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IMPACT OF THE COVID-19 PANDEMIC ON THE GOVERNMENT'S ABILITY TO DELIVER INFORMATION AND SERVICES IN BOTH OFFICIAL LANGUAGES

Report of the Standing Committee on Official Languages

Emmanuel Dubourg, Chair

**JUNE 2021
43rd PARLIAMENT, 2nd SESSION**

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Chair**

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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

FIFTH REPORT

Pursuant to its mandate under Standing Order 108(3)(f), the committee has studied the impact of the COVID-19 pandemic on the government's ability to deliver Information in both official languages and has agreed to report the following:

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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 adopt the recommendations in the Commissioner of Official Languages’ report entitled *A Matter of Respect and Safety*..... 8

Recommendation 2

That the government of Canada adopt an official languages analysis tool similar to the Gender-based Analysis Plus (GBA+) tool, as an official language lens that would guide all government operations to ensure that the Canadian government’s policies respect its legal and constitutional framework on official languages..... 9

Recommendation 3

That the Government of Canada and the provincial and territorial governments recognize the vulnerability of certain demographic groups, including seniors and newcomers, as regards unilingual communications in emergency situations. 12

Recommendation 4

That the Government of Canada acknowledge that the implementation of language rights has an impact on the health and safety of the population and that it amend the *Official Languages Act* so that it takes precedence over all laws and regulations aimed at communications. Any future legislation with provisions for emergency situations should acknowledge and mandate the primacy of the *Official Languages Act*..... 13

Recommendation 5

That the Government of Canada amend the *Language Skills Act* so that, from now on, the linguistic designation of the position of Chief Public Health Officer of Canada, as well as equivalent positions in all departments, is bilingual at the time of appointment, and that it evaluate the language requirements of other incumbents responsible for providing information to the public. 14

Recommendation 6

That, in the process of reforming the *Official Languages Act* (the Act), the Government of Canada ensure that the use of social media and other electronic means of communications by federal institutions is subject to the Act. 16

Recommendation 7

As regards translation:

- a) That the Treasury Board prohibit the use of translation and interpretation services throughout the federal public service that are not provided by qualified professionals, whether for internal or external communications.

- b) That Public Services and Procurement Canada evaluate the Translation Bureau’s capacity in terms of translation and interpretation services to ensure that federal institutions can always use professional translation and interpretation services for their internal and external communications. 17

Recommendation 8

That, in the process of reforming the *Official Languages Act* (the Act), the Act be amended to ensure that all federal institutions have plans for communications with and services to employees and the public in emergency situations. 19

Recommendation 9

That all departments of the Government of Canada ensure that, during emergency situations, the packaging and labelling of all products comply at all times with the laws and regulations governing bilingual packaging and labelling. 21

Recommendation 10

That, in the process of reforming the *Official Languages Act* (the Act), the Act be amended so as to strengthen Part V of the Act in such a way as to ensure that civil servants who work in bilingual regions for language-of-work purposes may, both in non-critical times and in emergency situations:

- a) **communicate in the official language of their choice, both orally and in writing, with their managers;**
- b) **receive oral or written communication from their employer simultaneously in both official languages; and**
- c) **have access, whenever possible, to interpretation services during in person, virtual or hybrid format meetings. 23**

Recommendation 11

That the *Official Languages Act* aim to further encourage bilingualism in the public service and that the Treasury Board develop a new training framework for second language learning and revise the language qualification standards for all positions. 24

Recommendation 12

That the Government of Canada and the governments of the provinces and territories ensure that their bilingual communications and services are coordinated in emergency situations and alerts from the National Public Alerting System are always issued in both official languages..... 27

Recommendation 13

That, in order to allow official language minority community organizations to maintain their capacity to offer services and programming, the Government of Canada set up:

- a) an emergency fund for future emergency situations, with the objective of supporting OLMC organizations during both the emergency situation and the recovery period; and**

- b) consider the possibility of establishing other post-COVID-19 pandemic funds in order to ensure their continued vitality. 31**



IMPACT OF THE COVID-19 PANDEMIC ON THE GOVERNMENT'S ABILITY TO DELIVER INFORMATION AND SERVICES IN BOTH OFFICIAL LANGUAGES

INTRODUCTION

In the fall of 2020, the House of Commons Standing Committee on Official Languages (the Committee) undertook a study of the COVID-19 pandemic's impact on the government of Canada's ability to deliver information to the public in both official languages.

Witness testimony has revealed shortcomings with regard to:

- the federal government communications and the delivery of services in both official languages;
- the ability for federal public service employees to use their official language of choice in designated bilingual regions;
- the capacity of official language minority community organizations (OLMC organizations) to serve their communities;
- the challenges in intergovernmental communication; and
- the actions taken and the challenges faced by certain provincial governments.

A MATTER OF RESPECT AND SAFETY: THE IMPACT OF EMERGENCY SITUATIONS ON OFFICIAL LANGUAGES. THE COMMISSIONER OF OFFICIAL LANGUAGES' ANALYSIS

In October 2020, the Commissioner of Official Languages (the Commissioner), Mr. Raymond Th  berge, published a report entitled *A Matter of Respect and Safety: The Impact of Emergency Situations on Official Languages*. The report was the result of an analysis of not only the challenges of Canadians' official languages experiences during the first wave of the COVID-19 pandemic, but also of other national and regional



emergencies in the period from 2010–2020. The Commissioner’s stated goal was to “ensure that in times of crisis, both official languages are systematically treated equally and that Canadians are informed and reassured in the official language of their choice.”¹

At the time of the publication of his report, the Office of the Commissioner of Official Languages had received 100 complaints directly regarding the impact of the COVID-19 pandemic on language rights.² Of these, 72³ were deemed admissible.⁴ As of 8 December 2020, the total admissible complaints had risen to 84. The complaints addressed both the lack of communications or services in both official languages from the federal government, and the language-of-work rights of federal public servants in designated bilingual regions.⁵ Before the committee, the Commissioner added that “some of the most striking examples” of complaints included unilingual press conferences, disinfectants labelled in a single official language and briefing materials and alert e-mails sent to federal officials in a single official language.⁶ Mr. Théberge also added that another subject of concern in both the COVID-19 pandemic and previous emergencies is unilingual messages distributed by the National Public Alert System.⁷

From 8 June 2020 to 26 June 2020, the Commission of Official Languages invited the public to respond to a questionnaire.⁸ It revealed, among other things, that many respondents reported being unable to access information in their official language of choice, with 17% being unable to do so in past emergency situations, and 24% finding the same challenge during the COVID-19 pandemic.⁹

1 Office of the Commissioner of Official Languages, *A Matter of Respect and Safety: The Impact of Emergency Situations on Official Languages*, 29 October 2020, p. 1.

2 Ibid., p. 6.

3 As of 29 October 2020.

4 An admissible complaint involves a federal institution, relates to a specific part of the *Official Languages Act* and pertains to a particular incident.

5 Office of the Commissioner of Official Languages, *A Matter of Respect and Safety: The Impact of Emergency Situations on Official Languages*, 29 October 2020, p. 6.

6 House of Commons Standing Committee on Official Languages (LANG), *Evidence*, 43rd Parliament, 2nd Session, 8 December 2020, 1540 (Mr. Raymond Théberge, Commissioner of Official Languages).

7 Ibid.

8 Office of the Commissioner of Official Languages, *A Matter of Respect and Safety: The Impact of Emergency Situations on Official Languages*, 29 October 2020, p. 2.

9 Ibid., p. 3.

The Commissioner of Official Languages' Recommendations

According to the Commissioner of Official Languages, the above-mentioned problems indicate that “many federal institutions are having [difficulties] in meeting their language obligations.” For the Commissioner, this puts the health and safety of all Canadians at risk.¹⁰ He therefore made the following three recommendations.

- 1) That the Translation Bureau and federal institutions develop and implement an action plan to ensure that appropriate tools and structures are in place to facilitate the drafting and simultaneous delivery of emergency communications of equal quality in both official languages.
- 2) That the Treasury Board, with support from deputy heads and heads of communications, implement a strategy within 18 months of the date of this report in order to ensure that: the formal communications plans and procedures for emergency or crisis preparedness of each federal institution are reviewed; where appropriate, formal plans and procedures are amended to include clear directives to ensure that communications of equal quality are issued in both official languages simultaneously in emergency or crisis situations; all managers and public servants involved in emergency and crisis communications are trained in how to implement the plans and directives regarding emergency communications in both official languages; and the effectiveness of the measures taken by federal institutions in response to this recommendation is assessed.
- 3) That within one year of the date of this report, the Privy Council Office and Public Safety Canada, in consultation with Canadian Heritage, develop a strategy to encourage, support and work with the various levels of government to integrate both official languages in communications during emergency or crisis situations.¹¹

Some witnesses referred to these recommendations. They also formed a basis for further discussion and conclusions.

Therefore, the Committee recommends:

10 *Ibid.*, p. 16.

11 *Ibid.*, pp. 20–21.



Recommendation 1

That the Government of Canada adopt the recommendations in the Commissioner of Official Languages' report entitled *A Matter of Respect and Safety*.

ATTITUDES TOWARD OFFICIAL LANGUAGES

The Commissioner stated that, while the basic principle underpinning the existing provision of services in both official languages is substantive equality, under the current understanding in Canada, “we do not even come close to adhering to the principle of substantive equality.”¹² He and other witnesses emphasized that the government’s understanding of official languages and their use must change.

For Ms. Kelly Burke, the French Language Services Commissioner of Ontario, it is of vital importance that governments develop a minority language or bilingual reflex in order for language rights be respected. She also stated that for the delivery of services in French as an official language to be successful, “governments must make the language a priority, by strategically planning in advance, by evaluating the results of their strategies, and by learning from their experiences, in order not to do the minimum, but to achieve excellence.”¹³

As Dr. Stéphanie Chouinard, Assistant Professor of Political Science at the Royal Military College of Canada and Queen’s University highlighted, “during the pandemic, the government’s modus operandi has been that because we were in an emergency situation and had to do things quickly, official languages were suddenly not as important as the central issue of protecting Canadians.”¹⁴ She further stated that “official languages need to be viewed as a way of protecting Canadians, and not as an impediment to their protection.”¹⁵ Dr. Martin Normand, a postdoctoral fellow at the University of Ottawa, added that with the significant innovations that have come with the COVID-19

12 LANG, *Evidence*, 43rd Parliament, 2nd Session, 8 December 2020, 1615 (Mr. Raymond Thériège).

13 LANG, *Evidence*, 43rd Parliament, 2nd Session, 25 March 2021, 1545 (Ms. Kelly Burke, French Language Services Commissioner of Ontario).

14 LANG, *Evidence*, 43rd Parliament, 2nd Session, 26 November 2020, 1540 (Dr. Stéphanie Chouinard, Assistant Professor, Department of Political Science, Royal Military College of Canada and Political Studies, Queen’s University, As an Individual).

15 *Ibid.*, 1545.

pandemic, official languages should be incorporated into the communications process rather than treated as a nuisance.¹⁶

In light of this, Dr. Chouinard recommended that the federal government should develop an official languages policy analysis tool, similar to the existing Gender-based Analysis Plus (GBA+) tool.¹⁷

Dr. Linda Cardinal, emeritus professor at the University of Ottawa, added to this idea, stating that “all government operations should be viewed through an official language lens [...] to ensure [its] policies are consistent with its legal and constitutional official languages framework.”¹⁸

In discussing different ways of conceptualizing official languages in Canada, witnesses offered various perspectives: official language rights as a matter of the rule of law; official languages as a matter of public health and safety; and official languages as a vehicle of citizenship and identity.

In light of the foregoing, the Committee recommends:

Recommendation 2

That the government of Canada adopt an official languages analysis tool similar to the Gender-based Analysis Plus (GBA+) tool, as an official language lens that would guide all government operations to ensure that the Canadian government's policies respect its legal and constitutional framework on official languages.

Official Language Rights as a Matter of the Rule of Law

Dr. François Larocque, a professor of law at the University of Ottawa, argued that from a legal standpoint, respect for official languages in emergency situations represents a matter of the rule of law.¹⁹ Official language rights stem not just from the *Official Languages Act* (OLA), but also from the *Canadian Charter of Rights and Freedoms*,

16 Ibid., 1555 (Dr. Martin Normand, Postdoctoral Fellow, University of Ottawa, As an Individual).

17 Ibid., 1545 (Dr. Stéphanie Chouinard).

18 Ibid., 1705 (Dr. Linda Cardinal, Emeritus Professor, University of Ottawa, As an Individual).

19 Ibid., 1605 (Dr. François Larocque, Professor, Faculty of Law, Common Law Section, University of Ottawa, As an Individual).



therefore they must be protected and promoted under all circumstances, but especially in times of crisis.²⁰

Dr. Larocque further observed that while the *Emergency Measures Act* (EMA) had not been invoked during the pandemic, if it had been, it would not have provided any further protections for official languages given that its preamble is silent on the matter.²¹ The preamble to the EMA does reference that it should be guided by the *Canadian Charter of Rights and Freedoms*; however, in Dr. Larocque's opinion, a more explicit reference to official language rights is necessary.²² He, along with Mr. Alain Dupuis, Director General of the Fédération des communautés francophones et acadienne (FCFA), also recommended that the EMA be amended to explicitly make reference to the OLA and that the latter remain in force even under the former.²³ The primacy of the *Official Languages Act* is at stake.

The two major statutes that were enacted at the beginning of the pandemic, the *COVID-19 Emergency Response Act* and the *COVID-19 Emergency Response Act, No. 2* also neglected to discuss official language rights.²⁴ On this point, Dr. Larocque alluded to Health Canada's decision to approve bilingual labelling on certain products.²⁵

For Ms. Burke, it is essential that "the legislation must be consistent in allowing for the uninterrupted delivery of services, particularly when the health of Canadians is at stake."²⁶

Dr. Cardinal noted that the modernization of the Act provides an opportunity to ensure that it is in line with other legislative and regulatory frameworks and that none contradict each other.²⁷ Like Dr. Larocque, she argued that this would reduce the

20 Ibid.

21 Ibid.

22 Ibid.

23 Ibid., 1610; and LANG, *Evidence*, 43rd Parliament, 2nd Session, 28 January 2021, 1710 (Mr. Alain Dupuis, Director General, Fédération des communautés francophones et acadienne du Canada).

24 LANG, *Evidence*, 43rd Parliament, 2nd Session, 26 November 2020, 1605 (Dr. François Larocque).

25 Ibid.

26 LANG, *Evidence*, 43rd Parliament, 2nd Session, 25 March 2021, 1550 (Ms. Kelly Burke).

27 LANG, *Evidence*, 43rd Parliament, 2nd Session, 26 November 2020, 1630 (Dr. Linda Cardinal).

incidence of situations like the decision to allow unilingual labelling of health and safety products during the pandemic.²⁸

Official Languages as a Matter of Public Safety and Health

The inequality in terms of communications in the two official languages—both internally and externally and between the different levels of government—was considered by several witnesses to be a problem that directly affects the health and safety of the population.

Dr. Larocque explained that the “pandemic has made us realize that official languages cannot be dissociated from public health and safety.”²⁹

The Commissioner’s perspective was that when it comes to health, information should be provided in both official languages, regardless of what level of government is providing the information.³⁰

The Hon. Jean-Yves Duclos, President of the Treasury Board, affirmed that “it’s not just a question of rights in a crisis situation, but also of safety and even health, both public and individual.”³¹ He agreed that the protection and promotion of official language rights must never be abandoned, “and certainly not in a crisis or pandemic situation.”³²

Ms. Pam Aung-Thin, Acting Assistant Deputy Minister of Communications and Public Affairs at Health Canada, affirmed this idea, stating that communicating with Canadians in both official languages is essential because it relates directly to assuring their health and safety.³³ She further added that Health Canada takes this responsibility very seriously.³⁴

As Dr. Chouinard stated, “from the public health standpoint, language barriers can have a negative impact on patient health, whether from diagnostic errors or inappropriate

28 Ibid.

29 Ibid., 1605 (Dr. François Larocque).

30 LANG, *Evidence*, 43rd Parliament, 2nd Session, 8 December 2020, 1620 (Mr. Raymond Théberge).

31 LANG, *Evidence*, 43rd Parliament, 2nd Session, 28 January 2021, 1645 (Hon. Jean-Yves Duclos, President of the Treasury Board).

32 Ibid.

33 LANG, *Evidence*, 43rd Parliament, 2nd Session, 23 February 2021, 1935 (Ms. Pam Aung-Thin, Acting Assistant Deputy Minister, Communications and Public Affairs, Department of Health).

34 Ibid.



treatment.”³⁵ She referenced the fact that Ontario’s former French Language Services commissioner had previously observed that these risks are greater among vulnerable populations, including seniors and immigrants.³⁶

Dr. Chouinard also explained that it should not be taken for granted that, because francophones demonstrate a high rate of bilingualism, they are all able to understand the health and safety directives formulated in English. She stated that there are many unilingual francophones, particularly among some of the most vulnerable Canadians: seniors.³⁷

Recommendation 3

That the Government of Canada and the provincial and territorial governments recognize the vulnerability of certain demographic groups, including seniors and newcomers, as regards unilingual communications in emergency situations.

The Identity Aspect of Official Languages

Another perspective discussed was the idea that official languages must also be understood as an aspect of identity, and therefore afforded a greater primacy by the federal government.

Dr. Cardinal argued that the Canadian government’s approach towards official languages during the pandemic reflected its conception of language as an identity issue.³⁸ However, she stated that it must be understood as much more than that:

However, since 1982—a relatively long time ago—, language has also been a vehicle of citizenship. It has been argued that language is a fundamental value of Canadian society. When we say that, we are doing more than reducing language to these identity issues.³⁹

35 LANG, *Evidence*, 43rd Parliament, 2nd Session, 26 November 2020, 1540 (Dr. Stéphanie Chouinard).

36 Ibid. For more information, please see Office of the French Language Services Commissioner of Ontario, *Looking Ahead, Getting Ready: Annual Report 2017-2018*.

37 LANG, *Evidence*, 43rd Parliament, 2nd Session, 26 November 2020, 1540 (Dr. Stéphanie Chouinard).

38 Ibid., 1555 (Dr. Linda Cardinal).

39 Ibid.

Official Languages Research

Dr. Cardinal further argued that one of the challenges facing official languages during the current crisis is that decisions were not made using research-based evidence.⁴⁰ She further stated that “researchers have been saying for years now that language is an issue that affects health and public safety.”⁴¹ A 2018 report supports this, concluding that language barriers in Canadian hospitals—under provincial and territorial jurisdiction—contributes “to poorer patient assessment, misdiagnosis and/or delayed treatment, incomplete understanding of patient condition and prescribed treatment, and impaired confidence in services received.”⁴²

In light of the above, the Committee recommends:

Recommendation 4

That the Government of Canada acknowledge that the implementation of language rights has an impact on the health and safety of the population and that it amend the *Official Languages Act* so that it takes precedence over all laws and regulations aimed at communications. Any future legislation with provisions for emergency situations should acknowledge and mandate the primacy of the *Official Languages Act*.

THE ABILITY OF THE GOVERNMENT OF CANADA TO PROVIDE INFORMATION AND SERVICES IN BOTH OFFICIAL LANGUAGES IN EMERGENCY SITUATIONS

Of all subjects discussed by witnesses, communications and the availability of services in both official languages from the Government of Canada to all Canadians was of primary concern. Mr. Jean Johnson, president of the FCFA, confirmed that “services in all sectors have been affected and that access to services and the ability to deliver them have declined.”⁴³

40 Ibid.

41 Ibid.

42 Sarah Bowen and Danielle de Moissac, “Impact of Language Barriers on Quality of Care and Patient Safety for Official Language Minority Francophones in Canada,” *Journal of Patient Experience*, 18 April 2018.

43 LANG, *Evidence*, 43rd Parliament, 2nd Session, 28 January 2021, 1650 (Mr. Jean Johnson, President, Fédération des communautés francophones et acadienne du Canada).



Daily press briefings

Canadians in different regions have relied on daily press briefings at different levels of government in order to access up-to-date health and safety information, recommendations, and regulations. That said, many Canadians could not listen to the daily briefings their official language of choice.

Ms. Bombardier, Acting Assistant Deputy Minister, Health Products and Food Branch at the Department of Health, noted that while the chief public health officer of Canada gave her briefings in English, the deputy chief public health officer, Dr. Howard Njoo, was available to give the same information in French.⁴⁴ However, in order to ensure better equity in the future, Dr. Chouinard recommended that Canada's chief public health officer should be staffed as a bilingual position.⁴⁵ She further stated that given this position's necessary communication with stakeholders across the country, it is essential that this person be able to communicate with them in their official language of choice.⁴⁶ Mr. Jolin stated that the AFO also supported this recommendation.

In light of the above, the Committee recommends:

Recommendation 5

That the Government of Canada amend the *Language Skills Act* so that, from now on, the linguistic designation of the position of Chief Public Health Officer of Canada, as well as equivalent positions in all departments, is bilingual at the time of appointment, and that it evaluate the language requirements of other incumbents responsible for providing information to the public.

Digital communications

Given the digital age, many Canadians turned to both official government websites and social media in order to access frequently updated information concerning health measures and information. This is why they must be available in both official languages.

According to Pam Aung-Thin, Acting Assistant Deputy Minister, Communications and Public Affairs at the Department of Health, Health Canada posts information on their

44 LANG, *Evidence*, 43rd Parliament, 2nd Session, 23 February 2021, 2000 (Ms. Manon Bombardier, Acting Assistant Deputy Minister, Health Products and Food Branch, Department of Health).

45 LANG, *Evidence*, 43rd Parliament, 2nd Session, 26 November 2020, 1545 (Dr. Stéphanie Chouinard).

46 Ibid., 1640.

website in both English and French simultaneously in order to ensure that all Canadians have access in either official language.⁴⁷

Ms. Jennifer Johnson, Executive Director of the Community Health and Social Services Network, noted that Health Canada's website is a vital source of information for members from her community. Of the 25 networks connected under her organization, all of them stated they used information from the Government of Canada website in order to disseminate factual communications to their members.⁴⁸

Ms. Johnson also detailed the extent to which members of her organization relied on the websites and social media of federal departments and federal parliamentarians⁴⁹ for information during the pandemic. Like Ms. Johnson, Ms. Fatiha Gatre Guemiri, the Executive Director of the East Island Network for English Language Services, said that organizations were not receiving information in English from the Quebec government in a timely manner. Thus, despite the different jurisdictions, members of the Network looked "for all the information on federal government sites. During the pandemic, we looked on MPs' Facebook pages because the information was posted in both official languages."⁵⁰ Ms. Johnson concurred. She stated that "the federal government is still playing a really important role in making sure that the English-speaking community in Quebec gets the critical information it needs during a crisis."⁵¹

However, while social media has become an important source of information, given that the *Official Languages Act* predates social media, communications in this newer form of media are not as regulated as other forms of government communication. Dr. Chouinard noted that following an analysis of federal government Twitter accounts, English was used 79.4% of the time while French was used 20.6%.⁵²

47 LANG, *Evidence*, 43rd Parliament, 2nd Session, 23 February 2021, 1935 (Ms. Pam Aung-Thin).

48 LANG, *Evidence*, 43rd Parliament, 2nd Session, 8 December 2020, 1640 (Ms. Jennifer Johnson, Executive Director, Community Health and Social Services Network).

49 Parliamentarians' Facebook pages are not subject to the *Official Languages Act*.

50 LANG, *Evidence*, 43rd Parliament, 2nd Session, 8 December 2020, 1640 (Ms. Fatiha Gatre Guemiri (Executive Director, East Island Network for English Language Services).

51 *Ibid.*, 1640 (Ms. Jennifer Johnson).

52 LANG, *Evidence*, 43rd Parliament, 2nd Session, 26 November 2020, 1540 (Dr. Stéphanie Chouinard).



Dr. Chouinard and Mr. Jolin therefore recommended that all digital federal communications be subject to a modernized *OLA* and that it make specific reference to social media.⁵³

In light of the above, the Committee recommends:

Recommendation 6

That, in the process of reforming the *Official Languages Act (the Act)*, the Government of Canada ensure that the use of social media and other electronic means of communications by federal institutions is subject to the Act.

Translation services

The Commissioner of Official Languages described a worrying trend that during emergency situations, “many federal institutions choose to provide a response immediately in only one official language and rely on translation to provide information in the other language.”⁵⁴ In order to better ensure Canadians’ access to up-to-date, quality information, many witnesses discussed improvements that could be made to translation services throughout the government.

One of the three recommendations in the Commissioner of Official Languages report was that the government implement an action plan to facilitate the drafting and simultaneous delivery of information “of equal quality” in both official languages.⁵⁵ He further suggested that this could include the use of an accelerated translation service specifically for emergencies and crisis situations.⁵⁶

In agreement with the Commissioner, Dr. Chouinard and Dr. Larocque stated that not only could translation services be enhanced across the federal public service, but also that an expedited emergency translation service would better support communications during crises.⁵⁷ Dr. Larocque also added that if an emergency translation service were

53 Ibid., 1545; and LANG, *Evidence*, 43rd Parliament, 2nd Session, 10 December 2020, 1655 (Mr. Carol Jolin, President, Assemblée de la francophonie de l’Ontario).

54 LANG, *Evidence*, 43rd Parliament, 2nd Session, 8 December 2020, 1545 (Mr. Raymond Thériège).

55 Ibid.

56 Ibid.

57 LANG, *Evidence*, 43rd Parliament, 2nd Session, 26 November 2020, 1645 (Dr. Stéphanie Chouinard); and 1605 (Dr. François Larocque).

created, it would be important to make reference to it in a modernized *Official Languages Act*.⁵⁸

Mr. Jolin stated that the AFO supports this recommendation.⁵⁹ He added that the Translation Bureau could make use of modern technology to allow multiple people to contribute to a document simultaneously.⁶⁰ He argued that this approach would better allow the federal government to produce documents in both official languages, rather than continuously translating them.⁶¹

In light of the above, the Committee recommends:

Recommendation 7

As regards translation:

- a) That the Treasury Board prohibit the use of translation and interpretation services throughout the federal public service that are not provided by qualified professionals, whether for internal or external communications.**

- b) That Public Services and Procurement Canada evaluate the Translation Bureau's capacity in terms of translation and interpretation services to ensure that federal institutions can always use professional translation and interpretation services for their internal and external communications.**

OFFICIAL LANGUAGES PROCEDURES FOR EMERGENCY SITUATIONS

Some witnesses fear that bilingualism might be perceived to be an obstacle slowing the transmission of information, particularly in emergency situations. Dr. Chouinard argues that in order to mitigate this tendency, it is essential that the government establish procedures and best practices that can be quickly and easily implemented in future emergencies.⁶²

58 LANG, *Evidence*, 43rd Parliament, 2nd Session, 26 November 2020, 1645 (Dr. François Larocque).

59 LANG, *Evidence*, 43rd Parliament, 2nd Session, 10 December 2020, 1650 (Mr. Carol Jolin).

60 Ibid., 1730.

61 Ibid.

62 LANG, *Evidence*, 43rd Parliament, 2nd Session, 26 November 2020, 1540 (Dr. Stéphanie Chouinard).



Dr. Chouinard added that the certain federal institutions view official languages as an isolated issue, and the business of a single department—Canadian Heritage—rather than a core value of all federal organizations.⁶³ To mitigate this, Dr. Chouinard suggested developing a horizontal management method so that all institutions develop a reflexive instinct toward official languages when creating policies and communicating with Canadians.⁶⁴ While Minister Duclos affirmed that for public servants, “the requirement to work in both official languages applies to everyone,”⁶⁵ he also noted that this is a “collective obligation” in which the Treasury Board must serve as a leader but where all departments and ministers must also work to ensure the protection of official language rights.⁶⁶

The Commissioner of Official Languages stated that, generally speaking, all managers and public servants involved in emergency communications should be trained on the implementation of emergency communications plans and guidelines in both official languages.⁶⁷ He also added that in order to prepare for future emergency situations, it would be important to enhance the capacity of the federal government’s employees’ ability to communicate in both official languages.⁶⁸

Mr. Borbey recommended that federal government departments ensure that their business continuity plans “appropriately reflect their obligations to official languages.”⁶⁹ He further added that the Public Service Commission will be improving their business continuity plan to reflect lessons learned during the pandemic.⁷⁰

In light of the above, the Committee recommends:

63 Ibid., 1610.

64 Ibid., 1615.

65 LANG, *Evidence*, 43rd Parliament, 2nd Session, 28 January 2021, 1635 (Hon. Jean-Yves Duclos).

66 Ibid., 1640.

67 LANG, *Evidence*, 43rd Parliament, 2nd Session, 8 December 2020, 1545 (Mr. Raymond Théberge).

68 Ibid., 1615.

69 LANG, *Evidence*, 43rd Parliament, 2nd Session, 8 December 2020, 1710 (Mr. Patrick Borbey, President, Public Service Commission).

70 Ibid.

Recommendation 8

That, in the process of reforming the *Official Languages Act* (the Act), the Act be amended to ensure that all federal institutions have plans for communications with and services to employees and the public in emergency situations.

Labelling on cleaning products and disinfectants

One of the most-widely criticized decisions regarding official languages during the pandemic was a change to the standard bilingual labelling requirements for certain products. At the end of April 2020, Health Canada responded to the “unprecedented demand and urgent need for disinfectants and hand sanitizers,” by implementing interim policies allowing for unilingual labelling under certain conditions.⁷¹ In mid-May, Health Canada issued new directives for previously authorized importers that had them post bilingual text on their websites no later than 8 June 2020 and provide sellers with the means to inform consumers of that available information. Further, new importers of these products had to meet these standards while Canadian manufacturers were required to use bilingual labelling and safety information.

Ms. Aung-Thin of Health Canada stated that “communicating with Canadians in the official language of their choice is more than just a legal or policy requirement for [Health Canada], it is a core communications practice.”⁷² However, she also stated that Health Canada’s top priority is protecting the health and safety of Canadians, which includes facilitating access to products like disinfectants and hand sanitizer.⁷³ She added that at the outset of the pandemic, increased demand resulted in these products being unavailable to Canadians. Ms. Manon Bombardier, the Acting Assistant Deputy Minister of the Health Products and Food Branch of Health Canada, added that within Canada, there was not enough production capacity to both supply Canadians and front-line health professionals with necessary disinfectants.⁷⁴ Foreign suppliers had stock available but only with English-only labelling. This resulted in Health Canada’s decision to implement interim policies in March and April 2020 to facilitate temporary, emergency access to these products, with labelling in only one official language.⁷⁵ As the supply

71 *Labelling of hand sanitizers, disinfectants, soaps and cleaning products in the context of the COVID-19 response*, Health Canada, 9 May 2020.

72 LANG, *Evidence*, 43rd Parliament, 2nd Session, 23 February 2021, 1935 (Ms. Pam Aung-Thin).

73 Ibid.

74 Ibid., 2005 (Ms. Manon Bombardier).

75 Ibid., 1940 (Ms. Pam Aung-Thin).



stabilized, Health Canada initiated a transition period to bilingual labelling on 9 May 2020, to be completed on 8 June 2020, and required importers to provide information at the point of sale to online bilingual label information.⁷⁶

Mr. Normand argued that given that Health Canada did not immediately move to the interim solution of requiring information in French to be available in close proximity to the products, this represents a decision-making process in which official language rights were not considered.⁷⁷

Dr. Larocque and Dr. Cardinal unequivocally stated that the modernization of the *Official Languages Act* must take into account lessons learned during the pandemic.⁷⁸ Like other witnesses, Mr. Jolin added that the pandemic has “heightened the urgency of modernizing” the Act.⁷⁹

Mr. Jolin⁸⁰ and Dr. Larocque further recommended that provisions respecting bilingual labelling and packaging be included in the modernized Act and that it would take precedence over Governor in Council regulations.⁸¹ Specifically, he suggested including regulatory provisions respecting bilingual labelling and packaging. Dr. Larocque observed that regulations are more fragile as they can be circumvented by the Governor in Council without the approval of Parliament, so including provisions directly in the Act would make them more secure.⁸²

In a preliminary investigation report into Health Canada’s decisions to temporarily change the labelling rules, the Commissioner of Official Languages stated they were justified given the serious and temporary nature of the situation, but that these measures endanger Francophones and vulnerable linguistic minority communities.⁸³

In light of the above, the Committee recommends:

76 Ibid.

77 LANG, *Evidence*, 43rd Parliament, 2nd Session, 26 November 2020, 1550 (Dr. Martin Normand, Postdoctoral Fellow, University of Ottawa, As an Individual).

78 Ibid., 1605 (Dr. François Larocque).

79 LANG, *Evidence*, 43rd Parliament, 2nd Session, 10 December 2020, 1650 (Mr. Carol Jolin, President).

80 Ibid.

81 LANG, *Evidence*, 43rd Parliament, 2nd Session, 26 November 2020, 1610 (Dr. François Larocque).

82 Ibid., 1615.

83 Office of the Commissioner of Official Languages, Preliminary report, March 2021.

Recommendation 9

That all departments of the Government of Canada ensure that, during emergency situations, the packaging and labelling of all products comply at all times with the laws and regulations governing bilingual packaging and labelling.

Internal Communications

The Commissioner of Official Languages informed the Committee of an increase of complaints regarding the ability to use both official languages in federal public workplaces throughout the pandemic.

It appears that the COVID-19 pandemic exacerbated certain problems linked to bilingualism in the public service. Mr. Yvon Barrière, the Regional Executive Vice-President for the Quebec Region of the Public Service Alliance of Canada, spoke to the attitudes of federal public service employees regarding bilingualism, stating that there is most certainly “an insecurity in that regard among both anglophones and francophones, and insecurity is omnipresent across Canada when it comes to bilingualism.”⁸⁴

Minister Duclos stated that the Treasury Board was aware that there had been occasions throughout the pandemic in which official language obligations towards federal public service employees had not been met. He stated that this was “an unfortunate situation” and needed to be corrected immediately.⁸⁵

In 2017, due to complaints, the Clerk of the Privy Council called for a comprehensive review of the use of official languages in the public service work environment. This resulted in the publication of *The Next Level: Project on the Use of Official Languages in the Federal Public Workplace* (Borbey and Mendelsohn report), which provided numerous recommendations on how to improve the use of both official languages in the federal public workplace.

The Borbey and Mendelsohn reports that public servants’ language of work is most commonly English.⁸⁶ The report stated that 90–95% of anglophones feel comfortable

84 LANG, *Evidence*, 43rd Parliament, 2nd Session, 23 February 2021, 1925 (Mr. Yvon Barrière, Regional Executive Vice-President, Quebec Region, Public Service Alliance of Canada).

85 LANG, *Evidence*, 43rd Parliament, 2nd Session, 28 January 2021, 1620 (Hon. Jean-Yves Duclos).

86 LANG, *Evidence*, 43rd Parliament, 2nd Session, 8 December 2020, 1605 (Mr. Raymond Théberge). For more information on this conclusion, please see Patrick Borbey and Matthew Mendelsohn, *The Next Level: Project on the Use of Official Languages in the Federal Public Workplace*, 2017, p. 16.



using English in various tasks in their work environment, while only 68–87% of francophones feel comfortable using French.⁸⁷

Mr. Barrière agreed, stating that “inequality between English and French persists” within the institutions and this has been exacerbated by the pandemic.⁸⁸ He further added that “systemic discrimination is deeply rooted in the federal government” and that it is “taken for granted that English comes first and French second.”⁸⁹

Mr. Normand also highlighted the troubling reports of francophone federal public servants feeling unable to use their first official language of choice.⁹⁰ In his view, the organizational culture must be improved to promote the use of French in federal workplaces.⁹¹

Mr. Barrière highlighted specific issues as two-fold: the lack of information offered in both official languages to employees, and the absence of tools and dialogue spaces needed to facilitate the use of both official languages.⁹² He stated that in order to create a “dynamic, diverse and bilingual” federal public service, it is imperative to create an environment where employees are able and encouraged to use their official language of choice.⁹³

As noted by Mr. Barrière, internal documentation is often produced in English first, and then translated.⁹⁴ He further added that francophone employees “never receive the French versions of documents within a reasonable time frame.”⁹⁵

He further observed that, in his experience, federal departments have two ways of approaching the translation of documents. Some will wait until a translation is available before distributing the documents, which he states is his preferred method.⁹⁶ However,

87 Patrick Borbey and Matthew Mendelsohn, *The Next Level: Project on the Use of Official Languages in the Federal Public Workplace*, 2017, p. 12. For more specifics on the individual responsibilities and related rates of comfort, please see the source.

88 LANG, *Evidence*, 43rd Parliament, 2nd Session, 23 February 2021, 1840 (Mr. Yvon Barrière).

89 Ibid.

90 LANG, *Evidence*, 43rd Parliament, 2nd Session, 26 November 2020, 1720 (Dr. Martin Normand).

91 Ibid.

92 LANG, *Evidence*, 43rd Parliament, 2nd Session, 23 February 2021, 1840 (Mr. Yvon Barrière).

93 Ibid.

94 Ibid., 1905.

95 Ibid.

96 Ibid.

some departments will immediately provide the documents in English with a French translation to follow.⁹⁷ He notes that with this latter method, there is often no follow up and employees must make do with the English documents.⁹⁸ He further added that translation via free online tools like Google Translate is not acceptable and does not produce results of any quality.⁹⁹ Ms. Chantal Fortin, the alternate regional executive vice-president of the National capital region of the Public Service Alliance of Canada stated that too often, civil servants with good language skills are asked to translate documents or serve as interpreters during meetings. She believes that such a practice means that “bilingual people have a double duty: to carry out their regular work and to provide backup translation services.”¹⁰⁰

Mr. Théberge stated that Part V of the Act must be strengthened in order to ensure that the internal capacity for federal employees to work in their official language of choice, and communicate in both official languages with the public exists.¹⁰¹

In light of the above, the Committee recommends:

Recommendation 10

That, in the process of reforming the *Official Languages Act* (the Act), the Act be amended so as to strengthen Part V of the Act in such a way as to ensure that civil servants who work in bilingual regions for language-of-work purposes may, both in non-critical times and in emergency situations:

- a) communicate in the official language of their choice, both orally and in writing, with their managers;**
- b) receive oral or written communication from their employer simultaneously in both official languages; and**
- c) have access, whenever possible, to interpretation services during in person, virtual or hybrid format meetings.**

97 Ibid.

98 Ibid.

99 Ibid.

100 LANG, *Evidence*, 43rd Parliament, 2nd Session, 25 March 2021, 1650 (Ms. Chantal Fortin, Alternate regional executive vice-president, National capital region, Public Service Alliance of Canada).

101 LANG, *Evidence*, 43rd Parliament, 2nd Session, 8 December 2020, 1610 (Mr. Raymond Théberge).



Recommendation 11

That the *Official Languages Act* aim to further encourage bilingualism in the public service and that the Treasury Board develop a new training framework for second language learning and revise the language qualification standards for all positions in this sense.

THE CHALLENGES OF OTHER JURISDICTIONS AND CANADIAN INTERGOVERNMENTAL COLLABORATION

The Challenges of Other Jurisdictions

Some witnesses shared their observations about bilingual communications from certain provinces. Dr. Normand's research findings demonstrated that during the pandemic, communications in French were inadequate across the country, even in provinces and territories with strict linguistic obligations.¹⁰² In New Brunswick, Premier Higgs neglected to use simultaneous interpretation to provide information in French and also refused to answer questions asked in French.¹⁰³

In Ontario, the Communications in French Directive, in force since May 2010, was established following the H1N1 crisis (2009). Despite this, until the end of April 2020, all press briefings were conducted in English only, with no simultaneous interpretation.¹⁰⁴ Documents for media were made available in French only several hours after the English versions were released.¹⁰⁵ Ms. Burke stated that, thanks to her office's intervention, Ontario now offers simultaneous interpretation. She has recommended that this practice become permanent.¹⁰⁶

Dr. Chouinard stated that she had received anecdotal evidence that francophones outside Quebec relied on the Quebec government press briefings in order to obtain information about COVID-19 in French.¹⁰⁷ This posed a problem given that the health and safety information varied by province and therefore there were segments of the population who were at risk of being non-compliant with local laws due to a lack of

102 LANG, *Evidence*, 43rd Parliament, 2nd Session, 26 November 2020, 1550 (Dr. Martin Normand).

103 Ibid.

104 Ibid.

105 Ibid.

106 LANG, *Evidence*, 43rd Parliament, 2nd Session, 25 March 2021, 1545 (Ms. Kelly Burke).

107 LANG, *Evidence*, 43rd Parliament, 2nd Session, 26 November 2020, 1540 (Dr. Stéphanie Chouinard).

information in their official language of choice. However, Mr. Normand noted that Quebec's Canadian intergovernmental affairs secretariat published a French-language edition of its COVID-19 self-care guide directed at francophones outside Quebec.¹⁰⁸ He stated that this represented a good-faith effort to communicate key information to Canadians who might otherwise not have had the ability to access it in their official language of choice.

The Commissioner of Official Languages also addressed some of these unilingual provincial briefings and reported that he was pleased to note that although there were obvious shortcomings at the outset of the pandemic, after having addressed some of these concerns, there were improvements.¹⁰⁹

There were also provincial governments that successfully offered information in both official languages. In Prince Edward Island, the chief medical health officer answered questions in French.¹¹⁰ Premier Kenney of Alberta also used French regularly in the briefings.¹¹¹ Ms. Padminée Chundensing of the Fédération des francophones de la Colombie-Britannique, commended the Minister of Health and Minister of Francophone Affairs in British Columbia, Adrian Dix, for his work in providing information in both official languages.¹¹² What's more, Ms. Chundensing said she was surprised by the French-language communications from the provincial health department:

The health care situation in British Columbia was quickly turned upside down. The government that has neither legislative nor linguistic obligations, in other words the British Columbia government, communicated more information in French than the federal government, which is bound by the *Official Languages Act*.¹¹³

According to Mr. Normand, the successes in communications in both official languages result from the fact that bilingual employees occupy key positions.

108 Ibid., 1550 (Dr. Martin Normand).

109 LANG, *Evidence*, 43rd Parliament, 2nd Session, 8 December 2020, 1550 (Mr. Raymond Thériège, Commissioner of Official Languages).

110 LANG, *Evidence*, 43rd Parliament, 2nd Session, 26 November 2020, 1550 (Dr. Martin Normand).

111 Ibid.

112 LANG, *Evidence*, 43rd Parliament, 2nd Session, 10 December 2020, 1655 (Ms. Padminée Chundensing, Chairperson of the Board, Fédération des francophones de la Colombie-Britannique).

113 Ibid.



Canadian Intergovernmental Cooperation

In the Commissioner of Official Languages report, Canadians' lack of understanding about which level of government is responsible for different services was highlighted. As a result, there was some confusion with regard to health and safety information. The Commissioner therefore recommended that the federal government develop a strategy to "encourage and support" the various levels of government and to work with them to integrate both official languages in emergency or crisis situations.¹¹⁴

Ms. Chundunsing highlighted the challenges that come with poor intergovernmental communication, noting that "at the community level, there was confusion about who does what."¹¹⁵

With regards to intergovernmental cooperation and the challenges therein, Dr. Chouinard recommended that for enhanced cooperation, the federal government could act as a leader in standardizing notably by establishing a central point of information available in both official languages.¹¹⁶

Mr. Johnson noted that the pandemic had revealed that "several provinces consider that the francophone communities issue falls under federal government jurisdiction."¹¹⁷ Mr. Dupuis agreed, adding that the federal government should ensure that provinces are fulfilling their official language responsibilities.¹¹⁸ He also observed that community organizations had been playing the role of the intermediary between Canadians and the federal government in the absence of provincial actors.¹¹⁹

For Ms. Burke, it is imperative that "[g]overnments [...] work together and assist each other in finding solutions and in ensuring that both official languages truly enjoy the same status."¹²⁰

114 LANG, *Evidence*, 43rd Parliament, 2nd Session, 8 December 2020, 1545 (Mr. Raymond Th  berge).

115 LANG, *Evidence*, 43rd Parliament, 2nd Session, 10 December 2020, 1700 (Ms. Padminee Chundunsing).

116 LANG, *Evidence*, 43rd Parliament, 2nd Session, 26 November 2020, 1715 (Dr. St  phanie Chouinard).

117 LANG, *Evidence*, 43rd Parliament, 2nd Session, 28 January 2021, 1710 (Mr. Jean Johnson).

118 *Ibid.*, 1710 (Mr. Alain Dupuis).

119 *Ibid.*

120 LANG, *Evidence*, 43rd Parliament, 2nd Session, 25 March 2021, 1550 (Ms. Kelly Burke).

National Public Alerting System

Of particular importance when discussing intergovernmental communications is Canada's National Public Alerting System (NPAS). The NPAS is a federal-provincial-territorial initiative that allows for the rapid transmission of information in emergency situations through radio, cable and satellite television, e-mail, text services and compatible wireless devices. At the federal level, NPAS falls under the responsibility of Public Safety Canada, and is made up of the four components: the government issuer; the national alert aggregation and dissemination system; alert distributors and the public.¹²¹ It is the government issuer that decides the type of alert, the content of the message, its geographic region, and in which language(s) the alert is issued. The Commissioner noted that if alerts are provided in both official languages, they will be understood by 98% of Canadians.¹²²

However, this is not always the case. The oft-unilingual alerts were highlighted as an issue of particular concern by the Commissioner:

If a person is not able to understand the information that is being passed on to them, how can they ensure their safety? I believe that Canadians should receive alert messages in both official languages at the same time, anytime and anywhere, in order to protect their safety.

The Commissioner therefore noted that the NPAS is one area in which greater intergovernmental communication would provide clear benefits in providing communications in both official languages. He stated that a forum involving the different levels of government and stakeholders will likely be introduced soon and would facilitate discussions between the different groups.¹²³ He added that while the federal government could provide leadership on this system, all stakeholders must work together, including private sector providers.¹²⁴

In light of the above, the Committee recommends:

Recommendation 12

That the Government of Canada and the governments of the provinces and territories ensure that their bilingual communications and services are coordinated in emergency

121 Alert Ready, *Roles and Responsibilities*.

122 LANG, *Evidence*, 43rd Parliament, 2nd Session, 8 December 2020, 1555 (Mr. Raymond Th  berge).

123 Ibid.

124 Ibid.



situations and alerts from the National Public Alerting System are always issued in both official languages.

THE IMPACT OF THE PANDEMIC ON OFFICIAL LANGUAGE MINORITY COMMUNITIES

Witnesses representing OLMC organizations were unanimous in stating the importance of these organizations in maintaining the vitality of their communities, but also in the challenges they had faced during the first wave of the pandemic.

Official Language Minority Community Organizations

Ms. Jennifer Johnson described the role that the organization she represented played during the pandemic, stating that “the community became a lifeline for the English-speaking population [in Quebec] in terms of finding and getting the information they needed.”¹²⁵ Community organizations used information found on Government of Canada websites and disseminated it to the English-speaking community through newsletters, Facebook pages, newspapers and websites.¹²⁶ She further noted that this process was only possible because trust with organizations had been established before the pandemic, in non-critical times.¹²⁷ The following quote, taken from the Community Health and Social Services Network publication, reiterates the importance of the member organizations of this network for the communities they serve, especial during emergency situations:

“It’s good to see that we’re no longer in ‘scramble mode’ but for us and for our networks, it’s become clear that we are a literal life line, especially for isolated seniors and for many families with small children who turn to us as a true essential service in English in times of crisis.”

COVID-19 emergency programming will continue as the primary focus of most CHSSN networks well into 2021. Johnson reminds the organization, however, that other critically important work awaits CHSSN and its member NPIs and organizations over the next twelve months.

“We have several major program evaluations to be finalized and published in the next six months,” she enumerated. “These evaluations are essential for us

125 Ibid., 1640 (Ms. Jennifer Johnson).

126 Ibid.

127 Ibid., 1705.

to improve the quality of services we offer and to secure renewed funding.” Health Canada’s current five-year funding program for Official Language Minority Communities is at its halfway point, also a moment when serious review and planning for renewal of the program gets underway. As well, the first block of ERCC money from Quebec’s Secretariat for relations with English-speaking Quebecers will come to an end in March 2021 and review and priority setting will need to be done¹²⁸.

Certain more vulnerable groups within francophone minority communities, in particular recent immigrants who have French as their first official language spoken, have been severely affected by the crisis. As Ms. Chundunsing explained, they have turned to community organizations for services that normally come under Service Canada:

We’ve heard of people going to the Centre of Integration for African Immigrants for assistance in completing their EI applications, because they could not get help in French from Service Canada.¹²⁹

Still according to Ms. Chundunsing, “many French-speaking African families with low incomes in normal times found themselves unemployed when COVID-19 struck”¹³⁰ and “kids from those families couldn’t attend classes properly because they didn’t have computers or an adequate Internet connection to keep up with all online classes.”¹³¹ It is clear that “[f]rancophone schools couldn’t afford to provide a computer to every student or a high-speed Internet connection to the families.”¹³²

In addition, some francophone immigrant families in British Columbia were unable to consult their doctor because access to interpretation services was difficult in virtual mode.¹³³

While OLMC organizations were essential in supporting members of OLMCs in ensuring they had access to health and safety information in their preferred official language, the COVID-19 pandemic also presents significant challenges to these organizations.

128 Community Health and Social Services Network, *Community Net Link, Community News for the Community Health and Social Services Network*, Autumn 2020, vol. 33, p. 5.

129 LANG, *Evidence*, 43rd Parliament, 2nd Session, 10 December 2020, 1655 (Ms. Padminee Chundunsing).

130 Ibid.

131 Ibid.

132 Ibid.

133 Ibid., 1700.



Ms. Kimberley Buffitt, the Director of Programs with the Coasters Association, believes that the capacity of English-speaking organizations in the region should be strengthened. An article in the Community Health and Social Services Network bulletin states that Ms. Buffitt “hopes that the Quebec government will recognize how the lack of community infrastructure and resources made the crisis much worse in a remote, rural region like hers.”¹³⁴

On the francophone side, the results of a survey conducted by the FCFA show that only 57% of 247 francophone organizations and institutions across the country were able to maintain their services to the public.¹³⁵ Further, 78% of organizations had lost some or all of their volunteers and 60% of organizations had lost some income.¹³⁶ He did acknowledge that some organizations had applied to government assistance and been successful, but concluded that many organizations faced imminent closure, especially in New Brunswick, Alberta and British Columbia, and with greater impact on youth and media organizations and ethnocultural groups.¹³⁷

Mr. Johnson summarized the needs of the organizations as threefold:

- support to get through the crisis and make up for income losses;
- support for transformation as society adjusts to a post-COVID normal; and
- flexibility from funding agencies in order to permit reallocation of funds and adjust accountability measures.¹³⁸

In order to bolster support for francophone and Acadian community organizations, Mr. Johnson made the following recommendations:

- ensure access to emergency funding remains available until the conclusion of the pandemic;

134 Community Health and Social Services Network, *Community Net Link, Community News for the Community Health and Social Services Network*, Autumn 2020, vol. 33, p. 8.

135 LANG, *Evidence*, 43rd Parliament, 2nd Session, 28 January 2021, 1650 (Mr. Jean Johnson).

136 Ibid.

137 Ibid.

138 Ibid.

- ensure federal institutions that support official language minority community organizations are tailoring their program criteria and expected outcomes to the circumstances of the pandemic; and
- establish an assistance fund in order to allow for the “recovery of the Francophonie” with flexible funding.¹³⁹

Mr. Johnson summarized the thoughts of many witnesses by concluding that the impact of the pandemic will be felt in immeasurable ways as a loss of vitality in OLMC.¹⁴⁰

In light of the above, the Committee recommends:

Recommendation 13

That, in order to allow official language minority community (OLMC) organizations to maintain their capacity to offer services and programming, the Government of Canada:

- a) set up an emergency funding mechanism for future emergency situations, with the objective of supporting OLMC organizations during both the emergency situation and the recovery period; and**
- b) consider the possibility of taking post-COVID-19 pandemic measures in order to ensure their continued vitality.**

Official Language Minority Community Media Organizations

OLMC media organizations have faced similar challenges to official language minority community organizations since the beginning of the pandemic.

Ms. Linda Lauzon of the Association de la presse francophone stated that since the outset of the pandemic in March 2020, website and social media traffic on OLMC media organizations had increased 35–55%, depending on the region.¹⁴¹ She stated that this demonstrates the reliance and trust that members of OLMC placed in their media when they had little access to anything else.

139 Ibid., 1655.

140 Ibid., 1650.

141 LANG, *Evidence*, 43rd Parliament, 2nd Session, 8 December 2020, 1645 (Ms. Linda Lauzon, Director General, Association de la presse francophone).



While the federal government offered online documents in both official languages, witnesses cautioned that the reality is that there are many groups for whom communication must be accessible offline. Ms. Johnson therefore further reinforced the importance of OLMC media¹⁴² of growing the existing community capacity to reach vulnerable populations.¹⁴³ Ms. Martin-Laforge and the Hon. Marlene Jennings also supported this point given the challenges of the digital divide.¹⁴⁴ This is why Ms. Martin-Laforge further recommended that all levels of government include community newspapers in their emergency response communication plans and that they continue to provide economic support to ensure their viability.¹⁴⁵

Ms. Lauzon stated that, despite the important role they play, the OLMC media are grappling with funding problems. On this point, Ms. Lauzon credited the Department of Canadian Heritage's Local Journalism Initiative with allowing OLMC media to continue their work but stated that "the funding is not in line with the demand" and that more funds will be necessary in order to keep operating.¹⁴⁶

Ms. Lauzon also stated that while the \$14.5-million contribution through the Action Plan for Official Languages was welcomed, it did not provide any money for operational funding, which is what the OLMC media are currently lacking.¹⁴⁷ She believed that federal support programs must be adapted to the needs of smaller media organizations, in particular those in OLMCs.¹⁴⁸

POLICIES AND MEASURES PUT IN PLACE TO IMPROVE COMMUNICATIONS AND SERVICE DELIVERY IN EMERGENCY SITUATIONS

Despite the many problems highlighted above, both Mr. Carol Jolin of the Assemblée de la francophonie de l'Ontario and Ms. Sylvia Martin-Laforge of the Quebec Community Groups Network took time to acknowledge the good work the government had done, with the latter stating that "federal civil servants bent over backwards to provide

142 Ibid., 1715 (Ms. Jennifer Johnson).

143 Ibid.

144 LANG, *Evidence*, 43rd Parliament, 2nd Session, 10 December 2020, 1710 (Ms. Sylvia Martin-Laforge, Director General, Quebec Community Groups Network).

145 Ibid.

146 LANG, *Evidence*, 43rd Parliament, 2nd Session, 8 December 2020, 1650 (Ms. Linda Lauzon).

147 Ibid., 1720.

148 Ibid., 1730.

support and information to [QCGN's] community sector, [which allowed them] to continue operations."¹⁴⁹

Translation Services

For a glimpse at one department's decisions with regards to translation during the pandemic, Ms. Aung-Thin from Health Canada shared that Health Canada has an official languages principle that ensures that all communications, including news releases, statements or written documents are released in both English and French simultaneously.¹⁵⁰ In order to continue meeting this service standard during the pandemic, Health Canada has added additional translation services internally and made purchase orders with external translation companies for additional services.¹⁵¹ She also added that the department is also considering other alternatives, including an emergency translation service.

The Commissioner also noted that during the pandemic, the Translation Bureau developed a specific lexicon for COVID-19, and that this expertise could be made available to other levels of government in order to support communication in both official languages.¹⁵²

Internal communications

Minister Duclos stated that the Treasury Board was working closely with the Commissioner of Official Languages to ensure that the rights of all Canadians, including public service employees, are being protected, regardless of the circumstances of the COVID-19 pandemic.¹⁵³

Witnesses addressed the issue of the linguistic designation of positions in the public service and the process for second language assessments as important factors in ensuring bilingual communications and services. Union representatives called for a reassessment of the bilingualism bonus program as an incentive measure.

149 LANG, *Evidence*, 43rd Parliament, 2nd Session, 10 December 2020, 1650 (Mr. Carol Jolin, President); and 1705 (Ms. Sylvia Martin-Laforge).

150 LANG, *Evidence*, 43rd Parliament, 2nd Session, 23 February 2021, 1935 (Ms. Pam Aung-Thin).

151 *Ibid.*, 1955.

152 LANG, *Evidence*, 43rd Parliament, 2nd Session, 8 December 2020, 1555 (Mr. Raymond Théberge).

153 LANG, *Evidence*, 43rd Parliament, 2nd Session, 28 January 2021, 1620 (Hon. Jean-Yves Duclos).



Staffing and linguistic designation

Ms. Burke identifies strategic staffing policy and procedures as important elements of creating a truly bilingual workplace: “recruitment and the professional environment must be conducive to attracting bilingual professionals into key positions and to keeping them in the organization.”¹⁵⁴

Mr. Barrière shared that staffing is one of the areas that makes francophone public servants feel they are at a disadvantage.¹⁵⁵ The Borbey and Mendelsohn report found that the number of bilingual positions in the federal public service has doubled over the past 40 years and in 2016, represented 43% of all federal positions, while English-only positions represent 50% of all positions and French-only represent only 4%.¹⁵⁶

To resolve this inequity, Mr. Barrière proposed a greater use of imperative or non-imperative designations for the linguistic profiles of posts as this would allow unilingual francophones the same opportunities as unilingual anglophones.¹⁵⁷

Minister Duclos added that the Treasury Board Secretariat is currently undertaking a study on the possibility of amending the Policy on Official Languages to “strengthen the minimum second-language proficiency requirement for bilingual supervisors in bilingual positions in designated bilingual regions.”¹⁵⁸

The Public Service Commission (PSC) is responsible for the assessment of official languages, including in the provision of second language evaluations.¹⁵⁹ Each year, the PSC conducts more than 100,000 second language tests.¹⁶⁰ Mr. Borbey also confirmed the figures found in the Borbey and Mendelsohn report revealing that there are close to 86,000 bilingual positions (43% of all positions) in the federal core public administration, without including separate agencies.¹⁶¹

154 LANG, *Evidence*, 43rd Parliament, 2nd Session, 25 March 2021, 1550 (Ms. Kelly Burke).

155 LANG, *Evidence*, 43rd Parliament, 2nd Session, 23 February 2021, 1845 (Mr. Yvon Barrière).

156 Patrick Borbey and Matthew Mendelsohn, *The Next Level: Project on the Use of Official Languages in the Federal Public Workplace*, 2017, p. 10.

157 LANG, *Evidence*, 43rd Parliament, 2nd Session, 23 February 2021, 1920 (Mr. Yvon Barrière).

158 LANG, *Evidence*, 43rd Parliament, 2nd Session, 28 January 2021, 1630 (Hon. Jean-Yves Duclos).

159 LANG, *Evidence*, 43rd Parliament, 2nd Session, 8 December 2020, 1655 (Mr. Patrick Borbey).

160 *Ibid.*, 1700.

161 *Ibid.*

Mr. Borbey shared with the Committee that the pandemic had had an impact on PSC's capacity to conduct in-person second-language evaluations.¹⁶² The PSC responded by establishing two temporary policy measures, providing more flexibility to departments and agencies in assessing second-language requirements.¹⁶³ Both measures respect the linguistic obligations provided for in the OLA. The first measure concerns second-language interviews for oral proficiency, which are now being administered remotely by PSC assessors.¹⁶⁴ Over 5,000 virtual interviews have been conducted this way.¹⁶⁵ The second measure provides for unsupervised Internet testing to evaluate second language reading and writing skills.¹⁶⁶ The PSC has used the pandemic as an opportunity for innovation given that it will facilitate increased access to testing in the future.¹⁶⁷

Bilingualism bonus

The bilingualism bonus is a taxable fixed amount of \$800 paid annually to employees of all departments, Crown corporations and separate agencies listed in schedules I, IV, and V of the *Financial Administration Act*. Employees are eligible for the bonus if they are in a designated bilingual position and have Second Language Evaluation results indicating that they meet the position's requirements. It was last amended on 1 June 1993 in response to the *Public Service Reform Act*.¹⁶⁸ The bonus is governed by the Bilingualism Bonus Directive, now under the responsibility of the National Joint Council.

Mr. Théberge stated that he was not sure of the efficacy of the bilingualism bonus and that it would be useful to review it.¹⁶⁹

When appearing before the Committee, Mr. Borbey re-emphasized what he had stated in the Borbey and Mendelsohn report: the bonus, as it stands, is "completely detached" from the use of official languages because it is awarded whether or not both official

162 Ibid.

163 Ibid.

164 Ibid.

165 Ibid.

166 Ibid.

167 Ibid.

168 "Bilingualism bonus," Treasury Board Secretariat.

169 LANG, *Evidence*, 43rd Parliament, 2nd Session, 8 December 2020, 1610 (Mr. Raymond Théberge).



languages are actually used in practice.¹⁷⁰ The report further concluded that this has only served to reinforce the “pass the test” culture in which practical official language skills are disregarded in favour of simply training to the Second Language Evaluations.¹⁷¹

M. Borbey also underlined that it is a measure from the last century that has not been updated. Instead of the bonus, he recommended that the money be reinvested into “better funding for second-language training, particularly for [the] young recruits just joining the public service.”¹⁷² He stated that this would encourage new employees toward bilingualism, and would avoid potential language barriers to management positions later in their careers.¹⁷³

Mr. Barrière wants the government to keep the bonus and increase its value. He stated that this is because the financial compensation of \$800 has not been adjusted or reviewed since the 1990s, and that this amounts to 25 cents an hour, after tax.¹⁷⁴ However, he argued that bilingualism should be considered a “superior-quality skill” and should be rewarded as such.¹⁷⁵

Mr. Barrière further added that the bilingualism bonus should not be an indicator that the employee receiving that bonus is qualified as a translator, or that this is part of their job description.¹⁷⁶ He noted that both before and during the pandemic, this had been the trend and that it incentivizes employees away from comfort using both official languages rather than towards it.¹⁷⁷

However, Mr. Barrière also added that the bilingual bonus should not come at the detriment of language training, which should be made readily available to employees in order to further develop their official language competencies.¹⁷⁸

170 Patrick Borbey and Matthew Mendelsohn, *The Next Level: Project on the Use of Official Languages in the Federal Public Workplace*, 2017, p 17.

171 Ibid.

172 LANG, *Evidence*, 43rd Parliament, 2nd Session, 8 December 2020, 1725 (Mr. Patrick Borbey).

173 Ibid.

174 LANG, *Evidence*, 43rd Parliament, 2nd Session, 23 February 2021, 1845 (Mr. Yvon Barrière).

175 Ibid.

176 Ibid., 1905.

177 Ibid., 1845.

178 Ibid.

Border services

The Commissioner of Official Languages and several other witnesses noted that there was a lack of bilingual communication at bilingually designated airports and a lack of bilingual security and border services officers to welcome and direct Canadians returning from abroad in the context of the pandemic. Again, the Commissioner sees the lack of bilingual services this as a health and security issue: “If a traveller arriving at the airport can’t receive the information in their language, that’s a problem. A protocol is supposed to be in place to assist the traveller, but it is often not followed.”¹⁷⁹ It is worth noting that February 2021 all international flights landing in Canada are directed to four airports—Toronto, Montreal, Calgary and Vancouver. All of these are designated bilingual.

According to Mr. Denis Vinette, Vice-President, Travellers Branch of the Canada Border Services Agency (CBSA), not only has the CBSA continued to “embrace linguistic duality during the pandemic, but we have prioritized it to ensure that essential public health measures were well understood by Canadians and travellers alike.”¹⁸⁰ As regards the four entry points, Mr. Vinette said, “[b]y moving staff to new positions, we have made sure that we have the people we need to carry out the border controls, including the new health controls, and that we have an adequate complement of bilingual employees.”¹⁸¹ According to Mr. Vinette, three task forces were put together to respond to both the pandemic and the government direction. One of the immediate measures “was bringing in some dedicated translation services so that as we needed to develop bulletins, procedures and work with our regions, we had the ability in our own in-house translation services as things came into effect [...] to have the products ready to go.”¹⁸² Mr. Vinette also assured the Committee that internal practices are equally as important: “All internal correspondence to our employees is available in both English and French. Our intranet, messages and bulletins are available in both languages—again, at the same time.”¹⁸³

179 LANG, *Evidence*, 43rd Parliament, 2nd Session, 8 December 2020, 1200 (Mr. Raymond Thériège).

180 LANG, *Evidence*, 43rd Parliament, 2nd Session, 25 March 2021, 1540 (Mr. Denis Vinette, Vice-President, Travellers Branch of the Canada Border Services Agency).

181 *Ibid.*, 1605.

182 *Ibid.*, 1600.

183 *Ibid.*, 1540.



HOUSE OF COMMONS
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CONCLUSION

In conclusion, the Committee wishes to thank all the witnesses who participated in this study.

APPENDIX A 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
<p>As an individual</p> <p>Linda Cardinal, Emeritus Professor University of Ottawa</p> <p>Stéphanie Chouinard, Assistant Professor Department of Political Science, Royal Military College of Canada and Department of Political Studies, Queen's University</p> <p>François Larocque, Professor Faculty of Law, Common Law Section, University of Ottawa</p> <p>Martin Normand, Postdoctoral Fellow University of Ottawa</p>	2020/11/26	8
<p>Association de la presse francophone</p> <p>Linda Lauzon, Director General</p>	2020/12/08	10
<p>Community Health and Social Services Network</p> <p>Jennifer Johnson, Executive Director</p>	2020/12/08	10
<p>East Island Network for English Language Services</p> <p>Fatiha Gatre Guemiri, Executive Director</p>	2020/12/08	10
<p>Office of the Commissioner of Official Languages</p> <p>Pascale Giguère, General Counsel Legal Affairs Branch</p> <p>Pierre Leduc, Assistant Commissioner Policy and Communications Branch</p> <p>Ghislaine Saikaley, Assistant Commissioner Compliance Assurance Branch</p> <p>Raymond Théberge, Commissioner of Official Languages</p>	2020/12/08	10

Organizations and Individuals	Date	Meeting
<p>Public Service Commission</p> <p>Patrick Borbey, President</p> <p>Susan Dubreuil, Acting Director General Personnel Psychology Centre</p>	2020/12/08	10
<p>Assemblée de la francophonie de l'Ontario</p> <p>Peter Hominuk, Executive Director</p> <p>Carol Jolin, President</p>	2020/12/10	11
<p>Fédération des francophones de la Colombie-Britannique</p> <p>Padminee Chundusing, Chairperson of the Board</p>	2020/12/10	11
<p>Quebec Community Groups Network</p> <p>Marlene Jennings, President</p> <p>Sylvia Martin-Laforge, Director General</p>	2020/12/10	11
<p>Société de l'Acadie du Nouveau-Brunswick</p> <p>Ali Chaisson, Executive Director</p> <p>Alexandre Cédric Doucet, President</p>	2020/12/10	11
<p>Fédération des communautés francophones et acadienne du Canada</p> <p>Alain Dupuis, Director General</p> <p>Jean Johnson, President</p>	2021/01/28	13
<p>Treasury Board Secretariat</p> <p>Hon. Jean-Yves Duclos, P.C., M.P., President of the Treasury Board</p> <p>Roger Ermuth, Assistant Comptroller General Financial Management Sector, Office of the Comptroller General</p> <p>Carsten Quell, Executive Director Official Languages Centre of Excellence</p> <p>Tolga Yalkin, Assistant Deputy Minister Workplace Policies and Services</p>	2021/01/28	13

Organizations and Individuals	Date	Meeting
Department of Health	2021/02/23	18
Pam Aung-Thin, Acting Assistant Deputy Minister Communications and Public Affairs		
Manon Bombardier, Acting Assistant Deputy Minister Health Products and Food Branch		
Public Service Alliance of Canada	2021/02/23	18
Yvon Barrière, Regional Executive Vice-President Quebec Region		
Canada Border Services Agency	2021/03/25	23
Denis Vinette, Vice-President Travellers Branch		
Louise Youdale, Vice-President Human Resources Branch		
Ombudsman Ontario	2021/03/25	23
Carl Bouchard, Director of Operations French Language Services Unit		
Kelly Burke, French Language Services Commissioner of Ontario		
Public Service Alliance of Canada	2021/03/25	23
Chantal Fortin, Alternate Regional Executive Vice-President National Capital Region		
Alex Silas, Regional Executive Vice-President National Capital Region		
Société nationale de l'Acadie	2021/03/25	23
Louise Imbeault, President		

APPENDIX B 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](#).

Fédération des communautés francophones et acadienne du Canada

Government of New Brunswick

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. 8, 10, 11, 13, 18, 23, 25 and 30 to 35](#)) is tabled.

Respectfully submitted,

Emmanuel Dubourg
Chair

SUPPLEMENTARY REPORT FROM THE BLOC QUÉBÉCOIS

The Bloc Québécois would like to point out that the evidence heard during the study identified shortcomings in the areas of federal government communications and service delivery in both official languages, ***and in most cases with respect to French-language services***, even in Quebec.

In the federal public service, French is relegated to the background and to the role of a mere translated language in favour of English.

Recommendation 1

That any amendments to the Official Languages Act (OLA) recommended in this report, and in particular the recommendations with respect to Part V of the Act (Recommendation No. 7), take into account the specific and unique linguistic situation of Quebec and, in accordance with the requests made by the Government of Quebec, that no interpretation of the OLA be allowed to adversely affect the use of French as a common language in Quebec.

Recommendation 2

That the Official Languages Act aim to further encourage bilingualism in the public service and protect the right to work in French across the country, particularly in francophone environments such as Quebec and French-language minority communities, and that Treasury Board develop a new second-language training framework and review the language qualification standards for all positions to that effect.

