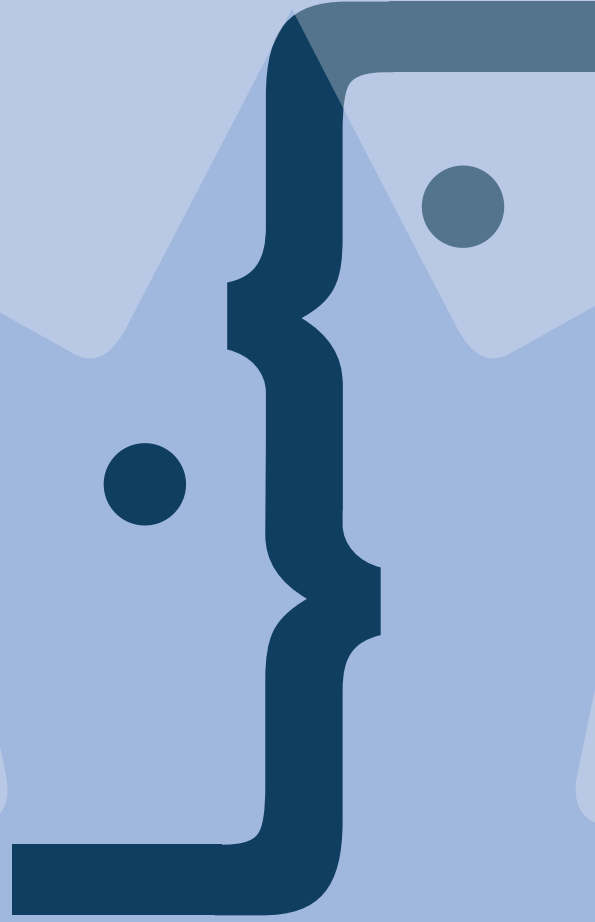




Government  
of Canada

Gouvernement  
du Canada



# **Guide on Part VII of the *Official Languages Act*: Support to communities and promotion of English and French**

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This guide explains the obligations and role of federal institutions to enhance the development and vitality of official language minority communities (OLMCs or communities) and to foster the full recognition and use of English and French in Canadian society, as provided for under Part VII of the *Official Languages Act*.

#### Notice to readers

The purpose of this document is to assist federal institutions in identifying, within the framework of their mandate, action plans related to the implementation of Section 41 of the Official Languages Act. Please note that this document does not constitute legal advice. For such advice, please consult the legal services unit of your federal institution, which, when needed, will contact the Official Languages Directorate of Justice Canada

Questions or comments:

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Catalogue Number: CH14-46/2019E-PDF

ISSN: 978-0-660-32303-9

Cette publication est aussi offerte en français sous le titre « Guide sur la partie VII de la *Loi sur les langues officielles* : Appui aux communautés et promotion du français et de l'anglais ».

Date of last revision: November 2, 2022

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# Section 41 of the *Official Languages Act*

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Under section 41 (Part VII of the *Official Languages Act*), the Government of Canada is committed to:

- enhancing the vitality of the English and French linguistic minority communities in Canada
- supporting their development
- as well as fostering the full recognition and use of both English and French in Canadian society

This commitment is binding on all federal institutions, which are required to ensure that positive measures are taken to implement it. The federal institutions must take into account this commitment during their entire activity cycle:

- strategic planning
- policy and program development
- implementation and evaluation

In all instances, federal institutions must:

- keep their finger on the pulse of the official language minority communities
- determine whether their actions have an impact on these communities or on the advancement of both official languages in society

# A glance at section 41 in the context of the *Official Languages Act*

<b>Part I</b>	<b>Part II</b>	<b>Part III</b>	<b>Part IV</b>	<b>Part V</b>	<b>Part VI</b>
Proceedings of Parliament	Legislative and other instruments	Administration of justice	Communications with and services to the public	Language of work	Participation of English-speaking and French-speaking Canadians

**Part VII**  
Advancement of English and French

**Part VIII**  
Responsibilities and duties of Treasury Board in relation to the official languages of Canada

**Part IX**  
Commissioner of official languages

**Part X**  
Court remedy

**77(1)** Any person who has made a complaint to the Commissioner in respect of a right or duty under sections 4 to 7, sections 10 to 13 or Part IV, V or VII, or in respect of section 91, may apply to the Court for a remedy under this Part.

**Section 41**  
Government policy and duty of federal institutions

**Section 42**  
Coordination (Canadian Heritage)

**Section 43**  
Specific mandate of Minister of Canadian Heritage and public consultation (Canadian Heritage)

**Section 44**  
Annual report to Parliament (Canadian Heritage)

**Section 45**  
Consultation and negotiation with the provinces

## 41(1) Government policy

The Government of Canada is committed to enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and fostering the full recognition and use of both English and French in Canadian society.

## 41(2) Duty of federal institutions

Every federal institution has the duty to ensure that positive measures are taken for the implementation of the commitments under subsection (1). For greater certainty, this implementation shall be carried out while respecting the jurisdiction and powers of the provinces.

## 41(3) Regulations

The Governor in Council may make regulations in respect of federal institutions, other than the Senate, House of Commons, Library of Parliament, office of the Senate Ethics Officer, office of the Conflict of Interest and Ethics Commissioner, Parliamentary Protective Service or office of the Parliamentary Budget Officer, prescribing the manner in which any duties of those institutions under this Part are to be carried out.

### To learn more, please refer to:

Part VII: Advancement of English and French – *Official Languages Act* (Justice Canada)

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# Context of official languages in Canada

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## Overview of the evolution of Canada's official languages policy

1969



1982



1988



2005

### ***First Official Languages Act***

- Makes English and French the official languages of Canada in all matters within the purview of the Parliament and Government of Canada

### ***Canadian Charter of Rights and Freedoms – Sections 16 to 23***

- Grants English and French the status of official languages of Canada
- Offers linguistic guarantees at the parliamentary, legislative and judicial levels and for services and communications with the public
- Grants the right to English and French minority language education

### ***New Official Languages Act***

- Reflects and implements the *Charter's* linguistic guarantees
- Presents the commitment of the Government of Canada to enhancing the vitality of English and French linguistic minority communities and to promoting the full recognition and use of both English and French in Canadian society as stated in Part VII of the *Official Languages Act*

### ***An act to amend the Official Languages Act***

- Requires all federal institutions to take positive measures to implement the Government of Canada's commitment set out in subsection 41(1)

# Official languages in Canada in 2016

**Note :** French- and English-speaking populations have been calculated using the *Official Languages (Communications with and Services to the Public) Regulations* (SOR/92-48) definition of “first official language spoken.”

## French-speaking population

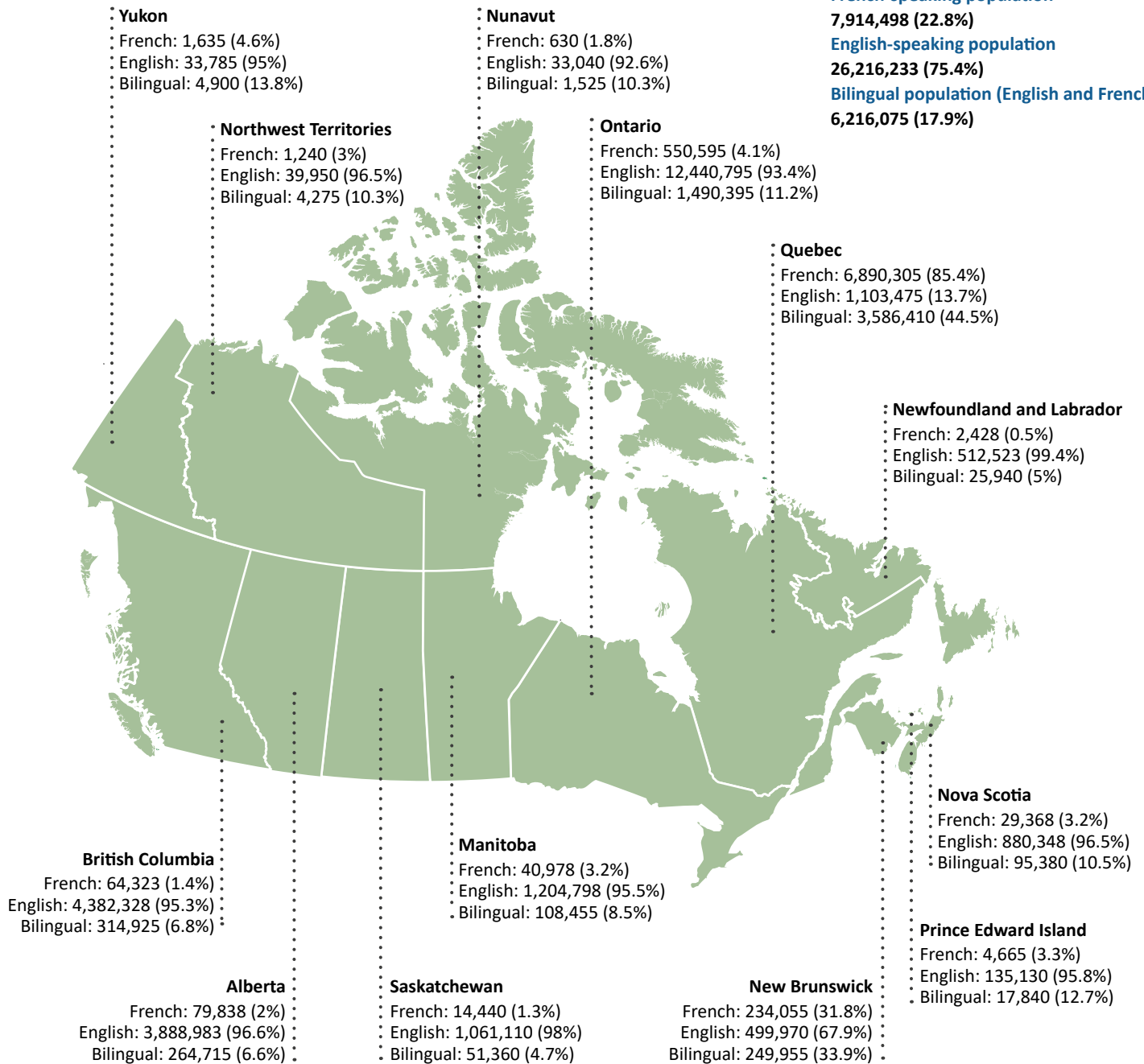
**7,914,498 (22.8%)**

## English-speaking population

**26,216,233 (75.4%)**

## Bilingual population (English and French)

**6,216,075 (17.9%)**



**Source:** Official Languages Branch of Canadian Heritage, November 2017. Based on data from the 2016 Census of Canada, Statistics Canada, 100% sample.

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# Official language minority communities

Generally speaking, official language minority communities (OLMCs) include Anglophones in Quebec and Francophones in the rest of Canada.

These communities are often represented by national and regional organizations such as:

- the [Quebec Community Groups Network](#)
- the [Fédération des communautés francophones et acadienne du Canada](#) (available in French only)

They work to increase awareness about:

- the realities of their communities
- their development priorities
- the forms of support they need

They are represented across Canada in priority areas such as:

- culture
- health
- economic development
- immigration
- communications

Here are some examples of official language minority community organizations that represent different areas of involvement:

- [Association de la presse francophone \(APF\)](#) (available in French only)
- Association of English-Speaking Jurists of Quebec
- [Community Economic Development and Employability Corporation \(CEDEC\)](#)
- [Community Health and Social Services Network \(CHSSN\)](#)
- [English-Language Arts Network \(ELAN\)](#)
- [Fédération culturelle canadienne-française \(FCCF\)](#) (available in French only)
- [Fédération de la jeunesse canadienne-française \(FJCF\)](#) (available in French only)
- [Fédération des aînées et aînés francophones du Canada \(FAAFC\)](#) (available in French only)
- [Fédération des associations de juristes d'expression française de common law inc. \(FAJEFCL\)](#) (available in French only)
- [Réseau de développement économique et d'employabilité \(RDÉE Canada\)](#) (available in French only)
- [Société Santé en français \(SSF\)](#)

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# Federal institutions' obligations

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All federal institutions must **take positive measures** to promote the development of official language minority communities and foster recognition and use of English and French in Canadian society.

The Federal Court of Appeal, in *Fédération des francophones de la Colombie-Britannique v. Canada* (Employment and Social Development), 2022 FCA 14, concluded that taking positive measures calls for a two-step analysis. Federal institutions must first be sensitive to the particular circumstances of the country's various official language minorities, and also determine the impact of decisions and initiatives in reference to those communities. In implementing decisions and initiatives, federal institutions must then act to enhance the vitality of these linguistic minority groups, or, if the impact of decisions, initiatives, and equivalent are negative, counter or mitigate these negative repercussions, to the extent possible.

Throughout the cycle of an institution's activities, whether in terms of strategic planning, policy and program development, implementation and evaluation, or reporting, the institution should demonstrate the impact of an initiative on the vitality of official language minorities. If a decision, initiative or equivalent has negative impact, the federal institution must counter or mitigate these repercussions, to the extent possible.

## Taking positive measures

The *Official Languages Act* does not define the term “positive measures.” The implementation of positive measures takes many different forms, depending on the mandate of each federal institution. Officials in your institution should have the same understanding of the *Official Languages Act* obligations.

Your institution may decide that any action that contributes to the vitality of official language minority communities and to the recognition of both official languages is a positive measure. By continuing to listen to the communities and by demonstrating leadership, your institution will be in a position to identify positive measures. Federal institutions must be sensitive to the circumstances of various OLMCs across the country, and determine the impact that decisions and initiatives may have on these communities. Further, when making decisions and implementing initiatives, federal institutions must act to enhance the vitality of OLMCs. When decisions and initiatives are likely to have negative impacts, federal institutions must act to counter or mitigate these negative repercussions, to the extent possible.

The obligation to enhance the vitality of OLMCs contemplates concrete actions. It requires that measures be taken to mitigate potential negative effects if a decision is likely to have negative impacts on OLMCs. This obligation is ongoing, and means that an analysis using an official language lens must be completed, as decisions are made.

You should also **optimize the full potential** (services, policies, programs, expertise, facilities, etc.) available in your institution to fulfill its mandate. This might involve creating or adapting existing programs to take the needs of communities into account or looking at the possibility of calling on minority community organizations to deliver certain programs or services (what is referred to as the “by and for” approach).



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## Tapping the full potential of your institution

Optimizing the contribution of an institution and obtaining results requires:

- knowing one's obligations
- maintaining dialogue with official language minority communities
- networking for better coordination
- identifying your potential based on your mandate:
  - services
  - policies
  - programs
  - regulations
  - sponsorship
  - expertise
  - infrastructure
  - research and development
  - other initiatives
- linking to the priorities of official language minority communities
- seeking opportunities to promote the recognition and use of both official languages in Canadian society



## Facilitating the implementation of section 41

Federal institutions may act in the following areas of activity:

### Awareness and knowledge improvement

Internal activities aimed at raising the awareness and increasing the knowledge of employees and management concerning the implementation of section 41 of the *Official Languages Act*.

### Consultations

Sharing of ideas and information between federal institutions and official language minority communities to better understand each other's priorities and mandate, and to identify areas for the development of these communities.

### Communications

Provision of information (externally) to promote the bilingual character of Canada and provision of information to official language minority communities regarding the federal institution's activities, programs and policies that could be of interest to them.

### Coordination and liaison

Networking, cooperation and liaison (joint research, meetings, etc.), either within the federal institution, with other federal institutions or with other levels of government.

### Funding and services

Delivery of programs and services (resources, in-kind contributions, advice, etc.) and funding for official language minority communities by the federal institution itself or in collaboration with other federal institutions.

Integration of the needs of official language community minorities.

### Accountability

Developing official languages action plans and reviews, internal evaluations, reviews of the federal institution's departmental policies and processes.

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## A few examples of ways to implement section 41

The following are some examples of positive measures taken by federal institutions in support of the implementation of section 41 in accordance with their respective mandates:

- The [Action Plan for Official Languages 2018–2023: Investing in Our Future](#) includes a series of initiatives that represent concrete examples of positive measures.
- In the area of immigration, Immigration, Refugees and Citizenship Canada supports the [Francophone Immigration Networks](#), a group of nearly 300 partner organizations and institutions. These networks come from Francophone and Acadian communities and are front-line actors in attracting, recruiting, welcoming and integrating French-speaking newcomers.
- Health Canada funds [Dialogue McGill](#), a language training program delivered by McGill University to improve the capacity of health service providers to better serve the English-speaking population in the province of Quebec.
- Mechanisms are implemented (advisory committees, roundtables, working groups, etc.) to establish an ongoing dialogue with official language minority communities so as to be able to know their priorities and take them into account when developing new programs and services.
- Other federal institutions develop partnerships with minority language universities and colleges to provide Canadian and international students with work experience and research opportunities in the minority language.

For other examples, you can also consult Canadian Heritage's annual reports on official languages (available on the page [Publications – Official language communities and linguistic duality](#) in the [Canada.ca](#) website).

## Help for federal institutions

Section 42 states that the Minister of Canadian Heritage, in consultation with other federal ministers, shall encourage and promote a coordinated approach to the federal institution implementation of the commitments set out in section 41.

At the national level, the Official Languages Branch at Canadian Heritage coordinates and liaises with federal institutions. The branch works with all federal institutions to implement section 41.

In every province and territory, Canadian Heritage has a person responsible for interdepartmental coordination whose role it is to facilitate relationships between federal institutions and regional official language minority communities.

The Official Languages Branch at Canadian Heritage:

- provides guidance, advice and tools for the implementation of section 41, including:
  - the [Reflection tool for the implementation of section 41 of the \*Official Languages Act\*](#)
- brings together a community of practice of persons responsible for the implementation of section 41
- organizes regular meetings to facilitate the exchange of good practices
- analyzes reports of federal institutions on results pertaining to the implementation of section 41 with a view to making suggestions for continued improvement
- also reports on results to Parliament on an annual basis

To learn more about the role of the Official Languages Branch of Canadian Heritage in the implementation of section 41 of the *Official Languages Act*, you can also consult the section entitled “Interdepartmental relations and accountability” on the following page: [Areas of involvement regarding official languages in Canadian society](#) in the [Canada.ca](#) website.

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## More information

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### Official Languages Branch (OLB)

Canadian Heritage  
15 Eddy Street, 7th floor  
Gatineau, Quebec  
K1A 0M5

Contact the Official Languages Branch

**Email:** [portail41-gateway41@pch.gc.ca](mailto:portail41-gateway41@pch.gc.ca)

### Telephone:

Toll free: 1-866-811-0055

TTY\*: 1-888-997-3123

\* For people who are deaf, hard of hearing, or speech-impaired

Visit our [GCcollab](#) page that also contains tools for the implementation of Section 41

## Related resources

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- [Part VII: Advancement of English and French – \*Official Languages Act\*](#) (Justice Canada)
- [Interdepartmental relations and accountability](#) (on the page [Areas of involvement regarding official languages in Canadian society](#) in the [Canada.ca](#) website)
- [Canadian Heritage’s annual reports on official languages](#) (available on the page [Publications – Official language communities and linguistic duality](#) in the [Canada.ca](#) website)

### Tools and resources on official languages

- [Reflection tool for the implementation of section 41 of the \*Official Languages Act\*](#) (Canadian Heritage)
- [Key questions to facilitate decision-making that may impact on the implementation of section 41 of the \*Official Languages Act\*](#) (Canadian Heritage)
- [Infographics on Canada’s official languages](#) (Office of the Commissioner of Official Languages)
- [Official Languages Research Dissemination Platform \(GCpedia\)](#) (accessible only on the Government of Canada network)
- [Carte interactive des communautés francophones du Canada](#) (Fédération des communautés francophones et acadienne du Canada) (available in French only)

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# URL addresses of hyperlinks

(in alphabetical order)

Title of hyperlink	URL address
Action Plan for Official Languages 2018–2023: Investing in Our Future	<a href="https://www.canada.ca/en/canadian-heritage/services/official-languages-bilingualism/official-languages-action-plan/2018-2023.html">https://www.canada.ca/en/canadian-heritage/services/official-languages-bilingualism/official-languages-action-plan/2018-2023.html</a>
Areas of involvement regarding official languages in Canadian society	<a href="https://www.canada.ca/en/canadian-heritage/services/official-languages-bilingualism/about.html">https://www.canada.ca/en/canadian-heritage/services/official-languages-bilingualism/about.html</a>
Association de la presse francophone	<a href="https://www.apf.ca/">https://www.apf.ca/</a> (available in French only)
Carte interactive des communautés francophones du Canada	<a href="https://fcfa.ca/carte-interactive/">https://fcfa.ca/carte-interactive/</a> (available in French only)
Community Economic Development and Employability Corporation	<a href="https://cedec.ca/">https://cedec.ca/</a>
Community Health and Social Services Network	<a href="http://chssn.org/">http://chssn.org/</a>
Dialogue McGill	<a href="https://www.mcgill.ca/dialoguemcgill/">https://www.mcgill.ca/dialoguemcgill/</a>
English-Language Arts Network	<a href="https://www.quebec-elan.org/">https://www.quebec-elan.org/</a>
Fédération culturelle canadienne-française	<a href="http://www.fccf.ca/">http://www.fccf.ca/</a> (available in French only)
Fédération de la jeunesse canadienne-française	<a href="http://fjcf.ca/">http://fjcf.ca/</a> (available in French only)
Fédération des aînées et aînés francophones du Canada	<a href="http://www.faaaf.ca/">http://www.faaaf.ca/</a> (available in French only)
Fédération des associations de juristes d'expression française de common law inc.	<a href="http://www.fajef.ca/">http://www.fajef.ca/</a> (available in French only)
Fédération des communautés francophones et acadienne du Canada	<a href="http://www.fcfa.ca">http://www.fcfa.ca</a> (available in French only)
Francophone Immigration Networks	<a href="https://www.immigrationfrancophone.ca/en/about/francophone-immigration-networks">https://www.immigrationfrancophone.ca/en/about/francophone-immigration-networks</a>

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Title of hyperlink	URL address
Infographics on Canada’s official languages	<a href="https://www.clo-ocol.gc.ca/en/statistics/infographics">https://www.clo-ocol.gc.ca/en/statistics/infographics</a>
Key questions to facilitate decision-making that may impact on the implementation of section 41 of the <i>Official Languages Act</i>	<a href="https://www.canada.ca/en/canadian-heritage/services/official-languages-bilingualism/publications/key-questions.html">https://www.canada.ca/en/canadian-heritage/services/official-languages-bilingualism/publications/key-questions.html</a>
<i>Official Languages (Communications with and Services to the Public) Regulations</i>	<a href="https://laws-lois.justice.gc.ca/eng/regulations/SOR-92-48/page-1.html">https://laws-lois.justice.gc.ca/eng/regulations/SOR-92-48/page-1.html</a>
Official Languages Research Dissemination Platform (GCpedia)	<a href="http://www.gcpedia.gc.ca/wiki/Official_Languages_Research_Dissemination_Platform">http://www.gcpedia.gc.ca/wiki/Official_Languages_Research_Dissemination_Platform</a> (accessible only on the Government of Canada network)
Part VII: Advancement of English and French – <i>Official Languages Act</i>	<a href="https://laws-lois.justice.gc.ca/eng/acts/o-3.01/page-4.html#h-384407">https://laws-lois.justice.gc.ca/eng/acts/o-3.01/page-4.html#h-384407</a>
Publications – Official language communities and linguistic duality	<a href="https://www.canada.ca/en/canadian-heritage/services/official-languages-bilingualism/publications.html">https://www.canada.ca/en/canadian-heritage/services/official-languages-bilingualism/publications.html</a>
Quebec Community Groups Network	<a href="http://www.qcgn.ca">http://www.qcgn.ca</a>
Reflection tool for the implementation of section 41 of the <i>Official Languages Act</i>	<a href="https://www.canada.ca/en/canadian-heritage/services/official-languages-bilingualism/publications/reflection-tool.html">https://www.canada.ca/en/canadian-heritage/services/official-languages-bilingualism/publications/reflection-tool.html</a>
Réseau de développement économique et d’employabilité	<a href="http://rdee.ca/">http://rdee.ca/</a> (available in French only)
Société Santé en français	<a href="https://www.santefrancais.ca/en/">https://www.santefrancais.ca/en/</a>

**Note:** At the time of the last update of this publication, all hyperlinks were functional.