

BILL C-13: PROPOSED AMENDMENTS

Brief presented to the Standing Senate Committee on Official Languages:

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The proposed amendments below are aimed primarily at ensuring that a new official languages Act fully meets its ultimate objective: **a solid and effective social contract between the country's two main linguistic communities.**

1. General comment

The Bill repeatedly states that “French is in a minority situation in Canada and North America due to the predominant use of English” (emphasis added). It seems to me that this reference to the predominant use of English as the cause of the minority situation of the French language is unnecessary and highly problematic: i) unnecessary, as the primary purpose of the statement is to refer to the minority situation of the French language, whatever the sociological reasons, and, as several sections of the Bill refer to the different needs of the two linguistic communities anyway; ii) problematic, as it can easily be interpreted as targeting English-speakers as being responsible for this situation, and thus raising tensions between the two communities. It is therefore proposed to:

- **Remove the words “due to the predominant use of English” from sections 2, 3, 7, 21 and 54.**

2. Preamble

Given the nature of the debates that have taken place regarding the possible devaluation of the English-speaking community that the Bill would introduce, it is important that the Preamble, which is of very significant legislative importance, clearly reflects all the founding principles of an official languages Act. It is therefore proposed to:

- **Add to the Preamble a reference to “the equal importance of the two official language communities and the need to take into account the specific needs of each”** (note that section 21 of the Bill contains such a reference);

In addition, the Preamble states that the government “reconnait l’importance de l’immigration francophone pour favoriser l’épanouissement des minorités francophones, notamment en assurant le rétablissement et l’accroissement de leur poids démographique;” (emphasis added). In a free and democratic society, can we really expect a government to meet such precise demographic targets? It is important to bear in mind that a country’s demographic evolution depends on many factors. It is therefore proposed to:

- **Replace the word “assurant” with “favorisant”.**

3. Purpose of the Act

The Bill amends the purpose of the Act to include, among other things, a specific reference to “Quebec’s *Charter of the French Language*, which provides that French is the official language of Quebec”, and adds as its purpose to “advance the existence of a majority-French society in a Quebec where the future of French is assured.” Such additions, which only specify the Quebec context, do not appear to respect what should represent the purpose of a law, namely a general conception of the goals pursued. It is therefore proposed to:

- **Remove specific references to the Quebec situation.**

4. Government-wide coordination

The Bill does not appear to meet the need for a clear designation of responsibility for government-wide coordination. The respective roles assigned to the Chairman of the Board—who must coordinate and govern the implementation of the Act—and to the Minister of Canadian Heritage—who is entrusted with the responsibility of developing a government-wide strategy—will mean that the two departments will have to play even more

on each other's turf, which is detrimental to effective governance. It is therefore proposed to:

- **Assign government-wide coordination responsibilities to a single entity.** The Treasury Board would obviously be the institution of choice, given its status as a central agency and the importance of its current role in implementing the Act. But such centralization would not preclude the Minister of Official Languages from working with the Treasury Board. Another option would be to create a Department of Official Languages.

5. Part VII: Responsibilities of the Minister of Canadian Heritage

The Bill stipulates that the Minister of Canadian Heritage may take any measure "to support the development and promotion of francophone culture in Canada." This wording, which refers only to francophone culture, does not seem to take into account the fact that the country's English-speaking cultural milieu also faces significant challenges, given the American giant/neighbour. Several federal cultural institutions are also looking into these issues. It is therefore proposed to:

- **Either remove this provision, which refers only to French-speaking culture, or include a reference to the English-speaking cultural reality.**

6. Part VII: Francophone immigration policy

The Bill states that "Le ministre de la Citoyenneté et de l'Immigration adopte une politique en matière d'immigration francophone visant à favoriser l'épanouissement des minorités francophones du Canada, notamment en assurant le rétablissement et l'accroissement de leur poids démographique." In accordance with the proposal made above with regard to the Preamble, it is hereby proposed to:

- **Replace the word "assurant" with "favorisant".**

Furthermore, it seems to me that the immigration policy to be adopted should be pan-Canadian in nature, i.e., it should target the country's entire

French-speaking community, and therefore include Quebec. This is not about encouraging interference with Quebec’s immigration powers—far from it! Quite simply, demographic issues relating to the French language affect the entire Canadian francophone community, and a federal policy in this area should aim to take the Quebec situation into account, and where necessary, coordinate federal efforts with those of the province. It is therefore proposed to:

- **Replace current wording with: “The Minister of Citizenship and Immigration shall adopt a policy on francophone immigration to enhance the vitality of all French linguistic communities in Canada, including by restoring and increasing the demographic weight of French linguistic minority communities and by collaborating with the Government of Quebec.”**