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• (1530)

[*Translation*]

The Chair (Mr. René Arseneault (Madawaska—Restigouche, Lib.)): Good afternoon, everyone.

I call the meeting to order.

• (1535)

[*English*]

Welcome to meeting number three of the House of Commons Standing Committee on Official Languages.

[*Translation*]

Today's meeting is taking place in a hybrid format, pursuant to the House order of November 25, 2021. Members may attend in person or remotely using the Zoom application. The proceedings will be made available via the House of Commons website. For your information, the screen will always show the person speaking, rather than the entirety of the committee.

[*English*]

Given the ongoing pandemic situation, and in light of the recommendations from health authorities as well as the directive of the Board of Internal Economy on Friday, January 28, to remain healthy and safe, all those attending the meeting in person are to maintain two-metre physical distancing; must wear a non-medical mask when circulating in the room, and it is highly recommended that the mask be worn at all times, including when seated; and must maintain proper hand hygiene by using the hand sanitizer provided in the room.

[*Translation*]

As the chair, I will enforce these measures for the duration of the meeting, and I thank the members in advance for their cooperation.

For those participating virtually, I would like to outline a few rules to follow.

You may speak in the official language of your choice. Interpretation services are available for this meeting. You have the choice at the bottom of your screen of either “Floor”, “English” or “French”. Please inform me immediately if interpretation is lost, and I will ensure that it is promptly restored before resuming the proceedings.

Members participating in person may proceed as you usually would when the whole committee is meeting in person in a committee room.

Before speaking, please wait until I recognize you by name. If you are participating in the meeting via videoconference, please click on the microphone icon to unmute yourself. For the members in the room, your microphone will be controlled, as usual, by the proceedings and verification officer.

We remind you that all comments by members should be addressed through the chair.

When speaking, please speak slowly and clearly. When you are not speaking, your microphone must be on mute.

Regarding the speaking list, the committee clerk and I will do our best to maintain an order of speaking that is fair for all members, whether they are participating virtually or in person.

[*English*]

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

[*Translation*]

Pursuant to Standing Order 108(3)(f) and the motion adopted by the committee on Monday, January 31, 2022, the committee is undertaking its study of government measures to protect and promote French in Quebec and Canada.

I would now like to welcome our witnesses.

First of all, joining us today by videoconference is Guillaume Rousseau, associate professor in the faculty of law at the Université de Sherbrooke, appearing as an individual.

We also have Marc Termote, associate professor in the department of demography at the Université de Montréal, also appearing as an individual.

Welcome to you both. I believe this is the first time in six years that we have had you here in the Standing Committee on Official Languages.

Lastly, we also have the president of the Fédération des associations de juristes d'expression française de common law, Daniel Boivin, whom we have previously had here in our committee.

You will have a maximum of five minutes for each of your presentations, after which we will proceed with a series of questions. I will call on each member of the committee to ask you questions.

When you have roughly one minute of your speaking time left, I will let you know as politely as possible, trying not to interrupt you.

So welcome to the witnesses.

Mr. Termote, go ahead for five minutes.

Mr. Marc Termote (Associate Professor, Department of Demography, University of Montreal, As an Individual): Good afternoon.

First of all, I would like to thank the members of the committee for inviting me. It is truly a great honour, but you're also taking a risk because it's always dangerous to invite a demographer. They always bring bad news and bore you with numbers.

I'll get straight to the point. While it's hard to dispute the fact that French is declining in Quebec, a distinction must be drawn between two aspects: the use of languages in the private space and the use of languages in the public space. As demographers, we prefer to study the use of languages in the private space because the language spoken in the home becomes the language of children, a crucially important factor from a long-term perspective.

The second distinction that must be made is between Montreal and the rest of Quebec. The Montreal metropolitan area represents half of the population of Quebec. If you merely consider Quebec as a whole, as is too often the case, you confuse matters because the figures for Quebec as a whole don't reflect what happens either in Montreal or outside Montreal, where the decline of French is basically not a problem. The problem is in Montreal, but that's where half of Quebec's population lives. So, briefly, here are a few figures.

The demographic weight of Quebecers for whom French is the language commonly used in the home has declined with every census since 1971 and today stands at 53%. That decline is also observed in the rest of the metropolitan area off Montreal Island. While the percentage fell constantly from 1971, there has been a change since 2001: French as the language commonly used in the home is now declining in all sub-regions of Quebec. Statistics Canada published its most recent demolinguistic projections in 2017 based on the 2011 census. Those projections confirm the decline, and even an acceleration of that decline, on and off Montreal Island, in the rest of the metropolitan area and the rest of Quebec. The phenomenon is actually spreading.

The major problem in the public space is that, by definition, there are now more than two languages. The fact that we don't have just anglophones and francophones causes serious interpretation problems. The second issue with respect to the public space is that there are so many possible measures and variables that we can always make some sort of finding. The key problem is that the indicator we most often use, which is language of work, is very hard to interpret, first of all, because not everyone works. Consequently, what's happening in the workplace doesn't reflect how languages are being used in the public space as a whole.

What's more, people often can't choose their language of work. My language of work as a demographer has often been English or Italian. Consequently, we have to be very cautious when we interpret language-of-work data. Whatever the case may be, all censuses

and investigations conducted since 2001 reveal a decline in the use of French in the workplace.

• (1540)

The Chair: You have one minute left.

Mr. Marc Termote: All right.

The second part of my presentation will focus on policy effectiveness. The news on that front isn't very good either. We can demonstrate that the development of linguistic groups is dominated by only two factors: international immigration and fertility. With respect to international immigration, Statistics Canada published a study a year ago showing that the composition of immigration and immigrant francization have virtually no impact on the decline of French. They slow it down to a very minor degree but don't reverse the trend, far from it.

I'll stop there to avoid exceeding the five minutes allotted to me.

The Chair: Thank you, Mr. Termote. You stayed within your speaking time.

If you have anything to add or other information to forward to us, you may do so by answering the questions. That being said, we will go around to all our guests before moving on to the rounds of questions.

I now turn the floor over to our guest Mr. Rousseau for the next five minutes.

Mr. Guillaume Rousseau (Associate Professor, Université de Sherbrooke, As an Individual): Good afternoon, everyone.

Thank you for inviting me to speak to you about some of my language law research work.

I will essentially be drawing on my latest book—just to give it a quick plug—*Restaurer le français langue officielle*. It's a book that I co-wrote with François Côté. Former appellate court judge Jean-Louis Baudoin did us the honour of writing the preface.

Chapter one of the book is essentially a review of the academic literature from around the world on the two major approaches in language law. It is theoretical but concerns our subject. I'll return to solid ground toward the end of my presentation.

What the literature tells us is that there are two major language-policy models: the one based on personality, the other on territoriality. Under the first model, while there may be many official languages, every citizen chooses the one he or she wishes to use in interacting with the government. Under the second, the government establishes a single official language across its territory, generally the language of the majority population in that territory.

As we had suspected and in fact assumed, we discovered in our survey of the literature that virtually all language policy experts around the world believe that only a territoriality-based approach can guarantee the survival and development of a minority language. That finding is even more striking than we had thought. Allow me to cite a few of those experts.

According to Philippe van Parijs, “To protect vulnerable languages in a high mobility context, there is at best one effective strategy: strict application of the principle of linguistic territoriality.”

Jean Laponce, a leading language policy expert, holds a similar view: that, of these approaches, “the only one that has a chance of being effective in the long term consists in concentrating the endangered language within the geographic space.”

Closer to home, Professor José Woehrling, of the Université de Montréal, claims that “the territorial solution is the one that best guarantees the stability and security of the linguistic communities” and that the principle of personality allows “the strongest language to develop to the detriment of the most vulnerable.” He explains why the personality-based approach doesn't work, claiming that it lets the strongest language develop to the detriment of the vulnerable one. The personality-based approach may seem generous, since individuals may choose which language to use among many, but it is in fact the strongest language that will dominate.

He goes on to explain:

The principle of territoriality may therefore be a way to protect the language of a group that constitutes a minority at the national level but the majority in a regional or federated entity [much as French, the majority language in Quebec, does in Canada] by enabling that entity to ensure that its language enjoys sole official language status within it. For a sufficiently large minority that is settled as a concentrated community in a territory where it constitutes the majority, the territoriality principle is the best solution.

Quebec and Canada were referred to earlier, but, in real terms, Philippe van Parijs claims that it is precisely the awareness of the constant advancement of English in Montreal that made a linguistic territoriality regime necessary. He is referring to the Charter of the French Language.

Linda Cardinal, whom I'm sure you know, one of the leading language policy experts in the world, particularly in Canada, writes that, in the Charter of the French Language, “the Quebec government favours a policy based on the principle of territoriality in order to strengthen the French language in its territory.” Ms. Cardinal adds—that “a model change in Canada would have to foster further recognition that the territorialization of French is necessary in order to guarantee its continued survival.” Furthermore, in her view, “Quebec should not hesitate to continue along the same path and further promote French in all sectors.”

● (1545)

The Chair: You have 45 seconds left.

Mr. Guillaume Rousseau: All right.

To sum up, the academic literature is virtually unanimous: a territorial approach is necessary. The federal government should focus its efforts to promote French in Quebec, as well as in other francophone regions essentially situated around Quebec, that is, in north-

ern New Brunswick and eastern Ontario. That does not contradict the need for the territorial approach for Quebec and the francophone regions bordering on Quebec.

In real terms, the federal government should do less for English and more for French in Quebec. It should support the enforcement of Bill 101 in private businesses and federal institutions, offer grants to groups promoting French in Quebec, not just English, and introduce more measures to guarantee the right to work in French for federal employees in Quebec and in bordering regions.

The Chair: Thank you very much, Mr. Rousseau.

You will have time to say more about that during the questions.

Go ahead, Mr. Boivin.

Mr. Daniel Boivin (President, La Fédération des associations de juristes d'expression française de common law inc.): Mr. Chair and members of the committee, thank you for your commitment to the advancement of Canada's official languages. Thanks as well for inviting me as part of your evaluation of measures that could be taken to promote French.

In the few minutes allotted me at the start of this meeting, I would like to discuss two initiatives that are of particular importance for the promotion of access to justice in French, the topic for which you have invited me today.

First of all, I will address the very important reform of the Official Languages Act and the justice aspects it entails.

Then I will briefly discuss how vitally important the Action Plan for Official Languages is for the network of French-language lawyers outside Quebec.

First of all, the reform of the Official Languages Act.

It has been a pleasure to work in the French-speaking regions outside Quebec for more than 30 years, and I have rarely seen a more comprehensive mobilization of the community from sea to sea, and sector to sector, in favour of the Official Languages Act reform bill.

The Fédération des communautés francophones et acadienne, the FCFA, generally acts as the representative of the francophone community. You're very familiar with it. Its message will be broadcast many times and in various ways until the reform is adopted, but it's important to note that all francophone activity sectors have set to work and expect great things from the upcoming bill.

The legal community is very pleased with certain protections that were included in the previous bill: the repeal of the Supreme Court exception under section 16 of the Official Languages Act, and thus the right to be heard in French before the Supreme Court, and recognition of the need to protect the court challenges program. However, it lacked certain aspects of the previous bill, three of which I would like to bring to your attention today.

First, there should be a clearer definition of the obligation provided under part VII of the Official Languages Act. Access to justice is a shared federal-provincial jurisdiction. The use of part VII for the advancement of French in access to justice is thus particularly important.

Second, there is the issue of evaluating the language skills of judicial nominees. Many people have heard me say that refrain, one that is familiar to the Fédération des associations de juristes d'expression française de common law, the FAJEF. The availability of truly bilingual judges is essential to the development of justice in French outside Quebec.

Third, the reform must guarantee access to justice in French in the field of bankruptcy. After the criminal law and family law workshops and recent amendments to the Divorce Act, bankruptcy law and the entire bankruptcy field are the next area where litigants must have access to justice in French across the country.

Now I want to discuss the community support aspect in the Action Plan for Official Languages. We must absolutely ensure that the action plan currently in place is renewed for the period from 2018 to 2023.

Access to justice in French is protected by certain major actions such as the recent reform of the Divorce Act, reform of the Official Languages Act and the appointment of francophone judges to the courts and the Supreme Court. Apart from those major actions, access to justice in French is secured evermore significantly by hundreds, indeed thousands, of minor actions that often go unnoticed but nevertheless change the lives of francophone litigants. My jurist colleagues work in all the communities that are taking those minor actions. I'm talking about the efforts of the provincial bar associations that work with the people in their communities and address very local and specific concerns.

• (1550)

The Chair: You have 50 seconds left.

Mr. Daniel Boivin: We can identify those minor actions that mean so much by establishing permanent staff in every community organization. It takes core funding, not just project funding, to protect those people. That's what has restored the network and what will enable it to survive. This funding should obviously be promptly updated when the current action plan expires.

The Chair: Thank you, Mr. Boivin.

Once again, you will be able to clarify your thoughts during the period of questions.

We will begin the first round of questions. Members will have six minutes each. I will try to warn you as politely as possible when you have less than one minute left.

We will now turn the floor over to Mr. Godin for six minutes.

• (1555)

Mr. Joël Godin (Portneuf—Jacques-Cartier, CPC): Thank you, Mr. Chair.

I also want to thank our three witnesses for their participation.

My first question is for Mr. Termote and concerns the importance of the presence of French. You divided this into two parts: a public environment and a private environment. I'd like to hear what you have to say about the second part, the private environment, in the home, as you said.

I'm going to ask you a question, Mr. Termote. Can you help us, as parliamentarians... I share your opinion on the development of the French language, which starts in the home, and in childhood, preschool-age children before they enter primary school.

The government is implementing a program to provide child care centres across Canada. I don't know whether there are any plans at this time to require the provinces to provide francophone child care centres in the francophone minority regions. Would that be an option, and could you suggest other ways to introduce young children to the French language from birth? It seems to me that, if you're introduced to it, you adopt it for life.

Mr. Marc Termote: I like your question.

My initial reaction as a demographer is that I can only agree with what you just said, except that there have to be children for that to happen. The major problem with the decline in French is fertility. Francophones in Quebec, as is the case in the rest of Canada, have stopped having children. On Montreal Island, instead of 2.1 children per woman, which is the rule simply to prevent population decline, we aren't even seeing any growth. We need 2.1 children per woman, but we're seeing 1.2 children among francophones on Montreal Island, nearly half. There's an enormous decline in the birth rate.

It's all well and good to say that children should be raised in French starting in day care, but we have to have children for that to happen. There will be dramatic consequences for the future of French in Quebec as long as this decline continues. The birth rate among francophones is very low, and the problem can't be solved by trying to francize immigrants because very few people ever switch languages. Personally, I've been living in Canada for 50 years and I still have my Belgian accent. You can't switch languages overnight.

Consequently, I can only support your idea, except that a stronger argument should be made that francophones should understand the need to have children.

Mr. Joël Godin: Thank you, Mr. Termote.

We actually do understand that we must have more children for the French language to spread, but I think we need to take a step toward francizing Canada's youth before having more children in our society.

My second question will go to you, Mr. Rousseau. Earlier you discussed two models: personality and territory.

Could you explain that to me and reassure me that this model could be applied to Quebec?

Let me clarify one point: I'm talking about Quebec, the metropolitan area, which represents 50% of the population, of the rest of Quebec and Canada. Could you explain to me how we can apply this territorial model when we are an integral part of a bilingual country, whereas Quebec is a francophone majority province but one that is subject to other circumstances?

How can we promote and support the presence of French in and outside Quebec?

Mr. Guillaume Rousseau: Thank you for your question.

You have to draw a distinction between theory and reality. Although it's theoretically preferable to apply the linguistic territoriality model in order to promote the development of French, we're prevented from fully achieving that ideal by certain political, historical and other realities.

Let's nevertheless consider the theoretical aspect.

In theory, the idea would be first to assert that there is only one official language in Quebec, which is in fact the case under Bill 101. Then the federal government would have to demonstrate, by its actions and the services it provides through its offices, that French is the language of work of its employees in Quebec. Thus the federal government would model its policy on that of the federated government of Quebec, in this instance, and on those of the other federated governments in the other provinces.

As I mentioned earlier, there might conceivably be a way to expand that somewhat so that the federal government could establish policies supportive of French in francophone areas outside Quebec, essentially those bordering on it.

Consequently, under the pure territorial model, the language of work for all federal government positions in Quebec would be French, for example. In actual fact, I think compromises could clearly be made and accommodations introduced for English-speaking Quebecers.

That being said, the principle must be territoriality. Then...

• (1600)

The Chair: I have to interrupt you here, Mr. Rousseau.

Our colleague Francis Drouin now has the floor for six minutes.

Mr. Francis Drouin (Glengarry—Prescott—Russell, Lib.): Thank you very much, Mr. Chair.

I want to thank all the witnesses who are here with us. Greetings as well to another Franco-Ontarian and colleague, Mr. Boivin, and welcome to our committee.

Mr. Boivin, you noted the importance of the court challenges program, which made me think of something. My wife delivered our son at Montfort Hospital. I know that institution is still in existence because Gisèle Lalonde fought for it and because, thanks to this program, people like Mr. Ronald Caza had a chance to defend my community in court. As a result, nearly 20 years later, my wife gave birth in that hospital and our family experienced that happy occasion in French.

I know you represent a national federation that represents many associations. Do your members still use the court challenges pro-

gram to defend francophone communities across Canada, outside Quebec?

Mr. Daniel Boivin: Absolutely, and thank you for that very important question.

The court challenges program is an essential tool, all across the country, for large organizations such as the FAJEF and for all community organizations because it enables them to refer important and specific issues to the courts. The smaller the organizations, the more they need access to this type of assistance program because otherwise they wouldn't have the resources they need to litigate a matter in court. Many language law cases wind up in the Supreme Court and are thus extremely costly.

Mr. Francis Drouin: You mentioned something else, about the bill. The Official Languages Act initially provided that judges must be able to speak English or French, or both, depending on the language chosen for the proceeding. However, an exception is made for Supreme Court justices. The bill now proposes that this exception be repealed.

In 1988, I believe, when the measure came into force, it was felt that the legal community should be given a chance to adjust and to establish more French-language common law schools, in particular.

Do you think we now have enough French-speaking lawyers who could be appointed Supreme Court justices, so there would be enough francophone judges?

Mr. Daniel Boivin: Thank you for that very important and very interesting question as well.

The legal community has now produced enough renowned lawyers that we can envisage appointments to all courts, including the Supreme Court of Canada.

We have many francophone and francophile lawyers whose knowledge of French is excellent and who can engage in the kind of intellectual debate that takes place in the Supreme Court.

The objection that there aren't enough qualified francophones to head in that direction can be dismissed out of hand.

• (1605)

Mr. Francis Drouin: I see. Thank you very much.

In your presentation, you also noted the importance of small associations and minor actions. I'm also aware that you consider it important that small associations be adequately funded.

Can you give us some examples of the way those associations operate with local legal authorities?

Mr. Daniel Boivin: I can give you one example. In many provinces, the bar associations, to which FAJEF members belong, assist by providing their services to the community through community centres. Francophones are thus able to go into those centres and seek answers to minor legal questions. They can obtain basic advice, for example, or request access to certain services and be pointed in the right direction.

Small projects of this kind established in the community truly afford people access to justice in French. This is something they wouldn't have access to if they had to consult a large firm in a major city because those kinds of services are not affordable for many people in the community.

Mr. Francis Drouin: Thank you very much.

Mr. Termote, I'm going to ask you a few questions about francophone demographics.

You alluded to Montreal. I would like to use my region, Ottawa, as an example. Thirty years ago, all the francophones lived in Vanier; now, they are spread out all over the place. This has an impact on services and on the institutions that provide them.

Have you carried out any analyses on this issue?

Mr. Marc Termote: I did in fact have the opportunity to do so in connection with a case before the courts in Montreal. I examined the issue in the light of work done by Frédéric Lacroix, who wanted to determine what institutions were available in each region for the various language groups. It turns out that in the Ottawa-Gatineau region, this is not much of a problem for either francophones or anglophones, and that's also the case in Montreal, because...

The Chair: Thank you, Mr. Termote. I'm sorry to interrupt you, but I'm trying to be fair to everyone. You might have an opportunity to come back to this point later.

Mr. Marc Termote: Okay, I understand.

The Chair: Mr. Beaulieu now has the floor for six minutes.

Mr. Mario Beaulieu (La Pointe-de-l'Île, BQ): Good afternoon.

I'd like to thank all the witnesses for their excellent presentations.

My first question is for Guillaume Rousseau.

In my view, the best example of the territorial model is Belgium's, or perhaps Switzerland's. In the Flemish region, all public services are available in Dutch, which does not prevent residents from learning several second languages. In the Walloon region, on the other hand, these services are provided in French.

I think that the intent of Quebec's Bill 101 was to apply the territorial model with one exception in order to respect the rights of Quebec's anglophone community, which is to say by maintaining services in English for this community.

Can you give us examples of legislation stemming from this model? Do you agree that Bill 101 was based on the territorial model? What's the difference, in terms of legislation, between this model and the federal institutional bilingualism model?

Mr. Guillaume Rousseau: Thank you for your question.

It is in fact much more complicated, but I'll try to give you a short version.

At the very beginning, in 1977, Bill 101 was indeed based on the territorial model. There was room for exceptions, of course, but it really was based on a territorial system.

Mr. Termote might be able to qualify, correct or improve upon what I'm saying, but in the years that followed, meaning the late 1970s and early 1980s, progress was made with respect to French in Quebec, particularly in terms of the most frequently used language of work, and attendance at French-language schools. Various indices clearly demonstrated progress in the late 1970s and early 1980s.

After that, various Supreme Court decisions reduced the amount of protection for French in Quebec. As a result, Bill 101, Quebec's language act, distanced itself from the territorial model and became increasingly personality-based.

By the end of the 1980s, the vitality indices for French had begun to decline again. This of course was partly attributable to various other factors, including immigration policies, but it was clear that it contributed to these changes in legislation.

Concretely, the territorial model aims at making French the dominant language in Quebec by means of various measures such as guaranteeing the right to work in French. There is no equivalent measure or right to work in English in Quebec, but there is a fundamental right to work in French. The predominance of French also applies to things like signage. French is promoted through various measures, but there is room for accommodation.

What's interesting from the legal standpoint is that the principle remains French, while the rules allowing the use of other languages, including English, are exceptions to a strict interpretation. However, the logic of the federal system is based instead on both languages. So if measures are proposed to protect French, they may be considered exceptions to the strict interpretation.

That's why it's probably preferable to apply Bill 101 to federally-regulated private companies rather than create a federal regime that would promote French, but as an exception to the overriding principle of two official languages under federal law. In such a context, a system under which an exception is made to promote French would likely become a matter of strict interpretation. If Bill 101 were to be applied instead, it would be a matter of broad interpretation because the underlying principle of Bill 101 is the protection of French.

• (1610)

Mr. Mario Beaulieu: I have some other questions for you on this subject.

Under the territoriality principle, if French were the common language for public services, newcomers would tend to adopt French. However, if they have a choice between English and French, we know that they will tend to adopt English, because it's the language of the majority in Canada.

Basically, the development of the two languages since the adoption of the Official Languages Act clearly shows that the model based on individual bilingualism, like the federal regime, which is based on portable individual rights, does not work because the rate of assimilation among francophones outside Quebec has been steadily increasing.

Do you agree with this analysis?

Why is it important to apply Bill 101 to federally-regulated companies?

Mr. Guillaume Rousseau: I would draw a distinction here.

If the goal is strictly to ensure respect for individual rights, then the personality-based approach can be useful. There may occasionally be criteria for a sufficient number of people, but in theory, anywhere you might be in Canada, you can use the language of your choice. In terms of individual rights, the approach has some merit.

However, as for the development of the language and its survival through generations, the personality-based approach does not really yield effective results, because the dominant language will systematically take precedence.

It is therefore important to determine whether the objective is only individual rights, or whether it is a broader objective to enhance the vitality of the language and its development. Consideration should probably be given to both. Traditionally, however, the federal act places a little too much of an emphasis on language rights. The approach has not been very effective from the socio-demographic standpoint in the 54 years since the adoption of the initial Official Languages Act.

As for the application of Bill 101 to federally-regulated undertakings, the Quebec language act, the Charter of the French Language, goes beyond Bill C-32 in protecting the right to work in French. It is not just an act, but also a fundamental right. The Office québécois de la langue française possesses the expertise required to interact with private undertakings and coach them through the francization process. The federal Commissioner of Official Languages, is much more specialized in dealing with public institutions. In the few instances in which the Commissioner attempted to have the act enforced in private undertakings like Air Canada, these efforts were only moderately successful.

The Chair: Thank you very much, Mr. Rousseau.

[English]

The next colleague to ask questions will be Ms. Niki Ashton.

Niki, it's your turn.

[Translation]

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

I'd like to thank the witnesses for their presentations. What they have told us is very important, including their recommendations to the government.

I'm going to return to Mr. Termote's presentation, but would like to begin by talking about my own experience.

I am a Francophile who lives in Manitoba. My mother tongue is neither English nor French, but Greek. I had the opportunity to learn French in an immersion program. I would have liked my two children, 4-year-old twins, to have the same opportunity. For over a year now, we have been trying to enrol them in the only francophone day care centre where we live, but unfortunately, they are short-staffed, partly because of COVID-19. The people in charge of the day care centre tried to hire some immigrant women, but encountered some obstacles. As a result, the waiting list is very long and my children are unable to have this French language experience. I am only a francophile, but other parents, who are francophone, are experiencing the same problem: when all is said and done, our children will be learning English in day care and at school, even though we are very keen for them to attend francophone institutions.

The failure to make francophone immigration a priority constitutes a barrier to learning French for the next generation.

That then is the experience I wanted to tell you about. I would now like to hear what advice you might have for us on this matter, Mr. Termote.

Do you think that immigration initiatives would make it possible to provide more support for francophone communities outside Quebec?

• (1615)

Mr. Marc Termote: Thank you, Ms. Ashton. That's a very good question. It gives me an opportunity to underscore an important factor.

As you just mentioned, Ms. Ashton, this would appear to be an everyday battle for francophones outside Quebec, except for those in Ottawa of course. Every day, people are trying hard to enable their children to live in French. These efforts could, of course, also make it possible for your francophone and francophile colleagues, and you, to learn and use French.

As a demographer, however, my view is pessimistic. The fact is that changing languages, reviving a language or assimilating a language takes time. Very few people change their language. There have been estimates: every year in Quebec, approximately 10,000 people, that's tens of thousands of people, change to another language. Francophones may try to make headway by doing so, but it takes time. It often takes one or two generations for non-francophone immigrants to make the transition to French. In the meantime, other factors come into play, like the low fertility rate and the fact that most of immigrants are not francophone.

You're asking me whether having francophones or francophiles immigrate to areas other than Quebec could solve the problem with respect to the future of French in some regions like Manitoba. It would help, of course, but it would do so at the expense of francophone immigration to Quebec. It's impossible to do both at the same time. Moreover, even if the effort to have a few more francophones and francophiles immigrate to communities outside Quebec would not do anything to reverse the trend observed in the rest of Canada.

So I'm not very optimistic. It's important to fight for it, I will admit, but I fear that it won't be enough because there is a distinction to be made between the language behaviour of individuals and the behaviour of language groups.

I'm not sure that answers your question. But it's a subject of interest to me. I see that you have a minute left, Ms. Ashton, so if you don't have any further questions, I...

Ms. Niki Ashton: As it happens, I have a very short question for one of your colleagues. And in passing, thank you very much for having explained all of that to us. It's really interesting, and I think it's also of interest to many other parents who are personally experiencing the same problems we are.

My next question is for Mr. Boivin.

Last October, the Commissioner of Official Languages published a report recommending that the Supreme Court of Canada translate its decisions. I was surprised to hear that this was not already being done. If the administration of justice is only being done in English, the message being sent is that French is only a secondary language.

Are you aware of any changes that have been made since the publication of the Commissioner's report? Has the work of translating Supreme Court of Canada decisions begun?

The Chair: You have five seconds to answer.

Mr. Daniel Boivin: The work has begun, but it's an important aspect of the upcoming reform of the Official Languages Act.

• (1620)

The Chair: Thank you, Mr. Boivin.

This first round of questions was very interesting. We will now move on to the second round.

As we all agreed previously, the speaking time allotted to committee members will be five minutes or two and a half minutes depending on their party. I will inform the members of the number of minutes available to them as we go.

The first person to speak in this second round of questions is our friend Marc Dalton.

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

Mr. Marc Dalton (Pitt Meadows—Maple Ridge, CPC): Thank you very much, Mr. Chair.

I would like to thank all the guests for their excellent presentations.

For several years now, the Liberal government has been promising to introduce a bill to modernize the Official Languages Act. It

finally did so at the end of the last parliamentary session, knowing that an election was coming. The bill therefore did not go through. During the election campaign, Mr. Trudeau promised to reintroduce such a bill within the first 100 days of his term, but we have now got to 140 days.

The government has been dragging its feet for years and I wonder how this has negatively affected francophone communities. How much of a difference would it have made if the Official Languages Act had been modernized sooner? I know that it's still a good idea to modernize it, and that it will be eventually, but the government keeps saying that it will do it, and then puts it off until later.

In short, has this had a negative impact on francophone communities?

The Chair: Who is your question for, Mr. Dalton?

Mr. Marc Dalton: It's for anyone. Let's start with Mr. Rousseau, followed by Mr. Boivin.

Mr. Guillaume Rousseau: Thank you.

It's true that the federal government is a key player in language management. It is a major employer and an important provider of public services. When the federal government is basically promoting English in Quebec through its services and grants to citizens groups instead of doing more to promote French, it certainly tips the scales.

There are many other factors, like international immigration, interprovincial mobility and the fertility rate. However, it's clear that the federal government is one of the key players.

After more than 50 years, the Official Languages Act, which is based on the idea that the federal government protects French in the other provinces and also English in Quebec, has clearly been shown to have accelerated the rate of anglicization in Montreal. It is nonetheless difficult to determine what the main cause of it is. Did the federal government play a role? Did the Quebec government do enough? Did the municipalities and the private sector also play a role? It's difficult to know exactly what's happening.

One thing is obvious, however, and that is that the federal government has been taking a long time to change direction and admit that French is threatened and in decline everywhere in Canada, including Quebec, and particularly in Montreal. It needs to take action and do more on behalf of French in Montreal and elsewhere in Quebec. There is no doubt that the federal government's inaction is harmful to French.

Mr. Marc Dalton: What are your thoughts on this, Mr. Termote?

Mr. Marc Termote: I'm not exactly qualified to answer that question. I would simply like to underscore something that you already mentioned, which is that time is passing. The importance of time is sometimes forgotten, but in demographics, we have to take it into consideration.

Your question gives me an opportunity to illustrate the following facts about the future of French in Quebec. What happened years or even decades ago is still having repercussions today. This is often forgotten. I'll refer to the clearest example. What I'm about to say is very cynical, but the main reason why there are not relatively fewer francophones in Montreal today is the massive exodus of anglophones in the 1960s, 70s and 80s. On Montreal Island, French is becoming a minority language. This is already the case for French as a mother tongue, and almost the case for French as the language spoken at home, which now stands at 53%. Had there not been this huge exodus between the 1960s and the 1980s, francophones would have been in the minority on Montreal Island a long time ago.

I believe that your question about the impact of time and delays in implementing certain measures is a very important one.

• (1625)

Mr. Marc Dalton: Thank you.

Do you have any comments, Mr. Boivin?

The Chair: You have 20 seconds left to reply.

Mr. Daniel Boivin: I have been working in the community since 1988. From the very beginning of my work on access to justice, shortcomings in the Official Languages Act had already been identified.

Over the years, many problems had an impact...

The Chair: Thank you, Mr. Boivin.

We will now move on to the next person.

Over to you, Ms. Lattanzio For the next five minutes.

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

Thanks to the guests for their evidence. They've provided us with a great deal of useful information.

I'd like to begin with some questions for Mr. Termote.

From my understanding of what you said, your data are based on the 2017 census. As we know, a census takes us five years back in time. As you pointed out, this means a picture of the situation in 2011-2012. My first question is whether your conclusions about the demographic situation were based only on the census?

Here is my second question. As you know, the results of a new census are going to be published very soon. Do you think the demographic data on the decline of French in Quebec and Montreal will have changed?

As for my third question, I would like to know what you think are the areas where the French language has become most vulnerable in Quebec.

Mr. Marc Termote: Your questions are far-reaching. I'll try to answer them as quickly as possible.

I'd like to begin by making a correction: a census does not give a picture of a situation from five years ago. The 2016 census gives us a picture of language behaviour, no matter what the province or language group is, at the time of the census. This picture allows us to study changing behavioural patterns from one census to the next.

For example, we can compare a cohort of immigrants from census to census. I think it's important to point that out.

For public language, the only information the census provides is language of work, and it has only done so since 2001. It's true that this is a very short period for identifying a trend. As it happens, this one is not very positive. Quite the contrary.

It's worth emphasizing once again that language of work is a serious problem. One of the indices that deserves attention is first official language spoken, often referred to as FOLS. The first official language spoken is chosen on the basis of your knowledge, your mother tongue and the language used at home. It's the language you speak when you leave the house and go out in public. According to Statistics Canada, the ability to speak this first official language in public has declined considerably since 2001.

Moving on now to your next question about the data used to make forecasts, these projections or forecasts have proved to be accurate so far. Whether for fertility, language behaviour, international immigration or any scenarios underpinning them, they have all proved to be highly accurate.

We can therefore assume that what we forecast for 2021 will basically be confirmed by the 2021 census. That, moreover, is what has been the case for all the forecasts we've made in the past. I have been making them for approximately 40 years now. We have always correctly forecast trends, although occasionally they proved to be correct more quickly or more slowly than we thought. But the fact is that the trends have always been corroborated. I would therefore be very surprised if the 2021 census, for which we will soon have the results, would not do likewise.

I'm not sure whether I've answered all your questions.

Ms. Patricia Lattanzio: Mr. Chair, would it be possible to ask one final question?

Mr. Termote, In what spheres, other than language of work, do you feel that the French language has been weakened,?

Mr. Marc Termote: One obvious area is the language used in cultural activities.

A survey was conducted by the Office québécois de la langue française some years ago. In addition to censuses, one mustn't forget surveys. For information about language used in public areas, we need to look at surveys.

This cultural activity survey clearly identified major problems. This was only to be expected. One example is the language used by businesses in dealing with the public, which has been problematic according to the surveys. The situation improved significantly until around 2001, but it has worsened ever since.

There are all kinds of other areas, but we don't have enough time to discuss them.

• (1630)

The Chair: Thank you Mr. Termote.

Mr. Beaulieu now has the floor for two and a half minutes.

Mr. Mario Beaulieu: Thank you, Mr. Chair.

My first question is for Mr. Termote.

Mr. Termote, there is a lot of immigration in the rest of Canada, particularly in Toronto. Almost 100% of language transfers among newcomers are towards English, and English is not threatened because it truly is the common language in the rest of Canada, where French represents a very small minority.

If Quebec were to adopt a territorial model, there would be more language transfers towards French. Of course even if there were 50,000 immigrants per year, the number of language transfers would max out at 5,000 or perhaps even 10,000, but at least as immigrants arrived, they would receive French-language training.

Would a territorial regime in Quebec help to protect French?

Mr. Marc Termote: I believe that the Toronto model follows the territoriality principle. Territoriality is not only a matter of law, as in Belgium or Switzerland. Territoriality is also all about numbers.

An immigrant who settles in Toronto will speak English because there's no other choice. Immigrants who settle in Rome will speak Italian, no matter what their native language might be. There is no legislation on it. These countries do not need it, because the principle of territoriality is based on numbers.

Quebec could increase the number of transfers to French with additional linguistic territorialization, but it would be impossible to take this very far and caution is advisable.

Estimates show a maximum of 7,000, 8,000 or 10,000 language transfers per year in Quebec, in all directions. This includes not only immigrants who change their language from French to English, but also from English to French. This represents a net annual increase of 2,000 francophones.

With the introduction of new measures, this could increase from 2,000 to 4,000, and 2,000 is a highly convergent estimate. The number could easily be doubled, but it would be very small compared to the 20,000 or 25,000 missing francophone births.

Mr. Mario Beaulieu: I'd like to ask a quick final question.

The Chair: Mr. Beaulieu, You can ask it during the next round of questions.

Thank you, Mr. Termote.

Ms. Ashton, you now have the floor for two and a half minutes.

Ms. Niki Ashton: Thank you very much, Mr. Chair.

Mr. Termote, I'd like to return to the point you just raised about demographics and the need to strengthen French language learning at home. I would also like to discuss the shortage of education services for young children in French, particularly outside Quebec.

My question is about funds paid to the provinces by the federal government for day care centres. This funding was definitely need-

ed. All of the provinces except Ontario have agreed to this federal funding.

Do you think the federal government missed a great opportunity to promote the development of French by failing to include language provisions in the provincial agreements for the delivery of day care services?

Mr. Marc Termote: I'm not qualified to answer your question, even though I understand what you mean.

It's always easy to say that we missed the target. But I couldn't tell you by how much, because that would require studies on each and every instance. Things differ from one province to another.

I'd like to return to the key point of my presentation.

All the government's efforts, together with those of its Francophile colleagues in other provinces, will not alter the trend. In other words, it might slow the decline, but it won't reverse the trend.

• (1635)

Ms. Niki Ashton: Do you have anything to add on this subject, Mr. Rousseau?

Mr. Guillaume Rousseau: Yes, thank you Ms. Ashton.

I'd like to draw the committee's attention to the recent Federal Court of Appeal decision, of which you may already be aware. It's about a rather different matter, having to do with the federal government transferring the management of employment assistance programs. The same approach could be applied to day care centres.

When intergovernmental agreements between the federal government and the provinces are being signed, they could include much firmer obligations pertaining to the promotion of French in other provinces. However, the federal government should not be required to promote English or oblige Quebec to promote it in the province. The important thing here is the asymmetry of bilingualism.

The Chair: Thank you, Mr. Rousseau.

Ms. GLadu, over to you now for five minutes.

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Thank you, Mr. Chair.

I also thank the witnesses for being here with us today.

I'd like to begin by asking Mr. Boivin a question.

Mr. Boivin, when I was sitting on the standing committee on the status of women, we were told that there were problems with respect to legal services, including a shortage of lawyers.

Two months ago, the riding of Sarnia—Lambton acquired francophone designation in Ontario. At the moment, though, there are no legal services in French.

What would you suggest we do to obtain francophone lawyers for my city?

Mr. Daniel Boivin: This is a good example that demonstrates how giving power and resources to community organizations enables them to liaise with the sectors that need services, such as those pertaining to seniors, the status of women, health and education. It makes it possible to find people who can perform a bridging role by coming to settle in your region on a permanent basis, or by implementing the practices of several other cities.

Your community, Ms. GLadu, is located close to a number of large francophone communities. Elsewhere in Canada, francophone communities are very remote from the major francophone communities. Not being able to deal locally with occasional problems of the sort you mentioned means that these communities have no access to justice in French.

Ms. Marilyn Gladu: Thank you.

My next question is for Mr. Rousseau.

Mr. Rousseau, could you speak to us on the issue of territoriality in Ontario? In some regions, there are areas that could be improved in terms of French.

Mr. Guillaume Rousseau: Thank you for the question.

If we were to apply a territorial logic to Ontario, it would mean having to determine which regions had a concentration of francophones. That would enable the federal government to focus its efforts on promoting French in those regions.

This logic is, after a fashion, implicit in Bill C-32. According to this bill, employees have the right to work in French in Quebec and in regions where there is a strong francophone presence.

As for Ontario, the federal government could make a greater effort to promote French, particularly in border region regions like northeastern and eastern Ontario.

The scholarly literature has shown that when efforts are concentrated in areas where many people speak the language, they can support its long-term vitality.

Ms. Marilyn Gladu: Thank you, Mr. Rousseau.

My next question is for Mr. Termote.

Mr. Termote, you talked about families in Montreal. What should be done to increase the proportion of Montrealers who use French at work?

Mr. Marc Termote: The question is very relevant.

In a normal society, someone who speaks a language at home speaks the same language when they leave their home for the public space, including at work or in a store. That is how things work in a normal society, with the exception of regions with linguistic boundaries, like Montreal.

An immigrant who arrives in Montreal and speaks a language different from the two official languages has to choose one of those languages. There is no longer a third language in the public domain. So they have to choose. However, people don't always get to

choose the language of work. Those are questions I ask myself when the language of work is used as an indicator.

What is more, all the studies show that people will speak their own language as often as possible outside the home. Many surveys have been done on that. They would like to speak their language at work, but they cannot always do so. That is where there is some room to play. Mr. Arseneault's and Mr. Boivin's comments show that it is possible to do that.

Will things change? Once again, I am pessimistic about that. I think we have to play with that element. That is absolutely necessary, but it will not be enough. There are too few language changes compared with the consequences of under-fertility and international immigration.

• (1640)

The Chair: Thank you, Mr. Termote.

I now give the floor to Angelo Iacono for five minutes.

Mr. Angelo Iacono (Alfred-Pellan, Lib.): Thank you, Mr. Chair.

I welcome the witnesses and thank them for joining us today.

My first question is for Professor Rousseau.

Mr. Rousseau, as a Quebecker, I agree with you concerning the protection and promotion of French to ensure its survival in a space dominated by English.

However, can you tell us how a balance can be maintained between protecting French and promoting that language outside Quebec?

Mr. Guillaume Rousseau: Thank you for the question.

That brings us back to what we refer to as asymmetry.

Traditionally, the country has adopted a symmetric approach. The federal government wanted to protect the French minority language in other provinces and, symmetrically, it acted in similar fashion in Quebec to protect English-speaking Quebeckers' right by promoting English. That was the symmetric approach.

We understand the political motivations underlying that approach. It allowed for a compromise between Canada's two main language communities, which seems very logical. However, what we are seeing 54 years after the Official Languages Act was enacted is that this logic of symmetry works against French in Quebec and in favour of English in Montreal. It favours French in other provinces, but very minimally.

The symmetrical approach helps many individuals and small communities. It contributes to the respect of minor individual rights, but, if we look at the whole picture, its impact on French in other provinces is very limited. However, this approach has a significant impact on the promotion of English and, in some respects, on limiting the promotion of French in Quebec. The only possible approach is to scrap this symmetrical logic in favour of the principle of asymmetry, whereby the federal government would not deal with the issue of English in Quebec in the same way it deals with it in other provinces.

Mr. Angelo Iacono: Thank you.

My next question is for Professor Termote.

Mr. Termote, as a demographer, what approach do you think would help reflect francophones' demographic weight in Canada?

How can Quebec be kept as a place for francophones without francophones in other provinces facing extinction?

Mr. Marc Termote: That question is very relevant for a demographer, and I thank you for it.

I have already emphasized under-fertility, but I don't see how we could impact that factor. A decision won't be made tomorrow that, from now on, only francophone mothers will be entitled to family allowances. Pro-birth policy cannot be applied to a single language group. It would not make sense. So we can't work on the fertility aspect. The only two aspects we can work on are immigration and francization of immigrants.

A study Statistics Canada published a year ago slipped completely under the radar. People usually don't like bad news. That study shows that you may well increase the number of francophone immigrants, play around with the numbers and linguistic composition of immigration, but that has practically no impact. Researchers have formulated hypotheses to determine to what extent the decline would slow down if immigrants were francized more, and they found that this only slightly slows down the decline, but that is all.

As a demographer, I must tell you that, unfortunately, all the hypotheses formulated over the past 40 years have had the same result. We are not pessimistic because we want to have pessimistic outcomes. We formulate hypotheses on fertility, mortality, immigration and linguistic behaviour. We use those hypotheses to create scenarios. No one has ever questioned those scenarios because they have all turned out to be more or less correct. We press a button, and we get an outcome that is not very pleasant. That is all.

• (1645)

Mr. Angelo Iacono: Aside from legislation, what methods do you think should be prioritized to raise the value of the French language in various groups, but more specifically among young Canadians and newcomers?

Mr. Marc Termote: When it comes to newcomers, we forget that the average age of a newcomer in Quebec is 32. At that age, it is very difficult to switch languages. Language changes essentially occur among very young newcomers, aged five to 14, at the primary and secondary levels, for instance. Beyond that young age, it becomes very difficult.

The Chair: Thank you.

I ask that the witnesses forgive me if I interrupt them, but I want to give all the colleagues an opportunity to benefit from their presence, in a fair manner and as agreed upon in advance.

We are lucky today, as we can begin a third round of questions.

Mr. Gourde, go ahead for five minutes.

Mr. Joël Godin: Mr. Chair, this is not the third round, but rather the fourth one.

The Chair: Right, it is the fourth round.

Mr. Gourde, I am resetting the clock.

Go ahead.

Mr. Jacques Gourde (Lévis—Lotbinière, CPC): I think a colleague had to leave the meeting for an interview. So I am coming to her rescue by replacing her.

I thank the witnesses for joining us today. Their comments are very useful.

We will soon begin a study on the amended version of the Official Languages Act. Are there any recommendations the witnesses would like to bring to our attention, very important things we should keep an eye on during the study of the proposed reform?

Witnesses can take turns answering, and I will be pleased to hear their comments.

Mr. Rousseau, would you like to go first?

Mr. Guillaume Rousseau: Thank you for the question.

I do think that Bill C-32 can be a good starting point. If it could be reintroduced, we could recommend a number of amendments.

The positive aspect of Bill C-32, as I was saying earlier, is that it shows that the paradigm is starting to shift—in other words, that the federal government is realizing that it cannot treat French and English in the same way by saying it wants to protect English in Quebec and French in other provinces. The federal government must realize that the French language is in decline, including in Quebec, and especially in Montreal, and it must make efforts on that front. That is the first thing to do. That realization had already begun in the white paper that preceded Bill C-32, but it must be taken further.

In concrete terms, I am seeing three things. First is the application of Quebec's Charter of the French Language, commonly referred to as Bill 101, to federally regulated private businesses. I think that is preferable to what was proposed in Bill C-32, a sort of an option plan between Bill 101 and a federal equivalent, provisions in federal legislation that are somewhat based on Bill 101 while not going as far.

I feel that it is preferable to opt for the application of Bill 101, as it is the Office québécois de la langue française that has the know-how in providing private businesses with guidance on francization, much more so than the Commissioner of Official Languages. The commissioner is more specialized in public institutions. This is a matter of consistency, of know-how, as Bill 101, especially once it has been amended through Bill 96 in Quebec, goes further than what was set out in the federal legislation. So including the application of Bill 101 in a federal piece of legislation by referring to that bill would be the preferred solution. The federal legislation can then draw on Bill 101 to protect the right to work in French in francophone regions outside Quebec—essentially those located around that province.

So there is a way to do both, but I feel that the application of Bill 101 is preferable for Quebec.

Second, there is a lot of work to be done on federal public servants' right to work in French. According to a survey, nearly 44% of francophone federal public servants don't feel comfortable working in French. A rule must absolutely be implemented, and the two languages must not be put on an equal footing. When that is done, English predominates in reality. Precedence must be given to French in federal offices, across Quebec and in certain francophone regions. That will not preclude the government from providing certain accommodations and services in English, but priority must be given to French in the legislation, as English predominates in reality. The law must re-establish the balance by giving French precedence.

In terms of culture—and we discussed this earlier—it must also be ensured that federal subsidies are more directed toward citizen groups that promote French culture in Quebec, not only toward groups that promote culture in other languages.

• (1650)

Mr. Jacques Gourde: Thank you.

Mr. Termote, do you want to add anything?

Mr. Marc Termote: I completely agree with what was just said.

The principle of territoriality must absolutely be strengthened in the legislation. However, how far can that be taken? Some very good examples have been given, but, once again, will that be enough? As a demographer, I think the fundamental issue will be the future behaviour of the fertility factor, and as long as we are struggling on that front, gaining a few thousand people every year through the measures implemented will not be enough.

As for the principle of territoriality, I am thinking of what happened in Belgium, where I come from—as you may guess from my accent—where territoriality applies in Flanders and Wallonia. It does not apply in Brussels, where immigrants are given the choice. The result is that 90% of immigrants choose French.

In closing, I would say that a potential measure to implement would be to increase the percentage of children among immigrants, as everything is decided at a young age.

The Chair: Thank you very much, Mr. Termote.

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

Mr. Marc Serré (Nickel Belt, Lib.): Thank you, Mr. Chair.

I also thank the three witnesses for their testimony.

I would like to put my first question to Mr. Boivin.

To echo my colleague Mr. Drouin, I thank you, Mr. Boivin, for the work you are doing for the francophonie.

A partial answer has been provided to my first question regarding legal experts, their expertise and their numbers, but I would also like to know what your recommendations are.

The federal government now has selection committees that are seeking legal experts in northeastern or eastern Ontario. If we consider Ontario as a whole—regions like the previously mentioned

Sarnia—Lambton—what do you recommend to increase the number of bilingual legal experts? Could criteria be set based on population, by applying quotas?

What do you recommend to the federal government to make sure the number of bilingual legal experts would increase not only in Ontario, but also in Manitoba, in Alberta and in other provinces?

Mr. Daniel Boivin: It will be very important for the action plan or the Official Languages Act to provide for giving communities the powers they need to repatriate francophones who study in major centres in regions with fewer francophones.

I assume that, by advocating for a territoriality-based approach, my colleague Mr. Rousseau is not writing off the possibility of adopting measures that encourage small communities that are far from major centres to repatriate those francophones so that they would contribute to the vitality of their francophone community. That is important. However, that repatriation of professionals happens when they are given the option of a healthy francophone community that is a great place to return to.

• (1655)

Mr. Marc Serré: Your comment made me think of another question. The territoriality-based approach Mr. Rousseau favours is problematic for me. I am thinking of immersion classes in regions like southern Ontario.

I don't want to ask you whether you are contradicting Mr. Rousseau regarding the importance of French outside Quebec, but it seems to me that his favoured approach could further disadvantage francophone minority communities in Canada.

Mr. Guillaume Rousseau: There may sometimes be a contradiction between what the scientific literature tells us and the political factors. This is very clear and almost unanimous: a state that wants to ensure the long-term flourishing of a vulnerable language must concentrate its efforts in the regions where that language is more widely spoken. For French, these regions are Quebec, northern New Brunswick and eastern Ontario. This is what the scientific approach advocates.

It is certain that, for political reasons, other means can be used to promote French in other places. This must be taken into account and a distinction made between the science and the political factors that may come into play.

Then, we must always differentiate between two objectives that are inherent in language policies. The first aims to see the language flourish. This is best achieved through a territoriality-based approach. The second is to respect individual rights. When we aim for that in a western Canadian community, we do not encourage the territoriality approach. On the other hand, from the point of view of respecting individual language rights, it may be entirely justified to propose measures for very isolated francophone communities in western Canada. Both objectives must be taken into account.

Mr. Marc Serré: I see.

Mr. Termote, do you have any specific recommendations with respect to data collection?

People recommend that it be done every five years, but do you have any specific recommendations that would allow the federal government to improve its collection of language data in the census?

Mr. Marc Termote: The Canadian census is exemplary in terms of language data collection. It is among the best in the world.

At one time, Switzerland asked this question in its census: in what language do you think?

The Chair: I am sorry to interrupt you, Mr. Termote.

You may wish to continue your response in a future round of questioning.

Mr. Beaulieu, you now have the floor for two and a half minutes.

Mr. Mario Beaulieu: Thank you, Mr. Chair.

Many legal experts in Quebec have said that the Quebec government could apply Bill 101 to businesses under federal jurisdiction. Yet Bill C-32 clarifies that enterprises under federal jurisdiction may choose between Bill 101 and the Official Languages Act.

Some have said that the Official Languages Act is going to be modelled on Bill 101. What we saw in Bill C-32 is that the part concerning the Official Languages Act provides for the right to work in French, but also to work in English. The logic of bilingualism always informs the Official Languages Act.

First, will Bill C-32 prevent Quebec from implementing Bill 101?

Second, in the Official Languages Act, is Bill C-32 a copy of Bill 101?

Mr. Guillaume Rousseau: Mr. Beaulieu, I presume you are addressing your question to me.

Mr. Mario Beaulieu: Yes, my question is for you.

Mr. Guillaume Rousseau: Thank you.

From a legal point of view, the application of language law to private companies under federal jurisdiction has a twofold aspect. On the one hand, it is a matter of federal jurisdiction, and on the other, it falls under Quebec provincial jurisdiction. Both may apply, but in the event of a clear conflict between the two legislative levels, the principle of federal paramountcy applies. Thus, if there is a vacuum in federal law, Quebec law will be able to apply, but if federal law conflicts with Quebec law, federal law will apply.

So it is indeed a bit dangerous for the federal government to legislate on matters governed by Bill 101, because federal law is likely to apply in a preponderant manner. Bill C-32 is not as far-reaching as Bill 101. Moreover, Quebec's Bill 96 makes Bill 101 even more potent.

In Bill C-32, what is interesting is that Bill 101 is used as a model for regions outside Quebec, therefore for regions with a francophone concentration, which have yet to be determined. In my opinion, these should be the regions bordering Quebec, namely northern

New Brunswick, eastern Ontario and Labrador, and perhaps a few others.

We have to do both at the same time, that is to say, we have to apply Bill 101 to federal undertakings, and with respect to the other regions, federal law must intervene in favour of the right to work in French.

• (1700)

The Chair: Thank you, Mr. Rousseau. You did not exceed your allotted time; you are a champion.

The next question will be from Mr. Joël Godin.

Mr. Godin, you have five minutes.

Mr. Joël Godin: Thank you, Mr. Chair.

My first question is for Mr. Rousseau.

Mr. Rousseau, in your presentation you quoted Ms. Cardinal—I did not note her title or background.

She mentioned a change of model, but she also said that Quebec should not hesitate to pursue its path. In my opinion, that is contradictory.

Can you explain that in more detail to the committee?

Mr. Guillaume Rousseau: Thank you for your question.

In my opinion, what Ms. Cardinal's text suggests is that the Quebec model is based on territoriality and allows for some accommodations. She also says that Quebec should strengthen its territoriality-based model. In Canada, federal policy is less based on territoriality and more on personality. The federal government should change its model, in part, to be a little more territorial, and above all, to have an asymmetrical approach. The asymmetrical approach implies that the federal government does not systematically put the two languages on an equal footing. What the federal government is saying is that French really is in danger and that the federal government must promote the language more, including in Quebec.

This would be the paradigm shift from the traditional federal approach of promoting French in the other provinces and English in Quebec.

Mr. Joël Godin: Thank you for the clarification.

If I understand correctly, Bill C-32, which amends the Official Languages Act, offers Quebec employees the opportunity to work in the language of their choice, that is, either in French or in English. I remind you that our study focuses on the government's measures to protect and promote French in Quebec and Canada.

Does offering employees the opportunity to work in the language of their choice, as included in Bill C-32, achieve the objectives of promoting and protecting the French fact in Quebec?

Mr. Guillaume Rousseau: The answer is no.

If we really want to promote French, we need to protect the right to work in French more, and not necessarily the right to work in English. The logic of the Charter of the French Language is that employees have the fundamental right to work in French. This does not mean that employees are prohibited from working in English. Indeed, it will be possible in certain cases, but it will not be a fundamental right.

The federal bill could go in this direction; employees would have the fundamental right to work in French, in Quebec and in other regions with a high concentration of French speakers. In my view, this approach would draw more precisely on the Charter of the French Language.

Mr. Joël Godin: In this case, in the bill to modernize the Official Languages Act, should it read “shall” rather than “may”?

That is the comment I wanted to make. Mr. Rousseau, thank you for clarifying that for us.

I will now turn to Mr. Termote.

Mr. Termote, you stated that francophone immigration had no effect on the decline of French. Earlier, you suggested that francophones should make more babies. Now you are also saying that francophone immigration is not a solution to stop the decline of French.

What should be done regarding francophone immigration?

• (1705)

Mr. Marc Termote: We need francophone immigration, that's obvious. What the Statistics Canada study published last year showed is that no matter how much you increase the percentage of French-speaking immigrants, it has little impact on the decline of French. The hypothesis has even been put forward that immigrants could only enter Quebec if they were French-speaking and came from a country where the official language is French, and the conclusion was that even that would only slow the decline a little. Indeed, there are other phenomena at play, such as the low birth rate.

In addition, when we talk about acting on the composition of immigration, we forget that the percentage of immigrants in Quebec is 12%. So we're trying to act on that figure. I understand why we always want to intervene on this level, because we can't intervene on the birth rate. So we choose to intervene on the immigration front.

I can't help but say that we are indeed asking a lot from immigrants. They are asked to do jobs that we no longer want to do; they are asked to go to the regions because we don't want to go there; they are asked to have children because we don't want to have any; and they are also asked to switch to French overnight. But even if they did that, it wouldn't be enough.

Mr. Joël Godin: Thank you, Mr. Termote.

On the other hand, I can tell you that living in the regions is great.

Mr. Marc Termote: Yes, absolutely.

The Chair: Thank you very much. I second Mr. Godin's comment, by the way.

Ms. Ashton, forgive me, I skipped your turn earlier. You have two and a half minutes.

Ms. Niki Ashton: Thank you very much, Mr. Chair.

Mr. Termote, what you said about the demographics is really interesting. In my opinion, there are certainly things that the government could do to address the low birth rate. I've just had children, but I know that many women of my generation can't think about that, because it's getting more and more expensive to have children. Just think of the cost of day care, which is much lower in Quebec than elsewhere in Canada, housing, and the cost of living in general. I think it's important to make the connection between the decline of French and the barriers many women face when deciding whether or not to have children and, if so, how many they will have.

My question is about the notion of urgency. The data you have presented today is not only interesting, but worrying. How urgent is it for the federal government to act? Other governments need to act as well, but we're dealing with the federal level here. How urgent is it to address the decline of French now?

I would like to hear from Mr. Termote first, followed by Mr. Rousseau and all the other witnesses.

Mr. Marc Termote: To answer your last question, the situation certainly is urgent. The more time passes, the worse the problem gets. Francophones are already on the verge of being a minority on the island of Montreal. According to Statistics Canada forecasts, in 15 years, they will represent 40% of the population.

How do you think third language immigrants arriving in Montreal will react when they see that the majority of the population around them on the island of Montreal is no longer francophone? They will no longer choose French; at that point they will choose the language of the group that is the majority in their region.

I would like to come back to Mr. Godin's question, who asked whether we should say “may” or “shall”. All the events we have seen in Switzerland and Belgium have shown that, if given the choice, immigrants choose the more socially prestigious language.

The Chair: Thank you, Mr. Termote.

To conclude this third round of questions, I will hand over to our colleague Ms. Kayabaga.

Ms. Kayabaga, you have five minutes.

Ms. Arielle Kayabaga (London West, Lib.): Thank you very much.

I'd like to thank the witnesses, who took the time to come and answer our questions.

I jotted down a few small questions during the discussions.

Mr. Rousseau, you talk about the principle of territoriality. Can you explain how that applies to francophones outside Quebec who live in a minority setting, such as Franco-Ontarians, for example?

Do you think this means that francophones who are not on Quebec territory will be left behind?

• (1710)

Mr. Guillaume Rousseau: Thank you for your question.

If we were to apply the territorial logic outside Quebec, we could proceed by determining... The measures in place to protect the language rights of francophones in these provinces constitute a minimum, and there is no question of reducing them.

We want federal law to do more for French. If we want to achieve this not only in terms of individual rights, but so that French will flourish and still be spoken for many generations to come, this is where we must concentrate our efforts geographically.

So essentially, the federal government should say, for example, that people have the right to work in French, and this right should be really well protected where there are a lot of francophones, that is, eastern Ontario and northern New Brunswick. This should be in addition to the measures already in place. There should be a minimum of rights that apply, regardless of where you are. The federal government could do more to focus its efforts geographically.

This is how a territorial approach could be applied outside Quebec. In fact, it would be applied mainly to regions bordering Quebec. This would therefore reinforce Quebec policies that are also territorialized.

Ms. Arielle Kayabaga: Thank you for your reply.

Let me probe further. How do you think this can work seamlessly for francophones living in minority language communities?

You explain how this can work in Quebec and how the federal government can identify minority language communities. How can we get the government to understand that this is not just a Quebec issue?

You also mentioned that Bill 101 should apply to work so that people have the right to work in French at all times. Does this call into question the rights of people who speak other minority languages in Quebec?

I don't know if you understood my question.

Mr. Guillaume Rousseau: Yes, I understand what you're asking.

I'll start with your last point. It's important to keep in mind that there is always some tension on that front. On one hand, you have the right to work in French. On the other hand, you have laws, including Quebec laws, that provide for the right to be served in other languages.

Inherently, that causes tension, because if a government worker is called on to provide service in English, that reduces their ability to work in French. Conversely, if the worker has the right to work in French all the time, they may not provide service in English. That would result in less English-language service for those entitled to receive it. The fact that that tension exists is an important consideration, because it is inherent to the interplay of language rights. The key is to find the optimal balance between the two. It will never be all one side or all the other.

It's a bit of a zero-sum game. By broadly granting the right to be served in other languages, you inherently diminish the right to work in French, and vice versa. Keeping that in mind and being realistic

are essential to find a compromise, which will never fully satisfy both sides.

When it comes to French-speaking communities outside Quebec, it's important to zero in on regions around Quebec with a high proportion of French speakers. Those are the communities where the government should step up efforts related to funding and the right to work in French. That is a realistic approach.

However, the right to work in French in western Canada, well beyond the Winnipeg area, probably isn't realistic. In terms of demographics, it wouldn't necessarily yield results. Focusing efforts on francophone regions near the border with Quebec would have a positive impact on individual rights and the vitality of the French language in the long run.

The Chair: Thank you, Mr. Rousseau.

Since the members of the Standing Committee on Official Languages are forever disciplined, we can have a fourth round before our two hours run out.

In order for that to work, I'm going to cut the speaking time of members who had five minutes down to two minutes, and those who had two and a half minutes will now have one minute. That will give us time to complete a fourth round. If I'm not mistaken, that would be a record. I've never seen it done in my six years as a member, in either an in-person meeting on the Hill or a virtual meeting.

Go ahead, Mr. Dalton. You have two minutes.

• (1715)

Mr. Marc Dalton: Thank you, Mr. Chair.

Mr. Termote, I've always thought immigration was to blame for the decline of French in the Montreal area, but I was heartened to hear you talk of improvement.

I don't quite understand how there can be a decline in the face of improvement. Are cultural networks, music, Netflix and movies having major repercussions? Are they causing people to become anglicized? Could you please talk more about that?

Mr. Marc Termote: I quite appreciate your question, which is entirely relevant. Immigration isn't the main cause. That's quite clear from our research, which I talked about earlier. Fertility, or low fertility rates—I should say—are the primary cause.

I believe it was Ms. Ashton who spoke earlier about the heavy demands being placed on women. I quite liked what she said. Just imagine adopting a policy that is meant to boost the birth rate or fertility rate. It's an insult to women to offer them money to have babies. The percentage of women of child-bearing age is very low. Every year in Quebec, only a few hundred thousand of them actually have children. Ethically and socially speaking, it's nearly impossible to introduce a measure like that.

The problem can't be fixed by targeting fertility rates, and the immigration impact is marginal. Those statements do not speak to a particular mindset. When making forecasts, Statistics Canada is not adopting a given attitude, and neither am I. We are making observations—that's all.

The Chair: Thank you, Mr. Termote.

I will be strictly enforcing speaking time limits.

Go ahead, Mr. Drouin. You have two minutes.

Mr. Francis Drouin: Thank you.

I have two questions for Mr. Rousseau or Mr. Termote.

In this global age, young people spend a lot more time living in a virtual world, unhampered by any legislation—at least not in this country.

In the academic community, do you talk about ways of influencing the francophone world?

We have partners. We work with France and other French-speaking countries, but I struggle to see how French can be protected in a virtual world. I wonder whether that is a topic of discussion in academic circles.

Mr. Guillaume Rousseau: Yes, it is. It's a very timely topic, in fact.

The language legislation applies to the Internet. Under the Charter of the French Language, businesses must advertise in French, and that applies to the Internet as well. It has an impact on the language of work. If a business has to advertise online in French, it means an employee has to prepare that information digitally. Basically, language legislation applies to the Internet. If the legislation were to go further, the online impact would accordingly be broader.

When French is promoted in the physical, or real, world, it influences consumer habits, including in the virtual world. That's something to keep in mind as far as the number and impact of French-language shows are concerned. It's a way of doing things indirectly. Imposing quotas on YouTube content is another avenue, but that's a discussion for another meeting and another bill.

The Chair: Thank you, Mr. Rousseau.

Go ahead, Mr. Beaulieu. You have only a minute.

Mr. Mario Beaulieu: I don't think the anglophone population has a higher birth rate than the francophone population, Mr. Termote.

Mr. Marc Termote: The fertility rate, so the number of births per female, is slightly higher among anglophones than francophones. Overall, francophones and anglophones are in the same boat, but the major difference is that, proportionally, anglophones benefit greatly from language transfer.

• (1720)

Mr. Mario Beaulieu: Increasing francophone immigration and adopting a territorial model that substantially increases language transfer in favour of French is a way to reverse the trend. In Wallonia, the French language isn't threatened by immigration.

Mr. Marc Termote: The big difference is that Wallonia takes a hardline approach in upholding its territorial policy.

As for policies aimed at bringing children—

The Chair: Thank you, Mr. Termote. Sorry to cut you off.

We now go to Ms. Ashton, also for one minute.

Ms. Niki Ashton: Thank you.

Once again, thank you to all the witnesses.

I would like to know how urgently we need to act. The question is for Mr. Rousseau and Mr. Boivin.

Mr. Guillaume Rousseau: I think the situation in Montreal—on the island mainly, but also in the greater Montreal area—is especially urgent. I would welcome the federal government, Quebec government and municipalities of the greater Montreal area joining forces on a response plan, in co-operation with companies that have a significant presence in Montreal. I would be very supportive of an initiative of that sort.

Mr. Daniel Boivin: Last week, the Federal Court of Appeal handed down its decision in the case in British Columbia involving the application of part VII of the Official Languages Act. The case makes quite clear that, without immediate efforts to repair certain damage, communities will disappear.

The Chair: Thank you, Mr. Boivin.

We now go to Mr. Godin for two minutes.

Mr. Joël Godin: Thank you, Mr. Chair.

Mr. Rousseau, earlier, you told the member opposite that other committees were responsible for overseeing the use of French in the digital realm. We are living not only in the digital age, but also in the age of modernization for the Official Languages Act. If done right, the modernized act will be with us for the next 20, 30, 40 or 50 years. The modernized act should include oversight of the French language. I don't have the answer. There is no easy fix, and the rules are complex.

I believe strongly in the importance of promoting French, especially in the cultural sphere. Bear in mind that other countries and other parts of the world are home to people who want to speak French. It's the new trend. We must promote French.

How, then, do we move swiftly to ensure the modernized Official Languages Act takes into account this phenomenon and includes the appropriate measures?

I realize it's quite the challenge.

The Chair: You have 45 seconds to answer.

Mr. Guillaume Rousseau: Thank you.

First, I would say that, on a very practical level, the same principle behind the CRTC's quotas for French-language music on the radio should apply to YouTube and other digital media content.

Second, I don't think it would be difficult to emphasize, within the act, the importance of technology as it relates to the right to work in French in Quebec and other French-speaking areas. Nowadays, people rely heavily on technology to work, so employers should be required to provide French-language software and so forth. Bill 101 could be applied in Quebec, and other French-speaking areas could draw upon that model.

Mr. Joël Godin: Thank you, Mr. Rousseau.

The Chair: We have time for one last question.

Ms. Lattanzio, you may go ahead. You have two minutes.

Ms. Patricia Lattanzio: Thank you, Mr. Chair.

Mr. Rousseau, Quebec's English-speaking minority maintains that it has been making an effort to learn French for some time now. School boards even have bilingual schools that offer French immersion programs in Quebec, specifically in Montreal. All of my children went through French-immersion programs as part of their schooling. Today, I'm very proud that my children can speak French and English equally well. Nevertheless, Quebec's anglophone minority—which asserts that it is making an effort and that it believes in the importance of strengthening the French language—wonders that its right to receive service in English is being sacrificed in the process.

You spoke of balancing the two languages to make sure this minority community could continue to be served in its language. I'd like to hear you talk more about that.

• (1725)

Mr. Guillaume Rousseau: Significant efforts have been made on the elementary and high school front. The use of French has

grown significantly since Bill 101 was introduced in 1977. There is always room for improvement, but I think a balance has been achieved as far as elementary and high schools are concerned. English-language school boards can rest easy.

Where support is needed from the federal government is at the CEGEP and university level. English-speaking universities receive significantly more research funding than do French-speaking institutions.

The Chair: Thank you, Mr. Rousseau.

I hope the witnesses will forgive me for cutting them off. I tried to be as polite as possible.

I also want to let the witnesses know that they can forward any information they didn't have time to share to the committee clerk. Any additional information will be sent to the committee members. This is common practice.

Today, we managed to finish four rounds. I've never seen that in all my six years. I want to thank the witnesses for the calibre of their input and the honourable members for their excellent questions. I also want to thank the team for the system quality [*Technical difficulty—Editor*] those participating in person as well as remotely. It takes a whole team to keep everything running smoothly. Thank you to the analysts, the clerk and the technicians.

Have a good week.

The meeting is adjourned.

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