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## Standing Committee on Official Languages

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EVIDENCE

**Tuesday, April 20, 2010**

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**Chair**

**Mr. Steven Blaney**



## Standing Committee on Official Languages

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•(0900)

[English]

**The Chair (Mr. Steven Blaney (Lévis—Bellechasse, CPC)):**

Good morning, everybody. Welcome to the 10th meeting of the Standing Committee on Official Languages.

Pursuant to Standing Order 81(4), we will be dealing with the main estimates for 2010-11, vote 20 under Privy Council, referred to the committee on Wednesday, March 3, 2010.

[Translation]

We have with us this morning Mr. Fraser, Commissioner of Official Languages, and his team—whom he will introduce in a few moments. I would like to inform members that, following the commissioner's appearance this morning, we will be dealing with the two motions that were handed to you and concern the adoption of the main estimates related to this morning's presentation.

Commissioner, welcome. This morning we will learn a bit more about the financial component of your mandate. I would invite you to begin your opening remarks.

**Mr. Graham Fraser (Commissioner, Office of the Commissioner of Official Languages):** Thank you, Mr. Chair.

[English]

Ladies and gentlemen, members of the Standing Committee on Official Languages, good morning.

In order to talk about finances, I am accompanied by a slightly larger team than usual. I'm accompanied by Lise Cloutier, who is the assistant commissioner of corporate services; Colette Lagacé, a chartered accountant and director of finances; Sylvain Giguère, who is the assistant commissioner of policy and communications; Johane Tremblay, general counsel; and Ghislaine Charlebois, who is the assistant commissioner of compliance assurance.

It's a great pleasure to meet with you today to discuss the main estimates for the Office of the Commissioner of Official Languages and some of the activities planned for the next year. The timing is ideal, as last week marked the midpoint in my mandate.

Ensuring that Canadians' language rights are respected and protected requires appropriate resources. Members of Parliament and taxpayers need to know how these resources are being used, particularly in the current economic context.

The office of the commissioner's total budget is \$20.6 million. My organization primarily relies on the expertise of its employees. The office of the commissioner has 177.5 full-time equivalents, whose

salaries make up the greatest percentage of the office of the commissioner's expenses.

[Translation]

The office of the commissioner's program is divided into three areas of activity: protection of language rights, promotion of linguistic duality and internal services.

Although I will take the next few minutes to provide a brief overview of the main initiatives that I plan to undertake over the coming months, for further details, I invite you to consult the office of the commissioner's 2010-2011 Report on Plans and Priorities, which was submitted to the House of Commons on March 25.

Protection of language rights includes compliance assurance activities: investigations, audits, performance evaluations of federal institutions and legal interventions. The office of the commissioner also intervenes proactively to prevent situations where institutions may fail to comply with their linguistic obligations. As commissioner, I may also intervene before the courts in cases of non-compliance with the Official Languages Act. A total of \$6.9 million, or 33% of the budget, is allotted to these protection activities.

[English]

As usual, compliance assurance activities carried out over the past fiscal year will be described in my annual report. This year, however, this report will be released in two volumes. While the first volume will be published in May, the second volume, which will include this information, will be released in the fall. It will also include performance report cards for 16 federal institutions.

You may be interested to know that our audit of the Canadian Forces training programs is almost complete. In June we will submit the audit report, which includes an action plan submitted by the Canadian Forces. The goal of this audit was to evaluate the extent to which the members of the forces have access to work-related training in the official language of their choice, as is their right.

In addition, we're about to begin an audit into bilingual services provided by Air Canada. As always, this audit will include recommendations and an action plan for the institution to implement in response to these recommendations. The audit report should be released in 2011.

Two other audits are planned for the next few years. One will examine service provided to the public by Service Canada. The other audit targets the development programs managed by Industry Canada.

It goes without saying that my staff will continue to respond to the 800 or so complaints that we receive each year, while also encouraging various institutions to be more proactive in order to improve their application of the Official Languages Act.

● (0905)

[*Translation*]

Finally, we are currently examining ways to maximize the use and extent of my powers under Part X of the act, which allow me to intervene before the courts when federal institutions fail to comply with the act. Since the beginning of my mandate, I have intervened 10 times before the courts in legal remedies involving language rights guaranteed by the Official Languages Act and the Canadian Charter of Rights and Freedoms. I am very pleased with the judgment rendered by the Supreme Court of Canada in the DesRochers case and with the Federal Court's more recent judgment in the VIA Rail case, in which I also intervened.

Promoting linguistic duality means building links between official language minority communities, federal institutions and the different levels of government so as to help them better understand the needs of official language communities, the importance of bilingualism and the value of respecting Canada's linguistic duality. This endeavour also involves raising awareness among the general public and federal institutions in order to improve compliance. A total of \$7.4 million, or 36% of the budget, is allotted to these activities.

As part of this program activity, we are currently performing a study on leadership and language of work in order to determine how federal institutions can create work environments that are more conducive to the use of both official languages. This study will be released next fall.

[*English*]

Furthermore, I will continue to promote dialogue between the federal government and post-secondary educational institutions so that these institutions provide students with more opportunities to improve their second language skills. I view this as a key issue for Canadian society and for public service renewal.

In the wake of the Olympic Games, one of our priorities will be to continue to focus on the travelling public and federal institutions regarding their rights and obligations. We will also continue to stir discussion across the country on the issue of linguistic duality as a Canadian value.

Internal services are meant to support the other two program activities. They include management and monitoring activities, including financial, human resources, and information management; information technology; property and materiel management; and procurement. Overall, these services are allocated \$6.4 million, or 31% of the total budget.

Over the next three years, the office of the commissioner will establish a monitoring action plan for the delegation of powers related to human resources, financial administration, and information management. We will also be reviewing delegation instruments in these areas.

Finally, we will be updating our human resources plan so that it takes into account the results of the public service employee survey, the employment equity plan, and the internal audit results.

Administrative accountability is, in my opinion, of vital importance. Managers at the office of the commissioner ensure that the funds we are allocated are used in a way that is responsible, transparent, and mindful of the public interest.

I am proud to say that the Auditor General has given us an unqualified opinion on our financial statements for the sixth year in a row.

Our budget has remained stable over the past few years. In 2007-08 we were given an additional \$957,000—of which \$722,000 is on an ongoing basis—so that we could cover new obligations associated with access to information and internal audits as a result of the Federal Accountability Act. Special projects such as those we undertook this past year to mark the 40th anniversary of the Official Languages Act are funded by moneys from our regular budget.

● (0910)

[*Translation*]

April 1 of this year marked the 40<sup>th</sup> anniversary of the opening of the office of the commissioner and of the moment Keith Spicer and his team took office. Over the last 40 years, language rights have evolved in tandem with Canadian society. Challenges, public expectations and work tools have considerably changed. But the office of the commissioner has always learned to adapt and will continue to do so.

I have initiated an A-base review in order to ensure the optimal use of public resources that are entrusted to me. This type of examination will allow us to determine appropriate resources based on the scope and complexity of our activities, including the human resources that will allow us to reinforce our protection and promotion role. Through this exercise, we will see to it that resources are optimally allotted at the office of the commissioner.

There is an internal management issue which may, however, compromise the office of the commissioner's ability to carry out its activities. An analysis of problem areas related to information management and information technology has indicated a significant gap between our system capacity and our operational requirements.

[*English*]

Our current platform and hardware, as well as our current software, are out of date, and run the risk of failure. Furthermore, this technology cannot be modified to cope with new demands and requirements related to our role. We have therefore entered discussions with the Treasury Board Secretariat so that we can present a request for additional funding to the advisory panel on the funding and oversight of officers of Parliament. I hope this action will allow us to begin upgrading our information technology systems in 2010-11.

Thank you for your attention. My colleagues and I are available to answer your questions.

**The Chair:** Thank you, Mr. Commissioner.

We'll start with Madam Zarac.

[*Translation*]

**Mrs. Lise Zarac (LaSalle—Émard, Lib.):** Thank you, Mr. Chair.

Welcome to you, Mr. Fraser, and to your team. Thank you for being here today to answer our questions.

Although our committee has to approve your office's expenditures, it is unfortunate that we cannot recommend a budget increase. So we can only approve what has already been allotted; however, it is important for us to know whether that adequately meets your needs. Before addressing that specific issue, I would like to talk about your presentation on the 2010-2011 main estimates.

I particularly appreciated when you said that there were two official language communities in our country and that they had an important role to play. Essentially, your role is to ensure that public policy better reflect Canada's linguistic duality. As a francophone and Quebecker, I care deeply about what you said. We know that the government is currently looking to reform the representation within the House.

I wanted to know—because that was not something you dealt with in your opening remarks—whether you had considered studying the issue this year, so that both communities would be represented within the context of that reform.

**Mr. Graham Fraser:** That is a very good question, Mr. Chair. We have already requested a study, or legal opinion, as part of the reform proposed by the Senate. But we have not yet addressed the issue of changes in representation at the House of Commons. That is an issue that is worth considering, and we will take note of your question.

**Mrs. Lise Zarac:** Very well, thank you. I hope that you will reflect on that and produce a report or recommendations for us to see sometime this year.

Now, concerning your office's expenditures, you have three areas of activity, each of which account for a third of the budget. I was wondering whether such an allocation actually met your operational needs. If I understood you correctly, there is a shortfall in the services area.

• (0915)

**Mr. Graham Fraser:** As I indicated in my opening remarks, there is an issue related to our information technology. I do hope that our discussions with Treasury Board on upgrading our information technology systems will be fruitful. I will ask Ms. Cloutier to speak about that proposal in greater length.

**Ms. Lise Cloutier (Assistant Commissioner, Corporate Services Branch, Office of the Commissioner of Official Languages):** Thank you, Mr. Chair.

There are significant gaps in our systems. Discussions are underway with the Treasury Board Secretariat, which has been very supportive of our initiative. This is an one-off request; we will not be receiving permanent funding. This is project funding that will allow us to upgrade our information technology systems.

**Mrs. Lise Zarac:** Have you estimated the cost of the initiative?

**Ms. Lise Cloutier:** The estimated cost of the initiative would be between \$6 million and \$7 million over five years.

**Mrs. Lise Zarac:** Could you repeat that?

**Ms. Lise Cloutier:** Between \$6 million and \$7 million.

**Mrs. Lise Zarac:** Between \$6 million and \$7 million over five years.

**Ms. Lise Cloutier:** That is correct.

**Mrs. Lise Zarac:** Very well, thank you. Is the current situation compromising your ability to carry out your work?

**Mr. Graham Fraser:** We have been able to maintain the system up until now; it has not yet failed but is hindering our ability to ensure that all directorates are working together. It is difficult to extract all the data. Our complaints data base is at risk. From one year to the next, we use our reprofiled funds to address the gaps and vulnerabilities, but our aging system is posing a problem.

**Mrs. Lise Zarac:** How many complaints do you receive per year?

**Mr. Graham Fraser:** Last year, there were approximately 1,400. That represented a year-over-year increase, which was attributable in part to two specific events: the closure of a radio station in Windsor, which generated many complaints, and the Olympic Games.

Year in, year out, we receive about 800 complaints.

**The Chair:** Thank you, Ms. Zarac.

We will move on to Mr. Nadeau.

**Mr. Richard Nadeau (Gatineau, BQ):** Thank you, Mr. Chair.

I would like to welcome everyone from the Office of the Commissioner.

At the risk of repeating what I have said at some of your previous presentations, Commissioner, I think that there is something that is not being addressed by the Office of the Commissioner. I am talking about studies on assimilation. I wanted to point that out because I think that it is worth repeating.

Since the first reports by the Office of the Commissioner of Official Languages, we have never—or only rarely—had a precise account of the decline in the use of French, whether in Quebec or in the rest of Canada. Such a study would have shown that assimilation is still rampant and that there is still a lot of work to do to ensure an actual recognition of the French fact, as well as the English fact, over our entire land.

I see that you have budgets for such studies. There is the "study" component. I would greatly appreciate—this is a request that covers the overall project—if we could receive clear data on the political profile of that situation. That would be very helpful.

Canadian Heritage has long referred to the francophone retention rate. In Saskatchewan, I recall that it was 15% among young Franco-Saskatchewanians. Consequently, there was an 85% assimilation rate. What does that mean in the general scheme of things, in terms of ethnolinguistics and community life?

I am raising the issue because you have funds allotted to conduct studies. If there were more in-depth studies on that issue, they would have to be published and mentioned in the commissioner's report. I believe that would be an extremely significant contribution.

In light of what Ms. Zarac said earlier, we all know that the government is trying to reduce the presence of francophones and Quebec in the political arena—with the critical mass living in Quebec—as part of its bill on democratic representation. The bill is intended to reduce our political weight in the Canadian federation. It is therefore extremely important to have the right data with respect to that issue.

I am amazed to hear you say that you want to intervene with senior federal officials in order to promote language of work rights. They, above all, should be aware of those rights and ensure that government workers can work in the language of their choice. We know that that is not the case.

What do you intend to do so that government decision-makers ensure compliance with the French fact, that people feel comfortable working in their own language? I am talking about the French fact because it is French that is most often scorned within government.

● (0920)

**Mr. Graham Fraser:** First, I would like to respond to the first issue raised by the member. If you look at the studies on the vitality of communities, you notice that the issue can be addressed in a different way. I have just come back from Vancouver where a study is being conducted on the vitality of francophone communities in British Columbia. Vitality studies have also been conducted in western provinces. I believe that the studies address the issues raised by the member.

With regard to the right to use French and English within the public service, that is indeed an issue of concern to me. That is why we are conducting a study on leadership and linguistic duality within the workplace; a study that will be completed next fall.

Despite the legislative amendment of 1988, which clearly establishes the right for public servants to use French or English in designated bilingual regions, we have noted that there is no model, no best practices. We can raise the issue and give examples of best practices to encourage the use of French in the workplace. However, we decided to conduct the study in order to identify the nature of the problem and the importance of leadership.

**The Chair:** Thank you, Mr. Nadeau.

We will continue with Mr. Godin.

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

Thank you, Mr. Fraser, and thank you to the members of your team.

In speaking about your new vision concerning official languages, you say that—and correct me if I am wrong—you want to engage in promotion and assistance work, rather than entering into conflict. I think you understand what I am saying. There is a new vision at the Office of the Commissioner of Official Languages. Rather than finding the guilty party, you want to work together to resolve problems.

On the one hand, in your annual report, it is stated: "Two Official Languages, One Common Space." On the other, this morning, in the *National Post*, you could read the following:

[English]

Should Mr. Godin's bill pass the Senate, the Supreme Court would become so unreflective of this country's people it would rapidly lose credibility as a national institution.

[Translation]

I would like to conclude with the following point. The senator in the Upper Chamber, Mr. Mockler, who claims to be a defender of francophones and bilingualism, is telling members, or senators, that the people they represent will never have the chance to be appointed to the Supreme Court if they vote for the bill.

● (0925)

**Mr. Graham Fraser:** Mr. Chair, at the risk of repeating what I have said before this committee and the Standing Committee on Justice, I think that it is essential for the Supreme Court justices to be able to understand both official languages. Our laws are not translated; they are written in both official languages. In 1935, the Supreme Court clearly established that the French version had equal force of law. Moreover, it is often up to the Supreme Court to clarify the meanings of laws, given the nuances that might arise between the English and French versions.

Individuals also have the right to be represented by counsel who can put their cases before the Supreme Court in the language they are most familiar with.

With all due respect to the interpreters, I think that nuances are often lost. Furthermore, with unilingual justices on the Supreme Court, all in camera discussions among the justices must be held in a single language, even if all the points of argument, submissions and documentation are in French.

**Mr. Yvon Godin:** Mr. Fraser, I know what your position is on this, you have made it public. I thank you for that.

However, do you have enough money in your budget to start a campaign, given that that is your new philosophy? We know that the Conservative government is telling its non-elected senators to vote against a bill that has just been passed by the House of Commons. Is there a way to run a campaign that would help people understand that this is not the end of the world nor is it the end of the Supreme Court? Out of 33 million people there may be 9 who are qualified people.

I think that what the government is doing is an insult to anglophones. It is as if one were saying that there are no anglophones in Canada who are sufficiently bilingual to sit as judges on the Supreme Court. That is an insult to anglophones.

**Mr. Graham Fraser:** Mr. Chairman, it should be pointed out that currently there is only one judge on the Supreme Court who is not able to listen to statements made to the court in French. And, to my knowledge, the francophones—

**Mr. Yvon Godin:** No, but according to the government's smear campaign, Mr. Fraser, according to the newspaper article—I would ask you to read it—if the bill were passed, there would only be two Supreme Court judges who would be qualified.

**Mr. Graham Fraser:** Mr. Chairman, I am accountable to Parliament. I am willing to appear anywhere, any time, to speak about this. I have already made statements to the newspapers when there have been articles on this topic. I have not yet read the article in this morning's newspaper that the member is referring to, but I can assure him that I will look at this. I do not ignore articles that, in my opinion, distort the situation that the member is referring to.

[English]

**The Chair:** Thank you, Mr. Commissioner.

[Translation]

Thank you Mr. Godin.

[English]

We'll now turn to Ms. O'Neill-Gordon.

**Mrs. Tilly O'Neill-Gordon (Miramichi, CPC):** Thank you, Mr. Chair.

Thank you, Mr. Fraser, to you and your team for being with us here this morning. It's nice to have you to hear about all the work that's being done to promote linguistic duality.

As we know, linguistic duality covers a lot of the areas and different levels of government. This endeavour also involves raising awareness among the general public, which is a very important act that our government wants to see done. The main estimates for the commissioner's office are in the amount of \$20,615,000, and that's just for the year 2010-11.

Could you explain how much money you intend to set aside specifically for your office's court interventions?

• (0930)

**Mr. Graham Fraser:** That is part of the budget. I will ask Madam Tremblay to comment specifically on this.

**Mrs. Johane Tremblay (Lead Counsel and Director, Legal Affairs Branch, Office of the Commissioner of Official Languages):** It's difficult to identify a very correct figure about the cost of a court intervention, because we do not use external services, we use our internal services. Our legal counsel intervenes before the court.

To give you a general indication, the budget allocated to legal services represents about 5% of the total budget. Of course, court intervention is only part of the activities of legal services.

We can provide you with more information, if you wish, in a few days.

**Mrs. Tilly O'Neill-Gordon:** Okay. We would appreciate that.

**Mr. Graham Fraser:** One of the reasons it's difficult to clearly budget is that we don't know what cases are going to come up over the year. Depending on the level of court intervention, costs vary.

For example, when we intervened before the courts in the Northwest Territories, we had to send a lawyer to the Northwest Territories, and there were additional costs as a result. It is also more expensive to intervene before the Supreme Court—because of the level of documentation that's required—than it is to intervene before the Federal Court.

So these are varying expenses that become difficult to foresee, but as Madam Tremblay said, it was within a general envelope of 5% of our budget.

**Mrs. Tilly O'Neill-Gordon:** You stated that in the last...you've intervened probably about ten times.

**Mr. Graham Fraser:** That's correct.

**Mrs. Tilly O'Neill-Gordon:** But in the year 2010-11 coming up, you have no indication of how many times you would be in court, or to intervene?

**Mr. Graham Fraser:** No, we haven't made a final decision. There are some cases on the horizon in which we'll have to make a decision—do we intervene or not—but that becomes a strategic decision. When there are cases that are coming forward, it's difficult to know how far they will proceed in the court system, and whether it is appropriate for us to intervene at the lower court level or to wait to see if the case is going to proceed to higher levels.

**Mrs. Tilly O'Neill-Gordon:** Thank you.

In 2008-09, the Office of the Commissioner of Official Languages spent \$1,780 on public notices. Why was this expenditure incurred, and where did these public notices appear?

**Mr. Graham Fraser:** Madam Lagacé...?

I don't have the specific answer off the top of my head. We may have to....

[Translation]

**Ms. Colette Lagacé (Director, Finance and Procurement, Office of the Commissioner of Official Languages):** Good morning.

Is the amount \$1.8 million for the public notices you're referring to?

[English]

**Mrs. Tilly O'Neill-Gordon:** It was \$1,780.

[Translation]

**Ms. Colette Lagacé:** The Office of the Commissioner of Official Languages publishes public notices in telephone books and other publications so that people can contact them. Those are the kinds of expenditures that are in our budget.

[English]

**Mrs. Tilly O'Neill-Gordon:** Okay.

Now, in 2010-11 there is an increase of \$680,000 over 2009-10. What is this increase due to, and how will the new money be allocated within your office?

**Mr. Graham Fraser:** Before I ask Madam Lagacé to comment in detail, I'll say that most of the increase that has taken place from year to year has been from the negotiated salaries that are part of the collective agreements that are negotiated. From now on, those increases, which represent 1.5%, will have to be absorbed within our budget. So we are in the process of absorbing that 1.5% looking forward.

[Translation]

Do you have anything else to add?

**Ms. Colette Lagacé:** No, you're referring to the collective agreement for the Public Service Alliance of Canada, which represents the majority of the staff in the Office of the Commissioner of Official Languages. It applies to all the branches.

[English]

**The Chair:** Thank you, Ms. O'Neill-Gordon.

• (0935)

[Translation]

We will start our second round with Mr. D'Amours.

**Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.):** Thank you Mr. Chairman.

Thank you, Commissioner, and all your officials, for coming before us this morning.

Commissioner, I'm going to ask you a question. I know that I can't make you do this, but if you can, I would like you to listen to my question in French; I would really appreciate this. I rarely do this but I'm going to read my question and come back to you afterwards.

I am going to read slowly, because this is very important.

From the past few years, responding to an investigation required to answer the investigation on care institutions for internal beneficiaries using an electronic system on the Internet. We ask you to announce this is now possible.

Did you understand what I said?

**Mr. Graham Fraser:** Quite frankly, I didn't.

**Mr. Jean-Claude D'Amours:** What is your answer?

**Mr. Graham Fraser:** No, I—

**Mr. Jean-Claude D'Amours:** I will continue.

**Mr. Graham Fraser:** If I have understood correctly, this is an automatic translation.

**Mr. Jean-Claude D'Amours:** I will continue, Commissioner. Somewhere else it says—

**The Chair:** Mr. D'Amours, did you ask him if he had understood or if he heard?

**Mr. Jean-Claude D'Amours:** Somewhere it says "S'il vous plat" and in another it says this:

Access to the new system of electronic questionnaires is easy and fast. On the address line on your Internet. [...]

Please note that there will be recalls in order to complete the survey that could be sent please [...]

(Please include your identifying investigation that is to find just above your name of establishments in the address)

Commissioner, you know that compliance with the law is important. Canadian citizens have to comply with the law. If they do not, they may be punished. We agree on that.

The Government of Canada sent the letter that I just read excerpts from to business representatives in order to notify them that they had to fill out an application, but they did not understand what was in the letter. You said yourself that you did not understand. I am pleased because I thought I was the only one. Commissioner, an official complaint will be laid by my office on behalf of my constituents this week. This is a letter from Statistics Canada. I did not dare go online to see what the form looked like. You can imagine!

I have put other information together for your benefit. People have 30 days to answer to this kind of aberration. I'm not referring to French mistakes but to the translation. My constituents have already given me authorization to lay an official complaint and I hope, Commissioner, that when you investigate this department, you will figure out where the problems lie.

Is it one lone letter or the only one of its kind available? I thought information was verified before it was sent out. The people who receive this letter did not receive it over the Internet: it was sent by post. One can assume therefore that someone at Statistics Canada had an opportunity to read it. One can only wonder what is happening over there.

**Mr. Graham Fraser:** Mr. Chairman, when the member started to read I was afraid that it was my own level of French that was deficient. I'm reassured to see that this was not the cause.

**Mr. Jean-Claude D'Amours:** You feel reassured, but you should feel concerned because this letter was sent to Canadian citizens by the Government of Canada. You stated earlier that over the past 40 years the situation has evolved along with society, but one can see here that the official languages situation in the Government of Canada has not kept up.

**Mr. Graham Fraser:** Yes, I think that text is shocking. I am quite surprised given that it comes from Statistics Canada and that they have always performed well in terms of official languages. We will await the complaint and investigate. I wonder, if this is a case of automatic translation, if it's an obvious illustration of the current lack of translators and the constant challenge that both official languages pose for government and federal institutions.

• (0940)

**The Chair:** Thank you, Mr. D'Amours. One thing is for certain, our interpreters had to work very hard.

**Mr. Jean-Claude D'Amours:** The commissioner had to work very hard and we couldn't understand each other. It's normal therefore that the interpreters didn't understand either.

**The Chair:** We will now move on to Ms. Guay.

**Ms. Monique Guay (Rivière-du-Nord, BQ):** Thank you.

Thank you for coming.

I was also quite surprised to hear these excerpts. Perhaps it was simply translated by a computer without being reread afterwards. If one cannot reread something that has been written, or one doesn't have access to skilled people who can do this, if one cannot ensure that documents being sent out are truly written in the language of the recipient, then we have a serious problem, Mr. Fraser. We have been fighting for a long time. I personally am still fighting. I still send you complaints because colleagues, members or ministers send me mail written only in English. Yet they are perfectly aware that we have the necessary resources to have our texts translated into both official languages. Everyone knows I am francophone, I'm a francophile, and I sit on the Standing Committee of Official Languages. Yet this happens again and again.

According to what you said in your statement you would like your authority to have maximum clout. We would like it too. I know that your authority is an authority to make recommendations.

What more can we do in order for you to be given further authority so that you can do more?

**Mr. Graham Fraser:** I would just like to clarify something Mr. Chairman. When I was talking about "maximizing", I was talking about maximizing our resources, that is ensuring that our resources are used to their fullest. With respect to my powers, I am accountable before Parliament and it is up to parliamentarians to decide the scope of the authority granted to the Official Languages Commissioner. If you feel that the Official Languages Commissioner does not have sufficient authority, it is not up to you to decide that. I don't think it would be appropriate for me to take steps.

**Ms. Monique Guay:** No, but you did make a statement.

**Mr. Graham Fraser:** We have a range of powers. I try to use all the powers that are granted to me under the Official Languages Act.

**Ms. Monique Guay:** You do it well and we're not blaming you for that. However, you said yourself that you have the power to recommend.

**Mr. Graham Fraser:** Absolutely.

**Ms. Monique Guay:** You do not have any legal authority.

**Mr. Graham Fraser:** Absolutely. I have the power to influence, not the power to order.

**Ms. Monique Guay:** One has to be careful when one talks about influence these days, Commissioner, that's dangerous territory.

**Some members:** Oh, oh!

**Ms. Monique Guay:** Perhaps we should look into how much more authority we could give you for you to be able to act.

That being said, 800 complaints isn't a lot. I'm sure that you have received more than that, especially since the Olympic Games. I don't know how you can manage all that.

Furthermore, your budget has not been increased this year if I have understood correctly; our own members' budgets have not been increased either. So you will have to include your staff's salary increases in your current budget. How much does that represent, do you have any idea?

**Mr. Graham Fraser:** It's 1.5%, therefore—

**Ms. Monique Guay:** Of your total budget?

**Mr. Graham Fraser:** I will ask Ms. Cloutier.

**Ms. Monique Guay:** Go ahead.

**Ms. Lise Cloutier:** This year, between \$120,000 and \$180,000 will have to be absorbed by our budget.

**Ms. Monique Guay:** Will you have to cut elsewhere?

**Mr. Graham Fraser:** Yes.

**Ms. Monique Guay:** Fine. Do you know where you are going to cut?

**Mr. Graham Fraser:** We are starting to review the services in our budget—we are doing what is called in English an A-base review. We will go through all our expenditures in order to determine whether or not our expenditures reflect our priorities.

• (0945)

**Ms. Monique Guay:** I imagine you want to avoid cutting any jobs as well, to the greatest extent possible.

From a logistical perspective, it is extremely important that you be very much up-to-date, because if you're not... The same applies to us, if we do not have up-to-date equipment then we cannot function; we cannot get the information we need to do our work. I hope that Treasury Board will accept your request and provide you with the necessary equipment because equipment develops very quickly and you cannot work with equipment that is five or six years old and that hasn't been replaced, of course.

**Mr. Graham Fraser:** Yes. Ms. Cloutier can expand on that.

**Ms. Monique Guay:** Do you really have old equipment?

**Ms. Lise Cloutier:** We have platforms that have not been renewed for more than five years. For example, our servers are on Windows 2000 and our platforms are no longer maintained by the industry. We have not evolved. In fact, our technology is obsolete.

More importantly, some of our systems were built by small independent companies and these systems are no longer maintained either. For example, in terms of our complaints system, there is only one individual who understands the system well enough in order to be able to repair it if it breaks down. This situation poses a significant risk to our organization. Furthermore, it prevents us from fulfilling the role that we are supposed to play for institutions, that is our role to influence or our ability to integrate information in order to truly understand the situation in various institutions, for example.

**The Chair:** Thank you.

Thank you very much for your questions, Ms. Guay.

We will now continue with Mr. Généreux.

**Mr. Bernard Généreux (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC):** Thank you Mr. Chairman.

Mr. Fraser, ladies and gentlemen.

First of all, I have to say I'm guilty before you receive any complaints against me. I am the member for the most francophone riding in all of Canada. If I'm not mistaken, I don't think I'm mistaken, Montmagny—L'Islet—Kamouraska—Rivière-du-Loup is —

**Mr. Graham Fraser:** You are apologizing!

**Mr. Bernard Généreux:** I am not apologizing, in fact I'm very proud.

At the beginning of the year, I sent a survey to my constituents. Unfortunately, because of a computer problem there were some mistakes in the survey. I mention this because I think it is important that all members of the committee understand. Given what Mr. D'Amours said about translation, I think it's obvious that a letter that was translated word for word was sent. I'm not excusing it. I absolutely agree with what Mr. D'Amours said. That should no longer happen in 2010. Unfortunately it still does. Mistakes were made in my survey. I am a printer and every time there is a mistake in a text, the printer is the one who is accused even though he did not write the text. I'm very familiar with the references. That said, I think it is important that departments pay attention to this kind of detail. On the other hand, as I mentioned, it can happen to anyone and it happened to me.

Mr. Fraser, you said in your statement that you receive approximately 800 complaints every year. Over the past year, you've received a little more than that, for two specific reasons.

Can you tell us how many people work on responding to complaints? What is the nature of these complaints? We talked about it a little the other day. Some complaints refer specifically to the Olympic Games. Generally speaking, what do these 800 complaints refer to?

**Mr. Graham Fraser:** I will give you a general answer and then Ms. Charlebois will be able to provide you with more detail.

Several institutions regularly receive complaints. Last week you were discussing Air Canada. As we say, they're one of our "regular clients".

I will now ask Ms. Charlebois to give you further detail, describe the responsibilities of her staff and expand on our—

• (0950)

**Ms. Ghislaine Charlebois (Assistant Commissioner, Compliance Assurance Branch, Office of the Commissioner of Official Languages):** Right now, there are 58 resource persons in my sector. Of course, these people don't all work directly on settling complaints. They perform different duties. But there are still a few vacant positions. About 30 people work directly on complaints.

Having said that, sometimes we receive several complaints regarding one specific event. So we don't necessarily start an investigation for each complaint, but we group a number of them together. For example, that's what happened in the case of the Olympic Games. One employee is given a number of complaints to handle and that person will conduct the investigation. The same is true for complaints regarding cutbacks at Radio-Canada. There are a large number of complaints, but a single person looks after that file in a more general manner.

**Mr. Bernard Généreux:** Ms. Lagacé, from a financial standpoint, what proportion of the departmental budget does complaints processing represent? Is it possible for you to identify that in a concrete way?

**Ms. Colette Lagacé:** You want to know the cost of a complaint?

**Mr. Bernard Généreux:** I will inevitably get the cost of a complaint in the final analysis but—

**Ms. Colette Lagacé:** It is very difficult to say because as Ms. Charlebois just mentioned, employees perform different duties. We are a small organization.

**Mr. Bernard Généreux:** Fine.

**Ms. Colette Lagacé:** A single person doesn't carry out only one duty. Some complaints are handled according to the facilitation process. It is brief, we're talking about one or two days. However, another complaint might take three months to get solved. So it's difficult to attribute a specific cost to complaints. However, I can give you the annual budget of this organization.

**Mr. Bernard Généreux:** I'd like to get information on the amount that you can allocate to complaints processing on an annual basis. I'm also trying to find out whether in the past...

I've only been sitting on this committee for a short while. I'm not a veteran here like Mr. Bélanger or Mr. Godin. They've been here for a long time and they know how things are done.

**Hon. Mauril Bélanger (Ottawa—Vanier, Lib.):** Just a minute, I haven't said a word this morning!

**Mr. Bernard Généreux:** The point is they know how these things happen. I just joined the committee; I'd like to know if the cost of handling a complaint can be estimated.

**Mr. Graham Fraser:** Mr. Chairman, overall, \$6.9 million a year are earmarked for compliance assurance, but that also includes legal cases. I can give you more detailed information later in terms of—

**The Chair:** Fine, you can send it to all members through the committee, Commissioner.

I won't use the word "veteran", but we will continue the second round with Mr. Godin.

**Mr. Yvon Godin:** Thank you, Mr. Chairman.

Mr. Généreux referred to some misprints in a text, but as far as I'm concerned the whole thing is a misfire.

**An hon. member:** Oh, oh!

**Mr. Yvon Godin:** With regard to your computer system—I don't know, I can't tell you what's going on there, but we're here to throw out ideas—why wait until the entire system crashes and tell us that it's going to cost \$7 million to upgrade it? Why doesn't the annual budget of the Office of the Commissioner contain money for electronics, computers, and for making sure that the equipment is kept up to par?

There's no reason why the system at the Office of the Commissioner of Official Languages should be obsolete and why Treasury Board should decide whether your office will be functional or not. You are a representative of the House of Commons and you have a responsibility under the law. I think that that should be included in the budget and tabled in the House.

**Mr. Graham Fraser:** In the final analysis, it is parliamentarians who vote for the budgets of the Office of the Commissioner and as I tried to explain, on an annual and regular basis, special amounts have been allocated to maintain and support the current system, but the very nature of modern technology means that sometimes you have to —

**Mr. Yvon Godin:** No, no, Mr. Fraser, I understand. Even here, in Parliament, computers are replaced every year. It doesn't make any sense that they wait five years until the system crashes. In my opinion that makes no sense at all.

I'd like to raise another subject. We always talk about two official languages and one common space. Let me submit to you one case that arose this week. It doesn't happen too often that cases are given to me, but this time I have one. A young man in Caraquet wants to take a course to become a marine pilot, to pilot cargo ships, cruise ships, tugboats, big ships that go to sea. The only place where this course is offered in French is at the Institut maritime du Québec which is attached to the CEGEP in Rimouski. That institution gives preference to Quebecers and there is no space for anyone else. So I called the Department of Transport which finally found a solution—because a course is given in Newfoundland and in Vancouver—and the young man agreed to register in an anglophone institution.

That problem is solved. We can impose bilingualism on Supreme Court justices, but we tell our francophones that if they want to become cruise ship pilots, there's a solution. At age 18, the candidate is sent to an anglophone institution to become a pilot. Otherwise, he has to give up on his dream. This is going on in Canada! Two official languages, one common space.

• (0955)

**Mr. Graham Fraser:** Mr. Chairman, it saddens me to hear that. That's exactly the type of situation that we try to eliminate. It saddens me. It's the first time I ever hear of a case like that.

**Mr. Yvon Godin:** I won't be the last.

**Mr. Graham Fraser:** I'll await additional information—

**Mr. Yvon Godin:** That's just an example. That's why I was late for the meeting: I was talking to someone at the Department of Transport who was very happy to have found a solution. The young man agreed to attend an anglophone institution.

In your budget, do you have enough money to investigate all these situations?

**Mr. Graham Fraser:** There is—

**Mr. Yvon Godin:** Air Canada keeps you busy full-time, we know that.

**Mr. Graham Fraser:** It has to be said that we don't lack for work. The challenge continues to be considerable.

**Mr. Yvon Godin:** I have a complaint concerning Air Canada and Jazz. The Department of Transport, Infrastructure and Communities informed us that the case of Jazz doesn't come under federal jurisdiction and that the Commissioner of Official Languages informed the government that this was not under its jurisdiction. Is that true?

**Mr. Graham Fraser:** Jazz is a subcontractor of Air Canada. Air Canada is subject to the Official Languages Act and hired Jazz to provide certain services.

**Mr. Yvon Godin:** Yes or no, can you intervene with Jazz?

**Mr. Graham Fraser:** No.

**Mr. Yvon Godin:** Who's going to question the employee who claims to be bilingual but isn't?

**Mr. Graham Fraser:** That's Air Canada's responsibility.

**Mr. Yvon Godin:** Air Canada—

**Mr. Graham Fraser:** That's exactly why I hope there will be a bill that will apply not only to Air Canada, but to all its subsidiaries as well.

**The Chair:** Thank you, Mr. Godin.

That completes the first part of our meeting regarding votes.

If members of the committee so wish, we could proceed with the adoption of the two motions regarding the adoption of the votes. Could someone propose the first motion.

PRIVY COUNCIL

Office of the Commissioner of Official Languages

Vote 20—Program expenditures .....\$18,429,000

**The Chair:** Ms. Glover, you have the floor.

**Mrs. Shelly Glover (Saint Boniface, CPC):** I wish to thank our witnesses.

To continue in the same vein, I'm prepared to move the motion. Do you want me to read it?

**The Chair:** Yes, go ahead.

**Mrs. Shelly Glover:** The motion reads as follows:

Shall vote 20 in the amount of \$18,429,153.00, less an amount of \$4,607,288.25 allocated as interim supply carry?

**The Chair:** I think we have to adopt both motions and that would be the first. The motion's on the table. Are there any comments? Are you prepared to vote now?

Ms. Guay, you have a question?

**Ms. Monique Guay:** No that's all right.

**The Chair:** If members of the committee are ready, we will proceed with the vote.

(Vote 20 agreed to)

• (1000)

**The Chair:** So it's adopted unanimously.

We have to adopt a second motion. Could somebody move the second motion?

Ms. Glover, go ahead.

**Mrs. Shelly Glover:** The motion reads as follows:

Shall the chairman report the Main Estimates (2010-2011) to the House?

**The Chair:** The motion is on the table. Are there any comments or discussions about the motion?

(Motion agreed to)

**The Chair:** That's adopted unanimously.

Well, Commissioner, that concludes that exercise. I thank you for this first part. I would invite you to remain with us.

We will suspend the sitting for a few minutes, and then go on in camera for the second part of our meeting.

**Mr. Graham Fraser:** Thank you very much, Mr. Chairman.

*[Proceedings continue in camera.]*

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