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Chair

The Honourable Denis Paradis

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• (1535)

[Translation]

The Chair (Hon. Denis Paradis (Brome—Missisquoi, Lib.)): Welcome, everyone.

Pursuant to Standing Order 108(2), we are reviewing the status of official languages in minority settings across Canada.

We are pleased to welcome the Commissioner of Official Languages, Mr. Graham Fraser, who is accompanied by the assistant commissioner, Ghislaine Saikaley. I know there are other witnesses who are held up downstairs.

Mr. Graham Fraser (Commissioner of Official Languages, Office of the Commissioner of Official Languages): There was a delay downstairs. Apparently there is a problem at the security checkpoint downstairs. They will be here...

The Chair: And yet you are such safe people.

Mr. Graham Fraser: Quite so.

The Chair: With my colleague's permission, we are going to start immediately. The others can join us when they arrive.

Welcome, Mr. Commissioner. You have the floor.

Mr. Graham Fraser: Thank you very much, Mr. Chair.

[English]

Mr. Chair, members of the committee, good afternoon.

I'm pleased to appear today before this committee for the first time since the beginning of this Parliament. Although I'm not sure how many more discussions we will have before my term as commissioner comes to an end in October, I'm honoured to have been welcomed so frequently by your committee and to have had such productive exchanges with you.

[Translation]

I would be remiss if I did not say a few words about Mauril Bélanger's enormous contribution to official languages, both as a member of Parliament and as a minister. He has always been an invaluable source of support and guidance.

This afternoon, I would like to talk to you about measures to improve access to justice in both official languages, an audit of the Treasury Board of Canada Secretariat conducted by my office, and the work I plan to complete between now and the end of my mandate. We will also have an opportunity to discuss the main estimates, which were tabled not long ago.

With regard to the interest you expressed concerning the selection of the next commissioner, I have discussed the choice of my successor with both the former and current Clerk of the Privy Council Office and have provided them with a list of six criteria that I believe could guide their choice: competence, comfort and eloquence in both official languages; ability to articulate a vision of linguistic duality; independence, essential for any agent of Parliament; high ethical standards and a value of respect; comfort as a public figure; credibility based on prior experience with the issue of official languages, in terms of knowledge of the act, knowledge of linguistic minority communities, or knowledge of Parliament.

[English]

On reflection, I would add to that list the importance of being what a former colleague of mine called "a digital native": someone who is comfortable dealing with the new challenges of social media and the Web 2.0 world and their implications for language policy.

Based on my conversations with the Privy Council Office, the process of developing selection criteria does not seem to be completed. If your committee believes that other criteria would be more appropriate, there's still time to share that information with Mr. Wernick.

[Translation]

Access to justice in both official languages is one of the issues my successor will have to address. The year 2017 will mark 150 years of legislative and judicial bilingualism in Canada.

Too often, Canadians who seek justice in the nation's superior courts in the official language of the minority still have to plead their cases in the language of the majority, or incur additional costs and delays if they want to be heard by a bilingual judge. This is due in part to the bilingual capacity of the superior court judiciary, which continues to be a challenge in several provinces and territories.

This is why in August 2013 I published a study called "Access to Justice in Both Official Languages: Improving the Bilingual Capacity of the Superior Court Judiciary".

[English]

The study, conducted jointly with my counterparts in Ontario and New Brunswick, found that the process for appointing judges to superior courts did not guarantee a sufficient number of judges with the language skills required to hear Canadians in the official language of the minority without delays or additional costs.

I therefore made 10 recommendations to address the situation. I also stressed the importance of establishing a collaborative approach involving Canada's Minister of Justice, the minister's provincial and territorial counterparts, and the chief justices of the superior courts.

The Canadian Bar Association supported this study by adopting a resolution in February 2014 in which it urged the federal Minister of Justice to implement the recommendations of the study in co-operation with the provincial and territorial ministers and the chief justices of Canada's superior courts and appeal courts.

[Translation]

In 2015, then federal Minister of Justice Peter MacKay replied that he did not see the need to change the current process and initiated no discussions with his counterparts, despite the interest expressed by some of those counterparts, particularly those in Ontario and New Brunswick.

Indeed, some interesting initiatives have been undertaken in both of those provinces. In the spring of 2015, Madeleine Meilleur, Ontario's Attorney General and Minister responsible for Francophone Affairs, launched a pilot project to enhance access to justice in French.

[English]

The objective of the pilot, which focuses on an active offer of service, is to provide quality French language services to French-speaking litigants and lawyers at the Ottawa courthouse.

The minister also wrote to my office in 2015 and said she would support any measure the federal Minister of Justice took with respect to appointing bilingual judges.

In New Brunswick, provincial court judge Yvette Finn has been running a popular language training program since 2011 for provincially appointed judges from across Canada. I will meet with the current federal Minister of Justice soon to discuss the study and other collaborative opportunities that could be undertaken with Minister Meilleur.

I will also ask the Minister of Justice to implement the recommendations contained in the study report.

[Translation]

I am hoping that the government will also implement the three recommendations contained in my office's January 2015 Audit of the Treasury Board of Canada Secretariat within the context of the 2011-2012 Strategic and Operating Review. These recommendations focus on ensuring that the shortcomings found in the audit are not repeated in future expenditure reviews.

As a federal institution, the Treasury Board Secretariat must implement part VII of the act when carrying out its mandate. It is required to support federal institutions by providing clear instructions on what measures to take to meet their obligations fully and to avoid hindering the vitality of official languages minority communities during budget cuts.

The audit results are available on my office's website.

• (1540)

[English]

After 10 years as commissioner, I'm sure many of you expect me to provide an overview of the status of official languages in Canada. To that end, I intend to publish a series of key documents between now and the end of my mandate. These include my annual report, which will be released on May 19, along with new report cards for 33 federal institutions; an overview of how I've exercised my role before the courts; a study on active offer to the public by federal institutions; a study on early childhood development in French-speaking minority communities; the results of a public opinion poll on what Canadians think about various issues related to official languages; and a follow-up to my 2012 audit of Parks Canada.

In June I will table a special report to Parliament to propose options aimed at reinforcing the implementation regime applicable to Air Canada.

[Translation]

A number of other issues will continue to be a priority until this fall, including the jurisdictional conflicts between my office and CBC/Radio-Canada, and planning for the next iteration of the official languages roadmap. My office will also be monitoring Bill C-203 concerning the bilingual capacity of judges appointed to the Supreme Court of Canada, and Bill S-209 regarding part IV of the Official Languages Act.

On a final note, in addition to planning our own activities to celebrate Canada's birthday next year, my office is working with various federal institutions to encourage them to include and promote official languages during the celebrations commemorating the 150th anniversary of Confederation. In that context, we published a brochure for the organizers of the 2017 celebrations.

[English]

Thank you, Mr. Chair.

I'd be pleased to answer any questions you or your colleagues may have.

[Translation]

The Chair: Thank you very much for your presentation, Mr. Commissioner. I am certainly not insensitive to your comments regarding the judiciary, as a former president of the Quebec Bar. Congratulations on your presentation.

First of all, I wonder if you could introduce the persons who are with you.

Mr. Graham Fraser: I apologize, I should have done that in the beginning.

The Chair: No problem; the others had not arrived yet.

Mr. Graham Fraser: I am accompanied by the following people: Ghislaine Saikaley, assistant commissioner, Compliance Assurance Branch; Ms. Pascale Giguère, acting director and general counsel, Legal Affairs Branch; Mr. Mario Séguin, acting assistant commissioner, Corporate Management Branch; and Ms. Colette Lagacé, director, Finance and Procurement.

The Chair: Thank you very much, Commissioner.

We will now have our question and answer period.

We will begin immediately with Ms. Boucher.

Mrs. Sylvie Boucher (Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix, CPC): Good afternoon, Mr. Fraser. It is always a pleasure to meet with you. We had the opportunity of having many talks when I was parliamentary secretary, like Mr. Randy Boissonnault.

You spoke about the digital age, and I'd like to ask you a question on that. In the Liberal government budget, in March, we learned that CBC/Radio-Canada would receive the sum of \$675 million. The budget states that this money will be used to offer Canadians better access to the programs and services of the digital age.

Could you explain to us how the digital era is going to foster official languages in a minority context? How will this funding be used to promote official languages in society? Should it be used to develop regional stations, so as to offer citizens local news programs in the language of their choice, or will the people of Caraquet have to listen to French language news bulletins originating in Montreal?

Mr. Graham Fraser: That is a very good question. I will begin with the last part.

We already launched legal proceedings in the CBEF Windsor case. This occurred nine and a half years ago, between the time my name was announced as candidate for this position and the moment when I took up my duties. Oh, no, I'm sorry, I am mistaken about the timing of that announcement; it was later.

We had received more than 800 complaints. We went before the courts to say that CBC/Radio-Canada had obligations under part VII of the Official Languages Act, particularly that of taking proactive measures to support the development of minority official language communities. Justice Martineau of the Federal Court accepted our arguments, but the case was rejected on appeal by the Federal Court of Appeal. So we were back to square one.

CBC/Radio-Canada does not accept our point that we have jurisdiction in this matter. I have always stopped short of saying that we intervened against CBC/Radio-Canada, because I think it plays an extraordinary role in supporting the vitality of minority communities. However, at a certain point, I would like to know if I have jurisdiction or not. In the meantime, we are holding informal discussions with CBC/Radio-Canada to see if there is a way of negotiating a memorandum of understanding to deal with the complaints we received. I am mentioning all of this to show that the role CBC/Radio-Canada plays in the vitality of communities is extremely important.

When I lived in Quebec, I was very appreciative of the Quebec Community Groups Network, which served and continues to serve the anglophone communities scattered on the vast territory of Quebec. I also had great appreciation for the role played by the people of CBC/Radio-Canada in the regions, not only as broadcasters and announcers, but also as social facilitators. I dare hope that the concern relating to minority communities will be at the heart of CBC/Radio-Canada's concerns when it makes decisions about how to use that money.

As for the new technological age, that is a double-edged sword. It is something I mentioned in the letter to my successor which I published in the annual report. The technological tools are very individualistic. They make up a linguistic network, but do not necessarily create linguistic spaces. In official language minority communities, the population is often aging and does not always have the same access to high speed Internet as to younger urban populations. So it is important to always recognize the real needs of minority communities when you are setting up technological tools.

• (1545)

The Chair: Thank you, Commissioner.

Go ahead, Mr. Lefebvre.

Mr. Paul Lefebvre (Sudbury, Lib.): Thank you, Mr. Chair.

Mr. Commissioner Fraser, before asking my questions, I would like to thank you. You will soon have been commissioner for 10 years. You may move on to other projects in October. I would simply like to say a big thank you to you for everything you have done over the past 10 years.

Mr. Graham Fraser: Thank you very much.

Mr. Paul Lefebvre: Access to justice in French, or access to justice in official language minority communities, is important to me.

In 2013, you tabled a report entitled "Access to Justice in Both Official Languages: Improving the Bilingual Capacity of the Superior Court Judiciary", which contained a series of recommendations. I would like to know what has been done since 2013 with regard to these recommendations. In your opinion, what is the status there?

• (1550)

Mr. Graham Fraser: Ontario and New Brunswick have expressed marked interest. The chief justices have shown great interest in our proposal. However, as I said during my presentation, Mr. MacKay in the end decided that the judicial appointment process was satisfactory and as a result did not accept our recommendations.

However, the conversations I have had with those who are currently in place at the Department of Justice lead me to think that there is a renewed interest, if only in becoming acquainted with our recommendations. I hope that I will soon be able to have this discussion with the Minister of Justice.

Mr. Paul Lefebvre: Just to make it official, I would like you to tell us what you think needs to be done to ensure the implementation of your recommendations.

What remains to be done?

Mr. Graham Fraser: First, it is very important that the needs be assessed. We have not really determined to what extent the various regions of the country need bilingual judges. Nor have the language competencies of those who put forward their candidacy to become judges been assessed. The candidates do a self-assessment. They check one box if they are bilingual, and do not check it if they are not. One of the provincial chief justices changed his mind to some extent. He recognized that certain judges felt they were sufficiently bilingual to preside at a trial, but realized in doing so that they were not quite up to it.

In one province, a very bilingual judge got tired of having to abandon interesting cases to go and help out colleagues who admitted being incapable of presiding over trials with their less interesting cases. Following a complaint about that situation, the issue was acknowledged, a fact that had not really been recognized in the past. Because of the independence of the judicial apparatus, which I fully recognize, there was a certain resistance to those recommendations and to the very idea of a study. However, after a certain time, I think the judges themselves admitted that there were problems.

Mr. Paul Lefebvre: Fine.

The Chair: Mr. Samson, you have the floor.

Mr. Darrell Samson (Sackville—Preston—Chezzetcook, Lib.): Thank you very much, Mr. Chair.

I am happy to know that you slept well last night.

Mr. Fraser, I want to thank you and your team for being here with us today. As my colleague said, over all of these years you have truly been appreciated everywhere in Canada. You have always emphasized the importance of the minority, and I thank you for that.

My first question is about immigration.

In your 2014-2015 report, you asked for resources for the integration of newcomers to Canada. Did you receive that assistance? What is the status of that request? What must be done to ensure that official language minority communities will receive their fair share?

Mr. Graham Fraser: I discussed this with the new Minister of Immigration, Refugees and Citizenship. He is very well aware of the issues. In the context of the arrival of the Syrian refugees, he raised this issue with his New Brunswick counterpart. So the government is aware of the situation.

It is a little to soon to say what form this interest will take, concretely speaking, but I was pleasantly surprised and impressed by his knowledge of the file and his interest in seeing the situation change. The government has even announced the renewal of the program that used to be called the French Significant Benefit Program. That program had been created to help employers take part in job fairs in Europe and to give francophone immigrants privileged access when they had a designated employer in a given region. I found it important, on a symbolic level, that he made the announcement in Winnipeg. It is in Manitoba that the program is most impressive regarding welcoming immigrants.

•(1555)

The Chair: Thank you, Commissioner.

Mr. François Choquette, now has the floor.

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

Mr. Commissioner, thank you for all of the good work you have done over the past years.

I agree with you that Mr. Mauril Bélanger has worked very hard to defend official languages. I would also like to mention Yvon Godin, who also devoted himself to that cause.

On this topic, I am happy to know that you are following the progress of Bill C-203, which I introduced and which deals with the understanding Supreme Court justices have of official languages. I hope it will be adopted. In this regard, you explained very well the importance of your report entitled “Access to Justice in Both Official Languages: Improving the Bilingual Capacity of the Superior Court Judiciary”. I am happy to learn that we will finally be able to dust off that report, which had been shelved. I think that the Minister of Canadian Heritage, Ms. Joly, took note of this when she came to meet with us. I hope to see the adoption of this bill my former colleague Yvon Godin worked so hard on over many years.

Mr. Graham Fraser: Indeed, I expressed my support for this bill from the beginning. I did so in all forums and I am willing to do it again if it is studied in committee.

Mr. François Choquette: Let us hope that it will be, no matter which party brings it to completion. I simply wanted to highlight Mr. Godin's long-term work and thank him.

Recently, the Liberal government posted available Governor in Council appointments. In the past, these notices stated that a mastery of both official languages was essential or preferable. Consequently, fluency in both languages was one of the criteria. However, the notices no longer mention this. They simply say that the Government of Canada will take bilingualism into account, which gives it a very broad discretionary power. Is that not very worrisome? What explains this change?

Mr. Graham Fraser: Here is the explanation that I was given. A few years ago Parliament passed a law, which I support, under which any agent of Parliament, at the time of his or her appointment, must be bilingual: the Auditor General, the Commissioner of Official Languages, the Chief Electoral Officer, and all of the others. According to the interpretation of that law by the Privy Council, there are now nine positions for which it is mandatory to be bilingual, but, by default, bilingualism is optional for the other positions. In my opinion, that is a regrettable interpretation.

Mr. François Choquette: Yes, I agree.

Mr. Graham Fraser: We looked at the situation closely. I finally decided to send a letter to the Prime Minister expressing my concern about the Governor in Council appointments.

Mr. François Choquette: Did you receive an answer?

Mr. Graham Fraser: No, no. I think that what matters is to recognize that there are certain positions where it is extremely important that all of the candidates be bilingual when they are appointed, and others where it would be preferable that they be bilingual, but not as essential. I hesitated before issuing that analysis, because some of my predecessors had said that any person appointed to any position by the Governor in Council had to be bilingual. The reaction of the Privy Council and of the government of the time had been to thank the commissioner for his opinion and consider the file closed. I realized that, to be realistic, we had to recognize that there are indeed certain positions where bilingualism is not essential.

Mr. François Choquette: Is that why a distinction was made between cases where it is preferable and those where it is essential?

Mr. Graham Fraser: Yes, that is correct.

•(1600)

Mr. François Choquette: However, the removal of those two elements may pose a risk.

Mr. Graham Fraser: Indeed. I think, for instance, that—

Mr. François Choquette: Commissioner, I am going to have to interrupt you, because I have very little time.

Mr. Graham Fraser: I'm sorry.

Mr. François Choquette: I will ask one last question, if time permits.

In your 2015-2016 Report on Plans and Priorities, you mentioned a situation which also concerns me. You say that you are going to have trouble fulfilling your mandate to promote and defend official languages, given the financial resources you currently have. Can you explain more specifically what that means?

Mr. Graham Fraser: Not only has there not been an increase in resources in 10 years, but there have been additional expenses. Over the past 10 years, we have had to absorb all of the salary increases in our operating expenses. We also had to pay for the implementation of the new IM/IT system ourselves.

In addition, there was a 34% increase in complaints since last year. Our funding allows us to perform investigations, process and prepare reports for 400 complaints a year. If we receive more than 600 eligible complaints, as is the case currently, it becomes difficult and we are under pressure. It becomes a burden for our employees and it is frustrating for the complainants. It is increasingly difficult for us.

We used money that was supposed to be used for promotional activities so as to ensure compliance. In spite of that, there have been delays in processing complaints, which is frustrating for the complainants, some of whom are parliamentarians. So there is constant pressure.

I am going to ask Ms. Lagacé to add some points I may have forgotten to mention in my presentation.

The Chair: With your permission, I am going to go immediately to the next speaker, because we have to respect the time allocated for interventions. You may have the opportunity to come back to this later.

Ms. Lapointe, you have the floor.

Ms. Linda Lapointe (Rivière-des-Mille-Îles, Lib.): Thank you very much.

I thank you very much for being here with us today. It is a pleasure to meet you and your team.

I am also grateful to you for having highlighted Mr. Mauril Bélanger's contribution. Please know that he still reads committee transcripts to see what is said here. It is good of you to have thought of it.

I want to share with you a comment I got on Facebook today. It was a very specific question concerning the 2016 Census which began today. I put a link up on Facebook. Mr. Daniel Lavallée mentioned that he had consulted the Statistics Canada site and that on the census page, under the heading "Tips to Fill Out the Online

Census Questionnaire", he was very discouraged to see the poor quality of the texts. There were several mistakes, spaces were missing between words, all of which made reading difficult.

I went and read that part. Indeed, one gets the impression that no one revised it. When you see that many mistakes in a French text, in your opinion, what is the solution?

Mr. Graham Fraser: First of all, this is the first time I have heard of this.

Ms. Linda Lapointe: I read the French version. Before asking you this question, I went to see it. A person from my riding took the trouble to point this out to me.

Mr. Graham Fraser: I am not challenging what you say at all. What I mean is that this is the first time I have heard of this.

Ms. Linda Lapointe: The words are stuck together.

Mr. Graham Fraser: It is possible that they used an automatic translation system.

•(1605)

Ms. Linda Lapointe: In your opinion, it does not work perfectly.

Mr. Graham Fraser: That was speculation on my part.

When people ask me questions about translation tools, I always reply that someone absolutely has to revise the final product. I often give the following example: when the tractor was invented, the farmer couldn't just sit on his veranda and look at the tractor roaming about in the field.

Ms. Linda Lapointe: I understand what you mean. This looks like no one revised the text.

I have other questions.

When we met, you spoke to me about the 2014-2015 annual report. Recommendation 2, as you no doubt remember, states that "In 2013, Canada's Minister of Citizenship and Immigration announced funding from the Roadmap for Canada's Official Languages 2013-2018". In the same recommendation, still referring to citizenship and immigration, you suggest the need to "make the necessary modifications so that the funding process for priority research projects identified by the English-speaking communities of Quebec is flexible, transparent and responsive to their needs ». You indicated that there would be a report on the measures taken in this regard by May 31, 2016.

There are anglophone minorities in my riding, as there are in the chair's riding. Do you know what the status of those recommendations is at this time? Do you have any comments on this?

Mr. Graham Fraser: After my annual report was tabled, I received an enormous number of comments from the media who were surprised that I had dared to talk about anglophone immigration issues in Quebec. Even if it was quite limited, that recommendation concerning the need for research and coordination was made based on firm knowledge regarding the responsibility Quebec has regarding immigration, and the somewhat limited responsibility of the federal government vis-à-vis immigration in Quebec.

That being said, I have no information to give you about the follow-up given to that recommendation.

Ms. Linda Lapointe: I see. You don't know yet what is going to happen with that.

Recommendation 3 in your report reads as follows:

The Commissioner of Official Languages recommends that the Minister of Citizenship and Immigration:

1. clearly identify the measures he intends to take to enhance the vitality of the English-speaking communities of Quebec through immigration;
2. engage with the Government of Quebec with respect to enhancing the vitality of these communities [...]

What has been done to follow up on that recommendation?

Mr. Graham Fraser: Unless I am mistaken, the minister had some talks with his Quebec counterpart, Ms. Weil. I have not yet received an official response to that recommendation. Consequently I cannot give you a detailed reply at this time.

Ms. Linda Lapointe: Fine. You cannot enlighten us on that point.

Mr. Graham Fraser: No. I am making a note of your question and I will find out.

Ms. Linda Lapointe: It is important, since the deadline was May 31, 2016. We need answers. May 31 is in 29 days.

Thank you, Mr. Fraser.

The Chair: Thank you, Ms. Lapointe.

Mr. Graham Fraser: Generally speaking, the follow-ups are not implemented before the deadlines.

Some hon. members: Oh, oh!

Ms. Linda Lapointe: Well, for my part, I always check to see where things are at before the deadline, to ensure that it will be respected.

The Chair: Thank you, Ms. Lapointe.

Mr. Arseneault, you have the floor.

Mr. René Arseneault (Madawaska—Restigouche, Lib.): Thank you, Mr. Fraser and all of your team, for being here with us.

I am the one who has the job of trying to fill Mr. Mauril Bélanger's very large shoes during his absences from the House.

Since 2010 you have been involved in a long dispute with CBC/Radio-Canada concerning its obligations to official language minority communities. CBC/Radio-Canada has refused to co-operate and to recognize its programming responsibility. It has denied that it comes under your jurisdiction regarding official languages. Our public broadcaster has even denied that you are entitled to investigate and follow up on complaints sent to your office regarding its programming.

In another connection, francophones throughout the country report that Radio-Canada is less present on the ground in francophone communities outside Quebec—what a surprise—at large-scale events, among other things. Both in Montreal and Toronto, decision makers seem less inclined to produce, co-produce or even to record key cultural happenings in the Canadian francophonie.

Mr. Fraser, to what extent do you think that upper management at CBC/Radio-Canada is aware of its obligations vis-à-vis francophone communities outside Quebec, and to what extent does it understand and respect them?

●(1610)

Mr. Graham Fraser: I already spoke about the lawsuit we brought about this. We have been having discussions to try to agree on a memorandum of understanding allowing us to investigate complaints. I have always said that I was not interested in intervening in matters of programming pure and simple. When I was a journalist, I did not want to manage a newsroom, and I absolutely do not want to do so as Commissioner of Official Languages. I want to make that distinction clear, one which may not always be entirely believed or understood by CBC/Radio-Canada.

I think one of the positive impacts of our legal proceedings has been to remind Radio-Canada of the importance of holding consultations in the communities before they make changes. There is no doubt that there is a certain “Toronto-centrism” in Toronto and a “Montreal-centrism” in Montreal.

For instance, when members of the RCMP were murdered in Moncton, there was a crisis. And yet RDI did not interrupt its coverage of the Charbonneau Commission to cover these events. Complaints were not submitted to our office, but to the CBC/Radio-Canada ombudsman. This is the type of journalistic and programming decision where the CBC/Radio-Canada ombudsman does indeed have a very important role to play.

However, after there were radical cuts made to all of Windsor's local programming, I received some 860 complaints. This was not a journalistic decision, but an administrative one. When CBC/Radio-Canada did not recognize my jurisdiction, that was the type of situation where I felt I had an obligation to litigate, and that is what I did.

All this to say that in the face of these pressures and the complaints from minority communities, one becomes more and more aware of the issues. For instance, RDI recently broadcast a special two-hour program from Moncton where people from francophone minority communities throughout Canada got to speak. My provincial colleagues, such as Ms. d'Entremont from New Brunswick and Mr. Boileau from Ontario, and I, had the opportunity to take part in this program. Of course, there is more awareness than there used to be, but it is long-term work to really raise people's awareness as to the reality of the francophone minority from one end of the country to the other.

The Chair: Thank you.

Mr. Généreux, you have the floor.

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

Mr. Fraser, dear guests, thank you very much for being here today. We appreciate your presence greatly.

Mr. Fraser, I'd like to suggest you approach my questions from a different angle. Your ten-year mandate will soon be over, and I would like to give you the opportunity to tell us about the challenges you faced during your last ten years as commissioner.

You mentioned that the person who will replace you should have certain skills, among those that that person should be comfortable with web 2.0. I imagine that you see yourself as being in the web 1.0 era, and that your predecessor was in the 0.0 era.

Some hon. members: Oh, oh!

• (1615)

Mr. Bernard Généreux: I think that is important. Clearly the challenges we face today are different from those you faced over the past ten years. I'd like to hear your comments on this.

What were the biggest challenges you faced, especially with regard to the Canadian francophonie in all of its aspects?

Mr. Graham Fraser: One of the challenges I encountered in minority communities was visibility. I discovered that the francophone majority in Quebec did not understand or recognize clearly that there are one million francophones throughout the country who have schools, universities, radio and television stations, newspapers, community centres and annual or seasonal festivals. The decision by the States-General of French Canada in 1967 to recognize Quebec as the main centre of the francophonie in Canada seemed to create this deeply rooted impression that all of the others had died or disappeared, and they were never thought of again. There is a problem in Quebec with regard to recognizing this reality.

There is also a challenge when it comes to recognizing the reality of anglophone communities in Quebec. There is a sort of erroneous historical impression that the anglophone communities of Quebec are made up of rich landowners and are the owners of large corporations who live in Westmount and do not speak French. In fact, the statistics show that outside of Montreal, anglophones in communities all over Quebec are less prosperous and less educated than francophones, and have higher unemployment and poverty levels than francophones. They have exactly the same problems accessing government services in English as do francophone minorities elsewhere.

Anglophone and francophone linguistic communities both face extremely different but real challenges. People often do not understand their issues. I have greatly appreciated the opportunity this work has given me to learn more about the very different realities faced by the francophone communities in every corner of the country, and the anglophone communities throughout Quebec.

Mr. Bernard Généreux: You spoke earlier about something that is extremely important, and which you in fact referred to during your visit to my office, and that is the individualism fostered by the new media, the Internet and all the new apps on our phones. You said that this does not create a communication space, but is a means of communication. Your observation is very important, because the commissioner who will replace you is going to have to deal with that.

Mr. Graham Fraser: Precisely. In my annual report I include a letter to my successor. I make a distinction between the linguistic spaces where the minority language can be seen, heard, and spoken, for instance community spaces like schools and other public places, and linguistic networks that allow you to apply for a passport or a pension, to obtain information from the government using the Internet, to purchase a plane ticket or other things from a kiosk in an airport. These networks are very important and helpful, but they do not do much to enhance the vitality of a community. Using them is a very individual activity, whereas the support of a linguistic space that uses signs and announcements enhances the visibility of the minority language and the vitality of the community.

• (1620)

The Chair: With your permission, I am going to give the floor to another speaker now. You will probably have the opportunity to come back to this topic.

Mr. Dan Vandal, you have the floor.

Mr. Dan Vandal (Saint Boniface—Saint Vital, Lib.): First of all, thank you very much for being here with us, together with your team. Thank you also for all the good work you have done over the past ten years.

I am going to follow up on the same topic as Mr. Généreux. In looking to the future, and at the whole situation, what should the priorities be for your office—which will no longer be your office, in five months—over the next five to ten years? What is your overall viewpoint on that?

Mr. Graham Fraser: I think there are two or three important points to consider.

In 2018, it will be 30 years since the Official Languages Act was reviewed or amended in any significant way. In 2019, it will have been in effect for 50 years; it has been in effect since 1969. It may thus be time, for my successor and the government, to review the act, given that in 1969, the Internet had not even been thought of. All data was recorded on paper. Even when I was appointed, Facebook and Twitter had just been invented. They were not tools the government used to function and communicate. In 2017, we will not only be celebrating the 150th anniversary of Confederation, but also that of bijuralism in our country. There will be a conference, in March I believe, which we are jointly organizing with the Canadian Bar Association, and which will mark the introduction of our two legal systems in Canada, the civil law and common law.

And then there are all the impacts of the technological era to consider; there is no set time frame for that turning point. There is no point at which we will be able to say it is over, that the change has been made and that we are now living in a new era. Things evolve month to month. Even when I was a journalist—I changed professions 10 years ago—I noticed that every time a commission of inquiry on telecommunications was held by the government, the changes that were suggested became obsolete before the recommendations were even drafted or published.

I see that the technological changes are happening so quickly that we cannot even imagine a day when we will have arrived at some digital Eden, nor believe that that day will ever come. We are living in a time of constant change. We have to ask ourselves how that change can be used to foster official language minority communities in Canada, rather than diminishing or marginalizing them.

• (1625)

The Chair: With your permission, Mr. Fraser, I am going to give the floor to Mr. Samson.

Mr. Graham Fraser: No, that would be with your permission.

Mr. Darrell Samson: Thank you, Mr. Chairman.

Mr. Fraser, before asking my question, I would like us to talk about the Official Languages Act of 1969. It changed the Canadian landscape. It was a memorable turning point. I know, as a Nova Scotia Acadian from a small Cape Breton community, that the French language was dying at that point. At home, both my parents spoke French, but I went to an English school, since there were no French schools. Today, 50 years after the adoption of the Official Languages Act, the situation has changed a great deal. But the act will no doubt have to be refined and revised to meet current needs.

I would like to hear your comments about Bill S-209, introduced by Madam Senator Chaput. In your opinion, what could the positive impacts of that bill be?

Mr. Graham Fraser: What impresses me the most about that bill is the idea of putting an end to using statistics to determine if a region will continue to obtain federal services in both official languages.

I have always thought that using percentages of the population to determine services and the rights of the minority meant that those services and those rights depended on the rate of growth of the majority rather than on the vitality of the minority. In that way, if the majority grows faster than the minority, the minority will eventually lose its services. Conversely, if in some maritime province communities, the majority leaves faster than the minority, obligations that were not there previously will appear, not because there has been a growth in demand, but because the majority left. I find it unbelievable that we apply such a system.

I think the bill suggests that we assess certain aspects of the vitality of the community. Are there schools, community centres, other minority institutions that would allow one to say that there is truly a community? In that way, we will not be able to say to minority communities that it is just too bad for them that their existing services will be abolished if they represent less than 5% of the community.

The Chair: Thank you.

Mr. Nater, you have the floor for four minutes.

Mr. John Nater (Perth—Wellington, CPC): Thank you, Mr. Chair.

Thank you, Commissioner.

I have two questions which I am going to ask one after the other.

Firstly, as you know, the Speaker of the Senate is not bilingual. Do you have an opinion, or concerns about that?

Secondly, the mandate letter of the Minister of Heritage Canada mentions that she has the responsibility to create or study an online tool to help Canadians learn the other official language or to improve their second language.

Since there are websites and online programs that allow people to improve their French or their English, do you think that is an appropriate use of resources?

Mr. Graham Fraser: I will start with the second question.

The federal government has often offered technological tools to the public. I am thinking for instance of Termium, a sort of

dictionary which was developed by the federal government. For a long time, its access was limited to federal government users. But at the beginning of my mandate, eight or nine years ago, the government decided to give the population access to this tool. It felt that it would not cost any more to do that and that it did not contain any confidential data. And so an ordinary citizen, a student or a private sector translator can now have access to all of the terms it contains.

There have been other examples, rather unfortunate in my opinion, where the government has insisted that some of its tools remain within government. For instance, when Edmonton Public Schools wanted to assess immersion students, there was a pilot project that used the federal assessment system. After a change of speaker, Edmonton Public Schools were told that they could no longer use it, as its use was limited to public servants. And so Edmonton Public Schools now uses a system from France. I think that was a missed opportunity.

I know a series of teaching tools were developed by the Canada School of Public Service in the context of their learning plans. It is entirely reasonable to consider making those tools accessible to other Canadians. Is it a good use of resources to limit their access to public servants? Since Canadians paid for their creation, should they not have access to those tools?

As for the unilingual speaker, the Official Languages Act does not apply to parliamentarians. So I have no jurisdiction in this regard. However, I must say that I have always thought that bilingualism was an essential asset for leadership in public life. That is all I am going to say about that.

● (1630)

The Chair: Thank you, Commissioner.

We have very little time left. Mr. Choquette, could you make it a two-minute intervention?

Mr. François Choquette: Thank you, Mr. Chair.

Mr. Fraser, I am going to ask my questions and you can try to answer them as best you can.

My first question is about your audit of the Treasury Board Secretariat.

Earlier we spoke about vacant positions that were advertised and the fact that bilingualism was no longer mentioned. As the FCFA pointed out, among other things, there is no central authority to ensure that the Official Languages Act is correctly applied. For instance, your audit of the Treasury Board Secretariat revealed that there was no enforcement of the Official Languages Act. The FCFA suggests that there be a central authority.

The title of the minister no longer even mentions official languages. She said that she also had to take indigenous languages into consideration. They could have added “indigenous languages” rather than removing “official languages”.

Should there not be a central authority that monitors compliance with the Official Languages Act within all departments and organizations?

I will conclude by speaking about the Translation Bureau, about which you said a few words. In reply to a question on the Order Paper, Q-53, Ms. Judy Foote said to me that people had worked on this dossier, "including the Commissioner of Official Languages with whom the Translation Bureau worked to develop the tool".

Could you rapidly respond to those two points?

Mr. Graham Fraser: I will begin with your second question. No, the office of the Commissioner of Official Languages did not work on that tool. We answered that like other sectors of the public service, we would be willing to use that tool when it was implemented.

It is true that we were asked to assess the tool. We replied that it would be inappropriate for us to do such an evaluation, because the office of the commissioner must preserve its independence in case it were to receive complaints about the tool.

As for the central authority, two measures were taken even before my arrival at the office. First, the responsibility of the Privy Council regarding official languages was transferred to Canadian Heritage, following a decentralization. Second, the Committee of Deputy Ministers responsible for Official Languages was changed and became the Committee of Assistant Deputy Ministers responsible for Official Languages, and they were given the possibility of delegating a substitute, such as a director or assistant director. Previously, the deputy ministers who were members of the committee could not be replaced by a substitute. Because of that, the committee lost some of its moral authority.

My reaction to the transfer of the responsibility for coordinating official languages from the Privy Council Office to Canadian Heritage comes from the fact that people generally will follow up more quickly on advice that comes from the office of their superior, rather than from a colleague in the next office. We have to be realistic. I also think that a committee made up exclusively of deputy ministers confers more importance to official languages than a committee made up of assistant deputy ministers who can be replaced by an underling.

•(1635)

Mr. François Choquette: And is your recommendation to go back to the way things were before?

The Chair: Your speaking time is already up. Thank you, Mr. Choquette.

We are going to resume after a few minutes' break, but before concluding this first part, I want to get the approval of the members to reimburse the expenses of the people who travelled here to testify before our committee. The clerk has submitted \$4,800 to be approved for that purpose.

Are the members of the committee in agreement?

Some hon. members: Agreed.

The Chair: Carried.

We are going to break for a few minutes before going on to the second part.

Thank you very much.

•(1635)

_____ (Pause) _____

•(1645)

The Chair: Please be seated.

We will begin the second hour of our meeting, during which we will study the main estimates 2016-2017, under the heading of the Office of the Commissioner of Official Languages. Pursuant to Standing Order 81(4), we will examine vote 1 of the main estimates 2016-2017 of the Office of the Commissioner, referred to the committee on Tuesday, February 23, 2016.

Mr. Commissioner, you have the floor.

Mr. Graham Fraser: I did not prepare a statement to initiate this part of the discussion.

I would simply like to point out that Ms. Lagacé, our director of Finance and Procurement, agreed to interrupt her sick leave in order to be here to reply to all of the difficult questions. I want to thank her. Her doctor does not think she should be here, but as a very dedicated person, she insisted on being here for this meeting.

I also want to thank Mario Séguin, the acting assistant commissioner.

I will probably ask them to answer for me, rather than putting them in the situation where they would have to correct what I say.

We are ready to answer your questions.

The Chair: Thank you very much.

I hope you feel better soon, Ms. Lagacé. Thank you for coming to meet with us, under the circumstances.

We will immediately begin our question and comments period, unless you have something to say, Ms. Lagacé?

Ms. Colette Lagacé (Director, Finance and Procurement, Office of the Commissioner of Official Languages): Perhaps I could answer the previous question.

I would like to add something to the words of the commissioner. It is true that we expect some additional financial constraints. The collective agreements have not yet been negotiated, and we don't know what the results will be. That is an additional financial constraint.

In addition, we receive requests for funding from other services such as the Canada School of Public Service. The Treasury Board Secretariat has also asked us to review expenses relating to travel and professional services.

The reduction of travel expenditures, for instance, will be a challenge. To my knowledge, our commissioner is the only one who has over the years travelled exclusively in economy class. In that way we were able to reduce the commissioner's travel expenses considerably. It is going to be a challenge to reduce them further, since we do not know whether the next commissioner will agree to travel economy class.

That is what I wanted to add.

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

We will begin.

Mrs. Boucher, you have the floor, or is Mr. Généreux going to speak first?

Mrs. Sylvie Boucher: We are going to share the speaking time we have.

The Chair: You are going to share your speaking time?

Mrs. Sylvie Boucher: Yes.

The Chair: You have six minutes.

• (1650)

Mr. Bernard Généreux: Thank you, Mr. Chair.

On page 2 of the document we received, we see that the 2016-2017 main estimates of the Office of the Commissioner were increased; they were increased by close to \$60,000, as compared to the previous year.

We know that this budget was adopted by the current Liberal government. For six months Conservatives have been accused of having reduced this expenditure and cut that service, but in reality, this is continuing.

Mr. Fraser, what do you think of the fact that the government did not increase the official languages budget by more than that?

Mr. Graham Fraser: We made the decision not to ask for additional funding in this budgetary cycle. However, for the next cycle, we are preparing a request for Treasury Board for additional funding, for specific purposes. We are also preparing a long-term financial strategy to assess our needs.

Mr. Bernard Généreux: From what I understand, you did not insist that the government grant you a budget increase for the current year, the one which began on April 1.

Mr. Graham Fraser: Yes.

Mr. Bernard Généreux: Fine.

You said earlier that there was some pressure on your organization because the budget had not been increased. Among other things, in referring to this additional pressure, you mentioned that you received 800 complaints in the course of a year, whereas you had only received 400 during another year.

How do you apportion the funds? I expect that this is related to the number of staff members.

You cannot refuse complaints, can you?

Mr. Graham Fraser: That is correct. We do not have a choice, and in the beginning of the year we forecast general funding for the two main branches, the Compliance Assurance Branch and the Policy and Communications Branch. If there are changes along the way, we reallocate the budget to cover the additional needs.

Ms. Lagacé follows all of these expenditures very closely to ensure that we avoid a deficit. In fact, according to the Financial Administration Act, we do not have the right to run a deficit. This means that an increase in the number of complaints adds additional pressure on our activities and our employees. This often causes a backlog. We have expended considerable effort to reduce that backlog, but since our funding is based on the expectation of a certain number of complaints, when that number increases, this creates pressure.

Mrs. Sylvie Boucher: You said in your document that the Office of the Commissioner has five offices.

Mr. Graham Fraser: Yes.

Mrs. Sylvie Boucher: Could you tell me where they are located, how many full-time employees work there, and what operating budget each office has. Do budgets vary from one office to the other?

Mr. Graham Fraser: I will give you a preliminary overview, and then I will ask the others to add more details.

For the Atlantic region, we have an office in Moncton. We also have offices in Montreal and Toronto. We have a satellite office in Sudbury, that is to say a person who does liaison. We have an office in Winnipeg and another in Edmonton, as well as a satellite office in Regina. We also have a satellite office in Vancouver, although that one has not been active for a certain number of years.

There are about 20 people in the offices throughout the country. This represents approximately \$1.9 million for the regional offices, or 8.2% of our budget.

Since the beginning of my mandate, we have made some changes to the vocation of these offices. Following her assessment of the risk of conflicts of interest and the appearance of conflicts of interest, Dyane Adam had decided that the regional investigation staff who live in the communities should not investigate complaints about institutions in those regions, because this could bring about the perception of a conflict of interest.

When we reviewed the A-base funding, we examined the purpose of our offices, and then Ms. Saikaley reorganized her branch. She asked an interesting question: if investigators in the regions do not investigate in the regions, why are they in the regions? And so we did a reorganization. With one exception, the regional investigators who did not want to come to Ottawa stayed with the Compliance Assurance Branch and became liaison agents. We made an exception for one analyst who does very high quality investigations. He is highly experienced and we are willing to accommodate him in order not to lose him.

Following this change of vocation, the regional offices deal only with communication activities, promotion and liaison with federal institutions. For instance, these offices organize tours in schools and have contacts with the communities. They report to the Policy and Communications Branch and they conduct promotional activities.

• (1655)

The Chair: Thank you.

Mr. Lefebvre, you have the floor.

Mr. Paul Lefebvre: Mr. Chair, Mr. Boissonnault has a question.

The Chair: Mr. Boissonnault, you have the floor.

Mr. Randy Boissonnault (Edmonton Centre, Lib.): Thank you, Mr. Chair.

Thank you, Mr. Lefebvre.

Commissioner, thank you for all that you have done over the past 10 years in linguistic duality.

Before I ask my question, I think it is important, for the record, to point out the following fact: between 2013-2014 and 2015-2016, the previous government cut your budget by 12%, but the reduction we have announced is only 1%. We will also continue in that direction over the next three years, until the next roadmap, as we will state in the action plan. I am saying this for the record.

My question is for you, Commissioner. When it comes to program 1.2, dedicated to the promotion of linguistic duality, what tools does your office have to improve linguistic duality for Canadians across the country?

Mr. Graham Fraser: I play an influential role. Although we can make recommendations to federal institutions through our investigations, reports and studies, as well as through my speeches and appearances before your committee, those are just recommendations. In that sense, my role is similar to that of an ambassador. In a way, I am the ambassador of linguistic duality.

However, one of the important tools we have is the power to intervene before the courts if an institution is hostile, does not accept our interventions and rejects our authority. We also have the power to support Canadians who are taking court action. One of the major decisions of the Supreme Court was the DesRochers decision. Mr. DesRochers could not have gone as far as the Supreme Court without us becoming his co-appellants. The power to intervene in court is a fairly important tool.

Moreover, I don't know whether this can be considered a tool, but I give about 50 speeches per year; I travel from coast to coast to meet with representatives of community associations, universities, as well as primary and secondary schools. I have met with provincial premiers and their ministers. That is a promotional activity I take very seriously.

I was probably a bit naive during my appearance before the committee when I was applying for the position of commissioner of official languages. I said that I saw something of a virtuous cycle and that, by promoting both official languages properly, we could encourage certain institutions to improve their compliance with the law, which would lead to a drop in the number of complaints. However, I have found that, when I promote the cause properly, people become more aware of their language rights and submit more complaints. In a way, that is collateral damage.

• (1700)

Mr. Paul Lefebvre: That is the damage of doing a good job.

Mr. Graham Fraser: I don't know whether that means it is a tool.

Mr. Paul Lefebvre: Commissioner, I would like to come back to your office's judicial interventions. Could you tell us more about that?

How do you fund those interventions?

I know that requires a lot of work. Your team uses its own resources, but you occasionally have to turn to outside experts.

Mr. Graham Fraser: We have already talked about CBC/Radio-Canada. We also provided our support in *Thibodeau v. Air Canada*.

As I may forget something, I will ask Ms. Giguère to provide a more detailed summary.

Ms. Pascale Giguère (Acting Director and General Counsel, Legal Affairs Branch, Office of the Commissioner of Official Languages): Certainly.

Since taking office, the Commissioner has intervened in 23 court cases, 9 of which were before the Supreme Court of Canada. He often intervenes in court remedies initiated by complainants. Those remedies are initiated under our act.

He also intervenes in proceeding undertaken by communities under section 23 of the Canadian Charter of Rights and Freedoms, which has to do with the right to education. Those proceedings are normally undertaken against provincial governments. Some of those cases have actually gone as far as the Supreme Court of Canada. They have helped develop jurisprudence in this area and have clarified language rights in education.

Finally, the Commissioner has already mentioned the DesRochers case. That remedy, which was initiated under our act, went before the Supreme Court of Canada and gave rise to tools that the Treasury Board Secretariat has implemented to help federal institutions meet their substantive equality obligations.

Mr. Paul Lefebvre: Great.

What about the funding?

The Chair: We could come back to this later on.

I give the floor to Mr. Choquette.

• (1705)

Mr. François Choquette: Thank you very much, Mr. Chair.

Mr. Fraser, thank you once again for being here.

I want to discuss your audit of the Treasury Board Secretariat a bit further. In your audit, you explained that there was some collateral damage and that, as a result, it was difficult to assess all the damages in terms of compliance with the Official Languages Act.

You just talked about the steps you had to take to determine, for example, whether you have the authority to investigate CBC/Radio-Canada. You already addressed this at length. Why did you have to go before the courts instead of asking the Treasury Board or the Department of Canadian Heritage whether you had the authority and, if so, whether you could ask CBC/Radio-Canada to allow you to investigate?

Mr. Graham Fraser: The courts determine the scope of legislation. It is not up to departments to interpret a piece of legislation. Our interpretation of the Official Languages Act is different from that of CBC/Radio-Canada. In addition, it would be inappropriate, given CBC/Radio-Canada's independence, for the current government to dictate to the corporation how to interpret its obligations.

Mr. François Choquette: I understand what you are saying, Commissioner. You won the first time and lost the second time. An attempt at negotiation is being made in order to understand what is happening. I understand your point, but I insist that the government should clarify its legislation to make it easier for you to investigate.

In that regard, when you carried out your audit of the Treasury Board Secretariat, you of course issued recommendations. It was too late for the former government, but it is not too late for the new government. Have you received a response to your recommendations? Will the government implement your recommendations as soon as possible? What is the status of your audit process?

Mr. Graham Fraser: When I met with the President of the Treasury Board, I told him that we would do a follow-up in 18 months. In general, in an audit process, we do not follow up from week to week on implementation or lack thereof. After a certain amount of time—18 months, in this case—we will publicly announce how many of our recommendations have been implemented, how many of them have been partially implemented and how many have not been implemented at all.

Mr. François Choquette: Excellent.

Mr. Graham Fraser: As a former journalist, I understand your impatience.

Mr. François Choquette: I was not paying that much attention.

Mr. Graham Fraser: I used to work in an environment where what we wrote appeared in next day's newspaper. After 10 years, I learned to be patient.

Mr. François Choquette: Commissioner, you said that the number of complaints has increased by 33%. To which part of the Official Languages Act do those complaints pertain? How do you explain that increase?

Mr. Graham Fraser: We are seeing a sharper increase of complaints filed under section 91. According to that provision, the language assessment of a position should be appropriate to the role and definitions of the position's functions.

The Treasury Board is increasingly using generic task descriptions. There is a tendency across government to apply the BBB level by default. In that case, people look at the positions posted and their functions in a region designated as bilingual, and figure that the selected individual, if they only have a BBB as their linguistic profile, will be incapable of supervising someone who has the right to work in their language. So they submit a complaint. That causes problems for us.

Ms. Saikaley, do you want to add anything to the explanation?

• (1710)

Ms. Ghislaine Saikaley (Assistant Commissioner, Compliance Assurance Branch, Office of the Commissioner of Official Languages): For that category of complaints, the rate has gone from 9% to 22% in the past year. So the increase is sharpest in that area.

When it comes to other parts of the act—for instance part IV, which has to do with services to the public, or part VII—we have noted an increase of about 20 complaints. So we can't talk about an upward trend, as the situation is relatively stable.

A significant increase in the number of complaints has really been noted when it comes to section 91 of the act, which concerns the language of work and directly affects public servants.

The Chair: Thank you.

Mr. Samson, go ahead.

Mr. Darrell Samson: Thank you very much.

I have four questions to ask and five minutes to do so. So I have to be quick about it.

I will first address Ms. Lagacé, whom I thank for her presence today.

What happened in the 2013-2014 budget compared with budgets for other fiscal years? There was a huge increase in the budget, and then an equally huge decrease. How do you explain that difference?

Ms. Colette Lagacé: Most of the difference is due to the fact that we asked the Treasury Board Secretariat for a cash advance to cover our moving expenses. Our offices, which were on Slater Street, in Ottawa, are now located at 30 Victoria Street, in Gatineau.

To cover the cost of that move of approximately \$2.9 million, we asked Parliament for a credit advance, which we will pay back over nine years.

Mr. Darrell Samson: So that was not really an additional government investment in official languages, but rather an advance to deal with a specific issue. It's important to point that out.

Ms. Colette Lagacé: That's right.

Mr. Darrell Samson: Mr. Fraser, you said that you were promoting official languages in the provinces, including by making presentations.

Have you noticed, over the past 10 years, a difference in the way the premiers and ministers of various provinces have been fulfilling their official languages obligations? Can you tell us which province is doing the best job of meeting its obligations?

You have 59 seconds to answer.

Mr. Graham Fraser: We have noticed that some provinces have been showing a special interest in official languages. New Brunswick has provincial obligations that are part of its constitutional obligations. Nova Scotia has adopted an official languages policy. Ontario has its French Language Services Commissioner. As for Manitoba, the premier, who was the member for Saint-Boniface, was also the minister in charge of French language services. He had a special interest in that.

It is still too early to know whether Manitoba's interest will last, given that the province has a new government. I hope that the new premier, who used to be a federal MP, will use his knowledge of language duality at the federal level in the fulfillment of provincial responsibilities for official languages.

Mr. Darrell Samson: Mr. Fraser, thank you for that overview of the situation.

I would now like to talk about additional funding being requested for additional projects. You mentioned that you have not put in such a request this year. What are the additional projects for which you will soon have to request additional funding?

Mr. Graham Fraser: We are currently in the preparation phase. That is why I hesitate to provide more specific information. We are looking into our funding needs to improve our processing of complaints. We are trying to avoid robbing Peter to pay Paul. There are some proposals, but we are at the preliminary stage and we are preparing the request. I would be hesitant to put it more clearly than that.

• (1715)

Mr. Darrell Samson: Do I have enough time for another question?

The Chair: Yes, go ahead.

Mr. Darrell Samson: When we met a few weeks ago, you talked about the major challenge we are currently facing—the digital transition.

Can you tell me what can be done quickly to get up to speed in that area, so as to ensure that minority communities have maximum access to those opportunities? In a minority setting, the digitization aspect becomes problematic if it is not structured in such a way as to support communities.

Mr. Graham Fraser: I think we should consider a key issue, that of minority press, which plays the role of traditional media, as it serves the community and is part of it. It finds itself in a fairly vulnerable situation in the face of this general digital transition. That's not only the case with minority press; traditional press is also in a unique situation. It is becoming increasingly important for minority communities, which don't always have access to high-speed Internet.

It is also very important to plan upstream when it comes to introducing new technological tools. If the government is doing business with producers of new systems and lets them know, at the last minute, that its employees must be able to work in the official language of their choice, that may lead to a system where the use of the minority language is botched. So the government must ensure that, from the beginning of the planning process for new instruments or in the call for tenders, there is an obligation to make the use those instruments in both official languages possible. We have already had an issue with a new IM/IT system, whose use in French was problematic. We had to work with consultants again to reformulate templates and category titles. In short, the instrument had to be reworked.

The Chair: Ms. Lapointe, the floor is yours.

Ms. Linda Lapointe: Thank you very much.

The document that has been prepared for us talks about different priorities for the 2016-2017 plan. Whether we like it or not, someone will replace you this fall. I think that you have a proud record of service after 10 years.

An effective management of the organization must be ensured during the transition period. In October, inevitable changes will have repercussions on the management, as well as on the organization. How can we ensure sustainability and continuity? What is your take on that?

Mr. Graham Fraser: At the end of last year, I explained to all the employees and the management team that this year will be marked by three transitions. There is a new government, some management

personnel will be replaced, and there will be a new commissioner. So we have created a transition committee.

The director of legal affairs, who is part of the management, will gradually retire from her position, but she will continue to work three days a week for a year. She chairs that transition committee. She reports on the committee's work on a weekly basis. That includes the preparation of binders. Part of the organization will prepare information for my successor.

When I was first appointed as commissioner, I told myself that, when I left, I wanted to leave behind an organization that would be as healthy as the one I inherited from my predecessor, Dyane Adam. She worked with me discreetly. From the time the name of the successful candidate is announced to the moment that person assumes the position, we are in a sort of a grey area, as we do not have official authority until the appointment has been approved by Parliament. However, there are informal ways to operate. Ms. Adam worked with me during that period. She provided me with a lot of detailed information on the office's operations. I mean to do the same with whomever is selected by Parliament.

• (1720)

Ms. Linda Lapointe: Thank you.

I think that's a good method that helps properly transfer the files.

While you were talking, I was watching your colleagues to see whether they were smiling or not, to figure out whether they were expecting things to get better or worse.

You are facing a series of changes: a new government, the replacement of managerial staff, and the arrival of a new commissioner. I don't know in which of those areas things will get better or worse, but I am happy to see that the situation is under control. I understand that you will work with your successor to ensure a smooth transition period.

Mr. Graham Fraser: We are developing a transition strategy. We are very aware of the situation. We have tried to prepare all the necessary information and are taking the transition seriously.

The Chair: Thank you.

We will now go to John Nater and Bernard Généreux, who will share their time.

Mr. Généreux, go ahead.

Mr. Bernard Généreux: Thank you, Mr. Chair.

I will first address Ms. Lagacé, whom I thank for being here today, given her condition.

Compared with the 2013-2014 budget, we see a drop in the expenditures for 2014-2015, as well as in the expenditures planned for 2015-2016. As for the spending anticipated from 2016 to 2019, it is the same. The Commissioner was saying earlier that there is no request for additional funding for the current year. March 31 is behind us, and there has been a decrease. Does that decrease come directly from the government or is it due to choices you have made that have resulted in you spending less money?

Ms. Colette Lagacé: That's an indirect reduction. We have had to manage some collective agreements. In fact, certain collective agreements were not given to us, but we negotiated a pay raise for employees.

Mr. Bernard Généreux: I assume you have set aside reserves for subsequent years, right?

Ms. Colette Lagacé: Yes, we set aside money for emergencies. We can carry forward 5% of our main estimates. That is sort of what we did last year.

The budget is constant because we have still not decided what kind of a request we will submit to the Treasury Board. That comes from the main estimates. That is done every five years, and it helps us plan. For the time being, we are projecting consistency, until money is allocated to us through a request to the Treasury Board. There is a mechanism that enables us to have the funds—supplementary estimates. Afterwards, that will be integrated into our budget.

Mr. Bernard Généreux: Okay.

I will now talk about politics, and I apologize in advance.

To use Mr. Boissonnault's expression from earlier, I have to say, for the record—let's hope it's not in vinyl, but in web 2.0—that the government is not walking the talk. Clearly, if the announced budget as planned over the next three years is the same as the current budget, official languages are not a priority for the new government.

I will yield the floor to Mr. Nater.

● (1725)

[English]

Mr. John Nater: I will very quickly just go back to your opening statement.

You mentioned the special report you'll be tabling in June. I don't expect you to disclose what's in that report, but I would be interested in the subject of Air Canada and some of the challenges that have been encountered over the years in dealing with, effectively, a private corporation—it used to be a crown corporation—and enforcing the Official Languages Act on a private business.

What are the challenges that have existed in recent years in enforcing that act on a private corporation?

Mr. Graham Fraser: The challenges for Air Canada have been partly.... Their enthusiasm, shall we say, has been muted somewhat.

I talked to the president of Air Canada and told him that we would be making a special report. He reiterated his position that they feel it is unfair that they have obligations that other private carriers do not have in Canada. He feels that Air Canada is the most bilingual private company in Canada and that we do not give sufficient recognition to this.

I think there are other private corporations—I am thinking of Bell Canada, for example—that are exemplary in their use of both official languages. We have previously recognized Rogers as also being exemplary in its service to Canadians in both official languages, so I wouldn't necessarily accept his claim that Air Canada is the most bilingual private corporation.

One of the things I have noted is that sometimes the best intentions of the executives of Air Canada do not get translated down to the employees.

We did an audit of services to the public in 2010-2011, just after the Olympics, and in the preparation for the Olympics, Air Canada did extremely well in ensuring that all travellers to Vancouver would be served in both official languages, as did the 17 other federal institutions that had any contact with the Vancouver Olympics.

However, in the interviews we did for our audit, we discovered that employees were under the impression that this extra effort that Air Canada made was just for the Olympics. Rather than there being a ratcheted effect of Air Canada managing to up its performance and then maintaining that performance at cruising speed and cruising level, the employees all felt, "Well, that was just a special deal for the Olympics, and we'll go back to doing it the way we've always done it before." When I made the presentation of these audit results to the Air Canada executive, they were shocked and said, "We never said that."

It wasn't a matter of what they had said; it was a matter of what they didn't say.

I think the unfortunate part about our relationship with Air Canada and Air Canada's view of official languages is that they continue to view this as a burden rather than as a value. I think there are all kinds of ways in which Air Canada could embrace official languages and view it as a source of pride, as a marketing tool, and as a key to their identity, but for whatever bundle of reasons, they tend to resist that and are resentful of those responsibilities that were part of the agreement of sale. They feel that they are saddled with this burden only because the agreement of sale wasn't negotiated properly 30 years ago, and if it had only been negotiated properly, they wouldn't have to do this stuff.

I think this is particularly unfortunate when you fly internationally and see how linguistically proficient other airlines are in serving their passengers. I spoke to somebody in Barcelona who told me that he had taken a flight from Barcelona to Miami and there was on-board service in Catalan.

● (1730)

Other airlines see their ability to serve their passengers in their language of choice as a value rather than as a burden, and I think it's unfortunate that Air Canada is as resistant as it is to our attempts to help them achieve their obligations under the act.

[Translation]

The Chair: Thank you, Commissioner.

Mr. Arseneault, you have three minutes.

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

Mr. Fraser, in response to a question by my colleague Mr. Lefebvre about the linguistic duality promotion program, Ms. Giguère—or at least I think it was her—told us that, over the past few years, you have intervened 23 times before the court, with 9 of those interventions being before the Supreme Court of Canada. Of course, that requires a lot of resources, energy and money.

I don't want to play politics, to use my colleague Mr. Généreux's expression, but I am wondering whether there is a correlation between your interventions and the fact that the famous court challenges program was abolished twice by the Conservatives.

Is there a connection between the two?

Mr. Graham Fraser: I will give you a preliminary answer. I will actually ask Ms. Giguère to complete my answer, but I will still say that our interventions primarily target cases related to our act. The court challenges program did not provide funding for interventions related to the Official Languages Act. It provided funding only for interventions related to bills involving rights set out by the Canadian Charter of Rights and Freedoms.

Mr. René Arseneault: The charter is often invoked in relation to language rights.

Mr. Graham Fraser: Yes. We have intervened in certain cases related to the charter.

I will ask Ms. Giguère to specify whether an increase has been noted, given the absence of the court challenges program during part of my term.

Mr. René Arseneault: Actually, that was not quite the point of my question. I don't have much time and....

Mr. Graham Fraser: No, allow me to clarify.

The court challenges program, which was abolished in 2006, was replaced by the language rights support program.

Some remedies were probably not initiated, but they were not related to languages. Certain limitations to the funding of the language rights support program were set. As a result, some cases could not get funding. However, those cases rather had to do with other provisions, including section 15 of the charter, which pertains to equality. In general, the language rights support program has been able to support people when it comes to language issues.

I will yield the floor to Ms. Giguère.

The Chair: Please answer quickly, Ms. Giguère. There isn't really any time left.

Ms. Pascale Giguère: I will just add that the Commissioner will submit, at the same time as the annual report, in May, a summary report on how he has performed his role before the courts during his term. The report will also talk about the way his predecessors performed that role. Some statistics will be presented.

The way the Commissioner has exercised his role is very similar to how other commissioners have done it. The Commissioner has not really intervened in proceedings more than his predecessors did. Therefore, I don't think there is any correlation between his interventions and the court challenges program.

• (1735)

The Chair: Thank you very much.

Mr. Lefebvre asked me whether he could take the floor, but before I give it to him, I have a question for the committee members.

OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES

Vote 1—Program expenditures..... \$18,559,402

(Vote 1 agreed to)

Mrs. Sylvie Boucher: I did not understand.

The Chair: Mrs. Boucher, we just agreed to vote 1.

Shall I report Main Estimates 2016-2017 to the House?

Some hon. members: Agreed.

The Chair: Go ahead, Mr. Lefebvre.

Mr. Paul Lefebvre: Commissioner Fraser, since this is probably your last appearance before the committee, I would like to move the following motion:

Whereas Graham Fraser, Commissioner of Official Languages, worked for 10 years as Commissioner;

Whereas Graham Fraser demonstrated exemplary commitment to his duties;

That the Standing Committee on Official Languages officially thank Mr. Fraser for his service enforcing the Official Languages Act across Canada for the benefit of all Canadians.

(Motion agreed to)

The Chair: Congratulations, Commissioner.

Esteemed colleagues, I want to remind you that, tomorrow, May 3, at noon, we will hold a working lunch, an informal meeting with the Chief Justice of the Quebec Superior Court in the parliamentary restaurant. All the committee members are invited to attend.

I also have to tell you that the agenda for our meeting on Wednesday will include all the committee business, as well as the motions of which François Choquette, Linda Lapointe, Darrell Samson and Sylvie Boucher have given notice. Mrs. Boucher submitted two notices of motion. We will consider all those motions at our meeting on Wednesday afternoon.

Once again, we sincerely thank you and your team, Commissioner. You have my congratulations on the amazing job you are doing.

Thank you very much.

Mr. Graham Fraser: Thank you very much, Mr. Chair.

The Chair: The meeting is adjourned.

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