

# LANGUAGE

and Society  
**SPECIAL ISSUE**

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## THE MINORITIES: TIME FOR SOLUTIONS

Two million Canadians in search  
of linguistic equality

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Proceedings of the Colloquium sponsored by the Office of the Commissioner  
of Official Languages, Ottawa and Hull, October 17, 18 and 19, 1985.

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*The Minorities:  
Time for Solutions*

Proceedings of the Colloquium sponsored by the Office of the Commissioner of Official Languages, Ottawa and Hull, October 17, 18 and 19, 1985.

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# 1. The minorities: time for solutions

*"Our colloquium was born of the realization that we are at a turning point in the history of the language reform effort in Canada. We can either stagnate or move forward with renewed vigour." D'Iberville Fortier, Commissioner of Official Languages, explains the purpose of the colloquium and assesses its impact on two important aspects of Canada's language reform movement: a renewed effort to achieve linguistic equality and greater co-operation by all elements of society.*

D'IBERVILLE FORTIER

This special issue of *Language and Society* contains the edited proceedings of a colloquium sponsored by my Office and held in Ottawa and Hull on October 17, 18 and 19, 1985. Entitled "The Minorities: Time for Solutions", the colloquium brought together for the first time French- and English-speaking minority representatives from across Canada, as well as federal and provincial politicians and senior officials, educators, lawyers, journalists and others interested in minority affairs.

In attempting to come up with a balanced assessment of what we achieved, I take to heart the challenge implicit in the words of Léo LeTourneau, former president of the Fédération des Francophones hors Québec and veteran of many minority language rights battles:

I'm wary of colloquia on official-language minorities; they tend to create expectations that go far beyond our ability to act. While they sometimes produce brilliant solutions to our problems, such solutions are rarely translated into concrete action. I dare to hope that this colloquium will be an exception to the rule.

In response to that challenge, and by way of introduction to this document, allow me to outline our reasons for organizing this colloquium, to analyse what it achieved and, lastly, to suggest what its outcome may be for the minorities themselves and for the various authorities that play key roles in furthering language reform in Canada.

#### **The context: minorities at the breaking point**

Our colloquium was born of the realization that we are at a turning point in the history of the language reform effort in Canada. As noted in my 1984 Annual Report

to Parliament, we can either stagnate or move forward with renewed vigour.

Some twenty years after publication of the B & B Commission's Report, the issue of providing protection for our official-language minorities is still unresolved. If, on the surface, it appears that their situation has improved, one need only look at the demolingistic analyses of the 1981 census to see that assimilation and linguistic polarization are rampant in today's Canada.

But a new breeze is blowing through our minority communities, a breeze that bears the seeds of a new militancy and a renewed determination not only to survive but to develop. Although their history and conditions differ, our two linguistic majorities have, over the last few years, found a new balance and our official minorities have established a new relationship. This shift could prove to be fundamental. Moreover, changes of attitude and a new climate of co-operation between the federal government and the provinces could lead to fresh solutions.

There can be no doubt, however, that our official-language minorities are close to breaking point. While French is doing well enough in Quebec, elsewhere the Francophone population is declining, a prey to assimilation. In our three westernmost provinces, for example, half of the 130,000 citizens who have French as their mother tongue no longer use mainly that language at home. Save a few commendable exceptions, these communities have little political weight and enjoy little government support.

The situation of the Anglophone communities in Quebec is also serious, with losses of 10 per cent in ten years, mostly among the young. Chiefly for demographic and administrative reasons, Anglophones in



Quebec — particularly those living in smaller communities — have lost ground. Even if the Quebec government has revised its stand on some issues and changed laws and regulations, English schools have continued to close and there is serious concern about the new social services regime.

The Canadian Charter of Rights and Freedoms proclaims, among other things, the equal status of English and French as the official languages of Canada, equal protection and benefit before the law, and the right to move freely to gain one's livelihood. However, it is imperative to create ways to enable our minorities to use their language in a broad range of circumstances and allow them to "feel at home" in their language virtually anywhere in Canada.

Unfortunately, most Canadians remain indifferent to these questions. Many have given up on official bilingualism and are baffled by its complexity. They simply feel that enough has been done now that a number of rights are enshrined in the Constitution.

But there is a world of difference between a right proclaimed and a right exercised. What our majorities must recognize is that respect for identity is central to the ethical fabric of Canada. How, then, can they dare ignore the fate of some two million fellow citizens who have a moral and legal right to live their daily lives in their own language?

It was thus my hope that our colloquium — by bringing together many of the key actors in this very

#### Message from the Prime Minister of Canada

It is with great pleasure that I extend this greeting to the participants of the conference on "The Minorities: Time for Solutions", organized by the Office of the Commissioner of Official Languages.

Even though the theme of these meetings is well chosen, and bearing in mind that our support for the linguistic communities has not come as quickly as it might have, it seems to me that the time for solutions began some years ago. We should recall that, at the time of the B & B Commission, a great deal was waiting to be done in all parts of Canada outside Quebec. The most pressing tasks were to increase the understanding of Canadians about the linguistic rights of official-language communities, to assure legislative protection for such rights, and to provide the federal government and its agencies with the means to serve the public in French as well as English.

While development of the country's linguistic infrastructure is by no means complete, a major milestone has been reached with the entrenchment of certain language rights in the Constitution and linguistic reform of the federal administration.

We are left with the formidable task of building a community life and cultural environment that will provide our linguistic communities with the desire to use their mother tongue in their daily life and to exercise effectively the rights they are guaranteed under the Constitution. Even though the federal government helps create that environment, it is the provinces, municipalities and the private sector that for the most part influence the day-to-day living conditions of our French- and English-speaking minorities. Therefore, what we need now is a truly joint endeavour on the part of all governments and private organizations in Canada.

For that reason, the Speech from the Throne on November 5, 1984 emphasized the need for close co-operation between the two orders of government in support of the learning and use of our official languages and in fostering Canada's multicultural character. As the Secretary of State, the Honourable Benoît Bouchard, will no doubt remind you, the co-operation of provincial governments remains essential for application of section 23 of the Canadian Charter of Rights and Freedoms, which guarantees official-language communities in all provinces the right to instruction in their own language.

In that regard, certain recent events bode well for the future. The openness of the Government of Quebec's recently announced policy concerning *la francophonie canadienne* seems promising to me, as does the open approach of the Government of Ontario to the French-speaking community in that province. Nor should we forget that, despite certain temporary tensions, real progress has been made in New Brunswick and Manitoba.

I see all this as a sign of the times. As was indicated in the last Speech from the Throne, the federal government intends to do its own part to support Canada's linguistic communities. I have therefore invited the Secretary of State to reconfirm at your conference the federal government's commitment to maintain and strengthen its support for your communities by reviewing its policies and programs to adjust them more fully to your needs, as well as our intention to work with the provinces and all interested organizations to encourage cultural and linguistic growth for Canada's Francophones and Anglophones.

Your conference could not be more timely. I trust that all of you will find the discussions fruitful so that "the time for joint solutions" may very soon be upon us.

Brian Mulroney



human drama — would pinpoint the kinds of common action that might lead us, if not completely out of the wilderness of discontent, at least out of the immediate thickets. My colleagues and I viewed this conference as an opportunity to spark all kinds of ideas, suggestions and proposals consistent with a normal sense of justice; workable and worthwhile from the point of view of the minorities themselves; consistent with their desire for growth, development and mutual assistance; and beneficial from the standpoint of Canadian society as a whole.

**The colloquium: a blueprint for action**  
We were not disappointed.

Our meeting brought together in an open forum the representatives of Canada's two-million-strong French- and English-speaking minority communities. Through a series of presentations, workshops and discussion periods, both groups explored and recognized the differences and similarities between their respective situations, laid to rest certain myths and misconceptions and developed a number of precise plans for future action. At another level, the special atmosphere created by this meeting enabled mere acquaintanceships to be transformed into friendships, formality into informality, blurred and tentative links into a more clearly forged sense of comradeship. In sum, the colloquium offered all present the opportunity to explore common interests and develop a greater solidarity of purpose.

As the following pages reveal, the meeting was nothing if not eclectic. The principal speakers as well as the intervenors from the floor cast their net wide over a range of political, social and legal issues that affect the official minorities. The debate was, for the most part, refreshingly to the point: here are the problems we face; here are the goals and reforms we wish to achieve; and here are the various ways in which we

might set about realizing them. Anticipating, perhaps, the thoughts expressed by the Secretary of State in his closing address, the assembly was clearly of the view that "fine speeches and encouraging words" no longer suffice; now is the time for solutions.

Evident too was the realization that such solutions should not be simplistic, not confined to one level of government, not universal in their application. Every minority community is different: Francophones outside Quebec face problems different from those of Quebec's Anglophones; and, within each of these large communities, specific groupings — whether Franco-Albertans or Anglophones in the Gaspé — encounter local deficiencies that affect them in a particular way. It is these regional particularities that all three levels of government as well as the voluntary and private sectors must respond to with greater openness and sensitivity.

**Remedies and reforms: whither now?**

What, then must be done to translate the dynamics of our colloquium into concrete action?

As a first step, we immediately set about getting the colloquium's message out to various key figures and groups: the Prime Minister, provincial premiers, leaders of the territorial governments and those of federal and provincial opposition parties; members of the Joint Committee; most federal ministers and heads of Crown corporations; the Federation of Canadian Municipalities; the national and provincial chambers of commerce; and many other interested parties across Canada. We also published and distributed the essence of the presentations, discussions and conclusions in over 30,000 copies of our news bulletin, *Special Edition*.

The response was very encouraging. Among the early correspondents, Judith Maxwell, Chairman of the Economic Council of Canada, expressed a keen interest

**Message from  
the Governor General of Canada**

The problem of Canada's minorities is a concern that cannot be addressed by legislation alone. It requires the consensus of Canadians and the will to devise solutions which will bring justice and fairness to this strategic area of our society.

This must be evidenced by more than simply words. What is needed is an awareness of the situation, a sincere desire to promote a spirit of openness throughout Canada, and the determination to give to each

minority group the portion of vital attention which is its due.

I offer my warmest congratulations and thanks to the Office of the Commissioner of Official Languages for organizing this colloquium. It will afford the participants an ideal opportunity to reflect and exchange opinions on a subject of vital importance, as well as provide an occasion for all those who are concerned with these matters to take stock of the accomplishments realized over the long years of patient and demanding effort.

In expressing my warmest greetings, may I extend my hope that all participants will be imbued with renewed confidence and commitment. I want them to be aware of my heartfelt support and appreciation for the work being done by so many forward-looking Canadians who are determined to show others the riches of their language and culture and pass on to our youth the heritage which has been so stoutly defended and preserved.

Jeanne Sauvé

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in our deliberations, and the leaders of the Ontario Conservative and New Democratic parties advised us that the documents would be referred to their respective caucuses for discussion. In short, distribution of this information has given many key players a keener understanding of, and a more positive attitude toward, the situation facing our official-language minorities.

In terms of the role of my Office, I take very seriously the recommendation that we strengthen our contacts with, and our efforts on behalf of, Canada's official minorities. My staff and I are currently examining a number of ways in which we can, either through our mandate as defined in the Official Languages Act, or through what is usually termed "moral suasion" or our "good offices", exert pressure on the public and private sectors to enhance their responsiveness to minority needs. And we are encouraged by the federal government's examination of possible amendments to the Act and by its current review of language programs and policies. No one need fear that we shall flag in our efforts to achieve more meaningful reforms.

As for other players — the Department of the Secretary of State, the Joint Committee, various cultural agencies, the province and municipalities and the private sector — there is every reason to suggest that progress will be made. The messages from the Governor General and the Prime Minister read at our colloquium, and the Secretary of State's subsequent speech — together with the latter's more recently expressed commitments before the Joint Committee — serve to indicate that the Government is fully conscious of the various issues and is actively addressing them.

It is now up to us, and to our friends and allies in the minority communities, to continue to prod and push for action, to remind the authorities that a certain road is paved with good intentions and that urgent action is required. I, too, dare to hope that the efforts made at our colloquium will bear fruit and ensure for this and future generations a society in which English and French will enjoy true equality.



## 2. Minority perspectives: a matter of urgency

*In their opening addresses, Michael Goldbloom and Gilles Le Blanc, presidents respectively of Alliance Quebec and the Fédération des Francophones hors Québec, outline the principal concerns and demands of Anglophone and Francophone minority communities in Canada.*

### MICHAEL GOLDBLOOM

This conference offers a unique and refreshing approach to the issue of language rights in Canada. The subject is reform, from the perspective of the linguistic minorities, those of us who live the minority-language experience from day to day.

The Commissioner's initiative bears not only mention but emulation; if language reform is to be meaningful and successful, it must include the direct participation of both linguistic minorities.

#### Canada's linguistic duality

The co-existence of our two linguistic communities symbolizes the society of freedom and tolerance, justice and compassion which we seek to build. An understanding and acceptance of our nation's duality can only engender greater respect for the rights of all minorities and for the ideal of an open, pluralistic society. Linguistic duality, therefore, far from being antithetical to a policy of multiculturalism, is a guarantor of pluralism and cultural diversity.

Both of Canada's linguistic communities are now heterogeneous and multicultural in nature. Language, as opposed to race or culture, has become the common bond, the principal definitional characteristic of each linguistic community.

To some extent, the perceived difficulties between linguistic duality and multiculturalism stem from an inability to reconcile regional perspectives with a national view. Too often we are unable to see beyond the boundaries of our respective provinces and regions. We are unable to see small and isolated minority-language communities as integral parts of our national linguistic communities. We forget that whatever the dictates of regional demographics, we have a national commitment to respect and support the linguistic duality of Canada.

The reality of the constitutional division of powers is such that much of what directly affects a linguistic minority falls within provincial jurisdiction. Without the active involvement of provincial governments in the promotion of our linguistic duality, our national ideal will remain no more than an unfulfilled promise.

French-speaking communities outside Quebec are running out of time. So, too, are an increasing number of rural communities within English-speaking Quebec. If this is to be a time for solutions, we will require renewed and vigorous national leadership.

#### Quebec

Great strides have already been taken over the past 15 years to assert and protect the predominantly French character of Quebec. As a parallel to those recent changes, a renewed sense of confidence and security in the future of their language has developed among French-speaking Quebecers. This has been accompanied by a greater degree of openness and tolerance toward the English-speaking community of Quebec and toward its own claims for linguistic justice. Quebecers know that respect for the legitimate rights of the English-speaking community in no way impairs or diminishes the rights of French-speaking Quebecers. We have come to understand that minority rights are not a zero sum game in which recognition of the rights of one entails the loss of rights for the other. Consequently, on issues ranging from bilingual commercial signs and access to English schools to the right to government services in English, a significant majority of French-speaking Quebecers have indicated their support for the claims of the English-speaking community.

#### English-speaking Quebecers

The situation of English-speaking Quebecers is to some extent para-

doxical. We are a linguistic minority within a linguistic minority. Until recently, English-speaking Quebecers had perceived themselves and been perceived as an extension of Canada's English-language majority. However, with the rapid development of provincial government activity in Quebec society, the focal point for our definition of self as a linguistic community gradually became Quebec. Recently, English-speaking persons felt obliged to leave their home province; but those who remained rejected the idea that they were anything less than full-fledged Quebecers.

In 1871, English-speaking Quebecers comprised 20 per cent of Quebec's total population. That percentage has decreased over time to approximately 13 per cent today. Of the English-speaking persons who left Quebec between 1976 and 1981, one-third (31.4 per cent) were university educated, and slightly more than one-half (52.4 per cent) consisted of young or middle-aged adults. Hence, not only did the English-speaking community of Quebec lose nearly 11 per cent of its population between 1971 and 1981, it also lost many of its best educated people and much of its youth, including young workers, students and families.

Our rapid population decline has had major repercussions at all levels of our community. Our educational system is being seriously eroded by a rapid decline in enrolment and our health and social service institutions face reductions in their population base. The combination of these demographic trends and their impact on our institutional and social life are cause for disquiet. Thus, when we speak of the urgency of language reform, we do so not only out of empathy for the grave situation of French-speaking persons outside Quebec, but also from a sense of personal urgency. We know all too well the need for bold, creative national leadership in arresting such trends.

Our community has one of the highest levels of official bilingualism in Canada. In 1983, close to 70 per cent of English-speaking Quebecers indicated their ability to carry on a conversation in both English and French.

It is ironic that as our community adapts to the contemporary reality of Quebec and improves its proficiency in French, it is increasingly faced with the problem of assimilation through language transfers. The degree of language transfers in a number of our smaller, rural communities bears a haunting resemblance to that of some of the French-speaking communities outside Quebec, both in terms of the severity of the assimilation rate and the difficulty in coping with it in the absence of adequate institutional support.

Finally, the English-speaking community of Quebec is not only multicultural and multidimensional, but its members are also found at all levels of the social strata: some at the highest income levels, and far more among the most disadvantaged.

#### English Quebecers and Francophones outside Quebec

The presence of more than 800,000 English-speaking persons in a single province gives our community a greater depth of human and financial resources than is available to other minority-language communities. Moreover, we have had within Quebec a history of tolerance and mutual respect which, until recent times, had been unsurpassed in Canada.

Furthermore, the existence, primarily on the island of Montreal, of an English-language institutional network in the fields of education, commerce and health and social services is an invaluable asset. The importance of such institutions to our community can best be gauged by the difficulties that many of our rural communities face in trying to cope without such institutional support.

We have advantages which few French-speaking communities outside Quebec enjoy, just as we have specific problems which others do not face: sign legislation which denies us visibility and violates our freedom of expression; and legislation which denies access to English schools for English-speaking immigrants.

At the same time, a number of the problems facing our community bear a growing resemblance to those of French-speaking persons outside Quebec. Beside the problem of language transfers and assimilation in our rural communities, we too are faced with the problem of access to government services in our language. Recent actions by the Quebec government to decentralize the delivery of social services will undermine the principal English-language institution in this sector and jeopardize the delivery of social services in English. More generally, the problem in terms of access to provincial government services and documentation is one of inconsistency: while some services are offered in both French and English, many are not.

Other issues of common concern include access to justice, fair regional and local representation in the federal and provincial civil services and fair access to government support for minority-language economic development initiatives, an area in which we find not only that our concerns parallel those of many French-speaking communities outside Quebec, but also that we have much to learn from them.

As the nature of our problems evolve, our concerns are beginning to resemble more and more the kinds of issues and problems which currently preoccupy many French-speaking communities outside Quebec. Consequently, our view of the relationship between French-speaking persons outside Quebec and English-speaking Quebecers is founded on a recognition of the specificities of each community but also on an appre-



ciation of problems of mutual concern and the mutual benefits to be derived from increased co-operation.

We stand in a unique position in Canada's linguistic framework. We are the only English-speaking community to live the minority experience and, as such, we are a natural bridge between the English-speaking majority and the French-speaking communities outside Quebec.

### Objectives and Strategies

#### 1. Linguistic duality

Quebec's linguistic duality should be recognized as an element of its distinctiveness. Recognition of Quebec's distinctiveness is, to some extent, a recognition that within our federal system, Quebec is the only province whose political institutions and provincial government are run by a majority of French-speaking persons. However, in the light of Canada's linguistic duality, Quebec's distinctiveness includes but is more than simply the fact of political control by a French-speaking majority. It is rather a focal point of Canada's linguistic duality, the home of the largest number of French-speaking Canadians and of Canada's only English-speaking minority. It is in this light that Quebec's distinctiveness must be understood.

#### 2. Constitutional guarantees

The Government of Quebec's recent suggestion that only sections 3 to 5 of the Canadian Charter of Rights and Freedoms should apply to Quebec on the grounds that Quebec's own Charter of Rights and Freedoms is a superior instrument is no argument for the exclusion of the Canadian Charter. The two instruments are not mutually exclusive; they are in fact complementary. If the history of Canada has taught the linguistic minorities in this country one thing, it is that we cannot entrust our rights to the safekeeping of any single legislature. The protection of minority-language rights must res-

ide in the most secure home available in a democratic society — in the Constitution, where such rights are beyond the reach of any single majority.

We cannot, therefore, accept the approach which would say that the situation of French-speaking Canadians in other provinces is so fragile that they must be protected in the Canadian Constitution, while the rights of English-speaking Quebecers should be defined and protected only in Quebec.

Canada's linguistic duality is a fundamental aspect of our country, and the protection of our minority-language communities is a constitutional responsibility. Rather than seeking to diminish minority-language rights in the Constitution, Quebec should be seeking to strengthen them for the benefit of the English-speaking people of Quebec as well as French-speaking people of the other provinces.

With reference to sub-section 23(1) of the Charter, there should be no restrictions upon the right of English-speaking people to send their children to English schools in Quebec. There has been much rhetoric but little demographic analysis of the potential impact of sub-section 23(1) on Quebec: the Government of Quebec owes it to Quebecers, French-speaking and English-speaking, to broach this issue in good faith and with an open mind, and to undertake a forthright and comprehensive demographic analysis of the matter.

#### 3. Official bilingualism for Ontario

This is beyond any doubt a recommendation whose time has come. Ontario has recently made great strides in implementing functional, service-oriented bilingualism. In so doing, it has demonstrated that respect for the rights of its linguistic minority can be accomplished without impairing the rights of its English-speaking majority; it has prudently paved the way for a symbolic affirmation of its linguistic duality.

There comes a time, however, when prudence becomes intractability, when good faith "étapisme" becomes an excuse for lack of leadership. In the interests not only of its French-speaking minority but of all Canadians, Ontario should act now.

#### 4. Public awareness

For language reform to succeed, it must have the broad support of the majority of Canadians. This we can only obtain by an ongoing effort to communicate our vision and our objectives in a positive, non-threatening fashion. We must lobby not only governments at all levels but the Canadian public itself.

Hence, an essential element in any program of language reform must be a large-scale public information and education effort. The good will that exists must be harnessed to further the process of language reform.

#### 5. Federal-provincial co-operation

In the day-to-day life of a minority, community services falling largely within provincial jurisdiction, such as education and health and social services, are vital. Without provincial participation and support, the future of the official-language minority communities is bleak. Our provincial leaders must see beyond their local concerns and recognize the broader reality of our nation.

The Province of Quebec has a special role to play in promoting Canada's linguistic duality. As the home of Canada's largest French-speaking population, Quebec has a moral responsibility to assist French-speaking communities outside Quebec in their struggle to maintain a viable French presence in other provinces. As Quebecers we urge our government to continue its support for French-speaking persons outside Quebec.

#### 6. Private sector involvement

If a minority language is to flourish, it must have its own "living

space", that is, as many opportunities as possible for its use in daily life. It cannot be confined to communications with government if it is to retain a healthy dynamism. At a minimum, private-sector institutions such as banks, which fall within federal jurisdiction, should be compelled to provide minority-language services and information where there is significant demand or where it is reasonable to do so.

#### 7. *Fundamental rights*

We must identify and establish a common denominator of fundamental language rights which will exist across the country and thereby ensure that French- and English-speaking Canadians can feel at home wherever they choose to live in Canada through enjoyment of the following rights:

- \* the right to freedom from discrimination on the basis of language;
- \* the right to use French and English in dealings with the legislatures and public administrations of all provinces;
- \* the right of accused persons to be tried in the official language of their choice;
- \* the right to minority-language education, including not only access to English- and French-language schools but also the constitutional right of the linguistic minority to control and manage its own educational institutions;
- \* the right to receive health care and social services in French or English from an appropriately structured institution or agency;
- \* the right to be fairly represented at all levels of the federal and provincial civil services on national, regional and local bases;
- \* the right to fair access to economic development assistance in order to foster the economic development of minority-language communities.

Many obstacles lie between the enunciation of the foregoing principles and their actual achievement. There is organized opposition to our vision of linguistic duality and our ideals of tolerance and social justice. It can best be neutralized through concerted, long-term public information and education efforts.

However, greater obstacles to the realization of our objectives are inertia and apathy on the part of government. A governmental policy of benign neglect at this moment in our nation's history will be every bit as invidious as previous active attempts to undermine Canada's official-language minorities. The time for nation-building and far-sighted leadership is now.

In addition to apathy and inertia, we face an even greater obstacle in the heritage of mistrust and misunderstanding which has so often clouded the issue of language rights during our nation's history. The first step in building a new relationship, a new partnership between the linguistic communities, ought to be taken by ourselves, by the minority-language communities. Together we must set an example of mutual respect and support for the rest of the country to follow.

In its landmark decision in June of this year in the Manitoba Reference Case, the Supreme Court of Canada captured, in a few eloquent lines, the essence of our cause:

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.

We, Canada's linguistic minorities, who know best the wisdom of the Supreme Court's words, must work together to ensure that our linguistic duality remains at the forefront of our national consciousness.

Through our words and our actions before the courts and legislatures of New Brunswick, Ontario and Manitoba, the English-speaking community of Quebec has shown that it will stand up for the same rights for our French-speaking fellow citizens as we claim for ourselves.

I wish to assure our French-speaking colleagues from outside Quebec that we are prepared to join with them in identifying joint initiatives by which we may further our common objectives, thereby turning the ideals of co-existence, co-operation and mutual respect into a living reality.



## GILLES LE BLANC

Twenty years after establishment of the B & B Commission, and fifteen years after adoption of the Official Languages Act, the 14th Annual Report of the Commissioner of Official Languages bears eloquent witness to the progress of official bilingualism since the turning point of the late 60s. But despite the improvements, we must agree with the Commissioner's assessment that the original policy objective for official bilingualism has by no means yet been achieved. Recently, the Report on the Economic Union and Development Prospects for Canada echoed the Commissioner's diagnosis, saying "much remains to be done if our performance is to catch up to our ideals." After analysing the evolution of official languages in Canada, my team and I were tempted to paint a bleak portrait of the past fifteen years of bilingualism. We found that linguistic duality, as understood by Francophones outside Quebec, has only with great difficulty become part of the vision of Canadian society. It is evident, and unfortunate, that this noble undertaking is now in trouble.

We must bear in mind that the Official Languages Act was intended to give greater protection to the language rights of section 133 of the Constitution Act, 1867 by recognizing the equal status of English and French in federal institutions. Members of the B & B Commission went beyond proposing a federal act; they also defined expectations. An excerpt from their report reads:

The Constitution formally recognized both French and English in 1867 in the federal field (and in Quebec). However, it has become evident to us that this recognition was incomplete in many respects and often disputed where the French language was concerned. If the principle of equality is accepted today, this situation must be

changed without delay, and the equal status of the two languages must be established without shadow of doubt. The implicit must become explicit.

The commissioners concluded: "The consequences of applying this principle at the federal level are substantial."

*In the wake of the Act*

While the Royal Commission was conducting its investigation, Canada was undergoing one of the most serious crises in its history. Today, we need no longer speak of crisis; the appropriate word is perhaps "malaise". In my view, two major obstacles currently inhibit implementation of official bilingualism. The first is the wording of the Act itself which is too open to arbitrary interpretation. It contains broad objectives of poorly-defined scope; it would be preferable for it to contain mechanisms for implementing such objectives. The second obstacle, not unrelated to the first, stems from the fact that the official bilingualism policy has never really gone beyond its legislative framework; the spirit of the Act has not penetrated political, geographic, cultural and economic domains, all of which are just as crucial as legal stipulations. Although bilingualism requires a constitutional framework and legislative measures, any interpretation of the Act is arbitrary without the support of genuine political will.

With respect to internal federal programs and services flowing from the Official Languages Act, Francophone participation in the federal public service has clearly increased, but not as expected: the "equitable participation" of both linguistic groups primarily results in Francophones occupying bilingual positions, their presence tending to diminish at senior levels. As for language of service, 64 per cent of bilingual positions are concentrated in the National Capital Region and 25 per cent in Quebec. The other 12 per cent or so are spread across the rest of the country. The situation is par-

ticularly alarming in Ontario and New Brunswick. Moreover, considerable sums are still being spent on language training for Anglophones, whose rate of appointment to bilingual positions is continuing to decline. Lastly, according to recent Translation Bureau statistics cited by the Commissioner of Official Languages, 90 per cent of documents for internal government use are drafted in English.

Confronted with this situation, how can we fail to conclude that there is an obvious discrepancy in the Public Service between principle and practice? The brutal truth is that official bilingualism is a Francophone concern, that the language of work is English and that French is the language of translation.

*A disappointing situation*

How have we let ourselves be led so far astray from the initial objective of having *both* language groups make the federal administration a bilingual workplace? Some will point to lack of motivation on the part of those concerned; others will say bilingualism is a difficult principle to implement and that such reform takes time. Still others will blame management, perhaps to ease their own conscience. Regardless of the explanation, we still have some way to go before we achieve an adequate balance between the country's two major language groups. Despite fourteen annual reports of the Commissioner of Official Languages revealing, year after year, virtually the same failings, the federal government still seems to attach less importance to its bilingualism policy than to other affairs of state. It should come as no surprise, then, that the provincial legislatures show so little interest in the language issue.

*A few gains*

Fifteen years after adoption of the Official Languages Act, Francophones outside Quebec are disappointed with the results. However, my intention is not to turn this colloquium into a wailing wall. I

continue to believe it is still possible to win a few rounds for bilingualism, especially since the context is not that of 15 or 20 years ago. And some progress has already been made. Consider, for example, New Brunswick; the generous interpretation of section 23 by the Ontario Court of Appeal; the reference case concerning language guarantees under section 23 of the Manitoba Act, 1870; the cautious but gradual development of French-language services in Ontario; and the amendment to the 1981 Nova Scotia Education Act enabling Acadians to receive primary education in French. Consider, as well, the growing popularity of immersion among Anglophones; the presence of Radio-Canada almost everywhere in Canada; the renewal of Secretary of State programs to promote the official-language communities; establishment of the Court Challenges Program under the Charter of Rights and Freedoms; and, lastly, the candid attitude of our new Prime Minister in the Throne Speech of last November 5. But even if such gains are helping to cement the concept of Canadian linguistic duality, much remains to be done.

#### Achieving a balance

*What we must do is strike an even balance between majority and minority groups.* Historically, Canada's majority population has granted Francophones outside Quebec little room, freedom or power to undertake initiatives. Like it or not, the quest for a new balance must be based on the Official Languages Act and the Charter of Rights and Freedoms.

I can assure you that Francophones outside Quebec have acquired the maturity and dynamism to provoke serious debate. It is important to try to implement the *spirit* of the Official Languages Act, to demystify the notion of bilingualism, to calm apprehensions and change mentalities. No law or court decision can replace such indispensable changes from within.

To succeed, implementation of official bilingualism must cause neither language group to lose sight of the deep-seated objectives which inspired it. The "why" of concrete measures is just as important as the "how". This assumes that each group involved negotiate in a peaceful and coherent manner, accommodate different opinions and display tolerance and understanding. Mutual respect will be one yardstick of success.

However, such an initiative will be futile without a national political will. To promote exchanges, the federal government must *quickly* establish a permanent mechanism to encourage dialogue between those involved and to plan, manage and monitor initiatives. Two objectives should underlie such action: 1) federal interdepartmental co-operation and, 2) co-ordination of federal, provincial and regional language objectives.

This said, Francophones outside Quebec expect the Prime Minister of Canada to:

- \* immediately convene a meeting between representatives of his Office, the Privy Council, Treasury Board, the Department of the Secretary State and the Office of the Commissioner of Official Languages to discuss, in co-operation with the Fédération des Francophones hors Québec, the desired structure;
- \* renew his commitment to the official languages policy;
- \* make this policy a sufficiently firm political principle to have a concrete impact on federal departments and agencies, especially those with social, cultural and economic mandates; and
- \* lastly, have his Office pressure the provincial and territorial legislatures to grant their French-speaking citizens the status that is their due; this idea dates back to the B & B Commission.

In short, Francophones outside Quebec want to know the federal government's position and intentions on language issues, the principles it is prepared to defend and what it is prepared to do to achieve linguistic duality in Canada.

In fifteen years, we will be in the year 2000. I do not believe that by that time the two language groups will have reached a consensus. However, I dare to hope that we will have found common objectives to advance the course of bilingualism in Canada. I remain convinced that Canadians are still able to transform and improve their society.



### 3. Defining the problem: principles for action

*Two well-known authorities on the language situation in Canada — Claude Ryan, MNA for Argenteuil\*, and Joan Fraser, editorial page editor of The Gazette — offer their views of the major issues confronting Canada's official-language minorities. Both emphasize the key role played by Quebec, the home province of Canada's only Francophone majority and Anglophone minority.*

#### CLAUDE RYAN

Let me begin by briefly describing the paradox that brings us together. Most regions of Canada, taken individually, could easily get by with being unilingual. The catch is that none of them is an independent political entity: together, they form a country, Canada. Experience has taught us that if this country is to prosper and survive, it must place the rights of its two major language communities on an equal footing. A clear acceptance of this duality is a fundamental premise of Canadian nationhood.

But how, given their extremely unequal distribution across the land, do we ensure equality for Francophones and Anglophones? Our ancestors found the beginnings of an answer in section 133 of the British North America Act, but each generation of Canadians must find its own solution. But no solution can be viable unless it takes into account two essential aspects of the problem: the national and the regional.

**The major concern of Quebecers**  
My first observation concerns the very nature of our political system. Simply in terms of its geography,

Canada required a federal system of government. However, our ancestors' choice of a federal system in 1864 was also strongly influenced by the determination of French-speaking Quebecers to secure a major political instrument that would at all times give them direct and effective control over their territory. Quebec's political clout was also decisive in the adoption of what is probably the most decentralized federal state in the world.

First and foremost, Quebecers want their government and National Assembly to have the power they need to discharge their responsibilities; in short, they want these instruments to be the key mediator in questions concerning the present and the future. From this perspective, the 1981 procedure to "repatriate" the Constitution and proclaim a charter of rights was perceived by thousands of Quebecers, myself included, as an unprecedented affront.

The status of Quebec and its government will always be the prime concern and major preoccupation of Quebecers. Nothing great or lasting may be accomplished in Canada unless Quebec is actively involved. This is particularly the case in the language field where

Quebec, apart from a few recent exceptions, has always pointed the way for the rest of the country.

#### Jurisdiction over language

If the geographic and demographic composition of Canada obliges us to adopt a federal political system, it follows that, failing constitutional provisions binding all parties or an explicit agreement between them, legislative responsibility for language should normally be exercised according to the division of powers defined in the Constitution. The provinces, for example, are responsible for education, health and social services, local and regional business matters, the professions and municipalities: in each of these areas, it is up to them, not the federal government, to establish the language system best suited to the country's national objectives and the realities of their respective populations.

Minority communities differ considerably from one province to another. Their numerical strength, geographical concentration, professional, economic, cultural and social activities, and cultural needs are far from uniform. The most serious problems they face generally fall under provincial rather than federal control. To survive and develop, minority groups

\*Mr. Ryan is now Quebec's Minister of Education.

need educational, social, cultural and health services, financial assistance, community centres and appropriate vehicles of self-expression. They also need to exercise a normal degree of influence over the organizations and establishments that provide such services.

While we have concentrated our attention over the past fifteen years on the individual aspect of language rights, the Commissioner of Official Languages has for some time been reminding us of the no less important collective aspect. This shift of focus is important and necessary. Language rights do not exist in a vacuum; normally, they should take root and grow in living communities equipped with certain essential services without which their existence is only embryonic or folkloric. Here again, we must emphasize the provinces' inalienable responsibility. Above all else, it is up to them to ensure the development of local communities and regional institutions.

Too often in the past, the provinces have ignored their language responsibilities. Even today, the range of services they provide to their official-language minority are drops in a bucket, wrung from them through constant pressure by the minorities concerned. Provincial inertia has time and again been used to justify direct federal involvement. This involvement has been so intense in recent years that some have suggested that the federal government be given exclusive constitutional power to protect minority-language rights. In my view, this idea is incompatible with the true spirit of federalism. I much prefer an approach that actively promotes provincial commitment to linguistic equality and more effective co-ordination between the two levels of government. I believe all parties should be invited to a national conference on these issues as soon as possible.

As the bastion of French life in Canada, Quebec has always demonstrated a lively interest in the fate of other provincial minorities

in addition to effectively fulfilling its duty to its own linguistic minority. It has often supplied other provincial minorities with generous technical and financial assistance. Quebec should continue to play an active role in this area. However, it is even more important that each province accept its own responsibilities.

#### *The survival of Canada*

Because neither the provinces nor the federal government were meeting their responsibilities to the language minorities, and because the issue was becoming increasingly associated with the very survival of Canada, it was deemed necessary to strengthen and broaden minority-language guarantees in the Canadian Constitution. Thus, in addition to existing constitutional provisions (i.e., sections 133 and 93), other extremely important provisions on bilingualism in federal institutions and educational rights were included in the Charter of Rights and Freedoms.

Except for the previously mentioned restriction concerning the need for Quebec's approval of any change that might affect its own status or the general balance of the federation, the trend toward constitutional entrenchment of certain fundamental rights, including certain language rights, is, I believe, entirely appropriate.

In light of this trend, I see no major problem with section 133 of the Constitution Act, 1867, which proclaims the equality of English and French in parliamentary and judicial procedures involving the federal government and that of Quebec. What I find unacceptable, however, is that the Constitution imposes this section only on Quebec and the federal government while Ontario, in particular, is exempt. The logic by which Ottawa was able to impose new constitutional obligations on Quebec under section 23 of the Constitution Act, 1982, when it did not dare subject Ontario to the more limited constraints of sec-

tion 133 of the Constitution Act, 1867, totally escapes me. I hope that the current government of Ontario will wish to remedy this unjust situation — a threat to Canadian federalism — as soon as possible.

#### *A new language deal*

Sections 16 to 22 of the Constitution Act, 1982, which entrench the constitutional obligations of Parliament, the federal government and New Brunswick toward the official languages, represent considerable progress. The Official Languages Act, adopted in 1969, was generally considered a fair and balanced model. I am delighted that its basic provisions were incorporated into Canada's Constitution. I also hope that in good time we will be able to use the experience of the past 16 years to adopt federal legislation providing more explicit and concrete language-of-work guarantees in the federal public service. As for New Brunswick's decision to give both languages equality of status, I believe it will be the only province to do so for many years to come.

Three observations concerning section 23 of the Constitution Act, 1982 are in order:

- Insofar as it establishes the so-called "Canada clause", according to the common definition ascribed to it in Quebec (i.e. the right to minority-language education for children whose parents received primary education in that language in Canada), this section is acceptable. Insofar as it departs from that definition (in the third sub-section which broadens access to English schools in Quebec to siblings of children of immigrants first settled in another province), it should be revised to be made acceptable to Quebec.
- A serious limitation is to be found in the "where numbers warrant" clause. Since 1867, Quebec has provided its English-language children with access to English-language schools. It has never felt the need to hide behind such an escape clause to

limit its obligation. This restriction should be removed from section 23.

- The right of the linguistic minorities to manage their educational establishments is implicit in section 23, at least following an opinion brought down several months ago by the Ontario Court of Appeal. However, the wording of the sub-section leaves much to be desired. It should be clarified and strengthened.

In a more general vein, I should like to discuss the special role of the federal government in developing linguistic equality across Canada. The Parliament and Government of Canada should, needless to say, fully implement the specific language rights obligations incumbent upon them, either under the Constitution or acts of Parliament. As the Commissioner of Official Languages reminds us every year in his report, we are still some way from achieving the objectives set out in the legislation, narrow though the field may be. The government's prime concern should be to meet its responsibilities to the full.

Furthermore, by using its spending and discretionary powers, the federal government also plays a major role in providing financial support to various programs relating to second-language instruction and the provincial minority associations.

Support for official-language education, provided it is conducted with full provincial backing, should long remain a national priority. We should ensure that all Canadians graduating from high school have a sound understanding of the other official language. We should also ensure that knowledge acquired in primary school is maintained and developed at other levels. The importance of this objective is self-evident. Building a country founded on the equality of the two major languages must remain a permanent objective for Canada.

I trust that, in future, federal assistance to various organizations will be better co-ordinated with the provinces, and designed and distributed in such a way as to encourage them to take greater charge of their responsibilities themselves. If we want government action in these areas to be precise and effective, it must be better co-ordinated.

#### Two become one

Before concluding, I would like to say a few words on two issues that often arise in discussions about the future of English and French in Canada.

The first deals with the relation between the official languages and multiculturalism policies. Unfortunately, there is much confusion in this area. Canada has two official languages which reflect the two major cultural communities that gave our country its original character. I do not think it possible, in the foreseeable future, to have more than two official languages in Canada. We have and shall continue to have special and important responsibilities to these two languages and cultures. Such is the vital foundation of our nationhood. Rather than competing with the official languages policy, the multiculturalism policy should draw its basis and support from it, since the principle of diversity is part of the principle of duality. If, for practical purposes, it is inappropriate for Canada to adopt more than two official languages, nothing prevents it from using every reasonable means at its disposal to maintain and develop the cultural values specific to the numerous ethnic families who have joined the Canadian population since Confederation. I cannot, however, see what is to be gained by having such policies compete one with the other.

The second issue relates to the 1981 census statistics on the development of language communities in Canada. Clearly, the relative size of the Francophone population out-

side Quebec is continually declining, and Anglophones in Quebec have suffered some set-backs. The brutal truth appears to be that we are moving toward linguistic polarization which, if left unchecked, will make all the Anglophone provinces more English — with the possible exception of Quebec's immediate neighbour, New Brunswick — while Quebec becomes more and more French. This can only revive the threat of political separation, a danger exorcised by the 1980 referendum. The other route, that of equality, is exacting and painful. And it is by no means certain that Canadians will take that route when linguistic divorce makes things simpler and easier.

The future is ours to decide. If we opt for linguistic duality, we must accept its presence at all levels of the social pyramid. I have the impression that the decision we make will have to be made time and again by subsequent generations before it permeates the vast and complex national and regional reality of Canada.

## JOAN FRASER

"The problem", from the point of view of Quebec's English-speaking minority, is relatively easy to define since it is the same everywhere in Canada: linguistic duality and the two great communities which constitute that duality are still not fully accepted, encouraged and celebrated as a national asset and a national glory.

English Quebecers know that in many ways we are blessed. And yet we have real, worrying problems that go well beyond the predictable difficulty that any minority will have meshing its affairs with the majority on a day-to-day basis.

A great many people outside our community, in both language groups, think there is no longer any problem, either because all English-speaking people have left Quebec or because those who remain are rich enough to cope with whatever happens.

That should be a discredited cliché by now. But it seems not to be. For example, of the 1,911 pages in the Macdonald Report, only one was devoted to English Quebec. Discussing our community's recent decline in population, the Report stated that our population "has been constantly decreasing for a hundred years." This is not true. Our population grew in absolute numbers for most of that time, though its share of the total Quebec population declined; only in recent years has the Anglophone population been declining in absolute numbers. A senior commissioner visited *The Gazette* and told us the commissioners thought English Quebec did not need particular attention because we were doing fine seeking recognition of our rights through the courts under the Charter of Rights and Freedoms. And yet, the Commission itself said "We believe that litigation, while generally useful, is not the proper tool for making improvements in [the]

direction [of language rights] since it is a lengthy and costly method of dealing with these problems".

If that's the best we can get from the eminent persons called to design Canada's future, it's a bit disheartening.

Another revealing exchange took place when Quebec's new Premier, Pierre-Marc Johnson, was sworn in. Asked by an Anglophone journalist what he intended to do to make Anglophones feel like first-class citizens he replied, in astounded tones, "Are you telling me that they don't feel like first-class citizens?"

The fact is that many of Quebec's English-speakers do not feel they are first-class citizens in their own province or their own country. For nearly a generation now, our community has been the focus of sustained, direct and too-often explicitly hostile pressure. We have had three or four vastly different fundamental language laws in the space of 16 years — each one presented as the final, definitive statement about us and our rightful place. More recently, some of the more glaring wrongs have been righted through the courts or legislation; but some requests which seemed most reasonable to us have been rejected as outrageous, or our rights have been deemed more negotiable than those of others.

Let me give some examples of what I mean — some important for real, practical reasons, some for their symbolic weight.

**Education**

English Quebec, more than any language minority in the country, has been blessed with a good school system, built initially by Anglophones themselves, and which Quebec governments of all parties, to their eternal honour, have treated with scrupulous equality in financial terms.

But despite the equal financial treatment, the Government of Quebec has legislated, first with

Bill 22 and then with Bill 101, to limit sharply the number of children who attend English schools. English-speaking Quebecers understand the concerns which led to those limits; but we find it extremely difficult to accept the notion that not only should English schools stop increasing their share of the school population, but that their share should be dramatically decreased. The minister seemed to think that a reduction of nearly 50 per cent in a short span of years was appropriate. In the event, the reduction has been even greater; the Protestant School Board of Greater Montreal lost 60 per cent of its Anglophone students between 1970 and 1984, substantially more than the simple decline all schools suffered at the end of the baby boom.

Some school problems have been corrected by the arrival of the constitutional Charter of Rights; however, English Quebecers were excluded from the "mother tongue" half of the Charter's protection for minority-language educational rights.

Then the whole school system was thrown into turmoil again by the move to abolish confessional boards (Catholic as well as Protestant) and realign the system along linguistic lines. Understandably, many Anglophones strongly resisted losing the constitutional guarantee they now have for Protestant schools without gaining in return an equally strong constitutional protection for English schools as such. The courts are now studying this case. Meanwhile English schools continue to close or to be transformed into French schools.

**Social services**

Now there is a new problem area: social services. Here again, Quebec's English community originally created a substantial network of institutions and, in due course, the Government took over their control. But until fairly recently, it allowed them to keep functioning as English agencies serving



English-speaking people. There were some problems with Bill 101, but specific francization requirements were softened somewhat for agencies recognized by the law as Anglophone.

As part of a generally laudable attempt to bring social and health services closer to the people they serve, the Government is now ordering large social service agencies to send up to a third of their staff to local community service centres. It is also bringing in a system whereby people are supposed to use the services located in their geographic area. The effects for Anglophones are twofold.

First, a number of the teams, notably at the Ville Marie social service agency, the main Anglophone one, will be broken up. Their members will go to local centres where they will, in many cases, be the only Anglophones on staff; thus, Anglophones seeking their help will not be able to get multidisciplinary backup. And since most of these local centres are not recognized in law as Anglophone institutions, there is no guarantee that when those people move on they will be replaced by Anglophones.

Second, Anglophones who live outside the west end of Montreal will be strongly discouraged or even forbidden to seek help in Anglophone institutions located in the west end, where most of the main ones are to be found. A wide cross-section of Quebec society, including mayors of Francophone municipalities, has urged the Government not to proceed with these changes until mechanisms are in place to ensure that decent English services survive. The Government is pressing ahead anyway, and says if the changes don't work it will somehow fix things later. Meanwhile, some services may be irreparably damaged. And what about the damage to the people who use these services, the poor, the lonely, the disturbed, the aged, children, the handicapped? These are the very people who need society's support most, and who

are least likely to benefit from help offered in a language not their own.

The Charter of Rights has so far not been of any help in protecting the people and institutions affected by this sort of change, something the Macdonald Commission seemed not to notice.

Nor did it seem to notice that the present Quebec government's constitutional proposals include exempting Quebec from almost the whole of the Charter. The Government promises some entrenchment of English rights to compensate for the loss of those now protected by the Constitution, but Quebec Anglophones — like Francophones elsewhere, long before us — have learned to be wary of depending on "protection" subject to the whims of a provincial legislature.

#### Public signage

One problem that may be on its way to resolution is the question of public signs. A landmark ruling in Quebec Superior Court last January held that to prohibit bilingual signs contravened the Quebec Charter of Rights. That ruling is now under appeal. Meanwhile, the law of the land still tells Anglophones that most public displays of their language, even when the display is bilingual, are offensive. What that says to non-Francophones is that to the extent they are visibly themselves, they are an offence to the eyes of Quebec's majority. The language of signs may not be the biggest thing in most people's day-to-day lives, but it is important on a symbolic level.

#### Job market

Then there are questions of economics which, at bottom, mean jobs. Here, all levels of government are at fault. In the provincial civil service, only about two per cent of jobs are held by non-Francophones and recruitment of non-Francophones is incredibly spotty; from September 1982 to September 1984, only four per cent of the Government's employment advertisements were placed in non-French media,

mostly in French. The situation is hardly any better at the municipal level, even in Montreal. And, appallingly, the same is largely true in federal institutions. Even in the regions defined as bilingual Quebec, only 7.3 per cent of jobs are held by Anglophones. It can be amazingly difficult for Anglophones to get jobs, even if they speak French. As for those who do not, one example may show the kind of barrier they face. At the CBC in Montreal, it is commonplace for unilingual French-speaking technicians to be assigned to the production of English programs. Yet it is virtually impossible for a unilingual English-speaking technician to be hired by the CBC in Montreal, even though the two English stations there clearly provide enough work to use the services of several full-time technicians.

Even for bilingual Anglophones, this pattern means that a huge proportion of the job market is in effect closed to them. Furthermore, those who do not speak French, or do not speak it adequately, have great difficulty in acquiring the language once they leave school. The provincial government is lavishly generous in providing French classes for immigrants, but not for native-born citizens.

Is it any wonder that the drift of people away from Quebec continues? Net emigration of English Quebecers was nearly 160,000 people between 1971 and 1981, and a National Assembly committee recently suggested that the net outflow of Anglophones is still between 15,000 and 20,000 every year. The flow has slowed, but it is still a major concern. I do not, however, share the view that it is inevitable, or natural. Montreal, in particular, is far more than a regional capital; it is not a one-dimensional city. Its principal language of work and of life is, and will remain, French. But the city and all Quebec will lose something positive and precious if they lose the extra dimensions that exist beside the mainstream French fact.

### Changing Francophone attitudes

The good news is that a growing number of Francophones agree with what I have just said. For example, the *Chambre de Commerce de Montréal*, the senior Francophone business group in the city, sees Montreal's bilingual and cosmopolitan character as a key advantage, and concludes that Anglophones should feel a sense of pride and belonging, as Anglophones, to today's Quebec. That attitude is now growing, helped by the fact that a new generation of Anglophones is able and willing to participate in today's Quebec in French.

A growing number of Quebecers are realizing the profound truth of an observation that Cultural Communities Minister *Gérald Godin* made a couple of years ago: the threat to Quebec's Frenchness does not come from English Quebec; it comes from the English language, the language of the world's strongest military, economic and cultural power, the language which cannot be fenced out of any society which hopes to compete in the world. The realization is dawning that we cannot simply build dikes to keep out the flood; modern communications can leap over any dike. We must learn instead to be master mariners.

### Shared responsibilities

The trick is to ensure that the practices and policies of the major

institutions in our country — public and private — work toward that goal, not against it.

There are sharp limits on what any of us can expect from provincial governments acting in isolation. The nature of provincial governments is that they respond to the majority of voters in their province, not to minorities. It may be wiser to get municipal governments (some of which have a lot of minority constituents) onside. At the other end of the scale, the federal government's role should go well beyond simply setting its own house in order. Ottawa should be exerting far more moral suasion than it has done, and more muscle too. For example, in its various cost-sharing programs: so many more millions if a province undertakes to maintain (or establish) minority-language institutions. And is it unthinkable that private companies with good language and minority hiring policies should get a certain specific preference in the awarding of federal contracts?

Why is there not a national outcry about the universities dropping second-language entrance requirements? Having members of the local majority learn the minority's language does not help the minority in the short term, but in the long term it makes the majority more aware of the minority's importance and needs, and of the forces that have shaped this country. It is an asset for any country to

have a large stock of citizens who speak more than one language and can go out into the international world that much better equipped to compete.

Let me conclude by trying to suggest ways in which the federal government can help us. The first thing it can do is remember us: improve its own hiring policies and bring in some incentive programs. But even more important, remember us when it is getting down to constitutional negotiations with the Quebec government. The last time we remade the Constitution, English Quebecers' rights were considered negotiable. The same thing should not happen this time. There is room for an overall approach that would suit the needs of both the majority and the minority in Quebec, for example on the question of linguistic rather than confessional schools. Changes should not diminish protection of the English fact; they should update it.

There is still, in some quarters, a certain sense that because English Quebecers have more than Francophones outside Quebec, a little injustice does not really matter. But injustice is contagious. The reverse is also, we may hope, true: that the greater the measure of justice done to minorities anywhere in Canada, the greater the pressure for full justice to be done everywhere.

### Discussion Period — Opening Plenary

The discussion period following the opening plenary began with a New Brunswick Francophone objecting to comparing the situation of Francophones outside Quebec with that of Anglophones in Quebec. In his view, the threat facing the Francophone minorities was all the more insidious because it is often unperceived. Some Francophones even prefer to speak English and oppose measures to protect their language. For this reason, the "cure" for Anglophone and Francophone minorities cannot be the same, since Francophones are in a much graver situation.

The next speaker, a Franco-Albertan, commented on Mr. Ryan's remark that high school graduates throughout Canada should be functionally bilingual. He stressed that such a measure does nothing to ensure the survival of small Francophone communities, and that emphasis should perhaps be shifted from second-language instruction to helping

young Francophones outside Quebec maintain their own language.

Another speaker called for stronger federal intervention to force the provinces to act; their progress in this area has been so painfully slow that Francophone minority communities outside Quebec are in danger of disappearing before any effective policy is implemented. In response, Mr. Ryan warned against unbalanced federal involvement and suggested a national provincial conference on official languages to discuss such issues. In his view, such a conference would make it clear to the provinces that if vigorous action were not taken, we would witness more and more cultural separation, if not worse.

Another speaker asked how, if a person graduates with a relatively good knowledge of French, bilingual skills can be maintained in a basically English environment. The same applies to public servants

transferred to English-speaking areas and who subsequently lose their bilingual capacity. Miss Fraser responded that it was not serious if someone whose adult life does not demand two languages loses one of them. What is more important is that the person has, at some time, had the knowledge and experience of living in a second language and has thus developed an understanding and awareness of a second culture.

Some speakers also stressed the importance of dealing with the various minority communities in terms of their specific situations and not imposing simplistic solutions. By the same token, minority communities should draw the attention of the majority and the press to specific injustices, since reference to particular cases could help produce mutual understanding between the two language groups.

## 4. Sixteen years after

*Former Secretary of State, Gérard Pelletier, one of the principal architects of the Official Languages Act, describes the linguistic climate of the late Sixties. The key to subsequent reform, he suggests, has been the tenacity of our official-language minorities.*

### GÉRARD PELLETIER

There comes a time in life when even your best friends want you to talk about the past rather than the future. That's what the Commissioner of Official Languages has asked me to do.

Compliant old soul that I am, I have graciously accepted. My interest in the Francophone communities outside Quebec began almost half a century ago when my involvement with La Jeunesse étudiante catholique (JEC), gave me the chance to meet young Francophones from across Canada.

It was inevitable, then, that their future, and later that of the Anglophone communities, was of major importance to me when I began my political career. I believed — as did my colleagues — that it would be extremely difficult to ensure a harmonious future for our country if something wasn't done about the equality of French and English.

Thus, the government of which I was a member decided in 1968 to take action. We began by announcing our intentions, inviting reaction and testing the waters. We then asked the communities themselves to specify their needs and expectations. For me, this was an extraordinary and unforgettable experience.

In general, the Francophone minorities, accustomed to fighting their heroic struggle for survival alone, were astonished by the federal government's desire to help them. They hadn't begun to define their real needs because they had never imagined such needs could be met. Over the years, they had come to feel abandoned.

And the astonishment of the Anglophone minority in Quebec was a different story altogether: "What?", they asked, "You consider us a minority? Where did you dig up that idea? We aren't threatened and we don't need you." However the rural English-language communities of the Eastern Townships, more isolated because of demographic factors, were more aware of their vulnerability.

Clearly, we were about to write a new chapter of history. When everything is new and nothing has been done, you can innovate; there are no traditions, precedents or established procedures to break.

A couple of points should be borne in mind here. First, Quebec, which had always shown concern for Francophone groups living outside Quebec — remember the Lesage government's *Secrétariat des Francophones hors Québec* — be-

gan to distance itself from these minorities, which one well-known Quebec politician described as "dead ducks". Was that indispensable solidarity among Francophones going to fall to pieces?

Second, on the English side, Anglophones in Toronto could not have cared less about the fate of Anglo-Quebecers who, as conventional wisdom had it, were all millionaires living in luxury in Westmount. No solidarity there either!

And, needless to say, the Francophone and Anglophone minority groups never discussed such matters with one another. Dialogue hadn't broken off; it simply had never existed. We thus had quite a job cut out for ourselves. We were diving head first into an undertaking that was going to demand a profound change in the mentality of Canadians and their perception of their country.

Faced with this situation, we felt it necessary, even urgent, to give formal recognition to the equality of French and English in Canada in an act of Parliament.

But how should we draft such an act? Fortunately, lawyers came to my rescue. But you know as well as



I that jurists delight in complicating matters. I followed them through their maze of legal considerations, all the while keeping a firm grip on the fundamental political objectives we were seeking to achieve. With deep reluctance, I was forced to concede the "significant demand" clause to them, even though I was personally against it.

Despite its imperfections, the Official Languages Act is probably the cornerstone of our entire national language policy. Welcomed by some, it was criticized and denounced by others.

The Act alone was not enough. It is one thing to proclaim the equality of two official languages; it is quite another to give such equality concrete effect.

Thus, the official-language minority assistance program came into being. For the first time, I had to get funds approved, not an easy task. In this case, it was all the more difficult because I had to prove to everyone, including my

own government, that the minorities were in real need of assistance, and that it wouldn't be long before they came knocking at our door. And in fact, it wasn't long.

From this brief retrospective, I would simply say that working on behalf of linguistic minorities in Canada can sometimes put a person in the same position as Sisyphus; no matter how many times you push the rock to the top of the mountain, it always rolls back down before reaching the peak.

Returning to this country after a ten-year absence, I can see that progress has been made since the Act was adopted in 1969. Although the rock may roll downhill, it rolls a little less far each time. We are getting a little closer to our goal.

Some diagnoses of the health of linguistic communities remind me of the doctor attending Fontenelle on his death bed:

"I don't understand," said the doctor. "Your heart seems fine and your lungs are clear."

"Well then, doctor," Fontenelle replied, "I die a cured man."

I imagine that some minorities also feel they are dying "cured" by the care of government. This concerns me today as much as it did twenty years ago. On the other hand, I can't help but note how far we have come.

Mentalities have also undergone profound change. And more than anything, that's what counts. Who, for example, can fail to be impressed by the degree to which Anglophone Quebecers feel themselves to be as "québécois" as their Francophone fellow citizens?

In my view, we are beginning to reap the fruits of tenacity. As long as Canadians are able to compromise in a spirit of mutual respect, all is not lost.

## 5. Tackling the issues: four workshops

*In a series of workshops, colloquium delegates had an opportunity to explore four major themes: an integrated approach to federal programs for the minorities; the broadening of judicial guarantees; the need to involve the provinces and private sector in language reform; and the results of self-help efforts by minority communities.*

### Workshop I: Federal programs

*Royal Orr and Michael Bastarache present concrete and far-sighted proposals on how to get government to overcome perennial obstacles to language reform, such as poor inter-departmental co-ordination, inadequate federal-provincial co-operation and general political inertia.*

#### ROYAL ORR

Fifteen years after the Official Languages Act, Canada's official-language minority communities have cause for genuine alarm. Demographic trends toward assimilation and disintegration continue. Government action seems mired in ineffective and inefficient procedures and structures. Provincial and municipal governments, in large measure, choose to ignore any responsibility they have to support Canada's linguistic duality.

But worse than this is a simplistic yet potent vision of Canada's linguistic duality that seems to have draped itself over the nation's consciousness. According to this partial vision, Canada has two official languages; one is used in Quebec, the other is used in the rest of Canada. The two meet only in Ottawa where federal institutions in the National Capital Region are bilingual. This cannot be our vision.

Canada's official-language minority communities have a particular obligation to inspire and give focus to a renewed national approach to language reform. The last several years have witnessed the emergence of a new and creative force in Quebec society. Across the province, English-speaking Quebecers have awakened to the need for concerted action to prevent the disintegration of English-language communities. Efforts in the Gaspé, the Eastern Townships, Quebec City, the Châteauguay Valley and the Outaouais have been matched by a growing awareness that only co-ordinated action can begin to deal with the political, social and demographic pressures placed on English-speaking Quebecers. In responding to these pressures, we developed a new, linguistically-defined community identity and helped shape a new consensus on language matters in our province.

#### Misperceptions

Many of our experiences could be

instructive for all Canadians if they would let go of their outmoded ideas about Quebec and their stereotypical impressions of English-speaking Quebecers. Over the past two decades, while we were coming to terms with minority status, much of Canada's intelligentsia considered us a withering appendage of English-speaking Canada, a kind of social fossil taking afternoon high tea in our mansions in Westmount, clipping bonds to wile away the evening hours. At best, our presence was an anachronism, sure to be taken care of by the inevitability of historic social and demographic trends. At worst, we were a kind of cultural pollutant, a fifth column of North American culture and English linguistic imperialism in the bosom of our province.

These inaccurate and harmful perceptions still linger. National magazines like *Maclean's* and *l'Actualité* have suggested that the decline of English-speaking communities in the Gaspé, the Eastern Townships, the Quebec City region and along the North Shore is inevitable and irreversible. Our rural communities are a sort of folkloric diversion for their readers; they present us as out-of-step and ethnocentric, but diverting and colourful withal.

For another segment of opinion, the English-speaking community is of little consequence and possibly some danger to what they see as "an island of French culture in a North American sea." This particularly powerful image bedevils our community at many turns. Quebec government officials have often said, sometimes to explain why more government resources cannot be dedicated to improving English-language services, that their primary responsibility is to ensure survival of the French fact and not the continued existence of an outpost of English-speaking North America. The English-speaking community of Quebec cannot be in any danger of disappearance, they say, because it is part of the very powerful North American English-language culture.

#### A minority under siege

However, to deny citizens the services and support to which they are entitled because of some superficial view of the geopolitics of language on this continent goes beyond absurdity. In our day-to-day lives we do not live in "North America"; we live in a particular village, neighbourhood, region and province. When a senior citizen in my village needs nursing care in his home, he can't call on the Vermont authorities. When a battered wife in the Gaspé needs shelter, she can't get in a boat and head for Newfoundland.

Our situation as a minority within a minority leads to serious problems. Social service resources in English are virtually non-existent in most regions of our province. Health-care professionals and institutions are increasingly unable to render service in English outside of Montreal. Government offices, both federal and provincial, are increasingly staffed by unilingual French-speaking workers. As enrolments decline, our schools are forced to cut back on staff or close, and more parents consider the majority school system as the responsible option for their children.

The process at work here will be recognizable to French-speaking minorities outside Quebec. Slowly but surely, our ability to use our language is restricted to our homes. This situation is not the outcome of some grand, diabolical plot, but of apathy and neglect.

#### Federal responsibilities

As a community, we are having to face the question, "At what point does cultural and linguistic integration and support for the French language become assimilation?" Some of the challenges this question entails are well on the way to being met; others remain to be taken up. Our struggles of the past several years have given us an appreciation of the enormous impact that the federal government can have on minority-language communities, both directly and indirectly.

Take, for example, the reduced availability of services in many federal government departments. Consistent offenders in this regard are Canada Employment Centres, primarily in areas outside of Montreal. Like minority communities everywhere, we are particularly vulnerable to the ill effects of unemployment. When government structures designed to aid people in this fearfully competitive climate simply cannot or will not help the minority in its own language, then the competition becomes downright unfair.

Furthermore, government statistics on equitable participation rates indicate that English-speakers make up only six per cent of federal public servants in Quebec, even though English-speaking Quebecers account for about 13 per cent of the provincial population. Outside of Montreal, the discrepancy is even worse.

The difference that just one job can make to a small community in rural Quebec is difficult for some people to understand. One job can mean that one family is able to stay in a village or town; it means two parents able to participate in local

volunteer activities as scout leaders, church elders or actors in an amateur theatre group; it means a couple of children for our struggling school system. In Ottawa, one job doesn't even make a dent in the statistics churned out by Treasury Board's computers. But in Hatley, or Stoneham, or Port Daniel, one job is a very different story.

Unlike 15 years ago, we now have organized representation from all of Canada's official-language minority communities; articulate, populist voices from these communities now participate regularly in conferences and meetings such as this one. Much of this critical organizing effort has been made possible through funds provided by the Official Language Communities Program of the Secretary of State that have given the people in our communities the resources to advance language reform regionally, provincially and nationally. It is a sterling example of combining public resources with private voluntary energies to achieve national ends.

As another example, federally sponsored regulations on commercial labelling also help to ensure that French and English have a presence in Canadian commerce and in our homes. Indeed, the government has many opportunities, in commerce, communications, the arts and public administration, to "create a living space" for Canada's two official languages.

If the minority-language communities are to survive and flourish, government assistance to help reinforce the reality of Canada's linguistic duality in the day-to-day lives of all Canadians must be a concern reflected at all levels and in all aspects of the federal government's myriad programs and policies.

#### Initiatives required

A few suggestions of specific initiatives to be undertaken or expanded include:

- *Advertising:* The federal government must continue to use its advertising resources to emphasize Canada's linguistic duality. Government advertising in official-language minority media not only supports essential local institutions like weekly newspapers, but conveys directly to members of our community the extent of the federal government's commitment to our existence.
- *Appointments:* The government should review the appointees currently serving on government agencies, boards and commissions to ensure that the minority perspective is represented.
- *Policy-making:* Concern for minority-language communities must be reflected at all levels of federal policies and programs. For example, in the Eastern Townships, where farmers make up about 10 per cent of the English-speaking community, language activism is inextricably linked to farm activism, and policies that affect farmers must be recognized as having an important impact on the linguistic balance of this country.

There are many institutions in this country for which the government has some responsibility and in which the profile of official-language minority communities can be heightened. To mention but a few:

- *CBC/Radio-Canada:* The availability of English-language radio and television programming to virtually all local English-speaking communities is commendable, but we need a commitment from both private and public broadcasters to maintain sufficient minority-language artistic and technical capacity and grant local artistic control over high-quality programming.
- *Funding bodies:* The Canada Council and the Social Sciences and Humanities Research Council must actively support our artists and scholars. The need for

artistic expression and intellectual analysis of the minority experience is urgent.

- *Federally chartered institutions:* While no one is advocating a "language bureaucracy" within our federally chartered banks, trust companies and insurance companies, reasonable provision of information and services in the minority official language of a region and bilingual commercial signage are not unreasonable expectations. The "public face" of these institutions should reflect the fact that their license to do business is granted by the bilingual Parliament of a bilingual country.

As we advance language reform in Canada and ponder renewed federal approaches to the issue, we must not accept the challenge grudgingly as some sort of unfortunate historico-political necessity. Rather, we must recognize that language reform in Canada will protect and encourage the creative co-mingling of peoples, cultures and languages.

We know, from hard and sometimes bitter experience, the fragility of minority-community life and the never-ending struggle to build and sustain a consensus on linguistic justice. We should not be made victims by this. Instead we must recognize the great insight these experiences have given us into the social and political essence of Canada.

#### MICHEL BASTARACHE

For at least the past eight years, concerted federal action has been recognized as a key factor for the successful promotion of official languages. Such action is based on the fundamental principle that responsibility for implementing the policy lies not only with the Department of the Secretary of State but with all federal departments, each of which should give consideration to this issue when developing its various plans and programs. For the past several years, it has also been suggested that a mechanism be established to provide for provincial participation in the development of French-speaking communities outside Quebec and in the promotion of bilingualism in general. To date, however, it must be recognized that very little has been achieved in this regard.

#### Effective co-operation: ways and means

It is generally agreed that the success of the federal government's language policy depends on the existence of a dynamic, coast-to-coast network of minority-language communities. However, there is less consensus on the need to have every federal department and agency participate in the growth of these minorities. The latter cannot live on cultural activities alone. They suffer from serious social and economic under-development, mainly because social- and economic-oriented federal and provincial departments have given little consideration to the particular needs of these groups when developing their programs. Even in the Department of the Secretary of State, the Official Languages Program Co-ordination Committee has existed for only two years. In this "department of the minorities", there is an urgent need to limit the number of objectives and priorities, eliminate duplication, increase managerial awareness of the various programs, limit the number of administrative "middle-men", co-ordinate research activities, facilitate consultation with national



associations and ensure effective liaison with provincial governments. Furthermore, the Department still has no centralized data bank on all the measures adopted or planned by each federal department and agency with respect to official-language minority development.

#### The federal role

Before it proposes concrete means of action, I believe the federal government should clarify its position on the following:

- equality of status of French and English in Canada, the federal territories and every province;
- equal opportunities for the official-language minorities to participate fully in Canadian life without sacrificing their cultural or linguistic identity;
- the right of members of both official-language communities to obtain services in their language from federal, provincial and municipal governments;
- the responsibility of governments to provide the official-language minorities with a basic socio-cultural infrastructure;
- its intention to encourage the provinces to co-operate in establishing an overall minority development plan;
- the political will to abandon a policy of cultural survival in favour of a policy of overall development;
- the political will to differentiate between official-language minority objectives and programs and those relating to multiculturalism.

I somehow doubt that every department and agency is fully informed of the federal government's position in these areas. For example, the FFHQ has often cited the conflicting positions of the Secretary of State and the Minister of Justice in court cases financed under the Court Challenges Program. Other examples include the CBC's regional programming policy; conditions imposed by the CRTC on

certain cable television operators; the status of French in the Canada Games Corporation; and, although it falls within its jurisdiction, the federal government's refusal to unilaterally promulgate part XIV.I of the Criminal Code to guarantee the right to a criminal trial in the language of the accused. Federal representatives are even known to have congratulated a provincial minister of education for amending his province's education act with respect to French-language education even though the new text was clearly unconstitutional under section 23 of the Charter of Rights and Freedoms.

#### A coherent policy

It is thus imperative that the Government of Canada adopt a coherent, clear and easily understandable official languages policy, whose implementation is the responsibility of all concerned.

This policy should, I repeat, be based on a clear affirmation of the status of the two official languages and the linguistic communities themselves. In this regard, it is gratifying to read the following passage in the Supreme Court decision on the Manitoba reference case concerning certain language rights:

Section 23 of the Manitoba Act, 1870 is a specific manifestation of the general right of Franco-Manitobans to use their own language. The importance of language rights is grounded in the essential role that language plays in human existence, development and dignity.

This quotation reflects the growing trend of the judiciary to consider language rights as an essential component of minority rights. It allows us to hope that the rights entrenched in the Canadian Constitution, particularly those in sections 16 to 23 of the Charter of Rights and Freedoms, will receive generous interpretation. If the Government of Canada wishes to embark in this direction, it should immediately change its position in

several cases before the courts. It should also take vigorous action to redress the situation in the Yukon and Northwest Territories, provide unequivocal support to New Brunswick where bilingualism is currently under attack, and lead Ontario to accept official bilingualism by negotiating a series of concrete measures instead of simply referring to the now dated and imprecise requirements of section 133 of the Constitution Act, 1867. Lastly, it should examine the possibility of redefining the status of French and English in Saskatchewan and Alberta in light of section 110 of the North-West Territories Act, so as to more fully meet the real needs of the minority communities.

However, language policy is not limited to language rights or to the fight against discrimination on the basis of language. Its purpose is to provide citizens of both major language groups with an opportunity to develop and participate in the life of the nation. This should be clearly spelled out in the preamble to the Official Languages Act, just as section 36 of the Charter of Rights and Freedoms provides for "equal opportunities for the well-being of Canadians" through public services of reasonable quality, regional economic development and equalization payments.

There are many mechanisms for maintaining cultural integrity: examples include elementary and secondary schools, colleges and universities, cultural organizations, communications systems, the press and community development bodies. To these should be added the right to government services in French, opportunities to join the Public Service and participation in French in the economic life of the nation.

#### Integration, not isolation

The goal of the development policy described above is to remove the three types of minority isolation: 1) the *psychological isolation* of those who feel almost guilty when they wish to be served in their own

language (even by a federal institution); 2) the *linguistic isolation* of those who have little contact with other Francophones in Canada because of the virtual absence of institutional exchanges and lack of media interest; and 3) the *cultural isolation* of those who live in an environment where French cultural life is nothing more than folklore. A genuine policy of minority development should be all-encompassing and modelled on the socio-political dynamics of each milieu — in short, social reform.

This fact was recognized by the federal government itself over eight years ago. The only plausible strategy is one that includes all elements of society. It is no longer enough simply to offer federal services; what we need are economic, social and cultural development programs and federal-provincial agreements. The minorities can no longer content themselves with services designed for the majority and poorly adapted to their needs.

#### The basic issues

Let us now ask some fundamental questions. Is government truly prepared to specifically target the official-language minorities and adapt federal services to their particular needs? In the cultural field, for example, are the Canada Council, the Department of Communications and the Social Science and Humanities Research Council prepared to review the eligibility criteria of their various programs and adapt them to the realities of the official-language minorities? Is government prepared to go beyond service in the minority language and create service centres or research units whose language of work is French?

Given the importance of provincial and municipal services, we should also ask ourselves to what degree the federal government is prepared to pressure other levels of government to actively offer services in French. We should not, of course, forget that the federal government participated in the translation of laws in New Brunswick, Manitoba

and Ontario, and has supported various language training programs for provincial public servants. But could it not take more effective measures? Is it prepared to make its subsidies for minority-language instruction contingent upon the provinces providing services guaranteed by the Charter of Rights? To put the funding of services essential to the minorities ahead of second-language instruction? To make health service subsidies subject to the active offer of such services in the minority language? To help translate laws provided both versions are published in the records and journals of the legislatures? To impose the requirement to re-broadcast on two or three French channels as a prerequisite to obtaining a cable television operator licence? And, lastly, is it prepared to bind assistance to the Olympic Games committees to the requirement that services be offered in both languages?

The Government of Canada has a great deal of leverage. It can also conclude federal-provincial agreements that oblige the provinces to increase their involvement in the overall development of official language minorities.

Early in his mandate, the Commissioner of Official Languages suggested that bilingual districts be replaced by multi-purpose service centres to ensure the development of small minority groups. This idea is a good one and could be given concrete expression in federal-provincial agreements. Nevertheless, it is essential that the Government of Canada commit itself to ongoing, direct assistance to the official-language minorities. These communities must be able to mobilize, develop a cultural and social identity and determine ways to guarantee their future. Above all else, they must not be passive, and must therefore not be deprived of their only effective means of self-assertion and initiative.

#### How to achieve co-operation

The Department of the Secretary of

State cannot achieve this goal alone. It is therefore urgent to ensure that every federal department and agency fully understands the minority experience and is reminded of the fact that the national official languages policy obliges them to offer services adapted to minority needs — services that help them develop, and services available in their language.

Because there are still no mechanisms for co-ordinating minority policies and programs, the first steps to be taken include the following:

- clearly define the responsibilities of departments and agencies to promote the socio-economic, cultural and linguistic development of official-language minorities;
- establish a permanent federal co-operation and control mechanism specifically designed to develop action plans tailored to the minority clientele;
- establish a list of priority measures to be taken with respect to the national minorities and develop a mechanism for evaluating their effectiveness;
- develop federal-provincial framework agreements for the promotion of official languages.

Consideration might be given to the following administrative co-ordination structures:

- a Ministry of State for Official Languages;
- an Official Languages Secretariat attached to the Privy Council;
- a standing committee of deputy ministers responsible for implementation of the official languages programs.

Framework agreements should enable the federal and provincial governments to:

- work in concert to develop

- minority assistance objectives;
- establish a joint minority group planning and consultation mechanism, with appropriate priorities;
- establish a joint institutional project-funding plan;
- create a joint project-evaluation mechanism.

This approach — general, co-operative and flexible though it may be — nevertheless entails certain risks:

- the federal government could be hamstrung by a sluggish and unco-operative partner responsible for implementing a given program;
- the administrative process, already cumbersome, could become a source of alienation;
- project start-up efforts would require a commitment from at least two governments, thereby increasing the danger of "false starts";
- greater involvement of public servants in determining social needs and development priorities could produce conflicts with minority representatives.

Despite these risks, a first step might be to follow up on the demands minority groups consider most important. In particular, efforts should be made to:

- bring about compliance with section 23 of the Charter of Rights and Freedoms by providing the minorities with educational institutions they can manage instead of continuing to fund second-language instruction through immersion programs or other means;
- create a cultural environment designed to enable the official-language minorities to retain their language and culture;
- provide these minorities with access to basic means of communication;

- promote the economic and social development of regions in which minorities live so that they can remain and even work there in their language.

Another possible type of co-operation would be with Quebec: an Ottawa-Quebec agreement designed to promote the development of Francophone communities outside Quebec through public and private Quebec institutions. A similar formula could apply to New Brunswick with respect to education projects in Prince Edward Island and Nova Scotia.

Basic institutions (schools, school boards, parishes, cultural centres and newspapers), public institutions (service centres, radio and television stations, research centres and hospitals), mixed institutions (amateur sports organizations, museums, art galleries, professional bodies), various types of associations (Scouts, Guides, theatre groups, women's groups, youth groups and service clubs), clearly require a great deal of initiative and co-ordination, and tremendous political will. For such involvement to be effective, it would have to be regional or even national in scope.

#### Conclusion

In the current context, I believe the Prime Minister himself should propose the new directions suggested above. Resistance within government departments and agencies is still strong; for this reason, the government should clearly restate its determination to use every means at its disposal to ensure the overall development of our national minorities.

In my view, before taking specific action, the Prime Minister should:

- clarify his government's language policy;
- clearly identify the language policy obligations of each department and agency;
- create a centralized management

and co-ordination mechanism for minority programs;

- specify his intentions with respect to federal-provincial agreements and discuss them with each provincial premier;
- have the president of Treasury Board issue a directive to deputy ministers specifying policy implementation mechanisms;
- determine the budget he is prepared to allocate to official languages programs.

Once these preliminary conditions have been met, it will be possible to implement an affirmative action program for our linguistic minorities, without which their very survival is in jeopardy.

**Discussion Period —  
Workshop I**

Many speakers applauded the Orr and Bastarache analyses and fully endorsed their proposals; the question was how to translate those proposals into action. Responding to the suggestion that minority-language associations and the Commissioner bring the issue directly to the Prime Minister, the Commissioner promised that his Office would make the views and plans put forward at the colloquium known not only to government but also to the public.

Mr. Orr hoped that Alliance Quebec and the FFHQ could jointly approach the Prime Minister on this subject.

Another speaker expressed concern over the lack of coordination among federal departments.

Without the Prime Minister's involvement, changes would be a long time coming. What we need is not only federal-provincial agreements, but agreements that include linguistic requirements to govern specific provincial departments. Mr. Bastarache thought specific official-language agreements were also needed to improve services and fund language training, tran-

slation and the construction of minority-language hospitals, for example. He also suggested that local service centres combining municipal, provincial and federal services in a single location would allow French to be used as the language of work.

A Franco-Ontarian representative expressed despair over the lack of true political will at the provincial and federal levels to improve the lot of minority-language communities. Past election promises remain unfulfilled; and politicians make idealistic speeches but fail to "deliver the goods". In response, Mr. Orr said that unless minority communities believe that they can change the political climate through concerted action, then they are hostages of groups beyond their control.

Other intervenors favoured holding a national conference, as suggested by Mr. Ryan, to review the constitutional entrenchment of certain minority rights and the delivery, by provincial governments, of services to the minorities. The Commissioner might act

as a non-partisan mediator between the federal and provincial authorities. If the provinces are not actively involved in official-language minority development, they will once more be on the receiving end of an order from "on high" rather than feel themselves in a position to contribute of their own free will.

One person warned that, no matter what administrative structures were established, they would be ineffective without grassroots support that constantly pressures the government to deliver. She expressed concern that an effort of such scope might sap the resources of minority groups and make them ineffective at local levels.

Another speaker suggested that while broad-based planning and high-level co-ordinating mechanisms are essential, particular community problems must be brought to light and resolved. In this respect, the Commissioner's Office could increasingly focus its annual reports on community-specific matters.



## Workshop II: Judicial guarantees

*The purpose of the legal instruments and constitutional provisions proposed by Stephen Scott and Pierre Foucher, two prominent Canadian constitutional experts, is to ensure fair linguistic treatment for both language groups.*

### STEPHEN A. SCOTT\*

No chain can be stronger than its weakest link, no constitutional scheme more secure than its most vulnerable point. Let me begin, then, with some reflexions on fundamental guarantees of a general nature.

#### Fundamental constitutional guarantees

No scheme of constitutional guarantees can be complete unless it contains, at least implicitly, a general guarantee of the protection of the law against intrusions by the state, its officers or third persons. Section 7 therefore seems to me to be the linchpin of the Canadian Charter of Rights and Freedoms: "Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice." All other rights in the Charter flow from, and could be derived from "life", "liberty", or "security of the person". Section 7 is therefore logically prior to the "Fundamental Freedoms" of section 2.

Section 2, in its turn, seems to me to secure rights and freedoms which are logically — or at least practically — prior to those created by ss. 16 to 22 ("Official Languages of Canada"), or by s. 23 ("Minority-Language Educational Rights") or by s. 133 of the Constitution Act, 1867.

The essential freedom to use one's preferred language in Canada cannot be taken for granted as it continues to be under assault. Best known of the attacks, perhaps, is s. 58 of Quebec's Charter of the

French Language, which provides that "Public signs and posters and commercial advertising shall be solely in the official language" (i.e., French). There are other provisions on the statute book of Quebec even more drastic than the "sign law", — more drastic in their principle if not in their practical impact. Section 54 of the Charter of the French Language prohibits the offer to the public of toys and games using non-French vocabulary unless a French version is available on no less favourable terms; and the province's Cinema Act contains provisions designed to prevent public exhibition of non-French-language films unless versions dubbed or sub-titled in French are also made available.

The principle underlying these two provisions is that freedom to publish in various media in one language may be properly barred unless the publisher is both *willing* and *commercially able* to publish in another language, in this case French. If constitutionally permissible for toys, games and films, this principle seems equally permissible for books, periodicals and other printed publications. In theory, Quebec could prohibit distribution or even possession of *The New York Times* or *The Gazette* of Montreal unless and until a French version is made available. Similarly, Ontario or Manitoba could exclude *Le Monde* or *Le Devoir* unless and until an English version is made available. I can see no reason why, if a province can do these things, it could not insist that the translation be acceptable to it, and thereby control the substance of the publication.

I do not quarrel with the object of ensuring French-speaking citizens the widest variety of publications

in all media in their own language. It would seem to me legitimate to afford public assistance — by means of grants or tax concessions, for example — to publishing in French, or for that matter in other languages. The state itself could offer to dub or subtitle films, or subsidize, in various ways, the cost of so doing. Indeed, French-language publishing in Canada *outside* Quebec is particularly in need of assistance and encouragement. Within Quebec, the size of the Francophone population seems to have provided an adequate economic basis, with some state support, for lively and creative work in all media.

Prohibitory legislation, even if simply intended to "externalize" the costs of translation and impose them on the publisher, seems to me to affront our fundamental freedoms. Even if only owing to translation costs, it is clear that at least some toys, games and films will be effectively barred from Quebec. I cannot believe that a Francophone who believes in freedom of expression can simply shrug his shoulders and say "Tant pis!".

Those gathered here today are specifically concerned with what are commonly called "language rights". But we must secure the basic general rights which underlie them, or language guarantees will be built on a foundation of sand. This means, shortly and simply, outright repeal of s. 33 of the Constitution Act, 1982, which enables Parliament or a provincial legislature, subject to certain limitations, to override s. 2 or ss. 7 to 15 of the Canadian Charter.

However s. 33 is read, it will at all events ensure that the guarantees at the very core of the Charter will be unavailable when they are most needed. Section 33, by its very existence, creates easily the most serious deficiency and flaw in the whole scheme of the 1982 reform. Its repeal is essential and urgent.

\*A synopsis of Professor Scott's paper (Editor).

### Government services

So far as language rights are concerned, the largest gap in legal guarantees, — and more especially in constitutional guarantees — relates to the provision of government services at the provincial level. The exception is New Brunswick, which is bound, *inter alia*, by ss. 16(2) and 20(2) of the Canadian Charter. In certain other provinces, some services are available in the minority language, French or English.

At the federal level, sections 16(1) and 20(1) of the Charter provisions seem adequate to establish a constitutional basis for the provision of services in the minority language, even if the scope of the guarantees leaves something to be desired. The ill-fated Manitoba proposal, resulting from the May 1983 agreement, essentially follows the Charter provision (s. 20(1)) applicable to the federal government.

The basic difference between these two and the Charter provision applicable to New Brunswick (s. 20(2)) is that in New Brunswick there is an unconditional right to communicate with and receive services from provincial government institutions in French or English, whereas the existing federal and proposed Manitoba schemes confer an unconditional right to similar services only at the head or central office of a government institution. At other offices, the right is subordinate to one of two conditions: "significant demand for communications with, and services from, that office" in both languages; or the reasonableness, "due to the nature of the office", of the availability of services in both languages.

One would think that the wider scope of the New Brunswick constitutional guarantee is workable in some provinces at least. I am prepared to accept that circumstances of geography and population distribution will create legitimate concerns about the practicability of an unconditional obligation to

provide *all* services in *both* languages at *all* offices. But I do not think that the "federal formula", with its careful qualifications, would impose undue burdens on any province with a significant minority-language population. Quebec, Ontario and Manitoba are perhaps the first to come to mind, although other provinces could consider a similar guarantee.

The challenge for the draftsman of such a guarantee is, first, to find phraseology that embraces public but not private institutions (such as private corporations established by or under provincial laws); and second, to ensure that services provided at public expense will also be available in the minority language, even if not provided by public institutions. In other words, publicly-subsidized services provided by private institutions (hospitals, doctors and so on) must not escape the terms of the guarantee.

### Language of legislation

Constitutional guarantees of legislative bilingualism include all constitutional provisions conferring certain rights or freedoms, and imposing certain requirements and obligations, on the use of English and French in the legislative process. These guarantees aim to *compel* bilingualism in legislative records, and in the enactment and publication of statutes, and to *permit* either language to be used in legislative proceedings.

Such guarantees apply to Canada and Quebec (under s. 133 of the Constitution Act, 1867); Manitoba (s. 23 of the Manitoba Act, 1870); and New Brunswick (ss. 17(2) and 18(2) of the Constitution Act, 1982).

Further legal consequences of these matters may flow from s. 16(1) of the 1982 Act — conceivably from its declaration that English and French are the "official languages of Canada", but more arguably from its pronouncement that they enjoy "equality of status and equal rights and privileges as to their use in all institutions of the Parliament...".

The same is true for New Brunswick under s. 16(2).

Among other things, s. 18(2) provides that the "records and journals of the legislature of New Brunswick shall be printed and published in English and French and both language versions are equally authoritative". However, there is no explicit statutory dictate that the original transactions (bills and resolutions, for example) of the house be themselves bilingual, as s. 133 and s. 23 appear to require. Section 18(2) is addressed only to *printing and publication*, and not to the *keeping of records*.

It would affront the very principle of constitutional government to attribute the translations produced by third persons with anything more than a *prima facie* or presumptive authenticity. Some construction of s. 18(2) of the Constitution Act, 1982 must therefore be found which does not give third-persons' versions of the "records and journals" the authority of the originals produced by the New Brunswick house itself. We are, in sum, left to infer from s. 18(2) an implied requirement that the originals themselves be bilingual, by reasoning that what s. 18(2) literally requires is printing and publication, not of the actual (i.e. original) "records and journals" in both languages, and that such is impossible unless originals do exist in both languages.

The Supreme Court's June 13, 1985 judgement in the Manitoba and Quebec Language Reference makes it clear that, federally and in Quebec and Manitoba, statutes must be simultaneously enacted in both languages because s. 133 of the 1867 Act and s. 23 of the 1870 Act require "use" of both languages in the legislative records and journals. The omission of this explicit language requirement from s. 18(2) of the 1982 Act in respect of New Brunswick is therefore not of merely academic importance; it is a serious deficiency in drafting.

It may be added that, but for the saving clause in s. 21 of the Constitution Act, 1982, the provisions of ss. 16 to 20 of the 1982 Act would have involved serious risk of impliedly repealing, in whole or in part, s. 133 of the 1867 Act. This is one example, among many in the 1982 reform, where attention to drafting is unequal to the importance of the task.

Quite apart from the substance of any gaps or deficiencies, the very fact that there is a series of overlapping provisions in itself gives the impression of a dog's breakfast. I should like to see a single, clear, comprehensive and coherent provision substituted for the existing collection of provisions to cover the federal authorities and, at least, the provinces of Quebec, New Brunswick, Manitoba and Ontario.

One startling oversight from the Constitution Act, 1982 is the absence of an explicit requirement of bilingualism in constitutional amendments made by proclamation under Part V. There does not seem to be anything to compel amendments under the new constitutional amendment process to be bilingual.

#### Language of the administration of justice

- a) Constitutional guarantees:  
Canada, Quebec, Manitoba  
and New Brunswick

Constitutional guarantees applicable to language in the administration of justice are addressed to Canadian "federal courts" in virtue of s. 133 of the Constitution Act, 1867, which speak of "any court of Canada established under this Act", and s. 19(1) of the Constitution Act, 1982 which refers to "any court established by Parliament".

The difference in wording might conceivably be explained by a concern to ensure that territorial courts are subject to the guarantee. In Quebec (under s. 133 of the 1867 Act) and Manitoba (s. 23 of the Manitoba Act, 1870), the terms of the guarantee are indistinguishable in substance from those applicable

to the courts of Canada under s. 133.

In each of these instances, the guarantee provides that "either of those Languages (i.e., English or French) may be used by any Person or in any Pleading or Process in or issuing from" the Canadian federal or the relevant provincial courts.

For the purposes of s. 133 of the 1867 Act, the term "court" has been generously interpreted to include the "range of institutions which exercise judicial power, be they called courts or adjudicative agencies". These include "statutory agencies which are adjudicative, applying legal principles to the assertion of claims under their constituent legislation, rather than settling issues on grounds of expediency or administrative policy".

Whatever historical circumstances have produced a series of texts in slightly differing terms, it would clearly make good sense to replace them with a single one, covering the federal courts and the courts of those provinces where bilingualism is to be constitutionally guaranteed, and dealing with those particulars as to which the law is to be uniform. *Règles d'exception* can then be set out whenever desirable.

- b) Statutory guarantees  
in Alberta and Saskatchewan

Beyond constitutional guarantees, there are others of a statutory character worth noting.

Of these, the first is the portion of s. 110 of the North-West Territories Act, — as it stood when Saskatchewan and Alberta were established as provinces, — providing that: "Either the English or the French language may be used by any person (...) in the proceedings before the courts...". Whether this survives as part of the law in force in Saskatchewan or Alberta has lately become a matter of controversy in the courts of these provinces. After reading the relevant cases, my own opinion is that:

- the above-quoted statutory language guarantee survived the establishment of the two provinces and remained in force;
  - it was, and still is, perfectly applicable to the courts of each province, just as much as to the territorial courts which preceded them;
  - there is no statutory language in either province compelling the conclusion that its legislature has repealed it *even to the extent constitutionally open to it*.
- c) Statutory guarantees  
of the Criminal Code

Section 462.1 of the Criminal Code provides that an accused, "whose language is one of the official languages of Canada", has the right to an order "directing that the accused be tried before a justice of the peace, magistrate, judge or judge and jury, as the case may be, who speak the official language of Canada that is the accused's language or, if the circumstances warrant, who speak both official languages of Canada".

These statutory rights, unlike those of the constitutional guarantees or s. 110 of the old North-West Territories Act, are not a matter of free option on the part of an accused, but depend on objective fulfillment of the statutory conditions: what is, in truth, the language of an accused? Or, where the accused's language is neither English nor French, in what language (in the bench's opinion) can the accused best give testimony?

The terms of its enactment made the operation of section 462.1 dependent on proclamation in each province. So far, it has come into force *by proclamation* only in New Brunswick, the Yukon Territory, the Northwest Territories, Ontario and Manitoba.

After a review of the provisions concerning its coming into operation, Halvorson, J., in *Tremblay v. The Queen*, held that failure to bring it into force in Saskatchewan involved, for an accused in a crimi-

nal case in the province's Queen's bench, denial of the rights to "equal protection and equal benefit of the law", guaranteed by s. 15 of the Canadian Charter of Rights and Freedoms.

In Quebec, unless and until s. 462.1 is in force, an accused is entitled, under s. 555 of the Criminal Code and provincial legislation, only in certain districts and at the Court's discretion, to a jury speaking his language; otherwise, in these districts, there will be a mixed jury.

d) Statutory guarantees of the federal Official Languages Act

Some provisions of the federal Official Languages Act pertain to the administration of justice. In instances where these provisions conflict with constitutional provisions, the Constitution prevails.

Section 5 of the Act must be read in light of s. 133 of the 1867 Act whose guarantees extend to members of courts and quasi-judicial tribunals of Canada, and afford them a freedom of choice of English and French which "extends to the issuing and publication of judgements or other orders."

Section 11 of the Official Languages Act is rather intricate and must be closely read. Sub-sections 11 (1) and 11 (2) deal with proceedings generally in federal courts and quasi-judicial tribunals. Sub-sections 11 (1) and 11 (3) — on the face of things — deal with certain criminal proceedings in all courts, federal or provincial.

e) The Ontario statutory guarantee

The Ontario Courts of Justice Act, 1984 announces that "The official languages of the courts of Ontario are English and French." Proceedings are to be in English unless otherwise provided. In general, non-English-language oral evidence and documents are respectively to be interpreted or translated into English. However, in designated courts, proceedings

must, at the request of "a party who speaks the French language", be conducted before a judge who speaks, or judge and jurors who speak, both English and French.

Where hearings take place in an "undesignated" court, or a "designated" court where the rights to a bilingual forum have not been exercised, the Court is obliged to provide an interpreter to translate into English the French-language submissions of parties acting in person, and French-language oral evidence.

Corporations, partnerships and sole proprietorships may exercise the relevant rights, subject to judicial discretion.

Reflections on the guarantees

To set out the various constitutional and statutory provisions on the use of language in the administration of justice is a lengthy undertaking. Various players appear on the judicial stage: the judge, jurors, court officers, parties and witnesses. No judicial forum in a civilized society, as a matter of practice, can refuse all forms of participation in languages foreign to the forum. Without interpretation, at a minimum, due process is impossible for those whose rights are at stake. Interpretation itself becomes a fundamental right, part of general due process.

In the bilingual or multilingual forum, where two or more languages are recognized as official languages of proceedings, *one* participant might be entitled to elect which language shall be used as the sole language of proceedings. His choice is thereby forced on all other participants who, if they do not speak or understand the chosen language, must communicate through interpretation of speech or translation of documents.

Sometimes this demand is made in a far-reaching form. In a claim made in Saskatchewan (*Tremblay v. The Queen*), Mr. Justice Halvorson found that the accused had the

right to use the French language in the Court of Queen's Bench but that the Crown was likewise entitled to present its case in English.

Clearly, the constitutional regimes applying to the courts of Canada, Quebec, Manitoba and New Brunswick give no basis for any claim by *one* participant in legal proceedings to force his choice of language on the other participants. It should be added that the constructive measures taken in the Criminal Code to ensure that the bench and jury understand the language of an accused, or both official languages, do not prevent any of the participants from using his own language. They do not mean that a criminal accused has been given, can constitutionally be given, or should be given the right to exclude the other official language from the courtroom.

The accused must clearly know what is happening and be able to communicate with the forum. But I would not accept an arrangement allowing the criminal accused to impose unilingual proceedings in an official language of his choice.

What, then, ought to be the characteristics of bilingual administration of justice?

The constitutional scheme applicable in the courts of Canada, Quebec, Manitoba and New Brunswick — and the statutory scheme (to the extent it applies) in the courts of Alberta and Saskatchewan — in essence confer upon "any person involved in proceedings", "the option to use either language". This seems to include judge and jury, parties, witnesses and even court officials.

The court, as an institution, is thus notionally bilingual; in principle, records, words and documents, if in English or French, are to be recorded in the language in which they are tendered.

But there are certain underlying assumptions at the root of such a

scheme. What these assumptions are, and how far they result in implied legal duties and rights, are questions now facing our courts.

In the first place, there is the question of the language capacities of the judge and jury. It is implied in s. 133 of the Constitution Act, 1867, in s. 23 of the Manitoba Act, 1870, and in s. 19 of the Constitution Act, 1982, that the judge, or both judge and jury, must be able to comprehend, or both comprehend and communicate in, the official language used in proceedings.

This question was recently raised in the Manitoba Court of Appeal in *Robin v. Collège de St-Boniface*, where a majority held that it was sufficient for the judge to understand the language used with the assistance of an interpreter. On the other hand, Mr. Justice Halvorson and Mr. Justice Sinclair of Saskatchewan and Alberta, respectively, found it necessary for the judge to at least be able to comprehend without interpretation.

Appeals now pending in the Supreme Court of Canada in *Bilodeau v. Attorney-General of Manitoba*, and in *MacDonald v. City of Montreal*, should shed some light on the rights (under the relevant guarantees) of a party, — especially a provincial penal defendant, — to process in, or translations of processes into, — his own language. Standard-form process, such as summonses, could easily be provided bilingually, with administrative co-operation. However, in a freedom-of-choice scheme of judicial bilingualism, it is not easy to spell out any legal duty to do so. On the other hand, a right to court-provided translation on demand can more easily be found implied in the relevant constitutional and statutory guarantees.

#### Conclusion

Our recent constitutional history might suggest that designing new constitutional guarantees of fundamental rights, particularly language rights, is somewhat akin to building castles in the air. But if politics is the art of the possible, statesmanship surely consists in making possible that which is desirable. We must neither be distracted from our vision of a better country, nor deterred from our efforts to realize it.

#### PIERRE FOUCHER

Let me begin by saying that I believe language reform will not achieve its goal unless we devise more effective laws to broaden the range and scope of language guarantees.

First, let us examine current legislation and its influence on the language situation in Canada. In 1968, the B & B Commission recommended that the federal government adopt a comprehensive official languages act, amend the Constitution and establish mechanisms to achieve linguistic equality. Seventeen years later, the Commissioner of Official Languages has sounded a warning: existing mechanisms have failed to slow the rate of assimilation. In my view, this relative failure is largely due to weaknesses in the legislation.

#### Legislative measures

Quebec, New Brunswick and the federal government have been the major players in adopting language legislation. In Quebec, the Charter of the French Language, a comprehensive and straightforward law, created concrete obligations and established implementation bodies with well-defined mandates. Despite controversy, it is generally recognized that it has achieved its goal: to make the face of Quebec French.

New Brunswick's Official Languages Act has had virtually no impact. After drawing attention to its weaknesses, the Bastarache-Poirier report recommended a thorough revision. However, it appears that the necessary political will to do so has been lacking, notwithstanding the fact that language rights have been entrenched in the Constitution.

The federal Official Languages Act established the principle of equal status for French and English in Canada. The Act specifies the specifics of such equality in several areas including service to the public, and the language of legislation,



Parliament and the courts. It also created the position of Commissioner of Official Languages, responsible for investigating complaints from the public concerning the application of the Act, conducting investigations, and reporting to Parliament on the government's progress in meeting the objectives defined in the Act. Although all three Commissioners have discharged their responsibilities to the full, each soon discovered the narrow limitations of his mandate. The Commissioner, vital though his role may be, is only one of several players and mechanisms on which the progress of language reform depends.

#### Judicial measures

And what of the courts' role? The Joyal, Lang and Kelso cases clearly illustrate the major shortcoming of the federal statute: it contains no coercive implementation mechanisms. The courts cannot be blamed for their treatment of the Official Languages Act. It might have been possible to give it a "semi-constitutional" status, as certain Supreme Court judges wished for the Canadian Bill of Rights, but jurisprudence shows that the Act merely enunciated principles, not firm obligations.

Elements of the Constitution are more promising. In 1975, the Supreme Court noted that the minimal guarantees provided in section 133 of the Constitution Act, 1867 were merely a foundation to build upon, not an absolute, finished product. In 1979, the Court stated that these guarantees could not be unilaterally amended by the parties involved. And recently, in a decision remarkable for its firmness and judicial logic, the Court drew the only valid conclusion possible with respect to guarantees entrenched in the Constitution, i.e., the nullity of judicial acts that violate the Constitution.

To date, the courts have been asked to rule only on the constitutional validity of various laws. However, a new trend, by which constitutional texts are given concrete effect, is

becoming apparent. Thus, in the Lefebvre, Mercure, Robin, Tremblay, Paquette and SANB cases, the courts will have to rule on the issue of bilingualism in judicial proceedings and its concrete effects. In my view, this issue highlights the crucial role of the courts in determining the practical effects of constitutional obligations. Through their interpretations, the courts have considerable power to effect profound change in Canada's court system and public service.

Sections 16 and 20 of the Charter of Rights and Freedoms have remedied one weakness in the Official Languages Act: its declaratory and general status. The Charter, in section 16, reiterates the basic principle of linguistic equality as a cornerstone of Canadian unity. With this principle incorporated into the Constitution, any violation has a remedy. Section 20 guarantees the right to public services in French or English, but on a much broader scale.

One sector in which the Constitution will have significant consequences is education; two guarantees limit provincial jurisdiction in this area: section 93 of the Constitution Act, 1867, and section 23 of the Charter.

In the six provinces where section 93 has a real impact, the denominational school system is highly developed. However, only New Brunswick's Francophone minority has any solid guarantees to a minority-language school system. To have full force and effect, section 23 of the Charter must first be invoked before the courts. The courts' reaction highlights the balance of power between the legislator and judiciary. Although the courts have not hesitated to overturn education acts, or to oblige the provinces to amend their legislation to make it consistent with the constitutional right to French-language education, they have yet to issue injunctions or take similar measures to force educational authorities to act.

This subtle interaction between judicial and legislative power is becoming clearer. Constitutional experts want the courts to take an active role; the latter, however, prefer to let elected officials give concrete effect to minority-language educational rights. Of some two thousand precedents concerning constitutional rights, only three have a bearing on education (although other cases are being prepared). This fact illustrates another limitation of constitutional guarantees: they are only fully effective when brought before the courts. Ordinary citizens are reluctant to embark on this long, costly and uncertain process, and interest groups — without minimizing the importance of legal recourse — wish to make their efforts felt at the political and social levels as well.

#### Regional variations

The constitutional situation of language rights varies tremendously from one region to another. Quebec, Manitoba and the federal Parliament are required to give concrete expression to the right of individuals to use either official language. This right probably extends to Saskatchewan, Alberta and both territories, although it is not known for certain whether, under the Constitution, trials must be held entirely in the accused's language or whether the judge need only understand the language of the proceedings.

Only the governments of Canada and New Brunswick are required to offer services to the public in French and English. All provincial and territorial governments are obliged to provide the linguistic minorities with educational facilities they can manage themselves. However, this obligation has been upheld by the courts in only three provinces, none of which has yet enacted the appropriate legislative amendments.

By definition, all such constitutional texts are general. They create language rights for individuals, but do not define related obligations,

which follow automatically. In my view, it is obviously not enough to suggest that individuals or special interest groups may claim such rights for themselves alone and only in specific circumstances. Language rights are intended for society as a whole; the formal equality of both languages should lead to real equality for both language communities. Linguistic equality will never become a reality for Francophones outside Quebec without active government involvement that takes account of the actual situation and needs of each minority community.

Effective government involvement, aimed at strengthening linguistic community infrastructures and available services, should be based on legal instruments: laws first; regulations and internal directives second. We cannot ignore the deep gulf between the Constitution and citizens. With the following rare exceptions, no adequate legislation has ever given concrete effect to the exercise of constitutional rights: amendments to the Criminal Code (the language of trials); education legislation in Quebec (Bill 3, withdrawn only temporarily so that its position *vis-à-vis* denominational rights may be clarified); and in Ontario, a bill respecting French-language school boards, currently being drafted. None of the other provinces has amended its education legislation since the adoption of the Charter and subsequent decisions; neither the federal Parliament nor the New Brunswick Legislature have amended their official languages acts, even though they are less generous than the Charter. Ontario has legislated on the right to trials in French; and Manitoba is busy translating and readopting the laws found unconstitutional by the Supreme Court.

#### The obligation to legislate

The laws and regulations required to form a bridge between the Constitution and citizens are still lacking. If the authors of the 1867 and 1982 constitutions believed that entrenchment would ensure respect for language rights, I think

they were exaggerating the practical effect of constitutions. A constitution establishes principles, fundamental rights and authoritative guarantees; however, it does not, and should not, establish mechanisms for implementing such guarantees. With respect to language or other matters, the Constitution is a starting point, not an end in itself.

Broadening judicial guarantees calls for a consolidation of the rights set out in section 133 of the Constitution Act, 1867 and sections 16 and 20 of the Charter by extending the scope of these sections to the other Canadian provinces, irrespective of demographic realities. Some limitations are, of course, necessary; the principle of linguistic equality must reflect reality. However, reality is not a unilingual French Quebec within a unilingual English Canada. Reality is much more complicated and full of subtle distinctions. Reality is Acadians in New Brunswick demanding political institutions and a real share of power, establishing their own identity distinct from that of French-speaking Quebecers; Franco-Ontarians, organizing themselves and winning more and more rights; Franco-Manitobans, still proud despite many disappointments; Francophones in Western Canada, mobilizing for action; and an Anglophone Quebec community in a state of change.

Another reality is that Quebec has a distinct political and socio-linguistic identity and that the rights of official-language minorities are founded both on history and the Canadian constitution. We cannot turn a blind eye to assimilation or a deaf ear to the repeated demands of the minority-language communities who, if they are to survive, must have access to an adequate range of basic services. Lacking strength of numbers and political weight, the language minorities turn to the Constitution and the courts. Increased litigation may suit constitutional lawyers, but it drains the resources of the language communities when they should be

concentrating on current North American concerns: technology, the economy, communications.

It is too often forgotten that the constitutional entrenchment of language rights creates an obligation to implement such rights through legislation. The federal Official Languages Act should be revised to give effect to section 20 of the Charter and to correct weaknesses in government services through appropriate recruitment and regional policies. The Commissioner should be given greater powers so that his Office becomes a true regulatory body, similar to the Canadian Human Rights Commission. Provincial education laws should be reworded to create flexible but effective mechanisms for implementing section 23 of the Charter. Laws governing the judicial system should reflect the obligations imposed by section 133 of the Constitution Act, 1867 and similar constitutional documents, to guarantee bilingual capacity in the courts. Above all, the scope of official bilingualism should be broadened to encompass new sectors of activity, particularly work, radio, television, newspapers and technology.

Judicial guarantees alone cannot change the attitudes of Canadians; without them, however, constitutional rights are in danger of remaining pious wishes. The Constitution, legislation, administrative and judicial decisions are all that government needs to guide the course of history. Early in this century, Privy Council decisions on section 93 of the Constitution Act, 1867 had a decisive impact on demographic trends in Canada. However, these trends are not irreversible; the language minorities are not necessarily doomed to extinction. The Supreme Court of Canada performed its duty, by having these rights upheld. I dare to hope that law-makers will also do their share, and that the time for solutions has indeed arrived.

### Discussion Period — Workshop II

Comments and discussion focussed chiefly on *how* to get federal, provincial, private and voluntary organizations to reflect the equality of our two official languages, each in its own sphere in the first instance but, wherever possible, as part of a concerted and people-oriented plan.

Speakers agreed that any integrated approach was heavily dependent on majority understanding and support. They urged the Commissioner's Office and the Joint Parliamentary Committee to help transmit the minorities' messages and to inform and educate

the general public on the benefits to Canada of just linguistic treatment for all.

Several speakers underlined the important role that municipal governments play in advancing the cause of language reform, not only as purveyors of service but as necessary allies able to provide significant moral support.

The audience was invited to put its faith in today's youth. The recent test in Manitoba showed how important it was to give young people the wherewithal to become active spokespeople for community values.

One speaker drew attention to the fact that the common demands of some two million people living in a minority-language situation constituted a "magnum force", especially if they could also draw upon the strength of Quebec's Franco-phone population.

It was also suggested that minority-language groups might find ready allies in groups and associations, such as Canadian Parents For French, sympathetic to their ideals.

## Workshop III: The provinces and private sector

*Léo LeTourneau and Eric Maldoff stress that constitutional guarantees alone cannot bring about linguistic equality in Canada. They discuss the importance of how such guarantees are interpreted and applied by the courts and various levels of government.*

### LÉO LETOURNEAU

I'm wary of colloquia on official-language minorities: they tend to create expectations that go far beyond our ability to act. While they sometimes produce brilliant solutions to our problems, such solutions are rarely translated into concrete action. I dare to hope that this colloquium will be an exception to the rule.

I have entitled this presentation "Some thoughts on language issues in Canada — Stage II: Beyond the halls of justice". I speak of "Stage II" because a renewal of Canada's language reform program requires abandoning the ineffective methods used to date. We can no longer waste time on fruitless discussion, on increasing bilingualism in the Public Service or doing a little administrative tinkering. We must completely rethink federal government involvement in language matters.

#### The political route

In adding "beyond the halls of justice", I did not wish to minimize the contributions made by the courts. On the contrary, I recognize their capital importance. But relying on the judicial system to change attitudes and perceptions and alleviate fears would doom the official-language minorities to faster assimilation, partly because of the system's sluggishness but particularly because governments are slow to act on court rulings. I remain convinced that the political route is the key to success. But at a time when government is primarily concerned with the economy, unemployment and similar problems, arousing the necessary

political will is our greatest challenge.

I shall suggest three indivisible proposals that could form the basis of genuine renewal. These proposals are founded on two hypotheses. First, the Official Languages Act and the language provisions of the Charter of Rights and Freedoms together constitute a linguistic master plan. They contain all the legal elements we need to guarantee that official-language minority communities receive the services they require to live their language and culture on a daily basis. (Incidentally, the federal government has never publicly articulated such a master plan as a general policy.) Second, any national policy lacking provincial support is doomed to failure.

My proposals seek to fill three fundamental gaps in the federal government's language reform. If these gaps are not immediately repaired, they will dash the hopes of those who wish to experience the promises of the master language plan. In the current context of institutionalized assimilation, this is clearly a matter of urgency.

#### First proposal

The federal government has never created a single administrative body responsible for all language matters. This completely abnormal state of affairs is evidence of the lack of an overall policy. For sixteen years, we have witnessed a half-hearted, badly focussed and poorly managed effort, characterized by the creation of two administrative responsibility centres.

First, there is Treasury Board, responsible for developing a

bilingual public service, i.e. ensuring that departments have the bilingual capacity to serve Canadians in the language of their choice. The goal was to attain participation rates consistent with Canada's demo-linguistic make-up — 27 per cent Francophone — regardless of seniority.

Second, we have the Department of the Secretary of State which established an Official Languages Branch to stimulate and revitalize the official-language minorities through a collection of social and cultural programs. In addition to providing translation services, the Department has also become involved in the past few years with education (immersion and first language) as well as court challenges under the Charter of Rights and Freedoms — the latter, incidentally, not without some difficulty.

Lastly, the federal government created the position of Commissioner of Official Languages whose duties involve receiving complaints from people who feel their rights have been infringed by the government, and reminding the government of its obligations under the Act. For sixteen years, successive commissioners have repeatedly called attention to the inadequacy of government efforts in this area.

In general, the picture is not particularly scintillating; progress in translating internal work documents and bilingualizing the public service has been mainly limited to the National Capital Region. The chief goal with respect to the linguistic minorities, especially those outside Quebec, was to stimulate their pride in living in French. Well, we are extremely proud of our language and culture; but as for living in French, we still have some way to go.

Other than the CBC, the various federal departments and agencies have never concerned themselves with the official-language minorities, nor with implementing what I

have called the federal master language plan, except with respect to making public servants bilingual. The Department of Justice is a striking example. It has opposed the national interest for purely legal motives, and has displayed outrageous legalism without regard for socio-political realities. Clearly, lack of co-ordination at the most senior levels of the federal administration will continue to create ambiguity, even flagrant contradiction, and implementation of the language program will remain ill-founded and badly managed.

#### Second proposal

The second proposal deals with the shared responsibility of all departments toward the minorities. At the present time, only the Department of the Secretary State accepts such responsibility. In my opinion, this state of affairs cannot be allowed to continue.

Sixteen years of experience have shown us that the Department of the Secretary of State, despite its efforts, is unable to meet the many needs of the minorities in terms of the services they require to live a full life in their language and culture on a day-to-day basis. Two factors lead me to this conclusion: 1) the Department is unable to establish programs to be carried out by other departments; and 2) it has no jurisdiction over other departments.

There are many reasons why other departments do not play a major role in establishing equitable conditions for the official-language minorities, the one most frequently cited being that the federal government does not offer services as such (which is partially true), but only establishes national policies through framework-agreements and transfer payments to the provinces. Thus, federal departments need not concern themselves with language issues since services to the public are essentially provincial or municipal responsibilities.

In general, however, the provinces

and municipalities have not accepted the federal master plan. And failing any federal political or economic involvement, the provinces would quite simply reject any responsibility in the matter. "I fully agree with bilingualism at the federal level. However, I'm afraid it does not concern us at the provincial level." Such is the ultimate dodge. Everyone realizes that the daily lives of citizens are influenced to a much larger degree by dealings with provincial and municipal authorities than with the federal government. Nonetheless, such is the prevailing logic; the Secretary of State's Department subsidizes official-language minorities to enable them to voice their service needs but, ironically, is unable to offer the services. Year after year, millions of dollars are spent maintaining this vicious circle, which serves only to perpetuate assimilation — institutionalized assimilation.

I believe, then, that it is vital that the entire federal apparatus immediately accept responsibility for language reform well beyond a 27 per cent Francophone participation rate and translation. Assimilation rates prove that the methods used to date have borne no fruit and that the results do not match the investment.

#### Third proposal

My third proposal concerns federal-provincial relations. It is clear that any national policy is doomed to failure without the support of provincial governments, whether tacit, mitigated or, if need be, imposed. When I brought up this point with certain politicians, I was very quickly told that this was a question of division of powers — in other words, taboo. Now governments are, of course, sensitive to matters of jurisdiction; but this does not prevent them from concluding agreements in many areas such as education, manpower training, industrial development, tourism or fisheries. And yet, as soon as language issues are raised, the appearance of Canadian federalism betrays the reality.

Despite the various levels of jurisdiction, we have many framework agreements between the two levels of government. It is precisely this area of political and administrative co-operation that the language program must penetrate.

#### Conclusion

If the language program has to be renewed, federal government initiatives must be completely rethought. A division should be created in the Prime Minister's Office to develop a genuine master language plan and strategy for co-operation with the provinces. An administrative unit should also be established in the Privy Council to co-ordinate implementation of the plan at the federal level and with respect to federal-provincial agreements. In my view, these measures would create the vital, minimal conditions required for a genuine renewal whose objective is to provide quality services to the official-language minorities.



## ERIC MALDOFF

In examining the issue of an integrated approach to official languages, what does it mean when we say English and French are the official languages of Canada?

In my view, it means essentially three things: that they are languages in which Canadians can expect to participate in Canadian public life without embarrassment, discrimination or apology; that English- and French-speaking Canadians have a right to feel at home across Canada; and that the two languages stand on an equal footing throughout the country.

Two official languages does not mean one really official language, and another, tolerated second language; nor does it mean two or more regions each with its own official language, or that a Canadian should feel less than equal, less Canadian, because of the official language he or she speaks.

Some people may say my definition is utopian because it fails to take into account certain realities of history, demography or geography. I would respond that in the practical application of my definition, those factors must all be addressed. But at least as important as the practicalities is the attitude of Canadian individuals, organizations, institutions and governments toward the official languages. Ultimately, the development of an integrated approach to language reform is a matter of will and attitudes.

**Constitutional authority**

Any attempt to elaborate such an approach must begin with an examination of the Constitution, the source of legal authority with respect to language matters.

Canada has decided to embrace and foster regional diversity, particularity and specificity by recognizing that the provinces, with their own elected legislatures, are responsible for matters of a local

nature, property, civil rights within their territory, and services relating to health, education, the administration of justice and so on.

It has also been decided that matters of national importance, matters which sustain our ability to function effectively as one country, must fall within the jurisdiction of the federal government. In this regard, we perceive the national interest as not necessarily the sum of various regional interests.

Under the Constitution, jurisdiction over language is not the exclusive domain of either level of government. The only explicit reference to language rights in the Constitution, apart from the Charter of Rights and Freedoms, is found in section 133 of the Constitution Act, 1867 which offers only a very limited guarantee concerning certain specific operations of the courts and legislative bodies of the federal government and the Government of Quebec. A corresponding provision, section 23 of the Manitoba Act, 1870, embodies the same constitutional rights in Manitoba.

In addition, there are certain language matters for which the federal and provincial governments share jurisdiction and/or responsibility: federal jurisdiction in criminal proceedings and provincial jurisdiction in the administration of justice, manpower retraining, regional economic development and immigration. And, through its spending power, the federal government can influence certain policies of national interest which would otherwise fall within provincial jurisdiction.

Professor Peter Hogg has observed that the division of legislative power over language, "(...) by denying to either level of government full power over language, constitutes an indirect protection of minority-language rights." It is, he says, an insufficient but not insignificant form of protection. The constitutional reality of Canada, therefore, makes for a compelling

argument in favour of an integrated approach to official languages involving both the federal and provincial governments.

**Rights and services**

The question of official languages relates directly to the welfare of Canadians and to their ability to participate and enjoy opportunities throughout this country.

There must be an essential common denominator of basic rights and services which a Canadian, French- or English-speaking, should be able to have and enjoy anywhere in Canada.

The following rights and services are not being articulated for the first time in our history. Many were embodied in the Victoria Charter of 1971, others in the 1980 joint submission to the Special Joint Committee of the Senate and the House of Commons on the Constitution, prepared by l'Association Canadienne-Française de l'Ontario and the Council of Quebec Minorities.

1. *Freedom from discrimination based on language*

The embodiment of this right at the federal and provincial levels across the country would be consistent with Canada's international legal obligations and the Universal Declaration of Human Rights. In addition, section 15 of the Canadian Charter of Rights and Freedoms should be given a broad and generous interpretation to proscribe discrimination on the basis of language.

2. *The right to use French and English in the legislative assemblies of all provinces.*

3. *The printing and publishing of all federal and provincial legislation in both English and French*

Only in the provinces of Quebec, New Brunswick and Manitoba is this right currently respected. For a nation which prides itself on the Rule of Law and its linguistic

duality, it is unforgivable that so many French-speaking communities outside Quebec should be denied access in French to such a significant portion of the laws of the land.

4. *The application of section 133 of the Constitution Act, 1867 or the equivalent thereof to the provinces of Manitoba, Ontario, Quebec and New Brunswick*

With the exception of Ontario, substantial progress has been made in this regard; even in Ontario there has been measurable, if insufficient, progress.

5. *The right of all English- or French-speaking persons to demand that a criminal or penal trial exposing them to possible imprisonment be held in their language*

In part, this right could be established by proclaiming into force Part XIV.1 of the Criminal Code for all provinces. To date, this has been done only in the provinces of New Brunswick, Ontario, Manitoba and the Territories. In practice, it also generally applies in the province of Quebec.

6. *Access to government services at the federal and provincial levels in French and English*

Today, only New Brunswick has constitutionally entrenched the right to provincial government services in the minority language. In Quebec, the availability of services in English from the provincial government is on the decline; in most other provinces minority-language services are minimal, if they exist at all.

7. *The right to access to minority-language education*

This right has been recognized in section 23 of the Canadian Charter of Rights. However, the continuing failure of provincial governments to move toward generous implementation of this right is disquieting. The Constitution is far more than simply a basis for citizens to challenge government action or inaction; it is a solemn commitment

and an undertaking by governments to uphold our basic societal values.

8. *The right of the linguistic minorities to control minority-language education*

A decision of the Ontario Court of Appeal in June 1984 concerning section 23 of the Canadian Charter of Rights opened the door to an interpretation of the section which would include some degree of control and management.

9. *The right to health and social services in English and French*

In Quebec, both major political parties have committed themselves to upholding this principle. In practice, however, problems remain; indeed, the delivery of English-language social services is now seriously threatened by a recent reorganization. In other provinces, progress in this area has been spotty or non-existent.

10. *The right of every French- and English-speaking person to demand access in every region of the country to radio and television services in their language*

It is essential that budget cuts not undermine regional programming and production and that there be greater minority-community participation in such programming.

Of the rights enumerated above, the great majority have been publicly supported in the past by many provincial governments. And yet, very little has been done to implement them.

The legitimacy of such claims has not diminished over time; indeed, in light of current demographic pressures, they have become even more pressing. The provincial governments cannot be allowed, through simple neglect, to renege on their commitments and on our shared vision of Canada.

The "renewal" embodied in the Constitution Act, 1982 may be a beginning, but the language rights

actually entrenched in the Charter of Rights fall far short of the bare minimum required for the future unity of Canada. However, the patriation of the Constitution with an amending formula has at least enabled us to complete the process of constitutional renewal and work toward linguistic equality.

Recognition of language rights and the provision of services is not dependent upon constitutional reform. On the contrary, rights and services may be provided now by both levels of government acting within their areas of responsibility.

#### Co-ordination and flexible implementation

While the basic rights and services I have mentioned must be assured to Canadians across this country, we should not ignore two Canadian constitutional realities. First, it is essential that federal and provincial governments act in a co-ordinated fashion. Second, in light of the value we attach to regional diversity and specificity, it is not expected or required that the implementation of these rights and services be identical or absolutely symmetrical across the country. What is important is that they should exist and be readily accessible to Canadians.

An integrated approach to official languages should also involve municipal and local government authorities. They are very often the most direct interface between the citizenry and the public functioning of this country and are often capable of greater responsiveness to the needs of local constituents.

#### Corporate-sector responsibilities

The private sector, too, has an important responsibility to give life and meaning to Canada's official bilingualism. Major national Canadian corporations do not reflect, in their operations and staffing, the reality of a Canada in which there are two official languages. The solution is not only the reorganization of such enterprises to create French-language

branch operations in the province of Quebec; this would ignore the reality of 1,000,000 French-speaking Canadians living outside of Quebec and approximately 800,000 English-speaking Canadians living in Quebec. It must be hoped that such national enterprises will, as good corporate citizens, voluntarily address the problem. Failing that, it is conceivable that the federal government may exercise some of its authority to encourage greater sensitivity.

#### Practical solutions

How does one begin to develop momentum toward an integrated approach?

The minorities themselves bear an important responsibility to take initiatives in this regard. They must find ways of opening constructive dialogue with members of the majority communities; a positive public attitude is an essential ingredient to the success of any effort to promote Canada's linguistic duality. A linguistic minority must not sit back and expect the federal government, a provincial government or any other institution or organization to spontaneously respond to their needs.

And the minorities must also open a constructive dialogue with the cultural communities to help dispel the confusion over the way in which bilingualism relates to multiculturalism. They must distinguish between the fact that bilingualism pertains primarily to language, and multiculturalism primarily to cultural heritage. And, they must help promote understanding that the two official-language communities of Canada are, in themselves, multicultural.

Another initiative could be greater co-ordination and an increased number of joint endeavours among the French- and English-speaking minorities. While these communities have many differences in terms of history and current status, they also have certain shared values and concerns. English-speaking Quebecers may serve as useful allies in explaining the legitimacy of French-language minority concerns to Canadians in other provinces.

If language is a national issue, the official-language minorities must find ways to demonstrate, through their own actions, the national and linked nature of language matters across this country. A lobby composed of representatives of all the official-language minority and majority communities would be a valuable tool for the proponents of linguistic equality.

Provincial governments must recognize their enormous responsibility to build the national character and maintain unity in this country. In the period preceding the 1980 Quebec referendum, the province was visited by the premiers of many provinces. At that time they expressed an urgent concern about the destiny of Canada and the need for Canadians to stay together. Clearly, the provinces are capable of understanding their responsibilities and responding promptly. It is essential that they once again demonstrate the same urgency in ensuring that French- and English-speaking Canadians feel at home across this country and by fulfilling the promises, express or implied, of 1980.

Furthermore, in spite of relatively recent tension and difficulties, Quebec provides a shining example of a province capable of providing the minority with services and institutions. One of my most satisfying experiences was to have witnessed the interventions of the Government of Quebec and Alliance Quebec in the Manitoba reference case in favour of the rights of Franco-Manitobans. All of Quebec was acting together.

Lastly, the federal government has the responsibility to look to the national interest. Progress on official languages in Canada will not occur without courage and leadership. However peaceful linguistic détente may appear to be, it cannot be anything other than a fertile breeding ground for intense frustration so long as profound and legitimate grievances remain unaddressed and unanswered. It is within the means of the federal government to bring people together, to bring provincial representatives together and to bring representatives of industry together. It can lead by example in regulating federal sectors of activity, including federal institutions and federally chartered undertakings. Federal leadership, in a word, is essential.

**Discussion Period —  
Workshop III**

Opening comments focussed on possible ways of constitutionally entrenching bilingualism in Ontario. The advantages and disadvantages of proceeding through section 133 of the 1867 Constitution (bilingual courts and legislation) or sections 16 to 20 of the Charter (equal status of both official languages and bilingual federal services) were also discussed. Speakers examined the possibility of having Ontario pass an official languages act before further enshrining language rights in the Constitution, but some wondered whether it was not preferable first to establish de facto bilingual services.

The "where numbers warrant" clause sparked numerous comments and led to general agreement that it should be generously interpreted on a provincial rather than local basis. Mr. Foucher

pointed out the conflict between section 23 (minority-language education rights) and section 93 (denominational school boards) whereby organizing school districts along linguistic as opposed to confessional lines infringes the constitutional rights of Catholics in provinces to which that section applies. To solve this conflict, he suggested flexible mechanisms to give Francophones control of their own schools in co-operation with the public sector and, at a later date, amendment of section 93 to reflect this new reality.

Another speaker suggested that giving the minorities full control over their schools would allow the "where numbers warrant" clause to be stricken from the Constitution since the minorities themselves would have to determine where and what schools need to be established. This approach, she sug-

gested, would take the heat off politicians and fit in well with the new trend toward decentralization.

The last speaker asked what the role of the courts would be in the future with respect to interpretation of the current Constitution, and if they would create a homogeneous "judicial space", relatively uniform across Canada, to give Francophones outside Quebec the status that Anglophone Quebecers enjoy today. The panelists answered that although jurisprudence can clarify the content and scope of legislation, the law-makers themselves have the obligation to give it concrete effect. The courts, they said, must work with the provisions set out in the Constitution, although they may enlarge them and make them more flexible, the dispositions are what they are.

## Workshop IV: Case studies

*Although the problems facing our official-language minorities vary from community to community, individual success stories, particularly in such major problem areas as obtaining minority-language schools and institutions or rescuing local economies from ruin, often have far-reaching effects. The various experiences described by speakers are a tribute to the imagination and energy of minority communities across Canada.*

### PIERRE LAPOINTE

The purpose of my presentation today is to describe the economic development of the Francophone community of British Columbia over the past three years.

In 1982, the Fédération des Francophones hors Québec organized a colloquium entitled "Developing Our Economies". The organizers chose this theme to make Francophones outside Quebec aware of weaknesses in their economic institutions. The fifteen delegates from British Columbia were all business people.

The first stage of our economic strategy was to compile a computerized directory of all Francophone business people, managers and professionals (doctors, lawyers, dentists, and so on). Then, in May 1983, we established the *Chambre de commerce franco-colombienne de Vancouver*, of which these people became members.

#### Economic strength

In 1984, the *Chambre* felt the time was right to promote Francophone business interests in British Columbia. A delegation went to Quebec to meet with members of the *Chambre de commerce industrielle du Québec métropolitain* and several politicians including Mr. Johnson, Mr. Lamontagne and Mr. Pelletier, the mayor of Quebec. Delegates took advantage of the opportunity to promote Expo 86 and the British Columbia tourist industry. Many people were impressed by the fact that Fran-

cophones would bother to travel outside the province to sell British Columbia's tourist attractions. Locally, it was a tremendous political coup for us.

The fall of 1984 saw the launching of the *Avant-Garde* company, a non-profit corporation wholly owned by the Fédération des Franco-Colombiens. Through income generated by this company, we hope to increase our financial independence from funding agencies, particularly the Department of the Secretary of State. Our goal is one that has become popular in our province: self-sufficiency.

In the same year, 25 presidents of British Columbian associations met and decided to make economic development the top priority of the Fédération des Franco-Colombiens. To the best of my knowledge, it was the first time a Francophone minority placed economic development ahead of cultural, educational and political goals.

Initiatives included establishment, in 1985, of the *Société d'Habitation La Vérendrye*, a private, non-profit organization providing shelter to elderly Francophones; the opening of the *Kelowna Community Centre* in the spring; and last summer's launching of the *Fondation André-Piolat*, which awards grants to top-ranking Francophone students from British Columbia, and funds cultural projects. Consideration is also being given to awarding grants to young Franco-Columbians to pursue university studies in Quebec, provided they return to work in British Columbia for at least three years.

#### A realistic action plan

The objectives of our plan are concrete, properly budgeted, and easy to assess and achieve. Management by objectives makes it easier to compare the results from year to year and between one association and another.

Our objectives are as follows: an annual 10 per cent decrease in our financial dependence on the Department of the Secretary of State; accumulating at least \$5 million in resources from the Franco-Columbian community (community centres, housing, foundations); job creation; doubling the listings in our business directory by 1986; and establishing business-oriented exchange programs between Quebec and British Columbia.

It is important, and in their interest, that Franco-Columbians become aware of their economic power. In 1982, I estimated the British Columbian Francophone market to be worth \$400 million; that of Francophones outside Quebec (approximately one million people) must surely represent millions and millions of dollars. How can any business person seeking to tap the entire Canadian market ignore the six million or more consumers in this country that "buy in French"? Although Franco-Columbians number only 45,000, I could give many examples of Francophones (lawyers, dentists, business people) who have decided to cater to Francophone clients since 1982. One such example is a dentist who opened his own practice barely six months ago, and whose clientele is now 80 per cent Francophone.

It is the Franco-Columbian élite that will gradually create the economic space we seek without lowering the quality of available services. They will also be invited to participate in Francophone community activities by lending their administrative expertise to various organizations and agencies.



Recruitment is difficult at first, but as time goes by, there is a chain reaction.

#### *An original contribution*

It is time that our community stopped making demands of others and started asking what contributions it can make itself.

In my view, Franco-Columbians can help develop tourism and increase access to Francophone markets in the rest of Canada. In short, we can break down British Columbia's isolation. Anglo-Columbians tend to focus their attention on Australia, Japan or the United States rather than the rest of Canada. As Francophones, however, our attachment is much stronger to our own country for historical reasons.

It is we, too, quite naturally, who are responsible for disseminating Francophone culture in British Columbia and for keeping the French-Canadian culture alive. Yet who invited André Gagnon to perform in British Columbia? It was not Francophone associations, but imaginative Anglophone agencies. Establishing our position in this area is another of our objectives.

In the future, our role will be to bring western and eastern Canadians closer together by supporting non-linguistic initiatives to consolidate the accomplishments of Francophones in the West and bilingualism in Canada. One issue is transportation. It costs less to travel from Vancouver to Los Angeles than from Vancouver to Toronto or Montreal, or to telephone New York as opposed to Montreal. The effects of this situation on the Francophone community and bilingualism are easy to understand.

Creating data banks with listings of Francophone specialists is also important. If someone needed to contact a marketing expert quickly, the bank would immediately produce a list of ten to twelve names.

In short, I am very optimistic about the future and convinced that we are on the right track. Our objectives are clear, concrete and realistic. Each and every day, we are creating our own economic space and, in so doing, strengthening the Francophone community of British Columbia.

#### MARJORIE GOODFELLOW

Despite the fact that American and British immigrants were the first to settle the area, the English-speaking community of the Eastern Townships has been a minority for over 100 years. Of the 60,000 people in the area in 1850, 64 per cent were English-speaking; by 1871, the majority were French-speaking.

The relative size of the English-speaking community has continued to fall in the 20th century; between 1971 and 1981 alone, the community experienced a six per cent decline in its numbers. The same period saw the English-speaking community fall from 9.7 per cent to 8.5 per cent of the total population.

#### *The Townshippers' Association*

The Townshippers' Association was founded in October 1979. It has 8,000 members and maintains active programs in the following areas: heritage and cultural affairs; health and social services; education; communications; and economic development, especially employment opportunities.

While one of the Association's aims is to promote the interests of the region's English-speaking community, it views full participation of the Anglophone community in the majority society as equally important.

Employment has been a concern from the beginning; without jobs, no community remains viable. A full range of employers operate in the Eastern Townships: the Public Service of Canada, the Quebec Civil Service, municipal governments, para-public institutions, and many commercial, industrial and professional establishments. Yet English-speaking people have seen their relatives, friends and neighbours leave, few Anglophone families come to settle in the area, and enrolment in local Protestant Board Schools is declining.

### Getting the facts

The Association has worked on a number of fronts to gather the facts and figures it uses to plan its activities.

A 1984 study by sociologist Gary Caldwell on economic opportunities for English-speaking Townshippers showed that:

- English-speaking people had a bleak view of their future in the area;
- the community was aging twice as fast as the French-speaking majority;
- the community was lacking the traditional middle-class element;
- young Anglophones were leaving the Townships and those who stayed were not raising families;
- young people who left were twice as likely to find employment as those who stayed.

### Involvement of the majority community

Taking up the challenge to change these attitudes, the Association released the Caldwell study at a news conference to which the media and leaders of both the French- and English-speaking communities were invited.

The French-speaking community reacted supportively. Media coverage was extensive and Francophone leaders asked how they could help. One step was to invite the President of the Townshippers' Association to sit on the influential economic and social planning council, the Conseil régional de développement de l'Estrie.

The region's Francophone leaders have always taken for granted that the presence of a vigorous English-speaking community with a strong institutional network of schools, churches and clubs was a distinct economic advantage.

### No duplication of effort

It is Association policy not to dupli-

cate services provided by others. However, we encourage other institutions and groups undertaking projects to help the community, and publicize their efforts through our newsletter and newspaper columns.

### Four special initiatives

#### 1. Job-search techniques

A job-search information meeting for young people, held in July 1984, set out to discover what Richmond, an economically depressed area, needed. The result was an employment and self-employment workshop in November, organized by the Job Opportunities Committee and co-sponsored by the Association and the Richmond Chamber of Commerce. The Committee followed up with a job-search techniques seminar for interested community members and then turned its attention to other communities that had experienced economic difficulties.

#### 2. Employment with the federal public service

To try to increase the number of Anglophone federal public servants in the Eastern Townships, the Association organized public meetings in three communities (Sherbrooke, Cowansville, Richmond) in February 1985, at which representatives of the Public Service Commission explained the complexities of the government's hiring process. Meetings have also taken place with managers of local Employment Centres.

#### 3. Tourism

The Association has joined the Association Touristique de l'Estrie and has formed a Tourism Committee which will improve participation of the English-speaking community in efforts to develop the region's tourist industry.

#### 4. Small business

Economic experts predict that self-employment is the unemployment solution of the future. A Small

Business Committee has been formed to explore ways of encouraging members of our community to create their own jobs.

The first project has been the creation of a Future Millionaire's Club to acquaint young people in the Eastern Townships with potential areas of career development, and to foster development of a greater number of small enterprises to increase employment opportunities.

The Association has made a great deal of progress but its work is not yet finished. Our goals are to involve the English-speaking community at the local level; gather facts; keep the majority community informed and gain their support; take full advantage of existing resources to avoid duplication of services; and maintain strong volunteer involvement, backed up by staff support.

## DENISE SAMSON\*

I am disappointed to be unable to attend this national colloquium, but the gravity of the situation in Chéticamp leaves me no alternative. Acadians in Chéticamp, a town on Cape Breton Island, Nova Scotia, are currently fighting for their cultural survival, in particular the right to French-language education. This very day, in a referendum ordered by a municipal council consisting of eleven Anglophones and one Acadian, the majority will decide the fate of a right belonging to the official minority. Why, in 1985, must we endure such injustices and assaults on our fundamental rights?

Before addressing the topic, "Organizing and influencing", let me briefly describe the situation facing the Acadians of Nova Scotia. According to 1981 statistics, of the province's total population (847,445), French is the mother tongue of 36,030, 24,000 of whom speak French in the home. The rate of language transfer is 37.1 per cent.

The 1969 Official Languages Act, at least in principle, permitted Francophones to feel at home in Canada. Over the past five years especially, it has concretely encouraged establishment of the infrastructure they need to survive and develop, and has helped us found the *Fédération acadienne de la Nouvelle Écosse* to defend our interests.

*Renewed confidence*

After more than eleven years of struggle, we now have a provincial law that may well change the conditions in which our community lives. Bill 65, which guarantees the minority's right to French-language education where numbers warrant, has legitimized the existence of Nova Scotian Acadians. This government decision has given us a tremendous sense of pride. Gone

are the haunting days of deportation and the fear of ostracism; at last we have been granted the right to grow, flourish and take charge of our own development as a people.

After adoption of Bill 65 in June 1981, several Francophone interest groups were founded: la *Fédération des festivals*, l'*Association des femmes*, la *Fédération des parents*, l'*Association des enseignants* and an expanding young people's association. In this manner, a large number of volunteers were able to participate in public discussions affecting our future.

Basically, we have gone through three stages of development. First, we gained *awareness* of the dangers of assimilation through many socio-cultural, information and training programs, notably those for young people and women. We then entered the *organization* stage, which produced a variety of provincial and regional organizations. Born of the desire to participate and influence the course of events and decisions affecting us, these groups led us to the third stage, *vindication*. We wanted to take our future in hand and banish the spectre of assimilation by acquiring the rights and services basic to our Acadian identity.

Over the years, the *Fédération* has acquired a great deal of credibility with Acadians and the provincial government. Thanks to a clear vision of its development, the Acadian community was able to enter frank and meaningful discussions with its political leaders, and show them the value of the Acadian cultural and linguistic heritage, not only for the Acadian community but for the province as a whole.

The Acadian identity was strengthened further by the 1984 celebrations of the 100th anniversary of the Acadian flag and, more importantly, by the fact that it was hoisted at the Legislature. Our flag now flies permanently in Amherst, one of Nova Scotia's points of entry.

In addition, the Buchanan government is committed to drafting an official policy on bilingual services, particularly for the departments of Fisheries, Justice, Health and Social Services, and to appointing an Acadian advisor to the Policy Board.

*The federal arena*

Our efforts in the federal domain have focussed on the CBC. Its president, Pierre Juneau, has stated on several occasions that the tenacity of the Acadian community was responsible for sparing the Halifax station from cutbacks. This example illustrates the amount of energy required to obtain a service to which the official-language communities are *supposedly* entitled.

For more than a decade, we have been asking the CBC to establish a French-language radio station in Halifax to reflect the Nova Scotian reality. In May 1983, our patience was exhausted. Armed with a well-prepared brief, we insisted that the station begin operating in December 1985. The Acadian community also solicited support from the greatest possible number of individuals, groups, organizations, municipalities, public servants, provincial MLAs and federal MPs, both Anglophone and Francophone.

As for the media, a few meetings were enough to convince even Halifax's Anglophone daily to report our demands in a positive light. Everyone recognized our need for and right to French-language radio, including Premier Buchanan, whose support was clearly a key factor.

In June 1984, Mr. Juneau finally announced that a production centre would be established in Halifax in September 1985. You cannot imagine the enthusiasm this announcement produced among Nova Scotia's Acadian community: at last, government authorities were not only listening, but were going to act in support of our daily struggle.

\*Presentation delivered by Ben Samson.

But our joy was short-lived. In October 1984, the Minister of Finance, Michael Wilson, announced cutbacks at the CBC. How were we to save our plan for basic services when other stations, whose political weight was perhaps greater, would fall victim to these cutbacks? Our dream threatened to disappear.

Despite our weariness, we took up the fight again. It was clear that the battle had to be fought in the political arena. An official delegation, strongly supported by Premier Buchanan and led by an Acadian MLA, Guy LeBlanc, met in Ottawa with Marcel Masse, Minister of Communications. The meeting was rather disappointing; Mr. Masse side-stepped the CBC issue and suggested new ways of meeting our needs — none of them concrete.

After seven long months of pressure and a variety of measures, the Crown corporation finally announced it was maintaining the project; however, no date was set for its implementation. Hope was rekindled, but we remained skeptical. Even today, we do not know when the project will be implemented. Twelve years of effort and no concrete results!

The CBC case is just one example of the type of battle we are constantly forced to wage to obtain services already available in the western provinces, in a country that has been officially bilingual since 1969. The same situation prevails in other federal departments and agencies. How, then, can we hope to obtain rights and services from a province that is not itself officially bilingual?

#### Small and large minorities

We are beginning to wonder if this is not part of a plan to assimilate us on the quiet, claiming that we have everything we need to survive except the desire to succeed. People will then say, "governments did everything they could but the community itself lacked the will."

Meanwhile, small and large minorities receive different treatment. According to the "bilingual belt" theory, New Brunswick, Quebec, Ontario and possibly Manitoba warrant real assistance since their chances for survival are better. It is, of course, more advantageous to invest time and resources where there is a chance of success. But, does a family neglect a handicapped child to devote all its attention to the strongest? What kind of country are we building? What happened to the vision of Canada inspired by the 1969 Act? Does the present government still share this vision or does it prefer the "bilingual belt" theory?

If this colloquium reflects the government's current position, I have serious concerns for our future. Where do the "small" minorities of Atlantic and western Canada stand in relation to the "large" minorities of central Canada? The September 12 program of this gathering indicates no invitations were sent to the governments of British Columbia, Newfoundland and Prince Edward Island, or to Gérald Comeau, a Nova Scotia MP and member of the parliamentary committee on official languages.

Moreover, I strongly oppose this colloquium's attempt to compare the situation of Anglophone Quebecers with that of Francophones outside Quebec. This would suggest two similar realities, two minorities struggling for survival and development. I read the speech delivered by Alliance Quebec's president, Mr. Goldbloom, at the Alliance congress last June. We could almost have exchanged speeches! I do not blame him for trying to get as much as possible for his community. However, I would draw some fundamental distinctions between Anglophone Quebecers and Francophones living outside Quebec.

First, to compare Anglophone Quebecers and Francophones outside Quebec is to compare apples and oranges. We can compare the

two only when Nova Scotian Acadians have the same rights and privileges as Anglophone Quebecers; when we, like they, have our own economic, social, political, educational and religious institutions; and when the federal government recognizes that the French-language minority outside Quebec is in *double* the jeopardy of Quebec's Anglophone community. Currently, we are a minority in our province, in our country and in North America. Anglophone Quebecers are a minority in only one province.

If only this Colloquium had given us fair treatment! Yesterday morning, however, we were completely ignored in the discussion of the minority experience. The only speakers we heard were from Quebec, including young Anglophone Quebecers. Where were the young Francophones from outside Quebec? Is it because they have no youth centres that they are absent?

You may accuse me of cynicism, but I firmly believe that you have unconsciously revealed your attitude toward us. The troubled economy forces all of us to make choices, but need these choices threaten to compromise the very identity of Canada? We are not dealing with philosophical principles, but with men and women desperately struggling for their linguistic and cultural survival.

#### Over 200 years of struggle

To conclude, I should like to say to proponents of the "bilingual belt" theory and all decision-makers that it is *I* and *my people* who are at issue here. For the second time in our history, the authorities seem prepared to sound the knell for the Acadian people. *For 230 years*, we have struggled each and every day simply to speak our language freely and live our culture peacefully. And please do not try to pretend that we are responsible for the current assimilation rate in our community. *No one* can say we haven't tried. We continue to do more than our share. What are *you* doing to help?

## JOE BORGO

Alliance Quebec is actively campaigning for legal guarantees of health and social services in English throughout Quebec, and official recognition of the English-language institutional sub-network. Its goals include changing public opinion, social affairs planning, legislation and the current conceptual framework of health and social services.

Despite the efforts of thousands of individuals and hundreds of organizations over the past couple of years, Alliance Quebec has failed to prevent Quebec's Department of Health and Social Services from implementing service redistribution plans that ignore the principles of linguistic accessibility. However, regardless of the outcome, the experience has led us to a clearer definition of who we are, what we stand for, and our place in the larger Quebec community.

*The government's position*

The campaign developed from a common awareness among various local health volunteers and social service committees of gaps in service and inadequate policies and guidelines evident in all regions. A general consensus developed on the need for local initiatives, practical solutions, and a provincial campaign to redirect policy, planning and legislation.

The government's social affairs planners had decided to make primary social services more accessible and accountable to local communities. In the beginning, the Government tended to dismiss our concerns about the applicability of this approach to our particular community as a simple institutional self-interest or lack of understanding of how the system works.

The government's position was that health and social service institutions were public services that should be made available to everyone in a given area irrespective of

the clientele's language. As institutional managers became attuned to the needs of the population, they would do everything in their power to answer service demands in Spanish, Greek, Italian, Chinese or English, within the parameters of the collective agreement, the Charter of the French Language and the linguistic capacities of staff.

From our perspective, this approach posed three fundamental problems:

1. It did not incorporate the legal obligation to ensure accessibility to services in both French and English;
2. It considered social service agencies solely as delivery mechanisms for a given product, without taking into account the social role institutions play in the transmission and preservation of community values;
3. It attempted to ignore the distinction between national linguistic communities and ethnic or cultural communities by failing to distinguish between the legal obligation to provide service in a given language and the moral obligation to respond to cultural needs.

By treating the English-speaking community as simply another ethnic or cultural community within the Quebec mosaic, the Government claims it is displaying evenhandedness and respect for all citizens of the province. In its view, recognizing Anglophone minority rights somehow discriminates against the rights of the "other" ethnic communities and the majority. They thus perceive our demands as contrary to their sense of justice and the ethics of public administration.

*Alliance Quebec's perspective*

This perception stands in sharp contrast to our own; we see our existence as a minority official-language community not as a special privilege, but as a confirmation of the linguistic duality at the core

of our national and provincial identity.

Our challenge was to overcome the bureaucrat's perception of privilege while nurturing our community's sense of entitlement and identity. To do this, we had to try to persuade the authorities of the essential role played by our social service agencies as custodians of community values and our sense of self-definition. This we had to do, moreover, by enlisting the majority community's support.

Traditionally, the social service agencies of the English-speaking community have enjoyed a high level of support — financial and otherwise — from our members. The tradition of reciprocal involvement between our community and its institutions is immediately threatened by the Government's insistence on geographically-organized services.

Social service agencies constitute an indispensable element of our community's infrastructure. A community without institutions is nothing more than an amorphous mass, spineless and disorganized, without any effective means of collectively satisfying its needs. If we lost our institutions, we would exist not as a community, but as a mere conglomeration of individuals. As a result, our campaign included:

- \* presentation to Regional Council of a detailed document outlining six specific areas of recommendations;
- \* two briefs to parliamentary commissions on social affairs illustrating the need for linguistic guarantees of services for the mentally disturbed;
- \* three provincial seminars in which the volunteer network participated in two-day workshops to analyse interventions, plan subsequent action and ensure follow-up for maximum volunteer involvement;
- \* letter-writing campaigns



throughout the province aimed at media, local politicians, provincial representatives and the Premier;

- efforts to have members of our community elected to the boards of newly-created CLSCs;
- a series of 30-second radio spots and paid announcements in major dailies in both official languages to enlist the support of the linguistic majority and make them aware of our views;
- attendance by over 600 members of our English-speaking community at our annual CRSSMM general meeting;
- public and private meetings between Alliance Quebec and the Minister, the Department and social affairs officials to inform them of the profound concerns of the English-speaking community and recommend numerous models and mechanisms for securing practical and realistic solutions.
- the establishment of various task forces, coalitions and work-groups to study and develop recommendations, and negotiate with local CRSSs the most effective methods of securing access to English-language services.

#### The outcome

As a result of our campaign, resolutions were passed by over 350 organizations, professional associations, churches, municipalities, schools, institutions and community groups to demand that the Government of Quebec establish legislative guarantees for English-language health and social services and institutions.

Two separate polls have demonstrated the overwhelming support (90 per cent most recently) of French- and English-speaking Quebecers for our right to receive services in our language. We are convinced that such support would not have been possible if we had not worked with the majority community to ensure that our message was heard and understood.

We were successful insofar as we helped our community examine itself and understand the importance of its social service institutions to its survival. The social services issue has forced us to identify our community needs and articulate and defend them before the majority community.

Out of this process, we have come of age as a community with a clearer and more widely shared understanding of our values and priorities. Whether we eventually win this campaign or not, we are stronger for having taken up the banner.

#### JEANNINE SÉGUIN

May I thank the Commissioner for inviting me to describe the major events of what I call the "battle of Penetang", a dispute that hit the front pages of every newspaper in Canada. It involved Franco-Ontarians from Penetanguishene, a small town on Georgian Bay, and the region's Anglophone school board. The dispute centred on the board's stubborn refusal to establish a French-language high school.

These events took place in 1979. At that time, I was president of the Association canadienne-française de l'Ontario (ACFO) and, as such, was on the firing line. The situation was explosive because the issue had been dragging on for eight years.

#### A dramatic gesture

Canada's linguistic minorities have learned the virtues of patience. They have always been ready to compromise when they perceive that the majority and the leaders of its institutions have shown understanding and goodwill.

However, even a minority's patience has limits. There comes a time when drastic measures must be taken to push ahead and achieve certain worthy causes. For that reason, convinced that their fundamental rights had been infringed, the Francophones of Penetang decided to open their own school. Such an act was illegal and sparked an explosion.

The conflict soon took on national proportions. Penetang became a case study around which the minority-language rights debate crystallized. No one in Canada could remain impartial to the demands, frustrations and fears of this Franco-Ontarian community, nor to the daily worries of parents, students and ACFO leaders during the long weeks of crisis.

In large part, the scope of the conflict resulted from the active involvement of many groups, well-

orchestrated pressure tactics and a massive public information campaign. All the Francophone associations — national, provincial and local — joined ranks in an almost unprecedented show of solidarity.

The first to enter the fight were Penetang's senior citizen clubs. Their members offered encouragement to our young people and parents, who were determined to fight to the end. They also provided the rooms where the new school was set up. Their devotion, tenacity and courage set an example for all. Perhaps, in the back of their minds, they remembered Jeanne Lajoie, a courageous and determined woman who, fifty years ago, had illegally opened a parallel French-language elementary school in Pembroke.

The Association des enseignants franco-ontariens (AEFO), along with regional ACFO chapters, the Association canadienne d'éducation de langue française (ACELF), the Conseil de la vie française en Amérique and the Fédération des Francophones hors Québec all played a decisive role. The support of these organizations gave hope to parents and students alike.

#### Two fronts

Our strategy was deployed on two fronts: provincial and local. Action committees were established for each. In this way, we were able to provide information to the public during the ACELF conference in Quebec. All the media were there, and we capitalized on their presence.

At the same time, eighty miles east of Quebec City at Pointe-au-Pic, a conference of provincial premiers was taking place. We grasped this golden opportunity — at the risk of being branded radicals and making enemies — to organize, in cooperation with all provincial minority representatives from outside Quebec, a demonstration outside the hotel where the meeting was in progress.

Very politely — minorities are

always polite — we asked for and were granted a meeting with Ontario's Minister of Intergovernmental Affairs, Mr. Wells. For months, we had been trying unsuccessfully to arrange an appointment with him.

#### The Penetang issue

We then arranged for all regional development officers and our regional councils to place the Penetang issue on their agenda. We wanted them to contact newspapers, form citizens' committees and supply information to teachers in every region.

The provincial action committee consisted of ACFO members, AEFO teachers, the Fédération des étudiants des écoles secondaires franco-ontariennes (FESFO), Direction-Jeunesse (which deals with young workers, particularly post-secondary level Francophones), Théâtre Action and the Fédération des API. Each of these associations focussed on a single issue, Penetang, held a board meeting in the town, and invited the media to attend.

We also organized a colloquium at Sturgeon Falls for students of French-language high schools and mixed schools (where part of the instruction is in French), to review the historic battles of Franco-Ontarians since Regulation 17.

We chose Sturgeon Falls because it was there, in 1972, that the first strike to obtain a French-language school took place. When they returned to their schools, the young people made other young Franco-Ontarians aware of the "Penetang issue".

We also involved groups in other provinces, including the New Brunswick Teachers' Association. I personally went to New Brunswick to give press conferences and raise funds. We visited Saskatchewan, at the invitation of Richelieu clubs, and Alberta and British Columbia. We also drew support from Quebec, then buoyed with enthusiasm over the referendum. We

monitored our politicians' statements closely to ensure that their descriptions of the Francophone situation in Ontario were accurate.

Lastly, I should mention the energetic support we received from the opposition parties. Their frequent and vigorous involvement, both at Queen's Park and in Ottawa, heightened our profile and helped further our cause.

#### Victory

On October 9, 1979, Ontario's Minister of Education, Betty Stephenson, announced her support for the construction of French-language schools by school boards. Her Ministry even made a commitment to assume all construction costs for such schools. This news was cause for celebration.

Despite this clear gesture of goodwill by the government, members of the Penetang school board, the majority (as almost everywhere else in Ontario) being Anglophone, became jealous of their board's independence of the Ministry, refused to change their position and, once again, denied the Francophones' demands.

However, this situation could not last. Pressure intensified from all directions and finally — I'll spare you the details — a regulation was introduced in March 1980. Le Caron School, a "homogeneous" French-language school, opened its doors in September of that year. At the opening ceremonies, I did not cut the traditional ribbon; instead, I split a log to symbolize the fact that we had had to sweat and toil to obtain this French school.

#### The effects of Penetang

The nation's awareness of minority rights was raised by this crisis; we were able to count on assistance and moral support from the Francophone and Anglophone print and electronic media, the *Globe and Mail* in particular. Such unanimity is without precedent. The Commissioner of Official Languages at that time, Max Yalden, was also openly and firmly on our side. When a

cause is just, supporters are plentiful. And our cause was just.

So much so, in fact, that it had an impact in other provinces. It was partially due to our victory in Penetang that Blind River, Iroquois Falls, Mattawa, Wawa and Kirkland Lake have French-language schools today.

The major lesson I learned from this experience was that minorities must occasionally take drastic measures to have their rights respected. During the Penetang crisis, they demonstrated their ability to mobilize quickly and effectively. Driven by their profound desire for equality, they maintained their tenacity and determination. It is thus

in the interest of all minorities to stand united: solidarity is the surest guarantee of our survival.

#### Discussion Period — Workshop IV

The successful establishment of a French-language school in Penetanguishene was hailed by all as a victory. One speaker who had participated in events leading up to the school's establishment attributed the success to community coordination, unity and confidence. The fight, he said, had been waged on the basis of obtaining rights to which Francophones were entitled and not in a spirit of vengeance for past wrongs. As a result, the objectives had been precise from the outset.

An Acadian representative noted that less than one-third of Prince Edward Island's 15 per cent Acadian population spoke French in the home. Requests that the provincial government conduct studies on the status of French in P.E.I. or establish a special bureau within the Department of Education had been flatly refused. The speaker warned of the urgent need for precise, concrete measures to counter the relentless assimilation of Francophones in the province.

Another speaker outlined the efforts of the Fédération des jeunes

Canadiens-français to establish French-language community radio stations in the nine provinces outside Quebec. By involving numerous government departments and adapting the objectives of the radio stations to the mandates of each, the Federation had gained their support for the project. The speaker stressed that the success of their efforts resulted from the fact that they could approach politicians with concrete, documented projects instead of vague, abstract demands.

A speaker from the Yukon told how Francophones in the territory finally obtained a French-language school after threatening to open a private one of their own. She agreed that Francophones outside Quebec had to concentrate on specific projects and mentioned that Francophones in the Yukon felt they had a role to play in promoting tourism and housing construction.

A member of the Townships Association drew a distinction between the struggles of the Francophone and Anglophone

minorities. While Francophones outside Quebec are pressing for educational and social services institutions, Anglophones in Quebec are waking up to the fact that their own long-standing institutional network is being eroded. Many young people, she said, see efforts to change the system as futile, and have failed to acquire a vital sense of responsibility to their heritage. And many parents, perceiving French instruction in the English school system as inadequate, send their children to French schools instead. As a result, enrolment drops further and more English schools close. Thus, she stressed, although the demands of the Francophone and Anglophone minorities are different, they are equally legitimate.

Another speaker endorsed the concrete action taken by Francophones in British Columbia. He stressed that Francophones outside Quebec had to project themselves as first-class citizens, concerned with their own as much as with provincial development.

## 6. The Quebec government's role

*Quebec's Minister of Cultural Communities and Immigration, Élie Fallu\*, whose responsibilities include application of the Charter of the French Language, presents his perceptions of Quebec's role in promoting the French fact and protecting the linguistic minorities.*

### ÉLIE FALLU

The theme of this colloquium, "The minorities: time for solutions", reflects the basic objective which, for several years now, has guided the federal government in designing its ethno-linguistic policy.

However, the picture painted by Mr. Fortier in his invitation to this colloquium left me somewhat confused. He wrote:

Twenty years after the establishment of the Royal Commission on Bilingualism and Biculturalism and fifteen years after adoption of the Official Languages Act, a general and objective evaluation shows that the results of the language reform effort are incomplete and that it has managed neither to ensure the development of a large number of Francophone communities in Canada nor to adequately protect the English-speaking community of Quebec.

This diagnosis presumes that the Official Languages Act is Canada's cornerstone legislation for development of the linguistic minorities and protection of their rights. In my view, many other factors, equally or even more important,

come into play in promoting the growth of Canada's English- and French-speaking cultural minorities.

His diagnosis also contains a value judgement on the quality of relations between the Government of Quebec and Anglophone Quebecers and Francophones outside Quebec. I should therefore like to take this opportunity to review the position of the Quebec government with respect to the cultural minorities in general and Quebec's attitude toward Anglophone Quebecers and Francophones in other provinces.

#### Quebec and its Anglophone community

For thirty years, Quebec has lived through a number of serious linguistic, social and political crises. We have seen an astounding upheaval in the balance that conditioned Quebec society for a century or more, an upheaval accompanied by profound changes in the attitudes of individuals as well as in those of linguistic and cultural groups. It was almost as though a people without a history suddenly discovered itself, first by becoming aware that its past was one of survival and, second, by announcing its determination to be recognized and to recognize oth-

ers. Our society, until then monolithic (at least in appearance), its social structure almost static, its culture and economy self-sufficient, suddenly, in barely one generation, became open and pluralistic. Over the past 25 years, Quebec has experienced phenomenal social, cultural and economic development.

In the sixties, heightened awareness of three factors gave rise to a deep feeling of insecurity: the spectacular drop in the birth rate, the inevitable invasion of Anglo-Saxon culture amplified by the media, and the attractiveness of English for immigrants.

Given the demographic situation of Francophones in North America (six million, or less than 2.5 per cent of the 257 million people in Canada and the United States), protecting French in all aspects of daily life called — and still calls — for vigorous and immediate measures. The preservation and development of the French language thus became Government's prime objective.

From a linguistic standpoint, Quebec society is remarkably complex: Francophones, a majority in Quebec, are a minority on this continent; Anglophones, a minor-

\*Succeeded by Lise Bacon.

ity in Quebec, are part of the dominant language group in North America. This situation has been a source of conflict: it is still difficult for members of a minority to live within a majority, and for a majority to understand the legitimate aspirations of its minority.

Tabled in 1969, Bill 63 was an initial attempt to find a solution that allowed freedom of choice for access to schools. Its failure aggravated social tensions. In 1974, Bill 22 met a similar fate. Not until 1977, with the Charter of the French Language, was relative social harmony achieved in Quebec.

Through this legislation, Quebec society, primarily composed of Francophones, clearly affirmed its French identity, established clear rules governing access to English schools, gave Quebec a French face through unilingual signage, created the legal instruments to encourage the use of French in the workplace and, lastly, ensured that all citizens would receive services in French.

However, this revitalization of French did not cause the Government of Quebec to forget its responsibilities to its minorities. Today, Quebec is the only political entity in North America where the Anglophone minority can manage its own elementary and secondary school systems. English-language colleges as well as Concordia, McGill and Bishop's universities are eligible for funding on the same basis as Francophone establishments. In the primary, secondary and college sectors, in addition to English-language Protestant, Catholic and private school systems, there are bilingual schools in which subjects are taught in French and English. All told, the Anglophone system has 518 schools, including 330 public and 142 bilingual private schools. A student eligible for admission to English schooling can complete all levels of pre-university education in his own administrative region.

Health and social services are available in English and will remain so regardless of how the terms and conditions governing the provision of services may change. In Quebec, 29 hospitals, three CLSCs, two CSSs and 13 rehabilitation centres serve an Anglophone clientele. Furthermore, almost all services are offered in English throughout the public health and social services networks. Access to English-language legal services is provided and protected.

In the communications field, in addition to the two Anglophone dailies, there are 28 bilingual weeklies and 13 in English only. Numerous electronic media also serve the English-speaking population.

These, then, are the facts. They are part of a reality immeasurably more generous than that enjoyed by Francophones outside Quebec. The Government of Quebec has not been tight-fisted in recognizing its minority's rights; indeed, its example should be imitated. And yet, the Charter of the French Language, the basis of the "linguistic peace" now prevailing in Quebec, is mercilessly attacked before the courts. How ironical! The Canadian Charter of Rights and Freedoms, imposed on Quebec, denies the province linguistic sovereignty by placing it on the same footing as the other provinces. Is it not French, on a continent-wide basis, that should be protected? No wonder, then, that the Government of Quebec refused to sign the Constitution Act, 1982.

#### Quebec and its language demands

In this context, Quebec is entitled to demand that it be allowed to continue to play a dynamic role and take charge of its responsibilities in its area of jurisdiction, especially insofar as language rights and freedoms are concerned. The proposed constitutional agreement tabled by the Government of Quebec on May 17, 1985, takes this collective will into consideration.

If today, the Francophone majority in Quebec feels less threatened than before, the sense of security has not been achieved to the detriment of the Anglophone minority, which enjoys everything it needs for its own development. The French fact is recognized and the legitimacy of non-Francophone communities is not contested.

These, then, are the principal developments of the past ten years. Many other emotionally-charged issues have been resolved and dialogue continues in a climate of peace and mutual understanding. The debate now focusses on the long-term legal security of language rights as reflected in the spirit of the constitutional agreement proposed by the Government of Quebec.

Francophones are afraid of losing their linguistic sovereignty to the political institution in which they are a minority, i.e. the Canadian federation. How can we accept that Quebec must convince six other provinces and Parliament each time it wishes to change its language situation? The supreme authority on language issues in Quebec must reside with Quebec institutions.

Linguistic duality will always be a source of tension in Quebec. However, in the past ten years we have shown that a harmonious and enriching co-existence is possible when both of Quebec's language groups act together and when the Government of Quebec has legislative leverage in this area.

#### Quebec and Francophones outside Quebec

In addition to the constitutional measures briefly described above, the Government of Quebec has recently issued a document in which it sets out in detail its position toward Francophones outside Quebec. The new policy, adopted last spring, provides for more exchanges and co-operation between Quebec and Francophones in other provinces.



The Government's three major objectives are as follows:

The people of Quebec should:

- contribute to the development of Francophone communities throughout Canada, while taking into account their priorities and needs, and respecting their autonomy;
- create a network to strengthen economic ties between Quebecers and Francophones outside Quebec;
- increase the links and exchanges between Quebec, its institutions and other Francophone communities, to make Quebecers more aware of the minorities and vice versa.

To attain these objectives, the Government will encourage co-operation with Francophone associations, public and private institutions and agencies, and other provinces.

The development of *la francophonie canadienne* is one of Quebec's priorities and will remain so for as long as its survival is threatened

and until Quebec has the instruments vital to its own development.

#### Conclusion

Quebec welcomes others; it accepts all cultural communities and supports their development. Anglophones represent 11 per cent of the Quebec population and the Francophone majority has granted them rights and services far superior to those enjoyed by other Canadian and North American minorities.

This position flows from the cultural security that has begun to grow over the past ten years, thanks to the courageous action of the Government of Quebec which has been able to meet the aspirations of its citizens, regardless of their cultural background or language. If Quebec is to continue to safeguard the rights of its minorities and maintain its past record of generosity, it must be free to act in the vital area of language.

Although the rights of the Anglo-Quebec minority must continue to be respected, its situation is far different from that of Franco-

phones in the nine other provinces and two territories. The major obstacle to Quebec's signature to the 1982 agreement was the false equation it drew between the two groups and the threat it posed to the distinct character of Quebec and the fundamental duality of Canada.

The Official Languages Act has not achieved its primary objective: to protect and promote Francophone minorities outside Quebec. It has not even fully achieved its secondary objective, which is to ensure the balanced and equitable participation of Francophones in the federal public service. Quebec has shown ample proof of ability, open-mindedness and fairness to warrant it being given all the powers necessary for its linguistic sovereignty and relations with the minorities. Recognition of the distinctive character of Quebec requires that the Government of Quebec have exclusive right to legislate on language matters within its jurisdiction. The future of all Francophones in North America depends on it.

## 7. Common synthesis: Alliance Quebec and the Fédération des Francophones hors Québec

*In their closing statement, the leaders of Canada's principal official-language minority associations summarize the points made at the colloquium, outline some common objectives and emphasize the need for the federal government to develop a more clearly defined and co-ordinated language reform program.*

From its inception, this conference has provided an exceptional opportunity for Canada's minority-language communities. Through the good offices of the Commissioner of Official Languages, we have come, for the first time, from all ten provinces and the territories, to discuss issues of mutual concern. Never before have all our communities sat together at a common table and set out our hopes, our frustrations, our understanding of ourselves and our vision of Canada.

We have explored our differences. We have identified the unique problems, challenges and aspirations of the nearly 1,000,000 French-speaking Canadians living outside Quebec. And we have discussed the problems, challenges and aspirations of a nearly equivalent number of English-speaking Quebecers, who live as a linguistic minority within a linguistic minority.

At the same time, we have learned that we share a vision of this country, and of the vital and dynamic role of the minority-language communities in Canada. We have learned that we share the ideals of co-existence, equality of our two languages and linguistic justice. We have also learned that,

despite our differences, we share a number of common problems, objectives and values. Notwithstanding the distances that separate us, we have a common ground.

We have spoken particularly of Quebec, of the special relationship between French-speaking Quebecers and French-speaking communities outside the province, and of the particular opportunity for English-speaking Quebecers to relate the concerns of a linguistic minority to the English-speaking majority in other provinces.

It is in the best interests of all our communities that we join together wherever our objectives and interests coincide, so that we may speak with the combined voices of the nearly two million Canadians who live the minority-language experience on a daily basis. Our purpose in so doing is not to diminish our individual voices or to ignore our differences, but rather to combine our efforts when it is in our respective best interests so to do. This is no more and no less than responsible, far-sighted leadership.

We are convinced that Canadians, whether English- or French-speaking, should be able to feel at home in either language wherever they have chosen to live in Canada.

For this idea to become a daily reality, it is imperative that our two communities have equal access in their own language to government services, health and social services, and economic development assistance programs.

It is essential that the provinces undertake, in good faith, the necessary steps to ensure that the right to minority-language education — enshrined in the Canadian Charter of Rights and Freedoms — can be exercised on a practical basis. It is also essential that legal services be available in both languages, that we be fairly represented in the public services of the various levels of government and that discrimination on the basis of language be prohibited.

Nevertheless, and above all else, it is up to the federal government to once again assume its role as leader, and to reaffirm the linguistic duality of the country. Our hopes and aspirations can only be attained if the federal government exercises vigorous leadership and acts as a catalyst for action by other governments.

As a first step and attainable objective, we call upon the Government of Canada to:

- establish mechanisms to co-ordinate the activities of all federal departments and agencies which ensure — or could ensure — services to the official-language minority communities;
- clarify the obligations of each government department and agency toward these communities;
- and, lastly, to develop methods for evaluating the impact of these measures on the life of minority communities in each of our regions.

To that end, we respectfully request a meeting with the Prime Minister of Canada. The Prime Minister has already granted an interview to representatives of the Fédération des Francophones hors Québec and to Alliance Quebec...

But now the time has come to discuss the particular initiatives we have identified and which represent only a strict minimum if we wish to achieve a new national agreement ensuring the equality of our two languages.

As an example, the FFHQ and Alliance Quebec could work together by participating in joint initiatives aimed at encouraging private-sector bodies, such as banks and large retail chains, to increasingly reflect Canada's linguistic duality in advertising and customer services.

The time has come, as the Commissioner of Official Languages has aptly stated, to give language reform a fresh start. Our proposal is a useful first step in the process of renewal and reform.

#### Discussion Period — Closing Plenary

The closing plenary heard many thoughtful and specific recommendations. Several speakers urged the Government of Quebec to renew its commitment to Francophone communities outside the province. One person regretted that Quebec had failed to act in a case currently before the Saskatchewan Court of Appeal concerning the use of French in judicial proceedings in that province. He suggested that Quebec and the Commissioner intervene on behalf of Francophones in Saskatchewan, as Anglophone Quebecers have already petitioned to do. He also mentioned that when Quebec strikes a constitutional deal with Ottawa that it can accept "with enthusiasm and honour", such a deal should also be acceptable, in terms of sections 16 to 20 of the Charter, to Francophones outside Quebec.

Another speaker criticized the statement by an Ontario government official to the effect that, although her government wanted to hire young Franco-Ontarians, it had difficulty finding many with the proper qualifications. The speaker, a member of the Fédération des Jeunes Canadiens-français, made four recommendations:

- that the federal government attach linguistic obligations to transfer payments to the provinces for post-secondary education, since it currently has little control over how such funds are spent;
- that, in light of the difference between the national average for participation in the post-secondary education system (8%) and that of Francophones outside Quebec (4.2%), the federal government establish an "enhancement" program of grants for Francophone students outside Quebec to enable them to achieve the national average;
- that young Francophones have access to a network of institutions from one end of the country to another in which they can create their own French identity; and
- that the Commissioner prepare regular follow-up reports on specific minority-language concerns and projects to ensure that they are given constant attention.

In the field of communications, an Acadian representative from Nova Scotia made three suggestions for action by the Commissioner:

- that he encourage each federal department and Crown corporation to publish its paid advertising in minority-language weeklies;

- that he continue to insist that the CBC provide radio services to all Francophones outside Quebec;
- that he issue a bi-annual progress report on the availability of communications services to Francophones outside Quebec.

An Anglo-Quebecer from the Gaspé reminded the audience that the English-speaking community of Quebec did not consist solely of Anglophone Montrealers, and that smaller concentrations of English-language minorities faced exactly the same problems as Francophones outside Quebec: obtaining services and institutions and having to travel long distances to centres where such services are available.

A final speaker stated that the federal government had to play a leading role in reaffirming Canada's linguistic duality and using its influence to get provincial governments moving on this issue. He recommended that the federal government establish a mechanism to co-ordinate the delivery of services to the official-language minorities in all federal departments; that each department clarify its obligations to the minorities; that the communities themselves evaluate the performance of federal departments; and that the role of federal institutions in promoting the delivery of services in both languages by the private sector be explored further.

## 8. Federal commitments

*At the closing session, Benoît Bouchard, Secretary of State, provides assurances that "your message has been heard" and that the federal government is renewing its commitment to play a leadership role in language reform in Canada.*

### BENOÎT BOUCHARD

As soon as it came to power, the government of which I am a member expressed its profound desire to give French- and English-speaking Canadians an equal opportunity to live their lives in their own language. As the Prime Minister said in his address to you on Thursday, we are here "to reconfirm the federal government's commitment to maintain and reinforce its support for your communities by reviewing its policies and programs to adjust them more fully to your needs."

#### Equal partners

Having been appointed Secretary of State only recently, I cannot claim to know in detail all the needs and dreams of the communities you represent. But one thing is certain: I believe, as you do, in the equality of Francophones and Anglophones, and dream, as you do, of the day when it will become reality.

Much progress has been made since the promulgation fifteen years ago of the Official Languages Act, and the introduction, three years ago, of the Canadian Charter of Rights and Freedoms. Minority rights have been recognized and upheld in the courts, making way for some concrete achievements. Intolerance has gradually been

replaced by acceptance. I know much remains to be done. But I believe that the time has come to achieve equality between Canada's two linguistic communities: two communities enriched and strengthened over the years by new arrivals from many lands, who brought with them a diversity of languages and cultures; two communities that chose to look outward and in so doing became heterogeneous and multicultural, as we heard from Mr. Goldbloom, President of Alliance Quebec.

I was especially pleased to have been invited to this conference by the Commissioner of Official Languages, having discovered, from reading his annual report, that he is on the same wavelength as the government and myself. Like him, I also believe that the official bilingualism program is a "program of reconciliation and reform (that) is still a valid part of the nation-building process". Like him, I also believe that "the results so far warrant a renewed investment of our common resources."

And you will, of course, excuse me when I wholeheartedly endorse his statement that "there now exists a tremendous opportunity, with a new government, to forge ahead and make language reform truly irreversible."

This conference could not have taken place at a better time. At the Prime Minister's request, we, along with other interested departments, are reviewing all the federal official languages policies. This conference has given us an opportunity to conduct the review in light of your experiences and representations. If my Department has to some extent helped bridge Canada's two solitudes, it is especially thanks to you, who are both the *raison d'être* and culmination of the official languages policy.

#### Winds of change

For the past fifteen years we have focussed our efforts on affirming the legal equality of the two official languages and on having that equality recognized by the courts. But experience, as you know, has shown that legal equality is not everything, for it does not automatically imply *de facto* equality, equality in daily life. No charter, no law, however generous, can in itself erase the social, economic and cultural inequalities experienced in everyday life by a minority. In a context of national reconciliation and federal-provincial harmony, we must ask ourselves whether our policy orientations should be altered and new dimensions added.

What the minorities need are real equality of opportunity and equality of access to government services. Our shared objective is to give equal opportunity to French-speaking Canadians outside Quebec and English-speaking Canadians in Quebec. Whatever their home province, all Canadians should have equal access, in their own language, to federal, provincial and municipal services in education, health, justice, culture, recreation and assistance for business. Such services, while ensuring the minorities' quality of life and sense of belonging, are essential for true equality. Justice and respect for the linguistic history and reality of this country demand that we make every effort to guarantee such equality.

The campaign to achieve *de facto* equality presupposes a common effort and participation by all Canadians. Bilingualism is not the concern of governments alone. It requires a national consensus between individuals, groups, the private and public sectors, municipal, provincial and federal governments, all motivated by the same spirit of respect, compromise and co-operation. In short, it presupposes the "national political will" which Gilles Le Blanc, President of the *Fédération des Francophones hors Québec*, referred to on Thursday.

I would now like to outline certain concrete initiatives which I am contemplating and invite you to share your reactions with me.

**More vigorous and better co-ordinated federal initiatives**  
In the language field, as in many others, co-ordinating the vast machinery of federal government is not an easy task. We are facing a major challenge. You have told us that a mechanism must be found to ensure a coherent policy and effective government action. Prime Minister Mulroney, a man deeply committed to Canada's linguistic duality, is well aware of this problem. He has asked the three ministers most directly responsible

for language issues — Mr. Crosbie, the Minister of Justice, Mr. de Cotret, President of Treasury Board, and myself — to work together closely in the current review of federal official languages policies. He has also reconstituted the Deputy Ministers' Committee on Official Languages, which includes our respective deputy ministers, as well as representatives of the Privy Council Office and the Federal-Provincial Relations Office, to ensure that the efforts of the various government departments and agencies concerned are effectively co-ordinated.

This evening I am outlining for you the major elements as they affect the official-language communities. We want this review to produce results consistent with your needs. I assure you that your needs, aspirations and cries of alarm will not be met with indifference, the worst form of resistance. On the contrary, your message has been clearly understood.

**More concrete co-operation with the provincial governments**  
Because of the division of powers in Canada, equality of opportunity cannot exist if the provincial governments do not do their part. Any increase in available services — whether in education, health or recreation — will demand real political will, and will depend on a close partnership between the two levels of government.

Provincial governments seem more inclined to work in this direction. New Brunswick and Ontario are more anxious than ever to improve services in French, and there are signs of renewed effort elsewhere. Canadians expect that all provinces will go ahead and abide by their constitutional commitments to ensure the same quality of life for both French- and English-speaking Canadians. The atmosphere of confrontation has faded. The political climate is more tranquil and more conducive to co-operation; politicians, like the electorate, are displaying greater maturity.

Of course, I am not so naive as to think that the doors are opened everywhere or opened completely. But they *are* opening and it is our intention to take advantage of every opportunity. Needless to say, closer co-operation with the provincial governments does not mean that we are abandoning our role as defender and prime promoter of the official languages throughout the country. We are not throwing the ball into the provincial government's court. Rather, we are inviting them to play with us, on the same team.

**Closer association with the Government of Quebec**  
Quebec, needless to say, is the stronghold of the French language and culture in Canada. It has the demographic and institutional foundation needed to help provide communities outside Quebec with services in French. In May, the Government of Quebec announced its intention to offer assistance to French-speaking people in the rest of Canada. Its expertise and experience could help other provinces to improve existing services or to establish new ones without having to start from scratch. I am thinking, for example, of the plan to broadcast Radio-Quebec via satellite to the rest of the country, as discussed by Prime Minister Mulroney and Premier Johnson on October 10. It is my responsibility to consult with French-speaking communities outside Quebec and work out the details with my Quebec counterparts.

**Participation of the private and voluntary sectors**  
Creating a society in which both official languages are firmly established is not simply a question of bilingual schools, courts and governments. Equal opportunity must be apparent in our daily lives, in the workplace, our leisure activities, and our cultural and community life. I have noted, for example, the suggestions made by Joan Fraser.

I also find particularly apt Léo LeTourneau's comments that



after sixteen years of toil "we are extremely proud of our language and culture; but as for living in French, we still have some way to go." We must no longer delay in getting the private sector, the voluntary sector and the general population involved.

As Mr. Goldbloom said, "such measures cannot be undertaken in a vacuum. For language reform to succeed, it must have the broad support of the majority of Canadians. This we can only obtain by a continual effort to communicate our vision and our objectives in a positive, non-threatening fashion. We must lobby not only governments at all levels but the Canadian public itself".

#### Increased emphasis on second-language instruction

Education in the official language of the minority groups is an inalienable right. Without such instruction, everything else is illusory. This is why a large portion of our budget is earmarked for language in education. As long as the rights guaranteed in section 23 of the Canadian Charter of Rights and Freedoms are not respected, in their entirety and across the country, we cannot halt our efforts in this area.

That said, I believe there is another area we must explore more thoroughly: that of instruction in the second official language. The considerable interest in second-language courses is a sure sign of progress in our thinking and of increased awareness of the richness that bilingualism offers. But we must

cultivate it only to the extent that it does not hinder education in the *first* official language. Every child or adult who learns the other language helps break through the wall of misunderstanding and intolerance.

I intend to discuss with the provinces means of promoting second-language instruction and making it still more accessible at all levels of education. I would like to see every child and every student, from one end of the country to the other, have the opportunity to learn their second official language, the opportunity to become bilingual. Bilingualism is something more, and something better, than the meeting of two solitudes. All Canadians must be able to feel at home in their own language; this is the primary goal of the official languages policy, and it is a principle we support. But all Canadians should also be able to interact with others in their language, and this, I believe, is another goal toward which we must work.

#### Conclusion

This, then, is how I see things at present. I have been given an excellent opportunity, through this conference, to obtain an abundance of extremely valuable material. In a few hours, you have taught me what it would have taken me months to learn by myself. I thank you for your willingness to speak openly, and even bluntly. I have been struck by your ability to view the issues with detachment, even though you deal with them day in, day out.

After listening to you, it is clear to me that the time for analysis is over; now is the time for solutions. History, which has often been unkind to you, occasionally arranges things very well. I doubt whether the federal government has ever been as much in tune with your thoughts and ideas. I believe that we are now speaking the same language. We must strive for a national political and social will. We must involve the provinces and municipalities, Crown corporations and private business, in language reform. We must explain institutional and personal bilingualism to the people of Canada. Mr. Bastarache and Mr. LeTourneau did not mince words in calling for concerted action, and for coherent and complementary efforts; I am grateful to them for their candour. As Mr. Mulroney did on Thursday evening, I would like to take this opportunity to renew our commitment to making Canada a land of equal opportunity, in law and in fact, for the members of your communities and for the communities themselves.

What has been accomplished to date will be protected. The consultation mechanisms which have been put in place will continue to function; indeed, they will be strengthened. The Government of Canada will continue to be the leader in the process of language reform. We will not stop at declarations of intent; at victories in the courts, necessary though they may be; at fine speeches and encouraging words. Our aim is to make equal opportunity a reality for all Canadians, wherever they live.

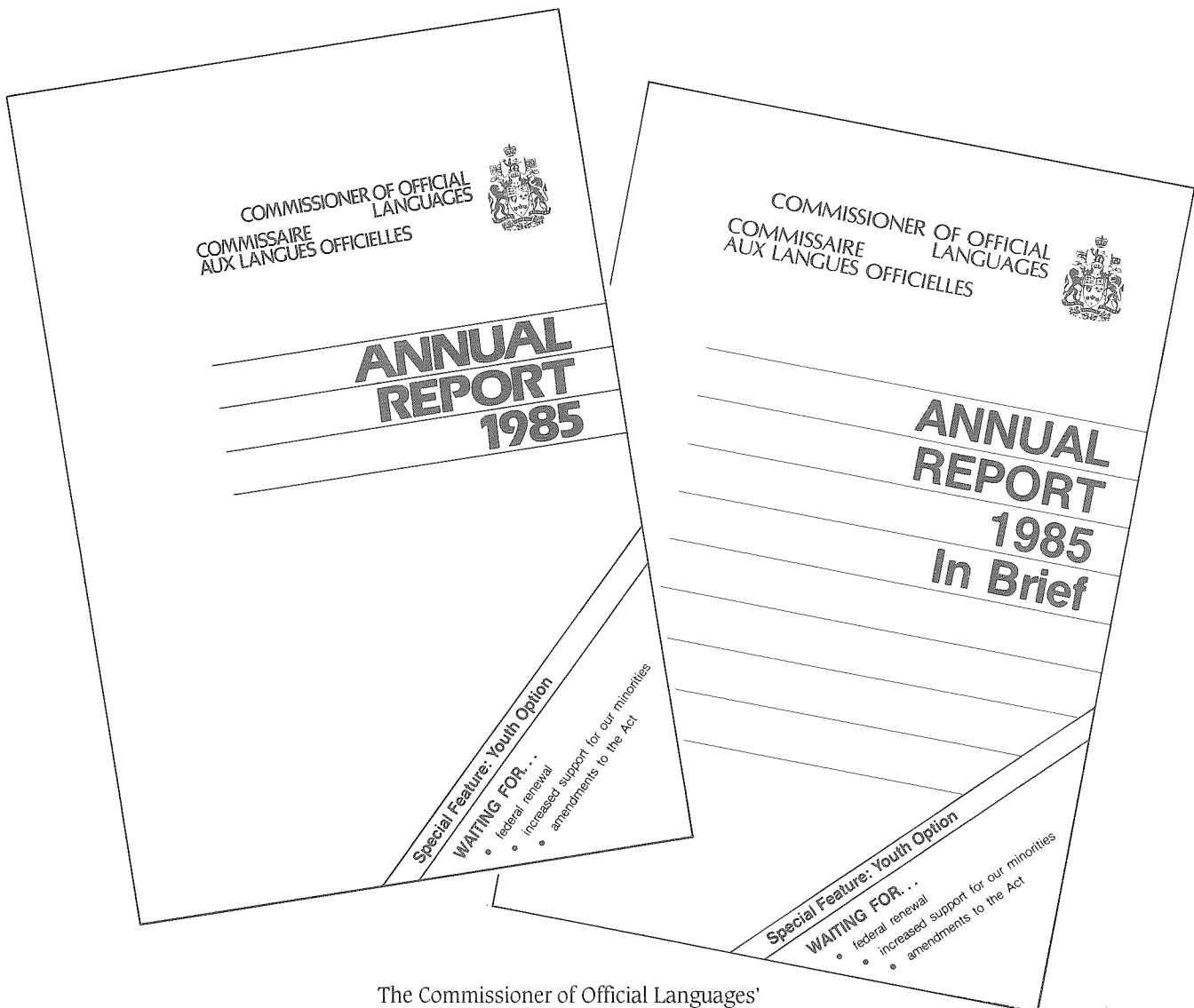
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William Thorsell

A Quebecer's comment  
Jean-Louis Roy

Document: Supreme Court decision,  
June 1985

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