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## Standing Committee on Official Languages

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EVIDENCE

**Tuesday, October 25, 2011**

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**Chair**

**The Honourable Michael Chong**



## Standing Committee on Official Languages

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•(0845)

[Translation]

**The Chair (Hon. Michael Chong (Wellington—Halton Hills, CPC)):** Welcome to Meeting number 8 of the Standing Committee on Official Languages on this Tuesday, October 25, 2011. Pursuant to Standing Order 108(3), we are meeting today to consider the 2010-11 Annual Report of the Commissioner of Official Languages referred to the committee on Tuesday, October 18, 2011.

Our witnesses this morning are Ms. Tremblay, Mr. Giguère, Mr. Fraser, Ms. Charlebois and Ms. Cloutier. Welcome to you all.

Mr. Fraser, you have 10 minutes for your opening presentation.

[English]

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

It's a pleasure to be here for my first appearance before the committee since the election. I've congratulated each of you personally, but let me do so here today.

I've enjoyed working with the committee during the first five years of my mandate, and I'm looking forward to working with you in the two years that remain.

On Tuesday, my 2010-11 annual report, entitled "Leadership, Action, Results", was tabled in the House of Commons. Before summarizing it, let me make a couple of observations.

As you know, language issues can still be emotional and often divisive. We saw this with the Federal Court decision in *Thibodeau v. Air Canada*. There was also the outcry in the media following our call for tenders to make observations to evaluate the bilingualism situation in the capital.

[Translation]

I think this is a good thing. It is normal for linguistic duality to be at the heart of our social debates. It lets us define ourselves as a society and better serve the Canadian population. It is always useful to set the record straight on the application of the Official Languages Act.

[English]

With this new session of Parliament, one concern is front and centre in the public service: the strategic and operational review, also known as the deficit reduction action plan. Departments are being asked to find ways to reduce their expenditures by 5% or 10%. Some departments are making significant cuts outside of the strategic review.

[Translation]

The government's financial restructuring could have repercussions for the ability of institutions to fulfill their official languages obligations. Organizations and volunteers whose work is to promote linguistic duality throughout Canada are also worried about possible repercussions. I share their concerns.

[English]

I am not claiming that official languages are being targeted specifically, or that they should be exempted, but there is a risk that they will be unduly affected. The government—in particular, Treasury Board ministers, who will make the final evaluation—must ensure that the decisions made during each department's budget review take into account potential consequences for official language communities.

It must also limit the negative repercussions. If each institution independently makes cuts to official languages programs, the cumulative effect will be much greater than 5% or 10%.

[Translation]

My annual report examines the support provided for the development of English-speaking communities in Quebec and French-speaking communities in the rest of Canada. Part VII of the Official Languages Act sets forth federal institutions' obligation to support this development, as well as the promotion of linguistic duality in Canadian society.

[English]

This part of the act is one of the primary tools for ensuring that linguistic duality remains of value and is a characteristic that strengthens our country's unity. It contributes to our economic, cultural, and social development, and it is partly responsible for our international reputation.

Five years after this part of the act was strengthened, the Government of Canada still has not affirmed loudly and clearly that full and proactive compliance with the act is a priority.

[*Translation*]

This omission is worrying. The government has adopted a narrow interpretation of its responsibilities under Part VII. For example, the decision to eliminate the mandatory long-form census questionnaire was made without taking into account its impact on official language communities. Last month, the Canadian Institutes of Health Research cancelled their official language minority community research initiative. The CIHR was the subject of a report card in this year's annual report, and the initiative that has just been cancelled is what enabled them to achieve an A for Part VII.

• (0850)

[*English*]

For an institution to decide to abolish this kind of program without consulting or evaluating the potential impact on official language communities is a serious problem in terms of the Official Languages Act. It's a source of concern in itself, but it is also a troubling signal at a time when all federal institutions are preparing budget cuts. The impact on official language communities must be examined in every case.

[*Translation*]

Budget restructuring can also have other effects. For example, my office is currently examining two complaints following the federal government's decision to close the Canadian Coast Guard search and rescue centres in Quebec City and St. John's, and to transfer them to the Joint Rescue Coordination Centre in Trenton and Halifax.

[*English*]

Canadians across the country are living different linguistic realities, but we all have shared concerns about economic development, access to health care, strengthening the school system, developing and promoting our culture, effectively integrating newcomers, and building bridges between official language communities and the majority communities.

Our society is based on the principles of linguistic duality and equality. Canada is stronger, both economically and socially, when linguistic majorities and minorities support each other and contribute to the advancement of Canadian society.

[*Translation*]

Fulfilling the obligations of Part VII helps consolidate Canadian identity: we must give both of our official languages the respect that they deserve. The ability to do business in more than one language is no longer just an asset. It is now a necessity for many Canadian companies. This makes investing in linguistic duality and the development of official language communities across the country a lever for Canada's economic growth.

[*English*]

The federal government has an important role to play. However, it still has not announced its intentions on the renewal of the road map for Canada's linguistic duality, which expires in 2013. This key initiative is leading to tangible results for official language communities and the Canadian public. I know that the committee is taking a close look at the road map, and I'm looking forward to contributing to your reflections.

[*Translation*]

Compliance with the Act requires new approaches and new ways of doing things. Federal institutions must take positive measures by undertaking concrete initiatives. I continue to believe that our government's strong leadership has enabled federal institutions to better understand their obligations under the Act.

Part VII was amended as the result of a private member's bill that demonstrated the will of parliamentarians, not necessarily that of the government. But it is the government that is responsible for applying it.

[*English*]

Canadian Heritage, which is in charge of coordinating the implementation of part VII, has produced a very useful guide to help institutions fulfill their responsibilities under this part of the act.

But the fact remains that no central agency has the authority under the act to develop policies or guidelines for promoting English and French. This is a significant shortcoming. Federal institutions are all interpreting their part VII obligations differently. I believe the time has come to amend the Official Languages Act to give Treasury Board the legal authority to monitor the application of part VII through policies and directives and, if needed, regulations.

[*Translation*]

This will greatly help federal institutions take a comprehensive approach to applying the Act, rather than a fragmented one. I await the government's response in this regard. I should also reiterate that all federal institutions, without exception, have the duty to promote English and French by consulting official language communities.

[*English*]

My annual report also presents an analysis of selected federal institutions' compliance with the act. This year we evaluated institutions that provide significant funds to Canadians and volunteer organizations: Canadian Heritage and the Treasury Board of Canada Secretariat were evaluated in this capacity, not as institutions with specific responsibilities under the Official Languages Act.

[*Translation*]

In general, the 13 federal institutions evaluated this year achieved fairly satisfactory results in terms of the availability of service in both official languages. However, the active offer of service in person remains problematic for several of them. Of the institutions assessed, only Canadian Heritage received an A, or "exemplary" rating, and eight received a B, or "good".

• (0855)

[English]

In order to ensure that federal institutions respect the language rights of the public and their employees, my office receives complaints and conducts investigations and audits. In 2010-11 we received 1,116 complaints, of which 981 were considered admissible. This has been the trend for many years.

[Translation]

Three federal institutions were subject to an audit this year: Environment Canada, Service Canada and National Defence. These institutions seem determined to act on my office's findings, and I have confidence in the commitment shown by their senior managers and employees. They will be able to resolve their issues and strengthen linguistic duality in the long term. We will follow up as appropriate, to ensure that this is in fact the case.

[English]

What is being asked of federal institutions is realistic. Fulfilling official languages obligations requires leadership from senior management, knowledge and understanding of the act, willingness to plan and coordinate programs and services, and following up on them in an appropriate manner. Above all, they have to be ready to apply the act. This is nothing new. It's simply a question of putting words into action.

I have one final word. Like other agents of Parliament, I'm not obliged to meet the government's deficit reduction action plan. However, like my colleagues, I have agreed to respect the spirit and intent of the review. I have proposed to discuss our plans with the parliamentary panel on the funding and oversight of officers of Parliament, which was established so that parliamentarians could review the financial proposals of agents of Parliament in a way that would protect their independence.

However, the panel has not yet been reconstituted, and I am concerned that its mandate as a pilot project is scheduled to expire in November. I hope I can count on your support for the idea that this mechanism should become permanent.

[Translation]

Thank you for your attention. I would now like to take the time that is left to answer any questions you may have.

**The Chair:** Thank you.

[English]

Thank you, Mr. Fraser, for your opening remarks.

We'll have about an hour and 50 minutes of questions and comments from members, beginning with Monsieur Godin.

[Translation]

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Thank you, Mr. Chairman. I'd like to begin by welcoming you and your entire team to the committee. Thank you as well for your report. I have one quick question to start.

You have just published your report. What do you think about what happens these days every time a question is put to the government? Your first recommendation talks about legislation on

Part VII of the Official Languages Act. It also talks about giving new powers to the Treasury Board. But whenever anyone asks the government about this, the answer seems to suggest that your report says that everything is perfect when it comes to official languages. When you ask the question, the only answer you get is that the Commissioner said the government is doing a good job. I believe you are aware of what happened in question period right after the tabling of your report. I believe that what happens in Parliament is of interest to you, because you are an officer of Parliament. Is it your view that everything is fine, as the government would have us believe?

**Mr. Graham Fraser:** I believe and I certainly hope that my report presents a fairly balanced analysis of the problems and shortcomings, and of the level of respect for the Official Languages Act. Like previous reports, this year's report stated that institutions have met their obligations to varying degrees. Some institutions have satisfactory results, whereas others have a poor record when it comes to compliance with the Act.

**Mr. Yvon Godin:** Therefore, things are not perfect, Commissioner. Some institutions have poor results.

**Mr. Graham Fraser:** With respect to the active offer of service, for example, there is a systemic problem in terms of the obligation of compliance contained in the Act. We continue to receive complaints about some institutions in particular.

**Mr. Yvon Godin:** And which ones are they, Commissioner?

**Mr. Graham Fraser:** I think that if you read the report carefully

**Mr. Yvon Godin:** What institutions in particular are involved?

**Mr. Graham Fraser:** Well, there is Air Canada. We are continuing fairly intensive discussions with them. I was satisfied with the answer given by senior management, but we did identify some issues regarding compliance with the Act. The number of complaints that we regularly receive shows that there are systemic issues. Those issues were identified by the federal justice who ruled in the case of Thibodeau versus Air Canada.

• (0900)

**Mr. Yvon Godin:** For your part, you are recommending that the Prime Minister amend the Official Languages Act to give additional responsibilities to the Treasury Board. Can you tell us more about how these increased responsibilities would help with respect to implementation of Part VII of the Act?

Also, if Treasury Board had the authority to develop policies to implement Part VII of the Act, what role would you see Canadian Heritage playing?

**Mr. Graham Fraser:** At the present time, there is no central agency or department with the authority to give direction to departments. We noted that departments all had different interpretations of their obligations. They report what they do to Canadian Heritage. Canadian Heritage then publishes its observations and what has been reported to it, but it does not have the power to tell departments and agencies what to do. That authority is currently vested with the Treasury Board under the Act and is limited to certain parts of the Act. We therefore thought it would be perfectly normal for Treasury Board to have the authority to give direction to departments regarding Part VII, just as it does for Parts IV, V or VI.

**Mr. Yvon Godin:** There is another matter of concern to me. I sent a letter to Ms. Fraser when she was Auditor General. In that letter, I talked about what the NDP's serious concerns were. I will tell you exactly what her answer was, and this is the excuse she gave to not investigate official languages matters: "The fact remains that Parliament has entrusted the responsibility for all matters dealing with official languages to the Commissioner of Official Languages."

Are we to understand that Ms. Fraser did nothing over her 10-year mandate because you, rather than she, had the power to act in this area? And if this did in fact fall within your area of authority, what did you do or what will be done in relation to the money being spent on official languages?

There are communities who tell us that the funds are not going to the right place, and that money being transferred to certain provinces is not being used for its intended purpose. Who is responsible for determining whether the money set aside for official languages is being spent in the right area?

Let's take the example of education. Even though that falls within provincial jurisdiction, according to the Official Languages Act, some monies are supposed to be spent for minority education. However, when we travelled to the Far North, we were told that people there felt the money wasn't going to the right place.

According to Ms. Fraser, the responsibility of determining whether the money is going to the right place is part of the Commissioner's mandate. Can you provide any further details in that regard, Commissioner?

**Mr. Graham Fraser:** Mr. Chairman, I raised the matter of following the money sent to the provinces by Ottawa with the Clerk. It was explained to me then that the nature of current federalism and the principle of provincial accountability mean the provinces have full responsibility for the money they receive, including from the federal government.

Money is sent by Ottawa with an explanatory letter stating that the money must be used for minority language education or second language education. However, it is very difficult for me to know exactly how that money is spent, since I do not have the authority to investigate what is being done by a provincial ministry or a province. A provincial Minister of Education personally admitted to me that when a cheque would arrive from Ottawa, he tended to spend it for whatever he felt was a priority.

So, I can't give you a clear answer to that question. What I can say, though, is that the way the money is spent is often a mystery.

● (0905)

**The Chair:** Thank you, Mr. Fraser. Thank you, Mr. Godin.

Mr. Gourde, please.

**Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC):** Thank you very much, Mr. Chairman.

I'd like to thank the Commissioner, the Assistant Commissioners and the General Counsel for being with us this morning. We welcome your explanations regarding your annual report.

I really like the title of your report: *Leadership, Action, Results*. I believe your report shows there has been clear progress. As you

know, in recent years, we were dealing with minority government status, with all the constraints that implies. In your last report, you mentioned the progress that has been made, compared to previous years.

Are you able to tell us when that progress began and how it came about?

**Mr. Graham Fraser:** First of all, I think it would be risky to make a direct connection between the results we've seen in the past and those noted from one year to the next. Every year we develop different criteria to assess institutional performance. This year, for example, we focussed on institutions that have special responsibility for granting funds to official language community institutions.

That said, we noted that institutions being evaluated for the first time are sometimes shocked to discover the nature of their obligations. And they are definitely shocked when they receive a less than positive assessment. That shock prompts them to react and to try and improve. For example, last year we gave a "Poor" rating to one institution. It was quite shaken by that assessment. As a result, it implemented an action plan to correct the situation.

I have noticed that agency heads and deputy ministers are quite competitive people. I have been told in the past by some of them that it was the first time they had ever received a D rating. So, deputy ministers don't like to be given a poor rating. That brought home to me as well just how crucial leadership is.

When a minister or deputy minister pledges to take action to improve the institution's performance, often we see almost immediate progress. On the other hand, if there is a change of leadership in a department, a branch or work unit and the individual in charge sends the message that it isn't very important, or if that individual is not comfortable in both languages, all of a sudden we see a change. In that case, rather than making the effort to ensure that linguistic duality is valued within the institution, it is treated as something marginal, with the result that people are no longer determined to succeed.

I think it's very important to recognize that leadership is crucial and that proficiency in both official languages is a key qualification—indeed, an essential leadership skill in the public service.

● (0910)

**Mr. Jacques Gourde:** Commissioner, you talked about leadership and I want to thank you for that. When departments become aware of their strengths and weaknesses, they take action.

What other action have you observed in these departments? What steps are most important in terms of introducing a results-based process?

**Mr. Graham Fraser:** Often it is enough for a department to identify the nature of the problem with the help of our evaluation. For example, in one department, many employees were complaining about the fact that they did not feel comfortable working in the language of their choice. So, the institution prepared an action plan to ensure that, over a three-year period, any individual with supervisory responsibilities in regions designated as bilingual would have level CBC, which is the level of proficiency generally deemed necessary in order to explain, supervise, persuade and advise employees. They did not decide overnight to change the system, but they did develop a three-year plan.

In other departments, it is more a matter of service to the public. That requires an action plan. They have to ensure that service is available at regional office service counters. It all depends on the problem that is identified.

**Mr. Jacques Gourde:** Some departments have achieved exceptional results, such as Public Works and Government Services Canada and Canadian Heritage. Can the leadership shown by these departments be of assistance to others? They can talk to each other and bring about more rapid improvement.

**Mr. Graham Fraser:** That is what I would like to see. It is my hope that the incidents described in the annual report will be used to establish better practices. The idea is not to embarrass those who had poor results and commend those that had good results; rather, it is to identify practices that worked. That could include creating conversation groups in certain departments, so that employees have a chance to maintain their language proficiency, a structural change, better communications between official languages champions in the departments and the steering committee, and so on. It all depends on the nature of the problem that is identified.

**The Chair:** Thank you, Mr. Fraser.

Mr. Bélanger, please.

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

Good morning, Commissioner, and welcome to you and your team. I have several questions and I hope to be able to get through them fairly quickly and efficiently.

First of all, have you completed your review of Bill C-17?

**Mr. Graham Fraser:** No.

**Hon. Mauril Bélanger:** Will you let us know when it has been completed?

**Mr. Graham Fraser:** We are always open to the idea of consulting members of Parliament individually, or the committee, collectively.

**Hon. Mauril Bélanger:** So, if we call you, you will give us the results.

**Mr. Graham Fraser:** I may want to ask Johane Tremblay to explain—

**Hon. Mauril Bélanger:** No, that won't be necessary.

I have a general question. Are you aware of any other umbrella acts which contain neither regulations, policies nor directives, other than the Official Languages Act?

**Mr. Graham Fraser:** As you know, I am not a lawyer by training.

**Hon. Mauril Bélanger:** Well, perhaps we could ask Ms. Tremblay.

**Mrs. Johane Tremblay (General Counsel, Legal Affairs Branch, Office of the Commissioner of Official Languages):** I am not aware of any such acts, but there may be some.

**Hon. Mauril Bélanger:** That is unlikely. I can tell you that there are not.

However, that is the case for Part VII of the Official Languages Act. So, Commissioner, I am delighted to see that you are recommending regulations and an amendment to the Act to provide powers to Treasury Board.

That takes me to a series of questions I would like to ask about Treasury Board. It received a B rating in this year's report. Yet this is Treasury Board's own assessment of its internal operations—in other words, whether or not its employees are able to work in French or English, whether they answer the public in French or English, and so on. That is what was evaluated, is it not?

•(0915)

**Mr. Graham Fraser:** It's not an assessment of its operations—

**Hon. Mauril Bélanger:** In relation to the Act?

**Mr. Graham Fraser:** In relation to the Act.

**Hon. Mauril Bélanger:** I tried to do it myself.

Commissioner, if you don't mind, I would like to talk about the last 2009-2010 Treasury Board report. Of the 200 organizations—80 departments and 120 agencies and other organizations—which are subject to the Official Languages Act and are required to present an annual report, do you know how many actually did so?

**Mr. Graham Fraser:** I'm waiting for the answer.

**Hon. Mauril Bélanger:** The answer is 73, which is less than 40%. Do you feel that is satisfactory?

**Mr. Graham Fraser:** Before commenting, I should say we received a complaint about that. We are in the process of conducting an investigation. I am in the difficult position of not being able to comment.

**Hon. Mauril Bélanger:** All right. I will ask some other questions.

Do you know how many Treasury Board employees worked at the Official Languages Secretariat of that organization in 2006?

**Mr. Graham Fraser:** I believe there were approximately 50.

**Hon. Mauril Bélanger:** Yes, there were 56. How many are there today?

**Mr. Graham Fraser:** The number I recall is 13.

**Hon. Mauril Bélanger:** Good for you; that's correct. Does that not concern you? I guess you won't be able to answer, because you are in the middle of an investigation.

**Mr. Graham Fraser:** Let's just say that I have already commented in past reports on my concern regarding the transfer to departments of the central agencies' authority. Given the investigation that is ongoing at this time, I cannot go any further than that.

In the recommendation, the idea of attributing more powers and authority to the Treasury Board is proof of the importance I attach to the central agencies in terms of the management—if I can call that—of the Act.

**Hon. Mauril Bélanger:** I would like to quote a paragraph from the 2009-10 report released by the Treasury Board Secretariat. It talks about the Board. OCHRO noted that most institutions [the 200 institutions we were talking about a moment ago] measured their performance [in other words, their official languages performance] based on the results of the Public Service Employee Survey (PSES), which is run every three years. Others used the number of complaints made to the Office of the Commissioner of Official Languages. Only a few organizations have developed their own performance measurement system. Although sporadic activities were observed in some institutions, proactive and regular use of performance measurement does not yet appear to be a widespread practice. As Commissioner of Official Languages, do you have any comment to make on the paragraph I just quoted to you, which is taken from the Annual Report on Official Languages 2009-2010 for the Treasury Board of Canada Secretariat?

**Mr. Graham Fraser:** One of the criteria we have used in the past to evaluate the departments is, indeed, that there should be an accountability framework. Are the results being monitored? Is there an internal reporting mechanism through which it can be determined whether the department or institution is or is not meeting its objectives under the Official Languages Act? Personally, I believe that when you analyze the way an institution is operating, there have to be clear objectives, those objectives must be understood, there needs to be a plan of action and the results have to be assessed.

**Hon. Mauril Bélanger:** Are you in a position to tell us how many departmental or agency action plans are reviewed annually by the Treasury Board Secretariat?

**Mr. Graham Fraser:** No.

**Hon. Mauril Bélanger:** Can you tell me how many are evaluated on their annual performance?

• (0920)

**Mr. Graham Fraser:** I am not, personally, in a position to tell you that. I don't know whether my—

**Hon. Mauril Bélanger:** Does someone know whether the Treasury Board evaluates them?

**Mr. Graham Fraser:** I am not in a position to answer you at this time.

**Hon. Mauril Bélanger:** Commissioner, my real question is, should the government follow or accept your recommendation and propose an amendment to the Official Languages Act that would give the Treasury Board the authority to take action with respect to Part VII of the Act or see to its implementation, whether you feel that the Treasury Board's current resources and practices would be adequate to implement Part VII of the Official Languages Act?

**Mr. Graham Fraser:** An analysis of the required resources would clearly be needed to ensure that this authority could be exercised efficiently and successfully.

**Hon. Mauril Bélanger:** I realize that I may be venturing into possibly inappropriate territory, and if that's the case, I apologize.

Do you think it would be advisable for the Office of the Commissioner of Official Languages to indicate what kind of resources would be helpful or necessary to implement Part VII of the Act, as part of this amendment that you are suggesting?

**Mr. Graham Fraser:** Let's just say that, for the time being, I am not in a position to attach a cost to that obligation. We are not generally in the habit of being as specific as that. We make recommendations and we then audit the results of an action plan, for example, or a change that has been made.

**The Chair:** Thank you, Mr. Fraser. Thank you, Mr. Bélanger.

Mr. Galipeau, please.

**Mr. Royal Galipeau (Ottawa—Orléans, CPC):** Thank you very much, Mr. Chairman.

Mr. Fraser, it's a pleasure to welcome you here once again.

You will not be surprised to hear that I have been reading the reports issued by the Commissioner of Official Languages for more than 40 years now. Most of the time, they recount horror stories. But people who like that kind of reading will be quite disappointed this time around.

Did the government encourage you to select specific departments, knowing that they would receive a good rating?

**Mr. Graham Fraser:** No, not at all. We selected these institutions based on the fact that we were focussing on Part VII. Every year, we choose a theme for the annual report and decide which institutions should be subject to a performance evaluation based on that theme. This year we decided to look closely at Part VII of the Act. As is clear in the report, the results turned out to be quite satisfactory. I think that can be explained by the nature of these institutions and the fact that they have fairly direct contact with the communities. As a result, they are more likely to consider the needs of these communities.

On the other hand, the evaluation does not consider the fact that, according to several institutions, Part VII does not apply to them because they have no direct contact with community organizations, particularly when it comes to providing funding. We therefore decided to focus on institutions with a specific vocation in relation to the communities, knowing that this would not necessarily explain to institutions in as dramatic a fashion that they do, indeed, have obligations, even though they claim otherwise.

Yet certain institutions were still surprised to discover that we expected them to consult certain communities before taking actions that could have a negative impact on them.

• (0925)

**Mr. Royal Galipeau:** Mr. Chairman, I am not sure whether it would be more appropriate to address this question to Ms. Tremblay.

A number of states apply official language laws. In Canada, at least one province does. I'm thinking in particular of countries such as Belgium, Switzerland and Ukraine. I have always been interested in the incentive side of things, as opposed to coercion. Perhaps the time has come to look at this, given that, for once, the report of the Commissioner of Official Languages is not full of horror stories.

I'd like to know whether you have looked at that aspect of the issue in relation to legislation passed by other countries. How effective are coercive measures as compared to incentives? What recommendations can you make to Canadian parliamentarians in that regard?

**Mr. Graham Fraser:** Ireland is the only country to administer legislation that corresponds almost exactly to our Official Languages Act. Their law is modelled on ours to a certain extent. They have an Official Languages Commissioner who plays the same role—in other words, receive complaints, carry out investigations and, in this case, encourage the use of the Irish language. In contrast, Switzerland and Belgium take a much more territorial approach than we do. It's coercive, in a way. If you move from one side of the street to the other and, in so doing, you cross a language barrier, you no longer have language rights and your children are not allowed to attend a minority school, for example.

The approach reflected in our Act is based somewhat what has been done in Finland. That country has unilingual and bilingual regions, and a central government whose obligation is to provide two language communities with services in both languages. On the other hand, there is no commissioner *per se* who reports to Parliament; there is an official within the Department of Justice whose job, to a certain extent, involves receiving complaints and comments.

With respect to your question about approaches based on incentives as opposed to coercion, I believe a mix of the two is appropriate. First of all, the Act is clear enough when it comes to laying out the obligations of institutions, but in order to be truly successful, linguistic duality must be seen as something to be valued, and not just as a series of obligations that can be perceived as a burden.

To respond to that perception, we assessed our own ombudsman role with a view to implementing a facilitated resolution process. In any case, all of this requires a full range of tools. I noted that the best way to apply the new facilitated resolution approach was to clearly convey the message that if the Act was not complied with, more serious steps could be taken. In those cases, we initiate legal proceedings against certain institutions; but when institutions show good will and the desire to improve, we are prepared to cooperate with them. The Act provides me with a range of tools and I try to make use of all of them.

● (0930)

**The Chair:** Thank you, Mr. Fraser.

Thank you, Mr. Galipeau.

Mr. Lauzon, please.

[English]

**Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC):** No, *merci*.

**The Chair:** Monsieur Weston.

[Translation]

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

Welcome, Mr. Fraser. It's a pleasure to have you with us again.

In last year's report, eight federal institutions received a failing grade, whereas this year's report includes no failing grades. Other than Canadian Heritage, which received the best rating, seven federal institutions received a good rating, 12 received a fair rating and only two received a poor rating.

My esteemed colleague, Mr. Godin, wanted rules to be introduced for Supreme Court justices. In my opinion, it's in the value associated with this, as you just mentioned, that we have been most successful.

With this marked improvement in the performance of federal institutions over the course of a year, why are you still insisting that the government produce regulations? Why would we want more regulations?

We've made a lot of progress, particularly in terms of the value of this. If there are too many regulations in place, some people will just reject this and decide that, instead of being about the two official languages, it is the government trying to force them to do something.

What do you think?

**Mr. Graham Fraser:** I don't think a direct connection can be made between the poor performance we sometimes noted last year and the fairly satisfactory performance we saw this year. These are different institutions which were selected for different reasons.

We will be meeting with these same institutions again. Institutions complained about the fact that, in the past, we would release our report in May and, if it included poor ratings, we would meet with people at the same time to tell them how they could improve. We would then send observers in July to take another look. We were told that there was not enough time to bring in the necessary changes and see improvements.

We felt that this complaint was warranted. So, unless there were special reasons to do so, we agreed not to go back and see the same institution the following year. As a result, an institution will have at least two years to try and make improvements. So, one cannot conclude that these are the same institutions discussed in the previous report which are showing improvement and contributing to the progress that has been made.

In terms of regulations, I believe the Treasury Board should have the authority to provide direction. That can mean making regulations, but that is not necessarily the approach that will be taken. At the present time, the Treasury Board does not have the authority to tell an institution what it has to do to be more successful. That is a capacity, an authority and a power it does have in relation to other parts of the Act. So, that is a hole in the current Part VII of the Act, and we are recommending that it be filled.

● (0935)

**Mr. John Weston:** To paraphrase Prime Minister Mackenzie King, regulation if necessary, but not necessarily regulation.

**Mr. Graham Fraser:** Well put.

**Mr. John Weston:** Have you noted greater respect for the French language in Western Canada as a result of greater knowledge of the language?

You just said that values are very important. We talked about the increased popularity of bilingual schools in British Columbia, such as the one where my children studied. Studying in French is really in fashion these days in British Columbia, and that is not as the result of regulation.

Do you not think that too much regulation could be counter-productive?

**The Chair:** Thank you, Mr. Weston.

Mr. Fraser.

**Mr. Graham Fraser:** I don't think so.

Let's look at the progress that has been made in terms of seeing linguistic duality as something valuable. If we compare the current attitude with the one that prevailed when the Official Languages Act was implemented some 42 years ago now, it is clear that there has been enormous progress.

The Official Languages Act was extremely unpopular 40 years ago. Today, however, from one survey to the next, we can see that support for linguistic duality as a Canadian value is very strong all across the country.

I recently looked at the results of one survey showing that a tiny minority of Canadians—fewer than 5%—felt that we should speak only one language. Similarly, fewer than 5% of people believe that everyone should be forced to speak two languages. Between those two extremes, the vast majority support the principles of linguistic duality and official bilingualism.

**The Chair:** Thank you, Mr. Fraser.

Mr. Aubin, please.

**Mr. Robert Aubin (Trois-Rivières, NDP):** Thank you, Mr. Chairman.

I, too, would like to welcome you and all the members of your team to the committee today, Mr. Fraser. I also want to take this opportunity to thank you for your insights on this subject.

I clearly do not have the depth of knowledge of the person opposite me, since my political career is only just starting. However, I would like to know whether the number of complaints has increased, decreased or remained stable during the first five years of your mandate.

**Mr. Graham Fraser:** It's fairly stable. It ranges from 800 to 1 000 complaints per year.

There are peaks on occasion when people mobilize around a specific issue. Last year, for example, there was an increase. We received a total of 1 400 or 1 500 complaints, 800 of which dealt with the closing of a radio station in Windsor.

This year we received more than 500 complaints about Air Canada regarding the language of work.

**Mr. Robert Aubin:** That gives me a good overall picture of the situation, which is what I was seeking.

When I arrived here, I put my hand on the bible—let's call it the book of basics for new MPs. To my great surprise, the minister's guide—which I have yet to receive—does not seem to contain specific instructions with respect to how official languages should be administered within a department. I would be interested in hearing your views on that. Should that guide not provide guidelines with respect to official languages?

**Mr. Graham Fraser:** I must admit that I am not familiar with this guide. You are far more in the know than I when it comes to guides

for MPs and ministers. I am a little surprised. There is one thing I might add, however. One of the characteristics of the Act is the exemption it provides for Parliament and parliamentarians. That may be the reason why, unlike you, I am not familiar with these guides.

My colleagues may be more familiar with them than I.

• (0940)

**Mr. Robert Aubin:** That's fine.

I would like to spend a few minutes talking about the Roadmap for Canada's Linguistic Duality 2008-13, because we will be carrying out a pretty thorough analysis of it in the coming weeks. I seem to have noted certain problems with the methodology used to assess the Roadmap in the different departments. I would be interested in hearing your comments with regarding the importance of making the mid-term report public, which we do not seem to have yet.

Have you requested the mid-term report? If not, do you intend to do so?

**Mr. Graham Fraser:** No, not specifically. However, I do think it's very important.

The document which preceded the Roadmap, which was the 2003-08 Action Plan for Official Languages, did include a mid-term report setting out progress made in certain areas and the lack of progress in others. It made it easier for my predecessor to analyze successes and failures in implementing this action plan.

When I read the transcript of the questions you put to officials from Canadian Heritage last week, I believe I understood that no decision had yet been made as to whether or not this mid-term analysis would be made public.

I would just like to use this forum to say that I believe it is important for that report to be made public.

**Mr. Robert Aubin:** We know that the government in Ottawa is a two-tier institution. Just as the Roadmap is being assessed, I imagine the bureaucracy is gearing up to develop the next roadmap.

In your opinion, should the next roadmap address all federal institutions, as opposed to 14 or 15 carefully selected ones?

**Mr. Graham Fraser:** We have not yet done any analysis that would allow me to say yes or no. That is one of the questions we will be looking at when we do our own analysis. Once we are further advanced in analyzing the situation, we will be in a position to share our comments with the committee.

**The Chair:** Thank you, Mr. Fraser. Thank you, Mr. Aubin.

Mr. Menegakis, please.

[*English*]

**Mr. Costas Menegakis (Richmond Hill, CPC):** Good morning. Thank you for coming and thank you for your presentation.

I was very pleased to see in your report that you summarize your recommendations in four very succinct and very clear recommendations.

I have a couple of questions regarding the “Honourable Mentions” in chapter 3 of your report. I also sit on the citizenship and immigration committee and note that you gave an honourable mention to Citizen and Immigration Canada for “Engaging Official Language Communities”. You listed it as an example of “community involvement” and “active participation”. Could you elaborate on that for us, please?

**Mr. Graham Fraser:** Yes. I've been particularly impressed by what has happened in Manitoba, where the Department of Citizenship and Immigration has been working closely with the provincial government and also with the Société franco-manitobaine in working to recruit, attract, welcome, and support francophone immigrants to Manitoba.

It is a model for a number of reasons, partly because there has been an inclusion of members of the community in the Destination Canada job fairs in Paris and Brussels, and partly because there has been this close collaboration among the federal government, the provincial government and the community.

Also, there is the degree of closeness with which a group called Accueil Francophone, which is part of the Société franco-manitobaine, has been able to literally welcome francophone immigrants and refugees at the airport, place them in temporary housing, register their children in French school from the moment they arrive, and accompany them through this organization, Accueil Francophone, for the first three years.

First of all, there has been a real coming to understand that welcoming a Belgian chef who wants to open a restaurant in Saint Boniface, on the one hand, and welcoming a family that has spent five years in a refugee camp on the border of Congo and Rwanda, on the other hand, are two very different challenges and there are different problems in which the families have a whole series of different adaptation challenges. They have been able to marshal the resources and the individuals with the experience to know what those challenges are and to follow those families closely and provide them with the moral support they need to make their adjustment.

Every chance I get, I talk about that particular example of I think a successful collaboration among a federal department, a provincial government, and key people at every level who have been working together to make this happen

● (0945)

**Mr. Costas Menegakis:** Thank you very much.

I have two questions on the report cards that you issued. I'll ask them at the same time.

[Translation]

What criteria did you use this year to select the 13 federal institutions to be evaluated and to establish the ratings that appear in your 2010-11 annual report? Also, in your opinion, what are the main reasons why we are seeing considerably better results this year, as reflected in your report?

**Mr. Graham Fraser:** I am going to respond briefly and then ask Ms. Charlebois to provide more detail.

We selected the institutions based on Part VII of the Act, which is the theme of this year's annual report. We tried to choose institutions

which have a special relationship with official language minority communities.

**Ms. Ghislaine Charlebois (Assistant Commissioner, Compliance Assurance Branch, Office of the Commissioner of Official Languages):** That's exactly right. We expected the results to be favorable with respect to Part VII, because of the institutions that had been selected. The results were quite positive, although some institutions did not fare as well as others. We realized that these institutions were having their performance appraised for the first time. They were coming to understand their obligations for the first time, which allowed us to begin a dialogue with them.

On the other hand, we noted that the results were somewhat less positive for certain institutions. For example, in order to evaluate management of the official languages program, we looked at the action plan, the accountability framework and the policies in place. Overall, those items are not particularly positive.

The same applies to the active offer of services in person and service to the public. We noted that it is always the same problem for the majority of institutions, even those that were appraised this year.

**The Chair:** Thank you, Ms. Charlebois.

Ms. Michaud, please.

[English]

**Ms. Éline Michaud (Portneuf—Jacques-Cartier, NDP):** First of all, thank you very much for being here, and welcome to you and your team.

Very quickly, here's my first question. The NDP has recently learned that the costs incurred by a department to fulfill its obligations under the Official Languages Act may be covered through its operating budget and do not have to be reported separately. This is very, very serious, because there is no way to determine whether the public funds are being used responsibly or not. What are you going to do to have this situation corrected?

**Mr. Graham Fraser:** I'm not certain. I'd have to know more about your concerns that flow from this, because there are certain costs that become simply a matter of doing business. For example, if a language level is established as an essential qualification for a particular job, then it becomes difficult to sort out what the cost is of people acquiring that language level—

● (0950)

[Translation]

**Ms. Éline Michaud:** That question arises out of an answer from Transport Canada. That department did not report on official languages in the last Public Accounts of Canada. It says that departmental spending comes under its operating budget and that it is not accounted for separately.

So, if that is the way it works at Transport Canada, I imagine the same may apply to other federal institutions. That is somewhat troubling in terms of our ability to audit the information subsequently. That is the kind of situation we're talking about now.

**Mr. Graham Fraser:** That is something that we have not yet looked at. I have noted your comments.

There is perhaps one point to be made in connection with your concern. In the past, language training came under a budget that was separate from the departmental operating budget. The advantage was that the School of the Public Service had a budget for language training. A department could send someone there for an almost unlimited period of time to receive language training. That resulted in some abuse.

At this time, those responsibilities have now been transferred to the departments. They are entrusted to managers and included in their training budget. Therefore, when someone requires training with respect to contracts, ethics or another type of training provided to public servants, those courses are paid for out of the language training budget.

The advantage of the current situation is that language training can be tailored to meet the specific needs of each employee. The problem, as you point out, is to determine the exact cost of language training. It can also mean that the manager may feel there is a more pressing need to give employees training on contracts, to the detriment of language training, which can wait until another time.

But I have noted your concern and we will look at this issue.

**Ms. Éloïse Michaud:** Perhaps you could get back to us on that at future meetings.

In your report, you say that to offer services of equal quality in both official languages, a federal institution must be able to measure and predict the relative demand for all the services it provides. However, as you know, the long form census questionnaire was eliminated before the 2011 census. This has already raised a lot of questions, but I'm wondering how you think this could affect federal institutions' ability to predict the demand for services in the minority language. Do you think the communities could be penalized as a result of this?

**Mr. Graham Fraser:** This decision greatly concerned me because, in my opinion, we still run the risk of losing all kinds of information about official language minority communities. It breaks the continuity in relation to the information that was available in the past. Furthermore, this decision was made without prior consultation with the communities and without assessing its potentially prejudicial effects.

I would like to come back briefly to one of my concerns, which is budget constraints. I am very aware of the unanticipated negative effects of decisions made for a particular reason. I am thinking, in particular, of the decision to abolish the Royal Military College in Saint-Jean in 1995. That was done for purely budgetary reasons, but it has had long-term effects that are still being felt.

• (0955)

**The Chair:** Thank you, Ms. Michaud and Mr. Fraser.

Mr. Lauzon, please.

**Mr. Guy Lauzon:** Thank you, Mr. Chairman.

I would like to welcome Mr. Fraser and his team to the committee.

Mr. Fraser, I recall that five years ago, when you were appointed Commissioner, we talked about how you saw the future of official languages. I imagine that you are very proud of the progress that has

been made by our country with respect to official languages. I remember your first report, which goes back about four years. It was not very positive. I believe we have made a lot of progress since, as a country. I want to commend you in that regard, because it's thanks to your encouragement and suggestions that our government has achieved that progress. We are proud of that.

Are you able to explain to what that progress can be attributed?

**Mr. Graham Fraser:** When there was progress, it was because a minister or deputy minister showed leadership by ensuring that all departmental employees understood that this is an important value for the organization. Where there have been failures, it has been because of a lack of leadership.

I also note that there can sometimes be inconsistency. That is why one of my recommendations is that the government state in no uncertain terms that it is committed to the development of official language minority communities, and to the promotion of English and French.

The following remark does not only concern this government. Indeed, from one government to the next, there has been a tendency to invest in official language minority communities without the majority being aware of that. It was done on the sly. In the communities, people are obviously familiar with the Roadmap or the Action Plan that preceded it. At the same time, the majority communities are unaware of those efforts and that commitment. I think the country is ready to see the government state its commitment to this in stronger terms than in the past.

**Mr. Guy Lauzon:** One way of demonstrating our determination to improve things is to invest more money. In recent years, we have invested more money in official languages. Did you note any differences following those new investments?

**Mr. Graham Fraser:** We are currently doing that analysis of identifiable progress. One example of progress I can talk about now relates to health networks, which received assistance under the Roadmap. That is a success story. There are other areas where that remains to be seen. We will complete our analysis before commenting.

• (1000)

**Mr. Guy Lauzon:** I think we should continue to work together, because I believe we have made considerable progress thus far, even though we can do more. If I'm not mistaken, approximately 68% of Canadians support official languages. Is that correct?

**Mr. Graham Fraser:** It varies from poll to poll. The numbers are 68%, 72% or 80%. It all depends on the polling firm.

**Mr. Guy Lauzon:** The question asked—

**Mr. Graham Fraser:** Is—

**Mr. Guy Lauzon:** So, there has been a major increase over the last five years, has there not?

**Mr. Graham Fraser:** That's correct.

**Mr. Guy Lauzon:** Thank you.

[English]

**The Chair:** *Merci*, Mr. Lauzon.

Mr. Harris, you have the floor.

**Mr. Dan Harris (Scarborough Southwest, NDP):** Thank you, I'm just going to jump right into it.

We were just speaking of investments. In the 40th Parliament, this committee undertook a study and spent \$110,000 on studying the development of linguistic duality in the Canadian north. That study is incomplete as of yet. I'd like your opinion on how important you think it is that this study be completed.

**Mr. Graham Fraser:** I think the language issues in the Canadian north are complex and fascinating. I would be anxious to see that any work done by this committee or by other groups not go to waste, because I think it's a very important subject, and all the more important as this government and Canadian society in general is becoming more and more aware of the challenges in northern Canada.

**Mr. Dan Harris:** Thank you.

I've heard Mr. Gourde and you speak about leadership on a few occasions this morning. It's especially important with respect to

[*Translation*]

the deputy minister and the minister. What do you think of the leadership that is shown when the Minister of Foreign Affairs chooses to have unilingual business cards?

**Mr. Graham Fraser:** That's an interesting question. I must admit that I can't really answer that since we have not received any complaints about this. Unless the complainant discloses the outcome of the complaint at the end of the investigation, I cannot comment on something that is under investigation.

**Mr. Dan Harris:** In your opening statement, you said that you may follow the recommendations with respect to cuts.

Did you know that official languages are part of the \$20 million contract awarded to Deloitte & Touche Inc., whose mandate is to suggest ways the government can save money?

**Mr. Graham Fraser:** I don't know whether that is part of Deloitte & Touche's contract, but I do know that, whatever the consultants may do, it will be the responsibility of ministers and the Treasury Board to make the final decision. That is why I voiced my concerns. My concerns prompted me to remind ministers that when all these recommendations and budget cutting plans come forward, their job will be to assess them and to ensure that the communities or government programs that provide services in both official languages do not unfairly bear the brunt of the cuts.

• (1005)

**Mr. Dan Harris:** Thank you.

In terms of specific concerns, what are the most serious consequences in your view?

**Mr. Graham Fraser:** There is no one item in particular. However, I have noted one thing. Let's take the example of a community that receives government services or uses certain services. If every department that delivers programs that have an impact on it is affected by 5% or 10% worth of budget cuts, the cumulative effect on the community will be far greater than 5% or 10%. My fear is that, by accident or by coincidence, a number of departments will choose to cut programs aimed at the communities without realizing

that another department program will be affected. I am worried about the cumulative effect.

We talked about immigration programs. It is possible that a given program or a cultural program will be cut—I also talked about the health network. There is no one area in particular that concerns me; however, I am worried about the cumulative effect of these budget cuts.

**The Chair:** Thank you.

Mr. Gourde, please.

**Mr. Jacques Gourde:** Thank you, Mr. Chairman.

Before I ask my question, I would like to say that I am sorry the Commissioner was embarrassed by one of Mr. Harris' questions. My view is that our time is too precious to be asking overly partisan questions.

A little earlier, you talked about health—

**Mr. Yvon Godin:** On a point of order, Mr. Chairman.

All members of Parliament have the right to ask whatever questions they deem appropriate and make whatever comments they wish. In case Mr. Gourde has not noticed, we are politicians.

[*English*]

**The Chair:** Monsieur Godin has raised a point of order.

Members are free to use their time in the manner they choose, whether they wish to comment on other members' commentary or focus on posing questions to the commissioner. That being said, I'd ask that members address the subject matter at hand and focus on the issues the commissioner has raised in his report.

[*Translation*]

Mr. Gourde, please.

**Mr. Jacques Gourde:** Thank you for your answer, Mr. Chairman.

A little earlier, we talked about health care and, in particular, the Roadmap, as well as health-related initiatives. I would like you to talk about a specific initiative implemented by certain organizations.

We know that when you live in a minority language community in a given region—for example, the Anglophone communities in Quebec or the Francophone communities outside Quebec, in Manitoba or in any other province, and you have to go to the hospital, you may find yourself in a precarious position. In my opinion, giving people the ability to receive health care—or simply to have nurses or doctors who can speak to you in your own language to explain what you're experiencing—and allowing health care professionals to provide the best possible diagnosis, is an important initiative. I believe we paid particular attention to this in the Roadmap. Could you please tell us more about that?

**Mr. Graham Fraser:** Yes, that's correct. One component of the Roadmap which was successful, but which also showed its limitations, was a program that supports training. It is a training program developed specifically by McGill University for people working in the health care system in Quebec. According to the latest figures that I've seen, 7,000 Quebec hospital and health care system employees have taken this course. This has made it possible to provide frontline care in English to members of the community. As you say, the official language minority communities, particularly Anglophones in Quebec, but also Francophone communities, are aging communities with health issues normally associated with seniors. However, there are limits to what can be accomplished with this type of training program.

I spoke to an Anglophone from Granby involved in health care and asked her about whether she felt the program had been a success. She told me that it was very good, because it has meant that a nurse working in a CLSC is now able to put a cast on a young person who fell off his bike and fractured his arm. However, when you have a 58-year old farmer who is starting to show early signs of Alzheimer's disease, there are limits to what can be provided in the way of services.

As far as I'm concerned, this is an indication of the specific issues associated with aging communities, and I believe everyone is aware of that. In Quebec in particular, there is a generation of retirees who are not as bilingual as the younger generation. I talked to someone in the Magdalen Islands who told me that her mother calls her because she can't understand the social worker who comes to visit her. This young lady has to interrupt her work to act as a translator for the social worker who comes to see her mother. That is an example of the specific problems associated with an aging population.

•(1010)

**The Chair:** Thank you, Mr. Fraser. Thank you, Mr. Gourde.

Mr. Godin, please.

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

Mr. Royal Galipeau was of the view that all your reports talked about horror stories. But you do see departments where things are going well. In reading your report, I see that Canadian Heritage received a C rating. That is not such a great result, when Canadian Heritage receives a C. They talk about the As and Bs, but not about the Cs, Ds and Es that are also mentioned in your report. That's fine. They are making their usual sales pitch.

And, in terms of the horror stories that are never mentioned, we may want to talk about Fisheries and Oceans Canada and Search and Rescue in Quebec. They are the only Francophone offices in Quebec that will be moved to Halifax and Trenton. They are the only ones that are to be moved. And we could also talk about Services Canada in the Atlantic region. On the administrative side, it's not bilingual. It was under this government, Mr. Fraser, that it was declared not to be bilingual. And when it comes to National Defence, have all the issues there been resolved? There are violations in 60% of cases. In terms of Borden, where all the courses were being given in English, and the same for administrative services whenever people would come to request them, can you tell us whether those problems have been resolved?

Commissioner, I suggest that the next time you make a report, you should do half-and-half—in other words, talk about both the horror stories and everything else. That way, they won't try to sweep under the carpet all the issues with respect to official languages and we won't hear the government bragging about everything being great in the last five years. It says that this isn't political and that in the last five years, everything has been great and there have been improvements across the board. Yet there are still major problems in the community.

Minister John Baird has two kinds of business cards. He has a bilingual one and a unilingual one. It has been publicly acknowledged that he has a unilingual English card that he had made to distribute when he goes abroad. That sends the wrong message. That is why your recommendation should be passed on to the Treasury Board. Part VII should fall under the responsibility of the Treasury Board of Canada. Someone should have control over official languages, and I want to commend you on that.

When do you think the Prime Minister will respond to your report?

•(1015)

**Mr. Graham Fraser:** I hope to receive an answer as soon as possible. I await that answer. There is no deadline, unlike with other recommendations that have been made in the past. For example, we said before March 31.

Making an amendment is not a complicated process. That could be part of an omnibus bill, just to make that change.

**Mr. Yvon Godin:** Mr. Fraser, I did not get an answer to the other question I asked.

When I talked about doing an investigation, you mentioned that someone had told you that you could not investigate what happens to the money transferred to the provinces.

Who told you that? Was it someone in the government?

**Mr. Graham Fraser:** It's the law.

I have the power to investigate what goes on in federal institutions. There is an official language commissioner in New Brunswick. In Ontario, there is a commissioner responsible for services in French.

**Mr. Yvon Godin:** But do the Northwest Territories not fall under federal jurisdiction?

**Mr. Graham Fraser:** Yes, and they also have an official languages commissioner in Nunavut.

**Mr. Yvon Godin:** There can be commissioners all over the place.

You talk about the Act. You are the federal Commissioner. Under the Act, are you able to exercise the same powers in the Northwest Territories, for example?

**Mr. Graham Fraser:** In the past, I have investigated certain expenditures in the Northwest Territories.

**Mr. Yvon Godin:** Could we be given the results of that investigation?

**Mr. Graham Fraser:** That depends on the degree of confidentiality associated with the investigation report. However, we did receive complaints and we did an investigation. I will have to check to see what level of confidentiality is associated with the outcome of the investigation of those complaints.

**Mr. Yvon Godin:** With respect to the bill on Air Canada that is currently under discussion in Parliament, do you feel it is satisfactory that Part V is not included in the bill? What is missing from that bill?

**The Chair:** Thank you, Mr. Godin.

Mr. Fraser, you can answer the question.

**Mr. Graham Fraser:** In April of 2010, at the request of Mr. Bélanger, we wrote a letter describing in detail what we were hoping for. We sent a copy of that letter to all committee members.

Subsequently, in November, we made officials with the Department of Transport aware of the content of that letter and discussed it with them. We are now reviewing the current bill.

On the one hand, it is a step in the right direction, in that I have been given the power to investigate other aspects of the company's operations which I did not have access to previously. However, as the member stated, that does not cover the right to work in French in those institutions.

There are other items as well. If you compare the letter to the bill, you can see what has not been included.

**The Chair:** Thank you, Mr. Fraser.

Mr. Galipeau, please.

**Mr. Royal Galipeau:** Thank you, Mr. Chairman.

Just to clarify, I would like to point out to my colleague that I never said the report was a collection of horror stories. At the same time, you must admit that, in some reports—not to say in many of them—there were some horror stories.

I would like to join with my colleague, Mr. Lauzon, in commending you for your leadership and the inspiration you have given the government as a whole when it comes to official languages. I very much appreciate the fact that you referred to the negative impact, more than 15 years ago, of the closing of the Royal Military College in Saint-Jean. I was personally offended that a college bearing my name would be shut down. Joking aside, however, this did have consequences for the administration of the Official Languages Act. Those consequences have been visible every single year since. That is extremely unfortunate. And yet, the government that made that decision was supposedly supportive of official languages.

Since we're talking about the military, I would like you to tell me if staff knows whether the Office of the Commissioner of Official Languages was asked for advice before the Royal Military College in Saint-Jean was shut down.

• (1020)

**Mr. Graham Fraser:** I do not believe so, but I can certainly get that information. It was before either myself or my predecessor held that position. An entire generation of staff members working for the Office of the Commissioner who were around back then have now retired.

**Mr. Royal Galipeau:** Based on what you've said, in some departments that you chose to appraise with respect to the administration of official languages, your visit had a major impact, even though the Official Languages Act had been in effect for 42 years. It might be a good idea to notify all departments and agencies that they may receive a visit from you next year. That way, even if you only visit 10 of them, they will all be ready.

**Mr. Graham Fraser:** We adopted a specific practice to avoid surprising people. For example, when an institution receives a poor rating, sometimes the executive officer of the institution tells me that he was not properly informed, despite the fact that the official languages director three levels below was consulted. So, we discovered that, in some cases, the information had never made it to the top.

As a result, I decided to meet with deputy ministers and agency heads who will be subject to an investigation so that they are aware of what their official languages directors have already been told, so that there is no confusion, a year later, when they receive the results.

**The Chair:** Thank you, Mr. Fraser and Mr. Galipeau.

[English]

**Mr. Royal Galipeau:** Deputy ministers should be the last people to claim ignorance of the law. It's a pretty lame excuse.

[Translation]

**The Chair:** Thank you, Mr. Galipeau.

Mr. Bélanger, please.

[English]

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

Last week I asked a number of questions of the heritage department's representatives about the road map. I was wondering if our clerk has received any response to those questions so far.

**The Chair:** Just one moment, please.

Could you repeat the question, please, Mr. Bélanger?

**Hon. Mauril Bélanger:** I hope that doesn't count on my time, Mr. Chairman.

• (1025)

**The Chair:** No, it doesn't. Go ahead.

**Hon. Mauril Bélanger:** Thank you.

I was wondering if the clerk had received any information in response to the series of questions I asked last week of the representatives of the heritage department vis-à-vis the road map.

**The Chair:** Just one moment, please....

We haven't received a full response yet.

**Hon. Mauril Bélanger:** Thank you.

I note that we're also waiting for a response to my question to the parliamentary secretary as to whether or not the final evaluation of the road map,

[Translation]

mid term,

[English]

would be made public. We're waiting for that.

I just wanted to remind my colleagues of those pending questions.

Mr. Commissioner, I know you met the leader of my party. I suspect that you also met the leader of the official opposition. Did you also get to meet the Prime Minister prior to tabling your report?

**Mr. Graham Fraser:** Yes, I did.

**Hon. Mauril Bélanger:** And the Treasury Board president?

**Mr. Graham Fraser:** Yes, I did.

**Hon. Mauril Bélanger:** The Minister of Transport?

**Mr. Graham Fraser:** Yes, I did.

**Hon. Mauril Bélanger:** And the Clerk of the Privy Council?

**Mr. Graham Fraser:** Yes.

**Hon. Mauril Bélanger:** So they're all personally aware of your recommendations specifically directed to them.

**Mr. Graham Fraser:** Yes.

**Hon. Mauril Bélanger:** Thank you.

Are you open to other studies, new studies, new areas...? Are you open to considering suggestions?

**Mr. Graham Fraser:** I am definitely open to suggestions. The one thing I would remind the committee of is that in my obligation that I expressed, to treat the spirit and intent of...we are going to have to be very, very precise in our priorities for embarking on studies. There are certain things we have in mind for further studies, but I'm always open to suggestions.

**Hon. Mauril Bélanger:** There is one area I find a growing concern for, and it's throughout the country. This relates back to the very first action plan, the 2003-08 action plan.

Incidentally, I attended the Senate committee meeting yesterday, where you were asked certain questions.

At the time the government introduced the 2003-08 action plan, it also said that it would follow up with a subsequent one, because there was a 10-year planning horizon over specific objectives vis-à-vis education—in particular, those who have the right to an education. There was a hope that the objective of 80% would be reached and that there would be also a 50% increase in terms of...

**Mr. Graham Fraser:** Bilingual graduates from high school.

**Hon. Mauril Bélanger:** That's correct.

I am curious, sir, to know the use of the billions of dollars that are being transferred to the provinces for minority language education and whether or not that money is being used as efficiently as it could be. That's an area where I think you might see a growing concern from a number of associations, from minority community associations across the country. If there were a time or an interest in that, I would be certainly one to encourage you to consider that. I'll leave it at that.

**Mr. Graham Fraser:** I think Monsieur Bélanger has put his finger on one of the paradoxes of the general situation of official languages, in that it is—

**Hon. Mauril Bélanger:** I'm sorry, but I have to go to recommendation 3. This is the one where you've asked the government to go from BBB, which is the level of

[Translation]

second language proficiency,

[English]

to another level.

I think you've made a dreadful mistake there, sir. If you had suggested BBC instead, you might have had some success, given the government's tendency to support things British. But as for going to CBC, forget it. It's not going to happen.

**Voices:** Oh, oh!

**Hon. Mauril Bélanger:** You really have to review that recommendation, sir.

But joking aside, what would be the timeline required, in your view, to reach that objective of the CBC level in the

[Translation]

senior official category?

[English]

It would be expected that those to whom the public servants report would be able to understand what the public servants are talking about. You asked that it be implemented on November 12, 2012. It may be, but it's going to take a while to happen. What's your time horizon for it to come into effect?

[Translation]

**The Chair:** Thank you, Mr. Bélanger.

Mr. Fraser, please.

[English]

**Mr. Graham Fraser:** There is a department that, in response to our giving it a very bad note on its management ability, has introduced a three-year plan to reach a state in which its EX minus 1 supervisors are at the CBC level.

I'm going to be meeting with that department to discuss that plan in detail, but the recommendation to the Treasury Board Secretariat is to adopt the level of CBC in November 2012. I've had some conversations about what that may involve, but that conversation will continue, and I am looking with interest at the three-year plan that has been introduced by one other department.

• (1030)

**The Chair:** Thank you very much, Mr. Fraser.

[Translation]

Mr. Galipeau, please.

**Mr. Royal Galipeau:** Thank you very much, Mr. Chairman.

I would just like to mention something in passing. I am sure that the previous government's decision to shut down the Royal Military College of Canada in 1995 was mitigated by the fact that we opened it.

**Mr. Graham Fraser:** I would just like to clarify something. It was reopened as a CEGEP with the intention—according to National Defense Headquarters—of once again turning it into a university. However, it is not yet at that level—

**Mr. Royal Galipeau:** But it's a lot better than having a lock on the door, which was the case previously.

[*English*]

While we're sitting here today, something is happening in the House of Commons. The Public Service Commission's report was just tabled this morning. Are you aware of that report?

**Mr. Graham Fraser:** I'm aware of that report in terms of the mention of our organization.

**Mr. Royal Galipeau:** The commissioner specifically is dealing with hiring practices throughout the government, and she's pointing out.... She has a report card, too, and she pointed out that 65% of the appointments you make in your office, in your commission, are outside of the merit system. Do you have any comments about that?

**Mr. Graham Fraser:** My recollection of her report was that in the bulk of those, merit was not sufficiently demonstrated. We were not outside the merit system, but that merit was not sufficiently demonstrated. The one element in which we were identified as not respecting merit was, in my view, a technicality, and she acknowledged it to the extent that the details were not published in the report.

We have responded to every one of her recommendations and have set in place an action plan so we can address the issues she identified. To a large extent, those issues were ones of failure to report on merit.

I'll ask Lise Cloutier to give a more detailed answer.

**Ms. Lise Cloutier (Assistant Commissioner, Corporate Management Branch, Office of the Commissioner of Official Languages):** The issues around merit not being demonstrated resulted from a review that the Public Service Commission auditors did of a large number of files. It was found that the files did not contain sufficient information.

For example, some of the justifications were missing. Some of the ratings that were used were.... There were some qualities that may not have been assessed. The Public Service Commission was of the view that the files did not show that merit was actually demonstrated. They are not, however, saying that merit was not respected, which is not the case at all. So we have put in place a much stricter mechanism within our human resources group to ensure that all of the appropriate documents are on the files, so that merit is demonstrated in every case.

[*Translation*]

**Mr. Royal Galipeau:** Thank you, Mr. Chair.

I would like to share any remaining time with my colleague.

• (1035)

**The Chair:** Thank you.

Mr. Gourde, please.

**Mr. Jacques Gourde:** Commissioner, to complete this five-minute round, I would like to come back to health care.

Earlier, we talked about health care workers who are dealing with an increasingly aging population. Unfortunately, however, in some regions of Canada, health care professionals are also aging.

One of the government's priorities is to ensure that all regions of Canada have access to skilled health care professionals. I believe that the initiative laid out under the Roadmap for Canada's Linguistic Duality, which is intended to increase the number of people and allow them to settle in the regions, will help our Francophone communities.

Do you have any idea of the number of new professionals who were able to avail themselves of these programs under the Roadmap in the regions of Canada? Is the trend on the rise?

**Mr. Graham Fraser:** I cannot provide exact numbers at this time, but I hope to be in a position to do so when I come back before the committee to talk about the Roadmap.

I noted that the programs offered at the University of Ottawa and at Laurentian University were developed with a view to ensuring an increase. However, I am unable to provide detailed numbers at this time.

**Mr. Jacques Gourde:** Thank you, Commissioner.

**The Chair:** Mr. Gourde, do you any other questions?

**Mr. Jacques Gourde:** I will come back on another five-minute round.

**The Chair:** Go ahead.

**Mr. Jacques Gourde:** Should I complete the round? Will there be another if I continue? There is one more round for the Opposition, and it will be able to use that time. That way, we will have the same number of questions.

**The Chair:** Thank you.

Mr. Aubin, please.

**Mr. Robert Aubin:** Since time is flying by, Mr. Chairman, I will share my time with my two colleagues. Our challenge is to ask three questions in five minutes.

My question concerns something that has caused a great deal of ink to flow in Quebec in recent days. It has to do with the appointment of Supreme Court justices. I seem to have read or heard that you were very much in favour of the NDP bill proposing that Supreme Court justices be bilingual. My question is quite a simple one. Did the Office of the Commissioner of Official Languages take steps to influence the appointment process or the appointment of Supreme Court justices?

**Mr. Graham Fraser:** No. I appeared several times and participated in a public debate on the bill in the last Parliament, but I had no special access to the committee charged with preparing the short list that was given to the government.

On the other hand, I can tell you that I recently read a paper by Sébastien Grammond and Mark Power, published by the Institute of Intergovernmental Relations, School of Policy Studies, at Queen's University, which presents a very good summary of why this is so important.

**Mr. Robert Aubin:** Thank you.

**Ms. Éloïse Michaud:** I will be brief.

As you already know, the Standing Committee on Official Languages conducted a study on immigration in official language minority communities. A report was produced—the one you actually mentioned in your own report. However, that report has not yet been presented to the government, nor will it be, based on my understanding.

Do you think the Minister of Citizenship, Immigration and Multiculturalism is really in a position to properly assess the steps that need to be taken to foster increased Francophone immigration and better integration of immigrants into these communities? As you mentioned, that is extremely important. Do you think he is in a position to do so if these recommendations or findings are never presented to the government?

**Mr. Graham Fraser:** I believe that all information of this kind is very important, in order for a minister to make his or her own assessment.

I have not seen the report. As a result, I cannot comment on it. However, I believe this is a very important issue. Any study or information on the program is likely to be extremely helpful in any decisions that are made with respect to this policy.

• (1040)

[English]

**Mr. Dan Harris:** You mentioned in the report this morning that the level of complaints has remained relatively stable, to the exclusion of the peaks and valleys. Now, does this not give you concern that perhaps things are not progressing well enough, that the overall level of complaints isn't going down? Or is it because of a greater awareness of the process, in your opinion?

**Mr. Graham Fraser:** I always have difficulty arriving at a useful conclusion as to the tendencies in terms of reports. I sometimes wonder why there aren't more complaints. I don't know whether it is because, as some would claim, the situation has improved, or because people aren't aware that they can lay complaints, or because people have become disillusioned and disabused of the value of making complaints, just take for granted that their language rights won't be respected, and shrug their shoulders.

I think the complaint mechanism should be seen primarily as a tool for getting government institutions who have obligations to

correct their errors or their failures, as opposed to a barometer which demonstrates the overall success or failure of government institutions.

[Translation]

**The Chair:** Thank you, Mr. Fraser.

We have three minutes left. I will recognize Mr. Galipeau.

[English]

**Mr. Royal Galipeau:** I just want to come back to the public service commissioner's report. We've listened to an explanation.

It clearly says she found that 65% of your appointments were made without demonstrated merit, so that means 35% of your appointments were made with demonstrated merit. To use the terminology that's used in your own reports, 35% would be an F, wouldn't it be?

I just don't understand how it happened, because you're so well-versed with report cards, and you go and ferret out departments and agencies that don't follow the law and don't follow the prescribed procedures. I don't understand how you don't follow the prescribed procedures or even do it sufficiently 65% of the time.

Thank you.

**The Chair:** Thank you Mr. Galipeau.

I'll give the final word to Mr. Fraser.

**Mr. Graham Fraser:** To speak to the experience we've observed in others, there's nothing like a first time to have this kind of evaluation to realize the flaws in procedures when you think you are doing okay. You discover there are slip-ups and there are ways in which you are not following procedures.

I am very proud of the people who work in the organization; they are highly competent and deeply dedicated. What the report found was that there had been some laxness in reporting sufficiently on the merit, not that the merit was not demonstrated.

We've introduced clearer directives to managers to make sure that the merit of the people who are hired by the organization is clearly demonstrated in the files, so that everybody else can have the same understanding that I do of how excellent the people who work for our organization are.

It is further proof that the report card audit exercise is a useful one that leads senior executives to send a clearer message to employees to follow the regulations.

• (1045)

**The Chair:** Thank you very much, Mr. Fraser.

I want to thank all of our witnesses for appearing this morning. Thank you very much for your testimony.

Thank you to members for their questions and comments.

Without further ado, this meeting is adjourned.







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