

The Standing Senate Committee on Official Languages

**RELOCATION OF HEAD OFFICES OF FEDERAL INSTITUTIONS:
RESPECT FOR LANGUAGE RIGHTS**

Chair

The Honourable Maria Chaput

Acting Deputy Chair

The Honourable Wilbert Joseph Keon

May 2007

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(Committee Business — Senate — 1st Session, 39th Parliament)

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MEMBERSHIP

THE STANDING SENATE COMMITTEE ON OFFICIAL LANGUAGES 1st Session, 39th Parliament

The Honourable Maria Chaput, *Chair*
The Honourable Wilbert Joseph Keon, *Acting Deputy Chair*

The Honourable Senators:

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Marilyn Trenholme Counsell

Ex officio members of the Committee:

The Honourable Senators : Marjory LeBreton, P.C. (or Gerald J. Comeau), Céline Hervieux-Payette, P.C. (or Claudette Tardif)

Other Senators who have participated from time to time to this study:

The honourable Senators: Eymard G. Corbin, Fernand Robichaud, P.C., Percy E. Downe, Jim Munson, Pierre Claude Nolin and Madeleine Plamondon (retired)

Committee Clerks:

Gaëtane Lemay and Josée Thérien

Analyst from the Parliamentary Information and Research Service of the Library of Parliament:

Marie-Ève Hudon

ORDER OF REFERENCE

Extract from the *Journals of the Senate*, of Thursday, 27 April 2006:

The Honourable Senator Chaput moved, seconded by the Honourable Senator Ringuette:

That the Standing Senate Committee on Official Languages be authorized to study and to report from time to time on the application of the *Official Languages Act* and of the regulations and directives made under it, within those institutions subject to the Act;

That the Committee be authorized to study the reports and papers produced by the Minister of Official Languages, the President of the Treasury Board, the Minister of Canadian Heritage and the Commissioner of Official Languages as well as any other material concerning official languages generally;

That papers and evidence received and taken during the Thirty-eighth Parliament be referred to the Committee; and

That the Committee report from time to time to the Senate but no later than 30 June 2007.

After debate,

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

Paul C. Bélisle

Clerk of the Senate

TERMS OF REFERENCE

STUDY DESCRIPTION

During the 39th Parliament, the Standing Senate Committee on Official Languages will conduct a study on the move of federal agency head offices and the impact on the application of the *Official Languages Act*.

The study will look in particular at the Canadian Tourism Commission, which moved its head office from Ottawa to Vancouver in March 2005, and Veterans Affairs Canada, whose head office was relocated to Charlottetown in the early 1980s.

GOALS AND OBJECTIVES

The study will seek to identify the effects of such a move on:

- communications with and services to the public;
- employees' language of work;
- the vitality of official language communities in a minority setting and the promotion of linguistic duality.

The study will also aim to determine whether the implementation principle for language of work, adopted by the federal government in June 2005, is sufficient to protect employee language rights in the event of future moves of federal agency head offices from a bilingual region to a unilingual region.

The Committee will make recommendations to the government regarding the most effective and efficient means to ensure full protection of the rights set out in the *Official Languages Act* in the event of the move of the head office of a federal agency.

ISSUES RAISED

With the growing decentralization of Government of Canada activities, there could be other moves like that of the Canadian Tourism Commission. The Committee's study is thus a good opportunity to gather comments on the effectiveness of existing policies, directives and monitoring mechanisms to ensure full protection of the language rights set out in the *Official Languages Act*.

In order to develop clear and informed recommendations, the Committee will seek answers to the following questions:

- Which factors influence an employee's choice to move with his employing agency when the agency moves to another region?

- Has the move of this federal institution (e.g., Canadian Tourism Commission, Veterans Affairs Canada) had positive repercussions on the vitality of Francophone communities in the province?
- Was the institution (e.g., Canadian Tourism Commission, Veterans Affairs Canada) able to recruit enough bilingual employees to meet requirements for communications with and services to the public in both official languages?
- Did the employees hired after the move face any problems relating to the official languages?
- What measures (e.g., guidelines, policies, regulations) are most effective in protecting employees' language-of-work rights?
- Should the government consider developing a regulation governing the application of Parts V and VII of the *Official Languages Act*?
- Should the government review the list of regions designated bilingual for language of work?
- What links do you see in the application of Parts IV, V and VII of the *Official Languages Act*?
- What advice would you give the government in respect of future moves of the head offices of federal agencies?

PREFACE

Over the past year, the Standing Senate Committee on Official Languages has conducted a study on the move of federal agency head offices. The purpose of the study was to examine the impact of the decision to relocate on the application of the *Official Languages Act*.

The case of the Canadian Tourism Commission, which moved its head office from Ottawa to Vancouver in 2005, provided a starting point for the study. The Committee also looked into other head office relocations longer ago, including the move of Veterans Affairs Canada and Farm Credit Canada. The Committee held 11 meetings on this issue and heard from about 40 spokespersons during the 39th Parliament.

The study did not consider smaller-scale decentralizations, those involving only one part of the department, for instance. The Committee acknowledges, however, that such administrative reorganizations may have an enormous linguistic impact, especially with regard to the development of official language communities in a minority setting. The findings in the *Forum des maires de la Péninsule acadienne v. Canada (Food Inspection Agency)* decision provide a clear illustration of this impact.

With the strengthening of Part VII of the Act in November 2005, there is no longer any doubt that the government must examine the linguistic consequences of its decisions, especially in terms of promoting linguistic duality and developing official language communities in a minority setting. The Committee's study has also shown how important it is for the government to understand clearly the impact that head office relocations may have on the language-of-work rights of federal employees.

The Committee would like to thank all the spokespersons who agreed to provide evidence before it.

Maria Chaput
Chair

Wilbert Joseph Keon
Acting Deputy Chair

RELOCATION OF HEAD OFFICES OF FEDERAL INSTITUTIONS: RESPECT FOR LANGUAGE RIGHTS

INTRODUCTION

In March 2005, the government announced that the Canadian Tourism Commission's head office would be moving from Ottawa to Vancouver, in order to strengthen the federal government's presence outside Ottawa. At the time, the federal government's decision raised a number of concerns about the impact that the move might have on the application of the *Official Languages Act*. In moving from a bilingual region to a unilingual region, Commission employees saw that their language-of-work rights would be lost.

The Standing Senate Committee on Official Languages looked into the impact of such moves, beginning with the case of the Canadian Tourism Commission, on the application of Part IV (Communications with and services to the public), Part V (Language of work) and Part VII (Development of official language communities in a minority setting and promotion of linguistic duality). Its study was then broadened to include other earlier relocations, including Veterans Affairs Canada to Charlottetown in the early 1980s, and Farm Credit Canada to Regina in the early 1990s.

The first part of the report briefly portrays the three agencies covered by the study. It then sets out the evidence heard and the observations made by the Committee on three aspects of the Act: communications with and services to the public, language of work, and development of official language communities in a minority setting and promotion of linguistic duality. The final part of the report highlights the need to consider the *Official Languages Act* as a whole.

I. PORTRAITS OF THE FEDERAL INSTITUTIONS STUDIED

A. *Canadian Tourism Commission*

The Canadian Tourism Commission (CTC) headquarters moved from Ottawa to Vancouver, British Columbia, in 2005. The government provided the following reasons: "An expected increase in Asia-Pacific tourism and the 2010 Olympic and Paralympic Winter Games in Whistler and Vancouver provide excellent opportunities for the Commission to build momentum to benefit all of Canada."⁽¹⁾

Nine months passed between the official relocation announcement and the completion of the CTC's move. Only 19 of the 84 full-time employees working in Ottawa decided to move to Vancouver; nine of these were Francophone. The Commission was obliged to hire the rest of its head office

(1) Industry Canada, "Prime Minister Martin and Industry Minister Emerson Announce Relocation of Canadian Tourism Commission Head Office to Vancouver," News release, Whistler, 31 March 2005.

staff (about 80%) when it arrived in Vancouver. Most of the vacant positions (70%) were filled by the end of April 2006.⁽²⁾

There are 161 full-time employees at the CTC: 95 in Vancouver, 2 in Ottawa and 64 in nine offices abroad. A little under half of the Vancouver positions (41 of 95) are designated bilingual. In November 2006, 29 employees in bilingual positions met bilingual requirements; 4 employees were taking French-language training; six positions were vacant; 2 cases were under review.⁽³⁾

It should be noted that the performance rating given to the Commission by the Office of the Commissioner of Official Languages was “poor” in 2004-2005 (before the move) and 2005-2006 (during the move), especially as regards the management of official languages within the organization as well as Parts V and VII of the Act.⁽⁴⁾ The Commission appears to have made improvements in all these areas over the past year, according to evidence provided to the Committee by CTC representatives.

According to the 2001 census, French is the mother tongue of 1.5% of the population of British Columbia, and 7% of the total population is bilingual.⁽⁵⁾

B. Veterans Affairs Canada

In 1976, the government announced that the headquarters of Veterans Affairs Canada would be relocated to Charlottetown, Prince Edward Island. The decision was in keeping with the decentralization policy brought forward by the government of the day. As early as 1976, the department had instituted a task force to plan and coordinate all stages of the move, which began officially in 1979 and was completed in 1984. It involved not only the Department's central operations, but also those of certain associated agencies (Bureau of Pensions Advocates, Canadian Pension Commission, Pension Review Board, and War Veterans Allowance Board). Still today, this is the only department whose head office is located outside the National Capital Region.

A total of 900 positions were transferred to Charlottetown.⁽⁶⁾ Less than 5% of the staff working in Ottawa actually made the move to Charlottetown, and few of these retained their former positions.⁽⁷⁾

At the time the move was made, the right of public servants to work in the official language of their choice was based on the 1973 Parliamentary Resolution on Official Languages in the Public Service of Canada. A broad interpretation of the Resolution's implementation meant that public servants who had been relocated from a bilingual region to a unilingual region were able to retain the right to

(2) Canadian Tourism Commission, *2005-2006 Results-Based Achievement Report for the Implementation of Section 41 of the Official Languages Act*, 9 June 2006.

(3) Chantal Péan, Canadian Tourism Commission, *Proceedings of the Standing Senate Committee on Official Languages*, 39th Parliament, 1st session, Issue No. 8, Wednesday, 15 November 2006, p. 43.

(4) Office of the Commissioner of Official Languages, *Annual Report 2005-2006*, Ottawa, 2006.

(5) Louise Marmen and Jean-Pierre Corbeil, *New Canadian Perspectives. Languages in Canada: 2001 Census*, Ottawa, Canadian Heritage and Statistics Canada, 2004.

(6) Veterans Affairs Canada, *Annual Report 1984-1985*, Ottawa, p. 6.

(7) Keith Hillier, Veterans Affairs Canada, *Proceedings of the Standing Senate Committee on Official Languages*, 39th Parliament, 1st session, Issue No. 13, Monday, 26 March 2007, p. 41.

work in the official language of their choice. The 1988 amending of the Act to include new language-of-work provisions (Part V) guaranteed rights only to public servants working in regions designated bilingual. As a result, the employees of Veterans Affairs Canada lost their language-of-work rights.⁽⁸⁾ As discussed below, departmental representatives who appeared before the Committee stated that senior management decided to promote an environment that was conducive to the use of both official languages, despite the changes to the Act in 1988.

According to the data compiled for the Official Languages Information System, the department currently employs 3,766 people, 1,166 of whom work at the headquarters in Charlottetown. Of the positions in all provinces, 44.7% are designated bilingual (more than 60% of these are located in Quebec). At the department headquarters, 32.9% of the positions are designated bilingual. Currently, 99% of the headquarters employees holding bilingual positions meet the linguistic requirements of their position; the same is true of 100% of the managers in EX positions.⁽⁹⁾

According to the 2001 census, French is the mother tongue of 4.4% of the population of Prince Edward Island, and 12% of the total population is bilingual.⁽¹⁰⁾

C. Farm Credit Canada

In September 1991, the government announced that the headquarters of Farm Credit Canada⁽¹¹⁾ would move from Ottawa to Regina, Saskatchewan. The decision was made in order to bring the organization closer to its customer base, since agriculture is a mainstay of Saskatchewan's economy. Moreover, according to a member of the government of the day:

The relocation of FCC's [Farm Credit Corporation] head office from Ottawa to Regina will strengthen the presence of the Government of Canada in Saskatchewan and demonstrate the government's commitment to decentralizing its agencies and services throughout Canada. Relocating FCC's headquarters will greatly benefit the city of Regina and the province, adding up to 200 new positions in Regina.⁽¹²⁾

The move was spread over one year. Only 61 of the organization's 187 employees settled in Regina.⁽¹³⁾ More than 60% of the 80 Francophone employees decided to remain in Ottawa. Lack of access to services in French was given as one of the reasons for the decision.⁽¹⁴⁾

(8) This information is taken from a letter written by the former Deputy Minister of Veterans Affairs, Jack Stagg, dated 31 October 2005.

(9) Keith Hillier (2007), p. 41.

(10) Louise Marmen and Jean-Pierre Corbeil (2004).

(11) The organization was then known as Farm Credit Corporation. It should be noted that the 1977 federal government decentralization policy provided for the relocation of Farm Credit Corporation's headquarters from Ottawa to Camrose, Alberta. In 1979, the Conservative government abandoned the idea of decentralizing this organization for cost-saving reasons.

(12) Lee Richardson, Parliamentary Secretary to Minister of Transport, *House of Commons Debates*, 34th Parliament, 3rd session, 8 October 1991, p. 3494.

(13) Farm Credit Corporation, *Annual Report 1992-1993*, Regina, p. 3.

Farm Credit Canada currently employs 1,368 people, 541 of whom work at the headquarters in Regina. Approximately 20% of headquarters employees hold positions that are designated bilingual, 68% of whom meet the linguistic requirements of their position.⁽¹⁵⁾

According to the 2001 census, French is the mother tongue of 1.9% of the population of Saskatchewan, and 5.1% of the total population is bilingual.⁽¹⁶⁾

II. COMMUNICATIONS WITH AND SERVICES TO THE PUBLIC

A. Obligations

Under Part IV of the *Official Languages Act*, members of the public are entitled to communicate with federal institutions, and to receive services from them, in the official language of their choice. Not all federal offices are required to provide services in both official languages. The *Official Languages (Communications with and Services to the Public) Regulations* set out the criteria for determining which offices and service points must offer bilingual services, including:

- the head or central office of federal institutions;
- offices located in the National Capital Region;
- offices of Parliamentary Officers (e.g., the Office of the Auditor General of Canada);
- offices located where there is a significant demand, according to demographic and other specific predetermined rules based on numeric criteria;
- offices of a nature justifying bilingual services (e.g., public health and safety);
- offices providing services to the travelling public;
- third parties providing services to the public on behalf of federal institutions.

The former Commissioner of Official Languages, Dyane Adam, told the Committee that the head offices of federal institutions that move from a bilingual to a unilingual region are still required to serve the public in both official languages.⁽¹⁷⁾ The three institutions under consideration (Canadian Tourism Commission, Veterans Affairs Canada and Farm Credit Canada) therefore have obligations in terms of service to the public that must be met.

(14) David Pugliese, "Farm Credit Corporation: 99 employees refuse Regina transfer," *The Ottawa Citizen*, 12 March 1992, p. D11.

(15) Farm Credit Canada, *Written presentation – Response to Committee questions*, presented by Greg Honey to the Standing Committee on Official Languages of the Senate of Canada, 23 April 2007.

(16) Louise Marmen and Jean-Pierre Corbeil (2004).

(17) Dyane Adam, Commissioner of Official Languages, *Proceedings of the Standing Senate Committee on Official Languages*, 39th Parliament, 1st session, Issue No. 3, Monday, 12 June 2006, p. 30.

B. Bilingual Recruitment

The relocation of federal government offices entails major expenditures, not only for relocation allowances, staff transfers, infrastructure, but also for recruitment. The testimony of a CTC representative shows that staff recruitment resulted in additional costs even before the organization moved to Vancouver.

For recruitment, interviews, bringing in people and so on cost a lot of money. Even hiring temporary people. When we announced the move, people started to leave; it was a big wave. So we could not hire immediately. What we did is we hired temporary people so that we could fill the positions. We had to pay those people, to train them, because there was a learning period in all that, and then, in the meantime, we had to start hiring people permanently to move with us to Vancouver.⁽¹⁸⁾

One of the main challenges facing an institution moving out of the Ottawa area is to recruit enough bilingual staff to be able to meet its obligations in terms of service to the public. According to the President of the Professional Institute of the Public Service of Canada:

When an agency required by the Official Languages Act to provide services in both official languages has difficulty hiring sufficient employees, the public will not be well-served. In addition, existing employees could have to deal with more stress, particularly bilingual ones who may well find themselves overworked due to staff shortages.⁽¹⁹⁾

In the case of the Canadian Tourism Commission, only a small number (20%) of employees chose to follow their employer to Vancouver. Delays in recruiting staff who were able to work in both official languages may have put pressure on bilingual employees. Some bilingual employees had to wear a number of different hats during the transition period in order to provide service to the public in the two languages.⁽²⁰⁾ According to a CTC representative: “Recruitment for those [bilingual] positions required a great deal of effort and significant expense for the Commission. [...] The difficulty of course is in finding bilingual people who both meet our needs and have the necessary skills.”⁽²¹⁾

One of the difficulties is recruiting bilingual staff in the host region. Owing to the lack of bilingual resources, the institution moving to the regions often has to look outside the province to recruit staff able to work in both official languages. One of the theories the Committee heard was that the

(18) Chantal Péan (2006), p. 55.

(19) Michèle Demers, Professional Institute of the Public Service of Canada, *Proceedings of the Standing Senate Committee on Official Languages*, 39th Parliament, 1st session, Issue No. 9, Monday, 20 November 2006, p. 18.

(20) Roger Laplante, *Proceedings of the Standing Senate Committee on Official Languages*, 39th Parliament, 1st session, Issue No. 7, Tuesday, 14 November 2006, pp. 62-63.

(21) Chantal Péan (2006), p. 43.

recruitment challenges would probably have been easier to resolve had the Commission moved to a bilingual region. According to a CTC representative:

The only advantage we could have had in moving to a bilingual environment would have been in hiring. It is much easier to hire bilingual people when you are located in an area of bilingual people. In our case, three to six bilingual positions have remained to be filled for nearly 11 months. We are having a lot of trouble finding qualified bilingual people. We have managed to fill a number of positions, but the last parts of the hiring process are becoming increasingly difficult. We have to turn to other bilingual regions to try to attract people to Vancouver. If we were in a bilingual environment, that would probably – I say probably – be easier.⁽²²⁾

The recruitment of bilingual staff was also a major challenge for Veterans Affairs Canada. In order to fill its bilingual positions, the Department launched an outreach program in cooperation with the Public Service Commission, in order to encourage people from Francophone and Acadian communities to apply for jobs with the federal public service. Today, the Department has employees from the Acadian areas of Prince Edward Island, New Brunswick and Nova Scotia.⁽²³⁾

For its part, Farm Credit Canada believes that the recruitment of bilingual employees is an ongoing issue for the organization since “the number of qualified workers who are bilingual in Regina and in Saskatchewan is not sufficient to meet [the] needs”.⁽²⁴⁾ The organization has no choice but to recruit personnel from across Canada to fill bilingual positions. That implies supplementary costs for the organization.

Generally speaking, only a few employees (5 to 30% in the case of the departments under consideration here) decide to continue working for an organization that is relocating to another part of the country. As mentioned above, moving head offices out of the National Capital Region involves additional costs for the recruitment of staff, particularly bilingual staff. According to the Committee, encouraging federal institutions to move to bilingual regions only is not a viable solution to solve the problem. Smaller regions, which could benefit from the presence of federal government, would therefore be penalized. The Committee is of the view that the government must rather ensure that the costs entailed in recruiting bilingual personnel are taken into consideration when making the decision to move the headquarters of a federal department or agency outside the National Capital Region.

(22) Chantal Péan (2006), p. 50.

(23) Keith Hillier (2007), p. 51-52.

(24) Farm Credit Canada (2007).

Recommendation 1

That the government ensure that the costs entailed in recruiting bilingual personnel are covered in the funds granted to a federal institution when its head offices are being relocated outside the National Capital Region.

C. Regulations

In her last annual report, Dyane Adam recommended that the government modernize the *Official Languages (Communications with and Services to the Public) Regulations* by simplifying them and making the provision of services in both official languages more coherent. She told the Committee:

Considering the amendments made to the Act over the past year and our country's socio-demographic changes over the past decade, it is clear that the current regulations are no longer relevant to the realities of Canadian society. The levelling-off witnessed with respect to the delivery of services to the public in the official language of their choice is only one example of the need to modernize the regulations.⁽²⁵⁾

The Commissioner and other witnesses are of the opinion that the use of numerical criteria to define the right to communicate with and receive services from the federal government is ill-adapted to contemporary reality and takes little account of the particular characteristics of the official language communities in a minority setting. In this context, one legal expert told the Committee: “The courts do not like regulatory frameworks which are too specific and contain too many numbers. The Supreme Court in particular does not like to base a constitutional right on a number or a figure.”⁽²⁶⁾

The Committee has expressed its support for modernizing the *Official Languages Regulations* twice in the past year.⁽²⁷⁾ In a first response tabled on 24 April 2007, the government said it was open to considering the recommendations made by the Committee, but it did not make a clear commitment in that regard. The Committee is waiting for another reply from the government on this matter.

III. LANGUAGE OF WORK

A. Obligations

Part V of the *Official Languages Act* sets out the right of public service employees to work in the official language of their choice. Treasury Board's *Policy on Language of Work* sets out how Part V is to be applied in practice. The Policy spells out the right of employees to work in the official

(25) Dyane Adam (2006), p. 26.

(26) André Braën, *Proceedings of the Standing Senate Committee on Official Languages*, 39th Parliament, 1st session, Issue No. 9, Monday, 27 November 2006, p. 58.

(27) See: Standing Senate Committee on Official Languages, *Understanding the reality and meeting the challenges of living in French in Nova Scotia*, Second Report, October 2006. See also: Standing Senate Committee on Official Languages, *Interim Report on the proposed Regulations introduced in response to the Federal Court decision in Doucet v. Canada*, Fourth Report, February 2007.

language of their choice in regions designated bilingual, i.e., the National Capital Region, some parts of northern and eastern Ontario, the Montreal region, parts of the Eastern Townships, the Gaspé region and western Quebec, and New Brunswick. Public servants in these regions must have the following available to them:

- supervision of employees in bilingual positions in the language of the employee;
- regularly and widely used work instruments available in both official languages;
- regularly and widely used computer equipment available in both official languages;
- central (e.g., finance, administration) and personnel (e.g., health, compensation) services provided in both official languages;
- senior management capable of functioning in both languages;
- use of both official languages encouraged in meetings;
- training and development in the language of the employee's choice.

In unilingual regions, the language of work is generally the one that predominates in the given province or territory. The *Policy on Language of Work* has no provision protecting employees' language-of-work rights in the event that a head office situated in a bilingual region moves to a unilingual region. The government may make regulations governing the manner in which Part V is to be carried out, but nothing has been done in this regard since the passage of the Act in 1988.

B. Decision Factors

An employee's decision to follow his or her employer when the department or agency is moving to a new area is based on a variety of factors. Language may be an issue when Francophone employees are trying to decide whether to move to a unilingual English environment, for example, if there is a perception that the French-speaking community there lacks vitality or if the receiving province has limited access to services in French.⁽²⁸⁾ This appears to have been the case for some of the employees affected by the relocation of Farm Credit Canada to Regina.⁽²⁹⁾ For most employees, language is not the only decisive factor.

The main factors influencing an employee's decision are his or her family situation and economic considerations. Employees have questions about the cost of living, job opportunities for their spouse in the new area, promotion opportunities, the distance from their friends and family, and so on. A CTC employee was of the view that the same number of employees would likely be lost, regardless of the linguistic designation (bilingual or unilingual) of the receiving area.⁽³⁰⁾

(28) Pierre Senay, *Chambre de commerce franco-colombienne, Proceedings of the Standing Senate Committee on Official Languages*, 39th Parliament, 1st session, Issue No. 7, Tuesday, 14 November 2006, p. 39.

(29) David Pugliese, "Farm Credit Corporation: 99 employees refuse Regina transfer," *The Ottawa Citizen*, 12 March 1992, p. D11. See also: Mike Blanchfield, "You're moving to Regina; 200 employees at Farm Credit Corporation face transfer," *The Ottawa Citizen*, 20 September 1991, p. B1.

(30) Roger Laplante (2006), p. 66.

According to another CTC employee: “Living in a predominantly Anglophone environment when you are Francophone is something that young families are more concerned about.”⁽³¹⁾

C. Language Training

It appears that federal public servants in British Columbia have difficulty accessing language training in French. According to a CTC representative: “[V]ery few courses or lectures are given in French in Western Canada. So plans must be made for travel to the East.”⁽³²⁾ According to its representatives, the CTC has invested a great deal of effort and money in providing its Francophone employees with language training in their own language. Through a subcontract, the *Alliance française* in Vancouver gives courses to the Commission’s Francophone employees.

It should be noted that the witnesses heard by the Committee on the relocation of Veterans Affairs Canada did not raise any particular concerns with regard to the language training provided in their province. For their part, representatives from Farm Credit Canada stated that:

Head offices in the National Capital Region have two advantages in terms of language training: the existence of a large pool of bilingual persons, and easy access to language training schools. This is not the case in regions deemed unilingual under the Act.⁽³³⁾

Some witnesses are of the opinion that the federal government does not provide enough resources for language training for federal public servants.⁽³⁴⁾ In fact, federal institutions have to use their operational budgets to fund employees’ language training. Having no easy access to language training schools, institutions in the regions can be disadvantaged in this regard. The choice to fund employees’ language training is sometime made against other corporate priorities.

The government does not have relevant or comprehensive data on the language training provided by federal departments and agencies. It was difficult for the Committee to determine with any degree of precision the resources available for language training in British Columbia and elsewhere in Canada. The Committee believes that the cost of moving head offices to other areas must include the resources needed to ensure that federal employees have access to adequate language training. All public service employees, whatever the region, must have equal access to language training.

According to the *Association des juristes d’expression française de la Colombie-Britannique*, the difficulty in accessing training in French is not limited to the public service. “[T]here is no bridging between Grade 12 and working in French in British Columbia. We think the federal government should be

(31) Joanne Richard, *Proceedings of the Standing Senate Committee on Official Languages*, 39th Parliament, 1st session, Issue No. 7, Tuesday, 14 November 2006, p. 64.

(32) Chantal Péan (2006), p. 43.

(33) Farm Credit Canada (2007).

(34) Michèle Demers (2006), p. 28.

building bridges, either through training for students in Grade 12 or through the provision of grants to encourage bilingual and Francophone students to remain in the province.”⁽³⁵⁾

In an ideal world, the federal government services located outside the National Capital Region should be able to recruit bilingual staff locally, without having to look to other areas of Canada. This entails providing adequate French instruction to children, from early childhood to the postsecondary level, and to provide federal public servants with assistance help in maintaining their language skills.

D. Regulations

The government announced on 27 June 2005 a language-of-work implementation principle, giving interim protection to employees’ language-of-work rights when a head office moves from a bilingual region to a unilingual region. According to this principle:

[T]he status quo pertaining to language-of-work rights of employees choosing to move will be maintained by the institution in order to enable Ministers to carry out appropriate consultations and consider the necessary adjustments. Once these consultations are completed and a general policy decision is made relating to language of work, this implementation principle will be cancelled or replaced.⁽³⁶⁾

A representative of the Public Service Human Resources Management Agency of Canada told the Committee that, to date, this temporary measure had proved to be adequate to protect the rights of CTC employees.⁽³⁷⁾ An assessment of the measure is currently under way at the agency in order to determine whether it should be withdrawn or replaced by a more permanent mechanism.

Graham Fraser, the new Commissioner of Official Languages, is of the view that the temporary measure established by the government in June 2005 is rather limited in its scope, as it only protects the language rights of employees who decide to relocate.⁽³⁸⁾ The experience of the Canadian Tourism Commission shows that measures of this type can have negative repercussions. Initially, relocating the agency to Vancouver deprived all employees of the right to work in the language of their choice. The government took action after the fact to remedy the situation. The solution proposed was that only employees moving to Vancouver would see their language-of-work rights maintained. This is difficult to manage on a day-to-day basis, however – how can an institution protect the language-of-work rights of some of its employees, but not the others?

(35) Benoît André, *Association des juristes d’expression française de la Colombie-Britannique, Proceedings of the Standing Senate Committee on Official Languages*, 39th Parliament, 1st session, Issue No. 8, Wednesday, 15 November 2006, p. 57.

(36) See: http://www.hrma-agrh.gc.ca/ollo/reimplementation-reapplication/impl-app-annexA_e.asp.

(37) Monique Boudrias, Public Service Human Resources Management Agency of Canada, *Proceedings of the Standing Senate Committee on Official Languages*, 39th Parliament, 1st session, Issue No. 4, Monday, 19 June 2006, p. 22.

(38) Graham Fraser, Commissioner of Official Languages, *Proceedings of the Standing Senate Committee on Official Languages*, 39th Parliament, 1st session, Issue No. 6, Monday, 6 November 2006, p. 41.

The Canadian Tourism Commission finally took a proactive approach and decided to grant language-of-work rights to all of its employees. The Committee would like to commend the CTC on its leadership. However, under the existing measures, there is nothing to guarantee that employees will be granted the same rights again in any future move or that the organization's future managers will demonstrate the same level of leadership. The Committee is concerned about the fact that it all depends on the goodwill of the departments and agencies and on the incumbent managers.

According to the legislation, the employees of Veterans Affairs Canada and Farm Credit Canada have no language-of-work rights because the two institutions are located in unilingual regions. However, both institutions appear to have demonstrated leadership in promoting a work environment that is conducive to the use of both official languages. "Veterans Affairs recognizes that it is unique among federal departments in being headquartered outside the National Capital Region. Accordingly, there has been a determined effort by management to maintain an environment conducive to speaking French."⁽³⁹⁾ A former Farm Credit Canada employee stated that, "although it is not required to provide service in both official languages at its head office, [the organization] has decided that it would give its employees a work and social context that would favour the use of French."⁽⁴⁰⁾ Human resources services, computer equipment, linguistic training and communications are provided to the employees in both official languages. Yet, Farm Credit Canada recognizes that it "has experienced occasional lapses in its use of both official languages in internal communications"⁽⁴¹⁾ since its relocation to Regina.

In our experience, when French ceases to be a language of work at head offices outside of the National Capital Region, English eventually becomes the dominant language. [...] Some employees perceive that the organization functions in English and offers services in French rather than embodying a truly bilingual corporate culture.⁽⁴²⁾

The fact remains that the decision to create a bilingual work environment is made solely by the federal institution. We can easily assume that not all of them have the same degree of goodwill. Given this, a number of witnesses suggested that the government should draft language-of-work regulations in order to determine the manner in which the obligations set out in Part V are to be implemented, especially when head offices are being moved to unilingual regions. According to Dyane Adam:

Under broader regulations and those that currently exist on communication with the public, and in particular on language of work, situations like the one you just referred to in your example could be accounted for. For example obligations could be set out which would apply to the relocation of any headquarters to a non-designated bilingual area. In this way, there would be no need to act on a case-by-case basis. One of the advantages of such a regulatory framework would be that it would

(39) Keith Hillier (2007), p. 43.

(40) Marie-France Kenny, *Proceedings of the Standing Senate Committee on Official Languages*, 39th Parliament, 1st session, Issue No. 13, Monday, 26 March 2007, p. 66.

(41) Farm Credit Canada (2007).

(42) Farm Credit Canada (2007).

provide guidelines, lay out various scenarios, and safeguard that previously acquired rights. This would prevent the kind of regression which occurred in the 1990s, for example, when one government took over from another.⁽⁴³⁾

Dyane Adam believes that all federal employees working in a head office located outside of Ottawa must be allowed to use the official language of their choice in the workplace. She suggested that “All headquarters in all regions of Canada [...] be bound not only to serve the public in both official languages but also to support Part VII of the Act and respect employees’ choice of language of work. This would further strengthen our official language communities in the regions.”⁽⁴⁴⁾ A representative from the *Chambre de commerce franco-colombienne* also felt that all head offices across Canada should be subject to the same obligations in terms of the *Official Languages Act*, whether or not they are located in Ottawa. This would involve maintaining a certain number of bilingual positions, encouraging official languages leadership and guaranteeing the availability of work tools in the employee’s preferred language.⁽⁴⁵⁾

According to the President of the Professional Institute of the Public Service of Canada, the adoption of language-of-work regulations will be more effective if the government promises to provide public servants with adequate language training.⁽⁴⁶⁾ Representatives from Farm Credit Canada are of the same opinion. They believe that the federal government should defray supplemental costs generated by such a regulation in order to support linguistic training of managers and recruitment of bilingual people. Moreover, “the Government of Canada should adopt a national strategy to support official languages in agency head offices in regions deemed unilingual under the Act.”⁽⁴⁷⁾ If not so, federal institutions subject to those regulations would likely adopt a minimalist approach in meeting their obligations.⁽⁴⁸⁾

With regard to the Canadian Tourism Commission, the government announced the elimination of unused funds for the Commission’s relocation, a budget cut in the order of \$5,675,000. The Committee thinks this is a deplorable state of affairs since those funds could have been used to cover the additional costs incurred for recruitment of bilingual staff or employees’ language training.

Graham Fraser thinks it is important “to make provisions for permanent measures to safeguard employees’ language-of-work rights, as well as those of future hires.”⁽⁴⁹⁾ The Commissioner recommends that the government adopt language-of-work regulations that would grant language rights to all employees working in head offices located in unilingual regions. According to a representative of the Canadian Tourism Commission, such a measure would make it possible to guarantee “true fairness among all the employees of the federal institutions concerned in the area of

(43) Dyane Adam (2006), p. 27-28.

(44) Dyane Adam (2006), p. 31.

(45) Pierre Senay (2006), p. 38-39.

(46) Michèle Demers (2006), p. 17.

(47) Farm Credit Canada (2007).

(48) Greg Honey, Farm Credit Canada, *Unrevised Transcript of the Proceedings of the Standing Senate Committee on Official Languages*, 39th Parliament, 1st session, Monday, 23 April 2007.

(49) Graham Fraser (2006), p. 41.

language of work.”⁽⁵⁰⁾ According to a representative from Farm Credit Canada, it would enable the recruitment of bilingual employees across Canada by making it clear that the organization is truly bilingual in its nature and functioning.⁽⁵¹⁾

The Commissioner went even further, suggesting that the government should use its regulatory authority “to recognize the special situation of single vocation institutions, like the RCMP [Royal Canadian Mounted Police] Training Academy in Regina, the Royal Military College in Kingston, and the Canadian Coast Guard College in Nova Scotia, and grant language-of-work rights to the employees of these institutions.”⁽⁵²⁾

Adopting such regulations could save the government from having to intervene every time the head office of a federal institution was relocated from a bilingual region to a unilingual region. However, the President of the Treasury Board told the Committee that the adoption of regulations on language of work was not one of the government’s priorities.⁽⁵³⁾

In light of the evidence it heard, the Committee feels that the government must draft language-of-work regulations that set out the conditions under which federal public servants have the right to work in the language of their choice. Those regulations would allow the move of federal institutions’ head offices to the regions, whatever their linguistic designation, without compromising the language-of-work rights to which the employees were previously eligible. Such regulations would establish rights for federal employees in all head offices across the country to work in the official language of their choice. They would specify the terms under which the institution is committed to providing a bilingual work environment. Therefore, the government would not have to restrict the move of head offices to bilingual regions only in order to ensure the full compliance of the rights entrenched in Part V of the Act. The result of such regulations would be to increase the bilingual capacity of the public service across the country. However, they would have to be accompanied by the necessary resources to ensure that federal public servants in the regions have equal access to adequate language training.

Recommendation 2

That the government draft language-of-work regulations that:

- a) establish rights for federal employees in all head offices across the country to work in the official language of their choice;**
- b) specify the terms by which the head office of a federal institution is committed to providing a bilingual work environment;**

(50) Chantal Péan (2006), p. 45.

(51) Greg Honey (2007).

(52) Graham Fraser (2006), p. 41.

(53) The Honourable John Baird, President of the Treasury Board, *Proceedings of the Standing Senate Committee on Official Languages*, 39th Parliament, 1st session, Issue No. 4, Monday, 19 June 2006, p. 22.

- c) include provision for the resources necessary to ensure that federal public servants in the regions have equal access to adequate language training.

E. Corporate Memory

In addition to the impact on employees' language-of-work rights, moving an entire head office out of the National Capital Region may have unexpected consequences, including a substantial loss of corporate memory. "The commission not only had to manage the loss of a significant number of employees, but also to offset a considerable loss of its organizational memory and human resource investments."⁽⁵⁴⁾ As only 20% of its employees moved with the CTC to Vancouver, the Commission has "operated on reduced strength for much of 2005 and 2006. In addition, there was a period of adjustment, learning and integrating all those new employees who come from various places in Canada and different industrial sectors."⁽⁵⁵⁾

The Auditor General of Canada came to the following conclusion with regard to Veterans Affairs: "We found that, in addition to tangible problems, there is a pervasive view that the move and related events have created a situation of extreme organizational instability to the point that they have reduced the ability of staff, individually and collectively, to adapt to further adjustments."⁽⁵⁶⁾ More than 20 years later, the situation seems to be very different. According to one departmental executive, small regions like Charlottetown are able to find and retain talented employees for a period of time that is often longer than is possible in larger regions.⁽⁵⁷⁾

The Committee believes that it would perhaps be worthwhile for the government to consider relocating parts of head offices to another area. This option had in fact been proposed by CTC representatives, but the government decided otherwise. "At the very start, when the government (*sic*) started talking about the move, it suggested creating a satellite office in Vancouver. That was one of the proposals that we made and that was not accepted. [...] That decision is for the government to make, and the government would know best whether a satellite office could better serve its interests."⁽⁵⁸⁾

The government has gone ahead with these types of partial relocations in the past. For example, in 1993, Revenue Canada opened a tax centre in Summerside, Prince Edward Island, to process all GST returns and all rebate forms from non-Quebec registrants. In 1976, Public Works and Government Services Canada moved its Superannuation Division to Shediac, New Brunswick, which helped to stimulate the region's economy. There are a number of other examples across Canada.

(54) Chantal Péan (2006), p. 45.

(55) Chantal Péan (2006), p. 41.

(56) Auditor General of Canada, "The Veterans Affairs Portfolio," *Report of the Auditor General of Canada to the House of Commons*, Ottawa, 1986, par. 13.7.

(57) Keith Hillier (2007), p. 47.

(58) Chantal Péan (2006), p. 49.

However, in this study, the Committee did not examine partial moves. It is important that the government, in implementing Recommendation 2, give careful consideration to the consequences of all whole and partial corporate moves on the implementation of Part V of the Act. As is the case for head offices, moving one or more sections of the department could have a negative impact on the application of the *Official Languages Act*, especially on employees' language-of-work rights. According to the evidence heard, it would appear that the government has never conducted an impact study in this regard. The Committee thinks that such an approach would have been desirable, especially in the case of the three institutions under consideration. Before relocating federal institutions to the regions, the government must conduct a study to evaluate the impact (merits and defects) of such a move on the application of the *Official Languages Act*.

Recommendation 3

That the government, before relocating federal institutions to the regions, conduct a study to evaluate the impact of such a move on the application of the *Official Languages Act*.

IV. DEVELOPMENT OF OFFICIAL LANGUAGE COMMUNITIES IN A MINORITY SETTING AND PROMOTION OF LINGUISTIC DUALITY

A. Obligations

Part VII of the *Official Languages Act* stipulates that “the Government of Canada is committed to enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and fostering the full recognition and use of both English and French in Canadian society” (s. 41). Part VII was amended in November 2005 to compel federal institutions to take positive measures to implement the commitment expressed in section 41, which has the effect of strengthening the commitment and making it a reality. In addition, the amendments to the Act enable the government to make regulations prescribing the manner in which federal institutions' responsibilities are to be carried out, and to make the obligations subject to a court remedy if they are not respected. It is important to note that the amendments made to the Act apply to all federal institutions.

B. Community Development and Promotion of Linguistic Duality

Moving federal institutions to the regions has a number of advantages from various points of view: an increased federal presence across the country, regional economic development and the development of official language communities in a minority setting. The relocation of Veterans Affairs Canada to Charlottetown was a success on all these counts.

In general, Francophone community organizations have a very positive attitude toward the relocation of head offices to the regions. The arrival of a federal department or agency in their area is likely to have a positive impact on its economic activity and to attract a large number of employees working in French.⁽⁵⁹⁾ In a letter prepared by the *Division scolaire francophone n° 310* regarding Farm

(59) Donald Cyr, *Société de développement économique de la Colombie-Britannique, Proceedings of the Standing Senate Committee on Official Languages*, 39th Parliament, 1st session, Issue No. 7, Tuesday, 14 November 2006, p. 24. See also: Pierre Senay (2006), p. 38.

Credit Canada's move to Regina, it is mentioned that: "The growing number of Francophones and bilingual individuals entering the labour force in a city like Regina raises the profile of the province's Francophone community and has helped instilled in educators the importance of learning French and of encouraging people to identify as Francophones."⁽⁶⁰⁾ Moving federal agency head offices outside of the National Capital Region therefore have positive spinoffs for community development:

[translation] For the French-language minority community receiving these new Francophone residents and their families, this is an opportunity to grow, to bring diversity to and to reinvigorate the community. While federal public service spokespersons are usually timid and reluctant to have decentralizations or relocations to the regions, we believe it is important for the Government of Canada to continue providing service to official language minority communities by forging links with them and by acknowledging its obligations under the Official Languages Act.⁽⁶¹⁾

Families that decide to move with their employer must be able to count on support both from the governments and from the local communities. For instance, a Francophone employee who moves to an English-speaking area must receive information about French schools in the receiving community for the children's education.

When Veterans Affairs Canada was moving to Charlottetown, the federal government took steps to ensure that the children of employees would have access to French-language schools. Pursuant to the government's relocation program:

The government has announced that any relocation of a unit of the Federal Public Service involving a significant group of an official language minority (relative to its destination) will not be made until, through permanent arrangement with the receiving province or other means, it can be ensured that the children of federal employees can be educated in the official language they are accustomed to use.⁽⁶²⁾

Back in 1977, the Premier of Prince Edward Island (PEI) had promised the Francophone public servants who would be moving to the province that they would be able to send their children to school in French. The *École François-Buote* was established in Charlottetown in consultation with the province's Francophone community. The founding of this school represented, to a certain extent, a prerequisite to the relocation of the department. In its first year, the school had three students. In the early 1980s, some twenty Francophone students were enrolled in the school; more than 50% of them were the children of departmental employees. The school now has 230 students from grade 1 to grade 12. According to the PEI community representatives:

[translation] It would not be wrong to say that the arrival of the Department of Veterans Affairs forced the provincial government of the day to open the French

(60) *Division scolaire francophone n° 310*, Letter sent to Greg Honey, Senior Vice-President, Human Resources, Farm Credit Canada, 26 March 2007.

(61) *Société Saint-Thomas-d'Aquin, Brief to the Standing Senate Committee on Official Languages*, 26 March 2007.

(62) Federal Government Task Force on Decentralization, "Backgrounder," *Federal Government Relocation Program*, Ottawa, 1977, p. 4.

school in Charlottetown. [...] The Department's relocation [...] spearheaded the development of the entire network of school-community centres. The arrival of this major federal presence extended far beyond Charlottetown's city limits and had a snowball effect on claims for more French-language services in many of PEI's Acadian areas [...] We must not overlook the leverage that the presence of the Veterans Affairs Canada head office gave Francophones here in their relations with the provincial government. Because the province wanted to attract and retain these important jobs, it began singing a different tune with the French-language community on Prince Edward Island and gradually became an ally in some of the issues.⁽⁶³⁾

The arrival of Farm Credit Canada in Regina seems to have played a major role in the development of French education in the Saskatchewan French-language minority: “Since 1992, Regina’s Monseigneur de Laval school has opened its doors to many Francophone families seeking to have their children educated in French. Then as now, one or the other parent may be an employee of Farm Credit Canada.”⁽⁶⁴⁾

The provincial government’s cooperation, then, appears to be fundamental to the success of these large-scale moves, especially from the point of view of respect for Canada’s linguistic duality. According to a representative from the Saskatchewan French-language minority community, the arrival of the federal agency forced the provincial government to improve its delivery of services in French:

Since Farm Credit Canada came to Saskatchewan, the French language has really developed in the area. Indirectly, the growth of French culture in Saskatchewan is partly due to the presence of Farm Credit Canada and its bilingual personnel in the province. Over the years, this growth has given rise to a greater commitment by the province to offer services in French. [...] [W]e should not think that the mere fact of moving is enough to make an impact. In addition to the move, Farm Credit Canada’s commitment, substantial contribution and leadership in our community had a positive impact.⁽⁶⁵⁾

In light of this evidence, the Committee believes that the provincial government’s cooperation in providing services in the minority language must be a precondition for any future moves of federal departments or agencies to a province. This means, for instance, that Francophone employees must have access to a quality French-language school infrastructure.

(63) *Société Saint-Thomas-d’Aquin* (2007).

(64) *Division scolaire francophone n° 310* (2007).

(65) François Dornez, *Assemblée communautaire fransaskoise, Proceedings of the Standing Senate Committee on Official Languages*, 39th Parliament, 1st session, Issue No. 13, Monday, 26 March 2007, p. 63.

Recommendation 4

That the government ensure that the provincial government is prepared to provide services, primarily a school infrastructure, in the minority official language, before going ahead with the relocation of a federal department or agency to a province.

Furthermore, it is important that any department or agency moving out of the National Capital Region have a direct and ongoing relationship with the official language community in a minority setting. These ties must be established before the move, so that the employees who decide to move are aware of the resources available in the receiving community in their own language. According to Dyane Adam, “[I]n order to enhance community development, whether it be linguistic or otherwise, communities need to be fully involved, if not at the centre of such development.”⁽⁶⁶⁾ According to a representative from Farm Credit Canada: “It is also important to help [federal institutions] understand how to develop partnerships with schools at all levels, language institutions and the French community.”⁽⁶⁷⁾

A representative from the Prince Edward Island minority community said the community’s relationship with Veterans Affairs Canada was very good: “[T]he contribution of Veterans Affairs department and its employees to the linguistic vitality of Charlottetown and of the Island’s Francophone community is of the utmost importance.”⁽⁶⁸⁾ A representative from Saskatchewan’s minority community expressed the same view:

The arrival of a large federal body like Farm Credit Canada in our area had a very positive impact beyond any doubt. [...] [T]he government corporation [...] promptly rallied with the Francophone community of Saskatchewan to facilitate the process of moving and reinserting its Francophone and bilingual personnel along with their families in the new environment. Even before moving to Regina, delegates came to Regina to meet the community and to set up partnerships for facilitating moving, registration in schools, and creating a reception service in the community to give support to the personnel.⁽⁶⁹⁾

Representatives from the British Columbia (BC) minority community told the Committee that they had taken part in an information session set up by the Canadian Tourism Commission in April 2005 to inform CTC employees about the characteristics of and the services available from the BC Francophone community.⁽⁷⁰⁾ An official meeting should be organized in the near future for CTC employees to tell them about the day-to-day realities of Francophones in the province. At this

(66) Dyane Adam (2006), p. 31.

(67) Greg Honey (2007).

(68) Edmond Richard, *Société Saint-Thomas-d’Aquin, Proceedings of the Standing Senate Committee on Official Languages*, 39th Parliament, 1st session, Issue No. 13, Monday, 26 March 2007, p. 55-56.

(69) François Dornez (2007).

(70) Michelle Rakotonaivo, *Fédération des francophones de la Colombie-Britannique, Proceedings of the Standing Senate Committee on Official Languages*, 39th Parliament, 1st session, Issue No. 7, Tuesday, 14 November 2006, p. 11.

point, employees' involvement in the community is primarily a result of personal initiatives. Regarding Veterans Affairs Canada and Farm Credit Canada, witnesses said that a number of employees were active leaders in the Francophone communities in Prince Edward Island and in Saskatchewan.

The latter two institutions seem to be quite well integrated in the official language communities in a minority setting in their respective provinces. Veterans Affairs Canada makes financial contributions to the establishment of projects set up by Francophone organizations in PEI.⁽⁷¹⁾ The same is true of Farm Credit Canada.⁽⁷²⁾ It seems that this organization showed exemplary leadership in promoting Canada's linguistic duality during the Canada Games in 2005.⁽⁷³⁾ Moreover, it recognizes that consultation with official language communities in a minority setting must be an integral of its official languages strategy.⁽⁷⁴⁾ Since the move of the Canadian Tourism Commission happened recently, it is more difficult to determine the level of engagement of this institution in the BC Francophone community. The Commission works with certain Francophone agencies and says it is willing to consult with these communities in order to meet its obligations under Part VII of the Act. "The fact that the Canadian Tourism Commission is now in Vancouver means that it is located in a minority Francophone environment, which means that its efforts with regard to section 41 not only concern its pan-Canadian projects, but can also benefit from its proximity to western Canada."⁽⁷⁵⁾

Representatives from the British Columbia minority community expressed their opinion that a representative from the Canadian Tourism Commission should take part in the meetings of the national coordinators responsible for implementing sections 41 and 42 of the Act. "This sort of involvement would send a convincing message"⁽⁷⁶⁾ in support of the development of official language communities in a minority setting. The Committee shares this view. The meetings are held about four times a year and they bring together representatives from the 32 designated institutions (one of which is the CTC). The Canadian Tourism Commission must commit to taking part in the meetings.

Recommendation 5

That from now on the Canadian Tourism Commission take part in the meetings of the national coordinators responsible for the implementation of sections 41 and 42 of the *Official Languages Act*.

The Commissioner of Official Languages, Graham Fraser, believes that the Canadian Tourism Commission must promote the development the French-language tourism market in British Columbia, a development sector that is very important to the Francophone community

(71) *Société Saint-Thomas-d'Acquin* (2007).

(72) Farm Credit Canada (2007).

(73) Marie-France Kenny (2007), p. 61.

(74) Greg Honey (2007).

(75) Chantal Péan (2006), p. 44.

(76) Michelle Rakotonaivo (2006), p. 12.

organizations in the province.⁽⁷⁷⁾ According to the representatives from the British Columbia minority community: “Tourism is a booming industry in BC and there are many Francophone associations focusing on it. [...] The Francophonie needs the support of the Canadian Tourism Commission.”⁽⁷⁸⁾

At the moment, Francophone tourism is not one of the CTC’s target markets.⁽⁷⁹⁾ The Commission targets its markets by region and by country,⁽⁸⁰⁾ but does not consider French-language tourism to be a separate market. The Committee urges the Commission to view the Francophone tourism market as a real opportunity. The CTC’s support would have a twofold advantage: it would support the efforts being made by the Francophone communities in British Columbia and elsewhere in the country, and it would promote linguistic duality across the country by encouraging Francophones to visit other parts of Canada and ensuring that they are welcomed in both official languages.

Recommendation 6

That the Canadian Tourism Commission examine the potential in the Francophone tourism market for the development of French-language minority communities and for the promotion of Canada’s linguistic duality.

C. Regulations

According to Dyane Adam: “The government must adopt a regulatory framework that sets out the precise methods by which federal institutions must fulfil their obligations in the areas of community development and promotion of linguistic duality.”⁽⁸¹⁾ The Minister for Official Languages told the Committee she was open to this option, although she did not make a specific commitment on the government’s behalf: “You probably know far better than I do that it is a process that could be very lengthy. For example, I am told that for regulations, it could take up to two years before everything is in place. All opportunities, all options are on the table. We want to make sure that we have a highly effective act.”⁽⁸²⁾ Graham Fraser mentioned that, at present, all those involved had differing view of what might be positive measures in the implementation of Part VII. The Commissioner told the Committee:

At this stage, the important point is for government departments to be fully aware of their responsibilities and to be thinking about positive measures. Royal Assent to amendments does not suddenly transform the way government departments function. My instinct is that as we are working through this initial period of the

(77) Graham Fraser (2006), p. 41.

(78) Michelle Rakotonaivo (2006), p. 11.

(79) Chantal Péan (2006), p. 52.

(80) The Commission targets 10 key markets: Germany, Australia, Canada, China, South Korea, the United States, France, Japan, Mexico and the United Kingdom.

(81) Dyane Adam (2006), pp. 25-26.

(82) The Honourable Josée Verner, Minister for Official Languages, *Proceedings of the Standing Senate Committee on Official Languages*, 39th Parliament, 1st session, Issue No. 6, Monday, 6 November 2006, p. 36.

implementation of the new amendments, let us see how those amendments are applied. Regulations can follow in due course. It takes a while for regulations to be developed anyway, so those regulations can be developed as people are examining how the introduction of the new amendments is taking effect.⁽⁸³⁾

The Committee is of the view that the government should take the opportunity provided by the drafting of language-of-work regulations to consider whether it is appropriate to develop regulations framing the implementation of Part VII, in cooperation of course with the official language communities in a minority setting.

Recommendation 7

That the government consider, in cooperation with the official language communities in a minority setting, whether it is appropriate to develop regulations providing a framework for the implementation of Part VII of the Act.

V. THE ACT CONSIDERED AS A WHOLE

A number of witnesses from whom the Committee heard during its study were of the view that there is a link between Parts IV, V and VII of the Act. A representative from the Department of Canadian Heritage told the Committee that:

Part V, which deals with language of work issues; Part IV, which deals with language of communication and services; and Part VII, which deals with what we are talking about, that is, support of community development and linguistic duality, are a whole. Without going too far, progress in how institutions exercise their Part IV or Part V responsibilities can also translate into progress in their Part VII responsibilities. In other words, if the services you offer and if the language of work in which you function reflect the objectives of the Act, chances are that linguistic duality will be enhanced.⁽⁸⁴⁾

A representative from the Department of Justice was of the same opinion:

In such cases, there is indeed a connection between the development of minority communities, the language of work and the language of service. In such cases, we can refer to Part IV and use the fact that bilingual employees are hired to provide services to the public as a lever, which will have a positive impact on community

(83) Graham Fraser (2006), pp. 48-49.

(84) Hubert Lussier, Canadian Heritage, *Proceedings of the Standing Senate Committee on Official Languages*, 39th Parliament, 1st session, Issue No. 2, Monday, 29 May 2006, p. 15.

development. By moving a federal institution into a minority language community, you are also creating certain positive effects for the public.⁽⁸⁵⁾

Dyane Adam told the Committee: “We must review our approach to the Act so that we no longer see it as a collection of separate parts, on communications with the public, language of work, promoting duality, but rather as a coherent and logical whole, that reflects society’s changing realities. [...] It would therefore be appropriate to create new regulations, based on a coherent and effective implementation of the Act.”⁽⁸⁶⁾ The representatives from the *Fédération des communautés francophones et acadienne du Canada* were of the same view.⁽⁸⁷⁾

Graham Fraser also believed there was a link between the provision of services in both official languages, the number of Francophone employees in a department or agency and the development of official language communities in a minority setting. The Commissioner said: “If a minority community does not show signs of vitality, French-speaking employees will have difficulty agreeing to a transfer. And if they do take one, it will be difficult for them to remain there. I think that there is a fundamental link between a community’s vitality and the right to work there in one’s language in an institution that is transferred to another region.”⁽⁸⁸⁾

The Committee is of the opinion that a coordinated approach considering all aspects of the *Official Languages Act* must be taken when major decisions, such as the relocation of head offices of federal departments and agencies, are made. This report recognizes that such large-scale relocations have repercussions on the application of Parts IV, V and VII.

Recommendation 8

That the government take a coordinated approach considering all aspects of the *Official Languages Act* when relocating head offices to the regions.

Once the link between the three parts had been clearly established, some of the witnesses criticized the lack of coordination within a central agency of the whole range of measures directed at or having an impact on official language communities in a minority setting. In February 2006, the responsibilities of the Official Languages Secretariat were transferred from the Privy Council Office to the Department of Canadian Heritage. According to the *Société Saint-Thomas-d’Aquin*, the transfer weakened the federal government’s ability to analyze and orient government policies ensuring that the structures and programs respected the rights of the communities.⁽⁸⁹⁾ On this point, Dyane Adam commented that: “We know that clear and consistent leadership is essential. I have concerns

(85) Marc Tremblay, Justice Canada, *Proceedings of the Standing Senate Committee on Official Languages*, 39th Parliament, 1st session, Issue No. 3, Monday, 5 June 2006, p. 15.

(86) Dyane Adam (2006), p. 26.

(87) Diane Côté, *Fédération des communautés francophones et acadienne du Canada*, *Proceedings of the Standing Senate Committee on Official Languages*, 39th Parliament, 1st session, Issue No. 4, Monday, 19 June 2006, p. 12.

(88) Graham Fraser (2006), p. 43.

(89) *Société Saint-Thomas-d’Aquin* (2007).

because Canadian Heritage is certainly not the Privy Council.”⁽⁹⁰⁾ The representatives of the *Fédération des communautés francophones et acadienne* were in full agreement: “I must admit that we have some concerns in view of this change. [...] [W]ith regard to the Privy Council, we saw it as an effective way to deal with the various bodies. [...] [A]t the moment, we still have to learn how things work now.”⁽⁹¹⁾ The *Société Saint-Thomas-d’Aquin* said it hoped that: “[translation] the Government of Canada would adopt a better coordinated interdepartmental strategy that is led by a central agency that can supervise the development and implementation of measures that address Parliament’s intent with regard to Parts IV, V and VII specifically.”⁽⁹²⁾ According to the Minister for Official Languages: “This reorganization has had a beneficial effect on the promotion of linguistic duality and on the development of official language communities in a minority setting. The [Official Languages] Secretariat helps me to implement a horizontal approach, and I have major allies.”⁽⁹³⁾

The Committee feels that the Commissioner of Official Languages must take a critical look at the impact that the transfer of the Official Languages Secretariat from the Privy Council Office to the Department of Canadian Heritage has had on managing official languages. The Commissioner should recommend any necessary changes to ensure that there is genuine horizontal coordination of the government’s official languages policies.

Recommendation 9

That the Commissioner of Official Languages:

- a) Assess the impact that the transfer of the Official Languages Secretariat from the Privy Council Office to the Department of Canadian Heritage has had on managing official languages;**
- b) make recommendations to the government to enhance the horizontal coordination of the government’s official languages policies.**

Furthermore, representatives from Farm Credit Canada mentioned to the Committee that federal departments and agencies report to Parliament by means of various annual reports. All federal institutions must submit an annual report to the Public Service Human Resources Management Agency as regards the implementation of Parts IV, V and VI of the Act. Regarding Part VII of the Act, 32 designated federal institutions have to submit an annual report to the Department of Canadian Heritage. Recognizing the fact that there are inherent linkages between the different parts of the Act and drawing attention on the obligations lying on federal institutions under the new provisions of Part VII of the Act, representatives from Farm Credit Canada suggested that all federal institutions be required to report on their official languages activities, including activities having regard to Part VII of the Act. In their opinion, the government could mandate the Public Service Human Resources Management Agency of Canada to collect and analyze those reports.

(90) Dyane Adam (2006), p. 34.

(91) Lise Routhier-Boudreau, *Fédération des communautés francophones et acadienne du Canada, Proceedings of the Standing Senate Committee on Official Languages*, 39th Parliament, 1st session, Issue No. 4, Monday, 19 June 2006, p. 17.

(92) *Société Saint-Thomas-d’Aquin* (2007).

(93) The Honourable Josée Verner (2006), p. 28.

We believe that such an approach would be very practical. It would permit all federal agencies that are not designated by Canadian Heritage to improve the level of awareness of their obligations under Part VII. Furthermore, this would highlight each of the federal agencies' annual activities that support the vitality of official language minority communities within their specific mandate.⁽⁹⁴⁾

The Committee believes that this proposal is worthy of special attention. The government has to collect relevant information in order to evaluate federal institutions' overall performance as regards the implementation of Part VII of the Act. All federal institutions, and not only the 32 institutions designated by the Department of Canadian Heritage, have to meet their obligations with regard to Part VII. The government, the parliamentarians and the general public would more clearly understand the progress made in this regard if the institutions were required to submit a report of their performance on an annual basis.

Recommendation 10

That the government require that all federal institutions submit an annual report showing their overall performance with regard to the development of official language communities in a minority setting and the promotion of linguistic duality.

(94) Farm Credit Canada (2007).

CONCLUSION

Against the backdrop of the increasing decentralization of activities by the Canadian government, it is likely there will be other relocations over the next few years. This report is an attempt to show that moving the head offices of federal departments and agencies to the regions does indeed have significant benefits, primarily for the enhancement of the federal government presence across the country, for regional economic development and for the development of official language communities in a minority setting.

The Committee would like to tell the government not to underestimate the consequences such relocations may have on the implementation of the *Official Languages Act*, specifically Parts IV, V and VII. The government must earmark the resources necessary to recruit personnel, particularly bilingual staff. It must draft language-of-work regulations, as such regulations will save the government from having to intervene every time a head office of a federal institution moves from a bilingual region to a unilingual region. Similarly, it must consider, in cooperation of course with the communities involved, whether it is appropriate to draft regulations providing a framework for the application of Part VII of the Act.

The Committee makes two recommendations to the Canadian Tourism Commission that will enable it to enhance its performance in implementing Part VII of the Act. The Committee recommends that the Commissioner of Official Languages assess the impact of certain recent government reorganizations in order to ensure that official languages are managed and coordinated as effectively as possible. It urges the government to change its approach so that all federal institutions be required to report on the implementation of Part VII of the Act.

Every day the government is called upon to make decisions that have real consequences for the application of the *Official Languages Act*. The relocation of federal head offices to the regions is just one example. The Committee is of the opinion that the government must take a coordinated approach considering all aspects of the Act when relocating head offices to the regions. The recent amendments made to Part VII of the Act are meant to remind federal departments and agencies of the importance of examining the linguistic repercussions of their decisions. Many witnesses pointed out that the *Official Languages Act* must be considered as a whole. The government must, therefore, ensure that this is reflected in its policies.

**APPENDIX A:
LIST OF RECOMMENDATIONS**

Recommendation 1

That the government ensure that the costs entailed in recruiting bilingual personnel are covered in the funds granted to a federal institution when its head offices are being relocated outside the National Capital Region.

Recommendation 2

That the government draft language-of-work regulations that:

- a) establish rights for federal employees in all head offices across the country to work in the official language of their choice;
- b) specify the terms by which the head office of a federal institution is committed to providing a bilingual work environment;
- c) include provision for the resources necessary to ensure that federal public servants in the regions have equal access to adequate language training.

Recommendation 3

That the government, before relocating federal institutions to the regions, conduct a study to evaluate the impact of such a move on the application of the *Official Languages Act*.

Recommendation 4

That the government ensure that the provincial government is prepared to provide services, primarily a school infrastructure, in the minority official language, before going ahead with the relocation of a federal department or agency to a province.

Recommendation 5

That from now on the Canadian Tourism Commission take part in the meetings of the national coordinators responsible for the implementation of sections 41 and 42 of the *Official Languages Act*.

Recommendation 6

That the Canadian Tourism Commission examine the potential in the Francophone tourism market for the development of French-language minority communities and for the promotion of Canada's linguistic duality.

Recommendation 7

That the government consider, in cooperation with the official language communities in a minority setting, whether it is appropriate to develop regulations providing a framework for the implementation of Part VII of the Act.

Recommendation 8

That the government take a coordinated approach considering all aspects of the *Official Languages Act* when relocating head offices to the regions.

Recommendation 9

That the Commissioner of Official Languages:

- a) Assess the impact that the transfer of the Official Languages Secretariat from the Privy Council Office to the Department of Canadian Heritage has had on managing official languages;
- b) make recommendations to the government to enhance the horizontal coordination of the government's official languages policies.

Recommendation 10

That the government require that all federal institutions submit an annual report showing their overall performance with regard to the development of official language communities in a minority setting and the promotion of linguistic duality.

**APPENDIX B:
LIST OF WITNESSES**

Agency and Spokesperson	Date
André Braën, Full professor, Faculty of Law, Ottawa University	27.11.2006
<i>Assemblée communautaire fransaskoise</i> François Dornez, Community Deputy Marie-France Kenny, Former President	26.03.2007
<i>Association des juristes d'expression française de la Colombie-Britannique</i> Pierre Gagnon, President Benoît André, Executive Director	15.11.2006
Canadian Heritage David Emerson, Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics	11.12.2006
Hubert Lussier, Director General, Official Languages Support Programs Sheila MacDonald, Associate Director, Interdepartmental Coordination, Official Languages	29.05.2006
Josée Verner, Minister of International Cooperation and Minister for la Francophonie and Official Languages Judith A. Laroque, Deputy Minister Hubert Lussier, Director General, Official Languages Support Programs Jérôme Moisan, Senior Director, Official Languages Secretariat	06.11.2006
Canadian Tourism Commission Chantal Péan, Senior Vice-President, Corporate Affairs & Corporate Secretary William Harding, Senior Communications Advisor	15.11.2006
Joanne Richard, Manager, Board Affairs Roger Laplante, Manager, Market Research Frank Verschuren, Product Specialist	14.11.2006

Agency and Spokesperson	Date
<p>Commissioner of Official Languages, Office of the</p> <p>Dyane Adam, Commissioner of Official Languages Renald Dussault, Assistant Commissioner, Compliance Assurance Branch Pascale Giguère, Legal Advisor</p>	12.06.2006
<p>Graham Fraser, Commissioner of Official Languages Gérard Finn, Assistant Commissioner, Policy and Communications Branch Renald Dussault, Assistant Commissioner, Compliance Assurance Branch Johane Tremblay, Director, Legal Affairs Branch</p>	06.11.2006
<p>Farm Credit Canada</p> <p>Greg Honey, Senior Vice-President, Human Resources Michel Thibaudeau, Director, Corporate Audit Krista Kilback, Business Partner, Human Resources</p>	23.04.2007
<p><i>Fédération des communautés francophones et acadienne du Canada</i></p> <p>Lise Routhier-Boudreau, Vice-President Diane Côté, Director, Community and Government Relations</p>	19.06.2006
<p><i>Fédération des francophones de la Colombie-Britannique</i></p> <p>Michelle Rakotonaivo, President Yseult Friolet, Executive Director</p>	14.11.2006
<p>Justice Canada, Department of</p> <p>Vic Toews, Minister of Justice and Attorney General of Canada Andrée Duchesne, Senior Counsel and Manager, Francophonie, Justice in Official Languages and Legal Dualism Marc Tremblay, General Counsel and Director, Official Languages Law Group</p>	05.06.2006
<p>Professional Institute of the Public Service of Canada</p> <p>Michèle Demers, President Jon Peirce, Employment Relations Officer, National Capital Region</p>	20.11.2006
<p><i>Société de développement économique de la Colombie-Britannique</i></p> <p>Donald Cyr, Executive Director</p>	14.11.2006
<p><i>Société Saint-Thomas-d'Aquin</i></p> <p>Edmond Richard, President Lizanne Thorne, Director</p>	26.03.2007

Agency and Spokesperson	Date
Treasury Board / Public Service Human Resources Management Agency of Canada John Baird, President of the Treasury Board	19.06.2006 04.12.2006
Monique Boudrias, Executive Vice-President, Public Service Human Resources Management Agency of Canada Diana Monnet, Vice-President, Official Languages, Public Service Human Resources Management Agency of Canada	19.06.2006
Veterans Affairs Canada Keith Hillier, Assistant Deputy Minister, Corporate Services Branch, Charlottetown John Gowdy, Director, Executive Services Directorate	26.03.2007