



Treasury Board of Canada
Secretariat

Secrétariat du Conseil du Trésor
du Canada

Canada

Developing Regulations for Part VII (Advancement of Equality of Status and Use of English and French) of the *Official Languages Act*

Presentation to the Quebec Community Groups Network

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Official Languages Centre of Excellence
Office of the Chief Human Resources Officer
Treasury Board of Canada Secretariat

Outline

1. About us
2. Current and ongoing responsibilities under the *Official Languages Act* (OLA)
3. New responsibilities further to Bill C-13
4. Part VII and the regulatory development process

About us

Through the **Official Languages Centre of Excellence** in the Office of the Chief Human Resources Officer, Treasury Board of Canada Secretariat (TBS) is responsible for the overall direction and coordination of policies and programs for the implementation of Parts IV, V, VI and certain provisions in Part VII of the OLA.

Develop

Develops official languages regulations, policies and guidelines

Monitor

Monitors the delivery of official languages programs within federal institutions

Support

Supports federal institutions in implementing their official languages programs

Report

Reports annually to Parliament on the status of official languages programs in institutions subject to the OLA (Parts IV, V, VI and VII) via the [Annual Reports on Official Languages](#)

Current and ongoing responsibilities under the OLA

The scope of the OLA and the President's responsibilities include some 200 institutions, i.e., not only the Core Public Administration but also Crown corporations, separate agencies and privatized entities, such as Air Canada.



Part IV

Communications with and services to the public

- 10,000+ points of service
- All types of communications
- [Official Languages \(Communications with and Services to the Public\) Regulations](#)



Part V

Language of Work

- Supervision
- Workplace conducive to the use of both official languages



Part VI

Participation of English-speaking and French-speaking Canadians

- Equitable representation
- Equal advancement opportunities

Part XI

Section 91 – Staffing generally

- Unilingual and bilingual positions
- Objective linguistic designation of positions

New responsibilities further to Bill C-13

Key legislative changes for the Treasury Board and its President:

Leadership and horizontal coordination

- ✓ The President of the Treasury Board is now the minister responsible for exercising leadership within the federal government for the **implementation, coordination and good governance** of the OLA.

Compliance monitoring

- ✓ Treasury Board's previous discretionary policy authorities for communications with the public (Part IV), language of work (Part V) and equitable participation of English and French-speakers in the federal public service (Part VI) have now become mandatory, meaning that TBS must monitor the compliance of federal institutions, and evaluate and audit OL policies and programs of federal institutions.
- ✓ The new OLA also includes an obligation to monitor whether federal institutions are considering the inclusion of language clauses in FPT agreements, whether they are taking positive measures to support the development of official language minority communities (OLMC), and whether they have considered OLMC needs when disposing of real estate.

Regulations for Part VII

- ✓ Treasury Board must lead the development of regulations for Part VII (in consultation with Canadian Heritage).

Strengthening Part VII of the OLA

In addition to the commitments to **enhancing the vitality of English-speaking and French-speaking minority communities** and **fostering full recognition and use of English and French in Canadian society**, Part VII provides for **new commitments** on behalf of the federal government.

Protecting and promoting French

- Recognizing that French is in a minority situation in Canada and North America, the Government of Canada commits to protecting and promoting French
- To be implemented through positive measures taken by federal institutions

Learning in the minority language

- The Government of Canada commits to advancing opportunities for members of English and French linguistic minority communities to pursue quality learning in their own language throughout their lives

Periodically estimating the number of children of rights-holders

- The Government of Canada implements this commitment using the necessary tools
- Applies to children whose parents have the constitutional right to have them receive instruction in the language of the English or French linguistic minority population of a province or territory

Strengthening Part VII of the OLA cont'd

Part VII strengthens and clarifies the duties of federal institutions with respect to **positive measures**.

Consultation requirements

- Addresses consultation process for taking positive measures

Language clauses

- Clarifies the duty of federal institutions to take necessary measures to promote the inclusion of language clauses in FPT agreements

Disposal strategy

- Departments must take into account the needs and priorities of the linguistic minority communities of the province or territory where the property is located
- Applies when developing a disposal strategy for surplus federal real property (outside Quebec) or a surplus federal immovable (in Quebec)

Francophone immigration

- Recognizes the importance of addressing the demographic decline of French linguistic minority communities across Canada, including by restoring and increasing their demographic weight
- Requires the Minister of Citizenship and Immigration to adopt a policy on Francophone immigration

Strengthening Part VII of the OLA cont'd

Part VII now includes illustrative examples of **sectors** that are deemed essential to supporting the vitality of OLMCs.

- ✓ Culture
- ✓ Education — from early childhood to post-secondary education
- ✓ Health
- ✓ Justice
- ✓ Employment
- ✓ Immigration

Regulations implementing Part VII of the OLA



DRAFTING OF REGULATORY OPTIONS AND STATUTORY CONSULTATIONS

- Collection and analysis of stakeholders' positions on Part VII of the OLA.
- Development of regulatory options:
 - Consultation with federal government centers of expertise on regulations.
 - Impact assessment of the various options and implementation costs estimation for the development of the RIAS, CBA, GBA+*.
- **Drafting** of the proposed regulations by Justice Canada drafters.
- **Statutory consultations** (OLA s. 84) with Anglophone and Francophone minority communities on the draft regulations.



PARLIAMENTARY PROCESS AND STATUTORY CONSULTATIONS (2)

- **Submission** to Treasury Board for tabling of draft regulations.
- **Tabling** of draft regulations in the House of Commons (OLA s. 85)**.
 - Parliamentary committees may study draft regulations' proposals.
- **Publication** of draft regulations with the RIAS in the *Canada Gazette*, Part 1 (OLA s. 86)*** for **statutory consultations** with stakeholders and the general public (OLA s. 84).
- Analysis of feedback received, consultation report to the President and incorporation of proposals into the regulations and the RIAS, as appropriate.



APPROVAL AND PUBLICATION OF THE FINAL REGULATIONS

- **Drafting** of final regulations by Justice Canada drafters.
- **Submission** of final regulations to Treasury Board.
- Coming into force of the regulations (the day following their approval, unless another date is specified in the regulations).
- **Publication** of approved regulations in the *Canada Gazette*, Part II, with the RIAS and the final dates for implementation.

*Regulatory Impact Analysis Statement (RIAS), Cost-Benefit Analysis (CBA), Gender-Based Analysis (GBA+)

**at least 30 sitting days of the House of Commons before publication in the *Canada Gazette*

***at least 30 days during which both Houses of Parliament are sitting before the planned effective date



Questions?

Annex: Government stakeholders

