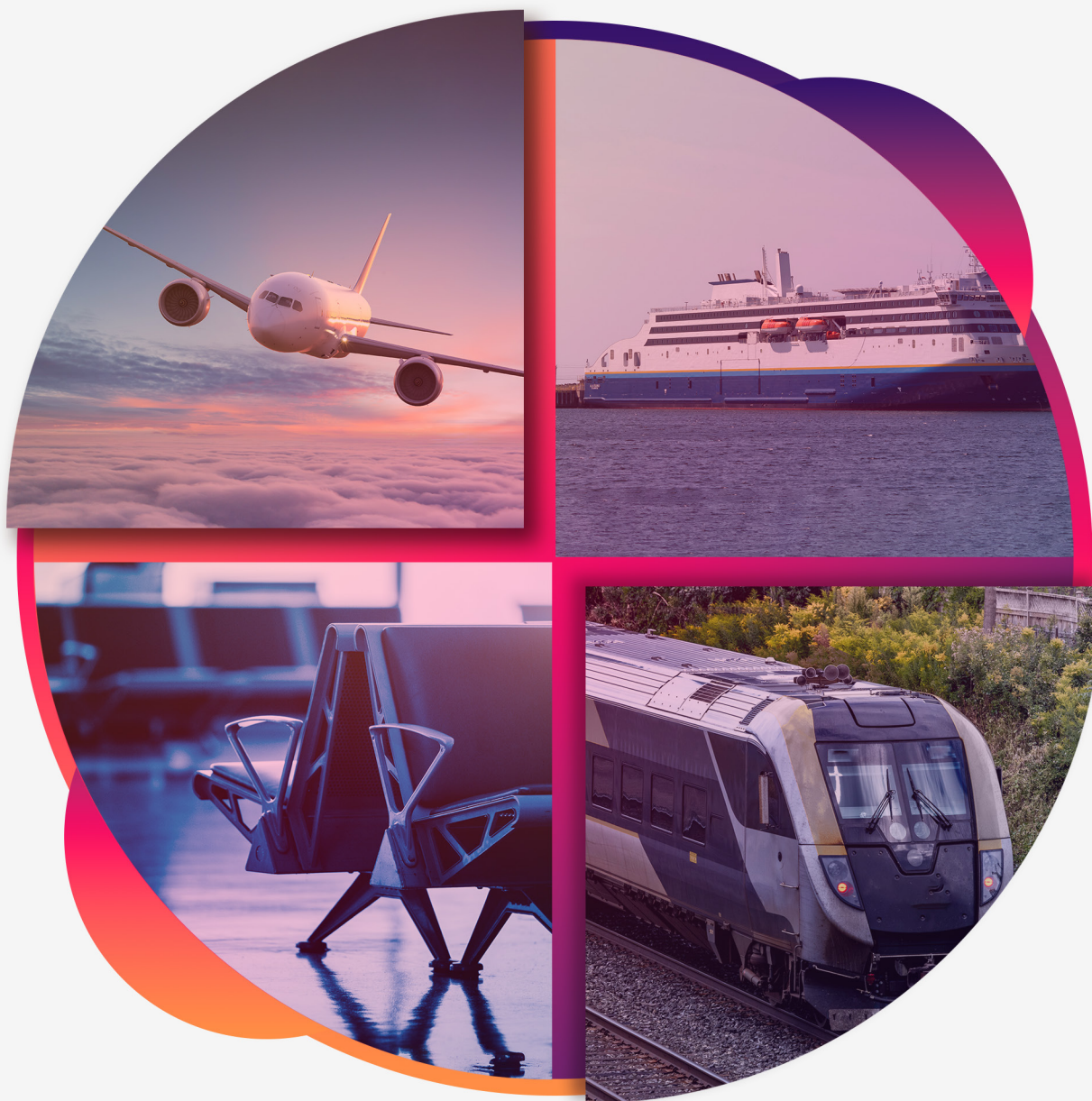


Proposed Official Languages Administrative Monetary Penalties Regulations



Interim report of the Standing Senate Committee
on Official Languages

The Honourable Allister Surette, Chair
The Honourable Rose-May Poirier, Deputy Chair



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The Committee Membership

At the time of the adoption of the report by the committee



The Honourable
Allister Surette
Chair



The Honourable
Rose-May Poirier
Deputy Chair

The Honourable Senators



René Cormier



Amina Gerba



Martine Hébert



Danièle Henkel



Lucie Moncion



Rebecca
Patterson

Ex officio members of the committee:

The Honourable Senator Pierre Moreau, P.C., or the Honourable Senator Patti LaBoucane-Benson

The Honourable Senator Leo Housakos or the Honourable Senator Yonah Martin

The Honourable Senator Lucie Moncion or the Honourable Senator Joan Kingston

The Honourable Senator Flordeliz (Gigi) Osler or the Honourable Senator Robert Black

The Honourable Senator Francis Brian or the Honourable Senator Judy A. White

Other senators who have participated in the study:

The Honourable Senator Réjean Aucoin

The Honourable Senator Julie Miville-Dechéne

The Honourable Senator David M. Wells

Library of Parliament:

Marie-Ève Hudon, Analyst

Senate Committees Directorate:

Katy Quinn, Committee Clerk

Chaya Lanthier, Administrative Assistant

Communications, Broadcasting and Publications Directorate:

Jérémie Spadafora, Communications Advisor

Order of Reference

Extract from the *Journals of the Senate* of Thursday, September 25, 2025:

The Honourable Senator Surette moved, seconded by the Honourable Senator Boudreau:

That the Standing Senate Committee on Official Languages, in accordance with rule 12-7(5), be authorized to examine and report on such issues as may arise from time to time relating to official languages generally; and

That the committee submit its final report to the Senate no later than October 15, 2029, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

The question being put on the motion, it was adopted.

Clerk of the Senate

Shaila Anwar

List of Recommendations

Recommendation 1

Amend the proposed official languages administrative monetary penalties regulations to reduce the requirements regarding the methodology used to determine the amount of the penalty and the content of the notice of violation. In the circumstances, provide:

- that any administrative burden hindering the work of the Commissioner of Official Languages is contrary to the spirit of the *Official Languages Act*, a quasi-constitutional statute; and
 - that the primary purpose of this power of last resort is to promote compliance with Part IV of the *Official Languages Act* in a meaningful, timely and effective manner, in keeping with the spirit of the Act.
-

Recommendation 2

Amend the proposed official languages administrative monetary penalties regulations to add to the list of regulated entities any Crown corporation or any corporation that meets the conditions of section 65.2 of the *Official Languages Act*. In the circumstances, provide in particular:

- that the Canadian Air Transport Security Authority be subject to the regulations once they come into force; and
 - that port authorities that communicate with and provide services to the public be subject to the regulations once they come into force.
-

Recommendation 3

Amend the *Official Languages Act* to ensure that the travelling public can benefit from clear, consistent and equitable language rights across the country. In the circumstances, provide:

- that the conditions set out in section 65.2 of the *Official Languages Act* be reviewed and extended to all federal entities in the transportation sector during the next ten-year review of this legislation.

Recommendation 4

Amend the proposed official languages administrative monetary penalties regulations in order to establish a clear escalation of the consequences applicable to cases of recurrent or systemic violations. In the circumstances, provide:

- that the escalation of said consequences focus on behavioural change; and
- that the primary purpose of the penalties imposed be to promote compliance with quasi-constitutional obligations regarding communications with and services to the public.

Recommendation 5

That the Minister responsible for Official Languages work with, among others, the Commissioner of Official Languages to conduct campaigns to educate the travelling public about their language rights and to encourage all transportation sector entities to improve their compliance with the *Official Languages Act*.

Interim Report on the Proposed Official Languages Administrative Monetary Penalties Regulations

Introduction

The Standing Senate Committee on Official Languages (the Senate Committee), which was authorized by the Senate to examine such issues as may arise from time to time relating to official languages generally, considered the proposed official languages administrative monetary penalties (AMP) regulations, tabled in Parliament in fall 2025 and published in the *Canada Gazette* in spring 2026, and now reports provisionally as follows.

Between February and April 2026, the Senate Committee heard the following testimony:

- the Office of the Commissioner of Official Languages (Office of the Commissioner), responsible for applying the new sanctions regime;¹
- Air Canada and VIA Rail Canada, two entities subject to this regime;²
- the Fédération des communautés francophones et acadienne du Canada (FCFA);³
- officials from Canadian Heritage, the federal government department responsible for making these regulations;⁴ and
- the Honourable Marc Miller, Minister of Canadian Identity and Culture and Minister responsible for Official Languages, who is ultimately responsible for recommending the making of these regulations to the Governor in Council.⁵

The Senate Committee received the following three briefs:

¹ Standing Senate Committee on Official Languages (OLLO), *Evidence*, February 2, 2026 (Office of the Commissioner of Official Languages (OCOL)).

² OLLO, *Evidence*, February 2, 2026 (Air Canada); OLLO, *Evidence*, February 2, 2026 (VIA Rail Canada).

³ OLLO, *Evidence*, February 9, 2026 (Fédération des communautés francophones et acadienne du Canada (FCFA)).

⁴ OLLO, *Evidence*, March 23, 2026 (Canadian Heritage).

⁵ OLLO, *Evidence*, April 27, 2026 (Hon. Marc Miller, P.C., M.P., Minister of Canadian Identity and Culture and Minister responsible for Official Languages).

- the Office of the Commissioner;⁶
- Air Canada;⁷ and
- the FCFA.⁸

After considering the above-mentioned testimony and briefs, the Senate Committee wishes to express its concerns about the proposed regime, particularly regarding its undue administrative burden, its inability to ensure a consistent experience for the travelling public, its range of penalties to address recurrent violations, and its provisions applicable to services provided pursuant to a contract.

Undue Administrative Burden of the Regime

The AMPs provide the Office of the Commissioner with additional powers to ensure compliance with the *Official Languages Act* (the Act).⁹ They apply to a limited number of situations and federal institutions, namely Crown corporations or corporations subject to the Act under another federal law that

- are designated by regulation;
- have obligations under Part IV of the Act, which concerns communications with and services to the public in both official languages;
- operate in the transportation sector; and
- communicate with and deliver services to travellers.

In modernizing the Act in 2023, Parliament sought to provide the Office of the Commissioner with a range of diverse and easily applicable tools to facilitate compliance with this quasi-constitutional legislation.¹⁰ However, the proposed AMP regime, intended to ensure greater compliance by carriers providing services to travellers, burdens the work of the Office of the Commissioner.

The requirements regarding the contents of a notice of violation and the methodology used to justify the range of penalties are more extensive in these proposed regulations than in any other federal penalty regime currently in place, according to the Office of the Commissioner and the FCFA.¹¹ The Office of the

⁶ OCOL, [brief](#) to the committee.

⁷ Air Canada, [brief](#) to the committee.

⁸ FCFA, [brief](#) to the committee.

⁹ *Official Languages Act*, R.S.C. (1985), c. 31 (4th Supp.), ss. 65.1 to 65.95.

¹⁰ *An Act for the Substantive Equality of Canada's Official Languages*, S.C. 2023, c. 15.

¹¹ OLLO, [Evidence](#), February 2, 2026 (OCOL); OLLO, [Evidence](#), February 9, 2026 (FCFA); OCOL, [brief](#) to the committee, pp. 1–4; FCFA, [brief](#) to the committee, pp. 4 and 10.

Commissioner must take 16 elements into account when preparing the notice of violation, while some 15 other federal AMP regimes are less demanding than the one proposed for official languages.¹² This administrative burden could limit the application of AMPs and delay the achievement of results, according to the FCFA.¹³ Both witnesses recommend removing sections 6(c) and 6(d) from the proposed regulations.

The FCFA is also calling for section 5 to be entirely removed, considering that the first three criteria set out in section 65.4(3) of the Act are sufficient.¹⁴ Including additional criteria within the regulatory framework increases the burden on the Office of the Commissioner while providing regulated entities with additional avenues to challenge if they are dissatisfied with the AMP applied, according to the FCFA.

By overly constraining the flexibility of the Office of the Commissioner, the federal government risks discouraging the use of this power of last resort, according to the Senate Committee. It also risks increasing potential challenges from the regulated entities, according to the testimonies. However, Canadians continue to have high expectations for a regime that will ensure greater compliance in communications with and services to the public.

The Senate Committee notes the response from Canadian Heritage regarding its intention to strike a balance between procedural fairness and the Office of the Commissioner's ability to fully exercise its powers.¹⁵ It also notes the willingness of the Minister responsible for Official Languages to provide administrative relief.¹⁶ The Senate Committee maintains that there does not appear to be any justification for having an AMP regime, designed to enforce a quasi-constitutional statute, that is more burdensome than a regime for any other federal statute. The purpose is to promote compliance with Part IV of the Act in a meaningful, timely and effective manner, while providing the Commissioner of Official Languages with the necessary flexibility.

Consequently, the Senate Committee recommends that the Minister responsible for Official Languages:

¹² OCOL, [brief](#) to the committee, pp. 6–21.

¹³ FCFA, [brief](#) to the committee, pp. 4 and 12.

¹⁴ FCFA, [brief](#) to the committee, pp. 4 and 9.

¹⁵ OLLO, [Evidence](#), March 23, 2026 (Canadian Heritage).

¹⁶ OLLO, [Evidence](#), April 27, 2026 (Hon. Marc Miller, P.C., M.P., Minister of Canadian Identity and Culture and Minister responsible for Official Languages).

Recommendation 1

Amend the proposed official languages administrative monetary penalties regulations to reduce the requirements regarding the methodology used to determine the amount of the penalty and the content of the notice of violation. In the circumstances, provide:

- that any administrative burden hindering the work of the Commissioner of Official Languages is contrary to the spirit of the *Official Languages Act*, a quasi-constitutional statute; and
- that the primary purpose of this power of last resort is to promote compliance with Part IV of the *Official Languages Act* in a meaningful, timely and effective manner, in keeping with the spirit of the Act.

A Consistent Experience for the Travelling Public

Furthermore, the Senate Committee has long advocated for greater consistency in the provision of transportation services to Canadians in both official languages. In its 2012 report on Air Canada’s linguistic obligations, it called on the government “to consider extending the obligations established in the [Act] to other airlines.”¹⁷ Later, in its 2019 report on modernizing the Act, it called for the obligations under Part IV of the Act to be extended to all air, marine, rail and road transport companies.¹⁸ Lastly, in its remarks concerning its study of Bill C-13, in 2023, it recommended that the federal government establish a coherent and clear language rights regime for the travelling public.¹⁹ The public must in fact be able to fully understand their rights in order to exercise them.

The federal government has been slow to ensure greater consistency in the language of services offered to travellers, and the proposed AMP regulations fail to provide this consistency, according to the Senate Committee. In the same city served by a train station, an airport authority or a port, as is the case in Halifax or Vancouver, the public will not have access to the same tools to exercise their language rights. Even within airports, the power to impose sanctions will apply to boarding areas and food concessions, but not to security services.

¹⁷ OLLO, *Air Canada’s Obligations Under the Official Languages Act: Towards Substantive Equality*, 41st Parliament, 1st Session, March 2012, p. 27.

¹⁸ OLLO, *Modernizing the Official Languages Act: The Views of Federal Institutions and Recommendations*, 42nd Parliament, 1st Session, June 2019, pp. 58–59.

¹⁹ OLLO, *Third Report on the Study of Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts*, 44th Parliament, 1st Session, June 2023.

It is with this in mind that the Senate Committee noted requests from the Office of the Commissioner and the FCFA to add to the list of regulated entities, at the very least, port authorities providing services to the public and the Canadian Air Transport Security Authority.²⁰ Just as is the case with Air Canada or airport authorities, these entities also generate a large number of complaints filed with the Office of the Commissioner each year. Currently, the AMP regime applies only to Air Canada, designated airport authorities, Marine Atlantic, and VIA Rail Canada. Consequently, other Crown corporations or corporations in the transportation sector – which are subject to Part IV of the Act, providing services to and communications with the travelling public – are not subject to the proposed regulations.

The Senate Committee notes the following justifications provided by Canadian Heritage for excluding port authorities and the Canadian Air Transport Security Authority from the AMP regime:

- port authorities focus primarily on freight transport and handle fewer passengers; and
- the Canadian Air Transport Security Authority is funded by fees included in travellers' airline tickets and by parliamentary appropriations, rendering the measure less of a deterrent.²¹

However, the Senate Committee maintains its longstanding call for the travelling public to be provided with a consistent and equitable experience with regard to official languages. This echoes the comments made by the Office of the Commissioner and Air Canada, which call for Canadians to have the same language rights in the transportation sector.²² In its brief, the Office of the Commissioner cites as examples four other federal AMP regimes that apply to publicly funded federal entities.²³

Consequently, the Senate Committee recommends that the Minister responsible for Official Languages:

²⁰ OLLO, *Evidence*, February 2, 2026 (OCOL); OCOL, *brief* to the committee, pp. 4–5; FCFA, *brief* to the committee, pp. 4 and 5. It should be noted that Air Canada also supported the addition of the Canadian Air Transport Security Authority to the list of regulated entities. OLLO, *Evidence*, February 2, 2026 (Air Canada); Air Canada, *brief* to the committee.

²¹ OLLO, *Evidence*, March 23, 2026 (Canadian Heritage).

²² OCOL, *brief* to the committee, p. 4 ; OLLO, *Evidence*, February 2, 2026 (Air Canada); Air Canada, *brief* to the committee.

²³ OCOL, *brief* to the committee, pp. 4–5 and 23–25.

Recommendation 2

Amend the proposed official languages administrative monetary penalties regulations to add to the list of regulated entities any Crown corporation or any corporation that meets the conditions of section 65.2 of the *Official Languages Act*. In the circumstances, provide in particular:

- that the Canadian Air Transport Security Authority be subject to the regulations once they come into force; and
- that port authorities that communicate with and provide services to the public be subject to the regulations once they come into force.

The Senate Committee recognizes the current limitations of section 65.2 of the Act, which does not allow entities exempted from the Act to be subject to the conditions already set out. That said, it encourages the Minister responsible for Official Languages to ensure that during the ten-year review of the Act slated for 2033, the penalty regime guarantees a truly consistent travelling public experience, regardless of the region or mode of transportation chosen. It also encourages the minister to consider measures under the new framework governing the language obligations of federally regulated private businesses to ensure an even more consistent experience for the travelling public. This would ensure that the obligations of the various carriers, particularly in the aviation sector, are more equitable.

Consequently, the Senate Committee recommends that the Minister responsible for Official Languages:

Recommendation 3

Amend the *Official Languages Act* to ensure that the travelling public can benefit from clear, consistent and equitable language rights across the country. In the circumstances, provide:

- that the conditions set out in section 65.2 of the *Official Languages Act* be reviewed and extended to all federal entities in the transportation sector during the next ten-year review of this legislation.

The Escalation of Penalties

The Need to More Effectively Address Recurrent Violations

Once they come into force, these regulations will enable the Office of the Commissioner to exercise this final power among its new responsibilities set out in the modernized Act as a last resort. The primary purpose of this power is to foster compliance with Part IV of the Act. The Senate Committee notes that the amount imposed in the case of an AMP has doubled, which appears at first glance to satisfy the Office of the Commissioner, but not the FCFA.²⁴ The francophone organization is calling for the penalty to be increased to \$500,000 to account for the recurrent or systemic nature of the violations. In its view, truly deterrent consequences appear necessary to prevent recurrent violations.

The Senate Committee does not take a position on the maximum amount to be set, as it has not conducted an in-depth analysis of this issue. However, it does note that the purpose of the AMP regime is to promote greater compliance with a provision of the Act that, year after year, is the subject of the highest number of complaints filed with the Office of the Commissioner: Part IV. In the circumstances, it is essential to provide for a significant escalation in cases of recurrent or systemic non-compliance. Although the Office of the Commissioner has other tools at its disposal, such as compliance agreements and orders, this power of last resort must be sufficiently compelling and be focused on a change in behaviour.

The Senate Committee notes the comments made by Canadian Heritage regarding the aggravating factors set out in section 5 of the proposed regulations.²⁵ It also notes the commitment by the Minister responsible for Official Languages to strengthening compliance with the Act.²⁶ The AMP regime is the ultimate tool for bringing about behavioural change, but there continues to be some confusion regarding the consequences for recurrent or systemic violations. The message to regulated entities must be clear: what is expected is nothing less than compliance with the quasi-constitutional obligations regarding communications with and services to the public.

Consequently, the Senate Committee recommends that the Minister responsible for Official Languages:

²⁴ OCOL, [Position of the Commissioner of Official Languages of Canada on the proposed Official Languages Administrative Monetary Penalties Regulations](#), December 2, 2025; OLLO, [Evidence](#), February 9, 2026 (FCFA); FCFA, [brief](#) to the committee, pp. 4 and 8.

²⁵ OLLO, [Evidence](#), March 23, 2026 (Canadian Heritage).

²⁶ OLLO, [Evidence](#), April 27, 2026 (Hon. Marc Miller, P.C., M.P., Minister of Canadian Identity and Culture and Minister responsible for Official Languages).

Recommendation 4

Amend the proposed official languages administrative monetary penalties regulations in order to establish a clear escalation of the consequences applicable to cases of recurrent or systemic violations. In the circumstances, provide:

- that the escalation of said consequences focus on behavioural change; and
- that the primary purpose of the penalties imposed be to promote compliance with quasi-constitutional obligations regarding communications with and services to the public.

Realistic Expectations About Services Provided Pursuant to a Contract

The Senate Committee notes that there is a one-year grace period provided for the enforcement of Type A violations. These violations pertain to services provided pursuant to a contract. The FCFA proposes removing this exception from the proposed regulations, as it considers this grace period unnecessary.²⁷ The Office of the Commissioner points out that these obligations already apply to businesses providing services at airports, for example.²⁸ It acknowledges that other powers at its disposal, such as compliance agreements, can be used to improve compliance by airport authorities.²⁹ Air Canada and VIA Rail Canada state that they are making efforts to encourage subcontractors to meet their language obligations.³⁰

That said, the Senate Committee did not hear testimony from other entities subject to the AMP regime, such as airport authorities and Marine Atlantic. Concerns have been raised regarding the ability of entities operating in smaller regions to meet these obligations. The Senate Committee notes that, according to the regulatory impact assessment statement published in Part I of the *Canada Gazette*,³¹ the AMPs will be adjusted based on the size of the entities. However, the proposed official languages regime must take into account the challenges posed by competition and the recruitment of bilingual staff in smaller regions.

In the circumstances, a one-year grace period for Type A violations appears reasonable, provided that entities operating in these regions have the necessary

²⁷ FCFA, [brief](#) to the committee, p. 7.

²⁸ OLLO, [Evidence](#), February 2, 2026 (OCOL).

²⁹ OLLO, [Evidence](#), February 2, 2026 (OCOL).

³⁰ OLLO, [Evidence](#), February 2, 2026 (Air Canada); OLLO, [Evidence](#), February 2, 2026 (VIA Rail Canada).

³¹ [Canada Gazette, Part I, Volume 160, Number 10: Official Languages Administrative Monetary Penalties Regulations](#).

resources to understand and meet their obligations. The Senate Committee insists that regulated entities be adequately equipped to ensure compliance with the language obligations of services provided pursuant to a contract. The Senate Committee therefore encourages the federal government to work with the Office of the Commissioner to conduct campaigns to educate the travelling public about their language rights and to encourage all transportation sector entities to improve their compliance with the Act.

Consequently, the Senate Committee recommends:

Recommendation 5

That the Minister responsible for Official Languages work with, among others, the Commissioner of Official Languages to conduct campaigns to educate the travelling public about their language rights and to encourage all transportation sector entities to improve their compliance with the *Official Languages Act*.

Conclusion

The Senate Committee encourages the Minister responsible for Official Languages and Canadian Heritage to carefully review all the evidence and briefs, as well as the recommendations presented in this report, to ensure that the final version of the regulations meet the expectations expressed during the ambitious legislative reform of 2023.

Appendix A – Witnesses

Monday, February 2, 2026

Office of the Commissioner of Official Languages

Pierre Leduc, Assistant Commissioner, Strategic Orientation and External Relations

Patrick Wolfe, Assistant Commissioner, Compliance and Enforcement

Pascale Giguère, General Counsel

Air Canada

Marc Barbeau, Executive Vice-President and Chief Legal Officer and Corporate Secretary

David Rheault, Vice President, Government and Community Relation

VIA Rail Canada

Denis Lavoie, General Council, Legal Services

Gabrielle Caron, Senior Legal Counsel, Legal Services and Regulatory Compliance

Monday, February 9, 2026

Fédération des communautés francophones et acadienne du Canada

Liane Roy, President

Alain Dupuis, Executive Director

John Mark Keyes, Professor

Monday, March 23, 2026

Canadian Heritage

Julie Boyer, Assistant Deputy Minister, Official Languages, Heritage and Regions

Sarah Boily, Director General, Official Languages

Monday, April 27, 2026

The Honourable Marc Miller, P.C., M.P., Minister of Canadian Identity and Culture and Minister responsible for Official Languages

Canadian Heritage

Francis Bilodeau, Deputy Minister

Julie Boyer, Assistant Deputy Minister, Official Languages, Heritage and Regions

Appendix B – Briefs and other documents

The complete list of briefs and other documents received can be found on the committee [website](#).

- Air Canada ([brief](#))
- Fédération des communautés francophones et acadienne du Canada ([brief](#))
- Office of the Commissioner of Official Languages ([brief](#))



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