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Chair

Mr. Steven Blaney

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●(0845)

[Translation]

The Chair (Mr. Steven Blaney (Lévis—Bellechasse, CPC)): Good morning to everyone.

[English]

Welcome to this 30th meeting of the Standing Committee on Official Languages. This morning, pursuant to Standing Order 108 (3), the 2009-10 annual report, volume II, of the Commissioner of Official Languages is referred to the committee.

[Translation]

Today, we have the pleasure of receiving the Commissioner of Official Languages, Graham Fraser, and his team. We wish them the warmest of welcomes. He will speak to us of his annual report 2009-2010, volume II, entitled “Beyond Obligations”.

Without further ado, I would invite you, Mr. Fraser, to give your opening remarks. I will allow you to introduce your remarkable team.

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

[English]

Good morning, ladies and gentlemen and members of the Standing Committee on Official Languages. *Bonjour*.

To present the findings of volume II of my fourth annual report, I'm accompanied by Sylvain Giguère, assistant commissioner of policy and communications; Ghislaine Charlebois, assistant commissioner of compliance assurance; Johane Tremblay, general counsel; and Lise Cloutier, assistant commissioner of corporate services.

[Translation]

This second volume of the annual report deals with federal institutions' compliance with the Official Languages Act. Most notably, it analyzes the performance of 16 federal institutions, some of which were evaluated by my office for the first time, and it provides an overall account of the complaints received by my office.

[English]

Despite the understandable reflex of wanting to compare one year or one institution to the other, the criteria for the report card exercise evolved. In particular, they take into account the evolution of jurisprudence and the different emphasis I want to put on a given part of the act. We have also put a greater focus on results rather than processes.

[Translation]

The results for institutions that had never been evaluated before were poor. Many federal institutions still have a lot of difficulty taking into account what I consider to be five key leadership requirements for implementing the act. I define these in the report. The result is that far too many Canadians are not obtaining federal services in the official language of their choice; federal employees are often not able to work in their preferred official language; and official language communities are not receiving the support they need to reach their full potential.

Some institutions have put in place initiatives to ensure their employees understand what they have to do with regard to official languages—but then fall short in properly planning their activities in order to meet these obligations. Others carry out their policies effectively, but fail to properly evaluate their impact. There are also discrepancies within an institution, where the approach used is not always coherent, effective and comprehensive. It is in the best interest of Canadians, official language minority communities and public servants—as well as institutions themselves—to provide real leadership with regard to linguistic duality.

●(0850)

[English]

Canadians are generally tolerant and accommodating, but they do expect to be treated fairly and equitably. This includes receiving services of equal quality in either official language.

The reality is far too often the opposite—for instance, when airport authorities use contractors who do not have sufficient knowledge of their language obligations regarding service to the public, or when travellers returning to Canada are not served in their preferred language by the Canada Border Services Agency.

The poor active offer scores given to the 16 institutions evaluated by my office are mostly the result of a lack of knowledge, leadership, planning, implementation, and follow-up regarding their linguistic obligations. Unfortunately, too many institutions wait until a complaint has been brought against them or they receive a poor score on their report card before making any effort to better meet their language obligations.

The solutions are out there, however. My report highlights many practices implemented by institutions, in terms of many best practices implemented by institutions in service to the public, as well as inspiring examples of individuals who have made a difference within their institutions.

Lack of leadership continues to be an issue within institutions. Many lack the vision to create a public service where English and French enjoy equal status as languages of work. In many institutions, more than one-fifth of the employees belonging to official language minority communities and designated bilingual areas do not feel free to use the official language of their choice at work. For the Canada Border Services Agency, Health Canada, and Foreign Affairs and International Trade Canada, the satisfaction rate is even lower.

[*Translation*]

Among the public servants surveyed, many do not feel comfortable preparing written material or communicating with their immediate supervisor in their own language. They also find it difficult to obtain specialized training that is readily available to the linguistic majority.

In 2008, I recommended that deputy heads of all federal institutions take concrete steps to create a work environment that is more conducive to the use of both English and French by employees in designated regions.

This year, after analyzing the responses of 117 federal institutions to my recommendations, I found that 30% had not taken concrete measures to improve the situation. Those that neglected to do anything about the problem were often those that required the most measures. Institutions such as Air Canada and the Royal Canadian Mounted Police have shown little or no resolve to address language of work issues that have persisted for years.

Despite promising measures to improve the language of work situation within federal institutions, challenges persist in fostering bilingualism in the workplace. Lack of understanding by managers may be partly to blame. Federal senior managers have not given nearly enough attention to the issue of fostering bilingualism in the workplace.

Progress might be difficult to track, as the last government-wide public service employee survey dates back to 2008. With the propensity of large institutions to put efforts only where they can measure results, I fear that the absence of data will lead to an absence of improvement.

[*English*]

Federal institutions are also failing to help official language minority communities across the country to develop their full potential. Part VII of the Official Languages Act requires every federal institution to take positive measures to achieve this objective. Federal institutions can support and assist in the development of official language communities by evaluating the impact their policies and programs have on them.

What we have determined, however, is that current planning and evaluation practices are less than stellar. Out of the 16 institutions reviewed this year, 10 received a mark of D or E on their report cards for part VII, and only four received an A. By any standards, grades like these represent a lack of basic understanding and effort.

However, there are a few institutions that stand out from the others. Health Canada, for example, was one of the four institutions to receive an A for proper implementation of part VII because of its willingness to actively consult official language communities.

Despite some positive outcomes, measuring community vitality and tracking the progress of official languages throughout the country might prove more challenging, owing to recent changes in the census process. A wide range of federal institutions depend on information provided by the long-form census questionnaire to measure the results of their initiatives. How many French-speaking immigrants have come to Canada? Where do they choose to live, and how are they doing economically? Have the English-speaking communities of Quebec's lower north shore been successful in moving beyond a troubled fisheries industry? The answers to these questions and many others will be more difficult to obtain if the newly established census format is kept.

Even on initiatives that can be considered genuine success stories, promotion of Canada's official languages is often lacking. The 2010 Vancouver winter games are an example.

● (0855)

[*Translation*]

Implementing Part VII of the Official Languages Act continues to be a slow process. However, I truly believe that strong leadership will enable federal institutions to address their shortcomings, to improve understanding of their obligations under the act and to ensure proper planning of related activities.

So I will follow with great interest the federal government's response to the report of the Standing Senate Committee on Official Languages on the implementation of Part VII of the Official Languages Act, released in June 2010.

I also plan to focus my 2010-2011 annual report on the promotion of the use of English and French and on the development of official language communities.

[*English*]

In closing, what is being asked of federal institutions is realistic. Leaders who are determined to make a difference can have an enormous impact on their institutions. Fulfilling official language obligations requires knowledge and understanding of the act, leadership, planning and coordination of programs and services, and effective follow-up and evaluation.

This is nothing new; it's simply the way to do business. Above all, living up to official language responsibilities is in the best interests of the country.

Thank you for your attention.

[*Translation*]

Mr. Chairman, I would like to add a few words before answering your questions.

The fact that we presented the annual report in two volumes was a pilot project. In the process of evaluating this pilot project, we sent a form to parliamentarians and to other respondents. I have to admit that the response rate of parliamentarians was fairly weak. I am convinced that if you received one you responded. However, I do not think that your colleagues responded in great numbers.

[English]

I would ask you to do your appraisal of volume II and to encourage your colleagues to do so as well so that we can do a proper assessment of whether this is an effective way to be spending our resources or whether there are more effective ways to promote the values of the Official Languages Act.

[Translation]

I will now be happy to answer your questions.

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

Regarding what you just said, I will immediately respond by saying that committee members will offer to collaborate with you, as will the steering committee, if called upon. It is important that our parliamentary colleagues be able to give feedback effectively on the report in light of your consultations. We can come back on this issue, and I can assure you of my collaboration.

So without much further ado, we will now turn to committee members, beginning with the vice-chair of the committee, Mr. Mauril Bélanger.

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

Welcome to all of you, Mr. Commissioner, and your team.

Let's get down to brass tacks. I will quote two paragraphs from a press release issued by the Fédération des communautés francophones et acadienne du Canada. I will then ask you what you think of them, Mr. Commissioner. I quote:

The Fédération is also surprised by the timid recommendations put forward by the commissioner in his report, given the dismal marks he gave some federal institutions and the less than encouraging conclusions he came to. The FCFA would have liked to see, for example, a recommendation for the Treasury Board, which is responsible for the implementation of Parts IV (communications with and services to the public) and V (language of work) of the act.

"The commissioner has several tools at his disposal. He can audit federal institutions, request follow-ups to his recommendations according to a specific timetable, and in extreme cases he can initiate court actions. We believe that the current context demands firmness and boldness from the commissioner to ensure that the act is fully implemented," says Ms. Kenny.

I would like to hear what you think about this, Mr. Commissioner.

● (0900)

Mr. Graham Fraser: First, I have an enormous amount of respect for Ms. Kenny and for the FCFA. Obviously, I take note of what they have to say. However, I do not believe that the recommendations and the actions of the office of the commissioner are timid.

For the first time in a long time, we have taken court action against Radio-Canada, under Part VII of the act, for what it did in the Windsor region. Major programming cuts had a huge impact on CBEF in Windsor, which mobilized the community into action. We are therefore taking Radio-Canada to court.

We have also intervened in the case of Michel Thibodeau v. Air Canada.

We conduct inquiries and observation. We issue report cards. We conduct follow-up evaluations of departments with deputy ministers and official language coordinators. One deputy minister in particular was in a state of shock after we evaluated his department. This triggered a series of conversations. In fact, I will speak with his executive committee shortly.

I have taken note of the FCFA's reaction, and I understand its frustration, and especially the frustration of people who live in remote areas and who see the act being breached on a regular basis. Those of you who travel often are in the best position to see which institutions do not respect the law. I therefore take note of those observations.

Hon. Mauril Bélanger: If I may, I will come back to that point.

I agree with you as far as people who travel are concerned, but regarding your report, the results for the act's two main areas, that is, the provision of services and the ability to provide those services, and support for communities, amount to a failing grade.

On page 9, you say that 9 out of 16 institutions provide active offer less than 50% of the time, and that for all institutions, the number is 45%. This means that, as far as active offer is concerned, government in general does not make the grade.

In the workplace, it is 2 out of 9 and even 0 out of 16. It is easy to provide tools, but as for using them to write texts, the result is 0 out of 16 for people who say they are satisfied with their ability to do so. So more than half of the institutions do not pass muster.

These results are damning. You yourself have said that in 30% of cases, senior officials, that is, deputy ministers, did not even bother to react to your recommendations. I have to admit that I am very discouraged by this attitude.

The fact that there is no secretariat within the Privy Council anymore, and that there is no ad hoc cabinet committee, nor even an ad hoc committee comprised of deputy ministers, may have something to do with these feeble results. Another factor might be that there are only about a dozen people left within Treasury Board responsible for enforcing the act, whereas before there were about 50.

● (0905)

The Chair: Thank you, Mr. Bélanger.

Hon. Mauril Bélanger: Things have to get moving, Mr. Commissioner.

The Chair: We can come back to that issue when it is your turn again.

Mr. Nadeau, you have the floor.

Mr. Richard Nadeau (Gatineau, BQ): Good morning, Mr. Commissioner.

I would also like to welcome the team from the Office of the Commissioner of Official Languages.

I agree with Mr. Bélanger and the Fédération des communautés francophones et acadienne du Canada. You are not the one who is responsible for this. All you did was write a report. In fact, I would like to thank you for the quality of this report. I wish to emphasize this. You tell it like it is.

You said a little earlier that this was a slow process. However, as far as I can tell, it is more like a slow death. This might come sooner than expected. For Canada as a whole, especially for the anglophone majority, official languages is a pain in the neck. Proof of this lies in the fact that there is no leadership on the issue. The dream of official bilingualism, which many people who identified themselves as French-Canadians, such as Pierre Elliott Trudeau, shared, is but a dream. It is not reality. Here is more evidence of that.

This makes me the best ever advocate for independence, despite the fact that I am a Franco-Ontarian and that I worked to get French schools in Saskatchewan. There is no respect for the French fact. It eventually led me to conceive of a project. I told myself that one day there would be a French-speaking country in North America, that we would be a good neighbour to Canada, but that at least the French culture and language would be respected. I felt that this country should be located where there was a critical mass of francophones, namely in Quebec. That's where I stand today. If you come up with a better idea, please tell me. What I see before me supports the things I just said.

It was in 2009, when the ruling in the DesRochers case was handed down, that we began to emphasize everything the Official Languages Act should be. Institutions have to make sure that they can communicate with all Canadian citizens in the language of their choice. English and French also have to be of the same quality. This was in 2009, but the act was adopted in 1969. Has it taken us 40 years to understand this principle?

The DesRochers case is before the Supreme Court, is it not?

Mr. Graham Fraser: Yes.

Mr. Richard Nadeau: There still is no leadership. To give you an idea of this lack of leadership and the scope of the task, Mr. Fraser, I will just mention that Mr. Vic Toews, when he was president of Treasury Board, appeared before the committee. But he did not know about parts IV and V of the act. Part IV, as you know, deals with communication with the public and service delivery. As for part V, it allows people who work within the federal public service to work in the language of their choice. Mr. Toews was not aware of that either. The fact that the minister responsible for departments at Treasury Board did not know this speaks volumes about the way deputy ministers probably felt, as well as other people working in an area where bilingualism is not even mandatory.

I will now ask you a couple of more concrete questions. The Panamerican Games are approaching. These games are held in Spanish and English. I would like to know whether this will also be the case in 2015 in Toronto. How can you guarantee that there will also be French at those games? What has already been done to make sure this happens?

Mr. Graham Fraser: We have already started working on that issue, and I have already spoken with Mr. Ian Troop, the CEO of the Panamerican Games. I showed him the studies we did on the Olympic Games. His staff has already had conversations with my

staff. I do not want him to reinvent the wheel, and I do not want us to struggle as much as we did with the Olympic Games. We presented him with reports, and we told him about everything we had to do.

I have also approached the Minister of Foreign Affairs, because, as far as the Panamerican Games are concerned, we'll have to have specific contact with countries in South America. We are engaged in conversations to make sure that we have the necessary linguistic and professional expertise at the Panamerican Games to ensure that we present the bilingual face of Canada. In that context, even though the official languages of the Panamerican Games are in fact English and Spanish, we must recognize that French and English are Canada's official languages.

Therefore, the challenges are a bit different from those we faced in Vancouver, but we have already made people aware of what is at stake and of this issue in particular.

● (0910)

The Chair: Thank you very much.

Thank you, Mr. Nadeau.

We will continue with Mr. Godin.

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

Good day, Commissioner and members of your team.

Frankly, I don't know where to start. Honestly, I am extremely disappointed in this report in the sense that we've already heard all this. You and your predecessors have been making those recommendations for years now. The situation has not improved. When our colleague from Gatineau, Mr. Nadeau, asked Minister James Moore the question in the House of Commons yesterday, he felt it was enough to turn to page 8 and to say that there are fewer complaints than in the past and so the situation was improving. You say the exact opposite in the report.

Are you satisfied with the minister's answers when he says that there are fewer complaints and that this means the problems have been resolved?

Mr. Graham Fraser: I always feel uncomfortable giving a reason for a drop in the number of complaints. I have never suggested using the number of complaints as an indicator of success or failure, because, sometimes, people do not complain because they are jaded and convinced that their complaint will solve nothing. Sometimes, a complaint represents a whole series of individuals who have not been served. Sometimes, people do not complain because they are happy. It is extremely difficult to interpret something that hasn't been done. It is much easier to assess people who do something than why people don't do it.

Mr. Yvon Godin: Commissioner, how long have you been Commissioner of Official Languages?

Mr. Graham Fraser: As of October 17, it has been four years.

Mr. Yvon Godin: Are you satisfied? Would you say that over the past four years, you have seen something positive, or do you think that the situation is negative and that we are going in the wrong direction?

We can think of this government, which has eliminated a detailed census by Statistics Canada to collect data. We think of the Roadmap; it's all fine and well to talk about a roadmap, but we don't even know where we are headed. We can think of our communities that are dissatisfied, and so on. Are you satisfied with the four years you have spent here as an officer of Parliament, as Commissioner of Official Languages, and not as an ombudsman, a word I don't like? Are you satisfied?

Mr. Graham Fraser: Mr. Chair, one thing strikes me and this is reflected in the report. There is an inconsistency in terms of actions taken and a lack of sustained action. Some institutions are achieving progress, others are backsliding. Each time I see a department that is moving forward—

Mr. Yvon Godin: Which ones are moving forward?

Mr. Graham Fraser: Departments that have moved forward are the Department of Public Works and Government Services Canada and the Department of Fisheries and Oceans Canada. We are talking about institutions and specific actions. You can literally see the leadership of a deputy minister whenever there is a success. That is why I stress the importance of leadership. Clearly, there is a lack of overall leadership in this regard, otherwise there wouldn't be this—

• (0915)

Mr. Yvon Godin: In what ways has the Department of Fisheries and Oceans Canada achieved progress?

Mr. Graham Fraser: The Department of Fisheries and Oceans has taken very specific actions with regard to part VII of the Official Languages Act and in terms of consulting official languages minority communities.

Ghislaine, could you give more details about Fisheries and Oceans Canada?

Ms. Ghislaine Charlebois (Assistant Commissioner, Compliance Assurance Branch, Office of the Commissioner of Official Languages): The Department of Fisheries and Oceans, as you said, Commissioner, has taken action particularly with regard to part VII of the Official Languages Act. This department has made great progress in terms of consultations. It also took into consideration within its programs the needs of communities. It consulted those communities more and took a good look at where its programs were achieving results within communities.

Mr. Yvon Godin: Has progress been made at Health Canada?

Ms. Ghislaine Charlebois: Yes, the same goes for the health department—

Mr. Yvon Godin: Have they made progress at all levels? Or did they simply implement a program? The program might point to progress, but perhaps no progress has even been made. As well, I think that you also had criticism for the health department.

Mr. Graham Fraser: That is correct.

Mr. Yvon Godin: What is the balance between the two? On the one hand, a program is developed and that looks promising, but on the other, on the ground, it does not work.

Mr. Graham Fraser: That depends on the area and the file. In our assessment, we placed special emphasis on actions taken regarding part VII of the Official Languages Act. Our assessment grid shows

the weighting that was given to various actions. The numbers, documentation and explanations speak for themselves.

The Chair: Thank you, Mr. Godin.

We now move on to the parliamentary secretary, Mr. Rickford.

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

I would like to welcome the commissioner and his colleagues.

First off, I would like to say that we will consider the recommendations in your report and continue to work with your office in order to keep on improving the elements that you have highlighted and that represent long-term structural challenges. We want to make sure that our departments improve and that Canadians receive services from the federal government in the official language of their choice.

Commissioner, I will begin with a question. On page 54, you state that the report cards reflect the annual report's main theme, i.e., language of work. More weight has been given to the language of work data than in the past. This leads me to a question about something you talked about in your presentation a bit earlier. Can you indicate the things that had an impact on institutional performance and in what way? How is that different from previous reports? In fact, you have placed greater emphasis on process than results.

What led to those changes? Is that a better way to proceed? You said that the analysis was ongoing. It cannot be said to be a better analysis. The results simply reflect the need to focus on results, progress and having something positive to take away in order to move ahead.

Is that fair to say?

Mr. Graham Fraser: Thank you for the question.

We did note a certain stability in the results for certain elements, such as the representation of anglophones and francophones outside Quebec. Anglophones are still underrepresented in the federal public service in Quebec, but the issue of representation is more or less settled elsewhere. As a result, we diminished the weighting of that factor because it has become generalized and no longer poses a great challenge. Institutions were told which criteria we would be highlighting this year.

I would like to say a few words on language of work, which I consider to be very significant for several reasons. First, language of work is tied to institutions' capacity to serve the public. If employees are not comfortable using French in a minority situation, that will reduce the use of French in general as well as the ability of an institution to serve the public in the official language of their choice. Another thing that was highlighted in the recommendation is the importance of written communications. I have often heard anglophones say the following with regard to written communications:

• (0920)

[English]

"I don't have any problem with the writing. I don't have any problem with the reading part. It's oral interaction."

I actually think that's a flaw in the argument. I think reading is often a hidden flaw in the language-of-work issue. A francophone employee will recognize at a meeting whether he or she is understood, whereas if you write a text, it's very difficult to know whether it's being read or to know what kind of impact it's had. So it's an important element.

Language of work is one of those rights that, if not used, gets lost.

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

I'm going to drill down on those points in further rounds. I just want to make the point that effectively, and interestingly, you have identified some real strengths. In fact, they come from some implementations in different departments. We see that some departments got a great grade, but you talk about some real weaknesses there, and some departments had poorer grades but have done some great things. I'll come back to that in another round.

Thank you.

The Chair: Thank you, Mr. Rickford.

We'll now begin our second round, beginning with Mr. Murphy.

[Translation]

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Like Mr. Godin, I am surprised by the number of complaints. It would seem that less is being done today than in the past in order to ensure equality and raise the level of bilingualism in both the public and private sectors.

I am quite active in Moncton with regard to bilingual signage in the private sector, although I do understand you have no jurisdiction over that.

There is another area that is of concern to me, Commissioner. I am a lawyer—I apologize for that, but it is a fact—and so I have concerns regarding the legal environment. In 2005, wording in part VII was changed, including the term "positive obligation." That was done well before the Supreme Court ruling in *DesRochers v. Canada (Industry)*. On page 36, you state:

[English]

"...every federal institution". You have three responses to moving from a declaration to a mandatory status for this positive obligation reflected in the change of paragraph 41, but you're working on what the Commissioner of Official Languages did in 2006 and 2007; he established these three principles. This was well before *DesRochers*. And you've been in the job for a while.

I'm a little cranky about the whole bilingual situation. I overlook and won't even mention that the photographs in the report show urban people in urban settings. The people of New Brunswick and Saskatchewan are in rural settings; that's fine, we have urban people in New Brunswick.

A bit of a commercial here: the *ville de Dieppe* is probably the fastest growing, most professional, youngest, and most vibrant francophone community outside of Quebec—I don't want to upset my Quebec friends—so we have urban people in Moncton. That's in brackets; I didn't say that.

But on the three points, I think they're a bit stale, Commissioner, the three duties: to create an organizational culture, to consult official languages communities, and to do a systematic evaluation. I think you could pick up your game in your next report, and in light of *DesRochers*, in light of your powers and your appreciation of things, your result of 2006-07 could be buttressed.

I think you're doing a very good job—this is the honey in the vinegar. I'll attack you mostly on consulting official languages communities, clearly, and on the systematic evaluation, which is what this report really is, but creating the organizational culture from which stems all the benchmarks. I think you—let's say "we"—could do a much better job.

● (0925)

Mr. Graham Fraser: Thank you for the question.

You put in parentheses your remarks about the photographs in the annual report. Let me just say that I'm particularly proud of the work that was done in the presentation because it was done by our people, and they responded to my desire to stop buying stock shots of actors and actresses pretending to work in offices. So I think we have taken an important step in showing photographs of real people who really work for the federal government or really live in minority communities. But I will take into account your response, and we will possibly consult with Statistics Canada on the way we develop a sample for our investigations, and do a similar sample before we take photographs for the annual report.

More seriously, don't forget that the *DesRochers* decision applied to part IV of the act as opposed to part VII of the act. We haven't yet had a court test of part VII of the act. The first test of part VII is going to happen with our taking *CBC/Radio-Canada* to court. That may not be the big rendezvous because *CBC/Radio-Canada* challenges our jurisdiction. They argue that we have no jurisdiction over them at all; they are only accountable to the CRTC. The judge is first going to decide whether they are accountable to meet the requirements of the Official Languages Act at all, and if they decide that, then we'll have the real test of the obligations under part VII. But the *DesRochers* decision, which is an extremely important one, simply deals with services to the public.

So in terms of the degree to which I have been able to change corporate culture, I am probably more aware than anybody else of both the challenge and the shortcomings in the efforts to change the culture of federal institutions. That, to a large extent, is why we introduced this framework for analysis of managerial behaviour of these five necessary elements: to try to ensure that those five elements of knowledge, leadership, application of the plan, and evaluation become generalized across the board, so that we don't have this huge inconsistency between the application of the law in one institution and the application of the law in terms of one element and so that we see a more consistent approach across federal institutions.

The Chair: Thank you.

[Translation]

Thank you Mr. Murphy.

We will now continue with Ms. Guay.

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

Good morning, Commissioner. I will be quick and would appreciate short answers because I have less time than my other colleagues.

I am looking at your ratings table and it appears to me that the situation is critical. It would seem that nothing is really improving; in general, things appear to be worsening and there are very few results. I see that the Canada School of Public Service received an "E" rating. Commissioner, it is truly worrisome to see that there is no progress with regard to bilingualism in the public service.

We know that for a fact, because public servants tell us so, albeit anonymously because they are worried they might lose their job. They tell us they cannot speak their own language, they are worried and have concerns.

The situation has been ongoing for years and is only getting worse: that is our assessment. I am sure you share that opinion. You say that progress has been made in certain areas, but I see more instances of zero progress than positive results.

Commissioner, you have always told us that you prefer dialogue and cooperation in order to change things and improve bilingualism, but you nevertheless have certain powers. If need be, you can turn to the courts. Is that correct?

• (0930)

Mr. Graham Fraser: You are quite right.

Ms. Monique Guay: And so I will ask you the question very directly: do you intend to call on the courts in certain cases?

Mr. Graham Fraser: We have done so in certain instances. We are awaiting our court date in the case of CBC/Radio-Canada, and we are taking action against Air Canada.

Ms. Monique Guay: Very well. If you recall, during one of our previous meetings, you told us that certain stakeholders in the transportation sector, namely Air Canada and Jazz, were not respecting the Official Languages Act.

Mr. Graham Fraser: Yes.

Ms. Monique Guay: We called on the Minister of Transport at the time to introduce legislation. He told us that he would do so. That was on April 15 of this year. To date, nothing has been done. We know that there was a ministerial shuffle. Do you yourself have any news on a bill that might be tabled shortly?

Mr. Graham Fraser: All I can tell you is that this was an issue that I raised with the most senior government authorities. In fact, that is a first recommendation—

Ms. Monique Guay: You did not receive any response.

Mr. Graham Fraser: No, I have still to hear back from them.

Ms. Monique Guay: Therefore, since April 15 of this year, there has been no response with regard to compliance with the Official Languages Act in the air transportation sector.

Mr. Graham Fraser: I can tell you that our legal experts are currently holding discussions with their counterparts at the Department of Transport.

Ms. Monique Guay: Is that a file that you could eventually refer to the courts?

Mr. Graham Fraser: I will let Ms. Tremblay answer.

Mrs. Johane Tremblay (Lead Counsel and Director, Legal Affairs Branch, Office of the Commissioner of Official Languages): The previous bills were intended to clarify the obligations...

Ms. Monique Guay: They were never passed; you know that.

Mrs. Johane Tremblay: Yes. That is because there is currently an ambiguity in the act with regard to Jazz, for example, which is not directly covered. Therefore, launching a court case would not lead to the desired results. I believe that the only existing way to remedy the shortcoming is by parliamentary intervention, not through the courts.

Ms. Monique Guay: The question needed to be asked.

You talked about the long-form census questionnaire. You said that if ever it was replaced by a shorter form, that would cause huge problems in terms of providing results or producing reports on bilingualism. Could you elaborate on that?

Mr. Graham Fraser: I must be very careful in responding to that. I indicated a number of issues in my opening remarks, but you know that we have not yet concluded our investigation. We have received complaints, conducted an investigation, issued a preliminary report and are receiving comments from complainants and institutions. However, given the fact that the process is still ongoing, I will limit my comments to the issues that I raised in my opening remarks and say that the situation is of concern to me.

The Chair: Thank you very much.

Thank you, Ms. Guay.

We will now continue with Mr. Rickford.

Mr. Greg Rickford: Thank you.

Commissioner, I would like to make a small comment on your analysis before asking my questions.

On page 4 of your foreword, you state that the government's responsibility is triangular and that it is shared by the Office of the Commissioner, parliamentarians and the general public. I agree. However, with all due respect, I was surprised upon reading your report that employees themselves seemed to play a crucial role in the successful delivery of bilingual services by the federal government and its departments. Once again, with all due respect, I saw that as a model, as a way forward.

[English]

I'm struck by that because, as I said earlier, you give several examples of best practices: CIC; the Canadian Forces; the action plan of the Communications Security Establishment Canada that integrates and solicits suggestions for language training; the National Film Board, for their monitoring mechanisms, on pages 33 and 34, *versions anglaise et française*; and Western Economic Diversification Canada's due diligence reports, which have real analysis on their stakeholders. There were several others that, in your own words, "showed definite progress".

I have two residual questions, then. Beyond the superordinate goals, like leadership, which I acknowledge is an important determinant, it seems to me that employees can play an important role and that we have shining examples throughout our departments of things that really work.

So how, in your view, can we gather, organize, and/or streamline these practices to showcase them for the benefit of all departments? More pointedly, what, if any, nuances and specific challenges did or could you identify that may pose barriers to templating some of these successes that can be applied across departments?

● (0935)

Mr. Graham Fraser: What really is critical is that departments create an environment and a culture that doesn't simply permit the use of both languages but encourages the use of both languages, and that makes it clear that this is a value for the department, for the government, and for the country.

One has to realize, in terms of language of work, what a radical departure from the rest of a public servant's life it is to have the right to choose language. So many other elements of the working life of a public servant are decided by somebody else, whether it's the minister, whether it's the deputy, whether it's Treasury Board guidelines, or whether it's Public Works. The number of square metres in the carrel space is defined by somebody else. There is one area in which the employee can say, this is the language I choose to work in. It can run so much against the current that an employee is hesitant to exercise that right, and a right that is not exercised is a right that shrivels up and vanishes.

And quite often I've seen and heard too many examples of senior public servants who are either bilingual francophones or bilingual anglophones who speak French better than I do who, when they are speaking to a large number of employees or to groups outside the public service, will begin by saying, « *Merci beaucoup de l'invitation* » and will end their remarks by saying, « *Encore une fois, merci* », and in between will speak for half an hour in English.

Mr. Greg Rickford: I can appreciate that, Mr. Commissioner, but just in my last 30 or 40 seconds here....

[*Translation*]

There were essential elements and very positive results arising from a number of circumstances. Would it be possible to come up with a model, perhaps two or three guiding principles, which could be applied by each department?

Mr. Graham Fraser: I should point out that Deputy Minister Monique Colette undertook a study for the clerk. She travelled across Canada. She prepared a compendium of best practices to foster linguistic duality and diversity. That is a collection of all the best practices that were adopted in this area, often at the initiative of employees. One of my regrets is that those practices are not better known within government. I think that is a very important work, which I have mentioned on a number of occasions and recommend to you.

The Chair: Thank you, Mr. Rickford.

Mr. Godin will complete our second round.

Mr. Yvon Godin: Thank you.

Since 2006, the Prime Minister has been carrying out an in-depth reform of the public service without taking into account the official languages. What has your contribution been to that? Have you met with the Prime Minister? Have you made your views known to him? Have you met with him?

● (0940)

Mr. Graham Fraser: Yes. I stressed the importance of that file. I have also had meetings with the clerk. I recently met with...

Mr. Yvon Godin: What have been the results? Same old way, same old way?

Mr. Graham Fraser: I am still awaiting concrete results. However, I can tell you that I also recently made a presentation before the Committee of Senior Officials, which is responsible for managing the changes and public service renewal.

Mr. Yvon Godin: Changes are made and are then difficult to overturn.

Mr. Graham Fraser: Yes.

Mr. Yvon Godin: This is 2010, and the renewal was launched in 2006, four years ago. Are you satisfied with the reform that is being undertaken, or are you seeing how much—excuse my French—we are again getting shafted?

Mr. Graham Fraser: I am indeed concerned by what Mr. Bélanger mentioned in one of his remarks regarding the changes at Treasury Board and the Official Languages Centre of Excellence. Those are concerns.

Mr. Yvon Godin: I am asking you the question, and this is something that you will certainly hear about later. Do you think it is appropriate for the Prime Minister's parliamentary secretary to be sending out ten percenters in his area stating that Bill C-232 on bilingual judges at the Supreme Court is not a good thing, that it would prevent anglophones from being appointed to the Supreme Court? Do you find that appropriate, coming from the Prime Minister's parliamentary secretary? Other parliamentary secretaries go so far as to say that it is the best bill to have been passed, because they will campaign against us out west by saying that we are preventing anglophones from being named to the Supreme Court.

Do you find it appropriate for a government that is supposedly responsible for insuring compliance with our two official languages to conspire against that official languages bill?

Mr. Graham Fraser: That is the first time I hear about that. I have no power to intervene with regard to MP's mailings or ten percenters.

Mr. Yvon Godin: No, you have no power in that regard.

My question is as follows: is it appropriate for a government, which claims it is respecting the Official Languages Act, to allow the Prime Minister's parliamentary secretary to send out such pamphlets? I will check to see whether others have not engaged in the same campaign as well. Is it being respectful of the Official Languages Act to put anglophones and francophones against each other on the issue of official languages, rather than promoting them?

Mr. Graham Fraser: My position on the bill is very clear, and I find those revelations worrisome.

Mr. Yvon Godin: Sir, I know your position on that bill.

My question is as follows: is it appropriate for the Prime Minister's parliamentary secretary to send out such ten percenters? I will check to see whether other MPs have done so as well; MPs representing a government that claims to respect Canada's Official Languages Act.

Mr. Graham Fraser: I am concerned by that.

Mr. Yvon Godin: Thank you.

The Chair: We will conclude, Mr. Godin.

Mr. Yvon Godin: Am I out of time?

The Chair: You have one minute left.

Mr. Yvon Godin: Very well.

With regard to Air Canada, did you mistakenly include Jazz in your report or did you only refer to it as an example? I think that by referring to a single airline, that is problematic because Jazz could disappear and another airline could take its place. I raised that point on Tuesday after you released your report. I had the impression that you were expecting rather general comments, such as if Air Canada made other changes, its subsidiaries would remain under its control and have to continue complying with the Official Languages Act.

Mr. Graham Fraser: I think the recommendation covers all changes. That was the nature of the previous bill. In the past, I had the impression that every time a bill was introduced, corporate changes followed. I therefore believe it is very important for the government to introduce a bill that could address this challenge.

• (0945)

Mr. Yvon Godin: Not so much the government as the Minister of Transport.

The Chair: Thank you, Mr. Godin.

Mr. Graham Fraser: I've had discussions with the highest authorities in government on this point.

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

Commissioner, before we begin our third round, I have a question for you on methodology.

Under appendix B, the performance indicator tables, on page 55, we see ratings for the 16 federal institutions you have assessed. First of all, that is a great management tool for performance indicators, but I did have one question. There are five categories: program management, service to the public, language of work, equitable participation, and advancement and support. In each category, there is a mark. I came up with an average by counting each A as a 1 and each E as a 5, and in 12 cases that corresponds precisely to the mark you had given. However, for the four other institutions, Foreign Affairs and International Trade, the Canada Border Services Agency, Natural Resources Canada, and Transport Canada, my calculations result in a higher mark than what you have indicated.

Can you tell me a little bit about your methodology?

Mr. Graham Fraser: I will ask Ms. Charlebois to answer the question, but beforehand, I want to say that we have weighted each category differently.

The Chair: So it is a weighted average.

Mr. Graham Fraser: We reduced the weighting for representativity, for instance, to give more weight to...

Ms. Charlebois can expand.

Ms. Ghislaine Charlebois: Indeed, it is more complicated than that. Each indicator has a different weight. For instance program management accounts for only 10% of the rating; service to the public, 25%; language of work, 30%; equitable participation, 10%, because we focused less on that this year; and part VII, 25% this year. Even these indicators each contain various elements that count for various percentages as well.

The Chair: Thank you, that is a very good answer to my question.

We will begin the third round with Ms. Zarac.

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

Good day, Mr. Fraser. Thank you very much. Indeed, your report provides us with a number of indicators and it is very well done.

To get back to page 55, as I look at the results, I am alarmed. If these were the results our children were getting in schools, there would be a total panic about the new generation and an action plan would be drawn up immediately to change these horrible results. It is difficult to find any Bs here; we see mostly Cs, Ds and Es. That is unacceptable.

First of all, I understand your responsibility is limited to reporting on the situation, and making recommendations, but have you gone far enough in your recommendations, given the apparent urgency of the situation in this case?

Second, what is it that constantly shows up in your reports? You talk about will. Are people willing? Are you really talking about that or rather about accountability? Do people realize what their responsibilities are? Do the departments, or is it that they simply do not have the will to act nor the tools to get the work done?

Mr. Graham Fraser: With respect to the strengths and weaknesses currently, it all depends on leadership in the department. So, a change for better or for worse at the deputy minister level may change the atmosphere in a given department. If two deputy ministers in a row pay little attention to official languages, there is deterioration. That is what I am struck by.

We are currently following up after long discussions with representatives from various departments. Some deputy ministers were really shocked by the results and asked for me to speak to their executive committee, that there be ongoing conversations, and that we discuss action plans and ways to correct the situation.

Some institutions were assessed for the first time. I know that linguistic capacity exists within some institutions. However, through our observations, telephone calls, e-mails or even when we walk up to the counters, we notice paltry results. There is a gap between institutional capacity, good will among managers, and results.

What I have noted is that this type of targeted approach acts as a wake-up call of sorts for some institutions that take these results seriously. Other institutions are perhaps less concerned by the results, but, according to me, that is evidence of the fact that leadership makes all the difference, be it at the deputy minister, regional director or even supervisor level.

• (0950)

Mrs. Lise Zarac: Would it not be possible to have a body that would be responsible for ensuring consistency among all institutions?

Mr. Graham Fraser: Yes indeed, that is the responsibility that was transferred from Privy Council to the Department of Canadian Heritage, to coordinate—

Mrs. Lise Zarac: Is the department honouring its responsibilities?

Mr. Graham Fraser: There is, within Treasury Board, the Official Languages Centre of Excellence, where staff was reduced. So, some capacity was transferred to a lower level. There was also a committee of deputy ministers which became a committee of assistant deputy ministers, where people could stand in for others. So, if you have a committee of deputy ministers that everyone attends, all agency heads are actually present at the committee. If you have a lower-level committee where people can be replaced, people who don't take the issue seriously delegate the responsibility to someone less senior.

In the hierarchy of the public service, the issue of the position held by people who take this issue seriously becomes very important.

Mrs. Lise Zarac: In your recommendations—

The Chair: I'm sorry, Ms. Zarac, your time is up. Thank you very much.

So it really is language of work that is a key aspect of your evaluation.

We are still in our third round and will now turn to Mr. Lauzon.

Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC): Thank you.

Good morning, Mr. Fraser and your team.

To start, it seems to me that you have lost some weight since I last met with you, four years ago. Are my observations correct?

Mr. Graham Fraser: Either you have a very good sense of observation or you are trying to flatter me.

Mr. Guy Lauzon: Is it because of the position you hold?

On a more serious note, I have read your report and I commend you on it. It is a good report. However, unlike other members of the committee, I think your report has some shortcomings. Our process probably does as well, but we have also experienced some success. In my view, we must highlight both the successes and the shortcomings.

Being a francophone who has experienced assimilation for the greater part of my life, I have a very good understanding of the challenges faced by a country as vast as Canada when there are two official languages, bilingualism, throughout the country.

I think we have made progress. Forty years ago we tried to create a bilingual country, and when you poll people throughout the country, you realize that 70% of Canadians support bilingualism. Forty years ago, that percentage was probably far lower. That is progress.

Now, our hearts and minds are more open to bilingualism. Even in the city where I live, Cornwall, there has been a lot of progress. In our city there was only one bilingual position at city hall for a number of years. At this point, there are 19. That is progress and it is thanks to the promotion of bilingualism.

For instance, at one point, there were perhaps only 10 members of the Cornwall Cultural Centre. At this point, there are 180 members thanks to the fact that bilingualism and French have been promoted.

You mentioned some progress in your report. My colleagues do not gain much encouragement from the drop in the number of complaints, but I know that in 2004-2005, there were approximately 600 complaints whereas in 2008-2009, there had been a 40% drop in that number. That is a significant drop.

In 2009-2010, there was an increase. Do you think that might be related to the way in which you draw up your reports?

• (0955)

Mr. Graham Fraser: With respect to the complaints, it is not due to a change in criteria. There have been changes in the assessment of report cards, but we continue to receive complaints for the same reasons as we did in the past.

It is true that there has been a global increase in the number of complaints, but a significant number of these complaints was related to one particular case, the CBEF station in Windsor. Eight hundred and seventy-eight complaints were related to an incident which mobilized the francophone community in Windsor. We did our investigation and our report. As a result of our investigation, we will be taking Radio-Canada to court in 2011.

As I stated earlier on, I would hesitate to consider complaints as an indicator of progress, because one never knows why people choose not to file complaints.

Mr. Guy Lauzon: This is a very brief question.

The Chair: Mr. Lauzon, I'm sorry to have to interrupt. It breaks my heart, but what can I say, that is life.

We will now turn to Mr. Nadeau.

Mr. Richard Nadeau: Commissioner, right on page 27 we see the number of institutions, out of a total of 16, where francophones or anglophones feel free to use their preferred official language to communicate with their colleagues. Well, the result is 0 out of 16. That is the point I would like to address with you, at least to start.

Regarding the issue of whistleblowers, I'm wondering whether people would do so if it were done publicly. Some people have discussed the issue with me and I even addressed it at a press conference held after your presentation on the second part of your report this year. This is Canada, where there are two official languages and people are entitled to work in their preferred language. However, if you choose to work in French, people give you a certain look if a document needs to be translated, if the boss does not speak French, understands it very little or not at all. The document comes back poorly translated and you get criticized because it does not correspond to the original version. That is incomprehensible and absolutely unacceptable. You pointed that out.

You say, in your report, that if one of your recommendations is not carried out, you can initiate proceedings. Essentially, that is the situation. Have you considered the option of suing the Government of Canada for these violations, where employees do not work or write in their own language, mainly francophones, out of a fear of being reprimanded, when they would have every right to do so?

• (1000)

Mr. Graham Fraser: You are referring yourself to employees who have fears. One would imagine that if they fear reprisals then they will not lodge a complaint. It's difficult to take legal action in the absence of witnesses and evidence. That is why I'm very reticent to use number of complaints as an indicator.

These numbers indicate the number of institutions where 80% or more of francophone employees have stated that they are satisfied. That means that more than 20% of employees are dissatisfied, which is unacceptable. However, the advantage of these numbers is that they are based on an anonymous survey.

Mr. Richard Nadeau: There you go.

Mr. Graham Fraser: That employee survey no longer exists.

Mr. Richard Nadeau: Mr. Fraser, we got the message. I am referring to francophones who work in the federal public service and who do not feel comfortable using their own language, when it is their right. One needn't be surprised about this absolutely unacceptable situation. We all agree that Bill C-232, whose goal was to make it mandatory for Supreme Court judges to understand and speak French, is currently being demolished in the Senate by the Conservative Party that does not want to see it passed.

You may not be aware that we are currently working on a bill that affects the National Capital Commission. Opposition members have together succeeded in including a clause that would require candidates for the position of chair of the National Capital Commission to be functionally bilingual in order to be eligible. The Conservatives are prowling around us and trying to make us back down. They did not expect this to be passed. Do you understand the situation? They are afraid. This population centre is one of the most bilingual, if not the most bilingual in Canada, along with Montreal. They are doing all they can to turn back the clock on this bill at a time when it is being debated. This testifies to the lack of will on the part of the current government in this matter. There is not a shadow of a doubt about that.

You didn't mention embassies, but I would like to point out that on September 29 last, in a Canadian embassy in the Dominican Republic, a francophone citizen from here who was supposed to go

to an interview in French was told that the interview would either be in English or it simply wouldn't take place. The Canadian embassy in Colombia is one of the most problematic organizations. If you're trying to obtain services in French from that embassy you will not succeed. And yet these are Canadian institutions. They are a reflection of Canada. Imagine the kind of impression that they make.

The Chair: Thank you very much.

Mr. Richard Nadeau: There's also Uganda—

The Chair: Thank you Mr. Nadeau.

Mr. Richard Nadeau: —and the United Kingdom where the same problems exist. I want you to know this, Commissioner.

Thank you.

The Chair: We'll come back to you Mr. Nadeau.

Mr. Graham Fraser: I would just like to add a comment. To my knowledge we have not received any complaints with respect to the incidents that the member referred to. If there is an incident, and if it is related to a provision in the law and a specific date, then there are grounds to lodge a complaint.

The Chair: Thank you, Commissioner.

Mr. Richard Nadeau: Commissioner, you understand that these people—

The Chair: Thank you Mr. Nadeau.

We will now continue.

Mr. Graham Fraser: If individuals do not lodge complaints it is difficult for me to investigate.

The Chair: It's like the story of the chicken and the egg.

We will move on with Mr. Génèreux.

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

Good morning to you and your colleagues, Commissioner.

In your opening remarks this morning, you stated that your analysis of the responses to your recommendations from 117 federal institutions showed that 30% of them had not taken concrete measures to improve the situation.

Does that mean that 70% of them have implemented them?

Mr. Graham Fraser: Yes.

Mr. Bernard Génèreux: So we can see the glass as half full or half empty. It depends on how you look at things.

That brings me to another question. We have heard words, probably from the opposition for the cameras, such as "terrible", "disaster", "negative", "horrible failure", "the death of French", "suing its own staff". This isn't written down.

• (1005)

Mr. Richard Nadeau: It's written in the report.

Mr. Bernard Génèreux: I am a positive man. Where there's life, there's hope. I look ahead and I ask myself how we can correct or improve situations.

With respect to the four departments that were given an A, can we assume that they can share the things that helped them get that grade with other departments that did less well?

Mr. Graham Fraser: Mr. Chair, that is partly why we included this analysis grid with the five factors and why we are conducting a study on leadership and the language of the workplace that we will be publishing next year. It is true that some institutions perform better than others and some do not understand their obligations as well as others. So we are trying to describe the tools available, what others are doing, and what has worked. It is true that, in the boxes and notes, we have given less thought to the success stories that go along with the report cards, grades, problems, challenges and failures in the report.

Mr. Bernard Généreux: I'm not familiar with the entire process but could you give us some concrete examples of things that you have been able to observe, things that helped some departments reach their goals, the goals set out in the legislation? Could you make the committee aware of some very concrete examples? I would like to know exactly what one department has done better than another, to clearly see the difference between aspects of the table, to have any information that could be useful to us in order to make recommendations to other departments.

Mr. Graham Fraser: I mean—

Mr. Bernard Généreux: I'm saying this because, as a committee, we can also put pressure on departments or at least train a different lens on them.

Mr. Graham Fraser: I will consult our team to see what is possible. Meanwhile, there is one thing you can do as a committee: you can decide which departments you would like to have testify on what they have achieved.

I had a friendly meeting with the new president of VIA Rail. They told us about their work plan as an organization, their action plan, their plan to consult with communities, without a recommendation from us to that effect. Their complaint curve is going down, even with 4 million interactions with the public. These interactions happen in two or three different types of situations: it can be through ticket sales, when the passenger arrives, or during the travel itself. Last year, there were 2 complaints for 4 million interactions with the public. That's quite something.

I asked the president what was behind the organization's success. He answered that it was leadership, that it was part of the organization's culture, that information goes to employees. Without having seen our own analysis grid with those five key elements—know, want, plan, do and check—that is exactly what VIA Rail did. At the end, he stated that he did not like unpleasant surprises.

We have an evaluation process and it is proof that we are not reinventing the wheel but rather that we are creating a new one with our virtuous circle. If there are institutions that we hear less about, it's because they are the subject of fewer complaints and that they are succeeding.

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

We will continue with Mr. Bélanger.

[English]

Hon. Mauril Bélanger: There are three things, Mr. Commissioner. First, I'm alarmed. We don't know the quality and the magnitude of the responses from the 70% who responded to you, so maybe we'll have a chance to look at that.

I'm not critical of your report. As a matter of fact, I have already mentioned to my colleagues here—and Monsieur Généreux might actually support this notion—that we follow through on your report and convene the deputy ministers responsible for the 16 agencies covered in your report to hear from them first-hand what they intend to do. Four of them have As, but one-half of the rest have a failing grade, so we'll hear. I hope that the committee will be willing to consider that and do it quickly.

Second, you said in response to a question from Mr. Murphy that part VII had not been tested in the courts. In your own report, Picard is the first test mentioned, and that was a successful test, if I may say so.

• (1010)

Mr. Graham Fraser: Thank you for the correction.

Hon. Mauril Bélanger: The other test just occurred recently, when la Fédération des communautés francophones et acadienne du Canada took the government to court on the census matter. I'm personally dismayed with the result. In the judge's decision there was reference to the fact that there is no regulation adherent to part VII. As you know, subsection 41(3) says the government may enact regulation to give effect to this. It was our government's intention to do that when we supported the amendments to part VII of the act in 2005. The current government has had four years to put a regulation into place and has not, and you're silent on that in your reports, including this one.

This brings me to my third point, which follows up on questions from my colleague, Madame Zarac. You acknowledge that there is a slippage in the governance and the instruments that were available to all these departments—the secretariat of the Privy Council Office, the diminishing resources of Treasury Board, the deputy ministers committee, which no longer exists, and so forth—and you're silent on those as well.

Can we expect that at some point in the near future you will be commenting and perhaps making recommendations on these matters?

Mr. Graham Fraser: It is an issue I have raised in previous reports. The question of regulation is one that, as we take a closer look at what has been achieved and what has not been achieved with part VII of the act over the last five years, we'll be considering very carefully. My own view at the outset, after the Official Languages Act was amended, was that it would be useful to give some time to institutions to take their own initiatives. What had struck me in the early gestures that were taken by departments—and this continues to be the case—was that the successes of part VII have often been regional initiatives that were the result of consultation that one could not imagine having flowed from a regulatory framework or from a directive from a deputy minister.

What we have to do, in our analysis of what has been achieved and what has not been achieved, is determine whether a regulatory framework is the best way to proceed or whether a best-practices model would be. I note that the Senate committee has not recommended the adoption of a regulation, but it's clearly something we are going to be looking at.

Hon. Mauril Bélanger: If I'm not mistaken, the 16 are a sampling of about 200 institutions. If I extrapolate, if there's a failure grade—an E—on eight and the one passage at 50, then can I extrapolate to say that more than half of the 200 have failing grades as well? That's a concern.

Very quickly, you met with the committee of DMs responsible for implementing changes. Can we have a follow-through on that, if it's available? Who are the members of that committee?

• (1015)

Mr. Graham Fraser: I can certainly provide you with the names of members of that committee. Basically, what I did was to make a presentation of this report and respond to their questions. I'm not yet in a position to be able to give you any sense of results or follow-through or decisions. I wasn't there for any of the decision-making part of that committee hearing.

[Translation]

The Chair: Thank you, Mr. Commissioner.

Thank you, Mr. Bélanger.

We'll continue with Mr. Godin.

Mr. Yvon Godin: I'd like to say for the cameras—to repeat Mr. Gagné's words—that I now have a copy of the bulk flyer sent in that riding and I will provide you with a copy, Mr. Commissioner. This is what it says:

[English]

“Some Bills in Parliament—What Do You Think?” Then there is “Bill Description and Pierre's Position”.

[Translation]

Pierre refers to Pierre Poilievre, Parliamentary Secretary to the Prime Minister.

[English]

Mandatory Bilingualism for Supreme Court Judges. The coalition parties—the Bloc Québécois, Liberals and NDP—unanimously supported a bill to require all Supreme Court judges be bilingual.

And there is an X.

Why did the Conservatives vote against it?

Conservatives unanimously voted against the bill because it would limit the pool of qualified candidates. The Court is already able to conduct its business in both official languages without the change.

Do you agree with that statement? I know your position, but now I want to know if you're okay with the position of a government that keeps saying that it limits the number of people going to the Supreme Court.

[Translation]

Mr. Graham Fraser: Mr. Chair, I recently drafted a report for the Department of Justice in order to find out how many judges in

Canada were able to understand a conversation in their second language and to hear a case in the other official language. I was favourably impressed by the numbers in this report to the Department of Justice. I have said two things in the past and I will say them again. I think that comprehension of the other official language is an essential part of the skills required to hear cases before the Supreme Court of Canada. I also think that the right of judges to work in their own language is diminished by the presence of unilingual judges. If one respects the right to work in one's own language, then francophone judges have to be able to use their language when conferring and to be understood.

Mr. Yvon Godin: Mr. Commissioner, do you think that the Parliamentary Secretary to the Prime Minister—and I do mean the Parliamentary Secretary—is sending 10 percenters out in his riding in order to promote official languages? To my knowledge, this is the only riding he has sent them to; perhaps he has sent them across Canada. Does this help promote official languages? Is that not the problem?

We have a Senate made up of unelected individuals who, since June, have been considering Bill C-232 on Supreme Court judges and who have been saying loud and clear that they will do everything to ensure that it is not passed. That is what the Conservative Party people in the Senate are doing.

My question is simple: do we currently have a government that is promoting official languages with those kinds of comments and those kinds of positions?

Mr. Graham Fraser: Mr. Chair, I have already answered that question when it was put differently. I am very reluctant to make comments on partisan remarks.

As to my position on the importance of the bill, I have already appeared before this committee, before the Standing Committee on Justice and Human Rights, before...

Mr. Yvon Godin: Mr. Chair, I'm not talking about partisanship, I'm talking about the Parliamentary Secretary to the Prime Minister who is sending the message to the public that I just read to you. My question is simple: does this promote bilingualism, yes or no?

• (1020)

Mr. Graham Fraser: I think that the statement speaks for itself, you do not need my comments on it.

Mr. Yvon Godin: Fine, I will accept that. From what I understood, if it speaks for itself, then it does not promote official languages. Yes or no?

The Chair: Sir, sir—

Mr. Yvon Godin: Fine, I will move on to something else. Yes?

The Chair: Mr. Godin, I would simply like to remind you that we are not in court. You can ask your question but I think that this is the fourth or fifth time that you have asked that question and I believe that the commissioner has answered it.

You have 20—

Mr. Yvon Godin: Excuse me, Mr. Chair, but this time belongs to me. If I want to ask my question 20 times, then I will do so 20 times.

The Chair: I think that we can show some basic respect ...

Mr. Yvon Godin: Excuse me, Mr. Chair, this is my time.

The Chair: —to witnesses who are appearing before the committee.

You have 25 seconds remaining, Mr. Godin.

Mr. Yvon Godin: In 25 seconds, can you tell me whether I was disrespectful to you, Mr. Commissioner?

Mr. Graham Fraser: Mr. Chair, I never thought that the member was being disrespectful to me.

Mr. Yvon Godin: Thank you very much, Mr. Commissioner.

Mr. Graham Fraser: I have always appreciated his comments. I supported his bill. We may at times have different opinions, but I always appreciate it when members feel free to express their disagreement in a frank and open manner.

The Chair: That is the beauty of democracy.

So we can now move on to Ms. Guay.

Ms. Monique Guay: Thank you, Mr. Chair.

Mr. Fraser, I have been a member of Parliament for 17 years. I already knew you back then, you were a journalist at the time, and we even traveled together. I was very pleased by your appointment to the position of Commissioner of Official Languages because you are perfectly bilingual, and I congratulate you for that.

However, after 17 years, I see no progress in bilingualism here in Parliament. The only people that I know who are truly perfectly bilingual are francophones who learn English. I do not see anglophones showing a great deal of interest in becoming bilingual. This is my personal perception, Mr. Chair, but since I have been working here for such a long time, I am entitled to that personal perception. I have seen no interest in learning French, unless people are forced to do so. It is easy to get the feeling that some people do not see bilingualism as important.

I would like to talk to you once again about a transportation act that includes Air Canada and Jazz. It is really urgent that we have legislation. Would you agree with me?

Mr. Graham Fraser: Yes.

Ms. Monique Guay: Once we have legislation—do not worry, we will take care of our job here in Parliament—will it give you the authority to take legal action so that Air Canada or any subsidiary of Air Canada, such as Jazz, complies with the law?

Mr. Graham Fraser: Everything will depend on the nature of the bill.

Ms. Monique Guay: Yes, I understand.

Mr. Graham Fraser: I do not want to comment on a bill that I have not yet seen.

Ms. Monique Guay: No, I understand.

Mr. Graham Fraser: However, if an institution is subject to the legislation, we will have the appropriate authority.

Ms. Monique Guay: When that happens, you will be able to take action.

Mr. Graham Fraser: Mrs. Tremblay may be able to comment on that further.

Mrs. Johane Tremblay: Yes, if indeed the recommendation is implemented and, for example, Jazz is directly subject to the legislation, we will be able to conduct investigations.

Ms. Monique Guay: That would have to be the case for any other subsidiary.

Mrs. Johane Tremblay: Any other subsidiary, yes.

Ms. Monique Guay: Because Jazz can also change its name tomorrow morning.

Mrs. Johane Tremblay: Absolutely. That is why we need to have a flexible approach in the bill which would make it possible to designate other subsidiaries that could be created.

Ms. Monique Guay: Thank you very much.

I will give the remainder of my time to my colleague Richard Nadeau.

Mr. Richard Nadeau: Thank you.

There is the matter of third parties. The vast majority of departments, federal agencies and crown corporations have difficulty understanding their official language responsibilities. Just imagine what will happen when their responsibilities are transferred to third parties.

Have you already looked into this issue, or do you plan to? Heaven knows just how many third parties do business with the government. I will give you a very recent example. I have just come back from Newfoundland and Labrador where last weekend I attended the annual general meeting of the Fédération des francophones de Terre-Neuve et du Labrador. If we are talking about third parties, at the Ottawa airport, the McDonald-Cartier airport, I could lodge a complaint every 15 minutes just going from one company to another.

Will you do an in-depth analysis of this situation and come back to us on the matter so that we can put the heat on the federal government again to consider official languages when it transfers responsibilities?

• (1025)

Mr. Graham Fraser: In fact, one of the aspects that we will be taking a close look at is the whole issue of the traveling public and third parties and companies that are tenants in airports. When we audited the Stanfield International Airport in Halifax, one of the things we learned is that the airport authorities themselves have not grasped their responsibilities under the Official Languages Act. This is a matter that I raised with the Treasury Board, in that the Treasury Board is often slow to communicate with airports once they have exceeded the threshold of 1 million passengers per year, that is to say when an airport in Canada receives 1 million passengers per year. Once that happens, these airports have linguistic obligations. However, they have to understand that these obligations have to be communicated. Otherwise, it is understandable that the people in an airport such as the Saskatoon airport, the John G. Diefenbaker International Airport in Saskatoon, are having problems. They must understand that they now have linguistic obligations. The authorities also have to tell passengers what their linguistic rights are.

The Chair: Thank you very much.

Mr. Graham Fraser: So this is something that we will be taking a closer look at.

The Chair: Thank you very much.

We are now starting our fifth and final round, with three-minute interventions this time.

Mrs. Zarac, you will begin again.

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

I would like to go back to the issue of complaints. I agree with you that a number of factors can have an impact on this issue. An employee who complains about the same thing every year will finally stop complaining if the matter is not resolved. However, the complaint still reflects the situation.

When you do your audits, when you receive complaints, I would assume that you forward them to the appropriate services and institutions. Have the people who receive these complaints from you established a process to deal with where the complaints come from and how to resolve them? In other words, have they established a system that enables us to analyze complaints of that kind, determine which corrective steps are required, take measurable steps, implement solutions and then measure results? Has that been done? If you want to rectify a problem, a process like that needs to be in place.

Mr. Graham Fraser: I will ask Ms. Charlebois to explain in greater detail the entire process that we currently follow when a complaint is filed with us.

Mrs. Lise Zarac: Thank you.

Ms. Ghislaine Charlebois: As you know, we have implemented a new way of dealing with complaints called the facilitated resolution process. If the complainant agrees to use this process and the institution agrees to try and find a solution to the problem, we adopt this process. Normally, we try to speak directly to the people involved in the problem.

In addition, instead of going solely through the official languages coordinators within the institutions, we try to deal with the managers responsible for the units where the problems are occurring. In cases where we decide on an official investigation, a notice of intent is sent directly to the deputy minister by the commissioner. The process is somewhat more official.

As regards the reduction in the number of complaints, it is perhaps important to point out that, in many institutions, the official languages champions are increasingly engaged and active. Resolutions are adopted informally within those institutions. That may partially explain the reduction in complaints. It is positive, though we cannot confirm it. We have requested that the champions sit on executive committees. So they participate directly in decision-making at a high level, which surely yields results.

Mrs. Lise Zarac: If I understand correctly, you deal with a certain percentage of complaints directly.

Ms. Ghislaine Charlebois: What do you mean?

Mrs. Lise Zarac: I mean that you come up with a solution to these complaints. Is that the case?

Ms. Ghislaine Charlebois: Actually, we work with the institution to find a solution that satisfies the complainant.

• (1030)

Mrs. Lise Zarac: What do you do if the situation happens again?

The Chair: I am sorry, but your time is up. Thank you very much.

Mr. Nadeau, you have the floor.

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

Senator Chaput's Bill S-220 is currently before the Senate. Its mandatory remedial nature is being talked about because of the pressures to assimilate faced by communities, especially in predominantly minority communities, demographically and linguistically, in the provinces in question.

A study entitled "Vision d'avenir" was conducted by the Fédération de la jeunesse canadienne-française and led by Roger Bernard, who is unfortunately no longer with us today. If I remember correctly, that was in 1990. In keeping with the objective of the exercise, the study traced the ethnolinguistic reality of francophone communities at the time. Since then, unfortunately, our communities have continued to be adversely affected by assimilation.

Mr. Commissioner, under your mandate, can you examine studies of that kind that suggest potential solutions and remedies? That would probably require additional funds or efforts, although they are very few and far between in many places in the federal government. That way, the wording of the act regarding the vitality—and not the assimilation—of minority linguistic communities would have some meaning.

Can you delve into that aspect? Earlier on, we talked about third parties. I think that is another aspect that affects minority communities more.

Mr. Graham Fraser: I believe that Senator Chaput's bill is a very important initiative. It specifically deals with the difficulties arising from a purely mathematical approach to service delivery in minority official language communities.

I will ask Mrs. Tremblay to elaborate on this for you.

Mrs. Johane Tremblay: In recent years, the commissioner's office has conducted three studies on the vitality of communities. It did so in close cooperation with various communities in the regions. We looked at indicators of vitality, but by encouraging communities to establish their own priorities, in other words what could contribute to their vitality. That is another way of looking at questions similar to the ones that were studied in 1990.

The Chair: Thank you, Mr. Nadeau.

Mr. Godin, go ahead.

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

With all due respect, Mr. Commissioner, I believe that you are aware that, on October 20, I sent a letter to the Minister of National Defence and I cc'ed your office. In that letter, I asked the Department of National Defence to preserve the General Jean V. Allard Memorial Library at the Saint Jean Garrison and its 85,000 documents. Eighty-five thousand documents, and they want to close the library. A senior public affairs officer at National Defence said that the library was useless.

Do you think it is useless for an organization of 3,000 people, like that one, to have a library?

Mr. Graham Fraser: First of all, I am a big fan of libraries and bookstores as well. I must start by saying that we have received several complaints, so I must limit my comments.

Mr. Yvon Godin: That was my next question. Does my letter, and the copy that I sent to you, constitute a complaint?

•(1035)

Mr. Graham Fraser: We treated it like a complaint, and we received others as well. You are not the only one to be worried. I hope that I am not breaking the rules by saying this. I was concerned by the closure of the Royal Military College of Saint-Jean in 1995, and I was happy that the government decided to turn it into a local CEGEP campus. I was told that it was just the start of a process to strengthen that approach. So it makes me wonder.

I will refrain from making any further comments, since we are investigating the decision. I thank the member for his letter, which we are indeed treating as a complaint.

Mr. Yvon Godin: I want to share something with you, Mr. Commissioner. When the previous government transferred staff from the Royal Military College of Saint-Jean to Kingston, everyone was disappointed with the decision, the francophone community was disappointed. When the college reopened, we said to ourselves that the government was doing a good job, and since it likes to boast about doing a good job, we congratulated it.

Now, is the only library in Canada to close its doors one belonging to a French institution?

The Chair: Thank you.

Mr. Yvon Godin: They are starting to do a bad job again. An empty library is like a school without books.

The Chair: Thank you.

Mr. Yvon Godin: We have received calls from people who do not want to be identified. They are soldiers who do not want to give their names, but they tell us what is going on.

The Chair: Mr. Godin...

Mr. Yvon Godin: It is still going on this week.

The Chair: Mr. Godin...

Mr. Yvon Godin: If possible, could you complete your investigation as quickly as possible, because they are removing the books from the library as we speak.

The Chair: Mr. Godin, your time is up.

Mr. Yvon Godin: Fine.

The Chair: Thank you.

We will conclude with Ms. Tilly O'Neill-Gordon.

[English]

Mrs. Tilly O'Neill-Gordon (Miramichi, CPC): Thank you, Mr. Chair, and welcome to everyone joining us this morning.

Coming from a classroom, I'd like to focus my attention on training. We know that training is available. We also know that our government has put more money into official languages than any other government in Canadian history.

Training is available in my constituency in the daytime or the evening, and there's also private tutoring. Not only is it up to the manager, but the leadership also has to come from the individual employee. I'm quite certain and happy to say that in my constituency I see that happening on many occasions.

Your report also touches on some success stories. I wonder if you could focus on some of those success stories that have taken place, with people going forward and putting good effort into taking training to become bilingual.

Mr. Graham Fraser: Mr. Chairman, thank you very much for the question.

I'd like to say something in particular about the Canada School of Public Service. While there are some shortcomings in terms of what we discovered in terms of our observations, I am impressed with the initiative they are taking in terms of developing a pilot project with 11 post-secondary institutions. This is an approach that I think is extremely important for laying the groundwork so that universities provide language training for future public servants so that they arrive on the job with the language classification they need to progress in the public service.

The federal government is Canada's largest employer. I noted with some considerable interest, a week or 10 days ago, a *Globe and Mail* special supplement on universities. One of the sections asked students who their choice employer would be, and in every sector, whether it was medicine, whether it was law, whether it was arts, or whether it was science, their employer of choice was the federal government.

I think it is extremely important that training exist not just for new employees and not just for employees as part of their career planning, who intend to qualify themselves for the executive ranks or for supervisory ranks, where they would have language responsibilities. The federal government should send the message to universities that this is something that is very important for advancement in the ranks of the public service, since, quite clearly, students have sent the strong message that they see the federal government as an employer of choice.

Similarly, universities have to send the message to secondary schools that they will consider language an important criteria when they evaluate applications.

I think there's a cascading effect that needs to happen, from Canada's largest employer to the universities and from the universities to secondary schools and school boards.

•(1040)

[Translation]

The Chair: Thank you very much.

[English]

Thank you, Ms. O'Neill-Gordon.

It is 10:40 and almost time for the committee to close. Mr. Lunney was asking for some short comments, but I'm not sure we can afford it, since we have to finish.

I will give you one minute, Mr. Lunney, since you're an honorary member. So use this minute with lots of brightness, please.

[*Translation*]

Mr. James Lunney (Nanaimo—Alberni, CPC): Thank you very much, Mr. Chair.

In British Columbia, there is a huge demand to study in French. There are francophone schools for children who have a francophone parent, and other immersion schools. Many parents want to send their children to school in French. In this very room, there is a young woman who studied French at the University of Victoria and who completed her studies in Strasbourg, France. She works for the government here in Ottawa. The demand for schooling in French is on the rise in British Columbia.

Mr. Graham Fraser: I would like to thank the member for his remarks, which I agree with entirely. I have also seen the interest in schooling in French and how excellent it is.

I have visited French schools which are doing very interesting things and offering distance learning. I participated in a physics class. The teacher was in Victoria, and small classes across the province could follow the lesson by computer. I also visited immersion schools. I was very impressed by the dedication, the commitment, and the interest of students and teachers. At Simon Fraser University, students in a specific program can take all their courses in French.

The Chair: Thank you, Mr. Commissioner and Mr. Lunney, for that digest of information on second-language learning.

I would like to remind members that today or tomorrow morning they will be receiving the final version of the report that we will consider on Thursday. As for the witness who was unavailable on Tuesday, and who shall remain nameless, we have proposed some dates. I will give you those dates on November 16.

Hon. Mauril Bélanger: Mr. Chair, do you mean that we will examine the report we are going to receive today or tomorrow morning at the first meeting after we come back?

The Chair: Absolutely.

Hon. Mauril Bélanger: That is the following Tuesday.

The Chair: Yes, Tuesday, November 16. I will be getting confirmation of the date when the witness we were unable to hear from on Tuesday will appear.

Commissioner, I want to thank you and your team for appearing, and we will see you again soon.

Mr. Graham Fraser: Thank you very much.

The Chair: The meeting is adjourned.

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