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The Honourable Denis Paradis

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•(1105)

[Translation]

The Chair (Hon. Denis Paradis (Brome—Missisquoi, Lib.)): Good morning everyone, and welcome to today's meeting.

Pursuant to Standing Order 108(3), we are continuing our study of the translation bureau.

We are pleased to have you joining us, this morning, Dominique Bohbot, distinguished member of the Association of Linguistic Services Managers.

Welcome, Ms. Bohbot.

I would also like to welcome the representatives of the International Association of Conference Interpreters, Nicole Gagnon, Canada's lead for advocacy, and Jim Thompson, communication counsel.

Welcome to the committee, Ms. Gagnon and Mr. Thompson.

This is how the meeting will work: each group will have about 10 minutes to give their presentation, and after that, we will go around the table to give members an opportunity to ask questions and make comments.

We'll begin with you, Ms. Bohbot, if you don't mind.

Ms. Dominique Bohbot (Distinguished Member, Association of Linguistic Services Managers): Thank you, Mr. Chair. It would be my pleasure.

Mr. Chair, ladies and gentlemen of the Standing Committee on Official Languages, good morning.

I would like to tell the committee how grateful I am for the opportunity to be here today.

[English]

Last fall about 10 pan-Canadian language associations from coast to coast, as well as several public figures, placed their trust in the Association of Linguistic Services Managers and its working group, the committee for the promotion of Canadian language services, which I'm chairing with humility, pride, and conviction. We have taken on the mission of promoting the distinctive value of professional translation of key economic and political actors in the country.

[Translation]

I'd like to begin with a retrospective.

We came out in support of the Standing Committee on Official Languages' report. We sent two letters to the minister and expressed our deep disappointment at the letter she sent to the committee in response to its report.

We also met with a number of officials and stakeholders in Ottawa, including two members of the committee, two senior advisers to the Prime Minister, and representatives of the Canadian Association of Professional Employees.

[English]

As an industry and a very intellectual and cultural activity, professional translation is the definitive vector for the language rights of Canadians. It plays a crucial role in the Canadian society, its economy, its trade exchange, and its social fabric.

Some 82.5% of Canadians claim to be unilingual. How can these millions of Canadians interact with their fellow citizens across the country without the help of professional translators?

Translators, and certified translators, are the best equipped to respond to the language needs of Canadians and their international clients and prospects, and to guarantee their rights.

As a citizen, if I search for a judgment or a posting for a bilingual job in the language of my choice and it does not appear on my search results because there is no translated version, do I still have the same rights as another citizen?

[Translation]

The translation bureau is the largest supplier and client of translation services in Canada and therefore wields considerable responsibility and structuring potential given its purchasing power.

The decentralization of the federal demand fragmented the industry. With numerous micro-entrepreneurs and small- and medium-sized translation agencies, in addition to multinational foreign agencies, the decentralization of federal demand has led to chaos. The government's procurement system is founded on the lowest bidder and is causing a downward spiral in rates, exacerbated by foreign competition. Given that so many Canadian service providers operate mainly on the contracts they obtain from the public sector, it is easy to see why the procurement system is such a crucial issue.

Translation is a vector of economic growth that supports national companies and exporters, fully contributing to the country's economy.

[English]

On the situation of the Translation Bureau, since 1995 the demand for translation has tripled but the budget allocation has remained identical; hence, the postponement and cancellation of some translations, [*Inaudible—Editor*] official language obligations still fulfilled by our governments. Transforming the Translation Bureau into a special operating agency has led to decentralization of the contracting authorities to all federal departments and agencies, resulting in a fragmentation of the industry that jeopardizes its very existence.

[Translation]

The redesign of the TB's procurement process opened up our markets to the invasion of foreign multinationals and led to the proliferation of agencies and freelancers, some not being competent.

Conformity to an independent certification, such as the Canadian standard, should be the basis for procurement policy and practices among purchasers of translation services. Qualification requirements must be strengthened. Service providers should have professional accreditation and translation education; they should have to meet quality and risk management criteria, particularly for tier 3 contracts.

• (1110)

For all standing offers, the burden of risk is entirely on the providers, because the TB guarantees only 3% of the volume indicated in the contract. The status quo is very detrimental to the Canadian language industry.

[English]

With regard to new translators coming into the market, no action has been taken. The Translation Bureau, which took 3,000 students during 10 years for training internships, is now largely absent. The 19 translation interns who were received in 2016, as Ms. Foote indicated, represent a paltry figure compared to the number of students enrolled in the Canadian schools of translation. Each year universities award degrees to hundreds of new translators, who can rely only on the private sector to take in students from co-operative programs.

As the head of professional training at the Department of Linguistics and Translation at the University of Montreal, I work every day with future translation jobseekers. I wish that in the next few days a message of hope will reach them.

[Translation]

That brings me to our recommendations.

First is recognition. We are not selling words. The Prime Minister needs to officially recognize the importance of Canada's language industry on cultural, identity, economic, and strategic issues.

[English]

The next is repositioning the Translation Bureau. All contracts for the entire public service must be centralized, and their execution reserved primarily for Canadians.

Working conditions and granting conditions of contracts must be reviewed. Weighting must be eliminated, because memories are not properly maintained, and quality must be reinforced as a major

criterion. Random draws to choose between two providers bidding at the same price are nonsense. Would you grant a contract to build a bridge to one of two engineering companies through a draw?

The Translation Bureau's operating model must be revised. Its responsibility must be transferred to an authority other than Public Services and Procurement, because translation is a highly intellectual activity and not a simple product.

[Translation]

With revenue of \$5 billion, Canada captures 10% of the global translation market. Canada must massively reinvest in official languages and the language industry and provide financial support.

With respect to the next generation and support programming, I would say that, as a centre of expertise in the country, the TB must establish a permanent structure for taking in interns from Canadian schools of translation.

Mr. Chair, ladies and gentlemen of the Standing Committee on Official Languages, the industry needs your support.

[English]

The industry needs your support. Questions must be asked of Minister Foote. While we celebrate the 150th anniversary of Confederation in 2017, and the 15th anniversary of the Official Languages Act in 2019, we strongly feel that this is a unique opportunity to take action—here and now.

[Translation]

We firmly believe that this is a unique opportunity to take action here and now.

Thank you very much.

[English]

Thank you very much.

[Translation]

The Chair: Thank you kindly, Ms. Bohbot.

We will now move on to the International Association of Conference Interpreters. Ms. Gagnon and Mr. Thompson, you have 10 minutes, after which, we will have questions and comments.

Ms. Nicole Gagnon (Canada's Lead for Advocacy, International Association of Conference Interpreters): Mr. Chair, honourable members, thank you for the opportunity to appear before you this morning.

Please allow me to also thank my interpreter colleagues who are working in the anonymity of the booth and to apologize in advance if I speak too quickly so as not to run out of time.

First, I would like to say a few words about the Canadian region of the International Association of Conference Interpreters, or AIIC.

Founded in 1953, AIIC has close to 3,000 members worldwide, in 89 countries and 24 regions.

We are a professional association that promotes high standards of quality and ethics, improves the practice through training and research, and ensures working conditions that are conducive to quality.

The only Canadian association of its kind, AIIC Canada has 125 members, most of whom are freelancers, but some of whom work full time for institutions including the translation bureau. The vast majority of AIIC Canada freelancers are accredited by the translation bureau to work for conferences and parliamentary interpretation services.

Approximately 70% of translation bureau conference interpretation services are provided by freelancers, and about 30% of the bureau's parliamentary interpretation services are provided by freelancers.

This small community is crucial to ensuring Canadians have equal quality of access to the proceedings of federal institutions in the official language of their choice.

I, myself, am a conference interpreter. I must say I am more comfortable whispering in your ear than speaking from the witness chair.

• (1115)

[*English*]

We are grateful for your invitation. We hope to convey two things to you. We want to place on the record our views about what you learned and recommended after studying the Translation Bureau. We also want to brief you about significant concerns we have about a new system for procuring the services of freelance interpreters that will make the problems you identified at the Translation Bureau infinitely worse, not better.

First, in terms of your report, we believe that implementation of your recommendations for the Translation Bureau is crucial for the federal government's ability to meet its official languages objectives and obligations, which are fundamental to the preservation of Canada's French and English linguistic duality. The Translation Bureau's shift to cost recovery as a special operating agency has launched a race to the bottom, where the lowest cost eclipses the importance of quality translation and interpretation services. Equal access to the proceedings of federal institutions in the language of choice for Canadians is likely suffering as a result, as have the quality and availability of documents in both official languages. The committee's recommendations could begin to address the significant decline.

Your committee has suggested that Canadian Heritage is where all programs and policies related to official languages reside. We believe that the responsibility for the bureau should be held by Canadian Heritage rather than by PSPC and Treasury Board. As recommended, seasoned interpreters, translators, and terminologists, not public services and procurement managers, must manage the language services that are essential to making federal institutions accessible. We are particularly supportive of your recommendations 3, 4, and 8. The bureau has been starved for too long. It must have the necessary financial resources, as your committee so eloquently recommended. Overall, we give your committee high marks.

[*Translation*]

However, we were mystified that the government's response to your report and recommendations was so blasé. Your call for major reform was met with a status quo response.

I know Minister Foote will be appearing before your committee on Thursday, February 9. When she does, we will be listening attentively in the hope that she updates the government's response. We will also be listening to her remarks concerning her department's proposed system for procuring the services of freelance interpreters.

Let me preface my remarks on this topic by saying that AIIC Canada has been engaged in extensive discussions with the government and the minister's office concerning the proposed system. We have raised the alarm that the new system her department has built will undermine the government's ability to meet its official languages obligations. We have told anyone in government who will listen that Canadians' ability to follow the proceedings of federal institutions in the official language of their choice will be undermined by the new system.

By and large, we have had a sympathetic audience within government. They seem to be listening, and they fed back words of support for our concerns. But, the bottom line is that nothing has changed when it comes to the proposed new system, and in fact, parts of it have already been implemented, such as lowest bid.

Meanwhile, after several delays, the request for standing offer will close on March 9, 2017.

I would like to provide you some details about the changes we have asked for and why.

First, the new system is based almost exclusively on a lowest bid principle. All but a handful of interpreter assignments will be handed out to the person who bids the lowest price. Unless the system is changed, your committee and every other standing committee of the House of Commons and Senate will be assigned interpreters that have bid the lowest price to do the work and nothing else. Imagine this cut-rate system for the seat of our democracy in our bilingual country!

The proposed system discriminates against quality. It seeks to establish one all-inclusive rate for each of the streams, regardless of the mode of interpretation. As a result, the more versatile, specialized, and experienced interpreters will lose out to the lowest bidders. This will shrink the already small pool of qualified interpreters.

Because you get what you pay for, we have asked the minister to abandon this approach in favour of assigning work on the basis of who is best-qualified to do the work and to pay them a fair premium that recognizes special skills and additional responsibilities.

If the minister were to adopt a best-fit approach in place of lowest bid, we have asked that she establish a mechanism to monitor the bureau's performance when it comes to making assignments based on best fit.

• (1120)

[English]

The new system proposes to create a dual-stream structure where only a handful of federal conferences and events will be assigned to interpreters with the best skill set for the job. All the rest, about 95%, will receive the services of interpreters assigned, not because they have the right skills, experience, and subject matter knowledge for the job. No. They will be assigned to events categorized as “generic” because they have bid the lowest rate. It's as if the designers of this new system think some conference events are less equal than others when it comes to the government's official languages obligations of equal quality.

Based on the record of changes at the Translation Bureau, we fear this flawed design could well lead to the assignment of non-accredited interpreters to cover the proceedings of most federal institutions whose work would fall into the generic or less important category. Because this would create a double standard of quality, we have asked the minister to abandon the high stakes and generic streams and ensure that all assignments are treated equally when it comes to quality.

[Translation]

You may know that interpreters must pass a rigorous Government of Canada examination to be qualified to work for the Translation Bureau. This accreditation process is envied around the globe. It's the gold standard, which is appropriate given the essential nature of the work. However, this assurance of quality has been undermined over time.

For over 20 years, federal departments and agencies have had the green light to contract interpretation and translation services from providers other than the Translation Bureau, with no obligation to hire accredited professionals. Today, some of those government departments and agencies routinely hire interpreters who are considered unqualified by Translation Bureau standards.

Because this double standard must end, we've asked the minister to impose the requirement of Translation Bureau accreditation across the government to uphold the highest standard of quality, in compliance with its obligations under the Official Languages Act. We've also asked for a commitment in writing from Minister Foote to that effect, as well as the unequivocal assurance that the accreditation exam will neither be outsourced nor watered down.

The RFSO, which closes on March 9, started being developed in 2014. The final version, 66-page document, was published in June last year. It was and continues to be replete with template provisions drawn from other RFSO documents that simply don't apply to the profession. What does “Freight on Board” have to do with interpretation? Nothing, of course. Yet, the RFSO has a “Freight on Board” clause.

Since it was first published, the RFSO has been amended 15 times in a failed attempt to clarify its provisions, and it may be amended yet again. More than 300 questions and answers have been published on the Buy and Sell site. Because of this chaos, we're seeking the indefinite postponement of the RFSO, until PSPC can provide a proper document.

Conversely, should the RFSO closing date of March 9 be maintained, we request that, at the very least, the existing RFSO be withdrawn and re-issued with all appropriate revisions.

Even though this may not be the current government's policy, we believe the ultimate goal of this system is the privatization of the Translation Bureau to cut costs. This option that has just been rejected by the only other officially bilingual government in the country for fear that it would unacceptably undermine the service quality.

In closing, I want to restate that we're anxiously awaiting the minister's appearance on Thursday and we'll be listening carefully to what she has to say.

We're now ready to answer your questions.

Thank you for your attention.

• (1125)

The Chair: Thank you, Ms. Gagnon, for your presentation.

We'll now move on to the questions and comments.

Mr. Généreux, you have the floor.

Mr. Bernard Généreux (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, CPC): Thank you, Mr. Chair.

I want to thank the witnesses for being here this morning.

The situation you're addressing is very complicated.

The implementation date of the new regulations was postponed to March 9. You've just said that it should be postponed indefinitely. If I were the minister, what would you ask me?

Ms. Nicole Gagnon: As we explained in our text, we want the RFSO postponed until things are done correctly. It's a text that applies to the interpreter profession. There are legal experts among you. You know very well that law is based on words. As a result, we couldn't sign a document that doesn't accurately reflect our words.

We want an end to the double standard for certain conferences. Some conferences seem to be considered more important than others. We think that, under the Official Languages Act, all conferences are equal and entitled to the same quality of services.

We're asking for the Translation Bureau's interpretation services to be centralized. Failing this, if the current system must be maintained, at least anything that comes from the Government of Canada should be interpreted by interpreters who are accredited by the government.

As I explained, the Translation Bureau currently provides accredited services, and the departments are free to turn to the private market. They do so, but they don't employ accredited interpreters.

We think there's a double standard. The Government of Canada should have a single standard, the standard of quality, for all its conferences.

Mr. Bernard Généreux: Ms. Gagnon—

[English]

Mr. Jim Thompson (Communication Counsel, International Association of Conference Interpreters): Let me just add to that.

We have made these very points to the minister's office, and I would say they have had quite an open-door policy and have been listening attentively.

If we could take words to the bank, we would be in a good position, but we can't, and that's why we're waiting for the minister to appear before you on Thursday to see what she has to say about all of this and how they're reacting.

[Translation]

Mr. Bernard Généreux: Ms. Bohbot, earlier you said there are differences in the quality of services provided by translators. I imagine that an assessment system exists. You spoke about it earlier. You said there's a double standard because some people are subject to an assessment system, but others aren't. In the private sector, they aren't subject to this type of system, but they're still translators.

Do you these translators need to be part of your associations when they finish their studies? Are they members of your associations whether they work in the private or public sector? Are they required to become members, in the same way that lawyers must become members of the bar, for example?

Ms. Dominique Bohbot: For translators, the title of certified translator is a reserved title but not a reserved certificate. Talks are currently being held with the Ordre des traducteurs, terminologues et interprètes agréés du Québec regarding this issue.

It's not an obligation, but most people still try to obtain accreditation. It's an assurance of quality for our clients.

• (1130)

Mr. Bernard Généreux: There are two sides to a coin.

People who are interpreters decide to provide their services at a lower cost as part of a contracting process. They're members of your congregation, if I can call it that. However, they choose to provide their services at a lower cost as part of a process that's currently delayed but that could be implemented. These people are, if I may say so, on your side of the fence, and they can choose whether or not to provide their services at a lower cost.

Why do some of your members or certain people who provide the same type of services as you want to do this?

You'll probably mention the fact that these people want to earn a living. However, if everyone wants equal services of equal quality, why are some of you willing to provide the services at a lower cost?

Ms. Dominique Bohbot: I don't think it's a voluntary choice. As you said, Mr. Généreux, it's a matter of survival. When you're self-employed in the translation field or in another language profession, when you need to bid in the same way as the others, and when you know the rates that, unfortunately, are currently in place for contracts awarded by the translation market, you have two choices. You either lower your price or you don't eat.

If we decide to maintain our rightful rate, which is fair and equitable given our degrees, professional accreditation and experi-

ence, we open the door to foreign competition. This means that any international firm can open a subsidiary in Canada and have its work done abroad.

In the Internet age, this can happen very easily. Texts can be translated by other translators in the world. We don't know whether these are professional translators. We have no idea. Moreover, the transfer of documents carries a risk. The documents are sent on other servers, but we don't know which ones.

We think the solution is to employ Canadians who are trained for this work, who are accredited, who have degrees and who care about quality, and to pay them a respectable rate.

The Chair: Thank you, Ms. Bohbot.

I'll now turn the floor over to Mr. Arseneault.

Ms. Nicole Gagnon: Can I also respond?

Mr. René Arseneault (Madawaska—Restigouche, Lib.): Go ahead, Ms. Gagnon. It will be part of my allotted time.

Ms. Nicole Gagnon: Thank you.

Regarding interpreters, I want to add that a distinction must be made between the interpreters accredited under the terms of provincial associations and interpreters accredited by the Government of Canada.

At this time, some accredited interpreters aren't accredited by the Government of Canada. Currently, anything that goes through the Translation Bureau is entrusted to interpreters accredited by the Government of Canada. However, the competition issue arises when departments turn to the private sector and employ interpreters who aren't accredited by the Government of Canada. They may be members of provincial associations. I have no idea. Regardless, the difference must be understood.

We're concerned that non-accredited interpreters are being employed more often.

Mr. René Arseneault: Thank you, Ms. Gagnon. That answers my first question exactly.

That said, for the ordinary mortals here, can you say what agency grants the accreditation recognized by the federal government?

Isn't the accreditation also recognized worldwide?

Ms. Nicole Gagnon: Exactly. The Translation Bureau gives its interpreters an accreditation exam. In the past, it also gave its translators an exam. However, when the decentralization took place in 1995, the translation accreditation exam was eliminated. The interpretation exam was maintained, and that's why we're here today. We want to stand up for the federal government's accreditation, which is recognized abroad. It enables my colleagues who are AICC members to work for the United Nations, NATO or other organizations. We're talking about an international standard here.

•(1135)

Mr. René Arseneault: You mentioned earlier that another government decided to keep its translation service and not move toward privatization. I imagine that you're referring to the small province of New Brunswick, which is officially bilingual. I was going to say the province that's a leader in the translation field, but I'll resist.

Did you follow this case? Do you have any comments on all the arguments that must have been made in the province regarding the preservation of the translation service in New Brunswick?

Ms. Nicole Gagnon: Was this question for me?

Mr. René Arseneault: For you or for Ms. Bohbot.

Ms. Nicole Gagnon: Ms. Bohbot, do you want to answer?

Mr. René Arseneault: Last November, the New Brunswick government decided not to privatize its translation service. Did you follow this case?

Ms. Dominique Bohbot: No, Mr. Arseneault. I couldn't answer you.

Mr. René Arseneault: Okay.

Ms. Nicole Gagnon: In that case, I'll answer.

I can't say that I followed the ins and outs of the case, but you're right. New Brunswick is a leader in the field. The New Brunswick translation bureau has recognized that the amount of privatization is excessive. No one is against privatization, as I said at the start of my presentation. Currently, freelance interpreters meet 70% of the Government of Canada's interpretation needs. We do the work, and we do it well because we're accredited.

We're wondering to what extent there's too much privatization. I think that's where New Brunswick stepped in. The province worried that, by entrusting more work to the private sector, it would lose control of the translation file.

Mr. René Arseneault: Ms. Gagnon or Ms. Bohbot, am I correct in saying that the bulk of interpretation and written translation work is from English to French, and not the other way around?

Ms. Dominique Bohbot: Yes.

Mr. René Arseneault: Do you have data on the percentage of translation or interpretation from English, the majority language, to French here on Parliament Hill? Can these statistics be obtained?

Ms. Dominique Bohbot: We could obtain them. I could instead provide more general statistics on translation as a whole, but these statistics would include the private sector, therefore the demand from Canadian companies. I would say the proportion is 70-30 or 80-20. I don't have more specific data for Parliament.

Mr. René Arseneault: My question is for Ms. Gagnon or Mr. Thompson, and it concerns the much talked about accreditation in interpretation.

There are countries such as Canada and Belgium that are bilingual or multilingual. These countries include Switzerland, which has three official languages and a fourth semi-official language. Do you know how things work there? Who is recognized as an interpreter? Do these countries also require that interpreters be accredited?

Ms. Nicole Gagnon: The major international institutions employ interpreters who are accredited AIIC members.

Mr. René Arseneault: Okay.

You're talking about international institutions, such as the UN and other similar organizations. However, I'm thinking about governments, like the Government of Canada.

Ms. Nicole Gagnon: It's not a country, but the European Parliament has this type of system in place.

Mr. René Arseneault: Do you have an idea of how things work in Belgium or Switzerland, for example?

Ms. Nicole Gagnon: No. I couldn't tell you how things work there.

Mr. René Arseneault: Okay.

The Chair: Thank you, Mr. Arseneault.

Ms. Quach, I want to welcome you to the committee.

You have the floor.

Ms. Anne Minh-Thu Quach (Salaberry—Suroît, NDP): Thank you, Mr. Chair.

I find this very interesting.

Unfortunately, in Canada, the current official languages situation is alarming.

My question is for the three witnesses from the two organizations.

You said the new conditions at the Translation Bureau would have a negative impact on the next generation. Can you provide more explanations by giving examples of how they'll have a negative impact on the next generation of translators and interpreters?

Ms. Dominique Bohbot: In my presentation, I talked about the next generation. From 2002 to 2012, the translation bureau offered 3,000 work terms to students from all translation schools in Canada, before it completely shut down the program. In her letter, the minister states that the bureau welcomed a total of 19 students from all translation schools in Canada in 2016. That is a laughable number.

The translation bureau employs experts in translation. It is the largest supplier and the largest client. It is at the centre of it all. Our students who completed a work term with the translation bureau were extremely pleased. I am from the academic world and I can also attest to this myself. The training they provide is excellent.

So what is happening now? The professional training of translators is being left up to the private sector. The private sector, which is already grappling with international competition and plummeting prices, cannot afford to take that on. It cannot invest the time in training a student and passing on knowledge. The private sector is completely exhausted.

That said, we at the universities bend over backwards to find work terms for our students. We are able to place the students, but there are far too few co-op work terms to meet the demand from all Canadian universities.

● (1140)

Ms. Anne Minh-Thu Quach: Thank you.

Please go ahead, Ms. Gagnon.

Ms. Nicole Gagnon: There are about 200 professional interpreters in Canada, 58 of whom work for the translation bureau. The bureau has worked with the University of Ottawa for many years to train its interpreters and it also offers work terms, or did so at one time, on Parliament Hill. The federal government's interpreters, who are AIIIC members, are involved at the University of Ottawa in training those new interpreters. Training the next generation is an essential part of the AIIIC's mission.

The proposed dual stream structure will be problematic for new interpreters. We really wonder how young people will one day be able to interpret at what are called high-stakes conferences, since the proposed system would classify conferences as either high-stakes or generic. It will essentially be impossible for them to do so.

To answer your question, I would point out that these budding interpreters are trained at the University of Ottawa and at Glendon College, the only institutions that currently offer a master's program. They are trained by the translation bureau, in close cooperation with the University of Ottawa, and by their fellow private-sector interpreters who are AIIIC members. The latter provide training in practical settings at the beginning of their career.

Ms. Anne Minh-Thu Quach: These conditions seriously jeopardize the training of the next generation.

How will the translation bureau's privatization process affect the implementation of the Official Languages Act in Canada? How great will that impact be?

Ms. Dominique Bohbot: At the translation bureau, we have seen attrition and a reduction in the number of positions. A few years ago, there were 1,300 employees, I believe. Now there are 800. This trend can only continue if the status quo is maintained. For our part, we firmly believe it is time for action.

It is the translation bureau as a flagship that, together with all translators, will uphold the linguistic rights of Canadians and linguistic duality. An important part of that role is making provisions for the next generation.

As I said earlier, we train students who will earn their degrees and become certified. They can in turn help uphold the linguistic rights of Canadians. The economic and commercial aspects must also be considered. We live in an increasingly globalized world, in a knowledge-based economy, and we need languages, which are the prime conduit of communication.

The Chair: Thank you very much.

Ms. Quach, would you like to ask a very quick question?

Ms. Anne Minh-Thu Quach: I don't know if you would like to say something, Ms. Gagnon. I imagine you would, so I will let you add your comments.

● (1145)

Ms. Nicole Gagnon: Thank you.

The system that is being put forward right now will undermine the government's ability to meet its official languages objectives,

specifically because the translation bureau's 58 interpreters will, I assume, be assigned to the high-stakes conferences, while all the rest—who are accredited now but who we fear will no longer be—will be assigned to the so-called generic conferences. As a result, the dual stream structure will inevitably affect the quality of the service provided.

The Chair: Thank you very much, Ms. Gagnon.

We will now move on to Ms. Linda Lapointe.

Ms. Linda Lapointe (Rivière-des-Mille-Îles, Lib.): Thank you very much, Mr. Chair.

I would like to thank the witnesses for being here with us today. We are very sensitive to your concerns.

Ms. Bohbot, you are from the University of Montreal. You spoke about students and work terms, as did Ms. Gagnon.

What solution would you recommend?

We are talking about the next generation, who require very specific training. You said earlier that quality is the most important thing. What would you like to say about that?

I know that the translation or interpretation requirements for some conferences are higher, but I would like to hear more about that. You talked about interpreters' memory and their knowledge and about students doing work terms. What would you recommend in this regard?

Ms. Dominique Bohbot: Let me clarify something.

During my remarks about translation memory, I was specifically referring to the “translation memory” tool, a tool that matches up languages for the purpose of weighting of supplier contracts.

To answer your question, Ms. Lapointe, we at the universities are completely open to and willing to work with and begin discussions with the translation bureau. We already have experience with the translation bureau and are prepared to do that. We think it would be relatively easy to set that up. We have a lot of experience with the private sector.

Students are happy to go to the translation bureau. Why? Because the translation bureau works for all departments, covering a wide range of subjects and specialized languages. The focus in translation today is specialized languages: legal, economic, medical, pharmaceutical, technical, scientific, and so forth. The translation bureau includes all of them. That makes it a flagship that could offer our students tremendous advantages, which in turn could have an impact on Canadian society and on our economy.

Ms. Linda Lapointe: Thank you.

Would you like to add a few brief remarks, Ms. Gagnon?

Ms. Nicole Gagnon: Yes. I completely agree with Ms. Bohbot and I would add that, until now, the translation bureau and the University of Ottawa have worked together to train new interpreters; that this must continue. The fear right now about the proposed system is that it alienates professional interpreters, considering that the Government of Canada is clearly the largest employer of interpreters, but not the only one. There is also a private sector, and the professional interpreters who are displaced by the lowest bidders will go to the private sector. This has in fact already begun. There is a brain drain. As a result, you will get the services of the lowest bidder when you hold your committee meetings.

Ms. Linda Lapointe: Thank you.

[*English*]

Mr. Jim Thompson: Just one point that I think is important to make here is that the lowest bid has already been implemented, and has been for a year. Even though the RFSO has not closed and will not close until March 9, the lowest bid is already in place.

[*Translation*]

Ms. Linda Lapointe: Ms. Gagnon, you referred earlier to the best fit and assigning contracts on that basis. I understand that it can be difficult to get the best fit. Can you give us an example of when this was problematic and it was not the best fit? You talked about dropping this approach in favour of a system that awards contracts on the basis of best fit. Can you give us an example of when using the lowest bidder was not favourable?

• (1150)

Ms. Nicole Gagnon: Forgive me for saying so, but that is easy. If we send the lowest bidders, who do not have expertise in law, to the Supreme Court, I can guarantee you that the results will be interesting.

Ms. Linda Lapointe: Ms. Bohbot, you mentioned security earlier. Your reference to the transfer of information between servers concerns me. At this committee, we have talked about the issue of servers. When Google Translate is used, the information is sent and does not stay on the user's server. That is very worrisome to me. I am interested to hear more if you would care to elaborate.

Ms. Dominique Bohbot: Yes, we are very concerned about this ourselves. That is why we strongly recommend professional Canadian firms that emphasize quality and that also have proven security standards. That is because they work for major Canadian banks, for instance, which have very high security standards. If the lowest bidder gets the contract, it has to be cost-effective in some way.

What happens once a text is sent? It is not clear, but we know. Professional Canadian firms have standards and specific criteria. Canadian standards and other security and risk-management measures are in place.

As to documents that are sent to other firms that might be well-established, but that also have a large structure in other countries, the text might be translated overnight, taking advantage of the time difference. These firms are able to deliver the work much faster, but who is doing the work? Are they professionals and do those people understand Canadian culture?

Let me give you an example. In the case of a text pertaining to a document about the Canadian tax system, who other than a Canadian could translate it? Would a text about the tax system in another French-speaking country be accurate, even if translated by a professional translator?

We have tax laws and specific local features.

I'm not sure if I answered your question.

Ms. Linda Lapointe: Yes, thank you.

The Chair: Thank you, Ms. Bohbot.

[*English*]

John Nater for four minutes.

Mr. John Nater (Perth—Wellington, CPC): Thank you, Mr. Chair.

Thank you to our witnesses. I found this to be a fascinating conversation so far.

I wanted to follow up a little bit on the concept of accreditation within the government context. When we undertook our review of the Translation Bureau, we often heard examples of phantom translators within departments, people who are hired within departments as linguistic consultants or language consultants who are actually doing translation work.

From an interpreter's standpoint, are there examples of this happening in departments as we speak, where people who are not accredited are in fact providing services for, perhaps, smaller conferences or departmental conferences rather than requiring an accredited interpreter to do that work? Are there examples that you're aware of?

Ms. Nicole Gagnon: Yes, absolutely. That is what we are concerned about. At this time, whatever goes through the Translation Bureau is accredited. The Translation Bureau calls on accredited interpreters. Our concern is that this will cease.

If you ask us why, first, I will tell you it's basically because the accreditation process no longer exists in translation.

Second, at this time, the Government of Canada has a dual stream. You have those conferences that go through the Translation Bureau, and you have those conferences that are run by a government department that calls on the private sector, but it does not necessarily call on government-accredited interpreters. That is what we are seeking from the minister, that whether it be through the Translation Bureau or directly via the private sector, in all cases only interpreters accredited by the Government of Canada provide the service. The Government of Canada should have just the one standard, a standard of quality for all conferences. There shouldn't be this double standard.

• (1155)

Mr. John Nater: I want to follow up, and then I'll get comments from both sets of witnesses, on the recommendation of moving the Translation Bureau to be under Heritage Canada rather than under Public Services, as it currently stands. Within the context of that, as well, is its status as a special operating body.

If you were recommending to the government that in fact the move be made to Heritage rather than Public Services, what other recommendations would you propose along with that, in terms of changing the governance structure of the institution? How would you like to see the Translation Bureau change, from a governance perspective, under the guidance or under the responsibility of Heritage Canada? What types of specific changes would you like to see to the governance structure of the institution?

Ms. Dominique Bohbot: I think there are several options. Speaking about Heritage Canada, back on October 21 we very briefly met with Mélanie Joly. We handed a letter from our committee to her press agent, and we followed up, and she never replied to us. So I have no other comment.

Obviously the Translation Bureau must be repositioned somewhere else, not with Public Services and Procurement Canada. We are thinking about the office of the Prime Minister, or maybe the Department of Industry, or Heritage Canada, but definitely the place for the Translation Bureau is not where it is now.

[Translation]

The Chair: Ms. Bohbot, Ms. Gagnon, and Mr. Thompson, thank you for your excellent presentations. They have been informative for us all.

We will take a break for a few minutes to let the next witnesses come in.

Mr. Thompson, would you like to say something?

[English]

Mr. Jim Thompson: May I have the last word, Mr. Chairman?

The Chair: Go ahead.

Mr. Jim Thompson: I want to say thank you to this committee on behalf of the association for doing this work. It's very helpful and important. Without your attention and care, these sorts of issues would not be aired in this way. All of you have had an open door policy; we've been in to see many of you.

The Chair: Thank you very much, Mr. Thompson.

[Translation]

Ms. Dominique Bohbot: I just wanted to thank you very much, on behalf of the 15,000 translators and the 10 associations that I represent here today. Thank you for listening to us.

The Chair: Thank you very much.

We will break for five minutes.

• (1155) _____ (Pause) _____

• (1200)

• (1205)

The Chair: We will now resume.

Pursuant to Standing Order 108(3), we are undertaking a study of the issues relating to the enumeration of rights holders under section 23 of the Canadian Charter of Rights and Freedoms.

We are very pleased to welcome this afternoon Ms. Melinda Chartrand and Mr. Roger Paul of the Fédération nationale des conseils scolaires francophones, as well as Ms. Isabelle Laurin and

Mr. Jean-Pierre Hachey, of the Association canadienne-française de l'Alberta.

Welcome to you all.

Let us begin with the representatives of the Fédération nationale des conseils scolaires francophones, who will have about 10 minutes to give their presentation. We will then move on to Ms. Laurin. We will then go around the table so our colleagues can comment and ask questions.

Ms. Chartrand, please go ahead. You have about 10 minutes.

• (1210)

Ms. Melinda Chartrand (Chair, Fédération nationale des conseils scolaires francophones): Thank you, Mr. Chair.

Allow me to introduce myself. I am Melinda Chartrand, chair of the Fédération nationale des conseils scolaires francophones. First of all, thank you for inviting us to appear as part of this important study on the enumeration of rights holders under section 23 of the Canadian Charter of Rights and Freedoms.

The Fédération nationale des conseils scolaires is a non-profit organization representing Canada's 28 minority francophone and Acadian school boards. These school boards provide educational services in French to 160,000 students in nearly 650 schools.

The federation represents the interests of its members in nine provinces and three territories. Minority francophone school boards are responsible for providing their communities with the education system to which they are entitled under section 23 of the charter. Their mission is to counter assimilation in minority language communities and promote their vitality. In order to achieve that objective, minority francophone school boards need to know their potential clientele and, more specifically, the number of parents with rights under section 23 of the charter. This is why the subject of your study is so important to us.

I will now give the floor to Mr. Roger Paul, executive director of the federation, who will explain in greater detail why it is essential that the census be changed.

Mr. Roger Paul (Executive Director, Fédération nationale des conseils scolaires francophones): Thank you, Ms. Chartrand.

Hello everyone and thank you for welcoming us here.

Like any organization responsible for providing a service, francophone school boards need to know their potential clientele. The rules for admission to francophone school boards vary from province to province. Section 23 of the Canadian Charter of Rights and Freedoms guarantees three categories of people the right to have their children educated in the French language in a minority setting.

The first category are Canadian citizens whose mother tongue is French. The second category are Canadian citizens who received a significant portion of their primary school instruction at a French-language school in Canada. Finally, the third category are Canadian citizens with a child who attends or attended a French-language school in Canada. These are the three categories of rights holders. Belonging to one of these three categories gives you this right.

On a number of occasions, the Supreme Court of Canada has explained that the rights provided for in section 23 of the charter apply where numbers warrant. As a result, it is vital for minority school boards and provincial and territorial governments to have complete, reliable data so that they can understand both the size and the distribution of their potential clientele. This information is also vital in order to properly evaluate the extent of their constitutional obligations under section 23 of the charter.

Currently, the census does not provide an accurate count of rights holders under section 23 of the charter. The census is the only source of data that can be used to evaluate the number of children who are eligible to attend a French-language school. Many important decisions, including regarding the construction of new schools, are based on these data.

Unfortunately, the current census form provides an incomplete picture of the number of children eligible to attend our schools. Only the first category of rights holder parents is the subject of a census question, the question regarding mother tongue.

As a result, the census data greatly underestimate the number of parents in this category as the question discourages those with more than one mother tongue from giving more than one response.

The question is worded as follows:

What is the language that this person first learned at home in childhood and still understands?

[...]

- 1: French
- 2: English
- 3: Other—specify

Thus, respondents are asked to indicate “the” language they learned first. This refers to a single language.

What happens though in the case of a child from an exogamous—linguistically mixed—family who learned French and another language at the same time? Those individuals are encouraged to choose between their mother tongues, and they will often choose the language they speak the most frequently. Do you know what language that is? It is English, of course.

The instructions accompanying this question also encourage individuals to choose a single language. They say that the person should indicate two languages only if they used them equally before starting school and if they still understand them.

Section 23 of the charter also identifies two additional categories of rights holders, which are not based on mother tongue, but on the language of the schools attended by the parents and children. The census does not ask any questions about this. Consequently, two out of three categories of rights holders are completely ignored by the census.

The census does not ask any questions about the language of instruction, either of parents or their children. It ignores the fact that a significant number of children of exogamous couples truly learn the French language only once they are enrolled in school, and not at home as their mother tongue. When these students become adults,

they are entitled to enroll their children in a French-language school, but the census does not count them.

● (1215)

It also ignores the fact that French-language schools in many provinces and territories can accept students whose parents are not rights holders under section 23 of the Charter, and thus grant rights under section 23 to the parents and to the child.

These shortcomings in the census have an adverse effect on the ability of FNCSF member school boards to carry out their planning, including capital planning, and to justify their requests to government for capital funding. These shortcomings have adversely effects on the vitality of minority official language communities throughout the country.

Statistics Canada must modify the mandatory short form census questionnaire so that all rights holders under section 23 of the Charter are counted. Reliable data on the number of children with at least one parent with rights under section 23 of the Charter are necessary for that provision to be fulfilled. This was also the conclusion of the Supreme Court of British Columbia last fall in a ruling in which it found that the province of British Columbia must collect that data. It is clear, however, that the simplest, most effective and reliable way to provide access to such data is through the census.

Moreover, such data should be collected for the entire country, providing numbers of rights holders in specific areas such as school catchment areas, which only the census can do.

The Government of Canada, through the census, is therefore in the best position to ensure that minority Francophone school boards, and also provincial and territorial governments, have reliable data on the number of rights holders under section 23 of the Charter.

Thank you for your attention.

We will be pleased to answer your questions.

The Chair: Thank you, Mr. Paul.

We will now hear from the representatives of the Association canadienne-française de l'Alberta. I assume Ms. Laurin will be giving the presentation?

Mrs. Isabelle Laurin (Executive Director, Association canadienne-française de l'Alberta): Yes, I will begin.

● (1220)

The Chair: Please go ahead, Ms. Laurin.

Mrs. Isabelle Laurin: Hello Mr. Chair and honourable members.

My name is Isabelle Laurin and I am the executive director of the Association canadienne-française de l'Alberta, the ACFA.

Thank you for inviting us to appear before you today.

Let me say to begin that our chair, Mr. Jean Johnson, sends his regrets as he cannot be here this morning.

I would also like to thank the committee for undertaking this study on the Canadian census and the for recognizing its importance as a tool in implementing the linguistic rights of the French-speaking community, in Alberta and right across Canada.

I am here this morning with one of our lawyers, Mr. Jean-Pierre Hachey, who will give part of the presentation.

Also, I wish to inform you that the ACFA is preparing a more exhaustive report on these matters and will be sending the committee a copy of it on February 23.

Let me begin with a few words about our organization.

The ACFA has represented Alberta's francophone community for over 90 years. It coordinates and monitors the community's advocacy and development activities in collaboration with the other francophone organizations in the province.

The ACFA is also responsible for consultation with francophone organizations throughout the province and for all community development planning. In collaboration with the province's francophone organizations, the ACFA promotes francophone pride and culture throughout Alberta, and projects a positive image of Alberta's francophones in Alberta communities.

The ACFA fully supports the position of education stakeholders that the mother tongue question should be modified to make it more clear, and that questions about the language of instruction of parents and their children should be added.

Without knowing the number and geographic distribution of these individuals, it becomes very difficult for these school boards to reach all rights holders and fulfill their responsibilities. That being said, these demographic data are not only important for the school boards, they are also essential for minority French-speaking communities and organizations such as ours that represent them to enable them to achieve other objectives aimed at enhancing their vitality.

For example, census data provide the federal, provincial and territorial governments with an understanding of where official language minority populations are and allow them to plan for adequate services in the minority language. In this regard, it goes without saying that richer data would be very useful to the federal government, in particular in its review of the Official Languages Regulations, which was announced last November.

One of the missions of community organizations is to reach French speakers in order to promote the French language and culture, create francophone spaces, and combat linguistic and cultural assimilation. To fulfill this mission, these organizations also have a strong need for accurate information on the demographic reality of their target population. Rich, complete data on French speakers would allow the ACFA and other community organizations to target their interventions and awareness-raising activities more effectively.

These data have also become necessary as a result of major demographic changes that have occurred in recent decades. The Alberta francophone community includes a growing number of immigrants, among whom are people who understand French better than English, but who have a mother tongue other than French.

Our francophonie also includes bilingual anglophones or allophones living in families where French has a strong presence or is even the primary language. There is also a growing number of children of exogamous or linguistically mixed couples. Some of those children have been raised in a bilingual environment and have

learned French and another language from a young age. Others have not learned French until they started at one of our French schools or in an immersion program.

These new demographic realities reflect an evolving francophone community, and it is important for governments and community actors to have the best demographic information possible on this population in order to understand it better. In that context, it is particularly important to adapt the census questionnaire, for example, by changing the question on the mother tongue and the instructions that accompany that question, which suggest to many people that they must choose between their mother tongues.

I will now turn it over to Mr. Hachey, who will talk about the importance of this data for official language minority rights holders.

Mr. Jean-Pierre Hachey (Lawyer, Association canadienne-française de l'Alberta): Thank you.

Hello everyone.

Reliable, complete data on French speakers outside Quebec are necessary to uphold at least two constitutional rights: first, the right to minority language instruction guaranteed under section 23 of the charter, which applies where numbers warrant; and secondly, the right to federal services in the official languages of one's choice, which is guaranteed by paragraph 20(1) of the charter and depends on significant demand.

In the case of both of these rights, communities and governments must be able to identify the number of individuals who could potentially exercise these rights and their geographic distribution. In both cases, census data are used to evaluate and justify the demand for services. The census provides the evidence that the data are accurate. If the numbers are not backed up by solid evidence, it is much more difficult and at times impossible to demonstrate that the numerical criteria have been met, which means that francophone minority communities lose their rights.

In the recent case about French-language schools in British Columbia, for instance, my colleagues and I had to demonstrate that the numbers in various communities were sufficient. The Supreme Court of British Columbia handed down a ruling last September, which demonstrates the serious consequences of a lack of complete, reliable data on the members of the francophone community and their children. In the decision, the court recognized that the census underestimated the number of children with at least one parent holding rights under section 23 of the charter. The court refused, however, to infer the number of those children based on evidence other than census data. This had a very adverse effect on rights in a number of communities. The court recognized that the census data omitted rights holders and their children, and in fact omitted whole categories of rights holders, but its analysis of what the numbers warrant was based on census data. This was exclusively data about parents with French as a first language, as reported in the census.

The evidence included testimony from a number of parents with rights under section 23, whose children attend French-language schools, but who are not identified as rights holders by the census. Among these witnesses, there were individuals whose mother tongue was French and English, but who indicated English only on the census form, thinking they had to choose one. There were also parents, or spouses, whose first language was French or English, but who just put “English” for the household when filling out the form for the whole family because it was the dominant language or the commonly spoken language in the home.

The witnesses also included parents who held rights based on their education, whether at a French-language school in Quebec or a French-language minority school outside Quebec, and other parents who held rights based on their children's education.

The lesson is clear: the census alone can enumerate rights holders and their children. It is therefore essential that it be improved to be more effective. This lack of data does not of course only impact cases that end up before the courts. Many government decisions are based on census data, including decisions to grant capital funding for schools or not, and decisions about where government services must be offered in the minority language.

It is important to collect data on linguistic minorities from 100% of the population. The actual number of members of these communities must be counted, which means that the questions that yield this data must be included in the short form census, which is distributed to 75% of the population. All the questions on the short form census are also in the long form. As a result, 100% of the population answers these questions.

So the question on mother tongue is asked to 100% of the population. That should not change. The questions on education, which should be added, should also be put to 100% of the population. That would make it possible to get a complete count of those individuals and not simply infer their number from a sample of 25% of the population.

Moreover, past experience has shown that the data on linguistic minorities, which are estimated solely on the basis of the long form census data, are not reliable, especially for smaller regions. Mr. Paul also mentioned a school catchment area. At that level, it is simply not reliable.

• (1225)

Finally, under part VII of the Official Languages Act, it is incumbent on the federal government to take positive measures to enhance the vitality of official language minority communities.

It is difficult to imagine a more positive measure for these communities than to modify the census questionnaire so their members can be identified in a complete, reliable way. That would make it possible to uphold the right to education and to services in the minority language, while equipping governments and in turn community organizations to support and assist the development and enhance the vitality of those communities.

We will be pleased to answer your questions.

Thank you.

• (1230)

The Chair: Thank you very much, Mr. Hachey and Ms. Laurin.

We will now begin the question and comment period.

Mr. Généreux, you have the floor.

Mr. Bernard Généreux: Thank you, Mr. Chair.

I would like to thank the witnesses for being with us here this morning.

My question is for all of you.

Are there other ways of conducting the census? Could these data be obtained from the provinces, school boards or the communities, specifically the minority language communities?

Have your organizations or other associations made any suggestions in this regard?

Mr. Roger Paul: Thank you for the question.

We could try to use surveys to determine who is a rights holder and who is not but, unlike Statistics Canada, we do not have the necessary resources to gather all that information through a mandatory survey.

Having served as executive director of a school board, I can tell you that it is extremely difficult to determine who is a rights holder and who is not. For our part, we rely on Statistics Canada data.

Mr. Bernard Généreux: I see.

In that case, would it be possible for Statistics Canada to add questions?

The next census will be in 2021, in about four years, and the answers will not be available right away. That means that, for the next six, seven, or eight years, we cannot rely on new data to implement new services or determine who the rights holders are.

Mr. Hachey, you mentioned the Superior Court or the Supreme Court ...

Mr. Jean-Pierre Hachey: It was the Supreme Court.

Mr. Bernard Généreux: Does the Supreme Court rely solely on Statistics Canada data?

From what you said, it seems there is no other data on the basis of which we might be able to make requests.

Mr. Jean-Pierre Hachey: The Supreme Court relied on that data. It also ordered the province to collect data. However, the school board and the province agreed that the most effective, if not the only tool, is the census.

Mr. Bernard Généreux: Okay.

Mr. Jean-Pierre Hachey: There is a very partial precedent in Alberta for data being collected by school boards. English-language school boards are responsible for collecting data, using a long form, about allergies and so forth, as well as linguistic data. This nearly represents a conflict of interest, however, if the data collected is used to determine whether those students are eligible to attend schools in another school board.

Mr. Bernard Généreux: Why have we not thought of this sooner since we have been conducting the census in Canada for a long time?

Have minority-language school boards already made representations to a committee in Ottawa, calling for these aspects to be included in the census?

If not, is this an indication of an evolution in thinking or in society that people are now saying that these aspects should be included in the census?

Mr. Roger Paul: I want to point out that our organization, a French-language school board outside of Quebec, has not existed for very long. We acquired our rights following many battles involving governance rights.

Before that, we were far more involved with anglophones. We had advisory committees. We were very busy during our development. Like any emerging school board, we needed infrastructure, organization and a certain level of autonomy.

We had priorities during those years. However, we must not forget what happened a certain number of years ago. The fact that the long-form census was suddenly no longer mandatory caught us unawares to some degree.

All this to say that the questions that were not raised were not on the agenda of school boards because they had a lot of things to organize. Could they have been asked 10, 15 or 20 years ago? You are certainly right on that, but it did not happen.

• (1235)

Mr. Jean-Pierre Hachey: I would simply add that some of these issues are clearly on the upswing, for instance the issues regarding the children of exogamous couples who did not learn French as a mother tongue. Some of these people who went to French schools and are beginning to have their own families send their children to French school. They are not included in the census. There are some of these reasons why more and more people are coming into the system.

Mr. Bernard Généreux: Would the questions you would suggest to Statistics Canada in order to obtain the information you seek be easy to answer for the respondents?

Mr. Roger Paul: That is what we hope.

The first question in the Statistics Canada survey has several possible interpretations. It is not clear. It urges people to choose a single language—in most cases, that would be English—as their mother tongue. However, the question does not give the person the opportunity to answer that he speaks more than one language and has in fact mastered both. If the French-language school boards had that data, it would be easier to identify the potential pool of students. However, they do not have that data.

I would like to add this to what Mr. Hachey was saying. Several provinces and territories may now admit students whose parents are not rights holders, strictly speaking. A francophile who wants to send his child to one of our schools, for example, where there are approximately 100,000 students, can do so by going through an admissions committee. Once the child has been admitted into one of our schools, he or she becomes, as does his family, a rights holder.

However, we cannot obtain information on this from Statistics Canada.

The Chair: Thank you very much.

We will now hear from the person you identified as an expert, Mr. Samson.

Mr. Darrell Samson (Sackville—Preston—Chezzetcook, Lib.): Thank you, Mr. Chair.

I thank the witnesses very much for being here with us today.

In seven minutes I'm going to try to paint a picture of the situation and explain how I see it. Afterwards, you may provide me with information.

My colleague, Mr. Généreux, who certainly has his heart in the right place, did not mention that it was the Conservative government that shortened the census form. That is a very important aspect that should be mentioned. The other very important aspect is that if children who are rights holders do not go to French schools, they can lose their status, which is very serious. This saddens me.

The Canadian Charter of Rights and Freedoms has existed for 35 years, more than half my age. That said, this is really a propitious time for change. We are really at the crossroads. In my opinion, the moment is ideal, because there are a lot of adjustments to be made.

First I want to talk about common law; I like it a lot because it depends on precedents. However, sometimes we have to wait a long time before we see results, and that is in fact the problem. The Charter of Rights and Freedoms says that there are three groups of Canadians who hold the right to instruction in the language of the minority. What I like, and it paves the way for change today, is that our friend Mr. Corbeil from Statistics Canada confirmed in the Senate on December 20, 2016—two months ago—that the census only involves subsection (1) of section 23 of the Charter. And so he clearly admitted that for 35 years, we have not been doing the work that needed to be done under subsections (2) and (3) of section 23. That is crucial. It paves the way for change.

Allow me to give you a brief history of the situation.

In 1990, in the Mahe ruling, the court said that we had to have numerical criteria, numbers, quantified data.

In 2006, there was a very good survey on the vitality of minorities that put forward numbers that were much higher than those that were published previously. Even the Commissioner of Official Languages said that the exercise was very, very commendable and that we had to continue to conduct such surveys. What happened? No such survey has been done since 2006. It's unfortunate that the commissioner said that. If he had not, perhaps the surveys would have continued.

That said, in 2016—we are getting closer to the current day—the Supreme Court of British Columbia said, as you mentioned, that the provinces had to have this data and that this necessary and reliable information had to be provided. The story kind of reminds me of Christopher Columbus.

As a former director general, I feel uncomfortable today. I was director general for 11 years. I worked with the data that Statistics Canada provided. There were 8,000 rights holders in Nova Scotia. There were 4,000 in my association, so 50% of the whole. However, the math had not been done correctly. It was 50% under subsection (1) of section 23. Thirty-five years later, we are still asking ourselves questions on this. It means that as directors general of all of the school boards, it was incumbent upon us by virtue of our position, our role, and as employees, to make sure that we offered these services to the rights holders. We did not do so because we were not aware of the data relating to subsections (2) and (3). That is a mortal sin and I feel very bad.

I will ask you three quick questions.

First of all, how do you feel, Mr. Paul? You spent 31 years as a school principal, as director general, and now you are director general of the Fédération nationale des conseils scolaires. What do you think about that? What do you think about the fact that we were unable to provide services to all of those students?

• (1240)

Mr. Roger Paul: I really like the energy you bring to this, Mr. Samson.

Mr. Darrell Samson: I'll ask you to answer briefly because our time is limited.

Mr. Roger Paul: If you agree, I will not answer in the same way.

Voices: Oh, oh!

Mr. Roger Paul: You are correct, Mr. Samson. I am referring to a British Columbia case and a decision handed down by a judge in that province.

The issue, basically, is assimilation. The problem is that we are told that the francophonie will not survive very long because we are being assimilated. The British Columbia legal ruling was based on facts. The only ones we have are the census data. If we had others, such as the ones you have referred to, perhaps the judge in that case would not have come to the same conclusion. However, since that was her conclusion, several other people throughout the country do not have a good picture of the French-speaking population outside of Quebec. The definition of the francophonie we do have is really incomplete. We don't have all of the data. I can't contradict the judge, because she based her ruling on the data she had. However, there is rampant assimilation. Why is it so important that Statistics Canada add a second and third question, and clarify the first one? It is because otherwise, the British Columbia judge who told us we were going to be assimilated before long is going to be proven right.

Mr. Darrell Samson: Thank you.

Can you make some brief comments in 30 seconds?

Since that is not the case, I'm going to ask other questions. The next one will help to flesh out the debate.

The next census will take place in 2021. This means that I will have to wait four or five years before having reliable data allowing me to do the work I was elected to do. This data is crucial and I cannot wait four years.

In the meantime, could we add some questions, test them, and do what was done in 2006, that is to say a survey on the vitality of minority official language communities, so as to have a more precise assessment of the number of francophones who live in the regions? The government could at the very least try to provide reliable data while we wait for the next census questionnaire. That would be helpful.

Mr. Hachey or Ms. Gagnon, you have the floor.

Mr. Jean-Pierre Hachey: This could certainly be useful and interesting. However, it would be important that such a survey not replace the census with regard to these questions. In 2006, people who were targeted by the census survey were identified in the census. We want to survey the entire population and include everyone.

Mr. Darrell Samson: Absolutely. The important thing is having the data from the census. I would never claim the opposite. I would have a heart attack!

At the very least, it would be essential that we have data now, while we wait for the answers to the formal questions that will be put to Canadians in 2021.

I'm going to ask a third question.

What has been the effect of this 35-year period during which we were unable to identify rights holders, and provide the appropriate services essential to the vitality of francophone communities? If we don't do something different, things will continue as they were.

• (1245)

Mr. Roger Paul: It has had an enormous effect. I think it is at the very core of the issue and of our interventions.

When I was director general, I tried to prove to the government—the Ontario government, in this case—that we needed schools in certain places. I was then asked a very legitimate question; I was asked for the data proving that schools were needed in certain locations. I could not justify my demands with figures, because I did not have all of the data in this regard. Imagine how far behind we fell during all of this time.

Mr. Rodrigue Landry, an eminent New Brunswick researcher, told us that we have been identifying one true rights holder out of two. When I say “true”, I mean a rights holder who was counted. That rights holder chose a French-language school or another school, but be that as it may, we only counted one out of two.

If we could have the real data, we could easily prove that there are at least twice as many rights holders as those who have been recorded. Otherwise, without the data, there is no way we can prove that.

Mr. Darrell Samson: What is the effect of that on the vitality of the communities?

Mr. Roger Paul: In the final analysis, there would be more infrastructure. It's a kind of vicious circle. If there were more buildings, there would be more students. If there were more students, our communities would be seen as being very vital. If there were more infrastructure, it would strengthen not only the schools, but also feed into the vitality of communities.

Mr. Darrell Samson: Can we talk about bilingualism?

No, since I see that my time is up.

Thank you, Mr. Chair.

The Chair: Mr. Samson, thank you for that intervention.

I'd like to mention in passing that next week we will be receiving Mr. Rodrigue Landry.

Mr. Choquette, you now have the floor.

Mr. François Choquette (Drummond, NDP): Thank you, Mr. Chair.

I thank the witnesses for being here with us today.

I have only recently become familiar with this whole issue of the census and the related problems. I have only heard about it since I began sitting on the official languages committee. This file is very important because as you said so well, the consequences of not having counted all of the rights holders are serious. In one case that was heard in British Columbia, we were told that we have a right to equal education, of equal quality.

Unfortunately, the facilities for francophones are sometimes dilapidated, and poorly equipped. On the other hand, the facilities for anglophones are on the cutting edge of technology. That said, it is difficult for the rights holders to be attracted by the French-language schools and obtain equal services.

Could you elaborate and tell us why it is so important to provide a good definition of the rights holders? We have to give minority francophone communities equal services if we are to ensure their vitality.

Ms. Melinda Chartrand: I will answer the question more briefly than Mr. Paul.

This has to do with the nature of the facilities that exist. Without schools for our francophones in minority context, we lose them. Assimilation follows. At this time, one of our practices is that school boards must prepare a five-year plan. In addition, the data we use to develop our requests are provided by Statistics Canada.

In certain urban areas like Toronto, rights holders have doubled in some communities. Unfortunately, we were, for instance, granted a school for only 400 students. After three years, we are overcrowded. The youngsters are in temporary facilities. It can take up to 10 years to obtain funding for an expansion project. That is the reality our school boards are facing throughout Canada.

When you have growth of 2%, 5% or 10% per year in our poorly served francophone regions, the community centres and our other partner organizations work very closely with the communities to ensure their vitality. It's a major issue. Unfortunately, this whole situation has an effect on the francophonie outside Quebec.

• (1250)

Mr. Jean-Pierre Hachey: I would add that in many cases, education is partly offered in French. For instance, in Toronto, we know that there are very few French-language high schools. The Ontario French-Language Services Commissioner has in fact spoken out against that situation on two occasions. We have a lot of French-language primary schools and very few secondary schools.

To get back to the west, in British Columbia, more than the infrastructure is missing. There are programs that are partial ones because they are heterogeneous. Since we can't determine the number of students we could serve, we have a French-language program or school within an anglophone school, with all of the problems that go with that.

Mr. François Choquette: I'd like to get back to the Survey on the Vitality of Official Language Minorities that took place in 2006. Someone suggested that we do a similar survey for the period between the censuses. You have clearly shown that the census has to be improved in order to respond properly to section 23 of the charter concerning the three categories of rights holders.

In fact, are you making a suggestion in this regard, and have you thought of it? Has this been discussed in your associations, and have any researchers looked into it?

Mr. Roger Paul: We did discuss this topic, and it would be an excellent idea to do another survey.

That would be absolutely essential, but we mustn't let this blind us — I would say that we need other means to assess how this lack of information has consequences on the vitality and sustainability of our communities.

As Mr. Samson said earlier, isn't there something else we can do between censuses? For the moment, if we wait for the next census, we will have lost a certain number of years of data and this will once again weaken the vitality of our communities.

The other important point that we must also remember is that one does not exclude the other. It would be to Statistics Canada's benefit to collect more complete data to help us bolster the vitality of our communities.

The Chair: Thank you very much.

The next two speakers are going to share their time, and they are Mr. Paul Lefebvre and Mr. Dan Vandal.

Gentlemen, you each have three minutes.

Mr. Lefebvre, you have the floor.

Mr. Paul Lefebvre (Sudbury, Lib.): Thank you, Mr. Chair.

Ladies and gentlemen, I thank you very much for being here with us today.

For us, the question of properly determining who is a rights holder and who has a right to schooling in French is of the utmost importance. I of course agree with my colleague, although I may be less colourful and generate less volume.

We are discussing the fact that the census has not met its obligations and it does not collect the information we need. What questions would you like to see added to the census to find those answers, and to allow us to have the data that would help us respect section 23 of the Charter?

Mr. Jean-Pierre Hachey: Mr. Paul raised this topic earlier. We must not forget that some people are dissuaded from answering the question on mother tongue. There is a question, but it is imperfect. As Mr. Paul said, the instructions clearly say that if you learned two languages at the same time and spoke one less often than the other, you must choose only one of those languages. In fact, it is asking people to provide false information.

I think that on that topic we would like it to be clearer.

Mr. Paul Lefebvre: Yes, and that can be corrected.

Have you thought of a model or a question which in your opinion would allow us to obtain the necessary data to truly identify the rights holders?

Mr. Jean-Pierre Hachey: We have certainly talked about it a lot. However, we don't claim to be able to do Statistics Canada's work, as they are the ones who know, for instance, how to test the questions. However, we do think it would be possible to ask a question about the language in which parents and their children studied.

• (1255)

Mr. Paul Lefebvre: I would go even further, Mr. Hachey. I would say, given what the Supreme Court ruled in the Mahe case, that this is practically a constitutional obligation, and that in order to identify the rights holders, we could hold a census.

Mr. Corbeil from Statistics Canada, stated that the census currently only meets the requirements of subsection (1) of section 23 of the Canadian Charter of Rights and Freedoms, and not subsections (2) and (3). That said, in light of part VII of the Official Languages Act, in my opinion, we are talking here about a quasi-constitutional obligation.

Given what the Supreme Court had to say and the wording of section 23 of the Canadian Charter of Rights and Freedoms, could we even go so far as to say that this aspect of the census is practically unconstitutional? Has such an argument ever been made?

Mr. Jean-Pierre Hachey: It has never been submitted to the courts, but it certainly could be.

Mr. Paul Lefebvre: In light of...

Mr. Jean-Pierre Hachey: It could be said that this is required by part VII of the Official Languages Act. In addition, since the census is a federal government obligation, it should do what needs to be done to implement section 23 properly.

Mr. Paul Lefebvre: Excellent.

Let's suppose the federal government accepted to change the question and that we obtained data. It is clear that in the wake of that, the responsibility of providing services in the official language would fall to the province. Is that right? Are we agreed on that?

Suppose we obtain the census data we need. Given the jurisprudence that has been established, how would access to that data profit the community?

I know the answer, but I would like it to be stated for the record. Since we are going to draft a report when our work is complete, I would like your words to be on the record.

Mrs. Isabelle Laurin: Clearly, that would really equip us. We already have good relations with the government of our province and

with the Department of Education. This would allow us to better plan our future needs, which we are unable to do for the moment. This would allow us to beef up all of the political interventions that are a bit skewed since we don't have proper information.

Mr. Roger Paul: I would like to give you another example on this.

If memory serves, you are with a school board in northern Ontario. If there were, for instance, a question on schools attended by children and parents, Statistics Canada could easily show that the numbers are double what they were in your school board zone, since data would be available.

If a child whose parent is not a rights holder was accepted by an admissions committee, and by the same token saw his entire family become rights holders, we need to be told where those people are. Then we could ask Statistics Canada to analyze that school zone in Sudbury and specify how many children or parents of students are now rights holders in that school zone.

I only have partial data for the first question, and the second and third ones are extremely important. We could, with proof in hand, tell the people from the Department of Education that Sudbury needs at least three schools. That statement would not be based on a personal opinion but on Statistics Canada data.

The Chair: Thank you, Mr. Paul.

Mr. Vandal will ask the next question.

Mr. Dan Vandal (Saint Boniface—Saint Vital, Lib.): The only survey on vitality was done in 2006. What effect did the data collected in 2006 have?

My question is open to all of the witnesses.

Mr. Roger Paul: Because of the information that was collected, the survey allowed the communities to justify more services. If another such survey is done, we would like to take part in its development because of the data we would like to obtain.

Mr. Vandal, your question was about whether there were substantial gains following that survey that were directly related to it. We could obtain answers to that question, but for the moment, I don't have that information.

• (1300)

The Chair: Thank you very much.

Mr. Dan Vandal: I understand.

The Chair: First of all, I want to sincerely thank Ms. Chartrand, Mr. Paul, Ms. Laurin and Mr. Hachey. I thank you very much for your presentations. This has enlightened us considerably.

I would like remind the members of the committee that at 1:15 p. m., there will be a presentation about the court challenge system that exists by virtue of the Charter. This will take place in the foyer of the House.

I would also like to remind you that the next meeting, on Thursday, will be held in Centre Block because we will be receiving Minister Foote and the session will be televised. Don't forget; Thursday morning, we will be in the Centre Block.

I thank all of you.

The meeting is adjourned.

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