



HOUSE OF COMMONS
CANADA

LEADING BY EXAMPLE:
**BILINGUALISM IN THE PUBLIC SERVICE AND THE
RENEWAL OF THE *ACTION PLAN FOR OFFICIAL
LANGUAGES***

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

**Steven Blaney, MP
Chair**

**MARCH 2008
39th PARLIAMENT, 2nd SESSION**

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THE STANDING COMMITTEE ON OFFICIAL LANGUAGES

has the honour to present its

THIRD REPORT

Pursuant to its mandate under Standing Order 108(2), the Committee has studied the Action Plan for Official Languages and has agreed to report the following:

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INTRODUCTION

In December 2007, the House of Commons Standing Committee on Official Languages made the decision to conduct a study on the renewal of the *Action Plan for Official Languages*, which will expire on March 31, 2008. That five-year plan will have made possible investments of more than \$800 million in a broad variety of programs divided into five components: education, community development, the public service, the language industry and governance.

The largest investments were made under the education and community development components, which were examined in detail in an extensive study, the report of which was tabled by the Committee in May 2007.¹ The Committee has therefore chosen, in this study, to focus on the public service, the language industry and access to justice which were not directly addressed in the May 2007 report.

As the Action Plan expires in March 2008, the Committee felt it was important to make its position known before the government announced any new measures. At the same time, the government conducted its own consultations headed up by the former Premier of New Brunswick, Mr. Bernard Lord. Recommendations will be made to the Minister of Canadian Heritage in preparation for the renewal of the Action Plan.

As a result of these tight deadlines, the Committee was able to hold only four meetings. Consequently, this study is unfortunately not of the same scope as the one the Committee tabled last year. Section 1 outlines the initial commitments of the *Action Plan for Official Languages*, identifying, as necessary, the changes that occurred along the way. So as to present all the Committee's thoughts on the Action Plan's renewal in a single report, the principal findings of the May 2007 report are set out in Part II. Part III describes the results of the meetings the Committee held on the themes of the public service, the language industry, access to justice and governance.

1 House of Commons Standing Committee on Official Languages, *Communities Speak Out: Hear Our Voice! The Vitality of Official Language Minority Communities*, May 2007, <http://cmte.parl.gc.ca/Content/HOC/committee/391/lang/reports/rp2919177/langrp07/langrp07-e.pdf>.

1. PRESENTATION OF THE *ACTION PLAN FOR OFFICIAL LANGUAGES*

The *Action Plan for Official Languages* announced in March 2003 provided for an injection of \$751.3 million over five years in three key areas: education (\$381.5 million), community development (\$269.3 million) and the public service (\$64.6 million). Specific measures were also included for the language industries (\$20 million) and for the implementation of the Accountability Framework applicable to designated federal institutions (\$16 million). An enabling fund for human resources development and community economic development was added to the Action Plan in March 2005, adding \$36 million over three years to the total investments under the Plan. A further \$10.6 million investment was made for health in 2006-2007, as well as \$12 million from 2005 to 2007 to reduce waiting lists for language training. The Official Languages Innovation Program was cancelled after three years however, reducing total funding by \$8 million. Subject to verification of actual spending, a total of \$802 million will have been invested when the Action Plan expires on March 31, 2008.

The Action Plan is the culmination of a process that began in 2001, based on three considerations:

1. Linguistic duality is a fundamental aspect of Canadian identity. Together with its openness to global cultural diversity, Canada has maintained this commitment to its linguistic roots, since over 98% of residents indicate they speak one of the official languages. Official-language minority communities have contributed a great deal to preserving this aspect of Canadian identity. The federal government therefore has a responsibility to these communities that have tirelessly cultivated the country's cultural roots.
2. Linguistic duality is a competitive advantage for Canada internationally. Far from creating "two solitudes," our duality offers Canadians a window on linguistic plurality that is unique in the American continent, making it easier to forge ties with a multilingual Europe and encouraging us to help the Aboriginal peoples of Canada preserve their linguistic heritage.² Moreover, learning a second language is often a springboard to learning a third and fourth language.
3. Since the first official languages policy was established in the late 1960s, there have been significant changes in individual and community ways of life. The cosmopolitan character of Canada's large urban centres places

2 "The Next Act: New Momentum for Canada's Linguistic Duality. Action Plan for Official Languages, p. 2.

official language minorities in competition with other cultural communities with respect to services in their language. At the same time however, Francophone minority communities are now in a much better position to assert their rights, and their institutions are much more numerous and stronger. Youth retention, low birth rates and exogamous marriages do however weaken the social fabric of these communities. Finally, the relatively strong state of public finances makes it easier to consider long-term support for the development of these communities.

Based on these considerations, the Government of Canada announced in April 2001 the creation of a committee of ministers, chaired by the Honourable Stéphane Dion, to “consider strong new measures that will continue to ensure the vitality of minority official-language communities and ensure that Canada’s official languages are better reflected in the culture of the federal public service.”³

To achieve this, the Action Plan established:

1. The Accountability and Coordination Framework setting out and reminding federal department and agencies of their respective responsibilities, while establishing a horizontal coordination process for actions stemming from the multiple elements of Official Languages policy.
2. Three key areas for action:
 - a) education, including both minority language education, pursuant to section 23 of the *Canadian Charter of Rights and Freedoms*, and second-language instruction, in order to promote linguistic duality;
 - b) community development, which seeks to foster better access to public services in health care, early childhood development and justice, and to create economic development tools;

3 Prime Minister gives Minister Dion additional responsibilities in the area of official languages, Press release, April 25, 2001.

- c) the public service, through which the federal government sets an example by enhancing the provision of federal services in both official languages, the participation of English-speaking and French-speaking Canadians in federal institutions and the use of the official languages in the workplace;
3. And greater support for the development of language industries in order to address the shortage of specialized language training and translation instructors and by expanding the range of careers that foster the language skills required in the federal public service.
 4. In March 2005, the Government of Canada added to the Action Plan an Enabling Fund for official language communities, which rounds out existing programs that support human resources development and community economic development.

A. Accountability and Coordination Framework

This framework is intended to make federal institutions more aware of their obligations under the *Official Languages Act*, to provide for ongoing consultation with official language communities and to establish an interdepartmental coordination mechanism on official languages. It includes 45 sections, the first 30 of which clearly spell out the responsibilities of federal institutions, especially those of the Department of Canadian Heritage, which is responsible for coordinating all measures taken by federal institutions to support the development of official language minority communities (Part VII of the *Official Languages Act*), and those of Treasury Board, which is responsible for services to the public (Part IV), language of work (Part V) and the equitable participation of English-speaking and French-speaking Canadians in the federal public service (Part VI).

These sections spell out federal institutions' current responsibilities. The framework goes one step further by adding new responsibilities under five categories:

1. An official languages perspective in the development of all new initiatives by federal institutions. Section 7 of the Framework stipulates that "all federal institutions are required to analyse the impact of proposals contained in memoranda to Cabinet on the language rights of Canadians and federal public servants."⁴

4 "The Next Act, New Momentum for Canada's Linguistic Duality", *Action Plan for Official Languages*, Appendix 1, Accountability and Coordination Framework, Section 7, p. 68.

2. The implementation by each federal institution of a systematic process for raising employee awareness, evaluating impact on linguistic duality and community development, consulting interested publics, “especially representatives of official language minority communities, in connection with the development or implementation of policies or programs,”⁵ and the evaluation of results.
3. The establishment of a horizontal coordination mechanism focussed on the minister responsible for official languages. This minister must now ensure that federal institutions fulfill their responsibilities under the *Official Languages Act* and the Action Plan. This monitoring role will be supported by the Committee of Deputy Ministers on Official Languages and a secretariat that is part of the Privy Council Office.⁶
4. A larger evaluation role for the Department of Justice to allow it to examine the legal implications for official languages of initiatives by federal institutions.
5. The establishment of an evaluation process for measures taken under the Action Plan, including the preparation of a midterm report and an overall evaluation at the end of the implementation period.

The Action Plan includes a budget of \$13.5 million allocated over five years to the Privy Council Office for the overall coordination of the plan. In February 2006, this budget was transferred to the Department of Canadian Heritage.

B. Education

Over half of the \$751 million initial investment set out in the Action Plan was earmarked for education, with the following objectives:

- Increase the proportion of rights holders enrolled in French-language schools from 68% in 2003 to 80% in 2013;
- Support for French-language instruction for Anglophones in Quebec, and support to English-language schools outside Montreal;

5 Ibid, Section 17, p. 70.

6 In February 2006, these responsibilities were transferred to the Department of Canadian Heritage, along with the Official Languages Secretariat, which performed these roles. See the *Order Transferring from Privy Council Office to the Department of Canadian Heritage the Control and Supervision of the Official Languages Secretariat*.

- Increase the proportion of high school graduates with a working knowledge of their second official language from 24% in 2003 to 50% in 2013;
- Increase the number of participants in summer language bursary and language monitor programs;
- Promote research.

In order to achieve these ambitious objectives, the Action Plan included a significant increase in funding for federal-provincial-territorial agreements: \$209 million more over five years for existing minority-language education programs, and \$137 million more over five years for second-language instruction programs. These agreements represent an estimate of the additional costs incurred by each province and territory in order to offer minority-language education and second-language instruction, as compared to what it would cost for the same number of students if they were taught in the majority language. The Action Plan also included a \$35.5 million increase for the official language monitor and summer bursary programs.

C. Community Development

In order to foster the vitality of official language minority communities, the Action Plan identified seven key areas of activity: early childhood development, health services, justice, immigration, economic development, partnership with the provinces and territories and support for community life.

With respect to early childhood development (\$22 million over five years), three commitments were made:

- \$7.4 million for literacy development services;
- \$10.8 million for research in the form of pilot projects to evaluate how French-language child care services influence the cultural and linguistic development of young children;
- \$3.8 million in support of national organizations for the sharing of knowledge on early childhood development in official language minority communities.

With respect to health services, the Action Plan provided for a total investment of \$129.6 million broken down as follows:

- \$14 million for networking to help establish regional networks linking health care professionals, institution managers, local elected officials, teachers and community representatives;
- \$75 million for workforce training, recruitment and retention, including \$63 million administered by the *Consortium national de formation en santé*, whose objective is to train 1,000 new Francophone health professionals for minority communities by 2008;
- \$30 million, including \$10 million for Quebec's Anglophone community, for the *Fonds pour l'adaptation des soins de santé primaires (Entente Santé 2000)*, which represents a substantial increase in funding for the federal-provincial agreement that was concluded in 2000 and expired in 2006. Further funding of \$10.6 million was added for 2006-2007.

With respect to justice, the Action Plan provided \$45.5 million for two groups of initiatives:

- \$27 million for upholding the legal obligations stemming from the implementation of the *Legislative Instruments Re-Enactment Act*⁷ and *Contraventions Act*⁸ issues;
- \$18.5 million for targeted measures to improve access to justice in both official languages, including funding for federal-provincial-territorial initiatives, funding for associations of French-speaking jurists, the creation of a community consultation mechanism, and the development of training tools for counsel employed with the Department of Justice.

With respect to immigration, the Action Plan provided \$9 million over five years, administered by Citizenship and Immigration Canada, which previously had no stable funding for official language minority communities. This funding was earmarked for market studies and the production of promotional material to be used abroad and to support information centres for Francophone immigrants and French correspondence courses.

7 Given Royal Assent in June 2002, this Act is intended to ensure the constitutionality of legislative provisions issued in English only prior to the *Official Languages Act* of 1969.

8 After the RCMP issued French-only tickets in the part of the National Capital Region located in Quebec, the Federal Court in a 2001 decision called for measures to address these shortcomings in the Act.

With respect to economic development, the Action Plan included:

- \$13 million over five years for the Francommunautés virtuelles program, which seeks to increase online services in French that bring together Francophone and Acadian communities;
- \$7.3 million over five years from the existing budgets of Human Resources Development for internships relating to economic development, as well as \$2 million in additional funding allocated to regional development agencies;
- \$10 million over five years for pilot projects to develop technology infrastructure in order to enhance the services offered;
- \$8 million over five years to improve the information and reference services offered by Human Resources Development, Industry Canada and regional development agencies, within existing structures, including the hiring of bilingual counsellors.

As to partnership with the provinces and territories, the Action Plan included an increase in the contribution by Canadian Heritage to federal-provincial-territorial agreements for official language minority services. These agreements encourage and help provincial and territorial governments improve their services to the official language minority community.

With respect to support for community life, the Action Plan includes an additional investment of \$19 million over five years to fund projects submitted to Canadian Heritage that are likely to help communities, especially for community centres, culture and the media.

D. Federal Public Service

With planned investments of \$64.6 million over five years, the revitalization of linguistic duality in the federal public service is a key element of the *Action Plan for Official Languages*:

- \$14 million for Treasury Board investments to support initiatives by other departments and agencies, including the creation of a Regional Partnership Fund to adapt federal initiatives locally, and an Official Languages Innovation Fund to support the services offered in both official languages and a corresponding workplace. This program was cancelled after three years, reducing the total investment to about \$6 million;

- \$12 million increase to the budgets of Treasury Board's Official Languages Branch in order to develop "evaluation tools as well as measures that institutions can use in the future for self-evaluation."⁹ All of Treasury Board's official languages responsibilities and the related budgets were transferred to the Public Service Human Resources Management Agency as of when it was created on December 12, 2003.¹⁰ The purpose of the Action Plan's investments was to enable the Agency to serve "as a centre of excellence for other federal institutions."¹¹ The Agency's name was changed to the Canada Public Service Agency in April 2007.
- \$38.6 million to the Public Service Commission to increase bilingual capacity in the public service, including \$2.5 million to encourage the hiring of candidates who are already bilingual, and \$36.1 million to offer language training and foster the retention and development of language skills.¹² An additional \$12 million in funding was allocated to the School of Public Service from 2005-2006 to 2006-2007 to reduce waiting lists for language training, thereby increasing the Action Plan's total investment in language training to \$48.1 million.

E. Language Industries

In an attempt to counter the fragmentation and lack of visibility of these industries, to foster the recruitment of a sufficient number of replacement workers and to support research, the Action Plan included a \$20 million investment allocated as follows:

- \$5 million for the establishment of a representative organization and to fund its coordination activities;
- \$5 million for market promotion and branding initiatives in Canada and internationally, to increase visibility for the industries and attract new talent;
- \$10 million for the establishment of a research centre on language industries.

9 The Next Act: New Momentum for Canada's Linguistic Duality. Action Plan for Official Languages, p. 57.

10 Public Service Human Resources Management Agency of Canada, 2003-2004 Departmental Performance Report, section 2.1.

11 Update on the Implementation of the Action Plan for Official Languages, Midterm Report, p. 41.

12 Update on the Implementation of the Action Plan for Official Languages, Midterm Report, p. 37.

F. Enabling Fund

The Enabling Fund, also known as the Enabling Fund for Official Language Minority Communities, replaced the Official Language Minority Communities Support Fund in March 2005, following a review of the latter's mandate. It was then included under the Action Plan for Official Languages for fiscal years 2005-2006 to 2007-2008. This fund boosts the work of the *Réseaux de développement économiques et d'employabilité* (RDÉE) and the Community Economic Development and Employability Committees (CEDEC). This Fund received annual funding of \$12 million for the last three years of the Action Plan and was initially intended to be renewed until 2010.¹³

13 See the description of the program's objectives at:
<http://www.hrsdc.gc.ca/en/cs/sp/hrsd/cpa/publications/reports/9999-022005/page00.shtml>

2. OVERVIEW OF THE MAY 2007 REPORT ON THE VITALITY OF OFFICIAL LANGUAGE MINORITY COMMUNITIES

In the fall of 2006, the House of Commons Standing Committee on Official Languages undertook a wide-ranging study on the vitality of official language minority communities. A total of 39 recommendations on a wide variety of subjects were adopted.

This study on the vitality of official language minority communities had three main objectives:

- To assess the results of the *Action Plan for Official Languages*;
- To speak for the communities in making recommendations to the Government of Canada on measures to follow up on the Action Plan as of April 1, 2008, as well as on any other matter liable to promote the vitality of the communities;
- To foster closer ties with the communities so as to cultivate a productive dialogue, which will be critical for the success of the new initiatives to be launched starting in 2008.

To produce this study, the Committee travelled to the Atlantic provinces, Quebec and Ontario from November 6 to 10, 2006; and then to Western Canada from December 4 to 7, 2006. Other evidence was heard in Ottawa beginning in the spring of 2006. A total of 121 witnesses from 85 different organizations were heard.

This was a first for the Committee since its inception 26 years ago, as it had never had the opportunity to travel and meet with Anglophone and Francophone minority communities on their own ground.

The report is divided into four chapters:

- The first chapter provides the necessary information for subsequent analysis of the various themes. It includes a summary of key demographic data on the communities, a description of the constitutional and statutory framework for the official languages in Canada, a description of the Department of Canadian Heritage programs designed to fulfil the federal government's commitment to supporting community development and promoting linguistic duality, and finally, a summary of the key elements of the *Action Plan for Official Languages*.

- The next two chapters, on health services and immigration, entailed more in-depth study by the Committee, since these two topics were initially to be the subject of separate studies. The main difference between these two chapters and Chapter 4 is that they include testimony from expert witnesses and Government of Canada officials, and also provide a detailed account of the communities' perspectives.
- Chapter 4 presents the main themes other than health and immigration that were addressed during the cross-Canada tour. Eleven themes were identified: education, from early childhood to the postsecondary level; community life; infrastructure; management of transfers from the federal government to the provinces and territories; the budget cuts of September 2006, especially the cancellation of the Court Challenges Program and literacy programs; the promotion of French; the media; the arts and culture; justice; economic development; and research.

The Committee arrived at the following conclusions:

A. Education

Of the initial investment of \$751.3 million over five years set out in the *Action Plan for Official Languages* starting in fiscal year 2003-2004, over half or \$381.5 million was to be allocated to education, including \$209 million for federal/provincial/territorial agreements for minority-language education, \$137 million for federal/provincial/territorial agreements for second-language instruction, and \$35.5 million for summer bursary and second-language monitor programs. This funding was in addition to that already provided under regular programs.

There has been constant progress with respect to minority-language education, namely, funding for kindergarten to Grade 12 at English-language schools in Quebec and French-language schools elsewhere in Canada, but not because of the Action Plan. The Plan's significant investment in this area was offset by a nearly equivalent decrease in investment under regular programs. Hence this progress would in essence have been achieved even without the Action Plan.

The picture is very different for second-language instruction because funding for this purpose under regular programs was maintained, in addition to that provided under the Action Plan, doubling the total amount for this component of the program between 2002-2003 and 2006-2007.

B. Health

The second largest investment was for health, at \$119 million, and this was analysed in detail by the Committee. The results for networking and access to primary health care are convincing from every point of view. It is the Committee's opinion that the Government of Canada should provide strong support for the implementation of the projects identified as part of the *Préparer le terrain* initiatives. Under the training and retention of health professionals component, which received two thirds of the Action Plan's investment in this sector, the results also surpass expectations, but some matters remain unresolved, such as provincial and territorial involvement, the ambiguity of the federal government's role, and the lack of financial analysis. For these three components, the Société Santé en français, the Quebec Health and Social Services Network and the Consortium national de formation en santé have expressed great concern that the health investments might not be renewed upon the expiry of the Action Plan. For the networking and training and retention of health care professionals components, ongoing funding is provided beyond 2007-2008 through the contribution program to improve access to health services for official languages minority communities. If the amount allocated under Health Canada's Report on Plans and Priorities is indeed provided in fiscal year 2007-2008, the total expenditures under this program are expected to exceed the initial commitment by about \$3 million by the time the Action Plan expires. The Health minister, Tony Clement, has also announced that the primary care enhancement component will not be renewed in 2007-2008, after being extended for one year in 2006-2007. The \$4.5 million in funding announced in October 2007 is for the networking and training components but there is no indication whether this is new funding or to which period it applies.

C. Other Sectors

In the justice sector, the \$45.5 million investment obviously has little direct impact on the daily lives of community members, but representatives of the organizations that have benefited from it have acknowledged that it is justified and effective.

In the economic development sector, the Action Plan provided \$33 million in funding, under the direction of Industry Canada. The stakeholders did not directly address this aspect of the Action Plan, and it would make an interesting topic for a separate study by the Committee. However, the creation the Enabling Fund in 2005, with an investment of \$36 million over three years in addition to the Action Plan, was viewed extremely favourably. Economic development and employability networks and CEDECs in Quebec benefited a great deal from this fund, and expressed concern that this funding might not be renewed as of 2008-2009.

The "Support for Communities" component of the Action Plan was mentioned often during the Committee's meetings. This component received funding of \$33.5 million, including \$19 million for projects that foster community vitality. The remaining \$13.5 million was allocated to the agreements through which the federal government helps the

provinces and territories improve the services they offer in the minority language. Overall, this component of the Action Plan did not produce results for community development, primarily because the expected investments did not materialize. The Community Life component of Canadian Heritage's Official Languages Support Program is the only one whose budget has been cut since 2002-2003. The investments made under the Action Plan were almost completely offset by decreased spending under the Strategic Fund and decreased spending under the regular program of federal/provincial/ territorial agreements to improve services.

Moreover, the fact that the former Canada-community agreements were not renewed was often cited as a factor preventing community organizations from planning for the medium term. Without these agreements, funding is provided to organizations on an annual basis. In 2005-2006, the total amount provided to organizations was at the 2002-2003 level, after a decrease in the two intervening years. In other words, the community organizations, which are in charge of a great many initiatives under the Action Plan, have had to manage more projects despite a net reduction in their funding.

It was very clear to the Committee members that the vitality of official language minority communities depends upon support for community organizations. These organizations are very effective in identifying and implementing positive measures that are most likely to help the federal government fulfil its commitments under the *Official Languages Act*.

Another aspect of the Support for Communities component of the Action Plan was literacy programs and child care services. Community representatives were widely critical of the thorough reorganization of these programs. Their greatest concern relates to early childhood services, which are the communities' first priority for enhancing vitality. Many witnesses indicated that early childhood services are the real key to future community development and should be the cornerstone of the renewed *Action Plan for Official Languages*.

The last component of the Action Plan that the Committee examined is immigration. Despite a modest investment of \$9 million, the Committee members were of the opinion that special efforts should be made in this sector when the Action Plan is renewed. The measures announced were received very positively, but the results were felt in Manitoba only, primarily because of the sustained role played by the provincial government. In addition, the objectives of the Strategic Plan to Foster Immigration to Francophone Communities, unveiled in September 2006, are seen as very sound. This Strategic Plan is however based on data that are much too fragmentary, and its targeted results are much too confused to allow for any improvement. The communities certainly welcome the \$307-million investment announced for the reception and settlement of all newcomers to Canada, but it is impossible to know at this time how much of this money will go to minority communities.

D. Follow-up on the Action Plan

The report concludes that the *Action Plan for Official Languages* has been an asset for community vitality, but that its results have been well short of initial expectations, except in the health sector and, to a lesser degree, in justice and economic development.

Aside from these mixed results of the Action Plan, various other important aspects of community development were raised in considering the follow-up to be given to the Action Plan as of 2008-2009.

The first consideration is the renewal of the Action Plan itself. Various witnesses expressed concern that nothing had been done so far for its renewal, even though it expires. Moreover, various targets in the Plan, relating in particular to education, were based on the assumption that it would continue until 2012-2013. For these reasons, the Committee has also recommended that the Government of Canada immediately establish a high-level committee, comprising representatives from government, the communities, and the provinces and territories, to prepare the second phase of the *Action Plan for Official Languages* for inclusion in the 2008-2009 budget. The announcement of consultations headed up by former New Brunswick Premier Bernard Lord is certainly a favourable response to this Committee recommendation, but reservations were expressed by the current members of the Committee about the way the consultations were conducted.

Another consideration raised by the communities pertains to how the federal government should refocus its efforts in order to fulfil its obligation to support community development and promote linguistic duality. For Francophone communities, the key is parents' decision to enrol their children in French-language schools. It will be much easier for them to make this decision if preschool services are available, at a school-community centre for instance. This infrastructure should be supplemented by an awareness campaign targeted to Francophone parents regarding the benefits of enrolling their child in a French-language institution as the best guarantee of bilingualism, superior by far to immersion, and presenting such a decision as one that will enhance their child's career options.

For English speakers, efforts must be continued via a campaign to promote French to Anglophones, with special attention to those in Quebec who need additional support to learn French. Postsecondary institutions as well as the Office of the Commissioner of Official Languages could be called upon to join in this effort to promote linguistic duality.

For administrative reasons relating to the constitutional division of powers, it is often difficult to identify the appropriate source of funding for infrastructures that can enhance community vitality. The Committee members and the communities alike were in favour of creating an infrastructure fund in which the provinces and territories could participate.

On a related topic, it is clear that one of the best ways of monitoring the federal government's commitment to the communities would be to include a clause on linguistic communities in all agreements through which the federal government transfers money to the provincial and territorial governments.

Certain sectors that are essential to community vitality were not mentioned in the Action Plan, including the media and the arts and culture. These sectors foster and reflect community vitality. The community media were seen as a potential partner for the federal government that is underutilized. As for the arts and culture, they are directly linked to the strength of the community networks that support most of the initiatives in this sector.

Finally, the Committee's more detailed analysis of the health and immigration sectors revealed some significant gaps in the knowledge on which the Action Plan should be based. Some of these gaps have been addressed by the recent publication of Statistics Canada's post-census survey on the vitality of official language minority communities.¹⁴ However, the avenues opened up by the compilation of this data must be pursued by adding a "research" component to the Action Plan.

This evaluation of the *Action Plan for Official Languages* and the consideration of follow-up measures have served to identify the primary condition for the success of its renewal, namely, encouraging a comprehensive approach to fostering community vitality. Such a broad approach would in particular include:

- active involvement of the communities, provinces, territories and the federal government in the development, implementation and evaluation phases;
- flexibility in identifying the key sectors targeted, for which the amount of funding can vary according to the priorities set by the communities.

Some important aspects of the *Action Plan for Official Languages* were not addressed in this study of community vitality. The follow-up to this report is thus designed to address this gap and to provide, in a single document, an overview of the Committee's positions on all areas covered by the initial action plan. The following section pertains to the public service, a key element of the federal government's responsibility for promoting linguistic duality; the language industry, for which the Action Plan provided a strong impetus; and finally access to justice for official-language minority communities, a key component of the vitality of these communities that was not directly addressed in the Committee's last study.

14 Statistics Canada, Jean-Pierre Corbeil et al. *Minorities Speak Up: Results of the Survey on the Vitality of Official-Language Minorities*, 2007.

3. PUBLIC SERVICE, LANGUAGE INDUSTRY AND ACCESS TO JUSTICE

A. Public Service

The statement of the objectives of the *Action Plan for Official Languages* concerning the public service reads as follows: "The federal government cannot play a leadership role if it does not lead by example. The improvements sought will address the delivery of federal services to Canadians in both official languages, participation of English — and French-speaking Canadians in the federal government, and the use of both languages in the work place."¹⁵

Three institutions are mainly responsible for achieving these objectives: the Public Service Agency of Canada, the Public Service Commission, and the Canada School of Public Service.

Public Service Agency

On December 12, 2003, the Prime Minister announced the creation of the Public Service Human Resources Management Agency of Canada. It changed its name to the Public Service Agency of Canada in April 2007. That agency's mandate was to manage the application of the *Public Service Modernization Act*, which was passed in November 2003, "and to provide general direction and oversight to all institutions subject to the *Official Languages Act*."¹⁶

When the Agency was created, all the official languages responsibilities of the Treasury Board Secretariat, as codified in Part VIII of the *Official Languages Act*, were transferred to it. The new Agency, like the Treasury Board Secretariat before it, is responsible for the general direction and coordination of federal policies and programs relating to the implementation of provisions concerning language of service (Part IV), language of work (Part V) and the participation of English-speaking and French-speaking Canadians (Part VI) in all federal institutions other than the Senate, House of Commons and the Library of Parliament. In carrying out that mission, the Public Service Agency of Canada may:

15 "The Next Act: New Momentum for Canada's Linguistic Duality". The *Action Plan for Official Languages*, p. 9.

16 2004-2005 Estimates, Parts I and II, The Government Expenditure Plan and the Main Estimates, 22-15 (177) (http://www.tbs-sct.gc.ca/est-pre/20042005/002_e.pdf).

- a) establish policies, or recommend policies to the Governor in Council, to give effect to Parts IV, V and VI;
- b) recommend regulations to the Governor in Council to give effect to Parts IV, V and VI;
- c) issue directives to give effect to Parts IV, V and VI;
- d) monitor and audit federal institutions in respect of which it has responsibility for their compliance with policies, directives and regulations of Treasury Board or the Governor in Council relating to the official languages of Canada;
- e) evaluate the effectiveness and efficiency of policies and programs of federal institutions relating to the official languages of Canada;
- f) provide information to the public and to officers and employees of federal institutions relating to the policies and programs that give effect to Parts IV, V and VI; and
- g) delegate any of its powers under this section to the deputy heads or other administrative heads of other federal institutions.¹⁷

All federal institutions are subject to the official languages policies administered by the Agency. The Official Languages Policy Framework comprises four main policies which provide that all institutions are subject to the relevant sections of the *Official Languages Act*. In the past, some of these policies applied only to those institutions for which Treasury Board was the employer, excluding for instance Crown corporations, the Canadian Forces, the Royal Canadian Mounted Police, Air Canada and even Revenue Canada, who were nonetheless required to draw on those policies. A number of directives set out how these policies are to be implemented; although they are not compulsory, they serve as tools for their application.

The Agency therefore works with all federal institutions and actively offers its support in the implementation of their official languages programs. It is responsible for tabling an annual report in Parliament on the performance of official languages programs in the federal institutions concerned by its mission.

The Agency's annual budget was \$106.9 million in 2006-2007, including \$6.8 million for official languages.¹⁸ That budget will be cut by 36% from its 2006-2007 level to

17 Part VIII, Official Languages Act.

18 Public Service Human Resources Management Agency of Canada, *Report on Plans and Priorities 2006-2007*.

\$67.4 million in 2008-2009. That reduction appears to be related to the termination of the transitional measures that followed implementation of the new *Public Service Modernization Act*. However, it was impossible to determine whether it would affect the oversight and support role that the Agency performs for federal institutions as a whole.

Recommendation 1

That the Government of Canada ensure that the cuts to the Public Service Agency's budgets do not affect its ability to support the federal institutions in their implementation of the provisions of the *Official Languages Act*.

In September 2006, the government decided to terminate the Official Languages Innovation Program, for which the Agency was responsible, thus causing the Commissioner of Official Languages some concern. The *Action Plan for Official Languages* provided for \$14 million over five years for that program, but only three years had been funded, for a total of approximately \$6 million. The Commissioner wrote in his Annual Report 2006-2007:

While the Prime Minister and the Minister for Official Languages repeated their commitment to linguistic duality several times, the government has, in fact, directly undermined the Action Plan over the past year. By eliminating the Official Languages Innovation Fund, a key component of the Action Plan, the government has adversely affected the Plan's objectives. This Fund, as mentioned previously, financed projects aimed at improving the quality of services offered by the public service.¹⁹

Committee members acknowledge the possibility that the Action Plan's objectives may be achieved by other means, but regret the fact that the government did not provide any explanation for the cancellation of this program, the results of which had been very positive to date. Consequently, the Committee recommends:

Recommendation 2

That the government publicly state the reasons for the cancellation of the Official Languages Innovation Program in the public service.

Public Service Commission

The reorganization of the management of the public service pursuant to the passing of the *Public Service Modernization Act* in the fall of 2003 profoundly altered the Public Service Commission's mandate. The *Public Service Employment Act* was amended in the fall of 2003 further to the passing of the *Public Service Modernization Act*. The Commission's official mandate is similar, but it must now encourage the delegation of its

19 Office of the Commissioner of Official Languages, *Annual Report 2006-2007*, p. 14.

authorities to deputy heads of federal institutions. The Preamble of the new *Public Service Employment Act* states very clearly in this regard that:

authority to make appointments to and within the public service has been vested in the Public Service Commission, which can delegate this authority to deputy heads;

those to whom this appointment authority is delegated must exercise it within a framework that ensures that they are accountable for its proper use to the Commission, which in turn is accountable to Parliament;

delegation of staffing authority should be to as low a level as possible within the public service, and should afford public service managers the flexibility necessary to staff, to manage and to lead their personnel to achieve results for Canadians.²⁰

With this reorganization, the Commission also lost its responsibility for training public servants, including language training. This component was transferred to the School of Public Service, which began operations on April 1, 2004.

Further to these changes, the various official languages roles and responsibilities of the Public Service Commission fall under two components: the first describes the Commission's statutory obligations, that is, those conferred on it by the *Public Service Employment Act*, and the second includes those delegated to it by Treasury Board or that it shares with Treasury Board.

In this regard, the Commission carries on any activity related to the *Public Service Employment Act*, thus to the staffing process. In that capacity, it:

- a) regulates the staffing of positions, including bilingual positions;²¹
- b) administers and updates the provisions of the *Official Languages Exclusion Order*, as necessary;
- c) establishes and updates linguistic selection standards by determining to what levels "A" (Beginner), "B" (Intermediate) and "C" (Advanced) levels correspond;²²
- d) develops the language tests used to evaluate candidates' second language skills;

20 Public Service Employment Act, Preamble.

21 The departments are responsible for determining the language requirements of positions based on the criteria established by the Treasury Board.

22 The determination of the language levels required by positions is the responsibility of the Treasury Board, which delegates it to the departments.

- e) evaluates second-language skills, either directly or by delegation;
- f) develops and delivers training in the context of the evaluation examiners accreditation program;
- g) provides certain linguistic recourse mechanisms related to the staffing process for public service employees (linguistic review committees, appeals and investigations);
- h) verifies the use that the departments make of the statutory staffing powers that the Commission has delegated to deputy ministers, including the language aspect and the equitable participation of both language groups in the staffing process.

In the *Action Plan for Official Languages*, the government asked the Public Service Commission to favour the recruitment of candidates who are already bilingual (\$2.5 million); to provide better access to language courses early in the careers of public servants who are not already bilingual; and to intensify efforts relating to retaining and improving language skills (\$36.1 million). The last two aspects pertained directly to language training and were transferred to the School of Public Service as of April 1, 2004.

The Commission was however responsible for language training during the first fiscal year of the Action Plan.²³ For fiscal year 2003-2004, with investments under the Action Plan, total expenditures on language training increased to \$27 million from the \$17 million planned initially.²⁴

For fiscal years 2004-2005, 2005-2006 and 2006-2007, the responsibility and budgets for language training were transferred to the School of Public Service. In addition to investments of \$36.1 million over five years under the Action Plan, an additional \$12 million was allocated to the School of Public Service from 2005-2006 to 2006-2007 to reduce waiting lists for language training. This additional funding was not renewed for 2007-2008.²⁵ Total expenditures for language training, including regular funding and funding under the Action Plan, increased to \$29 million in 2005-2006 and then to \$31 million in 2006-2007.²⁶

With the redefinition of the mandate of the School of Public Service effective April 1, 2007, the school no longer offers language training directly; the departments are now responsible for it. The School will essentially serve a coordinating role. This

23 Public Service Commission, Departmental Performance Report 2003-2004, section 1.

24 Ibid, Table 2.

25 Canada School of Public Service, Report on Plans and Priorities 2007-2008, p. 30.

26 Canada School of Public Service, Departmental Performance Report, 2005-2006 and 2006-2007.

considerably reduced planned spending for language training for the last fiscal year of the Action Plan. For fiscal year 2007-2008, planned spending for language training fell to \$19 million from \$33.8 million in 2006-2007.²⁷ The government has not indicated how the funding for language training included in the Action Plan for fiscal year 2007-2008 will be reallocated.

The measures put in place appear to have achieved good results. Between 2002-2003 and 2006-2007, the number of non-imperative appointments fell sharply from 4,505 to 2,294. However, the proportion of public servants not meeting the language requirements of their positions at the time of appointment remained essentially unchanged at approximately 15%.

One of the most important factors in ensuring the provision of federal services in both official languages is ensuring that designated bilingual positions are in fact occupied by bilingual persons. In his Annual Report 2006-2007, the Commissioner of Official Languages expressed concern over the numerous cases of non-compliance. That finding was based on the data to March 31, 2005. The situation has completely changed since that time. In its 2006-2007 Annual Report, the Public Service Commission stated that it was "encouraged to note that in 2006-2007, organizations reduced the number of cases that do not respect the provisions of the Order when initial exemption periods have expired. There has also been a continued decrease in applications for extended exemptions for the Executive Group."²⁸ The number of non-compliant cases fell sharply from 892 in March 2005 to 320 in March 2006 and 218 in March 2007.²⁹

The imperative staffing of designated bilingual positions still raises questions about the balance that should be struck between the hiring of candidates who are already bilingual and the need to attract Canadians from all geographic origins to the public service. Sixty-eight percent of the some 70,000 bilingual positions in the public service are located in the National Capital Region, 20% in Quebec and 4% in New Brunswick.³⁰ Bilingualism in the public service is thus mainly an asset in those three regions. The Committee invites the government to consider offering training based more on immersion than on courses that do not allow the language to be used on an everyday basis. Francophones clearly benefit more from bilingual imperative staffing actions, which may give the impression that Francophones are privileged in the federal public service. That argument must be offset, however, by the virtual non-existence of unilingual Francophone candidates for the non-imperative staffing of bilingual positions and the very small number of unilingual Francophone positions outside Quebec. The New Brunswick example is eloquent in this regard, since half of the 6,000 federal public service positions in that province are designated bilingual. The remaining 3,000 positions are unilingual Anglophone. There are

27 Canada School of Public Service, Report on Plans and Priorities 2006-2007.

28 Public Service Commission, *Annual Report 2006-2007*, par. 1.50.

29 Ibid, Figure 5.

30 Canada Public Service Agency, Annual Report on Official Languages 2005-06, p. 90.

only 28 unilingual Anglophone positions in New Brunswick, despite the fact that one-third of the population is Francophone. In Quebec, one-third of positions are unilingual Francophone, even though the percentage of Francophones is greater than the percentage of Anglophones in New Brunswick, and two-thirds are bilingual. There are some 110 unilingual Anglophone positions in Quebec. Approximately 7% of bilingual positions in Quebec were occupied by Anglophones, and some 60% of bilingual positions in the National Capital Region were occupied by Francophones.

It is therefore clear that the percentage of Francophones occupying bilingual positions is distinctly greater than their demographic weight. According to the Public Service Commission, two-thirds of the 4,538 imperative appointments to bilingual positions went to Francophones in 2006-2007.³¹ Any raising of the bilingualism requirements in the public service thus constitutes an advantage for Francophones, since a greater percentage of Francophones are bilingual. Increasing the number of unilingual positions in the National Capital Region would have the effect of excluding Francophones since it is unrealistic to imagine that Francophones could work solely in French in the federal public administration in the NCR, whereas the equivalent opportunity exists for Anglophones, since virtually all Francophones working in the NCR are bilingual. The challenge is thus to attract more bilingual Anglophone candidates, which is only possible by increasing the number of bilingual Anglophones, especially outside Quebec and the NCR. The public service must set an example and carry the bilingualism torch across the country. In exchange, the Government of Canada must ensure that its federal administration, particularly in the NCR, is representative of the country's geographic diversity. The challenge is thus to maintain high bilingualism requirements in the public service while recruiting more bilingual Anglophones.

There are two ways to do this: hire Anglophones who are already bilingual and encourage Anglophone public servants to learn French. The first option involves relying on the education system, taking into account the fact that the Government of Canada has very little direct control over educational institutions. The second option consists in improving the quality of language training offered to federal employees, from the start of their careers, rather than when they reach higher positions and language requirements seem an additional burden or a de facto privilege granted to Francophones.

Committee members unanimously acknowledge the fundamental importance of the education system in promoting linguistic duality. The comments of the Commissioner of Official Languages in his appearance before the Committee reinforced the view of Committee members:

We need to increase awareness among Canadians, particularly parents, about the importance of learning a second language and of asking for stronger French programs in schools. Also, universities need to contribute by training bilingual graduates and providing options for students graduating from immersion programs. Young bilingual

31 Public Service Commission, *Annual Report 2006-2007*, Figure 9.

graduates need to see that there are real and numerous career opportunities that require their second official language.

... Bilingualism must be recognized as a key characteristic of leadership in the public service and a crucial element of renewal. The public service must recruit more bilingual employees and promote itself as an employer of choice for young Canadians across the country. Achieving this goal requires cooperation with the post secondary sector and it requires that we provide Canadians with fair and equitable access to quality second language training at all levels of the education system.³²

Where bilingualism is genuinely considered a professional asset in the school system, it is an undeniable advantage for students, as the Edmonton example shows:

Regarding the secondary and primary levels, I would like to point out the role played by the Edmonton Public Schools school board. It is really ahead of the other school boards in Canada. It offers quality programs. One of the results of this program is that the vast majority of the students studying at the St-Jean Campus, the Francophone campus of the University of Alberta, have followed an immersion program that enabled them to acquire the skills for doing their postsecondary studies in French, as well as the confidence that they will succeed.³³

The benefit of increased involvement by postsecondary institutions was reinforced by the testimony of one official from the Public Service Agency:

In terms of universities, we are the biggest employer in Canada and we hire the widest range, actually, of degrees in the country as an employer, so we have an enormous reach into the universities and colleges. I don't know of anything really formal, but I certainly know I've been on a panel myself where there has been a lot of the leaders of like the Masters of Public Administration programs, where we've just said that it would be really helpful if there were some offerings in French training as part of the programs. But in terms of anything formal, I can't comment on particular discussions that I'm aware of, beyond saying that it would make sense to be encouraging students, particularly in programs that tend to be feeders into the public service, such as public administration or the MBA.³⁴

Recommendation 3

That the Government of Canada, as the largest employer in Canada, examine, together with provincial and territorial governments and postsecondary institutions, the best ways to encourage postsecondary educational institutions to promote bilingualism among their students, particularly in the programs which train a lot of public servants, by setting language requirements for admission to their programs or as a

32 Mr. Graham Fraser, Commissioner of Official Languages, Evidence, January 31, 2008, 9:10 a.m.

33 Ibid, 9:20 a.m.

34 Ms. Karen Ellis (Senior Vice-President, Workforce and Work Place Renewal, Public Service Agency of Canada), Evidence, February 5, 2008, 1010.

condition of graduation, or by any other method they deem appropriate.

Recommendation 4

That the Government of Canada invite the heads of postsecondary institutions in Canada to engage in discussions with it and other interested stakeholders on how to meet the federal public service's need for qualified bilingual employees.

Recommendation 5

That the Government of Canada raise awareness of the language skills required in the federal public service.

The Commissioner of Official Languages also expressed reservations about the overall coherence of the language tests for which the Public Service Commission is responsible:

I would like to make a general comment about something of concern to me. I think there is a problem we must deal with. I'm sure there are some people in the public service who can communicate in the second official language, but who do not pass their test. There are others who do pass the test, but who cannot communicate in the other language. I do not know whether it is the work place environment that causes people who've had language training not to use their second language, or whether there is a difference between the two groups, because of the nature of the test. I do know that the Public Service Commission has just changed the test public servants have to take to determine their language skills.³⁵

Without prejudging the outcome of the introduction of this new test, the Committee recommends:

Recommendation 6

That the Public Service Commission provide the Committee with a presentation on the changes made to the language tests, and on the problems to which those changes should provide a response.

School of Public Service

The Government of Canada cannot rely solely on the education system to provide an adequate number of bilingual candidates from all regions of the country. That is why

35 Mr. Graham Fraser, Commissioner of Official Languages, Evidence, January 31, 2008, 9:25 a.m.

language training must compensate for the limits of the education system. Coordination of that training is the responsibility of the School of Public Service.

The Canada School of Public Service (the School), which was established on April 1, 2004, is the result of the merger of three institutions dedicated to learning in the public service: the Canadian Centre for Management Development (1991), Training and Development Canada (1990) and Language Training Canada (1964). In 2006-2007, the School's total budget was \$113 million, \$31 million of which was allocated to maintaining the bilingual capability of the federal public service, essentially through language training.³⁶

The limited accessibility of adequate language training is the cause of union disagreement over an excessive increase in the number of positions designated "bilingual imperative", requiring candidates to be bilingual when they are hired. The position of the Professional Institute of the Public Service of Canada is utterly clear on this point:

Until such time as the educational infrastructure of Canada supports proficiency in both languages by all students, the federal public service must continue to provide linguistic training. This training must be available as new hires enter the public service and be maintained and monitored throughout their careers.³⁷

The School of Public Service has not been responsible for the language training of federal public servants since April 1, 2007. Every department and agency is now responsible for hiring the resources it deems appropriate to offer language training to its employees. The \$30 million that the School received every year will therefore be absorbed by each of the departments that choose to send their employees on language training. This obligation may further reduce departments' interest in language training. The Committee therefore recommends:

Recommendation 7

That the Government of Canada establish sufficient funding for language training for every federal institution so that employees required or wishing to take language training in Canada may do so, in accordance with the Policy on Official Languages for Human Resources Management of the Canada Public Service Agency.

This decentralization of responsibilities may also make it difficult to gather information on the number of employees actually taking training, and on training outcomes based on the various learning methods and the various subcontractors. Good knowledge of outcomes based on the expenditures of each institution would also help encourage the adoption of best practices. For that reason, the Committee recommends:

36 Canada School of Public Service, *2006-2007 Performance Report*.

37 Professional Institute of the Public Service of Canada, Presentation to the House of Commons Standing Committee on Official Languages, February 2008, p. 2.

Recommendation 8

That the School of Public Service gather specific data, on an ongoing basis, on the number of federal employees who have received language training, on the outcome of that training for employees' skills and on the cost of training for each of the departments and institutions.

One of the main reasons advanced for subcontracting language training rather than centralizing it at the School of Public Service was the undue lengthening of the waiting list that followed the reduction in the number of non-imperative staffing actions. In other words, the waiting list grew when the government became stricter about the need for bilingual positions to be occupied by bilingual candidates.

The 2006-2007 Departmental Performance Report of the School of Public Service states: "The waiting list was reduced from more than 1,200 individuals in 2005-06 to 85 in 2006-07. This reduction is due to two factors: a moratorium imposed on the waiting list to provide a transition period towards the new model; and a training validation exercise that led to individuals being removed from the list due to a reassessment of their training requirements."

Committee members are obviously pleased with this impressive reduction in the waiting list, but would like to learn more about its actual causes. Knowing that demand for language training varied between 50 and 100 a month from 2002-2003 until the moratorium,³⁸ the Committee therefore recommends:

Recommendation 9

That the Government of Canada inform the Committee of the number of persons who were unable to receive language training as a result of the moratorium designed to allow the transition to the new service delivery model.

Recommendation 10

That the Government of Canada inform the Committee of the number of persons who were removed from the waiting list for language training as a result of the training validation exercise, and of the reasons for their removal.

38 Ms. Donna Achimov (Vice-President, Individual Learning, Canada School of Public Service), Evidence, February 5, 2008, 9:15 a.m.

The public service unions have expressed their concern about the decentralization of training responsibilities:

You may have noticed that, here in this region in particular, private language schools, which we don't think are of the same quality, are spreading like wildfire. We can't be assured of the same quality as that previously offered by the School of Public Service."³⁹

Suppliers appear to be making efforts, but it is impossible to assess the results of those efforts for the moment. However, promising initiatives were mentioned:

We're sitting down at the table together to find a supply method that would work for the public service, which is represented by the School and which also works for the private schools, to enable them to have a way of taking part in this need and also to have a way to validate the quality offered by the schools.⁴⁰

Recommendation 11

That the School of Public Service establish an evaluation system to ensure the quality of subcontractors providing language training to employees of the federal public service.

It appears that the best way to achieve these results would be, where possible, to replace two or three hours of training a week with an immersion program of several weeks in length similar to those offered by postsecondary institutions in the summer.

Recommendation 12

That the Canada Public Service Agency promote language training methods recognized as offering the best chances of success, particularly immersion over a number of weeks in an environment in Canada where the language learned is the majority language.

B. Language Industry

The *Action Plan for Official Languages* provided for a \$20 million budget over five years to support the Canadian language industry:

- \$10 million to fund the establishment and operation of the Research Centre for Language Technologies (RCLT);

39 Mr. Ed Cashman (Regional Executive Vice-President, Public Service Alliance of Canada), Evidence, February 7, 2008, 9:55 a.m.

40 Mr. Alain Chamsi (Chairman of the Board of Directors, Language Industry Association), Evidence, February 7, 2008, 10:50 a.m.

- \$9.3 million from Economic Development Canada and an additional \$5 million granted by the MDERR (Government of Quebec) were used to fund the construction of a new building on the campus of the Université du Québec en Outaouais (UQO). Since 2006, that building has housed the UQO Linguistics Department, the RCLT, the technolinguistic service of the Translation Bureau, AILIA and language industry start-up businesses. The purpose of this project is to establish a unique growth and expertise centre for the language industry;
- \$5 million to Industry Canada over a five-year period to promote the Canadian language industry in and outside Canada;
- \$2 million invested over a five-year period to fund the Language Industry Program (LIP). Direct funding will be granted to language industry businesses to assist them in their marketing and development projects;
- \$3 million paid over a five-year period to fund the Language Industry Association (AILIA). AILIA must be able to finance itself by the end of 2007-2008 fiscal year.

Committee members were convinced of the value of the initiatives presented by language industry representatives. However, the results of the 2006 formative evaluation leave some doubt as to whether support for this industry should be included in the Action Plan, since demand for linguistic products and services has not risen as anticipated when the Action Plan was launched:

However, the review team notes that the relationship between the LII and the Action Plan for Official Languages needs to be redefined. At first, the relevance of the LII as an element of the Plan was based in part on expectations of an increase in national demand for language products and services in the four sectors of the industry. The evaluation has shown that there is no formal data to support the Action Plan's effect on this demand. The review team also notes that the Initiative puts greater emphasis on the idea of multilingualism than on bilingualism, a central element of the Action Plan that includes development of the official language minority communities. Therefore the relevance of the LII in terms of the Action Plan could be affected.⁴¹

The investments the Committee would like to see in the renewal of the Action Plan will have to be more clearly in keeping with the plan's objectives, in particular the promotion of bilingualism in the public service, and should not serve solely to support the expansion of a promising industry.

41 Industry Canada, Formative Evaluation of the Language Industry Initiative, Final Report, May 2006, p. ii.

In addition, \$3 million in grants over five years from Industry Canada were to enable the Language Industry Association to become self-sufficient after the Action Plan expired. This \$600,000 a year represented virtually the entire budget of the organization in 2004-2005, and, excluding a non-recurring grant from Human Resources Development Canada, the situation was the same in 2006-2007. It would therefore be surprising if the association were able to achieve self-sufficiency without multi-year support from the federal government.

Regarding the Action Plan's investments that provided for the creation of the Language Technologies Research Centre (LTRC), the Rector of the Université du Québec en Outaouais recalled that:

The research centre is bound to become a world leader in the establishment of language technology R&D standards. Since its inception, however, the LTRC has not had the necessary funding to ensure its full emergence. (...) I think \$6 million a year would be one factor that would enable Canada to have the necessary strike force in research and development at the LTRC. Obviously, it is also extremely important that funding for the Language Industry Association be renewed, because it is these industries, those currently emerging that take the research centre's achievements and market them for Canada's benefit.⁴²

The Committee therefore recommends:

Recommendation 13

That the Government of Canada increase its financial support to the language industries in the the renewal of the Action Plan for Official Languages.

C. Access to Justice

A representative of the Department of Justice informed Committee members of the constructive achievements of the Access to Justice in Both Official Languages Support Fund. That fund derived considerable benefit from the \$18.5 million invested over five years under the *Action Plan for Official Languages*. A detailed evaluation of the Fund's results was published in May 2007, and Committee members would very much like to support its recommendations. The main findings of the evaluation were as follows:

Overall, activities funded by the Support Fund have contributed to improving access to justice services in both official languages by increasing the capacity of actors in the justice system to offer those services. The Support Fund has enabled associations of French-speaking jurists to carry out their mandate more effectively, contributed to the

42 Jean Vaillancourt (Rector, Université du Québec en Outaouais), Evidence, February 7, 2008, 9:40 and 9:55 am.

development of jurilinguistic tools and to professional development for legal professionals, and brought together a variety of stakeholders so that they could coordinate their efforts. As well, the leading stakeholders have been made aware of the needs that exist in relation to access to justice and have become involved in identifying and implementing activities in that regard.

However, because the Support Fund is limited to criminal law and matters under federal jurisdiction, many needs associated with access to justice in both official languages, such as those relating to family law, have still not been addressed. As well, the needs that are identified and that are dealt with by the Support Fund are ongoing and should be pursued. Furthermore, given the low visibility of the Support Fund in the Anglophone community in Quebec, the Support Fund's capacity to improve access to justice services in English for that community is limited.⁴³

Although there are improvements that could be made to the Support Fund, it does not seem that there are any alternatives that would be more effective and would cost less. The Support Fund is an effective and appropriate mechanism for meeting the needs identified.⁴⁴

Adopting the findings of that evaluation, the Committee recommends:

Recommendation 14

That the Government of Canada acknowledge the positive results of the Access to Justice in Both Official Languages Support Fund and grant it long-term support when the *Action Plan for Official Languages* is renewed.

Recommendation 15

That the Department of Justice promote greater involvement by Quebec's Anglophone community in measures designed to ensure better access to justice for the minority language communities.

43 Department of Justice, Access to Justice in Both Official Languages Support Fund Evaluation, Final Report, May 2007, pp. 41-42.

44 Ibid, p. 43.

Recommendation 16

That the Department of Justice consider the appropriateness of expanding the scope of the Access to Justice in Both Official Languages Support Fund to other areas of shared jurisdiction.

CONCLUSION

It remains generally very difficult to evaluate the actual impact of measures designed to improve the situation of the official languages in the public service. People readily mention momentum, awareness, a willingness to do things better or, on the other hand, exhaustion, a lack of coordination and so on. These are essentially subjective impressions, which may be entirely well founded and real, but which cannot replace a thorough evaluation comparing the situation at the time the Action Plan was introduced with what it will be at the time it expires, and how investments have contributed or not to achieving the desired results. The same observation was made in the May 2007 report regarding education and immigration measures. The Committee is of the view that a full evaluation of the Action Plan's impact is an essential condition for the success of the initiatives the government intends to bring forward for the Plan's renewal.

Recommendation 17

That the Government of Canada conduct a full and independent evaluation of the results achieved by each of the measures implemented under the *Action Plan for Official Languages*.

LIST OF RECOMMENDATIONS

Recommendation 1

That the Government of Canada ensure that the cuts to the Public Service Agency's budgets do not affect its ability to support the federal institutions in their implementation of the provisions of the *Official Languages Act*.

Recommendation 2

That the government publicly state the reasons for the cancellation of the Official Languages Innovation Program in the public service.

Recommendation 3

That the Government of Canada, as the largest employer in Canada, examine, together with provincial and territorial governments and postsecondary institutions, the best ways to encourage postsecondary educational institutions to promote bilingualism among their students, particularly in the programs which train a lot of public servants, by setting language requirements for admission to their programs or as a condition of graduation, or by any other method they deem appropriate.

Recommendation 4

That the Government of Canada invite the heads of postsecondary institutions in Canada to engage in discussions with it and other interested stakeholders on how to meet the federal public service's need for qualified bilingual employees.

Recommendation 5

That the Government of Canada raise awareness of the language skills required in the federal public service.

Recommendation 6

That the Public Service Commission provide the Committee with a presentation on the changes made to the language tests, and on the problems to which those changes should provide a response.

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That the Government of Canada establish sufficient funding for language training for every federal institution so that employees required or wishing to take language training in Canada may do so, in accordance with the Policy on Official Languages for Human Resources Management of the Canada Public Service Agency.

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That the School of Public Service gather specific data, on an ongoing basis, on the number of federal employees who have received language training, on the outcome of that training for employees' skills and on the cost of training for each of the departments and institutions.

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That the Government of Canada inform the Committee of the number of persons who were unable to receive language training as a result of the moratorium designed to allow the transition to the new service delivery model.

Recommendation 10

That the Government of Canada inform the Committee of the number of persons who were removed from the waiting list for language training as a result of the training validation exercise, and of the reasons for their removal.

Recommendation 11

That the School of Public Service establish an evaluation system to ensure the quality of subcontractors providing language training to employees of the federal public service.

Recommendation 12

That the Canada Public Service Agency promote language training methods recognized as offering the best chances of success, particularly immersion over a number of weeks in an environment in Canada where the language learned is the majority language.

Recommendation 13

That the Government of Canada increase its financial support to the language industries in the the renewal of the Action Plan for Official Languages.

Recommendation 14

That the Government of Canada acknowledge the positive results of the Access to Justice in Both Official Languages Support Fund and grant it long-term support when the *Action Plan for Official Languages* is renewed.

Recommendation 15

That the Department of Justice promote greater involvement by Quebec's Anglophone community in measures designed to ensure better access to justice for the minority language communities.

Recommendation 16

That the Department of Justice consider the appropriateness of expanding the scope of the Access to Justice in Both Official Languages Support Fund to other areas of shared jurisdiction.

Recommendation 17

That the Government of Canada conduct a full and independent evaluation of the results achieved by each of the measures implemented under the *Action Plan for Official Languages*.

APPENDIX A LIST OF WITNESSES

Organizations and Individuals	Date	Meeting
<p>Canada Public Service Agency</p> <p>Kelly Collins, Director General, Research, Strategic Planning and Policy Development</p> <p>Karen Ellis, Senior Vice-President, Workforce and Workplace Renewal</p>	2008/02/05	12
<p>Canada School of Public Service</p> <p>Donna Achimov, Vice-President, Individual Learning</p> <p>Sylvain Dufour, Director General, Language Training Center</p>	2008/02/05	12
<p>Department of Canadian Heritage</p> <p>Hubert Lussier, Director General, Official Languages Support Programs</p> <p>Bruce Manion, Assistant Deputy Minister, Planning and Corporate Affairs</p> <p>Jérôme Moisan, Senior Director, Official Languages Secretariat</p>	2008/01/29	10
<p>Department of Justice</p> <p>Andrée Duchesne, Senior Counsel and Manager, Francophonie, Justice in Official Languages and Legal Dualism</p>	2008/02/05	12
<p>Language Industry Association</p> <p>Alain Chamsi, Chairman of the Board of Directors</p> <p>Gonzalo Peralta, President</p>	2008/02/07	13
<p>Office of the Commissioner of Official Languages</p> <p>Graham Fraser, Commissioner of Official Languages</p> <p>Dominique Lemieux, Director General, Compliance Assurance Branch</p> <p>Catherine Scott, Director General, Policy and Communications Branch</p> <p>Johane Tremblay, Director, Legal Affairs Branch</p>	2008/01/31	11
<p>Professional Institute of the Public Service of Canada</p> <p>Michèle Demers, President</p>	2008/02/07	13
<p>Public Service Alliance of Canada</p> <p>Ed Cashman, Regional Executive Vice-President</p> <p>Andrée Côté, Womens' and Human Rights Officer</p>	2008/02/07	13

APPENDIX A LIST OF WITNESSES

Organizations and Individuals	Date	Meeting
Public Service Commission of Canada Henry Edwards, Director, Research and Development, Personnel Psychology Centre, Staffing and Assessment Services Branch Donald Lemaire, Vice-President, Staffing and Assessment Services Branch Edward Poznanski, Director General, Delegation, Policy Branch	2008/02/12	14
Université du Québec en Outaouais Jean Vaillancourt, Rector	2008/02/07	13

APPENDIX B LIST OF BRIEFS

Organizations

Canada School of Public Service

Department of Canadian Heritage

Language Industry Association

Professional Institute of the Public Service of Canada

Public Service Commission of Canada

MINUTES OF PROCEEDINGS

A copy of the relevant Minutes of Proceedings ([Meetings Nos.10 to 14 and 16 to 19](#)) is tabled.

Respectfully submitted,

Steven Blaney, MP
Chair

Supplementary Opinion

Bloc Québécois

First and foremost, the Bloc Québécois wants to thank all the witnesses who appeared before the Committee on Official Languages, both while it was on tour and at the hearings held in Ottawa.

Generally speaking, the Bloc Québécois supports the objectives of the present report and applauds the concern of all parliamentarians for the future of official-language minority communities in Canada, especially the French-language minority communities.

The situation of the anglophone minority in Quebec cannot and must not be compared to that of Canada's francophone communities, which face the danger of assimilation and where the use of French in the home has been eroding for years. Furthermore, Quebec's anglophone minority has become almost as large as all the francophone communities in Canada put together.

The challenges faced by these two communities are so completely different that it would be wrongheaded to formulate recommendations that try to ignore these differences. Among other things, Quebec's anglophone community can count on a complete educational network, including three universities; a network of health and social service institutions dedicated to them; and a wide choice of English-language television channels. Francophones in English Canada enjoy no such advantages. Indeed in our opinion the passing of Bill 101 in Quebec led to a special sensitivity there about the treatment of Quebec's linguistic minority. It was agreed that the public language was French but that the rights of the anglophone minority would be respected and protected. Canada's francophone communities face far more daunting challenges.

The lessons of the last census

The data from the last census are especially revealing in this regard. In Canada's provinces, not including Quebec, the number of people claiming French as the language of use in the home is much lower than the number of people claiming French as their mother tongue. This discrepancy results from language transfers by francophones who use English in the home rather than French, as well as from the lukewarm appeal that French makes to immigrants.

According to the 2006 Census, 4.1% of the population outside Quebec has French as its mother tongue, a drop from 2001 (4.4%). This is a trend that has been continuing for over 50 years. There are 975,000 francophones in English Canada, compared with 980,000 in 2001, a decrease that is in the main the result of migration in and out of Quebec. The proportion of people who tend to use French most in the home also fell, dropping from 2.7% in 2001 to 2.5% in 2006. The number of people who speak French

most often at home is lower than the number with French as a mother tongue by almost 400,000.

These observations contrast with the vitality of the anglophone community in Quebec. They illustrate what the Bloc Québécois has been arguing for a long time: a genuine Action Plan for Official Languages must focus strictly on helping the francophone minority communities.

Respect for the *Charte de la langue française*

It is impossible to work actively to enhance the place of French in Canada without also reaffirming the place of French in Quebec. The Bloc Québécois considers that the government must withdraw from the area of language policy in Quebec, by undertaking to respect the *Charte de la langue française*; hence Bill C-482. Quebec has effective and progressive legislation on language that the rest of Canada does not seem to understand, as philosopher Charles Taylor pointed out some years ago:

[TRANSLATION]

Quebec has a feeling of national identity that is very strong but also very disconcerting for most North American anglophones: a feeling of national identity tied to a national language, and what is more a threatened language. Because of this threat, preserving their language will always be one of the main goals of francophone Canadians. This means that a great deal of importance will always be placed on language as a means of expression in all the activities that define a modern civilization: politics, technology, the arts, economic management, means of communication, and so forth.

In the rest of Canada, language does not play this role, and people find it odd that there is so much discussion and legislation about it in Quebec. Because English is now practically the dominant global language, it is hard for those who speak it to understand the feelings of those who see their own language threatened. Instead of considering their language as an indispensable vehicle for self-expression and realization, anglophone North Americans see it simply as a way to communicate. This attitude is reinforced by the fact that English Canada and the United States are societies built on immigration, which have welcomed and integrated into the dominant culture a host of immigrants with very different cultures and languages.¹

The Bloc Québécois considers that Quebec's approach is doing more to strengthen French on Canadian territory than any federal Action Plan for Official Languages. In the

¹ *Le Québec. Quel Québec ? Dialogues avec Charles Taylor, Claude Ryan et quelques autres sur le libéralisme et le nationalisme québécois.* (2001)

circumstances, the Bloc Québécois intends at every opportunity to go on recalling two simple and fundamental principles:

The anglophone community in Quebec is not threatened, and the *Charte de la langue française* gives it adequate protection.

The Action Plan on Official Languages must not clash with Quebec's language policy.

We will thus take every opportunity that this Committee affords to reiterate our demand that the federal government and its Crown corporations comply with the *Charte de la langue française* on Quebec territory.

