



BY EMAIL

June 7, 2023

**SUBJECT: Answers to the questions asked by members of OLLO, to be submitted in writing**

**Question asked by Senator Percy Mockler:**

*Do you have any concerns about the wording in the purpose of the Act that English and French linguistic minority communities have different needs?*

**Response from Commissioner Raymond Th  berge:**

Having followed the deliberations every step of the way on Bill C-13, I noted that the inclusion of the provision in question was unanimously supported by LANG members when the amendment was passed.

My own analysis leaves me with no concerns about this wording, as it codifies the principle of substantive equality, which is the legal standard from which we already interpret the Act. This recognition is in effect a codification of the substantive equality standard. This standard, as established by case law, is applicable to language rights and requires that the needs of minorities be considered in the implementation of language rights.

This recognition is not only necessary, but also beneficial in meeting the specific needs of each official language minority community.

**Question asked by Senator Amina Gerba:**

*Do you think there are any legal consequences to consider for Quebec's English-speaking community as a result of references to Quebec's Charter of the French Language?*

**Response from Commissioner Raymond Th  berge:**

Because the *Official Languages Act* is a quasi-constitutional law, other experts are in a better position than I to answer this question properly. The wording of this question involves legal and constitutional analyses, which is the reason that I am not in the best position to answer it.

My reading is that the references to Quebec's *Charter of the French Language* in the Act will not make federal institutions subject to that Charter. At first glance, these references are part of a more general recognition of the existence of various provincial and territorial language policies.

However, it is impossible for me to speculate on what could happen in the future.



**Question from Senator Lucie Moncion (as Acting Chair):**

*What would you like us to take away from your appearance? Would any of your recommendations be worth including in the OLLO report: for example, the inclusion of the mechanism for monitoring the implementation of the Act after the adoption of C-13?*

**Response from Commissioner Raymond Th  berge:**

Although the Bill is not perfect, I think it contains the necessary foundation for moving forward.

Regulations will provide a more detailed framework for certain obligations, and the obligation to review the Act every 10 years has been codified, which means that amendments will be able to be made in the future. This process will be informed by the implementation of Bill C-13 and the experience gained from applying the new version of the Act over several years which will help inform us on how to fill in any gaps.

It is crucial that the implementation of the Act be closely monitored in order to assess its impact and identify any problems encountered in its application. The government needs to have a monitoring mechanism, clear indicators and evidence-based data to be able to assess the effects of the Act on communities. This approach will help to realize the full potential of the periodic review and to make the changes needed to ensure the Act's continued evolution.