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• (1100)

[*Translation*]

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

Welcome to the 33rd meeting of the House of Commons Standing Committee on Official Languages.

Pursuant to the Standing Order of Monday, May 30, 2022, the committee is resuming its study of Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts.

Today's meeting is in hybrid format, pursuant to the motion adopted by the House on June 23, 2022. Members may take part in person or through Zoom.

To ensure an orderly meeting, I would like to outline a few rules for the witnesses and members.

Before speaking, please wait until I recognize you by name. If you are on the videoconference, please click on the microphone icon to unmute yourself. Please mute your mic when you are not speaking.

For interpretation, those participating through Zoom have the choice, at the bottom of their screen, between three channels: floor, English or French. Members attending in person in the room can use their headset after selecting the channel desired.

A reminder that all comments by members and witnesses should be addressed through the chair. Members in the room who wish to speak need only raise their hands. Members participating via the Zoom application must use the “Raise Hand” function. The clerk of the committee and I will do our best to follow the order. Thank you for your patience and understanding in this regard.

Pursuant to our routine motion, I wish to inform the committee that all witnesses have completed the required login tests prior to the meeting.

I would now like to welcome the witnesses in the first panel, who represent the Office of the Commissioner of Official Languages.

We have with us Raymond Thériège, Commissioner of Official Languages, whom I welcome to the committee. We also have Isabelle Gervais, Assistant Commissioner, Compliance Assurance Branch; Pierre Leduc, Assistant Commissioner, Policy and Com-

munications Branch; and Pascale Giguère, General Counsel, Legal Affairs Branch.

Mr. Thériège, you have a maximum of five minutes for your opening statement. The floor is yours.

Mr. Raymond Thériège (Commissioner of Official Languages, Office of the Commissioner of Official Languages): Mr. Chair, honourable members of the committee, good morning.

First, I would like to acknowledge that the land on which we are gathered is part of the traditional unceded territory of the Algonquin Anishnaabeg people, an Indigenous people of the Ottawa Valley.

I'm very pleased to be with you today to present the results of my in-depth analysis of the government's proposed measures in Bill C-13. In my brief, entitled “Seizing a Historic Opportunity: for a Complete Modernization of the OLA”, I explain my position and make a series of recommendations to strengthen Bill C-13.

If passed, this bill has the potential to transform Canada's language policy in order to advance our official languages and to better defend the language rights of Canadians. The time to modernize the act is long past due. The most recent language data from the 2021 Census clearly shows that the decline in the demographic weight of Francophones relative to that of English speakers is a major concern. The time to act is now.

• (1105)

[*English*]

Although Bill C-13 is very promising, there are some measures in it that could be improved and clarified. There are also other measures that are not included in the bill that I think should be added.

Here are a few examples.

Bill C-13 does not include any measures to modernize the core components of the act: communications with and services to the public and language of work. As I point out in my brief, this omission is one of the weak points in the bill.

I believe that federal institutions' obligations and terms of language of work and communications with the public also need to be better aligned. Let's take the example of a federal public servant who holds a bilingual position in a unilingual work area. Currently, he or she must serve the public in both official languages but does not have access to work tools and supervision in the language of his or her choice. The act must ensure that work tools in both official languages are available so employees can provide quality service to the public.

[*Translation*]

I also think that Bill C-13 should enshrine in the act a duty for federal institutions to draft all federal-provincial-territorial agreements in both official languages and to include enforceable language clauses in those agreements.

However, although the bill proposes to strengthen federal institutions' responsibilities to take positive measures, these obligations are still discretionary and do not fully reflect the Federal Court of Appeal's recent decision in the Fédération des francophones de la Colombie-Britannique case.

Another aspect of the bill that could benefit from some fine tuning are the measures to improve governance, meaning the way the federal government ensures that the act is implemented effectively. I strongly believe that the act would be greatly improved if responsibility for its governance were assigned to a central agency that had the authority and legitimacy to strengthen accountability mechanisms and to ensure federal institutions' compliance.

[*English*]

In my opinion, the Treasury Board of Canada is in the best position to assume this important responsibility. There is considerable overlap in Bill C-13 between the Treasury Board's responsibilities and those of Canadian Heritage. This results in two separate entities being responsible for the implementation of the act, which is problematic when trying to determine who has the final say.

I am, however, very pleased that the government is giving more teeth to the act by granting me a variety of more binding compliance mechanisms, such as the power to impose monetary penalties, enter into compliance agreements and make orders. The addition of the power to impose administrative and monetary penalties on Crown corporations and other entities operating in the transportation sector that do not meet their language obligations is a step in the right direction. However, the scope of this provision is too narrow, which greatly diminishes the potential to change behaviours elsewhere within the government.

[*Translation*]

I am therefore recommending that the power to impose administrative monetary penalties be expanded to apply to all federal institutions with obligations related to language of work and services to the public. At the very least, these penalties should apply to businesses that are subject to the Use of French in Federally Regulated Private Businesses Act.

Adding new powers to my toolbox will undoubtedly help me to better ensure compliance with the act. However, it will require the allocation of additional financial and human resources to my office.

The volume of complaints we receive has risen significantly over the past few years. This makes for a sometimes difficult work environment for my team of investigators, which adds a certain amount of pressure on them. It is therefore crucial that our resources be adapted to this new reality and to our new powers so that we can continue to protect Canadians' language rights effectively.

[*English*]

Your committee's consideration of Bill C-13 brings us one step closer to the finish line. However, there are still a number of stages to go before it is passed. The ball is now in your court, and I urge you to seize the historic opportunity before you today to make this bill a success for Canada's official languages.

Thank you for your attention. I will be very happy to answer your questions in the official language of your choice.

• (1110)

[*Translation*]

The Chair: Thank you, Commissioner.

As usual, each of the parties will have six minutes in the first round of questions.

Our first vice-chair, Mr. Godin, will ask the first questions.

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

Thank you for taking part in this exercise, Commissioner. It's always a pleasure to have you here in the committee.

At the end of your statement, you said that the modernization of the act was a historic opportunity. Should we do it quickly or thoroughly?

Mr. Raymond Thériault: We've done a lot of work for the parliamentary committees, the communities and many stakeholders in recent years, and many reports have been proposed, prepared and submitted. Now I think we're at the action stage.

I propose a number of amendments in the brief I've submitted to the committee. It's important to bear in mind that Bill C-13 is an improvement over the earlier Bill C-32, which was intended to be an improvement on the present Official Languages Act. The time to act is now.

Mr. Joël Godin: Thank you, Commissioner.

We share that view: it's time to act. That's what we're doing right now, but we must nevertheless take the time to do it right. We're relying on what's been done in the past to improve the act. We have a common objective.

You mentioned in your speech that governance of the act would be vastly improved if responsibility for it were assigned to a single agency, and you suggested the Treasury Board. Do you think that's essential to making Bill C-13 effective?

Mr. Raymond Thériault: What's extremely important at the outset is to establish the necessary structure to ensure it's implemented in the best possible way.

Mr. Joël Godin: I'll repeat my question, Commissioner: is it essential to making this bill effective and impactful?

Mr. Raymond Thériège: The bill must absolutely be effective and impactful.

Mr. Joël Godin: Do you think that's an essential condition?

Mr. Raymond Thériège: It has to have an impact.

Mr. Joël Godin: All right, you don't want to answer, but, reading between the lines, I see what you mean. Thank you very much.

As you can understand, we have limited time at our disposal, which is why I'm asking my questions in quick succession.

Will the rollout of Bill C-13, amended in accordance with your recommendations, put an immediate stop to the decline of French in Quebec and across Canada? We're relying on the results of the last census, but we didn't need that to know French was declining. We knew it long before the census, and the decline's accelerating.

Mr. Raymond Thériège: I think the decline will continue if we do nothing. In its proposed or amended form, the bill will definitely help slow or reverse the decline of French in Canada.

We also have to view the bill in conjunction with the government's action plan for official languages. Those are the government's two levers.

Mr. Joël Godin: Commissioner, the Conservative Party has three objectives: to stop the decline of French, which is the only official language that's declining, to promote both official languages, and to protect both official languages for as long as we decide that Canada is a bilingual country.

Will Bill C-13 help stop the decline of French immediately after it's passed?

Mr. Raymond Thériège: It's hard to say whether that will happen immediately after it's passed, but I'm satisfied it will happen over time.

Mr. Joël Godin: Thank you.

The Commissioner of Official Languages would be granted new powers under the bill. I think we should give you more powers, and I entirely agree with what you're suggesting.

However, consider this example. If the Regina airport tries to hire bilingual employees but can't find any and then reports the situation to the parties concerned, your office, the Treasury Board, Canadian Heritage or the Minister of Official Languages, do we shut the airport down?

Mr. Raymond Thériège: Absolutely not.

We have to establish the necessary infrastructure so we can train a bilingual labour force, particularly through the primary, secondary and post-secondary education systems. We have to find ways to provide language training that produces that bilingual labour force. One thing's for sure: Canada definitely needs a bilingual labour force.

• (1115)

Mr. Joël Godin: Canada urgently needs a labour force, period, but a bilingual labour force even more. You're absolutely right.

In my example, I wanted to know if we should shut down the airport, give it more time or grant an exception.

Mr. Raymond Thériège: We could reach a compliance agreement with the airport and establish a timetable allowing it time to comply with statutory obligations.

Mr. Joël Godin: What you're suggesting doesn't appear in the present act, does it?

Mr. Raymond Thériège: No, it's not in the act. We're making recommendations.

Mr. Joël Godin: You discussed the importance of language clauses. I absolutely agree with you on that. If the federal government can't uphold the official languages, who will? I think it has a responsibility to include language clauses in the act.

However, it must not interfere in the jurisdictions of the provinces and territories. How then can language clauses be incorporated in federal-provincial-territorial agreements without encroaching on provincial jurisdictions?

Mr. Raymond Thériège: We already have examples where...

The Chair: That's an excellent question, but we'll have to come back to it a little later.

Mr. Raymond Thériège: I had a good answer for him.

The Chair: Your question was excellent, Mr. Godin, but you know I'm strict about speaking time because I want everyone to have time to ask questions.

The next speaker is the parliamentary secretary to the Minister of Official Languages, Mr. Serré, for six minutes.

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

Mr. Thériège, thank you for being here today. As a Franco-Ontarian, I want to thank you for the work that you do for the francophonie and that you have done for the Manitoban francophonie.

Earlier my colleague agreed with you that Bill C-13 should be passed as soon as possible. So we should proceed with the clause-by-clause review of the bill taking your recommendations into consideration. Michel Bastarache, Linda Cardinal, Michel Doucet, Rémi Léger, Benoît Pelletier, Martin Normand and Alexandre Cédric Doucet also say the time to act is now.

As you said, consultations have been conducted on the earlier legislation, Bill C-32, the present Bill C-13 and the government's action plan for official languages. Should we continue discussing the importance of passing Bill C-13 and enriching and supporting the action plan?

Mr. Raymond Thériège: In our brief, we discuss how important it is to have a whole-of-government action plan to support the development of official language minority communities. It's important to know how to develop that plan and who will be responsible for implementing it.

Canadian Heritage is doing extraordinary work with the communities. What we're proposing takes nothing away from its consultation efforts.

According to Michel Doucet, who was one of the people you previously mentioned, the Official Languages Act is the legislation least complied with in the history of Canada. My office has received 60,000 complaints since it was created.

It's important for us to establish the best possible structure to ensure proper implementation of the act from the outset. Since we've never had that structure in the past, I think we have to create it. It's all well and good to have the best legislation in the world, but we won't achieve the results we want if we fail to implement it.

Mr. Marc Serré: Earlier you gave quite a clear answer to my colleague's question. When you appeared before the committee on March 30 of this year, I also asked you if Bill C-13 should have more teeth and whether it should be passed in the ensuing few days, weeks or months. You answered that we should get going on a study of Bill C-13 as soon as possible to examine your recommendations line by line. Is that still your opinion?

Mr. Raymond Thériège: Absolutely. As I previously said, I think a lot of studies and consultations have already been conducted on the various versions of this bill over the years. We could obviously make more changes and amendments, but I repeat: it's time to take action.

• (1120)

Mr. Marc Serré: While we delay in passing Bill C-13, the Office québécois de la langue française recently sent a letter to all federally regulated private businesses in Quebec advising them that they're required to comply with the Charter of the French language.

If Bill C-13 isn't passed soon, aren't you afraid that certain provinces may jump the gun or pass legislation that won't necessarily favour francophone minorities across the country?

Mr. Raymond Thériège: I think that what you're saying mainly concerns federally regulated private businesses. Every province is free to adopt what it considers the right policies.

However, once the Use of French in Federally Regulated Private Businesses Act, which would be introduced under Bill C-13, is enacted, there will be two language regimes, which could cause some confusion for businesses and consumers. Consequently, I think it's extremely important that we clarify who's responsible for what.

Mr. Marc Serré: Thank you.

On immigration, we're working hard to meet targets that have never been met in decades. What do you think those targets should be? I'm talking about the action plan and Bill C-13, but also about subsequent regulations.

Mr. Raymond Thériège: The current 4.4% clearly isn't enough to maintain the demographic weight of francophones, much less increase it. Should the required minimum be double that percentage or even more? The demographic experts may be able to determine the necessary target. Some say it should be 12%, for example.

If we can't maintain the demographic weight of francophones in Canada, it's not looking good for the future of linguistic duality in this country.

Mr. Marc Serré: Thank you.

Donald Savoie made a presentation on the Treasury Board at the Summit on Francophone Minority Economies, which we organized and held in Ottawa in late September.

You've made recommendations on Bill C-13. Are you aware of the position taken by Mr. Savoie, who supports the bill as it was introduced?

Mr. Raymond Thériège: I appreciated the comments of Mr. Savoie, who also said he didn't agree with the 2008 changes, when we transferred...

The Chair: Thank you, Commissioner.

You'll be able to continue later, but I'm trying to be strict so that everyone has the same speaking time. Pardon me, but that's my job.

Mario Beaulieu, the committee's second vice-chair, will have the next six minutes.

Mr. Mario Beaulieu (La Pointe-de-l'Île, BQ): Good morning, Mr. Thériège. I'd like to thank you and your colleagues for being here.

Two years ago, the federal government took a historic change in direction. It recognized that Quebecers are part of the francophone minority in Canada and America, and that it was responsible for defending the French language in Quebec as well.

Bill C-13 addresses the issue of federally regulated private businesses, but the proposed measures would, I feel, be a step backward rather than forward. Apart from these measures, what is there in the bill that will help counteract the decline of French in Quebec?

Mr. Raymond Thériège: Some aspects of the bill show that we are going to deal with a number of important issues, including part VII of the Official Languages Act, which does in fact give the government a lot of flexibility for program development.

Positive measures are also required. For example, federal institutions need to do something to promote French. I agree with what you said about the fact that recognizing Quebec as a minority in Canada is an extremely important starting point. It's important to acknowledge that the Canadian francophonie is in the minority in the anglophone sea of North America.

Mr. Mario Beaulieu: Absolutely.

The question of positive measures is not at all clear in Bill C-13. The Quebec government asked the federal government to recognize that there is only one minority official language, but the federal government instead acknowledges that French is a minority language in Canada, and that's all. I think one of the sections is a little more precise, but the federal government continues to say that the English language is in the minority in Quebec, which amounts to a contradiction.

Do you believe that anything will change with the positive measures? What would help counteract the decline of French?

• (1125)

Mr. Raymond Th  berge: These decisions will fall within the purview of the federal institutions. Whether for Canadian Heritage or IRCC, the departments will have decisions to make about how to ensure the promotion of French both within and outside of Quebec.

I believe there is an obligation to act with respect to the promotion of French. Indeed, the obligation to promote and protect French is now acknowledged. This obligation, in my view, applies to all federal institutions.

Mr. Mario Beaulieu: In part VII of the act, it's not very clear.

What do you feel would constitute a positive measure that defends French? Can you give us an example, without necessarily telling the government what to do.

Mr. Raymond Th  berge: Generally speaking, education is an important factor. What's involved is having enough funds to provide language training from primary school to post-secondary and beyond, and to give people access to quality training in the language of their choice.

It's also important to ensure that federal institutions provide services in French in Quebec and in all regions that are designated bilingual.

Mr. Mario Beaulieu: English-language institutions are already overfunded and they always have been. All of the funds under the Canada-Quebec Agreement served to strengthen anglophone educational institutions.

It now looks like what's wanted is for funding to continue for anglophone institutions, and for francophone institutions to also receive funding. Is that right?

Mr. Raymond Th  berge: As I said earlier, I believe the legislator's intent as expressed in the bill is to find ways or mechanisms to promote and protect French. I think that it's up to institutions and the government to determine the best steps to take.

Mr. Mario Beaulieu: As for the "by and for francophones" principle, the Government of Quebec has submitted a set of requests, including a very specific amendment to Bill C-13, but none of this has made its way into the current version of the bill.

And yet, 90% of the francophone minority is in Quebec. The decline of French is accelerating, including among francophones themselves, and for whom a language transfer from French to English is in evidence. In spite of this, you feel that the bill should be adopted as quickly as possible.

How, in your opinion, will Quebec react if we proceed in this fashion?

Mr. Raymond Th  berge: The bill as it stands, with the addition of a few of the proposed amendments, could indeed protect French. The legislator's intent is to protect and promote French. It's the first time this wording has been used in connection with official languages.

Mr. Mario Beaulieu: The intentions and actions assume that time is limited. Not only that, but the Office of the Commissioner of Official Languages was overloaded with work. This could be discussed later.

The Chair: Thank you, Mr. Beaulieu.

I'm now going to give the floor to Ms. Ashton, who is joining the meeting from Manitoba.

You have six minutes, Ms. Ashton.

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

Thank you, Commissioner.

My first question is about language clauses. In your brief, you say that it would be appropriate to include a requirement for enforceable language clauses in the bill. This has frequently been voiced at this committee. It is seen as a historic opportunity to protect services for francophones.

You are saying that agreements which do not include language clauses may have a negative impact on the official language minority communities. Could you give us examples of this?

Mr. Raymond Th  berge: In the 2017 multilateral early learning and child care framework, the agreements included language clauses. On the other hand, in the 2021 agreement on \$10 a day child care, they did not.

We need to try to determine the impact of having omitted these clauses from these agreements on funds for francophone communities and the number of spaces set aside for them. I think that this omission will have long-term repercussions on these communities.

In the past, challenges with respect to agreements on education had to be overcome. We have received complaints about this at the Commissioner's office. People wanted to know whether the funds in the agreements related to the official languages in education program, the OLEP, did in fact go to the minority language schools.

There are many examples of how the omission of language clauses in agreements signed in the past led to some discretion, probably too much, left to the provinces and territories with respect to the use of these funds. What people wanted to know was whether the funds really went to where they were supposed to go.

• (1130)

Ms. Niki Ashton: You mentioned in your address that the positive measures proposed in the bill were headed in the right direction, but that they had not gone far enough to fully reflect the recent Federal Court of Appeal decision in FFCB.

Could you explain the distinction between positive measures and enforceable language clauses?

Why don't the measures go far enough to comply with the Federal Court of Appeal decision?

Mr. Raymond Th  berge: Federal institutions demonstrated a great deal of discretion with respect to the measures they could decide and act upon. The criteria set out in the FFCB decision are much more demanding than what is in the current act. The act currently allows a lot of flexibility, opportunities and discretion for federal institutions.

My view is that the regulations should specify the implementation rules for positive measures. In the FFCB decision, the importance of positive measures was recognized, along with the obligation of the federal institutions to introduce positive measures, but the key expression is "shall be carried out".

And another important point is that impact studies have to be carried out to ensure that positive measures that actually address the needs of the communities are implemented. It's important for mechanisms like this to be included in regulations to ensure that the measures taken do not turn out to be negative for the communities and have a harmful impact on them.

Ms. Niki Ashton: My next question is about the powers of the Treasury Board.

You pointed out in your brief that the Treasury Board should have its powers with respect to official languages increased so that it could ensure horizontal coordination in the implementation of the Official Languages Act.

Can you explain to us why this recommendation is important?

Mr. Raymond Th  berge: As I said earlier, a proper structure needs to be in place if we are to have good governance, effective stewardship and effective implementation of the act. Very few agencies are in a position to have a horizontal overview of the entire federal machinery. The Treasury Board is. It is also already responsible for parts IV and V of the act.

In Bill C-13 the Treasury Board's obligations have been made even more binding. It has an important role to play.

It's important to understand that many departments are not in a position to be able to monitor other departments. What's needed is an agency that can implement an accountability framework. This would make it possible to ensure that federal institutions comply with their official languages obligations.

Ms. Niki Ashton: For immigration, do you think it's important to include correcting the demographic imbalance in the Official Languages Act as an objective?

Mr. Raymond Th  berge: In our brief, we talk about maintaining and increasing. We definitely have to talk about making up for lost ground.

The long-term objective is clearly not only to maintain the current demographic weight of francophones, but to increase it beyond its previous level.

The Chair: You have 20 seconds left, Ms. Ashton.

• (1135)

Ms. Niki Ashton: You are very efficient, Commissioner.

Thank you for having explained your points so concisely and for making strong recommendations to the committee. They need to be taken seriously, given your position and your experience.

The Chair: Thank you, Ms. Ashton.

We are now beginning the second round of questions.

Mr. G  n  reux, you have the floor for five minutes.

Mr. Bernard G  n  reux (Montmagny—L'Islet—Kamouraska—Rivi  re-du-Loup, CPC): Thank you, Mr. Chair.

Thank you very much, Commissioner, for being here with your colleagues.

You said that Mr. Godin's question about the enforceable clauses in the agreements with the provinces was a good question.

Can you answer it now, given that you didn't have the opportunity to do so earlier?

Mr. Raymond Th  berge: I gave a partial answer to it in my response to Ms. Ashton's question.

It's important to realize that there have previously been federal-provincial agreements that have included language clauses. There is nothing new about it.

The federal government sends a very strong message to the provinces about the importance of official languages when it includes these language clauses and drafts the agreements in both official languages.

It also involves addressing the needs of official language minority communities. In the absence of language clauses like these, it's easy for people to forget about them in the process of drawing up an agreement.

Mr. Bernard G  n  reux: So you believe that they have to be made mandatory.

Is that right?

Mr. Raymond Th  berge: Absolutely.

Mr. Bernard G  n  reux: Okay.

In your brief, you ask that your power to impose things like administrative monetary penalties be expanded to apply to other federal services.

For airlines, we know that Air Canada is subject to the Official Languages Act, whereas the others are not.

Do you think that the act should also apply to the other companies?

If so, how could this issue be addressed in the bill?

Mr. Raymond Th  berge: Only Air Canada is currently subject to the Official Languages Act. If Bill C-13 were adopted, the Use of French in Federally Regulated Private Businesses Act, the UFFRPBA, would apply to WestJet and other carriers. However, they would not have the same obligations under the UFFRPBA other than those provided in the Official Languages Act.

Administrative monetary penalties, AMPs, should be applied everywhere that it is possible to do so, particularly for federally regulated private businesses.

But it goes beyond transportation. We also need to consider airports and services, but the fact remains that many airlines are not subject to the Official Languages Act.

Mr. Bernard G  n  reux: The Quebec government proposed amendments and suggestions with respect to the bill.

Did you have an opportunity to discuss the bill with the Government of Quebec?

Mr. Raymond Th  berge: No.

Mr. Bernard G  n  reux: You've had no contacts with the Quebec government.

As the Commissioner of Official Languages, the person who enforces the Official Languages Act, do you believe it would be important to have a conversation with the Government of Quebec about its requests?

Mr. Raymond Th  berge: That discussion would have to be held in a different context; a political context.

Mr. Bernard G  n  reux: Right.

In your brief, you put forward two dozen amendments. We want to move forward quickly. We all agree that the Official Languages Act needs to be amended. It's a historic moment. The act hasn't been amended for 50 years, and so time is of the essence.

Returning to what my colleague Mr. Godin said earlier, we want to proceed quickly, but we also want to do the work properly. I have sat on the Standing Committee on Official Languages for many years. We have seen all kinds of reports and proposals on amending the act. The main recommendation, among the many that have been made to us concerning the current act, is to give the Treasury Board power of enforcement to implement the act. Everyone appears to agree on this, but there seems to be some reluctance from the government.

What do you think of this idea of having a captain at the helm, in this instance the Treasury Board, whose role would be to enforce the act?

Mr. Raymond Th  berge: We have been fairly clear in our brief about what we are proposing, which is that the Treasury Board should be acting as the central agency. Several other people who have spoken when they appeared before the committee have agreed. Of course, it's up to the government to organize itself to make it happen.

For 50 years, what has been missing is management of the Official Languages Act. It changed over time. Prior to 2008, there was a way of doing things. Then it changed. Since Keith Spicer, the first Commissioner of Official Languages...

• (1140)

The Chair: Thank you very much, Commissioner.

You'll be able to provide a more detailed account during the round of questions.

It's now over to Ms. Kayabaga.

Ms. Kayabaga, you have the floor for five minutes.

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

Thank you, Commissioner.

Thank you for coming and giving very forceful testimony on behalf of Bill C-13, and more specifically on the need for us to make rapid progress.

My question will deal with some comments that were made to the effect that we should wait. I understand that the exercise we are currently engaged in consists of holding consultations and determining how the bill introduced by the government could be improved to address the needs of francophones across Canada.

What's your view on the possibility of doing both of these things at the same time? We can do something about stopping the decline that has been observed in francophone communities in Canada, while continuing to improve the act and making sure that the amendments resulting from the work of all participants, including people like you, will enable us to move ahead.

Earlier, you said that the work had to proceed quickly. I would therefore like to hear what you think about this, particularly given its importance for francophone minority communities.

Mr. Raymond Th  berge: When I talk about speed, it's relative. Prior to taking up my position in 2018, we were already talking about modernizing the act. We are now in 2022, it will soon be 2023, and we're still talking about it.

As I mentioned earlier, there have been several consultations, and many witnesses have appeared before parliamentary committees. I think that we have reached the point where your role is precisely to take all of this information and try to determine how the proposed bill could be improved.

All the witnesses will no doubt agree that it's now time to take action. We will nevertheless give ourselves the opportunity to review the bill in five or 10 years, but not 50 years. That would enable us to make any required adjustments as time goes by.

If we wait until the act is perfect, we'll never get there.

Ms. Arielle Kayabaga: That may also be true if we don't do it, but if we go ahead, we will be able to make changes as we proceed. I like what you said about Bill C-13 providing for itself to be reviewed every ten years. That is a big change in the act.

You also spoke just now about expanding the power to impose sanctions so that it applies to federal institutions.

What could we add to the measures already in place?

Mr. Raymond Th  berge: At present, the only real power the Commissioner has is to make recommendations. Bill C-13 proposes that the Commissioner be given a graduated scale of powers. For example, he will be able to make orders, impose very limited monetary penalties, sign enforceable agreements, and offer mediation. The tools proposed in the bill will make it possible to resolve certain problems quickly, instead of it always being necessary to conduct an investigation and wait for recommendations, provide for monitoring, and so on.

At present, the Commissioner has a toolbox, but there is not very much in it. Regarding AMPs, in particular, I think it is important to see how we could apply them more broadly. That does not mean using them all the time, but they are part of the toolbox.

For example, take a measure as simple as raising awareness on the part of federal organizations through enforceable agreements, orders, imposing AMPs, and so on.

In fact, what is proposed in Bill C-13 gives the Commissioner a well equipped toolbox for the coming years.

• (1145)

The Chair: Thank you, Commissioner.

Mr. Beaulieu, the floor is yours for two and a half minutes.

Mr. Mario Beaulieu: Regarding Bill C-13, it is not that it isn't perfect, it is that it doesn't contain the bare minimum to help improve the status of French in Quebec.

First, Quebec being in charge of its language planning should be there, but it is not. Nothing requested by the Government of Quebec is in the bill.

I know what your answer to this is, so I will not make you repeat it.

A study conducted by Radio-Canada showed that 68% of federal public service positions in Quebec required knowledge of English, while barely 13% of the positions outside Quebec called for knowledge of French.

Do you think that is right?

Mr. Raymond Th  berge: We need to make sure that positions in the regions reflect the demolinguistic reality.

However, in the government as a whole, approximately 42% of positions are designated bilingual, 52% are designated "English essential", and, I think, 6% are "French essential". So there are certainly things to be done in this regard.

Mr. Mario Beaulieu: It seems to me that it is essentially in Quebec that bilingualism is required.

I will give you another example.

Take government agencies. I have been informed of concrete cases, but I will not tell you what agencies I am talking about, because the people are afraid of reprisals.

There are agencies that no longer want to operate with the option, on the phone, to select the language in which the person wants to be served. For example, you can select "1" or "2" to be served in English.

Those agencies no longer want to operate that way and require that all their employees be bilingual, and that means that a lot of unilingual French employees are going to lose their jobs.

What do you think about that?

Mr. Raymond Th  berge: I think that in regions that are designated bilingual for language of work, people have the right to be supervised in the language of their choice and to work in the language of their choice.

I am not familiar with what you are saying. We have never received any complaints in that regard. If that is the case, it is a quite deplorable situation, though.

Mr. Mario Beaulieu: It is.

We shall see, but in any event...

The Chair: You have 20 seconds left, Mr. Beaulieu.

Mr. Mario Beaulieu: Right.

On the subject of resources, do you think you have enough to respond to all the complaints?

Mr. Raymond Th  berge: I would like to make two points on that subject.

First, we have to deal with a shortage of employees...

The Chair: Excuse me, Commissioner, but we have to move on to other questions. You may be able to say more on that subject later.

Ms. Ashton, the floor is yours for two and a half minutes.

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

I would first like to make a comment.

I find it quite bizarre, and we have now heard this several times from the Liberals, that even if we consider the decline in French to be a serious problem and it is our role, as committee members, to examine a bill, we have to disregard the recommendations made by key witnesses and keep moving on.

Personally, I think we have a responsibility to do our work as MPs efficiently, as we are doing, but also to show respect to the many witnesses who are telling us clearly that the bill has to be improved.

Commissioner, given the situation we are in, and knowing that French is in decline and that the figures we observe from one end of the country to the other are quite shocking, do you think C-13 needs to be improved?

Do you think we will do a better job of slowing the decline of French with enforceable language clauses, for example, or with more focused objectives regarding immigration in the act?

• (1150)

Mr. Raymond Th  berge: Those are all important elements in the bill that may have an impact on the decline of French.

Immigration is certainly a prerequisite. Without an increase in the targets for francophone immigration outside Quebec, the decline will obviously continue.

We also have to make sure, first, that minority language education systems are put in place, from early childhood to the postsecondary level. Second, there have to be high quality French second language programs all across Canada.

I think it is extremely important, when it comes to federal-provincial agreements and programs managed by the provinces that affect the communities, to make sure the communities and their needs are respected.

As I said earlier, there is also the whole question of the continuum in education, as well as the question of rights holders under section 23 of the Canadian Charter of Rights and Freedoms.

In addition, Part VII of the act, once it is codified and once...

The Chair: Thank you, Commissioner.

We have gone well beyond the time allowed, but you may be able to return to this question later.

We still have time to finish this second round of questions. I am going to shorten the time for the next speakers to four minutes.

Mr. Gourde, the floor is yours for four minutes.

Mr. Jacques Gourde (L  vis—Lotbini  re, CPC): Mr. Th  berge, in the next version of the Official Languages Act that we are working on, what do you think would be an historic opportunity seized, historic opportunity missed, or your worst nightmare?

Mr. Raymond Th  berge: My worst nightmare would be that the bill was not passed and we were left with what we have now. I think a bill that is a success is a bill that contains the key elements.

First, there must be governance to ensure horizontal coordination across the federal government to implement the act.

Second, there has to be a Part VII that is well written and codified, because that is the part that affects the communities the most.

I would also like to see whether it is possible to examine the question of language of work in a work world that is changing rapidly.

I think those are all important elements.

A bill that did not even come up to the level of Bill C-13 would not be satisfactory.

In my opinion, there are improvements to be made, particularly in terms of governance and Part VII, but I think the elements are in place for achieving a good bill.

Mr. Jacques Gourde: In our committee, we deal with a revision of the act every ten years.

Do you think it would be preferable to provide for revision every five years?

Mr. Raymond Th  berge: I am going to let the parliamentarians decide that question.

We have to understand that we have to wait two or three years for the parts of the act to be implemented. How is it possible to assess the impacts of the act in five years?

However, we need to ensure that the implementation of the act is monitored. For example, regarding immigration, we have to see whether targets have been set, whether they have been met, and whether provision has been made for an accounting mechanism in that regard.

There are precise elements that we could monitor throughout the implementation of the act. However, I think that after a decade, we would be in a better position to see the impacts of the act and what needs to be done to refocus our efforts.

Mr. Jacques Gourde: Mr. Th  berge, in your brief, it says: "Furthermore, to ensure effective accountability, it is crucial that Treasury Board's auditing and monitoring role be expanded in Bill C-13."

Can you offer a bit more detail on this point?

Mr. Raymond Th  berge: We have to put in place an accountability framework. That means determining the rules and regulations that federal institutions are required to follow to show they are in compliance with their official languages obligations. That framework does not exist at present.

Mr. Jacques Gourde: Mr. Th  berge, should certain aspects of the decision in *Thibodeau v. St. John's International Airport Authority* be codified and incorporated into the Official Languages Act?

Mr. Raymond Th  berge: Yes, I think that is extremely important because the airport authorities tend to have a very narrow, or even extremely narrow, definition of the travelling public. The decision in question has been appealed, in fact.

The concept of travelling public has to be expanded. It does not mean only people who have purchased an airline ticket.

• (1155)

Mr. Jacques Gourde: Mr. Th  berge, if we considered amending Bill C-13 so that the list of bilingual regions was updated cyclically, would you be in favour of the amendment?

Mr. Raymond Th  berge: I didn't understand the question.

Mr. Jacques Gourde: Would you be in favour of a cyclical update of the list of bilingual regions?

Mr. Raymond Th  berge: Yes, I think there are gaps now when it comes to aligning the offices that are supposed to provide services in both official languages, the bilingual offices, with the implementation of the new regulations.

The designated bilingual regions have now been around for 40 years. Extraordinary demographic changes have occurred in the last 40 years. In my opinion, these bilingual offices should be in the designated bilingual regions.

The Chair: Thank you, Commissioner.

To conclude this round of questions, Mr. Drouin will have the floor for four minutes.

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

Thank you very much for taking the time to come and see us, Commissioner. I believe your work is important, not just for the francophone community I represent, but also for the francophone communities everywhere in Canada.

I am lucky to represent a number of government employees. I was struck by the question of francophone individuals who hold bilingual positions in a completely anglophone environment, and I think you alluded to that question with Mr. Gourde.

How do you think we should legislate on that question, and how could we ultimately enforce that law, in practice?

Mr. Raymond Th  berge: There is a very practical side to consider. To be able to work in the official language of one's choice, a person must have access to the necessary tools and training in that language, which is not the case at present.

It is worth noting that almost everything is already offered bilinearly in what we call "the centre", the departmental headquarters. Very often, people in the regions do not have access to tools and training in the language of their choice. So in the bill, we could include these kinds of things and ensure that a person in a region has access to the "centre's" tools, training and services in the official language of their choice.

Mr. Francis Drouin: I was just getting to the offer of services in French by the machinery of government.

Twenty, 30 or 40 years ago, a majority of francophones in Ottawa lived in the eastern part of the city. Today, they are everywhere in the city. We know the situation is a lot easier in Ottawa. However, in regions where the number of francophones warrants the offer of services in French, but the population is scattered, how is it possible to meet those needs?

We often hear someone ask why services are offered in French when there are only 100 francophones in a small region. In the context of Bill C-13, how do you think we can continue combining these elements and making sure that these services continue to be offered, knowing that this presents geographic challenges?

Mr. Raymond Th  berge: It is important to align the offices that offer these services with the regions where those francophones live. You are entirely correct to say that there have been major changes.

When I was a student at the University of Ottawa, there were villages with no francophones that have now become towns where there are francophone schools. The concept of vitality is therefore important to keep in mind. We have to not only ask where the francophones are, but also recognize that they have moved over time.

However, services must not be taken away from some people in order to offer them to others. What must be done is to expand the offer of services.

Mr. Francis Drouin: I would like first to quickly address the question of positive measures. They are defined to some extent in Bill C-13. However, to go even further, do you think we should make them clearer, either in the bill or, to avoid a lengthy legislative process like the one surrounding Bill C-13, by regulation?

Mr. Raymond Th  berge: It would be useful and important to codify certain elements of the Federal Court of Appeal judgment in the *F  d  ration des francophones de la Colombie-Britannique* case.

However, we obviously need regulations to implement the act, because that is where everything is going to play out. I am thinking of several elements of the act, including Part VII, and in particular administrative monetary penalties and orders.

• (1200)

The Chair: Thank you, Commissioner and Mr. Drouin.

Mr. Richard Lehoux (Beauce, CPC): Mr. Chair, I would like to raise a question of privilege.

I would like to request the unanimous consent of committee members to invite the Commissioner to stay for another hour.

Mr. Francis Drouin: I have a point of order, Mr. Chair.

If the member would like to invite the Commissioner back, there is nothing to stop him from including him in his witness list. That is not a problem.

Mr. Richard Lehoux: Mr. Chair, we could settle the question immediately.

Mr. Jo  l Godin: Mr. Chair, my colleague Mr. Lehoux has asked a clear question. Do we have unanimous consent? I would like that question to be answered before we hear other remarks.

Ms. Niki Ashton: Can the question be repeated?

The Chair: It isn't a motion, it's a question of privilege.

Mr. Jo  l Godin: Mr. Chair, the member is asking for unanimous consent. We just want an answer. The committee needs to make a decision.

The Chair: I am going to suspend the meeting to discuss it with the clerk.

• (1200)

(Pause)

• (1200)

The Chair: We are resuming the meeting.

Mr. Th  berge, we are pressed for time, but I would like all members to be able to get answers to their questions, so please do not hesitate to send any additional information in writing to our clerk, who will forward it to committee members.

Mr. Lehoux, your question of privilege was not really a question of privilege. I therefore deny your request.

• (1205)

Mr. Richard Lehoux: Thank you, Mr. Chair.

The Chair: I am again suspending the meeting to give the second panel of witnesses time to get settled.

• (1205)

(Pause)

• (1205)

The Chair: Resuming the meeting.

I would like to make two comments to the witnesses in the second panel.

Wait for me to call your name before speaking. Given that you are participating in the meeting by videoconference, click on the microphone icon to activate your mic, or to go on mute when you are not speaking.

Regarding interpretation, for people who are participating by Zoom, you can choose floor, English or French in the channels at the bottom of your screen. For people who are in the room, you can use the headphones and choose the channel you want.

I would remind you that all comments by members and by witnesses must be addressed to the chair.

The witnesses will have five minutes, which will be split in some cases, to give their presentations. They will then be asked questions.

I would now like to welcome the second panel of witnesses.

We have Houston Rifai, a public policy and public administration student and a member of the Youth Advisory Committee, Bishop's Forum. We also have Arielle Warten, a sociology student and also a member of that advisory committee, and Guillaume Rousseau, a full professor in the Faculty of Law, Université de Sherbrooke.

We will begin with Mr. Rifai and Ms. Warten, who will be splitting five minutes' speaking time.

• (1210)

[English]

Ms. Arielle Warten (Sociology Student, Youth Advisory Committee, Bishop's Forum, As an Individual): Good morning, Monsieur Arseneault and members of the committee.

I am Arielle Warten, an English-speaking Quebecker currently attending Concordia University in my third year of sociology. Attending with me today is fellow English-speaking Quebecker Houston Rifai, who will introduce himself shortly.

We represent a group of young English-speaking leaders who attended the Bishop's Forum. The Bishop's Forum is an initiative supported by the Government of Quebec's Secrétariat aux relations avec les Québécois d'expression anglaise.

[Translation]

We are here today to share our perspectives on Bill C-13, which will have profound effects on young English speakers living in Quebec. We are people who have grown up as members of a lin-

guistic minority, and who plan on continuing to build our lives in Quebec. We are bilingual and bicultural, and want an opportunity to contribute to Canadian and Quebec society.

[English]

Our group would like to make a few points regarding Bill C-13.

Over the past five years, public discourse surrounding our official languages has gone from a collaborative, positive discussion to a divisive exercise pitting English and French against each other. Official language rights are now being played in a zero-sum environment, which is ignoring the very real changes faced by English-speaking Quebeckers.

Bill C-13 proposes to include specific mention of the Charter of the French Language within Canada's Official Languages Act. We remind you that as amended by Bill-96, the Charter of the French Language operates notwithstanding the fundamental rights and freedoms of Quebeckers.

Bill C-13 proposes to create new language rights for francophones only with respect to their communications with federally regulated businesses, effectively creating special rights for a majority population instead of a minority population. As young English-speaking Quebeckers, we feel abandoned by the federal government in this proposal.

We are concerned that Bill C-13's emphasis on the protection and promotion of French threatens the duty of federal institutions to take positive measures to enhance the vitality of the English-speaking community of Quebec.

Thank you. We will now hear from Houston Rifai.

Mr. Houston Rifai (Public Policy and Public Administration Student, Youth Advisory Committee, Bishop's Forum, As an Individual): I thank my colleague.

My name is Houston Rifai. I am active both in social movements and as a student and worker in Quebec. I'm here to share my concerns and the concerns of many young English-speaking Quebeckers about Bill C-13. I do so while fully supporting the elements of the legislation aimed at bolstering minority language communities across Canada but seemingly not here in Quebec.

Everyone here agrees that there is a need to protect and promote the French language in Canada as a whole, particularly where it is in decline. However, French can be promoted and protected in a positive way, without having to suppress the use of other minority languages to achieve this objective.

Quebec's English-speaking community is not a threat to French in Quebec. More people speak French inside Quebec than ever before, and more young anglophones are bilingual than any community other than francophones outside of Quebec. As English-speaking Quebeckers, we have put in the work to live and learn in French, and our language communities therefore constitute a population that is distinct from the rest of Canada, just as francophones do in Ontario and New Brunswick.

The notion that French is threatened in Quebec often relies on mother tongue indicators and the languages that people speak in the privacy of their own homes and with their families. This exclusionary framing is part of a wider fear-based narrative, which has been reflected in the legislation and in rhetoric from our political leadership.

In just these past few weeks, we've heard from members of our government in Quebec words of contempt towards minority communities and fearmongering against minorities as if they are a threat to the majority. The sentiments of exclusion were echoed by a member of the House of Commons, who stated that the idea of protecting English in Quebec obviously makes absolutely no sense, which the current version of Bill C-13 appears to take to heart.

We propose that protecting the rights of minority languages and minority communities is always good sense, and we ask that you consider protecting the rights of English-speaking Quebecers as a minority within their own context, just as we ask that the rights of Franco-Ontarians and Acadians be respected and upheld in this legislation. We ask that our government take an active stance against the reduction of rights as seen in anti-charter legislation such as Bill 96 and Bill 21. We implore that you do not make reference to the Charter of the French Language in the Official Languages Act, as we feel that this will allow for more exclusionary and pernicious elements within our political culture to hold sway over federal language policy.

Thank you. We look forward to your questions.

The Chair: Thank you, Mr. Rifai and Ms. Warten.

I'm so glad that for once I hear witnesses who talk as fast as I do in French, but take your time for the interpreters so they can do their job properly. You can speak slowly.

[*Translation*]

Mr. Rousseau, the floor is now yours for five minutes.

• (1215)

Mr. Guillaume Rousseau (Full Professor, Faculty of Law, Université de Sherbrooke, As an Individual): Good afternoon, and thank you for this invitation to come and speak to you about Bill C-13.

I would particularly like to thank and say hello to Mr. Beaulieu, whom I have been fortunate to meet. I would also like to say hello to my member of Parliament, the MP for Sherbrooke, Élisabeth Brière.

I will start with a review of a fundamental principle in law and in language policy. There are two major models: the model based on territoriality, where there is one language within a territory, and the model based on personality, where there are multiple official languages and each person chooses the language in which they want to receive services from the state.

I have found in my work that the studies are extremely clear, not to say unanimous: only the territorial approach, based on the idea of one official language per territory, can save a vulnerable language. It is therefore extremely important that there be one official language in Quebec, as set out in the Charter of the French Language.

The federal government must align its policy with that Quebec policy based on territoriality insofar as possible.

I will illustrate this with a very concrete example. In Switzerland, where the territoriality-based model was adopted, the percentage of francophones rose from 18.4 to 22.9 per cent between 1970 and 2017: the francophone population of Switzerland increased by 4.5 per cent. In Canada, on the other hand, the francophone population fell from 25 to 20 per cent in the same years, a decline of 5 per cent. Obviously, other factors are in play, but it appears plain that the language policy model is the determining factor.

These are the considerations in light of which I study Bill C-13. In my opinion, the bill must do more to reflect territoriality, in order to provide more protection for French in Quebec, which does not prevent application of the model based on personality in the other provinces. The model based on territoriality is essential for a vulnerable language, and more must absolutely be done for French in Quebec.

However, when the majority language is not vulnerable, like English in the other provinces, and to a lesser extent in Quebec, the personality-based approach, such as when services in French are offered in the other provinces, is not a problem, because English does not need the territorial approach.

The other major principle we must understand is asymmetry. We have to stop putting the situation of francophones in the other provinces on equal footing with the situation of anglophones in Quebec. After the last census, we saw the point to which French had declined everywhere in Canada, including in Quebec, with no equivalent decline in English. We must therefore consider asymmetry. The bill contains passages that support asymmetry and other passages that support symmetry. Bill C-13 therefore needs to be much better realigned toward asymmetry. An asymmetric approach is needed in order to do more for French in Quebec, but also in the other provinces.

For example, in the new section 41(6)(c) proposed by Bill C-13, it talks about the importance to linguistic minorities of having strong postsecondary institutions. That provision puts the situation of English Canadians and French Canadians on equal footing, when the reality is quite different.

Anglophone postsecondary institutions and research in English in Quebec are overfunded, while research in French is accordingly underfunded, and this affects me considerably as an academic. When I read that in the bill, I said to myself that the federal government is going to continue overfunding research in English and underfunding research in French. That is something that Bill C-14 should correct. Asymmetry and the territorial model really need to be given precedence.

It is worth noting that Bill C-13 enacts the Use of French in Federally Regulated Private Businesses Act. That is a step toward territoriality, because the intention is to protect the right to work in French and obtain services in French in Quebec and in majority francophone regions, which are essentially located in the areas surrounding Quebec. That is a very attractive territorial approach that holds up, scientifically, and could even make it possible to save French.

However, what is less desirable in this bill is that the Use of French in Federally Regulated Private Businesses Act proposes weaker protection of French than is offered by the Charter of the French Language. If the idea is to substitute that federal law for Bill 101, it is a step backward for French in Quebec. However, if that federal law is applied outside Quebec, it is more attractive.

We must also not forget that in Quebec, expertise in respect of support for private enterprises in language matters is the responsibility of the Office québécois de la langue française. We should therefore allow the Office to continue to play its role in Quebec. In the other regions, it could allow federal agencies to take its place.

● (1220)

The Chair: Thank you, Mr. Rousseau.

We will now begin the first round of questions, in which the members from each party will have six minutes.

The first questions will be asked by the first vice-chair of the Standing Committee on Official Languages, Joël Godin.

Mr. Joël Godin: Thank you, Mr. Chair.

Thank you for participating in this exercise, Mr. Rousseau.

I also want to thank our two students, Arielle Warten and Houston Rifai. It is nice to see young people getting involved to defend their convictions. I can tell you that this is very much appreciated. These young people will always be welcome in the political arena.

In your presentation, Mr. Rousseau, you made a comment concerning the overfunding of anglophone postsecondary institutions in Quebec in connection with Bill C-13. Could you explain what overfunding means, in concrete terms?

Mr. Guillaume Rousseau: Thank you for your question, Mr. Godin. When you welcome involvement by young people, I count myself in, too.

It is the new section 41(6)(c), as proposed by the bill, that deals with this aspect. This is the problem with the bill, which puts the anglophone minority in Quebec on equal footing with the francophone minorities in the other provinces. However, the federal government obviously must do much more for francophones in the other provinces. The principle of symmetry being applied is therefore problematic.

In concrete terms, when it comes to funding research, different criteria can be used. If we compare the demographic weight of our anglophone fellow Canadians in Quebec to the weight of the anglophone universities in that province, the postsecondary funding there is very much greater than what we might expect. That is an initial indicator of this overfunding.

Another indicator is research funding. When we compare the number of students in anglophone and francophone universities, we see that the major granting agencies like the Social Sciences and Humanities Research Council grant much more money to the anglophone universities McGill, Concordia and, to a lesser extent, Bishop's, and this is unusual.

Research influences the language of work in universities, which train the elites and researchers of tomorrow. We already know the

extent to which science is being developed much more in English and the extent to which English is increasingly demanded everywhere on the planet. If governments do not make efforts to have science done in other languages as well, this will be a step backward for French. Even when it comes to diversity of approaches in science, it is important to have more than one scientific language. At present, the federal government tends to give more funding to research in English in Quebec, and that is not ideal.

Mr. Joël Godin: I am going to state a very personal opinion. We are talking about overfunding of anglophone postsecondary institutions in Quebec, but I might say that the question is much more one of underfunding of francophone postsecondary institutions elsewhere in Canada.

So are we going to solve that problem by cutting the anglophone funding in Quebec or by increasing francophone funding outside Quebec?

Mr. Guillaume Rousseau: In fact, I think we should, above all, increase research funding in French in Quebec.

I want to come back to the territorial approach. Certainly, we can fund research in French in the other provinces, and in fact Acfas is doing extraordinary work to promote research in French. However, studies show that what works is to help the language in the place where it is in the majority, where there is a big enough pool of students to organize conferences and invite colleagues from various institutions. There has to be a critical mass to fund research and there has to be a territorial approach to provide more funding for research in French in Quebec.

In the other provinces, the personality-based approach, which would let each researcher choose their language, can be used. Researchers who speak French or another language who want to do research in French in the other provinces would have to have that opportunity.

The studies are clear: the priority is to defend French in Quebec, and this calls for increasing research funding. If research funding is increased in Quebec without affecting the funding provided for research in English, the balance will be restored since, all proportions remaining the same, there will be less overfunding for research in English and more funding for research in French.

Mr. Joël Godin: I am going to ask you a very simple question and I would appreciate a brief answer.

What are the necessary tools that you believe we should incorporate into Bill C-13 in order to stop the decline of French in Canada starting the day after the new act comes into force?

● (1225)

Mr. Guillaume Rousseau: That is a big challenge.

A language policy consists of more than a bill, but a lot of things could be done.

Mr. Joël Godin: As you say, it's very far-reaching.

Can you name three tools that could be put in place, as priorities, to stop the decline of French, the day after Bill C-13 is put in place?

The Chair: You have 40 seconds left.

Mr. Guillaume Rousseau: First, the whole question of the policy on francophone immigration is very important, both in Quebec and in the other provinces. Ideally, the Government of Quebec should have more power when it comes to immigration in order to have a coherent policy on immigration and integration. In addition, there should also be a federal policy on francophone immigration for the other provinces.

Second, in Quebec, Bill 101, or the Charter of the French Language, has to apply to private enterprises, given the expertise and experience of the Office québécois de la langue française. Private enterprises under federal jurisdiction in the francophone regions need to be brought under legislation on the use of French. That legislation has to be an expanded version of Bill C-13 that is modeled more on the Charter of the French Language.

Mr. Joël Godin: Mr. Rousseau, in fact, it is not a choice, it is an obligation, to use French in those enterprises.

The Chair: Thank you, Mr. Godin.

You will have a chance to come back to this subject later.

Mr. Rousseau, you will be able to add to your thoughts in your answers to the next questions.

Ms. Lattanzio, the floor is yours for six minutes.

Ms. Patricia Lattanzio (Saint-Léonard—Saint-Michel, Lib.): Thank you, Mr. President.

I first want to thank the witnesses for being with us today.

[*English*]

I'd like to begin by congratulating both Ms. Warten and Mr. Rifai for delivering their opening speech not only in English, but in French. I want to congratulate you on your bilingualism, as I believe that being bilingual in the province of Quebec, which is where I'm from, and in this country is an *atout*, as they say. It's a strength. Welcome.

I'm going to address my questions to both of you. Feel free to jump in, either one or both at the same time.

Members of this committee—and I can vouch for myself—are very concerned with the vitality of the English and French linguistic minority communities in Canada and the role our government can play in enhancing their vitality. For each of you, what are the challenges faced by the English-speaking community in Quebec?

Ms. Arielle Warten: First, let me say that we understand the importance of protecting and promoting French, and we also deeply care about our land's indigenous languages, many of which, unlike French, are in danger of extinction. However, community vitality as a concept is about more than language. It is about the health of a community and what it needs to survive.

English-speaking Quebecers live in the only province where the use of language is restricted by provincial law. This has consequences, and we don't feel welcome in our own province.

Unemployment and economic security are major concerns for English-speaking Quebecers. There are so many opportunities for bilingual people outside of Quebec, but we ask the federal government to provide programs that help English speakers, bilingual or

not, find meaningful careers in Quebec, because we would like to work in the province we call home.

I would also like to mention that we know our language is not threatened. The vitality of our community, however, is dwindling because of the focus Ottawa places on language preservation as the principal marker of vitality.

Ms. Patricia Lattanzio: I'm sorry, Ms. Warten, but can I ask you to slow it down a bit?

Ms. Arielle Warten: Yes. I'm sorry.

Ms. Patricia Lattanzio: I'm taking notes and I want to make sure the interpreters get the right information.

I'm sorry, Mr. Chair. I hope you're not going to penalize me in my time. I just felt it was necessary for me to jump in.

The Chair: I stopped the clock. I was just about to ask Ms. Warten to slow down a bit.

Go ahead, Ms. Warten.

Ms. Arielle Warten: I'm sorry. Thank you for letting me know.

I would also like to mention that we know our language is not threatened. The vitality of our community, however, is dwindling because of the focus Ottawa places on language preservation as the principal marker of vitality.

To live in Quebec as an English speaker is to experience a political environment where we are told our existence is a threat to society. No matter what we do and no matter how bilingual or bicultural we are, we always feel like we are the "other". We are the Anglos.

That being said, I would like to invite Houston to answer, if he has anything else to add.

Mr. Houston Rifai: My colleague covered it very well, but there was mention of the schooling system in Quebec, for example, where there are quite a few English universities. What is left out is that most students who are trained in these schools leave the province.

One of the big things I see in our community is that a lot of my colleagues and a lot of my friends, frankly, need to leave. They have to leave. I find myself being pulled to leave Quebec as well. This is left out of the conversation. Yes, the schooling system has a lot of students, but it creates a giant skills gap where the province pays to train us and we leave.

• (1230)

Ms. Patricia Lattanzio: In essence, you're saying there's a brain drain going on in Quebec.

Mr. Houston Rifai: That would be correct.

Ms. Patricia Lattanzio: Okay.

I'm going to take you back to some of the statements that were made, like that Bill C-13 proposes to create new language rights for francophones only with respect to their communications with federally regulated businesses. As young English-speaking Quebecers, you're saying you're feeling abandoned by the federal government in this proposal.

What changes or amendments would you like to see proposed for Bill C-13 to address this concern?

Mr. Houston Rifai: I think our statement was very specific to the factor of mentioning the French language act here in Quebec. We don't believe there should be any connection on this front because, frankly, the language act exists notwithstanding the Charter of Rights. Making reference to it sends the wrong message, for one thing. For another thing, it leaves the door open for future legislation that would limit our language rights here in Quebec.

Ms. Patricia Lattanzio: When we first started studying this language law, it was at a time when Bill 96 had not been adopted as a law. Now, in Quebec, it is a law. It will be applying this new law, Bill 96, to its society, notwithstanding the fundamental rights and freedoms of Quebecers.

How does that make you feel? What consequences do you think there will be down the line? You're the youth, and I'm hoping you're going to stay in Quebec and contribute to this beautiful province and country, but how do you feel about the enactment of that law now being applicable to Quebec vis-à-vis the proposed language law, Bill C-13?

The Chair: You have 30 seconds.

Ms. Arielle Warten: I can say that we feel like the language laws are dividing the two official language communities. That's for sure.

Ms. Patricia Lattanzio: Would you be prevented, with the use of the notwithstanding clause, from being able to address the courts, which have always been there for minority communities to bring forward these injustices?

The Chair: You have five seconds.

Ms. Arielle Warten: We'll include that answer in our brief. Thank you so much.

The Chair: Thank you.

I'm quite severe with the time. I want to make sure that all colleagues can have all their time.

[*Translation*]

The next few questions will be asked by the second vice-chair of the Standing Committee on Official Languages, Mario Beaulieu.

Mr. Beaulieu, the floor is yours for six minutes.

Mr. Mario Beaulieu: I would like to thank all the witnesses for their participation in our work.

Mr. Rousseau, you said the territoriality-based model is the only way to secure the future of minority languages. In Canada, French is the minority language.

On the subject of the situation in Quebec, there is a 1993 decision of the United Nations regarding public signage, which said the following:

[*Translation*] A group may be the majority in a province but still comprise a minority in the state, and accordingly be protected by Article 27 [of the International Covenant on Civil and Political Rights]. Anglophone Canadian Citizens cannot be considered to be a linguistic minority.

The Official Languages Act is based on the premise that anglophones are a minority in Quebec. As a result, all of the funding and measures taken serve to strengthen English in Quebec.

Is the act not contrary to international law?

Mr. Guillaume Rousseau: Yes, you are entirely correct.

I think you are talking about the case brought by Ballantyne and Davidson. In its decision, the United Nations Human Rights Committee clearly said that the relevant entity in international law is the sovereign country, that is, Canada.

Anglophones everywhere in Canada, including in Quebec, form a majority and are therefore not considered to be a minority that enjoys special rights as such.

By considering English Quebecers as a minority in need of special protection when, in fact, they are part of the Canada-wide linguistic majority, yes, we are in conflict with international law.

• (1235)

Mr. Mario Beaulieu: It is often said that if something is done for francophones in Quebec, it will hurt francophones outside Quebec. The argument is always based on asymmetry. However, it is possible to do both: to strengthen French both in Quebec and outside Quebec.

I am going to come back to the territoriality model. I often hear the argument that this model applies only in Quebec and hurts francophones outside Quebec. The opposite is true. If we tried to make French the common language in the regions outside Quebec, where there is a critical mass of francophones, that might slow the rising rates of assimilation.

Is that correct?

Mr. Guillaume Rousseau: Yes, that is correct.

In addition, we must never forget that if French is doing well in Quebec, that will have an effect outside the province. Plays and films created in Quebec become cultural products to which francophones in the other provinces also have access. As well, for francophone artists in the other provinces who want to sell their music, for example, the Quebec market will be important, as long as it has a sufficient number of francophones.

So from the sociodemographic point of view, we have the same interests. They really must not be pitted against each other. That is why we have to end this symmetrical approach, the effect of which is that if French gains ground in the other provinces it necessarily loses ground in Quebec. We really have to put an end to that. It is damaging in political terms, since it pits francophones in the other provinces against francophones in Quebec.

That approach is also harmful in another way. I will give you an example. Recently, someone told me about a federal government initiative, the creation of Women and Gender Equality Canada. The government funds community groups and tells them that one of the things it can fund is the creation of bilingual tools.

Since the approach is symmetrical, that applies in Quebec and in the other provinces. Since people in community groups are bilingual, we produce bilingual tools in Quebec, while that is much less often the case in the other provinces.

As a result, a measure that is the same everywhere ultimately contributes a lot to the promotion of English in Quebec but very little to the promotion of French in the other provinces.

To achieve substantive equality, more must really be done for French in the other provinces and also in Quebec.

Mr. Mario Beaulieu: The Government of Quebec has made a series of demands concerning Bill C-13, and almost none of them has been accepted. Quebec has run up against a wall.

What do you think about the fact that we are being pressured to rush Bill C-13 through?

Mr. Guillaume Rousseau: Bill C-13 contains some promising things in terms of territoriality, such as the Use of French and Federally Regulated Private Businesses Act, insofar as it would apply in francophone regions outside Quebec and would not replace the Charter of the French Language, or Bill 101, in Quebec. On that condition, the legislation would be useful, in my opinion.

On the other hand, it also contains some asymmetric aspects. The bill mentions several times that French is threatened and that it is the minority language across Canada. Then, in the next paragraph, it states that minorities exist on both sides and puts anglophone Quebecers and francophone Canadians on an equal footing.

If the bill were more forthright about asymmetry and didn't contradict itself from one paragraph to the next, it would be really promising.

Mr. Mario Beaulieu: I'd like to talk about positive action.

Where Quebec is concerned, all agreements between Canada and Quebec, for example, almost exclusively favour English-language educational institutions, and when they are about French-language institutions, they concern instruction in English.

How do you think that should be reengineered?

Mr. Guillaume Rousseau: Right now, the federal government funds many anglophone advocacy groups in Quebec and francophone advocacy groups in the other provinces. These should continue to be funded, but so should many more francophone advocacy groups in Quebec. That's what needs to change. It's one of the areas where Bill C-13 could have a meaningful impact if amendments were made.

People used to think that the federal government should help anglophones in Quebec and francophones in the other provinces. Once French is recognized as a minority language from coast to coast, the federal government really needs to help these groups that promote French. These groups often organize things like cultural activities with new arrivals.

In short, the federal government needs to fund groups that promote French in Quebec.

The Chair: Thank you, Mr. Rousseau.

Member from Manitoba Ms. Ashton, you have the floor for six minutes.

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

Once again, I'd also like to thank the witnesses for being with us today.

[*English*]

I also want to thank Ms. Warten and Mr. Rifai for their testimony and for making points that are important for all of us as MPs to hear. I appreciate you being with us here today.

[*Translation*]

Mr. Rousseau, earlier this year you appeared before this committee to take part in our study on what measures should be taken to protect French in Canada and Quebec. You compared the approach based on the territoriality principle with the one based on the personality principle.

Bill C-13 has a territorial component whereby the government will adopt by regulation certain measures permitted under the act and apply them to regions with a greater francophone presence.

In your view, how effective will it be to adapt certain measures by regulation rather than amend the law?

• (1240)

Mr. Guillaume Rousseau: Thank you for the question.

Generally speaking, I'm pretty much in favour of having more things in the act, because it allows for broader democratic debate, consultation and so forth.

I see the flexibility that comes with passing regulations, but Bill C-13 clearly places some aspects under regulatory authority when they are going to be governed by law instead, like the Charter of the French Language.

For example, when it comes to the makeup of the committee that will ensure private businesses respect language rights, if I'm not mistaken, the bill provides that the threshold at which businesses will have to have their own committee and language requirements will be established by regulation, but that's a fundamental element.

If the regulation establishes that only businesses with 200 or more employees will have language requirements, the committee will have little effect. On the other hand, if this bill does the same thing as Bill 101, which sets the new threshold at 25 employees as of 2025 under Quebec's Bill 96, many more businesses will be affected.

I really find that a few too many fundamental public policy issues are entrusted to regulatory powers in Bill C-13. Language laws always have provisions that leave room for regulatory authority, but I feel that too much room is being given to regulations in the current version of this bill.

Ms. Niki Ashton: I'll move on to another example. The government says it's going to adopt regulations to set francophone immigration targets in order to slow the decline of French. This week, however, the Prime Minister refused to hear Mr. Legault's call to slow the decline of French in Quebec.

We know that the federal government discriminates against students from African countries and has put up systemic barriers that are contributing to the decline of French.

Year after year, the federal government fails to meet its own francophone immigration commitments.

Do you feel that speaks in favour of legislators who want to codify the demographic recovery of francophone minority communities through francophone immigration, among other things?

Mr. Guillaume Rousseau: With respect to immigration, there are two things, actually. The more elements we have in the law and the clearer the requirements are in the law, the more likely it is that the goals will be achieved, particularly in terms of Parliament's role.

Francophone immigration is certainly part of the solution. I will use an image to illustrate that. If we turn on the francophone immigration faucet in the bathtub, that's a good thing, we will have more francophones. However, if we don't put the plug in the bathtub, that is, if we don't prevent francophones from being anglicized, we won't make much headway with French.

If our francophones who have been there since the 17th century are being anglicized, francophones arriving here from Senegal will be too. We have to face the facts. Therefore, we need to foster francophone immigration and take steps to promote French in several areas, including education. For French, it's a question of vitality, but it's even more than that.

Take, for example, the applied international law and politics program that I oversee at Université de Sherbrooke's faculty of law. If I may, I'll do a little advertising here, but it's related to the subject at hand. We have a limited pool of students in the Eastern Townships. Therefore, we recruit all over the French-speaking world, especially in France and French Africa.

When we recruit students from French Africa and they're unable to get their visas, that's a problem for us. We have graduate programs where every student counts, as it helps to secure a good portion of our funding. Universities in the regions particularly need these international students so they can offer programs where research and instruction are done in French. The federal government must therefore let our students get their visas quickly. Sometimes it's a question of time. If a student enrolls in May, I would say good luck getting their visa in time to start classes in September.

So you've touched on an extremely important issue, especially for students and immigrants from French Africa. This is a crucial aspect, especially for Quebec and its regions.

Ms. Niki Ashton: Okay.

You touched on this earlier, but can you elaborate on the benefits of writing certain priorities right into the law, rather than letting them be adopted by regulation?

Mr. Guillaume Rousseau: First of all, it's a question of transparency and near-participatory democracy, because although there are some consultations, regulatory power is much more limited.

The parliamentary process is much more open in terms of consultations. We're seeing that today: we have experts, young people defending the rights of anglophone Quebecers, bilingualism and so on. This makes for a much greater variety of views in consultations compared to the regulatory process, where consultations are more limited.

Then we have the issue of flexibility. You lose flexibility when you put everything in an act rather than a regulation. This could be reconciled by putting more in the act for the reasons I just mentioned, but also providing for a review of the law at shorter intervals.

There was reference earlier to a review every five or ten years, but I would tend to plan for a review every five years, because the census happens every five years and it's so important in terms of language policy.

• (1245)

The Chair: Thank you, Mr. Rousseau.

We will now begin the second round of questions. Mr. Lehoux and Mr. Godin will be sharing five minutes.

You have the floor, Mr. Lehoux.

Mr. Richard Lehoux: Thank you, Mr. Chair.

I'd like to thank the witnesses for being with us today.

Mr. Rousseau, first of all, you talked a bit about the amendments Quebec is requesting, but more specifically, I'd like to hear your comments on anything to do with linguistic specificity.

Mr. Guillaume Rousseau: We must never lose sight of the fact that the federal Official Languages Act regime is based more on the personality principle, which doesn't ensure the survival of a vulnerable language like French. In contrast, the Quebec regime is based more on the territoriality principle.

The more the federal government does, insofar as it follows the personality principle, and the less room it makes for the Quebec regime that's based on the territoriality principle, the more French will necessarily be undermined. Therefore, as much as possible, the federal approach must be based on the territoriality principle.

Steps are being taken to do that with the passing of the Use of French in the Federally Regulated Private Businesses Act. At the same time, it would be a good idea to make as much room as possible for the Quebec government, which has the expertise in this area, particularly within the Office québécois de la langue française, and has a consistent policy. Everything must be consistent.

In terms of language planning, we need a policy on immigration and a continuum of measures to promote French from daycare to post-doctorate, both in research and on the labour market.

If the federal government takes different steps, it won't work. We are seeing the federal government align itself somewhat with Bill 101 through its use of French legislation, but not quite fully, especially given Bill 96, which has further protected French since it was passed.

Mr. Richard Lehoux: Bill C-13 adds the new section 44.1 to the Official Languages Act. The section deals with francophone immigration. Is this enough or is it just a cosmetic amendment?

As it turns out, Quebec wants an amendment to strengthen the new section. Do you agree with that?

Mr. Guillaume Rousseau: As a jurist, and especially as a civilist, I definitely prefer it when things are well codified, the rules are clear and judges are given a little less leeway.

As a result, I would tend to be even more specific and even more demanding where immigration policy is concerned. While the judiciary has done some work for francophones in other provinces, unfortunately Quebec case law has tended to be less supportive of protecting French.

Mr. Richard Lehoux: Quebec also wants an amendment to the proposed new section 3.1, which deals with language rights. Is that really a Supreme Court ruling being codified?

Mr. Guillaume Rousseau: I admit, I don't have it before me.

Mr. Richard Lehoux: Okay, no problem.

I have another question.

The Fédération des communautés francophones et acadienne du Canada is proposing an amendment to provide for language clauses and consultations to address the accountability issue in transfers to provinces. What are your thoughts on that?

Mr. Guillaume Rousseau: Federal-provincial agreements, which you discussed earlier with Mr. Théberge, are really important. Having said that, I think asymmetry is the right approach. Yes, it's important that the federal government step in and that there be language clauses in the agreements between the federal government and the other provinces, particularly with respect to access to child care services in French. I believe Ms. Ashton talked about this at the last committee meeting. I agree that it's a very important aspect. However, I support an asymmetric approach in Quebec. The federal government should really let Quebec implement its language policy. I believe that the Quebec government is doing more to protect French, but that our anglophone compatriots are still protected by rights. I feel we've struck a certain balance. There could be more for French, but at least we have a balance.

Therefore, the federal government need not worry about the Quebec government's language policies with respect to the linguistic

minority. On the other hand, it should perhaps be more concerned about language policy in the other provinces.

Mr. Richard Lehoux: Thank you, Mr. Rousseau.

I will leave the rest of my time to Mr. Godin.

Mr. Joël Godin: Thank you to my colleague.

• (1250)

The Chair: You have one minute, Mr. Godin.

Mr. Joël Godin: All right.

When I hear people talking about regulatory power, it's music to my ears. It involves limited consultation. It's never as strong as legislation. However, this week the witness told us that it's possible to address the issue using regulations.

With respect to reviewing the act every five years, I just want to remind you of the wording of proposed section 93.1(1): "On the 10th anniversary of the day on which this section comes into force and every 10 years after that anniversary, the Minister of Canadian Heritage shall undertake a review of the provisions and operation of this Act."

Reviewing isn't the same thing as revising, is it? Okay, thank you very much.

Mr. Chair, I'd like to introduce a motion on the topic we are currently discussing. After hearing the Commissioner's and Mr. Rousseau's testimony, and in light of the issues raised in the Commissioner's brief, I move that, as part of the study of Bill C-13, the Minister of Official Languages, the Minister of Canadian Heritage and the Secretary of the Treasury Board be called to appear as soon as possible, as of October 18, 2022, for two hours per department.

The Chair: Mr. Godin, I misunderstood what you said towards the end. As of what date would that be?

Mr. Joël Godin: I move that those individuals appear as soon as possible as of October 18, 2022. Of course, we understand that the ministers may have busy schedules, but their appearance to answer our questions should be a priority for them.

The Chair: Are there any questions about the motion?

Mr. Mario Beaulieu: On a point of order, Mr. Chair.

I agree with the motion, but shouldn't we ensure we use the time allotted to question the witnesses? We could vote on the motion at the very end of the meeting.

The Chair: This is in accordance with parliamentary rules. A motion was just introduced in the middle of the committee meeting. It's a perfectly legitimate motion, as it concerns the topic under discussion.

The truth is that the witnesses are learning how committee procedure works. It's a great life experience for them.

Are there any questions about the motion?

Please raise your hand if you wish to speak, because I can see you from a distance.

You have the floor, Mr. Drouin.

Mr. Francis Drouin: We have no problem with this motion, but I would just like to reiterate one thing. Obviously, each party already has a list of witnesses that they would like to hear from. I hope they don't add more witnesses to the list, otherwise we're going to have meetings like this over and over again and Bill C-13 won't pass before April 1st, April Fools' Day.

We're prepared to move immediately to vote on the motion and pass it. That way, we can move on and it won't take up Mr. Beaulieu's time.

The Chair: I have to say that I'm having some difficulty grasping your motion, Mr. Godin, because it seems to me that the individuals in question are already on our lists of witnesses to be called. Am I mistaken?

Mr. Joël Godin: No, you're not mistaken, Mr. Chair. However, we would like to meet them as soon as possible, not at the end of the exercise. That's the purpose of the motion.

The Chair: Okay, I understand.

If there are no objections, we'll take a vote.

(Motion agreed to)

The Chair: We will now move on to the next speaker.

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

Mr. Francis Drouin: Thank you very much, Mr. Chair.

I'd like to thank all the witnesses here with us. It's nice to see people in person. I also want to thank the witnesses joining us by videoconference.

Since we have not had the opportunity to ask many questions to the witnesses joining us by videoconference, I'm going to go ahead and ask them some. I am a francophone, but I will ask them in English. I think that's important in a country like Canada, where you can learn both official languages.

[*English*]

Mr. Houston, with Bill C-13, what is the most important aspect of this that you want to see?

Mr. Houston Rifai: The most important positive aspect of the legislation, obviously, is to promote the French language in the rest of Canada. Frankly, the French language is in decline, for two major factors: the lack of immigration to Quebec because of very strong limits on immigration to Quebec, and the loss of language in francophone communities outside of Quebec. Those are clearly the two factors. One is a matter for the Province of Quebec to deal with. The other one is a matter that the federal government should have a laser focus on, making sure that francophone communities outside of Quebec have as many resources and as much help as possible to maintain their language.

However, this cannot come at the cost—which is our entire discussion here—of language minorities in Quebec as well. Frankly, it

is already a very heavily regulated system. That is the reality. We don't want to see the Charter of the French Language reflected in the Official Languages Act. That's our big take-away, if you would like one aspect of this.

● (1255)

Mr. Francis Drouin: Okay, thank you.

[*Translation*]

Now I'm going to turn to Mr. Rousseau, who is here with us in person.

This isn't your first time appearing before the committee, Mr. Rousseau. You've often brought up the principle of territoriality, and that's what I'd like to talk about.

Many Quebeckers choose to move to other provinces, but they don't necessarily settle in French-speaking communities. That's also true for many people from French-speaking communities outside Quebec. In other words, they disperse.

I'm going to use my earlier example. Forty years ago, all the French speakers in Ottawa lived in the east end of the city. You couldn't find a French speaker in the west end. It's an altogether different story today.

Bearing that in mind, how do we go about applying the principle of territoriality? How can we strengthen Bill C-13 so that it serves the interests of francophone communities, whose members are now scattered all over the place?

Here's something else to consider. Nowadays, most young people don't feel connected to a specific geographic area. They use their cellphones to build their identities. They spend their time on their cellphones.

Without these geographical boundaries, how do we ensure that the legislation supports francophone content and the consumption of that content by young people?

Mr. Guillaume Rousseau: I'm glad you mentioned that I've appeared before the committee before. The questions I was asked by the committee previously prompted me to provide more clarity on where I stand—or at least, I tried to. I really see this as a meaningful and productive exercise.

The last time I was before the committee, I did indeed discuss the approach based on territoriality. I did so because that is the model that universally stands out in the scientific literature. Questions like the one you just asked made me ponder the matter further and consider the so-called blind spots of the approach. I may have only implied this the last time, but I want to be clear now. As far as the protection of French is concerned, the preferred approach should, whenever possible, be the one based on the principle of territoriality, both in Quebec and in regions with a significant francophone population. Basically, that means the areas around Quebec, so northern New Brunswick, eastern Ontario and the Ottawa area. In the other provinces, the approach should be based on the principle of personality, in other words, the promotion of both official languages. That has its limits, however. In an environment where one language is more dominant than the other, when people have the freedom to choose which language they are going to use, more people will inevitably choose the dominant language, meaning English. Nevertheless, it is possible to do certain things.

The model based on the principle of personality, which is the one underlying the Official Languages Act, cannot be expected to work miracles or save a language. It is, however, perfectly legitimate and reasonable to apply the principle of personality in all areas outside Quebec or near the Quebec border that are home to tiny and often isolated French-speaking communities. You're right. Since those communities do not represent the majority, the principle of territoriality cannot, by definition, be applied, except at a micro level. That's the first thing I would say.

For that reason, I would say I respectfully disagree with the witnesses who appeared before me. Personally, I think it is essential that the Official Languages Act refer specifically to the Charter of the French Language. What's more, the notwithstanding clause does not suspend rights; it suspends the requirement to pass constitutional muster, transferring the responsibility of protecting rights to the legislature in question, and the Quebec legislature does a very good job of that.

The Chair: Thank you, Mr. Rousseau.

Please remember not to speak too quickly, so as not to make life harder for our interpreters.

Go ahead, Mr. Beaulieu. You have two and a half minutes.

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

The federal government is elected mainly by Canada's English-speaking majority. The government imposed a constitution that undermines Quebec's language laws. The government imposed the Official Languages Act, the superseding legislation because the federal government supersedes Quebec.

Isn't that a lack of respect for the rights of Quebec, the minority? Furthermore, doesn't that violate the Quebec people's right to self-determination?

Mr. Guillaume Rousseau: You certainly raise an interesting point.

It's always important to be clear when discussing the right to self-determination. On one hand is the right to external self-determination, which is basically akin to secession. On the other is the

right to internal self-determination, the exercise of governance, say, by a people in control of a federated state.

In this case, we are talking about internal self-determination. I agree that having a Canadian constitution that has been adopted by the other provinces and by the federal government, without Quebec's consent, is a violation of the principle underlying the right to internal self-determination. That's problematic for federalists and sovereignists alike, especially because the Constitution results in a loss of protection of the French language in Quebec. That's where the use of parliamentary sovereignty, in other words, the notwithstanding clause, comes into play.

Since Quebec's Charter of the French Language was passed in 1977, particularly after the Canadian Charter of Rights and Freedoms was passed in 1982, judges have had considerable influence over Quebec's language policy. That has systematically led to declining protection for the French language in Quebec, and census data now illustrate the impact of that decline.

Under the current model, authority is delegated, and the final say often goes to judges, not lawmakers. Judges, especially those who sit on the Supreme Court, wield tremendous power. If that model worked well, striking the right balance between the protection of francophones' rights, the protection of anglophones' rights, the protection of individual rights and the protection of French as a common good, the census data would show as much. We would know it. That model isn't working, though, so it's time for a rethink. Quebec lawmakers should have more power, and judges should have a little less because the system isn't working.

In theory, a neutral arbitrator to protect fundamental rights is a good idea. In theory, it's great. When that idea is put into practice, however, the outcome is revealed by the latest census data, a disastrous situation for French.

• (1300)

Mr. Mario Beaulieu: Does the clause—

The Chair: Thank you, Mr. Rousseau and Mr. Beaulieu.

Your time is up, Mr. Beaulieu. Time certainly flies.

We now go to Ms. Ashton for two and a half minutes.

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

Mr. Rousseau, you started talking about three things the bill should include to better protect French. You mentioned immigration.

Let's say the federal government approved more study permit applications from French-speaking African students or offered more consular services in Africa. Would that help slow the decline of French in Quebec?

Mr. Guillaume Rousseau: You're right that francophone immigration plays an extremely important role. In fact, the Quebec government is aiming to increase the percentage of francophone immigrants.

At the same time, it ties in with what I said earlier. I may have been referring to the other provinces when I said it, but it also holds true for Quebec, albeit to a lesser extent. When you have francophones being anglicized at a certain rate, no matter how many francophone immigrants you bring in, it won't fix the problem. I realize that Quebec has a lower rate of anglicization than the other provinces, but it's still something that happens in Quebec.

Francophone immigration is really part of the solution, not all of it. It won't help to put all our eggs in that basket, because of the anglicization of francophones. Whether they arrived yesterday from French-speaking Africa, Lebanon or elsewhere or whether they've been here since the 17th century—when the anglicization of francophones began—the problem remains, and immigration alone won't fix it.

That's why it's so important to fight on both fronts, but yes, francophone immigration is one of those fronts.

Ms. Niki Ashton: To your point, I would say that most Franco-Manitobans and Franco-Ontarians are bilingual, but it doesn't mean that they don't live in French. What those communities are telling us is that they need more francophone immigrants and more support for integration services. They say that making services available in French is important to stop the decline of French.

You said francophone immigration doesn't stop the decline of French, but communities are telling us the opposite. Why do you have a different view?

Mr. Guillaume Rousseau: What I would say is that francophone immigration can help slow the decline of French, but as long as

francophones are being anglicized, francophone immigrants will be affected—it's inevitable.

Yes, francophone immigration will slow the decline of French, but if you want to stop—not just slow—that decline, you have to target more than just francophone immigration.

The Chair: Thank you, Mr. Rousseau.

Thank you to the witnesses who appeared by video conference, Mr. Rifai and Ms. Warten.

[*English*]

If you think of anything else that you should have mentioned, please provide the extra information to us via our clerk. She will provide it to all members of this committee.

[*Translation*]

The same goes for you, Mr. Rousseau. I know there's a lot more we could talk about. You seem to be just as passionate as our young witnesses. If you think of anything else the committee should know, please feel free to send the information in writing to the clerk. She will make sure the committee members get it.

My infinite thanks to the committee members for being so disciplined and sticking to their allotted time.

We are ending late, so I apologize to all the technicians.

The meeting is adjourned.

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