



Canada's Official Languages Act celebrates its 50th Anniversary

Hilaire Lemoine

Language Policy Advisor,
National Languages Equality Advancement Project (NLEAP)
Special Advisor
Language Policy and International Relations
Official Languages and Bilingualism Institute (OLBI), University of Ottawa

«Fifty years ago, we decided as a country to recognize the equal status of English and French in Canadian society by adopting the Official Languages Act. We decided that English-speaking Canadians and French speaking Canadians had the right to access federal services of equal quality in the official language of their choice. Much progress has been made since the first Official Languages Act came into effect. Canadians access services in both official languages much more easily, and our official language minority communities have gained greater recognition and receive more support. (...) This progress has been made possible by having language legislation in place for 50 years and by having numerous stakeholders who defend the language rights guaranteed by that legislation. (...) Recent survey results show that over 80% of Canadians support both the objectives of the Official Languages Act and bilingualism in Canada.»

(Statement from the Commissioner of Official Languages, Raymond Th  berge, on the 50th Anniversary of the Official Languages Act)

The Royal Commission on Bilingualism and Biculturalism

In 1963, the Government of Canada established the Royal Commission on Bilingualism and Biculturalism as a response to the growing unrest among French Canadians in Quebec, who called for the protection of their language and culture, and opportunities to participate fully in political and economic decision making.

The Commission was given the mandate to recommend steps to develop the country on the principle of equality between English and French. At that time, only 9% of jobs within the federal public service were occupied by Francophones, even though French-speakers formed a quarter of the Canadian population. It was actually difficult, if not impossible, for a French-speaking person in Montreal, to be served by the Canadian government in his/her mother language.

The Commission was charged with three main areas of inquiry: the extent of bilingualism in the federal government, the role of public and private organizations in promoting better cultural relations, and the opportunities for Canadians to become bilingual in English and French. The Commission issued periodic reports on the inequitable manner in which Canada's English-speaking and French-speaking populations were treated by the federal administration.

In 1967, the Commission recommended to the Government of Canada that English and French be declared the official languages of Canada.

The Official Languages Act of 1969

The Official Languages Act of 1969 was one of the cornerstones of the government of Pierre Elliott Trudeau. It was an attempt to implement some of the policy objectives outlined by the Royal Commission on Bilingualism and Biculturalism. On September 9, 1969, the Canadian Parliament enacted the first *Official Languages Act* which declared English and French as the two official languages of Canada and gave English and French official status in organizations and institutions under federal jurisdiction.

The Act provided, among other things, that Canadians have the right to receive services from federal departments and from Crown corporations in both official languages; that Canadians will be able to be heard before federal courts in the official language of their choice; that Parliament will adopt laws and publish regulations in both official languages, and that both versions will be of equal legal weight; that English and French will have equal status of languages of work in the federal public service within geographically defined parts of the country that are designated bilingual (most notably in National Capital Region, North and East Ontario, Montreal and parts of the Eastern Townships, the Gaspé Peninsula and Western Quebec, and New Brunswick), as well as in other parts of the country where there is sufficient demand for services in both official languages, and in certain overseas government offices. In remaining geographical areas, the language of work for federal public servants is French (in Quebec) and English (elsewhere).

The Act also created the Commissioner of Official Languages, an officer of Parliament charged with receiving complaints from the public, undertaking inquiries, and making recommendations regarding the status of the two official languages.

The Official Languages Act of 1988

In 1988 the Canadian Parliament adopted the second *Official Languages Act* to ensure the implementation of the federal language rights enshrined in the *Canadian Charter of Rights and Freedom* of 1982. The 1988 Official Languages Act outlined the Government of Canada's commitment to the use of both official languages in the administration of justice in federal courts, the use of official languages in communications with and services to the public and in the work environment. The Act also committed to providing equal opportunities for English-speaking and French-speaking Canadians to obtain employment and advancement within federal institutions, to enhancing the vitality of official language minority communities and to supporting their development, and to fostering the full recognition and use of both English and French in Canadian society.

In 2005, the Canadian Parliament amended the *Official Languages Act* of 1988 in order to specify that federal institutions must take positive measures to implement the Government of Canada's commitment to official language minority communities, with a legal remedy before the Federal Court applicable to that part of the Act. This year, in the context of the 50th anniversary of the first *Official Languages Act*, the Government has undertaken a process to modernize the Act.

Implementing the Official Languages Act

Over the 50 years of implementation of the Official Languages Act, the Government of Canada invested much resources, financial and human resources. It developed numerous policies, guidelines and regulations to assist federal organizations and institutions in serving the public in both official languages, to provide a working environment where the use of both official languages is respected

and promoted, and to ensure equal participation of both English and French speaking Canadians in the public service.

The Government of Canada also established a number of programs to promote the equality of both official languages. In the area of education, a provincial and territorial jurisdiction, formal agreements were signed whereby financial incentives are provided to provincial and territorial governments to support the development and enhancement of minority language schools (English schools in Quebec and French schools in the rest of Canada), and to encourage and support the teaching of French and English as a second language in the public school system, including French immersion programs in English schools. Financial incentives are also provided to assist provincial governments in supporting postsecondary institutions for the official language minority communities, as well as encouraging majority language postsecondary institutions across Canada to offer programs for students in their second official language. Formal agreements have also been signed with provincial and territorial governments to provide services in the language of the official minority communities, and to assist in the development of policies, regulations and, in some cases, legislation related to the use of the official languages.

Programs are also in place to enhance the social, cultural and economic vitality of official language minority communities (English speaking communities in Quebec and French-speaking communities in the rest of Canada), and to promote the use of the official languages in Canadian society. The Government of Canada also established a Court Challenge Program to provide individuals and groups in Canada with financial support to access the courts for the litigation of test cases of national significance. This support is intended to clarify and assert certain constitutional and quasi-constitutional official language rights and human rights in Canada.

Sharing the Canadian experience

Over the years, Canada's expertise in official languages policy development, planning and implementation has been solicited by a number of governments and institutions around the world with similar obligations and challenges, in such diverse areas as bilingual education, translation and interpretation, language training for public officers, tools and guidelines for service delivery in the two official languages. More recently, at the request of the Government of Sri Lanka, Canada has been working in partnership with the Government of Sri Lanka on two specific initiatives:

1. National Languages Project (2011-2015)

The National Languages Project (NLP) was a bilateral project supported by the Government of Canada, represented by Canadian International Development Agency (CIDA) and implemented with the Government of Sri Lanka, represented by the Ministry of National Languages and Social Integration (MNLSI). This project was designed to increase respect for language rights and linguistic diversity, to ensure that citizens have access to public information and services in the national language of their choice and that both Sinhala and Tamil are equally respected and appreciated as the national and heritage languages of the country, thereby fostering social cohesion.

Through this project, technical assistance was provided to the Ministry of National Languages and Social Integration (MNLSI) by representatives from the Treasury Board of Canada and the Ministry of Canadian Heritage, both responsible for overseeing the implementation of Canada's OLA, to increase the Ministry's capacity to plan, manage and monitor implementation of the Official Languages Policy (OLP), and to develop a government-wide approach for the delivery of services in both languages.

Technical assistance was also provided to the Official Languages Commission (OLC) by representatives from Canada's Official Languages Commission to review its organizational structure and its operations in order to implement more effectively its mandate as the language ombudsman. The Department of Official Languages (DOL) worked closely with the Translation Bureau of Canada and the New Brunswick Translation Bureau to exchange on best practices and new approaches to translation services. As well, a new four year BA Translation Program was developed, in cooperation with the University Grants Commission (UGC) in three universities of Sri Lanka through the assistance and guidance of the School of Translation and Interpretation of the University of Ottawa. The National Institute for Languages and Education Training (NILET) benefitted from Technical assistance from the Official Languages and Bilingualism Institute (OLBI) of the University of Ottawa on methodology, curriculum development and assessment for second language teaching and learning.

The National Languages Project also provided opportunities through Technical Exchange Missions to Canada for representatives from the Government of Sri Lanka to exchange with their counterparts from Canadian Ministries and Institutions on best practices. Finally, support was provided to develop model sites within government institutions where services are provided in both official languages to be replicated in other institutions, as well as for the development of tools, such as a Guide for Language Plans, and training workshops for language planning.

2. National Languages Equality Advancement Project (2019-2023)

The National Languages Equality Advancement Project is a new bilateral project supported by the Government of Canada, represented by Global Affairs Canada (GAC), and implemented with the Government of Sri Lanka, represented by the Ministry of National Integration, Official Languages, Social Progress and Hindu Religious Affairs.

This new project builds on the work achieved through the National Languages Project (2011-2015). It is designed to strengthen the implementation of the Sri Lankan Official Languages Policy (OLP) by government actors. Putting linguistic rights, broader human rights and gender equality and women's empowerment front and center, NLEAP builds on the will of the Sri Lankan government to protect and promote the language rights of all its citizens through its support for implementation of the OLP.

The support by the Canadian Government to this project will be provided mainly through Technical Assistance from Canadian experts, direct financial support to selected civil society organizations (through the National Languages Fund), and Technical Exchanges between Canada and Sri Lanka.

Official Languages in Canada - An Ongoing Journey

Implementing an Official Languages Act in any country is an ambitious, complex and long term initiative. It is a process of social change. It goes far beyond the provision of Government services in both official languages. It is the manifestation of the Government's commitment to promote the constitutional language rights of all citizens, and the willingness on the part of citizens to understand, respect and appreciate the language and culture of the other community, with the objective of building a cohesive and integrated society.

From the very early years of implementation of the Act, the Canadian government very consciously reached out to other levels of governments (provincial, territorial, municipal), to social, cultural and economic institutions, to official language communities, and to civil society organizations active in various fields, in order to solicit their partnership and contribution in promoting the respect for, and

the use of, both official languages in Canadian society. Such a partnership has been instrumental in the pursuit of the vision for Canada set out by the Royal Commission on Bilingualism and Biculturalism to incite Canadians to work together within a shared bilingual framework in support of cultural diversity and social harmony.

« For 50 years, we have known that our two official languages represent an important economic, social and cultural asset. As a country, we have accepted the responsibility to build on our official languages each day and to invest in them. Today, new issues are leading us to review this Act, including the role of digital technology, new information technologies in government institutions and the demographic challenges of official language minority communities. It is therefore essential that the Act, which is important to our collective identity, cohesion and prosperity, is able to effectively serve Canadians and reflect their needs. »

(Message from the Honorable Mélanie Joly,
Minister of Tourism, Official Languages and La Francophonie
- *Celebrating and modernizing the Official Languages Act*)

*October 2019
Ottawa, Canada*