

CANADA, QUEBEC, AND INTERGOVERNMENTAL AGREEMENTS TO SUPPORT ENGLISH-SPEAKING QUEBECERS

How do different levels of government come together to provide support and assistance to Canada's official language minorities?

Section 16(3) and 23 of the *Canadian Charter of Rights and Freedoms*, and Part VII of Canada's *Official Languages Act* are the principal legal foundations through which the federal partner provides support to the country's English and French linguistic minorities. The Act makes clear Canada must respect the jurisdictions and powers of the provinces and territories when so doing.

Canada is a federal state in which legislative power is shared between two levels of government: the Government of Canada and the provincial (and territorial) governments. For the most part, the distribution of these powers is spelled out in Part VI of the *Constitution Act, 1867*, in court decisions, and through provincial and federal agreements. These agreements are examples of the "co-operative federalism" doctrine through which the two levels of government work together to achieve mutual goals.

Publicly funded health insurance in Canada is a prime example. While the delivery of health services is a provincial jurisdiction, the federal government transfers resources to the provinces through the Canada Health Transfer, in support of Canadian health-care policy. The Canada Health Act establishes the criteria and conditions provincial and territorial governments must meet to receive that federal funding.

In terms of minority languages, the federal government is committed to enhancing the vitality of the English and French linguistic minority communities in Canada. However, a great number of the things that make a community vital – education and access to health and social services for example – fall under provincial jurisdiction. As is the case in health care, the Government of Canada enters inter-governmental (or bi-lateral) agreements with the provinces to transfer federal dollars in support of things like minority-language education, and provincial services in the minority language, while the provinces are responsible for the delivery of those services. In 2021-22 for example, \$166 million was transferred to the provinces through these bilateral agreements, with Quebec receiving \$50.1 million.

The parties to these agreements are the provincial and federal governments – with varying degrees of participation from official-language-minority communities. Quebec and Canada, for example, do not include representatives from English-speaking Quebec at the bargaining table. Consultations may be held by each level of government prior to negotiations, allowing each side to understand community needs and priorities, and this can influence their positions. In the end, however, intergovernmental agreements between Canada and Quebec are private affairs conducted confidentially. In some cases, the resulting agreements are made public. In other instances – like the recently concluded intergovernmental agreement on modernizing Canada’s Official Languages Act and the Use of French in Federally Regulated Businesses Act – they are not.

The federal and provincial governments each have their own interests to protect. In Quebec’s case, the Minister responsible for Canadian Relations and the Canadian Francophonie is responsible for intergovernmental agreements and has a duty “to promote the interests of Quebec and the cultural, economic and social development of the people of Quebec,” and to protect “the constitutional jurisdiction of Quebec and the integrity of its institutions.” As a result, Quebec tends not to enter into intergovernmental agreements that place any type of restriction on the province, or burden on its institutions.

In our federation, citizens are represented and have voice at both levels of government. We are simultaneously citizens of Canada, and the province where we reside. Both Quebec and Canada represent our interests within their respective areas of legislative power. Neither side is obligated to include representatives from the English-speaking minority during intergovernmental agreement negotiations. However, both have varying degrees of duties to consult with the community. These duties stem from minority education and access to health and social services rights on the provincial side, to a general duty to consult on Canada’s side now included in the *Official Languages Act*.

Who is consulted and who should speak on behalf of English-speaking Quebecers is a complicated question. The QCGN has a mandate to communicate the interests and priorities of English-speaking Quebec to government. This is the organization’s advocacy and representation pillar. These interests and priorities are identified by developing and strengthening networks within our community through dialogue, capacity building, partnering and joint action. Through this process, the QCGN is better able to understand the community’s needs and priorities and convey those to government.

For minorities, the benefit of a federal state is that they enjoy relationships with two levels of government; what might not be achieved unilaterally, might be achieved with the assistance of a government sympathetic to the minority’s needs and priorities.

The QCGN's work is strategic in nature. It is inclusive of several sectors and is open to all regions across the province. Other organizations, like the **Quebec English School Boards Association (QESBA)**, the **Community Economic Development and Employability Corporation (CEDEC)**, and the **Community Health and Social Services Network (CHSSN)** communicate with government and provide community development support within their own specific sectors. The **Regional Development Network (RDN)** focuses on the English-speaking community outside of Montreal. And many other organizations like the **Quebec English-speaking Communities Research Network (QUESCEN)** work to bring people together to achieve common objectives in support of our community's vitality.

The QCGN and other groups work within a complex, multi-layered process, where there are many players, including governments with sometimes differing priorities. To make the process as efficient as possible in ensuring needs and priorities are understood and are being met, minority-language communities are considered more effective when they come together to speak essentially with a common message.