

**Quebec Community Groups Network**  
**Preliminary Analysis of Bill C-13,**  
*An Act for the Substantive Equality of Canada's Official Languages*  
March 22, 2021

## Background and Overview

This is an overview of Bill C-13, *An Act for the Substantive Equality of Canada's Official Languages*, introduced in the House of Commons on March 1, 2021.

The QCGN participated in a number of consultations leading up to the tabling of Bill C-13. In particular:

- In May 2018, the QCGN submitted a brief to the Standing Senate Committee on Official Languages, setting out a series of recommendations for a modernized *Official Languages Act*.<sup>1</sup>
- In March 2021, the QCGN submitted a brief to the Expert Panel on Language of Work and Service in Federally Regulated Private Businesses.<sup>2</sup>
- In April 2021, the QCGN submitted a [brief](#) to the Standing Senate committee on Official Languages, responding to the Government of Canada policy paper presented in February 2021.<sup>3</sup> This brief presented 9 recommendations in response to the Government of Canada policy paper. The QCGN also appeared before the Standing Senate Committee on May 31, 2021.<sup>4</sup> At this appearance, the QCGN also voiced its concerns regarding Quebec's recently tabled Bill 96.
- On June 15, 2021, Bill C-32, *An Act to amend the Official Languages Act and to make related and consequential amendments to other Acts* was presented for first reading in the House of Commons. The QCGN published a preliminary analysis of this Bill.<sup>5</sup>

**Table 1** (appended to this document) compares the QCGN's proposals in its 2018 Brief to the provisions of Bill C-32 and C-13, respectively.

This document presents an overview of Bill C-13. This is not a comprehensive analysis of the Bill. Rather, it is informed and directed at priority areas of the QCGN.

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<sup>1</sup> QCGN, [English-speaking Quebec and the Modernization of the Official Languages Act](#), May 2018.

<sup>2</sup> QCGN [Brief to the Expert Panel on Language of Work and Service in Federally Regulated Private Businesses](#), March 2021.

<sup>3</sup> QCGN [Brief to Standing Senate Committee on Official Languages, April 2021](#).

<sup>4</sup> Transcript available online: <https://sencanada.ca/en/Content/Sen/Committee/432/OLLO/55248-e>.

<sup>5</sup> QCGN, [Preliminary Analysis of Bill C-32](#), June 2021.

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### Terminology and Acronyms

FRPBA	<i>Use of French in Federally Regulated Private Businesses Act</i>
OLA	<i>Official Languages Act</i>
OLMC	Official language minority community

Bill C-32	<i>An Act to amend the Official Languages Act and to make related and consequential amendments to other Acts, introduced in the House of Commons on June 15, 2021. (Died on the order paper.)</i>
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### Parts of the *Official Languages Act*

Part I	Proceedings of Parliament
Part II	Legislative and Other Instruments
Part III	Administration of Justice
Part IV	Communications with and Services to the Public
Part V	Language of Work
Part VI	Participation of English-speaking and French-speaking Canadians
Part VII	Advancement of English and French
Part VII	Responsibilities and Duties of Treasury Board
Part IX	Commissioner of Official Languages
Part X	Court Remedy

## 1) Overview of Bill C-13

Bill C-13 makes major changes to the *Official Languages Act (OLA)*. It also creates a new stand-alone Act to create language rights for French services and work in federally regulated private businesses.

### **Official Languages Act (OLA):**

- The Bill retains the basic **structure and framework** of the current OLA, but adds a major new **purpose**: the protection and promotion of French. Section 2 of this document discusses the changes to the preamble, purpose and interpretation clauses.
- The Bill overhauls **Part VII** of the OLA. It adds new “commitments” and specifics on “positive measures”. It also references the importance of provincial cooperation. The legal significance of these changes is unknown. They are discussed in Section 3 of this document.
- The Bill makes changes to the **Justice** provisions, notably adding a requirement that Supreme Court judges be able to hear cases in English and French without the aid of an interpreter. This is discussed in Section 4 of this document.
- The Bill makes only minor and technical changes in **Part IV, V and VI**. These are discussed in Section 5 of this document.
- The Bill significantly strengthens the **administration and enforcement**. It expands the mandate of the Minister of Heritage, adds powers and duties to Treasury Board, and adds several powers to the Commissioner of Official Languages. These are discussed in Section 6 of this document.

### **Use of French in Federally Regulated Private Businesses Act (FRPBA):**

- The Bill creates a new Act, the FRPBA. The FRPBA creates a right to be served and to work in French in federally regulated private businesses in Quebec and outside Quebec in regions with a strong francophone presence. The FRPBA is discussed in Section 7 of this document.

**Bill C-13 and Bill C-32:** Bill C-13 is similar to C-32. It copies much of the content of C-32. Sometimes this content is re-arranged. In certain places, C-13 adds new content. The substantive differences between C-13 and C-32 are identified in the course of the discussion.

## 2) Preamble, Purpose, Interpretation

Like Bill C-32, the Bill retains the same overall purposes and structure of the OLA. As with Bill C-32, the Bill sets out several new Preamble clauses, additions to the OLA’s purpose clause, and new interpretive clauses. These are all largely the same as Bill C-32, although the Bill adds a few additional clauses. In the discussion below, there is no change from C-32 except where otherwise indicated.

The Bill adds the following policy priorities to the OLA: First, the protection and promotion of the French language; second, the addition of new interpretive clauses; third, the continued recognition of English and French linguistic minority communities (OLMC’s); third, the recognition of provincial language regimes including the *Charter of the French Language*. Finally, the Bill adds additional mention of Indigenous languages and a mention that the OLA applies in emergencies.

### a. Protection and promotion of the French language

While the OLA retains the same general structure and purposes, the Bill adds one important purpose: it explicitly adds a commitment to the protection and promotion of the French language. This is one of several new Preamble clauses:

AND WHEREAS the Government of Canada is committed to protecting and promoting the French language, recognizing that French is in a minority situation in Canada and North America due to the predominant use of English.<sup>6</sup>

This language is echoed elsewhere in the Bill: in the revised Purpose clause,<sup>7</sup> and twice in Part VII.<sup>8</sup>

The Bill also invokes the concept of the “advancement toward the equality of status and use of English and French”. This language is already used in several places in the current OLA, but the Bill adds new mentions in key places.<sup>9</sup>

One of the new purposes of the OLA is to:

2(b.1) advance the equality of status and use of the English and French languages within Canadian society, taking into account that French is in a minority situation in Canada and North America due to the predominant use of English.

### b. Interpretive clauses

Bill C-32 added two new interpretive clauses, and this Bill adds one more. The first is that language rights should receive a large, liberal and purposive interpretation. The second is that the norm for interpretation is “substantive equality”.<sup>10</sup> The third (new in Bill C-13) is that language rights are to be interpreted in light of their remedial character.<sup>11</sup> These appear to codify existing principles from jurisprudence.<sup>12</sup>

### c. Official language minority communities

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<sup>6</sup> Bill C-13 s 2.

<sup>7</sup> Bill C-13 s 3, Modified *Official Languages Act* (“C-13 MOLA”) s 2(b.1).

<sup>8</sup> Bill C-13 s 21, C-13 MOLA s 41(2), Bill s 21, C-13 MOLA s 41(6)(b)(i).

<sup>9</sup> Bill C-13 s 1 (new preamble clause) and s 24 (C-13 MOLA s 45.1(1), referring to cooperation with provinces and territories); and again in the preamble to the new FRPB Act: “Whereas nothing in the *Canadian Charter of Rights and Freedoms* limits the authority of Parliament to advance the quality of status or use of English and French” (Bill C-13 s 54).

<sup>10</sup> Bill C-13 s 7, C-13 MOLA s 3.1(a) and (c), respectively.

<sup>11</sup> Bill C-13 s 7, C-13 MOLA s 3.1(b).

<sup>12</sup> The first (large, liberal, purposive) appears to codify the principle from *R. v Beaulac*, [1999] 1 SCR 768. The second (substantive equality) appears to codify the principles from *DesRochers v Canada (Industry)*, 2009 SCC 8. The third appears to codify principles from *Beaulac* and s. 23 jurisprudence.

As with Bill C-32, the Bill (and the OLA) continues to recognize official language minority communities in every province, including Quebec. There is a new preamble clause to this effect:

AND WHEREAS the Government of Canada recognizes the presence of English or French linguistic minority communities in each province and territory;<sup>13</sup>

Thus, the OLA's basic framework remains intact, and English-speaking Quebec continues to be recognized as an official language minority community under the OLA.

A nuance to the purpose clause (from both C-32 and C-13) is that one purpose of the OLA is to "support the development of English and French linguistic minority communities in order to protect them".<sup>14</sup>

In addition, the Bill adds a subtle nuance that was not in C-32. The Bill modifies an existing preamble clause regarding OLMC and new language (in red):

AND WHEREAS the Government of Canada is committed to enhancing the vitality and supporting the development of English and French linguistic minority communities — taking into account their uniqueness, diversity and historical and cultural contributions to Canadian society — as an integral part of the two official language communities of Canada, and to fostering full recognition and use of English and French in Canadian society;<sup>15</sup>

This new language is also added in Part VII.<sup>16</sup>

**d. Recognition of the "diversity of provincial language regimes", notably the *Charter of the French Language***

As with C-32, the Bill explicitly recognizes provincial language regimes. The basic concept is introduced in a new preamble clause, which reads:

AND WHEREAS the Government of Canada recognizes the diversity of the provincial and territorial language regimes that contribute to the advancement of the equality of status and use of English and French in Canadian society, including that

the Constitution of Canada provides every person with the right to use English or French in the debates of the Houses of the Legislature of Quebec and those of the Legislature of Manitoba and the right to use English or French in any pleading or process in or from the courts of those provinces,

Quebec's *Charter of the French language* provides that French is the official language of Quebec,

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<sup>13</sup> Bill C-13 s 2.

<sup>14</sup> Bill C-13 s 3, C-13 MOLA s 2(b).

<sup>15</sup> Bill C-13 s 2.

<sup>16</sup> Bill C-13 s 21, C-13 MOLA s 41(1)(a).

the Constitution of Canada provides that English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of New Brunswick, and

the Constitution of Canada provides that the English linguistic community and the French linguistic community in New Brunswick have equality of status and equal rights and privileges;

This recognition is novel in the OLA.

The first two clauses concern Quebec directly: the first recognizes the rights guaranteed in s. 133 of the *Constitution Act, 1867*; the second recognizes a provincial statute, the *Charter of the French Language*. Notably, this is the only one of the four clauses that recognizes a provincial statute—the others recognize features of the “Constitution of Canada”.

The Bill adds references to Quebec’s *Charter of the French Language* into the OLA in two places:

- 1) The new Preamble clause recognizes “the diversity of the provincial and territorial language regimes that contribute to the advancement of the equality of status and use of English and French in Canadian society” and goes on to state that “Quebec’s *Charter of the French Language* provides that French is the official language of Quebec”.
- 2) The Bill recognizes the *Charter of the French Language* again in Part VII, with respect to federal-provincial cooperation in federal support to official language minorities.<sup>17</sup>

#### **e. Indigenous languages**

As with Bill C-32, the Bill creates additional space to acknowledge and promote Indigenous languages outside the OLA.<sup>18</sup> These mentions do not appear to create any new obligations inside the OLA itself.

#### **f. Emergencies**

The Bill adds one new preamble clause that was not in C-32: that “all legal obligations related to the official languages apply at all times, including during emergencies”. There is no corresponding change in any substantive provisions of the OLA.

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<sup>17</sup> See Bill C-13 s 24, C-13 MOLA s 45.1(1)(b).

<sup>18</sup> See for ex Bill C-13 s 1 (new preamble clause) and s 44, C-13 MOLA s 83.

### 3) Part VII: Commitments and Positive Measures

As in Bill C-32, this Bill overhauls Part VII. This Bill adds a few features to the overhauled Part VII, which will be discussed in turn below.

**Table 2** (appended to this document) provides a side-by-side comparison of Part VII of the current OLA, the OLA as modified under Bill C-32, and the OLA as modified under Bill C-13.

This section is organized as follows: First, it presents the overhaul to the "commitments" and "positive measures"; second, it discusses the new consultation and evaluation provisions; third, it discusses the new federal-provincial cooperation provision.

#### a) Part VII overhaul

##### Commitments

The seminal "Government Policy" provision is overhauled and renamed as a series of "Commitments" of the Government of Canada. Instead of two commitments, there are now five. The first two commitments (enhancing the vitality of OLMC's and fostering full recognition of English and French) remain largely intact.<sup>19</sup> However, with regard to enhancing the vitality of OLMC's, the Bill adds the phrase "taking into account their uniqueness, diversity and historical and cultural contributions to Canadian society". This language mirrors the new language in the preamble.

As with Bill C-32, this Bill adds the following 3 new "commitments":

- The protection and promotion of the French language<sup>20</sup>
- Quality learning in the minority language, along the continuum from early childhood to post-secondary<sup>21</sup>
- The estimation of s. 23 rights-holders<sup>22</sup>

##### Duty of federal institutions -- Positive Measures

As with the current OLA, every federal institution has the duty to take positive measures. In the Bill, this duty is extended to four commitments: enhancing the vitality of OLMC's, fostering full recognition of English and French, the protection and promotion of French, and learning in the minority language.<sup>23</sup> Unlike Bill C-32, this Bill adds an important qualification: every federal institution has the duty to ensure that the positive measures "*it considers appropriate*" are taken.

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<sup>19</sup> Bill C-13 s 21, C-13 MOLA s 41(1).

<sup>20</sup> Bill C-13 s 21, C-13 MOLA s 41(2).

<sup>21</sup> Bill C-13 s 21, C-13 MOLA s 41(3).

<sup>22</sup> Bill C-13 s 21, C-13 MOLA s 41(4). The Minister of Heritage also takes on a new role in relation to this Commitment – the Minister must develop a process for the Government of Canada to implement this Commitment: see Bill C-13 s 4, C-13 MOLA s 2.3.

<sup>23</sup> Bill C-13 s 21, C-13 MOLA s 41(5).

The Bill includes some new requirements for positive measures. Positive measures “shall be concrete and taken with the intention of having a beneficial effect on the implementation of the commitments”<sup>24</sup> (this is new in C-13).

Positive measures shall also respect two necessities: first, the necessity of protecting and promoting French (carry-over from C-32); second, the necessity of “of considering the specific needs of each of the two official language communities of Canada, taking into account the equal importance of the two communities” (new in C-13).<sup>25</sup> The Bill already provides that federal institutions are committed to the protection of French (under new s. 41(2)).

As with Bill C-32, this Bill adds detail on the positive measures that federal institutions “may” take.<sup>26</sup> The list is the same as Bill C-32. As before, they include one new positive measure of interest, namely to “support sectors” essential to the vitality of OLMCs, including the culture, education, health, justice and immigration sectors, and to promote “strong institutions serving those communities”.<sup>27</sup>

The Bill then adds a series of provisions not seen in C-32. The first of these is s. 41(7):

**Potential to take positive measures and negative impacts**

41 (7) In carrying out its mandate, every federal institution shall, on the basis of analyses that the federal institution considers appropriate,

- (a) consider whether positive measures could potentially be taken under subsection (5); and
- (b) take into account the direct negative impacts that its structuring decisions may have on the commitments under subsections (1) to (3) in order to consider the possibilities for mitigating those negative impacts.

The second two new provisions relate to consultation, discussed below.

The final new provision adds a requirement for every federal institution to evaluate and monitor their positive measures.<sup>28</sup>

Finally, as with C-32, the Bill adds the following additional commitments and positive measures at the end of Part VII:

- Commitment to “bilingualism and promoting French abroad” by the Government of Canada and the Minister of Foreign Affairs;<sup>29</sup>
- Recognition that the CBC “contributes through its activities to enhancing the vitality of the English and French linguistic minority communities”;<sup>30</sup>

<sup>24</sup> Bill C-13 s 21, C-13 MOLA s 41(6)(a).

<sup>25</sup> Bill C-13 s 21, C-13 MOLA s 41(6)(b).

<sup>26</sup> Bill C-13 s 21, C-13 MOLA s 41(c).

<sup>27</sup> Bill C-13 s 21, C-13 MOLA s 41(c)(v).

<sup>28</sup> Bill C-13 s 21, C-13 MOLA s 41(10).

<sup>29</sup> Bill C-13 s 21, C-13 MOLA s 42.

<sup>30</sup> Bill C-13 s 21, C-13 MOLA s 42.1.



- The Minister Heritage may fund the Court Challenges Program for test cases in language rights.<sup>31</sup> The Court challenges Program already exists, and the Bill does not make it mandatory.
- The Minister of Citizenship and Immigration shall adopt a policy on Francophone immigration for Francophone OLMCs.<sup>32</sup> Bill C-13 adds requirements as to what the policy must include.<sup>33</sup>

## **b) Consultation and Evaluation**

Bill C-32 strengthened consultation requirements a little, and C-13 further strengthens them. Notably:

- Bills C-32 and C-13 both added the requirement for the Minister of Heritage to provide information to the public regarding policies and programs relating to the OLA.<sup>34</sup>
- New in Bill C-13, Federal institutions are required to carry out analyses to determine what positive measures they should take.<sup>35</sup> These analyses are required to be founded “to the extent possible,” on dialogue and consultation.<sup>36</sup> The objective of this dialogue and consultation is to permit the priorities of OLMCs “and other stakeholders” to be taken into account.<sup>37</sup>

In addition, federal institutions are required to “establish evaluation and monitoring mechanisms” in relation to the positive measures they determine and undertake.<sup>38</sup>

## **c) Federal-provincial cooperation and the *Charter of the French Language***

The Bill adds a new section about federal-provincial cooperation, identical to what was added in C-32. While the importance of cooperation is included in the current OLA,<sup>39</sup> the Bills added a new and expanded section on cooperation. This section states that:

45.1 (1) The Government of Canada recognizes the importance of cooperating with provincial and territorial governments in the implementation of this Part, taking into account the diversity of the provincial and territorial language regimes that contribute to the advancement of the equality of status and use of English and French in Canadian society, including that  
[....]

(b) Quebec’s *Charter of the French language* provides that French is the official language of Quebec [...]

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<sup>31</sup> Bill C-13 s 22, C-13 MOLA s 43(1)(c). Similar addition in Bill s 52, in the *Department of Canadian Heritage Act*, regarding the Court Challenges Program for human rights cases.

<sup>32</sup> Bill C-13 s 23, C-13 MOLA s 44.1

<sup>33</sup> Bill C-13 s 23, C-13 MOLA s 44.1(2).

<sup>34</sup> Bill C-13 s 22, C-13 MOLA s 43(2)

<sup>35</sup> Bill C-13 s 21, C-13 MOLA s 43(7).

<sup>36</sup> Bill C-13 s 21, C-13 MOLA s 41(8)

<sup>37</sup> Bill C-13 s 21, C-13 MOLA s 41(9).

<sup>38</sup> Bill C-13 s 21, C-13 MOLA s 41(10).

<sup>39</sup> Ex Preamble and s 45.

#### 4) Justice (Supreme Court of Canada – Part III)

The Bill makes the same changes to Part III as Bill C-32.

The OLA requires judges of the federal courts to be able to understand litigants without the assistance of an interpreter. There is currently an exception for the Supreme Court. Like Bill C-32, the Bill also repeals this exception,<sup>40</sup> which means that the Supreme Court will be required to ensure that judges hearing proceedings in English and French understand litigants in English and French. This is generally understood to mean that all judges of the Court will need to be bilingual.

The Bill also broadens the instances when judgments of federal courts need to be translated.<sup>41</sup>

#### 5) Services, Work in Federal Institutions (Parts IV, V and VI)

The Bill makes the same changes to Parts IV, V, and VI as Bill C-32.

The changes in Parts IV, V and VI<sup>42</sup> appear to be minor and/or technical on a preliminary review.

#### 6) Administration and Enforcement (Parts VIII, IX, X,)

Like Bill C-32, the Bill enhances the OLA's administration and enforcement. There is no centralized authority for the entire Act; however there are enhanced roles for both the Minister of Canadian Heritage and Treasury Board. In addition, the Commissioner of Official Languages is given several new powers—new in Bill C-13, the power to issue administrative monetary penalties. There is an additional recourse to the Federal Court.

##### a. Minister of Canadian Heritage

Like Bill C-32, the Bill might enhance the role of the Minister of Canadian Heritage in implementing the Act. The Minister is to “exercise leadership” in the implementation of the Act across the Government of Canada.<sup>43</sup> In doing so, the Minister “shall” promote and encourage coordination with other Crown Ministers.<sup>44</sup> Also, the Minister “shall” develop a strategy for action on official languages and make this strategy public.<sup>45</sup> Furthermore, the Minister “shall” carry out consultation and “shall” provide information to the public.<sup>46</sup> New in the Bill is that the Minister “shall” develop a process for the Government of Canada to contribute to a periodic estimate of children whose parents have the right to educate their child in a minority language under the *Charter*.<sup>47</sup>

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<sup>40</sup> Bill C-13 s 11, modifying OLA s 16.

<sup>41</sup> Bill C-13 s 12, modifying OLA s 20.

<sup>42</sup> Bill C-13 s 13 (Part IV); Bill C-13 ss 14-18 (Part V); Bill C-13 ss 19-20 (Part VI).

<sup>43</sup> Bill C-13 s 4, C-13 MOLA ss 2.1, 2.2.

<sup>44</sup> Bill C-13 s 4, C-13 MOLA s 2.2.

<sup>45</sup> Bill C-13 s 4, C-13 MOLA s 2.2; same as Bill C-32.

<sup>46</sup> Bill s 22(2), MOLA s 43(2).

<sup>47</sup> Bill C-13 s 4, C-13 MOLA s 2.3. This is related to the “Commitment” at C-13 MOLA s 41(4).

In addition, as with Bill C-32, the Bill also modifies the measures the Minister may take to advance Part VII, which include providing funding for a court challenges program.<sup>48</sup>

### **b. Treasury Board**

As in Bill C-32, the role of Treasury Board is expanded. Treasury Board will now have responsibility for “general direction and coordination” for the positive measures in Part VII (s. 41(5)).<sup>49</sup> Treasury Board also has a new obligation in carrying out its responsibilities: it “shall” establish directives and policies to give effect to the positive measures required in s. 41(5).<sup>50</sup> In Bill C-32, this obligation was expressed as a discretionary power, but in C-13, it is mandatory.<sup>51</sup> As with Bill C-32, Treasury Board’s duties of monitoring are changed from “may” to “shall”,<sup>52</sup> and it has an enhanced reporting requirement to Parliament.<sup>53</sup>

### **c. Commissioner of Official Languages**

Like Bill C-32, the Commissioner’s role and enforcement powers have been enhanced. The Commissioner’s new powers include the following:

- Power to enter into compliance agreements;<sup>54</sup>
- Ability to resolve a complaint during the course of an investigation using alternative dispute resolution;<sup>55</sup>
- Ability to make investigation findings public;<sup>56</sup>
- Power to make compliance orders (for breaches of Part IV and V) and make these orders enforceable as Federal Court orders.<sup>57</sup>
- Ability to deal with complaints regarding the *Use of French in Federally Regulated Private Businesses Act*<sup>58</sup>

This Bill also introduces a new power for the Commissioner to impose administrative monetary penalties (AMPs) for breaches of Part IV (Communications and Services to the Public).<sup>59</sup> The AMP regime applies to a crown corporation or a corporation subject to the OLA that is designated by Regulation, has obligations under Part IV, operates in the transportation sector and provides services to the travelling

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<sup>48</sup> Bill C-13 s 22.

<sup>49</sup> Bill C-13 s 25; Bill C-32 s 33, C-32 MOLA s 46(1): Treasury Board has “general direction and coordination” of s 41(5) in addition to Parts IV-VI.

<sup>50</sup> Bill C-13 s 25(4), C-13 MOLA s 46(4)(b).

<sup>51</sup> Compare Bill C-32 s 33, C-32 MOLA s 46(2(a.1)).

<sup>52</sup> C-13 MOLA s 46(4); as compared to current OLA s 46(2).

<sup>53</sup> Bill C-13 s 26, C-13 MOLA s 48.

<sup>54</sup> Bill C-13 s 36, C-13 MOLA ss 64.1-64.2.

<sup>55</sup> Bill C-13 s 33, C-13 MOLA s 62(1.1).

<sup>56</sup> Bill C-13 s 35, C-13 MOLA s 63.1.

<sup>57</sup> Bill C-13 s 36, C-13 MOLA s 64.5(1), s 64.6.

<sup>58</sup> See section 6(e) below.

<sup>59</sup> Bill C-13 s 37, C-13 MOLA ss 65.1-65.95.

public.<sup>60</sup> Regulations will determine which corporations may be penalized, which violations of Part IV may give rise to penalties, as well as the amount of the penalty.<sup>61</sup> Therefore, depending on what the Regulations ultimately say, entities such as Air Canada may be subject to this regime.

The Bill announces that the purpose of the AMP regime is to promote compliance with Part IV, not to punish.<sup>62</sup> Currently, the maximum penalty is fixed at \$25,000, but this amount may increase in the future.<sup>63</sup> Corporations may contest such penalties and seek review before the Federal Court.<sup>64</sup>

#### **d. Federal Court Remedy (Part X)**

Like Bill C-32, in addition to the existing Federal Court remedy (available after a Commissioner's investigation), the Bill creates the same new ability to apply to the Federal Court during the course of a Commissioner's investigation or before the Commissioner makes a compliance order.<sup>65</sup>

#### **e. 10 year review**

As in Bill C-32, the Bill institutes the same new 10-year review for the OLA.<sup>66</sup> The Minister of Heritage will review the OLA every 10 years and table this review in the House of Commons and Senate. There is no parliamentary process set out or required to review the OLA. Thus, there is no requirement for the House or Senate to take any action with respect to the 10-year review.

## **7) Federally regulated private businesses (new Act)**

The Bill creates a new Act, the *Use of French in Federally Regulated Private Businesses Act* (FRPBA)<sup>67</sup>, dedicated to French as a language of service and work in federally regulated private businesses<sup>68</sup> in Quebec and regions with a strong francophone presence.<sup>69</sup> Bill C-32 created a similar regime in the OLA itself. This Bill relocates the changes made by the Bill C-32 from the OLA to the new stand-alone FRPBA.

The majority of changes from C-32 are minor and/or technical.<sup>70</sup> In the discussion below, there is no substantive change from C-32 except where otherwise indicated.

As with Bill C-32, the new rights in the FRPBA are similar to language of service and work rights in the current *Charter of the French Language*.

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<sup>60</sup> Bill C-13 s 37, C-13 MOLA s 65.2.

<sup>61</sup> Bill C-13 s 37, C-13 MOLA s 65.4(1).

<sup>62</sup> Bill C-13 s 37, C-13 MOLA s 65.3.

<sup>63</sup> Bill C-13 s 37, C-13 MOLA ss 65.4(2)-s 65.4(1)(e).

<sup>64</sup> Bill C-13 s 37, C-13 MOLA ss 65.9-65.95.

<sup>65</sup> Bill C-13 s 42; Bill C-32 s 48.

<sup>66</sup> Bill C-13 s 50; Bill C-32 s 56.

<sup>67</sup> Bill C-13 s 54, FRPBA.

<sup>68</sup> Defined at FRPBA s 2(1): follows *Canada Labour Code*. The exact size of enterprise that will be captured will be defined in regulation (FRPBA s 33 1(a)).

<sup>69</sup> The meaning will be determined in regulation (Bill C-13 s 62(1)).

<sup>70</sup> For example, the Bill employs the term "must" in provisions where Bill C-32 used "shall". On a preliminary analysis, the meaning is unaltered by such small changes: see FRPBA s 26(1)(f), s 36(1), s 36, s 6(2), s 9(3), s 10(1), s 10(2).

### a) Preamble, purpose

The FRPBA retains most of the same purpose and structure as the OLA itself. The FRPBA repeats the same Preamble clauses which 1) reiterate the commitment of the government to protect and promote French, 2) recognize that French is in a minority situation in Canada and North America, and 3) recognize the diversity of provincial and territorial language regimes.<sup>71</sup> Like Bill C-32, it also keeps two clauses that recognize rights to French language in work and service.<sup>72</sup>

A new Preamble clause acknowledges that “nothing in the *Canadian Charter of Rights and Freedoms* limits the authority of Parliament to advance the equality of status or use of English and French”.<sup>73</sup>

The purpose of the FRPBA is to “foster and protect the use of French” in federally regulated private businesses.<sup>74</sup> The FRPBA also incorporates two out of the three new interpretative clauses which are also inserted into the OLA.<sup>75</sup>

### b) Application

The FRPBA applies to federally regulated private business in Quebec. Two years after the FRPBA comes into effect, it will be extended to federally regulated private business outside of Quebec “with a strong francophone presence” (this is to be defined in Regulation).<sup>76</sup> Regulations will be required in order to extend the FRPBA outside Quebec.

The term “federally regulated private business” is defined in the FRPBA.<sup>77</sup> It includes enterprises subject to the *Canada Labour Code* but does not include federal institutions or corporations that are already subject to the OLA.<sup>78</sup>

As with Bill C-32, federally regulated private businesses in Quebec can select whether to be subject to the new FRPBA regime or whether to be subject to the *Charter of the French Language*.<sup>79</sup> The Minister of Canadian Heritage may enter into an agreement with the Government of Quebec to give effect to this provision.<sup>80</sup>

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<sup>71</sup> FRPBA, Preamble paras 2-3.

<sup>72</sup> FRPBA, Preamble paras 4-5.

<sup>73</sup> FRPBA, Preamble para 1.

<sup>74</sup> FRPBA, s 4. Compared to Bill C-32, Bill C-13 adds the word “protect” to the purpose (see Bill C-32 s 3(2), s 2(d) C-32 MOLA).

<sup>75</sup> FRPBA s 3; compare to Bill C-13 s 7; namely, that language rights are to be given “large, liberal and purposive interpretation” and that they are to be “interpreted in light of their remedial character”. The FRPBA does not include the new provision holding that the norm for interpretation of language rights is “substantive equality” (at C-13 MOLA, s 3.1(c)).

<sup>76</sup> Bill C-13 s 54-63: a series of amendments to render the FRPBA applicable outside Quebec. Bill C-13 s 62(1): “regions with a strong francophone presence” to be defined in regulation. Bill C-13 s 71(5): the extension to regions outside Quebec comes into effect on the second anniversary after the FRPBA itself comes into effect.

<sup>77</sup> FRPBA s 2(1).

<sup>78</sup> Bill C-13 s 54, FRPBA s 2(1): “federally regulated private business” does not include “(b) a corporation that is incorporated to perform functions on behalf of the Government of Canada”; and “(c) a corporation that is subject to the Official Languages Act under another Act of Parliament”.

<sup>79</sup> FRPBA s 6.

<sup>80</sup> FRPBA s 6(3).

### c) Services

Like Bill C-32, the FRPBA creates a new right for consumers to receive services in French, and a duty on the businesses to ensure this right is satisfied.<sup>81</sup> This does not preclude consumers from receiving services in English where they wish and where the businesses is able to provide services in that language;<sup>82</sup> however, the Bill does not create a right for services in English.

### d) Work

As with Bill C-32, the FRPBA creates a new right to work, be supervised, receive communications and documents, use work instruments in French in workplaces, and a duty on the business to ensure the right is satisfied.<sup>83</sup> This does not preclude the employee from receiving employer communications and documents in both English French, but for written documents, the “use of French shall be at least equivalent to the use of English”.<sup>84</sup>

Other new requirements include the following (all of which have analogues in the *Charter of the French Language*):

- Requirements for fostering the use of French;<sup>85</sup>
- Prohibition against adverse treatment on the basis that a person does not have knowledge of a language other than French;<sup>86</sup>
- Requirement for employer to demonstrate that knowledge of a language other than French is “objectively required” based on the nature of the work.<sup>87</sup>

Nevertheless, the impact of these new requirements on certain English-speaking employees is mitigated by the following:

- Prohibition against adverse treatment of an employee on or before the day the FRPBA comes into force on the sole reason that he or she lacks sufficient knowledge of French.<sup>88</sup>
- Requirement for employer to consider the needs of employees who are close to retirement, have many years of service, or have conditions that could impede the learning of French when developing measures to foster the use of French.<sup>89</sup>

The Governor in Council may make regulations that define key terms such as “close to retirement”, “conditions that could impede the learning of French”, “consumer”, “employee”, “many years of service”, and “treat adversely” for the purpose of the FRPBA.<sup>90</sup>

### e) Complaints

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<sup>81</sup> FRPBA s 7.

<sup>82</sup> FRPBA s 7(3).

<sup>83</sup> FRPBA s 9.

<sup>84</sup> FRPBA s 9(3).

<sup>85</sup> FRPBA s 10(3).

<sup>86</sup> FRPBA s 11.

<sup>87</sup> FRPBA s 11(3).

<sup>88</sup> FRPBA s 11(2).

<sup>89</sup> FRPBA s 10(2).

<sup>90</sup> FRPBA s 33(b).

The complaints and enforcement mechanisms for both French language of service and language of work are largely the same as in Bill C-32.

For French **language of service**, complaints can be made to the Commissioner of Official Languages. The process will be the same as for other complaints to the Commissioner.<sup>91</sup>

For French **language of work**, the Commissioner can receive complaints from employees in federally regulated private businesses.<sup>92</sup> The order-making and compliance agreement power referenced above also apply to these complaints.<sup>93</sup> However, the Commissioner can also refer these complaints to the Canada Industrial Relations Board.<sup>94</sup> The Bill sets out a regime for the Board to hear and decide these complaints, similar to the Board's role and powers under the *Canada Labour Code*.<sup>95</sup> The Board can make orders, and these orders can be made enforceable as orders of the Federal Court.<sup>96</sup>

The existing Federal Court remedy under Part X also applies to complaints under the French language of work and services in federally regulated private businesses provisions.<sup>97</sup>

#### **f) Administration**

Under the Bill, the Minister of Canadian Heritage is directly and solely responsible for the administration of the FRPBA.<sup>98</sup>

The Bill requires the Minister to follow a distinct consultation process for the adoption of regulations concerning the FRPBA. For the FRPBA, when considering proposed regulations, the Minister must “seek the views of members of the public as an integral part of the two official language communities of Canada and of organizations representative of employees or employers of federally regulated private businesses”.<sup>99</sup> In contrast, for proposed regulations under the OLA, the Bill requires a minister to seek the views of “members of the English and French linguistic minority communities, and, if appropriate, members of the public generally”.<sup>100</sup>

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<sup>91</sup> FRPBA ss 14-16.

<sup>92</sup> FRPBA, s 18. Unlike other investigations, the Commissioner cannot initiate an investigation on his own initiative; it must be in response to a complaint: FRPBA s 19(2).

<sup>93</sup> FRPBA ss 19-20.

<sup>94</sup> FRPBA s 21.

<sup>95</sup> FRPBA ss 21- 23, 26-27; See also Bill C-13 ss 64-67. All amendments to the *Canada Labour Code* remain the same between the Bill and Bill C-32.

<sup>96</sup> FRPBA s 28, 30.

<sup>97</sup> FRPBA, s 17, s 20.

<sup>98</sup> FRPBA s 12.

<sup>99</sup> FRPBA s 34.

<sup>100</sup> Bill C-13 s 44, C-13 MOLA s 84.

**Table 1:** QCGN Modernization proposals; Bill C-32, and Bill C-13

Topic	QCGN Proposal (References are to QCGN's 2018 brief paragraphs unless otherwise noted)	Bill C-32	Bill C-13
Approach/interpretation	Equality of status of English and French [46-50]. <ul style="list-style-type: none"> <li>- No separate status for each language [48]</li> <li>- Guarantee this equality of status everywhere in Canada [49].</li> <li>- The Act can provide greater rights for linguistic minorities, but can leave no room for lesser rights to OL minorities in particular provinces [50].</li> </ul>	<ul style="list-style-type: none"> <li>• Specific new commitment to “protecting and promoting the French language” (Preamble, purpose clause, Part VIII)</li> <li>• Specific mention of “diversity of the provincial and territorial language regimes” including the <i>Charter of the French Language</i></li> </ul>	<ul style="list-style-type: none"> <li>• Specific new commitment to “protecting and promoting the French language” (Preamble, purpose clause, Part VIII)</li> <li>• Specific mention of “diversity of the provincial and territorial language regimes” including the <i>Charter of the French Language</i></li> </ul>
Part III (Justice)	<ul style="list-style-type: none"> <li>• Support access to justice in the minority OL; obligation to support provinces in this regard [78-79, 81]</li> <li>• Remove exception for Supreme Court judges bilingualism</li> </ul>	<ul style="list-style-type: none"> <li>• New optional positive measure to support justice sector (Bill C-32 MOLA s 41(2)(e))</li> <li>• Yes, s 11.</li> </ul>	<ul style="list-style-type: none"> <li>• New optional positive measure to support justice sector (Bill C-13 MOLA s 41(6)(c)(v))</li> <li>• Yes, s 11.</li> </ul>
Part IV	<ul style="list-style-type: none"> <li>• Strive for coherence between Parts IV, V, VI</li> <li>• Ensure that services in both languages are of substantively equal quality</li> </ul>	none	none
Part V	<ul style="list-style-type: none"> <li>• Update and broaden the language of work obligations</li> </ul>	none	none
Part VI	<ul style="list-style-type: none"> <li>• Re-frame Part VI to ensure English-speakers are fairly represented in federal institutions in Quebec</li> </ul>	none	none



Federally-regulated businesses	<p><b>2018 Brief:</b> consider extending the application of Parts IV, V and VI to federally-regulated private enterprises</p> <p><b>2021 Brief to Expert Panel on Language of Work and Service in Federally Regulated Private Businesses:</b></p> <ol style="list-style-type: none"> <li>1) Any language rights in federally regulated businesses must apply to both English-speakers and French-speakers</li> <li>2) Any creation of language rights in federally regulated businesses must be done in any instrument other than the Official Languages Act</li> </ol>	<ol style="list-style-type: none"> <li>1) No - Language rights extended to French but not English</li> <li>2) No - Language rights created in OLA</li> </ol>	<ol style="list-style-type: none"> <li>1) No - Language rights extended to French but not English</li> <li>2) Yes - Language rights created in a separate statute (FRBPA)</li> </ol>
Part VII	Clear definitions: “positive measure”; “enhancing vitality of”; “assisting development of OLMCs” [90]	Partly: List of potential positive measures elaborated (s 41(2))	Partly: List of potential positive measures elaborated, including consultation and evaluation requirements (s 41(5) – 41(10))
	Clearer lines of accountability for Part VII obligations (Minister of Heritage is to “encourage and promote a coordinated approach” to implementation of s. 41 commitments, but not given power to <u>require</u> implementation). A department or agency needs to be <u>empowered</u> to ensure Part VII compliance, and must also be <u>accountable</u> for implementation. [91-92]	Partly: enhanced powers for Minister of Heritage and Treasury Board (s 4, s 23, s 33, s 44)	Partly: enhanced powers for Minister of Heritage and Treasury Board; further requirements for Treasury Board (s 4, s 22, s 25, s 26)
	Require regulations for Part VII [93]	None – regulations still optional	None – regulations still optional
	Transparency mechanisms for OL investments [94]	None – higher emphasis on fed-prov cooperation but not transparency	None – higher emphasis on fed-prov cooperation but not transparency
	OL obligations for all federally funded activities	None	None
Accountability	Central accountability for application of the entire Act (“might entail giving a central authority like Treasury Board the authority and duty to ensure implementation of the Act across government” [105])	No central accountability, but added role for Treasury Board (see above)	No central accountability, but added role for Treasury Board (see above)
	<p>Consultation:</p> <ul style="list-style-type: none"> <li>• mandatory and robust consultation with OLMCs with duty to consult;</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Possibly: New consultation requirements for federal institutions in determining</li> </ul>

	<ul style="list-style-type: none"> <li>• definition of consultation;</li> <li>• duty to provide resources and capacity;</li> <li>• formal National Advisory Council;</li> <li>• declaration that membership in parliamentary OL committees should reflect composition of OLMCs</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> <li>• None</li> <li>• None</li> <li>• None</li> </ul>	<p>positive measures (C-13 MOLA s 41(8)-(9).</p> <ul style="list-style-type: none"> <li>• None</li> <li>• None</li> <li>• None</li> <li>• None</li> </ul>
	<p>Enhanced and focused role for Commissioner</p> <ul style="list-style-type: none"> <li>• Commissioner should <u>not</u> have power to order compliance or enforce sanctions [109]</li> <li>• Add requirement that institutions respond to reports by Commissioner; add requirement that Commissioner must take legal action or intervene</li> </ul>	<ul style="list-style-type: none"> <li>• No -- Commissioner given power to enter into compliance agreements; make compliance orders (Bill s 43, MOLA ss 64.1-64.2; Bill s 42, MOLA s 63.1.)</li> <li>• No; but option for Commissioner to make reports public (Bill s 42, MOLA s 63.1)</li> </ul>	<ul style="list-style-type: none"> <li>• No -- Commissioner given power to enter into compliance agreements; make compliance orders; and impose administrative monetary penalties for certain institutions (Bill C-13 s 36, C-13 MOLA ss 64.1-64.2; Bill C-13 s 37, C-13 MOLA ss 65.1-65.95; Bill C-13 s 36, C-13 MOLA s 64.5(1), 64.6.)</li> <li>• No; but option for Commissioner to make reports public (Bill C-13 s 35, C-13 MOLA s 63.1)</li> </ul>
	<p>Admin tribunal with power to sanction</p>	<p>None – see above – powers given to Commissioner</p>	<p>None – see above – powers given to Commissioner</p>
	<p>Regular periodic review of <i>Act</i> and <i>Regulations</i></p>	<p>Yes -- 10-year review of Act s. 56</p>	<p>10-year review of Act s. 50</p>

**Table 2: Part VII – Comparison of Existing OLA, Bill C-32 and Bill C-13**

In the second and third columns, text in red underlined is changes from the existing OLA text from each Bill. In the third column, text in blue underline represents changes from Bill C-32 to Bill C-13.

Existing OLA	OLA as modified in Bill C-32	OLA as modified in Bill C-13
<p><b>Government policy</b></p> <p>41 (1) The Government of Canada is committed to</p> <p>(a) enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and</p> <p>(b) fostering the full recognition and use of both English and French in Canadian society.</p>	<p><b>Government policy</b></p> <p>41 (1) The Government of Canada is committed to</p> <p>(a) enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and</p> <p>(b) fostering the full recognition and use of both English and French in Canadian society.</p> <p><u>Commitment — protection and promotion of French</u>  <u>(1.1) The Government of Canada, recognizing that French is in a minority situation in Canada and North America due to the predominant use of English, is committed to protecting and promoting the French language.</u></p> <p><u>Commitment — section 23 of the Canadian Charter of Rights and Freedom</u>  <u>(1.2) The Government of Canada is committed to contributing to an estimate of the number of children whose parents have, under section 23 of the Canadian Charter of Rights and Freedoms, the right to have their children receive their instruction in the language of the English or French linguistic minority population of a province or territory, including the right to have them receive that instruction in minority language educational facilities.</u></p>	<p><u>Commitment — enhancing vitality of communities and fostering English and French</u></p> <p>41 (1) The Government of Canada is committed to</p> <p>(a) enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development, <u>taking into account their uniqueness, diversity and historical and cultural contributions to Canadian society;</u> and</p> <p>(b) fostering the full recognition and use of both English and French in Canadian society.</p> <p><u>Commitment — protection and promotion of French</u>  <u>(2) The Government of Canada, recognizing that French is in a minority situation in Canada and North America due to the predominant use of English, is committed to protecting and promoting the French language.</u></p> <p><u>Commitment — learning in minority language</u>  <u>(3) The Government of Canada is committed to advancing opportunities for members of English and French linguistic minority communities to pursue quality learning in their own language throughout their lives, including from early childhood to post-secondary education.</u></p>

	<p><b><u>Commitment — learning in minority language</u></b>  <u>(1.3) The Government of Canada is committed to advancing opportunities for members of English and French linguistic minority communities to pursue quality learning in their own language throughout their lives, including from early childhood to post-secondary education.</u></p>	<p><b><u>Commitment — section 23 of the Canadian Charter of Rights and Freedoms</u></b>  <u>(4) The Government of Canada is committed to contributing periodically to an estimate of the number of children whose parents have, under section 23 of the Canadian Charter of Rights and Freedoms, the right to have their children receive their instruction in the language of the English or French linguistic minority population of a province or territory, including the right to have them receive that instruction in minority language educational facilities.</u></p>
<p><b>Duty of federal institutions</b></p> <p>(2) Every federal institution has the duty to ensure that positive measures are taken for the implementation of the commitments under subsection (1).</p> <p>For greater certainty, this implementation shall be carried out while respecting the jurisdiction and powers of the provinces.</p>	<p><b>Duty of federal institutions — <u>positive measures</u></b>  (2) Every federal institution has the duty to ensure that positive measures are taken for the implementation of the commitments under subsections <u>(1) and (1.1)</u>.</p> <p><u>Those measures may include measures, among others, to</u></p>	<p><b>Duty of federal institutions — <u>positive measures</u></b>  (5) Every federal institution has the duty to ensure that <u>the</u> positive measures <u>that it considers appropriate</u> are taken for the implementation of the commitments under subsections <u>(1) to (3)</u>.</p> <p><b><u>Positive measures</u></b></p> <p><u>6) Positive measures taken under subsection (5)</u></p> <p><u>(a) shall be concrete and taken with the intention of having a beneficial effect on the implementation of the commitments under subsections (1) to (3);</u></p> <p><u>(b) shall respect</u></p> <p><u>(i) the necessity of protecting and promoting the French language in each province and territory, taking into account that French is in a minority situation in Canada and North America due to the predominant use of English, and</u></p> <p><u>(ii) the necessity of considering the specific needs of each of the two official language communities of Canada, taking into account the equal importance of the two communities; and</u></p> <p><u>(c) may include measures, among others, to</u></p>

- (a) promote and support the learning of English and French in Canada;
- (b) foster an acceptance and appreciation of both English and French by members of the public;
- (c) induce and assist organizations and institutions to project and promote the bilingual character of Canada in their activities in Canada or elsewhere;
- (d) support the creation and dissemination of information in French that contributes to the advancement of scientific knowledge in any discipline; and
- (e) support sectors that are essential to enhancing the vitality of English and French linguistic minority communities, including the culture, education — from early childhood to post-secondary education — health, justice and immigration sectors, and protect and promote the presence of strong institutions serving those communities.

**Protection and promotion of French**

(2.1) Positive measures taken under subsection (2) shall respect the necessity of protecting and promoting the French language in each province and territory, taking into account that French is in a minority situation in Canada and North America due to the predominant use of English.

- (i) promote and support the learning of English and French in Canada,
- (ii) foster an acceptance and appreciation of both English and French by members of the public,
- (iii) induce and assist organizations and institutions to project and promote the bilingual character of Canada in their activities in Canada or elsewhere,
- (iv) support the creation and dissemination of information in French that contributes to the advancement of scientific knowledge in any discipline, and
- (v) support sectors that are essential to enhancing the vitality of English and French linguistic minority communities, including the culture, education — from early childhood to post-secondary education — health, justice, employment and immigration sectors, and protect and promote the presence of strong institutions serving those communities.

**Potential to take positive measures and negative impacts**

(7) In carrying out its mandate, every federal institution shall, on the basis of analyses that the federal institution considers appropriate,

- (a) consider whether positive measures could potentially be taken under subsection (5); and

		<p><u>(b) take into account the direct negative impacts that its structuring decisions may have on the commitments under subsections (1) to (3) in order to consider the possibilities for mitigating those negative impacts.</u></p> <p><u><b>Dialogue and consultation activities, research and evidence-based findings</b></u>  <u>(8) The analyses referred to in subsection (7) shall be founded, to the extent possible, on the results of dialogue and consultation activities, on research and on evidence based findings.</u></p> <p><u><b>Objective of dialogue and consultation activities</b></u>  <u>(9) The objective of the dialogue and consultation activities carried out for the purposes of subsection (8) is to permit the priorities of the English and French linguistic minority communities and other stakeholders to be taken into account.</u></p> <p><u><b>Evaluation and monitoring mechanisms</b></u>  <u>(10) Every federal institution shall establish evaluation and monitoring mechanisms in relation to the positive measures taken under subsection (5).</u></p>
<p><b>Regulations</b>  (3) The Governor in Council may make regulations in respect of federal institutions, other than the Senate, House of Commons, Library of Parliament, office of the Senate Ethics Officer, office of the Conflict of Interest and Ethics Commissioner, Parliamentary Protective Service or office of the Parliamentary Budget Officer, prescribing the manner in</p>	<p><b>Regulations</b>  (11) The Governor in Council may, <u>on the recommendation of the Treasury Board made after consultation with the Minister of Canadian Heritage,</u> make regulations in respect of federal institutions, other than the Senate, House of Commons, Library of Parliament, office of the Senate Ethics Officer, office of the Conflict of Interest and Ethics Commissioner, Parliamentary Protective Service or office of the Parliamentary Budget Officer, pre-scribing the manner in which any duties of those institutions under this Part are to be carried out.</p> <p><u><b>For greater certainty</b></u>  <u>(12) For greater certainty, the express powers, duties and functions of certain ministers of the Crown provided for in this Part do not limit the duties of federal institutions under this Part.</u></p>	<p><b>Regulations</b>  (11) The Governor in Council may, <u>on the recommendation of the Treasury Board made after consultation with the Minister of Canadian Heritage,</u> make regulations in respect of federal institutions, other than the Senate, House of Commons, Library of Parliament, office of the Senate Ethics Officer, office of the Conflict of Interest and Ethics Commissioner, Parliamentary Protective Service or office of the Parliamentary Budget Officer, pre-scribing the manner in which any duties of those institutions under this Part are to be carried out.</p> <p><u><b>For greater certainty</b></u>  <u>(12) For greater certainty, the express powers, duties and functions of certain ministers of the Crown provided for in this Part do not limit the duties of federal institutions under this Part.</u></p>

<p>which any duties of those institutions under this Part are to be carried out.</p>		
<p><b>Coordination</b> 42 The Minister of Canadian Heritage, in consultation with other ministers of the Crown, shall encourage and promote a coordinated approach to the implementation by federal institutions of the commitments set out in section 41.</p>	<p><i>[this section is moved to a new and expanded OLA section 2.1 and 2.2]</i></p>	<p><i>[this section is moved to a new and expanded OLA section 2.1 and 2.2]</i></p>
	<p><b><u>Commitment — bilingualism and promoting French abroad</u></b> 42 (1) The Government of Canada is committed to advancing the use of English and French in the conduct of Canada’s external affairs and to promoting French as part of Canada’s diplomatic relations.</p> <p><b><u>Implementation</u></b> (2) The Minister of Foreign Affairs shall take such measures as that Minister considers appropriate for the implementation of the commitment under subsection (1).</p> <p><b><u>Recognition — Canadian Broadcasting Corporation</u></b> 42.1 The Government of Canada recognizes that the Canadian Broadcasting Corporation, in carrying out its purposes under the Broadcasting Act in accordance with the licences issued to it under that Act by the Canadian Radio-television and Telecommunications Commission and subject to any applicable regulations of that Commission, contributes through its activities to enhancing the vitality of the English and French linguistic minority communities in Canada and to the protection and promotion of both official languages. This</p>	<p><b><u>Commitment — bilingualism and promoting French abroad</u></b> 42 (1) The Government of Canada is committed to advancing the use of English and French in the conduct of Canada’s external affairs and to promoting French as part of Canada’s diplomatic relations.</p> <p><b><u>Implementation</u></b> (2) The Minister of Foreign Affairs shall take such measures as that Minister considers appropriate for the implementation of the commitment under subsection (1).</p> <p><b><u>Recognition — Canadian Broadcasting Corporation</u></b></p>

	<p><u>recognition is made while respecting the freedom of expression and the journalistic, creative and programming independence enjoyed by the Canadian Broadcasting Corporation.</u></p>	<p><u>42.1 The Government of Canada recognizes that the Canadian Broadcasting Corporation, in carrying out its purposes under the Broadcasting Act in accordance with the licences issued to it under that Act by the Canadian Radio-television and Telecommunications Commission and subject to any applicable regulations of that Commission, contributes through its activities to enhancing the vitality of the English and French linguistic minority communities in Canada and to the protection and promotion of both official languages. This recognition is made while respecting the freedom of expression and the journalistic, creative and programming independence enjoyed by the Canadian Broadcasting Corporation.</u></p>
<p><b>Specific mandate of Minister of Canadian Heritage</b>  43 (1) The Minister of Canadian Heritage shall take such measures as that Minister considers appropriate to advance the equality of status and use of English and French in Canadian society and, without restricting the generality of the foregoing, may take measures to</p> <p>(a) enhance the vitality of the English and French linguistic minority communities in Canada and support and assist their development;</p> <p>(b) encourage and support the learning of English and French in Canada;</p> <p>(c) foster an acceptance and appreciation of both</p>	<p><b>Specific mandate of Minister of Canadian Heritage</b>  43 (1) The Minister of Canadian Heritage shall take such measures as that Minister considers appropriate to advance the equality of status and use of English and French in Canadian society and, without restricting the generality of the foregoing, may take measures to</p> <p>(a) enhance the vitality of the English and French linguistic minority communities in Canada and support and assist their development;</p> <p><u>(b) support the development and promotion of francophone culture in Canada, including through the activities of entities for which that Minister is responsible and by ensuring that the Government of Canada’s cultural policies are consistent with the purpose of this Act;</u></p> <p><u>(c) provide funding to an organization, independent of the Government of Canada, responsible for administering a program whose purpose is to provide funding for test cases of national significance to be brought before the courts to clarify and assert constitutional and quasi-constitutional official language rights;</u></p> <p>(d) encourage and assist provincial and territorial governments to support the development of English and French linguistic minority communities generally and, in particular, to offer provincial, territorial and municipal services in both English and French and to provide opportunities for members of English or French linguistic minority communities to be educated in their own language;</p>	<p><b>Specific mandate of Minister of Canadian Heritage</b>  43 (1) The Minister of Canadian Heritage shall take such measures as that Minister considers appropriate to advance the equality of status and use of English and French in Canadian society and, without restricting the generality of the foregoing, may take measures to</p> <p>(a) enhance the vitality of the English and French linguistic minority communities in Canada and support and assist their development;</p> <p><u>(b) support the development and promotion of francophone culture in Canada, including through the activities of entities for which that Minister is responsible and by ensuring that the Government of Canada’s cultural policies are consistent with the purpose of this Act;</u></p> <p><u>(c) provide funding to an organization, independent of the Government of Canada, responsible for administering a program whose purpose is to provide funding for test cases of national significance to be brought before the courts to clarify and assert constitutional and quasi-constitutional official language rights;</u></p> <p>(d) encourage and assist provincial and territorial governments to support the development of English and French linguistic minority communities generally and, in particular, to offer provincial, territorial and municipal services in both English and French and to provide opportunities for members of English or French linguistic minority communities to be educated in their own language;</p>



<p>English and French by members of the public;</p> <p>(d) encourage and assist provincial governments to support the development of English and French linguistic minority communities generally and, in particular, to offer provincial and municipal services in both English and French and to provide opportunities for members of English or French linguistic minority communities to be educated in their own language;</p> <p>(e) encourage and assist provincial governments to provide opportunities for everyone in Canada to learn both English and French;</p> <p>(f) encourage and cooperate with the business</p>	<p>(e) encourage and assist provincial and territorial governments <u>and non-profit organizations</u> to provide opportunities for everyone in Canada to learn both English and French <u>and to foster an acceptance and appreciation of both English and French by members of the public;</u></p> <p>(f) <u>induce</u> the business community, labour organizations, non-profit organizations and other organizations or institutions to provide services in both English and French and to foster the recognition and use of those languages;</p> <p>(g) <u>implement programs in support of official languages; and</u></p> <p>(h) with the approval of the Governor in Council, enter into agreements or arrangements that recognize and advance the bilingual character of Canada with the governments of foreign states.</p>	<p>(e) encourage and assist provincial and territorial governments <u>and non-profit organizations</u> to provide opportunities for everyone in Canada to learn both English and French <u>and to foster an acceptance and appreciation of both English and French by members of the public;</u></p> <p>(f) <u>induce</u> the business community, labour organizations, non-profit organizations and other organizations or institutions to provide services in both English and French and to foster the recognition and use of those languages;</p> <p>(g) <u>implement programs in support of official languages; and</u></p> <p>(h) with the approval of the Governor in Council, enter into agreements or arrangements that recognize and advance the bilingual character of Canada with the governments of foreign states.</p>
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<p>community, labour organizations, voluntary organizations and other organizations or institutions to provide services in both English and French and to foster the recognition and use of those languages;</p> <p>(g) encourage and assist organizations and institutions to project the bilingual character of Canada in their activities in Canada or elsewhere; and</p> <p>(h) with the approval of the Governor in Council, enter into agreements or arrangements that recognize and advance the bilingual character of Canada with the governments of foreign states.</p>		
<p><b>Public consultation</b>  (2) The Minister of Canadian Heritage shall take such measures as that Minister considers appropriate to ensure public consultation in the development of policies and review of programs relating to the advancement and the equality of status and</p>	<p><u>Consultation and information to public</u>  (2) The Minister of Canadian Heritage shall take such measures as that Minister considers appropriate to ensure public consultation in the development of policies and review of programs relating to the advancement and the equality of status and use of English and French in Canadian society <u>and shall provide information to the public relating to those policies and programs.</u></p>	<p><u>Consultation and information to public</u>  (2) The Minister of Canadian Heritage shall take such measures as that Minister considers appropriate to ensure public consultation in the development of policies and review of programs relating to the advancement and the equality of status and use of English and French in Canadian society <u>and shall provide information to the public relating to those policies and programs.</u></p>

<p>use of English and French in Canadian society.</p>		
<p><b>Annual report to Parliament</b> 44 The Minister of Canadian Heritage shall, within such time as is reasonably practicable after the termination of each financial year, submit an annual report to Parliament on the matters relating to official languages for which that Minister is responsible.</p>	<p><b>Annual report to Parliament</b> 44 The Minister of Canadian Heritage shall, within such time as is reasonably practicable after the termination of each financial year, submit an annual report to Parliament on the matters relating to official languages for which that Minister is responsible.</p>	<p><b>Annual report to Parliament</b> 44 The Minister of Canadian Heritage shall, within such time as is reasonably practicable after the termination of each financial year, submit an annual report to Parliament on the matters relating to official languages for which that Minister is responsible.</p>
	<p><b><u>Policy on francophone immigration</u></b> <u>44.1 The Minister of Citizenship and Immigration shall adopt a policy on francophone immigration to enhance the vitality of French linguistic minority communities in Canada.</u></p>	<p><b><u>Policy on francophone immigration</u></b> <u>44.1 The Minister of Citizenship and Immigration shall adopt a policy on francophone immigration to enhance the vitality of French linguistic minority communities in Canada.</u></p> <p><b><u>Contents</u></b> <u>(2) The policy shall include, among other things,</u> <u>(a) objectives, targets and indicators; and</u> <u>(b) a statement that the Government of Canada recognizes that immigration is one of the factors that contributes to maintaining or increasing the demographic weight of French linguistic minority communities in Canada.</u></p>
<p><b>Consultation and negotiation with the provinces</b> 45 Any minister of the Crown designated by the Governor in Council may consult and may negotiate agreements with the provincial governments to</p>	<p><b>Consultation and negotiation — <u>provinces and territories</u></b> 45 Any minister of the Crown designated by the Governor in Council may consult and may negotiate agreements with the provincial <u>and territorial</u> governments to ensure, to the greatest practical extent but subject to Part IV, that the provision of federal, provincial, <u>territorial</u>, municipal and education services in both official languages is coordinated and that regard is had to the needs of the recipients of those services.</p>	<p><b>Consultation and negotiation — <u>provinces and territories</u></b> 45 Any minister of the Crown designated by the Governor in Council may consult and may negotiate agreements with the provincial <u>and territorial</u> governments to ensure, to the greatest practical extent but subject to Part IV, that the provision of federal, provincial, <u>territorial</u>, municipal and education services in both official languages is coordinated and that regard is had to the needs of the recipients of those services.</p>

<p>ensure, to the greatest practical extent but subject to Part IV, that the provision of federal, provincial, municipal and education services in both official languages is coordinated and that regard is had to the needs of the recipients of those services.</p>	<p><b><u>Cooperation — provinces and territories</u></b></p> <p><u>45.1 (1) The Government of Canada recognizes the importance of cooperating with provincial and territorial governments in the implementation of this Part, taking into account the diversity of the provincial and territorial language regimes that contribute to the advancement of the equality of status and use of English and French in Canadian society, including that</u></p> <p><u>(a) the Constitution of Canada provides every person with the right to use English or French in the debates of the Houses of the Legislature of Quebec and those of the Legislature of Manitoba and the right to use English or French in any pleading or process in or from the courts of those provinces;</u></p> <p><u>(b) Quebec’s Charter of the French language provides that French is the official language of Quebec;</u></p> <p><u>(c) the Constitution of Canada provides that English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of New Brunswick; and</u></p> <p><u>(d) the Constitution of Canada provides that the English linguistic community and the French linguistic community in New Brunswick have equality of status and equal rights and privileges.</u></p> <p><b><u>For greater certainty</u></b></p> <p><u>(2) For greater certainty, the implementation of this Part shall be carried out while respecting the jurisdiction and powers of the provinces and territories.</u></p>	<p><b><u>Cooperation — provinces and territories</u></b></p> <p><u>45.1 (1) The Government of Canada recognizes the importance of cooperating with provincial and territorial governments in the implementation of this Part, taking into account the diversity of the provincial and territorial language regimes that contribute to the advancement of the equality of status and use of English and French in Canadian society, including that</u></p> <p><u>(a) the Constitution of Canada provides every person with the right to use English or French in the debates of the Houses of the Legislature of Quebec and those of the Legislature of Manitoba and the right to use English or French in any pleading or process in or from the courts of those provinces;</u></p> <p><u>(b) Quebec’s Charter of the French language provides that French is the official language of Quebec;</u></p> <p><u>(c) the Constitution of Canada provides that English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of New Brunswick; and</u></p> <p><u>(d) the Constitution of Canada provides that the English linguistic community and the French linguistic community in New Brunswick have equality of status and equal rights and privileges.</u></p> <p><b><u>For greater certainty</u></b></p> <p><u>(2) For greater certainty, the implementation of this Part shall be carried out while respecting the jurisdiction and powers of the provinces and territories.</u></p>
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