



House of Commons
CANADA

Standing Committee on Official Languages

LANG • NUMBER 028 • 1st SESSION • 39th PARLIAMENT

EVIDENCE

Thursday, November 23, 2006

Chair

Mr. Guy Lauzon

Also available on the Parliament of Canada Web Site at the following address:

<http://www.parl.gc.ca>

Standing Committee on Official Languages

Thursday, November 23, 2006

• (0905)

[Translation]

The Chair (Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC)): I would like to extend a welcome to all our members, all our committee members and our guests. It is a pleasure to have Mr. Graham Fraser and his assistants with us here this morning.

I would invite you to begin your presentation, Mr. Fraser, and then we will go to questions; you will have approximately 10 minutes at your disposal. We would like to conclude at approximately 10:30.

Mr. Graham Fraser (Commissioner of Official Languages, Office of the Commissioner of Official Languages): Thank you very much, Mr. Chairman.

The Chair: I apologize. Mr. Godin, the floor is yours.

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

At the last meeting, I had asked for some clarification about the report to be submitted to the House of Commons. It's as though we were now studying the minister's report, when in fact he did not respond by submitting a report but rather by tabling a bill. Is that correct?

The Chair: No, there was a written response.

Mr. Yvon Godin: I would like to get a clear idea about where we are heading. I asked if there had been a report, because it is as if there were no report from the minister. We are in the process of studying a report that does not exist. We are, in fact, reviewing a bill. In addition, we are inviting witnesses without telling them why they are coming here. I would like some clarification, please. Thank you.

The Chair: Mr. Godin, the analyst has just told me that there is a written report.

Let us begin by hearing from Mr. Fraser, and then we can discuss the matter afterward.

Mr. Yvon Godin: We will work on the report.

The Chair: I apologize, Mr. Fraser. Please begin.

Mr. Graham Fraser: Thank you, Mr. Chairman.

[English]

Good morning, ladies and gentlemen, members of the House of Commons Standing Committee on Official Languages.

I am pleased to stand before you for the first time as Commissioner of Official Languages.

[Translation]

Thank you for the opportunity to come speak to you about Bill C-29, An Act to amend the Air Canada Public Participation Act.

The Air Canada situation generated a great deal of interest among many Canadians, including my predecessors, and more specifically, Ms. Adam. During the review of Bill C-47, Ms. Adam raised concerns about the effects that Air Canada's latest restructuring would have on the language rights of the travelling public and of the airline's employees. As you know, that bill died on the *Order Paper*.

Today, the new Bill C-29 is the issue at hand. I am pleased to see that Bill C-29 restates the context of Bill C-47 and improves on certain elements, taking into account many of the recommendations made by your committee and by Commissioner Adam.

However, I am worried about how it will affect the linguistic rights of the travelling public and the right of employees of Air Canada to work in their language within the new entities of the Air Canada family. Transport Minister Lawrence Cannon told you that this bill would require Air Canada's former internal divisions, which fall under federal jurisdiction, to once again comply with the official languages obligations to which they were subject prior to restructuring.

Despite this clarification, I am concerned because I wonder whether or not the travelling public and Air Canada employees will truly continue to enjoy the same rights that they had before the company restructured.

[English]

As you know, Air Canada has undergone major changes since privatizing in 1988. Also, it acquired the Canadian Airlines Corporation and undertook a vast restructuring of that company. The government then amended the Air Canada Public Participation Act to clarify Air Canada's obligations with respect to the travelling public.

In the fall of 2004, the company underwent another restructuring. New corporate entities, such as Air Canada Ground Handling Services, Air Canada Technical Services, Air Canada Cargo, and Air Canada Online were created. These entities were not subject to the Air Canada Public Participation Act or the Official Languages Act. Bill C-47 was tabled in 2005 to fill this regulatory gap.

During the review of Bill C-47, Commissioner Adam went before the Standing Committee on Transport to draw attention to the importance of protecting the right of Canadians to be served in both official languages by Air Canada and its new entities. Her main concern was the remaining uncertainty about the application of the Official Languages Act to Air Canada's former divisions, which were not clearly named in the bill.

● (0910)

[Translation]

We are now reviewing Bill C-29, which attempts to clear up the ambiguity of Bill C-47. To some extent, the government has followed my predecessor's recommendation.

Bill C-29 does not explicitly state which entities would be subject to the Official Languages Act, with the exception of Jazz; however, it gives the governor in council the authority to designate, by regulation, the entities that will be subject to the Official Languages Act. This will allow a great deal of flexibility.

However, we have no guarantee that such a regulation would be passed with the coming into force of the new act, since Bill C-29 does not specify a timeline in that regard. This shortcoming needs to be addressed because without a regulation, the ambiguity regarding the application of the Official Languages Act to the new ACE entities would remain unresolved.

[English]

In my view, the Air Canada group entities that should be designated by regulation pursuant to proposed new subsection 10.2 (2), based on Air Canada's current structure, are Ground Handling Services, Technical Services, Cargo, and Air Canada Online.

At his appearance on November 2, 2006, Minister Lawrence Cannon stated that in his opinion Air Canada Online did not fall within the legislative authority of Parliament. I do not share that view. Air Canada Online essentially sells tickets to travellers wishing to use the services of Air Canada or Jazz. Like Ground Handling Services' activities, which consist of registering passengers and their luggage, ticket vending is essential to the operations of both air carriers. For that reason, I believe that Air Canada Online falls within the legislative authority of Parliament with regard to aeronautics and must be designated in the regulations as an entity subject to the Official Languages Act.

To emphasize the effect of Bill C-29, I refer you to the table enclosed with my speech. We used an organizational chart developed by Air Canada as part of its restructuring in 2004 and included the possible effects of the bill. The colour coding indicates the entities that are clearly subject to the Official Languages Act, or parts of it, and those that could be.

With respect to Jazz, the bill clearly states that the company will only be subject to part IV of the Official Languages Act. It will, therefore, be required to uphold the linguistic rights of the travelling public.

[Translation]

The fact that Jazz has no linguistic obligations to its employees is also of concern to me.

The restructuring of Air Canada has considerably changed the airline landscape. From now on, Jazz will service a growing number of routes that used to be operated by Air Canada, which has closed points of service in many cities, such as Moncton, Fredericton, Saint John and Quebec. A substantial number of Air Canada employees now work for Jazz, which enables the company to offer the new routes. It is important to point out that the linguistic rights of Jazz employees are no longer protected.

Indeed, Bill C-29 does not impose any obligations on Jazz with regard to language of work. This aspect of Bill C-29 must be reviewed carefully. You will recall that the aim of the bill is to maintain the linguistic rights of Air Canada employees. That goal is met in part by the fact that the Ground Handling Services, Technical Services and Cargo will be subject to the Official Languages Act in its entirety. Bill C-29 should not allow Air Canada to sidestep its linguistic obligations to employees by permitting Jazz to operate an increasing number of its routes.

One way to remedy the problem would be to subject Jazz to Part IV and V of the Official Languages Act.

[English]

I'd like to make a final point in closing. During his appearance three weeks ago, Minister Cannon made reference to a low number of complaints against Air Canada. I believe that the rights of travellers are very important and should not be minimized by figures. The number of complaints lodged creates a false impression that things are obviously improving. It may simply be that Canadians, after many failed attempts, are not making as many formal complaints as before.

However, the number of complaints filed cannot be used to justify non-compliance with the law. Francophones across the country are entitled to respect when they conduct business with Air Canada, its subsidiaries, and its entities. A restructuring, even a major one, should not deprive the public and employees of their rights.

● (0915)

[Translation]

Ladies and gentlemen, I am now prepared to answer your questions.

The Chair: Thank you, Mr. Fraser, and thank you also for being brief.

We will begin our first seven-minute round with Mr. D'Amours.

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

Mr. Fraser, thank you for coming here.

We are pleased to welcome you here once again, but today we do so in a more official manner.

I would also like to thank you for your comments. My comments will focus on two aspects of the Air Canada situation. These are matters that I raised with Minister Cannon when he appeared before us. I am sure that you have read the comments made on that day.

Mr. Commissioner, I told the minister that it appeared contradictory, in my view, to come forward with legislation, which is nonetheless necessary, when in fact the government advertising appearing in the October 2006 edition of *enRoute*, Air Canada's in-flight magazine, is not bilingual.

Everything that Air Canada publishes within this magazine is bilingual, and here I refer to the articles and everything else. It is incredible. This publication demonstrates tremendous respect for linguistic duality. But on page 87, much to our great surprise, the Government of Canada has some unilingual English advertising in the same magazine. This is contradictory. I would like to hear your comments on the matter.

It is somewhat of a contradiction to tell Air Canada that the government will be implementing certain mechanisms to ensure that the company provides French services to francophones, and then the francophone traveller who flips through the *enRoute* magazine finds government advertising where the only bilingual aspect is the wording *Gouvernement du Canada*, printed beside Government of Canada.

I would like to hear your views on the matter. I have a second question that I would like to ask you later.

M. Graham Fraser: Was it "*The New Government of Canada*"?

Mr. Jean-Claude D'Amours:

No, it was not "*The New Government of Canada*".

Mr. Graham Fraser: I think that it is essential that the federal government respect not only the letter but also the spirit of the Official Languages Act. We have, in fact, dealt with complaints about advertising in publications, where the government did not run the same ad in the minority language.

It is also important that government advertising be bilingual in publications that are aimed at all Canadians. It should be pointed out that the *enRoute* magazine makes a tremendous effort to ensure that all of its texts are meticulously translated.

I think that its editorial production is a model of linguistic duality and I feel it is unfortunate that the federal government does not follow the example set by this publication.

Mr. Jean-Claude D'Amours: Thank you. I'm really pleased to hear your comments. In my opinion, it was extremely ironic to see that the magazine was published the very month where we began reviewing a bill about Air Canada and official languages. It was quite ironic. The government is delivering a very confusing message. On the one hand, it is trying to deliver a certain message and, on the other hand, it doesn't apply its own guidelines.

Essentially, I'm wondering what the government is trying to say. It could be: "Do as we say but not as we do". With this government, this is a real problem in the country.

That being said, I would like to focus on Air Canada's online services, another matter that I raised. I am pleased to hear that you do not share the minister's view. I do not share his view either, and perhaps he needs to gain greater insight into the reality that exists in certain regions of the country.

I come from northern New Brunswick, where there are airports but they are not served by Air Canada. Some of these airports are served by Air Canada Jazz. If I need to travel, there is service in Bathurst, and, further away, in Moncton.

If I am a unilingual francophone and I cannot read, write, or understand English and I'm leaving from the International Airport of Greater Moncton, I have to purchase my ticket in advance. With the changes made to the reservation service, this is not so easy anymore. We used to be able to purchase tickets through travel agencies. By implementing certain changes, Air Canada encouraged its clients to purchase their tickets online rather than go through an agency.

Online services are all well and good; however, if one day this becomes the only way for someone in my neck of the woods to purchase a ticket, and this person is not able to understand or read English, we have a serious problem.

●(0920)

Mr. Graham Fraser: I would add the following to your comment: increasingly, we have to pay a premium if we want to deal with a human being in order to purchase a ticket.

Sometimes, if we are experiencing computer or access problems, we decide that, instead of waiting and trying to find another way to have access to the service, we will pay a premium of \$25 or \$35, because we're in a hurry, in order to be able to deal with a human being.

If the online service is not compelled to provide service to the public in both official languages, we will wind up in a situation where the citizen will have to pay a premium to ensure that language rights are respected. I feel that this goes against the very spirit and letter of the Official Languages Act.

From month to month, and certainly from year to year, online services are becoming more important not only for the consumer but also for the citizen. It is becoming "artificial", to a certain extent, to separate the company's obligations from the service through which the citizen or consumer could deal directly with a clerk.

The Chair: Thank you, Mr. Fraser.

I would ask Ms. Barbot to ask the second question.

Mrs. Vivian Barbot (Papineau, BQ): Thank you, Mr. Chairman.

Good morning, and thank you for coming here.

This is the first opportunity I've had to welcome you in your capacity as the Commissioner of Official Languages. This is no doubt the first of many meetings of this nature.

Your presentation has the advantage of being very clear and it really answers the questions that we have been asking ourselves regarding the real impact of this legislation, if it is adopted as it is drafted.

We talk about the fact that the francophone client should be served in French wherever he goes. Unfortunately, there are so many holes in the system that this is not happening. He can't buy his tickets in French if he lives in a province where there are few francophones. In my opinion, we have to go back to the meaning of the act.

Given the difficulty in accepting this particularity, do you not think that it's about time that we had legislation that all air carriers were subject to with respect to official languages? Given how important this aspect is for Canadians and francophones—the ability to travel has become essential—would this not be one way to deal with this?

Air Canada told our committee that bilingualism is too expensive, that it is prepared to do what is necessary, but that the competition is much too strong and that it can't make ends meet. Basically, this is one of the reasons they give us for these shortcomings.

Since we are drafting a bill to protect francophones and ensure that they are provided with adequate services, would this not be the time to make this apply to the entire industry?

Mr. Graham Fraser: It must be said that there are very specific reasons for the obligations imposed on Air Canada. This was a national airline company created by the government with taxpayers' money.

So, on the one hand, we have a national symbol, with all that that entails. On the other hand, we have an airline industry that is becoming increasingly more diversified. Moreover, I do not think that we can impose all of these obligations regarding the right to work in French on an airline company based in Calgary, for example.

In my opinion, imposing each and every aspect of this legislation on all carriers would have a significant impact going well beyond the intent to protect the rights of the travelling public and Air Canada employees.

I do have some concerns with respect to the transactions and transfers of employees from Air Canada to Air Canada Jazz. These are employees, in Montreal, Moncton and in Saint John, who work in francophone communities. Consequently, I don't see how I could say to other companies, which have other traditions with respect to their workers...

I think that we have to deal with the reality of the company and the rights of its workers.

• (0925)

Mrs. Vivian Barbot: They clearly told us that they had agreed to these conditions, which had been imposed on them when the contract was signed, but that this was a heavy burden for them and that they were not competitive.

This is why we were wondering what we could do to ensure that there is some type of fairness. Nevertheless, I do understand what you are saying at present.

Ms. Paule Brunelle (Trois-Rivières, BQ): Good morning, Mr. Fraser, and good morning to everyone.

I too noted how your former career as a journalist has enabled you to be brief and precise. This is most appreciated, because being brief is very difficult.

Mr. Graham Fraser: I have very good people around me and I am well supported.

Ms. Paule Brunelle: No doubt.

I'll tell you what bothers me a little bit. We met people from Air Canada and we note that, in the name of profitability, everything

seems to be getting smaller in the planes, even leg space. I bless my parents for making me small. The food portions are getting smaller, and if we want to drink something, we have to pay. All of the money is being used to purchase gas for the planes, and there certainly isn't very much left over for anything else.

We are also noticing that the space for French is shrinking, unfortunately. This is worrisome to us. We were told that the mergers and the acquisition of Canadian Airlines by Air Canada had made it difficult to hire bilingual employees, that as a result people had to be transferred from one region to the other, which was not something that people wanted. Moreover, we were told not to ask for so much French, because this would result in poor people losing their jobs. In actual fact, we were not told this, but that is what I was able to deduce from this.

I wonder what you think about this. Are these difficulties truly real? These people also told us that, as a result of the numerous difficulties they had to ask for government subsidies for assistance. That surprised me somewhat.

M. Graham Fraser: Even before I held my current position, I was always a client of Air Canada. I was sometimes surprised by the quality of service in both languages. Other clients have had unfortunate experiences. I think that many Air Canada employees make significant efforts.

As regards the grants, this is more of an issue for the Standing Committee on Transport. Nevertheless, one thing is important: because of the very nature of the act and because of the government's limited authority, we are forced to adopt a regulatory approach and the commissioner has to play the role of ombudsman.

• (0930)

The Chair: I apologize, Mr. Fraser, but the seven minutes are up.

M. Graham Fraser: Greeting services are important. Greetings must be made in both official languages, because this is a right of the travelling public and it is very important.

The Chair: Before asking Mr. Godin to ask his question, I must point out that the people from Air Canada appeared in camera. We should not be discussing matters that occurred in camera. Thank you.

Mr. Godin.

Mr. Yvon Godin: On a point of order when will the in camera restriction be lifted?

The Chair: Tomorrow. Air Canada requested that the in camera restriction be kept until tomorrow.

Mr. Yvon Godin: All right, thank you.

The Clerk of the Committee (Ms. Danielle Bélisle): You have to pass a motion to have this in camera restriction lifted.

Mr. Yvon Godin: All right, that is what I wanted to know. Thank you. Now we can begin.

First of all, I would like to welcome you. I hope that I did not cause some confusion at the start by my point of order. I am confused and I believe that some of my colleagues are as well.

I will explain what happened. The minister's report states that he will be sending the bill to committee. I am not interested in reviewing a report saying that the minister will send us a bill. If he sends us a bill, I will want to study the bill. That is why I am confused.

Perhaps not everyone is confused, but I must admit that I am. Indeed, we are discussing a bill now, and that does not bother me. However, the bill hasn't been sent to us yet, and we are not authorized to discuss it until it has gone through second reading. The bill has not yet been sent to the committee. I hate having to use my seven minutes to explain all of this to the audience and to the committee, but I find this unfortunate.

Let's go back to Air Canada Jazz. Yes, it's true. The problem with Air Canada Jazz is that, when Air Canada purchased this company, which used to be called Air Nova, it withdrew from certain regions in Canada and stopped serving locations such as Moncton. Now it has to be fully responsible for the region.

In my opinion, it would be unfortunate if the language of work were not included in the legislation, or if the equitable participation of francophones and anglophones were not included either, or the development of official language communities. It is important that the legislation reflect all of that. Air Canada cannot use the back door to do something that it is not allowed to do through the front door.

Mr. Graham Fraser: That is a point that I was trying to explain in my presentation. Indeed, it is troubling when, in such cases of property transfers, employees who continue going to the same place of work, continue to do what they used to do, who play exactly the same role, suddenly, because of such a transaction, lose their language rights.

Given that we have oversight responsibilities because of Air Canada's history, it is vital that we ensure the protection of these rights.

Mr. Yvon Godin: Yes, exactly. Otherwise, we are opening the door for Air Canada—should it experience any problems in a given location, it could change the company name or purchase a company in this location, withdraw and leave it up to the company to do the work, so that it would no longer be obliged to respect official languages. That is why I told you that it is using the back door to do what it cannot do through the front door. We must protect these rights.

Furthermore, there is the online service. It doesn't make sense that we can purchase a ticket at the counter, where service is provided in both languages, as provided for by law, and that the service is not provided in both official languages if we use the online service. Once again, the company is using the back door to get what it cannot get through the front door. The company is taking advantage of new technology to do this, and that is totally unacceptable.

Let's look at Aeroplan, for instance. Excuse me, Aeroplan is not used to travel with WestJet, it's for travelling with Air Canada!

Thank you for giving this example of the \$25-premium. That is exactly what is happening: people who want to be served in their language will have to pay, and those who want to get faster service will simply have to press on the button to get what they want.

●(0935)

Mr. Graham Fraser: You are raising quite an important point that warrants further explanation.

Commissioner Adam has written reports on the use of French over the Internet. That made me think. Indeed, to a certain extent, online services constitute a very good opportunity for francophones in Canada to have access to information in their language. Often, these are opportunities for francophones in minority situations to have access to distance learning, obtain services, gain additional access that they don't necessarily have in their remote communities. So Internet expands access.

If we were to provide an exemption for online services, it would be paradoxical. In my opinion, that would limit the opportunities for minority communities, rather than develop them, because, as far as these communities are concerned, Internet represents a very powerful instrument.

Mr. Yvon Godin: You were telling us, Mr. Fraser—and you're the one saying this, not me—that it is Aeroplan, Air Canada Vacations and Air Canada online services. Where should they be?

Mr. Graham Fraser: I do not want to say too much about the limitations. I will ask Ms. Tremblay to provide a little bit of explanation regarding the limitations.

Mrs. Johane Tremblay (Director, Legal Affairs Branch, Office of the Commissioner of Official Languages): As far as Aeroplan and Air Canada Vacations are concerned, Parliament's jurisdiction regarding the application of the Official Languages Act of Canada does pose a problem. Because of their activities, these companies fall more under provincial jurisdiction, and that creates a limitation that needs to be taken into account. With respect to Air Canada's online services, the Office of the Commissioner is of the opinion that legislating on official languages falls under parliamentary jurisdiction. However, for the other two entities—

Mr. Yvon Godin: But my question—

The Chair: It's already finished.

Mr. Yvon Godin: I must be working in metric. It goes fast.

The Chair: Mr. Lemieux will ask the next question.

Mr. Pierre Lemieux (Glengarry—Prescott—Russell, CPC): Good morning, and thank you for your second appearance here before our committee.

During your first appearance before us, you stated that your role was part cheerleader, part nag. I think that you can play a positive role in the case of Air Canada.

Can you explain your strategy to be a cheerleader in promoting official languages at Air Canada?

Mr. Graham Fraser: That's a very good question. I must say that I've been on this job for five weeks and I'm still in learning mode. I don't have as specific an answer as I would have liked to have given you on this particular issue, but I think that it is important to establish positive links, to explore how a company like Air Canada can play a role and how we can create a new positive relationship.

Indeed, there are certain gestures being made by Air Canada. I pointed to the role of *enRoute* magazine, which as I said, rigorously respects linguistic duality. There is also the greeting of passengers, which is a very important issue. I will ask Renald Dussault to add his comments.

Mr. Renald Dussault (Assistant Commissioner, Compliance Assurance Branch, Office of the Commissioner of Official Languages): I'd simply like to add that over the years, and certainly more recently, we've established many working relationships with Air Canada with a view to resolving complaints. For example, we've met regularly with vice-presidents of Air Canada to determine how we could work together to solve complaints and at the same time help them improve the quality of service.

The commissioner will probably want to establish these types of relationships himself. I simply wanted to say that there is already a working relationship between the Office of the Commissioner of Official Languages and the people from Air Canada with a view to helping them on this issue.

● (0940)

Mr. Pierre Lemieux: You talked about complaints. A company has to have goals, and time and effort are needed to achieve those goals.

The number of complaints is no longer as important a criterion for evaluation as it used to be. There will always be exceptions. Anywhere you go, you always find exceptions to the rule. I'd like to know what your specific criteria are to evaluate progress at Air Canada. Complaints are one way to evaluate progress, but not the only one. I'd like to know what your other criteria are.

Mr. Graham Fraser: At the Office of the Commissioner of Official Languages, employees use Air Canada and travel a lot. We've asked all the employees, during their travel, to do a personal evaluation. It's not a matter of acting as investigators but just as ordinary travellers.

I really can't tell you the results of this evaluation. However, I can tell you that the evaluation of the quality of greeting and services in both official languages can be done in a more official way or in a more familiar way. We use several methods, including a more familiar approach.

Mr. Pierre Lemieux: It's always easy to point out deficiencies, but it's more difficult to assess progress and determine in what sectors that progress occurs. Complaints are one tool, but you said there were others. Therefore, you've made the criterion less specific. That's why I'd like to know—

Mr. Graham Fraser: Mr. Dussault has just explained that we established a working relationship with Air Canada to discuss these issues. There is the official evaluation of complaints, and, as I've just said, a less official evaluation when employees travel by Air Canada. I think that this is in a way a holistic approach that enables us to assess the linguistic environment for the travelling public.

Mr. Renald Dussault: The observations that the commissioner is referring to are of course based on a number of criteria. We verify the reaction of the company and its employees in terms of an active offer of services and other factors of that nature.

We reported the results of our observations to company representatives. We meet with them systematically. Last time was last June. We discussed the preliminary report on our observations. We told them that our observations seem to indicate that Air Canada had lost some ground during its restructuring period. We are in a position to discuss exactly that type of issue with Air Canada.

Le président: Thank you, Mr. Dussault and Mr. Lemieux.

Mr. Simard.

● (0945)

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

I wish to welcome the commissioner and the members of his team.

First of all, if I've understood correctly, employees will be allowed to choose the language of work that suits them. Back home in Manitoba, when we established the first bilingual service centres, if we hadn't insisted on French as a language of work, English would have superceded French. That's normal: that's what happens in 90% of cases.

You also said earlier that Air Canada Jazz had no linguistic obligations. As a general rule, that company serves small communities. Indeed, Air Canada itself covers Montreal, Toronto and the major centres. In places like Moncton, Winnipeg and Northern Ontario, which are served by Air Canada Jazz, francophones represent 4% and in some case of the population. These people already face major challenges in obtaining French services. It's therefore very ironic that there is no obligation imposed on Air Canada Jazz when it comes to language; it should be the reverse.

In any case, if you have time, I'd like you to tell me what you think of this notion that other airlines should be subjected to the Official Languages Act.

Thank you.

Mr. Graham Fraser: You raised a very good point regarding the language of work, especially in technological areas. That's always a challenge. In my opinion, it's particularly important that these employees don't lose the right to work in French in workshops or other Air Canada work places which, because of restructuring, belong to Jazz. It's important that that right be underscored and maintained.

You are indeed right. According to my understanding of the restructuring, Air Canada serves the major national and international routes, and Jazz is the link between more isolated places or communities that have more difficulty, as you said. I believe that the company has an important role to play in those communities.

With regard to other airlines, I've answered in part by telling Ms. Barbot that in some places in Canada, there was no opportunity to work in French, even within the federal government.

For example, if we were to impose all the provisions of the Official Languages Act on a company based in Calgary, that would mean that company would have significant recruitment problems. I don't think we should necessarily take for granted that by imposing rules in situations where there's no natural link with an existing community, we will necessarily contribute to respect for both official languages.

In my opinion, if we don't take into account the fact that there are unilingual communities in this country, we run the risk of having more problems than solutions.

Hon. Raymond Simard: Mr. Fraser, it seems to me that those are exactly the places where a rule should be imposed. For example, in French Manitoba, there are people who are prepared to work in both official languages. It's said that people in the west are the most bilingual in the country.

It seems to me that Air Canada should make an effort to train and hire people in those places and that it should insist that these people work in both official languages.

• (0950)

Mr. Graham Fraser: You're talking about Air Canada.

Hon. Raymond Simard: Yes, I am talking about Air Canada, or rather Jazz.

Mr. Graham Fraser: The third question dealt with imposing the Official Languages Act on other companies.

The Chair: I'm sorry, gentlemen.

Hon. Raymond Simard: It's already finished?

The Chair: Yes, your time has expired. I'm sorry.

Ms. Boucher.

Mrs. Sylvie Boucher (Beauport—Limoilou, CPC): Good morning, Mr. Fraser. It's always an honour to meet with you. It's always very interesting to speak with you because everyone around this table shares the same vision. It's important to keep the francophonie alive.

As you know, our government has made a firm commitment regarding official languages, and, in my opinion, the more we work together positively, the more this committee will distinguish itself from others.

Ms. Verner works in very close cooperation with other ministers so that all the departments are bilingual. We have a long way to go, and this is a difficult task for everyone. I think that we've all had minor disappointments when we arrived here. However, I hope that by working together, we can improve things. In fact, I'm convinced of that.

You talked about the committee report and the government's response regarding the decision to specify ACE divisions in the act. When Minister Cannon presented the government's response to the committee, he mentioned that this difference had been discussed at the Office of the Commissioner. I'd like to know more about those discussions.

Mr. Graham Fraser: First of all, allow me to say that I was impressed when Minister Cannon announced the bill and stated that his government felt that linguistic duality was one of the foundations

of Canadian society. I was reassured and impressed by the clarity of that statement, and I wanted to point that out before this committee.

With regard to the discussions you mentioned, they took place before I took office. Perhaps my colleagues could comment.

Mrs. Johane Tremblay: Indeed, we were consulted by staff from the Department of Transport, which was following up on the proposals for changes that the commissioner had indicated when she appeared in November 2005.

There were therefore discussions on these proposals for changes that had been made, in order to gain a better understanding of the reason behind them.

Mrs. Sylvie Boucher: All right.

As you know, I must admit that not only the Conservatives but also the Liberals always wanted Air Canada to reflect linguistic duality, in Canada's image.

What do you think of the idea of giving the government more flexibility regarding ACE and the response regarding the legislation? There was mention of flexibility for ACE divisions that should be subject to the Official Languages Act. It was felt preferable to give the government more flexibility. What do you think of that?

Mr. Graham Fraser: I will give you an off-the-cuff response, then ask Ms. Tremblay to comment.

In principle, the notion of flexibility in a regulation might appear useful, but I fear that flexibility might be the equivalent of letting things slip by. We must always find the balance between openness and flexibility on one hand, and excessively stringent and bureaucratic regulation on the other hand. That balance has to be maintained at all times.

That is my off-the-cuff response. I will ask Ms. Tremblay to be more specific in terms of this bill.

Mrs. Johane Tremblay: Commissioner Adam recommended that the former divisions be named in the bill, so that there would no ambiguity in applying the Official Languages Act to those divisions.

Bill C-29 has taken a more flexible approach, giving the Governor in Council the power to enact a regulation. That is, in fact, a good approach. Given that changes might still be brought as part of the restructuring process, those changes would be better made through regulations. It is easier to amend a regulation than it is to amend a bill. Flexibility is certainly an advantage from that standpoint.

However, as the commissioner noted in his remarks, the important thing is to pass the regulations. Otherwise, we end up with the same ambiguity when it comes to applying the Official Languages Act to those former divisions.

• (0955)

The Chair: Thank you, Ms. Tremblay. I will stop you there.

The next question will be put by Ms. Brunelle.

Ms. Paule Brunelle: With respect to the regulations, the Official Languages Commissioner had been asking for a review of the regulations associated with certain articles governing Air Canada's services to the public for two years now.

Would you support a review of provisions in the Official Languages Regulations?

Mr. Graham Fraser: Yes, because amending the Official Languages Act has an impact on the regulations. We are painstakingly working on sound proposals to review the regulations.

Ms. Paule Brunelle: In one of your reports, will you be tabling suggestions on how the regulations could be reviewed.

Mr. Graham Fraser: Yes, we are working on it.

Ms. Paule Brunelle: Mr. Chairman, do I have any time left? Yes?

One of our colleagues asked a question about the evaluation of linguistic services conducted by employees. I would like to know how that works. Do people get some sort of sheet telling them what they should be evaluating? If so, I would like to see those sheets so that I can do an evaluation myself. Members would be able to see what you're looking for, and that would help guide their comments and our work. You would then be able to take advantage of our experience.

Mr. Graham Fraser: Yes, we have sheets that employees fill out after a trip. I don't know who is responsible for the training.

Mr. Renald Dussault: Obviously, it is an internal exercise. It is something we use to guide us in our discussions with Air Canada. As the commissioner explained, we have a wide range of tools to try to improve the situation of Air Canada. This is not an official form to be completed in 53 copies, but a tool we use in-house to seek other kinds of information.

Air Canada is applying its own efforts in that direction, but we have set up this tool to try to collect the kind of information that lets us tell Air Canada, say, that there might have been fewer complaints during the restructuring period, but the number of complaints might simply have dropped because people did not know whether they could submit complaints. This is to offset, in a way, the systematic observations that seem to show quality of service has dropped somewhat. It allows us to show Air Canada that the smaller number of complaints is not in itself a sign that quality has improved, but that it may be due to other reasons.

Ms. Paule Brunelle: What you are saying brings to mind the Office de la langue française du Québec, where action tends to be based on complaints, such as complaints on signage. It is true that the number of complaints tends to drop, but that does not mean there are no problems. It's just that people get tired of filing complaints because you have to fill out forms, submit the complaint, and so on. Often, people don't want to complain because they don't want to annoy anyone, even though they know their complaint will be kept confidential. There are limits to complaint-driven systems. Even though you said in your presentation that the number of complaints has dropped, that does not mean there are fewer problems.

Mr. Graham Fraser: That is one of the reasons why we don't just use the complaint mechanism in talking about compliance with the legislation. The audit process is another approach. We also publish performance bulletins each year in the annual report. We have a range of means at our disposal to help us understand how things really are on the ground.

The Chair: Mr. Godin, you have seven minutes.

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

When Air Canada asked for financial assistance to provide training when it purchased Canadian Airlines International Limited, that was not because it planned to train new employees but because it found a great many unilingual employees among its staff after the merger. Air Canada told the government that it would help private-sector companies do the training, that the Official Languages Act obliged it to provide bilingual services, and that it should therefore receive assistance to help its staff learn the other official language.

I must say that the Standing Committee on Official Languages and the Senate unanimously supported the company in this. Both the committee and the Senate support Air Canada.

With respect to complaints—if we had gone before the Supreme Court, we might have won—a judge decided that the official languages issue could be set aside, that the company had the right to breach Canadian law because Air Canada was in the process of restructuring, and had permission to ignore the Official Languages Commissioner. Is that correct, or not?

• (1000)

Mrs. Johane Tremblay: Under the provisions of the Companies' Creditors Arrangement Act, the judge had simply ordered that all agencies with the power to regulate Air Canada, including ourselves, would suspend that power for Air Canada. However, Air Canada and the Office of the Official Languages Commissioner reached an agreement that still allowed the commissioner to move on certain types of complaints, if not all of them. We have identified certain categories of complaints which we could investigate.

Mr. Yvon Godin: What I'm seeing is quite different. The judge said that we could not impose any requirements on Air Canada, because Air Canada was in the process of restructuring. The powers of the Official Languages Commissioner, which are vested in him by law, were limited, and the company was relieved of its obligation to comply with the Official Languages Act. It's as if the company had no obligation to worry about passenger safety during the restructuring process. A law is a law, and I find the judge took a very hard line. I did not agree with the judge at all.

Then, you said that Aeroplan came under provincial jurisdiction. I will check that. We can check by seeing if they have a union, and whether their accreditation is provincial or federal.

Do Air Canada's online services come under federal or provincial jurisdiction?

Mr. Graham Fraser: I believe it comes under federal jurisdiction. My advisor tells me that is so.

Mr. Yvon Godin: What about Air Canada Vacations? Whether you go to work or go on vacation really makes no difference. You are still taking a plane.

Mr. Graham Fraser: That's under provincial jurisdiction.

Mr. Yvon Godin: That's under provincial jurisdiction.

Mrs. Johane Tremblay: In fact, when determining whether something is under provincial or federal jurisdiction, we have to look at the facts. First of all, freight airlines, technical service providers and ticket providers provide related services. The bill defines what air services are, and what related services are. Ticket purchasing is a related service. Thus, we consider it clear that Air Canada's online activities are essentially online ticket reservations.

Air Canada Vacations however is really a travel agency. Travel agents come under provincial jurisdiction, unless they are a company division. If Air Canada Vacations was an integral part of Air Canada, and was a division of Air Canada, then the Official Languages Act would apply to it. However, given the nature of Air Canada Vacations' activities and given the fact that it is an entity separate from Air Canada, then it comes under provincial jurisdiction and the provinces are responsible for enacting legislation governing Air Canada Vacations' labour relations or languages.

Mr. Yvon Godin: What about Air Canada Jazz?

Mr. Graham Fraser: Consumer protection applies there too. Those are activities involving direct contact with the consumer and are thus protected by the province.

The Chair: Your five minutes are up.

Mr. Bélanger.

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

Commissioner, good morning. I would like to welcome you and the members of your office.

Mr. Fraser, I hope you received my congratulations. Since I was outside the country at the time of your appointment, I left you a message.

• (1005)

Mr. Graham Fraser: Yes, I received the message and appreciated it very much.

Hon. Mauril Bélanger: I'd like to congratulate you in person and wish you good luck.

I think I will use my four and a half minutes to make a comment. I hope that there is someone here from Air Canada. Personally, I do not feel as charitable towards Air Canada as others may.

I was minister responsible for official languages as well as President of the Standing Committee on Official Languages. At the time, we were forced to summon the President of Air Canada to appear before the committee. He did not want to come. This dance lasted a few months.

Based on my experience, Air Canada has in the past — and continues to this day — tried to evade or shirk its responsibilities, to do as little as possible, and to use every opportunity to do as little as possible. The company uses every possible excuse to do as little as possible when it comes to mergers, and by using various tricks of the trade when it comes to restructuring. That is what we're seeing today.

I'm far less charitable towards Air Canada, the supposed national carrier for a country which has linguistic duality as a cornerstone, as stated by Mr. Cannon and previous governments. The corporation which sees itself as Canada's national airline should not wait for us to twist its arm in order for it to respect linguistic duality.

At first, Air Canada was a Canadian government agency, and then it was later privatized. The legislator's intent was clear: Air Canada was to remain subject to the Official Languages Act, period. There was no mention made of Jazz, Tango or of any other yet to be named companies which were going to be added to this structure which was

created and invented in part to avoid respecting the will of a nation. I'm not going to get into this debate today.

Ms. Vivian Barbot: The Liberals have once again pulled the cat out of the bag.

The Hon. Mauril Bélanger: I'm far less charitable than others are towards Air Canada. I must admit that when I was a minister I was advised not to lodge any complaints. I accepted that advice, which I now partly regret. I used to carry around a form addressed to the commissioner, on which I simply had to put a check mark to explain the reason for my complaint. On every trip, I could have had two or even three complaints to make, with respect to terminals, in-flight service or anything else. I even seem to recall that on one specific trip I could have filed four separate complaints. Imagine that! I'm going to get back to lodging my complaints now. That will give you an idea of the reality which is that Air Canada ought not to try to shirk its responsibilities.

I am somewhat concerned by the bill we have before us. I am not a regular member of the committee, but I miss it. I sense that Bills C-47 and C-29 are somewhat diluted. I think I detect Air Canada's involvement here and its expertise working behind the scenes to evade responsibility here and there. I fully agree with the fact that Air Canada online is part of this file, as is Aeroplan. I would encourage the committee to put forth amendments if necessary.

Air Canada will always exist. So as the company, at the very core, refuses to pride itself on linguistic duality, it will forever attempt to dodge its responsibilities. The legislation should not be enforced through an order in council. The legislation itself should state precisely what enters into force when. Otherwise, we will be continuing in the same vein. For months and years now this committee has been trying to get Air Canada to understand that as Canada's national airline, it has a moral responsibility.

Mr. Graham Fraser: I would like to make a brief comment. I am at the beginning of my term and I am not prepared to impute motives to anyone because I haven't yet gone through this experience. My approach is to be as positive as possible but I will take your experience into consideration.

The Chair: Ms. Barbot, you have five minutes.

Mrs. Vivian Barbot: We were told that we could not ask any questions on the comments we heard from Air Canada. That's unfortunate, because now would have been the right time to compare your vision to what company representatives have told us. Nevertheless, I will speak in general terms.

Mr. Bélanger said that you need to have the French language coursing through your veins in order to understand what it means to be in a purportedly bilingual country and not be able to receive services in French. I think that that goes to the very heart of the issue as to Air Canada's conduct. Air Canada is acting in this way because Canada is acting in this way.

In my opinion, what happened yesterday and which you did not want to raise, is exactly that. Some people constantly get marginalized because they speak another language, because they act differently, because they are different. I find this to be particularly discouraging. Words get used to subjugate people, regardless of the efforts they may make to remain open, to define themselves and express their will. People are being told that it is not up to them to say who they are. That is exactly what is happening to francophones outside of Quebec. That is what is happening to Quebecers, and to others.

On every front, we are being subjected to what other people want us to be, regardless of what we may do to get the government to understand that francophones have the right to be served in their own language. As a government, are you going to take the necessary means to make sure this happens? We are constantly being told it cannot be done because it's a question of money or of this, that and the other thing. But elsewhere, in international fora, we pride ourselves on being a bilingual country, while we send ministers who cannot speak French to speak on our behalf.

I do not want to embarrass you by this outburst, but do you sincerely believe it is possible for francophones throughout this country to be equal to anglophones?

• (1010)

Mr. Graham Fraser: Yes. If I believed it was impossible, I would not be here today. I took on this responsibility because I believed it was a realistic ideal, an important challenge which had not yet been achieved. If I had given up on this notion of equality, I wouldn't be here today.

Mrs. Vivian Barbot: You say that you believe it is realistic. That is important. You speak French very well and so you know what this means. A belief is something we aspire to. We believe it is possible, and I fully appreciate that nuance. I don't know if everyone does, but I understand it.

From this perspective, to be honest, clear and attainable ideals would have to be drawn up, and people would need to be told how far we're going to go. We shouldn't be misleading them in telling them that they can take the plane and always be served in French. They may get French service over a given city, and yet not be able to buy their tickets in French. That level of hypocrisy is killing me.

People say certain things, but there are such barriers that everyone knows these promises will never be honoured because there are still going to be barriers elsewhere. I know full well that we Quebecers have a solution to this, but we do feel a sense of solidarity with other francophones. If I am here today sitting on the Standing Committee on Official Languages, it is because I believe that when my francophone friends speak up, they have every reason to do so.

Are we going to find a way to tell it like it is?

Mr. Graham Fraser: I certainly hope so.

The Chair: Thank you, Ms. Barbot.

Mr. Lemieux may now ask the next question.

[English]

Mr. Pierre Lemieux: Thank you very much.

I'd like to follow up on the discussion we were having. Air Canada is a company and it has obligations under the Official Languages Act. I think we're all agreed on that, but Air Canada is made up of people, real people who are making an effort.

People are trying to learn their second language, they're trying to give service in their second language, and people need to know where they're succeeding and where there are problems, where they need to put in more effort. If all they hear about are the failures, it becomes an exercise in discouragement. Perhaps I'm proposing something new, perhaps I'm not, but I'm leaning toward trying to put together a positive working approach with Air Canada.

It's important to understand priorities, because as I mentioned in the first round of questions, we can't achieve our goals all at once. I don't think anyone in this room achieves all their goals in one fell swoop. We're always working toward goals, and we know what the goal here is. We all have priorities for that reason. Where are we going to focus our efforts, where will we focus our resources, how will we achieve our goals, and in what priority? It comes back to working together in a positive manner.

I'd like to know your comments on working with Air Canada to establish priorities with them, to say, listen, you know you have obligations here, how are you going to achieve your obligations, where do we think your priorities should be, and where do you think your priorities should be? That's one part of it, and I'd like to know your comments on that, working from what I would call a prioritized approach, realizing that it's very difficult to accomplish everything all at once.

Secondly, what mechanisms will you have in place to evaluate progress? By progress, I mean both successes and failures, but it's important to do both. So I'd like to know what sort of criteria you will have in place to do that.

If you could comment on both aspects of that, please....

• (1015)

Mr. Graham Fraser: Sure. As Monsieur Dussault said to you earlier, we have established working relationships with Air Canada, trying to establish some proactive discussions about how some of these chronic problems can be alleviated. I'm certainly coming to realize there are some chronic areas and there is a....

You are more aware than I of the nature of the in camera discussions you had with Air Canada. I'm obviously not aware of those. Originally, when I planned this appearance, I had hoped I would have the advantage of being able to read the transcripts of the Air Canada presentation. I haven't had any conversations with Air Canada.

So let me talk on a slightly broader level of some of the ways in which this could be approached, not simply for Air Canada, but in a broader nature, in a broader way. The concept of looking at language as a key element of hospitality and of welcome is a key factor. One of the reasons Mr. Bélanger has had such...I don't want to use the word "anger", but has had a certain frustration in his experience as a traveller is that he has not felt welcomed and he has not enjoyed the kind of hospitality that is a key part of what one can expect as a member of the travelling public.

One of the important elements of language policy is the regulatory element that's built into the law, which is part of my responsibility. When I first came and talked about the cheerleader/nag elements... these are not necessarily contradictory. There are ways in which the approach of the commission can be integrated. How can we talk about language in a different way, in a way that we're talking about identity, in a way that we're talking about welcome, in a way that we're talking about hospitality, in a way that we are talking about making all Canadians feel at home in this country? One of the key elements of this is so that unilingual Canadians can travel in this country, and one of the key ways in which they travel is on Air Canada.

The Chair: Thank you very much, Mr. Fraser and Mr. Lemieux. Five minutes does go fast when you're having fun.

Voices: Oh, oh!

[Translation]

The Chair: Mr. Godin, you have five minutes. It will be the last question.

Mr. Yvon Godin: Thank you, Mr. Chairman. After my comments, I will be introducing a motion.

Mr. Lemieux says that we need to be patient and to work together in order to reach our goals. I would say that 402 years is a long time to wait. Acadians celebrated their 400th anniversary two years ago. We are not talking about being nice and welcoming, pleasant and friendly; we are talking about the law. There are two groups that have been recognized and there is the Official Languages Act. How long is it going to take? The Liberals have nothing to brag about: in 60 % of cases the Department of National Defence does not respect official languages. They have nothing to brag about, because they were in power for 13 years and were unable to solve this problem nor that of Air Canada, which has yet to be solved. They really have nothing to brag about.

Commissioner, when you refer to Calgary, you should be careful. Francophones are going to Calgary because of the appeal of oil wells. At this point, far more francophones than you think are landing in Calgary. You have to think of the economic development context in Alberta, where things are changing. When a francophone's flight takes off from Bathurst he or she may speak French, but must speak English once the flight is in the air. That is unacceptable. That is what we are talking about.

We are not asking all anglophones to become francophones and we are not asking all francophones to become anglophones either, as Antonine Maillet said. We want services in both languages. If

someone asks for a can of 7-UP he should not have to end up before the Supreme Court of Canada! That is where there was a lack of respect, that still exists today. Jazz replaced Air Canada. If it did, I want to know—

We cannot discuss Bill C-29, it has not yet been referred to the committee. According to me, you are going to have to reappear before this committee, as well as Air Canada. This airline has not yet been called to appear on Bill C-29; it was on the minister's report. Bill C-29 will be sent to the Standing Committee on official languages.

With respect to online services and Jazz, I want to know what you have to suggest. I know that you discussed it at the beginning of your presentation but I want you to repeat this just to be sure.

• (1020)

Mr. Graham Fraser: I will repeat what I said in my opening statement: online services are essential. With respect to Aeroplan, there is a grey zone in terms of areas of jurisdiction. It is difficult to intervene when there are provincial areas of jurisdiction involving the Consumer Protection Act.

Nevertheless, with respect to online services and baggage handling services, in other words travellers' services which are of increasing importance to them, I would not want clients to be forced to pay for their language rights to be respected.

Mr. Yvon Godin: Are you willing to acknowledge, as I have, that it is not a matter of time, but of respecting the law? We cannot take our time any longer: we have been waiting for this for 400 years.

Pursuant to Sections 41, 42, and 43 of Part VII of the Official Languages Act and pursuant to Parts IV and V, services must be offered in both official languages and the act must be complied with. Is that not the case?

Mr. Graham Fraser: In my opinion, the concept of respect is central to my mission as Commissioner of Official Languages. It is a value which I care deeply about. I accepted this responsibility to make sure that the act is respected.

Mr. Yvon Godin: That the act be respected, that is what you said. All right. Thank you.

The Chair: Thank you to all members of the committee, to Mr. Fraser and his assistants. We will now suspend our meeting for two minutes and we will resume an in camera session in order to discuss the committee's future business and our upcoming trip.

[Proceedings continue in camera.]

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.