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• (1100)

[*Translation*]

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

Welcome to the 34th meeting of the 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 the members who are here with us today.

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 mike when you are not speaking.

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

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 keep the list of speakers in 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 test prior to the meeting.

I would now like to welcome our witnesses.

To start with, we will be hearing, as an individual, Mr. Roger Lepage, who is a lawyer, as well as Mr. Étienne-Alexis Boucher, the president of Droits collectifs Québec.

Throughout the meeting, we will proceed interactively and have the members ask questions of the witnesses.

To the witnesses: you will each have five minutes to make an opening statement. Afterwards, there will be a round of questions.

I would like to warn you that I will be quite strict with my time-keeping.

On that note, we will start with Mr. Lepage.

Mr. Lepage, you have five minutes.

Mr. Roger Lepage (Lawyer, As an Individual): Good day to you all.

Thank you for inviting me to talk about this very important bill which seeks to update the Official Languages Act.

My presentation deals with the fact that schools and day cares are key institutions for the transmission of francophone language, culture and identity.

We have to right the wrongs of the past and to do so, we absolutely have to update the Official Languages Act. Assimilation is an institution in western Canada. Thanks to the efforts of Dalton McCarthy, who wanted “one language, one country, one flag,” it was illegal to teach in French in certain provinces outside of Quebec, including Saskatchewan, until 1969.

• (1105)

In 1885, they hanged Louis Riel. Afterwards, there were massive assimilation efforts to erase the francophone population.

In 2021, we see that even Quebec francophones are being assimilated into anglophone culture. We need the Official Languages Act to be enforced asymmetrically in Quebec, just as it should be outside of Quebec.

I'm now going to talk about the number of French-language schools in each province and territory outside of Quebec. In 2021, there were only 707 francophone schools for 173,000 students. That can seem like a lot, but it is just a tiny percentage compared to the number of students in English-language schools.

In Alberta, for example, there are only 3,660 students in French-language schools. In Ontario, the biggest province, there are 76,000; in British Columbia, there are about 6,500 students; in Prince Edward Island, there are only 1,163. In Manitoba, you're looking at 6,000 students and in New Brunswick, about 30,000. Nova Scotia has only 6,500 students and Saskatchewan approximately 2,000. Newfoundland and Labrador counts only 350 students and in the Northwest Territories and the Yukon, that number is 221 and 343 respectively. I was in Nunavut yesterday, I've actually just come from there, and the school board has only 115 students.

You can see that there is a huge disparity in the numbers of students and that some numbers are low.

If we come back to Saskatchewan, we can see that there are approximately 2,000 students in 15 francophone schools. However, the total number of students in Saskatchewan is 110,000. The number of students in French-language schools does not even represent 1% or 2% of the population. Moreover, it is hard to get Statistics Canada to provide figures on the number of rights holders in order to justify the number of students needed to build schools. This is a priority issue. We still need to build a network of schools. We are lacking local schools. Students have to travel huge distances. There is a real lack of equality and a lack of space in many French-language schools everywhere outside of Quebec.

We need to bring in the non-rights holders in order to right the wrongs of the past and welcome students from immigrant families. The appeal launched by the Northwest Territories on the right to take in non-rights holders will be heard by the Supreme Court of Canada during the winter of 2023, and we are hoping that the court will rule in our favour.

There is also the issue of insufficient funding for francophone school boards. As I said it earlier, I was in Iqaluit last week, and they are still lacking the necessary funds to have administrative officers and train them.

You will see eight recommendations in my document.

The federal government should pay 50% of construction costs for a network of local schools everywhere in Canada. We also have to do something about immigration. The percentage of francophone immigrants should be brought up to 12% by 2024 and 20% by 2036, because immigration is important to us and we need to have a way to counter assimilation. Even amongst immigrants, the assimilation rate is very high.

The Chair: Thank you, Mr. Lepage.

You will be able to provide more details when answering questions. I try to be strict with timekeeping. I will be watching the clock when our members put their questions to the witnesses. I know that they have already prepared their questions, and I would like to give them enough time to ask them, because you, the witnesses, are very helpful to us.

We now go over to our next witness, Mr. Étienne-Alexis Boucher, the president of *Droits collectifs Québec*.

Mr. Boucher, you have five minutes.

• (1110)

Mr. Étienne-Alexis Boucher (President, *Droits collectifs Québec*): Good morning, esteemed members of the honourable institution of the House of Commons.

I am obviously very pleased to have the opportunity to help you with your study. That said, my political convictions and my experience as a champion of the French language lead me to believe, in light of the past, that the federal state will never be able to adopt a legislative framework that will allow the francophone nation of America, our nation, to flourish and allow French not only to survive and be promoted, but also to expand and prosper.

I was disappointed to see the first version of the reforms to the Official Languages Act. While these reforms are clearly necessary, they do not convince me that the federal state has understood the urgency of the situation and, as the previous witness said, the need to right the wrongs that were systematically committed against francophones everywhere in Canada.

I won't go over all the legislative history, which is utterly reprehensible.

I can give you concrete examples, such as the appointment of the Governor General, which was not in keeping with the spirit of the Canadian Constitution and the Official Languages Act. That person is the representative of the head of the Canadian state and despite her impeccable CV, she does not speak one of the two official languages of Canada. I'll let you to guess which one.

We've also seen the provinces act unilaterally and unfavourably towards the francophone community. Take, for example, the closure of the vast majority of programs offered at the Laurentian University. A mere 20 years ago, there was the attempt to close the Montfort Hospital.

Basically, francophone communities everywhere in Canada have always been subject to a certain form of discrimination, and it is hard to see how the current reforms to the Official Languages Act will be able to right the wrongs, given that they are based on false premises.

Firstly, an approach based on the individual, rather than on the territory, such as the approach championed by Quebec's Charter of the French Language, is an approach that has never ever in the history of the world allowed a minority language to prosper. An approach based on the individual that allows a minority language to prosper does not exist.

Even in Quebec, where French is the majority language, we can see that the federal government's approach, which is the systematic bilingualization of public services within Quebec, is not working.

Then there is the federal government's inability to abide by the current version of the Official Languages Act. Year after year, Canada's Commissioner of Official Languages submits highly critical reports on the federal government's management of the act. In Ottawa, there is a joke that says there are two official languages in Canada: English, obviously, and French translated into English. We do not believe that these problems will be solved by the current reforms, because profound changes are needed.

Solutions do exist, however.

We could, for example, set up a broadcasting and telecommunication council in Quebec. That would mean handing over to Quebec the responsibility of managing broadcasting and communications, which could be a good solution.

We should also recognize the asymmetrical situation of French and English. May I remind you that under international law, anglophones in Quebec do not constitute a linguistic minority, both figuratively and literally. The United Nations High Commissioner stated in a decision that it did not recognize the minority status of Quebec's anglophone community.

Other solutions are available. The Charter of the French Language could take precedence over the Official Languages Act. We could also, as I said earlier, adopt an asymmetrical approach recognizing French as the only official language that is struggling everywhere in Canada.

I will be pleased to answer your questions over the next hour.

● (1115)

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

We will start the first round of questions. Every party will have six minutes. We will be working in an interactive fashion and as you know, dear colleagues, I will make sure you do not go over the six minutes allotted to you.

We will start with Mr. Joël Godin, the first vice-chair of the Standing Committee on Official Languages.

Mr. Godin, you have six minutes.

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

Mr. Mario Beaulieu (La Pointe-de-l'Île, BQ): Mr. Chair, on a point of order.

I don't know why, but the interpretation is incredibly loud.

The Chair: Yes, I'm not sure that the technician is aware that we can hear the interpretation in the background. I don't know where the problem is coming from. Maybe it's a headset with the volume cranked up too high.

Mr. Mario Beaulieu: I think that all the microphones are on max.

The Chair: All right. Is it better now?

Mr. Godin, I stopped the clock.

Mr. Joël Godin: I am sure you are a man of your word.

The Chair: Mr. Godin, please proceed, you have six minutes.

Mr. Joël Godin: Thank you, Mr. Chair.

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

My questions are for Mr. Lepage because here at the Standing Committee on Official Languages, we obviously consider the entire country and we are working on a bill that seeks to update the Official Languages Act in Canada.

Mr. Lepage, you provided proof that French is declining everywhere in Canada and I think we are all in agreement on this fact. In your presentation, you gave a series of statistics on the number of francophone students in provinces other than Quebec. Then you spoke of righting the wrongs of the past.

I think that updating the Official Languages Act is a step in the right direction. It is true that we cannot undo all the wrong done to the French language in the past. We have to be realistic.

I now have more pointed questions to ask you. I would like your advice so that we can do our work properly and ensure that the bill has teeth, is effective and stops the decline of the French language.

Do you think that having a central organization is vital to being able to efficiently update the Official Languages Act?

If we do not amend the bill in order to designate Treasury Board as the central organization, do you think that our efforts would be a waste of time and that the French language will decline further?

Mr. Roger Lepage: Thank you for your question.

I think it is important to have a central organization that enforces the Official Languages Act and is responsible for it, because if a number of stakeholders are responsible, no-one actually is.

Mr. Godin, I agree with you. It would be important to have a central organization within Treasury Board, because it will have to secure a lot of funds to truly right the wrongs of the past. The most important thing to do is build French-language schools and set up French-language school boards everywhere in Canada.

What I am currently seeing, whether it be here, in Saskatchewan, Nunavut or elsewhere, is that they are still trying to set things up. They are trying to build up a network of French schools. We urgently need a network of local schools everywhere. The central organization would ensure that the federal government paid approximately 50% of the costs...

Mr. Joël Godin: Thank you, Mr. Lepage. I'm sorry to interrupt you, but you know that our chair is quite strict on timekeeping.

I just want to ask you my question once more very clearly.

Is it vital that a central organization be under Treasury Board's direction to ensure the effectiveness of the act, yes or no?

Mr. Roger Lepage: Yes.

Mr. Joël Godin: Yes. Thank you.

I have another question for you.

Can you tell us if the problem on the ground is a lack of a francophone kids for the French-language schools in Saskatchewan, Manitoba and Alberta? Or is it a lack of accessibility?

Mr. Roger Lepage: It is a lack of accessibility because over time, we see that there aren't enough French-language schools. There aren't enough bus services. People are enrolling their kids in French immersion schools or in English schools. Once they do that, those kids are lost to us.

What we see is that once a French-language school opens, it fills up quite quickly. In Iqaluit, Nunavut, where they have just built a French school, they are already expanding. The schools being built are too small. People think that there aren't any rights holders, but once services in French are offered, the schools fill up.

• (1120)

Mr. Joël Godin: Thank you, Mr. Lepage.

As we work on this study, it is truly encouraging for us to see that there is a demand for French schools. I understand now that it is a lack of willingness on behalf of governments. This is why the act has to have more teeth.

I have something to say about the language clause.

Mr. Roger Lepage: All right.

Mr. Joël Godin: As you know, the language causes are tricky. Those of us in the Conservative Party are especially aware of how important it is to respect provincial and territorial jurisdiction.

I'd like to hear what you think of an idea of mine. It's a way the language clauses could be amended.

Would it be possible to implement the language clauses using additional funding, in order to negotiate with the provinces and territories?

I'll give you an example. If \$100 million were available for joint projects between Canada and the provinces, an additional \$10 million, say, could be provided to the provinces looking for funding to implement the language clauses and build specific infrastructure. Something like that would not infringe on provincial jurisdiction, while giving official language minority communities some breathing room.

How does that idea sound to you?

The Chair: You have 30 seconds to answer, Mr. Lepage.

Mr. Roger Lepage: We have to abide by the Constitution, which states that education is the exclusive jurisdiction of the provinces. The federal government has to find a way to cover half the cost of building schools in Canada's minority language communities and to encourage provinces to put up the other half.

Mr. Joël Godin: Thank you.

The Chair: Thank you, Mr. Lepage.

I am strictly enforcing time limits, Mr. Godin, to make sure everyone gets a turn.

Mr. Joël Godin: Yes, I know.

The Chair: Mr. Iacono, go ahead. You have six minutes.

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

Thank you to the witnesses for being here today.

My questions are for my fellow lawyer François Larocque.

The Chair: Mr. Larocque is part of the other panel, Mr. Iacono.

Mr. Lepage is the lawyer we have now.

Mr. Angelo Iacono: My apologies, Mr. Chair.

In that case, I'll wait until we have the second panel.

Would someone else in my party like my time?

If not, I will continue with Mr. —

The Chair: Mr. Drouin will take your turn.

Mr. Angelo Iacono: Very good.

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

Thank you, Mr. Lepage and Mr. Boucher, for agreeing to appear before the committee.

Not only has Ontario's francophone community been waiting and waiting for Bill C-13, but so have francophone communities all over the country.

Mr. Lepage, you were asked by Mr. Godin whether we should pass the bill. He also asked you specific questions about the central agency's role. As a lawyer, you know that the Treasury Board is responsible for the implementation of parts IV, V and VI, under Bill C-13.

Previously, the Treasury Board was allowed to step in but never did. Under part IV of the new act, the Treasury Board is required to take action, as part of its responsibilities, and establish policies to give effect to parts IV, V and VI.

Clearly, questions exist around part VII and the positive measures component. The Treasury Board gives the Department of Canadian Heritage power over that. As you know, the Treasury Board is not an institution that deals with the public. It deals with the inner workings of government, the inside baseball, as they say.

I want to make sure I understand your position.

You're saying that we shouldn't pass Bill C-13 if the Treasury Board is not the institution responsible for part VII. That's your recommendation.

Do I have that right?

• (1125)

Mr. Roger Lepage: What I'm saying is that the agency with the money has to be the one responsible for part VII. Simply giving the Department of Canadian Heritage the responsibility for taking positive measures does not mean that it will get the resources it needs to do so.

For that reason, the central agency needs to be the one in charge of part VII, in other words, the Treasury Board. It's going to be an expensive undertaking, so responsibility for implementing part VII should rest with the Treasury Board.

Mr. Francis Drouin: I see. I understand what you're saying.

Keep in mind that dealing with the public is not part of the Treasury Board's culture. It has never handed out funding to regular folks or organizations. What the Treasury Board does—at least, in theory—is ensure that policies are established to give effect to parts IV, V and VI of the act.

As we've seen in the past, it didn't always do that. Now that the Treasury Board will be required to do so under the new act, the agency will have to answer to the courts if it doesn't—and rightfully so. If the Treasury Board fails to discharge its obligation, official language minority communities will pay the price at the end of the day.

The Department of Canadian Heritage has always dealt with the organizations we are all familiar with. Basically, what you're saying is that it has to go hand in hand with proper funding. That brings me to another point.

You mentioned school boards earlier. Yesterday, I saw a news report that, in Toronto right now, no French-speaking candidates are running for trustee positions on a French-language school board.

Does that make sense to you?

Mr. Roger Lepage: It may not make sense, but it reflects the situation on the ground.

Francophones have become so assimilated and the francophone community outside Quebec has so many exogamous couples that when you look at rights holders who want to send their children to French-language schools, you see that French is the first language learned and understood for only one parent.

The situation is at an all-time low. As hard as it may be to imagine, that's the reality.

Mr. Francis Drouin: The measure relating to rights holders has been in place for a few years now. We realize just how important it is for French-language school boards.

You brought up the action plan, specifically, funding. You think it needs to be topped up. I got that loud and clear.

Now I want to circle back to Bill C-13.

Do you have other amendments to the bill you want to recommend?

The Chair: You have 30 seconds left.

Mr. Francis Drouin: If you run out of time, Mr. Lepage, you can submit your answer in writing.

Mr. Roger Lepage: I made a number of recommendations in my brief. The one on immigration comes to mind. The Official Languages Act should set a very high standard in order to raise francophone immigration levels because they are much too low. We are still losing ground.

The Official Languages Act needs to include a provision or regulation to significantly increase francophone immigration, as well as measures to counteract assimilation.

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

Next on the list is the committee's second vice-chair.

Go ahead, Mr. Beaulieu. You have six minutes.

Mr. Mario Beaulieu: Good morning.

Thank you to the two witnesses for being here today. Your presentations were very informative.

Mr. Boucher, as a result of British and Canadian colonialism, the majority of educational institutions in the 1960s were English, even in Quebec.

Under the Official Languages Act, the English-speaking minority was deemed to be the only linguistic minority in Quebec, and all funding for schools in Quebec went to that minority, particularly in the beginning. What do you think of that?

Mr. Étienne-Alexis Boucher: Thank you, Mr. Beaulieu, for voicing a position that certainly doesn't reflect the common view in the House of Commons. It is, nevertheless, a position that needs to be heard. The silence of your fellow members sometimes makes me think that ours is not a welcome voice here, in Parliament.

As I said, according to international law and the UN, the anglophone population in Quebec does not constitute a minority. The issue was decided in *Ballantyne, Davidson, McIntyre v. Canada* in 1989, and the decision was released in 1993.

Here is a quote:

Further, article 50 of the [International Covenant on Civil and Political Rights] provides that its provisions extend to all parts of Federal States without any limitations or exceptions. Accordingly, the minorities referred to in article 27 are minorities within such a State, and not minorities within any province. A group may constitute a majority in a province but still be a minority in a State and thus be entitled to the benefits of article 27. English speaking citizens of Canada cannot be considered a linguistic minority [regardless of where they live in the country].

The Official Languages Act and the funding that flows from it overwhelmingly support the English-speaking minority even though it is very well looked after. It has health care facilities and schools; students can begin their English-language education in preschool and continue right through university.

Francophones outside Quebec do not have access to similar institutions, of course. What's more, numerous laws were introduced over time preventing francophones from obtaining an education in their mother tongue. Fortunately, those laws were abolished in the 1960s.

I can't help but question the federal government's objectives, since the English language is obviously thriving all over the country, including in Quebec. The latest census figures from Statistics Canada illustrate that, despite the fact that the agency changed how it calculates the size of linguistic communities in Canada a few years ago. No longer can the decline of the francophone community across Canada—including in Quebec—be hidden.

• (1130)

Mr. Mario Beaulieu: All the English language advocacy groups in Quebec are funded by the federal government. Apparently—

Mr. Étienne-Alexis Boucher: They are unilaterally federally funded, without any involvement from the Quebec government, even though the government of Quebec should be responsible for administering language matters in Quebec.

Mr. Mario Beaulieu: That's true, except for schools, which are covered by agreements between Canada and Quebec.

You are the president of Droits collectifs Québec, and you also advocate for the French-speaking community through the Société nationale de l'Estrie.

How much do you think that funding represents? Does the government of Quebec provide comparable funding to French language advocacy groups?

Mr. Étienne-Alexis Boucher: It provides absolutely no funding.

No funding is available for French language advocacy groups. Conversely, the federal government seems to be quite generous in funding organizations that represent the interests of the English-speaking community.

In the past few months, the Townshippers' Association, which I respect, and the Quebec Anglophone Heritage Network received a whopping \$1.5 million in funding, even though the English-speaking community in the Eastern Townships is thriving.

While the number of native English speakers dropped by 0.1% between 2016 and 2021, the number of people who speak English at home rose by 0.8 %. In other words, an English-speaking community outside Montreal—specifically, in the Eastern Townships—has the capacity to integrate people who have immigrated to Quebec. That illustrates what a strong pull the English language has in Quebec no matter where you are.

Mr. Mario Beaulieu: This summer, you contacted me because you wanted to take part in the consultations on the modernization of the Official Languages Act.

I know you participated in the process. Did you get the sense that the government consulted French language organizations?

How was your experience?

Mr. Étienne-Alexis Boucher: The minister, Ms. Petitpas Taylor, organized two meetings in Quebec on the reform of the Official Languages Act.

I wasn't at the first meeting, but I was at the second. I can tell you that the Société nationale de l'Estrie and Droits collectifs Québec were the only French language organizations the minister had invited. Conversely, dozens of other organizations were in attendance, all experienced in furthering the interests of the English-speaking community.

In Quebec, the meeting took place entirely in English, until I, in my capacity as the president of the Société nationale de l'Estrie, and my colleague from Droits collectifs Québec spoke in French.

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

Last, but certainly not least, in this round is Ms. Ashton, from Manitoba.

Go ahead, Ms. Ashton. You have six minutes.

• (1135)

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

Thank you to the witnesses for being with us.

Mr. Lepage, you shared some good news with us: a French-language school was built in Iqaluit. We heard you loud and clear, though. The school is already too small to accommodate all the students.

I'm speaking now as a mother who just found out that her children were accepted to a French-language school here, in Thompson, in northern Manitoba. It took a lot of blood, sweat and tears to get a French-language school built in my area.

I want to recognize that progress and tell you that we fully understand the need to invest in more French-language schools and to support French-language education outside Quebec.

Mr. Lepage, you appeared before the committee back in February, and you talked about the importance of including language clauses in Bill C-13. It doesn't include them, not right now, anyways. Countless witnesses came before the committee to ask that language clauses be added to the bill.

What should those language clauses look like?

Mr. Roger Lepage: Thank you for your question, Ms. Ashton.

The language clauses should ensure that the money the federal government provides to the provinces and territories is used to build French-language day care centres and schools. The clauses should be crafted in such a way as to really ensure transparency around how the money is spent in French-speaking communities.

In the past, we were told that the federal government had transferred funding, but we didn't see it on the ground, in the community.

Ensuring that transparency is absolutely key. The French-speaking community and the provincial or territorial government need to participate in the consultation process to ensure francophones have a say in the agreement. As I've always said, it should be a three-way agreement, but so far, I haven't been able to get people on board with the idea.

At the very least, the community needs a seat at the table to express its needs, instead of the province being the one to speak for the community without really knowing what the community's specific needs are.

Ms. Niki Ashton: Thank you for your answer.

The last time you were here, you stressed the importance of federal support for the construction of French-language schools. You also said it was important for the federal government to come to an agreement with the provinces on a long-term investment plan.

Does Bill C-13 contain any provisions that would make it easier to put such an investment program in place?

Mr. Roger Lepage: It has a few things, but not enough.

There absolutely needs to be a federal commitment in the part of the act that deals with positive measures, part VII. The federal government should have an obligation to fund the construction of local schools across the country, outside Quebec. That would give rise to a French-language school system, which has yet to emerge.

I don't see anything in Bill C-13 that would require the federal government to pay 50% of school construction costs.

British Columbia isn't the only province in need of French-language schools. That's the case in every province and territory.

I've been working in communities for 43 years, and I see the same thing happening everywhere. Communities become more and more assimilated when they don't have their own French-language schools and the ones that do exist are too far away.

Part VII of the Official Languages Act should contain a provision requiring the federal government to fund French-language schools.

• (1140)

Mr. Roger Lepage: Yes, I think this helps justify that argument.

I see that it says in Bill C-13 that this should be interpreted broadly and liberally to right the wrongs of the past. There is a real need for the federal government to engage in the implementation of section 23, even in provincial jurisdictions.

I understand that this may be problematic, but we see that the federal government has used its spending power in the past, even in areas of provincial jurisdiction, such as education and health.

Therefore, there is an absolute need for the federal government to make a greater commitment in this regard, to build francophone schools.

The Chair: Thank you, Mr. Lepage.

We will begin the second round of questions.

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

Mr. Jacques Gourde (Lévis—Lotbinière, CPC): Thank you, Mr. Chair.

Mr. Lepage and Mr. Boucher, thank you being with us and sharing your expertise.

Mr. Lepage, you have already sounded the alarm about the school boards' lack of infrastructure, whether it is in terms of schools or space. When the federal government has real estate to divest, how does that work right now? How should the federal government proceed to prioritize francophone boards?

Mr. Roger Lepage: This is something we have seen in British Columbia, especially in Vancouver. The federal government has land there and should be offering it first to francophones who need to build schools.

We had the same problem in the Northwest Territories in the 1990s. The federal government had a piece of land in Yellowknife, and a space was actually being sought to build a francophone community centre.

In part VII of the Official Languages Act, there should be an obligation for the federal government to offer its land for sale in priority to francophone school boards. This is similar to what is done in the truth and reconciliation process, where the federal government transfers land to indigenous communities to right wrongs. This is a very good principle, and I believe it is also applicable to

the francophone minority, which needs land across Canada to build schools.

Mr. Jacques Gourde: Mr. Lepage, in order to ensure that what you have just told us is applied, would you be in favour of an amendment to the bill?

Mr. Roger Lepage: Yes, absolutely.

Mr. Jacques Gourde: I would also like to ask you a question about the clauses on immigration. Do you think that these clauses should be modified to encourage more francophone immigration to western Canada?

Mr. Roger Lepage: Yes. We absolutely must increase the number of French-speaking immigrants outside Quebec. That percentage has been very low for the last 20 years or so, and we see that assimilation is continuing.

Here is what I've observed on the ground. In Saskatchewan, even though we get a fairly large number of immigrants from francophone Africa, they only enrol their children in a francophone school for the first two years. After that, they transfer them to an English school because their priority is to get a job in English and they don't want their children to have the same problem. There is a major lack of awareness among francophone immigrants. We need to explain to them the richness of having two official languages. They need to be reassured that their children will be perfectly bilingual if they go to a francophone school.

It should be noted that the target of 4% francophone immigration has never even remotely been met. We think that target must be increased to 12% or even 20% by 2035. Indeed, to right the wrongs of the past, we need to increase the number of francophone immigrants, not just maintain the current target. Maintaining the current target will doom francophone communities outside the major centres to disappearance. So it is important to increase this percentage and to have the resources to ensure that these new francophone immigrants do not immediately assimilate into the anglophone system.

• (1145)

The Chair: Thank you, Mr. Lepage.

I would ask the other three members to limit their time to four and a half minutes, as Mr. Gourde did, since we will have new witnesses joining us shortly.

Mr. Serré, you have the floor for four and a half minutes.

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

I thank the witnesses for being here today.

Mr. Lepage, you are a lawyer, and you suggest that part VII of the act be amended to cover the construction of francophone schools. I would like you to expand on that idea.

I was a member of the Conseil scolaire catholique du Nouvel-Ontario in Sudbury for six years starting in 2000. Francophones took the provincial government to court because it was reserving the construction of new schools for anglophones and abandoning the old schools to francophones. A number of rulings have been made in this regard over the years and the courts have forced the provincial government to build elementary and secondary schools for francophones.

In Saskatchewan, things are a little different, but there are still similar elements. What is the role of Saskatchewan? What role should the federal government play with the province, without infringing on the province's jurisdiction over education?

I would like to hear your ideas in terms of funding and cooperation. What role does Saskatchewan play in ensuring the existence of francophone schools? I agree with you that the underfunding of elementary and secondary schools in Canada is substantial. The provinces seem to be failing to meet their obligations in relation to French or to the language situation in the country.

Mr. Roger Lepage: That is true.

There has never been a new francophone school in Saskatchewan. We were always given dilapidated schools abandoned by anglophones, and we always had to renovate them before using them. In addition, we had to go to court to get each of these francophone schools in Saskatchewan. No community has obtained a French school without going to court. In fact, four court cases are still pending, which the government tells us it plans to resolve soon.

Because francophones do not always have the money to go to court, they agree to sign agreements, but the implementation of these agreements is always delayed. To correct this problem, I encourage the federal government to pay for half of the construction of all francophone schools. That way, it would properly apply section 23 of the Constitution Act, 1982, and right the wrongs of the past. However, this must be guaranteed in the Official Languages Act.

The government providing a local school would help us tremendously. We are not talking about replacing the provinces, but rather encouraging them to pay half the costs. I think it would be a win-win situation if that was done. In my opinion, it makes no sense to call on the government every time we want a francophone school: this practice is killing us.

Mr. Marc Serré: With respect to immigration and the federal government's role, do you have any suggestions or recommendations for us in relation to Bill C-13?

We're talking about targets to be met or increased. What role do you think the federal government should play with the provinces and municipalities to ensure that there is more francophone immigration to Saskatchewan?

• (1150)

Mr. Roger Lepage: The federal government has jurisdiction over immigration and it certainly has jurisdiction over official languages. The federal government must work with the provinces to achieve a target of 20% francophone immigration over the next 20 years. This would make it possible to right the wrongs of the past.

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

I now give the floor to Mario Beaulieu for two and a half minutes.

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

Mr. Lepage, your comments are very useful and we support your demands.

Mr. Boucher, the Quebec government has asked to be in charge of language planning on its territory. It is also asking that Bill 101 apply to businesses under federal jurisdiction. Finally, it is demanding to have the last word on positive measures, given that Quebec is the only majority French-speaking state in North America.

However, almost none of these demands have been accepted by the federal government nor are they included in Bill C-13. What are your thoughts on this? If the federal government continues to promote only English in Quebec, as it has done in the past, what is the solution for Quebec?

Mr. Étienne-Alexis Boucher: That's a good question.

Albert Einstein said that the quintessence of stupidity is doing the same thing over and over again and thinking that it will produce different results.

Clearly, neither the content of the Official Languages Act nor what is proposed in this reform will stop the decline of French in Quebec or the rest of Canada. As Mr. Lepage said, we want more than to survive; we want to develop.

Requests have been made, not only by groups, but also by the Quebec state. We know that representatives of the Quebec government, who cannot however be labelled as "crypto-separatists", met with Minister Petipas Taylor. They sent her several representations and requests for amendments to Bill C-13. Yet, despite these requests, we are still not seeing any uptake in this matter.

So what is the solution? I found it long ago. The opposite of the Quebec state's dependence on the Canadian and monarchical regime is, of course, political independence. But are we there?

What we want today is to improve a bill. Will Canadian parliamentarians listen to the groups that describe the reality and experience it on the ground? Unfortunately, if the past is any indication, the answer will be no, and Canadian parliamentarians will be unable to pass legislation on official languages that will help one of these two languages continue to survive and thrive.

The Chair: Thank you, Mr. Boucher.

Our next round of questions will be started by Ms. Ashton, who has two and a half minutes.

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

Mr. Lepage, one of the problems that has been raised in this committee is that the federal government has never met its targets for francophone immigration. Indeed, schools are experiencing a major labour shortage, and international recruitment is very difficult, the main obstacle being the federal government.

Do you agree that Immigration, Refugees and Citizenship Canada needs to do much more to help francophone communities?

Mr. Roger Lepage: Yes, absolutely.

As I said, I've seen it and lived it on the ground for a long time. The current immigration rates are not enough, even though they help us. When teachers come to us from francophone Africa, we can use them because we need them badly.

In some provinces, post-secondary institutions do not produce enough first language francophone teachers. We have been advocating for decades for an increase in the number of spaces for French-language bachelor's degrees in these institutions, but it is still not happening.

So immigration is very important for the recruitment of these employees, but also for the recruitment of employees in child care centres. Indeed, there are not enough staff there whose French is good enough.

As you say, we never even met the current targets. Moreover, even if we did meet those targets, we would still be doomed to perish, because the birth rate is not sufficient to renew the communities' aging population.

If we maintain the status quo, we will hit a wall in a decade or two. So to right the wrongs of the past, it is imperative to increase the current target to 12% by 2024 and 20% by 2035. Immigrants from English-speaking countries who assimilate with anglophones here are simply causing us insurmountable problems.

• (1155)

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

Mr. Boucher, what do you think we should do about students from West Africa trying to come to Quebec?

The Chair: Your time is unfortunately up, Ms. Ashton.

That is all the time we had for this first part. I thank our witnesses and invite them to send any further information in writing to the clerk, who will pass it on to all members of the committee.

We need to suspend the meeting so that we can accommodate the second panel of witnesses and carry out the sound tests.

The meeting is suspended.

• (1155)

(Pause)

• (1155)

The Chair: We will now resume the meeting.

The second panel consists of the following speakers: as an individual, we have Mr. François Larocque, Canadian Francophonie Research Chair in Language Rights, full professor at the Faculty of Law - Common Law, University of Ottawa.

In addition, from the group French for the Future, we have Ms. Ania Kolodziej, president, and Ms. Emeline Leurent, executive director, appearing in person.

Each witness will have five minutes to make their presentation. We will then proceed to rounds of questioning.

Mr. Larocque, the floor is yours.

Dr. François Larocque (Canadian Francophonie Research Chair in Language Rights, Full Professor, Faculty of Law - Common Law, University of Ottawa, As an Individual): Thank you, Mr. Chair, vice-chairs and honourable members, for the invitation.

It is a privilege for me to share the podium with the representatives of the French for the Future group, Ms. Kolodziej and Ms. Leurent.

We are here to discuss Bill C-13. I hasten to point out at the outset that I think this is a very good bill that proposes important, indeed necessary, reforms to modernize the Official Languages Act.

I commend the leadership of the two successive ministers of Official Languages, ministers Joly and Petitpas-Taylor, who have been able to steer the file of this modernization with aplomb and who have been able to propose serious and ambitious bills based on a premise that we can no longer afford to ignore: French is in decline everywhere in the country, even in Quebec.

It is therefore incumbent upon the federal government to take note of this and to take major steps to turn the tide and achieve the real equality of French and English, as mandated by the Constitution of Canada.

It is in this spirit that I invite the committee to consider some amendments to Bill C-13. These are amendments that I believe could further strengthen the bill and better equip the Canadian francophonie for the future. I have grouped my suggestions into four categories.

I also hasten to point out that I am endorsing here the representations of the Fédération des communautés francophones et acadienne du Canada, or FCFA, regarding the six amendments that should be made to Bill C-13 to strengthen and finalize the act. I will not repeat them all here, except the one about the implementation of the act. That is, in fact, my first suggestion.

It must be recognized that the implementation of the Official Languages Act has remained its Achilles' heel for the past 50 years. Like the FCFA, I believe that Canadian Heritage can continue to play a role in the strategic development of official languages, as it has built up useful institutional expertise in this regard. However, I believe that the coordination of the implementation of the Official Languages Act should be entrusted to the Treasury Board for the entire act, not just parts IV, V, VI and the proposed new subsection 41(5). The power of the Treasury Board to subdelegate its obligations to another federal institution should also be removed in order to properly centralize and standardize the implementation of the Official Languages Act.

My second suggestion relates to the bilingual nature of the Constitution. Canada is an officially bilingual country, but most of the constitutional texts have force of law only in English. This is inconsistent and untenable. Section 55 of the Constitution Act, 1982, requires the adoption “as soon as possible” of the French version of the Constitution of Canada, which has still not been done. I therefore adopt the proposals of Senators Dalphond and Carignan to add a provision to Bill C-13 that would require the Minister of Justice or another responsible minister, such as the Minister of Intergovernmental Affairs, to make best efforts to enter into discussions with the provinces and territories with a view to validating the French version of the constitutional texts, and to report periodically to Parliament until this is done. The work of patriation will not be completed as long as the Constitution remains primarily in English.

My third suggestion concerns the application of the Official Languages Act in times of crisis. My colleague Professor Cardinal and I have studied this issue in detail. I had the opportunity to speak with the office of the former minister of Official Languages to emphasize the importance of respecting official languages at all times, and especially in times of national emergency such as the COVID-19 pandemic. The fact that Bill C-13 contains a sentence in its preamble that recognizes this principle is fantastic. However, I also believe that a section should be added to the body of the bill to clarify the application of the act in Canada's emergency plans—a responsibility of the Minister of Public Safety—and to prohibit the suspension of bilingualism rules for signage, labelling, or communications in times of crisis, as the Minister of Health did at the beginning of the pandemic and as Conservative Health Critic Michael Barrett has recently proposed. This is regrettable. We must not allow this kind of slippage.

My fourth and final suggestion concerns access to justice in French. Bill C-13 removes the exemption for the Supreme Court of Canada in section 16 of the Official Languages Act. This is an excellent start and I say bravo! However, I adopt the proposal of the Fédération des associations des juristes d'expression française de common law that the Official Languages Act must also require the Minister of Justice to take into account the language skills of federally appointed judges to ensure a proper distribution of bilingual judges across Canada.

• (1200)

The Chair: Thank you, Mr. Larocque.

Dr. François Larocque: I am the one who thanks you.

The Chair: We will now move on to French for the Future.

I don't know if you're going to share the presentation, but I'll let the first of the two witnesses speak.

Ms. Ania Kolodziej (President, French for the Future): Thank you, Mr. Chair.

Members of the committee, good afternoon.

My name is Ania Kolodziej and I am president of French for the Future. I am accompanied by Emeline Leurent, who is the executive director.

Thank you for inviting us to speak on a topic that is of great interest to us and also to the young people we work for.

I would like to share with you part of my story. I am the poster child for Canadian bilingualism and the daughter of first generation immigrants. My parents wanted me to participate in Canadian bilingualism, so they enrolled me in French immersion school. I studied in French immersion in North Delta, a suburb of Vancouver, for all of my elementary and high school years.

I continued my studies in French at Simon Fraser University, in a program of the Office of Francophone and Francophile Affairs that was new at the time and offered for the first time the opportunity to study social sciences in French, in British Columbia. I then studied common law and civil law at the University of Ottawa. I have now been a public law lawyer for 10 years and practice mostly in French, across Canada, including as a member of the bars of four provinces.

If my story reflects the success of Canadian bilingualism, it was only possible because of federal investments. Yet I am too often told that my story is exceptional when it should be normal. The opportunities I took advantage of to learn and perfect my French should be available to all youth.

French for the Future is a national non-profit organization that promotes bilingualism and the benefits of learning and communicating in French to high school students. Through its programs, French for the Future reaches more than 40,000 young people each year, who become increasingly confident in their French language skills.

In order to make it possible for more young people to become bilingual, certain amendments to Bill C-13 are required. Today we want to talk to you about four improvements. In each case, these changes will have the effect of helping organizations like ours to further encourage the learning of French or, for francophones and francophiles, to maintain and increase opportunities to speak and live in French outside Quebec.

First, Bill C-13 should codify the obligation to include mandatory language provisions in agreements between federal, provincial and territorial governments. The various levels of government must never forget language transmission and revitalization when negotiating agreements that have an impact on French-speaking communities.

Second, Bill C-13 greatly improves part VII of the Official Languages Act with respect to positive measures, which promote, among other things, the learning of French. However, the wording of part VII must be further strengthened to ensure that federal institutions take the necessary positive measures, not just those they deem appropriate. The current wording gives federal institutions too much latitude and is not binding. The commitments and promises in Bill C-13 to protect and promote French and to assist non-profit organizations in providing opportunities for all persons in Canada to learn French will only be achievable if part VII is further strengthened.

Third, we recognize the importance of francophone immigration in restoring francophone demographics and support initiatives that help newcomers and their youth live in French. Bill C-13 should clarify that the objective of the francophone immigration policy is to restore and increase the demographic weight of francophone communities, not just maintain it.

Fourth, with respect to designating a central agency, the coordination of the act must be entrusted solely to the Treasury Board to ensure that only one federal institution is ultimately responsible for the implementation of the act. The Treasury Board should not be able to delegate this ultimate responsibility. This crucial change to the structure of Bill C-13 will ensure strong accountability and effective implementation of the act.

For all intents and purposes, French for the Future believes that Bill C-13 can and should go further to make the Official Languages Act a truly effective piece of legislation that has more teeth and protects the future of French across the country.

Thank you.

• (1205)

The Chair: Thank you, Ms. Kolodziej. I congratulate you on your journey, which is incredible.

We will now move to questions. These will be asked by the political parties, who will be allowed six minutes each. As you know, I am very strict about time, so that everyone can ask their questions.

I will now turn the floor over to the first vice-chair of the Standing Committee on Official Languages.

Mr. Godin, you have the floor for six minutes.

Mr. Joël Godin: Thank you, Mr. Chair.

I thank the witnesses for participating today in this exercise, which will allow us to better do our job as legislators.

Ms. Kolodziej, as our chairman mentioned, your background is impressive. I thank you for your perseverance. It is unfortunate, however, that the development of our French language, in Canada, depends on perseverance. Rather, this development should be based on intention. I believe that the modernization of the Official Languages Act should fulfil this function.

I liked the final part of your speech. You said that the bill should go further and have more teeth. Also, I would like you to talk about the central role, which should be given to the Treasury Board, for the entire bill.

Are you in a position to state to the committee that all of the guidance and oversight, with respect to the sections and parts of the act, should be vested solely in Treasury Board, and not in other agencies of the federal government?

• (1210)

Ms. Ania Kolodziej: This is indeed an essential condition for the proper implementation of the bill. For 50 years, government departments have not taken the necessary steps to encourage and promote the use of French throughout Canada. It is absolutely essential that one central agency, the Treasury Board, coordinate and implement the Official Languages Act. It is also important that Treasury Board cannot delegate this authority to other departments.

Mr. Joël Godin: As I understand it, the word “essential”, which you use, translates the expression *sine qua non*, which I for one have used.

Is this correct?

Ms. Ania Kolodziej: Yes.

Mr. Joël Godin: My next question is for Mr. Larocque.

You have a lot of knowledge in the legal and judicial field. Now that background can probably be useful to us.

I would like to know if transferring all powers to Treasury Board could cause a constitutional problem.

Dr. François Larocque: I have thought about it and I do not believe that there would be any problems on the constitutional level, on the contrary. For the reasons that Ms. Kolodziej mentioned, I think that Treasury Board is the appropriate body to exercise a cross-cutting coordinating power over the entire federal apparatus. It is the only body that has access to the mechanisms and levers. The Department of Canadian Heritage does not have this power. It has therefore not been able to exercise it in the past. Treasury Board does. It is part of its enabling legislation. Transparency is therefore guaranteed. As Ms. Kolodziej points out, after 50 years, it is time to try something else. The Achilles' heel of the Official Languages Act is its implementation.

Mr. Joël Godin: That is indeed the case. Thank you.

On September 26, you said the following about Bill C-13: “we need to take a little more time to see if we can improve, perfect, tighten the screws”.

We are being pressured to speed up the process, but we must be aware that this law will be in force for the next 50 years and that it has three objectives: to stop the decline of French, and to protect and promote the two official languages. We know very well that French is the more vulnerable of the two languages.

Can you tell us how it will be beneficial to take a little more time?

Dr. François Larocque: My parents taught me to always care about doing things right, which fits with the proverbial “what’s worth doing is worth doing well”. If it takes a little more time to tighten the screws, to implement the excellent recommendations submitted by the Fédération des communautés francophones et acadienne, the FCFA, the Fédération des associations de juristes d’expression française de common law, the FAJEF, Ms. Kolodziej of French for the Future, and those that I have put forward, it is worth it. As you say, we don’t change this law very often here. That’s certainly the way Canada has operated to date. So let’s take the time to do it right.

Mr. Joël Godin: Thank you, Mr. Larocque.

My mother probably knew yours very well. I do indeed have the same philosophy as you.

I would like to discuss with you a very important element, namely the language arrangements. There is not much in the bill that obliges the federal government, through agreements with the provinces and territories, to invest federal money in minority language issues.

Can you tell us what should be in the bill with respect to language provisions?

• (1215)

Dr. François Larocque: I can only refer you, once again, to the well-reasoned and reasonable proposals by the FCFA.

Mr. Joël Godin: I’ll stop you right there, Mr. Larocque—

The Chair: That’s all the time you have. I know it went by quickly, but you’ll be able to come back to it.

Mr. Joël Godin: Thank you, Mr. Larocque.

The Chair: It’s one lawyer after the other today.

Mr. Iacono, you have the floor for six minutes.

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

I welcome my dear colleague, Mr. Larocque. I would add that I think our mothers felt the same way.

Mr. Larocque, could you give us more details about the principle of substantive equality, which you described in your brief?

Dr. François Larocque: Yes, of course.

Substantive equality is the concept that applies to language rights. When it comes to equality between Canada’s official languages, section 16(1) of the charter states that:

English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada.

This means that official languages must be part of Canada’s DNA in every aspect of its administration, be it federal, legislative or judicial. This also means that when official languages are applied, they must be equal in terms of quality. It is not a matter of offering a service in English and not offering it in French, for instance. On the contrary, it must always be offered in both languages. Furthermore, services offered and published texts, among other things, must be of equal quality. That is part of substantive equality.

There is another important aspect. With the concept of substantive equality, we recognize that not everyone in life is equal from the start. Some advantages, for example, flow from the fact that the English language has spread throughout the world and is in a hegemonic position. We cannot deny that English is omnipresent. In the same way, we cannot deny that French is in decline. Therefore, more must be done to better support French and level the playing field. That is what substantive equality means. It means establishing true equality between two entities, two languages which, in this case, do not have equal weight on the playing field. Every tool available under the law must be brought to bear to level the playing field, to establish equality between both languages.

Mr. Angelo Iacono: Thank you.

How do you think our bill will be able to help the University of Sudbury in its project to become a French-language university?

Dr. François Larocque: That is an excellent question.

I see elements in the proposed amendments to part VII that would ensure constant and sustainable investment by the federal government for the future of francophone post-secondary education in minority communities. This could apply to the University of Sudbury, for example. I think that this is an important measure; it is necessary. Indeed, we’re talking here about the continuum of education, from early childhood to post-secondary.

This aspect is reflected in section 23 of the charter, which includes a commitment to support minority language education. However, this cannot be limited to elementary and secondary education. It must also include preschool and post-secondary.

I think the support outlined in amendments made to part VII is certainly heading in the right direction.

Mr. Angelo Iacono: Thank you.

You talked about the main amendments to Bill C-13, and more specifically about adding official terms to the preamble of the act, reminding us that the Official Languages Act applies in times of crisis.

What do you mean by that? Could you tell us more about it?

Dr. François Larocque: Between Bill C-32, the first version of the bill, and Bill C-13, there was a change in the preamble.

In Bill C-13, there is now a sentence stating that the Official Languages Act applies “during emergencies”. I think it’s the very last sentence in the preamble. The pandemic taught us the importance of this reality. Legislation to protect official language minorities must apply in times of crisis.

We also saw the temporary and unfortunate suspension of rules for bilingual signage at the beginning of the pandemic. This was allowed under the interpretation of the Minister of Health's regulatory powers. It seems to me, however, that this exercise of authority should not have been allowed. It would have been possible to allow the import of necessary health products, like disinfectants and medication, with bilingual labels. Once again, we saw that French and English are not on a level playing field, and that French can be disregarded in the name of other imperatives.

It's true that public health and safety are important, but so is upholding official languages. It must be included in the Official Languages Act. It must also be included in the Emergencies Act. The preamble in the Emergencies Act could include a reminder to this effect, meaning that the Official Languages Act also applies when the former act is invoked.

We must remind the minister responsible for public safety that implementing emergency plans in response to a crisis must be done in compliance with the Official Languages Act.

• (1220)

Mr. Angelo Iacono: Thank you for your answer.

You said that only the Treasury Board should be responsible for implementing Bill C-13. Why?

The Chair: That's an excellent question, Mr. Iacono. Mr. Larocque might be able to answer it later.

We will now move on to the next speaker for six minutes.

The second vice-chair of the Official Languages Committee, Mr. Beaulieu, now has the floor.

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

Thank you to the witnesses.

My first question is for Mr. Larocque.

It's true that there has been significant change since the federal government recognized the decline of French in Canada and in Québec.

What measures do you think could reinforce French in Québec?

Dr. François Larocque: The bill contains a new section that would apply to the private sector in Québec as well as regions with a strong francophone presence. That's notable. It's an innovation brought forward by the act...

Mr. Mario Beaulieu: I'd like to add a brief comment before letting you continue.

In Québec, this measure is considered a setback. Every former premier of Québec, large city and union thinks that Bill 101 should apply to all businesses in Québec, including those under federal jurisdiction. This new section of the bill will prevent the government of Québec from acting.

Dr. François Larocque: I do not see it that way, Mr. Beaulieu.

If I understand correctly, the bill seeks to establish a balance, to determine where the federal government may legislate, such as businesses under federal jurisdiction, while leaving to the provinces, including the province of Québec, the ability to legislate

entities under their jurisdiction. It's a collaboration, it's cooperative federalism, as the Supreme Court of Canada would say, with regard to official languages.

The bill contains a provision allowing businesses the choice of opting into the federal system or the provincial system. If they already meet the provisions of the Charter of the French Language, for instance, the federal law wouldn't apply to them.

There is a balance that...

Mr. Mario Beaulieu: But this will allow companies like Air Canada, CN and others to continue to operate under the Official Languages Act and flout the French language. Both pieces of legislation are very different. Bill 101 is about making French the common language, while the new version of the Official Languages Act is about protecting French and English among businesses. We could talk about this for a long time.

As for positive measures, the federal government funds an array of English-language advocacy organizations. Almost none of them recognize any decline in French in Québec, and they all want symmetry. Until two years ago, the federal government denied any decline of French in Québec. It continues to do so, and I can understand that. But doesn't this weaken French as a common language?

Will the federal government continue to fund organizations like these, which take very radical positions on French?

• (1225)

Dr. François Larocque: I don't know where to start with that statement, but I do share your opinion about the fact that French is in decline. Statistics Canada revealed it in its new study this summer. It is declining everywhere, including Québec. That is why Canada is proposing, with this bill, to take the necessary steps to try to reverse the trend. Measures are being taken in Québec as well, as they should be. Québec is sovereign in matters that fall under its exclusive jurisdiction. It must exercise its jurisdiction fully to protect French, and it is doing so.

I see that federal-provincial cooperation is possible, and I think the Official Languages Act seeks to establish it. Also, regarding organizations that deny the decline of French, I think they are like organizations, entities or individuals that deny climate change. What can we say to convince them otherwise?

The aforementioned principle of substantive equality should be top of mind and put forward. This requires doing more to protect French, which is in decline, while I'm sure you'll agree that English is doing just fine.

Mr. Mario Beaulieu: For you, does substantive equality also include the fact that Québec must be able to maintain the demographic weight of francophones, and that French must exert enough attractive force to achieve that goal?

Dr. François Larocque: In my opinion, yes.

Mr. Mario Beaulieu: For many measures, the federal government uses the first official language spoken as a criterion, which includes 33% of immigrants to Quebec. To maintain our demographic weight, however, 90% of immigrants to Quebec would have to be French-speaking.

Dr. François Larocque: : I don't want to infringe on Ms. Kolodziej's ideas about immigration policy. However, I also think we need to establish a detailed immigration policy at the federal level to increase the demographic weight of francophones in Quebec and throughout the country.

The Chair: Thank you, Mr. Larocque.

We're moving on to the last round questions.

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

Ms. Niki Ashton: Thank you very much.

Thank you to the witnesses. I also wanted to thank Ms. Kolodziej for the perspective she brings today. I too am a product of the immersion system, and I share her passion. I thank her for her passion to build something better for future generations, even better than what we had when we went to school, for instance.

Ms. Kolodziej, we still share your point of view. We also believe that it is important for Anglophones throughout Canada, certainly where there are francophone minority communities, to be able to express themselves and communicate in French with members of the francophone community. Without it, the anglicization process will continue and the vitality of francophone communities will remain under threat.

We also know that there is a lack of French-language schools for eligible students, francophone and francophile families, and that these schools are understaffed. Can we consider that this underinvestment also has a snowball effect on those who want to learn French?

Ms. Ania Kolodziej: Thank you very much for your question.

My answer, simply put, is yes.

There is a lack of French-language schools and immersion programs across Canada. In British Columbia's rural communities, immersion programs are closing down because they don't have enough funding or teachers.

The amendments proposed today by the FCFA, French for the Future and Mr. Larocque will require departments to take the necessary steps to get the money to the right places; consult stakeholders about needs; and provide more funding for French minority education, whether it be in daycare or at the post-secondary level. It is imperative to implement it all, but this can only be done if part VII is further strengthened.

• (1230)

Ms. Niki Ashton: Thank you.

My next question is for you again, Ms. Kolodziej.

We've been trying to make the following argument: If the federal government were to negotiate language provisions in its agreements with the provinces, service offer would improve over the long term, particularly in education.

How could Bill C-13 help sustain investment in French-language education for rights holders and francophiles?

In your opinion, how essential is it to include language provisions in the bill?

Ms. Ania Kolodziej: Currently, Bill C-13 does not include any requirement for linguistic provisions in its agreements, which is a mistake.

Bill C-13 must be amended to include a requirement for language provisions in federal-provincial-territorial agreements. Otherwise, nothing will change. Some agreements include language provisions, but all of them must take into account the needs of both francophone minorities and francophiles outside Québec.

Ms. Niki Ashton: Thank you very much, Ms. Kolodziej.

My next question is for you, Mr. Larocque.

The bill refers to positive measures. You specifically pointed out how the Gascon decision flagged the theme in the act as too broad. The bill proposes clarifications.

Do you think it goes far enough?

Dr. François Larocque: That's a very good question.

I think it's a good start. The proposed changes to part VII are necessary and beneficial.

I will follow up on the idea that Ms. Kolodziej just raised about the importance of language provisions.

Indeed, there is nothing yet in this regard. This means that a big gap needs to be filled quickly. We must take the time to cover this aspect properly. Every federal-provincial-territorial agreement must systematically include language provisions. Furthermore, these provisions must be detailed and enforceable to ensure proper use of transferred funds. These agreements must also propose certain minimal content. As I said earlier, the FCFA's work on this issue is exemplary.

I repeat that language rights are fundamental individual rights, but they are also collective rights. Language rights have a collective aspect. It is therefore important to listen to collective organizations, to umbrella organizations like the FCFA, which have the legitimacy to speak for a large group of individuals in a minority situation in every community. They have done extraordinary work and propose very specific language that this committee should review very carefully.

The Chair: Thank you very much, Mr. Larocque and Ms. Ashton.

The next round of questions will be for five minutes.

To start, I give the floor to Mr. Généreux for five minutes.

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

I also thank the witnesses.

My questions are for all three of you.

If you were the Minister of Official Languages and you had this bill before you, what would you make sure to change before passing it?

Ms. Ania Kolodziej: Thank you, Mr. G n reux.

All the recommendations proposed by the FCFA are important.

To give a simple answer to your question...

Mr. Bernard G n reux: There are several recommendations.

• (1235)

Ms. Ania Kolodziej: Indeed, there are several, but they were reviewed and some were set aside. The FCFA's recommendations are really the ones that should be included in the amendments.

Mr. Bernard G n reux: Mr. Larocque, what do you think?

Dr. Fran ois Larocque: I agree. Ms. Kolodziej and I are really on the same page.

Treasury Board must definitely be designated as the sole agency responsible for the implementation of the act.

Mandatory linguistic provisions must definitely be included in the Official Languages Act, and immigration policy must be strengthened. Canada's obligation to consult must be stipulated in part VII, and the powers of the Commissioner of Official Languages to make orders must be included in part VII.

I would also add the recommendation I made in my introductory remarks as to the application of the act in times of crisis. There is a committee on the state of emergency right now and we are in the middle of a pandemic, so crises and emergencies are on our minds. I think that has to be recognized in the Official Languages Act.

Getting back to the adoption of a bilingual constitution, it is appalling that, after 40 years, Canada's constitution has the force of law primarily in English only. The justice minister has obligations under section 55 of the Official Languages Act. Those obligations could be reiterated by an obligation to make periodic reports to this committee or to Parliament on the progress made on finally adopting a fully bilingual constitution, which is what a bilingual country should have.

Mr. Bernard G n reux: Thank you, Mr. Larocque.

Ms. Kolodziej, the FCFA's recommendations to which you referred are not new. I have been a member of the Standing Committee on Official Languages for a number of years and they have been discussed regularly for a number of years.

Why do you think the government did not wish to include those recommendations in Bill C-13?

They are recommendations pertaining to the bill that was introduced, but these elements have in fact been discussed for several years by this committee and in other direct communications between the FCFA and the minister's office.

I hesitate to use the word "botched", but to some extent, given all the recommendations made by the FCFA, part of the work has obviously not been done.

Ms. Ania Kolodziej: Bill C-13 is a considerable improvement over Bill C-32. A lot of recommendations have been included, but others have been left out.

We are here today to continue that work. We want the bill that is ultimately adopted to be the right one, and to include all the necessary provisions for the full implementation of the Official Languages Act. We want it to truly help the young people we are working for and to encourage students to use French outside the classroom. We want the act to provide for the training of workers to support our institutions in order to increase the demographic weight of francophones in Canada.

Mr. Bernard G n reux: One of the aspects that concerns me the most is that the government reserves the right to amend the act or apply the act by regulations.

You mentioned positive measures earlier. That really concerns me because I wonder what those measures will be, how they will be applied and what budget will be allocated for them. There is nothing about this anywhere in the act, aside from the regulations that will be applied or implemented by the government itself. That worries me a great deal. I don't know if you feel the same way.

Ms. Ania Kolodziej: It also worries me.

The necessary provisions must definitely be included in the act. Right now, we have a golden opportunity to adopt an outstanding act.

The act won't be perfect, but we have to do everything we can right now to make it the best version possible. We will never have another opportunity like this.

The Chair: Thank you, Ms. Kolodziej.

Our parliamentary secretary, Marc Serr , will ask the next questions.

You have the floor for five minutes.

Mr. Bernard G n reux: Thank you very much, Ms. Kolodziej.

Mr. Marc Serr : Thank you, Mr. Chair.

Thank you to the witnesses for being here.

I have questions for both witnesses.

Mr. Larocque, I think you referred to emergency situations two or three times. At present, Bill C-13 stipulates that the act will apply at all times, including in emergency situations.

Do you wish to comment on that?

• (1240)

Dr. Fran ois Larocque: Yes, I will be pleased to speak to that, Mr. Serr . I am from Sturgeon Falls, as it happens, so it is always a pleasure to speak with my MP. I no longer live there, but my roots are still there and I am always happy to see you.

There is actually an important addition in the last sentence of the preamble, if I am not mistaken. Preambles are important because they help us interpret the act. That said, there could be some changes, specifically to section 26 of the Official Languages Act, which pertains to the powers of the health minister.

Clarifications could be added, say in a section 26.1, to limit or completely prohibit what happened at the beginning of the pandemic, that is, the suspension of bilingual labelling rules. It was an error, and the Conservative Party spokesperson recently suggested that this be done again to facilitate the importation of children's medication, such as Tylenol, Advil and Motrin, as I recall. That could be fixed.

Mr. Marc Serré: Thank you for that. There are a lot of Larocques and relatives in the Sturgeon Falls area that we can talk about later.

I have tried to address this a number of times, because the opposition parties said we would have to wait another 50 years until the Official Languages Act is reviewed again. By the way, my father was an MP in 1969 and voted on the Official Languages Act. As I recall, Bill C-13 provides for a review of the act every 10 years, not every 50 years.

What is your opinion on that? Are you in favour of that? Do you have any recommendations?

Dr. François Larocque: A period review is definitely a good thing, and it is a must. New Brunswick's official languages act includes a similar provision, and I think it is a sound practice.

That said, Canada's Official Languages Act has lagged behind since 1988, and we have some catching up to do now. That's why we are putting so much into this act: we are trying to make up for lost time and do what should have been done since 1988.

Mr. Marc Serré: Ms. Kolodziej, you talked about the linguistic clauses in part VII, immigration, and the designation of a central agency. For his part, Mr. Larocque referenced the importance of certain proposed amendments to part VII of the Official Languages Act regarding French-language post-secondary education, specifically the University of Sudbury.

We all agree that we want strong positive measures. Do you have other examples to enlighten the committee's work? Can you give us other examples pertaining to part VII that should be included in Bill C-13?

Ms. Ania Kolodziej: My apologies, I must have misunderstood the question. What would you like examples of?

Mr. Marc Serré: You said the bill should have more teeth. Do you have other examples of positive measures that should be included in the Official Languages Act?

Ms. Ania Kolodziej: As I said earlier, the positive measures have been strengthened in Bill C-13. A number of provisions specifically refer to supporting non-profit organizations and giving anglophones opportunities to learn French. Many of these provisions are essential for organizations such as ours to continue to exist and offer programs to young people.

The fact remains, however, that as long as departments are not required to take the necessary measures, the right measures will not

be taken. The positive measures described at the beginning of Bill C-13 are good, but we must require federal institutions to take the necessary positive measures, not only those that they think are needed.

The Chair: Thank you, Ms. Kolodziej.

The next rounds will be for two and a half minutes each.

You have the floor, Mr. Beaulieu.

• (1245)

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

We have talked a lot about increasing francophone immigration. Since the assimilation of francophone immigrants is very quick in regions where there is not a sufficient number of francophones, even including people from Quebec, would it be advisable to focus on francophone immigration to regions where there is a critical mass, whether in Quebec, New Brunswick or certain parts of Ontario, for instance? What do you think?

Dr. François Larocque: I cannot speak to the strategy of focusing immigration in one region over another. In Canada, we must respect the constitutional right to mobility so that newcomers can go wherever they wish.

The key is being able to welcome francophone newcomers properly wherever they decide to go, and having the services and the whole infrastructure in place to do so. That requires strong programs and a robust Official Languages Act.

Mr. Mario Beaulieu: You said the federal government wanted to negotiate with the Quebec government. Quebec did send requested amendments to Bill C-13, but there is no trace of them in the bill.

Since 90% of francophones are in Quebec, should the federal government funnel the majority of or at least a good many requests to that province?

Dr. François Larocque: I don't know how to answer that.

Mr. Mario Beaulieu: Okay.

Ms. Kolodziej and Ms. Leurent, many francophones in Canada do not have access to francophone schools. Do you think it is a priority for there to be enough funding to give francophones access to them?

The Chair: Thank you, Mr. Beaulieu. That is an excellent question, but we will have to get back to it later on.

Ms. Ashton, you have the last question and you have two and a half minutes.

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

Mr. Larocque, after Bill C-32 was introduced, you warned the political parties, calling on them to safeguard linguistic communities that are vulnerable to partisan squabbles.

In our view, it is very unfortunate that the Liberal government called an early election immediately after introducing the previous version of Bill C-13 and then waited so long to introduce the new version of the bill in the House of Commons. We then had to wait for the House to vote on the bill in principle. Now that the bill is before us, former Liberal MPs are calling for it to be dropped.

The NDP's position is clear: the bill must be improved and passed. We must all pitch in to ensure the survival of francophone communities across the country. We have to recognize the current reality that French is in decline right across Canada.

In light of what we have seen in the year and a half since your publication and the unveiling of the plan to modernize the Official Languages Act, do you have a message for the government today?

Dr. François Larocque: Thank you very much for your question, Ms. Ashton.

I commend this committee and the Senate committee. You do excellent work. Keep your efforts to improve Bill C-13, which is an important bill.

My message is as follows: we have to make sure this bill is really what we need for the coming years until it is reviewed in 10 years. Let us do what we have to now to adopt the best bill possible.

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

I would also like to give Ms. Kolodziej the opportunity to send a final message to the committee in its proceedings.

Ms. Ania Kolodziej: Part VII of the act is very important. Personally, I make an effort to speak French every day to improve my skills. I take the necessary steps to improve and to be part of this wonderful French-speaking community. The government should do the same thing.

• (1250)

The Chair: Thank you, Ms. Kolodziej.

There is still a bit more time before the last five minutes of the meeting. I will use my privilege as chair to ask a question that I think will interest everyone.

We have talked about Treasury Board, positive measures, and linguistic clauses. Since we are surrounded by legal experts, I'm wondering if would they like to comment in writing on the following questions. How can we create linguistic clauses that are consistent with the intended objectives while respecting federal and provincial areas of jurisdiction? How far can we go before it becomes a jurisdictional irritant? How can we impose the federal government's will and vision in this regard?

I invite the witnesses to answer these questions in writing. In addition, if there are any other questions that they could not answer because I had to cut them off, in my role as chair to adhere strictly to our schedule, I invite them to send their replies or written information to our clerk, who will forward them to all committee members.

I would like to thank all the witnesses. That ends this round of questions.

The meeting is not over because we have to spend the last five minutes on committee business. Our witnesses may feel free to leave or remain in person or online if they wish.

Dear colleagues, before moving on to committee business, I must mention the important contribution of our two colleagues, Mr. Gourde and Mr. Lehoux, who will be leaving us for other commitments. I want to thank them for being here for our recent meetings. The members replacing them will have their work cut out for them.

As to committee business, we have to talk about two things: the preliminary travel proposal and the budget —

Mr. Joël Godin: Mr. Chair, do we have to be in camera?

The Chair: No, that is not necessary.

I was talking about the proposed supplementary budget for the many witnesses we have invited. This has been a change in course, if you will, that we also have to talk about.

Our clerk will now brief you on these two items.

The Clerk of the Committee (Ms. Michelle Legault): The first item is the preliminary travel proposal that I sent you last week and that is also in your digital binder. In short, it is very similar to the proposal made by the committee in the spring and submitted to the Subcommittee on Committee Budgets of the Liaison Committee, the SBLI. This proposal covers the trip to Northern Ireland, Scotland, Wales and Ireland.

Only the dates have changed. As the committee requested, we indicated that the trip would now be during March break, from March 12 to 18, 2023. Our analyst, Lucie Lecomte, made some minor changes to the travel objectives and rationale to reflect that it is now the fall, and that the trip will be next March.

Very little has changed in the proposal. It still involves informal meetings and visits to sites. The total budget is estimated at between \$100,000 and \$150,000. I would remind you that this is a very general preliminary proposal, which has to be approved by the committee before Mr. Arseneault can submit it to the SBLI. If the SBLI approves the proposal, we will then proceed to a more detailed budget, which the committee could consider at a later date.

As to the second item, let me say simply that I will consult the committee's logistics officer to ensure that the budget approved by the committee last spring still reflects the committee's real expenses for its consideration of Bill C-13. I might provide you with a supplementary budget in the coming days if we find there is any shortfall requiring the approval of another budget.

For the time being, you just have to approve the preliminary travel proposal. I will let you discuss it.

The Chair: If we want to visit our European cousins grappling with language issues, it is the same proposal, except that the dates have changed. Are there any questions?

Since there are no questions, does the committee wish to approve the preliminary proposal?

The members: Agreed.

The Chair: Thank you.

The meeting adjourned.

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