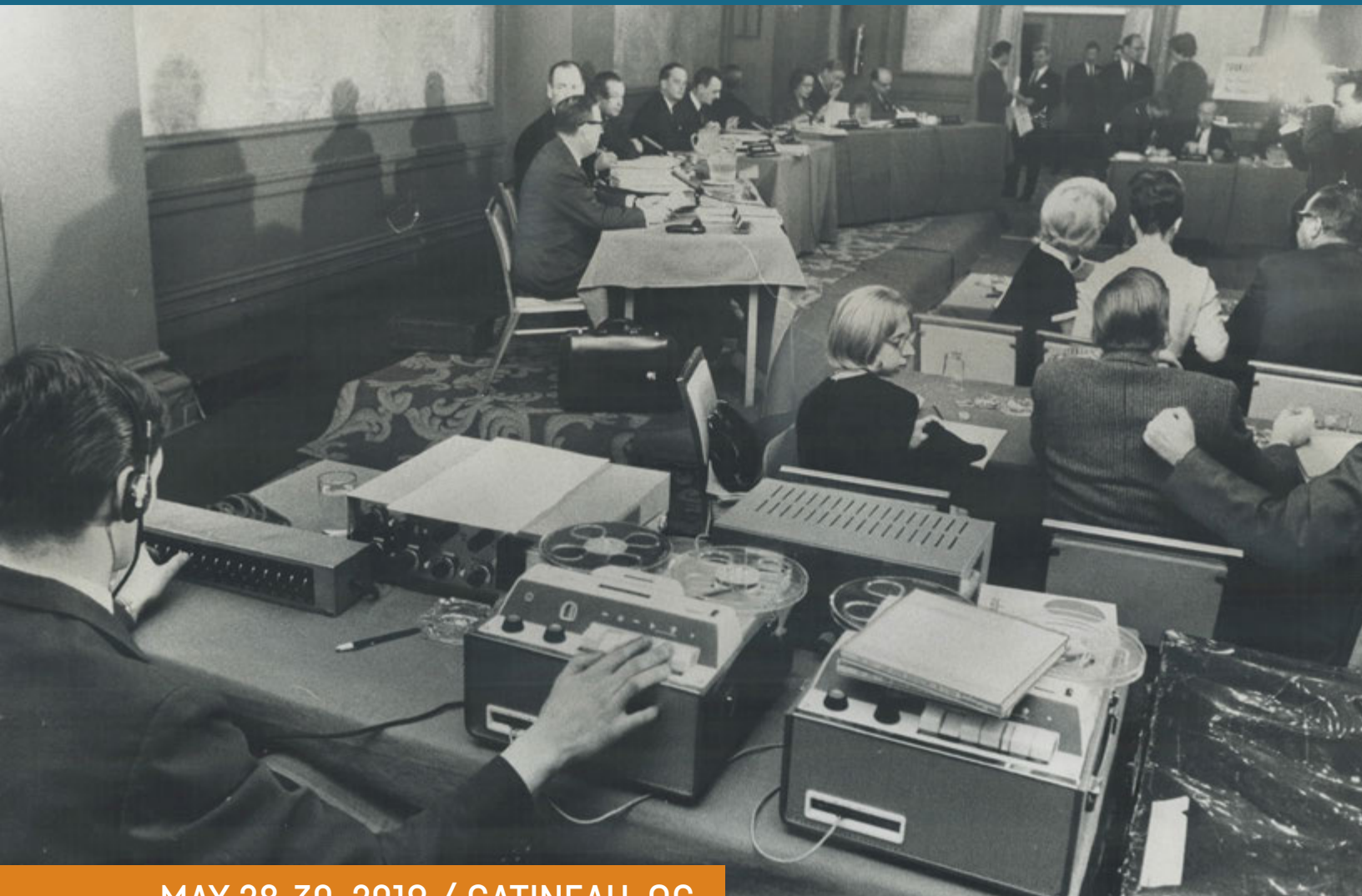# 50 Years of Implementing the Official Languages Act:
REVIEW AND PROSPECTS

MAY 28-30, 2019 / GATINEAU, QC

CONFERENCE ORGANIZED BY

ICRML
Institut canadien
de recherche
sur les minorités
linguistiques

CIRLM
Canadian Institute
for Research
on Linguistic
Minorities

QUESCREN

Observatoire
international
des droits
linguistiques

1969

2019

50 Years of Implementing the Official Languages Act:
REVIEW AND PROSPECTS

The fiftieth anniversary of the Official Languages Act (OLA) is the ideal time to review this legislation in regard to its objectives, implementation, and observance, and also in light of the aspirations of official language minority communities (OLMCs). Various consultations and discussions are currently under way with a view to "modernizing" the OLA. What is the current political context in which these consultations and discussions are taking place, compared to the context that produced the original OLA? What are the expectations, visions, and aspirations of today's OLMC representatives and citizens in relation to the OLA and its implementation? Moreover, how can we integrate these concerns into the broader framework of language rights in Canada's provinces and territories, and in relation to the project to adopt a law for Indigenous languages? This conference provides an opportunity to take stock of these questions and, more generally, reflect on the relationships between language rights and society. The goal of this conference is to help clarify the role of the government and various actors in implementing the OLA in a way that best ensures the development and growth of OLMCs.

ORGANIZERS

This conference is organized by the Canadian Institute for Research on Linguistic Minorities (CIRLM), the Quebec English-speaking Communities Research Network (QUESCREN) and the International Observatory on Language Rights (IOLR).

Established in 2002 at the Université de Moncton, **CIRLM** is a centre of excellence whose role is to lead, bring together and partner with research centres, researchers, community agencies and government bodies in order to promote a greater knowledge of the status of Canada's official language minorities and a better understanding of the priority issues that concern them.

Established in 2008 at Concordia University, **QUESCREN** is a collaborative network of researchers, stakeholders, and educational and other institutions that improves understanding of Quebec's English-speaking communities and promotes their vitality.

Established in 2010 at the Université de Moncton, the **IOLR** aims to promote the vitality of minority language communities in Canada by urging these communities to take part in the development of their rights and to acquaint other countries with the Canadian experience by sharing with them how Canada has dealt with its official languages problems. The Observatory hopes to help Canadians gain better insight into the linguistic situation in other countries, thereby providing an opportunity to learn from their experience, and offering different problem-solving avenues.

Evaluation Committee: Éric Forgues, Lorraine O'Donnell, Patrick Donovan, Érik Labelle Eastaugh, François Larocque, Gino LeBlanc and Stéphanie Chouinard.

TUESDAY MAY 28

**5:00 PM
OPENING
COCKTAIL**

**Towards a New Official Languages Act: Considerations and Collaborations
Cocktail open to all. Registration to the Acfas Congress is not required.**
With remarks by special guests.
Room: UQO L.-Brault, Agora

WEDNESDAY MAY 29

**8:45 AM
OPENING REMARKS**

Lorraine O'Donnell, Érik Labelle Eastaugh and Éric Forgues
Room: UQO L.-Brault, room A0112

**9:00 AM
KEYNOTE
SPEAKER**

**Learning from the Past, Shaping the Future: 50 Years of Official Languages in Canada
Raymond Théberge, Commissioner of Official Languages**
Moderator: Éric Forgues, CIRLM
Room: UQO L.-Brault, room A0112

The Official Languages Act was passed fifty years ago. That's a long time in the world of government policies. Of course, Canada and the rest of the world have changed a lot since then.

As we look back at the past half-century and imagine the five decades to come, I believe it is important to reflect on the progress we've made, and to review the successes and the challenges we've been faced with since this Act came into effect.

We mustn't forget the historical context of 1969, a pivotal year both in Canada and abroad. For example, even as the Act was making its way through the legislative process, Neil Armstrong was making news as the first human to set foot on the moon.

Although the Act represented a giant leap for our language laws, it represented a far more realistic and down-to-earth objective when compared with the conquest of space. It was one part of a vast movement that continues to this day: the movement to recognize Canadians' rights and to pursue the democratization of our society.

**9:45 AM
PANEL 1**

Rethinking the Origins of the Official Languages Act
Moderator: Anne Robineau, CIRLM
Room: UQO L.-Brault, room A0112

The Genesis of Bilingualism: Language Legislation Before 1969
Serge Dupuis, Université Laval

This presentation will look back at legislative efforts to identify a certain degree of linguistic dualism, from the moment Canada was ceded to Great Britain in 1763 until Pierre Elliott Trudeau took power in 1968.

Inspired by my manuscript *Le bilinguisme canadien : une brève histoire* [Canadian bilingualism: a brief history], to be published in September 2019, this presentation will review the form and content of the Quebec Act of 1774, of Section 133 of the Constitution Act of 1867, and of the laws—becoming more numerous from the 1930s to the 1960s—which created institutions to reflect cultural duality and developed the first services in French outside of Quebec, among other measures.

9:45 AM
PANEL 1

The presentation will not spend too much time on the Laurendeau-Dunton Commission, which will probably be amply discussed in other presentations, but will focus instead on the legislative achievements of Prime Minister Lester Pearson with regard to duality, accomplished in parallel to the commission's work.

My talk aims to highlight the relative flexibility between bilingualism, the territorialisation of language and the recognition of collective rights in the decades from the 1930s to the 1960s, before the arrival of Trudeau, who was intent on recognizing individual rights.

The Spirit of the Official Languages Act: A Review of the Laurendeau-Dunton Debates
Valérie Lapointe Gagnon, University of Alberta

Throughout the 1960s, Canada was affected by a number of trends contesting the traditional order, which was marked by a certain degree of Anglo-conformity. Many intellectuals were concerned about the sustainability of the Canadian adventure in the context of a search for identity and the rise of a new, more demanding form of nationalism in Quebec. For some of them, both English- and French-speaking, the country's future would have to include increased recognition of its diversity, and of its duality in particular. This presentation focuses on the spirit of this era and that of the Official Languages Act by looking back at the intellectual debates that led to its passage. Based on a search of the archival collections of the Royal Commission on Bilingualism and Biculturalism and its commissioners, we seek to show how the law was just one element among many others aimed at creating real equality between the Francophone and Anglophone communities. We also look back at the Laurendeau-Dunton era, which paved the way for a détente in relations between Anglophones and Francophones and made it possible for such a law to be adopted. Finally, we seek to draw a parallel between the climate of that period and today's climate, in order to show what remains of the humanist and collaborative spirit that marked Laurendeau-Dunton's work.

10:45 AM   B R E A K

11:00 AM
PANEL 2A

Language Policies: Regional and Sectoral Perspectives
Moderator: Patrick Donovan, QUESCREN
Room: UQO L.-Brault, room C0120

The Bilingual Public Administration: A Comparative Analysis of Canada and Switzerland
Michele Gazzola, Ulster University

This paper deals with bilingualism in the federal public administration of Canada and Switzerland. The legislation in both countries requires that the official languages (respectively, English and French in Canada; French, German and Italian in Switzerland) should be treated on an equal footing in the federal public administration. Empirical research and official reports, nevertheless, have shown that the relationship between the official languages (and therefore their speakers) is characterised by substantial inequality at different levels. This paper reviews recent language policy measures targeting the federal administration in these two countries. Such measures have a common goal of promoting an equal use of the official languages within the federal administration, but they follow different strategies. On the basis of official policy documents, qualitative and quantitative data published by the public administrations of the two countries examined, we elicit and systematize the policy instruments that have been designed and implemented in recent years to achieve the goals of policymakers. Results reveal that Canada has adopted policy instruments based on financial incentives, while Switzerland focused on policy instruments based on persuasion.

How Can a Linguistic Grey Area Influence the People Affected by Health Care Reform?
Stéphanie Collin, Université de Moncton

After Canada passed the new Official Languages Act in 1969, the province of New Brunswick proclaimed its own official bilingual status. Some time later, the principles of the Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick were enshrined in the Canadian Constitution. However, there is still a grey area around language rights in health care, and from time to time it confronts different stakeholders with challenges.

In this uncertain linguistic environment, the New Brunswick government announced a reform of the health care system in 2008, aimed at improving how health care services were provided. While the number of Regional Health Authorities (RHAs) was reduced from eight to two, the Regional Health Authorities Act did not specify the operating language of the two organizations. This ambiguity then drove some of the parties associated with one of the former RHAs to contest the reform. French-language media quickly rallied behind this official opposition, and helped in mobilizing key members of the Francophone and Acadian population.

Our presentation has a dual objective: 1) to show the ways in which a special linguistic arrangement can motivate stakeholders in one of the two official-language communities to "spring into action," and 2) to explain how the management of a reform effort can be influenced by the political activity of a minority Francophone community.

11:00 AM
PANEL 2B

Language Policies and Economic Prospects
Moderator: Rodrigue Landry, CIRLM
Room: UQO L.-Brault, room A0112

Optimal Language Policy for the Vitality of Minority Languages
Bengt-Arne Wickström, Andrássy-Universität Budapest

Language policies can be analyzed as collections of policy measures. We can compare the aggregated benefits for speakers with the implementation costs and use this information to decide on the implementation of a measure. This is a cost-benefit approach to language policy. An alternative is a cost-effectiveness approach. Here the planner aims at goals such as the vitality of a linguistic minority. In both approaches the cost structures of the different measures is important. Some planning measures, like the use of a language in public documents, give rise only to fixed costs independent of the number of beneficiaries and their geographical distribution. Other planning measures, like providing social services in a certain language, lead to costs that are more or less proportional to the number of beneficiaries and to the size of the geographical region where they live. The cost structure has important implications for the policy in a cost-effectiveness analysis. Assume that the planner wants to support the vitality of a minority language and both status and acquisition planning increase the vitality. Since the costs of status planning is basically independent of the number of beneficiaries and their geographical distribution, whereas the costs of the acquisition planning is more or less proportional to both, it follows that by a given budget for language policy the effectiveness of status planning compared to acquisition planning increases with the size of the community of beneficiaries and with the spread of their living area. In other words, to receive a certain effect in a small, concentrated community by a given budget, it is sensible to put more effort into acquisition planning in relation to status planning than in a larger community spread over a large area. In this essay, we analyze optimal language policies systematically in line with the discussion above.

11:00 AM
PANEL 2B

The Official Languages Act and the Private Sector: What Lessons Can We Learn From Acadia in Nova Scotia?
Yalla Sangaré, Université Sainte-Anne

The impact of the Official Languages Act on the education and health care sectors is the predominant theme in the literature on the subject. Certain gaps in the law's implementation are also periodically discussed. There is an ecosystem of French-speaking business owners in OLMCs who run successful small and medium size businesses (SMBs), and their businesses create high-quality jobs.

The purpose of this exploratory study is to see what real impact the Official Languages Act has had on SMBs in Acadia in Nova Scotia. Has this law worked as a catalyst to drive the emergence of a class of French-speaking business owners? Is this impact only significant for cultural enterprises? The range of French-language services from economic development organizations will be analyzed, along with the specific needs of French-speaking business owners. The backdrop to this discussion is the idea that, while education and health care are certainly important for ethnolinguistic vitality, the existence of Francophone businesses that create and distribute wealth is just as important. It remains to be determined whether the OLA has had an impact on business owners operating in an environment where many stakeholders are not French-speaking. This question is all the more urgent at a time when the digital revolution is bringing forth new challenges for businesses in OLMCs.

12:00 PM

LUNCH

1:15 PM
KEYNOTE SPEAKER

The Soil Supporting Our Roots: In Defense of the Right to Indigenous Languages within Canadian Law
Karen Drake, York University
Moderator: Marion Sandilands, Conway Baxter Wilson LLP
Room: UQO L.-Brault, room A0112

Canada's Official Languages Act contributes to the erasure of Indigenous nations, including their worldviews and laws, and as such it demonstrates that colonialism is not merely a thing of the past. Although Bill C-91–An Act respecting Indigenous languages–recognizes that section 35 of the Constitution Act, 1982 protects Indigenous language rights, it is not sufficient in its current form to correct this injustice. Canada's assertion of sovereignty vis-à-vis Indigenous peoples relies on the doctrine of discovery, which denies the existence of Indigenous laws. Thus, reconciliation means giving effect to Indigenous laws. This requires protecting Indigenous languages; as Indigenous elders have explained, Indigenous languages embody Indigenous worldviews, including Indigenous laws. When this right is understood through the lens of the UN Declaration on the Rights of Indigenous Peoples, the result is a positive obligation on Canada to fund Indigenous language immersion education, which Bill C-91 fails to achieve. If the worldview of a community can be understood as the roots of a tree, then language is the soil nourishing the roots. Indigenous communities should not have to survive on the barren, soil-less expanse of colonialism.

2:00 PM
PANEL 3

Implementation of the Act: Public Support and Emerging Issues
Moderator: Yalla Sangaré, Université Sainte-Anne
Room: UQO L.-Brault, room A0112

Public Opinion and Official Languages in Canada: An Exploration of Support for the Principle of the Law and Its Implementation
Luc Turgeon, University of Ottawa; **Antoine Bilodeau**, Concordia University; **Stephen White**, Carleton University; **Alisa Henderson**, University of Edinburgh; **Alain-G. Gagnon**, Université du Québec à Montréal

Among other issues, debates around official languages are tied to such questions as Canadian national identity and biases against different language groups. The Official Languages Act also gives rise to debates about the law's costs and benefits, especially with regard to the impact it can have on the interests of individuals and their linguistic communities. In our study, we begin by exploring the possibility that there may be what researchers have called a "principle-implementation gap" (between support for a principle and support for its actual implementation) in the area of official languages. While Canadians may support the principle of recognizing French and English as official languages, it is also possible that they may oppose concrete measures that seek to implement that principle. Next, we explore whether the same factors influence support for the principle of bilingualism and for the requirements of bilingualism in senior public service positions at the federal level. In particular, we explore the influences of "symbolic predispositions" (national identity, prejudices, etc.) and personal interests (related to knowledge of a second official language, economic status and area of employment). The data for the study come from a 2014 survey of 6,400 Canadians conducted by the Léger firm on behalf of the authors.

From Access to Online Services to Digital Sovereignty in Canada: A New Context for Updating the OLA and Its Implementation
Anne Robineau, ICRML

The purpose of this presentation is to highlight issues relating to the digital domain in the modernization of the OLA and its implementation. These issues relate to several different parts of the Act: Part IV, concerning communications with the public and the provision of services by federal institutions, and Part VII, concerning the obligation of federal institutions to take positive measures encouraging the advancement of official-language minority communities (OLMCs). To discuss these issues, we will refer to statements submitted by OLMC organizations as part of consultations organized by the government of Canada on 1) updating the OLA, in 2018, and 2) Canadian content in a digital world, in 2016. The concerns raised by the OLMCs in these statements will be examined in light of recent research on managing the use of data in Canada, as well as relevant reports (OIF, 2018, 2014) on the digital "revolution." In this regard, Tchéhouali and Plamondon (2018) recommend that "legislative and regulatory instruments" be updated in four areas: 1) digital sovereignty and responsibility with regard to access to and collection of data of public interest; 2) competition, innovation and access to services; 3) net neutrality; and 4) discoverability of Canadian content and promotion of the diversity of cultural expression. We draw on their proposal to identify important potential pathways for the implementation of the OLA.

3:00 PM
BREAK

3:15 PM
ROUND TABLE 1

Dialogue, Demographics and Duality: Historical, Linguistic and Statistical Perspectives on the 50th Anniversary of the Official Languages Act
Moderator: Gino LeBlanc, Simon Fraser University
Room: UQO L.-Brault, room A0112

Understanding the Linguistic Duality Debate Through a Historical Lens – Perspectives from 2019, 1969, and 1929
Robert J. Talbot, Office of the Commissioner of Official Languages of Canada

Recent changes to today's political landscape have contributed to renewed debate over linguistic duality and official languages. Many of the arguments that we have been hearing in 2019, however, are not unlike those that one might have heard in 1969, when the federal Official Languages Act was first adopted. Indeed, Canadians were arguing about linguistic duality long before the introduction of the OLA. In 1929, for example, as the government began taking modest measures to recognize French and English at the Post Office, Canadians took time out from a looming economic crisis to debate the symbolic merits of official bilingualism.

The arguments "for" and "against" federal bilingualism in 1929 seem familiar to us today. In 1929, as in 1969 and 2019, some people believed that such federal and pan-Canadian recognition of linguistic duality was an important measure to strengthen national unity. Others, however, wondered whether this could harm the country's ethnocultural diversity. Some insisted that official bilingualism was not justified in their province, citing populist, demographic or identity arguments.

The debate around federal bilingualism—ninety years ago, fifty years ago, or even today—has often been subject to fear and misunderstanding. It has also, however, benefited from the persistence of moderates from both Canada's English- and French-speaking communities.

Contact Zones / Hybrid Zones: The Role of OLMCs in Canada's Linguistic Duality
Martin Cyr Hicks, Office of the Commissioner of Official Languages of Canada

In this presentation, I will call into question the perception that the Official Languages Act (OLA) presents an individualistic vision of language rights in Canada. It is important to emphasize how the vision of the initial version of the OLA, which was indeed more individualistic, has evolved over the past 50 years into a much more community-oriented vision, more closely aligned with André Laurendeau's perspective than with Pierre Elliott Trudeau's. Indeed, the revised 1988 version of the OLA, in which the notion of linguistic duality is explicit, implicitly reproduces the argument of the Royal Commission on Bilingualism and Biculturalism whereby Quebec is a distinct society. But in this vision of linguistic duality, what role do official-language minority communities (OLMCs) play?

Since the Estates General of French Canada in 1967, we can observe a split between Quebec and French-speaking OLMCs. By recognizing the community-oriented vision of the OLA, I believe it is possible for French Canadian communities to re-establish the ties among them. I believe that in this way, OLMCs can be seen, and can also see themselves, as contact zones, as hybrid zones, linking Canada's two official-language majority communities. Without them, we would doubtless return to the old model of the two solitudes.

3:15 PM
ROUND TABLE 1

A Statistical Overview of the Official-language Communities in Canada from 1971 to 2016
Jean-François Lepage and **Jean-Pierre Corbeil**, Statistics Canada

For the 50th anniversary of the Official Languages Act, the Centre for Ethnocultural, Language and Immigration Statistics at Statistics Canada, on behalf of the Office of the Commissioner of Official Languages, performed an analysis of changes in certain aspects of the official-language communities in Canada by comparing census data from 1971 and 2016.

This project provides statistical analyses of the French- and English-speaking populations in both majority and minority situations. The presentation consists of two main parts: 1) the first part presents the French- and English-speaking populations and their demographic development over the course of the period since the implementation of the OLA, with a focus on growth factors; 2) the second part presents certain socioeconomic characteristics (e.g., education, work, income) for which data are available for both 1971 and 2016. The data are taken from the 1971 and 2016 censuses, i.e., the ones closest to the year in which the Act was adopted (1969) and to the year of its fiftieth anniversary (2019).

4:15 PM
KEYNOTE SPEAKER

The Official Languages Act and English-Speaking Quebec
Marion Sandilands, Conway Baxter Wilson LLP
Moderator: Lorraine O'Donnell, QUESCREN
Room: UQO L.-Brault, room A0112

The Official Languages Act is a seminal piece of Canadian legislation, but it is not the most important or well-known language law in Quebec. For English-speaking Quebecers, maybe it should be. The Act recognizes "English and French minority communities" in Canada. In the case of Quebec—a province with complex and fraught language politics—the Act effectively recognizes English-speaking Quebecers as a minority language community and promises to support this community. In this way, the Act provides a lifeline for English-speaking Quebec. It plays a vital—albeit quiet—role for this community. This talk will focus on the Act's meaning to English-speaking Quebecers. It will describe some history of how English-speaking Quebec was recognized under the Act, and it will offer some ideas for the future.

5:00 PM

DINNER (on your own)

THURSDAY MAY 30

9:00 AM
KEYNOTE
SPEAKER

A Law for the Linguistic Minority, or a Law for Canada?
Michel Bastarache, Université de Moncton
Moderator: André Braën, University of Ottawa
Room: UQO L.-Brault, room A0112

To successfully modernize the Official Languages Act, it is important to agree on its purpose. Official rhetoric emphasizes the promotion of official-language minority communities, but discussions of the changes to be made focus on access to services and the poor quality of services. To me, it increasingly seems that bilingualism is considered as an issue, or a problem, that belongs to French speakers outside of Quebec. The majority population doesn't consider that there is any problem that needs solving; it no longer clearly sees the relationship between language and culture due to the government's promotion of an identity-based policy. The reality is one of multiculturalism. For minority communities, there is a problem: the problem of linguistic and cultural survival. The visibility of the French language is important because it asserts a sense of belonging. What will be the purpose of the modifications to come?

9:45 AM
PANEL 4

Part VII of the Official Languages Act
Moderator: Éric Forgues, CIRLM
Room: UQO L.-Brault, room A0112

The Ineffectiveness of Part VII: Diagnosis and Proposed Solutions
Érik Labelle Eastaugh, Université de Moncton

Part VII of the Official Languages Act, in its current form, is not producing the results expected when it was passed in 1988 or reformed in 2005. In view of updating the law, it is relevant to ask how Part VII could be modified to achieve the desired effects. My presentation will have two objectives: 1) to explain why Part VII has proved ineffective, and 2) to propose some potential solutions.

While the current wording of Section 41 constitutes the direct or immediate cause of the problem, the ultimate cause is grounded in the complexity of the legislators' intended objective. The role of Part VII is to govern the decision-making process of all federal institutions to ensure full compliance with the principle of equality between the official languages. However, it is impossible to predict in advance all the situations in which compliance with real equality might require a different approach for the two linguistic communities, or in which a federal institution might work to advance the equality of the official languages on a sociological level. The strategy chosen by early versions of Part VII—the adoption of general legislative standards—ended in failure. My presentation will propose a different model, based on an institutionalized and mandatory process of consultation and community autonomy, a process that will make it possible to face this challenge.

9:45 AM
PANEL 4

Part VII of the Official Languages Act and the Gascon Decision: Back to the Future?
Martin Normand, University of Ottawa

Observers and actors from civil society reacted with widespread enthusiasm to the adoption of a modification to Part VII of the Official Languages Act in 2005. This modification specifies that the federal government has an obligation to take positive measures to support the development of official-language minority communities. It makes this part enforceable, whereas it had previously only been declaratory. While such a modification had been called for since the adoption of the OLA in 1988, a few discordant voices, including Cardinal (2005), had doubts about what real effect it would have. And indeed, the Gascon decision delivered by the Federal Court in 2018 seems to have proved those voices right. Does the Gascon decision reduce the scope of Part VII as modified in 2005, or does it instead shed light on the flaws in that modification? The presentation will focus on three topics: the intentions of Senator Jean-Robert Gauthier, who led the modification effort for a long time; research on the scope and implementation of Part VII since 2005; and a recollection of the facts that led to the Gascon decision. In the final analysis, the objective will be to examine whether the 2005 modification contributed to the empowerment of official-language minority communities (Léger 2014), i.e., whether those communities' aspirations and the principal means of fulfilling them were consistent with each other. We will also take the opportunity to sketch the possibilities for action inspired by the Gascon decision.

10:45 AM   BREAK

11:00 AM
PANEL 5

Challenges of Implementing the Act
Moderator: Érik Labelle Eastaugh, OIDL
Room: UQO L.-Brault, room A0112

Official Languages Act and Minorities: A Work in Progress
Rodrigue Landry, Université de Moncton

This presentation analyzes the OLA based on the cultural autonomy model which identifies the essential actors in language revitalization: a) individuals and families, b) the civil society of the minority, and c) the state. Based on theoretical principles and results from empirical research, we argue that the OLA has a limited potential and effect on the psycholinguistic development of the members and the collective identity of official-language minorities. This research examines the minorities' demographic development, registrations in minority schools, and Canada-wide research on the vitality of official-language communities and the linguistic development of their members. Based on the elements required for effective language management, the analysis continues with a look at the three actors in language revitalization and the necessary synergy of actions. Without attributing full responsibility for the success of language management to the federal government, we argue that the action plans for official languages that accompany the OLA are incomplete and largely ineffectual. Taking inspiration from the Canadian Charter of Rights and Freedoms and the elements required for language management, we highlight the need to more effectively support and promote the vitality of official-language communities to give life to Part VII of the OLA by focusing more on the real needs of communities.

11:00 AM
PANEL 5

The Effectiveness of the Official Languages Act: Proposed Evaluation Criteria
Éric Forgues, ICRML

To judge by the reports from the Office of the Commissioner of Official Languages (OCOL) since its creation, implementation of and compliance with Canada's Official Languages Act (OLA) face chronic structural challenges. To be sure, the ministries and agencies affected as well as OCOL are making efforts, insufficient though they may be, to ensure or facilitate compliance with the OLA. Nevertheless, the number of complaints has continued to increase since the adoption of the OLA in 1969 (OCOL, 2018, Levasseur, 1995). Compliance with the OLA remains an issue repeatedly highlighted by French-speaking stakeholders in minority communities.

Although this is an important issue for minority French-speaking communities, few social science studies have attempted to understand the factors that promote compliance with the OLA. This compliance attests the concept that legal experts and researchers in social sciences and law refer to as effectiveness of laws. Studying the effectiveness of language laws can help us to more clearly determine not only the extent to which the OLA is complied with, but also how it is complied with, what measures are put in place to ensure compliance, and what social, organizational and legal factors contribute to the effectiveness of language laws in the health care sector (Lascoumes, 1993; Rangeon, 1989). We will propose a few avenues for further reflection to improve the OLA's effectiveness.

12:00 PM

LUNCH

1:00 PM
ROUND TABLE 2

Community Expectations and Demands
Moderator: Lorraine O'Donnell, QUESCREN
Room: UQO L.-Brault, room A0112

Putting an End to Systemic Flaws: Renewing the Act – Let's Get It Right This Time
Alain Dupuis, FCFA

Throughout its four decades of action and engagement, the *Fédération des communautés francophones et acadienne du Canada* (FCFA – federation of Francophone and Acadian communities) has been involved in all the debates around official languages and constitutional issues. This gives it a unique perspective on changes with respect to language rights and compliance with the Official Languages Act. In 1977, in its first major manifesto, *Les héritiers de Lord Durham* (Lord Durham's legacy), the FCFA denounced the difficulty that French speakers faced in being served in their own language. In the years that followed, the FCFA repeatedly called for the Act to be fully applied, eventually proposing a new approach in this regard in 2009.

After forty-five years of repeating the same observations, the FCFA has come to the conclusion that the only way to repair the systemic flaws in the OLA in its current form is through a fundamental modernization of the Act. The FCFA has decided to develop its own model bill in this regard, which it revealed and present to members of Parliament at the end of February.

For the colloquium on the 50th anniversary of the OLA, the FCFA would like to present a brief history of its actions over the years with regard to compliance with the Act, present the broad outlines of its model bill, and its vision for a renewed Act. The major changes to the Act that will be addressed in this presentation relate to governance of the official languages, community participation in the implementation of the Act, and monitoring and responsibility with regard to linguistic obligations.

1:00 PM
ROUND TABLE 2

Pursuing Equality of Status: Canada's English Linguistic Minority Communities and the Official Languages Act
Sylvia Martin-Laforge, QCGN

The general introduction of the Royal Commission on Bilingualism and Biculturalism lays the foundation for two official language minority communities in Canada, and the principle of equality, which, "…implies respect for the idea of minority status, both in the country as a whole and in each of its regions." However, the Official Languages Act that flowed from the 'Bi and Bi Commission', and the structures that oversee and advance the Act have not reflected an approach based on the principle of equality. The English-speaking Community of Quebec–Canada's English linguistic minority community–has not received "…generous treatment" in the Official Languages Act's implementation. This presentation will offer examples of the impact this has had on the vitality of the English-speaking Community of Quebec, offer some ideas about why this situation has developed, and make recommendations on achieving the equality for both official language minority communities envisioned in the Commission's report by modernizing the Official Languages Act.

1:45 PM
PANEL 6

Questioning Linguistic Duality
Moderator: Louis Beaudoin, McGill University
Room: UQO L.-Brault, room A0112

Multiculturalism, Immigration and the Official Languages Act: An Infernal Trio?
André Braën, University of Ottawa

Since the 1970s, Canadian authorities have established a policy of multiculturalism based on respect for and promotion of ethnic diversity in society. Is multiculturalism synonymous with multilingualism here? On a legal level, are immigrant languages protected? What is their relationship and their interaction with the Official Languages Act, and what role does the Office of the Commissioner of Official Languages play in this regard? Another issue is that numbers are essential for the vitality of a language. By 2023, the federal government aims to achieve a target of 4.4% French-speaking immigrants outside Quebec. This proportion varies by period, and seems to be based on the size of the French-speaking population outside Quebec. Why set this threshold at 4%, which only serves to perpetuate minority status, rather than 15%, 35% or 50%, given the amount of ground to be made up? Among its objectives, legislation on immigration seeks to develop the official-language communities. In the same way, the Official Languages Act requires federal authorities to support and promote this development. It also makes the provision of public services in the minority official language contingent on a minimum number of individuals. What relationship must accordingly be established between these different obligations, and what role should the Office of the Commissioner of Official Languages play in this area?

Breaking Through the Impasse of the Dualistic Language Regime
Gillian Lane-Mercier, McGill University

I put forth a discourse analysis of several key documents relating to Canada's linguistic duality published by the federal government since the early 2000s, when the idea of updating the Official Languages Act was already being discussed. I will conduct a critical examination of 1) the values conveyed by these documents, 2) the strategic priorities that they establish for improved implementation of the Act's objectives, 3) the target groups and communities, 4) the evolution of social, economic, demographic, cultural and identity issues, and 5) the political aims that underlie them and provide their orientation.

My initial hypothesis is that the federal government's rhetoric on Canada's official language system is increasingly weighed down with tensions—not to mention contradictions and paradoxes—which arise from the increasingly urgent necessity of finding a socially and politically viable way to combine institutional and personal bilingualism on the one hand with duality, diversity, rapprochement, inclusion and (more recently) reconciliation on the other hand. No attempt to update the Official Languages Act will be able to avoid perpetuating the cultural and linguistic exclusions and assimilations inherited from colonialism if it is unable to move beyond the binary paradigm in which it has become stuck in the name of fundamental Canadian values and a common national identity.

2:45 PM   B R E A K

3:00 PM

ROUND TABLE 3

Expectations for a New Official Languages Act
Moderator: Patrick Donovan, QUESCREN
Room: UQO L.-Brault, room A0112

Equality of the Official Languages in Canada: The Need to Recognize the Authenticity of Both Versions of Court Decisions in the Official Languages Act
Louis Beaudoin, McGill University

In the Beaulac decision, the Supreme Court decided in 1999 that the guiding principle for the interpretation of constitutional rights and obligations with regard to language was henceforth the principle of "real equality," thus requiring the state to take concrete measures to put linguistic guarantees into practice.

One of the most blatant injustices in our current system is the failure to recognize the equal value of the French and English versions of federal court decisions.

The Official Languages Act should be modified to enshrine the principle of the equal value and equal authority of both versions of federal court decisions. It should also require that all decisions of the Federal Court of Appeal be published simultaneously in both official languages, and that the decisions of other federal courts be published in a reasonable time frame. Legislators should also add a requirement to master both French and English to the conditions for nominating judges to the Supreme Court of Canada, in order to guarantee compliance with generally accepted principles of legal interpretation that require a comparison of the two official versions of the laws.

Multilingualism, the Future of Quebec, and the Unique Experience of Canada's Minority Language Communities: A Look into Citizenship, Identity and Belonging
Jocelyn Grubb, Bishop's University

The province is experiencing an influx of newcomers, retention issues, youth migration, and an aging population. Given this and the ongoing 2018-2023 Action Plan, how should we conceptualize the future of Quebec and Canadian society?

My discussion will focus on the importance of building relationships and encouraging collaborations with Francophones within Quebec and across Canada. Specifically, finding common goals that unify minority community youth and embrace language. This task will involve linking minority communities across Canada and accepting that language identity is experienced differently by younger generations. This work must also include Indigenous languages and communities.

I will discuss the new role I see for the Official Language Act, which is the engagement and mobilization of a new generation. My research and professional work engages with students and citizens of the Eastern Townships via the community, education and health sectors. I have seen the importance of educating students regarding language legislation and promoting inclusive curriculums that inspire citizenship and youth engagement. It is through building relationships and bridges that both the province and Canada will ensure a bright future.

Behind the Black Curtain of Federal Language Laws: Positive Measures and the Implementation of Part VII of the Official Languages Act
Ricky G. Richard, Independent Researcher

Research on federal official languages does have blind spots, ones that end up in a black box like those theorized by political scientist David Easton. Certain administrative processes, which are not visible to the public or studied in any way, nevertheless contribute to the development of language policies. But rarely do we have an opportunity to look inside the system.

This presentation seeks to fill these gaps by offering an "inside" view of federal language policies. Drawing on practical knowledge acquired over 11 years of experience at the Office of the Commissioner of Official Languages of Canada and on scholarly research, we will outline a few analytical observations subsequent to the implementation of Part VII of the Official Languages Act.

We will focus primarily on certain administrative processes. We will also pay particular attention to the concept of "positive measures," to the Office's efforts aimed at contributing to public debate, and to internal awareness-raising among federal civil servants.

Should positive measures be defined from the "centre" in a regulation, or are federal institutions themselves in the best position to define them? What administrative obstacles tend to impede the implementation of Part VII, and what innovative solutions help to drive it forward? Does improvement depend solely on directors' leadership, or do other factors explain the success of federal institutions?

4:00 PM
KEYNOTE
SPEAKER

Updating the Official Languages Act: Betting on Our Future!
The Honourable Senator René Cormier
Moderator: Sylvia Martin-Laforge, QCGN
Room: UQO L.-Brault, room A0112

Adopted in 1969 following the recommendations of the Royal Commission on Bilingualism and Biculturalism, the Official Languages Act was perceived at the time as a response to what the commission had described as one of the most important "crises" threatening Canadian unity. Some 20 years later, the adoption of the Canadian Charter of Rights and Freedoms, and the linguistic crisis caused by Reference Re Manitoba Language Rights, would trigger a fundamental revision of the Act.

Today, on the eve of the 50th anniversary of its entry into force and over 30 years after its last major revision, the Official Languages Act, and more specifically the place of French in Canada, are seemingly being called into question again.

What is the future of Canada's official languages? Based on the study conducted by the Standing Senate Committee on Official Languages on Canadians' viewpoints on updating the Official Languages Act, Senator René Cormier will attempt to answer this question by sharing his thoughts as inspired by the current political landscape and by the many testimonials that were heard during this study, the final report of which will be released in June 2019.

5:00 PM

END OF CONFERENCE