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• (1535)

[Translation]

The Chair (Yvan Baker (Etobicoke Centre, Lib.)): Colleagues, welcome to meeting number 24 of the Standing Committee on Official Languages.

Pursuant to Standing Order 108(2) and the order of reference of Tuesday, December 9, 2025, we are continuing our study of the official languages regulations on the advancement of equality of status and use of English and French.

I would now like to welcome the witnesses.

We have, as an individual, Antoine Désilets, managing director of the Société Santé en français, as well as Rémi Léger, full professor.

You will each have five minutes for your opening remarks.

Mr. Godin, do you have a question?

Joël Godin (Portneuf—Jacques-Cartier, CPC): Before we proceed with the witnesses' statements, Mr. Chair, I have a few technical questions to ask to make it easier for my colleagues and me to understand.

I want some clarification following the publication of the Canada Gazette. I know you won't have the answer, but would it be possible to give instructions to the clerk so that we can get the answers?

The official languages administrative monetary penalties regulations were published in the Canada Gazette, and some information differs.

For example, in the preamble, the background or the explanation, type C fines are identified as ranging from a minimum of \$10,000 to \$50,000 in the Gazette, but in the draft regulations, they are set at \$5,000 to \$50,000. That's one example, and I have others.

I don't understand why the draft regulations were changed during the consultation process and why things were included that had been corrected. That may be the intention of the department, but at this point, I would simply like to understand whether this is a normal practice or whether any typos have slipped into the Canada Gazette.

Would it be possible, Mr. Chair, to ask the clerk to check whether this is procedurally correct?

The Chair: Mr. Deschênes-Thériault, would you like to speak?

Guillaume Deschênes-Thériault (Madawaska—Restigouche, Lib.): I understand that a letter will be sent to the clerk this week to

clarify the issue Mr. Godin highlighted. We should receive a letter this week to clarify this issue, which will then be sent to the clerk.

Joël Godin: I understand, but what I would like is for the clerk to take the necessary steps to get the information. What I understand, Mr. Deschênes-Thériault, is that you probably detected this error earlier in the process and that the information will be shared with our colleagues.

In fact, I understand your intervention, but I am raising this in committee because I want to make sure that the information is in compliance, that it is sent to the clerk and that it is in harmony with *House of Commons Procedure and Practice*.

Thank you for that additional information.

If the letter we intend to send to the committee meets our needs, so much the better. If not, I would ask that the clerk explore this further.

The Chair: Okay.

I have just consulted the clerk, and she advises me that she can ask the department to clarify things and explain why this is the case.

I haven't seen the differences you mentioned, but if the information differs, it would be a matter of explaining why that is the case. As a committee, we can move forward with this new information and with the letter that will, of course, be sent.

Joël Godin: First, Mr. Chair, you'll appreciate that it's new for all parliamentarians to be working on regulations. The last time there were regulations for the Official Languages Act, they weren't discussed here, because the committee had decided that. Right now, however, we have decided to study it because we want to improve it.

Second, would it be possible to update us on the list of witnesses for the part of the act that concerns us, namely, part VII? We'd like to know if we have any witnesses left and how many meetings we have left. Based on the work that has already been done, we should have a schedule to see if there is room to hear other witnesses. There was a request and my colleague asked me to explore the possibility of adding a witness.

Personally, I'm very open to that, but if it's not possible, I'm going to ask that we use the witness's testimony at the Standing Senate Committee on Official Languages, that we add it to our evidence and that it be considered in drafting our recommendations.

The Chair: As I understand it—and I'd ask the clerk to correct me if I'm wrong—we have this two-hour meeting today with witnesses, and then Thursday's meeting, which is scheduled for the first hour with witnesses on part VII of the Official Languages Act. Then we'll be done with witnesses.

Madam Clerk, can you give us an update on Thursday's witnesses? I don't think we sent a notice for that meeting.

Joël Godin: Mr. Chair, I don't want the names of the witnesses. At this point, it's not necessary. We respected the distribution among the three parties and covered everything.

In order to give the clerk instructions, may I ask my colleagues if they want to add witnesses for this study on the part VII regulations or if it's complete?

The Chair: The clerk informs me that two witnesses are already scheduled for Thursday. If we don't add any meetings, and we keep only today's meeting and the one-hour meeting on Thursday, we'll have room for one more witness on Thursday. There will be three witnesses in the first panel.

• (1540)

Joël Godin: Whose witness is it?

The Chair: Right now, there are two. I don't know whose it is.

Joël Godin: No, I was asking about the breakdown.

The Chair: Right now, from what I understand, if we don't add anyone, we are already respecting the proportions of all the parties. If we wanted to add someone on Thursday, my proposal would be that all parties agree to do so.

Joël Godin: I would like to suggest Stéphanie Chouinard. I think my Liberal colleague agrees with this. There may be a vote if necessary, but we'll win it with the Liberals and the Conservatives.

Mario Beaulieu (La Pointe-de-l'Île, BQ): It would require unanimous consent, if I'm not mistaken.

Joël Godin: No, no, there's still—

Mario Beaulieu: I'm not objecting.

The Chair: If everyone agrees, we can add her as an invited witness.

Mr. Godin, did you have any other points to raise?

Joël Godin: No. You missed me, didn't you?

The Chair: Not at all. It has been a long time since we raised a point of order at the beginning of the meeting, Mr. Godin.

Welcome again, witnesses. I'm sorry that we lost a bit of time, but at the same time, you can see how committee members work together.

You each have five minutes for your opening remarks, and then we will move on to questions from members.

Mr. Désilets, you have the floor for five minutes.

Antoine Désilets (Managing Director, Société Santé en français): Mr. Chair, members of the committee, thank you for inviting me to appear today.

I'm speaking to you at a time when the expectations of francophone and Acadian communities are very high. After years of en-

gagement, the modernization of the Official Languages Act was supposed to finally move us towards substantive equality of English and French in Canada.

I want to say, from the outset, that Société Santé en français fully supports the recommendations the Fédération des communautés francophones et acadienne du Canada made when its representatives appeared before this committee.

Keep in mind that the purpose of regulations is to give federal institutions the tools to truly follow through on the objectives of the act. Good regulations lead to concrete measures. Ill-defined regulations open the door to ambiguity and, in day-to-day practice, the temptation to take the path of least resistance.

Allow me to share a real-life example from the health sector.

In March 2023, the federal government and the provinces signed bilateral health agreements underpinned by clear key principles, one being “equal access for equity-seeking groups and individuals, including those in official language minority communities”. That principle is laid out in black and white in all the agreements. Seldom do you see such a clear and explicit consensus between Ottawa and the provinces on health care.

However, the mismatch between those bilateral health agreements and the plans to implement them—plans developed by the provinces and approved by the federal government—is pretty glaring. In every jurisdiction but one, this principle has not translated into a single concrete measure to provide access to health care in French.

The result is simple: despite existing on paper, the principle is not implemented when decisions are being made. Nevertheless, the act requires federal institutions to take positive measures to support the vitality of communities and to take the impact of their decisions into account.

On this issue, we have seen little in the way of impact analyses or concrete measures. Billions of federal dollars are transferred to the provinces to improve access to health care, with no regard for access to health care in French.

When the Official Languages Act is not implemented, the federal government is unfortunately helping to widen the gap between the services available to the majority and those available to our communities.

Allow me to put that into context. A modernized act clearly laying out federal institutions' responsibilities to official language minority communities was in place, and an agreement in principle explicitly recognizing those communities had been ratified by all the parties. Theoretically speaking, the time was ripe for official languages to be taken into account. The results, however, are meagre.

Why is there such a gap? I will venture a very simple guess: the path of least resistance won out. In complex negotiations with the provinces, language obligations were pushed to the side.

That gives rise to a fundamental question: What is the point of principles and laws if they don't translate into concrete decisions?

The main purpose of the regulations is to give federal institutions the tools to implement the act. When I read the draft regulations, another question comes to mind: Had these regulations been in force, would they have prevented the discrepancy between the health agreement principles and actions?

Given what's in the proposed regulations, I think not. They don't truly equip federal institutions to respect their obligations in situations as complex as intergovernmental agreements. A number of elements need clarity: the definition of positive measures; the analyses federal institutions are supposed to conduct; the community consultations; and the mechanisms to measure progress towards substantive equality.

Lastly—and this is especially important—the regulations should clearly state that language obligations must be considered every step of the way when agreements are being negotiated with provinces and territories. In other words, the regulations need to give federal institutions the tools to take action not just when it's easy, but also, and more importantly, when it's hard.

As committee members, you have spent hours upon hours studying official languages, so I turn to you. If, like me, you want to see real improvements for official language minority communities in Canada, the regulations currently proposed won't cut it.

Francophone and Acadian communities spent nearly a decade working to help modernize the act, and now they expect the spirit of that act to translate into the real world. Without clear and robust regulations, the modernized act will likely make no real difference, at least not in health care.

Thank you.

• (1545)

The Chair: Thank you, Mr. Désilets.

We will now hear Mr. Léger's opening remarks. You have five minutes.

Rémi Léger (Full Professor, As an Individual): Thank you very much.

Mr. Chair, honourable members, I teach political science at Simon Fraser University, in British Columbia. For the past 15 years or so, I've been researching Canadian language policies, especially the role of Canada's francophone organizations in developing, reviewing and implementing those policies.

My remarks today will focus on three things.

First, the part VII regulations are an essential piece of the modernized Official Languages Act. They should translate Parliament's intent into the real world and make it possible to fully implement the commitments made. Without robust regulations, the modernization that began in 2018 will never be complete, unfortunately.

Regulations, by definition, help to clarify an act and guide its practical application. All acts lay out principles or general commitments. For example, subsection 41(1) of part VII requires the federal government to enhance the vitality of official language minority communities, and support and assist their development.

Those commitments can be implemented in a number of ways, so the question is this: Which one do you choose and why? What factors should inform that decision? What role should minority language organizations play in the decision-making process? Should they be consulted, and if so, how? Should they instead play a meaningful role in designing and implementing related programs? Once the decision is made, what are the mechanisms for measuring its impact on substantive equality progress?

Regulations should answer those types of questions. As my colleague said, the main purpose of regulations is to provide tools to the stakeholders and public servants responsible for implementing the act. Regulations are the tool box for the act.

Second, if regulations that give effect to an act are supposed to equip public servants, we can only conclude that the current draft regulations provide very poor tools. Basically, all they do is repeat what the act says word for word. The few clarifications it provides are, to be clear, obvious. The regulations are silent, utterly and completely silent, on the guiding principle of part VII, of the modernized act as a whole, progress towards substantive equality. I'll come back to that.

Allow me to give you an example of how the regulations tend to paraphrase the act. Paragraph 41(7)(b) of the act requires a federal institution to conduct analyses to determine “the possibilities for avoiding, or at least mitigating, the direct negative impacts that its structuring decisions may have on the commitments under subsections (1) to (3).”

Regulations are the opportunity to make clear the factors for determining whether a decision has positive or, on the contrary, negative impacts. They are also the opportunity to clearly define what a structuring decision is. However, the only light the regulations shed on that matter is that the analysis must determine whether official language minority communities are affected by the decision. I'm sorry, but having to determine whether minority communities are affected by the decision is a no-brainer. Besides that clarification, the draft regulations shed no light on paragraph 41(7)(b). An analysis of the rest of the draft regulations would lead to similar conclusions.

Third and finally, the modernized act represents a paradigm shift. Progress towards substantive equality is now the guiding principle, the centrepiece, if you will, of the Official Languages Act.

The notion of substantive equality, which should be the backbone of the regulations, is missing from the draft regulations. If the main purpose of regulations is to equip public servants to implement an act whose guiding principle is substantive equality, it is reasonable to expect the regulations to clearly state what substantive equality is, and to provide a methodology and tools to determine whether the decisions made and measures taken are effective.

In conclusion, I recommend that the committee ask Treasury Board to go back to the drawing board, with an important reminder: Parliament's intent when it modernized the act in 2023.

Thank you.

• (1550)

The Chair: Thank you, Mr. Léger.

We will now move into questions from members.

Mr. Godin, please go ahead. You have six minutes.

Joël Godin: Thank you, Mr. Chair.

Thank you for being here, Mr. Désilets and Mr. Léger. It's always interesting to hear what you have to say and to see you in person. No technical issues that way.

Mr. Désilets, you said in your opening statement that, theoretically, the government gave us a nice bouquet, if I can put it that way, but nothing concrete and no tools. Could you help us identify the elements we should incorporate into the draft regulations?

As Mr. Léger said, the smartest path, if you will, may be to ask Treasury Board to go back to the drawing board.

Antoine Désilets: I'm given to respect my colleague Mr. Léger's experience and expertise.

When it comes to the bilateral agreements, there were no regulations, but the Official Languages Act had been modernized, and Ottawa had a tacit bilateral agreement, in black and white, with the provinces to take into account official language minority communities. That did not translate into any real-world measures, except in one province, Alberta, which did make investments directly in the community.

You asked me what should be incorporated into the regulations, and I think we can look to Alberta to see what works. The province is applying the “by and for” principle, meaning that, under the bilateral agreement, it agreed to work directly with francophone groups to put health services in place in accordance with the province's request. Then, under the agreement, Alberta put an actual number on the funding available for French-language activities and included that in its action plan. In my opinion, those are positive measures. In other words, the province worked with the groups that represent francophone communities, in keeping with the “nothing about me without me” principle.

As for your second question, you asked whether the draft regulations should be sent back to Treasury Board. I think they are significantly flawed, and I don't think they will help the situation I described in my opening statement. To my mind, the regulations don't go far enough in providing clarification on a number of elements.

Today, a federal public servant—whose responsibility it is to implement the act—told me that the Official Languages Act does not impose any official languages obligations on the provinces. I completely agree. There's a big difference between imposing an obligation and taking the necessary measures to enhance the vitality of francophone and anglophone minority communities in Canada. In light of this grey area, though, the public service is doing nothing.

That is where regulations could clearly state what it means to take the necessary measures to enhance the vitality of minority language communities. That's not an obligation, which is something else.

• (1555)

Joël Godin: They need to be much more practical and provide a lot more in the way of tools.

Antoine Désilets: The tool box should clarify things like when to analyze a decision's impact on official languages, which I think should happen at the very beginning of the negotiating process for a new agreement, one of many bilateral agreements across the country. Further analyses should be carried out during, and at the end of, the process to see whether the agreement helps to meet the objectives.

Lastly, without such tools, sticking with the tool box analogy, the natural tendency is to take the path of least resistance, something that does not enhance the vitality of francophone communities.

Joël Godin: I heard you say that institutions have to do things not just when they're easy. When a situation is hard is really when institutions need to refer to the regulations. When things are going smoothly day in and day out is not when institutions need to refer to the regulations. They need to do so in specific situations.

I hear you when you say that indicators are needed. Assessments are needed. An analysis has to be done at the beginning of the process, during the process and at the end of the process. You don't see that in the regulations.

Antoine Désilets: Currently, no, I don't see that in the draft regulations.

Joël Godin: Having that in black and white, in the draft regulations, would really go a long way towards giving you the tools you need. I don't want to put words in your mouth, but I just want to make sure I understood you correctly.

Antoine Désilets: You understood correctly. I listed impact analysis as an example of a positive measure I think could be taken. It should be in the regulations. Usually, it's not done if it's not required. It's already in the act, but it isn't being done. How, then, do we make sure an impact analysis is done? By bringing in stronger, clearer regulations, with no ambiguity, or leeway to disregard the parts that are less useful on a day-to-day basis.

Joël Godin: Thank you, Mr. Désilets.

Mr. Léger, you talked about the principle of progress towards substantive equality. In your view, it exists philosophically, but not in the regulations, which provide no practical support to respect the principle.

The Chair: You have 30 seconds, Mr. Godin.

Rémi Léger: To my mind, that is the ultimate purpose of the modernized Official Languages Act. That is the progress that was made between 1988 and 2023, at which point, the backbone of the act became advancement towards substantive equality. That is what underpins the act today.

Joël Godin: Where does that stand in the draft regulations?

Rémi Léger: The principle is missing from the draft regulations, in my opinion, and that is a total failure. That new ambition laid out in the act now has to be implemented.

Joël Godin: In practical terms, Mr. Léger, how can we improve the draft regulations?

The Chair: Mr. Léger, please be very brief, because the member's time is up.

Rémi Léger: I think the draft regulations should have a preamble, a purpose, at the very beginning, laying out the new vision that centres on substantive equality. Then it's about figuring out what that looks like in the rest of the regulations, what the tools and mechanisms are for measuring the impact.

The Chair: Thank you, Mr. Godin.

We now go to Mr. Villeneuve for six minutes.

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

Welcome to the committee, gentlemen. Thank you for being here and contributing to our study. This is important work.

Mr. Désilets, why do regulations that ensure the robust implementation of part VII of the Official Languages Act matter in your field? Since health is an area of provincial jurisdiction, what might that look like in practical terms?

Antoine Désilets: You're right. The administration of health care is wholly under provincial jurisdiction.

In the discussion on official languages, I think it's more about looking at how the federal government fulfills its own official languages obligations. Every year, the federal government gives the provinces between \$55 billion and \$60 billion for health care, through health transfers or agreements. That doesn't even include transfers for social services and such. That's a lot of money. The federal government invests nearly \$60 billion in health care every year.

Right now, the entirety of that funding is not subject to official languages conditions. The way I interpret the act, some bilateral agreements are supposed to take language clauses into account, or as the act states, the necessary measures are to be taken to promote the inclusion in those agreements of such language provisions. That does not mean putting obligations on the provinces. It means doing something. As I see it, there is currently no clarity on what was done to promote the inclusion of language clauses. If that was done, if those efforts were made, they are not apparent to the French-speaking community.

That requires straight dealing on the federal government's part in terms of identifying expectations related to official languages in those rare cases in health care where levers for action exist. The bilateral agreements are one of those rare cases where the federal government can take action. It has agreements in principle accepted by the provinces. That's not the same as health transfers. All the provinces agreed to the principles, including equal access for official language minority communities.

There are no regulations currently. The act exists, but it has no effect. I am saying that the negotiating parties need to be empowered; that aspect of the negotiations has to be made very clear. What does "promote" mean? In order to promote, perhaps it's necessary to ask whether the other negotiating party has identified an expectation. Was an impact analysis shared? When there was nothing, how did the government respond to a plan that had no language lens, despite being necessary under the basic principles?

• (1600)

Louis Villeneuve: Thank you, Mr. Désilets.

Mr. Léger, in the act, the federal government commits to promoting French as part of Canada's diplomatic relations. The draft regulations provide no details on how the government is to implement that commitment in the real world, or what oversight or accountability mechanism will be used to ensure implementation.

Do you think the regulations should have explicitly laid out the operational expectations and oversight obligations? What's your take on that?

Rémi Léger: That's actually a distinctive feature of the regulations. The new part VII, in the modernized act, was significantly beefed up from the 1988 version. The draft regulations pertain specifically to a few provisions of part VII, subsections 7 to 10. Subsections 1 to 6 of part VII are not covered by the draft regulations.

Scientific knowledge appears a bit later, in section 42, so it isn't covered either.

Basically, on one hand, you have part VII, which is fleshed out and ambitious, and seeks to promote substantive equality. On the other hand, you have the draft regulations, which are narrow in scope and cover specific provisions of part VII. To me, that's a mistake, frankly.

Louis Villeneuve: Thank you very much.

You can decide who answers this next question. I have about a minute and 50 seconds left.

The Chair: You have two minutes.

Louis Villeneuve: Very well. That's kind of you, Mr. Chair.

Mr. Désilets and Mr. Léger, we've often been told that certain departments are waiting for the regulations to come into force before meeting their obligations under part VII of the modernized act, even though the act has been in effect since it received royal assent in 2023.

Would you say that departments have done a good job of meeting their obligations under part VII since then? Also, should those efforts come from the Treasury Board Secretariat or the department responsible for the program?

Antoine Désilets: That's a good description of the situation. Yes, the new Official Languages Act has been in effect since June 2023. Personally, I don't work with every federal institution. I work mainly with Health Canada. I've seen Health Canada show leadership on this, by trying to define aspects of the act that were unclear, especially in relation to constructive policies or measures. The department came up with definitions internally of what may be meant.

At the end of the day, that doesn't make up for the lack of regulatory clarity, leaving each federal institution to come up with its own interpretation. Even when an institution shows leadership on a certain issue—I talked about the difference between taking measures to “promote” and “imposing obligations”—some things still aren't understood. Regulations are needed to ensure that everyone has the same understanding. Right now, everyone is groping along, trying to figure out how to meet their obligations.

As I see it, many of the obligations in the act are not being met, but it's important to put that in context. The link to Treasury Board is complex. It has a new role when it comes to official languages. There are many reasons why things are stalled.

Louis Villeneuve: Thank you.

The Chair: Thank you, Mr. Villeneuve.

We now go to Mr. Beaulieu for six minutes.

Mario Beaulieu: Thank you, Mr. Chair.

Mr. Léger, you said that the centrepiece was advancement towards substantive equality, which is not clearly defined in the draft regulations.

How would you define substantive equality?

Rémi Léger: Advancing substantive equality means recognizing the realities facing official language minority communities. Subsection 41(1) recognizes their uniqueness and diversity. It means listening to what their realities, needs and priorities are. Lastly, it means taking asymmetrical, differentiated approaches. Franco-Albertans may need one thing, while Franco-Manitobans need something else, so it's important that the government listen to communities' needs and priorities in order to advance equality between the two official languages on the ground.

• (1605)

Mario Beaulieu: Basically, the idea is to ensure that francophones' access to education in French is equivalent to anglophones' access to education in English. Is that more or less in line with your definition?

Rémi Léger: That's necessary in every sector, not just education, but also health, employment and immigration, especially.

Mario Beaulieu: Mr. Desilets, do you have good mechanisms in health care to ascertain where things stand and determine the direction you need to take to make things better?

Antoine Désilets: I'm going to interpret what you mean by where things stand. That's an interesting question in relation to substantive equality. A lot of information is missing in health care, par-

ticularly on official languages. As far as the tools in the tool box go, first and foremost, federal institutions need to be collecting all data that could affect the health of Canadians, but through the lens of official languages and specifically from the standpoint of minority communities. In health care, language is a factor, but the experience of minority communities often comes into play as well.

Mario Beaulieu: Do data exist? For instance, a study showed that, in Quebec, 37% of nurses regularly or most often used English at work. It was 51% for doctors, and the figure was much higher in Montreal. What do those figures mean?

Antoine Désilets: I think I know where the figures you're referring to come from. In March 2025, Statistics Canada published data on the use of official languages by health care workers. There was a major gap between English-speaking Quebecers and French speakers.

According to Statistics Canada's estimates, 160,000 health care workers outside Quebec spoke French. The numbers were a bit more nuanced in terms of how many people used French. My apologies, but off the top of my head, I believe that, while 25% of doctors outside Quebec spoke French, only about 10% of them used it. That's not sufficient, so it's important to empower those who speak French to use it. We were talking about positive measures earlier, and that is one of them.

Mario Beaulieu: According to what I'm hearing, on the ground, it's very hard to access health care in French, even in Ontario, except at the Montfort hospital and a few other places. That may be widespread, I don't know.

Antoine Désilets: It's pretty widespread. At the end of the day, it isn't due to a lack of professionals, for the most part. Since 20% of the population is francophone, then about 20% of hospital staff are probably francophone too. It's about identifying the abilities of health professionals and the language needs of patients and having a system that brings them together. That, however, falls under provincial jurisdiction over health, since it's really about how health systems are organized.

Something the federal government could support is the inclusion of official languages-related data in the health indicators identified in the health agreements. Currently, that is not something the agreements cover, but they could.

Mario Beaulieu: What about supports for access to French health care outside Quebec? I know that, in Quebec, even the Quebec government gives money to groups asking for even more English health services. The federal government gives them a good bit of money as well. I think it's about \$10 million a year.

Would that be a good thing? How much does that happen now, in terms of support for French health care outside Quebec?

Antoine Désilets: That's a very good question. How much money would be needed? We don't even know the real impact current professionals outside Quebec can have. All kinds of training is available, but it's very hard to know whether it's having an impact. I was asked a question recently. A number of doctors in the Outaouais area left to work across the river, and I was asked whether there had been an impact on French-language health services in Ontario. I don't know. No such information is collected. Referrals to francophone service providers happen randomly, so it's hard to measure the actual impact.

Quebec is doing the right things in many cases, but I don't want to say too much about that. Something that is definitely within the federal government's power is collecting data, whether on public health, service availability or the number of family doctors, and giving those collecting the data the tools they need. All of that information should be broken down by official language, and those levers exist.

● (1610)

Mario Beaulieu: In Quebec, it's mainly English advocacy groups that have the money to do that. Do you think there is enough funding for that?

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

We are now starting the second round. We have 20 minutes left, so to make sure we get a full round in, I'm going to shorten everyone's speaking time slightly. The Liberals and Conservatives will each have four minutes, instead of five, and Mr. Beaulieu will have two minutes, instead of two and a half. I'll be enforcing time limits strictly.

Mr. Dalton, please go ahead. You have four minutes.

Marc Dalton (Pitt Meadows—Maple Ridge, CPC): I'd like to thank the witnesses for being here.

It's a pleasure to see you, Mr. Léger. As I told you before the meeting, I went to Simon Fraser University. If I was still a student there, I would register for your class. In my completely unbiased opinion, Simon Fraser University is the best school in Canada.

Voices: Oh, oh!

Marc Dalton: I'll start with Mr. Désilets.

We're doing a review, and then we're preparing a report. You made a number of points. You didn't mince words. You said clarity and concrete measures were lacking. Is this a failure, in your view?

Antoine Désilets: I just want to be sure I understand your question. Are you asking me whether the draft regulations, in their current form, are a failure?

Marc Dalton: Yes.

Antoine Désilets: I think the draft regulations need some work. I'm not ready to call them a failure, but I will say that many of the recommendations that came from francophone communities during the consultations are not in the draft regulations.

Are the regulations satisfactory? No. Are they a failure? I don't know. That might be a bit harsh.

Marc Dalton: Well, I am in the opposition, you know.

Voices: Oh, oh!

Marc Dalton: We've heard them referred to as a trophy. We've heard that they lack teeth in terms of concrete measures.

Mr. Léger, you said that the regulations should illustrate how the act operates and provide a way to determine whether minorities are affected by the decisions that are made. That is what the regulations are supposed to do. You don't seem to think the current version of the draft regulations will provide adequate support to francophone communities. Would you agree?

Rémi Léger: On the whole, I think the new part VII is ambitious and the draft regulations lack ambition. I commend the committee for its work and the government for its willingness to be ambitious in part VII of the new act. I am disappointed, however, that the government hasn't provided the means to implement, and deliver on, the new commitments set out in part VII.

Marc Dalton: Why do you say the proposed regulations are unambitious? Why do they lack teeth?

I'd like you and Mr. Désilets to say a few words about that.

Rémi Léger: I like visuals, so to me, the process is like a funnel. The act comes first, followed by the regulations, and then come the directives or guidance. Right now, we are at the regulatory stage, and as I said, we need to have the tools and means to implement the principles and general commitments laid out in the act. Unfortunately, the draft regulations, in their current form, don't provide that.

Marc Dalton: That's rather sad, because a lot of effort went into it.

Mr. Désilets, I'd like to hear what you have to say as well.

Antoine Désilets: "Lack ambition" is a good way to put it, because I think there's a lack of understanding of how difficult it is to really apply a language lens at the hardest of times within the public service. The agreements negotiated with the provinces are a perfect example. I think the answer is a lack of understanding. Perhaps that's an understatement.

● (1615)

Marc Dalton: Thank you very much.

The Chair: Thank you.

It's now over to Mr. Deschênes-Thériault for four minutes.

Guillaume Deschênes-Thériault: Thank you, Mr. Chair.

Mr. Désilets, I want to keep talking about the agreements, because they are a key piece in the health care sector.

The act states that institutions must take the necessary measures, when negotiating agreements, to promote the inclusion of language obligations. The proposed regulations state that taking "necessary measures" means informing the parties of the expectations and proposing language provisions. Do you think that's the most that taking "necessary measures" can mean?

Antoine Désilets: That's a good question. Informing the parties of the expectations is essential and proposing language clauses is a given. I do not know whether both were already being done, so this is a good start. An impact analysis must be done at the end, to determine whether the negotiations had a real impact.

Guillaume Deschênes-Thériault: You mentioned Alberta as an example, which reached an agreement in principle that included an official language obligation. We got positive results for the Franco-Albertan community. What can we learn from this agreement with Alberta to support agreements with the other provinces?

Antoine Désilets: That's an excellent question.

In this case, the credit goes to Alberta and the Franco-Albertan community, which successfully made its case to the provincial government, leading to the inclusion of measures in the action plan. This gives us an idea of the kind of positive measures we would like to see in agreements with the other provinces. I am thinking of direct collaboration with francophone groups, which Alberta mentions in its bilateral agreement, or funding specifically allocated to French-language health services. If it is not specified, it gets lost in the general funding pool. Ultimately, clear action is needed. Often, it's not enough to say we want bilingual human resources. Bilingualism often takes a back seat when things get tough.

Guillaume Deschênes-Thériault: Thank you.

Mr. Léger, with regard to accountability, several witnesses have told us that the draft regulations do not sufficiently define the indicators for the evaluation or monitoring of their implementation. I would like to hear your thoughts on this matter.

Next, what kind of concrete accountability mechanisms could be used to improve the proposed regulations?

Rémi Léger: I think you are referring to subsection 41(10), is that correct?

Guillaume Deschênes-Thériault: Yes. How can we ensure accountability when it comes to implementing the regulations?

Rémi Léger: This requires performance indicators, criteria, requirements and a template. The draft regulations do not go beyond what is set out in the legislation. Therefore, I think it's good that it's in the legislation and that we focus on evaluation and monitoring. The next step is to equip people with the tools they need and to establish performance indicators to assess whether the measures taken have actually had the desired positive effects.

Guillaume Deschênes-Thériault: When the modernized version of the act was adopted, the guiding principle was advancing the substantive equality of the official languages. The modernized version of the act also recognizes that, although French and English have equal status under the law, their situation remains asymmetrical. You also talked about the concept of asymmetry. We know that French is in a minority situation in Canada, and that increased safeguards and affirmative measures may therefore be necessary.

You said that the special status of French may not be adequately reflected in the draft regulations. How could we ensure that the legislator's intent is better reflected? How can this be put into practice?

The Chair: You have 25 seconds left.

Rémi Léger: That's a good question.

I believe that progress toward substantive equality and the recognition of French's vulnerability or fragility go hand in hand. By acknowledging that we want to move toward substantive equality, we acknowledge that French is more vulnerable than the other official language and that it needs a boost. Perhaps we need to do more.

I therefore believe that the message in part VII of the act should be incorporated into the draft regulations. In my view, the regulations should have an objective, which reinforces the commitment to achieving substantive equality and the need to adapt the treatment to reflect current realities and needs. We must acknowledge that French may need a little extra support—

The Chair: Mr. Léger, I must stop you there. My apologies.

I will now move to Mr. Beaulieu for two minutes.

Mario Beaulieu: Thank you.

All the speakers said that the draft regulations were clearly unsatisfactory. Several even said that the work should start over. We spoke with officials at Treasury Board, and they said there should be a follow-up consultation.

Mr. Désilets, do you think this could lead to something concrete, a very satisfactory improvement of the draft regulations?

• (1620)

Antoine Désilets: I cannot guarantee success on these issues, but if there are opportunities to improve things, we will certainly be at the table if we are invited and consulted. This is not the first round of consultations. We hope that, if further consultations are needed, we will be able to clarify our position. There's no guarantee of success, but we'll be there.

Mario Beaulieu: I think it's essential for French-language media outside Quebec to speak out very forcefully if we want to see change. In fact, I feel that things have not necessarily been moving in the right direction over the past 55 years since the Official Languages Act was passed, as we have seen a decline in the use of French.

The updated act also addressed the need for redress, even to restore the demographic weight of francophones. There are high hopes that francophone immigration will achieve this, but do you think it will be enough? If we simply increase francophone immigration while assimilation continues at the same rapid pace, any improvement may prove to be very short-lived.

The Chair: There is approximately 20 seconds remaining.

Rémi Léger: I don't know if the draft regulations alone can reverse assimilation—that's an entirely different issue—but I repeat that the draft regulations must go much further than they currently do; otherwise, the objectives set out in part VII of the act will not be achieved.

The Chair: Thank you, Mr. Beaulieu.

I will now pass the floor to Mr. Bélanger for four minutes.

Jim Bélanger (Sudbury East—Manitoulin—Nickel Belt, CPC): Good day. Thank you to our witnesses.

I can see there is a powerful and important purpose behind the modernized Official Languages Act. That's abundantly clear. However, I also believe it is important to stem the decline of the French language and achieve true equality between the two languages.

Earlier, I heard the term “substantive equality”. There may be different definitions of this term. If we use the term “substantive equality” in the legislation we are trying to draft, what exactly do we mean? Do we mean the same thing from one region to another? Can this equality be measured using a percentage of the francophone or minority population in that community?

Rémi Léger: Briefly, I would say that formal equality means equal treatment, whereas substantive equality means different treatment. When we say “different treatment”, it means we must listen to the needs, priorities and realities of that minority, and seek to address them to narrow the gap between the minority and the majority. So, it is a matter of equal treatment versus different treatment.

Jim Bélanger: Do you think substantive equality is realistic?

Rémi Léger: I think Parliament believes it is realistic, because it passed this legislation. So, I hope so.

Jim Bélanger: However, it is not enforced. In my region, perhaps 20% or more of the population is French-speaking. If I go to the hospital to see a doctor, I will see plenty of documents in French and English, but if the doctor speaks to me, it won't be in French. Most French speakers are bilingual. It's easier to speak English than not to.

The question that arises, then, is this: as francophones, should we play a greater role in ensuring that we have access to services and that francophone organizations in our communities can help us achieve true equality?

Antoine Désilets: First, research shows that people are bilingual, but not when they are sick or facing major life events. We lose the languages we have acquired as we get older. There are plenty of situations where French speakers, who have been bilingual their whole lives, find themselves at a loss.

Second, before we can achieve equality, we must first achieve equity. I believe that equity requires a wide range of measures that, by their very nature, vary somewhat from place to place to ensure we make progress.

The fact that equality may be a very long-term goal does not mean we should not move in that direction. I believe the legislator's intent was very clear when the act was passed almost unanimously. Next, we must equip ourselves with the means to achieve it. If we say that the act is not being enforced, and therefore that the act is unenforceable, in my view, that is a tautology. We need to start breaking this cycle, so to speak. The regulations are one way we can truly empower the public service to implement the new act.

• (1625)

The Chair: You have 40 seconds left.

Jim Bélanger: I will cede my remaining time to Mr. Godin.

The Chair: Mr. Godin.

Joël Godin: Thank you, Mr. Chair.

Thank you to my wonderful colleague.

Mr. Désilets and Mr. Léger, I'm going to ask you an existential question. You said that we, as legislators, have done a good job, and we thank you for that. The act is still quite bold. Now, Treasury Board is in the process of drafting the regulations. These regulations must be guided by the principles set out in the act. Do you sincerely believe that Treasury Board is open to revising these regulations and going back to the drawing board?

The Chair: Please give a one-line answer each, because the time has expired. That's all I can do.

Antoine Désilets: In my view, Treasury Board is responsible for implementing the will of legislators.

Rémi Léger: I agree.

The Chair: Thank you for being concise, gentlemen.

Thank you, Mr. Godin.

Ms. Chenette for four minutes.

Madeleine Chenette (Thérèse-De Blainville, Lib.): I want to thank our experts for joining us.

I'm looking for concrete solutions because you are right. We can do better. So I am going to draw on the testimonies we have heard to get your feedback on this.

Previous witnesses talked about the gender-based analysis plus, or GBA plus. You are indicating your familiarity with this analysis, so I'll be brief.

Given that we already request data to conduct this analysis and intersectionality—the language was there, but it is not if we use this tool kit, which is already in place to request the analysis and to reinforce the “she” in this exercise—would this be a concrete way to improve things?

Antoine Désilets: In my view, yes. It shows the power of political will. When GBA plus was adopted by all federal institutions, it became part of the overall programming—including the work plans that had to be submitted—and was integrated into the system. It would be entirely possible to do the same for official languages. It just takes political will.

Madeleine Chenette: Mr. Léger, what do you think?

Rémi Léger: I agree. Studies have been done by researchers at the University of Ottawa who developed the francophone differential analysis. So there is academic research that could be useful.

Madeleine Chenette: Perfect.

We can say then that data is important, and that we could improve and strengthen the tool kit Treasury Board already has.

The other thing I heard was about the framework for the vitality of official language minority communities. People are saying there is already a framework and data on this, and that we should build on that.

When I looked at this framework, I realized that it does not cover all government departments, so it does not meet all the needs. However, the challenge is to ensure that everyone is thinking about it, and we need to proceed in stages. So I wonder if this framework is a basic tool for which we absolutely must identify indicators because it has already been adopted. At the same time, any new major program needs to undergo analysis. Instead of saying we have to do everything at once, we are saying we will proceed in stages, and if we have these analyses, we will be able to gradually improve what each department prioritizes.

Antoine Désilets: I agree with the pragmatic approach of proceeding in stages.

That said, the act has been in force for two and a half years, and I don't necessarily see any progress in terms of its implementation within federal agencies. I think we really need to start somewhere. I do not accept that we have been out of step with the act for so long. Ultimately, this decision must be made by all federal institutions.

Madeleine Chenette: Yes, but what we mean is that we cannot go back. We agree that some things are moving too slowly right now.

That is why I am asking whether it is a good idea to say that any new major initiative must at least use gender-based analysis to determine what the priorities are. Wouldn't that be a way to adopt concrete measures rather than having a set of criteria?

As for the Fédération des communautés francophones et acadienne du Canada, having a set of criteria might be too bureaucratic.

Mr. Léger, what do you think?

Rémi Léger: I think Treasury Board missed an opportunity to identify the tools already available within the public service. You mentioned a few, and I would like to add a few more. Employment and Social Development Canada published an official languages lens in 2020. Canadian Heritage published a document in 2022 on official language requirements in federal transfers to the provinces and territories. Finally, the Treasury Board Secretariat itself, in 2017, developed a substantive equality analysis framework. So, there are tools available within Treasury Board itself. I believe it would be appropriate to review these tools and see what we can draw from them to strengthen the draft regulations.

• (1630)

Madeleine Chenette: Which one do you think would be the most useful to explore?

Rémi Léger: They all would be. However, the substantive equality analytical grid contains specific indicators. Strikingly enough, Treasury Board prepared this grid in 2017, but none of the components appear in its draft regulations.

The Chair: Thank you, Ms. Chenette.

On behalf of all my colleagues, I would like to thank the witnesses for joining us today.

I'll now suspend the meeting to welcome the next panel of witnesses.

• (1630)

(Pause)

• (1635)

The Chair: Colleagues, I call the meeting back to order.

Welcome again to meeting number 24 of the Standing Committee on Official Languages. We'll now begin the second part of the meeting.

I would now like to welcome our witnesses. From the Fédération culturelle canadienne-française, we're joined by video conference by Nancy Juneau, chair; Manon Henrie-Cadieux, director of strategy and government relations; and Gabriel Poliquin, legal adviser.

Welcome, all three of you.

From the Fédération des associations de juristes d'expression française de common law inc., we're joined by video conference by Rénaud Rémillard, executive director. Welcome.

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

Ms. Juneau, you have the floor.

Nancy Juneau (Chair, Fédération culturelle canadienne-française): Thank you.

Mr. Chair and committee members, I'm the proud chair of the Fédération culturelle canadienne-française, or FCCF. As you heard, I'm joined by Manon Henrie-Cadieux, our strategic director of government relations, and Gabriel Poliquin, a lawyer specializing in minority language rights.

The FCCF has been the voice of the arts and culture sector in francophone and Acadian minority communities for nearly 50 years. Our network includes 22 national, provincial and territorial organizations. Through these groups, we represent an ecosystem of over 300 organizations across the country.

Our goal today is to contribute to your discussions on the perspective of the arts and culture sector. First, as a result of the legislator's contribution, the modernization of the Official Languages Act in 2023 formally recognized our sector as essential to the development and vitality of official language minority communities.

The FCCF's position is clear. The Treasury Board Secretariat's draft regulations for part VII must be reviewed to ensure that they reflect the intent of the legislator in modernizing the Official Languages Act.

Regulations inherently serve to provide guidelines for the implementation of legislation and to spell out the procedures for its enforcement. However, the current draft regulations provide so little clarity around how federal institutions must fulfill the obligations that they inevitably run counter to the intent of the legislator, who wished to strengthen these obligations.

The FCCF would like to draw your attention today to two recommendations for amendments to the draft regulations for part VII. I'll ask Manon Henrie-Cadieux to outline these recommendations.

• (1640)

Manon Henrie-Cadieux (Director, Strategy and government relations, Fédération culturelle canadienne-française): Thank you, Ms. Juneau.

Mr. Chair and committee members, we first recommend that the regulations set out the procedures for taking positive measures, particularly when it comes to the federal institutions' obligation to carry out analyses related to their mandate.

We can see that the draft regulations lack a great deal of clarity in terms of how the institutions should carry out these analyses. These analyses seek to base their positive measures, for example, and to the extent possible, on research and evidence-based findings. We're particularly concerned about this issue, given the weakness of the current data available.

Our extensive experience has taught us that the regulations must specify two things. First, they should state that the relevant data available to federal institutions must be shared with official language minority communities, or OLMCs, at an early stage of the analyses. Second, they should point out that the federal institutions must contribute to data production if the data doesn't exist. This could mean producing the data themselves, or helping OLMC representatives to generate it, for example by funding research activities.

We also recommend that the regulations expand on their principles of procedural fairness when it comes to the procedures for carrying out the required dialogue and consultation activities with OLMCs.

The Official Languages Act now recognizes that OLMCs have distinct realities, which give rise to their own unique needs. The regulations for part VII must reflect this recognition and set out an appropriate methodology for carrying out dialogue and consultation activities. A language-based analysis or the application of a language lens would be appropriate here, particularly given the acknowledged decline of French in North America.

The Treasury Board Secretariat could draw on many models of good consultation practices in order to improve the draft regulations from a procedural fairness standpoint. To cite just one example, we believe that the regulations absolutely must require the federal institutions to justify why and how they have, or haven't, sought input from OLMCs, particularly when taking positive measures and making structuring decisions.

I'll give the floor back to Ms. Juneau.

Nancy Juneau: In conclusion, the Fédération culturelle canadienne-française would like to reiterate that the draft regulations for

part VII of the Official Languages Act must return to the Treasury Board Secretariat's drawing board. Instead of providing clear definitions and guidelines, it codifies arbitrariness and produces the opposite effect of the expected outcome of regulations that should reflect the ambition of a strengthened part VII.

Thank you for your attention. We look forward to answering your questions.

The Chair: Thank you, Ms. Juneau.

I'll now give you the floor for five minutes, Mr. Rémillard.

Rénauld Rémillard (Executive Director, Fédération des associations de juristes d'expression française de common law inc.): Good afternoon, everyone.

My name is Rénauld Rémillard. I'm the executive director of the Fédération des associations de juristes d'expression française de common law inc., or FAJEF. Justin Kingston, the president of the FAJEF, was unfortunately unable to appear today.

As you may know, the FAJEF's mandate is to promote access to justice in French in all predominantly English-speaking provinces and territories in Canada.

The FAJEF brings together associations of French-speaking lawyers from seven provinces: the four western provinces, Ontario, New Brunswick and Nova Scotia. The FAJEF members also include francophone advocacy organizations from the three territories, Newfoundland and Labrador and Prince Edward Island. We're also members of the Fédération des communautés francophones et acadienne du Canada.

The FAJEF would like to thank you for the invitation today and for the opportunity to comment on the draft regulations.

As a national industry organization working in the justice sector, the FAJEF is concerned about part VII of the Official Languages Act and its implementation. Part VII of the Official Languages Act, specifically subparagraph 41(6)(c)(v), clearly covers and even mentions the justice sector.

Here are four preliminary comments.

First, as a full and active member of the FCFA, the FAJEF shares the concerns raised and supports the suggestions made by the FCFA in its brief on the draft regulations for part VII of the Official Languages Act. This brief was submitted in February 2026.

In our opinion, the draft regulations are largely inadequate for the following three reasons, which the FCFA also identified. These reasons are the lack of clear mechanisms to provide a better framework for the positive measures and negative impacts set out in part VII of the act; the lack of clear details and guidelines for the analyses, the consultations and the collection of evidence-based findings, including the lack of obligations for the federal institutions to release the analyses and studies to the public; and the lack of evaluation and monitoring mechanisms, such as performance indicators, to measure the achievement of the desired results, meaning substantive equality for francophone minority communities and increased use of French across Canada.

Second, since the coming into force of the new Official Languages Act, other than a significant increase in the number of consultations organized by the federal institutions, the FAJEF has seen little change in the federal government's approach and even less desire to innovate or to integrate a differentiated approach between English-speaking and French-speaking minority communities. We're concerned that, without a framework, details and clear directives in the regulations, inertia and the status quo will prevail. Stronger regulations are essential to ensure the full implementation of the new Official Languages Act, particularly part VII.

Third, the draft regulations should specify that language clauses or obligations in federal-provincial agreements, particularly in the area of legal assistance, must be taken into account at all stages of the negotiation and the renewal of a federal-provincial agreement. In this case, the presence or absence of language obligations in federal-provincial agreements can have a significant impact on the right of any accused individuals in Canada to have their criminal trial in the official language of their choice in all Canadian provinces and territories. There should also be a transparent accountability mechanism for federal-provincial agreements that include language obligations.

Fourth, this is a good opportunity to share our comments and suggestions on the draft regulations for part VII. The FAJEF would like to see the same type of approach used for any future proposed regulations under the Use of French in Federally Regulated Private Businesses Act. Moreover, we're concerned about this legislation and its potential impact on access to justice in French, especially given the key role played by banks in the legal system.

• (1645)

Thank you. I'll be happy to answer your questions. I could certainly give you some fairly concrete suggestions and examples for improving the draft regulations. I can give you suggestions regarding the more practical side later.

The Chair: Thank you, Mr. Rémillard.

We'll now move on to questions from the members.

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

Joël Godin: Thank you, Mr. Chair.

Mr. Rémillard and FCCF representatives, I would like to thank you for joining us for this discussion.

I'm hearing today what we've been hearing since the start of the study from stakeholders who come to speak about the draft regula-

tions. We're hearing that the regulations aren't strong enough, that things aren't defined enough, that we need to put more teeth into them and that we need to go back to the drawing board.

I would like to hear the FCCF's comments, and your comments in particular, Mr. Poliquin. I agree with my colleague. The draft regulations aren't good. However, how can we improve them? Can you give us some concrete elements to include in the draft regulations? You'll be making suggestions. I don't know whether the Treasury Board Secretariat will be as receptive as we are, but that's our problem. We'll do what it takes.

• (1650)

Gabriel Poliquin (Legal Advisor, Fédération culturelle canadienne-française): I can give a number of concrete examples. I think that the FCCF is particularly interested in the dialogue and consultation processes.

It's a good example. The Official Languages Act states that, in carrying out its mandate, every federal institution shall do certain things on the basis of analyses. Subsection 41(8) states that the analyses shall be founded, to the extent possible, on the results of dialogue and consultation activities, but also on research and on evidence-based findings.

That said, an institution doesn't know certain things when it must make a structuring decision. What's a structuring decision? We don't know. Do you engage in a dialogue or a consultation? What's the difference? The draft regulations are currently a step in the right direction. However, quite honestly, they're incomplete. The draft regulations more or less define how a dialogue and a consultation are carried out. Yet they don't tell the public servants responsible for implementing the act whether to organize a dialogue or a consultation, or whether to carry out research. What are evidence-based findings?

Joël Godin: So you're suggesting that we define the methods for consultation and dialogue, because the draft regulations are quite vague.

I'll play devil's advocate. On the other side, we've heard people from Treasury Board tell us that too much detail is restrictive. As a legal expert, do you share this opinion?

Gabriel Poliquin: That's partly true, absolutely. The provisions can't be too detailed, because these regulations apply to all federal institutions.

You still need to provide a more detailed framework and hence instructions. In the case of current programs, a dialogue may be sufficient. For new programs, or programs slated for termination, the challenges are much greater. Perhaps, in these types of cases, a consultation is necessary.

I'm giving examples, but that isn't necessarily how things happen.

Joël Godin: You're saying that too much definition will make things too restrictive. Yet the current document is really too broad, vague and permissive.

Gabriel Poliquin: That's right. As pointed out by our chair, Ms. Juneau, arbitrariness is codified. The federal institutions can choose which analysis method to use. However, this analysis method may not really be appropriate for the type of decisions made.

In other words, you need to guide officials, but you also need flexibility.

Joël Godin: Thank you, Mr. Poliquin.

Ms. Juneau, I simply want to repeat your words, which are music to my ears. You started your remarks by saying that the regulations absolutely had to be reviewed. Your earlier remarks largely align with what we've heard in testimonies. Thank you for your comment.

I'll now turn to you, Mr. Rémillard. Speaking of comments and dialogue, you said that you find the consultation process for the part VII regulations helpful for your organization. Is that what you said?

Rénauld Rémillard: Yes, I said it in the sense that it allows us to be heard. We'll hope and see if the results—

• (1655)

Joël Godin: The comments and dialogues are there, but there's no obligation or validation by the Treasury Board Secretariat that will be considered. It's a bit annoying, and it applies to all stakeholders.

I saw your openness regarding part II of the Official Languages Act. You're telling us that, later on, you'll be available to help us define the regulations for the part that covers the language of work aspects. Is that correct?

Rénauld Rémillard: That's correct.

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

The Chair: You have 15 seconds left.

Joël Godin: Okay.

My question is for the FCCF: Is there a priority item? There are already comments and dialogues, but is there another indicator? Do you have any comment on this?

The Chair: Time is up. I need a one-sentence answer.

Manon Henrie-Cadieux: We need positive measures.

The Chair: Thank you, Ms. Henrie-Cadieux and Mr. Godin.

Ms. Mingarelli, you have the floor for six minutes.

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

Thank you to all the witnesses for being here today.

My first questions are for the witnesses from the FCCF.

The modernized Official Languages Act explicitly recognizes the central role of culture in the vitality of francophone minority communities. In your opinion, do the draft regulations sufficiently translate this recognition into concrete obligations for federal institutions?

Manon Henrie-Cadieux: Thank you very much for that important question.

First of all, I want to emphasize how proud we are, because the new inclusion of the word “culture” in the Official Languages Act is historic. It is a landmark event. I want to acknowledge that this is a sector of development that's essential to the vitality of our communities. Again, we commend legislators for making sure that culture was included, which was very important.

We provided feedback at every stage of the pre-consultation process for drafting the regulations, and we will continue this process in the coming stages. We've clearly indicated that we'd like to see a much stronger preamble added to the draft regulations to reiterate the substance of the commitments made.

In this discussion, we may be told that the act exists and is still in force, but the FCCF has practical experience in this area. Together with Canadian Heritage, the FCCF has co-chaired a collaborative agreement among federal cultural institutions for over 25 years to support the development of francophone minority communities. In 2024, when the agreement was last renewed, we agreed with all signatory institutions to add a preamble that highlights the increased obligations under the modernized act. To date, we've seen the impact of including this preamble on the quality of dialogue with federal institutions.

In this case, we want to similarly highlight this reminder of the legislator's commitment, especially in a context of decline. For now, the draft regulations do not appear to address an emergency situation, but rather seem to dilute the obligations you have worked to strengthen. From a cultural perspective, this is particularly vital.

Giovanna Mingarelli: You mentioned the cultural sector's heavy reliance on funding from Canadian Heritage. What changes should be made to diversify federal funding sources for francophone cultural organizations?

Nancy Juneau: I'll take the liberty of answering the question.

I think that's exactly what we're discussing with respect to these draft part VII regulations. It's about ensuring that all federal government institutions—including the Department of Citizenship and Immigration, the department that handles training and the department that handles economic development—make sure our needs are taken into account. The act has designated us as an essential sector, but despite that, we're still struggling to make inroads with these departments.

I see the draft regulations as an opportunity to encourage these departments, which are a bit more opaque to our sector, to do a little more to reach out to us, listen to us and include us in their programs and policies.

• (1700)

Giovanna Mingarelli: Thank you.

In your opinion, should other federal agencies and departments have clearer obligations to support francophone culture in their programs?

Anyone can answer my question.

Gabriel Poliquin: Is your question about their programs or the draft regulations themselves?

Giovanna Mingarelli: The question is about their programs.

Gabriel Poliquin: The FCCF's answer would certainly be yes.

How does this play out in the regulations? The regulations, which are of general application, say nothing about culture being an essential sector. Let me explain how that translates.

For example, when it comes to consultations, the FCCF is an expert body on cultural matters. So the regulations could provide that, when a federal institution conducts a consultation on essential sectors, it must ensure that it consults the right people, rather than solely relying on an online survey. It should consult expert organizations on the matter to obtain evidence-based data in order to determine the specific needs of the various francophone communities or official language minority communities.

The Chair: You have 40 seconds left.

Giovanna Mingarelli: Okay.

My last question is for you, Mr. Rémillard. During a previous appearance before the committee, the FAJEF mentioned the need to better define the obligations set out in part VII of the Official Languages Act. Do you think the current draft regulations sufficiently clarify those obligations?

Rénauld Rémillard: No. I will give some fairly concrete examples.

I know that—

The Chair: There are only 15 seconds left, so I'll ask for a quick response.

Rénauld Rémillard: Basically, there are no timelines and a lot of details are needed to properly frame the consultations, among other things.

Giovanna Mingarelli: Thank you.

The Chair: Thank you, Ms. Mingarelli.

Mr. Beaulieu, you now have the floor for six minutes.

Mario Beaulieu: Thank you, Mr. Chair.

Ladies and gentleman of the FCCF, in your brief, you say that the cultural sector relies heavily on funding from Canadian Heritage and, as was said earlier, there's limited access to programs from other departments. Is this still the case? Have you noticed any changes?

It's surprising, because in all the debates on the former Bill C-13, and even before that, in the discussions on the former Bill C-32, culture was often cited as a means to support the recognition of the minority nature of French in the North American context, even in Quebec. This was included in those bills, and it remained in the implementation provisions, which stipulate that Canadian Heritage may act for the following purpose, among others:

support the development and promotion of francophone culture in Canada, including through the activities of entities for which that Minister is responsible and by ensuring that the Government of Canada's cultural policies are consistent with the purpose of this Act

So it's surprising that this isn't included in the regulations. It should be quite significant. Among all the cultural organizations in Canada, including the Canada Council for the Arts, there should be an obligation to take positive measures to support culture for francophones outside Quebec.

Do you think this should be in the regulations? Do you have any specific suggestions?

Gabriel Poliquin: Again, the regulations are of general application, but they must take into account the asymmetry of French in North America, for example, and the specific needs of each community.

The principle of taking into account the specific needs of each community is already present in the act.

In the draft regulations, as I was saying earlier, what would allow these cultural needs to be taken into account would be the stipulation that, in terms of culture and essential sectors, expert organizations must be consulted and federal institutions must collect evidence, precisely to understand how this cultural asymmetry manifests itself.

Mario Beaulieu: For each program, we should be able to know what has been allocated to francophones outside Quebec and, ultimately, to francophones in Quebec. Then, there has to be a clear improvement, because it's provided for in the act. The regulations are supposed to go further or, at any rate, clarify the act. That's very interesting.

There's also a lot of talk about the importance of having a definition and clear frameworks for analysis and evaluation. There is one aspect of the federal government's approach to assessing the linguistic vitality of communities—which is, after all, a crucial concept—that I find somewhat worrisome. Initially, the Official Languages Act referred to “the mother tongue”. Later, the focus shifted to “the language used at home”. As French declined, it became the “the first official language spoken”, which greatly broadens the definition and inflates the data. I believe that was in 1991. In 2019, the “potential demand” indicator was added, which inflates the data even further. It even includes people who don't necessarily have a potential demand for services in French or English in Quebec.

When the number of people involved justifies taking action, it forces people to demonstrate that they are as numerous as possible. So, rather than changing the criteria, the federal government changed the indicators to make francophones outside Quebec appear more numerous than they really are. That skews the data a bit, and it makes it possible to say that everything is going well and that the proportion of francophones is increasing.

It would be really important to have precise evaluation criteria. So, rather than playing with the criteria and distorting reality, we should relax the criteria for receiving services in French or accessing justice services in French outside Quebec, get a true picture of the situation, and really not legitimize the government's inaction by slightly distorting that picture. What do you think?

• (1705)

The Chair: There are 40 seconds left.

Manon Henrie-Cadieux: This brings us back to the objective of the draft regulations and the act, which is to uphold the principle of substantive equality. It's this principle that needs to be explored in depth through a reliable, comprehensive and systematic data profile on the subject. Without this key piece at the centre of the discussion, there will be no sustainable progress.

Mario Beaulieu: Thank you.

Mr. Rémillard, you said that you had suggestions for more concrete measures regarding access to justice in French.

The Chair: There are 15 seconds left, so again, I'll ask for a quick response. I'm sorry, Mr. Rémillard.

Rénauld Rémillard: I want to talk about the importance of timelines. When you have consultations, you have to have timelines. The documents must also be made public. We took part in consultations, so I'm still waiting for the results of those consultations. They disappear into a kind of black hole. I would say that the issues of timelines and releasing documents are the two most important factors.

We've already talked about performance indicators, but also about the importance of groups being able to ask the department to hold consultations. When we talk about dialogue, it's not just one way. We can cite very clearly all the times when we have approached government authorities or departments. It's important to have consultations, but we shouldn't always be invited without being able to ask for them. We know what our interests are and what issues are important to us.

The Chair: Thank you, Mr. Rémillard and Mr. Beaulieu.

Colleagues, if we stay on schedule, we have about 22 minutes left for the second round. I ask for your assistance and that of the witnesses to be concise and to stay within the allotted time.

Mr. Gill, you have the floor for five minutes.

[English]

Dalwinder Gill (Calgary McKnight, CPC): Thank you, Mr. Chair.

I have a question for the FCCF. Thank you for coming to this committee today.

The regulations use vague terms such as “positive measures”, “vitality” and “negative impacts”, but do not define them. From your perspective, does this lack of precision provide sufficient guidance for federal institutions, and would clear definitions improve consistency?

The question is for anyone.

• (1710)

[Translation]

Gabriel Poliquin: I will answer in French.

We can look at several examples.

There is a phrase used in subsection 41(7)(b), namely that federal institutions must “mitigat[e] the direct negative impacts that [their] structuring decisions may have on the commitments under subsections (1) to (3).” What does structuring decisions mean? We need to guide the public servant applying the act by defining, for example, the type of decision that falls under the act's purview, without defining them precisely. For example, this would apply when a federal institution creates a new program, cancels a program or changes a funding model. It is to this type of decision that subsection 41(8) of the act would apply, that is to say everything related to dialogue and consultation activities. That's the kind of clarity that can and should be in the regulations.

[English]

Dalwinder Gill: Thank you.

Previous witnesses have said that very little progress has been made since Bill C-13 was adopted, and that departmental approaches seem to have remained largely the same. Do you agree with that assertion?

[Translation]

Rénauld Rémillard: For our part, in the justice sector, we've seen very few changes, except in terms of the number of consultations. We did have a larger number of consultations. However, there are very few concrete results. In some cases, we've had consultations, but we still haven't seen the results or the benefits of those consultations. However, the proliferation of consultations is the biggest change.

In addition, one of the things we noted is that officials here and there take the initiative. We've seen that at times, but, systemically and generally, it's really the status quo, except when it comes to increasing the number of consultations. That's it.

Nancy Juneau: I'd like to add one thing. For our part, at the end of the day, we've worked harder since the new act was passed, precisely because of the increase in the number of consultations and the few associated results.

I think this goes back to the importance of taking advantage of these draft regulations to, on the one hand, provide clear definitions and on the other, impose accountability measures. We need to know how the consultations with us influenced programs or policy. We have to feel that the work we do to represent our communities results in changes, programs and policies that take our reality into account.

[English]

The Chair: You have 60 more seconds.

Dalwinder Gill: Madam Juneau, based on your experience, do you believe the proposed regulations are likely to produce meaningful change, or are stronger accountability and transparency mechanisms needed?

Nancy Juneau: Well, the short answer to that is no.

I think if this regulation project had put into practice what we're asking to be in it, we wouldn't be sitting here saying that we need to review it.

Dalwinder Gill: Thank you very much.

The Chair: Thank you, Mr. Gill.

[*Translation*]

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

Madeleine Chenette: Greetings to all the experts.

It's always important to really understand what's going on and to really listen to what you have to say during consultations. I'm looking for something concrete, but, on the other hand, I understand that working with various departments, whether it's on national defence, culture, natural resources or immigration, is very complex. When I hear people talk about health, I understand health needs. When I hear people talk about culture, I understand cultural needs. However, when people talk about all those needs at the same time, it gets fuzzy. It gets to be a long shopping list, and people spend time justifying themselves instead of taking action.

How do we respond to those needs in a meaningful way? I'm going to explore that with you. Other experts have talked about the vitality framework. Ms. Henrie-Cadieux, you said that it was essential too. Can vitality indicators be implemented quickly?

As you say, certain things are said in a preamble, but couldn't there be indicators to say that a particular group is already advanced? The cultural sector is much more advanced than many other sectors when it comes to our two official languages, although there is room for improvement. We would have to say that a particular sector is essential.

In addition, for all departments, we could use the gender-based analysis plus model, which is a Treasury Board tool used to analyze various aspects. In this case, we could focus on language to put linguistic equality on the same footing as gender equality and do that analysis for everyone to get to evidence-based findings. Getting evidence-based findings is the challenge.

I'm quite practical, so I'd like to hear your reactions to this, Ms. Henrie-Cadieux, or your organization's chair.

● (1715)

Manon Henrie-Cadieux: That was one of our greatest hopes for the Treasury Board Secretariat's greater role in implementing the modernized act. The idea was to make full use of its expertise in oversight and accountability mechanisms. Based on our experience in previous decades, that wasn't something we were able to measure well. From the government's financial point of view, it was important to include conditions that were satisfied and to better describe the impact and benefits of the expertise we provide to the government for the sustainable development of our communities.

I strongly support what you're saying about the need for an accountability framework and specific performance indicators. Progress must be measurable. If not, on what basis can we plan future investments for a community in decline that is experiencing asymmetrical difficulties?

You already know that minority francophone communities are not monolithic. Their challenges and problems are unique to them and arise from the social, cultural and economic context of life in those provinces. As we said, we really expect to have differentiated analysis mechanisms. The FCCF strongly supports this idea, which was developed by academics and endorsed by Linda Cardinal, among others. We promoted the idea in presentations to the Canadian Radio-television and Telecommunications Commission as part of Radio-Canada's licence renewal. We believe that differentiated analysis with respect to language is absolutely essential to government decision-making.

I think all of those things—performance indicators, accountability and responsibility—really deserve to be set out in a lot more detail in the draft regulations we have here.

Madeleine Chenette: I'm going to talk about another practical aspect.

Mr. Rémillard, you said that every stage of negotiations between the federal government and the provinces should offer opportunities to produce something concrete. Here again, agreements between the provinces and the federal government are treated very differently from one department to the next.

How can we put something concrete in place? That's why I keep coming back to the issue of analysis. Are the provinces lacking the data they should be taking into account and basing decisions on?

The Chair: Mr. Rémillard, you have 30 seconds to respond.

Rémond Rémillard: Obviously data is important, but some areas are more of a priority than others, and legal aid is a priority, as I said earlier. We know that's an important factor for us. We know that Canada's court challenges program is important for official language minority communities. National Defence may play an important role in promoting French in Canada, but it's probably less critical than other departments when it comes to the vitality of official language minority communities.

It may be necessary to marry priorities and general obligations. There are two aspects to part—

The Chair: I'm sorry, but I have to cut you off.

We'll go to Mr. Beaulieu for two and a half minutes.

● (1720)

Mario Beaulieu: Thank you, Mr. Chair.

Ms. Juneau, I don't know if this is already in your recommendations. On the one hand, since it's specifically in the act, every federal cultural organization or program must be evaluated to determine what contributions are being made to cultural organizations outside Quebec. Then, that contribution should grow in a way that can be tracked precisely. Is that already in your recommendations? Can you send them to us? I think it makes sense because it's right there in the act.

Mr. Rémillard, you've often pointed out that the shortage of bilingual judges, lawyers and staff is due to systemic challenges. Do we have a clear picture of this shortage that could be incorporated into objectives in the regulations?

Rénauld Rémillard: Yes. Research is crucial to obtaining evidence-based findings. Some research is being done, but it could be done in a way that's much more aligned with the regulations and obligations arising from part VII.

I think that, in some cases, you have to use resources that already exist. In others, you have to fill gaps in the data. We're not starting from scratch, though. This could be included in regulations so we can set much clearer and more measurable objectives to gauge if we're making progress.

Mario Beaulieu: As far as access to justice in French outside Quebec is concerned, would you say that it's fairly accessible at the moment, or are there really huge challenges to be addressed?

Rénauld Rémillard: Once again, there are a lot of differences from one region to another. It depends on the judiciary, the experts or the departments involved. There are lots of differences from one province to another, and even from one region to another in different provinces and territories, so there's certainly much to do in that regard.

While the justice sector has a community side, we are also largely called upon to work with a provincial or territorial apparatus. That's the thing about access to justice. There are two sides to it: the community side and government's justice administration system.

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

I will now give the floor to Mr. Bélanger for five minutes.

Jim Bélanger: Thank you, Mr. Chair.

Good evening, everyone.

The official languages mandate is to protect and promote the French language in minority communities. That has been the intention since 2023. Arts and culture are essential to the growth and development of French.

However, you're saying that guidance for how to carry that out is lacking. We've been talking about being able to measure, analyze and research. My question is this: Are there any analyses, data or statistics to support that review and analysis? If so, who is responsible for analyzing that information and formulating a plan?

If I put on my business hat, I would say that success requires a plan with realistic and measurable targets. Whose job is it to do all that?

Manon Henrie-Cadieux: I think the action plan for official languages is for all of us. Generally speaking, it gathers information about community development needs and then structures its support measures accordingly. It's critical to....

I'm sorry, I lost my train of thought.

Nancy Juneau: Ms. Henrie-Cadieux, I can speak to cultural data.

Thanks to the relationship we've developed over the past 25 years with our co-operation agreement partners—Telefilm, the National Film Board, the Canada Council for the Arts, the National Arts Centre and Radio-Canada—we've started working together on data collection. As part of that agreement, we each collect certain types of data. We haven't made enough progress on that yet, but we're working on it together, and that's exactly how we figure out where we are, what's lacking and what steps we can take to address that.

Paradoxically, the hardest part is getting data from official languages support programs. We don't have a clear picture of the share of funding granted to arts and culture.

So, yes, data is essential and, speaking specifically to the topic of this meeting, I think the draft regulations must specify that developing positive measures starts with collecting data to identify the problem and then figuring out how to correct it.

• (1725)

Jim Bélanger: My next question just so happens to be about funding. We know that the plan we want to implement and the targets we want to achieve will take a certain amount of money. I gather you think financial support could be improved. Often, the provinces don't use the money transferred to them for the intended purposes. It takes a long time to get things done. I believe your current funding is guaranteed until 2027 or 2028. It takes a long time to accomplish something of this magnitude.

How can we help you in that regard?

Manon Henrie-Cadieux: Our priority request for the next action plan is the same as for the previous action plan. We want core funding for our organizations. Our organizations need predictable multi-year funding to retain qualified teams. I'll reiterate that these organizations, which are members of the FCCF in every province and territory outside Quebec, serve an essential role. Without their work, artists would not progress from emerging to professional at the national and international levels, so that's absolutely essential for us.

Jim Bélanger: Thank you.

The Chair: Thank you, Mr. Bélanger.

We'll go to Mr. Deschênes-Thériault for five minutes.

Guillaume Deschênes-Thériault: Thank you.

Mr. Poliquin and Mr. Rémillard, as mentioned, the guiding principle of the modernized version of the act is progress toward substantive equality. How does that play out? What does progress towards substantive equality mean to you? Should this objective be defined? What's your understanding of progress toward substantive equality?

Rénauld Rémillard: I can answer that, and I'm sure Mr. Poliquin can chime in too.

In part, progress is what's measurable. For example, is French being used more? I think that's one of the objectives. Has the francophone population grown? Has French become a more common public language? These things can be quantified, at least in part. There may be a qualitative element as well, but it's largely quantitative. That's where performance indicators or some kind of indicator will be involved. As to where it should be in the regulations or whether it should be better defined, I'm not sure, but, in my opinion, performance indicators will largely define whether or not there has been progress.

I don't know if I've answered your question.

Guillaume Deschênes-Thériault: That's fine, thank you.

Mr. Poliquin, I'd like to hear your comments on this.

Gabriel Poliquin: I would reiterate what we heard from Professor Léger, who testified before us. Substantive equality is equality of outcomes, not equality of treatment. To achieve substantive equality, some communities, particularly francophone minority communities, will require different treatment that meets their own needs. The act already mentions that. To achieve substantive equality, we'll have to take into account the specific needs of all the different communities and their diverse character. That's already in the act.

To do that—and this ties in to what Mr. Rémillard was saying—we need to establish performance indicators to assess the specific needs of each community. The Fédération des communautés francophones et acadienne suggests evaluating the vitality of institutions, the use of French and the visibility of French, among other recommendations. That's all in the work done by Ms. Cardinal, which Ms. Henrie-Cadieux mentioned earlier.

• (1730)

Guillaume Deschênes-Thériault: Thank you.

Ms. Juneau, in the arts and culture sector, what does robust implementation of part VII the act look like in concrete terms?

Do you have any examples of issues with federal arts and culture policies or programs that could be problematic right now and that a more robust implementation of part VII could ease, particularly with help from regulations like the ones under consideration?

Nancy Juneau: I think culture is no exception in that sense. The people drafting part VII regulations should really take the time to

define what positive measures and dialogue and consultation activities are, and when to use one rather than the other. Oversight and accountability mechanisms should also be defined. I think that, if these elements are clear, then we, the community, will be able to use these tools to initiate dialogues, make our needs known and ask for the accommodations we need to move towards the substantive equality we are seeking.

In that sense, I think the arts and culture sector is no exception. We need the same guidelines, the same processes, the same criteria and the same definitions to apply in our dealings with partners, including institutions in the arts and culture space and the Department of Immigration, because we also have projects in the arts and culture sector that can contribute to that. Again, I would point to the recommendations we made regarding the regulations as a whole, which will serve us well if we put them into practice.

The Chair: You have 25 seconds left.

Guillaume Deschênes-Thériault: I would like to take this opportunity to say I hope you enjoy the first-ever pan-Canadian summit on artistic education, which the Fédération culturelle canadienne-française is hosting this week in Ottawa. I look forward to hearing about the outcomes of your summit.

Nancy Juneau: Thank you.

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

On behalf of my colleagues and members of Parliament, I would like to thank all the witnesses for being with us and for their testimony.

Our next meeting will be on Thursday. In the first hour, we're going to hear from witnesses on the part VII regulations. In the second hour, we'll cover two topics. First, we'll consider the draft report on administrative monetary penalties. The clerk will circulate the second version of that right after this meeting. In the second part of Thursday's meeting, we'll look at drafting instructions for the report on part VII.

Lucie, our analyst, will probably send questions for you to look at to guide our discussion tomorrow. Is that okay?

Mr. Godin, you have the floor.

Joël Godin: Would it be possible to have an answer to the question I asked at the beginning of the meeting by Thursday?

Have you put in the request?

The Chair: I have put in the request, but I don't know if we'll get an answer or not. We'll certainly do our best.

Thanks, everyone.

The meeting is adjourned.

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