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## Standing Committee on Official Languages

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**Chair**

**The Honourable Denis Paradis**



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• (1105)

[Translation]

**The Vice-Chair (Mr. Alupa Clarke (Beauport—Limoilou, CPC)):** We are going to start meeting 147, which is being televised today.

We have the honour of having Raymond Thériège, the Commissioner of Official Languages, with us today.

Pursuant to Standing Order 108(3)(f), we are studying the Annual Report of the Commissioner of Official Languages 2018-19, referred to the committee on May 9, 2019.

To give some context to today's meeting for everyone watching, I would like to point out that the act provides for the presentation of an annual report by the Commissioner of Official Languages. This has been the case since 1969, if I'm not mistaken. The committee's conventions and traditions provide that we shall promptly receive the Commissioner each time so that he can submit his report directly.

Mr. Commissioner, you will have 10 minutes, as is customary, to make your opening remarks. Then, according to the committee's procedure, we will have a one-hour roundtable discussion.

Thank you to you and your team for being here today, including Ms. Giguère, Assistant Commissioner, and Ms. Saikaley.

Go ahead, Mr. Commissioner. We are listening.

**Mr. Raymond Thériège (Commissioner of Official Languages, Office of the Commissioner of Official Languages):** Thank you, Mr. Chair.

[English]

Good morning, ladies and gentlemen.

I'd like to thank the committee for their commitment toward the advancement of Canada's two official languages. The work of this committee is of great importance and is complementary to the activities in my office, which is why I am always pleased to be invited to appear before you.

Joining me today are the Assistant Commissioner, Ghislaine Saikaley, and my General Counsel, Pascale Giguère.

I am here today to present my 2018-19 annual report and my position paper on the modernization of the Official Languages Act.

My goal in presenting these documents, both of which are vital to the modernization of the act, is to influence the government's

decision-making process and to recommend how it should proceed. The federal government, federal institutions, the courts, communities and many individuals have contributed to making English and French the spoken languages of Canada.

Official languages have come a long way since 1969, but 50 years on, Canada is still not where it needs to be. In 2019, Canadians' basic language rights are still not being respected consistently. Unfortunately, Canadians can't always get service from federal institutions in the official language of their choice, even when they have that right.

Federal employees can't always work in the official language of their choice in designated bilingual areas. Official language minority communities are not always consulted or heard when the government implements new policies or makes changes to programs. Canadians don't always get important safety information in the official language of their choice. Canadian voters can't always vote in the official language of their choice, even though it's a fundamental right.

[Translation]

We have to come up with lasting solutions to these systemic problems. My annual report contains four recommendations, one of which calls on the Prime Minister to table a bill for the modernization of the Official Languages Act by 2021. The 18 other recommendations in my position paper on the modernization of the act are ways to make lasting and substantive progress on official languages.

I firmly believe that the government can make significant progress on these issues by implementing my recommendations, which are the result of 50 years of experience and expertise of the Office of the Commissioner of Official Languages. These recommendations also support the three major priorities I set out at the start of my mandate—monitoring the action plan for official languages, making sure that federal institutions meet their official languages obligations, and modernizing the Official Languages Act.

My annual report includes specific recommendations for the Minister of Tourism, Official Languages and La Francophonie to implement accountability mechanisms for funds spent on official languages, such as those resulting from the action plan for official languages. We need to make sure those dollars achieve results in the communities they are intended to support. These include funds transferred from the federal government to the provinces and territories under official language education agreements. We need to make sure provinces and territories are held accountable for how those dollars are spent. I am also proposing solutions to improve federal institution compliance with the Official Languages Act.

The existing division of official languages responsibilities within the government is confusing and inefficient. That is why I want to see an effective governance structure built into the modernized act to make sure that federal institutions and their representatives better understand their obligations and responsibilities.

I therefore recommend that the Prime Minister clarify the federal government's roles and responsibilities for official languages before the next federal budget.

[English]

Many communities across Canada have made great strides since the adoption of the Official Languages Act in 1969. That being said, we have been limited in our progress far too often, because the act has not kept up with Canadian realities and community needs. My position paper on the modernization of the Official Languages Act includes a clear set of recommendations for the federal government aimed at ensuring that the updated act is relevant, dynamic and strong. We know where improvements are needed in the act, and my recommendations propose 18 solutions for addressing them.

For example, under the act, the obligations with respect to providing services to the public in both official languages, part IV, and employees' language of work rights, part V, are not aligned. Consequently, my recommendations highlight the importance of aligning these two parts of the act so that rights and obligations regarding the language of work in the public service are clear, current and consistent.

In addition, the implementation and interpretation of part VII of the act, advancement of English and French, continue to be a major challenge. That is why I recommend developing regulations for part VII to clarify certain concepts and establish parameters that will guide federal institutions in taking positive measures.

Official language communities ensure a meaningful presence for both official languages across this country. They are the cornerstone of our linguistic duality. As commissioner, I will bring community challenges before the federal government and Parliament at every opportunity.

As a promoter and protector of language rights, I believe it is important to innovate. That can be done, for example, by providing federal institutions with relevant and useful tools to help them meet their official languages obligations. Although most of my recommendations are implemented by federal institutions following my team's investigations, this has not necessarily produced long-lasting behavioural change. As a matter of fact, complaints have skyrocketed since 2012, from roughly 400 to more than 1,000.

●(1110)

[Translation]

In June 2019, my team will be launching a new tool—the official languages maturity model—to address systemic problems that can't always be resolved through investigations. The tool will enable federal institutions to take stock of their official languages practices with a view to making continual progress.

I would like to take this opportunity to say that my vision goes far beyond legislative and regulatory changes.

Without a doubt, we have achieved many milestones since the first act was passed in 1969. However, can we truly say that Parliament's vision has become a reality? What will the future hold if we continue to do the same things over and over, make the same decisions and have the same reflexes? Will there be visionaries and ambassadors in the federal government and in Canadian society to defend the cause and celebrate official languages for the next 50 years?

I expect nothing less than a commitment, leadership, and a change in culture by the federal government so that linguistic duality can thrive everywhere in Canada. In 2019, I intend to set the record straight.

[English]

To ensure the relevance and continuity of the act, and to implement it as effectively as possible, the federal government must do three things: stop the erosion of language rights, modernize the act and provide strong and clear political leadership.

The federal government must reflect on the changes that need to be made to the act. The recommendations in my annual report and those for the modernization of the act are designed to help protect Canadians' language rights and to promote linguistic duality across Canada.

[Translation]

Thank you for your attention.

If you have any questions, I would be happy to answer them. Please feel free to speak in the official language of your choice.

**The Vice-Chair (Mr. Alupa Clarke):** Mr. Commissioner, thank you for your opening remarks and your annual report. I think this is your second report since you've been in the position. It's a captivating report, and I am sure that my colleagues will have some interesting questions for you.

I will take this opportunity to welcome Mr. Ouellette to the largest House of Commons committee. In fact, this is where national unity is played out from day to day.

Thank you for being here, sir.

We'll start with our questions. Mrs. Boucher, you have the floor.

**Mrs. Sylvie Boucher (Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix, CPC):** Good morning, Mr. Théberge.

I am always very happy to have you appear before the Standing Committee on Official Languages and to see that you greatly appreciate the work we do here. It's good to see that a committee can be non-partisan most of the time.

In your remarks, you said, “The existing division of official languages responsibilities within the government is confusing and inefficient. That is why I want to see an effective governance structure build into the modernized act...”.

Could you elaborate on your two ideas: where is this confusing and what would you like to see in terms of effective governance?

**Mr. Raymond Th  berge:** Thank you.

Currently, within the federal government, official languages governance is divided between the Treasury Board, which is responsible for Parts IV, V and VI, and the Department of Canadian Heritage, which is responsible for Part VII. Part VII concerns mainly the communities, while Parts IV and V concern communications, service delivery and language of work. The difficulty with this approach is that there isn't one person, minister or structure responsible for the management of official languages throughout the federal administration. To remedy that situation, some have suggested that this be left to the Treasury Board. Others have suggested that it be done by the Privy Council Office. However, we must agree on certain principles. I think that if we can do this, we can agree on the choice of central agency that will manage this.

As I said in my presentation, the first step is to clarify roles and responsibilities, in other words, to determine who is responsible and who does what within the federal government. Second, we need an accountability framework. In other words, for official languages, there must be indicators to specify who does what. Third, we often talk about the “official languages lens”. There must be one for all programs and activities. Instead of thinking about official languages after developing a program, we should think about them from the beginning. Fourth, good management, good stewardship, which means promotion. We must promote official languages, and not only within the federal government. Believe it or not, even today, there are federal organizations that, without necessarily questioning the fact that they are subject to the Official Languages Act, interpret their obligations very narrowly. Finally, we must always ensure that we prevent the decline of official languages.

In 2003, the minister responsible for official languages was St  phane Dion, who was at the Privy Council. Other ministers were also members of this group. They were supported by a committee of deputy ministers. So when a message came from above, it was clear where it was going. Today, there is no longer a committee of deputy ministers responsible for official languages. There is a committee of assistant deputy ministers responsible for official languages who report to various employers. In my opinion, this structure must be much more centralized and there must be a decision-maker on official languages. This is extremely important, because when everyone is responsible, no one is.

•(1115)

**Mrs. Sylvie Boucher:** Thank you.

Do I have any time left?

**The Vice-Chair (Mr. Alupa Clarke):** You have 50 seconds left.

**Mrs. Sylvie Boucher:** It is often said that it's a matter of political will. There is indeed a political aspect. We are politicians, and our mentality is different. That being said, do you think that the machine

itself is adapting to the politicians' desire to modernize official languages? Is the machine ready to make concessions?

Often we play the political game, and sometimes we tease each other. However, we know very well that the machine is behind us. We will move on, but the machine will remain.

Has the government machinery adapted to official languages?

**Mr. Raymond Th  berge:** Over the past 10 years, or even a little more, the government's offer of official languages services has levelled off. Obviously, there are difficulties and challenges on the language of work side, but, with regard to official languages, a culture of complacency has developed throughout the federal administration, in my opinion.

**Mrs. Sylvie Boucher:** Thank you.

**The Vice-Chair (Mr. Alupa Clarke):** Thank you very much, Mrs. Boucher.

I'll now give the floor to Ms. Lambropoulos.

[English]

**Ms. Emmanuella Lambropoulos (Saint-Laurent, Lib.):** Thank you very much for being here with us once again. We really appreciate your presence here.

Obviously, in Quebec we're dealing with a bit of a weird situation at the moment where school boards are potentially being threatened. We know that this can pose a huge risk for the minority community who should have access to education in their minority language.

In your third recommendation, you speak a little bit to this. You say that the Minister of Official Languages should consider adding language clauses that include transparency mechanisms to enable the federal government to measure compliance by the provinces and territories.

Can you go into more detail and give us examples of what you mean?

**Mr. Raymond Th  berge:** Clearly, over the years in many jurisdictions, there have been issues around the use of funds with respect to official languages. For example, in one jurisdiction we would use the funds to pay teachers, but teachers are required whether or not you have official languages. You have to make sure that it's to pay for the extra costs involved in providing education for either FSL, French as a second language, or French as a first language.

What we have to do when we have these agreements is specify clearly where those dollars are going. What programs are they to support? For example, is it FSL? If so, what are they paying for, extra resources and/or materials? You have to specify that as opposed to something like buying a bilingual bus, bilingual photocopy machines or something of that nature, which I think has happened in the past. It's very important that the investments that are made by the federal government achieve the goals they are intended to achieve.

•(1120)

**Ms. Emmanuella Lambropoulos:** Do you have any other recommendations with regard to education that could help us protect the minority language, specifically in Quebec?

**Mr. Raymond Th  berge:** When we talk about part VII of the act, we're talking about developing a series of regulations. One of the items of the regulation could be the action plan, and within the action plan, we can define, for example, what is important for minority language education. For example, it's imperative that we be able to identify and count the number of eligible students in each province. We could identify a number of institutions in the regulation that have a specific impact on minority language communities. For example, Statistics Canada plays a very important role in terms of identifying *les ayants droit*. That's an issue.

Also, we could, for example, integrate, within the action plan, education funding for first and second languages. We could have that as part of a regulation. I think it would really strengthen the basis for minority language education, whether it's in Quebec or outside of Quebec.

With respect to the Quebec English school boards, clearly they are covered by section 23 of the charter. I've already written to indicate my support for that. We'll have meetings in the subsequent months to talk about this file, and we'll see what kind of legislation comes forward in the fall.

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

You also mentioned that the complaints have increased in general to 1,087 from almost 200 fewer last year. I'd like to know how your recommendations would decrease this number.

**Mr. Raymond Th  berge:** I think that if we had a better system of governance, the signal to institutions would be a lot clearer, and it would be more effective in terms of oversight. We would know who's responsible for what. For example, there is a particular set of complaints with regard to section 91, which can be resolved by clear direction from Treasury Board, if we were to do that.

Clearly what also has to happen is that, given that over 50% of complaints have to do with communications within service to the public, we have to find ways to improve the capacity of the federal public service to deliver those services. Therefore, we need better language training and better supports in the workplace.

Again, all this comes from a directive that has to be given from the top.

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

[Translation]

**The Vice-Chair (Mr. Alupa Clarke):** You have one minute left, Ms. Lambropoulos.

[English]

**Ms. Emmanuella Lambropoulos:** Those were the questions that I had prepared for you, but maybe you would like to give us a little more detail about your fourth recommendation as well.

**Mr. Raymond Th  berge:** With respect to the fourth recommendation that deals, again, with the action plan, the action plan is extremely important for minority language communities. It is a very positive initiative on the part of the government to provide this funding.

When it comes to the action plan, we have to ensure that the investments that are being made reach those who are supposed to be receiving those funds. It is very important that we have a clear

framework for imputability and that this framework be transparent. It has to be transparent. People have to know how we will measure and how these funds are being used.

Also, I think it's important that we talk about impact. What is the impact of the action plan on minority language communities? We have to find a way to measure that impact.

One of my three priorities that follow this recommendation is how the plan will be implemented over the next number of years. It's one thing to have the plan, but it's another thing to be able to implement it. I think it's—

• (1125)

**The Vice-Chair (Mr. Alupa Clarke):** Thank you, Commissioner.

[Translation]

We'll now go to Mr. Choquette, from the entrepreneurial region of Drummondville.

**Mr. Fran  ois Choquette (Drummond, NDP):** Thank you, Mr. Chair.

I'd like to thank the three witnesses from the Office of the Commissioner of Official Languages for being here today.

Mr. Th  berge, you talked about your three objectives or wishes for the coming years, namely, stopping the erosion of language rights, modernizing the act, and providing strong and clear leadership. I think this is extremely important. I have just met with representatives of the F  d  ration de la jeunesse canadienne-fran  aise, who somewhat criticized the fact that Canada's youth policy doesn't address official languages, when it should be part of our Canadian identity in every respect.

Recently—I think it was yesterday or the day before—Mr. Bibeau of RD  E Canada, the R  seau de d  veloppement   conomique et d'employabilit   for francophone minority communities, deplored the fact that the Canadian tourism strategy does not include a francophone component. According to him, "If the situation isn't corrected, francophone tourism will be neglected for five years in a rapidly changing sector. We can't afford to walk, when everyone else is running."

In key or strategic sectors where we must promote both official languages, it therefore seems that we are forgetting our Canadian identity, one of the principles of which is bilingualism, the existence of our two official languages. It seems that we forget it and, when we point out this omission, we're told that bilingualism is implicit, that it goes without saying and that it isn't necessary to mention it.

What do you think about these omissions or this way of thinking and saying that bilingualism is obvious and doesn't need to be included in the youth policy or the tourism strategy, for example?

**Mr. Raymond Th  berge:** As I mentioned earlier, when designing programs, strategies or activities in government, I think it is important to use the "official languages lens" and to try to understand how these programs can affect the vitality and development of the official language minority communities. We haven't developed this reflex yet. I don't know if we had it before, but it is clearly missing.

One of the reasons I recommend that leadership be centralized within the federal government is that it's important to spread this message and to be able to remind people that official languages must be considered when designing a program. To come back to a previous comment, there seems to have been a certain complacency in the machinery of government in the last number of years. So we need to try to rattle the cage a bit to ensure that the “official languages lens” is used when programs are developed.

**Mr. François Choquette:** On the matter of leadership, a recent article published on the ONFR+ digital platform talks about these famous bad translations. As you know, the Government of Canada requires all products to be labelled in both official languages. The article gave some examples, including the expression “chinese cake”, which was translated as *gâteau au Chinois*, and “homemade bread”, which was rendered as *pain aux maison*. Although there is a legal obligation to label items in both official languages, it isn't taken seriously, far from it.

You mentioned that there had been an increase in the number of complaints. We always wonder why: is it because there are more violations of the act or because people are more aware of their rights?

Do you have the authority to act in relation to labelling in both official languages, or is this a file you follow from afar? There is a lot of discussion about translation within the Government of Canada itself, an issue that we have already discussed at other meetings of the committee. What role can you play in labelling?

• (1130)

**Mr. Raymond Thériège:** It is a little ironic, but we have never received any complaints about labelling. We get a lot of complaints against Public Services and Procurement Canada about translations and calls for tender, but never from the public on labelling.

**Mr. François Choquette:** I can tell you that you are going to get one soon.

**Mr. Raymond Thériège:** Complaints are us. We are always happy to get complaints.

**Mr. François Choquette:** Okay. Great.

Do I have any time left, Mr. Chair?

**The Vice-Chair (Mr. Alupa Clarke):** You have 15 seconds, Mr. Choquette.

**Mr. François Choquette:** Thank you for your comments, Mr. Thériège.

When we say we are going to show leadership, it means incorporating an official languages component into Canada's youth policy and official languages and French-language components into the tourism strategy. That is my point of view.

**The Vice-Chair (Mr. Alupa Clarke):** Thank you, Mr. Chair.

We now go to Mr. Arseneault.

You have six minutes.

**Mr. René Arseneault (Madawaska—Restigouche, Lib.):** Thank you, Mr. Chair. Welcome to your chair of office.

Welcome, everyone, once again.

Mr. Thériège, in your introduction, you used a sentence that I myself have been repeating for years. I feel that everyone here repeats the sentence: “What does the future hold for us if we continue to act in the same way, make the same decisions, and react in the same way?” Whatever the government, whatever the party, that question should ring out loud and clear in every caucus, every year. Now we have an election coming.

For an anglophone in Quebec and for a francophone outside Quebec, the word “equality” leaves a bad taste in the mouth in any discussion on language rights or the Official Languages Act. The word is extremely precise, and leaves no room for interpretation. Despite all that, because of the way the case law has evolved, we can see that the word “equality” has often been stripped of all its meaning.

I am telling you this after reading an article in the *Acadie Nouvelle* this morning. It dealt with a decision from the Court of Appeal of New Brunswick in a language rights case. Once again, a community had to go to court for no reason, but it won its language rights. Once again, it was a waste of time and resources, for no reason.

Let me ask you a difficult question. Your office has 50 years of experience, but the Standing Committee on Official Languages, and those that have gone before us, have quite a number of years of experience also. We have heard from constitutional experts. We have heard it all. There are quite enough reports on the shelves.

We talk about making provinces accountable for federal transfers in education. I am bringing that up because—and I believe that there is consensus around this table—of all the items to be dealt with as priorities, education, starting from early childhood and going through to post-secondary, is often one. If we lose people then, we lose francophones. We lose any potential for exponential growth in the next generation.

As for your third recommendation, when federal transfers are made to the provinces for education, how can we make sure that the provinces do their part, really do their part? How can we make sure that we have access to the data that will allow us to measure the impact that those transfers may have had on francophone communities outside Quebec or on anglophone communities in Quebec? How will we know whether the money invested has really been invested in the right place and has borne fruit? I know that this is our fondest wish, but how can we do all that while respecting provincial and federal jurisdiction, and with everything we already know?

I want to hear about the mechanism, the way in which we are going to do it.

**Mr. Raymond Thériège:** When we talk about education in minority situations, or about French as a second language, Part VII of the act offers endless possibilities, but not in the way it is currently written.

The answer to your opening remark is that we first have to modernize the act. Second, Part VII is the part that affects the communities, the development and vitality of the communities.

The regulations must specify an accountability framework for federal-provincial agreements in education. That has to be included in the regulations. If it is included in the act, we hope that the act will be respected. As long as there is no legislative or regulatory framework, it will leave much too much room for manoeuvre.

As for your first comments, we must modernize the act. We must have an act that is much more consistent than it is currently. Parts IV, V and VI must be blended together and linked. Part VII must come with a regulatory framework. We have to ask ourselves questions about compliance mechanisms and governance. Modernizing the act is not just a matter of making a few amendments; it is actually about major structural changes.

• (1135)

**Mr. René Arseneault:** Thank you.

**The Vice-Chair (Mr. Alupa Clarke):** You have two minutes left, Mr. Arseneault.

**Mr. René Arseneault:** I only have two minutes left? Good grief!

**Mr. Darrell Samson (Sackville—Preston—Chezzetcook, Lib.):** Your intro took two minutes.

**Mr. René Arseneault:** I will press on, because Mr. Samson is certainly going to be right on my heels.

We need the legislation to be framed so that there is no room for interpretation in Part VII. How can we convince the provinces, or expect them to be receptive? This is always the damned divide between federal and provincial jurisdiction that concerns me, because it is always the free pass that allows a province to say that it does not need us and we have to respect that.

**Mr. Raymond Thériège:** Here is the situation, as I see it. First, changing the Constitution is practically impossible. Changing an act is very difficult, but changes can certainly be made to regulations. I think our play is with the regulations. The federal government has the power to spend money and it can certainly impose conditions on the way its money is used. That is part of the act, it is a mechanism for implementing—

**Mr. René Arseneault:** Forgive me for interrupting, Mr. Thériège, but you are saying that the federal government “can certainly...” That is what you just said. Can it impose conditions “certainly”, or “assuredly”, or “with no doubt whatsoever”?

**Mr. Raymond Thériège:** It has to.

**Mr. René Arseneault:** You are saying that it can certainly impose conditions when it transfers funds. There is already a doubt there. Can it or can it not do so?

**Mr. Raymond Thériège:** At the moment, it is a little vague, especially with regard to Part VII. If Part VII has a solid framework of regulations, it implies that the regulations will be complied with.

At the moment, we have no data. Quite the contrary. There are very few language clauses as such, and they are not in the regulations.

**The Vice-Chair (Mr. Alupa Clarke):** Thank you, Commissioner.

I would like to welcome Mr. Long to this committee. Thank you for joining us today.

The floor now goes to Mr. Samson.

**Mr. Darrell Samson:** Thank you, Mr. Chair.

Thank you to you and your team, Mr. Thériège, for the work you have done. You have taken the position at a time when things are being discussed. Modernizing the act is a hot topic, it seems.

In a way, it is a challenge, because a lot of shots are coming from everywhere. However, it is also a great opportunity to really influence the changes that are crucial in order for the act to have some genuine teeth.

As I consult your report, I find very good things. The words seem to express very well how things should work.

I am going to try and do as my colleague did and spice things up a little. I am going to throw out some subjects and you can tell me how they will work, according to your vision.

Let us take the census. Statistics Canada is an independent agency over which the government has no real direct influence, except for certain processes that it can impose through cabinet. There have been debates and discussions for two years. We have almost written the question.

How will it work, in your opinion?

• (1140)

**Mr. Raymond Thériège:** Here is an example. In the regulations, there could be a preamble setting out certain stipulations and containing very clear definitions and directives. There could also be a list of federal institutions that have a particular impact on the vitality of the communities.

We know full well that Statistics Canada has always had an impact on the communities. When a decision is made to provide a service where numbers warrant, Statistics Canada data are always used. Statistics Canada, in my opinion, should therefore be recognized as an institution that has a direct impact on the communities and is part —

**Mr. Darrell Samson:** I like that; it's good.

Here is my second subject: Supreme Court justices.

**Mr. Raymond Thériège:** The exception in subsection 16(1) could be removed, but that would not really change the appointment process for Supreme Court justices.

**Mr. Darrell Samson:** Would that accommodate your vision, your plan and your recommendations?

**Mr. Raymond Thériège:** Yes, in part. But the appointment process was established differently in the Supreme Court decision on Justice Nadon. In my opinion, a legislative change is needed.

**Mr. Darrell Samson:** In the vision you are proposing, the politicians would have to be told what to do.

**Mr. Raymond Thériège:** Parliament has to develop the necessary legislation. If we look at it historically, some bills were supported by the opposition but not by the government. But there are some examples.

**Mr. Darrell Samson:** These are good answers. Up to now, I like what I am hearing.



Let's move on to real estate assets. This is a huge problem in Canada. It is all very well to hear that there have been 78 contacts. But I was a director general and I can tell you there were no contacts in Nova Scotia. However, I am not going to dwell on that.

We have to establish a way of operating that comes before the pie is divided up or sold. Francophones are not asking for free land. They say that they want to pay the market value. Even in a bilingual country, with this notion of linguistic duality, we have no access to land. Even if I had all the money we needed and our coffers were full, no one can guarantee that I can get a 90-acre lot in British Columbia, for example. We cannot even get one.

How will your vision work to ensure that things happen differently in that regard?

**Mr. Raymond Th  berge:** Two things. First, the regulations must include a formal mechanism for community consultation. Communities have to be consulted in that situation. Second, this kind of interaction can certainly be specified in the regulations.

However, when I look at some of the specific cases you mention, the community was not even consulted. They went ahead and sold the properties without consulting the community. So there is an obligation to consult, above all.

**Mr. Darrell Samson:** Should that not happen automatically? If francophones outside Quebec or anglophones in Quebec express a need at provincial or municipal level, they have to be the first to be consulted, or, at least, to be consulted at the same time.

It should go further than consultation, in my opinion. With real property, indigenous people are automatically entitled to a percentage.

**The Vice-Chair (Mr. Alupa Clarke):** They are in fourth place.

**Mr. Darrell Samson:** They are in fourth place. We are not even there.

Would the vision you are putting forward lead to that? If so, how?

**The Vice-Chair (Mr. Alupa Clarke):** A 20-second answer, if you please.

**Mr. Raymond Th  berge:** Once again, I go back to the regulations. In the regulations, we have to determine all the factors that can help to support the vitality of the communities. Whether it is education, access to land or to schools, that has to be part of it. However, we must not forget the consultation mechanism, which must have some teeth.

**Mr. Darrell Samson:** That is in addition to the rest.

Thank you. They were not easy questions.

**The Vice-Chair (Mr. Alupa Clarke):** Thank you, Mr. Samson.

We now move to Mr. Gourde, who has the floor for six.

**Mr. Jacques Gourde (L  vis—Lotbini  re, CPC):** Thank you, Mr. Vice-Chair.

My thanks to the witnesses for being here today.

Mr. Th  berge, I am going to take a part of your address and ask you some questions. You said that "federal public servants are not always able to work in the official language of their choice in regions that are designated bilingual".

Canada is a bilingual country. Our federal institutions are bilingual. When you say that they are not able to work in the language of their choice, that probably means that they are not able to work in French. The converse would surprise me greatly. If some regions are designated bilingual, it means that other regions are designated unilingual. However, our federal institutions are bilingual.

● (1145)

**Mr. Raymond Th  berge:** I have some comments.

First, when we look at Part V of the act, dealing with the language of work, we see that it mentions geographical regions where you can work in French or in the official language of your choice. Those regions were designated in 1977. Since 1977, the world has completely changed. So all that geography has to be reviewed.

**Mr. Jacques Gourde:** I see where you are going, but I want to go further.

In the next year of your mandate, I challenge you to find any unilingual francophone public servants in Canada. I challenge you. They are practically all anglophone. Just try to find a unilingual francophone.

I live in L  vis, close to Quebec City. In my constituency office in L  vis—Lotbini  re, I have met with people who want to work in the federal public service in Quebec City. However, the requirement to know English is quite high. In Quebec City, they all work in French, but they are told that there may be meetings in which they will have to discuss a number of communications in English and that, if they do not reach the level required, they will not be able to work.

I doubt whether it is the same in Toronto. In Toronto, they work in English. If an anglophone's level of French is not adequate, perhaps they will provide him with courses, which he may never need.

This discriminates against francophones. The opportunities are not equal. Francophones all need to speak English in order to get into public service trades and professions. Francophones are the ones adjusting. Let me give you a simple example: 12 public servants attend a meeting. The first person to speak talks to the others in English. Then the entire meeting carries on in English, even with 11 francophones there. It is always like that.

As part of your mandate, will you be able to encourage those who are making an effort? Often, we talk about problems, but we do not talk about initiatives inside a department. For example, to raise awareness, why not have everyone speak French every Tuesday morning, even at lunch? They have learned French, but they do not use it.

If we are incapable of establishing that in our federal institutions, if we are incapable of setting an example, there is absolutely no reason to continue. There is absolutely no reason to have an Office of the Commissioner of Official Languages. You have to promote good practices, and perhaps remind people that they can do more.



• (1155)

**Mr. Robert-Falcon Ouellette:** I think I have 30 seconds left.

**The Vice-Chair (Mr. Alupa Clarke):** You do.

[*English*]

**Mr. Robert-Falcon Ouellette:** I was wondering if you could talk a little about why we always seem to have such a negative impression of languages in minority situations, whether it's French outside Quebec or English inside Quebec. Instead of making such a negative association all the time, like a battle, is there a way of making it very positive and celebratory?

**Mr. Raymond Th  berge:** I think what we have to do is look at it as a fundamental Canadian value. Part of the Canadian identity is very much about pluralism. It's very much about diversity. It should not just be about diversity of cultures, but about diversity of languages, which is part of our identity.

Canada is a work in progress. Canada 20 years from now will not be what it is today, and that's our strength. What we have to do is always speak about fundamental Canadian values. I think when we talk about official languages and we talk about first languages, we should be talking about that being a fundamental value of Canadian identity. That's how we should promote it, not as an obligation but as a value.

**Mr. Robert-Falcon Ouellette:** Thank you very much.

**The Vice-Chair (Mr. Alupa Clarke):** Thank you, Commissioner.

For the last person questioning,

[*Translation*]

Mrs. Boucher, you have four minutes.

**Mrs. Sylvie Boucher:** Good morning.

I am amazed that we are still having this discussion in 2019. In a speech I made in the House on gender equality, I said that it is also time to talk about the equality of French and English. Today, in 2019, we are talking a lot about language equality.

However, could you explain what you mean by an oversight mechanism for the Official Languages Act. We want to modernize the act and you talked about an oversight mechanism. What would such a mechanism look like?

**Mr. Raymond Th  berge:** We have been talking about language equality for a long time. One major decision of the Supreme Court of Canada, *R. v. Beaulac*, talks about substantive equality. I feel that we must codify certain concepts in the act, including substantive language equality.

Substantive equality means that the remedial nature of language rights are recognized. More must be done; we must never forget that the Official Languages Act is quasi-constitutional and, as such, it forms part of our Canadian values. Honestly, we are a long way from that.

**Mrs. Sylvie Boucher:** That is what I say.

**Mr. Raymond Th  berge:** In terms of compliance, it is important to recognize that the commissioner's powers are limited to conducting investigations and making recommendations. Other compliance mechanisms must be added, either binding agreements

or monetary penalties. Establishing a tribunal is another idea. It is all essential.

We were wondering earlier what can be done to change behaviours. Without compliance mechanisms, behaviours will not change. People can talk about giving the act more teeth, but, to do that, the office of the commissioner will have to be given more powers than simply making recommendations.

**Mrs. Sylvie Boucher:** Okay. Thank you.

**The Vice-Chair (Mr. Alupa Clarke):** Have you finished?

**Mrs. Sylvie Boucher:** Yes. Do I have any time left?

**The Vice-Chair (Mr. Alupa Clarke):** You have one minute.

**Mrs. Sylvie Boucher:** Go ahead, Mr. Clarke

• (1200)

**The Vice-Chair (Mr. Alupa Clarke):** Thank you, Mrs. Boucher.

Mr. Choquette has honourably given up his three minutes.

Commissioner, I have two questions for you, and I am sure that Mr. Samson will be happy to hear the first one.

I would like to talk about bilingualism for the justices of the Supreme Court of Canada. I do not think I am mistaken in saying that all members of this committee would like to see the legislation change so that the justices of the Supreme Court of Canada must be bilingual. After all, we all voted in favour of Mr. Choquette's commendable bill.

I have a special request for you, which goes beyond the work of this committee. We only have three weeks left, but you have at least six years.

At the moment, there is a serious problem. Some lawyers from the Department of Justice claim to be constitutional experts, and some really are. Let me throw this idea at you, although I do not know whether you have the authority to do it. They do not work for nothing, but would you be able to employ some constitutional experts to help you to write a legal text, a solid, well-supported counter-argument in opposition to the legal minds in the Department of Justice? That is a text that we could use in the future.

We need you. As members of Parliament, we do not have the resources we need to employ eminent constitutional scholars, but your office does. You have a substantial budget. Would it be worthwhile to prepare a constitutional argument in support of Mr. Choquette's motion?

**Mr. Raymond Th  berge:** At the symposium held at the beginning of the week, we discussed the bilingualism of Supreme Court justices. There was a whole debate about whether it is constitutional or not. You can always seek out a legal opinion, but you then fall into that world. At a certain point, Parliament will have to decide. In principle—

**The Vice-Chair (Mr. Alupa Clarke):** At the moment, there is no counter-argument, and that is the problem.

**Mr. Raymond Th  berge:** It is always possible. We can always—

**The Vice-Chair (Mr. Alupa Clarke):** Consider it, please. We need your help on this.

Finally, Commissioner, I want to thank you for the work you have done in the last year, especially for your second report. I want you to know that you have our moral support. We are with you. You do not stand alone in Canada. You have important tasks and heavy responsibilities. I strongly encourage you to continue in the same direction, even to exert a little more pressure, no matter which government is in power. You have nothing to fear. I want to say that we support you. Surveys seem to demonstrate that most Canadians support your work, and that is positive. I really want you to know that we are behind you. In turn, we expect you to be behind us.

Thank you for appearing before us today, Commissioner.

My thanks to my colleagues for their questions.

Would you like to say a few words?

**Mr. Raymond Th  berge:** At the risk of repeating myself, I would just like to say that we appreciate the support from your committee a great deal, and the work that you do.

**The Vice-Chair (Mr. Alupa Clarke):** Thank you very much. This is probably the last time that we will welcome you to this committee in the 42nd Parliament.

We will pause for 15 minutes and then resume in camera to focus on our work.

*[Proceedings continued in camera.]*

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