

Office of the  
Commissioner of  
Official Languages



Commissariat  
aux langues  
officielles



# ANNUAL REPORT

**2021 • 2022**

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Cat. No.: SF1E-PDF  
ISSN: 1495-9968

**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, 2021, to March 31, 2022.

Yours respectfully,

A handwritten signature in black ink, appearing to read 'R. Thériault', written in a cursive style.

Raymond Thériault

**The Speaker of the Senate**

Ottawa

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Raymond Th  berge  
Commissioner of Official Languages

## PREFACE

Last June, the introduction to my annual report was unequivocal—we had just experienced an extraordinary year. And 2021–2022 has been no different, proving to be exceptional in terms of official languages.

Despite the COVID-19 pandemic and pandemic-related concerns, Canadians have made it abundantly clear that they are deeply committed to linguistic duality.

This commitment was made evident by a veritable tidal wave of admissible complaints—over 5,400—filed with my office. Most were in reaction to the federal government’s appointment of a Governor General who is not fluent in French (1,346 admissible complaints), and the speech given in English to a Montr  al audience by the President and Chief Executive Officer of Air Canada, a federal institution subject to the *Official Languages Act* (2,680 admissible complaints).

**2021-2022 has also proved to be exceptional in terms of official languages.**

It was also made clear by the complaints that were filed about several hundred other breaches of the *Official Languages Act*. Although they did not necessarily make the headlines, these complaints are just as effective as the more publicized cases in showing the extent to which many federal institutions are failing to meet their language requirements in terms of services to the public, language of work, and support for the development of official language minority communities.

Canadians showed their support for linguistic duality through a major survey that was conducted for my office in 2021–2022 by Environics. I was very pleased with the results of that survey and would like to highlight three in particular:

1. All across the country and across all demographic segments studied, a strong majority of Canadians continue to support the *Official Languages Act* and official bilingualism.
2. Canadians of all backgrounds believe that linguistic duality and diversity can go hand in hand and that they are not mutually exclusive values.
3. Most Canadians support the idea of specific measures being taken to advance official languages and support official language minority communities.

In other words, although the ongoing COVID-19 pandemic has certainly challenged some of the foundations that underpin the way we live and work together, it does not seem to have diminished the importance that Canadians of all backgrounds ascribe to linguistic duality.

As we move into what is in many respects a new world, I believe that senior management within federal institutions should take full advantage of the undeniable strength of bilingualism, rather than—as is too often the case—approaching official languages issues as if the *Official Languages Act* and its provisions were an obstacle to be avoided or an inconvenience to be evaded.

The year 2021–2022 will undoubtedly go down in history because of a ruling that will be talked about for a long time to come: the unanimous decision rendered by the Federal Court of Appeal in the case of the closure of an employment assistance network in British Columbia set up by federal institutions to assist the development of the French-speaking community in that province.

This ruling in favour of Franco-Columbians is critical for two reasons. First, it establishes that Part VII of the *Official Languages Act*, which commits the federal government to enhancing the vitality of official language minority communities in Canada, must regain the full force the Government of Canada intended when it was adopted in 1988 and when it came into effect in 2005. Second, the Court established clear principles and criteria that should help federal institutions apply Part VII of the Act in future.

In its decision, not only did the Federal Court of Appeal rule in favour of British Columbia's French-speaking population in their dispute with Employment and Social Development Canada and the Canada Employment Insurance Commission, it also restored my authority to conduct investigations under Part VII of the *Official Languages Act*, gave Canadians back their ability to fully assert their language rights under Part VII and, most importantly, raised the bar even higher. With the support of the Minister of Official Languages, federal institutions will need to redouble their efforts in the coming years to meet their obligation to enhance the vitality of official language minority communities across the country.

The year 2021–2022 will also make history because of the tabling in March 2022 of Bill C-13, *An Act for the Substantive Equality of Canada's Official Languages*. The first iteration of this bill, Bill C-32, died on the order paper in the summer of 2021 when the federal election was announced. I am pleased that the new bill has been tabled, and in the coming months I will share my thoughts on it in more detail after I have had a chance to analyze it in depth with my team.

**With the support of the Minister of Official Languages, federal institutions will need to redouble their efforts in the coming years to meet their obligation to enhance the vitality of official language minority communities across the country.**

As I mention in this annual report, which focuses primarily on the importance of senior management in federal institutions being able to speak both official languages, Bill C-13 recognizes that it is essential for Supreme Court of Canada justices to be fluent in both official languages so that every Canadian can be heard and understood in the official language of their choice without having to use an interpreter during a hearing.

The new Act will also strengthen my powers substantially and includes the power to impose administrative monetary penalties, which will help me to protect the language rights of Canadians by ensuring that certain organizations, such as those that serve the travelling public, improve their compliance with the *Official Languages Act*.

Once again, the work that my team and I have done in 2021–2022 shows that federal institutions' failure to meet their official languages obligations continues to be a significant and recurring issue, and that targeted and sustainable measures need to be implemented to address it.



Although many of our leaders believe in Canada's official languages, it is clear that there are still not enough of them. As I enter the second half of my mandate, I sincerely hope that our leaders will understand the message that the Canadian public and I are sending them: Linguistic duality is a value that all Canadians share, and we need to do whatever we can to make it a real priority in Canada. Linguistic duality is a big part of what makes Canadian society special and what gives Canada its unique character. In the years and decades to come, linguistic duality can give this country the power to successfully navigate a future that is still uncertain in many respects.

**Linguistic duality is a value that all Canadians share, and we need to do whatever we can to make it a real priority in Canada.**

## CHAPTER 1

# OFFICIAL BILINGUALISM AND KEY POSITIONS IN THE FEDERAL GOVERNMENT

Two events in 2021–2022 showed the extent to which appointing unilingual individuals to senior positions can impede the advancement of official languages in Canada: the appointment of a Governor General who could not speak French at the time of her appointment, and the speech given in English to members of the Montréal business community by the President and Chief Executive Officer of Air Canada.

These incidents provoked strong reactions from Canadians. As with other less-publicized cases, such as the posting of major calls for applications where bilingualism was not a requirement, these incidents hold important lessons for the Government of Canada and federal institutions.

First, having people in key positions in federal government institutions who are not fluent in both English and French is detrimental to the operations and image of these institutions. This is true for all federal institutions, including the federal courts, where judges should be fluent in both official languages.

Second, Canadians' regard for the *Official Languages Act* should not be underestimated. Overall, support for the Act remains as strong today as it was 50 years ago.

Third, linguistic duality and inclusion should never be approached as if they were mutually exclusive, even implicitly. The recent appointment to the Supreme Court of Justice Mahmud Jamal, who speaks both of Canada's official languages, is a good example.

**Overall, support for the Act remains as strong today as it was 50 years ago.**

## NUMEROUS COMPLAINTS

The public's strong reaction to the appointment of a non-French-speaking Governor General and to the speech given in English by Air Canada's President and Chief Executive Officer matched my own reaction. Appointing people who do not speak both of Canada's official languages to key leadership positions sends both a strong and negative message.

**Erratum:** An earlier version of this report incorrectly stated that the President and Chief Executive Officer at Parks Canada was unilingual English-speaking. The necessary corrections have been made to the text below.

As Table 1 shows, there was an unusually high number of admissible complaints in 2021–2022 related to the poor French-language skills of the Governor General of Canada and the speech given in English by the President and Chief Executive Officer of Air Canada. I have also received admissible complaints since 2019 about the questionable appointment of a unilingual English-speaking Lieutenant Governor in New Brunswick and the absence of language requirements in the staffing processes for the President and Chief Executive Officer at the Canadian Museum of History and for the President and Chief Executive Officer at Parks Canada.

**Table 1**

# ADMISSIBLE COMPLAINTS RECEIVED RELATED TO SENIOR MANAGEMENT POSITIONS

FEDERAL INSTITUTION	INCIDENT	NUMBER OF COMPLAINTS	RELEVANT PART(S) OF THE OFFICIAL LANGUAGES ACT
<b>PRIVY COUNCIL OFFICE</b>	Appointment of a non-French-speaking Governor General	1,346	VII
<b>AIR CANADA</b>	Speech given in English by the President and Chief Executive Officer	2,680	IV and VII
<b>PRIVY COUNCIL OFFICE</b>	Appointment of a unilingual English-speaking Lieutenant Governor in New Brunswick	5	VII
<b>CANADIAN MUSEUM OF HISTORY</b>	Lack of language requirements in the staffing process for President and Chief Executive Officer	5	VII
<b>PARKS CANADA</b>	Lack of language requirements in the staffing process for President and Chief Executive Officer	1	VII
		<b>TOTAL: 4,037</b>	

These kinds of appointments generate a strong sense of injustice for many Francophones because they reinforce the impression that one of Canada's official languages is more important than the other. They can also suggest, as the appointment of the new Governor General illustrates, that French-language requirements are an impediment to embracing diversity and advancing true reconciliation with Indigenous peoples.

Moreover, these appointments suggest that fluency in French is not considered to be an essential skill for positions of authority in government or within other entities under Parliament's jurisdiction. This is incorrect for at least three reasons.

First, those who are called upon to play an important public role will be unable to communicate effectively with all Canadians if they can speak only one of the two official languages—a shortcoming that is particularly conspicuous in times of crisis.

Second, these individuals will not be able to create and strengthen the culture of linguistic duality that is necessary to increase federal institutions' capacity to serve Canadians effectively in the official language of their choice. Senior managers in federal institutions who do not prioritize fluency in both official languages for themselves do not tend to prioritize official languages in their decisions and actions that affect service to Canadians.

Third, senior managers who have difficulty understanding, speaking or reading English or French at the level required for their position will have difficulty respecting the right of federal employees to work in the official language of their choice. Unfortunately, employees who report directly or indirectly to these senior managers end up getting caught in a unilingual spiral where everything ends up being done in the senior manager's

official language. These managers will also have difficulty creating a work environment that is conducive to the effective use of both official languages and thus risk perpetuating a way of doing things that weakens the bilingual capacity of the institution they manage.

This lack of understanding of senior management's obligations could ultimately lead to an increase in the linguistic insecurity already experienced by many public servants (according to my office's 2021 study, [\*Linguistic \(in\)security at work – Exploratory survey on official languages among federal government employees in Canada\*](#), 44% of Francophones who have the right to work in the official language of their choice are currently uncomfortable using that language at work; in Quebec outside the National Capital Region, 32% of English-speaking public servants are reluctant to use the language of their choice at work).

The conclusion is clear: Leadership in official languages needs to be demonstrated at all levels, but most of all at the senior management level. As I have said at every opportunity and in my investigation report regarding the appointment of the Governor General, it is time, once and for all, to take into account the actual ability of candidates for key positions to speak both official languages.

## **Bilingualism among senior management**

The significant number of complaints filed in 2021–2022 that were related to the appointment of a non-French-speaking Governor General and to the speech given in English by the President and Chief Executive Officer of Air Canada shows how much Canadians care about the bilingualism of their leaders, who are supposed to set the standard when it comes to linguistic duality.

The Government of Canada and its federal institutions need to be held accountable for how they manage official languages. Today, as in the past, the Office of the Commissioner of Official Languages continues to advocate for Canadians and for federal employees who expect this accountability.

## **INADEQUATE LANGUAGE REQUIREMENTS THAT DO NOT MAKE THE HEADLINES**

In 2021–2022, I received numerous complaints about federal public servants who cannot speak French being appointed to very prestigious positions. I also received a fair number of complaints about the language requirements of less senior—but still very important—positions in the federal government.

For example, over the past few years staffing processes were initiated to fill senior management positions at both the Canadian Museum of History and Parks Canada—positions for which French was not an essential qualification. This led to complaints that have not yet been investigated for a variety of reasons, including the fact that some complainants have withdrawn their complaints. My office also conducted investigations into the Canadian Transportation Agency regarding the lack of bilingualism in senior management. As a result of these investigations, I ensured that the Agency's new Chair and Chief Executive Officer is aware of her responsibilities with respect to language of work.

My comments on the bilingualism of senior federal officials hold true even in cases that do not make the headlines. To ensure respect for federal employees' right to work in the official language of their choice in designated bilingual regions, any managerial position requiring bilingualism must be staffed with a person who has the required skills in both English and French.

## Leaders 2.OL tool

My office developed the Leaders 2.OL tool after a discussion with the Privy Council Office about Governor in Council appointments. [This “leadership enhancement” tool](#) is intended for those involved in assessing candidates for senior management positions in federal institutions (e.g., heads of mission, members of federal tribunals, individuals in leadership positions who are responsible for supervising staff).

Leaders 2.OL provides a checklist based on three main criteria—visibility of the position, scope of the mandate and duties of the position—that should be taken into account when assessing whether a position requires an ability to communicate in both English and French. For example, incumbents who must appear before parliamentary committees, who work abroad or who supervise staff with language-of-work rights must be able to speak both official languages.

## BILINGUALISM AMONG JUDGES

The federal judiciary should set the bar in terms of bilingualism. Federal judges, including those on the Supreme Court of Canada, must be able to hear and discuss cases in both English and French. This ensures that the cases brought before the courts are properly understood and that the right of Canadians to be heard and understood by the courts in the official language of their choice is fully respected. Appointing bilingual judges is also highly symbolic because it helps reinforce the message that linguistic duality is a fundamental value of our justice system and of Canadian society as a whole.

The Office of the Commissioner of Official Languages has long emphasized the critical role bilingualism plays in the judiciary. In 2013, recognizing the need for fully bilingual judges, my predecessor made recommendations to improve the level of bilingualism among superior court judges. More recently, I recommended amending section 16 of the *Official Languages Act*, which allows Supreme Court of Canada judges to use an interpreter during court proceedings. Bill C-13 has taken this into account. English-speaking and French-speaking Canadians should have the right to use the official language of their choice when they appear before the judges of the Supreme Court of Canada, and the right to be understood by them without the use of an intermediary.

The federal government has taken steps to address the above recommendations, but the issue is still ongoing.

Bilingualism among judges also continues to spark public debate. In my opinion, concerns about the relative scarcity of bilingual jurists in the country and about bilingual requirements affecting diversity seem to be unwarranted. According to the [statistics on applications to the federal judiciary](#), the proportion of applicants who said they were able to conduct hearings in both official languages increased slightly between 2019 and 2021. More importantly, there are bilingual law programs that are helping future lawyers across the country to develop a strong command of both English and French. The Canadian Judicial Council’s professional development programs also include language training for judges.

The recent appointment of Justice Mahmud Jamal to the Supreme Court of Canada is proof that these programs work. Justice Jamal is comfortable in both English and French and believes that his bilingual training and experience in Canadian bilingualism have “awakened in [him] a [greater sensitivity](#) to Canadian diversity and the intellectual and cultural richness that comes with it.”

I am confident that Justice Jamal is forging a path today that we can—and should—follow tomorrow.

## BILINGUALISM AND DIVERSITY IN FEDERAL SENIOR MANAGEMENT

I would like to conclude this chapter by addressing an issue that has been widely discussed in Canada and within the federal public service: the connection or opposition, depending on one's point of view, between the concepts of linguistic duality and cultural diversity.

The *Official Languages Act* is a powerful symbol of diversity and inclusion in Canada, regardless of your first language, and linguistic duality is at the heart of the Canadian values of diversity and inclusion.

### Linguistic duality—A fundamental Canadian value

#### According to a recent telephone survey of Canadians:

- 86% of respondents agree with the following statement: “Having two official languages, instead of just one official language, sends the signal that Canada values linguistic diversity.”
- 79% agree that “Having two official languages has made Canada a more welcoming place for immigrants from different cultures and ethnic backgrounds.”
- 68% agree that “Canada’s official bilingualism policy and its multiculturalism policy work well together.”
- 78% agree that “Canada can and should promote both official languages and Indigenous languages at the same time.”

Source: [Official Languages Tracking Survey 2021](#)

Throughout our history, the presence of two languages has helped Canadians understand that diversity is a strength—not a weakness—and has to some extent fostered greater openness to other cultures. By accepting linguistic duality, we have learned to welcome others and to see ourselves as members of a diverse society.

In Canada, we encourage people to enrich our country’s diversity by maintaining their language and culture of origin while also enjoying the benefits our two official languages provide, both personally and professionally. Our official languages belong to all of us, regardless of our mother tongue or country of origin.

In the federal public service, there is a perception that bilingualism requirements, including the high level of proficiency in English and French required for many senior management positions, are a barrier to diversity. Fortunately, many federal employees, both English- and French-speaking, recognize that promoting official language rights in the public service can foster inclusion by allowing both groups to participate fully and have the opportunity to move up the ranks by highlighting the positive values they offer.

An English-speaking employee interviewed as part of our survey on linguistic insecurity, *Linguistic (in)security at work – Exploratory survey on official languages among federal government employees in Canada*, said that it was important for the Government of Canada to develop and make available to federal institutions the instruments they need to advance English and French at the same time as diversity, and vice versa. In particular, in the priorities it sets for the public service, the Treasury Board of Canada Secretariat needs to include the creation of a workplace that is fully inclusive of both diversity and official languages.

This is the message that my team sought to convey at the University of Alberta's symposium, *Reconciling Multiculturalism in Today's Canada*—that restricting the official languages rights of public servants, including those from diverse backgrounds, would weaken respect for linguistic difference and, above all, the ability of the Government of Canada and federal institutions to respond effectively to the expectations and needs of English- and French-speaking Canadians across the country.

**Our official languages belong to all of us, regardless of our mother tongue or country of origin.**

In conclusion, here is what another participant in our linguistic insecurity survey had to say about the value of linguistic duality and diversity: “[I am] so jealous of Europeans speaking, like five languages and not thinking anything of it! [I] wish we could increase exposure to both the official languages and the cultures. And some of the Indigenous languages and cultures, too.”

This statement suggests that when it comes to linguistic duality and diversity, it is better to view them as connected—rather than opposing—concepts.

## CHAPTER 2

### PUBLIC SERVICE



Complaints help me to take the measure of the public service and to work with federal institutions to find solutions for issues of non-compliance with the *Official Languages Act*.

Two major events dominated 2021–2022—the appointment of a non-French-speaking Governor General and the speech given in English by Air Canada’s new President and Chief Executive Officer—which generated a record number of complaints.

However, as this chapter shows, there are other less-publicized issues that necessitated my involvement and required me to carry out the various roles and duties of my mandate.

### INNOVATIVE TOOL: THE OFFICIAL LANGUAGES MATURITY MODEL

In 2019, my office launched the [Official Languages Maturity Model](#)—a tool that helps federal institutions better define their strengths and identify their shortcomings in terms of official languages, and to determine what they have to do to improve so that they can better meet their obligations under the *Official Languages Act*.

Despite the obstacles my team faced in 2021–2022 due to the COVID-19 pandemic, we managed to work closely with 18 institutions that used the Model to assess their level of maturity in various areas of activity. By the end of June 2023, 38 institutions, which employ 90% of federal public servants, are expected to have used the Model and to have a plan in place to better integrate official languages into their processes.

In 2021–2022, my team continued to fine-tune the Model and make it more user-friendly. We analyzed the feedback we received about the Model from institutions, executives and official languages champions, and made changes to enhance its effectiveness. My team is also continuing to explore other strategies to help reduce the administrative work for participants.

To date, we have achieved promising results with the Model. The Public Service Commission of Canada used the Model during its annual planning of official languages activities and noted:

The continuous improvement approach meshes well with the objectives of our people management plan. We will continue to build on the results of the exercise to foster a workplace that respects official languages and is conducive to linguistic duality. [translation]

### MATURITY MODEL SUCCESS STORY: ELECTIONS CANADA

One of the institutions my team worked closely and regularly with was Elections Canada, which said that using the Official Languages Maturity Model helped it to:

. . . target [its] priorities for action to continuously improve official languages . . . The model also led to a corporate commitment to reiterate language obligations and consolidate [a] shared vision for official languages. [translation]



This commitment took various forms in 2021–2022. For example, Elections Canada added a more detailed section on official languages to its [Retrospective Report on the 43rd General Election of October 21, 2019](#). In this report, which identifies areas for improvement, Elections Canada commits to working with official language minority communities to promote activities and job opportunities. It also commits to improving and diversifying tools for returning officers to help them take official languages issues into account in all stages of an election.

Despite Elections Canada’s recent improvements and despite the decrease in complaints compared to the 2019 election, I still received 39 complaints about the 2021 general election. One third of these were from complainants in Ontario and concerned the active offer and availability of services in the official language of the voter’s choice.

I strongly encourage Elections Canada to continue to build on its momentum by planning its recruiting strategy for the next election and by developing tools and training opportunities that will ensure that its employees fully understand their obligations to make an active offer and provide service in the official language of the voter’s choice.

Of the 39 complaints I received about the 2021 general election, 23 were filed on polling days. Approximately 70% of these complaints were handled in less than 24 hours, due in large part to Elections Canada’s prompt response to the problems brought to its attention by my office.

## LINGUISTIC INSECURITY

Linguistic insecurity—the varying degrees of discomfort that federal employees feel when using their first or second official language in the workplace—has been the topic of much discussion in recent years.

This issue has become so significant that I decided to address it in a study published by my office in January 2021, [Linguistic \(in\)security at work – Exploratory survey on official languages among federal government employees in Canada](#). According to our study, employees are not always comfortable using their first or second official language because they are afraid of being judged.

As a result of the interest generated by the study, whose topic is becoming increasingly relevant with teleworking and online collaboration, my team made dozens of presentations on linguistic insecurity to over 1,000 federal employees and members of the public in 2021–2022. My team and I also spoke about this critical issue on Linguistic Duality Day in September 2021 when we participated in activities in which we promoted [the tools](#) we have developed to help create a work environment conducive to the use of both official languages.

**Linguistic insecurity will continue to be a priority concern for me.**

My team’s work on linguistic insecurity has already had an impact on the federal government. For example, the Treasury Board of Canada Secretariat’s Official Languages Centre of Excellence has created an interdepartmental working group tasked with organizing projects and developing tools to counter linguistic insecurity. The Canada School of Public Service has partnered with the working group to launch two online courses for federal leaders: “Surmonter l’insécurité linguistique avec résilience” (in French) and “Facilitating the Transition from Linguistic Insecurity to Linguistic Security” (in English).

Linguistic insecurity will continue to be a priority concern for me. I am particularly looking forward to the Clerk of the Privy Council's response to the recommendation I made in my [2020–2021 annual report](#) to implement strategies in order to combat linguistic insecurity among federal public servants.

## **IMPACT OF THE COVID-19 PANDEMIC ON LANGUAGE RIGHTS**

My 2020 report, *[A Matter of Respect and Safety: The Impact of Emergency Situations on Official Languages](#)*, highlighted the importance of using both official languages in emergency situations. Only by providing communications and services of equal quality in both English and French can we ensure that all members of the public and the federal public service fully understand government directives designed to ensure their health and safety.

In 2021–2022, many institutions failed to respect the language rights of Canadians across the country and of federal employees in designated bilingual regions.

I received a number of complaints this past year about federal public service managers sending unilingual English emails to their employees, about unilingual English speeches being given during Canada-wide teleconferences, and about unilingual English documents being produced on Canada's pandemic-response capacity.

Furthermore, many French-speaking travellers had to wait on the telephone for hours (often unsuccessfully) to get information on testing or were not given a timely explanation in French of the health guidelines they were required to follow at the airport.

## **HYBRID WORK MODEL**

The COVID-19 pandemic has changed the way we work and permanently transformed the majority of the federal government workforce, which may move to a hybrid model that combines virtual and in-person work.

In November 2021, the Treasury Board of Canada Secretariat finalized its guidelines on federal institutions' obligations in a hybrid or fully virtual work environment. According to these eagerly awaited guidelines, a federal employee's language rights are based on the physical location of their position, rather than on the location of their home office.

For example, an employee who lives in a region designated as unilingual for language-of-work purposes (e.g., Québec City) has the right to use the official language of their choice when working remotely if their position is attached to a physical work location in a region designated as bilingual (e.g., Montréal).

However, a manager whose position is based in a region designated as unilingual for language-of-work purposes (e.g., Vancouver), will need to be able to communicate in both official languages with their virtual team members if the latter's positions are attached to a workplace in a region designated as bilingual (e.g., the National Capital Region).

Federal institutions need to take these guidelines into account and begin putting them into practice to ensure that official languages are a priority—not just an afterthought—in a hybrid work model.

In particular, current policies and procedures will need to be reviewed to ensure that training sessions and meetings are held in both official languages, regardless of whether federal employees participate in person or virtually.

Public service hiring strategies will also need to be redesigned to account for the fact that having bilingual employees working across the country could foster the use of both official languages in the workplace and in the delivery of virtual services.

In addition, technology will need to be leveraged in a way so as to ensure that services of equal quality in both official languages are provided to the public.

## REPORT ON EMERGENCY SITUATIONS

In my [2020–2021 annual report](#), I made a number of recommendations, including that the Prime Minister and his Cabinet review the major issues raised in my October 2020 report, [A Matter of Respect and Security: The Impact of Emergency Situations on Official Languages](#). I also recommended that the Privy Council Office develop, make public and implement a roadmap as soon as possible in order to address those issues.

Since April 2021, I have had extensive discussions with federal public service stakeholders directly affected by these recommendations and by the recommendations I made in my report on the impact of emergencies on official languages. My team also presented the latter report to many public service groups, including the Regional Federal Councils.

All parties were receptive.

The Treasury Board of Canada Secretariat then tasked an interdepartmental working group with creating an action plan that will be implemented between 2022 and 2024. In addition, Public Safety Canada invited me to present my report on the impact of emergencies on official languages to federal, provincial and territorial assistant deputy ministers responsible for emergency management. In December 2021, [the Prime Minister announced the creation of the Cabinet Committee on Safety, Security and Emergencies](#) in addition to a subcommittee on the federal response to COVID-19. I expect that they will implement my recommendations on these matters. And Canadian Heritage has taken steps to design its strategic business continuity and emergency management plan from an official languages perspective.

As Albert Einstein reportedly said, “In the midst of every crisis lies great opportunity.” The Government of Canada and federal institutions need to reflect on and learn from the language issues we still face, before other emergencies arise. [Bill C-13](#) amends the preamble to the *Official Languages Act* to include the statement that “all legal obligations related to the official languages apply at all times, including during emergencies.”

It is crucial that provincial, territorial and municipal leadership heed their citizens’ calls for essential information in the official language of their choice during emergencies.

I am pleased with the positive feedback we have received thus far from the provinces and territories regarding my report on the impact of emergencies on official languages.

In Newfoundland and Labrador, the Office of French Services forwarded an annotated version of the report to the province’s Department of Justice and Public Safety. Discussions were held to better understand the language issues related to emergency communications.

**It is crucial that provincial, territorial and municipal leadership heed their citizens’ calls for essential information in the official language of their choice during emergencies.**

In Saskatchewan, a committee produced [a report on public health and emergency situations](#) that contained a number of recommendations, including that the province's Public Safety Agency publish bilingual alerts on its SaskAlerts app.

In Nova Scotia, the Chair of the independent Mass Casualty Commission said that he will take the results of my report into account when the Commission addresses the issue of emergency communications.

The Commissioner of Official Languages for New Brunswick cited my report in [her 2020-2021 Annual Report](#), noting that it "confirmed many of [their] findings" and that it was imperative to take language obligations into account when providing information and services, even during an emergency.

I applaud these examples of provincial leadership.

## Official Languages Regulations

The government's amendments to the *Official Languages (Communications with and Services to the Public) Regulations* will be phased in over the next few years and fully implemented by 2025. I expect federal institutions to implement targeted strategies to meet the challenges the revised Regulations present.

I commend the Treasury Board of Canada Secretariat for organizing information sessions for federal officials and their institutions on this subject. In addition, over 110 people attended an event in Atlantic Canada organized by the National Managers' Community and the Official Languages Networks, where the Secretariat presented the new Regulations and their impact.

I hope that the Secretariat will continue this dialogue with public service managers, who will need to hire employees and structure the work in order to be able to manage an increase in bilingual services in an environment where the public service's bilingual capacity is limited.

## Change to the EX-02 to EX-05 directive

In the summer of 2021, the Treasury Board of Canada Secretariat amended its *Directive on Official Languages for People Management* to allow medical exemptions to the imperative staffing principle for EX-02 to EX-05 positions, meaning that unilingual executives can be hired or promoted if a medical professional confirms that they have a condition that prevents them from learning their second official language.

I understand that some people have long-term or recurring disabilities or learning problems, and I support the Secretariat's adopting administrative measures to ensure that the appointment of unilingual managers for medical reasons does not undermine respect for the language rights of federal employees.

However, the Secretariat needs to clarify that the principle of imperative staffing is still the rule, that exemptions to this principle are still the exception in the short and long term, and that the required administrative measures still need to be taken and maintained.

## LANDMARK DECISION: THE *DIONNE* CASE

For half a century, the Federal Court of Appeal had never had to rule on the interpretation of section 36 in Part V of the *Official Languages Act*, which relates to federal institutions' minimum obligations with respect to language of work in designated bilingual regions.

That changed in September 2019, when I decided to appeal the Federal Court's decision in *Dionne v Office of the Superintendent of Financial Institutions* because I firmly believed that the Federal Court had made a number of errors of law that would have serious impacts on how language rights in the federal public service are interpreted and would limit the scope of the language-of-work provisions in Part V of the Act.

The case was heard in June 2021, and the Federal Court of Appeal overturned the Federal Court's decision in August 2021.

This ruling, which was not appealed to the Supreme Court, established important principles for applying Part V of the Act.

First, the Court of Appeal reviewed the case law and interpretive principles that apply to language rights. The Federal Court had ruled that these interpretive principles did not apply to Part V of the Act, because it governs institutional bilingualism and not the protection of official language minority communities. However, the Court of Appeal overturned this decision, ruling that the Federal Court had erred and that Part V, like the other parts of the Act, must be interpreted broadly and liberally.

Second, the Court of Appeal took issue with remarks made by the Federal Court endorsing the idea that the Francophone minority receives preferential treatment in the federal public service. It found that some of the arguments put forward by the Federal Court perpetuated negative stereotypes of Francophone employees in the public service. The Court of Appeal instead noted that federal institutions' ability to provide quality services in English and French depends on respect for federal public servants' language rights.

Third, the Court of Appeal defined "services that are centrally provided," as set out in subsection 36(1) of the Act, as services that are provided in an organized manner by the federal institution to the majority of employees and that support employees in their work and are essential to the performance of their duties. They exclude occasional interactions or exchanges of information among employees on the same work team.

Finally, the Court of Appeal reversed the Federal Court's narrow interpretation of subsection 36(2) of the Act and reiterated that the approach used in the [Tailleur case](#) could be applied to determine what measures federal institutions should take to make their work environments conducive to the effective use of both official languages.

This decision demonstrates once again the importance of federal employees' language-of-work rights. It also serves as an unequivocal reminder that all federal institutions need to take action to ensure that their employees' rights are respected.

## André Dionne's leadership

At the time he filed his complaint, André Dionne was working as a manager at the Office of the Superintendent of Financial Institutions. Mr. Dionne complained that although he was based in Montréal, where he had the right to work in French, he was forced to use English in all his interactions with his colleagues in Toronto. In its ruling, the Federal Court of Appeal acknowledged the courage and perseverance shown by the appellant and stated that "it is people like Mr. Dionne who advance the state of law in the area of language rights." [Source: [Canada \(Commissioner of Official Languages\) v Office of the Superintendent of Financial Institutions](#)]

## CHAPTER 3

# AT THE CROSSROADS OF COMMUNITIES AND OFFICIAL LANGUAGES



One of the things that sets Canada apart is the recognition of its two equally official languages and its multiculturalism. This unique feature is the result of two major—and complementary—policies serving as a framework for half a century: the *Official Languages Act* and the *Canadian Multiculturalism Act*.

As shown in this chapter, if the Government of Canada and its partners simultaneously support official languages and the vitality of the various other languages used in Canada, and expand the rights of those who speak them—particularly the rights of members of official language minority communities—Canada will continue to be a model of diversity and inclusion, of cultural coexistence, and of minority protection.

Furthermore, by helping to preserve, promote and revitalize Indigenous languages, and by supporting full compliance with the *Indigenous Languages Act*, Canada will be successful on the path of reconciliation with Indigenous peoples.

## MULTICULTURALISM AND OFFICIAL LANGUAGES

In 1971, Prime Minister Pierre Trudeau recognized [the contribution of cultural diversity and multicultural citizenship to the Canadian social fabric](#) by making multiculturalism an official federal policy—the first of its kind in the world. The multiculturalism policy was adopted two years after the *Official Languages Act* (1969) and celebrated its 50th anniversary in October 2021. Canada’s multiculturalism and language policies were always intended to coexist and mutually enhance one another; however, the multiculturalism policy is sometimes misunderstood and misrepresented as being in opposition to securing the status of English and French in Canada.

This is not the case. By celebrating the diverse cultural and linguistic heritage of ethnocultural communities, the multiculturalism policy helps ensure that people of all backgrounds feel heard and valued in their Canadian home. This helps them identify with shared Canadian values, including official bilingualism.

In addition, the efforts Canadians have made throughout their history to learn to live with two official languages have taught them that difference is a strength. This has made Canada’s English- and French-speaking communities more open to other cultures and enabled them to have become highly diverse over time.

Multiculturalism and official languages go hand in hand and help make Canada a more cohesive and diverse society. As I have said repeatedly over the past year, Canada is a multicultural country within a bilingual framework.

## Bilingualism and multiculturalism: Quotes from the Commissioner

“My sense is that having two official languages can allow space for other languages to flourish, more so than they would if we had only one official language. Having more than one official language provides a basis for the acceptance and respect of differences.” (Excerpt from an [Address at the University of Alberta Symposium: Reconciling multiculturalism in today’s Canada](#), November 12, 2021)

“... our multiculturalism and language policies were always intended to coexist and strengthen each other. We have an official languages policy *and* a multiculturalism policy *and*—now—an Indigenous languages policy. This idea of ‘*and*’ is one of our greatest strengths as a country.” (Excerpt from an [Address at the Education and Vitality Forum: Supporting English-language minority education in Quebec](#), November 5, 2021)

“Official bilingualism recognizes that both official languages belong to all Canadians, regardless of their ethnic, cultural or linguistic background. English and French are the languages of our national conversation.” (Excerpt from “[Let’s Be Honest About Multiculturalism and Official Bilingualism](#)” in *Canadian Issues*, Fall/Winter 2021)

## INDIGENOUS AND OFFICIAL LANGUAGES

We are still trying to better understand how the *Official Languages Act* and the *Indigenous Languages Act* intersect, not only in terms of the languages themselves, but also in terms of the people who speak them. Although the *Indigenous Languages Act* is quite new, there seems to be no apparent conflict between it and the *Official Languages Act*.

As I mentioned to Canada’s first Commissioner of Indigenous Languages, Ronald E. Ignace, after his historic appointment, Canada can and must promote both official languages and Indigenous languages at the same time, something that 78% of Canadians agree with, according to my office’s [Official Languages Tracking Survey 2021](#). If we advance English, French and the Indigenous languages spoken in Canada, together we will successfully build a fairer and more inclusive society.

## STUDY ON FRANCOPHONE IMMIGRATION TARGETS

Francophone minority communities contribute significantly to the bilingual and multicultural nature of our country. The influx of immigrants is also making them increasingly diverse.

However, the continuing decline in the demographic weight of these communities risks weakening Canada’s linguistic duality and diversity, so it is essential to stem this decline.

In 2003, the Citizenship and Immigration Canada – Francophone Minority Communities Steering Committee set a target of 4.4% of French-speaking immigrants settling outside Quebec. The target deadline was supposed to have been met within five years, but in 2006, the Committee extended the target date to 2023.

A [2021 study conducted for my office on the 4.4% Francophone immigration target](#) showed that the measures taken over the past two decades to maintain the demographic weight of Francophone minority communities

have not produced the expected results. First of all, the 4.4% target was not met (an additional 75,000 French-speaking immigrants would have been required to meet the target). Furthermore, even if the target had been met, it would not have been enough to offset the decline in the demographic weight of Francophone minority communities.

We need to get back on track.

In the study, I made three recommendations to Immigration, Refugees and Citizenship Canada, one of which was to adopt a policy on immigration to Francophone minority communities, including a new objective and a new, more ambitious target. This recommendation was generally well received, and it is only by implementing this kind of policy that we will achieve greater equality between English and French in Canada. Bill C-13, which was tabled in March 2022, includes a new obligation for the Minister of Citizenship and Immigration to adopt a policy on Francophone immigration that includes objectives, targets and indicators.

## **FRANCOPHONE MINORITY POST-SECONDARY INSTITUTIONS STILL A CONCERN**

Although it is easier than it used to be to pursue post-secondary education in French outside Quebec, developing this crucial part of the educational continuum depends on the policies of provincial and territorial governments and on the quality of the cooperative relationships established between them and the federal government.

Two recent crises are a case in point. In Western Canada, the Association canadienne-française de l'Alberta (with the support of Alberta's four French-language school boards) took legal action against the University of Alberta and the Government of Alberta to compel them to honour their commitments to provide adequate funding for Campus Saint-Jean—the only French-language post-secondary institution in Alberta.

In Ontario, Laurentian University had to file for protection under the *Companies' Creditors Arrangement Act* in February 2021; eliminate 69 programs, including 28 French-language programs; lay off about 100 professors; and terminate agreements with its three federated universities. The university's problems have made it a less attractive school to prospective students: In January 2022, there was a 52% drop in applications for admission to French programs.

In August 2021, the then Minister of Official Languages announced [\\$121.3 million in funding over three years](#) to support projects that will boost institutional capacity to provide high-quality post-secondary minority-language education, maintain access to available programs, promote collaboration among institutions, and address urgent needs to help stabilize the post-secondary minority-language sector.

This announcement was a step in the right direction, but as post-secondary institutions and organizations have noted, three years of funding is not sufficient for some of the structural changes expected to support post-secondary minority-language education (such as creating new permanent positions in institutions). Furthermore, access to these funds depends on the commitment of the provinces and territories, which must agree to cover part of the costs.

To identify long-term solutions to enhance post-secondary education in Francophone minority communities—solutions that 72% of Canadian want, according to our [Official Languages Tracking Survey 2021](#)—the Association des collèges et universités de la francophonie canadienne and the Fédération des communautés francophones et acadienne held a joint Estates General from September 2021 to March 2022. I strongly encourage all levels of government to consider the findings of this exercise, which are scheduled to be released in the fall of 2022.



## FRENCH-SECOND-LANGUAGE TEACHERS: SUPPLY AND DEMAND

The fact that it is possible to promote linguistic duality and multiculturalism simultaneously across the country is due in large part to the fact that English or French can be learned as a first or second official language everywhere in Canada. Unfortunately, the shortage of French-second-language teachers makes it difficult to advance official bilingualism in some parts of the country.

In 2021–2022, I initiated a follow-up on the actions taken by the Government of Canada in response to the findings and recommendations in my office’s 2019 study, [Accessing opportunity: A study on challenges in French-as-a-second-language education teacher supply and demand in Canada](#), to ensure that more French-second-language teachers are recruited.

Canadian Heritage reacted positively to the study by taking a number of actions, including creating a French-second-language consultation table with stakeholders, investing in improving the Odyssey Language Assistant Program, and supporting the launch of the Teacher Recruitment and Retention Strategy for French programs in British Columbia.

In conclusion, the goal of my office’s efforts to highlight this important issue is to ensure that more young people have access to French-second-language courses, regardless of where they live in Canada. However, the teacher shortage continues to make it difficult for schools to offer and develop French-second-language programs and to ensure that students have access to a high-quality education in their first official language.

## PUBLIC OPINION SURVEY

In 2021, my office commissioned Environics Research to conduct a telephone and online survey to explore Canadians’ opinions on official languages. The questions on this survey were roughly the same as those in another survey conducted for my office by Nielsen five years earlier.

Much has changed in Canada and around the world since 2016, including the upheavals caused by the COVID-19 pandemic. But our [Official Languages Tracking Survey 2021](#) shows that across all demographics, Canadians’ support for linguistic duality is still as strong today as it was five years ago.

**Much has changed in Canada and around the world since 2016, but our survey shows that Canadians’ support for linguistic duality is still as strong today as it was five years ago.**

## ENGLISH-SPEAKING COMMUNITIES IN QUEBEC

Like Francophone minority communities, Quebec’s English-speaking communities are an essential part of the Canadian mosaic. Although Quebec’s English-speaking communities have changed significantly over the past 50 years, the misperception of them from the 1960s as a poorly integrated and highly privileged minority still lingers.

First, it is important to note that two out of three English speakers in Quebec are bilingual (e.g., according to the 2016 Census, 66% of Quebecers whose mother tongue is English reported being able to speak both English and French, compared with 42% of those whose mother tongue is French), and that most members of this community support the view that French is the common language in Quebec. This is best illustrated by the [strong reaction of the President of the Quebec Community Groups Network](#) to the speech given in English by Air Canada’s President and Chief Executive Officer and his comments to reporters. She stated that the fact

that the head of Air Canada does not feel the need to learn French reinforces the myth that English-speaking Quebecers are indifferent to French. She went on to say that this attitude does not reflect the values of Quebec's English-speaking communities.

It is also important to note that the economic situation of English-speaking Quebecers has changed significantly over time. It is now more or less the same as that of their French-speaking counterparts, whose median income is actually now slightly higher than that of English-speaking Quebecers.

Quebec's English-speaking communities are also facing challenges that threaten their vitality. According to stakeholders, access to child care in English is a major issue, particularly in rural Quebec. In addition, the 2017 [\*Quebec Survey of Child Development in Kindergarten\*](#) (in French only) shows that children in kindergarten whose mother tongue is English are proportionally more likely than their French-speaking counterparts to be classified as vulnerable.

I am therefore calling on the Government of Canada to ensure that the equivalent of the Early Childhood Development Initiative in the *Action Plan for Official Languages 2018-2023: Investing in Our Future* is developed for English-speaking communities in Quebec. Through the [\*National Early Years Strategy\*](#) (in French only), the Support for Early Childhood Development initiative—which is available only to Francophone minority communities—has already increased the number of available child care spaces and positions. This shows that providing funding to English-speaking communities would improve access to and the quality of these much needed child care services.

## **ACTION PLAN FOR OFFICIAL LANGUAGES**

The Action Plan for Official Languages is the federal government's primary instrument for fulfilling its commitments to official language minority communities to advance the use of English and French under Part VII of the *Official Languages Act*. The current five-year plan, entitled [\*Action Plan for Official Languages 2018-2023: Investing in Our Future\*](#), provides a total of \$2.7 billion in funding from 2018 to 2023 and outlines the government's and its stakeholders' official languages vision and targets.

Monitoring the implementation of the Action Plan's programs is one of my priorities. Since 2019, my office has monitored 17 of the 60 initiatives outlined in the Action Plan, including several initiatives developed using the nearly \$500 million in additional funding. During this work, my team and I met with some 130 stakeholders, including 5 federal institutions.

Our analysis led to a number of findings and recommendations, including that providing funding through intermediary organizations helps those organizations to develop capacity and promotes the "by and for" approach, but that there are still some challenges with its practical application. Some stakeholders said they would prefer funding to be provided by federal institutions without the involvement of an intermediary organization.

Our analysis also revealed that the COVID-19 pandemic had an impact on the implementation of the Action Plan's initiatives, but that the resilience shown by stakeholders (including the shift to virtual activities) and the flexibility of federal institutions in difficult circumstances helped to ensure that the initiatives were carried out successfully.

Overall, I am pleased with the implementation of the Action Plan. Community consultation through community-based organizations at the local, regional and national levels is essential in establishing priorities and initiatives funded under the Action Plan. This will be critical in guiding the next five-year plan, which is scheduled to be released on April 1, 2023.

## Mauril app

The [Mauril application](#) was launched in April 2021. It was created by CBC/Radio-Canada as part of an initiative under the *Action Plan for Official Languages 2018-2023: Investing in Our Future* to create a free mobile application for learning English and French as a second language. This tool is designed primarily for adults, teachers (to guide students) and people from immigrant backgrounds. One of its objectives is to expose learners to the wide variety of English and French spoken across Canada. Six months after its launch, the app had been downloaded 41,000 times. As of October 2019, 75% of Mauril users were learning French (most often at the beginner level), and 25% were learning English (generally at the intermediate or advanced level).

## MAJOR VICTORY FOR LINGUISTIC DUALITY IN BRITISH COLUMBIA

On May 23, 2018, the Federal Court dismissed an application by the Fédération des francophones de la Colombie-Britannique that claimed that Employment and Social Development Canada and the Canada Employment Insurance Commission failed to meet their obligation to enhance the vitality of the British Columbia's French-speaking community when they signed an agreement that resulted in the dismantling of the employment assistance network set up by federal institutions with the help of community organizations. In his decision, Federal Court Judge Denis Gascon applied a very narrow interpretation of federal institutions' obligation to take positive measures under Part VII of the *Official Languages Act*.

In the fall of 2021, I appeared before the Federal Court of Appeal along with the Fédération to appeal the Federal Court's decision. In my opinion, the negative effects of the Federal Court's decision severely restricted the way I could interpret and apply Part VII in my investigations, and limited complainants' ability to assert their rights under that part of the Act. Action needed to be taken to restore the full force of Part VII.

At the October 2021 hearing before the Federal Court of Appeal, I presented a simple but effective analysis for determining whether a federal institution has fully complied with Part VII of the Act. I argued that a federal institution must first assess the needs of official language minority communities and the potential impact of its decisions and initiatives on those communities. The institution must then show that it has made decisions and taken initiatives to meet the communities' specific needs. Lastly, the institution must show that it has taken concrete measures to mitigate any potential negative impacts of its decisions and initiatives.

In January 2022, the Federal Court of Appeal judges unanimously granted my appeal and overturned the Federal Court's decision. In its ruling, the Court of Appeal accepted all of my arguments and established some key principles for the future of Part VII.

The judges stated the following:

As suggested by the Commissioner, when interpreted this way, the obligation set out in Part VII lends itself to a two-step analysis. Federal institutions must first be sensitive to the particular circumstances of the country's various official language minority communities and determine the impact that the decisions and initiatives that they are called upon to take may have on those communities. Second, federal institutions must, when implementing their decisions and initiatives, act, to the extent possible, to enhance the vitality of these communities; or where these decisions and initiatives are susceptible of having a negative impact, act, to the extent possible, to counter or mitigate these negative repercussions. [Source: [Canada \(Commissioner of Official Languages\) v Canada \(Employment and Social Development\)](#)]

After reinstating the scope of Part VII, the Federal Court of Appeal looked at the four complaints that had been filed with the Office of the Commissioner of Official Languages in 2011. Based on the findings of the Commissioner's investigation into those complaints, the Court ruled that the complaints were founded under Part VII of the Act.

The Federal Court of Appeal then determined that Employment and Social Development Canada and the Canada Employment Insurance Commission could not remain parties to an agreement that prevents them from honouring their ongoing obligation toward British Columbia's Francophone minority community. The Court of Appeal therefore ordered the termination of the agreement that led to the dismantling of the employment assistance network, unless the agreement could be renegotiated to ensure compliance with Part VII. It also ordered that "federal institutions must, to the extent possible, restore the network of employment assistance services with the participation of the Francophone organizations." [Source: [Canada \(Commissioner of Official Languages\) v Canada \(Employment and Social Development\)](#)]

I am very pleased with the Federal Court of Appeal's decision to restore the full force of Part VII of the Act. In addition to allowing me to fully investigate complaints I receive under Part VII, this decision will also finally give full effect to what Parliament expressed in 2005 when it amended the Act: to ensure that Part VII has a positive and concrete impact on the vitality of all official language minority communities.

## Work of the provinces and territories

While the federal government has been working for several years now to modernize the *Official Languages Act*, some provinces and territories have also been conducting legislative and policy reviews that could impact the use of English or French and the vitality of official language minority communities.

In December 2021, [Ontario completed the modernization of its French Language Services Act](#). The Assemblée de la Francophonie de l'Ontario and the Association des juristes d'expression française de l'Ontario welcomed the new version, which they feel improves frontline access to services in French. Also in December, the two commissioners overseeing the review of New Brunswick's *Official Languages Act* tabled [a report containing eight recommendations on how to improve the provincial Act and its application](#). This report was [welcomed by the Commissioner of Official Languages for New Brunswick](#). Farther west, the review of the Northwest Territories' *Official Languages Act*, which is scheduled to take place every five years, had begun but has been delayed because of COVID-19. And Bill 96, the comprehensive reform of Quebec's *Charter of the French Language*, was tabled in May 2021. This bill, which is expected to be adopted by the fall of 2022, has raised concerns among Quebec's English-speaking minority communities.



## CHAPTER 4

# MID-MANDATE EVALUATION AND POWERS OF THE COMMISSIONER OF OFFICIAL LANGUAGES

This section includes more information for the public on the results of the actions I have taken during the first half of my seven-year mandate. It also shows how increasing my authority could have a positive impact on federal institutions' compliance with their obligations under the *Official Languages Act*.

## MID-MANDATE REPORT

Four years ago, I outlined my strategic vision for official languages by 2025, which had four main components:

- Urge federal institutions to break down the barriers that are preventing the objectives of the *Official Languages Act* from being met.
- Support the modernization of the *Official Languages Act*.
- Ensure that the investments under the *Action Plan for Official Languages 2018-2023* achieve their expected outcomes.
- Foster a culture of continuous improvement, collaboration and resource optimization within the Office of the Commissioner of Official Languages.

I am at the halfway point of my mandate, which means that it is time to report on the impacts of the various actions my team and I have taken since 2018–2019.

First, many of the 18 recommendations made in my 2019 report, [\*Modernizing the Official Languages Act: The Commissioner of Official Languages' Recommendations for an Act that is Relevant, Dynamic and Strong\*](#), are reflected in the broad lines of [Bill C-13](#), *An Act for the Substantive Equality of Canada's Official Languages*, which the government tabled in March 2022.

Second, my team and I have made significant efforts to help resolve federal institutions' most glaring compliance issues with respect to official languages. From creating the Official Languages Maturity Model, to addressing the issue of Canadians' access to services in English and French during the COVID-19 pandemic or during federal elections, to releasing a report on and a tool for establishing the language requirements of federal positions, to reporting on language insecurity in the federal public service, we have been actively helping institutions to strengthen their ability to meet their obligations under the *Official Languages Act* in terms of communications with the public and language of work.

Third, we have been closely monitoring the implementation of the *Action Plan for Official Languages 2018-2023* and have met with many stakeholders about the various programs outlined in the Action Plan. We also published a study on the shortage of French-second-language teachers.

In addition, we have taken a number of steps to ensure that our internal operations are better coordinated, including by making greater horizontal use of information management systems.

My mid-mandate report details the major projects and activities my team and I have carried out since 2018, and the success of those efforts.

## IN THE HEART OF IT: HALFWAY INTO MY SEVEN-YEAR MANDATE (2018–2025)

### MANDATE

My two main responsibilities as Commissioner are the protection of official language rights and the advancement of English and French in Canadian society.

### VISION 2025

At the start of my mandate in 2018, I established a vision to focus strategically on four priorities.

### 1. Federal institutions' implementation of the *Official Languages Act*

<i>Key activities</i>	
2019	<ul style="list-style-type: none"><li>• Launch of the Official Languages Maturity Model, an innovative tool to encourage federal institutions to respect official languages</li><li>• Interventions on services provided to Canadian voters</li><li>• Interventions on the National Public Alerting System</li></ul>
2020	<ul style="list-style-type: none"><li>• Consultations and report on the impact of emergency situations on official languages</li><li>• Interventions on bilingual communications during the COVID-19 pandemic</li><li>• Report and tool on language requirements for federal public service positions</li></ul>
2021	<ul style="list-style-type: none"><li>• Report on linguistic insecurity in the federal public service</li></ul>

### From now to 2025

I will continue to work with my team, stakeholders and federal institutions to highlight systemic official languages issues and take a solution-oriented approach to resolve them.

## 2. Modernizing the *Official Languages Act*

Key activities	
2018	<ul style="list-style-type: none"><li>• Public consultations on modernizing the <i>Official Languages Act</i></li></ul>
2019	<ul style="list-style-type: none"><li>• Position paper with 18 recommendations on modernizing the <i>Official Languages Act</i></li></ul>
2020	<ul style="list-style-type: none"><li>• Interventions with parliamentarians to advance the modernization of the <i>Official Languages Act</i></li></ul>
2021	<ul style="list-style-type: none"><li>• Statement and consultations on the federal government's official languages reform document</li></ul>

### From now to 2025

I will continue to emphasize the critical need to pass legislation to modernize the *Official Languages Act* in order to protect and promote official languages in Canada, both now and in the future. If and when a modernized Act is adopted, my team and I will work to adjust to our new responsibilities.

### 3. Federal investment through the Action Plan for Official Languages

<i>Key activities</i>	
2019	<ul style="list-style-type: none"><li>• Study on French-second-language teacher shortage</li></ul>
Yearly	<ul style="list-style-type: none"><li>• Yearly consultations (2019–2021) with 130 community representatives, beneficiary organizations and federal institutions on national and regional Action Plan programs</li></ul>

#### From now to 2025

I will continue to work with stakeholders to monitor the progress of the Action Plan and provide my recommendations for the next Action Plan.

### 4. Promoting a culture of continuous improvement, collaboration and resource optimization within the Office of the Commissioner of Official Languages

<i>Key activities</i>	
2019	<ul style="list-style-type: none"><li>• Pay repatriation</li></ul>
2020	<ul style="list-style-type: none"><li>• Deployment of MS Teams</li><li>• Creation of a centre of expertise for continuous improvement</li><li>• Implementation of CRM solution: Office reservations (Corporate Management Branch)</li><li>• Development of a collaborative framework</li><li>• Development of a performance measurement and evaluation framework</li></ul>



2021

- Implementation of CRM and Dynamics 365
- Implementation of CRM solutions: Language services (Policy and Communications Branch), Follow-up of litigation files (Legal Affairs Branch), Events management (Commissioner's Office)
- Deployment of BBME (Instant Messaging) to replace Skype for Business
- New financial system
- Improvements to the intranet site, including an internal news feed
- Consulting projects to improve processes for investigations and for the annual report
- Introduction of the "Team OCOL in Brief" weekly email, which provides an overview of the news published on the internal news feed during the week

### From now to 2025

My team will continue to refine organizational processes to foster greater internal collaboration, to work as efficiently as possible and to optimize management of its resources.

### ADMISSIBLE COMPLAINTS ON THE RISE

2017–2018	2018–2019	2019–2020	2020–2021
894	1,087	1,361	1,870

### From now to 2025

My team will aim to continuously improve our complaints program to be able to better address the rising number of complaints.

## OTHER ACTIVITIES

### 2018

- Supreme Court of Canada case on the right to use the official language of one's choice in federal courts: *Mazraani v Industrial Alliance Insurance and Financial Services Inc.*
- Special Report to Parliament on modernizing the Official Languages Regulations

### 2019

- Activities for the 50th anniversary of the *Official Languages Act* (conference with youth and stakeholders from across Canada, presentations and publications)
- Appeal of the Federal Court's decision in *Fédération des francophones de la Colombie-Britannique v Canada*

### 2020

- Supreme Court of Canada case on the scope of the right to minority language education: *Conseil scolaire francophone de la Colombie-Britannique v British Columbia*

### 2021

- Federal Court of Appeal case on the interpretation of Part V (Language of Work) of the *Official Languages Act*: *Canada (Commissioner of Official Languages) v Office of the Superintendent of Financial Institutions*
- Interventions on inclusion and respect for both official languages
- Study on Francophone immigration target

### Ongoing

- Strengthening the Office of the Commissioner's relationships with the various stakeholders involved in official languages

**“Since my first day as Commissioner, I’ve seen my mandate as an opportunity to help shape and build the future of official languages for generations to come. I look forward to continuing our work in the second half of my mandate to ensure that Canadians’ language rights are better respected and that our official languages can continue to thrive everywhere in Canada.”**

– Raymond Thériault, Commissioner of Official Languages

## INCREASING THE AUTHORITY OF THE COMMISSIONER OF OFFICIAL LANGUAGES

Year after year, I receive complaints both about federal institutions and about private companies that are subject to the *Official Languages Act*. Many of these complaints are from the travelling public and involve institutions such as airport authorities, the Canadian Air Transport Security Authority and Air Canada.

For decades, Air Canada has generated significant numbers of complaints from the travelling public. Canada's national airline has systemic official languages issues, and in June 2016, then Commissioner Graham Fraser wrote the following in a [special report to Parliament](#):

Like my predecessors, I have used the various powers conferred on me under the Act to try to compel Air Canada to better fulfill its language obligations to the travelling public and have had little success. . . . Of all the institutions subject to the Act, Air Canada is and has always been among those that generate the largest number of complaints. This special report describes the current problems with how the Act is applied at Air Canada and identifies the legislative changes needed to develop an effective method of enforcement.

Six years later, the situation is still much the same. My main power is to make recommendations that federal institutions are then free to implement or ignore, with relative impunity.

This power is as inadequate today as it was when Commissioner Fraser tabled his special report on Air Canada. Over the past five years, an average of 80 language-related admissible complaints have been filed every year against Air Canada, and our national airline is unfortunately responding no more enthusiastically now to the recommendations I make in my investigation reports than it did then.

The limitations of my authority show how important it is to increase the effectiveness of my actions, as well as those of my successors. The only way for me to better address some of the ongoing problems that result in federal institutions' failure to meet their official languages obligations is to introduce more enforcement mechanisms.

This is what prompted me to make recommendations to the government in 2019 about [modernizing the Official Languages Act](#), including the following:

“that new mechanisms be added to the [Act] to improve compliance with the legislation”

“that the Federal Court be given the ability to award damages for any breach of the [Act], without exception or exclusion”

that the Commissioner of Official Languages be given “more flexibility in [conducting] investigations” and “the power to impose administrative monetary penalties [and] to enter into agreements with federal institutions subject to the Act.”

**The only way for me to better address some of the ongoing problems that result in federal institutions' failure to meet their official languages obligations is to introduce more enforcement mechanisms.**

In its February 2021 [reform document](#), the government confirmed its intention to strengthen the scope of my powers in the Act. It also confirmed its intention to provide for a range of penalties that could be imposed on federal institutions that do not meet their official languages obligations.

This commitment was met in a number of ways in Bill C-32 (*An Act to amend the Official Languages Act and to make related and consequential amendments to other Acts*), which was tabled in June 2021. That bill gave me the power to enter into compliance agreements with federal institutions and entities subject to the Act, and to make orders under certain parts of the Act. Bill C-32 also provided for the use of alternative mechanisms to resolve conflict, such as alternative dispute resolution.

However, Bill C-32 did not give me the power to impose administrative monetary penalties, which I had recommended in order to ensure a range of options and provide some flexibility for sanctions. The bill died on the order paper in the summer of 2021 when the federal election was announced.

In early March 2022, the government tabled Bill C-13 (*An Act for the Substantive Equality of Canada's Official Languages*), which has retained all of the compliance mechanisms proposed in Bill C-32 and added a new tool—the power to impose administrative monetary penalties on designated organizations, such as businesses that serve the travelling public.

## CHAPTER 5

### COMPLAINTS: ANALYSIS AND TABLES

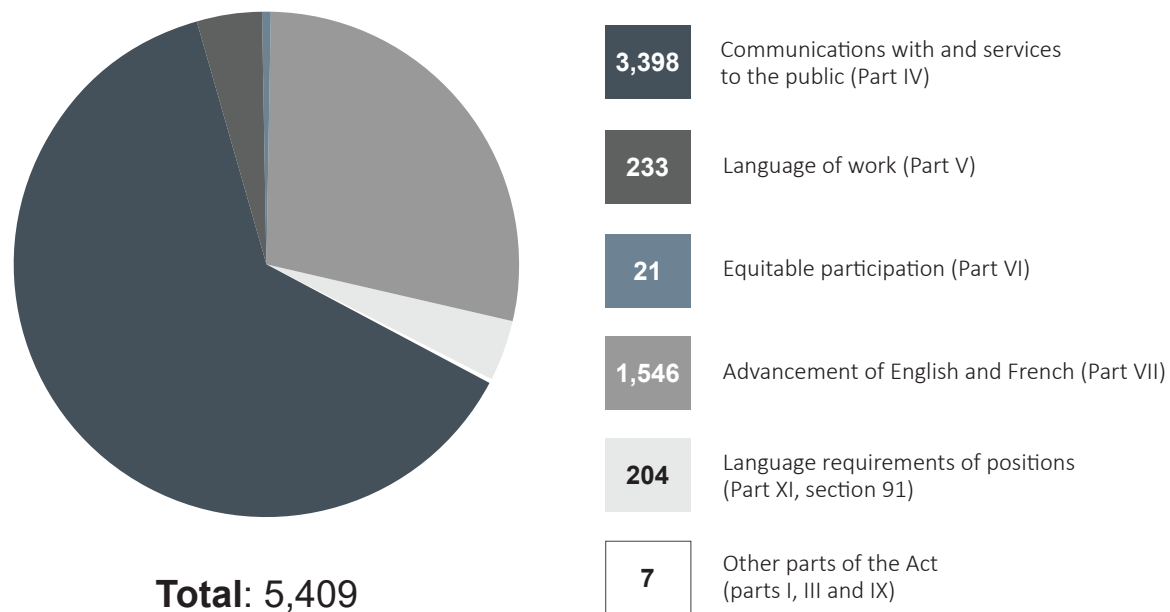
#### ANALYSIS OF COMPLAINTS

As shown in Figure 1, I received 5,409 admissible complaints this year. Over 60% of these complaints related to Part IV of the *Official Languages Act*, which deals with communications with and services to the public. The vast majority of those complaints were about a single event—the speech given in English by Air Canada’s President and Chief Executive Officer. Excluding this particular incident, the number of Part IV complaints continued to be relatively high and comparable to recent years.

The high number of complaints involving the advancement of English and French in Canadian society (Part VII) were primarily about the appointment of a Governor General who cannot speak both of Canada’s official languages.

**Figure 1**

#### Admissible complaints in 2021–2022 by part/section of the *Official Languages Act*



The above two events are the reason why over 89% of the admissible complaints received this year were about incidents that took place in Quebec or in the Ontario part of the National Capital Region (Table 2).

**Table 2**

## ADMISSIBLE COMPLAINTS IN 2021–2022

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 (PARTS I, III AND IX)	TOTAL
NEWFOUNDLAND AND LABRADOR	22	0	0	0	0	0	22
PRINCE EDWARD ISLAND	7	0	0	0	0	0	7
NOVA SCOTIA	10	3	0	0	4	0	17
NEW BRUNSWICK	31	5	0	0	4	0	40
QUEBEC	2,770	93	10	162	12	0	3,047
NATIONAL CAPITAL REGION (QUEBEC)	56	26	2	30	13	0	127
NATIONAL CAPITAL REGION (ONTARIO)	212	74	4	1,345	136	7	1,778
ONTARIO	119	20	3	6	27	0	175
MANITOBA	21	2	0	1	0	0	24
SASKATCHEWAN	8	0	2	0	0	0	10
ALBERTA	34	2	0	0	1	0	37
BRITISH COLUMBIA	82	2	0	0	5	0	89
YUKON	3	0	0	0	0	0	3
NORTHWEST TERRITORIES	3	0	0	0	0	0	3
NUNAVUT	0	0	0	0	0	0	0
OUTSIDE CANADA	20	6	0	2	2	0	30
<b>Total</b>	<b>3,398</b>	<b>233</b>	<b>21</b>	<b>1,546</b>	<b>204</b>	<b>7</b>	<b>5,409</b>

**Table 3**

# ADMISSIBLE COMPLAINTS OVER 10 YEARS (2012–2013 TO 2021–2022)

## BY PROVINCE AND TERRITORY

LOCATION OF INCIDENT	2012 2013	2013 2014	2014 2015	2015 2016	2016 2017	2017 2018	2018 2019	2019 2020	2020 2021	2021 2022
NEWFOUNDLAND AND LABRADOR	8	18	12	14	28	16	24	32	11	22
PRINCE EDWARD ISLAND	3	4	4	2	5	2	7	4	4	7
NOVA SCOTIA	9	8	13	16	10	20	22	60	11	17
NEW BRUNSWICK	24	31	42	41	87	51	65	62	47	40
QUEBEC	70	59	56	68	148	129	166	213	239	3,047
NATIONAL CAPITAL REGION (QUEBEC)	49	37	64	121	92	96	156	163	293	127
NATIONAL CAPITAL REGION (ONTARIO)	152	182	193	351	429	307	336	500	883	1,778
ONTARIO	52	75	78	58	106	124	153	192	148	175
MANITOBA	20	20	13	14	13	18	11	9	25	24
SASKATCHEWAN	2	8	16	4	6	25	14	6	23	10
ALBERTA	9	9	28	8	43	49	56	48	120	37
BRITISH COLUMBIA	8	19	18	16	25	33	25	30	52	89
YUKON	0	0	1	1	1	1	5	6	2	3
NORTHWEST TERRITORIES	0	1	0	2	2	4	7	6	4	3
NUNAVUT	0	0	0	1	0	0	0	0	1	0
OUTSIDE CANADA	9	5	12	8	23	19	40	30	7	30
<b>Total</b>	<b>415</b>	<b>476</b>	<b>550</b>	<b>725</b>	<b>1,018</b>	<b>894</b>	<b>1,087</b>	<b>1,361</b>	<b>1,870</b>	<b>5,409</b>

Table 4 compares the number of admissible complaints received over a decade, by part of the *Official Languages Act*. In 2021–2022, there was a significant increase in complaints received under most parts of the Act.

**Table 4**

ADMISSIBLE COMPLAINTS OVER 10 YEARS (2012–2013 TO 2021–2022)  
BY PART/SECTION OF THE *OFFICIAL LANGUAGES ACT*

	2012 2013	2013 2014	2014 2015	2015 2016	2016 2017	2017 2018	2018 2019	2019 2020	2020 2021	2021 2022
<b>SERVICE TO THE PUBLIC (PART IV)</b>	252	282	320	344	565	457	550	731	693	3,398
<b>LANGUAGE OF WORK (PART V)</b>	83	103	126	125	183	138	212	172	173	233
<b>EQUITABLE PARTICIPATION (PART VI)</b>	6	13	11	24	34	16	22	11	13	21
<b>ADVANCEMENT OF ENGLISH AND FRENCH (PART VII)</b>	39	30	37	62	32	50	12	20	16	1,546
<b>LANGUAGE REQUIREMENTS (PART XI, SECTION 91)</b>	30	44	45	156	192	222	285	420	968	204
<b>OTHER PARTS (PARTS I, III AND IX)</b>	5	4	11	14	12	11	6	7	7	7
<b>Total</b>	<b>415</b>	<b>476</b>	<b>550</b>	<b>725</b>	<b>1,018</b>	<b>894</b>	<b>1,087</b>	<b>1,361</b>	<b>1,870</b>	<b>5,409</b>



## RECOMMENDATIONS

### **RECOMMENDATION 1**

I recommend that one of the parliamentary committees on official languages study the language obligations related to the staffing of senior management positions in the federal public service and to Governor in Council appointments in order to determine whether knowledge of both official languages should be a requirement when hiring for these types of positions.

### **RECOMMENDATION 2**

I recommend that the Minister of Official Languages ensure that federal institutions are fully informed of their obligations under Part VII of the *Official Languages Act* and that they meet these obligations in accordance with the Federal Court of Appeal's January 2022 decision in *Canada (Commissioner of Official Languages) v Canada (Employment and Social Development)*.