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Position of the Commissioner of Official Languages of Canada on the proposed *Official Languages Administrative Monetary Penalties Regulations*

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The Commissioner of Official Languages of Canada (the Commissioner) is pleased to see that the proposed *Official Languages Administrative Monetary Penalties Regulations* (the Regulations) have been tabled in Parliament. After reviewing the details of the government’s new regulations for [administrative monetary penalties](#) (AMPs), the Commissioner would like to express his support for the government’s decision to refer the Regulations to the Standing Committee on Official Languages and would like to highlight the importance of conducting an in-depth study. He also wishes for the Standing Senate Committee on Official Languages to be cognizant of the matter, given the impact the Regulations could have on the implementation of the *Official Languages Act* (the Act). The committees must ensure that the Regulations enable the objectives of the modernized Act to be achieved.

The Regulations include many of the items that the Commissioner recommended, including specific details on the process of serving notices of violation, on the payment of AMPs and on the decennial review of the Regulations. The Commissioner is also pleased that the maximum imposable penalty has been doubled to \$50,000, and he hopes that this new maximum for a specific violation under the Regulations will promote compliance with Part IV. He also finds it positive that nearly all of Part IV of the Act is reflected in the three types of violations that have been defined. It is important to remember that Part IV gives members of the public the right to communicate with and receive services from federal institutions’ head or central offices in the official language of their choice where the nature of the office justifies it or where there is significant demand for communications and services in that language.

Despite these positive aspects, port authorities are still excluded from the list of institutions subject to AMPs, despite the fact that the Office of the Commissioner’s complaint statistics point to the importance of their inclusion. The reasoning behind this decision remains unclear to the Commissioner. All Canadians should have the same language rights and the same mechanisms for enforcing those rights, regardless of the means of transportation they choose.

Although the Canadian Air Transport Security Authority (CATSA) is publicly funded, the Commissioner is of the opinion that CATSA should be better regulated to ensure that it complies with its language obligations under the modernized Act. CATSA plays a key role in terms of air travel service and air travel experience for the public, including through its screening of passengers, baggage and airport workers.

The Commissioner is also of the opinion that some of the items in the Regulations could affect the efficiency and effectiveness of his office’s internal processes, including the addition of several criteria to be considered and the obligation to justify the reasoning and methodology for each criterion. This complicates the process of issuing and serving AMPs. A more flexible and less cumbersome regulatory framework—similar to most of the current AMP regulations in federal legislation—would be preferable and would enable the Commissioner to implement the Regulations more quickly and effectively.

The Commissioner encourages the government to consider the issues detailed in this document in order to ensure that the Regulations provide the best possible protection for the travelling public. He would also like to reiterate that expectations for the federal government’s modernized language policy are high and that the government must ensure that it has given itself the means to meet those expectations.

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