

MAKING SUBSTANTIVE EQUALITY A REALITY

Towards Comprehensive, Robust and Ambitious Part VII Regulations

JUNE 2026

Report of the Standing Senate Committee
on Official Languages

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Preface

The *Official Languages Act* (the Act) was modernized on June 20, 2023. Nearly 30 months after the Act received Royal Assent, the draft official languages (advancement of equality of status and use of English and French) regulations were finally tabled in the Senate on December 10, 2025. This long-awaited regulatory framework is a key step in ensuring the full implementation of the commitments made by the federal government under Part VII of the Act.

Since 2005, the federal government has had the power to make regulations prescribing the manner in which duties are to be carried out. However, the new provisions introduced in 2023 make it essential to adopt comprehensive, robust and ambitious regulations under Part VII.

As part of our work, our committee has noticed on many occasions that problems persist when it comes to complying with and implementing Part VII. That is why, in our June 2019 final report on modernizing the Act, we recommended making regulations setting out measures to give effect to this part of the Act and favouring a broad interpretation of the obligations. In fact, the federal government took up this commitment to develop a regulatory framework in its official languages reform document released in February 2021.

Over four and a half years later, with a substantially revised Act, we examined the draft regulations put forward by the President of the Treasury Board. They fall short of expectations.

Official language minority community organizations failed to see in the draft regulations the robust tool they imagined would enhance their vitality once and for all. Groups promoting linguistic duality, academics, legal experts and the Office of the Commissioner of Official Languages also expressed their disappointment. Even though the expression “Advancement of Equality of Status and Use of English and French” appears in the very title of the draft regulations, the witnesses we spoke with failed to see them make substantive equality a reality or seize an opportunity to achieve concrete results.

We would like to thank all those who gave evidence and submitted briefs. Our committee shares their views and urges the federal government to strengthen several aspects of the draft regulations. This regulatory framework has been anticipated for over 20 years. This makes it all the more important that it live up to its stated vision.

The Honourable Allister W. Surette
Chair

The Honourable Rose-May Poirier
Deputy Chair

The Committee Membership



The Honourable
Allister Surette
Chair



The Honourable
Rose-May Poirier
Deputy Chair

The Honourable Senators



René Cormier



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The Honourable Senator Pierre Moreau, P.C., or the Honourable Senator Patti LaBoucane-Benson

The Honourable Senator Leo Housakos or the Honourable Senator Yonah Martin

The Honourable Senator Lucie Moncion or the Honourable Senator Joan Kingston

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The Honourable Senator Brian Francis or the Honourable Senator Judy A. White

Other senators who have participated in the study:

The Honourable Senator Réjean Aucoin

The Honourable Senator Tony Loffreda

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Order of Reference

Extract from the *Journals of the Senate* of Wednesday, October 8, 2025:

The Honourable Senator Surette moved, seconded by the Honourable Senator Dhillon:

That the Standing Senate Committee on Official Languages be authorized to examine and report on the regulatory framework of Part VII of the *Official Languages Act*; and

That the committee submit its final report to the Senate no later than June 30, 2026, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

The question being put on the motion, it was adopted.

Shaila Anwar

Clerk of the Senate

Acronyms

ACFA	Association canadienne-française de l'Alberta
ACUFC	Association des collèges et universités de la francophonie canadienne
CEDEC	Community Economic Development and Employability Corporation
CHSSN	Community Health and Social Services Network
CIRLM	Canadian Institute for Research on Linguistic Minorities
CPF	Canadian Parents for French
CNPF	Commission nationale des parents francophones
ELAN	English Language Arts Network
EPCAQ	English Parents' Committee Association of Quebec
FCCF	Fédération culturelle canadienne-française
FCFA	Fédération des communautés francophones et acadienne du Canada
GBA Plus	Gender-based Analysis Plus
OCOL	Office of the Commissioner of Official Languages
OLLO	Standing Senate Committee on Official Languages
OLMCs	Official language minority communities
QESBA	Quebec English School Boards Association
QUESCREN	Quebec English-Speaking Communities Research Network

RDÉE Canada	Réseau de développement économique et d'employabilité du Canada
RDN	Regional Development Network
RESDAC	Réseau pour le développement de l'alphabétisme et des compétences
SSF	Société Santé en français
TALQ	Talking. Advocating. Living in Québec.
TBS	Treasury Board of Canada Secretariat

Highlights

Part VII was included in the *Official Languages Act* (the Act) in 1988 to give effect to the principle of advancement of the equality of status and use of English and French, set out in section 16(3) of the *Canadian Charter of Rights and Freedoms*. Since then, this part has generated both hope and disappointment. Its vagueness and compliance issues have been the subject of complaints, investigations, court remedies and numerous studies.

In 2005, at the Senate's initiative, a regulatory power was included in Part VII. No regulations were adopted from that time until the comprehensive review of the Act in 2023. Contrary to expectations, the draft regulations tabled in the Senate in December 2025 fall short of the ambitions of the modernized Act.

In this report, the Standing Senate Committee on Official Languages (the Senate Committee) presents the findings of its public hearings on the regulatory framework of Part VII of the Act. A total of 48 witnesses and 19 briefs or follow-ups informed its 17 recommendations. These recommendations are intended to encourage the federal government to adopt comprehensive, robust and ambitious regulations that make substantive equality a reality.

This report is addressed primarily to the President of the Treasury Board, who is responsible for enacting the regulations. The lack of clarity in the regulatory proposal raises concerns about the prospect of further disputes. By defining processes without providing for the achievement of concrete results, the proposal fails to make substantive equality a reality and does not respect Parliament's ambitious vision. The risk of perpetuating existing gaps, by producing inadequate and difficult-to-measure outcomes across federal institutions, remains.

In its work leading up to the modernization of the Act, the Senate Committee had called for the adoption of regulations under Part VII based on a broad interpretation of its obligations. Those regulations were supposed to ensure that positive measures would be taken in accordance with common principles. With the modernized Act, strengthening the proposed regulations is essential.

First, the Senate Committee calls for a purpose clause to be included in the regulations. This clause would promote a broad interpretation of the obligations and clarify, through contextual information drawn from the Constitution, the Act and case law, the intended effects of the regulations. The Senate Committee also calls for clear definitions that would limit varying interpretations of certain concepts and improve compliance with the Act.

The Senate Committee makes a number of recommendations to ensure the ongoing implementation of the obligations under Part VII, in light of the principles

established by the Federal Court of Appeal. To that end, the regulations will be required to specify the obligations of federal institutions to conduct an impact analysis prior to each decision. They will also set out the duty of those institutions to develop an action plan for implementing their obligations. In addition, the regulations will establish the process for including language clauses in agreements with provincial and territorial governments that relate to the implementation of Part VII. In Quebec, the measures to be taken by federal institutions will reflect all the provisions of the Act, which are complementary. In the area of education, they will focus on quality learning in non-formal and informal settings.

The Senate Committee shares the concerns raised, namely that the measures taken must not only have a positive effect, but must also be measurable. It recommends clarifying the obligation to ground both analyses and dialogue and consultation activities in research and evidence-based findings. It also calls for a more systematic collection of disaggregated data and the integration of language variables into federal institutions' internal databases. In this way, the regulations could result in more effective actions and more concrete positive measures.

In addition, the Senate Committee sets out a series of criteria to be included in the regulatory framework to allow for effective consultations with official language minority communities and other stakeholders. This is an essential prerequisite for taking concrete positive measures and developing strategies to mitigate negative impacts.

Accountability mechanisms are required at every stage of the implementation of the commitments under Part VII. All information related to this part of the Act, including action plans, collected data and existing language clauses, should be made public in a common repository.

The Senate Committee still firmly believes that the obligation to apply an official language lens will enable meaningful progress toward substantive equality. Furthermore, the development of a governance framework that clearly establishes responsibilities, both at the head of the federal administration and within federal institutions themselves, will facilitate the implementation, evaluation and oversight of Part VII.

Lastly, the Senate Committee considers that the next statutory review of the Act, scheduled for 2033, will need to ensure continuity in the desired cultural change following the coming into force of the regulatory framework. With a view to advancing substantive equality, the federal government could include provisions in the legislative framework to improve intergovernmental collaboration, establish results-based accountability, and ensure better alignment of the commitments under Part VII. Furthermore, it is worth looking into the merits of harmonizing the statutory amendments to the Act and related regulations, with a view to ensuring consistent application of all provisions.

List of Recommendations

Recommendation 1

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to include a purpose clause that provides contextual information to guide its implementation. In the circumstances, ensure that the obligations of federal institutions:

- are consistent with section 16(3) of the *Canadian Charter of Rights and Freedoms* and the unwritten constitutional principle of the protection of minorities;
- are consistent with the principles of interpretation of language rights set out in section 3.1 of the *Official Languages Act*;
- uphold the principles established by case law, including those of the Federal Court of Appeal in *Canada (Office of the Commissioner of Official Languages) v. Canada (Employment and Social Development)*; and
- meet the criteria set out in sections 41(6) to 41(10) of the *Official Languages Act*, with a view to fostering a consistent understanding of positive measures.

Recommendation 2

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to clearly define the terms that are open to varying interpretations, such as “positive measures”, “initiative”, “quality learning in formal, non-formal or informal settings”, “other stakeholders”, “devolution”, “strong institutions” and “vitality”. In the circumstances, ensure:

- that these terms are given a large and liberal interpretation, in accordance with section 3.1 of the *Official Languages Act*; and
- that the official language minority communities and the other stakeholders affected by these definitions are consulted.

If these clarifications cannot be incorporated into the regulatory framework itself, then incorporate them into the existing guide on Part VII, reflecting the ambitious vision of the modernized *Official Languages Act* and making them accessible to all subject federal institutions. Then, amend sections 41(10.4) and 41(11) of the *Official Languages Act* during its next ten-year review so that these definitions can be formalized in the regulations.

Recommendation 3

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to require federal institutions to conduct an analysis prior to each decision that may have an impact on the commitments set out in sections 41(1) to 41(3) of the *Official Languages Act*. In the circumstances, ensure:

- that the analyses are conducted on an ongoing basis, whether it be for taking positive measures, evaluating the negative impacts, or including language clauses in intergovernmental agreements; and
- that the results of the analyses are made public or at least shared with the official language minority communities and other stakeholders participating in the dialogue and consultation activities.

Recommendation 4

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to include the duty of federal institutions subject to Part VII of the *Official Languages Act* to develop an action plan for implementing their obligations. In the circumstances, ensure:

- that this action plan includes the concrete measures taken for the purpose of having a positive impact on the commitments set out in sections 41(1) to 41(3) of the *Official Languages Act*;
- that it includes performance indicators developed in consultation with the official language minority communities and other stakeholders, desired outcomes, implementation time frames and evaluation and monitoring mechanisms; and
- that it is made public, in a common repository managed by the Treasury Board of Canada Secretariat.

Recommendation 5

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to include in the list of factors to be taken into account direct references to the specific characteristics of Quebec's language regime. In the circumstances, ensure:

- that the obligations applicable in Quebec are interpreted within the context of the following provisions of the *Official Languages Act*, which are complementary:

- the interpretive principle that specifies support for the development of English and French linguistic minority communities in order to protect them while taking into account the fact that they have different needs, in section 2(b);
- the interpretive principle that sets out the objective of advancing the existence of a majority-French society in Quebec where the future of French is assured, in section 2(b.2);
- the commitment to enhancing the vitality of Quebec’s anglophone communities, in section 41(1); and
- the recognition of Quebec’s *Charter of the French Language* and respect for this province’s jurisdiction, in sections 45.1(1)(b) and 45.1(2).

Recommendation 6

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to include in the list of factors to be taken into account direct references to lifelong learning in the minority language. In the circumstances, ensure:

- that special attention is paid to taking into account quality learning in non-formal and informal settings.

Recommendation 7

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to specify the steps for including language clauses in intergovernmental agreements. In the circumstances, ensure:

- that consultation with the official language minority communities and other stakeholders is required at each stage of negotiating and implementing these agreements;
- that federal institutions must put measures in place in cases of non-compliance with the clauses by provincial and territorial governments;
- that these clauses must be continuously evaluated and monitored; and
- that they are made public in a common repository managed by the Treasury Board of Canada Secretariat.

Recommendation 8

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to specify that federal institutions have an obligation to base their analyses and support their dialogue and consultation activities on research and evidence-based findings. In the circumstances, ensure:

- that data is continuously collected and produced in consultation with the official language minority communities and other stakeholders;
- that they inform the evaluation and monitoring of the measures taken to implement the commitments set out in sections 41(1) to 41(3) of the *Official Languages Act*;
- that they are based on the expertise of post-secondary institutions serving minority populations, provided that these institutions are supplied with the tools and resources necessary to produce and evaluate them; and
- that they are made public in a common repository managed by the Treasury Board of Canada Secretariat.

Recommendation 9

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to encourage federal institutions to incorporate linguistic variables into their internal databases. In the circumstances, ensure:

- the systematic collection of data to measure and evaluate the advancement of substantive equality of both official languages while taking into account:
 - the different needs of anglophone and francophone minority communities; and
 - the particular situation of French.

Recommendation 10

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to allow for meaningful consultations with the official language minority communities and other stakeholders. In the circumstances, ensure:

- that dialogue and consultation activities are ongoing, in keeping with all the principles set out in sections 41(9) and 41(9.1) of the *Official Languages Act*;

- that they take place prior to decisions being made, whether they be for taking positive measures, evaluating the negative impacts, or including language clauses in intergovernmental agreements;
- that they set out a clear process and encourage the active participation of beneficiary organizations:
 - by allowing sufficient time to ensure this participation;
 - by giving due regard to the organizations' capacity to participate and providing them with support, as needed;
 - by allowing for continuous feedback; and
 - by tailoring the processes to the needs of each official language minority community and each stakeholder;
- that they promote the advancement of substantive equality of both official languages; and
- that they include evaluation and monitoring mechanisms.

Recommendation 11

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to establish accountability mechanisms at each stage of implementing the commitments set out in sections 41(1) to 41(3) of the *Official Languages Act*. In the circumstances, ensure:

- that this accountability mechanism is continuously applied, whether it be for taking positive measures, evaluating the negative impacts, or including language clauses in intergovernmental agreements;
- that it applies both for impact analyses, dialogue and consultation activities, and for research and the collection of evidence-based findings; and
- that the Treasury Board of Canada Secretariat establishes and manages a common repository compiling all information related to Part VII of the *Official Languages Act*, including:
 - the action plans of federal institutions and their annual reports;
 - the evidence-based findings produced to inform impact analyses and dialogue and consultation activities; and
 - language clauses currently in force.

Recommendation 12

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to ensure that an official languages lens is systematically applied to the policies, programs and initiatives of federal institutions. In the circumstances, ensure:

- that the analyses that federal institutions must conduct take into account the principles and objectives of the *Official Languages Act*, including:
 - the advancement of equality of status and use of both official languages;
 - the different needs of the anglophone and francophone minorities; and
 - the particular situation of French and the commitments to protect and promote it.

Recommendation 13

That the President of the Treasury Board develop a governance framework that clearly sets out the responsibilities for implementing, evaluating and monitoring Part VII of the *Official Languages Act* which rest with:

- the President of the Treasury Board and their department;
- the Minister responsible for Official Languages and their department;
- the ministers designated under Part VII and their departments, including the Minister of Foreign Affairs, the Minister of Canadian Heritage and the Minister of Citizenship and Immigration; and
- the deputy heads of the federal institutions subject to Part VII and the individuals responsible for Part VII in these institutions.

Recommendation 14

That the Minister responsible for Official Languages, in consultation with the President of the Treasury Board, re-examine the provisions pertaining to intergovernmental collaboration during the next ten-year review of the *Official Languages Act*. That the ministers provide alternative mechanisms to allow the federal government to work in tandem with the provincial and territorial governments to ensure the implementation of the commitments set out in sections 41(1) to 41(3) of the Act.

Recommendation 15

That the Minister responsible for Official Languages, in consultation with the President of the Treasury Board, introduce results-based accountability requirements during the next ten-year review of the *Official Languages Act*. That the ministers set out the courses of action, the decision-making process to be followed, and the expected outcomes to foster the advancement toward substantive equality of both official languages.

Recommendation 16

That the Minister responsible for Official Languages, in consultation with the President of the Treasury Board, set out the courses of action and the decision-making process to be followed to ensure balance and complementarity in the implementation of the commitments set out in sections 41(1) to 41(3) of the *Official Languages Act*.

Recommendation 17

That the President of the Treasury Board, in consultation with the Minister responsible for Official Languages, consider the merits of harmonizing the statutory reviews of the *Official Languages Act* and its various regulations, in order to ensure the effective and consistent implementation of all the provisions while fostering the advancement toward substantive equality of both official languages. In the interim, that the ministers provide for a midterm review to be conducted within five years of the coming into force of the official languages (advancement of equality of status and use of English and French) regulations.

Introduction

On October 8, 2025, the Standing Senate Committee on Official Languages (the Senate Committee) received an order to examine the regulatory framework of Part VII of the [*Official Languages Act*](#) (the Act). The draft regulations were tabled in the Senate on December 10, 2025.¹

Part VII, which was introduced in the body of Canadian legislation in 1988, has generated both hope and disappointment over the past 38 years. In 2005, the late Honourable Jean-Robert Gauthier, a former member of the Senate Committee, introduced three amendments: the duty to take positive measures, the right of remedy in the event of a breach of Part VII, and the authority to make regulations prescribing the manner in which those duties are to be carried out.² He sought to give greater force to this cornerstone of the Act, which served a dual purpose:

- enhancing the vitality of official language minority communities (OLMCs) and supporting and assisting their development, as set out in section 41(1); and
- fostering the full recognition and use of both English and French in Canadian society, as set out in section 41(1).

Five years after these legislative amendments, the Senate Committee conducted an in-depth study on the implementation of Part VII, in which it proposed developing new official languages regulations to ensure more consistent implementation of the Act.³ The federal government failed to answer the call. Over the course of its work, additional studies addressing various aspects of Part VII have been published, highlighting persistent compliance challenges.

Judicial proceedings followed,⁴ alongside an initiative in which the Senate Committee played a prominent role between 2017 and 2019, to modernize the Act. Its final report was clear: regulations to give effect to Part VII must be adopted without delay.⁵ These regulations were to be based on “a broad and liberal

¹ Senate, [*Journals of the Senate*](#), December 10, 2025.

² [*An Act to amend the Official Languages Act \(promotion of English and French\)*](#), S.C. 2005, c. 41.

³ Standing Senate Committee on Official Languages (OLLO), [*Implementation of Part VII of the Official Languages Act: We can still do better*](#), 40th Parliament, 3rd Session, June 2010, pp. 54–57.

⁴ For example: [*Picard v. Commissioner of Patents*](#), 2010 FC 86; [*Fédération des communautés francophones et acadienne du Canada v. Canada \(Attorney General\)*](#), 2010 FC 999; [*Fédération des francophones de la Colombie-Britannique v. Canada \(Employment and Social Development\)*](#), 2018 FC 530; [*Canada \(Commissioner of Official Languages\) v. Canada \(Employment and Social Development\)*](#), 2022 FCA 14.

⁵ OLLO, [*Modernizing the Official Languages Act: The Views of Federal Institutions and Recommendations*](#), 42nd Parliament, 1st Session, June 2019, pp. 63–64.

interpretation” of the duties and to ensure that the positive measures taken by all federal institutions are based on common principles.

The federal government undertook a comprehensive review of the Act in 2023.⁶ At that time, clarifications were added to Part VII regarding the taking of positive measures. A new element was introduced: the holding of discussions between the federal government and provincial and territorial governments to include official language provisions (or language clauses) in their agreements. In addition, two new commitments were included:

- protecting and promoting the French language, as set out in section 41(2); and
- advancing opportunities for learning in the minority language, in various forms and throughout one’s life, as set out in section 41(3).

Although the amendments to Part VII were more substantial than those just mentioned,⁷ the draft official languages (advancement of equality of status and use of English and French) regulations focused on these specific aspects, which apply to all federal institutions. The federal government committed to making these regulations in February 2021.⁸ They were tabled in Parliament more than four years later, nearly 30 months after the modernized Act received Royal Assent.

Between February and April 2026, the Senate Committee heard from 48 witnesses and received 19 briefs or follow-ups as part of its study on the regulatory framework of Part VII of the Act. Witnesses and briefs were harshly critical of the draft regulations, describing them as incomplete, vague and insufficient.

The draft regulations fall short of meeting the ambitious legislative reform of 2023. One of the main objectives of the modernized Act was the advancement of equality of status and use of English and French. At the time of its adoption, parliamentarians, the Office of the Commissioner of Official Languages, OLMCs and other stakeholders all expected the federal government to make additional efforts to achieve substantive equality.

⁶ *An Act for the Substantive Equality of Canada’s Official Languages*, S.C. 2023, c. 15.

⁷ For example, two other commitments were included in Part VII: one in section 41(4) regarding the periodic estimation of rights holders, and the other in section 42(1) regarding bilingualism and the promotion of French abroad.

⁸ Government of Canada, *English and French: Towards a Substantive Equality of Official Languages in Canada*, 2021.

This report is divided into two parts. The first chapter outlines the key elements of the draft regulations and highlights the concerns raised based on the testimony heard and the briefs presented. The second chapter presents the Senate Committee's recommendations urging the federal government to adopt comprehensive, robust and ambitious regulations that make substantive equality a reality.

Chapter 1 – The Concerns Raised About the Draft Regulations

This first chapter outlines the key elements of the draft official languages (advancement of equality of status and use of English and French) regulations. It highlights the concerns raised based on the testimony heard and the briefs presented.

Scope of the Draft Regulations

The first observation to emerge from the public hearings is the disconnect between the regulations’ design and the expectations they had raised. Rather than adopting the broad vision that had been sought, the federal government opted for an approach that lacks ambition.

A Modest Approach...

A Department of Justice Canada official, who appeared before the draft regulations were tabled in Parliament, set the stage by stating that the expression “prescribe the manner in which they will be carried out” meant “establishing how to comply with these duties.”⁹ A Treasury Board of Canada Secretariat (TBS) official added that the proposal was developed “with a view to balancing the different perspectives and taking care not to exceed the regulatory powers as defined by law.”¹⁰ Despite some advances in the draft regulations, they only partially address the expectations expressed by witnesses.

... At the Expense of a Broad Vision

In its final report preceding the modernization of the Act, the Senate Committee called on the federal government to adopt regulations based on “a broad and liberal interpretation” of the duties under Part VII.¹¹ In its brief, the Office of the Commissioner of Official Languages (OCOL) is calling for a regulatory framework “consistent with a broad interpretation of the Act.”¹²

⁹ OLLO, *Evidence*, October 27, 2025 (Department of Justice Canada).

¹⁰ OLLO, *Evidence*, October 27, 2025 (Treasury Board of Canada Secretariat (TBS)).

¹¹ OLLO, *Modernizing the Official Languages Act: The Views of Federal Institutions and Recommendations*, 42nd Parliament, 1st Session, June 2019, pp. 63–64.

¹² Commissioner of Official Languages (OCOL), *Brief* to the Committee, p. 3.

According to a 2024 Federal Court ruling, the regulations will have a quasi-constitutional scope, like the Act from which they derive.¹³ Indeed, the principle of advancing equality stems from section 16(3) of the *Canadian Charter of Rights and Freedoms*.¹⁴ Moreover, the purpose of the modernized Act states that “language rights are to be given a large, liberal and purposive interpretation” and are to be interpreted in light of the principle of “substantive equality.”¹⁵ However, according to the testimony heard and the briefs received, the draft regulations fall short of the ambitious vision desired for the implementation of sections 41(1) to 41(3) of the Act.

Official Language Minority Communities’ Vitality

Section 41(1) of the Act sets out the federal government’s commitment to enhancing the vitality of OLMCs and supporting and assisting their development. The draft regulations establish the process by which federal institutions must take positive measures, assess negative impacts and promote the inclusion of language clauses in their agreements with other levels of government, in keeping with this commitment.

This commitment has been in place for more than 38 years. Over the course of its work, the Senate Committee has produced several studies examining issues affecting OLMCs. Government-wide official languages strategies have largely focused on their needs, as is the case with the action plan currently in force.¹⁶ In their annual reports, federal institutions are required to account for the measures they take with respect to OLMCs. Despite ongoing compliance challenges, this commitment remains well known to the federal institutions required to implement it.

What has changed with the modernized Act is that it recognizes that Quebec’s anglophone minority and francophone minority communities elsewhere in Canada have different needs. Yet the draft regulations do not require federal institutions to adapt their approaches to this reality. The Act states in its purpose that language rights “are to be interpreted by taking into account ... different needs.”¹⁷ Witnesses

¹³ *Thibodeau v. Greater Toronto Airports Authority*, 2024 FC 274, para. 38; OCOL, *Making Progress Toward Substantive Equality: Principles to Guide the Development of Regulations for the Implementation of Part VII of the Official Languages Act*, 2024.

¹⁴ *Canadian Charter of Rights and Freedoms*, s. 16(3).

¹⁵ *Official Languages Act*, R.S.C. (1985), c. 31 (4th Supp.), ss. 3.1(a) and 3.1(b).

¹⁶ Government of Canada, *Action Plan for Official Languages 2023–2028: Protection-Promotion-Collaboration*, 2023.

¹⁷ *Official Languages Act*, R.S.C. (1985), c. 31 (4th Supp.), s. 3.1(d).

have called for greater clarity.¹⁸ Economic development organizations hope that the regulatory framework will address the needs of regional communities.¹⁹

Fostering the Official Languages

Section 41(1) of the Act also sets out the federal government’s commitment to fostering the full recognition and use of both English and French in Canadian society. Here again, the draft regulations specify that federal institutions must take this into account when taking positive measures, assessing negative impacts and discussing the inclusion of language clauses.

This commitment has also been in place for more than 38 years, but it tends to be overlooked. Canadian Parents for French (CPF), with the support of other organizations, underscores this point by calling for the Act and its regulations to recognize that promoting both official languages and protecting OLMCs are complementary and equally important goals.²⁰ The Réseau de développement économique et d’employabilité du Canada (RDÉE Canada) adds that bilingualism is an asset for Canada and that every opportunity should be taken to use it as a driver of economic development, whether here in Canada or internationally.²¹

Protection and Promotion of French

Section 41(2) of the Act sets out the federal government’s new commitment to protect and promote French. Although federal institutions are required to take this into account when applying the regulatory provisions, the proposal remains vague as to how this is to be achieved.

On the one hand, francophone witnesses called for specific implementation measures, including in Quebec and internationally, with measurable outcomes.²² Moreover, the Act states in its purpose and interpretive principles that language rights take “into account the fact that French is in a minority situation in Canada and

¹⁸ OLLO, [Evidence](#), February 9, 2026 (Fédération des communautés francophones et acadienne du Canada (FCFA)); OLLO, [Evidence](#), March 9, 2026 (François Larocque); OLLO, [Evidence](#), March 23, 2026 (Fédération culturelle canadienne-française (FCCF)); Association des collèges et universités de la francophonie canadienne (ACUFC), [Brief](#) to the Committee, p. 12.

¹⁹ OLLO, [Evidence](#), April 13, 2026 (Réseau de développement économique et d’employabilité du Canada (RDÉE Canada)); OLLO, [Evidence](#), April 13, 2026 (Regional Development Network (RDN)); Community Economic Development and Employability Corporation (CEDEC), [Brief](#) to the Committee, p. 3.

²⁰ OLLO, [Evidence](#), April 13, 2026 (Canadian Parents for French (CPF)); CPF, [Brief](#) to the Committee, pp. 4–7. Letters of support for CPF’s recommendations are listed in Appendix B of this report.

²¹ OLLO, [Evidence](#), April 13, 2026 (RDÉE Canada).

²² OLLO, [Evidence](#), February 9, 2026 (FCFA); FCFA, [Brief](#) to the Committee, pp. 3, 7 and 19; OLLO, [Evidence](#), March 9, 2026 (François Larocque); OLLO, [Evidence](#), March 23, 2026 (Commission nationale des parents francophones (CNPFF)); OLLO, [Evidence](#), April 13, 2026 (RDÉE Canada); OLLO, [Evidence](#), April 20, 2026 (Canadian Institute for Research on Linguistic Minorities (CIRLM)).

North America due to the predominant use of English.”²³ Its purpose is also to “advance the existence of a majority-French society in a Quebec where the future of French is assured.”²⁴

On the other hand, English-speaking witnesses called for greater clarity in the decision-making process of federal institutions in Quebec. A distinction must be made between the objective of protecting and promoting French and that of supporting the vitality of OLMCs. The organization Talking. Advocating. Living in Québec. (TALQ) proposes that this clarification be made during the statutory review of the Act.²⁵ The Community Economic Development and Employability Corporation (CEDEC) argues that the complementary nature of both objectives should be recognized, since support for English-speaking communities is not necessarily harmful to the protection of French.²⁶ The Quebec English School Boards Association (QESBA) is seeking recognition of the contribution of the English school system.²⁷ The Quebec English-Speaking Communities Research Network (QUESCREN) states that anglophones should be viewed as partners in ensuring the future of French.²⁸

Learning in the Minority Language

Section 41(3) of the Act sets out the federal government’s new commitment to advancing opportunities to pursue learning in the minority language, in various forms and throughout one’s life. The draft regulations require federal institutions to take this into account when taking positive measures, assessing negative impacts and discussing language clauses in intergovernmental agreements.

The Réseau pour le développement de l’alphabétisme et des compétences (RESDAC) is one of the organizations behind this addition to the modernized Act. The regulatory proposal does not specify what constitutes “quality learning in formal, non-formal and informal settings” and does not include this concept in the list of factors to be considered in analyses, which is a concern raised by RESDAC.²⁹ The Association canadienne-française de l’Alberta (ACFA) supports RESDAC’s position, noting that federal funding for skills development does not systematically take into account the needs of OLMCs.³⁰ As such, the regulatory framework should include

²³ *Official Languages Act*, R.S.C. (1985), c. 31 (4th Supp.), ss. 2(b.1) and 3.1(d).

²⁴ *Official Languages Act*, R.S.C. (1985), c. 31 (4th Supp.), s. 2(b.2).

²⁵ OLLO, *Evidence*, February 9, 2026 (Talking. Advocating. Living in Québec. (TALQ)); TALQ, *Brief* to the Committee, pp. 10–12.

²⁶ CEDEC, *Brief* to the Committee, pp. 5 and 17.

²⁷ Quebec English School Boards Association (QESBA), *Brief* to the Committee, pp. 7–8.

²⁸ OLLO, *Evidence*, April 20, 2026 (Quebec English-Speaking Communities Research Network (QUESCREN)).

²⁹ OLLO, *Evidence*, March 23, 2026 (Réseau pour le développement de l’alphabétisme et des compétences (RESDAC)); RESDAC, *Brief* to the Committee, pp. 3–4.

³⁰ Association canadienne-française de l’Alberta (ACFA), *Brief* to the Committee, paras. 30–34.

clear and measurable criteria to ensure the ongoing provision of learning opportunities in the minority language across all settings.

Complementary Commitments

The commitments set out in sections 41(1) to 41(3) of the Act are complementary; however, the draft regulations offer no clear guidance on the weight to be given to each in different contexts.

On the one hand, the objective of enhancing the vitality of OLMCs often takes precedence over the objective of promoting both official languages. On the other hand, it remains difficult to clearly identify the circumstances in which positive measures should be taken to protect and promote French or rather to promote both official languages. In Quebec, the challenge lies in reconciling the protection and promotion of French with enhancing the vitality of English-speaking communities. The English Language Arts Network (ELAN) expressed concern that the cultural identity of these communities may be overlooked in the decisions of federal institutions in favour of protecting French, even though it is central to their vitality.³¹

Some briefs call for greater clarity to avoid different interpretations.³² TBS acknowledges this complementarity but does not offer concrete solutions to better define it.³³

Aspects Left Out of the Regulations Framework

Part VII of the Act contains other commitments, considerations or ministerial responsibilities that are not directly addressed in the regulatory framework. This is the case, for example, with the commitment to estimate the number of rights holders under section 23 of the Charter. It is also the case with the commitment to promote the French language abroad. Furthermore, the regulatory framework is silent on the specific responsibilities of the Minister of Foreign Affairs, the Canadian Broadcasting Corporation, the Minister of Canadian Heritage and the Minister of Citizenship and Immigration. Lastly, it does not address the consultations required for the development of a strategy for the disposal of surplus federal real property and assets.

A TBS official who testified before the draft regulations were tabled in Parliament noted that the federal government's efforts had focused on the positive measures

³¹ OLLO, *Evidence*, April 27, 2026 (English Language Arts Network (ELAN)).

³² TALQ, *Brief* to the Committee, pp. 10–12; François Larocque, *Brief* to the Committee, paras. 15–25; CPF, *Brief* to the Committee, pp. 13–14.

³³ OLLO, *Evidence*, February 23, 2026 (TBS).

to be taken by all federal institutions.³⁴ Later, at committee stage, the same witness expressed openness to including responsibilities related to specific mandates.³⁵

Witnesses have identified this regulatory silence as a gap.³⁶ ACFA is specifically calling for the draft regulations to clarify the requirements set out in section 41(4) of the Act, namely the permanent inclusion of questions in the short-form census.³⁷ The current commissioner of Official Languages, Kelly Burke, is seeking clarification on the steps to be taken and on the obligation to consult OLMCs in this process.³⁸ In its brief, QESBA addresses this issue without expecting specific regulatory amendments, but it expressed openness to the possibility during its appearance.³⁹ The Canadian Institute for Research on Linguistic Minorities (CIRLM) underscores the importance of consulting school boards in this process.⁴⁰

ACFA is also calling for the regulatory framework to promote an integrated approach between international relations, which actively promote French, and a policy on francophone immigration, which contributes to the vitality of OLMCs.⁴¹

An Incomplete Parliamentary Review

The making of regulations under Part VII of the Act falls under the responsibility of the President of the Treasury Board, who acts in consultation with the Minister responsible for Official Languages. However, neither of these ministers was able to accept the invitations extended by the Senate Committee during consideration of the draft regulations. This is disappointing, given that these regulations form a cornerstone of the modernized Act.

TBS officials testified at the draft regulations stage, but the Senate Committee received refusals from two federal institutions that play a key role in the implementation of Part VII: Canadian Heritage and Justice Canada. This refusal is particularly troubling. Parliamentary committees would have benefited from hearing the perspectives of the institutions subject to this regulatory framework, especially those that were actively involved in its development.⁴²

Canadian Heritage, in particular, has extensive experience in managing and implementing Part VII. More than 35 years ago, this department was given the

³⁴ OLLO, [Evidence](#), October 27, 2025 (TBS).

³⁵ OLLO, [Evidence](#), February 23, 2026 (TBS).

³⁶ OLLO, [Evidence](#), March 9, 2026 (François Larocque); OLLO, [Evidence](#), April 20, 2026 (CIRLM); CIRLM, [Brief](#) to the Committee, p. 4.

³⁷ ACFA, [Brief](#) to the Committee, paras. 36–37.

³⁸ OLLO, [Evidence](#), April 27, 2026 (OCOL).

³⁹ QESBA, [Brief](#) to the Committee, p. 6; OLLO, [Evidence](#), April 20, 2026 (QESBA).

⁴⁰ CIRLM, [Brief](#) to the Committee, p. 4.

⁴¹ ACFA, [Brief](#) to the Committee, paras. 38–42.

⁴² Canadian Heritage, [follow-up](#) to the Committee.

responsibility of enhancing the vitality of OLMCs and fostering the full recognition and use of both official languages. Over 20 years ago, it was given responsibility for coordinating the taking of positive measures by federal institutions. Three years ago, the modernization of the Act brought about significant changes and high expectations. It would have been useful to draw on this department's historical perspective regarding Part VII. Moreover, its most recent departmental plan, as well as testimony on the matter, referred to its co-operation with TBS.⁴³

In addition, the Senate Committee had included in its initial list of witnesses a number of federal institutions with high potential to enhance the vitality of OLMCs or promote both official languages. The objective was to better understand the challenges facing institutions that will be required to implement the new regulatory framework once it comes into force, just as it sought to do with entities that will be subject to the future official languages administrative monetary penalties regime.⁴⁴

However, the Senate Committee had to revise its plans after receiving negative responses to letters sent to the President of the Treasury Board and the Minister responsible for Official Languages calling on them to appear.⁴⁵ The Minister eventually commented on his department's close collaboration with TBS while appearing before the Senate Committee regarding two other draft regulations for which he is responsible.⁴⁶ His officials confirmed that regular discussions took place at all levels of both departments throughout the regulatory development process.⁴⁷

The silence of political leadership at the draft regulations stage before the parliamentary committees is disappointing, and so too is the closed stance adopted by federal institutions. This has undermined the Senate Committee's ability to assess whether the regulatory proposal is in fact balanced.

Lack of Clarity

The second observation to emerge from the public hearings is the need for clearer definitions of various concepts under Part VII. Contrary to the clarity that had been promised, the federal government has failed to provide it. Yet, in OCOL's experience, violations of Part VII generally stem from a misunderstanding of the obligations.⁴⁸

⁴³ Canadian Heritage, [Departmental Plan 2026-27](#); OLLO, [Evidence](#), October 27, 2025 (TBS); OLLO, [Evidence](#), February 23, 2026 (TBS).

⁴⁴ OLLO, [Proposed Official Languages Administrative Monetary Penalties Regulations](#), 45th Parliament, 1st Session, May 2026.

⁴⁵ The letters are listed in Appendix B of this report.

⁴⁶ OLLO, [Evidence](#), April 27, 2026 (The Honourable Marc Miller, P.C., M. P., Minister of Canadian Identity and Culture and Minister responsible for Official Languages).

⁴⁷ OLLO, [Evidence](#), April 27, 2026 (Canadian Heritage); Canadian Heritage, [follow-up](#) to the Committee.

⁴⁸ OCOL, [Brief](#) to the Committee, p. 1, OLLO, [Evidence](#), April 27, 2026 (OCOL).

Positive Measures

During the study that led to the adoption of *An Act for the Substantive Equality of Canada's Official Languages*, the then minister of Official Languages, the Honourable Ginette Petitpas-Taylor, announced the federal government's intention to "make regulations to clarify what those positive measures will be."⁴⁹ Contrary to expectations, the draft regulations do not define this term. TBS offered reassurance, stating that examples of best practices already exist and can be addressed in policy instruments that will follow the adoption of the regulations.⁵⁰

However, the disappointment expressed by witnesses is unmistakable, as illustrated by the following account from a lawyer who has argued cases related to Part VII.

"Based on our 35 years of experience, we know that federal institutions naturally gravitate toward the least restrictive interpretation when the terms are ambiguous. That's precisely why the regulations had to provide the clarification that was missing. ... If these regulations are adopted in their current form, there's every reason to fear that history will repeat itself in the same cycle: ambitious legislative reform is undertaken, the executive branch takes a minimalist approach to implementation, institutions do not take action and communities get frustrated."

Érik Labelle Westin-Estaugh, March 9, 2026.

Section 41(6)(a) of the Act states that positive measures shall be "concrete and taken with the intention of having a beneficial effect," yet the draft regulations do not provide a more explicit definition. To address this issue, the Fédération des communautés francophones et acadienne du Canada (FCFA) proposes adding a purpose clause clarifying the legal framework of Part VII.⁵¹ Member organizations support this proposal,⁵² although the Fédération culturelle canadienne-française (FCCF) has proposed an alternative wording.⁵³

⁴⁹ House of Commons, Standing Committee on Official Languages, *Evidence*, December 8, 2022, 1220 (Honourable Ginette Petitpas-Taylor, Minister of Official Languages).

⁵⁰ OLLO, *Evidence*, February 23, 2026 (TBS).

⁵¹ OLLO, *Evidence*, February 9, 2026 (FCFA); FCFA, *Brief* to Committee, pp. 6–7.

⁵² OLLO, *Evidence*, March 23, 2026 (FCCF); OLLO, *Evidence*, March 23, 2026 (RESDAC); OLLO, *Evidence*, March 23, 2026 (CNPF); OLLO, *Evidence*, April 13, 2026 (Société Santé en français (SSF)); ACFA, *Brief* to the Committee, para. 3.

⁵³ FCCF, *Brief* to the Committee, pp. 5–6.

A guide prepared by the Department of Justice Canada also includes a purpose clause as one of the key elements that fosters the readability of regulatory texts.⁵⁴ Legal experts are of the view that TBS should reduce normative ambiguity by defining the framework for implementing Part VII.⁵⁵ RDÉE Canada is calling for the purpose clause to reflect Parliament’s intent in adopting Part VII, particularly the advancement of substantive equality.⁵⁶ Researchers have echoed this view.⁵⁷

The Association des collèges et universités de la francophonie canadienne (ACUFC) notes that, although the addition of a purpose clause may be useful, this change alone will not be sufficient without amendments to the substance of the regulatory proposal.⁵⁸ The organization believes that the definition of positive measures in section 41(6) of the Act is sufficiently clear, although it does argue that it should be interpreted broadly and generously. The ACUFC cautions that an overly precise definition of positive measures could stifle innovation and limit action to a minimum. As for the Community Health and Social Services Network (CHSSN), it calls for a definition focused on achieving results.⁵⁹

Prior to the tabling of the draft regulations, a Justice Canada official stated that the practice does “not attempt to define terms that could lead to an expansion or contraction of what is intended in the law.”⁶⁰ A TBS official added that the draft regulations could not include a definition, but expressed openness to considering adding a purpose clause a few months later.⁶¹ According to TALQ, the issue stems from the Act itself and will need to be addressed during its next review in 2033.⁶² However, one legal expert argued that the federal government interprets its regulatory power too narrowly.⁶³

In addition to a purpose clause, the FCCF proposes adding a preamble to outline the federal government’s general official languages commitments.⁶⁴ The Department of Justice Canada’s guide also refers to a preamble as a key to the readability of

⁵⁴ Government of Canada, *Guide to fostering the readability of legislative texts*.

⁵⁵ OLLO, *Evidence*, March 9, 2026 (Érik Labelle Westin-Eastaugh); OLLO, *Evidence*, March 9, 2026 (François Larocque); François Larocque, *Brief* to the Committee, paras. 9–14; OLLO, *Evidence*, March 23, 2026 (FCCF).

⁵⁶ OLLO, *Evidence*, April 13, 2026 (RDÉE Canada).

⁵⁷ OLLO, *Evidence*, April 20, 2026 (CIRLM); OLLO, *Evidence*, April 20, 2026 (QUESCREN).

⁵⁸ OLLO, *Evidence*, March 23, 2026 (ACUFC).

⁵⁹ OLLO, *Evidence*, April 27, 2026 (Community Health and Social Services Network (CHSSN)).

⁶⁰ OLLO, *Evidence*, October 27, 2025 (Department of Justice Canada).

⁶¹ OLLO, *Evidence*, October 27, 2025 (TBS); OLLO, *Evidence*, February 23, 2026 (TBS).

⁶² OLLO, *Evidence*, February 9, 2026 (TALQ); TALQ, *Brief* to the Committee, pp. 12–13.

⁶³ OLLO, *Evidence*, March 9, 2026 (Érik Labelle Westin-Eastaugh).

⁶⁴ FCCF, *Brief* to the Committee, pp. 3–5.

regulatory texts, provided it is a concise statement of only the necessary, relevant facts.⁶⁵

Direct Negative Impacts

Section 41(7)(b) of the Act states that federal institutions must consider “the direct negative impacts that its structuring decisions may have” on the commitments under sections 41(1) to 41(3). The draft regulations do not specify the basis on which these negative impacts should be considered or how they should be assessed.

The FCFA calls for federal institutions to develop mitigation strategies based on performance indicators that would measure gaps and help address them.⁶⁶ TALQ also calls for greater clarity on how negative impacts are considered or mitigated.⁶⁷ RDÉE Canada seeks to identify acceptable thresholds in order to calibrate positive measures and better assess potential negative impacts.

“It would be appropriate to define a method for calculating compensation if the government goes ahead with a decision that has significant negative impacts. Collectively, we have to seek out tangible economic results. On the face of it, the draft regulations are still too vague and too open to interpretation.”

**Réseau de développement économique
et d’employabilité du Canada, April 13, 2026.**

Intergovernmental Agreements

Section 41(7)(a.1) of the Act encourages federal institutions to engage with their provincial and territorial counterparts on the inclusion of language clauses when negotiating agreements related to the implementation of Part VII. The draft regulations describe the role of federal institutions in general terms, but do not explicitly define the categories of agreements covered. It is understood that these are agreements that affect essential sectors for community vitality set out in Part VII and that fall within shared jurisdictions. According to lawyers, clarification would

⁶⁵ Government of Canada, [Guide to fostering the readability of legislative texts](#). For example, the [Official Languages \(Communications with and Services to the Public\) Regulations](#) (SOR/92-48) contains a preamble. For its part, the [Official Languages Act](#) (R.S.C. (1985), c. 31 (4th Supp.)) already contains a long preamble.

⁶⁶ OLLO, [Evidence](#), February 9, 2026 (FCFA); FCFA, [Brief](#) to the Committee, pp. 16 and 18–19.

⁶⁷ TALQ, [Brief](#) to the Committee, p. 18.

help avoid further litigation such as the case decided by the Federal Court of Appeal in 2022.⁶⁸

Anglophone organizations stress the need to maintain direct federal responsibility toward OLMCs when the objectives of Part VII are undermined by provincial governments.⁶⁹ According to TALQ, this issue could be addressed during the review of the Act. In Quebec, the existing legislative framework and intergovernmental agreement⁷⁰ leave little room for enhancing the vitality of the anglophone minority. CHSSN and CEDEC call for robust regulatory protections, while respecting the province's language regime.

“Strong regulations must ensure federal obligations under Part VII cannot be waived or diluted through intergovernmental agreements. ... The regulations can help address the issues that the Government of Quebec is concerned about, ensuring that, even if there is a federal community line of financing, it respects the Charter of the French language, and it incorporates the priorities of the province and things such as that, but remains ... a direct relationship [between the federal government and the community].”

Community Health and Social Services Network, April 27, 2026.

⁶⁸ OLLO, *Evidence*, March 9, 2026 (Érik Labelle Westin-Eastaugh); OLLO, *Evidence*, March 9, 2026 (François Larocque). The decision in *Canada (Commissioner of Official Languages) v. Canada (Employment and Social Development)*, 2022 FCA 14, invalidated an agreement between the federal government and the Government of British Columbia, in part due to the absence of an appropriate language clause.

⁶⁹ OLLO, *Evidence*, February 9, 2026 (TALQ); OLLO, *Evidence*, April 13, 2026 (RDN); OLLO, *Evidence*, April 20, 2026 (QESBA); QESBA, *Brief* to the Committee, pp. 1–2 and 9; OLLO, *Evidence*, April 20, 2026 (English Parents' Committee Association of Quebec (EPCAQ)), OLLO, *Evidence*, April 27, 2026 (CHSSN); CEDEC, *Brief* to the Committee, pp. 4, 13 and 15.

⁷⁰ Government of Quebec, *Act respecting the Ministère du Conseil exécutif*, c. M-30; Government of Canada, *Canada–Québec Agreement on the Implementation of the Action Plan for Official Languages – 2024–25 to 2027–28*.

“The regulations should recognize that the implementation of Part VII cannot be Quebec-context blind. Measures that may be sufficient in one province may not be sufficient in Quebec, and federal institutions should be required to assess the specific conditions and pathways through which federal support reaches [Quebec’s English-speaking community].”

**Community Economic Development and
Employability Corporation, brief, p. 13.**

The ACUFC would like the regulations and the Act to recognize the diversity of intergovernmental relationships and facilitate the taking of positive measures in this context.⁷¹ It is calling for parameters to guide federal institutions on how to proceed in the event of conflicts between jurisdictions. In the post-secondary sector, positive measures developed in recent years have often been the result of direct federal interventions in support of OLMCs.

In a follow-up provided to the Senate Committee, TBS stated that the federal government may, in certain circumstances, provide direct funding to OLMC organizations. This depends on “the circumstances, jurisdictional considerations, existing agreements, the capacity of community organizations to carry out funded activities, and applicable provincial or territorial laws.”⁷²

Other Key Concepts

Witnesses and briefs highlighted the need to clarify several other key concepts related to the implementation of Part VII. Neither the Act nor the draft regulations define the terms “vitality”, “different needs”, “strong institutions”, “quality learning in formal, non-formal and informal settings”, “structuring decisions” or “significant action”. Some organizations have proposed that these clarifications be addressed when the government reviews the Act.⁷³

RESDAC’s testimony provides guidance for defining “quality learning in formal, non-formal and informal settings,” which includes both structured learning in schools, recognized by the government from preschool to post-secondary, and skills development in all its forms.⁷⁴ In OLMCs, learning in non-formal or informal settings enhances the vitality in the minority language throughout one’s life. In addition to

⁷¹ OLLO, [Evidence](#), March 23, 2026 (ACUFC); ACUFC, [Brief](#) to the Committee, pp. 9–10.

⁷² TBS, [follow-up](#) to the Committee, February 23, 2026.

⁷³ OLLO, [Evidence](#), February 9, 2026 (TALQ); TALQ, [Brief](#) to the Committee, pp. 12–13; ACUFC, [Brief](#) to the Committee, pp. 10–12.

⁷⁴ OLLO, [Evidence](#), March 23, 2026 (RESDAC).

the individual skills needed to succeed, people living in minority communities must also acquire collective skills, including language skills, identity affirmation, civic engagement and community spirit.

OCOL calls for a more inclusive definition of the term “initiative” to include the obligation for federal institutions to analyze the impact of any decision that may affect the commitments under Part VII.⁷⁵ A lawyer notes that this term, defined as a “significant action,” is vague and open to varying interpretations.⁷⁶

A researcher from the Royal Military College of Canada has suggested clarifying what is meant by “strong institutions.”⁷⁷ For example, it would be useful to specify whether this refers solely to institutions within OLMCs, whether such institutions should be established where they do not yet exist, or what their role should be where they do.

For QESBA, the term “vitality” is closely linked to strong educational institutions with the capacity to play a role in identity-building.⁷⁸ This role stems from a constitutional obligation and should be recognized in the regulations.⁷⁹ For ELAN, this term requires further clarification, particularly in sectors such as arts and culture, where language and culture are closely intertwined.⁸⁰ For CEDEC, all dimensions of economic development need to be recognized as essential parts of OLMC vitality.⁸¹ According to CHSSN, these definitions should be developed in consultation with OLMCs.⁸²

Definition of the Process

The draft regulations outline the process by which federal institutions must take positive measures. This process applies to programs, policies and initiatives that federal institutions must implement in carrying out their mandates.

An Incremental or Continuous Process

Under section 3 of the draft regulations, federal institutions must consider the potential for taking positive measures and assess the direct negative impacts of their decisions on the achievement of the commitments set out in sections 41(1), 41(2)

⁷⁵ OCOL, [Brief](#) to the Committee, p. 4; OLLO, [Evidence](#), April 27, 2026 (OCOL).

⁷⁶ OLLO, [Evidence](#), March 9, 2026 (Érik Labelle Westin-Eastaugh).

⁷⁷ OLLO, [Evidence](#), March 9, 2026 (Stéphanie Chouinard).

⁷⁸ QESBA, [Brief](#) to the Committee, pp. 5–6.

⁷⁹ QESBA, [Brief](#) to the Committee, p. 10.

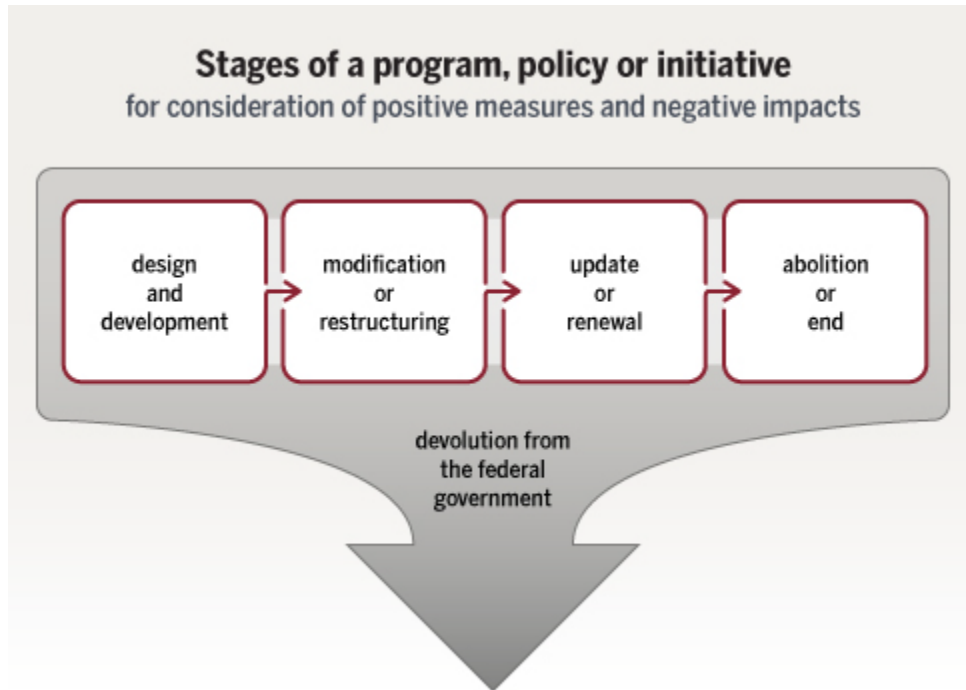
⁸⁰ OLLO, [Evidence](#), April 27, 2026 (ELAN).

⁸¹ CEDEC, [Brief](#) to the Committee, pp. 2, 4, 8 and 10.

⁸² OLLO, [Evidence](#), April 27, 2026 (CHSSN).

and 41(3) of the Act. The following figure (Figure 1) illustrates the stages covered by these two types of considerations.

Figure 1 – Stages Covered by Section 3 of the Draft Regulations



Source: Figure prepared using data obtained from the draft official languages (advancement of equality of status and use of English and French) regulations.

In 2022, the Federal Court of Appeal was clear: the obligation to take positive measures is ongoing and “applies so long as a federal institution can act towards achieving the intended purpose.”⁸³ In a document prepared to guide the development of the future regulations, the former commissioner of Official Languages, Raymond Th  berge, underscored the importance of the principles established in that case.⁸⁴ OCOL concludes that the draft regulations do not adequately reflect those principles.⁸⁵

Certain anglophone organizations view the stages outlined in the draft regulations as a step forward.⁸⁶ Conversely, the ACUFC is concerned that setting out specific stages may stifle innovation and encourage inertia.⁸⁷ That said, the organization is of

⁸³ *Canada (Commissioner of Official Languages) v. Canada (Employment and Social Development)*, 2022 FCA 14, para. 141.

⁸⁴ OCOL, *Making Progress Toward Substantive Equality: Principles to Guide the Development of Regulations for the Implementation of Part VII of the Official Languages Act*, 2024.

⁸⁵ OCOL, *Brief* to the Committee, p. 3; OLLO, *Evidence*, April 27, 2026 (OCOL).

⁸⁶ OLLO, *Evidence*, February 9, 2026 (TALQ); OLLO, *Evidence*, April 13, 2026 (RDN).

⁸⁷ OLLO, *Evidence*, March 23, 2026 (ACUFC); ACUFC, *Brief* to the Committee, pp. 4–6.

the view that devolution as set out in section 3(1)(e) has the potential to lead to concrete action if interpreted generously.⁸⁸

According to OCOL, the ongoing nature of the obligation is not reflected in the draft regulations.⁸⁹ As noted in its brief, the draft regulations do not cover situations in which a program, policy or initiative is at the operational implementation stage.

“Funding agreements with third parties, events of national significance and federal office closures are just a few examples of factual situations that are not necessarily covered by the draft regulations.”

Office of the Commissioner of Official Languages, Brief, p. 4.

For its part, the FCFA is of the opinion that positive measures should be incorporated into the main mandates of federal institutions—in other words, into all their decisions.⁹⁰

Methods of Analysis

The draft regulations set out a series of methods to guide the analyses that federal institutions must carry out. In 2022, the Federal Court of Appeal described a two-step analysis.⁹¹ First, federal institutions must be attentive to the needs of OLMCs and, second, consider the impact that their decisions may have on those OLMCs. The measures taken must have a positive effect on their vitality or, at the very least, mitigate any negative impacts. The public hearings confirm dissatisfaction with certain aspects of the methods of analysis set out in section 4 of the draft regulations. These methods do not promote a consistent understanding of the obligations, nor do they foster meaningful feedback with recipient organizations.

Official Languages Lens

Official languages stakeholders have long called for the systematic application of an official languages lens to all decisions made by federal institutions. Over the years, different terminology has been used by departments and agencies.⁹² As early as

⁸⁸ OLLO, [Evidence](#), March 23, 2026 (ACUFC); ACUFC, [Brief](#) to the Committee, pp. 9–10.

⁸⁹ OCOL, [Brief](#) to the Committee, pp. 1 and 4–5; OLLO, [Evidence](#), April 27, 2026 (OCOL).

⁹⁰ OLLO, [Evidence](#), February 9, 2026 (FCFA); FCFA, [Brief](#) to the Committee, pp. 8–9.

⁹¹ [Canada \(Commissioner of Official Languages\) v. Canada \(Employment and Social Development\)](#), 2022 FCA 14, para. 163.

⁹² Some use the terms “linguistic lens,” “official languages lens” or “francophone lens,” while others refer to a language-based analysis or a francophone differentiated analysis. See, for example: TBS, [Analytical Grid \(Substantive Equality\)](#); TBS, [Official Languages Requirements and Checklist](#); Canadian Heritage, [Official Language Requirements for Transfer Payments](#); Employment and Social

2010, the Senate Committee recommended the adoption of such a tool.⁹³ In 2019 and 2026, it reaffirmed this request, drawing on the approach taken for Gender-Based Analysis Plus (GBA Plus) and calling for the needs of official language minority communities in all their diversity to be taken into account.⁹⁴

According to numerous witnesses, the regulatory framework represents an ideal opportunity to mandate the widescale application of an official languages lens.⁹⁵ RDÉE Canada views this as an opportunity to stimulate the Canadian economy.

“[W]hen an economic agency or department designs a program, initiative or strategy without assessing whether it’s relevant to incorporate a francophone dimension, there’s a potential shortfall for Canada. ... Let’s use the regulations to force the departments’ hands so they have to apply this filter every time.”

**Réseau de développement économique
et d’employabilité du Canada, April 13, 2026.**

The Regional Development Network (RDN) notes that, in Quebec, using such a lens could take into account the needs of English-speaking communities as part of a parallel implementation of federal and provincial responsibilities.⁹⁶ Elsewhere in Canada, CPF calls for a lens that takes into account the promotion of both official languages.⁹⁷

Information Sharing, Impact of Analyses and Factors to Consider

Section 4(5) of the draft regulations requires federal institutions to keep a record of the results of their analyses but does not specify how this must be done. Witnesses unanimously called for clearer guidance and greater transparency. A number of

Development Canada, *Official Languages Lens*, August 2024; Immigration, Refugees and Citizenship Canada, “The Francophone Lens,” *Policy on Francophone Immigration*, 2025.

⁹³ OLLO, *Implementation of Part VII of the Official Languages Act: We can still do better*, 40th Parliament, 3rd Session, June 2010, p. 46.

⁹⁴ OLLO, *Modernizing the Official Languages Act: The Views of Federal Institutions and Recommendations*, 42nd Parliament, 1st Session, June 2019, p. 52; OLLO, *Breaking Down Language Barriers in Health Care: For Equitable, Safe and Quality Health Care and Health Services*, 45th Parliament, 1st Session, February 2026, p. 90.

⁹⁵ OLLO, *Evidence*, February 9, 2026 (FCFA); OLLO, *Evidence*, March 9, 2026 (François Larocque); François Larocque, *Brief* to the Committee, paras. 17–25; OLLO, *Evidence*, March 9, 2026 (Érik Labelle Westin-Eastaugh); OLLO, *Evidence*, March 23, 2026 (FCCF); OLLO, *Evidence*, April 13, 2026 (RDÉE Canada); OLLO, *Evidence*, April 13, 2026 (SSF); ACFA, *Brief* to the Committee, para. 10; OLLO, *Evidence*, April 20, 2026 (CIRLM); CIRLM, *Brief* to the Committee, p. 2.

⁹⁶ OLLO, *Evidence*, April 13, 2026 (RDN).

⁹⁷ OLLO, *Evidence*, April 13, 2026 (CPF).

organizations note that, by making the results of these analyses public, OLMCs will be better able to assess the positive or negative impact of the measures.⁹⁸ This is an essential foundation for effective consultations, informed decision-making and the assessment of progress toward substantive equality.

RDN and CEDEC stress that analyses must take into account Quebec's language regime and the challenges faced by English-speaking communities in the regions.⁹⁹ For its part, QUESCREN calls for better organization of Part VII information.¹⁰⁰ In order to assess the impact of the measures taken, data must be collected, accessible and measurable. QUESCREN proposes that documentation be comparable across institutions and from year to year, that TBS clarify the lifecycle of the documentation produced, and that all generated information be consolidated in a single location.¹⁰¹ Other anglophone organizations support this.¹⁰² CEDEC recommends creating a positive measures lab to encourage federal institutions to move from intent to action while fostering innovation.¹⁰³

Framework for Dialogue and Consultation

Section 41(8) of the Act provides that analyses are to be based on dialogue and consultation activities. The draft regulations set out the circumstances and manner for conducting these activities, but this aspect prompted numerous comments during the public hearings. Effective consultation is central to the challenges associated with the taking of positive measures, both for OLMCs and for other stakeholders. Calls have been made for several clarifications to the regulatory framework.

⁹⁸ OLLO, *Evidence*, February 9, 2026 (FCFA); FCFA, *Brief* to the Committee, p. 5; ACFA, *Brief* to the Committee, paras. 6, 7 and 12; OLLO, *Evidence*, April 20, 2026 (QESBA); QESBA, *Brief* to the Committee, p. 10.

⁹⁹ OLLO, *Evidence*, April 13, 2026 (RDN); RDN, *Brief* to the Committee, pp. 5–7; CEDEC, *Brief* to the Committee, pp. 4 and 12.

¹⁰⁰ OLLO, *Evidence*, April 20, 2026 (QUESCREN); QUESCREN, *Brief* to the Committee, p. 2.

¹⁰¹ OLLO, *Evidence*, April 20, 2026 (QUESCREN); QUESCREN, *Brief* to the Committee, p. 8.

¹⁰² OLLO, *Evidence*, April 27, 2026 (CHSSN); OLLO, *Evidence*, April 27, 2026 (ELAN).

¹⁰³ CEDEC, *Brief* to the Committee, pp. 4 and 16.

Official Language Minority Communities

Section 41(9.1) of the Act sets out five criteria for conducting dialogue and consultation activities.¹⁰⁴ However, the draft regulations provide no further details, for example, on “relevant information” to be gathered or to be shared with participants, or the conditions for determining that their opinions have been “openly and meaningfully” considered. Furthermore, they provide no guidance on the circumstances under which federal institutions should “be prepared to alter [their] positive measures.”

Based on the testimony heard, a simple summary of viewpoints is not sufficient to meet expectations. The FCCF calls for the draft regulations to further develop the principles of procedural fairness by justifying why and how the views of OLMCs were taken into account.¹⁰⁵ According to the ACUFC, this aligns with best practices in civic engagement.¹⁰⁶ ACFA expects dialogue based on “formal, predictable and recurring mechanisms” that takes place at three key points: upstream of decisions, during implementation and during evaluation.¹⁰⁷ CHSSN notes that effective consultation is not intended to validate decisions after the fact.¹⁰⁸ According to ELAN, it must include diverse viewpoints.¹⁰⁹

According to the Commission nationale des parents francophones (CNPFF), the organizations consulted do not want to be presented with a *fait accompli*, but rather to feel that the measures taken meet their needs.¹¹⁰ According to two researchers, these organizations want to be heard and that if their priorities are rejected, they want to understand why.¹¹¹ ACFA is of the view that this would strengthen the credibility of the process.¹¹² RDÉE Canada goes so far as to say that the regulatory framework must enable the needs of OLMCs to be met, not merely considered.¹¹³ The FCFA refers to an open and permanent dialogue, as well as positive measures developed jointly with OLMCs, while promoting substantive equality, which reflects the principles of *by* and *for*.¹¹⁴

A 2025 Federal Court decision establishes parameters for consultations under the Act. These require “sufficient notice” to those for whom the programs, policies or initiatives are intended and must provide a framework in which their needs are

¹⁰⁴ *Official Languages Act*, R.S.C. (1985), c. 31 (4th Supp.), s. 41(9.1).

¹⁰⁵ OLLO, *Evidence*, March 23, 2026 (FCCF); FCCF, *Brief* to the Committee, pp. 10–13.

¹⁰⁶ OLLO, *Evidence*, March 23, 2026 (ACUFC); ACUFC, *Brief* to the Committee, pp. 8–9.

¹⁰⁷ ACFA, *Brief* to Committee, paras. 14–15.

¹⁰⁸ OLLO, *Evidence*, April 27, 2026 (CHSSN).

¹⁰⁹ OLLO, *Evidence*, April 27, 2026 (ELAN).

¹¹⁰ OLLO, *Evidence*, March 23, 2026 (CNPFF).

¹¹¹ OLLO, *Evidence*, March 9, 2026 (Geneviève Tellier); OLLO, *Evidence*, March 9, 2026 (Stéphanie Chouinard).

¹¹² ACFA, *Brief* to the Committee, para. 16.

¹¹³ OLLO, *Evidence*, April 13, 2026 (RDÉE Canada).

¹¹⁴ FCFA, *Brief* to the Committee, pp. 4, 11–12 and 16.

“expressed and taken into account.”¹¹⁵ Although the concept of “reasonable notice” is set out in section 6(2)(a) of the draft regulations, it is not clarified. The FCFA notes that federal institutions and community organizations do not share the same understanding of this term.¹¹⁶ According to the FCCF, representative bodies would need to be given sufficient time to consult their member organizations.¹¹⁷ Federal institutions should also be required to justify any lack of dialogue or consultation activities.¹¹⁸ For the RDÉE, justification should be provided when a federal institution fails to take a positive measure aligned with OLMC priorities.¹¹⁹

Several organizations are of the view that the consultations that preceded the tabling of the draft regulations were not effective.¹²⁰ In other words, they did not feel that their views and concerns were genuinely considered. According to TALQ, this stems from the lack of precision in the Act itself, not from any lack of good faith by TBS. Francophone organizations are concerned about further legal challenges if TBS does not demonstrate that it has fully understood the concerns of OLMCs. The ACUFC believes that TBS must set a good example with respect to consultations.

During their appearance, officials of the department distinguished between dialogue activities, which are ongoing and intended to understand the priorities of organizations, and consultation activities, which are targeted at specific initiatives.¹²¹ However, the distinction between these two concepts is not clear. OCOL and a research organization are calling for clarification.¹²² Moreover, when asked whether TBS had consulted them prior to the publication of the draft regulations, two English-language organizations indicated that they had not.¹²³ Yet the follow-up provided to the Senate Committee by the department indicates otherwise.¹²⁴ This situation illustrates the disconnect between the perception of federal institutions, which indicate that they conduct consultations, and that of community organizations, which maintain that they have not been consulted.

The draft regulations limit the circumstances in which consultations are required under the Act, particularly regarding the assessment of the negative impacts of a

¹¹⁵ *Conseil scolaire francophone provincial de Terre-Neuve-et-Labrador v. Canada (Canadian Heritage)*, 2025 FC 1963, para. 128.

¹¹⁶ OLLO, *Evidence*, February 9, 2026 (FCFA); FCFA, *Brief* to the Committee, pp. 4 and 13–14.

¹¹⁷ OLLO, *Evidence*, March 23, 2026 (FCCF).

¹¹⁸ FCCF, *Brief* to the Committee, p. 9.

¹¹⁹ OLLO, *Evidence*, April 13, 2026 (RDÉE Canada).

¹²⁰ OLLO, *Evidence*, February 9, 2026 (TALQ); OLLO, *Evidence*, February 9, 2026 (FCFA); FCFA, *Brief* to Committee, pp. 3–4; OLLO, *Evidence*, March 23, 2026 (FCCF); OLLO, *Evidence*, March 23, 2026 (CNPf); OLLO, *Evidence*, March 23, 2026 (ACUFC); OLLO, *Evidence*, April 13, 2026 (RDÉE Canada); OLLO, *Evidence*, April 13, 2026 (SSF).

¹²¹ OLLO, *Evidence*, February 23, 2026 (TBS).

¹²² OCOL, *Brief* to the Committee, pp. 7–8; OLLO, *Evidence*, April 20, 2026 (CIRLM); CIRLM, *Brief* to the Committee, pp. 2–3.

¹²³ OLLO, *Evidence*, April 20, 2026 (QESBA); OLLO, *Evidence*, April 20, 2026 (EPCAQ).

¹²⁴ TBS, *follow-up* to the Committee, February 23, 2026.

measure. OCOL is calling for a broad interpretation of this obligation. The regulatory framework could, for example, specify the circumstances that would favour one type of dialogue activity over another.¹²⁵ The Commissioner points to a duty to consult.

“Federal institutions must be subject to a duty to consult unless it is impossible to do so. If applicable, they must concretely prove that this duty could not be fulfilled due to that impossibility. Also, those consultations must take place upstream of decisions.”

Kelly Burke, Commissioner of Official Languages, April 27, 2026.

On the francophone side, the consultation framework is seen as one of the main weaknesses of the draft regulations.¹²⁶ It must address the different needs of OLMCs and their unique capacities. It could, for example, provide for consultations to be conducted in French for the francophone minority. It could also offer support to ensure the active participation of organizations. In addition, better coordination of consultations would help reduce the burden on organizations. The following excerpts address these challenges.

“Community organizations, which are often already overburdened, made very specific requests about how they could be useful in a real consultation, particularly with regard to the time allocated to them to prepare properly, the people they would be talking to, and also accountability if their contributions were not taken into account.”

Stéphanie Chouinard, March 9, 2026.

¹²⁵ OCOL, [Brief](#) to the Committee, p. 8; OLLO, [Evidence](#), April 27, 2026 (OCOL).

¹²⁶ OLLO, [Evidence](#), February 9, 2026 (TALQ); OLLO, [Evidence](#), February 9, 2026 (FCFA); OLLO, [Evidence](#), March 9, 2026 (François Larocque); François Larocque, [Brief](#) to the Committee, para. 27; OLLO, [Evidence](#), March 9, 2026 (Stéphanie Chouinard); OLLO, [Evidence](#), March 23, 2026 (FCCF); ACFA, [Brief](#) to the Committee, paras. 13–20.

“In the four months leading up to the holidays, the [FCFA] was consulted 12 times by various key departments. We had to prepare for 12 separate processes. Now, we see that groups are less responsive because they’ve been over-consulted. Far be it from us to say that we want to be consulted less — we asked to be consulted — but we especially want departments to take this ability to act and schedules into account when developing processes.”

**Fédération des communautés francophones
et acadienne du Canada, February 9, 2026.**

“[T]he strengthening of consultation mechanisms must include practical support to bolster the capacity of community organizations to participate. This may include dedicated funding, reasonable deadlines and support for analyzing technical documents. Without these conditions, even the best mechanisms risk reproducing inequalities in participation.”

Association canadienne-française de l’Alberta, Brief, para. 19.

On the anglophone side, TALQ’s only recommendation, which directly addresses the draft regulations, relates to requirements for early, effective and capacity-appropriate consultations that demonstrate how OLMC input has influenced the decisions taken.¹²⁷ This recommendation was supported by one of its member organizations and one economic organization.¹²⁸ TALQ’s brief summarizes the challenges.

“[T]he regulatory design still rests on a fragile and unrealistic assumption: that official-language minority communities have the capacity to participate meaningfully in consultations simply because they are invited to do so. ... Communities are asked to show up repeatedly, often without support, to contribute expertise that may or may not matter. In that environment, consultation risks being perceived not as a mechanism for improving outcomes under Part VII, but as a compliance ritual that legitimizes decisions already taken.”

Talking. Advocating. Living in Québec., Brief, pp. 13–14.

¹²⁷ OLLO, *Evidence*, February 9, 2026 (TALQ); TALQ, *Brief* to the Committee, pp. 13–14.

¹²⁸ CEDEC, *Brief* to the Committee, p. 14. A letter of support for TALQ’s brief is listed in Appendix B of this report.

RDN calls for the consultation framework to be adapted to the limited capacity of small communities by ensuring adequate notice, accessible formats and ongoing input.¹²⁹ An organization in the education sector is urging the inclusion of consultation requirements in intergovernmental agreements.¹³⁰

Other Stakeholders

CPF, with the support of several other organizations promoting linguistic duality, is calling for the explicit identification of “other stakeholders” to be included in all dialogue and consultation activities.¹³¹ Achieving substantive equality is, in fact, a societal objective that requires the participation of both OLMCs and majority-language Canadians.¹³² CPF also calls for strengthening the capacity of organizations to participate in consultations, and for distinct consultation mechanisms.

“When duality-focused organizations are not explicitly recognized as core actors under Part VII, their participation becomes contingent rather than guaranteed. ... Requiring participation without providing capacity undermines meaningful engagement and risks entrenching a system in which societal bilingualism is treated as secondary. ... When grouped together in undifferentiated consultation processes, the perspectives of duality-focused organizations can be overshadowed simply by volume.”

Canadian Parents for French, April 13, 2026.

Research and Evidence-Based Findings

Pursuant to section 41(8) of the Act, analyses are to be founded on research and evidence-based findings. Unlike the specifics provided for dialogue and consultation activities, the draft regulations do not specify the kind of research or evidence-based findings expected. This was criticized by some witnesses.

The FCFA wants an explicit requirement to mandate data collection.¹³³ They are calling for a requirement to continuously oversample data in order to gauge the actual impact of positive measures. Statistics Canada occasionally conducts post-

¹²⁹ OLLO, [Evidence](#), April 13, 2026 (RDN); RDN, [Brief](#) to the Committee, p. 7.

¹³⁰ OLLO, [Evidence](#), April 20, 2026 (QESBA); QESBA, [Brief](#) to the Committee, p. 9.

¹³¹ OLLO, [Evidence](#), April 13, 2026 (CPF); CPF, [Brief](#) to the Committee, pp. 8–13. Letters of support for CPF’s recommendations are listed in Appendix B of this report.

¹³² OLLO, [Evidence](#), April 13, 2026 (CPF); CPF, [Brief](#) to the Committee, p. 6.

¹³³ OLLO, [Evidence](#), February 9, 2026 (FCFA); FCFA, [Brief](#) to Committee, pp. 5 and 15.

censal surveys.¹³⁴ Canadian Heritage and OCOL have a series of resources on OLMC vitality.¹³⁵ These data are useful for identifying gaps and helping federal institutions address them.

However, francophone organizations are calling for more systematic action and more accurate data. RESDAC is asking for the regular and deliberate collection of disaggregated data that reflect the realities of OLMCs.¹³⁶ The FCCF wants to see data being shared during the preliminary stages of analysis.¹³⁷ It is also requesting that the regulatory framework require federal institutions to produce this data in collaboration with OLMCs. The CNPF and ACFA point out that, without adequate data, assimilation will accelerate and substantive equivalence in education will not be achieved.¹³⁸ For RDÉE Canada, data is used to assess whether the needs of OLMCs are being met.¹³⁹ Société Santé en français (SSF) notes that civil society fills the gaps when the work of federal institutions is inadequate.¹⁴⁰

The scientific community believes that it is important to define responsibilities for data collection and dissemination.¹⁴¹ This helps guide the adoption of positive measures and assess progress. Providing a knowledge ecosystem on OLMCs would improve monitoring of the implementation of Part VII, according to this brief.

“A centralized, public interface for Part VII information would align official-languages practice with the federal government’s existing commitments to digital transparency and support independent analysis and informed participation, accountability, and continuous improvement.”

**Quebec English-Speaking Communities
Research Network, Brief, p. 8.**

The regulatory framework could promote the creation and dissemination of scientific information in French by drawing on the expertise of francophone post-

¹³⁴ Statistics Canada, *Situation of English-speaking populations in Quebec and French-speaking populations in Canada outside Quebec: Results of the 2022 Survey on the Official Language Minority Population*, Catalogue no. 89-657-X2024008, December 16, 2024.

¹³⁵ Canadian Heritage, *Publications — Official languages*; OCOL, *Publications*.

¹³⁶ OLLO, *Evidence*, March 23, 2026 (RESDAC).

¹³⁷ OLLO, *Evidence*, March 23, 2026 (FCCF); FCCF, *Brief* to Committee, pp. 13–14.

¹³⁸ OLLO, *Evidence*, March 23, 2026 (CNPF); ACFA, *Brief* to Committee, para. 35.

¹³⁹ OLLO, *Evidence*, April 13, 2026 (RDÉE Canada).

¹⁴⁰ OLLO, *Evidence*, April 13, 2026 (SSF).

¹⁴¹ OLLO, *Evidence*, March 9, 2026 (Geneviève Tellier); OLLO, *Evidence*, March 9, 2026 (Stéphanie Chouinard); OLLO, *Evidence*, March 23, 2026 (ACUFC); ACUFC, *Brief* to Committee, pp. 6–8; OLLO, *Evidence*, April 20, 2026 (CIRLM); CIRLM, *Brief* to Committee, pp. 2–3; OLLO, *Evidence*, April 20, 2026 (QUESCREN); QUESCREN, *Brief* to Committee, pp. 7 and 9.

secondary institutions. During its appearance, the ACUFC notes that in certain situations these institutions are capable of producing such data, provided that they have access to the proper tools to conduct meta-analyses.

“So, if we reach agreement with the federal institution during a dialogue and consultation activity that we need this data to proceed, we should determine together how we’re going to get it.”

**Association des collèges et universités
de la francophonie canadienne, March 23, 2026.**

TBS maintains that it is up to federal institutions to allow access to evidence-based findings regarding official languages.¹⁴² Although the Act specifies this obligation in section 41(8), departmental officials expressed openness to adding further clarification within the regulatory framework.

Evaluation and Monitoring Mechanisms

Section 8 of the draft regulations sets out two objectives for the evaluation and monitoring mechanisms established by federal institutions, but it does not define the methodology to be followed. Furthermore, it does not require federal institutions to be accountable.

TALQ is concerned that monitoring will be limited to verifying whether the process was followed, without ensuring that comparable standards were applied.¹⁴³ The FCFA wants to see accountability incorporated into all aspects of the regulatory framework, which will allow actions to be tailored to the needs that must be met.¹⁴⁴ Without clear evaluation and monitoring mechanisms, language obligations will continue to take a back seat, according to the CNFP.¹⁴⁵

OCOL is calling for the results of an evaluation or monitoring exercise to lead to concrete action in order to help federal institutions take corrective measures in the event of negative impacts.¹⁴⁶ This must occur throughout the process. QUESCREN notes that post-secondary institutions can contribute to the evaluation of outcomes, provided they have the necessary resources.¹⁴⁷

¹⁴² OLLO, *Evidence*, February 23, 2026 (TBS).

¹⁴³ TALQ, *Brief* to Committee, p. 13.

¹⁴⁴ OLLO, *Evidence*, February 9, 2026 (FCFA); FCFA, *Brief* to Committee, pp. 10 and 19–20.

¹⁴⁵ OLLO, *Evidence*, March 23, 2026 (CNFP).

¹⁴⁶ OCOL, *Brief* to Committee, p. 7; OLLO, *Evidence*, April 27, 2026 (OCOL).

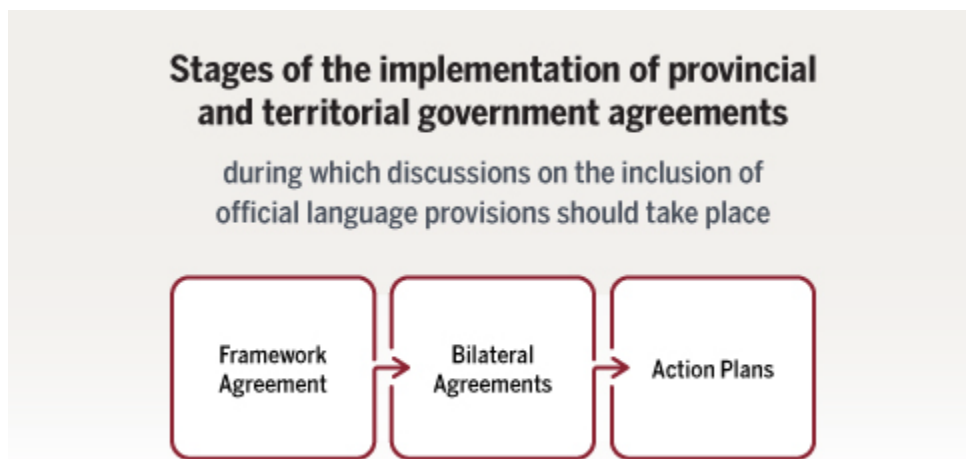
¹⁴⁷ OLLO, *Evidence*, April 20, 2026 (QUESCREN); QUESCREN, *Brief* to Committee, p. 5.

Language Clauses

Section 7 of the draft regulations discusses the considerations to be taken into account in provincial and territorial government agreements. In the circumstances, federal institutions are to encourage the inclusion of language clauses, without obligating the provinces and territories to accept them.

The FCFA called for the regulations to specify that the inclusion of language clauses is an ongoing obligation that must be addressed at every stage of implementing intergovernmental agreements: framework agreement, bilateral agreement, and action plans.¹⁴⁸ This proposal is illustrated in the following figure (Figure 2).

Figure 2 – Stages to Include in Section 7 of the Draft Regulations



Source: Figure prepared using data obtained from the evidence before the Standing Senate Committee on Official Languages.

Other witnesses called for consultations to begin at the earliest stages of agreement negotiations, in order to consider OLMC priorities.¹⁴⁹ CEDEC is calling for enforceable clauses that generate measurable outcomes for OLMCs and achieve the objectives of Part VII, including in Quebec.¹⁵⁰ For its part, CPF points out that language clauses must focus on the obligations to promote both official languages.¹⁵¹

¹⁴⁸ OLLO, *Evidence*, February 9, 2026 (FCFA); FCFA, *Brief* to Committee, p. 17.

¹⁴⁹ OLLO, *Evidence*, February 9, 2026 (TALQ); OLLO, *Evidence*, March 9, 2026 (Stéphanie Chouinard); OLLO, *Evidence*, March 23, 2026 (FCCF); OLLO, *Evidence*, April 13, 2026 (SSF); OLLO, *Evidence*, April 20, 2026 (QESBA); QESBA, *Brief* to Committee, pp. 9–11; OCOL, *Brief* to Committee, p. 8; OLLO, *Evidence*, April 27, 2026 (OCOL).

¹⁵⁰ CEDEC, *Brief* to the Committee, pp. 3, 4 and 13.

¹⁵¹ OLLO, *Evidence*, April 13, 2026 (CPF).

The CNPF is calling for clear and sound legal leverage.¹⁵² Despite existing agreements on early childhood education and care, which include commitments regarding official languages,¹⁵³ there is a need to remain vigilant. In some provinces, a minimalist approach remains the preferred strategy.

The SSF described a similar situation regarding bilateral health agreements.¹⁵⁴ Only a small proportion of these agreements include concrete measures to support the needs of OLMCs. They are limited to general principles that do not translate into specific language clauses, as the Senate Committee noted in its most recent report on access to health services.¹⁵⁵ The SSF fears that, without changes to the regulatory framework, this situation will continue. In Quebec, CHSSN calls for strengthening the role of community organizations in the delivery of minority-language health services by maintaining the direct funding model established by Health Canada.¹⁵⁶

Despite this criticism, ACFA pointed out that positive experiences on the ground can inspire practices elsewhere.¹⁵⁷ The inclusion of language clauses in agreements, combined with concrete collaboration between provincial governments and OLMCs to implement them, leads to tangible progress. In Alberta, this has led to significant gains in the health and early childhood sectors.

In the area of education, anglophone organizations in Quebec are harshly critical.¹⁵⁸ The intergovernmental mechanisms in place in this province give the provincial government a say in all federal funding intended for anglophone communities. In addition to the lack of any requirement to include language clauses in agreements, these witnesses were critical of the fact that the draft regulations offer no concrete solutions to the recurring issues of transparency and consultation.

“Unfortunately, from our perspective, the system is flawed. The problem is that, once federal funding is transferred through the province, there is very little transparency about when it flows, how it is allocated and whether it reaches the English-speaking students and families it is meant to support. Too much depends on provincial discretion, and there

¹⁵² OLLO, *Evidence*, March 23, 2026 (CNPF).

¹⁵³ The *Canada Early Learning and Child Care Act* (S.C. 2024, c. 2) upholds the commitments of the *Official Languages Act* and ensures sustained long-term funding for programs serving official language minority communities. However, the agreements between the federal government and the provincial and territorial governments do not systematically include targets for childcare services in French.

¹⁵⁴ OLLO, *Evidence*, April 13, 2026 (SSF).

¹⁵⁵ OLLO, *Breaking Down Language Barriers in Health Care: For Equitable, Safe and Quality Health Care and Health Services*, 45th Parliament, 1st Session, February 2026, pp. 79–82, 86–87.

¹⁵⁶ OLLO, *Evidence*, April 27, 2026 (CHSSN).

¹⁵⁷ ACFA, *Brief* to Committee, paras. 23–28.

¹⁵⁸ OLLO, *Evidence*, April 20, 2026 (QESBA); QESBA, *Brief* to Committee, pp. 1–2 and 9; OLLO, *Evidence*, April 20, 2026 (EPCAQ).

are too few accountability mechanisms to ensure timely and effective delivery on the ground.”

English Parents Committee Association of Quebec, April 20, 2026.

“For Quebec’s English-speaking community, this means ensuring that federal engagement is intentional, responsive and capable of strengthening the institutions that serve minority-language learners, particularly in education, where long-term community vitality is determined. ... When federal commitments are filtered through provincial frameworks without clear conditions, transparency or accountability, the result is predictable: The obligations of Part VII risk being diluted in practice.”

Quebec English School Boards Association, April 20, 2026.

Furthermore, section 7(4) of the draft regulations stipulates that federal institutions must notify the President of the Treasury Board of the publication of any agreement that includes language clauses. RESDAC requests that the department list all adopted language clauses, by fiscal year.¹⁵⁹ One lawyer would like this information to be accessible online and TBS to play a more active role prior to negotiations.¹⁶⁰ Anglophone organizations are calling for rejected language clauses to be disclosed.¹⁶¹ OCOL wishes to clarify the content of the clauses and the procedures for monitoring them.¹⁶² Later, in a follow-up to the Senate Committee, the current Commissioner said she was “strongly in favour of any initiative aimed at increasing transparency within federal institutions.”¹⁶³ TBS says it is open to considering the proposals.¹⁶⁴

Under the modernized Act, OCOL will not be able to issue an order requiring a federal institution to include a language clause in an agreement once this authority comes into effect for Part VII. In these circumstances, it seems all the more important to clarify the steps to be taken in the event of a refusal to include a language clause. The regulatory framework could specify the steps to be taken in the event of non-compliance with the clauses, according to the witnesses heard.¹⁶⁵

¹⁵⁹ OLLO, [Evidence](#), March 23, 2026 (RESDAC); RESDAC, [Brief](#) to Committee, p. 4.

¹⁶⁰ OLLO, [Evidence](#), March 9, 2026 (François Larocque); François Larocque, [Brief](#) to Committee, para. 27.

¹⁶¹ OLLO, [Evidence](#), February 9, 2026 (TALQ); OLLO, [Evidence](#), April 27, 2026 (ELAN).

¹⁶² OCOL, [Brief](#) to Committee, p. 9; OLLO, [Evidence](#), April 27, 2026 (OCOL).

¹⁶³ OCOL, [follow-up](#) to the Committee.

¹⁶⁴ OLLO, [Evidence](#), February 23, 2026 (TBS).

¹⁶⁵ OLLO, [Evidence](#), March 9, 2026 (Érik Labelle Westin-Eastaugh); OLLO, [Evidence](#), March 23, 2026 (CNPf); OCOL, [Brief](#) to Committee, p. 9; OLLO, [Evidence](#), April 27, 2026 (OCOL).

Accountability

The witnesses called for greater transparency throughout the process, whether it involves accountability with respect to the results of analyses, consultations, research, or the inclusion of language clauses. Otherwise, this leaves the door open to inconsistent action and divergent interpretations. CEDEC pointed out that this transparency would be useful to OLMCs, parliamentarians and TBS.¹⁶⁶

Achievement of Results

One of the unanimous criticisms heard during the public hearings was that the regulatory framework does not require the achievement of results. This could eventually lead to legal challenges for non-compliance with Part VII. Federal institutions will simply go through the motions of the process without actually taking concrete steps to achieve substantive equality based on specific indicators.

Objective of Substantive Equality

Federal institutions could comply with the procedures set out in the regulatory framework without this necessarily having any measurable impact on OLMC vitality or the fostering of the official languages, particularly French.

Witnesses wish to see an approach that encourages continuous improvement and concrete action, not merely token efforts.¹⁶⁷ A researcher from the University of Ottawa urged TBS to take the lead in changing the current culture within the federal government.

¹⁶⁶ CEDEC, [Brief](#) to the Committee, p. 11.

¹⁶⁷ OLLO, [Evidence](#), February 9, 2026 (FCFA); FCFA, [Brief](#) to Committee, p. 4; OLLO, [Evidence](#), February 9, 2026 (TALQ); OLLO, [Evidence](#), March 23, 2026 (FCCF), OLLO, [Evidence](#), April 13, 2026 (SSF); OLLO, [Evidence](#), April 13, 2026 (RDN); OLLO, [Evidence](#), April 20, 2026 (CIRLM); CIRLM, [Brief](#) to Committee, p. 1; CEDEC, [Brief](#) to the Committee, p. 11.

“[T]he rules proposed by the federal government focus on rules, procedures, processes, mechanisms and best practices, but they pay little attention to achieving results. This is a fundamental problem that goes beyond language policy issues. It has become the norm throughout the federal government, and is what researchers refer to as an ‘audit culture,’ a culture that values compliance with directives but neglects results. ... [I]t’s up to [the public service] to ensure that the rules are clear and enforced. It’s up to them to monitor the rules that they themselves have set out.”

Geneviève Tellier, March 9, 2026.

Substantive equality should guide positive measures in all federal initiatives and have as its primary objective the protection of minorities, as heard from the following witnesses.

“Achieving substantive equality sometimes means taking different measures based on the specific needs of each community. Restoring this objective of Part VII would be very important in guiding the public servants who apply the act.”

Fédération culturelle canadienne-française, March 23, 2026.

“A department can comply fully with the regulations and still leave conditions on the ground unchanged. ... Process alone will not deliver minority vitality.”

Talking. Advocating. Living in Québec., February 9, 2026.

“[T]he regulations should, at the very least, indicate how to achieve the goal and how to determine whether progress towards substantive equality has or has not been made.”

Stéphanie Chouinard, March 9, 2026.

“To know whether [substantive equality] is being improved, we need analysis and better data. Again, you can’t change what you can’t measure.”

Société Santé en français, April 13, 2026.

The objective of the Constitution, the modernized Act and its regulations is precisely the advancement and equality of status and use of English and French. In other words, each OLMC and each official language must enjoy the same status, the same rights and the resources necessary to bring about this equality, based on their various needs. This was Parliament’s intent when it expanded the scope of Part VII.¹⁶⁸

Citing a document published by OCOL during the pre-consultation phase, the FCFA calls for establishing a “new culture of continuous impact analysis” within federal institutions.¹⁶⁹ However, according to RDN,¹⁷⁰ the draft regulations do not establish any minimum standards or consequences for inaction. The CNPF goes so far as to say that in their current form, they limit the scope of the Act.¹⁷¹ RDÉE Canada said that incomplete regulations would potentially be worse than no regulations at all.¹⁷² The new commissioner went further with a warning.

“One of the things that stands out very clearly from the case law is that if we limit the regulations or the act with the regulations, that means we are reducing the scope of the act. That might interfere with proper implementation and good compliance.”

Kelly Burke, Commissioner of Official Languages, April 27, 2026.

The SSF pointed out that the draft regulations will not resolve current healthcare issues.¹⁷³ QESBA does not believe that they will improve the implementation of constitutional commitments regarding minority language education.¹⁷⁴ One lawyer argues that they will not facilitate the application of the Act, even though that should be their primary purpose.¹⁷⁵

¹⁶⁸ OLLO, [Evidence](#), March 9, 2026 (François Larocque); OLLO, [Evidence](#), March 23, 2026 (ACUFC); OLLO, [Evidence](#), April 13, 2026 (SSF); OLLO, [Evidence](#), April 13, 2026 (CPF); FCFA, [Brief](#) to Committee, p. 21; OCOL, [Making Progress Toward Substantive Equality: Principles to Guide the Development of Regulations for the Implementation of Part VII of the Official Languages Act](#), 2024.

¹⁶⁹ FCFA, [Brief](#) to Committee, p. 21; OCOL, [Roadmap for federal institutions’ obligations under Part VII of the Official Languages Act](#), 2024; CEDEC, [Brief](#) to the Committee, p. 9.

¹⁷⁰ RDN, [Brief](#) to Committee, p. 5.

¹⁷¹ OLLO, [Evidence](#), March 23, 2026 (CNPF).

¹⁷² OLLO, [Evidence](#), April 13, 2026 (RDÉE Canada).

¹⁷³ OLLO, [Evidence](#), April 13, 2026 (SSF).

¹⁷⁴ OLLO, [Evidence](#), April 20, 2026 (QESBA); QESBA, [Brief](#) to Committee, pp. 2 and 9.

¹⁷⁵ OLLO, [Evidence](#), March 9, 2026 (Érik Labelle Westin-Eastaugh).

Performance Indicators

According to the witnesses heard, the regulatory framework must absolutely include performance indicators that meet the needs of OLMCs. As currently written, the draft regulations do not allow for a consistent understanding of the obligations based on common metrics or the achievement of comparable results.

TALQ believes that this clarification should be addressed during the next statutory review.¹⁷⁶ The FCFA and some of its member organizations propose including this requirement directly within the regulatory framework.¹⁷⁷ In their view, the framework must require the development of action plans containing specific timelines and indicators that produce a measurable impact and meet the needs of OLMCs. The CIRLM supports this idea and is calling on TBS to assume responsibility for coordination and oversight.¹⁷⁸ The FCCF wants this obligation to apply to programs, policies and initiatives already in place.¹⁷⁹

Some anglophone organizations referred to clear and measurable objectives, developed in consultation with OLMCs, without saying how the draft regulations are to address them.¹⁸⁰ CEDEC referred to specific economic indicators to include in federal reporting.¹⁸¹ The ACUFC added that the desired outcomes will vary from one sector to the next and will be best identified through dialogue and consultation.¹⁸² That said, the regulatory framework could clearly indicate the objective of advancement of substantive equality in each of these sectors. Researchers supported this idea of a clear objective, although without specifically identifying the outcomes to be achieved.¹⁸³

TBS noted that the draft regulations aim to ensure the comprehensive implementation of the requirements across federal institutions.¹⁸⁴ The department shifts responsibility back to them when it comes to achieving results, while noting that their varying sizes and mandates can complicate the implementation of

¹⁷⁶ TALQ, [Brief](#) to Committee, pp. 9–10.

¹⁷⁷ OLLO, [Evidence](#), February 9, 2026 (FCFA); FCFA, [Brief](#) to Committee, pp. 5 and 9–10; OLLO, [Evidence](#), March 23, 2026 (FCCF); FCCF, [Brief](#) to Committee, pp. 16–17; OLLO, [Evidence](#), March 23, 2026 (RESDAC); OLLO, [Evidence](#), March 23, 2026 (CNPF); OLLO, [Evidence](#), April 13, 2026 (RDÉE Canada); OLLO, [Evidence](#), April 13, 2026 (SSF); ACFA, [Brief](#) to Committee, para. 3 and 9.

¹⁷⁸ OLLO, [Evidence](#), April 20, 2026 (CIRLM); CIRLM, [Brief](#) to Committee, p. 2.

¹⁷⁹ FCCF, [Brief](#) to Committee, pp. 6–8.

¹⁸⁰ RDN, [Brief](#) to Committee, p. 6; OLLO, [Evidence](#), April 27, 2026 (CHSSN); CEDEC, [Brief](#) to the Committee, pp. 3, 4, 8 and 11.

¹⁸¹ CEDEC, [Brief](#) to the Committee, p. 12.

¹⁸² OLLO, [Evidence](#), March 23, 2026 (ACUFC).

¹⁸³ OLLO, [Evidence](#), March 9, 2026 (Geneviève Tellier); OLLO, [Evidence](#), March 9, 2026 (Stéphanie Chouinard).

¹⁸⁴ OLLO, [Evidence](#), February 23, 2026 (TBS).

common requirements. This horizontality adds a burden that the regulatory framework could help clarify, according to one researcher.¹⁸⁵

Governance

Three years after the Act was modernized, the governance framework for implementing Part VII remains unclear. While some federal institutions are innovating, others are slow to implement the ambition vision of the modernized Act.

A Still Unclear Division of Responsibilities

Under the modernized Act, the President of the Treasury Board is required to coordinate the implementation of sections 41(1) to 41(3) of the Act in consultation with other federal ministers. In addition to the duty to develop a regulatory framework, the president is responsible for establishing policies and verifying compliance regarding positive measures and the inclusion of language clauses in intergovernmental agreements.

TBS has taken over from Canadian Heritage on several aspects of the implementation of Part VII, but the public hearings confirmed that the division of responsibilities remains unclear. To date, according to the testimony heard, federal institutions have been slow to act despite the 2023 legislative amendments, due to a lack of clear guidelines.¹⁸⁶

TBS reiterated that it can facilitate the exchange of information among those responsible for Part VII and official language champions, with the aim of automating the new practices.¹⁸⁷ This persuasion is not enough, according to one lawyer.¹⁸⁸ Some of the witnesses expect TBS to bring non-compliant federal institutions into line.¹⁸⁹ RDÉE Canada would like to see a department of official languages established to support TBS's implementation and oversight work.¹⁹⁰

An Incomplete Accountability Framework

The government released a new accountability framework in summer 2024 to guide federal institutions in implementing the modernized Act.¹⁹¹ However, OCOL is

¹⁸⁵ OLLO, *Evidence*, March 9, 2026 (Stéphanie Chouinard).

¹⁸⁶ OLLO, *Evidence*, February 9, 2026 (FCFA); OLLO, *Evidence*, March 23, 2026 (RESDAC); OLLO, *Evidence*, March 23, 2026 (ACUFC); OLLO, *Evidence*, April 13, 2026 (SSF).

¹⁸⁷ OLLO, *Evidence*, February 23, 2026 (TBS).

¹⁸⁸ OLLO, *Evidence*, March 9, 2026 (Érik Labelle Westin-Eastaugh).

¹⁸⁹ OLLO, *Evidence*, March 9, 2026 (Geneviève Tellier); OLLO, *Evidence*, March 9, 2026 (François Larocque).

¹⁹⁰ OLLO, *Evidence*, April 13, 2026 (RDÉE Canada).

¹⁹¹ Government of Canada, *Official Languages Accountability and Reporting Framework*.

critical of the lack of specifics and is urging TBS to do better by opting for a robust governance framework once the regulations are adopted.¹⁹² In a 2024 policy document, the former commissioner of Official Languages called for a framework clearly establishing the responsibilities to be put in place in every federal institution.¹⁹³ The new commissioner reiterated this idea during her appearance.

“The division of responsibilities between Treasury Board and Canadian Heritage also needs to be set out and the responsibilities of each department need to be clearly defined. This will include the parameters within which the departments will need to operate regarding impact analyses, the development of positive measures, and guidance on monitoring and auditing, to truly achieve concrete positive measures that will effectively meet the commitments.”

Kelly Burke, Commissioner of Official Languages, April 27, 2026.

CEDEC refers to an accountability framework that links the obligations of federal institutions to measurable indicators and provides for public reporting.¹⁹⁴ These reports should detail spending, responsiveness to OLMC needs, outcomes achieved and proposed corrective action.

Periodic Reviews

The President of the Treasury Board will be required to review the regulations and their operation every 10 years and report to Parliament. This requirement is similar to that set out in the Act and its regulations. Under the current or proposed provisions:

- a review of the *Official Languages (Communications with and Services to the Public) Regulations*, which pertain to Part IV of the Act, is scheduled for 2029;
- a review of the provisions and implementation of the Act is scheduled for 2033;
- a review of the future official languages (advancement of equality of status and use of English and French) regulations could take place in 2036, if they are registered this year; and

¹⁹² OCOL, *Annual Report 2024-2025*, 2025, p. iii; OCOL, *Brief* to Committee, pp. 8–9; OLLO, *Evidence*, April 27, 2026 (OCOL).

¹⁹³ OCOL, *Making Progress Toward Substantive Equality: Principles to Guide the Development of Regulations for the Implementation of Part VII of the Official Languages Act*, 2024.

¹⁹⁴ CEDEC, *Brief* to the Committee, pp. 4 and 15.

- the same would apply to the future official languages administrative monetary penalties regulations, which are expected to be registered this year.

Reviews of the Act itself or its various components are therefore scheduled to take place every three years on average. The FCFA, with the support of a lawyer, is calling for a review of the regulatory framework of Part VII every five years.¹⁹⁵ This would mean that such a review would take place in 2031, while a 10-year review of the Act would be expected two years later. However, TALQ points out that many of the challenges posed by the draft regulations stem from the Act itself and will need to be addressed during its next statutory review.¹⁹⁶ For its part, one organization representing the interests of English-speaking communities in Quebec's regions has endorsed the idea of frequent reviews of the regulatory framework, with concrete corrective measures, in order to protect communities whose vitality is at risk.¹⁹⁷

Policy Instruments

TBS reiterated on two occasions that other instruments, such as a directive and tools, will follow the adoption of the regulatory framework.¹⁹⁸ These remarks did not have the desired effect. Instead of feeling reassured, witnesses found that these instruments will follow the adoption of a regulatory framework that remains vague. According to the hierarchy of norms, laws and regulations take precedence over policies and directives, as one lawyer pointed out.¹⁹⁹

TALQ expressed concern that these instruments will perpetuate broad discretionary power and leave room for divergent interpretations of Part VII.²⁰⁰ The FCFA strongly prefers robust regulations.²⁰¹ The Commissioner of Official Languages reiterated the need for regulations that specify when and how to act.²⁰² The ACUFC requested that the policy instruments be developed in parallel with the regulatory framework so as to promote a common interpretation and avoid further delays.²⁰³ Otherwise, there is a risk of exacerbating existing problems, according to the CNPF.²⁰⁴

In order to measure the impact on community vitality, a framework developed prior to the modernization of the Act could serve as a basis for measuring outcomes.²⁰⁵

¹⁹⁵ OLLO, *Evidence*, February 9, 2026 (FCFA); FCFA, *Brief* to Committee, p. 20; OLLO, *Evidence*, March 9, 2026 (François Larocque); François Larocque, *Brief* to Committee, para. 27.

¹⁹⁶ OLLO, *Evidence*, February 9, 2026 (TALQ); TALQ, *Brief* to Committee, pp. 18–20.

¹⁹⁷ OLLO, *Evidence*, April 13, 2026 (RDN); RDN, *Brief* to Committee, pp. 6–7.

¹⁹⁸ OLLO, *Evidence*, October 27, 2025 (TBS); OLLO, *Evidence*, February 23, 2026 (TBS).

¹⁹⁹ OLLO, *Evidence*, March 9, 2026 (François Larocque).

²⁰⁰ OLLO, *Evidence*, February 9, 2026 (TALQ).

²⁰¹ OLLO, *Evidence*, February 9, 2026 (FCFA).

²⁰² OLLO, *Evidence*, April 27, 2026 (OCOL).

²⁰³ OLLO, *Evidence*, March 23, 2026 (ACUFC).

²⁰⁴ OLLO, *Evidence*, March 23, 2026 (CNPF).

²⁰⁵ Canadian Heritage, *Framework for the Vitality of Official-Language Minority Communities (OLMC)*, 2021.

This would avoid having organizations criticize the lack of performance indicators. That said, changes would be needed to account for the new obligations set out in Part VII as modernized in 2023 and the upcoming regulations.²⁰⁶

The same applies to a guide developed by Canadian Heritage, last revised the year before Royal Assent was given to the new Act, which sets out the role and obligations of federal institutions under Part VII.²⁰⁷ In addition, the roadmap developed by the former commissioner of Official Languages is an excellent tool for making these obligations easier to understand, provided that it incorporates the specific features of the regulatory framework.²⁰⁸

²⁰⁶ OLLO, *Evidence*, March 23, 2026 (CNPFF).

²⁰⁷ Canadian Heritage, *Guide on Part VII of the Official Languages Act: Support to communities and promotion of English and French*.

²⁰⁸ OCOL, *Roadmap for federal institutions' obligations under Part VII of the Official Languages Act*, 2024.

Chapter 2 – Recommendations: Adopting Robust Regulations That Make Substantive Equality a Reality

This second chapter presents the Senate Committee’s recommendations. They are intended to strengthen several aspects of the draft regulations in order to bring them into line with the expectations expressed and Parliament’s intent. The federal government will achieve this by adopting comprehensive, robust and ambitious regulations.

A Purpose Clause That Promotes a Broad Interpretation of the Obligations

The Senate Committee supports the suggestion to include a purpose clause in the draft regulations in order to clarify the legal framework of Part VII and the actions to be taken. In these regulations, the federal government must preclude a minimalist interpretation, which would run counter to Parliament’s ambitious vision, and allow for a broad interpretation of the obligations.

First, it must situate the obligation to take positive measures within the constitutional and legislative framework governing its interpretation, in other words, in light of:

- the unwritten constitutional principle of the protection of minorities;
- the principle of advancement of the equality of status and use of both official languages in section 16(3) of the Charter;
- the principles for interpreting language rights, including broad and liberal interpretation, the remedial nature, the application of the standard of substantive equality, consideration of the particular situation of the French language and the different needs of the francophone and anglophone minority communities, as set forth in section 3.1 of the Act.

Second, it must uphold the principles established in case law, including:

- support for the development of official-language minority communities and consideration of their specific needs;
- the ongoing and unlimited nature of the positive measures to be taken; and
- the obligation to promote, not harm, which requires concrete actions and strategies to mitigate negative impacts.

Third, it must fulfill the criteria set forth in sections 41(6) through 41(10) of the Act, meaning that positive measures are measures that are:

- concrete;
- taken with the intention of having a beneficial effect on the commitments under sections 41(1) to 41(3) of the Act; and
- based on impact analyses, dialogue and consultation activities, research and evidence-based findings, as well as evaluation and monitoring mechanisms.

With this added contextual information, federal institutions will have a better understanding of the desired effect of the regulations, which is the systematic consideration of the principles derived from the Constitution, the Act and case law in every decision that they make. They will be better equipped to take positive measures, guide their analyses, conduct effective consultations, base their actions on the necessary data and evaluate the results achieved on an ongoing basis.

Consequently, the Senate Committee recommends that the President of the Treasury Board:

Recommendation 1

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to include a purpose clause that provides contextual information to guide its implementation. In the circumstances, ensure that the obligations of federal institutions:

- are consistent with section 16(3) of the *Canadian Charter of Rights and Freedoms* and the unwritten constitutional principle of the protection of minorities;
- are consistent with the principles of interpretation of language rights set out in section 3.1 of the *Official Languages Act*;
- uphold the principles established by case law, including those of the Federal Court of Appeal in *Canada (Office of the Commissioner of Official Languages) v. Canada (Employment and Social Development)*; and
- meet the criteria set out in sections 41(6) to 41(10) of the *Official Languages Act*, with a view to fostering a consistent understanding of positive measures.

Clear and Specific Definitions

The federal government must resolve ambiguities by adopting regulations that are as clear as possible. A proper understanding of obligations will lead to better compliance. The burden of this understanding must no longer rest solely on the communities and other stakeholders, nor on complaints or legal remedies, but on clear guidance. The regulations under Part VII will be of a quasi-constitutional nature. They must be interpreted as broadly as the Act itself.

In consultation with the communities and other relevant stakeholders, the federal government should clarify the terms that are open to varying interpretations, without defining them too narrowly, specifically:

- what the positive measures are, namely policies, programs or initiatives that produce concrete results in fulfilling the various commitments under Part VII, without being limited to the mere establishment of an internal committee, for example;
- what the initiative entails, which includes the requirement of federal institutions to assess the impact of any decision that may affect the implementation of Part VII;
- what quality learning is in formal, non-formal or informal settings, encompassing both school-based learning and the development of skills in all their forms, throughout one's life;
- who the other stakeholders are, namely those who are actively involved in fulfilling the commitments set out in sections 41(1) through 41(3) of the Act, such as organizations that promote linguistic duality;
- what devolution entails, which clearly states the federal government's responsibility to uphold its obligations under Part VII in the event of disputes between jurisdictions;
- what strong institutions are, whose involvement enables official-language minority communities to participate in the implementation of the Act and contributes to enhancing their vitality, in accordance with the principle of *by and for*; and
- what vitality is, whose criteria vary by region and by area of development or vitality, as outlined in the [framework for vitality](#) developed by Canadian Heritage.

Clear concepts accessible to all federal institutions would prevent the current practice of inconsistent actions with mixed results from continuing. The regulations

and accompanying policy instruments must foster innovation among federal institutions while facilitating a common understanding of the obligations. This will improve compliance with the Act, simplify the monitoring and investigative work of the Commissioner of Official Languages, and reflect the intent of Parliament.

The Senate Committee proposes, to the extent possible, that these clarifications be incorporated directly into the regulatory framework. It is aware of the limitations imposed by the current wording of the regulatory authority in sections 41(10.4) and 41(11) of the Act. However, it questions whether the federal government's interpretation is not too restrictive. The Senate Committee calls for the broadest possible interpretation. Failing that, it suggests updating the [guide on Part VII of the Act](#) and making it accessible, ensuring that it reflects the ambitious vision set forth in the modernized Act. As needed, amendments to the regulatory authority could be considered during the next statutory review of the Act.

Consequently, the Senate Committee recommends that the President of the Treasury Board:

Recommendation 2

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to clearly define the terms that are open to varying interpretations, such as “positive measures”, “initiative”, “quality learning in formal, non-formal or informal settings”, “other stakeholders”, “devolution”, “strong institutions” and “vitality”. In the circumstances, ensure:

- that these terms are given a large and liberal interpretation, in accordance with section 3.1 of the *Official Languages Act*, and
- that the official language minority communities and the other stakeholders affected by these definitions are consulted.

If these clarifications cannot be incorporated into the regulatory framework itself, then incorporate them into the existing guide on Part VII, reflecting the ambitious vision of the modernized *Official Languages Act* and making them accessible to all subject federal institutions. Then, amend sections 41(10.4) and 41(11) of the *Official Languages Act* during its next ten-year review so that these definitions can be formalized in the regulations.

Ongoing Implementation of the Obligations

One of the principles established by case law is that adopting positive measures is an ongoing obligation. The participants at the public hearings stressed that the draft

regulations must reflect this requirement, particularly in the way federal institutions conduct their analyses.

An Impact Analysis Prior to Each Decision

The impact analysis stemming from the obligation to take positive measures must apply to all decisions made by federal institutions and be conducted on an ongoing basis. There must be no ambiguity as to when and how institutions must act and what their objectives are. The guidelines must cover the entire process. The results of the analyses must be accessible, at least to the parties involved.

Consequently, the Senate Committee recommends that the President of the Treasury Board:

Recommendation 3

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to require federal institutions to conduct an analysis prior to each decision that may have an impact on the commitments set out in sections 41(1) to 41(3) of the *Official Languages Act*. In the circumstances, ensure:

- **that the analyses are conducted on an ongoing basis, whether it be for taking positive measures, evaluating the negative impacts, or including language clauses in intergovernmental agreements; and**
- **that the results of the analyses are made public or at least shared with the official language minority communities and other stakeholders participating in the dialogue and consultation activities.**

The Development of an Action Plan

The requirement for federal institutions to develop an action plan for implementing the obligations under Part VII will facilitate this ongoing implementation. Combined with effective consultation mechanisms, this requirement is part of the recognized best management practices for the optimal implementation of the Act. It ensures that official languages are incorporated into the core mandate and internal strategic planning of each institution subject to Part VII. It helps keep this in mind throughout the implementation of a program, policy, initiative or agreement with another level of government.

By making these action plans public and including performance indicators, developed in consultation with the communities and other stakeholders, federal institutions will be better equipped. They will be able to measure the results

achieved and adjust as needed. The Treasury Board of Canada Secretariat will further facilitate this evaluation work by centralizing all the information produced in one place. As a result, this will benefit the scientific community interested in these issues.

Consequently, the Senate Committee recommends that the President of the Treasury Board:

Recommendation 4

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to include the duty of federal institutions subject to Part VII of the *Official Languages Act* to develop an action plan for implementing their obligations. In the circumstances, ensure:

- that this action plan includes the concrete measures taken for the purpose of having a positive impact on the commitments set out in sections 41(1) to 41(3) of the *Official Languages Act*;
- that it includes performance indicators developed in consultation with the official language minority communities and other stakeholders, desired outcomes, implementation time frames and evaluation and monitoring mechanisms; and
- that it is made public, in a common repository managed by the Treasury Board of Canada Secretariat.

Factors Guiding the Analysis

The regulatory proposal sets out a series of factors to be taken into account by federal institutions in their analyses, but excludes others. The public hearings highlighted the need for this list to include the following:

- the specific characteristics of Quebec's language regime; and
- quality learning in the minority language in all its forms, particularly in non-formal and informal settings.

These additions to the regulations will help federal institutions better understand the full scope of their obligations and will reflect the ambitious vision set out in the most recent version of the Act.

Consequently, the Senate Committee recommends that the President of the Treasury Board:

Recommendation 5

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to include in the list of factors to be taken into account direct references to the specific characteristics of Quebec's language regime. In the circumstances, ensure:

- that the obligations applicable in Quebec are interpreted within the context of the following provisions of the *Official Languages Act*, which are complementary:
 - the interpretive principle that specifies support for the development of English and French linguistic minority communities in order to protect them while taking into account the fact that they have different needs, in section 2(b);
 - the interpretive principle that sets out the objective of advancing the existence of a majority-French society in Quebec where the future of French is assured, in section 2(b.2);
 - the commitment to enhancing the vitality of Quebec's anglophone communities, in section 41(1); and
 - the recognition of Quebec's *Charter of the French Language* and respect for this province's jurisdiction, in sections 45.1(1)(b) and 45.1(2).

Recommendation 6

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to include in the list of factors to be taken into account direct references to lifelong learning in the minority language. In the circumstances, ensure:

- that special attention is paid to taking into account quality learning in non-formal and informal settings.

The Inclusion of Language Clauses in Intergovernmental Agreements

It is especially important to clearly define how obligations will be continuously implemented, particularly in agreements with other levels of government, where the inclusion of language clauses is necessary. The process must be clear and include consultation at every stage of the agreements' implementation. Experience shows that close collaboration with the communities and other stakeholders leads to

tangible progress. However, this best practice is far from being adopted across all provinces and territories or among all sectors that are essential to enhancing vitality as listed in section 41(6)(c)(v) of the Act.

To ensure a broad interpretation of this provision, the regulations must specify the measures to be put in place in cases of non-compliance with the clauses. Furthermore, they must specify how and how often federal institutions are to monitor these clauses. By making the information public and easily accessible, the Treasury Board of Canada Secretariat will support the evaluation process for all stakeholders, including the scientific community interested in these issues.

Consequently, the Senate Committee recommends that the President of the Treasury Board:

Recommendation 7

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to specify the steps for including language clauses in intergovernmental agreements. In the circumstances, ensure:

- **that consultation with the official language minority communities and other stakeholders is required at each stage of negotiating and implementing these agreements;**
- **that federal institutions must put measures in place in cases of non-compliance with the clauses by provincial and territorial governments;**
- **that these clauses must be continuously evaluated and monitored; and**
- **that they are made public in a common repository managed by the Treasury Board of Canada Secretariat.**

A Measurable Impact Based on Evidence

The communities and other stakeholders want regulations that will deliver concrete results. If federal institutions merely follow the procedures, then the regulations will miss the mark. The measures taken must have not only a positive but also a measurable impact on the commitments set out in Part VII. Identifying targets with lasting impacts will reassure beneficiary organizations.

Parliament gave the President of the Treasury Board the responsibility of taking a lead role in implementing the Act, in the hope that a change in culture would take place within the federal government. The public hearings referred to a culture of continuous impact. The expectation is clear: that these regulations make substantive

equality a reality. To achieve this, the federal government must set out expectations about producing, sharing and disseminating evidence-based findings and recognize the importance of collecting disaggregated data.

Expectations for Research and Data Collection

In their current form, the draft regulations do not specify that dialogue and consultation activities must be based on research and evidence-based findings. The regulations must make data collection a standard practice across all federal institutions, tailored to the size and mandate of each. Without additional clarification in this regard, it will be difficult to determine on what basis to evaluate the outcomes of positive measures and the potential negative impacts.

The most important issue is to identify the necessary data in partnership with the relevant stakeholders. Next, it must be determined when, how and by whom the data should be collected and, ultimately, how to make them publicly available. If necessary, community organizations and research centres can contribute to data collection, provided that they have the necessary resources and tools to carry out the work. By supporting francophone post-secondary institutions across the country in this effort, the federal government would promote the production and dissemination of research in French.

Consequently, the Senate Committee recommends that the President of the Treasury Board:

Recommendation 8

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to specify that federal institutions have an obligation to base their analyses and support their dialogue and consultation activities on research and evidence-based findings. In the circumstances, ensure:

- **that data is continuously collected and produced in consultation with the official language minority communities and other stakeholders;**
- **that they inform the evaluation and monitoring of the measures taken to implement the commitments set out in sections 41(1) to 41(3) of the *Official Languages Act*;**
- **that they are based on the expertise of post-secondary institutions serving minority populations, provided that these institutions are supplied with the tools and resources necessary to produce and evaluate them; and**
- **that they are made public in a common repository managed by the Treasury Board of Canada Secretariat.**

The Importance of Disaggregated Data

As the Senate Committee noted in its most recent [report](#) on access to health services, the collection of disaggregated data must be accelerated. By making the collection of such data more systematic and incorporating linguistic variables into the internal databases of federal institutions, the federal government will foster more effective actions and more concrete positive measures, thereby helping take into account the various needs of the communities and the particular situation of French. It will facilitate the achievement of true substantive equality.

Consequently, the Senate Committee recommends that the President of the Treasury Board:

Recommendation 9

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to encourage federal institutions to incorporate linguistic variables into their internal databases. In the circumstances, ensure:

- **the systematic collection of data to measure and evaluate the advancement of substantive equality of both official languages while taking into account:**
 - **the different needs of anglophone and francophone minority communities; and**
 - **the particular situation of French.**

Meaningful Consultations

Effective positive measures are based on the needs of the groups they are designed for. In other words, these groups wish to feel included in the process of developing these measures so that they meet their expectations. To identify the needs to be addressed, federal institutions must conduct meaningful consultations. The regulations must therefore set the necessary conditions to enable the participation of beneficiary organizations and achieve positive results.

The testimony heard during the public hearings confirmed that few organizations have the capacity to participate fully and effectively in the many dialogue and consultation activities organized by federal institutions. This is true for the communities and for other stakeholders. The draft regulations must therefore be refined so that these activities:

- give due regard to the organizations' capacity to participate and provide them with support, as needed;
- allow sufficient time to guarantee active participation while ensuring that a diversity of viewpoints is covered;
- identify a clear procedure for all parties;
- take place prior to decisions being made;
- allow for open and ongoing dialogue or continuous feedback;
- take into account the specific needs of the francophone minority, the anglophone minority and other stakeholders using processes tailored to each group;
- indicate how their opinions were openly and meaningfully considered, in accordance with section 41(9.1)(d) of the Act;
- indicate whether the institution is prepared to alter its positive measures, in accordance with section 41(9.1)(e) of the Act, or what mitigation strategies it intends to propose;
- promote the advancement of substantive equality; and
- include ongoing evaluation and monitoring mechanisms to ensure their effectiveness.

Without these strengthened consultation mechanisms, the federal government will stray from the primary objective of the draft regulations, which is to achieve substantive equality. It also risks deviating from the expectations raised during the modernization of the Act, namely to involve organizations in the decision-making process in keeping with the principle of *by* and *for*.

Consequently, the Senate Committee recommends that the President of the Treasury Board:

Recommendation 10

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to allow for meaningful consultations with the official language minority communities and other stakeholders. In the circumstances, ensure:

- that dialogue and consultation activities are ongoing, in keeping with all the principles set out in sections 41(9) and 41(9.1) of the *Official Languages Act*;
- that they take place prior to decisions being made, whether they be for taking positive measures, evaluating the negative impacts, or including language clauses in intergovernmental agreements;
- that they set out a clear process and encourage the active participation of beneficiary organizations:
 - by allowing sufficient time to ensure this participation;
 - by giving due regard to the organizations' capacity to participate and providing them with support, as needed;
 - by allowing for continuous feedback; and
 - by tailoring the processes to the needs of each official language minority community and each stakeholder;
- that they promote the advancement of substantive equality of both official languages; and
- that they include evaluation and monitoring mechanisms.

Transparency Throughout the Process

The testimony heard during the public hearings emphasized the importance of greater transparency throughout the process. The federal government must develop ways to measure progress on implementing Part VII with a view to achieving concrete results. This will require having accountability obligations at each stage of taking positive measures: during impact analyses, consultations, research, the collection of evidence-based findings or the process leading to the inclusion of language clauses in intergovernmental agreements. This will ensure a constant, mutual exchange between federal institutions and the organizations benefiting from positive measures and help better explain how negative impacts are mitigated. Without this enhanced transparency, the federal government risks once again undermining the long-awaited achievement of substantive equality.

The Senate Committee echoes the suggestions received to improve how information related to Part VII is organized, particularly with regard to the language provisions currently in force. By consolidating this information in a single location, communities and other stakeholders will be able to track the progress of the measures taken, which will facilitate the Commissioner's oversight work and contribute to the advancement of research on these issues.

Consequently, the Senate Committee recommends that the President of the Treasury Board:

Recommendation 11

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to establish accountability mechanisms at each stage of implementing the commitments set out in sections 41(1) to 41(3) of the *Official Languages Act*. In the circumstances, ensure:

- that this accountability mechanism is continuously applied, whether it be for taking positive measures, evaluating the negative impacts, or including language clauses in intergovernmental agreements;
- that it applies both for impact analyses, dialogue and consultation activities, and for research and the collection of evidence-based findings; and
- that the Treasury Board of Canada Secretariat establishes and manages a common repository compiling all information related to Part VII of the *Official Languages Act*, including:
 - the action plans of federal institutions and their annual reports;
 - the evidence-based findings produced to inform impact analyses and dialogue and consultation activities; and
 - language clauses currently in force.

Mandatory Official Languages Lens

The Senate Committee recognizes that each federal institution subject to the Act has its own unique context, with varying mandates and sizes. That said, adopting a systematic approach to language-specific analysis appears more important than ever. The obligation to apply an official languages lens, based on current best practices, will enable genuine advancement toward substantive equality. It will guide federal institutions in taking positive measures.

The Senate Committee therefore reiterates its previous recommendations to systematically apply an official languages lens to the policies, programs and initiatives of federal institutions in keeping with the commitments under Part VII. The federal government must turn this practice into a genuine commitment. Similar to the approach adopted for GBA Plus, it must ensure that each decision by a federal institution is adapted to the needs of the various groups. Given the quasi-

constitutional status of the Act, it is essential that the federal government make official languages a priority at the centre of all government activities. The adoption of the regulatory framework is the ideal moment for implementing this systematic approach.

Consequently, the Senate Committee recommends that the President of the Treasury Board:

Recommendation 12

Amend the draft official languages (advancement of equality of status and use of English and French) regulations to ensure that an official languages lens is systematically applied to the policies, programs and initiatives of federal institutions. In the circumstances, ensure:

- that the analyses that federal institutions must conduct take into account the principles and objectives of the *Official Languages Act*, including:
 - the advancement of equality of status and use of both official languages;
 - the different needs of the anglophone and francophone minorities; and
 - the particular situation of French and the commitments to protect and promote it.

Effective Governance of Part VII

Experience over the past few decades has shown that, without clear rules, many federal institutions take a minimalist approach to interpreting their obligations. With the ambitious amendments made three years ago to Part VII of the Act, an effective governance framework is a key element of future success. A well-established division of responsibilities, supported by specialized staff with the necessary knowledge and expertise, is indispensable for the optimal implementation of Part VII. The Senate Committee notes the [framework](#) already released by the Treasury Board of Canada Secretariat. However, gaps remain in terms of clarifying the responsibilities of each party, both at the head of the federal government and within federal institutions themselves.

Consequently, the Senate Committee recommends:

Recommendation 13

That the President of the Treasury Board develop a governance framework that clearly sets out the responsibilities for implementing, evaluating and monitoring Part VII of the *Official Languages Act* which rest with:

- the President of the Treasury Board and their department;
- the Minister responsible for Official Languages and their department;
- the ministers designated under Part VII and their departments, including the Minister of Foreign Affairs, the Minister of Canadian Heritage and the Minister of Citizenship and Immigration; and
- the deputy heads of the federal institutions subject to Part VII and the individuals responsible for Part VII in these institutions.

Considerations for the Next Ten-Year Review of the *Official Languages Act*

There are clear expectations that the regulatory framework will bring about the change in culture sought by Parliament three years ago. The next statutory review of the Act, scheduled for 2033, must continue this change in culture with a view to achieving substantive equality. To improve the situation, the Senate Committee calls on the federal government to take action on three fronts: intergovernmental collaboration, results-based accountability, and a clear reconciliation of Part VII commitments.

Intergovernmental Collaboration

The Senate Committee encourages the federal government to expand its approach to intergovernmental relations to include other ways of interacting with provincial and territorial governments. The idea is to allow for flexibility in the event of jurisdictional disputes over the implementation of the objectives of Part VII. In the new version of the Act, the federal government could consider innovative approaches when other levels of government do not support the achievement of these objectives. Moreover, practices developed in health or post-secondary education could serve as a model for this kind of innovation. But without waiting for the next review of the Act, the Senate Committee encourages the continuation of such practices when the nature of the matter permits.

Consequently, the Senate Committee recommends:

Recommendation 14

That the Minister responsible for Official Languages, in consultation with the President of the Treasury Board, re-examine the provisions pertaining to intergovernmental collaboration during the next ten-year review of the *Official Languages Act*. That the ministers provide alternative mechanisms to allow the federal government to work in tandem with the provincial and territorial governments to ensure the implementation of the commitments set out in sections 41(1) to 41(3) of the Act.

Results-Based Accountability

The Senate Committee also urges the federal government to introduce into the Act a results-based accountability requirement aimed at achieving substantive equality. By establishing this expectation, the federal government would encourage federal institutions to strive for excellence, rather than merely meet the minimum threshold. In other words, it would raise the requirements for adopting or rejecting positive measures, as well as for the mitigation strategies considered, by specifying in the legislative framework the steps to be taken, the decision-making process to be followed and the expected outcomes. This would foster best practices and ensure greater compliance.

Consequently, the Senate Committee recommends:

Recommendation 15

That the Minister responsible for Official Languages, in consultation with the President of the Treasury Board, introduce results-based accountability requirements during the next ten-year review of the *Official Languages Act*. That the ministers set out the courses of action, the decision-making process to be followed, and the expected outcomes to foster the advancement toward substantive equality of both official languages.

A Clear Alignment of Part VII Commitments

The public hearings showed that there is a lack of clarity regarding how the various commitments under Part VII are to be reconciled. In Quebec, this poses risks. The objective of protecting and promoting French could take precedence over the objective of enhancing the vitality of English-speaking communities, or vice versa. The federal government must fully assume its responsibilities in both these areas. This requires federal institutions to understand their obligations. The Act could specify the measures to be taken and the decision-making process to be followed to strike a balance in the implementation of the various commitments under Part VII.

Consequently, the Senate Committee recommends:

Recommendation 16

That the Minister responsible for Official Languages, in consultation with the President of the Treasury Board, set out the courses of action and the decision-making process to be followed to ensure balance and complementarity in the implementation of the commitments set out in sections 41(1) to 41(3) of the *Official Languages Act*.

Consistency in Statutory Reviews

If the regulations are registered this year, they will be reviewed in 2036. The next statutory review of the Act is expected in 2033. Certain witnesses expressed support for more frequent reviews of the regulations under Part VII. The Senate Committee also believes that a ten-year period is too long to assess their potential impacts on community vitality and the achievement of substantive equality.

The Senate Committee notes that under the new framework governing the use of French in federally regulated private businesses, currently under consideration in Parliament, the statutory review of this Act and its regulations would be combined. A similar approach could be considered for the Act and its various regulations, with a view to ensuring a consistent approach to the application of its various provisions.

Recommendation 17

That the President of the Treasury Board, in consultation with the Minister responsible for Official Languages, consider the merits of harmonizing the statutory reviews of the *Official Languages Act* and its various regulations, in order to ensure the effective and consistent implementation of all the provisions while fostering the advancement toward substantive equality of both official languages. In the interim, that the ministers provide for a midterm review to be conducted within five years of the coming into force of the official languages (advancement of equality of status and use of English and French) regulations.

Improved Coordination of Consultations

In its [final report](#) on modernizing the Act, the Senate Committee proposed the creation of an advisory board to advise the federal government on measures to enhance the vitality of communities and to support their development. Such a mechanism, composed of regional and sectoral community representatives, would alleviate the consultation burden on everyone and ensure better coordination of

actions across government, without relieving federal institutions of their duty to consult on policies, programs or initiatives specific to them. A similar mechanism could be created to represent the interests of organizations promoting linguistic duality.

Conclusion

“It is undeniable, in my opinion, that the scope of the duty contained in section 41 is hamstrung by the absence of regulations. And, it must be said, this regulatory silence and the resulting vagueness are probably detrimental to the linguistic minorities in Canada, who may be losing a potential benefit under Part VII. As I recall, Senator Gauthier’s expectation during the 2005 amendments was to have the regulations clarify the scope of the general duty to act created by the new subsection 41(2), which he sponsored.”

Justice Denis Gascon, Federal Court, 2018 CF 530, para. 293.

In light of the testimony heard and the briefs received during this study by the Senate Committee on the regulatory framework of Part VII of the Act, it appears that Justice Gascon’s concerns remain valid. In a few years’ time, another justice could once again be called upon to address challenges brought about by the vagueness of the regulatory proposal currently under review.

There continue to be doubts as to whether this proposal lives up to the vision of the 2023 legislative reform. In the debates leading up to the modernization of the Act, the Senate Committee’s expectations were unmistakably clear. The federal government was to make regulations that reflect a high degree of openness in interpreting the obligations under Part VII. These regulations were intended to facilitate a common understanding of positive measures among all federal institutions.

For many of the witnesses heard, the lack of clarity in the draft official languages (advancement and equality of status and use of English and French) regulations raises fears of new disputes on the horizon. Focusing on an approach based solely on means, not on results, does not make the long-awaited substantive equality a reality. The risk of producing inadequate and difficult-to-measure results remains ever-present among federal institutions subject to the Act.

At this pivotal and long-awaited moment of developing regulations that will strengthen compliance with the Act, we must do better. This is the heartfelt plea by the witnesses heard by the Senate Committee. The Committee therefore calls on the federal government to take the recommendations seriously in order to uphold both the intent of Parliament and the principle of substantive equality that the Act and its regulations are meant to make a reality.

Appendix A – Witnesses

Monday, October 27, 2025

Treasury Board of Canada Secretariat

Carsten Quell, Executive Director, Official Languages Centre of Excellence,
Office of the Chief Human Resources Officer

Jennifer Brown, Director, Regulatory Policy and Planning, Regulatory Affairs
Sector

Jean Surette, Director, Regulatory Cooperation, Regulatory Affairs Sector

Department of Justice Canada

Robert Dufresne, Acting Chief Legislative Counsel and Deputy Assistant
Deputy Minister, Legislative Services Branch, Public Law and Legislative
Services Sector

Jacinthe Bourdages, Director and General Counsel, Official Languages
Directorate, Public Law and Legislative Services Sector

Monday, February 9, 2026

TALQ

Sylvia Martin-Laforge, Director General

Stephen Thompson, Senior Policy Advisor

Marion Sandilands, Counsel

Fédération des communautés francophones et acadienne du Canada

Liane Roy, President

Alain Dupuis, Executive Director

John Mark Keyes, Professor

Monday, February 23, 2026

Treasury Board of Canada Secretariat

Carsten Quell, Acting Assistant Deputy Minister, People and Culture, Office of
the Chief Human Resources Officer

Annie Proulx, Director, Official Languages Centre of Excellence, Office of the Chief Human Resources Officer

Martine Boucher, Senior Manager, Part VII Regulations, Official Languages Centre of Excellence, Office of the Chief Human Resources Officer

Monday, March 9, 2026

As individuals

Stéphanie Chouinard, Associate Professor, Department of Political Science, Royal Military College of Canada

Érik Labelle Westin-Eastaugh, Professor and Dean, Faculty of Law, University of Moncton

François Larocque, Full Professor, Research Chair in Language Rights, Faculty of Law, Common Law Section, University of Ottawa

Geneviève Tellier, Full Professor, School of Political Studies, University of Ottawa

Monday, March 23, 2026

Réseau pour le développement de l'alphabétisme et des compétences

Geoffroy Krajewski, Chair

Denis Desgagné, Executive Director

Fédération culturelle canadienne-française

Nancy Juneau, Chair

Gabriel Poliquin, Legal Counsel specializing in language rights

Association des collèges et universités de la francophonie canadienne

Martin Normand, Chief Executive Officer

Commission nationale des parents francophones

Gillian Anderson, Board Chair

Marie-Andrée Asselin, Executive Director

Monday, April 13, 2026

Réseau de développement économique et d'employabilité

Yan Plante, President-Chief Executive

Jean-François Parent, Associate Director, Public Affairs and Research

Société Santé en français

Antoine Désilets, Executive Director

Canadian Parents for French

Derrek Bentley, Network Chief Executive Officer

Ahdithya Rajan P. Visweswaran, Director, Advocacy & Public Policy

Réseau de développement régional

Brigitte Wellens, President

Rachel Hunting, Senior Manager of Regional Development

Monday, April 20, 2026

English Parents Committee Association of Quebec

Katherine Korakakis, President

Doug Bentley, Vice President

Jessica Sabatini, Director

Quebec English School Boards Association

Joseph Ortona, President

Marion Sandilands, Lawyer, Partner of Conway LLP

Canadian Institute for Research on Linguistic Minorities

Éric Forgues, Executive Director

Quebec English-Speaking Communities Research Network

Lorraine O'Donnell, Senior Research Manager
and Affiliate Professor at Concordia University

Monday, April 27, 2026

The Honourable Marc Miller, P.C., M.P., Minister of Canadian Identity and Culture and Minister responsible for Official Languages

Canadian Heritage

Francis Bilodeau, Deputy Minister

Julie Boyer, Assistant Deputy Minister, Official Languages, Heritage and Regions

Office of the Commissioner of Official Languages

Kelly Burke, Commissioner of Official Languages

Pierre Leduc, Assistant Commissioner, Strategic Orientation and External Relations

Patrick Wolfe, Assistant Commissioner, Compliance and Enforcement

Pascale Giguère, General Counsel

Community Health and Social Services Network

Jennifer Johnson, Executive Director

English Language Arts Network

Miranda Castravelli, Executive Director

Appendix B – Briefs and other documents

The complete list of briefs and other documents received can be found on the committee [website](#).

- Association canadienne-française de l'Alberta ([brief](#))
- Association des collèges et universités de la francophonie canadienne ([brief](#))
- Canadian Heritage ([follow-up of April 27, 2026 meeting](#))
- Canadian Institute for Research on Linguistic Minorities ([brief](#))
- Canadian Parents for French ([brief](#))
- Community Economic Development and Employability Corporation ([brief](#))
- Fédération des communautés francophones et acadienne du Canada ([brief](#))
- Fédération culturelle canadienne-française ([brief](#))
- François Larocque ([brief](#))
- India-Canada Organization ([brief](#))
- Office of the Commissioner of Official Languages ([brief](#))
- Office of the Commissioner of Official Languages ([follow-up of April 27, 2026 meeting](#))
- Quebec English School Boards Association ([brief](#))
- Quebec English-Speaking Communities Research Network ([brief](#))
- Réseau pour le développement de l'alphabétisme et des compétences ([brief](#))
- Regional Development Network ([brief](#))
- TALQ ([brief](#))
- Treasury Board of Canada Secretariat ([follow-up of October 27, 2025 meeting](#))
- Treasury Board of Canada Secretariat ([follow-up of February 23, 2026 meeting](#))

Correspondence was also exchanged for this study.

- Association canadienne des professionnels de l'immersion, Letter supporting CPF's recommendations addressed to OLLO, March 16, 2026.
- Canadian Association of Second Language Teachers, Letter supporting CPF's recommendations addressed to the OLLO, April 21, 2026.
- Canadian Parents for French (Nova Scotia), Letter supporting CPF's recommendations addressed to OLLO, March 17, 2026.
- Canadian Parents for French (Ontario), Letter supporting CPF's recommendations addressed to OLLO, March 17, 2026.
- Canadian Parents for French (Saskatchewan), Letter supporting CPF's recommendations addressed to OLLO, March 17, 2026.
- Quebec English-Language Production Council, Letter supporting TALQ's recommendations addressed to OLLO, May 5, 2026.
- The French of the Future, Letter supporting CPF's recommendations addressed to OLLO, March 23, 2026.
- Letter from the President of the Treasury Board, the Honourable Shafqat Ali, to the Chair of OLLO, the Honourable Allister Surette, February 16, 2026.
- Letter from the Chair of OLLO, the Honourable Allister Surette, to the President of the Treasury Board, the Honourable Shafqat Ali, February 27, 2026.
- Letter from the Chair of OLLO, the Honourable Allister Surette, to the Minister of Canadian Identity and Culture and Minister responsible for Official Languages, the Honourable Marc Miller, February 27, 2026.

