

Office of the
Commissioner of
Official Languages



Commissariat
aux langues
officielles



ANNUAL REPORT

2019 • 2020

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ABBREVIATED VERSIONS USED IN THE REPORT

In this report, the following abbreviated versions are used for ease of reference:

- “the Commissioner” for Commissioner of Official Languages Raymond Thériault
- “the Office of the Commissioner” for the Office of the Commissioner of Official Languages
- “the Act” for the *Official Languages Act*
- “official language communities” for official language minority communities
- “federal institution” for a federal institution or organization that is subject to the *Official Languages Act*
- “the Regulations” for the *Official Languages (Communications with and Services to the Public) Regulations*
- “the Charter” for the *Canadian Charter of Rights and Freedoms*
- “the 2018–2023 Action Plan for Official Languages” for the *Action Plan for Official Languages 2018-2023: Investing in Our Future*

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The Speaker of the House of Commons

Ottawa

Mr. Speaker,

Pursuant to section 66 of the *Official Languages Act*, I hereby submit to Parliament, through your good offices, the annual report of the Commissioner of Official Languages covering the period from April 1, 2019, to March 31, 2020.

Yours respectfully,

A handwritten signature in black ink, appearing to read "R. Th  berge". The signature is fluid and cursive, with the first letter of the last name being a large, prominent "R".

Raymond Th  berge

The Speaker of the Senate

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Raymond Th  berge
Commissioner of Official Languages

PREFACE

The year 2019–2020 was a very exciting one for official languages, not the least because of the celebrations marking the 50th anniversary of the *Official Languages Act*. It was also an opportunity to reflect on how far we have come as a society since the Act was passed. This annual report offers food for thought about the future of official languages in Canada. Are we at the beginning of a new era? In many ways, I believe we are.

In 2018, the Prime Minister committed to tabling a bill to modernize the Act. The review is well under way, and the government has all of the tools it needs to turn its words into action when Parliament resumes its normal operations. The modernization process must result in legislation that can adapt to a new reality, one where services are no longer concentrated in one geographic area and are sometimes available only on-line. While the recent overhaul of the *Official Languages (Communications with and Services to the Public) Regulations* was an attempt to address some of these new challenges, the new Regulations are still shackled to an outdated conception of the Act and therefore fall short of the mark. I sincerely hope that the government ensures it has the resources to match its ambitions in order to effect a meaningful, in-depth modernization of the Act. Official language minority communities want to see their rights respected all the time, just like those of the majority. Those rights include the right to safety, the right to vote, the right to education and the right to health—in short, the right to receive services from their government in the official language of their choice. For their part, federal institutions would like the rules to be easier to understand so that they can apply them more effectively in their activities. Laws can be understood and followed much more effectively if they are clear and coherent.

Beyond these discussions on the modernization of the Act, federal institutions must continue to show their willingness to meet their official languages obligations. With regard to safety, for example, our investigations have shown that some institutions are having trouble providing their services in both official languages.

The obvious lack of bilingual services puts public safety at risk. Make no mistake—when it comes to safety, violations of the Act are as much a safety issue as a language issue.

The unprecedented health crisis that hit our country and the rest of the world in late winter 2020 made this glaringly evident. I will soon have the opportunity to share my analysis of public health authorities' management of the COVID-19 pandemic in Canada when I release my report on public safety. It is already clear

that federal institutions all too often defend themselves by saying that their mandate to ensure public safety takes precedence over their obligation to comply with the Act. To me, this is a grave error. If there is one area where both official languages must be equally respected, this is it. How can you ensure the public's safety and security if you address them in just one official language? The obvious lack of bilingual services puts public safety at risk.

Make no mistake—when it comes to safety, violations of the Act are as much a safety issue as a language issue. It is disturbing to see such security lapses happening not only at the very centre of our democracy—on Parliament Hill—but also repeatedly at our airports and border crossings, where over 100 million travellers transit every year. The authorities in charge need to tackle these issues immediately.

I realize that federal institutions do not always comply systematically with the Act; however, I am cautiously optimistic about the fact that nearly 80% of the complaints we investigate are producing tangible results for complainants. This shows that most institutions are listening and that they want to do better. The flip side of the story is that, although many of my recommendations are implemented, signs of lasting change in the federal institutions involved are not nearly as obvious.

That said, I am both confident and realistic as I look to the future of linguistic duality in Canada.

I am confident when I look at our vibrant official language communities. Demand for French second language programs from school boards has seen decades of such exceptional growth that finding enough qualified teachers is a real challenge. More than ever, Canadians want their children to enjoy the advantages that come with being bilingual. I therefore encourage the government to honour its commitments regarding the teaching of our two official languages in order to give as many young Canadians as possible the opportunity to become bilingual.

I am also realistic when I say that our official language communities need to be able to count on their government to champion linguistic duality. Support for minority language education must continue to be a top priority in our public policies. Everyone agrees that learning the other official language is not only good, it is also necessary in order to ensure the equal status and use of English and French in Canadian society.

The future of linguistic duality is also contingent on the public service's ability to be innovative. A new kind of service to the public is emerging that comes with its own challenges and opportunities. For example, my office created the Official Languages Maturity Model, which is a new tool federal institutions can use to make their own diagnostic assessments. More than 40 federal institutions have already taken the plunge and are participating in this three-year exercise. These institutions will be receiving a detailed roadmap on how to make official languages a more integral part of their operations. And so I call on all federal institutions that have yet to get on board but want institutional bilingualism to become second nature in their organizations to come join this group, which is already showing a strong commitment both to its employees and to the public they serve.

More than ever, Canadians want their children to enjoy the advantages that come with being bilingual.

CHAPTER 1

50 YEARS: LOOKING BACK AND MOVING FORWARD



In 2019–2020, in addition to his ombudsman duties, the Commissioner of Official Languages was busy on several other fronts, including organizing and taking part in a series of events marking the 50th anniversary of the *Official Languages Act*, which entered into force on September 7, 1969. Besides taking an objective look at the past 50 years, the Commissioner focussed on laying the groundwork for the years to come as he resolutely defended the view that the future of linguistic duality depends on a complete overhaul of the Act.

The Commissioner was especially active in matters involving the modernization of the Act. He appeared before parliamentary committees, conducted a national consultation campaign and published a [report containing 18 recommendations](#) for an Act that is relevant, dynamic and strong. The Commissioner also kept a close eye on the development of the new [Official Languages \(Communications with and Services to the Public\) Regulations](#). He gave feedback on several occasions to the Treasury Board of Canada Secretariat, but not all of it was heeded. Consequently, although the new Regulations feature definite improvements, they do not meet all of the Commissioner’s expectations.

On the legal front, the Commissioner intervened several times to defend fundamental principles of case law. For example, he appeared in Federal Court to defend the principle of substantive equality—the basis for interpreting all of the language rights enshrined in the Act.

“Without a doubt, we have achieved many milestones since the first act was passed in 1969. However, can we truly say that Parliament’s vision has become a reality? What will the future hold if we continue to do the same things over and over, make the same decisions and have the same reflexes? Will there be visionaries and ambassadors in the federal government and in Canadian society to defend the cause and celebrate official languages for the next 50 years?”

– Raymond Théberge, Commissioner of Official Languages

EXCITEMENT OVER THE 50TH ANNIVERSARY OF THE ACT

Official launch of the Official Languages Maturity Model

The Commissioner officially launched his new [Official Languages Maturity Model](#) on June 17, 2019, at an activity held jointly with the Canada School of Public Service. The event was a huge success, with more than 550 people attending on site or joining in by webcast. This modern and user-friendly technological tool was introduced to mark the 50th anniversary of the Act. It explains how to comply with the principles, rights and obligations set out in the Act so that they can be more easily understood at every organizational level and fully integrated into decision-making and operational processes.

Officially 50! summit

More than 150 people who care about official languages came together for the Officially 50! summit, which was held in Gatineau, Quebec, from November 21 to 23, 2019. The Office of the Commissioner of Official Languages partnered with the Association for Canadian Studies and Canadian Parents for French to stage this large-scale event, at which participants from across the country took stock of the first 50 years of the Act by examining issues such as second language education, official languages research and public perceptions of linguistic duality. The proceedings on November 22, organized by the Office of the Commissioner together with the Fédération de la jeunesse canadienne-française and Youth4Youth, focused on the future of linguistic duality in Canada and covered topics of particular concern to Canadian youth, such as linguistic insecurity in the context of increasing diversity and multiple identities. The Office of the Commissioner invited more than 40 young people from French-language schools, English-language schools and French immersion programs across Canada to come together to discuss the future of linguistic duality. Over the course of the day, these young Canadians identified courses of action that will inform the Office of the Commissioner's analysis and help shape the future of linguistic duality in Canada over the next 50 years.

Highlights of the topics discussed by youth delegates

Vocabulary: The words we use, such as the very notion of what constitutes a member of an official language community, do not resonate with all young people. They say our vocabulary needs to be more flexible.

Duality: The expression “linguistic duality” does not reflect the reality of young Canadians, who see it as overly restrictive.

Insecurity: Youth delegates said that Francophone identity needs to be flexible and inclusive of different accents and backgrounds, and that it has to afford the right to make mistakes. Many delegates mentioned situations where they had felt stressed about their fluency in their first or second language, and they characterized those situations as being straightjackets of traditional expectations.

Education: With regard to first and second official-language instruction, participants highlighted the importance of qualified teachers, the learning environment and community involvement.

Fighting myths: People sometimes have an outdated view of official language communities: for example, the economic status of English-speaking Quebecers is much lower than the commonly held stereotype.

Indigenous languages: Young people say Indigenous languages need to be more present in Canada's language policy.

Quotes from youth about linguistic duality

“Linguistic duality forces you to choose a check box—English or French—that you were born in. Bilingualism lets you choose both.” [Translation]

“English and French are not boxes. See them as overlapping circles, with no hard edges.”

Portrait of demolinguistic and socio-economic data

To mark the 50th anniversary of the Act, the Office of the Commissioner partnered with Statistics Canada to examine demolinguistic and socio-economic trends in official language communities in order to provide context for the circumstances surrounding the adoption of the Act and to shed light on some of the changes that have occurred over the past 50 years. This initiative, which was presented to the research community at events celebrating the 50th anniversary of the Act, examined the progress made since the Act was passed and the challenges currently facing official language populations in Canada, as well as their increasingly complex realities. Following are some of the issues that were raised:

- Strengthening Francophone immigration and integrating English-speaking and French-speaking immigrants in linguistic minority communities
- Meeting the challenges of interprovincial migration and capitalizing on the opportunities it presents
- Supporting parents in their efforts to pass down the minority language to their children
- Improving access to minority language education (both first- and second-language) and maintaining language skills
- Providing better support to official language populations that are more vulnerable socio-economically

“Although demographic and socio-economic data are important, I am very much aware that they alone cannot reflect the entire spectrum of the vitality of our official languages and of the communities that speak them from coast to coast to coast.”

– Raymond Th  berge, Commissioner of Official Languages

50th anniversary celebrations

The Commissioner and his staff took part in several other events and initiatives organized by the government, official language communities and research organizations to celebrate the 50th anniversary of the Act. The Commissioner used all of these opportunities—from interviews that he gave to speeches that he made across Canada—to talk about the 50th anniversary and the modernization of the Act.

A very eventful year

Following is a partial list of the Commissioner's activities in 2019–2020:

- **Fredericton, New Brunswick, April 18, 2019**
Address at a ceremonial event held at the residence of the Lieutenant-Governor of New Brunswick to mark the [50th anniversary of New Brunswick's Official Languages Act](#)
- **Gatineau, Quebec, May 29, 2019**
Opening address at the seminar sponsored by the Quebec English-Speaking Communities Research Network, the Canadian Institute for Research on Linguistic Minorities and the International Observatory on Language Rights at the [87th Congress of the Association francophone pour le savoir](#)
- **Ottawa, Ontario, June 13, 2019**
Address at the [4th Congress of the Réseau francophone de sociolinguistique](#)
- **Charlottetown, Prince Edward Island, June 13, 2019**
Address at a [meeting of the Atlantic Federal Council](#)
- **Montréal, Quebec, June 14, 2019**
Address at the [Quebec Community Groups Network's Annual General Meeting](#)
- **Montréal, Quebec, June 18, 2019**
Address at the Lieutenant-Governor of Quebec's symposium titled "50 years of legal changes for citizen's inclusiveness" at the Université du Québec à Montréal
- **Victoria, British Columbia, August 12, 2019**
Address on the 50th anniversary of the *Official Languages Act* at a conference of the [Assemblée parlementaire de la Francophonie](#)
- **Winnipeg, Manitoba, August 20, 2019**
Panelist at the [71st Annual Conference of the Institute of Public Administration of Canada](#) titled "Public Sector Transformation: Action and Meaningful Change"
- **Gatineau, Quebec, September 16, 2019**
Address on [Linguistic Duality Day and the 50th anniversary of the Act](#) at Public Services and Procurement Canada
- **St. John's, Newfoundland and Labrador, September 28, 2019**
Address at the Société nationale de l'Acadie's annual general meeting
- **Gatineau, Quebec, November 21, 22 and 23, 2019**
Various presentations at the Officially 50! bilingual summit on linguistic duality and education in Canada, organized jointly with the Association for Canadian Studies and Canadian Parents for French

Linguistic Duality Day 2019

During the Linguistic Duality Day activities on September 12, 2019, in Ottawa, Ontario, the Commissioner took part in a discussion on linguistic insecurity and language of work. Fifty awards for excellence and leadership in official languages were also presented during the event, testifying to the depth of expertise and wealth of initiatives in the federal public service.

This very educational day also saw the unveiling of a new official languages tool. The [Official Languages Hub](#), which was officially launched at the event, is the product of a partnership between seven federal organizations, including the Office of the Commissioner. The Hub is a clearinghouse of useful information about official languages, including policies in force, second language training, official language communities, best practices and guides. This initiative stems from a recommendation in the Clerk of the Privy Council's report, *The next level: Normalizing a culture of inclusive linguistic duality in the Federal Public Service workplace*. The Commissioner is very proud of this tool, which will prove to be indispensable for federal employees and for all Canadians.

Linguistic insecurity: Overview of the findings of the Office of the Commissioner's survey

In March 2019, the Office of the Commissioner surveyed federal employees in regions designated as bilingual for language-of-work purposes. The Commissioner would like to thank the Network of Official Languages Champions, whose members distributed the survey to employees in their respective organizations.

The purpose of the survey was to gain insights into the levels of linguistic insecurity federal employees who have the right to work in the official language of their choice are experiencing in the workplace in their first or second official language, and to identify strategies and ways to address potential challenges. The nearly 11,000 responses that were received through the survey greatly exceeded expectations and showed that official languages and linguistic security are major concerns for federal employees.

Although the findings are still being reviewed before the results are released, a preliminary analysis suggests that:

- linguistic insecurity is a real challenge for many federal employees; and
- many federal employees—English-speaking and French-speaking—would like more opportunities to use both official languages in the workplace.

Definition of linguistic insecurity

Linguistic insecurity can be defined as a feeling of some discomfort using one's first or second official language, owing to a variety of potential factors (environment; experience; personal and public opinions; and organizational, institutional and social perceptions).

Other publications

The Commissioner and his staff also contributed to a number of publications marking the 50th anniversary of the Act. Those contributions included interviews and research articles for magazines, historical content for the documentary titled *Bonjour, My Friend!* and a review of a historical narrative on linguistic duality published by the Fondation canadienne pour le dialogue des cultures.

Contributions to external publications released in 2019–2020

- *Teach* magazine (special issue: [50th Anniversary of the Official Languages Act, November 2019](#))
- [Canadian Issues \(Spring/Summer 2019\)](#)
- [Canadian Issues \(Fall/Winter 2019\)](#)
- [Canadian Diversity \(Volume 17, Number 1\)](#)

MODERNIZATION

Modernization under way

The Commissioner continued his efforts toward modernization of the Act, which celebrated its 50th anniversary in 2019. Among other things, he appeared and testified before the Standing Senate Committee on Official Languages and the House of Commons Standing Committee on Official Languages to present his position and to respond to proposals put forward by stakeholders.

In the wake of his national consultations, the Commissioner published a [position paper](#) in May 2019 on modernizing the Act that set out 18 recommendations in three priority areas:

- A relevant Act that reflects contemporary Canadian society and fully embraces linguistic duality by, for example, strengthening access to both the federal justice system and the Supreme Court of Canada, this country's highest court, in English and French
- A dynamic Act that takes evolving information technologies and new occupational realities into account, and is subject to regular review
- A strong Act that ensures more effective official languages governance within federal institutions and gives the Commissioner more enforcement powers to improve compliance

Following are some of the Commissioner's recommendations from his position paper:

- Add compliance mechanisms, such as the power to impose **administrative monetary penalties** for violations of the Act and the opportunity to enter into **enforceable agreements** with federal institutions to encourage them to comply voluntarily with the Act and to implement his recommendations.
- Ensure clear, centralized and coordinated official languages **governance**.
- Coordinate the implementation of a **government-wide action plan** on official languages.
- Require a **regular review** to ensure that the Act is keeping pace with changes in society, technology and case law.
- Make legislative amendments to **Part IV** of the Act to clarify the obligations of federal institutions that serve the public, and clarify the provisions regarding the obligation to make an active offer.

- Ensure that language-of-work rights (**Part V**) are more consistent with the obligations regarding communications with and services to the public as set out in Part IV of the Act and in the Regulations, preserve language-of-work rights in regions designated as bilingual for language-of-work purposes, and maintain an updated list of those regions.
- Make regulations under **Part VII** to clarify the concept of “positive measures” and other key concepts in order to support the development and vitality of official language communities.

The Commissioner is also continuing to study the possibility of creating an administrative tribunal, and he is reviewing the models proposed by stakeholders. Close attention will need to be paid to the relationship between the new tribunal and the Commissioner, especially with regard to handling complaints and conducting investigations.

In addition, the Commissioner is keeping a close eye on the issue of adopting the official French version of the Constitution—something that has yet to happen, even though the French text was drafted in 1990. Complaints have been filed regarding this matter, and the Commissioner is currently investigating them.

“Regardless of the compliance mechanisms that are ultimately chosen in the process to modernize the Act, their primary objective must be to ensure that the fundamental language rights of the Canadian public are respected in the simplest and most efficient way possible.”

– Raymond Thériault, Commissioner of Official Languages

Parliamentary reports on the modernization of the Act

In June 2018, the Prime Minister announced his intent to modernize the Act. The Standing Senate Committee on Official Languages and the House of Commons Standing Committee on Official Languages examined the issue and tabled their respective reports advocating various measures. Other stakeholders, including the Fédération des communautés francophones et acadienne du Canada, also made recommendations. The Commissioner is encouraged to see all of the work and effort stakeholders are putting in to contribute to the discussions regarding the modernization of the Act.

Topics that were presented and discussed with conviction before these committees included a central agency, annual plans, federal-provincial-territorial agreements, regulations, the bilingualism of Supreme Court of Canada justices, an official languages tribunal, the Commissioner’s powers, active offer, promoting bilingualism and linguistic duality, recognizing Indigenous languages, education, statistics, bilingualism in the federal public service, and updates to designated bilingual regions. The quality of the presentations and proposals was outstanding.

The Commissioner was very pleased to see these ideas being exchanged in a spirit of true cooperation.

New Regulations

On July 10, 2019, the government passed the *Regulations Amending the Official Languages (Communications with and Services to the Public) Regulations*. The new Regulations contain a number of improvements. First, they provide for the protection of bilingual offices where the relative proportion of the linguistic minority population has fallen below 5% but is holding its own in absolute numbers.

Second, the new Regulations provide for the adoption of a vitality criterion for official language communities: specifically, the presence of a minority language school. If there is such a school in the service area, demand will be considered high enough to require bilingual services to be provided. Although the Commissioner

was pleased that this vitality criterion was adopted, it is not enough. The history of the struggle for control over school governance shows that local governments are averse to creating schools for official language communities. Furthermore, this criterion could end up strengthening existing communities at the expense of emerging ones. The Commissioner would have liked other socio-economic and cultural criteria to have been considered. However, all of the other socio-economic and cultural criteria proposed by the Office of the Commissioner during discussions with the Treasury Board of Canada Secretariat were rejected.

The Regulations do not meet the Commissioner's expectations in other regards, as well. The greatest disappointment is the fact that the Regulations are still using the 5% threshold to define significant demand. The Commissioner had asked that it be replaced with an absolute numerical criterion, since the rights of the minority population should never be contingent upon the size of the majority population. Another let-down is that the Regulations are still very complex, even for the experts. The Commissioner would have liked the Regulations to have been simplified in order to make them easier to understand. The revamped version does not include a 10-year review provision, either. The Treasury Board of Canada Secretariat will be required to produce an analysis and submit it to Parliament—although the framework for that analysis has yet to be determined—but this approach does not require Parliament to review the Regulations every 10 years in order to ensure their continued relevance.

The government has given itself ample time to implement the reforms, with the Regulations not slated to be fully implemented until 2024, well after the 2021 Census. The Commissioner will be monitoring the implementation of the Regulations closely in order to fully gauge their impact on official language communities.

Appeal of the ruling in Dionne

The Commissioner was one of the intervenors in [*Dionne v Office of the Superintendent of Financial Institutions*](#).

On July 3, 2019, the Federal Court handed down its ruling on the provisions of the Act concerning the language of work in federal institutions. The complainant, who works in the Montréal region, alleged that his language-of-work rights had been violated because he had been forced to work in English with his unilingual English-speaking colleagues at the Toronto office. The Court dismissed the application, maintaining that no violation had taken place.

The Commissioner was disappointed with this ruling, which involves several major issues regarding the interpretation of language rights, and decided to appeal the decision.

The Commissioner is of the opinion that the ruling:

- sets aside fundamental principles for interpreting language rights established by the Supreme Court of Canada;
- adversely affects the right of federal employees to work in the official language of their choice (essentially, the Federal Court held that bilingual employees have to waive their rights in order to accommodate, to a certain degree, the needs of unilingual employees, which violates the principle of substantive equality that underpins those rights. Language rights are not accommodations—they are fundamental rights. Federal institutions must guarantee everyone's rights, not just those of some to the detriment of others); and
- goes against the spirit of the Act by putting the merit principle in section 91 ahead of Part IV and Part V of the Act.

This case highlights the need to modernize the Act in order to further reinforce the principles for interpreting rights. The next iteration of the Act should clearly set out those principles so that it is more sound when it comes to interpretation and application.

15th anniversary of the amendments to Part VII of the Act: Not a lot to celebrate

Part VII of the Act is crucial for supporting the development and vitality of official language communities and for promoting the full recognition and use of English and French in Canadian society. It was one of the major innovations in the 1988 Act and was further enhanced in 2005 with the addition of the obligation for all federal institutions to take positive measures to fulfill the government's commitments. While Part VII is a marked improvement, there is little to celebrate on the occasion of the 15th anniversary of the 2005 amendments.

In [*Fédération des francophones de la Colombie-Britannique v Canada \(Employment and Social Development\)*](#), the Federal Court ruled that under Part VII, federal institutions have merely a general obligation to act and to take positive measures within the framework of their respective mandates. This effectively changes the interpretation of Part VII and goes against the very spirit of the Act and the purpose of Part VII, whereby federal institutions are required to take positive measures to advance the equality of both official languages.

This case makes modernizing the Act, along with adopting regulations to clarify federal institutions' obligations, even more pressing.

Air Canada: Commissioner intervenes in support of substantive equality

The Commissioner welcomed the decision handed down by the Federal Court in [*Thibodeau v Air Canada*](#), in which the complainants alleged that Air Canada had committed a serious security violation by failing to ensure that emergency signage was identical in both official languages.

The Court confirmed in its ruling that substantive equality is the standard in matters of language rights. It accepted the Commissioner's argument that equality consists of four things: equal status, equal access, equal use and equal quality. The significance of this ruling hinges on that argument because, for the first time, the courts have recognized that equality encompasses all four of these elements.

The Commissioner was satisfied with the reasons given in the ruling. Substantive equality is a fundamental principle in matters of language rights and the norm for interpreting the rights set out in the Act. The Commissioner was also pleased that, as a result of the ruling, Air Canada will have to provide him with a work plan showing how it intends to go about systematically replacing the faulty signage, as he had recommended in his final investigation report.

CHAPTER 2

OFFICIAL LANGUAGES IN CANADIAN SOCIETY

Official languages continue to be a topical concern for official language communities.

In terms of education, for example, everyone agrees that learning the other official language, particularly where young people are concerned, is not only good, it is also necessary in order to ensure the equal status and use of English and French in Canadian society. However, this admirable goal is being undermined by a number of factors. Whether it be the shortage of French teachers, the ongoing challenge in enumerating rights holders, the underfunding of administrative processes in minority language education in one province or the proposal to abolish school boards in another, the Commissioner will continue to be vigilant and keep close tabs on current issues in the provinces and territories in order to gauge their impact on official language communities.

The Commissioner is also monitoring the [Action Plan for Official Languages 2018–2023: Investing in Our Future](#) in order to ensure that it addresses the needs of official language communities and the issues raised by them. One of the things he is looking forward to is the conclusion of bilateral agreements with the provinces and territories concerning minority language education and second language education, and he will continue to closely monitor their impact on English- and French-speaking communities.

“Having two official languages is what sets Canada apart as an open and inclusive society. English and French make Canada greater than the sum of its parts by promoting national unity, helping to raise our profile on the international stage, and creating opportunities for our children to learn and grow by opening them up to another language and another way of thinking.”

– Raymond Théberge, Commissioner of Official Languages

EDUCATION

Shortage of French second language teachers

In February 2019, the Office of the Commissioner released its study, [Accessing opportunity: A study on challenges in French-as-a-second-language education teacher supply and demand in Canada](#), which was produced in cooperation with a group of experts established by Canadian Parents for French. As the publication was being launched, the Commissioner sent out news releases to the provinces and territories concerning their respective situations.

The study showed that the challenges associated with French second language teacher supply and demand are ongoing. If these challenges are not addressed, it is unlikely that overall English-French bilingualism rates among non-Francophones will increase significantly in the foreseeable future.

Canadians’ access to opportunities to learn and become fluent in their second official language is key to ensuring the continued success of the Act, advancing the equal status and use of English and French in Canadian society, and fostering a bilingual public service that can work in both English and French and serve Canadians in either official language.

To help address these challenges, the provinces and territories need to invest in high-quality programs across the country so that students can go as far as they want to in learning their second language—from elementary school through to college and university. The study contains the Commissioner’s recommendations for the federal minister responsible for official languages, including the establishment of a national French second language consultation table with provincial and territorial partners, the development of a long-term national strategy for French second language teacher recruitment and retention, and the timely and effective dispensation of funds in the 2018–2023 Action Plan for Official Languages.

What young Canadians are saying

All of the young people who attended the November 22 conference on the future of linguistic duality insisted on their right to a quality education in their second official language. They also called for more opportunities to use their first or second official language in order to maintain their skills.

The Commissioner applauds the efforts of the many administrators, teachers and support staff in championing French second language education. The Commissioner is encouraged by Canadians’ enthusiasm for learning their second official language, as evidenced by the growing demand for French second language programs, including immersion programs, which increased nearly 50% in size between 2006 and 2016.

Challenges in recruiting and retaining teachers

Provinces and territories are continuing to face significant teacher recruitment and retention challenges, not only in French second language programs, but also in French language schools in official language communities. For example, the teacher shortage issue was raised at the Conseil scolaire francophone provincial de Terre-Neuve-et-Labrador’s last annual general meeting in November 2019. According to the school board, the situation is exacerbated by the fact that the province has no French language post-secondary institutions. The school board is currently exploring the possibility of establishing partnerships with post-secondary institutions in other parts of Canada and setting up initiatives to facilitate teacher recruitment and retention.

In Manitoba and Saskatchewan, where French immersion programs continue to thrive, recruiting French teachers is always a challenge. Although both the Université de Saint-Boniface in Winnipeg and the University of Regina have training programs for French immersion teachers and French second language teachers, demand is still outpacing supply. In October 2019, Canadian Parents for French launched a new initiative to address the shortage of French second language and French immersion teachers in Manitoba. The *Teach in French – Give the Gift of Language and Culture* initiative encourages and helps Manitoba students to consider careers in teaching French.

Issues for Quebec’s English-speaking community

In 2019–2020, the English-speaking community in Quebec felt the impact of a number of issues, particularly in the area of education.

One issue that is of particular concern to the Commissioner was the passage of Bill 40, which will see school boards in Quebec abolished and replaced with service centres. The Bill was passed without addressing the concerns raised by the English-speaking community—a significant fact, considering that school boards are the only government entities managed by the community.

The Commissioner also continues to be concerned about the ramifications of Quebec’s decision not to sign the new Protocol for Agreements for Minority-Language Education and Second-Language Instruction. He considers the principle of transparency to be just as important to Quebec’s English-speaking community as it is to French-speaking communities in other parts of the country.

Enumeration of rights holders in official language communities

Rights holders are parents who have the right under section 23 of the *Canadian Charter of Rights and Freedoms* to have their children educated in the official language of the linguistic minority in their province or territory. Exercising that right depends on the presence of a sufficient number of children in a given region who are entitled to receive an education in the official language of the linguistic minority.

Effective and representative enumeration of rights holders is therefore vital for minority language education in official language communities. However, those communities are currently facing a significant challenge—a lack of data on the number of rights holders that could affect the quality of education in the official language of the linguistic minority. Statistics Canada’s census is the primary tool used to determine the demand for education in the official language of the linguistic minority in a given region.

Enumeration, which is key to exercising education rights, comes with its share of frustration and discontent across the country. Communities in some provinces and territories have called for more flexible rules for admitting immigrants and for simplifying the process in general. Others feel that Statistics Canada is not providing English- and French-language school boards with data of equal quality, which is resulting in the under-reporting of rights holders. Still others are optimistic about the changes Statistics Canada may be making for the next census. They hope that these changes will have a significant positive impact on their demands for new school construction.

Other community issues regarding education

The Commissioner continues to be concerned about the successive events happening in the provinces and territories, and he is monitoring developments on several fronts that could have an impact (positive or negative) on official language communities and access to official languages learning opportunities. In June 2019, the Commissioner wrote to a number of provincial and territorial education ministers to express his concerns about budget cuts in recent years that have had a direct impact on the bilingualism rate among young people and to call on them to consider implementing policies that support French second language.

Alberta’s approach to funding education, developed in its October 2019 and February 2020 budgets, has affected schools across the province—and French-language schools in particular. The school boards will have to balance their growth against their budgets, which constitutes a cut in itself, given that the province’s four French language school boards are seeing student population increases between 1.6% and 5.5%. The Commissioner hopes that the quality of education provided to Franco-Albertan students will be equal to that provided in the majority language community, and that French second language programs will be able to meet the demand of the many parents who want that option for their children.

The Commissioner will also be watching events in New Brunswick to see what form the new approaches to education in both official languages will take, following the provincial government’s announcement in its Throne Speech on November 20, 2019.

Meanwhile, the Government of Manitoba is conducting a comprehensive review of its school system from kindergarten to Grade 12. The Commissioner will be keeping a close eye on any impact the recommendations stemming from the review will have on French language programs and French immersion programs throughout the province.

Fight for education in French in British Columbia finally makes its way to the Supreme Court of Canada

In September 2019, the Commissioner appeared before the Supreme Court of Canada in the case pitting the Conseil scolaire francophone de la Colombie-Britannique and the Fédération des parents francophones de la Colombie-Britannique against the Province of British Columbia.

The case concerns the alleged underfunding of French-language education in the province. In his appearance, the Commissioner addressed two major contentious issues: the application of the principle of substantive equality, which must form the basis for all analyses of language rights, including the analysis provided for in section 23 of the Charter as regards the right to minority language instruction; and the criteria that must guide the Court in its analysis of pressing and substantive objectives that would justify a violation of section 23.

The Court has to rule on a number of issues, including the establishment of the principle that must guide the analysis of the right to instruction in the minority language. The Court must also determine whether the sound distribution of limited public resources—a routine and elementary function of any form of government—is in itself an objective that the province can use to justify violating the constitutional right entrenched in section 23 of the Charter.

As of this writing, the Supreme Court of Canada has still not handed down its decision, which could have a significant impact on the interpretation of language rights and on official language communities.

2018–2023 ACTION PLAN FOR OFFICIAL LANGUAGES

Office of the Commissioner’s monitoring work

The 2018–2023 Action Plan for Official Languages includes a total investment of \$2.7 billion over five years to support and promote official languages. The Commissioner is keeping a close eye on the implementation of the plan in order to ensure that the initiatives that are funded produce tangible results for official language communities. The Commissioner is especially interested in the new programs being established by the federal government through additional funding of nearly \$500 million over five years. The proposed new measures in the plan include a dedicated fund for Quebec’s English-speaking communities, enhanced early childhood health promotion programming, and the re-establishment of core funding for organizations working in the field of access to justice.

Implementation of the new programs is progressing well. The “by and for” approach, whereby official language communities are called upon to deliver certain programs or services, is an integral part of the design of these programs, several of which are being run by community organizations. The Commissioner commends federal institutions and community organizations on their efforts in developing the programs together. He recognizes that this type of approach represents a long-term commitment and feels strongly that this partnership must be maintained to ensure that programs are implemented effectively. As part of its monitoring efforts, the Office of the Commissioner will also be examining accountability measures, as the Commissioner expects the government to be transparent. Moreover, accountability mechanisms and consultations with official language communities are critical for the renewal of the education agreements to be signed with the provinces and territories.

Protocol for Agreements for Minority-Language Education and Second-Language Instruction

On September 4, 2019, the federal government announced that it had reached an understanding with every provincial and territorial government except Quebec's on the text for a new protocol for agreements for minority-language education and second-language instruction. The protocol includes accountability measures for the provinces and territories, as the Commissioner recommended in his 2018–2019 annual report.

In Budget 2019, the Government of Canada renewed its annual contribution of \$235.5 million to the provinces and territories from 2019–2020 to 2022–2023. In June 2019, it announced an additional envelope of \$60 million over four years to support minority language education; however, the new funding is conditional on provincial and territorial commitments with respect to accountability and on consultations with education stakeholders, including school boards.

The protocol is a framework for bilateral agreements with the provinces and territories in matters of education. The Government of Quebec did not sign the protocol, as it intends to retain its exclusive jurisdiction over education in the province. A bilateral agreement will be signed to ensure that the province receives its share of federal funding. The Government of Quebec subscribes to the general principles in the protocol, and it plans to continue to work with the other governments to share information and best practices.

The Commissioner welcomes the progress that has been made in signing the protocol. It is important for the provinces and territories to invest this federal funding wisely in education programs for official language communities.

Reactions to the protocol

The Fédération nationale des conseils scolaires francophones welcomed the protocol, as it includes the first increase in funding in 10 years for French-language education.

Quebec's English-speaking community expressed its reservations about the Government of Quebec's decision not to sign the protocol, which includes accountability provisions. It would like to see more transparency in how funding is allocated.

Francophone immigration targets

Although some progress has been made, the targets that were set for French-speaking newcomers are still far from being achieved, and there are still ongoing issues in the Francophone immigration continuum. Immigration continues to be the key factor in maintaining the demographic weight of Francophone minority communities on both national and regional levels.

“Canada’s Francophone immigration targets, which were established nearly 15 years ago, have still not been achieved, and the same holds true in provinces that have set targets. Practical initiatives must be taken in order to achieve meaningful results in terms of the number of French-speaking newcomers and the rate at which they stay in Francophone minority communities.”

– Raymond Thériault, Commissioner of Official Languages

Francophone immigration: Follow-up to the investigation into language testing for newcomers

In the 2018–2023 Action Plan for Official Languages, the government committed to working with language testing organizations to increase the availability and reduce the cost of French language tests required for economic immigration.

The Commissioner is of the opinion that the quality, availability and cost of language tests should be the same for everyone, both in Canada and abroad.

In November 2019, the Office of the Commissioner completed the follow-up to the recommendations made after the 2017 investigation into the language proficiency tests required to apply for permanent residency in Canada, which were not equally available or provided in both official languages. The Commissioner was pleased to see that, after receiving the final investigation report, Immigration, Refugees and Citizenship Canada took a number of measures, including steps to support the development and vitality of Francophone minority communities.

However, despite the progress that has been made, the Commissioner is concerned because, two years after the final investigation report, the quality of French-language testing services is still not equal to that of English-language testing services. Differences in cost, geographic availability and overall wait times persist. The Commissioner will continue to monitor this file closely, and he encourages the institution to stay active in its efforts.

Federal support for community media

The 2018–2023 Action Plan for Official Languages includes \$14.5 million in support for community media: \$10 million to support collaborative community media projects and \$4.5 million to create media internships for the next generation of media professionals.

Funding for community media is important for the vitality of official language communities. The Office of the Commissioner followed up on [recommendations to Public Services and Procurement Canada and to Canadian Heritage](#) stemming from an investigation into complaints that, for the past few years, federal institutions have been advertising and posting public notices more and more on the Internet, to the detriment of traditional media, such as newspaper and radios, in official language communities.

During the follow-up, Public Services and Procurement Canada and Canadian Heritage reported that they had taken positive measures following the final investigation report. For example, Public Services and Procurement Canada continued to provide training and advice to the federal government's advertising community about institutions' obligations under the Act. Canadian Heritage also implemented several measures, including the creation of the Community Media Strategic Support Fund, with a funding envelope of \$10 million over five years, and the launch of an internship program through Young Canada Works. These measures were announced in the 2018–2023 Action Plan for Official Languages.

These actions are definitely a step in the right direction. However, the follow-up showed that, since the investigation, there is still disagreement over Public Services and Procurement Canada's level of responsibility for ensuring that the obligations set out in the Act are met for the advertising campaigns it has to approve. In the Commissioner's view, the institution plays a role in managing advertising campaigns. Public Services and Procurement Canada, however, is of the opinion that its role is limited to advising federal institutions on the matter and to ensuring that English-speaking and French-speaking Canadians have an equal opportunity to access federal institutions' advertising products.

Canadian Heritage, Public Services and Procurement Canada, and the central agencies should have addressed this situation, which they were clearly aware of and which has the potential to adversely affect official language communities' newspapers and radio stations—tools they need to support their development and vitality. Apparently everyone is responsible . . . and yet no one is. The Commissioner is greatly concerned about the repercussions that this trend could have on official language communities and media.

The Commissioner encourages Canadian Heritage to continue to be a leader in this file, and he urges Public Services and Procurement Canada to begin reflecting on how it can step up its support for official language minority media within the framework of its mandate. The very survival of media in official language communities—crucial to the vitality of these communities—is at stake.

Federal support for literacy in official language communities

The 2018–2023 Action Plan for Official Languages includes \$7.5 million in funding for a literacy and essential skills initiative in official language communities.

The Commissioner is aware that literacy is an issue for official language communities, and his office followed up on the recommendations that were made after an investigation into decisions by Employment and Social Development Canada to eliminate core funding for literacy organizations and to change the strategic direction of its literacy programs. The investigation, which was conducted under Part VII of the Act, found that Employment and Social Development Canada had failed to consider the needs of official language communities when it made those decisions.

In response to the recommendations, Employment and Social Development Canada commissioned expert researchers to conduct a needs analysis. It also developed a multi-year strategy providing for the creation of a national organization specific to official language communities. This organization would be responsible for coordinating the allocation of funds and for developing a comprehensive, long-term approach for literacy and essential skills.

Employment and Social Development Canada's efforts in this file were acknowledged by the Réseau pour le développement de l'alphabétisme et des compétences in its testimony before the House of Commons Standing Committee on Official Languages in February 2018. The Réseau praised the institution's receptiveness and confirmed that the exercise is consistent with the services-provided-by-and-for-Francophone-communities approach. The Commissioner is satisfied with Employment and Social Development Canada's efforts and will continue to closely monitor the implementation of the strategy.

Waiting for a new survey on the vitality of official language communities

In order for the Act to be implemented, for the effectiveness of the government's official languages action plan to be measurable and for linguistic duality to succeed, decision makers need to have an in-depth and nuanced understanding of official language community vitality and of the many factors that shape and define it.

Researchers and official language communities have serious concerns about the fact that the 2018–2023 Action Plan for Official Languages contains no commitment to conduct a new survey on the vitality of official language minorities and only a limited commitment to funding for research in general. The Survey on the Vitality of Official-Language Minorities, the first and most recent of which was conducted in 2006, is an invaluable way of obtaining data on the state of English and French linguistic minority communities in such areas as family life, education, health, early childhood and youth, and language use in the public arena. It is also an important tool for helping federal institutions to develop policies and implement programs.

Like his predecessors, the Commissioner has urged the federal government several times to conduct a new post-census survey on the vitality of official language communities. In August 2019, the Commissioner wrote directly to the Minister of Tourism, Official Languages and La Francophonie and to the Minister of Innovation, Science and Economic Development to encourage them to make a clear commitment to conduct a new survey in 2021.

The Commissioner is pleased to see that this priority was finally included in the [Minister of Economic Development and Official Languages' mandate letter](#) and that decision makers, researchers, policy analysts, program planners and auditors, and official language community members will soon have access to this critical data.

Letter to the Minister of Tourism, Official Languages and La Francophonie and to the Minister of Innovation, Science and Economic Development

Dear Minister Joly and Minister Bains:

I am writing to you today to strongly encourage you to make a clear commitment to conducting a new post-censal survey on the vitality of official-language minorities (SVOLM) in 2021, and to make this commitment as soon as possible, as it is important to start planning this project without delay.

In order for the *Official Languages Act* to be implemented meaningfully, the effectiveness of the Action Plan on Official Languages to be made measurable, and our linguistic duality to be successful, decision-makers must have a thorough and nuanced understanding of community vitality and of the myriad factors that both inform and reflect that vitality. The SVOLM, last conducted in 2006, is a critical means for obtaining data on the circumstances of English-speaking and French-speaking minorities in areas including family life, education, health, early childhood and language use in the public sphere. It is also an important tool for assisting federal departments and agencies in developing policies and implementing programs.

In her December 2017 letter to Chief Statistician Anil Arora, in which she spoke about the importance of enumerating minority language education rights-holders in the census, Interim Commissioner Ghislaine Saikaley also expressed support for a new SVOLM. This was a key recommendation of the House of Commons Standing Committee on Official Languages in its report, *The Enumeration of Rights-Holders*. In her letter, Ms. Saikaley took note of your stated commitment to look into the possibility of conducting a new SVOLM.

In a December 2018 presentation delivered on the occasion of Statistics Canada's 100th anniversary, my office also commended your expressed willingness to consider a new SVOLM and conveyed my support for the project. More recently, in the follow-up publication, "Made to Measure: Statistics Canada @100," I reiterated the need for the federal government to "provide stronger guarantees for research funding and engage in a new post-censal survey on the vitality of official language minority communities."

As you know, the absence of a commitment to a new SVOLM in the current Action Plan, along with the limited commitment to research funding more generally, has been a real cause for concern among researchers and official language minority communities. I took note, for instance, of the Fédération des communautés francophones et acadiennes' December 2018 letter, co-signed by the Quebec Community Groups Network, the Quebec English-Speaking Communities Research Network, the Association des collèges et universités de la francophonie canadienne, and the Canadian Institute for Research on Linguistic Minorities, calling upon Minister Joly to commit to a new SVOLM.

I am aware of the fact that conducting a new SVOLM will entail a great deal of planning and work in order for it to be feasible in 2021, saving us from having to wait another five years. This is all the more reason, I believe, for you to commit now, before the next election, to a new SVOLM in 2021, so that both of your departments can begin the planning process without delay, and so that decision-makers, researchers, policy analysts, program planners and evaluators, and community members will not have to wait another five years for this critical data to be gathered and made available.

The French version of this letter is enclosed.

Yours sincerely,

A handwritten signature in black ink, appearing to read "R. Th  berge". The signature is fluid and cursive, with a large initial "R." and a long, sweeping tail.

Raymond Th  berge

CHAPTER 3

FEDERAL INSTITUTIONS AND OFFICIAL LANGUAGES



In his role as ombudsman, the Commissioner receives and processes complaints from citizens who feel that their rights have been violated. In 2019–2020, at least 80% of the complaints that were filed produced tangible results.

Although that tally is encouraging, problems with compliance are still being reported. In this 2019–2020 annual report, the Commissioner has decided to highlight compliance issues that pose genuine safety concerns. In emergencies, providing information to the public in both official languages is especially important.

In terms of service to the public, 2019–2020 was marked by Canada’s 43rd general election. The Commissioner worked closely with Elections Canada to prepare for this major event. Both the Office of the Commissioner and Elections Canada established new internal processes, including a complaint form tailored specifically for elections that made it possible to resolve large numbers of complaints quickly, sometimes in just a matter of hours.

In June 2019, the Commissioner officially launched a new tool created by his office called the Official Languages Maturity Model. Just over 40 federal institutions were selected to take part in the Model’s diagnostic review exercise over a three-year period. The tool enables institutions to compile a complete picture of their maturity in terms of official languages. It also provides them with a roadmap to achieving full maturity.

Awareness and understanding of language rights and obligations continues to be an issue for the public and for federal institutions, so the Office of the Commissioner released a new tool consisting of a series of [interpretation bulletins](#) that explain the Act and its Regulations. Given the importance of having an open government, the Commissioner chose to focus on this topic for his first bulletin. In the Commissioner’s view, a truly open government must make documents available in both official languages so that members of the public can fully participate in on-line consultations and other activities in the official language of their choice.

“The Official Languages Maturity Model is a game-changer for the public service—federal institutions can now be proactive and prove their commitment to official languages.”

– Raymond Th  berge, Commissioner of Official Languages

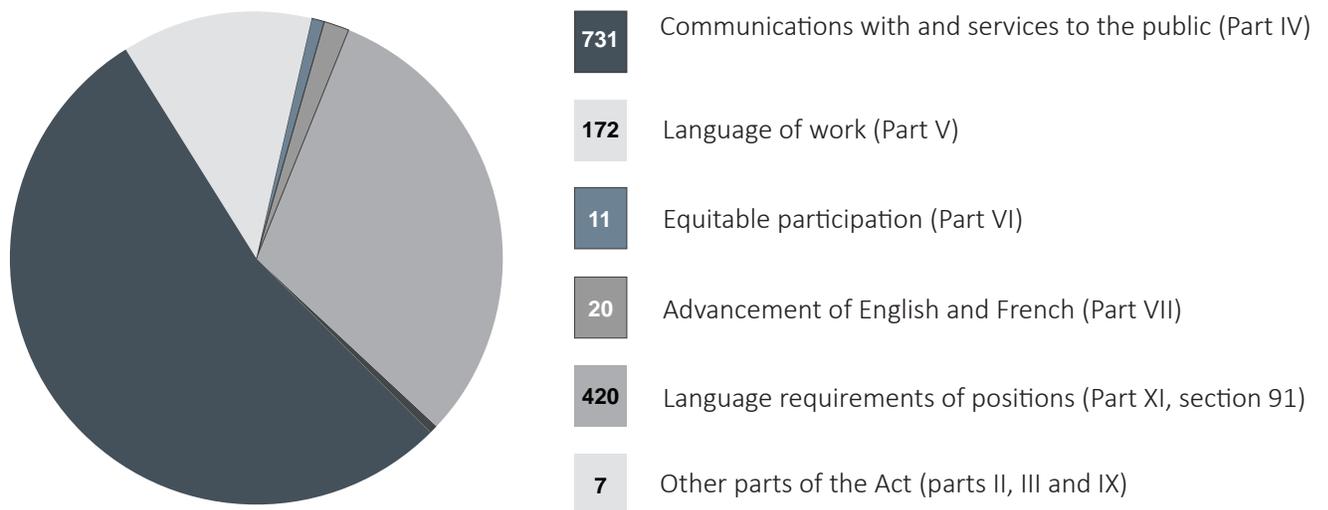
Increase in complaints

In 2019–2020, the Commissioner received a total of 1,361 admissible complaints, a 25% increase compared with 2018–2019. Nearly half of the complaints received in July were made by the travelling public, while most of the complaints received in October were about the federal election. The number of complaints filed under Part IV of the Act saw a significant increase, as did the number of complaints filed under section 91 of the Act.

Statistics on admissible complaints in 2019–2020

Figure 1

ADMISSIBLE COMPLAINTS IN 2019–2020
BY PART/SECTION OF THE *OFFICIAL LANGUAGES ACT*



Total: 1,361

Table 1

ADMISSIBLE COMPLAINTS IN 2019–2020

BY PROVINCE AND TERRITORY AND BY PART/SECTION OF THE *OFFICIAL LANGUAGES ACT*

LOCATION OF INCIDENT	SERVICE TO THE PUBLIC (PART IV)	LANGUAGE OF WORK (PART V)	EQUITABLE PARTICIPATION (PART VI)	ADVANCEMENT OF ENGLISH AND FRENCH (PART VII)	LANGUAGE REQUIREMENTS (PART XI, SECTION 91)	OTHER PARTS OR SECTIONS*	TOTAL
NEWFOUNDLAND AND LABRADOR	32	0	0	0	0	0	32
PRINCE EDWARD ISLAND	4	0	0	0	0	0	4
NOVA SCOTIA	57	2	0	1	0	0	60
NEW BRUNSWICK	43	9	3	6	1	0	62
QUEBEC	145	46	1	4	15	2	213
NATIONAL CAPITAL REGION (QUEBEC)	24	22	0	0	116	1	163
NATIONAL CAPITAL REGION (ONTARIO)	134	71	6	5	280	4	500
ONTARIO	176	13	0	1	2	0	192
MANITOBA	8	1	0	0	0	0	9
SASKATCHEWAN	4	0	1	1	0	0	6
ALBERTA	37	4	0	2	5	0	48
BRITISH COLUMBIA	29	1	0	0	0	0	30
YUKON	6	0	0	0	0	0	6
NORTHWEST TERRITORIES	6	0	0	0	0	0	6
NUNAVUT	0	0	0	0	0	0	0
OUTSIDE CANADA	26	3	0	0	1	0	30
Total	731	172	11	20	420	7	1,361

*This category contains the complaints that were filed under Part II (Legislative and Other Instruments), Part III (Administration of Justice) and Part IX (Commissioner of Official Languages).

Table 2

ADMISSIBLE COMPLAINTS OVER 10 YEARS (2010–2011 TO 2019–2020)
BY PROVINCE AND TERRITORY

LOCATION OF INCIDENT	2010 2011	2011 2012	2012 2013	2013 2014	2014 2015	2015 2016	2016 2017	2017 2018	2018 2019	2019 2020
NEWFOUNDLAND AND LABRADOR	6	11	8	18	12	14	28	16	24	32
PRINCE EDWARD ISLAND	7	3	3	4	4	2	5	2	7	4
NOVA SCOTIA	52	33	9	8	13	16	10	20	22	60
NEW BRUNSWICK	35	36	24	31	42	41	87	51	65	62
QUEBEC	505	55	70	59	56	68	148	129	166	213
NATIONAL CAPITAL REGION (QUEBEC)	57	49	49	37	64	121	92	96	156	163
NATIONAL CAPITAL REGION (ONTARIO)	209	200	152	182	193	351	429	307	336	500
ONTARIO	51	77	52	75	78	58	106	124	153	192
MANITOBA	10	25	20	20	13	14	13	18	11	9
SASKATCHEWAN	3	2	2	8	16	4	6	25	14	6
ALBERTA	11	12	9	9	28	8	43	49	56	48
BRITISH COLUMBIA	23	7	8	19	18	16	25	33	25	30
YUKON	3	0	0	0	1	1	1	1	5	6
NORTHWEST TERRITORIES	0	1	0	1	0	2	2	4	7	6
NUNAVUT	1	0	0	0	0	1	0	0	0	0
OUTSIDE CANADA	8	7	9	5	12	8	23	19	40	30
Total	981	518	415	476	550	725	1,018	894	1,087	1,361

Table 3

ADMISSIBLE COMPLAINTS OVER 10 YEARS (2010–2011 TO 2019–2020)
 BY PART/SECTION OF THE *OFFICIAL LANGUAGES ACT*

	2010 2011	2011 2012	2012 2013	2013 2014	2014 2015	2015 2016	2016 2017	2017 2018	2018 2019	2019 2020
SERVICE TO THE PUBLIC (PART IV)	298	341	252	282	320	344	565	457	550	731
LANGUAGE OF WORK (PART V)	512	79	83	103	126	125	183	138	212	172
EQUITABLE PARTICIPATION (PART VI)	6	1	6	13	11	24	34	16	22	11
ADVANCEMENT OF ENGLISH AND FRENCH (PART VII)	109	45	39	30	37	62	32	50	12	20
LANGUAGE REQUIREMENTS (PART XI, SECTION 91)	51	42	30	44	45	156	192	222	285	420
OTHER PARTS OR SECTIONS*	5	10	5	4	11	14	12	11	6	7
Total	981	518	415	476	550	725	1,018	894	1,087	1,361

*This category contains the complaints that were filed under Part II (Legislative and Other Instruments), Part III (Administration of Justice) and Part IX (Commissioner of Official Languages).

SAFETY AND OFFICIAL LANGUAGES

COVID-19 pandemic

Recently, the whole world has been living through an exceptional time with the COVID-19 pandemic. Like most people, the Commissioner is deeply concerned about the situation and would like to recognize the incredible efforts that have been made to ensure the health and safety of all Canadians.

This health crisis, which took everyone by surprise, has tested the resilience of official languages in our institutions. Unfortunately, the preliminary results of that test are far from reassuring because important information about the pandemic is too often published in only one official language. In times of crisis, it is all the more critical for the federal government to ensure that all Canadians have access at all times to essential information in the official language of their choice, regardless of where in the country they live.

Responses to crises of any kind are based on two things—communication and trust:

- Our leaders must be able to communicate clearly with all members of the public in both official languages in order to make themselves understood and to convey information that is essential to ensuring everyone's health and safety.
- Canadians must be able to trust their leaders, and trust is closely linked to language. Members of the public must be able to see and hear these messages in the official language in which they feel most comfortable and in which they can understand all of the nuances.

On March 20, 2020, the Commissioner wrote to all federal official languages champions to remind them of the importance of communicating in both official languages.

The Commissioner has received complaints about federal government communications during the pandemic and is currently analyzing the facts. He will be studying all of these issues in the coming months.

Investigation into the National Public Alerting System

Some provinces in Canada ensure that emergency alerts are issued in both official languages in their respective jurisdictions. For example, Quebec has taken the necessary steps to broadcast these alerts in both official languages. It is also encouraging to see that, as reported in the media, the Royal Newfoundland Constabulary plans to work with the provincial government to ensure that emergency alerts are issued in both official languages in that province. The Commissioner urges the other provinces and territories to take a page from their counterparts' books and issue their emergency alerts in both English and French.

In 2018 and 2019, the Commissioner received more than 85 complaints against CBC/Radio-Canada, Public Safety Canada, the Canadian Radio-television and Telecommunications Commission and Environment and Climate Change Canada about the language of emergency alert messages. The issue raised in the investigation was that emergency alerts were being issued in one official language only, endangering members of the public who do not understand that language. The investigation examined the language obligations of these federal institutions with regard to the regulation and management of the National Public Alerting System, the broadcasting of alerts over this system, and the broadcasting of emergency alerts by other distributors.

The National Public Alerting System is a federal-provincial-territorial initiative involving various public and private entities. It was designed to enable provincial and territorial emergency management organizations to provide early warnings to Canadians about life-threatening risks. In theory, emergency alert messages are issued by public officials and sent to other entities (for example, CBC/Radio-Canada) responsible for broadcasting them.

Because of provincial jurisdiction, the Act does not require the Canadian Radio-television and Telecommunications Commission or Public Safety Canada to obligate emergency management organizations to broadcast their alerts in both official languages. However, the Commissioner is of the opinion that the Canadian Radio-television and Telecommunications Commission has an obligation to clarify its regulations to require that these organizations always broadcast alerts in both official languages when they are issued in both languages, regardless of where the broadcasters are located in Canada. Following his investigation, the Commissioner recommended that the Canadian Radio-television and Telecommunications Commission amend its broadcasting regulatory policy within six months of the date of the final investigation report (that is, by May 2020) so that broadcasters are required to always broadcast emergency alert messages in both official messages everywhere in Canada whenever those messages are issued by emergency management organizations in both languages.

“The safety of Canadians should not depend on where they are in the country or on the choice of language for broadcasting emergency alert messages.”

– Raymond Thériault, Commissioner of Official Languages

The Parliamentary Protective Service and the Royal Canadian Mounted Police need to do better on Parliament Hill

Over the past few years, the Commissioner has received complaints about the Parliamentary Protective Service and the Royal Canadian Mounted Police regarding the lack of service in both official languages on Parliament Hill. In 2019, three follow-ups were conducted on recommendations made in investigation reports issued in 2017. The follow-ups found that neither institution had fully implemented the Commissioner’s recommendations.

This is a major issue for the Commissioner, as it concerns both Canadian identity and public safety. The Parliament of Canada is highly symbolic for Canadians—the House of Commons and the Senate embody Canadian democracy. The Canadian Constitution states that English and French are the official languages of Canada and provides for full and equal access to Parliament in both official languages. Symbolism aside, it is inconceivable that, 10 metres from the place where the Act was passed, service in French from security officers is not guaranteed. In an emergency, the safety and security of parliamentarians, employees and visitors on Parliament Hill must not depend on their ability to understand the language used by security officers.

The Commissioner will be monitoring the situation closely to ensure that the public’s language rights are respected at all times on Parliament Hill.

Correctional Service Canada: Too many recommendations ignored

In April 2019, at the request of the House of Commons Standing Committee on Official Languages, the Office of the Commissioner submitted data on the implementation of the Commissioner's recommendations. The data showed that Correctional Service Canada—with 10 unheeded recommendations—topped the list of federal institutions that still had yet to implement certain recommendations, according to follow-ups conducted in 2018–2019.

A difference of opinion over the interpretation of the Act, specifically as regards language proficiency requirements for employees, is part of the reason the recommendations were not implemented. In the Commissioner's view, the lack of bilingualism among correctional officers at some institutions is a systemic issue that is preventing Correctional Service Canada from fully complying with the Act. In addition, inmates cannot always access essential health, safety and wellness services in the official language of their choice. The Commissioner is aware that the institution is facing recruitment challenges; nonetheless, he urges the institution to continue its efforts and to take concrete measures to increase its bilingual capacity.

Ongoing issues with the Canada Border Services Agency and the Canadian Air Transport Security Authority

In 2019–2020, the Commissioner completed two audit follow-ups on services provided by two institutions that provide important services to the travelling public: the [Canada Border Services Agency](#) and the [Canadian Air Transport Security Authority](#). Both institutions provide services to members of the public and ensure their safety. However, neither currently has the bilingual capacity to ensure a sufficient number of bilingual officers and superintendents in order to provide service of equal quality in both official languages at designated bilingual ports of entry in the case of the Canada Border Services Agency, and at control checkpoints at designated bilingual airports in the case of the Canadian Air Transport Security Authority.

Recruitment issues continue to be a major challenge in the provision of service in both official languages. The Canada Border Services Agency and the Canadian Air Transport Security Authority say they have taken steps to increase their bilingual capacity; however, those steps have yet to produce results. Data on the number of bilingual officers—obtained during the follow-ups—is similar or shows little progress compared with the data compiled during the audits conducted between March and July 2014 in the case of the Canada Border Services Agency, and between December 2015 and March 2016 in the case of the Canadian Air Transport Security Authority. With regard to mechanisms to assess bilingual service delivery, in some instances, neither federal institution has assessment mechanisms in place. In others, the mechanisms that are in place do not ensure effective monitoring of the delivery of service in both official languages.

The two follow-ups also showed that both federal institutions have the same challenges when it comes to building and maintaining relationships with official language communities and taking their needs into account when providing services. Although consultation mechanisms are in place, the information gathered about community needs and realities is not systematically taken into account when providing services.

Given the significant roles they play in terms of public safety and protection, both federal institutions need to be creative. They need to step up their efforts to resolve the challenges and issues related to providing service in both official languages so that they can improve the availability and quality of the services they provide to the travelling public. The Commissioner urges both institutions to continue their efforts to recruit bilingual candidates and to ensure that bilingual staff are assigned strategically so that service of equal quality is provided at all times.

SERVICE TO THE PUBLIC

Complaints to the Office of the Commissioner get results

Filing complaints gets results, with federal institutions taking corrective measures 80% of the time.

What happens when institutions fail to act? These situations often involve ongoing or long-standing compliance issues, or ones that have a major impact on the public's health, safety or rights.

When his recommendations are not implemented by institutions, the Commissioner has a number of powers at his disposal and can take a wide range of appropriate actions, depending on the circumstances. Those actions can include formal or informal meetings with institutional officials, studies, audits, follow-ups and special reports to Parliament (for example, the [2016 special report on Air Canada's compliance](#)). As a last resort, the Commissioner can intervene before the courts to ensure that the public's language rights are respected. For example, he systematically intervenes in cases involving the right to education in the official language of the linguistic minority.

The Office of the Commissioner's actions seek to ensure that the government and federal institutions fully meet their obligations in implementing the Act. Another major initiative in 2019–2020 was the launch of the [Official Languages Maturity Model](#), a diagnostic tool that helps federal institutions compile a complete picture of their official languages situation.

All of these actions are complementary, and having this broad array of tools at his disposal makes the Commissioner a true ombudsman serving the needs of citizens.

Cooperation from Elections Canada

In 2019–2020, the Office of the Commissioner worked actively on a number of projects to encourage Elections Canada to take lasting measures in terms of official languages at every stage in the electoral process, and to inform Canadians and key stakeholders about their right to vote in the official language of their choice. It is vital that Canadians understand that their right to vote is a fundamental right and that they must feel free to exercise that right in the official language of their choice with complete confidence so that they have a stronger feeling of belonging and of being important citizens who have a say in their country's democracy.

The Commissioner recognizes Elections Canada's commitment to improving service in both official languages—a sign of progress in the institution's efforts to meet its obligations. He also acknowledges its efforts to recruit bilingual workers in Edmonton, Alberta, where a job fair at Elections Canada was organized in partnership with Accès-Emploi. These measures are a step in the right direction.

However, there is still one major factor overshadowing that progress. The Office of the Commissioner and Elections Canada still disagree over the application of section 24 of the Act. In the Commissioner's view, Elections Canada has obligations across the country. Elections Canada, however, maintains that those obligations apply only in places where there is significant demand. This difference of opinion is significant because it affects the various measures taken by Elections Canada.

The Office of the Commissioner will continue its dialogue with Elections Canada to help it come up with long-term solutions for addressing the ongoing critical issues detailed in the audit follow-up described in the next section. In 2020–2021, Elections Canada will be completing its first diagnostic review exercise as part of the Office of the Commissioner's Official Languages Maturity Model. The Commissioner expects that the institution will be able to use the Model to identify its strengths and weaknesses and to clarify the approach it plans to take in order to strengthen the inclusion of both official languages in its decision-making and operational processes.

Elections Canada: Audit follow-up

In 2015, Commissioner Graham Fraser published an [audit report](#) containing nine recommendations to help Elections Canada meet its obligations under the Act. In May 2019, Commissioner Thériault published an [audit follow-up report](#) on the implementation of the recommendations in order to assess the measures taken by Elections Canada. The report concluded that the institution had only partially implemented the nine recommendations.

In the audit follow-up report, the Commissioner noted a significant improvement in electronic tools, which will help returning officers in preparing recruitment plans and understanding the language make-up of their ridings.

However, while Elections Canada has made some progress, there are still shortcomings in terms of the obligation to make an active offer, and the availability and quality of services in both official languages. For example, the institution has only partially tackled the crux of the problem of hiring and recruiting bilingual returning officers, field liaison officers and election officers. These shortcomings have an impact on Canadians' being able to exercise their right to vote in the official language of their choice. Making an active offer of bilingual service without actually providing that service—as complaints received during the 2019 federal election would seem to suggest—is not enough.

New on-line survey on voters' experiences

On October 1, 2019, the Office of the Commissioner published an on-line survey to gather feedback from Canadians about their experience while exercising their right to vote in the official language of their choice during the 2019 federal election, and to raise public awareness about that right. The survey was also intended to obtain an overview of the public's voting experience in order to find other ways to help Elections Canada meet its language obligations. The information gathered from the nearly 1,000 respondents helped the Office of the Commissioner to better understand Canadians' experiences while exercising their fundamental right to vote in the official language of their choice and, through that understanding, to continue its collaboration with Elections Canada. Although the results are not reflective of Canadian society as a whole, the feedback received from respondents suggests that the voting experience differed significantly between people who speak the official language of the linguistic majority and those who speak the official language of the linguistic minority. For example, levels of satisfaction were lower among respondents who identified as members of the French linguistic minority community outside Quebec.

Voter quotes from the on-line survey

"I went with my 98-year-old mother to her polling station, which is in a predominantly French-speaking area. We were greeted in French, but I had to insist on being served in French once we were inside the polling station. I watched as residents of this long-term care centre had to muddle along in English because none of the Elections Canada staff, except for the greeters, spoke in French to them. Shameful!" [Translation]

"I was pleasantly surprised today by the warm welcome I received in French when I went to vote at the polling station! It's important to speak up when things go well." [Translation]

Voter quotes from the on-line survey (cont.)

“At no point during the hour I was there waiting to vote did anyone speak to me in English, despite my speaking to my son in English the entire time. An employee even commented to me in French in regard to something I told my son in English. So they understood what I was saying but at no time tried to speak to me in English or offered me the choice.”

“The Elections Canada representative in my riding went to a lot of trouble to make sure there were as many people as possible who could provide good service in French. I’m grateful to her for what she did, as she’s an Anglophone. Her efforts should be recognized, and I encourage her to tell her colleagues in the other ridings about everything she did to ensure that language rights were respected as much as possible.” [Translation]

123 complaints received about the 2019 federal election

The Commissioner received 123 admissible complaints about the 2019 federal election, a record number and nearly five times as many as were received during the 2015 federal election.

Clearly, there are problems according to voters, who cannot always receive service in the official language of their choice when they go to vote. More than 80% of the complaints received from voters were about a lack of service in the official language of their choice, including the lack of an active offer of service. The other 20% were about issues such as telephone service, communications (on-line and signage) and the language in which employees receive training. The complainants hailed from various regions in nine provinces and two territories. However, a significant number—nearly 70%—were from Ontario, with a higher proportion from eastern Ontario and the Greater Toronto Area.

Comments from Canadians about their voting experience at the polls

“Despite my insistence, reception and information solely in English at an advance polling station. Same problem during the provincial election. *Sigh*.” [Translation]

“I was very pleased to see, at least at the advance polling station where I voted, that I was greeted in both official languages and spoken to in the language of my choice. There was ample bilingual signage, and it was very clear that either language was available to me throughout the voting process. I appreciate the effort.”

Complaints about the 2019 federal election settled quickly

Thanks to Elections Canada’s dedication and the internal processes put in place by the institution and by the Office of the Commissioner (a complaint form just for voters, for example), many complaints about the 2019 federal election were settled quickly and to the complainants’ and the Office of the Commissioner’s satisfaction. Some complaints were resolved in just a few hours. The Commissioner was able to begin processing most of the complaints that were received during the advance polling and on voting day within a few hours after they were filed.

Quotes from voters who were pleased with how quickly their complaints were settled

“Thank you for your quick response. I’m satisfied because my main goal, as advance polling begins, is to ensure that the polling stations are aware of the importance of making an active offer to voters.” [Translation]

“Thank you for your prompt response and for treating my complaint with such efficiency. I am very happy with the actions taken. My area has a large Anglophone population [and] many recent immigrants like myself, and I hope that they benefit from your intervention on my behalf.”

“I hope this will allow other Francophones to receive the service that I didn’t get.” [Translation]

“I just wanted to say that my English-speaking husband was greeted in English and French when he arrived at the polling station last night. He’s an Anglophone, but his experience tells me that your intervention produced results.” [Translation]

Shared Services Canada: Some voicemail systems still not bilingual

In his 2017–2018 annual report, the Commissioner raised the issue of federal public service voicemail systems not being bilingual. This issue still has yet to be resolved.

In September 2017, the Office of the Commissioner met with Shared Services Canada to discuss the recommendation made in the June 2017 final investigation report. Shared Services Canada stated at the time that work had been completed to ensure that Voice-over-Internet-Protocol voicemail messaging systems in the National Capital Region were available in both official languages. The institution also promised to submit an action plan by the end of December 2017 to ensure that voicemail messaging systems in other regions designated as bilingual for language-of-work purposes in Canada and cellular service messaging systems were available in both official languages. The action plan was not submitted, even though the deadline was postponed to 2018 because of restructuring at Shared Services Canada that included the division responsible for the project.

The Commissioner is disappointed by the lack of response from the institution, despite requests by his office for updates during the investigation follow-up in 2019. The Commissioner stands by what he said in his 2017–2018 annual report and in the 2017 final investigation report—that Shared Services Canada needs to take prompt action to meet its obligations under the Act. To do so, the institution has to ensure that cellular service voicemail systems and other systems that are currently being managed by third parties on the institution’s behalf are modified so that greetings can be recorded in both official languages and so that automated instructions are provided in both official languages in designated bilingual regions.

Interpretation bulletin on open government

Open government is a governing culture that holds that the public has the right to access the documents and proceedings of government to allow for greater openness, accountability and engagement.

According to the Commissioner, the public’s rights under Part IV of the Act continue to apply, regardless of what type of information is made available to the public or how that information is communicated. Members of the public therefore have the right to expect that information and data from federal institutions will be provided in both official languages.

The objectives of open government can be achieved only through communication in both official languages. By communicating with the public in English and in French, the government is being truly open and is strengthening the principle of democracy by allowing both of Canada's official language groups to participate.

The Commissioner's [interpretation bulletin](#) on open government is available on his office's website.

LANGUAGE OF WORK

Section 91 of the Act: Quarterly reports and analysis under way

As the Commissioner stated in his 2018–2019 annual report, the number of complaints received and investigated under section 91 of the Act since 2014 shows that there is a systemic problem involving the language requirements of positions in the federal public service. The Office of the Commissioner is currently conducting an in-depth analysis of this issue.

At the same time, the Commissioner has been sending the President of the Treasury Board quarterly reports on section 91 complaints since April 2019 to keep that office up to date on the extent and scope of this systemic issue.

Analysis of the Public Service Employee Survey

A review of the results of the 2019 Public Service Employee Survey, based on respondents' first official language, showed that there is a significant satisfaction gap between English-speaking and French-speaking respondents when it comes to the use of official languages in the workplace.

Survey results also showed that, when employees were asked how comfortable they felt preparing written materials in the official language of their choice, the gap between the two language groups across the public service had finally narrowed to 22% from 26%, where it had remained steady from 2008 to 2017. The narrowing of this gap is the first sign of movement in more than 10 years. This improvement is welcome news and hopefully means that the gap between the two language groups will continue to shrink.

With regard to the question on how comfortable employees felt about using the official language of their choice at meetings, results showed that the gap between the two language groups has stayed the same at 17% since 2014. Managers who oversee bilingual teams, who value both official languages in the workplace and who want to promote English and French in the public service by respecting their employees' language rights and career advancement needs will have to make significant efforts in this area.

The 2019 survey featured two new questions related to official languages. The first asked specifically whether senior managers of federal institutions use both official languages in their interactions with employees, to which 75% of French-speaking respondents and 71% of English-speaking respondents answered in the affirmative. The second question asked whether a lack of access to language training in the second official language had adversely affected respondents' career progress over the previous 12 months. A total of 13% of English-speaking respondents and 8% of French-speaking respondents said that it had.

COMMISSIONER'S NEW TOOLS

Official Languages Maturity Model

The [Official Languages Maturity Model](#) is a diagnostic tool that helps participating federal institutions to compile a complete picture of their official languages situation in terms of policies, guidelines, procedures and practices. In addition, the Model goes even further by providing both a detailed description of the requirements for each of the 28 indicator levels and a detailed roadmap for continuous improvement.



The Commissioner is very proud of this new diagnostic tool, which translates the principles and obligations set out in the Act into clear and relevant organizational language for all levels of the institution. The Model helps federal institutions to obtain an accurate and full picture of their organizational processes and of how official languages are incorporated into them. By providing both a diagnostic assessment and a detailed roadmap for continuous improvement, the Official Languages Maturity Model helps federal institutions to pinpoint where they need to focus their efforts.

Promoting the Official Languages Maturity Model

In the weeks prior to the official launch of the Official Languages Maturity Model, the Office of the Commissioner promoted its new tool at a number of events, including innovation fairs across the country, the Symposium for the 50th anniversary of the Act, and a conference on shared case management systems (GCcase).

The Office of the Commissioner's promotional efforts were successful, and attendance at the official launch ceremony was high. Many requests for information were submitted to the Office of the Commissioner, and many people asked for on-line access to the tool, even if their organization had not been selected for the Model's three-year cycle. As of January 2020, some 65 federal institutions and other organizations had requested access to the on-line tool.

First year of the Official Languages Maturity Model

The Commissioner would like to congratulate the federal institutions that participated in the first year of the Official Languages Maturity Model, and he appreciates the effort they put into the exercise. All 12 federal institutions submitted their self-assessments on time, which then allowed the Office of the Commissioner to perform its validation according to the schedule that had been established. The institutions will now have two years to implement their action plans. In the next few years, they will be asked to repeat their self-assessment so that the Office of the Commissioner can measure the progress they have made. Based on the feedback submitted by the participating federal institutions, the exercise was generally well received and participants recognized its value.

The second diagnostic assessment exercise, which was scheduled to begin in May 2020, was postponed by one year as a result of the COVID-19 pandemic.

Feedback on the Official Languages Maturity Model

“The Atlantic Canada Opportunities Agency was happy to take part in the Official Languages Maturity Model pilot project. As the official languages champion in my organization, I can say that the exercise helped us to identify our strengths and weaknesses in terms of official languages. It is a useful tool that will help departments further their efforts and will ultimately result in more bilingual services across the country.” [Translation]

– Atlantic Canada Opportunities Agency

“It has been a lengthy but worthwhile exercise. As we went along, we created a folder of ‘opportunities to improve’. I think this will aid us in our [official languages] journey.”

– Business Development Bank of Canada

Interpretation bulletins

In 2019–2020, the Commissioner decided to publish [a series of bulletins](#) explaining his office’s general interpretation of some of the concepts and sections of the Act. They are intended for anyone who wishes to file a complaint with the Commissioner, any federal government official who needs to apply the Act, and any member of the public who wants to learn more about how the Commissioner interprets the Act on a given subject.

These bulletins are made available for information purposes only and are not legal opinions. For specific situations, individuals may [contact the Office of the Commissioner](#) directly or [file a complaint](#) with the Commissioner.

Interpretation bulletins have been published on the following topics: open government, substantive equality, active offer, complaint admissibility criteria, language requirements for positions, third parties acting on behalf of federal institutions, mass communications and media, investigation into reprisal, complainant protection, and employment criteria in federal institutions.

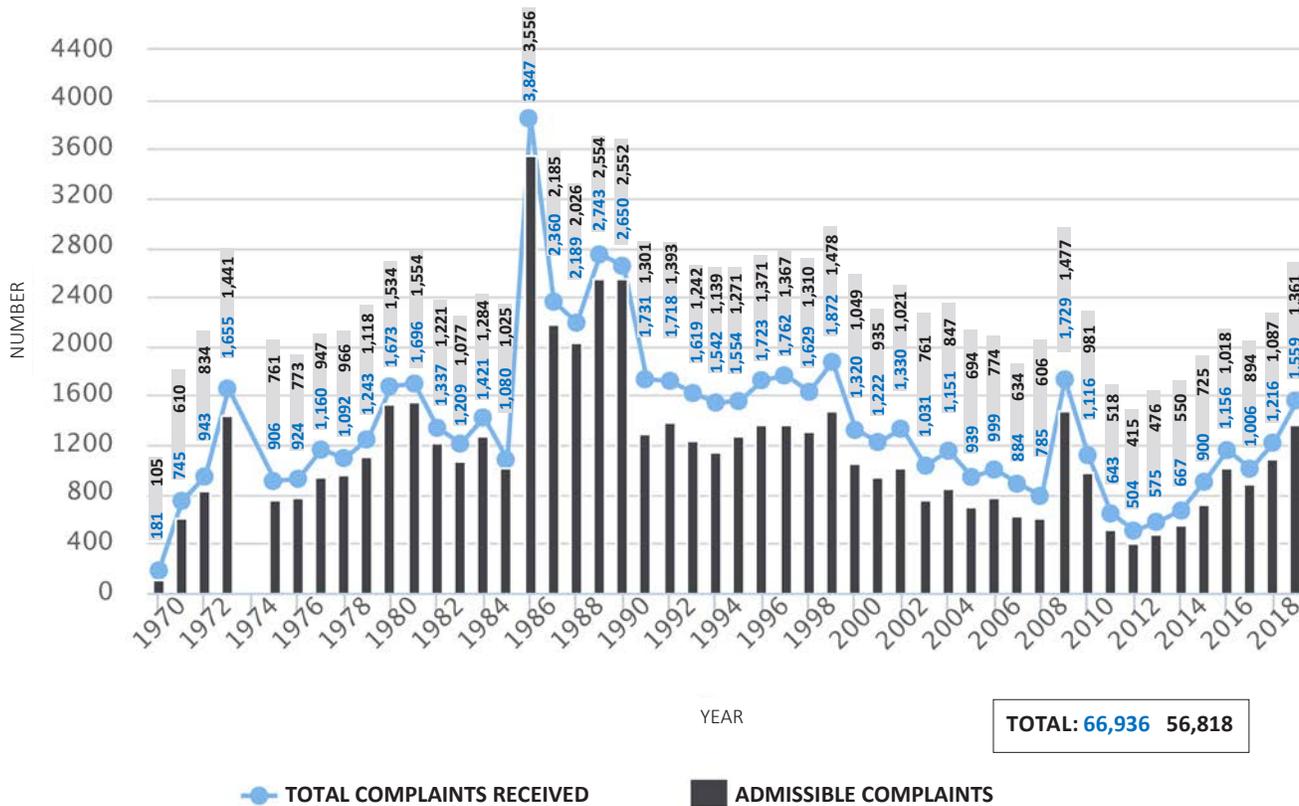
Statistics on the Office of the Commissioner

343

Total number of annual report recommendations

Annual report recommendations: These are the official recommendations made by the Commissioner in each annual report. The recommendations made in investigation reports and in audit reports are not included in this statistic.

Chart 1
TOTAL COMPLAINTS RECEIVED VS. ADMISSIBLE COMPLAINTS



Combined data on complaints for 1973 and 1974 is shown under 1974 because the source—the Commissioner of Official Languages’ 1973–1974 annual report—covers both fiscal year 1973–1974 and the first nine months of fiscal year 1974–1975 (i.e., April 1, 1973, to December 31, 1974).

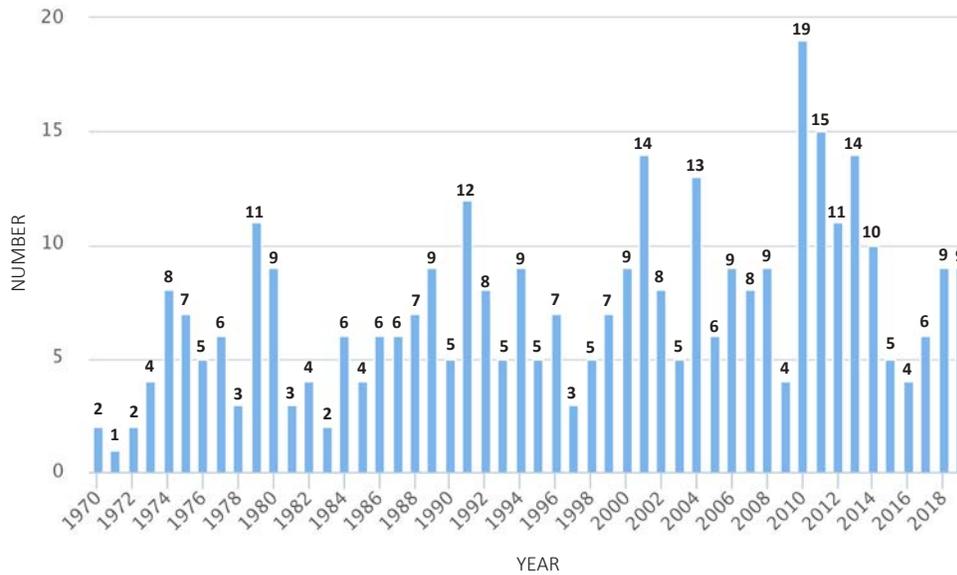
Complaints received: Complaints received include all complaints filed with the Office of the Commissioner.

Admissible complaints: Complaints are deemed admissible if they meet the criteria listed in subsection 58(1) of the Act, which defines them as:

- any complaint made to the Commissioner arising from any act or omission to the effect that, in any particular instance or case,
 - (a) the status of an official language was not or is not being recognized,
 - (b) any provision of any Act of Parliament or regulation relating to the status or use of the official languages was not or is not being complied with, or
 - (c) the spirit and intent of this Act was not or is not being complied with

in the administration of the affairs of any federal institution.

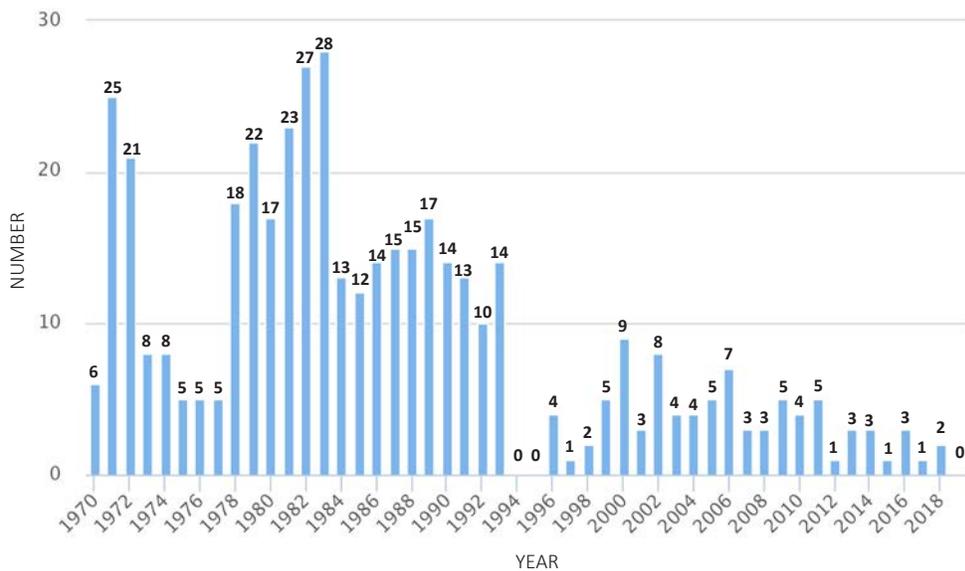
Chart 2
PUBLICATIONS



TOTAL:
358

Publications: Publications include the annual report and various studies to promote and raise awareness of Canada’s official languages, to protect language rights, to promote linguistic duality and to foster the development of official language minority communities through research. Publications also include newsletters that the Office of the Commissioner has published over the years, backgrounders on linguistic duality and interpretation bulletins on the Act.

Chart 3
AUDITS AND SPECIAL REPORTS

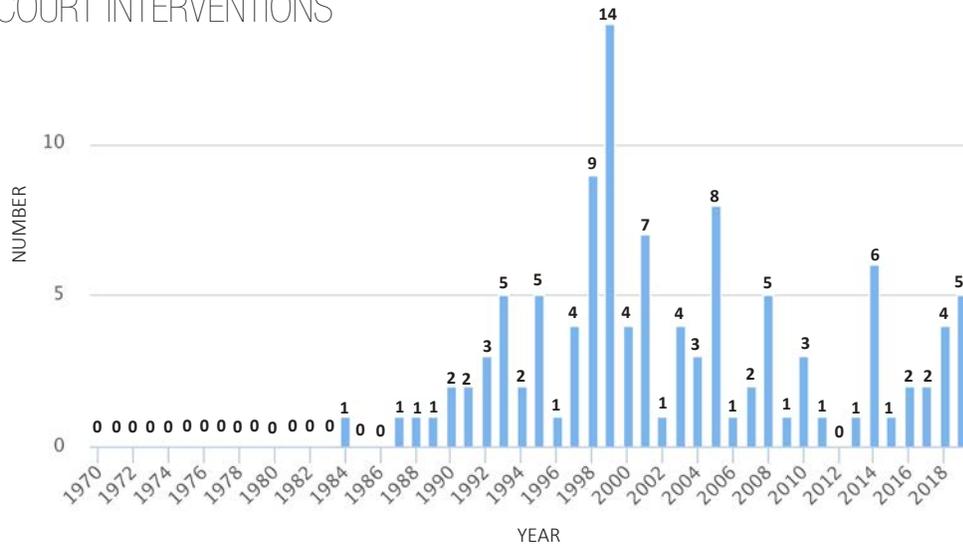


TOTAL:
441

Audits: Audits conducted by the Office of the Commissioner take a comprehensive look at a specific aspect of a federal institution’s activities in response to systemic issues or to help the institution prevent a systemic issue. A follow-up of each audit is conducted about two years after the audit report is published.

Special reports: Special reports highlight important or pressing issues that fall under the Commissioner’s jurisdiction. They are tabled in Parliament according to the provisions in subsection 67(1) of the Act.

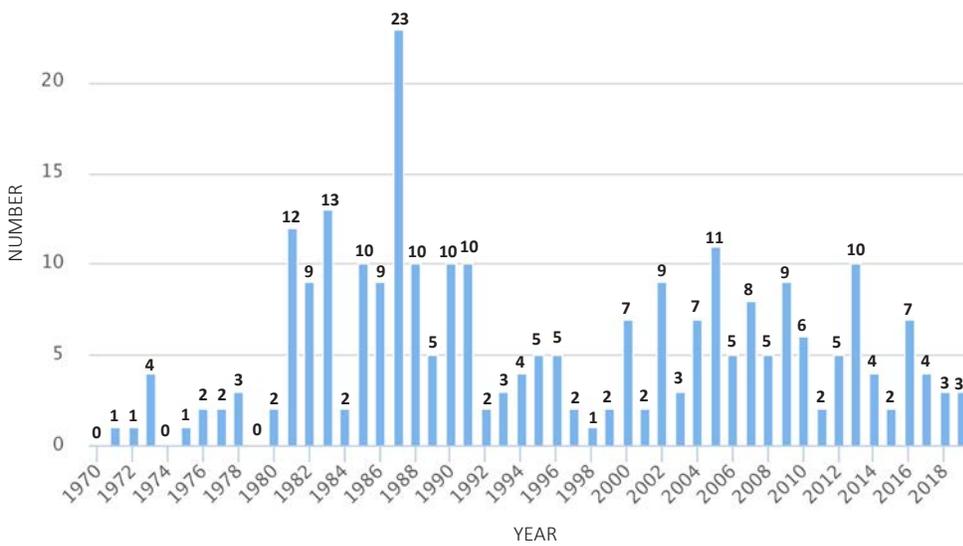
Chart 4
COURT INTERVENTIONS



TOTAL:
112

Court interventions: Court interventions include all legal proceedings in which the Commissioner has been involved either as an applicant or an intervenor in order to help advance Canadians’ language rights. This statistic does not include judicial reviews of the Commissioner’s decisions.

Chart 5
PARLIAMENTARY APPEARANCES



TOTAL:
265

Parliamentary appearances: Parliamentary appearances include all appearances by the Commissioner before both the House of Commons and Senate standing committees on official languages and before all other parliamentary committees that are studying official-languages related issues.

AFTER THE CELEBRATIONS

The year 2020 marks the 50th anniversary of the Office of the Commissioner. The first Act, adopted in 1969, set out the requirement for the creation of the position of Commissioner of Official Languages, and Keith Spicer was appointed as Canada's first Commissioner in 1970.

“The seeds of this recognition must of course be sown at every level, but most of all in the schools for today’s children, whose education remains in the hands of the provinces. . . . Canadians must plainly find ways both of massively increasing youth exchanges and of making teaching of second languages more realistic: in too many parts of Canada, second-language teaching, by its often rote-learned irrelevance to the facts of Canadian life, has dulled rather than refined the instruments of dialogue.”

– Keith Spicer, first Commissioner of Official Languages

Mr. Spicer’s words are still relevant today, even though the Act is less so. A half century has gone by, and the Commissioner is still saying the same thing in recent interviews. For today’s young people—our leaders of tomorrow—to develop and maintain their skills in their second official language, provinces and territories must invest more in high-quality second language programs, immersion programs and exchange programs. They also need to give young people more opportunities to use their second official language outside the classroom. This was also strongly articulated by youth groups of all backgrounds who took part in the Officially 50! summit proceedings on the future of linguistic duality, which were held by the Office of the Commissioner in November 2019. Young Canadians, who have been true agents of change over the decades, have always played a crucial role in upholding and promoting linguistic duality. Their experiences can serve as an inspiration for everyone who is currently involved in promoting Canada’s two official languages. More than ever, the voice of youth is key to shaping the future of linguistic duality in Canada.

It is also important to note that the current Act is based on the context, aspirations and hopes of the 1960s, and that the past 50 years are weighing more and more heavily on its shoulders. Of course, much has been accomplished over the past half century, even though certain challenges have proven to be more tenacious. In view of the progress that has been made, and of the fact that Canada in 2020 is not what it was in 1969, certain basic concepts need to be revisited from a contemporary perspective. For some people, the very concepts of English-speaking / French-speaking and linguistic duality are not a frame of reference they can identify with. Like other stakeholders, the Office of the Commissioner has to keep up with the times and position itself in relation to this new context and, ultimately, to the next 50 years. The Commissioner is eagerly awaiting the draft legislation that will give effect to an extensive reform of the Act.

Linguistic duality is a fundamentally Canadian value. Respecting and strengthening that duality depend greatly on our ability to promote our two official languages and to support the development of strong and engaged communities. By investing in the future, in young people, in education and in communities, we are ensuring the continuation and vitality of Canada’s official languages. Linguistic duality has triumphed at different times in Canada’s history. As José Rizal, one of the 20th century’s great linguists, said, “The youth is the hope of our future.”

RECOMMENDATIONS

The Parliament of Canada adopted the *Official Languages Act* in 1969 to protect Canada's linguistic duality and to advance the equality of status and use of English and French in Canadian society. In doing so, it directed the federal government to work with its provincial and territorial counterparts to foster the development of official language minority communities, to provide services in English and French, to uphold the constitutional protections of minority language education rights, and to support all Canadians in learning English and French. Today, the *Official Languages Act* seeks, in spirit, to create a Canada united in a societal objective to protect the rights set out in the *Canadian Charter of Rights and Freedoms*.

As this annual report shows, it is still a challenge in 2020 for Canadians to exercise their fundamental rights—including their right to vote, their right to safety and their right to receive services from their federal government—in the official language of their choice. The Commissioner of Official Languages recognizes that creating the conditions required to ensure that these fundamental rights can be exercised is a complex task that involves all levels of government. However, he is of the opinion that these fundamental rights are not being respected for three reasons:

- federal institutions are not complying with the *Official Languages Act*;
- the current *Official Languages Act* is outdated and needs to be modernized; and
- the government is not doing enough to promote linguistic duality.

Thus, the Commissioner of Official Languages has identified three levels of action to be taken by the federal government to remedy the situation.

1- The Commissioner of Official Languages recommends that the Prime Minister of Canada:

- consult with his ministers to find long-term solutions to the compliance issues that continue to prevent members of the public from exercising their fundamental rights—including their right to vote, their right to safety and their right to receive services from their federal government—in the official language of their choice; and
- encourage provinces and territories to identify the causes of repeated breaches of the right to safety and to examine potential avenues for cooperation.

2- The Commissioner of Official Languages recommends that the Prime Minister of Canada honour his commitment and begin modernizing the *Official Languages Act*.

3- The Commissioner of Official Languages recommends that the Prime Minister of Canada honour the government's commitment to ensure the ongoing promotion, under the coordination of the Minister of Economic Development and Official Languages, of the importance of linguistic duality—a quintessentially Canadian value—among both official language majority groups. He also recommends that these promotional efforts extend well beyond the *Action Plan for Official Languages 2018–2023: Investing in Our Future* and that they be reflected in all actions taken by the government.