

OFFICE OF THE  
COMMISSIONER OF  
OFFICIAL LANGUAGES

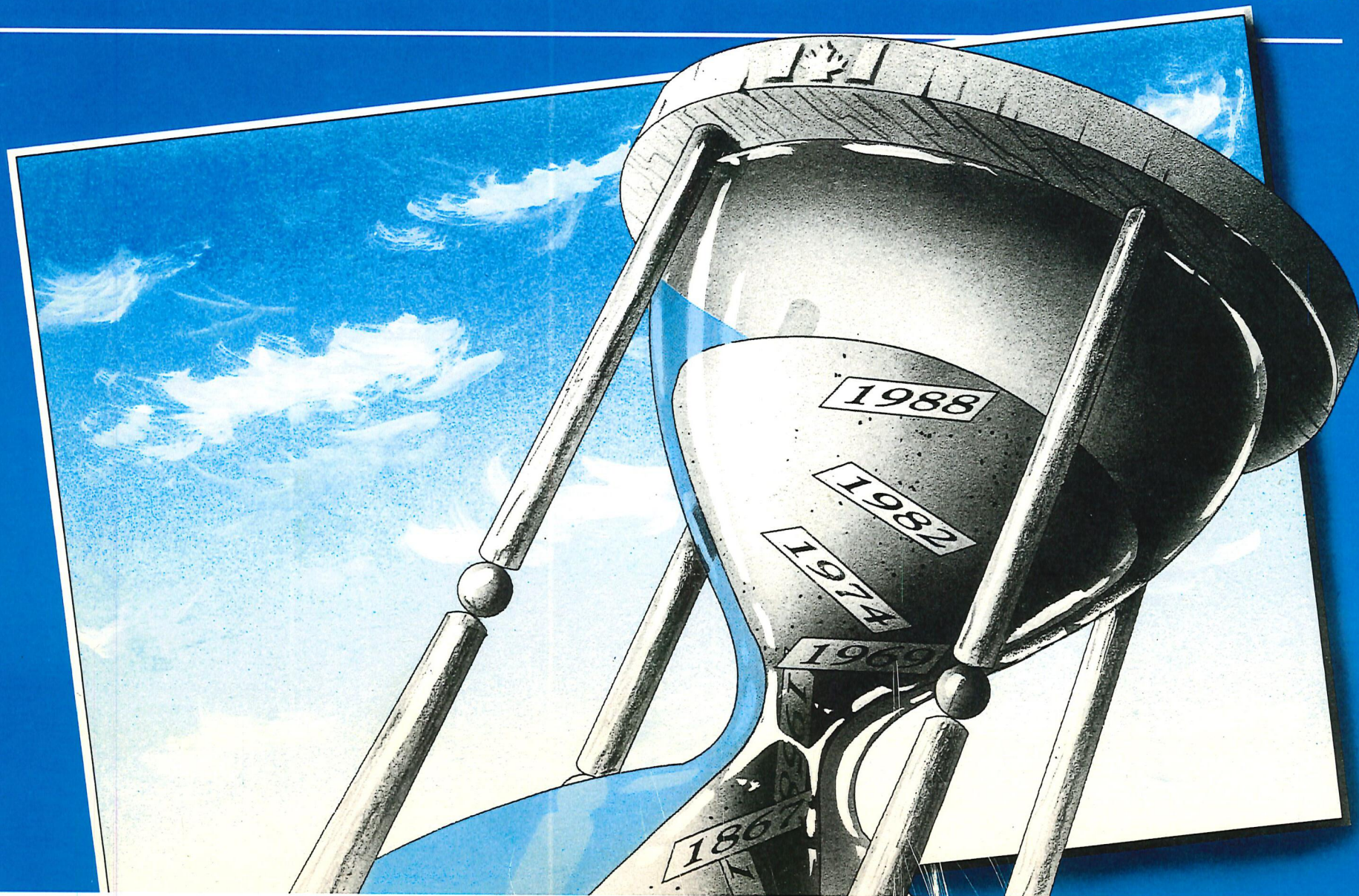


COMMISSARIAT  
AUX LANGUES  
OFFICIELLES

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# OUR TWO OFFICIAL LANGUAGES OVER TIME

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# Our Two Official Languages Over Time

**Note:** "Our Two Official Languages Over Time" replaces the insert "Language Over Time", which was published in the quarterly magazine *Language and Society*, No. 1, Autumn 1979, and then distributed as a poster by the Office of the Commissioner of Official Languages.



Language is more than a means of communication. It forms communities and shapes the links with other communities. As society becomes more complex, language patterns become more complicated. It should come as no surprise that, in Canada, recent debates over the Constitution have so often been debates over language.

This chronology, prepared by the Office of the Commissioner of Official Languages, began with the modest objective of summarizing recent legislation, both federal and provincial, which has affected the status of English and French in Canada.

What was to have been a brief summary has become a substantial document. To understand the significance of the statutes and amendments, it was necessary to go further back and establish what the previous status of these languages had been. It was also impossible to restrict the chronology to federal and provincial legislation. Many major changes were made by departmental regulations, administrative decisions, and by judicial interpretation. Enough, in fact, to fill a book, but the line had to be drawn somewhere. The compromise was to produce something more comprehensive than a list of statutes but something less than a monograph.

These historical highlights make a fascinating document. They provide a capsule outline of the linguistic history of Canada. The changes are so dramatic that what we see is an outline of a revolution in our attitudes towards language.



## The Era of "Anglo-conformity"

Most of us, for example, will be surprised to learn that in the first 30 years of the federal union provincial governments, with the exception of the newly created Manitoba, did not pass any legislation on language usage. Language was not a controversial issue. And yet these were years of major expansion in the provincial public school systems and there were bitter disputes over schools in Prince Edward Island, New Brunswick and Manitoba. Each of these provinces had English-language as well as French-language schools. How was it possible to argue about the nature of school systems without arguing about the place of English or French in the classroom?

We can only understand this if we remember that our present day emphasis on language is a relative recent phenomenon. The debate then, as now, was over social values and cultural heritage, but the focus in those days was religious rather than linguistic. The divisions were between Protestants and Roman Catholics rather than between English-speaking and French-speaking Canadians. Language seemed so unimportant that the language of instruction was a local option.

The contrast between the 19th and the 20th century can be illustrated by a minor incident in the area of Windsor in Upper Canada in the mid-19th century. Some French-speaking parents in that community were concerned that their children were not learning English because the teacher in the local public school spoke only French. They complained to the equivalent of the department of education, only to be told that English was not a requirement for a teaching certificate and there was nothing to prevent the local school board from hiring a unilingual French teacher. The department saw nothing wrong in this and had no intention of intervening. It would be difficult to imagine either Franco-Ontarian parents or the Ontario Department of Education expressing similar sentiments today!

The chronology also suggests, however, that by the turn of the century language was becoming more important in the English-majority provinces. The early decades of the 20th century were years of industrialization and of increasing secularism. They were also years when loyalty to the British Empire was seen as the bedrock of Canadian patriotism. This was the era of massive migration, when group settlements of many ethnic and linguistic origins provoked concern about Canadian identity, especially on the western prairies.

The situation varied from province to province but an overall pattern can be seen. The English language was regarded as an instrument of assimilation or at least as a means of forging a community based on a common language. The public school became the institution which would

impose this "Anglo-conformity". Thus in the 20th century many of the school controversies were over language rather than religion. By the mid-20th century all of the English-majority provinces had a definite language policy. English was the major and, in some provinces, the only language of instruction.

The emphasis on English left little place for any other language in the schools. There was certainly no question of French having equal status. Of the languages other than English, however, it is noteworthy that French was given preferential treatment. In many provinces, French was permitted as a language of instruction in the first years of school in classrooms where the students had French as their mother tongue. Even for these students, English was to be the language of instruction by the end of elementary school but at least there was a period of transition. Students whose mother tongue was neither got no concessions. French did not have the status of English but at least it was not considered as "foreign" as Ukrainian or German.

### Two Solitudes in Quebec

There was no equivalent "Franco-conformity" in Quebec. Here was a province with a large majority of French-speaking citizens, most of whom were deeply committed to survival and surrounded by a menacing English-speaking world. They felt besieged and threatened. How does one explain their failure to use their political power to make French the dominant language?

The explanation seems to be that the French Canadians did not have the confidence to challenge the privileged status of English. Instead of linguistic domination they opted for linguistic isolation. They saw their survival in terms of the survival of rural society and the rural parish and accepted English as the language of commerce and industry. In education they separated the Roman Catholics and the Protestants into two public school systems, and eventually divided the Roman Catholic system into English and French language sections. French Canada would survive by living alone.

The two groups could not live completely apart. When they met, English was likely to be the dominant language. For example, for many years French Canadians travelling by train found timetables published in English only. It was not until 1910 that the Quebec legislature protected the French language to the extent of requiring that timetables be bilingual.



## Lip Service to Equality

Federal legislation follows a different pattern in the years from Confederation to the mid-20th century. Since 1867 English and French have had equal status in Parliament and the federal courts and in the legislature and courts of Quebec. In the early years this legal equality was extended to Manitoba and the federally-administered Northwest Territories. Even after the turn of the century the federal government did not adopt an attitude of "Anglo-conformity", although it did not obstruct or disallow the provincial legislation or territorial ordinances which limited the use of French.

At the federal level successive governments can be described as paying lip service to the principle of legal equality. There were even occasional gestures, such as bilingual stamps or bilingual currency, to affirm that both English and French were national languages. There was no concerted effort, however, to foster the equality of the two languages in practice. English continued to be the operating language of the federal Public Service and the only language in which it provided many of its services to the public.

## The New Definition of Survival

The change in Quebec came with the Quiet Revolution. Quebec had become an urban and industrial society. If French Canada was to survive in the modern world, French Canadians would have to become leaders in commerce and industry and assert a predominant role in the provincial economy. Survival was also threatened by a declining birth-rate and by post-war immigrants who tended to adopt English as their Canadian language. If French was to remain the majority language in Quebec, these immigrants would have to be assimilated into the French-speaking group.

The language legislation in Quebec since the 1960s can be understood as attempts to achieve these objectives. Bill 22 in 1974 and Bill 101 in 1977 gave French a privileged position in public administration and in business. The same legislation tried indirectly and then directly to place all children in French-language schools except for those with English-speaking parents (Bill 22) or of English Quebec origin (Bill 101). Survival was still the objective but instead of survival through isolation it was to be survival by making French the dominant language in the province.

## Two Official Languages

The Quiet Revolution in Quebec persuaded the federal government to take the language question seriously. In 1963 it created the Royal Commission on Bilingualism and Biculturalism. If it was to be seen as the government of both English-speaking and French-speaking Canadians it would have to provide all of its services in both languages. This in turn meant that French would have to be one of the working languages of the federal Public Service. The *Official Languages Act*, the establishment of the Commissioner of Official Languages and many of the regulations affecting the Public Service were designed to establish equal status for English and French within federal institutions. A variety of second-language training programs was provided to make public servants bilingual. The federal government also provided grants for minority-language and second official language instruction, including immersion programs, across Canada.

The federal government was not the only government to increase French-language services. The Government of New Brunswick declared itself officially bilingual and adopted legislation and regulations to give English and French equal status within the province. In Ontario, French was not made an official language but it was authorized as a language of instruction in publicly-supported schools, and government services were provided in French in designated areas.

## Language and the Constitution

The *Constitution Act of 1982* shifted the basis of language rights in Canada. The *Canadian Charter of Rights and Freedoms* gave constitutional guarantees to English and French as official languages and as languages of instruction in minority schools. The courts, which were already confirming French-language rights on the Prairies dating back to the founding of Manitoba and the early years of the Northwest Territories were now responsible for deciding whether provincial or federal legislation conformed to these constitutional rights. Following a Supreme Court decision reaffirming the bilingualism of the legislatures and courts of Alberta and Saskatchewan, these two provinces decided, in 1988, to repeal many of these provisions. In the same year the Supreme Court declared that the section in Bill 101 which required that all signs be in French was invalid; the Quebec government resorted to the “notwithstanding” clause in the Constitution to pass a law which limited external signs to French only. Outside of Quebec, judicial interpretation in the 1980s has helped to define the educational rights of the French-language minorities.

The courts and the legislatures are still defining language rights in Canada. The Meech Lake Accord, which expired in June 1990 after failing to win the unanimous approval of the federal

government and the provinces, included some guarantees for English-speaking and French-speaking minorities and these may reappear in some future agreement. Support for multiculturalism necessarily involves some support for other languages and this, in turn, may affect the status of the official languages. The fate of languages in Canada – and the fate of Canada itself – is still being debated.

Blair Neatby

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## Foreword

The following chronology of language-related events in Canada over the years is designed for readers seeking easily accessible, general information on the topic. The chronology, which updates an earlier document published in 1979, does not pretend to be exhaustive; it simply catalogues, in a summary way, the major landmarks of Canada's linguistic history. In so doing, it concentrates on constitutional, statutory, policy and legal happenings at the three levels of government — federal, provincial/territorial and municipal.

Readers wishing to explore particular points in greater depth are invited to follow up on the references cited to the right of most entries. These references were the most up to date at the time of printing.

The chronology is presented in three parts:

**Part I** covers the period from Confederation (1867) to the establishment of the Royal Commission on Bilingualism and Biculturalism (1963);

**Part II** covers the period from 1963 to 1980. Among other events, this period saw the adoption, in 1969, of Canada's first *Official Languages Act* and the first steps in the successful patriation of Canada's Constitution with an added *Canadian Charter of Rights and Freedoms*;

**Part III** covers the period from 1980 to 1990, one marked by much constitutional, legislative and judicial activity in the language field including the adoption, in 1988, of Canada's second *Official Languages Act*.

The three-column format provides the reader with:

- a quick reference guide (year, jurisdiction, category) in the left column;
- a compact, factual summary of the main events in the middle column;
- the source and additional references and cross-references in the right column.

While most of the subjects are presented in chronological order, on several occasions we depart from this rule and, for ease of reference, group related events that formed a continuum and have a clearly defined beginning and end over a relatively short span of years. One case in point is the work of the Royal Commission on Bilingualism and Biculturalism (1963-71), which is found in the entries for 1963. However, when events are related but separated by a number of years, they are listed chronologically and cross-references are supplied in the right-hand column.



## A long time ago....

Canada was not created yesterday; it existed for a long time before Confederation. Let us, then, without going all the way back to the flood, take a brief look at some past history.

Around the year AD 1000, when the Vikings arrived, it is said that more than 450 Amerindian languages and dialects, belonging to 11 linguistic families, were spoken in the northern part of the American continent. Native Canadians still speak a fair number of these languages and are deeply attached to them.

Later, more Europeans came — explorers, discoverers, traders, missionaries and colonists. The first French colonists settled on the east coast and then at Quebec, spreading out gradually over a large part of the continent. The first English settlements in Newfoundland also were established very early in the 17th century. The wars of succession, the European colonial wars and, of course, the American War of Independence disrupted borders throughout the 18th century and profoundly affected settlement patterns.

In 1763 France ceded New France and other territories to Great Britain. The English language, soon reinforced by the Loyalists coming from the United States, took hold and became the majority language in Canada towards the middle of the 19th century. French was given legal status by the *Quebec Act* of 1774 as one of the two languages of law and of the courts. This Act extended the borders of the province to the entire Great Lakes basin, Labrador and the territory located between the Ohio Valley and the Mississippi. The representatives in the legislature of Lower Canada, which, like that of Upper Canada, was created by the *Constitutional Act, 1791*, used both languages on an equal footing in its proceedings.

The *Union Act* passed by Great Britain following the rebellions of 1837 in both Lower and Upper Canada, united the two provinces into one colony in 1841 under the name "Canada". Section 41 of this constitutional act made English the sole language of Parliament and of legislation, without, however, "prevent[ing] translated copies of any such documents being made." In 1848, however, at the request of both Houses of the Canadian Parliament, London repealed this section without replacing it with any other provision concerning the use of languages in the colony. Nature accordingly reclaimed its rights.







# Part I

1867-1963



Year  
Jurisdiction  
Category

Subject

Source  
Reference  
Cross-Reference

**1867**

Canada  
Quebec  
Constitution  
Parliament  
Legislature (Quebec)  
Courts (Canada,  
Quebec)

**Confederation**

The *Constitution Act, 1867 (British North America Act, 1867)*, unites the Province of Canada (henceforth Ontario and Quebec), Nova Scotia and New Brunswick into the Dominion of Canada. Section 133 provides for the use of English or French in the debates, and of both languages in the records and journals of Parliament and the Quebec legislature. The acts of both are to be published in English and French. Either language may be used in any court of Canada or Quebec.

*Constitution Act, 1867*, c. 3  
(U.K.).

Canada  
House of Commons

**House of Commons**

The *Standing Orders of the House of Commons* provide for motions to be read in English and French before debate, and for all bills to be printed in both languages before second reading.

*Standing Orders* 70(1) and 110  
(as amended June 1987).

**1869**

Manitoba (Rupert's  
Land and the  
Northwest)

**Louis Riel**

Louis Riel and a joint council of 12 English-speaking and 12 French-speaking Red River settlers prepare a list of rights respecting the government of the Northwest. These include equality of English and French in the legislature, the courts and all public records, and the requirement that the Judge of the Superior Court be bilingual.

Sheppard, C. A., *The Law of Languages in Canada, Studies of the Royal Commission on Bilingualism and Biculturalism*, Vol. 10, (Ottawa: Information Canada, 1971) at 77.

**1870**

Manitoba  
Constitution  
Legislature and  
Courts

**Manitoba Act, 1870**

The *Manitoba Act, 1870*, in language similar to section 133 of the *Constitution Act, 1867*, provides that English or French may be used in the debates, and that both languages shall be used in the records and journals of the legislature. Acts are to be printed and published in English and French. Either language may be used in the courts of the province.

S.C. 1870, c. 3.  
See also *Official Language Act*, 1890, and *Forest and Bilodeau* court challenges, 1976-86.

**1871**

Manitoba  
Education

**Manitoba School Act**

The Roman Catholic section of the Board of Education is to give "due regard to the choice of French books, maps and globes for the French schools".

S.M. 1871, c. 12.

Year Jurisdiction Category	Subject	Source Reference Cross-Reference
<b>1873</b> Manitoba Municipalities	<b>Manitoba Municipalities</b> In Manitoba, Section 2 of an <i>Act concerning Municipalities</i> provides for a petition for incorporation of a municipality to be published in both English and French in the <i>Manitoba Gazette</i> .	S.M. 1873, c. 24. Sheppard, C.A., <i>supra</i> , at 77.
Northwest Territories Criminal Statutes of Canada	<b>Northwest Territories</b> The Council of the Northwest Territories directs its Clerk to distribute English and French copies of the Criminal Statutes of Canada.	Oliver, E.H. (ed.), <i>The Canadian North-West. Its Early Development and Legislative Records</i> , vol. II, (Ottawa, 1915) at 1009-10.
<b>1875</b> Manitoba Elections	<b>Manitoba Election Act, 1875</b> The <i>Manitoba Election Act</i> provides for the proclamation of elections and the preparation of voters' instructions and lists in both languages.	S.M. 1875, c. 2. Sheppard, C.A., <i>supra</i> , at 78.
Manitoba Municipalities	<b>Manitoba Act respecting County Municipalities</b> The <i>Manitoba Act respecting County Municipalities</i> provides for bilingual by-laws and official notices in certain municipalities.	S.M. 1875, c. 41. Sheppard, C.A., <i>supra</i> , at 78.
<b>1876</b> Manitoba Courts	<b>Manitoba Act respecting Jurors and Juries</b> The <i>Manitoba Act respecting Jurors and Juries</i> provides that, when a trial in French is requested, the court may order the jury to be composed of equal numbers of French- and English-speaking persons.	S.M. 1876, c. 3, s. 36. Amended S.M. 1877, c. 19. Sheppard, C.A., <i>supra</i> , at 78-79 and 199.
<b>1877</b> Northwest Territories Council Courts	<b>North-West Territories Act, 1875: Amendment</b> An amendment to the <i>North-West Territories Act, 1875</i> , provides for English and French to be used in debates of the Council and in court proceedings. They are both to be used in the Council's records and journals and in printing its ordinances.	<i>An Act to amend the North-West Territories Act, 1875</i> , S.C. c. 7. <i>Report of the RCBB*</i> , Book I, at 50.

\* Royal Commission on Bilingualism and Biculturalism.

Year Jurisdiction Category	Subject	Source Reference Cross-Reference
<b>1882</b> Canada Public Service	<b>Civil Service Commission of Canada</b> The Civil Service Commission of Canada establishes examinations "to be held in the English or French language or both at the option of the candidate". Notices of recruitment and promotion examinations and their regulations are to be published in English and French in the <i>Canada Gazette</i> .	<i>Canada Civil Service Act, S.C. 1882, c 4.</i> <i>Report of the RCBB, Book III, at 99.</i>
Nova Scotia Education	<b>Acadian Schools</b> A Council of Public Instruction directive introduces bilingual readers for Acadian schools.	<i>N.S. Journal of Education, 1883, at 29.</i>
<b>1885</b> Canada House of Commons	<b>House of Commons</b> The <i>Standing Orders of the House of Commons</i> establish that the Deputy Speaker and Chairman of Committees is to possess "the full and practical knowledge of the official language which is not that of Mr. Speaker for the time being".	<i>Standing Order 77(2) (as amended June 1987).</i>
<b>1888</b> Canada Public Service	<b>Civil Service Act</b> An amendment to the <i>Civil Service Act</i> provides for a bonus of \$50 to be paid annually for the ability to execute "composition in French by English candidates [and] composition in English by French candidates".	<i>Canada Civil Service Act S.C. 1882, c. 4, sections 56, 28 and 29.</i> <i>Report of the RCBB, Book III, at 99.</i>
<b>1890</b> Manitoba Legislature Courts	<b>Official Language Act, 1890</b> The Manitoba Legislature adopts the <i>Official Language Act</i> , making English the only language of the records and journals of the legislature, for the publication of statutes and in the courts.	<i>S.M. 1890, c 14.</i> <i>Sheppard, C.A., supra, at 79-80.</i> <i>Report of the RCBB, Book II, at 45-47.</i>
Ontario Education	<b>Language of Instruction</b> Regulations of the Ontario Department of Education make English the language of instruction. French is permitted in the early grades of "bilingual" schools if students do not understand English.	<i>Report of the RCBB, Book II, at 48-49.</i>

Year Jurisdiction Category	Subject	Source Reference Cross-Reference
<b>1892</b> Northwest Territories Education	<b>Language of Instruction</b> A school ordinance makes English the official language of instruction in the Northwest Territories. French may be used in the early grades when French-speaking students do not understand English.	Foucher, Pierre, <i>Constitutional Language Rights of Official Language Minorities in Canada</i> , (Ottawa: Supply and Services Canada, 1985) at 221.
Northwest Territories Legislative Assembly	<b>Northwest Territories Ordinances</b> The Northwest Territories Council adopts English as the only language of record.	Sheppard, C.A., <i>supra</i> , at 88-89. <i>Report of the RCBB</i> , Book I, at 51-52.
<b>1897</b> Manitoba Education	<b>Laurier-Greenway Compromise</b> The Laurier-Greenway compromise on the Manitoba schools question includes a provision allowing English and another language to be the languages of instruction in "bilingual schools" where 10 or more students speak a language other than English.	See also 1916 (Laurier-Greenway Compromise Amendment). <i>Report of the RCBB</i> , Book II, at 47.
<b>1900</b> Nova Scotia Education	<b>Normal School</b> The provincial Normal School begins offering courses in French instruction for Francophone teachers.	
<b>1902</b> Nova Scotia Education	<b>Language of Instruction</b> Regulations adopted by the Council of Public Instruction in Nova Scotia allow French to be used as a language of instruction in the first four grades. The 1864 <i>Education Act</i> had made English the sole language of instruction.	<i>Report of the RCBB</i> , Book II, at 110. <i>An Act to amend the Law relating to Education</i> , N.S. 1864, c. 13.
<b>1905</b> Alberta, Saskatchewan Education	<b>Alberta and Saskatchewan School Acts</b> The <i>School Acts</i> of Alberta (1905) and Saskatchewan designate English as the language of instruction, but allow some use of French in the early grades as previously set out in the 1892 <i>School Ordinance</i> of the Northwest Territories.	S.C. 1905, c. 3. RSS, 1909, c. 100. Foucher, P., <i>supra</i> , at 217, 263.

*Year  
Jurisdiction  
Category*

*Subject*

*Source  
Reference  
Cross-Reference*

**1910**

Quebec  
Public Documents

**Quebec Civil Code**

The Quebec legislature adopts an amendment to the Civil Code requiring that public documents relating to transportation and communications be printed in both French and English.

*An Act to amend the Civil Code respecting contracts made with public utilities companies, S.Q. 1910, c. 40.*

**1912**

Ontario  
Education

**Language of Instruction**

Ontario enacts Regulation 17. English is to be the sole language of instruction after grade 3 and the study of French is limited to one hour a day.

*Report of the RCBB, Book II, at 47-51.*

**1916**

Manitoba  
Education

**Laurier-Greenway Compromise Amendment**

New Manitoba regulations override the provision of the 1897 Laurier-Greenway compromise and make English the sole language of instruction in public schools.

*Report of the RCBB, Book II, at 47.  
See also 1897 (Laurier-Greenway Compromise).*

**1923**

Canada  
Public Service

**Civil Service Regulation 19**

Civil Service Regulation 19 reaffirms the principle that all examinations may be written in English or French and that the candidate's choice of language is to be made at the time of application.

*Report of the RCBB, Book III, at 101.*

**1927**

Canada  
Services to the Public

**Bilingual Postage Stamps**

The word "postes" appears on postage stamps issued to mark the 60th anniversary of Confederation. It is used on all subsequent issues.

*Report of the RCBB, Book III, at 107.*

**1931**

Saskatchewan  
Education

**Saskatchewan School Act**

The *Saskatchewan School Act* declares English to be the only language of instruction in its public schools.

*R.S.S. 1965, c. 184.  
Report of the RCBB, Book II, at 120-121.*

<i>Year Jurisdiction Category</i>	<i>Subject</i>	<i>Source Reference Cross-Reference</i>
<b>1934</b> Canada Translation	<b>Federal Translation Bureau</b> To improve co-ordination, avoid duplication and ensure simultaneous publication of documents in English and French, the federal government establishes the Translation Bureau.	<i>The Translation Bureau Act, S.C. 1934, c. 25. Report of the RCBB, Book III, at 155.</i>
Canada Services to the Public	<b>Bilingual Banknotes</b> The Bank of Canada Amendment Act provides for bilingual banknotes.	<i>An Act to amend the Bank of Canada Act, S.C. 1936, c. 22. Report of the RCBB, Book III at 108.</i>
Quebec Statutes	<b>Quebec Statutes</b> The Quebec Legislature adopts a law amending several statutes to stipulate that where the English and French texts differ, the French text shall take precedence. The law is repealed in 1938 and the regulation recognizing the validity of both the English and French texts is reinstated.	<i>An Act respecting the interpretation of the Laws of the Province, S.Q. 1937, c.13. Sheppard, C.A., supra, at 147.</i>
Canada Public Service	<b>Civil Service Act</b> An amendment to the <i>Civil Service Act</i> requires that individuals appointed to "a local position within a province" qualify, by examination, "in the knowledge and use of the language of the majority of the persons with whom he is required to do business: provided that such language shall be the French or the English language".	<i>An Act to amend the Civil Service Act, S.C. 1938, c. 7 s. 1. Report of the RCBB, Book III, at 105.</i>
<b>1945</b> Canada	<b>Bilingual Family Allowance Cheques</b> The federal government issues bilingual family allowance cheques for distribution in Quebec. Distribution of bilingual cheques is extended to all of Canada in 1962.	<i>Report of the RCBB, Book III, at 108</i>
<b>1955</b> Manitoba Education	<b>Instruction in French</b> Manitoba officially sanctions instruction in French in grades 4-12 in certain schools.	Foucher, P., <i>supra</i> , at 198.
<b>1958</b> Canada Public Service	<b>Civil Service Act and Regulations</b> A Civil Service Commission report leads to amendments to the <i>Civil Service Regulations</i> and the <i>Civil Service Act</i> . Public servants in contact with the public and working in linguistically mixed	Canada, Civil Service Commission, <i>Personnel Administration in the Public</i>



*Year  
Jurisdiction  
Category*

*Subject*

*Source  
Reference  
Cross-Reference*

**1958**  
Canada  
Parliament

localities should be bilingual; language qualifications are to be determined by the Civil Service Commission; and a public servant in charge of a work unit composed of significant numbers of Anglophone and Francophone employees should be sufficiently bilingual to supervise the unit's work.

*Service*, (Ottawa: Information Canada, 1958).  
*Report of the RCBB*, Book III, at 110.

**Parliament: Simultaneous Interpretation**

The introduction of simultaneous interpretation for the House of Commons receives unanimous approval. A similar motion for debate in the Senate is approved in 1960. Such facilities become available in the House of Commons in 1959 and in the Senate in 1961.

Delisle, Jean, *Bridging the Language Solitudes: Growth and Development of the Translation Bureau of the Government of Canada, 1934-84*, (Ottawa: Supply and Services Canada, 1984) at 31-39.

**1960**  
Canada  
Courts

**Canadian Bill of Rights**

The *Canadian Bill of Rights* guarantees a person "the right to the assistance of an interpreter in any proceedings in which he is involved or in which he is a party or a witness, before a court, commission, board or other tribunal...".

S.C. 1960, c. 44, s. 2(g).

**1961**  
Canada  
Services to the Public

**Heeney Report, Civil Service Commission**

A Civil Service Commission report sets out the principles that every citizen should have the right to federal services in English or French and that the Civil Service should be representative of the cultures — especially English and French — that make up Canada. The Royal Commission on Government Organization (Glassco Commission) endorses these principles in 1962.

*Report of the RCBB*, Book III, at 110-111.  
*Canada, Report of the Royal Commission on Government Organization*, vol. I (Ottawa: Supply and Services Canada, 1962).

**1962**  
Canada  
Air Traffic Control

**Bilingual Air Traffic Control**

The federal Ministry of Transport issues the first guidelines on the use of language in air traffic services in Canada. While English is to remain the normal language of air-ground communications, it is recognized that in certain unusual conditions, such as those of emergency or stress, the French language may be used between controllers and pilots. An equivalent message must be given in English to safeguard other pilots flying in the vicinity.

See also 1973 (Project BILCOM).





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# Part II

1963-1980



Year  
Jurisdiction  
Category

Subject

Source  
Reference  
Cross-Reference

**1963**

Canada

Royal Commission

**Royal Commission on Bilingualism and Biculturalism (1963-71)**

The federal government appoints the Royal Commission on Bilingualism and Biculturalism to "inquire into and report upon the existing state of bilingualism and biculturalism in Canada and to recommend what steps should be taken to develop the Canadian Confederation on the basis of an equal partnership between the two founding races, taking into account the contribution made by the other ethnic groups to the cultural enrichment of Canada...".

In the preamble of its Preliminary Report (1965) the Commission says that "Canada, without being fully conscious of the fact, is passing through the greatest crisis in its history".

In Book I of its Report (1967), the Commission concludes that Francophones in Quebec constitute a "distinct society". In various important fields this society is already master of its own activities, to which it imparts its own tone and pace. The Commission recommends that Parliament adopt an Official Languages Act to establish the equal status of English and French in Canada and appoint a commissioner of official languages to oversee its application. It urges the provincial governments to follow suit. In 1968 the federal government accepts the recommendations.

Book II (1968) recommends that parents be able to select the official language of their choice for the education of their children. It urges that minority language schooling be provided by the provinces, especially in the bilingual districts it proposes.

Book III (1969) says that the federal Public Service, as an institution, should be bilingual, and that each public servant, subject to certain conditions, should be free to work and make a career in English or French.

Book IV (1969) recommends that governments extend support to cultural groups other than those of British and French origin.

Book V (1970) recommends that all levels of government work together to make the National Capital Region truly bilingual.

Book VI, which concludes the Report in 1970, explores the role of voluntary associations in furthering language reform.

*Report of the RCBB, Books I-VI.*

*Preliminary Report of the RCBB, (Ottawa: Queen's Printer, 1965).*

*The Official Languages (Ottawa: Queen's Printer, 1967).*

*Education, (Ottawa: Queen's Printer, 1968).*

*The Work World, (Ottawa: Queen's Printer, 1969).*

*The Cultural Contribution of the Other Ethnic Groups, (Ottawa: Queen's Printer, 1969).*

*The Federal Capital, (Ottawa: Queen's Printer, 1970).*

*The Voluntary Associations, (Ottawa: Queen's Printer, 1970).*

Year Jurisdiction Category	Subject	Source Reference Cross-Reference
<b>1964</b> Canada Public Service	<b>Language Training</b> The Civil Service Commission launches the Language Training Program and begins English and French language training for federal public servants.	<i>Report of the RCBB, Book III, at 155.</i>
<b>1966</b> Canada Policy	<b>Policy on Bilingualism in the Public Service</b> The Prime Minister states the principle that Anglophones and Francophones should receive equal consideration as candidates for positions in the federal Public Service and, subject to certain conditions, should be able to work in English or French.	Statement by Rt. Hon. Lester B. Pearson, House of Commons, April 6, 1966, <i>House of Commons Debates</i> , 1st Session, 27th Parl., 1966, at 3915.
Canada Public Service	<b>Bilingualism Bonus</b> The federal government agrees to a 7% pay differential for secretaries, stenographers and typists working in both English and French at least 10% of the time.	<i>Report of the RCBB, Book III, at 276-277.</i>
<b>1967</b> Canada Public Service	<b>Language as an Element of Merit</b> Under the <i>Public Service Employment Act</i> , language becomes an element of merit in the appointment of federal public servants.	<i>Report of the RCBB, Book III, at 120.</i>
Saskatchewan Education	<b>Saskatchewan School Act</b> An amendment to the <i>Saskatchewan School Act</i> allows French to be used as a language of instruction for one hour a day. The Act is further amended in 1968 to increase such teaching time to a maximum of 55% of the school day.	<i>The School Act, R.S.S. 1965, c. 184.</i> <i>An Act to amend the School Act, S.S. 1967, c. 35, s. 10.</i> <i>Report of the RCBB, Book II, at 120-121.</i> Foucher, P., <i>supra</i> , at 223. (See also 1931 <i>Saskatchewan School Act</i> .)
Manitoba Education	<b>Manitoba Public Schools Act</b> An amendment to the <i>Manitoba Public Schools Act</i> allows French to be used as a language of instruction for up to half the school day.	<i>An Act to amend the Public Schools Act(2), S.M. 1966-67, c. 51</i> <i>Report of the RCBB, Book II, at 126.</i>

Year Jurisdiction Category	Subject	Source Reference Cross-Reference
<b>1968</b> Ontario Education	<b>Language of Instruction</b> Ontario legislation authorizes the establishment of public elementary and secondary schools in which French may be the language of instruction.	<i>Report of the RCBB, Book II, at 75.</i>
<b>1969</b> Alberta Education	<b>Alberta School Act</b> An amendment to the <i>Alberta School Act</i> allows French to be used as a language of instruction in all 12 grades in "bilingual" schools.	<i>Report of the RCBB, Book II, at 118, note 1.</i>
Ontario Policy	<b>Services to the Public</b> The premier states at a federal-provincial constitutional conference that Ontario will provide public services in French as well as English wherever feasible.	See also 1986 ( <i>French Language Services Act</i> ).
Quebec Commission	<b>Gendron Commission</b> The Quebec government establishes the Gendron Commission to inquire into the state of the French language in Quebec.	See also 1973 (Gendron Commission).
New Brunswick Policy	<b>Principles of Official Bilingualism</b> The Premier of New Brunswick states the principle that provincial government services, court proceedings and acts and regulations should be available to the public in both English and French, and that children should be able to receive instruction in either language.	<i>Towards Equality of Official Languages in New Brunswick, Report of the Task Force on Official Languages (Government of New Brunswick, 1982).</i>
Canada Legislation	<b>Official Languages Act</b> Parliament adopts the <i>Official Languages Act</i> with the support of all parties. Its key section states: "The English and French languages are the official languages of Canada for all purposes of the Parliament and Government of Canada, and possess and enjoy equality of status and equal rights and privileges as to their use in all the institutions of the Parliament and Government of Canada." The Act stipulates that federal services to the public are to be provided in English and French wherever there is significant demand, and sets out the duties of federal institutions in this regard. It also describes the role and functions of the Commissioner of Official Languages, and provides for the creation of bilingual districts.	<i>Official Languages Act, R.S.C. 1970, c. 0-2, s. 2.</i>

Year Jurisdiction Category	Subject	Source Reference Cross-Reference
<b>1969</b> Quebec Legislation	<p><b>Bill 63</b> The National Assembly adopts Bill 63, <i>An Act to promote the French Language in Quebec</i>. Among other things, it reaffirms the rights of parents to choose either French or English as the language of instruction for their children. Children receiving their education in English must acquire a practical knowledge of French.</p>	S.Q., 1969, c. 9.
New Brunswick Legislation	<p><b>Official Languages Act</b> The <i>Official Languages of New Brunswick Act</i> gives equal status, rights and privileges to English and French for all matters under the authority of the legislature. Other provisions govern the use of both languages in the courts and schools. The Act is to be implemented gradually.</p>	S.N.B. 1968-69, c. 14, R.S.N.B. 1973, c. 0-1.
<b>1970</b> Canada	<p><b>Commissioner of Official Languages</b> Keith Spicer, the first Commissioner of Official Languages, takes office.</p>	
Canada/Provinces Education	<p><b>Federal Funding: Language in Education</b> Federal-provincial agreement is reached on federal funding for a portion of minority and second-language education. With modifications, this agreement will be renewed every five years.</p>	
Ontario Legislature	<p><b>Ontario Legislature: Standing Orders</b> The Ontario Legislature provides, in Rule 13 of its Standing Orders, for a member to speak in either English or French.</p>	
Canada Bilingual Districts	<p><b>Bilingual Districts Advisory Boards (1970-77)</b> The first Bilingual Districts Advisory Board is established to make recommendations on the creation of bilingual districts in Canada as called for by the <i>Official Languages Act</i>. In 1971 the Board recommends 37 such districts, including the entire provinces of Quebec and New Brunswick. The government then calls for further study based on 1971 census data. A second Board is set up in 1972 and in 1975 recommends the creation of 30 bilingual districts located in nine of the ten provinces. These are never implemented and in 1977 the government announces its abandonment of the concept of bilingual districts.</p>	<p><i>Recommendations of the Bilingual Districts Advisory Board</i>, (Ottawa: Information Canada, 1971). <i>Report of the Bilingual Districts Advisory Board</i>, (Ottawa: Information Canada, 1975).</p>



*Year  
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**1971**  
Canada  
Constitution

**Victoria Constitutional Conference**

The Victoria constitutional talks, which include the proposal for a charter of language rights, fail to gain the agreement of Quebec.

Bastarache, M. (ed.), *Language Rights in Canada* (Montreal: Les éditions Yvon Blais, 1987) at 185.

Canada  
Multiculturalism

**Multiculturalism Policy**

Following publication of Book IV of the Report of the RCBB on the cultural contribution of other ethnic groups, Prime Minister Pierre E. Trudeau outlines his government's policy on multiculturalism in an officially bilingual Canada.

*House of Commons Debates*, 3rd Session, 28th Parl., 1971, at 8545-6.  
See also 1988 (Multiculturalism Act).

Canada  
Public Service

**Bilingualism in the Public Service**

The President of the Treasury Board outlines management objectives for bilingualism in the federal Public Service. They include ensuring that French will take its place alongside English as a language of work, that written communications with the public will be provided in both official languages and that the number of bilingual personnel will be increased.

Treasury Board of Canada, *Bilingualism in the Public Service* (Ottawa: Treasury Board of Canada, 1972).

**1973**  
Canada  
Parliamentary  
Resolution

**Parliamentary Resolution on Official Languages**

Parliament adopts a resolution on official languages which reaffirms the principles of the *Official Languages Act*, defines the right of federal public servants to work in the official language of their choice subject to certain conditions, and provides for the linguistic designation of positions in the Public Service.

Resolution reproduced in *Third Annual Report, 1972-1973, Commissioner of Official Languages* (Ottawa: Information Canada, 1974) at 511-513.

Canada  
Public Service

**Language of Work**

The Treasury Board designates bilingual regions where both English and French are to be languages of work for federal public servants. They include the National Capital Region and parts of Ontario, Quebec and New Brunswick. Two years later, all federal government offices abroad are included.

Treasury Board and Public Service Commission, *Manual of the Official Languages Administrative System* (Ottawa: Information Canada, 1973).

Year Jurisdiction Category	Subject	Source Reference Cross-Reference
1973 — continued		
Canada Air Traffic Control	<p><b>Project BILCOM</b> Transport Canada creates a task force (Project BILCOM) to “determine the extent and nature of demand for the use of both official languages in the provision of air traffic control and other services provided to pilots through air-ground communications during flight time”. In 1975 the task force endorses the Department’s 1974 decision to permit the use of bilingual visual flight rules for communications between pilots and controllers at five airports in Quebec.</p>	<p>Ministry of Transport, <i>Project Bilcom: An Assessment of the Demand for the Use of Both Official Languages in Canadian Domestic Air/Ground Communications</i>, (Ottawa, May 25, 1975). Borins, Sandford, F., <i>The Language of the Skies</i>, (Kingston, Ont., Institute of Public Administration of Canada, 1983). See also 1976 (Air Traffic Control).</p>
Quebec Commission	<p><b>Gendron Commission</b> Quebec’s Gendron Commission recommends that French be declared the province’s official language and English and French its “national” languages.</p>	<p><i>Report of the Commission of Inquiry on the Position of the French Language and on Language Rights in Quebec</i>, (Québec: Quebec Official Publisher, 1972).</p>
1974 Canada Court Decision	<p><b>Constitutionality of the Official Languages Act</b> The Supreme Court of Canada upholds the federal <i>Official Languages Act</i> as well as a section of <i>Official Languages of New Brunswick Act</i> which provides for the use of both languages in New Brunswick courts.</p>	<p><i>Jones v. Attorney General of New Brunswick</i>, [1975] 2 S.C.R. 182.</p>
Canada Legislation	<p><b>Consumer Packaging and Labelling Act</b> The <i>Consumer Packaging and Labelling Act</i> comes into force, along with regulations on bilingual labelling (1978).</p>	<p>S.C. 1970-71-72, c. 41. C.R.C. 1978, c. 417, s. 6.</p>
Quebec Legislation	<p><b>Quebec’s Official Language Act (Bill 22)</b> The Quebec National Assembly adopts Bill 22, the <i>Official Language Act</i>, making French the official language of the province. The Act contains provisions on the language of public administration, public utilities and the professions, labour, business and education. It also provides for monitoring and implementation mechanisms to be administered by the Régie de la langue française. Language tests will be used to ascertain whether pupils know the proposed language of instruction, if other than French, well enough to receive their education in that language. Those who do not must receive their instruction in French.</p>	<p>S.Q. 1974, c. 6.</p>

Year  
Jurisdiction  
Category

Subject

Source  
Reference  
Cross-Reference

**1975**

Canada  
Policy

**Work Instruments**

The President of the Treasury Board states that work instruments (except for the most technical manuals) must be available in both English and French in the Public Service.

Ontario  
Courts

**French-Language Services in the Courts**

The Attorney General of Ontario announces the establishment of a program of French-language services in Ontario courts.

**1976**

Manitoba  
Constitution

**Forest Court Challenge**

Georges Forest challenges the constitutionality of Manitoba's *Official Language Act, 1890*, which abolished French-language rights in the province.

See 1979 (Forest Case).

Quebec  
Court Decision

**Air Canada Case**

The Quebec Superior Court annuls a section of the Air Canada "500 Flight Operations Manual" which had required all pilots to speak only English on the flight deck. It orders Air Canada to prepare a French-language lexicon for its pilots.

*Joyal v. Air Canada*, [1976] C.S. 1211.  
See also 1981 (Air Canada Language Policy), 1982 (Air Canada Case).

Canada  
Air Traffic Control

**Bilingual Air Traffic Control (1976-79)**

Following a period of turmoil on the question of bilingual air traffic control, the federal government announces the creation of a commission of inquiry into the safety aspects of bilingual air traffic control in Quebec. In 1977 the Commission's interim report supports the use of English and French at small Quebec airports. It also recommends fully bilingual service to flights operating under visual flight rules at St. Hubert airport near Montreal. It reserves judgement, pending further study, on procedures for the international airports at Dorval and Mirabel. In its final report in 1979 it calls for bilingual air traffic control services in all parts of Quebec. The government accepts the recommendations and sets up a team to proceed with phased implementation.

*Interim Report of the Commission of Inquiry into Bilingual Air Traffic Services in Quebec*, (Ottawa: Supply and Services Canada, 1977)  
Borins S. F., *supra*, at 184.  
*Final Report of the Commission of Inquiry into Bilingual Air Traffic Services in Quebec*, (Ottawa: Supply and Services Canada, 1979).

Ontario  
Courts

**French-Language Services in the Courts**

The Ontario French-language Court Services Program, a pilot project for introducing the use of French into Ontario courtrooms, begins in the Sudbury Provincial Court (Criminal Division). French-language services are then extended to several other courts, among them the Provincial Court (Family Division) in Sudbury and Ottawa-Carleton (1977), and the Attorney General of Ontario establishes a special advisory committee on French-language services in provincial courts.

Bastarache, M., *supra*, at 154.

Year Jurisdiction Category	Subject	Source Reference Cross-Reference
<b>1977</b> Canada Policy	<p><b>New Policy Directions</b> The federal government publishes <i>A National Understanding</i>, a new, detailed statement of its official languages policy, in which it states that language reform is essential to preserve national unity. It also revises its official languages policies, giving more control to individual departments and agencies to implement language programs. Treasury Board expands the number of designated bilingual regions where both English and French are languages of work for federal public servants and announces that federal public servants in bilingual positions will receive a bilingualism bonus of \$800 a year, retroactive to November 1976.</p>	Department of Supply and Services, <i>A National Understanding: The Official Languages of Canada</i> , (Ottawa: Supply and Services Canada, 1977).
Canada Task Force	<p><b>Task Force on Canadian Unity</b> The federal government creates the Task Force on Canadian Unity whose mandate includes an examination of language-related issues. In its 1979 report the Task Force recommends constitutional changes to protect minority language rights and foresees a greater role for the provinces in this area.</p>	Canada, Report of the Task Force on Canadian Unity, <i>A Future Together</i> , (Ottawa: Supply and Services Canada, 1979).
Canada	<p><b>Commissioner of Official Languages</b> Maxwell Yalden is appointed second Commissioner of Official Languages.</p>	
Provinces Education	<p><b>Minority Language Education</b> At the interprovincial conference in St. Andrews, New Brunswick, nine Premiers agree on a statement of principle to do their best to provide education in English and French wherever numbers warrant. The Council of Ministers of Education is asked to report on the state of minority language education in each province, to review current programs and to explore opportunities for co-operative action.</p>	
<b>1978</b> Quebec Legislation Courts	<p><b>Charter of the French Language (Bill 101)</b> The Quebec National Assembly adopts the <i>Charter of the French Language</i> (Bill 101). The Charter declares French to be the official language of Quebec and contains a declaration of fundamental language rights, and provisions relating to the language of the legislature and courts, the civil administration, semi-public agencies, labour elections, commerce and businesses, education as well as the "francization of business firms".</p>	R.S.Q. 1977, c. C-11.

Year Jurisdiction Category	Subject	Source Reference Cross-Reference
Canada Legislation	<p><b>Criminal Code Amendment</b> Parliament gives unanimous approval to Bill C-42, which amends the <i>Criminal Code</i> to allow persons to obtain a trial before a judge or jury in either official language. The legislation is subject to proclamation in each province. New Brunswick does so in March 1979 and Ontario in September 1979.</p>	<p><i>An Act to amend the Criminal Code</i>, S.C. 1977-78, c. 36.</p>
Canada Constitution	<p><b>Constitutional Amendment Bill</b> The federal government introduces the <i>Constitutional Amendment Bill</i> seeking, among other things, to guarantee the linguistic equality of Canada's English- and French-speaking communities.</p>	<p>Bill C-60, 1978. Bastarache, M., <i>supra</i>, at 185-186.</p>
Provinces Education	<p><b>Minority Language Education</b> The Council of Ministers of Education reports on minority language education in the provinces. Subsequently, the 10 provincial premiers approve the principle that any child of the English- or French-speaking minority is entitled to an education in his or her language in primary or secondary schools in any province, wherever numbers warrant. They also recognize that each province is free to define the manner in which this principle is to be applied.</p>	
Ontario Services to the Public	<p><b>French-Language Services</b> The Speech from the Throne opening the 31st session of the Ontario Legislature contains commitments to expand French-language government services, increase the availability of French-language court trials and expand translation services to make more public documents available in French.</p>	
Ontario Courts	<p><b>French in the Courts</b> The Ontario Legislature adopts amendments to the <i>Judicature Act</i> and the <i>Juries Act</i> to permit the use of spoken French in judicial proceedings in certain districts.</p>	<p><i>An Act to amend the Judicature Act</i>, S.O. 1978, c. 26. <i>An Act to amend the Juries Act</i>, S.O. 1978, c. 27.</p>
<b>1979</b> Canada Constitution	<p><b>Federal-Provincial Conference</b> At a federal-provincial constitutional conference, renewed efforts to include a charter of language rights in the Constitution fail to produce agreement.</p>	
British Columbia Education	<p><b>French-language Instruction</b> The Government of British Columbia adopts a policy requiring school boards to provide a program offering instruction in French in elementary schools when parents request it on behalf of at least 10 Francophone pupils.</p>	

Year Jurisdiction Category	Subject	Source Reference Cross-Reference
1979 — continued		
Ontario Services to the Public	<p><b>Services in French</b> The Ontario Minister of Health defines a policy on bilingual information and consultation services for designated regions. Francophones obtain the right to a criminal trial in French when Part XIV(1) of the <i>Criminal Code</i> of Canada comes into force in Ontario.</p>	<p><i>Act modifying the Criminal Code</i>, S.C. 1977-78, c. 36. See also Bastarache, <i>supra</i>, at 140, note 106.</p>
Manitoba Constitution	<p><b>Forest Case</b> The Supreme Court of Canada rules, in the Forest case, that Manitoba's <i>Official Language Act, 1890</i>, which abolished the status of French in the legislature, statutes and courts of Manitoba, is unconstitutional in that it is in conflict with Section 133 of the <i>Constitution Act, 1867</i>.</p>	<p><i>Attorney General of Manitoba v. Forest</i>, [1979] 2 S.C.R. 1032.</p>
Quebec Constitution	<p><b>Blaikie Case</b> The Supreme Court of Canada rules, in the Blaikie case, that Chapter III of the <i>Charter of the French language</i>, which deals with the language of legislation and the courts in Quebec, is unconstitutional in that it is in conflict with Section 133 of the <i>Constitution Act, 1867</i>.</p>	<p><i>Attorney General of Quebec v. Blaikie</i>, [1979] 2 S.C.R. 1016 (Blaikie No. 1). See also 1981 (Blaikie Case No. 2).</p>
Quebec Legislation	<p><b>Language of Legislation</b> The Quebec National Assembly adopts legislation pursuant to the Supreme Court of Canada decision. It provides for validation of the English text of provincial laws and regulations adopted in French only from the time the <i>Charter of the French Language</i> came into force.</p>	<p><i>An Act respecting a judgement rendered in the Supreme Court of Canada on 13 December 1979 on the language of the legislature and the courts in Quebec</i>, S.Q. 1979, c. 61.</p>



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# Part III

1980-1990





*Year  
Jurisdiction  
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*Subject*

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Cross-Reference*

**1980**

**Canada  
Constitution**

**Patriation of the Constitution**

The federal government tables a draft Resolution to Her Majesty the Queen concerning the Canadian Constitution, the purpose of the document being patriation of the Canadian Constitution. It includes a procedure for amending the Constitution and a *Canadian Charter of Rights and Freedoms* that contains provisions relating to the official languages of Canada and of New Brunswick, as well as to minority language educational rights. Parliament adopts the Resolution in 1981.

See also 1982 (Constitution Act, 1982).

**Canada  
Parliament**

**Special Joint Committee on Official Languages**

Parliament establishes a Special Joint Committee of the Senate and House of Commons on Official Languages to assess progress in language reform since adoption of the *Official Languages Act*.

**Manitoba  
Legislation**

**Manitoba Statutes**

The Manitoba legislature adopts legislation respecting the application of Section 23 of the *Manitoba Act, 1870* to statutory instruments, thereby establishing English and French as languages of legislation in the province.

*An Act Respecting the Operation of Section 23 of the Manitoba Act in Regard to Statutes*, S.M. 1980, c. 3.  
See also 1983 (Manitoba Language Issue).

**Ontario  
Courts**

**Ontario Courts**

The Government of Ontario increases to 13 and then to 15 the number of locations where the Provincial Court (Family Division) and the Provincial Court (Criminal Division) may hear cases in French.

**Prince Edward Island  
Education**

**School Act Amendment**

The Prince Edward Island Legislature amends its *School Act* to provide for a French-language program for its Francophone population.

*An Act to amend the School Act*, P.E.I. Acts, 1980, c. 48.

**1981**

**Canada, Quebec  
Court Decision**

**Air Canada Language Policy**

The Superior Court of Quebec rules that Air Canada does not discriminate in its language policy or in its hiring or employment policies. However, it orders Air Canada to implement in full the recommendations made in 1980 by the Commissioner of Official Languages, and directs the Commissioner to ensure that Air Canada fulfils its linguistic responsibilities.

*Joyal v. Air Canada*, J.E. 81-632 (C.S.).  
See also 1976, 1982 (Air Canada Case).

Year Jurisdiction Category	Subject	Source Reference Cross-Reference
1981 — continued		
Quebec Court Decision	<p><b>Blaikie Case No. 2</b> At Quebec's request, the Supreme Court of Canada clarifies its ruling in the 1979 Blaikie case. It states that Section 133 of the <i>Constitution Act, 1867</i> applies to regulations of the Quebec government and of one or more Quebec ministers; to those issued by the civil administration and quasi-governmental agencies; and to the rules of procedure of courts of law and quasi-judicial tribunals, but not to the by-laws of municipal or school bodies.</p>	<p><i>Attorney General of Quebec v. Blaikie</i>, [1981] 1 S.C.R. 312, (Blaikie No. 2). See also 1979 (Blaikie Case).</p>
Canada Policy and Program	<p><b>Program Changes</b> The Treasury Board adopts a policy of "imperative staffing", making knowledge of English and French a condition for appointment to some bilingual positions. All senior executive and senior management positions in bilingual regions are henceforth to be classified bilingual, managers are to be "accountable" for their management of official languages matters and the terms and conditions of the bilingualism bonus are redefined.</p>	
New Brunswick Legislation	<p><b>Official Languages in New Brunswick</b> The New Brunswick legislature adopts Bill 88, <i>An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick</i>. The government also creates a Task Force on Official Languages. The Law Society of New Brunswick recommends that Francophones have access to court services in their language, and that several laws governing consumer trade practices be amended to protect French-speaking consumers.</p>	S.N.B. 1971, c. 0-1.1.
Nova Scotia Education	<p><b>Acadian Schools</b> The Nova Scotial legislature adopts Bill 65 giving Francophones the right to instruction in French in Acadian schools and authorizing the establishment of new Acadian schools where the number of pupils warrants.</p>	<p><i>Education Act</i>, R.S.N.S. 1967, c. 81, as amended by S.N.S. 1981, c. 20.</p>
<b>1982</b> Canada Constitution	<p><b>Constitution Act, 1982</b> The British Parliament accedes to the Constitutional Resolution of the Parliament of Canada and adopts the <i>Constitution Act, 1982</i>.</p> <p>The <i>Canadian Charter of Rights and Freedoms</i> (which forms part of the Act) declares that English and French are the official languages of Canada and New Brunswick for matters pertaining to Parliament, the New Brunswick legislature, their legislation and their courts (s. 16).</p>	<p>Enacted by the <i>Canada Act</i>, 1982 (U.K.) c. 11, Schedule B.</p>

**Year  
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Category**

**Subject**

**Source  
Reference  
Cross-Reference**

Section 23 stipulates that citizens of Canada whose first language is that of the English or French minority of the province in which they reside (mother-tongue clause) or who have received their instruction in one of these languages in Canada (Canada clause) have the right to have their children educated in that language wherever numbers warrant. The mother-tongue clause will not apply to Quebec unless so authorized by the provincial government.

The Charter also states that sections 16 to 20 (on official languages) do not affect the rights and privileges of any other language, or the rights and freedoms of the aboriginal peoples of Canada. Also, the Charter "shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians".

**Quebec  
Court Decision**

**Air Canada Case**

The Quebec Court of Appeal overturns the Superior Court decision in *Air Canada v. Joyal* and finds Section 2 of the federal *Official Languages Act* to be declaratory, not executory.

*Air Canada v. Joyal*, [1982] C.A. 39.  
See also 1976 (Air Canada Case), 1981 (Air Canada Language Policy).

**Canada  
Policy**

**Applebaum-Hébert Committee**

The Federal Cultural Policy Review Committee recognizes that a cultural policy "should...facilitate cultural contact between the two official language groups [so as] to take best advantage of Canada's linguistic duality...".

**Manitoba  
Constitution**

**Proposed Constitutional Amendments, Manitoba**

The Government of Manitoba proposes constitutional amendments to give Franco-Manitobans adequate guarantees and to save the province from having to translate all its statutes adopted in English only since 1890.

**Ontario  
Courts**

**Civil Proceedings, Ontario**

The Government of Ontario extends the right to use French in all civil proceedings before provincial courts in the districts of Prescott-Russell, Ottawa-Carleton and York (Toronto), with the exception of trials before the Supreme Court of Ontario.

*Courts of Justice Act*, R.S.O. 1984, c. 11.

**New Brunswick  
Task Force**

**Task Force on Official Languages: Report**

The New Brunswick Task Force on Official Languages submits a report containing 97 recommendations for amendments to the province's official languages legislation and for radical language reform in the public and private sectors.

*Official Languages of New Brunswick Act*, R.S.N.B. 1973, c. 0-1.  
*Towards Equality of Official Languages in New Brunswick*, Report of the Task Force on Official Languages (Government of New Brunswick, 1982).

Year Jurisdiction Category	Subject	Source Reference Cross-Reference
1982 — continued  New Brunswick Courts	<p><b>Administration of Justice</b> The New Brunswick government asks Professor James Lockyer to examine all matters relating to the administration of justice in light of the recommendations of the Bar Association Committee on the Integration of Both Official Languages in the Practice of Law. Professor Lockyer presents 147 recommendations for language reform in the courts and in the administration of justice. The government responds by drawing up a list of priorities for their implementation and takes steps to gradually give English and French equal status in the judicial system.</p>	<p><i>Report on the Integration of the two Official Languages in the Practice of Law</i>, (Fredericton: Barristers Society of New Brunswick, 1981).</p>
1983 Canada Parliament Committee	<p><b>Standing Joint Committee on Official Languages</b> Parliament establishes the Standing Joint Committee on Official Languages Policy and Programs.</p>	
Manitoba Legislation	<p><b>Manitoba Language Issue</b> The Government of Manitoba proposes to amend the <i>Manitoba Act, 1870</i>, to establish the official character of English and French in the province, to translate a specific number of statutes and to recognize the right of Franco-Manitobans to be served in their own language in certain provincial government offices. The Bill causes an uproar in the Legislative Assembly and among members of the public, who voice strong opposition at public hearings and in municipal referenda.</p> <p>Parliament expresses its support for the Manitoba bill, unanimously adopting a resolution urging the Manitoba government and Legislative Assembly to guarantee effective protection for Manitoba's French-speaking minority.</p>	<p><i>Act Respecting the Operation of Section 23 of the Manitoba Act in Regard to Statutes, 1980</i>, S.M. 1980, c. 3. See also 1980 (Manitoba Statutes).</p>
Quebec Legislation	<p><b>Charter of the French Language: Amendments</b> The Quebec government makes major amendments to the <i>Charter of the French Language</i>. They include official recognition of the contribution of English-language institutions to Quebec; as of 1986 abolition of language tests for persons with a secondary-school certificate from Quebec; establishment of institutional bilingualism in English-language public and parapublic institutions; the right of municipalities with an English-speaking majority to retain a bilingual designation; the freedom of employees of officially designated English-language public and parapublic institutions to use English for internal and inter-institutional communications; and relaxation of the conditions for admission to schooling in English for children coming from another province.</p>	<p><i>An Act to amend the Charter of the French Language</i>, S.Q. 1983, c. 56.</p>

Year Jurisdiction Category	Subject	Source Reference Cross-Reference
New Brunswick Court Decision	<p><b>Language of Instruction</b> An association in New Brunswick seeks three judgements and four injunctions concerning the language of instruction for Anglophone and Francophone students. The Court decides that the <i>Schools Act</i> should be interpreted as proscribing French school boards from organizing classes in which the principal language of instruction is English for the purpose of teaching Anglophones, and vice versa for English school boards.</p>	<p><i>Société des Acadiens du Nouveau-Brunswick Inc. v. Minority Language School Board No. 50</i> (1983), 48 N.B.R. (2d) 361 (Q.B.T.O.). <i>Schools Act</i>, R.S.N.B. 1973, c. S-5.</p>
<b>1984</b> Canada	<p><b>Commissioner of Official Languages</b> D'Iberville Fortier succeeds Maxwell Yalden as Commissioner of Official Languages.</p>	
Yukon, Northwest Territories Legislation	<p><b>Official Languages in the Territories</b> The Minister of Indian and Northern Affairs tables a bill to amend the <i>Yukon and North-West Territories Act</i> so that the <i>Official Languages Act</i> will apply to Canada's Far North. The Bill dies when Parliament dissolves for the federal general election. However, the Northwest Territories Legislative Assembly later adopts a measure granting French official status. The federal government agrees to pay the cost of translating the Territory's laws.</p>	<p><i>An Ordinance to Recognize and Provide for the Use of the Aboriginal Languages and to Establish the Official Languages of the Northwest Territories</i> (Bill 9-84(2)). Ordinances of the Northwest Territories, 1984, c. 2.</p>
Ontario Education	<p><b>Language of Instruction</b> The Ontario Court of Appeal considers that certain provisions of the <i>Education Act</i> are unconstitutional, thus recognizing the right of all Franco-Ontarians to education in their language. The Minister of Education proposes an amendment to repeal the provisions on instruction in French where numbers warrant.</p>	<p><i>Re Education Act (Ont.) and Minority Language Education Rights</i>, (1984) 10 D.L.R. (4th) 491. <i>Education Act</i>, R.S.O. 1980, c. 129.</p>
Quebec Court Decision	<p><b>Charter of the French Language: Schooling</b> Further to earlier Quebec Superior Court and Court of Appeal decisions, the Supreme Court of Canada rules that sections 72 and 73 of the <i>Charter of the French Language</i>, which limit eligibility for instruction in English to children whose father or mother received elementary schooling in English in Quebec, are inconsistent with the constitutional guarantees of Section 23 of the <i>Canadian Charter of Rights and Freedoms</i>. The decision allows parents who received schooling in English in Canada to send their children to English schools in Quebec.</p>	<p><i>Attorney General of Quebec v. Quebec Protestant School Boards</i>, [1984] 2 S.C.R. 66; affirming [1983] C.A. 77; [1982] C.S. 673. See also 1983 (Charter of the French Language: Amendments).</p>

Year Jurisdiction Category	Subject	Source Reference Cross-Reference
<b>1985</b> Manitoba Court Decision	<p><b>Manitoba Language Rights</b>            The Supreme Court of Canada's decision in the federal reference respecting Section 133 of the <i>Constitution Act, 1867</i> and Section 23 of the <i>Manitoba Act, 1870</i> declares invalid all enactments (and ensuing rules and regulations) of Manitoba's Legislative Assembly, in that they were printed and published in English only. In the interest of public order and the rule of law, the Court declares that existing enactments should be deemed to have full force and effect until expiry of the deadline for their translation.</p> <p>The Court later ratifies an out-of-court settlement between the parties. Its Order gives effect to Manitoba's commitment to publish, in a bilingual format, provincial laws, regulations, and rules governing judicial courts and administrative tribunals. It establishes two readoption and publication deadlines: December 31, 1988, for some documents and December 31, 1990, for all others.</p>	<i>Re Manitoba Language Rights</i> , [1985] 1 S.C.R. 721.
Saskatchewan Court Decision	<p><b>Tremblay Case</b>            A Saskatchewan court decides that Section 110 of the <i>North-West Territories Act, 1891</i>, as it relates to the right to use both languages in criminal proceedings, still applies in criminal cases before the Court of Queen's Bench of Saskatchewan. Put simply, the right to use English or French in criminal proceedings before a Saskatchewan Superior Court still exists but does not include the right to a completely French trial; the accused is entitled to be heard through an interpreter. The Government of Saskatchewan refers the matter to the Saskatchewan Court of Appeal.</p>	<i>R. v. Tremblay</i> (1985), 41 Sask. R.49 (Q.B.). See also 1987 (Provincial Reference).
<b>1986</b> Manitoba, Quebec Court Decision	<p><b>Bilingual Summonses, Manitoba and Quebec</b>            Further to earlier Manitoba court rulings, the Supreme Court of Canada rules in the Bilodeau (Manitoba) and MacDonald (Quebec) cases that the Constitution does not require Manitoba and Quebec to issue bilingual summonses. Section 133 of the <i>Constitution Act, 1867</i>, and Section 23 of the <i>Manitoba Act, 1870</i>, guarantee the language rights of litigants, counsel, witnesses, judges and other officers of the court, not those of the parties to whom the summonses are addressed.</p>	<i>Bilodeau v. Attorney General of            Manitoba</i> , [1986] 1 S.C.R. 449, affirming [1981] 10 Man. R. (2d) 298 (C.A.); affirming [1981] 1 W.W.R. 474 (Prov. Ct.) and <i>MacDonald v. City of Montreal</i> , [1986] 1 S.C.R. 460.

Year Jurisdiction Category	Subject	Source Reference Cross-Reference
New Brunswick Court Decision	<p><b>Société des Acadiens du Nouveau-Brunswick Case</b> The Supreme Court of Canada finds that the right conferred under the <i>Canadian Charter of Rights and Freedoms</i> and the <i>Official Languages of New Brunswick Act</i> to speak English or French in a court of law does not in itself guarantee that persons may be heard or understood in the language of their choice. The court trying the case must be able to understand the proceedings before it, no matter which language the parties use. In the absence of translation, judges must assess their understanding of the language of the proceedings and, if necessary, withdraw from a case.</p>	<p><i>Société des Acadiens v. Association of Parents</i>, [1986] 1 S.C.R. 549; affirming (1984) 54 N.B.R. (2d) 198 (C.A.). <i>Official Languages of New Brunswick Act, supra</i>.</p>
Yukon Court Decision	<p><b>St. Jean Case</b> The Yukon Supreme Court confirms the 1983 decision of the Territorial Court in the St. Jean case and rules that Section 133 of the <i>Constitution Act, 1867</i>, does not apply to ordinances of the Territorial Commissioner. Unilingual English ordinances are thus valid.</p>	<p><i>R. v. St. Jean</i>, [1987] N.W.T.R. 118, 2 Y.R. 116 (Y.T.S.C.).</p>
Alberta Court Decision	<p><b>Lefebvre Case</b> The Alberta Court of Appeal rules that Section 110 of the <i>North-West Territories Act, 1891</i>, was not an integral part of the Territories' constitution and did not have the same effect as Section 133 of the <i>Constitution Act, 1867</i>.</p>	<p><i>R. v. Lefebvre</i> (1986), 74 A.R. 81 (C.A.).</p>
Newfoundland Court Decision	<p><b>Ringuette Case</b> The Newfoundland Supreme Court upholds a lower court decision and rejects the request of two persons facing criminal charges to be tried before a judge who speaks their language, as provided in Part XIV(1) of the <i>Criminal Code</i> of Canada. The Court invokes the fact that this part of the <i>Criminal Code</i> is not in force in Newfoundland.</p>	<p><i>Ringuette v. Canada (Attorney General)</i> (1986), 58 Nfld. and P.E.I.R. 163 (S.C.T.D.). <i>Criminal Code</i>, R.S.C. 1970, c. C-34.</p>
British Columbia Court Decision	<p><b>McDonnell Case</b> The British Columbia Court of Appeal upholds a lower court decision allowing a court clerk to refuse to accept a statement written partly in French. The Court agrees that sections 16 to 22 of the <i>Canadian Charter of Rights and Freedoms</i> respecting Canada's official languages do not apply to British Columbia.</p>	<p><i>McDonnell v. Fédération des Franco-Colombiens</i> (1986), 6 B.C.L.R. (2d) 390 (C.A.).</p>
Ontario Education	<p><b>Penetanguishene: French Education</b> The Supreme Court of Ontario finds that the number of children whose parents enjoy minority language educational rights is sufficient in Penetanguishene and vicinity to justify minority language instruction and minority language educational facilities provided out of public funds.</p>	<p><i>Marchand v. Simcoe County Board of Education</i> (1986), 55 O.R. (2d) 638 (H.C.).</p>

Year Jurisdiction Category	Subject	Source Reference Cross-Reference
1986 — continued		
Manitoba Court Decision	<p><b>Immersion Schooling: Busing Issue</b> The Manitoba Court of Appeal reverses a lower court decision and finds that the busing of children attending an immersion school is not a right guaranteed under Section 23 of the <i>Canadian Charter of Rights and Freedoms</i>.</p>	<p><i>Chaddock v. Mystery Lake School District</i> (1986), 31 D.L.R. (4d) 82.</p>
Ontario Court Decision	<p><b>Kapuskasing: Bilingual Municipality</b> The High Court of Justice of Ontario grants a petition brought by two persons to set aside a municipal by-law in Kapuskasing that provides for English and French to enjoy equality of status, rights and privileges. The Court rules that in Ontario a municipality does not have authority to adopt such a provision under the <i>Municipal Act</i>; however, the Act does permit municipalities to provide services in English and French if they wish.</p>	<p><i>Re Trumble and Town of Kapuskasing</i> (1986), 57 O.R. (2d) 139 (H.C.). <i>Municipal Act</i>, R.S.O. 1980, c. 302.</p>
Ontario Policy	<p><b>Trials, Ontario</b> On December 31, 1986, Ontario extends to the entire province the right to have trials conducted before a judge or jury that speaks both languages.</p>	
Ontario Legislation	<p><b>French Language Services Act, Ontario</b> The Ontario Legislature adopts the <i>French Language Services Act</i>, guaranteeing certain provincial government services in French. The Act also recognizes the right to use English and French in the legislature and requires that public legislation be tabled and adopted in both languages.</p>	<p>S.O. 1986, c. 45.</p>
Quebec Legislation	<p><b>Health and Social Services Act, Quebec</b> The Quebec National Assembly amends its <i>Health and Social Services Act</i> to guarantee the right of any English-speaking person to receive services in English and to develop a program to make such services accessible in English to English-speaking recipients.</p>	<p><i>An Act to Again Amend the Act Respecting Health Services and Social Services</i>, S.Q. 1986, c. 106.</p>
1987 Alberta Legislature	<p><b>Piquette Affair, Alberta</b> The Speaker of the Alberta Legislature denies a Francophone MLA, Léo Piquette, the right to ask a question in French. The matter is brought before the Committee on Privileges and Elections which upholds the Speaker's decision. Mr. Piquette is obliged to apologize for violating the authority of the Speaker.</p>	



Year Jurisdiction Category	Subject	Source Reference Cross-Reference
<p>Alberta Court Decision</p>	<p><b>Paquette Case</b>            In 1985 the Alberta Court of Queen's Bench had ruled that Section 110 of the <i>North-West Territories Act</i> had been carried over into the law when that province was founded in 1905, and had not subsequently been abrogated. In 1986 the same court ruled that Section 15 of the Charter (on equality rights) could establish the right of an accused to be heard by a judge or judge and jury in his or her preferred official language.</p> <p>In September 1987 a majority of the Alberta Court of Appeal partly confirmed the lower court decision by recognizing that Section 110 of the <i>North-West Territories Act</i> had indeed been carried over into the law of that province in 1905 and that it was still in effect in the administration of criminal justice in Alberta. An accused may therefore use English or French in a criminal court in that province.</p> <p>However, the Court of Appeal rejected certain conclusions of the lower court judge on the basis of the majority decision handed down by the Supreme Court in the MacDonald case (1986). That decision confirmed the Crown's right, as a "person", to choose the official language used by its intervenors. The Court of Appeal thus found that the right to use French in legal proceedings did not include the right to be directly understood by the court.</p> <p>In November 1987 the same court handed down a majority ruling on the second part of the 1985 decision. It found that the Charter may be invoked to enable a Francophone accused to be tried before a judge or judge and jury who speak French.</p>	<p><i>R. v. Paquette</i> (1986), 69 A.R. 87 (Q.B.).</p>
<p>Ontario Land Titles</p>	<p><b>Land Titles</b>            The province of Ontario initiates a pilot project in Sudbury and L'Orignal permitting the registration of land titles in French.</p>	
<p>Saskatchewan Courts</p>	<p><b>Malouin Case</b>            For the first time since 1905 a Francophone accused, Philippe Malouin, is granted the right to a trial in French even though Part XIV(1) of the <i>Criminal Code</i> is not yet in force in Saskatchewan.</p>	<p><i>R. v. Malouin</i> (1989), 74 S.R. 71 (Sask. C.A.).</p>
<p>Canada Legislation</p>	<p><b>Official Languages Bill (C-72)</b>            The federal government tables Bill C-72, <i>An Act respecting the status and use of the official languages of Canada</i>. The Bill contains much more precise provisions than the 1969 Act and spells out the government's commitment to encourage the development of the English- and French-speaking minorities and to promote the full recognition and use of English and French in Canada.</p>	<p>S.C. 1988, c. 38.            See also 1988 (Official Languages Act, 1988).</p>

<i>Year Jurisdiction Category</i>	<i>Subject</i>	<i>Source Reference Cross-Reference</i>
1987 — continued		
Saskatchewan Court Decision	<p><b>Provincial Reference</b> In the provincial reference regarding Section 110 of the <i>North-West Territories Act, 1891</i>, the Saskatchewan Court of Appeal rules that this section continues to apply in the higher criminal courts of the province and that it gives an accused the right to use French when addressing the court and when examining and cross-examining witnesses.</p>	<i>Re French Language Rights of Accused</i> (1988), 58 S.R. 161.
Canada Constitution	<p><b>Meech Lake Accord</b> An accord is reached between the Prime Minister and the 10 provincial premiers to amend the Constitution. Parliament and the legislative assemblies of the provinces are asked to authorize amendment of the Constitution by the addition of a new Section 2 to the <i>Constitution Act, 1867</i>:</p> <p>“2. (1) The Constitution of Canada shall be interpreted in a manner consistent with</p> <ul style="list-style-type: none"> <li>(a) the recognition that the existence of French-speaking Canadians, centred in Quebec but also present elsewhere in Canada, and English-speaking Canadians, concentrated outside Quebec but also present in Quebec, constitutes a fundamental characteristic of Canada; and</li> <li>(b) the recognition that Quebec constitutes within Canada a distinct society.</li> </ul> <p>(2) The role of the Parliament of Canada and the provincial legislatures to preserve the fundamental characteristic of Canada referred to in paragraph (1)(a) is affirmed.</p> <p>(3) The role of the legislature and Government of Quebec to preserve and promote the distinct identity of Quebec referred to in paragraph (1)(b) is affirmed.</p> <p>(4) Nothing in this section derogates from the powers, rights or privileges of Parliament or the Government of Canada, or of the legislatures or governments of the provinces, including any powers, rights or privileges relating to language.”</p> <p>In order to come into force, this constitutional amendment must be ratified by the federal Parliament and the legislatures of all the provinces within three years of the adoption of the resolution that initiated the amending procedure.</p>	<i>Canada, Constitution Amendment, 1987, Strengthening the Canadian Federation</i> , (Ottawa, 1987).

Year  
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1988

Canada  
Legislation

**Multiculturalism Act**

Parliament adopts Bill C-93, an *Act for the Preservation and Enhancement of Multiculturalism in Canada*. A key provision of the Act, which sets out Canada's policy on multiculturalism and the mechanisms for its implementation, is that all federal institutions should ensure that the principles and policy of multiculturalism are applied.

S.C. 1988, c. 31.

Canada  
Legislation

**Official Languages Act, 1988**

Parliament adopts Bill C-72, which recognizes the linguistic duality of Canada and broadens the scope of Canadian language reform.

S.C. 1988, c. 38.

See also 1987 (*Official Languages Bill (C-72)*).

The new Act, which recognizes the language rights arising from the *Canadian Charter of Rights and Freedoms*, contains provisions concerning service to the public, language of work and the participation of English-speaking and French-speaking Canadians in federal institutions. It assigns a general regulatory power to the Governor in Council and to the other federal agencies that regulate the activities of third parties. Treasury Board is responsible for the general direction and co-ordination of language policies and programs in all non-Parliamentary federal institutions, and the Secretary of State is to co-ordinate implementation by federal institutions of the Government's commitment to enhance the vitality of the English and French linguistic minority communities in co-operation with the provincial and municipal governments and the private sector.

The mandate of the Commissioner of Official Languages is renewed and broadened. Part X provides that, under certain conditions, application for remedy may be made to the Federal Court, either by a complainant alone or together with the Commissioner.

The Act codifies certain rules governing the language of the proceedings of Parliament, legislative and other government instruments and the administration of justice. It provides that Part XIV(1) of the *Criminal Code*, concerning the right of an accused to trial before a judge, or judge and jury, who speak the official language of the accused, shall come into force on January 1, 1990, at the latest, in provinces where it has not yet been proclaimed.

Saskatchewan  
Court Decision

**Mercure Case**

Further to earlier Saskatchewan court rulings, the Supreme Court of Canada confirms that parliamentary, legislative and judicial bilingualism was continued in Saskatchewan. The Court concludes that Section 110 of the *North-West Territories Act, 1891*, was not entrenched in the Canadian Constitution after adoption of the *Saskatchewan Act* of 1905, contrary to the situation of Section 23 of the *Manitoba Act, 1870*.

*R. v. Mercure*, [1988] 1 S.C.R. 234; reversing *Mercure v. Attorney General of Saskatchewan*, [1985], 44 Sask. R. 22 (C.A.) and *R. v. Mercure*, [1981] 4 W.W.R. 435.

Year Jurisdiction Category	Subject	Source Reference Cross-Reference
1988 — continued	<p>The Court asks Saskatchewan to decide quickly whether to introduce institutional bilingualism or to amend its provincial constitution in order to validate previous unilingual legislation and adopt a unilingual regime for the future.</p>	
Quebec Court Decision	<p><b>Forget Case</b> The Supreme Court of Canada grants an appeal by Quebec for confirmation of the validity of two provisions of the Office de la langue française <i>Regulation respecting the knowledge of the official language necessary to obtain a permit from a professional corporation</i>.</p> <p>The Court rules that the sections in question are not discriminatory or incompatible with Section 10 of the Quebec <i>Charter of Human Rights and Freedoms</i>, which prohibits discrimination based on language, because the distinction they establish does not have the effect of “nullifying or impairing” the right to full and equal recognition and exercise of a human right or freedom. Rather, it serves to demonstrate whether candidates possess one of the qualifications needed to exercise their right to join a professional association.</p>	<p><i>Forget v. Quebec (Attorney General)</i>, [1988] 2 S.C.R. 90. R.R.Q. 1981, c. C-11, r. 2.</p>
Saskatchewan Legislation	<p><b>Bill 2, Saskatchewan</b> The Legislative Assembly of Saskatchewan adopts legislation on the use of English and French in that province. The new statute provides that Section 110 of the <i>North-West Territories Act</i> does not apply to Saskatchewan with respect to matters within the legislative authority of that province. It also retroactively validates statutes, regulations and ordinances previously passed in English only and provides that, henceforth, all statutes and regulations may be enacted, printed and published in English only or in English and French.</p> <p>The Act recognizes the right of every person to use English or French in the debates of the Legislative Assembly, but provides that its rules, procedures, records and journals may be made in English only. It also retroactively validates all similar documents previously published in English only, and provides that every person shall have the right to use English or French orally and in writing in six provincial courts.</p>	<p><i>The Language Act</i>, S. Sask., 1988, c. L-6.1.</p>
Alberta Legislation	<p><b>Bill 60, Alberta</b> The Legislative Assembly of Alberta adopts a <i>Languages Act</i> stipulating that Section 110 of the <i>North-West Territories Act</i> does not apply to Alberta. The Act retroactively validates all statutes, regulations and ordinances previously passed in English only and provides that, henceforth, statutes and regulations may be enacted, printed and published in English, although members of the legislature may participate in debates in English or French. Any person may use English or French in proceedings in four provincial courts, but only orally.</p>	<p><i>Languages Act</i>, S. Alb., 1988, c. L-7.5.</p>

Year Jurisdiction Category	Subject	Source Reference Cross-Reference
Quebec Court Decision	<p><b>Charter of the French Language: Signage Issue</b> While acknowledging that the challenged provisions of the <i>Charter of the French Language</i> fall within the jurisdiction of the Quebec National Assembly, the Supreme Court of Canada in part grants the appeal of the appellant, Singer, finding that the sections and related Regulations infringe the freedom of expression guaranteed by the <i>Canadian Charter of Rights and Freedoms</i> and the Quebec <i>Charter of Human Rights and Freedoms</i>. With the exception of the provisions requiring the use of French but also permitting the use of English, the challenged provisions cannot be justified under Section 1 of the Canadian Charter as reasonable limits to fundamental rights in a free and democratic society.</p> <p>The Court also rules, however, that while freedom of expression protects the freedom to use the language of one's choice, it provides no guarantee of the right to use one's own language exclusively.</p>	<p><i>Devine v. Quebec (Attorney General)</i>, [1988] 2 S.C.R. 790 (Singer Case).</p>
Quebec Court Decision	<p><b>Charter of the French Language: Signage Issue</b> Although Section 58 (public signage and commercial advertising) of the <i>Charter of the French Language</i> applies to all Quebec citizens, the Supreme Court of Canada rules that the requirement governing the exclusive use of French affects various classes of persons differently according to their language of use. Francophones are permitted to express themselves in their language, while Anglophones and other non-Francophones are prohibited from doing so. The Court therefore concludes that Section 58 of Bill 101 creates a distinction based on language, which is prohibited under Section 10 of the Quebec <i>Charter of Human Rights and Freedoms</i>, and dismisses the appeal of Quebec.</p> <p>In the Court's view, the documents submitted by the Attorney General of Quebec did not justify the restriction imposed on freedom of expression by the challenged provisions. However, while requiring the predominant display of the French language is justified, requiring the exclusive use of French is not. French could be required in addition to any other language or it could be required to have greater visibility than that accorded to other languages.</p>	<p><i>Ford v. Quebec (Attorney General)</i>, [1988] 2 S.C.R. 712 (La Chaussure Brown's Case).</p>
Quebec Legislation	<p><b>Bill 178 amending the Charter of the French Language</b> Further to the Supreme Court of Canada decision (<i>supra</i>), the Government of Quebec invokes the "notwithstanding" clause of the Canadian Constitution and the National Assembly adopts a compromise formula, Bill 178, amending the <i>Charter of the French Language</i>. This statute requires that outside public commercial signage and advertising be in French only. However, it also provides that signage and advertising inside businesses may be bilingual, but French must predominate. This last matter, including the use of unilingual French firm names, will be governed by regulations to be adopted at a later date.</p>	<p><i>Act to amend the Charter of the French Language</i>, S. Q., 1988, c. 54.</p>

Year Jurisdiction Category	Subject	Source Reference Cross-Reference
1988 — continued		
Saskatchewan Court Decision	<p><b>La Commission des écoles fransaskoises</b> The Saskatchewan Court of Queen's Bench rules in favour of the Commission des écoles fransaskoises and 11 other plaintiffs in an action against the provincial government under Section 23 of the <i>Canadian Charter of Rights and Freedoms</i>. The Court finds that one section of the <i>Education Act</i> and several regulations are incompatible with Section 23 of the Charter in that they do not provide the minority with the right to manage and govern its own schools.</p>	<p><i>Commission des écoles fransaskoises Inc. v. Government of Saskatchewan</i> (1988), 64 Sask.R. 123 (Q.B.). <i>Education Act</i>, R.S.S. 1978 (Supp.), c. E-0.1. <i>Education Act Regulations</i> (Sask.).</p>
Prince Edward Island Court Decision	<p><b>Prince Edward Island Reference</b> The Supreme Court of Prince Edward Island (Appeal Division) finds several sections of the <i>Schools Act</i> and its regulations incompatible with Section 23 of the <i>Canadian Charter of Rights and Freedoms</i>, but does not declare those provisions inoperative. The Court states that such a finding is not appropriate in a reference case and that the Court's role is merely to answer the questions raised by the Government.</p>	<p><i>Reference Re Minority Language Educational Rights (P.E.I.)</i> (1988), 69 Nfld. and P.E.I.R. 236 (S.C. A.D.). <i>Schools Act</i> R.S.P.E.I. 1974, c. S-2. <i>Schools Act Regulations</i> (P.E.I.).</p>
Ontario Court Decision	<p><b>Request of the Association française des conseils scolaires de l'Ontario (AFCSO)</b> The Supreme Court of Ontario grants one of the AFCSO claims in an application for interlocutory injunction under Section 23 of the <i>Canadian Charter of Rights and Freedoms</i>. It rules that certain amendments to the <i>Education Act</i> changing the number of Anglophone and Francophone school board members is inoperative, thus maintaining the number of Francophone students enrolled as the criterion for the number of school board members. Subsequently, the Court of Appeal overturns the decision on the ground that the circumstances did not justify an interlocutory injunction.</p>	<p><i>Re Association Française des Conseils scolaires de l'Ontario v. Ontario</i> (1988), 66 O.R. (2d) 599 (C.A.). <i>Education Act</i>, R.S.O. 1980, c. 129.</p>
Yukon Legislation	<p><b>Yukon Language Legislation</b> The Yukon Legislative Assembly adopts language legislation which accepts the fact that English and French are the official languages of Canada. The legislation acknowledges the status of French and provides for services in that language in the Yukon. It also underscores the importance of native languages and states the intention of territorial authorities to take appropriate steps to preserve, develop and promote them.</p>	<p><i>Languages Act</i>, S.Y. 1988, c. 13.</p>
Quebec Court Decision	<p><b>Sheftel Case</b> The Quebec Superior Court declares null and inoperative the <i>Terms used in Chapter VIII of the Charter of the French Language Regulation</i>.</p>	<p><i>Sheftel v. Commission d'appel sur la langue d'enseignement</i>, [1988] R.J.Q. 341 (S.C.).</p>

*Year  
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Since the obvious intention of the legislature was to permit children of parents who received the major part of their education in English to attend English school, the Court rules that the narrowing of the exemption and the division of persons who received the major part of their education in English into two categories, based upon the content of the length of their elementary education, does not fall within the powers entrusted by the legislature to the executive. Moreover, the Regulation creates two categories of persons who received the major part of their education in English, thus discriminating between these categories without justification in the enabling legislation.

*Terms used in Chapter VIII of the Charter of the French Language Regulation, Décret 2820-84 of 19/12/84, (1985) 117 G.O. II 161,166.*

**1989**

**Nova Scotia  
Court Decision**

**Saulnier Case, Nova Scotia**

A Shelburne County Court judge grants a motion for acquittal brought by Daniel Saulnier, who is charged with having exceeded his fish quota contrary to the conditions stated in his permit. The decision is based on the fact that the notice of changes to permit conditions had been broadcast in English only on the fishermen's marine frequencies even though there is a marine frequency in Yarmouth that broadcasts in French.

*Saulnier v. Her Majesty the Queen, [1989] C.S.B. 2588.*

**Nova Scotia  
Court Decision**

**French-Language Education in Cape Breton**

The Nova Scotia Court of Appeal overturns two 1988 decisions by the Supreme Court of the province in the case of the Comité pour une école française à l'Île du Cap-Breton. It finds that the appellants have the right, under Section 23(3)a) of the Charter, to have their children receive primary and secondary education out of public funds in the language of the minority.

*Laurent Lavoie et al v. Attorney General of Nova Scotia, [1989] S.C.A. 02022.*

**Quebec  
Court Decision**

**Curriculum of Quebec Denominational School Boards**

A number of Protestant school boards in Quebec challenge the authority of the Minister of Education to impose curriculum. One of the major differences between Protestant school practice and the curriculum challenged is that French-language school students are taught English starting in grade 1, whereas, according to the Department's curriculum, they should begin only in grade 4.

*The Protestant School Board of Greater Montreal v. The Attorney General of Quebec, [1989] 1, R.C.S. 377.*

The Supreme Court of Canada denies the school boards' appeal, ruling that, under Section 93(1) of the *Constitution Act, 1867*, the province has exclusive jurisdiction to legislate in educational matters.

Year Jurisdiction Category	Subject	Source Reference Cross-Reference
1989 — continued		
Manitoba Court Decision	<p><b>Delegated Legislation in Manitoba</b> The Manitoba Court of Appeal rules that the two provincial orders in council drafted in English only to set up a special Commission of Inquiry on the Administration of Justice and Aboriginal People are invalid and of no effect. They constitute not simply a “rule or directive of internal management”, but delegated legislation of the Manitoba legislature affecting the public. As such, they are subject to the requirements of legislative bilingualism under Section 23 of the <i>Manitoba Act, 1870</i>.</p>	<p><i>Winnipeg Police Association v. Public Inquiry into the Administration of Justice and Aboriginal People</i>, [1989] 62 Man. R. (2d).</p>
<b>1990</b> Canada Courts		
	<p><b>Criminal Code</b> On January 1, 1990, the sections of the <i>Criminal Code</i> that allow an accused to opt for a preliminary inquiry and a trial before a judge (or judge and jury) that speaks the official language of the accused come into force across Canada. These provisions apply both to offences punishable on summary conviction and to indictable offences.</p>	<p><i>Official Languages Act</i>, S.C. 1988, c. 38, s. 96.</p>
Manitoba Court Decision Education	<p><b>Manitoba Schools Act Reference</b> The Manitoba Court of Appeal states that the present education legislation is incompatible with Section 23 of the <i>Canadian Charter of Rights and Freedoms</i> in that it sets at 23 the minimum number of children required to receive French-language education. In addition, the Court is unanimous in ruling that the Charter does not grant the minority the right to manage its own schools.</p>	<p><i>Reference Re Public Schools Act</i>, [1990] 64 Man. R. (2d) 1.</p>
Alberta Court Decision Education	<p><b>Mahé Case</b> The Supreme Court of Canada rules that, where numbers warrant, Section 23 of the <i>Canadian Charter of Rights and Freedoms</i> gives parents of the linguistic minority a right to manage and control educational institutions attended by their children. In some circumstances, depending on the number of pupils in question, an independent school board may be justified. In other instances (such as in this specific case relating to Edmonton), it may be sufficient for the linguistic minority to be represented on an existing school board.</p>	<p><i>Jean Claude Mahé v. Her Majesty the Queen</i> [1990] S.C.R. (as yet unreported).</p>
Canada Constitution	<p><b>Meech Lake Accord</b> The proposed Meech Lake constitutional accord is not ratified by the legislatures of all the provinces within the prescribed deadline.</p>	