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Chair: Yvan Baker



Standing Committee on Official Languages

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• (1530)

[*Translation*]

The Chair (Yvan Baker (Etobicoke Centre, Lib.)): I call this meeting to order.

Colleagues and guests, welcome to meeting number 37 of the Standing Committee on Official Languages.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on April 21, 2026, we are meeting today to study the draft regulations on the use of French in federally regulated private businesses.

I would now like to welcome our witnesses.

From the Office of the Commissioner of Official Languages, we have Kelly Burke, Commissioner of Official Languages; Patrick Wolfe, assistant commissioner, compliance and enforcement; Pierre Leduc, assistant commissioner, strategic direction and external relations branch; and Pascale Giguère, general counsel, legal affairs branch.

You will have five minutes for your opening remarks. Then we'll go to questions from members.

Ms. Burke, the floor is yours for five minutes.

Kelly Burke (Commissioner of Official Languages, Office of the Commissioner of Official Languages): Mr. Chair, honourable members of the committee, hello.

First, I would like to acknowledge that the land on which we are gathered is part of the traditional territory of the Algonquin Anishinabe people, an indigenous people of the Ottawa Valley.

I am pleased to be here with you today to talk about the draft regulations that aim to provide a framework for and ensure the implementation of the Use of French in Federally Regulated Private Businesses Act, or UFPBA.

This new legislation was introduced to foster and protect the use of French in federally regulated private businesses operating in Quebec and in regions with a strong francophone presence outside Quebec.

[*English*]

Achieving this objective requires clear, consistent and practical regulations. As currently drafted, however, the regulations do not meet this standard.

[*Translation*]

The Chair: Do you have a point of order, Mr. Godin?

Joël Godin (Portneuf—Jacques-Cartier, CPC): Yes, it's about the interpretation.

The Chair: I've stopped the clock.

Joël Godin: Excuse me, Commissioner. What you're saying is important, and it's easier for me to understand you in French. I don't know if we can start over, because I couldn't hear the interpretation.

The Chair: You're not getting interpretation. Okay.

We'll suspend for a moment.

Ms. Burke, I'm sorry for the interruption. The clerk has asked if you could say a few sentences in English, just to see if the interpretation is working.

Kelly Burke: Yes, I'll start the sentence.

[*English*]

Achieving this objective requires clear, consistent and practical regulations.

[*Translation*]

The Chair: It's working, Ms. Burke.

Do you want to continue or start over? It's up to you.

Kelly Burke: I'm going to continue the part in English, because I think the French part was heard properly.

The Chair: Okay, thank you.

Kelly Burke: I will repeat the same sentence.

[*English*]

Achieving this objective requires clear, consistent and practical regulations. As currently drafted, however, the regulations do not meet this standard. They are complex and contain significant ambiguities regarding terminology, application and the scope of the rights and obligations prescribed.

In my opinion, the regulations should mandate a reliable, regularly updated public registry of federally regulated private businesses, including those subject to the new federal legislation and those that are exempt.

The registry would be very useful, not only for the general public but also for my team, so that we can ensure that the complaints are processed efficiently and effectively. It would also demonstrate the federal government's transparency and its commitment to Canadians, particularly the consumers and employees affected by the new legislation.

• (1535)

[Translation]

One of the distinctive elements of the new legislation is that it allows federally regulated private businesses operating in Quebec to choose to be subject to that province's Charter of the French Language instead. However, in the rest of Canada, these businesses would still be subject to the federal law in regions with a strong francophone presence. This means that certain rights, obligations and remedies will vary, depending on which legislation each business chooses. This further underscores the need for a reliable and regularly updated public registry to make it easier to identify which businesses are subject to the federal legislation.

Another important point is that the draft regulations do not identify at least one region with a strong francophone presence in every province and territory, even though this is essential to ensure that the Canadian public has access to French-language services from federally regulated private businesses across the country.

[English]

Given all of these issues, it is vitally important that communities, parliamentarians and federally regulated private businesses take the time over the next few months to carefully consider the impact of the regulations on the Canadian public. I have taken note of the concerns of the Quebec English-speaking community about the potential impact of the new legislation on the vitality of that community. I am committed to monitoring its effect on both of Canada's official language minority communities, especially on the Quebec English-speaking communities, considering the concerns that have been raised in providing additional protection to French under the new legislation.

In addition, given that my office now has a key role in overseeing the implementation of the new legislation, additional resources inevitably will be needed. I am aware of the current budget constraints and am fully committed to the government's priorities of fiscal discipline and expenditure optimization. However, the implementation of the regulations hinges on additional financial support.

[Translation]

In closing, I am calling on the government to consider the issues I have presented in my position paper in order to ensure that the regulations fully reflect Parliament's intent. There is still time to take full advantage of this historic opportunity to ensure the successful implementation of the Use of French in Federally Regulated Private Businesses Act.

Thank you for your attention. I would be happy to answer your questions, which you are welcome to ask in either official language.

Thank you.

The Chair: Thank you, Ms. Burke.

We'll now go to questions from members.

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

Joël Godin: Thank you, Mr. Chair.

Thank you, Ms. Burke.

Last time, you were at the interview stage, and now you are officially a commissioner. Congratulations. I look forward to working with you in the coming years.

At the end of your remarks, you talked about Parliament's intent with respect to the act. Can you tell us what your understanding of Parliament's intent is, describe what you think it is, and tell us what doesn't work in the regulations?

Kelly Burke: Parliament's intent is built into the act itself. The purpose of the act is to protect French and promote it across Canada, first in Quebec and then in regions with a strong francophone presence.

Joël Godin: I'm going to stop you just to be clear. According to your interpretation, did Parliament want to protect and promote both official languages, including French?

Did it also want to stop the decline of French? That's a sub-question.

• (1540)

Kelly Burke: Absolutely.

I think the legislative frameworks, which I oversee in my role, are intended to protect and promote both official languages and to address the issue of the decline of French across Canada.

Joël Godin: Are you telling us to take the time to do things properly for the regulations we are discussing? Do the regulations meet Parliament's objectives?

Kelly Burke: As I pointed out in my previous remarks, I don't think the regulations reflect what Parliament has written into the act.

Joël Godin: I would like to hear your comments on the qualitative and quantitative criteria. Currently the regulations contain only quantitative criteria to describe regions with a strong francophone presence. As you said, not all provinces and territories have designated regions, unfortunately.

In fulfilling my mandate as shadow minister for official languages, I had the opportunity to travel across Canada. I noted that there are official language minority communities in all provinces and territories.

How would you like the qualitative criterion to be included in the regulations?

Kelly Burke: I think the qualitative aspect could be incorporated based on part IV of the Official Languages Act. Some elements of the act can provide food for thought in terms of when and how to further increase the number of these businesses across Canada, in each province and territory.

Based on my reading of it, a formula was used to calculate the number of francophones in relation to a region's overall population. I don't think that's enough. I think the UFPBA points out that there are other aspects that could be incorporated into how we determine which regions have a strong francophone presence. It doesn't take into account the vitality of the communities, their specificity or their size.

Let's take the example of the greater Toronto area, or GTA. The number of francophones who live in the GTA indicates that there is a significant presence of francophones and private businesses in the GTA. Ideally, it should be considered a region with a strong francophone presence.

Joël Godin: Could it be said that the regulations exclude British Columbia, the three territories, Saskatchewan and Newfoundland and Labrador from the process of requiring companies to comply with the UFPBA?

Kelly Burke: Places that are specifically targeted as regions with a strong francophone presence are all concentrated in specific provinces, excluding the territories. Fortunately, they include all of New Brunswick, which is a good sign. They also include Alberta, Manitoba—

Joël Godin: I'm sorry to interrupt.

The Chair: You have 40 seconds.

Joël Godin: I understand that the Commissioner of Official Languages' recommendation is to include a region from each of the territories and provinces.

There are also small regions. Let's take the example of my colleague's region, Halifax, which is not a recognized region. I think we need to add that kind of region. A small francophone community should be able to impose the regulations in its environment every day on private businesses under federal jurisdiction.

What do you think about adding restrictions or expanding the qualitative criterion so that these small regions can access services in French?

• (1545)

The Chair: I'm sorry to interrupt, but your time is up.

I would ask you to give a one-sentence answer, Ms. Burke.

Kelly Burke: As Commissioner of Official Languages, I obviously support the idea of broadening the scope of the act's application.

The Chair: Thank you.

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

Madeleine Chenette (Thérèse-De Blainville, Lib.): Welcome to all the guests and witnesses.

Ms. Burke, I obviously congratulate you on your new role. It's good to have you back.

I will pick up where my colleague Mr. Godin left off, because we heard you say that we need to broaden the scope of the act a bit so that it has more teeth.

Based on the reaction of the other guests to regional representation, I see that, in addition to the fact that there should be regions

with a strong francophone presence in every province, provincial capitals should be included. Toronto is a good example. I know that in Alberta, for example, a third of the francophone communities are in Edmonton, another third are in Calgary and the final third are everywhere else.

Do you have any suggestions? Organizations have given us examples showing that we need to go beyond Statistics Canada data.

How do you think the scope of the regulations could be broadened? Do you have any ideas?

You highlighted the aspect of private businesses and, in fact, there are a lot of francophone businesses across Canada that could be worth considering. However, how can we get factual criteria that would help the regulations make sense?

Kelly Burke: As I mentioned in response to the last question, there are ways to draw on existing legislative frameworks, including part IV of the Official Languages Act, which provides opportunities to establish a formula that will better target places across the country where the UFPBA could apply.

The criteria are in the Official Languages Act, and I invite you to read them.

Madeleine Chenette: You talked about resource challenges if the act's application were to be expanded, of course. What kinds of resources do you need for us to be more effective in our budget consideration?

Kelly Burke: As a first step, the team has begun to identify what it will take to oversee the implementation of the act. We are starting in an area that we are very familiar with, official languages, but under a completely different system.

Under the system, the central role we will be expected to play will require oversight that will be developed in an evolving environment. We recognize that the parties affected by the act will also have to rebuild in a new culture of oversight, with a Commissioner of Official Languages of Canada who will oversee the work and compliance of private businesses. This is all new to them and to us.

Second, let's talk about complaint management.

We don't know the exact number of private businesses that are and will be affected by the new act, but we do have preliminary figures showing that there are at least 386 private businesses under federal jurisdiction, including 261 in Quebec and 163 in regions with a strong francophone presence as defined in the regulations. That means 1,580 new workplaces, 35,307 new employees in Quebec and 38,022 employees in regions with a strong francophone presence. It means that the number of complaints we will receive will reflect these new figures. Even if we were to receive half of the possible complaints, we expect that our workload will increase.

Third, the act requires us to produce an annual report related to the new act. That means that all the work we're going to do under the Use of French in Federally Regulated Private Businesses Act will have to be integrated into the work we've already done under the Official Languages Act, as well as additional legal interpretation in the context of new work. In addition, new contacts will have to be signed with new partners.

In closing, I would like to add that we will also have to work with the Office québécois de la langue française, the Canadian Industrial Relations Board and the Department of Canadian Heritage. Most importantly, if we don't have a registry to look at to determine who is subject to the act, one will have to be created.

For the entire matter of complaint admissibility, we will have to follow a much more painstaking process than the one we are currently following for the Official Languages Act. We already know the federal institutions. However, we don't know the scope or nature of the private businesses that will be subject to the new act.

• (1550)

Madeleine Chenette: In terms of the importance of a registry, do you see it as a source of confusion or an advantage that businesses will be able to choose to comply with either Quebec's Charter of the French Language or the UFPBA?

Apart from creating a registry, are there other factors we should take into account to make sure that it will work well for our businesses?

The Chair: Ms. Burke, there are five seconds left. It's a one-sentence answer.

Kelly Burke: Very briefly, I would say that, when there are two parallel legislative frameworks in a province, as will be the case in Quebec, where the charter and the UFPBA may apply, it could create confusion, especially for consumers and employees.

The Chair: Thank you, Ms. Chenette.

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

Mario Beaulieu (La Pointe-de-l'Île, BQ): That's great.

Congratulations, Commissioner.

Don't you find it uncomfortable to have two contradictory mandates, namely defending English and developing English-speaking communities in Quebec, as well as defending the right to work and be served in French in Quebec?

Kelly Burke: On the contrary, I believe that the Office of the Commissioner is equipped to oversee language rights, whether anglophone or francophone. We are very well equipped. Despite the differences between the province of Quebec and places with a strong francophone presence, we will adapt, but there will be an adjustment period.

Mario Beaulieu: There have been a lot of debates in Quebec. People said that the mandate of the Office québécois de la langue française was to promote while having some coercive power, which was contradictory.

Kelly Burke: That's what we're doing right now with the Official Languages Act. It contains promotion, oversight and compliance mechanisms.

Mario Beaulieu: Earlier, you told us that you had taken note of the concerns of the anglophone community.

Could you tell us a bit more about that?

Kelly Burke: What I see, based on what the anglophone community is saying, is that there are two components.

First, they want to know whether or not they will have access to services in English. The act is not clear on the rights that exist under the legislation. According to my reading, nothing prevents private companies from offering services in English, but they are not guaranteed.

Second, there is the issue of labour. How will anglophones be at a disadvantage, if that's the case, when the time comes for private companies to hire people?

Obviously, the impact of all this is vulnerability, especially socio-economic. Those are the two major findings I noted during the appearances of the anglophone communities.

Mario Beaulieu: What we're noticing right now, what the indicators show, is that the use of English as a language of work is really on the rise. The proportion of anglophones is much higher, and the use of French as the language of work is declining. I think that's why the Use of French in Federally Regulated Private Businesses Act was created.

In an article that appeared in *Le Droit*, you said that, as the new Commissioner of Official Languages, you would continue to defend francophones outside Quebec and anglophones in Quebec equally. That goes back to the principle of symmetry that was in the old act. We're talking about equivalency between anglophones in Quebec and francophones outside Quebec.

Do you mean that anglophones in Quebec need to be supported on an equal basis with francophone minorities outside Quebec?

Kelly Burke: The role of the Commissioner of Official Languages is to protect the country's two official languages, and that includes French in Quebec. Ultimately, my mandate is to ensure that federal institutions are overseen to ensure that they comply with the obligations of the act, whether to serve an anglophone community or a francophone community in Canada.

• (1555)

Mario Beaulieu: However, part VII of the act—the current act, which has been amended—could lead to interference. It's not just for federal institutions; it's for almost everything that relates to languages in the public sphere, so organizations, civil society and even the Government of Quebec. We intervene in the promotion of English, and I hope we'll ultimately do the same for French.

WestJet representatives were here last week. We were told the government intends to opt out from the application of the Charter of the French Language, Bill 101, using instead the Use of French in Federally Regulated Private Businesses Act.

Do you think that will be the case for many businesses subject to Bill 101? That was the only legislative framework, until the Use of French in Federally Regulated Private Businesses Act came into force.

Kelly Burke: I don't really know the intentions of private businesses, but what I do know is that the Use of French in Federally Regulated Private Businesses Act will apply, and companies will have the choice, either to remain subject to the charter or to comply with the obligations under the Use of French in Federally Regulated Private Businesses Act.

Either way, I think the objective will be the same: to strengthen French-language services everywhere in regions with a strong francophone presence, particularly in Quebec.

Mario Beaulieu: WestJet hires unilingual anglophones outside Quebec, but doesn't hire any unilingual francophones in Quebec.

Do you think that's normal?

Kelly Burke: I think companies should take all the necessary steps to employ as many bilingual employees as possible, in all regions of the country.

Mario Beaulieu: That's fine, I'll come back to it. You're a good politician.

The Chair: Thank you, Mr. Beaulieu.

Colleagues, we will now move to the second round of questions.

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

Marc Dalton (Pitt Meadows—Maple Ridge, CPC): Ms. Burke, congratulations on your appointment as commissioner. It's nice to see you.

Almost every witness we've heard from, except maybe WestJet, is a little disappointed with what's happening with the proposed regulations. It's not what they imagined. Even you, you started by saying these proposed regulations don't meet the needs.

Do we need to start over on these proposed regulations? Do you think what we've done so far is useless or useful?

Kelly Burke: I'll go back to my original comment.

I want a regulatory framework that helps make the UFPBA work as well as it can. The proposed regulations need to be amended so they can achieve that objective and support the act's objective, which is to strengthen French and promote it across the country.

I think the current proposed regulations will be fragmented in their application because they're not clear enough. In the proposed regulations, the terms "communication" and "service" are not well defined, while the notion of "consumer" isn't defined at all. These are just a few examples where, in my opinion, the proposed regulations don't meet the obligations and expectations we have with respect to a regulatory framework intended to make the application of the act clearer.

Marc Dalton: I'm a member from British Columbia, and I just received an email from the Fédération des francophones de la Colombie-Britannique. It says our province would be completely abandoned by the method suggested in the proposed regulations for the federal government to determine if a region has a strong franco-

phone presence, affecting, among other things, the offer of banking services, despite the growth of our community, and going against the modernization of the act, which was to emphasize the protection of French.

The federation isn't happy, because it doesn't affect the francophone community. We also received comments from Toronto, where francophones are under-represented. It's the same thing in Vancouver.

Could you comment further on that?

• (1600)

Kelly Burke: Indeed, that's what I said before. I think the formula used to calculate it doesn't have the impact we would have liked.

At the end of the day, what we want is to expand the UFPBA to ensure at least one company can provide those services in every Canadian province and territory. Let's not forget the act's role: to strengthen, promote and protect French. If we only do it in certain regions, I don't think that's enough.

Marc Dalton: There's always some tension: We have to encourage and support the francophone community without over-regulating. It's a question of balance.

[*English*]

Different size companies have different abilities to accommodate francophone clients and employees. How will your office treat companies of different sizes? Will you be stronger or tougher on the large ones or on the small ones? Will you recognize the different capacities?

Kelly Burke: My mandate is prescribed by legislation, so the approach I take will be consistent across the board.

I always come back to what is practical and what is happening on the ground. What I am reading into many of the presentations that I have heard so far, particularly from WestJet and others, is that the question of whether and how they are going to be able to conform to the legislation is going to be critical. That means staffing and people who are able to actually work in both languages, and in French in particular. That's where I turn to Canadian Heritage, where I say there's going to have to be a very strong movement to ensure that we have manpower—woman power, people power—to ensure the services can be provided.

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

I had some extra time, but we are well over.

[*Translation*]

Marc Dalton: You can take time away from the Liberals, Mr. Chair.

The Chair: Yes, we'll see.

Mr. Deschênes-Thériault has the floor for five minutes.

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

Ms. Burke, thank you for your comments and for the documents provided.

You're suggesting an expansion of the regulations' scope. We've heard other witnesses suggest the same thing.

We want to expand it, and we want a strong and enforceable act. I wonder what to say to those who wonder how to strike a balance between the rights of francophone workers and consumers and the francophone public, and the operational realities of businesses in regions where the number of francophones is lower.

I'm not talking about regions that are already defined in the act—that assessment has been done—but regions in a context of expanding the scope of the regulations.

How can we find that balance?

Kelly Burke: I think we should go back to part IV of the Official Languages Act to establish what criteria should be used to identify regions beyond those already identified in the act.

Canadian Heritage also has a duty to do an impact analysis of this legislation on communities. This analysis must take into account the capacity in areas and regions already identified. Canadian Heritage must also take into account the impact the act will have on official language communities, for example in Quebec, as we said earlier.

I think the right balance lies in the impact analysis to determine where the legislator's leeway is.

• (1605)

Guillaume Deschênes-Thériault: In your position paper, you talk about the obligations to communicate with the public. You're referring to the concept of active offer. Can you give us more details on how you see that?

Kelly Burke: Again, we're talking about complexity, given the notion of active offer is not found in the Use of French in Federally Regulated Private Businesses Act, or UFPBA, whereas it's found in the Official Languages Act.

Active offer means a visible and accessible offer to the general public so they can know where to find services in English and French.

What I'm asking in that regard is to align with already established and defined concepts, to some extent, in legislation that we're already monitoring, and that the UFPBA reflect the active offer provided for in the Official Languages Act.

Guillaume Deschênes-Thériault: Thank you.

You're not the first person to mention the issue of a public registry. Can you give us more details on how you see this tool?

Kelly Burke: Canadian Heritage would be in charge of the public registry and would have to decide which private companies would be subject to it. There would be a transition period, because some private companies are already subject to the charter, where the department would have to determine which ones would also be

subject to UFPBA. The public registry would therefore have to take these businesses into consideration.

We also require this registry be reliable and updated on a monthly basis so the general public can know where the services are.

Guillaume Deschênes-Thériault: Thank you.

Kelly Burke: Otherwise, it would be very complicated.

Guillaume Deschênes-Thériault: I'm going to give the last minute of my time to my colleague, Mr. d'Entremont.

The Chair: You have two minutes left.

Chris d'Entremont (Acadie—Annapolis, Lib.): Yes, two minutes for the Acadians from southwest Nova Scotia.

In Nova Scotia, francophones are scattered across the province, as we heard from the Fédération acadienne de la Nouvelle-Écosse last week. The Chéticamp region doesn't have a strong francophone presence, so it doesn't apply. The biggest region right now is Halifax.

Ms. Burke, what do you think about adding at least the provincial capitals across Canada to the registry?

Kelly Burke: I agree. That's provided for in the Official Languages Act. We can look at the Official Languages Act to see what the best model is.

In Nova Scotia, Yarmouth, Digby and Richmond are there. I couldn't agree with you more. Perhaps the great city of Halifax should be among them.

Chris d'Entremont: When we look at the greater Halifax-Dartmouth region, Dartmouth has a lot more francophones than southwest Nova Scotia.

Do you think this measure would apply to the entire city, or could we apply it to certain neighbourhoods or areas only?

Kelly Burke: I think we'll have to do an analysis to really determine where we could offer the highest quality of service and reach as many citizens as possible who want to be served in French.

Chris d'Entremont: Thank you.

The Chair: Thank you, Mr. d'Entremont.

Mr. Beaulieu, you have the floor for two and a half minutes.

Mario Beaulieu: Thank you.

Ms. Burke, in response to my earlier question about WestJet, you said the company should hire only bilingual employees everywhere. Do you think that's realistic, outside Quebec?

Kelly Burke: What I said was private companies should hire as many bilingual people as possible across the country. You're right. The reality on the ground is—

Mario Beaulieu: Isn't it discriminatory to require only bilingual staff in Quebec?

Kelly Burke: What I'm saying regarding the company's hiring practices, and what I support, is that, as much as possible, with its current and future staff, it should be able to provide service to both the anglophone and francophone communities across the country.

Mario Beaulieu: You're not answering my question. We can also provide service to both communities by having unilingual French staff if another employee can take over. I think it's a bit excessive to require knowledge of English for all employees in Quebec.

• (1610)

Kelly Burke: Is that the requirement of WestJet right now?

Mario Beaulieu: That's what we heard from WestJet.

Kelly Burke: That will be something to assess.

Mario Beaulieu: Okay. That's perfect.

Talking about Quebec, you said having two regimes in the same territory made things more complicated. Personally, I think having two competing regimes will lead to less efficiency, because, as you said, people won't know where to go to file a complaint, among other things.

Can you tell us more about how to make that clearer and more effective?

Kelly Burke: A lot of education would be needed. As I said at the outset, I believe the public, employers, consumers and employees will be lost in a brand new system. Over time, it may get better. However, it will definitely take a lot of education to operate with two legislative frameworks that explain obligations and duties differently.

Mario Beaulieu: That's right.

Do you think it would have ultimately been simpler to have just one plan?

Kelly Burke: I leave it to politicians and parliamentarians to decide what the best path forward will be for the time being.

Mario Beaulieu: Are you talking with the Office québécois de la langue française?

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

Commissioner, I'll let you answer with one sentence, and then I'm going to interrupt you.

Kelly Burke: Not at the moment, Mr. Beaulieu, but we very much look forward to working with the Office on this new act, once it comes into force.

The Chair: Thank you, Mr. Beaulieu.

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

Joël Godin: Thank you, Mr. Chair.

Commissioner, you said earlier that the terms “service” and “consumer” are ill-defined. You also mentioned something else that I unfortunately didn't take note of. Is it possible for you to repeat those three points?

Kelly Burke: Sure. The word “consumer” used in clause 7 of the act is not defined.

Joël Godin: There was also the term “service”.

Kelly Burke: I had mentioned “service” and “communication”.

Joël Godin: The third was “communication”.

Kelly Burke: For “service” and “communication”, we propose to use the act as a model—

Joël Godin: That's fine. I just wanted to remember the three terms. Thank you. I'll take note of them and we'll probably make a recommendation on that. It was very relevant.

Let's talk about registries.

There's a lot of laxness in the act at the moment, I would say. We're talking about annual statement, annual compliance renewal and certification sent by the minister.

Would it be more effective, more rigorous, to have a registry? Also, what will happen when people don't comply and don't register? What are your thoughts on that?

Kelly Burke: In terms of compliance and consequences, we noted that it's not specified in the act. As far as the registry is concerned, I think it'll help us a great deal to have a very simple, up-to-date registry that meets the needs of any person and entity taking part in the exercise.

Joël Godin: Does your office have the means to manage such a registry?

Kelly Burke: We are not the ones who are going to manage the registry, but Canadian Heritage.

Joël Godin: I trust the Commissioner of Official Languages more than I trust Canadian Heritage, but that's my opinion. I wanted to give it to you.

Last week, I asked the representatives of Droits collectifs Québec about the fact that, unfortunately, in Quebec, the Coalition Avenir Québec government and its minister of official languages, Jean-François Roberge, have made it possible for Quebec businesses to choose between the Charter of the French Language and federal legislation.

I agree with that organization that responsibility should have been given to Quebec.

Given that context, could the Office québécois de la langue française be mandated to management federally chartered businesses in Quebec? Do you think that's a good idea?

Kelly Burke: Again, I leave that to the legislators to decide.

Joël Godin: Well, at some point, your office will have quite a few files to deal with.

• (1615)

Kelly Burke: We'll work with the entities responsible for implementing the act. As I said earlier, that includes the Office québécois de la langue française, the Canadian Industrial Relations Board, ourselves, the Office of the Commissioner of Official Languages, and Canadian Heritage.

Joël Godin: Right now, we have Canadian Heritage, the Office of the Commissioner of Official Languages and Canadian courts. We're a bit scattered, and we probably picked that structure to give the impression we'll be very proactive and rigorous in stopping the decline of French and protecting and promoting both official languages.

However, in reality, you're seeing the same thing we are with this proposed regulation, which is a bit of window dressing. In practical terms, based on your experience and my vision as a legislator, we don't think there'll be any results and we won't meet the objective. Allow me to use an expression and say that we're kicking the can down the road and just sending it out there.

Do you see it the same way I do?

Kelly Burke: What I can tell you is that we always look for tangible results. We have an oversight model that works for the Official Languages Act.

Similarly, a system that works for the Use of French in Federally Regulated Private Businesses Act will need to be put in place.

Joël Godin: You're saying we need to put a system in place, but that comes with a price tag. How much do you estimate the government needs to give your office to manage these new responsibilities?

Kelly Burke: We're working on that estimate now, but I can tell you that there are additional duties related to the complaints process.

Joël Godin: Right now, it's \$27 million, according to the information I have.

Kelly Burke: It's about that.

Joël Godin: How much more do you think you need?

Kelly Burke: I don't know exactly. Given the fact—

Joël Godin: Is it \$2 million, \$10 million or \$200 million?

Kelly Burke: It's hard to put a figure on, and I'll tell you why. We still don't know how many private businesses we'll be overseeing. We don't know that number.

The figures I gave you earlier illustrate that at least 70,000 new employees will have the right to work in the language of their choice. That means we'll have to manage a much higher volume of complaints, but first, it'll be necessary to determine whether the complaints are admissible.

Joël Godin: Do you have—

The Chair: Sorry to cut you off, Mr. Godin.

I gave you more time so we could hear Ms. Burke's answer.

Joël Godin: My apologies, Mr. Chair. I was on a roll.

Thank you, Ms. Burke.

The Chair: It's now over to Mr. Villeneuve for five minutes.

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

Good afternoon, Ms. Burke. This is your second time here, and it's always a pleasure to see you. You're always smiling, which is quite nice.

We all want the regulations to be ambitious and to have the broadest scope possible. We know there are French-speaking Canadians in every single province and territory, and we want to increase the number of French speakers. We have to be realistic, however, and establish requirements that reflect the current limits of the Canadian economy.

In your view, is it realistic to think that businesses will be able to meet their labour needs if the requirements are extended to every province?

Kelly Burke: I also pointed to the inconsistency in determining regions with a significant francophone presence.

Yes, it is realistic to think that every province has private businesses that could provide services. However, I think it's about building a pool of skilled workers. It's the Department of Canadian Heritage's responsibility to assess the situation and clearly identify where the opportunities are for expanding the legislation's coverage across the country.

Louis Villeneuve: Thank you.

You also recommended that “consumer” and other terms be defined. You touched on that, but could you elaborate?

Kelly Burke: The term “consumer” suggests a commercial transaction, a purchase of some sort. Conversely, using a broader term such as “public” wouldn't limit the legislation's application to a consumer exchanging money for a product or service. The term “consumer” suggests that a commercial transaction is taking place. The term “public” would allow for a much broader application of the legislation.

Take a consumer in an airport, for example. That refers to the individual with the airline ticket who is taking the flight. However, is the person who drops the passenger off at the airport a consumer asking for service at the counter, because the flight is delayed? Something is going on there.

In my view, anyone should be entitled to receive the service, even if they didn't engage in a commercial transaction with the airport.

• (1620)

Louis Villeneuve: Thank you.

You said your office's expanded role also requires greater clarity regarding institutional coordination between the office of the commissioner and Canadian Heritage, the Canada Industrial Relations Board and the Office québécois de la langue française. Can you provide more information on that?

Kelly Burke: As you know, both regimes will apply in Quebec: the Charter of the French Language and the Use of French in Federally Regulated Private Businesses Act. The fact that businesses will have to choose between the two regimes means that the remedies available under the regimes are different. Under the federal act, my office, the commissioner's office, is responsible, whereas under Quebec's charter, the Office québécois de la langue française has jurisdiction. If we don't know which regime the private business chose to be subject to, we'll have to check with the Office québécois de la langue française to find out.

Furthermore, we would like to see the Department of Canadian Heritage take responsibility for the registry that will tell us which regime the business chose, the federal legislation or Quebec's charter. We could check with Canadian Heritage, by consulting the registry, to find out more about a business's choice.

Lastly, the commissioner has the power to refer a complaint to the Canada Industrial Relations Board, in certain circumstances, including if the complaint is complex. The board is yet another entity that isn't mentioned in the Official Languages Act but is mentioned in the Use of French in Federally Regulated Private Businesses Act.

Louis Villeneuve: Thank you.

The Chair: We have about seven or eight minutes left with Ms. Burke and her team.

Ms. Burke, I checked with my fellow members, and they'd like to take advantage of every possible minute we have with you, so we're going to do one last, albeit very short, round.

The Conservatives will have two minutes for each member and Mr. Beaulieu will have one minute.

Go ahead, Mr. Godin. You have two minutes.

Joël Godin: Thank you, Mr. Chair.

Ms. Burke, last week, representatives from the Fédération des communautés francophones et acadienne du Canada spoke to the committee about dissemination areas and the criteria for designating regions, where numbers do not warrant the provision of services under the method used thus far.

Do you think incorporating the concept of dissemination areas is a good way to add regions?

Kelly Burke: I think it's something worth considering, in the context of other measures that could shed light on expanding the scope of the federal act and its application in regions with a strong francophone presence.

Joël Godin: Would you be able to provide the committee with a description or recommendation for expanding the scope of the Use of French in Federally Regulated Private Businesses Act in provinces and territories, while including small municipalities? I'm looking for guidance from your office that could help us with that.

What factors should we take into account? We will be providing the Treasury Board of Canada Secretariat with the necessary means, so that the agency understands and achieves what all of us at the table want to achieve. Would you be able to provide us with that information?

Kelly Burke: We can provide you with that, yes. We will draw heavily on part IV of the Official Languages Act.

Joël Godin: I was glad to hear you say we should take our time. It's important to understand there's no rush. The act received royal assent in 2023, and it took the government three years to come out with draft regulations. The deadline isn't weeks away. I think it would advance the cause tremendously.

● (1625)

Joël Godin: All right. Paragraph 4 of the draft regulations states that for Quebec and for businesses—two years later than elsewhere in Canada—the minister may provide the commissioner—it's the only spot in the draft regulations where you're mentioned—and the official languages minister with a list of federally regulated private businesses.

What's your assessment of the fact that the minister “may” publish a list? It shouldn't be an option; it should be a requirement. It should say that the minister “will” provide the commissioner with a list. How are you supposed to manage something when there's no accountability requirement, if I can put it that way?

The Chair: Sorry, Ms. Burke. The member's time is up, so I'll need a one-sentence answer.

Kelly Burke: It should absolutely be an obligation. It shouldn't be at the discretion of the minister.

Joël Godin: Thank you. That settles it, as far as I'm concerned.

The Chair: Thank you, Mr. Godin.

We now go to Mr. El-Khoury for two minutes.

Fayçal El-Khoury (Laval—Les Îles, Lib.): Thank you, Mr. Chair.

Ms. Burke, are you satisfied with the government's efforts to protect and promote French in federal institutions, and to protect every Canadian citizen's right to receive service in a federally regulated business?

Kelly Burke: My mandate revolves around federal institutions and compliance with the Official Languages Act. In light of the complaints we receive and what we see on the ground, there is still work to do. Federal institutions comply in certain cases but not in others.

There are systemic issues. Every year, we see the same challenges around compliance with the act, particularly when it comes to communications and the delivery of services. There are a lot more now in relation to the language of work. I believe 22% of the complaints we received this year or last year had to do with language of work. That's double what we received 10 years ago.

In response to your question about whether the government complies, I would say, yes, to some extent, but there is still a lot of work to do.

Fayçal El-Khoury: What measures are you putting in place to ensure compliance with the act?

Kelly Burke: The procedure for that is in the Official Languages Act. I now have broader powers than the commissioner did before. Nevertheless, it's still possible to conduct investigations, examine complaints, identify solutions and make recommendations. The commissioner has always had those powers. Going forward, under the new act, I will be able to enter into compliance agreements, put corrective measures in place, issue a summary of the investigation and make public information on the challenges within the system.

The Chair: Sorry, I have to stop you there. The member's time is up. I gave you time to finish your answer, but we have to leave it there.

We now go to Mr. Beaulieu for one minute.

Mario Beaulieu: Ms. Burke, you said the purpose was to ensure that people could work in the language of their choice, but that isn't the purpose of the Charter of the French Language or the Use of French in Federally Regulated Private Businesses Act. A person can't work in both English and French at the same time.

There has to be a common language. The purpose of the act is to make French the common language and ensure that its use is generalized in Quebec and in regions with a high proportion of francophones. Do you agree with that?

Kelly Burke: Under the Official Languages Act, employees have the right to choose their language of work. Under the Use of French in Federally Regulated Private Businesses Act, employees can also choose—

Mario Beaulieu: That doesn't prevent agreements. Normally, French has to be the widely used language within the business. Basically, it has to be the common language.

Kelly Burke: Obviously, the Use of French in Federally Regulated Private Businesses Act provides that employees can choose to work in French in regions with a strong francophone presence and, of course, in Quebec.

Mario Beaulieu: Thank you.

The Chair: Thank you, Mr. Beaulieu.

It's now over to Mr. Godin for two minutes.

Joël Godin: Thank you, Mr. Chair.

Commissioner, this is the last time I'm going to ask you about this.

You made an interesting point, but unfortunately, it slipped under the radar. The draft regulations do not set out any requirements for third parties that provide services on behalf of businesses subject to the Use of French in Federally Regulated Private Businesses Act. What requirements should third parties be subject to, keeping in mind that the purpose is to stop the decline of French, and to protect and promote both official languages?

You recommended that the legislation address third parties, and that's a very important aspect. What tools would you need? How should it be defined? It's not straightforward. Businesses are going to do business with people. Under the buy Canadian policy, for instance, the government is going to work with people in Canada. Under the Use of French in Federally Regulated Private Businesses Act, federally regulated businesses will have to work with suppliers

that will be subject to the obligation to work in French, in cases where the business is francophone.

• (1630)

Kelly Burke: Again, I think it's important that third parties have obligations and—

Joël Godin: What should those obligations be?

Kelly Burke: The Official Languages Act addresses the obligations of third parties in sections 23 and 25, so I think we could draw on those provisions.

Joël Godin: I have one last question for you.

Do you think Treasury Board and officials should go back to the drawing board on the draft regulations, which is what we're going to recommend for part VII? As you can see, there's a lot that isn't covered.

Should they start over, taking the time to do it right and provide the right tools to achieve the purpose?

The Chair: Ms. Burke, the member is out of time, so kindly provide a one-sentence answer.

Kelly Burke: Are you talking about part VII of the Official Languages Act?

Joël Godin: I'm talking about part VII and the fact that we are going to ask Treasury Board to start over in relation to that part. Would that be your recommendation as well?

Kelly Burke: I think an impact analysis would be needed.

Joël Godin: An in-depth analysis would need to be done.

The Chair: Ms. Chenette, you may go ahead for two minutes.

Madeleine Chenette: That was a very interesting discussion, so I'd like to keep it going.

Ms. Burke, other witnesses have told us that it would be better to review the regulations every five years, so as to really reflect changes in francophone communities, while never ceding any ground in terms of coverage. What do you think?

Kelly Burke: A regulatory review every five years would provide an idea of where things stand but wouldn't necessarily allow for the regulations to be implemented. Five years isn't always enough time to properly assess the impact of regulations. Although you would get some perspective and results after five years, you would get a much clearer picture of the results after 10 years. That would also align with the review period for the act, which is every 10 years.

Madeleine Chenette: How, then, do we make adjustments? Francophone immigration is going well; those levels are being met. We need to encourage bilingualism in Canada. If we want to see more incentives and an expanded scope for all the organizations, how do we take a responsive approach and adjust as needed over the next 10 years? Do you have any suggestions?

Kelly Burke: The criteria for designating regions with a strong francophone presence could take into account the vitality of communities and other qualitative factors, not just quantitative ones. Obviously, these communities change, as do all communities. They have specific characteristics that need to be taken into account. That could factor into the broader evolution of the operation of the act. The regulations could identify how to do that.

Madeleine Chenette: Thank you.

The Chair: Thank you, Ms. Chenette.

Ms. Burke, on behalf of the committee, I'd like to thank you and your colleagues for being here. The last time you were here was pre-appointment, if you will. Today, we had the opportunity to start working together, and it was a good start. Thank you very much.

Fellow members, I'm going to suspend the meeting, since we are going in camera for the next hour.

[Proceedings continue in camera]

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