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CANADA

GOVERNMENT MEASURES TO PROTECT AND PROMOTE FRENCH IN QUEBEC AND IN CANADA

Report of the Standing Committee on Official Languages

René Arseneault, Chair

**MAY 2023
44th PARLIAMENT, 1st SESSION**

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**GOVERNMENT MEASURES TO PROTECT AND
PROMOTE FRENCH IN QUEBEC AND IN CANADA**

**Report of the Standing Committee on
Official Languages**

**René Arseneault
Chair**

MAY 2023

44th PARLIAMENT, 1st SESSION

NOTICE TO READER

Reports from committees presented to the House of Commons

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

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has the honour to present its

SECOND REPORT

Pursuant to its mandate under Standing Order 108(3)(f), the committee has studied Government measures to protect and promote French in Quebec and in Canada and has agreed to report the following:

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NOTICE TO READERS

This report summarizes the testimony and briefs collected by the Committee between 25 February 2021 (43rd Parliament) and 16 February 2022 (44th Parliament) as part of its study on the measures that the Government of Canada can take to protect the French language in Canada and Quebec. It does not take into consideration the most recent developments in terms of official languages, notably the legislative process for 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. That said, it reflects the ideas and needs expressed by witnesses at a pivotal moment in the evolution of the federal language regime. Therefore, the Committee has chosen to present a summary of this evidence so that it may be recorded in a report to Parliament. It is important to note that recommendations, apart from the first one, have been updated.

LIST OF RECOMMENDATIONS

As a result of their deliberations committees may make recommendations which they include in their reports for the consideration of the House of Commons or the Government. Recommendations related to this study are listed below.

Recommendation 1

That the Government of Canada recognize that the *Charter of the French Language* is essential to protect, promote and secure the future of French in Quebec..... 73

Recommendation 2

That the Government of Canada work with the provinces and territories to provide francophone schools, from early childhood to postsecondary, with stable funding, rather than one-time funding per existing project, to build and renovate schools and institutions in order to meet demand, and to hire and retain teachers. 73

Recommendation 3

That the funding envelope that supports the postsecondary sector in francophone minority communities allow postsecondary institutions to increase their core funding to truly stabilize the postsecondary sector..... 74

Recommendation 4

That the Government of Canada increase funding for programs supporting official language minority association and institutional networks as part of the new Action Plan for Official Languages. 74

Recommendation 5

That the Government of Canada take on a leadership role with respect to official languages by providing better support to francophone communities and school systems outside Quebec. 74

Recommendation 6

That the Government of Canada adopt new regulations to strengthen the requirements of Part VII of the *Official Languages Act* as soon as possible. 74

Recommendation 7

That the Government of Canada adopt a francophone immigration policy designed to restore and increase the demographic weight of minority francophones by adopting a catch-up target and providing the resources to achieve it. 74

Recommendation 8

That the Government of Canada pursue and strengthen the Francophone immigration strategy to repair, preserve and increase the demographic weight of Francophones..... 74

Recommendation 9

That the Government of Canada take the necessary steps to further encourage the immigration of families with children in the federal immigration process, which will encourage and promote the learning of French at a younger age. 74

Recommendation 10

That Immigration, Refugees and Citizenship Canada stop using the possibility of remaining in Canada after graduation as a reason for rejecting immigrant students' applications. 75

Recommendation 11

That the Government of Canada help address the shortage of French teachers by supporting francophone teacher training and by adopting a francophone immigration policy that includes attracting newcomers able to teach in French. 75

Recommendation 12

That the Government of Canada formally recognize that French is in decline in Canada and in Quebec, particularly in urban areas including the metropolitan region of Montreal and that it take steps to reverse this alarming trend. 75

Recommendation 13

That the Government of Canada ask Statistics Canada to conduct a detailed study to come up with an accurate picture of the situation of French:

- a) by considering indicators other than the two indicators traditionally used (mother tongue and language spoken most often at home), by including the language of work and services in Quebec, the language used in the public sphere, the language of instruction, the language used on signage, or the first official language used at home or in the public sphere;**
- b) by determining which indicators are the most useful for providing an accurate picture of the status of French in Quebec and which ones are not as useful;**
- c) by considering a variety of factors, such as population density, whether a community is within a rural or urban area, and the region of the country; and**
- d) by focusing on the various linguistic practices, including issues surrounding the transmission of French to children, the ability of French second language learners to retain their proficiency, barriers to growth, the integration and inclusion of francophone immigrants, and the barriers and opportunities in French-language educational paths from early childhood to post-secondary education. 75**

Recommendation 14

That the Government of Canada ask Statistics Canada to provide more precise data to better understand the complexity of the use of language transmission to allow the government to adopt strategies better adapted to reality. 76

Recommendation 15

That the operation of federal institutions in Quebec aims a general use of French in all levels of services, including a good knowledge of French by the management group. 76



GOVERNMENT MEASURES TO PROTECT AND PROMOTE FRENCH IN QUEBEC AND IN CANADA

INTRODUCTION

On 31 January 2022, the House of Commons Standing Committee on Official Languages (the Committee) adopted a motion to undertake a study on the measures the federal government can take to protect and promote French in Canada and in Quebec.

The Committee was resuming a study it had started in the 2nd Session of the 43rd Parliament for which it had done a considerable amount of work: 25 witnesses had already been heard. The summer adjournment and subsequent dissolution of Parliament for the 2021 general election brought this work to a halt. The motion of 31 January 2022 states that the Committee would consider the evidence heard and briefs submitted during the previous Parliament so that they could be included in its report to Parliament. The Committee also chose to expand the study by inviting 22 new witnesses to appear for it. The study's objectives remained the same:

- a) Provide an objective and detailed portrait of the situation of English and French in Quebec, as well as francophone and Acadian communities, based on key linguistic indicators, such as French as the mother tongue, main language spoken at home, language shifts, main language of work, and so on;
- b) Evaluate the effectiveness of the government's language policies, as well as the current role of federal and provincial laws, with respect to the objective of protecting and promoting French as well as the impact of these policies on provincial legislative measures to protect and promote French (particularly the Charter of the French Language in Quebec); and
- c) Consider possible amendments to the *Official Languages Act* to harmonize the government's commitment to protect French with provincial legislation.¹

The Committee's original study followed up on the Speech from the Throne of September 2020, in which the federal government recognized that "the situation of

1 House of Commons, Standing Committee on Official Languages [LANG], *Minutes of Proceedings*, 43rd Parliament, 2nd Session, 24 November 2020.



French is unique” and that it “therefore has the responsibility to protect and promote French not only outside of Quebec, but also within Quebec.”² At the same time, the government committed to strengthening the *Official Languages Act* by “taking into consideration the unique reality of French.”³

This report is based on the evidence heard and briefs received during the 2nd Session of the 43rd Parliament and the 1st Session of the 44th Parliament. While the first round of evidence includes comments on the publication entitled *English and French: Towards a Substantive Equality of Official Languages in Canada*, released in February 2021, the second-round addresses Bill C-32, An Act to amend the Official Languages Act and to make related and consequential amendments to other Acts. Bill C-32 was introduced in the House of Commons on 15 June 2021 but died on the *Order Paper* when the 43rd Parliament was dissolved.

At the time of writing, a new bill to amend the *Official Languages Act* – Bill C-13 – had been introduced in Parliament. In Quebec, the National Assembly was considering Bill 96, An Act respecting French, the official and common language of Québec. Simply put, the Committee’s report comes at a turning point; both orders of government are preparing to modify parts of their respective language regimes.⁴

The recommendations in this report are intended to improve the federal government’s legislation, administrative measures and support programs to protect and promote French in Canada and Quebec.

2 Government of Canada, *A Stronger and More Resilient Canada*, Speech from the Throne to open the Second Session of the Forty-Third Parliament of Canada, 23 September 2020, p. 28.

3 Ibid., p. 29.

4 See Appendix A for a timeline of events associated with official languages that took place at the time of the Committee’s study.

ANALYSIS OF STATISTICS ON THE STATUS OF FRENCH IN CANADA AND IN QUEBEC

Additional information: Statistics Canada has a large corpus of data on the evolution of the French-speaking population in Canada. In fact, globally, Canada is the country with the most questions about language on its general population census.

As a result, a number of indicators on the status of Canada’s francophone population are available,⁵ including mother tongue,⁶ first official language spoken,⁷ language spoken most often at home, ability to conduct a conversation, knowledge of official languages and language of work.

The Decline of French in Canada and in Quebec

The issue of the decline of French in Canada and Quebec was front and centre in the evidence the Committee gathered. Demographer Patrick Sabourin defined the “decline of French” as follows:

We’re talking about a reduction in the demographic weight of francophones compared to other language groups. As the comparative weight of French diminishes, the less competitive it becomes, demographically speaking, by which I mean that there will be fewer people speaking French, lower demand for services in French, fewer opportunities to work in French, fewer immigrants who have the opportunity or the desire to live alongside francophones, and other similar considerations.⁸

5 With the changes made in 2019 to the *Official Languages (Communications with and Services to the Public) Regulations*, a new variable will be counted by Statistics Canada starting in 2021: the French linguistic minority population, which combines those whose mother tongue is the minority official language and those who speak the minority official language at home.

6 “First language learned at home in childhood and still understood at the time of the census.” Statistics Canada, “The Evolution of Language Populations in Canada, by Mother Tongue, From 1901 to 2016,” *Canadian Megatrends*, 21 February 2018, p. 7.

7 “First official language spoken is specified within the framework of the Official Languages Act. It refers to the first official language (i.e., English or French) spoken by the person.” Statistics Canada, *First Official Language Spoken of Person*.

8 LANG, *Evidence*, 43rd Parliament, 2nd Session, 9 March 2021, 1950 (Mr. Patrick Sabourin, Doctor in Demography, As an Individual).



Additional information: the statistics on mother tongue show that the population of those whose mother tongue is French is in relative decline in both Canada and Quebec:

- Since the 1951 Census, the percentage of Canada’s population with French as a mother tongue has been in steady decline.⁹
- In 1941, the proportion of Canada’s population that had French as a mother tongue was 29.3%; by 2016, this percentage had dropped to 21%.¹⁰
- In Quebec, the share of the population with French as a mother tongue remained around 80% from 1901 to 2001; it has decreased since then and was 78% in 2016.¹¹
- The demographic weight of populations whose mother tongue is French that live outside Quebec has decreased since 1901.¹²
- In the 2016 Census, the percentage of respondents living outside Quebec who reported French as their mother tongue was 3.5% for single responses¹³ and 4% for multiple responses.¹⁴

Commenting on the mother tongue statistics for Quebecers, retired professor Charles Castonguay explained that “things are not any rosier for French in Quebec.”¹⁵ Between 2001 and 2016, “Quebec’s French-speaking majority has plunged at record speed to a record low,”¹⁶ while “English has roughly maintained its weight in Quebec as a mother tongue and increased its weight somewhat in terms of the main home language.”¹⁷

Professor Castonguay explained that, since the first *Official Languages Act* was adopted in 1969, “the percentage of Canadians speaking French as their main home language has

9 Statistics Canada, “The Evolution of Language Populations in Canada, by Mother Tongue, From 1901 to 2016,” *Canadian Megatrends*, 21 February 2018, p. 3.

10 Ibid.

11 Ibid., p. 4.

12 Ibid.

13 Statistics Canada, *Census in Brief, English, French and official language minorities in Canada*, 2017.

14 Ibid. The census questionnaire allows respondents to enter more than one mother tongue.

15 LANG, *Evidence*, 43rd Parliament, 2nd Session, 9 March 2021, 1950 (Prof. Charles Castonguay, Retired professor).

16 Ibid.

17 Ibid.

declined just as rapidly.”¹⁸ As regards the use of French at home by Canadians whose mother tongue is French, Professor Castonguay pointed out that the “assimilation of Canada’s French mother-tongue population to English as their main home language increased steadily from less than 300,000 in 1971 to over 400,000 in 2016.”¹⁹ Furthermore, the French mother-tongue component of Canada’s population plummeted from 29% in 1951 to 21% in 2016.²⁰ Professor Castonguay argued that this trend is largely the result of the “crushingly superior power of assimilation of English.”²¹

During this same reference period, the adoption of English by Canadians with a mother tongue other than English or French also appears to have disrupted the demographic balance between the two main linguistic groups:

[T]he assimilation of non-official mother-tongue Canadians to English rose from 1.2 million in 1971 to 2.7 million at the last census, whereas their assimilation to French has reached a mere quarter million, a large number of whom derive from Quebec’s selection of immigrants who had adopted French as their main home language abroad before coming to Quebec.²²

Professor Castonguay concluded that “the overall gain that English draws from assimilation of all kinds in Canada increased from less than 1.5 million persons in 1971 to over three million in 2016.”²³ In contrast, French “remains mired in an overall loss, due to assimilation, in the order of 180,000 at the last census.”²⁴

Regarding the minority francophone population, Professor Castonguay said that “the anglicization rate of the French mother tongue population outside Quebec has steadily increased, from 27% in 1971 to 40% in 2016.”²⁵

In addition, Professor Castonguay took a closer look at the situation in Montreal:

18 Ibid., 1945.

19 Ibid.

20 Professor Charles Castonguay, *French in Free Fall: The Failure of Canadian and Quebec Language Policies, a brief presented by Charles Castonguay to the Standing Committee on Official Languages*, 9 March 2021, p. 9.

21 LANG, *Evidence*, 43rd Parliament, 2nd Session, 9 March 2021, 1945 (Prof. Charles Castonguay, Retired professor).

22 Ibid.

23 Ibid.

24 Ibid.

25 Ibid., 1950.



The most stunning development is on Montreal Island, where French mother tongue youth have become more bilingual than their English counterparts and are now adopting English as the main home language at the rate of 6%.²⁶

Professor Marc Termote also commented on the linguistic profile of Montreal. He said that the linguistic changes in the city and its suburbs are the main cause for concern because “that’s where half of Quebec’s population lives.”²⁷ According to him, the demographic weight of Montrealers whose first language spoken at home is French has declined. Moreover, this decline “is also observed in the rest of the metropolitan area off Montreal Island.”²⁸

Different Assessments Depending on the Variable Used

Mr. Jean-Pierre Corbeil, former assistant director of Diversity and Sociocultural Statistics at Statistics Canada, reported that the data on mother tongue or language spoken most often at home are generally used to track the status of French in Quebec. Outside Quebec, mother tongue and first official language spoken are typically used to measure the vitality of French.²⁹

As Mr. Corbeil explained, the data on the use of French in the private sphere (mother tongue, language spoken at home and ability to conduct a conversation in French) are very useful, but “language policies, charters and legislation focus on the public sphere.”³⁰ He expanded on this point:

In this vein, it is very important and useful to collect and publish information on the language of work and on language practices in different areas of public life, such as language of instruction, day care centres, cultural activities, public signage, communications with and services offered to communities, to name a few.³¹

The Fédération des communautés francophones et acadienne du Canada (FCFA) agreed: “[W]hat matters isn’t the language spoken at home, but rather French-speaking

26 Ibid.

27 LANG, *Evidence*, 44th Parliament, 1st Session, 2 February 2022, 1535 (Mr. Marc Termote, Associate Professor, Department of Demography, Université de Montréal, As an Individual).

28 Ibid.

29 LANG, *Evidence*, 43rd Parliament, 2nd Session, 9 March 2021, 1840 (Mr. Jean-Pierre Corbeil, Assistant Director, Diversity and Sociocultural Statistics, Statistics Canada).

30 Ibid.

31 Ibid.

Canadians. Of course, we're talking about 2.7 million people who live part of their daily lives in French."³²

However, Professor Castonguay took a different stance. He argued that "the most important factor in preserving a language group is the number of its mother-tongue speakers."³³ He said that one "absolutely must not underestimate the importance of this critical linguistic indicator."³⁴ Likewise, Professor Termote prefers to use the variable of language spoken at home – the language used in the private sphere – because "the language spoken in the home becomes the language of children."³⁵ This variable is thus important for studying intergenerational language transmission. Still, Professor Termote noted, "[o]ne of the indices that deserves attention is first official language spoken."³⁶ He continued, "[t]he first official language spoken is chosen on the basis of your knowledge, your mother tongue and the language used at home. It's the language you speak when you leave the house and go out in public."³⁷

Mr. Corbeil pointed out that the conclusion one can draw about the status of French depends on the indicators used. He said that the main issues affecting the vitality of French in Canada need to be considered, including French first-language education, French second-language instruction, the recruitment and integration of francophone immigrants, intergenerational transmission of French, the low fertility rate and the fragile status of French in many regions of Canada.³⁸

Regarding Quebec, Mr. Corbeil explained that immigration "is the main driver of population growth and that the vast majority of these immigrants have neither English nor French as their mother tongue."³⁹ He also noted that, "of the roughly 180,000 new immigrants in the Montreal area at the last census, more than half spoke another

32 LANG, *Evidence*, 43rd Parliament, 2nd Session, 27 April 2021, 1640 (Mr. Alain Dupuis, Director General, Fédération des communautés francophones et acadienne du Canada [FCFA]).

33 LANG, *Evidence*, 43rd Parliament, 2nd Session, 9 March 2021, 2000 (Prof. Charles Castonguay, Retired professor).

34 Ibid.

35 LANG, *Evidence*, 44th Parliament, 1st Session, 2 February 2022, 1535 (Mr. Marc Termote, Associate Professor, Department of Demography, Université de Montréal, As an Individual).

36 Ibid., 1625.

37 Ibid.

38 LANG, *Evidence*, 43rd Parliament, 2nd Session, 9 March 2021, 1845 (Mr. Jean-Pierre Corbeil, Assistant Director, Diversity and Sociocultural Statistics, Statistics Canada).

39 Ibid.



language most often at home.”⁴⁰ In the province as a whole, “of the approximately 1.1 million immigrants who were living in Quebec in 2016, 55% reported speaking more than one language at home.”⁴¹

According to Mr. Corbeil, these data do not necessarily show that French is in decline because of English in Quebec; the reality is more complex.⁴² Accordingly, he emphasized the need to use multiple indicators to obtain a more accurate overall portrait of the complicated linguistic dynamic in Quebec. Mr. Corbeil argued that the wide diversity of situations and contexts (different regions, rural and urban areas, etc.) must be taken into account.⁴³ He cited the example of Statistics Canada projections showing that the use of French at home is declining.⁴⁴ While some immigrants continue to speak a third mother tongue most often at home, in Quebec they speak French as a second language.⁴⁵ In Mr. Corbeil’s view, this is important because, “in Quebec, 80% of these people speak French as their second, though not as their main, language at home, and 80% of them use French as their main language at work.”⁴⁶ Furthermore, over the past 15 years, “the proportion of immigrants tending to adopt French as the main language at home has been growing.”⁴⁷ As a result, Mr. Corbeil advised that it is “important to pay attention to the indicators.”⁴⁸

Note that Mr. Corbeil did not imply that French is not vulnerable in Canada and Quebec. However, he is concerned about the analysis used to arrive at this conclusion: “[I]n addition to the information on French as a mother tongue and as the main language used at home, it is important to delve deeper into a number of dynamics and dimensions on the evolution of the situation of French.”⁴⁹ Mr. Corbeil believes that certain research questions should be analyzed in more depth to provide a better understanding of the linguistic situation. Regarding Quebec’s linguistic landscape, Mr. Corbeil argued that the following issues need further study: the language of work and of services in Quebec; the underrepresentation of immigrant communities in

40 Ibid.

41 Ibid.

42 Ibid.

43 Ibid.

44 Ibid., 1905.

45 Ibid.

46 Ibid.

47 Ibid.

48 Ibid.

49 Ibid., 1845.

provincial, regional and local public administrations and in the Crown corporations of the greater Montreal area; and the role of language and educational paths, on the one hand, and of the language used in the public sphere in Quebec, on the other.⁵⁰

As for francophone minority communities, Mr. Corbeil said that more specific analyses are needed to better understand issues such as the transmission of French to children, the retention of language proficiency among children whose second language is French, the problems and barriers that limit the growth, integration and inclusion of francophone immigrants, and the challenges and opportunities in French-language educational paths from preschool to post-secondary education.⁵¹ The Committee would also be interested in findings regarding which languages are used in public spaces.

THE FEDERAL LANGUAGE REGIME'S CAPACITY TO PROTECT AND PROMOTE FRENCH IN CANADA AND IN QUEBEC

The Federal Language Regime

The *Constitution Act, 1867*, the *Canadian Charter of Rights and Freedoms* and the *Official Languages Act* are the foundational legislative documents of the federal language regime.

When the federal government enacted the *Official Languages Act*, it gave English and French the status of official languages and established a language regime based on individual rights. More precisely, Part IV of the *Official Languages Act* protects an individual citizen's right to communicate with Government of Canada offices and to receive services from them in the official language of their choice. Federal institutions have a duty to actively offer services in the individual's official language of choice. These are the basics of institutional bilingualism. The Office of the Commissioner of Official Languages offers the following explanation of institutional bilingualism:

The federal government's approach to official languages is based on the principle of institutional bilingualism. By definition, institutional bilingualism is the capacity of the Canadian government and its institutions to communicate with the public in both official languages.

As outlined in the *Official Languages Act*, it is the federal government's responsibility to communicate with and serve Canadian citizens in the

50 Ibid.

51 Ibid.



official language of their choice. The Canadian government recognizes that it must adjust to the language needs of the public, and that it is not up to citizens to adjust linguistically to the workings of government. Simply put, the Canadian federal government is required to be bilingual, so citizens don't have to be.⁵²

The provision of bilingual federal services has a geographical aspect, in that it is limited to areas where the linguistic minority has a sufficiently significant presence. Unlike in New Brunswick, where all provincial government services are delivered in both official languages everywhere in the province, the linguistic designation of federal offices depends on two key criteria: significant demand and the nature of the office. The *Official Languages (Communications with and Services to the Public) Regulations* determine the linguistic designation of federal offices.⁵³ These regulations were recently updated.⁵⁴ Soon, new factors will need to be considered when determining the linguistic designation of federal offices, including their proximity to official language minority community educational institutions and a more inclusive definition of linguistic minority that accounts for bilingual families and the first official language spoken by immigrants.

Part V of the *Official Languages Act* concerns the right of federal public servants to work in the official language of their choice. This part also has a geographical dimension, in that a list of bilingual-designated regions for language of work purposes, compiled in 1977, determines the regions in which public servants have the right to communicate orally and in writing with their superiors, receive services from the institution that employs them and have access to software programs and training materials in the official language of their choice. The regions that are designated bilingual are located in Ontario, Quebec and New Brunswick.

Under Part VII, federal institutions must take positive measures to enhance the vitality of official language minority communities. This duty will be discussed in more detail later in the report. In addition, the federal government must promote bilingualism among Canadians who wish to learn a second official language. To do so, it enters into bilateral agreements with the provinces and territories to support the delivery of second-language learning programs.

52 Office of the Commissioner of Official Languages of Canada, "General Official Languages Questions," *Frequently asked questions*.

53 The linguistic designations of federal offices are listed in the Burolis database.

54 Marie-Ève Hudon, *The Official Languages Regulatory Framework: Reviewed and Amended*, HillNotes, Library of Parliament, 13 October 2020.

As regards the protection of the rights of linguistic minorities, Mr. Robert Leckey, Dean and Samuel Gale Chair at the Faculty of Law of McGill University, stated that this “is one of the underlying principles that breathe life into our entire Constitution and are recognized by the Supreme Court of Canada.”⁵⁵ The country’s highest court has ruled that, “while the language provisions are the result of political compromises, they reflect a broad principle related to the protection of minority rights.”⁵⁶

Finally, Canadian courts have confirmed the quasi-constitutional status of the *Official Languages Act* and the remedial nature of language rights. They have also set norms and principles for interpreting language rights.

Key Players

Mr. Rodrigue Landry, Professor Emeritus at the Université de Moncton, explained that three key players influence the vitality of a language: the community of intimacy, the civil society of the minority and the state. Of these three, the community of intimacy – whose base unit is the family – is the most important linguistically speaking, because it “guarantees the intergenerational transmission of language and the foundations of individual identity.”⁵⁷

The civil society of the minority “exercises invaluable leadership in creating and maintaining the group’s institutions, its ‘institutional completeness.’”⁵⁸ It “acts as an intermediary between members of the minority and the state.”⁵⁹ On this point, Mr. Éric Forgues, Executive Director of the Canadian Institute for Research on Linguistic Minorities, noted that the community sector “combat[s] the pressures of assimilation and that thousands of francophones and francophiles are helping to make French a living language.”⁶⁰ Community groups resist the “slowly declining” demographic weight

55 LANG, *Evidence*, 43rd Parliament, 2nd Session, 29 April 2021, 1535 (Mr. Robert Leckey, Dean and Samuel Gale Chair, Faculty of Law, McGill University, As an individual).

56 Ibid.

57 LANG, *Evidence*, 43rd Parliament, 2nd Session, 22 April 2021, 1550 (Mr. Rodrigue Landry, Professor Emeritus, Université de Moncton, and former director general, Canadian Institute for Research on Linguistic Minorities, As an Individual).

58 Ibid.

59 Ibid.

60 Ibid., 1545 (Mr. Eric Forgues, Executive Director, Canadian Institute for Research on Linguistic Minorities).



of francophone minority communities and help them regain their vitality, including in regions where “their institutions are fragile.”⁶¹

As for the state, it “supports the linguistic minority’s vitality by legitimizing its existence in society through policies that recognize individual and collective rights. The state delivers programs and services in the language of the minority and may fund vital institutions.”⁶² A language law or policy “has an optimal effect on the vitality of the linguistic minority when it promotes the growth of the group’s collective identity and coordinates a synergistic set of concerted measures taken by the three actors essential to its vitality.”⁶³ The state is responsible for coordinating and creating synergies between the three players.

Views on the Capacity of the Federal Language Regime to Protect and Promote French

The witnesses had different opinions on the capacity of the current federal language regime to protect and promote French in Canada and in Quebec.

Broadly speaking, the Committee heard two views from witnesses. Under the first view, the current federal language regime – a system based mainly on legislative equality of the two official languages, individual rights and collective rights for official language minorities – can protect and promote French, provided that the *Official Languages Act* is reformed.

The second view advocates a location-based, or territorial approach, oriented primarily around Quebec’s provincial boundaries, and legislative asymmetry in language rights.

Note that substantive equality and legislative asymmetry are not the same. Substantive linguistic equality presupposes that both official languages have the same status under the law but that the implementation of language rights reflects the specific needs and contexts of official language minority communities. This is the norm in Canadian law.⁶⁴

61 Ibid.

62 Ibid., 1550 (Mr. Rodrigue Landry, Professor Emeritus, Université de Moncton, and former director general, Canadian Institute for Research on Linguistic Minorities, As an Individual).

63 Ibid.

64 Government of Canada, Treasury Board of Canada Secretariat, Official languages in communications and services to the public, analytical grid (substantive equality).

Legislative asymmetry implies the creation of separate language regimes in which the languages do not have the same legal status.

Individual-Based Approach

Mr. Érik Labelle Eostaugh, Professor and Director of the International Observatory for Language Rights at the Université de Moncton, acknowledged that English and French are sociologically unequal. However, he remarked that this sociological reality has no basis in law.

According to Professor Labelle Eostaugh, the legislative equality of the two official languages – entrenched in the *Canadian Charter of Rights and Freedoms* and the *Official Languages Act* – does not put French at a disadvantage. On the contrary, it enables francophone communities to flourish despite the sociological disparity between English and French, in part because of the principle of substantive equality.⁶⁵

Moreover, Professor Labelle Eostaugh argued that the case law on language rights takes into account the sociological asymmetry between English and French in Quebec. In the *Ford* decision, which concerned signage requirements, the Supreme Court of Canada acknowledged that French is threatened and the role the Quebec government needs to play to protect it.⁶⁶ In the *Solski* case, which concerned “bridging schools” in Quebec, the Supreme Court stated that this provision must be interpreted in light of the specific context of each language community.⁶⁷ Furthermore, section 23 of the *Canadian Charter of Rights and Freedoms* applies differently in Quebec because of an explicit exception in the *Constitution Act, 1982*.⁶⁸

65 LANG, *Evidence*, 43rd Parliament, 2nd Session, 25 February 2021, 1540 (Mr. Érik Labelle Eostaugh, Professor and Director of the International Observatory for Language Rights, Faculty of Law, Université de Moncton, Association des juristes d’expression française du Nouveau-Brunswick).

66 Supreme Court of Canada, *Ford v. Quebec (Attorney General)* [1988] 2 S.C.R. 712.

67 Supreme Court of Canada, *Solski (Tutor of) v. Quebec (Attorney General)* [2005] 1 S.C.R. 201, 2005 SCC 14.

68 In Quebec, the implementation of paragraph 23(1)(a) is subject to section 59 of the *Canadian Charter of Rights and Freedoms*: “59. (1) Paragraph 23(1) (a) shall come into force in respect of Quebec on a day to be fixed by proclamation issued by the Queen or the Governor General under the Great Seal of Canada. (2) A proclamation under subsection (1) shall be issued only where authorized by the legislative assembly or government of Quebec. (3) This section may be repealed on the day paragraph 23(1)(a) comes into force in respect of Quebec and this Act amended and renumbered, consequentially upon the repeal of this section, by proclamation issued by the Queen or the Governor General under the Great Seal of Canada.” To date, no proclamation has been issued by the National Assembly of Quebec under section 59. Source: *Canadian Charter of Rights and Freedoms*. It should be noted that sections 73 to 86.1 of Quebec’s *Charter of the French Language* (known as “Bill 101”) address access to English-language minority schools.



Professor Labelle Eastaugh also pointed out that the Constitution imposes specific duties on both orders of government to protect French: “To wit, subsection 16(3) of the Canadian Charter of Rights and Freedoms encourages Parliament and the provincial legislatures to pass legislation to advance equality of English and French in Canadian society.”⁶⁹ Professor Labelle Eastaugh concluded that, if Parliament wishes to take additional steps to protect and promote French, it can do so under Canada’s existing language regime.

Location-Based Approach

Professor Castonguay took a diametrically opposite position. He said that federal and provincial language policies “are failing to preserve both Canada’s English-French linguistic duality and the French character of Quebec itself.”⁷⁰ He believes that, once the first *Official Languages Act* was implemented in 1969, a conflict between the federal and provincial regimes “was inevitable.”⁷¹ Canada’s individual rights-based approach was incompatible with Quebec’s location-based approach, which aimed for “one official and common language.”⁷² Professor Castonguay asserted that the federal language regime clearly should have been location-based:

The more a minority language group is concentrated within a given territory, the better it resists assimilation to the majority language. A language policy aimed at preserving the French-speaking component of Canada’s population should therefore have aimed first and foremost at maintaining and promoting the French character of the province of Quebec.⁷³

Professor Castonguay believes that the “most eloquent evidence of the failure of Canada’s language policy is ... the anglicization rate of Francophones in Canada’s very capital. It has exactly doubled since Canada’s initial *Official Languages Act*.”⁷⁴ He

69 LANG, *Evidence*, 43rd Parliament, 2nd Session, 25 February 2021, 1540 (Mr. Érik Labelle Eastaugh, Professor and Director of the International Observatory for Language Rights, Faculty of Law, Université de Moncton, Association des juristes d’expression française du Nouveau-Brunswick).

70 LANG, *Evidence*, 43rd Parliament, 2nd Session, 9 March 2021, 1945 (Prof. Charles Castonguay, Retired professor).

71 Ibid.

72 Ibid.

73 Ibid.

74 Ibid., 1950.

subsequently said, “[i]t is high time, therefore, to aim Canada’s language policy more squarely at preventing further erosion of Canada’s fading linguistic duality.”⁷⁵

Mr. Guillaume Rousseau, Associate Professor at the Université de Sherbrooke, discussed the academic literature on the two main types of language policies – the personality and territoriality models. The literature shows that, theoretically, “only a territoriality-based approach can guarantee the survival and development of a minority language.”⁷⁶ Addressing the Canadian model more specifically, Professor Rousseau said that, if “the goal is strictly to ensure respect for individual rights, then the personality-based approach can be useful.”⁷⁷ However, he maintained that, “for the development of the language and its survival through generations, the personality-based approach does not really yield effective results, because the dominant language will systematically take precedence.”⁷⁸ Professor Rousseau concluded that, traditionally, “the federal act places a little too much of an emphasis on [individual] language rights”⁷⁹ and that its approach “has not been very effective from the socio-demographic standpoint in the 54 years since the adoption of the initial *Official Languages Act*.”⁸⁰

Mr. François Côté, an author and lawyer at the organization Impératif français, concurred:

In Quebec at least, the French language really needs to be the common language, and not simply an individual entitlement. It’s the territorial model that will enable us truly to defend a collective language spoken by the majority, while it remains a minority within the federation.

We need to make a clean break with the idea of symmetrical bilingualism and espouse asymmetrical bilingualism, with a territorial structure, in keeping with the intentions of Camille Laurin and the Charter of the French Language. It’s the only true way of achieving language protection in Quebec.⁸¹

75 Ibid.

76 LANG, *Evidence*, 44th Parliament, 1st Session, 2 February 2022, 1540 (Mr. Guillaume Rousseau, Associate Professor, Université de Sherbrooke, As an Individual).

77 Ibid., 1610.

78 Ibid.

79 Ibid.

80 Ibid.

81 LANG, *Evidence*, 43rd Parliament, 2nd Session, 25 February 2021, 1630 (Mr. François Côté, Lawyer, Impératif français).



The Impact of the *Official Languages Act* in Quebec

According to Ms. Anne Meggs, former director of research at the Office québécois de la langue française, Part IV of the *Official Languages Act*, which concerns communications with and services to the public, imposes bilingualism in Quebec.⁸² The federal government's bilingual signage "has a significant effect on the linguistic fabric in Quebec," making it "impossible for the Quebec government to impose French-only commercial signage."⁸³

In contrast, by comparing the *Official Languages Act* to Ontario's *French Language Services Act*, Ms. Meggs pointed out that the latter does not "try to make Ontario an officially bilingual province;" instead, the goal is "to make sure that francophones have access to services where they live."⁸⁴ She then drew a parallel with the *Official Languages Act*: "The *Official Languages Act* does the same thing at federal level, generally speaking. It deals with services provided in federal institutions."⁸⁵

Professor Landry explained that Part IV of the *Official Languages Act* has little effect on people's linguistic identity:

Our research shows that contact with government cannot be distinguished from other types of linguistic contact in the public sphere. Linguistic contacts are statistically unrelated to individual linguistic identity. Instead, they are related to subjective linguistic vitality, by which I mean individuals' perception of the status and vitality of a language in society. This subjective vitality is only faintly related to the desire to belong to the minority community.

The public services that the federal government provides represent only a very small portion of linguistic experiences in the public sphere. Consequently, the *Official Languages Act* has little impact on individuals' language development.⁸⁶

82 LANG, *Evidence*, 43rd Parliament, 2nd Session, 29 April 2021, 1540 (Ms. Anne Meggs, Former director of research, Office québécois de la langue française, As an Individual).

83 Ibid.

84 Ibid., 1600.

85 Ibid.

86 LANG, *Evidence*, 43rd Parliament, 2nd Session, 22 April 2021, 1550 (Mr. Rodrigue Landry, Professor Emeritus, Université de Moncton, and former director general, Canadian Institute for Research on Linguistic Minorities, As an Individual).

Additional information: the *Official Languages (Communications with and Services to the Public) Regulations*, currently in force, are based on the principle of individual language rights, but services are provided in the minority language only where the minority population and its school system are large enough to warrant it. In addition, Part V of the *Official Languages Act* includes a list of bilingual regions in Canada for language of work purposes. According to this list, federal public servants in Quebec can work in the language of their choice in Montreal and 11 counties elsewhere in the province.⁸⁷ Everywhere else in Quebec, these public servants have no recourse if they wish to claim the right to work in English, the minority language. It is worth noting that the right to work in the language of one's choice does not give federal public servants the option of choosing the language they use to communicate with the public.

For the witnesses who support legislative asymmetry in language protections, the main problem with the *Official Languages Act* is Part VII. This part is a relatively recent addition, introduced with the second version of the legislation in 1988. Mr. Robert Laplante, Director of L'Action nationale, claimed that Part VII was designed to undermine Quebec's language regime: "[O]ne act can be designed to undo another. The thing about that part of *the Official Languages Act* is that it actively frustrates some of the legitimate language planning aspirations endorsed by the Quebec National Assembly."⁸⁸

Ms. Meggs asserted that the "most problematic sections of the [*Official Languages*] Act ... are those that create the concept of an English-speaking minority in Canada and propose measures to enhance the vitality and development of that 'minority.'"⁸⁹

Mr. Frédéric Lacroix explained the logic as follows:

Within a framework of symmetry, the *Official Languages Act* institutes a double majority in Canada in which anglophones form the majority outside Quebec and francophones the majority within Quebec. This double majority is real only if one considers that the linguistic dynamic is determined by provincial borders. However, this

87 The 11 counties are as follows: the county of Bonaventure including: New-Richmond; the county of Gaspé-Est including: Gaspé, Percé, Chandler; the county of Brome including: Bromont, Lac-Brome, Sutton; the county of Compton including: Cookshire, East-Angus, Scotstown, Waterville; the county of Huntingdon including: Huntingdon; the county of Missisquoi including: Farnham, Bedford, Cowansville; the county of Richmond including: Asbestos, Bromptonville, Danville, Richmond, Windsor; the county of Sherbrooke including: Sherbrooke, Lennoxville; the county of Stanstead including: Magog, Coaticook, Rock Island; the county of Argenteuil including: Lachute, Barkmere; and the county of Pontiac (excluding those sections of the county located in the National Capital Region).

88 LANG, *Evidence*, 44th Parliament, 1st Session, 14 February 2022, 1615 (Mr. Robert Laplante, Director, L'Action nationale).

89 LANG, *Evidence*, 43rd Parliament, 2nd Session, 29 April 2021, 1545 (Ms. Anne Meggs, Former director of research, Office québécois de la langue française, As an Individual).



is false. The linguistic dynamic is determined by the country to which Quebec belongs, which is Canada.⁹⁰

Proponents of this view believe that the anglophone population in Quebec is not a minority, but rather is part of the Canadian anglophone majority.⁹¹ As a result, they believe this status should be reflected in the English-speaking communities in Quebec.⁹² Some witnesses believe current federal funding is creating an imbalance by contributing to an “overfunding of programs”⁹³ or the “institutional overcompleteness” of Quebec’s English-speaking communities. In their view, federal funding should instead go to protecting and promoting French, or else it might encourage anglicization in Montreal.⁹⁴

Likewise, Ms. Meggs said that the federal language regime “also puts up hurdles for Quebec to defend French outside Quebec” by creating “a false symmetry between French outside Quebec and English inside Quebec.”⁹⁵ She illustrated this point with an example: if Quebec “criticizes the closing of a French hospital in another province, it undermines its own leeway in managing its health care system.”⁹⁶

Finally, Ms. Meggs argued that the “false symmetry” created by the federal language regime “also impedes social cohesion in Quebec.”⁹⁷

Some witnesses asserted that the *Canadian Charter of Rights and Freedoms* provisions on official language minority education rights have undermined Quebec’s language regime. Ms. Meggs said that legal challenges based on the *Canadian Charter of Rights and Freedoms* have led to the repeal of “large portions of the original version of the *Charter of the French Language*. This has limited the Quebec government’s ability to legislate in favour of French.”⁹⁸ Similarly, Professor Rousseau pointed out that “various

90 LANG, *Evidence*, 44th Parliament, 1st Session, 14 February 2022, 1640 (Mr. Frédéric Lacroix, Essayist, As an Individual).

91 Ibid., 1635.

92 LANG, *Evidence*, 44th Parliament, 1st Session, 14 February 2022, 1550 (Mr. Robert Laplante, Director, L’Action nationale).

93 Ibid.

94 LANG, *Evidence*, 44th Parliament, 1st Session, 2 February 2022, 1620 (Mr. Guillaume Rousseau, Associate Professor, Université de Sherbrooke, As an Individual).

95 LANG, *Evidence*, 43rd Parliament, 2nd Session, 29 April 2021, 1540 (Ms. Anne Meggs, Former director of research, Office québécois de la langue française, As an Individual).

96 Ibid.

97 Ibid.

98 Ibid.

Supreme Court decisions reduced the amount of protection for French in Quebec. As a result, Bill 101, Quebec’s language act, distanced itself from the territorial model and became increasingly personality based.”⁹⁹ In his view, there is a causal link between the amendments made to the *Charter of the French Language* in the wake of these decisions and the decline of French: “By the end of the 1980s, the vitality indices for French had begun to decline again.”¹⁰⁰

The Location-Based Approach and Minority Francophones

Ms. Meggs admitted that “outside Quebec, the situation of French would likely be even more tenuous without the language provisions of the Canadian Constitution and the support the federal government provides to the provinces for French-language education at all levels and to certain French advocacy groups.”¹⁰¹

A location-based approach to protect and promote French in Quebec would not necessarily meet the needs of all francophone minority communities. Professor Rousseau said on four occasions that the federal government “should focus its efforts to promote French in Quebec, as well as in other francophone regions.”¹⁰² In his view, the “regions with a francophone concentration, which have yet to be determined,”¹⁰³ should be “the regions bordering Quebec, namely northern New Brunswick, eastern Ontario and Labrador, and perhaps a few others.”¹⁰⁴ Only near the end of his testimony did Professor Rousseau concede that the location-based approach is not appropriate for all francophone minority communities and that the individual-based approach may be justified:

When we aim for that in a western Canadian community, we do not encourage the territoriality approach. On the other hand, from the point of view of respecting individual language rights, it may be entirely justified to propose measures for very

99 LANG, *Evidence*, 44th Parliament, 1st Session, 2 February 2022, 1605 (Mr. Guillaume Rousseau, Associate Professor, Université de Sherbrooke, As an Individual).

100 Ibid.

101 LANG, *Evidence*, 43rd Parliament, 2nd Session, 29 April 2021, 1540 (Ms. Anne Meggs, Former director of research, Office québécois de la langue française, As an Individual).

102 LANG, *Evidence*, 44th Parliament, 1st Session, 2 February 2022, 1545 (Mr. Guillaume Rousseau, Associate Professor, Université de Sherbrooke, As an Individual).

103 Ibid., 1555.

104 Ibid.



isolated francophone communities in western Canada. Both objectives must be taken into account.¹⁰⁵

These comments were noted by Ms. Tanya Tamilio, President of the Centre communautaire francophone de Sarnia-Lambton in Ontario. In the Sarnia, Ontario, census subdivision, the francophone minority makes up 2.4% of the population. Ms. Tamilio believes that the idea of applying a location-based regime to regions with a strong francophone presence – setting aside the criterion of proximity to Quebec – would mean that the francophone community in her region would have to travel “to the Toronto area, which is about two and a half hours away.”¹⁰⁶ As she explained, this “is not exactly next door.”¹⁰⁷

STRONGER MEASURES TO PROTECT AND PROMOTE FRENCH

Additional information

On 17 February 2021, the former minister of Official Languages, the Honourable Mélanie Joly, published a reform proposal entitled *English and French: Towards a Substantive Equality of the Official Languages in Canada* (the reform proposal). This document laid the foundation for the modernization of the *Official Languages Act*, the central pillar of the federal language regime. The mandate letter to the new Minister of Official Languages, the Honourable Ginette Petitpas-Taylor, instructs her to “work to secure the future of the French language in Canada by fully implementing measures outlined in the White Paper, *English and French: Towards a Substantive Equality of Official Languages in Canada*.”¹⁰⁸

Also as noted above, some witnesses commented on the ideas in the reform proposal to strengthen federal measures to protect and promote French in Canada and in Quebec. In addition, some of the witnesses who appeared in the 1st Session of the 44th Parliament commented on Bill C-32, An Act to amend the Official Languages Act and to make related and consequential amendments to other Acts.

105 LANG, *Evidence*, 44th Parliament, 1st Session, 2 February 2022, 1655 (Mr. Guillaume Rousseau, Associate Professor, Université de Sherbrooke, As an Individual).

106 LANG, *Evidence*, 44th Parliament, 1st Session, 16 February 2022, 1740 (Ms. Tanya Tamilio, President, Centre communautaire francophone de Sarnia-Lambton).

107 Ibid.

108 Government of Canada, Prime Minister of Canada, Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency Mandate Letter.

A new piece of legislation, Bill C-13, was introduced on 1 March 2022, and the Committee finished its study before the witnesses had the opportunity to comment on it.

Francophone Witnesses' General Views on the Federal Government's Modernization Proposals

In general, the representatives of francophone minority communities welcomed the reform proposal. The FCFA stated that the reform proposal “met a number of the communities’ demands and priorities. ...[I]t contained 80% of our requests.”¹⁰⁹

Mr. Alexandre Cédric Doucet, President of the Société de l’Acadie du Nouveau-Brunswick, made the following remarks:

The entire Canadian Francophonie is pleased that, at this time, the federal government is showing a genuine desire to focus on promoting the sustainability of French in Canada. We have every right to hope that Minister Mélanie Joly’s vision will finally, once and for all, chart a course towards real equality.¹¹⁰

The Fédération des travailleurs et travailleuses du Québec likewise stated that it “is pleased with the Government of Canada’s willingness to modernize the *Official Languages Act*” and that “all measures seeking to improve the place of French are welcome, and that is why [it] applaud[s] the February white paper.”¹¹¹

Constitutional law expert Mark Power took the opposite view. He did not equivocate, saying that “Bill C-32, which was introduced last June, isn’t good for French outside Quebec. It’s [not] very good for French in Quebec, and it isn’t very good for Quebec anglophones. An enormous amount of work remains to be done to reform the federal Official Languages Act so that it helps us live in French, whether we live in or outside Quebec.”¹¹²

According to Ms. Alepin, “[t]he modernization of the *Official Languages Act* needs to increase support to francophones outside Quebec.”¹¹³ She believes that, in Quebec, “the

109 LANG, *Evidence*, 43rd Parliament, 2nd Session, 27 April 2021, 1610 (Mr. Alain Dupuis, Director General, FCFA).

110 LANG, *Evidence*, 43rd Parliament, 2nd Session, 13 April 2021, 1650 (Mr. Alexandre Cédric Doucet, President, Société de l’Acadie du Nouveau-Brunswick).

111 LANG, *Evidence*, 43rd Parliament, 2nd Session, 29 April 2021, 1550 (Mr. Denis Bolduc, General Secretary, Fédération des travailleurs et travailleuses du Québec).

112 LANG, *Evidence*, 44th Parliament, 1st Session, 14 February 2022, 1555 (Mr. Mark Power, Lawyer, Power Law).

113 LANG, *Evidence*, 44th Parliament, 1st Session, 16 February 2022, 1720 (Ms. Marie-Anne Alepin, General President, Société Saint-Jean-Baptiste de Montréal).



Official Languages Act is part of the problem, not the solution.”¹¹⁴ In her opinion, major changes are needed to the federal linguistic regime to “turn things around.”¹¹⁵ In particular, she suggested that “funding under the *Official Languages Act* should be overwhelmingly spent on protecting and promoting French language and culture in every English-majority province and territory, and in Quebec,”¹¹⁶ as well as on “the establishment of a college specializing in Quebec radio and television to ensure that Quebec has enhanced protection and promotion of French on radio, television and the Internet,”¹¹⁷ and that “companies under federal jurisdiction be made subject to the provisions of Bill 101.”¹¹⁸

Mr. Frédéric Lacroix argued that the foundations of the federal language regime must be changed:

In my view, the principle of personality must be abandoned if we truly want to achieve genuine equality between English and French in Quebec. The *Official Languages Act* should consider and acknowledge that Quebec is a French-language province. That proposition would have numerous practical consequences.¹¹⁹

According to Professor Rousseau, the federal government should “support the enforcement of Bill 101 in private businesses and federal institutions, offer grants to groups promoting French in Quebec, not just English, and introduce more measures to guarantee the right to work in French for federal employees in Quebec and in bordering regions.”¹²⁰

Asked about the time it took to introduce a bill to modernize the *Official Languages Act*, some witnesses said that it has damaged the language rights and vitality of official language minority communities. Mr. Darius Bossé expressed these concerns as follows:

114 Ibid.

115 Ibid.

116 Ibid.

117 Ibid.

118 Ibid.

119 LANG, *Evidence*, 44th Parliament, 1st Session, 14 February 2022, 1640 (Mr. Frédéric Lacroix, Essayist, As an Individual).

120 LANG, *Evidence*, 44th Parliament, 1st Session, 2 February 2022, 1545 (Mr. Guillaume Rousseau, Associate Professor, Université de Sherbrooke, As an Individual).

The day-to-day delays in implementing the modernization of the act obviously caus[e] harm that may at some point become irreparable. Yes, that’s unfortunately the case.¹²¹

Ms. Angela Cassie, President of the Société franco-manitobaine, said that, given the process leading up to the drafting of Bill C-32, the government should now move quickly:

The work leading up to Bill C-32, which we have been waiting for many years, was not done in haste. On the contrary, it is the result of several studies and consultations dating back many years. Any more delays would only further weaken the position of French in our communities. Parliament should therefore begin its work immediately.¹²²

Quebec Anglophone Witnesses’ General Views on the Federal Government’s Modernization Proposals and Their Effects

The Quebec Community Groups Network (QCGN), which represents English-speaking communities in Quebec, applauded some of the changes set out in the reform proposal. However, the Honourable Marlene Jennings, President of the QCGN, said that some of them amount to “a fundamental shift in the federal commitment to official languages, and the interpretive effects of this shift on Canadian[s’] official language rights are unclear.”¹²³ Quebec’s anglophone communities therefore find themselves on “new ground.” She further noted that, “at first blush, [some reforms] could imperil the rights of English-speaking Quebeckers down the road.”¹²⁴

The QCGN also expressed disappointment that the reform proposal did not address the specific problems facing English-speaking communities. These include a higher unemployment rate and lower median income than the francophone majority, despite Quebec’s anglophones having high graduation rates.¹²⁵ Ms. Jennings pointed out that nearly one in five English-speaking Quebeckers lives below the poverty line.¹²⁶ She further noted that, in Quebec, “the major employer is the Government of Quebec. The drawbridge of that château has been pulled up against English-speaking Quebeckers.

121 LANG, *Evidence*, 44th Parliament, 1st Session, 14 February 2022, 1555 (Mr. Darius Bossé, Lawyer, Power Law).

122 LANG, *Evidence*, 44th Parliament, 1st Session, 14 February 2022, 1645 (Ms. Angela Cassie, Chair, Board of Directors, Société de la francophonie manitobaine).

123 LANG, *Evidence*, 43rd Parliament, 2nd Session, 25 February 2021, 1655 (The Hon. Marlene Jennings, President, Quebec Community Groups Network [QCGN]).

124 Ibid.

125 Ibid.

126 Ibid.



Barely 1% of the public service of Quebec are English-speakers.”¹²⁷ As for the federal public service, in “the federal institutions operating in Quebec that come under the *Official Languages Act* as it is right now—which is over half of them—English-speaking Quebecers are under-represented.”¹²⁸ The QCGN and its members would like the federal government to take measures to improve the lives of Quebec’s anglophones.¹²⁹

A Test of the Equal Status of the Two Official Languages?

As stated above, the QCGN is concerned about the impacts of some of the legislative changes set out in the federal government’s reform proposal. Professor Leckey made similar comments on the reforms: “It appears that the legislative proposals would represent a fundamental shift in the framework and the purpose of the *Official Languages Act*.”¹³⁰ More specifically, he wondered “whether the proposals would amount to a shift away from the equality of status of both official languages”¹³¹ as stipulated by section 16.1 of the *Canadian Charter of Rights and Freedoms*:

English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada.¹³²

The potentially contentious reforms relate to the recognition of provincial and territorial language regimes in the *Official Languages Act* and to the creation of certain rights for francophones only.

Recognition of the Linguistic Situation in Each Province and Territory

Both the reform proposal and Bill C-32 proposed to recognize provincial and territorial language regimes, including those of Quebec and New Brunswick and, to some extent, certain provisions in force in Manitoba.

127 Ibid., 1705.

128 Ibid.

129 Ibid., 1655.

130 LANG, *Evidence*, 43rd Parliament, 2nd Session, 29 April 2021, 1540 (Mr. Robert Leckey, Dean and Samuel Gale Chair, Faculty of Law, McGill University, As an individual).

131 Ibid.

132 *Canadian Charter of Rights and Freedoms*.

Some observers believe that recognizing provincial and territorial language regimes could cause problems for official language minority communities. As Professor Leckey explained, “the framework of the act is province neutral. The same legal principles apply across the federation.”¹³³ Considering that language rights “differ from province to province” and that “[s]ome have none,”¹³⁴ Professor Leckey raised the following question: “What effect would this have on the interpretation of language rights for official language minorities?”¹³⁵ He offered the following thoughts:

Would this principle peg the demands of the federal act to those varying provincial guarantees? Given the act’s symbolic significance, might courts detect in such legislative language a warrant for differential interpretation of the charter’s linguistic guarantees, including section 23?

Does the proposal resile from the Supreme Court’s affirmation that language rights must in all cases be interpreted purposively, consistently with the preservation and development of official language communities in Canada?¹³⁶

As regards New Brunswick, the only officially bilingual province, the reform proposal and Bill C-32 provided for the full implementation of the *Canadian Charter of Rights and Freedoms* provisions that apply to it (subsections 16(2), 16.1(1), 16.1(2), 17(2) and 18(2)) and aligned the federal *Official Languages Act* with provincial law. As Professor Landry explained, New Brunswick has created a system in which each linguistic group manages its own institutions. This is an example of cultural autonomy, “adapted to the vitality of each community.”¹³⁷

New Legislative Measures Proposed for Francophones’ Rights

The Protection of French in Canada and in Quebec

Clause 2 of Bill C-32 amended the preamble to the *Official Languages Act* in order to expand its scope, in part to specify the federal government’s commitment to protect and

133 LANG, *Evidence*, 43rd Parliament, 2nd Session, 29 April 2021, 1540 (Mr. Robert Leckey, Dean and Samuel Gale Chair, Faculty of Law, McGill University, As an individual).

134 Ibid.

135 Ibid.

136 Ibid.

137 LANG, *Evidence*, 43rd Parliament, 2nd Session, 22 April 2021, 1720 (Mr. Rodrigue Landry, Professor Emeritus, Université de Moncton, and former director general, Canadian Institute for Research on Linguistic Minorities, As an Individual).



promote French given its minority status. According to Professor Leckey, “[t]his would be [a] big first in federal language law.”¹³⁸

Most of the witnesses acknowledged that, even in Quebec, French needs stronger measures to ensure its future vitality. The FCFA stated that this commitment “is not only welcome, but necessary, given the vulnerability of French.”¹³⁹ Likewise, representatives of the Fédération des travailleurs et travailleuses du Québec said that it is imperative for the federal and provincial governments to take strong, coordinated action to save and promote French in Canada.¹⁴⁰ They said they are “pleased” that the reform proposal “recognizes the decline of French.”¹⁴¹

The QCGN acknowledged that French requires special attention and that it is the official language of Quebec. The group’s goal is to support French in Canada and Quebec while advocating for its right to ensure the vitality of Quebec’s anglophone communities.¹⁴² As the Honourable Marlene Jennings explained, “[t]he majority of English-speaking Quebecers remained in Quebec after the turmoil of the 1970s. We call Quebec home, and we understand our responsibility to learn and use French in the public space.”¹⁴³ Moreover, she pointed out that it was anglophone parents who set up the first French immersion programs and that minority community institutions serve all Quebecers.¹⁴⁴

The Language of Work and Commerce in Federally Regulated Private Businesses in Quebec and in Regions with a Strong Francophone Presence

The rules governing the use of French as the language of work and commerce in Quebec are authorized by Quebec’s *Charter of the French Language*. However, the issue of the language of work and commerce in Quebec was raised before the Committee as it relates to federally regulated private businesses.

138 LANG, *Evidence*, 43rd Parliament, 2nd Session, 29 April 2021, 1540 (Mr. Robert Leckey, Dean and Samuel Gale Chair, Faculty of Law, McGill University, As an individual).

139 LANG, *Evidence*, 43rd Parliament, 2nd Session, 27 April 2021, 1545 (Mr. Alain Dupuis, Director General, FCFA).

140 LANG, *Evidence*, 43rd Parliament, 2nd Session, 29 April 2021, 1550 (Mr. Denis Bolduc, General Secretary, Fédération des travailleurs et travailleuses du Québec).

141 Ibid.

142 LANG, *Evidence*, 43rd Parliament, 2nd Session, 25 February 2021, 1650 (The Hon. Marlene Jennings, President, QCGN).

143 Ibid.

144 Ibid., 1655.

On 24 November 2020, the Quebec National Assembly unanimously passed a motion on language of work and language of service in federally regulated businesses in Quebec, which stated that the *Charter of the French Language* must apply to businesses under federal jurisdiction and called for the Government of Canada to formally commit to working with Quebec to ensure the implementation of that change. On 9 December 2020, six former Quebec premiers co-signed a letter supporting this position.

On 4 November 2021, the Quebec National Assembly unanimously adopted a resolution reaffirming that the protection of the French language is essential and that the *Charter of the French Language* must apply to federally regulated businesses in Quebec. The resolution reads as follows:

That the National Assembly reaffirm the importance of defending French as the language of work to ensure its survival;

That it recognize that the federal *Official Languages Act* fails to protect the French language in Quebec;

That it highlight the importance of having the *Charter of the French Language* apply to federally regulated businesses, including their leaders; and

That the National Assembly also require federal departments and agencies located in Quebec to be subject exclusively to the *Charter of the French Language*.¹⁴⁵ [TRANSLATION]

Additional information: Federally regulated private businesses are not currently subject to any language requirements either in Quebec or in the other provinces and territories. Still, some of those headquartered in Quebec have already begun the francization process with Quebec's Office québécois de la langue française; they have voluntarily sought to comply with the *Charter of the French Language* regime.

In the reform proposal and Bill C-32, the federal government had proposed making federally regulated private businesses in Quebec and those with headquarters in a region with a "strong francophone presence" subject to new language requirements in

145 National Assembly of Quebec, *Résolution adoptée à l'unanimité exigeant que les ministères et organismes fédéraux situés sur le territoire du Québec soient assujettis exclusivement à la Charte de la langue française et qu'elle s'applique aux entreprises de compétence fédérale, incluant leurs dirigeantes et dirigeants*, 4 November 2021.



the *Official Languages Act*.¹⁴⁶ These provisions were very similar to those of the *Charter of the French Language* respecting the language of work and commerce, and one of their goals was to ensure French-speaking consumers have the right to communicate with and receive services from these businesses in French. They were also designed to grant these businesses' employees the right to work in French, which includes the right to be supervised in French, to receive communications and documentation in French and to use French-language work instruments.

In addition, one clause prescribed that federally regulated private businesses in Quebec and regions with a strong francophone presence must foster the use of French in their workplaces and establish a committee to support their senior management with language matters. Finally, like the *Charter of the French Language*, Bill C-32 stipulated that federally regulated private businesses cannot treat adversely any employee who does not have a sufficient knowledge of a language other than French or who has made a complaint to the Office of the Commissioner of Official Languages.

Mr. Côté presented the Committee with three legislative proposals regarding the language obligations of federally regulated private businesses in Quebec. His ideas included amending the *Official Languages Act* to establish a special regime to protect French in Quebec and the National Capital Region. He said that these amendments were “based on sections 45 and 46 of the Charter of the French Language, thus precluding all forms of linguistic pressure or discrimination in hiring and employment.”¹⁴⁷ This solution appears to be largely what the government decided to do in Bill C-32.

While federally regulated private businesses in regions with a strong francophone presence would be subject to the *Official Languages Act*, Bill C-32 recognized the unique nature of Quebec's language regime by giving such businesses in that province the option of complying with the *Charter of the French Language* or the *Official Languages Act*. In practice, this option would allow businesses that have already begun a francization process to stay under the purview of the *Charter of the French Language*. Mr. Denis Hamel, Vice President of Workforce Development Policies at the Quebec Council of Employers, reported that, in “more than 80% of cases, federally regulated businesses already comply” with the *Charter of the French Language*.¹⁴⁸

146 This term was not defined in either the reform proposal or Bill C-32.

147 LANG, *Evidence*, 43rd Parliament, 2nd Session, 25 February 2021, 1555 (Mr. François Côté, Lawyer, Impératif français).

148 LANG, *Evidence*, 44th Parliament, 1st Session, 14 February 2022, 1710 (Mr. Denis Hamel, Vice President, Workforce Development Policies, Quebec Council of Employers).

The witnesses who commented on the implementation of a language regime in federally regulated private businesses in Quebec noted that some businesses are concerned that they “might eventually be compelled to meet the requirements of both the Official Languages Act and Quebec’s Charter of the French Language.”¹⁴⁹ The Fédération des travailleurs et travailleuses du Québec (FTQ) explained: “Applying to two different systems would create ambiguities that are neither desirable nor necessary if we truly wish to improve the use of French in Quebec.”¹⁵⁰

If federally regulated private businesses in Quebec could choose between the two language regimes, the Office québécois de la langue française would deal with those that choose to comply with the *Charter of the French Language*. As the FTQ noted, “the Office québécois de la langue française should be the body responsible for enforcing language of work rights in Quebec,” as its expertise “goes back almost 45 years.”¹⁵¹ The Office of the Commissioner of Official Languages of Canada would handle linguistic issues for those that choose to comply with the *Official Languages Act*. With regard to the jurisdiction of the official language watchdogs both at the federal level and in Quebec, Professor Rousseau gave the following statement:

The Office québécois de la langue française possesses the expertise required to interact with private undertakings and coach them through the francization process. The federal Commissioner of Official Languages [...] is much more specialized in dealing with public institutions. In the few instances in which the Commissioner attempted to have the [*Official Languages Act*] enforced in private undertakings like Air Canada, these efforts were only moderately successful.¹⁵²

Mr. Karl Blackburn, President and Chief Executive Officer of the Quebec Council of Employers, said that “employers fear that statutory or regulatory measures may be introduced, without distinctions being drawn based on the size of businesses, that would increase red tape and be difficult to implement given the lack of resources for that purpose.”¹⁵³ Bill C-32 provided for varying degrees of application of the *Official*

149 Ibid., 1640 (Mr. Karl Blackburn, President and Chief Executive Officer, Quebec Council of Employers).

150 LANG, *Evidence*, 43rd Parliament, 2nd Session, 29 April 2021, 1555 (Mr. Denis Bolduc, General Secretary, Fédération des travailleurs et travailleuses du Québec).

151 Ibid.

152 LANG, *Evidence*, 44th Parliament, 1st Session, 2 February 2022, 1610 (Mr. Guillaume Rousseau, Associate Professor, Université de Sherbrooke, As an Individual).

153 LANG, *Evidence*, 44th Parliament, 1st Session, 14 February 2022, 1640 (Mr. Karl Blackburn, President and Chief Executive Officer, Quebec Council of Employers).



Languages Act depending on the size of the business. The threshold was to be determined by regulation.

Some witnesses asked that only the *Charter of the French Language* apply to federally regulated private businesses. Mr. Laplante saw the federal government’s proposals as an effort to prevent the full implementation of Quebec’s language regime: “The federal government should not be challenging the Quebec government’s language planning or resistance measures—you can’t call them anything else—to the imposition of and compliance with linguistic obligations in federally regulated businesses.”¹⁵⁴

The QCGN stated that it recognizes that “French is the official language of work in the province of Quebec and that it is the common language in the public sphere.”¹⁵⁵ Furthermore, the organization’s representatives said that the “overwhelming majority of English Quebecers are bilingual, can work in French, and want to work” in French.¹⁵⁶ Yet, English speakers in Quebec are concerned that the government’s reform “proposes rights ... with respect to French alone,”¹⁵⁷ which could compromise the principle of legislative equality of the two official languages.

Bill C-32 did not explicitly guarantee Quebec consumers the right to communicate and obtain services in English. However, proposed subsection 45.21(3) stated that consumers may “communicat[e] with or obtai[n] services from the federally regulated private business in English or a language other than French if they wish to do so and the federally regulated private business is able to communicate or provide services in that language.”

As for language of work, Bill C-32 entrenched the right to work in French in federally regulated private businesses in Quebec, but it provided for new subsection 45.22(3), entitled “Communication in both official languages,” which confirmed that employees’ right to work in French “does not preclude communications and documents from being in both official languages but the use of French shall be at least equivalent to the use of English.”

Lastly, Bill C-32 proposed to protect existing rights for English-speaking employees of federally regulated private businesses in Quebec. New subsection 45.24(2) stated that

154 Ibid., 1600 (Mr. Robert Laplante, Director, L’Action nationale).

155 LANG, *Evidence*, 43rd Parliament, 2nd Session, 25 February 2021, 1705 (The Hon. Marlene Jennings, President, QCGN).

156 Ibid.

157 LANG, *Evidence*, 43rd Parliament, 2nd Session, 29 April 2021, 1540 (Mr. Robert Leckey, Dean and Samuel Gale Chair, Faculty of Law, McGill University, As an individual).

employers “shall not treat adversely an employee who occupies or is assigned to a position in one of those workplaces on or before the day on which this subsection comes into force for the sole reason that the employee does not have a sufficient knowledge of French.”

The Case for a Central Agency

A central agency is “[a]n agency that exists to support the Cabinet’s corporate objectives and the collective responsibilities of ministers. The three central agencies are the Privy Council Office, the Department of Finance and the Treasury Board Secretariat.”¹⁵⁸ The Treasury Board already has responsibilities as regards official languages. Its role and responsibilities are listed in Part VIII of the *Official Languages Act*. Since the start of the process to modernize the *Official Languages Act*, most stakeholders, including organizations that represent official language minority communities, have asked the federal government to change the way official languages matters are governed. They want a central agency – specifically the Treasury Board – to be made fully responsible for implementing the *Official Languages Act*.

The reform proposal included some legislative¹⁵⁹ and administrative proposals for official languages governance.¹⁶⁰ Mr. Dupuis, director general of the FCFA, said that the FCFA’s members “were pleased to see that a central agency, the Treasury Board, was appointed to coordinate the official languages policy, to ensure that it is implemented and that there is accountability.”¹⁶¹ He said it is vital “to ensure that the proposed legislation

158 Translation Bureau, “central agency,” Termium Plus.

159 “Strengthen and expand the Treasury Board’s powers, notably the power to monitor compliance with Part VII of the Act as appropriate, by providing the Treasury Board Secretariat with the necessary resources so that it assumes the role of a central body responsible for ensuring the compliance of federal institutions and by examining cases where permissive provisions would be made mandatory. Assign the strategic role of horizontal coordination to a single minister in order to ensure effective governance and implementation. Create the authority to enact policies, directives and other policy instruments to clarify guidelines on positive measures taken by federal institutions under Part VII, and as proposed in section 3.3 of this document. Create an obligation for the Government to periodically prepare a government-wide federal strategy (action plan) on official languages that would set out the Government’s main priorities and their funding, and that would promote a clearer overall direction.” Government of Canada, *English and French: Towards a Substantive Equality of Official Languages in Canada*, 2021, p. 26.

160 “Create an accountability and reporting framework to orient federal measures on official languages and provide a framework for the application of the Act. Strengthen the analysis of the impact on official languages and official language minority communities of initiatives developed by federal institutions. Add requirements related to official languages specifically for emergency situations to Treasury Board policy instruments.” Government of Canada, *English and French: Towards a Substantive Equality of Official Languages in Canada*, 2021, p. 26.

161 LANG, *Evidence*, 43rd Parliament, 2nd Session, 27 April 2021, 1705 (Mr. Alain Dupuis, Director General, FCFA).



looks at this horizontal role. It must be entrusted to one single government agency.”¹⁶²
The QCGN agreed: “There is a reason for optimism around proposals to strengthen the role of Treasury Board in the coordination of the [*Official Languages Act*].”¹⁶³

In fact, the reform proposal did not assign overall responsibility for horizontal coordination to the Treasury Board. Instead, it set out the following legislative proposals: “Strengthen and expand the Treasury Board’s powers, notably the power to monitor compliance with Part VII of the Act” by giving it “the necessary resources so that it assumes the role of a central body responsible for ensuring the compliance of federal institutions;”¹⁶⁴ and “Assign the strategic role of horizontal coordination to a single minister.”¹⁶⁵ Subsequently, Bill C-32 did not meet most stakeholders’ governance expectations. For example, Mr. Power argued that this was a critical flaw of the bill:

The best way to protect French using the Official Languages Act, whether in Ottawa, Vancouver, New Brunswick, Quebec City, Montreal or Lévis, is to make a central agency such as the Treasury Board responsible for administering the act.

Right now, no one is responsible. No one puts his foot down. No one in cabinet pounds the table when necessary. No one is requiring any federal department to adopt a certain type of conduct.

If the Treasury Board becomes responsible for administering the act and compels colleagues and the departments to take action, that will definitely help solve many problems, whether it be signage or the possibility of travelling across Canada in French, whether in Gatineau or Bagotville.¹⁶⁶

In addition, Mr. Power emphasized that the Treasury Board needs to intervene early:

The government must ensure that the Treasury Board is required to act, that it intervenes far upstream, long before problems arise and without regard to the work done by the Office of the Commissioner of Official Languages, long before a complaint is litigated in Federal Court.¹⁶⁷

162 Ibid.

163 LANG, *Evidence*, 43rd Parliament, 2nd Session, 25 February 2021, 1655 (Ms. Sylvia Martin-Laforge, Director General, QCGN).

164 Government of Canada, *English and French: Towards a Substantive Equality of Official Languages in Canada*, 2021, p. 26.

165 Ibid.

166 LANG, *Evidence*, 44th Parliament, 1st Session, 14 February 2022, 1605 (Mr. Mark Power, Lawyer, Power Law).

167 Ibid.

Ms. Lily Crist, Chair of the Board of Directors of the Fédération des francophones de la Colombie-Britannique, explained that the authority the Treasury Board can exercise over other federal institutions is precisely what motivates stakeholders to demand that it play a lead role in implementing the *Official Languages Act*.¹⁶⁸

New Powers for the Commissioner of Official Languages

The reform proposal and Bill C-32 included enhanced powers for the Commissioner of Official Languages. As Ms. Sarah Boily, Director General of Official Languages at Canadian Heritage, explained, the amended *Official Languages Act* was to grant four new powers to the Commissioner:

The Commissioner would have the power, first, to make public the recommendations of the office's investigation reports; second, to enter into compliance agreements with federal entities in accordance with their wishes to determine how to resolve situations; and, third, to make orders. As you know, orders are approved by federal courts, which, once again, permits a certain type of behaviour to be expected of federal institutions.¹⁶⁹

The fourth power included in Bill C-32 related to the Commissioner's work with federally regulated private businesses that would be subject to the *Official Languages Act*.

Ms. Crist stated that her organization agreed that the Commissioner should have the power to "impose sanctions and make orders, including authority to impose fines for breaches of language obligations under the act."¹⁷⁰ Ms. Cassie advocated for the same changes:

That's why we want the commissioner to have the authority to make orders and impose penalties. We need more teeth. We've seen in recent years that the current approach doesn't work. It doesn't compel people to act and recognize language rights.¹⁷¹

However, Mr. Roger Lepage argued in favour of creating an administrative tribunal:

168 Ibid., 1545 (Ms. Lily Crist, Chair, Fédération des francophones de la Colombie-Britannique).

169 LANG, *Evidence*, 44th Parliament, 1st Session, 16 February 2022, 1630 (Ms. Sarah Boily, Director General, Official Languages, Department of Canadian Heritage).

170 LANG, *Evidence*, 44th Parliament, 1st Session, 14 February 2022, 1545 (Ms. Lily Crist, Chair, Fédération des francophones de la Colombie-Britannique).

171 Ibid., 1655 (Ms. Angela Cassie, Chair, Board of Directors, Société de la francophonie manitobaine).



the OLA should be amended to mandate the establishment of an independent tribunal to adjudicate violations of the OLA and to provide the power to impose remedies and financial penalties. I suggest following the model of human rights tribunals.¹⁷²

Mr. Lepage said that he had “found that citizens file complaints with the Commissioner of Official Languages, and then the commissioner investigates and files a report with recommendations; then there are very few subsequent results.”¹⁷³

There are results only when, subsequently, the commissioner himself or the complainant takes the case to the Federal Court and it is handled at the judicial level.

In my view, the current process lacks teeth. I think the commissioner can continue to have the same powers. However, when he makes a report that the complaint has merit and the respondent is not prepared to resolve the case through negotiations and agreements, the complaint should automatically be filed with an independent tribunal. This would be a Canadian language rights tribunal. It would have the same powers as a human rights tribunal.¹⁷⁴

Part VII of the *Official Languages Act*

Part VII of the *Official Languages Act* sets out the federal government’s commitment to support the development of official language minority communities. As Mr. Forgues explained, Part VII “directly concerns the communities.”¹⁷⁵ It “requires the government to take positive measures to enhance the vitality of the minorities and to assist their development.”¹⁷⁶ Citing legal scholar Michel Doucet, Mr. Forgues reminded the Committee that Part VII has “a remedial character” and “its purpose is not to maintain the status quo but instead to remedy the historic and gradual erosion of the rights of official language minorities.”¹⁷⁷ Professor Landry underscored the importance of Part VII as follows:

172 LANG, *Evidence*, 44th Parliament, 1st Session, 7 February 2022, 1600 (Mr. Roger Lepage, Lawyer, As an Individual).

173 Ibid.

174 Ibid.

175 LANG, *Evidence*, 43rd Parliament, 2nd Session, 22 April 2021, 1550 (Mr. Eric Forgues, Executive Director, Canadian Institute for Research on Linguistic Minorities).

176 Ibid.

177 Ibid.

[N]o language policy or law has an impact on the vitality of a minority unless it promotes the linguistic and the cultural socialization of its members. In our view, only part VII of the Official Languages Act appears, at least implicitly, to offer that potential.¹⁷⁸

Given the value of Part VII to these communities, many witnesses called for it to be strengthened.

The Federal Court of Appeal Decision Regarding Part VII

In 2018, the Federal Court of Canada handed down a decision that had a major impact on the interpretation of Part VII of the *Official Languages Act*. In *Fédération des francophones de la Colombie-Britannique v. Canada (Employment and Social Development)*¹⁷⁹ (Gascon decision), a case concerning the language duties of a federal institution when powers are devolved to a province, Justice Gascon ruled that the lack of a definition of “positive measures” meant that any action taken by a federal institution would suffice and that there was no “minimum threshold” that must be met. Furthermore, the complaints that initiated the case were not founded because they concerned specific measures in a context where it was impossible to determine what a positive measure is. Consequently, the Federal Court decision forced the Office of the Commissioner of Official Languages to revise its criteria for reviewing the complaints it receives under Part VII. As a result, many of them were rendered inadmissible, and the Commissioner was limited in the findings that could be drawn from investigations.¹⁸⁰

The Making of Regulations Under Part VII of the *Official Languages Act*

The Gascon decision sparked an urgent call to make regulations under Part VII of the *Official Languages Act*. Many stakeholders argued that the very capacity of the *Official Languages Act* to protect official language minority communities was under threat unless the federal government prescribed the manner in which the duties in Part VII are to be carried out. Professor Landry explained the problem as follows:

From what I understand of the analyses conducted by the legal experts who interpret part VII of the Official Languages Act, considerable work remains to be done to clarify its

178 Ibid. (Mr. Rodrigue Landry, Professor Emeritus, Université de Moncton, and former director general, Canadian Institute for Research on Linguistic Minorities, As an Individual).

179 *Fédération des francophones de la Colombie-Britannique v. Canada (Employment and Social Development)*, 2018 FC 530.

180 Office of the Commissioner of Official Languages [OCOL], *Annual Report 2018–2019*, 2019, p. 5; OCOL, *Statement by the Commissioner of Official Languages of Canada on the appeal of the Federal Court’s decision in the FFCB case*, 27 October 2021; LANG, *Evidence*, 42nd Parliament, 1st Session, 18 October 2018, 0910 (Mr. Raymond Thériault, Commissioner of Official Languages of Canada).



object and scope. What does it mean to take “positive measures” in order “to enhance the vitality of the minorities,” “to support and assist their development” and “to foster the full recognition and use of both English and French in Canadian society”? In my view, if these ambitious aims are not reflected in specific and actual objectives regarding community vitality or in clear government responsibilities and commitments, the Official Languages Act may well be important in appearance, given its symbolic character for the country, but have no substantial impact on the actual equality of the two major linguistic communities concerned.¹⁸¹

In its reform proposal, the federal government stated that it would, first, make regulations governing the implementation of positive measures by federal institutions and, second, “enact binding policy instruments concerning positive measures.”¹⁸²

The Commissioner of Official Languages appealed the Federal Court decision in *Fédération des francophones de la Colombie-Britannique v. Canada (Employment and Social Development)*.¹⁸³ The resulting Federal Court of Appeal decision was issued on 28 January 2022.

In *Canada (Commissioner of Official Languages) v. Canada (Employment and Social Development)*,¹⁸⁴ the Federal Court of Appeal overturned the portion of the trial court’s decision in *Fédération des francophones de la Colombie-Britannique v. Canada (Employment and Social Development)*¹⁸⁵ dealing with Part VII of the *Official Languages Act*. It ruled that the “trial judge’s interpretation of Part VII essentially renders it meaningless,”¹⁸⁶ departs from the wording of Part VII, “ignores its purpose and gives the regulation a significance that the legislator did not contemplate.”¹⁸⁷

181 LANG, *Evidence*, 43rd Parliament, 2nd Session, 22 April 2021, 1555 (Mr. Rodrigue Landry, Professor Emeritus, Université de Moncton, and former director general, Canadian Institute for Research on Linguistic Minorities, As an Individual).

182 Government of Canada, *English and French: Towards a Substantive Equality of Official Languages in Canada*, 2021, p. 18.

183 *Fédération des francophones de la Colombie-Britannique v. Canada (Employment and Social Development)*, 2018 FC 530.

184 *Canada (Commissioner of Official Languages) v. Canada (Employment and Social Development)*, 2022 FCA 14.

185 *Fédération des francophones de la Colombie-Britannique v. Canada (Employment and Social Development)*, 2018 FC 530.

186 *Canada (Commissioner of Official Languages) v. Canada (Employment and Social Development)*, 2022 FCA 14, para. 145.

187 *Ibid.*, para. 146.

The Federal Court of Appeal found that the federal government’s commitment in Part VII must be interpreted in light of the purpose of the Act, the principle of minority protection, the principle of advancing the equality of status and use of both official languages, and substantive equality.¹⁸⁸ Furthermore, the decision recognized that Part VII plays a vital role in preventing the erosion of official language minority communities and that this fact must guide the positive measures that federal institutions take.¹⁸⁹ In the Federal Court of Appeal’s view, the duty to take positive measures is ongoing.¹⁹⁰

As regards the lack of regulations, the Federal Court of Appeal remarked that “the obligation to take positive measures is derived from the OLA [*Official Languages Act*] itself and it is the manner in which this obligation is to be carried out that the Governor in Council ‘may’ prescribe by regulation.”¹⁹¹ Moreover, the court wrote, “[t]he obligation to enhance the vitality of linguistic minority communities contemplates concrete actions, recognizable on the basis of the intended purpose, without the need for further specification by way of a regulation.”¹⁹²

Again addressing the issue of regulations, the Federal Court of Appeal stated that “the suggestion that a regulation is required in order for specific measures to be taken would bring the obligation set out in Part VII to a standstill and defeat its purpose rather than contribute to its achievement.”¹⁹³

Finally, the Federal Court of Appeal confirmed that the courts can require non-compliant federal institutions to take remedial action, which means that they must take measures to remedy the harm done to the official language minority communities affected.¹⁹⁴

Mr. Mark Power, whose law firm represented the Fédération des francophones de la Colombie-Britannique throughout this legal battle, said that “the Federal Court of

188 Ibid., paras. 127–130, 132 and 137.

189 Ibid., para. 136.

190 Ibid., paras. 141 and 189.

191 Ibid., para. 147.

192 Ibid.

193 Ibid., para. 151.

194 Ibid., paras. 191–195.



Appeal has rendered an absolutely fantastic judgment promoting the advancement of French in Canada.”¹⁹⁵

Regarding the making of regulations under Part VII, Mr. Power said that Canadians cannot count on regulations being made. Accordingly, Parliament needs to enshrine clear provisions for interpreting and implementing Part VII in the *Official Languages Act* itself:

The future of official languages in Canada depends on very clear and precise guidelines being set forth by Parliament. Those guidelines may or may not lead to regulations, but they can't be contingent on the goodwill of those who exercise executive power. They may never make regulations, as the past 40 years have essentially demonstrated.¹⁹⁶

The lawyers at Power Law reiterated this argument in their brief, noting that the “gains made at the Court of Appeal remain uncertain,”¹⁹⁷ as the “federal government could try to appeal the Court of Appeal’s ruling to the Supreme Court of Canada.”¹⁹⁸ In addition, the decision addressed a specific problem, “a federal-provincial agreement in the area of employment assistance without a robust linguistic clause.”¹⁹⁹ As a result, its application “in other contexts (e.g., its scope in the area of immigration, the contexts in which it requires the adoption of linguistic clauses and their scope, or its usefulness in framing the duty to consult our communities) is a matter of argument.”²⁰⁰

Accordingly, the Power Law lawyers maintained that it “is imperative to enshrine the gains from the Court of Appeal’s judgment in a modernized OLA.”²⁰¹

A Stronger Part VII

For a number of years now, official language minority communities and various stakeholders have been calling on the federal government to take four main measures to strengthen Part VII:

195 LANG, *Evidence*, 44th Parliament, 1st Session, 14 February 2022, 1555 (Mr. Mark Power, Power Law).

196 Ibid., 1610.

197 Mark Power, Darius Bossé and Chris Casimiro, *Fédération des francophones de la C-B v Canada (ESDC): A Driving Force for the Modernization of Part VII of the Official Languages Act*, 14 February 2022, p. 3.

198 Ibid.

199 Ibid.

200 Ibid.

201 Ibid.

- conduct more research to support the development and implementation of public policies;
- hold meaningful consultations with official language minority communities;
- include binding language clauses in bilateral arrangements or agreements with the provinces and territories; and
- improve transparency and accountability practices.

Research to Improve Public Policy on Official Languages

On the research issue, Mr. Forgues pointed out that there is a “community of researchers” that can “assist government and the action it takes.”²⁰² This community has “extensive expertise in official languages,” and many of them “have contributed to this effort a keen understanding of the factors that influence a community’s linguistic vitality.”²⁰³ Professor Landry made similar comments regarding the importance of language policy research:

Revitalizing a language is an ambitious and complex undertaking. No language can be revitalized without a genuine language plan. This plan is based on an extensive and ongoing research program that guides the precise nature of priority objectives, the implementation of actions designed to achieve them and evaluations verifying their effectiveness.²⁰⁴

The Need for Consultations and the Principle of “By and For” Official Language Minority Communities

Multiple witnesses stated that the federal government’s actions on official languages need to be consistent with the “by and for” principle. Mr. Dupuis defined this concept as “the ability of communities to do their own development.”²⁰⁵ He also argued that such an approach would foster communities’ independence:

202 LANG, *Evidence*, 43rd Parliament, 2nd Session, 22 April 2021, 1545 (Mr. Eric Forgues, Executive Director, Canadian Institute for Research on Linguistic Minorities).

203 Ibid.

204 Ibid., 1555 (Mr. Rodrigue Landry, Professor Emeritus, Université de Moncton, and former director general, Canadian Institute for Research on Linguistic Minorities, As an Individual).

205 LANG, *Evidence*, 43rd Parliament, 2nd Session, 27 April 2021, 1625 (Mr. Alain Dupuis, Director General, FCFA).



This is in keeping with the idea that communities are development partners of the federal government, not just groups to be funded. From this perspective, federal assistance to communities should be used to strengthen community ownership.²⁰⁶

Mr. Power explained that the Federal Court of Appeal decision in *Canada (Commissioner of Official Languages) v. Canada (Employment and Social Development)*²⁰⁷ further clarified the notion of consultations with official language minority communities. The court stated that federal institutions should “be aware of and attentive to the needs of official language minority communities across the country and to consider the impact that the decisions that they are called upon to take may have on these communities.”²⁰⁸

Mr. Forgues asserted that the federal government’s consultations need to foster public participation: “Consultations must not be restricted to francophone professionals. I believe it is dangerous to limit consultations to organizations because an organization, by definition, will always advocate a point of view related to the very purpose of its existence, mission, objectives and so on.”²⁰⁹ Mr. Forgues acknowledged that “those organizations have developed expertise in their spheres of action”²¹⁰ and that this “expertise should not be overlooked.”²¹¹ However, he emphasized that “there has been a tendency to overlook citizen expertise in recent years.”²¹² Accordingly, he proposed that the government “encourage the creation of citizen deliberation spaces to determine the needs and priorities of the communities and to propose ways of addressing them, but, more broadly, to determine a society-wide project for the francophonie.”²¹³ Mr. Forgues added that transparency and accountability need to be considered: “It is important that francophone actors and the Canadian government inform the public of progress that has been made.”²¹⁴

The reform proposal stated that regulations prescribing the manner for carrying out Part VII would affect issues such as stakeholder consultation and the accountability of

206 Ibid.

207 *Canada (Commissioner of Official Languages) v. Canada (Employment and Social Development)*, 2022 FCA 14.

208 Ibid., para. 159.

209 LANG, *Evidence*, 43rd Parliament, 2nd Session, 22 April 2021, 1550 (Mr. Eric Forgues, Executive Director, Canadian Institute for Research on Linguistic Minorities).

210 Ibid.

211 Ibid.

212 Ibid.

213 Ibid.

214 Ibid., 1545 (Mr. Eric Forgues, Executive Director, Canadian Institute for Research on Linguistic Minorities).

federal institutions.²¹⁵ According to the lawyers at Power Law, more should be done. They called on Parliament to “enshrine the duty to consult set out by the Court of Appeal in the OLA and specify its parameters.”²¹⁶ They said that the *Official Languages Act* and Bill C-32 “do not enshrine the ‘by and for’ principle and do not provide for a robust consultation mechanism.”²¹⁷ On this point, they advised parliamentarians to draw on the wording of Bill C-11, An Act to amend the Broadcasting Act, in drafting the next official languages bill:

5.2 (1) The Commission shall consult with English and French linguistic minority communities in Canada when making decisions that could adversely affect them.

Objectives of consultations

(2) When engaging in consultations required by subsection (1), the Commission shall

(a) gather information to test its policies, decisions and initiatives;

(b) propose policies, decisions and initiatives that 40 have not been finalized;

(c) seek the communities’ opinions with regard to the policies, decisions or initiatives that are the subject of the consultations;

(d) provide them with all relevant information on which those policies, decisions or initiatives are based;

(e) openly and meaningfully consider those opinions;

(f) be prepared to alter those policies, decisions or initiatives;

and

215 Government of Canada, *English and French: Towards a Substantive Equality of Official Languages in Canada*, 2021, p. 18.

216 Mark Power, Darius Bossé and Chris Casimiro, *Fédération des francophones de la C-B v Canada (ESDC): A Driving Force for the Modernization of Part VII of the Official Languages Act*, 14 February 2022, p. 5.

217 Ibid.



(g) provide the communities with feedback, both during the consultation process and after a decision has been made.²¹⁸

Support for Minority Community Organizations

The issue of federal support for official language community organizations and institutions came up often in the testimony from official language minority community representatives.

Mr. Daniel Boivin, President of the Fédération des associations de juristes d'expression française de common law, underlined the importance of the federal government's financial support for associations of francophone lawyers. He expressed the same view as many witnesses before him: multi-year financial support is preferable because one-time or project-based funding does not ensure organizations can continue operating over the long term.

Obviously, this recommendation applies to organizations in other sectors, including the culture sector. Ms. Tamilio also mentioned the need for multi-year funding:

The vitality of the French language is generally part of the mandate of local community organizations and programs, and government programs to promote official languages. The federal government offers grants for core programming, which for us means \$30,000 a year to further the development of the French language in a French-speaking minority town. This amount allows us to hire an employee who works 20 hours a week, at non-competitive wages and without benefits.²¹⁹

Organizations such as the one that Ms. Tamilio represents can apply for funding for specific projects. However, this type of funding can cause serious problems for small organizations:

[O]n the community side of things, we receive \$30,000 a year. If we want to undertake any projects, we have to request funds for these specific projects. So if we factor in the time required before receiving approval for our funding application and the fact that we have until March 31 to complete the project, we sometimes have six months left to organize a special project for the region's francophone community.

Why couldn't the government gather our project ideas together and give us funds from the core programming reserve rather than require us to submit applications for short-

218 House of Commons, 44th Parliament, 1st Session, Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts, 2 February 2022.

219 LANG, *Evidence*, 44th Parliament, 1st Session, 16 February 2022, 1710 (Ms. Tanya Tamilio, President, Centre communautaire francophone de Sarnia-Lambton).

term projects? It could simply give us the funds and the means to go into the communities to promote the language.²²⁰

Support for official language minority community institutions is one of the guiding principles of the reform proposal. This set of legislative and administrative changes essentially commits the federal government to taking various measures to support key sectors such as immigration, the education continuum, school administration, health care, culture, justice and other services, while respecting jurisdiction. These measures include improved consultations, the collection of data on communities and increased accountability.

As Mr. Boivin noted, the renewal of the action plan for official languages is an opportunity to put in place a significant, lasting initiative that ensures the long-term survival of community organizations.²²¹ It is worth noting that the *Action Plan for Official Languages 2018–2023: Investing in Our Future* had increased core funding for community organizations.

Intergovernmental Cooperation: Binding Language Clauses

Federal government support for official language minority communities exists in numerous sectors, including several that fall within provincial and territorial jurisdiction.

Subsection 41(2) of the *Official Languages Act* limits federal government support by stipulating that federal measures taken pursuant to Part VII must respect the jurisdiction and powers of the provinces. In addition, subsection 43(1) provides that the federal government may “encourage and assist provincial governments to support the development of English and French linguistic minority communities generally and, in particular, to offer provincial and municipal services in both English and French and to provide opportunities for members of English or French linguistic minority communities to be educated in their own language” and “encourage and assist provincial governments to provide opportunities for everyone in Canada to learn both English and French.”

Consistent with provincial and federal jurisdiction, the federal government negotiates bilateral arrangements or agreements with the provinces and territories in a number of areas. This practice enables it to fulfill the requirements of Part VII while respecting the

220 Ibid., 1755.

221 LANG, *Evidence*, 44th Parliament, 1st Session, 2 February 2022, 1550 (Mr. Daniel Boivin, President, La Fédération des associations de juristes d'expression française de common law inc.).



other governments' priorities. Some of these agreements relate to universal programs, while others are specific to official language minority communities.

For many years now, official language minority communities and other stakeholders – including the Committee – have pointed out that the language clauses in these agreements, if any, are too often limited or declaratory. They do not force provincial and territorial governments, which sign these agreements voluntarily, to apply the principle of substantive equality under universal agreements or to precisely comply with the terms of those that concern communities only. The lawyers at Power Law stated plainly that, without “enforceable language clauses, provinces and territories are using these large sums of money without regard for the interests of official language communities”²²² and that, for decades, “their inclusion and quality in provincial/territorial agreements have been haphazard.”²²³

The FCFA argued that strong language clauses are an effective way of strengthening Part VII. Mr. Dupuis explained that these clauses can address the transparency and accountability duties of both levels of government, which is a key issue in bilateral arrangements or agreements concerning transfer payments from the federal government to the provincial and territorial governments:

The federal government transfers a great deal of money for health, education and infrastructure to the provinces and territories. However, we often can't follow that money and we can't demonstrate that it has any impact on our communities. We could transfer billions of dollars in infrastructure to the provinces by including a language clause that would require the provinces to consult the minority to find out their infrastructure needs. This would ensure that the provinces and territories take our needs into account when setting their priorities, which directly impact our communities.²²⁴

The recent ruling in *Canada (Commissioner of Official Languages) v. Canada (Employment and Social Development Canada)*²²⁵ addresses the federal government's duty to ensure that the language rights of official language minority communities are protected in intergovernmental agreements that devolve authority. The representatives of Power Law explained that the 2008 agreement for the provision of employment assistance services between the federal and British Columbia governments included

222 Mark Power, Darius Bossé and Chris Casimiro, *Fédération des francophones de la C-B v Canada (ESDC): A Driving Force for the Modernization of Part VII of the Official Languages Act*, 14 February 2022, p. 4.

223 *Ibid.*

224 LANG, *Evidence*, 43rd Parliament, 2nd Session, 27 April 2021, 1625 (Mr. Alain Dupuis, Director General, FCFA).

225 *Canada (Commissioner of Official Languages) v. Canada (Employment and Social Development)*, 2022 FCA 14

language clauses. However, none “allowed the federal government to intervene if the actions of the province harmed the francophone community, despite the requests of the francophone community.”²²⁶ The fears of British Columbia francophones were realized when the province adopted a single-window model. As a result, French-language services were substantially reduced, and “most francophone organizations [that were providing these services] los[t] their funding.”²²⁷

The Federal Court of Appeal ruled that the federal government had not consulted the francophone community and therefore had not fulfilled its responsibility to enhance the vitality of francophones in British Columbia or to “counte[r] or mitigat[e] the effects of measures that could have a negative impact, such as the obligation to include a linguistic clause in the federal provincial agreement that would allow the federal government to intervene if the province does not act in a manner that would support the vitality of the French-speaking community or acted in a manner that adversely affects it.”²²⁸ Accordingly, the Federal Court of Appeal “ordered the federal government to terminate or renegotiate the agreement to include a linguistic clause in order to, ‘to the extent possible, restore the network of employment assistance services with the participation of the Francophone organizations based on the model that existed before the signing of the Agreement, while taking into account the current needs of B.C.’s French linguistic minority community.”²²⁹

The Power Law lawyers explained that “the Court of Appeal’s decision requires that federal institutions consult official language minority communities and include linguistic clauses in federal-provincial/territorial agreements that enable them to ensure that the provinces and territories do not act in a manner that hinders the vitality of minority language communities.”²³⁰

Yet, as noted above, the decision concerned a specific case, and the gains remain precarious. Accordingly, the representatives of Power Law asserted that “Parliament should include in the modernized *OLA* an obligation to include robust linguistic clauses in federal-provincial/territorial agreements.”²³¹ As they pointed out, “[n]either the *OLA* nor Bill C-32 require the inclusion of linguistic clauses in federal-provincial/territorial

226 Mark Power, Darius Bossé and Chris Casimiro, *Fédération des francophones de la C-B v Canada (ESDC): A Driving Force for the Modernization of Part VII of the Official Languages Act*, 14 February 2022, p. 2.

227 Ibid.

228 Ibid., pp. 2–3.

229 Ibid., p. 3.

230 Ibid.

231 Ibid., p. 3.



agreements.”²³² Bill C-13 does not have any provisions that would require linguistic clauses to be included in agreements signed between the federal government and the provinces and territories. According to lawyer Roger Lepage, the fact that linguistic clauses were not included when the government negotiated daycare agreements was a missed opportunity for the federal government.²³³

Supporting the Vitality of French Through Francophone Immigration

Francophone Immigration in Francophone Minority Communities

Immigration is one of the areas where government action is viewed as critical to the future of Canada’s francophone communities. As a result, for many years now, francophone minority communities have been working with the federal government to strengthen their capacity to recruit, take in and integrate francophone immigrants. In addition to enriching communities with their unique cultures, knowledge and experience, francophone immigrants help bring the demographic weight of Canada’s francophones into relative balance with that of the anglophone majority.

The government has been taking measures to promote francophone immigration in francophone minority communities at every stage in the immigration process. In March 2019, Immigration, Refugees and Citizenship Canada (IRCC) launched a strategy entitled *Meeting our Objectives: Francophone Immigration Strategy*, which set a target of 4.4% of immigrants outside Quebec being francophones by 2023. Mr. Glen Linder, Director General of International and Intergovernmental Relations, reported that “IRCC has since launched new initiatives to reach that 4.4% target, notably by awarding additional points to French-speaking and bilingual applicants in the express entry system, which [is used] to manage permanent residence applications from skilled workers outside Quebec.”²³⁴ Mr. Linder continued, “[t]he strategy has yielded positive results. Admissions have constantly increased from less than 2% in 2017 to 3.6%

232 Ibid., p. 4.

233 LANG, *Evidence*, 44th Parliament, 1st Session, 7 February 2022, 1610 (Mr. Roger Lepage, Lawyer, As an Individual).

234 LANG, *Evidence*, 44th Parliament, 1st Session, 16 February 2022, 1620 (Mr. Glen Linder, Director General, International and Intergovernmental Relations, Department of Citizenship and Immigration).

in 2020.”²³⁵ Because of the COVID-19 pandemic, the share of francophone admissions fell in 2021 to 2%.²³⁶

During the pandemic, IRCC implemented a number of measures, including a pathway from temporary to permanent residence. Mr. Linder described the results: “By the time the pathway closed on November 5, 2021, the department had received 2,300 applications in the two components reserved for French-speaking essential workers and approximately 4,700 applications in the component reserved for recently graduated francophone international students.”²³⁷

Ms. Corinne Prince, Acting Assistant Deputy Minister of Settlement and Integration, explained that IRCC is working closely with francophone minority communities. For example, she said, “[l]ast year we increased the number of francophone service providers outside of Quebec from 50 to 80 and invested many more millions of dollars in francophone services.”²³⁸ Moreover, a few weeks earlier, Minister, Fraser, “added nine additional resettlement agencies to assist with the incoming Afghan refugees. We doubled the number of francophone resettlement agencies in that announcement, adding agencies in Bathurst and Edmonton as well as in Grande Prairie and Fort McMurray.”²³⁹

Despite the efforts of IRCC and francophone communities, the Government of Canada is not recruiting, taking in or, especially, retaining enough francophone immigrants to boost the French-speaking population outside Quebec or even slow its decline.

Ms. Cassie described the situation in Manitoba as follows:

From 2010 to 2019, more than 4,800 immigrants arriving in Manitoba were able to communicate in French. Despite our efforts, and although we have an initiative to attract them, we took in only 301 immigrants and 109 refugees in 2020-2021.

So we have the capacity and the will to take them in, but approvals are lagging. We really need to step up the process and set even bolder targets.²⁴⁰

235 Ibid.

236 Ibid.

237 Ibid.

238 LANG, *Evidence*, 44th Parliament, 1st Session, 16 February 2022, 1645 (Ms. Corinne Prince, Acting Assistant Deputy Minister, Settlement and Integration, Department of Citizenship and Immigration).

239 Ibid.

240 LANG, *Evidence*, 44th Parliament, 1st Session, 14 February 2022, 1650 (Ms. Angela Cassie, Chair, Board of Directors, Société de la francophonie manitobaine).



Mr. Martin Normand, Director of Strategic Research and International Relations at the Association des collèges et universités de la francophonie canadienne), raised an issue with recruiting international students to French-language post-secondary institutions in a minority setting:

Our establishments, or I should say our network of establishments, have been promoting study programs in French outside of Quebec at francophone establishments across Canada. The problem is, IRCC will often use intent to remain in Canada after one's studies as a reason to refuse a study permit application.²⁴¹

A Statistics Canada study found that, in some provinces, the number of French-speaking immigrants would need to triple to maintain the relative demographic weight of the francophone population.²⁴² As Ms. Crist noted, the most recent study on francophone immigration by the Commissioner of Official Languages estimated that “failure to reach that target has resulted in a shortfall of approximately 76,000 francophone immigrants in our communities. That figure could represent the entire francophone population of my province.”²⁴³

Mr. Termote argued that francophone immigration is not a panacea for the demographic troubles of minority francophones. He believes that “having francophones or francophiles immigrate to areas other than Quebec could solve the problem with respect to the future of French in some regions like Manitoba.”²⁴⁴ However, he pointed out that, “even if the effort to have a few more francophones and francophiles immigrate to communities outside Quebec [were successful, it] would not do anything to reverse the trend observed in the rest of Canada.”²⁴⁵ Professor Castonguay shares this view. He said, “[f]rancophone immigration to Quebec definitely has the potential to expand and persist, to contribute permanently to French in Quebec and thus in Canada.”²⁴⁶ However, outside of Quebec, francophone immigration does not have the desired effect, particularly due to the language transfer toward English that happens

241 LANG, *Evidence*, 44th Parliament, 1st Session, 7 February 2022, 1640 (Mr. Martin Normand, Director, Strategic Research and International Relations, Association des collèges et universités de la francophonie canadienne).

242 LANG, *Evidence*, 43rd Parliament, 2nd Session, 9 March 2021, 1905 (Mr. Jean-Pierre Corbeil, Assistant Director, Diversity and Sociocultural Statistics, Statistics Canada).

243 LANG, *Evidence*, 44th Parliament, 1st Session, 14 February 2022, 1545 (Ms. Lily Crist, Chair, Board of Directors, Fédération des francophones de la Colombie-Britannique).

244 LANG, *Evidence*, 44th Parliament, 1st Session, 2 February 2022, 1615 (Mr. Marc Termote, Associate Professor, Department of Demography, Université de Montréal, As an Individual).

245 Ibid.

246 LANG, *Evidence*, 43rd Parliament, 2nd Session, 9 March 2021, 2010 (Prof. Charles Castonguay, Retired professor).

among migrants from Quebec and international immigrants: “[N]ative Quebecers who migrate outside Quebec, in the same way international immigrants migrate to other provinces, become anglicized, starting in the first generation, at virtually the same rate as their host francophone society.”²⁴⁷ The matter of language transfer is addressed in greater detail later in the report.

The *Official Languages Act* reform proposal cites immigration as an area for priority action. The federal government plans to add to the *Official Languages Act* a duty to adopt a francophone immigration policy and to include an immigration component in the next government-wide official languages strategy. Mr. Dupuis of the FCFA, who testified before Bill C-32 was introduced, said he was pleased by this commitment. He suggested that the francophone immigration policy should be created in cooperation with communities. In his view, a made-to-measure policy developed “with, by and for” francophones would result in a superior approach to francophone immigration:

The government’s approach has always been to establish an immigration program first and to add a francophone component afterwards. Going forward, it will be possible to give greater consideration to recruitment, promotion, international students and guidance to help temporary foreign workers become permanent residents.

This is an opportunity for a holistic approach to francophone immigration. The policy announcement and similar new tools make us very hopeful.²⁴⁸

In addition, the FCFA stated that the federal government needs to take “bold action on francophone immigration and on support for the social and cultural vitality of the francophone communities.”²⁴⁹ Consequently, the organization called on the government to set a “new catch-up and repair target [a progressive target for francophone immigration of 12% by 2024 and 20% by 2036] to ensure that the demographic weight of our communities will increase in the future, rather than stay the same or decline.”²⁵⁰

The lawyers at Power Law, who appeared after Bill C-32 was introduced in the House of Commons, commented in more detail on the proposal to require a francophone immigration policy:

Bill C-32 only requires the Minister of Citizenship and Immigration to adopt a policy on francophone immigration, whatever that policy may be, which has already been in place for years, and not the policy needed to ensure the survival of francophone communities.

247 Ibid.

248 LANG, *Evidence*, 43rd Parliament, 2nd Session, 27 April 2021, 1655 (Mr. Alain Dupuis, Director General, FCFA).

249 Ibid., 1545.

250 Ibid., 1625.



Rather, the modernized *OLA* must compel the Minister of Citizenship and Immigration to adopt a policy whose objective is to restore the demographic weight of French speakers.²⁵¹

One way to improve the federal government’s francophone immigration programs may be to conduct additional research. Ms. Mariève Forest, a sociologist and Visiting Professor at the University of Ottawa, told the Committee about “the importance of systematically viewing immigration from a longitudinal perspective, meaning a perspective that considers the dynamics of language transfer.”²⁵² Professor Forest pointed out that “language retention among immigrants has received little attention.”²⁵³ Yet demographic projections show that, if language retention rates are the same for francophones born in Canada as those born abroad, the work that Franco-Ontarian communities do to take in immigrants is not enough to “greatly influence the demographic curve.”²⁵⁴ Professor Forest said that more research is needed on language practices, such as the factors that limit language transfer among immigrants, with a view to protecting French in Canada.²⁵⁵

Finally, Professor Landry highlighted a problem with francophone immigration in minority communities: “[I]mmigrants go to big cities, but that’s where assimilation is strongest.” In his view, therefore, “[w]e can’t expect immigrants who undergo francization as a result of contact with other francophones to be any more resistant to assimilation than old-stock francophones.”²⁵⁶

As regards language transfer for immigrants, Professor Castonguay explained that, “despite the fact that the Francotrope component of the Allophone population outside Quebec has risen, by 2016, to over one million, Allophone shift to French has remained insignificant.”²⁵⁷ Professor Castonguay defines francotropes as being “[a]llophones whose mother tongue is either a Romance language (save Italian) or a language spoken

251 Mark Power, Darius Bossé and Chris Casimiro, *Fédération des francophones de la C-B v Canada (ESDC): A Driving Force for the Modernization of Part VII of the Official Languages Act*, 14 February 2022, pp. 4–5.

252 LANG, *Evidence*, 43rd Parliament, 2nd Session, 27 April 2021, 1550 (Ms. Mariève Forest, Sociologist, President and Founder, Sociopol, and Visiting Professor, University of Ottawa, As an Individual).

253 Ibid.

254 Ibid.

255 Ibid.

256 LANG, *Evidence*, 43rd Parliament, 2nd Session, 22 April 2021, 1720 (Mr. Rodrigue Landry, Professor Emeritus, Université de Moncton, and former director general, Canadian Institute for Research on Linguistic Minorities, As an Individual).

257 Mr. Charles Castonguay, *French in Free Fall: The Failure of Canadian and Quebec Language Policies. A brief presented by Charles Castonguay to the Standing Committee on Official Languages*, 9 March 2021, p. 25.

in former French colonies or protectorates.”²⁵⁸ He added, “[b]ecause of their linguistic or historical affinities with French, Francotropes – in Quebec, at least – are more prone to assimilate to French than to English.”²⁵⁹ He also made the following observation:

It is worthy of note, furthermore, that among the 14,300 cases of net shift from Other languages to French in 2016 ... only 592 were reported by Allophones born in Canada. English is thus, to all intents and purposes, the exclusive language of assimilation of Canadian-born Allophones outside Quebec. Moreover, the major part of the few cases of shift to French reported by Allophone immigrants outside Quebec, Francotropes included, was, in all likelihood, previously completed abroad, before immigrating, as we have already seen to be the case in Quebec.²⁶⁰

Professor Castonguay also explained that “[a] steady stream of Francophone newcomers can help keep numbers up. But once established in the rest of Canada, Francophones from Quebec shift to English to almost the same degree as Francophones born outside Quebec.”²⁶¹ Therefore, he concluded that “[t]he contribution of Francophone immigrants from abroad, actively fostered by Ottawa since 2003, proves likewise ephemeral,”²⁶² and that “[f]or the same reasons, the more recent policy of promoting Francophone – or, for that matter, Francotrope – immigration towards the rest of Canada, in order to bolster the flagging demography of the Francophone minorities outside Quebec, appears equally ill-advised.”²⁶³ He believes that, “[a]side from the Acadian part of New Brunswick and certain Ontario counties bordering on Quebec, provinces other than Quebec simply do not provide most Francophone or Francotrope newcomers with a linguistic environment in which to thrive in French.”²⁶⁴

Francophone Immigration in Quebec

Mr. Linder explained that the main goals of the *Canada–Québec Accord relating to Immigration and the Temporary Admission of Aliens* (the Canada–Quebec Immigration Accord) are to “preserve Quebec’s demographic weight within Canada and to integrate

258 Ibid., p. 20.

259 Ibid.

260 Ibid., p. 25.

261 Ibid., p. 26.

262 Ibid.

263 Ibid., p. 28.

264 Ibid.



immigrants to the province in a manner that respects the distinct identity of the province.”²⁶⁵

As regards the immigration targets, Mr. Linder gave the following explanation: “As a result of the accord, Quebec is the only province that publishes its immigration objectives and targets every year.”²⁶⁶ However, the federal government must “establish the total annual number of immigrants for the country as a whole, taking into account Quebec’s position on the number of immigrants it wishes to accept in all classes.”²⁶⁷

In addition, the Canada–Quebec Immigration Accord gives the Quebec government other responsibilities for immigrant selection:

[E]stablishing its own economic immigrant selection criteria, setting and assessing financial criteria for sponsoring in the family reunification class, selecting refugees taken in by the government or through collective sponsorship and providing intake and integration services in the province.²⁶⁸

With regard to Quebec’s ability to select immigrants, Professor Castonguay confirmed that “Quebec only selects some 60% of its immigrants. The rest – refugees, family reunification – remains under federal jurisdiction.”²⁶⁹

As for the federal government’s responsibilities, they can be summarized as follows:

IRCC administers the family reunification program and the protected persons program in Canada. Protected persons are persons whom the Immigration and Refugee Board of Canada has recognized as refugees in need of Canada’s protection.

The Government of Canada is also responsible for determining the eligibility of all immigration applicants to Canada. Evaluating eligibility includes health, security and criminal checks to determine whether applicants meet statutory requirements for admission to the country.²⁷⁰

265 LANG, *Evidence*, 44th Parliament, 1st Session, 16 February 2022, 1620 (Mr. Glen Linder, Director General, International and Intergovernmental Relations, Department of Citizenship and Immigration).

266 Ibid.

267 Ibid.

268 Ibid.

269 Mr. Charles Castonguay, *French in Free Fall: The Failure of Canadian and Quebec Language Policies. A brief presented by Charles Castonguay to the Standing Committee on Official Languages*, 9 March 2021, p. 22.

270 LANG, *Evidence*, 44th Parliament, 1st Session, 16 February 2022, 1620 (Mr. Glen Linder, Director General, International and Intergovernmental Relations, Department of Citizenship and Immigration).

Many observers see Quebec's immigration powers as substantial. Even Ms. Meggs conceded, "[t]he Canada-Quebec Accord relating to Immigration is the only document ... where the federal government deviates even slightly from the principle of linguistic symmetry," as it "recognizes the importance of ensuring the integration of immigrants in Québec in a manner that respects the distinct identity of Québec."²⁷¹

Despite the provisions designed to maintain the francophone character of Quebec, some witnesses maintained that they are insufficient. Ms. Marie-Anne Alepin, President of the Société Saint-Jean-Baptiste de Montréal, said that the current distribution of immigration powers between the federal and Quebec governments hampers Quebec's ability to recruit enough francophone immigrants. She asserted that Quebec needs total control over immigration in the province: "It would be better to control our immigration process and accept more francophones. It's essential. Not just desirable, but essential."²⁷²

Ms. Alepin added that, to the members of the Société Saint-Jean-Baptiste, it is "not so much the number [of immigrants] that's important but rather the way things are done. Knowledge of the French language is really the most important consideration."²⁷³

According to Professor Castonguay, "[t]he preference accorded, since 1978, to prior knowledge of French in Quebec's selection of its economic immigrants has tended to favour Francotrope immigration."²⁷⁴ On that point, he added:

In total, since less than a quarter of Quebec's immigrants are young enough upon arrival to be durably influenced by the schooling provisions of the Charter, the primary explanation of French's enhanced power of assimilation among Allophones remains, by far, their growingly Francotrope makeup. Ever new cohorts of mainly Francotrope Allophones gradually swell the percentage of Francotropes among Quebec's immigrant and native-born Allophone populations alike, and French's share in their assimilation grows accordingly.²⁷⁵

He again emphasized the importance of francotrope immigration, saying:

271 LANG, *Evidence*, 43rd Parliament, 2nd Session, 29 April 2021, 1540 (Ms. Anne Meggs, Former director of research, Office québécois de la langue française, As an Individual).

272 LANG, *Evidence*, 44th Parliament, 1st Session, 16 February 2022, 1730 (Ms. Marie-Anne Alepin, General President, Société Saint-Jean-Baptiste de Montréal).

273 *Ibid.*, 1725.

274 Mr. Charles Castonguay, *French in Free Fall: The Failure of Canadian and Quebec Language Policies. A brief presented by Charles Castonguay to the Standing Committee on Official Languages*, 9 March 2021, p. 20.

275 *Ibid.*, p. 21.



Since 2001, 67% of Quebec’s Allophone immigrants have been Francotropes. By 2016, Francotropes already constituted 53% of Quebec’s total Allophone population, 58% of its immigrant Allophone population, and even 38% of its Canadian-born Allophone population. The progress of French’s share of Allophone assimilation has in fact been slowing down since 2001, no doubt because the Francotrope component of the Allophone population is nearing its upper limit.²⁷⁶

Mr. Patrick Sabourin shared a similar view:

If this proportion [of language substitutions toward French] has increased over the past few decades, it’s largely due to an increase in francophone immigration. The status and appeal of French in Quebec have made little headway, and language substitutions towards French have been levelling out. The lower appeal of French in Quebec has thus been concealed by two phenomena, the strong propensity of anglophones to leave Quebec, which increased the weight of francophones, and the selection of French-speaking immigrants from abroad, which gave the impression that these immigrants were learning French locally. The impact of both of these phenomena will tend to diminish.²⁷⁷

Ms. Alepin said that one challenge for Quebec is to have immigrants accept French as the only common language. She explained that, even though francophones are the majority in Quebec, immigrants are understandably drawn to English given the Canadian and North American context. She believes that having both federal and provincial language regimes operative in the same geographical area creates confusion and undermines Quebec’s efforts to francize immigrants. She said that the purpose of the *Official Languages Act* is “to make English the official and common language. The federal language policy ensures not only that anglophones can receive services in English—already done by Quebec—but also that anyone who wishes can use English in public.”²⁷⁸

Similarly, Ms. Meggs said that the fact that immigrants arriving in Quebec “can choose either official language for work or study permits, for permanent residence and for access to citizenship”²⁷⁹ sends the message that, in Quebec, “English is an official language of their new country. They are allowed to choose English, and it’s even fine if they do.”²⁸⁰ This is “the exact opposite of the message that Quebec is trying to convey,

276 Ibid., p. 22.

277 LANG, *Evidence*, 43rd Parliament, 2nd Session, 9 March 2021, 1955 (Mr. Patrick Sabourin, Doctor in Demography, As an Individual).

278 LANG, *Evidence*, 44th Parliament, 1st Session, 16 February 2022, 1735 (Ms. Marie-Anne Alepin, General President, Société Saint-Jean-Baptiste de Montréal).

279 LANG, *Evidence*, 43rd Parliament, 2nd Session, 29 April 2021, 1540 (Ms. Anne Meggs, Former director of research, Office québécois de la langue française, As an Individual).

280 Ibid.

and it forms the basis for the Accord, namely the assertion that French is an inclusive, participatory language.”²⁸¹

In the same vein, Mr. Lacroix stated that the “institutional overcompleteness” of Quebec’s anglophone minority increases English’s attraction for the province’s allophones:

[T]he anglophone community has an institutional network funded at a level that exceeds their demographic weight by a factor of three. This enables them to assimilate a large number of allophones. Indeed, anglophones in Quebec assimilate approximately half of allophones, even though the community accounts for only 8.1% of the population.²⁸²

Some witnesses pointed to francization – teaching French to immigrants – as a critical aspect of francophone immigration. Ms. Alepin said that, “if we really want to secure the future of French in Quebec, we would have to teach French to and integrate 90% of newcomers to maintain our demographic weight.”²⁸³

The Honourable Serge Joyal, a jurist and retired senator, said governments need to ensure that immigrants – and all their family members – have access to French courses and that this training is supported by government funding. He also noted that Quebec’s auditor general has reported on the “ineffectiveness of the French-language training programs for immigrants.” Mr. Joyal believes that “responsibility for the program needs to be redefined.”²⁸⁴ Under the Canada–Quebec Immigration Accord, the province is responsible for providing permanent residents with the means to learn French and become familiar with the key features of Quebec society.²⁸⁵

Mr. Termote remarked that, as is the case in francophone minority communities, the impact of using francophone immigration to stabilize the number of French speakers in Quebec is uncertain:

What the Statistics Canada study published last year showed is that no matter how much you increase the percentage of French-speaking immigrants, it has little impact on

281 Ibid.

282 LANG, *Evidence*, 44th Parliament, 1st Session, 14 February 2022, 1705 (Mr. Frédéric Lacroix, Essayist, As an Individual).

283 LANG, *Evidence*, 44th Parliament, 1st Session, 16 February 2022, 1735 (Ms. Marie-Anne Alepin, General President, Société Saint-Jean-Baptiste de Montréal).

284 LANG, *Evidence*, 43rd Parliament, 2nd Session, 25 February 2021, 1640 (The Hon. Serge Joyal, Jurist and former senator).

285 Government of Canada, *Canada–Québec Accord relating to Immigration and the Temporary Admission of Aliens*.



the decline of French. The hypothesis has even been put forward that immigrants could only enter Quebec if they were French-speaking and came from a country where the official language is French, and the conclusion was that even that would only slow the decline a little. Indeed, there are other phenomena at play, such as the low birth rate.²⁸⁶

In addition, Mr. Termote said that immigration policies focused on demographic balance and population figures tend to disregard the human element:

I can't help but say that we are indeed asking a lot from immigrants. They are asked to do jobs that we no longer want to do; they are asked to go to the regions because we don't want to go there; they are asked to have children because we don't want to have any; and they are also asked to switch to French overnight. But even if they did that, it wouldn't be enough.²⁸⁷

Access to Justice in French in Minority Settings

On the issue of access to justice in French in minority communities, Mr. Daniel Boivin reported that his legal community is “pleased with certain protections that were included in the previous bill [Bill C-32]”²⁸⁸ and hopes that the new bill to modernize the *Official Languages Act* will remove the exception allowing unilingual Supreme Court judges and protect the Court Challenges Program.²⁸⁹

However, francophone lawyers would like to see the successor to Bill C-32 address three specific issues: intergovernmental cooperation on access to justice in French;²⁹⁰ regulation of judicial nominees’ language skills assessments, which the Fédération des associations de juristes d’expression française de common law deems “essential to the development of justice in French;”²⁹¹ and access to French-language bankruptcy services.²⁹²

286 LANG, *Evidence*, 44th Parliament, 1st Session, 2 February 2022, 1705 (Mr. Marc Termote, Associate Professor, Department of Demography, Université de Montréal, As an Individual).

287 Ibid.

288 LANG, *Evidence*, 44th Parliament, 1st Session, 2 February 2022, 1545 (Mr. Daniel Boivin, President, La Fédération des associations de juristes d’expression française de common law inc.).

289 Ibid.

290 Ibid.

291 Ibid.

292 Ibid.

French First-Language Education

The Enumeration of Rights-Holders

School is a central concern for official language minority communities because it is the main vector for transmitting language and culture, along with the family unit.

Over the years, the Committee has examined a number of issues relating to minority-language education, including the enumeration of rights-holders under section 23 of the *Canadian Charter of Rights and Freedoms*.

The FCFA explained that having the full profile of rights-holders is a major advance for school governance:

This is absolutely essential. For the first time, we will have a complete picture of all those whose children are entitled to attend a French-language school. It also means that there will be some pretty significant changes in terms of the government investments needed to support the infrastructure of our schools and the spaces in those schools.

In the west and in the north, there has often been a tug of war over numbers. I think this will be a game changer, but not in adversity.

All governments will now have the data required to meet the needs of francophones, and that is a very good thing. However, this commitment must not be for one census, but for all future censuses.²⁹³

As regards research, Mr. Forgues explained that the experts at the Canadian Institute for Research on Linguistic Minorities “often carry out analyses for communities that need to know how many rights holders there are in their school zone and district.”²⁹⁴ However, these studies are done “piecemeal with limited means,”²⁹⁵ because they do not have all the data needed to make a precise estimate of the number of people who meet the criteria in section 23 of the *Canadian Charter of Rights and Freedoms*. The 2021 Census “will enable us to do a Canada-wide estimate for each of the zones.”²⁹⁶ Mr. Forgues noted that this information is essential for school boards and governments “to know

293 LANG, *Evidence*, 43rd Parliament, 2nd Session, 27 April 2021, 1615 (Mr. Alain Dupuis, Director General, FCFA).

294 LANG, *Evidence*, 43rd Parliament, 2nd Session, 22 April 2021, 1650 (Mr. Eric Forgues, Executive Director, Canadian Institute for Research on Linguistic Minorities).

295 Ibid.

296 Ibid.



where to build, renovate or expand schools.” Now, they will have “an accurate number for the rights holders and thus for potential in the communities.”²⁹⁷

Professor Landry called the change a major step forward and said that the enumeration of all three categories of rights-holders could identify 56% more rights-holders.²⁹⁸ However, he pointed out that “the major challenge is to not only enumerate them, but to get the children to school. The 2006 post-census survey showed that lack of access to schools, and distance, were the reasons often given by parents for having sent children to another institution.”²⁹⁹ Professor Landry believes that solving the problem will require a plan for communicating with the key stakeholders: parents.³⁰⁰

The Continuum of Minority-Language Education: Post-secondary Education

Recognizing that it had a duty to save French-language post-secondary institutions in minority settings, the federal government set aside \$121.3 million in funding over three years in Budget 2021 for post-secondary institutions in official language minority communities.

While this initiative seemed promising initially, Ms. Lynn Brouillette, President and Chief Executive Officer of the Association des collèges et universités de la francophonie canadienne, reported that it may not meet the needs of minority francophone post-secondary institutions. More specifically, the funding allocation mechanism is hampering the work of the association’s member institutions.

First, Ms. Brouillette explained that the provinces choose which initiatives are funded, as they have to match the federal funding. This limits the ability of the educational institutions to make proposals to the federal government:

Some members [of the association] have already told me that they would have liked to apply for a particular project or for funding, but were told by the province that it did not have a match to offer.³⁰¹

297 Ibid.

298 Ibid. (Mr. Rodrigue Landry, Professor Emeritus, Université de Moncton, and former director general, Canadian Institute for Research on Linguistic Minorities, As an Individual).

299 Ibid.

300 Ibid., 1725.

301 LANG, *Evidence*, 44th Parliament, 1st Session, 7 February 2022, 1535 (Ms. Lynn Brouillette, President and Chief Executive Officer, Association des collèges et universités de la francophonie canadienne).

In addition, the initiative does not require the provinces to provide new funding. Some provincial governments have apparently responded to requests from post-secondary institutions by telling them to make use of their existing operating budget.

Ms. Brouillette explained the problem as follows:

Provinces already make huge investments in post-secondary institutions and so often ask francophone minority institutions to draw the matching contribution from the funding already being provided. Consequently, the province's contribution does not constitute additional funding. What that means, in practical terms, is that institutions often have to rely solely on the federal funding they receive to carry out proposed projects. That funding, however, accounts for just 50% or so of the actual money needed to complete those projects.³⁰²

Mr. Martin Normand, Director of Strategic Research and International Relations at the Association des collèges et universités de la francophonie Canadienne, made the following comments:

Then you end up with one-off projects that are not renewable and are only partially rather than fully funded. Establishments then tread water, that is, they repeatedly apply for funding for one-off projects rather than getting the core funding they need to fulfill their mission of supporting community development.³⁰³

Second, Ms. Brouillette said that the \$121.3-million initiative “allows only for the funding of non-recurring projects.”³⁰⁴ Yet the applicant's guide states that the federal government is seeking to strengthen the institutional capacity of post-secondary institutions and stabilize the post-secondary sector. The association is of the view that “the objectives tied to the funding and the mechanism to distribute the funding are very much at odds. It is impossible to put in place a system-wide corrective approach that will have a meaningful and lasting impact on the post-secondary sector's institutional capacity and stability, and allow only for non-recurring projects.”³⁰⁵

Ms. Brouillette highlighted another problem with project-based funding. Without adequate core funding, “rectors and college presidents ... no longer have the capacity to

302 Ibid.

303 Ibid., 1630 (Mr. Martin Normand, Director, Strategic Research and International Relations, Association des collèges et universités de la francophonie canadienne).

304 Ibid., 1535 (Ms. Lynn Brouillette, President and Chief Executive Officer, Association des collèges et universités de la francophonie canadienne).

305 Ibid.



support so many projects. Sometimes there are even funds available to them, but they don't have the capacity to go out and get them."³⁰⁶

Accordingly, the association recommends that the federal government "completely overhaul its mechanism for distributing the funding earmarked for post-secondary education in francophone minority communities."³⁰⁷ It also recommends that the funding initiative "give post-secondary institutions access to enhanced core funding in order to truly stabilize the sector."³⁰⁸

Mr. Lepage told the Committee that "those two levels of government must come to an agreement on a plan, lasting from 10 to 20 years, to refine the program of primary, secondary and post-secondary schools, as well as daycares."³⁰⁹ He believes that, "to a considerable extent, the provinces and territories have no intention of supporting their minority francophone communities."³¹⁰ Mr. Lepage said that "this is the case in Saskatchewan, in Alberta and in British Columbia, where there is great reluctance to come to the assistance of the francophone minority."³¹¹ He therefore advised that the federal government "show some leadership, to bring together all the provinces and territories and then to hold a conference dealing specifically with francophone minorities outside Quebec, in order to see what must be done to solve this problem."³¹² Note that such a dialogue can occur in existing forums such as the Council of Ministers of Education, Canada, and the Ministers' Council on the Canadian Francophonie.

The Committee members had the opportunity to question Canadian Heritage officials about the implementation of the \$121.3 million in funding. At the time of their appearance, the department was negotiating agreements with the provinces and territories.

Some witnesses took up the idea of the institutional "overcompleteness" of Quebec's anglophone community and applied it to the post-secondary education sector. Mr. Lacroix argued that the federal government funds the anglophone minority's

306 Ibid., 1610.

307 Ibid., 1540.

308 Ibid.

309 LANG, *Evidence*, 44th Parliament, 1st Session, 7 February 2022, 1700 (Mr. Roger Lepage, Lawyer, As an Individual).

310 Ibid.

311 Ibid.

312 Ibid.

educational institutions in a disproportionate way, to the detriment of French-language institutions:

[T]he grants that the federal government makes to Quebec universities put French-language universities at a definite disadvantage. Nearly 40% of funding that Ottawa provides to Quebec is allocated to English-language universities. Approximately one third of federal funding goes to McGill University alone. Systemic discrimination is exercised against French-language universities in federal funding allocation.³¹³

Mr. Lacroix did not indicate which grants he was referring to.

More specifically, Mr. Lacroix maintained that the federal government must “abando[n] grants in support of the vitality of English in Quebec, such as those made under the Canada-Québec Agreement on Minority-Language Education and Second Languages Instruction, funding that enhances the status and vitality of English in Quebec.”³¹⁴

Background Information: What Is the *Canada-Québec Agreement for Minority-Language Education and Second-Language Instruction*?

As regards the *Canada-Québec Agreement for Minority-Language Education and Second-Language Instruction*, the Committee notes that it is a bilateral agreement under which the federal government transfers funds to Quebec to help it cover the additional costs of delivering minority-language education and second-language instruction. It is mainly intended to cover primary and secondary education, but the provincial government can develop initiatives for early childhood and post-secondary education. Canadian Heritage manages the agreement on behalf of the federal government.

The agreement is designed to respect the province’s education prerogatives. Accordingly, Quebec chooses the investment priorities for each linguistic objective – minority language and second languages – and determines the federal government’s maximum investment. In fact, the federal contribution is subject to the Quebec government’s approval, and the latter must provide an amount equal to or greater than the federal contribution. This is the principle of matching funding.

The Canada-Québec Agreement for Minority-Language Education and Second-Language Instruction, 2020–2021 – Interim Measures contains the same provisions as the Canada-Québec Agreement for Minority-Language Education and Second-Language

313 LANG, *Evidence*, 44th Parliament, 1st Session, 14 February 2022, 1640 (Mr. Frédéric Lacroix, Essayist, As an Individual).

314 *Ibid.*, 1635.



Instruction, 2014–2015 to 2017–2018. As a result, the federal government plans to transfer \$42,047,048 to the Quebec government for minority-language education, \$4,478,425 for French second-language instruction and \$18,406,662 for English second-language instruction, for a total of \$64,932,135 annually. Other spending can be authorized under this agreement, including supplementary contributions. These are also subject to the Quebec government’s approval. Note that the federal government’s planned spending under this Canada–Québec agreement has not increased since 2014.

Quebec’s Action Plan – a document the province must prepare under the agreement – shows that actual expenditures for each order of government in 2020–2021 were \$71,933,439, for a total of \$143,866,878.³¹⁵

The federal government’s support for post-secondary education in Quebec goes beyond that set out in the *Canada-Québec Agreement for Minority-Language Education and Second-Language Instruction*. Other federal institutions provide grants and contributions to post-secondary institutions. These amounts are not necessarily allocated based on the language of the institution or that of its professors, researchers or students. Various criteria may be used to award this funding, including innovation and excellence. Addressing this subject, Mr. Lacroix advocated that the federal government review the criteria governing the allocation of federal funding to Quebec universities:

Funding allocation based on so-called excellence criteria in fact rewards past winners and penalizes past losers. In other words, that funding rewards universities that are already the richest, such as McGill. Different criteria should be introduced in federal grant programs.³¹⁶

Mr. Lacroix therefore made the following recommendation:

[T]here ought to be a criterion based on language of instruction in allocating grants, because 40% of federal grants go to anglophone universities, whereas anglophones represent only 8.1% of the population. It’s unfair.³¹⁷

The QCGN did not have the chance to comment on the statements reported above. Still, more generally, regarding the modernization of the *Official Languages Act* and Bill 96, An Act respecting French, the official and common language of Québec, the QCGN

315 See Appendix B for the Government of Canada’s planned spending to implement provincial and territorial action plans further to the *Protocol for agreements for minority-language education and second-language instruction, 2019-2020 to 2022-2023, between the Government of Canada and the provinces and territories*.

316 LANG, *Evidence*, 44th Parliament, 1st Session, 14 February 2022, 1640 (Mr. Frédéric Lacroix, Essayist, As an Individual).

317 *Ibid.*, 1705.

argued that governments – including the Quebec government – need to recognize that the province’s English-speaking communities and the support they receive from the federal government do not impair the vitality of French in Quebec.³¹⁸ The organization took the position that the equal status of the two official languages should remain a guiding principle of the *Official Languages Act*.³¹⁹ As for federal institutions’ commitments to official language minority communities, the QCGN believes the government should take an approach tailored to the circumstances and specific needs of the various communities,³²⁰ which amounts to implementing the principle of substantive equality.

On the issue of the rights of Quebec’s anglophone minority, Professor Leckey highlighted the following:

[T]he federal government also has a constitutional duty to see to the promotion and protection of the minority official language in Quebec, which is English. Consequently, in defining federal duties, you also have to consider those constitutional obligations.³²¹

One final note on minority-language post-secondary education: clause 21 of Bill C-32 added several aspects to the commitment set out in Part VII of the *Official Languages Act*, including a requirement to advance opportunities to pursue quality learning in the minority language throughout the education continuum, from early childhood to post-secondary education.

Recruitment of French Teachers

The federal government is aware of the national shortage of French teachers – both first-language and second-language teachers. Strategies to recruit teachers were included in the *Action Plan for Official Languages 2018–2023: Investing in Our Future*.

Ms. Tamilio explained how this shortage is affecting the vitality of a small francophone minority community such as Sarnia-Lambton in Ontario:

The shortage of francophone teachers is a major problem in a community like ours. The quality of our services in French depends in part on how well our young people have

318 LANG, *Evidence*, 43rd Parliament, 2nd Session, 25 February 2021, 1650 (The Hon. Marlene Jennings, President, QCGN).

319 Ibid.

320 Ibid.

321 LANG, *Evidence*, 43rd Parliament, 2nd Session, 29 April 2021, 1700 (Mr. Robert Leckey, Dean and Samuel Gale Chair, Faculty of Law, McGill University, As an individual).



been educated.... The challenge is genuine. Families have been opting for French immersion for their children but the school board lacks resources. There are no supply teachers who can teach in French and no additional educational resources to support the teachers. The social workers also don't speak French.³²²

Ms. Tamilio also noted that the shortage is forcing school boards to hire teachers who do not always have the skills necessary to provide a quality education and that education support work is sometimes done by parents:

[T]here are French-language schools where unqualified teachers have full-time positions at the moment. They speak French, but they're not necessarily qualified for the job. That's a serious situation. There are not even any supply teachers. We're looking for parents to act as supply teachers in the school; the only requirement is that they be able to speak French.³²³

The reform proposal suggested establishing a francophone immigration corridor to help recruit teachers and alleviate the shortage of French first-language and second-language teachers. Mr. Dupuis applauded the creation of such a corridor and advised that this method be used to make up for the lack of francophone or bilingual professionals in health care and early childhood education.³²⁴ The government also plans to develop "a framework for the recognition of teaching diplomas" to ease teacher hiring and mobility.³²⁵

French Second-Language Instruction

Some witnesses stated that federal government support for French second-language instruction must be part of any strategy to enhance the language's vitality. Ms. Cassie said, "[t]he importance of, and interest in, immersion programs should also be recognized, and we have to determine how we can continue to contribute to the vitality of individuals and families who choose French as their second language and their

322 LANG, *Evidence*, 44th Parliament, 1st Session, 16 February 2022, 1740 (Ms. Tanya Tamilio, President, Centre communautaire francophone de Sarnia-Lambton).

323 Ibid., 1725.

324 LANG, *Evidence*, 43rd Parliament, 2nd Session, 27 April 2021, 1655 (Mr. Alain Dupuis, Director General, FCFA).

325 Government of Canada, *English and French: Towards a Substantive Equality of Official Languages in Canada*, 2021, p. 14.

language of instruction.”³²⁶ Ms. Cassie believes that ensuring these individuals “can have access to support services and programs” is critical.³²⁷

Ms. Julie Boyer, Assistant Deputy Minister of Official Languages at Canadian Heritage, provided an overview of the federal government’s investments in French second-language learning. Ms. Boyer said that the latest official languages strategy, the *Action Plan for Official Languages 2018–2023: Investing in Our Future*, “made it possible to better fund initiatives to promote French,” including French immersion programs, French second-language post-secondary scholarships, and support for second-language instruction and minority-language education. This support is distributed through bilateral agreements between the federal government and the provinces and territories. Ms. Boyer further noted that the 2021 federal budget “proposed to allocate \$180.4 million [to Canadian Heritage] to expand bilingualism.”³²⁸ She outlined the department’s plans for this funding:

First of all, we want to improve the French immersion and French second language programs in schools and postsecondary institutions. Second, we want to assist the provinces and territories in meeting the strong demand from students and parents for spaces in French immersion and French second language programs. Third, we want to enhance the strategy in place to recruit and retain teachers and support French language learning in early childhood.³²⁹

Ms. Tamilio reported that graduates of French immersion programs do support francophone minority communities. More specifically, at Bluewater Health Hospital and other public institutions in the Sarnia-Lambton region, these graduates are improving the availability of French-language services, which helped the region obtain a bilingual designation from the Ontario government.³³⁰

Finally, Mr. Normand underscored the important role that Canada’s francophone post-secondary institutions play in the French second-language education continuum:

326 LANG, *Evidence*, 44th Parliament, 1st Session, 14 February 2022, 1715 (Ms. Angela Cassie, Chair, Board of Directors, Société de la francophonie manitobaine).

327 Ibid.

328 LANG, *Evidence*, 44th Parliament, 1st Session, 16 February 2022, 1615 (Ms. Julie Boyer, Assistant Deputy Minister, Official Languages, Heritage and Regions, Department of Canadian Heritage).

329 Ibid.

330 LANG, *Evidence*, 44th Parliament, 1st Session, 16 February 2022, 1735 (Ms. Tanya Tamilio, President, Centre communautaire francophone de Sarnia-Lambton).



[T]o support second-language acquisition, our institutions offer post-secondary immersion programs or they welcome many immersion students who want to acquire technical and professional language skills in French.³³¹

OTHER ISSUES

The “Discoverability” of French Works of Art

The Honourable Serge Joyal mentioned the “discoverability” of French works of art on digital platforms as an opportunity for action to support the growth of French in Canada. He believes that younger generations are influenced by English on the Internet. Accordingly, he proposed that the federal government work with the Quebec government to repeat what it did in 2005³³² by negotiating a new international treaty to ensure French-language works are “discoverable” on digital platforms.³³³

As Mr. Forgues explained, young people “need a French-language public and media landscape.”³³⁴ He said that Radio-Canada plays an important role in this regard.

Regarding the shift to digital, Mr. Forgues said it is “important to understand just how this shift will play out, and the role of the francophonie in this new ecosystem, particularly in social media, where a major transformation is underway.”³³⁵ Like former senator Joyal, Mr. Forgues noted that this issue has a major impact on youth: “Young people spend an enormous amount of time on social networks. It’s a place for socialization that is very important to them.”³³⁶ In his view, it would be appropriate “to assess the impact of this phenomenon and to identify the language in which people are browsing and communicating on social networks.”³³⁷

331 LANG, *Evidence*, 44th Parliament, 1st Session, 7 February 2022, 1635 (Mr. Martin Normand, Director, Strategic Research and International Relations, Association des collèges et universités de la francophonie canadienne).

332 This is a reference to the UNESCO *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*.

333 LANG, *Evidence*, 43rd Parliament, 2nd Session, 25 February 2021, 1720 (The Hon. Serge Joyal, Jurist and former senator).

334 LANG, *Evidence*, 43rd Parliament, 2nd Session, 22 April 2021, 1545 (Mr. Eric Forgues, Executive Director, Canadian Institute for Research on Linguistic Minorities).

335 Ibid.

336 Ibid.

337 Ibid.

The remarks of former senator Joyal and Mr. Forgues relate to a series of initiatives set out in the reform proposal to promote French. In particular, the federal government planned to recognize “the importance of the role of the CRTC and the *Broadcasting Act* to support the production, broadcasting and discoverability of Francophone content on air and in the digital space.”³³⁸ Mr. Forgues noted that “Minister Joly has been holding discussions about the digital transformation,” adding that it is “important for francophones to be properly positioned for their own digital governance.”³³⁹

CONCLUSION AND RECOMMENDATIONS

Most of the witnesses agreed that French must be protected and promoted in Quebec and across Canada. The federal government recognized that it has a role to play both in Quebec and in francophone minority communities to secure the future and the vitality of the French language.

Disagreements arose not on the overall goal but on the way to achieve it – on what kind of language regime is best. To some witnesses, the current federal language regime, with reforms to the *Official Languages Act*, can protect the rights of francophones and help French flourish across Canada. To others, who are more focused on Quebec, a location-based language regime providing for asymmetrical language rights is necessary.

The federal government set out potential legislative and administrative solutions in its reform proposal, the former have been included in Bill C-32 and in Bill C-13.

In light of the above and further to the legislative process for Bill C-13, the Committee recommends:

Recommendation 1

That the Government of Canada recognize that the *Charter of the French Language* is essential to protect, promote and secure the future of French in Quebec.

Recommendation 2

That the Government of Canada work with the provinces and territories to provide francophone schools, from early childhood to postsecondary, with stable funding, rather

338 Government of Canada, *English and French: Towards a Substantive Equality of Official Languages in Canada*, 2021, p. 22.

339 LANG, *Evidence*, 43rd Parliament, 2nd Session, 22 April 2021, 1715 (Mr. Eric Forgues, Executive Director, Canadian Institute for Research on Linguistic Minorities).



than one-time funding per existing project, to build and renovate schools and institutions in order to meet demand, and to hire and retain teachers.

Recommendation 3

That the funding envelope that supports the postsecondary sector in francophone minority communities allow postsecondary institutions to increase their core funding to truly stabilize the postsecondary sector.

Recommendation 4

That the Government of Canada increase funding for programs supporting official language minority association and institutional networks as part of the new Action Plan for Official Languages.

Recommendation 5

That the Government of Canada take on a leadership role with respect to official languages by providing better support to francophone communities and school systems outside Quebec.

Recommendation 6

That the Government of Canada adopt new regulations to strengthen the requirements of Part VII of the *Official Languages Act* as soon as possible.

Recommendation 7

That the Government of Canada adopt a francophone immigration policy designed to restore and increase the demographic weight of minority francophones by adopting a catch-up target and providing the resources to achieve it.

Recommendation 8

That the Government of Canada pursue and strengthen the Francophone immigration strategy to repair, preserve and increase the demographic weight of Francophones.

Recommendation 9

That the Government of Canada take the necessary steps to further encourage the immigration of families with children in the federal immigration process, which will encourage and promote the learning of French at a younger age.

Recommendation 10

That Immigration, Refugees and Citizenship Canada stop using the possibility of remaining in Canada after graduation as a reason for rejecting immigrant students' applications.

Recommendation 11

That the Government of Canada help address the shortage of French teachers by supporting francophone teacher training and by adopting a francophone immigration policy that includes attracting newcomers able to teach in French.

Recommendation 12

That the Government of Canada formally recognize that French is in decline in Canada and in Quebec, particularly in urban areas including the metropolitan region of Montreal and that it take steps to reverse this alarming trend.

Recommendation 13

That the Government of Canada ask Statistics Canada to conduct a detailed study to come up with an accurate picture of the situation of French:

- a) by considering indicators other than the two indicators traditionally used (mother tongue and language spoken most often at home), by including the language of work and services in Quebec, the language used in the public sphere, the language of instruction, the language used on signage, or the first official language used at home or in the public sphere;**
- b) by determining which indicators are the most useful for providing an accurate picture of the status of French in Quebec and which ones are not as useful;**
- c) by considering a variety of factors, such as population density, whether a community is within a rural or urban area, and the region of the country; and**



- d) by focusing on the various linguistic practices, including issues surrounding the transmission of French to children, the ability of French second language learners to retain their proficiency, barriers to growth, the integration and inclusion of francophone immigrants, and the barriers and opportunities in French-language educational paths from early childhood to post-secondary education.**

Recommendation 14

That the Government of Canada ask Statistics Canada to provide more precise data to better understand the complexity of the use of language transmission to allow the government to adopt strategies better adapted to reality.

Recommendation 15

That the operation of federal institutions in Quebec aims a general use of French in all levels of services, including a good knowledge of French by the management group.

APPENDIX A
TIMELINE OF THE EVIDENCE RECEIVED BY THE
HOUSE OF COMMONS STANDING COMMITTEE
ON OFFICIAL LANGUAGES FOR A STUDY ON
MEASURES THAT THE GOVERNMENT OF
CANADA CAN TAKE TO PROTECT AND
PROMOTE THE FRENCH LANGUAGE IN CANADA
AND QUEBEC IN CORRELATION WITH KEY
OFFICIAL LANGUAGES EVENTS

Timeline of the evidence received by the House of Commons Standing Committee on Official Languages (LANG) for a study on measures that the Government of Canada can take to protect and promote the French language in Canada and Quebec during the 2nd session of the 43rd Parliament and the 1st session of the 44th Parliament in correlation with key governmental and parliamentary initiatives, and legal decisions affecting this study, 23 September 2020 to 1 March 2022

Key Governmental and Parliamentary Initiatives, and Legal Decisions Affecting the LANG Study	Date/Parliament and Session	Evidence–Witness	Evidence–Date of Appearance and Meeting Number
Speech from the Throne to open the 2 nd session of the 43 rd Parliament. The Government of Canada recognizes “that the situation of French is unique” and that it has “the responsibility to protect and promote French not only outside of Quebec, but also within Quebec.” ¹ At the same time, the government pledges to strengthen the <i>Official Languages Act</i> by “taking into consideration the unique reality of French.” ²	23 September 2020/ 43 rd Parliament, 2 nd session	Not applicable (n/a)	n/a
LANG adopts a motion to study measures that the Government of Canada can take to protect and promote French in Canada and Quebec.	24 November 2020/ 43 rd Parliament, 2 nd session	n/a	n/a
Release of the <i>Official Languages Act</i> reform proposal, <i>English and French: Towards a substantive equality of official languages in Canada</i> .	17 February 2021/ 43 rd Parliament, 2 nd session	n/a	n/a
Start of LANG’s study of measures that the Government of Canada can take to protect and promote French in Canada and Quebec.	25 February 2021/ 43 rd Parliament, 2 nd session	Quebec Community Groups Network Hon. Marlene Jennings, President Sylvia Martin-Laforge, Director General	25 February 2021 (Meeting 19)
Start of LANG’s study of measures that the Government of Canada can take to protect and promote French in Canada and Quebec.	25 February 2021/ 43 rd Parliament, 2 nd session	Association des juristes d’expression française du Nouveau-Brunswick Érik Labelle Eastaugh, Professor and Director of the International Observatory for Language Rights, Faculty of Law, Université de Moncton	25 February 2021 (Meeting 19)

1 Government of Canada, *A stronger and more resilient Canada, Speech from the Throne to open the Second Session of the Forty-Third Parliament of Canada*, 23 September 2020, p. 28.

2 Ibid.

Key Governmental and Parliamentary Initiatives, and Legal Decisions Affecting the LANG Study	Date/Parliament and Session	Evidence–Witness	Evidence–Date of Appearance and Meeting Number
Start of LANG’s study of measures that the Government of Canada can take to protect and promote French in Canada and Quebec.	25 February 2021/ 43 rd Parliament, 2 nd session	Hon. Serge Joyal, ³ Jurist and Former Senator	25 February 2021 (Meeting 19)
Start of LANG’s study of measures that the Government of Canada can take to protect and promote French in Canada and Quebec.	25 February 2021/ 43 rd Parliament, 2 nd session	Impératif français ⁴ François Côté, Lawyer Jean-Paul Perrault, President	25 February 2021 (Meeting 19)
Start of LANG’s study of measures that the Government of Canada can take to protect and promote French in Canada and Quebec.	25 February 2021/ 43 rd Parliament, 2 nd session	Charles Castonguay, ⁵ Retired Professor	9 March 2021 (Meeting 20)
Start of LANG’s study of measures that the Government of Canada can take to protect and promote French in Canada and Quebec.	25 February 2021/ 43 rd Parliament, 2 nd session	Patrick Sabourin, Doctor in Demography	9 March 2021 (Meeting 20)
Start of LANG’s study of measures that the Government of Canada can take to protect and promote French in Canada and Quebec.	25 February 2021/ 43 rd Parliament, 2 nd session	Statistics Canada Jean-Pierre Corbeil, Assistant Director, Diversity and Sociocultural Statistics	9 March 2021 (Meeting 20)
Start of LANG’s study of measures that the Government of Canada can take to protect and promote French in Canada and Quebec.	25 February 2021/ 43 rd Parliament, 2 nd session	Association canadienne-française de l’Alberta ⁶ Isabelle Laurin, Executive Director Sheila Risbud, President	13 April 2021 (Meeting 24)
Start of LANG’s study of measures that the Government of Canada can take to protect and promote French in Canada and Quebec.	25 February 2021/ 43 rd Parliament, 2 nd session	Société de l’Acadie du Nouveau-Brunswick Alexandre Cédric Doucet, President Ali Chaisson, Executive Director	13 April 2021 (Meeting 24)

3 Brief released 23 March 2021.

4 Brief released 4 October 2021.

5 Brief released 19 April 2021.

6 Brief released 19 May 2021.

Key Governmental and Parliamentary Initiatives, and Legal Decisions Affecting the LANG Study	Date/Parliament and Session	Evidence–Witness	Evidence–Date of Appearance and Meeting Number
Start of LANG’s study of measures that the Government of Canada can take to protect and promote French in Canada and Quebec.	25 February 2021/ 43 rd Parliament, 2 nd session	Rodrigue Landry, Professor Emeritus, Université de Moncton, former Director General, Canadian Institute for Research on Linguistic Minorities	22 April 2021 (Meeting 27)
Start of LANG’s study of measures that the Government of Canada can take to protect and promote French in Canada and Quebec.	25 February 2021/ 43 rd Parliament, 2 nd session	Assemblée de la francophonie de l’Ontario Bryan Michaud, Policy Analyst Carol Jolin, President Peter Hominuk, Executive Director	22 April 2021 (Meeting 27)
Start of LANG’s study of measures that the Government of Canada can take to protect and promote French in Canada and Quebec.	25 February 2021/ 43 rd Parliament, 2 nd session	Canadian Institute for Research on Linguistic Minorities Éric Forgues, Executive Director	22 April 2021 (Meeting 27)
Start of LANG’s study of measures that the Government of Canada can take to protect and promote French in Canada and Quebec.	25 February 2021/ 43 rd Parliament, 2 nd session	Jack Jedwab, President and Chief Executive Officer, Immigration and Identities, Association for Canadian Studies and Canadian Institute for Identities and Migration	27 April 2021 (Meeting 28)
Start of LANG’s study of measures that the Government of Canada can take to protect and promote French in Canada and Quebec.	25 February 2021/ 43 rd Parliament, 2 nd session	Mariève Forest, Sociologist, President and Founder of Sociopol, Visiting Professor at the University of Ottawa	27 April 2021 (Meeting 28)

Key Governmental and Parliamentary Initiatives, and Legal Decisions Affecting the LANG Study	Date/Parliament and Session	Evidence–Witness	Evidence–Date of Appearance and Meeting Number
Start of LANG’s study of measures that the Government of Canada can take to protect and promote French in Canada and Quebec.	25 February 2021/ 43 rd Parliament, 2 nd session	Fédération des communautés francophones et acadienne du Canada ⁷ Jean Johnson, President Alain Dupuis, Director General	27 April 2021 (Meeting 28)
Start of LANG’s study of measures that the Government of Canada can take to protect and promote French in Canada and Quebec.	25 February 2021/ 43 rd Parliament, 2 nd session	Anne Meggs, Former Director of Research, Office québécois de la langue française	29 April 2021 (Meeting 29)
Start of LANG’s study of measures that the Government of Canada can take to protect and promote French in Canada and Quebec.	25 February 2021/ 43 rd Parliament, 2 nd session	Robert Leckey, Dean and Samuel Gale Professor, Faculty of Law, McGill University	29 April 2021 (Meeting 29)
Start of LANG’s study of measures that the Government of Canada can take to protect and promote French in Canada and Quebec.	25 February 2021/ 43 rd Parliament, 2 nd session	Fédération des travailleurs et travailleuses du Québec Denis Bolduc, General Secretary Gilles Grondin, Union Advisor	29 April 2021 (Meeting 29)
Introduction in the House of Commons of Bill C-32, An Act to amend the Official Languages Act and to make related and consequential amendments to other Acts.	15 June 2021/ 43 rd Parliament, 2 nd session	n/a	n/a
Dissolution of Parliament.	15 August 2021	n/a	n/a
44th General Election.	20 September 2021	n/a	n/a

7 Brief released 26 March 2021.

Key Governmental and Parliamentary Initiatives, and Legal Decisions Affecting the LANG Study	Date/Parliament and Session	Evidence–Witness	Evidence–Date of Appearance and Meeting Number
Speech from the Throne to open the 44 th Parliament. The government states that it “is essential to support official language minority communities, and to protect and promote French outside and inside Quebec” ⁸ and that it “will reintroduce the proposed Act for the Substantive Equality of French and English and the Strengthening of the <i>Official Languages Act</i> .” ⁹	23 November 2021/ 44 th Parliament, 1 st session	n/a	n/a
<i>In Canada (Commissioner of Official Languages) v. Canada (Employment and Social Development Canada)</i> , the Federal Court of Appeal overturns part of the trial judge’s decision in <i>Fédération des francophones de la Colombie-Britannique v. Canada (Employment and Social Development)</i> having to do with Part VII of the <i>Official Languages Act</i> .	28 January 2022	n/a	n/a
LANG adopts a motion to resume and expand the study on the measures that the Government of Canada can take to protect and promote the French language in Canada and Quebec.	31 January 2022/ 44 th Parliament, 1 st session	Guillaume Rousseau, Associate Professor, Université de Sherbrooke	2 February 2022 (Meeting 3)
LANG adopts a motion to resume and expand the study on the measures that the Government of Canada can take to protect and promote the French language in Canada and Quebec.	31 January 2022/ 44 th Parliament, 1 st session	Marc Termote, Associate Professor, Department of Demography, University of Montreal	2 February 2022 (Meeting 3)
LANG adopts a motion to resume and expand the study on the measures that the Government of Canada can take to protect and promote the French language in Canada and Quebec.	31 January 2022/ 44 th Parliament, 1 st session	Fédération des associations de juristes d’expression française de common law inc. Daniel Boivin, President	2 February 2022 (Meeting 3)

8 Government of Canada, *Building a Resilient Economy: A Cleaner & Healthier Future for Our Kids*, 23 November 2021.

9 Ibid.

Key Governmental and Parliamentary Initiatives, and Legal Decisions Affecting the LANG Study	Date/Parliament and Session	Evidence–Witness	Evidence–Date of Appearance and Meeting Number
LANG adopts a motion to resume and expand the study on the measures that the Government of Canada can take to protect and promote the French language in Canada and Quebec.	31 January 2022/ 44 th Parliament, 1 st session	Roger Lepage, Lawyer	7 February 2022 (Meeting 4)
LANG adopts a motion to resume and expand the study on the measures that the Government of Canada can take to protect and promote the French language in Canada and Quebec.	31 January 2022/ 44 th Parliament, 1 st session	Association des collèges et universités de la francophonie canadienne Lynn Brouillette, President and Chief Executive Officer Martin Normand, Director, Strategic Research and International Relations	7 February 2022 (Meeting 4)
LANG adopts a motion to resume and expand the study on the measures that the Government of Canada can take to protect and promote the French language in Canada and Quebec.	31 January 2022/ 44 th Parliament, 1 st session	Frédéric Lacroix, Essayist	14 February 2022 (Meeting 6)
LANG adopts a motion to resume and expand the study on the measures that the Government of Canada can take to protect and promote the French language in Canada and Quebec.	31 January 2022/ 44 th Parliament, 1 st session	Société de la francophonie manitobaine Angela Cassie, Chair of the Board of Directors Daniel Boucher, Executive Director	14 February 2022 (Meeting 6)
LANG adopts a motion to resume and expand the study on the measures that the Government of Canada can take to protect and promote the French language in Canada and Quebec.	31 January 2022/ 44 th Parliament, 1 st session	Fédération des francophones de la Colombie-Britannique Lily Crist, Chair, Board of Directors	14 February 2022 (Meeting 6)
LANG adopts a motion to resume and expand the study on the measures that the Government of Canada can take to protect and promote the French language in Canada and Quebec.	31 January 2022/ 44 th Parliament, 1 st session	Quebec Council of Employers Denis Hamel, Vice President of Workforce Development Policies Karl Blackburn, President and Chief Executive Officer	14 February 2022 (Meeting 6)

Key Governmental and Parliamentary Initiatives, and Legal Decisions Affecting the LANG Study	Date/Parliament and Session	Evidence–Witness	Evidence–Date of Appearance and Meeting Number
LANG adopts a motion to resume and expand the study on the measures that the Government of Canada can take to protect and promote the French language in Canada and Quebec.	31 January 2022/ 44 th Parliament, 1 st session	Power Law Darius Bossé, Lawyer Mark Power, Lawyer	14 February 2022 (Meeting 6)
LANG adopts a motion to resume and expand the study on the measures that the Government of Canada can take to protect and promote the French language in Canada and Quebec.	31 January 2022/ 44 th Parliament, 1 st session	L’Action nationale Robert Laplante, Director	14 February 2022 (Meeting 6)
LANG adopts a motion to resume and expand the study on the measures that the Government of Canada can take to protect and promote the French language in Canada and Quebec.	31 January 2022/ 44 th Parliament, 1 st session	Department of Canadian Heritage Julie Boyer, Assistant Deputy Minister, Official Languages, Heritage and Regions Sarah Boily, Director General, Official Languages	16 February 2022 (Meeting 7)
LANG adopts a motion to resume and expand the study on the measures that the Government of Canada can take to protect and promote the French language in Canada and Quebec.	31 January 2022/ 44 th Parliament, 1 st session	Department of Citizenship and Immigration Corinne Prince, Acting Assistant Deputy Minister, Settlement and Integration Glen Linder, Director General, International and Intergovernmental Relations	16 February 2022 (Meeting 7)
LANG adopts a motion to resume and expand the study on the measures that the Government of Canada can take to protect and promote the French language in Canada and Quebec.	31 January 2022/ 44 th Parliament, 1 st session	Société Saint-Jean- Baptiste de Montréal Marie-Anne Alepin, President	16 February 2022 (Meeting 7)
LANG adopts a motion to resume and expand the study on the measures that the Government of Canada can take to protect and promote the French language in Canada and Quebec.	31 January 2022/ 44 th Parliament, 1 st session	Mouvement Québec français Maxime Laporte, President	16 February 2022 (Meeting 7)

Key Governmental and Parliamentary Initiatives, and Legal Decisions Affecting the LANG Study	Date/Parliament and Session	Evidence–Witness	Evidence–Date of Appearance and Meeting Number
LANG adopts a motion to resume and expand the study on the measures that the Government of Canada can take to protect and promote the French language in Canada and Quebec.	31 January 2022/ 44 th Parliament, 1 st session	Centre communautaire francophone de Sarnia-Lambton Tanya Tamilio, President	16 February 2022 (Meeting 7)
End of witness appearances.	16 February 2022/ 44 th Parliament, 1 st session	n/a	n/a
LANG members instruct analysts to draft a report on the measures that the Government of Canada can take to protect and promote French in Canada and Quebec.	28 February 2022/ 44 th Parliament, 1 st session	n/a	n/a
Introduction in the House of Commons 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.	1 March 2022/ 44 th Parliament, 1 st session	n/a	n/a
The Government of Canada announces that it intends to contest the decision of the Federal Court of Appeal in <i>Canada (Commissioner of Official Languages) v. Canada (Employment and Social Development)</i> (28 January 2022) before the Supreme Court and that it will request an emergency stay of the decision by the Federal Court of Appeal.	24 March 2022	n/a	n/a
The Government of Canada asks the Federal Court of Appeal for an emergency stay of the decision in <i>Canada (Commissioner of Official Languages) v. Canada (Employment and Social Development)</i> (28 January 2022). The Federal Court of Appeal rejects the request for a stay. The decision of that court outlines that the parties intend to apply to the Supreme Court of Canada for leave to appeal.	25 March 2022	n/a	n/a

Key Governmental and Parliamentary Initiatives, and Legal Decisions Affecting the LANG Study	Date/Parliament and Session	Evidence–Witness	Evidence–Date of Appearance and Meeting Number
The Government of Canada’s intention to ask the Supreme Court of Canada for leave to appeal the Federal Court of Appeal decision in <i>Canada (Commissioner of Official Languages) v. Canada (Employment and Social Development)</i> (28 January 2022) is mentioned in the House of Commons during Question Period.	25 March 2022, 28 March 2022; 29 March 2022/ 44 th Parliament, 1 st Session	n/a	n/a
The Minister of Justice, the Hon. David Lametti, announces that the Government of Canada will not appeal the Federal Court of Appeal’s decision in <i>Canada (Commissioner of Official Languages) v. Canada (Employment and Social Development)</i> (28 January 2022).	29 March 2022	n/a	n/a
The Fédération des francophones de la Colombie-Britannique applies to the Supreme Court of Canada for leave to appeal the Federal Court of Appeal’s decision with regard to Part IV of the <i>Official Languages Act</i> in <i>Canada (Commissioner of Official Languages) v. Canada (Employment and Social Development)</i> (28 January 2022).	29 March 2022	n/a	n/a
The Committee begins its study of the draft report on measures the Government of Canada could take to protect and promote French in Canada and in Quebec.	27 April 2022/ 44 th Parliament, 1 st Session	n/a	n/a

APPENDIX B
TABLE SUMMARIZING THE GOVERNMENT OF
CANADA'S PLANNED EXPENDITURES UNDER
THE PROTOCOL FOR AGREEMENTS FOR
MINORITY-LANGUAGE EDUCATION AND
SECOND-LANGUAGE INSTRUCTION
2019-2020 TO 2020-2023

Table 1– Government of Canada’s Planned Expenditures for the Implementation of Provincial and Territorial Action Plans,¹ Protocol for Agreements for Minority-Language Education and Second-Language Instruction 2019–2020 to 2020–2023² Between the Government of Canada and the Provinces and Territories

Province/Territory	Planned Annual Expenditures (\$)– Minority Language	Planned Annual Expenditures (\$)– Second Language	Planned Annual Expenditures (\$)–Total	Planned Additional Annual Contribution for Minority Language Education (\$) ³
Newfoundland and Labrador ⁴	1,301,551	2,639,295	3,940,846	N/A
Prince Edward Island ⁵	1,545,732	1,076,602	2,622,334	232,607
Nova Scotia ⁶	3,896,725	3,761,355	7,658,080	N/A
New Brunswick ⁷	16,363,444	5,339,248h	21,702,692	1,253,477
Ontario ⁸	54,992,678	24,090,634	79,083,312	4,137,738

- 1 As the title indicates, the above table summarizes the Government of Canada’s expenditures for the implementation of the provincial and territorial action plans under the *Protocol for Agreements for Minority-Language Education and Second-Language Instruction 2019–2020 to 2020–2023* (the Protocol). The table does not reflect all expenditures that may be incurred. For example, the Protocol authorizes complementary contributions, which are intended for one-time requirements or “non-recurring” projects. They are provided to the provinces and territories subject to an equivalent or higher provincial or territorial annual contribution. Complementary contributions are not included in the planned expenditures under the Protocol and subsequent bilateral agreements.
- 2 Only British Columbia, New Brunswick, Saskatchewan and the Northwest Territories have signed a multi-year bilateral agreement. The other provinces and territories have annual agreements.
- 3 The current Protocol includes “an additional annual contribution for minority-language education.” This is a total additional contribution of \$15 million per year to all provinces and territories.
- 4 2018–2019 data.
- 5 2019–2020 data.
- 6 2018–2019 data.
- 7 2019–2023 data.
- 8 This amount is broken down as follows: \$5,043,334 for French as a second language, and \$295,914 for English as a second language.

Province/Territory	Planned Annual Expenditures (\$)– Minority Language	Planned Annual Expenditures (\$)– Second Language	Planned Annual Expenditures (\$)–Total	Planned Additional Annual Contribution for Minority Language Education (\$)³
Manitoba ⁹	6,774,749	5,540,451	12,315,200	509,743
Saskatchewan ¹⁰	2,693,018	4,039,526	6,732,544	607,881
Alberta ¹¹	5,310,966	8,894,859	14,205,825	N/A
British Columbia ¹²	6,036,572	10,067,846	16,104,418	4,213,815
Yukon ¹³	1,235,800	977,100	2,212,900	N/A
Northwest Territories ¹⁴	1,382,850	1,204,705	2,587,555	312,143
Nunavut ¹⁵	992,885	429,746	1,422,631	N/A
Quebec ¹⁶	46,525,473	18,406,662	64,932,135	7,001,304
Total	149,128,357	86,392,115	235,520,472	N/A

Source: Council of Ministers of Education, *Protocol for Agreements for Minority-Language Education and Second-Language Instruction 2019–2020 to 2022–2023 between the Government of Canada and the Provinces and Territories, 2020*. Canada–province/territory bilateral agreements: *Canada–Alberta Agreement on Minority-Language Education and Second-Language Instruction 2019–2020 – Amending Agreement; Canada–British Columbia Agreement on Minority-Language Education and Second Official-Language Instruction 2020–2021 to 2022–2023; Canada–Prince Edward Island Agreement on Minority-Language Education and Second Official-Language Instruction 2019–2020 – Provisional Arrangements; Amendment to the Canada–Manitoba Agreement on Minority-Language Education and Second*

9 2019–2020 data.

10 2019–2020 data.

11 2019–2023 data.

12 2019–2020 data.

13 The bilateral agreement with British Columbia covers 2020–2021 to 2022–2023.

14 2019–2020 data.

15 2019–2020 data.

16 2020–2021 data.

Official-Language Instruction for 2019–2020; Canada–New Brunswick Agreement on French First-Language Education and Second-Language Instruction 2019–2020 to 2022–2023; Canada–Nova Scotia Agreement on Minority-Language Education and Second Official-Language Instruction 2018–2019 – Provisional Arrangements; Amendment to Canada–Nunavut Agreement on Minority-Language Education and Second Official-Language Instruction for 2019–2020; Canada–Ontario Agreement on Minority-Language Education and Second Official-Language Instruction for 2019–2020 – Provisional Arrangements; Canada–Québec Agreement on Minority-Language Education and Second-Language Instruction for 2020–2021 – Provisional Arrangements; Canada–Saskatchewan Agreement on Minority-Language Education and Second Official-Language Instruction 2019–2020 to 2022–2023; Canada–Newfoundland and Labrador Agreement on Minority-Language Education and Second Official-Language Instruction 2018–2019 – Provisional Arrangements; Canada–Northwest Territories Agreement on Minority-Language Education and Second Official-Language Instruction 2019–2020 to 2022–2023; and Canada–Yukon Agreement on Minority-Language Education and Second Official-Language Instruction 2019–2020 – Provisional Arrangements.

APPENDIX C LIST OF WITNESSES

The following table lists the witnesses who appeared before the committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the committee’s [webpage for this study](#).

Organizations and Individuals	Date	Meeting
As an individual	2022/02/02	3
Guillaume Rousseau, Associate Professor, Université de Sherbrooke		
Marc Termote, Associate Professor, Department of Demography, University of Montreal		
La Fédération des associations de juristes d'expression française de common law inc.	2022/02/02	3
Daniel Boivin, President		
As an individual	2022/02/07	4
Roger Lepage, Lawyer		
Association des collèges et universités de la francophonie canadienne	2022/02/07	4
Lynn Brouillette, President and Chief Executive Officer		
Martin Normand, Director, Strategic Research and International Relations		
As an individual	2022/02/14	6
Frédéric Lacroix, Essayist		
Fédération des francophones de la Colombie- Britannique	2022/02/14	6
Lily Crist, Chair, Board of Directors		
L’Action nationale	2022/02/14	6
Robert Laplante, Director		
Power Law	2022/02/14	6
Darius Bossé, Lawyer		
Mark Power, Lawyer		

Organizations and Individuals	Date	Meeting
Quebec Council of Employers Karl Blackburn, President and Chief Executive Officer Denis Hamel, Vice President Workforce Development Policies	2022/02/14	6
Société de la francophonie manitobaine Daniel Boucher, Executive Director Angela Cassie, Chair, Board of Directors	2022/02/14	6
Centre communautaire francophone de Sarnia-Lambton Tanya Tamilio, President	2022/02/16	7
Department of Canadian Heritage Sarah Boily, Director General Official Languages Julie Boyer, Assistant Deputy Minister, Official Languages, Heritage and Regions	2022/02/16	7
Department of Citizenship and Immigration Glen Linder, Director General, International and Intergovernmental Relations Corinne Prince, Acting Assistant Deputy Minister, Settlement and Integration	2022/02/16	7
Mouvement Québec français Maxime Laporte, President	2022/02/16	7
Société Saint-Jean-Baptiste de Montréal Marie-Anne Alepin, General President	2022/02/16	7

APPENDIX D LIST OF WITNESSES

The following table lists the witnesses who appeared before the committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the committee’s [webpage for this study](#).

43rd Parliament—2nd Session

Organizations and Individuals	Date	Meeting
As an individual Hon. Serge Joyal, Jurist and Former Senator	2021/02/25	19
Association des juristes d’expression française du Nouveau-Brunswick Érik Labelle Eastaugh, Professor and Director of International Observatory for Language Rights, Faculty of Law, Université de Moncton	2021/02/25	19
Impératif français François Côté, Lawyer Jean-Paul Perrault, President	2021/02/25	19
Quebec Community Groups Network Hon. Marlene Jennings, President Sylvia Martin-Laforge, Director General	2021/02/25	19
As an individual Charles Castonguay, Retired Professor Patrick Sabourin, Doctor in Demography	2021/03/09	20
Statistics Canada Jean-Pierre Corbeil, Assistant Director, Diversity and Sociocultural Statistics	2021/03/09	20
Association canadienne-française de l'Alberta Isabelle Laurin, Executive Director Sheila Risbud, President	2021/04/13	24

Organizations and Individuals	Date	Meeting
Société de l'Acadie du Nouveau-Brunswick Ali Chaisson, Executive Director Alexandre Cédric Doucet, President	2021/04/13	24
As an individual Rodrigue Landry, Professor Emeritus, Université de Moncton, former Director General, Canadian Institute for Research on Linguistic Minorities	2021/04/22	27
Assemblée de la francophonie de l'Ontario Peter Hominuk, Executive Director Carol Jolin, President Bryan Michaud, Policy Analyst	2021/04/22	27
Canadian Institute for Research on Linguistic Minorities Éric Forgues, Executive Director	2021/04/22	27
As an individual Mariève Forest, Sociologist, President and Founder of Sociopol, Visiting Professor at the University of Ottawa Jack Jedwab, President and Chief Executive Officer, Immigration and Identities, Association for Canadian Studies and Canadian Institute for Identities and Migration	2021/04/27	28
Fédération des communautés francophones et acadienne du Canada Alain Dupuis, Director General	2021/04/27	28
As an individual Robert Leckey, Dean and Samuel Gale Professor, Faculty of Law, McGill University Anne Michèle Meggs, Former Director of Research, Office québécois de la langue française	2021/04/29	29
Fédération des travailleurs et travailleuses du Québec Denis Bolduc, General Secretary Gilles Grondin, Union Advisor	2021/04/29	29

APPENDIX E LIST OF BRIEFS

The following is an alphabetical list of organizations and individuals who submitted briefs to the committee related to this report. For more information, please consult the committee's [webpage for this study](#).

43rd Parliament—2nd Session

Association canadienne-française de l'Alberta

Castonguay, Charles

Fédération des communautés francophones et acadienne du Canada

Impératif français

Hon. Joyal, Serge

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* ([Meetings Nos. 19, 20, 24, 27, 28, 29](#)) from the 43rd Parliament, 2nd Session and ([Meetings Nos. 3, 4, 6, 7, 8, 16, 17, 18, 19, 20, 21, 22, 59](#)) from the 44th Parliament, 1st Session is tabled.

Respectfully submitted,

René Arseneault
Chair

Dissenting Opinion – Bloc Québécois
May 9, 2023

The Bloc Québécois MP and Second Deputy Chair of the Standing Committee on Official Languages respectfully submits the following dissenting opinion:

Notwithstanding the current reform of the *Official Languages Act* (OLA), the Bloc Québécois believes that in order to truly **“protect and promote French” in Quebec and in Canada**, it must be recognized that French is the only official minority language in Canada. In the North American context, only the French language is in decline and in need of protection and promotion.

Representatives of the Acadian nation and Francophone communities outside Québec see in the proposed OLA significant progress won at great cost. We stand in solidarity with them and we support their claims.

However, to preserve linguistic duality and French in Canada, it is essential to maintain and promote the French character of Quebec, the only majority French-speaking state in North America.

Protecting and promoting French

In the wake of the Speech from the Throne, during which the federal government acknowledged for the first time that it had *“a responsibility to protect and promote French not only outside Quebec, but also in Quebec”*, a motion was adopted tasking the Committee on Official Languages to conduct a study on the situation of French in Quebec and the impact of federal language policy on the Charter of the French Language, for the first time since the OLA was adopted in 1969, among other topics.

The decline of the French language

Among those consulted were representatives of Quebec French-language defense and promotion organizations, demographers and statisticians who specialize in the linguistic dynamics underlying the decline of French, as well as Quebec language law specialists. They provided an objective picture of the decline of French and further affirmed that an asymmetrical approach must be put in place to ensure that the OLA respects the territorial linguistic model provided by Bill 101.

The testimony of mathematician Charles Castonguay before the Committee was crystal clear: *“Indeed, between 2001 and 2016, the last 15 years, Quebec’s French-speaking majority has plunged at record speed to a record low. In contrast, in Quebec, for the first time in census history, English has roughly maintained its weight in Quebec as a mother tongue, and increased its weight somewhat in terms of the main home language. The most stunning development is on Montreal Island, where French mother tongue youth*

have become more bilingual than their English counterparts and are now adopting English as the main home language at the rate of 6%. As for the rest of Canada, the anglicization rate of the French mother tongue population outside Quebec has steadily increased, from 27% in 1971 to 40% in 2016.”

Witnesses also cited other Statistics Canada studies that predict an accelerated decline of French in Quebec (and in other provinces) by 2036. It should be noted that the Statistics Canada representative did not provide a clear picture of the situation. The former specialist of this federal institution, Jean-Pierre Corbeil, advocated for additional research to provide a more accurate picture of the situation, but did not dispute the decline of the French language in Quebec.

False symmetry

Essayist Frédéric Lacroix summarized the situation as follows: “Within a framework of symmetry, the Official Languages Act institutes a double majority in Canada in which anglophones form the majority outside Quebec and francophones the majority within Quebec. This double majority is real only if one considers that the linguistic dynamic is determined by provincial borders. However, this is false. The linguistic dynamic is determined by the country to which Quebec belongs, which is Canada. The Official Languages Act thus fosters the development and vitality of Quebec's anglophone minority. However, that minority is not a minority. It is in fact an integral part of the Canadian majority and possesses all its attributes, including linguistic vitality.”

Robert Laplante concurred: *“It is sociologically indefensible to suggest that the situation of French in Quebec is perfectly symmetrical with that of English in Canada and, likewise, with the situation of anglophone and francophone minorities. They cannot be viewed as equivalent. There are not two majorities in Canada; there is only one, and it is an anglophone majority, a representative group of which lives in Quebec.”*

Territorial model

Several Quebec experts were of the opinion that the current federal linguistic model of individual rights (known as “personality rights”) does not contribute to the promotion and protection of the French language and culture, and that it should be abandoned in favor of the so-called territorial model, such as Bill 101.

Quebec language law professor Guillaume Rousseau summed it up this way: *“What the literature tells us is that there are two major language-policy models: the one based on personality, the other on territoriality.”* The OLA is based on the personality principle, a policy of institutional bilingualism guided by individual choices of either official

language. To quote demographer Patrick Sabourin, *“the language choice is left up to each individual. This is called the personality principle.”*¹

The other approach to language planning is based rather on collective and territorial rights. It focuses on establishing an official and common language in a given territory. Patrick Sabourin stated: *“in Switzerland, for example, the place of residence determines what languages are used. This is called a territoriality principle. Competition between languages is limited to certain zones that are designated bilingual. [...] I should point out that the geographic concentration of speakers is a key factor in the survival of linguistic communities. The more geographically concentrated the speakers of a language, the greater their potential linguistic vitality”*.²

Mr. Rousseau noted that *“virtually all language policy experts around the world believe that only a territoriality-based approach can guarantee the survival and development of a minority language.”* He pointed out that after the establishment of Bill 101, which was based on the territorial model, there was progress regarding French in Quebec. Although several factors such as migration flows came into play, the indicators of linguistic vitality began to decline again as the law was undermined, especially by Supreme Court rulings. Thus, the Charter of the French Language has moved away from the territoriality principle and shifted closer and closer to the personality principle.

The representatives of Quebec organizations and French language defense experts who appeared before the Committee stated in turn that the linguistic territoriality principle was the one best suited to Quebec’s situation. Their message reinforced the position of the Quebec government, who is calling to be the sole master of Quebec's language framework, thus ensuring that French is and remains the common language in Quebec. These witnesses also defended Francophone communities in majority English-speaking provinces, where territoriality and personality principles could however coexist depending on the concentration of Francophones. It has been demonstrated that the personality principle alone does not protect these minorities.

Respecting the “by and for” Quebec

Witnesses highlighted the fact that the individual language rights model (personality principle) used in the OLA had the effect of undermining the territorial francization measures contained in the original version of the Charter of the French language. In particular, we note the exemption to Bill 101 for private companies under federal jurisdiction, as well as the barriers to French as a language of work and service in the federal public service in Quebec.

¹ House of Commons, Standing Committee on Official Languages, Evidence, March 9, 2021, 1950 (Mr. Patrick Sabourin, Doctor of Demography).

² Ibid.

Francophones outside Québec who have a dual minority status (provincial and federal) have applied the notion of “by and for” over smaller territories (the ability of communities “to ensure their own development”). In education, this means school systems run by francophones, for francophones, and Ottawa has recognized this principle. In Quebec, “by and for” implies the recognition of the autonomy of the Quebec State, the only government formed by a French-speaking majority, and its right to manage its own language framework without federal interference. The director of *L’Action nationale*, Robert Laplante, stated before the Committee: “*The Quebec National Assembly has and must have every right to conduct language planning*”.

And wherever the *Official Languages Act* is to be applied, said Ms. Anne Michèle Meggs, we must be attentive, “so it doesn't undermine” Quebec's francization efforts. This means accepting that the Charter of the French Language applies to businesses under federal jurisdiction and that in the event of a conflict between federal laws and the Quebec Charter, the latter takes precedence.

It will also require, as Mr. François Côté pointed out, ensuring that the right to work in French within the federal public service goes beyond a “superficial equality”. “*Measures are needed to provide genuine protection for the collective right to use French in federal businesses and the public service*”.

Stop funding anglicization in Quebec

The structure of the *Official Languages Act*, which establishes a false symmetry between Anglo-Quebecers and francophones elsewhere in the country, means that almost all OLA funding in Quebec is spent on the protection and promotion of English, which is not in need of protection. “*The millions of dollars awarded each year to Quebec under (the Official Languages Act) have served to promote English*”, noted Ms. Alepin.

“*This is an obvious sign that the Official Languages Act has missed its target and that its design flaws have been exacerbated by the actions of Ottawa, which has created a distorted dynamic through its spending power and interventions in Quebec's anglophone community and institutions by contributing to an overfunding of programs*”, said Mr. Laplante. Professor Guillaume Rousseau added “*that we must ensure that federal government grants increasingly go to citizen groups that promote French language culture in Quebec.*”

The disproportionately large funding granted to Anglo-Quebec healthcare institutions and post-secondary education is well documented and is in stark contrast with the chronic underfunding of institutions serving francophone minorities in other provinces, which are often neglected by their governments and struggling to survive. “*We are at a critical point when we absolutely have to get adequate funding to support our institutions*”, pleaded Ms. Lynn Brouillette.

In his testimony, essayist Frédéric Lacroix spoke specifically about postsecondary programs for francophones outside Quebec, which are *“seriously underfunded in all Canadian provinces. Current investment represents only a fraction of the money that should be invested in them. The situation is reversed in Quebec, where English-language universities and cégeps receive two or three times more funding based on the anglophone community's demographic weight.”*

Sheila Risbud, ACFA, echoed these grievances when speaking about the French Saint-Jean campus in Edmonton, *“which suffers from a serious operational and structural financial deficit”*, as did Roger Lepage, a Franco-Saskatchewan lawyer, who painted a distressing picture of insufficient, overcrowded, underfunded and dilapidated schools. *“In comparison to the overfunding of the anglophone school system in Quebec, one can only feel anger over what Mr. Lepage had to go through”*, commented Marie-Anne Alepin to the Committee.

The dynamics of immigration

Decreasing fertility rates in Canada and Quebec have for decades led to a significant increase in the number of immigrants. This influx of immigrants presents two major issues for francophones: in Quebec, the integration of too high a proportion of newcomers into the English-speaking community is contributing to the decline of the French language, while elsewhere in Canada, francophone minorities are not receiving enough francophone immigrants to overcome losses due to declining birth rates and language shifts to English.

In Quebec, said Alepin to the Committee, *“the most important question is still the rate of immigration. It would be better to control our immigration process and accept more francophones. It's essential. Not just desirable, but essential.”* However, despite the recognition of distinctiveness in the Canada-Quebec Accord on immigration, *“the immigration process is managed by the federal government. So everything is bilingual”*, noted Ms. Meggs. And every step of the way, *“the message is clear: in Quebec, English is an official language of their new country. They are allowed to choose English, and it's even fine if they do. This is the exact opposite of the message that Quebec is trying to convey, and it forms the basis for the Accord, namely the assertion that French is an inclusive, participatory language.”*

Other than handing over more powers to Quebec, *“it has already been suggested to the government that everyone in the process of becoming citizens of Quebec should have a knowledge of French. This would send out the strong message that to be a Quebec citizen, you need to be able to speak French”*, concluded Ms. Meggs.

Addressing francophone immigration outside Quebec, witnesses pointed out that Ottawa has failed to meet its own targets. In this regard, they blame the federal government's half-hearted commitment to French-language immigration. For his part,

Patrick Sabourin, Doctor of Demography, warned the Committee about *“the impression that francophone immigration will save francophones outside Quebec”*. One must beware of that notion, he said. *“Francophones arriving in Canada will be subjected to the same pressures francophones outside Quebec now feel. They’ll also be under pressure to switch to English and will undergo the same linguistic assimilation that francophones outside Quebec experience.”*

Resistance to an asymmetric approach

Although the message put forth by the Canadian government since the 2020 Speech from the Throne which gave the Standing Committee on Official Languages its current mandate, that French needs to be protected and promoted everywhere, even in Quebec, seems to reflect the views of most of the experts heard at the 2021 and 2022 hearings, it is not without its detractors.

Objections from Anglo-Quebecer representatives were not unexpected, but the reluctance expressed by the Commissioner of Official Languages, Mr. Raymond Th  berge, during his appearance on February 9, 2022, was worrisome. When questioned, Mr. Th  berge refused to acknowledge that French is in decline in Quebec. He even came to the defense of Anglo-Quebecers, reiterating the false symmetry that the federal government seems to have finally abandoned. *“With respect to the anglophone community in Quebec, many of the socioeconomic factors tell us that they are much less affluent than the francophone majority in Quebec, he said. The English-speaking community in Quebec has its own challenges, just as French-speaking communities outside Quebec have their own challenges. I feel that it is important to mention that.”*

As for the Anglo-Quebec witnesses, the Committee was treated to a few inappropriate comments, suggesting, as is too often the case, that the promotion of French in Quebec borders on racism. Case in point, this acerbic intervention by Jack Jedwab, on April 27, 2021: *“I’ve always found that a bit funny, too, that we in Quebec in the National Assembly will say that we don’t want the word ‘hi’, but we’re okay with the N-word. I mean, think about the paradox there.”* Or this reference to the treatment of African Americans in the Southern United States: *“To not do so would be to tell English-speaking Quebecers: ‘We’re going to let you on the bus, but you gotta sit in the back’”*, said Marlene Jennings to the Committee, on February 25, 2021.

The Bloc Qu  b  cois deplores and denounces the radicalism and violence of these statements, which are detrimental to the quality of the democratic conversation.

A detailed portrait

Among other things, this Committee, as part of the new government policy was to *“protect and promote French not only outside Quebec, but also in Quebec”*, based on

“an objective and detailed picture of French and English in Quebec, as well as of the francophone and Acadian communities, based on the main language indicators”.

The Committee heard from many expert witnesses, but did not really provide this “objective and detailed picture” which is essential to the evaluation of all the recommendations and measures that will follow. The experts provided highly relevant data on the status of the French language in Quebec, but the ongoing situation of the Francophonie outside Quebec, which is severe in many provinces, was only briefly addressed.

The report titled *The Role of the Government of Canada in the Protection and Promotion of the French Language in Canada and Quebec* highlights early on the importance of the Statistics Canada data set “on the evolution of the French-speaking population in Canada”. However, this data set should be updated with the integration of language data from the 2021 Census released by Statistics Canada in August 2022. By integrating witnesses’ insights and adding new data as needed, the Committee would be able to release an even more illuminating update on the whole of Francophonie in Quebec and Canada.

Recommendations of the Bloc Québécois for the report of the Standing Committee on Official Languages on the measures the Government of Canada can take to protect and promote the French language in Canada and Quebec

As a whole, the testimonies of representatives of Quebec French-language defense and promotion organizations, demographers and statisticians who specialize in the linguistic dynamics underlying the decline of French, as well as Quebec language law specialists imply that the federal language framework should:

- Recognize that Quebec is a nation with French as its only official and common language, that Quebec is the sole decision-maker of language policy on the territory of Quebec.
- Recognize that the Charter of the French Language (CFL), based on the territoriality model, is essential to protect, promote and ensure the sustainability of French in Quebec.
- Specify that no provision or interpretation of the OLA may have the effect of hindering the use of French as a common language in Quebec and that, in the event of a discrepancy between the OLA and the CFL, the latter takes precedence.
- Consequently, that the Charter of the French Language applies to private enterprises under federal jurisdiction in Quebec.
- Establish language measures to ensure that federal institutions in Quebec operate in a manner compatible with the objectives of the Charter of the French Language, therefore to incorporate the framework of the Charter of the French

Language into the *Official Languages Act* to govern the federal public service in Quebec.

- Amend the sections of the *Official Languages Act* (OLA) that enshrine a false symmetry between Francophones outside Quebec and Anglo-Quebecers, by excluding the concept of Anglophone minorities.
- Amend Part VII to reflect a differentiated approach to the protection and promotion of French in Quebec.
- Ensuring that the rights and real needs of English-speaking Quebecers in relation to the vitality of their community are respected is primarily the responsibility of the Quebec government.
- Ensure that federal financial contributions to Quebec under the OLA cannot be made without the agreement of the Government of Quebec, and that they are unconditional, including language clauses in intergovernmental agreements in Quebec.
- Require the Minister of Citizenship and Immigration to adopt a Francophone immigration policy that gives full authority to the Government of Quebec and allows knowledge of French to be a requirement for Canadian citizenship in Quebec.