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Chair

Mr. Pablo Rodriguez

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• (0905)

[Translation]

The Chair (Mr. Pablo Rodriguez (Honoré-Mercier, Lib.)): Good morning. We'll start.

Ms. Adam, it's always a pleasure to have you here. Welcome to you and your team.

We're here to discuss the Performance Report for the period ending March 31, 2005 and the Supplementary Estimates (A) 2005-2006. In addition, as per our discussions at our last meetings, we could ask you some related questions more specifically concerning the last report.

I'll turn the floor over to you for a few minutes.

Ms. Dyane Adam (Commissioner of Official Languages, Office of the Commissioner of Official Languages): Thank you, Mr. Chairman.

Honourable members, thank you for inviting me to testify a second time, so we can have the opportunity to finish our discussion.

I only have a few things to add to my presentation of October 27, so I will be brief in order to give you time to ask as many questions as possible on the issues you are concerned about. However, I would first like to briefly discuss an aspect of the Office of the Commissioner's budget management and the application of the Official Languages Act at Air Canada.

First of all, I'd like to say a word about the reallocation of funds from the 2004-2005 fiscal year to the 2005-2006 fiscal year, as this data has been made public since our last meeting. We're talking of course about the Supplementary Estimates.

In effect, Treasury Board rules authorize us to transfer up to five percent of our budget to the following year, if the funds have not already been used. This is why our budget for this year includes \$814,200 carried forward from 2004-2005, which is five percent of last year's operating budget. We are using these funds to enhance our information management and computer systems, improve our strategic planning, and offer more training opportunities to staff members. We can provide you with more specific details on how these funds are allocated upon request.

Finally, a brief word about Air Canada, as you raised a number of questions about this issue at our meeting in September. I would like to draw your attention to the fact that Bill C-47, which would maintain the airline's language obligations, is currently being studied. On Thursday, November 3, the House of Commons gave

the bill its second reading and referred it to the Standing Committee on Transport.

[English]

As I'm sure you know, Bill C-47 is a legislative measure to act on the federal government's commitment to maintain the language rights of the travelling public and Air Canada's employees following that company's restructuring. Because of the high number of complaints we are receiving about Air Canada, I am monitoring this issue closely.

I am happy to note that this bill is currently receiving the support of all political parties. As you know, Bill C-47 has the very specific objective of maintaining the language rights of the public and Air Canada employees. Even though it has been referred to the Standing Committee on Transport for study, I hope you will have the opportunity to discuss this bill.

It is important that the amendments proposed by Bill C-47 clearly set out the language requirements of entities owned by ACE Aviation Holdings, in order to avoid, as much as possible, legal proceedings aimed at clarifying the scope of the legislative amendments and the application of the Official Languages Act. In other words, we must ensure that the amendments make Air Canada and all of its former divisions, such as ground-handling services and technical services, subject to the Official Languages Act.

I thank you, and I would be happy to answer any questions you may have.

[Translation]

The Chair: Thank you very much, Commissioner.

We can start with the traditional seven-minute period of questions and answers, which is then followed by periods of five minutes, or, if you prefer, simply start with a first round of five minutes. That might be better. Is that fine with you?

Then we'll start with five-minute periods and continue until time is up.

Mr. Lauzon, I turn the floor over to you.

Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC): Thank you.

Welcome, Ms. Adam. Good morning as well to the people with you.

You saved a lot of money last year, \$814,000...

Ms. Dyane Adam: That applies to the current year.

Mr. Guy Lauzon: How do you intend to spend that \$800,000? Do you have any priorities for it?

● (0910)

Ms. Dyane Adam: You're wondering how we intend to use this carry-forward?

Mr. Guy Lauzon: Yes.

Ms. Dyane Adam: Slightly less than half the funds will be allocated to infrastructure. In our case, we're mainly talking about computer, technological infrastructure. Then, as you know...

Mr. Guy Lauzon: Roughly how much does that represent?

Ms. Dyane Adam: About 42 percent of \$800,000.

Mr. Guy Lauzon: In fact, I'm talking about your current budget.

Ms. Dyane Adam: Oh, pardon me.

[English]

Mrs. Louise Guertin (Director General, Corporate Services Branch, Office of the Commissioner of Official Languages): For both salary and O and M, it's \$800,000. It's under-budgeted. We've been trying to—

[Translation]

Mr. Guy Lauzon: And you're thinking about adding \$400,000 next year?

Ms. Dyane Adam: This is an ad hoc measure, since it's for only one year. We're talking about modern management, in this instance about new requirements imposed on the institutions by the public service and federal administration. There aren't necessarily enough funds in the budget for these new initiatives, such as renewing the technological stock or technical modernization. They entail high costs, and the carry-forwards are often what enable us to inject funds. We're in a transition period.

Mr. Guy Lauzon: You're going to allocate \$400,000 to computer systems. What will the remaining \$400,000 be used for?

Ms. Dyane Adam: Once again, the idea is to improve administrative capacity. So we're talking about a lot of training and information management. We know that access to information, even though we aren't subject to the act...

Mr. Guy Lauzon: Will new jobs be created?

Ms. Dyane Adam: The funds will be used more for projects. You have to understand that they aren't necessarily granted year after year. So we can't commit them permanently. But when you talk about jobs, you're talking about a more permanent commitment. In the case of a carry-forward, we can't commit to expenditures over a number of years. So these are mainly ad hoc activities.

Mr. Guy Lauzon: What percentage of your employees are permanent?

[English]

Mrs. Louise Guertin: I think 90%.

[Translation]

Mr. Guy Lauzon: So we're talking about approximately 140 out of 165 employees.

Mrs. Louise Guertin: In addition, there's always a certain turnover rate.

Mr. Guy Lauzon: Where did you find that \$800,000?

Mrs. Louise Guertin: Last year, we didn't staff certain positions quickly enough to spend the entire envelope. A portion of the savings is attributable to that, and another is due to the fact that, for various reasons, some projects weren't carried out.

Mr. Guy Lauzon: Is this the first year you've posted this kind of surplus?

Mrs. Louise Guertin: No. There's a carry-forward every year.

Mr. Guy Lauzon: How much was it last year?

Mrs. Louise Guertin: It totalled \$725,000.

Mr. Guy Lauzon: That's appreciably the same amount. Does that mean you have too much money?

Ms. Dyane Adam: I'll answer that.

The office was granted a funding increase of about \$4 million over three years. It should be understood that, during phases when operations are on the increase, we often receive funds a little later in the year. In some cases, our budget planning is already done.

As for increasing our staff, the staffing process can take an average of eight to 10 months, depending on the position, even when we have Treasury Board or government approval. We see very clearly that this has a major impact.

As for research projects, we sometimes issue calls for tenders. When the process is really successful, it works. However, I can tell you that the first calls for tenders that we issued through Public Works for our technological initiative produced no results. In that kind of situation, we often have to restart the process, and then we're talking about three or four months.

● (0915)

Mr. Guy Lauzon: I understand perfectly well; I was a public servant.

Ms. Dyane Adam: I should immediately have drawn on your experience.

The Chair: Thank you, Mr. Lauzon.

We'll continue with Ms. Brunelle.

Ms. Paule Brunelle (Trois-Rivières, BQ): Good morning, madam. Good morning, ladies and gentlemen.

I saw in a table that 164 positions were authorized at the Office of the Commissioner of Official Languages. However, you've used only 152.9, roughly 11 fewer than what was allotted to you. In view of the fact that we're trying to use absolutely all available resources and we need them, how do you explain that decision?

Ms. Dyane Adam: I referred to the turnover rate a little earlier. There are vacant positions right now. Some people leave and others arrive. If we're talking about the difference between the number of authorized positions and those that are actually allotted, I'd say that 11 vacant positions is quite good.

Ms. Paule Brunelle: Imperative staffing is a subject of great interest to me.

In the section entitled "Follow-up to the Commissioner's Annual Reports", you say the following:

Since April 1, 2004, imperative staffing has become the norm for bilingual positions up to the assistant deputy minister level, thereby placing bilingualism on an equal footing with the other skills required to perform the duties of a position.

That's fine, but you say a little further on:

However, non-imperative staffing is still used for hiring entry-level managers (EX-01) in designated bilingual regions.

Since the implementation, on April 1, 2004, has any progress been observed on this obligation to implement imperative staffing? I also wonder whether, in saying "However, non-imperative staffing is still used for hiring entry-level managers....," you're not expressing a criticism.

Ms. Dyane Adam: Pardon me, I don't believe I understood the meaning of your question.

Ms. Paule Brunelle: Do you believe that changes have actually been made? Is there really a political will with regard to this kind of staffing?

Ms. Dyane Adam: The point here is to comply with this policy. However, it will be implemented gradually. First, it will affect the EX-4 level, then the EX-3, EX-2 and so on. I believe the government is currently putting in place, or trying to put in place, all the mechanisms enabling the federal institutions to be aware of their obligations and to meet them.

In this issue, obviously a lot of stakeholders are involved. The Human Resources Management Agency has ultimate responsibility for ensuring that federal institutions comply with the policy. The Public Service Commission also plays a role with regard to positions and language tests. The School of Public Service, for its part, must provide training. For us, that's a bit too much. We mainly focus on monitoring the Agency to determine whether it is identifying cases of institutions not complying with the policy. It's a little early for us to issue a judgment.

● (0920)

Ms. Paule Brunelle: Don't you think it would be normal for bilingualism to be a job requirement when a position is created that involves, for example, offering services to the public — even indirectly, as in the case of a senior executive position? Could we work on that? Could we adopt those kinds of rules? We realize this is the key to success; it's what makes it possible to meet the needs of the public. This has an impact on the whole organization, mainly at the senior executive level. In the same way a university degree, for example, is required in order to apply for a position, why not require bilingualism as well?

Ms. Dyane Adam: The position of this Office is quite clear. As regards institutional bilingualism, the offer of service in both official languages and respect for the language of work, we're talking about workplace values. The best way to introduce those values into the workplace is to do it through leaders, chiefs, officers. The Office maintains that, by reason of the public service's obligation to serve the public in both official languages and, in a number of regions, to respect employees in both official languages, supervisors must be able to communicate with their employees. We maintain that supervisors should be bilingual. That should start at the top of the pyramid: clerks and deputy ministers don't currently have an obligation to be truly bilingual; their bilingualism levels are not measured. The only employees who have to be bilingual are assistant deputy ministers and EXs.

We've recommended three or four times that deputy ministers and associate deputy ministers have an obligation to be bilingual and to set an example for their employees and all their supervisors and directors. You're right: there's an administrative disconnect. When this kind of situation occurs, it doesn't help introduce values.

The Chair: Thank you, Ms. Brunelle.

It should also be noted that the committee issued the same recommendation concerning deputy ministers. We discussed this at our last meeting.

I turn the floor over to Mr. Godin.

Mr. Yvon Godin (Acadie—Bathurst, NDP): Thank you, Mr. Chairman.

I'd like to welcome the Commissioner and her team. I'd also like to thank them for their good work. As I heard on the CBC yesterday, Service Canada is becoming multilingual. That's incredible! These people can't even work in the two official languages, but they can do it in 12 languages. We should hope they don't use translation software because we'll have terrible service.

I hope you develop what you said yesterday on the CBC.

Ms. Dyane Adam: Are you talking about automated services?

Mr. Yvon Godin: No, I'm talking about multilingual service.

Mr. Marc Godbout (Ottawa—Orléans, Lib.): We want examples.

Mr. Yvon Godin: I have them all.

Ms. Paule Brunelle: ...in Cantonese.

Ms. Dyane Adam: Service Canada announced it would offer certain services in a number of languages. As Commissioner of Official Languages, I play the role of linguistic ombudsman in the country. It seems to me that the principle of serving Canadians in a language they can understand is essential. We're talking about newcomers. The statistics are quite clear. I don't remember the exact percentage, but some Canadians, newcomers, don't speak or understand English or French.

The government's intention to reach these citizens is noble and legitimate. It doesn't make me react. However, we don't know what kind of services Service Canada will be offering in those languages.

My concern—and I've said it on numerous occasions—is to offer services in both languages. The federal government has been trying to do so for 35 years now, but it isn't doing it. Our studies show that: for roughly 10 years, the quality of services offered in the minority language has been at a plateau, although the national average is good. You'll be served in your language in Canada three-quarters of the time. That's the national average. It's very good in Quebec and in the National Capital, but, as soon as you enter the regions where there are proportionally fewer minority speakers, the quality of service in the minority language declines, in some instances, quite sharply.

My concern is this: we haven't yet managed to juggle two balls after 35 years of trying, and now we want to do it with four or five balls. In addition, it should be recognized that the federal government has a statutory, constitutional and legislative obligation to offer its services in both official languages, our two common languages. What services will be offered in other languages?

My concern is to ensure that we feel we're at least meeting our constitutional and legislative obligations.

● (0925)

Mr. Yvon Godin: Like you, Commissioner, I'm not opposed to the desire to offer services in other languages, but it appears that we aren't even able of doing so in two official languages. Let's not fool ourselves. It's simple. You say 35 years, but the two peoples have been in Canada for longer than that. It should be kept in mind that we've been here for 400 years.

It's very sad to see that, in New Brunswick today, the Department of Justice is appealing the court decision concerning the RCMP. I read a news release issued by the Société des Acadiens du Nouveau-Brunswick stating that the Francophone communities are forced to fight the Government of New Brunswick because they won their case in the Federal Court of Canada. The Court held that the RCMP had to offer its services in both languages in New Brunswick.

New Brunswick is the only officially bilingual province in Canada. The federal government wants to go to Federal Court to withdraw those rights, and at the same time it announces to us that it wants to offer services in 12 languages.

If I remember correctly, the Office of the Commissioner of Official Languages supported the New Brunswick communities in their case against the RCMP. I'd like to know, if you have a chance to explain it to us a little, where that stands and what steps you'll take now that the government wants to appeal the judgment.

Ms. Dyane Adam: We learned at the same time as everyone else—yesterday or the day before—that the federal government had decided to appeal from that judgment. Ms. Tremblay could perhaps talk about that, but my team and I will consider this matter. We intervened at the trial level for the complainants, that is for the communities. We'll probably intervene at the appeal level, again in favour of the communities.

The Chair: Thank you, that's all the time you have.

We'll complete the first round with Mr. Godbout.

Mr. Marc Godbout: Welcome once again, Commissioner.

Since today may be a historic day—if Bill S-3 is passed by the House of Commons—I'd like to ask you the following question. In your view, what will this new legislation change for the Office of the Commissioner of Official Languages? Have you planned any additional mechanisms to assist the communities that would like to use these new remedies?

We're currently studying the matter of your Supplementary Estimates. Consequently, I'd like to know whether you have anticipated any other supplementary funding in this regard. In other words, how do you think you will provide assistance to the communities that express the desire for it?

Ms. Dyane Adam: In my opinion, when a bill such as this is improved and there is a new obligation, or at least an obligation is further clarified, prevention should prevail over cure.

As a first stage—and we're already starting to think about this at the Office—I would consider trying to establish what should happen. I think there's a need for education and awareness with regard to this part of the act in all the federal institutions subject to it.

You'd be surprised to see how the obligations under the act are understood in certain parts of the federal government. Many still believe the act only concerns service to the public. And that's repeated in the media. It's often believed that the act only requires that services be offered to the Canadian public in English and French, whereas it contains a number of other obligations and responsibilities.

Above all, a real investment must be made in awareness, information and education in our federal institutions. They have to be helped and supported so that they know how to carry out this federal government commitment.

A great deal of energy should be devoted to this end, including by parliamentarians. The idea would be to call on the institutions and ask them how they're going to carry out that commitment. It would be really interesting to have each of those institutions appear here for two or three years so that you could ask them how they're going to go about complying with the act in their programs and services.

In that way, we create mobilization and action, positive measures that could be taken by our federal institutions. Thus, although the act provides remedies if an institution fails to meet its obligations, we could at least avoid this route, which, as Mr. Godin mentioned, is costly for the communities. It also puts the communities in a situation of confrontation with their government, which I think should absolutely be avoided.

Mr. Marc Godbout: There's another factor. I want to go back to school management, because it's a major issue. Targets have been set for people who have vested Charter rights; they're called rightsholders. It's very hard to monitor changes in school registration and to monitor students.

A lot of projects have been submitted by the communities. They are horizontal projects, which means they would affect Canada as a whole. The expression used is “student tracking system” in English, “pistage des élèves” in French. I think that, in order to have reliable data, it would be important to invest so that we could have a better idea of progress made.

Are you planning to get involved in that regard, perhaps in cooperation with Canadian Heritage or other partners? I think it would be essential to know what return we're getting on our investment, in the context of an accountability framework, of course, an overall plan, but more particularly in the school management area.

● (0930)

Ms. Dyane Adam: You're referring to an essential and broader point than the mere question of measuring changes in stakeholders' participation in minority schools; you're referring to the question of research and development.

When the government committed, in the Action Plan for Official Languages, to doubling the number of bilingual young people in Canada, when it committed to increasing the participation of rightsholders in minority schools to 80 percent, on what basis did it anticipate measuring results? Did it have the means and infrastructure to measure that? Who's supposed to do it?

I claim that the federal government announced, in the mini-budget that hasn't yet been passed, an even more generous investment at the postsecondary level. We know that most research in Canada is conducted at the postsecondary level, particularly in the universities, and that a lot of money is invested by research institutes. Here I'm talking about the Social Sciences and Humanities Research Council and others.

I'll make the connection with your first question, Mr. Godbout. You asked what the impact of Part VII was on federal institutions. I'd like our federally-funded research councils to start establishing chairs in the area. We need specialized research on bilingualism, second-language learning and the vitality of our communities. In that way, these councils would meet their obligations under Part VII of the act. We're not just equipping the communities to pursue their own development more effectively, but also to bolster the public policies of the federal and other governments.

• (0935)

The Chair: Thank you, Ms. Adam.

Mr. Marc Godbout: I can't wait to read that in the next report.

The Chair: Of course.

[*English*]

We'll now go for a second round, and we'll start with you, Mr. Goodyear.

Mr. Gary Goodyear (Cambridge, CPC): Thank you, Mr. Chairman.

Good morning, Commissioner, and thank you for coming this morning. I just have to tell you that I am very impressed with your work, and I remember I was quite pleased the last time we spoke.

I guess I'm going to focus a little bit on the budgetary items today, if that's okay. However, before I go into some of these numbers that I noticed when I was ploughing through them last night, I would like to applaud the effort of going into more of a multilingual service. I know in my riding we have 30,000 Portuguese, and I think that's a reasonable thing to do.

However, when I was looking through this, I did realize that the government had asked a number of federal departments, if not all of them, to try to cut back on their estimates by 5%. And I believe that when your department did a review, you were able to find I think a savings of \$20,000.

I hope I'm not getting too specific here, but I guess my question really is, did that impact in any negative way on the operations of your department, and if it did, on which departments?

Ms. Dyane Adam: First of all, we were not cut. We did not contribute—what was it—5%.

As you know, the official languages program was targeted as being a priority, and we're also, evidently, an agent of Parliament,

whose role is to oversee the implementation of legislation. Evidently, in this case, it was judged that we should not contribute. I think no other agents of Parliament were reduced either.

Mr. Gary Goodyear: By that 5% reduction.

Ms. Dyane Adam: No, and not the Auditor General and...

With respect to the \$20,000, this is because of Public Works and Government Services Canada's approach to common services in the area of procurement. Basically, this is a policy whereby all the institutions have to participate, and we were more or less told that this amount would be deducted from our budget because they will be providing to us some services that eventually we will not do. So I cannot tell you the consequences. But by year five—and my colleague is showing me—more than \$280,000 will be cut from our budget for that purpose.

Mr. Gary Goodyear: For that purpose?

Ms. Dyane Adam: Yes.

Mr. Gary Goodyear: But it won't impact any of the programs of the commissioner's office. We're really transferring expenses from your department to the Department of Public Works. Is that what I'm hearing?

Ms. Dyane Adam: It will have an impact because we want to have that money.

The government says it will be saving money by doing this, by centralizing. I'm not sure, and I'm not the only institution. Are we spending that amount of money at the commissioner's office to do procurement? Our analysis is no.

• (0940)

Mr. Gary Goodyear: I also noticed that in the year 2004-05 there was a surplus of just over \$800,000. Was that entire surplus transferred forward to the following year or just 5% of it? I was confused by the figures.

Ms. Dyane Adam: Are we talking about the current year?

Mr. Gary Goodyear: Yes.

Mrs. Louise Guertin: There was no lapse this year.

Mr. Gary Goodyear: There was none, okay. Thank you.

The Chair: Thank you, Mr. Goodyear.

[*Translation*]

Mr. Simard.

Hon. Raymond Simard (Saint Boniface, Lib.): Thank you very much, Mr. Chairman.

Welcome, Commissioner. I have three questions to ask you.

My first question concerns the RCMP and is further to the question from my colleague Mr. Godin. This morning I understood that there was an appeal because the RCMP was a regional police services subcontractor. That's one way for them to avoid meeting their official languages obligations.

If you look at airports, for example, you see the situation is somewhat the same. Last week, I was in Ottawa and I heard someone say over the PA system: "Merci de ton patience." That was in Ottawa, not back home or in your riding, Yvon.

The same is true at Canada Post: responsibility for official languages is handed over to pharmacies that have virtually no responsibility in the area. It's obviously the same at Air Canada. It seems to me that creating these kinds of subsidiaries greatly dilutes responsibility.

I'd like to hear your comments on that subject.

My second question concerns your presence in the regions. It seems to me the Office could have a better presence in the regions. I know that, back home in Manitoba, the lady who is the incumbent covers two or three provinces. It seems to me that, if the Office had greater visibility, that might remind people that they have to respect both official languages.

My third question concerns your priorities. I see from your brief that you've established four strategic priorities. I'd like to know how you establish the funding allocation and the emphasis you put on each priority. It seems to me today that we might perhaps put less emphasis on citizen complaints and more on the vitality of developing communities.

I'd like to hear your comments on those subjects.

Ms. Dyane Adam: I'll start with the question on using third parties to deliver federal services. I believe there have been enough studies... There's even been a recent judgment in the matter. That was the judgment rendered in the CALDECH affair, in Ontario, which concerned community economic development.

The Federal Court held that federal institutions could not shirk their obligations. Other similar judgments have been rendered. So even if institutions use a third party, they have an obligation to ensure that services are actually offered. In this case, we're talking about an obligation to achieve a result.

When we conducted an audit at Canada Post, and that goes back a few years now, we noticed that the services offered in more traditional post offices were far superior to those provided at franchises. That really confirms your point of view. At some point, someone may indeed have to see about that.

That's true for the government. These innovative approaches may be very good and less costly, but they don't make it possible to offer the same services to citizens. Service Canada's single window is a new way to serve Canadians. It may be an absolutely outstanding innovation and an incredible opportunity for the official language communities, but it may also be a major risk, if it's poorly designed relative to citizens' objectives.

As for the second question, concerning the regions, as I said earlier, our funding was increased three years ago. Among other things, that increase enabled us to hire more staff in the regions. For example, there was no one in Saskatchewan; we added one position there. The Manitoba office served both provinces. So we were able to increase staff. Is that enough? Probably not, definitely not. That's one thing we'll have to examine. We've nevertheless invested and acknowledge the fact that we have to be more present in the field.

As regards priorities, you asked me how we allocate funds. From the start of my term, nearly seven years ago, funding allocated to the Office has increased by about \$4 million. That amount was added to the base amount and was \$4.5 million. To respond a little to what

you mentioned, I'd say, with regard to the handling of complaints, that we always wait for the public to speak out. That's a problem for me. I very much respect the ombudsman mandate, which is to be attentive to citizens. However, responsibility for taking action always falls to the citizen. In my opinion, the institutions have a responsibility to comply with the act and to ensure it is implemented.

That's why we decided to reintroduce the audit function at the Office. Now, 15 people, directly and indirectly, evaluate and audit the federal institutions. We give them performance report cards. We don't wait for citizens to knock on our door and tell us things aren't working. This is a major strong point. As you know, we have an ombudsman mandate, a mandate to receive complaints. We're genuinely trying to simplify our complaints process. I think it's still...

● (0945)

The Chair: Thank you, Ms. Adam. I have to interrupt you.

Since Mr. Côté and Mr. Godin have reached an agreement, which was kept secret until now, to interchange their remarks, we'll hear from Mr. Godin first.

Mr. Yvon Godin: Mr. Chairman, it's what's called a reasonable compromise. That, moreover, is what I'll be listening to in the House of Commons at 10 o'clock: a reasonable compromise.

I'd like to thank Mr. Côté for giving me the opportunity to ask a few questions. Let's go back to the RCMP. I often use the argument that this service is paid for by the province. However, the RCMP remains a federal institution. When an incident occurs in New Brunswick requiring a request from the federal government, RCMP officers can tell us that they're paid by the province and that they can't work for the federal government. However, the RCMP can't wear two hats: the RCMP is the RCMP.

Ms. Dyane Adam: Yes.

In fact, that can even cause confusion in citizens' minds, since the RCMP wears its provincial hat. However, will it be changing hats under the act? That still troubles me.

I've lost my train of thought. Can you repeat your question?

Mr. Yvon Godin: This is a federal responsibility. So the RCMP is a federal agency. I'd even go further: if the RCMP is prepared to act in this manner in New Brunswick, imagine the situation in the rest of the country. One-third of New Brunswick's population is Franco-phone. So imagine the situation in the other provinces where the RCMP's services are called upon. There are a number of them. That would set an incredible precedent.

Ms. Dyane Adam: I can make a connection between your remarks and those of Mr. Simard. He referred to the use of a third party to deliver services. In this case, it's the reverse: the federal government becomes the third party delivering services on behalf of the province.

We at the Office of the Commissioner of Official Languages are conducting various studies to provide a little orientation for future priorities. We're considering reviewing regulations, among other things. We've conducted a series of consultations across the country. In the case of your province, New Brunswick, the only bilingual province in Canada, we're wondering even if it's at the idea stage, but I believe that deserves to be submitted to you for your thoughts.

Since subsection 16(3) of the Canadian Constitution provides that the legislatures and Parliament undertake to advance the equality of status or use of English and French, when a province is more generous than the federal government in offering services to its citizens, couldn't we think of a principle, under that subsection or other sections of the Constitution, whereby the federal government would adjust more to the language regime of the province rather than be content with a more minimalist language regime?

• (0950)

Mr. Yvon Godin: The RCMP's purpose is to enforce the law.

Ms. Dyane Adam: Yes.

Mr. Yvon Godin: But it's fighting a law that is fundamentally important for us. It's insulting, unacceptable that the RCMP should act this way and that the Department of Justice, whose role is to ensure justice is done, has to appeal in order to say that it doesn't want to comply with an act that has guaranteed recognition of the two official languages for 35 years.

In any case, I think I've said enough on the subject. I'm saying it to them directly on television, if they can watch CPAC.

I also believe it was Mr. Goodyear who said the government wanted to cut service costs. Aren't you supposed to be a commissioner who's entirely independent of government? You report directly to Parliament, not to the government. So what services can one want to use in order to, perhaps, engage in manipulation?

Ms. Dyane Adam: Oh! You'll have to invite me back again, Mr. Chairman.

The Chair: You have a standing invitation, madam.

Ms. Dyane Adam: That concerns the entire question of the independence of officers of Parliament.

Mr. Yvon Godin: Precisely.

Ms. Dyane Adam: As you know, an initiative is underway to have our budgets, our appropriations—I'm talking about the Auditor General, the Privacy Commissioner and so on—reviewed more by Parliament than by the Treasury Board.

To date, the Treasury Board has determined whether we could obtain funding, and, if there was a government initiative to make mandatory five percent cuts to all budgets, that would automatically affect us as well. Ultimately, Parliament may not have had the opportunity to consider that question.

This year, for the first time, the government, at Minister Alcock's initiative, nevertheless developed, with the officers of Parliament, a way for Parliament to really have the authority to act in this area. It's a pilot project. It's a panel of members appointed by the House of Commons that will review appropriations. I believe that one of the members of the Official Languages Committee belongs to it, but I'm not sure of that.

I'll be pleased to talk about that again because the question of our budgets isn't the only one raised. The issue of independence of officers of Parliament is a concern shared by all officers of Parliament.

The Chair: Thank you, madam. That could be done next week. It's strangely very hard to find guests for that week.

Some hon. members: Oh, oh!

The Chair: Thank you, Mr. Godin. We'll continue with Mr. Côté.

Mr. Guy Côté (Portneuf—Jacques-Cartier, BQ): Thank you very much, Mr. Chairman.

It's always a pleasure to hear from you, Ms. Adam. I would add briefly, with regard to the RCMP and the Department of Justice, that this unfortunately isn't the first time — or probably the last — that we've seen the government flout legislation or its own regulations. We need only think of the Refugee Appeal Division, where the government totally disregards its own act. It's quite startling.

In your report, considerable attention is paid to the distribution of financial resources and where they'll be allocated. What do the regional and provincial allocations of human resources and services to the public look like? Where are the resources allocated? Where are the greatest needs or the greatest demand, in your view? I know you manage both needs and demand. How does that balance out and how does it work?

Ms. Dyane Adam: Most of our staff are in Ottawa. The work of the Office consists in receiving complaints from the Canadian public. People file them by telephone, mail, increasingly by e-mail, or in person, although that's not very common. A large part of our work is done with the federal institutions and, of course, with Parliament.

In the regions, our offices generally have a staff of five. There's an investigator, a representative of the Commissioner who carries out the various promotional, educational and liaison activities between the institutions and the communities, a community liaison officer, and so on.

We have an office in Moncton that covers the Atlantic Region, the four Atlantic provinces. Our Montreal office covers the Province of Quebec. In Ontario, the regional office is in Toronto, and we've opened a satellite office in Sudbury because there are one million Francophones in that province; it's the province that has the largest number of minority citizens, apart from Quebec, where there are a lot of Anglophones. In the West, we have a regional office in Manitoba and its satellite office in Saskatchewan, and a regional office in Edmonton, which has a satellite office in British Columbia. They cover the territories.

• (0955)

Mr. Guy Côté: As you know, Bill S-3 made us fear that there would be a large number of court cases. And as we can see, in the RCMP case, there have been a lot of court challenges by citizens, but also, in some cases, by the federal government.

How do you view the future of your Office if Bill S-3 is passed? Do you think you'll have more work and more cases to handle?

Ms. Dyane Adam: We're not the principal players. When Parliament passes an act, federal institutions are responsible for implementing it. We won't have to monitor and watch, but we're already doing that for Part VII. What's complicating matters right now is that the federal institutions claim that Part VII is not binding. Once it's clear that it is, they'll have an obligation to act. That will give you a lever. If the federal institutions don't do that, there will be opportunities for last resort remedies. I understand your fear of court challenges, but you know very well as legislators that laws are to be obeyed and that a law without any possible remedy doesn't carry much weight. If we really believe in linguistic duality and the future of our official language communities, we must give them the means to develop.

The Chair: Thank you, Mr. Côté.

There's no one else on the list. I don't know whether you want to proceed with a third round. We could do that quickly.

Mr. Poilievre.

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Thank you for coming to meet with us, Ms. Adam.

I'd like to make a more general comment concerning French-language and immersion education. I represent a riding that is changing considerably. Southwestern Ottawa was more Anglophone until recently, but the situation is gradually changing. A larger number of Francophones are settling here. Immigrants from Francophone African countries are coming to live here as well. It's very important for those people that there be French-language schools. That in fact is starting to be the case.

Two weeks ago, I attended a celebration for the French-language school that will be established five minutes from my home in the community of Barrhaven. Many Anglophones want immersion programs to be implemented. They acknowledge that young people in this region have to be bilingual in order to take advantage of opportunities offered by the public service.

In Mr. Mulroney's time, the Conservative government invested a great deal in this priority area, but the Liberal government subsequently cut funding for French-language schools and immersion programs by about 50 percent.

I'd like to hear your comments on the commitment of this government and governments in general to French-language instruction and immersion.

• (1000)

Ms. Dyane Adam: The last annual report, which we're discussing today, outlines 35 years of bilingualism. We're talking about French-language schools and, of course, second-language instruction and immersion programs. It was a quite spectacular time for French-language schools. We observed that Conservative and Liberal governments contributed to building Canadian bilingualism, on both the minority and majority sides.

Minority schools did not exist in a number of provinces 35 years ago. Now there are French- and English-language schools, as the case may be, in all provinces and territories. The issue of the management of those schools is also an important change.

You mentioned the decline in, indeed withdrawal of, certain investments. There can be no doubt that, during periods when we review programs or try to stabilize budgets, in times of deficit, for example, the impact is significant. Here we observe that investment in education was cut, both in minority language education and second-language instruction.

In adopting the Action Plan, the government made it possible to reinvest in minority language education and immersion programs. Half of the \$750 million invested under the Action Plan is allocated to first-language education and second-language instruction. I don't think that's enough. There can be no doubt on that point, and all the provinces agree.

In British Columbia, for example, parents have to wait hours to be the first to register their children in immersion programs. This situation still makes the headlines. It's unacceptable. If we want our country to be bilingual, we have to find the means to do that. While that's being done, some public servants are still not bilingual. My fear is that we'll stop investing in young people on the pretext that bilingualism isn't working. We have to invest in youth and thus give all Canadians the opportunity to be bilingual, or even trilingual. However, our federal government isn't promoting bilingualism aggressively.

Mr. Pierre Poilievre: Then...

The Chair: No, Mr. Poilievre.

Ms. Brunelle, it's your turn.

Mr. Pierre Poilievre: It's about education. This issue is very important.

The Chair: Your time is up, sir. I have to be fair.

Ms. Brunelle.

Ms. Paule Brunelle: Ms. Adam, you mentioned Bill C-47, the purpose of which is to subject Air Canada and its former divisions to the act. I find that very appropriate. You tell us we have to maintain the linguistic progress of employees and the public.

As parliamentarians, we often have to fly Air Canada on cross-Canada tours. I had to board an Air Canada plane about 20 times last year, and I was served coffee in French only once.

How, as a parliamentarian, should I go about getting service in French aboard Air Canada flights? I always start by making my request in French. Perhaps they don't always understand, but these are very simple things. Is there really a desire to change? Otherwise, what can we do to make this change?

• (1005)

Ms. Dyane Adam: For a very long time, Air Canada has been the institution we've had the most trouble with. On the one hand, the number of complaints is very high; on the other hand, it finds it hard to acknowledge its own obligations. We've had to file lawsuits against Air Canada, and some are still outstanding. You talk about will. We see a problem in this case.

As for the new bill, the government made a commitment to maintain present linguistic rights. I'll be appearing before the Standing Committee on Transport next Tuesday. We'll have an opportunity to express certain concerns with regard to that bill.

In light of our experience with Air Canada, we believe that, if obligations aren't worded clearly or are confusing, that opens the door to withdrawal and even lawsuits. That's why we often insist that bills be clear. We know that an institution that may not have the will to submit to the act will take advantage of that ambiguity to avoid meeting its commitments.

As regards Air Canada, which will become ACE Aviation Holdings Inc., its structure is quite complex. The table you see here shows that Air Canada's headquarters will be entirely subject to the act, whereas Jazz Air, whose name is paler here, will be subject only to Part IV of the Official Languages Act. As for the others, which appear in grey in this table, in particular Air Canada Cargo, Air Canada Ground Services and Air Canada Technical Services, we're not sure from the wording, as currently presented, that they'll be subject to it to the same extent they currently are or used to be. So we fear a loss of rights for employees. In the blank spaces, you see, among others, Aeroplan and Air Canada On-Line. These services aren't subject to the act at all.

Ms. Paule Brunelle: Do you intend to suggest amendments to Bill C-47 when you appear before the committee?

Ms. Dyane Adam: Yes. My team and I are working on that. We were just invited yesterday. We're in the middle of writing and, yes, we're proposing things.

Ms. Paule Brunelle: We'll monitor that, madam.

The Chair: If it concerns official languages, why was that bill submitted to the Standing Committee on Transport rather than to ours? Can anyone answer that question?

Ms. Dyane Adam: I admit I have no idea.

The Chair: We're going to continue with Mr. Drouin.

Hon. Claude Drouin (Beauce, Lib.): Thank you, Mr. Chairman.

Ms. Adam and your team, it's a pleasure for me to see you. We appreciate the work you're doing. I think there are major challenges that must be met.

I have two questions to ask you. The first is a little more existential and concerns our commitment of \$750 million over a period of five years for implementation of the Action Plan for Official Languages, an investment that we were going to make immediately after rebalancing the budget.

What does the Office know today that it didn't know before this agreement? Has that enabled us to be more watchful and effective so that both official languages are respected across the country?

My second question concerns investigations. There has been an increase in the number of complaints, and, when you try to settle them, to the extent they're considered well-founded, you explore solutions. Could you give us a few examples of complaints that have been filed and that, upon investigation, were considered admissible, as well as proposed potential solutions that have made it possible to improve bilingual services in the country?

I appreciated your comment that it is important for the government to promote the learning of both official languages. We know that a number of countries in Europe promote knowledge of three languages at the university level. I believe Canada lags far behind in this area. The provinces and the federal government should work together to make the public, our youth in particular, understand the advantage of being able to speak at least the two official languages. I say "bravo" if, as you say, Commissioner, we can speak a third.

• (1010)

Ms. Dyane Adam: The first part concerns the question as to how complaints and investigations, as well as the corrective action we propose, help in improving services.

I could tell you about a number of cases. There are always quite specific cases. You need only think of the training offered to outside clients by the RCMP. Our colleague Mr. Godin isn't here, but I'll take the liberty of recalling that the Gatineau Police asked the RCMP to offer training in French, and it could only offer it in English. We received a complaint, and we conducted an investigation. As a result of that investigation, the RCMP had its teaching material translated, and the course is now given in French. That's a very simple example.

However, there are more spectacular examples. I'm tempted to tell you about the Quigley affair, which concerns you directly.

As you know, CPAC broadcasts the proceedings of the House of Commons. So it's the broadcaster. However, to broadcast debates across the country, it uses cable services. Those responsible at the House of Commons claimed that they produced three signals—that is, one in French, one in English and the signal that comes directly from the floor, thus a bilingual signal—and that they sold those signals to CPAC, which broadcast the debates across the country.

Our investigation revealed that, when the Official Languages Act was passed, there were no plans for broadcasting. The requirement for publication, that is to say the way in which the House of Commons communicates with the Canadian public, is clear: you have to ensure that citizens are served in the language of their choice. So there is an obligation to achieve a result, which means that the signal must enter Canadian households in both languages, so that households can choose the language they want.

House representatives claimed at the time that they did not have that obligation. They said they had produced three signals and that it was up to a third party, that is to say CPAC and cable companies, to deal with what became their problem.

The investigation we conducted showed that the interpretation of the obligations of the House of Commons was incorrect, that, on the contrary, the House had to ensure that the debates were broadcast to Canadian households, in addition to seeing that third parties ensured that they were broadcast. We had to settle that problem in court. Citizen Quigley took the matter as far as the Federal Court, which found in his favour. The House of Commons had to work with CPAC to change its contractual conditions.

• (1015)

Hon. Claude Drouin: What about the \$750 million?

Ms. Dyane Adam: Pardon me, I had forgotten your other question. I understood that you were also talking a little about our budget. We're not part of the government; in other words, we're subject to a \$750 million increase. When I referred to the increase in funding, that didn't include the Action Plan for Official Languages.

The question you asked me about the Action Plan for Official Languages...

Hon. Claude Drouin: What's the difference?

The Chair: I'm sorry, but that's all the time you have, Mr. Drouin.

There's no one else on my list, unless you want to do a fourth round.

Mr. Yvon Godin: Mr. Drouin hasn't finished.

The Chair: His time is up, unfortunately. I have to be fair with everyone.

I would ask committee members to stay for two minutes to discuss one or two matters.

Thank you very much, Ms. Adam.

Ms. Dyane Adam: And I thank you.

The Chair: It's always a pleasure to have you with us. Thanks as well to the members of your team. We'll see each other again very soon, or in a few months, as the case may be.

First of all, committee members, we should vote on the Estimates presented. Are you ready to vote on the Estimates before you today?

Mr. Marc Godbout: That's usually done in camera, Mr. Chairman. That question can't be asked at a public meeting.

The Chair: It's not mandatory that it be done in camera.

Hon. Raymond Simard: It's not necessary to sit in camera.

The Chair: We're deciding.

Mr. Guy Lauzon: Let him chair.

The Chair: We'll vote now.

PRIVY COUNCIL

Office of the Commissioner of Official Languages

Vote No. 20a— Program expenditures.....\$794,200

(Vote No. 20a agreed to)

The Chair: Shall the Chair report the Estimates to the House?

Some hon. members: Agreed.

The Chair: Then I shall report to the House on behalf of the committee; that will be a great pleasure for me.

Now let's move on to the last point and go back to what was asked by one committee member. Virtually the entire agenda for next week is full: Ms. Adam met with us today; Mr. Rabinovitch, from the

CBC, will be coming in December; Mr. Bélanger as well; Ms. Frulla has also accepted; and Mr. Owen will come on December 6 to tell us about the situation in sport.

For next week, it's difficult, first because of the trip we're now trying to put on the schedule. Second—I've spoken about this with other committee chairs, and the situation is the same elsewhere—before accepting, people say they can't travel next week, but they can the following week, knowing that it's very possible they won't have to do so and that they therefore won't have to prepare accordingly. That poses an enormous problem.

It won't be possible to receive anyone on Tuesday. We really tried, but it's too late. I suggest that we try to invite the most appropriate witness possible for Thursday, but barring any indication to the contrary, the committee will not meet on Tuesday.

Hon. Raymond Simard: Perfect.

The Chair: Is that fine with you?

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): We don't have a choice.

The Chair: Mr. Simard.

Hon. Raymond Simard: Mr. Chairman, I entirely agree with you. However, I'd like to recommend something. At some point, the committee should consider the entire question of third parties. I think that's becoming very important. We see that Air Canada is starting to change its organizational structure, and we suddenly see that half of its people are no longer subject to the act. This is becoming a major issue. We should summon groups to discuss this problem.

The Chair: Absolutely.

Mr. Jean-Claude D'Amours: Mr. Chairman, I'd like to speak on the same subject. The situation is abnormal. I clearly understand the explanation about Air Canada. However, if you consider Jazz Air, that Air Canada subsidiary serves small communities, including a number of Francophone minority communities. That means that the corporation doesn't want to have the entire obligation that it should have. It wants to withdraw from it, and I find that unacceptable.

● (1020)

The Chair: It's disturbing. Moreover, I want to inquire into the reasons why this matter was put before the Standing Committee on Transport. Perhaps something goes beyond the matter of official languages. I would have like our committee to be responsible for this file.

If no one has any additional comments to make, we're going to stop now. We won't meet on Tuesday. However, the plan is for someone else to appear on Thursday.

With that, I thank you for your patience, professionalism and dedication. See you soon. The meeting is adjourned.

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