

Office of the
Commissioner of
Official Languages



Commissariat
aux langues
officielles



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The Speaker of the House of Commons

Ottawa

Mr. Speaker,

Pursuant to section 66 of the *Official Languages Act*, I hereby submit to Parliament, through your good offices, the annual report of the Commissioner of Official Languages covering the period from April 1, 2022, to March 31, 2023.

Yours respectfully,

A handwritten signature in black ink, appearing to read "R. Th  berge". The signature is fluid and cursive, with the first letter "R" being particularly large and stylized.

Raymond Th  berge

The Speaker of the Senate

Ottawa

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Raymond Th  berge

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Raymond Th berge
Commissioner of Official Languages

PREFACE

I am tabling my 2022–2023 annual report at a time when the topic *du jour* is the modernization of the *Official Languages Act* (the Act), when all official languages stakeholders are involved in the shift to a new language regime and when the official languages landscape is changing in several provinces. In my report, I look back on the 2022–2023 fiscal year through three main themes. In the first chapter, I address the issue of the provision of services to the travelling public in French and English. In the second, I discuss the place of official languages in the public service. The last chapter is devoted to the Action Plan for Official Languages.

As they read the report, Canadians will learn that a lot of work still needs to be done to realize the vision of a Canada where Anglophones and Francophones can—where the Act applies—plan their visit to an airport, travel by plane or train, or cross the border using the official language of their choice; where federal public servants working in a region designated as bilingual can truly use their official language of choice when attending meetings, drafting documents or speaking with a superior; and where official language communities are able to thrive. This year I am once again making recommendations that, when implemented, will help address the shortcomings I have identified and foster greater respect for language rights.

I am pleased that Bill C-13 gives me new powers. The compliance agreements the next commissioners and I will be able to negotiate, the orders we will be able to issue, the administrative monetary penalties we will be able to impose, the investigation summaries we will be able to publish and the new dispute-resolution strategies we will be able to use will put us in a better position than ever before to ensure the Act is enforced.

While my office has already begun to examine the matter, it will take more resources and a gradual transition to establish and use my new powers to those ends. The new powers will be implemented gradually and as resources permit. Some powers, such as the administrative monetary penalties, require an order-in-council and a regulation, which will affect the timing of their implementation.

The new powers will be implemented gradually and as resources permit.

I did not wait for Bill C-13 to be approved before launching the planning efforts I just mentioned and beginning to assess how many resources my office will need to use its new powers effectively. As a result, my team is looking at this to determine the impact Bill C-13 will have on my office and to develop strategies to adapt to the new legal landscape, taking into account best practices in change management.

On another note, I would like to use this platform to express how pleased I am that the federal government appointed an Indigenous woman who is fluent in both English and French to the Supreme Court this year. On the bench of the country's highest court, the Honourable Michelle O'Bonsawin joins Justice Mahmud Jamal, a fellow judge from a minority group who is fluent in both of Canada's official languages, among others.

These recent appointments not only improve the representativeness of the Supreme Court, they also support Canadians' right to be heard and understood in both official languages. They demonstrate that, contrary to what we sometimes hear, official languages, equity, diversity, inclusion and reconciliation with Indigenous peoples can go hand in hand. They also illustrate that, when it comes to official bilingualism, supply—as I often say—creates demand. In other words, by clearly designating senior public service positions as requiring knowledge of both English and French, the government will inevitably attract bilingual candidates.

NEW MONEY FOR OFFICIAL LANGUAGES

I welcome the government's investments in official languages in its 2023 budget. I look forward to seeing how these new investments will play out and how they will strengthen the place of official languages in Canadian society and contribute to the vitality of official language minority communities.

I was also pleasantly surprised by the announcement of \$22.1 million “for a centre of expertise to ensure federal institutions fulfil their duty, under the *Official Languages Act*, to enhance the vitality of official language minority communities, and to support data and research on the number of children who have a right to be educated in the minority language.” Any new money dedicated to official languages is excellent news in itself and I look forward to monitoring the impact of these investments.

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ACROSS THE COUNTRY

Once again, the past year has shown that the future of official languages across Canada's provinces and territories is not set in stone, and that it will be determined by the actions of governments and official language communities.

Francophone communities are concerned, for example, about the plans of a parliamentary committee in British Columbia and the Alberta government to replace the Royal Canadian Mounted Police with provincial police forces, as these forces would not be subject to the Act.

Francophone organizations have recommended that the Manitoba government increase the share of French-speaking immigrants settling in the province to 15% by 2036, arguing that the fact that the current target of 7% is never met makes it necessary to catch up to stop the demographic decline of the province's Francophone population.

Ontario adopted a new regulation on the active offer of services in French, which came into effect on April 1, 2023. This regulation, which aims to ensure that “Francophones and Francophiles are informed of their right to services in French at the time of first contact” with a provincial institution, has been well received. The Franco-Ontarian community believes that this burden reversal could help it grow.

Meanwhile, further north, the Government of the Northwest Territories (NWT) has introduced a bill to amend the territory’s *Official Languages Act*, and the Commission scolaire francophone du Nunavut has developed an action plan that, if implemented, would better address the significant challenges facing Franco-Nunavummiut and their schools.

In Quebec, Bill 96—which strengthens the *Charter of the French Language*—officially came into force in June 2022, raising concerns in English-speaking communities. Among other things, Bill 96 provides for the appointment of a French Language Commissioner in the province, and the National Assembly has confirmed the appointment of the first commissioner.

In New Brunswick, the changes proposed in March 2023 to the provincial *Official Languages Act* include the creation of a secretariat, but also the removal of the mechanism for reviewing the Act every ten years, which was widely seen as a step backwards. Earlier in the year, a new French-as-second-language learning framework to be implemented in 2023 sparked considerable controversy. After many people stepped in to address this issue, including my provincial counterpart, who was concerned that the successes of the immersion system would be lost, the government finally backed down.

Lastly, I note that the Federal Electoral Boundaries Commission for Nova Scotia proposed a new electoral map, which, if adopted, could affect the province’s Francophone communities. The Fédération acadienne de la Nouvelle-Écosse has stated that the proposed changes would reduce the weight of the Acadian vote in choosing a federal member of Parliament, while the proposed enlargement of two ridings would further weaken the development of the area’s Francophone communities.

Some of these developments worry me. Others excite me. But one thing is certain, I will stand by those affected by these developments to ensure that their rights to be served in English or French, or to live in the official language of their choice, are respected fully.

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CHAPTER 1

OFFICIAL LANGUAGES AND THE TRAVELLING PUBLIC



Under the Act, federal institutions that provide services to the travelling public are responsible for making those services available in English or French where demand warrants it. As it did in its 2012–2013 Annual Report, my office has paid close attention to this issue given that the public has begun travel again after more than two years of the pandemic and that too many travellers still struggle to use the official language of their choice when dealing with Air Canada, the Canada Border Services Agency (CBSA), the Canadian Air Transport Security Authority (CATSA), the country’s major airports or businesses on the airport authorities’ property, for example.

A long-standing concern

I have paid close attention to official languages and the travelling public since the beginning of my mandate. In the past 10 years alone, my office has looked into the official languages program at the [Halifax International Airport](#), the provision of services in English and French to [Air Canada](#) passengers, the provision of bilingual services by [CBSA](#), and the quality of [CATSA](#)’s language measures. My predecessors and I have also published reports on these institutions’ follow-ups to these checks.

INCREASE IN TRAVEL COMPLAINTS

Each year, I receive a significant number of complaints from travellers who have been unable to receive the full range of services in English or French from the major players in the travel industry.

Of all federal institutions involved in this industry, Air Canada was the one that had received the largest number of admissible complaints (276) between April 1, 2022, and March 31, 2023 (see Table 1). Almost all these complaints (99%) concerned breaches of the provisions of the part of the Act that deals with communications with and services to the public.

The 276 admissible complaints against Air Canada this year represent a 10-year high if you exclude the significant number of complaints received in 2021–2022 in response to the CEO’s English-only speech in Quebec. In fact, this 2022–2023 figure is triple Air Canada’s annual average for the past decade.

The country’s airport authorities are also the target of a large number of complaints each year. Between April 1, 2022, and March 31, 2023, I received 77 complaints about these institutions. This year, Vancouver International Airport and the Greater Toronto Airport Authority received the most complaints from the travelling public (12 complaints each), followed by Moncton (8), St. John’s (8), Montréal (7) and Calgary (7). Eleven other airports had a total of 23 complaints.

I also receive dozens of complaints each year about CATSA and CBSA.

Table 1

ADMISSIBLE COMPLAINTS ABOUT INSTITUTIONS THAT SERVE THE TRAVELLING PUBLIC, 2012–2013 TO 2022–2023

FEDERAL INSTITUTION	2012 2013	2013 2014	2014 2015	2015 2016	2016 2017	2017 2018	2018 2019	2019 2020	2020 2021	2021 2022	2022 2023	TOTAL
CANADIAN AIR TRANSPORT SECURITY AUTHORITY	11	18	32	30	31	35	27	43	11	26	77	341
AIRPORT AUTHORITIES	10	26	24	26	43	112	48	95	259	63	77	783
CANADA BORDER SERVICES AGENCY	27	51	49	70	85	66	65	97	89	79	60	738
AIR CANADA	43	51	55	39	101	60	105	122	18	2,833 ¹	276	3,703
VIA RAIL	6	0	6	8	11	6	0	15	7	4	7	70
TOTAL	97	146	166	173	271	279	245	372	384	3,005	497	5,635

As Table 1 shows, there is an overall upward trend in the number of complaints I receive on this topic (the decrease observed in 2021–2022 appears to be primarily the result of the pandemic and decreased air travel).

This increase indicates that some of the issues identified in the 2012–2013 annual report have not been resolved. Too often, federal institutions still fail to make an active offer (by using greetings like “Bonjour! Hello!” or posting “English/French” signs, for example), do not deploy enough staff—both in the air and on the ground—who can communicate with the public in both languages, and do not systematically use English and French signage. For example, the violations of the Act in 2022–2023 at airports relate primarily to language of service and making a verbal active offer (36 complaints); signage and enforcement of written active offer rules (29); communication by telephone (6) and bilingualism in services provided by third parties, such as airport restaurants (4), two other categories with one complaint each.

This increase is also the result of the growing importance of technology in our society and the frequent failure of institutions to use it in a way that fully respects the rights of English and French speakers. More and more complaints are being made about the inadequate use of English or French in the digital space. For example, complaints against Air Canada because of its online reservation systems and applications have spiked, while 17 of the 29 complaints about signage and enforcement of written active offer rules for airports this year were about the use of English and French on the Web and in social media.

It was believed a decade ago that digital technology would allow federal institutions to address some official languages issues, for example, by automating certain processes to compensate for a lack of bilingual resources. Admittedly, this vision has not yet been fully realized.

¹ This includes the complaints I received about the English-only speech the CEO of Air Canada gave to the Chamber of Commerce of Metropolitan Montreal. These complaints concerned a breach of the Act of a fundamentally different nature than the usual offences committed by institutions that work with the travelling public.

THE OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES' RESPONSE TO THE INCREASE

My team and I have taken many steps in recent years to deal with the increase in complaints from the travelling public.

These measures have taken many shapes.

First, my office has looked closely at ways of ensuring that complaints are handled more quickly and effectively. It developed a new strategy to deal with the growing number of complaints about airport authorities and CATSA. The strategy's objective is essentially to group together all complaints received by an institution over a certain period and investigate them as a single case.

This airport strategy aims to show complainants that they are not alone in what they experienced and to highlight the repetitive and systemic issues identified at airports across the country. Consolidating these complaints also makes it easier for airport authorities and CATSA to work together with my office. Most importantly, the strategy helps shed light on the specific challenges these institutions face, which, in turn, could help identify and eliminate systemic barriers that often undermine compliance with the Act regarding services to the public, including the travelling public.

The effects of the airport strategy can already be felt. The number of airport authority and CATSA cases that have not yet been processed has decreased by 45% in less than a year (from April 1, 2022, to March 31, 2023).

That said, my intention is not simply to ensure that the travel-related complaints I receive are resolved more quickly; I am also aiming for greater compliance with the Act.

In April 2022, in anticipation of travel resuming following the lifting of pandemic-related health restrictions, I sent a series of letters to institutions that provide services to the travelling public or oversee the provision of such services. The purpose of these letters was to remind senior management of organizations such as major Canadian airports, Air Canada, CBSA, CATSA and Transport Canada that the travel sector's gradual return to normalcy must be done in full compliance with the provisions of the Act. In my letters, I also stressed that the federal institutions concerned could count on the support of my staff throughout this recovery.

The Office of the Commissioner of Official Languages' regional offices followed up with the airport authorities that received these letters to invite them to discuss the challenges they face and the practices they could implement to address these challenges. These invitations were successful. Authorities spoke about their or their concessionaires' challenges in recruiting staff. Some said that they had made major efforts to improve their bilingual service offerings, including ensuring they communicate in both languages on social media, ensuring their French website is of equal quality or using better translation services. Others are looking to address existing shortcomings by implementing new service-delivery methods, such as automated multilingual systems. Lastly, some airport authorities asked my staff to meet with their concessionaires to educate them about the importance of the active offer.

That said, my intention is not simply to ensure that the travel-related complaints I receive are resolved more quickly; I am also aiming for greater compliance with the Act.

In a similar vein, my team invited federal institutions to use the Official Languages Maturity Model (OLMM), a continuous improvement tool my office created. Air Canada used the OLMM as part of a self-diagnosis exercise in 2022–2023. My team supported the airline in this exercise, which will lead to a progress plan being developed in 2023–2024 that the carrier could use to improve its organizational maturity with regard to official languages.

I am confident that these actions will have a positive, long-term impact on compliance.

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Recommendation 1

I recommend that:

- the President of the Treasury Board and the Minister of Transport develop tools and guidelines related to the language obligations of airport authorities and share them with the airport authorities by March 31, 2024;
- the Minister of Transport require airport authorities to submit a plan on how they will fulfill their language obligations to the public by June 30, 2025.

COURT-CLARIFIED RESPONSIBILITIES

I am aware that organizations that provide services to the public and travelling public face major challenges in terms of official languages. However, all their language obligations were upheld in the recent revision of the *Official Languages (Communications with and Services to the Public) Regulations*, and a court decision recently confirmed their obligations to both the public and travelling public.

In April 2022, the Federal Court [ruled](#) very favourably on the language rights of the travelling public and general public in *Thibodeau v St. John's International Airport Authority*, 2022 FC 563.

In this decision, the Federal Court found that the St. John's International Airport Authority had failed to comply with the Act by not communicating in French on social media and not ensuring that its website was fully accessible in both official languages. In fact, the court accepted the arguments I made when I addressed this case, including that section 22 of the Act does indeed apply to airport head offices, which means they are required to offer their services to the “public” in both official languages. I also argued that “travelling public” in section 23 of the Act should be interpreted broadly and liberally, to include those contemplating or intending to travel as people entitled to be served in English or French.

My team also participated in a hearing that raised questions about the interpretation of travellers' rights in another Federal Court case: *Thibodeau v Greater Toronto Airports Authority*.

Appeal of the Federal Court's decision

The Federal Court's decision was appealed by the St. John's International Airport Authority. In June 2022, I received permission to address the Federal Court of Appeal. In November, I filed an appeal brief with the court explaining precisely why the trial judge did not err in his interpretation of sections 22 and 23 of the Act. I also recommended in my [brief](#) on Bill C-13 that, in modernizing the Act, parliamentarians consider the Federal Court's decision and "clarify the duties imposed on federal institutions serving the travelling public by specifying that they apply to a broadly defined travelling public, and by specifying in section 23 that they also include the obligations under section 22."

CONCLUSION

Federal institutions should take strong measures to ensure the travelling public—in the broadest sense—is provided high-quality services in English and French, thereby fostering increased compliance, which could lead to a significant decrease in complaints about their service delivery.

Any new service-delivery approach, such as those involving digital tools, must respect the principle of substantive equality. For example, it would be unacceptable for services to be provided to Francophones mainly via automated processes when those same services are provided mainly in person to Anglophones.

CHAPTER 2

REVIVING BILINGUALISM IN THE PUBLIC SERVICE



INTRODUCTION

Under Part V of the Act (language of work), “English and French are the languages of work in all federal institutions.” This part emphasizes that federal institutions have the duty to ensure that the work environments in regions designated as bilingual for language-of-work purposes are conducive to the effective use of both official languages. This section outlines measures that should be taken to ensure that the language rights of public servants are maintained.

WHERE OFFICIAL LANGUAGES FIT IN

If you look back over a long period, great strides have been made in official languages. Nevertheless, there is still a lot of work to do in certain sectors to ensure that language rights are upheld in the federal public service.

In looking back at the history of official languages over the years, I noticed that a committee of ministers supported by a committee of deputy ministers used to serve as a forum for advancing official languages within the Government of Canada. This forum has since been replaced by a committee of assistant deputy ministers. Without undermining the work of this committee, I would point to this change in governance as a contributing factor to official languages losing visibility within the federal public service. This sends the message to the entire public service that official languages are no longer the priority they once were.

Success at Shared Services Canada

In response to the complaints concerning voicemail that I have received in the past six years, I took action with Shared Services Canada (SSC) so that the automated voicemail functions of mobile devices would be modified. Bilingual greetings are an essential part of the Government of Canada’s language obligations under the *Official Languages Act*, as they inform members of the public that they can be served in the official language of their choice.

In response to my actions, SSC created instructions to help federal employees set up the voicemail of their mobile devices so that the automated functions provided by the service supplier are bilingual.

SSC also committed to ensuring that future purchases of mobile device services automatically include a requirement for automated bilingual voicemail functions.

I congratulate the SSC team and encourage it to continue its efforts in this area.

OFFICIAL LANGUAGES, DIVERSITY AND INCLUSION

This is a pivotal moment, when many key players across the country are thinking about Canadian identity and how to reimagine diversity, inclusion, linguistic duality and reconciliation for the future. I believe that speaking two official languages is a way of honouring our differences and building unity, which can foster greater openness to cultural diversity.

In 2022–2023, this issue was the topic of a panel discussion at the Best Practices Forum on Official Languages organized by the Treasury Board of Canada Secretariat (Treasury Board Secretariat), Canadian Heritage and the Network of Official Languages Champions in conjunction with the Canada School of Public Service. I had the opportunity to participate in this panel with the Deputy Minister of Canadian Heritage and Champion of the Official Languages Community, the Deputy Minister of Crown-Indigenous Relations and Northern Affairs, the Executive Director of the Alliance des femmes de la francophonie Canadienne, and the Deputy Chief Human Resources Officer of the Treasury Board Secretariat.

This panel discussion, titled “Changing the Narrative on Diversity, Inclusion and Official Languages,” was very informative. What I took away from it—and what my colleagues noted—is that, although the questions concerned the challenges in reconciling the concepts of official languages, diversity and inclusion, the responses and findings of every participant were the same in that they said these concepts were not mutually exclusive, but rather complementary. This inspiring exchange makes me optimistic for the future of the public service and of Canadian society.

Language-of-work complaints

From April 1, 2022, to March 31, 2023, there were 207 admissible language-of-work complaints filed with my office. These complaints mainly concerned the Royal Canadian Mounted Police (43 complaints), the Department of National Defence (28), Public Services and Procurement Canada (21), Canada Border Services Agency (20), Shared Services Canada (11) and Global Affairs Canada (10), but also—to a lesser extent—33 other institutions. In 79% of cases, the complaints related to the use of French. Most of these complaints concerned problems with internal communications, training, or the provision of individual or central services.

WRITING IN THE OFFICIAL LANGUAGE OF YOUR CHOICE

Changes to the collection of data on official languages are one of the factors contributing to the decline in importance of language rights in the federal public service. Questions in the Public Service Employee Survey (PSES) on official languages were removed after 2017, so it is no longer possible to measure changes over time in some language-of-work data.

For example, in the 2017 PSES, when asked, “When I prepare written materials, including email, I feel free to use the official language of my choice,” 68% of respondents whose first official language is French strongly agreed and somewhat agreed, while 92% of those whose first official language is English held the same view. As of 2017, employees are no longer asked this question.

I believe data are essential for measuring progress and setbacks on language-of-work issues to guide decision making that will help create workplaces that are fully conducive to the use of both official languages.

In its annual report, the Treasury Board Secretariat collects information from federal institutions, but not from the employees themselves. For example, in the most recent Treasury Board Secretariat [annual report](#), according to the self-reporting of federal institutions evaluated, the data show an increase (from 51% to 59%) in the ability of their staff to “nearly always” draft documents in the official language of their choice since the last cycle.

It is important to regularly gauge employees’ thoughts on being able to write in the official language of their choice, because this is a primary indicator of whether the measures taken by federal institutions are effective and make it possible to uphold employees’ language rights.

Recommendation 2

I recommend that, by the end of June 2025, the President of the Treasury Board, the Minister of Official Languages and the Clerk of the Privy Council work together to:

- draft an action plan in which they define concrete ways to highlight the role of official languages in the federal public service;
- measure the actual capacity of federal public servants to work in the official language of their choice in regions designated bilingual for language-of-work purposes.

THE CLERK IS LISTENING

The above recommendation explains why I made it a priority at the beginning of the year to engage in a dialogue with the Clerk of the Privy Council. I wanted to speak to the head of the federal public service about the importance—for all federal institutions—of putting English and French in the workplace on the same level as their other priorities.

The meeting I had with the clerk in December 2022 was a positive one.

During our meeting, I took the liberty of reminding her that official languages must be a strategic priority for the government and that, to breathe new life into official languages within the federal public service, she must use her influence to encourage the public service’s senior management to fully uphold the Act.

The meeting I had with the clerk in December 2022 was a positive one.

I am delighted to see how receptive the clerk has been. As the Government of Canada modernizes the Act, it is crucial that the promotion of English and French in the federal public service be a central concern of its

leaders. Their fluency in English and French should be as essential a qualification as their leadership skills. This not only ensures that the Act and the rights it confers on public servants are respected, but also that the public service is effective, which depends largely on its ability to get the most out of its French- and English-speaking workforce.

I intend to monitor the situation very closely in the coming months. The clerk needs to take bold action on language of work to ensure that this issue is better addressed by the senior management of federal institutions.

BETTER ASSESSING INSTITUTIONS' SENIOR MANAGEMENT

The senior leaders of federal institutions play a major role in setting the tone for the full implementation of the Act. High-ranking public servants must prioritize the full range of actions rightfully expected of them in this regard.

Senior management performance reviews must take into account their willingness to adopt exemplary behaviour that fosters—where the Act so provides—work environments conducive to the use of both official languages, for example, the steps they have taken to maintain or improve their language skills, to use both official languages when holding meetings, and to genuinely make it possible for any public servant to draft documents in the official language of their choice.

RAISE EXPECTATIONS FOR DEPUTY MINISTERS

Of all the topics I have mentioned so far, one particular issue piqued my interest this year: the expectations regarding deputy ministers' language abilities and leadership in the area of official languages.

With respect to language skills, note that the Governor in Council, who is responsible for appointing deputy ministers, is not subject to the same expectations as there are for staffing in the public service in terms of choosing candidates who are proficient in both official languages in an appointment process. Deputy ministers are either selected from a pool of public service executives or recruited externally. The lack of clear language requirements may affect candidates' ability to create work environments conducive to the effective use of both official languages.

As with the government's decision to put processes in place to ensure the appointment of bilingual judges, such an approach could also apply to deputy minister appointments. The existing Supreme Court appointment process requires judges to be functionally bilingual, which is assured by having an independent and non-partisan advisory board assess candidates' proficiency in their second official language. Adopting a similar approach within the public service would ensure that senior federal public servants are able to use both official languages. I welcome the amendment that was adopted regarding the bilingual capacity of deputy ministers as part of the review of Bill C-13, which is aimed at modernizing the Act. I also know that many deputy ministers are bilingual, but I would like to see such an approach, similar to that of the Supreme Court, formalize the ability of the public service to function in both official languages.

Under their terms of employment, deputy ministers must ensure that the objectives of the Act are met, and they are responsible and accountable for what happens in their departments, including in terms of official languages. However, in its current form, the Management Accountability Framework (MAF)—a tool for monitoring the management performance of federal departments and agencies—cannot fully measure compliance with language obligations over time. For one thing, the MAF questions about official languages change each year, hindering the comparability of the results and the reliability of the progress measures. The ability of deputy ministers and their organizations to ensure that the language rights of their staff are respected, that official languages are factored into program development, and that English and French are promoted in the workplace should be reviewed annually. This review should be structured around a set of clear, robust and recurring indicators, regardless of the tool used for the review.

LINGUISTIC INSECURITY: AN ONGOING PROBLEM

Our workplace reality has changed significantly since I published a [special study on linguistic insecurity two years ago](#). Working to better understand and address the problem of language insecurity continues to be one of my concerns, leading me to spearhead the publication of an [article](#) in October 2022 that addresses the unique challenges some Francophones from marginalized groups (e.g., equity-seeking groups) face as a result of language insecurity. In December 2022, I also launched a follow-up to the special study, which involved creating focus groups to find out how the pandemic and the practices established during the pandemic (e.g., telework) have affected public servants' feelings of language security or insecurity.

Work is also continuing within the federal public service. The interdepartmental working group led by the Treasury Board Secretariat's Official Languages Centre of Excellence is still working to address language insecurity.

It is important to remember that these feelings are based primarily on the culture, structures and work environments established by the leaders of federal institutions, and that they have a profound effect on public servants' inclusion and well-being, and—ultimately—on the quality of the services federal institutions provide to the public in English and French.

Emerging language-of-work issues

The workplace has changed significantly. Work styles relying partly on telework and hybrid work have been formalized as a result of the pandemic and increased technology use. These changes could lead to an increase in the number of cases where managers who are not necessarily comfortable in English or French are required to supervise public servants who have the right to work in the official language of their choice.

Overall, I am concerned about the complex effects the current and future upheavals will have on official languages in the workplace and on respect for the language rights of public servants. I expect that managers at all levels will have the support and tools they need to create hybrid workplaces that are conducive to the use of both official languages.

I will be following the outcome of the [clerk's December 2022 announcement](#) on the common hybrid work model for the federal public service very closely.

COMPLAINTS ABOUT THE LANGUAGE DESIGNATIONS OF POSITIONS

I continue to receive a significant volume of complaints related to the language designation of positions (section 91 of the Act). Between April 1, 2022, and March 31, 2023, we received over 714 complaints—triple last year's count (204).

These complaints focus primarily on the fact that some institutions may not be establishing their language profiles objectively. This is a serious breach because, in addition to not fulfilling its obligations, an institution that fails to consider the duties of a position or the location in which these duties will be performed when defining the language requirements of a position could ultimately hinder its ability to create a bilingual work environment and provide quality services to the public in English and French.

Because this is a systemic problem, I published a [report](#) in 2020 to analyze it in depth. I recommended that, by November 2022, the Treasury Board review its section 91–related policies and tools and work with the Canada School of Public Service to ensure that its courses on this subject are sufficient and meet institutions’ needs. I also asked them to develop policies and procedures, an awareness plan, and control mechanisms on this issue, as well as to regularly assess the language requirements of positions.

The Treasury Board Secretariat responded to my report by establishing a working group to examine the issues raised, identify best practices and develop a three-year action plan to increase compliance with the objective establishment of language designations of positions.

The Treasury Board Secretariat presented its strategy to my team in December 2022. I would have much preferred for this date to have marked the end of the implementation of this central agency’s “section 91” plan rather than the beginning. I would ask the Treasury Board Secretariat to speed up its pace and ensure that it aggressively deploys its strategy in the coming months. As I announced in January 2023, I will soon be doing a follow-up review of the recommendations in my 2020 report.

Recommendation 3

I recommend that the President of the Treasury Board implement her three-year action plan by June 2025 to ensure that federal institutions comply with section 91 of the *Official Languages Act*.

OFFICIAL LANGUAGES MATURITY MODEL: SOME FINDINGS

Since 2019, the use of the OLMM developed by my office has highlighted that many institutions have not established sufficient formal processes to ensure systematic respect for official languages, particularly with regard to language of work and people management. The results obtained using the OLMM do show that institutional maturity is higher in terms of governance: their culture, the leadership shown by officials and the instruments available to them allow the Treasury Board Secretariat’s official languages policies to be applied effectively.

There is an important distinction between maturity and compliance. Maturity refers to the presence of documented processes to guide how institutions plan to meet their obligations. In this sense, maturity is one of many factors that influence compliance, such as leadership and employee engagement.

The OLMM has been around for four years now and has been reviewed extensively by my team. My office has considered how its current activities, including the OLMM, would be affected if the bill were to be passed. Although my office will complete the first cycle of the OLMM, there are no other cycles planned, so OLMM-related activities have been shelved. Institutions will be able to use the tool, which will still be available on the Office of the Commissioner of Official Languages website, and my office will remain available to answer questions from federal institutions about the OLMM.

MODERNIZING THE LANGUAGE OF WORK

When the bill to modernize the Act was tabled, it did not propose any substantive changes to the part of the Act dealing with language of work. Nonetheless, I recognize that parliamentarians did debate the language of work issue clause by clause in their committee work.

Among the amendments that were adopted, I would like to point out that in bilingual regions, employees have the right to be supervised in the language of their choice, regardless of the linguistic identification of their position. This is one of the recommendations I made in my [brief on this Bill](#), which reflects the position my office has taken for many years.

I welcome the amendments that were adopted by the House of Commons Standing Committee on Official Languages. In my [brief](#), I made a series of additional recommendations that, if implemented, would improve the effectiveness of Part V of the Act (language of work) and reflect a reality that would have been unheard of in 1977, when the Act was amended to include language of work rights. I recommended that the Act specify that employees whose positions are based in a region designated bilingual for language-of-work purposes retain their language rights when they telework from a region designated unilingual for language-of-work purposes. I also proposed that the Act guarantee staff the right to access training, individual services and central support services in English and French in every region across the country rather than only in regions designated as bilingual.

The Treasury Board Secretariat's role

The Treasury Board Secretariat is monitoring the files under its responsibility closely. In this regard, I am pleased to note that the Secretariat—with which my office has regular discussions—is currently following up on some of the recommendations that emerged from the Borbey-Mendelsohn report, including working on a new language training framework and developing a method to ensure that managers have the necessary language profile.

CONCLUSION

The language of work part of the Act may get less attention than its other parts, but it is no less critical. A series of measures are needed to ensure official languages are given the priority and distinct importance they deserve. Every federal institution and those responsible for them need to consider this fully and take robust measures to ensure that the public service is an environment where both English and French have their rightful place.

CHAPTER 3

THE ACTION PLAN FOR OFFICIAL LANGUAGES: A POWERFUL TOOL, BUT WITH ROOM FOR IMPROVEMENT!



INTRODUCTION

The Action Plan for Official Languages, along with the Act, is one of the cornerstones for fostering respect for official languages across Canada. In this chapter, I discuss the actions I have taken this year to ensure that the 2023–2028 action plan aims to further the advancement of English and French and better meet the expectations and needs of official language communities.

TWENTY YEARS ALREADY!

This year marks 20 years since the Government of Canada adopted its first five-year plan to reinvigorate its official languages policy. The 2003–2008 action plan had a budget of \$1.9 billion and focused on themes such as education and the development of English- and French-speaking communities.

The budget for the five-year plan has increased over time, allowing for major advances in various sectors. For instance, this increase has been used to enhance access to services in French and English in the areas of health and justice, community economic development and Francophone immigration. It has also allowed for growth in areas the first action plan did not focus on, such as arts and culture.

In certain areas, however, investments have fallen short. For example, the amounts earmarked for consolidating or improving the delivery of French-language services in the provinces have not been increased since 2004, despite demand for these services increasing. Moreover, the funds allocated to support minority-language education are no longer sufficient to meet the needs of school boards, schools and—of course—children. In fact, the Fédération nationale des conseils scolaires francophones estimates that, because of cost-of-living increases and enrolment growth, per-student funding has actually plummeted by 44% from 2009 to 2023. According to the Quebec Community Groups Network, Quebec’s English-language schools also require more education-agreement funding.

The federal budget tabled at the end of the 2022–2023 fiscal year announced an additional investment of over \$1 billion for the 2023–2028 Action Plan on Official Languages. This new investment includes \$679.2 million to support *equal access to education services of equal quality by working with the provinces and territories*, will help to make up for a certain lag that has persisted for several years, including minority-language education, second language learning and bilingual government services.

THE OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES STANDING GUARD

To ensure that the Action Plan for Official Languages truly has the desired impact, when I began my mandate five years ago, I quickly made it a priority to monitor the implementation of this plan from 2018 to 2023. The work my team did led to a report being published in May 2022: [*Monitoring the Implementation of the Action Plan for Official Languages 2018–2023: Investing in Our Future – Analysis and Recommendations for the Next Five-Year Plan.*](#)

In this report, I note that increasing the action plan budget to \$2.7 billion allowed for new initiatives from 2018 to 2023, which helped communities address some of their top challenges, such as early childhood development and capacity building for community media and radio.

However, my report also reveals some major gaps that need to be addressed.

My report shows that—too often—challenges hinder the rapid allocation of funds provided for in the plan, resulting in significant delays in the signing of important agreements or the payment of sums expected by partners of federal institutions. While some of these challenges can be attributed to the pandemic, not all of them can.

In addition, the obligations imposed on recipients when applying for or reporting on funding place a considerable burden on them. To benefit from the plan's programs, some organizations must sacrifice resources that could have been better invested in the creation and delivery of services to Francophones or Anglophones.

I make 14 recommendations in this report that federal actors should implement to ensure the success of the 2023–2028 action plan. For example, I propose that federal institutions allocate the planned funds diligently and be flexible and agile in their relationships with partners, including accepting budget or schedule adjustments when the recipient faces extenuating circumstances. I also recommend implementing streamlined administrative processes that would ensure the sound management of public funds while respecting the principles of transparency and accountability.

I would like to reiterate that the implementation of the action plan is highly dependent on the involvement of community and school stakeholders, who work tirelessly to ensure that initiatives are deployed successfully. I would also like to acknowledge the contribution of the public servants who manage the funded initiatives. Their hard work and flexibility deserve to be recognized, as they help foster the development of our two official languages.

THE IMPORTANCE OF CONSULTATIONS

It is worth taking the time to reflect on this last issue. I followed the consultations on the 2023–2028 action plan in summer 2022, and took part, presenting my report and recommendations. Various stakeholders expressed dissatisfaction with the way the consultations were conducted. Some felt that they lacked the time needed to prepare for this important process, while others did not agree with the consultations being held in the middle of summer—a time that is not conducive to optimal workforce engagement. The organizers should have better ensured that everyone who wanted to participate in the consultations could do so and do so effectively.

I would like to reiterate that the implementation of the action plan is highly dependent on the involvement of community and school stakeholders, who work tirelessly to ensure that initiatives are deployed successfully. I would also like to acknowledge the contribution of the public servants who manage the funded initiatives.

ACTION PLAN SUSTAINABILITY

In conclusion, I am very pleased that Bill C-13 requires the federal government to adopt a government-wide official languages strategy, which essentially ensures that the five-year plans launched to date are just the first of many.

Together with a modernized Act, the next five-year plans for official languages will help ensure that the future of English and French in Canada is bright and exciting—provided that all stakeholders are adequately consulted in the development of these plans and their resulting programs and initiatives.

COMPLAINTS TABLES



Figure 1

ADMISSIBLE COMPLAINTS RECEIVED,
BY PART OF THE ACT, 2022–2023

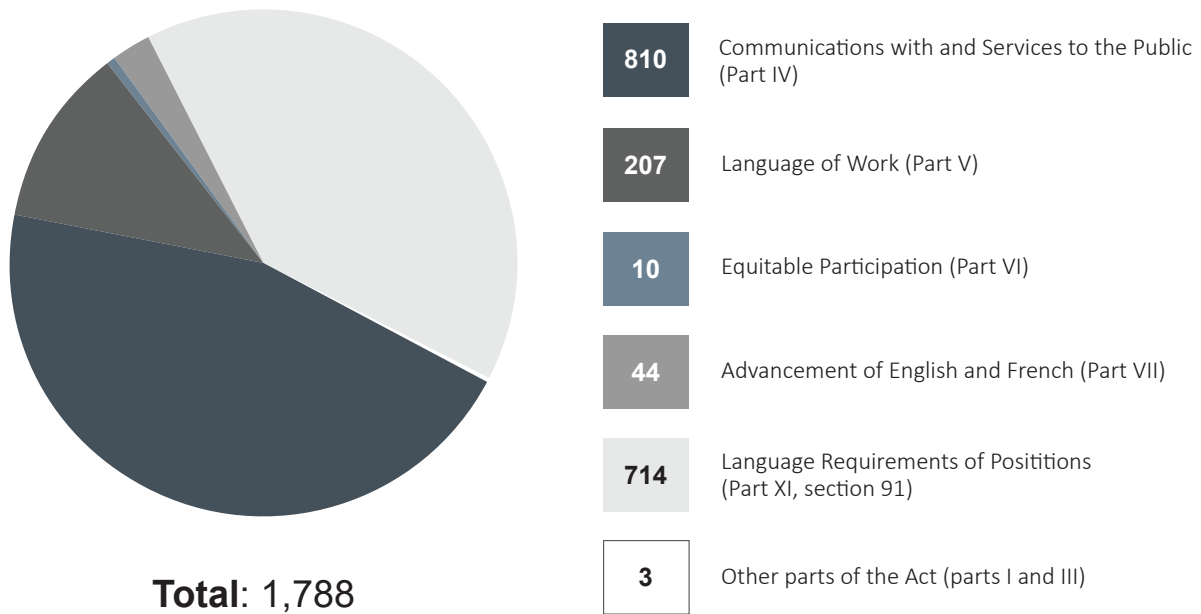


Table 2

ADMISSIBLE COMPLAINTS RECEIVED,
BY PROVINCE AND TERRITORY AND BY PART OF THE ACT, 2022–2023

LOCATION OF INCIDENT	SERVICE TO THE PUBLIC (PART IV)	LANGUAGE OF WORK (PART V)	EQUITABLE PARTICIPATION (PART VI)	ADVANCEMENT OF ENGLISH AND FRENCH (PART VII)	LANGUAGE REQUIREMENTS (PART XI, SECTION 91)	OTHER PARTS (PARTS I AND III)	TOTAL
NEWFOUNDLAND AND LABRADOR	13	0	1	0	0	0	14
PRINCE EDWARD ISLAND	6	1	0	0	0	0	7
NOVA SCOTIA	18	1	0	0	1	1	21
NEW BRUNSWICK	53	2	1	0	22	0	78
QUEBEC	230	39	1	9	26	1	306
NATIONAL CAPITAL REGION (QUEBEC)	35	25	0	7	42	0	109
NATIONAL CAPITAL REGION (ONTARIO)	150	114	4	18	606	1	893
ONTARIO	132	16	1	5	11	0	165
MANITOBA	15	2	0	2	0	0	19
SASKATCHEWAN	15	1	0	1	0	0	17
ALBERTA	35	2	0	0	0	0	37
BRITISH COLUMBIA	68	1	0	1	4	0	74
YUKON	1	0	0	0	0	0	1
NORTHWEST TERRITORIES	3	0	0	0	0	0	3
NUNAVUT	1	0	0	0	0	0	1
OUTSIDE OF CANADA	35	3	2	1	2	0	43
Total	810	207	10	44	714	3	1,788

Table 3

ADMISSIBLE COMPLAINTS RECEIVED OVER 10 YEARS (2013–2014 TO 2022–2023),
BY PROVINCE AND TERRITORY

LOCATION OF INCIDENT	2013 2014	2014 2015	2015 2016	2016 2017	2017 2018	2018 2019	2019 2020	2020 2021	2021 2022	2022 2023
NEWFOUNDLAND AND LABRADOR	18	12	14	28	16	24	32	11	22	14
PRINCE EDWARD ISLAND	4	4	2	5	2	7	4	4	7	7
NOVA SCOTIA	8	13	16	10	20	22	60	11	17	21
NEW BRUNSWICK	31	42	41	87	51	65	62	47	40	78
QUEBEC	59	56	68	148	129	166	213	239	3,047	306
NATIONAL CAPITAL REGION (QUEBEC)	37	64	121	92	96	156	163	293	127	109
NATIONAL CAPITAL REGION (ONTARIO)	182	193	351	429	307	336	500	883	1,778	893
ONTARIO	75	78	58	106	124	153	192	148	175	165
MANITOBA	20	13	14	13	18	11	9	25	24	19
SASKATCHEWAN	8	16	4	6	25	14	6	23	10	17
ALBERTA	9	28	8	43	49	56	48	120	37	37
BRITISH COLUMBIA	19	18	16	25	33	25	30	52	89	74
YUKON	0	1	1	1	1	5	6	2	3	1
NORTHWEST TERRITORIES	1	0	2	2	4	7	6	4	3	3
NUNAVUT	0	0	1	0	0	0	0	1	0	1
OUTSIDE OF CANADA	5	12	8	23	19	40	30	7	30	43
Total	476	550	725	1,018	894	1,087	1,361	1,870	5,409	1,788

Table 4

ADMISSIBLE COMPLAINTS RECEIVED OVER 10 YEARS (2013–2014 TO 2022–2023),
BY PART OF THE *OFFICIAL LANGUAGES ACT*

	2013 2014	2014 2015	2015 2016	2016 2017	2017 2018	2018 2019	2019 2020	2020 2021	2021 2022	2022 2023
SERVICE TO THE PUBLIC (PART IV)	282	320	344	565	457	550	731	693	3,398	810
LANGUAGE OF WORK (PART V)	103	126	125	183	138	212	172	173	233	207
EQUITABLE PARTICIPATION (PART VI)	13	11	24	34	16	22	11	13	21	10
ADVANCEMENT OF ENGLISH AND FRENCH (PART VII)	30	37	62	32	50	12	20	16	1,546	44
LANGUAGE REQUIREMENTS (PART XI, SECTION 91)	44	45	156	192	222	285	420	968	204	714
OTHER PARTS (PARTS I AND III)	4	11	14	12	11	6	7	7	7	3
Total	476	550	725	1,018	894	1,087	1,361	1,870	5,409	1,788

RECOMMENDATIONS

RECOMMENDATION 1

I recommend that:

- the President of the Treasury Board and the Minister of Transport develop tools and guidelines related to the language obligations of airport authorities and share them with the airport authorities by March 31, 2024;
- the Minister of Transport require airport authorities to submit a plan on how they will fulfill their language obligations to the public by June 30, 2025.

RECOMMENDATION 2

I recommend that, by the end of June 2025, the President of the Treasury Board, the Minister of Official Languages and the Clerk of the Privy Council work together to:

- draft an action plan in which they define concrete ways to highlight the role of official languages in the federal public service;
- measure the actual capacity of federal public servants to work in the official language of their choice in regions designated bilingual for language-of-work purposes.

RECOMMENDATION 3

I recommend that the President of the Treasury Board implement her three-year action plan by June 2025 to ensure that federal institutions comply with section 91 of the *Official Languages Act*.