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• (1610)

[*Translation*]

The Chair (Yvan Baker (Etobicoke Centre, Lib.)): Colleagues, we will now resume our meeting—this time in public—and I welcome you all once again.

Pursuant to Standing Order 108(3)(f) and the motion adopted on April 21, 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 the witnesses. We are joined by Stéphanie Chouinard, associate professor, who is appearing as an individual. Ms. Chouinard, you have your daughter Romane with you, is that right?

Stéphanie Chouinard (Associate Professor, As an Individual): That's correct. Let's hope this goes smoothly, but it could be a bit more chaotic than usual on my end.

The Chair: Fine. Welcome, Romane. As chair, I should mention that this is how I feel sometimes about our meetings: They can be more chaotic than we anticipate.

From the Société de la francophonie manitobaine, we are joined by Derrek Bentley, president, and Jean-Michel Beaudry, chief executive officer. Both are attending via video conference, and I would like to welcome them.

Each witness or organization will have five minutes to deliver an opening statement. We will then proceed to a question-and-answer period with members.

Ms. Chouinard, if you are ready, you have the floor for five minutes.

Stéphanie Chouinard: Mr. Chair, vice-chairs, and members of the committee, thank you for inviting me to testify as part of this study.

My remarks today will focus on the impact of the proposed regulations on the francophone community outside Quebec. More specifically, I will focus on part 2 of the draft regulations—that is, on regions with a strong francophone presence and on the obligations for businesses towards their consumers in those regions.

On the one hand, the draft regulations rely on data from the 2021 census to identify regions with a strong francophone presence. I have reservations about basing a legal framework on the results of a single census. Official language minority communities are dynamic, and they are often those most underestimated by censuses, particularly those with newcomers and bilingual or multilingual households. The selected criteria prioritize population density at the

expense of community vitality, which will have consequences for the very communities this legislation is meant to protect.

Furthermore, it is unfortunate that the draft regulations did not draw on the mechanism found in the official languages regulations relating to part IV of the Official Languages Act to determine where there is significant demand. It stands to reason: if there is significant demand for French-language services in a region, it is most likely because there is a strong francophone presence. However, at present, for essentially the same objective, the draft regulations under consideration are based on a new definition of the regions where federally regulated private businesses will have language obligations. This creates a complex system in which citizens may be unaware that they are in a region designated under the draft regulations, especially when it involves a list of census tracts, as is the case with our friends in Manitoba. For the average person, this is a rather obscure geographical determination. To potentially address this situation, section 15 of the draft regulations stipulate the following:

A federally regulated private business that carries on business in a region with a strong francophone presence must clearly indicate to consumers in that region [...] that they may communicate with and obtain services from the business in French.

In my opinion, this language is far too weak. We should require these businesses to make an active offer of service.

In fact, I must admit I was a little surprised not to find any mention of “active offer” anywhere in the draft regulations, even though it is a well-established principle. Numerous research studies and reports have been written on this principle. I will not cite them all, but we can still identify a few best active offer practices. I'll list them quickly.

First, services—whether in person, by phone, in writing, online or on social media—must always be offered in both languages, starting from the very first contact and continuing thereafter.

Second, we must ensure that services are of equal quality in either language. The choice of language must not affect the quality of the service received, nor should it result in any additional delay in obtaining the service.

Third, people must feel comfortable specifying their preferred language when the service is offered. This means, among other things, that service should be culturally appropriate.

In short, the purpose of the active offer of services is to ensure that people can actually use the official language of their choice. Numerous studies have shown that in minority contexts, if institutions have the freedom to choose without being required to actively offer services in the minority language in addition to the majority language, the resulting social dynamic favours the majority language. This is all the more true in the present case, where we are seeking to change the status quo. We must ensure that users feel no hesitation or embarrassment about requesting services in the official language of their choice.

Finally, in Quebec, the proposed regulations call for applying the law to businesses with at least 25 employees; however, outside Quebec, in regions with a strong francophone presence, it calls for applying it only to businesses with at least 100 employees within those regions, or 500 employees nationwide. This asymmetry is significant. Small federally regulated businesses—with which francophones outside Quebec most frequently interact—may well fall below this threshold. A consumer in northern Ontario or on the Acadian Peninsula might find that the businesses serving them on a daily basis are entirely exempt from these requirements. I therefore invite the committee to examine how these thresholds were set, and whether they are based on evidence or are arbitrary.

Thank you and I look forward to continuing the discussion.

• (1615)

The Chair: Thank you very much, Ms. Chouinard.

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

Derrek Bentley (President, Société de la francophonie manitobaine): Thank you very much, Mr. Chair.

Good morning, members of the committee.

Thank you for inviting us to appear before you today to share our perspective as a francophone minority community.

As has been mentioned, my name is Derrek Bentley, and I am the president of the Société de la francophonie manitobaine. Our organization represents Manitoba's francophone community.

Our testimony supports the briefs submitted by the Fédération des communautés francophones et acadienne du Canada, or FCFA, and the Fédération des associations de juristes d'expression française de common law, or FAJEF.

Let's be clear: We are very encouraged by the idea of moving forward with these proposed regulations under the Use of French in Federally Regulated Private Businesses Act, or UFPBA. It is a major step forward. The UFPBA marks a decisive turning point in moving from a mere aspiration to an enforceable obligation, and in leading us toward true equality between our two official languages. Above all, these draft regulations will have a real and direct impact on French-speaking citizens in Manitoba who wish to live their lives in French, every day, within their communities.

In Manitoba, we are fortunate to live in a unique context. Generally speaking, we find that the designation criteria proposed in the draft regulations are consistent with our province's laws, regulations, and policies—which, unfortunately, is not the case everywhere, particularly in Ontario. As the FCFA points out, we recog-

nize the importance—as is also the case in the official languages regulations—of ensuring that the designation criteria take into account historical and community factors, as well as provincial legislation.

In addition to issues concerning the designation criteria, we must also take a broader view and ensure that there are no loopholes when situations become complicated. Let me explain. We know very well in Manitoba, as the FAJEF points out in its brief, that francophone citizens living in the regions designated by the proposed regulations face real challenges in accessing certain services. During significant and stressful life events—be it whether real estate or business transactions, bankruptcy proceedings, estate matters, or divorce—they struggle to receive end-to-end services in their preferred language.

We have been made aware of very specific examples where francophones run into a wall of difficulties when dealing with more complex cases involving banks or telecommunications companies. That is why we believe it is absolutely essential that the regulations specify the obligation for these companies to conduct proceedings in French and to use French in court.

Furthermore, if we want these regulations to remain relevant, they must not become outdated. That is why we strongly recommend a mandatory review of the regulations every five years to reflect the evolution of our communities.

This brings me to a fundamental point: “reviewing” must never mean “rolling back”. That is why we support another key recommendation from the FCFA: the inclusion of the ratchet principle, or the no-rollback principle. In practical terms, once French-language services are offered by a company in a region, they must be maintained even in the event of population decline. We cannot take away an acquired right on the pretext that percentages fluctuate; that would accelerate assimilation rather than combat it in the interest of true equality.

Furthermore, for the UFPBA to have the intended impact, transparency is essential. We would like to echo the recent comments made by the Commissioner of Official Languages: a directory of businesses subject to the UFPBA must be created, and it must be accessible and public. Both Canada's Commissioner of Official Languages and the French-speaking citizens of our province must be able to know clearly and unambiguously which businesses are required to serve them in French.

In this regard, if citizens are granted new rights, we must ensure that those rights are respected. We therefore believe it is crucial that the Office of the Commissioner of Official Languages have access to the necessary resources not only to handle complaints properly, but also to proactively ensure the rigorous enforcement of the regulations on the ground.

In conclusion, a regulation is not a technical detail. It is the instrument that turns Parliament's will into reality for our communities. We have the opportunity to make a real difference in the lives of francophones in Manitoba and across the country.

Thank you very much for the opportunity to testify today. Mr. Beaudry and I will be happy to answer your questions.

• (1620)

The Chair: Thank you very much, Mr. Bentley.

We will now move on to questions from members. Before we start, I just want to welcome two colleagues joining us today who do not normally sit on the committee with us: Élisabeth Brière and Tamara Kronis. I thank them for being here with us today.

Mr. Godin, you have the floor.

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

First, I would like to thank the witnesses and welcome Romane, a new witness here today. She did a great job, and as a mother, Ms. Chouinard, I'm sure you find that reassuring.

You mentioned that the draft regulations had been developed and that the team of public servants had used a single database—namely, the 2021 census. Could you elaborate a bit? What additional data should have been used to make the process even more effective?

Stéphanie Chouinard: In the counter-example I used—with respect to the official languages regulations pertaining to part IV of the Official Languages Act—regions with high demand are identified on a more case-by-case basis: either based on a percentage of the local population or using a real number. There are different thresholds that vary depending on the types of services and communications, but either a percentage or a specific number—a target—is used, which ensures that if the situation on the ground changes, any adjustments needed can be made.

Obviously, I had to keep my remarks brief, given that I only had five minutes, but it is clearly possible to review the designated regions every five years, as specified in the draft regulations. However, I am still concerned we might designate certain regions while losing sight of others—even those with a certain degree of vitality—where census data does not necessarily allow us to understand what is happening on the ground. Despite Statistics Canada's good will—and I am aware of the various questions, even short ones, that have been added to the census to gain a better understanding of where official language minority communities are located—people who could make use of these services are still not being captured. That was my comment.

• (1625)

Joël Godin: Thank you, Ms. Chouinard.

Witnesses told us that perhaps organizations on the ground could be asked to take part in the process of designating regions with a strong francophone presence. We understand there are data and assessment criteria, but beyond that, do you think this could be an option?

Stéphanie Chouinard: Are we talking about consulting organizations on the ground on the designation of regions?

Joël Godin: It includes consultations, but it's more than that. You know that consulting is a broad concept. Unfortunately, I'm not sure the data collected is often taken into account when consultations are conducted.

Could these organizations be more involved in the process so they can better define the small regions with a strong francophone presence that, unfortunately, do not meet the assessment criteria established by the Department of Canadian Heritage?

Stéphanie Chouinard: I think giving serious consideration to the knowledge of people on the ground could indeed be a step in the right direction. Under the modernized Official Languages Act, the consultation process should involve greater accountability. This would therefore be consistent with federal language rights.

Joël Godin: Yes, but I'm not sure the two acts we dealt with at the same time are coherent.

You didn't talk about it in your opening remarks, but I'd like to hear your thoughts on another matter. You said you were going to make your presentation on the use of French by businesses outside Quebec, but I'd like to know what you think about the situation in Quebec.

When we studied the Official Languages Act modernization bill, it was suggested that Quebec be isolated and subject to the Charter of the French Language, since it has a special status in North America, being the only province where the common language is French. After last-minute negotiations, Quebec's minister of the French language, Mr. François Roberge, bowed to pressure, probably from the Liberals in power in Ottawa at the time, and gave Quebec businesses the opportunity to choose the regime to which they'd be subjected to.

Wouldn't that be a loophole for organizations? I think entrepreneurs would normally and justifiably choose the least restrictive regime. Isn't the impact dangerous in Quebec, among other places?

Stéphanie Chouinard: It'll depend on how things evolve on the ground. That said, it is indeed normal to expect that businesses will choose the least restrictive regime. It also creates a certain inconsistency for Quebec taxpayers and causes some chaos on the ground, because Quebec is the only province where the choice of regime is offered.

Joël Godin: Do you think Canadian Heritage should at least give the management mandate to federally chartered businesses in Quebec?

There's no real rigour or obligation in that regard in the act. There are no consequences for businesses that don't comply. I think the Office québécois de la langue française is better equipped at this stage.

Couldn't that be a possibility in a transition period? I'm just asking. I'm exploring that option.

Stéphanie Chouinard: That's an interesting question. Honestly, I don't have a clear answer for you, because I haven't had time to think about it.

The Chair: Thank you, Ms. Chouinard.

Joël Godin: Thank you, Ms. Chouinard. Please pass on my greetings to Romane.

The Chair: Thank you, Mr. Godin.

I'll now give the floor to Mr. Deschênes-Thériault for six minutes.

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

Before turning to the witnesses from Manitoba, I'd like to come to you, Ms. Chouinard.

You said the proposed regulations don't include the concept of active offer. If I understand correctly, you're suggesting it should be explicitly mentioned. I'd like to hear your thoughts on how we're going to define it. You gave various criteria that allow us to define what we mean by active offer. I'd like to hear your suggestions on how we should amend the proposed regulations to better incorporate this concept.

• (1630)

Stéphanie Chouinard: I would explicitly mention, in clause 15 of the proposed regulations, which talks about clear indications to consumers, the obligation of these businesses to make an active offer and list where active offers must be determined, whether in person, in signage, orally, in written communications, on the telephone, on the Internet and so on.

In 2016, back when François Boileau was there, the Office of the French Language Services Commissioner of Ontario published a nice report that really explains all the characteristics specific to best practices in active offer. That report is 10 years old, but the important points are still valid. I would refer you more explicitly to that document.

Guillaume Deschênes-Thériault: Thank you. I've previously cited this document in work I've done before becoming an MP.

You're suggesting we define the concept, that we not only mention it, but also explain what it means.

Stéphanie Chouinard: Yes, absolutely.

The federal public service already knows what an active offer is. The Commissioner of Official Languages at the time prepared a special report on active offer. The federal public service already knows what an active offer looks like when it's done right.

Guillaume Deschênes-Thériault: The defined zones immediately refer to the first official language spoken. That's how we define the strong presence of a francophone population.

If I understand correctly, you're suggesting we use the potential demand for services in the minority language variable instead. This variable came out after the census. It's not about defining the population, nor is it an identity dimension. It's really to be able to estimate the number of people who might want to use federal services in the minority language.

If I understand what you're saying, instead of referring to the first official language spoken, or FOLS, as it's commonly known, you're suggesting we use the potential demand variable instead.

Stéphanie Chouinard: That would be a step in the right direction.

In fact, I might suggest a review of the official languages regulations dealing with part IV of the Official Languages Act to see how it explains what a strong francophone presence is. It doesn't just talk about certain regions. There are criteria on percentages and numerical criteria, which means we could adjust as changes are made on the ground. We wouldn't necessarily need to review this list every five years, as is likely to happen right now.

Guillaume Deschênes-Thériault: What do you think of the Commissioner of Official Languages' proposal to set up a registry of federally regulated private businesses?

Stéphanie Chouinard: That would indeed help the public get a clearer picture and enable them to know exactly where these various businesses are located and whether they should expect to be served in French.

Guillaume Deschênes-Thériault: Thank you, Ms. Chouinard.

I will now turn to the witnesses from Manitoba.

Gentlemen, if I understood you correctly, the proposed regulations reflect pretty well the regions with a strong francophone presence and the realities of Franco-Manitoban communities. Am I correct?

Jean-Michel Beaudry (Chief Executive Officer, Société de la francophonie manitobaine): When we compare ourselves, we take solace in the fact that the legislative framework in our province is probably the most similar to the zones that have been designated by the proposed regulations.

It must be said that there are still about a dozen regions that have yet to be defined in the regulations. The province would define them as bilingual regions, but not as designated regions where the Use of French in Federally Regulated Private Businesses Act would apply. These include communities such as La Broquerie or Ellice-Archie, where there's a strong francophone presence, whose history has been recognized by the province, but which are not designated areas under the proposed regulations.

Guillaume Deschênes-Thériault: We've heard different opinions about the five-year recommendation. If we ask for five years immediately, until the regulations are in force and applied, there's a concern we won't have enough time to judge their impact or the challenges of enforcing the regulations. We understand the census is digital. However, regarding the overall assessment of the regulations, we heard some comments that five years would be a bit quick to conduct the first review and be in a good position to understand what the challenges of applying the regulations would be. I'd like to hear your thoughts on that.

Jean-Michel Beaudry: If we really see the proposed regulations as a foundation and the idea is to amend them and the criteria to include a bigger ratio of the Canadian francophonie in a minority situation, I think a five-year review could be challenging. However, I also think it would be much wiser to do it after five years than to wait 10 years, knowing it can have an impact on the development of official language minority communities.

• (1635)

Guillaume Deschênes-Thériault: Ms. Chouinard, you can come back to this shortly, but it has been suggested the regulations should apply in every province and territory. Do you think that's realistic?

The Chair: I would ask for a short answer, please.

Stéphanie Chouinard: I'm not sure.

Guillaume Deschênes-Thériault: Thank you.

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

I'll turn the floor to Mr. Beaulieu for six minutes.

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

Good afternoon, Ms. Chouinard. Do you think the Use of French in Federally Regulated Businesses Act really improves the protection of the right to work in French and to be served in French in Quebec, or is it mainly a parallel regime to a Quebec framework that is already largely operational?

Stéphanie Chouinard: I think it'll still have an impact, but it remains to be seen what it'll be, especially in different regions of Quebec, because, obviously, in some regions, working and being served in French is much less of an issue than in others. I think overall, the signal being sent across the country, including in Quebec, is the right one and it'll have an impact, even though it won't be as drastic as in the rest of the country in terms of the right to work and be served in French.

Mario Beaulieu: There's already a whole francization process under the Charter of the French Language, which has a lot more resources. It seems the Commissioner of Official Languages won't be able to assess the necessary resources. However, it takes considerable resources to supervise businesses and do follow-ups. The commissioner doesn't have more resources. How is she going to regulate businesses?

Stéphanie Chouinard: The Office of the Commissioner of Official Languages will definitely need more resources for this part of its new mandate if the status quo is maintained. It also goes with the rest of its new mandate in terms of fines. It's going to be extremely difficult, given this office is already under-resourced.

Mario Beaulieu: One thing I found a bit odd was that there seems to be some confusion around the registry of federally regulated businesses. We read a while back that 90% of federally regulated businesses had complied with Bill 101. I've read elsewhere that it's more like 60%. We're talking about 400 businesses, but if we consider businesses with fewer than 100 employees, there are more. Is there no registry of federally regulated businesses?

Stéphanie Chouinard: No, not to my knowledge.

Mario Beaulieu: That's quite odd, but it'll be really crucial to publish this registry. On the one hand, the minister said he was pre-

pared to negotiate with the Government of Quebec. On the other hand, WestJet told us it was going to withdraw from the application of Bill 101 and be subject to only one regime across the country. Do you think other businesses will follow this example?

Stéphanie Chouinard: I hope not, and I hope businesses that operate in Quebec and elsewhere in the country won't do the same thing. I don't have a crystal ball. I don't know how it's going to work on the ground.

Mario Beaulieu: We'll see.

Mr. Beaudry, the current number of regions where UFPBA is expected to apply is certainly not very large. Do you have to agree to include more than just businesses with 100 employees or more, as the Fédération des communautés francophones et acadienne, I believe, has proposed?

In defining regions with a high ratio of francophones, you said historical context must also be taken into consideration. Can you tell us a bit more about that?

• (1640)

Jean-Michel Beaudry: I think this ties in with what Ms. Chouinard said earlier. Other indicators were provided for in the official languages regulations dealing with part IV of the Official Languages Act. It talks about the presence of francophone schools and other institutions in a region, which really shows the vitality of the francophonie in those regions, and that should certainly be part of the calculation.

As for the calculations in Manitoba, francophone minority communities are doing better, but there's a lot of work to be done. Many communities, such as Ellice-Archie and La Broquerie, are very well known as dynamic francophone communities, but there are many others, including Saint-Pierre-Joly and De Salaberry, where there's a strong francophone presence. We would certainly like to see the act apply in those areas in the future.

Mario Beaulieu: The modernized Official Languages Act talks about a right to remedy. We know that in Manitoba there were laws prohibiting the teaching of French, so I think it's appropriate to take this into account and broaden the application of the act.

Ms. Chouinard, you said you agreed it should also apply to businesses outside Quebec with fewer than 100 employees. Is that correct?

Stéphanie Chouinard: Yes, that would be preferable.

Reading the proposed regulations, I wondered how they came up with this way of designating regions, as it sets a double standard.

Obviously, I suspect this figure was chosen in Quebec to reflect the Charter of the French Language. That said, some regions with a strong francophone presence may have some nasty surprises. Has any thought been given to the impact on the ground? Were those calculations made or were those numbers—100 employees or less or 500 employees—chosen because it was more administratively manageable? That's the main issue.

Mario Beaulieu: The Charter of the French Language—

The Chair: Mr. Beaulieu, I have to interrupt. Your time is well up.

We'll move on to the second round of questions.

I'll turn the floor to Mr. Dalton for five minutes.

Marc Dalton (Pitt Meadows—Maple Ridge, CPC): Thank you very much.

Thank you to the witnesses for joining us.

Ms. Chouinard, it's always a pleasure to see you. I remember the first time I heard you at committee was during the COVID-19 pandemic. You had some very clear suggestions and recommendations for us. We're pleased to have you and the Société de la francophonie manitobaine appear today.

If you, or perhaps your child, had a magic wand you could use across the country, especially outside Quebec—I'm an MP from British Columbia—what designated regions would you add?

Stéphanie Chouinard: Certainly, if I can speak out of self-interest, western Labrador would be good. That's where I grew up.

Looking at the list of regions, we obviously see that Newfoundland and Labrador, British Columbia and Saskatchewan are missing. If there could be at least one designated region in each province, I think it would help francophone minority communities in those provinces not feel as left out by the regulations.

Again, what's in the official languages regulations dealing with part IV of the Official Languages Act would help, because percentage comes into play in the case, for example, of western Labrador. Obviously, it's not a large community, but it's also a very small region with few inhabitants. That would give it a chance to be resilient as far as the entire part IV is concerned.

That's what I would do. Unfortunately, a Ph.D. in political science doesn't come with a magic wand.

Marc Dalton: Yes, that's what we've heard from other provinces as well, but not from Manitoba. We've already heard testimony from Nova Scotia, and I've received correspondence from people in British Columbia who are a bit disappointed because they don't see how this legislation will help them. They're somewhat discouraged.

You said that it's a bit arbitrary to place more emphasis on concentration rather than vitality. Could you expand on that a bit, particularly with respect to vitality?

• (1645)

Stéphanie Chouinard: The regions were determined based on data from the 2021 census. That comes with its share of structural weaknesses. I think there would be a way to improve how regions with a strong francophone presence are identified. Your colleague

Mr. Deschênes-Thériault spoke about the different types of data now collected by Statistics Canada. There's the counterexample of the official languages regulations as they relate to part IV of the Official Languages Act, where I admit the framework is a bit more complex. However, I think it more effectively captures the regions where there is a certain vitality of francophone minority communities.

Marc Dalton: Mr. Bentley, you said that you think these regulations will have a real and significant impact. Could you elaborate on that a little bit? Are there major shortcomings now? You also said that Manitoba is very supportive of francophone communities.

Derrek Bentley: Where I'm from, we're lucky in the sense that we have designated communities. It's very easy to say that we're lucky, because we know that there are provinces that don't have any designated regions. We also hear about the challenges on the ground. It's clear that these regulations would help ensure that people in most regions with a strong francophone presence can receive services. For us, the focus is really this human experience, for example, how to ensure that a francophone in Manitoba can live in French. If we have more services offered by local organizations, that will certainly help these people. We are fortunate because we have designated regions, and we recognize that this is not the case across Canada under the draft regulations as currently proposed.

Marc Dalton: Thank you.

The Chair: Thank you, Mr. Dalton.

I'll now give the floor to Ms. Mingarelli for five minutes.

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

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

I'll start with you, Ms. Chouinard. Based on your analysis, what are the main challenges associated with the obligation of active offer in federally regulated private businesses?

Stéphanie Chouinard: The main challenge will probably be to find enough employees to ensure that we can respect what active offer means, particularly the obligation. When active offer is implemented, it must be clear from the very first point of contact that the service is available in the official language of a person's choice and, above all, that there is no additional delay when a request is made to be served in that language. That will be the main challenge on the ground.

Giovanna Mingarelli: Thank you.

How can we define an active offer that is both meaningful for consumers and realistic for businesses?

Stéphanie Chouinard: It depends on the size of the business and the number of frontline employees, so to speak. That question would be more for an HR expert than for me.

Giovanna Mingarelli: Thank you, Ms. Chouinard. I may come back to you a little later.

I'll continue my questions with you, Mr. Bentley.

How could the Use of French in Federally Regulated Private Businesses Act help strengthen the vitality of the Franco-Manitoban community beyond the workplace?

• (1650)

Derrek Bentley: I'll let Mr. Beaudry answer that question.

Giovanna Mingarelli: Okay.

Jean-Michel Beaudry: In my opinion, it creates an environment where people can choose to live in French, as Mr. Bentley said earlier. That means that, in addition to choosing a French-language school, people can choose to receive government services in French. It also means they can go to a private business and receive services in French. At the same time, this promotes access to employment for francophones in regions with a strong francophone presence. All of this really has a structural impact. I would say that in Manitoba, the other distinctive feature is that it supports the initiative to make the province truly bilingual—an initiative led by our provincial government. That's why we believe that, when it comes to designated bilingual areas, recognizing the provincial legislative framework would be a very positive addition to the draft regulations. This is not currently the case in Ontario.

Giovanna Mingarelli: Manitoba's linguistic reality differs from Quebec's and even Ontario's. How should this reality influence the implementation of the act?

Jean-Michel Beaudry: As Ms. Chouinard and I have said, it's important to recognize provincial particularities. In regions where the community is defined as having a large francophone population, I think it's important that we take into account the specific realities of each province and territory across the country.

As Mr. Bentley mentioned earlier, we can see that there is a concentration. The current criteria mean that there is a concentration in areas where there are French-language schools and French-language cultural centres, and where there is already a vibrant francophone community.

As Ms. Chouinard has mentioned on several occasions, these criteria are defined in the official languages regulations under part IV of the Official Languages Act. If all these systems could support one another, we would truly have an optimal system.

Giovanna Mingarelli: Do the criteria used to define regions with a strong francophone presence adequately reflect the reality in Manitoba?

Jean-Michel Beaudry: I think there are still many regions to be defined. That's why it would be useful to look at the official languages regulations under part IV of the Official Languages Act. Criteria other than percentage are used. We should draw inspiration from that; we think that's the way forward.

Giovanna Mingarelli: Thank you very much.

The Chair: Thank you very much, Ms. Mingarelli.

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

Mario Beaulieu: Thank you, Mr. Chair.

Mr. Beaudry, why did the government decide that in Quebec, the law applies to businesses with 25 or more employees, as provided for in the Charter of the French Language, but that elsewhere in Canada, the threshold is set at 100 or more employees?

In Manitoba, do you think it would be realistic to apply the use of French in federally regulated private businesses act to businesses with 25 or more employees? Is there a sufficient number of francophone staff there?

Jean-Michel Beaudry: As Ms. Chouinard mentioned, to ensure consistency, the criteria should be similar across the country. That would be reasonable. There are certainly challenges when it comes to hiring staff in certain regions.

Mario Beaulieu: What do you think would be a reasonable threshold? Should the law apply when there are 100 employees or when there are 25?

Jean-Michel Beaudry: I have a hard time weighing in on this, since I don't know which businesses are subject to it. We're missing a bit of information to form a firm opinion on this matter. However, I think it would be reasonable to have the same standards everywhere. For example, we could build on what's been established for Quebec and apply it outside of Quebec.

Mario Beaulieu: Here's another difference between Quebec and areas outside of Quebec: In Quebec, when it comes to business signage and communications, French must be the predominant language. This isn't in the act, but it's in the regulations. However, I didn't see anything about signage for businesses outside Quebec.

What are your thoughts on this? My question is for all the witnesses.

Jean-Michel Beaudry: I'm going to continue along the same lines as Ms. Chouinard.

The active offer principle would immediately include signage-related issues. If all aspects of active offer were included in the draft regulations under the Use of French in Federally Regulated Private Businesses Act, the issue of signage would be an intrinsic part of it.

I don't know if Ms. Chouinard wants to add anything, but I'll turn it over to her.

• (1655)

Stéphanie Chouinard: Section 15 of the draft regulations states that businesses must clearly indicate to consumers that they can communicate with and obtain services from that business in French, but it doesn't go any further than that. In my opinion, this language is far too weak and far too permissive, which is why I propose going further with a concept that has already been tested and is well known, the concept of active offer. With active offer, we could also ensure that the rules aren't just for show, but that they enable a service that actually exists—without wasting time or embarrassing consumers who want service in French.

The Chair: Mr. Beaulieu, your time is up. I'm sorry.

I'll pass the floor over to Ms. Kronis for five minutes.

Tamara Kronis (Nanaimo—Ladysmith, CPC): Thank you to all the witnesses for their testimony today.

Ms. Chouinard, Nanaimo is not on the list of regions with a strong francophone presence, but the francophone community is growing in my riding of Nanaimo—Ladysmith. Nanaimo is a welcoming francophone community designated by Immigration, Refugees and Citizenship Canada. The city offers tailored federal support to francophone newcomers to help them settle in, find employment and integrate socially and culturally into the region. We want francophone newcomers to feel welcome and supported. That's one of the reasons why I'm learning French.

However, Nanaimo remains predominantly anglophone, and many federally regulated businesses already face challenges with staffing and compliance. How can these draft regulations help growing francophone communities like Nanaimo without creating rules that are too burdensome for businesses serving a predominantly anglophone community?

Stéphanie Chouinard: Nanaimo, as a welcoming community, has been the envy of many because British Columbia was the first province in the country to receive a second welcoming community designation, if I'm not mistaken.

I think this is one of the questions that was on the minds of those who drafted the draft regulations. How can we support francophone communities as much as possible without placing undue or insurmountable pressure on businesses, especially in regions where the communities are vibrant but not necessarily very large?

So I don't have a clear answer to your question, but I am nevertheless convinced that the draft regulations, as they stand, can be refined to better address regions where there is demand without imposing insurmountable requirements on the businesses they target.

Tamara Kronis: Thank you.

I am yielding the rest of my time to my colleague from Sudbury East—Manitoulin—Nickel Belt.

Jim Bélanger (Sudbury East—Manitoulin—Nickel Belt, CPC): Thank you very much.

My colleague asked a question that I believe is very relevant for the future. Maybe this is a question I can ask the witnesses from Manitoba as well, because they may have experienced something like this in the past.

Furthermore, the criteria for determining regions with a strong francophone presence may not be the best. We discussed earlier that francophone associations might be best positioned to propose which regions should be designated and to influence the continued development of French in regions where the francophone presence is currently weaker but could be stronger in the future.

Jean-Michel Beaudry: I think that, fundamentally, there's a lack of consistency between certain existing regulations. Ms. Chouinard has already mentioned the official languages regulations under part IV of the Official Languages Act and the draft regulations under the Use of French in Federally Regulated Private Businesses Act. That's one of the challenges we're trying to address.

In addition, as in British Columbia, I think only part of one of the two welcoming francophone communities we have in Manitoba has been designated in the draft regulations.

So I think that, yes, certainly, the communities are well positioned to attest to the vitality of our communities. The presence of schools and other institutions is a factor that could be added to the draft regulations. This would make it more consistent with the official languages regulations under part IV of the Official Languages Act. We also need to add the “ratchet” principle and the idea of adding designated areas each time the regulations are reviewed. I believe this principle—the idea of expanding designated areas rather than simply reassessing their status every five years based on the new census—should be included directly in the draft regulations.

• (1700)

Jim Bélanger: Thank you very much.

The Chair: Thank you, Mr. Bélanger.

Thank you, Ms. Kronis.

I will now give the floor to Ms. Chenette for five minutes.

Madeleine Chenette (Thérèse-De Blainville, Lib.): Thank you to all the witnesses.

From what I understand from the witnesses' responses, there's the issue of having more designated regions, there's the issue of having clearer requirements, hence the proposal to require active offer rather than just clear instructions, and there's the issue of businesses' ability to meet these requirements.

My question is for the witnesses from Manitoba, because their association has experiences that could be useful for the rest of Canada.

If we want to ensure that we make progress, would it be more beneficial to grant businesses a transition period? For example, in Quebec, they could be given two years to prepare just like the others. In addition, regarding the employee threshold—which is proposed to be lowered from 100 to 25 outside Quebec, as I clearly understand—the resources needed to do so would pose a challenge. So, in order to foster bilingualism in the regions, would lowering the threshold from 100 to 25 employees and giving businesses two more years to prepare be an option? Is that the kind of thing we should explore, or would it complicate matters?

Jean-Michel Beaudry: I don't think that would complicate matters.

I'll give you an example that doesn't come from the draft regulations. Regarding the issue of francophone immigration targets in minority communities, we've set progressive targets and we're committed to achieving them. If the draft regulations included a “ratchet” principle, that is to say, a no-backsliding principle under which we must always move toward providing more services in official language minority communities rather than constantly reassessing those services, that would be positive. This same principle is part of the official languages regulations under part IV of the Official Languages Act. So, just because there's been a slight drop in the percentage of francophones in a region doesn't mean that it will automatically be removed from the areas designated by the draft regulations. I think that's important.

On the issue of active offer, I just want to add one thing. As Mr. Bentley briefly mentioned, there is also the matter of end-to-end service. The initial contact, often at reception, can take place in French, but when matters become a bit more complex, such as when initiating bankruptcy proceedings, telecommunications companies or banks don't necessarily, at this time, automatically offer their services in French. Perhaps the draft regulations should make it clearer that businesses must not only provide frontline customer service in French, but that they also have an obligation to offer services in French in the context of more complex processes and legal matters.

Madeleine Chenette: To help implement these draft regulations, given that businesses outside Quebec will have two years to prepare, what measures could be put in place to help businesses prepare and secure the necessary workforce? Are learning technologies a solution? How, in your opinion, can we create real momentum to foster bilingualism so that people don't feel they're being forced to work in French and find it truly frustrating?

• (1705)

Jean-Michel Beaudry: Once again, we don't have a complete list of businesses that will be affected, but if I understand correctly, there are still a large number of truly national businesses that will be affected by the Use of French in Federally Regulated Private Businesses Act. These companies have francophone teams elsewhere in the country. I think there's a way for regions to support one another so that services can be provided in areas designated as regions with a strong francophone presence.

This doesn't necessarily address the right to work in French in these regions, but I think that can be developed over time. If, first of all, services can be provided in designated areas, there may even naturally be a redistribution of staff so that, in those designated areas, we can attract staff who want to work in French from across the country.

Madeleine Chenette: That's it. Thank you very much.

The Chair: Thank you very much, Ms. Chenette.

On behalf of the committee, I would like to thank our witnesses.

Mr. Bentley, Mr. Beaudry, thank you very much.

Ms. Chouinard, your ability to multitask with Romane was very impressive. As chair, I thought I was good at multitasking, but you've really put that into perspective for me. So, thank you for being here with us, and for the work you're doing.

Colleagues, the meeting is adjourned.

Thank you.

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