



Brief on the *Official Languages Act* Reform Proposal

Submitted to the Standing Senate Committee on Official Languages

May 2021

1. The Fédération acadienne de la Nouvelle-Écosse wishes to thank the Standing Senate Committee on Official Languages for this invitation to share its thoughts on the official languages reform proposal released last February by Mélanie Joly, Minister of Economic Development and Official Languages.
2. Incorporated on October 14, 1968, the Fédération acadienne de la Nouvelle-Écosse (FANE) was created to promote the vitality and overall development of Nova Scotia's Acadian community.
3. FANE is made up of 28 regional and provincial organizations working to advance the federation's mission.
4. FANE fulfils its mission by acting as the main voice of the Acadian and francophone population of Nova Scotia; by facilitating cooperation and partnership among all the organizations working in Nova Scotia's Acadian and francophone community, while respecting each organization's mandate; by offering services and programs that address the needs of its members; and by supporting its members in promoting the vitality and development of Nova Scotia's Acadian and francophone community.
5. The official languages reform proposal, [*English and French: Towards a Substantive Equality of Official Languages in Canada*](#), is an ambitious document that sets out the federal government's vision for linguistic duality and bilingualism in Canada in order to ensure the future of official languages.
6. FANE welcomes this initiative and sincerely thanks Minister Joly for her leadership on this issue and sincerely hopes that this initiative will not have an uncertain fate because of a federal election. FANE believes that it is high time for an overhaul of the *Official Languages Act*, especially since the government – regardless of political party – acknowledges the fragile state of French as an official language of our country.
7. FANE believes that linguistic duality must be promoted as one of our country's core values and that every effort must be made to ensure that this value, which our country is known for internationally, receives the greatest possible federal and provincial buy-in.
8. FANE has noted the official languages reform proposal's guiding principles and proposals for amendments and presents a few thoughts or avenues of action in this brief to make improvements or add further clarifications.

The recognition of linguistic dynamics in the provinces and territories and existing rights regarding Indigenous languages

9. FANE stresses the importance of recognizing linguistic dynamics in provinces and territories such as Quebec and New Brunswick, which is the only province where the equality of status of both official languages is recognized in the *Canadian Charter of Rights and Freedoms*.
10. New Brunswick's special status comes from the report of the Royal Commission on Bilingualism and Biculturalism (Laurendeau-Dunton Commission), tabled in 1967. Since the Commission, Nova Scotia's Acadian community has grown and gained implicit recognition of its unique character and its contribution to the development of their province. In Nova Scotia, in particular, the province adopted a *French-language Services Act* that recognizes, in its preamble:
 - WHEREAS the Constitution of Canada, and in particular the *Canadian Charter of Rights and Freedoms*, recognizes French as one of Canada's two official languages;
 - AND WHEREAS the Acadian and francophone community of Nova Scotia has made a valuable contribution to and plays a significant role in Nova Scotia;
 - AND WHEREAS Nova Scotia is committed to promoting the development of its Acadian and francophone community and maintaining for future generations the French language, which contributes to the enhancement of life in Nova Scotia.
11. FANE hopes that this reform proposal will generate the same momentum as the Laurendeau-Dunton Commission report once did. Therefore, in the spirit of our country's constantly evolving linguistic landscape and in keeping with the principle of progressing toward the equality of status and use of both languages, **FANE wishes to see an addition to the reform proposal that would include incentives to encourage the provinces, particularly Nova Scotia, to consider the equality of status of both official languages in their respective provinces.**
12. FANE also acknowledges the fragile state of Indigenous languages in our country. FANE is all too familiar with how discriminatory policies affect the state of a minority language since, deprived of French-language K-12 education until the early 2000s, the Acadian community suffered devastating assimilation and attacks on its own identity. All of FANE's efforts are ultimately aimed at rectifying these wrongs.

13. FANE regrets the disappearance of many Indigenous languages and is concerned about the precarious state of other languages. For this reason, it believes that the issue of Indigenous languages should be addressed by separate consultations and deliberations, on the same scale as those that led to the drafting of the official languages reform proposal, and eventually to the tabling of equally ambitious legislation. **FANE believes that the sparse treatment of Indigenous languages in the current reform proposal does a disservice to Indigenous languages and leaves the impression that it is an afterthought, and therefore calls for the removal of all references to Indigenous languages, and for the promise of a full-scale consultation exercise in the future.**

The willingness to provide opportunities for learning both official languages

14. FANE is pleased to see support for bilingualism in Canadian society. However, FANE finds it unfortunate that students who choose to study French as a second language too often see these years of effort go to waste once they enter post-secondary institutions. **FANE would like to see the federal and provincial governments cooperate on extending French second language programs to post-secondary institutions to ensure a continuum between school and the labour market.**
15. FANE welcomes the proposal to recognize access to opportunities for learning a second official language for all Canadians. In particular, FANE would point out that immigrants who choose to settle in Nova Scotia still do not have access to French second language training, even though English second language courses are provided. This recognition would address this gap.
16. FANE welcomes the concept of a francophone immigration corridor, particularly since it allows for cross-cutting collaboration between a government department and the authority responsible for administering the *Official Languages Act* and aims to increase the percentage of the francophone population. **FANE hopes that this francophone immigration corridor will be expanded to address not only the shortage of French teachers in Canada but also the shortage of other professions, as identified by francophone and Acadian communities across the country.** In Nova Scotia, FANE is aware of urgent needs such as for seasonal workers, in early childhood education and health care.
17. FANE recognizes that CBC/Radio-Canada is a flagship institution in the Canadian landscape. However, it continues to be critical of the Corporation for not fulfilling its mandate to reflect Canada and its regions to national and regional audiences, while serving the special needs of those regions. As FANE stated in its submission to the

Canadian Radio-television and Telecommunications Commission as part of the renewal of the CBC's licences in February 2020, Nova Scotia Acadians do not see themselves at all represented in CBC productions: they do not see, hear or read themselves. And if Nova Scotia's Acadians do not see themselves, it is easy to conclude that the country's francophones, whether they are in the minority or the majority, do not see them either.

18. This has gone on for too long and has been condemned by FANE and its member organizations for over 25 years. Moreover, the *Broadcasting Act* exempts the CBC from any penalty (suspension or otherwise) for failure to comply with its mandate. Consequently, **FANE would like the reform proposal to take a stricter approach with respect to CBC/Radio-Canada and to enshrine the Corporation in the *Official Languages Act* so that it can be held accountable and forced to comply more fully with its mandate.**

Support for the institutions of official language minority communities

19. FANE applauds Minister Joly's leadership on the issue of including questions on language in the short form census. FANE needs evidence-based data on the province's francophones and Acadians in order to develop even more appropriate services that truly meet their needs.
20. FANE is pleased to note the proposal to contribute to making data available to establish a comprehensive estimate of the children whose parents have the right, under section 23 of the Canadian Charter, to have them educated in the minority official language of their province. However, FANE would like access to other data, such as comparative tables between language and various indicators of community vitality (gender, wages, family status, health determinants, etc.), which would be very useful in identifying problems and coming up with initiatives to address them. **Therefore, FANE recommends that comparative data pertaining to the French language be made available free of charge and that the necessary funding be provided so that this data can be analyzed.**
21. FANE enthusiastically welcomes the drafting of regulations specifying the terms and conditions for the implementation of positive measures that federal institutions are obligated to take pursuant to Part VII of the Act, and hopes that this development will be implemented in consultation with the Fédération des communautés francophones et acadienne du Canada.

The protection and promotion of French throughout Canada, including in Quebec

22. FANE considers it essential to include in the purpose of the *Official Languages Act* the advancement toward the substantive equality and use of English and French and the protection of the rights of official language minority communities.
23. FANE also believes it is important that the image of the Government of Canada, both nationally and internationally, truly reflect the values of linguistic duality in our country. As the reform document rightly points out, many federal representatives abroad do not speak the country's two official languages, nor are they necessarily aware of the existence of official language minority communities around the country. As a result, the image of the Francophonie in Canada is too often limited to Quebec's borders, which is particularly problematic when it comes to attracting francophone immigrants to Nova Scotia. **FANE hopes to see more, if not all federal government representatives be able to speak both English and French.**
24. FANE is also pleased to see a reference to programs that promote cultural exchanges and linguistic security among young people and that enhance Canada's official languages. **FANE would like to see a greater number of these exchanges, which could also be open to university and college students for academic credit.**
25. FANE also applauds the proposal to encourage federally regulated private businesses to promote the equal status of the official languages in order to increase the use of French as a language of service and work everywhere in the country. **FANE hopes that not only will this proposal be included in the *Official Languages Act*, but that non-federally regulated private companies be encouraged to do so as well.** FANE is aware that large companies offering services in French in Quebec refuse to provide these same services in our province.
26. FANE looks forward to the report of the Committee of Experts mandated to develop options and recommendations with respect to possible recourses for workers and consumers and criteria for recognition of regions with a strong francophone presence outside Quebec, and it hopes to have the opportunity to respond to the committee's report.

The Government of Canada as an example through strengthening of the compliance of federal institutions

27. FANE fully supports enshrining the Court Challenges Program in the *Official Languages Act*. FANE would also like to see an iteration of the program under the

current two components (language rights and equality rights) since our community's vitality depends not only on respect for language rights but also for equality rights.

28. FANE also applauds the proposal to remove the exception relative to the Supreme Court with respect to the bilingualism of judges. FANE is concerned that an entire panel of judges sitting on the country's highest court could be unable to hear final cases without translation.
29. FANE supports strengthening and expanding the Treasury Board's powers to assume the role of a central body responsible for ensuring compliance of federal institutions with the *Official Languages Act*. In so doing, FANE hopes for better coordination of the administration of the *Official Languages Act* and standardization of policies, directives and other policy instruments throughout the federal government.
30. FANE also believes that it is essential to create an accountability and reporting framework with respect to official languages. **FANE recommends that sex and gender-based analysis be used as a model for creating such an accountability and reporting framework.**
31. FANE stresses the importance of including in the Act the obligation for the government to periodically develop a federal government-wide strategy on official languages (action plan). **FANE recommends that this strategy be renewed every ten years and that the related funding at least be kept up with cost of living increases.**
32. FANE is particularly concerned about the sharp decline in active offer within federal institutions. That said, there are many federal employees whose mother tongue is French who have said that they are gradually losing the ability to speak their language because of the predominantly English work environment. **FANE would like to see the federally designated bilingual zones or regions decompartmentalized in order to optimize the use of French among federal employees and increase the offer of services in French throughout Canada. FANE would also like to see French first language courses offered to federal employees to allow them to maintain and even improve their mother tongue.**
33. FANE is concerned about the steady erosion of the value of bilingualism and the quality of French in the federal government. FANE has noted numerous errors in French and robotic translations on various federal departmental and agency sites. FANE was particularly concerned about unilingual labelling authorized by Health Canada and unilingual alerts issued on cell phones. Health, safety and access to

information in French should never be put aside in a crisis. Therefore, FANE believes that it is essential to strengthen the role of translation and interpretation functions within the federal administrative apparatus.

34. While FANE would have preferred to see the creation of an administrative tribunal to deal with language rights issues, it is pleased to see the intention to strengthen the powers of the Commissioner of Official Languages. However, FANE is concerned about the use of alternative dispute resolution methods, particularly with institutions that have failed and continue to fail to act on the Commissioner's recommendations. Institutions that comply with the *Official Languages Act* and are found to be in violation of the Act usually correct the situation following the report and discussions with the Commissioner, without resorting to alternative dispute resolution. **FANE therefore recommends that alternative dispute resolution methods not be introduced and that order-making powers be established under parts IV, V and VII of the Act.**
35. Lastly, **FANE believes that the requirement to conduct a periodic review of the Act at least every 10 years is essential in order to maintain the relevance of the Act and to allow it to keep up with the ever-changing environment in our country.**
36. In conclusion, FANE believes that the official languages reform proposal will provide Nova Scotia's Acadian community with a solid tool that will enable it to thrive. However, in order to leverage it and make real progress toward the equality of status and use of the two languages, this reform proposal needs to be based not only on cross-cutting implementation throughout the federal government, but also on a common vision shared by the provincial government. FANE is counting on federal leadership to lead the provinces in this spirit of renewal and respect for official language minority communities.
37. FANE sincerely thanks the Standing Senate Committee on Official Languages for this invitation.

Summary of recommendations

The recognition of linguistic dynamics in the provinces and territories and existing rights regarding Indigenous languages

1. FANE wishes to see an addition to the reform proposal that would include incentives to encourage the provinces, particularly Nova Scotia, to consider the equality of status of both official languages in their respective provinces.
2. FANE believes that the sparse treatment of Indigenous languages in the current reform proposal does a disservice to Indigenous languages and leaves the impression that it is an afterthought, and therefore calls for the removal of all references to Indigenous languages, and for the promise of a full-scale consultation exercise in the future.

The willingness to provide opportunities for learning both official languages

3. FANE would like to see the federal and provincial governments cooperate on extending French second language programs to post-secondary institutions to ensure a continuum between school and the labour market.
4. FANE hopes that this francophone immigration corridor will be expanded to address not only the shortage of French teachers in Canada but also the shortage of other professions, as identified by francophone and Acadian communities across the country.
5. FANE would like the reform proposal to take a stricter approach with respect to CBC/Radio-Canada and to enshrine the Corporation in the *Official Languages Act* so that it can be held accountable and forced to comply more fully with its mandate.

Support for the institutions of official language minority communities

6. FANE recommends that comparative data pertaining to the French language be made available free of charge and that the necessary funding be provided so that this data can be analyzed.
7. Short of obtaining a requirement that all federal government representatives abroad be bilingual, FANE hopes to see a greater number of federal government representatives be able to speak English and French.

8. FANE would like to see a greater number of programs that promote cultural exchanges, which could also be open to university and college students for academic credit.
9. FANE hopes not only to see the inclusion of the proposal to encourage federally regulated private businesses to promote the *Official Languages Act*, but an incentive for non-federally regulated private companies as well.

The Government of Canada as an example through strengthening of the compliance of federal institutions

10. FANE recommends that sex and gender-based analysis be used as a model for creating an accountability and reporting framework.
11. FANE recommends that the federal government-wide strategy on official languages be renewed every ten years and that the related funding at least be kept up with cost of living increases.
12. FANE would like to see the federally designated bilingual zones or regions decompartmentalized in order to optimize the use of French among federal employees and increase the offer of services in French throughout Canada.
13. FANE would like to see French first language courses offered to federal employees to allow them to maintain and even improve their mother tongue.
14. FANE recommends that alternative dispute resolution methods not be introduced and that order-making powers be established under parts IV, V and VII of the Act.
15. FANE believes that the requirement to conduct a periodic review of the Act at least every 10 years is essential in order to maintain the relevance of the Act and to allow it to keep up with the ever-changing environment in our country.