

**Presented to the Standing Senate Committee on Official Languages
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[TRANSLATION]

Mr. Chair and Members of the Standing Senate Committee on Official Languages
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Thank you for inviting me to present my analysis of Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts, introduced by Minister Ginette Petitpas Taylor in 2022. My presentation focuses on three specific points: first, I want to emphasize that there is no perfect law. Second, I would like to stress the importance of the principle of substantive equality. Third, I would like to say a few words about the public service. I will limit my comments to these few points, even though Bill C-13 includes numerous measures that are all very relevant to promoting official languages and the francophone community.

I will now discuss my findings. There are serious flaws in how official languages are managed in this country, be it the difficulties that public servants face with regard to using French in the federal public service, the various processes for appointing people to positions for which knowledge of French is not given much consideration, or the federal government's failures concerning francophone immigration, particularly with regard to international francophone students. Bill C-13 will correct these difficulties. The next step will be to prepare regulations, guidelines and programs to implement the bill. For these reasons, I urge you to pass Bill C-13 without delay.

As Minister Petitpas Taylor often says, "we still have a lot of work to do." The federal government must also take the next step of renewing the Action Plan for Official Languages. This plan must be ambitious and include concrete projects carried out by all stakeholders in Canada's francophone and official languages communities. Lastly, I would like to bring a few recommendations to your attention, including proposals for essential measures to support the implementation of Bill C-13. These administrative recommendations are aimed at further institutionalizing official languages leadership in the federal government.

Before going into recommendations, I would like to point out that, for nearly five years, government and non-government actors have been working to modernize the *Official Languages Act*. The work done by all the stakeholders in the francophone community since the early stages of this project has been colossal. All stakeholders in the francophone community were engaged, both for their expertise and for their support of the proposals published in the document *English and French: Towards a Substantive*

*Equality of Official Languages in Canada.*¹ Then came Bill C-32, introduced in 2020 by the former minister of official languages, the Honourable Mélanie Joly, which died on the Order Paper. In March 2022, Minister Petitpas Taylor introduced Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts. The bill before us represents a reasonable compromise among all the stakeholders. It includes realistic and necessary objectives to promote official languages, including French, in Canada. Among other things, it recognizes the vulnerability of the French language, the requirement for francophone immigration objectives and French as a scientific language. It could help bring about the culture change needed in the federal government to support the francophone community and the French language.

However, to change the culture of official languages in Canada, we must not wait for a perfect law. A law can never completely reconcile our conflicting opinions, to paraphrase Machiavelli. As I pointed out in an article in *L'Acadie nouvelle* last July, we must stop treating Bill C-13 like a “general store.”

Furthermore, it is not members of Parliament who will implement Bill C-13, but public servants. They must be given realistic objectives in order to do their job. They will be responsible for developing regulations, tools and programs to change practices on the ground. That is why I am opposed to creating a central agency at the Treasury Board, as some stakeholders have proposed – such as my colleague Donald Savoie, who eloquently presented his analysis of the situation at the official languages summit in August. The proposal goes against government rules.

The coordinating mechanism proposed in the bill is more reasonable and realistic. The Treasury Board cannot deliver programs. It cannot have authority over the programs and policies of other departments. The Treasury Board can audit and monitor the administrative requirements of other departments. Transferring such significant official languages responsibilities to the Treasury Board would also delay the implementation of Bill C-13 and, in some cases, block it given the natural resistance to embrace change within a large organization.

Instead, I would like to see departments such as Canadian Heritage, Treasury Board Secretariat, Justice Canada, Immigration and Citizenship Canada, Employment and Social Development, particularly the Labour Program, Statistics Canada and the Privy Council Office continue to work together to develop a coordination and accountability framework to implement Bill C-13. The action plan will also allow the federal government to establish timelines, a schedule to implement its objectives and measurable targets.

Canada’s official languages are the result of compromise. They require coordination and cooperation at all times from all government and non-government stakeholders. The existing bill will be able to meet this requirement. However, to improve

¹ <https://www.canada.ca/en/canadian-heritage/corporate/publications/general-publications/equality-officiallanguages.html>

performance on the ground, we must also shift our gaze to the Prime Minister's Office. ***I recommend creating a Cabinet committee on official languages and the francophone community, which would be tasked with implementing a consultation mechanism for ministers responsible for official languages and the francophone community, providing clear guidelines to these individuals with regard to federal-provincial agreements, and reviewing the process for appointing bilingual individuals to senior management positions.***

Substantive equality: Specifically, the new Bill C-13 proposes a reasonable balance between principles of formal equality and substantive equality. It is based on principles that have long been advocated for by Canada's francophone minority community, namely recognizing the vulnerability of French as an official language in relation to English and the need for the Official Languages Act to be remedial in nature and to confirm the principle of substantive equality. These principles must guide the interpretation of language rights. The proposed substantive equality provisions target specific sectors, including immigration, French as a scientific language, and Canada's diplomatic relations. The bill includes separate legislation on the federal government's responsibilities to encourage the use of French (language of service and language of work) in federally regulated private businesses in Quebec and in regions with a strong francophone presence in the rest of the country.

Reference to the principle of substantive equality in Bill C-13 confirms that promoting the equality of English and French in Canada includes using various means to meet the needs of francophone minorities. In this context, the Bill C-13 provision dealing with francophone immigration has a significant structuring potential. A francophone immigration policy is one of the positive measures that the federal government must adopt to help ensure the survival of Canada's francophone community. However, francophone immigration has many shortcomings. I don't need to remind you about the federal government's inability to meet its francophone immigration targets, not to mention the refusal to grant visas to francophone foreign students. The federal government must be more ambitious with respect to immigration and adopt a policy managed by and for francophones. The current immigration programs (the pathways to permanent residency) are not appropriate given the disappointing results regarding francophone immigration in the last 20 years. We need measures that are more adapted to francophones and that reserve spaces rather than promote the selection of francophone candidates in existing programs.

I recommend that the federal government implement a francophone immigration program separate from other immigration programs. The spaces allocated to this program would be included in the Immigration Levels Plan. This program should be included in future policy.

Other sectors also deserve ambitious targets, including post-secondary education. The Action Plan for Official Languages will need to include measures or projects that will further entrench the principle that francophones must have institutions managed by and for them. For example, the federal government should fund francophone universities

managed by and for francophones on a recurring basis, not only for infrastructure projects. A scholarship program should be created to encourage student mobility in Canada and welcome international students. It must support both the education and research continuums. Lastly, it must support community groups so that their participation can contribute to the development of higher education in French in minority communities. The Canadian francophone community needs new legislation as soon as possible to enable it to pursue this work. Any delays in passing Bill C-13 will hinder the francophone community's development.

The public service: My final point pertains to the federal public service. The federal government, particularly the Prime Minister, must ensure respect for both official languages and promote French throughout the country. The Prime Minister must show political will at all times with regard to official languages and give the French language its rightful place in governing the country. I mentioned earlier that a Cabinet committee on official languages should review the process for appointing bilingual individuals to senior management positions. This is a necessary step, but it must include a more ambitious vision for official languages in the federal public service. Minister Fortier's mandate letter contains measures that are relevant to the public service, allowing for a better balance between the French-language requirement and diversity. There is a francophone lens in some departments. However, information published in the media constantly reiterates that the French language and francophones are not properly respected in the public service. We have all read the articles about the lack of French-speaking senior officials in departments, including Global Affairs, which is fortunately provided for in Bill C-13. We have also learned that francophone public servants are experiencing the effects of a dominant anglophone culture in performing their duties. In short, we need a change of direction for concerted leadership that includes targets and measures that promote the French language in the federal public service.

I recommend that the Prime Minister of Canada mandate the Minister of Official Languages, Ginette Petitpas Taylor, to prepare a specific action plan to promote the French language in the public service.

In conclusion, as you can see, my recommendations are of an administrative nature. They are not intended to amend Bill C-13. We must not forget that Part VII of the *Official Languages Act*, which was adopted in 1988, was not actually implemented until 2003 as part of the first official languages action plan. We waited 15 years for the first action plan for official languages. We now have the opportunity to take a giant step forward for official languages and the francophone community in Canada thanks to Bill C-13. The teams are ready to work. You have an opportunity. It's time to be generous.

Thank you for your attention. I am available to answer your questions.

Recommendations

That the Prime Minister's Office create a committee on official languages and the francophone community, which would be tasked with implementing a consultation

mechanism for ministers responsible for official languages and the francophone community, providing clear guidelines to these individuals with regard to federal-provincial agreements, and reviewing the process for appointing bilingual individuals to senior management positions.

That the federal government implement a francophone immigration program separate from other immigration programs. The spaces allocated to this program would be included in the Immigration Levels Plan. This program should be included in future policy.

That the Prime Minister of Canada mandate the Minister of Official Languages, Ginette Petitpas Taylor, to prepare a specific action plan to promote the French language in the public service.