



Office of the  
Commissioner of  
Official Languages

Commissariat  
aux langues  
officielles

# Official Languages at the **HEART OF OUR IDENTITY**

AN OVERVIEW OF THE *OFFICIAL LANGUAGES ACT*



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# Official Languages at the **HEART OF OUR IDENTITY**

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Our two official languages, English and French, are a fundamental characteristic of Canadian identity. This is why throughout its history our country has passed laws and adopted policies to better protect and promote its official languages.

The importance of our official languages is also recognized in the Canadian Constitution. In fact, the *Canadian Charter of Rights and Freedoms*, which is part of the Constitution, includes a series of language rights. Canada's *Official Languages Act* clarifies the rights and obligations set out in the Charter.

This document, prepared by the Office of the Commissioner of Official Languages, provides an overview of Canadians' language rights. The Office of the Commissioner's mission is to protect language rights and promote English and French. It also ensures that federal institutions comply with the *Official Languages Act*.



## PURPOSE OF THE ACT

(Section 2)

The purpose of the Act is to:

- ensure respect for English and French and ensure equality of status and equal rights and privileges as to their use in federal institutions;
- support the development of English and French linguistic minority communities; and
- advance the equal status and use of English and French.

## TARGET INSTITUTIONS

(Section 3)

The Act applies to federal institutions—that is to say, offices, Crown corporations (VIA Rail and Canada Post) and federal departments. In addition, certain organizations, such as Air Canada and NAV CANADA, retained their language obligations after they were privatized.

## PARLIAMENTARY PROCEEDINGS

(Part I, section 4)

Parliamentarians and the public have the right to use either English or French in Parliament. For its part Parliament is required to provide simultaneous interpretation of its debates and other proceedings.

**“The importance of these objectives and of the constitutional values embodied in the *Official Languages Act* gives the latter a special status in the Canadian legal framework. Its quasi-constitutional status has been recognized by the Canadian courts.”**

*Lavigne v. Canada (Office of the Commissioner of Official Languages)*,  
[2002] 2 S.C.R. 773, p. 788, par. 23

## LEGISLATIVE PAPERS

(Part II, sections 5 to 13)

All acts of Parliament are enacted, printed and published in both official languages. Also, federal institutions that, pursuant to an act, are required to publish public notices must do so in both English- and French-language publications.

## JUSTICE

(Part III, sections 14 to 20)

In proceedings before federal courts other than the Supreme Court, everyone has the right to be heard by a judge who understands the official language chosen for the proceedings without the assistance of an interpreter.

**Federal courts include the Federal Court, the Tax Court of Canada and the Canadian Human Rights Tribunal.**

## COMMUNICATIONS WITH AND SERVICES TO THE PUBLIC

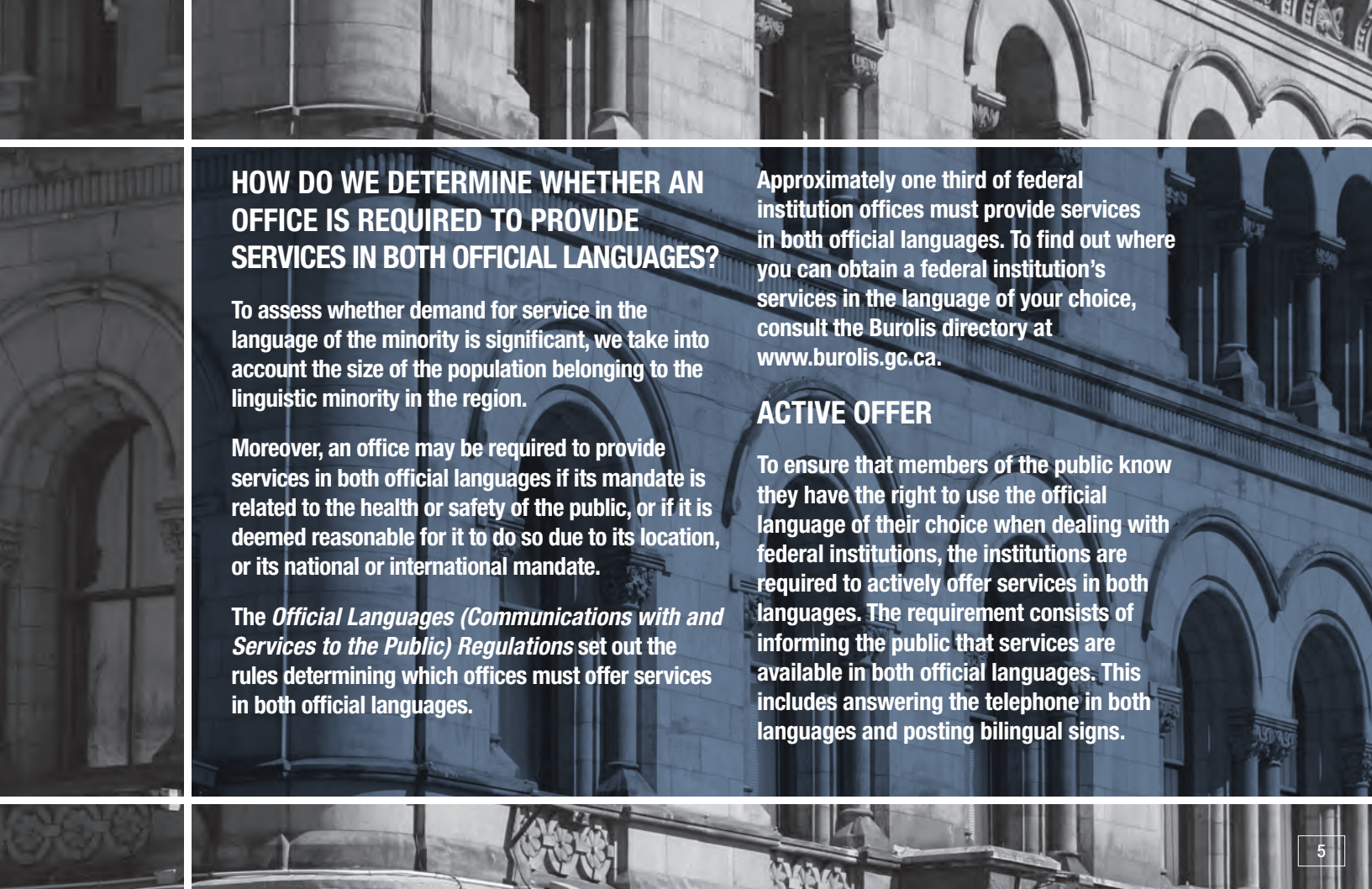
(Part IV, sections 21 to 33)

The *Official Languages Act* does not require every Canadian to speak both official languages. On the contrary, the Act aims to ensure that the Government of Canada is able to provide services to English- and French-speaking Canadians in the language of their choice. These services must be available without delay and must be of equal quality, regardless of the language chosen by the citizen.

You have the right to communicate with the head or central office of a federal institution in the official language of your choice.

Some of the other offices and facilities of federal institutions are also required to provide services in both languages if:

- they are located in the National Capital Region or in a region where there is significant demand for a given language; or
- it is reasonable to do so due to the nature of the office.



## HOW DO WE DETERMINE WHETHER AN OFFICE IS REQUIRED TO PROVIDE SERVICES IN BOTH OFFICIAL LANGUAGES?

To assess whether demand for service in the language of the minority is significant, we take into account the size of the population belonging to the linguistic minority in the region.

Moreover, an office may be required to provide services in both official languages if its mandate is related to the health or safety of the public, or if it is deemed reasonable for it to do so due to its location, or its national or international mandate.

*The Official Languages (Communications with and Services to the Public) Regulations* set out the rules determining which offices must offer services in both official languages.

Approximately one third of federal institution offices must provide services in both official languages. To find out where you can obtain a federal institution's services in the language of your choice, consult the Burolis directory at [www.burolis.gc.ca](http://www.burolis.gc.ca).

## ACTIVE OFFER

To ensure that members of the public know they have the right to use the official language of their choice when dealing with federal institutions, the institutions are required to actively offer services in both languages. The requirement consists of informing the public that services are available in both official languages. This includes answering the telephone in both languages and posting bilingual signs.



## LANGUAGE OF WORK

(Part V, sections 34 to 38)

Regardless of whether they occupy a bilingual position, employees of federal institutions have the right to work in the official language of their choice in the following designated bilingual regions:

- New Brunswick;
- the Greater Montréal region;
- parts of the Eastern Townships, the Gaspé and western Quebec;
- the National Capital Region; and
- parts of eastern and northern Ontario.

Having the right to work in your own language means, for instance:

- having work tools (such as reference books, manuals, keyboards, computer software and telephone systems) in your own language;
- being supervised in your own language;
- being able to write in your own language;
- being able to speak in your own language during meetings; and
- having access to training in your own language.

In addition to ensuring that these rights are respected, federal institutions are also required to ensure that the work environment is truly conducive to the use of both official languages.



## SOME SIGNS OF A TRULY BILINGUAL WORKPLACE

- **Employees participate fully in their professional life and work together in the official language of their choice.**
- **Senior management and supervisors lead the way by frequently using both official languages.**
- **The organization's workplace culture fully reflects the equal status of both official languages.**
- **Employees are proud to work in an environment where using both official languages is valued and encouraged.**
- **Managers and staff know their language rights and obligations.**

## PARTICIPATION OF BOTH LANGUAGE GROUPS

(Part VI, sections 39 and 40)

In the context of the Act, the Government of Canada commits to ensuring that English- and French-speaking Canadians have equal opportunities for employment and advancement in federal institutions.

The government also ensures that the workforce of federal institutions reflects the linguistic composition of the Canadian population as much as possible. However, there may be exceptions due to:

- the nature of a given federal institution;
- its mandate;
- the public it serves; and
- its location.



**In general, the current composition of the workforce at federal institutions reflects that of the Canadian population: approximately one-quarter French and three-quarters English.**

**However, the linguistic composition of certain institutions differs from that of the Canadian population. For example, some institutions may have offices in only one province or may provide services to the population of only one part of Canada.**

## ADVANCEMENT OF ENGLISH AND FRENCH

(Part VII, sections 41 to 45)

Part VII of the Act sets out the Government of Canada's commitment to supporting and assisting the development of official language minority communities. The intention is to enable these communities to thrive and to enjoy the same benefits as the rest of the population.

The federal government is also committed to fostering the full recognition and use of English and French in Canadian society.

The Act also sets out the duty of all federal institutions to take positive measures in order to fulfill these commitments.



### WHAT IS A POSITIVE MEASURE?

**A positive measure is an action taken by a federal institution that has a real and positive effect on:**

- **the vitality of official language minority communities;**
- **progress towards the equal status of English and French in Canadian society;**
- **the future of linguistic duality in Canada.**

**Each institution must determine, based on its mandate, what kind of positive measures to take.**



## ROLE OF THE TREASURY BOARD

(Part VIII, sections 46 to 48)

The Treasury Board is responsible for the direction and coordination of the federal policies and programs relating to the implementation of Parts IV, V and VI of the Act. It ensures that federal institutions comply with the principles, directives and regulations relating to official languages.

## OFFICIAL LANGUAGE MINORITY COMMUNITIES

**The term “official language minority communities” refers to English-speaking communities in Quebec and French-speaking communities in a territory or in a province other than Quebec. About two million Canadians belong to an official language minority community.**

## ROLE OF THE COMMISSIONER OF OFFICIAL LANGUAGES

(Part IX, sections 49 to 75)

The status, duties and powers of the Commissioner of Official Languages are set out in Part IX of the Act. The Commissioner is required to take all actions and measures within his authority to ensure the full recognition of both official languages as well as compliance with the Act. If you believe that your language rights have been violated, you can file a complaint with the Commissioner.

## COURT REMEDY

(Part X, sections 76 to 81)

Complainants have the right to apply to the Federal Court for a remedy if they have previously submitted a complaint to the Commissioner under one of the following parts of the Act:

- sections 4 to 7 or 10 to 13;
- Parts IV, V or VII; or
- section 91.

## GENERAL STAFFING MEASURES

(Section 91)

In the federal public service, some positions are designated bilingual and others are designated unilingual. The Act sets out the need for objectivity when determining the language requirements of positions. These requirements must be based on the duties to be carried out to serve members of the public in the language of their choice or to fulfill language-of-work obligations.

Please do not hesitate to contact us for further information or for a copy of this document in an alternate format.

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**Nationwide, approximately 40% of positions in the federal public service require knowledge of both official languages.**

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