

Dr. Dyane Adam
Commissioner of Official Languages

**Language Policy in Canada:
Plural Identities and Common Values**

Notes for an Address to the
Association for Canadian Studies

April-May 2006

Check against delivery

Ladies and gentlemen,

May I first say that I am very pleased to have been asked to speak to you on Canada's approach to language planning.

It is also a perfect opportunity for me to learn from your experience in the delicate art of reconciling plural identities with common values through open dialogue.

Introduction

I want to talk to you today about Canada's efforts to develop better relations between our citizens by means of a comprehensive and evolving official languages policy.

Adeno Addis, a professor of law at Tulane University in New Orleans, sets out the challenges faced by multilingual states in the following way:

The question of how to develop the capacity to live with difference, where difference is going to be the defining feature of almost all political communities, is the major question of the twenty-first century. What we cannot afford to do is either to continue to play "the politics of indifference" or to resort to the quick fix of the politics of divorce.¹

The Canadian couple certainly has its marital difficulties, but I believe that by carefully managing its language tensions, the country has avoided both the doldrums of indifference and the storms of divorce. This is important in a period of globalization since, as Adeno Addis suggests, "It is the irony of globalization that it is having both integrative and disintegrative impact in the world, opposing centrifugal and centripetal forces are at work simultaneously in different contexts."²

While in other countries the main way to define difference has been – and still is – race or religion, in Canada the politics of difference have largely settled over linguistic lines. Several major crises of the last century found French Canadians and English Canadians on opposing sides; for example, conscription during the two world wars, alcohol prohibition, and the nature of the Canadian federation. Thus, it is hardly surprising to see Canada develop an elaborate linguistic governance model that is based on equality for citizens of both official languages.

Canada's way of dealing with these opposing forces is a compromise between the classic criteria of personality and territoriality. Over time, the principle of official bilingualism has received wide domestic support. While debate continues on some regulatory aspects, roughly eight out of ten Canadians say that preserving English and French as our two

¹ Addis, Adeno. "Liberal Integrity and Political Unity: the Politics of Language in Multilingual States," in *Arizona State Law Journal*, Fall 2001, p. 789.

² *Ibid.*, footnote 6, p. 722.

official languages is important. Also, seven out of ten believe that bilingualism makes Canada a more welcoming place for immigrants.³

Although many of you are fairly knowledgeable about what goes on in our country, not all of you may be familiar with the details. So I will begin by providing a few basic facts and then describe our language legislation, as well as how our governance model works in practice.

I also want to say a few words about my role as Commissioner of Official Languages and to describe efforts to enhance the vitality of our English and French minority communities. This element is no doubt the most original feature of Canada's language policy.

Basic Facts

Canada, which occupies an area of almost 10 million square kilometres, has a population of about 33 million people. It is a federation. While the federal government is responsible for many areas of jurisdiction such as national defence, the postal service and air transportation, provincial legislatures have control over key areas such as education, health and social services, job training, local government and natural resources. Some areas such as culture and language are within the authority of both the federal Parliament and the provincial legislatures.

More than 100 languages are spoken in Canada today, including more than 50 Aboriginal tongues spoken by relatively small numbers of people. For example, the three largest are Cree (spoken by 80,000), Inuktitut (29,700) and Ojibway (23,500).

One Canadian in five was not born in Canada. While 98 percent of Canadians have knowledge of English, French or both, many people speak other languages as a mother tongue. In that respect, the third most common language in Canada is Chinese, with about 3 percent of people declaring it as the first language they learned and can still use. After Chinese come Italian, German, Polish, Spanish, Portuguese, Punjabi, Ukrainian, Arabic, Dutch, Tagalog, Greek, and Vietnamese.

With nine million people able to speak French, whatever their mother tongue may be, Canada is truly an important contributor to the Francophonie as well as to the Commonwealth. More people in Canada have French as their mother tongue than in Belgium and Switzerland combined.⁴

Quebec is the only province with a majority of Francophones. However, it also has an important English-speaking population. English is the mother tongue of some 591,000 Quebecers. Add to these the people who have another language as a mother tongue but use English as their main language of communication and the size of the Anglophone community rises to 919,000, or roughly 13 percent of the population of the province.

³ See surveys of the Centre for Research and Information on Canada (<http://www.cric.ca>).

⁴ Approximately 6.7 million in Canada, 4.2 million in Belgium and 1.3 million in Switzerland.

About one million Francophones live outside Quebec. Three-quarters of them live in Ontario and New Brunswick. While they make up a third of the population in New Brunswick, elsewhere they account for 5 percent or less of the provincial population. In addition, some 1.4 million people outside Quebec can converse in French, even though it is not their mother tongue. Hence, 2.4 million people outside Quebec can speak and understand French.

Now that you have a rough demographic map in your mind, let me tell you about Canada's language history and legal framework.

Language History and Legal Framework

Canada became independent in 1867, a little more than 100 years after New France was ceded to Great Britain. Four different entities, with French and British traditions and heritage, became the founding provinces of the new country. A federal model with specific provincial powers was used as a way to recognize and reconcile those differences.

The *Constitution Act* of 1867 declared that everyone in Canada has the right to use English or French in the debates and proceedings of the federal Parliament and of the legislature of Quebec and in federal and Quebec courts. The Act also enshrines the rights of Protestants and Roman Catholics, who were both in a minority situation in different areas of the country, to their denominational schools. Since Protestants are mostly English-speaking and Catholics French-speaking, this disposition amounts to a recognition of language rights in education.

Legislatively speaking, nothing much changed in this regard until the 1960s. At that time, in response to linguistic polarization and Quebec's growing dissatisfaction with its place in Canada, the government of the day established a Royal Commission on Bilingualism and Biculturalism.⁵

This Commission proposed a new partnership between French-speaking and English-speaking Canadians. The federal government would function in both languages, and the provinces would be encouraged to offer public services in the language of the minority wherever it was reasonable to do so. Also, more would be done to recognize the contribution and heritage of our cultural communities within this framework. In short, Canadians would agree to change ... for the better. They would afford minority language and cultural communities real and viable choices for growth and development.

The legal framework for this reform was the *Official Languages Act* of 1969.⁶ It proclaimed the equality of status of English and French in all federal institutions and provided for the delivery of bilingual services where there was significant demand. It also

⁵ Canada. *Report of the Royal Commission on Bilingualism and Biculturalism*, 6 vols, Ottawa: Queen's Printer, 1965-1970.

⁶ R.S.C. (1970), c. O-2.

created the independent position of Commissioner of Official Languages, who was to be the “active conscience” of Canadians in language matters.

In the *Constitution Act, 1982*, a new and important constitutional document, the chapter called the *Canadian Charter of Rights and Freedoms*,⁷ affirmed existing language rights and the equality of status of English and French as the official languages of Canada.

The Charter also recognized a right, where numbers warrant, to primary and secondary instruction and to management and control of school systems by the English or French linguistic minority population of a province. In short, language rights became part and parcel of those individual and collective rights that Canadians feel must be guaranteed in a free and democratic society.

In 1988, Parliament passed the *Canadian Multiculturalism Act*,⁸ which formally recognized the diversity of Canadians as a fundamental characteristic of Canadian society. The *Official Languages Act* was revised that same year⁹ to define more fully the language rights set out in principle in the Charter.

This revamped Act spelled out specific rules governing:

- bilingualism in Parliament;
- bilingualism in federal courts (the *Criminal Code* already covered criminal trials);
- the right of citizens to receive federal government services in English or French in the National Capital Region and in all provinces and territories under a flexible sliding scale of “significant demand” criteria, as well as in some offices dedicated to specific purposes;
- the right of public servants to work in their preferred official language in designated regions.

My role as Commissioner of Official Languages was also defined in greater detail in this Act. I am an ombudsman for language matters who reports directly to the federal Parliament. Essentially, my mandate is to be an agent of change. I receive complaints directly from members of the public concerning federal institutions. I investigate them and recommend corrective action when necessary.

I also monitor parliamentary activities to ensure that every legislative change and all new policies under development are compliant with the Act. I often appear before committees of the House of Commons and the Senate to urge parliamentarians to amend proposed legislation so that it fully reflects Canada’s linguistic duality.

⁷ *Canadian Charter of Rights and Freedoms* (Schedule B of the *Constitution Act, 1982*), enacted as Schedule B to the *Canada Act 1982* (UK) 1982, c. 11.

⁸ R. S.C. (1985), c.24 (4th supplement).

⁹ R. S.C. (1985), c.31 (4th supplement).

I am empowered to conduct audits, studies and evaluations on my own initiative to address systemic problems. I also engage in a variety of promotional activities to give Canadians a better understanding of language reform. Finally, I may ask any court, provincial or federal, for permission to intervene on any issue relating to the status or use of English or French.

The new Act also contained a major innovation. The federal government committed itself to promote English and French in Canadian society and to enhance the vitality of minority language communities.

This last measure is proving to be very dynamic. It affirms that official-language minorities are not marginalized groups, but rather that their growth and development are essential to our social and political cohesion. Indeed, our Supreme Court has since declared that the protection of minorities is an unwritten principle of the Canadian Constitution.¹⁰

Finally, last November, Parliament amended the *Official Languages Act*¹¹ to state more explicitly that every federal institution is obliged to take *positive measures* to ensure that minority-language communities receive the support they need. This means that federal institutions must go well beyond simply providing service at the counter in French or English; they must also act to enhance the vitality of official language communities.

Government programs, especially in the economic, social, health and cultural areas, must be conceived or adapted to meet the needs of minority communities. There cannot be a one-size-fits-all approach to development. Programs must be tailor-made to respond to the needs of these communities where they live, and federal institutions are fully accountable for achieving measurable results.

In short, the federal government must fully recognize the collective dimensions of minority community life. It must actively ensure equality of opportunity and work co-operatively with the provinces and territories, and with the communities themselves, to deliver essential public services community by community, based on carefully assessed needs.

The Canadian approach to language planning at the federal level recognizes the equality not only of both official languages, but also of both linguistic *communities* present everywhere in the country. This is substantially different from, for example, the Belgian or Spanish models based on territoriality. In addition, while equal status is given to both official languages, the multicultural reality of the country is also recognized by law.

Let me now try to describe how these efforts to ensure equality have evolved in practice.

Toward Equality

¹⁰ *Reference re Secession of Quebec*, (1988) 2 S.C.R. 217.

¹¹ Bill S-3, *An Act to amend the Official Languages Act (promotion of English and French)*, S.C. 2005.

Last year was the 35th anniversary of the Commissioner's Office. It was an opportunity for us to look back and take stock of the current situation. In fact, a special volume of my Annual Report presented a review of what has been accomplished. Let me take a few minutes to talk about some of the observations I made at the time.

- In most cases, members of minority communities are able to receive all – or key – federal services in their preferred official language at specially designated bilingual offices. While the bottom line after 35 years of bilingualism in the federal public service is that services to the public have improved in all regions, my office still reports yearly on a frustrating number of cases where service in the language of the minority is found lacking. It seems we have reached a plateau in the availability of service in the language of the minority. One of the challenges of the next few years will be to find ways to break through the glass ceiling.¹²
- But language of service is only one aspect of the transformation the institutions had to undertake. Federal employees have the right to work – and be supervised – in the official language of their choice in the National Capital Region and in regions designated for this purpose in Quebec and Ontario as well as in all of New Brunswick. This provision covers everything from the availability of software in either language to the obligation for a large proportion of managers to be able to communicate with their subordinates in either language. Some federal institutions have succeeded well in the task, but others are still lagging behind.¹³
- Also, the participation rates of English speakers and French speakers in federal institutions are now balanced, on the whole, although the federal civil service in Quebec has to step up its efforts to welcome more Anglophones into its ranks.
- Since the adoption of the Charter, the provinces and territories have established or improved minority-language primary and secondary education systems. In addition, there are minority-language community colleges and universities in several provinces. Since schools are often at the heart of minority communities, these educational reforms are of considerable importance.¹⁴
- A majority of jurisdictions (provinces and territories) now have laws or policies dealing with services in the minority language. New Brunswick recognizes the

¹² See Volume 2, Chapter 3 of the *Annual Report 2004-2005*, Commissioner of Official Languages, for data on the performance of federal institutions on language of service and other requirements. Recent reports from the Office of the Commissioner of Official Languages on language of service include *Bridging the Linguistic Divide* (2005), *The Single Window Networks of the Governments of Canada* (2003), and *National Report on Service to the Public in English and French: Time for a Change in Culture* (2001).

¹³ Recent reports on language of work from the Office of the Commissioner of Official Languages include: *Making it Real: Promoting Respectful Co-existence of the Two Official Languages at Work* (2005) and *A Senior Public Service that Reflects Canada's Linguistic Duality* (2002). A report on language of work in the province of New Brunswick is due to be published in the spring.

¹⁴ See Volume I of *Annual Report 2004-2005*, Office of the Commissioner of Official Languages. Also on education: *Rights, Schools and Communities in Minority Contexts* (2001) and *Motivation of School Choices by Eligible Parents Outside Quebec* (1999).

equality of its two linguistic communities in provincial law and in the Constitution.¹⁵ The legislature of Ontario enacts its laws in both languages, and provincial institutions provide a wide range of services to minority communities in designated areas.¹⁶ Manitoba's legislature also functions in English and French, and the province updated its bilingualism policy in 1999 to widen the range and quality of services offered in French.¹⁷ Prince Edward Island proclaimed its *French Language Services Act* in March 2000,¹⁸ and the province of Nova Scotia passed similar legislation in the fall of 2004.¹⁹

- Most other provincial and territorial governments have also adopted legislation, policies or practices to ensure that a range of services, including health and social services, are made available in French. A variety of initiatives are currently underway to provide many services by Internet and to integrate municipal, provincial and federal government services into one-stop service centres under one roof.²⁰

The voluntary and private sectors increasingly provide bilingual services in bilingual areas. I should also mention in passing that the bilingual packaging and labelling of virtually all consumer goods have been mandatory under federal legislation since 1974.²¹

¹⁵ New Brunswick, which first adopted its own *Official Languages Act* in 1969 (S.N.B. 1968-69, c. 14; R.S.N.B. 1973, c. O-1), has since pursued - and indeed enshrined in the Constitution - an official languages policy based on the principle of equality for its English- and French-speaking communities (R.S.N.B. 1973, c. O-1; *Constitution Act, 1982*: amended by *Constitution Amendment, 1993 (New Brunswick)* (SI/93-54)). In 2002, the provincial government again updated its *Official Languages Act*, creating, among other things, a position of Commissioner of Official Languages (*Official Languages Act*, S.N.B., c. O-0.5), assented to June 7, 2002.

¹⁶ In 1986, the Ontario government adopted a *French Language Services Act* (S.O. 1986, c. 45), which guaranteed the availability of most provincial government services in French in designated areas and recognized the right to use French in the legislature and the courts.

¹⁷ In 1985, the Supreme Court of Canada ruled that an 1890 law that abolished French as an official language in Manitoba was unconstitutional (*Re Manitoba Language Rights*, [1985] 1 S.C.R. 721). Official bilingualism has been restored, and the province is now pursuing an active French-language services policy.

¹⁸ S.P.E.I. (1999), c. 13.

¹⁹ Nova Scotia. *French-language Services Act / Loi sur les services en français*, 2004, c. 26 -- December 9, 2004.

²⁰ See *Bridging the Linguistic Divide* (2005). Also, Paul Fortier, *Official Language Requirements and Government On-Line*, Ottawa: Office of the Commissioner of Official Languages, 2002; Paul Fortier and Marcel Charlebois, *The Single Window Networks of the Government of Canada*, Ottawa: Office of the Commissioner of Official Languages, 2002.

²¹ *Consumer Packaging and Labelling Act*, R.S.C. (1985), c. C-38. The Office of the Commissioner of Official Languages published *Cost Impact of Two-Language Packaging and Labelling on Small And Medium-Sized Businesses in Canada* in 1997.

In 1978, the Quebec government, for its part, adopted a *Charter of the French Language*, which has since been amended from time to time.²² It declared French to be the official language of Quebec and set out requirements concerning the promotion and use of French, particularly in government, commerce, business and education. However, the province continues to deliver a wide range of services in English, including a comprehensive educational system. Moreover, as noted earlier, the use of English in the legislature, statutes and courts has been a constitutional requirement since 1867.

While fully defending the rights of Quebec's English-speaking minority, the government of Canada has worked with Quebec to bolster French language and culture. For example, it has signed agreements with Quebec on immigration and job training; it provides generous support for the arts and for national French-language radio and television. It actively promotes the French language in international relations, most notably in the Francophonie. Indeed, I believe that most Canadians today recognize the legitimacy of the marked predominance of French in Quebec. The vitality of the English-speaking minority in Quebec remains a priority, however, and efforts are being made to support its institutions, as the institutions of the French-speaking minorities elsewhere in the country are also supported.

In short, Canada and the provinces have adopted more language legislation in the past twenty years than in the previous two centuries. The overall success of these policies is an irrefutable sign of the profound changes in language attitudes that have taken place in Canada, but their implementation has always necessitated vigorous political leadership. Our experience is that social changes of this scale, especially within the federal bureaucracy, can succeed only if the example comes from above.

These changes have coincided with significant growth in individual French-English bilingualism. The 2001 census showed that the rate of bilingualism among English-speaking teenagers (15 to 19 years old) outside Quebec is now about 15 percent. This is more than twice the bilingualism rate of their parents. The improvement is due mainly to immersion programs. In Quebec, more than four in ten French-speaking teenagers are bilingual, as are 83 percent of English-speaking Quebec teenagers.

Unfortunately, the numerous improvements just described have not yet resolved one acute problem, the *proportional* decline of the Francophone population in Canada. While the number of Francophones in various regions of the country is either increasing or remaining stable, they make up a smaller proportion of the Canadian population than they formerly did. This complex phenomenon is attributable in large part to the combined long-term effects of assimilation, low birth rates, migration between provinces, and immigration.

Over the last decade, Canada has welcomed between 200,000 and 250,000 immigrants per year. Indeed, our country has increasingly turned to immigration as a source of labour force and skill growth. The 2001 Census data show that immigrants who arrived in Canada during the 1990s and were in the labour force in 2001 represented almost 70 percent of the total growth of the labour force over the decade. If current immigration rates continue, it is

²² R.S.Q., c. C-11.

possible that by the 2011 Census immigration will account for virtually all labour force growth.²³

A study conducted by my Office in 2002²⁴ showed that Francophone immigrants who settle outside Quebec represent just over 1 percent of all immigrants coming to Canada. The study underscored the importance of attracting immigrants with a knowledge of French toward minority communities. The federal government has agreed to increase its recruitment efforts in countries that are possible sources of French-speaking immigrants. On the other hand, about a third of all immigrants coming to Quebec have English as their first official language spoken, but more needs to be done to encourage them to remain in the province.

Conclusion

The Canadian political scientist Will Kymlicka has argued that, in spite of inevitable tensions, Canadians have managed to cope with growing diversity while simultaneously managing to live together in peace and civility. He suggests that this is, “by any objective standard, a remarkable achievement.”²⁵

While Canada may legitimately express pride in this accomplishment, there is no room for complacency. Our country must continue to resist the siren-like appeal of adopting one international language and one world view. Fortunately, in the context of globalization, Canadians are well aware of the significant advantages for trade and commerce of a multicultural society that uses two prominent international languages.

Canada must also continue to bolster and support its minority language communities. It must demonstrate in practice that our social fabric is rich and strong because it is woven of many threads. Reconciling plural identities with common values is always a leap of faith, but it is also a noble ideal. Just as an alloy of carbon and iron makes steel, an alloy of people from different communities can make something stronger than any community can achieve on its own. That concept is mirrored in the emblem of my office, representing Canada’s social fabric: two silver squares turning into gold where they overlap.

Canadians know that we cannot greet newcomers with fairness and acceptance if we fail to ensure equality among our two major linguistic groups. The continuing Canadian experiment works because it is founded on respect. It reflects other values of the country, such as the democratic nature of its institutions, equality between citizens, and acceptance of diversity. As such, it can hardly be applied as is to other societies, with their own values,

²³ Canada. *Canada’s Performance 2004*, Ottawa: Treasury Board Secretariat, December 2, 2004. http://www.tbs-sct.gc.ca/media/nr-cp/2004/1202_e.asp.

²⁴ Jedwab, Jack. *Immigration and the Vitality of Canada’s Official Language Communities: Policy, Demography and Identity*, Ottawa: Office of the Commissioner of Official Languages, 2002.

²⁵ Kymlicka, Will. *Finding Our Way: Rethinking Ethnocultural Relations in Canada*. Toronto: Oxford University Press, 1998, p. 3.

culture and history. But it can certainly inspire and stimulate debate elsewhere, and that is why I am especially pleased that various governments have been interested in acquiring a better understanding of the Canadian experience with bilingualism, including Wales, Ireland, Cuba, China, Sri Lanka and South Africa. A delegation from Iraq recently came to my office in Ottawa for the same reason. I think this shows the Canadian experience is more relevant than it ever was.

Thank you.