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Chair

Mr. Steven Blaney

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• (0850)

[English]

The Chair (Mr. Steven Blaney (Lévis—Bellechasse, CPC)): Good morning, everybody. Welcome to the Standing Committee on Official Languages. We are in our meeting 32.

I first want to apologize for being late. It's a great place; it's our first time here at One Wellington.

This morning, of course, we have our witness, Madame Maria Barrados, president of the Public Service Commission of Canada. She is accompanied by Mr. Donald Lemaire, senior vice-president and champion of official languages.

This morning as we begin our session we have a special guest from the Ukraine, Mr. Motrenko, the head of the main department for the civil service of Ukraine.

Welcome to our committee, Mr. Motrenko, and welcome to your delegation.

They are here to learn more about our political process and the work in committees

Please feel free to attend and assist our meeting.

[Translation]

Without further ado, I would ask Ms. Barrados to make her opening statement.

Then we'll go on to committee business. There have been two substantial meetings of the steering committee which we will tell you about and extremely interesting proposals for future business, including this morning's, but also regarding certain procedures.

Without further ado, I'll ask you, the President of the Public Service Commission, to make your opening statement, and then we'll continue on with committee members.

Mrs. Maria Barrados (President, Public Service Commission of Canada): Mr. Chairman, thank you for this opportunity to appear before your committee.

I am here to discuss the work of the Public Service Commission under the Official Languages Act.

I am accompanied this morning by Donald Lemaire, Senior Vice-President, Policy Branch, who also serves as the official languages champion at the PSC.

The PSC is an independent agency reporting to Parliament, mandated to safeguard the integrity of the public service staffing system and non-partisanship of the public service.

The PSC has been in existence for over 100 years, and is proud of its contribution to building a merit-based, non-partisan federal public service that is able to serve Canadians in both official languages.

We report annually to Parliament on our activities and results. Our 2009-2010 Annual Report was tabled on October 5. We appreciate the interest of parliamentarians in our work.

The PSC values the important work of the Commissioner of Official Languages, and we welcome his report, in particular his observations with regard to promoting official languages in our work and workplace.

Over the course of my public service career, I do not think that I have been associated with an organization as bilingual as the PSC. This is reflected in our high rating on participation as well as in our language of work.

I am also pleased that the commissioner has recognized the collaboration between the PSC and Université Sainte-Anne in a pilot project to develop a second-language training program. Their success led the Canada School of Public Service to implement a three-year pilot project on language training involving 10 universities across the country.

The commissioner has, however, pointed to shortcomings in some of our practices, such as improving our active offer of bilingual services and encouraging employees to write in the language of their choice.

I assured the commissioner of the PSC's commitment to fully comply with the Official Languages Act, and I have also informed him that we are developing a new action plan that will be implemented beginning in early 2011. This plan will complement the significant work that the PSC is doing to support the linguistic duality of the federal public service.

• (0855)

[English]

As defined in the Public Service Employment Act, merit establishes official language proficiency as an essential qualification for public service jobs. Our audits examining whether merit is met always include official languages as an essential element of the merit test.

PSC is responsible for developing instruments to test individuals' proficiency in their second official language. These skills are evaluated by English or French versions of the three second language evaluation tests.

The PSC has been renewing its suite of second language evaluation instruments. We introduced the new written expression test and the new oral proficiency test in 2008, and we released the new test of reading comprehension during the summer of 2010. These three modernized SLE instruments reflect the latest best practices in the field and will help to ensure that second language requirements for bilingual positions are assessed fairly, objectively, and consistently across all federal organizations subject to the PSEA.

The public service's official languages exclusion approval order permits exclusions from language requirements under specific conditions. In 2009-10, a small proportion of appointments—0.9%, or 265 employees—did not meet the language requirements of their positions upon appointment. These excluded appointments are entitled to receive language training and must meet the language requirements of their positions at the end of their exclusion period.

Under the order and the related regulations, the exclusion may be extended for up to four years in specified circumstances. This standing committee, in its 2005 report, "Bilingualism in Public Service of Canada", noted that organizations do not always ensure that exclusion periods are extended as required by the order and the regulations, and that this order be used only in exceptional cases.

Since March 31, 2005, there has been a steady decrease in the number of cases that do not comply with the order or its regulations. There were 55 such cases by March 31, 2010, as compared with 69 and 320 the two previous years. This reduction is attributable to the PSC's monitoring and its constant efforts to raise the awareness of organizations, and to increased vigilance by deputy heads.

Mr. Chairman, the promotion of Canada's linguistic duality is an essential aspect of all our activities. We look forward to continuing to work with parliamentarians, as well as the Office of the Commissioner of Official Languages, to ensure a professional, non-partisan, and representative public service that is able to serve Canadians in the official language of their choice.

[*Translation*]

Thank you. I would be happy now to respond to your questions.

The Chair: Thank you very much, Ms. Barrados.

Mr. Bélanger, go ahead, please.

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Thank you, Mr. Chairman.

Welcome, Ms. Barrados and Mr. Lemaire.

I would like to ask you a few questions. I don't want to give you the impression I'm merely criticizing. You did get quite good marks, A, in some cases, and not quite as good in others. I congratulate you on the good marks you did get, and I will ask some questions on the not so good ones. I'm not just criticizing. This will also be helpful for other witnesses who will be appearing and whose marks were poor all down the line.

I'm going to read some passages from the evaluation by the Office of the Commissioner of Official Languages concerning development of the official language minority communities and promotion of linguistic duality, that is to say Part VII of the Official Languages Act. I'm citing the following two sentences from the evaluation:

However, it does not have a list of official language communities, nor is it clear that the PSC consults with these communities on a regular basis or understands their needs.

While the PSC has undertaken initiatives that support Part VII of the Act, the initiatives do not appear to be coordinated or systemic.

That seems to suggest that you haven't had an action plan since 2007. Why is that the case?

Mrs. Maria Barrados: There are two things. First of all, we have a deficiency, the fact that we don't have an updated plan. We are in the process of renewing the plan, and I now have a draft of it.

However, I have questions on Part VII of the Official Languages Act. I had a conversation with Mr. Fraser. It's not clear to me what the PSC can do. We operate in a special environment where powers are delegated. The PSC has the power to appoint someone, but that power is delegated to the deputy ministers who make the decision to appoint people. We clearly have obligations under the act, but it is not clear to me exactly what we can and must do. As I told Mr. Fraser, I'm ready to do it; that's not a problem for me. As we are a network that no longer operates directly within the public service, we have delegated that power. What we can do isn't clear.

● (0900)

Hon. Mauril Bélanger: Are you aware of the amendments that Parliament made to Part VII of the Official Languages Act in 2005?

Mrs. Maria Barrados: Yes, I am. However, in view of the kind of obligations we have when we do most of our work within the public service but promote minority community events, it's not so clear in my mind.

Hon. Mauril Bélanger: I understand that the Public Service Commission has made arrangements with the Université Sainte-Anne, in Nova Scotia, for a program to encourage training for people who could eventually become public service employees and managers. I would dare believe that this kind of initiative, which could be considered a positive measure, would be highly consistent with a plan designed to act on Part VII of the Official Languages Act.

Mrs. Maria Barrados: If that's consistent with our obligations, so much the better, because we are still in the process of doing that. In the case of the Université Sainte-Anne, Mr. Lemaire was responsible for that. We established that there were not enough qualified, bilingual people. We established the program at the Université Sainte-Anne. We are also working with the Canada School of Public Service; we support it in its efforts to ensure more instruction is provided in the universities. We do the language exams part to give people feedback on their language levels.

Hon. Mauril Bélanger: My next question is for Mr. Lemaire. Don't you think that, if there were regular consultations with the official language communities, we would come up with ideas to adopt positive measures?

The Chair: Mr. Lemaire, I'm going to ask you to hold on to your answer because we now have to go over to Mr. Nadeau.

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

Mr. Lemaire, do you want to answer Mr. Bélanger's question, please? I'm making a pass right onto your stick, but I know you're a good goaltender.

Mr. Donald Lemaire (Senior Vice-President and Champion of Official Languages, Public Service Commission of Canada): Thank you for your question.

First of all, I believe the commissioner's observation is very relevant. Our action has to take a slightly more proactive and targeted approach. When I worked on the agreement with Université Sainte-Anne—we also did it with Glendon College—that was also consistent with the approach of the Roadmap for Canada's Linguistic Duality. We also had funds to make the minority communities aware of employment opportunities with the federal government and of the importance and added value of being bilingual. We were much more active at that point.

Without wanting to find false administrative or other excuses, I believe the purpose of the discussions I'm currently having with Canadian Heritage, among others, is to determine what a more proactive approach to consulting the communities would be. It would enable us to see how we can respond to it, within our mandate, of course. We don't want to create expectations, in the sense that there are things that we can't intervene in. For example, we don't hire. Sometimes people ask us why we don't hire them. We have to be clear when we send our message and take action. One of my personal responsibilities as Official Languages Champion is to work in this area.

● (0905)

Mr. Richard Nadeau: Thank you, Mr. Lemaire.

Ms. Barrados, we met each other this morning, you other colleagues in the region, from all parties, and I to discuss the Public Service Commission and the situation in the National Capital Region as a whole.

I would like to know your opinion on one thing, and I don't know whether you have any influence on this. And that is unilingual English positions. I submitted a document to you this morning that states that there are 6,984 unilingual English positions on the Ontario side and 1,348 unilingual French positions on the Quebec side. That represents 80% in Ontario and 19% in Quebec. These are two societies that are roughly equivalent from a demographic standpoint, are they not, even though I acknowledge that there are more people in Ontario. The federal capital includes both banks of the Ottawa River. How can those percentages be explained?

Mrs. Maria Barrados: As I said this morning, I'm going to check the details of those figures. The PSC's objective is for the public service to reflect the population of the country from the standpoint of the official languages and the representation of the designated

employment equity groups. If those figures are representative of the situation, I'm concerned. I want the situation to be representative. I'm committing to provide the committee with more information in the coming weeks to explain to it exactly what those figures mean.

For example, it is possible that those figures include students and casual employees. In my mind, you have to draw a distinction between short-term work and permanent positions in the public service.

Mr. Richard Nadeau: I forgot to mention one important factor. And that is the National Defence figures. This is a very particular department. The fact nevertheless remains that it is a department and it is in the region.

Furthermore, when we talk about Ontario and Quebec, are we talking about the Gatineau and Ottawa region, or about Quebec as a whole and Ontario as a whole? We review the figures from time to time. I know that there are 138,000 public servants in the National Capital Region and 522,000 in Canada. I'm talking about unilingual positions. How is it that anglophones are allowed to be so unilingual and francophones are not entitled to be that unilingual?

Mrs. Maria Barrados: I'm going to check the figures. We'll draw a distinction between the National Capital Region and other regions of Ontario and Quebec. We'll get back to you with more information on this matter.

The Chair: Thank you, Mr. Nadeau. I give you one point for your pass.

Mr. Godin, go ahead, please.

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

Welcome to our committee. I would like you to give us more details when you say you are going to examine the situation in the capital and in the Ontario and Quebec regions.

Let's talk about Service Canada. People who work for the public service can very often be in Calgary and serve the citizens of New Brunswick. They can be in Winnipeg and serve the people of Newfoundland and Labrador. Following this decentralization at Service Canada, do you know where people work and what type of service they provide? The people in my constituency say that, if they press 1 on the telephone number pad, they get English. I don't know whether that's because of the number of people who speak English, but it looks as though, if they press 1, they are always served more quickly than if they press 2. It's hard to assess the degree of bilingualism in the office where the telephone rings. People wait for a long time. Have you conducted any studies on this matter?

● (0910)

Mrs. Maria Barrados: No. That's more a question for the Commissioner of Official Languages, and that's what you can find in his report.

For our part, our obligation is to staff positions, and it's the people in the departments who must determine the level of bilingualism required for a position. In the public service, in the context of the obligations involved in staffing those positions in the departments, as I said, language requirements are among the essential prerequisites for merit review, as to whether an individual meets the obligations associated with those positions.

With regard to services, that's not my responsibility. However, we have an obligation to see that position-related requirements are met. And we do audits in that area.

Mr. Yvon Godin: For example, if a department needs a number of employees, it must first go through your office?

Mrs. Maria Barrados: It's a delegated system. We have staffing powers and we direct policies and regulations, but in the context of a delegated system, we also have a support service for the departments. We have a computer system and major programs. We also have a help service.

In that context, I believe it is very important for the regional offices to be able to function in both languages in order to assist people in the other departments.

Mr. Yvon Godin: For example, we conducted a study on postsecondary education in which we said that the government should make its size and staffing needs known to students in order to encourage them to learn both official languages.

Have you conducted a study on that subject? You've no doubt read our report.

Mrs. Maria Barrados: We have a lot of experience in that field. I can ask Donald to explain a little more because he was previously responsible for that service at the Commission.

We provide our assistance to the departments at job fairs. I have a lot of meetings with people at the universities, to whom I always explain that, if people want to have a career or reach a top position in the public service, they have an obligation to become bilingual, since it is a bilingual public service.

With regard to entry-level positions, there are a number of them among those that are bilingual.

I'll hand the floor over to Donald.

Mr. Donald Lemaire: Further to the pilot project with Université Sainte-Anne, I would add that the School of Public Service has developed a second-language encouragement and training program in cooperation with 10 universities. At the end of that program, we offer a second-language evaluation service to enable people to see whether they meet the requirements of the federal government's three different bilingualism levels.

An hon. member: Is it mandatory?

Mr. Donald Lemaire: No, that is to say that we offer it on an optional basis. We can't impose it on students, but its purpose is to urge them, encourage them to take second-language training so that, at the end of the program, they are able to meet the requirements of a bilingual position in the federal government.

Mr. Yvon Godin: Do you encourage—

The Chair: We'll come back to that, Mr. Godin.

We'll now give the floor to Mr. Rickford.

Mr. Greg Rickford (Kenora, CPC): Thank you, Mr. Chairman.

Thanks to all our witnesses.

Ms. Barrados, I have a number of questions. Today I'm going to refer to the proceedings of the Standing Senate Committee on Official Languages. I'm very much interested in two things.

[*English*]

There is the testimony that you gave at the Senate hearings a year ago, and there is the testimony of Justice Bastarache. His reference, of course, was principally to Desrochers, but I thought he had some insightful commentary on some of the issues that we're grappling with here today.

My concerns are these, but first of all, congratulations for the great work you do.

● (0915)

[*Translation*]

The objectives of the Public Service Commission of Canada for next year are clear. You are no doubt more advanced with regard to the objective

[*English*]

overall of our government to have a more meaningful sense of what Justice Bastarache describes as the distinction between a formal equality and a substantive equality.

So my questions are these. You may take the last couples of minutes to answer them.

Clearly, in the commissioner's report, he identified that you had several activities that we could draw from. The Public Service Commission is unique, unlike other departments, and there may be a disconnect there, because those public servants work in those departments and we have departments that haven't fared that well. And we have an overall budget with respect to our investment in official languages that has so far been unparalleled.

Addressing Justice Bastarache's comments there, what are the important next steps for us in going from formal equality to a substantive equality in the context of the kinds of training available to public servants and the situation you have as a watchdog in this regard? What recommendations would you make in taking us farther along in that process?

Mrs. Maria Barrados: I'm going to answer in two ways. I'm going to answer first as the head of an organization that I'm responsible for, and then as the president of the Public Service Commission.

First, as the head of an organization that I'm responsible for, I am somewhat frustrated by the individuals who I invest in with a lot of language training. They pass their tests and I don't hear another word of French.

[*Translation*]

I believe we all have an obligation to encourage people and perhaps as well to ask them to use their training.

[English]

Because of the number of francophones I have around my executive table, my language skills have increased dramatically since I have been at the commission. My lawyers insist on having the technical legal debates in French and of course I have to understand that. They stay in French and they will repeat things for me and explain more slowly. So I think a big step for management and the organization in the federal government is actually a much greater utilization of the language.

I think that has two parts. I think francophones should stick with speaking French and I think the English people should be encouraged. Sometimes that's vice versa. I have the odd francophone who is terrified of speaking English as well. So I think that's an important element of where we're not yet at.

In my role as the guardian of the staffing process, we will continue with the language testing. We will continue to renew those language tests. We will renew and have more information about what the language test means, because that has gotten out of date. So we will do that and we will continue with our insistence on enforcing that language is an essential element of the merit test.

[Translation]

The Chair: Thank you very much, Mr. Rickford.

Ms. Barrados, you know that the committee conducted a study in which it was found that 5,000 bilingual positions had to be filled in the public service.

Do you have the total number of persons hired by the Canadian public service for 2010? How many of that number were bilingual?

Mrs. Maria Barrados: We have those figures and we can provide them to the committee.

The Chair: Excellent. Thank you very much.

We're going to begin our second round with a former committee member who is with us this morning.

Welcome, Mr. D'Amours.

● (0920)

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Thank you, Mr. Chairman. I'm sure you're pleased that I'm here this morning.

Thank you for being with us, Ms. Barrados and Mr. Lemaire.

I'm going to make an observation, Ms. Barrados. Roughly speaking, you at the Public Service Commission are responsible for administering the Public Service Employment Act, which includes monitoring the official languages file. Your organization has received disturbing marks, an overall mark of C. However, it should have gotten an A.

How can we ensure that the public service as a whole gets an A if those responsible for enforcing linguistic and employment requirements in the public service are ultimately unable to get an A? Perhaps the idea of getting an A is dreaming in technicolour. Perhaps you could get a B because B generally seems to be the highest mark among all those we checked. It's a bit disturbing to see that you yourselves aren't able to achieve a level of excellence, whereas the

others which you provide with employees are required to achieve a level of excellence.

Mrs. Maria Barrados: That's a very good question. I wasn't pleased about getting a C either. I must say I believe the commissioner's standard was higher than usual because a C corresponds to a mark of 60 to 69, whereas, for the commissioner, a C means a mark of 70 to 79.

We lost the largest number of points on aspects of Part VII, and we achieved a very high level on virtually all other measures, except with regard to matters pertaining to the lack of recent plans. Marks were very, very high on other measures, in a number of respects, except with regard to Part VII.

Mr. Jean-Claude D'Amours: Ms. Barrados, in fact, you are there to enforce the language provisions. That's your mandate. And you were only able to get the same mark, C, on language of work. There's no excellence at that level. I don't want to take anything away from the fact that there are champions in the various departments, but that, at some point, is the target.

You may be disappointed at getting a C, but we can ask ourselves the question: why were you disappointed after seeing the results? That means that some things didn't go well at your department in recent years for you to come up with those results. You're not even able to achieve a level of excellence on language of work, and it's you who must enforce the language provisions in the public service.

Instead you should examine your conscience and realize that some things were taken lightly, set aside or not carefully examined. Something's wrong. Something besides apologizing has to be done after that; you have to examine your conscience and say that there are problems specific to the system that we ourselves are managing.

Mrs. Maria Barrados: I'm going to go back to the subject of official languages champions at the commission. It's not as serious as that in our case. If we take a detailed look at the figures, we realize that a lot of things work very, very well at the commission.

We targeted areas where there was room for improvement, but the big loss for us is Part VII. As I said in response to other questions, I'm prepared to do what I can do for Part VII, but, in view of my mandate at the commission, what I can do is not very clear. Our organization really operates in both official languages. We have very good ratings on offer of service, not in accordance with active offer standards, but all other measures are very, very positive. The representation measures are positive. We clearly have to make these improvements. That's good to remember, but Part VII is a challenge for me.

Donald.

● (0925)

Mr. Donald Lemaire: I was also surprised at our result on Part VII because I thought we were doing a good job. Following the discussions, we understood that that was definitely not the case. So we have to focus on that.

Let's talk about the organization's operation: I've worked at six different departments, and I have to say that this is the organization in which bilingualism is most in effect, most vibrant and active. That's why, at times, when we look at the result—

Mr. Jean-Claude D'Amours: That's scary. You just mentioned that you thought it was the best place. So we have a problem, sir.

Mr. Donald Lemaire: It's mainly in day-to-day practice, when we have our meetings and bilingualism is really in effect, that we have a more direct appreciation.

As regards the 2008 survey, as the president already said, there were excellent results.

We really have to pay attention to certain areas.

The Chair: Thank you very much.

We'll continue with Ms. Guay.

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

Thank you very much for being here today.

As you see, there are a lot of concerns around the table. If you read the report, I think a certain amount of perspective can also be seen. You aren't pleased about getting a C, so you change the marks. I'm not in favour of that. If you got a C, you deserved it. The commissioner doesn't do that work to punish you, but rather to improve the situation. So you have to accept it and make an extra effort.

Mr. Lemaire, you say that you see the most bilingualism in the departments. However, perhaps you should also tell us about what's going on elsewhere. You can't just talk to us about the departments.

We're also talking about a bilingual public service, but the people who join the public service may be unilingual, commit to learning their second language and extend their term. If they have five years to learn the second language, that period of time can be extended and they are entitled to another five-year period. So they need 10 years to learn the second language. That will have to be corrected at some point. That doesn't promote bilingualism, and that's why you get these kinds of marks. I'd like to hear what you have to say on that.

Mrs. Maria Barrados: I'd like to start and then hand over to Mr. Lemaire. We have an obligation to the entire country, but the country isn't bilingual everywhere. We also have to give unilingual people a chance. It's the country. We want to have a bilingual public service.

People who join the public service must want to become bilingual. It's not just the employer's obligation either. People can use other means to become bilingual. They can take courses, attend meetings and do other bilingual things. I think it's important to give everyone that chance.

Ms. Monique Guay: I agree with you on that. I'm not at all opposed to it. I'm saying that people abuse the system. You don't seem to have any way to compel these people who occupy such important positions to speak the second official language, whether it's French or English. You don't seem to have the tools to act. Mr. Lemaire seems to have something to add.

Mrs. Maria Barrados: We do it in the staffing process.

Mr. Donald Lemaire: Following this committee's 2005 report, which stated that language requirements were not being met in more than 800 cases, the commission made a commitment to follow up those files very closely, and now only 50 are left.

We also now have a new order stating that, when an individual accepts a position and makes a commitment to become bilingual in the context of his or her position, that person has two years to become bilingual in accordance with the standards of the position. There is also the possibility of a two-year extension. Consequently, an individual has a maximum of four years. At the end of four years, if that person does not meet the language requirements, he or she must be transferred to another position. That person may not keep the same position. In addition, we now conduct an annual follow-up of these files and we are requiring departments to shift those individuals to positions where they meet language requirements.

In the past, that went on forever, but with the new order and the follow-up we've put in place, that's changed a lot. There were nearly 900 cases at first.

● (0930)

Ms. Monique Guay: Do we have any time left? I'm going to let my colleague continue.

Mr. Richard Nadeau: In the second volume of this year's report of the Commissioner of Official Languages, the question of the possibility of writing in one's own language was a big concern for me. If you consider all the departments, it's zero out of 16. At the press conference where Mr. Fraser made his report public, I cited an actual example. It was the example of someone who wrote his report in French and sent then it through the machine. His text was sent for translation. When it came back, it wasn't exactly what they wanted. It went back to the person who wrote it in French, who looked at the text translated from English to French to see whether the right thing had been translated. The spirit of it wasn't there for certain aspects.

What mechanisms do you put in place, or are in place, to ensure that people can write in their own language and be understood by the senior officials above them?

The Chair: Mr. Nadeau, I'm going to ask you to wait for an answer to that question. We are going to go to Mr. Rickford, but we'll have time for a third round.

Mr. Rickford.

Mr. Greg Rickford: Thank you, Mr. Chairman.

I'm going to start my questions by first making a brief comment. I agree, and I'm also disappointed with the mark you got because there are three essential points that must be understood in the report of the Commissioner of Official Languages. As you said, he has a "higher standard".

In addition, the methodology for preparing the report has changed. The emphasis is now on execution and results. This is the first time, according to what the commissioner said in his testimony, that this methodology has been used. I'm not surprised that it changes the results.

You also said in your testimony, with a certain degree of fear and hesitation, that "acquiring another language isn't just the employer's responsibility, but also that of the person concerned," that it isn't just a one-way street. I know that it isn't an easy task for adults, but public servants who have worked for me and who I have seen succeed are the ones who invested a lot in training. There is an enormous variable; there are a number of reasons. Perhaps they lack confidence—as I do from time to time—or perhaps, as public servants, they're intimidated by the parliamentary system, I suppose.

What can we do to achieve our objectives—as I asked in the first round—to remove these barriers, not just intellectually, but in practice as well?

Mrs. Maria Barrados: I can start answering and ask Mr. Lemaire to add some points as of official languages champion. This is obviously a matter of leadership in the public service. It's not just a matter of Graham Fraser's leadership, but that of everyone's. We have a few deputy ministers who are really committed and anglophones who have made efforts, who have really demonstrated leadership in learning both languages and who want to become bilingual.

At the PSC, for example, we don't translate memos that come to me or that are sent to the executive committee, but as the report stated, some translations are made from time to time. That doesn't displease me because people have a right to write in the language of their choice. People know that I can make corrections, edit. However, I'm not good enough in French to do it. In French, I ask someone to make the corrections, but I can start doing them myself in English. It's a lot easier for people to give me documents in French because I don't do the corrections in the same way.

Mr. Lemaire, do you want to continue?

• (0935)

Mr. Donald Lemaire: I never do that deliberately.

Ms. Maria Barrados: Oh, oh!

Mr. Donald Lemaire: Perhaps I'm going to state a platitude, but I believe that the work of the Commissioner of Official Languages is very important, indeed essential, in order to continue improving the situation. I believe the only solution is to persevere, to go on and never let go. We would all like to get As all the time, but we know that's not possible. However, this report is a very good effort that will encourage us to be more attentive and vigilant and to continue trying to improve matters.

We will never be able to take it for granted that we have achieved the objective in a determinate way because there is always a risk of backsliding. That's why my recommendation is that we continue to persevere, to conduct close follow-up, to be accountable for our results and to strive to continue improving the situation. There's no magic wand, unfortunately. It's always a challenge to be in a minority situation, whether you're in the west, in eastern Ontario, in the north, or in Quebec, around Sherbrooke. It's as simple as that, but that's important.

The Chair: Thank you very much.

Mr. Godin, go ahead, please.

Mr. Yvon Godin: Thank you.

Ms. Barrados, do you sit on the committees, with the deputy ministers?

Mrs. Maria Barrados: I sit on a few committees of deputy ministers, not all.

Mr. Yvon Godin: Do they talk about official languages on those committees?

Mrs. Maria Barrados: Little French is used on those committees. Most of the time, the discussions are in English, but on the Treasury Board committee, which is chaired by Michelle d'Auray, we often have discussions in French.

Mr. Yvon Godin: I wasn't asking you whether you spoke English or French at the meetings; I wanted to know whether you talked about official languages problems?

Mrs. Maria Barrados: Oh, pardon me, I misunderstood. Mr. Fraser made a presentation to the deputy ministers before tabling his report, and it was well received.

Mr. Yvon Godin: I was talking about you.

Mrs. Maria Barrados: What do you mean?

Mr. Yvon Godin: And you, do you talk about the problem in the public service?

Mrs. Maria Barrados: I talk about it all the time.

Mr. Yvon Godin: You say it takes two years to become bilingual. Some people are entitled to a four-year extension. How do you explain why some employees pass the test and subsequently don't speak French? Where's the follow-up? Why make so much effort for a person to learn a language in two years if there's no follow-up and the person is not required to speak it?

There's something lacking somewhere. It's like taking one step forward and four steps back.

Mrs. Maria Barrados: We have a system. At the time of a promotion or a change of position, employees have to take a new exam after five years. That's one type of motivation provided by the system.

I've been under some pressure to change that, but I don't want to. Otherwise, I don't have a lot of power apart from what's related to staffing and promotions.

Donald.

Mr. Donald Lemaire: It's much more a matter of the will of the person who has become bilingual. It's really the responsibility—

Mr. Yvon Godin: —the responsibility of—

Mr. Donald Lemaire: —of the person.

Mr. Yvon Godin: Isn't it also the department's responsibility? It's like a welder who no longer works as a welder, a plumber who doesn't work as a plumber. We're talking about someone who has a job and who serves the public.

I don't agree with you when we talk about minorities in Canada. We aren't a minority because we have an act that provides that we have to have services in both languages. We have to stop letting ourselves pass for a minority group. We have an act that provides that services are offered in both languages; it's as simple as that. Usually, when someone violates an act, there is punishment. Here everything has been allowed for the past 40 years. We can't even get service in both languages at the Supreme Court.

● (0940)

Mrs. Maria Barrados: My comments didn't concern the service to the public context. As the figures show, the public service does a good job of providing service.

Instead my comments were about the context of discussions in a department. We clearly have to provide services in both languages.

Mr. Yvon Godin: On the committees where you don't sit, you don't complain if the deputy ministers are anglophones.

Mrs. Maria Barrados: There are more francophones. There is a greater representation of francophones on the executive. There are proportionately more francophones.

Mr. Yvon Godin: No, the question isn't who is anglophone or francophone, but rather whether they speak French. I'm not discriminating as to who has the job. The problem for me is not whether it's an anglophone or a francophone. The question instead is whether those who offer service are able to speak both languages.

Mrs. Maria Barrados: Yes.

Mr. Yvon Godin: I'm not discriminating over that. I believe there is a problem when anglophones back home say there's no program for them to learn French so that they can get a job.

Mrs. Maria Barrados: My comments concerned the everyday context, not the specific context of obligations to provide service, or the supervision context. To have a truly bilingual public service, we have to use both languages in all contexts, not just in the mandatory situations.

The Chair: Thank you very much, Mr. Godin.

The third round will begin with Ms. Zarac.

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

Good morning and thank you for being with us.

Ms. Barrados, earlier you said you were disappointed when someone comes out of a class and does not really have an opportunity to put his or her knowledge into practice. And yet there are opportunities for doing so.

Page 24 of the Commissioner's document refers to surveys that were done in the federal institutions and the poor marks given by employees for the opportunity to use their language to write documents and when they speak to a supervisor. I believe that situations exist, and employees must be encouraged to demand service in their language. Contrary to what you said earlier, there is a need, and it could be met.

You also said in your opening statement that a new plan will be implemented in 2011. I congratulate you on that. The previous plan dates back to when?

Mrs. Maria Barrados: I can ask the champion, Mr. Lemaire, who was responsible for the plan.

Mrs. Lise Zarac: All right.

Mr. Donald Lemaire: Since 2007.

Mrs. Lise Zarac: Before that?

Mr. Donald Lemaire: I know we reviewed the accountability framework in 2005.

Mrs. Lise Zarac: So there was a plan before 2007.

Mr. Donald Lemaire: Yes.

Mrs. Lise Zarac: An established plan.

Mrs. Maria Barrados: Yes.

● (0945)

Mrs. Lise Zarac: Are you sure?

Mr. Donald Lemaire: In 2005, we reviewed the official languages accountability framework, not for the government as a whole.

Mrs. Lise Zarac: There wasn't any plan as such.

Mr. Donald Lemaire: We clarified the responsibilities of managers, employees and so on. It's still in effect. Then we worked on a plan that was implemented in 2007 and carried out in subsequent years.

Mrs. Lise Zarac: Why was there no plan before 2007? Why wait until 2007 to develop a plan?

Mrs. Maria Barrados: I'm the one responsible for all those matters. Frankly, that's something we've forgotten. The plan was there; we had a champion. I have a very high francophone representation. I was concerned about the level of service. The figures are very good. We didn't renew it and we are in the process of doing so.

In that sense, Mr. Fraser's audit is very good. It will make us remember to do things in addition to other concerns.

Mrs. Lise Zarac: I have the figures in front of me. I don't want to rub salt into the wound, but this is really poor performance.

What is your impression when you look at these figures, in view of the fact that you didn't have a plan? What does this tell you?

Mrs. Maria Barrados: The existing plan was still in effect. It wasn't a question of not having a plan; it was a failure to renew the plan. The plan was in existence, and we are in the process of following it up. I'm concerned about the number of positions, the level of service.

Part VII of the act is a problem for me, as I said earlier. We are involved in discussions, and that's ongoing. Yesterday I asked Mr. Fraser to give me examples and specific assistance because I'm prepared to do—

Mrs. Lise Zarac: And because you don't see what your responsibilities are under Part VII of the act? Is that correct?

Mrs. Maria Barrados: The point is to determine what we can do in the context of our mandate within the public service, having regard to the delegation system. Perhaps I should be clearer, in the context of the delegation system: what is our expectation with regard to Part VII? What must the departments do in view of our mandate, of Part VII?

The Chair: Thank you, Ms. Zarac.

Mr. Rickford.

Mr. Greg Rickford: I'm going to ask a more specific question about the Department of Canadian Heritage, which I represent. We know that the minister of Canadian Heritage is responsible for official languages, even though it's the departments that implement the concrete steps, the positive measures. This is a more intellectual question, as I said earlier during my questions.

How are you working with the minister of Canadian Heritage to define the concept of positive measures? In addition, to comply further with Part VII of the Official Languages Act, with regard to which you have obligations, what kind of cooperation is there between you and the department? How is that working itself out?

Mrs. Maria Barrados: We work together a lot and we have regular contact. Now we are in the midst of discussions to determine what we can do with regard to Part VII. I mentioned the delegations. There is another way whereby we could perhaps have a greater impact and make a bigger contribution, and that's through the federal councils in the regions. Perhaps we from the commission and the people who have that bilingual capability across the country can do more work with those communities.

I know what my people work all the time with the Department of Canadian Heritage.

Mr. Donald Lemaire: For example, following the report, we submitted our draft plan to the Department of Canadian Heritage for discussion purposes to determine whether their evaluation met expectations.

We're reviewing the plan in concrete terms in order to come to a mutual understanding of what is possible.

[English]

Mr. Greg Rickford: I'm just trying to squeeze in one last question to you, then, Madame Barrados. In your 2010-11 estimates, the reports on plans and priorities, you identified several indicators with performance measures. Given the conversation that took place a year ago at the Senate committee hearings, have those discussions led to a change?

I didn't read the previous estimates for this. I wasn't involved in this committee. Have those indicators changed as a result of this dialogue? And to what extent might the performance measures be different?

Mrs. Maria Barrados: We are in the process of doing our plans and priorities documents, and obviously we have to make sure we deal with the issues raised by the Commissioner of Official Languages. I want to have a better performance—

• (0950)

Mr. Greg Rickford: You want to get an A.

Mrs. Maria Barrados: Yes, of course I want an A, and when I see that my folks don't feel they can write in the language of their choice and I have over 60% francophones, I'm assuming that English is the dominant language and they can't write in French. That's very frustrating to me, because they can certainly send me whatever they want in French. It's a good reminder that we have to do some work—and we will.

[Translation]

The Chair: Thank you very much, Mr. Rickford.

We'll finish with Mr. Nadeau.

Mr. Richard Nadeau: In light of what I said earlier, none of 16 departments showed that public servants felt comfortable writing in French to their supervisors. Only three in 16 feel comfortable being supervised in French by their supervisors.

There is enormous pressure. I'm familiar with the case of a person very close to me who stopped writing documents in French because that was frowned upon in one department, the Department of Canadian Heritage—with all the affection I have for it. It is supposed to be the model for the defence of the French fact in the departments. And that person no longer writes in French because people look at that person askance.

How do you at the Public Service Commission go about telling these highly placed people, perhaps at your meetings with all the deputy ministers, that these kinds of situations are unacceptable?

Here's a final example. The new director of the St. Lawrence Seaway, a bilingual English Quebecer, arrived in Cornwall, Ontario, in November and addressed a group of Franco-Ontarians, and they answered him in English, only because they're used to responding in English and things go more quickly in that language. And yet they all have a right to speak French. That, for me, is the reality of the public service for all francophones, from the moment you move away from a location that has a critical mass of francophones.

What's being done? Where are we headed so that you can tell people, when they enter the public service, that they have a right, that they maintain their right, and to the top bosses, not to put undue pressure on people who want to maintain their right?

Mrs. Maria Barrados: I think it's still a matter of leadership and of monitoring the situation in your own department. In my case, I got the impression that was clear to everyone: people have a right to write in the language of their choice. As the report states, that's not the case, and that's something we have to correct.

That has to be something that comes from the deputy ministers and assistant deputy ministers, and that has to be an ongoing message.

Mr. Donald Lemaire: The Treasury Board is responsible for—

Ms. Monique Guay: Yes, the Treasury Board is—

Mrs. Maria Barrados: It's the deputy minister who must ensure implementation—

Mr. Donald Lemaire: The Treasury Board is responsible for policy.

Mr. Richard Nadeau: Please take a section and report to us on it. The Commissioner of Official Languages has a mandate to... I understand that, but it should be the mandate of every department. This is a reflection of the image Canada projects of itself, and it's false.

I would like us to take a closer look at something: inside the machine, when people are hired, it must be emphasized to them that, should any problem arise in that regard, these people should feel comfortable. We know there is a lot of pressure on people, especially when they start their jobs, but they nevertheless have to be able to write in the language of their choice.

Mrs. Maria Barrados: Thank you, that's a very good suggestion.

Mr. Richard Nadeau: Thank you, Mr. Chairman.

The Chair: Thank you, Mr. Nadeau. That completes the round of questions.

If committee members are in agreement, Mr. Bélanger would like to ask one final question before we thank our witnesses. Then we'll go to our committee business, since we have work ahead of us.

Mr. Bélanger, go ahead, please.

Hon. Mauril Bélanger: I just want to ask the commission to send us a copy of its new action plan once it is complete.

A voice: Absolutely.

Hon. Mauril Bélanger: I'd like to have a written response later to this question: if regulations were made under Part VII, would that be helpful to you?

Thank you.

● (0955)

The Chair: The question has been asked, and there is also other information.

Thank you for coming to appear before us this morning. You are the first federal agency that we have heard from since the commissioner appeared, with regard to our business.

We'll suspend proceedings for a few minutes and continue in camera.

Thank you.

[Proceedings continue in camera]

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