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Chair: Mr. René Arseneault



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• (1550)

[*Translation*]

The Chair (Mr. René Arseneault (Madawaska—Restigouche, Lib.)): I call the meeting to order.

[*English*]

Welcome to meeting number five of the House of Commons Standing Committee on Official Languages.

[*Translation*]

Today's meeting is taking place in a hybrid format, pursuant to the House Order of Thursday, November 25, 2021.

Members are attending in person, in the room, and remotely using the Zoom application. The proceedings will be made available via the House of Commons website. So you are aware, the webcast will always show the person speaking, rather than the entirety of the committee.

[*English*]

Given the ongoing pandemic situation and in light of the recommendations from health authorities, as well as the directive of the Board of Internal Economy on Friday, January 28, 2022, to remain healthy and safe, all those attending the meeting in person, firstly, are to maintain two metres of physical distancing. Secondly, they must wear a non-medical mask when circulating in the room. It is highly recommended that the mask be worn at all times, including when seated. Thirdly, they must maintain proper hand hygiene by using the hand sanitizer provided in the room.

[*Translation*]

As the chair, I will be enforcing these measures for the duration of the meeting, and I thank members in advance for their co-operation.

For those participating virtually, I would like to outline a few rules to follow.

Members and witnesses may speak in the official language of their choice. Interpretation services are available for this meeting. You have the choice, at the bottom of your screen, of either floor, English or French.

If interpretation is lost, please inform me immediately, and we will ensure interpretation is properly restored before resuming the proceedings.

For members participating in person, proceed as you usually would when the whole committee is meeting in person in a committee room.

Before speaking, please wait until I recognize you by name.

If you are on the video conference, please click on the microphone icon to unmute yourself. If you are in the room, your microphone will be controlled as normal by the proceedings and verification officer.

A reminder that all comments by members should be addressed through the chair. When speaking, please speak slowly and clearly, as I tend to do. When you are not speaking, your mike should be on mute.

With regard to a speaking list, the committee clerk and I will do the best we can to maintain a consolidated speaking order for all members, whether they are participating virtually or in person.

[*English*]

Should any technical challenges arise, please advise me. Please note that we might need to suspend for a few minutes to ensure that all members are able to participate fully.

[*Translation*]

Pursuant to Standing Order 108(3)(f) and the motion adopted by the committee on Monday, January 31, 2022, the committee is receiving a briefing on urgent issues relating to the application of the Official Languages Act in Canada.

I would now like to welcome our witnesses.

Joining us by video conference are officials from the Office of the Commissioner of Official Languages. First, we have Mr. Théberge, Commissioner of Official Languages. Welcome back to the committee, Mr. Théberge.

Also with us is Isabelle Gervais, assistant commissioner, compliance assurance branch; Pierre Leduc, assistant commissioner, policy and communications branch; Éric Trépanier, assistant commissioner, corporate management branch; and Pascale Giguère, general counsel, legal affairs branch.

Welcome everyone.

As committee regulars, you know how this works. You will now have a maximum of five minutes to give your opening statement, after which, we will move into questions from members, both those participating in person and those participating virtually.

Over to you, Mr. Théberge. You have five minutes.

• (1555)

Mr. Raymond Théberge (Commissioner of Official Languages, Office of the Commissioner of Official Languages): Thank you.

Mr. Chair, honourable members of the committee, good afternoon.

Although today's meeting is taking place virtually, I would like to acknowledge that I am speaking to you from Treaty 1 territory, the traditional territory of Anishinaabeg, Cree, Oji-Cree, Dakota and Dene peoples, and the homeland of the Métis nation.

I am here today to talk to you about urgent issues regarding the implementation of the Official Languages Act.

With me today are my assistant commissioners, Isabelle Gervais, Pierre Leduc and Éric Trépanier, and my general counsel, Pascale Giguère.

These are undoubtedly turbulent times in terms of language. The unprecedented attention official languages have generated across the country over the past year clearly shows how important official languages and linguistic duality are to Canadians.

In 2021, the language question was a major issue in Canada as a result of a number of factors: francophone immigration, education in the official language of the linguistic minority, official languages policy reform at both the federal and provincial levels, and numerous infringements of the Official Languages Act.

[*English*]

Federal institutions' non-compliance with their official language obligations is a significant and recurring issue for which we must find solutions. The numerous complaints I receive year after year are proof of this, and the trend is on the rise. We received well over 1,000 complaints again in 2020-21, and so far this year we have already received more than 5,500 complaints, which is five times more than we normally receive in a year.

Among the complaints we have received in recent months are a record number of complaints about Air Canada CEO Michael Rousseau's unilingual speech and a large number of complaints about Mary Simon's appointment as the Governor General of Canada.

By filing complaints with my office, Canadians, and more specifically, French-speaking Canadians, have spoken out. They have sent a clear message to the government that we need to do more to ensure that our two official languages are respected.

I think this speaks volumes about how Canadians feel about their language rights now. Their message must be heard; they've had enough. They are demanding that their language rights be respected, and they expect their leaders, especially the leaders of federal institutions subject to the Official Languages Act, to be fluent in English and French.

[*Translation*]

I have been saying this for too long: despite hundreds of investigations, recommendations and special reports aimed at addressing

official languages issues, and despite all the efforts that have been made to ensure compliance with the act, Canadians' language rights continue to be violated.

I must admit that, in its current form, the Official Languages Act does not allow me to effectively fulfill my mandate to protect language rights.

The most powerful tool I currently have is making recommendations, so I need new powers to ensure compliance more effectively, such as the power to enter into enforceable agreements, coupled with administrative monetary penalties.

[*English*]

These mechanisms are essential to help federal institutions improve their compliance with the act and thus to better protect the language rights of Canadians. I hope that they will be part of the measures proposed in the new bill that we're all very much looking forward to seeing. The measures presented by the government in its official language reform document are promising and seem to offer concrete solutions to many of the issues within the current act. I hope to see in the new bill the same commitment to truly protect the language rights of Canadians. I would be happy to share my perspective of the proposed bill with you in due course.

Thank you for your attention.

I will be happy to answer your questions in the official language of your choice.

[*Translation*]

The Chair: Thank you, Mr. Théberge.

We will now start the first round of questions. Our first questioner is the committee's first vice-chair, Joël Godin.

Mr. Godin, you may go ahead. You have six minutes.

Mr. Joël Godin (Portneuf—Jacques-Cartier, CPC): Thank you, Mr. Chair.

Good afternoon to the commissioner and his entire team, Ms. Gervais, Mr. Leduc, Mr. Trépanier and Ms. Giguère.

My question is for Mr. Théberge.

Mr. Théberge, listening to your presentation, I got the feeling that, in Canada, the commitment to protect and promote bilingualism is not matched by the tools at the commissioner's disposal.

How do you feel, as commissioner, when your office is inundated with complaints? These are Canadians telling you what has happened to them.

How do you feel about the mandate you have been given to protect both official languages?

• (1600)

Mr. Raymond Th  berge: Thank you for your question.

Protecting Canadians' language rights is a very broad mandate. Our office has received 60,000 complaints and made countless recommendations, and yet, years later, things don't really seem to be improving. It's time to realize that we may not have the tools we need to do the job, whether to ensure compliance with the act or promote official languages.

The modernization of the Official Languages Act must take into account the tools available to the commissioner. Not only does the commissioner's mandate come into play, but so does the commissioner's ability to ensure that each and every Canadian is able to use the official language of their choice day in and day out.

I think those discussions have begun, but they need to continue. If we don't change our behaviour and the way we do things, the behaviour of federal institutions will not change. It is clear from those 60,000 complaints that the tools provided to the commissioner thus far are not up to the task.

Mr. Jo  l Godin: Thank you, Commissioner.

I think we are coming to the same realization.

You mentioned the ongoing discussion and the fact that the modernized iteration of the act would be introduced soon, further to Bill C-32. The bill was brought forward at the end of the previous Parliament, before the Prime Minister called the election. Consequently, the whole process has to start over. We are looking at a time frame of 100 days.

You just flagged one of the biggest problems, the fact that you don't necessarily have the tools you need to do your job.

Are you with those who are in favour of moving quickly or those who want to take the time required to create an enduring tool that will ensure French is adequately protected? Let's be clear, here. The objective isn't to protect English. Yes, it's part of the objective, but the real threat is to French.

In your view, should we fast-track the modernization of the Official Languages Act, or conversely, should we take the time to come up with a piece of legislation that will give the commissioner the tools to achieve tangible results and protect the French language?

Mr. Raymond Th  berge: Since 2018, parliamentary committees have submitted countless reports, the commissioner's office has released a position paper, and associations and community groups galore have made recommendations. I think the government has everything it needs to move forward with the modernization of the act swiftly.

The Federal Court of Appeal rendered a decision on January 28, 2022, and it sheds some light on part VII of the act. The decision provides enough clarity to incorporate some of the principles into the act.

Mr. Jo  l Godin: Commissioner, sorry to have to cut you off, but as you know, we have a limited amount of time.

From what you were saying, I gather that the process can be fast-tracked because we have all the necessary tools.

Do you mean to say that Bill C-32 does what is expected, and gives you the tools to make a positive impact and protect French?

Mr. Raymond Th  berge: Certain things would need to be added to Bill C-32, but I think they could be addressed during the next few parliamentary committee meetings.

For instance, the bill does not cover administrative monetary penalties, specifically in relation to institutions like Air Canada and federally regulated private organizations. The bill, in its current form, does not include all the necessary tools, but we know what the next iteration should look like to ensure improvement.

• (1605)

Mr. Jo  l Godin: Are you saying we can move forward quickly with the modernization of the act?

Mr. Raymond Th  berge: Yes.

Mr. Jo  l Godin: Thank you.

Commissioner, I think we have a duty to take the time it takes, because the modernized Official Languages Act will go down in history. This is a point we disagree on.

The Chair: Thank you, Mr. Godin.

Mr. Drouin, go ahead. You have six minutes.

Mr. Francis Drouin (Glengarry—Prescott—Russell, Lib.): Thank you, Mr. Chair.

Thank you very much, Commissioner, for appearing before the committee today. I haven't yet had the opportunity to meet you formally, as a member of this committee, but I am fortunate to represent a large community of Franco-Ontarians. They account for 60% of all Franco-Ontarians. Every five years, the census tells us that we are losing ground.

I read the statement you put out on January 28, 2022, regarding the Federal Court of Appeal's decision. My fellow member Mr. Godin mentioned the decision.

What is your reaction, and what do you recommend?

You touched on Bill C-32, but I'd like to hear your thoughts on how we can protect French through this study.

As far as the commissioner's responsibilities are concerned, what aspects can be strengthened in the bill?

Mr. Raymond Th  berge: To begin with, the parts of the act that deal with what you just talked about need to be reviewed. Part VII addresses federal institutions' obligation to take into account the needs of official language minority communities, and the Federal Court of Appeal recognized that obligation in its decision. It also recognized the need to ensure that the programs and policies in place support the development of those communities—not hurt it. The government also needs to be proactive by taking positive measures to ensure the development and vitality of official language minority communities.

Turning to the elements that address French specifically, I would say that if the objective is to achieve substantive equality, the act cannot be implemented in the same way across the country. Some regions are home to communities that are extremely vulnerable, such as out west. We are talking about very small communities, including those in my province of Manitoba. To achieve substantive equality, it's important to implement the act in a differentiated way. The Supreme Court provided a very clear definition of substantive equality, which is the objective.

On the compliance front, Bill C-32 sets out the authority to enter into enforceable agreements with federal institutions, make orders and establish conflict resolution mechanisms, powers that are not currently available. Administrative monetary penalties could be added to the bill. That would provide a much larger tool box, giving the commissioner's office access to various resolution mechanisms, depending on the situation. Right now, the commissioner's office can make recommendations, something it has been doing for years.

Furthermore, the discussion around how to better protect French should also focus on mechanisms within the federal government. When it comes to language of work, it is crucial to recognize that English is the predominant language in the workplace. That means the appropriate conditions need to be in place to ensure that federal government employees can work in French, whether it is their mother tongue or their second language.

The way things are currently structured greatly favours one language over the other. That issue receives very little attention in the discussion around modernizing the Official Languages Act. The idea of providing better language training receives some consideration. That is a first step, but it is absolutely vital that part V of the act, which deals with language of work, really give employees the tools they need to speak their first or second language. That means changing how things are structured, because, as I see it, French very often receives secondary treatment within the federal government. That has been the case for years now.

• (1610)

Mr. Francis Drouin: Thank you, Mr. Th  berge.

I would be remiss if I took all of the remaining time, because I want to share it with my Acadian friend, Mr. Samson.

The floor is yours, Mr. Samson. There's about a minute left.

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

Mr. Th  berge, it's always a pleasure to see you. I want to thank you for your work in the matter that went before the Federal Court

of Appeal. The appeal court overturned part of the decision rendered by Justice Gascon of the Federal Court in relation to part VII of the act.

In light of the analysis provided by both courts in their decisions, it's very clear to me that we need to build robust language provisions into the legislation. I repeat, they must be very robust. They also need to apply to all agreements; otherwise, the issue will have to be brought before the courts every single time to raise critical points related to each specific agreement, as was the case with the schools.

In light of the two decisions, what measures should be taken as the Official Languages Act is modernized, especially in relation to parts IV and VII?

The Chair: Thank you, Mr. Samson.

Commissioner, perhaps you'll have an opportunity to answer that question as you respond to other members' questions. Mr. Drouin's six minutes are up.

We now go to the committee's second vice-chair, Mario Beaulieu.

Go ahead, Mr. Beaulieu.

Mr. Mario Beaulieu (La Pointe-de-l'  le, BQ): Thank you, Mr. Chair.

I would like to thank the Commissioner of Official Languages for his presentation.

Mr. Th  berge, our committee recently heard testimony from language rights expert Guillaume Rousseau, who has just published a fairly comprehensive book in which he discusses language policy models around the world. In his view, just about every expert agrees that language policy models founded on the territoriality principle can be effective in protecting minority languages and vulnerable languages, but models based on the personality principle, such as the Official Languages Act, are ineffective in protecting languages in a minority setting.

The Official Languages Act came into force 52 years ago. After all these years, one cannot help but notice that it has indeed been ineffective. The assimilation rate for francophones outside Quebec has been steadily increasing. Even within Quebec, French is declining.

I would like to hear your comments on this.

Should we also be amending the principles underlying the Official Languages Act?

Mr. Raymond Th  berge: With respect to the concept of language management, it is important to realize that an enormous number of factors contribute to implementing a policy. The territoriality approach is recognized, but it does not always produce the desired results.

Having said that, we might consider other approaches as well. You mentioned that the act has already been in effect for 52 years. When I think of the communities outside Quebec, without the existing act, which recognizes minority communities, I believe we would be having a completely different conversation today. We would certainly be asking where the francophone minority communities are.

I believe the language policy model that we choose also speaks to the values that we hold as Canadians. We can certainly improve our approach and adjust it to ensure that standards are implemented and to ensure that the minority language, which is French in Canada, thrives. He could certainly find other experts who would say that we could consider other approaches.

• (1615)

Mr. Mario Beaulieu: That remains to be seen.

Another principle in the act requires that Quebec anglophones be treated the same as francophones. When the act came into effect, Quebec's anglophones were guaranteed services in their language in institutions, the health care and education systems, and so on. These institutions were overfunded because, based on the country's history, the anglophones were the conquerors. The anglophone communities were on the same footing as the francophone and Acadian communities, which were subjected to genocidal laws that prohibited the teaching of French. Situation is entirely different today.

Didn't this situation, in which the act continued to steadily reinforce English in Quebec and overfund anglophone institutions, contribute to the decline of French in Quebec?

Mr. Raymond Th  berge: Over the past 50 years, since the act came into effect, we have seen the two communities evolve differently. Of course, each has its own set of challenges. They have evolved differently in 50 years.

With respect to the anglophone community in Quebec, many of the socioeconomic factors tell us that they are much less affluent than the francophone majority in Quebec.

I think that the evolution—

Mr. Mario Beaulieu: Do you have any concrete examples for us?

Mr. Raymond Th  berge: It would be our pleasure to provide you with statistics on that, Mr. Beaulieu.

In my opinion, we must keep in mind that the situation today isn't the same as it was 50 years ago.

Mr. Mario Beaulieu: You're absolutely right, Mr. Th  berge.

Right now in Quebec, French is in free fall. In other words, English is growing, but French is declining. We will have the opportunity to discuss this later.

In the meantime, I'd like to ask you one more question.

An article came out recently about a situation in which someone had criticized your work, but you had dismissed the lawsuit. This individual wondered why there was no independent mechanism in situations like that.

What are your thoughts on it?

Mr. Raymond Th  berge: Thank you for the question.

I understand the interest in situations like that, but unfortunately I can't comment on specific individual cases.

Mr. Mario Beaulieu: Generally speaking, would it not be good to have—

Mr. Raymond Th  berge: I will give the floor to Ms. Gigu  re, general counsel for the Office of the Commissioner of Official Languages, because she is more familiar with the process.

The Chair: We are down to only five seconds, which doesn't leave enough time. Perhaps you will be able to further elaborate when you answer other questions along the way, Mr. Th  berge.

We now go to NDP member Niki Ashton.

Ms. Ashton, you have the floor for six minutes.

Ms. Niki Ashton (Churchill—Keewatinook Aski, NDP): Thank you very much, Mr. Chair.

Welcome, Commissioner.

Have you had any meetings with the Minister of Official Languages or any of her team members to discuss the modernization of the Official Languages Act?

Were you consulted?

Mr. Raymond Th  berge: I wouldn't say I was consulted, but I requested a meeting with Minister Petitpas Taylor. At the meeting, I had the opportunity to make some important points to her, items which I felt needed to be part of the next draft of the bill.

Ms. Niki Ashton: I noted that you did not consider your meeting a consultation.

Do you believe the government understands the importance of expanding the Commissioner's powers?

Do they understand how important it is to give the Commissioner the power to impose monetary penalties or establish an administrative tribunal?

Mr. Raymond Th  berge: The Minister was very open to the idea of giving the Commissioner the tools they need to fulfill their role.

As I mentioned, the first draft of the act included the ability to enter into binding agreements and issue compliance orders. Now, there has been a lot of talk for some time about administrative monetary penalties. In some situations, they may be the only tool that will work. A number of stakeholders in the field have requested it.

In my opinion, the Minister listened to what we had to say.

• (1620)

Ms. Niki Ashton: Commissioner, you spoke briefly of the Federal Court of Appeal's ruling on Part VII of the Official Languages Act.

The government explained to us that the Federal Court of Appeal ordered that positive measures be better defined in the act. It's surprising that we have reached this point, since we have known for a very long time that positive measures needed to be better defined.

What do you think of the reasons the government gave for not keeping its promise to introduce the bill in the first 100 days of its mandate?

Mr. Raymond Th  berge: Any delay in tabling a bill will inevitably delay its passage.

In the original version of Bill C-32, the language in Part VII did not thwart Justice Gascon's decision. It's extremely important that I mention that.

In some ways, the timing could not be better with respect to the Federal Court of Appeals decision. It clarifies the principles needed to give Part VII more teeth. We should even incorporate some aspects of the decision into Part VII to ensure their sustainability.

Ms. Niki Ashton: I'm going to change the subject, Mr. Th  berge. I would like to ask you a question about immigration.

The 4.4% target for francophone immigrants outside Quebec was established based on an assumed correlation between the proportion of francophone immigrants and the demographic weight of francophone minority communities.

Over and above immigration targets, what policies should the government put in place to stop the decline of francophone communities, ensure that immigration targets are met and ensure that these communities thrive?

Mr. Raymond Th  berge: First, as you mentioned, we're supposed to reach the 4.4% target by 2023, but obviously we're not going to get there. This means that over 75,000 francophone immigrants who we could have welcomed to Canada, outside of Quebec, will not be coming. The demographic impact will be felt for a generation, if not longer.

The government really needs to have a policy for francophone immigrants outside Quebec. I would even say that Part VII of the act should include a specific obligation for Immigration, Refugees and Citizenship Canada, to set a much more ambitious target in order to maintain a balance between the two communities. The balance is being thrown more and more off-kilter as the years go by, which has an impact on the quality of services, education and so on.

Therefore, I feel that specific obligations to create a francophone minority immigration program should be included in Part VII. It may be one of the only ways we can ensure accountability.

Ms. Niki Ashton: Absolutely, francophone immigration is a very topical issue for us in northern Manitoba, an area that you know well.

Should this be a priority for the department and the government, in addition to the Official Languages Act?

The Chair: That will be all for now, Commissioner. You can answer that a little later or in further rounds of questions.

We will now begin the second round. This time we will have five-minute or two-and-a-half-minute periods for questions and answers, depending on the political party. I will point that out.

Mr. Gourde, you have the floor for five minutes.

• (1625)

Mr. Jacques Gourde (L  vis—Lotbini  re, CPC): Thank you, Mr. Chair.

I thank Mr. Th  berge for being here today.

I want to come back to one of my colleague Ms. Ashton's questions that startled me, I must admit.

Mr. Th  berge, you say that you requested a meeting with the Minister to talk about modernizing the Official Languages Act.

Did you get the impression that, if you hadn't requested the meeting, you would have been left out?

Mr. Raymond Th  berge: I would not have been left out, but it might have taken a little longer for us to meet.

However, I want to reiterate that as an officer of Parliament, it's important to maintain a certain distance from the government, particularly to guarantee impartiality. I believe that my opinion is important, given the experience of my Office. However, what we contribute is based on our past and our expertise. So I feel the Minister would have invited us to talk about official languages and the next draft of the act, but we invited them to meet first in letters to congratulate several ministers and colleagues.

Mr. Jacques Gourde: Without question, Mr. Th  berge, the Office of the Commissioner has all the expertise needed to contribute a great deal to this modernization effort. Still, I'm flabbergasted to learn that you had to make the first move—I commend you for it—to at least be part of the equation at this historic time. You might have been left out, which would have been very unfortunate.

On another note, at the beginning of your speech, you said you were dealing with unprecedented tensions and disrespect. Do you feel your Office is not necessarily respected by institutions, or even from within? It's unfortunate, but your recommendations are not being followed in many instances. It seems like some are using the Office of the Commissioner as a loophole. When a problem arises, they tell people to file a complaint with the Office of the Commissioner and then they wash their hands of it. I find that sad.

Do you get that impression?

Mr. Raymond Th  berge: I might phrase it a bit differently.

I find that the recommendations we make are acted upon to a significant degree. The problem is that even if they are acted upon, that doesn't necessarily change the behaviour of federal institutions. Federal institutions will very often administer official languages using a risk management approach, that is, if they get a complaint, they deal with the complaint.

I feel it's important now to make sure that people know they can't keep behaving the same way and think that's acceptable.

Mr. Jacques Gourde: Thank you. That's it for me.

The Chair: You have one minute and 20 seconds left, Mr. Godin.

Would you like to ask another question?

Mr. Joël Godin: Yes, Mr. Chair. I'll take the ball and run with it. We're all good friends here, but I want to keep my speaking time.

Commissioner, this week you stated that the federal government had entered into agreements with every province except Ontario, but these federal-provincial-territorial agreements don't include a proportionate number of child care spaces for francophone minority communities.

I've been saying for several months that we owe it to ourselves to secure spaces for our francophone children.

Have you spoken to the Minister about this? If so, does she plan to include this in her Official Languages Act modernization bill?

The Chair: You have less than 20 seconds left.

Mr. Raymond Th  berge: It's hard to speculate what we'll find in the bill. However, I feel the child care agreements are a perfect example of how important it is to include language clauses in the modernization bill.

Without them—

• (1630)

The Chair: Thank you, Commissioner.

I'm sorry to interrupt, I'm trying to do it as politely as possible.

We now go to Mr. Iacono for five minutes.

Mr. Angelo Iacono (Alfred-Pellan, Lib.): Thank you, Mr. Chair.

I'd like to thank all the witnesses for being here to join in this discussion with us today.

Commissioner, you emphasized that assessments of language requirements for federal public service positions often fall short.

What exactly do these assessments involve?

Mr. Raymond Th  berge: Section 91 of the Official Languages Act requires an objective assessment of the language requirements of a position, which can be “English essential”, “French essential” or “bilingual”. When a position is said to be bilingual, the level of bilingualism required must be determined, as there are different levels.

A study we did last year showed that, across all the federal institutions, there isn't a good understanding of section 91 and what it actually means.

Properly identifying language requirements is crucial to creating the capacity to provide services in both official languages. If we can't properly identify the language requirements of positions based on needs, how can we create the capacity to respond to Canadians in the language of their choice?

I'll give you a perfect example: the issue of public safety—

Mr. Angelo Iacono: Briefly, please, because I have other questions for you. I'll let you finish with your example.

Mr. Raymond Th  berge: Let's just say that, when we talk about emergency situations and their impact on official languages, we quickly see that federal institutions, which play a role in this area, don't have the necessary capacity to communicate with Canadians in both official languages.

Mr. Angelo Iacono: Do you think that rigorous upgrading of both French and English is required for federal public servants to respond to members of the public?

Mr. Raymond Th  berge: At present, if we haven't properly identified the language requirements of positions, we won't be able to meet the needs of Canadians.

As I was saying earlier, I think that when we talk about the concept of linguistic insecurity, when we talk about the secondarisation of French within the federal government, we certainly have to do something to encourage greater use of French in the federal public service.

Mr. Angelo Iacono: Thank you.

Mr. Commissioner, have you ever heard about the lack of qualified and perfectly bilingual candidates?

Mr. Raymond Th  berge: We often hear this observation. However, the Treasury Board must ensure that people have the necessary tools to get the language training they need to do their job better. It isn't just a matter of seeking out language training, but also, more importantly, of maintaining language skills once they've been acquired. That requires creating a much more linguistic inclusive workplace.

What is also interesting is that Minister Fortier's mandate letter provides for scholarships to 1,000 people to improve their second language skills to better integrate into the public service. Means have been established to achieve this.

Mr. Angelo Iacono: Okay.

You recommended that the Government of Canada implement internal procedures and communication work tools in federal workplaces.

Can you give us a few examples of tools that would allow Canadians to be served adequately in both languages?

Mr. Raymond Th  berge: First, we have developed a tool that we've made available to the Treasury Board to better define the language skills of positions. That's a start. Without a good definition of positions, it's difficult to develop language capabilities.

Also, within the federal government, a series of workshops are given on how to properly manage and chair bilingual meetings. We need to find a way to ensure that French does indeed have a place within the federal government.

• (1635)

The Chair: Thank you, Mr. Commissioner.

We'll now go to the next speaker, our second vice-chair, Mario Beaulieu.

Mr. Mario Beaulieu: To begin with, I'll give you time to answer my last question.

The Chair: You have two and a half minutes, Mr. Beaulieu.

Mr. Mario Beaulieu: The individual who criticized one of your decisions wondered why there was no independent organization assessing this.

How is it that the Commissioner of Official Languages is the judge and jury in this kind of situation?

Mr. Raymond Th  berge: The best way to answer your question would be to hand it over to the general counsel, who could explain the procedures that currently exist in our work.

Ms. Gigu  re, please go ahead.

Ms. Pascale Gigu  re (General Counsel, Legal Affairs Branch, Office of the Commissioner of Official Languages): I'd be pleased to answer that question.

When the Office of the Commissioner receives complaints, they are analyzed. In all cases, the actions we take with respect to those complaints are consistent with our standard practices—

Mr. Mario Beaulieu: Thank you, but I don't want to know the whole complaint process.

When there's a complaint against the commissioner's work, what happens?

Ms. Pascale Gigu  re: We have some external investigators who can do this work. We can send them certain cases. Before referring complaints to external investigators, the commissioner examines the complaints and exercises his statutory powers, in accordance with the act.

Mr. Mario Beaulieu: Okay.

Mr. Commissioner, do you agree that there is a decline in French in Quebec?

Mr. Raymond Th  berge: I think that French in Quebec is facing significant challenges and that this will continue, given Quebec's situation in North America, as are our francophone communities outside Quebec. French is the minority language in Canada, and it is the language that deserves to be protected.

Mr. Mario Beaulieu: You're not prepared to say that French is in decline.

Mr. Raymond Th  berge: I think that—

The Chair: I'm sorry, Mr. Beaulieu, I have to interrupt you, but you'll have another round later to ask that question.

We'll now go to Niki Ashton for two and a half minutes.

Ms. Niki Ashton: Thank you, Mr. Chair.

I'd like to come back to the issue of immigration, Mr. Commissioner. Specifically, I'd like to come back to the issue of consultations and the letters you sent.

Have you requested a meeting with the Minister of Immigration, Refugees and Citizenship and his team?

Did you get a meeting to talk about the targets?

Mr. Raymond Th  berge: We certainly have not had a meeting with the Minister of Immigration.

I will turn to my colleague to see if we had requested a meeting through the congratulatory letter.

Mr. Pierre Leduc (Assistant Commissioner, Policy and Communications Branch, Office of the Commissioner of Official Languages): I think so, Mr. Th  berge.

As you know, I had the opportunity to meet with my counterpart to discuss the situation, but the discussion with the Minister of Immigration is still to come.

Mr. Raymond Th  berge: So the answer is no. We haven't met with the minister.

Ms. Niki Ashton: Okay.

It's fairly disappointing to hear that.

Last week, the Minister of Immigration held a press conference entirely in English.

The issue of francophone immigration doesn't seem to be a priority for the government, nor does meeting with you or taking immediate action.

I'd like to ask a quick question about targets.

The recommendations to raise the targets to 7% have not been acted upon.

What is your position on increasing these targets?

Mr. Raymond Th  berge: Obviously, the immigration target needs to be raised. In fact, regardless of whether the exact target is 6%, 7%, or 8%, it has to be increased if we want to maintain the demographic weight between communities.

Immigration, Refugees and Citizenship Canada is the largest immigration player in Canada. There are agreements with the provinces, and some of them have a much greater role to play in the selection of immigrants.

When it comes to francophone immigration outside Quebec, one of the main players is Immigration, Refugees and Citizenship Canada.

• (1640)

The Chair: Thank you, Mr. Commissioner and Ms. Ashton.

We'll now move on to the questions of our [*Technical difficulty—Editor*].

[*English*]

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Thank you so much.

I think to balance it, I will ask my questions in English, so we have both official languages.

[*Translation*]

The Chair: Ms. Gladu, could you please mute your microphone?

The next question is from Mr. Dalton.

Mr. Dalton, you have five minutes.

Mr. Marc Dalton (Pitt Meadows—Maple Ridge, CPC): Mr. Commissioner, thank you for your comments.

The Office of the Commissioner of Official Languages and the Fédération des francophones de la Colombie-Britannique won their case before the Federal Court of Appeal, against Employment and Social Development Canada regarding employment contract agreements. The court stated that the federal government had failed to meet its linguistic obligations.

How should the new Official Languages Act address this problem?

Mr. Raymond Thériège: I'll come back to the answer I gave earlier.

The current version of the bill doesn't overturn the Gascon decision, in relation to the Fédération des francophones de la Colombie-Britannique. However, the Federal Court of Appeal's decision overturns the Gascon decision.

However, if we want to ensure that Part VII of the act has much more effect, it would be really interesting to include in the bill some of the principles identified by the Federal Court of Appeal.

Mr. Marc Dalton: Does this decision have any negative repercussions?

Mr. Raymond Thériège: I don't see anything negative, I only see something positive.

Of course, the other part of the judgment dealt with Part IV, but it's not at all the same thing. The Federal Court of Appeal didn't overturn the lower court's decision. However, the Federal Court of Appeal decision really reinforced the principles at the heart of Part VII of the act. This reinforces the intent of Parliament at the time Part VII was developed. This is extremely important.

I think we need to build on this in the next version of the act. We'll probably have to add a regulation. This is definitely worth considering in the coming days or months.

Mr. Marc Dalton: Thank you.

Do you think the government could have been proactive on this issue?

Mr. Raymond Thériège: Since it was the other party in the trial, the government could obviously have withdrawn from the ap-

peal. That being said, it's somewhat ironic because the government itself doesn't want to defend the Official Languages Act. If it had chosen to withdraw, it would have saved us three years.

However, I think that this is now part of the rule of law. A clear decision has been made, and in my opinion, this clarity is essential to ensure that Part VII of the act can support the vitality and development of our communities.

Mr. Marc Dalton: Would it be a good idea to strengthen the linguistic obligations of other positions, in addition to those of the Governor General and Lieutenant Governors and, if so, what are those positions?

• (1645)

Mr. Raymond Thériège: My position on this is quite simple: I believe that every important leadership position across the federal government should be filled by people who can speak both official languages, be it the president and CEO of the Canadian Museum of History or other Governor-in-Council appointments. This is extremely important because it sets an example.

If we don't set an example, we give others permission not to hire bilingual people in their organizations. Leadership leads by example, and it starts at the top.

The Chair: Thank you, Mr. Commissioner.

Ms. Kayabaga, you now have five minutes.

Ms. Arielle Kayabaga (London West, Lib.): Thank you, Mr. Chair.

I'd also like to thank the commissioner for being with us to take part in this discussion.

Mr. Commissioner, I first want to ask you about your 2020-21 report, which shows a decrease in the total number of complaints in 2018 compared to previous and subsequent years.

What do you think led to this decrease? What can the government do to keep the number of complaints at this level or lower?

Mr. Raymond Thériège: The number of complaints depends on the citizens. We don't necessarily know why there was a decrease that year. Complaints often come in waves and are influenced by what is happening in the environment.

This year, for example, we have already received over 5,500 complaints, which is five times the norm. If we look at the evolution over a 10-year period, we see that the average was previously 500 complaints per year, whereas now it's around 1,000 complaints per year. As a result, the number of complaints has doubled.

This year, the number of complaints is exceptional, but it shows that Canadians are responding to certain events. They react viscerally when they feel their language rights have been violated. Sometimes we receive more complaints, sometimes less. I don't have a specific explanation for the decrease in complaints in 2018. That said, I can tell you that this year has made up for that.

Ms. Arielle Kayabaga: Okay. I would like to add something about what my colleagues mentioned about international students and francophone immigration. The Standing Committee on Citizenship and Immigration is currently conducting a study on international students from francophone countries. The minister is also prepared to appear before the committee.

My second question is also about your report. You recommend that members of Parliament work together to pass legislation that benefits all Canadians. In this regard, what elements should be considered to achieve this objective?

Mr. Raymond Th  berge: When bills are drafted, and I will use the example of the bill to modernize the Official Languages Act, there are basic principles on which it would be important to agree. I'm thinking in particular of the importance of official languages to the Canadian identity. It's a fundamental Canadian value that contributes to the development of our country.

It's also extremely important to recognize that official languages are part of a changing environment. We need a bill today to meet the needs not only of today, but especially of tomorrow. Society and technology are changing rapidly. Immigration has a significant impact on our country.

Official languages are part of a Canadian political project, as are multiculturalism and reconciliation. So it's important to see our work as contributing to building the nation.

That's how I see bills: as a way of consolidating our values through legislation that articulates them well.

• (1650)

Ms. Arielle Kayabaga: Thank you for your answer. It highlights many of the issues on which the government has already begun a lot of work, as mentioned, as well as the issue of immigration of foreign students, which I have just talked about.

In a statement following the Federal Court of Appeal decision in *F  d  ration des francophones de la Colombie-Britannique v. Canada (Employment and Social Development)*, you said that the remedies granted by the Federal Court of Appeal would have a positive and concrete impact on the vitality of all official language minority communities.

How do you think that will be achieved?

The Chair: That is an excellent question, Ms. Kayabaga, but there is no time left for an answer.

We have just finished the second round of questions. We will now move on to the third round, in which the speaking time will be five minutes or two and a half minutes, depending on the party. I will specify the duration as each member begins.

We start with a five-minute turn.

[English]

Ms. Gladu, it's your turn.

Ms. Marilyn Gladu: Thank you, Chair.

Welcome to all the witnesses today.

In the private sector, when you want to drive a certain behaviour, you put the regulation in place. We have the Official Languages Act. You make sure everyone is aware of it, you promote it. I think people are aware of the law and what you're trying to achieve. Then you put in a consequence if they don't comply with the law.

What is the consequence if somebody does not comply with the act, for an individual or for an organization?

Mr. Raymond Th  berge: We only deal with organizations. We only deal with federal institutions.

As I have said many times during this appearance today, currently I can make recommendations, which is what I do. I make recommendations and I can do reports. I can do special studies. However, at the end of the day, if a federal institution does not implement a recommendation, there is no real consequence.

As I mentioned earlier, there are a significant number of recommendations that are implemented by federal institutions. The issue is that very often, though, it doesn't change the behaviour of that institution, because we will get the same type of complaint from someplace else, whether it's language of work complaints or whether it's dealing with the public.

Also, it's important to keep in mind, to reference the business analogy, that the business model of government has changed a lot since the inception of the Official Languages Act.

For example, prior to 1992, Transport Canada opted—

Ms. Marilyn Gladu: I'm sorry. I have only a limited amount of time.

What do you think the consequence should be for an institution that doesn't comply with the act?

Mr. Raymond Th  berge: First, we have to be able to have different tools. One would be the ability to negotiate binding agreements with federal institutions; and another would be the ability to give orders in terms of, "You haven't done what you were supposed to do, so this is what will happen."

Another possibility, and this is more in line with maybe those businesses governed by federal charter, is that we could talk about monetary administrative penalties.

However, the reality is, right now, we make recommendations, and as we've received over 60,000 complaints, probably more recommendations over the years....

Ms. Marilyn Gladu: It sounds like with 60,000 complaints, there need to be some consequences or this will continue.

You mentioned needing a conflict resolution mechanism. Can you tell us more about that?

Mr. Raymond Th  berge: Currently, when someone files a complaint, there are two approaches: a formal investigation process and more of an informal facilitated approach.

There are a number of ways that we could work with an institution. There are other mechanisms. There are alternate dispute mechanisms, and the proposed legislation gives us that opportunity to put in place those mechanisms. How can we work better with institutions to ensure better compliance other than through complaints and recommendations? There must be other ways that we can work with these institutions to have better outcomes.

• (1655)

Ms. Marilyn Gladu: Yes.

You mentioned for example that we're missing linguistic skills with some of the candidates. When you see gaps, how often do you update the minister so that she can take action?

Mr. Raymond Th  berge: We don't deal with the minister. We do deal with Treasury Board. We do, for example, send Treasury Board all of our reports dealing with section 91 complaints, which have to do with identifying the linguistic requirements of positions, for all of those cases where it was not done correctly, to inform Treasury Board that there's a problem. It's systemic. When we have a systemic issue, we will not resolve it by a complaints process. We will resolve it by a systemic approach to resolve the issue.

Ms. Marilyn Gladu: True, but if the Treasury Board is seized with all kinds of other financial issues, then they don't tell the minister, and then the minister doesn't know what the gaps are that need to be addressed.

Anyway, I think I'm out of time, but thank you so much.

The Chair: Thank you, Ms. Gladu.

[*Translation*]

The next questions will be from the Parliamentary Secretary to the Minister of Official Languages.

Mr. Serr  , you have the floor for five minutes.

Mr. Marc Serr   (Nickel Belt, Lib.): Thank you, Mr. Chair.

My thanks to Commissioner Th  berge and his entire team.

First, like my colleague Mr. Gourde, I would like to highlight the great efficiency of your team. I was appointed Parliamentary Secretary on Friday, December 3, and by December 16, I had already received your letter of congratulations and your request for a meeting. It was all done in nine business days. Again, my congratulations to your team for their great efficiency.

Second, I wanted to tell you that the Minister of Immigration, Refugees and Citizenship is very concerned about francophone immigration. He will also be appearing before the Standing Committee on Official Languages.

Those are the two points I wanted to highlight.

Mr. Th  berge, what is your assessment of the measures that have been implemented to date under the Action Plan for Official Languages, 2018-2023?

What are your expectations in terms of renewing it?

Mr. Raymond Th  berge: The work of the Office of the Commissioner of Official Languages has three main objective, the second of which is to monitor the implementation of the action plan. After a number of meetings with various stakeholders, we determined that the implementation of the action plan has gone very well. It is important to remember that we are in the middle of a pandemic and that departments have therefore had to adapt in order to be able to do their part.

We will soon be producing a report on the implementation of the action plan, which will include a series of recommendations for the next action plan. In other words, while, in our view, the action plan is relatively good news, it will be helpful, in preparing the next stages, to consider the comments of those closely involved.

In fact, we would like to be part of the consultation process for the next action plan, which is scheduled to begin in March 2023. The action plan—

Mr. Marc Serr  : Forgive me for interrupting you, Mr. Th  berge, but I don't have much time left, since I will be sharing it with my colleague Ms. Lattanzio.

Mr. Th  berge, I know that you met with the President of the Treasury Board, Ms. Fortier. Could you send the committee, in writing, the conclusions of your meeting with her on official languages?

I will turn the rest of my time over to Ms. Lattanzio. I believe there are two minutes and ten seconds left.

Ms. Patricia Lattanzio (Saint-L  onard—Saint-Michel, Lib.): I will hurry up and ask my questions.

[*English*]

Thank you so much, Mr. Commissioner, for being among us today.

I'm going to cut to the chase and ask you the question with regard to the overseeing of the implementation of the recommendations. I understand that you want a little bit more of a bite in this new law, which is a serious consideration.

You mentioned before that there could be a default to impose monetary repercussions. Sometimes when we're dealing with companies, a fine is not exactly an incentive to not do or to do, right?

Is that the only incentive or pecuniary or punitive measure that you're seeking, or are there other options that we can explore?

• (1700)

Mr. Raymond Th  berge: When we tabled our position paper in 2019, we did mention other options. One was enforceable agreements with institutions. This can work just as well with federally regulated companies.

[*Translation*]

It would then be possible to issue compliance orders.

[*English*]

I think the question of administrative monetary penalties is on the table. It's interesting, but I think it really would apply more to the corporate side than to federal institutions. Federal institutions are a "take money from Peter to pay Paul" kind of thing.

Ms. Patricia Lattanzio: Exactly.

Mr. Raymond Th  berge: It could be in terms of graduated steps of measures. You can start with binding agreements and you proceed. It depends which one works with which institution or organization. It's not—

Ms. Patricia Lattanzio: I'm sorry, I didn't mean to cut you off.

What do you think about the publication of these sentences, judgments or binding agreements?

[*Translation*]

The Chair: That's all for now, Ms. Lattanzio.

Ms. Patricia Lattanzio: Could we hear his answer?

The Chair: You will have another five-minute round shortly, Ms. Lattanzio, so you will be able to ask your question again.

The floor now goes to Mario Beaulieu for two and a half minutes.

Mr. Mario Beaulieu: Thank you, Mr. Chair.

Mr. Th  berge, I believe you suggested earlier that, in certain areas, anglophones in Quebec are less well off than francophones.

Can you give me a specific example and tell me your source for that statement?

Mr. Raymond Th  berge: The source is Statistics Canada. I am relying on the current data on family income and level of education. I would be pleased to send you more information about it.

Earlier, I mentioned that the communities have evolved over the past 50 years. The English-speaking community in Quebec has also evolved a lot over the past 50 years. It is important to recognize that. The English-speaking community in Quebec has its own challenges, just as French-speaking communities outside Quebec have their own challenges. I feel that it is important to mention that.

I will provide you with the source and the data to support my comments.

Mr. Mario Beaulieu: I would love to look at that. In my opinion, the average income of anglophones is still much higher than that of francophones. There are many studies on the subject, but the issue is far from settled.

How can French be protected in Quebec through positive measures such as those in Part VII of the Official Languages Act?

Mr. Raymond Th  berge: Quebec already has several mechanisms to better protect French. By that I mean mechanisms that are more provincial than federal. I think that...

Mr. Mario Beaulieu: Is it your opinion that the federal level can do nothing more?

Mr. Raymond Th  berge: In the agreements it can reach in areas such as education, early childhood and immigration, the federal government can also ensure that Quebec has the tools it needs to protect French.

That is a special situation. Part VII of the Act is designed to support official language minority communities. It is not intended to support majority communities. On the other hand, the bill does in a way commit to protecting and promoting French in Quebec and in Canada.

The Chair: Thank you, Mr. Commissioner.

The floor now goes to Niki Ashton, for two and a half minutes.

Ms. Niki Ashton: Thank you, Mr. Chair.

Commissioner, I would like to come back to the issue of immigration, which also ties into recruitment.

On the one hand, we know that we have a problem recruiting professionals and teachers from early childhood to university. On the other hand, we know that the continent of Africa has a large number of francophones and a potentially large recruitment pool.

Should we not put in place positive measures that are specifically aimed at increasing the recruitment potential in African countries?

• (1705)

Mr. Raymond Th  berge: In my opinion, it is clear that the current situation indicates a systemic problem within Immigration, Refugees and Citizenship Canada. With the recruitment of foreign students in particular, there is certainly a problem when applications from certain countries, especially those in Africa, are systematically refused.

I can draw on my experience as a former rector who recruited from those countries. Very often, we waited a long time to obtain study permits.

If we are serious about selecting French-speaking candidates, we must certainly look at French-speaking countries.

Ms. Niki Ashton: Exactly.

From your experience in your previous job, do you think our communities would get positive results by targeting all French-speaking countries in general, or even certain regions or countries in particular?

Mr. Raymond Th  berge: As I said earlier, it is important to recruit where the francophones are. To do that, we should perhaps broaden the traditional pool. Actually, very often, foreign students apply for permanent residency. If so, they then help to increase our workforce.

So we have identified the problem. Now we have to find solutions.

The Chair: Thank you, Mr. Commissioner.

Thank you, Ms. Ashton.

The floor now goes to Mr. Godin for five minutes.

Mr. Jo  l Godin: Thank you, Mr. Chair.

I want to go back to my question from earlier. I moved quickly, because, as you know, in committee, we do not have a lot of time.

So, let me go back to your statement. The federal government has concluded agreements with all provinces except Ontario. However, as you see it, these federal-provincial-territorial agreements do not provide for a proper proportion of child-care spaces for francophone communities in minority settings.

You mentioned earlier that you had met with the Minister of Official Languages. Did you discuss this situation with her?

Mr. Raymond Th  berge: I don't think so, but perhaps my recollection is inaccurate. At our meeting itself, I don't think we addressed that.

In any event, it is clear that, in the future, we will need to have language provisions in the FPT agreements to ensure that the communities—

Mr. Jo  l Godin: Mr. Commissioner, I'm sorry to interrupt you, but my time is very short. You answered my question: you met with the Minister, but, as far as you recall, you did not address the situation.

Mr. Commissioner, let me remind you that you told my colleague Ms. Kayabaga that the next Official Languages Act must meet the needs not only of today, but especially of tomorrow. So let me remind you of some chronology.

In June 2021, Bill C-32 was introduced. Parliament was dissolved in July. In August and September, we were in an election campaign. In October, the Cabinet was formed and decided to give itself 100 days to table a new version of the bill. Then along came the holiday season, and we understand that. It is now February 2022.

I asked you earlier whether we should move quickly to pass this new bill. You just said that when you met with the Minister, you did not deal with the child care agreements. You told me earlier that we need to pass the bill quickly.

Could you give me your definition of “quickly”?

Mr. Raymond Th  berge: In the process of getting legislation through Parliament, when we say “quickly”, we have to understand that it can take 18 to 24 months for a bill to receive royal assent, unless it receives the support of all parliamentarians.

When I talk about the need to move quickly, I mean that it is important for the government to introduce a bill quickly. Once the bill is tabled, the legislative process can begin.

It is difficult for me to say what a quick legislative process is, because it depends a lot on the committee work.

• (1710)

Mr. Jo  l Godin: Mr. Th  berge, I have a great deal of respect for you. My goal is not to catch you out or trip you up. However, I feel that this is a very important bill and that, once it is passed, you will either be a victim of it or you will be better equipped because of it.

So, I feel we need to take the time to do things right and make good amendments so that you can see some results. You said yourself that there are no results at the moment.

Bill C-32 was introduced, but you said that it had no teeth. So we have to give ourselves the means and the time to do things right.

Let me ask you again: do we have to pass this bill quickly?

Mr. Raymond Th  berge: I think we must take the time we need and make sure that the bill will meet the needs not only of today, but also of tomorrow.

As to how quickly we need to act, of course, I will leave that to the Minister and the government to judge. I think some have said that they are willing to wait, but I don't know what that means in terms of time. Until the bill is tabled, we're still waiting and the clock hasn't started ticking yet.

So “quickly” does not necessarily mean the same thing to me as it does to you.

Mr. Jo  l Godin: No, it does not.

When you do things quickly, you forget details and you take shortcuts. Several examples probably come to mind. That was the point I was making when I was talking about the need to pass a bill quickly.

As I said at the outset, this bill is historic. It lays the groundwork for protecting, let's be honest, French in particular for the next 50 years. Canada is a bilingual country, until we are told that it isn't, so we must give ourselves the tools we need.

I will go—

The Chair: Thank you, Mr. Godin.

Mr. Jo  l Godin: Thank you, Mr. Th  berge.

The Chair: Ms. Lattanzio, the floor is yours for five minutes.

Ms. Patricia Lattanzio: Thank you, Mr. Chair.

[English]

Going back to you, Mr. Th  berge, obviously you know that I'm an anglophone from Quebec, and I wanted to perhaps ask you about the complaints you have received. I understand there are about 1,000 per year. You mentioned 50,000 before, and I imagine that's over the lifespan of more than 10 years. If we were to average it out, it's more or less about 1,000. Give me an idea of the nature and the quantities of complaints you have received over the course of the last three or four years, specifically from Quebec. What would they be?

Mr. Raymond Th  berge: That would basically be with respect to receiving services in the language of your choice. More often than not that would be French.

We have had a number of language of work complaints, but the vast majority have to do with receiving services from federal institutions in the language of their choice.

There's an array of institutions that are, for lack of a better word, guilty of those behaviours, and it hasn't changed much over time. For example, this year we had a significant number of complaints from Quebec, but from across the country as well, with respect to the Air Canada CEO giving a unilingual speech.

It is often with respect to communications in the language of one's choice.

Ms. Patricia Lattanzio: Okay.

Before us we have different groups that come to speak to us, and I'm sure you're very much familiar with QCGN. They have presented to us their queries, their worries. One of the comments that come back again and again is their saying that the modernization of the official languages is doing really two things. It is creating new language rights for only one language to the detriment of the other in Quebec, and it is saying that the proposed bill is not doing much to fix the problems of part VII of the act.

I just wanted to have your opinion on those two issues.

• (1715)

Mr. Raymond Th  berge: With respect to the first issue you raised, you're referencing legislative asymmetry, which seems to be part of Bill C-32. The goal of Bill C-32 is to achieve substantive equality, and I think those two concepts are quite different. Substantive equality is well defined by the Supreme Court in terms of how we can achieve substantive equality between linguistic communities. It doesn't mean we have to do the same thing for each community. Legislative asymmetry means that you bake into the legislation rights for one group and not for the other.

Ms. Patricia Lattanzio: Exactly. That seems to be the worry.

Mr. Raymond Th  berge: I really understand the worry of the English-speaking communities of Quebec. To reference a previous speaker, if we're going to take more time to make sure we table a piece of legislation, I think the government has to revisit and re-think this whole question of asymmetry. In one way, how can we ensure that both linguistic communities are well represented and well defended in this new bill?

Ms. Patricia Lattanzio: What about with regard to the issue of not fixing the issues with part VII of the act?

Or have we missed the boat on that with regard to the projected law?

Mr. Raymond Th  berge: One of the problems is that the law as it was written did not counter the Gascon decision. However, we had a Federal Court decision in January that basically countered the lower court decision.

For part VII, we probably need a regulation to talk about the obligations of various institutions, like, for example, Immigration, StatsCan and Canadian Heritage. Those institutions have a role to play in the development of official languages in minority communities. We should specify these obligations within a regulation to deal with, for example, the concept of positive measures and to define a number of these things. Right now the broad principles are there, but when it comes to the application, we have to look on the regulatory side.

Ms. Patricia Lattanzio: We need to be able to divvy up regulations.

Mr. Raymond Th  berge: Yes. I think to support part VII, we need a regulatory framework.

Ms. Patricia Lattanzio: On what—

[Translation]

The Chair: Your time is up, Ms. Lattanzio.

[English]

We're at five minutes. I'm sorry I have to interrupt you.

Ms. Patricia Lattanzio: Mr. Chairman, maybe Commissioner Th  berge could send us his recommendations on what he would like to see in regulations.

[Translation]

The Chair: Absolutely. The comments are noted. The commissioner can send his recommendations to the clerk.

Before we proceed with committee business, I just want to tell members that the motion from our colleague Jo  l Godin was to meet with the commissioner and his team for two hours. If we wish to continue the meeting past 5:30 p.m., we will need unanimous consent.

Let me make a suggestion from the Chair and you can tell me what you want. In the next round, I will cut members' time in half. Instead of giving the Conservatives and Liberals two five-minute rounds, I would give them only one five-minute round, and one round of one minute and fifteen seconds to the NDP and the Bloc. So, all members would have half their usual time. We would need an extra 15 minutes to do that. That is my suggestion.

A full round would require at least 25 minutes. So I'm giving you two options: either cut all members' time in half, or do one full round of questions. Having said that, unanimous consent is required if we want to continue the meeting past 5:30 p.m. The clerk informs me that the technicians, interpreters and all other staff are willing to stay longer.

Mr. Godin, since this is your motion, I will give you the opportunity to tell us what you think.

Mr. Joël Godin: First, Mr. Chair, after checking with the members of my party, I can tell you that we are prepared to extend the meeting, but only by 10 minutes.

Second, before we go any further, perhaps we should check with the commissioner and his team to see whether they are able to stay for another 10 minutes. You may have already done that, Mr. Chair. I understand that fairness is important. It is now 5:20 p.m. Perhaps we could stop after the member from the New Democratic party has spoken. That would maintain the time that has already been scheduled.

• (1720)

The Chair: What I meant to say, Mr. Godin, is that, in order to stay with the time allotted to the parties equally, I thought I would cut the time for all the parties in half. So there would be one question instead of two for the Liberal party and the Conservative party, and the time for the Bloc and the NDP would be cut in half. That would take us 25 minutes.

Mr. Joël Godin: Mr. Chair, I think that reducing the speaking time of the Bloc and the New Democratic Party from two and a half minutes to one minute and 15 seconds is not doing them any favours. Personally, I would give everyone two and a half minutes. We in the Conservative Party are prepared to give up our last five minutes.

It is up to you, on the liberal side, to decide whether you do the same.

The Chair: Okay.

While I'm talking to you, I'm also communicating with the clerk. She tells us that we have plenty of time to do a full round of questioning.

Are you making a proposal, Mr. Godin?

Mr. Joël Godin: In fact, Mr. Chair, I propose to extend the meeting by 10 minutes and to hear the next four questions that are scheduled, because I cannot go more than 10 minutes beyond the already scheduled end time of 5:40 p.m.

The Chair: Okay.

Is there unanimous consent? Are there any objections to this proposal? I don't see any hands raised.

That's fine, we have unanimous consent. We will extend the meeting and hear the next four questions in order.

We will start this last round of questions with Mr. Jacques Gourde.

Mr. Gourde, you have the floor for five minutes.

Mr. Jacques Gourde: Thank you, Mr. Chair.

Mr. Thériège, during the committee meeting, we talked about the basis for the next draft of the Official Languages Act.

What do you think would be the solid foundations for this law to hold up for the next 40 years?

Mr. Raymond Thériège: We have not yet discussed the issue of official languages governance within the government. In the proposed bill, governance is still a shared responsibility between the Treasury Board and the Department of Canadian Heritage.

It is extremely important that any central agency be able to ensure coordination and governance of official languages within the federal system, but also that it make other departments aware of their obligations and ensure that they comply with them.

Currently, governance is shared between two departments. On the one hand, the Department of Canadian Heritage, which we call the lead department, is responsible for enforcing certain elements of part VII of the act, and on the other hand, the Treasury Board deals with other aspects. I think it's important that governance be more centralized within the federal government. That would be very helpful in developing guidelines, policies and so on.

We have not discussed governance today, but if you talk to the stakeholders, you will see that this issue comes up often. The issue of language provisions is often raised as well, not only by us, but by several other stakeholders. Of course, the issue of compliance mechanisms, linked to the commissioner's powers, also comes up often, as does the issue of immigration.

If we want to achieve substantive equality, it is also important to give ourselves the means to do so. These are found, for example, in part VII of the act. We have talked a lot about part VII; it is crucial to the development of our communities. I will be happy to send you information on this subject.

In my opinion, the Official Languages Act has two important components. The first is the services provided by the federal government that communicate with Canadians. This component is addressed in parts IV and V. The other component, the one addressed in part VII, concerns the communities.

If we want to maintain the concept of linguistic duality in Canada, we must ensure that our official language minority communities are robust and strong. If we are to truly implement institutional bilingualism, Canadians must be able to receive services and communications in the official language of their choice in normal times, but especially in emergency situations.

It is therefore important to review the act. I come back to what I said earlier, we must ensure that the act meets the needs of Canadians, now and in the future, but also that it is technology-neutral, that is, that technology does not become an excuse for not respecting the Official Languages Act.

I will stop here.

• (1725)

Mr. Jacques Gourde: I thought you were very inspired. This information is very interesting.

I want to come back to the importance of the Treasury Board. This must be emphasized. It would certainly have more power or credibility to push forward the next draft of the act within all the institutions.

Mr. Raymond Th  berge: It is a central agency that has the necessary tools to do this kind of coordination. It is also important to have a government-wide plan for official languages, whether it is an action plan or something else, to ensure the development of communities, and someone must coordinate this plan.

What is also extremely important is the way in which a mechanism is put in place to consult with communities in order to create programs and policies that are in line with their needs or, at least, that do not hinder their development.

Mr. Jacques Gourde: Thank you very much.

The Chair: Thank you, Mr. Gourde and Commissioner Th  berge.

The next round of questions will be shared between Ms. Kayabaga and Mr. Iacono.

Ms. Kayabaga, you have the floor.

Ms. Arielle Kayabaga: Thank you, Mr. Chair.

I want to come back to the question I asked earlier.

In the statement following the Federal Court of Appeal's decision in *F  d  ration des francophones de la Colombie-Britannique v. Canada (Employment and Social Development)*, you said that the remedies granted by the Federal Court of Appeal will have a concrete positive impact on the vitality of all official language minority communities. Can you tell us how they will be achieved?

In your report, you also mentioned problems with COVID-19. Can you give us some details on the problems and the solutions that can be found to fill this gap?

Mr. Raymond Th  berge: First, with respect to the Federal Court of Appeal's decision in *F  d  ration des francophones de la Colombie-Britannique v. Canada (Employment and Social Development)*, it is important to remember that we had been receiving complaints since 2018 under part VII of the Official Languages Act and that they were admissible. This means that it was clear that some federal institutions had violated the Official Languages Act. However, given the principles of the rule of law, because of the Gascon decision, the complaints were inevitably unfounded, because it was a very general interpretation of the act with respect to federal institutions. Now, these part VII complaints can be fully investigated.

As far as COVID-19 is concerned, from the outset, there were difficulties in terms of communications. We had to intervene in March and early April with certain federal institutions to ensure that their communications were in both official languages. We received complaints about Health Canada, when it allowed unilingual labelling of health products. Some communications were made

with certain applications such as Switch Health, for example, and were not in both official languages.

The pandemic revealed gaps in the federal government's ability to communicate in both official languages. The capacity was not there. We do not want to go through a pandemic again, but I think we should learn from this pandemic for future emergencies, which will certainly be numerous. We need to be prepared now, not after the event.

• (1730)

The Chair: I will give the floor to Mr. Iacono.

Mr. Angelo Iacono: Thank you, Mr. Chair.

Commissioner Th  berge, what percentage of the complaints you receive is from newcomers?

Secondly, what is the most recurrent issue in the complaints you receive?

Mr. Raymond Th  berge: I couldn't answer your question about the number of immigrant complainants. I don't even know if we keep those statistics. What I can do, however, since I don't have that information, is to see what useful information can be found on that.

Mr. Angelo Iacono: What is the most common subject of the complaints you receive?

Mr. Raymond Th  berge: The most common complaint is the lack of service in the language of one's choice, whether at Air Canada or elsewhere. Most complaints come from the travelling public and are directed at air carriers, especially Air Canada, airport security, border services and airport authorities. All of these stakeholders, who interact with the travelling public, are the collective subject of the majority of complaints.

Mr. Angelo Iacono: It is then the transport sector, the travel sector and the security sector that are most mentioned in the complaints.

Mr. Raymond Th  berge: Yes, it is. There are many stakeholders involved in the complaints. This goes back to what I said earlier about the government's business model. Agencies have been created that are third parties and are subject to the Official Languages Act. Unfortunately, in my opinion, there is not enough monitoring of these agencies.

The Chair: Thank you, Commissioner Th  berge, Mr. Iacono and Ms. Kayabaga.

The next speaker will be Mr. Beaulieu, who will have two and a half minutes.

Mr. Beaulieu, you have the floor.

Mr. Mario Beaulieu: Thank you, Mr. Chair.

Mr. Th  berge, you said earlier that conditions had to be put in place to ensure that Francophones could work in French.

What are these conditions? Could we envisage, for example, French language teams in the federal public service?

Mr. Raymond Th  berge: Several solutions are possible. First, it is imperative to change certain cultural elements within the public service apparatus that all too often result in English being seen as the language of work and French as the language of translation.

These attitudes must be changed first. One way to do this is to ensure that the leaders in place have the necessary skills. You know as well as I do that it is not necessary for senior public service officials to be bilingual, especially deputy ministers. I come back to what I was saying earlier: if the leadership to set an example is not in place, how can we have the necessary structures to promote—

Mr. Mario Beaulieu: Basically, you say that senior officials should be bilingual. I will quickly give you the example that my colleague raised. If five English-speaking technicians worked at Radio-Canada on a French-language program, such as *Le T  l  journal*, could they demand that the director speak to them only in English?

The system of one's own language of choice does not always work. At some point, there has to be a common language. I'm thinking especially of Francophones in environments where they are in a very small minority. It's very difficult for them to speak French all the time when everyone else is speaking English. Outside Quebec, in places where there are more Francophones, if there is no way to ensure that French is the common language, I don't think it can work. What do you think about that?

Mr. Raymond Th  berge: I think that's one approach among others. Having said that, I keep in mind that we should always lead by example and that informed leadership is one way to bring about change, but clearly—

The Chair: Thank you, Mr. Commissioner.

I'm sorry, Mr. Beaulieu, but your time is up.

We complete this final round of questions with our friend from Manitoba, Ms. Niki Ashton, for two and a half minutes.

Ms. Ashton, you have the floor.

• (1735)

Ms. Niki Ashton: Thank you very much, Mr. Chair.

Commissioner Th  berge, I would like to return to the issue of French second language learning, which continues to be a major challenge. I have already pointed out that, in my personal case, I had to wait more than a year to enrol my four-year-old twins in a French-language daycare centre and that the centre is understaffed, particularly because of COVID-19. Despite their best efforts, including efforts to have candidates subsidized by IRCC, they have not been able to hire the necessary staff to fill the positions.

It's not a question of available places. We have a nice daycare centre here. It's a staff shortage issue. Despite recruitment cam-

paigns across Canada, they can't find people and they haven't received any help in getting candidates subsidized through IRCC.

There is a lack of staff not only in Quebec's French-language daycares and schools, but also in French immersion schools. Could you talk about the lack of support, not only in terms of funds, but also in terms of personnel related to immigration?

How does the lack of support affect language learning? In a country like Canada, what are we depriving ourselves of by not passing on to a generation bilingualism, support for the Franco-phonie and learning French?

Mr. Raymond Th  berge: There is certainly a shortage of bilingual staff in daycare centres, French-language schools and immersion schools. In the last budget, funds were allocated to try to reduce the gap in training for French second language teachers. That said, it takes time.

In terms of child care or very high skill work, there may be a need to recruit people internationally and have targeted programs to get people with those skills.

The Chair: Thank you, Commissioner Th  berge.

Thank you, Ms. Ashton.

Mr. Commissioner, I thank you and congratulate you on your fine presentation. I know that, in carrying out your duties, you are well surrounded and supported by your staff, particularly by Ms. Gigu  re, Ms. Gervais, Mr. Tr  panier and Mr. Leduc. If, because of the time allotted and the interruptions I have caused—for which I apologize—you feel that you have not been able to fully formulate the answers to the questions you have been asked, please do not hesitate to forward any additional information to the clerk.

I thank you all, as well as the whole team, the analysts, the clerk, the technicians and the interpreters.

Do I have unanimous consent to close this session?

[*English*]

Marilyn?

I think she would say yes, so—

Ms. Patricia Lattanzio: I propose.

[*Translation*]

The Chair: Thank you, Ms. Lattanzio.

Thank you all and good evening.

The meeting is adjourned.

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