

MODERNIZING THE OFFICIAL LANGUAGES ACT

*The Views of Federal
Institutions and
Recommendations*

After studying this topic for two years, the committee is presenting its final report, with 20 practical recommendations for the federal government to update the *Official Languages Act*.

Segments of the Canadian population consulted:

- 1 young people;
- 2 official language minority communities;¹
- 3 stakeholders who have witnessed the evolution of the act;
- 4 the justice sector;
- 5 federal institutions.

WITNESSES: MORE THAN **300**
BRIEFS AND FOLLOW-UPS: **72**

THE PURPOSE OF THE *OFFICIAL LANGUAGES ACT*

- Ensure equality of status of the official languages of Canada as to their use in all federal institutions.
- Support the development of English and French linguistic minority communities and generally advance the equality of status and use of the English and French languages.
- Set out the powers and duties of federal institutions in this regard.

The committee is calling for a broad, liberal and purposive interpretation of the act, and it is proposing that commitments to linguistic duality, bilingualism and the development of official language minority communities be set out in the act.

ENGLISH

FRENCH



1. That is: francophone minority communities outside Quebec and English-speaking communities in Quebec ("the communities").

KEY RECOMMENDATIONS

The committee's recommendations fall under four themes.

LEADERSHIP AND COOPERATION

CURRENT GAP

Responsibilities for key players are **divided, non-binding** and **poorly defined**.

THE COMMITTEE RECOMMENDS:

- designating the **Treasury Board** as the **central agency** responsible for the implementation and coordination of the act.

CURRENT GAP

Cooperation mechanisms are in place with other government partners, but there is **no mandatory accountability or requirement to consult with the communities**.

THE COMMITTEE RECOMMENDS:

- recognizing in the act that federal–provincial/territorial **agreements contribute to enhancing the vitality and supporting the development** of the communities, and ensuring that the agreements are **transparent** and include **language clauses**.
- applying an “**official languages lens**” to each policy, program, initiative or service implemented by federal institutions.



CURRENT GAP

The **needs of the communities** are not systematically taken into account in the federal programs and policies likely to **affect their development**.

THE COMMITTEE RECOMMENDS:

- **requiring** that communities **be consulted** in certain circumstances.
- **creating an advisory board** whose mandate is to advise the federal government on measures to enhance the vitality of the communities and to support their development.

COMPLIANCE



CURRENT GAP

Oversight and compliance mechanisms are **not sufficient or effective enough** to ensure the act is fully implemented by all federal institutions.

THE COMMITTEE RECOMMENDS:

- creating a new **Official Languages Tribunal**.
- **strengthening the powers of the Office of the Commissioner of Official Languages**.

ENFORCEMENT PRINCIPLES

CURRENT GAP

Some **principles** of the act are **not clear enough or stringent enough** to ensure that it is implemented effectively and consistently by all federal institutions.

THE COMMITTEE RECOMMENDS:

- **clarifying the relationship** between the offer of communications with and services to the public in both official languages and the vitality of the communities.
- **proactively implementing language rights** in the federal public service, including by codifying the role of the Translation Bureau in the act.
- making regulations to **guarantee the implementation of parts IV, V, VI, VII** and active offer.
- ensuring the **extension** of certain **constitutional rights** in the act.



JUDICIAL BILINGUALISM



CURRENT GAP

The act does not ensure all Canadians have **access to the justice system** in the official language of their choice.

THE COMMITTEE RECOMMENDS:

- taking steps to **ensure equal access to justice** in English and French.
- requiring that **Supreme Court of Canada judges be bilingual** on appointment.

OFFICIAL LANGUAGES BY THE NUMBERS

The bilingualism rate is slowly increasing

National Average²

2001	2006	2011	2016
17.7%	17.4%	17.5%	17.9%

Anglophones outside Québec²

2001	2006	2011	2016
6.9%	6.6%	7.0%	6.8%

Note: Changes were made to census tools in 2011, which could affect the comparability of the data.

In the *Action Plan for Official Languages 2018–2023*, the federal government commits to:

- increasing the national bilingualism rate to **20%** by 2036; and
- increasing the bilingualism rate of English speakers outside Quebec to **9%** by 2036.

Francophone minority communities outside Quebec are increasing in number, but decreasing in proportion²

2001	2006	2011	2016
980,265	997,125	1,007,585	1,024,200
4.4%	4.2%	4.0%	3.8%

English-speaking minority communities in Quebec are increasing in number and in proportion²

2001	2006	2011	2016
918,960	994,725	1,058,250	1,103,480
12.9%	13.4%	13.5%	13.7%

In the *Action Plan for Official Languages 2018–2023*, the federal government commits to:

- stabilizing the proportion of francophones in minority communities at **4%** by 2036.

The committee recommends that the act recognize the remedial nature of language rights, protect the survival of the communities, encourage interest in and support for bilingualism in Canadian society, and promote the substantive equality of both official languages.

READ THE REPORT

MODERNIZING THE OFFICIAL LANGUAGES ACT: THE VIEWS OF FEDERAL INSTITUTIONS AND RECOMMENDATIONS

[Info.sencanada.ca/modernizethelanguagesact](https://info.sencanada.ca/modernizethelanguagesact)

