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Mr. Steven Blaney

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•(0905)

[*Translation*]

The Chair (Mr. Steven Blaney (Lévis—Bellechasse, CPC)): Welcome to the 12th meeting of the Standing Committee on Official Languages. This is the third session we are holding on our limited study of the Official Languages Action Plan. Today, we are dealing with the public service.

Before introducing the witnesses, Mr. Nadeau has a point of order.

Mr. Richard Nadeau (Gatineau, BQ): You read my mind, Mr. Chairman.

I would just like to emphasize that since we cannot meet this morning with Ms. Barrados, the President of the Public Service Commission, for various reasons, I suggest to the committee that we meet with her during the first hour of next Tuesday's meeting, as the agenda is already set for Thursday. During the first hour, we would hear from Ms. Barrados and her officials from the Public Service Commission, and during the second hour, we would begin to study the draft report.

The Chair: Thank you, Mr. Nadeau. That is not a point of order, but I will keep that in mind. We could consult the members of the steering committee.

I would like to get back to our witnesses. Three groups are appearing this morning.

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Chairman, I have a point of order.

The Chair: Mr. Godin, is it truly a point of order?

Mr. Yvon Godin: Whether or not it is a point of order, an issue of information or of privilege is not important. To continue where Mr. Nadeau left off, it is all well and good to say we will consult, but we have to make a decision. I also want to hear from Ms. Barrados.

The Chair: We can invite Ms. Barrados for the first hour next Tuesday.

Mr. Yvon Godin: Thank you.

The Chair: We will now go to our witnesses' presentations. As we have several, I will allow them to introduce themselves as they take the floor. They could then talk to us about their organizations. It would be enlightening for us.

Without further ado, we will begin with the Canada Public Service Agency, which is represented by Ms. Ellis and Mr. Collins.

Ms. Karen Ellis (Senior Vice-President, Workforce and Workplace Renewal, Canada Public Service Agency):

Good morning and thank you very much. I am a senior vice-president with the Canada Public Service Agency and I head the Workforce and Workplace Renewal Sector. I am very pleased to be here to discuss some of the committee's key areas of interest related to the Action Plan for Official Languages.

Before we get started, I would like to thank you for the continued interest you have taken in official languages. I would also like to set the context for our discussion with a brief description of our role as a central agency.

[*English*]

First, it's important to remember that our work is shaped by the new regime for managing human resources that was launched in 2003 and that continues to take shape across the public service. This change occurred when Parliament adopted the Public Service Modernization Act.

[*Translation*]

Under this new regime, deputy heads and line managers now have primary responsibility and more flexibility for managing their human resources. This includes responsibility for recruitment, staffing, employment equity, HR planning and, of course, official languages.

When looking at official languages, for example, this means that each deputy head is responsible for ensuring that his or her institution respects all its commitments and obligations under the Official Languages Act. In practice, this means that when gaps in service are identified by the media and others—as happened recently to the RCMP and Air Canada—it falls to the deputy head or the CEO to address the situation in a manner that is consistent with the act. Meanwhile, the Official Languages Commissioner has the authority to investigate any complaints that are made.

[*English*]

At the agency, we are responsible for overseeing the overall application of the Official Languages Act through various monitoring and audit activities. Specifically, we are responsible for parts IV, V, and VI of the act. These deal with communications with and services to the public, language of work, and the management of human resources.

[Translation]

One of our key roles is supporting federal institutions in meeting their obligations under the act. We do this by sharing best practices, and providing tools and various communications products. We also support networks for official languages, as well as their many champions. All this happens in close collaboration with a number of partners, including our colleagues at Canadian Heritage and the Canada School of Public Service.

Additionally, our work at the agency is shaped by the increasingly complex and interconnected world we live in. As you know, the public service, like all employers, is facing a number of demographic challenges and a highly competitive labour market.

These pressures have led the Clerk of the Privy Council, who is also the head of the public service, to make renewal a top priority. This has given our work at the agency a new focus and energy.

Allow me to briefly describe the four priorities of renewal.

[English]

The first one is integrated planning. Integrated planning links business and human resources planning and is the foundation and powerhouse of renewal. It is very much about enabling the full use of the flexibilities under the Public Service Modernization Act.

• (0910)

[Translation]

It is also about facilitating the achievement of all HR objectives, including those related to official languages, by ensuring that they are part of the planning process right from the beginning.

The second priority is recruitment, which is about ensuring that we renew and sustain capacity at all levels, and that we continue attracting more young bilingual Canadians to the public service.

[English]

We also need to ensure that employees have a better understanding of the requirements of designated bilingual positions. This way they can identify the language training they need as soon as they enter the public service and take an active role in their own career development.

[Translation]

The third priority is employee development. This is a commitment to fostering leadership at all levels and ensuring that employees have meaningful work to do in a supportive environment. And by supportive, I'm talking about making sure we create an environment in which employees can develop their language skills before they get a bilingual job, not after.

And finally, our last priority is called enabling infrastructure.

[English]

We are working hard to put the right systems and processes in place to ensure effective planning, recruitment, and development—all of the things that I've just spoken about.

What I've just described is the context we operate in, our playing field, if you will.

[Translation]

It is characterized by an ever-changing environment where deputy heads have substantial authority to manage their people.

At the end of the day, our role is to provide institutions subject to the act the support they need to fulfil their responsibilities for official languages.

In carrying out this mandate, we are moving away from an approach based on rules and processes to one rooted in the values of respect, inclusiveness and fairness.

[English]

We have been working to transform the attitudes and behaviours of public servants to create a workplace that is more conducive to the use of both official languages. We have also been encouraging managers to work with their employees to ensure that bilingualism is further rooted in the workplace.

[Translation]

Turning now to the action plan, it was launched in 2003 with funding of \$751 million spread out over five years.

The agency has received \$12 million so far, which we have used to strengthen the agency's role as a centre of excellence for official languages. Among other things, we have been upgrading our capacity to develop official language policies to give clear direction to institutions; simplifying and modernizing policy instruments to clarify the roles, responsibilities and accountabilities of institutions and focusing on results; supporting institutions by sharing good practices, and designing self-assessment tools, and various awareness and promotional activities; and providing better monitoring of the official languages situation across the public service through audits and reporting.

[English]

I would now like to give you some examples of the activities we have been working on.

This past fall the agency launched an official languages information campaign. We did this in partnership with eight departments, agencies, and crown corporations. The information campaign is designed to give employees a better understanding of how the act applies to them. Another key objective is to motivate all employees to build a fully bilingual working environment, because they see its value, want it for themselves, and want it for Canadians.

The campaign comes with a number of dynamic products such as posters, banners, bookmarks, and key messages, all branded with a new catchy logo. I have to say I find a very positive feel in these materials, and we've had very good feedback.

[Translation]

Under the action plan, the agency has also produced a number of fact sheets on official languages that institutions can use to remind their staff of their obligations under the act.

● (0915)

[English]

We also created the good practices forum, an annual event organized with our partners from Canadian Heritage and the Council of the Network of Departmental Official Languages Champions.

[Translation]

Last fall, we held our third forum and had an excellent turnout. Over 300 people participated in the event from across the country. And we're already planning for next year.

[English]

Under the action plan we have also added to our inventory of tools to help institutions comply with aspects of the act.

[Translation]

This includes the popular Official Languages Management Dashboard. This web-based tool uses cutting-edge technology to give users a snapshot of the official languages program in their institution. It allows them to easily identify trends and their institution's compliance in key areas, and it even helps them to create tailored reports.

[English]

Another tool we're very excited about is called the "ABCs of linguistic profiles at your fingertips". It helps managers, as well as human resources and official languages specialists, identify the linguistic profiles of bilingual positions objectively and consistently. By using the tool, managers are better able to meet the requirements of the policies and directives on official languages.

[Translation]

We have received some excellent feedback on these initiatives, including from the Official Languages Commissioner in his last annual report.

Finally, I would like to underline the excellent improvements executive and supervisors in the core public administration are making in meeting the language requirements of their positions.

As of March 31, 2006, nearly 93% of them had met the language requirements of their position. This is a marked increase over the previous year when about 85% had met their language requirements. Back in 2002, the success rate was 81%.

[English]

We are very encouraged by this positive trend. It tells us that the bilingual capacity of federal institutions continues to improve.

As you can see, the public service, with the agency's support, is taking important steps to renew and sustain itself.

This concludes my opening remarks.

[Translation]

I would be pleased to take your questions after my colleagues have taken the floor.

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

We will now continue with the Canada School of Public Service. I believe Ms. Achimov will begin.

Ms. Donna Achimov (Vice-President, Individual Learning, Canada School of Public Service): Good morning, Mr. Chairman.

Good morning to all the members of the committee. I am pleased to be here. I am the vice-president of Individual Learning at the Canada School of Public Service. I am here today with my colleague Mr. Sylvain Dufour, who is the Director General of the language training centre. I am also the school's official languages champion, which is a new position for me.

I will make a short, detailed presentation on our success with respect to the Official Languages Action Plan. On page 2, you will see that our objective today is to talk about our achievements, to give a summary of the number of people who have received training, and our budget.

On page 3, we set out the school's mandate. The school's mandate is to promote learning a second language. We are responsible for three key components: training offered to public servants only, language at work and services to the population, as well as statutory and non-statutory training.

We are also responsible for examinations and diagnostic testing, as well as for the designing and developing of language training products for the adults who come to the Canada School of Public Service.

[English]

In summary, the Canada School of Public Service administers language training based on policies set forth by our colleagues at the agency.

[Translation]

Page 4 shows the context, where you can see that there was a tremendous increase in requests for language training from the time the action plan was launched. In April 2004, the new directives had an impact on language training. The new deadlines for senior staff also resulted in an increase in demand for language training, as well as an increase in the hours of language training and the use of the CBC level.

On page 5, you can see that this has resulted in up to 100 new language training requests per month. In an effort to give you some context as well, language training requests were constantly increasing.

● (0920)

[English]

There was an additional requirement to improve overall products and services. At the time of the creation of the action plan for official languages, almost all of our materials were based on classroom materials that were very much paper products that were in binders—very much a very limited, formatted approach.

Turning now to the action plan itself, between 2003-04 and 2005-06 the school received \$36.1 million under the action plan to meet the increasing needs we were seeing for language requirements, primarily to reduce the waiting lists. At that time we had an increased number of people who were waiting for language training based on the items that I had mentioned earlier—the change in terms of the executive training and the hours of training.

We also received money to streamline the tools to better serve our clients and to create new tools for language skills and maintenance. In 2006-07 we received an additional \$12.4 million to deal with, again, the backlog and the potential demand.

In terms of the overall results, I'm pleased to say that after the four years, language training was provided to more than 2,179 public servants, close to 200 more than anticipated. Language training was also provided to 64 people with learning disabilities. As well, waiting lists for language training were reduced from close to 1,000 to less than 85.

[Translation]

Page 7 deals with the long-term benefits of investments in language training. I am very pleased to say that all of the paperwork and documents are now available in the form of very interactive products online. This gives us much more flexibility. It also gives us the opportunity of sharing our tools and skills across the country.

[English]

It allows us to customize our tools, and our reach, for people with learning requirements across the country.

The school used the funding to modernize its overall teaching methods. We've learned a lot, because of the action plan, in terms of how adults learn. We've put a great deal of emphasis on learning disabilities, on people who were not successful after trying many times in terms of learning the other official language. The funding allowed us to perfect some of these techniques as well.

We have 33 new tools online, and we've received excellent feedback from private sector and international organizations who are looking at language training techniques for adults.

[Translation]

In conclusion, more public servants have been trained than was planned, particularly public servants with learning disabilities.

The Action Plan for Official Languages funding allowed for more access to language training products.

[English]

As I mentioned, we have automated and digitized, and have many interactive tools that are now easily shareable across the country.

I do want to point out here that I was very pleased to learn, when I joined the School of Public Service, that our emphasis has changed from one-time, in-classroom learning French to actually providing people with the tools, the mechanisms, the networks, and the support so that when they come back into their offices and their places of work, they are able to maintain their language training. In the long run, this means that people have a culture—internally in their

organization and in their private lives—where official languages play a key role. It's not a one-time classroom experience.

I also have to say that some of the success of our tools has also come to the attention of a number of universities, who are requesting the ability for us to partner and share some of these tools to ensure that the young people who are graduating from universities are coming out with certain language skills that allow them to be competitive.

I'd be very pleased to answer any of your questions.

● (0925)

[Translation]

I would be very pleased to answer your questions. Thank you.

The Chair: Thank you very much for your presentation, Ms. Achimov. You stayed within the timeframe you were given.

We will now continue with Ms. Andrée Duchesne from Justice Canada.

Ms. Andrée Duchesne (Senior Counsel and Manager, Francophonie, Justice in Official Languages and Legal Dualism, Department of Justice Canada): Very well. You took me slightly by surprise.

First of all, thank you very much for having invited me this morning to share the achievements of the Department of Justice within the framework of the Official Languages Action Plan.

My name is Andrée Duchesne. I am Senior Counsel and Manager at the department, where I deal primarily with Justice in Official Languages in our Francophonie office, Justice in Official Languages and Legal Dualism, a title that we have not been able to shorten for obvious reasons.

My sector is responsible for the coordination and implementation of section 41 of the Official Languages Act within the department, in particular, but also for departmental initiatives that affect access to justice in both official languages. It is this initiative that comes directly from the action plan for official languages and it will be the subject of my presentation this morning.

[English]

The action plan for official languages has three main axes. The initiatives in the area of justice fall under the axis of community development.

Under the action plan, Justice Canada receives funding to meet the government's legal obligations stemming from the implementation of the Legislative Instruments Re-enactment Act and the Federal Court ruling in the Contraventions Act matter. We received for these initiatives \$27 million over five years. In addition, the department received funding, \$18.5 million over five years, to implement targeted measures aimed at improving access to the justice system in both official languages.

These measures are the following: funding for various projects to be carried out with the assistance of government and non-government partners, stable funding for the seven provincial French-speaking lawyers associations and their national federation, the creation of a mechanism for consultation with minority official language communities, and the development of tools for training Department of Justice legal counsel on language rights.

My presentation today will focus on these last measures, and I will explain how they were implemented and the short-term impact they have in the area of access to justice in both official languages.

[*Translation*]

If I may, I will first of all say a few words about the Support Fund for Access to Justice in both official languages. The main objective of the support fund is to contribute to better access to the justice system in both official languages, while recognizing the shared areas of jurisdiction in the administration of justice and the various constitutional, legislative and administrative measures related to official languages before the courts.

More specifically, the fund is intended to increase the ability of stakeholders to develop innovative solutions for justice issues related to access to justice in both official languages, as well as educating the legal community and the minority official language communities about exercising their rights and increasing their awareness about issues related to access to justice in both official languages.

The nature and scope of these objectives reflects the reality which is that the administration of the courts is largely a provincial area of jurisdiction whereas the education of communities is primarily a community initiative. Therefore, the department has taken on the role of catalyst, mostly targeting the growth in the capacity of stakeholders involved in the area of access to justice in both official languages.

In 2003, the Department of Justice set up the Support Fund for Access to Justice in both official languages. The department used this leverage to support the seven French-speaking lawyers' associations and their national federation to give them an enhanced ability to act. The department provided core funding to these organizations so that they can fully play their role of informing minority official language communities, and participating in the development of these communities.

One of the most visible results of this core funding was the implementation of stable administration for the French-speaking lawyers' associations and their national federation. These organizations can concentrate on concrete activities that are intrinsic to their mandate, such as the delivery of French-language legal training, the development of jurilinguistic tools and awareness activities for the legal community and the members of minority official language communities.

Additionally, the core funding has allowed the French-speaking lawyers' associations to build networks and partnerships in various quarters. The associations participate in activities such as round tables and regional, provincial and federal committees. This participation puts them in touch with community stakeholders, both legal and governmental. Furthermore, the associations are then in a

better position to work with provincial and territorial governments on the issues of access to justice in both official languages.

Finally, the core funding provided to the French-speaking lawyers' associations and their national federation has given them a higher profile in the eyes of the communities, their members and governments. The associations have become an important resource to their communities and credible partners for provincial and territorial governments.

I would add a few words about project funding. This is the second component of the Support Fund for Access to Justice in both official languages. This component aims to increase the awareness of official language communities in a minority situation or to increase the capacity of an organization to meet the needs of the communities in terms of access to justice in both official languages. Since the implementation of the support fund, the department has received 183 applications for project funding. These projects include, for example, workshops for lawyers, developing models for legal documents, workshops on legal terminology and awareness programs for young people focused on careers in the legal sphere in French.

The department encourages recipients to obtain support, financial or otherwise, from other resources for their projects. So far, at least 50% of the projects have received such support. From the outset, the department has provided close monitoring of these projects, resulting in a relationship of trust with the beneficiaries. Since the start of the support fund, the department has held information sessions with the objective of sharing relevant information on the selection criteria, eligibility, the goals and the process to be followed in applying for funding. Moreover, departmental program analysts are available to quickly answer recipients' questions.

The system for processing applications developed by the department was intended to deal with funding applications quickly. Generally speaking, there is a 24-day period between the review of a request and the date of a formal decision.

● (0930)

[*English*]

I'll say a few words on the consultation mechanism.

We established a number of advisory committees. They are the advisory committee on justice in official languages; the subcommittee on access to justice in both official languages; and the FPT working group on access to justice in both official languages.

The mandate of the advisory committee is to act as liaison between the Department of Justice and legal and official language minority stakeholders. The committee is composed of six members from the department and organizations that speak for official language communities. At the meetings of this committee, members have an opportunity to discuss needs, concerns, and avenues to be explored in relation to access to justice in both official languages. Stakeholders note that this cooperation between the department and the organizations that sit on the advisory committee provide them with a better understanding of the needs of official language minority communities and of the capacity of the Department of Justice to take action in respect of issues relating to the administration of justice in both official languages.

The access to justice subcommittee deals specifically with issues of access to justice in both official languages. There are 30 to 40 participants at this subcommittee, with representatives of the department, organizations that speak for the official language communities, linguistic centres, law faculties, and francophone affairs officials of the provinces and territories. Members are expected to coordinate their activities, exchange information, and identify needs for tools to be developed. This subcommittee holds one meeting per year.

Members of the subcommittee see it as an efficient discussion forum where the various stakeholders working in the legal system and in community associations can get to know one another and network. The meetings held to date have provided an opportunity to exchange information about access to justice in both official languages, the needs of the communities concerned, activities undertaken, and avenues to explore in the future. As well, the department uses the subcommittee to inform members about activities undertaken by the support fund and to involve them in the management and future planning of the support fund for access to justice in both official languages.

I have a few words on the FPT working group on access to justice in both official languages.

The FPT working group is composed of representatives of the department, again, and of the provincial and territorial governments. The FPT working group was created to enable the federal, provincial, and territorial governments to coordinate their efforts and share information relating to access to justice in both official languages. All provinces and territories are represented in the working group, with the exception of Prince Edward Island. Although P.E.I. does not participate in the meetings, it has asked to be kept informed about what happens.

The working group has given the provinces and territories an opportunity to get involved in access to justice in both official languages. It is in fact the main forum through which the provinces and territories can identify their often similar needs in relation to access to justice in both official languages, discuss best practices, and develop common solutions. Opportunities to work on these together often emerge through discussions within the working group.

● (0935)

[Translation]

Our third component deals with developing tools for legal counsel within the department.

The Chair: Ms. Duchesne, you have about one minute left.

Ms. Andrée Duchesne: Perfect; I was just coming to my conclusion.

Since 2003, the department has taken advantage of the opportunity that the action plan has given it to develop tools for legal counsel, but also to train more than 500 officials since the implementation of the amendments to the Official Languages Act in November, 2005.

In conclusion, I would just like to say that access to justice in both official languages is often seen as an issue that is only of interest to the judges and lawyers. Access to justice is a much broader concept. It affects all Canadians in the same way that health and education does. In that sense, it would be much more important to talk about services to the public and services to justice rather than access to the justice system. This is the approach that has guided the achievements of the Department of Justice since 2003 and it is the thinking that will also guide us in our future achievements.

Finally, I would like to say that the final assessment of our program, the Support Fund for Access to Justice, is available on the departmental website. I will be pleased to give the specific coordinates to the clerk.

Thank you very much for your attention and for your invitation to appear this morning.

The Chair: Thank you, Ms. Duchesne.

We will bear in mind that your program assessment is available. We will see if we can distribute it to the members of the committee as well.

We will now begin the first round of questions, giving seven minutes to each member.

We will begin with Mr. Pablo Rodriguez.

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Thank you, Mr. Chairman. Good morning to all of you. Thank you for being here.

Ms. Ellis, on the subject of the Public Service Agency of Canada, it says in the document:

The Agency's mandate is to manage implementation 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 [...]

What does "provide general direction" mean?

Ms. Karen Ellis: That means that we have really invested in our ability to develop policies and information products that we share with departments and federal institutions. With the tools, the principles of each policy, we can give explanations to the institutions and let them know what it is they must do.

In each institution, often or regularly someone is the champion for official languages. We work with the network of champions, and, for example, we will provide training to the trainers in each department. It is not up to us to achieve all of the policy objectives or those in the act, it is up to the deputy ministers, to the departments and the institutions to achieve the results with the help of our policies. As the central agency, we have the role of providing the policy, but the departments and institutions must themselves work in compliance with the principles of the policies in order to obtain the result of achieving a culture that encourages the use of both official languages and meets their obligations under the legislation.

Mr. Pablo Rodriguez: In your presentation, you say that you ensure that you meet your obligations under the Official Languages Act. However, concretely speaking, beyond using words like “to encourage” and “to watch over”, do you have clear, specific objectives to reach in terms of training and of bilingualism, concrete measurable objectives?

Ms. Karen Ellis: We have established an evaluation process, to take stock annually of each of the federal institutions. This means that we are responsible for all three parts of the Official Languages Act, parts IV, V and VI. As you know, there are very clear provisions in the act that must be complied with by the departments.

We do a series of evaluations. In some cases, there is a self-assessment tool that the institutions use. Every year, there are reports that show what each institution's performance is as far as compliance with the act and implementation of its key and concrete elements are concerned. For us, this is a cycle, a series of assessments that gives them visibility. If we see a problem with an institution, a difficulty in the use of the legislation, we give it some visibility in the eyes of the public and in the eyes of the department so that they can correct the situation. The assessments we make and the records we keep with institutions really are concrete actions.

• (0940)

Mr. Pablo Rodriguez: In the numerical reports we have here, if I understand correctly, we can see a substantial decrease in your budget, is that possible?

Ms. Karen Ellis: A decrease?

Mr. Pablo Rodriguez: The document says: “The budget of the Agency will decrease from 36% between 2006 and 2009, going from \$104.7 million in 2006-2007 to \$67 million in 2008-2009.”

Ms. Karen Ellis: I'm sorry, sir, but I don't have the figures that you have. Are you talking about the entire agency's budget?

Mr. Pablo Rodriguez: Yes, this comes from the notes prepared by—

Mr. Jean-Rodrigue Paré (Committee Researcher): That is according to the performance reports and the Reports on Plans and Priorities for 2006-2007 up to 2008-2009.

Ms. Karen Ellis: That is for the department as a whole, not for official languages. You are not talking about—

Mr. Jean-Rodrigue Paré: No, it is for the agency as a whole, not only for official languages.

Ms. Karen Ellis: I see. I cannot make any specific comments on the budget today, as I just started at the agency in the fall. I can, however, discuss funding for the action plan.

Mr. Pablo Rodriguez: I was wondering whether the budget cut would directly impact—

Ms. Karen Ellis: Yes, I think it will have an effect. The action plan allowed us to invest in official languages. We received \$2.6 million in additional funding for official languages under the action plan. That really strengthened our capacity, allowing us to do everything that I told you about: new policies; new tools; and so forth. The action plan provided for investment. The Action Plan for Official Languages was good news for us.

Mr. Pablo Rodriguez: Of that I have no doubt.

Ms. Duchesne, the branch responsible for official languages in your department has several responsibilities, including the promotion of access to justice in both official languages. Is that correct?

Ms. Andrée Duchesne: In our department, a number of different branches share responsibility for official languages. My branch is responsible for access to justice in both official languages, as I said earlier. We are responsible for all issues relating to parts IV, V and VI of the act.

Mr. Pablo Rodriguez: Given that we're discussing access to justice in both official languages, would you be able to discuss the impact of the abolition of the Court Challenges Program? Is that something that you would be comfortable discussing?

Ms. Andrée Duchesne: No, I am unable to comment as the matter is currently before the courts.

Mr. Pablo Rodriguez: Did the government consult with you or your group before abolishing the program?

Ms. Andrée Duchesne: No.

Mr. Pablo Rodriguez: I see.

The Chair: Thank you very much.

We are now going to move on to Mr. Richard Nadeau.

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

Good morning to all of our witnesses. Seven minutes goes by quickly but I will try to broach as many issues as possible while still leaving you enough time to answer.

Given that one of the agency's responsibilities is to try to recruit young bilingual employees for the public service, are you in a position to recommend to the powers that be that candidates for designated bilingual positions ought to be already bilingual?

Ms. Karen Ellis: I do not make such recommendations on an official basis. Your question is an important one, and I believe it comprises two elements. We have recruitment plans targeting young people and external candidates. Before beginning the staffing process, it has to be determined whether the position is bilingual. In order to do so, the manager responsible for the position must answer a host of questions. If it is a designated bilingual position, it must be clearly indicated in the advertising process that bilingualism is one of the job requirements. With regard to positions that target those who are already bilingual, the approach favoured will depend on the staffing process used by the department in question.

• (0945)

Mr. Richard Nadeau: Okay, thank you. I understand what you are saying.

In his last report, the Commissioner of Official Languages noted that some 800 so-called bilingual positions were held by unilingual employees. It goes without saying that the majority of these unilingual employees were English speakers.

While it might not be directly related to your area of responsibility, I would nonetheless like to point out that only 47% of the designated bilingual positions in the Canadian Forces are held by bilingual employees. There is a problem and it needs to be addressed.

You spoke about employee training. Our committee is obviously interested in language issues relating to training. Are you responsible for ensuring that employees can receive training in the language of their choice during the course of their working day?

Ms. Karen Ellis: I am glad that you raised this question, as it will give me the opportunity to clarify the role of our agency, as well as that of the various departments and institutions. As I explained earlier, the new human resources management framework makes it clear that each department and its managers are responsible for official languages. It is a matter of leadership.

Mr. Richard Nadeau: It falls under departmental responsibility.

Ms. Karen Ellis: Yes, it is the departments that decide.

Mr. Richard Nadeau: I am going to return to a point I made at the last meeting; I am bringing it up again because it really does bother me. Allow me to read an excerpt from an article that was published in *Le Devoir* newspaper on January 28:

In her report, Ms. Fraser made particular mention of the case of someone in the commissioner's office who met the language requirements of her position but who was nonetheless sent to France to take training in French for one month, in July 2006. Ruth McEwan, the executive director of Corporate Services, paid her stay herself and her plane ticket to Bordeaux, but taxpayers picked up the tab for her tuition (\$757.61) and for her return flight (\$2,358.63).

Was your agency involved in that decision? Perhaps I should put the question to our witnesses from the Canada School of Public Service. I do not know what to make of this. One thing is certain, however, and that is that in this country we know as Canada, there are areas where people speak French. I can mention Quebec, Acadia, Franco-Ontarian and Franco-Albertan regions, etc. And yet we send people to France. That alone makes me ask some serious questions. How could this have been allowed? Is your agency involved in such decisions or is each department allowed to determine who is entitled to training and where they ought to be trained, be it in Haiti, Liechtenstein or France? I just do not get it.

Ms. Karen Ellis: The various departments are accountable for their decisions and will explain them.

Mr. Richard Nadeau: But as an agency of the Public Service Commission of Canada, do you not have oversight powers with regard to employee training, and particularly over where this training is undertaken?

Ms. Karen Ellis: It is incumbent on each department to decide how to train its staff.

Mr. Richard Nadeau: Ms. Achimov, Mr. Dufour, do you have a language-training school in France? Why are we paying a lot of money to train people abroad when they could be trained here?

Ms. Donna Achimov: We do not have a language school abroad; we only provide training in Canada. As Ms. Ellis explained, I cannot

comment on decisions made by the department in question. We provide training services in the national capital region and all across Canada.

Mr. Richard Nadeau: Ms. Duchesne, one of the Department of Justice's responsibilities is to provide legal opinions to the government on litigation.

Ms. Andrée Duchesne: Yes, that is the department's role in its capacity as the government's legal advisor.

Mr. Richard Nadeau: You are perhaps familiar with the incident involving Mr. Justin Bell that occurred on the Trans-Canada Highway in Saskatchewan. The RCMP provides police services in Saskatchewan as there is no provincial police force. Mr. Bell requested that the RCMP officers deal with him in French. They answered in German and made fun of him.

The Franco-Saskatchewanian community was unable to help him because the Court Challenges Program was abolished by the government. The commissioner was also unable to help because the incident did not occur in a designated bilingual area of our so-called bilingual country.

The Trans-Canada Highway falls under federal jurisdiction as it relates to transport. As anybody, from Quebec or elsewhere in Canada, may find himself on this busy stretch of highway, would you be able to propose that the Official Languages Act be respected by authorities working on it? I am also obviously referring to the RCMP here, as they are responsible for ensuring public safety in such places.

• (0950)

The Chair: You have about five seconds for your answer, Ms. Duchesne.

Ms. Andrée Duchesne: Thank you very much.

I cannot comment on this matter at this point in time. The RCMP are responsible for their own decisions, not the Department of Justice.

The Chair: Thank you, Ms. Duchesne.

We will move on to Mr. Godin.

Mr. Yvon Godin: Thank you, Mr. Chairman, and welcome to our witnesses.

I am going to start with the Canada Public Service Agency. We are finding things out today. I would like to come back to the \$107-million budget that was cut to \$67 million. This is money that was cut from the agency's standard budget. We are talking about \$67 million—that is a lot of money. Will the \$2.1 million for the action plan really make a big difference? Are the missing \$67 million not going to hurt you?

I see that you're smiling, but I would like to have an answer.

Ms. Karen Ellis: You are referring to the agency's overall budget, is that correct?

Mr. Yvon Godin: Exactly.

Ms. Karen Ellis: You want to know whether it will affect official languages?

Mr. Godin: Yes.

Ms. Karen Ellis: The official languages program has not been cut. Quite the opposite. We got additional funding thanks to the action plan. The action plan worked well for us for five years. We invested wisely and we were able to increase our capacity to support the various departments.

Mr. Yvon Godin: You said that you were able to increase funding by \$2.1 million. How can the agency not be affected by a \$67-million funding cut?

I do not think that the situation has improved. Allow me to give you the example of a new program that has been implemented. It is a program that provides a \$1,500 rebate to those who buy hybrid cars. The head of this is in Calgary. English-speakers get immediate service when they contact the office, while French-speakers have to wait due to a shortage of French-speaking staff. Yet this is a public service office. I know that you are going to tell me that it is a matter of departmental responsibility. Every time we ask a question, we get told that it is the department's fault.

Please tell me exactly how \$2.1 million can help an agency that has just lost, or is about to lose, \$6.7 million? How can \$2.1 million make a difference when you've lost \$6.7 million?

Ms. Karen Ellis: We actually received \$2.6 million in supplementary funding which, added to our base budget of \$3.2 million, gives us an annual budget for official languages of \$5.8 million. That is a significant percentage of our overall budget in light of our operational context. The agency's mandate also comprises other important components.

Mr. Yvon Godin: What can you do for official languages with \$2.6 million? What is the agency going to be able to improve?

Ms. Karen Ellis: As I said in my presentation, we have focused on both our employees and capacity building. As such, we are better able to develop policies and information products, work in partnership with networks, share best practices and support the departments in their quest to improve official languages. That is our key role as a central agency. We do not have the same large budget as the Department of National Defence or other such departments. We have a specific budget, and, in our capacity as a central agency, we try to support and facilitate the work of other departments.

Mr. Yvon Godin: What have you achieved with these measures?

I know that the Department of Justice representatives are unable to answer. The Court Challenges Program has been abolished. Let me give you an example: in Fredericton, New Brunswick, Ms. Paulin was apprehended by an English-speaking RCMP officer. The case went as far as the Supreme Court, but was eventually settled out of court.

I do not see any improvement; all that has been done has been to ask the various departments to comply with the act. They are being politely asked to comply with legislation, but they are not being made to do anything.

• (0955)

Ms. Karen Ellis: The act sets out the various departments' responsibilities clearly. As such, the Commissioner of Official Languages is able to examine complaints to determine whether there is a breach.

Mr. Yvon Godin: I understand that, but cases still wind up before the courts.

On February 28, a court in Fredericton will hear a case relating to the Court Challenges Program. The Commissioner of Official Languages will be there. It is a continuous battle.

What happens to respecting official languages when the legislation is breached?

Ms. Karen Ellis: Obviously, it is incumbent upon the organization's senior management to address challenges and improve the situation. The way we see it is that human resources management always involves a challenge you can get your teeth stuck into, but you have to...

Mr. Yvon Godin: Oh My! Official languages are a challenge into which you can sink your teeth!

Ms. Karen Ellis: A number of people are working very diligently to promote compliance. They also use tools to give practical advice to the departments to help them improve the use of official languages.

Mr. Yvon Godin: Why should somebody such as Ms. Paulin, for example, who was apprehended by the RCMP, a federal agency, have to go to court to have her rights vindicated? Can we really say that official languages are being respected when ordinary Canadians have to go to court to have their rights upheld?

Ms. Karen Ellis: When a case is heard by the courts, it raises the profile of the issue and helps remedy the situation.

Mr. Yvon Godin: Thank you.

What can you tell us about the services provided by the Public Service School of Canada in the regions? For example, do French-speakers in Bathurst have the option of learning English? I have heard that French-speakers are facing problems too. They are essentially being told that they have to be bilingual if they want to get a job, but they are not being given any training.

Ms. Karen Ellis: Training is available all around Canada for those who need it, even in Bathurst. Both French-language and English-language training is available.

Mr. Yvon Godin: Is training actually available in Bathurst or do people have to go elsewhere?

Ms. Donna Achimov: Mr. Dufour, could you tell us if training is available in Bathurst?

Mr. Sylvain Dufour (Director General, Language Training Center, Canada School of Public Service): No, I do not believe that there is a school in Bathurst. That being said, we offer training in two different ways. People can go to one of the large centres for full-time language training or they can study at their own pace from home by using the online tools that we developed with funding we received under the action plan. That allows them to remain with their families.

Mr. Yvon Godin: The action plan...

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

We are now going to move on to Mr. Pierre Lemieux.

Mr. Pierre Lemieux (Glengarry—Prescott—Russell, CPC): Thank you very much.

Thank you for your presentations. There is always work to be done. I was pleased to hear you talk about concrete plans and programs to improve the situation. You have set specific targets to ensure progress in all sectors.

My question is for Ms. Duchesne and concerns cooperation between the Department of Justice and official language minority communities.

Your department has a number of mechanisms aiming to ensure the implementation of section 41 of part VII of the Official Languages Act. Amongst these mechanisms is the Access to Justice in Both Official Languages Fund, which seeks precisely to support the communities.

I was wondering whether you could provide us with further information as to how the fund operates and give us some examples of concrete initiatives that it has made possible? Could you give us an overview of the impact that the fund has had thus far?

•(1000)

Ms. Andrée Duchesne: I could certainly try to do so. It would be my pleasure.

As I explained, the fund is the key financial asset that the department has for supporting official language communities. It is dedicated to improving access to justice in both official languages. This means that we work with both government and non-government partners.

One of our most concrete measures was providing base funding for associations of French-speaking jurists outside of Quebec. The fund supported both provincial and national associations. These associations take their work very seriously. They rolled up their sleeves and carried out a prodigious amount of work with other community groups not involved in the legal field. They succeeded in integrating into their respective communities and becoming key partners. They also began working in a far more effective and proactive manner with the provincial governments on justice issues. We saw this happen in Saskatchewan, Manitoba and Ontario, where there is a very special working relationship between Justice Ontario, the Association of French-Speaking Jurists of Ontario and community groups. This allowed the community groups to find some stability and develop their administrative capacity, which, in turn, was also beneficial to other community groups.

With regard to projects, one of our most promising is one that promotes legal careers in French outwith Quebec. It was initially piloted by the Association des juristes d'expression française, but now operates on a national level. Its aim is to offer young bilingual Canadians legal training so that our justice system can meet the demand for service in both official languages.

I would also like to draw your attention to an achievement that has been made possible thanks to cooperation with the provinces and the territories. I am referring here to the Federal-Provincial-Territorial Working Group on Access to Justice in Both Official Languages and all the work that has been carried out together with Justice Ontario, the Association of French-Speaking Jurists of Ontario and the Institut de développement professionnel en langue française to support bilingual crown prosecutors.

When we began working with our provincial and territorial colleagues, it was clear that bilingual crown prosecutors were isolated. They had access neither to training nor to skills upgrading, which made it very difficult for them to provide services in French to those wanting to be tried for criminal matters in the language of their choice. We have worked very hard for the past three or four years on this front. Currently, the success rate of prosecutors who undergo this training once a year is very high. These are some very concrete examples of what has been done thanks to our fund.

As I was saying earlier, I would encourage you to read the summative evaluation of the fund that is available on the department's web page.

Does that answer your question?

Mr. Pierre Lemieux: Yes, thank you. It is a great program, a great initiative.

[*English*]

I'd like to ask a question of Ms. Ellis.

In your presentation you spoke about recruitment, particularly of young bilingual Canadians, to the public service. I think that's a good goal; however, there is concern as well.

[*Translation*]

Unilingual French and English-speakers feel that the public service is closed to them, that a wall stops them from getting in,

[*English*]

to become part of the public service at the entry level. I'm wondering how you would comment on that.

I'm wondering, also, if you have any statistics—percentage-wise—at the entry level, if there is such a thing, on unilingual positions and bilingual positions.

Ms. Karen Ellis: Thank you very much.

I would like to just say I had meant to present my colleague, Kelly Collins, and I apologize for not doing that. Kelly is here with me.

Just on the last point, certainly there would likely be some statistics available. We wouldn't have them with us right now, but we would be happy to follow up with the committee clerk.

You raise a very important question. Again, I would like just to go back to what I said in my opening remarks about the importance of good planning by departments. If they are really thinking about their business needs and the people and talents and skills they need to do that business, they can then start to develop really effective recruiting strategies and they can look specifically at questions around language needs for the workforce they have.

I think we have to really value diversity in the public service. When we talk about diversity, yes, it's employment equity groups, but it's also diversity from the regions of Canada, the different perspectives of Canada. So the point you raise is that we need to be open and inclusive in representing Canada's population.

If you were going to be recruiting, you could, as a department, plan a process where you would be very open to people who might be unilingual in one language or the other. When they come in the door—once you've recruited them and you bring them in—you need to have a manager who's hired them in that work unit who will actually start to work with them from the minute they come into the public service to determine what their learning needs are, where the second language training will fit in.

What I would say to you is that in order to enable people to advance in the public service, if that's what they wish to do, we have to get them going early, in terms of their second language training, because of course it's key. Especially as you get to the more senior levels, you do have to have certain levels.

● (1005)

The Chair: Thank you, Monsieur Lemieux. *Merci beaucoup.*

Now we will move to our second round and go on with Mr. Jean-Claude D'Amours.

[*Translation*]

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

Thank you for being here with us this morning.

Ms. Ellis, I listened to your presentation, I read it and I took notes. I also listened to the questions my colleagues asked and to the answers you gave. It seems that virtually anything that happens once an employee has been hired is a matter of departmental responsibility. In short, it would seem that you put official languages policies in place and then hope that the departments and agencies will respect them.

Is that correct?

Ms. Karen Ellis: It is not only a matter of hoping that they implement them. We carry out rigorous evaluations together with the departments to measure the effects of these policies.

Mr. Jean-Claude D'Amours: Okay, you carry out evaluations.

You say: “[...] our role is to provide institutions subject to the act the support they need to fulfil their responsibilities for official languages.” Furthermore, you say that you want to recruit more young bilingual Canadians to the public service. You also want managers to: “[...] work with their employees to ensure that bilingualism is further rooted in the workplace.” That all sounds great.

However, when I was in my car this morning, I heard a recruitment advertisement for the RCMP on the radio. I got a copy of the text to be certain that I understood properly. One of the skills required to become a member of the RCMP... And we know the problems that the RCMP is facing around the country. The RCMP has had problems with bilingualism, it still has them, and I imagine it will continue to have them in the future. Problems with bilingualism are ubiquitous in the RCMP. In spite of that, however, in its radio and Internet recruitment advertisements, the RCMP specifies that candidates must be “proficient in English or French”. I would certainly hope that candidates would have to be proficient in either one or the other—if not, we would certainly have a problem on our hands! I find it a little bit strange. We know that the RCMP has

problems with regard to bilingualism. You said that you wanted to ensure that young Canadians were increasingly bilingual and able to work in bilingual positions. However, quite the opposite message is being communicated by the job offer that I heard on the radio this morning, which states that proficiency in one of Canada's two official languages is enough.

If it is enough to be proficient in one of the two official languages to get a job with the RCMP, French-speakers will end up only working in Quebec and English-speakers will end up working only outside of Quebec. I come from New Brunswick and I cannot help but wonder how members of official language minority communities will get service in their language if RCMP officers are required to speak only English or French. The RCMP are currently using this advertisement even though they are under fire for shortcomings with regard to bilingualism.

● (1010)

Ms. Karen Ellis: It is true that certain cases involving the RCMP are currently under review. I refer back to the organization's overall planning. The RCMP is the real planner. It must gauge official languages' needs throughout the various regions of Canada and plan accordingly. It must provide necessary services in the language required when needs arise.

As far as I'm concerned, it is a matter of understanding to what extent any given organization carries out adequate planning to meet official language needs and determine what is required of the bilingual positions within their organization. Fundamental actions must be taken to address these issues. You talk about symptoms. Departments must invest in planning, recruitment, training; this is fundamental. As I have already stated, no matter what department one is dealing with, they all must have concrete plans to train their people. If language training is necessary, this must be decided early on, and investments must be made.

Mr. Jean-Claude D'Amours: Ms. Ellis—

The Chair: Thank you, Mr. D'Amours.

Mr. Jean-Claude D'Amours: Is my time already up?

The Chair: Yes.

I wish to make a clarification. This document clearly shows that Ms. Ellis, from the Public Service Agency of Canada, is responsible for enforcing official languages policies within organizations such as Treasury Board, which happens to be the employer. This is not the case with the RCMP.

Mr. Jean-Claude D'Amours: That is indicated in the presentation.

The Chair: Then perhaps—

Mr. Jean-Claude D'Amours: Mr. Chairman, that is written on page 2 of the presentation.

Ms. Karen Ellis: Gentlemen, may I correct a mistake? We work with 200 institutions, including the RCMP. There are departments, agencies, and 200 institutions, including Air Canada, for example.

Mr. Kelly Collins (Director General, Research, Strategic Planning and Policy Development, Canada Public Service Agency): As regards the public service, policies applicable to the employer are much more specific than those which apply to other institutions.

Ms. Karen Ellis: There is a difference, but we work with everyone.

The Chair: Thank you for those clarifications. We will move on with Mr. Michael Chong.

Hon. Michael Chong (Wellington—Halton Hills, CPC): Thank you, Mr. Chairman.

Thank you for your presentations. I have a question for Ms. Ellis.
[English]

The Government of Canada is by far and away the biggest employer in Canada, and any large employer has a significant say in what graduates our universities are graduating. For example, Microsoft or Research in Motion have a significant say in the kinds of engineers the University of Waterloo is graduating. Companies like the big banks in Canada have a significant say in the curriculum and the graduates the MBA schools are graduating in Canada. If they weren't getting the graduates they needed, they would be demanding better from these universities.

In this context, I wonder what discussions, if any, the Government of Canada has had, or other agencies have had, with Canada's university communities about delivering a greater number of bilingual graduates for positions in the Government of Canada. In other words, what discussions or liaisons have you had or have you been aware of that the government has made to these institutions about graduating a greater number of qualified applicants?

Ms. Karen Ellis: You're raising a really interesting point.

I would probably start even earlier. I think one of the things we need to do as public servants, whenever we have a chance to talk to an audience, is to encourage early learning of the two official languages in Canada at more junior levels, even, in school. I know the commissioner himself spoke at our best practices forum and talked about how many public speaking engagements he does with high schools and other schools to send out that message, which I think is very important.

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 have been leaders of the masters of public administration programs, and we've said it would be really helpful if there were some offerings in French training as part of the programs. 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.

For me, I think it's also important for the students themselves that we build some awareness out there with ambassadors. We have deputy minister champions for pretty well every main university in Canada who go out and have discussions. If you can start to talk to the student body as well, what I think is really neat is they can start to demand. They see that French is also very useful, and maybe from a consumer perspective of a student, they might be able to take French.

The other thing I would say is that it's also important that people take some ownership. If you're interested in a career in the public service and you're interested in advancement, it's important for you to realize that French or English, whichever official language, is going to be important for your development and growth in the public service and to maybe invest yourself. I know I did as a student, even before I joined the public service. I always felt that having a second language was a smart thing to do. I think what we're seeing in Canada is an appreciation growing in our society that having a second or third language in this globalized world is just simply a smart way to invest in education.

So I see it more holistically. I think that as a country seeing the business smarts of having more languages and starting with our two official languages for those who would be interested in the public service is really the way to go. Talking with universities and encouraging that with the student body as well as the teaching staff I think is important.

●(1015)

Hon. Michael Chong: I would just make a comment, Mr. Chair.

I think we underestimate the clout we have as an employer in this country. We employ far more people than any of the large corporations in this country, and I think we sometimes forget the pull we have with the university establishment in setting in place the kinds of graduates we want. So I would strongly encourage not just you but the people in the senior echelons of the public service who are involved with recruitment to more forcefully say to the university community, "You are not giving us the graduates we need. Yes, we need all these people in their subject specialties, but we also require people to be bilingual."

The Chair: Thank you, Mr. Chong, for those comments.

Now we will move on to Mr. Raymond Gravel.

[Translation]

Mr. Raymond Gravel (Repentigny, BQ): I will give my colleague the time remaining.

Mr. Richard Nadeau: We are well aware of the idea of strengthening the public service's bilingual capacity, and we would like to see tangible results. However, we still find ourselves in situations where a certain number of senior officials, such as deputy ministers, take more than the two years allotted to reach an acceptable level of bilingualism for a position they already hold. I could even go further by talking about the duties that must be carried out by Canadian ambassadors, which to my knowledge, are often being carried out by unilingual anglophones. And yet, these people are supposed to represent Quebec and Canada equally. They are unable to speak the language of the Quebec nation. These things are of a great concern to me. I feel that there is a deficiency.

We received a document from Ms. Marie-France Kenny, from Saskatchewan, who is running for the presidency of the FCFA, la Fédération des communautés francophones et acadienne. This ties into what I am talking about. Allow me to quote the following:

The new supervisor is indeed given four hours per week of language training. A supervisor would need at least five years and tens of thousands of dollars before reaching the necessary level, and during all this time, he or she is addressed in English.

She is talking about francophones. She continues by saying:

This is a sort of assimilation. He or she can only ask himself, why learn French when my staff is going to speak to me in English?

Doesn't this situation prove that a public servant is not free to express him or herself, and work in the language of his or her choice within the public service? We allow for a certain degree of leeway, by exempting senior state officials, deputy ministers, and others. If I want to be a doctor, I have to graduate from medicine. If I want to be a senior official, and I live in Canada, I should be bilingual. Otherwise, I will not get the job.

What is your response to this situation? Don't you think that there is still a flagrant lack of willpower within the public service that results in francophones being forced to speak English when they work in an environment that should allow them to speak French?

• (1020)

Ms. Karen Ellis: Sir, I agree with the fact that managers must be able to work with a bilingual staff. The expectation is clear and categorical: if a person does not meet the required qualifications to supervise employees in both official languages, and must receive training to this end, a concrete plan must be drawn so that the person replacing the manager be capable of working with bilingual employees. There will always be expectations as regards the language needs of employees. If staff is bilingual, this is the measure to be taken in any given department.

Mr. Richard Nadeau: Is this really being done, or is it just what should be done?

Ms. Karen Ellis: As far as I am concerned, I have been a public servant for the last 24 years. I was assistant deputy minister at National Defence for a few years and I have always worked with my managers to make sure that there was compliance with the plans which truly enabled us to manage a bilingual staff. That is what I want to say. As managers, as leaders within the public service, people must take this seriously. We must do things respectfully, not just to meet obligations, but to also encourage the use of both official languages in the workplace. Everyone must know that this is truly important.

Mr. Richard Nadeau: Ms. Ellis, if after two years a senior official has not obtained the level required, don't you believe that it would be normal for the person to be demoted because he or she has not met the qualifications and therefore should be replaced by someone else? By doing so, we would avoid finding ourselves in a situation where a person is being paid a certain salary, with the help of someone working at his or her side to convey information in both official languages, at a much lower salary.

The Chair: Unfortunately, your speaking time is up. You can answer later on. We will move on with Mr. Godin.

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

In the 2006-2007 Performance Report of the Canada School of Public Service, the following was written:

The waiting list was reduced by more than 1,200 people in 2005-2006, to 85 people in 2006-2007. This decrease can be explained by two factors: a moratorium on the waiting list until the transition period towards the new model was adopted, and the application of a training validation exercise which eliminated candidates from the list after a review of their training needs.

There were 1,115 fewer people on the waiting list. Why are they no longer there?

Ms. Donna Achimov: We managed our waiting list in accordance with an action plan for each individual in order to increase the hours of training, increase the number of instructors, and we tightly managed the central process to find the best way to manage people and ensure quality of training. We hired staff who deployed intense efforts to administer each individual case, to manage needs and

• (1025)

[English]

to forecast better in terms of the demand.

[Translation]

Mr. Yvon Godin: Can you explain to us what the moratorium was about? Were names removed from the list afterwards?

Ms. Donna Achimov: With respect to the moratorium, may I defer to my colleague who can answer your question?

Mr. Sylvain Dufour: In fact, what happened is that we found ourselves with a rather high number of people who were on language training waiting lists. We did not want to continue adding names as we were making attempts to shorten the waiting list. Therefore, we placed a moratorium on the number of applications the school was receiving and began to work with the department in hopes of finding other service providers, because we were overwhelmed. It would not have been wise to continue adding names, as we were trying to shorten the list.

Mr. Yvon Godin: What were the results of that? Was somebody doing a follow-up, or did you lose control?

Mr. Sylvain Dufour: Do you mean—

Mr. Yvon Godin: I'm talking about those who were sent to the departments. You say that you were responsible for sending them elsewhere. Was any follow-up done? Is there any data on that?

Mr. Sylvain Dufour: It is the responsibility of departments to follow up on people who undergo language training. We simply train people. They come to our school, we provide language training, the departments provide a report each year—

Mr. Yvon Godin: Yes, but when the school was providing training we knew how many people were receiving it.

Mr. Sylvain Dufour: We knew how many people were coming to school, but the Canada School of Public Service is not the only institution that can provide language training. For our part, we can say how many people registered in language training, but there were other students who studied elsewhere.

Mr. Yvon Godin: You cannot say how many public servants receive language training, it depends on each respective department. How can we assess the number of people who undergo training?

Mr. Kelly Collins: If you are talking about training relating to non-imperative staffing—I believe that is what you were referring to—we are governed by a statutory instrument of the Public Service Commission, which is

[English]

an official languages exclusion order.

[Translation]

That gives us two years to meet language requirements, attain a BBB, or CBC level, according to the requirements of the position. The commission is responsible for follow-up. We, for one, assist them with our annual report. Departments provide statistics to us on this matter, and the Public Service Commission follows up with the departments. Through this instrument, employees sign an agreement stipulating that if they fail to meet their obligations, they can be seconded to a position that suits their language abilities. Therefore, it is the commission which is responsible for following up on these cases.

The other part of the waiting list is comprised of people who had requested language training to further develop their careers. The responsibility is therefore shared between the manager and the employee who is seeking to improve future possibilities.

Mr. Yvon Godin: Is there any follow-up as to whether or not the department approves a person's request, thereby granting him or her training, or it simply stated that the matter is the employee's responsibility, and not at all the employer's? What is the attitude?

Ms. Kelly Collins: The department is responsible for resolving the problem, but must work with the Public Service Commission.

The Chair: Very well, thank you very much.

We will now begin our third round of questioning beginning with Mr. Mauril Bélanger.

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

Ladies and gentlemen, welcome and thank you.

Since we're talking about the action plan, I would like to know if Mr. Bernard Lord consulted you, either individually or collectively, with respect to the plan's renewal.

Ms. Karen Ellis: Not directly at the agency.

Ms. Donna Achimov: Nor directly at the school.

Ms. Andrée Duchesne: Not directly, no. However, at the Department of Justice, we work in close cooperation with the Secretariat of Official Languages, and particularly on the inter-departmental committee of official languages stakeholders.

Hon. Mauril Bélanger: But with respect to my question about Mr. Lord, the answer is no.

Ms. Andrée Duchesne: Indeed.

Hon. Mauril Bélanger: Thank you.

Ms. Achimov, can you tell me when the last meeting of champions took place?

Ms. Donna Achimov: Meetings are held every two months and a meeting of the deputy ministers is held almost every month. One of those meetings was held last week.

Hon. Mauril Bélanger: Are the minutes of those meetings available to parliamentarians?

•(1030)

Ms. Karen Ellis: Kelly will answer.

Ms. Kelly Collins: I'm not sure if they are available to parliamentarians, but I believe that they are posted on our website.

Hon. Mauril Bélanger: If they are available on the website, I assume we can access them.

Ms. Karen Ellis: Yes, they are available.

Ms. Kelly Collins: We will check.

Hon. Mauril Bélanger: Thank you.

Earlier, we were talking about access to justice, and I can understand if this matter does fall within the jurisdiction of the department, but according to recent statistics I obtained from the Office of the Commissioner for Federal Judicial Affairs, the government appointed 32 judges in Ontario over the last two years. Everyone of them indicated that they preferred to receive their correspondence in English. Based on that, I am not saying that all the judges are unilingual anglophones. Indeed, the office does not specify whether or not a judge is bilingual; it only indicates which language a judge wishes to receive his or her correspondence in.

What was indicated, however, was that a judge appointed in Manitoba, one appointed in New Brunswick, and another one appointed in the north had asked to receive their correspondence in French. I would assume therefore that these judges would be able to preside over trials in French. I don't have the impression that the situation is very good in Ontario.

Madam Duchesne, has your group formulated any opinion on this matter?

Ms. Andrée Duchesne: All I can answer is that we will certainly endeavour to provide you with information on this subject or to answer your question in writing.

As you know, the area of judicial appointments does not fall within our mandate.

Hon. Mauril Bélanger: I understand that.

Ms. Andrée Duchesne: It is therefore impossible for me to answer you.

Hon. Mauril Bélanger: But would you agree that one of the significant, if not essential factors in providing access to justice is making sure that judges are able to hear cases in both English and French?

Ms. Andrée Duchesne: I believe that it is important for judges to be able to hear cases in the language of the accused.

Hon. Mauril Bélanger: In fact, this is required, as has been stated by the Supreme Court of Canada and built into our Constitution.

Of the 32 judges appointed over the last two years, will you try and find out who is bilingual? Can you hope to obtain this piece of information?

Ms. Andrée Duchesne: That can be provided to you by the Office of the Commissioner for Federal Judicial Affairs.

Hon. Mauril Bélanger: According to my information, they are unable to do so. Somebody is going to have to, unless the committee decides to assume the responsibility. However, I have a hard time seeing how law-makers will be able to summon judges. Perhaps we can discuss this with the government's representatives. As regards access to justice, it is my hope that your service will be able to provide us with information.

Ms. Andrée Duchesne: That issue falls within the jurisdiction of the Office of the Commissioner for Federal Judicial Affairs.

Hon. Mauril Bélanger: In that case, we will have the minister appear.

My question concerns the agency and most likely the school as well.

I would like to know if you intend to sign any official agreements with post-secondary institutions such as the University of Ottawa, Université Sainte-Anne, or the Collège universitaire de Saint-Boniface, as a way of recruiting managers who are already bilingual?

Ms. Donna Achimov: Currently, we are in holding discussions with several universities to launch private projects, such as the sharing of our respective tools to enhance bilingualism during university years. We have just begun this work this year.

Hon. Mauril Bélanger: Which universities are involved?

Ms. Donna Achimov: We have held discussions with the University of Toronto, the University of Ottawa, and have begun preliminary talks with public administration schools.

The Chair: Thank you, Ms. Achimov.

We now move on to Mr. Nadeau.

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

Would it be possible to set a deadline as a way of making sure that senior bureaucrats are able to operate in both languages? That would help Canadians and Quebec taxpayers, as well as lower-ranking bureaucrats work in their own official language, and create the best possible workplace atmosphere. Is this not one way of preventing postponements related to the fact that senior officials are unable to speak both official languages?

• (1035)

Ms. Karen Ellis: I am an assistant deputy minister, which is a certain ranking within the public service. I must have level C. All assistant deputy ministers of the public service must be able to work in both official languages. Policies developed in recent years have produced very encouraging statistics as to senior managers' level of bilingualism. Things are consistently improving because the requirements are very firm: one must achieve a good level to manage files in both languages.

Mr. Richard Nadeau: As regards deputy ministers, one level higher than yours, waivers of two years or more are often requested. There is room for improvement and this is something that must be done. I understand this.

In your presentation, you talked about teaching methods, such as taking learners outside the classroom as one way of improving their language skills. What are these other methods? To what extent are they effective?

Ms. Donna Achimov: Thank you for your question.

Thanks to the action plan, we have received funds to experiment with certain teaching methods. One method is heavily focused on the students. For example, they are given exercises before the formal lessons begin. This has produced good results because people are able to study before beginning their course.

During training, several tools are made available in the classrooms. For example, certain tools are available on the Internet, allowing students to practice. We have experimented with voice recognition technology, such as the technology that is used when we are asked over the phone if we wish to receive service in French or English. Voice recognition is used in businesses and homes. This tool is used to help pronounce difficult words.

Mr. Richard Nadeau: Thank you very much. I am a teacher by training, and those methods are ones that I could adopt myself. I find all of this interesting.

The current government has abolished the Court Challenges Program, stating that as it would always respect the law, and that consequently, there was no need for a program that would enable lawsuits to be launched against it. Since it knows that the abolition of the Court Challenges Program runs counter to the law, has the Department of Justice written to the government to inform it that by eliminating the program, the Conservatives were themselves contravening the law? Is this one of your responsibilities? This is an area that affects, among others, official languages.

Ms. Andrée Duchesne: That is an issue I cannot discuss, as it is currently before the courts. As for the second component of your question, that falls under solicitor-client privilege, and I am unable to talk about it.

Mr. Richard Nadeau: That's fine.

With regard to client service, Air Canada often runs roughshod over bilingualism. From a legal perspective, are there any elements that you can bring before the government, be it the Department of Transportation, Infrastructure and Communities, the Department of Official Languages, the Department of Canadian Heritage, or the Prime Minister's Office to inform them that there are still crown corporations and government agencies that do not comply with legislation? As a representative of the Department of Justice, do you inform the government of these situations?

Ms. Andrée Duchesne: That entire issue is related to our role as legal adviser to the government. Once again, our advice is subject to rules of solicitor-client privilege. I am truly unable to answer your question.

• (1040)

The Chair: Very well, thank you Ms. Duchesne.

We now move on with Mr. Petit.

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): Thank you, Mr. Chair, and thank you to everyone for being here today. My question will be specific, and is addressed to Ms. Duchesne.

You work for the Department of Justice. Earlier, you replied to a question asked by my colleague, the parliamentary secretary, Mr. Pierre Lemieux, regarding minorities' access to justice. I still practise as a lawyer, and can tell you that one of the problems experienced by minority anglophones living in Quebec, outside of Montreal, is a lack of English-speaking lawyers. Anglophones have family problems. If you go to Manitoba, the opposite is true; francophones are hard-pressed to find French-speaking lawyers, and have matrimonial problems. You are aware that these issues are very touchy.

There is also the criminal side. In Quebec anglophone communities outside Montreal, crime rates are higher than among francophones. The same phenomenon occurs among francophones living in a minority situation.

Ms. Duchesne, what kind of services do you provide? It is a very direct question. I understand fully that there are problems when a ticket is not issued in the right language, but the problem that lawyers are confronting today is that people do not have access to bilingual lawyers, or bilingual courts. In some cases, we are only beginning to resolve the problem, in family law, bankruptcy law and in all areas of federal jurisdiction.

What kind of advice or tools do you provide to these minority communities, to the Quebec anglophone community in Quebec outside of Montreal and to francophones?

Ms. Andrée Duchesne: Your question is in two parts. I will begin with the English-speaking community in Quebec. First, you must realize that where justice is concerned, the French-speaking communities outside Quebec and the English-speaking communities in Quebec are organized very differently.

As concerns the French-speaking communities outside Quebec, the association of French-speaking lawyers have a key role to play. The social structure of the English community in Quebec is not the same. Quebec does not have a group of English-speaking lawyers that is organized in the same way and with whom we can work directly. We therefore used a different approach for the English community in Quebec and we began to work closely with an organization called Éducaloi, whose mission is to provide education and information on all legal issues in Quebec. Éducaloi works mainly in French, but for the past 3 years, it has also been working in English with a view to developing information tools. There is an English version of its website designed to inform Quebec's English-speaking population of their rights, that is, language rights in Quebec and the language provisions of the Criminal Code, regardless of where these people live, whether in Montreal or outside of Montreal. The results have been excellent to date.

We have also been working with the Quebec Judicial Council to help it develop training programs in English for judges of the Court of Quebec, both in Montreal and elsewhere. Currently, we are holding discussions with the English-language legal community of Quebec, the Montreal Bar Association and the Quebec Bar Association in order to determine how we can help deliver services to the public as well as legal information in English in Quebec, both for residents of Montreal and people who live in the regions.

The Chair: Thank you. Will you be sharing your time, Mr. Petit?

Mr. Daniel Petit: No, I will finish my question.

The Chair: Fine.

Mr. Daniel Petit: I am selfish.

Ms. Duchesne, francophones in minority communities in other provinces have trouble gaining access to the court. They often need legal aid to be heard in a courtroom. Heaven knows that in Quebec, legal aid is very popular, and in Ontario, it is relied on so heavily that it has become a veritable monster.

●(1045)

The Chair: Mr. Petit, your preamble is very lengthy and your time is running out.

Mr. Daniel Petit: You mentioned Quebec, but I would like you to tell us about the services that you offer to francophone minority groups.

Ms. Andrée Duchesne: As concerns legal matters, we are not very involved because there is a special program for legal aid at the Department of Justice. It deals with provincial agreements in this regard.

As for services or projects that we have supported in francophone communities outside Quebec, our experience with lawyers' associations has been very conclusive. Within the department we have also cooperated closely with other programs for groups of people who have been victims of violence, for example. As part of its family law initiative, the department has allocated \$250,000 per year to work with Official Language Communities.

The Chair: Thank you very much. I apologize, I must interrupt you.

Mr. Godin.

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

Ms. Ellis, you said that the assistant deputy minister should be bilingual. I think that you are proud of that fact, and it shows. Do you have contacts with the employees in your branch? It is that one of the reasons why you must be bilingual?

Ms. Karen Ellis: Yes, absolutely.

Mr. Yvon Godin: Does the deputy minister not have any contact with his employees? Is the assistant deputy minister the only one who talks to the deputy minister?

Ms. Karen Ellis: No, that's not what I mean. The deputy ministers are governed by a system called

The same system does not apply to deputy ministers. They are appointed under this system, and we are public servants appointed under another system of the public service. The requirements are clear for us up to this level.

[English]

the Governor in Council appointment process.

[Translation]

Mr. Yvon Godin: That must create problems in a service. I know they are not appointed in the same way. The government decides whom it wishes to appoint. They are protected by another system. But there is an exception to that rule, which creates a number of impediments. For example, if someone is not bilingual, how can people speak the language of their choice? That means that there are a number of people who cannot speak to their deputy minister.

Ms. Karen Ellis: Did you want to add something, Kelly? Because I have something else to say.

Ms. Kelly Collins: It is mainly up to the entity to implement measures in order to respect its employees' choice of language. If someone is unable to communicate, he or she must have other means of doing so.

Mr. Yvon Godin: Let us just say that I agree with you. If a person is bilingual, it is difficult to ask for the services of an interpreter because he or she wants to speak to the deputy minister in the language of his or her choice. There tends to be a lack of respect, not on our part but on the part of the government, which is not leading by example in the public service. It must do so by saying that it believes in the respect of both of this country's official languages and by showing this respect through leadership. I know it is difficult for you to chastise the government in this regard, given that it is your boss.

Ms. Karen Ellis: Throughout my career, I have worked for nine departments. In every case, the deputy ministers spoke both official languages. Some deputy ministers were more bilingual than others, but they always made an effort to communicate in both official languages.

Mr. Yvon Godin: But there are deputy ministers who do not speak both languages.

Bill S-3, adopted in 2005, targeted sections 41, 42 and 43 of part VII which, up until then, were only declaratory.

What are you doing to enforce this act?

Ms. Karen Ellis: I will ask Ms. Collins to answer you.

Ms. Kelly Collins: We have no direct obligations, but as a central agency, we do a great deal to help various entities. We assist Treasury Board directly by studying submissions. They need [*Editor's Note: Inaudible*] official languages. For example, for the information campaign, we work closely with Canadian Heritage to create posters that relate to part VII, and not only part VI. We have networks of people who are responsible for official languages whom we call champions. There is always a component that relates to part VII and every year, each of our networks holds a conference in a region, always in a community...

•(1050)

Mr. Yvon Godin: Does the action plan help enforce part VII? Do you recommend the continuation of the action plan?

Ms. Karen Ellis: We cannot make recommendations, sir.

Ms. Kelly Collins: I don't understand what you're getting at. You asked what we do. We encourage and assist our partners, like Canadian Heritage, which is responsible for part VII and which uses our networks.

Mr. Yvon Godin: You said that you received \$2.6 million under the action plan. Has that helped you move things forward?

Ms. Kelly Collins: Yes. We use the networks we built with funding from the action plan. We use all the material we produce to promote official languages. We included a part which deals with part VII.

Mr. Yvon Godin: That's why the study was done. If the action plan helped move things forward, should it be extended? You've been saying for a while now that the action plan provided additional funding which was of great help to you.

Ms. Karen Ellis: That will be the government's decision.

Mr. Yvon Godin: I am sure that will be the government's decision, but I want to know if that's what you would recommend.

Ms. Karen Ellis: We cannot discuss things which are under development and which will require government funding.

Mr. Yvon Godin: You can tell me whether the action plan has helped you so far.

Ms. Karen Ellis: We can describe our experience under the last action plan...

Mr. Yvon Godin: Did it help you?

Ms. Karen Ellis: The action plan? Of course.

Mr. Yvon Godin: So, if it is discontinued, that will not help you.

The Chair: Thank you.

Ms. Karen Ellis: We are still receiving funding under the action plan.

Ms. Kelly Collins: That's a good thing.

The Chair: Thank you, Mr. Godin. I have to stop you there.

Mr. Yvon Godin: It would not be the first time.

The Chair: Another committee member would like to ask a question before the end of this meeting.

Mr. Brent St. Denis (Algoma—Manitoulin—Kapusksing, Lib.): Thank you, Mr. Chairman.

I would also like to thank the witnesses.

I have no problem with the fact that funding and programs to promote official languages come from the federal government, but are there links among the provinces, provincial agencies promoting bilingualism and the federal department?

[*English*]

Do we work together in any way with the provinces that have programs to promote two languages? We serve the same people.

[*Translation*]

Ms. Karen Ellis: Mr. Collins can confirm the fact that this issue falls under the responsibility of the Department of Canadian Heritage, which works together with all those other partners. Our priority is the public service and the institutions we referred to.

Mr. Collins, would you like to add something?

Ms. Kelly Collins: There are initiatives, such as the single-window offices in Manitoba, where both provincial and federal services are provided to provide better service to the linguistic minority. These are our partner initiatives, and they provide services. Apart from that, things happen more at the ministerial level than at our level.

Ms. Karen Ellis: I would add that, generally speaking, in areas other than employment equity, I often share my best practices with my provincial colleagues. The spirit of sharing allows people who are interested to improve the way they do things, but this does not happen in a formal way.

The Chair: Thank you very much.

I would like to thank the witnesses representing the three agencies for coming here this morning. Your points of view will be useful when we make our recommendations. We noted your passion. There are interesting learning tools to make French more accessible within Canada's legal system.

Thank you for being here.

The meeting is adjourned.

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