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## **Standing Committee on Official Languages**

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**EVIDENCE**

**Thursday, November 22, 2018**

**Chair**

**The Honourable Denis Paradis**



## Standing Committee on Official Languages

Thursday, November 22, 2018

• (0905)

[Translation]

**The Chair (Hon. Denis Paradis (Brome—Missisquoi, Lib.)):** May I invite you to take your seats.

I will begin with an update. We have just finished an in camera meeting during which all of the committee members made decisions, which I will share with you.

Firstly, in all of the meetings we have left from now until Christmas, we are going to focus on the crisis the francophonie is currently experiencing in Ontario.

Secondly, we will invite the Ontario Minister of Training, Colleges and Universities to testify on the Ontario francophone university project.

Third, we examined a list of potential witnesses, some of whom will be asked to come and speak to us about this crisis.

Fourth, next Thursday, November 29, we will host two commissioners, the New Brunswick commissioner and the Ontario one. The meeting will be televised.

So that is where we are at. That is the update I wished to give you, first off.

We are continuing our study on the modernization of the Official Languages Act, pursuant to Standing Order 108(3).

This morning we are pleased to welcome Mr. Jean Johnson and Mr. Alain Dupuis.

Gentlemen, you have about 10 minutes for your statements. This will be followed by a discussion with the members of the committee.

Mr. Johnson, you have the floor.

**Mr. Jean Johnson (President, Fédération des communautés francophones et acadienne du Canada):** Thank you, Mr. Chair.

Ladies and gentlemen members of Parliament, I first want to thank you for your invitation to testify before the Standing Committee on Official Languages. Mr. Paradis just introduced Mr. Dupuis, Director General of the FCFA, who is with me to provide support in this representation.

Before broaching the topic that brings us here today, I must say a few words about the situation in Ontario. At 11:00 o'clock this morning, the Assemblée de la francophonie de l'Ontario, the AFO, will be launching a resistance movement in response to the budget

cuts made by the provincial government last week. I must tell you that the FCFA, from one end of the country to the other, resolutely supports the AFO. That which sets back the Ontario francophonie sets back the francophonie as a whole.

Moreover, I am sure you know that the new government of New Brunswick remains in power thanks to the support of a party that also advocates the elimination of any linguistic gains made by Acadians and francophones.

When a fundamental value like linguistic duality is called into question, it affects more than just francophones, it affects the entire country. That is why I am calling on your support, not only as parliamentarians, but also as Canadian men and women. I urge you to continue to show your support for Ontario's francophonie, to encourage your party leaders to make public statements to that effect, and especially, to speak out with one voice. Linguistic duality is not a Liberal, Conservative or New Democratic value; it is a fundamental Canadian value.

In addition, we recommend that the federal government contribute 50% of the start-up costs for the Franco-Ontarian university. And that is in fact the position of the Assemblée de la francophonie de l'Ontario, on whose behalf we express that opinion here.

I would now like to remind us of the words of Rahm Emanuel, spoken when he was President Obama's chief of staff. He stated that we should never waste a crisis, since it provides an opportunity to achieve things we never thought we could accomplish. The events of the past weeks have placed linguistic duality on the radar of Canadian men and women. In the current context, as we discuss the modernization of the Official Languages Act, this may hold some positive aspects. Let's hope that this will encourage a national discussion on ways to consolidate our linguistic duality in order to ensure Canada is well positioned to participate in a world in which the number of francophones is expected to explode by the next quarter century.

Even as we speak, the representatives of francophone and Acadian organizations from all over the country are in Parliament for a day of meetings to present the broad principles of a piece of framework legislation to which we are adding the final strokes. This is our contribution to what we hope will be a broad and constructive debate on ways to strengthen Canada's linguistic duality and impart fresh momentum to it.

There are four broad themes to the proposals in this bill.

First of all, we must designate a central agency whose responsibility it will be to coordinate the implementation of the Official Languages Act in the whole of the federal apparatus, one which will have the necessary powers to discharge that role. We believe that that responsibility should be entrusted to Treasury Board, supported in that by a Minister of State responsible for official languages, and a secretariat. The Privy Council Office would play a complementary political role, by ensuring notably that federal ministerial mandate letters include strategic direction on official languages, and that an overarching plan for the development of our communities be adopted.

Secondly, even if the 1988 act introduced a commitment by the federal government to support the development of official language minority communities, it remains silent as to the participation of the communities themselves in the achievement of that objective. The FCFA believes that a modernized act should define the communities' right to participate. More precisely, the objective would be to establish how federal institutions would consult the communities, and how they must take the results of those consultations into account. An advisory council of official language minority communities should also be created. That council would be the nexus where government and recognized community representatives would collaborate on the planning and implementation of official language policies.

• (0910)

Thirdly, the monitoring and accountability mechanisms in the 1988 act are particularly weak. The creation of an administrative tribunal entrusted with hearing complaints on the act's enforcement, one which would be able to impose sanctions on federal institutions, would strengthen this legislation. This would also make it possible to refocus the role of the Official Languages Commissioner as the citizen's protector and the promoter of official languages.

The objective of modernizing the Official Languages Act is to give new momentum to Canada's linguistic duality, after years of stagnation. That is why the last of the four broad avenues of change we are proposing has to do with the very scope of the rights and principles contained in that law.

We propose that these rights and principles be broadened, notably by including binding language provisions in federal-provincial-territorial agreements, by eliminating the bilingualism exemption for Supreme Court judges, and by officially enshrining the Court Challenges Program in the act.

The next act could also enshrine a major principle the government has just recognized in its proposed new Official Languages Regulations, which is that the calculation of what constitutes significant demand for bilingual federal services must be based not only on numbers, but also on vitality criteria such as the presence of francophone schools.

In order to position our two official languages well in this century wherein Canadian society is becoming increasingly diverse, it is also crucial that for the first time, the new Official Languages Act set out federal government obligations regarding the adoption of immigration policies that will bolster linguistic duality.

And finally, the new act should include an obligation that Statistics Canada enumerate all of the rights holders entitled to French-language education under section 23 of the charter.

Those are the key components of the final version of the framework legislation we intend to release publicly when Parliament returns from its holiday recess at the end of January.

As regards the role of this committee in the modernization of the Official Languages Act, I will be so bold as to make one recommendation. I recommend that your committee comprehensively study the important components of the framework bill: the designation of a central agency responsible for the coordination and implementation of the act; the participation of communities in the implementation of the act; monitoring and sanctioning mechanisms; as well as the addition of binding linguistic provisions in all federal - provincial-territorial agreements, or the addition of a definition of the positive measures referred to in part VII of the act.

I thank you for your invitation and for the time you have given us.

• (0915)

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

I particularly liked your opening comments stating that official languages should not be the subject of political partisanship. That is what we are trying to accomplish here in this committee. It may be different in other environments, but in this committee we work together and we have good team spirit, in keeping with what you would like us to demonstrate in our work.

Thank you very much for your comments.

I will immediately yield the floor to Mr. Alupa Clark, who will make the first comments.

**Mr. Alupa Clarke (Beauport—Limoilou, CPC):** Thank you, Mr. Chair.

Good morning, Mr. Johnson and Mr. Dupuis. I want to thank you for the unrelenting work you do for Canada's official languages, and particularly for the francophonie.

You are more in favour of the creation of an administrative tribunal, rather than granting coercive powers to the commissioner, such as the power to impose binding measures, correct?

**Mr. Jean Johnson:** Yes.

**Mr. Alupa Clarke:** Why?

**Mr. Jean Johnson:** I think Mr. Graham Fraser alluded to that on several occasions. It was impossible for him to act as champion and promoter of official languages and to be the official languages watchdog at the same time. Those are two opposite functions.

That is why we are basically proposing that those two elements be changed and that there be an administrative tribunal that will allow citizens to not spend a fortune to obtain a quick solution to their grievances. This would not prevent anyone from going before a tribunal, but it would be a quick way to solve several problems that arise. The commissioner's responsibility would become that of an investigator, a champion. He or she would not be there to coerce anyone.

**Mr. Alupa Clarke:** In the version of the law you are proposing, which would include an administrative tribunal, would there be some change made to the commissioner's mandate? In addition to the administrative tribunal, would you want us to add any elements to the commissioner's mandate?

**Mr. Jean Johnson:** The only part of the mandate we would remove would be the coercive aspect. The commissioner would still have the responsibility of investigating the complaints. He would keep all of the functions he currently has.

**Mr. Alain Dupuis (Director General, Fédération des communautés francophones et acadienne du Canada):** We would also ask that the commissioner submit the evidence to the administrative tribunal, and not only for the case at issue. We would ask that he provide all of the jurisprudence on the typical complaints he has received. In that way, we could support the citizens who would go before the administrative tribunal. That work would be done in tandem. Of course, all of the administrative tribunal's decisions would be reviewed by the Federal Court, which would keep its role.

**Mr. Alupa Clarke:** There are administrative tribunals in other areas of society. Where would this tribunal be located physically? Who would choose its members?

**Mr. Jean Johnson:** That is a good question.

**Mr. Alupa Clarke:** You are proposing a complete law, so you must surely have a concrete proposal in that regard.

**Mr. Jean Johnson:** It's an element that needs to be explored. The administrative tribunal would probably be located close to the office of the commissioner, because they would be inseparable. The two entities would cooperate. I presume they would be located close to one another.

**Mr. Alupa Clarke:** Would communities or umbrella organizations like yours take part in the selection of members? I know that you want an advisory council to be created for the action plan for official languages. Would you like that advisory council to take part in the selection of tribunal members? I'm suggesting that without even knowing if it would be possible.

• (0920)

**Mr. Jean Johnson:** I don't know either, but in an ideal world, I think it's always a good practice to include an element of consultation, at least. The communities will certainly have opinions as to the people who should be chosen. If we create an administrative tribunal, we also need to give it the necessary independence to make decisions.

**Mr. Alupa Clarke:** What kind of budget would this administrative tribunal have? My questions may be too detailed, and tell me if that is the case. It would be good if it had more power because this would allow it to rap the knuckles of those who don't respect official languages in daily life. It's something I would like to see the federal government put forward. That is why I am asking these punctilious questions. Have you thought of a budget?

**Mr. Jean Johnson:** I am going begin answering, and my colleague can add his comments.

If the administrative tribunal deemed it advisable to impose coercive measures, the agency in question would be responsible for covering costs, in my opinion. Beyond that, I don't know.

**Mr. Alain Dupuis:** We have not yet done a budgetary exercise. To do that, we would need to assess the mandate and the number of complaints that would be filed with the administrative tribunal. Of course, we could establish an initial budget, and review it once the tribunal was in place. That said, one thing is certain: I don't think we should be worrying about budgets when it comes to having language rights respected.

**Mr. Alupa Clarke:** That's true. You are right.

A year ago, some witnesses told us that there were offices of commissioners in Canada, or elsewhere in the world, that did have coercive powers because they were divided up into two parts. Are you aware of that? There is a type of waterproof aspect between the coercive element, which deals with launching legal action, and the watchdog aspect. It would be good if we could do the same thing for the Official Languages Commissioner.

After all, an administrative tribunal would be a big bureaucratic machine, and that aspect could put some people off. Would it be possible for the office of the commissioner to deal with legal proceedings and also play his role as a watchdog, if the two components were watertight, so to speak?

**Mr. Jean Johnson:** He could deal with those two aspects.

What we are proposing is very similar to what you have just described, that is to say that the commissioner's office would be responsible for two distinct functions. That is why we say that there is a close link between the tribunal and the commissioner's responsibility to investigate and submit evidence to support the client.

There is another point. We believe that the administrative tribunal would accelerate the resolution of clients' complaints.

**Mr. Alupa Clarke:** It's similar to the Veterans Affairs Department, in fact.

**Mr. Jean Johnson:** It is also comparable to the Human Rights Tribunal.

**Mr. Alupa Clarke:** Yes it is.

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

I now yield the floor to a New Brunswick representative, Mr. René Arseneault.

**Mr. René Arseneault (Madawaska—Restigouche, Lib.):** Thank you, Mr. Chair.

I am going to give part of my speaking time to our Franco-Ontarian colleague, who has to leave us soon, so that she may have an opportunity to ask a question.

**Mrs. Mona Fortier:** Thank you very much.

Gentlemen, thank you for being here with us today. I congratulate you for mobilizing on the Hill. I am greatly looking forward to meeting the other members of the francophonie team and to hearing what they have to suggest for the modernization of the act. I want you to know that the committee will work very hard in its in-depth examination of the modernization of the Official Languages Act. I think we are going to have to open a dialogue. In fact, we cannot manage all of this in an hour. We are going to begin to study what you are suggesting, but we are going to need that dialogue. I wanted to explain the committee's expectations; it really wants to conduct this in-depth examination.

**Mr. René Arseneault:** Thank you, Ms. Fortier.

Thank you for being here, Mr. Johnson and Mr. Dupuis. We already met previously.

Two days ago, we received representatives from Juristes Power Law, who made an excellent presentation. I know that you know the Official Languages Act by heart. I'd like to direct your attention to part VIII of the act, so as to hear your thoughts on the suggestions made by the Juristes Power Law firm on that topic.

In paragraph 46(2), it says:

(2) In carrying out its responsibilities [...] the Treasury Board may [...]

The Juristes Power Law firm suggested here that we replace the verb “may” with the verb “shall”.

In addition, Juristes Power Law suggested that we add a reference to part VII in paragraph 46(2)(a), which currently says this:

establish policies, or recommend policies to the governor in council to give effect to parts IV, V and VI, or recommend [...]

What do you think of those suggestions?

● (0925)

**Mr. Jean Johnson:** It is no secret that we are working with Mr. Power on this issue. We are convinced of the measure's merit. Simply replacing the word “may” with the word “shall” can make all the difference in the world. We all know that the word “may” gives the Treasury Board wiggle room, whereas the word “shall” imposes an obligation.

**Mr. Alain Dupuis:** As for whether part VII should have its own regulations, one thing is certain. Justice Gascon made it clear that something had to be done and that a positive measure had to be defined. That's something the committee could examine as part of its study on the modernization of the Official Languages Act.

What constitutes a positive measure? How it is understood and what it means depend on the person interpreting it. A federal institution may define a positive measure as anything that is not negative. Communities, however, interpret it as an obligation on all federal institutions to adopt policies, funding and programs tailored to the specific needs of minority communities. That's what part VII means to us: an obligation to consider all government initiatives from a francophone standpoint. Right now, that's not what's happening, quite the opposite.

From time to time, federal institutions reach out to the FCFA, via meetings or telephone calls, in order to document the activity as a positive measure towards the implementation of part VII. That's unacceptable.

Instead, they need to be taking account of the francophone perspective, genuinely consulting communities on all federal initiatives and policies, not just with respect to the action plan. For example, the federal government has been investing billions in infrastructure for the past few years. What share of that investment has gone to francophone communities? Federal officials refer us to our provincial governments to make sure their infrastructure priorities include our projects. In other words, those agreements do not help us, so we need dedicated funding under all federal initiatives.

We also need all federal-provincial-territorial agreements to have binding language clauses, and I'm not just talking about clauses requiring the consultation of minority communities. I am talking about clauses that specifically lay out the obligations to be met and the proportion of funding to be spent.

That's what positive measures mean to official language minority communities.

Are regulations governing the implementation of part VII necessary? As everyone knows, regulations are easy to change, so at the very least, part VII should establish fundamental principles that are clearly defined.

**Mr. René Arseneault:** Thank you for that very clear answer.

Switching gears, I'm going to turn to Mr. Johnson. At the outset, you said that the federal government should pay half the start-up costs for Ontario's French-language university. I'm going to play devil's advocate for a moment. If you keep in mind what Mr. Dupuis said about positive measures, do you not think that would allow the provinces to shirk some of their responsibility, in the short term, at least? They could easily counter that the federal government should simply pay up since it wants to see the measure in place and official languages fall within its responsibility.

**Mr. Jean Johnson:** No. A number of precedents can be found. In fact, the federal government often provides transfers to support post-secondary institutions through official languages education programs. The problem with those transfers is that the provinces are under no obligation to account for their use of the money.

You make an interesting point. This is going to open a Pandora's box, but perhaps the bilateral agreements should require some accountability on the part of the provinces. They are receiving money at the communities' expense, but not providing them with consistent support. The provinces pass the buck to the federal government when it comes to official languages. We are being consigned to oblivion, with no opportunity to have a say or exert influence.

It all comes down to the bilateral agreements between the Government of Canada and the communities. At this stage in the game, there's no need to reinvent the wheel and do things differently. There's no need to invest directly in these institutions, which are public institutions. There's no need to establish solid agreements that require the provinces to answer to Canadians, in other words, the Canadian government at the end of the day. I think it's time to introduce regulations compelling everyone to handle public funds with respect.

• (0930)

**The Chair:** Thank you very much.

Thank you, Mr. Arseneault.

It is now over to Mr. Choquette.

**Mr. François Choquette (Drummond, NDP):** Thank you, Mr. Chair.

Thank you both for being here today.

The QCGN held its event on the Hill this week, and you're holding yours today, meeting with many MPs. I have no doubt that, as FCFA members, you'll be bringing up the language crisis going on in Ontario. As I said earlier, when the committee was in camera—I can repeat it since it doesn't reveal any confidential information or decisions—whether you call it cost-cutting or a language crisis, the reality is that the Ontario government is turning back the clock at least 30 years by doing away with the watchdog that is the Office of the French Language Services Commissioner.

What's more, it's turning back the clock at least a decade on the plan to build a French-language university in Toronto, considering all the time, experience and consultations that have gone into the project, among other things. It would've been Ontario's first French-language university. Despite being home to the country's second largest francophone population, Ontario still does not have one. Yes, other provinces have francophone colleges, and that's wonderful. Quebec, for its part, has English-language universities. When we look at federal transfers and investments targeting infrastructure, it's clear that the federal government provides millions of dollars in funding every single year to English-language universities and colleges in Quebec, including McGill University, as well as French-language colleges in other provinces. Since the federal government already provides funding support to other institutions, investing in a French-language university in Toronto is a no-brainer, as far as I'm concerned. It would not be a first, as you mentioned.

How did you decide that the federal government should provide half the funding? Don't get me wrong; it's a good thing. I'm just wondering. Where does the threshold come from? I was under the impression that the Liberal government had already announced funding for the project, but from what I see, that hasn't happened yet.

In concrete terms, what would you like from the Liberal government?

**Mr. Jean Johnson:** First of all, I'm not certain that the Université de l'Ontario français has submitted a formal application. I don't have that information, but the fact remains that such a request would normally come from the province. Was the request made?

I'd like to follow up, if I may, on the point Mr. Arseneault made a moment ago. As representatives of official language minority communities, we see taking responsibility away from the provinces as dangerous. They have a responsibility to take action on behalf of their institutions and citizens, regardless of whether they speak English or French. Putting the threshold at 100% would set a dangerous precedent, so that's why we decided on 50%. The provinces need to step up and assume their share of the responsibility.

**Mr. Alain Dupuis:** I would add that the federal government has levers such as the education component of the official languages funding program. It already funds schools and post-secondary institutions at a rate of 50%.

The federal government also provides infrastructure funding. When Collège Boréal was built in Sudbury, my neck of the woods, the federal government provided funding for the infrastructure. It did the same for La Cité collégiale, in the early 1990s. Those are levers available to the federal government, and I believe it is incumbent upon the federal government to use them.

Post-secondary institutions are desperately needed across all provinces, and meeting that need is essential. You'll recall the Yukon student who condemned the fact that she couldn't study in her language up north and had to move thousands of kilometres away from home just so she could. That's happening all over the country. Post-secondary education is not protected under the Canadian Charter of Rights and Freedoms, but that doesn't mean it's acceptable to just sit back or that the federal government has no obligation to improve access to minority-run post-secondary institutions.

Franco-Ontarians had finally made a gain in that area. It was the first time francophones were getting an institution run by and for them. We would finally have control over French-language education from early childhood all the way up to the post-secondary level.

As you know, linguistic minorities have no government or state to protect their rights. Our institutions are the only spaces we have to decide our future, influence our communities, educate our youth and shape the way forward. I encourage you, then, to care about that.

Quickly, I'd like to make a second comment, if I may. I think it's clear, as we can see, that the modernization of the Official Languages Act affords the opportunity to have a much broader discussion involving all the provincial governments. Linguistic minorities are consistently at the mercy of the provinces, be it for health care, education or social services. Now, half a century after the Official Languages Act came into force, it's time for the provinces to fully embrace linguistic duality. The days of the federal government being the only defender of our rights are over. It's time for the provinces to follow suit.

• (0935)

**Mr. François Choquette:** Rest assured, we are going to invite members of the Université de l'Ontario français's board of directors to appear before the committee to find out what we can do to help them.

Nevertheless, my understanding is that a formal commitment from the Canadian government to provide half the funding for the French-language university in Toronto could help make the university a reality.

**Mr. Jean Johnson:** Nothing sends a stronger message than a group of parliamentarians presenting a united front.

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

We got off to a bit of a late start. Time is growing short, so the next questioners will have three minutes each.

Ms. Lambropoulos, you may go ahead.

**Ms. Emmanuella Lambropoulos (Saint-Laurent, Lib.):** Thank you, Mr. Chair.

Good morning, gentlemen, and thank you for being here today.

You talked about reworking the federal-provincial agreements to include binding language clauses. You cited immigration as one example.

How do you suggest the federal government help the provinces in the immigration arena? Could you elaborate on that?

**Mr. Jean Johnson:** We've spoken with Mr. Hussen a number of times about francophone immigration strategies, and we put forward concrete measures.

The main thing we talked about was a distinct request for proposals process tailored to francophones, as opposed to a general process. Under the current system, when the government seeks a service provider to deliver settlement and integration services, our organizations have to compete with those in the anglophone community. We are up against organizations with \$25-million budgets that can afford to hire people to put together programs and proposals. That's way beyond our means.

We also asked for staff to help our small organizations prepare their bids. They have to do a tremendous amount of work with meagre resources.

We asked for a central body to coordinate francophone immigration. We want to keep francophone newcomers off the fast track to assimilation by forcing them to rely on an English-language service provider that supposedly provides bilingual service. Many a group offer French-language services in the beginning, only to advise immigrants that, going forward, the rest of the services will be provided in English. That's totally unacceptable. It can't be allowed to happen.

Those are some of the recommendations we've made.

We even suggested that francophone immigration had to be coordinated centrally in order to genuinely support community building, increase the number of rights holders and maintain the demographic weight of linguistic minorities. We recommended that the people working on the ground for Immigration, Refugees and Citizenship Canada in each of the provinces and territories report to the central body rather than regional offices.

Although very well-intentioned, these people are heavily influenced by the big agencies. Out west, the Calgary Catholic Immigration Society and the Edmonton Mennonite Centre for Newcomers come to mind. Our small communities simply can't compete with big players like those.

Those are recommendations we've made because we believe they will help our communities get ahead. I can tell you our proposals were certainly met with interest.

● (0940)

**Ms. Emmanuella Lambropoulos:** I think—

**The Chair:** Thank you, Ms. Lambropoulos. Your three minutes are up.

Next, we turn to the member from Nova Scotia.

I know it'll be hard, Mr. Samson, but you have just three minutes.

**Mr. Darrell Samson (Sackville—Preston—Chezzetcook, Lib.):** Mr. Chair, when you circulated the sheet to write our names on to get a chance to speak, it was six minutes. We're now at three minutes. I know my colleagues well, and we are going to follow up.

I have 50,000 things to discuss, but I won't be able to today. I would like to raise two points before I start, even though I can already see my time running out.

Every challenge creates an opportunity. Although it's unfortunate, what's happening in Ontario is crucial because everyone is talking about it today. When leaders, no matter which party they're from, use economic conditions to justify budget cuts that violate rights, this shows a weakness in their leadership. I can't say enough about that. I have an important analogy to offer: when there is less water in the lake, the animals around the lake look at each other differently. That's exactly what's going on today.

I don't have much time, but I have to say that the example of immigration you gave is, in my opinion, an almost perfect illustration of how things should be done in the real world. Our committee has played a very important role in what is happening for three years. As you suggested, it is a Canadian and francophone organization that recruits immigrants and prepares them for their arrival. The cost of tests will now be comparable to that paid by anglophones. So it will be more accessible. After they have been prepared, as soon as they land in Canada, these immigrants will be welcomed by a francophone organization that will sort them out. Once they are in their host community, a francophone organization will once again provide them with language training. There is no more perfect example of the concept of services offered by and for francophones.

I'll leave you some time to make comments, if you like.

**Mr. Jean Johnson:** I fully agree.

**Mr. Darrell Samson:** It's almost too good.

**Mr. Jean Johnson:** There you go; I respected the three-minute time limit.

**The Chair:** Thank you for that excellent speech, Mr. Samson.

That brings our meeting this morning to an end.

On behalf of all my colleagues, I would like to thank you most sincerely for your presentation and the discussion we had with you. As I said to your president, this isn't over. We have other meetings to plan, and we will see how the matter evolves. Again, thank you for your presentation.

**Mr. Alain Dupuis:** Thank you very much.

● (0945)

**The Chair:** We will suspend the meeting for a few minutes.

● (0940)

\_\_\_\_\_ (Pause) \_\_\_\_\_

● (0945)

**The Chair:** Pursuant to standing order 108(3), we are continuing our study on the modernization of the Official Languages Act.

It is our great pleasure and honour to have with us this morning the Hon. René Cormier, the chair of the Standing Senate Committee on Official Languages.

Welcome to the Standing Committee on Official Languages of the House of Commons, Mr. Senator.

I think we should have meetings between our two committees more often. It would certainly be very helpful.

You have about ten minutes for your presentation.

**Hon. René Cormier (Senator, New Brunswick, ISG):** Thank you very much, Mr. Chair.

Honourable members of the Standing Committee on Official Languages, thank you for welcoming me here this morning to share the results of the work done by the Standing Senate Committee on Official Languages on the modernization of the Official Languages Act.

First of all, I would like to congratulate you for the work accomplished within this committee, but also for the work each of you does to advance the status of both official languages in Canada. More than ever, I believe we need to reaffirm the importance of both official languages, to discuss the vitality of our minority language communities, and to promote and celebrate the richness of bilingualism and linguistic duality as the foundation of our Canadian federation.

• (0950)

[English]

I would like to take this opportunity to highlight the responsibility we as parliamentarians all share to encourage and bring about a positive dialogue surrounding the importance of our official languages as a founding principle of our federation.

For the work and the actions you have taken as a committee in that direction, I thank you sincerely.

[Translation]

I would also like to acknowledge the quality of the recent reports you have published. I'm thinking, for instance, of your report on community media or your report on access to justice.

[English]

My intervention today will be in two parts. First, I would like to briefly present our study in order for you to better understand what we have done and what we have left to do. Then I will elaborate on some key recommendations we have heard.

[Translation]

In April 2017, the Standing Senate Committee on Official Languages was mandated to study the perspective of Canadians on the modernization of the Official Languages Act. Five segments of the population were targeted in this study: young people, official language communities, experts familiar with the evolution of the act, the justice sector, and federal institutions.

[English]

Since the beginning of our study, we have had the privilege of travelling and meeting with official language communities across

Canada. During our hearings, we have so far heard from 170 witnesses and have received 42 briefs, and we still have a few months left before we complete this very important study.

[Translation]

To date, we have published two interim reports, which I will present briefly.

In February 2018, in St. Boniface, Manitoba, we released our first report on the youth perspective. This first report presents the proposals made by young people aged 14 to 25 to modernize the act. I must say, hon. colleagues, that the members of our committee were impressed by the commitment shown by these young people to official languages. In this report, as you will see, the things they call for include a more active promotion of both official languages and bilingualism, recognition of the role of the arts and culture in the transmission of language, measures to ensure better dialogue between official language communities, greater support for initiatives by official language communities and, finally, the potential of digital technology to achieve these objectives.

The second interim report, released on October 26 during our most recent fact-finding mission in Moncton, New Brunswick, focuses on the perspective of official language communities. We heard and received practical proposals from all sectors of society. Many of these proposals included a straightforward articulation of certain sections of the act, for all parts of the act, from the preamble to the mechanism for its implementation. I can't list them all in the time allotted to me, but I invite you to read this second report, if you haven't already, to round out my remarks.

What seems obvious to us and what thrills us in this report is that there is consistency and a great consensus between the country's English-speaking and French-speaking communities on the issues identified and the solutions proposed to ensure the modernization of the act, this quasi-constitutional piece of legislation.

In brief, here are some of the proposals we have received that have consensus: review the mechanisms for horizontal coordination and implementation of the act; appoint to the highest echelons one or more officials responsible for the act; give the act much more teeth by strengthening its oversight and accountability mechanisms; clarify certain terms and concepts used in the act; and ensure better participation of official language communities in the implementation of the act, particularly by establishing consultation mechanisms.

[English]

I will more specifically speak to four key propositions we have heard expressed on multiple occasions in a variety of different ways. There is an impressive consensus around the issues and directions that should be taken by the government in the modernization of this act.

[Translation]

One of the recommendations we often heard at our committee had to do with responsibility for implementing the act. The current model of responsibility shared between the Treasury Board and the Department of Canadian Heritage is in question.

The witnesses proposed that responsibility for the act be centralized within a central agency that would have the power to impose policies and statements regarding the implementation of the act government-wide. Some witnesses suggested that the Treasury Board should be responsible for implementation, as it already has the administrative tools, funding and authority to issue directives, as well as the ability to conduct internal audits. Others suggested that this responsibility be assigned to the Privy Council Office, which plays an important political role and could become a true leader in official languages. Finally, some simply want Canadian Heritage's responsibilities to be strengthened.

We also heard from many witnesses about the importance of including in modernized legislation a whole series of new provisions related to federal-provincial-territorial agreements. Many witnesses want certain obligations to be respected when negotiating, drafting and signing these agreements. For example, they would like to see the main community actors in the field concerned, such as education, participate in the development of these agreements. They also want language clauses to be included in the agreements to ensure that the funds will be used for the projects for which they are intended. Finally, they want to see effective and measurable accountability mechanisms included to ensure that the money transferred to the provinces will actually be used for the intended purpose.

The new act should also include new provisions to recognize, for example, the educational continuum and the importance of francophone immigration for the vitality of communities. We have even received proposals for amendments that should be made to the Immigration and Refugee Protection Act, for example, to recognize these elements. Some witnesses also suggested that these two issues should be addressed in a new part of the Official Languages Act.

[English]

We also heard the need to include the action plan on official languages within the act to ensure that this important tool will always be available to the communities no matter the government in place. Many new clauses were proposed to include programs of this nature, such as the newly announced court challenges program, to make sure they are protected by the act.

We have also heard the necessity to better include the official language communities in the decision-making processes. Two major proposals were made in support. First, the idea was raised that an advisory board on official languages should be created and that the government should be mandated to meet with this board on a list of important issues.

• (0955)

[Translation]

Second, it was proposed that the obligation to take into account what is said during consultations be added to the act, as exists in other legislation in Canada.

Lastly, it was proposed that the powers of the Commissioner of Official Languages be reviewed, requiring him to initiate legal proceedings if certain criteria are met during an investigation, or exempting him from the requirement to obtain the complainant's approval before he can initiate a prosecution.

Many witnesses would like the Commissioner to have punitive powers. Some former commissioners we heard from don't think it's a good idea. They don't want the Commissioner to be both judge and jury. However, several other stakeholders suggested another solution: the creation in the act of an administrative tribunal responsible for official language issues.

In conclusion, our study continues until June 2019, when we will table our final report. In the meantime, we will release our last three interim reports: one on the experts familiar with the evolution of the act, one on the justice sector, and one on federal institutions. We have almost completed our work on the first two of these topics. All that remains is for us to hear from witnesses from federal institutions, the people who are primarily responsible for providing services in both official languages.

Thank you for your attention. I would be pleased to answer your questions.

**The Chair:** Thank you very much for your insight, Mr. Chair of the Standing Senate Committee on Official Languages.

You started by congratulating us on the work we are doing. Allow me to return the compliment.

**Hon. René Cormier:** Thank you.

**The Chair:** I would also like to congratulate the Senate for the its work on official languages.

You mentioned that the act was quasi-constitutional. It is very important that we work in a positive way to promote official languages in Canada.

Without further ado, let's start the question period.

Mr. Clarke, you have the floor.

**Mr. Alupa Clarke:** Thank you, Mr. Chair.

Mr. Senator, thank you for being here this morning. I would also like to thank you for all the work you do on the Standing Senate Committee on Official Languages.

You ended with what interests me most this morning: should the Commissioner be given more coercive powers or should an administrative tribunal be established? Considering all the trips you've made and all the testimony you've heard, would you be able to tell us which option is the most favoured or desirable?

**Hon. René Cormier:** In fact, I believe there was no consensus on a particular option. Certainly the issue of the administrative tribunal has caught the attention of many witnesses and members of our committee. To better understand what an administrative tribunal means, we will hear from people who will be able to inform us about this.

• (1000)

**Mr. Alupa Clarke:** So you are going to look into this further.

**Hon. René Cormier:** Yes, we will do so in order to better specify in our final report what witnesses mean by an administrative tribunal and what it might look like. This proposal was made by many witnesses, but some argue that strengthening the Commissioner's powers would also be a way to give the act more teeth.

It is true that former commissioners have told us there is a danger in asking the commissioner to be both judge and jury. This poses some challenges because, on the one hand, commissioners are promoters and investigators and, on the other, they act on the results of investigations and take action to punish those who have not complied with the act. It seems to be a sensitive issue.

**Mr. Alupa Clarke:** If an administrative tribunal were established, should the powers of the Commissioner remain as they are or could the powers of the Commissioner be increased, despite the existence of this tribunal? Could both options be considered? What is your opinion and the opinion of the witnesses you heard from on this subject?

**Hon. René Cormier:** To answer your question properly, I won't give you my personal opinion. I'm here to report on what the witnesses have said on this issue.

I believe that people aren't against the existence of an administrative tribunal and the role currently played by the Commissioner. We were also told that the Commissioner already had quite significant powers that he could exercise to ensure compliance with the Official Languages Act. Some witnesses said that the current mandate of the Commissioner of Official Languages already allows him to strengthen his actions with the public. The question was framed in this perspective, rather than seeking to determine whether to create an administrative tribunal or to strengthen the Commissioner's powers.

**Mr. Alupa Clarke:** You'll still have to provide your opinion. You will understand why. Are there any topics that you think you will not have time to explore in your study and that you could suggest we focus on?

**Hon. René Cormier:** Do you want the complete list?

**Mr. Alupa Clarke:** Yes.

**Hon. René Cormier:** Here are some suggestions.

There are aspects of federal-provincial-territorial transfers that could be further explored.

There is the definition of the terms "positive measure" and "active offer".

You could study part V of the act, which deals with language of work, and go back to the Mendelsohn-Borbey report.

You could study the Official Languages Regulations that deal with part IV, which have just been amended.

There is the requirement to consult.

You could look at the principle of services offered by and for official language communities and determine what is meant by that.

You could consider the question of the administrative tribunal, actually. You may wish to continue the study of part III of the act.

In terms of the central agency, as you can see, there is no unanimity on who should act as the central agency. There are a number of possibilities, and this certainly deserves to be explored further.

Finally, there is the issue of francophone immigration, which, like the education continuum, is considered a strategic sector. These important areas of activity should be explored further to see how they can be included in the act.

**Mr. Alupa Clarke:** That's a good list. I am pleased to see that it contains items on which we wanted to focus in particular, especially part VII.

**The Chair:** If I may, I would like to say that the bell may ring in the next few minutes to call us to a vote in the House. That's what I have just been told.

**Mr. Alupa Clarke:** Oh, okay.

**The Chair:** If I want to give everyone a little time to speak, I have to move on to the next speaker.

Mr. Arseneault, you have the floor.

**Mr. René Arseneault:** Thank you, Mr. Chair.

Mr. Cormier, it's a pleasure to have you here.

Before I begin, I would like to make a comment. Who is Mr. Cormier? He is a—

**The Chair:** I'm sorry to interrupt, but the bell is ringing and calling us to a vote in the House. I therefore need unanimous consent to continue the meeting for about 10 minutes.

**Mr. François Choquette:** Agreed.

**Some hon. members:** Agreed.

**The Chair:** Thank you.

Let's continue.

**Mr. René Arseneault:** So we have five minutes left, is that correct?

• (1005)

**The Chair:** We have five or 10 minutes. We'll try to give everyone a little time.

**Mr. René Arseneault:** In that case, I will share my time with Ms. Lambropoulos, so that she can ask a question.

I would like to repeat what I said earlier about Mr. Cormier. You have before you an artist, a singer, an actor, a television host, a strong advocate for minorities of all kinds, including the francophone minority. This man became a senator and is the chair of the Standing Senate Committee on Official Languages.

Mr. Cormier, congratulations. We are very fortunate to have you here. You have initiated a fine study.

More specifically, this study has five themes. With respect to the justice theme, can you summarize what you have heard or what emerges from it?

**Hon. René Cormier:** Actually, the report has not yet been officially published. Therefore, it would be wise not to comment too much on its content before it is made public.

**Mr. René Arseneault:** Can you provide a general overview of the data collected?

**Hon. René Cormier:** For example, the bilingualism requirement for Supreme Court judges came up, of course. The simultaneous translation of laws into both official languages was also discussed, and so were the delays that may in fact be caused by laws being translated or judgments being received.

**Mr. René Arseneault:** It's like everywhere else in Canada.

**Hon. René Cormier:** That's right.

Those are some of the issues that have emerged. Clearly, since the report has not been published yet, I am reluctant to give you too much information.

One thing is certain, we have completed this study with justice experts. We met with a multitude of people in the sector, both practising lawyers and organizations, including the Association des juristes d'expression française de l'Ontario. The material in this area is really interesting to study.

**Mr. René Arseneault:** I have more questions, but I'll give the rest of my time to Ms. Lambropoulos.

**The Chair:** Ms. Lambropoulos, the floor is yours.

**Ms. Emmanuella Lambropoulos:** Thank you very much.

[English]

Thank you for being here with us today.

I've been in contact with the QCGN, which is the umbrella organization representing anglophones in Quebec. I was wondering how much representation there has been in your consultations by the anglophone community in Quebec and whether or not you foresee there being more meetings with witnesses included from this community.

**Hon. René Cormier:** Of course we met with QCGN and with other organizations that are more concerned with the English communities in Quebec. What I can say about this is that we were quite impressed by the fact that there's, as I said before, quite a large consensus on the needs of the anglophone communities in Quebec as expressed by QCGN and other organizations.

I have in front of me the executive summary, which has what they mainly needed or asked for. There were two additional key features that must animate the act, and they talked about substantive equality. I think that's very important, because in its implementation, the act must enable adaptation to the specific context and needs of the different official-language minority communities.

[Translation]

With respect to French, clearly, the francophone communities talk about genuine equality. In that regard, there was a clear consensus.

We consulted with the anglophone communities. I do not have the list of the witnesses appearing for the study of our last part, on federal institutions. However, I think I remember that we will also meet with organizations in Quebec's anglophone community.

[English]

**Ms. Emmanuella Lambropoulos:** Thank you.

[Translation]

**The Chair:** Mr. Choquette, you have two or three minutes.

**Mr. François Choquette:** That's very good.

First, thank you for being here today, Mr. Cormier.

I think the fact that the House of Commons Standing Committee on Official Languages and the Senate Standing Committee on Official Languages are working together sets a precedent. I think that's a good thing. We should do this more regularly. We conduct studies at the same time and sometimes there is overlap in the work. To avoid that, it would be a good thing to work more regularly together and for the chairs of those two committees to meet to get to know each other's realities.

The reality of our committee is that we will also have to submit a report in June. By the time you finish writing your report in June, we will probably have already submitted ours. I'm not sure whether you could move up the deadline for filing your report.

Before I let you answer, I would like to add something briefly. Thank you for telling us what to work on to further explore everything. Among other things, we wanted to look more closely at the Gascon decision, of course. There is also the Treasury Board issue.

What I take away from all this is that a meeting would be useful. I know that these are two independent committees. That is normal and it's fine. However, some coordination could benefit our official language communities, both the anglophones in Quebec and the francophones in the rest of Canada.

• (1010)

**Hon. René Cormier:** Thank you for your comment. That is absolutely fitting. It is actually one of our concerns. For our part, we will release our report in early June. Clearly, we think it is important to align our reports to ensure, first, that the public is informed of all the recommendations and, second, that there is no overlap, as you said.

We are certainly open to the idea. I am personally open to meetings, especially since our reports, procedures and timelines are becoming quicker and quicker, I would say.

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

Mr. Rioux, you have 30 seconds.

**Mr. Jean Rioux (Saint-Jean, Lib.):** Can you provide our committee with the items proposed for study?

**The Chair:** They can be found on the record, but if you want to send them to us, senator, you can.

**Hon. René Cormier:** We can send them to you. It will be more than just a list. There will also be content. We had content associated with each of the items.

**The Chair:** That's great.

Let me remind all members of our committee that there will be a media briefing at 1:30 p.m. in the foyer of the House about our study on nurses in the francophonie.

In closing, Senator Cormier, thank you very much for appearing before us and speaking with us this morning. We can both continue to look for ways to move forward.

Thank you very much.

**Hon. René Cormier:** Thank you.

**The Chair:** The meeting is adjourned. We will meet again next Tuesday.

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