



The Provincial Employment Roundtable

Brief to the House of Commons Standing Committee on Official Languages

Bill C-13: An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts

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1. Overview

The Provincial Employment Roundtable is pleased to submit this brief to the House of Commons Standing Committee on Official Languages regarding Bill C-13, *An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts*. This brief outlines the context for the English-speaking communities in Québec, particularly with respect to the significant employment and employability challenges they face. It also provides comments and recommendations for Bill C-13 with the goal of strengthening the *Official Languages Act* (the 'OLA') and supporting the development and vitality of Québec's English-speaking communities.

While the Provincial Employment Roundtable supports the modernization of the OLA, we are concerned that in its current form, Bill C-13 does not adequately ensure support for the protection and advancement of the vitality of the English-speaking communities in Québec, who together constitute an official language minority community (OLMC) in Canada. The recommendations proposed in this brief are:

Recommendation 1

- Modification of the language in Part VII of the OLA, concretely adding obligations towards linguistic minority communities.

Recommendation 2

- The addition of language that strengthens federal institutions' commitments to take concrete, positive measures to respond to the specific needs of English-speaking Quebecers and the French-speaking OLMC in the rest of Canada.

Recommendation 3

- The addition of language that specifies that none of the new amendments to the bill diminish the rights of OLMCs.

Recommendation 4

- That the implementation of the UFA be delayed until the federal government institutions work with key stakeholders to develop clear and measurable objectives for improving the provision of French-language training for adults in Québec's labour market.

Recommendation 5

- That language be added to the bill to ensure that the OLA provides for mandatory consultation and representation of OLMCs with respect to government actions that may impact their vitality.

2. About PERT

Founded in 2020, the Provincial Employment Roundtable (PERT) is a provincial non-profit multi-stakeholder initiative focused on addressing the employment and employability challenges facing Québec's English-speaking communities. PERT was originally a project of Youth Employment Services (YES), a provincial leader in providing employment services to Québec's English speakers, and the Québec's government's newly-formed Secrétariat aux relations avec les Québécois d'expression anglaise (SRQEA).

PERT has two main pillars: engagement and research. We engage with our network of over 60 stakeholders to identify the most pressing employment issues facing Québec's English speakers. PERT also researches these issues to develop evidence-based solutions that can be presented and implemented via our stakeholders, which include the community sector, government, educational institutions, employers and employment service deliverers.

3. Context

3.1 Employment and employability challenges facing English speakers in Québec's labour market

According to the 2016 Census, there are over 608,000 English speakers in Québec's labour force, accounting for 14.3% of the labour force. English speakers live and work in all of Québec's 17 administrative regions, with most English speakers working in the regions of Montréal, Montérégie and Laval.¹

Across Québec, English speakers experience an unemployment rate of 8.9%, which is higher than both French speakers' unemployment rate (6.9%) and the provincial unemployment rate (7.2%). The unemployment rates of English speakers living in rural and remote communities are significantly higher, ranging from 12.6% to 25.5%.²

English speakers in Québec are also disproportionately more likely to live below the low-income cutoff than French speakers.³ In the 2016 Census, English speakers had a median after-tax income of \$27,416, which was considerably lower than that of the French-speaking majority at \$30,211. English speakers earned a median after-tax income lower than that of French speakers in 14 out of the 17 regions of Québec. In the regions of Estrie, Abitibi-Témiscamingue, Nord-du-Québec and Centre-du-Québec, English speakers earned at least \$4,000 less than French speakers. These disparities highlight the unique situation of English speakers, particularly those living in regions outside of Montréal where employment opportunities and access to employability supports are greatly reduced.

Preliminary income data from the 2021 Census indicates that while incomes have increased for Quebecers, the income gap between English speakers and French speakers in Québec

¹ Adapted from Statistics Canada, (2016)

² Ibid.

³ Statistics Canada considers the low-income cut-off for a single person household being \$27,514; Institute National de Santé Publique du Québec, (2012), pages 20-24

persists. English speakers now earn a median after-tax income of \$34,000. In contrast, French speakers earn a median after-tax income of \$36,800.⁴

3.2 Low access to English-language employment services and skills training

Québec is a national leader in developing employment services and skills training programs for workers. However, the language of program delivery poses a considerable barrier for some English speakers. Most employment programs and services in Québec are delivered in French to serve the French-speaking majority. In PERT's 2021 province-wide survey of Employment Issues and Needs (EIN), 36% of English-speaking respondents indicated that they had experienced a lack of English-language employment services as a barrier to employment in the last three years. This was the second highest barrier to employment indicated in the survey. Only 24.8% of respondents indicated they had accessed English-language employment services and skills development programs. In the same survey, 46% of organizations that serve English speakers in employability indicated that a lack of information and uncertainty about how to access English-language resources was a significant barrier to employment for English speakers.⁵

3.3 French-language barriers to employment

Despite high rates of bilingualism among Québec's English speakers, French-language proficiency remains the largest barrier to employment. Approximately 67% of English-speaking survey respondents in our EIN survey identified their French-language skills as their top barrier to employment in the last three years.⁶ Additionally, 62% of respondents indicated their French-language skills had narrowed the range of employment opportunities available to them in Québec. It is worth noting that bilingualism is a broad concept which varies greatly depending on the context, particularly in the context of the workplace. Bilingual English speakers may still face challenges in the labour market if their French-language skills are judged to be inadequate, or in cases where they experience discrimination because of their mother tongue or accent.⁷

While French-language training is provided to youth through Québec's standard education system, adults in the labour market have difficulty accessing quality French-language learning programs. In an inventory conducted of French-language workforce programs (FLWPs), PERT found that there was limited access to and availability of FLWPs in Québec: only 63 programs were found to be available to the general public, which includes more than 600,000 English-speaking workers.⁸ This is a particular issue for Canadian-born language

⁴ Statistics Canada. Table 98-10-0203-01 First official language spoken by income statistics, age and gender: Canada, provinces and territories, census metropolitan areas and census agglomerations with parts

⁵ PERT, "2021 Employment Survey of English-Speaking Quebecers & Organizations", (2022), pp. 19-20

⁶ Ibid.

⁷ Research shows that linguistic minorities are more likely to experience linguistic discrimination owing to their existence in a linguistic majority setting; see, for example, Bourhis R.Y. (2008), *The English-speaking Communities of Quebec: Vitality, Multiple Identities and Linguicism*, CEETUM, Université de Montréal.

⁸ PERT, "Inventory Report: French-language Training for the Workforce in Québec," 2022, page 26

learners since Québec's language-learning programs largely target immigrants and newcomers.

3.4 Representation and consultation with community organizations

A community's vitality rests in large part on the shoulders of its organizations and institutions. This has been particularly the case for Québec's English-speaking communities, whose successes and resilience are tied to the work of organizations in the community and public sectors. In regions outside of Montréal, community organizations and schools are the backbone of English-speaking communities. English-language community organizations serve as an interlocutor between English speakers and governments to ensure adequate resources and services are available in their language. Due to inadequate English-language resources within government institutions, these organizations often become a safety net for communities, offering a diverse range of programs for English speakers including French-language training, employability, entrepreneurship, youth and senior programs. Although some of these institutions have been able to access federal funding for their programs, almost all are operating under challenging and difficult financial circumstances.

The organizations in our stakeholder network have indicated a lack of sufficient consultation and participation of OLMC representatives when it comes to decision-making by the federal government, especially regarding support for the economic development and vitality of English speakers. More feedback mechanisms are needed for community organizations to work directly with the federal government in the implementation of its official languages policies and programs in Québec.

4. Bill C-13

Bill C-13, *An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts* ('the bill') proposes to modernize and strengthen the OLA. It does this by making important changes in the language and provisions of the OLA, notably, the introduction of provisions to protect and promote the French language, as well as recognize its status as a minority language in Canada and North America. The bill also includes amendments to Part VII of the OLA, which provide for positive measures to implement commitments such as promoting and supporting the learning of both official languages, as well as supporting sectors such as education and employment in enhancing the vitality of linguistic minority communities.

We are concerned about the amendments made to Part VII of the OLA. We believe these amendments do not go far enough to protect and advance the vitality of English speakers in Québec as an OLMC. The OLA should strike a balance between protecting the French language in Canada and reinforcing the federal government's duty to support English speakers in Québec, who occupy a vulnerable position in the province.

In its report on the English-speaking community of Québec, the Standing Senate Committee on Official Languages in 2011 acknowledged that the challenges experienced by English speakers in Québec do not lie in ensuring the survival of the English language; the challenge

rather “lies in ensuring the community’s survival and supporting its vitality in all regions of Quebec.”⁹ The Committee further stressed the importance of the federal government “to treat the English-speaking minority in a way that takes into account its specific needs”.¹⁰ Recent legislative changes to *The Charter of the French Language* through Bill 96 in Québec have raised concerns about the employment and economic impacts of French-language policies on English speakers in Québec. The OLA plays a crucial role in protecting and developing our community, and this must be acknowledged and retained in the ongoing efforts to modernize the OLA.

Bill C-13 also introduces the *Use of French in Federally Regulated Private Businesses Act* (the ‘UFA’), which provides new rights for employees of federally regulated private businesses (FRPBs) in Québec or regions with a strong francophone presence and the consumers they serve.

We support the objectives proposed in the UFA, particularly concerning promoting and protecting the use of French in Québec. However, similar to the concerns we have previously raised about the application of Bill 96 in Québec, the proposals in the UFA risk marginalizing English speakers in Québec’s labour market by exacerbating the challenges they already face in finding and retaining jobs if caution is not applied in their implementation. The sections below outline our concerns.

4.1 Part VII obligations towards linguistic minority communities

Subsection 2.1(2) of the bill states that the Minister of Canadian Heritage shall, “in consultation with the other ministers of the Crown, promote and encourage coordination in the implementation of the Act, including the implementation of the commitments set out in subsections 41(1) to (3)”.¹¹ In his brief to this Committee in June 2022, the Commissioner of Official Languages noted that the requirement to “promote” and “encourage” coordination in the implementation of the OLA does not “constitute an obligation likely to yield tangible results.”¹² We would like to see obligations to implement aspects of the OLA concerning the protection and vitality of OLMCs strengthened so that federal institutions are obliged to take the necessary steps to implement these commitments.

4.2 Commitments to take positive measures

Subsection 41(6) of the bill outlines provisions for positive measures in the OLA: “Positive measures taken under subsection (5) shall be concrete and taken with the intention of having a beneficial effect on the implementation of the commitments under subsections (1) to (3); shall respect the necessity of protecting and promoting the French language in each province and territory, taking into account that French is a minority situation in Canada and

⁹ Standing Senate Committee on Official Languages, “The Vitality of Quebec’s English-speaking Communities: from Myth to Reality” (2011), page 2-3

¹⁰ Ibid. p. 3

¹¹ Subsections 41(1) to (3) of the OLA relate to enhancing the vitality of the English and French linguistic minority communities in Canada

¹² Commissioner of Official Languages, “Seizing a Historic Opportunity: For a Complete Modernization of the OLA” (2022), p. 3

North America due to the predominant use of English, and the necessity of considering the specific needs of each of the two official language communities of Canada”.

While we support the much-needed efforts to protect and promote French in Canada in this bill, English-speaking Quebecers and considerations for their vitality as an OLMC have been left out. The requirement for federal institutions to take concrete positive measures to respond to the specific needs of English-speaking Quebecers and other OLMCs must be strengthened. English-speaking Quebecers' needs span across sectors, including justice, health, immigration, employment and education. Employment is a particularly critical issue as it contributes to English-speaking individuals' ability to thrive and to their sense of belonging in Québec. Regulations will need to be developed to ensure that additional grants and programs are introduced to address the employment challenges that English-speaking Quebecers currently face.

4.3 Enforcement of obligations towards OLMCs

The Commissioner of Official Languages has lamented that there is a “great deal of misunderstanding and inaction by federal institutions”¹³ regarding the implementation of provisions that appear in Part VII of the OLA. These centre on the support and advancement of the vitality of linguistic minority communities. Bill C-13 provides for better provisions in the OLA to address federal institutions' obligations to take positive measures to enhance the vitality of linguistic minority communities. However, the language in the bill does not go far enough to ensure the protection and vitality of linguistic minority communities.

Subsection 41(5) of the bill states, “Every federal institution has the duty to ensure that the positive measures that it considers appropriate are taken for the implementation of the commitments under subsections (1) to (3)”. The bill also introduces subsection 41(7), which states, “in carrying out its mandate, every federal institution shall, on the basis of analyses that the federal institution considers appropriate, consider whether positive measures could potentially be taken under subsection (5).”

The Commissioner of Official Languages criticized these subsections of the bill for providing “too much latitude” to federal institutions with regards to their obligations to take positive measures to enhance the vitality of linguistic minority communities. Under these proposed amendments, federal institutions would be allowed to determine the appropriate actions needed to implement positive measures. This is based on their own analysis of the situation, for which they would also judge the sufficiency. These amendments do not go far enough in ensuring that OLMCs are centred in decision-making regarding their vitality, and they do not set a clear obligation for federal institutions to take positive measures. The issue of how federal institutions determine the appropriateness of their own analyses should also be clarified to ensure that the analyses undertaken also take into account the specific contexts of English-speaking linguistic minority communities.

¹³ Ibid. p. 12

4.4 Delaying the implementation of the UFA and increasing investments in French-language training

The UFA introduces additional regulatory burdens for employers in Québec with regard to the use of French in the workplace and with consumers. If employers are required to conduct aspects of their external and internal operations in French under the UFA, they will be increasingly incentivized to hire Francophone employees over non-Francophone employees. This may especially be the case for smaller employers who are not currently subject to the *Charter of the French Language* in Québec. Currently, federal institutions invest in French language education from early childhood to post-secondary education. The focus is, understandably, centred on the education system, not the labour market. In order to better support English speakers facing linguistic challenges in Québec's labour market, the implementation of the UFA should be delayed until federal institutions develop clear and measurable objectives for improving the provision of French-language training for adults in Québec's labour market.

4.5 Ensuring the OLA does not negatively impact linguistic minority communities

The Commissioner of Official Languages has emphasized that the duty of federal institutions to identify the negative impacts of their decisions on communities is just as important as the duty to take positive measures.¹⁴ Subsection 41(7) of the bill states, "In carrying out its mandate, every federal institution shall, on the basis of analysis that the federal institution considers appropriate...take into account the direct negative impacts that its structuring decisions may have on the commitments under subsection (1) to (3) in order to consider the possibilities of mitigating those negative impacts". Similar to Section 4.3 above, we are concerned that allowing federal institutions to determine whether their own analysis is appropriate provides federal institutions with too much discretionary power. The Commissioner shares the concern that federal institutions will be left to determine "not only at what stage an analysis should be carried out but also whether it should even be carried out."¹⁵ Consultations and representation of OLMCs should be part of the analysis carried by federal institutions to assess the impacts that their decisions will have on the vitality of these linguistic minority communities.

5. Recommendations

We recommend the following changes to the bill:

Recommendation 1

- Modification of the language of Part VII of the OLA, concretely adding obligations towards linguistic minority communities.

Recommendation 2

¹⁴ Ibid. p. 14

¹⁵ Ibid. p. 14

- The addition of language that strengthens federal institutions' commitments to take concrete, positive measures to respond to the specific needs of English-speaking Quebecers and the French-speaking OLMC in the rest of Canada.

Recommendation 3

- The addition of language that specifies that none of the new amendments to the bill diminish the rights of OLMCs.

Recommendation 4

- That the implementation of the UFA be delayed until federal government institutions work with key stakeholders to develop clear and measurable objectives for improving the provision of French-language training for adults in Québec's labour market.

Recommendation 5

- To increase the accountability of federal institutions towards OLMCs, we recommend that language be added to the bill to ensure that the OLA provides for mandatory consultation and representation of OLMCs with respect to government actions that may impact their vitality.

Bibliography

- Bourhis R.Y. (2008), *The English-speaking Communities of Quebec: Vitality, Multiple Identities and Linguicism*, CEETUM, Université de Montréal. Retrieved from http://icrml.ca/images/stories/documents/en/Richard_Y_Bourhis/chapitre_7_bourhis.pdf
- Commissioner of Official Languages. (2022). *Seizing a Historic Opportunity: For a Complete Modernization of the OLA* [Brief]. Retrieved from <https://www.clo-ocol.gc.ca/en/publications/other/2022/bill-c13-ammend-ola>
- Institute National de Santé Publique du Québec. (2012.) *The Socioeconomic Status of Anglophones in Québec*. Retrieved from https://www.inspq.qc.ca/pdf/publications/1494_SituationSocioEconoAngloQc_VA.pdf
- Official Languages Act*, RSC 1985
- Provincial Employment Roundtable. (2022). *2021 Employment Survey of English-Speaking Quebecers & Organizations*. Retrieved from <https://pertquebec.ca/reports/2021-employment-survey-of-english-speaking-quebecers-organizations/>
- Provincial Employment Roundtable. (2022). *Employment Profile of English Speakers in Québec*. Retrieved from <https://pertquebec.ca/reports/employment-profile-of-english-speakers-in-quebec/>
- Provincial Employment Roundtable. (2022). *Inventory Report: French-language Training for the Workforce in Québec*. Retrieved from <https://pertquebec.ca/reports/french-language-training-for-the-workforce-in-quebec/>
- Standing Senate Committee on Official Languages. (2011) *The Vitality of Quebec's English-speaking Communities: from Myth to Reality*. Retrieved from <https://sencanada.ca/content/sen/Committee/411/ollo/rep/rep02oct11-e.pdf>
- Statistics Canada. (2021, November 02). *First official language spoken of person*. Government of Canada. Retrieved from <https://www23.statcan.gc.ca/imdb/p3Var.pl?Function=DEC&Id=34004>