immigrants were of inferior quality and did not adequately reach this target clientele.

The Commissioner recommended that the department review its objectives with respect to promoting the vitality of minority official language communities. She also asked the department to be more supportive of immigrants' efforts to integrate into a given minority language community. The Commissioner will conduct a follow-up in a few months.

3.2 IMMIGRATION AND THE INTEGRATION OF IMMIGRANTS

The two preceding examples illustrate how immigration and immigrant integration can serve as tools for community development if used appropriately.

These are major issues for demographic balance and the future of linguistic duality throughout the country. Immigration has accounted for approximately 50 percent of Canada's population growth over the past fifteen years. Canada's Francophone communities have not experienced the same growth. Although this has been the case throughout our country's history, it is now cause for concern in light of the recent relative drop in the birth rate of the Francophone population.

Outside Quebec, this situation has become critical because of the assimilation of minority Francophone communities. In these parts of the country, the number of English-speaking Canadians born outside Canada is five times higher than that of French-speaking Canadians. Year after year, language shift and immigration have a negative impact on Francophone communities, but a positive impact on the Anglophone majority. It is nevertheless towards this group of Francophone communities that the Canadian government has the greatest obligations.

On March 29, 2001, the Commissioner held a day of consultations on immigration that brought together representatives from the federal government and community organizations and experts interested in

immigration. The participants issued several recommendations that are currently being considered. Two general observations were made by all those present:

- Official language communities need the contribution of immigrants who speak their language to ensure population growth.
- A concerted effort by the federal government and the communities is needed to attract and integrate such immigrants into the communities.

The following paragraphs detail the Commissioner's efforts to convince the government to adopt a national immigration policy which takes fully into account Canada's linguistic duality and is more favourable to minority communities.

STUDY ON IMMIGRATION AND LINGUISTIC DUALITY IN CANADA

Despite the growing importance of immigration for population growth in Canada, decision makers have very rarely examined the impact of immigration on linguistic duality in Canada. In the summer of 2000, the Commissioner accordingly commissioned a study on the impact of immigration on the demographic vitality of official language communities in Canada.

Since Confederation, 14 million people have immigrated to Canada. They and their descendants have contributed to the economic and social development of the country and have helped define our collective identity. Since the 1970s, Quebec has succeeded in recruiting French-speaking immigrants; 310,000 settled there between 1968 and 1999.

The study's interim results show a lack of effort to bring Francophone immigrants to communities outside Quebec. Over the past fifteen years, 3 percent of all immigrants were Francophones. Most of these immigrants settled in Quebec (almost 80 percent; 16 percent in Ontario), as do most

bilingual immigrants (of which there are fewer and fewer: 11.4 percent in 1961; 8 percent in 1996). The results also suggest that minority French-language communities rarely have the resources and structures needed to meet immigrants' needs. These communities seemingly encounter difficulties integrating new Francophone arrivals and attracting them to their academic, community, social and cultural institutions.

The study noted that the total number of Anglophone immigrants to Quebec has decreased over the past few years. Approximately 20.5 percent of immigrants are unilingual Anglophones, which means that the Anglophone community is benefiting from immigration. The rate of internal migration seems to be the main demographic problem facing the Anglophone community in Quebec.

The final results of the study will be released during the coming year.

A HOLISTIC APPROACH

The Department of Citizenship and Immigration acknowledges that it has not made any direct efforts to recruit Francophone immigrants overseas.¹¹ The department is usually sympathetic to complaints from the Office of the Commissioner of Official Languages, but minority language communities' needs are such that a more comprehensive approach to immigration is required. The government must develop new departmental regulations, policies and programs that will improve the demographic contribution of immigration to minority official language communities.

In February 2001, the Commissioner wrote to Prime Minister Chrétien stating her concerns and asking him to amend Bill C-11 (*An Act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger*) to allow Canada's French-speaking

¹¹ Moreover, because of the 1978 Cullen-Couture Agreement, Quebec was able to play a major role with regard to the independent class of immigrants (those selected on the basis of economic and social factors designed to assess their ability to adapt and contribute). The Canada-Quebec Accord on immigration, which came into force in 1991, expanded the province's role, giving it the right to select all other immigrants to whom selection criteria apply now or may apply in the future.

communities to benefit equally from immigration. The Commissioner asked that the Department of Citizenship and Immigration take concrete measures with regard to the promotion, selection and integration of Francophone immigrants into minority communities. She also recommended that partnerships be set up with provincial governments or directly with those official language communities that do not have the population and resources needed to provide suitable reception services.

In March 2001, the Commissioner submitted a memorandum to the Standing Committee on Citizenship and Immigration, pertaining to Bill C-11, proposing amendments to the Bill. She recommended the addition of a new objective to the *Immigration Act*: the equitable demographic renewal of official language communities through the selection, settlement and integration of immigrants. She also suggested that a provision be added stipulating that the implementation of the *Immigration Act* should reflect and demonstrate the federal government's statutory commitment to enhance the vitality of Anglophone and Francophone minorities in Canada and support and assist their development. Finally, she proposed an amendment that would make the parliamentary committees responsible for studying regulations related to sections 1 to 32 of the *Immigration Act* before they come into effect, in consultation with minority official language communities.

3.3 EDUCATION

RECRUITMENT OF THE TARGET SCHOOL POPULATION

Ten years after the Office of the Commissioner published a seminal study on constitutional education rights, the Commissioner published a second study, conducted by Angéline Martel, professor at the *Télé-université du Québec*. Entitled *Rights, Schools and Communities in Minority Contexts: 1986-2002 - Toward the Development of French through Education, an Analysis*, the study examines the changes to French-language school populations and the challenges of attracting and recruiting the target school population and providing high-quality education.

In the early 1960s, minority language instruction at the elementary and secondary levels was recognized only in the province of Québec. Since 1982, section 23 of the *Canadian Charter of Rights and Freedoms* has guaranteed minority language education rights. When the Charter came into effect, there was not a single French-language school in five Canadian provinces. Almost twenty years later, governments have taken important steps to strengthen the French-language school system and to hand over the management of these schools to parent representatives. The minority school governance systems implemented over the past ten years have led many to believe the task is now complete.

Our research has shown that, in spite of the progress made, enrolment in French-language schools has been at a standstill for the past ten years, at just over half of the target school population. The target population is based on the three eligibility criteria contained in section 23. It includes children between six and 17 years who live outside Québec and have at least one parent whose first language is French. Moreover, the French-language school system is losing students, especially between grades 1 and 2, grades 7 and 9, and grades 10 and 12.

Nevertheless, we should not underestimate the essential role played by schools in the transmission of language and culture and in the preservation and vitality of Canada's minority official language communities. The Supreme Court of Canada also established in 1990 that section 23 is designed to redress the historically progressive erosion of official language groups across the country.

The challenge is therefore to increase the populations of these schools to strengthen the vitality of minority Francophone communities. This study suggests a ten-year plan for recovering the target school population. The Commissioner believes that, in order to reach this goal, several stakeholders must be mobilized, including political leaders, French-language school boards, leaders in the Francophone and Acadian communities, education professionals and, above all, the families, which must be made aware of the importance of passing the French language on to the next generation.

Everyone involved must work together to achieve section 23's objective without further delay. The future of the French language in Canada depends on it.

The National Children's Agenda, under which the federal government will contribute \$2.2 billion over the next five years, must certainly be a top priority in this respect. The network of French-language school boards outside Quebec is the primary avenue through which provincial and territorial governments can fulfill an important part of their responsibility under section 23 of the Charter. In many cases, the French-language school is the best community institution to house daycare centres and parent services with a view to providing equal opportunities.

LEGAL CHALLENGE OF NEW BRUNSWICK'S *EDUCATION ACT*

Many Francophone parents in New Brunswick have criticized the province's *Education Act* because it does not grant them the full control over school governance guaranteed by section 23 of the Charter. In January 2000, a number of these parents filed an application in the Court of Queen's Bench of New Brunswick calling for a declaration of the *Education Act's*

invalidity (*Jean Giroux-Gagné, Claude Nadeau, Claude Snow and les Comités de parents du Nouveau-Brunswick, et al. v. New Brunswick*). The Commissioner was granted leave to intervene in the case.

At the same time, the provincial government publicly announced it intended to amend the *Education Act* and called for public consultation. The Commissioner responded to the government's invitation, indicating the *Education Act's* deficiencies and offering several suggestions to reform the education governance framework in New Brunswick. A Select Committee on Education held public hearings on the subject, and its final report reflects the comments of numerous stakeholders, including the Commissioner. The new governance structure proposed by the report is an improvement upon the present structure, although it still contains some flaws. The Commissioner wrote to the Minister of Education outlining these flaws.

Bill 13, *An Act to amend the Education Act*, was adopted by the Legislative Assembly in December 2000. The governance structure established in this bill is based in large part on the final report of the Select Committee on Education. The key element of this Act is the District Education Council, which has decision-making authority. The new structure improves on the previous structure in that it provides for direct representation of parents and grants them greater authority over language and culture. Yet the District Education Councils still lack certain powers relating to language and culture, other powers are subject to provincial legislation and policy, and the councils must obtain prior approval from the department for many of their decisions. The amended *Education Act* also fails to state explicitly that parents must be consulted on certain important matters.

The Francophone parents do not intend to withdraw their court proceedings, and have revised their action to take the legislative changes into account. The Commissioner remains an intervenor in this case. She plans to follow the situation closely in order to evaluate the implementation of the amended *Education Act*, and to study the content of the regulations that will be drafted as well as the way the department exercises its many discretionary powers. She will take these developments into consideration in formulating her position in the coming months.

RANKING OF SCHOOLS CAUSES A STIR IN QUEBEC

On December 4, 2000, the Commissioner wrote to Quebec's Minister of Education, François Legault, advising him of the concerns raised by a number of Anglophone Quebecers following the publication of an evaluation of the province's secondary schools. The study ranked the schools according to performance and, on the whole, English-language schools placed well below French-language schools.

Several Anglophone commentators blamed their schools' poor results on many factors, including underfunding of the Anglophone sector, poor translation of instructional material from French to English, and the large number of small schools that their school boards must manage.

In March 2001, the Commissioner received clarifications concerning the education provided by Quebec's English-language schools and was assured that the Department of Education would introduce corrective measures.

3.4 HEALTH CARE SERVICES

THE DEPARTMENT OF HEALTH TO BE COMMENDED

The *Fédération des communautés francophones et acadienne* (FCFA) recently published a study,¹² funded by the Department of Health, describing the importance of providing primary care in French to Francophone communities. The Department of Health set up a national committee of government employees and Francophone representatives, and this committee held ten meetings last year. A similar committee was set up to address the challenges facing Quebec's Anglophone community. This committee met for the first time in February 2001.

¹² *Improving Access to French-Language Health Services*, a study co-ordinated by the FCFA du Canada for the Consultative Committee for French-Speaking Minority Communities, June 2001.

MONTFORT HOSPITAL

There were some important developments in the Montfort Hospital case in 2000, when the Ontario government decided to appeal the trial court decision. This followed the Ontario Superior Court decision of November 29, 1999 that ruled in favour of the Montfort Hospital on the basis of the unwritten constitutional principle of the protection of minorities. The Court of Appeal granted intervenor status to the Attorney General of Canada, the *Association canadienne-française de l'Ontario* (ACFO), the *Fédération des communautés francophones et acadienne* (FCFA) and the Commissioner of Official Languages.

This case will provide the Court of Appeal the opportunity to rule on several matters central to the advancement of the language rights of the Franco-Ontarian community and of all minority official language communities throughout the country. The Commissioner's written argument focused on the interpretation and application of section 16(3) of the Charter, which states that "nothing in this Charter limits the authority of Parliament or a legislature to advance the equality of status or use of English and French." The Commissioner argues that this principle of advancement and the unwritten constitutional principle of the protection of minorities means that the federal and provincial governments should, at the very least, not compromise or diminish the established language rights of Canada's official language communities.

The appeal hearing was scheduled to be heard in March 2001.

3.5 MUNICIPAL SERVICES

CHARLEBOIS V. THE CITY OF MONCTON AND THE ATTORNEY GENERAL OF NEW BRUNSWICK

A Moncton resident initiated a court action arguing that the City failed to comply with section 18 of the Charter because most of its bylaws were enacted only in English⁶⁹. Section 18's second paragraph provides that the laws, archives, proceedings and minutes of the New Brunswick legislature must be published in both official languages.

At trial, the judge concluded that section 18 of the Charter does not require municipalities to pass their bylaws in both official languages. The *Société des Acadiens et Acadiennes du Nouveau-Brunswick* (SAANB), the *Association des juristes d'expression française du Nouveau-Brunswick* (AJEFNB) and the Office of the Commissioner of Official Languages were granted leave to intervene in Mr. Charlebois' appeal.

For the SAANB and the AJEFNB, New Brunswick's commitment to bilingualism and biculturalism, set out in section 16(2) and section 16.1 of the Charter, affects the scope of constitutional obligations contained in section 18 of the Charter. The Commissioner agreed, arguing as well that the adoption of unilingual bylaws by the City of Moncton and the inaction of the provincial legislature showed disregard for the role accorded by the Charter to the legislature and government of New Brunswick in the preservation and promotion of the status, rights and privileges of both official language communities.

The appeal was heard in January 2001; the Court reserved its decision.

3.6 BROADCASTING SERVICES

DIGITAL DISTRIBUTION CREATES NEW OPPORTUNITIES

Can broadcasting in both official languages also contribute to the vitality of minority communities? The transition from analog to digital distribution is an ideal opportunity to extend the reception of French-language services to all parts of Canada.

Although digital distribution is the way of the future, the majority of Canadians still receive analog signals. Most small cable operators (those with fewer than 2,000 subscribers) do not have the financial resources necessary to convert to digital distribution. The federal government should provide the assistance needed so that Canadian broadcasting services will be offered in both official languages throughout the country.

FRENCH-LANGUAGE BROADCASTING SERVICES OUTSIDE QUEBEC

At the beginning of the year, the Canadian Radio-television and Telecommunications Commission (CRTC) submitted a report to the government on French-language broadcasting services outside Quebec.¹³ The report includes a recommendation to change from the current practice of identifying Canadian markets based on the number of people whose first language is French, to using the number of French speakers (people who say they understand French). In earlier CRTC consultations, the Commissioner had argued that this new criterion was a more accurate measure of the market of potential consumers of French-language broadcasting products.

¹³ Canadian Radio-television and Telecommunications Commission, *Achieving a Better Balance: Report on French-language broadcasting services in a minority environment*, February 2001.

The CRTC report also recommended that the government require cable operators to broadcast the CBC's English and French network programming. The major cable operators (those with more than 2,000 subscribers) using low-capacity digital technology should also be required to offer at least one Canadian specialty channel in the minority official language for every ten channels (Canadian or non-Canadian) offered in the majority language. The CRTC's position is that high-capacity cable operators should be required to provide all English- and French-language Canadian specialty channels and at least one pay television service in the minority official language.

THE CRTC'S COMMITMENT TO ENHANCE THE VITALITY OF MINORITY COMMUNITIES

In 2000-2001 the CRTC handed down certain decisions that were inconsistent with the government's commitment to enhance the vitality of official language minorities and advance the equality of English and French in Canadian society.

In particular, the CRTC did not grant TVOntario's request that the distribution of TVO's French-language channel (TFO) be guaranteed in Quebec. The Commissioner is also extremely displeased with TVOntario's decision to terminate its weekly TFO broadcast on its main channel, which greatly reduced access.

The CRTC also refused to grant a broadcast licence to a French-language community radio project in Toronto, despite the fact that community radio allows minority communities to be informed and communicate in their language, and is an excellent way to counteract the isolation of communities. The CRTC should take these factors into account and promote the creation of a full community radio network throughout the country.

THE RIGHT TO FOLLOW THE DEBATES OF THE HOUSE OF COMMONS IN THE OFFICIAL LANGUAGE OF CHOICE

The Cable Public Affairs Channel (CPAC) broadcasts the proceedings of the House of Commons to all cable subscribers. CPAC broadcasts its programs with three audio feeds: one in French, one in English, and one “live,” that is, in the language actually spoken. The feeds are selected by local cable operators based on the linguistic practices of their subscribers. Most cable operators choose two feeds, but some distributors choose only one. Therefore members of a minority official language community cannot usually hear the entire broadcast in their language.

In 1998, members of both official language communities complained about this situation to the Commissioner. Her final investigation report, sent to the parties involved in October 2000, concluded that the *Official Languages Act* required that the House of Commons ensure that Canadians have equal access to the debates of the House in both official languages, regardless of the broadcasting method used. The House is required, therefore, to ensure that the broadcasting services it offers the Canadian public through a third party—in this case CPAC—comply with the linguistic obligations set out in the Act. While the advent of more advanced technologies, like digital distribution, might provide the public full access to televised debates in the official language of their choice, the Commissioner nevertheless recommended that the House take all the measures and steps required to implement the right of members of the public to access televised debates. She indicated that it is the responsibility of the House to bring this matter to the attention of the CRTC and, with all the parties involved, including the Canadian Cable Television Association, to study any short-term solutions that would allow all members of the Canadian public to view televised parliamentary debates in their preferred official language.

One of the complainants began legal proceedings in the Federal Court, seeking a remedy under Part X of the Act. He says that he only had access to the “live” feed of the proceedings of the House of Commons. He is asking the Court to order that the House of Commons ensure its proceedings are broadcast in both official languages.

The Commissioner appeared before the Standing Joint Committee on Official Languages in March 2001 to discuss her investigation report. The Commissioner presented the findings of her report and stated her intention to conduct a follow-up. The House of Commons later informed her that it would not take part in this follow-up before the Federal Court matter was resolved. Accordingly, the Commissioner indicated that she would seek leave to intervene in the case before the Federal Court.

3.7 CONCLUSION

This chapter demonstrates that administrative decisions, as well as court decisions, may either foster or adversely affect the equality of official language communities within Canadian society. Therefore, it is important for the various institutions to co-operate and work together to solidify their commitment to minority communities. The communities' development and vitality depend on too many factors—education, immigration, municipal services, health services, broadcasting, etc.—for the leadership of a few institutions to be able to provide the needed support. The scope of the federal government's commitment to minority official language communities must therefore be clearly outlined so that all institutions subject to the *Official Languages Act* can institute an appropriate implementation plan. There can be no ambiguity as to the legal force of this commitment.



CHAPTER 4:

SPECIAL STUDIES AND INVESTIGATIONS

PROBLEM

The complaints that the Commissioner receives are often repetitive. The recommendations made following a specific complaint rarely succeed in solving problems that are systemic in nature.

PRINCIPLE

To solve a systemic problem once and for all, you have to locate its source and attack it at its root.

ACTION

The Commissioner intends to carry out more special studies and investigations. Such studies are generally undertaken in response to specific complaints, but extend beyond this framework to encompass all aspects of the problem, to dissect its often multiple origins, and to recommend more comprehensive measures to provide a permanent solution.

Since the recommendations made following an investigation do not always result in permanent change, the Commissioner wants her activities to extend beyond simply dealing with complaints from citizens. This is a central aspect of her mandate, to be sure, but it must be accompanied by more proactive measures to find permanent solutions to systemic problems. With this in mind, she asks her staff to conduct special studies and investigations.

Although the Commissioner is not empowered to impose sanctions, her powers of persuasion should not be overlooked. When an investigation confirms that the language rights of the public are not being fully respected, everything must be done to induce the institutions at fault to take permanent corrective action. Depending on the

circumstances, this could include acting as a facilitator, appeals to public opinion, court remedy applications, and special investigations or studies on issues of particular interest.

The first part of this chapter (*Studies and investigations*) reviews the main studies and investigations published this year and describes the reception they received. The next part (*Follow-ups*) describes the most recent developments with regard to the studies and investigations completed in previous fiscal years.

4.1 STUDIES AND INVESTIGATIONS

NATIONAL REPORT ON SERVICE TO THE PUBLIC IN ENGLISH AND FRENCH

In 1994, the Office of the Commissioner of Official Languages published the results of an exhaustive study of the quality and quantity of federal services offered to the public in both official languages. This year, the Commissioner reports on the follow-up studies conducted in every region of the country between 1996 and 2000. The report describes the favourable conditions that must be present for designated bilingual offices to consistently succeed in providing the services the public is entitled to expect.

The report reveals some stagnation in the provision of bilingual services. First, government transformations have resulted in the closing of nearly 25 percent of the bilingual offices and service points since the initial study. As in 1994, the investigators were greeted in both official languages in only about 60 percent of their telephone calls and in less than 20 percent

of their on-site visits. On the other hand, the signage announcing bilingual service seems to have improved everywhere in the country. In Quebec, the investigators received service in English 96 percent of the time over the telephone and 100 percent of the time when they visited the offices, about the same rates as in 1994. The percentages have hardly changed in the rest of Canada either: investigators obtained service in French in 70 percent of their telephone calls and 76 percent of their visits.

On the other hand, the overall ability of designated bilingual offices to provide service in English and French has declined by 10 percent since the initial study, falling from 76 to 66 percent. This decline is unacceptable. The Commissioner recommended to Treasury Board that it review its language identification procedures and its policy on the methods of staffing bilingual positions to ensure that all designated offices have enough bilingual staff to meet their obligations in all service sectors. The Commissioner also recommended to Treasury Board and the Public Service Commission that the periodic evaluation of the language skills of incumbents in bilingual positions be reinstated. Ending this practice resulted in a decline in the quality of the federal services provided in both official languages. Both Treasury Board and the Public Service Commission agreed on the importance of this measure for maintaining employees' language skills and expect to implement it over the next few months.

TIME FOR A CHANGE IN CULTURE

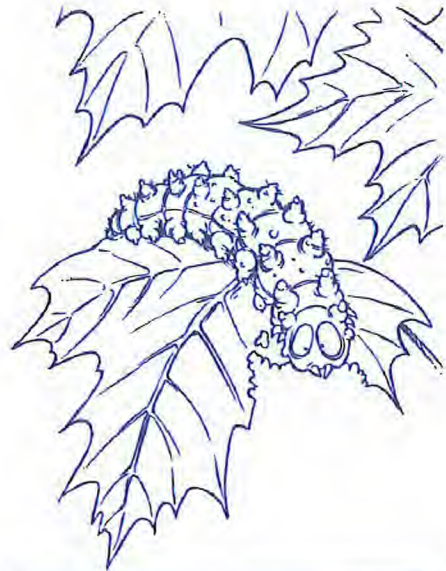
For linguistic duality to finally assume the place it deserves in the government and in its institutions, a far-reaching change in culture is needed. All institutions must make linguistic duality part of their organizational culture. The duty to provide service of equivalent quality in both official languages must be at the heart of the federal public service ethic. Apart from the statutory rules requiring it, this duty is rooted in respect for the distinctiveness and language and culture of every member of the two official language communities in the country.

For real progress to be made, Canada's official language policy must be emphasized at every level of the administrative apparatus. Political and administrative leaders can greatly influence the culture of the organizations

they head. It is incumbent upon them to take concrete action to promote the official languages policy. Their real values will be seen much more in their actions than in their words. To achieve a coherent, consistent approach, they will have to establish clear and equitable implementation and accountability programs.

To improve the services they provide to the public, institutions will have to give training a central place in their operations. The Canadian Centre for Management Development is the ideal agency to ensure that managers at all levels develop attitudes conducive to sharing common values and a knowledge of the social, economic, political and cultural aspirations and realities of the two linguistic groups.

In a report published in February 2001,¹⁴ the Auditor General noted that Treasury Board should more actively monitor the general management of the federal public service. This comment is equally valid with regard to monitoring the implementation of the official languages program by federal institutions. There are major problems in the current accountability systems. The Commissioner recommended that Treasury Board adopt performance indicators for the use that institutions make of English and French in their contacts with the public, develop adequate tools for measuring client satisfaction and do more follow-ups. Treasury Board responded very favourably to the recommendations and stated that it intends to act on them in the coming year.



Time for a metamorphosis

¹⁴ Office of the Auditor General of Canada, *Reflections on a Decade of Serving Parliament*, February 2001.

GUIDING PRINCIPLES THAT INSTITUTIONS SHOULD ADOPT

In a report published in 2000 on the renewal of the management framework of the federal government,¹⁵ the President of Treasury Board stated that managers should have a “clear set of values” and should “manage for results.” The government’s new vision of the official languages should also be structured around these two key elements: values and results.

To achieve this, the Commissioner asks institutions that focus on providing quality service in both official languages to adhere to the following eight guiding principles:

1. Include linguistic duality at the heart of their priorities and their organizational culture while respecting the language of members of the public.
2. Adopt a vision and clear objectives that they share with all the members of their organization and that form the basis of their strategic plan.
3. Provide visible and consistent leadership for employees.
4. Create a culture that encourages initiative and excellent service and recognizes the ongoing efforts made by everyone to improve service.
5. Establish contacts with minority official language communities to determine their need for the services offered.
6. Measure client satisfaction.
7. Establish performance indicators to periodically assess how well they have achieved the objectives set.
8. Provide their employees with the necessary training, promote continuous learning, and reinforce what was learned in the past.

¹⁵ Treasury Board Secretariat, *Results for Canadians: A management framework for the Government of Canada*, March 2000.

THE NEXT CHALLENGE FOR AIR CANADA: LINGUISTIC MERGERS

Air Canada was privatized in 1988. Previously, it was a Crown corporation subject to the linguistic obligations of the *Official Languages Act* of 1969 and then the *Official Languages Act* of 1988. Despite the privatization of Air Canada, section 10 of the *Air Canada Public Participation Act* states that it remains subject to the *Official Languages Act*. This section was amended in July 2000 to confirm Air Canada's linguistic obligations with regard to its own activities and to specify its obligations with regard to the activities of its subsidiaries.

Air Canada has often earned the dubious distinction of having the greatest number of complaints against an institution for violations of the *Official Languages Act*. Having been the subject of more than one thousand complaints between 1994 and 2000, Air Canada appears to have significant systemic problems. Since it was privatized, the language rights of Canadians have been eroded in all areas for which Air Canada and its regional carriers are responsible: in-flight services, ground services, advertising in the media, language of work, and the equitable participation of employees from both official language groups.

The Office of the Commissioner has taken various steps attempting to deal with all the reported incidents. Recommendations have been made, but the carrier has failed to act on them.

Commissioner Goldbloom applied for court remedies in regard to Air Canada's deficiencies in ground services, Air Ontario's linguistic obligations for in-flight services, and the general linguistic obligations of Air Canada subsidiaries. Commissioner Adam pursued these court remedy applications and is now taking steps to encourage Air Canada to adopt a rigorous strategy to implement the Act.

THE SAGA OF THE SUBSIDIARIES

Since it was privatized, Air Canada has acquired several regional carriers. These have been the subject of many complaints because the subsidiaries have provided unequal services in French. The differences between the Office of the Commissioner and Air Canada have posed an obstacle to investigations. Air Canada considered its subsidiaries to be independent entities, while the Commissioner considered them to be subject to the same linguistic obligations as their owner.

In 1997, Commissioner Goldbloom accordingly filed a reference application in the Federal Court seeking clarification of the obligations of Air Canada's subsidiaries under the *Official Languages Act*. The Commissioner argued that the subsidiaries should at least have to comply with the provisions of the Act pertaining to services to the public (Part IV of the Act) because they operate on Air Canada's behalf. To preserve the rights of a complainant, another court application had been filed about an Air Ontario flight on which services were not provided in French. This action was stayed pending the Court's decision on the reference application.

Section 10 of the *Air Canada Public Participation Act* was amended before a decision was handed down. The new provision requires Air Canada to ensure that all its subsidiaries (in which it owns more than 50 percent of the shares) comply with Part IV of the Act with regard to air services, including *incidental services*. These include, in particular, in-flight services on aircraft, ground services in airports, and the publication in the print media of advertisements concerning routes or rates. The amendment took effect in July 2000 and resulted in the withdrawal of the reference application and the application regarding Air Ontario because the complaints on which these initiatives were based pertained specifically to the language of services.

IN-FLIGHT SERVICES

The *Official Languages (Communications with and Services to the Public) Regulations* present a vast array of situations in which the demand is considered significant and in-flight services must therefore be provided in

both official languages. In measuring demand, Treasury Board directives must be followed.

Pursuant to the amendment to section 10 of the *Air Canada Public Participation Act*, the corporation decided to conduct a survey of its clientele to measure the demand for services in French on the routes flown by its regional carriers, Canadian Airlines, and its subsidiaries. The Commissioner wonders how appropriate this survey was, since the travellers were unaware of their rights at the time of the survey and had not had an opportunity to exercise them. Air Canada should have waited until the travellers were well informed about their new rights before doing the survey.

THE CASE OF AIR ONTARIO

A recent investigation into the lack of bilingual services on an Air Ontario flight between Montreal and Ottawa revealed many shortcomings in the services provided in French by Air Canada and Air Ontario on routes where there is significant demand for bilingual services. In September 2000, only 5 percent of the flight attendants employed by Air Ontario could speak French. The Commissioner recommended to Air Canada Regional Inc. (which since January 1, 2001, includes the regional carriers such as Air Ontario, Air Nova, Air BC and Canadian Regional) that it should ensure, as of May 18, 2001, that all flight attendants on flights between points with significant demand are able to provide basic services in French to passengers who request them. She asked the carriers to take these obligations into account when negotiating the next collective agreement with their flight attendants. By that time, a memorandum of agreement should have been negotiated with the union to allow the employer to assign bilingual flight attendants to flights where there is significant demand.

UNION ISSUES VERSUS GROUND SERVICES AT AIRPORTS

In 1996, two court remedy applications were made to force Air Canada to provide bilingual services at the Toronto (Pearson) and Halifax airports. In particular, Commissioner Goldbloom asked the carrier to provide services in both official languages at all times at all ground service points (check-in counters, ticket counters, waiting rooms, departure gates, announcements, etc.).

In addition to the main issue of Air Canada's service to the public in airports, this case also raised the question of whether the provisions of a collective agreement can take precedence over the *Official Languages Act*. The collective agreement between Air Canada and its employees contains seniority rules governing the choice of positions. In response to the notices of intent to investigate sent by the Office of the Commissioner concerning all the numerous complaints that were lodged, and before the pleadings were filed, Air Canada replied that seniority rules prevented it from assigning bilingual employees to the bilingual service points. For her part, the Commissioner maintains that the corporation cannot invoke collective agreements to evade its linguistic obligations. The Air Canada employees' union intervened in both cases.

The parties have engaged in discussions over the last year to attempt to reach an amicable settlement. The Court ordered that mediation sessions be held in May and August 2001. It will determine whether a settlement can be negotiated or the legal proceedings should continue.

COMMUNICATIONS IN THE PRINT MEDIA

When institutions communicate with the public in both official languages, section 30 of the Act requires them to use "such media of communication as will reach members of the public in the official language of their choice in an effective and efficient manner." In 1991, the Commissioner and Air Canada signed a memorandum of understanding in which the corporation agreed to use the newspapers of both official language groups as much as possible to reach its clients. In the ensuing years, Air Canada decentralized the management of most of its print media advertising campaigns to its regional carriers, which have often confined

their advertising to the majority-language media in their regions, without an equivalent in the minority-language media. Air Canada was alerted to this fact, but always replied that these complaints pertained to publications by its regional carriers, which in its view were not subject to the Act.

Since July 2000, section 10 of the *Air Canada Public Participation Act* has stated expressly that Air Canada must ensure that its subsidiaries publish their advertisements in minority official language newspapers when they contain information about routes and rates. It is still too soon to make any definitive judgment, but the number of complaints about the print media has declined over the last few months. There were 95 complaints in 1998, 61 in 1999, and 27 in 2000. A comparative study over a longer period will make it possible to determine whether Air Canada has succeeded in making tangible progress in this regard.

LANGUAGE OF WORK AND EQUITABLE PARTICIPATION

Whether rightly or wrongly, many federal employees are reluctant to complain about their inability to exercise their language rights on the job. Isolated complaints are sometimes just the tip of the iceberg. Everything suggests that serious internal problems underlie the approximately 200 complaints filed by Air Canada employees since 1986.

The vast majority of these complaints come from Francophones working in Quebec. The most frequent complaints concern unilingual training and development courses for pilots, flight attendants and mechanics, as well as the lack of information in French on the collective agreements. The many recommendations reiterated by the commissioners over the years have generally been ignored, and the problems persist.

The same is true of the recommendations on increasing the number of Francophones who work for Air Canada. In 1986, for example, internal figures showed that 14 percent of Air Canada pilots were Francophones. However, senior corporate officials then informed a parliamentary committee that about 12.5 percent of Air Canada's pilots were Francophones. It was impossible to clarify this matter because the corporation did not provide all

the required data. Two investigations launched recently will examine these issues in greater detail. The first stems from two separate complaints from members of the *Association des gens de l'air du Québec* about the relatively low number of Francophones among Air Canada pilots and in its general workforce. The other investigation pertains to an internal flight attendant recruitment policy. The policy is accused of favouring Anglophone candidates who speak a second language other than French. These investigations should be completed in the coming months.

THE NEED TO IMPLEMENT AN APPROPRIATE STRATEGY TO ENSURE THAT AIR CANADA COMPLIES WITH ITS OBLIGATIONS

Canada's official languages policy is evidently not one of the priorities of senior Air Canada executives.

The corporation's official languages program needs to be strengthened and better managed. The Commissioner has drafted new guidelines for Air Canada to follow. They can be found in a document entitled *Instituting a System at Air Canada to Effectively Implement the Official Languages Act*. This document was submitted to the members of the Senate Committee on Transport and to the Minister of Transport, who forwarded it to the president of Air Canada in connection with the legislative process surrounding the amendments to section 10 of the *Air Canada Public Participation Act*.

The Commissioner's plan is intended to prompt Air Canada to implement the *Official Languages Act* at all levels of the company and in all its current operations. Bilingual services of equal quality should be provided on all flights where there is significant demand, at all service points and at all times in airports with significant demand, and in the company's communications. Employees in designated regions should have a workplace that is conducive to the use of both official languages. Air Canada should encourage the equitable participation of Anglophones and Francophones. Two measures should be given priority in this regard: the establishment of a method for recording the first official language of all its employees, and the identification of job areas where the two language groups are not equitably represented.

The Commissioner suggested that Air Canada prepare an annual report on the measures taken to meet its linguistic responsibilities and on the results achieved. She also suggested that the independent observer appointed by the Minister oversee the implementation of the new plan for implementing the Act.

In the event that Air Canada fails to meet its obligations, the impasse could be overcome only through legislative or regulatory means. The Commissioner hopes, however, that the Minister of Transport will not be obliged to take this route and that Air Canada will change its attitude quickly and permanently, in view of the current integration of staff from Canadian Airlines International Ltd.

FRENCH IN HIGH PERFORMANCE SPORT

In June 2000, the Commissioner completed a major study on the use of English and French in high performance sport in Canada.¹⁶ In addition to conducting a survey of the athletes who received federal financial assistance, the investigators met about 100 people who work in sports and related fields, such as in the training of coaches and public funding programs. Pursuant to the study, the federal government launched several promising initiatives to improve the status of French in high performance sport. As well, the Government of Quebec formed a commission to examine the position of Francophone athletes in Canada's sports system.

The study determined that French still has a long way to go to achieve equal status with English on the Canadian sports scene. Francophone athletes are under-represented, since only 18 percent of high performance athletes are Francophones, even though Francophones make up a quarter of the Canadian population. They are also not evenly distributed and tend to be concentrated in a handful of sports whose national associations are often models of bilingualism, such as Speed Skating Canada and the Canadian Figure Skating Association.

¹⁶ Office of the Commissioner of Official Languages, *Official Languages in the Canadian Sports System*, June 2000.

The services examined in this study are generally provided by national non-profit associations. Their linguistic obligations stem primarily from their financial agreements with Sport Canada. Most sports associations do not have a clear official languages policy or the administrative structures needed to manage programs in both official languages. An infortunate pattern seems solidly entrenched in a number of these associations: poor services in French mean that only a few Francophones are attracted to them, and then the small number of Francophones justifies the scant resources invested in bilingual services. The best way to break out of this pattern is to increase the quality and quantity of services in French.

Past studies and reports suggested that Francophone athletes were at a disadvantage in the process for selecting national teams. The Commissioner noted that most processes are now more transparent and have dispute resolution procedures. As a general rule, the selection criteria are determined in advance, are public, and are largely based on performance.

Francophones must overcome a number of obstacles before even becoming eligible for the final selection of national teams. First, the transition of athletes from the provincial to the national level is complicated by frequent conflicts between the provincial associations and the national teams. When Francophone athletes succeed in making the transition, they generally cannot get the full range of services provided by their new team (training and development programs, physiological programs, psychotherapy, etc.) in French. Most coaches do not speak French, and those who do have rarely taken training programs in French.

The Commissioner recommended to Sport Canada that it co-operate with the national associations and the Coaching Association of Canada to ensure that coaching positions are equally accessible to Anglophones and Francophones, and that language training is offered to everybody who works with teams whose members come both official language communities. This co-operation should also aim at improving the language skills of the coaches of all national teams.

Sports associations have not had an easy time over the last ten years: the federal government largely withdrew from providing funding and from

their day-to-day administration while at the same time requiring them to comply with stricter official languages standards. Fortunately, this situation seems to be changing. The financial assistance that sports associations receive from the federal government was increased recently, and several initiatives are about to be launched to develop training services for national teams. In addition, an agreement was signed with the Canadian Olympic Association to improve its services in French and to ensure that the status of the official languages is promoted throughout high performance sport in Canada.

Sport Canada appointed an official languages coordinator who will work with the key actors to ensure that the Commissioner's recommendations are implemented. It has already begun a broad consultation process with sports associations and other levels of government in order to renew sports policy in Canada. The Commissioner will monitor these activities closely to ensure that the official languages are suitably included in the policy to be developed.

The trend in the world of high performance sport is to be *athlete centred*. This objective is even enshrined in Sport Canada's funding framework. An athlete-centred system should be able, first and foremost, to communicate with athletes in their preferred official language.

THE LINGUISTIC OBLIGATIONS OF CROWN AGENTS

Across the country, the Department of Justice frequently calls upon lawyers in private practice to act as federal Crown agents in civil and criminal cases. Problems arise when these agents do not speak the official language of the minority.

Over the years, the Office of the Commissioner of Official Languages has received many complaints from Francophone lawyers and citizens, especially in New Brunswick, who had difficulty exercising their language rights before the courts of the province.

In December 2000, the Commissioner released her *Study of the Official Language Obligations of Federal Crown Agents in the Province of New Brunswick*. As the title indicates, this study focuses on the situation in New Brunswick. Its recommendations, however, are of national relevance as they are based on an examination of the entire administrative procedure that the Department of Justice uses to select its agents.

The Commissioner concluded that several changes should be made to the department's *Conditions of Appointment of Crown Agents* and *Instructions* to ensure that Crown agents meet the applicable linguistic obligations in the administration of justice. She recommended, among other things, that:

- the preferred language of the accused or the parties to a civil case be determined from the beginning of the legal process so that language needs can be adequately evaluated when Crown agents are being selected;
- Crown agents be fully informed of the Crown's rights and obligations regarding the use of the official languages in legal proceedings, communications with the public, and the delivery of services;
- clear directives be provided on the transfer of cases when Crown agents are unable to meet the applicable linguistic obligations;
- efforts be made to ensure that communications between the Department of Justice and Crown agents comply with federal linguistic obligations regarding communications with the public and the delivery of services.

The Department of Justice has begun to revise its *Conditions of Appointment of Crown Agents* and *Instructions* in light of the Commissioner's recommendations. Her team will follow up on this study in the coming fiscal year.

Such a follow-up is necessary because this is the third study in five years that the Office of the Commissioner has done on the place of the official languages in the administration of justice. The first, conducted in

1995, concentrated on the implementation of language rights in criminal matters by the provincial courts (section 530 ff. of the *Criminal Code*).¹⁷ It also dealt briefly with the implementation of language rights in civil matters before provincial courts (as provided in constitutional provisions or provincial legislation) and before federal courts (Part III of the *Official Languages Act*). The second study, dating from 1999, looked at the implementation of language rights in civil matters before federal courts (Part III of the *Official Languages Act*).¹⁸ Unfortunately, we are still awaiting the complete implementation of the recommendations in these studies. It is nevertheless essential that clear administrative and legislative measures be developed to enable the Canadian public to use their official language of choice at all stages of the legal process.

At a meeting held in September 2000, the regional assembly of the Americas of the *Assemblée parlementaire de la Francophonie* studied the accessibility of justice for Francophones in North America. The assembly passed a unanimous resolution asking the Standing Joint Committee on Official Languages to hold working meetings on the 1995 and 1999 studies by the Office of the Commissioner. At the end of the last fiscal year, representatives of the Department of Justice developed an action plan to identify concrete ways of implementing the recommendations of the 1995 study.

The Commissioner is satisfied with the special attention that the Department of Justice seems to be paying to the 1995 study and expects that this will now result in the quick, effective and concrete implementation of all the study's recommendations. She also expects the department to act with regard to her other studies and recommendations concerning the administration of justice.

¹⁷ Office of the Commissioner of Official Languages, *The Equitable Use of English and French Before the Courts in Canada*, November 1995.

¹⁸ Office of the Commissioner of Official Languages, *The Equitable Use of English and French Before Federal Courts and Administrative Tribunals Exercising Quasi-Judicial Powers*, May 1999.

CUSTOMS SERVICES IN FRENCH AT ONTARIO BORDER CROSSINGS

The shortage of customs services in French at border crossings in southern Ontario is nothing new. In the late 1980s, the Department of National Revenue agreed to set up bilingual booths, but they were not very successful due to many operational problems: reluctant customs officers, difficulty in ensuring a continuous presence of bilingual staff, confusion created at times of high volume by travellers trying to access the only bilingual booth out of several, etc.

Although the number of bilingual customs officers has increased substantially over the last decade (20 percent of staff are now bilingual), the Commissioner still receives many complaints every year. A working group was therefore set up to plan improvements to services in French at border crossings in Ontario.

Representatives of the Office of the Commissioner of Official Languages and the Canada Customs and Revenue Agency (CCRA) studied the matter and came up with several concrete proposals. One suggestion was to consult the local Francophone community and set up a pilot project that would extend the provision of services in French to all booths by means of telephone or radio. The working group also recommended that CCRA hire more bilingual customs officers and increase the resources spent on maintaining their language skills. The group submitted a business case analysis to CCRA so that the funds needed to implement its main recommendations could be obtained.

The openness, co-operation and pragmatism shown by the CCRA managers encourages the Commissioner to repeat this kind of exercise with other institutions. She will pay close attention to what is done with the working group's recommendations to see whether the proposals are translated into concrete initiatives in the near future.

4.2 FOLLOW-UPS

STUDY ON THE GOVERNMENT OF CANADA AND FRENCH ON THE INTERNET

The Commissioner believes that increasing the amount of French on the Internet is a key challenge because the Internet provides a tremendous opportunity to promote the official languages and linguistic duality in Canada. It could also be a valuable tool in supporting the development of official language communities. Together with her team, the Commissioner intends to continue to defend and encourage the use of French on the Internet in her dealings with the various national and international organizations interested in this issue.

In 1999, the Commissioner published a special study in which she urged the federal government to make a greater contribution to French-language content on the Internet.¹⁹ Since then, the government has taken a number of initiatives in this direction. The most important, called *Government On-Line*, aims to offer all federal government services on the Internet in both official languages. The task of making these services bilingual and digitizing the mass of documentation involved should be completed by 2004. This will be a great step forward, because federal services will be available everywhere in Canada in both official languages, regardless of how significant the demand may be.

The numerous digital conversion projects sponsored by the federal government are making good progress, on the whole. Such efforts are nevertheless insufficient. It is essential that more powerful language search tools and automated language processing systems be developed. As long as they do not exist, the official languages will never be on an equal footing in the virtual marketplace of the Internet. The federal government should do more to support research and development in this high-tech field. An interdepartmental committee on French on the Internet and a committee on

¹⁹ Office of the Commissioner of Official Languages, *The Government of Canada and French on the Internet*, August 1999.

the sharing of language technology expertise have been created to advise the government on these matters. They should have permanent offices in order to be in a position to fulfill their mandates and assess the impact of the Internet on the implementation of the *Official Languages Act*.

SPECIAL STUDY ON THE SERVICES OFFERED IN FRENCH BY THE RCMP IN MANITOBA

In her last Annual Report, the Commissioner provided the results of a special study on the services offered in French by the RCMP in Manitoba. It noted that the organizational restructuring of the police force had resulted in a reduction in services in French in the Red River corridor. The RCMP agreed to comply with the Commissioner's recommendations and suspended the changes that were underway.

A working group consisting of federal, provincial and community representatives was created to study the needs of Francophones. After a difficult start, the working group's consultations resulted in some concrete solutions. One year after the group was created, the parties agreed on the following four points:

- The current territory of the St. Pierre-Jolys detachment will remain intact, and all RCMP staff will be bilingual.
- The RCMP will open community offices in towns with large Francophone populations, and all staff will be bilingual.
- Measures will be taken to enhance the bilingual skills of employees in the RCMP communications centre.
- A senior RCMP manager will be responsible for administering the official languages program in the province of Manitoba.

This new direction for the RCMP in Manitoba seems to indicate a desire to comply with the requirements of the Act, thanks to the determination of the community. The Commissioner will do a follow-up in the coming months to evaluate the implementation of these commitments.

INVESTIGATION OF THE LANGUAGE PROFILE OF CONSTABLE POSITIONS IN NEW BRUNSWICK

The Commissioner must continue to strongly defend her position to ensure that the delivery of services in French to the Acadian community is not compromised. In 1997, the Royal Canadian Mounted Police began restructuring its personnel in the Atlantic region and asked a consultant to evaluate the language requirements of positions under the new structure. The consultant recommended lowering the requirement for oral interaction for a number of constable positions from level C to level B. The consultant felt that an intermediate knowledge of the second official language was sufficient to enable constables to perform many of their daily duties. He added that, in urban areas, constables who were having difficulty communicating with a Francophone could always call on a colleague with a better knowledge of French.

This recommendation led to a number of complaints to the Commissioner by citizens and organizations representing the community. In the investigation report that she sent to the parties in May 2000, the Commissioner concluded that the consultant had failed to take into account the letter and spirit of section 91 of the *Official Languages Act* when recommending that the language requirements be reduced. The Commissioner therefore made five recommendations to the RCMP, three of which pertained to the policies it had adopted for the Atlantic region pursuant to the recommendations in the consultant's report. In another recommendation, the Commissioner asked the RCMP to set up a formal and permanent consultation process with the minority official language communities it serves in the Atlantic region.

To evaluate the extent to which the RCMP had implemented her recommendations, the Commissioner conducted a follow-up in November 2000. Her investigators interviewed a number of employees at different levels in the RCMP in the National Capital Region, in Newfoundland, and in various locations in New Brunswick and also met representatives of the New Brunswick Francophone communities in late November 2000.

For its part, the *Société des Acadiens et Acadiennes du Nouveau-Brunswick* filed a motion before the New Brunswick Court of Queen's Bench in early March 2001, asking it to declare the consultant's report invalid and contrary to sections 16, 16.1 and 20 of the *Canadian Charter of Rights and Freedoms* and to order the RCMP to cancel any actions taken as a result of the report, including the measures to reduce the language requirements for constable positions.

STUDY ON PRE-BOARDING SECURITY SCREENINGS AND SAFETY BRIEFINGS ABOARD AIRCRAFTS

The *Aeronautics Act* and its regulations guarantee all travellers the right to undergo pre-boarding security screenings in the official language of their choice at airports required to provide services in both languages. Provisions also stipulate that safety briefings aboard aircraft must be given in both English and French. In June 2000, the Department of Transport changed the *Canadian Aviation Security Regulations* so that financial penalties can be imposed on carriers that contravene these linguistic obligations.

The Commissioner conducted a special study on this matter in 1998, and the main recommendations were contained in her last Annual Report. Some of them were implemented in the past fiscal year. The department agreed with the Office of the Commissioner of Official Languages on a way to simplify the handling of complaints. Two agreements were signed to formalize this co-operation: the first dealt with complaints about safety briefings during flights; the second with complaints about pre-boarding security screenings. These agreements are in keeping with the department's mandate to investigate possible violations of the *Aeronautics Act*; they also recognize the ombudsman role that the Commissioner plays with regard to complainants. Under the provisions of these agreements, the complaints are forwarded directly to the relevant authorities at the Department of Transport, who take the necessary action and inform the Office of the Commissioner about the results obtained.

These measures have not succeeded, however, in correcting all the problems, and deficiencies have recently been reported at some airports. Investigations are under way at the Department of Transport.

4.3 CONCLUSION

The fact that the same kinds of deficiencies are regularly noted and the same sorts of incidents are regularly reported is an indication of systemic problems in the implementation of Canada's official languages policy. The in-depth studies conducted to identify the root causes generally reach the same conclusion: the adoption of permanent solutions is prevented by resistance or indifference on the part of the institutions against which the complaints were filed. Once again, the answer can be summarized in three key words: leadership, commitment and accountability.

The Commissioner is convinced that such leadership must begin with awareness. She has therefore formulated specific recommendations to induce institutions to comply with all their linguistic obligations and to play a more active role in resolving language-related problems. The Commissioner realizes, however, that she cannot overcome the indifference by herself. She therefore appreciates the help provided by the members of the Standing Joint Committee on Official Languages, who have undertaken to study some major issues and who support her efforts. She hopes to get further support from the federal government, which should show leadership by prompting managers at all levels to demonstrate leadership and accountability.

This co-operation should bring about a far-reaching change in culture consistent with respect for the distinctiveness of all our Anglophone and Francophone communities across the country. If Canada's linguistic duality is reflected in all services that are provided (such as air transportation, police services, high performance sport, and communications on the Internet), this can only contribute to the respect of our democratic values.

The Commissioner will continue to encourage senior officials to take all the administrative measures necessary to meet the government's commitments in this regard. Until this objective is achieved, her team will continue to monitor matters closely to ensure that her recommendations are implemented.



CHAPTER 5:

CITIZEN CONCERNS

PROBLEM

Canadians find that their language rights are sometimes infringed when they use the services of federal institutions.

PRINCIPLE

When deficiencies are pointed out, the institutions in question must correct all the problems identified and ensure that they are in full compliance with their linguistic obligations under the *Official Languages Act* and its regulations.

ACTION

When an incident is reported to the Commissioner, she asks her investigators to contact the parties involved and gather all the relevant information. Depending on the results of the investigation, the Commissioner can issue recommendations to correct the situation. A follow-up is conducted to see whether corrective action was taken within the prescribed time limit.

The Commissioner of Official Languages is deeply indebted to the determined citizens who insist on their language rights. Their accounts of their experiences provide her with an invaluable empirical measuring stick to examine the progress of the official languages program in various federal institutions.

The first part of this chapter summarizes the basic tenor of the concerns brought directly to the Commissioner's attention by the general public or through

her participation in various public events during the fiscal year. The ensuing parts deal with each category of complaint filed, providing representative examples and describing particularly significant investigations.

5.1 THE COMMISSIONER IS LISTENING

The Commissioner was contacted more than 2,500 times during 2000-2001. While most of these contacts had to do with complaints, many also involved requests for information about language rights.

OVERVIEW OF THE INFORMATION PROVIDED

There were various kinds of requests for information. Some pertained to ongoing investigations, while others came from Europeans or Americans inquiring about Canada's language policies or the efforts to foster the development of minority communities. The Commissioner also corresponded with parents who wanted to know about the scope of the educational rights guaranteed by section 23 of the Charter. Some parents from the majority community believed incorrectly that the Charter guarantees their children the right to immersion programs in the minority official language in their region.

MEDIA INTERVENTIONS

Some people spread misleading and even false information about official languages through the media. The Commissioner is generally keen to make the necessary rectifications. For example, there is a tendency to exaggerate the real costs of the official languages program by failing to subtract the costs of many services that would still be provided if the recipients were part of the majority community. Other people tend to greatly underestimate the number of Anglophones with senior positions in the federal public service. In reality, 73 percent of executives are English

speakers. On the other hand, the Commissioner is just as eager to publicly praise initiatives that foster understanding between the two official language communities, such as a series of newspaper articles about the local minority community or a cultural agreement between Quebec City and Sault Ste. Marie.

PARTICIPATION IN VARIOUS PUBLIC ACTIVITIES

Although the Commissioner herself initiates many consultations, she is also very interested in activities organized by other groups that are active on the Canadian language scene. She tries to keep up with the debate on language issues. During the last fiscal year, she took particular interest in the work done under the Dialogue project initiated by the *Fédération des communautés francophones et acadienne du Canada*, and in that of Quebec's Estates General on the French language.

The working group responsible for the Dialogue project engaged in national consultations to gather the views of the Canadian public on major issues affecting the future of Francophone and Acadian communities and their relations with the other components of Canadian society. Their tour culminated in a large meeting, which the Commissioner attended. She took the opportunity to emphasize the importance of what the working group was doing and strongly approved one of its main conclusions: the importance of being open to cultural communities, the First Nations, and francophiles everywhere in the country.

The Commissioner attended a number of the events organized by the Estates General on the French language in Quebec as an observer, and members of her team were present at most of the hearings and forums held around the province. The Commissioner appreciated the constructive interventions made about the importance of ensuring the vitality of the French language in Quebec, while respecting diversity and the Anglophone minority. She was happy to see the openness often expressed during consultations about minority Francophone communities. Greater solidarity between Quebec and these communities can only be helpful to the French language.

OVERVIEW OF THE COMPLAINTS RECEIVED

Most complaints received by the Commissioner over the last fiscal year were admissible (80 percent). The others were either refused (17 percent) or withdrawn (3 percent; see figure 1). Most of the disputed incidents (60 percent) occurred in the National Capital Region or elsewhere in Quebec and Ontario (figure 2). The complainants were largely Francophones (80 percent). The incidents reported over the course of a year typically pertain to more than 100 different institutions. Once again this year, though, around two-thirds of the complaints involved 15 of these institutions (figure 3).

There are two main kinds of complaints: those from members of the public who find that they cannot be served adequately in their preferred official language; and those from federal government employees who feel that their language rights in the workplace are not respected. The former account for 75 percent of the total number of complaints, and the latter for 16 percent. The remaining complaints pertain to the language requirements of certain positions (4 percent of the total), the equitable participation of Anglophones and Francophones in the public service, and the equality of their opportunities for employment and promotion.

Figure 1
Breakdown of communications,
by region¹

Region	Total of communications	Requests for Information	Complaints lodged	Complaints ² investigated	NATURE OF COMPLAINTS			
					Service to the public	Language of work	Language requirements	Others ³
Newfoundland/Labrador	13	4	9	6	4	1	-	1
Prince Edward Island	42	4	38	29	27	1	1	-
Nova Scotia	117	6	111	91	72	4	4	11
New Brunswick	110	23	87	73	55	9	7	2
Quebec ⁴	405	209	196	154	85	47	5	17
NCR (Quebec)	96	13	83	68	29	32	5	2
NCR (Ontario)	490	134	356	279	190	62	5	22
Ontario ⁴	362	125	237	190	173	9	3	5
Manitoba	85	39	46	39	29	7	3	-
Saskatchewan	36	16	20	13	11	-	-	2
Alberta	104	43	61	54	48	-	-	6
British Columbia	86	31	55	38	34	-	1	3
Territories ⁵	12	8	4	2	2	-	-	-
Foreign	18	1	17	13	12	-	-	1
TOTALS	1,976	656	1,320	1,049	771	172	34	72

¹ Information from Investigations Branch Data base.

² Approximately 80% of complaints are investigated. Complaints which are not investigated are referred to an appropriate institution or refused because they don't fall under the jurisdiction of the Act or its Regulation.

³ The category "Others" includes mainly complaints regarding notices, equitable participation and Part VII.

⁴ Excluding the National Capital Region (NCR).

⁵ Territories include Nunavut, Yukon and Northwest Territories.

Figure 2 Distribution of the 1,320¹ complaints lodged by province and territory

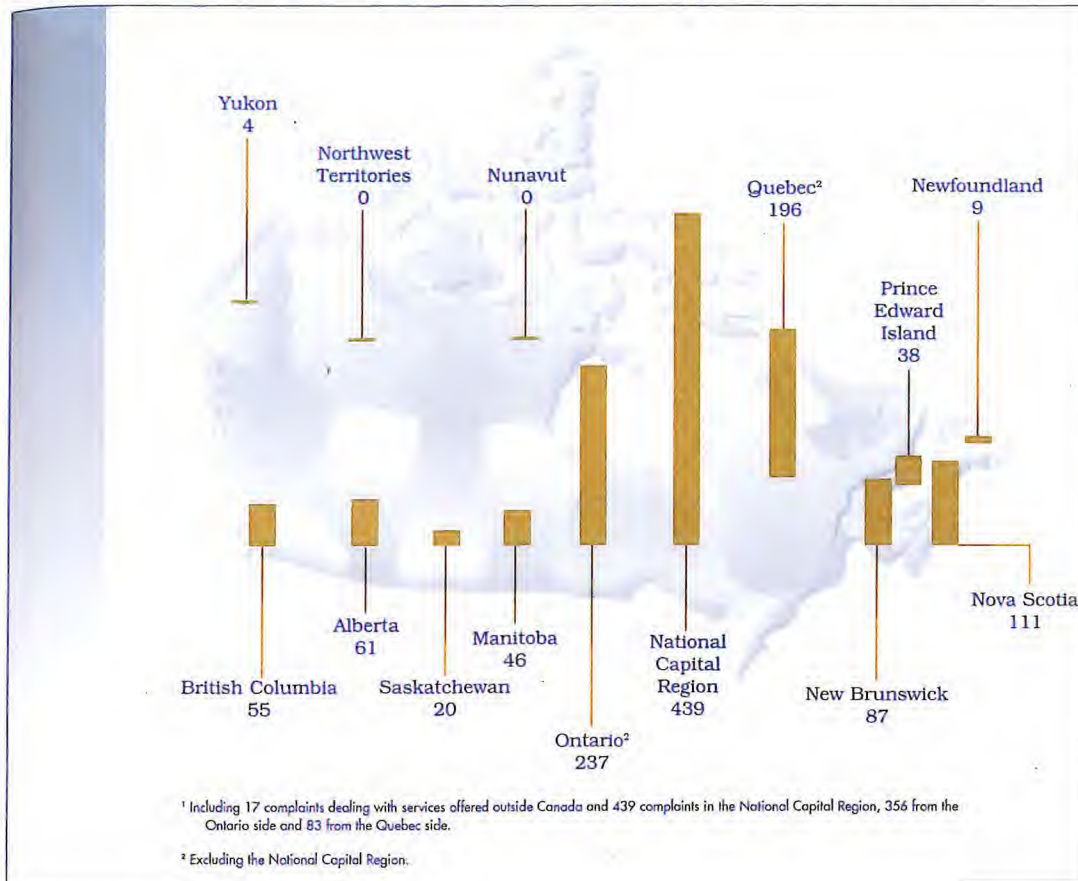


Figure 3
Institutions with more than 15
admissible complaints and their status

Department/Institution	Founded	Unfounded	Under investigation	Total
Canada Post	85	19	39	143
Air Canada	30	4	103	137
Human Resources Development Canada	52	6	36	94
Canada Customs and Revenue Agency	52	7	31	90
Elections Canada	49	3	1	53
National Defence	19	2	20	41
Public Works and Government Services Canada	16	5	17	38
Correctional Service Canada	4	9	17	30
Ottawa International Airport Authority	11	0	17	28
Via Rail Canada Inc.	8	0	16	24
Citizenship and Immigration Canada	13	1	10	24
Foreign Affairs and International Trade	11	0	9	20
Industry Canada	8	1	10	19
Halifax International Airport Authority	1	0	16	17
Royal Canadian Mounted Police	5	3	9	17

5.2 COMPLAINTS REGARDING SERVICES TO THE PUBLIC



*Obstacles to obtaining service
in one's own language*

Part IV of the *Official Languages Act* stipulates that "every federal institution has the duty to ensure that any member of the public can communicate with and obtain available services from its head or central office in either official language." It adds that every federal institution "has the same duty with respect to any of its other offices or facilities within the National Capital Region; or in Canada or elsewhere, where there is significant demand for communications with and services from that office or facility in that language." The *Official Languages (Communications with and Services to the Public) Regulations* specify the situations in which services must be offered in both official languages.

The Act also requires all federal institutions to use English and French when publishing certain information for the public, particularly notices and announcements. When possible, the French version must appear in at least one French-language publication and the English version in at least one English-language publication. If such publications do not exist, the information must appear in both official languages in at least one publication widely available in the target region. The Act stipulates that institutions required to communicate with the public in both official languages must use media that enable them to communicate effectively and efficiently with every member of the public in the official language of choice.

The Commissioner does not have the authority to require private-sector companies to offer their services in both official languages, but nothing prevents her from encouraging them to do so. When the Commissioner receives a complaint about the private sector, she generally takes steps to make the company more aware of the importance of considering both official language communities. Although in some cases nothing is achieved, often there is change for the better.

In Toronto, for example, the automated general information service of the main branch of the Royal Bank offered its clients service in English and Chinese, but not in French. A client complained to the Commissioner. She wrote to the chairman of the bank to ask him to add French to the automated service, and the bank quickly corrected the situation.

The same cannot be said for the Air Miles company, to whom the Commissioner wrote after she was informed that it persisted in failing to send information in French requested by its Franco-Ontarian members. The Commissioner asked for information about the company's policy on sending information in French to its Francophone clients outside Quebec, but Air Miles did not reply. Although the company has customer service and a website that operate in French in Ontario, the company's services that apparently differ from one province to the next and, except in Quebec, the language of business for some transactions depends on the wishes of the sponsors involved. In contrast to what is done in Quebec, however, the coupons that the company itself distributes to its Francophone members in Ontario are in English only. The Commissioner strongly encourages Air Miles to provide its Franco-Ontarian customers with the same linguistic services that it provides to its Quebec customers, both Anglophones and Francophones.

PROACTIVE ATTITUDE AT THE HAZARDOUS MATERIALS INFORMATION REVIEW COMMISSION

Before mentioning recent incidents that resulted in citizen complaints, we would like to provide a convincing example to show that a little planning and goodwill can produce results beyond reproach.

The Hazardous Materials Information Review Commission wanted its new website to provide information of comparable quality and accessibility in both official languages. It called upon the Commissioner's expertise to help it achieve this objective.

The Commissioner's representatives examined the website in detail and made about twenty suggestions for changes, which were all adopted. Internet users can now easily navigate around the site and find comparable

Information in English and French. The revised site is a splendid example of the excellence that can be achieved when there is a desire to comply with both the letter and spirit of the Act.

A TRAINER WITH INSUFFICIENT KNOWLEDGE OF ENGLISH

A Montreal community association, the Community Table of the National Human Resources Development Committee for the English Linguistic Minority, arranged with Statistics Canada for it to provide the association's English-speaking trainees with training on the use of a statistics software program. The trainees complained that the instructor's inadequate knowledge of English prevented them from benefiting fully from the training.

Statistics Canada refused to discuss the matter or acknowledge the problem. The community association therefore appealed to the Commissioner to help find a solution. The Commissioner's intervention helped to re-establish a dialogue between the parties, and the department finally admitted that the trainer did not have adequate language skills in view of the complexity of the course. Statistics Canada agreed to waive payment of the training costs and asked the Commissioner to forward its apologies to the community association, which accepted them.

The Quebec regional office of Statistics Canada undertook to ensure that its trainers have the required language skills to provide high-quality service in the official language of the group that is being taught.

THE GAMES OF LA FRANCOPHONIE AND THE WORLD CHAMPIONSHIPS IN ATHLETICS

The IVth Games of La Francophonie take place in the National Capital Region in July 2001. In accordance with the rules of the Games, the Department of Canadian Heritage assigned responsibility for organizing the Games to a non-profit organization, the Games of La Francophonie Organizing Committee.

Given the nature of the Games, the Committee decided to make French predominant. The Commissioner indicated that this was compatible with the *Official Languages Act* to the extent the Games respected the federal government's commitment to enhance the vitality of official language minorities and support their development. The Commissioner specified, though, that communications with and services to the public had to be in both official languages. The predominance of French should definitely not be allowed to lead the public to believe that its right to receive services in its preferred official language was being overridden.

The Commissioner received two complaints about the signs advertising the Games that had been hung on a number of buildings in the National Capital Region. One complaint was that some English signs were smaller than their French counterparts, and the other was that a sign in French only was hung on a building in Hull.

The Commissioner contacted the Department of Canadian Heritage to inform it of these complaints. She reiterated her agreement that French could be predominant but recommended that the department ensure a more equitable place for English in its signage. Some signs were changed, and the organizing committee used the official languages symbol to indicate to the public that it could be served in either English or French.

On the other hand, no complaints were received about the preparations for the 8th World Championships in Athletics held in Edmonton in the summer of 2001. The championships and the International Amateur Athletic Federation that oversees them have two official languages: English and French. The organizing committee must ensure that services are provided to athletes, coaches, officials, delegate members, spectators and volunteers in their preferred official language. A Francophone advisory committee was set up to ensure that the French language and the Francophone community were included in all aspects of the organization of the championships: in its logistics, ceremonies, competitions, advertising, publications, communications, and services for the media.

AMENDMENTS TO THE *CANADA ELECTIONS ACT*

In September 2000, Elections Canada published an announcement in major national dailies on recent changes to the *Canada Elections Act*. The announcement in the English-language newspapers indicated that a 1-800 number could be called for information in French. The Commissioner received six complaints that Elections Canada had not published its press release in French-language weeklies in eastern and western Canada.

The Commissioner had to act promptly because the election was imminent. An announcement in French was published in the French-language weeklies in mid-November. Elections Canada has undertaken to revise its administrative rules on communications through the media.

THE NOVEMBER 2000 FEDERAL ELECTIONS

The recent federal elections gave rise to 46 complaints, four of which were deemed unfounded. Most came from voters in the National Capital Region, elsewhere in Ontario and Quebec, and New Brunswick, and claimed that services were unavailable (or unsatisfactory) in the voters' preferred official language in communications with election officials, in person or on the telephone.

At the start of the campaign, the Office of the Commissioner and Elections Canada agreed on a procedure to deal promptly with complaints received during the election period. With Elections Canada's co-operation, most complaints were handled expeditiously. However, some ad hoc corrective measures could not be taken before the polling stations closed. Elections Canada agreed to review all the complaints so the problems that arose do not recur in future elections. Nevertheless, many service-related problems occur because Elections Canada does not have any control over the appointment of staff at the polling stations. As required by the *Canada Elections Act*, these people must be chosen from lists provided by the political parties. Sometimes there are not enough people who can offer services in both official languages. This is an issue that we will examine with the parties involved.

LOUDY WITH THE POSSIBILITY OF SUNNY BREAKS AT ENVIRONMENT CANADA

Francophone users of the Internet complained about the French version of Environment Canada's website. They said that accents were omitted, the quality of the language was poor, and the French version did not have as much information as its English counterpart. These shortcomings were confirmed by an investigation, and the department undertook to correct the situation by June 2001.

The Commissioner also received complaints about weather bulletins issued by Environment Canada on the VHF band. These bulletins are in English only in the Lake Winnipeg area, in Manitoba, and in the regions around the Bay of Quinte, the Thousand Islands, and part of the St. Lawrence River, in Ontario. In the Laurentian Mountains, in Quebec, the bulletins are in French only. The department will examine this problem in 2001.

5.3 COMPLAINTS REGARDING THE LANGUAGE OF WORK OF FEDERAL EMPLOYEES

Part V of the *Official Languages Act* states that English and French are the languages of work in federal institutions. It further states that federal institutions have a duty to ensure that the workplace is conducive to the effective use of both official languages and accommodates the use of either official language by its officers and employees in the National Capital Region and in designated areas. Institutions in these areas must also provide their employees with materials, documents and services in both official languages.

The Commissioner's most recent investigations show that federal employees speaking the minority language of their region cannot always work in their preferred official language. One commissioner after another has deplored the lack of co-operation on this issue. The Committee of

Deputy Ministers on Official Languages seems to have arrived at a similar conclusion, since one of the four major priorities it recently adopted is to "foster a fully bilingual public service that respects the language rights of employees by enabling them to work in their preferred official language."

The next time the federal public service is surveyed, there should be a question on the opportunity for employees to use their preferred official language in their work. Given their confidentiality, such surveys will be a more reliable indicator of compliance with Part V of the Act than the number of complaints received. Not only are many employees unaware of the full scope of their language rights in the workplace but, as mentioned in the previous chapter, some hesitate to complain about inequities they may experience because they are afraid of the negative impact that this could have on their careers or their relations with their colleagues.

Public servants who are aware of their rights and dare to complain say that many resources or administrative services are not available in one or the other of the official languages, such as training, administrative meetings, central services, work instruments (documents, directives, notices, software, websites, standard computer keyboards), electronic messages, recorded greetings, etc.

The Commissioner and the President of Treasury Board have decided to work together to encourage federal managers to create a workplace conducive to the use of the official languages.

TRAVELLERS WHO HAVE HAD ENOUGH!

The Government Travel Service arranges business travel of federal employees. The service is part of a private travel agency, which is hired at a flat rate by the Department of Public Works and Government Services. Over the last few years, about twenty clients of the service have complained about the poor quality of services in French, which they felt were greatly inferior to those provided to Anglophone clients.

An investigation was conducted into complaints about the quality of the French in itineraries, a training session given primarily in English, and electronic tickets issued in English only. Clients complained as well about the lack of telephone services in French.

The poor quality of French in the itineraries has been corrected, and the department has promised to ensure that all training sessions are henceforth offered in both official languages. Talks are underway with the company that provides the electronic tickets to ensure they are translated in full.

A FEW DISCREPANCIES AT MEASUREMENT CANADA

A Measurement Canada employee in Quebec City complained about continually receiving documents from headquarters in Ottawa in English. An investigation showed that the complaint was founded.

The Commissioner's recommendations were quickly implemented. Henceforth, employees who do not receive correspondence in the official language of their choice can inform the Human Resources Branch of the Department of Industry, which is responsible for the required follow-up. The President of Measurement Canada has reiterated to all his managers that written communications for national distribution must be sent out in both official languages, as are those sent to bilingual areas. He has reminded them as well that communications for the Quebec region should be in French.

STEERING TOWARD ENGLISH AT THE CANADIAN COAST GUARD COLLEGE

The Canadian Coast Guard College is located in Sydney, Nova Scotia. It has a national and an international dimension because, in addition to training Coast Guard officer cadets, it provides courses for employees from National Defence, the RCMP and private firms, as well as from many provincial, municipal and foreign governments.

Responsibility for the administration of the Coast Guard and its College was transferred to the Department of Fisheries and Oceans in 1995. Until then, the College had been under the auspices of the Department of Transport, which considered the College bilingual for the purposes of language of work. In 1997, the new administration decided to adopt the Treasury Board policy designating the Sydney region "unilingual English" for language of work purposes. After this new policy was adopted, the Commissioner received a complaint alleging that the Francophone officer cadets and employees of the College were unable to work in French.

The investigation revealed that Francophones were subject to numerous linguistic inequalities. During their four-year training course, the officer cadets have to take nine to 15 months of training at sea. Only the Laurentian region has French as its language of work, and it is impossible for all the cadets in the Francophone program to do their practical training there. Officer cadets are provided with manuals and instruction in French; however, although College administrators have been actively searching for recent publications in French, they provide Francophones with texts that are poorly translated and outdated. The College has no monitoring procedures to ensure the linguistic quality of texts translated by the teachers. It also has difficulty finding people qualified to run specialized workshops in French. Some employees who come into daily contact with the officer cadets are not bilingual. In addition, the College is unable to provide certain development courses in French to other employees of the department and of the College. This could compromise the promotion opportunities of Francophones.

The Commissioner's report contains 18 recommendations. The first is to declare the College officially bilingual for language of work purposes. The others are aimed at changing the linguistic designation of certain positions, providing language training for unilingual employees, and ensuring that all of the language rights of officer cadets and employees at the College are respected. The Commissioner also asked Treasury Board to review its policy on language of work in unilingual regions in order to preserve the bilingual nature of federal training centres located there, when these centres have a national and international mandate.

The Department of Fisheries and Oceans was receptive to the investigation report. Management was to determine ways the recommendations could be implemented by the end of the year.

5.4 COMPLAINTS REGARDING THE LANGUAGE REQUIREMENTS OF POSITIONS

To determine the language profile of a position, managers must ask two questions:

- Will services of comparable quality be offered to the public in English and French?
- Is a workplace conducive to the use of both official languages being fostered?

Every year, several citizens challenge the language profile assigned to certain positions, which they consider either too low or too high. Under section 91 of the Act, the Commissioner investigates such complaints as objectively as possible, taking into account the responsibilities of the institution in question. An investigation is conducted to determine the

language skills that the position's incumbent should have in order to answer the two questions asked above in the affirmative. In some cases, investigations seek to establish whether the positions should be staffed by the bilingual imperative or non-imperative method (i.e., whether the candidate must have the required profile when starting the duties or not). Complaints concerning the language requirements of positions are often founded and require quick corrective action.

In a decision handed down in January 2001 in the *Rogers v. The Queen*²⁰ case, the Federal Court confirmed a principle that will surely create a precedent: it stated that the institution in question should have interrupted its staffing process, as requested by Commissioner Goldbloom in 1996 in connection with his investigation. The Court even recommended that damages be assessed so the complainant could be compensated.

This kind of complaint must be submitted in a timely fashion so that action can be taken before the position is filled. Last year, a participant in a competition at the Department of Citizenship and Immigration contested the language requirements of a position she wanted, but she waited nearly six months after the competition had closed before lodging a complaint. An investigation confirmed that the language requirements of the position had been set too high, but that it was too late to interrupt the staffing process. The Commissioner nevertheless recommended that the department revise the position's language requirements once it becomes vacant again.

IN THE ATLANTIC REGION, THERE IS A NEED TO PROVIDE ADVICE IN FRENCH

The collapse of the cod fishery and the increasingly widespread exhaustion of fishing resources has prompted a number of communities dependent on the seafood industry to turn gradually toward other activities. One of these activities, aquaculture, is becoming more and more popular. To support the new growers, the Office of the Commissioner for Aquaculture

²⁰ *Rogers v. The Queen*, [2001] F.C.J. No. 99.

Development provides them with the services of a regional adviser in the Atlantic area. When this position was being staffed, a complainant alleged that the importance of bilingualism had been underestimated in determining the language requirements of the position.

A review of the situation confirmed this claim. The Commissioner concluded that the adviser should be able to communicate with Francophone clients to ensure that the economic development program benefits the two official language communities equally. She asked the department to interrupt its competition and suggested that the position be declared bilingual imperative. She also suggested that the area of the competition be expanded in order to reach more bilingual candidates. Her recommendations were accepted, and the position was given to a person able to provide services in both English and French.

LASTING CORRECTIVE MEASURES AT THE DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT SERVICES

An employee at the Department of Public Works and Government Services thought that the language profile of an architect position in the National Capital Region should be raised. The investigator concluded that the complaint was founded, and the department agreed to raise the linguistic designation of the position.

Since this was the third investigation in three years that concluded that the linguistic designation of a position was not established objectively, the Commissioner recommended that the department better inform its managers about the rules to follow when evaluating the language requirements of the positions for which they are responsible. The department accepted this recommendation, and its representatives will soon meet the managers of all branches to discuss this matter. The Commissioner also recommended that the department conduct systematic monitoring to ensure that managers comply with the Act as regards the linguistic designation of positions.

VIA RAIL—PROFILES IN THE WEST

English-speaking Via Rail employees in western Canada filed 39 complaints about the language requirements of various positions on board trains in their region. They complained, in particular, about the imperative staffing of three bilingual positions and the limited opportunities offered for language training. The complainants alleged that this situation is an unfair and unnecessary obstacle to their career advancement. They pointed out that many of the people who work on the Western Transcontinental train are bilingual, including employees in positions that have no official requirements pertaining to language. The complainants attribute this to Via Rail's policy, in effect since 1986, of hiring only bilingual people. One of the complaints pertains specifically to the participation of Anglophones and Francophones in the staff providing railway services in western Canada.

An investigation was launched last year. The complainants and Via Rail management were consulted on several occasions to clarify the situation.

5.5 COMPLAINTS REGARDING EQUAL EMPLOYMENT AND ADVANCEMENT OPPORTUNITIES AND THE EQUITABLE PARTICIPATION OF BOTH LANGUAGE GROUPS IN THE FEDERAL PUBLIC SERVICE

In Part VI of the *Official Languages Act*, the federal government undertakes to ensure that English-speaking and French-speaking Canadians have equal employment and advancement opportunities in institutions subject to the Act. It also undertakes to ensure that the staff of its institutions tend to reflect the presence of both official language communities.

In order to carry out these two commitments, the administrators of these institutions must provide equal employment and advancement opportunities to members of both official language groups. The presence of the two communities must be reflected in all areas of the administration and at all levels: national, regional, line staff and professional staff. Managers must respect the merit principle but must also attract candidates from both communities, allowing them to use their preferred language during the staffing process.

REPRESENTATION BY LANGUAGE IN THE FEDERAL PUBLIC SERVICE

On the whole, federal institutions have made considerable progress in achieving an equitable representation of Anglophones and Francophones among their staff. According to Treasury Board data for 2000, 72 percent of the 412,000 employees of the federal public service were Anglophones and 27 percent were Francophones.²¹

Participation is not equitable in all sectors of all institutions, however, as will perhaps be seen in the current investigations involving Air Canada's team of pilots and its entire workforce as mentioned in chapter 4.

The latest studies of the Office of the Commissioner and Treasury Board suggest that equitable participation does not guarantee increased use of English and French in the workplace or better services to the public in both official languages. This finding prompted Treasury Board to attempt to identify the sociological factors that affect the progress of the official languages program. Treasury Board asked various federal institutions to take specific steps over the next few months to identify the problems and propose appropriate solutions. Treasury Board's study will consider, among other things, the federal public service in Quebec.

²¹ Treasury Board's *Annual Report on the Official Languages* provides a breakdown of the main data on equitable participation by job category for the various regions of the country.

PARTICIPATION OF ANGLOPHONES IN THE FEDERAL PUBLIC SERVICE IN QUEBEC

For several years now, the Commissioner has deplored the low proportion of Anglophone public servants in Quebec, apart from those who work in the National Capital Region. According to the latest data from Treasury Board, only 7.4 percent of its employees in Quebec are Anglophones (although this represents an increase of one percentage point over the situation a few months ago). In comparison, the rate is 15.1 percent for all other federal institutions for which Treasury Board is not the employer (still excluding the National Capital Region). The total for all these employees is 11 percent Anglophone, about the same as the English-speaking proportion of the population of Quebec. English-speaking employees are, however, not evenly distributed. A working group was established to propose solutions to this problem. It will work with representatives of the Anglophone community in Quebec to study the reasons for its low representation and seek solutions.

ENGLISH-SPEAKING EMPLOYEES OF CANADA POST IN QUEBEC

Further to complaints of discrimination lodged against the Canada Post Corporation, the Commissioner conducted an investigation of its offices in the Montreal area.

The investigation revealed three systemic problems: Anglophone employees cannot work in their preferred official language; the language requirements of positions are not determined objectively; and Canada Post has not developed a strategy for complying with its obligations as regards the equitable participation of Anglophones.

The Commissioner formulated a series of recommendations with a timetable. If implemented by Canada Post, they should provide lasting solutions. The recommendations deal with the implementation of directives concerning the objective determination of language requirements of

positions, consultations with other large federal institutions, and the development of an action plan to increase the participation of English-speaking Quebecers in Greater Montreal.

EQUAL EMPLOYMENT OPPORTUNITIES AT THE DEPARTMENT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE

A candidate living in Sweden who wished to take the Foreign Service examination informed the department that she wanted to take it in French. The department asked her to go to the embassy in Copenhagen, Denmark, where she was given the English version of the examination. The candidate filed a complaint alleging that she had not been given an equal opportunity for employment, as guaranteed by the Act.

The investigation revealed that an administrative error had been made at the embassy. The department offered to allow the candidate to take the examination at a later date, but she refused to return to Copenhagen at her own expense. At the Commissioner's request, the department sent the French version of the examination to its embassy and agreed to reimburse the candidate's travel expenses. The Department of Foreign Affairs and International Trade made a commitment to ensure that both the English and French versions of future examinations will be sent to all its embassies.

5.6 CONCLUSION

In contrast to the findings in the previous chapter, the examples cited in this chapter show that, when complaints are not the result of systemic problems but rather of specific deficiencies, it is often enough to point out the problem to the institution at fault in order for corrective action to be quickly taken. It would therefore be incorrect to think that indifference is the source of all problems. Often, institutions are simply unaware of their deficiencies.

This is why the Commissioner considers it so important, first of all, to ensure that the public is well informed of the full array of linguistic guarantees and programs to which it is entitled, and secondly, to inform federal institutions of the scope of their official language obligations.



IN CLOSING

Linguistic duality is a fundamental characteristic of Canada, representing both a major challenge and a great asset. Managing diversity to achieve real unity requires a healthy dose of mutual respect on the part of members of both official language communities. Although we cannot yet celebrate having achieved a perfect balance, Canada has nevertheless made significant progress toward this objective as the country has developed peacefully and relatively harmoniously despite the frequent trials it has faced since its creation, especially since the *Official Languages Act* came into effect 30 years ago.

The legal framework for linguistic duality is now well established. The public's language rights are clearly spelled out in the 1988 *Official Languages Act* and in the *Canadian Charter of Rights and Freedoms*, and the Supreme Court of Canada has on several occasions clarified their scope. The real challenge is no longer a legal one; it is now political, cultural and societal. Nothing can be taken for granted since there is still a multitude of obstacles. In institutions, the greatest problems, the systemic ones, are usually attributable to indifference and inertia, or even reluctance in some cases to comply with the requirements of linguistic duality.

These same attitudes are also present in the population but, fortunately, as stated in the introduction, they are not as strong as they were thirty years ago. Although linguistic duality is on the whole well accepted as a value in Canadian society, it would be unrealistic to believe that all citizens will one day unanimously subscribe to it. It would also be unrealistic to believe that linguistic duality will take hold naturally, that it will speak to the majority of citizens even if their government shows little concern for it, and that official language communities will develop without government support.

Linguistic duality and official bilingualism demand an effort that must be sustained and stimulated by solid leadership. Several of the minority communities show leadership that strengthens the ties among them, expands their networks, and opens them up to immigrants and to their surrounding communities. This networking breaks their isolation and contributes greatly to their social and economic development. It is essential and must continue to expand.

The federal government is also showing signs of renewed leadership, but it must do more to ensure that all institutions, at all levels, comply with their linguistic obligations and recognize the need to resolve the systemic problems affecting some of them. Institutions must recognize that the *Official Languages Act* applies not only to their daily operations but also to the role they play in promoting English and French in Canadian society and in supporting the development of minority official language communities.

The period of budget cuts we have witnessed dealt a heavy blow to numerous national policies, and Canada's official languages policy is no exception. The government has begun once again to invest in the sectors most affected, and the official languages sector must not be left by the wayside. The road to linguistic duality may be paved with good intentions, but it can be reached only through concrete action and tangible results.



IN APPENDIX

A FEW FIGURES ON THE INTERVENTIONS OF THE OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES IN 2000-2001

Interventions to raise awareness / provide information

- 191 interviews
- 10 press releases
- 31 letters to the editor
- 1,582 references to the Commissioner or the Office of the Commissioner in the media
- 22 speeches by the Commissioner
- Some 25 meetings with associations

Interventions relating to complaints and investigations

- Over 1,000 notices of intention to investigate and about 100 letters sent to government institutions
- Some 25 special studies and investigations were conducted
- Over 500 recommendations were made
- Some 200 general requests for information were processed

Political interventions

- Some 60 meetings with deputy ministers or elected officials
- Some 140 analyses, studies (published or not) and briefing notes
- Some 260 letters were sent
- Interventions in 10 major issues
- Three appearances before parliamentary committees

Legal interventions

- Some 40 case studies and 15 or so legal opinions
- Intervention in major issues such as Air Canada, airport authorities, the Department of Fisheries and Oceans, the House of Commons, the RCMP (Atlantic), the Department of Citizenship and Immigration
- Intervention in five new court actions pertaining to the scope of sections 16 and/or 16.1 of the *Canadian Charter of Rights and Freedoms*



I INDEX

- ACFO de London-Sarnia*
partnership with Dept. of Human
Resources Development, 45
- Aeronautics Act*, 92
- An Act respecting immigration to
Canada and the granting of
refugee protection to persons who
are displaced, persecuted or in
danger* (Bill C-11), 60-61
- An Act to amend the Charter of the
French Language* (Bill 171,
Quebec), 48-49
- An Act to amend the Education Act*
(Bill 13, New Brunswick), 64
- An Act to reform the municipal
territorial organization of the
metropolitan regions of Montreal,
Quebec and the Outaouais*
(Bill 170, Quebec), 48-49
- Agence universitaire de la
Francophonie*, 23
- Air BC, 79
- Air Canada
collective agreements and
linguistic obligations, 80
complaints, number and types,
77, 100f
court actions against, 77, 80
equitable participation,
complaints, 81-82
guidelines of the Commissioner,
82-83
language of work, complaints,
81-82
linguistic obligations of
subsidiaries, 78-79, 80-81
recommendations of the
Commissioner, 77, 81, 82-83
recruitment policy for flight
attendants, 82
subject to *Official Languages Act*,
32, 77
survey of demand for services in
French, 79
use of both official languages in
print media, 80-81
- Air Canada Public Participation Act*,
78-79, 81-82
- Air Canada Regional Inc., 79
- Air Miles, and language of service,
102
- Air Nova, 79
- Air Ontario, and linguistic
obligations, 77, 78, 79
- Airport Transfer (Miscellaneous
Matters) Act* (1992), 46
- Airports
complaints received, 100f
language rights in pre-boarding
security screenings, 92
privatization and language rights,
13, 27, 38, 46-47
- Alberta
activities of federal council, 31
complaints received, overview,
97, 98f, 99f
8th World Championships in
Athletics (Edmonton), 104
- Ancienne-Lorette (Quebec),
municipal mergers and linguistic
rights (Bill 170), 49
- Anglophones
attitude to linguistic duality
(Manitoba), 22
in federal public service, 31,
95-96, 114-115
Human Resources Development
Committee (Quebec), 34
immigrants to Quebec, 60
underfunding of schools in
Quebec, 65
- Aquaculture Development, Office of
the Commissioner for, 111-112
- Assemblée parlementaire de la
Francophonie*, 87
- Association canadienne-française de
l'Ontario* (ACFO), 45, 66
- Association des gens de l'air du
Québec*
complaint concerning number of
Francophone pilots, 82

- Association des juristes d'expression française de l'Ontario (AJEFO)*, 42
- Association des juristes d'expression française du Nouveau-Brunswick (AJEFNB)*, 67
- Association des ombudsmans et médiateurs de la Francophonie*, 23
- Association franco-yukonnaise*, 40
- Auditor General of Canada
recommendation to Treasury Board, 75
- Bill 13 (*An Act to amend the Education Act, New Brunswick*), 64
- Bill 171 (*An Act to amend the Charter of the French Language, Quebec*), 48-49
- Bill 170 (*An Act to reform the municipal territorial organization of the metropolitan regions of Montreal, Quebec and the Outaouais, Quebec*), 48-49
- Bill C-11 (*An Act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger*), 60-61
- Binns, Pat (premier of Prince Edward Island), 35
- British Columbia
activities of federal council, 31
complaints received, overview, 97, 98f, 99f
Francophone affairs responsibility centre, 35
- Broadcasting services
CRTC decisions, 68-69
digital distribution, 68
French-language services outside Quebec, 68-69
House of Commons debates, 70-71
- Cable Public Affairs Channel (CPAC)
broadcast language of House of Commons debates, 70-71
- Canada Customs and Revenue Agency (CCRA)
complaints received, 100f
French-language services at Ontario border crossings, 88
- Canada Elections Act*, 105
- Canada Information Office, 31
- Canada Post
complaints received, 100f, 115-116
equality of opportunity in Quebec, 115-116
recommendations of Commissioner, 115-116
- Canadian Airlines, 79
- Canadian Aviation Security Regulations*, 92
- Canadian Centre for Management Development, 75
- Canadian Charter of Rights and Freedoms*
language rights, 42, 49, 118
linguistic guarantees with government transformations, 44
minority language education rights, 62
section 23, strategic priority of Commissioner, 21
unwritten principle of protection of minorities, 66
- Canadian Coast Guard College
linguistic inequalities for students, 109-110
language of training, 109
language of work, 110
- Canadian Figure Skating Association, 83
- Canadian Food Inspection Agency
move from Shippagan, impact on community, 56
- Canadian Heritage, Department of
advertising for Games of La Francophonie, 104
federal-provincial manpower training programs, 40
recommendations of Commissioner, 40
Summer Language Bursary Program, 22-23
- Canadian Olympic Association, 85
- Canadian Radio-television and Telecommunications Commission (CRTC)
French-language broadcasting services outside Quebec, 68-69
- Canadian Regional, 79
- Charlebois v. The City of Moncton and the Attorney General of New Brunswick*, 67
- Children
National Children's Agenda, and French-language education, 63
- Chrétien, Jean, 47, 60

- Citizenship and Immigration, Department of
 assessment of immigrants' language
 knowledge, 56-57
 complaints received, 100f
 French-language services for immigrants,
 57-58
 language requirements of position, 111
 recommendations of the Commissioner,
 57-58, 111
 recruitment of francophone immigrants,
 60-61
- Clerk of the Privy Council, 12, 29, 31
- Coaching Association of Canada, 84
- Collective agreements, and *Official Languages Act*, 80
- Commissioner of Official Languages. *See also*
 Office of the Commissioner of Official
 Languages
 instruments for effecting change, 19-20, 73
 international activities, 23-24
 interventions for renewed federal
 commitment, 18, 52, 54-55
 involvement in Dialogue project, 96
 mandate, 10
 media clarifications, 95-96
 nationwide consultation, 21-22
 as ombudsman, 18, 23
 relations with Parliamentary committees,
 32-33
- Committee of Deputy Ministers on Official
 Languages
 language of work for federal employees,
 106-107
 priorities, 29
- Communities (minority English), development
 Dept. of Health consultative committee for
 health programs, 34, 65
 underfunding of Anglophone schools in
 Quebec, 65
- Communities (minority French), development
 Dept. of Health consultative committee for
 health programs, 34, 65
 enrolment in French-language schools,
 62-63
*Fédération Franco-Ténoise et al. v. Her
 Majesty et. al.*, 55
- French-language broadcasting services
 outside Quebec, 68-69
- French-language school boards, 62-63
- French-language services for immigrants,
 57-58
- health care study by *Fédération des
 communautés francophones et acadienne*,
 34, 65
- immigration to ensure growth, 58-59
- language of municipal bylaws, 67
- language requirements for immigration to
 Canada, 56-57
- Montfort Hospital situation (Ottawa), 66
- recommendations of the Commissioner,
 57-61
- school governance issues, 63-64
- Shippagan, and move of Canadian Food
 Inspection Agency, 56
- Communities (minority official language),
 development
 contributing factors, 53, 71
- Dept. of Health consultative committees for
 health programs, 34, 65
- devolution of responsibilities to
 communities, 43-44, 45
- government commitment to, 25, 33-34,
 52-53, 54-58
- health and social services, priorities of
 Commissioner, 21
- House of Commons debates, broadcast
 language, 70-71
- impact of government transformations, 27
- leadership, 14
- main purpose of language legislation, 54
- municipal mergers and bilingualism, 47-49
- recommendations of the Commissioner,
 58-59
- study on immigration and linguistic duality,
 59-60
- Community Development Program (Dept. of
 Industry), 34
- Community Table of the National Human
 Resources Development Committee for the
 English Linguistic Minority, 103
- Complaints. *See also* Language of service;
 Language of work
 admissible, 97
 against Air Canada and subsidiaries,
 77-82, 100f

- by region, 98f, 99f
- election difficulties in November 2000, 100f, 105
- English-language advertising for Games of La Francophonie, 104
- equality of opportunity, 113-116
- equality of opportunity at Canada Post in Quebec, 100f, 115-116
- equality of opportunity for Francophone athletes, 83-85
- francophone support in Northwest Territories, 55
- French-language services at border points, 88
- French-language services for immigrants, 57
- French-language services of RCMP, 90-92, 100f
- institutions with more than 15 complaints, 100f
- as instrument for change, 19
- language inequalities at Coast Guard College, 109-110
- language of examination and equality of opportunity at Foreign Affairs, 116
- language of House of Commons debates on CPAC, 70-71
- language of service, 97, 98f, 101-106
- language of service at airports, 46-47, 92-93, 100f
- language of service at Whitehorse General Hospital, 40
- language of work, 97, 98f, 106-110
- language of work at Measurement Canada, 108
- language requirements for immigration to Canada, 56-57
- language requirements for positions, 111-113
- language skills of educational trainer, 103
- linguistic obligations of Crown agents, 85-87
- move of Canadian Food Inspection Agency from Shippagan, 56
- overview of complaints, 97, 98f, 99f
- about private sector companies, 101-102
- quality of French at Environment Canada, 106
- quality of French at government travel agency, 107-108
- systemic problems, 20, 72, 93
- Conseil de la langue française du Québec*, 24
- Consultative Committee for English-Speaking Minority Communities (Dept. of Health), 34, 65
- Consultative Committee for French-Speaking Minority Communities (Dept. of Health), 34, 65
- Contraventions Act*, and linguistic guarantees, 41-43
- Correctional Service Canada, complaints received, 100f
- Court cases. *See also* Federal Court of Appeal against Air Canada, 77, 80
 - French-language services of RCMP, 92
 - as instrument of the Commissioner, 19, 73
 - language of municipal bylaws, 67
 - municipal mergers and bilingualism, 48-49
 - principle of protection of minorities, 66
 - school governance in New Brunswick, 63-64
 - validity of Bill 170 (Quebec), 49
- Courts of Justice Act* (Ontario), 41
- CPAC (Cable Public Affairs Channel), 70-71
- CRTC (Canadian Radio-television and Telecommunications Commission), 68-69
- Culture of federal institutions, need for change, 28, 74-75
- Délégation générale de la langue française*, 23
- Devolution of federal responsibilities. *See also* Municipal mergers; Privatization to communities through partnerships, 43-44, 45
 - federal-provincial manpower training programs, 39-40
 - government transformations and language rights, 13, 27, 38,-39, 41-43, 50, 73
 - and language of service at Whitehorse General Hospital, 40-41
- Dialogue project, 96
- Dion, Stéphane (Minister of Intergovernmental Affairs), 47
- District Education Councils (New Brunswick), 64

- Education
- French-language school enrolment, 62-63
 - legal challenge of *Education Act* (New Brunswick), 63-64
 - minority language education rights (Charter), 62
 - role in language and culture, 63
 - role of French-language school boards, 63
 - underfunding of anglophone schools in Quebec, 65
- Education Act* (New Brunswick), 63-64
- 8th World Championships in Athletics (Edmonton, Alberta), 104
- Elections Canada, complaints received, 100f, 105
- Environment Canada, Department of, complaints received, 106
- Equality of opportunity. *See* Equitable participation
- Equitable participation
- at Air Canada, 81-82
 - Anglophones at Canada Post in Quebec, 115-116
- Anglophones in federal public service in Quebec, 31, 115
- complaints, 114-116
 - federal employment, Anglophone and Francophone, 95-96, 114-117
 - in federal institutions, 27
 - for Francophone athletes, 83-85
 - for minority official language communities, 27-28
 - language of examination at Foreign Affairs, 116
 - legislated by *Official Languages Act*, 113
- Estates General on the French Language (Quebec), 96
- Facilitation, instrument of Commissioner, 20, 73
- Federal Court of Appeal. *See also* Court cases
- Air Ontario, and linguistic obligations, 78
 - case involving *Contraventions Act*, 41-42
 - case involving language of House of Commons debates, 70
 - description of Commissioner's role, 19
- Fédération Franco-Ténoise et al. v. Her Majesty et. al.*, 55
- jurisdiction of court in Northwest Territories, 55
 - linguistic guarantees in devolution of powers, 42-43
- Federal government. *See also* Devolution of federal responsibilities; Language of service; Language of work
- accountability mechanisms, 26
 - breadth of *Official Languages Act*, 13
 - cultural shift required, 28, 74-75
 - equality of opportunity, 31, 95-96, 113-116
 - French-language content on the Internet, 31, 89-90
 - Government On-Line* initiative, 89
 - guiding principles for quality service, 76
 - leadership, 14, 16, 17, 24-34, 36, 49, 119
 - linguistic responsibilities, 13, 26, 27, 36, 38-39
 - and minority official language communities, 13, 25, 33-34, 53
 - number of Anglophones in federal service, 31, 95-96, 114
 - Official Languages Champions, 30
 - and provincial/territorial initiatives, 13, 30-31
 - recommendations for institutions re linguistic obligations, 93
 - Regional Councils of Senior Federal Officials, 30-31
 - renewed commitment to official languages, 12, 16, 17, 24-26, 119
- Fédération des communautés francophones et acadienne du Canada* (FCFA)
- Dialogue project, 96
 - Montfort Hospital, 66
 - study on health services in minority communities, 34, 65
- Federal institutions. *See* Federal government; Language of service; Language of work
- Federal partnerships with community organizations, 43-45
- Fédération Franco-Ténoise et al. v. Her Majesty et. al.*, 55

- Fisheries and Oceans, Department of
 language inequalities at Coast Guard
 College, 109-110
 recommendations of Commissioner, 110
- Follow-ups. *See* Studies and investigations
- Fontaine Task Force on Government
 Transformations, and community
 partnerships, 43-44
- Foreign Affairs and International Trade,
 Department of
 complaints received, 100f
 equality of opportunity with examination, 116
- Francophone Affairs Office (Saskatchewan), 36
- Francophone Association of the Northwest
 Territories, 55
- Free Trade Area of the Americas, 24
- French Language Services Act* (Ontario), 41
- French Language Services Act* (PEI, 2000), 35
- French-language services at border crossings
 in Ontario, 88
- Games of La Francophonie, and English-
 language advertising, 104
- GENet (Internet network of federal councils),
 31
- Government On-Line*, 89
- Governments. *See* Federal government;
 Municipal governments;
 Provincial/territorial governments
- Government transformations, and language
 rights, 13, 27, 38-44, 49-50, 73-74. *See also*
 Devolution of federal responsibilities;
 Municipal mergers; Privatization
- Government Travel Service, quality of French,
 107
- Halifax International Airport Authority,
 complaints received, 100f
- Hazardous Materials Information Review
 Commission, 102-103
- Health, Department of
 committees for health services in minority
 communities, 34, 65
- language provisions in transfer of Yukon
 hospital, 40-41
 management of community programs,
 33, 65-66
- Health services
 French-language services at Whitehorse
 General Hospital, 40-41
 in minority official language communities,
 21, 34, 65-66
 Montfort Hospital, 66
 House of Commons debates, 70-71
- Human Resources Development, Dept. of
 complaints received, 100f
 federal-provincial manpower training
 programs, 39-40
 partnership with *ACFO de London-Sarnia*, 45
 recommendations of Commissioner, 40
- Immigration
 anglophone immigration to Quebec, 60
 to Canada, 59
 factor in population growth, 58
 francophone immigration to Quebec, 59
 impact on minority official language
 communities, 58-60
 language requirements for immigration to
 Canada, 56-57
 quality of French-language services to
 immigrants, 57-58
 recruitment of francophone immigrants,
 59-60
 strategic priority of Commissioner, 21
- Immigration Act*, 60-61
- Immigration Regulations*, 1978, 56
- Industry, Department of
 Community Development Program, 34
 complaints received, 100f, 108
- Instituting a System at Air Canada to
 Effectively Implement the Official Languages
 Act*, 82
- International Amateur Athletic Federation, 104
- International Ombudsman Institute, 23
- Internet
 follow-up of study French-language content,
 89-90
 French language usage, a priority, 29

network of federal councils (GENet), 31
quality of French on websites, 102-103, 106
Investigations. *See* Studies and investigations

Jean Giroux-Gagné, Claude Nadeau, Claude Snow and les Comités de parents du Nouveau-Brunswick et al. v. New Brunswick, 63-64

Justice, Department of
linguistic guarantees in *Contraventions Act*, 41-43
linguistic obligations of Crown agents, 85-87
recommendations of Commissioner, 41-42, 86

Language of service
Air Canada and its subsidiaries, 78-79, 80-81, 82-83
availability at customs crossings, 88
breadth of *Official Languages Act*, 13
complaints during election of November 2000, 105
complaints received, 97-106
in designated bilingual offices, 74
and devolution of federal responsibilities, 13, 27, 38-44, 49-50, 73-74
8th World Championships in Athletics (Alberta), 104
Elections Canada, 100f, 105
English-language advertising for Games of La Francophonie, 104
French-language content on the Internet, 89-90, 102-103, 106
French-language services of Environment Canada, 106
French-language services of RCMP, 90-92
guarantees in the *Official Languages Act*, 41-43
guiding principles for federal institutions, 76
in high performance sport, 83-85
internal culture and linguistic duality, 28, 74-75
language training, importance of, 75
linguistic guarantees in *Contraventions Act*, 41-43
linguistic obligations of Crown agents, 85-87

National Report on Service to the Public in English and French, 73-74
and Part IV of *Official Languages Act*, 41-43, 101
at pre-boarding security screenings, 92
in the private sector, 101-102
strategic priority of Commissioner, 21, 27-28, 74-75

Language of work
at Air Canada, 81-82
breadth of *Official Languages Act*, 13
at Canada Post in Quebec, 115-116
complaints received, 97-106
in federal institutions, 106-110
French-language services of government travel agency, 107-108
language inequalities at Coast Guard College, 109-110
at Measurement Canada, 108
and Part V of *Official Languages Act*, 106
priority of Committee of Deputy Ministers on Official Languages, 29, 106-107
strategic priority of Commissioner, 21, 28, 74-75
in unilingual regions, 110

Language requirement of positions
in Atlantic Canada and National Capital Region, 111-112
at Canada Post in Quebec, 115-116
language profile challenges, 110-111
language profiles, determining, 110
Rogers v. The Queen (2001), 111
at Via Rail, 113

Leadership
Commissioner's initiatives, 18-24
community leadership, 14
federal Committee of Deputy Ministers on Official Languages, 29
federal government, 14, 16, 17, 24-26, 36, 49-50, 119
federal government with communities, 33-34
necessity for linguistic duality, 14, 17, 36, 49-50, 93, 119
official languages champions, 30
Parliamentary committees, 32-33
provincial/territorial government initiatives, 35-36
Regional Councils of Senior Federal Officials, 30-31

- Linguistic duality
- attitude to linguistic duality (Manitoba), 22
 - collective effort required of society, 17, 36, 119
 - and culture of federal institutions, 28, 74-75
 - economic value, 23, 36
 - fundamental Canadian value, 10, 22, 24, 28, 118
 - on international level, 21
 - leadership required, 14, 49, 119
 - major commitment of government, 16, 17, 24-26, 36, 119
 - nationwide consultation by Commissioner, 21-22
 - strategic priority of Commissioner, 21
- London (Ontario), and partnership with HRDC Resource Centre, 45
- Macdonald-Cartier International Airport (Ottawa, Ontario), complaints received, 100f
- Manitoba
- activities of federal council, 31
 - attitude to linguistic duality, 22
 - complaints received, overview, 97, 98f, 99f
 - language of service of RCMP, 90
- Martel, Angéline, 62
- Measurement Canada, and language of work, 108
- Media
- French-language election information, 105
 - interventions by Commissioner, 95-96
 - use of official languages' press by Air Canada, 80-81
- Minority language instruction. *See* Education
- Mississauga (Ontario), and *Contraventions Act*, 41
- Moncton (New Brunswick), municipal bylaws, 67
- Montfort Hospital situation (Ottawa), 66
- Montreal (Quebec), municipal mergers and linguistic rights, 48-49
- Municipal governments. *See also* Municipal mergers
- linguistic guarantees in *Contraventions Act*, 41-43
 - mergers and erosion of language rights, 13, 27, 38, 47-49
 - municipal bylaws in both official languages, 67
- Municipal mergers. *See also* Devolution of federal responsibilities; Privatization and bilingualism policies in Quebec, 48-49 and erosion of language rights, 13, 27, 38, 47-49
- and municipal bilingualism in Ontario, 47-48
- National Capital Region, complaints, 97, 98f, 99f
- See also* Ottawa (Ontario)
- National Children's Agenda, and French-language education, 63
- National Committee for Canadian Francophonie Human Resource Development, 33
- National Defence, Department of, complaints received, 100f
- National Human Resources Development Committee for the English Linguistic Minority, 34, 103
- National Report on Service to the Public in English and French*, 73-74
- National Revenue, Department of. *See* Canada Customs and Revenue Agency
- Network of Champions, 30
- New Brunswick
- activities of federal council, 31
 - Canadian Food Inspection Agency move from Shippagan, 56
 - complaints received, overview, 97, 98f, 99f
 - District Education Councils, 64
 - Education Act* amendments, 64
 - language of service of RCMP, 91-92
 - linguistic obligations of Crown agents, 85
 - municipal bylaws, language of, 67
 - school governance dispute, 63-64
- Newfoundland
- complaints received, overview, 97, 98f, 99f
 - language of service, 36
- Northwest Territories
- community development projects, 35
 - complaints received, overview, 97, 98f, 99f

- Fédération Franco-Ténoise et al. v. Her Majesty et. al.*, 55
- Nova Scotia, complaints received, overview, 97, 98f, 99f
- Nunavut
 complaints received, overview, 97, 98f, 99f
 language of service, 35
- Nunavut Francophone Association, 35
- Office of the Commissioner for Aquaculture Development
 language requirements for position, 111-112
- Office of the Commissioner of Official Languages. *See also* Commissioner of Official Languages; Complaints received, overview, 97, 98f, 99f and equality of opportunity, 27 interventions, complaints and investigations, 120 leadership initiatives, 18-24 legal interventions, 121 media interventions, 95-96 mission and vision, 18-19 political interventions, 121 requests for information, 95, 120 strategic priorities, 21-22
- Official Languages Act*
 Part IV (language of service to public), 41-43, 101
 Part V (language of work), 106
 Part VI (equitable participation), 113-114
 Part VII (advancement of French and English), 28, 32-33, 42, 52, 54-55
 and private sector companies, 101
 resistance or indifference to requirements, 11, 14, 93, 118
 responsibilities of federal institutions, 16, 26, 101, 106, 119
 section 91 (language profiles of positions), 110
 section 45 (provincial agreements and language guarantees), 28
 section 25 (third-party obligations), 42
- Official Languages Champions, 30
- Official Languages (Communications with and Services to the Public) Regulations*, 78-79, 101
- Ontario. *See also* National Capital Region activities of federal council, 31 complaints received, overview, 97, 98f, 99f French-language services at border crossings, 88 legal services, regulations, 36 linguistic guarantees in *Contraventions Act*, 41-43 municipal mergers and official bilingualism policies, 47-48
- Ottawa (Ontario)
 linguistic guarantees in *Contraventions Act*, 41
 municipal mergers and bilingualism, 47-48
 Montfort Hospital situation, 66
 National Capital Region, complaints received, 97, 98f, 99f
- Prime minister, 47, 60
- Prince Edward Island
 activities of federal council, 31
 complaints received, overview, 97, 98f, 99f
 language of service legislation, 35
- Private sector companies
 complaints received, 101-102
 not subject to *Official Languages Act*, 101
- Privatization. *See also* Devolution of federal responsibilities; Municipal mergers Air Canada, 77-83 airports, 46-47 and erosion of language rights, 13, 27, 38, 46 Privy Council Office, and official languages, 12, 26, 29, 31
- Provincial/territorial governments. *See also individual provinces* and Devolution of federal responsibilities coordination with federal government, 13 federal financing and linguistic obligations, 35 federal-provincial manpower training programs, 39-40 leadership initiatives, 35-36 linguistic guarantees in *Contraventions Act*, 41-43
- linguistic guarantees in federal-provincial agreements, 39-43, 50

- federal councils' minority language activities, 30-31
- Public Service. *See* Federal government; Language of service; Language of work
- Public Service Commission, 74
- Public Works and Government Services, Department of
 - complaints received, 100f
 - evaluation of language requirements for positions, 112
 - French-language services of government travel agency, 107-108
- Quebec
 - activities of federal council, 31
 - Anglophone immigrants, 60
 - Anglophones in federal public service in Quebec, 31, 115
 - Bills 170 and 171, 48-49
 - complaints received, overview, 97, 98f, 99f
 - equality of opportunity at Canada Post, 115-116
 - Estates General on the French Language, 96
 - francophone immigration, 59
 - language of service, 74
 - municipal mergers and official bilingualism policies, 48-49
 - National Human Resources Development Committee for the English Linguistic Minority, 34, 103
 - obstacles for Francophone athletes, 83-85
 - underfunding of Anglophone schools, 65
- Quebec Federal Council, 31
- R. v. Beaulac* (1999), 54
- Recommendations
 - to Air Canada, 77, 81
 - amendments to *Immigration Act*, 61
 - development of performance indicators in federal institutions, 75
 - equality of opportunity at Canada Post in Quebec, 115-116
 - federal-community partnerships, 44
 - French-language content on Web sites, 31
 - French-language services at Ontario border points, 88
 - French-language services for immigrants, 58
 - French-language services in high performance sport, 84
 - French-language services of RCMP, 90- 92
 - French-languages services on Air Canada subsidiaries, 79
 - guidelines for Air Canada, 82-83
 - immigration policies and minority official language communities, 59
 - for institutions to comply with linguistic obligations, 93
 - instrument of the Commissioner, 19
 - language of documents at Measurement Canada, 108
 - language of instruction at Coast Guard College, 110
 - language of work in unilingual regions, 110
 - language requirements for immigration to Canada, 57
 - language requirements of positions, 111-113
 - linguistic guarantees in *Contraventions Act*, 41
 - linguistic guarantees in provincial manpower programs, 40
 - linguistic guarantees with airport privatizations, 46
 - linguistic obligations of Crown agents, 86
 - methods of staffing bilingual positions, 74
 - reinstatement of periodic evaluation of language skills, 74
 - relocation of Canadian Food Inspection Agency, 56
- Regional Councils of Senior Federal Officials
 - GENet (Internet network), 31
 - leadership, 30-31
 - official languages subcommittees, 30-31
- Rights, Schools and Communities in Minority Contexts: 1986-2002 - Toward the Development of French through Education* (Martel), 62
- Rogers v. The Queen* (2001), 111
- Royal Bank of Canada, and language of service, 102
- Royal Canadian Mounted Police (RCMP)
 - complaints received, 100f
 - language of service in Manitoba, 90
 - language of service in New Brunswick, 91-92

- Saskatchewan
 - activities of federal council, 31
 - complaints received, overview, 97, 98f, 99f
 - Francophone Affairs Office, 36
- Shippagan, impact of Canadian Food Inspection Agency move, 56
- Société des Acadiens et Acadiennes du Nouveau-Brunswick* (SAANB), 67, 92
- Speed Skating Canada, 83
- Sport, high performance
 - English-language advertising for Games of La Francophonie, 104
 - obstacles for Francophone athletes, 83-85
 - recommendations of the Commissioner, 84
 - study of the Commissioner, 83-85
 - 8th World Championships in Athletics, 104
 - under-representation of Francophone athletes, 83
- Sport Canada
 - appointment of official languages coordinator, 85
 - funding linked to linguistic obligations, 84
 - recommendations of Commissioner, 84
- Standing Committee on Citizenship and Immigration
 - appearance of Commissioner re Bill C-11, 32
 - memorandum from Commissioner on official language immigrants, 61
- Standing Joint Committee on Official Languages
 - accessibility of justice for Francophones, 87
 - administration of *Official Languages Act*, 32-33
 - language of House of Commons debates on CPAC, 71
 - support for Commissioner's efforts, 32-33, 93
- Standing Senate Committee on Transport and Communications
 - Commissioner's guidelines for Air Canada, 82-83
 - legislation on linguistic responsibilities of Air Canada, 32
- Statistics Canada, and language skills of trainer, 103
- Studies and investigations
 - Air Canada and its subsidiaries, 77-83
 - Canada Post, 115
 - for complex and systemic problems, 19, 72, 93
 - customs services in French in Ontario, 88
 - enrolment in French-language schools, 62-63
 - equal opportunity at Foreign Affairs, 116
 - federal-provincial manpower training programs, 39-40
 - French in high performance sport, 83-85
 - French-language content on the Internet (follow-up), 89-90
 - immigration and linguistic duality, 59-60
 - instruments of the Commissioner, 19, 73
 - language of service at airports (follow-up), 46-47, 92-93
 - language of service of RCMP, 90-92
 - language requirements at Via Rail, 113
 - language requirements for immigration, 56-57
 - linguistic obligations of Crown agents, 85-87
 - National Report on Service to the Public in English and French*, 73-74
 - partnerships with community organizations, 43-44
- Study of the Official Language Obligations of Federal Crown Agents in the Province of New Brunswick*, 86
- Sudbury (Ontario), municipal mergers and biligualism, 47-48
- Summer Language Bursary Program, 22-23
- Summit of the Americas, 23-24
- Task force on government transformations (Fontaine task force), 43-44
- Territories. *See also individual territories and Provincial/territorial governments*
- Throne Speech (January 2001), and commitment to official languages, 12, 16, 24
- Transport, Department of
 - airport privatization and linguistic guarantees, 46-47
 - pre-boarding security screenings and language rights, 92
 - recommendations of the Commissioner, 46

- Treasury Board
and BC federal council, 31
compliance sought for language of work provisions, 107
federal-provincial manpower training programs, 40
language of work policy, unilingual regions, 110
periodic evaluation of language skills, 74
recommendation of Auditor General, 75
recommendations of Commissioner, 40, 74, 75, 110
representation by language in the federal public service, 114
resource for Commissioner, 19
- TVOntario, and French-language channel in Quebec, 69
- Via Rail Canada
complaints received, 100f
language requirements for employees, 112
- Westmount (Quebec)
municipal mergers and linguistic rights (Bill 170), 49
bilingual status of boroughs and municipalities (Bill 171), 49
- Whitehorse General Hospital (Yukon),
linguistic guarantees, 40-41
- Youth
strategic priority of Commissioner, 22
Summer Language Bursary Program, 22-23
Youth Parliament (Winnipeg), 22
- Yukon
Association franco-yukonnaise, 40
complaints received, overview, 97, 98f, 99f
francophone centre, 35
linguistic guarantees at Whitehorse General Hospital, 40-41