



Department of the Secretary  
of State of Canada

Secrétariat d'État  
du Canada

Department of Justice  
Canada

Ministère de la Justice  
Canada

# OFFICIAL LANGUAGES ACT



# A GUIDE FOR CANADIANS

Canada



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**OFFICIAL  
LANGUAGES  
ACT**

**A GUIDE  
FOR  
CANADIANS**

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## FOREWORD

The *Act respecting the status and use of the official languages of Canada*, which came into force on September 15, 1988, replaced the first Act passed in 1969. The aims of the new Act are to ensure respect for the equal status of English and French in federal institutions, to enhance the vitality of the English-speaking and French-speaking minority communities, and to advance the recognition and use of the two official languages in Canada.

The *Official Languages Act* and complementary official-language policies and programs seek to ensure that services from federal institutions are available to Canadians in the official language of their choice and to promote the equitable participation of members of both language groups in these institutions, regardless of their cultural origin or mother tongue. The new Act also aims to allow those Canadians who wish to do so to benefit from the advantages of the presence of these two languages in our country.

*"It can hardly be gainsaid that language is profoundly anchored in the human condition. Not surprisingly, language rights are a well-known species of human rights and should be approached accordingly..."*

*Judge La Forest  
Supreme Court of Canada  
R. v. Mercure, 1988*



## BACKGROUND

Long before the *Canadian Charter of Rights and Freedoms* and the *Official Languages Acts* of 1969 and 1988, certain language rights were recognized by Canada's supreme law, the Constitution. Amongst these first provisions, section 133 of the *Constitution Act, 1867*, which is still in force, gives everyone the right to use English or French in the debates of the Parliament of Canada as well as in pleadings and processes before federal courts. English and French must be used in the records and journals of Parliament, and its laws must be enacted and published in both languages. At the federal level, the purpose of Section 133 was to provide equal access to the legislature, laws and the courts for the English-speaking and French-speaking public alike.

*"I have no accord with the desire expressed in some quarters that by any mode whatever there should be an attempt made to oppress the one language or to render it inferior to the other; I believe that would be impossible if it were tried, and it would be foolish and wicked if it were possible."*

*The Right Honourable John A. Macdonald,  
1890*

These basic provisions, all of which were enacted before the turn of the century, provided a specific, if incomplete, framework for the development of other measures governing the recognition and use of English and French. A major step in this direction came in 1969 when Parliament passed the first *Official Languages Act*. The legislation followed a recommendation of the Royal Commission on Bilingualism and Biculturalism (the Laurendeau-Dunton Commission) to expand the scope and application of Section 133 of the *Constitution Act* of 1867. The objective of the 1969 Act was to put English and French on an equal footing, not only in Parliament and federal courts as stipulated by Section 133, but throughout the federal government.

Another important event that changed the linguistic landscape in Canada was the enactment of the *Canadian Charter of Rights and Freedoms* in 1982. The Charter, which is part of the Constitution, contains a series of guarantees respecting the official languages that confirm or complete the earlier laws. At the federal level, the Charter stipulates that:

- English and French are the official languages of Canada;
- English and French have equal status and rights as to their use in all federal institutions;
- everyone has the right to use English or French in the Parliament of Canada;
- the laws of Parliament are to be enacted in both official languages;
- everyone has the right to use English or French in federal courts;

- members of the public have the right to be served by federal institutions in the official language of their choice, according to criteria set forth in the Charter.

As well, the Charter states that Canadian parents belonging to the English- or French-speaking minority of their province are entitled to have their children receive schooling in their own language at the primary and secondary level, according to criteria established by the Charter.

Finally, the Charter also enables Parliament and the legislative assemblies of the provinces to take other measures to advance the equality of status or use of English and French. This is precisely what Parliament did in 1988 by passing the new *Official Languages Act* to replace the 1969 statute.

*"A bilingual country...is a country where the principal public and private institutions must provide services in two languages to citizens, the vast majority of whom may very well be unilingual."*

*Book I, Official Languages, para. 29,  
Preliminary Report of the Royal  
Commission on Bilingualism and  
Biculturalism*



## KEY EVENTS IN THE OFFICIAL LANGUAGES STORY AT THE FEDERAL LEVEL

- 1867 Section 133 of the *British North America Act* (now the *Constitution Act, 1867*) permits the use of either English or French in the debates of Parliament as well as in proceedings before the federal courts. This section also provides that both languages must be used in the records and journals of Parliament, and that its laws must be enacted and published in both languages.
- "I hope that if [this grand project of Confederation] must be amended...it will not be to narrow the principles of fairness on which it is founded, but rather to enlarge them even more..."
- George-Étienne Cartier
- 1927 Postage stamps become bilingual.
- 1934 The Translation Bureau is established by an Act of Parliament.
- 1936 Bank notes become bilingual.
- 1959 Simultaneous interpretation of the debates in both languages begins in the House of Commons.
- "The measure now before us concerning the official languages is a reflection of the nature of this country as a whole, and of a conscious choice we are making about our future."
- 1963-70 The Royal Commission on Bilingualism and Biculturalism is established and produces its reports.
- The Right Honourable Pierre Elliot Trudeau  
In presenting the first Official Languages Act (1969) to the House of Commons
- 1969 The first *Official Languages Act* is passed by Parliament.
- 1973 A parliamentary resolution is adopted, dealing with the language of work and participation of members of the English-speaking and French-speaking communities in the federal Public Service.
- 1974 The *Consum. Packaging and Labelling Act* comes into force, along with regulations respecting bilingual labelling of consumer products.
- 1982 The *Constitution Act, 1982*, including the *Canadian Charter of Rights and Freedoms*, is proclaimed, containing further constitutional guarantees respecting the status and use of the official languages of Canada in federal institutions.
- "Linguistic duality and the protection of minority language rights are not abstract concepts. They are given life by legislative enactment — such as the Official Languages Act — they are given permanence and protection by the Constitution, and they are given meaning by the national will of a generous and tolerant people."
- 1988 The new *Official Languages Act* is enacted by Parliament.
- The Right Honourable Brian Mulroney  
(February 15, 1990)
- 1992 First phase of the coming into force of the *Official Languages (Communications with and Services to the Public) Regulations*.

## THE OFFICIAL LANGUAGES ACT OF 1988

### Background

The new Act was developed on the basis of certain working premises:

- The 1969 Act should be amended to bring it into line with the rights and guarantees of the Charter, and to assist the institutions of the Parliament and Government of Canada in putting into practice the principles respecting the status and use of English and French established in a number of decisions by the Supreme Court of Canada.
- The new Act would generally follow the structure of the 1969 Act, but would also provide a broader legal basis for the government's official languages policies and programs.

The new Act places the responsibility for ensuring official bilingualism on federal institutions, not on individuals. The Act recognizes that most Canadians speak one or the other official language; therefore, members of the public have the constitutional right to communicate with the federal government in that language.

The new Act differs from the old in that it not only sets out the official-language rights of the public but also clearly spells out the duties of federal institutions in respect of these rights. Each of the seven basic parts of the Act begins with either a statement of the rights or principles set out in the Constitution or with a solemn commitment by the government to the objectives it will pursue. The Act provides members of the public with administrative and legal recourse for protecting and affirming their language rights.

#### 1. Official Languages Act

##### *PURPOSE OF ACT*

#### *2. The purpose of this Act is to:*

*(a) ensure respect for English and French as the official languages of Canada and ensure equality of status and equal rights and privileges as to their use in all federal institutions, in particular with respect to their use in parliamentary proceedings, in legislative and other instruments, in the administration of justice, in communicating with or providing services to the public and in carrying out the work of federal institutions;*

*(b) support the development of English and French linguistic minority communities and generally advance the equality of status and use of the English and French languages within Canadian society;*

*(c) set out the powers, duties and functions of federal institutions with respect to the official languages of Canada.*

#### Official Languages Act

## **Parts of the Act**

The Act begins with a preamble that is followed by a section stating the purpose of the Act, a list of definitions, and 14 parts that deal with different aspects of the Act.

The **preamble** sets out the basic principles of the Canadian Constitution and federal official languages policy regarding the use, protection and promotion of English and French. Each statement in the preamble corresponds to a particular part of the Act.

The **purpose** of the Act is:

- to ensure the equality of the two official languages in all federal institutions;
- to support the development of English and French minority communities;
- to promote the use of English and French in Canadian society; and
- to describe the powers, duties and responsibilities of federal institutions with respect to the official languages.

The **definitions** serve to clarify such expressions as "federal institution", which includes the Parliament and the federal government, federal departments and agencies, as well as federal courts and Crown corporations.

## **Part I: Proceedings of Parliament**

In light of the principles of the Constitution, Part I states that English and French are the official languages of Parliament and that everyone has the right to use either language in any debates or other parliamentary proceedings. Simultaneous interpretation must be available for this purpose. The reports of debates and other proceedings of Parliament must be published in both languages.

*WHEREAS the Constitution of Canada provides that English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of Parliament and government of Canada;*

*AND WHEREAS the Constitution of Canada provides for full and equal access to Parliament, to the laws of Canada and to courts established by Parliament in both official languages...*

*Preamble  
Official Languages Act*

## Part II: Legislative and Other Instruments

Following in the footsteps of the Constitution, Part II states that all Acts of Parliament must be enacted, printed and published in both official languages. Certain official documents must be made, tabled or published in both official languages, including:

- journals and other parliamentary records;
- government regulations;
- documents produced by or for a federal institution that are tabled in Parliament (for example, an annual report of a federal department);
- rules governing federal court practice or procedure;
- international treaties;
- selected federal-provincial agreements;
- published notices or advertisements authorized by or under an Act of Parliament (for example, a notice of expropriation).

These instruments and documents must be made, enacted, printed, published or tabled simultaneously in both official languages, and both their English and French versions are equally authoritative before the courts.

*5. The journals and other records of Parliament shall be made and kept, and shall be printed and published, in both official languages.*

*6. All Acts of Parliament shall be enacted, printed and published in both official languages.*

Official Languages Act

### **Part III: Administration of Justice**

Part III begins with a statement to the effect that English and French are the official languages of the federal courts, and that everyone has the right to use either of these languages in any pleading or process issuing from any federal court. In practice, this means that every person has the right to speak or to file written briefs in his or her preferred official language in any federal court, including any federal body that exercises adjudicative functions (for example, the Competition Tribunal).

*14. English and French are the official languages of the federal courts, and either of those languages may be used by any person in, or in any pleading in or process issuing from, any federal court.*

Official Languages Act

#### ***The right of witnesses and parties to have an interpreter***

All federal courts must ensure that every witness giving evidence can be heard in his or her preferred official language without being placed at a disadvantage. Witnesses can ask for the assistance of an interpreter when proceedings of the court take place in the official language that is not their own. The parties to a case may ask the court to provide simultaneous interpretation for the proceedings. A court may, of its own accord, order the availability of simultaneous interpretation if it believes that the case is of general public interest.

#### ***The right to have a case heard in the language chosen by the parties***

In order to respect the right of the parties to choose the official language (or languages) in which the proceedings will take place, federal courts other than the Supreme Court of Canada must ensure that the persons hearing the case are able to understand proceedings conducted in English or French, or both languages, without the use of interpretation.

#### ***Administration of the courts***

This does not mean that every individual who hears a case must be bilingual. Federal courts have a duty to manage their affairs so as to ensure that judges are assigned to hear proceedings partly on the basis of their proficiency in English, French or both languages. Language training is available for judges who wish to learn the other language.

The Federal Court of Canada and the Tax Court of Canada are already subject to the requirement to ensure that the judges assigned understand the official languages used by the parties. Other courts have until September 15, 1993 to comply with this requirement.

### ***The Supreme Court***

Judges of the Supreme Court of Canada are not required by the *Official Languages Act* to be able to understand both official languages without interpretation. The Court is made up of nine judges chosen on a regional basis. Because of the importance of the issues on which they have to rule, they usually all sit at the same time. Requiring all nine justices to be able, at the time of their appointment, to understand proceedings conducted in both official languages without the use of interpretation would bar individuals from different regions of Canada from sitting on the country's highest court.

It should be noted, however, that most Supreme Court judges are, in practice, already bilingual when they are appointed. Other Supreme Court appointees usually begin a specialized language-training program at the time of their appointment to perfect their second official language skills.

### ***The federal government in civil proceedings***

When it is involved in civil proceedings before a federal court, the federal government is required to use the official language preferred by the other parties to the case. Printed forms which are served by federal institutions on parties before federal courts (a notice of appearance, for example) must be in both official languages; the details may be written in either language, but a translation must be made available on request. These requirements have been added to the provisions of the 1969 *Official Languages Act*.

### ***Decisions issued by federal courts***

Final decisions by any federal court must be made available to the public simultaneously in both official languages if the decision is of general public interest, or if the proceedings leading to the decision were conducted in whole or in part in both official languages.

### ***Provincial courts***

While provincial courts are not directly subject to the Act, the Act does make amendments to the *Criminal Code* which give every accused person the right to be tried in his or her official language in criminal proceedings before any provincial or superior court. This matter is dealt with in greater detail under Part XII.

## Part IV: Communications with and Services to the Public

Part IV deals with the public's constitutional right to communicate with and receive services from federal institutions in either official language. Like the 1969 Act, the new *Official Languages Act* requires federal institutions to make sure that their head or central offices as well as their offices in the National Capital Region respect this right.

Canadians also have the right to be served in either official language at other federal offices in Canada or abroad where:

- there is a significant demand;
- due to the nature of the office, it is reasonable to expect communications and services to be available in both English and French.

### *Regulations*

The concepts of "significant demand" and "nature of the office" are drawn from the *Canadian Charter of Rights and Freedoms* and are not defined in the Act itself. The Act states that the government may make regulations to describe the circumstances in which there is significant demand as well as circumstances where the nature of the office criterion applies.

The Regulations concerning communications with and services to the public were made on December 16, 1991. Certain provisions came into force on December 16, 1992 and all of the Regulations will be in force as of December 16, 1994.

The Regulations specify which services must be offered in English and French (for example, postal services) and clearly indicate which federal offices are required to provide services in both languages. Based on the criteria set out in the Act, the Regulations describe the situations in which services in the language of the minority are justified.

These situations exist when:

1. there is **significant demand** for those services; various rules apply, depending on whether the office in question is located in a rural area or a large city, on the size and proportion of the minority-language group in the area served, and on the level of demand for particular services;

*AND WHEREAS the Constitution of Canada also provides for guarantees relating to the right of any member of the public to communicate with, and to receive available services from, any institution of the Parliament or government of Canada in either official language;*

*Preamble  
Official Languages Act*



2. retail concessions under contract with a federal institution provide services to the travelling public at federal facilities where there is a significant demand (for example, restaurant or car rental services at major airports);

3. the nature of the federal office requires it because of its location (for example, national parks), its national or international character (for example, embassies and consulates) or because the services are related to the health, safety or security of the public in such a way that it is essential that they be available in both official languages (for example, emergency services in an airport clinic).

*Services provided by third parties*

Federal institutions must ensure that communications with and services provided to the public in Canada and abroad by third parties acting on behalf of those institutions are provided in both official languages where the institutions themselves would be required to do so. For example, an information document on federal programs published by a private company under an agreement with the federal government would have to be published in both English and French.

Federal institutions that regulate the health, safety or security activities of third parties must ensure through their regulations that communications with the public about such activities are carried out in both official languages (for example, certain airline safety measures).

*Active offer of service*

Part IV of the Act marks the first time that legislation has required federal institutions to ensure that their offices actively provide services in both official languages. Specific measures must be taken to inform the public, through oral or written material, that services are available in the official language chosen by any member of the public. Similarly, where a federal institution identifies any of its offices or facilities with signs, each sign must include both official languages, or individual signs of equal prominence in each official language must be placed together.

***Choice of means of communication***

Finally, in communications with the public in both official languages, federal institutions must choose means of communication that enable them to reach members of the public most effectively in their preferred official language.

## Part V: Language of Work

Part V contains the first legal provisions which specifically give employees of the federal government the right to use either official language in their work. The exercise of this right is subject to certain conditions; for example, in the case of conflict, the duty to provide service to members of the public in the official language of their choice prevails over the right of employees to use their preferred official language in their work.

The Act requires that federal institutions must ensure that work environments in the National Capital Region and other designated regions give employees real opportunities to work in the official language of their choice. Federal institutions must, for example, ensure that regularly and widely used work instruments as well as newly acquired computer systems can be used by employees in either official language. As well, supervisors and any management group that oversees the operation of the institution as a whole must be able to function in both official languages.

The government may designate by regulation the regions where these conditions apply, although the Act itself incorporates the regions designated by Treasury Board in 1977 for the purpose of identifying language of work: the National Capital Region; parts of northern and eastern Ontario; the Montréal area; parts of the Eastern Townships, Gaspé and West Quebec; and New Brunswick.

Elsewhere in Canada (that is, in non-designated regions), the language of internal communication will normally be either English or French, depending on which official language is predominant in a particular region. However, in situations where a minority official language is used in the workplace, federal institutions in non-designated regions must make sure that the treatment given to the minority official language in a particular region is similar to the treatment given to the other official language in a region where it is not predominant (for example, English in Quebec and French in British Columbia).

*AND WHEREAS officers and employees of institutions of the Parliament or Government of Canada should have equal opportunities to use the official language of their choice while working together in pursuing the goals of those institutions...*

*Preamble  
Official Languages Act*

*"In a diverse federal state such as Canada it, is important that all citizens should have a fair and equal opportunity to participate in the national administration and to identify themselves with, and feel at home in, their own national capital."*

*The Right Honourable Lester B. Pearson  
Declaration of Principle on Bilingualism  
Commons Debates, April 6, 1966*

## **Part VI: Participation of English-speaking and French-speaking Canadians in Federal Institutions**

The full participation of English- and French-speaking Canadians in federal institutions is not a binding obligation, but an objective that has long been part of the government's official languages policy. This means that the government is committed to ensuring that English-speaking and French-speaking Canadians have equal opportunities for employment and advancement in federal institutions, without regard to their ethnic origin or first language learned. Equitable participation also ensures that no positions are set aside exclusively for either language group.

In principle, the proportion of English- and French-speaking federal employees should reflect the presence of these communities in the Canadian population. However, the actual number of employees using either official language in a given institution will vary depending on its mandate, the public it serves and the location of its offices.

The Act states that, in meeting the objective of equitable participation of English- and French-speaking Canadians in federal institutions, the merit principle — that is, the principle of selecting personnel based on their qualifications — must continue to apply. In view of this, hiring quotas on the basis of the official language of applicants are not permitted.

*AND WHEREAS English-speaking Canadians and French-speaking Canadians should, without regard to their ethnic origin or first language learned, have equal opportunities to obtain employment in the institutions of the Parliament or Government of Canada;*

*AND WHEREAS the Government of Canada is committed to achieving, with due regard to the principle of selection of personnel according to merit, full participation of English-speaking Canadians and French-speaking Canadians in its institutions...*

*Preamble  
Official Languages Act*

## Part VII: Advancement of English and French

Part VII had no express counterpart in the 1969 *Official Languages Act*. It is based mainly on the constitutional principle that the Parliament and the legislative assemblies may promote the equality of status and use of English and French. Thus, the federal government is committed to supporting the development and enhancing the vitality of the English- and French-speaking minority communities, and to encourage the full recognition and use of both English and French in Canadian society. This part of the Act recognizes for the first time the role of the Secretary of State in co-ordinating the efforts of federal institutions in the implementation of this commitment.

As well, various initiatives and programs of the Department of the Secretary of State are designed to establish partnerships not only with a wide range of organizations representing minority official-language communities and broad sectors of Canadian society, but in particular with the provincial and territorial governments.

This recognizes a long-standing aspect of the work of the Department of the Secretary of State which, since 1970, has helped cover the costs of the provinces and territories in the field of education to provide schooling to members of the English- and French-speaking minorities in their own language and the teaching of English or French as a second language everywhere in Canada. As well, since the enactment of the new *Official Languages Act*, special efforts have been made to expand intergovernmental cooperation to include other areas of activity.

The Secretary of State tables an annual report in Parliament on the matters relating to official languages for which he or she is responsible.

*AND WHEREAS the Government of Canada is committed to enhancing the vitality and supporting the development of English and French linguistic minority communities, as an integral part of the two official language communities of Canada, and to fostering full recognition and use of English and French in Canadian society;*

*AND WHEREAS the Government of Canada is committed to cooperating with provincial governments and their institutions to support the development of English and French linguistic minority communities, to provide services in both English and French, to respect the constitutional guarantees of minority language educational rights and to enhance opportunities of all to learn both English and French...*

*Preamble  
Official Languages Act*

### **Part VIII: Responsibilities and Duties of the Treasury Board in relation to the Official Languages of Canada**

Part VIII clarifies and formally recognizes the role that the Treasury Board has, by and large, already been playing with respect to federal government departments and Crown corporations: that of ensuring the general direction and coordination of federal policies and programs. To this end, the Act gives Treasury Board the authority to issue directives and policies, and to make proposals to the government on regulations concerning communications with and services to the public, language of work and the participation of English-speaking and French-speaking Canadians (Parts IV, V, and VI of the Act). Treasury Board also monitors and audits federal institutions to ensure that they are complying with its policies, directives and regulations.

The President of Treasury Board must inform Parliament on progress in the area of official languages by tabling an annual report on official-language matters for which he or she has responsibility.

*46.(1) The Treasury Board has responsibility for the general direction and coordination of the policies and programs of the Government of Canada relating to the implementation of Parts IV, [Communications with and services to the public], V [Language of work] and VI [Participation of English-speaking and French-speaking Canadians] in [...] federal institutions...*

*Official Languages Act*

## Part IX: Commissioner of Official Languages

Part IX describes the role of the Commissioner of Official Languages, who is responsible for ensuring recognition of the status of the two official languages and compliance with the spirit and intent of the Act in all federal institutions.

The 1988 *Official Languages Act* confirms all the powers assigned to the Commissioner under the 1969 Act and strengthens his or her role as a language ombudsman — that is, the protector of citizens' rights in the area of official languages. The Commissioner is the official mandated by Parliament to receive and investigate citizens' complaints regarding the application of the Act. The Office of the Commissioner of Official Languages is not a judicial or quasi-judicial body empowered to make binding decisions, but tries to resolve disputes between complainants and institutions in a conciliatory fashion. The Office of the Commissioner reports on the results of its investigation to the institution concerned, and eventually to the Governor in Council and to Parliament. However, if the outcome of an investigation is not satisfactory and the Commissioner's recommendations are not followed by the institution concerned, the Commissioner may apply to the Federal Court of Canada for a remedy.

As well, the Commissioner has the mandate to conduct investigations in federal institutions on his own initiative, to report on his findings and to make recommendations.

The Commissioner submits an annual report to Parliament on the language situation in federal institutions.

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

Official Languages Act

## **Part X: Court Remedy**

Unlike the 1969 *Official Languages Act*, Part X of the 1988 Act empowers the Federal Court to enforce the duties imposed by the Act, and therefore ensure that the Act is respected by federal institutions. Part X applies to the sections of the Act relating to proceedings of Parliament, to most of the provisions relating to legislative and other instruments, to communications with and services to the public, and to language of work (Parts I, II, IV and V). It also applies to staffing actions, confirming long-existing policies that the official-language requirements for positions in federal institutions be established objectively.

Before seeking a remedy from the Federal Court, a complaint must first have been filed with the Commissioner of Official Languages. If the complainant is not satisfied with the results of the investigation or if the Commissioner has not reported to the complainant within six months after the complaint is filed, the complainant may then seek a court remedy. The Commissioner may also apply to the Court for a remedy with the complainant's consent and may, with leave of the Court, intervene in or appear as a party to a case.

If the Court finds that a federal institution has failed to comply with the Act, it may grant a remedy it considers appropriate and just in the circumstances.

*77.(1) Any person who has made a complaint to the Commissioner in respect of a right or duty ... may apply to the Court for a remedy under this Part.*

### *Official Languages Act*

*"Linguistic duality has been a longstanding concern in our nation. Canada is a country with both French and English solidly embedded in its history. The constitutional language protections reflect continued and renewed efforts in the direction of bilingualism. In my view, we must take special care to be faithful to the spirit and purpose of the guarantee of language rights enshrined in the Charter."*

*Chief Judge Brian Dickson  
Supreme Court of Canada  
Société des Acadiens v. Association of  
Parents, 1986*



## Part XI: General

As the title suggests, Part XI contains various general provisions:

- Parts I through V of the Act prevail over all other federal statutes or regulations, except the *Canadian Human Rights Act*, because the basic principles which underlie these parts of the Act are drawn directly from the Constitution. In the event of conflict between the *Official Languages Act* and the *Canadian Human Rights Act*, the courts would apply the normal rules of interpretation to determine the intent of the legislation and resolve the conflict.
- The Act does not affect any existing or future rights granted to languages other than English and French.
- Part XI also sets out measures governing consultation on proposed regulations, their tabling in Parliament and their publication.
- The role of the Parliamentary Committee on Official Languages is described: the Committee will review on a permanent basis the administration of the Act and the regulations under it.
- Official language requirements may not be applied to a staffing action in a federal institution unless they are objectively required to perform the duties of the position being staffed.

*AND WHEREAS the Government of Canada recognizes the importance of preserving and enhancing the use of languages other than English and French while strengthening the status and use of the official languages...*

*Preamble  
Official Languages Act*

## Part XII: Related Amendments

Part XII of the Act has amended and clarified the *Criminal Code* with respect to the language of the accused. Since January 1, 1990, any accused person in any province or territory has the right to be tried before a judge, a justice of the peace, a provincial court judge, a superior court judge or a judge and jury in the official language which is the language of the accused, or in which the accused can best give testimony.

Other corollary rights include:

- the prosecutor and the presiding judge at the preliminary inquiry must be able to speak the official language of the accused;
- the accused and counsel for the accused have the right to use either official language during the preliminary inquiry and trial, including argument;
- witnesses have the right to give evidence in either official language;
- the court is required to make interpreters available to assist the accused, counsel for the accused and witnesses;
- the record of the preliminary inquiry and the trial must include a transcript of everything that was said during the proceedings in the official language in which it was said, and a transcript of any interpretation as well as all documentary evidence in the official language in which it was tendered;
- the trial judgement, including the reasons for judgement, issued in writing in either official language, is to be made available by the court in the official language of the accused.

Court forms set out in the *Criminal Code* — for example, summonses and warrants — must be printed in both official languages.

Territorial legislation dealing with official-language rights and services in the North is entrenched in the *Northwest Territories Act* and the *Yukon Act*.

## Parts XIII and XIV

These parts contain consequential amendments, transitional provisions (most of which have now expired) and other formal provisions.

*"The true reward for the patriotism and the generosity of those who have dedicated themselves to linguistic equality will come from the next generation of Canadians. From young men and women who are — today — the first generation to have grown up with a vision of bilingualism as an opportunity in a Canada that is proud of its past and confident in its future. We will make significant progress but theirs will be the generation of durable unity and equality. And Canada will emerge the stronger because of it."*

*The Right Honourable Brian Mulroney,  
1989*

## **FOR FURTHER INFORMATION**

*Various federal institutions have specific responsibilities in official languages, and will be pleased to answer your questions.*

*The Commissioner of Official Languages* — responsible for promoting and ensuring compliance with the *Official Languages Act*. The Commissioner closely monitors progress in the federal government. The Commissioner is also an ombudsman and citizen's advocate, to whom you may appeal if you feel your language rights have not been respected.

Commissioner of Official Languages  
110 O'Connor Street  
Ottawa, Ontario  
K1A 0T8  
(613) 996-6368

*Treasury Board* — central agency responsible for developing and coordinating federal policies and programs regarding service to the public, language of work and the equitable participation of English-speaking Canadians and French-speaking Canadians in federal institutions.

Treasury Board  
L'Esplanade Laurier Building  
140 O'Connor Street  
Ottawa, Ontario  
K1A 0R5  
(613) 957-2400

*Public Service Commission* — central agency responsible for the administration of the *Public Service Employment Act*. The Commission promotes the equitable representation of both official language groups, and is responsible for the provision of language training in English or French to public servants.

The Public Service Commission of Canada  
L'Esplanade Laurier Building  
300 Laurier Avenue West, West Tower  
Ottawa, Ontario  
K1A 0M7  
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*Department of Justice Canada* — responsible for advising the government on legal issues respecting the status and use of the official languages in federal institutions and advising on the legal position of the government in language rights matters brought before the courts.

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*Department of the Secretary of State of Canada* — encourages Canadians to take advantage of the presence of English and French in Canadian society, supports the minority official-language communities and voluntary organizations dedicated to promoting the official languages. It also cooperates with the provincial and territorial governments in promoting the two official languages.

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