Office of the Commissioner of Official Languages
Commissariat aux langues officielles

PROTECTING LANGUAGE RIGHTS:

Overview of the Commissioner's Interventions in the Courts (2018–2025)

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FOREWORD

Here I am—already at the end of a seven-year mandate as Commissioner of Official Languages, during which great progress has been made in terms of language rights in Canada.

As the cases I participated in—either as a party or intervener—throughout my mandate show, I have not hesitated to appear in court to both protect language rights and advance jurisprudence in this area.

Unsurprisingly, I have been involved in many cases involving my enabling statute, defending fundamental rights such as access to the courts in the official language of one's choice, the public's right to receive services and communications in the official language of their choice, the right to work in the official language of one's choice in the public service and the vitality of official language minority communities.

Like my predecessors, I also took every opportunity to make innovative arguments before the Supreme Court of Canada regarding the right to minority-language education, as is constitutionally protected by section 23 of the *Canadian Charter of Rights and Freedoms*.[1]

Lastly, twice before the Supreme Court of Canada, I helped protect access to the courts in the official language of one's choice under section 530 of the Criminal Code.

Reflecting on all these cases, I am finishing out my mandate with cautious optimism about the protection of language rights for individuals and official language communities in Canada.

> I am now passing the torch to my successor, who will lead a new chapter in the protection of the language rights of litigants in Canada.

While I recognize that our system of government is made up of the executive, legislative and judicial branches, I also recognize that the courts play a vital role in protecting minority language rights. As the Supreme Court of Canada recognized in the *Mahe* decision, "minority language groups cannot always rely upon the majority to take account of all of their linguistic and cultural concerns."[2]

Since the majority—and the governments that represent it—cannot always fully appreciate the needs of linguistic minorities, it is vital that the courts continue to protect the rule of law and the Canadian Constitution.

It goes without saying that many new questions of interpretation will arise following the modernization of the Act and the imminent adoption of the *Use of French in Federally Regulated Private Businesses Act*.[3] I am now passing the torch to my successor, who will lead a new chapter in the protection of the language rights of litigants in Canada.

Raymond Théberge
Commissioner of Official Languages

1. *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act*, 1982, being Schedule B to the *Canada Act,* 1982 (U.K.), 1982, c. 11 [*Canadian Charter of Rights and Freedoms*].
2. *Mahe v Alberta*, [1990] 1 SCR 342, at p. 372 [*Mahe*].
3. *Use of French in Federally Regulated Private Businesses Act*, S.C. 2023, c. 15, s. 54.

INTRODUCTION

It is essential to continually reflect on the Commissioner of Official Languages of Canada's role before the Courts as an ombudsperson and protector of language rights. The Commissioner of Official Languages' involvement—and that of his predecessors—in various legal proceedings has helped establish a rich body of language rights jurisprudence on which individuals and official language communities can rely to assert their guaranteed rights.

Building on this, this report updates the previous report, "*Protecting Language Rights: Overview of the Commissioner's Interventions in the Court 2006–2016*," that Commissioner Fraser prepared toward the end of his mandate. As such, it is still intended to be of benefit to the public, federal institutions and governments—federal and provincial—that find themselves before the courts in language rights cases.

This report highlights the history of the *Official Languages Act* and the Commissioner of Official Languages' court appearances, highlighting five key events in the Act's history, culminating—most recently—in the modernization of the Act and the Commissioner's powers. It highlights some of the landmark cases of previous commissioners, including—in **Appendix B**—a list of cases in which commissioners have intervened since the *Canadian Charter of Rights and Freedoms*.

This report looks back at my tenure as Commissioner, examining the 13 cases I have been involved in over the past 7 years. The relevant statistics for these cases can be found in **Appendix A**.

Lastly, this report aims to outline the various types of recourse available to the Commissioner, highlighting the considerations specific to each type of court intervention. The report transparently explains *when* and *how* the Commissioner may find themselves before the courts.

Looking both to the past and toward the future, this report highlights the significant progress made over the years and calls on my successor to be vigilant in ensuring that the language rights acquired and protected in Canada remain so.

> The Commissioner's involvement [...] in various legal proceedings has helped establish a rich body of language rights jurisprudence...

Chapter I

HISTORICAL OVERVIEW OF THE *OFFICIAL LANGUAGES ACT* AND REMEDIES

A. FIVE KEY EVENTS IN THE HISTORY OF THE *OFFICIAL LANGUAGES ACT*

1969 – Adoption of the first *Official Languages Act*

In response to one of the recommendations of the Royal Commission on Bilingualism and Biculturalism, the federal government passed the first-ever *Official Languages Act* (the Act) in 1969. The Act established English and French as the country's official languages, with equal status in federal institutions, and guaranteed Canadians the right to receive services from federal institutions in the official language of their choice.

It was this very first Act that created the position of Commissioner of Official Languages of Canada (the Commissioner), an Officer of Parliament whose role is to promote compliance with the Act and oversee its implementation.

However, the 1969 Act gave neither complainants nor the Commissioner the power to take legal action to compel a federal institution to uphold the public's language rights.

1982 – Adoption of the *Canadian Charter of Rights and Freedoms*

The enactment of the Charter in 1982 naturally led to constitutional rights cases. There are a number of sections in the Charter that guarantee and strengthen the language rights of Canadians, including the right to use one's official language of choice in Parliament,[4] in federal courts[5] and in communications with federal institutions,[6] as well as the right of official language minority parents to have their children taught in their language.[7]

Because of these constitutional provisions, individuals and communities are able to actively organize in order to assert their language rights, and the Commissioner can stand with them by intervening in constitutional language rights cases.

1988 – Adoption of the new *Official Languages Act*

However, it was not until 1988 that the Parliament of Canada strengthened the Act to the point that it became enforceable.[8] As the late Senator Jean-Robert Gauthier remarked, thanks to Part X of the new Act, individuals or groups "who feel their [language] rights have been breached will at least be entitled to legal recourse, which means they may be heard by a court and seek redress."[9]

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4. *Canadian Charter of Rights and Freedoms*, supra note 1, s. 17.
5. *Canadian Charter of Rights and Freedoms*, supra note 1, s. 19.
6. *Canadian Charter of Rights and Freedoms*, supra note 1, s. 20.
7. *Canadian Charter of Rights and Freedoms*, supra note 1, s. 23.
8. *Official Languages Act*, R.S.C 1985, c. 31 (4th Supp.), s. 77 [OLA].
9. Jean-Robert Gauthier, *Excerpts from Hansard – Debates on Bill C-72 (amending the 1969 OLA)*, Canada, House of Commons Debates, 33rd Parliament, 2nd Session, February 8, 1988, p. 12712.

Since 1988, the Commissioner has also been able to invoke the Act to intervene in cases relating to the status and use of English or French, allowing them to intervene in all cases relating to the language rights guaranteed by the Act, the Charter, the Criminal Code, or in other provincial or territorial cases.[10]

2005 – Adoption of amendments to the *Official Languages Act*

In 2005, following the events that led to the Federal Court of Appeal's decision in the *Forum des Maires* case,[11] which confirmed the declaratory nature of Part VII of the Act as it stood at the time, the late Senator Jean-Robert Gauthier's efforts and perseverance to have the Act amended paid off. Parliament finally amended the Act, making Part VII of the Act—Advancement of Equality of Status and Use of English and French—enforceable, imposing on all federal institutions the obligation to take positive measures and empowering the courts to order a remedy in the event of a failure to comply with Part VII.

2023 – Modernization of the *Official Languages Act*

The Act was finally modernized in 2023, following extensive engagement by various official language community stakeholders.

The Act now includes clearer provisions and better-defined obligations to ensure that federal institutions meet their official languages obligations. The Act also introduces a complete overhaul of Part VII, which deals with the advancement of equality of the official languages and the minority communities that speak them.

The modernized Act of 2023 also grants the Commissioner new powers to allow for greater compliance by federal institutions with the Act. In addition to these powers, there are new legal remedies the Commissioner may use at their discretion. These powers are discussed in section III of this report.

B. MY PREDECESSORS IN COURT (1983–2018)

i. A few landmark cases

From 1983 to 2018, all my predecessors intervened in language rights-related legal cases. These cases have resulted in significant decisions that have provided the courts the opportunity to define the scope of language rights and specify governments' obligations regarding their implementation. **Appendix B** contains a list of these cases. Nevertheless, I would like to highlight just a few of the many landmark cases that have advanced language rights.

In 1983, Commissioner Yalden intervened in *Reference re Education Act of Ontario and Minority Language Education Rights*[12] to assert that the legislation violated the right of parents in the Franco-Ontarian community to exercise management and control over French-language educational institutions. In 1984, the Ontario Court of Appeal sided with the parents and the Commissioner and described the judicial and legislative powers with respect to the protection of Canadians' language rights.

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10. OLA, supra note 8, s. 78(3).
11. *Forum des maires de la Péninsule acadienne v Canada (Food Inspection Agency)*, 2004 FCA 263, [2004] 4 FCR 276.
12. *Reference re Education Act of Ontario and Minority Language Education Rights* (1984), 10 D.L.R. (4th) 491.

> As the Court noted, minority education plays a "vital" role "in preserving and encouraging linguistic and cultural vitality."

The discussion of management and control rights continued in 1986, when Commissioner Fortier intervened before the Alberta Court of Appeal and then again before the Supreme Court of Canada in the *Mahe* case.[13] In this case, the Supreme Court emphasized the remedial purpose of section 23 of the Charter, pointing out that the provisions pertaining to language rights, including those relating to the right to instruction in the minority language, were intended to preserve Canada's two official languages and the cultures they represent.[14]

As the Court noted, minority education plays a "vital" role "in preserving and encouraging linguistic and cultural vitality."[15] Section 23 is thus "a linchpin in this nation's commitment to the values of bilingualism and biculturalism."[16]

To this day, that decision is still frequently cited in litigation on language rights. Furthermore, as we well know, the right to manage and control education and schools is still crucially important to linguistic minorities, as it protects a certain sphere of decision-making "by" and "for" minority communities. As the Supreme Court recognized in this case, for linguistic minorities, managing and controlling their education, "is vital to ensure that their language and culture flourish."[17] The Court actually went so far as to say that the health and survival of the minority language and culture can be affected in subtle but important ways by decisions relating to various educational management issues, such as curricula, hiring and spending.[18]

In 1991, Commissioner Fortier intervened in the *Viola* case,[19] which established that the Act "is not an ordinary statute. [...] It belongs to that privileged category of quasi-constitutional legislation which reflects 'certain basic goals of our society' and must be so interpreted 'as to advance the broad policy considerations underlying it.'"[20]

In 1999, Commissioner Goldbloom intervened in the *Beaulac* case,[21] which was a turning point in the interpretation of language rights in Canada. In this decision, the Supreme Court of Canada said that—in all

13. *Mahe*, supra note 2.
14. Ibid, p. 362.
15. Ibid, p. 350.
16. Ibid.
17. Ibid, p. 372.
18. Ibid.
19. *Canada (Attorney General) v Viola*, [1991] 1 FC 373.
20. Ibid, p. 386.
21. *R v Beaulac*, [1999] 1 S.C.R. 768.

cases—language rights must be interpreted purposively, in a manner consistent with the preservation and development of official language communities in Canada, thus ruling out any restrictive interpretation of language rights.[22] The Supreme Court added that the principle of substantive equality is the applicable standard for language rights, which means that "language rights that are institutionally based require government action for their implementation and therefore create obligations for the State."[23] Indeed, "language rights are not negative rights, or passive rights; they can only be enjoyed if the means are provided."[24] *Beaulac* is a key decision in the interpretation of section 530 of the *Criminal Code*, which guarantees the right of the accused to be tried in the official language of their choice.

Commissioner Fraser's participation as co-appellant in *DesRochers*[25] also clarified the concept of substantive equality in government services. In this case, the Supreme Court upheld the interpretation of the Commissioner, Mr. DesRochers and CALDECH, confirming that members of the public have the right to obtain services of equal quality and that federal institutions must take into account the nature and purpose of the services they offer to Canadians when defining the scope of their linguistic obligations.

As this brief overview of key cases shows, the Commissioners of Official Languages have always contributed to important language-related cases in Canada. Their contributions—whether as parties or interveners—are essential to carrying out their mandate, which is to take all necessary measures to ensure that the status of each official language is recognized and uphold the spirit and intent of the Act in the administration of federal institutions' affairs, including the advancement of English and French in Canadian society.

22. Ibid, at para 25.

23. Ibid, at para 24.

24. Ibid, at para 20.

25. *DesRochers v Canada (Industry)*, 2009 SCC 8, [2009] 1 S.C.R. 194.

Chapter II

COMMISSIONER THÉBERGE'S CASES (2018–2025)

While carrying out my mandate, I have focused on using the courts effectively to promote the equal status of both official languages and encourage greater respect for the Act and its spirit. This has allowed me to identify a series of cases in which I have been able to have a tangible and positive impact on the language rights of Canadians.

A. CASES RELATED TO THE *OFFICIAL LANGUAGES ACT*

Unsurprisingly, during my time as Commissioner, I have intervened several times in cases relating to various parts of my enabling legislation. It is very important for me to intervene in these types of cases, as I must take the necessary measures to ensure the obligations in the Act are met.

For a detailed summary of all the cases I have been involved in, you may click on the hyperlinks in this document.

i. Access to the courts in the official language of one's choice

I intervened before the Supreme Court of Canada in *Mazraani v Industrial Alliance*[26] to put forward an interpretation of Part III of the Act that would clear the way for federal courts to respect the language rights of parties and witnesses at all times.

As the Supreme Court concluded, the language rights of several individuals had been breached before the Tax Court of Canada (TCC) in this case, given the judge's insistence that witnesses and Industrial Alliance's lawyer address the court in English to facilitate Mr. Mazraani's understanding. However, the Supreme Court rectified the situation by stating very clearly—and unanimously—that the judge could not impose the official language chosen by one of the parties on the others. In this respect, the very first paragraph of the Court's judgment is revealing:

> In Canada, the right to speak in the official language of one's choice in certain courts is a fundamental and substantive right that is recognized in both constitutional and quasi-constitutional laws. Any person who appears in the courts in question must be able to exercise this right freely. When a person asks a judge of one of these courts for permission to speak in the official language of their choice, the judge's answer must be yes.[27]

26. *Mazraani v Industrial Alliance Insurance and Financial Services Inc.*, 2018 SCC 50, [2018] 3 S.C.R. 261.
27. Ibid, at para 1.

Moreover, the Supreme Court also noted that Mr. Mazraani's language rights had been violated as well, although Mr. Mazraani had not raised this point. The judge had not informed him of his right to an interpreter to understand the testimony of the parties and witnesses who wished to testify in French. Yet, according to the Court, the judge must inform a party of their right to an interpreter when another party or witness will be speaking in an official language other than the one chosen by the party. In other words, a party's decision not to avail itself of its right to an interpreter must not be used to compel other parties, witnesses or lawyers to speak in that party's official language.

The impact of this decision is undoubtedly significant.

The Court's reasons could not have been clearer: the federal court—particularly the presiding judge—is responsible for ensuring that the language rights of the parties, witnesses and anyone else appearing in court are respected. Contrary to what happened before the TCC, a judge simply cannot ask someone to speak in an official language other than that of their choice. Such a request constitutes a violation of the language rights set out in section 14 of the Act, section 19 of the Charter and section 133 of the Constitution Act, 1867.

This is because—ultimately—the right protected by the provisions in question is that of *choosing* the official language to use in court. As the Supreme Court clearly stated, this choice must be free and informed.

With regard to the remedy granted, the Supreme Court confirmed that when the language rights of a party or their lawyer are violated, the appropriate remedy is generally a new hearing, which is precisely what the Court ordered in this case.

I'm delighted with the clear message this decision sends to the federal courts about **everyone's** right to justice in the official language of their choice. Since this decision, I believe that federal courts are better prepared and equipped to serve Canadians in the official language of their choice.

ii. Airport context and the rights of members of the public

Like my predecessors, I have had to intervene on several occasions during my time as Commissioner in cases relating to Part IV of the Act (communications with and services to the public), with respect to airports and air travel.

While the public's language rights were clearly meant to be upheld amid the transfer of public airports,[28] in reality, there is evidence of a misguided and restrictive interpretation of the Act on the part of many entities that serve the travelling public. Airport authorities and air carriers are frequently in contact with members of the public, which explains in part the high number of complaints received about them. However, it is

28. For example, the Saint John's International Airport Authority (SJIAA) is deemed to be a federal institution and is—therefore—subject to Part IV of the Act by virtue of section 4 of the *Airport Transfer Act*, SC 1992, c. 5 (ATA). The ATA was adopted to allow the government to transfer certain Transport Canada-operated airports to private organizations while ensuring the continuity and full implementation of certain parts of the Act, notably Part IV, which governs language obligations with respect to communications with and services to the public. The St. John's airport was leased to SJIAA in 1998.

also true that some of these entities put forward restrictive interpretations of the Act. These disappointing interpretations make my investigative work much more difficult and stand in the way of full respect for the public's right to communicate and receive services in the official language of their choice.

Based on the favourable decisions rendered during my mandate, I am nevertheless hopeful that my airport-related interventions will protect the rights of the travelling public across the country, now and in the future. In this respect, I must acknowledge the courage and sustained efforts of Mr. Thibodeau. Without his help, we would not have been able to achieve these jurisprudential advances. The Federal Court noted that language rights advocates such as Mr. Thibodeau contribute to the "institutional conscientization" of federal institutions.[29]

1. Safety-related signage in both official languages

In *Michel and Lynda Thibodeau v Air Canada*,[30] I intervened to ensure the recognition of the nature and scope of the substantive equality between the two official languages in terms of communications and service delivery. In its ruling, the Federal Court reaffirmed that substantive equality is the standard for language rights. More importantly, the Court accepted my argument that there are four components to substantive linguistic equality: equality of *status*, equality of *access*, equality of *use* and equality of *quality* for members of Canada's two official language communities:

> As the Commissioner notes, equality between the official languages has four components. Section 16 of the Charter and section 2 of the Act provide that English and French have equality of status and equal rights and privileges as to their use. Equality of access and equality of quality derive from the *Beaulac* decision, which deals with the nature of linguistic obligations, specifying that "substantive equality is the applicable standard in Canadian law," so that there must be "equal access to services of equal quality for members of both official language communities in Canada" (*Beaulac*, para. 22).[31]

29. *Thibodeau v Greater Toronto Airports Authority,* 2024 FC 274, at para 77 [GTAA].
30. *Thibodeau v Air Canada,* 2019 FC 1102.
31. Ibid, at para 40.

Based on this analysis, the Court concluded that the size difference of the words "EXIT" and "SORTIE" on a public sign affirms the predominance of English over French, which violates the principle of equal status. As for the unilingual use of the word "LIFT" on seat belts, the Court did not hesitate to find that Air Canada's unilingual use of a message to its passengers violates the Act.

I am very satisfied with this ruling, which has made it possible to prescribe the components of substantive equality that will serve as a reference grid in interpreting the Act. I am also satisfied that this decision has addressed certain inequalities that exist in Air Canada's approach to communications and service delivery. I believed that it was essential for the Court to adopt an interpretation of the Act that confirms and applies the principles of substantive equality to ensure that all communications from a federal institution subject to obligations under the Act and aimed at the public can be provided in both official languages.

2. The true scope of airport authorities' obligations

In *Thibodeau v St. John's International Airport Authority*,[32] my intervention concerned the interpretation of section 4 of the *Airport Transfer (Miscellaneous Matters) Act*[33] (the ATA), as well as section 22 of the Act and the term "travelling public" in section 23 of the Act. I am delighted that the Federal Court upheld the arguments I made in my intervention and also found that SJIAA's social media and website were predominantly English, contrary to the Act.

With regard to the interpretation of section 22 of the Act, the Court rejected SJIAA's argument that, by virtue of section 4 of the ATA, airport authorities would have no head or central offices[34] and would—therefore—be exempt from any head office obligations prescribed by section 22 of the Act. Instead, the Court validated that section 22 of the Act applies to the head offices of airport authorities, which are required to provide communications and services to the public in both official languages:

> I think the Commissioner is right. His proposed interpretation is in line with the wording of section 4 and with the scheme and object of the ATA. SJIAA's proposed interpretation—on the other hand—ignores the text and structure of section 4.[35]

With regard to the definition of the "travelling public" in section 23 of the Act, the Court rejected SJIAA's proposed definition, which was based on a narrow interpretation of the term, in favour of a broad and liberal interpretation to ensure that those with the right to be served in French or English include not only those who are travelling, but also those who use the services with the intention of travelling.

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32. 2022 FC 563.
33. ATA 1992, c. 5.
34. The term "head office" is used to refer to head or central offices.
35. *Thibodeau v St. John's International Airport Authority*, 2022 FC 563, at para 26.

In confirming that my interpretation of the Act is correct, the Court has ensured that federal institutions cannot shirk their duty of ensuring their communications with the public are available in both official languages by targeting a more limited audience. The Court's decision in this case ensures Canadians and federal institutions have a clear, fair and predictable language regime.

SJIAA appealed the Federal Court's decision. The Federal Court of Appeal rendered its decision in November 2024, upholding the trial decision.[36] I am particularly pleased with this result, which should put an end to the divergent interpretations of how Part IV of the Act applies to airport authorities and of the definition of travellers.

I would also like to add that the wording of section 23 of the Act was amended when the Act was modernized in 2023—in line with some of my recommendations—to specify that the duties imposed on federal institutions serving the travelling public include those under section 22 of the Act.

3. A broad and liberal interpretation of the Official Languages Regulations

Lastly, in *Michel Thibodeau v Greater Toronto Airports Authority*,[37] Mr. Thibodeau's allegations concerned unilingual signage and advertising by two third-party service providers for the Greater Toronto Airports Authority (GTAA), namely CIBC and the Booster Juice restaurant. The issue before the Court in that case was the interpretation to be given to section 12 of the *Official Languages (Communications with and Services to the Public) Regulations*[38] (the Regulations) relating to contracted services.

My intervention aimed to counter GTAA's literal and restrictive interpretation of the Regulations, according to which any general signage not explicitly about a prescribed service would not be subject to the Act. In other words, GTAA argued that banking services advertising associated with CIBC's trademark, such as "bank before you fly" and "come bank with us," constituted general advertising that would not be covered by subsection 12(1) of the Regulations. As for the Booster Juice complaint, GTAA argued that the "FIT & FUN ZONE" sign was an advertisement for the playground and not for its restaurant services, and that there was therefore no obligation in connection with this service.

The Court rejected GTAA's argument that would essentially have permitted contractors to circumvent the language requirements with general advertising. The Court concluded that CIBC's general advertisements and Booster Juice's sign at the entrance to the play area could not be dissociated from the regulatory services in question. In both cases, the signage aims to attract travellers to a service listed in the Regulations; therefore, it must be offered in both official languages.

36. *St. John's International Airport Authority*, 2024 FCA 197.
37. GTAA, supra note 29.
38. SOR/92-48.

The Court ultimately used the test we put forward, which involves using objective indicators to analyze the service in the complaint according to its nature, function and proximity to a prescribed service to determine whether it must be offered in both official languages.

This decision is very important, as it is a confirmation that the Act and its regulations and policies form a comprehensive legal framework. As such, it confirms that the principles of interpretation that apply to the Act also apply to its Regulations. Like the Act, the Regulations must be given a broad and liberal interpretation, in keeping with their objectives. According to the Federal Court, the purpose of the Regulations cannot be dissociated from that of the Act—a quasi-constitutional law that seeks to implement the fundamental values of the Charter with respect to bilingualism:

> I am convinced that, if the Act is intended to clarify and develop constitutional rights, its Regulations must be recognized as a key instrument for implementing the fundamental values in the Act and the Charter [...].
>
> Because the Act is quasi-constitutional in nature, the Regulations must be interpreted using a purposive approach including the same broad and liberal interpretation applicable to language rights.[39]

I am proud of this intervention, which has led to a landmark decision on the interpretation of language rights, especially since the Court's findings will apply to the interpretation of all regulations made under the Act. As with *Thibodeau v St. John's International Airport Authority*, this decision creates a clear framework, allowing the public to better understand the scope of their rights and assert them when they are breached.

iii. Language of work in federal institutions

The Federal Court of Appeal's decision in the *Dionne* case[40] is a real relief to me, as it overturns a Federal Court judge's decision that unduly limited the scope of the fundamental principles of language rights interpretation established ever since *Beaulac*. The Federal Court judge's decision in this case would have had a detrimental impact on all language rights across the country, which is why I participated in this case not as an intervener, but as a co-appellant with Mr. Dionne.

In allowing the appeal, the Court determined that the Office of the Superintendent of Financial Institutions failed in its duty to take measures to establish and maintain a work environment that is conducive to the effective use of both official languages, as required by subsection 36(2) of the Act.

39. GTAA, supra note 29, at para 38.

40. *Canada (Commissioner of Official Languages) v Office of the Superintendent of Financial Institutions*, 2021 FCA 159.

The *Dionne* decision is very useful, as it clarifies what constitutes "services that are centrally provided" under subsection 36(1) of the Act. Creating a precise test gives us much greater certainty in determining which services must be offered to employees in both official languages. With regard to subsection 36(2) of the Act, the Court of Appeal reinstated and adopted the Court's interpretation in *Tailleur*[41]—a case in which my predecessor intervened—that the phrase "such measures … as can reasonably be taken" means all measures that are reasonable to take and that a federal institution must consider and adopt to create a work environment that is conducive to the use of both official languages.

Employees of federal institutions can rely on the presumption that individuals have the right to perform all their duties in the official language of their choice and that the use of both official languages is the standard for all the institution's activities. Any deviation from these principles must be an exception. Lastly, workplace bilingualism obligations are the responsibility of federal institutions, not their staff. I will continue to investigate Part V complaints vigilantly in light of the Federal Court of Appeal's teaching in this decision.

iv. Community vitality

The Federal Court of Appeal's *FFCB* decision[42] is a landmark decision in the progress toward equality for official language minority communities.

In this case, the Federal Court of Appeal overturned the trial decision, which unduly limited the scope of Part VII of the Act. As the Court of Appeal noted, the trial decision rendered Part VII meaningless.[43] The Part VII investigations my office conducted following the Federal Court's decision and prior to the Federal Court of Appeal's ruling show the negative impact the trial decision had on the implementation of the government's commitments to official language minorities and official languages.

Fortunately, since the Federal Court of Appeal's decision, it has become very clear in my investigations that federal institutions must carry out a two-step analysis, which—first and foremost—requires an impact analysis of federal institutions' decisions that may affect government commitments. Next, institutions are required to act, taking positive measures to implement the government's commitments. When a decision or initiative is likely to adversely affect these commitments, the federal institution must take steps to offset or mitigate the negative impacts. These are clear and specific duties that will ensure the government's commitments are implemented effectively, particularly with regard to the development and vitality of linguistic minorities.

What makes the Court of Appeal's decision even more significant is that the analytical framework in question was added to the Act when it was modernized in 2023. In fact, Part VII is one of the parts of the Act that has undergone the most changes since its modernization, to the point where it can be said that Part VII has been truly reformed.

41. *Tailleur v Canada (Attorney General)*, 2015 FC 1230.
42. *Canada (Commissioner of Official Languages) v Canada (Employment and Social Development)*, 2022 FCA 14.
43. Ibid, at para 145.

I welcome the Court of Appeal's decision—a concrete step in the advancement of substantive equality in Canada. I also commend the government for taking the opportunity to codify these advances within a modernized Part VII. This decision, along with the amendments to Part VII that have codified and improved it, will ensure that federal institutions consider the vitality of official language minority communities when making decisions that affect them.

B. CASES PERTAINING TO SECTION 23 OF THE *CANADIAN CHARTER OF RIGHTS AND FREEDOMS*

Building on the expertise my office has acquired over the years, I regularly intervene in the courts when a case involves education in the minority language, which is protected by section 23 of the Charter. During my mandate, I intervened in two Supreme Court of Canada cases pertaining to section 23 of the Charter.[44]

One of these cases—*CSFCB*—was a colossal legal recourse in British Columbia about minority-language schools in the province.

It all began in 2010, when the Conseil scolaire francophone de la Colombie-Britannique, the Fédération des parents francophones de la Colombie-Britannique and three parents who are rights holders under section 23 of the Charter took the Province of British Columbia to court. They alleged that several aspects of the funding of the education system in British Columbia penalized the official language minority community and infringed on its section 23 rights.

In this landmark decision, a majority of the Supreme Court of Canada granted the appellants' appeal in part. The majority clarified and confirmed the analytical framework applicable to section 23 of the Charter, ruling on a number of key issues for linguistic minorities, including the concept of ***sliding scale*** (identifying situations where the number of children of rights holders weighs in favour of homogeneous minority schools and the management and control of such schools), ***substantive equivalence*** (the principle that minority schools must be equivalent to majority schools), the interaction between ***sections 1 and 23 of the Charter***, and appropriate ***remedies*** for violations of this constitutional right.

This decision is not only a major victory for British Columbia communities but also a victory for all minority communities in Canada—including Quebec—that are trying to assert their right to education in their own language. This decision answers many long-standing questions and provides a roadmap for governments who—I hope—will follow the Court's precedent and quickly grant communities the minority-language educational facilities to which they are entitled.

I'm delighted to have been able to contribute, albeit in a minor way, to the communities' success in this matter.

44. *Conseil scolaire francophone de la Colombie-Britannique v British Columbia*, 2020 SCC 13, [2020] 1 SCR 678 [*CSFCB*]; *Commission scolaire francophone des Territoires du Nord-Ouest v Northwest Territories (Education, Culture and Employment)*, 2023 CSCFTNO 31 [CSFTNO].

> This decision is not only a major victory for British Columbia communities but also a victory for all minority communities in Canada—including Quebec—that are trying to assert their right to education in their own language.

The other case, *CSFTNO*,[45] dealt with education ministers' duty to consider the values of section 23 of the Charter when deciding whether to admit the children of non-rights holder parents. Again in this case, the positive impacts of the Supreme Court ruling can be felt across the country.

The Supreme Court of Canada's decision—which recognizes that the minister should have considered the values of section 23 of the Charter when exercising her discretion to admit children of non-rights holder parents to French-language schools—will help fight against the linguistic erosion suffered by Canada's official language minority communities and support particularly vulnerable communities, such as those in the Northwest Territories. This decision ensures that governments will consider the values of section 23 of the Charter when making decisions that could affect minority-language education.

As the Supreme Court recognized, minority language education is fundamental to the full development of these communities, and official language minority community schools are the most important institution for their survival, as well as a key source of information for governments. This decision helps value the community's view of its own needs and objectives.

C. SECTION 530 OF THE CRIMINAL CODE AND CRIMINAL LAW

During my mandate, I also intervened twice in criminal cases before the Supreme Court of Canada. Both of these interventions had the same objective: to ensure that accused persons, who find themselves in a vulnerable position because of a major power imbalance, have easy access to the courts in the official language of their choice. In both the *Bessette*[46] and *Tayo Tompouba* cases,[47] I expressed that the right to be tried in the language of one's choice is one of the most fundamental rights and that breaching this right is unacceptable.

I am very pleased with the Supreme Court of Canada's decision in the *Bessette* case, as it upholds the importance of the right to a trial in the accused's official language of choice and insists that breaching this right is a substantial wrong.

45. *CSFTNO*, supra note 43.
46. *Bessette v British Columbia (Attorney General)*, 2019 SCC 31, [2019] 2 S.C.R. 535.
47. *R v Tayo Tompouba*, 2024 SCC 16.

Like the appellant, I intervened in this case to clarify that appealing a criminal decision is not the appropriate remedy when a court violates the accused's right to a trial in the official language of their choice. Much to my relief, the Supreme Court agreed.

Furthermore, I argued before the Supreme Court in this case that denying one's right to a trial in the official language of their choice always has the same effect, whether it is statutory, provincial or incorporated by reference. I then argued that section 530 of the *Criminal Code*,[48] which provides for the fundamental right to be tried in the official language of one's choice, was incorporated by reference into the *Offence Act*[49]—a British Columbia law—thereby overriding the *Act of 1731*,[50] which prevented trials from being held in French.

The Supreme Court confirmed that section 530 of the Criminal Code implicitly repeals the 1731 Act with regard to trials under British Columbia's *Offence Act*. The 1731 Act **banned** trials in French, while section 530 of the Criminal Code **guarantees** them. This decision therefore provides greater access to British Columbia courts in French.

Despite this notable victory in the Supreme Court of Canada, I unfortunately had to intervene again in British Columbia only a few years later to defend the language rights of the accused.

I intervened before the Supreme Court of Canada in *R v Tayo Tompouba*[51] to emphasize once again—as in *Bessette*—that violations of the accused's language rights by judges who have an explicit duty to protect them must be severely denounced and discouraged. In that case, I said that tolerating such violations, as the Court of Appeal did, progressively erodes the accused's language rights and equal access to justice in both official languages—essentially the antithesis of *Beaulac*.

My arguments in this case focused on the substantive—rather than procedural—nature of the right conferred by subsection 530(3) of the Criminal Code, i.e., the right of the accused to have the judge before whom they first appear advise them of their right to a trial in the official language of their choice, as well as the timeframe for making such a request.

Because equal access to the absolute right to a trial in the accused's language of choice relies on the judge meeting their obligation and making an active offer to ensure that the accused is encouraged to exercise their rights, judges must be clear that subsection 530(3) of the Criminal Code confers a fundamental right that cannot be violated by them without consequence. Therefore, I argued that violating subsection 530(3) of the Code is a substantial wrong and not a mere procedural irregularity.

48. RSC 1985, C-46.

49. RSBC 1996, c. 338.

50. *An Act that all Proceedings in Courts of Justice within that Part of Great Britain called England, and in the Court of Exchequer in Scotland, shall be in the English Language*, (United Kingdom), 1731, 4 Geo. II, c. 26.

51. Supra note 46.

All parties agreed before the Supreme Court that Mr. Tayo Tompouba's right to be advised of his right to be tried in the official language of his choice had been violated. The only issue was the analytical framework that applies when an accused person appeals their conviction and raises a breach of subsection 530(3) of the Criminal Code for the first time on appeal.

A majority of the Supreme Court ordered a new trial in French for Mr. Tayo Tompouba, finding that the violation of subsection 530(3) of the Criminal Code was an error of law allowing a court of appeal to intervene under paragraph 686(1)(a) of the Criminal Code.

I am hopeful that these two Supreme Court decisions will send a clear message to Canadian courts: breaching the language rights of the accused is a serious issue and can result in the State being forced to hold a new trial. When the fundamental language rights of the accused are prioritized and valued *before* their trial, everyone wins.

D. MY PARTICIPATION IN LEGAL CASES – CONCLUSION

During my time as Commissioner, I saw my involvement in court as a tool to preserve and enhance past successes, clarify the purpose and function of language rights, and help build a better future for official language minority communities across the country. I am very pleased to have received favourable rulings on all the final decisions we obtained.

Nonetheless, I believe this is an excellent time to lay the foundations for future recourses. In all transparency, I believe that the criteria set out in the following section will help outline when and how the Commissioner decides to intervene in the courts after the modernization of the Act.

Chapter III

THE COMMISSIONER'S ROLE BEFORE THE COURTS

The commissioners' contributions in court have undoubtedly had a positive impact on the protection and advancement of language rights. These contributions have not only established and clarified principles applicable to the interpretation of the Act but have also helped interpret and develop language rights more generally.

A. ENSURING GREATER COMPLIANCE WITH THE ACT WITH THE COMMISSIONER'S NEW POWERS

The Commissioner's ability to participate in court proceedings is an essential tool in their toolkit to ensure compliance with the Act.

The Commissioner's role before the courts has changed significantly since June 2023. While in most cases commissioners have acted as interveners in court, the Act now allows the Commissioner to appear before the courts more frequently. Thus, this is the perfect time to reflect on the Commissioner's role before the courts.

i. Remedies associated with compliance agreements, orders and administrative monetary penalties

Following the modernization of the Act in 2023, the Commissioner's powers have been somewhat "judicialized," as—when using these new powers—the Commissioner is called on to appear more often before the Federal Courts.

Compliance agreements. For example, if the Commissioner has reasonable grounds to believe that a federal institution—during or after an investigation—has breached the Act, they may enter into a compliance agreement with that institution to enforce compliance.[52] In addition, in cases where the Commissioner believes that the federal institution has not complied with the compliance agreement, they may apply to the Federal Court for an order requiring the institution to comply with the agreement, in addition to any other remedy the Court may grant,[53] or apply for a remedy under paragraph 78(1)(a) of the Act, which allows them to apply to the Federal Court with the complainant's consent.[54]

Orders. If the Commissioner has reasonable grounds to believe that a federal institution has violated a person's right under parts IV or V of the Act[55] and they have unsuccessfully proposed that the institution enter into a compliance agreement, the Commissioner may use an order to require the institution to adopt measures the Commissioner deems appropriate to remedy the violation.

52. OLA, supra note 8, s. 64.1(1).
53. Ibid, s. 64.4(1)a).
54. Ibid, s. 64.4(1)b).
55. The Commissioner may eventually be able to issue an order for breaching sections 41(7) and 41(10) of the Act, pursuant to a future Order in Council.

This new power also leads to the courts, as the Commissioner may file a copy of the order with the Federal Court if they have reasonable grounds to believe that the federal institution has not complied with the order.[56] Furthermore, once the order has been filed with the Federal Court, it becomes an order of the Federal Court and can be enforced as such.[57]

Administrative monetary penalties. Lastly, the use of the Commissioner's power to impose administrative monetary penalties on certain entities that breach certain provisions of Part IV of the Act (when it comes into force) will enable my successor to go before the courts.

I hope that these new powers, as well as the Commissioner's potential presence in court, will lead to greater compliance by federal institutions with the Act.

B. COMMISSIONER-LED PROCEEDINGS

The Commissioner's duty to take all measures to ensure the status of both official languages is recognized is very important, and this is reflected in the Commissioner's power to file proceedings themselves, appear in proceedings on behalf of others who have filed proceedings under section 77, appear as a party in such proceedings or apply for intervener status in proceedings, all under section 78 of the Act.

The modernized Act upholds the Commissioner's power to initiate proceedings before the courts under the Act and still includes three ways for the Commissioner to do so.

i. Proceedings initiated by the Commissioner with the complainant's consent

Under paragraph 78(1)(a) of the Act, the Commissioner can file proceedings themselves. According to the preliminary criterion of this provision, the Commissioner needs the complainant's consent to do so. This is also only an option once the Commissioner has conducted an investigation. It should be noted that paragraph 78(1)(a) does not preclude the participation of the complainant as a party to the proceedings.[58]

Commissioner-led cases and party participation are preferred in instances where the Commissioner finds that one institution repeatedly commits the same violations of the Act, illustrating a systemic compliance problem within that institution. This option can be very useful when the Commissioner wants to force a federal institution to change its behaviour.

The Commissioner filing proceedings themselves can help clarify and even resolve certain conflicts of interpretation of the Act, allowing the Commissioner to improve their investigative efficiency with federal institutions that oppose their interpretation of the Act.

56. OLA, supra note 8, s. 64.6(1).
57. OLA, supra note 8, s. 64.6(2).
58. OLA, supra note 8, s. 78(2).

ii. Appearances on behalf of the complainant

The Act also allows the Commissioner to appear on behalf of the complainant. Under paragraph 78(1)(b), the Commissioner may effectively substitute for the complainant (after the complainant has filed proceedings) to argue a case and draft proceedings.

This has not been a popular approach, as—in most cases—the complainant who filed proceedings wants to manage their case and how the arguments are presented to the Court.

Because the Commissioner must appear "on behalf of" a complainant who has already filed proceedings, this option requires the Commissioner to get involved in a case the complainant has already filed and has already set out certain requests in their notice of application. Moreover, by acting "on behalf of" the complainant, the Commissioner is agreeing to act in the specific interests of a complainant.

It can be very beneficial for the Commissioner to take over a case on behalf of a complainant—for example, a community organization seeking recognition of a new interpretation of the Act. This type of recourse is also important, as it enables the Commissioner to lead a complainant's case when they require support for a specific reason, e.g., because of any inability or obstacle.

iii. Appearances as a party with the court's permission

Under paragraph 78(1)(c) of the Act, the Commissioner may appear as a party to proceedings under Part X of the Act with the court's permission.

If the Commissioner does not have the complainant's consent to participate in a case under paragraph 78(1)(a) and does not act on behalf of the complainant under paragraph 78(1)(b), they may apply to the court for permission to participate as a party.

On appeal, the Commissioner may also decide to act as a party to the proceedings, applying to the court after having acted as an intervener in the lower courts, or after not having participated at all in the lower courts. This happens most often when a case goes all the way to the Supreme Court of Canada and the legal (and constitutional) issues become clearer. The Commissioner may make such a request based on how the legal issues will affect the implementation of their mandate.

C. THE COMMISSIONER'S ROLE AS INTERVENER

As the cases discussed in the first two sections of this report show, over the years commissioners have participated most in legal cases as interveners. The purpose of intervening is to put forward arguments or positions that may not be presented—or fully presented—otherwise by the main parties in the case. The Commissioner then makes purely legal arguments to the court to provide a useful perspective on the case.

Legal issues involving language rights are often incredibly complex. Equipped with the expertise OCOL has acquired over the years, the commissioners have much to offer the courts in this type of litigation.

In all cases, the Commissioner must consider the legal criteria applicable to interventions in addition to the intervention principles below, which guide the decision on whether or not to file—or not file—an application for leave to intervene in a case.

Above all, the interventions the Commissioner puts forward must be useful, in that they will be of direct help to the Court in deciding the issues at the heart of the case and not simply repeat the arguments other parties have made.

The proposed interventions must then reflect a genuine interest on the part of the requesting party.

Lastly, the Court has considerable leeway in considering the best interests of justice, which allows the Court to determine—at its discretion—whether the proposed intervention is in the interests of the Court and the public. For example, a very late application that would cause major delays in the hearing, thereby harming the parties, may not be in the interests of justice.

In *Overview of the Commissioner's Interventions in the Courts 2006–2016*, Commissioner Fraser concluded that, in deciding whether to intervene before the courts in a case, the Commissioner would use six additional criteria to help guide them in their analysis of the case:

1. Does the case involve new issues in terms of interpreting language rights?
2. Does the case raise important procedural or preliminary questions pertaining to the court's powers or jurisdiction?
3. Is the court decision likely to affect the Commissioner's mandate or powers?
4. To what extent could the decision create a precedent that might influence future court decisions?
5. What additional contribution could the Commissioner make to the debate in their role as Canada's language ombudsperson?
6. What impact could the court decision have on official language communities?

The Commissioner's analysis of the decision to intervene in a case is based on these criteria, as well as on those outlined in the jurisprudence. The weight or value given to each criterion depends on the facts of the case in question. Other factors may also be relevant, for example, it may be more useful to intervene on a question of law on appeal than at trial.

If the Commissioner's intended contribution would serve primarily to clarify or advance strictly legal points, then intervening is preferred. This is often the case when the parties are already at an advanced stage of the proceedings and when the Commissioner determines that their contribution to evidence development is not required to settle the dispute.

CONCLUSION

Looking back on the cases I intervened in during my time as Commissioner, I note that all the final decisions I received were favourable to language rights protection in Canada. Considerable progress has been made in recent years on all fronts, whether in cases involving the Act, section 23 of the Charter or section 530 of the Criminal Code.

Despite the optimism I have felt about recent court rulings, the progress made generally involves the resolution of serious breaches of the language rights of individuals or official language minority communities. In some cases, remedies for these violations are obtained only after several years, the time it takes for decisions to be made on appeal, as in *Dionne* and *FFCB*, or even in Supreme Court of Canada decisions, such as *Mazraani, CSFCB, CSFTNO, Bessette* and *Tayo Tompouba*.

Significant effort and resources are required to file proceedings or appeal a decision, so, although I recognize the importance of my role before the courts, I believe it is critical to prevent violations rather than try to resolve them much later, once the damage has been done.

I also recognize that the progress made during my mandate is not set in stone. As the Federal Court has recognized, "the protection of language rights in Canada nonetheless requires constant vigilance."[59] Therefore, I invite my successor to remain vigilant against infringing measures and to resort to the courts when necessary—with fervour and conviction—to continue making progress toward the substantive equality of official language communities across Canada.

59. GTAA, supra note 29, at para. 78.

Appendix A

STATISTICS AND CHART RELEVANT TO COMMISSIONER THÉBERGE'S INTERVENTIONS

	INTERVENTIONS OLA	INITIATED OLA	INTERVENTIONS S. 23 OF THE CHARTER	INTERVENTIONS S. 530 OF THE *CRIMINAL CODE*
2018	2	1	0	0
2019	2	1	0	1
2020	2	0	1	0
2021	0	0	0	0
2022	1	0	0	0
2023	0	0	1	1
2024	0	0	0	0
Total	**7**	**2**	**2**	**2**

SEVEN CASES IN WHICH THE COMMISSIONER INTERVENED UNDER THE ACT

2018

- *Mazraani v Industrial Alliance Insurance and Financial Services Inc.*, 2018 SCC 50
  - Part III of the Act
- *Dionne v Canada (Office of the Superintendent of Financial Institutions)*, 2019 FC 879
  - Part V of the Act

2019

- *Thibodeau v Air Canada*, 2019 FC 1102
  - Part IV of the Act
- *Thibodeau v Halifax International Airport Authority*, 2019 FC 1149
  - Part IV of the Act

2020

- *Thibodeau v St. John's International Airport Authority*, 2022 FC 563
  - Part IV of the Act
- *Thibodeau v Greater Toronto Airports Authority*, 2024 FC 274
  - Part IV of the Act

2022

- S*t. John's International Airport Authority v Thibodeau*, 2024 FCA 197
  - Part IV of the Act

TWO CASES IN WHICH THE COMMISSIONER INTERVENED UNDER THE CHARTER

2020

- *Conseil scolaire francophone de la Colombie-Britannique v British Columbia*, 2020 SCC 13
  - Section 23 of the Charter

2023

- *Commission scolaire francophone des Territoires du Nord-Ouest v Northwest Territories (Education, Culture and Employment)*, 2023 SCC 31
  - Section 23 of the Charter

TWO CASES IN WHICH THE COMMISSIONER INTERVENED UNDER THE CRIMINAL CODE

2019

- *Bessette v British Columbia (Attorney General)*, 2019 SCC 31
  - Section 530 of the Criminal Code and section 133 of the *Offence Act*, RSBC 1996, c. 338

2023

- *R v Tayo Tompouba*, 2024 SCC 16
  - Subsection 530(3) of the Criminal Code

TWO CASES INITIATED BY THE COMMISSIONER UNDER THE ACT

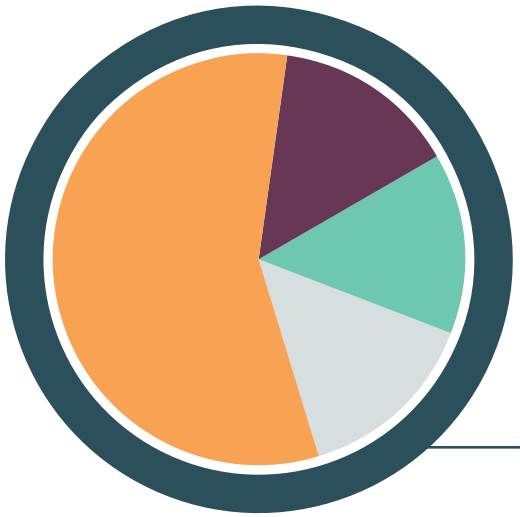
2018

- *Canada (Commissioner of Official Languages) v Canada (Employment and Social Development)*, 2022 FCA 14
  - Parts IV and VII of the Act

2019

- *Canada (Commissioner of Official Languages) v Office of the Superintendent of Financial Institutions*, 2021 FCA 159
  - Part V of the Act

Chart 1
COMMISSIONER THÉBERGE'S PARTICIPATION IN CASES



Intervener (*Official Languages Act*)	7
Intervener (*Canadian Charter of Rights and Freedoms*)	2
Party to the proceedings (*Official Languages Act*)	2
Section 530 of the Criminal Code	2

TOTAL CASES: 13

Appendix B

LIST OF ALL COMMISSIONER DECISIONS

COMMISSIONER	YEAR OF DECISION	DECISION	ISSUES
Raymond Théberge	2024	*St. John's International Airport Authority v Thibodeau,* 2024 FCA 197	Interpretation of sections 22 and 23 of the Act See summary.
Raymond Théberge	2024	*R v Tayo Tompouba*, 2024 SCC 16	Recourse under section 530 of the Criminal Code See summary.
Raymond Théberge	2024	*Thibodeau v Greater Toronto Airports Authority*, 2024 FC 274	Scope of section 12 of the *Official Languages (Communications with and Services to the Public) Regulations*, SOR/92-48 See summary.
Raymond Théberge	2023	*Commission scolaire francophone des Territoires du Nord-Ouest v Northwest Territories (Education, Culture and Employment)*, 2023 SCC 31	Recourse under section 23 of the Charter See summary.
Raymond Théberge	2022	*Thibodeau v St. John's International Airport Authority*, 2022 FC 563	Interpretation of sections 22 and 23 of the Act See summary.
Raymond Théberge	2022	*Canada (Commissioner of Official Languages) v Canada (Employment and Social Development)*, 2022 FCA 14	Interpretation of parts IV and VII of the Act See summary.
Raymond Théberge	2021	*Canada (Commissioner of Official Languages) v Office of the Superintendent of Financial Institutions*, 2021 FCA 159	Interpretation of paragraph 36(1)(a) and subsection 36(2) of the Act See summary.

COMMISSIONER	YEAR OF DECISION	DECISION	ISSUES
Raymond Théberge	2020	*Conseil scolaire francophone de la Colombie-Britannique v British Columbia*, 2020 SCC 13	Appeal concerning the scope of section 23 of the Charter See summary.
Raymond Théberge	2019	*Bessette v British Columbia (Attorney General)*, 2019 SCC 31	Recourse under section 530 of the Criminal Code See summary.
Raymond Théberge	2019	*Thibodeau v Halifax International Airport Authority*, 2019 FC 1149	Recourse concerning Part IV of the Act; Motion
Raymond Théberge	2019	*Thibodeau v Air Canada*, 2019 FC 1102	Interpretation of Part IV of the Act See summary.
Raymond Théberge	2019	*Dionne v Canada (Office of the Superintendent of Financial Institutions)*, 2019 FC 879	Interpretation of Part V of the Act See summary.
Raymond Théberge	2018	*Mazraani v Industrial Alliance Insurance and Financial Services Inc.*, 2018 SCC 50	The scope of sections 14 and 15 of the Act See summary.
Ghislaine Saikaley	2018	*Fédération des francophones de la Colombie-Britannique v Canada (Employment and Social Development)*, 2018 FC 530	Interpretation of parts IV and VII of the Act See summary.
Graham Fraser	2015	*Dionne v Canada (Attorney General)*, 2015 FC 862	Part X of the Act

COMMISSIONER	YEAR OF DECISION	DECISION	ISSUES
Graham Fraser	2015	*R v Caron, 2015* SCC 56	Judicial and legislative bilingualism See summary.
Graham Fraser	2015	*CBC/Radio-Canada v Canada (Commissioner of Official Languages)*, 2015 FCA 251	Jurisdiction
Graham Fraser	2015	*Tailleur v Canada*, 2015 FC 1230	Interpretation of Part V of the Act (subsection 36(2) of the Act) See summary.
Graham Fraser	2015	*Commission scolaire francophone du Yukon, School District #23 v Yukon (Attorney General)*, 2015 SCC 25	Appeal concerning the scope of section 23 of the Charter See summary.
Graham Fraser	2015	*Association des parents de l'école Rose-des-vents v British Columbia (Education)*, 2015 SCC 21	Appeal concerning the scope of section 23 of the Charter See summary.
Graham Fraser	2015	*Canada (Commissioner of Official Languages) v CBC/Radio-Canada*, 2015 FCA 251	Interpretation of Part VII of the Act See summary.
Graham Fraser	2014	*Canada (Commissioner of Official Languages) v CBC/Radio-Canada*, 2014 FC 849	Interpretation of Part VII of the Act See summary.
Graham Fraser	2014	*Thibodeau v Air Canada,* 2014 SCC 67	Interpretation of Part IV of the Act and remedies See summary.

COMMISSIONER	YEAR OF DECISION	DECISION	ISSUES
Graham Fraser	2013	*Conseil scolaire francophone de la Colombie-Britannique v British Columbia*, 2013 SCC 42	Judicial bilingualism See summary.
Graham Fraser	2012	*Thibodeau v Air Canada,* 2012 FCA 246	Interpretation of Part IV of the Act and remedies See summary.
Graham Fraser	2012	*Canada (Commissioner of Official Languages) v CBC/ Radio-Canada*, 2012 FC 650	Jurisdiction See summary.
Graham Fraser	2011	*R v Caron*, 2011 SCC 5	Powers of superior courts
Graham Fraser	2011	*Air Canada v Thibodeau,* 2011 FCA 343	Compensation for violation of Part IV of the Act
Graham Fraser	2011	*Thibodeau v Air Canada*, 2011 FC 876	Compensation for violation of Part IV of the Act See summary.
Graham Fraser	2009	*Robert Lavigne v Canada Post Corporation*, 2009 FC 756	Sections 72, 73, 74 and 79 of the Act
Graham Fraser	2009	*Nguyen v Quebec (Education, Recreation and Sport)*, 2009 SCC 47	Appeal concerning the scope of section 23 of the Charter See summary.
Graham Fraser	2009	*Bonner v VIA Rail Canada,* 2009 FC 857	Interpretation of parts IV, V and VI of the Act
Graham Fraser	2009	*Norton v Via Rail Canada,* 2009 FC 704	Interpretation of parts IV, V and VI of the Act See summary.

COMMISSIONER	YEAR OF DECISION	DECISION	ISSUES
Graham Fraser	2009	*DesRochers v Canada (Industry)*, 2009 SCC 8	Interpretation of parts IV and VII of the Act See summary.
Graham Fraser	2008	*Société des Acadiens et Acadiennes du Nouveau-Brunswick Inc. v Canada*, 2008 SCC 15	Interpretation of Part IV of the Act; section 20 of the Charter See summary.
Graham Fraser	2008	*Attorney General of the Northwest Territories v Fédération franco-ténoise*, 2008 NWTCA 5, 2008 NWTCA 6	Interpretation of the NWT *Official Languages Act* See summary.
Graham Fraser	2007	*Air Canada v Thibodeau*, 2007 FCA 115	Interpretation of Part IV of the Act See summary.
Dyane Adam	2006	*DesRochers v Canada (Department of Industry)*, 2006 FCA 374	Parts IV and VII of the Act
Dyane Adam	2006	*Fédération franco-ténoise v Canada (Attorney General)*, 2006 NWTSC 20	Interpretation of the NWT *Official Languages Act* See summary.
Dyane Adam	2005	*Charlebois v Saint John (City)*, 2005 SCC 74	New Brunswick *Official Languages Act*
Dyane Adam	2005	*Thibodeau v Air Canada*, 2005 FC 1621	Compensation for violation of Part IV of the Act
Dyane Adam	2005	*Société des Acadiens & Acadiennes du Nouveau-Brunswick Inc. v Canada*, 2005 FC 1172	Interpretation of Part IV of the Act; section 20 of the Charter See summary.

COMMISSIONER	YEAR OF DECISION	DECISION	ISSUES
Dyane Adam	2005	*Thibodeau v Air Canada*, 2005 FC 1156	Interpretation of Part IV of the Act See summary.
Dyane Adam	2005	*Gosselin (Tutor of) v Quebec (Attorney General),* [2005] 1 SCR 238	Interpretation of section 23 of the Charter
Dyane Adam	2005	*DesRochers v Industry Canada*, 2005 FC 987	Interpretation of parts IV and VII of the Act See summary.
Dyane Adam	2005	*Norton v Via Rail Canada Inc.*, 2005 FCA 205	Scope of section 77 of the Act; jurisdiction of the Federal Courts See summary.
Dyane Adam	2005	*Solski v Quebec (Attorney General)*, 2005 SCC 14	Appeal concerning the scope of section 23 of the Charter See summary.
Dyane Adam	2004	*Raîche v Canada (Attorney General)*, 2004 FC 679	Interpretation of Part VII of the Act See summary.
Dyane Adam	2004	*Forum des maires de la Péninsule acadienne v Canada (Canadian Food Inspection Agency)*, 2004 FCA 263	Interpretation of parts IV and VII of the Act and applicable remedies See summary.
Dyane Adam	2004	*Norton v VIA Rail Canada*, 2004 FC 406	Scope of section 77 of the Act See summary.
Dyane Adam	2003	*Canada (House of Commons) v Quigley*, 2003 FCA 465	Section 25 of the Act

COMMISSIONER	YEAR OF DECISION	DECISION	ISSUES
Dyane Adam	2003	*Doucet-Boudreau v Nova Scotia (Minister of Education)*, 2003 SCC 62	Appeal concerning the scope of sections 23 and 24 of the Charter See summary.
Dyane Adam	2001	*Baie d'Urfé (City) v Quebec (Attorney General)*, [2001] JQ No. 4821	Unwritten constitutional principle of minority protection
Dyane Adam	2001	*Canada (Commissioner of Official Languages) v Canada (Department of Justice)*, 2001 FCT 239	Interpretation of parts IV and VII of the Act
Dyane Adam	2001	*Fédération franco-ténoise v Canada*, 2001 FCA 220	Sections 16 and 20 of the Charter; jurisdiction of the Federal Courts
Dyane Adam	2001	*Charlebois v Mowat*, 2001 NBCA 117	Legislative bilingualism
Dyane Adam	2001	*Lalonde v Ontario (Health Services Restructuring Commission)*, 56 O.R. (3d) 505 (ONCA)	Unwritten constitutional principle of minority protection; *French Language Services Act*
Victor Goldbloom	2000	*Arsenault-Cameron v Prince Edward Island*, 2000 SCC 1	Appeal concerning the scope of section 23 of the Charter
Victor Goldbloom	1999	*Duguay v Canada (National Defence)*, [1999] F.C.J. No. 1548	Part V of the Act
Victor Goldbloom	1999	*R v Beaulac*, [1999] 1 SCR 768	Interpretation of language rights; Recourse regarding section 530 of the *Criminal Code*

COMMISSIONER	YEAR OF DECISION	DECISION	ISSUES
Victor Goldbloom	1999	*Devinat v Canada (Immigration and Refugee Board)*, [1999] FCJ No. 1774	Section 20 of the Act
Victor Goldbloom	1999	*Canada (Commissioner of Official Languages) v Air Canada (1999)*, 167 FTR 157	Commissioner's powers
Victor Goldbloom	1998	*Lavigne v Canada (Human Resources Development)*, 1998 CanLII 7820 (FCA)	Part V and remedies
Victor Goldbloom	1998	*L'Association des Parents francophones de la Colombie-Britannique v British Columbia* [1998] 167 D.L.R. (4th) 534	Interpretation of section 23 of the Charter
Victor Goldbloom	1998	*Leblanc v R*, [1998] FCJ No. 1900	Part V of the Act
Victor Goldbloom	1997	*Commissioner of Official Languages (Re)*, (1997), 144 FTR 161	Reference on the linguistic obligations of Air Canada and its subsidiaries
Victor Goldbloom	1997	*Canada (Commissioner of Official Languages) v Air Canada*, (1997) 141 FTR 182)	Part IV of the Act
Victor Goldbloom	1997	*Société des Acadiens et Acadiennes du Nouveau-Brunswick et al. v Canada,* (1997) 188 NBR (2d) 330, 480 APR 330	Delimitation of electoral districts

COMMISSIONER	YEAR OF DECISION	DECISION	ISSUES
Victor Goldbloom	1996	*Association des parents francophones (British Columbia) v British Columbia* (1996) 139 D.L.R. (4th) 356	Interpretation of section 23 of the Charter
Victor Goldbloom	1995	*Canada (Attorney General) v Asselin,* (1995), 100 FTR 309 (TD)	Language requirements of positions
Victor Goldbloom	1993	*Professional Institute of the Public Service v Canada*, [1993] 2 FC 90	Language requirements of positions
Victor Goldbloom	1993	*Reference re Public Schools Act (Man.)*, [1993] 1 SCR 839	Interpretation of section 23 of the Charter
D'Iberville Fortie	1991	*Canada v Viola*, [1991] 1 FC 373	Interpretation of language rights; language requirements of positions
D'Iberville Fortier	1990	*Mahe v Alberta*, [1990] 1 SCR 342	Interpretation of section 23 of the Charter
D'Iberville Fortier	1988	*Reference re: School Act* (1988), 49 D.L.R. (4th) 499	Interpretation of section 23 of the Charter
Maxwell Yalden	1984	*Reference re Education Act of Ontario and Minority Language Education Rights*, 47 O.R. (2d) 1	Interpretation of section 23 of the Charter