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# Standing Committee on Official Languages

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Chair: Yvan Baker





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• (1100)

[*Translation*]

**The Chair (Yvan Baker (Etobicoke Centre, Lib.)):** Good morning.

Welcome to meeting number 16 of the Standing Committee on Official Languages.

Pursuant to the order of reference of November 26, 2025, we are meeting today to begin our study on the proposed official languages administrative monetary penalties regulations.

I would now like to welcome our witnesses for the first hour.

From the Department of Canadian Heritage, we have Julie Boyer, assistant deputy minister, official languages, heritage and regions; Sarah Boily, director general, official languages; Richard Léger, director, official languages regulations directorate; and Chantal Therrien, manager, official languages regulations.

Welcome. Thank you for being with us this morning.

The department will have five minutes for its opening remarks. We will then proceed to a question and answer period with committee members.

Ms. Boyer, you have the floor for five minutes.

**Julie Boyer (Assistant Deputy Minister, Official Languages, Heritage and Regions, Department of Canadian Heritage):** Thank you very much, Mr. Chair.

Honourable members, it's a pleasure to be here with you today. My name is Julie Boyer. I'm the assistant deputy minister of official languages, heritage and regions, at the Department of Canadian Heritage.

With me today are Sarah Boily, director general of the official languages directorate; Richard Léger, the director responsible for regulations; and Chantal Therrien, manager of the team that led the drafting of these draft regulations.

Before I begin, I would like to acknowledge that the land on which we are gathered, in Ottawa and Gatineau, is part of the traditional unceded territory of the Algonquin Anishinabe nation.

Our objective today is to present the key elements of the draft regulations on administrative monetary penalties, which were tabled in Parliament on November 26.

The modernized Official Languages Act gives the Minister of Canadian Heritage the authority to recommend to the Governor in

Council regulations enabling the Commissioner of Official Languages to impose administrative monetary penalties.

Regulations are needed to define this power. It's a power of last resort that is discretionary. Its purpose is to strengthen the compliance of entities subject to the obligations under part IV of the Official Languages Act, which deals with communications with and services to the public.

The Department of Canadian Heritage led the drafting of these regulations in collaboration with the Department of Justice, the Treasury Board Secretariat and the Department of Transport.

In addition to equipping the Commissioner with a new power, the regulations will define the process towards procedural fairness and transparency.

• (1105)

[*English*]

Specific entities are covered by these regulations: Air Canada, Marine Atlantic Inc., Via Rail Canada and designated airport authorities, as defined in the Airport Transfer Act. These entities were selected because they fulfill the conditions set out in the Official Languages Act.

There are three types of violations outlined in the regulations, each with its own range of penalties. This approach allows the Commissioner of Official Languages to adjust the penalties based on the nature of the language obligation impacted.

The first type of violation covers services offered through third party businesses that have contracts with the entities outlined above. For example, restaurants, retail stores or car rental counters in airports would be subject to administrative monetary penalties. However, this type of administrative monetary penalty comes into force only a year after the regulations are made, in order to give entities time to prepare for implementation.

The second type of violation covers most obligations from part IV of the Official Languages Act and its regulations. Examples of that are signage or an active offer for a service in the official language of your choice.

The third type of violation is reserved for violations concerning public health and safety.

[*Translation*]

The Commissioner of Official Languages has the necessary latitude to establish the amount of the penalties while respecting the range of the amounts set out in the regulations.

The proposed regulations also set out how the Commissioner will determine the amount of a penalty by considering aggravating or mitigating factors, and they deal with procedural and administrative aspects.

For example, when issuing a notice of violation, the Commissioner will have to clearly explain how the amount of the penalty was established and provide evidence.

The result is regulations that respect the Commissioner's discretion, but provide clarity and predictability for the parties concerned.

Under the parliamentary regulatory process, after the proposed regulations are tabled, 30 sitting days must pass in the House of Commons before republication in part I of the Canada Gazette can take place.

Following that, there is a 30-day sitting period for both Houses of Parliament to receive comments, consider them and publish the final text in part II of the Canada Gazette. I'll stop here.

Thank you for your attention. We would be pleased to answer any questions you may have.

**The Chair:** Thank you very much, Ms. Boyer.

We will now move on to questions and answers.

Mr. Godin, you have the floor for six minutes.

**Joël Godin (Portneuf—Jacques-Cartier, CPC):** Thank you, Mr. Chair.

Could we stop the clock? It's because a very important event took place yesterday. It was our chair's birthday.

I would like to wish you a very happy birthday, Mr. Chair. You were scared, right?

**Voices:** Hear, hear!

• (1110)

**Joël Godin:** You can restart the clock, Mr. Chair.

**The Chair:** I hope you're not going to sing.

**Voices:** Oh, oh!

**Joël Godin:** No.

I'm sorry. We have to be able to have some fun.

I thank the witnesses for being here. It's always a pleasure to see you, ladies and gentlemen.

Two years ago, two and a half years ago, we had the opportunity to work very hard on the modernization of the Official Languages Act. That leads me to say that it took two and a half years to produce these regulations, which I think could have been done more quickly. However, I'm not throwing stones at anyone; it's just an observation.

Something rather odd happened this morning in the House of Commons. The President of the Treasury Board tabled a report on official languages, but that was the second regulation. I'm not sure he knows what he's doing. That was my introduction.

I would like to ask you a question about the regulations.

I'm wondering about the discretion provided to the Commissioner. You gave him powers. That will add to his duties, which can lead to an overload of work.

Will he have access to additional resources? Perhaps you could let us know.

Will he have guidance on discretion?

That said, I still think that the application of the act should not be interpreted by a single person.

I'd like to hear your comments on that.

**Julie Boyer:** Thank you very much for the question.

First of all, the Commissioner of Official Languages of Canada is an officer of Parliament. So he definitely has some discretionary power when it comes to managing his duties and obligations.

The regulations prescribe a range of penalties based on the nature of the violation and the control that the entity can exercise. Type A violations involve services provided pursuant to a contract because there's less control. Violations of part IV of the act can lead to a penalty of up to \$50,000. The reason behind that is that it's a matter of direct control by regulated entities.

When it comes to health and safety, there is obviously a minimum administrative monetary penalty of \$5,000, which can go up to \$50,000.

In the regulations, a number of factors were listed to ensure predictability and transparency for the entities concerned. That still gives the Commissioner full authority over the implementation of penalties. It's based on the ability of the Commissioner as an officer of Parliament.

Among the criteria in question, I cite the systemic or repetitive nature of the violation; its nature; its accidental or isolated nature; its repetition; its duration; the number of persons affected by the violation; efforts to remedy the violation by the designated body that is believed to have committed the violation, and so on. That gives you an idea of what we're talking about.

It's defined, but we're talking about an officer of Parliament, so there can be flexibility. In addition, the regulations were developed following a consultation process. That has enabled us to present the draft regulations to you today.

**Joël Godin:** Okay.

I'll draw a parallel by using a traffic ticket as an example. There's not a lot of room for interpretation for the police officer. I would like you to come back to this comparison with a ticket.

That said, there is one thing that worries me.

You said this was done based on the Commissioner's ability. However, that ability is limited, given the means at his disposal, his staff or the time frames.

Let's talk about time frames. It took two and a half years to draft the regulations. It took a year after the regulations were adopted to implement them. So it has now been almost four years.

I'm not accusing anyone, but is it responsible to take so much time, when urgent action is needed, given that French is in decline?

I often say that a will and an intent are necessary. I don't sense that here.

I'd like to hear your opinion on that, Ms. Boyer.

**Julie Boyer:** Thank you very much for the question, Mr. Chair.

Of course, I won't be sharing my opinion. I'm a public servant, and I'm here to share facts.

That said, I would like to remind you that the act gives the Commissioner a number of new powers. Right now, he can implement his right to mediate and publish recommendations stemming from a report. He can also decide to impose a compliance agreement and go as far as issuing an order if the agreement is not complied with.

Imposing administrative monetary penalties is a power of last resort. Among the examples I just mentioned, it is the last one that can be used, except for orders. It's only if a compliance agreement is not complied with that the Commissioner will be able to impose an administrative monetary penalty.

**The Chair:** There are 30 seconds left.

**Julie Boyer:** I'd like to clarify something else. Once the regulations come into force, administrative monetary penalties can be imposed immediately, except in the case of the mandated services I mentioned, those provided by third parties at airports.

They are the ones that need the adjustment year. That will enable those airport entities to eventually take corrective measures or offer incentives to their tenants to provide services in both official languages.

**The Chair:** Your time is up.

**Joël Godin:** Thank you, Mr. Chair.

We'll come back to this in the second part of the meeting.

**The Chair:** Thank you, Mr. Godin.

I now give the floor to Ms. Mingarelli for six minutes.

**Giovanna Mingarelli (Prescott—Russell—Cumberland, Lib.):** Thank you, Mr. Chair.

I thank all the witnesses for being here today.

Ms. Boyer, in the development of the draft regulations, did you consult external stakeholders?

If so, which groups, experts or organizations were consulted and how did their input inform the final text?

• (1115)

**Julie Boyer:** Thank you very much for your question.

The regulatory process is very rigorous, and certain parameters must be respected. We conducted extensive consultations with a variety of organizations during the drafting and development of these regulations.

I'll ask the director responsible for regulations at the official languages regulations directorate to give you more details.

**Richard Léger (Director, Official Languages Regulations Directorate, Department of Canadian Heritage):** Good morning.

First, in the spring and summer of 2024, a questionnaire was sent to all Canadians as part of an online consultation process. There were over 1,300 respondents.

From April to July 2024—so around the same period—we also consulted key stakeholders interested in official languages.

We held a number of virtual and in-person meetings with stakeholders from community organizations, as well as with spokespersons and representatives from the provinces and territories.

There was an extensive consultation process with the Office of the Commissioner of Official Languages, the provinces and territories and some indigenous organizations.

**Giovanna Mingarelli:** Thank you very much.

These regulations will result in new responsibilities and an increased volume of work for the Office of the Commissioner of Official Languages.

In your opinion, does the Office of the Commissioner currently have the necessary human and financial resources to take on these new duties?

If not, what additional resources would be required?

**Julie Boyer:** Thank you very much for your question.

This also ties in with Mr. Godin's question about the capacity of the Office of the Commissioner of Official Languages. I'm pleased to note that the Commissioner received, in budget 2024, \$10.8 million over five years to prepare for the implementation of the upcoming regulations.

That was based, for the most part, on estimates provided by the Office of the Commissioner of Official Languages. During this preparation time, the Office of the Commissioner was able to hire people. The resources are available.

That said, the Commissioner is in the best position to assess whether additional staff are required. If so, he would be in a good position to make a budget request and increase his operating budget. However, an investment over a five-year period has already been made.

**Giovanna Mingarelli:** Okay, thank you very much.

How much time do I have left, Mr. Chair?

**The Chair:** There are two and a half minutes left.

**Giovanna Mingarelli:** That's fantastic.

Modernizing the Official Languages Act has strengthened the role and powers of the Commissioner.

Can you explain what these new powers are since the modernization?

**Julie Boyer:** I talked a bit about that earlier. There is the power of mediation—in other words, the power to resolve an issue informally. That was added to the power given to the Commissioner of Official Languages.

He also has the option, if the issue in question is not resolved, to publish his investigation and the recommendations made to the entity concerned by a complaint.

In addition, he has the power to impose a compliance agreement on government organizations subject to the act. For example, if a department repeatedly fails to meet its official languages obligations, the Commissioner could impose a compliance agreement with increased follow-ups.

Finally, if that compliance agreement is not complied with, he could use his power to issue an order. That is quite serious.

Added to that is the power to impose administrative monetary penalties, the subject of our discussion today. That applies to entities that serve the travelling public.

**Giovanna Mingarelli:** Thank you very much.

How do these administrative monetary penalties regulations work with those new powers?

**Sarah Boily (Director General, Official Languages, Department of Canadian Heritage):** Mr. Chair, the power to impose administrative monetary penalties is a power of last resort. The Commissioner has to have tried everything first, through his other powers of mediation and the publication of investigation reports.

Attempts must be made to reach a compliance agreement at all costs before an administrative monetary penalty can be imposed.

**Giovanna Mingarelli:** Thank you very much.

**The Chair:** There are 50 seconds left.

**Giovanna Mingarelli:** Okay.

Do the regulations change the way the Commissioner will conduct his investigations or ensure compliance?

• (1120)

**Julie Boyer:** Thank you very much for the question.

It's not a matter of changing the way things are done. The regulations define what should be included in the notices of violation. There's a list of criteria that have to be met. Before imposing an administrative monetary penalty, the Commissioner must ensure that all criteria have been met in terms of what should be included in the report.

For example, the regulations refer to the date on which the alleged acts were committed, the date on which the Commissioner was informed of these acts, a detailed explanation of how the Commissioner determined the amount of the penalty, a list of all the criteria he considered, the method he used to assess the impact of each criterion, the assessed impact of each criterion, the method he used to determine the amount of the penalty, taking into account the assessment of the impact of each criterion, and any evidence mentioned or summarized in the report referred to in section 65.6 of the act.

It's prescriptive, but it wouldn't change the way he conducts his investigation. That gives him parameters to follow in producing the notice of violation.

**Giovanna Mingarelli:** Thank you very much.

**The Chair:** Thank you very much.

I now give the floor to Mr. Beaulieu for six minutes.

**Mario Beaulieu (La Pointe-de-l'Île, BQ):** Thank you, Mr. Chair.

I thank the witnesses for being here.

Why did it take so long, after the Official Languages Act was passed, for very specific regulations like this to be developed?

I think there are many more to come.

**Julie Boyer:** We talked about it earlier, and my colleague Richard Léger also explained it. We've done a lot of consultation.

Usually, the power to impose administrative monetary penalties is given to ministers, to departments. Here we're talking about a commissioner, an officer of Parliament.

First, it was something new, a new officer who could implement administrative monetary penalties. There was still some work to be done to compare it to other organizations that grant such power.

**Mario Beaulieu:** How long were the consultations?

**Julie Boyer:** They started in the summer, after royal assent, which was received on June 20. Collectively, we remember that.

**Mario Beaulieu:** How long did they last?

**Julie Boyer:** They continued until the following spring. Then, the drafting and research work took place, in co-operation with the other departments.

**Mario Beaulieu:** Consultations took place for over a year. People could send in responses, and so forth, for approximately one year.

Is that correct?

**Julie Boyer:** Yes, that's correct.

**Mario Beaulieu:** Okay.

The Commissioner of Official Languages recommended significantly expanding the scope of the regulations.

Why is only applicable to three entities?

**Julie Boyer:** There are more than three. There are—

**Mario Beaulieu:** There are four. My apologies.

**Julie Boyer:** Yes, exactly, there are four. The fourth category concerns designated airport authorities. There is a list of 21 airports, but this is prescribed by law.

It was always quite clear in the act that the target entities would be Air Canada, Marine Atlantic, Via Rail and airport authorities.

**Mario Beaulieu:** The Commissioner made a mistake then when he said he wanted to expand the scope to include all federal institutions with public service obligations, which are set out in part IV and part V of the act.

Correct?

**Julie Boyer:** This should have been specified in the act. Fortunately, one section of the act provides for a review every 10 years. It may take place then in five years.

I think it was specified that it would be in 10 years. It has already been three.

**Mario Beaulieu:** Why does this not apply to everything related to airport security services?

It seems very illogical to me. Employees at a restaurant, like Tim Hortons, in an airport will need to speak French, but not the security officers.

**Julie Boyer:** A lot of thought was given to this. The Canadian Air Transport Security Authority, or CATSA, is not subject to administrative monetary penalties because it is a Crown corporation funded entirely by parliamentary appropriations. It has no private revenues.

In the case of an administrative monetary penalty, it is the same as for government departments, such as Service Canada. An administrative monetary penalty is imposed in order to encourage the organization not to violate its obligations under the Official Languages Act.

If it does not cost anything because it comes from Parliament, it will not have the desired effect.

**Mario Beaulieu:** There is not only the power to impose administrative monetary penalties, but there is also the power to issue orders.

• (1125)

**Julie Boyer:** They apply.

**Mario Beaulieu:** It applies then to security and to employees.

Is that correct?

**Julie Boyer:** Yes, all powers apply, except those relating to administrative monetary penalties. When drafting the regulations, we examined the matter carefully. We decided that transferring money from Treasury Board to the Receiver General would not have the desired effect on a government department because we would simply be moving money around. That does not mean that it will improve compliance.

**Mario Beaulieu:** I think it still sent a message.

In another life, I received a lot of complaints about security. For example, a university professor asked to be served in French. He was somewhat insistent and got kicked out. The police were called, and this professor was sent to jail. He missed his trip because he wanted to be served in French.

The same applies to border security. This is where it is most difficult to obtain services in French. It is a bit of a shame that no action can be taken. In the case of Air Canada, I don't think a \$25,000 fine will really hurt them. However, even just imposing a fine sends a message.

Will a public registry be established to record organizations that have received penalties and those where interventions took place?

**The Chair:** You have 55 seconds remaining.

**Sarah Boily:** In the annual report that the Commissioner submits to Parliament, he or she must report on the number of penalties imposed and the entities involved.

**Mario Beaulieu:** It will be made public. This too will have an impact.

Indeed, the Commissioner spoke about how cumbersome the regime is, given all the notices that will be served and all the criteria that need to be met.

Could it all be simplified to make it easier for the Commissioner?

**The Chair:** Please provide a brief response. There are 20 seconds remaining.

**Sarah Boily:** We conducted extensive consultations. We really tried to find a balance.

On the one hand, some entities told us it would be important to set clear limits to avoid leaving too much room for interpretation.

On the other hand, the Commissioner and others told us they needed more latitude to be able to exercise this authority.

We therefore acted out of procedural fairness and out of respect for the entities that shared their requests with us. The proposed regulations strike the best possible balance with regard to administrative requirements.

**The Chair:** Thank you, Mr. Beaulieu.

We will now move to the second round of questions.

Mr. Godin for five minutes.

**Joël Godin:** Thank you, Mr. Chair.

I will continue along the same lines as my colleague.

I want to come back to the issue of penalties. When would happen in the event of repeated violations?

I am thinking, for example, of Air Canada, which will likely take the top prize when it comes to the number of penalties earned, given its position on the official languages and French.

Once the Commissioner has completed all the steps in the process, which, in my opinion, is far too long, will he be able to impose multiple administrative monetary penalties for repeated violations?

For example, if Air Canada commits a violation on Monday and receives a penalty, will the Commissioner be able to impose another penalty if the violation happens again the following Friday?

**Julie Boyer:** This is a good question.

There is indeed a criterion on repeated breaches of obligations. It is possible to impose a second administrative financial penalty.

The important thing to remember is that the subject of the complaint must be different. If, on a flight, four people complain that a flight attendant cannot serve them in French, the subject of the complaint is the same, so it would count as one complaint. If, on Friday, there is another flight during which another flight attendant fails to fulfill their official language obligations, that counts as a second complaint. This would be considered a repeat breach, and another administrative monetary penalty would apply. Since this is based on part IV of the Act, the penalty can be up to \$50,000.

This criterion could be taken into consideration if the first administrative monetary penalty imposed by the Commissioner of Official Languages is set at \$25,000. However, because the breach was repeated in the same week, the Commissioner could decide to increase the amount of the administrative monetary penalty.

In the case of a flight where the same violation is happening every week, this could significantly increase the amount of the penalty each time a complaint is filed.

**Joël Godin:** When you say that it could significantly increase the penalty, that means it doubles from \$25,000 to \$50,000.

Correct?

• (1130)

**Julie Boyer:** It's possible.

**Joël Godin:** It could be recurring. The use of the conditional tense indicates an escalation before that happens.

Air Canada may decide it is much less expensive to pay the penalty than to comply with its obligations and use flight attendants or other staff who can provide service in both official languages.

The problem here is that the penalty does not increase. Honestly, Air Canada's managers are doing an excellent job. If you look at what Air Canada is doing now, things are going well, but when it comes to protecting the French language on Air Canada flights, that's another story.

Don't you think you could have allowed the Commissioner to increase the penalty? You are giving him discretionary power, except when it comes to the total amount of the penalty.

In circumstances where there are abuses and repeated violations, should you not have given the Commissioner the option of imposing a much larger fine to discourage the offending company and better fulfill the mandate of defending both official languages?

You and I know full well that French is the most vulnerable language in Canada.

**Julie Boyer:** Thank you very much for the question.

We decided to limit it to \$50,000 for violations. However, this also means that the Commissioner could repeatedly impose an administrative monetary penalty of up to \$50,000. There is no limit to the number of times he could impose an administrative monetary penalty on a target entity. That being said, we had—

**Joël Godin:** Ms. Boyer, I will stop you right there.

I believe that if there had been an automatic mechanism to increase, double and quadruple a penalty to deter the offending manager from taking concrete action, it would have been more effective,

in my opinion, in ensuring compliance with the purpose of the act.

**The Chair:** There are 35 seconds remaining.

**Julie Boyer:** Perhaps Ms. Boily can clarify further.

**Sarah Boily:** Under the official languages (communications with and services to the public) regulations, Air Canada has more than a hundred flights, I believe it is 122 flights that are designated bilingual. That means there could be a large number of flights designated bilingual at year end.

My point is that the cumulative effect of the \$50,000 penalty can quickly push up the total if we consider the number of bilingual flights.

**Joël Godin:** I agree with you, Ms. Boily, but why limit it?

**The Chair:** There are 10 seconds remaining.

**Sarah Boily:** Let's not forget that this is a brand new regime. It is our starting point. Later on, we will be able to learn from what happens. We will see if it has the desired effect of ensuring that entities comply with their obligations.

**Joël Godin:** I am skeptical.

Thank you.

**The Chair:** Thank you, Mr. Godin.

Mr. Deschênes-Thériault for five minutes.

**Guillaume Deschênes-Thériault (Madawaska—Restigouche, Lib.):** Thank you very much.

I see that Mr. Godin also reads the annual reports of the Commissioner of Official Languages. It is clear from those reports that, in the past, Air Canada has not necessarily been the best student when it comes to official languages.

My question concerns the cumulative effect, which would act as a deterrent. Air Canada has significant revenues.

Are the new administrative monetary penalties expected to lead to changes at Air Canada?

Will the cumulative effect really act as a deterrent?

**Julie Boyer:** I would say that the range of powers conferred on the Commissioner of Official Languages will serve as a deterrent. I am thinking of the power to issue recommendations, the power to impose a compliance agreement, which is completely new since the modernized act was passed, and the power to impose administrative monetary penalties. In my opinion, there will be an impact.

However, it will need to be fully evaluated once the regulations come into force.

**Guillaume Deschênes-Thériault:** I would like to return to the scope of the regulations.

On the one hand, stakeholders have said they want very specific and relevant regulations. On the other hand, the Commissioner would like to have some latitude in implementing the regulations.

During the process of developing the regulations, how did you strike a balance between requests from stakeholders and those from the Commissioner?

**Julie Boyer:** Thank you for the question.

We studied the issue thoroughly. We tried to stay as close as possible to the act. When determining how the regulations would be applied, we took into account all of the comments received during the consultations.

That is how we decided to specify certain elements relating to the notices of violation and payment, among other things. This still gives the Commissioner of Official Languages a great deal of latitude. He can choose which powers he wants to use. If he proceeds with an administrative monetary penalty, he can determine how high the penalty will be.

I would say there is still a great deal of flexibility, even though some elements of the notice are predefined in the regulations.

• (1135)

**Guillaume Deschênes-Thériault:** The regulations target four specific entities: Air Canada, Via Rail, Marine Atlantic, and airport authorities. As you know, the act applies to several other organizations. These four entities belong primarily to the travel and transportation sector.

Why were these four entities targeted in the regulations?

**Julie Boyer:** Thank you for the question.

When the act was being revised—quite some time ago—the travelling public was the sector with the highest number of recurring complaints. That is why we decided to target these specific entities.

In fact, the fourth category concerns airports located in capital cities with official language obligations. We are talking about 21 airports, 16 of which offer bilingual services.

The range of administrative monetary penalties is therefore quite broad.

**Guillaume Deschênes-Thériault:** The use of administrative monetary penalties in relation to the official languages is new. However, it is not new to the federal government.

Different regimes and different models exist then, for example, with respect to labour, the environment, or agri-food.

What other models did you consider?

Why did you choose this model, specifically for the Commissioner of Official Languages?

**Sarah Boily:** We conducted a benchmarking exercise.

We looked at the use of penalties by the federal government. We looked more closely at administrative monetary penalties in the Accessibility for Canadians Act and the Canada Elections Act.

For example, in the Canada Elections Act, penalties can be as high as \$50,000. This explains why we increased the penalty from \$25,000 to \$50,000.

We also looked at other federal models.

**Guillaume Deschênes-Thériault:** We expect then to see fewer complaints in annual reports on Air Canada in a few years.

I do not need a response.

**The Chair:** Thank you, Mr. Deschênes-Thériault.

Now we will go to Mr. Beaulieu for two and a half minutes.

**Mario Beaulieu:** Did you consider the possibility of applying the regulations to banks?

**Julie Boyer:** No, we did not.

**Mario Beaulieu:** That might have been interesting.

What about freight?

I have already received complaints involving freight carriers.

**Julie Boyer:** We did not subject port authorities to administrative financial penalties because we were really targeting services to the public, particularly for travellers. This is where the highest number of complaints is.

In our view, ports are far more focused on trade and far less on services to the public.

**Mario Beaulieu:** People are entitled to work in French even in trade and commerce. Some tourists travel by boat too.

**Sarah Boily:** You also mentioned banks. There is the Use of French in Federally Regulated Private Businesses Act. We are currently developing regulations.

The main types of businesses that will be subject to this act include a number of big banks, but also freight carriers.

**Mario Beaulieu:** In the regulations that will be made pursuant to this act, could there be administrative monetary penalties?

Will the Commissioner have to intervene? At the Office québécois de la langue française, for example, such penalties exist.

**Sarah Boily:** No, there will not be any administrative monetary penalties.

However, it will include all the other powers we mentioned earlier, namely mediation, investigations, compliance agreements and orders. The power to issue orders is much stronger.

**Mario Beaulieu:** It may not be included in the regulations, but, do you believe it will apply to Quebec?

Services in French are often lacking.

Will this apply or will this only apply to services in English? It may depend on the act and not on the regulations.

• (1140)

**Julie Boyer:** If you are referring to the administrative monetary penalties, they will indeed apply to airports in Quebec if a violation in French or English occurs.

**Mario Beaulieu:** It will apply then to services in French.

Correct?

**Julie Boyer:** Yes, it will apply to both official languages.

**The Chair:** You have 20 seconds remaining, Mr. Beaulieu.

**Mario Beaulieu:** Why are there still no regulations regarding private businesses?

**Sarah Boily:** We took the same approach that was used to develop the regulations on administrative monetary penalties. The Official Languages Act provides guidelines on how to conduct consultations for the development of regulations. We conducted extensive consultations.

This will be the first time the Official Languages Act will apply to private businesses, namely federally regulated private businesses. It is therefore important to conduct extensive consultations on the subject.

**Mario Beaulieu:** It is a matter of political will. It should not take this long to conduct consultations. Two years is far too long.

Thank you.

**The Chair:** Your time is up, Mr. Beaulieu. Thank you very much.

Mr. Bélanger for five minutes.

**Jim Bélanger (Sudbury East—Manitoulin—Nickel Belt, CPC):** Thank you, Mr. Chair.

Ms. Boyer, earlier, you made a comment that resonated with me. You said the government was taking money from one pocket and putting it in another.

The federal institutions we are talking about do not really want the work on the regulations to continue.

What do you think?

**Julie Boyer:** Thank you for the question.

First, there is a legislative framework. Regulations cannot be drafted without a legislative framework. In this case, it was clear that this would apply to entities supporting the travelling public.

That said, I think this is a good thing, because the Commissioner's other powers can be applied to the department. The possibility of imposing a compliance agreement is new. The specific department and the Commissioner of Official Languages agree on the objectives and the areas for improvement. Then, if there is a failure to comply with the act, the Commissioner can go to court to impose the compliance agreement on the department.

In the case of a federal entity, this would lead to greater compliance than from moving taxpayer funds from one account to another.

**Jim Bélanger:** My other questions have already been asked. I will give Mr. Godin the remainder of my time. No doubt, he has more questions.

**Joël Godin:** I thank my very dear colleague.

Mr. Léger, what was the result of your consultations with regard to clients who may be subject to penalties?

I am told this was based on the result of the consultations.

**Richard Léger:** Thank you for giving me the opportunity to respond to the question, Mr. Chair.

I think the choice about those identified in the act and those who might be considered is nonetheless rather limited by legislative criteria.

**Joël Godin:** I understand that, Mr. Léger.

I want to know the results of your consultations, which took almost a year.

How did you determine the target entities, meaning Air Canada, Via Rail, Marine Atlantic and the airports?

Are they the only ones who were primarily targeted and mentioned in the regulations?

**Richard Léger:** What has come out of various discussions, including the Commissioner's comments, is that it was necessary to target entities dealing with the travelling public.

The public was made aware of the fact that the criteria specifically targeted services to travellers. It was a matter of collecting comments on travellers' experiences as well as comments on border services.

The public mentioned the same entities. We have already explained why they were not on the list today.

**Joël Godin:** Let's come back to the fact that federally regulated private businesses are not subject to these sanctions.

It is important to understand that, in Quebec, the Office québécois de la langue française adopted a mechanism allowing it to issue penalties and force businesses to comply with the Charter of the French Language. We know that, pursuant to part II of the current Official Languages Act, businesses will be able to choose to comply with the obligations set out by the office or with the requirements provided for in Bill C-13. I still call it that.

Don't you think this will encourage federally regulated private businesses, particularly in Quebec, to choose to comply with the Official Languages Act, which will not subject them to penalties, rather than be under the supervision of the Office québécois de la langue française?

• (1145)

**The Chair:** You have 40 seconds left.

**Julie Boyer:** Okay.

First, I would like to clarify something. The administrative monetary penalties are not the same thing that the Use of French in Federally Regulated Private Businesses Act—

**Joël Godin:** I understand, Ms. Boyer.

I laid out the situation regarding part II. One day, the regulations will be tabled. We don't know when. It may take us by surprise, as it did this morning.

Now let's get back to the Use of French in Federally Regulated Private Businesses Act.

Will the companies be able to choose?

**The Chair:** Please give a brief answer.

**Julie Boyer:** I would say that the power to issue orders is stronger than a fine.

**Joël Godin:** Can the company choose whether to fall under the supervision of the Office québécois de la langue française rather than the federal Official Languages Act?

**Julie Boyer:** Yes, that's right. This is set out in the act, and it will be included in the regulations.

**Joël Godin:** The company will then never be—

**The Chair:** Mr. Godin, I'm sorry. Your time is up. I gave you a bit more time to finish the discussion.

**Joël Godin:** Okay.

Thank you.

**The Chair:** Mr. Villeneuve, you have the floor for five minutes.

**Louis Villeneuve (Brome—Missisquoi, Lib.):** Thank you, Mr. Chair.

I want to thank the witnesses for joining us this morning.

Canadians travel a great deal. So do I. I must confess, quite humbly, that I too have complained about not receiving service in French from Air Canada. I'm pleased that this matter is being taken seriously and that efforts are being made to improve the situation.

Many Canadians travel on Air Canada flights, both here in Canada and abroad.

Will international flights be subject to administrative monetary penalties? If not, why not?

**Julie Boyer:** Thank you, Mr. Chair.

The short answer is yes. International flights must provide bilingual services. They're also subject to the regulations governing administrative monetary penalties.

Ms. Boily can give you some examples.

**Sarah Boily:** I provided a figure earlier, but I'll take this opportunity to correct it.

The number of bilingual routes on Air Canada flights subject to the regulations under part IV of the act is 248. I gave the wrong figure earlier. When I said 122 routes, I meant bilingual routes for international flights. So there are 122 of those routes.

For example, a flight from Toronto to Copenhagen and a flight from Toronto to Atlanta are Air Canada international flights desig-

nated as bilingual. They may be subject to an administrative monetary penalty.

**Louis Villeneuve:** Thank you for your response.

I wasn't sure, but I thought that it was important to include international flights.

Many figures for the modernized act were given earlier. You'll excuse me if I didn't quite keep up, but I'll talk about all this anyway.

The modernized act states that penalties can be as high as \$25,000. However, the regulations state that penalties may be as high as \$50,000.

Why this inconsistency? Maybe I didn't quite understand.

**Julie Boyer:** I want to thank the member for his question.

I'm glad that you noticed this.

A type A violation involves an indirect service. The amount goes up to \$25,000 because it doesn't fall under the direct control of the entity subject to the act.

However, for breaches of the obligations set out in part IV, which covers communications with and services to the public, the amount goes up to \$50,000.

It seems that this stems from the comments received during the consultations. Some people emphasized the need to increase the amount set out in the act.

**Richard Léger:** This issue indeed came up during the public consultations.

As specifically set out in the act, this power was used in the case of the regulations.

**Louis Villeneuve:** Thank you.

How much time do I have left, Mr. Chair?

**The Chair:** You have two minutes left.

**Louis Villeneuve:** Okay.

I understand that the act limits you to the travel industry. However, the four institutions in question aren't the only federal entities that members of the public interact with when travelling.

Why didn't you include the Canadian Air Transport Security Authority?

I think that you spoke a bit earlier about air transportation and the Canada Border Services Agency.

● (1150)

**Julie Boyer:** I want to thank the member for his question.

The Canada Border Services Agency is comparable to a department. It's an agency. The Commissioner's powers apply to the agency, which must fulfill its official languages responsibilities. It must comply with its official languages obligations.

The logic is similar for the Canadian Air Transport Security Authority, which provides airport security services. That said, it isn't the same, because it's a crown corporation. It's funded by parliamentary appropriations. It doesn't have any private sector revenue. It's akin to imposing an administrative monetary penalty on an entity, which must pay with government money, and then turn the money over to the receiver general. The money simply changes places.

When it comes to complying with the obligations set out in the act, the incentive is weaker than if the Commissioner were to issue an order or impose a compliance agreement.

**Louis Villeneuve:** Can we expect an improvement in terms of public safety?

People often have issues with airport security. It's a serious matter. When people travel, they're a bit stressed out. They're afraid of missing their flight. If security officers can't serve these people properly in their language, that poses a problem.

**The Chair:** There are 15 seconds left. Please make your answer brief.

**Julie Boyer:** In 10 years, the act and its regulations will be up for review. This will be a good opportunity to assess and determine whether the desired effects have been achieved.

Parliamentarians can then decide if they want to go a step further.

**Louis Villeneuve:** Thank you.

**The Chair:** Thank you, Mr. Villeneuve.

Colleagues, since we have time, we can proceed to a third round of questions if I shorten the speaking time proportionally.

There are three members on my list. These members are Mr. Dalton, Ms. Chenette and Mr. Beaulieu. I'll give Mr. Dalton two minutes, Ms. Chenette two minutes and Mr. Beaulieu one minute.

Mr. Dalton, you have the floor.

**Marc Dalton (Pitt Meadows—Maple Ridge, CPC):** I would like to thank the witnesses for their remarks.

As you know, I'm a member of Parliament from British Columbia. I want to make a quick comment. It doesn't exactly relate to our discussion, but it concerns the use of the word "unceded" when we talk about the situation at hand.

In British Columbia, the situation is quite serious. There are many concerns. I know that this word is used by public servants, but it's a highly sensitive matter. I understand a reference to traditional lands, but this pushes the envelope. When public servants and the government use certain words, it implies that we're in a serious situation.

The consultation process lasted two years.

Were any in-house voices opposed to the imposition of penalties under the act? If so, who?

**Julie Boyer:** Thank you for the question and comment.

To answer your question, I would say no. The voices unanimously agreed that administrative monetary penalties were a good idea. All the people who took part in the consultation process talked to us

about the possible options for these administrative monetary penalties.

**Marc Dalton:** During our discussions, we heard comments about the lower capacity of municipal airports.

Are things looking up for small airports now?

**The Chair:** There are 10 seconds left.

**Julie Boyer:** The small airports aren't affected. The airports subject to administrative monetary penalties are located in a capital or they have official languages obligations.

**Marc Dalton:** Thank you.

**The Chair:** Thank you, Mr. Dalton.

I'll now give the floor to Ms. Chenette for two minutes.

**Madeleine Chenette (Thérèse-De Blainville, Lib.):** Thank you, Mr. Chair.

The modernized act sets out the role of Canadian Heritage and the Treasury Board Secretariat. In the case of administrative monetary penalties, it's a bit vague.

Why did Canadian Heritage take the lead on these regulations and not the Treasury Board?

I was impolite. I forgot to welcome you.

**Julie Boyer:** Thank you for the question.

We didn't choose the regulations. They were imposed on us under subsection 65.4(1) of the act.

According to this subsection, the Minister of Canadian Heritage must make a recommendation to the Governor in Council on regulations for administrative monetary penalties.

I would say that the two other regulations, such as the regulations concerning the Use of French in Federally Regulated Private Businesses Act, specify that Canadian Heritage is responsible for drafting the regulations.

Both the Treasury Board and Canadian Heritage are responsible for part VII.

• (1155)

**Madeleine Chenette:** Thank you.

We spoke earlier about the potential impact of a \$50,000 penalty on large corporations. It's one thing to talk about a \$50,000 penalty. However, it's quite another when that penalty can damage their brand as a good corporate citizen in terms of communications.

How often will the Commissioner report violations? Once a year, or throughout the year?

This would put pressure on companies to demonstrate good corporate citizenship.

**The Chair:** You have 25 seconds left.

**Sarah Boily:** Thank you, Mr. Chair.

First, the Commissioner is master of his own procedure. He currently reports violations once a year in his report on the compliance of institutions subject to the act.

We gather that he would report any violations in this report. Recently, he changed his approach and tabled two reports during the year. The first focused on compliance, and the second on official language minority communities.

If he continues to take this approach, we can expect him to report on violations once a year.

**The Chair:** Thank you, Ms. Chenette.

I'll now give the floor to Mr. Beaulieu for one minute.

**Mario Beaulieu:** Can the regulations still be amended?

**Julie Boyer:** Thank you for the question.

Yes, it's possible. After 30 days in the House, the regulations will be published in part I of the Canada Gazette. Canadians can then submit further comments, which will be incorporated into the regulations. The regulations can then be reintroduced in both chambers.

**Mario Beaulieu:** I assume that the vote will take place in the House, not in committee. We can prepare a report. However, it isn't the same process as for a bill, such as Bill C-13, requiring a clause-by-clause study.

**Julie Boyer:** There isn't any vote. That's correct. You're right.

**The Chair:** You have 20 seconds left, Mr. Beaulieu.

**Mario Beaulieu:** We'll see what happens next, but we'll try to broaden the scope of the regulations. They currently don't apply to a whole range of companies, such as national railways, Nav Canada, port authorities, the Canada Border Services Agency, and so on.

You said that other powers, such as the power to issue orders, apply in the same way to these companies. It's just that they can't be fined.

Is that right?

**Julie Boyer:** That's right.

**Mario Beaulieu:** Thank you.

**The Chair:** Thank you, Mr. Beaulieu.

Colleagues, this is worth noting. During the discussion about Air Canada, I received an email from Air Canada asking for my opinion on the comments. I'm sure that my colleagues received it too. Perhaps I'll send them the video of our meeting today.

In any case, I would like to thank our witnesses for joining us.

We'll suspend the meeting for five minutes to allow the second panel of witnesses to join us.

Thank you.

• (1155) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1205)

**The Chair:** Welcome to meeting number 16 of the Standing Committee on Official Languages. We're continuing our study of

the proposed official languages administrative monetary penalties regulations.

I would now like to welcome our witnesses.

From Droits collectifs Québec, we're joined by Étienne-Alexis Boucher, chief executive officer, and François Côté, senior legal officer. They're both appearing by video conference.

From the Fédération des communautés francophones et acadienne du Canada, we're joined by Liane Roy, president, and Roger Lepage, counsel, who are both appearing by video conference. Here in person, we're joined by John Mark Keyes, counsel, and Hector Vera, policy director.

Each organization will have five minutes for opening remarks. We'll then open the floor to questions and answers from members of Parliament.

I gather that our technicians are doing the sound test for Mr. Boucher. We'll start the meeting anyway.

Mr. Boucher and Mr. Côté, you're together. I'll give you the floor for five minutes.

**Étienne-Alexis Boucher (Chief Executive Officer, Droits collectifs Québec):** I want to thank all the parliamentarians for giving the floor to Droits collectifs Québec.

**The Chair:** Mr. Boucher, I must interrupt you. Could you raise your microphone a bit?

**Étienne-Alexis Boucher:** I'm waiting for your instructions, Mr. Chair.

**The Chair:** Mr. Boucher, I'm sorry.

I'll ask the officials from the Fédération des communautés francophones et acadienne du Canada, or FCFA, to speak first while we try to resolve the sound issue.

Ms. Roy, you have the floor for five minutes.

**Liane Roy (President, Fédération des communautés francophones et acadienne du Canada):** Good afternoon, Mr. Chair and members of Parliament.

Thank you for inviting the FCFA to speak about the proposed official languages administrative monetary penalties regulations.

I'm joined by Roger Lepage and John Mark Keyes, former presidents of the Fédération des associations de juristes d'expression française de common law. Mr. Lepage has an extensive background in language rights. Mr. Keyes, a former public servant with the Department of Justice, has expertise in proposed regulations and government bills.

We're also joined by Hector Vera, FCFA's policy director. As you know, for 50 years now, FCFA has been the national voice of French-speaking Canadians living in minority communities in nine provinces and three territories. It dedicated a number of years to the modernization of the Official Languages Act, which came to fruition in 2023. We want strong, modern and respected legislation.

We emphasized in particular the need for consequences when federal institutions fail to comply with the legislation. With this in mind, last year, we published a brief that set out our expectations regarding the upcoming administrative monetary penalties regulations. We outlined seven principles.

First, sufficient penalties must be adopted in order to deter repeat violations. Second, violations of the act must be dealt with fairly, consistently and uniformly. Third, a proactive role for the Commissioner of Official Languages must be promoted. Fourth, the length of procedures must be shortened. Fifth, the focus must be on the full range of experiences of the travelling public. Sixth, the creation of a reinvestment fund for the francophonie must be promoted. Lastly, regulations that apply to all federal entities in the transportation field must be adopted.

This brings us to the proposed regulations tabled by the minister responsible for official languages on November 26. We welcomed this tabling, even though it comes 30 months after the adoption of Bill C-13, which modernized the Official Languages Act. Initially, we were told that regulations would be tabled within 15 to 18 months.

Of the seven principles that we outlined, some are included in the proposed regulations while others are not. Some are included, but are limited in scope. The Commissioner of Official Languages has already pointed out that the cumbersome process set out in the proposed regulations poses a problem. In order to impose an administrative monetary penalty, the Commissioner must meet a number of criteria. For each criterion, he must justify his reasoning and methodology. We believe that this hinders rather than encourages the systematic application of administrative monetary penalties.

Furthermore, the proposed regulations fail to cover the full range of experiences of the travelling public, as the FCFA wanted. The regulations could ensure uniform compliance in airports and air transportation, but not necessarily in rail or marine transportation. The proposed regulations cover only three entities—Air Canada, Marine Atlantic and VIA Rail—as well as designated port authorities. For the next steps, we're making four recommendations to this committee that align with the Commissioner of Official Languages' position on the proposed regulations.

That the regulations be extended to cover crown corporations or entities subject to the Official Languages Act that provide services to the travelling public in general.

That they shorten the length of procedures.

That they include sufficient penalties to deter repeat violations.

That they be reviewed every five years, as are a number of other federal regulations.

Mr. Chair, committee members, a few years ago, Commissioner Thériault said that if you want a commissioner with teeth, you

need legislation with teeth. Now, I'm telling you that we need regulations with teeth.

• (1210)

With these proposed regulations, you have in your hands the ability to strengthen a pillar of French language protection in this country. You must seize this opportunity.

Thank you for your attention. My colleagues and I are ready to answer your questions.

• (1215)

**The Chair:** Thank you, Ms. Roy.

I'll now give the floor to Mr. Boucher for five minutes.

**Étienne-Alexis Boucher:** Thank you, Mr. Chair.

Let's hope that this time the sound works for our interpreter friends.

I want to thank all the parliamentarians for agreeing to have Droits collectifs Québec take part in this study on the proposed official languages administrative monetary penalties regulations. We've waited a long time for these regulations, since Bill C-13 to modernize Canada's Official Languages Act was passed over two years ago. We're happy to see that the work is well under way.

I'll just introduce the organization, and Mr. Côté will take it from there. First, I would simply like to remind you that Droits collectifs Québec is a non-profit organization. Its mission is to promote and advocate for the collective rights of the people of Quebec, particularly when it comes to language.

As a result, we deal with all levels of government, including the federal government. We can even take legal action when the rights of francophones in this country are violated, as we did in the case of the translation of Supreme Court judgments. This means that we took legal action against the Office of the Registrar of the Supreme Court a few months ago.

I'll now give the floor to Mr. Côté.

**François Côté (Senior Legal Officer, Droits collectifs Québec):** Members of the committee, ladies and gentlemen, thank you very much for inviting us to appear before you.

The draft regulations on administrative monetary penalties for official languages are undoubtedly well intentioned, but they're disappointing. Like the FCFA and the Commissioner of Official Languages before us, we feel that Bill C-13 misses the mark for its smallness, its half-heartedness and its lack of teeth.

There are a number of things to note. I'll go through them fairly quickly, and I'll be happy to answer questions during the question and answer period.

First, with regard to the penalties that can be imposed on companies that make hundreds of millions of dollars in revenue, a fine of a few thousand dollars for failing to comply with official languages requirements borders on ridiculous. The ability to rack up repeated failures is of little importance, but it's also ridiculous because of how long it takes to process penalties. It takes years and years to get there, and the deterrent effect is non-existent.

We're also concerned about the narrow scope of the proposed regulations, in particular the fact that they apply only to the four entities and Crown corporations mentioned in section 2.

Ideally, in the best of all possible worlds, the scope of the regulations should be extended to all federal public service institutions covered by part IV or part V of the Official Languages Act. Failing that, it should at least be extended to port authorities, Transport Canada and designated port authorities.

When considering administrations, the regulations should go further and clearly target security services and customer service, which are directly related to the traveller experience.

We also lament the complexity of the administrative monetary penalty order regime. Paragraph 6(c) of the regulations is simply far too cumbersome for the Commissioner of Official Languages to effectively enforce his power to issue orders. Having to justify each amount in detail when there's already a review process and the decision can still be appealed before the Federal Court complicates the process such that its effectiveness is seriously compromised, in our opinion.

We also recommend providing for a feedback regime with the complainant, given that, ultimately, when the Commissioner of Official Languages tries to act and the action doesn't end up resolving the issue, the litigant has the ability, under part VII of the act, if I'm not mistaken, to bring the case before the courts. When a complaint is filed and an administrative monetary penalty scheme is being considered, it would be appropriate for the Commissioner to inform the complainant.

In our opinion, this administrative monetary penalty regime should also be subject to a public registry designed to inform Canadians, travellers and the general public of violations of the Official Languages Act that have resulted in an administrative monetary penalty, as is the case in many other areas as well.

Finally, we believe that the regime should clearly state, and it does not at the moment, that the power to impose administrative monetary penalties is done without prejudice and without any interference with the power to make recommendations and issue orders, the power to issue compliance orders and also the judicial recourse under part X of the Official Languages Act.

The administrative monetary penalty regime, which is disappointing for its small scope, must not, on top of that, close the door to other legal recourse available to litigants.

• (1220)

**The Chair:** Mr. Côté, I'm sorry, but the time is up.

I would ask you to wrap up your remarks quickly. We can then move on to the question period.

You'll have a chance to add more comments later.

**François Côté:** In closing, we believe that the proposed regulations are founded on a good idea, but their scope is disappointing. We urge you to expand their scope in a meaningful way.

**The Chair:** Thank you very much, Mr. Boucher and Mr. Côté.

We will now move on to the question period with members.

Mr. Dalton, you have the floor for six minutes.

**Marc Dalton:** Thank you very much to the witnesses for their testimony.

Both panels raised the issue of timelines. It took 30 months, more than two years, to get to where we are now.

This problem is happening everywhere in the Liberal Government of Canada, whether it be the Canada Revenue Agency, Immigration, Refugees and Citizenship Canada or Justice Canada. Processing times, bureaucracy—all of it is extreme.

Are you a little concerned? Even if the government implements these draft regulations, there won't be a lot of changes.

I'll start with the FCFA representatives, and then I'll go to the other witnesses.

**Liane Roy:** Thank you for the question, sir.

Certainly, the regulations should come into force as soon as possible, given the usual process in the public service to implement this type of legislation.

It's taken an enormous amount of time to reach this point, but if we can ensure that they come into force quickly, we also want all the means and resources to be put in place by the government and the public service. We want the regulations to come into force and, in turn, compliance with the act to be enforced as efficiently as possible, because a lot of time has already been wasted.

**Marc Dalton:** What's your opinion, Droits collectifs Québec?

**François Côté:** For our part, we welcome the government's good intentions to adopt regulations, but we take issue with the delays, which are beyond unacceptable.

The current government and its predecessor don't necessarily have the best track record when it comes to motivation, at least in the efficient and effective sense of the term, when it comes to defending the French language. We can only hope that the regulations will be improved for greater efficiency and that they will come into force as soon as possible.

It's been a long time coming. It's time to move forward, improve them and pass them so that it doesn't take even longer for them to start having an impact on the ground.

**Marc Dalton:** Thank you very much.

Ms. Roy, can you give us an example of how difficult it is to be served in the official language of one's choice?

What are the consequences of that in terms of passenger rights?

**Liane Roy:** Thank you very much for the question.

I'm going to turn it over to one of our legal experts. Since there are a number of them, it happens frequently.

I will now give the floor to Mr. Lepage.

**The Chair:** Mr. Lepage, you're on mute.

**Roger Lepage (Mister, Fédération des communautés francophones et acadienne du Canada):** Okay, thank you.

I'll give you an example. A resident of Regina was travelling a lot to see his wife, who was studying in Montreal. He didn't often receive services in French on Air Canada flights. He filed complaints on a number of occasions. He was discouraged to see that there was no improvement after the complaints were filed. It happened again and again, and he had the same issues on every flight. He had to initiate legal proceedings with the Federal Court and hire a lawyer. Penalties were imposed, but there was no improvement.

That's more or less what it costs to do business with Air Canada. The company thinks that it only costs \$5,000 every time it violates language rights.

When it comes to a large company like Air Canada, there really aren't enough teeth. We're pleased to see that penalties will be imposed, but the FCFA believes that the penalties aren't high enough. The amount should be doubled, as some members have said.

Why not go up to \$1 million? Deterrence has to be financial in nature.

• (1225)

**Marc Dalton:** Okay.

I now have a question for the representatives of Droits collectifs du Québec.

The Liberals caused a delay in the regulatory process, and this is about strengthening their own legislation.

Can you give us an example of traveller rights being violated during travel by land, sea or air? This is serious.

**François Côté:** We've seen that there are many instances where travellers at airports simply can't be served in French, particularly at security stations and in customer service.

A fat lot of good it does travellers if the website is bilingual and the signs on the walls are in French and English, but the staff are unable to respond to them in French, even though they are in need or having trouble. The respect for language rights simply isn't there.

The introduction of administrative monetary penalties is also particularly important. Currently, the Commissioner of Official Languages has the power to make recommendations and issue orders,

but federally regulated companies can ignore them. A federally regulated company subject to the Official Languages Act can absolutely receive the report from the Commissioner of Official Languages and say that's very nice, but it won't comply with it. This has been tried before.

**The Chair:** Mr. Côté, I'm sorry, but the time is up. I gave you a few extra seconds to answer, but I have to stop you.

Mr. Dalton, thank you.

Ms. Chenette now has the floor for six minutes.

**Madeleine Chenette:** Thank you, Mr. Chair.

I want to welcome our guests and experts here today to discuss this very important subject and regulation.

You mentioned the fact that the penalties are not big enough. You seem to be saying that it has to go up to \$1 million, which is quite substantial. It would go from \$50,000 to \$1 million.

In our current reality, we're talking about penalties for repeat offenders. Wouldn't a registry be a better solution for it to be made public and for the media to take over?

The tarnishing of their corporate image is also harmful to the offending companies; it's not just the financial aspect and their sales figures.

Why are you focusing on the financial aspect? There are other ways to make difficult things that are not being done public.

My question is for Ms. Roy.

**Liane Roy:** Thank you very much for the question.

We understand that administrative monetary penalties are a last resort to ensure compliance with the Official Languages Act. It's somewhat of a punishment.

The question is still whether the \$50,000 fine is enough of a deterrent to prevent any further violations of the act. It could be if the penalties could be applied to each complaint. For example, if there were 10 complaints, the Commissioner of Official Languages could multiply the amount of the penalty by 10, so 10 times \$50,000. That's what Mr. Lepage was alluding to earlier.

In this case, I will let Mr. Keyes take over. He's the expert on regulations.

Mr. Keyes, do you have anything to add?

• (1230)

**John Mark Keyes (Mister, Fédération des communautés francophones et acadienne du Canada):** As we said earlier, yes, the penalties could be increased in the event of several violations. Every violation could be subject to a penalty. However, there is still a limit to each of these penalties.

As Mr. Côté said earlier, for a company like Air Canada, even an increase in the number of violations doesn't amount to anything significant financially speaking. The limit could undermine the effectiveness of these penalties on large corporations like Air Canada.

**Madeleine Chenette:** Yes, our previous experts told us that it was up to the Commissioner to determine whether he imposed a \$50,000 penalty for each complaint, based on the steps. So it can become significant if it is known. That puts pressure on the system.

However, you mentioned that it makes the Commissioner's job harder.

What are your observations on this burden?

How could we simplify that, while preserving the effectiveness of the system and compliance with the act?

If it's not managed properly, the risk of it being challenged would come at an enormous cost.

What do you think needs to be done to improve the situation and reduce this burden?

**John Mark Keyes:** I've gone through quite a few other pieces of legislation that deal with monetary penalties. I haven't yet found an example that has notice of violation procedures as complicated as those in these regulations.

For example, in the Motor Vehicle Safety Act, there are regulations on monetary penalties. It says the following about notice of violation:

...names the person, identifies the violation and sets out (a) the penalty for the violation that the person is liable to pay; and (b) particulars concerning the time for and manner of paying the penalty and the procedure for requesting a review.

That's all it says about the details and content of a notice of violation. I have a few other similar examples that don't have the kind of detail the draft regulations do.

To give an example of complexity in relation to the notice of violation, subparagraph 6(c)(i) states that there must be "a list of all the criteria that the Commissioner took into account".

The list of criteria is already set out in the draft regulations. Why is it necessary to mention all the criteria? What happens if the Commissioner doesn't mention any of the criteria? Will that nullify the violation or the procedure?

This kind of detail therefore opens the door to challenges and makes it possible to attack the Commissioner's decision. There are a number of other examples about the details.

**The Chair:** Mr. Keyes, I'm sorry to interrupt, but the time is up.

Thank you, Ms. Chenette.

I now give the floor to Mr. Beaulieu for six minutes.

**Mario Beaulieu:** Thank you, Mr. Chair.

Many witnesses have talked about the burden of the tasks and the length of the deadlines. The regulations provide that a contravention committed less than one year after the date on which it comes into force is not designated as a punishable violation.

Do you agree with that?

How could the deadlines be shortened?

**John Mark Keyes:** It's normal under this regime to have time limits on contraventions and the related legal action. A one-year deadline isn't long. That's for sure.

In general, there are two-year limits in summary conviction cases in the criminal courts. That's normal for minor offences.

I don't know why we didn't adopt a similar deadline here of at least two years, instead of just one year.

• (1235)

**Mario Beaulieu:** How could the deadlines be shortened? It was said that the deadlines were too long.

**John Mark Keyes:** Is this about shortening procedural delays?

**Mario Beaulieu:** I'm talking about the deadlines for contraventions and procedures.

There are other things that could have been done. For example, Air Canada, which is a notorious repeat offender, can't use everything that predates the settlement. We wipe the slate clean, we start over and it takes at least a year before—

**John Mark Keyes:** Yes, we can speed up the process by reducing the administrative burden. The idea would be to limit the details to be provided in the notice of violation and adopt internal guidelines to achieve effectiveness when filing violations and prosecuting.

There are ways to do that, but putting all those details in the notice of violation in the regulations really risks delaying the process, especially when it comes to appeals and judicial review by the Federal Court.

**Mario Beaulieu:** It may already be in your brief, but if you have very specific measures to recommend, could you send them to us?

**John Mark Keyes:** The main recommendation would be to reduce the list of details that need to be included in the notice of violation.

**Mario Beaulieu:** It was mentioned earlier that the scope of the regulations had to be broadened. Canadian Heritage representatives asked that the regulations be applied to everything to do with airport security and that other institutions be added to the regulations.

We've been told that if the regulations are applied to a federal entity or a Crown corporation, it's as if the government were imposing a fine on itself. That wouldn't be effective.

We were also told that the powers conferred on the Commissioner with respect to orders and compliance agreements also apply to other types of businesses.

What do you think?

**John Mark Keyes:** I think it would be a good idea to extend the application of the regulations to other services, such as the Canada Border Services Agency, even if it's an agency entirely funded by the government.

This process draws attention to violations. It's not just a matter of imposing some kind of fine, but also a matter of publicizing the problems within the institutions.

**Mario Beaulieu:** Regarding the possibility of stacking penalties and monetary penalties, would you agree that it could be cumulative?

**John Mark Keyes:** Yes, of course. That would be a tool that the Commissioner could use to accumulate a good number of complaints and impose penalties for each complaint.

**Mario Beaulieu:** Earlier, Droits Collectifs Québec floated the idea of having a feedback registry with the complainant.

We asked a representative of Canadian Heritage whether it would be possible to set up a registry or a report on people who receive fines or are subject to a process. We were told that the Commissioner would produce a report once a year, which would include violations of the act and the names of the perpetrators.

Do you think that's enough?

**The Chair:** You have 25 seconds.

**John Mark Keyes:** A report would be useful, but it will certainly impose another administrative burden on the Commissioner.

• (1240)

**Mario Beaulieu:** It would be like providing feedback to the complainant.

**John Mark Keyes:** I completely agree with that kind of thing.

**The Chair:** Mr. Beaulieu, your time is up.

Thank you very much.

We'll now proceed to the second round of questions.

However, I'll have to reduce the speaking time and will do so proportionally, as always.

There are five members on the list: Mr. Godin, Mr. Villeneuve, Mr. Beaulieu, Mr. Bélanger and Mr. Deschênes-Thériault. I'm going to give three minutes to Mr. Godin, Mr. Villeneuve, Mr. Bélanger and Mr. Deschênes-Thériault, and one and a half minutes to Mr. Beaulieu.

Mr. Godin, you have the floor for three minutes.

**Joël Godin:** Thank you, Mr. Chair.

I'm disappointed, because time is a very scarce commodity. However, I understand the situation.

Ms. Roy, thank you for being with us. You represent a huge number of francophones and francophiles. Thank you for the work you do.

I'm going to ask you a very simple question. In your introduction, you talked about strong, modern and respected legislation.

Do you think the Official Languages Act is strong, modern and respected?

**Liane Roy:** That's a very good question.

I'll ask Mr. Lepage to answer it. He's the legal expert on the act.

**The Chair:** Please wait, Mr. Lepage—

**Joël Godin:** It's not that I don't want to hear from you, Mr. Lepage, but according to the comment you made in your introduction, the answer is no, and that's my interpretation, Ms. Roy.

Thank you, Mr. Lepage. I'd like to ask you more questions, but speaking time is very limited.

Ms. Roy, you talked about legislation that would have teeth. Now you're saying that you need regulations with teeth.

My second question is this: Ms. Roy or Mr. Lepage, do the regulations have teeth?

**Liane Roy:** They could have more, but I'll let Mr. Lepage answer the question.

**Roger Lepage:** Thank you.

According to the FCFA, the regulations lack teeth. For the Commissioner of Official Languages, penalties are only a last resort, and the amount that can be imposed is far too small to be truly flexible, given that it will be large businesses that may be targeted.

Then there's the burden imposed by the regulations, in section 6, for the notices of violation. We think it will simply give him a lot more work without really generating a better result.

It should also be noted that the modernized Official Languages Act automatically allows for a review process before the Federal Court with respect to all the facts raised and the amount of the penalty.

The Commissioner of Official Languages can therefore make excellent, very well-reasoned decisions, but the act allows the party concerned to appeal on any point. It's like a trial.

**Joël Godin:** Thank you, Mr. Lepage. I'm sorry to interrupt. As I mentioned, time is running out.

Ms. Roy, I'd like to hear your thoughts on the idea of a reinvestment fund.

Would it be generated by the fines that will be imposed?

**The Chair:** Ms. Roy, there are 15 seconds left. Please give a very brief answer.

**Liane Roy:** Okay.

That was our initial idea, but we kind of let it fall by the wayside. However, the fund was specifically intended to reinvest in the francophonie and programs dedicated to it.

**The Chair:** Thank you, Mr. Godin.

Mr. Villeneuve, you have the floor for three minutes.

**Louis Villeneuve:** Thank you, Mr. Chair.

I'd like to thank all the witnesses for being with us today.

Ms. Roy, you pointed out that one of the principles of the regulations would be to cover the entire experience of the travelling public.

Do you think the scope of the regulations should be extended to other sectors?

If so, which businesses should be included?

**Liane Roy:** Thank you for the question.

The FCFA would like the regulations to guarantee compliance with the act, taking into account all the experiences of the travelling public.

Based on our reading of this draft regulations, that could be the case for travellers using airports and, to some extent, in the air transport sector, but certainly not in rail, road or marine transportation. That's why, in accordance with the act, we're calling for an expansion of the scope of the regulations to Crown corporations or entities subject to the act that offer services to travellers in general.

The FCFA proposes adding, without limitation, port authorities, as requested by the Commissioner, the Canadian Air Transport Security Authority, also requested by the Commissioner, the Federal Bridge Corporation, the St. Lawrence Seaway Management Corporation, the Canada Border Services Agency and ferry companies.

Mr. Lepage, I think you wanted to talk about other more legal aspects. Do you want to add anything?

• (1245)

**Roger Lepage:** No, that's fine.

**Louis Villeneuve:** Thank you very much.

On a more positive note, what improvements do you think these regulations will make?

What will change for the better? What changes do you expect to see once the regulations come into force?

I know I don't have a lot of time, but I'll turn it over to you.

**Liane Roy:** What we expect is that the regulations will achieve their objective and that they will solve a systemic problem. Penalties must therefore be applied when there are violations of the act.

This is an important factor for us. There really needs to be an increase in the cap on administrative monetary penalties so that the penalties are more of a deterrent for delinquent companies, as we mentioned in our introduction.

In addition, a fourth category could be introduced, with higher amounts for repeat offenders.

**Louis Villeneuve:** Thank you. We've covered everything.

**The Chair:** There are 15 seconds left.

**Louis Villeneuve:** I would like to thank you once again for your answers, Ms. Roy.

**The Chair:** Thank you, Mr. Villeneuve.

I now give the floor to Mr. Beaulieu for a minute and a half.

**Mario Beaulieu:** I quite agree with your proposal that there should be higher amounts.

Do you think it's compatible with what was set out in the act? There was discussion of an amount of \$25,000.

**Liane Roy:** Yes, it's compatible.

**Mario Beaulieu:** That's perfect.

**Liane Roy:** It's higher.

**Mario Beaulieu:** I agree with that.

We also asked questions about federally regulated private businesses. There's the modernized act. We will eventually see how it applies. However, we were told that there would be no monetary penalties in the case of federally regulated private businesses.

What do you think? We're talking about the new regulations, not these regulations. There will be regulations that will affect these companies.

**Liane Roy:** We're really targeting the administrative monetary penalties set out in the regulations we're discussing today.

**Mario Beaulieu:** Doesn't limiting it to only the four targeted entities and not including all federal institutions show a lack of political will?

**The Chair:** There are about 15 seconds left.

**Mario Beaulieu:** You can answer in 15 seconds.

**Liane Roy:** Very quickly, I think that if we could already extend the scope of the regulations to all traveller experiences, as mentioned, that would be very good. Other businesses related to the travel sector should also be included.

**The Chair:** Thank you, Mr. Beaulieu.

I give the floor to Mr. Godin for three minutes.

**Joël Godin:** Thank you, Mr. Chair.

Actually, Ms. Roy, I'm going to go back to the question my colleague asked.

Don't you think it would be wiser to extend administrative monetary penalties to federally regulated businesses?

You said that we are working on the regulations today. I completely agree with you, except that, considering that the process of developing regulations is long, in the current government, don't you think we could seize the opportunity and add this category?

**Liane Roy:** I'll refer the question to Mr. Lepage.

**Joël Godin:** Please be brief, Mr. Lepage.

**Roger Lepage:** Yes, we agree that penalties—

**Joël Godin:** That's perfect, Mr. Lepage. Thank you. You told me you agreed, and I appreciate that. I have very limited time, unfortunately, and you're a victim of that.

Ms. Roy, you talked about will and intent in your opening remarks.

Do you think that these regulations are an undue burden in terms of the notice of violation that must be submitted before a fine is imposed, as your colleague Mr. Keyes said?

That's what I understand from your colleague's comments.

Doesn't this once again show that this government has neither the will nor the intention to do everything in its power to defend the status of French in our bilingual country, Canada?

• (1250)

**Liane Roy:** At the FCFA, we are calling for more flexibility to facilitate much more effective implementation.

If Mr. Keyes would like to add a few points, I will give him the floor.

**John Mark Keyes:** It's hard to assume the intent behind this way of including all these details.

**Joël Godin:** I'm not the one saying it.

**John Mark Keyes:** It may be included in the regulations because legal experts at Justice Canada recommended it. I don't know. It seems to me that it isn't necessary to have all these details in the regulations.

Of course, these are good internal guidelines, but in regulations, no, they are not.

**Joël Godin:** When it comes to efficiency, I agree with you. I don't want to put words in your mouth. That's my opinion, and I think the point has been made a number of times now.

Ms. Roy, you talked about a five-year review process. We had asked that the Official Languages Act be reviewed every five years, as is the case for the Indigenous Languages Act. Unfortunately, the Liberal government rejected my amendment.

In terms of the regulations, would it be important to amend the regulations so that there's a review every five years?

**The Chair:** Ms. Roy, there are about 15 seconds left. I would ask you to be brief.

**Liane Roy:** The simple answer is yes. There should be a review every five years.

**Joël Godin:** Thank you.

I wish you all happy holidays. Thank you for being here today.

**The Chair:** Thank you, Mr. Godin.

I now give the floor to Mr. Deschênes-Thériault for three minutes.

**Guillaume Deschênes-Thériault:** Thank you very much.

We have before us draft regulations that, based on the comments received, could be amended.

Mr. Keyes, you've studied several types of monetary penalty regimes in various federal government regulations.

What lessons could we learn from this exercise?

Are there any specific elements that should eventually be added to the regulations?

Do you have any suggestions in that regard?

**John Mark Keyes:** I would remove a lot of the details that are required in section 6 of the draft regulations. As I said earlier, this is good advice for managing the penalties process, but it's not the kind of thing that should be put in the regulations.

Putting all that in the regulations means that the Commissioner's decisions will be challenged.

**Guillaume Deschênes-Thériault:** We've talked a number of times about the issue of the cap on penalties, which you feel is insufficient. However, the regulations must reflect the content of the act. What is currently provided for in the act poses limits. The act talks about a \$25,000 limit.

Given that, how do you see those higher caps? I'd like to understand.

Furthermore, you believe that the cumulative effect would not be sufficient.

Am I understanding that correctly?

**Liane Roy:** What we said was that it would be important to ensure that the penalties are applicable for each complaint and that the amount of the penalty can be multiplied.

For example, if 10 complaints are filed, the Commissioner could multiply the amount of the penalty by 10, rather than imposing what is already mentioned.

Mr. Lepage may have more details on that.

**Roger Lepage:** The Official Languages Act provides that the maximum amount is \$25,000. The act also says that it can be increased by regulation. The act makes it possible to increase it even up to \$1 million or repeatedly. It also makes it possible to create another criterion for repeat offenders, for example.

**Guillaume Deschênes-Thériault:** I have 15 seconds left.

As for the idea of setting up a public registry, in addition to the amounts, we have to realize that the repercussions of repeat violations on companies like Air Canada can be harmful.

What do you think about that aspect, about publicly disclosing that type of information?

• (1255)

**The Chair:** There are 15 seconds left. Please be brief.

**Roger Lepage:** The registry is a good idea. However, a registry is just one more tool to try to get attention. I think administrative monetary penalties have a stronger impact.

The departments themselves should also be subject to it, because it draws attention to some of them who are violating the Official Languages Act.

**The Chair:** Thank you very much.

Thank you, Mr. Deschênes-Thériault.

First of all, on behalf of the committee, I'd like to thank the witnesses who appeared either in person or online. I thank them for being with us.

Before we adjourn, I have two quick points for committee members. Last week, the clerk circulated the budget for the study we just started on regulations. Since the committee wasn't sure how many meetings would be needed to complete the study, the clerk has set a budget for four meetings and about 20 witnesses. If that changes, we can create a supplementary budget or return the unused money to the committee's envelope.

Is the committee in agreement with the budget?

**Some hon. members:** Agreed.

**The Chair:** The second point is that the Commissioner of Official Languages will be appearing at our meeting next Thursday on the use of French in government communications. The Commissioner is only available for the first hour of our meeting.

The clerk has indicated that we want him to testify on the use of French in government communications. The Commissioner contacted the clerk again to ask if he could split his appearance in two so as to testify for 30 minutes on this subject and 30 minutes on the regulations.

I am therefore addressing the committee on this request. If that's the will of the committee, we can change it. Otherwise, we will stick with what we decided.

I give the floor to Mr. Deschênes-Thériault, and then it will be Mr. Godin's turn.

**Guillaume Deschênes-Thériault:** I think it would be beneficial for the committee to hear from him on both topics, knowing that his mandate is coming to an end and that he has been very active in the process of modernizing the act. He had made a lot of comments.

These regulations are the ones that affect the Commissioner the most. I think it would be in the committee's interest to have his comments on the study of the regulations as well. I think we could expand the scope of Thursday's meeting.

**Joël Godin:** Mr. Chair, I don't share the opinion of my colleague opposite.

Considering that this is probably the Commissioner's last appearance here, I think it's important to have his expertise on the Prime

Minister's situation, the use of French in government communications and federal institutions.

I prefer that the committee focus the entire hour on this issue. That's what's in the summons. We'll be working with the new Commissioner when he or she comes back next year to talk about the regulations. That's the person who will have to live with these regulations, unfortunately.

I would have preferred that the Commissioner be available for two hours, the first hour to discuss the main topic and the second hour to discuss the regulations. However, it's the holiday season, and he too has the right to celebrate at the end of his term.

**The Chair:** Mr. Beaulieu, do you have any comments?

**Mario Beaulieu:** I would agree to keep it on the use of French.

**The Chair:** So we are keeping the use of French.

Mr. Godin?

**Joël Godin:** We saw it this week, when the President of the Treasury Board appeared. It would be very important for the Commissioner to be well informed about the subject being discussed at the Standing Committee on Official Languages, because I was very disappointed by this week's experience.

Thank you, Mr. Chair.

**The Chair:** Is there any further discussion?

Ms. Chenette, do you have anything to add?

**Madeleine Chenette:** So Thursday's meeting will last only one hour.

Is that correct?

**The Chair:** That's right.

**Madeleine Chenette:** I just wanted to make sure that was clear to everyone.

**The Chair:** Is there any further discussion? I see none.

The meeting is adjourned.

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