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Provincial and Territorial Government Contributions to the Development of Francophone Minority Communities

Assessment and Projections

Research report prepared by

Daniel Bourgeois
Wilfrid Denis
Donald Dennie
Marc L. Johnson

on behalf of the
**Ministerial Conference
on the Canadian
Francophonie**

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Introduction

intro

For more than forty years, the governments of the nine provinces and three northern territories that are majority Anglophone¹ have been striving to promote the language and culture of their Francophone minority and thereby contribute to its development. As the 1967 Royal Commission on Bilingualism and Biculturalism recognized, their contribution towards official languages is essential, for linguistic equality depends on the efforts of provincial and territorial (and municipal) institutions as much as, if not more than, it does on those of federal institutions. Indeed, despite the importance of the federal government contribution, sectors such as education, health, and social and municipal services that are areas of exclusive provincial and territorial jurisdiction contribute much more to the vitality of Francophone communities.² “Canada is, of course, a highly decentralized federation. Many of the government services and policies that impact most directly the vitality of minority language communities are in areas of provincial jurisdiction.”³

There is every reason to think that the contributions of the provinces and territories are even more material today, as their areas of jurisdiction have expanded since the 1960s⁴ and efforts

by the federal, provincial and territorial governments since the Royal Commission’s report have made linguistic duality “one of the primary values of today’s Canada”.⁵ The entrenchment of educational rights in the *Canadian Charter of Rights and Freedom* in 1982 forever changed French-language education.⁶ Since then, the number of French schools has multiplied, school governance has been granted to 31 Francophone school boards in majority Anglophone provinces and territories, and an education system has been put in place that is gradually expanding linguistic equality in education. In the wake of exponential growth of public interest and expenditures in health, ratification of the 2005 federal-provincial agreement on health services,⁷ the *Montfort* case,⁸ and the establishment of French-language health networks,⁹ health promises to be the main language issue for the next decade. Education and economic development have emerged as major issues since the federal-provincial

1. Although English is not the majority language in Nunavut, the term “majority Anglophone” is used in preference to “majority non-Francophone” in order to simplify the text.

2. Michael O’Keefe, *Francophone Minorities: Assimilation and Community Vitality*, 2nd ed. (Ottawa: Canadian Heritage, 2001), 31.

3. See especially Chapter VII of Royal Commission on Bilingualism and Biculturalism, *The Official Languages*, Book I of Report of the Royal Commission on Bilingualism and Biculturalism (Ottawa: Queen’s Printer, October 1967).

4. Herman Bakvis and Grace Skogstad, eds., *Canadian Federalism: Performance, Effectiveness, and Legitimacy* (Toronto: Oxford University Press, 2001). See also the annual *Canada: The State of the Federation* publications of the Institute of Intergovernmental Relations at Queen’s University, Kingston.

5. Government of Canada, *The Next Act: New Momentum for Canada’s Linguistic Duality – The Action Plan for Official Languages* (Ottawa: Privy Council Office, 2003), vii. This declaration by the Prime Minister of Canada reiterates the opinion of the Supreme Court of Canada expressed in *Reference re Secession of Quebec*, [1998] 2 S.C.R. 217, para. 81): “Although Canada’s record of upholding the rights of minorities is not a spotless one, that goal is one towards which Canadians have been striving since Confederation, and the process has not been without successes. The principle of protecting minority rights continues to exercise influence in the operation and interpretation of our Constitution.” See http://www.pco-bcp.gc.ca/olo/default.asp?Language=E&page=action&doc=cover_e.htm.

6. Michael Behiels, *Canada’s Francophone Minority Communities: Constitutional Renewal and the Winning of School Governance* (Montreal and Kingston: McGill-Queen’s University Press, 2004).

7. http://www.hc-sc.gc.ca/hcs-sss/delivery-prestation/fptcollab/2003accord/index_e.html.

8. *Lalonde v. Commission de restructuration* [2001] O.J. No. 4768 (O.C.A.) (QL).

9. <http://www.franco-sante.org>.

early childhood agreements of 2000¹⁰ and 2005¹¹ and the establishment of a *Regroupement de développement économique et d'employabilité (RDÉE)*¹² in each province and territory in 1999. The implementation of Service Canada¹³ and alternative modes of public service delivery, including one-stop government service centres,¹⁴ provide an indication of the growing importance of public services and communications in French. Finally, the *Action Plan for Official Languages*, published by the federal government in March 2003, calls for federal institutions to encourage provincial and territorial institutions to contribute to linguistic equality, while respecting their respective areas of jurisdiction. In fact, half of the objectives, methods and resources prescribed in the federal plan require the cooperation of the provinces and territories. This would explain why the federal plan is often limited to indirect objectives, such as “the Government will be encouraging provinces and territories to suggest measures for providing access to day cares and kindergartens in community schools”,¹⁵ and “the Government will encourage the provinces and territories to take into account the needs of families in minority language communities” with respect to early childhood services.¹⁶ In the end, the federal plan asserts that the provinces and territories “are key players for minority linguistic communities” because they “provide them with services in a host of fields, such as health care, the administration of justice, recreational services and social services”.¹⁷

10. See the following websites: 1) http://socialunion.gc.ca/news/110900_e.html and 2) http://www.tbs-sct.gc.ca/rma/eppi-ibdrp/hrdb-rhbd/ece-dpe/description_e.asp.

11. To see the list of bilateral agreements on early childhood development, go to http://www.hrsdc.gc.ca/en/corporate/whats_new/index.shtml.

12. <http://www.rdee.ca>.

13. <http://www.servicecanada.gc.ca>.

14. See David Zussman, “Alternative Service Delivery” in Christopher Dunn, *The Handbook of Canadian Public Administration* (Don Mills: Oxford University Press, 2002), 53–76, and the chapter with the same name in Kenneth Kernaghan, ed., *Public Administration in Canada* (Scarborough: Nelson, 2002).

15. *The Action Plan for Official Languages*, op. cit., 26.

16. *Ibid.*, 42.

17. *Ibid.*, 47.

Although the federal government’s efforts in the area of official languages are the subject of much basic and applied research,¹⁸ apart from the annual reports and research coming out of the Office of the Commissioner of Official Languages,¹⁹ little is known about the efforts of the provincial and territorial governments. There are four possible reasons for this.

Firstly, the provincial and territorial governments often fail to publicize their contributions. A number of provincial and territorial civil servants have admitted that their government has been reluctant to report its accomplishments for fear of a negative reaction by citizens opposed to bilingualism and the French fact, and in some provinces, the charge of favouring one ethno-cultural group over another. This would explain why government press releases on this subject are rare.

Secondly, the initiatives announced by the provinces and territories are sometimes ignored by the media. The Anglophone media rarely mention provincial and territorial contributions to the Francophone cause, while the Francophone media, inclined to defend the interests of its audience, pay more attention to initiatives that hinder development of the Francophone community. In fact, based on a quick review of Francophone community newspapers, we estimate that they have published at least twice as many articles on litigation between the Francophone minority and the

18. See especially Kenneth McRoberts, *Misconceiving Canada* (Don Mills: Oxford University Press, 1997); John Edwards, *Language in Canada* (Cambridge: Cambridge University Press, 1998); Leslie Pal, *Interests of State: The Politics of Language, Multiculturalism and Feminism in Canada* (Montreal: McGill-Queen’s University Press, 1993); Pierre Coulombe, *Language Rights in Canada* (New York: Peter Lang, 1995); Michael MacMillan, *The Practice of Language Rights in Canada* (Toronto: University of Toronto Press, 1998); Will Kymlicka, *Finding Our Way: Rethinking Ethnocultural Relations in Canada* (Oxford University Press, 1998); Michel Bastarache, ed., *Language Rights in Canada*, 2nd ed. (Montréal: Yvon Blais, 2004); Jean-Pierre Wallot, ed., *La gouvernance linguistique: le Canada en perspective* (Ottawa: University of Ottawa Press, 2005); and Daniel Bourgeois, *Canadian Bilingual Districts: From Cornerstone to Tombstone* (Montréal: McGill-Queen’s University Press, 2006). See also Graham Fraser, *Sorry, I Don’t Speak French: Confronting the Canadian Crisis That Won’t Go Away* (Toronto: McClelland and Stewart, 2006).

19. <http://www.ocol-clo.gc.ca>.

provincial and territorial governments over educational rights as they have on the positive contributions by the provincial and territorial governments. This may reflect a bias in the community-based media or the fact that such controversy attracts more media attention, but it gives the impression that the provinces and territories have done little for French language and culture in the past 40 years, which is not true.

Thirdly, many of the provincial and territorial initiatives in the area of official languages stem from federal cooperation agreements or programs. These initiatives pertain to provincial and territorial areas of jurisdiction and a certain diplomacy is required, particularly when it comes to publicity. Thus, if the provincial and territorial authorities hesitate to promote their activities in the area of official languages, the federal government will follow suit.

Finally, a number of researchers have addressed the deficiencies of provincial and territorial action,²⁰ but to our knowledge, no researcher has undertaken systematic research on such action as a whole.

The lack of literature on provincial and territorial action in the area of official languages might lead one to think that such action is rare, or even non-existent, or that it is aimed at inhibiting the development of Francophone communities. It is nothing of the sort. Many actions positive for the French language and culture and the Francophone

community have been carried out since 1988, and some of them have contributed considerably to the development of that community.

We chose 1988 as the starting date for our study as it coincides with two important events at the opposite extremes of government intervention in the area of official languages. On the positive side, Parliament adopted the second *Official Languages Act* which, among other things, calls upon federal institutions to contribute to the development of official language communities and to encourage provincial and territorial (and municipal) institutions to do likewise. On the negative side, because of the *Mercury* case,²¹ the Alberta and Saskatchewan governments both passed what some have characterized as repressive legislation, denying French status as an official language.²² It was by pure happenstance that these events occurred at the same time, but they served to speed up provincial and territorial activity in this area.

All the same, it should not be forgotten that New Brunswick had adopted its *Official Languages of New Brunswick Act* back in 1969; the provinces and territories had agreed, with federal government support, to endorse French language education in 1970; Ontario had put a system of designated bilingual areas in place in 1971; the Anglophone provinces had agreed to give their Francophone minority educational rights equivalent to those of Quebec Anglophones in 1977, and to entrench this right in the *Canadian Charter of Rights and Freedoms* in 1981; Ontario had adopted the *French Language Services Act* in 1986; and the other provinces and territories had taken action in this area before 1988. We could have gone as far back as 1967, the date of the provincial premiers' *Confederation of Tomorrow* conference and the first report of the Royal Commission on Bilingualism and Biculturalism, but in our opinion, 1988 was a pivotal year, as that is when provincial and territorial contributions started to become more

20. Edmund Auinger, for example, presents a thorough review of Albertan efforts in the area of official languages and comes to the following conclusion: “[Translation] For more than a century, political authorities acted, often in a repressive manner, to build a homogeneous unilingual society. To that end, the provincial government imposed the use of English in the Legislative Assembly, the courts, the municipal councils, the schools and the private sector. Now, having reached its objective, it preaches tolerance and liberty and condemns regulation and interference in linguistic matters. These days, Alberta recognizes the right to express oneself in French in its Legislative Assembly and its courts of justice and it even allows instruction in French in schools run by the Francophone community. Unfortunately, for generations of Francophones lost to assimilation, these new rights have come too late.” Edmund Auinger, “De la répression à la tolérance: les contrariétés du néolibéralisme linguistique en Alberta”, in Jean-Pierre Wallot, ed., *La gouvernance linguistique: le Canada en perspective* (Ottawa: University of Ottawa Press, 2005), 111–126, 123–124.

21. *R. v. Mercure*, [1988] 1 S.C.R. 241.

22. Auinger (2005), in Wallot, ed., *op. cit.*, 123.

frequent and systematic and acquire their current magnitude.

Since 1988, the provincial and territorial governments have been increasingly active in this area, and in a growing number of sectors, thereby contributing to the development of the Francophone communities. Some act more often, in more sectors, and in a more official fashion than others do. For example, some act by way of official language legislation or policies, while others proceed without any official measures. It can be concluded from this that 1) each province and territory is evolving at its own pace, based on its own political, demographic and sociological factors and challenges, and 2) it is worthwhile taking a closer look at provincial and territorial action in this regard.

Compilation and analysis of provincial and territorial actions in the area of official languages were thus required. It was necessary first to identify the nature of these actions and compile a list of them, and second to assess them critically. We then proposed a few immediate and long-term projections.

The research covered nine sectors of activity: 1) public communications and services, 2) early childhood development, 3) health and well-being, 4) justice, 5) arts and culture, 6) economic development, 7) target groups (youth, seniors, and women), 8) immigration and 9) municipalities. Primary and secondary education was not included as it has already been the focus of a number of studies.²³ These nine sectors coincide with the main sectors outlined in the federal government's *Action Plan for Official Languages*. We also looked at the administrative structures created by the provinces

and territories to organize these sectors, as well as the ways in which the provinces and territories cooperated with each other, and with the federal government.

We analyzed documents, semi-guided interviews of 88 respondents—including federal and provincial ministers and civil servants and Francophone community leaders in each sector—and a survey of 129 community-based organizations.²⁴ Their analysis prompts reflection on the potential impact of certain factors on the development of minority Francophone and Acadian communities, including the positive obligations imposed on government by the Supreme Court of Canada in the *Reference re Secession of Québec*²⁵ and *R. v. Beaulac*.²⁶ These projections should enable the principal stakeholders—the federal, provincial and territorial governments and the Francophone community-based organizations—to better ensure progress towards substantive linguistic equality.

23. See especially Rodrigue Landry and Serge Rousselle, *Éducation et droits collectifs* (Moncton: Éditions de la Francophonie, 2003); Michael Behiels, *op. cit.*; Angéline Martel, *Rights, schools and communities in minority contexts: 1986–2002 Toward the development of French through education, an analysis* (Ottawa: Office of the Commissioner of Official Languages, 2001); and Réal Allard, ed., *Actes du colloque pancanadien sur la recherche en éducation en milieu francophone minoritaire: Bilan et perspectives* (Moncton: Centre de recherche et de développement en éducation, Université de Moncton, November 2000), <http://www.acef.ca/publi/crde/sections> .

24. Further details on our research methodology are provided in Appendix A.

25. *Reference re Secession of Québec*, [1998] 2 S.C.R. 217.

26. *R. v. Beaulac*, [1999] 1 S.C.R. 768.

Section A: Background

This first section presents an overview of the history, demolingistics and legal status of the Francophonie as it exists in the twelve provinces and territories with an Anglophone majority, thereby providing a context for the description and assessment of provincial and territorial government accomplishments.

1. Historical Overview

The first century of Confederation was not favourable to the Francophone minority. The abolition of French as an official language in Manitoba twenty years after the province joined Confederation and the adoption of Regulation 17 in Ontario in 1912²⁷ were two of the most painful events involving language issues between 1867 and 1967 and are part of the reason why half of the Canadians of Francophone descent living outside of Quebec today are not French-speaking.

The second century got off to a better start, with the premiers of the ten provinces convening at the *Confederation of Tomorrow* conference in Toronto on November 27, 1967. For the first time, the provinces systematically addressed the role of English and French in Canada. Six themes were discussed: a charter of rights; French-language schools; French-language judicial services; French-language radio and television; a bilingual national capital; and provincial French-language services. The majority Anglophone provinces and territories have thus been active in many of these areas for more than forty years.

27. Michel Bock, “Sociabilité et solidarité: la crise du Règlement XVII et l’insertion de Lionel Groulx dans les milieux nationalistes de l’Ontario français”, *Revue du Nouvel-Ontario* 28 (2003): 5–49.

Section A

The *Confederation of Tomorrow* conference coincided with the tabling on October 8, 1967, of the first volume of the final report of the Royal Commission on Bilingualism and Biculturalism. In its six-volume report, the Commission recommended 150 solutions to the national “crisis”²⁸ stemming from various sources of tension between Francophones and Anglophones. Many of the recommendations concerned areas of provincial jurisdiction,²⁹ including education.³⁰ In the Commission’s words, “neglecting the action of provincial and local governments [...] would be to propose valid but incomplete means”,³¹ as a number of areas fundamental to the survival and development of linguistic communities—education, health, and social and municipal services, for example—are exclusively under provincial jurisdiction.

One of the Commission’s recommendations was that all provinces adopt an official languages act in order to ensure the delivery of bilingual services “within their jurisdiction, while to degrees that will in practice vary depending on demographic conditions”.³² In other words, all provinces should adopt official languages legislation, the administration of which could vary from one province to the next. Thus the language legislation

28. Royal Commission on Bilingualism and Biculturalism, *A Preliminary Report of the Royal Commission on Bilingualism and Biculturalism* (Ottawa: Queen’s Printer, 1965).

29. Royal Commission on Bilingualism and Biculturalism, *Report of the Royal Commission on Bilingualism and Biculturalism*, Book I, *The Official Languages* (Ottawa: Queen’s Printer, 1967).

30. Royal Commission on Bilingualism and Biculturalism, *Report of the Royal Commission on Bilingualism and Biculturalism*, Book II, *Education* (Ottawa: Queen’s Printer, 1968).

31. *The Official Languages*, *op. cit.*, 92 [Page reference is to French version].

32. *Ibid.*, 97.

in Quebec, New Brunswick and Ontario would be more stringent than that of other provinces. In fact, the Commission recommended that the Ontario and New Brunswick legislation acknowledge the bilingual character of those provinces as section 133 of the *British North America Act* had done for Quebec.

In these three “officially” bilingual provinces as well as the other “practically” bilingual provinces and territories, the Commission recommended the establishment of “bilingual districts”, regions of the country where the minority represented at least 10% of the population. This “cornerstone”³³ of the Commission’s proposed system would serve to symbolically recognize minority communities and ensure the bilingual delivery of federal, provincial and municipal services. The provinces refused to join in the project and the federal government abandoned the idea in 1976.³⁴ Government intervention to promote linguistic duality in the country thus took a different route.

On the federal side, much action has been taken in the last 40 years. A first *Official Languages Act* was adopted in 1969, followed by a second in 1988 to ensure consistency with the 1982 *Canadian Charter of Rights and Freedoms*. Meanwhile, many programs and services favourable to official language communities were created by federal institutions, including the Official Languages in Education Program (OLEP) and the Official Languages Program (OLP). Although these initiatives first emanated primarily from the Secretariat of State (now Canadian Heritage), since the November 2005 amendment of section 41 of the *Official Languages Act*, the other federal institutions have been required to take “positive measures”³⁵ to support the development of minority official language communities. Finally, in March 2003, the publication of the *Action Plan for Official Languages* and the implementation of related projects provided a third burst of momentum.

33. *The Official Languages*, op. cit., 121.

34. Bourgeois (2006), op. cit.

35. *The Official Languages*, op. cit., 121.

On the provincial side, the Legislative Assembly of New Brunswick passed the country’s first official languages act, just prior to Parliament’s passing of its legislation. Two years later, the Ontario government created a system of bilingual areas that was formalized in 1986 by the *French Language Services Act*. Similar legislation saw the light of day in Prince Edward Island in 1999 and in Nova Scotia in 2004. The three territories adopted legislation making French one of their official languages. In 1979, French regained its official status in Manitoba when the Supreme Court of Canada ruled that the province’s *Official Language Act* of 1890 was unconstitutional. The Manitoba government subsequently adopted and implemented a policy on French-language services, as did the government of Saskatchewan. The other provinces and territories adapted their programs or adopted new ones and put French-language services in place, at least in the main Francophone communities. More than a hundred municipalities outside Quebec declared themselves “officially bilingual” or put French-language services in place for their Francophone population. Thus, little by little, the various majority Anglophone provinces and territories have each in their own way contributed to the development of their Francophone communities since 1969.

In some respects, the two levels of government have worked in close cooperation to promote French. The Official Languages in Education Program allows the federal government to contribute to French education,³⁶ even though primary and secondary education is an area of exclusive provincial and territorial jurisdiction. The Official

36. The Francophone community has often reproached the federal, provincial and territorial governments for a lack of transparency with respect to OLEP management and funding, which is said to have resulted in immersion being given priority over French-language education. (*Où sont passés les milliards?* [Ottawa: *Commission nationale des parents francophones*, 1996]). See also Paul Clarke and Pierre Foucher, *École et droits fondamentaux: portrait des droits individuels et collectifs dans l’ère de la Charte canadienne des droits et libertés* (Winnipeg: Les Presses universitaires de St. Boniface, 2005) and Wilfrid Denis, “Francophone Education in Saskatchewan: Resisting Anglo-Hegemony” in Brian Noonan, ed., *A History of Education in Saskatchewan: Selected Readings* (Regina: Canadian Plains Research Centre, 2006), 87–108.

Languages Program helps provincial and territorial governments to provide some of their services in French. These bilateral agreements are the main way in which Canadian Heritage meets its obligations under the 1998 *Official Languages Act*. Other agreements on early childhood, justice, health, and economic development have enabled other federal institutions and their provincial and territorial partners to foster the development of Francophone communities.

The preamble to the *Official Languages Act* states that the federal government is committed to

cooperating with provincial governments and their institutions to support the development of English and French linguistic minority communities, to provide services in both English and French, to respect the constitutional guarantees of minority language educational rights and to enhance opportunities for all to learn both English and French.

Paragraph 43(1)(d) requires it to

encourage and assist provincial governments to support the development of English and French linguistic minority communities generally and, in particular, to offer provincial and municipal services in both English and French and to provide opportunities for members of English or French linguistic minority communities to be educated in their own language.

Finally, when Parliament amended section 41 of the Act in November 2005 to require federal institutions to take “positive measures” in regards to Francophone minority communities, it was careful not to infringe on provincial and territorial areas of jurisdiction. Nevertheless, the fact remains that the implementation of many federal services and programs depends on provincial and territorial institutions, as attested by the federal *Action Plan for Official Languages*.

The Action Plan gives “new momentum” to the federal government’s language policy. It gives priority to seven sectors (education, early childhood development, health, justice, immigration, economic development, the public service, and language industries) and specifies an accountability and coordination framework for guiding

and assessing the implementation of 25 objectives, some of which fall under provincial and territorial jurisdiction:

1. Increase the proportion of eligible students enrolled in Francophone minority schools outside Quebec from 68% in 2001 to 80% in 2011;
2. Improve access to postsecondary education for both minority groups;
3. Support French-language instruction for Anglophones in Quebec and expand options available to students outside Montreal;
4. Double the proportion of secondary school graduates with a functional knowledge of their second language from 24% in 2003 to 50% in 2013;
5. Improve Canadian Heritage’s bursary and monitor programs;
6. Help promote research on the linguistic minorities;
7. Provide minority communities with better access to health services in their language;
8. Support early childhood development in minority communities;
9. Improve access to justice in both official languages;
10. Promote immigration in Francophone communities outside Quebec;
11. Increase minority communities’ capacity to participate in the knowledge-based economy;
12. Enable minority communities to take advantage of existing economic development projects;
13. Strengthen partnerships with provinces and territories;
14. Support the community life of minorities;
15. Make official languages a priority again for the public service;
16. Invest in innovation with respect to official languages;

17. Strengthen the expertise and monitoring capacities of federal institutions;
18. Hire more bilingual employees for the federal public service;
19. Improve the accountability and coordination of federal institutions;
20. Strengthen ties between language industries and increase their visibility;
21. Encourage research and produce new language technologies;
22. Ensure that official languages remain a daily priority in the development and implementation of federal government policies and programs;
23. Raise awareness in the federal institutions (departments, agencies) of the spirit and the purpose of the *Official Languages Act* and the responsibilities it entails;
24. Strengthen the mechanisms for consulting the minority community;
25. Establish overall coordination of the government process on official languages.

To accomplish these 25 objectives, the Action Plan proposes 64 means and a financial investment of \$751,300,000 between April 1, 2003, and March 31, 2008. It offers a major opportunity to improve cooperation both with the provincial and territorial authorities and with the community-based organizations, a topic that we will return to in our projections.

2. Demolinguistic Profile³⁷

More than a century after Confederation, and despite waves of allophone immigration,³⁸ Canada is essentially comprised of two main language groups. Some 82% of Canadians have English or French as their mother tongue. More than 17.5 million Canadians, or 59% of the population, have English as their mother tongue, and nearly 6.8 million, or 23%, have French. The Chinese-speaking population (all Chinese languages included) is in third place with 872,400 members and 2.9% of the Canadian population, and only three other languages—Italian, German and Punjabi—exceed the 1% threshold. In total, the 5,334,800 Canadians whose mother tongue is other than French or English represent 18% of the population.

Despite the predominance of the two official languages, two significant trends are observed. On the one hand, the two official language populations are becoming more and more geographically concentrated, with Francophones³⁹ are increasingly concentrated in Quebec. The proportion of Canadian Francophones living in Quebec went from 83.3% in 1961 to 85.5% in 2001. Francophones living outside of Quebec represented 6.6% of the Canadian population in 1961, but only 4.6% in 2001, even though their number rose from 853,462 to 1,020,540.³⁹ While the Francophone popula-

37. Unless otherwise indicated, our data have been drawn from a report by Louise Marmen and Jean-Pierre Corbeil entitled *Languages in Canada: 2001 Census, New Canadian Perspectives* (Ottawa: Public Works and Government Services, 2004).

38. The waves of immigration of the mid 19th and early 20th centuries were much greater than today's, but they were less noticeable because Canada's indigenous population was growing at the same rate. For example, immigrants represented 14.7% of the Canadian population in 1951 and 16.1% in 1991. Since 1991, the immigration rate has gone up while the indigenous birthrate has gone down. The relative increase in the immigrant population has therefore been more noticeable since 1991. The immigration rate has fallen since 1996 (growth of 2.9% between 1991 and 1996 and 1.9% between 1996 and 2001), but it is still higher than the indigenous birthrate (0.5%), which has steadily declined since 1951–1961, when it was 2.9%.

39. According to data from the 2001 Census, 953,300 Canadians outside Quebec had French as their only mother tongue and 67,240 had it as one of several mother tongues (<http://www12.statcan.ca/francais/census01/products/highlight/LanguageComposition/Page.cfm?Lang=E&Geo=PR&View=1a&Table=1a&StartRec=1&Sort=2&B1=Counts&B2=Both>).

Table 1
French Mother Tongue Population
by Province and Territory, 1961 and 2001

	1961: Francophones (%)		2001: Francophones (%)	
Newfoundland	3,150	(0.7)	2,515	(0.5)
Nova Scotia	39,568	(5.4)	36,745	(4.1)
Prince Edward Island	7,958	(7.6)	6,110	(4.6)
New Brunswick	210,530	(35.2)	242,065	(33.6)
Ontario	425,302	(6.8)	523,970	(4.7)
Manitoba	60,899	(6.6)	47,555	(4.2)
Saskatchewan	36,163	(3.9)	19,525	(2)
Alberta	42,276	(3.2)	65,995	(2.2)
British Columbia	26,179	(1.6)	63,625	(1.6)
Yukon	443	(3)	975	(3.4)
Northwest Territories	994	(4.3)	1,055	(2.8)
Nunavut	(included with NWT)		420	(1.6)
Canada (not including Quebec)	853,462	(6.6)	980,272	(4.5)

tion in Ontario and New Brunswick rose slightly between 1961 and 2001, its share of the total population declined, as it did in all the provinces and territories. Certain provinces, particularly in Western Canada, have sustained dramatic demographic losses in the past 40 years. For example, the Francophone population of Saskatchewan fell from 36,163 in 1961 (3.9% of the population) to 19,525 in 2001 (2.0%). Table 1 provides an overview of the trends.

On the other hand, between 1996 and 2001, the Francophone population grew in Prince Edward Island, Ontario, Alberta and British Columbia. This was due mainly to Francophone interprovincial migration. For example, 23,665 Francophones from Quebec migrated to Ontario between 1996 and 2001, and 5,000 moved to British Columbia. While New Brunswick lost 3,025 Francophones to interprovincial migration between 1996 and 2001, Alberta gained 5,555 and Ontario, 7,745. That being said, Ontario had lost 6,040 Francophones to interprovincial migration between 1991 and 1996. Thus, job creation and workforce mobility have affected the Francophone population of the provinces and territories, but interprovincial

migration is less than what the Francophone and Acadian communities experienced a century ago. Although these figures must be put in perspective, the fact remains that the Francophonie is increasingly concentrated in Quebec.

In addition to losses in the French mother tongue population, increasing rates of language shift away from French are noted. This trend is shown in Table 2. In fact, the number of Francophones defined on the basis of the language used most often at home went from 675,925, or 4.3% of the Canadian population outside Quebec, in 1971 to 612,990 or, 2.7%, in 2001. In the provinces and territories concerned, there are many more mother tongue Francophones than Francophones for whom French is the language most often used in the home. This “linguistic deficit” continues to rise with each census. In the country as a whole, mother tongue Francophones lost 21% of their population in 1971 and 37% in 2001. These losses were not evenly distributed. The provinces and territories west of Quebec lost more than half of their population, except for Nunavut, which lost 44%. The losses were also high in Newfoundland and Labrador and Prince Edward Island and just

Table 2
Population with French as the Language Most Spoken at Home,
by Province and Territory, 1971 and 2001

	1971: total and variance (%)		2001: total and variance (%)	
Newfoundland	2,295	(-27)	991	(-58)
Nova Scotia	27,220	(-31)	19,789	(-44)
Prince Edward Island	4,405	(-45)	2,818	(-52)
New Brunswick	199,080	(-5)	217,773	(-9)
Ontario	352,465	(-17)	307,297	(-40)
Manitoba	39,600	(-35)	20,892	(-55)
Saskatchewan	15,930	(-56)	4,805	(-74)
Alberta	22,700	(-46)	20,672	(-67)
British Columbia	11,505	(-56)	16,902	(-71)
Yukon	135	(-70)	433	(-54)
Northwest Territories	585	(-41)	396	(-61)
Nunavut	(included with NWT)		225	(-44)
Canada (not including Quebec)	675,925	(-21)	612,990	(-37)

under 50% in Ontario and in Nova Scotia. New Brunswick is in a class of its own, losing only 9% in 2001, but this rate is twice as high as when the first *Official Languages Act* was adopted. One can only wonder what the rate would have been had the Act not been adopted. That province is not the only one to experience a considerable increase in its rate of language shift in the last thirty years: ten of the twelve majority Anglophone provinces and territories (Prince Edward Island and the Yukon excepted⁴⁰), have seen a major increase in their language shift rates since 1971. Generally speaking, despite the presence of strong and dynamic Francophone communities in every province and territory, the further one lives from Quebec, the stronger the pull of assimilation. Again, it can be seen that the French fact is increasingly concentrated in Quebec.

These comparisons do not reflect the thousands of Canadians who “regularly” speak French at home, as this category of respondents has only existed since the 2001 census. The rate of language shift goes down when this category is taken into account. In other words, there are many more Canadians who speak French at home than there are Canadians for whom it is the language most often spoken. In fact, Newfoundland and Labrador, Saskatchewan and British Columbia have twice as many people who regularly speak French at home as they do people who speak it most often. The number of people who regularly speak French at home is also larger than the number of those who speak it most often in Prince Edward Island, Alberta and the three territories. Thus, by this criterion, the rate of language shift in most of the provinces and territories would be less than half, rather than more, as Table 3 indicates. Nevertheless, it is still an alarming rate.

40. The rate of language shift in the Yukon, for example, was -54% in 2001, well below the 1971 rate of -70%.

Table 3
Index of Intergenerational Transmission, 1991–1996 (%)

	English	French	Other languages
Newfoundland and Labrador	101	53	63
Nova Scotia	104	55	39
Prince Edward Island	104	61	58
New Brunswick	106	96	40
Ontario	120	77	61
Manitoba	124	60	47
Saskatchewan	110	34	46
Alberta	113	43	56
British Columbia	115	46	67
Yukon	110	66	41
Northwest Territories	133	40	77
Nunavut	Included in NWT	Included in NWT	Included in NWT
Canada (not including Quebec)	116	74	61

Source: O'Keefe, *op. cit.*, p. 21.

The conclusion is obvious: Anglophones are increasing in total numbers, particularly through the assimilation of immigrants and Francophones, whereas Francophones are declining. It is worth noting, however, that most of the provinces and territories are retaining the majority of their Francophone population. Nevertheless, the retention rate exceeds 75% in just two provinces: New Brunswick (96%) and Ontario (77%). The high concentration of Francophones in these two provinces (three-quarters of the French population) explains why the national rate (excluding Quebec) almost clears that same threshold. Elsewhere, however, the majority of Francophones are being assimilated.

It is noted that fewer and fewer recent immigrants speak either official language. Allophones have gone from 59.5% of the immigrant population in 1971 to 70.1% in 2001. Thus, from 1961 to 2001, the proportion of Canadian allophones went from 13.5% to 18%. However, the direct impact on the Francophone population is less than that on the Anglophone population. Indeed, although Francophone immigrants increased their share of the Canadian population from 2.2% in 1971

to 2.7% in 2001, the proportion of Anglophone immigrants fell from 11.6% to 8.7% during the same period. On the other hand, although immigrants are increasingly likely to maintain the use of their mother tongue, allophone language shift outside Quebec favours English much more than French.

Here too, the impact on the provinces and territories varies and it is mainly Ontario and the Western provinces that are facing multilingualism. In these provinces, the proportion of allophones ranges from 12.7% (Saskatchewan) to 24.8% (British Columbia). In the four Atlantic provinces, allophones represent less than 2% of the total and exceed that percentage only in Nova Scotia (3.1%). Furthermore, allophone immigrants have a tendency to take up residence in the country's three main urban centres: Toronto, Montréal and Vancouver. In Toronto and Vancouver, allophone immigrants are far more numerous than Francophones. Elsewhere, the presence of allophone immigrants is less apparent, but given that the growth in numbers of allophones is greater than that of Francophones and that, outside Quebec, the language shift of allophones (like

that of Francophones) favours Anglophone communities, it can be predicted that the demographic importance of the French fact will decline considerably, particularly west of Quebec.

This pessimistic picture is nonetheless brightened by some positive demolinguistic findings. For example, although Francophones living outside Quebec have declined in relative importance since 1961, their numbers have risen. Where there were 853,500 Francophones living outside Quebec in 1961, there were 1,020,540 in 2001. This represents an increase of 126,800 or 15%. On the other hand, whereas Francophones living outside Quebec represented 6.6% of the Canadian population in 1961, they are now only 4.5%.

This proportional decline is explained mainly by the declining birthrate within the Francophone communities and the increase in the non-Francophone immigrant population. On the one hand, the total fertility rate among women with French as their mother tongue fell from 4.95 in the period 1956–1961 to 1.46 in 1996–2000. It has been below the standard replacement rate of 2.1 since 1971. On the other hand, the proportion of the Canadian population comprised of non-Francophone immigrants went from 13.5% in 1961 (2,454,600) to 18.0% in 2001 (5,334,800).

The data on the language of work are more encouraging. For example, while Francophones represent only 4.5% of the Canadian population outside Quebec, 5% of Canadians use French at work. In New Brunswick, 37.1% of the population uses French often or regularly at work, although the population is only 33.3% Francophone. However, the rate of workplace use of French is less than the rate of French as a mother tongue in all jurisdictions west of Quebec except Ontario and Nunavut. More than two-thirds of Francophones were working most often or regularly in French in 2001. The rate ranges from 30% in British Columbia to 92.3% in New Brunswick. In half of the twelve provinces and territories, the majority of Francophones speak French at work, and in two others, the rate is just under 50%. The rate

in Alberta, Saskatchewan and British Columbia, however, is under 34%.

Finally, it is the data on knowledge of French that are the most encouraging. Due mainly to French immersion, a Canadian innovation supported by the provinces and territories for two generations, the number of people outside Quebec who are French-speaking (2,439,050) is twice as high as the number who have French as their mother tongue (1,020,540). This is not to say that those citizens speak French frequently, register their children in French schools, or request public services in French, but it suggests that nearly 1.5 million Canadians who do not have French as their mother tongue have learned the language. We feel confident in assuming that a good many of them value the French language.

Table 4 shows the number of residents in the majority Anglophone provinces and territories that have French as a mother tongue and the number who know French (alone or in combination with English). The results are very interesting. In all provinces except New Brunswick, the number of Francophones calculated based on knowledge of French is significantly greater than the number calculated on a mother-tongue basis. In some cases, the difference is very large indeed. For example, in Newfoundland and Labrador, there are nine times as many Francophones based on knowledge of French as there are based on mother tongue (21,040 as opposed to 2,515).

Outside Quebec, there are 2,439,050 Canadians who know French. If we add in the 3,831,350 Quebecers who only know French and the 2,907,700 Quebecers who know French and English, nearly a third of Canadians (9,178,100) know French. The absolute numbers and proportion of Canadians who know French rise with every census.

In short, the Canadian Francophonie is alive and well, especially in Quebec, but also in the rest of Canada. However, even though Francophones living outside Quebec are not the “still warm corpses” that some have perceived them to be since

Table 4
Mother Tongue and Knowledge of Official Languages, 2001 (%)

	French as mother tongue	Knowledge of French only	Knowledge of French and English
Newfoundland and Labrador	2,515	145	20,895
Nova Scotia	36,745	790	90,265
Prince Edward Island	6,110	95	15,990
New Brunswick	242,065	66,415	245,865
Ontario	523,970	42,305	1,319,720
Manitoba	47,555	1,245	102,840
Saskatchewan	19,525	355	49,000
Alberta	65,995	1,890	202,905
British Columbia	63,625	1,815	269,360
Yukon	975	50	2,890
Northwest Territories	1,055	35	3,130
Nunavut	420	25	1,015

the 1960s, the demographic, social, economic and political vitality of many communities is precarious. Some are doing very well, even in provinces and territories with a strong Anglophone majority, but others have suffered troubling setbacks in the last two generations. As a result, it is not easy to say whether the glass is half-empty or half full.

3. Legal and Legislative Framework

Apart from the provincial legislation guaranteeing the right to quality education in French in accordance with section 23 of the *Canadian Charter of Rights and Freedoms*, there are eight legislative measures concerning French-language services. New Brunswick, Ontario, Prince Edward Island, Nova Scotia, the Yukon, the Northwest Territories and Nunavut have all adopted legislation on official languages or French-language services. Manitoba has had its linguistic obligations entrenched in the Canadian constitution since 1870 (and New Brunswick, since 1993).

This provincial and territorial legislation is primarily concerned with public communications and services in French, but some of it also targets

Francophone community development.⁴¹ The legal framework can thus be summed up in three basic statements: a) one province officially recognizes the equality of the French language and culture and of the community that represents them (while another recognizes linguistic equality where justice is concerned); b) three provinces target the development and vitality of their Francophone community; and c) eight provinces have legislative measures guaranteeing public communications and services in French.

41. The aim of New Brunswick's 2002 *Official Languages Act* is "to advance the status, rights and privileges" of the two official languages and the two communities that represent them; Ontario's *French Language Services Act* "recognizes the contribution of the cultural heritage of the French speaking population and wishes to preserve it for future generations"; Prince Edward Island's 2000 *French Language Services Act* acknowledges that "the Acadian and Francophone community of Prince Edward Island has made a valuable historical contribution to, and plays a significant role in, society on Prince Edward Island" and is committed "to promoting the development of its Acadian and Francophone community and maintaining for future generations linguistic duality on its territory which contributes to the enhancement of Island society", and Nova Scotia's 2004 *French-language Services Act* seeks "to contribute to the preservation and growth of the Acadian and francophone community". As for the Manitoba policy statement, it acknowledges that Francophone community is an important element of society in the province, but is concerned solely with the provision of French-language services.

New Brunswick is distinctive when it comes to official languages. On one hand, it is the only province to have passed legislation ensuring the equality of French and English as the official languages of government. Section 23 of the *Manitoba Act* of 1870 ensured bilingualism in the legislative and judicial branches, but not in the executive branch. Consequently, New Brunswick is the only fully bilingual province. Its official language legislation, adopted in 1969 and amended in 2002, recognizes the equality of French and English as official languages of the province and its institutions and requires provincial institutions to advance the equality of status and use of French and English. It is also the only province to have adopted major complementary legislation⁴² such as the *Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick*, which grants collective rights to the Francophone community. This Act, adopted in 1981 and incorporated into the *Canadian Charter of Rights and Freedoms* in 1993, recognizes the equality of both official linguistic communities in New Brunswick and obligates the provincial government to 1) “ensure protection of the equality of status and the equal rights and privileges of the official linguistic communities and in particular their right to distinct institutions within which cultural, educational and social activities may be carried on” and 2) “in its proposed laws, in the allocation of public resources and in its policies and programs, take positive actions to promote the cultural, economic, educational and social development of the official linguistic communities.”

The province’s 2002 *Official Languages Act* provides Acadians and other Francophones with a comprehensive set of language rights. Firstly, French is one of the two official languages of the Legislature, which means that a) Acadians and

other Francophones have the right to use the official language of their choice during the debates and proceedings of the Legislative Assembly and its committees; b) they have the right to simultaneous interpretation of debates and other proceedings; c) the records, journals and reports of the Legislative Assembly and its committees are printed and published in both official languages, and both versions are equally authoritative; d) bills are introduced simultaneously in both official languages before the Legislative Assembly and they are also adopted and assented to in both official languages; e) acts of the Legislature are printed and published in both official languages; f) rules, orders, orders-in-council and proclamations required to be published in the *Royal Gazette* are printed and published in both official languages; g) notices, advertisements and other announcements of an official nature, whether required to be published in the *Royal Gazette* or not, are printed and published in both official languages; and h) notices, announcements and other documents required to be published under the same or another act by the province or its institutions are printed and published in both official languages.

Members of the public also have the right to communicate with any provincial institution and receive services in the official language of their choice. Each institution thus has to ensure that a) appropriate measures are taken to make it known to members of the public that its services are available in the official language of their choice; b) all postings, publications and documents intended for the general public are published in both official languages; and c) services offered to the public by third parties on its behalf are in both official languages.

The Act prescribes that six types of services under provincial jurisdiction be available in French: justice, policing, health, municipal, planning and solid waste. This addition is important, for some of these services are provided on behalf of the province by administrative entities that are legally distinct and autonomous.

42. Nova Scotia adopted the *Provincial Acadian Day Act* in 2004 and Prince Edward Island, the *Acadian Purchase Trust Act* in 1988. Although these legislative measures are important, they do not have the scope of the French-language services legislation. To this list could be added legislative measures adopted in several provinces allowing the creation of a French-language university or other post-secondary institutions.

Justice is administered in French and in English. In other words, French and English are the official languages of the courts. This means that every person has the right to use the official language of his or her choice in any matter before the courts, including all proceedings, or in any pleading or process issuing from a court. What is more, a court before which a matter is pending must understand, without the assistance of an interpreter or any process of simultaneous translation or consecutive interpretation, the official language or languages chosen. A person who is alleged to have committed an offence under an Act or a regulation of the Province or under a municipal by-law has the right a) to have the proceedings conducted in the language of his or her choice; b) to be informed of that right by the presiding judge before entering a plea; and c) to be understood by the court, without the assistance of an interpreter or any process of simultaneous translation or consecutive interpretation. The court has the duty to ensure that any witness appearing before it can be heard in the official language of his or her choice and upon the request of one of the parties or the witness, the court has the duty to ensure that services of simultaneous translation or consecutive interpretation are available to the person who made the request. Where Her Majesty in right of the Province or an institution is a party to civil proceedings before a court, Her Majesty or the institution concerned uses, in any oral or written pleadings or any process issuing from a court, the official language chosen by the other party. Where the parties to civil proceedings, other than Her Majesty in right of the Province or an institution, do not choose or fail to agree on the official language to be used in the proceedings, Her Majesty or the institution concerned uses such official language as is reasonable in the circumstances. Final court orders, decisions or judgments and any accompanying reasons or summaries, including those of the Court of Appeal, are published in both official languages, although not necessarily at the same time.

The language guarantees with respect to policing services provide that all members of the public have the right, when communicating with a peace officer, to receive service in the official language of their choice and to be informed of that right. When the officer is unable to provide service in the language chosen, he must take the necessary measures in a timely fashion to ensure compliance with the choice made. The police force or agency, as the case may be, must ensure the availability of the necessary measures.

Health services, whether provided by regional health authorities or by any other establishment, facility or program under the jurisdiction of the Minister of Health, are also offered in French and in English throughout the province. Furthermore, section 40 of the *Regional Health Authorities Act* of 2002 provides that the eight regional authorities must ensure that simultaneous interpretation in both official languages is provided to members of the public who attend a board meeting or any other meeting conducted by the authority that is open to the public.

It should be noted that New Brunswick is, to our knowledge, the only jurisdiction in the world to offer language-based institutional duality in the health sector,⁴³ insofar as the Acadians and other Francophones of southeastern New Brunswick manage their own regional health authority (Beauséjour). This regional authority covers the same service area as the Anglophone regional health authority (South-East). There are thus seven health regions and eight regional authorities, two of which (one for Francophones and one for Anglophones) are in the southeast. The latter two authorities have no official language designation, but the legislation allows them to designate the language of daily operations for their hospitals and other health institutions. The Beauséjour authority has designated its Moncton hospital as a

43. We do not mean to dismiss the duality that will exist in Montréal after the impending construction of two large linguistically distinct hospitals, nor the duality in Ottawa since the *Montfort* decision, but only the Acadians of southeastern New Brunswick administer their own regional health authority, as well as the hospitals and related centres making up part of the public system.

“Francophone” institution. The authority and the hospital nonetheless have an obligation, as do the other authorities, to offer and provide their services in both official languages. There would not be two authorities serving the same territory were it not for their linguistic identity, and the fact that one operates in French and the other in English validates language-based institutional duality.

Finally, the local services of three regional institutions under provincial jurisdiction are also available in French. Indeed, eight cities, municipalities whose official language minority population represents at least 20% of its total population, and solid waste commissions and planning commissions covering a geographical area with an official language minority population of at least 20% of the total population are required to offer the services and communications prescribed by regulation in both official languages.

In 1993, an abbreviated version of the *Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick* became subsection 16.1(1) of the *Canadian Charter of Rights and Freedoms*:

The English linguistic community and the French linguistic community in New Brunswick have equality of status and equal rights and privileges, including the right to distinct educational institutions and such distinct cultural institutions as are necessary for the preservation and promotion of those communities.

The exact implications of this right are unknown, as there is no case law defining its scope. Acadians have however threatened to assert it on three occasions. In 1994, when the provincial government was planning to amalgamate the municipalities of Moncton, Riverview and Dieppe, Dieppe Acadians not wanting to lose their majority Francophone municipal institution threatened to take the matter to court, citing subsection 16.1(1).⁴⁴ When the

provincial government eliminated school boards in 1996 and replaced them with advisory bodies, the provincial association of Francophone parents prepared an injunction application based in part on that constitutional guarantee.⁴⁵ Finally, in 2002, when the provincial government studied a consultant’s report recommending a greater integration of health services, Acadians in the southeast contemplated legal action based on subsection 16.1(1) to prevent the merger of the region’s Francophone and Anglophone health authorities.⁴⁶ None of these cases ever ended up in court, the government preferring to modify its position. However, it can be seen that the same provincial government that caused this guarantee to be entrenched in the *Charter* sometimes makes decisions that run counter to it.

Linguistic equality is thus sometimes a two-edged sword in New Brunswick. While it ensures equality of status, privileges and services—a definite advantage for the Francophone and Acadian minority—, it does not acknowledge the additional needs of the minority and stands in the way of special action on the minority’s behalf. Thus, while the provision of bilingual services throughout the province promotes the Francophone minority, the government rarely adopts measures that contribute to the development and vitality of Francophone and Acadian communities. Inspired by the Equal Opportunities Program, the provincial government adheres to the standard line that it cannot do something for one language community without doing likewise for the other. This sometimes has the perverse effect of denying support to the Francophone community that the Anglophone majority does not need. The theoretically equal Francophone minority is on the losing end of a language shift, while the Anglophone majority is its

44. Daniel Bourgeois, “Municipal Reforms in New Brunswick: To Decentralize or Not to Decentralize?” in Joseph Garcea and Edward C. Lesage, Jr., eds., *Municipal Reform in Canada: Reconfiguration, Re-Empowerment and Rebalancing* (Don Mills: Oxford University Press, 2005), 242–268.

45. Daniel Bourgeois, “La gouverne scolaire francophone minoritaire au Canada: approches, modèles et pistes de recherche” in *Actes du colloque pancanadien sur la recherche en éducation*, op. cit., <http://www.acef.ca/liens/crde/articles/11-bourgeois.html>.

46. Daniel Bourgeois and Yves Bourgeois, “Frontières stratégiques ou stratégies frontalières? Intégration et ségrégation territoriale chez les Francophones du Grand Moncton”, *Francophonies d’Amérique* (in press).

beneficiary. In principle, all are equal in the eyes of the law. However, there is an alternative version of equality that requires favouring the unequal until they become equal. The Supreme Court expressed this version of equality in the *Arsenault-Cameron* ruling of 2000. Rejecting the “formal vision of equality that would focus on treating the majority and minority official language groups alike”, the Supreme Court asserted that “substantive equality requires that official language minorities be treated differently, if necessary, according to their particular circumstances and needs”. In other words, a minority has the right to special treatment in order to neutralize the detrimental effects of an Anglo-dominant environment. In New Brunswick, save for a few exceptions,⁴⁷ the formal vision of equality dominates.

Nevertheless, our research has identified a number of specific efforts in the area of official languages. Apart from establishing institutional duality in health in the southeast of the province, the government has agreed to study the issue of administrative duality in health for the province as a whole. This issue has long been the subject of debate, but only gained real traction when it was approved at the October 2004 policy convention of the *Société des Acadiens et Acadiennes du Nouveau-Brunswick*. Since then, the Société has proposed administrative duality throughout the province; the Department of Health would have a structure more or less like that of the Department of Education. Rather than creating two parallel systems, it would be a question of networking the province’s four majority Francophone health authorities and adding structures within the Department that would look after issues specific to Francophones. The government is not much in favour of duality at the departmental level, but says it is prepared to study the other elements of the proposal. Secondly, the government is active in the International Organization of the Francophonie

and even hosted the organization’s seventh summit in Moncton in September 1999. Thirdly, the provincial government supports the *Carrefour d’immigration rural* in Saint-Léonard. With the creation of the new Immigration and Repatriation Secretariat, the importance and the potential of Francophone immigration are recognized, even though the provincial strategy favours Francophone and Anglophone immigration equally. Finally, the government supports the *Jeux de l’Acadie*, which have no Anglophone counterpart.

Other constitutional guarantees have been added to the province’s two language statutes and can be found in sections 16–20 of the *Canadian Charter of Rights and Freedoms*. Subsection 16(2) recognizes that French and English are the official languages of New Brunswick and that they have equality of status and equal rights and privileges as to their use in the institutions of the legislature and government of New Brunswick. Subsection 17(2) recognizes that every citizen has the right to use French or English in any debates and proceedings of the legislature of New Brunswick. Subsection 18(2) states that the statutes, records and journals of the legislature of New Brunswick shall be printed and published in English and French and both language versions are equally authoritative. Subsection 19(2) ensures that either English or French may be used by any person in, or in any pleading in or process issuing from, any court of New Brunswick. Finally, subsection 20(2) ensures that any member of the public in New Brunswick has the right to communicate with, and to receive available services from, any office of an institution of the legislature or government of New Brunswick in English or French.

Subsection 20(2) does not provide for any exceptions, unlike subsection 20(1), which governs federal government services and limits language obligations to head or central offices and any other offices where the demand is sufficient or the use of English and French is justified due to the nature of the office. The size of the demand and the nature of the office are determined by regulations

47. The provincial government supports the *Semaine de la fierté française* [French pride week], for example, although it has no Anglophone equivalent, most likely because none is needed.

adopted by the federal Cabinet. The offices are then designated “bilingual” or not; a little over half (3,145) of the 5,068 federal offices are subject to the bilingualism requirement⁴⁸ and, within those offices, a number of positions serving the clientele are designated as bilingual.⁴⁹ As all the services provided by New Brunswick institutions must be available in all provincial offices, a special system was necessary. Rather than designating positions as bilingual, a team system was set up wherein each team (office) must ensure that a sufficient number of its members are able to provide service in both official languages. Each institution must draw up a linguistic profile for its positions in order to fill the organizational needs in terms of language of service.

To ensure implementation of this legislation, the New Brunswick government has set up a large administrative apparatus. At the top, the Office of the Premier is responsible for the *Official Languages Act* and the *Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick*, while the Executive Council Office spearheads the Committee of Deputy Ministers on Official Languages. All provincial institutions have both general and specific responsibilities, including the departments of Education (French education), Local Government (implementation of the *Official Languages Act* as it applies to municipal services), Health (facilitation of language training within the regional health authorities and coordination of official languages policies and guidelines and linguistic profiles), Wellness, Culture and Sport (supervision of the *Centre communautaire Sainte-Anne* in Fredericton), Intergovernmental Affairs (management of the Canada–New Brunswick agreements on official language services, promotion of official languages, official languages in education, school-community centres, and national coordination of intergovernmental Francophone affairs), Justice

48. http://www.hrma-agth.gc.ca/burolis/home-accueil_e.asp.

49. The federal system for providing services to the public in both official languages will change substantially over the next three years with the introduction of Service Canada and its one-stop centres offering the services of a number of federal institutions (<http://servicecanada.gc.ca/en/about/about.html>).

and Consumer Affairs (review of statutes and regulations and provision of legal guidance to other departments), Public Safety (contractual agreement with the Royal Canadian Mounted Police⁵⁰ and peace officers), Postsecondary Education and Training (second-language training and community colleges⁵¹) and Supply and Services (translation bureau and calls for tender). Finally, the Human Resources Office coordinates implementation of the Official Languages Policy in the public service and helps to ensure compliance by advising the institutions and maintaining the linguistic profiles. This administrative system, which is presently under review, also includes a network of departmental official language coordinators.

The introduction of an Office of the Commissioner of Official Languages in 2003 was intended to improve the implementation of language rights. The Commissioner is an ombudsman who receives public complaints, investigates official language issues and reports annually to the Legislative Assembly. A complainant who is unsatisfied with the Commissioner’s recommendations or with measures taken in response to a complaint may appeal to the New Brunswick Court of Queen’s Bench. Finally, the Commissioner, like the legislature and the government of New Brunswick, also has an obligation to “advance the status, rights and privileges” set out in the *Official Languages Act*. This addition to the legislation risks challenging the formal vision of equality that the provincial government has embraced since the Equal Opportunities Program of 1966–67. Indeed, as it is Francophones who pay the price of linguistic

50. On May 25, 2006, the federal Court of Appeal ruled that the Royal Canadian Mounted Police was not required to serve all of New Brunswick in French (*Canada v. Société des Acadiens et des Acadiennes du Nouveau-Brunswick Inc.*, [2006] FCA 196). This puts an end to a lengthy court proceeding to determine the obligations of a third party contracted by the province (in this case, the RCMP) to offer its services to the public in both official languages, but does not put an end to the challenges posed by the juxtaposition of the individual and territorial approaches in New Brunswick (“La GRC affirme en faire assez”, *L’Acadie Nouvelle*, 31 May 2006, 7).

51. New Brunswick has two community college systems, one for Francophones (<http://collegecommunautaire.ccnb.nb.ca>), and the other for Anglophones.

inequality (language shift favouring Anglophones), logically speaking, substantive equality can only be obtained by adopting proactive measures in favour of the Acadian and Francophone minority.

New Brunswick will most likely remain the country's only officially bilingual province for some years. There do not appear to be any demographic, social, economic and policy changes threatening the status quo. Acadians and other Francophones living in New Brunswick can thus expect provincial services in French and measures to ensure the equality of both linguistic communities for a long time yet. They can also expect that provincial institutions will advance linguistic equality. Finally, they can expect that educational and cultural institutions will be protected by the Premier and the Office of the Commissioner of Official Languages.

It remains to be seen whether the statutes will be subjected to judicial review and whether government action will be consistent with their purposes. It should be kept in mind that the provincial government had protection of the Francophone community's educational and cultural institutions entrenched in the *Canadian Charter* in 1993 only to abolish Francophone school boards three years later, that the Premier refused to update the 1969 *Official Languages of New Brunswick Act* until ordered by the courts in December 2001, and that the Acadians indicated that they were willing to take legal action under subsection 16.1(1) rather than allow the government to jeopardize their municipal and health institutions. The provincial government is resisting institutional completeness for Acadians in the area of health. It thus also remains to be seen how the dilemma between formal equality and substantive equality will be resolved.

Ontario's *French Languages Services Act* dates back to 1986, but is the product of twenty years of effort by the Ontario government to fulfill the recommendations of the Royal Commission on Bilingualism and Biculturalism. Ontario rejected the Commission's recommendation and the 1977

bill that would have made it an officially bilingual province, but it has made many efforts to better serve its Francophone citizens since 1967. The first step was to adopt a provincial policy on May 3, 1971 that established 14 bilingual districts made up of counties with a high concentration of Francophones.⁵² In 1976, the Ontario government continued this advance towards linguistic equality by allowing proceedings in French before the Provincial Court (first in the Criminal Division, and then in the Family Division). In 1984, French was recognized as an official language of the Ontario justice system. This step-by-step progress culminated in the 1986 passage of the *French Language Services Act*, which came into effect in 1989.

The Act guarantees the right of the public to receive government services in French in 25 designated areas (see Appendix B). These areas are scattered across the province, with seven each in the East and the North-East regions, six in the Central, three in the South-West and two in the North-West. They correspond to the counties where Francophones represent at least 10% of the population and urban centres where they number more than 5,000. The *French Language Services Act* thus applies the territorial principle to guarantee the provision of French services throughout the province.

All government institutions must offer services in French in at least one departmental or agency office situated in or serving a designated area. All offices must post in French the locations where services in French are provided. Government ministries and agencies that serve a designated area from offices outside the area must offer services in French to their clientele living in the designated area.

The Act does not apply to all public organizations, such as hospitals, children's aid societies, legal aid clinics, group homes, and community and

52. Speech by the Honorable William Davis, Premier of Ontario, on the Ontario government's bilingualism policy and program (n. p.; 3 May 1971).

social service agencies. Nevertheless, these bodies can ask to be designated as an official provider of French-language services. Since the Act was passed, 201 organizations have obtained this designation in order to provide some or all of their services in French. These agencies fall into two main types or categories: community and social service agencies, and health and long-term care agencies. The ministries are required to identify which organizations in the designated areas will offer their services in French. The Act also provides for each ministry to have a French language services coordinator.

The Prince Edward Island *French Language Services Act*, adopted in 1999, recognizes that “the Acadian and Francophone community of Prince Edward Island has made a valuable historical contribution to, and plays a significant role in, society on Prince Edward Island” and states that “the Government of Prince Edward Island is committed to promoting the development of its Acadian and Francophone community and maintaining for future generations linguistic duality on its territory which contributes to the enhancement of Island society”. The Act has four purposes, two of which—“specify the extent of French language services to be provided by government institutions” and “contribute to the development and enhancement of the Acadian and Francophone community”—have been proclaimed. The other two—“define the parameters of the use of French within the Legislative Assembly” and “specify the extent of the use of French in the administration of justice”—have not, and so sections 11, 12 and 13 pertaining to the administration of justice have yet to be proclaimed as well.

Nevertheless, it is section 6 that is most longed for, at least according to the heads of the island’s Acadian and Francophone community organizations:

Every member of the public has the right to communicate in French with, and to receive in French services of a comparable quality to those services offered in English from, any government institution of the Government of Prince Edward Island where, in the opinion of the Departmental Minister

responsible for the services, two or more of the following conditions exist:

- (a) there is a demand for communications with and services from that office in French;
- (b) miscommunication may compromise the health, safety or security of members of the public; or
- (c) because the office serves an Acadian and Francophone population, it is reasonable that communications with and services from that office be available in French.

Section 8—“Every government institution has the duty to ensure that, where services are provided or made available by a third party on its behalf, that the service in question be provided in conformity with this Act where practicable”—is a close second.

For the time being, it is section 7 of the Act, proclaimed in April 2000, that applies to the delivery of French-language services:

Where the Acadian and Francophone community could reasonably be expected to use a particular service on a regular basis, every government institution shall ensure the following:

- (a) all written correspondence in English or French sent to any government institution is replied to in the language of the original correspondence;
- (b) all forms, identification cards, documents, and certificates intended for the general public are prepared in both English and French and released simultaneously;
- (c) all information intended for the general public is written in both English and French, released simultaneously and communicated through the appropriate English-language and French-language media of communication;
- (d) all information campaigns intended for the general public are conducted in both English and French, undertaken simultaneously and communicated through the appropriate English-language and French-language media of communication;
- (e) all requests to communicate in English or French with a government institution are complied with;
- (f) French services are provided during at least one session of every series of public consultations;

- (g) appropriate promotional measures are taken, including the provision of signs, notices and other information on services, and the initiation of communication with the public, to make known to members of the public that services are accessible and available in the English and French language;
- (h) the participation of the Acadian and Francophone community on various boards, commissions and agencies within the Government of Prince Edward Island.

The Nova Scotia Legislature states that “the Acadian and francophone community of Nova Scotia has made a valuable contribution to and plays a significant role in Nova Scotia” and that “Nova Scotia is committed to promoting the development of its Acadian and francophone community and maintaining for future generations the French language, which contributes to the enhancement of life in Nova Scotia”. The purpose of the Act is to “contribute to the preservation and growth of the Acadian and francophone community” and to “provide for the delivery of French-language services by designated departments, offices, agencies of Government, Crown corporations and public institutions to the Acadian and francophone community”. It requires the Minister to submit annually to the Governor in Council and the Legislative Assembly a report for the previous fiscal year setting out the initiatives and programs undertaken and services provided by the government. Finally, the Act prescribes that, before December 31, 2006, the government shall make regulations, including regulations

- (a) respecting the development of plans for the provision of French-language services in any part of the Province;
- (b) designating the departments, offices, agencies of Government, Crown corporations and public institutions that have an obligation to provide French-language services;
- (c) respecting the provision by departments, offices, agencies of Government, Crown corporations and public institutions of French-language services in any part of the Province; [and]
- (d) respecting standards of French-language service.

Finally, the Yukon, the Northwest Territories and Nunavut also have constitutional linguistic obligations related to their territorial status within the federation.

The *Languages Act* states that the Yukon “accepts that English and French are the official languages of Canada and also accepts that measures set out in this Act constitute important steps towards implementation of the equality of status of English and French in the Yukon.” The territory wishes to extend the recognition of French and the provision of services in French in the Yukon. It also recognizes the significance of aboriginal languages in the Yukon and wishes to take appropriate measures to preserve, develop, and enhance them. Everyone has the right to use French, English or an Aboriginal language in the debates and proceedings of the Legislative Assembly. Acts of the Legislative Assembly and their regulations are printed and published in English and French. Either English or French may be used by any person in, or in any pleading in or process issuing from, any court established by the Legislative Assembly. Any member of the public has the right to communicate with, and to receive available services from, any head or central office of government institution in English or French. He or she has the same right with respect to any other office of these institutions if a) there is a significant demand for communications with and services from that office in both English and French; or b) due to the nature of the office, it is reasonable that communications with and services from that office be in both English and French. Finally, the Act stipulates that “Nothing in this Act abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this Act with respect to any language that is not English or French”.

English, French and nine Aboriginal languages are official languages of the Northwest Territories. These languages have equality of status, and equal rights and privileges as to their use in government institutions. Everyone has the right to use any official language in the debates and proceedings of

the Legislative Assembly and in any pleading in or process issuing from, any court established by the Legislature. Acts of the Legislature and records and journals of the Legislative Assembly are printed and published in English and French. The public has the right to communicate with, and to receive available services from, any head or central office of a government institution in English or French, and has the same right with respect to any other office of such an institution where a) there is a significant demand for communications with and services from that office in English and French; or b) due to the nature of the office, it is reasonable that communications with and services from that office be available in both English and French. The Act provides for a Languages Commissioner, as well as a Minister responsible for Official Languages and an Official Languages Board.

The situation in the Northwest Territories could soon change, however. In April 2006, the territorial Supreme Court ordered the Legislature to put French-language services in place before fall, and in particular to a) publish job offers, calls for tenders and official announcements in French publications; b) make regulations identifying the institutions required to provide services in French; c) prepare, within one year, an overall plan for delivering communications and services in French; d) create designated bilingual positions, like the federal government; e) launch a “systematic” process for recruiting Francophone personnel, particularly in the area of health; and f) ensure that the Office of the Commissioner of Official Languages of the Northwest Territories provides its services in French.

Nunavut inherited the Northwest Territories’ *Official Languages Act* when it became an autonomous territory in 1999. The official languages of Nunavut are English, French and Inuktitut. This territory is the only jurisdiction in the country where neither French nor English is the language most used.

Finally, there is the Manitoba statute which, despite its age (1870), is the most generic legislation of all. Section 23 of the *Manitoba Act, 1870* states the following:⁵³

Either the English or the French language may be used by any person in the debates of the Houses of the Legislature and both those languages shall be used in the respective Records and Journals of those Houses; and either of those languages may be used by any person, or in any Pleading or Process, in or issuing from any Court of Canada established under the Constitution Act, 1867, or in or from all or any of the Courts of the Province. The Acts of the Legislature shall be Printed and published in both those languages.

Section 23 thus guarantees parliamentary, legislative and judicial bilingualism, but does not impose any language obligations on government institutions.

However, the *Forest* case launched in 1976 led to the Supreme Court of Canada declaring in 1979 that the 1890 statute abolishing section 23 was unconstitutional. The language rights of Franco-Manitobans subsequently went through many ups and downs. Briefly, in 1980 the Manitoba Legislature passed Bill 2 allowing English-only legislation. A law student, Roger Bilodeau, challenged the validity of two unilingual English statutes in 1981. Concerned that the Supreme Court would invalidate all unilingual English legislation, in 1982 and 1983 the Manitoba government negotiated an agreement with the *Société franco-manitobaine* (SFM) so as to avoid having to translate all unilingual legislation passed since 1890. In exchange, the government would accept the constitutional obligation to provide services in French. The situation was complicated by a referendum held by the City of Winnipeg; the emergence of Manitoba Grassroots, a highly vocal anti-Francophone group; public hearings by the government, which received 400 briefs; and the suspension of House business by the Conservative Opposition. The agreement

53. Guy Jourdain, “Bilingual Legislation in Manitoba: The Dream of a French Version Tailored to Its Audience”, *Meta* 47, no. 2 (2002): 244–265.

failed. To top it all off, the offices of the SFM fell victim to arson in January 1983.⁵⁴

The Supreme Court, ruling on a reference from the *Forest* case in 1985 and on the *Bilodeau* case in 1986 and 1992, clearly re-established the constitutional foundation of the French language in Manitoba. Furthermore, these Supreme Court decisions are now part of the Canadian jurisprudence on language rights, a body of case law that also includes decisions from Quebec, New Brunswick and Saskatchewan. This case law expands the definition of legislative bilingualism to include not only the simultaneous adoption and publication in both official languages of laws, but of delegated legislation, such as regulations made by Cabinet or a group of ministers, ministerial orders, regulations of public agencies under the authority of a minister or Cabinet, court rules and certain other documents.⁵⁵ The Manitoba government aligned itself with the case law by adopting a French language services in policy in 1989 that it subsequently amended in 1999, but it did not back this policy with legislation. The official status of French thus requires that all acts and regulations be adopted in French and in English, as well as certain “administrative” documents, whereas the French Language Services Policy considerably expands the scope of French-language services at both the judicial and the administrative levels.

It should be pointed out that the Supreme Court of Canada has imposed additional language obligations on the provinces and territories. In 1998, it ruled in *Vriend v. Alberta* that “the concept of democracy is broader than the notion of majority rule” and that federal and provincial legislators must take into account “the interests of majorities and minorities alike”.⁵⁶ Later that year, it added in *Reference re Secession of Quebec* that protection of the rights of linguistic minorities is a

fundamental constitutional principle even though it is not written into the Constitution⁵⁷. Finally, in the 1999 *Beaulac* ruling, the Court asserted that language rights impose positive obligations on all governments of Canada, for these rights cannot be exercised unless the means of exercising them are provided: “language rights that are institutionally based require government action for their implementation and therefore create obligations for the State”.⁵⁸ These rulings were soon invoked to protect the Montfort Hospital in Ottawa as a distinct Francophone institution.⁵⁹ A body of case law has thus been developing around federal, provincial and territorial language legislation in the last few years. Judging by the recent cases in Ontario (*Montfort*), New Brunswick (*Charlebois*) and the Northwest Territories, other courts seem to be following the example of the Supreme Court and interpreting legislative and administrative measures in accordance with their object: the substantive equality of official languages in Canada.

54. Jacqueline Blay, *L'Article 23: les péripéties législatives et juridiques du fait français au Manitoba, 1870–1986* (St. Boniface: Éditions du Blé, 1987).

55. Jourdain, *op. cit.*, 250.

56. *Vriend v. Alberta*, [1998] 1 S.C.R. 493, 577.

57. *Reference re Secession of Quebec*, [1998] 2 S.C.R. 217.

58. *R. v. Beaulac*, *op. cit.*, para. 24. Paragraph 39 deserves to be reproduced: “I wish to emphasize that mere administrative inconvenience is not a relevant factor. The availability of court stenographers and court reporters, the workload of bilingual prosecutors or judges, the additional financial costs of rescheduling are not to be considered because the existence of language rights requires that the government comply with the provisions of the Act by maintaining a proper institutional infrastructure and providing services in both official languages on an equal basis. As mentioned earlier, in the context of institutional bilingualism, an application for service in the language of the official minority language group must not be treated as though there was one primary official language and a duty to accommodate with regard to the use of the other official language. The governing principle is that of the equality of both official languages.”

59. *Lalonde v. Commission de restructuration*, *op. cit.*

Section B: Provincial and Territorial Accomplishments

This section describes the various provincial and territorial accomplishments in the area of official languages since 1988 by sector.

1. Public Communications and Services

Each of the twelve jurisdictions studied have taken action with respect to public communications and services in French. It is the sector in which they have acted most often and most consistently. The actions they have taken are not identical, however. For example, certain provinces and territories have adopted legislation to guarantee the provision of public communications and services in French and to define the conditions under which they are to be provided, whereas others provide these services without a legislative framework. In general, those that have adopted legislation are more likely to offer communications and services in French than those who have not, but the French language services policy of Manitoba produces roughly the same results as the language legislation of the territories and Prince Edward Island,⁶⁰ especially as several sections of the PEI statute have yet to be proclaimed.

All the provincial and territorial governments provide certain communications and services to their Francophone citizens in French. Five of the twelve have adopted legislation guaranteeing their

provision, the most recent dating from 2000 and 2004. Manitoba's legislation dates back to 1870, New Brunswick's to 1969 and Ontario's to 1986. The French-language services legislation of Prince Edward Island and Nova Scotia dates from 2000 and 2004 respectively. New Brunswick, meanwhile, replaced its 1969 statute by a lengthier and more detailed one in 2002. It can therefore be concluded that 1) several provincial and territorial governments have adopted legislation to guarantee and define the provision of public communications and services in French since 1988 and such legislative guarantees are no longer the exception to the rule, and 2) five provinces have not followed suit.

Government intervention in this area, whether driven by legislation, policy or some other force, can be broken down into five categories, each of which is addressed below.

a) Legislative Assembly

The citizens of Manitoba, New Brunswick and Ontario can read their provincial statutes and regulations in French and listen to legislative proceedings in French (through simultaneous interpretation and televised broadcast). In Manitoba, Ontario and New Brunswick, the French and English versions of legislation have equal weight before the courts.⁶¹ In New Brunswick, Ontario and Manitoba, the speech from the throne, budget speech and documents pertaining to the budget are prepared in French and English (in Manitoba, only the main budget documents are supplied in French). Saskatchewan and Prince Edward Island

60. The Manitoba policy applies to all government departments and boards, commissions, corporations and special operating agencies reporting to them, such as Crown corporations and other ministerial bodies, the offices of the Legislative Assembly and the quasi-judicial agencies subject to the provisions of section 23 of the *Manitoba Act, 1870*, public utilities regulated by the Public Utilities Board and serving designated areas, designated health facilities, social service agencies and regional health authorities, and any other administrative body designated by the Minister responsible for French Language Services.

61. In Ontario, only "public" acts (section 3(2)) have legal equivalence. New Brunswick does not make this distinction and both versions of all acts carry equal force.

have been translating their throne and budget speeches and budget highlights into French and issuing both language versions simultaneously since 2002.

Members of the Legislature may express themselves in French in all jurisdictions except Alberta and British Columbia, but their remarks are not necessarily recorded in that language. Ontario, New Brunswick, Manitoba, Nova Scotia, Prince Edward Island, the Yukon, the Northwest Territories and Nunavut all have legislation recognizing French as an official language of the Legislature (although section 5 of the PEI statute has not yet been proclaimed). In Manitoba, the Legislative Assembly provides simultaneous interpretation of French to English during question period and throne speech and budget debates; otherwise, members who wish to express themselves in French are required in principle to give 24 hours' notice. In Saskatchewan, interpretation is always provided, but not always simultaneously.

b) Government Institutions

Certain institutional communications and services are provided in French in all of the provinces and territories. Since 1988, the majority of provincial and territorial institutions have been translating certain reports and brochures, had bilingual personnel able to answer oral inquiries in person or on the telephone, and/or had a French version of some or all of the English website content. Only New Brunswick offers the full range of its Web-based communications and services in French.⁶²

Various measures have been taken to facilitate the delivery of communications and services in

French. Apart from the legislation described above, four provinces have adopted a policy on French-language services. Prince Edward Island adopted such a policy in 1987 and 1995, and Manitoba, in 1989. The PEI policy preceded the PEI *French Language Services Act*, whereas the Manitoba policy was adopted in lieu of legislation. Saskatchewan adopted its French-Language Services Policy in 2003 and established guidelines to assist with a gradual phase-in in 2006. Since the PEI legislation was adopted in 1999, ministerial plans have been added to the policy obligations. Nova Scotia has adopted guidelines for French-language communications, and regulations and strategic plans for implementing its legislation will be in place in December 2006. Since 2002, New Brunswick has been following a similar path, particularly with respect to its municipal and regional institutions. In 2004, Ontario launched a language planning (*aménagement linguistique*) policy to create a synergy of French educational services and complementary cultural and community services. Other provinces, such as Alberta, handle the issue more informally and on a case-by-case basis.

Seven provinces have set up central administrative mechanisms to coordinate and facilitate the delivery of communications and services in French. For the most part, this responsibility lies with the Acadian and/or Francophone affairs directorate.⁶³ Almost all have created a French-language services coordinator position within certain departments, especially the health department, as it is the largest department in terms of human, material and financial resources and second only to the department of education in terms of importance to Francophone communities. Some provinces and territories have also formed a committee of French-language services coordinators to enable the coordinators to share, prioritize and/or coordinate their respective efforts.

62. The Prince Edward Island and Nova Scotia legislation on French-language services does not specify which government institutions have to provide their communications and services in French. The relevant sections of the PEI statute have not yet been proclaimed, and the Nova Scotia statute is to be implemented through strategic action plans that will be adopted by regulation in December 2006. In Ontario, all communications and services to the public from the central office of a government agency or institution of the Legislature must be provided in French, but only regional offices located in a designated area have to provide French-language services.

63. Each province or territory that has such a structure calls it by a different name. The term "Francophone affairs directorate" is thus used here as a generic for all of them.

Two provinces prefer the territorial approach to the individual approach; rather than providing French-language services out of all provincial and territorial government offices, including head offices in the provincial/territorial capital (or elsewhere), they limit such services to regions where Francophones represent a critical mass. They thus designate regions with a high density of Francophones and make the government offices serving those regions responsible for providing some or all of their communications and services to the local population in French. The “bilingual areas” created by the Ontario government in 1986 provide the best example of this approach and we will come back to it below. Two provinces use a combination of the territorial and individual approaches, and the remainder have no formal approach.

Two provinces have designated some civil service positions as bilingual (Francophone). The government of Manitoba, for example, designated 784 positions in various administrative institutions as bilingual in 2004–05, and 70% of them have been filled by bilingual persons. Some of these positions are in the central directorates of the departments (including Justice, Education and Health) and agencies (e.g.: Manitoba Liquor Control Commission, Manitoba Lotteries Corporation, Manitoba Hydro and Manitoba Public Insurance), but most of them are in offices located in, or serving, a region with a high concentration of Francophones.

To fill these bilingual positions, a number of provinces and territories have created new positions, recruited Francophone civil servants, signed cooperative agreements with Quebec and/or New Brunswick, provided language training to civil servants in the form of intensive courses or language modules (classroom or computer-based) and ensured the maintenance of language skills by setting standards and periodically evaluating proficiency. These measures are supported by federal funding through bilateral agreements on the provision of French-language services.

The New Brunswick system is unique. Instead of designating bilingual positions, it has since the 1970s been taking a team approach to providing communications and services in French. Each administrative unit in a department or agency is required to ensure the delivery of services in French by having one or more bilingual employees in place, without designating their position as bilingual. That way, if one bilingual civil servant is absent or on vacation, another can replace him or her. The one may be assigned to reception, while the other may be in management. What is important is that the team, whether it is located in Fredericton or a rural area, is at all times equipped to provide French-language services.

Eight provinces and territories have acquired an internal translation service that translates written responses, brochures and all other pertinent documents for various provincial institutions. The other jurisdictions hire freelance translators and interpreters as needed.

Four provinces have implemented an active offer concept for French-language services and a fifth is preparing to do so. Active offer is supported by resources such as a fact sheet explaining the active offer symbol, an active offer checklist for employees who are in contact with the general public and a document setting out best practices regarding written and visual communications in French. Ontario’s Office of Francophone Affairs has developed a toolkit of information cards and interactive CD-ROMs with sound clips (covering frequently asked questions, standard greetings, etc.) to help frontline staff provide service in French. The governments of Prince Edward Island, Newfoundland and Labrador and Nova Scotia have obtained permission to adapt the toolkit to their circumstances. In Manitoba, signs and displays in designated offices are bilingual. In the Yukon, one of the tasks of the French Language Services Directorate is to promote the services and programs available in French and encourage the community to use them, primarily by way of signage.

Two provinces have developed documents clarifying the roles and responsibilities of government stakeholders in French-language communications and services, progress reports, etc. Manitoba, for example, has developed a manual of guidelines for the implementation of the provincial policy on French-language services.

Three provinces have set up systems for recruiting and training bilingual employees. The Public Service Commission of Prince Edward Island has adopted policies on French language training and the assessment of French language proficiency.

Five of the twelve provinces and territories publish a French version of the government website, or the home page and related pages at least, and another province is preparing to do the same. New Brunswick is the only province providing a complete range of institutional websites in French, but the websites of Ontario, Prince Edward Island, Nova Scotia and Manitoba provide extensive French-language content. Many Nova Scotia departments offer a set of French-language documents on their websites, including key services under the heading “Life Events”. A portion of the websites of the other provinces and territories are available in French. For example, the main site of the Government of the Northwest Territories is in English, whereas 86% of the Department of Health site is in French, 100% of the Workers’ Compensation Board and Housing Corporation websites are in French and five other departments plan to have completely French websites in 2009. There is a French version of the Government of Nunavut’s home page, but it links to unilingual English pages, except in the case of the Department of Culture.

Finally, the provinces and territories each implement French-language services in their own way. For example, New Brunswick and the Northwest Territories have each set up an office of the commissioner of official languages to monitor implementation of their official languages legislation. These offices conduct investigations in response to complaints or of their own initiative and publish an annual report that is tabled in the House. In New

Brunswick, the Office of the Premier, the Office of Human Resources, and the Francophonie and Official Languages Branch also have responsibilities in this regard. In Prince Edward Island and Ontario, a committee advises the government as to the impact of its legislation, policies, programs and services on the province’s Francophone communities. Saskatchewan also established an advisory body in 2001, but its Joint Liaison Committee is made up of five provincial government representatives (representing the Office of French-language Co-ordination, SaskPower, and the Saskatchewan departments of Learning, Justice, and Community Resources) and five representatives of the community. This committee identifies the needs of the Franco-Saskatchewanian community and sees that they are met. It was this committee that proposed the adoption of a policy on French-language services. In Manitoba, the French Language Services Secretariat handles public complaints. The other provinces and territories monitor and evaluate service delivery mostly by informal methods, even though Nova Scotia’s *French-language Services Act* provides for all regulations under the Act to be established by the government “after consultation with the Acadian and francophone community”. The Francophone affairs directorates of Manitoba and Prince Edward Island publish an annual report on government activities in this area.⁶⁴

Only Ontario has a minister fully delegated to Francophone affairs. Elsewhere, “Francophone affairs” is combined with another portfolio, is the equivalent of a junior portfolio under the responsibility of a minister with a senior portfolio, or is simply not part of the Cabinet nomenclature (being instead relegated to an administrator). For example, the coordinator of French-language services for the Northwest Territories works within the Languages Division, which has responsibility for eleven official languages. Alberta’s Francophone

64. The 2005–2006 report of Manitoba’s French Language Services Secretariat can be found at <http://www.gov.mb.ca/fls-slf/reports.html> and the 2003–2005 report of PEI’s Division of Acadian and Francophone Affairs at <http://www.gov.pe.ca/eco/aafa-info/index.php3>.

Secretariat has existed since 1999, but until the spring of 2006 it was assigned to a member of the Legislative Assembly who in turn reported to a minister. The member was later appointed as a minister and Francophone affairs is now part of a minister's portfolio. While ministerial titles normally reflect the importance of portfolios, some ministers are successful in enhancing the importance of secondary responsibilities. Where the issue of official languages is concerned, many stakeholders have noted the exceptional contributions of ministers Mitch Murphy (Prince Edward Island) and Gregory Selinger (Manitoba).

In the twelve provinces and territories, follow-up is provided by some type of Francophone affairs directorate. With few exceptions, the directorates have essentially the same mandate: to support government implementation of language legislation or policy. There are some differences from one province to the next. For example, Ontario's Office of Francophone Affairs (OFA) reviews the availability and quality of French-language services and makes recommendations for improvement, recommends the designation of public service agencies and additions to the list of designated areas, can require non-profit corporations and similar entities, facilities, homes and colleges defined as "government agencies" to furnish information that may be relevant in the formulation of recommendations respecting their designation as public agencies, and recommends changes in the plans of government agencies for the provision of French-language services. The OFA also helps "Francophones, as full members of Ontario society, to grow and preserve their language while respecting their cultural diversity" and assists "government ministries and agencies in their relations with and understanding of the Francophone community, and in the development and delivery of French-language services". It has two branches managed by the Office of the Assistant Deputy Minister: the Strategic Communications Branch and the Policy and Ministry Services Branch. The Francophone affairs directorates also manage the federal-provincial/territorial cooperation

agreements in the area of official languages and some of them administer funding programs for Francophone communities.

The Francophone affairs directorates of eight provinces and territories provide translation and revision services to government departments, agencies and boards and another provides some services to some departments. The Prince Edward Island Acadian and Francophone Affairs Division is also responsible for coordinating various bilateral agreements and, like its Nova Scotia, Ontario, Manitoba and New Brunswick counterparts, legislation specific to the Acadian or Francophone communities.⁶⁵ Certain directorates, particularly those of Ontario and the Yukon, also have a mandate to proactively provide information on the Francophone population to other levels of government and to the public.

All the Francophone affairs directorates act as central bodies designed to facilitate and coordinate the efforts of sectoral departments over which they have no control. However, the fact that these directorates are under the responsibility of a minister and/or operate under authority of French-language services or official languages legislation gives them added weight. Language legislation is more binding than language policy and is more actionable. Until now, only the *Manitoba Act, 1870* and the legislation admitting Alberta and Saskatchewan into Confederation have been challenged in the courts; in all three cases, the Francophone communities were vindicated. The 1969 *Official Languages of New Brunswick Act* and the *Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick* have never been challenged, but the former was revised in 2002 when a citizen won a case having to do with *Municipalities Act* and the province's Acadians threatened to challenge a number of provincial decisions under subsection 16.1(1) of the *Canadian Charter of Rights*

65. In Prince Edward Island, it is the 1998 *Acadian Purchase Trust Act* (R.S.P.E.I. 1988, c. A-1); in Nova Scotia, the 2004 *Provincial Acadian Day Act* (S.N.S. 2004, c. 9); and in Manitoba, the Secretariat administers the 1987 *Centre culturel franco-manitobain Act* (C.C.S.M. c. C45).

and Freedoms. New Brunswick's 2002 *Official Languages Act* withstood a court challenge in 2006 with respect to the services of a third party (the RCMP). In any case, the multiplication of language legislation and the fact that the legislation is administered by Francophone affairs directorates suggests that importance of the directorates is likely to grow.

In addition to accomplishments affecting all provincial institutions in general, the accomplishments of certain institutions should be noted in particular. Firstly, five provincial and territorial departments of tourism publish a tourism guide in French; five publish a road map of the province or territory in French; four publish additional promotional pamphlets and brochures in French; and six provide French-language service in their information call centre. For example, 60% of Travel Manitoba publications are produced in both official languages. Its tourist information kits include publications by industry partners, including the *Joie de vivre au cœur de la francophonie manitobaine* brochure prepared by the Economic Development Council for Manitoba Bilingual Municipalities to promote Manitoba's Francophone communities, history and culture, which lists accommodation, campgrounds, restaurants, golf courses and events. Five provincial transportation departments post bilingual road signs (or pictograms), particularly in regions with a high concentration of Francophones and one provincial department of infrastructure allows bilingual road signs indicating tourist attractions in Francophone communities that request it. Finally, emergency (911) call centres in two provinces provide an active offer of French-language services upon receiving calls, including calls related to emergency measures, or immediately respond to requests for information in French. In Manitoba, the Consumers' Bureau, the Consumer and Corporate Affairs Division and the Residential Tenancies Branch of the Department of Finance publish and distribute various documents (invoices, calendars, guides, etc.) in French and Manitoba Hydro has extended its bilingual telephone service to the entire province. Another

example is Saskatchewan Government Insurance, which has translated the road safety guide used for driver testing.

As previously indicated, our research did not cover communications and services from the departments of education. Communications and services in the legal, municipal, health, and other fields are covered elsewhere in this report.

c) *Satellite Offices*

Most of the governments provide French-language communications and services out of the central office of designated institutions, including the departments of education, tourism and health, but five provinces and territories provide services out of offices located in or serving regions where Francophones form a critical mass. Ontario's legislation provides that the offices must be located in an area designated as bilingual. If there are several offices providing the same service in a bilingual area, the government may designate "one or more" of them to provide communications and services in French. The provisions of the PEI legislation currently in force state that French-language services will be provided by any office where "because the office serves an Acadian and Francophone population, it is reasonable that communications with and services from that office be available in French" (section 6). In practice, this refers to six Acadian regions: West Prince, Évangéline, Summerside, Rustico, Charlottetown and Souris. When the other sections of the Act come into force, the individual and territorial approaches will coexist. The Manitoba policy has designated six bilingual service centres, nearly all of which are located in predominantly Francophone municipalities. Three of the centres (those in St. Boniface, Notre Dame de Lourdes and St-Pierre-Jolys) are in operation and three others (those in Ste. Anne, St. Vital and St. Laurent) will be opening soon. Not only do these centres provide provincial government services in French, but they provide French-language municipal and federal services as well. Finally, the *French-language Services Act* of Nova Scotia opts for

the individual approach, stating that the regulations will pertain to service delivery “in any part of the province”, but many of the existing measures instead promote the territorial approach.⁶⁶

Three provinces deliver French-language services out of one-stop service centres, while other jurisdictions deliver them out of certain offices of the institution concerned (e.g.: driver’s licenses are provided by a local office of the department of transportation). Some of the one-stop service centres in Prince Edward Island and Manitoba are fully bilingual. Single windows for federal and provincial business services are found throughout the country. A good portion of these windows provide French-language consultation services, but not all of their documentation is available in French.

Manitoba’s Bilingual Service Centres have often been cited as an example. They are one-stop centres for federal, provincial and municipal services and all their employees are bilingual. The number of bilingual services and employees available has grown over the years in response to the needs of the Franco-Manitoban community. For example, in 2005, a bilingual circuit court and a generalist from Manitoba Justice were added to the St-Pierre-Jolys centre, and a part-time Manitoba Housing person now works at the centre in Notre Dame de Lourdes. Saskatchewan plans to implement a similar system.

Five departments of tourism provide French-language services in their tourist information offices or provincial parks, including reception, brochures and signage.

Finally, six provinces and territories provide French-language services and publications in their libraries and another province supports university or municipal libraries that do so. Public libraries serving the areas in Prince Edward Island with a

high concentration of Francophones have bilingual staff and offer French-language books, comics and magazines, and Summerside, Charlottetown and Abram-Village each have a library designated as Francophone. In Nova Scotia, two of the nine provincial library regions have bilingual staff, French collections and French-language programming, and three other regions offer some French-language books and programming.

d) Independent Administrative Bodies

In some provinces and territories, French-language communications and services are also available from independent administrative bodies (that is, bodies that do not report directly to the provincial or territorial government). Francophones in Ontario, for example, have access to some or all of the services of 201 designated agencies in French. In New Brunswick, Crown corporations like NB Power and other independent entities are required to provide all their communications and services in French. Nova Scotia’s regulations will be specifying the obligations of a number of independent administrative bodies.

e) Regional Institutions

Apart from municipalities, which are covered below, a number of regional provincial and territorial government institutions provide some or all of their communications and services in French. This is the case with New Brunswick and its regional health authorities, planning commissions and solid waste commissions. In Manitoba, the 1996 *Regional Health Authorities Act* provides for the delivery of some French-language services in certain regions.

f) Other

In addition to communicating with the public through government mechanisms, the provincial and territorial governments communicate through community mechanisms, including weekly newspapers and community radio. According to our research, nine provinces and territories regularly

66. For example, section 4(1) of the *Libraries Act Funding Regulations* reads as follows: “The Minister shall, each fiscal year, pay to a regional library board, where the French language speaking population exceeds 10% of the total population of the area served by the regional library board, a French language operating grant to assist in the provision of library service in the French language.”

publish advertisements and press releases in Francophone weekly newspapers and another two do so sporadically. Alberta is the exception to the rule, but only because it does not advertise in any media, French or English. Some governments provide financial assistance to community media operations. The French-language services policies of Manitoba, Prince Edward Island, Nova Scotia and Saskatchewan require placement of advertising in the Francophone media in order to reach the Francophone population, but certain policies limit this obligation to advertising the government's French-language services. The government of Newfoundland and Labrador offers free space in its tourism guide for French-language advertising of events and activities.

Finally, the Ontario government supports the educational television channel TFO, the New Brunswick government supports the daily newspaper *L'Acadie nouvelle*, and the Prince Edward Island and Nova Scotia governments each support their weekly French newspaper. The Ontario government created an educational television channel in 1969 that gave birth to the Franco-Ontarian television channel in 1987. TFO offers a full range of programming and is picked up outside of the province. It should be added that, whereas the Radio-Canada schedule refers to the "*heure des Maritimes*" (Atlantic time), TFO refers to the "*heure de l'Acadie*" (Acadian time). When New Brunswick's daily French newspaper *L'Évangéline* stopped publishing in the early 1980s, the provincial government established a major trust fund to ensure the viability of its replacement. Revenue from the fund has since been used to support the daily newspapers *Le Matin* and *L'Acadie Nouvelle*. These examples illustrate the contribution of certain provincial and territorial governments to French-language communications. The governments of Prince Edward Island and Nova Scotia each contribute regularly to the trust fund of the French weekly in their province.

2. Early Childhood Development

The term "early childhood development" refers to all activities pertaining to preschool children. A number of Francophone community groups outside Quebec have since the early 1980s been advocating the integration of daycare services, nursery school and junior kindergarten into community schools. These groups know from experience that children in a minority setting are often exposed to the forces of assimilation in the early years and the dream of integrated preschool services became basic component of the school-community centre concept of the late 20th century. Studies have shown that the critical period for learning one's mother tongue is between the sixth month of pregnancy and three years of age, and as a result, "early childhood" now covers the time from conception to age six.

Although governments have been active in this sector for decades, primarily through daycare, early childhood development has only been a major social policy concern since 2000. That year, the First Ministers established the Early Childhood Development (ECD) Agreement under which the federal government committed to transferring \$2.2 billion over five years to help the provinces and territories improve and expand early childhood programs and services.⁶⁷ The four main priorities of the agreement were

- health during pregnancy, birth and infancy;
- parenting and family supports;
- early childhood development, learning and care;
- community supports.

The federal government increased the funding committed to the provinces and territories to \$3.2 billion between 2001 and 2008. In 2003 and 2004, the annual sum transferred was \$500 million.⁶⁸

67. http://www.hc-sc.gc.ca/ahc-asc/media/nr-cp/2002/2002_72bk1_e.html

68. <http://socialunion.ca/e.cd/earlychildeng.html> .

A second agreement to help children and families, the Multilateral Framework Agreement on Early Learning and Child Care, was concluded by the federal, provincial and territorial ministers responsible for social services in March 2003. The objective of this agreement is to improve access to affordable, quality early learning and child care programs and services through federal transfers to support provincial and territorial investments. Whereas the original agreement was for \$900 million over five years, the March 2004 federal budget increased the sum by an additional \$150 million over two years, for a total federal contribution of \$1.05 billion over five years.⁶⁹ Recognition of the early childhood needs of Canada's Francophone communities often depends on political action by the communities.

Early childhood development is a relatively new area of activity for government in comparison to other areas, some of which it has been active in since Confederation. Accordingly, it is not surprising to see that progress in this sector varies widely across the country, depending on resources, the demands on the part of the majority, and the relative size of the Francophone population. It quickly becomes plain that actions are not recorded or identified in the same way from one province or territory to the next and actions that are celebrated by some are taken for granted by others.

a) Legislation

Early childhood development is a provincial responsibility. As mentioned in the previous section, legislative initiatives in this area are circumscribed by the constitutional scheme of each province or territory. None of the provinces and territories have specific legislation on Francophone early childhood development, but their activities fit within their respective legislative framework. Thus, New Brunswick, through its status as a constitutionally bilingual province and its unique language legislation, explicitly recognizes institutional duality.

This province is obliged to establish public institutions administered by the Acadian community as long as they correspond to those provided to the majority. In other words, Francophone daycares, early childhood centres and junior kindergartens are created with government support insofar as these institutions also exist for the majority.

b) Policy

In the absence of specific provincial or territorial legislation on Francophone early childhood development, it is almost inevitable that there is no specific policy in this area. Two provinces have adopted general policies on French-language services that could potentially affect this particular sector, but without a specific policy, intervention by this level of government appears to be much more varied and ad hoc. The distinction between “programs” and “services” is far from being clear or uniform. Many one-time actions are reported as programs whereas some repeated and sustained actions seem to exist more as undefined or implicit programs than formal ones. In such cases, the actions seem to be ad hoc or arbitrary or a response to political pressure. The distinction between program and service is better defined in three provinces. In the absence of policy establishing guidelines, it is difficult for a government to categorize the needs of a sector or set priorities. Any request can thus seem valid without being part of an overall or integrated approach.

c) Programs and Services

Generally speaking, early childhood programs and services are limited, for both Anglophones and Francophones. It is usually quite difficult for the Francophone community to assert its specific needs in this sector and obtain customized services if they are not also available in English. Certain exceptions exist, as indicated below under the heading “Best Practices”. In terms of identifying contributions, it is at times difficult to sort out those of government from those of the linguistic communities.

69. http://socialunion.ca/ecd/2004/english/page02.html#section_4.

d) Publications and Other Documents

Those governments with formal programs or defined services seem better able to provide a range of publications and other documents in French. Otherwise, publications and other documents appear to be much more limited and ad hoc. Sometimes, the publications are limited to a brochure on starting a daycare or a list of daycares or job application forms to facilitate the hiring of child care workers from other provinces. Certain governments have indicated their intention to translate more documents about daycares or early childhood soon. Every document is important and has a role to play in the delivery of services. However, the magnitude of the challenge of implementing an institutional network and services for early childhood in a minority setting demands documentation adapted to the needs of each community.

e) Financial Support

In general, the provincial and territorial governments provide regular financial support to Francophone kindergartens, junior kindergartens and daycares in accordance with the criteria and programs designed for Anglophone institutions. Since 2001, Ontario has maintained an Early Years Challenge Fund that meets the needs of Francophone families out of a special envelope representing 5% of the total amount of the fund, or more than \$1.5 million over three years. In the fall of 2005, there was an attempt to develop a Canada-wide daycare system by way of federal-provincial child care agreements. The agreements would have provided funding to Francophone groups to improve the services available to their population as well. All the provinces and territories referred to the federal-provincial agreement and especially to the inclusion of a language clause like that of Manitoba, the first province to sign. This achievement was profoundly important for the development of the institutional network of the Francophone communities and the transmission of language, culture and identity. It was, however, short-lived. The new Conservative federal gov-

ernment elected in January 2006 decided in its April 2006 budget to replace the agreements with direct family allowances. In certain cases, there is provincial support independent from the federal contribution. Alberta for example, is committed to meeting the needs of Franco-Albertans identified in their strategic plan and to do so through existing programs, regardless of the federal government contribution. The ten regional child and family services authorities have emphasized their intention to include Francophones as equal partners in their discussions and to include them in their regional plans. It is quite likely that the Franco-Albertan community will be receiving permanent core support for its early childhood institutions.

In 2001–2002, when Prince Edward Island created a public kindergarten program, resources were allocated to create a French program as well as a program for the majority. Since then, resources have been allocated for the development of instructional programs for both Francophone and immersion kindergartens. These developments correspond to happenings elsewhere in Canada. For example, the Nova Scotia government financially supports 16 not-for-profit Francophone early childhood daycare centres and a Francophone pre-school resource centre through the Early Childhood Development Program. The Franco-Saskatchewanian community is served by a network of twelve junior kindergartens, twelve kindergartens, a number of family or private daycares, and three in-school daycares. Only the latter three receive regular funding from the province as the Anglophone daycares do. However, Saskatchewan Learning allows space for Francophone junior kindergarten to be provided within Franco-Saskatchewanian schools. That has not always been the case for Anglophone junior kindergartens. The situation is similar in Alberta, except that space is made available only if it is not required by school programs. As a result of Ontario's *French Language Services Act* (1986), Francophone agencies dedicated to early childhood have been designated in all regions of the province. Manitoba's Child Care Program has funded 118 new spaces in seven daycares that provide services

in French and eight spaces in the first Franco-Manitoban daycare for children under the age of two. All the school districts in Newfoundland and Labrador receive funding from the Department of Education for part-time kindergarten, but the Francophone school board (*Conseil scolaire francophone*) receives additional funding under a federal–provincial agreement enabling it to operate full-time kindergartens as in Alberta. Other provinces take much more limited action, such as promoting Francophone and immersion daycares in cooperation with the Francophone community. Others support a daycare and/or a kindergarten or junior kindergarten.

f) Training

Few provinces or territories report early childhood education programs. In certain cases, a bilingual program is jointly offered by the community and the province's vocational training institute. Newfoundland and Labrador's Department of Health and Community Services, in consultation with the Francophone community, approved a distance training program in French through which early childhood workers can receive provincial certification. The government has also translated forms into French and helped with networking to facilitate the certification of Francophone candidates by the regional authorities. Nova Scotia's Department of Education provides learning resources for programs and courses approved by the minister.

g) Best Practices

In terms of best practices, it is noted that Ontario has not only established the Early Years Challenge Fund (2001), but guarantees a special envelope representing 5% of the total fund, or more than \$1.5 million over three years, for Francophone families. The \$500,000 is allocated through a separate process set up to evaluate and recommend proposals from Francophone groups.

The Manitoba government is conducting two Francophone early childhood research projects in

conjunction with the federal government within the framework of the Healthy Child program. The *1997 Manitoba Birth Cohort Study* deals with the development of very young Francophone children in situations where little French is spoken in order to better understand influences on their readiness for French school. The second study collects demographic data using the Early Development Instrument to let school divisions know how well children's development has been supported during their first five years and what their needs will be in the following school years. This information will guide decision-making with respect to the allocation of resources to the *Division scolaire franco-manitobaine* and within the Francophone communities.

Manitoba is exploring a new integrated early childhood centre concept under the interdepartmental Healthy Child Manitoba (HCM) program run by the Minister of Healthy Living. By being attached to a Francophone school, such a centre provides

a wide range of early childhood development and school services, including resource centre, play groups, child care, health and social services, pre-school education resources and family support structures in a better linked and integrated way for parents of Francophone children. [All this creates] a neighbourhood hub of activities directed at early childhood development, linking it to the school system and related services for Francophones.

This model “is based on the understanding that integrating early childhood services with school services ensures similar learning outcomes for Francophone students in minority settings compared to Anglophone students in majority communities.” The model also requires the presence of partners such as the *Division scolaire franco-manitobaine*, the *Fédération provinciale des comités de parents* and the *Société franco-manitobaine* on the Francophone early childhood centres steering committee. Two demonstration sites, one in Winnipeg (*École Précieux-Sang*) and the other in Île-des-Chênes (*École Gabrielle-Roy*), opened their doors in 2004–2005 with \$100,000 in funding, \$50,000 from Healthy Child Manitoba and

\$50,000 from the federal government under the Canada–Manitoba General Agreement on the Promotion of Official Languages. The *Centres de la petite enfance* hub model was identified as a best practice in *Early Childhood: Gateway to French Language Schools, A National Vision*.⁷⁰

Newfoundland and Labrador offers another example of partnership with the community and a diversified approach to early childhood development. The Department of Education finances a certain number of activities through the provincial *Conseil scolaire francophone* and the *Fédération des parents francophones de Terre-Neuve et du Labrador*. These activities include daycares aimed at francizing children three to four years old, a family literacy program aimed at francizing children in the home before they are of preschool age, Saturday French camps for Kindergarten–Grade 6 students that promote the use of French outside of the classroom, and after-school activities that help children with their homework and give them an opportunity to play in French.

We know that several provinces and territories have been offering similar activities for so long, they no longer identify them as contributions to the Francophone community. What seems to emerge from these examples is the need to develop a systematic approach addressing all aspects of child development from birth or even earlier, through the preparation of future parents, the search for relevant partners, a designated funding program and adequate resources. There is also cause to explore the potential for developing synergy among the provinces and territories by sharing best practices.

3. Health and Wellness

In Canada, the health sector is a shared responsibility. Although health was defined as a provincial responsibility at the time of Confederation in 1867, some health obligations were reserved

for the federal government. The federal government also uses its spending power to contribute to health insurance, health resources, and programs in health, fitness and amateur sport.⁷¹ The federal contribution to health expanded in 1957 with the implementation of a public hospitalization insurance program, followed by the 1996 *Medical Care Act*. Each province or territory has its own health scheme, but must comply with national standards. Responsibilities are coordinated through structures such as the Conference of Ministers of Health, the Conference of Deputy Ministers of Health, and a series of federal-provincial advisory committees and working groups.⁷²

The health sector is very broad and very complex in that it includes the federal department with all its divisions; the provincial or territorial department, a multitude of service institutions, and nearly countless professionals, professional associations and service associations. Since 1992, a few provinces have transferred power and responsibilities to health districts and then consolidated these districts into regional health boards, offices, or authorities, thereby adding another layer of administration and control. Services for Francophones are thus part of a very complicated, diverse and asymmetric system. The nature and scope of services in French or for Francophone communities vary enormously. The major difference is between provinces and territories that have constitutional or legal language obligations and those that do not. Those in the first group have French-language services and institutions, while some of those in the second consider the Francophone community to be but one of several language groups in a multicultural society.

Numerous commissions and other studies on health at both the federal and provincial levels in the last ten years have raised questions about health service costs and availability. In 2000, the *Fédération des communautés francophones et acadiennes du Canada* (FCFA) published the report *La*

70. Government of Manitoba, *Report on French Language Services, 2004/05* (Winnipeg: French Language Services Secretariat, 2006).

71. *Canada Yearbook 1988* (Ottawa: Statistics Canada, 1987).

72. *Ibid.*, 3–10.

santé communautaire en français: l'étude de quatre modèles au sein des communautés francophones et acadiennes, an executive summary of which was published in English under the title *Community Health Services in French: An Analysis of Four Existing Models in Francophone and Acadian Communities*. This study and a series of events between 1997 and 2002, including the near closure of Monfort Hospital, served to bring minority Francophone health issues to the forefront. In September 2000, a federal–provincial agreement sought to accelerate certain health reforms by allotting \$2.3 billion for priorities, i.e., \$1 billion for the purchase of medical equipment, \$800 million for the Primary Health Care Transition Fund (PHCTF) and \$500 million for the development of health information systems.⁷³ Of the \$800 million for the PHCTF, some \$30 million was reserved for official language communities. In the summer of 2000, Health Canada provided funding to the FCFA to conduct a major study on access to health services in French and determine the levers likely to improve access to services.⁷⁴ Tabled in June 2001, the report entitled *Improving access to French-language health services* described the situation based on a study of 71 Francophone communities. The study concluded that 55% of Francophones living outside of Quebec have no access to services in their language and that “there are considerable gaps between services in French and services in English. The accessibility of services is 3 to 7 times greater for Anglophones.”⁷⁵ The study also proposed innovative measures to improve access to French-language services and the individual and collective health status of Francophones in a minority setting.

Following this study, a new organization emerged at the national level. Formed in 2002, the *Société santé en français* (SSF) is made up of 17 Francophone health networks—four in Ontario,

three in New Brunswick and the others in each of the remaining provinces and territories—most of which were established after the PHCTF funding was announced. The SSF finances a number of projects aligned with PHCTF objectives in most of the predominantly Anglophone provinces and territories. The French Setting the Stage (*Préparer le terrain*) projects, for example, with an initial cost of \$4 million, provide important support to the 17 networks for planning primary health care in French in partnership with community associations and their respective governments. The governments of all provinces and territories except Quebec are partners on these projects.

In 2003, the federal government announced its *Action Plan for Official Languages*, which included a commitment by the federal Department of Health to invest \$119 million over five years to promote better access to health services for minority official language communities. Although the main objective of the Setting the Stage projects is the same throughout Canada, the projects themselves vary enormously from one province or territory to the next depending on the existing level of health services and government willingness to recognize the impact of the presence or absence of language services on health. The 70 projects financed by the *Société santé en français* at a cost of \$20 million in 2006 are aimed at getting Francophone communities to take ownership of health in order to ensure the sustainability of Francophone networks and services.⁷⁶ It should be said that certain provincial governments have been taking steps to better serve their Francophone community in this sector since the 1990s.

a) Legislation and Case Law

Health is a shared jurisdiction and while the main responsibility falls to the provinces and territories, the federal government, by virtue of its control over tax transfers and national standards, plays a role that is not insignificant. Only New Brunswick

73. Consultative Committee for French-Speaking Minority Communities, *Report to the Federal Minister of Health* (Ottawa: Health Canada, 2001), 14 and 39. [Page references are to French version.]

74. *Ibid.*, 7.

75. *Ibid.*, 19.

76. Health Canada, special supplement, *Les Affaires*, 18 February 2006, 2. See also <http://www.primaryhealthcare.ca/>.

and Manitoba have legislation respecting health services in French. The other provinces and territories have yet to establish any. Nevertheless, as previously mentioned, government action is governed by the constitutional and legal framework respecting language rights. Constitutional and legal obligations currently apply in New Brunswick, Manitoba, Ontario and the Northwest Territories. Section 40 of New Brunswick's 2002 *Regional Health Authorities Act* requires the eight regional health authorities to ensure that simultaneous interpretation in both official languages is provided during regular or special meetings that are open to the public. The government explicitly recognizes the institutional duality that flows from its constitutional obligations and language legislation, but only to a point. The province is committed to establishing Francophone institutions to provide services to the Acadian community and is willing to accept a degree of institutional and administrative duality similar to that which exists in the education sector, but it is less favourable to the idea of extending this duality to the department as a whole.

In Ontario, the *Montfort* case established jurisprudence in this area, but for the time being, the case law is still limited to that institution. In Manitoba, the jurisprudence from the years 1979–1992 reasserted the primacy of section 23 of the *Manitoba Act, 1870*, which requires the government to provide a certain number of French-language services to the Franco-Manitoban population. Furthermore, Manitoba's *Regional Health Authorities Act* empowers the government to make regulations respecting the authorities' obligations to provide French-language services. In New Brunswick, although legal action has been considered several times, no case has ever gone to court.

b) Policy

Manitoba, Saskatchewan and the Yukon have general language policies but none specific to health. The situation in the health sector is complicated by the fact many provinces and territories turn

responsibility for the provision of health services over to regional health authorities that are in charge of developing their own policy. After Manitoba's health services were regionalized, Cabinet adopted a regulation in 1998 requiring certain regional authorities to submit plans respecting the provision of French-language services for approval. Since then, six regional authorities have been required to provide services in French. In 2004 and 2005, the Winnipeg Regional Health Authority developed and adopted five policies (on hiring, communications, the designation of bilingual positions, translation and general language issues) with the help of a committee of representatives from 14 health-care institutions. A new policy of the Cape Breton Health Authority in Nova Scotia stipulates that the job requirements for all positions delivering health care to patients in the Chéticamp hospital must include knowledge of French. None of the health authorities in the other provinces seems to have a policy on French-language services. Alberta's Peace Country Health has been providing certain health services in French for ten years despite the absence of a language policy, and the Aspen Regional Health Authority is currently looking at the possibility of providing French-language services to its Francophone population.

c) Programs and Services

Generally speaking, Anglophones have access to a wide range of health services and programs throughout English Canada, but Francophones do not. Two or three provinces provide a fairly broad range of health services in French, while the rest are at square one, their services being more than limited. In general, it is very hard for the Francophone community to assert its particular needs in this area and obtain customized services, unless similar services already exist in English. In the case of government–community partnerships like the Setting the Stage projects, it is sometimes difficult to determine each partner's contribution as both often claim responsibility and take credit for the results.

d) Publications and Other Documents

Certain provinces accept their obligation to provide health information in French, be it on paper, such as pamphlets, health guides, forms, reports and circulars, or on the Web. For example, in 2003–2004, Manitoba Health translated over 950 pages, an increase of 26% over the previous year. The documents translated included the *info-health Guide*, which provides an overview of the healthcare system and its services, and a list of contacts for further information; the *Healthcare Providers' Handbook*, a bilingual glossary that has been revised, reprinted and distributed to employees enrolled in French language training and health and social service personnel in designated bilingual positions; a number of fact sheets and web pages on diseases such as Severe Acute Respiratory Syndrome (SARS) and West Nile Virus; and material for third parties, such as *L'Entre-temps des Franco-Manitobaines*, a shelter for abused women. Furthermore, the *Conseil communauté en santé* (CCS) resource centre provides translation, language training and resource materials. In 2004–2005, the centre translated or had translated 542 documents.

The website of the Newfoundland and Labrador Department of Health is in French [sic] and contains hundreds of pages of information in French.

Sometimes translation is offered by the provincial Francophone affairs directorate, but in other cases the responsibility falls to the regional health authorities. This is the case in Alberta, where an agreement on French-language services has enabled Peace Country Health to translate and distribute a hundred documents on health care and prevention. A similar situation exists in Newfoundland and Labrador, where the Eastern Regional Integrated Health Authority is responsible for translating pamphlets and other documents. Alberta encourages other authorities to distribute these documents to their Francophone population. British Columbia has translated its *HealthGuide* publication, a user-friendly handbook of infor-

mation on how to recognize and cope with more than 200 common health concerns. The success of the French version of the handbook encouraged the government to translate it into Chinese and Punjabi as well. It has also been adapted by the Yukon government. British Columbia is currently translating 160 fact sheets into French, and a number of other documents are available on the Ministry of Health and Provincial Health Services Authority websites. Elsewhere however, the provision of basic services is in the early stages, due to limited resources. In some cases, French-language documentation is limited to a few pamphlets on specific topics such as breast cancer screening or dental health and it is sometimes up to hospitals or other service institutions to translate forms or information sheets.

e) Financial Support and Institutionalization

All the governments provide financial support to the health sector. The issue is the extent to which they provide French-language services and an institutional base for the Francophone community. A few examples provide a fairly clear idea of the spectrum of services available. The governments with the most limited services identify a few employees in the health sector who are able to provide services in French, and may or may not pay them extra for being bilingual. Sometimes this responsibility is turned over to the regional authorities, as is the case with the Western Health Authority of Newfoundland and Labrador. Provinces or territories that have made limited investments in French-language health services are usually able to cite such contributions as a section of French-language material in a resource centre, partially bilingual signage, and certain public announcements at the regional hospital.

Where the institutional basis is weak, primary tools are key. Several provinces are about to establish a directory of bilingual or Francophone health workers through government initiatives, the community health network or the regional authorities.

A few provinces have created designated bilingual positions for translators/interpreters, health professionals, social workers or service coordinators within the Francophone affairs directorate, the health department or the regional authorities.

As a result of PHCTF initiatives, almost all provinces and territories have acquired toll-free telephone health information services that operate 24 hours a day, seven days a week. Several provinces have added French-language services either on their own or in partnership with a neighbouring province. The success of these services varies from one extreme to the other. In Manitoba, for example, registered nurses take calls, answer questions and help callers find healthcare resources in their area, all in French. These nurses are experienced professionals qualified to provide information on a wide range of health issues. Elsewhere however, the service is provided through interpretation, which is not very efficient.

In some cases, there have been major investments at the institutional level. Examples include the Saint-Thomas Community Health Centre in Edmonton, a Francophone community-based primary health care and assisted living facility scheduled to open in the fall of 2007 with a \$4 investment from the province; *Foyer Maillard*, a home for seniors in Coquitlam, British Columbia; and the Évangéline Community Health Centre in Prince Edward Island, which opened in September 1996 and provides health services and disease prevention and health promotion information and resources. In Nova Scotia, the Chéticamp hospital and three seniors' homes provide a full range of French-language services, while eight other homes provide a more limited range. Limited French-language services are provided at St. Joseph's Hospital/*Foyer d'Youville* in Gravelbourg and four other seniors' homes in Saskatchewan; another six homes in the province have a few bilingual employees but no French-language services policy *per se*. Prince Edward Island has established a French-language health services network to propose ways for the Department of Health to increase access to French-language health and social services and thereby

contribute to full implementation of the *French Language Services Act*. The network attempts to achieve this objective by commenting on existing government strategic plans or developing new ones. The range of designated positions provides a glimpse of the challenges faced by other provinces and territories following in these footsteps: doctors, public health nurses, social workers, speech pathologists, occupational therapists, mental health professionals, healthcare workers in seniors' homes, and receptionists.

In 2006, the Nova Scotia Department of Health announced a change to the long-term health care placement policy (first available bed) to enable Francophones to be placed in long-term care facilities meeting their linguistic and cultural needs.

Grappling with the enormous challenge of managing healthcare needs with very limited resources, Ontario's Harris government moved in 1997 to close a number of health institutions, including the bilingual Montfort Hospital. The mobilization of the Franco-Ontarian and other Francophone communities in the SOS-Montfort movement led to the case being brought before the Ontario Divisional Court and the Court of Appeal. The Court of Appeal recognized the merits of the claims by the Francophone community. The Montfort Hospital case is now imprinted on the Francophone psyche. Early in 2002, the government acknowledged Montfort's role as the only Francophone teaching hospital outside of Quebec when it decided not to appeal the case before the Supreme Court of Canada. Montfort has since been allotted 128 long-term care beds under the government agreement to create 20,000 new long-term care beds throughout the province, had its core funding increased by \$7.4 million, and been promised an expansion. The notoriety of the Montfort case overshadowed some commendable initiatives by Ontario government, including the establishment in Toronto in 1989 of the first *centre médico-social communautaire*, a centre combining French-language social and health services under one roof. Similar centres were subsequently established in Sudbury and Cornwall-Alexandria

in 1992 and bilingual centres in Longlac in 1992, Hamilton-Wentworth in 1994, Timiskaming in 1996, and Rivière-des-Français in 2006. Over the years, 58 health and long-term care agencies have been designated to provide full or partial French-language services in various regions of the province.

Manitoba had already taken steps in 1992 by opening the *Santé en français* Resource Unit to provide translation, language training and resource materials to designated health and social service institutions. The four employees of what is now the *Conseil communauté en santé (CCS)* Resource Unit work with 13 freelance translators and revisers and an assessor of language skills. Language training was provided to approximately 246 people and the language skills of 14 people were evaluated in 2004–2005.

In addition to this unit, Manitoba supports efforts to refrancize St. Boniface General Hospital. The *Regional Health Authorities Act* adopted in March 1998 created an obligation for each of the regional health authorities to develop a French-language services plan in consultation with their Francophone communities. Pursuant to the regulations respecting application of the Act, a number of the authorities have created a position for a bilingual recruitment officer or a coordinator of French language services to oversee day-to-day activities and long-term planning of the delivery of French-language services. The Winnipeg Regional Health Authority has also designated 500 bilingual positions, 425 of which are filled by bilingual individuals.

In 2004, the Manitoba Cabinet recognized the *Conseil communauté en santé (CCS)* as the Franco-Manitoban community's official representative in the health sector and appointed a government representative to its board of directors. Franco-Manitobans do not control their own regional health authority, but they do have access to many services and to the government through the CCS. The government heavily supports the bilingual health centres in St. Boniface

and St. Jean Baptiste and plans to open a third in Notre Dame de Lourdes.

Finally, given the institutional duality that characterizes New Brunswick, the province offers an array of French-language health institutions. Things that are hard to come by elsewhere, such as directories of French-speaking professionals, French-language documentation and websites, and bilingual services at every level from the receptionist to the medical specialist, are taken for granted in New Brunswick. French-language services are not equally distributed across the province. However, when the province considered providing for a greater consolidation of health services, the Acadians of the south-eastern part of the province contemplated legal action under subsection 16.1(1) of the *Canadian Charter of Rights and Freedoms* to prevent the local Francophone and Anglophone health authorities from being merged.⁷⁷ The government decided to maintain institutional duality in the southeast by recognizing two regional authorities: the Beauséjour Regional Health Authority, which is run by, and designed mainly to serve, Francophones, and the South-East Regional Health Authority, which is run by, and mainly serves, Anglophones. New Brunswick is one of very few jurisdictions in the world that provide institutional duality in the health sector.

f) Training

Obtaining access to training in the expanding range of health professions, especially postsecondary training, is a major challenge for minority communities. One avenue is exemplified by an agreement between New Brunswick and Quebec giving New Brunswick Francophones access to programs of study in health at the Université de Sherbrooke. An extension of this agreement guarantees a spot in medicine and one in pharmacy to Newfoundland and Labrador every year, and two in medicine and two in pharmacy to Nova Scotia. However, the Francophone community has

77. Bourgeois and Bourgeois, *op. cit.*

to be aware of these available spots and students have to be motivated to take advantage of them. Under an agreement with France, Newfoundland and Labrador provides French-language services to the residents of Saint Pierre and Miquelon through the Eastern Regional Integrated Health Authority. French-language services are also provided to the province's Francophones. To ensure these services, the Eastern Regional Integrated Health Authority and the Office of French Services provide a part-time training program in French to some one hundred authority employees. Manitoba has set up a French-language program in nursing in collaboration with the Collège universitaire de Saint-Boniface and St. Boniface General Hospital. In Alberta, Peace Country Health offers a bursary to encourage students in health to pursue training in French. A bilingual nursing program is now offered at the University of Alberta's Campus Saint-Jean. Basic and advanced paramedic programs are offered in French by the Université Sainte-Anne in Nova Scotia.

The best practice in the health sector is thus the institutional duality in southeastern New Brunswick where a Francophone regional health authority and an Anglophone regional health authority have overlapping jurisdictions. This duality is accompanied by legislative guarantees with respect to the delivery of French- and English-language health services in all the regional hospitals and health authorities. This is the ideal situation for Francophone minorities. Although it is true that none of the provinces other than Quebec is capable of duplicating or surpassing the level of services in New Brunswick, they can borrow some of the elements. If institutional duality is not possible, developing a Francophone or bilingual institutional network like that in Ontario and Manitoba is the next best choice. If networks or institutions providing services to the Francophone community are not available, identifying bilingual health professionals, helping to bring them under one umbrella and publicizing their availability to Francophones is warranted, as is producing and distributing French-language material on health,

especially where such material already exists. It is obvious that the creation of French-language health networks and the emphasis on the delivery of primary health services in French across the country are among the most important developments in the Canadian Francophonie since the advent of schools governance.

4. Justice

Justice is the sector in which French-language services are the most widespread in the provinces and the northern territories, no doubt because of the existence of constitutional obligations in this area, as well as federal government support. Some provinces and territories nevertheless have difficulty ensuring the presence of personnel sufficiently competent in French to meet the demand for French-language services. This confirms the results of a 2003 study by the federal Department of Justice⁷⁸ according to which a number of Francophone lawyers practicing in the common law provinces and territories, particularly in the West, were sceptical of access to French-language legal services and documents. The satisfaction rate was only 34% in the West, as opposed to 81% in Acadia and 60% in Ontario.

At the October 2005 Ministerial Conference on Francophone Affairs, the ministers set themselves the objective of improving access to justice in French, with quality services in French to their Francophone communities as the desired outcome.

a) Legislation

Four provinces and three territories have adopted legislation stating that the public has the right to French-language services in the courts or that French and English are the official languages of

78. Cited in William Floch and Yves Frenette, eds., *Community Vitality, Community Confidence. Official Languages Research Forum: Analysis and Discussion of the GPC International Survey on Attitudes and Perceptions of Official Languages*, New Canadian Perspectives (Ottawa: Minister of Public Works and Government Services Canada, 2005), 21.

judicial proceedings.⁷⁹ In those provinces, every person has the right to use the official language of his or her choice in any matter before the courts, including all proceedings, or in any pleading or process issuing from a court. In two other provinces, the language legislation or policy requires that French-language services be provided in four courts. The other provinces have measures in place (interpretation and translation) to allow trials to be held in French.

b) Administration and Personnel

The number of Francophone personnel in the justice department varies considerably from one province or territory to the next. One province has enough judges and personnel to provide French-language services at all levels of the administration of justice. Two other provinces offer trials, pre-trial conferences, motions and filing of documents in French in certain designated areas. Another province has French-speaking judges in certain courts as well as a Francophone justice of the peace; it also has a few bilingual employees such as court registrars and probation officers and a coordinator of French-language services in the Department of Justice. The Government of Prince Edward Island has signed a cooperation agreement with the Government of Canada for the provision of language training for PEI judges. It amended its *Provincial Court Act* in 2001 to allow bilingual judges from another province to preside over trials in French and has an agreement with New Brunswick to provide such judges. The PEI Supreme Court has access to interpreters and translators to meet the demand for French-language services. Manitoba has a bilingual circuit court (St-Pierre-Jolys) with a bilingual judge, Crown prosecutor and court registrar that sits once a week. That province also has at least one Francophone judge at each court level, as well as bilingual justice administration staff. In the three other Western provinces and the three territories, there are a few Francophone judges and a relatively

small number of staff to provide services in French. Like Manitoba, Alberta encourages and provides support for its justice personnel to take the training offered at Manitoba's Institut Joseph-Dubuc.

c) Legislatures

In four provinces and three territories, the members of the Legislative Assembly may debate legislation in French or English (there is, however, no simultaneous interpretation in Saskatchewan). In Prince Edward Island, the original text appears in *Hansard* in French, followed by an English translation. In two other provinces, members may express themselves in French so long as they give notice and provide their own translation (the same rule applies to anyone wishing to use a language other than English).

Three provinces and three territories publish their statutes and regulations in English and in French. Sections of the *French Language Services Act* that have not yet been proclaimed impose the same obligation on PEI. One province translates a handful of statutes into French every year and publishes the rules of procedure of the Legislative Assembly in both languages.

d) Legal Clinics

Ontario's *French Language Services Act* made it possible to designate legal clinics in three regions of the province, including Toronto. Despite its limited number of Francophones, Newfoundland and Labrador sets a good example that is worth describing in detail. In 1994, the government signed an agreement with the federal government on language training for provincial court judges. This agreement was replaced in 1998 by the Canada–Newfoundland and Labrador Agreement on the Promotion of Official Languages. In 2004–2005, three provincial court judges enrolled in the French language training program. The prosecutions division has a bilingual attorney who is able to prosecute cases in French. Interprovincial agreements allow the sharing of bilingual prosecutors

79. One of these provinces has not yet proclaimed the sections relating to this linguistic right.

as needed. When there is a request for French-language services, the government hires interpreters and translators. The Office of French Services has translated the court forms. French versions of frequently used terms, information about youth and other courts, documents relating to peace bonds and small claims court, and other publications are available on-line. In 2001, the *Provincial Court Act* was amended to allow the appointment of a Francophone judge from another province to preside over trials in French and the province entered into an agreement with New Brunswick to that end. The province has one judge who has a good command of French and is able to conduct French-language trials. The province's Supreme Court is able to rely upon interpreters and translators in the event of a request for French-language services. Finally, the Royal Newfoundland Constabulary and the Legal Aid Commission try to respond to all requests for French-language services.

5. Arts and Culture

Government support for French-language arts and culture varies considerably from one jurisdiction to the next. At the October 2005 Ministerial Conference on Francophone Affairs, the ministers identified "support Francophone cultural development as a tool essential for the development and growth of Francophone and Acadian communities" as an objective, and "the Francophone cultural sector is fully enabled to contribute actively to the dynamism of Francophone minority and Acadian communities" as a desired outcome.

a) Legislation and Policy

Four provinces have enacted legislation that in some way promotes the development of Francophone arts and culture. Three other provinces have adopted policy that is in some way oriented towards the development of Francophone arts and culture.

b) Financial Support

Most of the provinces and territories have programs that support initiatives having to do with Francophone arts and culture. For the most part, these programs provide financial support for major cultural events, such as the one marking 500 years of French presence in Newfoundland and Labrador (2002) and the 400th anniversary of the founding of Acadia (2004). The Atlantic provinces and Ontario support tourism by publishing documents of every kind, developing tourism products such as guidebooks, setting up booths, recruiting personnel, purchasing advertising, and funding different activities, including cultural tourism. In at least five provinces, this support also takes the form of grants to Francophone school, community and cultural centres, including daycares, kindergartens and junior kindergartens located in these centres. Four provinces and three territories support Francophone artists and cultural groups through their arts councils, but this ad hoc support is provided without reference to language or culture. The Newfoundland and Labrador Department of Tourism, Culture and Recreation, through its arts and culture centres, works with Canadian Heritage to ensure that there is Francophone programming, but it is more of an approach than a policy. Although the same department has adopted a culture policy that mentions the French language, it has no strategy for protecting and promoting French or Francophone culture *per se*. Elsewhere, there are efforts specifically aimed at the Francophone community. For example, Alberta's Minister of Education supports the distribution of Francophone artistic and cultural products to support the learning of French in Francophone and immersion schools and second-language programs. In addition, the *Regroupement artistique francophone de l'Alberta* was recognized in 2005 as one of eleven Provincial Arts Services Organizations, enabling it to obtain permanent core funding. Nova Scotia awards the *Prix Grand-Pré* to Acadian and Francophone artists who make an exceptional contribution to Acadian culture and has an Acadian liaison officer within the

Department of Tourism, Culture and Heritage. In Saskatchewan, Saskculture provides ongoing funding to the Francophone cultural community through lotteries and the community oversees the distribution of these funds.

c) Inter-Provincial/Territorial Agreements

Certain provinces and territories have signed agreements to facilitate bringing in Francophone artists and cultural groups from other provinces and territories, including Quebec. Quebec's leadership in terms of support for French culture throughout the country was repeatedly emphasized in the course of this study.

It should be added that the governments of the four Atlantic provinces have been supporting the *Commission du tourisme acadien du Canada atlantique* for many years.

d) Advisory Committees

Six provinces have set up advisory committees to give Francophones input on government cultural and tourism policy. Nova Scotia created an advisory committee on Acadian tourism. Prince Edward Island established the Acadian Communities Advisory Committee in 1997 to recognize the contribution of the province's Acadian and Francophone community and advise the government on the manner in which its legislation, policy, programs and services impact on the community. Ontario created an advisory committee on Francophone cultural policy following recommendations contained in the *RSVP! Keys to the Future* report of the task force on culture in French Ontario (1992). The Saskatchewan government designates a Francophone representative to sit on its Minister's Advisory Committee on Status of the Artist; the statute governing the committee is in French and in English, and pertinent publications are in both languages. The Manitoba government created the Working Group on French Language Tourism Development. The government of New Brunswick established the Office of the Commissioner for Official Languages and

Dialogue New Brunswick to advise it on Acadian cultural policy. As a provincial institution, the New Brunswick Arts Council has similar obligations.

e) Heritage

Seven provinces and territories support French-language heritage through museums and heritage centres and tourist activities and events. This is especially true in the Maritime provinces and Ontario. In Alberta, the Provincial Archives is expanding its holdings in relation to Francophones and the Royal Alberta Museum is developing a special collection of Franco-Albertan heritage that will be part of a new gallery when the museum's renovations are completed in 2007. The government also supports the preservation, management and promotion of Father Lacombe Chapel, the oldest building in Alberta and a Provincial Historic Site. The Manitoba government supports the Francophone Heritage Centre.

6. Economic Development

Economic development is an area of activity shared by the various levels of government. The provinces and territories have obviously had a stake in it from the beginning, but specific measures targeting Francophone and Acadian communities are a more recent concern. For a long time, these communities were socio-economically disadvantaged and developed their own economic institutions—often in the form of cooperatives—on the margins of an economy dominated by the Anglophone majority.⁸⁰

The measures adopted by the provinces and territories to support the economic development of the Francophone and Acadian communities since 1988 can be categorized by the type of support mechanism used.

80. The historical disparities are documented in Royal Commission on Bilingualism and Biculturalism, *The Work World*, Book III of *Report of the Royal Commission on Bilingualism and Biculturalism* (Ottawa: Queen's Printer, 1969); contemporary updates are in Maurice Beaudin, "Les Acadiens des Maritimes et l'économie" in J. Yvon Thériault, (ed.) *Francophonies minoritaires au Canada. L'état des lieux* (Moncton: Éditions d'Acadie, 1999) 239–264.

a) Policies and Agreements

Only New Brunswick has legislation and policy targeting the Francophone community as an “official language community” of the province. The varying commitment of the other provinces and territories is reflected by a variety of agreements. Several of the provinces and territories have specifically targeted the economic development of Francophone communities within the framework of federal–provincial/territorial agreements. Others have relied on tripartite agreements between the two levels of government and the Francophone community, such as the Memorandum of Understanding on Human Resource and Knowledge Economy Development with the Francophone and Acadian community of Prince Edward Island or the multi-year funding agreement with the Economic Development Council for Manitoba Bilingual Municipalities. British Columbia and Prince Edward Island have entered into interprovincial agreements with Quebec that have an economic component. Prince Edward Island, New Brunswick and Manitoba have also signed international cooperation agreements with an economic component.

b) Committees and Consultation

Several provinces have pushed their commitment further by involving the Francophone communities in various advisory bodies. For example, Alberta Tourism allocates one seat on its advisory committee to a representative of the *Chambre économique de l'Alberta*; the Manitoba government has representation in the Partnership Committee on the Economic Development of Francophones in Manitoba; Nova Scotia has an advisory committee on Acadian tourism with the *Conseil de développement économique de la Nouvelle-Écosse*; and Prince Edward Island has the Island Francophone Knowledge Resource Development Committee.

c) Local and Regional Economic Development Agencies

A few provinces have chosen to implement local or regional development agencies dedicated to

Francophone and Acadian communities. For example, Manitoba's bilingual municipalities have acquired community development corporations; New Brunswick has created community-based economic development agencies; Prince Edward Island has mandated the Baie Acadienne Development Corporation to act as a development corporation for the Évangéline region; and the *Conseil de développement économique de la Nouvelle-Écosse* receives support from the government of Nova Scotia and has signed a memorandum of understanding with the province's Regional Development Authorities. The provincial and territorial members of the *Réseau de développement économique et d'employabilité* (RDÉE) either act as an economic development agency or otherwise support the economic development of the communities they represent.

d) Support to Francophone Community Networks

The provinces and territories have lent their support to a number of Francophone economic development organizations, such as chambers of commerce and economic councils. Several provinces and territories have also been financial partners on certain RDÉE projects, but they rarely contribute to the RDÉE members' operating budgets. Cooperatives, the traditional economic development instrument of Francophones and Acadians,⁸¹ have also received occasional support from a few provinces.

e) Studies and Strategic Planning

A few provinces have given Francophone and Acadian communities technical support to establish a strategic planning process for socioeconomic development. For example, Alberta supported a market study for a Francophone tourism development strategy; Ontario supported the development of Francophone tourist routes; Nova Scotia

81. The cooperative movement is still important in Francophone and Acadian communities outside Quebec, with some 225 cooperatives, half a million members and \$6.3 billion in assets (Conseil canadien de la coopération, *Les effectifs coopératifs francophones 2004–2005*, http://www.ccc.coop/francais/rapport_annuel/effectifs.asp).

supported a feasibility study for Francophone community radio; Prince Edward Island supported a series of studies leading to the development of Francophone community vision plan; and Newfoundland and Labrador has provided technical support for the development of an agricultural strategy for the Port au Port Peninsula.

f) Documentation

Most of the provinces and territories offer at least some French-language material in hard copy or on-line. The most common example is the provincial or territorial tourism guide or a specific guide for Francophone tourism, but business and consumer guides and guides on the environment, workplace health and safety, etc. are also found.

g) Business Services

Business service centres are one of services most appreciated by Francophone economic stakeholders. Saskatchewan, Manitoba and New Brunswick provide French-language services at one-stop centres. Several other provinces rely on bilingual officers able to provide services to Francophone entrepreneurs in their language.

h) Marketing and Promotion

One of the most common types of provincial/territorial support to the Francophone communities involves marketing or promoting Francophone businesses and resources. For example, Alberta has adopted a strategy for marketing to Quebec and supported distribution of the *Guide touristique franco-albertain*; Manitoba has contributed financially to the *Joie de vivre* tourism guide; Ontario has collaborated with the Franco-Ontarian community on its tourism marketing and provides information in French to Francophone visitors; New Brunswick and Prince Edward Island have proposed Acadian tourist routes; Nova Scotia has supported the promotion of various Acadian festivals; and Newfoundland and Labrador have supported the promotion of the Plaisance region, which has historical ties with France.

i) Occupational/Language/Literacy Training

Some provinces invest in enhancing the professional skills of Francophones or the language skills of their personnel. A few provinces have supported French literacy and others have supported a range of vocational training. For example, Tourism BC provides a customer service training program in French. Ontario and New Brunswick have several Francophone community colleges. Finally, a few provinces offer their employees opportunities for language training to strengthen their capacity to provide service in French.

j) Financial Support

Other than the different forms of support mentioned above, several provinces and territories report having granted occasional funding to projects of an economic nature. British Columbia, for example, supported Francophone projects in the municipalities of Coquitlam and Nanaimo, and Newfoundland and Labrador paid for the construction of rest stops along the French Ancestors Route.

7. Youth, Women and Seniors

French-language services for Francophone women, seniors and youth are not very well developed in the provinces and territories. The bulk of provincial/territorial funding in this area goes to women's organizations and projects focusing on certain specific issues.

a) Youth

Two provinces provide grants to provincial organizations for Francophone youth. Five other provinces and territories support events on an ad hoc basis. In one province, Francophone youth are represented on a provincial advisory committee on youth.

b) Women

One province provides funding for a Francophone women's organization as an official organization, but several provinces and territories have no official Francophone women's organization or the organization is in the process of restructuring.

Three provinces provide funding to Francophone women's organizations to conduct projects relating to women's issues, especially the issues of violence against women or sexual assault. In the 1990s, one province developed a multi-year strategic plan for boosting services to abused Francophone women, which led to the funding of pilot projects. In 2004, the same province held a summit on French-language services in the area of violence against women and invested a large sum of money to ensure the provision of French-language services in sexual assault support centres. Finally, one province hosted a national conference on the status of women with Francophone participation, and organized consultations with Francophone women.

c) Seniors

Several provinces and territories have no official Francophone seniors organization. A few provinces provide guides and other publications for seniors in French. Two provinces have Francophone seniors on their provincial advisory committee. Another has an advisory committee that helps a provincial agency develop, carry out, and evaluate a series of information sessions for seniors. Yet another has a premier's advisory committee on seniors.

8. Immigration

Immigration is an area of shared jurisdiction in Canada and is the object of federal-provincial/territorial agreements, the first and most comprehensive of which is the one signed with Quebec in 1978 and renewed in 1991. Under these agreements, the federal government retains responsibility for defining the categories of immigrants, setting immigration quotas and enforcing the

Immigration and Refugee Protection Act. The provinces and territories can, to varying degrees, select immigrants or plan recruitment to meet specific workforce needs, and exercise a certain amount of control over their settlement services. The following provinces and territories currently have agreements in effect: the Yukon, British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland and Labrador.⁸²

The declining demographics of Canada's minority Francophonie, the fact that it has not historically been the beneficiary of significant migration⁸³, and the special recruitment and integration difficulties it faces⁸⁴ have been targeted for corrective measures. The *Immigration and Refugee Protection Act* was renewed in 2002 and includes support for the development of minority official language communities as one of its objectives. Furthermore, the Citizenship and Immigration Canada-Francophone Minority Communities Steering Committee (of which the Northwest Territories, British Columbia, Manitoba, Ontario and New Brunswick are members, and Alberta an observer⁸⁵), was created in 2002 and has developed a strategic framework for promoting immigration to Francophone minority communities.⁸⁶

82. Citizenship and Immigration Canada, *Federal-Provincial/Territorial Agreements*, <http://www.cic.gc.ca/english/policy/fedprov.html>.

83. Jack Jedwab, *Immigration and the Vitality of Canada's Linguistic Communities: Policy, Demography and Identity* (Ottawa: Office of the Commissioner of Official Languages, 2002).

84. Carston Quell, *Official Languages and Immigration: Obstacles and Opportunities for Immigrants and Communities* (Ottawa: Office of the Commissioner of Official Languages, 2002).

85. Citizenship and Immigration Canada-Francophone Minority Communities Steering Committee, *Towards Building a Canadian Francophonie of Tomorrow: Summary of Initiatives 2002-2006 to Foster Immigration to Francophone Minority Communities* (Ottawa: Citizenship and Immigration Canada, 2005), <http://www.cic.gc.ca/francais/francophone/rapport/initiatives.html>.

86. Citizenship and Immigration Canada-Francophone Minority Communities Steering Committee, *Strategic Framework to Foster Immigration to Francophone Minority Communities* (Ottawa: Citizenship and Immigration Canada, 2003), <http://www.cic.gc.ca/english/pub/framework-minorities.html>.

Francophone immigration is thus a relatively new area of activity for both the federal government and the majority Anglophone provinces and territories. The main accomplishments are set out below.

a) Policy

It should be noted that no province or territory has specific legislation or policy on Francophone immigration except Quebec, which passed a statute in 1968. Two provinces have a policy that includes targets for Francophone immigration. On the other hand, several legislative authorities have objectives with respect to Francophone immigration within the framework of the federal–provincial/territorial agreements on immigration or the promotion of official languages, or within the framework of their own strategies.

b) Documentation

Some provinces and territories provide financial resources to Francophone community organizations to produce French-language documentation such as the *Vivre en Colombie-Britannique* website hosted by the *Fédération des francophones de la Colombie-Britannique*; the Alberta guide for Francophone newcomers; the Francophone newcomers guide published by *Accueil francophone du Manitoba*; the Ontario *Établissement.Org* website; and the immigration page of the website of the *Fédération acadienne de la Nouvelle-Écosse*. Several provinces or territories produce their own French-language material or translate existing material into French and publish it in hard copy or on the Internet.

c) Committees

Several provinces and territories have set up or joined advisory bodies on immigration with the federal government and the community.

d) Service Centres

Certain Francophone communities have put reception centres for French-speaking immigrants in place and receive, or are negotiating for, provincial government support.

e) Community Awareness

One province supports initiatives to raise community awareness of the reception of Francophone immigrants.

f) Missions

Finally, several provinces and territories have supported promotional or recruitment missions overseas, particularly in Europe and Africa.

9. Municipal Services

Like school boards and regional health authorities, municipal councils administer institutions that, according to the Constitution, are a provincial and territorial responsibility. Municipal councils are nevertheless mistakenly perceived as “an order of government” like the provincial/territorial and federal orders. This perception may explain why, except for New Brunswick, the provinces and territories do not impose any language obligations on their municipal institutions and the latter operate under a *laissez-faire* policy on language issues.

The language obligations imposed on New Brunswick municipal institutions are nevertheless a quite recent phenomenon.⁸⁷ It is only since December 31, 2002, that the municipalities designated by the regulations under the *Official Languages Act* have been obliged to provide certain communications and services in French. However, these obligations fall on a limited number of the province’s 103 municipalities, namely the eight cities (all cities

87. Section 11 of the 1969 *Official Languages of New Brunswick Act* (R.S.N.B. 1973, c. O-1) is one of the rare pieces of legislation on the subject, but it does not impose any obligation: “A municipal council may declare by resolution that one or the other or both of the official languages may be used in any deliberations or at any meeting of the council.”

have language obligations, even Dieppe, which has declared itself a Francophone city) and seven towns where the minority official language population accounts for at least 20% of the total population. This threshold of 20% recommended by the 1982 Poirier-Bastarache report⁸⁸ is considered reasonable because it does not impose a burden on municipalities where the community is highly homogenous, be it Francophone or Anglophone. Thus, while the Francophone community of New Brunswick is deprived of municipal services in almost 90% of municipalities with a strong Anglophone majority, municipal institutions in the northern and eastern areas of the province that are home to a critical mass of Francophones are spared the obligation to provide services in English. Caraquet, which calls itself the “capital” of Acadia, and Cap-Pelé, which calls itself the “heart”, thus have no language obligations and are free to conserve and promote their typically Acadian identity.

The fifteen designated municipalities are required to adopt and publish their by-laws and minutes in both official languages and to provide in both official languages the services and communications prescribed by regulation. These communications and services include 1) traffic signs; 2) building and facility signs; 3) public notices; 4) websites; 5) responses to public inquiries, whether verbal, written or electronic, including reception services, complaints, and reported incidents; 6) invoices and responses to inquiries related to billing services; 7) tickets, warnings and public notices, information and responses to inquiries related to by-law enforcement services; and 8) public notices, information and responses to inquiries related to recreational, leisure and cultural services, municipal licensing services, building inspection services, public works and utilities services, crime prevention services, public transit services, community planning and development services, and fire prevention services. In addition, regional commissions that

provide services on behalf of designated municipalities are required by regulation to make available in French and in English a) public announcements of a general nature, including building and facility signs, tender notifications, advertisements and public education material; b) minutes and agendas of annual, regular and special meetings open to the public; c) responses to public inquiries, whether verbal, written or electronic, including reception services, complaints and reported incidents; and d) invoices and responses to inquiries related to billing services.

Less than ten percent (205) of the more than 3,000 municipalities in Canada have declared themselves officially bilingual or Francophone or provide certain services and communications in both official languages. Apart from the 79 municipalities in Quebec, there are two in Newfoundland and Labrador, one in Nova Scotia, two in Prince Edward Island, 47 in New Brunswick, 41 in Ontario, 16 in Manitoba, 12 in Saskatchewan, three in Alberta and two in British Columbia. We were unable to determine in what way these municipalities offer bilingual services.

Unlike Quebec, whose *Charter of the French language* imposes a rather rigid language policy on Quebec municipalities, the other provinces and territories have adopted a *laissez-faire* attitude towards language designation and the provision of French-language services. It should however be noted that, until quite recently, the Ontario government denied municipalities the right to become bilingual. What is more, most of the provincial and territorial governments require the municipalities to deal with their ministries in English. The only exception is New Brunswick, where the Court of Appeal ruled in the 2001 *Charlebois* case that, as municipalities were provincial institutions, they were required to respect the obligations prescribed by the *Official Languages of New Brunswick Act*. In British Columbia, the cities of Coquitlam and Nanaimo produce French-language material in concert with their respective Francophone community organization, with support from the provincial government’s Francophone Affairs Program.

88. Government of New Brunswick, *Towards Equality of Official Languages in New Brunswick: The Report of the Task Force on Official Languages* (Fredericton: Cabinet Secretariat, Official Languages Division, 1982), 464.

Finally, the Government of Manitoba inserted a language clause in the statute creating the new city of Winnipeg in 1971. The measures taken in this area by Ontario and Manitoba are worth describing in fuller detail.

In 1967, the Royal Commission on Bilingualism and Biculturalism had recommended that the national capital become officially bilingual, not only because of its high concentration of Francophones (38% in 1961 and 16% in 2001), but because of its symbolic nature. Ottawa adopted a policy on French-language services in 1991, and again in 2001,⁸⁹ but was never officially declared bilingual. Ontario's 1986 *French Language Services Act* does not require municipalities to provide services in French, but leaves each municipal council free to decide whether or not to provide them. Ottawa's absorption of several majority Francophone communities during the 1999 amalgamations rekindled the debate, but it was not resolved. The city fathers asserted that only a provincial statute could enable an Ontario city to declare itself officially bilingual, while the Ontario government maintained that it was possible to do so under existing legislation (as several other Ontario municipalities, such as Hearst, demonstrated). To put an end to the confusion, the provincial legislature amended the *Municipal Act, 2001* in 2003 to enable any council to provide municipal services and programs in both English and French, and the *City of Ottawa Act, 1999* in 2005 to recognize the bilingual nature of the city of Ottawa. However, the latter statute gives the city the discretion as to whether to provide all or some of its communications and services in French. The city adopted a policy on French-language services in 2001 and revised it in November 2004.

Winnipeg was obliged to provide French-language services by a Manitoba statute enacted in 1971. For thirty years, this was Canada's only legislation on French-language municipal services. Section 82 of the *City of Winnipeg Act* designated

two areas to receive services in French: Historic St. Boniface and St. Vital. Section 83 prescribed French-language services at city hall: "Persons who are able to communicate in the two official languages of Canada, French and English, shall be available at the city's central offices so that residents and visitors may communicate with city employees or may be received in the English or French languages." In 1992, the Manitoba legislature amended the Act to clarify it and bring it into compliance with the Supreme Court decision in the *Forest* case and the *Manitoba Reference*. For example, section 87.4 established that

Every person is entitled, within a reasonable time of a request, to receive in the official language of his or her choice any municipal services that are available at any office of the city located at City Hall and in the course of the provision of those services to speak and be spoken to in the official language of his or her choice.

Section 87.5 acknowledged the right of St. Boniface residents to receive municipal services in French. In other respects, the city pledged to erect bilingual signs, including street signs. Section 87.9 of the Act prescribed that the city publish, in both official languages, an access guide to municipal services in French. Section 87.10 stated that any person who felt that the city was failing to meet its obligations with respect to bilingualism could make a complaint to the city ombudsman. This legislation was repealed in 2002, and it was the *City of Winnipeg Charter* that replaced it that pushed the city council to adopt By-law No. 8154/2002 on the provision municipal services in both official languages. Schedule A to the by-law identifies the French services that each municipal department is required to provide. All of the obligations identified in the *City of Winnipeg Act* or the *City of Winnipeg Charter* have been incorporated into the municipal plan.

As municipalities are under provincial/territorial jurisdiction, there are twelve systems of municipal governance. In other words, each province and territory decides what functions its municipal institutions will have. Unlike most of the municipalities in

89. http://www.ottawa.ca/city_hall/french_services/bilingualismpolicy_en.html

the rest of the country, Ontario municipalities are responsible for public housing, and thus have language obligations in this area. The *Social Housing Reform Act, 2000* requires service managers, local housing corporations, and housing providers to provide French-language services in the designated areas. When a program or service under provincial jurisdiction is transferred to a municipality, a memorandum of understanding between the two parties must ensure that French-language services are maintained. Finally, the Manitoba government provides a translation service to the 16 bilingual municipalities.

The vast majority of Francophone or bilingual municipalities outside Quebec belong to one of three provincial associations: the *Association francophone des municipalités du Nouveau-Brunswick* (created in 1979, 48 members), the *Association des municipalités bilingues du Manitoba* (created in 1984, 16 members) and the *Association française des municipalités de l'Ontario* (created in 1989, 41 members). These associations provide the municipalities with opportunities to exchange information and collaborate on joint projects and enable them to present a united front to provincial and federal institutions. The associations also work to develop the language and culture. Most of the bilingual municipalities in Manitoba, for example, have established an economic development corporation to support local entrepreneurs and the community as a whole.

10. Intergovernmental Cooperation

Intergovernmental cooperation in support of Francophone and Acadian communities is not new but it is relatively diverse. Three aspects of cooperation that can be assessed in terms of progress are considered here: cooperative bodies, federal–provincial/territorial agreements, and inter-provincial/territorial agreements.

a) Cooperative Bodies

The first instance of organized intergovernmental cooperation on Francophone affairs was the Ministerial Conference on Francophone Affairs held in Moncton in August 1994. This conference, which changed its name to the Ministerial Conference on the Canadian Francophonie (MCCF) in 2005, has been held almost every year since. The MCCF is made up of the ministers responsible for Francophone affairs in each province and territory including Quebec, along with the Minister of Canadian Heritage and/or the Minister responsible for Official Languages for the federal–provincial/territorial component of the meetings.

This mechanism, which has since November 2001 been supported by a cost-shared secretariat, enables the ministers and civil servants responsible for matters affecting the Canadian Francophonie to exchange their knowledge and experience and collaborate on certain projects.⁹⁰

Table 5 takes stock of the ministerial conferences and their principal accomplishments.

The MCCF has evolved from a forum for the exchange of information to a body that commits to common principles and then decides to plan and carry out joint action.

The MCCF was preceded, and is still supported, by the network of Officials Responsible for Francophone Affairs (ORFA), formed in June 1991. The initial purpose of the ORFA meetings was to promote the sharing of information, policy, programs and practices with respect to French-language services, and to support Francophone communities. Over the years, the issues have become more complex and some have required a consensus, particularly where the cooperation agreements between Canadian Heritage and provincial and territorial governments are concerned.

90. See the 2005 list of MCCF objectives and desired outcomes in Appendix C.

Table 5
Chronology of Intergovernmental Collaboration

Date	Main accomplishment
1994: Moncton, NB	Exchanges during the first meeting.
1996: Winnipeg, MB	Discussions on the economic development of Francophone and Acadian communities.
1997: Toronto, ON	Discussions on strengthening the federal–provincial/territorial agreements.
1998: Whitehorse, YT	Discussions on health.
2000: Stanley Bridge, PE	Discussions on relations with the Francophone and Acadian communities and commitment to meet annually.
2001: Edmonton, AB	Discussions on intergovernmental cooperation and establishment of a framework for coordination.
2002: St John's, NL	Commitment of ministers to a statement on government leadership in Francophone affairs.
2003: Winnipeg, MB	Setting of priorities and formulation of an intergovernmental action plan.
2004: Moncton, NB	Discussions on culture, youth and identity.
2005: Regina, SK	Name change and redefinition of the Conference's mandate, formalization of the federal government's involvement, and formulation of a second intergovernmental action plan.

Civil servants representing Nova Scotia, Prince Edward Island, New Brunswick, Ontario, Manitoba, Saskatchewan, Yukon and the Northwest Territories have been involved in these meetings since the network was first formed. In October 1991, Canadian Heritage was invited to take part. Quebec started attending meetings in May 1992 and became a full-fledged member of the network in 2003. Other government representatives subsequently joined: Alberta in 1996, Nunavut and British Columbia in 2000, and the Official Languages Branch of the Privy Council Office (now known as the Official Languages Secretariat and under the supervision and control of Canadian Heritage) in 2003. Since 2005, this network has been known as the Intergovernmental Network on the Canadian Francophonie (INCF).

b) Federal–Provincial/Territorial Agreements

The agreements that the federal government has entered into with the provinces and territories with respect to Francophone affairs essentially have to do with official languages in education and/or minority language services. This report does not deal with agreements on education.

Federal–provincial/territorial agreements relating to French-language services date back to 1988, although agreements with a narrower scope existed even earlier. An evaluation done for Canadian Heritage in 2003 categorizes the provinces and territories in relation to these agreements and gives the year they first signed on (in parentheses):⁹¹

- Provinces that have just recently committed to the provision of French-language services are at the **initial stage**: Alberta (1997) and British Columbia (2001);

91. Goss Gilroy Inc., *Evaluation of the "Intergovernmental Cooperation" Component of the Promotion of Official Languages Program* (Ottawa: Canadian Heritage, 2003), http://www.patrimoinecanadien.gc.ca/progs/em-cr/eval/2004/2004_04/index_e.cfm.

- Provinces that have made a certain number of commitments and provide a certain range of services are at the **developmental stage**: Saskatchewan (1988), Nova Scotia (1989) and Newfoundland (1993);
- Provinces and territories that have substantial commitments and a considerable range of services, and even policies on services in the minority language, are at the **consolidation stage**: the Northwest Territories (1985), New Brunswick (1987), Prince Edward Island (1988), Ontario (1988), the Yukon (1988), Manitoba (1990) and Nunavut (1999).

To these agreements must be added two consecutive federal–provincial agreements designed to ensure the coordination of intergovernmental Francophone affairs: the 2002 Canada–Manitoba Auxiliary Cooperative Agreement on the Promotion of Official Languages and the 2005 Canada–New Brunswick Cooperative Agreement for the National Coordination of Intergovernmental Francophone Affairs.

Certain sectoral federal–provincial/territorial agreements have components relating to Francophone affairs such as the agreements on immigration, economic and human resource development, early childhood development, and justice.

c) Inter-Provincial/Territorial agreements

The provinces and territories of Canada have entered into a number of agreements concerned in whole or in part with support for the Francophonie. Quebec is the province that has achieved the most, as the following table shows. Only the *Agreement for Co-operation and Exchange in Matters of Education, Culture and Communications between the Government of New Brunswick and the Government of Quebec* dates from before 1988, having been signed in 1969.

Table 6
Agreements between Quebec and other provinces/territories of Canada concerning the Francophonie since 1988

• <i>Agreement between Quebec and Manitoba on a program of exchange and cooperation in the field of education, 1989</i>
• <i>Agreement for cooperation and exchange between the Government of Quebec and the Government of Prince Edward Island, 1989</i>
• <i>Agreement between Quebec and Saskatchewan on a program of exchange and cooperation in the field of education, 1995</i>
• <i>Additional Protocol to the Agreement for Co-operation and Exchange in Matters of Education, Culture and Communications between the Government of New Brunswick and the Government of Quebec, 2001</i>
• <i>Agreement for cooperation and exchange between the Government of Quebec and the Government of Nova Scotia, 2002</i>
• <i>Agreement for cooperation and exchange between the Government of Quebec and the Government of Manitoba, 2003</i>
• <i>Agreement for cooperation and exchange between the Government of Quebec and the Government of the Yukon in the area of the Francophonie, 2004</i>
• <i>Agreement for cooperation and exchange between the Government of Quebec and the Government of Alberta concerning Francophone youth, 2004</i>
• <i>Agreement for cooperation and exchange between the Government of Quebec and the Government of British Columbia in the area of the Francophonie, 2005</i>
• <i>Agreement for cooperation and exchange between the Government of Quebec and the Government of New Brunswick in the area of the Francophonie, 2005</i>
• <i>Agreement for cooperation and exchange between the Government of Quebec and the Government of Ontario in the area of Francophone Affairs, 2006</i>

Prince Edward Island, Nova Scotia and New Brunswick entered into a cooperation agreement in 1989 to facilitate the development and delivery of French-language services, to promote the exchange of information and to share resources in areas such as training, translation and international cooperation. These same provinces entered into a cooperation agreement with Louisiana and are also parties to the France–Acadie Co-operation

Agreement, the Acadie–Wallonie/Bruxelles Co-operation Agreement and the Agreement between the Government of Canada and the Government of the Republic of France relating to the development of regional cooperation between the Atlantic Canadian Provinces and the French Territorial Collectivity of Saint Pierre and Miquelon.

In 1997 and again in 2003, the Canadian government, the government of Prince Edward Island and the Francophone and Acadian community of the province signed a memorandum of understanding on Francophone human resource and economic development. Prince Edward Island also has an agreement enabling Francophone judges from New Brunswick to hear cases in its courts. During the 1999 Francophone Summit in Moncton, Prince Edward Island signed a memorandum of understanding with the Ivory Coast to establish a formal mechanism of co-operation between the parties for strengthening and exploring cultural, educational and economic opportunities.

A Quebec–New Brunswick agreement on higher education (dating from 1969) has a clause allotting a spot in medicine and a spot in pharmacy to Newfoundland and Labrador annually. In 2001, the *Provincial Court Act* of Newfoundland and Labrador was amended to allow the appointment of a Francophone judge from another province to preside over trials and an agreement was reached to this effect with New Brunswick. Newfoundland and Labrador has entered into interprovincial agreements to share bilingual prosecutors as needed. It also has an agreement with the Government of France for the delivery of health services to the residents of Saint Pierre and Miquelon through the Health Care Corporation of St. John's.

Manitoba has signed an agreement with New Brunswick concerning legal translation. It has also had a cooperation agreement with Alsace, France, since 2002. Alberta entered into an education agreement with France in 2006.

Finally, the four Western provinces and the three territories have had a regional agreement on training in French legal terminology administered by the Institut Joseph-Dubuc of Manitoba's Collège universitaire de Saint-Boniface since 2003.

11. Other Contributions

In addition to the above-listed sectoral accomplishments, the provinces and territories have contributed to the development of Francophone communities through a series of measures that exceed the scope of any one sector in particular; a few of them are singled out for mention here. The government of New Brunswick implemented institutional duality in the Department of Education more than thirty years ago, and institutional duality in health at the regional level forty years ago. These distinctive institutions exist within the government apparatus to support the collective development of the Acadian community. The New Brunswick government is a member of the *Agence intergouvernementale de la Francophonie*; it has participated in the international Francophone summits and even organized the 1999 summit in Moncton. The Ontario government also attends the summits as part of the Canadian delegation. The government of Prince Edward Island ensures that there is Francophone representation on every commission (such as the Electoral Reform Commission) and provincial advisory committee. Thanks in part to contributions from the MLAs, the Alberta government will be erecting a large monument to the Francophonie in a strategic location in front of the provincial legislature. The Manitoba government supports the *Centre culturel franco-manitobain* through a Crown corporation established for that purpose. Finally, the Legislative Assembly of Newfoundland and Labrador has proclaimed a provincial Francophonie Day.

Section C: Assessment

The assessment of provincial and territorial action in the area of official languages is based on two complementary approaches to the subject, one of them associated with our research project and the other, with an independent research project. The first set of research consists in the perceptions of the principal stakeholders—provincial, territorial and federal ministers and civil servants and the heads of Francophone community organizations—as to what the provincial and territorial governments have and have not accomplished in this area. The second consists in the results of a Canada-wide survey done in November 2002 on behalf of Canadian Heritage that focused in part on Francophone satisfaction with provincial and territorial services in French.

Together, these two approaches allow us to make the following key observations. First, there has been significant progress throughout the country since 1988, particularly with respect to the provision of public services and communications in French. Second, there has been a gradual formalization of intervention, mainly through statutes and legislation, but also through policy. Third, the rate of progress has accelerated in the last five years. This is not say that progress is occurring at the same rate everywhere, as some jurisdictions take more action than others, they take action that is more significant and they are more proactive about it. Fourth, the increase in the amount and the significance of activity has entailed a gradual institutionalization of measures through the creation of Francophone affairs directorates, and the recruitment of official language coordinators or coordinators of French-language services. Fifth, cooperation between provincial and territorial gov-

ernments and their partners on issues concerning the Francophonie has increased. The provincial and territorial governments are reaching out to the Francophone community organizations more, and they are increasingly cooperating with each other. In addition to expanding the scope and mandate of the Ministerial Conference on Francophone Affairs to include Quebec and carry out joint projects, the provincial and territorial governments are increasingly cooperating on a bilateral basis. The partnerships that the governments of Quebec, New Brunswick and Ontario have each formed with several other provinces on French-language services are good examples of this. Cooperation between the federal and provincial/territorial levels of government is, on the other hand, inconsistent. Despite the joint one-stop service centres in a number of provinces and territories, the federal presence within the Ministerial Conference, and the injection of federal funding through the *Action Plan for Official Languages* in particular, the budget cuts of the 1990s are still being felt. There have been a number of “missed opportunities”, particularly in labour force development, early childhood development, health, and immigration. Furthermore, provincial and territorial government interest in, and capacity to address, issues affecting the Francophonie are often tied to federal funding and the less funding there is, the less value is placed on cooperation. On the other hand, the federal government is often criticized for not fully respecting the provinces and territories in this area and taking the same paternalistic and minimalist approach to them all.

Section



1. Principal Stakeholders' Perceptions

Our approach was two-pronged, consisting in 1) a survey administered to the principal community organizations and 2) interviews with provincial, territorial and federal ministers and civil servants, and with some of the country's Francophone organizations.

a) Survey Results⁹²

A questionnaire was distributed to 129 Francophone organizations throughout the country, namely general advocacy organizations and organizations representing each of the nine sectors at the provincial/territorial level, to measure their satisfaction with provincial/territorial action in the area of official languages. A total of 49 organizations responded, for a response rate of 38%.

The questionnaire was divided into two main parts. Part one asked the respondents to grade the provincial/territorial government implementation of various official language measures in the nine sectors on a scale of 0 to 6. Each of the nine sectors was divided into a number of what could be considered "ideal" measures developed in consultation with experts working in each sector. The possible responses ranged from "Nothing done" to "Exemplary implementation". Part two asked the respondents to rate the importance of each measure for the development of their Francophone community, again on a scale of 0 to 6. The possible responses ranged from "Not at all important" to "Extremely important".

In general, the community stakeholders found it hard to give their government good grades, the average ranging from 2 to 4. Whereas there was a high grade for implementation of some measures—the interpretation of court proceedings, for example (4.2)—, the grade for many others was very low. The respondents were not very satisfied with what

the provincial and territorial governments have done to support events for Francophone seniors (1.5) and Francophone seniors' associations (1.5); to adapt their cultural policies to Francophone realities (1.6); to designate positions or offices as bilingual (1.6); to offer their services in French at joint federal–provincial/territorial service centres (1.8); and to recruit Francophone health professionals (1.8). There are more grades below 3 than above.

According to the community organizations surveyed, certain sectors are much more important to the development of Francophone communities than others. Postsecondary training and support for youth events, as well as three of the eleven measures in the justice sector ranked 4.2 or higher, while half of the measures in the immigration, municipal and early childhood development sectors ranked less than 2. The following tables present the findings in detail.

Tables 7–16 show how the respondents graded implementation of the specific measures in each sector and the relative importance of those measures for the development of Francophone communities. Table 7 shows the averages obtained within each sector.

According to Table 7, the provincial and territorial governments have done a fair job of implementing the measures in the justice sector (3.41), but their performance has been rather weak in the other eight sectors, where none of their grades was higher than the mid-mark. At the same time, the respondents place more importance on measures in economic development (3.62), justice (3.53), public communications and services (3.24) and municipal services (3.23) than they do on the other sectors. None of the sectors cleared the threshold of 4.

According to the organizations, certain measures stand out, in terms of both implementation and importance to the development of Francophone communities. They in fact gave grades over 4 for implementation of three measures:

92. Given the smallness of the sample, it is difficult to generalize without revealing the geographical or sectoral identity of the respondents, who were promised anonymity [sic].

Table 7
Implementation and Importance of Measures in the Nine Sectors

Sector of provincial/ territorial activity	Implementation (average out of 6.0)	Importance (average out of 6.0)
Arts and culture	2.31	2.47
Public communications and services	2.27	3.24
Economic development	2.76	3.62
Justice	3.41	3.53
Immigration	2.10	2.96
Municipalities	1.98	3.23
Early childhood development	2.23	3.04
Health and wellness	2.59	2.90
Target groups (youth, seniors, women)	2.36	2.81

- continuing education in French legal language for judges and officers of the court (4.43);
- simultaneous interpretation during trials (4.22);
- French interpretation during court proceedings (4.20).

These grades may reflect the importance of the sector, or they may reflect the tendency of organizations, particularly jurists' associations, to grade the implementation of measures in their sector higher than respondents from other sectors do.⁹³

Five other measures obtained grades higher than 3.10 for implementation:

- legal process forms (e.g.: criminal charge documents, appearance notices) and documentary evidence in French (3.86);
- adoption of statutes and regulations in French (3.63);
- French blue pages in the telephone book (3.20);

- full-time French kindergartens (3.13);
- support for French-language services networks (3.13).

Nevertheless, grades under 4 indicate that implementation was fairly minimal.

Finally, the Francophone organizations consider the following nine interventions to be the most important for the development of their communities:

- support for Francophone youth events (4.50);
- postsecondary training/teaching in French (4.40);
- continuing education in French legal language for judges and officers of the court (4.22);
- support for Francophone youth associations (4.13);
- support for Francophone economic institutions (4.00);
- program or support for Francophone cultural tourism (4.00);
- simultaneous interpretation during trials (4.00);
- developing the bilingual capacity of Francophone immigrants (4.00);

93. Our survey was sent to the provincial and territorial organizations representing each sector, as well as to the general advocacy organizations. The first replied to questions about their sector, and the second to questions about all the sectors. We were able to triangulate our data, using the results of a survey on the federal *Action Plan for Official Languages* and the November 2002 survey done for Canadian Heritage.

- Francophone representation on municipal councils (4.00).

Table 8 shows the average implementation and importance rankings of measures in the arts and culture sector. On the one hand, all the measures are below 3 on both parameters. Worth noting is the very low grade given to implementation of a cultural policy favourable or adapted to Francophones (1.6). This is no doubt explained by the fact that the majority of respondents said that their provincial or territorial government had done nothing at all in this regard. On the other hand, the table indicates that the respondents did not consider any of the seven possible measures very important to the development of Francophone communities. Indeed, only support for cultural programming in French reached the mid-mark (3).

Table 9 shows the average implementation and importance ranking of measures in the public communications and services sector. Implementation of the specific measures got a mixed evaluation from the organizations. On the one hand, the average grade on publication of the French blue pages in the phone book and a French version of the government website reached the mid-mark, while the average grade on designation of positions and service points as bilingual and the delivery of French-language services in joint federal–provincial/territorial service centres was below the mid-mark. In terms of importance, with the exception of French-language services at joint federal–provincial/territorial service centres, all the public communications and services measures ranked higher than the mid-mark. In fact, the placement of advertisements in the Francophone media and the French version of government websites nearly ranked a 4.

Table 10 shows the average implementation and importance rankings of measures in the economic development sector. Three measures reached the mid-mark in terms of implementation. All but two of the nine economic development measures (documentation in French and risk capital for Francophones) were ranked above 3.25 in terms of importance.

Table 11 shows the average implementation and importance rankings of measures in the justice sector. The average grade for implementation was above 3.63 on half of the ten measures. The grade for implementation of continuing education for judges and officers of the court, simultaneous interpretation during trials and interpretation of court proceedings in French was above 4.20.

Moreover, except for the interpretation of court proceedings in French, the respondents deemed all the measures to be relatively important. It should however be noted that, in five of the ten cases, implementation scored higher than importance. Thus, the respondents believe that the provincial and territorial governments were relatively successful in implementing measures that the respondents consider to be of moderate importance. This is the case for the interpretation of court proceedings in French, which earned a high grade for implementation (4.20), but was ranked less than 3 in terms of importance (2.89). It might be tempting to conclude that governments have invested considerable resources in measures that are in the end of little importance, but the fact remains that all but two of these measures are far past the mid-mark in terms of importance.

Table 12 shows the average implementation and importance rankings of measures in the immigration sector. The respondents did not grade government implementation in this area very highly. In fact, none of the nine measures reached the mid-mark and five did not even clear the threshold of 2. As for the importance of these measures, only development of the bilingual capacities of Francophone immigrants; social and cultural integration of immigrants; access to French documentation; and housing, social services and health passed the mid-mark.

Table 8
Implementation and Importance of Measures in Arts and Culture

	Implementation	Importance
Documentation (e.g.: forms) in French	2.00	2.00
Support for cultural programming in French	2.80	3.00
Programs or support for Francophone artists	2.80	2.88
Cultural policy adapted/favourable to Francophones	1.60	2.13
Program or support for Francophone cultural tourism	2.33	2.88
Support for Francophone cultural infrastructure	2.22	2.13
Support for Francophone cultural industries	2.40	2.25

Table 9
Implementation and Importance of Measures in Public Communications and Services

	Implementation	Importance
Services in French at provincial/territorial one-stop service centres	2.17	3.11
Services in French at joint federal–provincial/territorial service centres	1.78	2.89
Placement of advertisements in the Francophone media	2.18	3.90
Evaluation mechanisms for the quality and quantity of provincial/territorial services in French	2.00	3.30
French designation of positions and service points	1.57	3.22
French blue pages in the phone book	3.20	3.00
Active offer of French-language services at government offices	2.00	3.00
Signage indicating availability of French-language services	2.50	3.11
French version of government websites	3.00	3.63

Table 10
Implementation and Importance of Measures in Economic Development

	Implementation	Importance
Documentation (e.g.: forms) in French	3.11	3.00
Postsecondary training/teaching in French	2.90	4.40
Programs or services adapted to the economic realities of Francophone minorities	2.63	3.89
Support for Francophone economic institutions	2.58	4.00
Program or support to Francophone cultural tourism	3.00	4.00
Training and employability program in French	2.86	3.89
Francophone international economic exploration	2.75	3.25
Risk capital specifically for Francophones	2.00	2.57
Francophone clause in agreements with the federal government	3.00	3.57

Table 11
Implementation and Importance of Measures in Justice

	Implementation	Importance
Judicial documents (e.g.: criminal charge documents, appearance notices) and documentary evidence in French	3.86	3.80
Simultaneous interpretation during trials	4.22	4.00
Bilingual capacity of the courts	3.00	3.90
Delivery of services in French by the police	2.71	3.22
Delivery of services in French by legal aid	2.57	3.44
Adoption of statutes and regulations in French	3.63	3.44
Appointment of judges competent in French	2.60	3.40
Appointment of officers of the court (magistrate, sheriff, justice of the peace, court clerk, etc.) competent in French	2.86	3.00
Interpretation of court proceedings in French	4.20	2.89
Continuing education in legal language in French for judges and officers of the court	4.43	4.22

Table 12
Implementation and Importance of Measures in Immigration

	Implementation	Importance
Documentation (e.g.: forms) in French	2.60	3.60
Economic integration of Francophone immigrants	2.67	2.67
Social, cultural integration of Francophone immigrants	2.20	3.75
Support to Francophone communities in order to improve the reception of Francophone immigrants	1.80	2.14
Recruiting strategy for Francophone immigrants	1.80	2.40
Develop the bilingual capacities of Francophone immigrants	2.83	4.00
Government institutional services in French	1.80	2.40
Government reception structures in French	1.80	2.33
Government housing, social and health services in French	1.40	3.33

Table 13 shows the average implementation and importance rankings of measures in the municipal sector. It should be noted that there is a significant difference between the low grades for implementation and the relative importance given to these measures. On one hand, none of the eight measures got more than 2.5 for implementation. On the other hand, six of the measures cleared the mid-mark in terms of importance, one measure—Francophone representation on municipal councils—ranking 4, and three others, above 3.4.

Table 14 shows the average implementation and importance rankings of measures in the early childhood development sector. The grades for implementation are under the mid-mark, except in the case of full-time French-language kindergartens (3.13). Five of the eight measures were ranked above the mid-mark, but none passed the mark of 4.

Table 13
Implementation and Importance of Measures in the Municipal Sector

	Implementation	Importance
Simultaneous interpretation during council proceedings	1.50	3.00
Services to the public in French (e.g.: reception, telephone)	2.20	3.67
Minutes, by-laws, invoices, etc., in French	2.33	3.50
Recreational and leisure programming in French	1.83	2.75
Toponymy (e.g.: street names) in French	2.50	3.00
Postings/road signs in French (e.g.: rue Main Street)	2.17	3.40
Official recognition of “bilingual” municipalities	1.67	2.50
Francophone representation on municipal councils	1.67	4.00

Table 14
Implementation and Importance of Measures in Early Childhood Development

	Implementation	Importance
Educational services in French (e.g.: play groups)	1.75	2.33
Documentation in French (e.g.: resources for parents)	2.43	2.89
Training/certification of workers in French	2.25	2.29
French-language early childhood and family centres	1.86	3.00
French-language daycares (whether in schools or not)	2.75	3.88
Full-time French-language kindergartens	3.13	3.78
Family literacy in French	2.00	3.13
Availability and accessibility of French-language books, videos, etc.	1.63	3.00

Table 15 shows the average implementation and importance rankings of measures in the health sector. Implementation was graded below the mid-mark for all of the measures except government support for French-language service networks (3.13). None of the fourteen measures ranked as high as 4 in terms of importance, and only half cleared the mid-mark, two of them just barely.

Oddly enough, the delivery of primary, secondary and tertiary services in French was deemed to be less important than Francophone seats in the regional health authority and support for French-language service networks. It seems to us that the latter two measures are supposed to facilitate the provision of French-language health services. Hence, the organizations place greater importance

on means than results. It could be argued that the organizations are not sufficiently in touch with the priorities of the Francophones they serve and that they favour organizational over community objectives. On the other hand, the discrepancy might reflect a conviction that the best way to guarantee exemplary French-language services is to control the means through which they are provided. Thus, instead of lobbying Anglophone-controlled institutions for French-language services, the respondents would prefer to be running their own. The analogy would be creating Francophone school boards in order to obtain French-language schools. Nevertheless, it seems to us that the importance of primary, secondary and tertiary services could have been ranked higher.

Table 15
Implementation and Importance of Measures in Health

	Implementation	Importance
Primary services in French	2.75	2.80
Secondary services in French	2.63	3.00
Tertiary services in French	2.50	2.83
Mental health services in French	2.63	3.40
Specialized services in French (e.g.: oncology)	2.75	3.00
Support for Francophone-run hospitals, clinics, community centres, etc.	2.14	2.67
Francophone seats in the regional health authority	2.50	3.20
Support for French-language service networks	3.13	3.90
Documentation in French	2.88	3.22
Research on the health of Francophones	2.63	2.71
Telecare in French	2.63	3.50
Language of work in the institutions	2.38	2.29
Training of health professionals in French	2.50	2.33
Recruitment of Francophone health professionals	2.14	1.75

Finally, Table 16 shows the average implementation and importance of measures relating to the youth, women and seniors target groups. None of the six measures reached the mid-mark in terms of implementation, but two—support for youth events and support for youth associations—were ranked higher than 4 in terms of their importance. At the other end of the spectrum, support for seniors' events and associations was determined to be of little importance (1.5). It can be seen that the organizations give greater importance to youth than to seniors.

We asked the Francophone organizations to evaluate the respective contributions of the federal government and the Francophone community to the success of the provincial/territorial efforts. The respondents deemed that both were essential. In fact, the federal contribution was rated 5.14 out of 6.0, and that of the Francophone community, 5.57. According to the organizations consulted, provincial and territorial government efforts would not have succeeded without the cooperation of the federal government and, above all, the Francophone community.

Table 16
Implementation and Importance of Interventions vis-à-vis Youth, Women and Seniors

	Implementation	Importance
Support for youth events	2.82	4.50
Support for women's events	2.00	2.40
Support for seniors' events	2.20	1.50
Support for youth associations	2.73	4.13
Support for women's associations	2.17	2.80
Support for seniors' associations	2.25	1.50

b) Interview Results

We interviewed 88 federal, provincial and territorial government ministers and civil servants and Francophone leaders to help us assess provincial and territorial action on official languages. We noted consensus on some points. First, a number of important needs have been met, but others have not. Next, the provinces and territories all appear to be increasingly committed to the provision of French-language communications and services, but their commitment to the development of Francophone communities appears to be less firm and less uniform, if it exists at all. The government contribution to the provision of French-language communications and services is thus far more developed and formalized than the contribution to the development of Francophone communities. On the other hand, the community is somewhat sceptical of this commitment owing to its struggles in the education sector and the fear that these struggles will be repeated in other sectors, such as health (the respondents cited the *Montfort* case in Ottawa and the duality in health in New Brunswick, as well as the centralization of the Évangéline Community Health Centre within the government of Prince Edward Island). Both the government and the community respondents expressed the fear that financial pressures will work against progress on Francophone issues. Finally, the respondents said they are fairly confident about the development of Francophone communities and provincial and territorial contributions to that effect.

■ Public Communications and Services

According to the majority of respondents, the situation with respect to communications and services in French is very positive. They praise the legislation that has been passed since 1986, as well as the concrete administrative efforts to give life to policy intentions such as the joint business service centres and the service centres in Manitoba and Prince Edward Island. The respondents congratulate these governments for realizing that the traditional approach to providing services was not

the best way to meet the needs of Francophones and for having put a great deal of effort into meeting those needs. They recognize that these efforts differ from one jurisdiction to the next and that Francophones do not have the same privileges and services across the country, but they also see increasing uniformity over the last ten years and the possibility of standardization. French-language documentation is increasingly common, particularly on the Internet, as is the provision of provincial services in regions with a high concentration of Francophones. Furthermore, the collaboration between government authorities avoids reinventing the wheel and thereby adding to public expenditures.

Respondents often evoked the example of Manitoba's bilingual service centres. This idea dates back to 1971, when Winnipeg absorbed its majority Francophone suburbs, and it was preserved in the province's French-language services policy. When the Chartier Report⁹⁴ observed that providing bilingual services out of heavily Anglophone communities was not very effective, the provincial government adjusted its aim and decided to establish centres in communities with high percentages of Francophones. The report proposed setting up six centres and the government accepted this recommendation. Three of these centres are already in place (in St. Boniface, Notre Dame de Lourdes and St-Pierre-Jolys) and three more will be established in Ste. Anne, St. Vital and St. Laurent by 2009. These bilingual service centres are one-stop centres for federal, provincial and municipal services. All the centres' employees are bilingual. This type of centre seems to work well in rural and isolated regions.

In contrast, the majority of respondents on both the government and the community sides added that there is still a lot to be done and that it should be attended to as soon as possible. Some of the community respondents appreciate the policies in

94. Richard Chartier, *Above All, Common Sense: Report and Recommendations on French Language Services Within the Government of Manitoba* (Winnipeg: French Language Services Secretariat, 1998).

favour of public services in French, but would prefer legislation, as they feel it would have much more “bite”. One civil servant added that “[Translation] generally speaking, it is relatively easy to obtain provincial government assistance on a case by case basis, [but] assistance to the Francophonie should be formalized”. However, the majority of provinces that have not passed legislation on French-language services are not seeking to do so; only one minister from a province without legislation told us that he was open to the idea of a statute on French-language services and to raising the issue with his Cabinet colleagues. A number of respondents want all of the provinces and territories to have French-language services legislation, even if it is not uniform, but adapted to the situation in each jurisdiction.

Even though the majority of respondents consider provincial and territorial government measures for the development of the Francophone community to be vital, a number of them are unsure about how to provide French-language communications and services effectively and economically. This has three implications.

First, success depends on both government authorities and community organizations. One community respondent put it this way: “[Translation] The initiatives taken by the province are usually successful. If they are not, it is sometimes due the community’s internal difficulties, such as distance, reduced numbers, and assimilation.” This translates into a lack of community confidence to lobby for programs and services in French. However, this “active demand” is just as problematic as active offer on the part of government institutions and in fact becomes a vicious circle: Francophones do not ask for services in French because they are unaware that they are available, while government institutions do not actively offer them because they do not think that there is a sufficient demand. As one civil servant explained, “[Translation] This habit Francophones have of not asking for services in French is due to the fact that they have never had access to these services before. Old habits have to be changed and this doesn’t

happen overnight.” However, another respondent urged the Francophone community to lobby more: “[Translation] It is up to the community to prepare and position itself before making demands of the government. The ball is in the community’s court, because the government seems relatively willing to meet its demands.” According to another civil servant, it is up to provincial and territorial governments to make the first move and proactively communicate the availability of French-language communications and services: “[Translation] The only thing missing is communicating in French what there is in French.” It seems to us that it all comes down to a chicken and egg debate.

These same governments have to communicate the same message within the government apparatus. According to a number of respondents, certain institutions do not know that policy requires them to provide their services and their communications in French. One community representative observed that it often takes “a small crisis” to get things moving. Thus, despite legislation and policies, government institutions have to be convinced to fall into line. A number of respondents added that they see a certain “resistance” on the part of these institutions with respect to their obligations. On one hand, they hesitate to change their way of doing things for a small group and thereby risk setting a precedent for other linguistic communities, especially those that are more numerous than the Francophone population. On the other hand, they do not exactly know how to go about determining the potential demand and implementing active offer.

There is a second consequence of this situation: if resources are limited and trying to do everything at once is doomed to fail, what is to be done? The New Brunswick model seems to be the most advanced, but the other provinces and territories do not seem ready or able to put it into place in the near future. This seems more of a concern for the provinces and territories where there are number of language groups more populous than the Francophone group. In British Columbia, certain services are offered in Chinese and Punjabi but not

in French, because the critical mass of the two first groups is much greater than that of Francophones. The opinion of one provincial minister is shared by two other respondents:

We need to walk before we run. Whatever initiatives we do, they have to be of value to people. They have to be used. I think at this stage I'm not sure that's as much of a constraint as making sure that the projects we do at the outset are successful and have the support of the community. As we go down the road maybe we'll see potential for more things we can do after we get the first ones in place, and then go from there. I find generally in government that it's good discipline to try and assure yourself every step of the way that you are getting value. That people, citizens, in this case the Francophone community, are getting a tangible value out of it; that we don't have a program sitting on the shelf somewhere, that we created it, it looks good, but it's not being used.

Most respondents favour the territorial approach and that is the approach that several provinces and territories have already taken. The task consists of "identifying where the Francophones are" and then ensuring the provision of French-language communications and services to those main communities as a priority. One minister brought up this approach as a way of providing services for the largest Francophone communities in his province and avoiding high expenditures. In his opinion, "that is what private business would do" and it is a logical approach. A partnership with the municipalities in which the main Francophone communities live, and with the regional agencies and commissions that serve them struck him as equally logical. Another minister proposed this approach, referring to a "critical mass" of Francophones. One civil servant added that the "comfort zones" needed to be taken care of first. He was thinking specifically of communities with a high concentration of Francophones and where there are community centres, but he explicitly proposed creating one-stop centres based on the territorial approach used in Manitoba.

However, some think that the individual approach is the ideal. They concede that various services require a certain critical mass and that

that approach works better for services to outlying areas than having central offices in the provincial or territorial capital serve the entire Francophone population,⁹⁵ but certain government and community stakeholders favour the territorial approach so as to avoid rigid mathematical formulas such as those used at the federal level, and simplify rather than complicate the delivery of services to the public in French.

Finally, success depends on intergovernmental cooperation. On the one hand, a number of respondents state that the federal-provincial/territorial agreements are essential. One civil servant puts it this way: "[Translation] Ever since the [federal-provincial] agreement was signed, things have been done in this sector. There is information in French on certain government sites. A number of documents have been translated [...] the government has translated a health guide. Many documents are translated, but they are simultaneously translated into many languages, including French." Nevertheless, he added, "the provincial government does not feel obligated to provide services in French". This suggests that the cooperation agreements between federal and provincial/territorial authorities need to be adapted to the realities of each jurisdiction. Some have a longer road to travel than others. On the other hand, a number of respondents feel there is justification for establishing an "ideal type" of provincial and territorial intervention in the area of official languages to guide future agreements. In this way, the less active jurisdictions could rely on those that had already "invented the wheel" and catch up to them more easily and more quickly.

Both government and community respondents often emphasized the importance of a formal structure within the government apparatus as being a determining factor. The presence of a

95. According to one minister, the territorial approach cannot be applied in all circumstances: "Where you're doing something like a health guide, it's pretty easy. You print [...] whatever you think you need and you can distribute them all over the province fairly easily. Where you're trying to match direct service to individuals it's pretty tough to put a French language social worker in every community."

Francophone affairs directorate is proving fundamental not only for enabling the government to reflect on Francophone issues and incorporate them into the day-to-day concerns of government institutions, but also for providing a formal link with Francophone organizations. One respondent was unequivocal about this: “[Translation] the advent [of the Francophone affairs directorate] is a huge step forward for relations with the province. Previously, there were no ties between the community and the government, except in the education sector.” A number of government respondents affirmed that progress in official languages at the provincial and territorial levels started when their government recognized the importance and the complexity of Francophone issues and established such a directorate. In most cases, these structures date from after 1988.

The community organizations express some frustration with bureaucratic sluggishness and the relative powerlessness of the Francophone affairs directorates in relation to the ministries, but there is a clear consensus that, without the Francophone affairs directorates, governments would still be overlooking the French fact. In several provinces and territories, the Francophone affairs directorates are carrying out projects and collaborating with Francophone organizations to develop projects that encourage other provincial and territorial civil servants to contribute to community development. This proactive stakeholder role does not exist throughout the country and entails major constraints on the actions of the civil servants that work there, but those that take the risk seem to accept this non-bureaucratic mandate, as well as their fate. Their “internal” status makes them essential resources for ensuring effective and ongoing government contributions to the development of their Francophone community. This status seems to be crucial for a number of respondents. Thus, even though a number of them advocate decisional and institutional autonomy in a number of respects, all agree on the importance of being able to count on “allies” or official partners within the government apparatus.

Nevertheless, many government departments have been intervening in the area of official languages on their own volition for a few years. There seems to be a snowballing effect. It should not be concluded that all the governments have changed their organizational culture such that sensitivity to the French fact has filtered through the entire apparatus. Far from it. As one provincial civil servant explained, “[Translation] the other departments have not yet got into the habit”. However, it is safe to say that the contributions of other government institutions to official languages must not be overlooked. The point has not been reached where all government institutions intervene of their own volition and a special Francophone affairs directorate is not needed—this strikes us as unrealistic for the time being and some time after that—but it is safe to say that, in most of the provinces at least, the importance of the Francophone affairs directorate and intervention by the provincial and territorial institutions is taken for granted. Ties between the Francophone affairs directorates and other government institutions have yet to be defined in many cases. In short, how is the horizontal functioning (coordination, facilitation) of the Francophone affairs directorates to be reconciled with the vertical operation (delivery of services and programs) of the departments and agencies of their governments? Despite the intentions of Parliament expressed in Part VII of the 1988 *Official Languages Act*, the federal government has not yet succeeded in reconciling its own horizontal and vertical efforts.

Failure to acquire the habit of taking the Francophone community into account probably goes a long way towards explaining why Francophones do not ask for services in French. According to a number of respondents, this is common, despite the active offer of services through bilingual signage and verbal greetings. One civil servant thus suggested that, in addition to changing the organizational culture of government, it is necessary “to change the culture within the Francophone population” so that it dares to ask for services in French. It is therefore a question

of working simultaneously on the active offer of government institutions and the active demand of the members of the community. Other respondents share this feeling.

A number of government respondents expressed reticence about cooperating too directly with the Francophone organizations. According to one of them, “[Translation] the organizations’ approach has traditionally been more aggressive than constructive”. Others expressed frustration with overly burdensome demands from the community organizations. Some added that acquiescing to one demand leads to more demands. In their opinion, the communities often hasten on to their next demand without congratulating the government for acting on their last. They feel that the Francophone communities have to accept the fact that official bilingualism is far from the reality of the vast majority of governments, that the financial resources of the provinces and territories are limited and that the demands of Francophone groups have to compete with those of other groups. They do not suggest that Francophone organizations slow down their pace, but that they make allowances. They have to accept that it will be very difficult to offer all services and communications in French, even in New Brunswick and at the federal level, and that progress will be achieved as resources permit. Nevertheless, the respondents added that the rate of progress should be quickening in the coming years as the machinery of government is growing more and more favourable to the demands of Francophones.

■ *Early Childhood Development*

Early childhood development is a relatively new social concern even though the needs have always existed. The tendency to meet these needs through public and semi-public institutions has accentuated in the last two decades. A number of Francophone minority communities across the country have developed different service groups or institutions, be they nurseries, daycares or junior kindergartens. The experience of parents and community lead-

ers has been confirmed by studies done over the last twenty-five years. “[T]he critical period for development of language learning skills starts in the sixth month of pregnancy and extends through three years of age.”⁹⁶ The lack of institutions to support families in a minority situation inevitably leads to high rates of assimilation, particularly in communities with a high exogamy rate. The solutions advocated by many parents and leaders are for the most part variations of the integrated approach to early childhood development. The challenges posed by linguistic assimilation, exogamy and denatality, not to mention the exodus from rural areas and even whole regions, make the early childhood development needs of minority populations more acute. Asserting these needs to government authorities represents a further challenge.

— *Institutional Needs*

The threat of assimilation hangs over almost all Francophone minority communities. These communities recognize that assimilation has already done its damage before young children get to kindergarten. Often young parents only have access to Anglophone daycares. The need for a complete range of services for early childhood has been recognized for many years. Some talk about “services in French from the cradle to the grave”. The services mentioned include prenatal support to future parents, medical follow-up during early childhood, and nursery, daycare and junior kindergarten services. Other services to meet specific needs could be added. The ideal model seems to grouping these services in a community-based school such that the services are not only integrated with each other but into the language community as well. There is a natural continuity from birth to school and community support to young families. Manitoba has set up two centres of this type as pilot projects.

96. Commission nationale des parents francophones (CNPF), *The Best is... the Future! Early Childhood in Canada's Francophone Minority Communities: A Transformative Analysis* (Ottawa: CNPF, 2005), 13.

— *Institutional Operations*

Communities that have established such services, even on a partial basis, are quick to mention a set of needs to be met in order for these services to achieve their objectives and attract new parents. First, a qualified staff able to function in French is necessary to ensure not only quality care but also the quality of the language and cultural ambience. The staff must have access to basic training and continuing education and so there need to be French-language training programs somewhere in Canada that are accessible from their region or community. The staff needs appropriate programs of activity, resources and materials in French and again, this assumes that these materials are being produced somewhere. Such services must also be provided in a suitable location. For too long, daycares have been relegated to church basements or small closet-like spaces. Finally, employees must receive adequate salaries that are at least comparable to those of the majority of the population, in order to ensure a certain stability of staff and thus of services.

— *Non-alignment of Needs and Structures*

A big challenge for any linguistic community seeking to establish early childhood services is the non-alignment of their needs with government structures. Organizations working in this sector are often funded by the federal government as not-for-profit community organizations. However, a number of the services come under the departments of health, social services or education, or even municipal authorities. Most of the human resources in these community-based early childhood organizations are volunteers and they are liable to spend most of their time negotiating the expectations and limitations of the various government departments or agencies. An integrated community-based approach encounters considerable operational difficulties when the interface with government is fragmented and each need has to be referred to a different office or department. Inevitably, volunteer burnout follows.

— *Funding*

The non-alignment of government programs and community needs makes it difficult to implement early childhood services and ensure their sustainability. A number of daycare or junior kindergarten projects gestated for years or never got off the ground because of financial constraints. When a service is in place, it is difficult to impress upon the authorities that operating costs are higher for a French-language service than an English-language one owing to travel distances, the cost of French-language material, recruitment and promotion and other similar factors.

— *Invisibility of Needs*

Government early childhood programs are often oriented around populations that are at risk because of poverty, rural to urban migration, or other similar factors. The dangers of assimilation are rarely recognized as a risk factor and language concerns are often seen as secondary or a luxury. Francophone victims of poverty, unemployment or other social problems are thus referred to services in English. If language rights are not explicitly acknowledged in the constitution, as those in the fields of justice and education are, they are often considered wants rather than essential needs.

— *Federal Intervention*

A primary difficulty for the provincial and territorial governments is uncertainty about the nature and form of federal activity in an area of provincial responsibility. Sometimes, the federal government offers start-up grants and leaves the provinces with the responsibility of long-term operational costs. There is often a lack of alignment between the support that the communities receive from the federal government and the fiscal priorities of the provincial or territorial government as well. On the other hand, the provinces and territories acknowledge that federal funding is often a major incentive for action in a given sector or vis-à-vis a given community. The federal government's change of policy on early childhood development in the spring of 2006 has created a lot of uncertainty. Under the agree-

ment in principle that the federal government and most of the provinces and territories entered into on November 2, 2004, a new national learning and childcare system was to be set up with \$5 billion in federal funding over five years. Following this agreement, most of the provinces and territories signed an agreement with the federal government on child daycare and included a language clause acknowledging the specific needs of Francophone communities. In May 2006, the new government announced the replacement of these agreements by Canada's Universal Child Care Plan, which was made official in the federal budget, and provides direct assistance to parents in the amount of \$1,200 a year for every child under 6 through the Universal Child Care Benefit.⁹⁷ Many community organizations are worried that it will be more difficult to function without the direct support of the government.

— *Lack of Resources*

Almost all the provincial and territorial governments mentioned lack of resources as being a very real obstacle to their action vis-à-vis the Francophone community. The more resources a government has, the more demand there is. Thus, these governments are often concerned about public criticism if they cannot provide a convincing justification for allocations to the Francophone community. They do not want to be accused of favouritism. This situation is all the more difficult for governments that have no constitutional language obligations in the area of early childhood development and do not make a clear distinction between linguistic duality and multiculturalism. Even in provinces that do have such constitutional obligations, resources for early childhood come after health, justice, roads and education.

— *Cultural Change*

There is much less antagonism and negativity towards the Canadian Francophonie than there was twenty years ago. Some people within the provincial and territorial public service may still

make offensive remarks. The biggest challenge, however, is transforming indifferent or mildly positive attitudes into proactivity. Certain governments are seeking to change the internal culture of their public service to one of “active offer”. Francophone civil servants used to working in an atmosphere of intolerance may be in as much need of a change of habit as their Anglophone co-workers. The objective is all the more difficult to achieve in the area of early childhood development for, not only are there negative attitudes towards Francophones to contend with, but the attitude that early childhood development is a private family matter. Government departments must be made to see the early childhood development needs of Francophones as legitimate, even if those needs do not entirely fit in with the departments' traditional criteria. This change of culture must be aligned with the adoption by the Francophone community of a culture of “active demand”. According to certain governments, Francophones have for a long time focused their demands primarily on education, with the result that they do not request other types of French-language services even when the services are available.

— *Value-Added*

The gap between the early childhood needs of Francophone communities and government's structural capacity to meet them is such that the authorities often perceive these needs as unrealistic, unnecessary or exaggerated. It is very difficult to get departments used to operating as functional silos to work horizontally. It is difficult to establish flexible and efficient relationships between departments as varied as those of health, justice, education and social services. Nevertheless, if governments are to be marked by one trend in the next few decades, it will be that of taking an integrated approach toward meeting the needs of citizens, whatever their language. Taking an integrated approach to early childhood development for Francophone communities, as favoured in Manitoba and elsewhere, allows for experimentation with various models of integrated service delivery and the development of a certain expertise.

97. <http://news.gc.ca/cfmx/view/en/index.jsp>.

These models could be adapted for use with other communities facing early childhood development challenges, such as rural, Aboriginal or poor communities, or core area communities in large cities. Innovations on the part of minorities may prove to have added value for the majority society capable of drawing lessons from them.

■ *Health and Wellness*

The interviews with ministers, senior civil servants and community representatives gave us an outline of the principal achievements and challenges in the healthcare sector. There is no question that this sector has been a huge focus of attention for them in the past decade. Regardless of demographics, the challenge of offering equivalent and equitable access to Francophone minority communities is considerable.

— *Government Commitment*

The enormous disparity in the delivery of French-language healthcare services across the country demonstrates the need for all governments to reaffirm their commitment to linguistic duality. The variation is too great and those governments with the weakest service delivery risk charges of language discrimination. A service institution such as a hospital or a health authority should not be fully responsible for services in both official languages without a concrete commitment for direct support from its provincial or territorial government. This support should include a policy and regulations. Various stakeholders argued for increased recognition of linguistic duality in the health sector, without which many civil servants or persons working in health care will always automatically refer all language questions to the intergovernmental affairs department or the Francophone services office.

— *Principles and Priorities*

All the governments are proud of their accomplishments in terms of French-language healthcare services. However, except for New Brunswick and Manitoba, it is too easy to hide behind the lack of constitutional obligations to justify lim-

ited action. Often, provinces and territories just starting to develop French-language services do not clearly distinguish between linguistic duality and multiculturalism. It is therefore necessary to affirm these two foundations of Canadian society and to make the distinction. Without basic principles, the justification for any government action becomes mainly that of the political pressure groups or citizens concerned. It is important to identify the priorities stemming from these principles in order to determine the hierarchy or order of government interventions. Where this has not been done, government healthcare structures, regional health authorities and even private institutions such as clinics, professional associations and service associations must be analyzed so that the government, together with the Francophone community concerned, can determine the main development thrusts. The Setting the Stage projects should meet this objective in certain cases; however, the responsibility for making sure that this objective is achieved falls to the provincial or territorial government.

— *Coordination and Alignment*

Most Francophone communities have overall development plans, most of which identify objectives for the healthcare sector. Some of the provinces and territories have established consultation mechanisms to ensure that government intervention is in line with the needs and priorities of their Francophone community, such as a joint committee on health or guaranteed representation for the Francophone community on a departmental advisory committee. Certain governments have created a director or coordinator of French-language services position within their health department. Here again, administrative support and appropriate resources are required in order for such a position to function effectively. The best guarantee of harmony between government action and community needs is still a clear policy on French-language services within the health department, along with appropriate regulations and established mechanisms for regular consultations. At the administrative level, a Francophone-governed health authority like

the one in New Brunswick is ideal. Short of that, there are narrower mechanisms, such as designated Francophone seats on the boards of regional health authorities serving a Francophone population, or government recognition of the Francophone community network as a community representative in the area of health care.

— *Culture Change*

These days, all Canadian citizens are encouraged to assume more responsibility for their state of health. The challenge is doubly great for Francophone individuals and communities who have had limited access to healthcare services in their language. Empowering citizens in the healthcare arena demands a significant change of culture. For Francophone minorities, this move towards taking charge of their state of health can only take place if certain basic services are available in French. The change of culture also includes the shift towards an “active demand” for services in French. Nevertheless, the “active demand” must match the “active offer”, as advocated by certain provincial governments. This means that the French language must be promoted through training courses, signage and documentation as a public language and not just a medium of private communication. All language planning must make the use of French visible, acceptable and normal in what is essentially an Anglophone environment.

— *Innovation*

It seems apparent that the high cost of healthcare services and the complexity of specialized services prevents the development of parallel structures from one end of the country to the other. On the other hand, isolated Francophones and smaller communities still have rights and needs. Studies show that without a minimum of services in their language, people have less access to primary care, take less responsibility for their own health care, and are in poorer health, individually and collectively. The challenge for these communities and their government is to develop innovative methods of providing access to primary health care. Even in provinces like New Brunswick and Ontario, where

the concentration of the Francophone population allows for the development of French-language institutions, there are isolated Francophone populations that need innovative solutions for delivering frontline services. Certain provinces are experimenting with the concepts of community clinics, single points of service or healthcare services in community schools, but other models still need to be explored. It would perhaps be appropriate to study what is going on in similar situations in education with videoconferencing, distance learning, the Internet and video telephones. Despite their initial hiccups, the toll-free telehealth lines are good examples.

— *Training*

Providing French-language healthcare services will require healthcare professionals who are functional in French. The challenge is at least double, if not triple. For one thing, it is necessary to identify the professionals already in place who are functional in French. For another, the level of functionality has to be constantly reinforced by providing courses in medical terminology, promoting workplaces that value French, and offering language support services such as networks of Francophone and Francophile healthcare professionals. Then there is the recruitment of new bilingual employees, which assumes access to professional training in French and the capacity to identify students in training who would be able to work in a minority environment. Some provinces are already moving in this direction. Another aspect of training is getting the Francophone population itself to reappropriate the French language of health, thereby reversing a major part of the assimilation process.

— *Documentation*

Provincial autonomy is a fundamental principle of Canadian society. All the provinces and territories are proud of developments in the area of French-language health care. However, there is an inherent inefficiency in a system that requires each government to produce all its documentation locally. There are a few examples of inter-government cooperation and those examples should

encourage governments to search out other ways of cooperating, including with Quebec. The content of brochures or web pages on illnesses like SARS and the West Nile virus or breast and prostate cancer screening would seem to be applicable throughout Canada. The duplication of such information by several provinces, regional authorities or even service institutions is not a wise use of public funds.

■ Justice

The respondents interviewed feel that noticeable progress has been made in terms of French-language services in the provincial and territorial judicial systems since the 1980s. Although there is marked variation between the provinces and territories, the respondents feel the most noticeable progress has been in terms of simultaneous interpretation during trials, the (relative) bilingual capacity of the courts and the passing of legislation. According to some, these improvements are due to laws passed by the provinces and territories, as well as to certain inter-provincial/territorial and federal-provincial/territorial agreements. However, most of them say that these improvements are far from ensuring seamless access to French-language services at the various levels of the judicial system.

— Positive Aspects

The respondents agree that the laws that some provinces have passed giving French and English official language status in the judicial system constitute model legislation. They also brought up pilot projects designed to give Francophones in other provinces access to justice in their language, such as bilingual circuit courts. One province is even studying the possibility of creating mechanisms to give Francophones access to French-language trials at a distance. The respondents also mentioned other developments such as 1) the coming into effect of Part XVII of the *Criminal Code* requiring the provinces to offer an accused the opportunity to be tried in French or English; 2) the fact that a certain number of provinces and territories either

adopt French versions of their legislation or translate it into French; and 3) the fact that two provinces offer French-language legal aid services.

— Negative Aspects

The majority of respondents started by mentioning the enormous lack of Francophone or bilingual personnel, whether it be on the bench or in the civil service. Particularly acute is the lack of judges and prosecutors able to conduct a trial in French. Even those provinces that have passed legislation making both French and English the official languages of the judicial system have a certain degree of difficulty in this area. They are only able to provide French-language trials in certain regions (designated or not) with relatively large numbers of Francophones. Several provinces and territories rely on various types of inter-provincial/territorial agreements for access to bilingual or Francophone personnel. Language training is a necessity; but it is not sufficiently available to fill the voids. “[Translation] Appointing judges who are competent in French is the cornerstone of access to justice in French”, said one respondent, “but progress in the provinces and territories has been very slight.” In his opinion, only three provinces are ahead in this area.

“[Translation] On the whole, the bilingual capacity of the courts is still weak”, another respondent said. “The bilingual capacity of the police forces is very poor even though the police officer is the first link in the chain of the relationship between a citizen and the judicial system.”

For a number of respondents, these persistent shortcomings are explained by a lack of political will on the part of the provinces and territories. “[Translation] When there is a clear political will,” one said, “things advance. When the political will is lacking, they stagnate.”

— Offer and Demand

The issue of offer and demand, which constantly arises in the field of French-language services, was mentioned repeatedly by respondents. Do Francophones make little use of the French-

language services available because the offer is not active enough or too scattered? Or, is the offer not active or widespread because Francophones don't request the services enough?

The opinions of two respondents illustrate the two sides of this question. Said one:

Even in the rare cases where justice services exist in French, in whole or in part, they have to be actively offered by the provinces and territories and the demand has to be cultivated. Active offer is fairly weak and the provinces and territories still have a lot to do in this respect, even though it's not all that expensive.

Said another:

[Translation] First, I have to say that I don't believe that Francophones in the province or even in the country are informed about their rights in this area, and secondly I am not sure there is enough pressure on the provincial legal systems to meet the needs. People don't ask, so the department doesn't react.

Certain respondents feel that governments need to carry out an awareness campaign among Francophones to inform them of the services available and to encourage them to use these services and to ask for more.

■ *Arts and Culture*

Not only does provincial and territorial government support for Francophone arts and culture vary considerably from one province or territory to the next, but generally speaking, the field is rather neglected. One civil servant responsible for French-language services summed up the situation, saying “[Translation] There isn't enough effort by the government in this area; we recognize that. There are interesting initiatives, but I'm not sure that they meet the objective of developing Francophone communities. These initiatives don't have much long-term impact.”

Indeed, there is a dichotomy here. On the one hand, the provinces and territories support Francophone artists and organizers of cultural events, but they treat them like they would any other artists and organizers they consider to fall in the “multicultural” category. Thus, few govern-

ments support cultural events specifically for the purpose of contributing to the development of the Canadian duality. On the other hand, provincial and territorial support targeting the Francophonie is sporadic and not well integrated. Ontario's language planning policy is an exception to the rule, but it treats arts and culture as an extracurricular component of education rather than a sector in itself.

It should be added that several provinces and territories directly support French-language cultural centres. In some cases, the financial support is backed by legislation, a grant program or an agreement with the federal government, and these formalities ensure a certain continuity. It should also be added that provincial and territorial support for the Francophone media allow the dissemination of Francophone culture throughout a good portion of the country, but this support is far less than that provided by the federal government. The provincial and territorial governments do not support sectoral advocacy organizations or community media to the same extent as Canadian Heritage does, and apart from TFO, their contributions to Francophone radio and television programming do not come close to matching what the Canadian Parliament gives to Radio-Canada. The list goes on.

On the other hand, several provinces and territories have since 1988 developed various types of partnerships and agreements in view of establishing community radio and artist exchange programs. These programs allow Francophone artists from one province or territory to perform in another. Quebec is the leader in this area, however, and the other provinces and territories get the benefit while investing little of their own money.

It should be added that several provinces and territories support Francophone cultural tourism. They support initiatives involving the promotion of Francophone and Acadian heritage and they fund various types of cultural products designed to attract tourists to certain Francophone and Acadian regions. The community respondents praised the support of provincial and territorial authorities throughout the country, saying that

such measures contribute to both the culture and the economy of the Francophonie, not to mention the fact that they entertain and raise the awareness of the Anglophone majority.

Despite the success of Francophone cultural tourism since 1988, we did not find any long-term provincial or territorial strategic plan aimed at developing this sector or that goes beyond the strictly tourism-related aspect of Francophone culture. This leads to the conclusion that support for Francophone cultural tourism is treated either as an add-on to the provincial or territorial tourism plan or as support for particular tourism entrepreneurs and organizations with no connection to linguistic duality. Nevertheless, this sector seems entirely appropriate for contributing to overall community development because it promotes Francophone culture and identity and contributes to the Francophone economy.

■ *Economic Development*

Economic development is a sector where direct support to Francophone and Acadian communities is relatively underdeveloped. Not that this is a new sector, but Francophones have traditionally seen to their own economic mechanisms, such as cooperatives, or have joined the dominant economy at the risk of losing their language. The respondents brought up a number of achievements and challenges with regard to Francophone economic development, which are summarized below.

— *Economic Situation*

The economic circumstances of the Francophone and Acadian communities vary enormously. Some older, rural communities far from the major urban centres are experiencing an economic slump that is driving an exodus, of young people in particular. On the other hand, more urban communities are benefiting from the economic development of the big cities. The need for economic support thus varies with the circumstances. Communities in the first set of circumstances see immigration as a demographic contribution and a potential economic contribution as well. Their interest in immi-

gration aligns with that of government, which is also looking for immigrant investors.

— *Value-Added*

Economic development is a concept that tends to be applied to a depressed area, or a territory in general. It is rarer for it to be applied to a linguistic community. It is true that, in certain provinces and territories, the Francophone communities are concentrated and it is easier to target them for development, but often they are dispersed. Certain ideas have thus been developed, such as the “Francophone” label or the value-added of bilingualism, that promote Francophone communities as an economic advantage to the province or territory as a whole. Many provinces and territories, however, still do not realize the specific economic potential of the Francophone community.

— *Role of Government*

The general trend is for government to disengage itself. Thus, in the area of economic development, the provinces and territories prefer to restrict themselves to creating conditions favourable to market development. This approach is not often favourable to Francophone communities that struggle to occupy a fair share of the market because of their small size, dispersion, lack of influence, etc. This is why these communities call for direct support for their development. Most of the provinces and territories are nonetheless hesitant to make such a commitment and prefer support actions aimed at helping the whole. Some community informants and one minister told us that this responsibility was passed off onto the federal government. Some provinces and territories, however, are partners in economic development projects for their Francophone community, either through their local or regional economic development agencies or through support for specific projects of the Francophone economic organizations.

— *Cooperation*

The federal government and the Francophone communities have put a structuring initiative in place by creating the nation-wide *Réseau de développement*

économique and d'employabilité (RDÉE). Rare are the provinces and territories supporting the RDÉE directly, but a few have associated themselves with certain RDÉE projects. On the other hand, the provinces and territories provide various forms of support to Francophone community organizations in the economic sector, sometimes creating a duplication of efforts. In general, the community respondents expressed the wish that the two levels of government would collaborate more with them in a tripartite approach to economic development. The model of the Francophone human resource development committees that exist in certain provinces was given as an example.

— *Tourism*

The area of economic development most often mentioned by the community respondents was tourism. Indeed, this one of the RDÉE's four priority sectors. Most provincial/territorial cooperation with the communities is in this sector. Communities see it as a way of promoting their distinct heritage, culture and language.

— *Training*

One of the most pressing economic development needs identified by the communities is labour force training, especially postsecondary training. The first federal-provincial/territorial labour market development agreements were criticized for failing to include language clauses. Nevertheless, Francophone postsecondary institutions are acknowledged to have played a key role in economic development in certain provinces and territories; elsewhere, such institutions are lacking or need to be strengthened. Some community respondents recognize that the lack of critical mass means a lack of certain categories of human resources.

■ *Youth, Seniors, Women*

Judging by the number of responses and the amount of interview time respondents devoted to youth, women and seniors, these groups do not get much from the provinces and territories in terms of French-language services. The provinces and ter-

ritories in fact provide little in the way of funding or French-language services designed specifically for these groups.

— *Francophone Component*

As one civil servant said in an interview, “[Translation] There is no well-developed Francophone component for these groups.” They get services in French or financial support for their associations or events mainly from programs designed for other purposes. The same civil servant said:

The provinces and territories seem to give little or no support to groups of Francophone women in general, unless human rights legislation forces them to. If certain provinces and territories support Francophone women's groups, it is by contracting them as suppliers of social support or other services. The provinces and territories take a bit more interest in youth because of the aging of the population and the challenges that poses, but those are societal concerns.

— *Demographic Structure*

The attention the provinces and territories pay to the different groups is explained in part by their demographic structure. In the western and northern parts of the country, the Francophone population is relatively young and mobile. According to the respondents, this population is very young in the territories, and consequently organized groups for seniors do not exist. “[Translation] Very few non-Aboriginals (French-speaking or otherwise) retire in the territories”, said one respondent. In other parts of Canada, the population is aging. French-language services for this sector of the population are thus concentrated in the area of health care. According to the respondents, this aging of the Francophone population should motivate the provinces and territories to focus their attention on Francophone youth, who represent the next generation of the Francophonie. In the outer regions of the country (rural areas and areas remote from the large urban centres), the exodus or migration of young Francophones is relatively pronounced.

— *Organization and Contact*

This demographic structure partly explains the lack of organization among youth and especially seniors. Seniors are organized here and there, but the fact that they have to constantly pressure the provinces and territories for French-language services discourages them. “[Translation] They give up quite quickly”, said one respondent. “Besides, the costs of going to meet with ministers and civil servants are sometimes exorbitant for them; so they tend to get discouraged.” Youth do not have much contact with provincial and territorial government departments. Said two civil servants:

It also has to be recognized that until now certain Francophone organizations have not had much contact with the departments that concern them. Young Francophones have never tried to create a good relationship with the department [...] responsible for youth. It’s something that we hope to develop; the same thing with women.

The latter have somewhat more success in certain provinces and territories, especially when they mobilize to obtain French-language services and/or financial support for very specific objectives (centres, transition houses, events) addressing such issues as domestic violence or sexual assault.

Two respondents mentioned that women’s and youth groups are more used to asking for support from the federal government than from their provincial government. As a result, the provincial government does not put mechanisms in place for staying in touch with these groups.

— *Pride and Assimilation*

Some respondents stressed the phenomenon of relatively high rates of assimilation of young people, especially in certain provinces, territories and regions. It is hard for these youth to get organized because they have no pride in being Francophone. One respondent mentioned that it was necessary to hire cultural facilitators in the schools so that the schools could become a type of “laboratory” for the spread of Francophone culture. “[Translation] What the provincial government should do to ensure that Francophone youth, teens are proud, is

to say OK, it’s good to speak English, it opens a lot of damn big doors in the world, but it’s also good to speak French, to be proud of being French”, said one respondent.

Generally speaking, therefore, support for Francophone target groups such as youth, women and seniors varies among the provinces and territories, but is not very well developed.

■ *Immigration*

Some of the balance sheet components with respect to the issue of immigration are as follows.

— *Francophone Aspect*

There is a historical disparity between the Francophone and Anglophone communities in the area of immigration. Anglophones have more experience in immigrant recruitment, reception and orientation, and integration. Government measures should take this disparity into account. The provinces and territories usually justify promoting immigration on the basis of economic development and human resource needs. The Francophone aspect is considered second, when it is considered at all. Certain provinces have however made a commitment to encourage French-language immigration. The most dynamic among them have set recruitment targets that even exceed the proportion of Francophones in their province, or actively campaign to recruit Francophones abroad. However, several provinces do not feel that they have any obligations in this regard, considering it a federal responsibility. Nevertheless, the Francophone and Acadian communities are asking for more priority to be given to Francophone immigration, and certain civil servants and even ministers recognize that their complaint is justified.

— *Government Coordination*

Several provinces and territories have plunged into immigration with enthusiasm, but not all have created structures and developed a coherent approach. The communities are effusive in their praise for the approach that some provinces or territories, have taken, but they also criticize the lack

of coordination in certain provinces or territories where several different departments are responsible for immigration-related initiatives such as policy development, recruitment, selection and support for integration.

— Federal–Provincial/Territorial–Community Cooperation

At the prompting of the Francophone and Acadian communities, Citizenship and Immigration Canada created the Citizenship and Immigration Canada–Francophone Minority Communities Steering Committee in 2002. The committee is open to interested provinces and territories, and several of them are already members. In 2005, the committee stated its intention to invite all the provinces and territories to sit on it. The communities perceive the committee as playing a key role in promoting Francophone immigration. The communities and certain civil servants recognize that the language clauses of federal–provincial/territorial agreements on immigration are not precise enough to get all the provinces and territories to fully deal with the Francophone aspect.

— Consultation

A few provinces have consulted the Francophone community a great deal in developing their immigration strategy and this is reported to have had large and immediate benefits in terms of cooperation. Mention was made of the fact that it is easy to introduce direct community consultation in provinces or territories that do not have a large bureaucracy.

— Rural Challenge

Immigration is the largest issue for rural Francophone communities as it could compensate for the rural exodus and demographic decline and, above all, foster economic and professional development. However, these same communities lack the resources to attract new populations. They are thus calling for special measures from government to support their immigration objectives. One initiative is cited as an exemplary response

to this challenge: the *Carrefour de l'immigration rurale* in Saint-Léonard, New Brunswick. This is a community initiative backed by the municipality, the *Association des municipalités francophones du Nouveau-Brunswick* and the provincial and federal governments. Armed with a large budget, the *Carrefour* has become a national centre for rural Francophone immigration, with a mandate to research and develop innovative models in the field. A number of community respondents brought up the importance of conducting more research on immigration, especially to illustrate the challenges that it poses to the communities.

— Integration

Integrating immigrants into the communities is still a major challenge. The communities are not all aware of the problems of immigration, its challenges and advantages. We heard comments from both community and government representatives that reflect a lack of awareness in this respect. Some provinces and territories have made an effort to raise awareness, but much still remains to be done. If attracting immigrants is a challenge in itself, succeeding at it leads to a second challenge, that of keeping the newcomers. These challenges are primarily the responsibility of government, but communities can make a great contribution.

— Occupational and Language Skills

When it comes to integration, recognizing newcomers' credentials and previous experience generally poses a problem. Government authorities are called on to remove the barriers that exist with respect to the professional and training institutions. Ontario has already taken an exemplary approach to this problem with the *Fair Access to Regulated Professions Act, 2006*. Finally, it is not enough to recruit Francophone immigrants and integrate them into Francophone communities, but in a minority Francophone setting, it is also necessary to encourage the development of language skills in French and English. Several provinces and territories offer services to that end, but not all.

■ *Municipal Services*

Despite the progress that has been made in the matter of official languages within municipal institutions, including a growing number of municipalities declaring themselves bilingual, the respondents' assessment of provincial and territorial intervention in this area is not rosy. Nonetheless, several on the community and the government sides feel that municipal institutions are indispensable tools for the development of Francophone communities, especially in large urban centres where Francophones have critical mass despite being a small proportion of the total population, and in small, isolated rural communities where they form the majority. In the latter case, municipal institutions can enable Francophones not only to obtain certain services in French but also to practice at least partial political self-determination.

On the positive side, some respondents pointed out that several provincial and territorial governments, particularly the government of Nova Scotia, cooperate with municipalities that offer services in French. Although Prince Edward Island's *French Language Services Act* does not apply to municipalities, all the municipalities in PEI have agreed to install bilingual road signs. The same respondents also speak highly of the governments of Ontario, Manitoba and New Brunswick for their openness and support to the provincial associations of Francophone or bilingual municipalities, though they consider it low-key. The Ontario government was praised for amending its laws so as to allow municipalities, including Ottawa, to declare themselves bilingual, and the New Brunswick government for simultaneously imposing language obligations on all cities, and on smaller municipalities serving an official language minority population representing at least 20% of their total population. Finally, some said that the establishment of Francophone associations of municipalities in Manitoba, Ontario and New Brunswick and the fact that a growing number of municipalities throughout Canada are declaring themselves bilingual bode well for the future. They believe that

these precedents will help ensure that Canadians come to accept the municipalities' role in this area and that Francophones lay claim to French-language services and communications from their municipal institutions more often. They added that it will now be possible to increase collaboration between bilingual municipalities and expand municipal bilingualism, through such measures as compiling existing French-language by-laws, policies and resolutions and sharing them with smaller municipalities that lack the resources or confidence to produce their own.

On the negative side, the Ontario government was criticized for pussyfooting since 1986 and not imposing bilingualism on Ottawa despite its high percentage and number of Francophones, and the New Brunswick government for not doing more to ensure bilingualism at the municipal level. Several other governments were criticized for hiding behind a *laissez-faire* policy on official languages within the municipalities to disguise the fact that their own policies and procedures actually favour English. For example, certain provinces require all correspondence between the municipalities and provincial government departments to be in English. Elsewhere, the exorbitant cost of simultaneous interpretation and municipal signage explain why a number of municipalities do not dare to act on language issues. Some added that a number of bilingual municipalities are only bilingual in principle: "These municipalities were made bilingual because they had a Francophone majority. Some bilingual signs were added, nothing more." Several respondents said that, despite certain exceptions, notably in Moncton, the rule is that "the federal government is not playing the role it was assigned in relation to municipalities by section 43 of the *Official Languages Act*". Subsection 43(1) reads as follows:

The Minister of Canadian Heritage shall take such measures as that Minister considers appropriate to advance the equality of status and use of English and French in Canadian society and, without restricting the generality of the foregoing, may take measures to

[...]

(d) encourage and assist provincial governments to support the development of English and French linguistic minority communities generally and, in particular, to offer provincial and **municipal** services in both English and French and to provide opportunities for members of English or French linguistic minority communities to be educated in their own language;

[...]

(*Emphasis added*)

Some brought up the Quebec model for designating municipalities with a language obligation. While the objective of section 29.1 of Quebec's *Charter of the French language* is to limit the number of bilingual municipalities and the extent of English by limiting language obligations to municipalities where Anglophones represent at least half of the population, the thinking is that the same requirement would have the opposite effect elsewhere. Thus, all Canadian municipalities in which Francophones represent a major percentage of the population (some suggest 20%, as is the case in New Brunswick) would be proclaimed bilingual by the government and would have language obligations (here too, the New Brunswick model is suggested to determine which services should be offered in French). However, others fear that such an approach would deny Francophones who are in the majority in their municipality the option of declaring their municipality "Francophone" and operating solely in French. It should be remembered that New Brunswick municipalities in which Acadians and Francophones represent over 80% of the population have the option of offering their services solely in French.

We would add to this assessment the preliminary results of a study that one of us is doing on the role of municipalities with respect to official languages. The research deals with 205 Canadian municipalities that a) have a large percentage of minority Francophones or Anglophones; b) are designated "bilingual"; or c) officially offer services and communications in the minority language. Of these, 79 are in Quebec, 47 in Ontario, 47 in New Brunswick, 16 in Manitoba, 12 in Saskatchewan,

three in Alberta, three in British Columbia, two in Prince Edward Island and one each in Nova Scotia and Newfoundland and Labrador. Three quarters of the 126 "bilingual" municipalities outside Quebec are small, with 77.2% having fewer than 20 employees (full-time equivalent).

About a third of these 126 municipalities (34.8%) are officially bilingual and one in five (18.2%) have declared themselves to be unilingual Francophone. Nonetheless, nearly half (47.0%) have no official linguistic status. A third (33.3%) of the "bilingual" or "Francophone" municipalities report that their status was legislated by way of a provincial statute or regulation.⁹⁸ The vast majority however obtained their status of their own volition: 30.6% through a municipal by-law, 16.7% through a municipal resolution, and 16.7% through a municipal policy. Although a by-law has the force of law and is harder to change than a municipal resolution or policy, the municipalities in general accord the same respect to each. Finally, it should be added that 60% of these bilingual municipalities have declared themselves bilingual since 1989.

In nearly all of these bilingual and unilingual Francophone municipalities, French is the main working language, but English is used almost as much. This observation applies to all municipal departments, including the engineering, economic development, police, fire and emergency measures departments. On the other hand, public services and communications are not always available in French. The following table indicates clearly that, in the majority of these municipalities, some services and communications are never available in French, while others always are. For example, written and oral communications and ads and public notices of various sorts are in most cases always available in French, but various proceedings of council are in most cases never available in French. Council documents (for example,

98. This finding doubtlessly applies only to "bilingual" municipalities, for we are not aware of any "unilingual Francophone" municipality designated as such by a province or territory.

policies, by-laws and minutes) fall between the two extremes. Table 17 shows the percentage of municipalities providing public communications in the minority language. [Translator’s Note: The data apparently include the minority Anglophone communities in Quebec, although the text occasionally suggests otherwise.]

Table 17
Public Communications in the Minority Language

	Percentage of Municipalities providing Communication in the Minority Language		
	Never	Sometimes	Always
Simultaneous interpretation of public meetings	51	14	31
Simultaneous interpretation of closed-door meetings	64	9	16
Simultaneous interpretation of council committee meetings	56	15	23
Public consultation meetings	23	24	49
Council minutes	24	13	59
Municipal by-laws	23	29	44
Municipal policies	27	27	42
Municipal signage (e.g.: rue Main Street)	22	26	50
Municipal website	15	9	56
Ads, brochures, bulletins, press releases	10	11	75
Fines, licenses, forms, invoices	18	24	54
Replies to written communications (e.g.: letters)	7	21	69
Replies to oral communications (e.g.: by telephone)	5	19	72
Commercial signage (e.g.: names, ads)	16	44	35

Nevertheless, as Table 18 shows, most councillors and municipal employees are bilingual in nearly three-quarters of the municipalities. Indeed, 70.2% of the municipalities report that most or all of their councillors are bilingual, and 76.2% report that most or all of their employees are. Indeed, over 95% of these municipalities have at least a few bilingual employees and councillors. Only in

rare cases do the municipalities have no bilingual councillors or employees.

Table 18
Language Skills of Municipal Councillors and Employees

	Percentage of Municipalities in which			
	All bilingual	Most bilingual	A few bilingual	None bilingual
Councillors	46.3	23.9	25.4	4.5
Employees	47.8	28.4	22.4	1.5

Table 19 shows how these municipalities contribute to the development of the minority community they serve. It indicates that cultural efforts—notably relations with Francophone community organizations, French-language publications for the municipal library, Francophone celebrations, performances and activities, and French toponyms—are common, while political efforts are rare. On the other hand, it is noted that these municipalities have often played a catalyzing role with the provincial and federal authorities in obtaining services and communications in French. Table 19 also shows that the most common efforts have been highly successful.

Table 20 shows the proportion of bilingual municipalities that have collaborated with federal and provincial authorities and with neighbouring municipalities, other bilingual municipalities and Francophone community organizations in their efforts to contribute to the development of the Francophone community or to serve it in French. It is interesting to note that, while partnerships with the provincial government are among the most common, they are the source of the least satisfaction. Partnerships with the Francophone community organizations are equally as common as those with the provincial government, but the former have a satisfaction rate of 5.26 out of 6.00 and the latter, 4.55. All the same, 4.55 out of 6.00 is a positive result. In other words, even though the bilingual municipalities are less satisfied with the provincial governments than they are with their

Table 19
Contributions to the Development of the Minority Community

	Municipalities Making Contribution (%)	Respondent Satisfaction Rate (out of 6)
Toponyms	64.2	5.33
Heritage promotion	41.8	4.36
Encouragement for businesses to offer bilingual services	56.7	4.61
Publications in the library	70.1	5.49
Recruitment of immigrants	29.9	3.35
Incitement for the province to offer bilingual services	52.2	5.14
Incitement for the federal government to offer bilingual services	50.7	5.21
Incitement for regional commissions to offer bilingual services	47.8	5.28
Organization of concerts, performances, etc.	59.7	4.83
Organization of celebrations (i.e., festival)	67.2	5.02
Recreational activities	56.7	4.71
Relations with community organizations	71.6	5.08
Advisory board or council committee	31.3	3.86
Veto on municipal decisions	20.9	3.93
Reserved seats on municipal council	23.9	3.69
Flying of the minority community flag	44.8	4.80
Consultation of the community to identify its needs	41.8	4.54
Consideration of the impact of council decisions	32.8	4.50
Establishment of a "minority" neighbourhood	25.4	3.47

other partners, including the federal government and the other municipalities, they are not at all dissatisfied.

Table 20
Municipal Collaboration

	Municipalities Collaborating (%)	Respondent Satisfaction Rate (out of 6)
With federal government	47.4	4.76
With provincial government	71.1	4.55
With neighbouring municipalities	48.8	5.00
With other "bilingual" municipalities	56.1	4.71
With minority organizations	71.1	5.26

Finally, the questionnaire asked the 204 respondents for their opinion on the potential contribution of bilingual municipalities to official languages. Specifically, it asked whether Canadian municipalities in which the official language minority represents a large share of the population should take certain actions. It is interesting to note that almost all of the respondents (93.1%) said that such municipalities should contribute to the vitality of the linguistic minority, but only three quarters of them said that they should offer all their services in both official languages. On average, more than four out of five respondents answered "yes" to each question.

Table 21
Potential Contributions of Municipalities

Municipalities Should	Respondents answering Yes (%)
Offer all their services in both languages	74.1
Adapt programs and services to the minority	86.7
Language of work within the municipality	86.0
Proclaim themselves officially bilingual	80.7
Act as a minority representative	70.4
Contribute to the vitality of the minority	93.1

We are obliged to conclude that Canadian municipalities have not played an important role in the area of official languages. Nevertheless, a growing number of municipalities throughout the country have decided to promote their bilingual or Francophone status and contribute to the vitality of their Francophone community. It seems that even more will do so, now that the impact is seen to be rather positive. Dieppe in New Brunswick is planning to contribute explicitly to the development of the Acadian language, culture and identity, and other municipalities are planning to do likewise.⁹⁹

■ *Intergovernmental Collaboration*

Our consultations were revealing on one point: the Ministerial Conference on the Canadian Francophonie and the Intergovernmental Network on the Canadian Francophonie have made enormous progress in the last five years. Respondents representing the provincial government departments, the communities and the federal government agree that the provinces and territories have been innovative about cooperating with each other, with the communities and with the federal government to better serve and support the Canadian Francophonie. Both the progress that has been made and the challenges that remain with respect to various issues are identified below.

— *Value of the Francophonie*

There is some question as to the values underlying the effort devoted to Francophone affairs. Clearly, it is the commitment on the part of Canada and its provinces and territories to uphold the *Canadian Charter of Rights and Freedoms*, which recognizes French and English as official languages, and to advance the equality of French and English, that is brought up first. This commitment is formally set out in the *Declaration of Principles of Government Leadership with respect to the Canadian Francophonie* signed by the members of the Conference in October 2002 (see Appendix D), but it is not always met as clearly as the Francophone communities would like. A number of civil servants and even ministers acknowledged that it is not always easy to sell this principle to Anglophone majorities. That is why the economic argument to the effect that bilingualism an asset to Canada in the context of market globalization is increasingly grafted onto the historical argument. Thus the Canadian Francophonie is not only a legacy of history and a reality recognized by the Constitution, but a resource that the provinces and territories can draw on for their own development.

— *Role*

The MCCF has become the primary platform for intergovernmental relations on the Francophonie. Since its creation in 1994, its role has consisted essentially in exchanging information about experiences and practices in the matter of French-language services. Within the last five years, however, the MCCF has come to be perceived as a more politicized body where influence between the federal and the provincial and territorial governments is exerted in both directions. Certain ministers do not hesitate to call the MCCF a pressure group and most see it as a way of exercising more political weight vis-à-vis the federal government in calling for more investment.

The most innovative aspect of the MCCF, a point that a number of respondents mentioned, is the emulation that it inspires. Some provinces

99. Bourgeois and Bourgeois, *op cit.*

or territories have exercised noticeable leadership in the past few years, both at home and within the MCCF, setting an example for the others. A few of the stakeholders dream that the provinces and territories will in this way be able to achieve standards that exceed federal recommendations in official language matters. One federal informant stated the consensus about the MCCF this way: “[Translation] Intergovernmental Francophone affairs has the wind in its sails and must keep going.”

— Governance

Various concerns were expressed about the governance of intergovernmental cooperation on Francophone affairs. First, there are concerns about the place Francophone affairs occupies within the government structures of each province and territory. The MCCF is a ministerial conference, but actual participation by ministers is relatively recent and not all of the provinces and territories are represented by ministers. Then, there are differences in status among the ministers involved. A few respondents feel that holding the intergovernmental affairs portfolio is an advantage that not all ministers share. There is the same disparity among the civil servants responsible for Francophone affairs, as their status in the administrative hierarchy varies widely. The government respondents nevertheless stress the different realities of each province and territory to account for the asymmetry of the formulas adopted to meet to their commitment to the Francophonie.

Another subject of concern is how open governments are to their Francophone community. Inspired by the example of the formula applied to immigration (the Citizenship and Immigration Canada–Francophone Minority Communities Steering Committee), a number of community and federal representatives advocated forms of shared governance that give the communities more involvement in the making of decisions that affect them. For several years, the federal government has been innovating along these lines (in economic

development, justice and health, for example) and raised communities’ expectations. On the other hand, some provincial and territorial government respondents expressed annoyance at seeing the federal government cooperate directly with communities without consulting them.

— Multilateralism

This last remark emphasizes the importance, as well as the difficulty, of introducing more multilateral cooperation between the provinces and territories, the federal government and the communities. For the time being, the provinces and territories seem to prefer bilateral agreements, whether they be with other provinces and territories, with the federal government or with the Francophone community. The communities and the federal government have a positive opinion of tripartite relations on Francophone affairs. The communities feel that the federal government is often the primary source of investments in French-language services and would like to see its representatives at the bargaining tables. The government respondents recognize that their efforts are largely motivated by the federal financial contribution, but fear that that this will only make the federal attitude worse.

— Coordination

Even though the MCCF and the INCF go back to the 1990s, it is only since November 2001 that a resource has been assigned to coordinate their activities. Most of the respondents have a highly positive opinion of this structure and note the progress it has enabled. One external assessment of the coordination also stresses its pertinence and effectiveness, but points out that it lacks resources to meet the expectations raised by the expanding role of the two networks.¹⁰⁰ It should be noted that the coordination is made possible by funding from Canadian Heritage.

100. Consulting and Audit Canada, *Examen du projet de coordination nationale de la Conférence ministérielle sur la francophonie canadienne* (Ottawa: Privy Council Office, 2006).

— *Visibility*

One of the weaknesses of the MCCF that many informants raised is its lack of visibility. While it is recognized that the MCCF and the INCF play an important role and increase understanding with respect to the Canadian Francophonie, the fact that they are not well known by the public is lamented. Their profile needs to be raised and although both bodies tried to do just that by changing their name and mandate in 2005, much work remains. One idea that a number of respondents suggested was to hold a first ministers' summit on the Canadian Francophonie or linguistic duality in Canada. Such an event would put the issue at the forefront of public consciousness while providing an opportunity for the governments to reiterate and deepen their commitment.

— *Government Leadership*

It is clear that a power relationship at the inter-governmental level drives the federal and provincial/territorial governments in the area of official languages. Their respective legislation does not totally correspond and commitments by one do not impose any obligation on the others. The dialogue is ongoing, but not always easy.

The provinces and territories are often divided between their desire to see the federal government invest more and their concern that it intrude on their prerogatives. A number of them nonetheless recognize that, without the federal government's leadership, their commitment to official languages would not have made as much progress. For example, one minister said, "Certainly, the federal government has been the catalyst, they have an Official Languages Policy and they have been pretty active in promoting it. They have been instrumental in helping [our government] get into at least a start-up phase on [official languages]".

For its part, the federal government recognizes the significant progress that has been made by the provinces and territories in recent years, but still wants to see them progress even more rapidly. However, if we can rely on the remarks of one

provincial government respondent, federal leadership is not always consistent. That respondent said that, in bilateral negotiations on early childhood development, the federal government did not ask for a language clause, even though the province was willing to accept one. Certain provinces are proud to say that they have driven the federal government to do more.

Finally, a number of respondents said that Ontario, Quebec and New Brunswick should play a larger role in Francophone affairs, mainly by sharing more of their tools and resources with the other provinces and territories, so as to avoid reinventing the wheel.

The assessment with respect to leadership in the area of official languages is thus mixed.

2. November 2002 Survey

In November 2002, GPC International surveyed 1,138 Francophones and 943 Anglophones living in provinces and territories with an Anglophone majority, as well as 863 Anglophones and 210 Francophones in Quebec. They posed 140 questions about official languages to Francophones and Acadians and 48 to Anglophones living outside Quebec. A number of the questions concerned the respondents' confidence about the survival and enhancement of the Francophone and Acadian communities, while others had to do with the respondents' access to, and satisfaction with, government services in French, including those of the provincial and territorial authorities. Most of the data is presented in the report published by Canadian Heritage,¹⁰¹ but several important elements concerning provincial and territorial services in French are not. The following paragraphs fill in that gap.

101. Floch and Frenette, eds., *op. cit.* The reader should be aware that, although the data are reliable on the national level, they are less so at the provincial and territorial level. The sample of respondents, especially in the three territories, is in fact too small to draw statistically reliable conclusions. We will therefore avoid drawing conclusions concerning the three territories based on this data. The samples for Prince Edward Island and Newfoundland and Labrador are more reliable, but not much.

Table 22 shows that there are considerable differences between the provinces and territories in terms of how well their Francophone populations perceive their interests to be represented by government authorities. Francophones in Saskatchewan, British Columbia and Newfoundland and Labrador give government lower marks than do Francophones in other parts of the country.

Table 22
Government Representation of the Interests of the Francophone Minority, by Province

	Percentage of Respondents indicating Excellent Representation by		
	Federal Government	Provincial Government	Municipal Government
Newfoundland and Labrador	47	43	47
Prince Edward Island	84	81	58
Nova Scotia	45	43	65
New Brunswick	63	74	76
Ontario	64	47	64
Manitoba	51	49	53
Saskatchewan	32	26	16
Alberta	52	31	48
British Columbia	35	29	24
Nunavut	50	33	0
Northwest Territories	52	35	13
Yukon	60	23	13

Table 23 shows Francophones' satisfaction with the French-language services offered in their region. Francophones in Newfoundland and Labrador stand out from their cousins in the three other Atlantic Provinces, while those in Saskatchewan and British Columbia differ from their counterparts in the two other Western provinces. The same split was seen on each of the nine services listed.

It is impossible to state categorically that lack of confidence in the survival of French and the local

Francophone community is due to dissatisfaction with French-language services¹⁰² as there are several exceptions (Francophones in British Columbia, for example, express relatively high confidence in the survival of their community), but there is a strong correlation between the three variables.

A few observations should be added based on the data presented in tables 24 and 25. First, it is worth noting that New Brunswick, the only officially bilingual province in Canada, seems to provide less than full access to its services in French and less than full satisfaction with them, and to inspire less than full confidence as to the survival of the French-speaking community. One cannot expect perfect marks, but the study shows that roughly one in five New Brunswick Acadians expresses concern about these issues. Secondly, it should be pointed out that Prince Edward Island ranks first or second in all categories. Finally, the highly negative perceptions expressed in Saskatchewan should be noted. This pattern is reflected in the responses concerning specific services.

It should be noted that some services are evaluated more positively than other services. The evaluation of French-language pre-school and school services is positive throughout the country, with one exception (pre-school services in Saskatchewan). At the other extreme, there is near-universal dissatisfaction with justice services in French.

It is interesting to note that Prince Edward Island, which has good marks overall, has low marks in the justice sector. Services in that sector lag far behind services in the others. Conversely, Saskatchewan has positive marks in the primary and secondary education and media sectors, and negative marks in all the others. In British Columbia, the response with respect to pre-school, school and media services is positive, but that on all the other services is below the norm.

102. Daniel Bourgeois, David Bourgeois and Gino LeBlanc, "Minority and Majority Confidence in the Development of Official Language Communities", in Floch and Frenette, eds., *op. cit.*, 29–67.

Table 23
Francophone Perceptions with respect to Public Services in French
and the Survival of their Community, by Province

	Percentage of Respondents indicating		
	High Level of Access to Public Services in French	Satisfaction with Public Services in French	Confidence in Survival of Local Francophone Community
Newfoundland and Labrador	47	50	63
Prince Edward Island	84	91	77
Nova Scotia	67	67	60
New Brunswick	86	82	82
Ontario	75	75	76
Manitoba	66	55	72
Saskatchewan	32	39	39
Alberta	61	69	65
British Columbia	47	35	71
Nunavut	33	0	83
Northwest Territories	48	52	87
Yukon	60	63	93

The data presented in this section show a discrepancy between what the provinces and territories have accomplished in the area of official languages and what the Francophone organizations perceive. The accomplishments that we described in the previous section indicated that the provinces and territories have done a lot since 1988, but the assessment by the Francophone organizations does not reflect this perception. There are two possible explanations for this.

On the one hand, the community respondents may not know about some of the provincial and territorial intervention on their behalf. As several civil servants admitted, some of the provincial and territorial governments prefer to act without boasting about it, for fear of stirring up what are acknowledged to be a tiny minority of Francophobe citizens. An alternative explanation is that most provincial and territorial governments prefer to take an ad hoc approach to official languages issues

as a planned approach risks raising Francophone community expectations too high. On the other hand, the community respondents may be too demanding. Several civil servants voiced the opinion that “nothing would satisfy them”. No matter what happened, the glass would always be half empty, and nothing less than a scheme comparable to the one that exists at the federal level would meet their needs. The discrepancy between reality and perception results from a lack of communication and is addressed in the next section.

Table 24
Accessibility of Public Services in French, by Sector (%)

	Percentage of Respondents indicating a High Level of Access to Services in								
	Education			Health	Justice	Employment	Media	Recreation	Arts
	Pre-school	Primary and Secondary	Post-Secondary						
NL	60	70	47	47	40	47	53	43	40
PE	77	81	68	61	32	84	58	68	55
NS	55	65	53	50	43	67	50	62	45
NB	80	90	86	85	74	82	86	79	74
ON	62	84	75	71	54	68	73	63	63
MB	62	85	68	70	49	62	68	49	57
SK	35	65	35	10	16	19	39	13	35
AB	56	78	52	46	31	50	63	46	48
BC	59	59	35	24	24	47	47	18	29
NU	33	67	33	17	17	0	17	33	17
NT	65	70	22	22	9	39	57	17	26
YT	73	87	30	30	33	43	43	33	47

Table 25
Satisfaction with Public Services in French, by Sector(%)

	Percentage of Respondents indicating Satisfaction with Services in								
	Education			Health	Justice	Employment	Media	Recreation	Arts
	Pre-school	Primary and Secondary	Post-Secondary						
NL	53	67	43	50	43	50	47	50	40
PE	81	97	71	65	35	77	77	81	52
NS	62	72	65	55	53	67	55	70	58
NB	77	90	85	82	74	81	85	81	74
ON	63	84	76	70	56	68	76	63	61
MB	51	83	64	66	43	60	70	51	62
SK	48	71	32	23	26	35	68	26	42
AB	56	70	52	48	28	57	65	46	48
BC	65	59	29	29	29	47	59	35	24
NU	50	67	33	17	33	0	33	17	17
NT	65	78	26	17	9	48	57	30	39
YT	77	83	27	50	23	37	50	37	50

Section D: Projections

In addition to identifying provincial and territorial accomplishments in the area of official languages since 1988 and assessing the current situation based largely on stakeholder perceptions, the objectives of this research project included making future projections. To that end, we selected a number of relevant documents that suggest some points to think about. In presenting them, we will add comments and observations based on our research.

First, however, it would be useful to review a few statistics, as such data is crucial when using such terms as “minority”, “sufficient number”, “significant demand” and “collective” development. If the ultimate goal is the survival and development of Francophone communities, it is imperative to ensure that the language, culture and identity are transmitted to the largest possible number of Francophones. As Marmen and Corbeil show,¹⁰³ the evolution of the minority Francophonie will be influenced by six key factors that are essentially demographic: 1) fertility, 2) language transmission, 3) aging of the population, 4) immigration, 5) interprovincial migration and 6) use of the mother tongue at work.

Fertility has been below the replacement rate of 2.1 since 1971 and the rate of language shift from French as a mother tongue to French as a language of use is around 50% in most jurisdictions. The exogamy rate rose from 24% in 1971 to 37% in 2001. Exogamous unions tend to anglicize the Francophone partner (in 2001, only 12% of Francophones living with an Anglophone partner spoke French most often in the home, though this is better than 1971, when the rate was 8%) and

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to produce children who are more Anglophone than Francophone. In 2001, 93.3% of the children of endogenous Francophone couples had French as their mother tongue, compared to only 17.1% of the children of Francophone-Anglophone couples. In comparison, Francophone-allophone couples in Canada transmit French as a mother tongue to 24.4% of Canadian children. Thus the rate of language shift is higher in couples where the other parent is an Anglophone than in those where the other parent is an allophone. On the other hand, losses to the English language on the part of exogamous couples are declining: in 1971, only 10% of the children of exogamous couples learned French as their mother tongue, but in 2001, the proportion was 17.1%. When one looks at age structure, the Francophone ageing index is nine times higher than the Anglophone. In other words, there is an enormous shortage of young people in Francophone and Acadian communities. As a 2006 study for the *Fédération des aînés et des retraités francophones de l'Ontario* showed,¹⁰⁴ the retirement of thousands of “baby boomers” will in the next three years cause a major shortage of qualified Francophone personnel and could endanger the quality of French-language services in Ontario. The impact of immigration is mixed, for despite the small percentage of Francophone immigrants and the tendency of allophone immigrants to turn to English as their language of use, the increasing presence of other languages gives the country a better appreciation of languages other than the dominant one (English). It is hard to form a conclusion on interprovincial migration, as

103. Marmen and Corbeil, *op. cit.*

104. *50 ans et plus des citoyens engagés : Recherche exploratoire sur la rétention de la main d'œuvre francophone en Ontario* (Ottawa: Fédération des aînés et des retraités francophones de l'Ontario, 2006).

many respondents said that it often depends on the availability of jobs, a reality that changes rapidly and differs from one province to the next.

We would add that the combination of these factors could have a strong impact on social, economic and political change in the country. For example, given the major interprovincial migration by Francophones from Quebec and elsewhere to Ontario, Alberta and British Columbia from 1996 to 2001, whether those workers choose to remain in their adopted province or return home to retire will have different consequences for health care and seniors in the provinces and territories concerned. If those Francophone workers are replaced by allophone workers, there will no longer be the same linguistic dynamic in the three provinces that were the beneficiaries of interprovincial Francophone migration. One might wonder whether the rate of assimilation has reached its peak in certain parts of the country. For example, if mother tongue Francophones living in O'Leary, Prince Edward Island have not been speaking French for a generation, should they continue to be counted on each census? If more attention were paid to communities where Francophones form a critical mass (numbering 500, or 25% of the population, for instance) or there are French-language schools, the statistics would be less discouraging.

In any case, it is wise to repeat Marmen and Corbeil's conclusion (p. 139):

The last fifty years, from 1951 to 2001, have been a time of considerable change in the linguistic portrait of our country. [...] It is difficult to imagine a reasonable scenario that would reverse the trend towards a reduction in the proportion of the French mother tongue population in the overall population of the country.

Our projections are based on the results of our research. It would have been easy to present a list of the issues and challenges found in the recent literature. We could have presented the projections made by three authors in the last part of *La gouvernance linguistique: le Canada en perspective*¹⁰⁵, for

105. Wallot, ed., *op. cit.*

example. Langlois identifies immigration, assimilation, the emergence of the provincial welfare state, the communitarian turn taken by Francophone communities and Quebec within Canada. Paquet refers to functional illiteracy, territorialization (Quebec: French; the rest of Canada: English), institutional linguistic infrastructures, an adequate education system, the integration of immigrants, the decentralization of federal intervention in Francophone communities and the value placed on linguistic heritage. Finally, Venne presents two major challenges: “[Translation] maintain, create or strengthen French-language institutions in minority settings on which Francophones can depend” and “renew relationships with Quebec and recognize for this state and the Quebec nation a special status and role in linguistic governance”. We have chosen to proceed otherwise, as some of these projections seem irrelevant, as well as inadequate in relation to the results of our own research.

Some of the following projections are more generic than others and some of them overlap. We nevertheless present them separately, while warning that they are sometimes interdependent and often part of a larger whole.

1. Gradual Judicialization of Language Rights

In the last generation, Francophone communities in majority Anglophone provinces and territories have won a series of court actions against provincial and territorial authorities to enforce respect their language rights. This is especially true in the education sector,¹⁰⁶ but the efforts of Franco-Ontarians in the *Montfort* case¹⁰⁷ and of Acadians in southeastern New Brunswick to ensure institutional duality in the municipal and health sectors¹⁰⁸ suggest that these communities are getting ready to appeal to the courts in the future and in an increas-

106. Behiels, *op. cit.*

107. Michel Gratton, *Montfort – La lutte d'un peuple* (Ottawa: Centre franco-ontarien de ressources pédagogiques, 2003).

108. Bourgeois and Bourgeois, *op. cit.*

ing number of sectors. Increasing judicialization of linguistic governance is predicted.¹⁰⁹

The effect of the November 2005 amendment to section 41 of the federal *Official Languages Act* was to expose federal institutions to prosecution if they failed to take “positive measures” toward Francophone minority communities. The Supreme Court decisions in the Quebec secession reference (protection of linguistic minorities) and the *Beaulac* case (positive measures) will probably have a similar impact on provincial and territorial institutions. The scope of provincial and territorial obligations still needs to be defined, whether it be by government or the courts. In the preamble of the *Beaulac* ruling, the Supreme Court stated as follows:

Language rights must in all cases be interpreted purposively, in a manner consistent with the preservation and development of official language communities in Canada. [...] The fear that a liberal interpretation of language rights will make provinces less willing to become involved in the geographical extension of those rights is inconsistent with the requirement that language rights be interpreted as a fundamental tool for the preservation and protection of official language communities where they do apply.

It is true that this case was concerned with the right to trial in French, but the Court’s remarks go beyond this sector. The Court places great importance on subsection 16(3) of the *Charter*: “Nothing in this Charter limits the authority of Parliament or a legislature to advance the equality of status or use of English and French.” It remains to be seen how the provinces and territories will be required to maintain and develop official language communities.

We predict that the community organizations will launch court proceedings if the provincial and territorial governments do not continue their progress in the area of official languages. Indeed, the governments themselves may refer to the courts to clarify their obligations in this matter. The results of our research show that community and

government organizations are not far from a happy medium between “what is for French Canadians a vital minimum, and for Anglophones an acceptable maximum”.¹¹⁰ Despite the mediocre evaluation by the community respondents, the progress that the provincial and territorial governments have achieved since 1988 has brought the two parties closer together. Attitudes are more trusting. This allows us propose a rational approach that avoids the judicialization of language rights at the provincial and territorial level. Ironically, it involves adopting legislation that is more favourable to the Francophone community. The important thing is to pass legislation that achieves this happy medium—a win-win situation.

The twelve provinces and territories should all have legislation on French-language services by now. The Royal Commission on Bilingualism and Biculturalism recommended as much back in 1967. Five provinces still do not have such legislation: Newfoundland and Labrador, Manitoba,¹¹¹ Saskatchewan, Alberta and British Columbia. This is not to say that all the legislation should be identical; each province and territory would have to define the rights and privileges granted, as well as the mechanisms and conditions for implementation, in accordance with its particular situation. Nevertheless, all the legislation should have two elements in common: 1) symbolic recognition of the importance of the French language and culture and of Francophone communities and 2) the right to public services and communications in French. We will return to the issue of the mechanisms and conditions of implementation shortly.

110. Royal Commission on Bilingualism and Biculturalism (1965), *op. cit.*, 129.

111. It should be reiterated that Manitoba has constitutional obligations under the *Manitoba Act, 1870* and the provincial policy on French-language services offers as many rights and privileges to Francophones as PEI’s *French Language Services Act*, for example. However, the province has no specific legislation on the subject. New Brunswick also has constitutional obligations under the *Canadian Charter of Rights and Freedoms*, but that has not prevented it from passing official languages legislation. It would seem relatively easy to take section 23 of the *Manitoba Act, 1870* and the provincial policy on French-language services and produce a statute on French-language services.

109. Pierre Foucher, “Le juge et la gouvernance linguistique”, in Wallot, ed., *op. cit.*, 139–154.

Given the growing importance of the health sector, it seems to us that the legislation should also provide for the right to health care in French. The Romanow Commission mentioned this [sic].¹¹² The provincial and territorial premiers could thus come to an agreement on reciprocity with respect to the provision of health and social services in the minority language. In August 1977, the provincial premiers accepted Quebec's offer of reciprocity in education, the majority Anglophone provinces agreeing to offer their Francophone minority the same educational rights as the Quebec government already offered its Anglophone minority. Five years later, section 23 was part of the *Canadian Charter of Rights and Freedoms*. The majority Anglophone provinces and territories could adopt section 15 of the Quebec statute on health and social services:

English-speaking persons are entitled to receive health services and social services in the English language, in keeping with the organizational structure and human, material and financial resources of the institutions providing such services and to the extent provided by an access program referred to in section 348.¹¹³

Such a formula could also be applied to other public services in French in a minority situation.

It seems to us that Quebec also needs to play a leadership role in this matter. Federal initiatives are essential, but aside from Service Canada and the new version of section 41 of the *Official Languages Act*, they are always marginal in relation to what the provinces and territories are able to do, especially in

the fields of education, health, early childhood services, social services and municipal services. Quebec is no longer the example that the Commission on Bilingualism and Biculturalism held it out to be forty years ago, New Brunswick having surpassed it in the area of official languages, but it is the benchmark for the provinces and territories with an Anglophone majority and citizens opposed to bilingualism. If these citizens knew what rights and privileges the Quebec government gave its Anglophone minority, they would be less likely to oppose bilingualism based on Quebec's official unilingualism. The Quebec scheme is basically similar to, or even slightly better than, the schemes in the other provinces and territories, in terms of both legislation and practice. Quebec should boast openly about its language scheme and the other provinces and territories should praise it publicly and commit themselves to following its example. Quebec should also assume a leadership role within the Francophone and intergovernmental affairs network, where many feel it has yet to meet its full potential. Quebec also needs to contribute more financial, and especially human, resources to help the other provinces enhance French. This seems to us to be an extremely worthwhile investment. Finally, the Quebec government should raise the principle of reciprocity in all sectors dealt with in this study. This is not to say that the other provinces and territories should necessarily copy the Quebec legislation, but rather take inspiration from it.

Once such legislation has been adopted and implemented, it would be possible to amend the *Canadian Charter of Rights and Freedoms* to give official language minorities a right to services and

112. Recommendation 28 of the final report of the Commission on the Future of Health Care in Canada (*Building on Values: The Future of Health Care in Canada* [Saskatoon: Commission on the Future of Health Care in Canada, 2002], 154) provided as follows: "Governments, regional health authorities, health care providers, hospitals and community organizations should work together to identify and respond to the needs of official language minority communities."

113. *An Act respecting health services and social services*, R.S.Q. c. S-4.2. Section 348 reads as follows: "Each agency, in collaboration with institutions, must develop a program of access to health services and social services in the English language for the English-speaking population of its area in the centres operated by the institutions of its region that it indicates or, as the case may be, develop jointly, with other agencies, such a program in centres operated by the institutions of another region. Such an access program must take into account the human, financial

and material resources of institutions and include any institution in the region designated under section 508. The program must be approved by the Government and revised at least every three years." Section 508 reads "The Government shall designate from among the institutions recognized under of section 29.1 of the Charter of the French language (chapter C-11) those which are required to make health services and social services accessible in the English language to English-speaking persons." Finally, section 29.1 of the *Charter* (R.S.Q. c. C-11) reads "The Office shall recognize, at the request of the municipality, body or institution: [...] a health and social services institution listed in the Schedule, where it provides services to persons who, in the majority, speak a language other than French."

communications in both official languages similar to the education rights they have under section 23. As most of the provinces and territories agree to provide French-language education where, pursuant to section 23, the numbers warrant, and to provide their services and communications in French and in English based on a similar territorial approach, it seems to us that subsection 20(1) of the *Charter* could be applied to provincial and territorial institutions as well as federal institutions:

Any member of the public in Canada has the right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament or government of Canada in English or French, and has the same right with respect to any other office of any such institution where

- (a) there is a significant demand for communications with and services from that office in such language; or
- (b) due to the nature of the office, it is reasonable that communications with and services from that office be available in both English and French.

Subsection 20(2) strikes us as too demanding, as it gives the public “the right to communicate with, and to receive available services from, any office of an institution of the legislature or government of New Brunswick in English or French”. Laudable as it is, this individual approach seems excessive anywhere other than New Brunswick. It seems to us that limits are necessary, at least for the time being. We will come back to this.

It is thus possible to avoid onerous legal proceedings through good will. The judicialization in question developed largely because provincial and territorial governments did not dare to make the necessary changes or make them as quickly as the Francophone communities wished.¹¹⁴ Recourse to the courts is an indication of “dysfunction” in the political and legislative system.¹¹⁵ Thus, provincial and territorial action to develop Francophone communities will reduce legal remedies. Conversely,

inaction will lead to an avalanche of court challenges. The progress achieved since 1988 should continue and court remedies thus be rare. This will however take cooperation between community and government players, at both the federal and the provincial/territorial levels.

2. Integrated Planning

The many provincial and territorial actions in the area of official languages since 1988 often appear to be, as one respondent said, “like a fly in the soup”. Governments might respond favourably to one community request and reject another. Whether they act often depends on the availability of funds. In sum, apart from the language planning initiated by the Ontario government starting with French-language schools, and the Nova Scotia government’s current effort to adopt regulations and plans related to the *French-language Services Act*, there is no integrated planning on official languages at the provincial and territorial level. In certain jurisdictions, notably Nova Scotia, the government is asking its departments to develop and implement an action plan, but these plans are not comparable to the overall development plans adopted by the Francophone communities in each jurisdiction, or to the federal government’s *Action Plan for Official Languages*. Our research data lead us to believe that the provinces and territories would be wise to develop an integrated plan to guide, shape and prioritize their various actions and bring their action plans into sync with those of the Francophone communities and the federal government. In other words, any action in the area of official languages, whether by the government or the community, will be more effective and less costly if it manages to rally all of the stakeholders.

Once the tripartite commitment is obtained, little effort will be required. As already indicated, Francophone community stakeholders have been integrating all their needs and strategies and prioritizing them in overall community development plans for more than ten years now. It bears repeating that the federal government’s Action Plan is the result of a similar effort by various federal

114. Foucher, in Wallot, ed., *op. cit.*

115. André Braën, “Le recours judiciaire et la gouvernance linguistique au Canada”, in Wallot, ed., *op. cit.*, 129–138, 136.

institutions, in collaboration with community organizations. Finally, we have seen that the community organizations largely agree with the objectives and means of the Action Plan. All that is missing in the picture is integrated strategic planning by the provincial and territorial governments. In other words, the provinces and territories need to fall into line and develop a long-term holistic action plan. Then it will be a matter of the three partners (federal government, provincial/territorial government and communities) sitting down to coordinate objectives, strategies, efforts and means.

For ten years or so, the Francophone and Acadian communities have been identifying their needs and planning how to fulfill them within a concerted process that has produced overall development plans (ODPs). Organizations in each province and territory jointly develop, adopt and implement these integrated plans. Our reading of twelve ODPs leads us to conclude that the provincial and territorial jurisdictions are priorities for the Francophone and Acadian organizations. It also suggests that, despite the many provincial and territorial achievements, there is still much to be done. Indeed, the fact that all the ODPs give high priority to education, health, justice (at the provincial level) and early childhood development shows that minority Francophone needs have not been met. It is probable that these needs will never be fully met, both because resources are limited, especially in the smaller provinces and the territories, and because new needs are regularly born. Nevertheless, given that the overall development plans are the product of a joint effort representing the main interests of the country's principal Francophone organizations and translate Francophone aspirations into realistic plans, they seem to us to be a highly appropriate starting point for any future government or community action. This does not mean that the provincial/territorial governments should adopt the ODPs as their own. It does mean that they have everything to gain by not reinventing the wheel and by matching their actions to the needs of the communities.

On the other hand, it would be wise to not be limited by the plans of Francophone and Acadian organizations. For one thing, these organizations are not elected and they have their special interests. For another, certain people noted that there has been "connivance" between the federal government and the local elite with the result that governance of official languages has been co-opted by existing structures.¹¹⁶ This does not mean that the overall development plans do not reflect these communities' needs, but that they need to be understood within their financial and organizational context.

We see the federal government's *Action Plan for Official Languages* as the pillar of the tripartite integrated planning that we propose. First, it is the product of exhaustive consultations by the federal government over nearly two years. The provinces and territories did not participate as fully in these consultations as they could and should have; in the words of one provincial civil servant, "we missed the boat". Nevertheless, the plan allows and encourages tripartite collaboration. Furthermore, the plan closely reflects the concerns of the Francophone communities that it was designed and written for, as a recent study shows. Consequently, there is no need to reinvent the wheel; the Action Plan can be used as a starting point.

In the winter of 2004, the Canadian Institute for Research on Linguistic Minorities surveyed Francophone minority organizations as to their opinion of the *Action Plan for Official Languages* published a year earlier. Out of a total of 410 organizations invited to participate, 138 replied.

The results indicate that the Action Plan is very well received by a vast majority of the organizations. In fact, almost all respondents indicated they were strongly in agreement with its three contextual assumptions, three goals, accountability and coordination framework, 25 objectives, 64 means and 27 financial commitments. The author noted

116. Linda Cardinal and Luc Juillet, "Les minorités francophones hors Québec et la gouvernance des langues officielles au Canada", in Wallot, ed., *op. cit.*, 157–176, 171–173.

that, statistically speaking, such broad and significant unanimity is rare in the annals of research.¹¹⁷ The organizations also rated the federal initiative as a whole and the administrative process enabling them to participate in its implementation very favourably. The federal government therefore seems to have succeeded in adapting its measures to the priorities and needs of the country's community organizations. This suggests that its consultation of community organizations leading to the Action Plan accurately reflects the concerns of official language community leaders. These conclusions allow the author to predict that the federal government's new momentum should facilitate the integration of government and community efforts by 2008.

In general, the organizations expressed a strongly favourable opinion of the relevance of each of the 25 objectives. Indeed, they indicated an average satisfaction rate higher than 5 out of 6 on 80 (67%) of the 119 criteria they were asked to evaluate. Their average satisfaction rate was below 4 on only four (3.4%) of the 119 criteria, and never less than 3.5. This is a remarkable degree of satisfaction. For this reason, we will focus on the four criteria that averaged below 4 and the 33 that averaged above 5.5.

Although the plan is a federal one, several of its objectives cannot be achieved without the cooperation of the provincial and territorial governments. Three of the seven priority sectors of intervention in the Action Plan are areas of provincial and territorial jurisdiction (education, early childhood development and health) and two others (justice and economic development) are areas of shared jurisdiction (as is immigration, but not as formally). The community organizations clearly placed following the "provincial and territorial" objectives on top of the heap:

1. Provide minority communities with better access to health services in their language;
2. Support early childhood development in minority communities;

3. Improve access to postsecondary education for both minority groups;
4. Enable minority communities to take advantage of existing economic development programs;
5. Strengthen partnerships with provinces and territories;
6. Support the community life of minorities;
7. Make official languages a priority again for the public service;
8. Hire more bilingual employees for the federal public service;
9. Ensure that official languages remain a daily priority in the development and implementation of federal government policies and programs;
10. Raise awareness in the federal institutions (departments, agencies) of the spirit and the purpose of the *Official Languages Act* and of the responsibilities it entails;
11. Strengthen the mechanisms for consulting the minority community;
12. Establish overall coordination of the government process on official languages.

The twelve priority objectives can be divided into two categories—objectives having to do with areas of provincial and territorial jurisdiction and objectives having to do with the administrative process and mechanisms of federal institutions—, but the first have higher priority. It should be noted that bilateral cooperation on official languages ranks fifth.

To accomplish its 25 objectives, the Action Plan proposes 64 means. The survey asked the organizations to rate the effectiveness of each means, or how well they thought it would contribute to achieving the desired objective. Again, the perceptions were very positive. The three objectives relating to the accountability and coordination framework got the best scores, but the objectives related to areas of provincial and territorial jurisdiction had very positive scores as well.

117. Bourgeois (2006), *op. cit.*

Finally, the Action Plan lists 27 financial commitments for implementing the proposed 25 objectives and 64 means. The survey asked the organizations for their opinion of the proposed investments. In general, there is clearly less agreement with the financial commitments than with the objectives and means. In fact, none of the 27 financial commitments earned as much as 40% approval. Only four of the financial commitments got 33.3% approval, and only three were considered “somewhat sufficient” or “substantially sufficient” by more than a third of the organizations. Six commitments were rated as “substantially insufficient” and “somewhat insufficient” more than they were “sufficient” or better. Finally, two of the 27 commitments were declared “substantially insufficient” or “somewhat insufficient” by a majority of the respondents.

It is therefore clear that the organizations support most of the 27 financial commitments, but much less than they do the objectives and means, and that they feel certain commitments are inadequate. These data indicate that the federal funding provided is inadequate. The following lists, in order of importance, the six financial commitments deemed “substantially insufficient” or “somewhat insufficient” by the majority of respondents, accompanied by the number of times they were mentioned and the percentage:

1. Improve support for minority communities (94 out of 117 = 80.3%);
2. Improve the means of non-governmental organizations (74 out of 108 = 68.5%);
3. Support networking in the field of health (64 out of 114 = 56.1%);
4. Support literacy programs (61 out of 112 = 54.5%);
5. Funds to adapt primary health care (60 out of 113 = 53.1%);
6. Pilot projects for child day care services (59 out of 112 = 52.7%).

For the purposes of our research, it is important to repeat that the Francophone organizations are highly appreciative of the interventions provided for in the Action Plan and that the federal government did a good job of identifying the concerns of the community organizations during the consultation process. The federal government has thus succeeded in aligning its intervention with community concerns. In other words, the principal projections are to be found in the federal Action Plan and that document reflects the principal needs of the country’s Francophone communities. It remains to be seen how the provinces and territories will be involved in its implementation.

Federal–provincial/territorial cooperation is not always easy, but when the stakes are high, the two orders of government often end up achieving it.¹¹⁸ If official languages are important enough to the premiers, the two orders of government should be able to come to an agreement. Several stakeholders said that official languages should be the focus of a First Ministers’ meeting, as the Aboriginal question was in the fall of 2005. Several others said that the next federal action plan on official languages should give a larger role to the provinces and territories. Both the development and the implementation of the plan should be a tripartite effort, which would lead to a system of “linguistic governance”¹¹⁹ among the best in the world.

Good planning will require not only integrating the three parties’ respective actions and standardizing the terminology (objectives and results do not always mean the same thing to everyone involved), but setting priorities to maximize results. As the government and community authorities

118. See especially Richard Simeon, *Intergovernmental Relations*, Collected Research Studies 63, (Toronto: University of Toronto Press, 1985); Robert Young, *Stretching the Federation: The Art of the State in Canada* (Kingston: Institute of Intergovernmental Relations, 1999); and Herman Bakvis and Grace Skogstad, *op.cit.*

119. Our definition of “linguistic governance” is taken from Jean-Pierre Wallot, *op. cit.*, vii: “[Translation] the way in which the aspirations, rights and constraints of official language minorities in Canada, especially Francophone minorities, are managed.”

have limited resources, they must carefully target them. For example, even though we have barely touched on the subject, it seems to us that education is still the cornerstone of development of Francophone minority communities. Indeed, it has been hard not to bring it up, as many stakeholders emphasized the crucial role of French-language schools. They often said that the schools and the communities need to consolidate their efforts and that this was just as important as consolidating efforts on the part of government and the community. They often cited the example of Ontario's language planning policy, which establishes a link between schools and the community and makes this link an essential factor of collective development. Education is the base, but the community goes beyond the classroom. First and foremost, it is essential to secure quality primary and secondary education and full Francophone governance of this sector, but it is also necessary to form solid ties between the school and the community as the former plays a decisive cultural and community role in a minority setting. The provincial and territorial governments must therefore ensure that French-language schools are able to fulfill not only their pedagogical mandate, but their cultural and community mandate as well.

The provincial and territorial governments also need to concern themselves with the other sectors dealt with in this report, including early childhood development. Special measures may be required for Francophone early childhood development, and although they may incite envy on the part of Anglophone citizens, they are justified on two grounds. First, it is necessary to redress the wrongs of a school system that encouraged assimilation, and early childhood services in French, especially homogenous daycares and preschools, are an excellent way of doing so because they allow children to start French-language school with a good knowledge of the language. Second, grants to French-language daycares and junior kindergartens are more effective (children learn languages mainly between the ages of two and five) and less costly (preschool teachers are paid less than schoolteach-

ers) than developing and delivering francization courses in schools.

Another example of integration is the school-community centre. These shared establishments give Francophone communities access to a French-language social environment and incorporate various community services and components of the community. While they are not a panacea, especially where they are perceived as a Francophone "ghetto", they do offer several advantages, one of them being that they provide space and equipment for community use. Part of this space is sometimes used as office space where civil servants serve the French-language clientele.

A final example of integration is language training for civil servants. Several provinces and territories have arrangements for shared training or joint training agreements and so governments understand the advantages of providing joint language training. We feel that, as language training is more or less identical at the federal and provincial/territorial levels, it would be logical to pursue cooperation in this area. A needs inventory would be a starting point. The governments could then plan the projects in common.

Regardless of the action or sector concerned, what is important is for the government and community action plans to be coordinated and for the stakeholders to cooperate. In other words, it is essential to ensure effective linguistic governance and positive long-term results. Coordination of the plans is a concrete manifestation of good cooperation; the process by which the partners achieve it seems to be as important as the final product. Certain governments consult Francophone communities. In some cases, the consultation is ad hoc, such as when the Newfoundland department responsible for the province's immigration strategy consulted representatives of the Francophone community about Francophone immigration. In other cases, it is extended, such as the current consultations in Nova Scotia where Acadians and Francophones have an opportunity to contribute to setting priorities for the French-language services

offered by the provincial government. The latter consultations will lead to regulations specifying the particulars concerning the provision of government services to the province's Francophones under the *French-language Services Act*. This type of precedent is worth following.

Integrating plans and efforts offers another advantage: reducing the disagreement resulting from a lack of communication between the community and government. Integrated planning allows both parties (plus the federal government) to share information and challenges and to collaborate to increase efficiency and effectiveness. On the one hand, the provincial and territorial governments can inform the Francophone communities of their actions without widely publicizing them. This would make the community organizations better aware of provincial and territorial efforts on their behalf while allowing the governments to avoid a backlash from Francophobes. On the other hand, it would also show a lack of conviction on the part of government toward French-language services and the importance of Francophone communities and the French language and culture. At the same time, the community organizations should express their needs to provincial and territorial authorities in a rational manner. In other words, the organizations should present their overall development plan and indicate their priorities to all of authorities of the provincial/territorial government. Thus, instead of meeting just with the various authorities responsible for a particular issue, the organizations should meet with all the authorities to share the overall plan beforehand, then show how each issue fits into the overall plan. The organizations should also meet with the central authority of the provincial/territorial government (the Office of the Premier or the Privy Council Office) to present their overall plan, to explore partnerships with the government and to ensure that community and government efforts complement each other.

It is conceivable that an initial tripartite effort of Pan-Canadian cooperation that is productive would lead to comparable efforts in other areas. Thus, after the second (tripartite) Action Plan, we

might see tripartite cooperation with respect to the bilateral agreements in education (OLEP) and the delivery of provincial and territorial services in French (OLP). There would also have to be provincial/territorial participation in the negotiations leading to agreements between Canada and the official language communities. It should be added that the language clauses recently inserted into the bilateral agreements on early childhood development, health and immigration are other interesting precedents.

It is therefore possible to envisage a holistic tripartite agreement on official languages. Such a national cooperation agreement on the delivery of public services and the development of minority communities, accompanied by a declaration from all the governments on the vital importance of bilingualism and minority official language communities, could even be signed after a First Ministers' meeting on official languages. Official languages is just as relevant a topic as Aboriginal communities, which was the theme of a First Ministers' meeting in the fall of 2005. We are putting the idea out there, but it was suggested by a number of the stakeholders interviewed. The time seems ripe.

With or without a formal agreement, governments and Francophone communities can cooperate on one project at a time. First and foremost, citizens belonging to the Anglophone majority must be brought to recognize the advantages of bilingualism and the contribution of Francophone communities. Surveys show that most of them recognize it, but that some do not. It is thus necessary to work together to strengthen linguistic duality as a fundamental value of Canada. A First Ministers' conference would certainly help achieve this objective if everyone managed to agree and to show what path to take, but a national campaign promoting bilingualism and official language communities, including Quebec's Anglophone communities is also an option. We feel the timing is appropriate.

Finally, we feel it is appropriate to harmonize the provision of public services and communications in French through tripartite (federal, pro-

vincial/territorial and municipal) one-stop service centres. This essential effort is at hand, as the federal government and most of the provincial/territorial governments have each set up their own such centres. We feel the Manitoba model and the business services centres are exemplary, but each province or territory can set up its own network based on its particular situation. The basic principle should nonetheless be the same: provide a place where Francophone citizens can access all government services and communications in French, at least where Francophones represent a critical mass. Service Canada's network of one-stop service centres, which could have over 500 sites by 2010, should make this easier. Service Canada is in the process of studying how to serve minority official language communities outside its service centres. Tripartite partnerships on mobile points of service, for example, could serve rural and isolated communities. Finally, Service Canada could cooperate with the provincial and territorial authorities to offer a range of federal and provincial/territorial services in French through a toll-free telephone number and the Service Canada website (www.servicecanada.gc.ca).

Joint delivery of government services in French and an integrated plan of efforts to develop Francophone communities will undoubtedly improve relations among federal, provincial, territorial and community authorities and the effectiveness of bilateral agreements. They could also create conflicts between the three parties. For example, the Action Plan provides for increased cooperation with the provinces and territories and increased accountability of federal institutions to Cabinet and Parliament in the area of official languages, but it remains to be seen how federal institutions will ensure provincial/territorial government accountability in areas of provincial or territorial jurisdiction. One-stop service centres and integrated plans will not succeed if these issues are not resolved. It will be necessary for the different levels of government to find ways of obtaining meaningful results for the Francophone communities without trespassing on each other's areas of jurisdiction.

3. Territorial and Individual Approaches

In an ideal world, the financial resources of government would be unlimited and would allow every government office to provide all of its services and communications to the public in every official language. We will never get close to that. We may want to approach this ideal as the ultimate goal of the advance towards equality of the official languages but reality obliges us to aim a little lower for now. It is necessary to find reasonable limits for the delivery of provincial and territorial services and communications in French.

For forty years or so, there has been a sociolinguistic debate on the individual and the territorial approaches to the provision of public communications and services in the minority language. The first approach is for all state institutions to supply all services out of all offices, while the second limits the provision of services to regions where the minority is concentrated. In reality, the two approaches coexist. As we have seen, several departments of several provincial and territorial governments offer their communications and services both from their head offices, normally located in the capital, and from their regional offices. As we have also seen, the territorial approach predominates because most Francophones are geographically concentrated. The territorial approach gives priority to communities where the need is obvious and limits public expenditures, but it does so to the detriment of isolated Francophones. However regrettable these limits may be, the fact remains that federal communications and services are provided on a territorial basis and French-language schools operate similarly. These are two practical examples of the "sufficient demand" criterion found in sections 20 (federal services) and 23 (educational rights) of the *Canadian Charter of Rights and Freedoms*.

The Royal Commission on Bilingualism and Biculturalism proposed recommendations on the delivery of various public services in French outside Quebec. The "cornerstone" of its 150 recommendations was the creation of bilingual districts. The

function of these entities was above all symbolic: in the 1960s, they were supposed to acknowledge the presence of Francophone communities outside Quebec and limit the omnipresence and omnipotence of the English language in Quebec by limiting it to regions where it was spoken by a critical mass of Quebeckers. They also had an administrative function: identify the regions of the country where Francophone and Anglophone minorities represented a critical mass that warranted the provision of communications and services in the minority language. In the Commissions view, this critical mass was 10% of the population. However, the region was established on the basis of objective criteria (census subdivisions) rather than arbitrary administrative boundaries. Thus the Commission wanted the administrative structures of the three orders of government (federal, provincial and municipal) to adapt to the reality of communities instead of the reverse. In other words, the Commission refused to force the minority to prove the existence of a significant demand on government offices whose service area was defined by boundaries drawn to suit a bureaucratic rationale, but instead called for administrative boundaries to be redrawn to ensure that communications and services were provided in the minority language in regions where the minority formed a critical mass.

Bilingual districts were abandoned in 1976 for several reasons, including the refusal of several provincial governments to join in, but a recent book suggests that they should be reconsidered, given that most provinces have since put a form of administrative “districting” in place.¹²⁰ We would add that there has been provision for such an approach in Europe since the *European Charter for Regional or Minority Languages* was adopted in 1992. Bilingual districts are not a panacea, however. They would allow the principal French-language communities to be recognized and public services and communications to be provided in French, but they would reduce the geographic scope of those

services and communications unless, as provided by the Royal Commission, Canada’s first *Official Languages Act*, and federal regulations since 1992, there were mechanisms for ensuring their provision based on the significance of the demand. In other words, while the territorial approach is in effect provincially and federally and the respective bilingual districts correspond fairly well, it is also necessary to figure out how to ensure delivery of services and communications in French in areas of the country, such as large urban centres, where there is a critical mass of Francophones but they represent a small share of the local population. Federal regulations call for such mechanisms, such as services to the “traveling public”, but the same cannot be said for the provinces and territories.

At first glance, territorial bilingualism seems more appropriate in Acadia and, to a lesser extent, in Ontario than in western Canada and the northern territories. Eighty-six percent of Acadians and 72% of Franco-Ontarians live in census subdivisions where they represent at least 10% of the population (71% of Acadians in fact live in areas where they represent the majority), while only 12% of Francophones in the West represent a proportionally similar critical mass.¹²¹ However, the West has several Francophone communities that are highly concentrated geographically speaking (especially in the southeastern part of Winnipeg) and the vast majority of Francophones live in small isolated communities or certain large urban centres (Winnipeg, Regina, Saskatoon, Edmonton, Calgary and Vancouver). Almost all Francophones in the Yukon, Nunavut and the Northwest Territories live in a limited number of communities (as does the vast majority of the population of these large and sparsely-populated territories as a whole). As the Francophone population of western Canada and the territories is geographically concentrated, even though it seldom cracks the 10% threshold, the territorial approach to the provision of public services and communications in French

120. Bourgeois (2006), *op. cit.*

121. Edmund Aunger (2005), “Regional Diversity and Political Inequality: Official Language Minorities and the Problem of Double Standards”, in Floch and Frenette, eds., *op. cit.*, 11.

would be appropriate. Instead of the proportional formula proposed by the Royal Commission (10% of the population), the provincial and territorial governments could use a numerical formula (say, 500 persons) in order to serve the vast majority of the 88% of Francophones living in communities where they represent less than 10% of the population. Such a numerical formula could also serve the Francophones of Newfoundland and Labrador well, as the vast majority of them are concentrated in three communities: the Port-au-Port Peninsula, Saint John's and Labrador City. This formula, in effect at the federal level, also allows for service in several large urban centres in Ontario, notably Toronto, where Francophones represent less than 10% of the population. In sum, the territorial approach seems entirely appropriate throughout the country, but only if it is flexible and adapted to local realities.

Table 26
Concentration of Francophones
by Census Subdivision (%)

	West	Ontario	East
Francophones representing less than 10%	88	38	14
Francophones representing 10%–49%	10	49	14
Francophones representing the majority of residents	2	13	71

Source: Aunger (2005), *op. cit.*, p. 11.

The territorial approach has its merits. As the Royal Commission on Bilingualism and Biculturalism explained, it limits the provision of public services to an elementary realism. The French-language services legislation of Ontario and Prince Edward Island and, to a lesser extent, New Brunswick's *Official Languages Act* guarantee a number of provincial services based on a territorial approach. The concentration of Newfoundland and Labrador's Francophones in three main communities (Port-au-Port, Labrador City and St. John's) seems to favour a territorial approach. Despite the presence of 36,000 Francophones in Nova

Scotia, half of them live in Baie Sainte-Marie in the Pubnico region and on the east and west coasts of Cape Breton. The presence of fifteen officially bilingual municipalities in Manitoba bringing together most of the Francophones of that province and a dozen municipalities in Saskatchewan with a high proportion of Francophones also supports a territorial approach. Alberta and British Columbia nonetheless pose a serious challenge to the territorial approach. In all of the western provinces, and in certain urban centres where English is dominant (Toronto, Windsor, Fredericton, Saint John, Halifax, Sydney), it would be wise to use the alternate modes of service delivery (one-stop service centres, on-line services, etc.) that will be addressed shortly, and/or a generous territorial approach that includes the large urban centres where many provincial offices are located. A territorial approach cannot succeed without provincial services offices in "bilingual districts" covering Francophone communities or if offices in large urban centres only offer services en English.

Districting the provision of provincial and territorial public services cuts down on public expenditures and the potential backlash from Francophobes, but it also acknowledges Francophone communities. This sort of territorial recognition seems to be less important because of the urbanization of the last thirty years, but the reality is that most of the country's Francophones live in limited regions. A number of political geography studies¹²² have shown that, despite globalization, territory is increasingly a factor in determining community identity, especially among minority communities. We have known for a long time that linguistic groups, especially minorities, group themselves together in large cities or regions. These minorities stick together for a number of psychological, political and economic reasons. In all cases, they do it to attain critical mass. This territorial concentration applies as much to private institutions as to public ones.

122. For a review of the literature, see Bourgeois and Bourgeois, *op. cit.*

Territory becomes an “icon”, made sacred as an element of identity. The space maintains and creates collective identity, especially when the minority group is a majority inside it. It becomes an agent of socialization. Guntram Herb offers a succinct explanation of this thesis:¹²³

Over time, as a group occupies and narrates a particular territory, a transformation occurs. Instead of the group defining the territory, the territory comes to define the group. [...] As the territory becomes reified, individual members of the nation become socialized within the territorial unit that exists. The space itself helps to weld together fragmented individual and group experiences into a common nation story. The territory creates a collective consciousness by reinventing itself as a homeland.

The territorial identity of linguistic minorities has changed over the past two generations. People used to talk about the “homeland” or “ancestral land”, but these terms are no longer in fashion. On the other hand, linguistic minorities still identify with a space, even if they do so in a different way. For example, the Acadians of Dieppe, New Brunswick, have built strategic boundaries between themselves and the neighbouring city of Moncton, largely to make a linguistic and cultural distinction.¹²⁴ We should not be surprised to find that it is municipalities in which Francophones are the majority that contribute more to the linguistic and cultural development of their Francophone community: “The perceptions of municipal governments were clearly correlated with minority concentrations.”¹²⁵ However, it is essential to keep in mind that “density may not be destiny”.¹²⁶

The debate between the territorial and individual approaches is not easy to settle. For the purposes of our research, we conclude that the territorial approach seems to represent an acceptable compromise because it offers governments a way to maximize their efforts and gives the community symbolic recognition. Concrete services are just as important, and communities need services and communications to the public in French to be organized on a district basis. The individual approach (services and communications out of provincial and territorial offices located in the capital, for example) needs to be joined to the territorial approach (services and communications out of regional offices of provincial and territorial institutions serving a critical mass of Francophone citizens).

It is therefore also necessary to come up with alternative modes of delivery of communications and services as supplements to the territorial approach. Manitoba’s one-stop service centres are often cited as an example; federal, provincial and municipal authorities collaborate to deliver a multitude of their respective services in French. School-community centres (or schools, if they contain office space) can be used as sub-offices or sites for “visits” from civil servants serving rural and isolated Francophone communities. The evolution of Service Canada as a network of one-stop service centres, call centres and portals that will someday allow for the delivery of a range of French-language services by all the country’s government institutions should also be monitored.

Finally, it would be wise to develop and update the electronic sources of documentation in French, particularly websites. Newfoundland and Labrador’s Office of French Services intends to develop an interdepartmental approach to increase the quantity of information in French on provincial institutions’ websites and to ensure strategic participation in the French-language training program. In 2003, Manitoba’s French Language Services Secretariat set itself the objective of making sure that all administrative authorities keep their web-

123. Guntram Herb, “National Identity and Territory” in Guntram Herb and David Kaplan, eds., *Nested Identities: Nationalism, Territory and Scale* (Lanham, Maryland: Rowan & Littlefield, 1999), 9–30, 17.

124. Bourgeois and Bourgeois, *op. cit.*

125. Aunger (2005), “Regional Diversity”, *op. cit.*, 22.

126. O’Keefe, *op. cit.*, 21. See also Robert A. Stebbins, “The Franco-Calgarisians” in *French Language Leisure and Linguistic Lifestyle in an Anglophone City* (Toronto: University of Toronto Press, 1994) and François Grin, “European Research on the Economics of Language: Recent Results and Relevance to Canada” in Canadian Heritage, *Official Languages and the Economy*, New Canadian Perspectives (Ottawa: Canadian Heritage, 1997).

site up to date in French, but acknowledged the need for more human resources to do so.

Even so, these alternative mechanisms should not replace face-to-face contact. It is necessary to reach Francophones where they live. In-person services are often limited to large urban centres. While it is true that more and more Francophones are found there, it is also true that the majority of minority Francophones are not. Locating the regional offices of public institutions, both federal and provincial, in Francophone communities seems to us to be a better way not just to serve these communities, but also to contribute to their collective and economic development (we presume that the employees will live in these communities and that their offices will be rented).

Finally, the administrative means by which public services and communications are provided in French depend on the good will of elected officials and managers. We have seen that setting up administrative structures responsible for “Francophone affairs” has had a major impact in several provinces and that these bodies should have more and more success in transforming the organizational culture of provincial and territorial governments that are not very aware of the advantages of bilingualism. These governments have intervened in a growing number of increasingly complex matters in the last ten years while undergoing major fiscal restraints, including cuts to the federal transfers, and they are having to manage large deficits. Nonetheless, it seems to us that their organizational culture is much more positive and open than it was in 1988. This fact seems to be one of the most encouraging signs for the future of Francophone communities.

4. Sociolinguistic Vitality

All these efforts must ultimately ensure the development of Francophone communities. Sociology uses the concept of sociolinguistic or ethnolinguistic vitality. Born of research into social psychology, this concept presents a series of structural variables to describe and explain the many situational

variables influencing relations between ethnolinguistic groups in a given territory. After all, it is only when two ethnolinguistic groups come into contact that phenomena like assimilation appear,¹²⁷ as a homogenous, isolated ethnolinguistic group does not lose its language and culture to another group. We also know that this contact normally leads to the domination of the majority group over the territory. Thus structural variables influence the probability of the group behaving like a distinct and active collective entity in intergroup contacts¹²⁸ and, consequently, assuring its survival and development. There are three types of structural variables applicable to the respective groups: social status (social, economic, sociohistorical and linguistic prestige), demographic strength (number, proportion, concentration, exogamy, emigration, etc.) and institutional support (formal and informal representation within social institutions). The exact relationship between these variables has yet to be determined.

Rodrigue Landry feels that these variables create a certain “social determinism”.¹²⁹ The individual language behaviour of members of a minority community and their psycholinguistic development (language skills, affective dispositions, ethnolinguistic identity) depend more on their social environment than on their personal aptitudes or dispositions. This behaviour is closely linked to language skill and to an individual’s beliefs about what is appropriate in a given social context. These individual beliefs and skills that direct behaviour are forged gradually by linguistic experiences within an individual network of linguistic contacts. This network depends partly on daily geographic proximity. There is reciprocity between society and the

127. Rafael Ninyoles, *Conflicte lingüístic valencià* (Valencia: Tres i Quatre, 1969).

128. H. Giles, R. Bourhis and D.M. Taylor, “Toward a theory of language in ethnic group relations” in H. Giles, ed., *Language, ethnicity and intergroup relations* (New York: Academic Press, 1977), 307-348.

129. Rodrigue Landry, “Determinisme et détermination : vers une pédagogie de l’excellence en milieu minoritaire”, *Revue Canadienne des langues vivantes* 49 (1993): 887-927.

individual, but society dominates: “Society conditions individual experience and the individual becomes a mirror of society”.¹³⁰ In communities where individuals are part of an ethnolinguistic minority, language behaviour on a continuum between assimilation and survival is largely determined by the “ethnolinguistic vitality of the groups in contact”.¹³¹ This explains the primordial role of French-language schools for young Francophone minorities: “If the student’s language development is largely determined socially, this is the result of a process of socialization occurring not just at school but in the family and in the socio-institutional milieu”.¹³² In a linguistic environment with low vitality, the socio-institutional factor is normally in the service of the dominant linguistic community. Only the family resists assimilation. Thus the school acts as the main, though not the only, component of the “compensation balance”.¹³³

The provinces and territories should pay attention to the problem of vitality, insofar as the development that they wish to support is now conditional on it. The notion of vitality allows us to understand the complexity of the development objective and suggests possible strategic action. Several recent initiatives have sought to develop ways of evaluating this community vitality in order to better understand the challenges, plan development actions and measure progress.¹³⁴ This concept should include all future efforts. However,

130. Rodrigue Landry and Réal Allard, “Vitalité ethnolinguistique : une perspective dans l’étude de la francophonie canadienne”, in J. Erfurt, ed., *De la polyphonie à la symphonie* (Leipzig: Leipziger Universitätsverlag, 1996) 61–88, 70.

131. *Ibid.*, 72.

132. *Ibid.*, 79.

133. Rodrigue Landry and Réal Allard, “L’assimilation linguistique des francophones hors Québec, le défi de l’école française et le problème de l’unité nationale”, *Revue de l’Association canadienne d’éducation de langue française* 16 (1988): 38–53.

134. Apart from Johnson and Doucet’s study for the Commissioner of Official Languages, note the work of Rodrigue Landry and his collaborators, the research program by Anne Gilbert (“L’environnement et la vitalité communautaire des minorités francophones: vers un modèle conceptuel”, *Francophonies d’Amérique* 20 (2005): 51–62) and her collaborators, the assessment of the *Action Plan for Official Languages* of Canada and, peripheral to this, the initiative of the FCFA.

as one researcher noted, since an “a review of the data available raises many questions that cannot be answered or can be answered only partially with existing data”, there is as yet “no general theory of language vitality”.¹³⁵

Based on our research, we propose that the provinces and territories reflect further on two specific components of sociolinguistic vitality: subjective vitality and institutional completeness.

5. Subjective Vitality

The projections will quite probably play out differently in each of the country’s Francophone communities because, despite some similarities, the social, economic, political and demographic realities of each community differ. Above all, the projections will depend on the capacity of communities to ensure their own vitality. In this respect, a few data on the confidence of these communities are revealing. The data are presented in detail in Bourgeois, Bourgeois and LeBlanc¹³⁶ and come from a survey done by GPC International for Canadian Heritage in November 2002. Minority Francophone respondents were asked about their confidence in 1) the community’s capacity to stay strong; 2) the community’s ability to retain its young people; 3) the survival of the community; 4) the minority community leadership; 5) the capacity of community institutions to represent and serve the interests of Francophones; and 6) the capacity of the community to integrate outsiders. Table 28 juxtaposes Francophone perceptions of how well their interests are represented by federal, provincial and municipal authorities. Finally, Table 29 shows the respondents’ perceptions of what access to federal and provincial programs and services in French will be like in five years.

In general, minority Francophones are relatively confident about all six factors. The national average (including Quebec, which is not included in the table) ranges from 50% (ability to retain its

135. O’Keefe, *op. cit.*, 87.

136. Bourgeois, Bourgeois and LeBlanc, *op. cit.*

Table 27
Confidence of Francophone Communities, Provincial Averages (%)

	Percentage of Francophones Expressing Confidence in					
	Capacity of community to remain strong	Ability of community to retain its young people	Future survival of community	Minority community leadership	Representativeness of community institutions	Community's ability to integrate outsiders
NL	63	47	60	63	60	97
PE	77	68	77	81	74	94
NS	60	40	75	77	68	90
NB	82	55	80	81	75	97
ON	76	53	75	71	64	93
MB	72	66	72	83	64	97
SK	39	23	32	58	39	77
AB	65	37	67	74	48	89
BC	71	53	71	41	53	88
NU	83	33	83	83	50	83
NT	87	74	96	83	52	91
YT	93	57	90	93	57	90

Table 28
Representation of Minority Interests by Federal, Provincial/Territorial and Municipal Government Institutions, Provincial/Territorial Averages (%)

	Percentage of Francophones rating Representation of Minority Interests as "Excellent"		
	Federal Government Representation	Provincial/Territorial Government Representation	Municipal Government Representation
NL	47	43	47
PE	84	81	58
NS	45	43	65
NB	63	74	76
ON	64	47	64
MB	51	49	53
SK	32	26	16
AB	52	31	48
BC	35	29	24
NU	50	33	0
NT	52	35	13
YT	60	23	13

Table 29
Francophone Confidence in Future Access to Federal and Provincial Programs and Services in French (%)

	Access to federal programs and services in French in five years	Access to provincial/territorial programs and services in French in five years
	NL	30
PE	58	68
NS	48	35
NB	61	63
ON	43	32
MB	38	38
SK	32	19
AB	39	26
BC	59	41
NU	83	17
NT	74	35
YT	37	30

young people) to 90% (ability to integrate outsiders). If only 50% of respondents are confident that their community can retain its young people, only 27% are not (20% being “neutral”). Given that the question concerned the community of residence, it is conceivable that respondents considered that the migration of young people to other Francophone communities, near or far, merited a negative response. On the other hand, the high level of confidence in communities’ ability to integrate outsiders suggests that respondents may be afraid of being accused of racism if they reply otherwise.¹³⁷ It can thus be concluded that the level of confidence in relation to the six factors is around 75%.

It should be noted that there are major differences between the provinces and territories, however. Whereas the confidence of New Brunswick and PEI Acadians in all the factors is high, that of the Fransaskois is low. The confidence of other Francophones usually falls between these two extremes, but is in some cases higher (Manitoba Francophones with respect to community leadership) or lower (BC Francophones with respect to same). We would add for the purpose of comparison that, more often than not, Quebec Anglophones express confidence levels close to that of Fransaskois. Confidence levels also differ within a given province or territory. The confidence levels of Alberta and BC Francophones, for example, fluctuate above and below the national average, depending on the factor. Finally, we would point out that limited sample sizes prevent any conclusions with respect to the territories.

In general, minority Francophones think that federal authorities represent their interests well, but think the opposite about the provincial/territorial and municipal authorities. However, Francophones in Newfoundland and Labrador, Nova Scotia, Saskatchewan and British Columbia gave federal authorities a poor score while Francophones in New Brunswick gave all three a good score, and provincial authorities a higher one than the federal.

Francophones in Newfoundland and Labrador, Nova Scotia, New Brunswick, Ontario and Manitoba gave the highest score to their municipal institutions. Those in Alberta gave a higher score to their municipal authorities than to their provincial authorities, though not as high as the one they gave to the federal authorities. These high scores are most likely explained by the fact that several municipalities in these provinces have declared themselves bilingual or Francophone.

Only five provinces and territories out of twelve (including Nunavut and the Northwest Territories, where the sample was too small to make a valid analysis) have a majority of Francophones who expect to have access to federal programs and services in French in 2007, while only two have a majority expecting access to provincial/territorial services. Thus, despite progress by the two orders of government in the past forty years, the vast majority of Francophones are pessimistic about maintaining what they have won, especially at the provincial level. The conclusion is obvious: Francophones “are generally dissatisfied with their provincial governments”.¹³⁸ Those in the West, especially Fransaskois, have low confidence, while the confidence of those in Prince Edward Island and New Brunswick is high. It is curious that there was not two-thirds confidence in New Brunswick, given New Brunswick’s official bilingualism.

Finally, these tables reflect the confidence (or lack of confidence) of Francophones throughout the country. This is what is known as their “subjective vitality”.¹³⁹ Subjective vitality, like objective vitality, comes back to the social, political and economic transformations discussed at the start of this section on projections. As one researcher has observed, this is especially true of geolinguistic factors: “Of all the regional divergences that differentiate official language minorities, local concentration is among the most significant.”¹⁴⁰

138. *Ibid.* 50.

139. Landry and Allard (1996), *op. cit.*

140. Aunger (2005), “Regional Diversity”, *op. cit.*, 11.

137. Bourgeois, Bourgeois and LeBlanc, *op. cit.*, p. 40.

In other words, one of the factors that play the greatest role in determining the confidence of Francophone minorities is their demolinguistic concentration: the more Francophones there are in a region, the higher their confidence. This is most likely explained by the fact that the higher the concentration of Francophones, the more likely the area is designated as bilingual and receives public services and communications in French. Thus, the larger the community—mainly in terms of proportion, but in absolute figures as well—, the more access it has to French-language communications and services from federal and provincial authorities, including educational services, and the more likely it lives in a bilingual municipality that also offers communications and services in French. The correlation between critical mass and confidence results from the provision of such services.

Demographic concentration must not be considered the essential factor. Sociolinguistic vitality also includes status and institutional support. There is also a close correlation between critical mass and these other two factors. In other words, the larger a Francophone community, the more likely it is to have its language officially recognized, if not by legislation, then at least by regulation or administrative measure, and the more likely it is to have institutional support, including public institutions like schools. This does not mean that “dispersed” and isolated Francophone communities are less vital.¹⁴¹ “Network defined space” has replaced territorial space in many Francophone communities, particularly in urban settings.¹⁴² It should therefore not be concluded that critical mass is essential to linguistic vitality and that the latter depends on “survival thresholds” based on “the percentage of speakers of a minority language

at a given time”.¹⁴³ In other words, “Density may not be destiny after all”.¹⁴⁴

6. Institutional Completeness

Among the other societal factors contributing to sociolinguistic vitality are social institutions. When linguistic groups come into contact and one of them is in the minority, it needs social institutions allowing it to combine its individual forces to maintain its language and culture. A minority needs “institutional completeness” to survive;¹⁴⁵ it needs social organisations to constitute a viable collective entity¹⁴⁶ and transmit its language and culture to the next generation.¹⁴⁷ Without collective institutions, a minority cannot have a real “community life”, and without such a community life, a minority is eventually assimilated.¹⁴⁸ As Landry and Allard explained, “[Translation] The more a group controls its own institutions or exercises power within important social organisations, the higher the group’s linguistic vitality and the more the language will be used socially and institutionally.”¹⁴⁹ Apart from school and the family, Breton spoke of social or civic institutions such as the church and social clubs.

In research on the Fransaskois community, Denis found that institutional completeness depends not only on the number of service sectors available in the language of the minority group but on the proportion as well. This proportion, which ranges from “very high” for communities with

141. Sheldon Goldenberg and Valerie A. Haines, “Social networks and institutional completeness: From territory to ties”, *The Canadian Journal of Sociology* 7, no. 3 (1992).

142. Anne Gilbert, *Espaces franco-ontariens* (Ottawa: Les Éditions du Nordir, 1999).

143. Grin, *op. cit.*, 40.

144. O’Keefe, *op. cit.*, 21.

145. Raymond Breton, “Institutional completeness of ethnic communities and the personal relations of immigrants”, *American Journal of Sociology* 70 (1964): 193–205.

146. E. Allardt, “What constitutes a language minority?”, *Journal of Multilingual and Multicultural Development* 5 (1984): 195–205, and J. de Vries, “Factors affecting the survival of minorities: A preliminary comparative analysis of data for Western Europe”, *Journal of Multilingual and Multicultural Development* 5 (1984): 207–216.

147. Joshua Fishman, *Language and ethnicity in minority sociolinguistic perspective* (Clevedon: Milingual Matters, 1989).

148. *Ibid.*

149. Landry and Allard (1996), *op. cit.*, 64.

strong institutional completeness to “very low” for communities at the other extreme, is closely related to community vitality, which follows the same trends. In this case, community vitality was measured by the number of volunteer organizations and associations. Institutional completeness and vitality directly influence linguistic continuity. Another important factor in the development of the local institutional system, however, is access to resources, whether community resources, or external resources such as government subsidies. Other internal factors that are difficult to measure, such as the quality of leadership, historical precedents and differences in social strata or classes, can influence access to resources, as can participation in provincial and/or national networks. However, “[Translation] there are also economic and political factors in the dominant society that can not only hinder development of institutional completeness and community vitality but also destroy a community’s institutions”.¹⁵⁰

In the past few years, research into minority institutional completeness has focused more on public institutions than on civil or social institutions. Researchers from several disciplines have concluded that “structures give structure” as “territories territorialize”. In other words, administrative boundaries and the functions attributed to regional commissions, notably, determine the stakes, the players and their identity. This seems even truer for peripheral or minority groups who, as we have seen, make their territory “sacred”. As a consequence, some researchers speak of a “territorial” or “communitarian” trend in nationalism.

Some researchers having dealt specifically with sub-state institutional completeness for linguistic minorities conclude that there is an institutionalization of territory and a territorialization of institutions.¹⁵¹ Others show that minority elites seize control of state institutions, such as municipalities

and school boards, especially where the minority is in the majority, and turn them into political instruments for the benefit of the minority. Moreno (2000) deduces from this the following hypothesis: the more a minority exercises power over a territory and specific functions through a sub-state institution, the more the minority will seek to use it to strengthen minority identity; the more a minority seeks to use sub-state institutions to strengthen minority identity, the more it will seek to exercise greater power over its territory and decentralized functions through the sub-state institution. In other words, to return to certain theories of administrative decentralization, the more decentralized an organization is, the more its management will seek greater autonomy. Making the minority autonomous may create a dichotomy between the minority and the state: “Under what conditions can local functional autonomy based on cultural identity lead to the construction of a political identity whose values are no longer congruent with those of the state?”¹⁵² A study of territorial and functional segregation and integration in southeastern New Brunswick with respect to schools, municipalities and hospitals, led to the conclusion that the dichotomy is not necessarily dangerous and such administrative accommodations avoid zero-sum political struggles.¹⁵³ The authors feel that not only does minority control of sub-state institutions enable the minority to express its special needs and realities on the political scene, but it provides (limited) political leverage for symbolic recognition and the implementation—through state taxes, in particular—of projects legitimized by the “state” status of the institution under their control.

We have seen how a dilemma is posed between government intervention and minority institutional completeness in that the one often works against the other. The government of Prince Edward Island

150. Wilfrid Denis, “La complétude institutionnelle and la vitalité des communautés francophones en 1992” *Cahiers franco-canadiens de l’Ouest* 5, no. 2 (1993): 253–284.

151. For a survey of the literature on this topic, see Bourgeois and Bourgeois, *op. cit.*

152. William Safran, “Spatial and Functional Dimensions of Autonomy: Cross-national and Theoretical Perspectives” in William Safran and Ramón Maiz, eds., *Identity and Territorial Autonomy in Plural Societies* (London: Frank Cass [Routledge], 2000), 11–34, 29.

153. Bourgeois and Bourgeois, *op. cit.*

probably had good intentions when it restructured its administrative system for the delivery of health care in 2004, but in so doing, it deprived the Acadian community in the Évangéline region of a certain amount of control over the operation of the community health centre. The quarrel between Franco-Ontarians and the provincial government in the *Montfort* affair is another example of provincial administrative rationality working to the detriment of Francophone political rationality. Other examples could be cited, but the point is clear: Francophone community institutions serve identity-building, symbolic and political purposes as much as intrinsic sectoral purposes, and they should not be sacrificed just to obtain a larger number and/or a better quality of provincial or territorial public services. Decisions should result in a win-win situation. Governments should implement compensatory alternative models or “positive measures” if gains for the community in one respect risk losses in another.

One “minority” institution seems to us to be fundamental and that is municipalities. It is difficult to conceive of two municipal councils, one for Francophones and another for Anglophones, within the same municipality. Nevertheless, Francophones have the democratic power in many municipalities to elect Francophone councillors to “control” municipal institutions for their purposes. Subsection 43(1) of Canada’s *Official Languages Act* requires the Department of Canadian Heritage, among others, to take such measures

it considers appropriate to advance the equality of status and use of English and French in Canadian society [...] encourage and assist provincial governments to support the development of English and French linguistic minority communities generally and, in particular, to offer provincial and municipal services in both English and French and to provide opportunities for members of English or French linguistic minority communities to be educated in their own language.

It seems to us to be appropriate to initiate a program of tripartite (federal, provincial/territorial and municipal) cooperation to encourage the development of official language minorities.

Indeed, French-language services in the many municipalities of the various Anglophone provinces are relatively underdeveloped. New Brunswick and Ontario are the two provinces where municipal services can be offered in French depending on the region. New Brunswick has more obligations in this area because of its *Official Languages Act*. Ontario’s *French Language Services Act* exempts municipalities from any obligation to provide French-language services, but certain municipalities in Francophone regions, mainly in the east and north, do so anyway. In the other provinces, municipal services in French are minimal.

The effort should both favour the provision of municipal services in French, including in municipalities serving a sufficient critical mass of Francophones, and recognize that municipal institutions have an important role to play in the development of the French language and culture and of Francophone communities. This implies that the provinces and territories will not amalgamate majority Francophone and majority Anglophone municipalities, at least not without compensatory measures, and that they will obligate municipalities where Francophones represent a large critical mass to offer their public services and communications in French. The *Charter of the French language* gives Anglophones who represent the majority of the population in a Quebec municipality the right to such services and communications in English, but this threshold seems to us to be too high. A threshold of 20%, like New Brunswick uses, seems appropriate. For example, Newfoundland and Labrador’s Office of French Services has identified the development of municipal services in French as a relevant area of service delivery in its strategic plan and intends to work with the municipalities of Labrador City and Cap-Saint-Georges to carry it out.

When it comes to government in Canada, municipalities, be they large or small, are the most immediately and directly involved with citizens. The latter turn to their municipalities for all kinds of services: building permits, roadwork, water and

sewer services, and all manner of information services. It is thus important for Francophones to be able to deal with this level of government in French and obtain services in their language. It is just as important for them to see the municipality as a tool in their service, especially when they are the majority.

7. Schools as Cultural Centres in the Francophone Community

Even though our research did not address the education sector, it kept coming up in the interviews and in the survey responses. A number of respondents, both community and governmental, reaffirmed the importance of French-language schools as the public institution and provincial and territorial service fundamental to the development of Francophone communities. Despite the hesitations of a number of community respondents, both sides seem to feel that the struggles for full schools governance are over. Both sides share the opinion that schools have not just an instructional, linguistic and cultural role, but a community one as well. For example, one civil servant told us that “[Translation] we have to convince the [other] civil servants that it isn’t enough to teach in French; we have to create an infrastructure around the school” that would also embrace health and justice services, for example. School-community centres were often mentioned as models.

In the *Mabé* decision, the Supreme Court of Canada said that “minority schools themselves provide community centres where the promotion and preservation of minority language culture can occur; they provide needed locations where the minority community can meet and facilities which they can use to express their culture”.¹⁵⁴ In *Reference re Public Schools Act (Man.)*, it recognized that “minority schools play a valuable role as cultural centres as well as educational institutions”.¹⁵⁵

It added that these schools should be located in a distinct physical setting to be able to fulfill this role and that a school allows the child to participate in “extracurricular activities” in the community.¹⁵⁶ This explains “the importance of official language minority schools to the development of the official language community” and the importance “of circumstances where community development will be enhanced”.¹⁵⁷

French schools thus have a community development mandate. It can be said that their presence and services in themselves make an enormous contribution to this development, but the Court adds another effort. French schools have an instructional mandate similar to that of English schools, plus the instructional mandate of meeting the individual linguistic and cultural needs of the community they serve, but they also have an additional extra-curricular mandate. They must not only adapt curricula to the special needs of the Francophone community, but also develop new curricula and extra-curricular programs. They have to emphasize local, national and international Francophone culture in the curriculum. For example, Acadian schools could use Acadian dictionaries to promote Acadian vocabulary, offer Acadian cooking courses and use books of Acadian poetry as texts for teaching literature. They also have to contribute to the community’s cultural development. This implies that their facilities could be used for community cultural events after school hours. French schools could make their auditorium available to local theatre groups and artists touring the schools, or use it to stage public performances by student musicians and drama groups.

Consequently, the provinces and territories have work to do to incorporate education into an overall integrated development plan for Francophone communities. Governments need to integrate the efforts of the education and Francophone affairs authorities within their own apparatus, and within

154. *Mabé v. Alberta*, [1990] 1 S.C.R. 342.

155. *Reference re Public Schools Act (Man.)*, s. 79(3), (4) and (7), [1993] 1 S.C.R. 839.

156. *Arsenault-Cameron v. Prince Edward Island*, [2000] 1 S.C.R. 3, para. 8

157. *Ibid.*, para. 27.

the Council of Ministers of Education, Canada (CMEC) as well. Above all, they need to make sure that French-language schools can play their twin role and build bridges between education and other community sectors.

8. Other Challenges

To these projections, we add the challenges that we feel it is important for the federal government and the provinces and territories to meet. We felt that these challenges are important, based on the data we gathered in this study.

a) Francophone Immigration

The provinces and territories will have to deal more seriously with Francophone immigration in the next few years, considering the growing interest in it on the part of the Francophone and Acadian communities and the federal government. The communities began to be noticeably interested in 1994, when a conference organized by the FCFA and the Office of the Commissioner of Official Languages posed the issue of the reception of Francophone immigrants at the national level. The FCFA asked for positive measures from the federal government, and the latter created the Citizenship and Immigration Canada–Francophone Minority Communities Steering Committee in 2002. The Commissioner of Official Languages continues to study the issue¹⁵⁸ and to work for language provisions to be included in the new *Immigration and Refugee Protection Act* of 2002.

The communities see immigration as a way to stem the decline in their demographic weight in the country. They feel that they have been denied the opportunity to benefit from migratory contributions in the past and they now want to catch up. The federal legislation and involvement by some provinces and territories strengthen their determination.

The commitment of the provinces and territories to recruit Francophones immigrants cov-

ers only one aspect of the problem, however. The issue of Francophone immigration also involves the retention of newcomers, which raises the issue of reception and integration. Federal–provincial/territorial agreements on immigration are an excellent tool for strengthening this commitment, so long as they leave room for official language minorities.

Although the Francophone and Acadian communities have themselves migrated considerably within Canada, they have less experience in receiving foreign immigrants. This low reception capacity was noted in a study a few years ago.¹⁵⁹ A more recent study notes that Francophones are generally favourable to immigration, but this openness seems “largely theoretical” as there is a “huge gap in understanding about newcomers”.¹⁶⁰ It adds that “a number of Francophone newcomers have problems integrating and [...] most of them are dissatisfied with the support services they are receiving”.¹⁶¹

Apart from reception, there is the challenge of integration. Integration at the economic level, with a job and suitable living conditions, must come first, for there is no use thinking about cultural integration without economic integration. Newcomers who are not economically integrated have the mobility to go elsewhere. It is therefore necessary to ask whether Francophone and Acadian communities are able to reconcile their labour needs with what immigrants have to offer. This is where the challenge of recognizing qualifications and experience acquired abroad comes in. We know this is a major obstacle for many immigrants.¹⁶²

159. Stacy Churchill and Isabel Kaprielian-Churchill, *Facing Pluralism, The Future of Francophone and Acadian Communities in a Pluralistic Society* (Ottawa: Fédération des communautés francophones et acadienne du Canada, 1991).

160. PRA inc., *Evaluation of the ability of minority Francophone communities to host newcomers*. Final report (Ottawa: Fédération des communautés francophones et acadiennes du Canada, 2004), 49, 98 [Page references are to French version].

161. *Ibid.*, 44.

162. Jean Lafontant, ed., *La reconnaissance des diplômés internationaux francophones en santé: un potentiel pour les communautés francophones en situation minoritaire au Canada*, Report submitted to the Consortium national de formation en santé (Moncton: Canadian Institute for Research on Linguistic Minorities, 2006).

158. Jedwab, *op. cit.*; Carston Quell, *op. cit.*

This rapid overview sets out some of the major challenges that provincial and territorial governments will be called upon to help solve. Besides attracting and recruiting Francophone immigrants, governments will have to consider supporting intercultural awareness measures in host communities, measures to recognize immigrants' skills, economic revitalization measures for host regions, etc.

Interprovincial migration is another characteristic that differentiates regions in the Canadian Francophonie. While Acadians are twice as sedentary as Francophones in the West, the Western Francophonie receives four times as many Francophones from other provinces as Acadia does. In both respects, Franco-Ontarians are in the middle. In addition, many more Francophone immigrants settle in Ontario, and to a lesser extent in the West, while Acadia attracts few Francophone immigrants.

Table 30
Comparison of Regional Francophone Minorities (Permanent Residents) by Place of Birth and Residence

Place of Birth and Residence	West (%)	Ontario (%)	East (%)
Same province	41	59	87
Another province	43	26	11
Another country	16	16	2

Source: Aunger (2004), *op. cit.*, 13.

b) Image

“That thing the provinces and territories have for Francophones?” That is how clear an image the Ministerial Conference on the Canadian Francophonie seems to have. Those of our respondents who are not Conference members are vaguely aware that there is a provincial and territorial body dealing with Francophone affairs, but that is about it. The Conference has an image problem. It does not have a bad image; it has none.

There are extenuating circumstances, of course. The Conference has only existed for about a decade

and for a long time it was just an annual activity. It has few resources for promoting itself. For that matter, Francophone affairs is not an issue that moves journalists, at either the national or the provincial and territorial levels.

Nevertheless, there is a sense that things are about to change for the better. There are hints that the provinces and territories are making a collective effort to strengthen the Francophone Affairs portfolio, though there is no reliable public source of information to support this, the Conference's website having remained essentially unchanged for several years.

The Conference undertook, at its meeting in the fall of 2005, to redefine itself under a new name and to beef up its mandate. This is a first step toward an image equal to the desires expressed within the Conference and the expectations already fermenting in the communities. Now it needs a more universal communication strategy supported by resources and implemented effectively in a timely fashion. If the Conference really has “the wind in its sails”, as one of the federal respondents suggested, it must not wait until the wind fails to hoist its colours.

c) Governance

The provinces and territories will be called upon to get on board with horizontal governance. The idea of governance is relatively new and denotes a certain openness in decision-making processes. Horizontal governance has been making progress within the federal government for about a decade. Although its direction is not completely set as yet, the Commissioner of Official Languages nonetheless observed that “horizontal governance is based on the idea that stakeholders from various environments work together to achieve common goals, making the most of each stakeholder's particular expertise, experience and knowledge”.¹⁶³

163. Office of the Commissioner of Official Languages, *Official languages in Canada: Taking on the New Challenge, Annual Report 2005–2006* (Ottawa: Minister of Public Works and Government Services Canada, 2006), 13.

This approach can be used within the government apparatus and in government's relations with its citizens. The Commissioner determined four basic principles of healthy governance for the relationship between government and its citizens: sharing of knowledge, sharing of resources, mutual trust between stakeholders and sound management (clear mandate, strong leadership, common objectives and processes, assessment of results, and long-term perspective).

These observations about the federal government are valid for the other levels of government. They also tie in with the desires of Francophone and Acadian communities. As part of a process of collective reflection that has just begun, the FCFA is making governance one of its main issues and defines governance as “[Translation] the way in which citizens are called on to participate in decision-making, organizing action and accountability”.¹⁶⁴ The issue that these communities identify is that of being represented within the advisory authorities where they can express their point of view to government. Their expectations in this regard are higher than ever, thanks largely to forms of joint governance instituted in the economic development, immigration, health and justice sectors, as well as in the Canada–Community agreements.

Until now, it has been the federal government that has usually initiated mechanisms for shared governance with the communities. Although the provinces and territories sometimes participate, they are usually reticent about applying such an approach themselves. They are however going to have to answer for this because, given the current national context that seems to encourage asymmetry, the devolution of powers, etc., the communities intend to get closer to the provinces and territories on Francophone affairs.

d) Early Childhood Development

The challenges in the early childhood sector are numerous. We have already identified the main issues in previous sections, and will limit ourselves here to identifying those that could have serious consequences for the future if they are ignored.

It seems obvious that, in many provinces, efforts to develop an integrated approach to early childhood development will continue to be hamstrung by the complexity of government if new mechanisms for coordination and cooperation are not devised. The challenge of making lateral connections between departments as imposing as those responsible for health, education, social services and justice, each with its own policies, programs and criteria, can seem insurmountable. Nevertheless, certain provinces are doing it, even in French. The coordination mechanisms are often still in the development stage, but this does not mean that they are impossible to set up. Earlier in this report, we brought up the notion of “horizontality” and without going into another explanation of the concept, we want to emphasize its relevance. If Francophone schools and school systems are going to act as a bulwark against assimilation and fulfill *Charter* obligations, early childhood needs to be protected as well. Francophone families thus need to be supported from the time they are preparing for childbirth through kindergarten by education, health and social service programs at least. In other words, a holistic, rather than a fragmented, approach to early childhood needs is required.

Even when governments do support innovative projects combining early childhood needs and the French language, they may not achieve the desired outcomes. One important factor is the lack of in-depth needs analysis. Too often, needs analyses deal only with the immediate or visible. This means that the resources supplied are often limited to space, resource people or certain operating costs. In many cases, volunteers are responsible for indirect costs, such as the purchase or development of staff training, resourcing and reinforcement programs,

164. Fédération des communautés francophones et acadienne du Canada, *Guide de réflexion sur les enjeux: Sommet des communautés francophones et acadiennes* (Ottawa: FCFA, 2006), 2.

instructional or informational material, and so on. Communities may not be aware of all these indirect costs until they are faced with serious problems such as a lack of material or staff turnover. The success of early childhood projects and centres and their positive impact on the Francophone community will depend on full concrete analyses and access to appropriate resources.

Many respondents told us that, even in provinces with constitutional obligations, there is often considerable reticence on the part of government to innovate, or to support new projects like French-language early childhood projects, for fear of creating a precedent. The fear is that if the government develops or supports something for Francophones, it will either have to develop the same thing for the Anglophone majority or for all multicultural groups. We are not suggesting that this type of political problem is not real, but there must be a way around it. Perhaps recognition of the basic principles of linguistic duality by all governments might help. The “value-added” concept raised above is also an argument to consider.

It is true that the developments proposed by Francophone communities in the field of early childhood require resources that are not always available. However, the availability of resources often depends on political will and government priorities. Government priorities can change. One important factor determining government priorities is the Cabinet members’ perspective on certain social developments or problems. Early childhood development expenditures can be perceived as a cost or an investment. Studies show that money spent on early childhood development and the education of young people greatly reduces social service, justice and health costs down the road. The same logic should apply to Francophone communities. Investing in early childhood is investing in the future.

e) Health

Health is a complex sector and we have barely scratched the surface. It is also a sector to which all levels of government are deeply committed. The resources dedicated to it are enormous, but Canadians are generally supportive of health initiatives. A fundamental question is how to find the resources and mechanisms to make access to health services fair and equivalent for minority Francophones.

Modern—or, as some currents of thought would have it, post-modern—society, is highly diversified and complex, and communication is much more rapid and abundant than in the past. The speed of e-mail compared to the postal service of the 1940s or 1950s is a good example. Governments thus have to deal with rapid turnover and a high-pressure environment. In such a context, perspectives are generally short-term. Very few people take the time to think about history or to take a long-term perspective. Nevertheless, history has important lessons for those who are open to them. Canada has not always been generous with its minorities. One has only to think of the treatment of the Aboriginal peoples, the internment camps for Ukrainian and Slavic immigrants in World War I, the Japanese internment camps in World War II, the refusal to take Jewish refugees in World War II, and so on. The history of discriminatory legislation and policies with respect to Francophones is not much better. Successive governments, no matter what their political stripe, adopted measures that they thought were for the best in the context of the time. Even when repressive laws are repealed, their repercussions are felt by later generations of the minorities concerned. What characteristics of today’s society will future analysts mull over? Will administrative tardiness, the complexity of programs and criteria and their failings haunt future governments? Dismissing these questions too hastily could deprive long-term obligations of due consideration.

The inequity of developments in health care for Francophone communities shows a need for more consistent and systematic strategies on the subject. On the one hand, provincial and territorial governments jealously defend their autonomy and their constitutional areas of jurisdiction. On the other hand, the federal government has an obligation to develop and implement national standards. Harmonizing these two dimensions can require long negotiations. Linguistic duality and access to healthcare services for Francophone communities have to be kept on the agenda of interdepartmental meetings on health care in order to create more uniformity in approach and services. There must be ways to standardize to a certain point the strategic healthcare plans of these communities and create more harmony between all the governments and agencies concerned. We recognize the size of the task, but the needs are real and citizens are supposed to have the same rights across Canada.

The inequity of the way in which Francophone communities are treated in the healthcare sector is so profound that citizens' rights may be compromised. This inequity denies Francophones in many communities equal access to primary health care. When it exists, this care is far from equal to that enjoyed by the majority. The more development is delayed in these communities, the farther they will fall behind and the harder and more expensive it will be for them to catch up. If most Canadians are not ready to accept two-speed health care in Canada, a fast track for the rich and a slower one for the less well off, why are we ready to accept two-speed health care on linguistic grounds?

Cultural tourism is an interesting area of intervention, allowing communities and provincial and territorial governments, in cooperation with the federal government, to contribute to the communities' economic development, to recognize the value of the French language and culture and to raise awareness of Francophone cultural advantages among neighbouring Anglophones. However, despite some progress since 1988, this area remains under-developed and instable. *Le Village*, for

example, the pillar of Acadian cultural tourism in Prince Edward Island, is facing major financial challenges and no longer plays the role it did ten years ago. On the other hand, Acadian cultural tourism in Caraquet and Bouctouche and other locations is very successful. There is no evidence that Acadian cultural tourism is more attractive in New Brunswick than it is in PEI, but the success of the former is no doubt partly due to favourable provincial marketing strategies. PEI's Department of Tourism supports Acadian cultural tourism, including tourism in the Évangéline region, but its investment is not sufficient to compete with New Brunswick attractions. Francophone cultural tourism has to compete in an increasingly global market. A study on the full potential of Francophone tourism, at the provincial/territorial and national levels, would appear to be quite appropriate.

Conclusion

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In 1978, the *Fédération des francophones hors Québec* published *Deux poids, deux mesures*, a study showing how much better Anglophones in Quebec were treated than Francophones living elsewhere in Canada. Thus, Francophones “[Translation] found themselves in a diametrically opposed situation: their former rights have been taken away, their legitimate aspirations have been ignored and their language has been ridiculed.”¹⁶⁵ Indeed, the Anglophone minority in Quebec was running its own school system and receiving a range of media, legal, social and health services in English pretty much everywhere in Quebec. Thus, despite the French unilingualism endorsed by the 1977 *Charter of the French language*, other measures guaranteed many services in English in Quebec. Except for New Brunswick, which has been officially bilingual since 1969, no other province or territory offered such public services to its linguistic minority ten years after the initial reports of the Royal Commission on Bilingualism and Biculturalism. Another assessment done after the second federal act was passed shares this conclusion.¹⁶⁶

This conclusion is no longer valid, however. On the one hand, the Quiet Revolution, the *Charter of the French language* and economic and demographic changes have caused “psychological discomfort” to the Anglophone minority and reduced the number and quality of public services in English

in Quebec.¹⁶⁷ On the other hand, the provincial and territorial governments have changed direction and taken gradual and significant steps in a number of sectors to encourage the development of the country’s Francophone and Acadian communities. If much remains to be done, it is necessary to acknowledge that much has been done. This is our principal conclusion, to which we add three secondary observations.

First, it is important to publicize the provincial and territorial governments’ major accomplishments in the area of official languages. If these governments have sometimes opposed the Francophone and Acadian communities, particularly with respect to educational rights since 1982, they have also contributed to the development of these same communities by other means. The current situation may not be quite what the leaders of these communities would like, but one must render unto Caesar that which is Caesar’s.

Second, despite the significant progress that has been made since the work of the Royal Commission on Bilingualism and Biculturalism and especially since 1988, the provincial and territorial government achievements are not as great as those of the federal government. Thus, the federal government can be forgiven for daring to push the provinces and territories to act in the area of official languages, for the provinces have rarely assumed their full responsibilities in this area. This second observation is more important because the areas under provincial and territorial jurisdiction—education,

165. Francine Lalonde, *Deux poids, deux mesures : les francophones hors Québec et les anglophones au Québec : un dossier comparatif* (Ottawa: Fédération des francophones hors-Québec, 1978), 59.

166. Jean-Pierre Proulx, “Le choc des Chartes : histoire des régimes juridiques québécois et canadien en matière de langue d’enseignement”, *Revue Juridique Thémis* 23 (1989): 65.

167. Garth Stevenson, *Community Beseiged: The Anglophone Minority and the Politics of Quebec* (Montreal and Kingston: McGill-Queen’s University Press, 1999).

health and early childhood development—are those that research shows to have the most potential to contribute to the development of Acadian and Francophone communities. Certainly, federal intervention, be it efforts to persuade the provincial governments to include minority educational rights in the *Canadian Charter of Rights and Freedoms* or funding through the federal–provincial/territorial agreements on official languages and the Official Languages in Education Program, is a very important, and even decisive, factor in many jurisdictions. Nevertheless, it is the provinces and territories that intervene the most directly in the sectors that are the most crucial for the development of Francophones.

Third, provincial and territorial intervention seems to us to be reactive and ad hoc. The provinces and territories have no strategic plan in the area of official languages. When the federal government agrees to invest in an area of provincial or territorial jurisdiction, or an area of shared jurisdiction, as in the case of the agreements on health and early childhood services, the provincial and territorial governments seem little inclined or prepared to include a language clause to ensure that the intervention reflects the unique needs of Francophones. One could conclude that several governments think that official languages, and by extension, the development of the Francophone minority, are an area of exclusive federal jurisdiction.

On the other hand, the provincial and territorial governments have increasingly set up administrative structures—and the Ontario government, an entire ministry—to ensure that the provision of French-language services and the development of Francophone communities are a daily concern for provincial and territorial institutions. These structures are relatively new and have no authority over other government institutions. They barely manage to coordinate the various actions of the other branches of government. This was for a long time a shortcoming of federal language policy under Canadian Heritage and it took two Cabinet interventions (in August 1994 and March 2003)

to coordinate the horizontal responsibilities of Canadian Heritage (and, since 2003, of the Privy Council) with the vertical responsibilities of various federal institutions. The Francophone affairs directorates of the provinces and territories are facing the same challenge, and it does not look like the provinces and territories will follow the federal example and adopt an accountability framework for official languages. However, recent moves, especially in Ontario (the language planning policy of 2005) and Nova Scotia (the institutional strategic plans that will be adopted through regulations in December 2006), foreshadow a more proactive, integrated and strategic effort in future.

If the provincial and territorial governments succeed in planning their intervention in the area of official languages so as to bring it into accord with the Francophone communities' overall development plans and the federal *Action Plan for Official Languages*, and if the three authorities (federal, provincial/territorial and community) involved in official language governance in Canada succeed in cooperating effectively and producing results that allow Francophone communities throughout the country to develop, the assessment that will be done twenty years from now will be even brighter than this one.

Finally, we would stress that the fundamental importance of education in the vitality of the country's Francophone and Acadian communities cannot be ignored. We have not addressed this sector here because it has been abundantly studied elsewhere. As we previously stated, no assessment or projection would be complete without a consideration of the role of French-language schools in the development of the minority Francophonie, in terms of both pedagogy (learning in French) and culture, community and identity (learning things about Francophone communities). We also noted their importance when we talked about school-community centres and school facilities available for nursery and childcare services and even federal, provincial and territorial civil servants. We would add that a number of the government representatives interviewed often referred to the school sec-

tor. In the words of one minister responsible for Francophone affairs, encouraging parents to enroll their children in French-language schools is probably his most important role, even though it is a role that directly falls to his education colleague. We would also add that the French-language education access index rose from 80% in 1970–71 to 86% in 1995–96,¹⁶⁸ and is now even higher. This bodes well for the survival and development of Francophone communities. Nevertheless, a good proportion of the children of entitled parents do not attend French school¹⁶⁹ and full schools governance has not been achieved.¹⁷⁰ Here again, there is still work to do, but French-language schools and school boards are in place throughout the country and are tools enabling governments and Francophone communities to cooperate in the education sector as a pillar of Francophone collective development. The development of French-language education since 1982 suggests that the entire apparatus of government will soon feel the indirect impact; as one respondent predicted, “[Translation] The young people graduating from Francophone-managed schools expect to receive services in French” from all government authorities.

The progress since 1988 seems to be snowballing. The federal Action Plan and the measures it proposes imply a greater role for the provinces and territories and closer cooperation between the two orders of government. The Ministerial Conference on the Canadian Francophonie has the wind in its sails and cooperation on language matters among the provinces and territories, including Quebec, is promising. Alberta plans to adopt a policy on French in the fall of 2006. Shortly thereafter, the Nova Scotia government will be adopting regulations and departmental plans related to its language legislation. Pushed by the courts, the gov-

ernment of the Northwest Territories will have to improve its delivery of French-language services. Someday the government of Prince Edward Island will proclaim the remaining sections of the *French Language Services Act*. Full governance of French-language schools is at hand. Provincial government cooperation with the French-language health networks and the RDÉE is on the rise and improving. Legal and municipal services are increasingly available in French throughout the country and more and more municipalities are declaring themselves bilingual. The list goes on. As a consequence, it is logical to predict that the next assessment will be much more encouraging than this one.

168. O’Keefe, *op. cit.*, 78.

169. Rodrigue Landry, *Libérer le potentiel caché de l’exogamie : Profil démographique des enfants des ayants droit francophones selon la structure familiale* (Moncton: Canadian Institute for Research on Linguistic Minorities, 2003).

170. Daniel Bourgeois, *Vers la pleine gestion scolaire francophone en milieu minoritaire* (Moncton: Canadian Institute for Research on Linguistic Minorities, 2004).

Appendix A: Methodology

append

The study was conducted between June 2005 and June 2006 using three techniques. The four researchers compiled relevant documents, such as statutes and regulations, case law, government program materials, surveys, subject literature, etc. They then interviewed provincial, territorial and federal ministers and administrators working in the target sectors, and the heads of Francophone community advocacy and sectoral organizations. In all, 88 people were interviewed. Finally, the researchers conducted a survey vis-à-vis 129 Francophone community advocacy and sectoral organizations. Five main questions were posed to the survey respondents and the interviewees:

1. What are the most important provincial/territorial interventions favouring the enhancement of French in this sector since the 1960s? Why?
2. How do you rate the various provincial/territorial interventions on behalf of the French language and culture since the 1960s. Why?
3. What are the principal issues and challenges stemming from demographic, political, legal and sociological changes in your province/territory that may have a major impact on the French language and culture in the next few years? Are there any other important issues and challenges other than those stemming from these societal phenomena? Why are these issues and challenges important?
4. What outcomes should be targeted to ensure the enhancement of the French-speaking communities in your province/territory in the short and the long terms? Why?
5. What means of achieving those outcomes should be given priority? Why?

The researchers then wrote up an initial compilation and gave the provincial, territorial and federal administrators the opportunity to review it and identify anything they might have forgotten to mention during the interviews. This multi-stage process proved necessary as no study on this topic had been conducted prior to these initial interviews.

The analysis of government intervention focused on recent legal, political, demographic and sociological changes. It was fuelled by the scientific literature on federal–provincial/territorial relations, sociolinguistic vitality, and administrative decentralization and minority self-governance. The literature on bilateral relations affirms that relations are handled by the executive, especially the respective ministers, and that they seek a balance between the interdependence of actions, the exclusivity of jurisdictions, and fiscal imbalance. The literature on sociolinguistic vitality claims that this vitality is dependant on three structural variables: social status, demographic weight, and institutional support of minorities. Finally, the literature on the decentralization of administration to institutions managed by and for the language minorities suggests that such a method of accommodation has the potential to attenuate conflict between minority and majority groups where these institutions assert themselves as “minority” institutions, contribute to the enhancement of the minority and meet its needs.

The projections were the result of a two-step process. First, the interviewees were asked for their projections, and then the researchers examined the literature in various disciplines and its analysis of demographic, political, legal and social trends.

Appendix B: The 25 Bilingual Regions Designated by the Government of Ontario

1. City of Toronto: all
2. City of Hamilton: all of the city of Hamilton as it existed on December 31, 2000
3. Regional municipality of Niagara: cities of Port Colborne and Welland
4. City of Ottawa: all
5. Regional municipality of Peel: city of Mississauga; city of Brampton
6. Town of Greater Sudbury: all
7. Dundas County: township of Winchester
8. Essex County: city of Windsor; towns of Belle River and Tecumseh; townships of Anderdon, Colchester North, Maidstone, Sandwich South, Sandwich West, Tilbury North, Tilbury West and Rochester
9. Glengarry County: all
10. Kent County: town of Tilbury; townships of Dover and Tilbury East
11. Prescott County: all
12. Renfrew County: city of Pembroke; townships of Stafford and Westmeath
13. Russell County: all
14. Simcoe County: town of Penetanguishene; townships of Tiny and Essa
15. Stormont County: all
16. District of Algoma: all
17. District of Cochrane: all
18. District of Kenora: township of Ignace
19. District of Nipissing: all
20. District of Sudbury: all
21. District of Thunder Bay: towns of Geraldton, Longlac and Marathon; townships of Manitouwadge, Beardmore, Nakina and Terrace Bay
22. District of Temiskaming: all
23. Middlesex County: town of London
24. District of Parry Sound
25. Town of Kingston

Appendix C: Objectives of the Ministerial Conference on the Canadian Francophonie (2005)

Intergovernmental Cooperation	
Objectives	Desired Results
<p>Objective 1 Enhance federal/provincial/territorial cooperation to increase and strengthen the promotion of French.</p>	<p>1.1. The promotion of French in Canada is supported by a real FPT partnership.</p> <p>1.2. The federal government's commitment to programs concerning the Canadian Francophonie, especially those encouraging FPT collaboration, is reaffirmed and the financial resources granted are increased.</p>
<p>Objective 2 Increase opportunities to raise awareness of and promote services in French in targeted intergovernmental forums.</p>	<p>2.1. The capacity for action of the CMAF and RGAF is strengthened and the Francophone Affairs area is decompartmentalized.</p>
<p>Objective 3 Develop and share strategic tools that can increase the capacity for action of the provinces and territories in terms of services in French.</p>	<p>3.1. Sharing of tools and best practices for delivery of French-language services is increased.</p> <p>3.2. Government employees have access to a broader range of linguistic tools.</p>
Intergovernmental Cooperation	
Objectives	Desired Results
<p>Objective 4 Strengthening the Francophone milieu.</p>	<p>4.1. Provincial and territorial governments have immigration strategies that contribute to strengthening the milieu and vitality of Francophone/Acadian communities.</p> <p>4.2. The provincial, territorial and federal governments have supported initiatives contributing to the development of a sense of identity among young Francophones and to encouraging them to become committed citizens.</p> <p>4.3. French occupies a larger place in Canadian society.</p>
<p>Objective 5 Increase access to quality health services in French.</p>	<p>5.1. The longevity of initiatives favoring better access to health services in French is assured, while respecting provincial and territorial jurisdictions.</p>
<p>Objective 6 Facilitate the development and implementation of Francophone early childhood development programs.</p>	<p>6.1. With the federal government's financial support, the provinces and territories have developed and implemented daycare and learning services and adapted to the early childhood needs of Francophones.</p>
<p>Objective 7 Support Francophone cultural development as a tool essential for the development and growth of Francophone and Acadian communities.</p>	<p>7.1. With the federal, provincial and territorial governments' financial support, the Francophone cultural sector is fully enabled to contribute actively to the dynamism of Francophone minority and Acadian communities.</p>
<p>Objective 8 Improve access to justice in French.</p>	<p>8.1. Provincial and territorial Departments of Justice offer quality services in French to their Francophone communities.</p>
<p>Objective 9 Support and reward economic development in Francophone and Acadian communities.</p>	<p>9.1. With the federal, provincial and territorial governments' financial support, Francophone minorities and Acadians contribute actively to the economic development of their province/territory.</p>

Appendix D: Principles of Government Leadership with respect to the Canadian Francophonie

Firmly believing that Francophones and Acadians should individually and collectively be able to live and develop in French throughout Canada, the provincial and territorial members of the Ministerial Conference on Francophone Affairs hereby acknowledge:

- *The importance of government commitment and leadership in the sphere of francophone affairs;*
- *The importance of promoting greater use and visibility of the French language throughout Canada;*
- *The value of the French-speaking communities' contribution to the social fabric of Canada;*
- *The essential role played by dialogue and cooperation between each government and its francophone or Acadian community in the development of that community;*
- *The need for flexibility and practical alternatives in the planning and delivery of French-language services, given the different realities of their provinces and territories;*
- *The necessity of encouraging intergovernmental cooperation in order to facilitate progress in francophone affairs;*
- *The importance of assuming an individual and collective catalyzing role with respect to the evolution of francophone affairs;*
- *The importance of their efforts and support for ensuring the active offer of quality services in French and the development of Canada's francophone and Acadian communities.*

October 3, 2002

[SIGNATURES]

Québec declares that it will continue to support, together with the provincial and territorial governments of Canada, the development and enhancement of Canada's francophone and Acadian communities. It therefore joins in this declaration of principles.

[SIGNATURE OF THE MINISTER FROM QUEBEC]