

NO TURNING BACK: Official Languages in the Face of Government Transformations

*Report of the Task Force on
Government Transformations and
Official Languages*

Prepared for the President of the Treasury Board,

the Honourable Marcel Massé

January 1999





Copies may be obtained from the:
Distribution Centre
Treasury Board of Canada
Ottawa, Ontario
K1A 0R5
Tel: (613) 995-2855

This document is available on-line:
TBS Internet site:
<http://www.tbs-sct.gc.ca/>

ISBN No.: 0-662-64031-4
Catalogue No.: BT23-2/14-1999

THE PRESIDENT OF THE TREASURY BOARD


Mr. President,

In accordance with the mandate
we received on April 1, 1998
we are pleased to table our report, entitled
No Turning Back:
Official Languages in the Face of Government Transformations

The members of the Task Force on Government
Transformations and Official Languages



Yvon Fontaine



Jacques Michaud



Graham Greig



Linda Cardinal



Claudette Tardif



Hugh Maynard



Jim Mitchell



Jean-Marc Hamel

January 1999



Table of Contents

A Word from the Chairman	vii
Chapter 1 – Mandate	1
1.1 Review of the Mandate	1
1.2 Operational Framework	2
1.2.1 Meeting Schedule	2
1.2.2 Consultation Plan	3
1.2.2.1 Study of Documents	3
1.2.2.2 Consultations with Groups, Institutions and Individuals	3
Chapter 2 – Government Transformations and Official Languages	7
2.1 The Federal Government’s Changing Role	7
2.2 Official Languages	8
2.3 Portrait of Minority Official Language Communities	8
2.4 The Task Force’s Approach: Four Premises	10
2.4.1 Key Parameters within Which to Consider Government Transformations	11
2.4.2 Support for Minority Official Language Communities	11
2.4.3 Quality Service Includes Service in Both Official Languages	11
2.4.4 The Federal Government’s Ability to Innovate	12
Chapter 3 – Analysis of Government Transformations	13
3.1 <i>Framework for Alternative Program Delivery</i>	13
3.2 Examination of Different Methods of Implementing Programs and Delivering Services	15
3.2.1 Special Operating Agencies	15
3.2.2 Government Service Agencies	15

3.2.3	Partnerships	17
3.2.3.1	Canada Business Service Centres (CBSCs)	17
3.2.3.2	Canadian Tourism Commission (CTC)	19
3.2.4	Recourse to Third Parties in Subcontracting Agreements or Contracts for Services	20
3.2.5	Privatization	21
3.2.6	Agreements with the Provinces	22
3.2.6.1	Labour Market Development Agreements (LMDAs)	22
3.2.6.2	Agreements Concluded under Subsection 65(2) of the <i>Contraventions Act</i>	24
3.3	General Observations	25

Chapter 4 – Consultations 27

4.1	Organizations that Represent Minority Official Language Communities	27
4.1.1	Government Transformations	27
4.1.1.1	General Comments	27
4.1.1.2	Labour Market Development Agreements (LMDAs)	29
4.1.2	The Need to Consult Minority Official Language Communities	31
4.1.3	Program Review	31
4.1.4	Federal Funding for Minority Official Language Communities	31
4.1.5	The Government’s Weakening Commitment	32
4.2	Consultations with Federal Organizations and with Consultants	33

Chapter 5 – Political Will: Perception and Reality 35

5.1	The Federal Government’s Commitment	35
5.2	Integrated, Empowered Leadership	36



5.3	Awareness Campaign Targeted at Institutions	37
	Subject to the <i>Official Languages Act</i>	
5.4	Provincial Governments and the Private Sector	37
5.5	Consultation and Decision-making Processes	37
5.6	Possible Avenues for Innovation	39
5.7	Single Window Approach	39
5.8	Accountability: Monitoring, Evaluation and Redress Mechanisms	39
5.9	General Approach	40
Chapter 6 – Recommendations		41
Conclusion		51
Appendices		53
	A – The Members of the Task Force	53
	B – List of Organizations Consulted	55
	C – List of People Consulted	57
	D – Government Transformations	59
Bibliography		63





A Word from the Chairman

Over the past 15 years, the federal government has made major changes to the structure of government in order to modernize and streamline the delivery of services to the public. The scope of these changes is impressive. It could well be said that the changes currently being carried out in the federal public service are as fundamental as those of the post-war era.

Government transformations affect the daily lives of Canadians. In the case of privatization of functions, service points and even the places where people meet one another are being eliminated. In other cases, public servants are being transferred from one level of government to another. In every case, the users of government services must adjust to change.

The impact of these transformations on Canadians warrants in-depth study. The Commissioner of Official Languages undertook such a study with respect to official languages entitled *Government Transformations: The Impact on Canada's Official Languages Program*, in which he severely criticized the federal government. In response, the Honourable Marcel Massé, President of the Treasury Board, created an eight-member task force drawn from every region of the country, and from both majority and minority official language communities. I had the pleasure and the honour of chairing that task force.

In his report, the Commissioner of Official Languages stated that government transformations had resulted in “a subtle but cumulative erosion of language rights” and had weakened Canada’s official languages program. After eight months of study, we have concluded that the transformations are indeed affecting all Canadians, and that they have had a particular impact on the language rights of minority official language communities. Accordingly, we, the members of the Task Force unanimously call upon the Government of Canada to strengthen its commitment to linguistic duality and to official language minority communities.

The Task Force is of the view that government transformations should be seen as an opportunity for the government to deliver its services more effectively in the country’s two official languages. The government must also seize this opportunity to promote the vitality and development of

official language minorities. We want to remind the government that service quality must necessarily include the language in which the service is offered.

A country's strength lies in the vitality of its communities. Canada is made up of two official language communities (Anglophone and Francophone), First Nations peoples and people of many other origins, together forming a unique partnership. The English and French languages are fundamental characteristics of the country. They testify to the existence of an essential duality that Canadians should cherish.

The Task Force is firmly convinced of the importance of respect for official languages as a principle of Canadian federalism. The federal government must ensure that future changes in the structure of government contribute to the development and vitality of minority official language communities, and to respect for the language rights of Canadians from coast to coast.

As chairman of the Task Force, I would like to express my gratitude to the other members, and to thank them for their dedication and unflagging enthusiasm in working together to fulfil our mandate. I would also like to thank everyone who was kind enough to meet with us, and also to thank the working group from the Official Languages Division that the Treasury Board Secretariat put at our disposal to help us in our endeavour.

The time has come to share the results of our work.

Yvon Fontaine

Chapter 1 – Mandate

1.1 Review of the Mandate

A review of the Task Force’s mandate was included in the agenda of the first meeting, held in April 1998. The President of the Treasury Board asked the Task Force to “analyse the effects on official languages of the transformations in the structure of government in recent years and to propose appropriate measures to improve the situation.” The following statement defines our mandate:

The Task Force’s mandate is to analyse government transformations with respect to official languages, and propose appropriate measures to improve the situation.

The analysis will cover the following: service to the public, language of work, equitable participation, and the vitality and development of minority official language communities. The Task Force will examine the status of obligations, commitments and accountability with respect to official languages in the wake of these transformations, and will make appropriate recommendations.

In discharging its mandate, the Task Force will hold appropriate consultations.

In addition to clarifying our mandate and its scope, it was necessary to specify the context in which our work would be carried out. Thus, the members of the Task Force decided that a study of government transformations with respect to official languages would include service to the public, language of work, equitable participation, and the vitality and development of minority official language communities. Our mandate led us to give special consideration to the question of language rights within the context of government transformations.

Because of the tight deadlines we were working to, we had to make some choices. We had neither the time nor the resources to conduct in-depth technical studies on the scope of the transformations, the cuts to services or the savings generated by the government transformations. Studies of this nature have been done in the past. The members of the Task Force agreed not to repeat the work that had already been done. Rather, we chose to

contact the representatives of minority official language communities, the architects of the government transformations in central agencies, the managers of the institutions affected by the transformations and managers in the regions. Subsequent consultations confirmed the appropriateness of our approach.¹

The Task Force does not question the government transformations that have already taken place – that is not our mandate.² Nor do we wish to challenge the appropriateness of government decisions regarding the need for those transformations, because that is also beyond the scope of our mandate. Rather, what we can, and must, examine is whether official languages are being taken into account in the transformation process and, above all, how to guarantee in that process the full recognition and respect of language rights.

If the federal government has failed to ensure the respect of language rights, it is up to the Task Force to draw this to its attention.

1.2 Operational Framework

1.2.1 Meeting Schedule

At our first meeting, we decided on an operational framework. We set a meeting schedule and adopted a plan for consultation. Since the members of the Task Force came from every region of the country, it was agreed that meetings would be held in Ottawa.

During its nine-month mandate, the Task Force met eight times, or roughly once a month. A number of meetings were spread over two days. Each member therefore attended about 15 days of meetings. In addition, members spent individual time reading, doing research and writing the report. Between meetings, members communicated through conference calls, or by fax and e-mail.

¹ For example, the Fédération des francophones de la Colombie-Britannique argued in its submission to the Task Force that “the Government of Canada has enough studies, reports and recommendations to allow it to take action”: submission made to the Task Force on Government Transformations and Official Languages by the Fédération des francophones de la Colombie-Britannique, Ottawa, June 25, 1998, p. 2, translated from French.

² The situations that were considered as government transformations and are dealt with in this report speak for themselves on this point. Thus, it will be noted that internal reorganizations carried out by federal departments and agencies are not considered government transformations for the purposes of this report.



1.2.2 Consultation Plan

1.2.2.1 Study of Documents

From the outset, we had a common knowledge of, among other things, the official languages regime in Canada, the *Official Languages Act*, the *Official Languages Regulations* and the development of alternative service-delivery methods within the federal system.

In the course of our work, we consulted a number of documents in order to familiarize ourselves with the internal processes of the federal government, including the *Framework for Alternative Program Delivery* published by the Treasury Board Secretariat (see the bibliography).

1.2.2.2 Consultations with Groups, Institutions and Individuals

Our consultation plan covered three sectors. First, we met with 11 provincial and territorial organizations representing minority official language communities, including Alliance Quebec and the Fédération des communautés francophones et acadienne du Canada (FCFAC). We received 13 submissions, including a private one. The FCFAC asked that one of its representatives be allowed to stay for the presentations by the provincial and territorial associations, as an observer. We agreed.

Second, the Task Force consulted senior officials from organizations affected by past, present and future transformations of government. Officials from Human Resources Development Canada made the Labour Market Development Agreements available to us. We were particularly interested in the wording of language clauses in these agreements, the monitoring and evaluation mechanisms provided for in the *Employment Insurance Act*, and the remedies provided under agreements that had already been signed. We spoke with officials at Parks Canada and Revenue Canada who are working on the creation of new service agencies (Parks Canada Agency, Canada Customs and Revenue Agency). We also invited a representative of the Canadian Tourism Commission. To learn more about the *Contraventions Act*, we heard from representatives of the Department of Justice and held a conference call with the Executive Director of the Association des juristes d'expression française de l'Ontario.

Given the importance that the Department of Canadian Heritage has for minority official language communities, we invited officials from that department to talk about Canada-community agreements³, the interdepartmental cooperation mechanism, and federal-provincial and federal-territorial agreements on service to the public. We also heard an independent opinion on Canada-community agreements. The members had discussions with the consultant who analysed the agreements for the FCFAC (see Appendix B, List of Organizations Consulted, and Appendix C, List of People Consulted).

Third, the Task Force consulted four regional councils of senior federal officials – in Quebec, Ontario, Manitoba and New Brunswick. The Task Force member from each of these regions met with the representatives of the council from his or her region.

We met with the President of the Treasury Board at the beginning and the end of our mandate, and with the Commissioner of Official Languages on two occasions. Finally, the Chairman of the Task Force met separately with the Deputy Clerk of the Privy Council and the Secretary of the Treasury Board Secretariat. Some members of the Task Force also spoke to the Deputy Ministers Committee on Official Languages.

By the end of July, we had almost completed our consultations, except for the regional councils of senior federal officials, which were meeting only in September. In mid-September, we began an intensive process of reflection and synthesis.

This approach enabled the Task Force to gain a broader perspective on issues surrounding official languages, namely those identified by the organizations representing minority official language communities, by managers dealing with the achievement of government objectives and the implementation of government transformations, and by regional managers. In many cases, regional managers watched from afar as decisions on

³ After the cuts to all federal programs announced in 1993, the Department of Canadian Heritage had to review its direct-support program for minority official language communities. At that time, it conducted a broad consultation with the communities, which gave rise to the Canada-community agreements concept. Between 1994 and 1996, the Department signed 13 agreements – one with the minority community in each province and territory, and one with national francophone organizations – which provide for multi-year funding for the entire minority community in a province or territory. These five-year agreements expire in March 1999 and will have to be renewed soon. For 1998-99, \$19.6 million have been allocated to the agreements.



government transformations were made, and then had to implement those decisions without delay.

We would like to thank everyone who agreed to attend our meetings, sometimes on short notice, for their invaluable contributions. We would also like to underscore the work they put into preparing the submissions and documents we received.



CHAPTER 1



Chapter 2 – Government Transformations and Official Languages

2.1 The Federal Government's Changing Role

Since the early 1990s, many industrialized countries have undertaken profound changes in the organization and management of their public services. The general trends include:

- transferring some activities to local governments, non-governmental organizations and the private sector;
- cutting government budgets;
- reducing overhead, eliminating non-productive activities and taking advantage of income-generating opportunities;
- focusing managers' efforts and responsibilities on achieving results rather than on strict adherence to rules;
- decentralizing authority within government agencies;
- paying greater attention to the needs of program beneficiaries by providing faster, more courteous service, simplifying procedures and facilitating access to services;
- working more closely with other levels of government and the private sector;
- making more frequent use of private-sector practices, such as direct competition and competitive sourcing;
- making greater use of information technology to enhance government effectiveness and productivity, on the grounds that the wide circulation of information creates a better-informed public and more transparent decision making.

These changes have had a major impact on government departments and have led to significant changes in the way services are delivered and in the environment in which employees work. Managers have had to attend to meeting the government's cost-cutting and deficit-reduction goals; they have focused their attention and efforts on managing the downsizing process and achieving budget targets. As a result, not only have service delivery methods been renewed but workplaces have also been transformed.

2.2 Official Languages

English and French have co-existed in Canada for a long time. The two official languages have helped weave the fabric of the Canadian federation and shaped Canada's identity. The *British North America Act* of 1867, which created Canada, authorized the use of English and French in the debates of Parliament and the Quebec legislature, as well as in the proceedings conducted before federal and Quebec courts. Subsequently, various language laws specified and broadened these rights, which are now enshrined in the *Canadian Charter of Rights and Freedoms* which is part of the *Constitution Act, 1982*, and in the *Official Languages Act*. English and French are Canada's official languages. They have equal status, rights and privileges within the institutions of Parliament and the Government of Canada. Under the *Official Languages Act*, members of the public have the right to be served in the official language of their choice, and employees have the right to work in English or French. The *Act* also contains two commitments: equitable participation by the two official language communities in the workforces of institutions that are subject to the *Act*; and an undertaking by the government to enhance the vitality, and support the development, of minority official language communities, and to foster full recognition of the use of English and French in Canadian society. Application of the *Act* is a federal responsibility, and the government is accountable for it.

Linguistic duality is a fundamental characteristic of the Canadian federation. The federal government cannot abandon its responsibility to promote Canada's linguistic duality, an obligation flowing from the Constitution and the *Official Languages Act*. The 1994 Speech from the Throne acknowledged this role when it reaffirmed the government's commitment to linguistic duality, by stating that "our cultural heritage and our official languages are at the very core of the Canadian identity and are sources of social and economic enrichment."

2.3 Portrait of Minority Official Language Communities

The situation of minority official language communities is uneven. It varies from region to region and within regions. Some communities, whether Anglophone in Quebec or Francophone outside Quebec, have strong regional concentrations. Over the years, they have created remarkable tools for

Linguistic duality is a fundamental characteristic of the Canadian federation.



development as well as dynamic social, cultural and economic institutions. Other communities, however, are more vulnerable due to factors such as their small size and their geographic dispersion. These communities have not succeeded in creating institutions to secure their survival, much less to enable them to develop in a satisfactory manner.

In addition to these difficulties, Francophone communities outside Quebec are also experiencing a serious degree of assimilation. It should be noted that the context of the English-speaking community in Quebec is somewhat different in that the percentage of Quebecers who speak English at home is greater than the percentage of the population whose mother tongue is English. To some extent this reflects the consolidation of most of the English-speaking community in and around the metropolitan regions of Montreal and Hull. English-speaking communities in Quebec are also found north and east of these centres, and their concerns are often similar to those of Francophone communities outside Quebec.

The table below shows the distribution of Francophones outside Quebec by province and territory, and of Anglophones in Quebec. It illustrates in statistical terms the asymmetrical situation we have just described.

	Mother tongue %	Language spoken in the home %
Newfoundland	0.5	0.2
Prince Edward Island	4.3	2.3
Nova Scotia	4.0	2.3
New Brunswick	33.2	30.5
Quebec (Anglophones)	9.2	10.8
Ontario	4.7	2.9
Manitoba	4.5	2.1
Saskatchewan	2.0	0.6
Alberta	2.1	0.7
British Columbia	1.5	0.5
Yukon	3.8	1.8
Northwest Territories	2.2	1.0

Source: "The Daily," Statistics Canada, December 2, 1997. 1996 census: mother tongue, language spoken in the home and knowledge of languages, pp. 5 and 7.

As the above figures show, French is spoken by a small minority outside Quebec. Francophones are more concentrated in certain regions, and in some communities they make up the majority of the population. For



example, Francophones are a minority in New Brunswick and Ontario, but they make up a sizeable percentage of the population of certain communities in those provinces. However, the figures also show that outside Quebec the number of people who speak French at home is far smaller than the number whose mother tongue is French.

The language rights of communities also differ from one province to another. New Brunswick is officially bilingual. Ontario has its *French Language Services Act*.

The primary focus of Quebec's *Loi 101* is the protection and promotion of the French language in the province, but the *Act* also deals with the provision of services in English. Official language minority communities in other provinces are confronted with provincial governments that are, at best, indifferent and, at worst, hostile to them.

2.4 The Task Force's Approach: Four Premises

The approach adopted by the Task Force was characterized by four basic assumptions.

The first concerns the parameters within which government transformations should be framed. These must ensure that the language rights of Canadians are respected.

Our second premise concerns the support that the federal government must provide to minority official language communities within the context of government transformations. This element was present throughout the course of our work. It reminded us of the importance of the government's commitment to the vitality and development of minority official language communities, and to the protection of language rights in the context of government transformations.

A third premise concerns the objective of quality service. We are of the opinion that the initiative undertaken by the federal government regarding quality service must include the right to be served in both official languages.

A fourth assumption that underpinned our work is that the government needs to find innovative ways to fulfil its obligations with respect to official languages and to minority official language communities.



2.4.1 Key Parameters within Which to Consider Government Transformations

According to the federal government, transformations are an essential tool for redefining both the role of the federal government and the way in which that role is exercised. If the government decides to fulfil its responsibilities in a different manner, the existing regime of language rights and support to official language minority communities must continue to be applied in its entirety. As well, when the federal government decides to transfer to other entities an activity that it has carried out but which should no longer be under its jurisdiction, the approach taken with respect to the language regime to be established must take into account the particular aspects of the situation. In such cases, serious consideration must be given to the possible negative effects of such action on linguistic duality and to ways of compensating for those effects.

2.4.2 Support for Minority Official Language Communities

The current emphasis on government transformations must not be allowed to detract from the federal government's responsibility to ensure that all institutions subject to the *Official Languages Act* fulfil their obligations under the *Act*. Government departments and agencies play a decisive role in the implementation of the *Act*, as regards service to the public, language of work and equitable participation. As well, pursuant to section 42 of the *Act*, they have a key role in the implementation of the federal government's commitment to enhance the vitality of minority official language communities, to support their development, and to foster the use of English and French in Canadian society. There is an urgent need to reaffirm this commitment.

2.4.3 Quality Service Includes Service in Both Official Languages

Thirty years after the first *Official Languages Act* was adopted, the Canadian public should no longer have to worry about the availability of services of equal quality in both official languages in institutions required to offer them. Service excellence must encompass the delivery of services in both official languages without the public having to ask for it. In 1995, the Treasury Board Secretariat published a series of guides on *Quality Services*.

The first of these guides, *An Overview*, contains a statement of the principles of quality service. In addition to the recognized principles of speed, reliability, courtesy and respect for individual rights, the statement clearly indicates that the services provided must comply with the *Official Languages Act*. If a service is not actively offered in both official languages where required and is not of equal quality in both languages, then quality service does not exist.

2.4.4 The Federal Government's Ability to Innovate

The federal government must find new ways to fully assume its responsibilities with respect to official languages, both in the transformations that have taken place and in those to come. The government must be equally energetic in raising the profile of official languages in Canada. This obligation is incumbent upon the federal government. The Task Force is of the opinion that government transformations should not be viewed as a threat to language rights. Rather, they should be seen as an opportunity to establish the two official languages as part of the culture of the organizations that acquire new responsibilities in this regard.

If a service is not actively offered in both official languages where required and is not of equal quality in both languages, then quality service does not exist.



Chapter 3 – Analysis of Government Transformations

3.1 Framework for Alternative Program Delivery

Beyond the obligation on individual institutions subject to the *Official Languages Act* to implement its provisions, responsibility for the general direction and coordination of policies relating to service to the public, language of work and equitable participation falls on the Treasury Board. However, in recent years, its role has changed. Originally an agency focused on control, the Treasury Board has become more of a “management board”, supporting an overall management system based on results and accountability. The Treasury Board now develops standards and strategic frameworks related to information and budgeting for the entire government, provides advice and assistance to departments to help them meet these standards and achieve their own objectives, and distributes information on the government’s performance.

As part of the program review process, the Treasury Board Secretariat published a *Framework for Alternative Program Delivery* in 1995. The purpose of the Framework is to set out the major principles that should guide institutions that wish to adopt alternative methods of program delivery⁴. The *Framework* provides the criteria that are to serve as a guide for government transformations. Official languages considerations are found under two overall principles: “public interest” and “service quality and client orientation.”

In assessing public interest, the language issue is raised in the following question: *What official languages obligations should apply, and what mechanisms will ensure that they are met?* The reference to language appears again in the parameters of the principle of service quality and client orientation: *Will clients have access to services in the official language of their choice?*

⁴ In keeping with the Treasury Board’s new role, the Framework does not present any models to be followed; rather it defines strategies for departments searching for the best way to deliver programs, activities, services and functions in an environment that is client based, financially viable and innovative. The Framework sets out principles and criteria in order to determine if the different ways of implementing programs achieve government objectives, and describes these ways and related provisions regarding accountability, and financial and human resources management. The Framework does not mention any central mechanism for studying proposed methods of program delivery.

Handling the language issue indirectly, as is done in the Framework, does not do justice to its importance in Canadian society, and in Canada's laws and Constitution. What is more, the way the questions are phrased suggests that not all language rights need to be considered.

The *Framework* should have given language rights the pre-eminence they deserve. Under the *Canadian Charter of Rights and Freedoms*, this pre-eminence is a matter of obvious and fundamental public interest.

In the future, the *Framework*, like all other outlines of basic principles used by the federal government, should recognize official linguistic duality as a fundamental value in Canada. Otherwise, linguistic duality will have no more weight in decisions regarding the feasibility of government transformations than any other element that has to be considered.

The *Framework* should, among other things, emphasize the need to show how an entity that receives a mandate will fulfil the federal government's commitment, set out in section 41 of the *Official Languages Act*, to enhance the vitality of minority official language communities and support their development, and to foster the full recognition and use of English and French in Canadian society. The *Framework* should also refer to the implementation of this commitment through a concerted effort by the federal institutions for which the Department of Canadian Heritage acts as a coordinator pursuant to section 42 of the *Official Languages Act*. In this respect, the *Framework* should also stipulate that organizations concerned by government transformations must establish a process for consultations with minority official language communities regarding the impact the proposed government transformation might have on language rights.

The federal government's willingness to regain its leadership in the area of official linguistic duality must be measured by the concrete actions taken and the results obtained.

The measures proposed by the Task Force include:

- a campaign aimed at institutions that are subject to the *Official Languages Act*, to make them aware of the importance of official linguistic duality and of the scope of the language rights that stem from this duality;



- a high-level joint action mechanism, something that is required when official linguistic duality is taken into account in a consistent and effective manner within the framework of government transformations;
- the allocation of the funds needed to ensure that the government maintains a sufficient presence in order to contribute to the vitality of Anglophone and Francophone communities across Canada.

3.2 Examination of Different Methods of Implementing Programs and Delivering Services

In its approach to government transformations, the government has decided to follow several models. An in-depth analysis of the various methods used revealed that there is more than one way to deal with the language issue, just as there are different solutions for transformations because these are based on different models.

Our study is concerned with the following alternative delivery methods:

- special operating agencies,
- government service agencies,
- partnerships,
- recourse to third parties,
- privatization, and
- the transfer of responsibilities to the provinces.

3.2.1 Special Operating Agencies

Special operating agencies (SOAs) are the first alternative delivery method we examined. These agencies are service delivery units within departments that have been granted increased flexibility with respect to management. In turn, they must attain certain performance levels and results, agreed upon in advance. The Treasury Board remains the employer, and the Public Service Commission is responsible for hiring and promotions. The Passport Office and the Translation Bureau are examples of SOAs. The *Official Languages Act* continues to apply to special operating agencies.

3.2.2 Government Service Agencies

Government service agencies, a new type of organization, represent a



second type of alternative delivery method. They are legal entities created by special federal legislation that are given specific mandates to implement certain programs or deliver certain services. The first agency of this type, the Canadian Food Inspection Agency (CFIA), was created in 1997. It was followed by the Parks Canada Agency. A bill proposing the creation of a Canadian customs and revenue agency is currently before Parliament.

As is the case for special operating agencies, the *Official Languages Act* will apply to government service agencies as it does to any other federal institution. Consequently, the three government service agencies mentioned above will have the same obligations with respect to service to the public, language of work and equitable participation, and with regard to the development and vitality of minority official language communities. However, their status as separate employers exempts them from certain specific official language provisions that the Treasury Board has included in its policies and that apply to the departments and agencies for which it is the employer. These provisions relate to the determination of language requirements for positions, the bilingualism bonus, the staffing of bilingual positions, language training and the language requirements that executives must satisfy. Given their status as separate employers, government service agencies must decide for themselves the manner in which they will manage these issues, subject to applicable general policy statements issued by the Treasury Board.

Although they are separate employers, government service agencies are nevertheless part of the federal public service, like the departments and agencies for which the Treasury Board is the employer, and their employees continue to be paid from public funds.

Therefore, while a government service agency remains part of the public service, it is clearly being called upon to carve out a new identity and create its own corporate culture. We must therefore make sure from the outset that methods are in place to ensure that language rights and support for minority official language communities are effectively incorporated into that culture.

Pursuant to the *Canadian Food Inspection Agency Act*, the head of the CFIA is responsible for overseeing and directing the work of the Agency. As for the Minister of Agriculture and Agri-food Canada, his responsibility is for the



general management of the Agency. The implications of this distribution of roles, with respect to accountability in the area of official languages, remain to be seen.

The *Parks Canada Agency Act* stipulates that a five-year master plan, an annual report and financial statements with comments by the Auditor General are to be tabled in Parliament every year, and that a report on values and principles related to human resources management must be presented every five years. It also provides for biennial reports on the state of Canada's protected heritage sites and management plans for national historic sites, which will serve as additional instruments of accountability. The *Act* is nevertheless silent with respect to the way the Agency is to report on how it is meeting its obligations regarding language rights. The absence of such an obligation means that this aspect of the operations of the new organization will have to be monitored.

3.2.3 Partnerships

The *Framework for Alternative Program Delivery*, published by the Treasury Board Secretariat in 1995, defines partnering as follows:

“A collaborative arrangement between two or more parties based on mutual interest and a clear understanding, agreement or contract that sets out the objectives and terms of the arrangement. It is not a true legal partnership where the partners are liable for each others' actions. Partnering arrangements can be either formal or informal.”

This same document cites the Canada Business Service Centres and the Canadian Tourism Commission as examples of partnerships.

3.2.3.1 Canada Business Service Centres (CBSCs)⁵

The Commissioner of Official Languages' study on the effects of government transformations on Canada's official languages program describes the

⁵ In the early 1990s, the Canadian government decided to combine access to all its services for business owners within integrated service units, the Canada Business Service Centres. The initiative was begun in 1992 with the opening of offices in Edmonton, Halifax and Winnipeg. After an evaluation some 18 months later, discussions between federal and provincial officials gave rise to the idea of a centre integrating as many business services as possible. The decision to follow through with this idea led to the conclusion of public partnering agreements between federal and provincial agencies, with the participation of the private sector and non-governmental organizations in certain cases. Each province and territory now has CBSCs in its major cities, and these “single windows” of business services operate in collaboration with one another, within a framework that may justifiably be viewed as a Canada-wide service network.

operation of the CBSCs. It notes that the staff of each centre comes from the participating agencies. The Commissioner points out that “the agreement for the establishment of each centre contains a language clause requiring that service be available in both official languages.”⁶ He adds, however, that “recent visits to one of the centres in the context of the Commissioner’s points of service follow-up revealed that the two-language designation was not being fully respected.” Lastly, he expresses a general concern about the capacity of the federal government to ensure that language rights are consistently respected⁷, given the authority-sharing arrangement under which federal and provincial employees alternate as centre managers.

The Task Force is well aware of the risks that the CBSC partnership arrangements entail for language rights and for the support of minority official language communities. These centres were created, and are developing, by bringing together staff from the federal, provincial and private sectors, and having them work in an integrated manner within a new entity that must define efficient and effective working methods and create its own unique corporate culture. To be sure, there is an obligation to deliver services in both official languages, and the Commissioner realizes that the National Secretariat of the CBSCs is aware of the provisions of section 41 of the *Official Languages Act*. How can we ensure, however, that quality integrated service fully respects language rights in concrete terms when the personnel comes from various levels of government? It is clear that in terms of monitoring, evaluation and accountability, the operation of the CBSCs must be closely supervised so that effective measures are taken to get staff from all origins and at all levels to internalize the concept of respecting language rights and to develop a strongly supportive corporate culture in this respect.

⁶ Commissioner of Official Languages, *Government Transformations: The Impact on Canada’s Official Languages Program*, 1998, p.13.

⁷ *Ibid.*, p. 13.



3.2.3.2 Canadian Tourism Commission (CTC)⁸

In his study of the effects of the government transformations on the official languages program in Canada, the Commissioner states⁹ that the CTC is a prime example of partnership, based on the principle that the federal government works closely with the Canadian tourism industry, the provinces and the territories to promote Canada as a tourist destination.¹⁰ The Commissioner points out that the CTC is a federal institution that is funded equally by the government and the other partners, and whose decisions are, for the most part, made by the private sector.¹¹

Turning to the linguistic obligations of the CTC, the Commissioner notes that the Commission's Charter and guidelines do not refer to the *Official Languages Act* or to language rights. The Commissioner points out that, even though the head of the CTC is responsible for "adhering to legislative and government policy requirements,"¹² he does not report to a minister or deputy minister, but rather to a board of directors consisting mostly of people from the private sector.

The Commissioner also considers what the CTC has contributed to support the development and vitality of minority official language communities. He notes the position put forth by the CTC's representatives; that is, that the Commission does not have a mandate to review this aspect of projects, and

⁸ An order in council issued in January 1995 launched the formation of the new Canadian Tourism Commission by creating a committee with 26 members. The members of this committee (hereinafter called the Board) assumed decision-making responsibilities similar to those of a board of directors. In addition to a president appointed by order in council, the committee consists of members appointed by the Minister of Industry. They include a maximum of nine from the private sector, a maximum of seven operators of tourism companies representative of the regions, a maximum of seven provincial or territorial deputy ministers responsible for tourism, and the Deputy Minister of Industry Canada. The Board is supported by a special operating agency (SOA), which is headed by a director who is a member of the Board and reports directly to it, and helps the CTC fulfil its mandate in the area of tourism.

⁹ Commissioner of Official Languages, op. cit., p. 12.

¹⁰ The Board operates in partnership with a number of committees consisting of groups of stakeholders that are chaired by representatives of the private sector and are responsible for developing and implementing the CTC's programs. The SOA/Canadian Tourism Commission, for its part, provides its programs and services to the Canadian tourism industry under the direction of its Board.

¹¹ A CTC document called its *Charter* (August 1995) refers to an announcement by the Prime Minister to the effect that, within this new framework, the core funding for promotional activities would be set at \$50 million for the 1995-96 year and the following years, and that the program would be reviewed again three years after the creation of the CTC. This document indicates that, in addition to federal funding, the partners will also earmark funds to finance joint activities. A total of \$31 million were expected for 1995-96, with the medium-term objective of increasing the funding from the partners to \$50 million, producing a joint budget of \$100 million for marketing.

¹² Commissioner of Official Languages, op. cit., p. 12.

that its decisions, which are strictly business-oriented, are based on the projects' economic viability and their contribution to the promotion of Canada abroad.

The CTC representative we met during our consultations recognized that the *Official Languages Act* applies to the CTC's activities but made basically the same arguments.

We believe the CTC's operations need to be carefully examined to ensure that this federal institution is fully aware of all its obligations regarding the two official languages. Conscious, sustained and innovative efforts must be made to reconcile, in a creative and productive manner, the objective of commercial viability and the need to respect language rights.

3.2.4 Recourse to Third Parties in Subcontracting Agreements or Contracts for Services

In the *Framework for Alternative Program Delivery*, subcontracting is defined as a situation where the government entrusts functions that it performed internally, but not the related responsibility, to contractors outside the public service for a given period.

The contract that the National Capital Commission (NCC) signed with Lafleur de la Capitale is an example of subcontracting with former public servants providing the services. Lafleur de la Capitale provides services that were previously provided by NCC employees. The contract includes a clause stipulating that service to the public must be in both official languages.

Section 25 of the *Official Languages Act* states that federal institutions must ensure that services offered by third parties on their behalf are available in both official languages, in situations where the federal institutions would themselves have to provide those services in both languages. It follows naturally that, under section 25, federal institutions must ensure that contracts with third parties clearly state that the latter are required to provide services in both official languages.

The *Framework for Alternative Program Delivery* also indicates that, under contracts for services, the government signs a contract with an external

Conscious, sustained and innovative efforts must be made to reconcile, in a creative and productive manner, the objective of commercial viability and the need to respect language rights.



organization for services to be provided by employees other than public servants. The examples given in the *Framework* are purchases of medical supplies and food or laundry services for federal institutions. In such a situation, when it comes to the application of the *Official Languages Act*, it is the language of work, rather than service to the public, that is the issue. Under paragraph 36(1)(a) of the *Act*, federal institutions in the National Capital Region and in regions designated as bilingual with respect to language of work must offer services to their employees in both official languages. This includes services to individuals and central support services. Contracts between federal institutions and third parties must therefore contain provisions to meet this requirement.

When federal institutions sign contracts with third parties, they remain fully accountable. The Task Force feels that these situations should be carefully reviewed to determine the scope of the agreements, the effectiveness of the clauses written into the contracts, and the extent to which federal institutions monitor and evaluate situations to ensure that third parties honour contracts.

3.2.5 Privatization

In the *Framework for Alternative Program Delivery*, privatization is defined as a situation where the government cedes to investors from the private sector its ownership of Crown corporations, corporate holdings or a government service when it is no longer necessary for them to be under federal jurisdiction. This definition needs to be expanded to include cases where new organizations take over activities previously carried out by federal departments. Petro-Canada, Air Canada, many of Canada's major airports, CN and the air navigation system have all been privatized. The government passed specific legislation to deal with these situations. All the provisions of the *Official Languages Act* apply to Air Canada, CN and NavCan, the corporation that manages Canada's air navigation system. In addition, Parts IV, V, VI, VIII, IX and X of the *Act* apply to local airport authorities that manage airports that have been leased. When airports are sold, Parts IV, VIII, IX and X apply. In the case of Petro-Canada, official languages obligations are more limited than in the other examples given. This corporation must provide service in both official languages in prescribed circumstances.

Privatizations that impose an obligation to respect all the rights stipulated in the *Official Languages Act* pose a considerable challenge. Privatized airports and NavCan are non-profit organizations with important, unique roles to play in the community, and at the regional or national level. Air Canada and CN are businesses in a competitive world, and as such they must turn a profit. These companies have business cultures that reflect these circumstances. Language rights obligations must also be integrated into their organizational cultures. This is a different kind of challenge, and in addressing it, it is necessary to consider the circumstances of each case. The approach taken with these companies must be tailored to take their particular circumstances into account. Appropriate monitoring, evaluation and accountability mechanisms must also be developed in such cases.

3.2.6 Agreements with the Provinces

The Task Force reviewed the Labour Market Development Agreements concluded with provinces in accordance with section 57 of the *Employment Insurance Act* and those concluded in accordance with subsection 65(2) of the *Contraventions Act*.

3.2.6.1 Labour Market Development Agreements (LMDAs)

There are eleven agreements at the present time, which fall into two categories: co-management agreements (Newfoundland, Prince Edward Island, Yukon, British Columbia and Nova Scotia) and transfer agreements (Alberta, Saskatchewan, Manitoba, Quebec, New Brunswick and Northwest Territories).

In the initial phase of “co-management agreements,” Human Resources Development Canada (HRDC) is to continue to deliver programs and services in accordance with federal legislation, including the *Official Languages Act*, within a joint management framework.

Under transfer agreements, the provincial governments assume full responsibility for the design, delivery and evaluation of “active employment measures”, and the functions of the national employment service. These agreements involve the transfer of both human resources and funding for programs. They also include provisions to ensure compliance with paragraph 57(1) d.1) of the *Employment Insurance Act* concerning the



“availability of assistance under the benefits and measures in either official language where there is significant demand.”

Language clauses differ from one agreement to the next. Some are more detailed. In Quebec and New Brunswick, for example, programs and services are available “upon request”. The following transfer agreements refer to the use of the *Official Languages (Communications with and Services to the Public) Regulations* as a guide to identifying the extent of the demand, and several call for consultations with the minority official language community: Alberta, Manitoba, Saskatchewan, Northwest Territories.

Manitoba and Saskatchewan have made formal commitments, outside these agreements, to maintain the programs and services for Francophones in the province.

All agreements contain mechanisms to ensure that compliance is monitored and evaluated. However, the Commissioner of Official Languages does not have jurisdiction over transfer agreements. HRDC has developed a generic evaluation framework, from which joint evaluation frameworks for all provinces, except Quebec, have been developed. All the evaluation frameworks include questions on official languages. HRDC intends to develop a pan-Canadian evaluation framework that includes a section to measure the effects of transfer agreements on minority official language communities. The Minister of Human Resources Development is also supposed to report to Parliament on the effects of the reforms, including these agreements. The 1997-98 report will include what HRDC has accomplished and will serve as a basis of comparison for the following years. There will be a section relating to agreements that have been implemented.

In each province, there is an agreement management body consisting of federal and provincial public servants who deal with issues related to the implementation and management of the agreement.

The Task Force is fully aware that the LMDAs represent one of the most important transformations undertaken by the Government of Canada in the last few years.

The Task Force is fully aware that the LMDAs represent one of the most important transformations undertaken by the Government of Canada in the last few years.

CHAPTER 3



In addition, we have taken note of the criticism of these agreements voiced by the Commissioner of Official Languages in his study on the effects of government transformations on Canada's official languages program, where he refers to an inquiry that he conducted into the LMDAs.

The Task Force noted in particular that, as a result of the LMDAs, the federal government no longer has important tools it once had to support the development and vitality of minority official language communities, and the LMDAs do not contain any commitments by the provinces in this regard.

The Task Force also noted that the LMDAs do not contain a redress mechanism that applies specifically to official languages and that would effectively guarantee access and corrective measures. Although the evaluation frameworks developed by HRDC in conjunction with the provinces deal with official languages, would it not have been preferable to include accountability and evaluation measures in the LMDAs with respect to official languages?

The LMDAs are important because of their potential impact on minority official language communities. There should be a means of identifying the benefits the communities enjoyed before the LMDAs went into effect, determining the extent to which access to those benefits has been reduced and, if necessary, applying compensatory measures.

Since the agreements include evaluation clauses covering the first three years, there is an opportunity for the government to make the agreements more specific as regards the language rights that must be respected. The Task Force believes it is necessary to eliminate inequalities in the treatment of language rights.

3.2.6.2 Agreements Concluded under Subsection 65(2) of the Contraventions Act

The major objectives of the *Contraventions Act* are to decriminalize some 1600 contraventions that formerly fell under the *Criminal Code*, to lighten the workload of the courts and improve the enforcement of federal legislation. The representations made by the Department of Justice and the Association des juristes d'expression française de l'Ontario (AJEFO)

The Task Force believes it is necessary to eliminate inequalities in the treatment of language rights.



enlightened us on the official languages issues raised by the agreements concluded with the provinces under subsection 65(2) of the *Act*.

We noted that there was a difference of opinion with respect to the effectiveness of the instruments the Department of Justice intends to use to ensure that protection in the area of official languages is equivalent to that accorded under the *Criminal Code*. We also noted that corrective measures had been required to take into account the fact that Ontario delegated to the municipalities the powers it had under the agreement concluded pursuant to subsection 65(2) of the *Act*. As a result of the action taken by the AJEFO, Ontario amended its *Provincial Offences Act* to take into account the language rights of Francophones. The AJEFO also insisted on the fact that consultations should be held from the outset in cases where a transfer of responsibilities might affect language rights.

3.3 General Observations

The federal government, which indisputably bears prime responsibility for safeguarding and promoting Canada's linguistic duality, has missed a fine opportunity to help foster this duality through the transformations over which it has presided. To be sure, when it comes to government transformations, the government has shown a certain dynamism and a sense of innovation, and it has important achievements to its credit. However, in reviewing the language situation, the Task Force has concluded that the government has not shown the same leadership and creativity, and has not been able to fully safeguard language rights.

We conclude, as did the Commissioner of Official Languages, that government transformations have resulted in a cumulative weakening of language rights in terms of service to the public, language of work, equitable participation and support for the development of minority official language communities.

The federal government must take measures to remedy the situation. The proposed changes to the *Framework for Alternative Program Delivery* are one such measure. It is also important for the federal government to be prepared to carry out initiatives to maintain its presence in Canadian society by other means.

CHAPTER 3



Chapter 4 – Consultations

This chapter describes the highlights of our consultations.

4.1 Organizations that Represent Minority Official Language Communities

Organizations that represent minority official language communities have generally the same concerns, and their points of view generally reflect a common way of thinking. In their presentations, these organizations dealt mainly with government transformations, Program Review, the changing scope and conditions of federal support for communities, and the federal government’s weakening commitment.

The organizations feel that, in making changes over the past few years, the federal government did not take all the necessary measures to ensure the full consideration of language rights.

4.1.1 Government Transformations

In its submission, the Société Saint-Thomas d’Aquin of Prince Edward Island said the following about the issues at stake in government transformations:

“One by one, the members of these communities weaken in their resolve, and realize that their rights exist only on paper. They are gradually going to stop fighting for their rights. The lack of accountability in the federal government and its weakening commitment to minority communities are calling into question the spirit of the *Official Languages Act*. The federal government must demonstrate its commitment and enforce the *Official Languages Act* if it does not want to lose credibility with Canadians.” [Translated from French]

4.1.1.1 General Comments

Like the Société Saint-Thomas d’Aquin, other organizations speaking for minority official language communities (especially those from Alberta, Saskatchewan, and Newfoundland and Labrador) were quick to emphasize that the government transformations by means of privatization or transfers

The organizations feel that, in making changes over the past few years, the federal government did not take all the necessary measures to ensure the full consideration of language rights.

CHAPTER 4

to other levels of government left them feeling very sceptical about whether obligations related to official languages and support for official language communities will be met. Indeed, it appears it would already be very difficult to have these requirements met within the federal public service. Therefore, how can one expect more from private corporations and provincial governments? The Association culturelle franco-canadienne de la Saskatchewan (ACFC) stated: “You are familiar with the current situation and the problems associated with the application of the *Official Languages Act*, so just imagine the situation when these responsibilities are transferred to levels that are even less receptive to the Act.” [Translated from French] For its part, the Société des Acadiens et Acadiennes du Nouveau-Brunswick (SAANB) said that “the privatization of federal services deals a heavy blow to Canada’s visibility in our communities and leads to a reduction of services in both official languages.” [Translated from French]

Although they emphasized the Labour Market Development Agreements (LMDAs) concluded with the provinces, it is clear that the organizations that speak for the communities are concerned about other changes the federal government has implemented.

The Fédération des communautés francophones et acadienne du Canada (FCFAC) said that “some, if not most, of the changes to federal institutions do not guarantee that the federal government’s obligations regarding the official languages will be honoured, whether in the postal sector, airports, train stations, labour development, or Air Canada and Petro-Canada.” [Translated from French] The FCFAC also showed concern about the *Contraventions Act*, which, in its view, has brought about changes that dismiss language rights.

The Fédération des francophones de la Colombie-Britannique (FFCB) emphasized the difficulty of obtaining services in French at the Vancouver airport since it was privatized, as well as at privatized post offices. The Société des Acadiens et Acadiennes du Nouveau-Brunswick also discussed problems caused by the loss of bilingual post offices and the privatization of airport services.



For its part, the Association franco-yukonnaise mentioned the transfer of the management of the hospital in Whitehorse and the devolution of certain responsibilities in the area of health as eloquent examples of the fruitless battles it has fought. “Despite our pressure and despite the assurance that the needs of the Francophone community would be met in the agreements, there is no language clause in them.” [Translated from French]

The Fédération Franco-TéNOise referred to the numerous agreements between the federal government and the Government of the Northwest Territories and stated that “the rights of Francophones . . . conferred by federal legislation or the *Canadian Charter of Rights and Freedoms* are being diluted or, more frequently, ignored.” [Translated from French]

The Association culturelle franco-canadienne de la Saskatchewan invited the Task Force to see what has happened at Canada Post, “where all our official language rights were lost when its offices were moved to private locations such as pharmacies, variety stores, etc.” [translated from French]. Comments from Alliance Quebec supported this view: “Devolution can cause major changes in established patterns. Some changes are symbolic, such as the loss of bilingual signs. Others pose a more substantial threat to the language, such as cases where subcontractors fail to keep their commitment to provide service in the language of the minority at Canada Post service points.”

4.1.1.2 Labour Market Development Agreements (LMDAs)

Almost all the organizations speaking for minority official language communities alluded directly to this issue. The transfer of responsibilities in the area of labour market development would appear to be, on the basis of comments made to us, the government transformation that posed the greatest challenge for minority official language communities.

Alliance Quebec indicated that the LMDA concluded between the federal government and the Government of Quebec in 1997 contains innovative measures to ensure that services in English are maintained. It said that the agreement was signed following a sustained effort by Alliance Quebec to promote the protection of the language rights provided for in federal legislation and the Constitution. In its submission, the Société franco-

manitobaine (SFM) described the extensive effort it made when it learned about the proposed changes, to make the federal government realize the problems the Francophone community in Manitoba could experience as a result of devolution in the area of labour. The SFM stated that the final agreement between the province and the federal government recognizes that the Francophone community needs to be consulted and guaranteed services and programs for it.

For its part, the Association franco-yukonnaise indicated that it had expended a great deal of energy to ensure that the provisions the community wanted were included in the co-management agreement for labour market development, but its efforts paid off.

The Association canadienne-française de l'Alberta (ACFA) stated in its submission that “the transfer of powers [resulting from the LMDA between the federal government and the Government of Alberta] was a makeshift operation. The restructuring of the federal government was not really thought through and planned. It was done without consulting our communities and without taking into account the effects on them.” [Translated from French]

In its submission, the Fédération des francophones de la Colombie-Britannique (FFCB) indicated that it is very worried about the current LMDA negotiations between the federal government and the Government of British Columbia. It is concerned about access to the related programs and services once the province becomes responsible for them. According to the FFCB, the provincial government has no regard for the Francophone community.

The Société des Acadiens et Acadiennes du Nouveau-Brunswick said that it was not consulted about the LMDA concluded between the federal government and the Government of New Brunswick.

As for the future of the LMDAs already concluded, Alliance Quebec and the SFM were optimistic. However, the ACFA was very critical and claimed in particular that information on the guarantee that service will be provided in French where there is a reasonable demand seems to have been lost in the maze of the public service, and that, according to some people, “Bill 60,



which makes our province unilingual English, takes precedence over the *Official Languages Act*.” [Translated from French] It added that services in French are a veritable patchwork quilt.

In Ontario, where there is still no LMDA, the Association canadienne-française de l’Ontario said that it was worried about the future of services in French.

4.1.2 The Need to Consult Minority Official Language Communities

All the organizations speaking for minority official language communities stated unequivocally that the federal government needs to consult these communities about government transformations. According to the organizations, the establishment of an effective process for consulting these communities is an indispensable element of any federal government transformation.

4.1.3 Program Review

The organizations do not question the validity of the federal government’s Program Review, which was meant to streamline government operations. However, they feel it was a financial exercise that made cost reduction an end in itself and created high expectations that officials had to meet and forced them to make choices. They said the effects of this approach were felt, among other places, in the deep cuts to funding and the significant reduction of the personnel assigned to the implementation of the *Official Languages Act* at all levels.

4.1.4 Federal Funding for Minority Official Language Communities

Organizations speaking for minority official language communities took advantage of the opportunity to broaden the discussion and air their views on the reduction of federal financial support for the communities. They also spoke about the Canada-community agreements and the new rules concerning project-based funding as opposed to core funding of organizations.

All the organizations speaking for minority official language communities stated unequivocally that the federal government needs to consult these communities about government transformations.

According to the organizations, the budget cuts have weakened their capacity to continue their regular work and undertake initiatives to help the communities structure themselves. The Fédération des francophones de Terre-Neuve et du Labrador (FFTNL) stated that “because of the erosion of federal funding, we are barely able to operate within our own parameters. The whole budget is spent on operations ... Less and less time is spent on developing our communities. The progressive reduction in funding creates instability.” [Translated from French]

As for the Canada-community agreements, the community-based funding they include has certainly given community groups a much more important role in the distribution of funds, contributing at the same time to increased accountability on their part. However, according to the Fédération des communautés francophones et acadienne du Canada (FCFAC), the fact that the Canada-community agreements came about when the government was beginning to make cuts meant that “the odious task of making the necessary cuts fell to fragile community structures. This situation had very serious consequences for community solidarity and shook the structures of most communities.” [Translated from French]

The emphasis placed on project funding, to the detriment of core funding, was severely criticized. The formalities involved in project-based funding are considered burdensome. The organizations also stated that this type of funding takes organizations away from their mission as community rallying points and leaders. All too often, leaders devote their energy to conceiving and developing projects that are eligible for funding rather than on the community development initiatives they think should have priority. The Fédération des francophones de Terre-Neuve et du Labrador, for its part, stated: “To show how ridiculous the situation is, we sometimes use more human and financial resources on getting projects off the ground than the total project is worth. Every day spent playing the grants game could have been devoted to developing our communities.” [Translated from French]

4.1.5 The Government’s Weakening Commitment

Organizations speaking for official language communities emphasized that the application of the *Official Languages Act* often poses problems, even when it is the responsibility of federal institutions.

The emphasis placed on project funding, to the detriment of core funding, was severely criticized.



Several organizations speaking for French minority communities objected to having to devote so much energy to ensuring compliance with the *Official Languages Act* – energy that should be devoted to community development.

According to the organizations, government transformations, regardless of the form they take, are another source of worry and contribute significantly to the feeling of going backwards that was expressed to us.

The FCFAC ended its presentation by saying that it sensed that the federal government was weakening in its commitment and that a clear change in course was needed to give communities hope with regard to rights being respected. It also emphasized that linguistic duality is one of Canada’s basic values, stating that “Canadian society has also agreed to invest in the project of building a society that respects diversity and to raise its linguistic duality to the level of one of its basic values. Over the last 30 years, real progress has been made in this area. To allow this progress to be compromised by government transformations would be a risk to our national identity. The official languages are one of our values, and protecting them should be one of the criteria for determining the desirability of proposed transformations.” [Translated from French]

The organizations speaking for minority official language communities stated repeatedly that linguistic duality was an essential element of Canada’s identity and that they wanted to see the federal government renew its support for Canada’s linguistic duality.

As part of this renewed commitment, the organizations want the government to acknowledge the need to give greater consideration to the needs of minority official language communities when making transformations. They also want to be able to count on well-designed, adequate funding.

4.2 Consultations with Federal Organizations and Consultants

The Task Force also heard from senior officials from several federal departments and agencies, and consultants from the private sector. Its members also met with four regional federal councils.



These meetings enabled us to assess the range and diversity of points of view on government transformations, and brought to light the principal questions and key messages. The discussions on the *Framework for Alternative Program Delivery* and its history, the *Contraventions Act*, the Labour Market Development Agreements, the government service agencies (Parks Canada, Revenue and Customs), partnerships (Canadian Tourism Commission), the Canada-community agreements, the implementation of sections 41 and 42 of the *Official Languages Act*, and the way the transformations affect the regions were of great use to us.

These meetings were held as a form of dialogue because the Task Force wanted to learn about government transformations and understand their various aspects. The discussions allowed the Task Force to gain an overall appreciation of government transformations. More specifically, the consultations revealed the complexity and scope of the challenges posed by the transformations.



Chapter 5 – Political Will: Perception and Reality

A number of major observations can be made in light of the analyses and consultations we have reported above. The observations we set out in this chapter are the basis for the recommendations in the next chapter.

5.1 The Federal Government's Commitment

For some years now, the federal government has been carrying out an overhaul of its administrative apparatus. Despite important events on the national unity front and some related efforts by the government, the federal government's discourse has focused on issues of financial health, government organization, competitiveness, trade relations and economic development.

Canada's official linguistic duality, and its consequent support for the development and vitality of minority official language communities do not figure prominently in the government's discourse on the values Canadians hold dear. This is not without consequence. The communities have been strongly affected by this state of affairs in the process of government transformations, as the representative organizations we met with clearly stated.

We have concluded that the government transformations have not promoted full consideration of, among other things, linguistic duality, the interests of minority official language communities, and the protection of these communities by means of concrete measures tailored to the new circumstances. The Task Force also noted the comments made by the organizations that speak for the communities with respect to the cuts they have suffered, their need for core funding and the challenges posed by reduced funding for Canada-community agreements. It appears that the cumulative effect of the government transformations and cutbacks in federal funding has shaken minority official language communities' confidence in the federal government.

Unless the federal government takes a serious look at its commitment to linguistic duality and support for minority official language communities,

the existing bond of confidence between the government and the communities may be increasingly questioned. However, the communities' difficulties cannot be questioned. We are of the view that it is incumbent upon the government to act constructively by placing linguistic duality at the forefront in its dialogue with Canadians about values.

The Constitution, and in particular the *Canadian Charter of Rights and Freedoms*, places obligations on the government and the Parliament of Canada with respect to language rights. The government has already acted in this area by taking a concrete measure of vast scope, that is, the adoption of the *Official Languages Act*. In Part VII of the *Act*, the government makes firm commitments with respect to linguistic duality and support for communities. The government must demonstrate that it intends to make sure its institutions honour this commitment, and back it up with resources and other means.

Minority official language communities are vital poles of identity and belonging for a large number of Canadians, providing them with important sites for expression and development. The better off these communities are, the better off Canada will be.

5.2 Integrated, Empowered Leadership

Canada has created a wide range of means to protect and promote linguistic duality, including:

- constitutional language rights;
- extensive legislative and regulatory instruments;
- specific mandates assigned by law to the Treasury Board, its President, the Minister of Canadian Heritage and the Commissioner of Official Languages;
- the government's legislative commitment to enhancing the vitality, and supporting the development, of minority official language communities.

However, the Task Force saw no comprehensive, dominant vision within the government that can channel these means into focused action. It believes this shortcoming needs to be remedied.

In Part VII of the Act, the government makes firm commitments with respect to linguistic duality and support for communities.



5.3 Awareness Campaign Targeted at Institutions Subject to the *Official Languages Act*

The government must adopt more demanding guidelines with respect to linguistic duality and support for minority official language communities. The federal administration must be made fully aware of its official languages responsibilities when government transformations are carried out.

On March 19, 1998, the Treasury Board issued a directive requiring that government institutions for which it is the employer designate a high-level responsibility centre, reporting to the Deputy Minister, to ensure implementation of the government's commitment to the vitality of minority official language communities and institutional bilingualism. The people appointed to act as official languages "champions" could be given responsibility for this awareness-raising effort.

Appropriate means must also be found to effectively increase awareness among federal institutions not covered by the March 19, 1998 directive, so that they too will designate high-level officials to act as official languages champions.

5.4 Provincial Governments and the Private Sector

In the case of future government transformations that involve transfers to the provinces or privatization, the federal government should, with respect to official linguistic duality, make the most of opportunities to raise the profile of official languages in new contexts. Section 43 of the *Official Languages Act* mandates the Minister of Canadian Heritage to take measures to promote linguistic duality and enhance the vitality of minority official language communities. This provision calls for collaboration with the provinces and the private sector. The government should consider its funding of these initiatives and ensure that there are means available to implement them fully.

5.5 Consultation and Decision-making Processes

With respect to language rights, a government transformation, by definition, raises two basic questions:

The better off these communities are, the better off Canada will be.

- What should be the scope of the newly empowered authority's obligations in view of this transformation?
- What system of accountability – monitoring, evaluation, redress mechanisms – is provided to ensure that authorities fulfil their obligations?

Government transformations also clearly make it necessary to choose a consultation and decision-making process that is appropriate under the circumstances. The quality of responses to the basic questions raised by a particular transformation depends largely on the quality of the consultation and decision-making processes adopted.

The various representations heard by the Task Force, and our study of relevant documentation, indicated that there is no formal mechanism for internal and external consultation on government transformations. The same applies to the decision-making process on structural change. For their part, organizations that speak for minority official language communities stressed how important it is for these communities to be consulted at the outset about plans for government transformations. The Task Force agrees wholeheartedly with this. From the start, all government transformation initiatives should provide for a program of consultations with the communities, one that may be adjusted according to the communities' needs.

The Task Force is fully aware that the stages in the decision-making process depend on the type of transformation being carried out. However, we consider it essential that all government transformations be reviewed, as they are being developed, from the point of view of language requirements by a high-level body with representatives from the Privy Council Office, the Treasury Board Secretariat and the Department of Canadian Heritage. It would be up to this authority to define what constitutes a government transformation for these purposes. The review should cover both process and substantive matters. This authority's mandate would be to analyse and evaluate proposals for government transformations, and to provide an opinion on whether they honour obligations related to language rights. In the course of discharging its mandate, the organization responsible for the transformation would have to provide the authority with all pertinent information.



5.6 Possible Avenues for Innovation

During our consultations, some representative organizations pointed to attractive opportunities for partnerships between governments and minority official language communities, whereby community institutions could deliver certain federal services. The Task Force is of the view that this is an avenue that should be explored in the form of pilot projects where circumstances are favourable. In a way, the Canada-community agreements already constitute a form of partnership. The National Committee for Canadian Francophonie Human Resources Development is another example of partnership.¹³

5.7 Single Window Approach

The Task Force believes that, like partnerships, the single window approach may be a cost-effective method of delivering services to minorities. The federal government and its administration have shown an interest in the single window approach to service delivery and have implemented it. One example is the Canada Business Service Centres, discussed above. It is our view that federal departments and agencies should build on their reflections and past experience, and actively explore opportunities for innovation, so that they may fulfil their obligation to offer communities quality services in both official languages.

5.8 Accountability: Monitoring, Evaluation and Redress Mechanisms

When a new method of program or service delivery is adopted, official language obligations – including, where applicable, support for minority official language communities – are placed within a new framework. The new framework may look much like the previous one: this is true, for example, of special operating agencies or government service agencies. The framework may also be quite different, as in the case of privatization or Labour Market Development Agreements (LMDAs). As mentioned earlier,

¹³ The National Committee for Canadian Francophonie Human Resources Development is composed of active members of Canada's Francophone and Acadian communities, and of representatives of federal departments with economic responsibilities. Its mandate is clear: to provide opinions in order to guide the policies, programs and services of federal agencies that are parties to the agreement, so that those agencies may promote the development and vitality of minority Francophone communities in Canada.

partnerships like the Canadian Tourism Commission and the Canada Business Service Centres pose particular challenges with regard to official languages.

In the case of the government transformations that have already taken place, the Task Force shares the concerns of organizations representing minority official language communities about compliance with applicable official language provisions. The government should closely examine the existing accountability framework and how it is being applied. Also, future government transformations should place strong emphasis on the issue of accountability with regard to official languages.

Both for transformations already carried out and for those yet to come, the accountability framework must be designed to meet the specific official language needs in the new environment. In the case of LMDAs and other agreements transferring responsibility to the provinces, it is important that recourse to federal authority be provided. Also, provision must be made for Parliament to be informed, at regular intervals, of the impact of government transformations on the position of official languages in Canada.

5.9 General Approach

In its public discourse and its internal policies, the federal government must reaffirm its unflagging commitment to linguistic duality. It must also reiterate its commitment to promote the vitality and development of minority official language communities. At a time of rapid and constant change, when survival depends on our ability to adapt, the fundamental Canadian value of linguistic duality must be viewed as a tremendous asset for our country. It embodies a generous, equitable view of social life and is a cornerstone of our identity. And, internally, senior managers in federal institutions must adapt to this discourse and demonstrate firm, clear and effective leadership in practice.

At a time of rapid and constant change, when survival depends on our ability to adapt, the fundamental Canadian value of linguistic duality must be viewed as a tremendous asset for our country.



Chapter 6 – Recommendations

Recommendation No. 1: No turning back

Rationale:

- Official linguistic duality is written into the Constitution and is further set out in an Act that has quasi-constitutional status.
- An overall assessment of government transformations shows that official linguistic duality has not been an essential consideration in these transformations.
- The resulting general perception is that official linguistic duality and the rights that sanction it are not of high priority in the eyes of the government.
- The government must take a strong stand in order to demonstrate unequivocally and very publicly its firm commitment to official linguistic duality and to the communities that embody it across the country.

Recommendation:

That the government take necessary measures in order to:

- reiterate its formal commitment to linguistic duality in Canada as a fundamental value of our society, and reaffirm its role as a steward and promoter of this value enshrined in the Constitution;
- take into account the needs of minority official language communities in any transformations of the federal government; and
- clearly establish the measures to be taken further to this undertaking with regard to principles, structures and funding, to the point of discussing linguistic duality in Canada in Cabinet at least once a year.

Recommendation No. 2: Ongoing awareness program within institutions subject to the *Official Languages Act*

Rationale:

- In order for government transformation initiatives to be implemented effectively in terms of official languages, institutions subject to the *Official Languages Act* that enter into a transformation must be made aware of the fundamental nature of their obligations under the *Act*.

- On March 19, 1998, the Treasury Board issued a directive requiring that departments and agencies appoint a senior level official to report to the head of the institution on the attention being given by the institution to official linguistic duality and to the communities that embody it.
- Steps must be taken to ensure that the institution that has first and foremost responsibility is fully aware of its duty to do everything possible to ensure that requirements related to official languages and support for minority official language communities are met and have full impact.

Recommendation:

That the government:

- institute an ongoing general awareness program for institutions subject to the *Official Languages Act* with a specific government transformations component, and that senior officials designated as official languages champions in institutions have a specific responsibility in this regard;
- ensure that all other institutions subject to the *Official Languages Act* also designate senior level official languages champions who would report to the head of the institution and have a specific responsibility in matters of government transformations.

Recommendation No. 3: Provincial governments and the private sector

Rationale:

- Section 43 of the *Official Languages Act* stipulates that measures involving collaboration with provincial governments and the private sector may be taken to foster progress towards the equality of French and English, including support for minority official language communities.
- Through solid and appropriate financial support, the federal government can help official linguistic duality take root in new organizational cultures following privatization or transfers to provincial governments.

Recommendation:

That the government take advantage of the proposed transfers of responsibility to encourage provincial and territorial governments or their agents, on the one hand, and the private sector, on the other, to participate in, and collaborate on, the development of minority official language



communities and to promote the use of both official languages in Canadian society.

Recommendation No. 4: Government transformation parameters

Rationale:

- It is worth emphasizing again that official linguistic duality is one of the country's fundamental values and is enshrined in the Constitution and set out in the *Official Languages Act*.
- In the case of government transformations relating to functions incumbent upon the federal government as such, the government must require the application of a linguistic regime that closely mirrors the one applicable under the Constitution and the *Official Languages Act*.
- In the case of transformations relating to functions that the federal government, while having exercised them, legitimately considers as being outside its purview, the scope of applicable linguistic obligations should be negotiated in light of the particular circumstances of the situation.
- In situations where the government is withdrawing from an area for which it legitimately does not consider itself responsible, and the government transformation results in a linguistic regime that is less favourable than the previous one, the federal government needs to take measures to support official linguistic duality otherwise, and in a compensatory manner.
- At the moment, the *Framework for Alternative Program Delivery* (Treasury Board Secretariat, 1995) does not accord official linguistic duality its rightful place and, for the purposes of the linguistic regime to be required, it needs to reflect the distinction to be made between the functions for which the federal government considers itself responsible and those for which it does not.

Recommendation:

That the government review the Treasury Board Secretariat's *Framework for Alternative Program Delivery* so that:

- respecting the language rights and commitments set out in the Constitution and the *Official Languages Act* appears as an essential and primary consideration in cases where the government transformation relates to a function for which the federal government is responsible;

- where a function is legitimately considered as being in a purview other than that of the federal government, the *Framework* specifies that the applicable linguistic regime must take the particular circumstances of the situation into account and that, inasmuch as this regime is less favourable than the previous one, compensatory measures must be provided to affirm official linguistic duality otherwise;
- more rigorous criteria be set out in the *Framework* with regard to support for the development and vitality of minority official language communities; and
- the *Framework* stipulates that it is necessary to consult with minority official language communities.

Recommendation No. 5: Consulting with communities

Rationale:

- According to organizations that represent minority official language communities, government transformations attest to a weakening of the federal government's commitment to them.
- They have asserted that the federal government failed to consult the communities on the potential impact of the transfer of responsibility to the provinces under certain agreements.
- The communities have expressed their strong desire to be consulted in future, from the outset of the process, on any transformation that could affect their rights.

Recommendation:

That the review of government transformations that affect language rights include a process of consultation with minority official language communities that is suited to the circumstances and that ensures that the communities can fully argue their position so that it may be taken into consideration.



Recommendation No. 6: A mechanism for joint action

Rationale:

- Government transformations have not proceeded according to an overall plan and have not been based on a pre-established joint action and approval mechanism, something that is all the more true in the area of official languages.
- On each occasion, it was up to the institution concerned to evaluate the official languages situation and propose a suitable framework.
- From this point of view, the Task Force feels that an organizational mechanism must be set up to analyse proposed transformations with regards to official languages.
- Without going so far as holding approval authority or a right of veto, this mechanism must promote the full consideration of official languages and the involvement of minority official language communities, and must establish itself as a “provider of advice” to decision makers.

Recommendation:

- The government should create a joint action mechanism to review all proposed government transformations from the standpoint of official languages and support for communities.
- The Privy Council Office, the Treasury Board Secretariat and the Department of Canadian Heritage should be the key players in this concerted approach to transformations.
- The review of proposed transformations should also involve ensuring that the process of consulting minority official language communities as required by the circumstances has been carried out effectively.

Recommendation No. 7: Partnerships with communities

Rationale:

- Some submissions by associations that represent official language communities encourage the establishment of partnerships with communities in certain situations for the delivery of particular programs and services.



- It is important to be cautious in adopting this type of approach, which entails the creation of a new, parallel program delivery mechanism that has not necessarily proven itself. That is why this approach must undergo limited trials that are supported in terms of both expertise and funding.

Recommendation:

That the government implement pilot projects to explore the possibility of establishing partnerships with minority official language communities with a view to the delivery of certain services by the latter.

Recommendation No. 8: Single window**Rationale:**

- The obligations of federal institutions with respect to service in both official languages are clearly set out in the *Official Languages Act* and its *Regulations*. When offering service in a sustained and effective manner, there are often major difficulties in terms of the allocation of bilingual resources, given the limited number of employees.
- The concept of consolidating services through a single window holds a great deal of potential. The adoption of the single window approach as a means of providing services to minority official language communities in their own language has often been raised by the associations that represent the minority groups consulted.

Recommendation:

- The government should explore and, as the case may be, take full advantage of opportunities for innovation and improvement in service delivery to minority official language communities, and show that it is sensitive to the special challenges raised by the single window approach.
- The government should take special precautions when such cooperation is to take place with provinces and municipalities in order to ensure that language rights are respected.



Recommendation No. 9: Mechanisms for monitoring and evaluating the application of language requirements

Rationale:

- Real accountability requires effective monitoring and evaluation mechanisms.
- According to representations made by the organizations representing minority official language communities, these communities are sceptical about compliance with official languages provisions in the context of government transformations.
- This concern is centred around both existing situations and those that may arise in the future.
- There is a need for monitoring and evaluation mechanisms, to determine whether or not expected results are being obtained and to ensure that official languages requirements are complied with following government transformations.

Recommendation:

That, in cases where government transformations have already been carried out, the government:

- ensure that all organizations accountable to Parliament are under an obligation to report on their performance in matters of official languages; and
- order a review by an independent third party of existing monitoring and evaluation mechanisms to see whether organizations are fulfilling their obligations and what results have been achieved, so as to recommend corrective action where necessary.

That, with regard to transformations that are currently taking place, and those yet to come, authorities responsible for joint action work, through careful analysis, to ensure the effectiveness of mechanisms.

Recommendation No. 10: Remedies and redress mechanisms

Rationale:

- With respect to government transformations and their effects, the government must acknowledge that it is accountable to Canadians and that Canadians need a means of recourse and redress.
- In situations that result from government transformations and where the *Official Languages Act* will continue to apply, the remedies available to the public for ensuring fulfilment of the applicable obligations are those set out in the *Act*.
- In situations where obligations do not result from the *Official Languages Act*, but rather from agreements under which the provinces or the private sector, for example, have made commitments with regard to official languages, the remedies available in the event those commitments are not fulfilled will be those stipulated in the agreements.
- In cases where a redress mechanism has not been provided for, another mechanism to this effect must be accessible to people who think their language rights have been infringed.

Recommendation:

That, in the case of transformations that have already been completed, in the absence of redress mechanisms, the President of the Treasury Board agree to evaluate complaints and to take measures within the applicable legal and administrative parameters to obtain redress where necessary.

That, for future transformations, under agreements for transfer of responsibilities to provinces or municipalities, the government ensure that there is recourse to a federal authority.

Recommendation No. 11: Report to Parliament

Rationale:

- At the end of each fiscal year, the President of the Treasury Board is required to submit a report to Parliament on the status of official languages programs.



- Government transformations have aroused concern and scepticism among various political stakeholders that attach a great deal of importance to official linguistic duality.
- There is thus an obvious need to improve the means available for assessing the situation with regard to government transformations from an official languages standpoint.
- Accordingly, the government must adopt a policy of transparency and should make available to the public, by way of a report to Parliament, all the information required for a critical assessment of the situation.

Recommendation:

That the President of the Treasury Board, in his annual report to Parliament on official languages, report on the effects of government transformations on official languages, and that he be able to rely in this regard on the support of all the federal organizations concerned.



CHAPTER 6



Conclusion

This report deals with government transformations and their effects on the language rights of Canadians. More specifically, we have analysed the effects of those transformations on service to the public, language of work, equitable participation and the development of minority official language communities. We heard the points of view and concerns of organizations representing minority official language communities. We also met with senior officials in federal institutions affected by government transformations. We were asked to propose measures to improve the situation and we have done so.

The members of the Task Force are of the view that, in implementing government transformations, the federal government must make every effort to introduce constructive innovations in service delivery, especially in minority communities.

In concluding our report, we want to underscore the importance of building a relationship of strong and constant trust between the government and Canadians, particularly the members of minority official language communities.

To establish this relationship of trust and forge appropriate ties, the federal government must review the foundations of its relations with minority official language communities in order to expand constructive ties with the various elements of those communities, taking into account the diversity of their circumstances and needs.

To expand its relations with minority official language communities, the whole government must take action. It must make its entire administration more sensitive to these communities' circumstances and aspirations, and to the importance of linguistic duality. To strengthen ties with minority official language communities, the government must call upon all its various resources.

The relationship between the government and linguistic minorities cannot rest on the efforts of a few people or organizations with whom the government has chosen to work. There must also be vigorous, integrated leadership within the government and the public service, exercised by a

*To strengthen ties
with minority
official language
communities,
the government
must call upon
all its various
resources.*

CONCLUSION

CONCLUSION

central authority vested with the necessary political and administrative powers. Leadership of this type means going beyond the existing division of responsibilities. Under the *Official Languages Act*, the institutions that are subject to the *Act* have prime responsibility, while the Minister of Justice, the Minister of Canadian Heritage and the Treasury Board have general responsibilities. Since the language regime has a constitutional basis and is applied in many spheres of society, the Prime Minister also bears responsibility.

It is important to establish a structure that will ensure that the government's actions have the necessary consistency and collective resolve. In addition, all institutions of Parliament and of the Government of Canada must be empowered and made accountable for their actions in support of linguistic duality and minority official language communities.



Appendix A

List of Members Task Force on Government Transformations and Official Languages

President:

- Yvon Fontaine, Vice-President (Academic), Université de Moncton

Members:

- Linda Cardinal, Associate Professor, Department of Political Science, University of Ottawa
- Graham Greig, former manager of human resources, E. B. Eddy Forest Products Ltd.
- Jean-Marc Hamel, former Chief Electoral Officer of Canada
- Hugh Maynard, Executive Director of the Quebec Farmers Association
- Jacques Michaud, Director General, National and International Affairs, Collège Boréal
- Jim Mitchell, Partner, Sussex Circle
- Claudette Tardif, Dean of Faculté Saint-Jean, University of Alberta

APPENDIX A



Appendix B

List of Organizations Consulted

Organizations Representing Minority Official Language Communities Heard by the Task Force

- L'Association culturelle franco-canadienne de la Saskatchewan
- L'Association canadienne-française de l'Alberta
- L'Association franco-yukonnaise
- La Fédération des francophones de la Colombie-Britannique
- L'Association canadienne-française de l'Ontario
- Alliance Quebec
- La Fédération des francophones de Terre-Neuve et du Labrador
- La Société franco-manitobaine
- La Société des Acadiens et Acadiennes du Nouveau-Brunswick
- La Société Saint-Thomas d'Aquin (P.E.I.)
- La Fédération des communautés francophones et acadienne du Canada (FCFAC)

Note: The Task Force also received a submission from l'Association Franco-TéNOise and a letter from Mrs. Rolande Faucher, a contact person on the subject of interdepartmental cooperation in Ontario.

Governmental Organizations

- Canadian Tourism Commission
- Department of Canadian Heritage
- Department of Justice
- Human Resources Development Canada
- Office of the Commissioner of Official Languages
- Parks Canada
- Privy Council Office
- Revenue Canada
- Treasury Board Secretariat

Regional Councils

- Manitoba Council of Senior Federal Officials
- New-Brunswick Council of Senior Federal Officials
- Ontario Council of Senior Federal Officials
- Quebec Council of Senior Federal Officials

APPENDIX B



Appendix C

List of People Consulted

Organizations Representing Minority Official Language Communities

- Joanne Perreault, Vice President, Association culturelle franco-canadienne de la Saskatchewan
- Louise Villeneuve, President; Georges Arès, Director General – Association canadienne-française de l'Alberta
- Yann Herry, President; Jeanne Beaudoin, Liaison Officer – Association franco-yukonnaise
- Yseult Friolet, Director General; Serge Corbeil, Policy Analyst – La Fédération des francophones de la Colombie-Britannique
- Trèva L. Cousineau, President; Lorraine Gandolfo, Director General – Association canadienne-française de l'Ontario
- Len Macdonald, Program Director, National Issues, Alliance Quebec
- Ali Chaisson, Director General, Fédération des francophones de Terre-Neuve et du Labrador
- Daniel Boucher, President and Director General, Société franco-manitobaine
- Ghislaine Foulem, President, Société des Acadiens et des Acadiennes du Nouveau-Brunswick
- Élise Arsenault, Director General, Société Saint-Thomas d'Aquin (P.E.I.)
- Gino LeBlanc, President; Richard Barrette, Director General; Paul-André Baril, officer in charge of interministerial affairs, national organizations – Fédération des communautés francophones et acadienne du Canada (FCFAC)

Government Organizations

- Ronald Bilodeau, Associate Secretary to the Cabinet and Deputy Clerk of the Privy Council
- Dr. Victor Goldbloom, Commissioner of Official Languages
- Murray Jackson, Vice President, Americas, Canadian Tourism Commission
- Bruno Thériault, Legal Advisor; Michel Gagnon, Director, Contraventions Project – Department of Justice
- Martha Nixon, Associate Deputy Minister; Michèle René de Cotret, Legal Advisor; Mark Goldenberg (Privy Council Office) – Human Resources Development Canada
- Norman Moyer, Assistant Deputy Minister, Citizenship and Canadian Identity Programs; Hilaire Lemoyne, Director, Official Languages Support Program – Department of Canadian Heritage
- Wendy Bergeron, Director, Human Resources Strategies; Gaby Fortin, Executive Director, Mountain Park - Parks Canada
- Bill McCloskey, Assistant Deputy Minister, Canada Customs and Revenue Agency; David Browne, Director, Human Resources; Carole Bourgeois, Chief, Policies, Programs and Complaints – Revenue Canada
- The Honourable Marcel Massé, President of the Treasury Board
- V. Peter Harder, Secretary; Donald Lemaire, Director, Alternative Service Delivery; Benoît Lahaie, Analyst – Treasury Board Secretariat

Others

- Gérard Lévesque, Director General, Association des juristes d'expression française de l'Ontario
- Jean-Guy Vienneau, Consultant for the FCFAC (Canada-communities agreements)



Appendix D

Government Transformations

Non-exhaustive List

Special Operating Agencies

Home Department

Correctional Service of Canada

Public Works and Government Services

Public Works and Government Services

Health Canada

Public Service Commission

Department of Foreign Affairs and
International Trade

Department of Foreign Affairs and
(1993) International Trade

Industry Canada

Industry Canada

Industry Canada

Industry Canada

Industry Canada

Canadian Heritage

Special Operating Agency

CORCAN (1992)

Translation Bureau (1995)

Consulting and Audit Canada
(1990)

Occupational and
Environmental Health Services
(1996)

Training and Development
Canada (1990)

Passport Office (1990)

Physical Resources Bureau

Canadian Tourism Commission
(1995)

Measurement Canada (1996)

Canadian Intellectual Property
Office (1992)

Superintendent of Bankruptcy
(1997)

Technology Partnerships (1996)

Canadian Heritage Information
Network (1992)



Canadian Heritage

Canadian Conservation
Institute (1992)

Agriculture and Agri-food Canada

Canadian Grain Commission
(1992)

Indian Affairs

Indian Oil and Gas Canada
(1993)

Finance Canada

Canada Investment and Savings
(1995)

National Defence

Canadian Forces Housing
Agency (1995)

Government Service Agencies

Minister Responsible

Service Agency

Agriculture and Agri-food Canada

Canadian Food Inspection
Agency (1997)

Revenue Canada

Canada Customs and Revenue
Agency (in progress)

Canadian Heritage

Parks Canada Agency

Partnerships

Industry Canada

Canada Business Service
Centres

Industry Canada

Canadian Tourism Commission

Contracting Out

Public Works and Government Services

Real Property Services
(Brookfield LePage Johnson
Controls Facility Management
Services)

National Defence

Goose Bay: Serco Facilities
Management Inc.



Employee Takeovers

Source Organization

National Capital Commission
National Capital Commission
National Capital Commission
National Capital Commission
National Capital Commission
National Capital Commission
Environment Canada

Fisheries and Oceans

Description

Lafleur de la Capitale
Terrapro Corporation
L'expert des parcs, J. Aubin Inc.
ELM 2000 INC.
Traditional Landscape Company
Gemma Property Services
Terrachoice Environmental
Services Inc.

Newfoundland Bait Service

Privatizations

Organization

Air Canada (1988)
CN (1995)
Airports

St-Joseph Corporation

Nav Canada (1996)

Description

Airline
Railways
Leased to designated airport
authority/Sold

Printing, warehouse and
distribution
(Canada Communications
Group)

Air Navigation System



Transfers of Responsibilities

Human Resources Development
Canada

Labour market development
agreements (signed)

Alberta – transfer

New-Brunswick – transfer

Newfoundland –
co-management

Manitoba – transfer

Nova Scotia – co-management

British Columbia –
co-management (renegotiation
under way for transfer)

Prince Edward Island –
co-management

Quebec – transfer

Yukon – co-management

Saskatchewan. – transfer

Northwest Territories – transfer

APPENDIX D



Bibliography

Bill C-43. An Act to establish the Canada Customs and Revenue Agency, June 1998.

CANADA. CANADIAN TOURISM COMMISSION. Charter. Ottawa, August 1995.

CANADA. DEPARTMENT OF JUSTICE. *Contraventions Act*, information kit, 1998.

CANADA. HUMAN RESOURCES DEVELOPMENT CANADA. Getting Canadians Back to Work: Proposal to Provinces and Territories for a New Partnership in the Labour Market. May 1996.

CANADA. OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES. Evaluation Report on the Second Generation of Action Plans for the Implementation of Part VII of the Official Languages Act. Ottawa, March 1998.

CANADA. OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES. The Federal Contraventions Act and Official Languages. Investigation report (file: 0315-97-J1), Ottawa, November 1997.

CANADA. OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES. Government Transformations: The Impact on Canada's Official languages Program. Ottawa, March 1998.

CANADA. PRIVY COUNCIL OFFICE. Fifth Annual Report to the Prime Minister on the Public Service of Canada. Ottawa, March 1998.

CANADA. TREASURY BOARD. A Description of the Official Languages Regulations on Service to the Public. Ottawa, December 1994.

CANADA. TREASURY BOARD SECRETARIAT. Alternative Service Delivery (ASD) - Principles, Processes, Examples. Ottawa, May 1998 (unpublished).

CANADA. TREASURY BOARD SECRETARIAT. Framework for Alternative Program Delivery. Ottawa, 1995.

CANADA. TREASURY BOARD SECRETARIAT. Getting Government Right: Governing for Canadians. Ottawa, February 1997.

CANADA. TREASURY BOARD SECRETARIAT. Manager's Guide to the Human Resource Implications of Alternative Service Delivery (ASD). Ottawa, 1997.

Canadian Charter of Rights and Freedoms, 1982.

Employment Insurance Act, 1996.

MANITOBA. Honourable Judge Richard Chartier. Above All, Common Sense/Avant toute chose, le bon sens. May 1998.

Official Languages Act, 1988.

Official Languages (Communications with and Services to the Public) Regulations, 1991.

Order in Council P.C. 1995-110 creating the Canadian Tourism Commission, 1995.

Parks Canada Agency Act, 1998.

QUEBEC. Charter of the French Language.

WRIGHT, David, and David Zussman. Review and Analysis of Recent Changes in the Delivery of Government Services. A Report Prepared for the Deputy Ministers' Task Force on Service Delivery Models. Ottawa, May 1996.

