



House of Commons
CANADA

Standing Committee on Official Languages

LANG • NUMBER 021 • 3rd SESSION • 40th PARLIAMENT

EVIDENCE

Tuesday, June 8, 2010

Chair

Mr. Steven Blaney

Standing Committee on Official Languages

Tuesday, June 8, 2010

● (0900)

[Translation]

The Chair (Mr. Steven Blaney (Lévis—Bellechasse, CPC)): Good morning, everyone. Welcome to the Standing Committee on Official Languages. This is our 21st meeting.

[English]

Pursuant to Standing Order 108(3), we are considering the 2009-10 annual report of the Commissioner of Official Languages, referred to the committee on Tuesday, May 25, 2010.

[Translation]

This morning, we are pleased to receive the Commissioner of Official Languages, Mr. Graham Fraser, and the members of his team.

Welcome to the committee, commissioner. We are pleased to have you here this morning so that you can tell us about the findings of your annual report.

At the outset, I would like to tell you that the members and I were definitely pleased to see that the committee's proceedings were a source of inspiration for your report.

Without further ado, I'll ask you to tell us about your recommendations.

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

[English]

It's a pleasure to present you with the findings of volume I of my fourth annual report.

I am accompanied today by Sylvain Giguère, assistant commissioner of policy and communications; Ghislaine Charlebois, assistant commissioner for compliance assurance; Johane Tremblay, general counsel; and Lise Cloutier, assistant commissioner of corporate services.

You will notice that volume I of the annual report does not include the federal institution report cards or any data on complaints. This information will be featured in volume II of my annual report, which will be published next fall.

Volume I of the annual report deals with three separate issues that must be considered as a whole. If the government were to neglect any one of them, setbacks would occur in the other areas. It would be

a good idea to keep this in mind as departments and agencies are taking a very close look at their budgets.

If universities are not preparing their students adequately, the government and the private sector will have trouble hiring the bilingual employees they need. If managers and supervisors do not encourage their employees to use the official language of their choice, bilingual services to the public will suffer and the development of official language communities will be affected. If the leaders of federal institutions do not live up to their responsibilities arising from the changes made to official languages governance, the government's performance in this area will quickly deteriorate. Everything is interrelated.

[Translation]

The language of work in federal institutions is important. Since 1988, federal government employees in certain Canadian regions have been entitled to work in English or in French, depending on their preference. However, only 67% of francophones report that they feel comfortable using French in meetings, and the same proportion of anglophones say they have access to all of their professional development training in English.

The language of work situation is undeniably complex. There is no one solution to these problems, but I present a number of paths to explore in my report. Although strong leadership from the government's senior management is necessary, supervisors and managers also have a role to play in their daily interactions with employees. A respectful relationship between co-workers is key to a successful bilingual workplace.

In many cases, maintaining a unilingual work culture hinders the public service's efforts to offer quality bilingual services to the public. A bilingual work environment offers both language communities the opportunity to fully contribute, in their first official language, to the development and implementation of policies and programs that serve all Canadians.

Forty percent of the jobs in the federal public service require bilingualism. The private sector also has significant bilingual and multilingual labour needs.

As Canada's largest employer, the federal government must work with the universities and provincial governments so that students across Canada have access to better second-language learning opportunities. Providing better learning opportunities to students will improve the performance of future Canadian workers. But to accomplish this, planning, coordination and strong government leadership are vital.

● (0905)

[English]

Successful implementation of the Official Languages Act also relies on the application of principles of sound governance. Processes that may seem purely bureaucratic often have an impact on the daily lives of people living thousands of kilometres away from decision-making centres. That is why one chapter of my report addresses the recent changes to the way the federal government's central agencies fulfill their language responsibilities.

Combined with the elimination of the Canada Public Service Agency and its official languages unit, the recent reduction in the workforce of the Treasury Board Secretariat's Centre of Excellence for Official Languages has led to a considerable loss of expertise for federal institutions attempting to improve their official languages performance.

Although it is too early to assess the final impact these changes will have on how the federal government fulfils its obligations, I think it's a shame these changes were adopted without consulting, for example, those responsible for official languages in the federal departments and agencies. It's not a good start for an initiative that is fundamentally risky.

[Translation]

In this context, senior management must demonstrate vision. If these managers act without any clear plan to ensure results, we can expect setbacks.

Thus, the delegation of responsibilities must not lead to laxity. The government must demonstrate how this new approach will pave the way for a more effective implementation of the Official Languages Act and improve the vitality of official language communities.

Moreover, leaders of the official language communities expressed their concerns on the delays in implementing the Roadmap for Canada's Linguistic Duality 2008-2013. Serious delays in signing the agreements between federal institutions and community organizations are also a source of concern. Working to strengthen the vitality of official language communities, the heads of some of these agencies have gone so far as to use their own credit card to pay for their agency's expenses while waiting for government funding. When the funding needed by these organizations to provide essential services is not received until very late in the year, the entire community pays the price.

Despite concerns caused by delays in the implementation of its commitments to official language communities, I was nonetheless pleased to note that, in the most recent Speech from the Throne, the government committed to keeping the Roadmap intact. On the same occasion, the government proclaimed that "Canada's two official languages are an integral part of our history and position us uniquely in the world." To my mind, this statement means that English and French are not only part of our past but of our future as well. To sustain this vision, the government must act with foresight. It must carefully assess the decisions that could affect Canada's linguistic duality. The decision-making process must be transparent.

[English]

Language policies are sometimes a topic of debate. These debates remind us of the fundamental values that are the foundation of Canadian language policy.

Following discussions in the House of Commons, a bill addressing the bilingualism of Supreme Court judges is now before the Senate and at the heart of the debate. My position is clear: judges of the highest court in the land must be sufficiently fluent in both official languages in order to hear appeals without needing interpretation. Bilingualism is a fundamental skill for Supreme Court judges. It's a matter of justice and equality.

This debate clearly shows the relevance of the topics dealt with in my report. Universities must prepare future legal experts to work in a justice system where citizens have the right to be heard in the official language of their choice. Moreover, in order to work effectively and derive maximum benefit from everyone's expertise, judges must be able to discuss cases with each other in the official language of their choice. In fact, this debate may be thought of in terms of the privilege of legal practitioners who aspire to sit as a judge on the highest court in the land or in terms of the right of citizens to be understood by the highest court in the land in the official language of their choice. In examining this issue and its obligations under the Official Languages Act, the government must remember the spirit of the act and the values it enshrines. I'm available to discuss the issue in greater detail should you so wish.

● (0910)

[Translation]

The 2010 Olympic and Paralympic Games perfectly illustrated the challenge that the government must meet to fully implement the Official Languages Act. By approaching the Act as a set of rules, we can put all the administrative details into place, but we risk forgetting what is really important. Thus, in Vancouver, many services were offered in French as well as English; the opening ceremony, however, drew much criticism and generated numerous complaints. These complaints are now being investigated. Fortunately, our athletes themselves, through their inspiring bilingualism, reminded us that linguistic duality is a value to be cherished.

Thank you for your attention.

[English]

I would now like to take the remaining time to answer any questions you may have.

[Translation]

The Chair: Thank you very much for that address, commissioner.

Without further ado, we'll start the first round with Ms. Zarac.

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

Welcome, commissioner, to you and your employees.

Thank you for being here today. I'm pleased that you finished your speech by talking about the athletes. That's a good example to follow. Thanks as well for taking into consideration in your report the study that was conducted last year about delays. That study was very important for us. You mentioned in your report that you were going to conduct a follow-up and ask the government to take measures. I also hope you'll ask it to be very specific and to include statistics in its report. Even though reasons are given, it's very important to prove what has been done. That will make it possible to make improvements.

You also mentioned the delays that have occurred under the Action Plan. Yesterday in Ottawa, there was a consultation on official languages. An expert in the field said he felt that the Action Plan was much better than the Roadmap. I'm not engaging in partisanship. I'm simply trying to find better solutions. Something must be done. Witnesses tell us that linguistic duality is not being respected. The two official languages aren't viewed as an added value. And yet people should understand that and especially see it.

What should be added to the Roadmap so that we can take giant steps and promote the official languages in Canada?

Mr. Graham Fraser: I'm not in a position to draw the kind of detailed comparison you're looking for. However, I have noted certain things, in particular that additional funding was allocated to the Roadmap, not the Action Plan, specifically in the field of immigration. In addition, funding has been allocated to second-language learning at the postsecondary level. In the past, we expressed our regret that funding for language training for public servants had been eliminated. Each of the plans has its strengths and weaknesses. The Roadmap did not include a cultural component, for reasons that were clearly explained at the time.

I would like to talk a little about the value issue. I'm not saying this in a partisan manner, but I see that there is a certain reluctance on the part of all governments to promote the two official languages as a value. This has been the case of all governments for a very long time. I don't know whether you've had that experience, but public events are often held in Ottawa, but slightly outside the public service. On those occasions, senior public servants or officers of federal institutions are invited to speak to groups or at conferences. These involve a mix of public servants and other people who master the two official languages better than I do. However, they start their address by saying, in French: "Thanks for turning out in such large numbers," and finish 30 minutes later by saying, also in French, "Thanks once again." The rest of the speech is delivered in English.

In another situation, a public servant who was speaking to other public servants said in French at the end of his presentation: "I see the Commissioner of Official Languages is here. I should have given part of my address in French. If you have any questions in French..." However, I also made a presentation at a federal institution where the director was a bilingual anglophone. He told his employees: "For the love of God, if only francophones could make an effort to use French at meetings!" A cultural trend, even here in Ottawa, and even within the public service, means that the use of the two languages is merely a symbolic matter. It's like a Latin prayer in certain situations. A kind of symbolic reference is made to the two official languages, then the event continues in English.

● (0915)

The Chair: Thank you, commissioner.

Mr. Nadeau.

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

Good morning, commissioner, and good morning to all your colleagues.

Pierre Bourgault, that great sovereigntist who has unfortunately left us, said that, if English Canada were as bilingual as Quebec, no one would even talk about Quebec independence; we'd feel at home everywhere. When we know that approximately 7% of the Canadian population is bilingual, you'll understand why we can't feel at home everywhere.

As for myself, having worked in the minority francophone world for a long time, I have had that feeling, finding myself somewhere in Canada, that makes us wonder whether we'll be able to speak French today and what impact that will have on our children with regard to the French language. We still have a long way to go, as you say.

I don't mean there haven't been any gains here and there, but those fragmentary gains aren't part of the social fabric. I know that the logo on the pin that you and some of your colleagues are wearing on your coats is intended to reflect that Canadian social fabric of the two official languages.

It was said of us Franco-Ontarians that we were not the cream of the country, but rather the glue of the country, because by speaking English and French, we were able to forge ties between unilingual francophones and the majority of unilingual anglophones. That isn't a very strong cultural identity. In a way, when you think of it, of the very basis of those terms, it's even pejorative.

I represent one of the constituencies with the largest number of public servants in Canada; we're in the national capital region. I'm not sure it's a cultural fact that francophones—you see this in other regions of Quebec as well; it isn't just here—speak English more often than not at meetings where they're entitled to speak French. I think that fact itself is political. It means thinking that, if a public servant speaks French, then half the people won't understand; if he writes a memo in French, his supervisor won't understand. The memo will go through all kinds of channels and won't reach its destination on time, and that public servant won't be perceived as a good employee. The consequences are serious, and that's the fact of the matter.

On page 25 of your report, you quote Mr. Savoie, of the Université de Moncton, who says, among other things: "[...] a highly motivated, highly respected and highly competent manager will make a difference in promoting official languages policy [...]."

We know that a lot of senior public servants don't even speak French. They mumble a few words or have taken the course, but once they've taken it, they don't necessarily feel they have to speak it. I even see witnesses, senior officials who appear before the committees on which I sit: they do everything in English. Of course, interpretation is there to help them. This fact doesn't seem to weigh heavily on the political will: it isn't there. I call that the "impetus for maintaining the folklorization of the French fact".

You've gotten to the point where you're saying—and I'm not fighting with you—that is cultural; I'm telling you it's political. There's one aspect of the situation that is normal, and it's this: a truly French Canadian is bilingual. This isn't a problem for public servants; they'll speak English, and francophones will understand.

This situation weighs extremely heavily. We see it in the debate over the Supreme Court judges. The Supreme Court judges are the tip of the iceberg, an epiphenomenon, an example in an ocean of realities. Imagine: we're only fighting about an example.

You say you question the fact that the Treasury Board Secretariat has problems discharging its linguistic responsibilities. Can you suggest any measures, solutions that might help it? What should we do?

• (0920)

Mr. Graham Fraser: First, I would like to clarify one point. Some say every cultural element is, by definition, political. The political is also cultural. We communicate in a culture; we can't avoid this overlap between politics and culture.

There's another point that I would make about language of work: this issue is something for a foretaste of a study that we hope to be able to publish in the fall. This study will go into greater detail about the issue of leadership on language of work and will address precisely the questions you have raised.

The Chair: Thank you, commissioner.

We'll continue with Mr. Godin.

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

I'd also like to welcome you to the committee.

I'd like to talk about Air Canada Jazz. After studying this file, we have learned that the Jazz subsidiary reports directly to Air Canada. The subsidiary itself is not directly subject to the Official Languages Act, whereas Air Canada is. I don't know how to say it to make you understand. It's Air Canada that requires Jazz to provide services in both official languages, since Air Canada is subject to the Official Languages Act.

So how can we solve a problem if Jazz is the problem? For example, I filed a complaint with you, commissioner. I also complained to Air Canada, and Jazz answered me on behalf of Air Canada. So I sent the letter from Jazz to Air Canada, and I told the Air Canada people that I wasn't doing business with Jazz, but rather with them.

So in the bill that we asked you to support, is this the problem you're trying to solve?

Mr. Graham Fraser: Indeed, we noted one point in particular, and that is that, in each of the structural changes to Air Canada or ACE, elements were removed from the Air Canada structure to become Air Canada subsidiaries. So direct oversight over them was lost.

Jazz currently operates somewhat like a third party or an Air Canada subcontractor. Air Canada has responsibility as a contractor to ensure that the rules to which it is subject are complied with by Jazz.

• (0925)

Mr. Yvon Godin: According to Air Canada, Jazz is also subject to the Official Languages Act. That's what the Air Canada representatives said when they appeared before the committee before you. Consequently, you aren't obliged to answer my question immediately because you may be answering it following the complaint I filed. You can also answer it, if you wish.

Do you have the power, in a subcontracting situation, to get to the bottom of the matter and see what happened at Jazz?

Mr. Graham Fraser: We definitely have the capability to conduct follow-up in cases of non-compliance with the act, whether the matter concerns a contract or an institution, for example, the airport authorities that are—

Mr. Yvon Godin: So, commissioner, that means that you are able to see what kind of exams Jazz administers to its employees to determine whether they are bilingual.

Air Canada doesn't administer the examination to Jazz employees; Jazz does it. Jazz's only answer was that the employee had refused to speak French. Ultimately, according to the letter that was sent to me, Jazz had just realized that that employee had passed the test, whereas he should never have passed it. Just imagine!

[English]

Either you speak or you don't speak.

[Translation]

Mr. Graham Fraser: The courts have very clearly held that the airlines that have language responsibilities have a responsibility of result. It's in that sense that we can check to see how it is they haven't managed to produce the results they are required to produce under the act.

Mr. Yvon Godin: I have another question on another subject.

Mr. Jean Léger, who represents the francophones of Nova Scotia, was here last week. He said that, since December, I believe, he has been trying to have a meeting with government officials and that it has always been denied. In his opinion, the group of senior officials that he wants to meet in Nova Scotia may include only one person who speaks French.

Mr. Graham Fraser: At the federal level.

Mr. Yvon Godin: At the federal level.

Mr. Graham Fraser: I can't tell you whether that figure is accurate. We can check.

I should point out that Nova Scotia isn't a designated bilingual region. So employees don't have a right to work in French—

Mr. Yvon Godin: Nova Scotia isn't a designated bilingual region, and the government transfers a lot of federal responsibilities to it. For example, bilingual institutions that were in Moncton have moved to Nova Scotia. So we're not off to a great start.

Mr. Graham Fraser: No, indeed. That's an institutional problem that I've often pointed out in the past, and anglophone officials have told me about their difficulty in maintaining a certain level of French after being transferred from Moncton to Halifax. In Moncton, they told me that, after taking the course, it was very easy for them to maintain the level of French they had achieved.

Mr. Yvon Godin: No, but there we're going on—

The Chair: Thank you, Mr. Godin. We're already...

Mr. Yvon Godin: I'm going back to the subject; it's important.

The Chair: We'll go from the east to the western part of the country.

Mr. Weston, go ahead, please.

Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC): Thank you, Mr. Chairman.

Than you for being here today, Mr. Fraser.

I'm delighted to hear your comments, not because I agree, but because you push me to think about things I don't regularly think about. We heard Mr. Bourgault's remarks. The problem isn't that he emphasized the importance of the French language in the other regions of Canada, but that he forgot the other languages that we speak, the languages of human rights, the languages of accounting, the languages that we Canadians consider very important, and that the rest of the world considers magnificent. I believe the trap you may be falling into is that of being a good hammer.

● (0930)

[English]

People love to have a good hammer, but if you're too good a hammer, every problem becomes a nail, they say. In the body, the heart is important, but if the heart absorbs all the oxygen, then the brain will die.

About the Supreme Court of Canada, even though

[Translation]

we agree—I'm a lawyer from British Columbia, my children attend a French immersion school, I love the province of Quebec, and I worked for the government of Quebec—I,

[English]

I couldn't meet the standard that is proposed in the bill of Monsieur Godin, and no British Columbian lawyer I know could meet the standard. My concern is this: if we force on the Supreme Court of Canada the valid, the lovely objective of having an increased level of bilingualism, that's good. If it goes too far, if it takes all the oxygen away from the other important aspects—the delivery of justice, the finding of regional representation for our court—the ultimate consequence may be a backlash, so that people like me in British Columbia, who aspire to bilingualism in our wonderful country, who want to promote the very things that Monsieur Nadeau and Monsieur Godin want to promote, which is bilingualism, will go the other way and say, “We can't find justice from our courts; we can't find regional representation. You're going to take away simultaneous translation as a way to make our institutions bilingual.”

The consequences may be far worse than the remedy.

You said you were here for a conversation. I'd love to hear your response.

Mr. Graham Fraser: Thank you for the question.

First of all, let me address the question of whether the standard is an extreme standard or whether it in fact is not as high a standard as that which is expected of other officials. Right now, the Supreme Court benefits from an exemption that other federal institutions do not benefit from. Twenty-two years ago, when the Official Languages Act was amended and there was some discussion of whether this exemption for the Supreme Court should be included or not, Ramon Hnatyshyn, who was the Minister of Justice at the time, said in fact, we're not ready yet.

We've now had 22 years since the Official Languages Act was amended, and the question is, are we ready now? Right now, eight of the nine justices meet the criteria. It is in fact a lower criterion than the criterion that's expected of senior officials in government, that's expected of leaders of political parties, that's expected of senior military officers.

All that the private member's bill requires is oral understanding. It will not expect that justices be required to write their decisions in the other language or that they ask questions in the other language; it's simply that they be able to understand.

Why I think this is particularly important—

Mr. John Weston: But, Mr. Fraser, if I can interrupt, that's a high standard. Even in the foreign service exams, that's the part that trips up people who have spent years studying another language.

[Translation]

Their comprehension level definitely isn't what is required of a Supreme Court judge.

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

We'll continue with Mr. Bélanger.

[English]

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

Just to continue in that vein, during the 13 years that Mr. Chrétien was the Prime Minister, every single appointment to the Supreme Court was a nominee who could function in both languages. I believe the first one of the current government was as well. I believe also that the University of Toronto and the University of British Columbia have indicated that should that become law, they would make sure that the curriculum would be adjusted to prepare their graduates to be able to accede to the Supreme Court.

I just thought I'd add these elements to the mix, Mr. Chairman.

● (0935)

[Translation]

Thank you for being here this morning together with your team, commissioner. I want to focus on the question of the Treasury Board.

First, however, I want to thank you for clarifying your position on the Supreme Court judges issue. When Minister Moore appeared before us, not long ago, he tried to demonstrate that that was not your position. I'm pleased that you've clarified it. We now know how the commissioner of Official Languages of Canada stands on this matter.

With regard to the Treasury Board, if I correctly understood what you said in your comments this morning, the decision to decentralize and to direct everything to the agencies was a unilateral decision, since there was no preliminary consultation.

Mr. Graham Fraser: That's the information we have on that decision.

Hon. Mauril Bélanger: Unless I'm mistaken, whereas 74 persons were assigned to these positions at the Treasury Board in 2006, only 13 are left today.

Mr. Graham Fraser: That's correct.

Hon. Mauril Bélanger: Notwithstanding that, they've added to the duties, since an agency has been eliminated in the meantime and the responsibilities of that agency have been assigned to the Treasury Board.

Mr. Graham Fraser: That's correct.

Hon. Mauril Bélanger: We're off to a good start.

You mentioned four functions in particular that are no longer carried on by the Treasury Board Secretariat. First, there is liaison between the federal institutions through experts whom you call "portfolio managers". Second, there are the Official Languages Act interpretation services for all the departments and agencies. Third, there is its involvement in Rendez-vous de la Francophonie within the public service. Fourth, there is the survey of official languages best practices.

Have any others been completely abandoned?

Mr. Graham Fraser: As far as I know, the list is complete.

The answer I got is that they're waiting for the deputy ministers and heads of federal institutions, who are subject to the act, to take over this responsibility for ensuring compliance with the act, since it is up to them to accept their responsibilities.

In the report, we took care not to condemn decentralization as such, but to emphasize our concern that the decentralization process entails risks. We also took care to enumerate the elements that are no longer among the tools or among the functions that are performed centrally at Treasury Board.

Hon. Mauril Bélanger: Commissioner, do you know whether any of the 61 positions that were eliminated had been transferred to departments or agencies to help them implement what the Treasury Board used to do?

Mr. Graham Fraser: Not to my knowledge. I believe that some of the incumbents applied for jobs and may have been hired for certain duties, but—

Hon. Mauril Bélanger: I'm talking about the position transfers.

Mr. Graham Fraser: No.

Hon. Mauril Bélanger: No Treasury Board positions were transferred? Does that mean that there was a net elimination of some 60 positions that focused on the implementation of the Official Languages Act?

Mr. Graham Fraser: That's how I understand the situation.

Hon. Mauril Bélanger: Does the Treasury Board consult the Office of the Commissioner of Official Languages when it makes changes to the regulations concerning the Official Languages Act?

Mr. Graham Fraser: Not officially. We look over the regulations, but it's generally after the fact.

Hon. Mauril Bélanger: I'll come back to this, sir—

Mr. Graham Fraser: Sometimes the fact that we're consulted becomes a slippery slope in terms of our independence. To monitor the government, we don't want to replace the Treasury Board with respect to its responsibilities. We are available to assist the departments, and we try to be open, but we don't want to find ourselves in a situation where responsibility is on our shoulders. We retain an ombudsman's role. In a way, we have to keep a certain distance.

● (0940)

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

We'll now go to Mr. Nadeau.

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

French is viewed as a burden and a legal obligation rather than a source of cultural pride. That's what I understood from your remarks earlier. You say this in your report:

In addition, no action has been planned to prevent federal institutions from adopting a narrow interpretation of the Official Languages Act.

Mr. Bélanger's questions confirmed that tendency. Whether it be services, officials or servants of the state who have responsibilities, everything is shrinking. Is there anything else that we should know in this regard? What should we do to improve the situation?

Mr. Graham Fraser: With respect to the role of the parliamentary committees and the government, I learned, in particular, that when you have ministers and deputy ministers appear before you, that in itself is an inducement for them to gain a better understanding of the issue in question. The fact that a parliamentary committee is interested in itself exercises pressure on the institutions. Having people testify triggers a process of work and analysis of what goes on within the institutions. An issue that has been overlooked may suddenly become an issue that is given considerable emphasis.

Mr. Richard Nadeau: All right. So we also have work to do. I hope the 12 colleagues will do it together.

Commissioner, I also sent you a letter from VANOC. We know there were some problems before and during the games. After the games, all the Bloc Québécois members—and I don't know whether that was the case of my colleagues from the other parties—received a letter and a parcel containing a very nice outfit bearing the games logo. However, the letter sent to the Bloc Québécois members was written in English only. We wrote to Mr. Furlong, and we gave him an ultimatum. The letter was dated March 25, but we didn't receive it until the end of May. We also received the outfits in our constituencies. We checked to see whether the mistake only affected me, but we realized that the situation was the same everywhere.

We wrote a letter in French and English. We told Mr. Furlong we wanted him to write in French. If he wanted us to be real ambassadors... We were good princes since we wrote the letter to Mr. Furlong in both official languages. We still haven't received an answer. We sent a certified copy of the letter to Mr. Aubut of the Canadian Olympic Committee.

What's your reaction to this situation? The federal government isn't doing its job and isn't setting an example. The Canadian Olympic Committee is a paragon of government organization and it operates in accordance with the same philosophy as the government. French is secondary. They send us a nice gift and wash the pill down by sending us a letter in English.

Mr. Graham Fraser: I find that unfortunate.

As you know, you did a lot of work on the Olympic Games; we did as well. I mentioned that in the preface to the annual report.

I find it unfortunate that actions like that and ceremonies that triggered a lot of complaints cast a shadow on the games as such, whereas, in the field, an enormous effort was made by the federal institutions, volunteers and even private companies to welcome visitors in both official languages and to provide services.

So I find it unfortunate, after so much effort by so many people, and, in many respects, successes in the field, that a lack of reflexive action should cast a shadow on those successes.

• (0945)

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

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

We'll continue with Ms. O'Neill-Gordon.

[English]

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

I want to welcome all of you here this morning. It's nice to have you back with us to explain some of your ideas and to hear what you have to say.

As you all know, as part of our study this committee has been working on and has been looking quite extensively at the road map during our study for the linguistic duality. In your report, you highlighted it as a key instrument in the government's work towards linguistic duality, and we certainly have found that during our study as we went along.

The road map differs quite greatly from the action plan, and not least in its funding. The level of funding put in place was \$1.1 billion. Now, that's \$1.1 billion over five years. We'll be seeing work done in cultural components. More money has been put into the music showcases, which were non-existent under the prior program, as well as the translation program.

The prior action plan, we learned, only covered eight departments, whereas this new plan now covers 15 departments, which is a great addition to it.

While recognizing—and we all know it—that there's always room for improvement, would you say that the road map improved upon the action plan? And in what specific areas do you see the improvement?

Mr. Graham Fraser: I hesitate to get into the details, because we are continuing to monitor the details of the rollout of the plan. I was pleased to see the addition of the cultural component you referred to. I've been pleased to see the investment in immigration. There are

elements regarding second language learning that I think are important.

On the other hand, as I said earlier, I was sorry to see that there has been a reduction of the component for language training within the public sector. As you pointed out, the program was the renewal of a \$750 million program into a \$1.1 billion program. With the addition of the cultural element and the nature of inflation, I think there are some substantial similarities in terms of the gross amount. I was able to learn after the fact why the cultural component had not originally been included. The cultural sector at that point was simply not prepared to enter into the kind of process of accountability and management of public funds that it then reached the point that it was able to do so.

I think the one is a renewal of the other. There have been some recalibrations and shifts along the way. There are some things that have been strengthened. There are other things in that shift of priorities that.... As I say, I was sorry to see there was a diminution in the investment in language training in the public sector. But I'm not in a position to go into a more detailed financial accounting, if you like, of the two.

If I can just come back to a question on the consultation we had on the regulation, which was raised by Mr. Bélanger, we were consulted in 2001 on the modification of the regulation at that point. That was before my time, but it was the change to the regulation that took into account the Supreme Court judgment on Donnie Doucet. So there have been some in the past, but that was prior to having the position I now hold.

• (0950)

Mrs. Tilly O'Neill-Gordon: As a New Brunswicker, I have to say that I'm very happy with what we've got—having a \$1.1 million allotment. As an educator, I sure hope a lot goes into the education system. That's where we have to start in order to have our children be able to speak both languages.

I also want to see what you think of the linguistic—

The Chair: Thank you, Ms. O'Neill-Gordon. Your time is already up.

[Translation]

We'll continue with Mr. Godin.

Mr. Yvon Godin: Commissioner, to continue along the lines of what Ms. O'Neill-Gordon was saying, I would say that, as a New Brunswicker, I'm not that happy.

It will be remembered that, with regard to education in New Brunswick, in the immersion schools, it went from grade 1 to grade 5, and 350 anglophones demonstrated in Fredericton. So I don't know what she can see, as a teacher, that makes her so happy, considering the setback that represents. In the health field, all the equipment is in the anglophone hospitals, whereas the francophone hospitals have nothing at all. We can monitor all the efforts that are made in the health field in New Brunswick.

I may be a little less happy than she is. I know she represents the government, so she has to speak for the government.

When you consider the Roadmap and the funding that has been allocated to immigration, you see that \$10 million was allocated to New Brunswick. And yet we were told last week that the announcement was made two years ago, but that the program is only starting—

The Chair: Pardon me, Mr. Godin, but we have a point of order.
[English]

Mrs. O'Neill-Gordon.

Mrs. Tilly O'Neill-Gordon: I want to make it clear that talking about what you're doing about the education system...it certainly has gone backwards in the last year. That's a provincial matter, and it's the same with the health position.

Mr. Yvon Godin: That's debate; that's not a point of order.

Ms. Tilley O'Neill-Gordon: I just wanted to make....

The Chair: Ms. O'Neill-Gordon, that is not a point of order; it is more a matter of debate.

Thank you.

Go ahead.

[Translation]

Mr. Yvon Godin: The \$10 million for immigration was supposedly allocated two years ago, and we're told it's only now that the money is starting to be distributed through ACOA. I wonder what kind of program this is, whether there is any follow-up. Will the money really go to promote francophone immigration to New Brunswick or rather for immigration in general? All these points have to be studied.

As regards transfers from Moncton to Halifax, commissioner, you said that Nova Scotia isn't subject to the Official Languages Act at the federal level. Perhaps you could explain that. Except that, if the program is going to serve Canada or all of the Atlantic provinces, perhaps it's the same thing.

Go quickly, please, because I have other important questions to ask.

Mr. Graham Fraser: I'd like to clarify one point. I didn't say that Nova Scotia isn't subject to the Official Languages Act. Instead I said it isn't a designated bilingual region for language of work purposes. That means that people are entitled to federal government services, but that public servants who work in Halifax don't have a right to work in French, which makes that more difficult—

Mr. Yvon Godin: But if the people are transferred in order to provide service to all the Atlantic provinces, shouldn't that be reviewed again?

Mr. Graham Fraser: Indeed, there have been some discussions on this matter. That said, we think it's more difficult for a federal institution to provide services in both languages if employees don't have the right to work in the language of their choice. That's why we say all these issues are related.

Mr. Yvon Godin: Now let's talk about the Supreme Court judges. The minister told us here in committee that he had voted against my bill on the Supreme Court judges because it divided Canadians. If the minister of Canadian Heritage thinks that a bill on the Supreme Court judges, which concerns only nine judges out of 33 million

people, divides Canadians, do you think they'll be concerned to say they're going to provide bilingual services in Vancouver or Nova Scotia and that they're going to require public servants to work in both official languages, with that kind of attitude coming from the top? Aren't those divisive comments rather than unifying comments?

Mr. Graham Fraser: I don't want to attribute motives for comments made in a political debate. Someone says that the questions divides the country. All I can say in response is that every political question divides the country. That's the nature of political and democratic debate. When an event occurs that requires a vote, some people support it, others oppose it. That's the nature of democratic debate.

● (0955)

Mr. Yvon Godin: To be a judge, doesn't a person have to be a lawyer?

Mr. Graham Fraser: Absolutely.

Mr. Yvon Godin: Earlier Mr. Weston said there were absolutely no bilingual judges in Vancouver. However, I thought that the judge of the British Columbia court of appeal was completely bilingual. So we could appoint a person—

[English]

Mr. John Weston: A point of order.

[Translation]

The Chair: Pardon me, Mr. Godin, but there is a point of order.

Mr. Yvon Godin: I'll be entitled to an answer during another round?

The Chair: Yes.

I'd like to remind members to draw a distinction between a point of order and a point of debate.

With that, go ahead, Mr. Weston.

Mr. John Weston: This isn't a point of debate. I didn't say there were no bilingual lawyers in British Columbia; I said I didn't know one, even though I speak French. There probably are, but it's important to—

The Chair: In that case, I believe your point is valid, Mr. Weston, because it clarifies your thinking. So, obviously, we'll be able to continue.

Mr. Yvon Godin: I just want to add, since you let the debate go on, that it isn't my fault if he doesn't know any lawyers in British Columbia.

The Chair: As it happens, I don't know any either, Mr. Godin.

Mr. Fraser, go ahead, please.

Mr. Graham Fraser: I'd like to emphasize one point for the committee. Whether or not this bill is adopted in the Senate, it won't put an end to the debate on the bilingualism of Supreme Court judges.

Mr. Yvon Godin: Absolutely not. I can guarantee you that.

Mr. Graham Fraser: No one can wave a magic wand and suddenly transform the judicial system as regards access to justice in both official languages. If it doesn't pass, that won't put an end to the importance of judges' bilingualism.

I think it's very important to realize that that isn't the end, but rather the start of a discussion about how to ensure access to the justice system in Canada in both official languages.

The Chair: Excellent.

Thank you very much, Mr. Godin.

We're already on our third round, and Mr. Bélanger will start it.

Hon. Mauril Bélanger: Thank you, Mr. Chairman.

I'm going to continue with the matter of the Treasury Board, with your permission, commissioner.

This is troubling. The present government has eliminated the secretariat at the Privy Council whose mandate was to ensure compliance with the Official Languages Act in all departments and agencies. The government has also abolished the ad hoc cabinet committee that could meet periodically, as necessary, on implementation of the Official Languages Act. The committee of deputy ministers has also been eliminated. Similarly, there were two annual consultations of the communities. Once was conducted in the spring by people from the senior public service and the other in the fall by the ministers. Those consultations were also abolished, even before the measures were taken over by Treasury Board.

In addition, you confirm that there are four functions that Treasury Board no longer exercises. Those positions, which were occupied by some 60 officials who exercised those responsibilities, have been eliminated, but have not been transferred to the departments and agencies. Now only 13 persons are left to perform the functions of the Treasury Board.

Can you tell me quickly what functions the Treasury Board must continue to perform?

Mr. Graham Fraser: It still has all the same responsibilities described in the act. So there has been no change in that regard.

There's one thing that I should point out. Recently, this Centre of Excellence for Official Languages issued a news release to all departments concerning their responsibility to take into account the Supreme Court's decisions in *DesRochers v. Canada*, the CAL-DECH affair, asking them to ensure that their programs and services are adapted to the needs of the official language minority communities.

So I don't want to give the impression that we think nothing is being done at the Centre of Excellence for Official Languages. We continue to monitor the situation and to send messages to the institutions. However, as you say, and as we noted in our report, there is a set of functions that are no longer being performed.

• (1000)

Hon. Mauril Bélanger: Commissioner, I read and reread pages 24 and 25 of your report in French. I would like to bring them to the attention of anyone who is interested in the question.

The title is quite revealing: "A Risky Governmental Approach." You talk about a government that is not required to conduct consultations before making these changes. You say there is a real risk in the decentralization initiated, that the official language champions in the various departments and agencies have fears about these changes, and that there is cause for concern about the Treasury

Board Secretariat's true capacity to discharge its responsibilities. You suggest it isn't too late to get back on course, but that it must be done.

Did you discuss this with those responsible at the Treasury Board?

Mr. Graham Fraser: Yes.

Hon. Mauril Bélanger: What was their reaction?

Mr. Graham Fraser: They reacted by saying that they were aware of the responsibilities and that now this responsibility to enforce the act and the obligations, which are very clear, was increasingly the responsibility of the departments and those persons responsible at the institutions.

Hon. Mauril Bélanger: That's all?

Commissioner, there was a time when the departments were accountable to Treasury Board for what they did with regard to the Official Languages Act. Is that still the case?

Mr. Graham Fraser: As far as I know, yes. However, they are also accountable to a certain degree to Heritage Canada. Regular reports are submitted on sections 41 and 42 of the Official Languages Act, and they are sent to Canadian Heritage.

The Chair: You manage your time well, Mr. Bélanger. We've reached the limit, almost to the second.

Now we'll go to the parliamentary secretary, Ms. Glover.

Mrs. Shelly Glover (Saint Boniface, CPC): Thank you, Mr. Chairman.

Welcome to all our witnesses.

I want to go back to pages 24 and 25, which Mr. Bélanger mentioned. Commissioner, on page 24 of your report, you say this:

It is still too early to determine the final impact that this past year's changes will have on linguistic duality.

You also say the following on page 25:

The changes made by the federal government to official languages governance could still have a positive impact [...]

I think it's important to always look to the future and not to draw conclusions without any evidence.

[English]

That is my biggest disappointment in committee; it's that people make decisions or come to conclusions without any proof.

They twist the words of the people like you, Mr. Commissioner, to suit their own partisan needs. I find that deplorable.

That brings me to correct some of the statements made here today.

You and I have had a conversation as well, Mr. Commissioner, about the French judges and about the fact that it's not a simple thing to put into practice should this bill pass. It's not a simple thing.

Mr. Graham Fraser: I think I made that point a few minutes ago. This is the beginning of a process and not the end of a process.

Mrs. Shelly Glover: Exactly. I was going to bring up what you just said, so I'm glad you did reiterate. There will be much work to be done.

I must correct Monsieur Bélanger. He once again tries to portray our minister, who works very hard on this file, as dishonest. I think that is unparliamentary. He made that claim during the last meeting. He cited exactly what you and I have talked about—exactly what you've said.

I'm going to quote it so that Monsieur Bélanger does not attempt to twist this for partisan reasons again.

The honourable minister did say that he had a conversation with you. The purpose of the meeting was to discuss his report, but that you did speak for several minutes on the judges issue. You said that imposing legislation would cause some problems in practice. Later on he said you indicated it's not as simple as that and this issue is something that is going to need some work.

I hate to have to take my time to correct partisanship in this committee, but it's continual. It is continual.

We need to do good work here, so I'm going to get on with it by first of all asking for your impressions of Monique Collette's report. I'm asking you to submit that in writing. You do make mention in your report that there are some best practices, so please submit those in writing. They're not outlined, and I would really like to have your opinion on what those best practices are. I have her report, and it's lengthy, and I'd like your opinion on which ones you are particularly fond of.

I'd also like to ask your impression of what we did with the pilot project with the 11 universities. The *fonction publique* now has greater flexibility. I know many members of the *fonction publique* who are able to get training, not just sitting on a waiting list, but getting training so they can improve their bilingualism.

Please tell me your impressions of that pilot project, which involves 11 universities, to help with linguistic education for our *fonction publique*.

• (1005)

Mr. Graham Fraser: Very briefly, I think the pilot project is a very important one. It has just started. It started fairly late, so there were some universities where there was not as large a pick-up as they had hoped, simply because of the timing of the pilot project. We have to watch how it evolves over the slightly longer term.

In terms of Monique Collette's report, what I found interesting—

Mrs. Shelly Glover: Forgive me for interrupting, but I only have a few minutes. I would really appreciate getting that in writing rather than discussing it. I do have a couple of other things I'd like to bring up.

Mr. Graham Fraser: I have one quick word on Monique Collette's report. By its very nature it's not a prioritized thing; it's a collection of all the best practices being done across the country and throughout government. In many ways it's a bank of ideas. I think one of the reasons we mentioned it in the report was so that more people would be aware it was there. I've spoken to some senior officials who have asked me about best practices, clearly not knowing that this compendium exists.

Mrs. Shelly Glover: I've run out of time.

I think it is a good report, but I would like to know which ones are the most valuable to you, in your opinion.

Thank you.

[Translation]

The Chair: Thank you, Ms. Glover.

To complete your request to the commissioner, I asked our clerk to get a hold of that report by Monique Collette and to distribute it to committee members. I believe they will find it contains interesting information.

Mr. Nadeau, go ahead please.

Mr. Richard Nadeau: Commissioner, earlier we discussed a question that we haven't had time to address in full. That's the fact that you question Treasury Board Secretariat's capacity to discharge its linguistic responsibilities.

We heard Mr. Bélanger's remarks. He learnedly informed us about what is seriously lacking in the machinery of government. I would like you to tell us more about his matter. I'd also like to know what you think the Treasury Board Secretariat should get in order to be able to discharge its linguistic responsibilities.

Mr. Graham Fraser: I believe it's important to continue to be vigilant. I find it unfortunate that certain functions have disappeared from the map. Previously resources were allocated to the official language champions or to certain departments. I'm going to ask Sylvain Giguère to talk about that. Before coming to the office, he worked at a department as an official language champion. He could talk about his experience.

Mr. Sylvain Giguère (Assistant Commissioner, Policy and Communications Branch, Office of the Commissioner of Official Languages): I'll briefly explain how that worked.

For two and a half years, it was my pleasure to be the official language champion at the Department of Transport. We had a small internal group. It is still there. It consisted of two or three individuals who worked on official languages. We exercised leadership in the regions to ensure that services were being offered in both languages. The Treasury Board group helped us, since there were portfolio managers, in answering certain questions. The fact that those people are no longer there required us to develop internal expertise. The expertise of a group of 30 or 40 persons who worked on those issues must now be developed by a small group of two or three persons. Its level of expertise may not be as high, but it is nevertheless good. It's difficult.

We should see communities of practice developing which bring together the persons responsible for official languages, the official language champions at the departments. That's what we should focus on to a greater degree. The group of 13 who are still there should ensure that the communities of practice are solid, well trained and well informed, and that they meet often. That would be a key factor.

•(1010)

Mr. Richard Nadeau: Let's suppose I'm an official and that I want to work in French, which is a right. I would have to issue texts and comments; I would feel a bit oppressed by the responsibility or the unreceptiveness of people to the fact that I would be speaking French in a mainly anglophone environment, although it's bilingual on paper. In those conditions, would I go and see those champions for a little more support and to find out how to proceed?

Mr. Sylvain Giguère: In fact, I got phone calls every week and held meetings with people who wanted to discuss similar topics. We exercised leadership. We spoke to people at the highest levels. We found ways to exercise influence, whether it be over other institutions or over our colleagues internally. That was one of our roles, and that has increasingly been accentuated with the departure of certain persons from Treasury Board.

Mr. Richard Nadeau: We're talking about the Department of Transport here, so about a large pan-Canadian machine, from coast to coast.

Mr. Sylvain Giguère: Absolutely. It involved more than 5,000 persons.

Mr. Richard Nadeau: Today, 13 people do the work of some 30. Is that correct?

Mr. Sylvain Giguère: Those people form a small group at Treasury Board, but there were at least two or three individuals in each of the departments. In a department as big as the Department of Transport, those who have taken over the official languages torch have to work harder and develop that expertise. That's why the support of peers, including those from other departments, is so important, particularly in the regions.

Mr. Richard Nadeau: I understand.

There's also the inter-departmental aspect. I know this isn't in the report, but it's an issue that was submitted to us by the Fédération des communautés francophones et acadienne du Québec / Community Groups Network. Do you see hope on the horizon? Is something developing? I've been hearing about this issue since the mid-1980s, but you'd think it isn't really moving forward. The reflex is to say that Canadian Heritage handles official languages, period. I know you have your document, sections 42 and 43, and so on, but where is the accelerator that will make it possible to make progress on inter-departmental cooperation?

Mr. Graham Fraser: I think you've put your finger on the problem we've been seeing in other aspects of government, which say that official languages are the responsibility of Canadian Heritage, not theirs, whereas it should instead be integrated into the operation of government. So from the moment a problem concerns the other official language, people tend to say that it's not their responsibility, but rather that of Canadian Heritage. It's a real challenge to integrate the use of the two languages, to serve citizens in both languages, without people saying that it's not a particular group that should serve citizens, but another group.

That's why I often say we must make it so that linguistic duality is perceived as a value within the public service, even for people who aren't bilingual themselves. I'm going to take this opportunity to emphasize the importance of the DVD created by Parks Canada concerning active offer, which very clearly explains that employees

have an obligation to actively offer service to citizens, even if they are not bilingual themselves.

The Chair: Ah, that's fine. Thank you very much, commissioner and Mr. Nadeau.

Now we'll begin our fourth round with Ms. Boucher, who will be sharing the time allotted to her.

Mrs. Sylvie Boucher (Beauport—Limoilou, CPC): Good morning, Mr. Fraser. I'm pleased to welcome you once again to the Standing Committee on Official Languages. You always give us some good clues.

I'm one of those people who feel the glass is half full rather than half empty. I like seeing results. Unfortunately, this is an imperfect world, and there is always room for improvement. When we make decisions, there are always challenges, whatever those decisions may be.

Recently in the Senate, in response to a question by Senator Fortin-Duplessis, who commented on your last report, you emphasized that the \$1.1 billion in government support for official languages was the largest amount ever invested in official languages by a government in the history of Canada.

With respect to official languages, you said: "We're already seeing some signs of improvement. When I consulted the Fédération des communautés francophones et acadienne du Canada and the Quebec Community Group Network, both said they were seeing encouraging signs."

There are definitely risks, wherever we go, when we make decisions. But do we give sufficient recognition to things that work well? Are people aware of what's working well? We often emphasize what's going wrong, and that happens everywhere, not just in government.

Sometimes it's nice to hear good news. Among the good news you've given us, there is the case of the 11 universities that have joined forces. Could you tell us a little more about things that are going well and about the positive effects of certain government initiatives?

•(1015)

Mr. Graham Fraser: You mentioned the agreements with the communities. That's a problem we pointed out, but we also noticed—and that was somewhat related to the work you've done in this committee—that the minister acknowledged that there was a problem, and efforts were made to improve the situation. We recognize that in the report, but, for that reason, we are asking the minister to report to us at the end of the fiscal year on specific measures taken to ensure that phenomenon does not reoccur.

You mentioned the 11 universities, pilot projects. That's a step in the right direction, and I hope we can send the message. There's one thing that I tried to repeat to the deputy minister and officials, who themselves are recruitment officers for the government: tell the universities very clearly that between 12,000 and 15,000 new positions open up in the federal government every year, 5,000 of which are designated bilingual positions. I believe you yourselves emphasized in your report that the government is the largest employer in Canada requiring bilingual employees. It's very important that we send the message to the universities that they have a role to play in this system.

You know, this is a dynamic that has been around for 40 years: as a result of the Official Languages Act, governments tend to emphasize to the public that they don't have an obligation to learn the other language; the institution has an obligation to be bilingual. Official bilingualism isn't a problem for people; it's only the institution that should change. As a result, every time there is a change, it becomes an obligation if a position has to be filled, whether it be in the public service, in the Canadian Forces or the positions of political party leaders. We're currently having a discussion about the importance of linguistic duality in the judicial system. We tend to say whoa!, because we've been told for 40 years that that isn't our problem. However, there are some key positions, and it's important that the people who fill those positions speak both official languages. For this to work, there has to be a kind of promotion of the importance of linguistic duality in Canada.

• (1020)

The Chair: Thank you very much, commissioner.

Thank you, Ms. Boucher.

We'll continue with Mr. Bélanger.

Hon. Mauril Bélanger: Thank you, Mr. Chairman.

I'm briefly going to talk about two things.

First, commissioner, I'm going to make a wish. I'd like your office, if it wishes, to examine a memo. This is a memo that was submitted to us by our researcher, Ms. Lecomte, on May 4, note 4 on page 2, and I'll leave it with you. It states:

The Policy on Alternative Service Delivery changed on April 1, 2007. It was replaced [we're talking about policies that apply to the Treasury Board, to all the departments] by the Policy on Reporting of Federal Institutions and Corporate Interests to Treasury Board Secretariat. The new policy contains no guiding principles respecting official languages as stated in Annex C of the former policy.

So the previous reference to official languages has been completely deleted. Your office could perhaps take a look at that, because I believe this will have an impact on official languages, since we want to look to the future.

Second, I love reprimanding Ms. Glover. Commissioner, I maintain my position that the minister, when he appeared before us, insinuated that you had a position contrary to yours. All I said was that I am very pleased you clarified your position with regard to Mr. Godin's bill on bilingualism in the Supreme Court. Commissioner, I maintain that what the minister insinuated was not right. I am pleased—and I remain so—that you clarified and maintained your position: what this bill can do for Canada is good.

I'll give the rest of my allotted time to Mr. D'Amours.

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

Commissioner, thank you and the people from your office for being here again this morning. I say “again” because, if you are often required to appear before us, that's not a good sign for bilingualism in the machinery of government. We're nevertheless pleased to have you with us.

Earlier you mentioned something about the inter-departmental aspect, and you passed on to us some comments by certain departments, including one to the effect that official languages are the responsibility of Heritage Canada, as a result of which they wash their hands of it.

Commissioner, that puts a smile on my lips because Treasury Board is responsible for official languages. You discussed that earlier, and my colleague Mr. Bélanger also raised that argument. It is currently the departments' responsibility to ensure the implementation of the official languages. However, when it comes to implementing them and ensuring compliance, people say that's the responsibility of the Department of Canadian Heritage, and they wash their hands of it. Everyone wants to wash their hands of it. Everyone wants to abandon responsibilities related to the official languages. Everyone wants to wash their hands of them. They are now the responsibility of Canadian Heritage, and one wonders where it will subsequently be transferred.

If the people in the machinery of government... We're talking about the government, not about public servants. We're talking about management. Those who are supposed to assume leadership on the issue are tossing the ball back and forth, but the ball never comes back. They're tossing it to one another. At some point, we wonder whether someone will catch it and ensure that official languages are implemented within the machinery of government.

Do you have a comment to make on that subject?

• (1025)

Mr. Graham Fraser: I would like to correct one point. When I made that comment, I had a particular incident in mind. I should not have generalized. We should not forget the very important role played in many departments by the official language champions. I wouldn't want to give you the impression that official languages is a file without any allies in the departments. A lot of people are working very hard.

Mr. Jean-Claude D'Amours: Commissioner, allow me—

The Chair: Be brief, Mr. D'Amours.

Mr. Jean-Claude D'Amours: —I agree with you that we may have champions within the departments. I'm aware of that and I also agree with you on that point. The problem is that we have champions, but sometimes the head doesn't follow. The head is the leadership, the ministers. They're the ones who are supposed to assume leadership in this matter.

Mr. Graham Fraser: Absolutely. Moreover, that's why we are conducting a study on leadership and language of work. I hope that report can supplement Monique Collette's report. I hope it will serve as a tool to managers and reinforce this key issue.

I've noticed one thing, in particular: when there is a change of minister, deputy minister or director, the climate in the work place may change at the drop of a hat. If a minister takes the matter seriously, we suddenly see improvements.

However, if it's something secondary for a minister, a deputy minister or assistant deputy minister, we can very quickly see a change in linguistic culture within an organization.

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

Mr. Godin now has the floor.

Mr. Yvon Godin: Commissioner, if a minister says that wanting to compel Supreme Court judges to be bilingual divides Canadians... We're talking about leadership. I won't ask you to comment on that subject.

Earlier my Conservative colleague Mr. Weston, who is a lawyer, said that, if he didn't speak French, he would not have the opportunity to rise to the Supreme Court. There are two aspects to official languages: service in the language of one's choice and language of work. Can language of work be above service to citizens?

When I hear the Conservative senators who are opposed to my bill and who aren't to blame, because they were appointed by Stephen Harper, who is also opposed to the bill, or someone went and told them... It's not normal for everyone to go in the same direction. The senators say that, if the Supreme Court judges have to be bilingual, there is a violation of the act because they can't speak in the language of their choice with the client. That makes no sense.

I don't know whether you understand what I'm saying.

Mr. Graham Fraser: Yes, yes, I understand.

Mr. Yvon Godin: That's exactly what they said. People at the service of Canadians have no other choice but to speak to clients in their language. They can't say they are protected by an act and can speak the language of their choice. Otherwise, the official languages mean nothing. What is your impression on that point?

Mr. Graham Fraser: A provision in the act itself very clearly states that working in one's language does not take precedence over the citizen's right to receive a service. I recently spoke to people from a union. Someone in the room said he didn't have a right to work in his language, that it was the citizen who determined the matter. I answered him that that was correct, that it was even set out in the act.

Mr. Yvon Godin: In other words, every public servant should be accompanied by a translator. That argument makes no sense. And yet, today, senators want to use it to vote against the bill.

Mr. Graham Fraser: In that regard, I believe sufficient proficiency in the other official language is essential in order to act appropriately as a Supreme Court judge.

• (1030)

Mr. Yvon Godin: You also talk about a laissez-faire approach and all those things. The government talks about the amount it has

invested in official languages. I agree that money helps, but isn't the political will to ensure compliance with the act even stronger? We can talk about the \$2 billion that has been allocated, but in fact, when you conduct your investigations, you note that there is a laissez-faire approach, that there isn't any leadership by the departments. Consequently, the money allocated is of little importance.

Mr. Graham Fraser: Mr. Chairman, that's why I think every element depends on every other one. The key in all this is indeed leadership. Governance depends on access to information; service to citizens depends on an appropriate system of governance. It is more difficult for an institution to offer a service in both official languages if the right to work in one's language is not respected. There is a kind of circle that may be either virtuous or vicious.

Mr. Yvon Godin: People say that official languages have been confined to the departments rather than to Treasury Board. Would you recommend that Treasury Board take back that responsibility so that someone is responsible for examining what everybody does, so that someone has the power—greater than that of a minister—to say exactly what isn't working at a department. I have nothing against the minister of Canadian Heritage, but, if he told the people at National Defence what to do, they would tell him where to get off. If that came from Treasury Board, it would be different.

Mr. Graham Fraser: I expressed that concern at the start of my term, precisely for that reason. I've always thought that, in any organization, a directive from above had more impact than a directive from a colleague.

With regard to governance and horizontality, to use a preferred term within government, we commissioned a study by Professor Donald Savoie—

The Chair: Mr. Fraser, I would ask you to hold your comments. We'll have a chance to return to this. First, we'll complete the fourth round. Then we'll see whether it's possible to do a fifth round.

Mr. Nadeau.

Mr. Richard Nadeau: You got off to a good start, commissioner. You may continue.

Mr. Graham Fraser: Professor Savoie, for whom I have a great deal of respect, conducted a very refined study on the issue of horizontality that made me qualify my position. That's why we took care not to say that decentralization is bad in itself. What is important is the result. So we handled that subject with care. However, it's very important that, when responsibilities are transferred, decentralized, privatized, or there are institutional transformations, care is taken to ensure that citizens' language rights do not suffer as a result.

As an example, we mention what happened when the airport authorities were created. There was no follow-up. There were some directives, as a result of which each airport interprets its obligations differently. Some say that's part of the client's experience. Others say it's a government issue, still others that it's the responsibility of their lawyers. When we conducted our audit at the Halifax Airport Authority, we got the impression that the audit process itself made the various levels of the airport administration understand the nature of their obligations. So the obligations were transmitted to the airport authority, but, and I don't know why, were not really communicated to the directors. This also becomes a matter of organizational culture. In certain areas, you can say it's entirely part of the organizational culture. We no longer need to conduct that kind of follow-up.

However, I believe we haven't gotten to that point with regard to official languages. We have to continue to be vigilant in this matter.

• (1035)

Mr. Richard Nadeau: I entirely agree with you on that point. I was employed by a mixed Catholic and public school board. I taught at Louis-Riel, Gisèle-Lalonde and De la Salle public schools. When we went to the Collège Samuel-Genest in Ottawa, I heard a student say that immigrants, newcomers, absolutely had to learn English because, otherwise, they would have trouble; they would not be able to communicate with their comrades who spoke English in the halls of the school and if they wanted to make friends. As you may perhaps not know, my heart still bleeds. I know this situation exists. This came from the mouth of someone who has been here for about one year. He told us that very freely; that's the reality he experiences.

On another occasion, I made a presentation at Grande-Rivière school in Aylmer, and I also heard English spoken in the halls. That school is in Quebec. So the work is enormous. I understand that every possible effort has to be made to lead by example, the federal government first, and we parliamentarians who are members of Parliament.

When we compare the Dion Plan with the Roadmap, we see that, under the former, the Treasury Board Secretariat received \$72 million, whereas the Roadmap received \$17 million for official languages compliance. We were told that the money was transferred to the School of Public Service. I checked and I realized that the amount fell from \$13 million to \$3 million.

In addition, public servants are asked to assess themselves to determine the quality of their French. I'm astounded. You can't say that's an improvement. The main issue is money. The political will is reflected somewhere. When you don't have authority to do it, you simply let the good work that has already been started dissolve. You'll understand my confusion and dismay over this situation.

The Chair: Mr. Nadeau, we're completing our fourth round, but we have time left for a fifth and final round. So you'll be able to complete the question.

Ms. Zarac, go ahead for three minutes.

Mrs. Lise Zarac: Thank you, Mr. Chairman.

Earlier I mentioned that there was a consultation on official languages yesterday. I would like to congratulate my colleague Mr. Bélanger, who was the instigator of that meeting. During that consultation, one of the speakers mentioned that we had to look for

unity in duality and diversity. I believe that's good advice and that it should be one of our objectives. I believe the best way to lead is by example. So that stems from governance.

Going back to what was mentioned earlier about the right to work in one's language relative to the right to be served in one's language, the government is the biggest employer in Canada. For the employer, the fact that an employee who must serve people is able to respond to them should be one of the selection criteria. Rather than seeing any opposition, the one against the other, and always bearing in mind that we're looking for unity in all this, shouldn't the employer be responsible for ensuring that the employee is able to respond?

• (1040)

Mr. Graham Fraser: Everything depends on the designation of the position. In the public service, 40% of positions are designated bilingual, and that percentage is 60% in the National Capital Region.

Mrs. Lise Zarac: When was the last time those designations were reviewed?

Mr. Graham Fraser: It was in 2005, I believe.

Mrs. Johane Tremblay (Lead Counsel and Director, Legal Affairs Branch, Office of the Commissioner of Official Languages): Are you asking what offices have an obligation to serve people in both languages, or are you talking about individual positions?

Mrs. Lise Zarac: When were the regions designated bilingual or not bilingual? You mentioned specific positions, but my question is more about the right to work in one's language relative to the right to be served in one's language. Isn't that one of the employer's selection criteria from the outset?

Mr. Graham Fraser: Indeed, since 2005, I believe, it has been mandatory for candidates to designated bilingual positions to be bilingual. However, a debate is currently underway to determine whether looking for bilingual candidates for a position that is not designated bilingual can be considered an asset. Section 91 of the act provides that a position should be designated bilingual solely based on its definition. So that's a provision that, in the case of certain positions, is designed to protect people who don't have the necessary language skills by means of an absolute designation.

The Chair: Thank you, Ms. Zarac.

Now we'll go to Mr. Nadeau.

Mr. Richard Nadeau: Commissioner, earlier we discussed the issue of money. We're now talking about \$1.1 billion. In the case of key organizations—here I'm thinking of the Treasury Board Secretariat and the School of Public Service—that has considerably declined.

Are you going to discuss this topic in part 2 of your report, or do you already have something to tell us on that subject?

Mr. Graham Fraser: In part 2 of the report.. I'm going to explain a little why we decided to publish two volumes this year instead of one. First, we thought it would enable us to have a thematic discussion of certain aspects, such as governance, second-language learning, vitality of the communities and language of work.

Second, in the past, we found that, between the end of the fiscal year, when the institutions should report and we conduct our evaluations, and the deadline for the annual report, it was more difficult for the people in compliance assurance to conduct an appropriate analysis of the data. So that's why there's no report card in this report.

We're going to observe the institutions more closely with the data evaluation in volume 2. At the moment, we're beginning our discussions on volume 2.

Would you like any more details on that?

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

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

We'll continue with Mr. Godin.

Mr. Yvon Godin: This is the last question I would like to ask you, commissioner.

You know, when Benoît Sauvageau was a member of Parliament—you weren't commissioner at the time—we talked about contraventions. If the act is violated, there should be a contravention. We've been talking about the same thing for 40 years.

We now have a government that likes to punish and build prisons. Perhaps it's time to ask the government to issue contraventions to those who violate the act.

Do you think you should have greater power? It's still the same question. You have a power of recommendation, and you also have the power to take a case to court. There's always the question whether the commissioner should have more powers.

• (1045)

Mr. Graham Fraser: You know, Mr. Chairman, that's a question that I always answer cautiously.

When I applied for this position, I did so on the basis of current powers. There is a range of powers under the act. At the office, we're exploring ways of using the existing powers to the maximum, such as our power to intervene in court. However, I am accountable to Parliament, and if you parliamentarians think that the Commissioner of Official Languages—

Mr. Yvon Godin: Mr. Fraser, I know you are accountable.

You're an officer of Parliament and you're accountable to Parliament, and everything. You were appointed to this position when legislation was already in place. However, you're a man of experience. You are a person who can grasp the importance of issues. That's in your report; I didn't write it. Your report states that there has been a laissez-faire approach and that things are not being done.

Do we continue just slapping someone on the wrist, while the violations of the act continue, while the laissez-faire approach continues, and the departments don't take the matter seriously? It's all

well and good to say that good things are happening, but they aren't all good things.

Mr. Graham Fraser: I entirely agree.

In my mind, a debate on the issue should be conducted with the other officers of Parliament as well. Can the same person be asked to play the role of ombudsman, on the one hand, and have a power of order, on the other? Would that require that another institution be established?

This is a quite complex issue, and I'm entirely prepared to undertake that discussion with parliamentarians. However, I don't think it is appropriate for me to say whether I should have a power of order or punishment. You can't be both judge and party.

The Chair: Thank you, commissioner.

Thank you, Mr. Godin.

Mr. Gagnéux, it's your turn.

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

Welcome, ladies and gentlemen.

I am the Conservative member for Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, which is probably one of the most, if not the most, francophone constituency in Canada. There are obviously not a lot of public servants in that constituency. However, there are a lot of private businesses and they have exported increasingly in the past 40 years. Bilingualism has become a fundamental aspect of work for the employees of those businesses. It's inevitable, and it's part of the wealth of my constituency to have people who are so open to bilingualism.

Earlier Mr. Nadeau said a word that sent shivers down my spine. I use a little humour like the Bloc members do in all their presentations. He referred to French as a “burden”.

Ms. Tremblay, Mr. Giguère, Ms. Charlebois, Ms. Cloutier and Mr. Fraser, do you consider French as a “burden” in Canada?

Mr. Graham Fraser: Absolutely not.

Mr. Bernard Gagnéux: Thank you. I think it's an asset and a Canadian reality. I'm a Conservative. Is that clear enough? I can say that. Is that clear enough?

Some voices: Oh, oh!

Mr. Bernard Gagnéux: In Quebec, we say “clear as spring water”. It's incredible. The role of the Bloc members on the committee is to tarnish our image. And they do it very well; they're very good in that area. Yours is to be neutral. You do that very well. I respect that. Your role, in my mind, is to criticize constructively. You do that not only in committee, but also on the radio. A few weeks ago, I was listening to Christiane Charette's program; I happened to be listening to the radio. You said that the Prime Minister's behaviour toward linguistic duality and bilingualism was exemplary. I was very pleased to hear that.

I'm not perfectly bilingual, and the Prime Minister isn't either. However, we make an effort. In committee, I listen to the remarks in the language spoken by the people; I don't use the interpretation. Since I joined the committee six months ago—I've been married to an English-speaking Montrealer for 22 years and my children are perfectly bilingual—I try to listen to the evidence in the language spoken. We work hard and I appreciate it. This is a source of wealth for me.

• (1050)

Mr. Graham Fraser: Absolutely. I think it's central to the Canadian identity.

Mr. Bernard Généreux: I can't believe that, in 2010, there are still people who say that French is a “burden” on Canada in an attempt to give the government a bad image. Come on! I can't believe people can say those kinds of things. In your report, you wrote: “There is no single solution that will quickly and easily transform the entire public service into a work place where English and French are on an equal footing.”

Did you have a date with regard to “quickly” and “easily”? We've been talking about this for 40 years. We're probably going to talk about it for another 150, 200 or 300 years. It's part of Canada, of our reality. Am I mistaken in saying that?

Mr. Graham Fraser: That's an opinion I had long before becoming Commissioner of Official Languages. The language issue is central to Canada's identity, history, past and future, just as class is in Great Britain and race in the United States. It isn't something you resolve then move on to something else. It's a dynamic. We have two majority unilingual societies that mingle with each other, that live together. The challenge is to ensure that ties, bridges are established between those two communities. One of the most important

institutions serving those two linguistic communities is the federal government. Is it easy, will it be resolved by an annual report, a study that we'll publish next year or a bill and so on? No. It's an ongoing effort.

In addition, our country takes in between 225,000 to 250,000 persons a year who haven't experienced our history or our linguistic struggles. So this is an effort that will have to be made again, a story that will have to be told, an education that will have to be redone constantly in order to welcome these people into our country and to make them understand the dynamic, the hope and the ideal that that represents for our country.

Mr. Bernard Généreux: Two weeks ago, we went to a school and met a young lady named Andréa, who speaks four languages. When she arrived here, she spoke two. Now, a year later, she speaks four. It's not impossible; it's achievable.

Mr. Graham Fraser: Yes, absolutely.

Mr. Bernard Généreux: I've been married to an anglophone for 22 years; we don't understand each other after all that time, but we love each other very much.

Some voices: Oh, oh!

Mr. Yvon Godin: We should tell the Supreme Court that and vote for the bill.

The Chair: We see that time passes quickly in good company. Commissioner—and the members of your team—thank you for coming to present your report to us today.

We'll see each other on Thursday for committee business.

The meeting is adjourned.

MAIL  POSTE

Canada Post Corporation / Société canadienne des postes

Postage paid

Port payé

Lettermail

Poste-lettre

**1782711
Ottawa**

If undelivered, return COVER ONLY to:
Publishing and Depository Services
Public Works and Government Services Canada
Ottawa, Ontario K1A 0S5

*En cas de non-livraison,
retourner cette COUVERTURE SEULEMENT à :*
Les Éditions et Services de dépôt
Travaux publics et Services gouvernementaux Canada
Ottawa (Ontario) K1A 0S5

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

SPEAKER'S PERMISSION

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Additional copies may be obtained from: Publishing and
Depository Services
Public Works and Government Services Canada
Ottawa, Ontario K1A 0S5
Telephone: 613-941-5995 or 1-800-635-7943
Fax: 613-954-5779 or 1-800-565-7757
publications@tpsgc-pwgsc.gc.ca
<http://publications.gc.ca>

Also available on the Parliament of Canada Web Site at the
following address: <http://www.parl.gc.ca>

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

PERMISSION DU PRÉSIDENT

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

On peut obtenir des copies supplémentaires en écrivant à : Les
Éditions et Services de dépôt
Travaux publics et Services gouvernementaux Canada
Ottawa (Ontario) K1A 0S5
Téléphone : 613-941-5995 ou 1-800-635-7943
Télécopieur : 613-954-5779 ou 1-800-565-7757
publications@tpsgc-pwgsc.gc.ca
<http://publications.gc.ca>

Aussi disponible sur le site Web du Parlement du Canada à
l'adresse suivante : <http://www.parl.gc.ca>