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# Standing Committee on Official Languages

EVIDENCE

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Friday, November 13, 2020

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Chair: Mr. Emmanuel Dubourg





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• (1105)

[English]

**The Chair (Mr. Emmanuel Dubourg (Bourassa, Lib.)):** I call the meeting to order.

Welcome to meeting number five of the House of Commons Standing Committee on Official Languages. The committee is meeting on its study on the annual report 2019-20 of the Commissioner of Official Languages and the main estimates 2020-21, pursuant to the order of reference of September 30, 2020.

The proceedings will be made available via the House of Commons website. So you are aware, the webcast will always show the person speaking rather than the entirety of the committee. To ensure an orderly meeting, I would like to outline a few rules to follow.

[Translation]

I want to inform those participating in the meeting virtually that members and witnesses may speak in the official language of their choice. Interpretation services are available for this meeting. You have the choice, at the bottom of your screen, of either floor, English or French.

Before speaking, click on the microphone icon to activate your microphone. When you're done speaking, please put your microphone on mute to minimize any interference.

Remember that all comments by members and witnesses should be addressed through the chair. Should members need to request the floor outside their designated time for questions, they should activate their microphone and state that they have a point of order. If a member wishes to intervene on a point of order that has been raised by another member, they should use the "raise hand" function. This will signal to the chair that they wish to speak, and their name will be added to the list.

To raise your hand, click on "participants" at the bottom of the screen. When the list pops up, you'll see next to your name that you can click on "raise hand".

[English]

When speaking, please speak slowly and clearly. When you are not speaking, your mike should be on mute. Unless there are exceptional circumstances, the use of a headset with a boom microphone is mandatory for everyone participating remotely.

Should any technical challenges arise, please advise the chair. Please note that we may need to suspend for a few minutes, as we need to ensure that all members are able to participate fully.

With regard to the speakers list, the committee clerk and I will do the best we can to maintain a consolidated order of speaking for all members, whether they are participating virtually or in person.

[Translation]

Madam Clerk, at this point, please let us know whether there are any substitutes.

**The Clerk of the Committee (Ms. Josée Ménard):** Yes. Mr. Mazier is replacing Mr. Williamson, Mr. Housefather is replacing Ms. Lambropoulos, and Mr. Drouin is replacing Mr. Duguid.

• (1110)

**The Chair:** Thank you.

I'd like to extend a warm welcome to our witnesses.

We're pleased to have you here.

We're joined by Raymond Thériège, Commissioner of Official Languages; Pierre Leduc, assistant commissioner, Policy and Communications Branch; Ghislaine Saikaley, assistant commissioner, Compliance Assurance Branch; and Éric Trépanier, assistant commissioner, Corporate Management Branch. We're also joined by Pascale Giguère, general counsel, Legal Affairs Branch.

The commissioner will do one statement at the beginning of the meeting addressing both the annual report and the main estimates. Questions for the first hour of the meeting should focus on the annual report, and questions for the second hour should focus on the main estimates.

I had the opportunity to speak with the commissioner this summer. We're pleased to welcome him today to the Standing Committee on Official Languages.

Mr. Thériège, you have the floor for the next 10 or 15 minutes.

We're having a small technical issue, Mr. Thériège.

I've just been told that we're having a little difficulty seeing Mr. Beaulieu. Also, Ms. Ashton has just joined us.

We'll take a break and come back in a few seconds. I'll suspend the meeting.

• (1110) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1110)

**The Chair:** The meeting is resumed.

Mr. Théberge, the floor is yours.

[*English*]

**Mr. Raymond Théberge (Commissioner of Official Languages, Office of the Commissioner of Official Languages):** Good morning. Although we're meeting today on a virtual platform, I would like to acknowledge that I'm addressing you from Treaty 1 territory, the traditional territory of Anishinabe, Cree, Oji-Cree, Dakota and Dene peoples, and the homeland of the Métis nation. I'm pleased to be connecting with you today in your various territories and communities.

The COVID-19 pandemic has changed so many aspects of our work and the way we interact with each other. I hope to be able to meet with you all in person in the not-too-distant future.

I see many familiar faces on the committee, as well as some new members. I'd like to recognize all the hard work this committee has done in the past and underscore the importance of your work at what is, now more than ever, a critical time for official languages in Canadian society.

I'm appearing before your committee to present my 2019-20 annual report, discuss our upcoming projects and share the highlights of the 2020-21 main estimates for my office. Joining me today are my three assistant commissioners—Ghislaine Saikaley, Pierre Leduc and Éric Trépanier—and my general counsel, Pascale Giguère.

• (1115)

[*Translation*]

As Commissioner of Official Languages, I'm responsible for representing official language minority communities in Canada. It has been my honour to carry out this role for nearly three years now.

My mandate thus far hasn't been uneventful. We've celebrated the 50th anniversary of the Official Languages Act. Even before the onset of the COVID-19 pandemic, we saw a worrying trend of erosion of support for official language minority communities across Canada.

Decisions that governments at all levels make with respect to official languages have a real impact on the daily lives of Canadians. I continue to hear their stories through the complaints that I receive and when I speak with the various associations across the country.

In 2020, Canadians are undeniably facing some real challenges in exercising their fundamental rights. These include the right to receive safety-related information, the right to receive services from the federal government and the right to vote in their preferred official language. Canadians are taking notice. In the past year alone, complaints to the Office of the Commissioner have risen by 25%.

[*English*]

In my 2019–20 annual report, which I tabled in September, I presented three main reasons why Canadians' language rights are not

being respected: the Official Languages Act is outdated; the federal institutions are not complying with the Official Languages Act; and the government is not doing enough to promote both official languages across Canada.

I issued three recommendations to the Prime Minister to address these problems. In one of those recommendations, I reiterated the essential need for the Official Languages Act to be modernized so it is relevant to today's society, so it can adapt in step with change, and so it provides proper enforcement tools.

[*Translation*]

Official language minority communities, parliamentarians, the Office of the Commissioner and the federal government have made significant efforts to consult Canadians on the modernization of the act. Expectations are high.

I expect the federal government to pay proper attention to the 18 recommendations that I made last year. These recommendations are based on the results of the consultations with Canadians and on the Office of the Commissioner's experience in overseeing the enforcement of the act for over 50 years now. Modernizing the Official Languages Act in a meaningful way is about respecting the fundamental language rights of Canadians now and in the future.

In my annual report, I also recommended that the Prime Minister address systemic issues in federal institutions that limit the ability of Canadians to exercise their language rights and that he step up efforts to promote the importance of both English and French in Canada for all Canadians.

[*English*]

The COVID-19 pandemic has merely amplified ongoing problems, both within the public service and more widely in Canadian society. My recent report on official languages in emergencies sheds light on the existing shortcomings in respecting Canadians' language rights and ensuring their safety during crisis situations.

One of the most striking examples is with the dissemination of alert messages in English only. If a person is not able to understand the information that is being passed on to them, how can they ensure their safety? I believe that Canadians should receive alert messages in both official languages at the same time, anytime and anywhere, in order to protect their safety.

Press conferences taking place in only one language, information materials shared in only one language, alert emails sent to public servants in only one language—unfortunately, there are too many examples. One thing is clear: Not only does this show a complete lack of respect, but these shortcomings are also completely unacceptable, because they endanger the population's health and safety in an emergency situation.

There will certainly be other emergency situations, but the problems we have witnessed must not be repeated. In my report, I propose solutions to the federal government to address recurring problems of communicating with the public in both official languages in crisis situations.

• (1120)

[Translation]

This fall, the Office of the Commissioner is taking a closer look at the public service. It's specifically looking at problems with the linguistic designation of positions and at the issue of linguistic insecurity among public servants. In an effort to respond to these issues, the Office of the Commissioner has already undertaken work in this area. I'll be presenting two new reports, along with some new resources and tools based on the findings.

Early in my mandate, I set out some long-term priorities for making progress on official languages in Canada. I call these priorities "Vision 2025". They focus on ensuring that the Official Languages Act is modernized; that the action plan for official languages achieves its expected outcomes; and that federal institutions meet the objectives of the act.

I'm pleased to say that progress has been made on all fronts. The modernization of the act has been and will continue to be a priority for the Office of the Commissioner. The implementation of the action plan for official languages has progressed over the past year, as a result of an ongoing collaboration with federal partners and institutions.

The Office of the Commissioner created and launched a new and innovative tool called the official languages maturity model. This tool shows institutions exactly how their current policies and procedures facilitate or hinder compliance with their official languages obligations. Approximately 40 federal institutions are participating in the exercise. In addition, 65 federal institutions and other organizations have requested access to the online tool.

The Office of the Commissioner of Official Languages is also paying close attention to other key issues that significantly affect official language minority communities. It's looking in particular at how these communities are affected by immigration and how they're represented in the media. I plan to discuss these topics further with you in the coming months.

[English]

I'd now like to speak about my office's finances.

We have a budget of \$21.5 million to carry out our mandate during the 2020-21 fiscal year. This amount includes \$15.1 million in salaries, which is nearly 70% of the main estimates. An additional \$4.3 million for operating expenses accounts for almost 20% of the main estimates. The remaining \$2.2 million, or just over 10% of our main estimates, represents statutory expenditures related to employer contributions to employee benefit plans.

These funds are in support of my office's mandate, which is carried out through our three core responsibilities.

The first is the protection of rights related to official languages, which includes investigations, audits and other compliance activi-

ties, as well as legal services. Planned spending in 2021 for this program is \$7.5 million, which represents 35% of the total budget.

Planned spending for the advancement of French and English in Canadian society in 2021 is \$7.1 million, which represents 33% of our total budget.

Planned spending for the internal services sector in 2019-20 is \$6.9 million, which represents 32% of our total budget.

OCOL's funding does not generally fluctuate greatly from one fiscal year to the next. There was a slight decrease of \$0.2 million to the 2021 main estimates compared to last year. This variance is attributable to increased funding received in 2019-20 for the renewal of collective agreements and the use of frozen allotments created over the last years for these collective agreements.

Although OCOL has not received additional funding as part of Canada's COVID-19 emergency response measures, our 2020-21 budget has been impacted by COVID-19. That is, following parliamentary delays related to COVID-19, OCOL, like all other government organizations, has only received 75% of its full supply. We expect to receive full supply for the 2020-21 main estimates in December 2020.

• (1125)

[Translation]

As you know, new funding isn't provided for ongoing programs. However, one of the major challenges that we continue to face as an organization concerns the number of complaints received. Complaints have been on the rise since 2012. We've gone from about 400 to 500 complaints to over 1,300. This affects our ability to conduct audits and studies, to follow up on our investigation recommendations, and to liaise with communities and departments.

As a result, and because we're committed to using public funds with the utmost integrity, we've developed a culture of continuous improvement. Some measures have already been put in place, such as continued investment in information technology management to optimize business processes. These investments have helped us maintain business continuity throughout the COVID-19 pandemic.

That said, if our budget were increased, we would certainly be able to conduct more research, studies and audits. These activities are often set aside, especially if we need to allocate our resources towards addressing complaints and conducting follow-ups to complaint investigations.

[English]

Thank you for your attention. If you have any questions, please feel free to ask them in the official language of your choice, and I'll be happy to answer them.

[Translation]

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

We'll move on to the questions.

The next six minutes are reserved for Mr. Blaney and Mr. Dalton.

Mr. Blaney, the floor is yours.

**Hon. Steven Blaney (Bellechasse—Les Etchemins—Lévis, CPC):** Mr. Chair, I'll start by welcoming our Commissioner of Official Languages.

Mr. Thériège, welcome to the virtual meeting of the Standing Committee on Official Languages. You're always welcome to meet with the committee, either in person or virtually, as is the case today. You can count on us.

I want to thank you for your presentation. I hadn't planned to start with the last budget issue that you raised, but I'll take note of it.

To sum up what I've just heard, you're sounding the alarm. You're saying that you've done your job with regard to the modernization of the Official Languages Act and that the committee has done its job. I have a letter here from the Fédération des communautés francophones et acadienne du Canada, or FCFA, urging us to proceed with the modernization of the act.

You said that you asked the Prime Minister to address the modernization issue and stressed the critical need to modernize the Official Languages Act.

What did the Prime Minister say?

**Mr. Raymond Thériège:** The Prime Minister didn't respond to the recommendation.

However, we had discussions with other parliamentarians. As you know, the Speech from the Throne refers to strengthening official languages in Canada and the significance of official languages as languages of national conversation. Unfortunately, so far, there hasn't been any follow-up to these statements in the Speech from the Throne.

As you rightly pointed out, the parliamentary committees and associations have done their job. Last year, the federal government conducted a nation-wide consultation. At this point, we must take action. I and a great many stakeholders are waiting for information on when we'll have a bill and on whether parliamentarians will have a time frame for proposing a bill. We're also waiting for a signal from the government regarding the next steps.

Our analysis of the current legislation clearly shows shortcomings. If we don't address these shortcomings and conduct an extensive review of the legislation, we'll end up in the same situation in one, two or three years. Too often, the commissioner comes to the committee with the same questions and issues. It's time to take action with a modernized act.

• (1130)

**Mr. Marc Dalton (Pitt Meadows—Maple Ridge, CPC):** Mr. Thériège, thank you for your presentation.

Last June, the Supreme Court of Canada awarded over \$7 million to the Conseil scolaire francophone de la Colombie Britannique. In his response, the Prime Minister seemed to blame the provincial government.

Was this a fair comment or a leadership role on the part of the federal government?

**Mr. Raymond Thériège:** I was very pleased with the Supreme Court's decision regarding French-language education in British Columbia. This case went on for several years and ultimately ended up before the Supreme Court of Canada. Of course, the outcome is good for the community. However, why did it take so many years to reach this decision?

The issue of French-language education in a minority community falls under provincial jurisdiction. At the same time, it's part of a federal program, the protocol for agreements for minority-language education and second-language instruction. We should note that it took a long time to address the issue. We must realize that losing a generation of young people has a long-term impact on the development and vitality of the community.

I hope that, in the wake of the Supreme Court decision, all governments can take proactive steps to meet the needs and requirements of official language minority communities.

**Hon. Steven Blaney:** We have less than a minute left, Mr. Thériège.

You said that the federal government wasn't doing enough to promote both official languages at the national level. At the same time, you referred to the Speech from the Throne, which states that the federal government must also fulfill the responsibility to promote French not only outside Quebec, but also within Quebec.

What do you think of this statement?

Would you be ready to fulfill the responsibility to protect and promote the French language in Quebec?

**The Chair:** Mr. Thériège, time is running out. You have five seconds to answer this question.

**Mr. Raymond Thériège:** The Speech from the Throne refers to the significance of the status of French in Canada. We must take a serious look at this issue.

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

**The Clerk:** Mr. Thériège, could you select the French channel so that we can properly interpret what you're saying?

**Mr. Raymond Thériège:** Okay.

• (1135)

**The Chair:** Thank you.

We'll continue.

Ms. Lattanzio, you have the floor for the next six minutes.

**Ms. Patricia Lattanzio (Saint-Léonard—Saint-Michel, Lib.):** Thank you, Mr. Chair.

Good morning, everyone.

[English]

Thank you so much, Mr. Théberge, for being among us this morning.

I've read with great interest your various reports, and of course the annual report, and took great interest in the one on the impact of emergency situations on official languages.

In my questions, I'd like to delve into that particular topic, because there is also a motion that this committee has presented with regard to the effects on the minority language communities vis-à-vis the services received during the pandemic.

Many studies in Canada and elsewhere have looked at language barriers that make it impossible for citizens to communicate with health care professionals in their own language. These studies demonstrate the importance of considering the impact of language barriers on the quality of health care services for language minority communities, and this situation is even more daunting during a pandemic.

We know that health is an area of jurisdiction that is primarily the responsibility of the provinces and territories. Can you tell us whether or not you have worked with the provincial and territorial language commissioners to ensure that their respective governments communicate as effectively as possible with Canadians in minority communities? If so, what were the results, and what else needs to be done in that regard?

Thank you.

**Mr. Raymond Théberge:** Thank you very much.

What we have done so far with respect to that is that I've had several conversations with my colleagues, namely from New Brunswick and Ontario, where they have commissioners—

**Ms. Patricia Lattanzio:** I'm sorry, Mr. Chairman, but I can't hear the commissioner. I have background noises with children. I'm not sure if I'm the only one.

[Translation]

**The Chair:** Keep going, Mr. Théberge.

We'll look into this matter at the same time, Ms. Lattanzio.

[English]

**Mr. Raymond Théberge:** To get back to the question, as you mentioned, health is a provincial jurisdiction. However, in the report that we issued on security and official languages in emergency situations, we did consult Canadians, and they did indicate to us that it was extremely important that they receive communications in both official languages irrespective of the level of government.

Actually, for many Canadians, it's really hard to distinguish which level of government should be providing services. At the end of the day, what's important for them is that they receive that information in both official languages, be it from paramedics or from governments.

There is an issue in many provinces around the capacity to provide the information in both official languages, so what we did propose in our report is that the various levels of government work to-

gether using the expertise that the federal government definitely has in using both languages in these kinds of situations.

The work has to move forward. We will have a lot of work with respect to how we coordinate the work between various levels of government.

**Ms. Patricia Lattanzio:** Thank you.

I have a follow-up question.

In your report, you also mentioned the signing of the most recent protocol for agreements for minority-language education and second-language instruction, 2019-23. How important is the signing of that protocol? Being from Quebec, I can't help but ask this question: To your knowledge, what were the reasons given by the Government of Quebec for not signing such a protocol?

Thank you.

**Mr. Raymond Théberge:** I think it's always important, when funds are transferred from one level of government to another, to ensure that, with respect to transparency and accountability, we have a clear idea of where the funds are going. We have no indication as to why the Province of Quebec did not sign this agreement. However, it's important that, moving forward, we have clear criteria for transparency, to ensure that the resources that are spent meet the objectives they were meant to meet.

• (1140)

**Ms. Patricia Lattanzio:** What would be the deadline? Is Quebec still in a position to be able to sign on? What is the deadline to be able to sign on to this protocol?

**The Chair:** You have 15 seconds, please, Mr. Théberge.

**Mr. Raymond Théberge:** I'm not aware of any particular date. I would suspect that one can always sign an agreement.

[Translation]

**The Chair:** Thank you.

Mr. Théberge, I want to let you know that your system may not be up to date. When you respond in French, you must click on “French” at the bottom for interpretation purposes. When you speak in English, you must select the English channel.

The same goes for you, Ms. Lattanzio. The next time you speak, please select the proper channel.

I'll now give the floor to Mr. Beaulieu for six minutes.

**Mr. Mario Beaulieu (La Pointe-de-l'Île, BQ):** Commissioner, thank you very much for your presentation.

I will first make a brief comment. For 51 years, we have been seeing that the situation has remained very problematic. The rate of language transfer of francophones toward English is constantly increasing. You are sounding the alarm. The language development model the Official Languages Act is based on should be reviewed. There is currently something of a blind spot in the Official Languages Act—in other words, official language minorities are handled by province.

So, in Quebec, anglophone communities are considered a minority, and the situation of French is not taken into account. Mr. Blaney talked about this earlier. In the Speech from the Throne, there seems to be developing awareness of this. In Quebec, French is in decline, English is advancing, and anglophone institutions are overfunded.

Should we take into account that factor in the modernization of the Official Languages Act?

**Mr. Raymond Th  berge:** Mr. Beaulieu, thank you for your comment and for this very relevant question.

Reference was made in the Speech from the Throne to the state of French nationally. It was said that there were eight million francophones in a sea of 350 million anglophones. We can agree on the fact that French is nevertheless immersed in that sea.

We are talking about strengthening the Official Languages Act and the French fact in Canada. That is sort of how I understand the Speech from the Throne, but I have not received much more information since it was delivered.

One thing is clear: the current social contract established through the Official Languages Act is an agreement between two majorities, and it was very well worded in 1969. The legislation talked about those two majorities—an anglophone majority and a francophone majority. At the time, there was agreement that official language minority communities would be respected.

The remarks in the Speech from the Throne do lead to some thought on how to strengthen official languages in Canada and support French in the context of its minority status across North America.

**Mr. Mario Beaulieu:** That's it.

That connection is basically made in the Speech from the Throne. The eight million francophones include those in Quebec. As for anglophones in Quebec, even the UN does not recognize them as a minority because they are part of the English Canadian majority.

As for the pact, I would say that there was really no agreement because we were imposed a Constitution no Quebec government has signed. That Constitution really weakened our Charter of the French Language and the Language Act. We will surely have time to talk about this again.

You make three key conclusions in your report. The third is that the government is not sufficiently promoting both official languages nationally. What do you think more promotion of both official languages would mean for Quebec?

• (1145)

**Mr. Raymond Th  berge:** When I speak of the two official languages, I am also alluding to the concept of linguistic duality. When I talk about that linguistic duality, I'm also referring to those two majorities.

For a few years now, I have been noticing less and less communication and understanding between those two majorities. It is important to understand what Canadian duality is. After all, that is one of the foundations of our language regime.

Although it does have a small promotion budget, the commissioner's office will never be able to implement the types of programs needed to educate all Canadians about the importance and the impact of linguistic duality on the Canadian federation.

**Mr. Mario Beaulieu:** That's excellent.

I was talking about language development models. In short, there are two main development models. Some are more based on the collective rights and territorialities model, and others on institutional bilingualism and transportable individual rights, like the Canadian model.

We see across the world that the model focusing more on institutional bilingualism that is not territorial always leads to minority language assimilation. That is what we are seeing in Canada.

You were talking about a language concern. There are fewer and fewer francophones, so it is increasingly difficult to create an environment to promote the use of French.

What are the francophones in Quebec complaining about?

**The Chair:** Mr. Beaulieu, I apologize.

The commissioner will not be able to answer, as your time is up. You could come back to this in the next round.

It is now Ms. Ashton's turn for the next six minutes.

**Ms. Niki Ashton (Churchill—Keewatinook Aski, NDP):** Thank you very much.

Mr. Th  berge, thank you very much for your work and for your presentation today.

Your last report outlines a number of alarming findings, especially in terms of communication in emergency situations within the government. You said in a press conference that, with modernized legislation, this type of problem would not have occurred.

What specific reform should the government integrate into its bill on modernizing the Official Languages Act, so that all Canadians can be protected in a crisis situation?

**Mr. Raymond Th  berge:** Thank you for that question.

I won't speak at length on the modernization of the act. However, to answer your specific question, two parts of the act are very affected. The first is part IV, which concerns communication with the public and service delivery in both official languages. Second is part V, which concerns the language of work.

In the modernization, we are proposing to review part IV to use more specific wording and have regulations for the concept of active offer. Active offer consists in deliberately beginning a conversation or an exchange with a signal indicating that we are ready to respond to the public in the language of their choice. For that to happen, we must have a public service with the bilingual capacity and staff needed to meet those demands. So consistency must be achieved between part IV and part V of the act. The two parts are currently not really aligned.



When it comes to emergency communication, it is clear that it's not a matter of simply wondering what should be done, but what must be done.

To do so, we must implement the necessary mechanisms and procedures to give ourselves the bilingual capacity to respond in emergency situations. For the time being, some changes could be made on an ad hoc basis, but ideally, the entire act would be reviewed with special attention paid to part IV and part V.

• (1150)

**Ms. Niki Ashton:** Thank you very much. You are communicating your messages very clearly.

Recent cuts by the Government of Alberta will have a significant impact on the Campus Saint-Jean activities. This is not unlike the debate surrounding the Université de l'Ontario français in Toronto and the federal government's role in promoting education in the language of the minority community.

Could modernized legislation with language clauses to promote education in French for official language minority communities help avoid those kinds of cuts and promote French learning?

**Mr. Raymond Thériège:** Campus Saint-Jean in Alberta is an example of how important institutions are to ensuring the vitality of our official language minority communities.

When it comes to the Official Languages Act, and to the development and vitality of our communities, positive measures are often brought up. Reference is made to part VII of the act, which has no regulations. So it is important to add regulations through the modernization process. Those regulations could contain a preamble on the objective of part VII, and they could better define what positive measures are.

For example, key federal institutions could be identified based on their impact on community development. We could have a government-wide plan. Another thing that must absolutely be implemented is a mechanism for consulting official language minority communities.

As for Campus Saint-Jean specifically, we have recently heard that there was openness on the federal government's side. However, we must ensure to protect our institutions because they are the ones that ensure the sustainability of our communities.

**Ms. Niki Ashton:** We know that the Liberal government has long promised to create child care spaces for Canadian families without ever honouring its commitments. As commissioner, do you see a role the federal government could play to promote early childhood education in the minority language?

What impact could modernized legislation with language clauses have on the reaching of that objective?

**Mr. Raymond Thériège:** An important vector in the development of our communities is in fact the education continuum. When I say the education continuum, I am talking about education from early childhood to the post-secondary level. Each point of entry is an opportunity to support the development of those communities.

Indeed, when we talk about part VII of the act, that is the legislator's responsibility. However, in a regulatory framework, there

could certainly be elements that would specify what development vectors should be supported. For the time being and especially following the Gascon ruling, the interpretation of part VII is limited.

[*English*]

**The Chair:** Thank you so much, Mr. Thériège.

Now let's go to the second round, for five minutes. We have Mr. Gagné and Mr. Mazier.

[*Translation*]

Mr. Gagné, go ahead.

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

Good morning, Mr. Thériège.

I am happy to see you again.

• (1155)

As you said in the beginning, there are older ones and younger ones. I was even on the committee before you, with my friend Mr. Arseneault.

Earlier, you talked about the official languages maturity model concerning the assessment of federal organizations. That piqued my curiosity. If I have understood correctly, you talked about an innovative model to carry out the assessment. I would like you to tell me about that.

I hope there is a scale from -10 to 10, as many departments would get a mark of zero or even less, especially in terms of assessments and services provided to the entire Canadian population.

Can you elaborate on that?

**Mr. Raymond Thériège:** I can definitely talk to you about it.

The official languages maturity model is a self-diagnostic tool made available to federal institutions. We have noted that the vast majority of them were unaware of their strengths and weaknesses when it comes to integrating official languages into their activities. In other words, we very often receive complaints about institutions that react by implementing recommendations. Then, a bit later, the complaints start coming in again.

We think the problem has to do with the fact that those federal institutions have been unable to integrate official languages into their organization's process in terms of financial services, communications, human resources, and so on.

This tool actually enables federal institutions to self-diagnose to determine where they rank on a scale of 1 to 5. Very often, when things are going well, it is mostly due to a champion within the institution. If that person leaves, there is suddenly a void, there is no documentation and nothing official.

It is shocking that, after 50 years, we are still in this situation where everything depends on individuals and not on formal mechanisms and structures within organizations. The maturity model is a tool to help federal institutions better understand their situation and come up with a game plan.

**Mr. Bernard Généreux:** If I may, I will ask my question quickly, as I would like to comment briefly again after Ms. Saykaley.

You also talked about the rising number of complaints. In the past, there were many complaints about Air Canada and airline services. Air Canada has lost 95% of its sales or clientele over the past eight months.

What are those specific complaints you are referring to about?

**Mr. Raymond Thériège:** Of course, people are travelling a bit less this year.

We are seeing an increase in complaints related to communications with respect to COVID-19 and the language of work. Those are the two areas where complaints are increasing.

Although the travelling public is less affected, there were shortcomings in terms of information dissemination in both official languages when Canadians returned to the country in March and April.

**Mr. Bernard Généreux:** Okay.

Mr. Dubourg, is my time up?

**The Chair:** You have another minute left.

**Mr. Bernard Généreux:** That's great. I thought my time was shared.

Mr. Thériège, allow me to come back to the complaints related to various services, which you touched on earlier. We have heard many horror stories since spring, as many people were unable to communicate in the language of their choice in their work space.

We are all working with the Zoom platform and can all testify to what kind of a challenge that can represent. But I think it is possible to meet the challenge.

What I find encouraging is that, if there is an increase in complaints, especially about the language of work, it means that Canadian public workers are not hesitant to denounce those troubling situations.

Is that right?

**The Chair:** Mr. Thériège, please answer in 10 seconds.

**Mr. Raymond Thériège:** I would say that Canadians are very aware of their language rights and, given that awareness, they are taking action.

**The Chair:** Thank you.

Mrs. Lalonde, it is your turn for five minutes.

**Mrs. Marie-France Lalonde (Orléans, Lib.):** Thank you, Mr. Dubourg.

Mr. Thériège, it's a pleasure to see you today. Although I am new to the committee, we did have the opportunity to meet in my previous life.

Thank you very much for your report. In it, you say about 100 official languages complaints came in related to the pandemic. A total of 72 were deemed admissible and are being investigated.

Can you give us an update on where the investigations stand?

• (1200)

**Mr. Raymond Thériège:** As you mentioned, we received 100 or so complaints, and a certain number were deemed admissible. They are all at different stages of the process. It is always hard to say when a complaint will be resolved; the timing of the preliminary report, the final report and so on is hard to predict.

Since the investigations are under way, they are confidential, so I can't say much right now. I can tell you, though, that things are advancing. It is worth noting that a considerable number of the complaints pertain to one issue, in particular. Once again, that shows the government does not necessarily have the right tools to address the needs of Canadians in both official languages in an emergency.

**Mrs. Marie-France Lalonde:** Unfortunately, the pandemic rages on. A number of provinces are seeing a major increase in cases, much to the dismay of all Canadians.

Do you expect more complaints to come in?

**Mr. Raymond Thériège:** We will undoubtedly receive more. When the pandemic was declared, we were quick to reach out to all the deputy ministers and organization heads to impress upon them the importance of meeting their official languages obligations. From the outset, we approached certain institutions directly, and as a result, they changed their practices straightaway. They are now holding bilingual press conferences and making sure to communicate with employees in both official languages. Since the pandemic began, we have seen improvements.

As you can see, the beginning of the pandemic brought a spike in complaints, much like the spike in cases. Now, however, the curve is flattening. My sense is that complaints will keep coming in because of the many deficiencies.

**Mrs. Marie-France Lalonde:** Unfortunately, no one knows what tomorrow will bring.

Air Canada came up. I'd like to discuss your report and the complaints regarding the lack of French-language services at Canada's international airports and border crossings, especially for Canadians returning from abroad during the COVID-19 pandemic. You highlight similar problems in your 2019-2020 annual report.

Can you tell us more about the problems Canadians encounter at border crossings and international airports when they can't communicate with federal employees in the official language of their choice during this pandemic?

**Mr. Raymond Th  berge:** When a traveller arrives from abroad, they obviously have to self-isolate for 14 days. Providing people with the information in only one official language can cause problems. Let's be clear, an individual can say they are bilingual, but not everyone's bilingual skills are equal; a person is always better in one language than the other. In stressful situations, people tend to use their mother tongue. If a traveller arriving at the airport can't receive the information in their language, that's a problem. A protocol is supposed to be in place to assist the traveller, but it is often not followed.

The Canadian Air Transport Security Agency and the Canada Border Services Agency—

• (1205)

**The Chair:** Sorry, Mr. Th  berge, but the member is out of time. Perhaps you can finish your answer later.

Pursuant to the routine motion adopted by the committee, I will now turn the floor over to Mr. Beaulieu for two and a half minutes.

**Mr. Mario Beaulieu:** Thank you.

Quebec is the only place where allophone newcomers can be immersed in the French language as they integrate into society, but official language transfers disproportionately favour English, thereby threatening the French language in Quebec. To accomplish its goal, Quebec endeavours to make French the common language. When newcomers see that French is the common language in Quebec, where the rights of the English-speaking minority are nevertheless respected, they tend to adopt the use of French and integrate into Quebec society. Then you have the federal government telling them that French is not the official language, that it is the language of their choice. Naturally, newcomers will be inclined to choose the language spoken by the majority of Canadians and North Americans: English.

What are your thoughts on that?

**Mr. Raymond Th  berge:** It's certainly a thought-provoking question.

Canada still has two official languages, the two languages in which its national conversation is conducted. Unless I'm mistaken, people have to speak one official language or the other to immigrate to Canada, so it is up to them to choose which one. That's how it works under the current system. Obviously, some of your observations would come into play if there were talk of changing the official languages regime.

Francophone immigration outside Quebec is without question crucial to the survival of those French-speaking communities. Even though the number of French speakers is on the rise, as the numbers show, the francophone share of the population continues to decline.

**Mr. Mario Beaulieu:** That's right. Taking in more immigrants who choose to live in English does nothing to help the situation, in the end.

I have one last quick question—

**The Chair:** Sorry to cut you off, Mr. Beaulieu, but your two and a half minutes are up.

It is now Ms. Ashton's turn for two and a half minutes.

**Ms. Niki Ashton:** Thank you, Mr. Chair.

Mr. Th  berge, according to the federal government's open data portal, your office had standing offers for translation services with 17 firms in 2020. One of your recommendations was to establish a central translation service for emergency or crisis situations.

Would that give the commissioner's office and the entire government access to a public translation service at all times?

**Mr. Raymond Th  berge:** The government has the translation bureau, but it's an organization that must—

**Mr. Mario Beaulieu:** That was my second question.

**Mr. Raymond Th  berge:** The translation bureau operates on a cost recovery basis. Some federal institutions rely on outside firms for translation.

We recommended that the translation bureau provide expedited translation services in emergencies. I feel strongly that the translation bureau should have the resources it needs to do its job.

**Ms. Niki Ashton:** My next question is about complaints. Once you receive a complaint and you open a file, how many days does it take before you launch an investigation?

**Mr. Raymond Th  berge:** It varies enormously, depending on the analysis we have to do of the admissibility of each complaint. Some complaints are dealt with almost immediately, while others even require a legal opinion to determine whether they are admissible. It varies, but typically we are able to advise complainants fairly quickly that their complaint is admissible.

• (1210)

**Ms. Niki Ashton:** Can you tell us if it takes longer now than it did last year? The oldest complaint is still ongoing at the Office of the Commissioner. Can you tell us how long ago it was submitted?

**Mr. Raymond Th  berge:** I will ask Ms. Saikaley to tell us which is the oldest. I don't know that specific complaint. I imagine it is a complaint.

**The Chair:** Thank you, Mr. Th  berge.

Ms. Saikaley can respond a little later.

We now go to the final round.

Mr. Blaney, you have the floor for five minutes.

**Hon. Steven Blaney:** Thank you, Mr. Chair.

Commissioner Th  berge, pandemics and official languages do not mix well. As you said, the pandemic has exacerbated the chronic issues that already existed.

You mentioned 72 complaints deemed admissible. The chief public health officer has held news conferences in French only. You mentioned news releases and communications that were in English only. You said that this is not the first time the French language in this country has been trampled on in an emergency situation.

The pandemic is affecting seniors, who are more vulnerable and less bilingual. They are therefore doubly penalized, as you rightly pointed out. You have stood up for them, and I commend you for that.

Having said that, have you seen any improvements during the pandemic we are currently experiencing? You are suggesting measures to be put in place. Could you tell me how we might learn from the unfortunate situation we are in right now?

**Mr. Raymond Th  berge:** As I mentioned earlier, we stepped in to work with some institutions from the outset and we are seeing some improvement. However, we currently don't have the structures we need in place to prevent this kind of situation from reoccurring. Emergency preparedness organizations are not ready. Structures and processes need to be put in place to improve the bilingual capacity of these institutions right now.

The same types of incidents have been reoccurring for 10 years. It's important that employees of federal institutions particularly affected by emergencies—Environment and Climate Change Canada, Public Safety Canada or others—are equipped to respond to emergency requests. It's too late to learn French when you are in an emergency situation. The big issue is lack of preparedness.

**Hon. Steven Blaney:** All right, thank you.

I would like to share my time with Mr. Mazier, Mr. Chair.

**The Chair:** Yes, gladly.

Mr. Mazier, you have the floor. Please unmute your mic.

[*English*]

**Mr. Dan Mazier (Dauphin—Swan River—Neepawa, CPC):** Thank you, Mr. Chairman.

Thank you, Commissioner.

There's good information here. I see you have five regional offices. Whereabouts are they in the country?

I'm phoning from Manitoba. Dauphin—Swan River—Neepawa is the riding, straight north of Brandon. How do you communicate with these rural communities that are basically isolated—Saint-Lazare, Ste. Rose—in emergency situations, and just day to day? Do you offer any services out of those regional offices so that communities can interact and build more awareness, not only for the French communities that are there, but also to help the English communities support those communities that are out in the isolated areas?

**Mr. Raymond Th  berge:** Yes. Actually, I'm currently sitting in Winnipeg, so I know Manitoba really well, just to let you know.

Our regional offices offer a number of official-languages services in the northern communities in the provinces, whether it's in Manitoba, Saskatchewan, Alberta, or British Columbia. We have offices in Moncton, Montreal, Toronto, Winnipeg, Edmonton; and we also have branch offices in Vancouver, Sudbury, and Toronto.

We also work, for example, with federal institutions that are local, provincial, that are situated in the province, and we help bring them together with the community to have a better kind of interaction. For example, we try to encourage border services to communi-

cate with the official-languages community, to try to have access to bilingual staff. We do a lot of presentations in schools—not only French schools, but also French immersion schools—to explain, to promote official languages. We work closely with federal institutions to be able to meet the needs of, for example, those rural communities that you talk about, whether it's Saint-Lazare or Ste. Rose, whatever the case may be.

• (1215)

**Mr. Dan Mazier:** As a follow-up, can we get a report on what schools you're actually going to, and who is taking that information up?

**Mr. Raymond Th  berge:** Sure. We're not doing a lot of schools right now, but we can give you some past records.

[*Translation*]

**Hon. Steven Blaney:** Mr. Commissioner, thank you very much for appearing today; we very much appreciate it.

What I'm getting from all this is that it is urgent to modernize the Official Languages Act. As you said, it's important to reverse the trend in order to support linguistic minority communities.

**The Chair:** I now give the floor to Mr. Arseneault for the next five minutes.

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

We heard some very interesting questions and answers from my colleague and our beloved Commissioner.

Mr. Commissioner, I am going to jump back into the modernization of the Act. I have only five minutes to do so.

In your report, you identified three priority areas that you believe are important. You also provided us with a summary of your 18 recommendations, which we have all read. My question will focus on the third priority area and the fact that you believe the Commissioner should have more enforcement powers to improve compliance. We know your position. However, sometimes, as time goes by, our positions evolve. Your comment on the third priority area contrasts with the comment we received from the Commissioner of Official Languages of New Brunswick, Michel Carrier, and the Commissioner of Official Languages of Ontario, Fran  ois Boileau, who came here and told us quite the opposite. Their position was to try to be as non-restrictive as possible, but certainly as precise as possible with respect to Official Languages Act enforcement parameters.

I would like to hear your comments on that.

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

The compliance mechanism is part of the third pillar of a strict law. Since our office was created, we have received 54,000 complaints, and we have dealt with them with varying degrees of success. When it comes to compliance mechanisms, it's important to remember that the Commissioner has mostly investigative powers, and quite broad ones at that. The Commissioner even has the power to issue subpoenas. However, at the end of the day, the Commissioner only has the power to recommend. So, even though 80% of recommendations are acted upon, we see that institutional behaviours are not shifting.

Sometimes, we need to consider introducing compliance mechanisms. We have suggested enforceable agreements. We have talked about monetary penalties. However, there are many other possibilities that legislators might consider. I think we are at a point where we have to seriously question how effective the Act is.

**Mr. René Arseneault:** Mr. Commissioner, on that subject, I refer you to the testimony we heard from the first Welsh Language Commissioner in Wales. She was in the final year of her seven-year term, as I recall. I believe you heard her testimony. She was talking about their way of doing things, having been around for so few years compared to us in Canada. She was talking about how, in a coercive and a little more subtle way, she could arrange to get non-compliant institutions to obey the law.

What is your position on the way things are done in Wales?

**Mr. Raymond Thériège:** According to Commissioner Huws, Wales has a somewhat hybrid model that allowed her to act both as ombudsman and commissioner, with all the powers that go with it. It's important to always distinguish between the role of an ombudsman and that of a commissioner, who must remain independent and impartial. Therefore, any proposed mechanism must take these factors into account and ensure that it truly meets the needs of the complainants. Most complainants expect us to deal with their complaint and acknowledge that harm has been done.

However, for institutions that are often uncooperative, we must find ways, through agreements or otherwise, to ensure better compliance from them. In this regard, legislators have many tools at their disposal. We have been talking about this legislation for 51 years. It's therefore important to think about what to do.

I believe the various reports mention different compliance mechanisms that need to be considered. We need legislation with some powers.

• (1220)

**Mr. René Arseneault:** Mr. Chair, my thanks to the Commissioner.

**The Chair:** We have just been discussing the Commissioner's annual report. In the second part, we will discuss the main estimates 2020-21.

Since it is already 12:21 p.m. and we have some time constraints, I propose that we begin the first round of six minutes each for this first part, because at the end of the meeting, we will also have to vote to adopt the report and the estimates so we can send them back to the House of Commons.

The first round of six minutes is reserved for Mr. Généreux and Mr. Mazier.

Mr. Généreux, you have the floor.

**Mr. Bernard Généreux:** Mr. Chair, Mr. Arseneault referred to the law and to the commissioner for Wales, whose testimony quite impressed us at the time.

Mr. Commissioner, as you know, I have always been vehemently opposed to imposing any kind of sanction, and through any kind of court.

On the other hand, even within the federal government, I see more and more public servants receiving bonuses or financial benefits because they achieve a fairly high bilingualism rating.

This brings me to your maturity model. Is there a potential mechanism to ensure that, in a department where your maturity or self-assessment model is not being valued, some form of constraint or restriction can be imposed on some of the benefits that people with a certain pay scale or certain bonuses have for a service they're required to provide but may not be providing in many cases?

Could there be a cause-and-effect link?

**Mr. Raymond Thériège:** That would be quite difficult to achieve using a maturity model that does not look at individuals, but at systems and disciplines within an organization. It looks at human resources departments, for example.

We have not thought about that, but I cannot see how that kind of model could lead to that type of conclusion. Above all, the model must lead to changes in organizational culture to ensure that the necessary structures are in place to comply with the Official Languages Act. Official languages must be integrated.

We often talk about an official languages lens. Too often, that is missing in federal institutions. The maturity model is one way to provide that lens, but I don't believe the objective or goal of the OLMM, as we call it, is to crack down on public servants.

**Mr. Bernard Généreux:** The acronym OLMM stands for official languages maturity model, isn't that right?

**Mr. Raymond Thériège:** Yes, that's correct.

• (1225)

**Mr. Bernard Généreux:** We will have to get used to that. Perhaps even our committee members should take the test. I think we would pass it, because honestly, we do interesting work here.

Mr. Commissioner, you talked about your financial needs earlier. I want to come back to that quickly. Have you assessed what you might need to be able to perform even more eloquently than you do now?

**Mr. Raymond Thériège:** We have not looked into that issue to date for the simple reason that we are sticking to our mandate. We have, however, begun to reflect on the impact of the increase in complaints.

As I mentioned in my opening remarks, if we spend more time on investigations, we will spend less time on monitoring, for example. Monitoring is an important part of our work. We must follow up on recommendations. There's no point making recommendations if we don't follow up on them. We are looking into that.

The other point I brought up involves studies and research. We recently published a document about official languages in emergency situations, and yesterday we released a report on section 91 and language requirements for positions. Since I took up my duties, I have noticed that we need a lot more information to better understand some of the things I believe we should look into. We are currently putting together a study on immigration for the coming year because we know very well how important immigration is.

We could establish a much larger research program to inform not only our thinking, but also the government's. A modernized Act could certainly have an impact on the operations of the Office of the Commissioner.

**Mr. Marc Dalton:** Thank you, Mr. Th  berge.

I would like to go back to Mr. Mazier's question to you.

You have five regional offices in Canada. The Edmonton office serves Alberta, British Columbia and the territories, and the Vancouver liaison office serves the entire population of 5 million people.

Do you feel that is enough to serve our population here in British Columbia?

**Mr. Raymond Th  berge:** Alberta and British Columbia are two provinces with a growing number of official language minority communities. Obviously, we would like to have more resources to serve very large territories, but we operate based on identified needs. We're able to meet the needs of the communities, but if, as a result of our analyses, we see that the needs are growing, we may have to allocate more resources to them.

Regional offices help promote and advance English and French in Canadian society. They play both a promotional and support role in the communities. Of course, the staff in these offices are extremely busy.

**The Chair:** Thank you, Mr. Th  berge.

I now give the floor to Ms. Lambropoulos for six minutes, please.

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

Mr. Th  berge, thank you for being here with this committee today to answer our questions.

[English]

I'm going to switch to English to ask my questions. They aren't necessarily on the estimates, but I'll try to link it back and see what you can tell me about what kinds of funding we can put in place to make sure you can do the job you need to do for both official-language minority communities.

My first question comes from an English-speaking group in Quebec. It had a question about the summary you provided of your offi-

cial-languages summit, which was held last November to celebrate 50 years of the act. At this summit, there were discussions among young people, one of which caught the group's interest. People sometimes have an outdated view of official-language communities. For example, the economic status of English-speaking Quebecers is much lower than what is commonly held as a stereotype.

What do you think your office can do to dispel myths such as these, which make the English-speaking minority communities seem wealthier than they are and like the pampered minority?

• (1230)

**Mr. Raymond Th  berge:** That's an excellent question. We have data with respect to that question, and we have shared the data with a number of institutions.

I've met with many members of the English-speaking minority in Quebec, and there is an outdated perception of what the community is about. I've met researchers who deal with single-income families in NDG, for example, who basically do not at all look like what the perception is.

There's a lot of work that has to be done. I've met with various people. There is also the secretariat in Quebec City, which has some of that information. It is incumbent upon us to always clarify these points when we meet with institutions or groups, to make perfectly clear that the perception they have is very outdated. We have data to support that.

**Ms. Emmanuella Lambropoulos:** I think it's a dangerous perception, considering the talks in Quebec at the moment with regard to French in the workplace and all of that. We know that the English-speaking community has a much higher unemployment rate, because it's much more difficult to find work if you don't speak French completely fluently within the province of Quebec.

As much as we're talking about increasing the level of French across Canada and even in Quebec, I'd like to know in what ways you think we can do this without stepping on the rights of the minority community and while still protecting the rights that English-speaking Quebecers have.

**Mr. Raymond Th  berge:** When I look at the English-speaking minority in Quebec, what I see today is what I call "a young minority". It's a minority that does not have in place a lot of the social infrastructure that similar communities would have outside of Quebec. For example, youth organizations or the organizations dealing with seniors don't necessarily have the research capacity within these organizations to put forward their case. Actually, in the action plan until 2023, there are some dollars for the English-speaking minority in Quebec to develop that social infrastructure capacity, which is not there.

I think it's about maintaining institutions. We talk a lot about the institutions that they have. It's all about maintaining them to make sure that it's cultural, that it's educational, that it's about health. Those institutions have to be maintained. How do we do that? Obviously there's a role for various levels of government to do that. However, I think fundamentally we seem to be sometimes at odds with how we can best support the English-speaking minority in Quebec. It goes back to your first question. If we don't receive the problem in the right way, we can't come up with the right kinds of solutions.

**Ms. Emmanuella Lambropoulos:** I have another question along the same lines. We hear that the French language is declining in Quebec. I don't want to call it a myth; I'll give it the benefit of the doubt. I've heard that on several occasions. I have to see proof in order to believe that. We've seen on several occasions that people have this perception.

In your view, do you think that it is due to the workplace or to other issues, such as perhaps entertainment, perhaps the social aspect of things? What exactly do you think contributes to this decline of French in Quebec?

**Mr. Raymond Th  berge:** What I would say with respect to any language is that it's more than the workplace, more than the schools. You live your life in a linguistic environment. There are many factors that impact that linguistic environment. Which ones can you actually control, and which ones can you not control? I think we have to look at those factors that are having a significant impact on this question. I think we can look at... Whether it's French in Quebec or French in Manitoba, there are a lot of factors that have come into play, be they cultural or economic. It doesn't matter. There are a whole slew of factors that impact the evolution of language in society.

• (1235)

[Translation]

**The Chair:** Thank you, Mr. Th  berge.

Mr. Beaulieu, you now have the floor for the next six minutes.

**Mr. Mario Beaulieu:** Mr. Commissioner, you say that the perception of English speakers is outdated, but I disagree. We know that, in relation to their demographic weight, their institutions, whether primary or secondary schools, are overfunded. Funding for higher education is three times higher overall than the proportion of anglophones, while in the rest of Canada the opposite is true. Generally speaking, it is francophone institutions that are underfunded in relation to the demographic weight of francophones. It is among allophones who speak French only that the unemployment rate is the highest. They are the ones most penalized by the decline of French.

Currently, francophones in Quebec are considered a majority, which means that they are never consulted. All Quebec organizations that defend and promote French are excluded. They were also excluded from Ms. Joly's large consultation, except for Imp  ratif fran  ais because it was considered to be from Canada's capital region.

Don't you think that it would be a good idea to also consult researchers and groups that defend and promote French in Quebec?

**Mr. Raymond Th  berge:** I will refer to the comments that were made in the Speech from the Throne, which talks about the state of French in the Canadian context of North America. I think that the federal government's findings should lead to a reflection on what should be done to ensure the sustainability of French across the country. Of course, Quebec has already implemented in the province certain means to achieve this. I think the survival of French in Canada is paramount. During the Speech from the Throne, the question was raised as to what must be done to concretize what has been put forward.

**Mr. Mario Beaulieu:** These will be interesting discussions.

To get back to the budget, after 51 years, you're sounding the alarm. The problems are many. Demographically, things aren't going well either. Urgent action is needed. But your budget remains the same. Does that make sense to you?

If you want to change things, shouldn't you increase your budget?

If so, which areas would be the most appropriate for an increase?

**Mr. Raymond Th  berge:** With respect to the budget of the Office of the Commissioner, its mandate must be considered. As I said earlier, it would be interesting to have additional resources for research, studies and audits. However, the Office of the Commissioner remains a small organization. Our role is not to replace others. If there is a question of implementing a real promotion program, it isn't the Office of the Commissioner, with its few employees, that will be able to do it.

Too often, when we provide certain services, we are acting as a stand in for federal organizations, in my opinion. We give training on active offer and on how to run bilingual meetings. This should be part of the mandate of the School of Public Service. A promotional campaign should be the responsibility of federal institutions that have the means to carry it out. For us, we must remember what our mandate is and how best to fulfill it.

**Mr. Mario Beaulieu:** You say that \$7.5 million is allocated to investigations, audits and other compliance activities. Does this also include investigations involving more funds?

Special status is being sought in New Brunswick, for example. It is said that the principle of "where numbers warrant" limits services in French. Could this type of research be done or is it already being done?

• (1240)

**Mr. Raymond Th  berge:** Through the Compliance Assurance Branch, or CAB, we have done a lot of research on compliance. Since legal services are part of this budget, this branch has done a lot of legal research in several areas.

Promotion also includes the research and policy component. For instance, if we're dealing with an immigration or security issue, very often that's the branch that will take matters in hand. CAB's legal services often deal with section 91 files.

We also have access to specialists in law and other fields outside our office. If we had a larger research budget, we could do more research. The same is true for the research budget of members of Parliament. This wouldn't take away money or resources from investigations and audits.

**The Chair:** Thank you very much, Mr. Th  berge.

Thank you, Mr. Beaulieu.

The floor is now Ms. Ashton's for the next six minutes.

**Ms. Niki Ashton:** Thank you, Mr. Chair.

Mr. Commissioner, as part of the modernization of the Official Languages Act, can you tell us what additional powers you would need to ensure that the instructions you give are respected?

Please tell us what compliance and accountability mechanisms should be strengthened in the act to ensure that all federal institutions comply once and for all with their linguistic obligations.

**Mr. Raymond Th  berge:** Thank you for the question.

In our positioning document, we refer to two compliance mechanisms: administrative monetary penalties and binding agreements. These two mechanisms are complementary in some ways. We can certainly sign binding agreements and, if they aren't respected, we can impose administrative monetary penalties.

In terms of sanctions, we would like to create a program for linguistic duality. Funds would be allocated to this program to encourage research on linguistic duality or to promote it, whatever the case may be.

Of course, other mechanisms are available to Parliament but, for our part, we have noted these two compliance mechanisms in particular.

**Ms. Niki Ashton:** My next questions will be about complaints. Perhaps your colleague could answer them, if she's still available.

I would like to know the percentage of cases where the complaint processing times are not respected.

**Mr. Raymond Th  berge:** Can Ms. Saikaley answer that?

**Ms. Ghislaine Saikaley (Assistant Commissioner, Compliance Assurance Branch, Office of the Commissioner of Official Languages):** Yes.

Thank you for your question, but I was instead prepared to answer your first question.

**Ms. Niki Ashton:** As you wish. We're interested in the answers to both questions.

**Ms. Ghislaine Saikaley:** Okay.

Of the older files still under investigation, only two date back to 2017. These are extremely complex cases. We are doing our utmost to make progress on these files. There are also a number of files dating back to 2018. We still have about 30 cases under investigation. The other files are much more recent.

All files receive full attention from our staff. Complainants are always contacted promptly and kept informed of the progress of the investigation. There are many steps in an investigation and many are beyond our control. For example, when we request information

from federal institutions, unfortunately, it can take some time for them to respond satisfactorily to our investigations so that we can investigate all the issues.

I don't know if this answers your question. I don't have in front of me the percentage of files where the service standards we set for ourselves were met. It depends on the volume of complaints we receive. As Mr. Th  berge explained, in the last five years we have been receiving two to three times as many complaints. Obviously, the higher the volume of complaints, the less we are able to meet our service standards for complaint processing time.

• (1245)

**Ms. Niki Ashton:** Okay. It is concerning.

To date, how many complaints have not yet been assigned to investigators? Also, on average, how many complaints are assigned to an investigator from the Office of the Commissioner?

**Ms. Ghislaine Saikaley:** Complaints are quickly assigned. As Mr. Th  berge explained earlier, there is always an admissibility analysis stage. When we receive a complaint, we really have to do this analysis. Usually, it is done quickly. However, in some cases, we need to ask our legal services team for legal opinions, which can take a little longer.

Usually, the complaint is quickly assigned to an investigator, who will contact the parties, also as quickly as possible. A notice is sent to the institution involved, and the complainants are contacted. That's where the investigation begins. We can't necessarily say how long it will take, because it depends on the volume of requests and the complexity of the cases.

In terms of workload, it also varies greatly depending on the complexity of the files. Some investigators are assigned to certain institutions and portfolios. As a result, there may be a higher volume on this side. However, investigative strategies are developed to manage more files in a certain way.

It's difficult to answer this question, and I can't give you a specific number of cases per investigator, unfortunately.

**Ms. Niki Ashton:** I understand that you can't give a specific number, but do you have any idea which area receives the most complaints?

**Ms. Ghislaine Saikaley:** Certainly, the institutions that receive the most complaints are all the ones that deal directly with Canadians.

I think Mr. Th  berge mentioned earlier all the institutions that serve the travelling public. For instance, there's Air Canada, the Canada Border Services Agency, the Canadian Air Transport Security Authority and the airport authorities. These are the large institutions that we deal with the most in terms of the number of complaints received.



Still, we receive a wide range of complaints from a large number of federal institutions, but the main categories are those that deal with Canadians on a daily basis, such as the Canada Border Services Agency, but also the Canada Revenue Agency and Public Services and Procurement Canada, among others.

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

Thank you, Ms. Ashton.

We have one last round of questions. We'll give five minutes to Mr. Blaney, five minutes to Mr. Arseneault, two and a half minutes to Mr. Beaulieu, and two and a half minutes to Ms. Ashton. Then we will vote.

Mr. Blaney, you have the floor for five minutes.

**Hon. Steven Blaney:** Thank you, Mr. Chair.

I have a few questions for you, Mr. Commissioner.

You mentioned that your budget was already limited and that the pandemic had tripled the number of complaints you were receiving. Is your current budget preventing you from fully carrying out your mandate?

There is talk of a modernization that could lead to an expansion of your mandate. Do you have any expectations in this regard?

In light of this modernization and the discussion we've had today, I have one final question that relates to immigration. Do you track the number of immigrants who are not proficient in either official language? Is that a concern for you?

**Mr. Raymond Th  berge:** I believe that if modernization continues and becomes a reality, and if the recommendations I have made in this regard are taken into account, it will certainly create new needs within our organization. That's clear. In this context, a submission to Treasury Board will have to be prepared.

To answer your second question, as far as I know, we can't follow up with immigrants who are not learning either official language. When we deliver a bilingual message, we estimate 98% of Canadians understand it. That's the number we use.

• (1250)

**Mr. Marc Dalton:** Mr. Commissioner, I taught in public schools in British Columbia for many years. I remember the process parents had to go through every year to enrol their children in French immersion classes. They had to be at the school gate very early in the morning, or even spend the night outside the school, in order to enrol their children and secure their precious place in the program.

I was able to enrol one of my daughters, who was educated in French and subsequently completed a core French program at Simon Fraser University. My second daughter, on the other hand, was 42nd on the list, when only 40 spaces were available. So she wasn't able to take advantage of this program.

Do you think this situation is acceptable? What should be done?

Education is a provincial responsibility, but the federal government has responsibilities for the learning of both official languages and the preservation of French outside Quebec.

**Mr. Raymond Th  berge:** The situation you describe is not unusual. It is happening across Canada because of the popularity of immersion programs. Over the last five years, the number of students in immersion programs has increased by 20%. Last year, we began research into the shortage of teachers of French as a second language. We chose to do it in Vancouver because immersion is very popular there, as it is in British Columbia. In fact, it is popular across Canada. The teacher shortage is the first limitation.

Also, school boards very often try to limit enrolment. In some areas, lotteries are used to assign spaces. In my opinion, the federal government supports the teaching of French as a second language through the action plan for official languages. It has even provided funding to try to address the shortage of teachers, both of French as a second language and of French as a first language.

We must never forget the role of the provinces in education. It is extremely important. Every student must be able to receive provincially funded education. Any additional costs are often supported through education agreements. If we are not able to provide quality second-language training, it has an impact on the bilingualism rate. In fact, we can see that it has not increased much over the last seven or eight years. This is the challenge facing Canada. It makes it difficult to find bilingual personnel, whether in government, at Air Canada or anywhere else. The need for bilingual staff is phenomenal. For me, that's all about education. So we have to ask ourselves what is the best way to support second-language education.

My time is up, I think.

**The Chair:** Thank you, Commissioner.

Mr. Arseneault, you have the floor for five minutes.

**Mr. Ren   Arseneault:** Thank you, Mr. Chair.

Since the second hour was supposed to be devoted to the estimates, I'm going to ask questions on that. However, I am tempted to ask about the modernization of the Official Languages Act. I am going to let myself be tempted one last time.

Mr. Commissioner, can you tell us briefly what your priorities are in terms of positive measures? In concrete terms, what could be those positive measures you refer to?

**Mr. Raymond Th  berge:** Let me tell you about a case we have experienced previously. Let us take the example of an agreement in the media sector. We must ensure that this type of agreement takes into account the needs of the community. We must therefore consult with the community to determine what should be in the agreement in terms of support for the community. It could also be about immigration. Very specific points could be included to define how an immigration policy should go about promoting francophone immigration, for example. Things often happen a little randomly.

In light of the Gascon decision, which you are certainly very familiar with, since you are a lawyer, any measure can currently be seen as a positive measure in the context of Part VII of the Act. We really need to define very clearly and very precisely what it means for an institution to include positive measures for the community. In all of this, the missing link is often consultation with the community.

• (1255)

**Mr. René Arseneault:** Thank you very much.

I will go back to the estimates.

In your preamble, before you started answering all our questions, you talked about a total budget of \$21.5 million, which includes everything: salaries, activities, and so on. Just after that, you talked about funds being divided into three, including funds for the protection of official language rights. Is that part of the total budget?

**Mr. Raymond Thériège:** It's \$21.5 million for everything, including tax!

**Mr. René Arseneault:** Okay.

You specify the three areas to which these amounts are devoted in a proportion of about one-third each: the protection of official language rights, the advancement of English and French, and internal services. You say that, for the year 2020-2021, only 75% of the budget has been obtained because of the pandemic.

Is that correct?

**Mr. Raymond Thériège:** It was until now, but we will be receiving the remaining 25%.

**Mr. René Arseneault:** So you will make it through?

**Mr. Raymond Thériège:** We will!

**Mr. René Arseneault:** Let me ask you a hypothetical question. You are suggesting that we give more powers to administrative tribunals. Have you considered what the best possible budget could be to modernize the act in accordance with your recommendations?

**Mr. Raymond Thériège:** We have not allocated any amounts; nothing like that. It is very difficult to conceive of the needs of an organization, given the little information we have on future decisions. If I am told that my 18 recommendations will be implemented, I can work towards that. If there is a regulatory framework on active offer, if there is a regulation on Part V or a regulatory framework for Part VII, it is clear that this will add tasks, but it is too early to predict those things.

**Mr. René Arseneault:** Okay.

I see I have about 30 seconds left.

If you had a recommendation to make for this year or on the budget that will be adopted later, what would it be? It's a hypothetical question, since we are still in a pandemic.

**Mr. Raymond Thériège:** In my opinion, we should have the opportunity to review our activities and submit any given project to Treasury Board, for example. I am not talking about funding for current programs; I am talking about funding for new programs. I think we need to think about that.

**Mr. René Arseneault:** Thank you very much.

**The Chair:** We will go to Mr. Beaulieu for two and a half minutes.

**Mr. Mario Beaulieu:** It is indeed difficult to limit the discussion to the budget.

Mr. Commissioner, you say that the planned spending for the advancement of English and French for 2020-2021 is \$7.1 million, 33% of the total budget. Does this amount include activities to promote the official languages? Can you give us some examples and tell us what it would mean in Quebec?

• (1300)

**Mr. Raymond Thériège:** In concrete terms, the regional offices do the promotion in schools and federal institutions. Staff from our Montreal office give presentations in anglophone and immersion schools. They also work with the Quebec Federal Council. They travel to various regions of Quebec, to the remote communities in the north, for example. Those sorts of promotional activities happen in every province, whether in Manitoba, Saskatchewan or anywhere else.

We are trying to reframe the promotion so that we can speak more to the majority. We used to talk about promoting linguistic duality, but now it is important to address both majorities and minorities. We often talk among ourselves, but it is important to talk to others as well.

We also have research projects, specifically on immigration and on section 91. Those sorts of promotional activities bring up issues or themes that we can shed light on or pay special attention to. In the past, we had promotional items, booths at conferences, for example, with a view to better promoting linguistic duality.

**Mr. Mario Beaulieu:** Basically, in Quebec, you mostly promote more services in English.

**The Chair:** Mr. Beaulieu has only 15 seconds left.

Mr. Commissioner, I'm asking for a short answer, please.

**Mr. Raymond Thériège:** We promote the official languages and linguistic duality.

**The Chair:** Thank you very much for your co-operation.

Ms. Ashton, you have the opportunity to ask Mr. Thériège the final questions.

You have two and a half minutes.

**Ms. Niki Ashton:** Mr. Commissioner, the Fédération des communautés francophones et acadienne du Canada has published a series of recommendations, and we would like to focus on one of them, which we have addressed today. The lack of a central agency within the government to enforce the Official Languages Act enables the various departments to pass off the responsibility to each other.

Who do you think should ultimately be responsible for applying the act?

**Mr. Raymond Th  berge:** We are very conscious of the fact that the governance of the Official Languages Act is shared within the federal government. Parts IV, V and VI are primarily the responsibility of the Treasury Board. Part VII falls under the Department of Canadian Heritage, but that is mainly about coordination.

As to where the best place is, some questions need to be answered first. Clearly, there is a need for a central agency. Is it Treasury Board or the Privy Council? That kind of thinking needs to continue.

In 2003, there was a minister responsible for official languages, the Honourable St  phane Dion. He was supported by a committee of deputy ministers to make sure that the Official Languages Act was implemented.

The concept of shared responsibility does not work very well within the government. It is therefore important to clearly define the roles and responsibilities of this agency, to ensure good stewardship of the Official Languages Act and to ensure that action is taken quickly when there are setbacks.

It is therefore up to Parliament to decide on where good governance of the official languages can best be ensured.

**Ms. Niki Ashton:** To manage the processing of complaints, would an administrative tribunal allow you to focus on promoting and protecting official languages in Canada?

What would such a tribunal look like?

• (1305)

**Mr. Raymond Th  berge:** Our thinking on administrative tribunals is still evolving. Three principles must be respected.

The first is to ensure that it really gives the complainant access to justice. Is there a better system than the one currently in place? We must make sure that the system we put in place really meets the needs of complainants.

The second principle is to ensure that the Commissioner's role as ombudsman, with its independence and impartiality, is maintained.

Third, when we talk about a tribunal as such, it must decide points of law and be able to enter into binding agreements and establish administrative sanctions, for example.

Our thinking is evolving and we are working on a discussion paper in this regard that will be coming soon.

**The Chair:** Thank you, Mr. Th  berge.

Please stay with us.

Now we have to make a decision about this vote.

OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES

Vote 1—Program expenditures..... \$19,298,567

(Vote 1 agreed to)

[*English*]

Shall I report the main estimates 2020-21 to the House of Commons?

**Some hon. members:** Agreed.

[*Translation*]

**The Chair:** I will report to the House of Commons.

On behalf of all members of the committee, I would like to thank the Commissioner and his entire team.

Mr. Th  berge, thank you for joining us with Mr. Leduc, Ms. Saikaley, Mr. Tr  panier and Mr. Gigu  re. It was a pleasure to hear from you, and the members of the Committee hope to see you again soon.

Colleagues, the meeting is now adjourned.

(Meeting adjourned)





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