



Legislative Summary

BILL C-13: AN ACT TO AMEND THE OFFICIAL LANGUAGES ACT, TO ENACT THE USE OF FRENCH IN FEDERALLY REGULATED PRIVATE BUSINESSES ACT AND TO MAKE RELATED AMENDMENTS TO OTHER ACTS

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Legislative Summary of Bill C-13
(Legislative Summary)

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LEGISLATIVE SUMMARY OF BILL C-13: AN ACT TO AMEND THE OFFICIAL LANGUAGES ACT, TO ENACT THE USE OF FRENCH IN FEDERALLY REGULATED PRIVATE BUSINESSES ACT AND TO MAKE RELATED AMENDMENTS TO OTHER ACTS

1 BACKGROUND

Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts (short title: An Act for the Substantive Equality of Canada's Official Languages), **received Royal Assent on 20 June 2023.**¹

Bill C-13 had been introduced in the House of Commons by the Honourable Ginette Petitpas Taylor, Minister of Official Languages, on 1 March 2022. **The bill reached second reading in the House of Commons on 30 May 2022 and was then referred to the Standing Committee on Official Languages, which reported on it to the House with amendments on 18 April 2023.**² **The House of Commons concurred in this report with amendments on 11 May 2023, and Bill C-13 was passed at third reading on 15 May 2023.**

In the meantime, the Standing Senate Committee on Official Languages had studied the subject matter of the bill and tabled a report on 17 November 2022.³ **Bill C-13 was sent to the Senate on 16 May 2023, passed second reading on 1 June 2023 and was then referred to the Standing Senate Committee on Official Languages. The Senate Committee reported on the bill without amendment, but with observations, on 13 June 2023.**⁴ **The Senate passed the bill at third reading on 15 June 2023.**

A Charter Statement for Bill C-13 had been tabled on 6 April 2022.⁵

Bill C-13 incorporates many of the amendments proposed in Bill C-32, An Act to amend the Official Languages Act and to make related and consequential amendments to other Acts,⁶ which was introduced during the 2nd Session of the 43rd Parliament and died on the *Order Paper* at first reading. That bill had itself been preceded by the release, on 19 February 2021, of a reform proposal entitled *English and French: Towards a Substantive Equality of Official Languages in Canada*,⁷ as well as many calls from civil society, parliamentary committees and the Commissioner of Official Languages to modernize the *Official Languages Act* (OLA).⁸ When Bill C-13 was introduced in the House of Commons, the Minister of Official Languages announced that it was much improved compared with its predecessor, Bill C-32.⁹

1.1 THE *OFFICIAL LANGUAGES ACT*

The very first *Official Languages Act* was passed in 1969 in response to the recommendations of the Royal Commission on Bilingualism and Biculturalism. The purpose of the OLA was to give equal status and equal rights to the use of English and French, not only in Parliament and in the federal courts, but throughout the federal public service.

In 1982, the *Canadian Charter of Rights and Freedoms* (the Charter) recognized certain constitutional rights respecting official languages, which forced Parliament to revise its official languages legislative framework. The OLA of 1988 replaced the 1969 law in order to comply with the new constitutional provisions and expand the scope of the legislative framework to other areas, such as language of work. This legislation is the cornerstone of Canada's language regime.

The courts have interpreted the OLA on many occasions. They have confirmed its quasi-constitutional status and that its main objectives are closely linked to the values and rights set out in the Constitution.¹⁰ Likewise, the courts have confirmed the remedial nature of language rights and the principle of substantive equality of the two official languages.¹¹

Since 1988, the OLA has been amended substantively only once, in 2005, when parliamentarians decided to strengthen the binding nature of the obligations set out in Part VII of the OLA.¹² As a result, federal institutions must take positive measures to enhance the vitality of official language minority communities and support and assist their development, and to foster the full recognition and use of both official languages in Canadian society. If federal institutions do not take such measures, they may be subject to complaints to the Commissioner of Official Languages and legal action.

1.2 MODERNIZATION OF THE *OFFICIAL LANGUAGES ACT*

As the 50th anniversary of the coming into force of the first OLA approached, calls to modernize it came from all sides.

In 2017, organizations such as the Fédération des communautés francophones et acadienne du Canada and other members of its network highlighted the need to modernize the OLA. The Quebec Community Groups Network and other official language minority groups joined the cause soon after.

That same year, the Standing Senate Committee on Official Languages launched a two-year, five-part study to assess the importance of such a modernization.¹³ Additionally, the Office of the Commissioner of Official Languages made modernizing the OLA the one and only recommendation of its annual report that year.¹⁴ In 2018, the House of Commons Standing Committee on Official Languages followed suit by launching its own study of the issue.¹⁵

In 2019, several reports featuring recommendations for modernizing the OLA were published.¹⁶ The proposed amendments ranged from broad to targeted and addressed many aspects of the legislation. A consensus emerged among the stakeholders and the two parliamentary committees on the following proposals:

- clarify the scope of Part VII of the OLA and make regulations for it;
- provide formal mechanisms for consulting official language minority communities;
- require the government to adopt a plan for official languages;
- entrench minority-language education rights in the OLA, clarify their scope with regard to the entire education continuum (from early childhood to the post-secondary level) and enumerate the individuals who have the right to have their children attend minority-language schools under section 23 of the Charter;
- regulate the adoption, implementation and disclosure of federal–provincial/territorial agreements having an impact on official languages;
- make implementing and coordinating the OLA the responsibility of a central agency;
- redefine the role and powers of the Commissioner of Official Languages;
- allow penalties to be imposed on those who breach the OLA, and create an official languages administrative tribunal;
- recognize the federal government’s role in immigration, particularly with regard to the development and growth of official language minority communities;
- entrench recognized case law principles such as the quasi-constitutional status of the OLA, the remedial nature of language rights and the substantive equality of the two official languages;
- acknowledge the constitutional uniqueness of New Brunswick with regard to the provision of services to the public (section 20(2) of the Charter) and recognition of the equality of the province’s two linguistic communities (section 16.1 of the Charter);
- clarify the scope of making an active offer of services in both official languages;
- clarify the scope of the language-of-work rights of federal public servants;
- require judges of the Supreme Court of Canada to be bilingual; and
- ensure the OLA is reviewed at regular intervals.

During the 42nd Parliament, the Minister of Tourism, Official Languages and La Francophonie was tasked with beginning a review of the OLA in order to modernize it.¹⁷ After holding consultations, the federal government released a summary of stakeholder proposals in June 2019.¹⁸

During the 43rd Parliament, the federal government committed to modernizing and strengthening the OLA. This mandate was twice given to the Minister of Economic Development and Official Languages. The second time, the minister was asked to improve oversight and coordination of the implementation of the OLA across government, with the support of the President of the Treasury Board.¹⁹ In addition, the government promised to strengthen the OLA in its Speech from the Throne to open the 2nd Session of the 43rd Parliament, on 23 September 2020.²⁰ Furthermore, Budget 2021 allocated funding of \$6.4 million and \$2.3 million over two years to Canadian Heritage and the Treasury Board of Canada Secretariat, respectively, to modernize the OLA.²¹

In the winter of 2021, the Quebec government published its own position paper on the modernization of the OLA.²²

After Bill C-32 died on the *Order Paper*, the government committed to reintroducing a bill to strengthen the OLA. This commitment was referenced in the Speech from the Throne on 23 November 2021, in the mandate letter for the Minister of Official Languages and the Minister responsible for the Atlantic Canada Opportunities Agency and in the Economic and Fiscal Update 2021.²³ **Budget 2022 and Budget 2023** included funding to implement this bill.²⁴

1.3 OFFICIAL-LANGUAGES REFORM PROPOSAL

On 19 February 2021, the Minister of Economic Development and Official Languages unveiled an official-languages reform proposal intended to “establish a new linguistic balance.”²⁵ The document, entitled *English and French: Towards a Substantive Equality of Official Languages in Canada*, outlines dozens of legislative, regulatory and administrative proposals based on the following guiding principles:

1. The recognition of linguistic dynamics in the provinces and territories and [of] existing rights regarding Indigenous languages;
2. The willingness to provide opportunities for learning both official languages;
3. Support for official language minority communities’ institutions;
4. The protection and promotion of French throughout Canada, including in Quebec;
5. The Government of Canada as an example through increasing compliance of federal institutions;
6. An Act for the Canada of today and tomorrow: Regular review of the [OLA] and its implementation.²⁶

The Standing Senate Committee on Official Languages studied the reform proposal and released the key points stemming from its study before Bill C-32 was introduced.²⁷

The Senate Committee pointed out that many of the commitments in the reform proposal were in line with the recommendations contained in its final report of 2019. The Fédération des communautés francophones et acadienne du Canada and the Office of the Commissioner of Official Languages reacted positively to the reform proposal and also noted that a number of their recommendations from 2019 were reflected in the document.²⁸

In general, the commitments to strengthening the provisions of the OLA and better implementing it were applauded. A consensus formed around recognizing the unique reality of French and its vulnerable condition, as well as advancing substantive equality of both official languages. The idea of reconciling support for Indigenous languages with support for linguistic duality was well received. The federal government's commitment to making regulations specifically for Part VII of the OLA was also met with enthusiasm.

However, the reform proposal did raise concerns among some stakeholders, including the Office of the Commissioner of Official Languages and the Quebec Community Groups Network.²⁹ Their fears related to the introduction of asymmetries into the OLA, such as new duties that apply only to the French language in federally regulated private businesses, which they said could contravene the Charter principle of equal status for English and French.

Moreover, some expectations were unmet, in part because the reform proposal failed to include commitments to the following measures:

- creating an official languages administrative tribunal;
- giving the Commissioner of Official Languages the additional power to impose administrative monetary penalties and damages;
- clarifying the language rights of travellers in Part IV;
- making regulations for Part V on the language-of-work rights of federal public servants;
- strengthening the wording in Part VII concerning positive measures;
- including the remedial nature of language rights as one of the principles for interpreting the OLA;
- strengthening the official languages obligations in the OLA regarding federal–provincial/territorial agreements;
- confirming the Translation Bureau's role in implementing the OLA; and
- ensuring a French version of the Constitution is adopted, pursuant to section 55 of the *Constitution Act, 1982*.

Bill C-13, like its predecessor, includes the vast majority of the legislative changes set out in the reform proposal. In some areas, Bill C-13 goes further than the reform document, taking into account some of the criticisms levelled by stakeholders in the months leading up to its introduction. The new bill also reflects most of the findings of the Federal Court of Appeal, which in a January 2022 decision prescribed the interpretation of Part VII of the OLA.³⁰

1.4 LANGUAGE REFORMS UNDERWAY IN SOME PROVINCES

When Bill C-13 was introduced, some provinces were in the process of amending their own language regimes.

On 13 May 2021, Bill 96, An Act respecting French, the official and common language of Québec, was introduced in the National Assembly of Québec.³¹ Some of the bill's provisions, which amend multiple sections of Québec's *Charter of the French Language*,³² have a similar aim to some of the measures in Bill C-13, notably in areas such as the linguistic obligations of federally regulated private businesses.³³
Bill 96 received Royal Assent on 1 June 2022.

In New Brunswick, the province's *Official Languages Act* provides for periodic review of its provisions.³⁴ The last review was completed in December 2021 with the tabling of a first report recommending improvements to the provincial Act.³⁵

Two commissioners appointed by the Government of New Brunswick conducted the review. The following month, the two commissioners tabled a second report, with recommendations regarding second-language learning in the province.³⁶ **Then, on 29 March 2023, Bill 37, An Act Respecting the Official Languages Act, was introduced in the Legislative Assembly of New Brunswick.³⁷ This bill received Royal Assent on 16 June 2023, only a few days before Bill C-13 did.**

Between 4 November 2021 and 9 December 2021, the Ontario government updated the *French Language Services Act* to improve certain aspects of services offered in French, establish a ministry for francophone affairs and ensure the legislation is reviewed periodically.³⁸

In 2021–2022, the Standing Committee on Government Operations of the Legislative Assembly of the Northwest Territories undertook a statutory review of the *Official Languages Act*, as is required every five years by law.³⁹ **On 1 November 2022, Bill 63, An Act to amend the Official Languages Act, was introduced in the territory's legislative assembly.⁴⁰ The bill came into force on 30 March 2023 and reprised the requirement for a periodic review of the Act.⁴¹ A report of the Standing Committee on Government Operations with recommendations to change the territorial government's approach to official languages had been tabled a few days earlier.⁴²**

Finally, in the fall of 2022, the Legislative Assembly of Nunavut instructed the Standing Committee on Legislation to conduct the review of the *Official Languages Act* and the *Inuit Language Protection Act*. This study was completed in September 2023.⁴³

2 DESCRIPTION AND ANALYSIS

Bill C-13 has 71 clauses. It amends every part of the OLA, except Part I, which deals with parliamentary proceedings. The bill also enacts an entirely new Act, on the language of service and language of work of federally regulated private businesses in Quebec and in regions with a strong francophone presence: the Use of French in Federally Regulated Private Businesses Act.

2.1 PART 1 – AMENDMENTS TO THE *OFFICIAL LANGUAGES ACT* (CLAUSES 2 TO 53)

2.1.1 Preamble (Clause 2)

Clause 2 of Bill C-13 amends the wording of certain paragraphs of the preamble to the OLA to align the English and French versions and adds a reference to the territorial governments. In addition, it adds new paragraphs to the preamble to expand its scope, including to confirm the federal government’s commitment to:

- protecting and promoting French by recognizing that it is a minority language (clause 2(2)), which fulfills the commitment made in the Throne Speech of November 2021 and relates to new provisions of the objective of the OLA (clause 3) and Part VII of the OLA (clause 21);
- supporting official language learning for all Canadians and recognizing the contribution of those who speak both official languages to the mutual appreciation between each official language community (clause 2(3)), which encompasses existing measures in Part VII and strengthens them to promote bilingualism across Canada (clause 22(1));
- supporting sectors that are essential to enhancing the vitality of official language minority communities and promoting the presence of strong institutions to serve them (clause 2(3)), as it applies to:
 - new provisions in Part VII of the OLA (clause 21),
 - the “by and for” principle, which enables communities to help implement the OLA, and
 - the notion of institutional completeness, which holds that the presence of institutions (such as schools, universities, hospitals and theatres) in those communities supports their vitality;

- specifying the contribution of the Canadian Broadcasting Corporation (CBC) to enhancing the vitality of official language minority communities and promoting English and French in Canada (clause 2(3)), as it applies to:
 - new provisions in Part VII of the OLA (clause 21),
 - existing provisions of the *Broadcasting Act*,⁴⁴ and
 - the Federal Court of Canada's 2014 decision in *Canada (Commissioner of Official Languages) v. CBC*;⁴⁵
- **recognizing the importance of remedying the decline in the demographic weight of francophone minority communities, by restoring and increasing it, and recognizing the importance of francophone immigration as a factor enhancing the vitality of francophone minority communities that can help maintain or increase their demographic weight and boost their economic development (clause 2(3))**, as it applies to:
 - new provisions of Part VII of the OLA (clause 23),
 - objectives of the *Immigration and Refugee Protection Act*,⁴⁶ and
 - measures the federal government has taken to increase the proportion of francophone immigrants outside Quebec;⁴⁷
- **including a francophone perspective in funding programs (clause 2(3))**;
- recognizing that official language minority communities exist throughout Canada (clause 2(3));
- recognizing the diversity of provincial and territorial language regimes (clause 2(3)), in particular:
 - the constitutional provisions that apply to Quebec (section 133 of the *Constitution Act, 1867*) and Manitoba (section 23 of the *Manitoba Act, 1870*),⁴⁸
 - the legislative provisions in force in Quebec under the *Charter of the French Language*,⁴⁹ and
 - the constitutional provisions that apply to New Brunswick (sections 16(2), 16.1(1), 16.1(2), 17(2) and 18(2) of the Charter);⁵⁰
- recognizing the laws, policies and programs in effect in each province and territory addressing services in French or acknowledging the contribution of official language minority communities (clause 2(3));
- recognizing the importance of reclaiming, revitalizing and strengthening Indigenous languages (clause 2(3)), as a complement to the objectives of strengthening the status and use of the official languages, as related to:
 - Parliament's passage of the *Indigenous Languages Act* in 2019,⁵¹ and
 - the elements added to the general provisions of the OLA (clause 44); and

- confirming that all legal obligations relating to the official languages apply at all times, including during emergencies (clause 2(3)), in connection with:
 - a report of the Commissioner of Official Languages published in October 2020,⁵² and
 - a report of the Standing Committee on Official Languages published in June 2021.⁵³

2.1.2 Purpose of Act (Clauses 3 and 4)

Clause 3 of Bill C-13 amends the OLA's objectives as follows:

- First, it adds a reference to the principle of protecting anglophone and francophone minorities **while taking into account their different needs**.
- Second, it modifies the principle of advancing the equality of status and use of the official languages to recognize the unique reality of French **and the existence of Quebec's *Charter of the French Language***. As a result, the purpose of the OLA encompasses a constitutional principle recognized by the courts – that of minority protection⁵⁴ – and states that French is in a minority position relative to English in Canada and in North America, which gives the federal government reason to protect and promote its status and use.⁵⁵
- **Finally, it adds the objective of advancing the existence of a majority-French society in a Quebec where the future of French is assured.**

Clause 4 **makes the President of the Treasury Board responsible for government-wide coordination of the OLA**. In consultation with the other federal ministers, the President of the Treasury Board must **coordinate** the implementation of the OLA and certain commitments set out in Part VII **and ensure good governance of the OLA**. This amendment partly addresses the proposals made during the debate on modernizing the OLA, when stakeholders requested that horizontal coordination of the OLA be assigned to a central agency.⁵⁶ The February 2021 reform proposal set out the federal government's intention to assign this role to a single minister to “ensure effective governance and implementation.”⁵⁷

Clause 4 also provides that the Minister of Canadian Heritage must, **in consultation with the President of the Treasury Board** and in cooperation with other relevant ministers, adopt a government-wide official languages strategy that sets out the broad priorities for this issue. It also adds a new provision concerning the duty to table this strategy in Parliament and make it public. This amendment makes permanent the federal government's practice, since 2003, of periodically developing an official languages strategy.⁵⁸

Lastly, clause 4 provides that the Minister of Canadian Heritage must establish a process to implement the commitment to contribute to the enumeration of rights-holders whose children can attend minority-language schools under section 23 of the Charter, a commitment set out in new section 41(4) of the OLA, which is added by clause 21 of the bill. Indeed, the federal government – which is responsible for taking the census – and the provincial and territorial governments – which provide data on school attendance – must collaborate to collect this data.

2.1.3 Definitions and Interpretation
(Clauses 5 to 7)

Clause 6 of Bill C-13 amends certain definitions in the OLA to correct discrepancies between the English and French versions. In addition, it adds new definitions for the following:

- “business day,” which relates to the new powers assigned to the Commissioner of Official Languages (clauses 36(1) and 42);
- **“communication,” “publication” and “service,” which include any form of them – oral, printed, electronic, virtual or other – and pertain to the duties in Part IV of the OLA; and**
- **“restoration,” which is the return of the demographic weight of francophone minority communities to its level at the time of the 1971 Census, namely, 6.1% of the population outside Quebec, which relates to the Minister of Citizenship and Immigration’s duties respecting francophone immigration set out in clause 23.**

Clause 7 adds **four** principles for interpreting the OLA that are rooted in official languages case law **or socio-demographic realities**:

- language rights are to be given a large, liberal and purposive interpretation;
- language rights are to be interpreted in light of their remedial character;⁵⁹
- substantive equality is the norm in Canadian law for interpreting language rights, and entails consideration of the specific circumstances and needs of each official language in drafting and implementing the OLA and the option of using differentiated treatments to advance their equality of status and use; and
- **language rights are to be interpreted by taking into account that French is in a minority situation in Canada and North America, and that English and French linguistic minority communities have different needs.**

2.1.4 Part II – Legislative and Other Instruments
(Clauses 8 to 10)

Clauses 8 and 9 of Bill C-13 change the wording of the OLA’s provisions dealing with legislative instruments, treaties and federal–provincial/territorial agreements, but do not make substantive changes. In addition, amended section 10(2) of the OLA and the accompanying marginal note now refer to the territories as well.

Clause 10 adds the option of bilingual publications to the OLA’s provisions governing federal institutions’ publishing of notices, advertisements and other published matters aimed at the public. In addition, it specifies that these requirements apply to electronic versions of these publications as well.

2.1.5 Part III – Administration of Justice
(Clauses 10.1 to 12)

Clause 10.1 of Bill C-13 amends section 14 of the OLA, which concerns the official languages of federal courts. New section 14(2) specifies that the use of either official language by a person appearing before a federal court must not cause them prejudice.

Clause 11 amends section 16 of the OLA to remove the exception for the Supreme Court of Canada. As a result, the court will be required to be institutionally bilingual, but all of its judges will not need to be bilingual.⁶⁰ In other words, the Supreme Court judges hearing a case will now need to understand English and French without the assistance of an interpreter, as is already the case for the judges of the other federal courts. The Supreme Court may form panels of five, seven or nine judges to hear its cases.⁶¹

During the debate on modernizing the OLA, stakeholders unanimously called on the federal government to pass legislation requiring Supreme Court judges to be bilingual. The official-languages reform proposal confirmed that the pool of potential judges who are fluent in both official languages has grown since the OLA was passed in 1988 and that recognizing the equal status of English and French in all federal courts is important.⁶² The proposal also acknowledged the need to ensure representation of Indigenous peoples in the country’s most powerful institutions, including the Supreme Court. As a result, it stated that the federal government “will take into account the case law on the composition and eligibility criteria of the Supreme Court in developing this proposed legislative amendment.”⁶³

Section 16(3) of the OLA provided for a five-year period to enable some courts to comply with the duty to ensure understanding of the official languages. Since this period has already expired, clause 11 of Bill C-13 removes the provision allowing gradual implementation of this duty.

Clause 11 also adds sections 16.1 to 16.3 to the OLA. New section 16.1 creates a commitment regarding equal access to justice in both official languages. When appointing judges to superior courts, the federal government must take into account candidates' language skills. New sections 16.2 and 16.3 assign specific responsibilities to the Office of the Commissioner for Federal Judicial Affairs regarding the assessment of the language skills of judicial candidates for superior courts and the provision of language training to sitting judges. These measures are based on the 2017 action plan to enhance the bilingual capacity of the federal judiciary.⁶⁴

Clause 12 amends section 20(1) of the OLA to add a requirement respecting the simultaneous publication of federal courts' final decisions in both official languages to include those with "precedential value." In the reform proposal of February 2021, the federal government acknowledged that access to federal court decisions in both official languages is not guaranteed, in part because of the time it takes for translation.⁶⁵ A commitment to limiting the timelines for translating decisions was one of the changes called for during the debate on modernizing the OLA, but Bill C-13 remains silent on this issue.⁶⁶ The amendment to section 20(1) of the OLA will come into force one year after the bill receives Royal Assent, **that is, in June 2024** (clause 71(1)).

2.1.6 Part IV – Communications with and Services to the Public
(Clauses 12.1 to 13)

Bill C-13 provides for **three changes** to Part IV of the OLA. **First, clause 12.1 clarifies the duties respecting services to the travelling public set out in section 23(1) of the OLA, in line with a decision of the Federal Court of Canada.⁶⁷ Second, clause 12.2 adds two subsections to section 25 of the OLA to specify the language-related obligations of third parties acting on behalf of a federal institution. According to a Federal Court of Appeal decision,⁶⁸ a province or territory that is party to an agreement with the federal government or provides services on behalf of a federal institution is not always considered a third party. Third, clause 13 aligns the English and French versions of section 33 of the OLA, which concerns the making of regulations.**

2.1.7 Part V – Language of Work
(Clauses 14 to 18)

Clauses 14 to 18 of Bill C-13 amend the wording of sections 34 to 38 of the OLA, sometimes in one language and sometimes in both, concerning the language of work. As a result, the amended provisions better correspond to the wording in the other language or use contemporary terms (e.g., the English version of clause 16(2) refers to "computer systems" rather than "automated systems").⁶⁹ In the English version, the term "officers" is entirely dropped from Part V of the OLA and replaced with "employees."

Clause 14 adds a new definition of the term “employee.” It also adds section 34(2) to the OLA to provide that persons appointed to deputy minister or associate deputy minister positions must, on their appointment, take language training so that they can speak and understand clearly both official languages. Only the departments listed in Schedule I to the *Financial Administration Act*, that is, the core public administration, are subject to this requirement, not other federal institutions, such as agencies, transportation-sector entities and Crown corporations.⁷⁰

Clause 16 amends section 36 of the OLA by adding a bilingualism requirement for managers and supervisors in regions prescribed as bilingual for language-of-work purposes, including for unilingual teams. Furthermore, all employees have the right to be supervised in the language of their choice when they work in the National Capital Region, New Brunswick and some parts of Quebec and Ontario, regardless of whether their position is identified as bilingual. However, clause 16 does not state whether employees in a bilingual position outside these regions have the right to be supervised in the language of their choice. Clause 16 also includes an “acquired rights” clause for those currently holding managerial or supervisory positions. These provisions will come into force two years after Royal Assent, in June 2025 (clause 71(1.1)).

In the official-languages reform proposal, the government stated that administrative measures would be taken to enhance the status of both official languages in the federal public service in order to achieve the following:

- improve the second-language training provided to public servants, including distance learning, while accounting for the specific needs of Indigenous persons and persons with disabilities;
- review second-language qualification standards, evaluation standards and minimum requirements for supervisory positions;
- apply official languages requirements for recruitment and retention in a more inclusive manner, while accounting for the specific needs of Indigenous persons and persons with disabilities; and
- strengthen the Translation Bureau’s role as the provider of translation and interpretation services.⁷¹

These changes stem in part from the findings of a 2017 report prepared for the Clerk of the Privy Council that set out proposals for improving the standing of both official languages in the federal public service.⁷²

2.1.8 Part VI – Participation of English-Speaking and French-Speaking Canadians
(Clauses 19 and 20)

Clause 19 of Bill C-13 amends section 39(2) of the OLA to refer to the OLA as a whole rather than specific parts of it relating to employment, which could expand the scope of that provision.

Clause 20 amends the wording of section 40 of the OLA, which concerns the making of regulations implementing Part VI, to better align it with language used elsewhere in the OLA.

2.1.9 Part VII – **Advancement of Equality of Status and Use of English and French**
(Clauses 21 to 24)

First, clause 21 of Bill C-13 amends the title of Part VII of the OLA to refer to the principle of advancing the equality of status and use of English and French, which relates to the principle of substantive equality, rather than the principle of advancing the two languages. Second, it adds new commitments to those set out in section 41 of the OLA. As a result, in addition to enhancing the vitality and supporting and assisting the development of official language minority communities, as well as fostering the full recognition and use of both official languages, the federal government commits to the following:

- recognizing the uniqueness and diversity of these communities, as well as their historical and cultural contributions to Canadian society (amended section 41(1) of the OLA);
- protecting and promoting French, given its minority status in Canada and North America (new section 41(2) of the OLA);
- advancing opportunities for equal-quality learning in the minority language **in formal, non-formal and informal settings** across the education continuum, from early childhood to post-secondary education (new section 41(3) of the OLA);⁷³ and
- **periodically estimating the number of rights-holders** whose children can attend minority-language schools pursuant to section 23 of the Charter⁷⁴ (new section 41(4) of the OLA).

Clause 21 also adds new sections 41(5) to 41(10) to the OLA to specify the positive measures to be taken by federal institutions and the scope of these measures, which must:

- be concrete;
- be intended to have a beneficial effect on the implementation of the commitments under section 41;

- respect the necessity of protecting and promoting the French language; and
- respect the necessity of considering the specific needs of each of the two official language communities of Canada, taking into account the equal importance of the two communities (sections 41(6)(a) and 41(6)(b)).

In carrying out their mandate, federal institutions must, based on analysis:

- **consider whether positive measures could be taken and the possibilities for avoiding or mitigating the negative impacts of their decisions on the commitments under Part VII, except for the commitment relating to rights-holders (sections 41(7)(a) and 41(7)(b));**
- **take measures to promote official-language provisions in agreements with the provincial and territorial governments⁷⁵ (section 41(7)(a.1));**
- **base their decisions on the results of dialogue and consultation activities that seek to take into account the priorities of official language minority communities, as well as on research and evidence-based findings (sections 41(8) and 41(9));**
- **carry out their dialogue and consultation activities by gathering relevant information, seeking the opinions of official language minority communities about the positive measures that are the subject of the consultations, providing them with the relevant information on which the positive measures are based, considering openly and meaningfully their opinion and being prepared to alter the positive measures⁷⁶ (section 41(9.1)); and**
- **establish evaluation and monitoring mechanisms for the positive measures they take, including dialogue and consultation activities (section 41(10)).**

These amendments, which were not included in Bill C-32, were added in Bill C-13, **and amended by the House of Commons**, to take into account a January 2022 decision of the Federal Court of Appeal, which clarified the interpretation of Part VII of the OLA.⁷⁷ **Note that a number of references in the initial version of the bill to “measures that the federal institution considers appropriate” were removed from the final version.**

Clause 21 outlines in new section 41(6)(c) of the OLA specific examples of areas that require support, notably:

- official language learning (previously in section 43(1));
- public acceptance and appreciation of official languages (previously in section 43(1));
- the promotion of Canada’s bilingual character, both domestically and abroad (previously in section 43(1));

- **the restoration and increase of the demographic weight of francophone minority communities (new);**
- the creation and dissemination of scientific knowledge in French (new); and
- support for sectors essential to the vitality of official language minority communities – including culture, education, health, justice, employment⁷⁸ and immigration – and the promotion of strong institutions to serve them (new).

Clause 21 adds sections 41(10.1) to 41(10.4) to the OLA to require federal institutions to publish agreements with provincial and territorial governments, subject to certain conditions, and to specify the reasons for not publishing them under the *Access to Information Act*.⁷⁹ The President of the Treasury Board, after consulting the Minister of Canadian Heritage, can recommend that the Governor in Council make regulations respecting the content of the language-related provisions and prescribing how that duty is to be carried out and reported on.

Clause 21 adds section 41(11) of the OLA, which provides that the President of the Treasury Board may, after consultation with the Minister of Canadian Heritage, recommend that the Governor in Council make regulations for the implementation of Part VII. In the debate on modernizing the OLA, stakeholders unanimously called for specifying positive measures in legislation and regulations. In 2018, the Federal Court condemned the lack of implementing regulations for Part VII.⁸⁰ The February 2021 reform proposal suggested developing regulations that set out the terms and conditions for positive measures.⁸¹ Accordingly, the government plans to:

- regulate the implementation of positive measures;
- require federal institutions to determine the impact of their decisions on the development and vitality of official language minority communities and on the fostering of the full recognition and use of both official languages, to take this impact into account and to take measures to remedy it, if necessary;
- make consultation mandatory in some circumstances; and
- make deputy heads accountable for implementing Part VII.⁸²

When Bill C-13 was introduced, the government reiterated its promise to adopt regulations on positive measures.⁸³

Regarding the implementation of Part VII, clause 21 adds section 41(12) to the OLA to clarify that the granting of express powers, duties and functions to certain ministers does not in any way limit the duties of federal institutions.⁸⁴

Clause 21 adds section 41.1 to the OLA to provide for the consideration of the needs and priorities of official language minority communities and consultations with them and their school boards as part of the disposal of federal real property.⁸⁵

Clause 21 adds to section 42 of the OLA the government's commitment to advancing the use of both official languages in the conduct of Canada's external affairs and to promoting French as part of Canada's diplomatic relations.⁸⁶ Additionally, the Minister of Foreign Affairs is responsible for implementing this commitment. Note that the coordination role assigned to the Minister of Canadian Heritage initially found in section 42 now appears in the purpose of the OLA, in new section 2.1(2), and extends beyond Part VII (clause 4).

Clause 21 also adds section 42.1 to the OLA to recognize the CBC's role in enhancing the vitality of official language minority communities and in protecting and promoting both official languages, in the context of its programming independence. In the official-languages reform proposal, the government confirmed that it would strengthen, in the OLA, the public broadcaster's role as a cultural institution and its contribution to protecting and promoting French.⁸⁷

Clause 22(1) of Bill C-13 amends section 43(1) of the OLA **by removing the wording "such measures as that Minister considers appropriate"** and replacing the measures set out in paragraphs (b) to (g) with the following:

- new measures relating to francophone culture to ensure Canadian cultural policies are consistent with the purpose of the OLA;
- new measures to protect and fund the language rights component of the Court Challenges Program (the human rights component of this program is protected in related legislation) (clause 52);
- adjustments to the wording for other measures to include the territorial governments, non-profit organizations and the objective of public acceptance and appreciation of both official languages; and
- new measures to implement official languages support programs, the main mechanism Canadian Heritage uses to deliver official languages funding.⁸⁸

Clause 22(2) amends the wording of section 43(2) to specify the Minister of Canadian Heritage's obligation to inform the public through consultations on policies and programs to advance the equality of status and use of English and French in Canadian society.

Clause 23 adds section 44.1 to the OLA to specify the Minister of Citizenship and Immigration's obligation to adopt a francophone immigration policy that enhances the vitality of francophone minority communities **and restores and increases their**

demographic weight. This policy must include objectives, targets and indicators, **mechanisms for information sharing and reporting**, and statements that the Government of Canada recognizes that immigration is one of the factors that contributes to maintaining or increasing the demographic weight of French linguistic minority communities in Canada **and to economic development.**

As explained in the official-languages reform proposal, the federal government has set a goal to maintain the demographic weight of francophones outside Quebec, which is consistent with its objective of ensuring 4.4% of immigrants outside Quebec are francophones by the end of 2023.⁸⁹ However, in a study published in November 2021, the Commissioner of Official Languages pointed out that the number of permanent residents admitted outside Quebec in the past 20 years was not sufficient to achieve the federal government's target.⁹⁰ That is why Bill C-13 adds to the OLA's preamble that francophone immigration contributes to **restoring and increasing** the demographic weight of francophone minorities.⁹¹

The reform proposal of February 2021 stated that administrative measures will be taken to:

- set up a new francophone immigration corridor to address the shortage of French teachers in Canada; and
- support opportunities for newcomers to learn French.⁹²

These measures follow on those already outlined in federal strategies to enhance the vitality of francophone minority communities through immigration.⁹³ Bill C-13 does not provide a similar right for Quebec's English-speaking communities because of an agreement between the governments of Canada and Quebec, one of the goals of which is to promote French in that province.⁹⁴

Clause 23 will come into force on a day fixed by order of the Governor in Council (clause 71(2)). **The order was made on 15 December 2023, and the policy was released on 17 January 2024.**⁹⁵

Clause 24 amends the wording of section 45 of the OLA to add a reference to the territorial governments. In addition, it adds section 45.1 in order for the Governor in Council to:

- recognize the importance of cooperation with the provinces and territories in the implementation of Part VII;
- acknowledge the diversity of provincial and territorial language regimes; and
- recognize that the implementation of Part VII in its entirety, and not simply the provisions regarding the taking of positive measures, must be done while respecting the jurisdiction and powers of the provinces and territories (previously in section 41(2) of the OLA).

In sum, the amendments to Part VII assign specific duties to two new ministers (the ministers of Foreign Affairs and Citizenship and Immigration) and one new institution (the CBC). They also add numerous responsibilities to those already assigned to the Minister of Canadian Heritage.

2.1.10 Part VIII – Responsibilities and Obligations of Treasury Board in Relation to Official Languages (Clauses 25 and 26)

Clause 25 of Bill C-13 adds additional responsibilities to those already assigned to the Treasury Board pursuant to Parts IV, V and VI of the OLA. Clause 25(1) adds a new obligation to section 46(1) of the OLA respecting the coordination of the policies and programs set out in new sections 41(5) and 41(7)(a.1). Note that this responsibility does not apply to all of Part VII; it applies only to what relates to the duties of federal institutions to take positive measures **and to promote the inclusion of language clauses in agreements with the provincial and territorial governments**. The Minister of Canadian Heritage maintains broad powers as regards the implementation of the general commitments set out in Part VII, including those related to contribution programs.

Clauses 25(2) and 25(3) amend the measures the Treasury Board may take to carry out its responsibilities, which are limited to making regulations implementing Parts IV, V and VI, **and remove the power to delegate to deputy heads**.

Clause 25(4) moves sections 46(2)(a) and 46(2)(b) of the OLA to new section 46(3) of the OLA. As a result, the power to establish policies and issue directives to give effect to Parts IV, V and VI becomes a duty. The provisions on monitoring, evaluating and informing the public and employees about the implementation of Parts IV, V and VI also become duties rather than powers. In addition, the Treasury Board has a duty to establish policies and issue directives that give effect to sections 41(5) **and 41(7)(a.1)** of the OLA and provide information to employees of federal institutions about them. Most of the powers granted to the Treasury Board become duties rather than discretionary powers.

Clause 26 amends the wording of section 47 of the OLA to refer to new section 46(4)(c), which addresses monitoring. It also adds to section 48 of the OLA an obligation for Treasury Board to report annually on the exercise of its powers and the performance of its duties and functions, as well as the status of programs in federal institutions for which it is responsible under section 46, including on its new responsibilities regarding positive measures **and intergovernmental agreements** set out in Part VII.

Those amendments address the proposals made during the debate on modernizing the Act, when stakeholders requested that implementation of the Act be assigned to a central agency.⁹⁶

2.1.11 Part IX – Commissioner of Official Languages
(Clauses 27 to 39)

Clauses 27 and 28 of Bill C-13 correct the French versions of sections 51 and 53 respectively of the OLA to better match the English wording.

Clause 29 amends section 57 of the OLA to add policies to the list of items that the Commissioner of Official Languages can review, in addition to regulations and directives. This change stems from the new duties of the President of the Treasury Board.

Clause 30 amends the heading preceding section 58 of the OLA to add compliance agreements and orders. Note that the reference to complaints is no longer in the heading.

Clause 31 corrects the English wording of section 58(2) of the OLA to better match the French wording. It also adds to section 58(4) of the OLA four situations in which the Commissioner may refuse or cease to investigate a complaint, including where a compliance agreement in respect of the complaint's subject matter has been reached.

Clause 32 adjusts the wording of section 61(2) of the OLA to align the English and French versions.

Clause 33 adds alternative dispute resolution as another way of resolving a complaint. It excludes arbitration, which uses an adversarial model similar to a trial, consistent with the provisions of the new Use of French in Federally Regulated Private Businesses Act, which grants the Canada Industrial Relations Board the role of adjudicator of complaints respecting language of work in the private sector. In addition, it adjusts the wording of section 62(2) of the OLA to align the English and French versions.

Clause 34 adds policies to the list of items that the Commissioner of Official Languages can report on to the Treasury Board.

Clause 35 adds section 63.1 to the OLA to authorize the publication of portions of the Commissioner's investigation reports, namely, the summary, findings and recommendations, while keeping the identity of complainants confidential. The Commissioner must give at least 30 business days' notice to the deputy head of the federal institution concerned of the Commissioner's intention to make this information public.

Clause 36 adds sections 64.1 to 64.6 to the OLA, with respect to compliance agreements and orders. New section 64.1 grants the Commissioner the ability to enter into a compliance agreement containing any terms that the Commissioner considers necessary with a federal institution that is under investigation. New section 64.2 stipulates that entering into such an agreement precludes the Commissioner from

taking other types of measures (e.g., orders, court remedies) and the complainant from pursuing court remedies. This new section of the OLA will later be amended by order of the Governor in Council to specify that the ability to impose administrative monetary penalties will also be excluded in cases where a compliance agreement is entered into (clause 71(3)).

New section 64.3 of the OLA provides that compliance with a compliance agreement will result in the withdrawal of any pending court applications. New section 64.4 provides that, in the case of failure to comply with a compliance agreement, the Commissioner can apply to the Federal Court for an order requiring the federal institution to comply with the agreement, a remedy or a reinstatement of proceedings that had been suspended. In addition, this new section authorizes the federal institution and the complainant to appear as parties to the proceedings, allows the complainant to apply to the court for a remedy and specifies that an application to the Federal Court must be made within one year of the notice of non-compliance given by the Commissioner or any longer period the court allows.

New section 64.5 of the OLA grants the Commissioner the ability to make an order, including after an investigation concerning Parts IV and V of the OLA or if the Commissioner has made recommendations regarding an identical **violation or** contravention in the past to no effect. **The Commissioner can, in this case, direct a federal institution to take any action the Commissioner considers appropriate to rectify the contravention or violation. This order-making power takes effect on Royal Assent. A further amendment that takes effect by order of the Governor in Council (clause 71(3)) expands this order-making power to two new sections of Part VII of the OLA (sections 41(7) and 41(10)). However, the Commissioner cannot make an order requiring a federal institution to take a positive measure or to include a language clause in agreements between the federal government and the provinces and territories (new sections 41(5) and 41(7)(a.1) of the OLA).**

New section 64.5 also provides that the Commissioner must first invite the federal institution concerned to enter into a compliance agreement. It stipulates that the order may include any conditions the Commissioner deems appropriate and requires the Commissioner to notify the federal institution before making the order and allow it 20 days to respond. The institution concerned may either indicate the action taken or the reasons why no action has been taken, or enter into a compliance agreement with the Commissioner. The latter must give a notice when issuing the order and inform the parties of their recourse rights. The order takes effect on the 31st business day after the federal institution receives the notice, which is deemed to have taken place on the fifth business day after the date of the notice.

New section 64.6 specifies that the order made by the Commissioner may, if necessary, be filed with the Federal Court and that, once it is filed, it carries the same weight as though it had been made by a Federal Court judge. The Commissioner therefore has the same remedies as the court would have to enforce the order should the federal institution not comply with it.

Clause 37 adds sections 65.1 to 65.95 to the OLA. New sections 65.1 and 65.2 establish an administrative monetary penalty system.⁹⁷ These new sections respectively add two definitions and provide that the new penalty system applies to Crown corporations or corporations subject to the OLA under another Act of Parliament that:

- are designated by regulation;
- have duties under Part IV of the OLA;
- operate in the transportation sector; and
- provide or make available services to and communicate with the travelling public.

New section 65.3 of the OLA specifies that the purpose of a penalty is to promote compliance with Part VI and not to punish.

According to new section 65.4 of the OLA, regulations may be made to designate which provisions of Part IV or its regulations will be subject to administrative monetary penalties if contravened. Such regulations may also fix the amount of the penalty in respect of each violation. A range of penalties may also be fixed, in which case the criteria set out in new section 65.4(3) shall be taken into account in determining the amount of the penalty. The maximum amount for the administrative monetary penalties is fixed at \$25,000 and is subject to regulations. The regulations will address the service of documents required, establish the form and content of notices of violation and take into account any other purposes and provisions of this Part.

New section 65.5 of the OLA stipulates that contravening a provision in Part IV is a violation, and the Crown corporation or transportation sector corporation is liable to a penalty of an amount to be determined based on the violation.

New section 65.6 of the OLA specifies that, when a violation occurs, the Commissioner of Official Languages may issue a notice of violation and cause it to be served, along with the report and any other relevant document, on the designated body. However, the Commissioner must first invite the designated body to enter into a compliance agreement before being permitted to issue a notice of violation. A penalty can be imposed only one time for complaints with the same subject matter.

The notice of violation sets out the name of the designated body that committed the alleged violation, the relevant facts of the violation and the provision at issue and the penalty for the violation (and the criteria used to determine that amount). It also informs the designated body of its right to contest, by way of review, the facts of the alleged violation or the amount of the penalty (or both) and any other information provided by regulation.

The Commissioner has two years from the day of being informed of the facts of an alleged violation, or three years from the day on which the alleged violation occurred, to issue a notice of violation. A document issued by the Commissioner, certifying the date on which they were informed of the facts of the alleged violation, is proof that the Commissioner was informed of the facts of the alleged violation on that day.

New section 65.7 of the OLA provides that by paying the set penalty, the designated body acknowledges responsibility for the violation, bringing an end to the proceedings.

New section 65.8 of the OLA specifies that, if the designated body does not pay the penalty or request a review within the specified time, the designated body is deemed to have committed the violation and is liable for the penalty.

New section 65.9 of the OLA stipulates that, within 30 business days after the day on which the notice is served, the designated body may, instead of paying the penalty, apply to the Federal Court for a review of the facts of the alleged violation, the amount of the penalty or both. The application for review is heard and determined as a new proceeding, with new evidence and arguments.

New section 65.91 of the OLA provides that the Federal Court may make an order declaring either that the designated body committed the violation and is liable for the penalty set out in the notice of violation, or that the designated body did not commit the violation and is not liable for the penalty. The Federal Court may determine the amount of any penalty in accordance with the range of penalties fixed by regulation and make an order declaring the amount of the penalty the designated body is liable to pay.

New section 65.92 of the OLA specifies that the amount of the penalty set out in the notice of violation or in the Federal Court order is a debt due to His Majesty and that this debt shall be remitted to the Receiver General. Five years after the debt becomes payable, proceedings to recover the debt may no longer be commenced.

New section 65.93 of the OLA gives the Commissioner of Official Languages the power to issue a certificate for the unpaid amount of any debt. Registration of the certificate in the Federal Court for a debt of the amount set out in the certificate and all related registration costs has the same effect as a judgment of the Federal Court.

According to new section 65.95 of the OLA, the designated body does not have a defence by reason that it exercised due diligence to prevent the violation, or that it reasonably and honestly believed in the existence of facts that, if true, would exonerate it. The rules and principles of common law apply in respect of the violation to the extent that they are consistent with the OLA. New sections 65.1 to 65.95 will come into force by order of the Governor in Council (clause 71(3)).

Clause 38(1) adds section 66(2) to the OLA to specify that the Commissioner must include information on complaints, alternative dispute resolution processes, compliance agreements and orders in their annual report. Clause 38(2) specifies that the Commissioner must also include in their annual report information on administrative monetary penalties. This last provision will come into force on a day to be fixed by order of the Governor in Council (clause 71(3)).

Clause 39 amends section 70 of the OLA, which addresses the delegation of the Commissioner's powers. The Commissioner's new powers with regard to compliance agreements, administrative monetary penalties and the publication of parts of the investigation reports cannot be delegated.

In sum, the amendments to Part IX of the OLA provide for a set of gradually increasing powers for the Commissioner. These changes address a proposal made in 2016 by the then-Commissioner to expand the range of tools at their disposal to enforce the OLA.⁹⁸

2.1.12 Part X – Court Remedy (Clauses 40 to 43)

Clause 40 of Bill C-13 makes multiple amendments to section 77 of the OLA, concerning the right to court remedies. It amends the wording of section 77(2) to align the English and French versions. **It adds clarifications about the deadline for remedies relating to follow-up on the Commissioner's investigations.** It also adds sections 77(4.1) and 77(4.2) to the OLA to set out the two options in case of conflict between different orders:

- in a situation where the Federal Court has ordered a remedy but, at the Commissioner's request, has also made an order requiring the institution to comply with a compliance agreement, the remedy order will prevail if the institution cannot comply with both orders simultaneously; and
- in a situation where the Commissioner has also made an order and filed it with the Federal Court, this order will prevail if some aspects of it contradict the remedy granted by the court.

Clause 41 adds section 78(1.1) to the OLA to deny the Commissioner a court remedy in cases where the Commissioner makes an order. This clause also amends the English wording of section 78(3) to match the French wording.

Clause 42 adds sections 78.1 to 78.8 to the OLA. Section 78.1 allows both the complainant and the federal institution concerned to apply for judicial review of an order by the Commissioner. The notice is deemed to have been received on the fifth business day after the date of the notice.

New section 78.2 of the OLA concerns the staying of an order by the Commissioner. If a review is applied for, the order is automatically stayed. It is up to the court to lift the stay of the order. As well, any part of the order that is not the subject of the proceedings becomes operative.

New section 78.3 sets out the right of both the federal institution and the complainant to be parties to the review. If the federal institution applied for the review, the complainant that filed notice of their intent to appear may ask the court to determine any matter they could have brought for review. In other words, a complainant seeking to be a party to a review may raise matters for review even if it was the federal institution that applied for the review.

New section 78.4 of the OLA confirms that the Commissioner may appear on behalf of the complainant or be a party to the review.

New section 78.5 of the OLA provides that a complainant making an application for a review must notify the federal institution concerned. Likewise, a federal institution making an application for a review must inform the Commissioner.

New section 78.6 stipulates that the application for a review is to be heard and determined as a new proceeding, with new evidence and new arguments, without being limited by what was raised in the initial complaint.

Pursuant to new section 78.7, the court must make an order specifying whether the federal institution is required to comply with the provisions of the Commissioner's order, or any other order that it consider appropriate.

New section 78.8 of the OLA concerns situations where the court's and the Commissioner's orders cannot be complied with simultaneously. The court's order then takes precedence, and the incompatible provisions of the Commissioner's order are rescinded. The court must specify which provisions of the Commissioner's order are to be rescinded because they are incompatible.

Clause 43(1) adjusts the French version of section 81(1) of the OLA so that it corresponds to the English version. This provision will come into force by order of the Governor in Council (clause 71(3)).

Clauses 43(2) and 43(3) amend the English version of section 81(2) of the OLA, which concerns costs as part of court proceedings, so that it applies to the judicial review provided in new section 78.1 and, subsequently, in new section 65.9 of the OLA, which will come into effect on a date to be fixed by order of the Governor in Council. Note that the French version of section 81(2) of the OLA does not specifically list the sections to which the costs provision applies.

In summary, the amendments to Part X provide for new recourse rights under the OLA.

2.1.13 Part XI – General
(Clauses 44 to 50)

Clause 44 of Bill C-13 amends section 83 of the OLA to recognize the importance of maintaining and enhancing Indigenous languages and to ensure the OLA does not abrogate or derogate from Indigenous language rights, as it already provides for languages other than English and French. The official-languages reform proposal distinguished between the framework for official languages and the one for Indigenous languages, which is governed by the *Indigenous Languages Act* of 2019, while noting the complementary visions of both.⁹⁹ **Senators made observations regarding the complementary nature of the two frameworks during their consideration of Bill C-13.**¹⁰⁰

Clauses 44 and 45 amend sections 84 and 85 of the OLA, respectively, to specify that the responsibility to table draft regulations falls to either the Minister of Canadian Heritage or the President of the Treasury Board, as applicable, and that these two ministers have a responsibility to consult official language minority communities when making draft regulations.¹⁰¹ Clause 46(1) amends section 86(1) of the OLA to specify that the publication of proposed regulation falls to either the Minister of Canadian Heritage or the President of the Treasury Board, as applicable. Clause 46(2) amends the wording of the English version of section 86(3) to align it with the French version, while clause 47 amends the French version of section 87(5) to align it with the English version.

Clause 48 amends section 88 of the OLA to add policies to the Act, taking into account the changes to the powers conferred on the President of the Treasury Board. It also amends section 89 of the OLA to specify that the *Criminal Code* provision respecting contraventions of a federal Act also does not apply to the OLA's implementing regulations.¹⁰²

Clause 49 adjusts the wording of section 91 of the OLA, which concerns staffing, to refer to the OLA in general rather than specific parts of it. In November 2020, the Commissioner of Official Languages published a report on the implementation of section 91, after finding systemic problems with its implementation and a high

number of complaints to that effect.¹⁰³ The Commissioner recommended reviewing federal institutions' staffing practices and policies, after finding that managers had trouble objectively setting the language requirements of positions reporting to them. Nearly 52% of complaints the Commissioner received in 2020–2021 related to section 91 of the OLA; **this figure fell to about 40% in 2022–2023.**¹⁰⁴ **In June 2023, the Commissioner recommended speeding up work to ensure federal institutions' compliance with section 91 of the OLA.**¹⁰⁵

Clause 50 adds section 93.1 to the OLA to require the Minister of Canadian Heritage, **in consultation with the President of the Treasury Board**, to review the provisions and operation of the OLA every 10 years and to table a report on the review in Parliament within 30 sitting days of the report's completion. During the debate on modernizing the OLA, stakeholders unanimously called for periodic review of the OLA. They referred to similar provisions in effect in some provinces and territories.¹⁰⁶ **Amendments made at committee add the duty to conduct a comprehensive analysis of the implementation of sections 41(1) and 41(2) of the OLA. In its analysis, the federal government must take into account any relevant indicators related to sectors that are essential to enhancing the vitality of official language minority communities and any other relevant qualitative or quantitative indicators.**

2.1.14 Part XIV – Transitional Provisions,
Repeal and Coming into Force
(Clauses 51 to 53)

Clause 51 of Bill C-13 repeals sections 107 and 108 of the OLA, as these provisions have become obsolete. **An amendment made in committee adds a clause to allow the current holders of deputy minister, associate deputy minister or equivalent positions to remain in office, a change that relates to new section 34(2) of the OLA.**

Clause 52 adds section 7.1 to the *Department of Canadian Heritage Act*¹⁰⁷ to specify that the Minister of Canadian Heritage may take measures to protect and fund the human rights component of the Court Challenges Program. The language rights component of the program is already covered by the OLA itself (clause 22(1)(c)).

Clause 53 enables the Governor in Council to repeal the *C.N.R. Company Exemption Order*,¹⁰⁸ which exempted CN from section 10(2) of the *Official Languages Act* of 1969. This order concerned services to the public, other than the travelling public, provided outside of Canada. The OLA of 1988 repealed the OLA of 1969, but the order, made on 11 July 1969, was never amended, even after the federal government enacted legislation to privatize this former Crown corporation in 1995.¹⁰⁹

2.2 PART 2 – ENACTMENT OF THE USE OF FRENCH IN FEDERALLY REGULATED PRIVATE BUSINESSES ACT (CLAUSES 54 TO 68)

Clause 54 of Bill C-13 enacts the Use of French in Federally Regulated Private Businesses Act (UFFRPBA),¹¹⁰ a separate Act from the OLA that, in its final, amended form, contains 42 sections and is the responsibility of the Minister of Canadian Heritage.¹¹¹

The UFFRPBA concerns federally regulated private businesses, and its provisions will come into force by order of the Governor in Council in two phases:

- first, they will apply to federally regulated private businesses in Quebec;¹¹² and
- second, they will apply to federally regulated private businesses in regions with a strong francophone presence, two years after the initial changes come into force.¹¹³

A number of provisions of the UFFRPBA were amended in committee to make the new regime consistent with the duties set out in Quebec’s *Charter of the French Language*.¹¹⁴

2.2.1 Preamble (Clause 54)

The preamble to the UFFRPBA sets out several commitments of the federal government, including:

- advancing the equality of status or use of English and French, which relates to section 16(3) of the *Canadian Charter of Rights and Freedoms* (the Charter);
- protecting and promoting French, recognizing that it is a minority language, which fulfills the commitment made in the Throne Speech of November 2021 and relates to new provisions of the purpose of the OLA (clause 2(2)) and new section 41.1 in Part VII of the OLA (clause 21);
- recognizing the diversity of provincial and territorial language regimes, which relates to new provisions of the purpose of the OLA (clause 2(3)) and new section 45.1(1) of Part VII of the OLA (clause 24);
- recognizing that consumers in Quebec or a region with a strong francophone presence have the right to communicate with and obtain services from federally regulated private businesses in French when those businesses carry on business in Quebec or in a region with a strong francophone presence; and
- recognizing that employees of federally regulated private businesses who work in Quebec or in a region with a strong francophone presence have the right to work in French.

2.2.2 Definitions and Interpretation

In general, the UFFRPBA applies to any “federally regulated private business,” which is defined in section 2(1) of the UFFRPBA as “a person that employs employees on or in connection with a *federal work, undertaking or business* as defined in section 2 of the *Canada Labour Code*” (CLC),¹¹⁵ but does not include:

- a person that employs fewer employees than the number of employees specified in the regulations;
- a corporation that acts on behalf of the federal government or is subject to the OLA under another Act of Parliament, such as Air Canada, CN, NAV CANADA, VIA Rail and Canada Post; or
- a council, government, corporation or other entity that is authorized to act on behalf of an Indigenous group, community or people that holds rights recognized and affirmed by section 35 of the *Constitution Act, 1982*.¹¹⁶

Section 2(1) of the UFFRPBA includes other definitions, including those for “Board” (which refers to the Canada Industrial Relations Board), “Commissioner” (which refers to the Commissioner of Official Languages for Canada), and “parties” (which refers to the complainant, the federally regulated private business and any other person added as a party to the complaint).

In relation to the carrying out of its functions under the UFFRPBA, section 2(2) of this Act modifies the composition of the Canada Industrial Relations Board (the Board) to exclude members specified by the CLC as representing employees or employers.¹¹⁷

The composition of the Board is further modified by way of a related amendment to the CLC, which adds to the list of members of the Board in section 9(2) of the CLC to account for the new language-of-work duties for federally regulated private businesses.

Section 3 of the UFFRPBA adds two principles for interpreting this legislation that are rooted in official languages case law:

- language rights should be interpreted broadly, liberally and purposively; and
- language rights should be interpreted in light of their remedial character.¹¹⁸

2.2.3 Purpose and Non-application

Under section 4 of the UFFRPBA, its purpose is to foster and protect the use of French in federally regulated private businesses in Quebec. However, this objective will subsequently be extended to businesses in regions with a strong francophone presence.

Sections 5 and 6 of the UFFRPBA exclude from the application of this legislation the activities and workplaces of the broadcasting sector as well as, in the case of a federally regulated private business that chooses to be subject to Quebec's *Charter of the French Language*, its communications with or services provided to consumers in Quebec, and its workplaces in Quebec.¹¹⁹ Under clause 6(1) of Bill C-13, federally regulated private businesses in Quebec may, in effect, elect to comply with the provisions of the provincial law or those of the new UFFRPBA.¹²⁰ Under clause 6(2), businesses choosing to be subject to the provincial legislation must give notice they are doing so. In addition, under clause 6(3), the Minister of Canadian Heritage may enter into an agreement with the Government of Quebec to give effect to this provision and exempt the business from the UFFRPBA.

2.2.4 Communications with and Services to Consumers

Sections 7 and 8 of the UFFRPBA set out rights respecting communications and services in French for consumers who do business with federally regulated private businesses operating in Quebec. They confirm that these businesses have a duty to ensure that consumers can exercise these rights. These provisions are similar to those set out in sections 21 and 22 of the OLA, which apply to federal institutions.

While the rights and duties provided for in sections 7 and 8 of the UFFRPBA apply only to communications with and services to consumers in French, section 7(3) of this legislation stipulates that consumers who speak languages other than French may communicate with these businesses in those languages if they wish and if the businesses are able to do so.

2.2.5 Language of Work

Section 9 of the UFFRPBA sets out the language-of-work rights for employees of federally regulated private businesses that carry on business in Quebec and confirms that it is the responsibility of these businesses to ensure their employees can exercise these rights. These provisions are similar to those set out in section 36 of the OLA, which apply to federal institutions in designated regions. **They were drafted to be consistent with the duties set out in the Quebec's *Charter of the French Language*.** The rights of employees with respect to language of work include:

- the right to work and be supervised in French;
- the right to receive communications and documents from the business in French; and
- the right to use work instruments and computer systems in French.

In Quebec, French is expected to be the predominant language of work, but the use of other languages cannot be prevented. Section 9(1.1) of the UFFRPBA guarantees the rights of former employees to continue receiving communications and documents in French. Section 9(2) provides that federally regulated private businesses must ensure that former employees can exercise their language rights. Section 9(2.1) sets out the duties respecting job postings.

While the rights set out in section 9 pertain to French alone, section 9(3) states that employees can be given communications and documentation in English, provided that the use of French is at least equivalent to the use of English. **In addition, this communication must be made in both languages simultaneously. Sections 9(4) and 9(5) allow for entering into individual employment contracts in a language other than French under certain conditions. For instance, the business and employee must agree to doing so. Section 9(6) provides that the right to receive communications and documents in French continues to exist even after the employment relationship has ended, but that the business may communicate or provide documents only in English or any other language if the business and employee so agree.**

Section 9.1 of the UFFRPBA provides that federally regulated private businesses with workplaces in Quebec must ensure that arbitral awards are issued in French or that they are translated into French if they are issued in another language. In addition, these businesses must have awards that are issued only in French translated into another language, at their expense, at the request of a party to the arbitration.

Section 9.2 of the UFFRPBA sets out the right of trade unions that represent employees in positions in a Quebec workplace to receive documents from federally regulated private businesses in French and makes it a duty of those businesses to ensure trade unions can exercise that right. This right allows businesses to provide communications and documents in English as well, as long as the use of French in widely distributed communications and any documents is at least equivalent to that of English.

Section 10 of the UFFRPBA sets out the duty of every federally regulated private business to foster the use of French in its Quebec workplaces by informing employees of their rights and of the business's obligations in this regard and by establishing a committee to support senior management with this mandate. In fulfilling their obligations, businesses must consider the needs of employees nearing retirement, having many years of service or having conditions that could impede their ability to learn French.¹²¹

Section 10(1.1) of the UFFRPBA specifies that the committee that a federally regulated business with workplaces in Quebec establishes must develop programs to generalize the use of French at all levels of the business. The goal is to ensure all members of management and employees are proficient in French, to increase the number of people who are proficient in French and to use French in internal communications and work instruments. Under section 10(2), these programs must take into account the needs of employees who are nearing retirement or who face barriers to learning French, and pursuant to section 10(3), they do not preclude the use of another language as long as the use of French in widely distributed communications and any documents is at least equivalent to the use of the other language.

Section 11 of the UFFRPBA specifies **in subsection 11(1) that employees who occupy or are assigned to a position in a Quebec workplace of federally regulated private businesses may not be treated adversely for the various reasons listed, including that they speak only French.** Subsection 11(2) includes an “acquired rights” clause for employees who have insufficient knowledge of French at the time these provisions take effect. These employees cannot be treated adversely for this sole reason. **Under subsection 11(3), if knowing a language other than French is necessary, businesses must demonstrate that this knowledge is objectively required because of the nature of the work to be performed. Subsection 11(4) sets out the minimum conditions that federal regulated private businesses must fulfill before requiring knowledge of another language, while subsection 11(5) states that these conditions are not to impose an unreasonable reorganization of a business’s affairs. Subsections 11(6) and 11(7) provide that these businesses must take reasonable measures to prevent adverse treatment of an employee in a situation referred to in subsection 11(1) or an employee with acquired rights within the meaning of subsection 11(2). Pursuant to subsection 11(8), in section 11 of the UFFRPBA, “adverse treatment” includes dismissing, laying off, demoting, transferring or suspending an employee, harassing them, taking reprisals against them, disciplining them or imposing any other penalty on them.**

2.2.6 Minister of Canadian Heritage

Sections 12 and 13 of the UFFRPBA specify that, while also being responsible for the administration of this legislation, the Minister of Canadian Heritage is responsible for promoting consumer and employee rights under this legislation and for providing assistance, education and information to federally regulated private businesses about these consumer and employee rights.

2.2.7 Commissioner of Official Languages for Canada

Under section 14 of the UFFRPBA, the Commissioner of Official Languages has a new duty, in addition to those set out in section 56(1) of the OLA. As a result, the Commissioner must ensure that federally regulated private businesses recognize the rights and respect the duties set out in the UFFRPBA concerning the use of French in communications with and services to consumers and as a language of work.

Section 14(2) of the UFFRPBA, which sets out the Commissioner's investigative duties under this legislation, specifies that the Commissioner must conduct and carry out investigations as a result of complaints they receive. The same section provides that, in the case of a right or duty concerning communications and services in French under section 7 of the UFFRPBA, the Commissioner may conduct investigations on their own initiative and report and make recommendations with respect to those investigations.

2.2.8 Remedies for a Federally Regulated Private Business's Failure to Comply

If a federally regulated private business has infringed a right or failed to fulfill a duty provided for in the UFFRPBA, a complaint can be made to the Commissioner. Various provisions pertain to remedies in relation to communications with and services to consumers and in relation to language of work.

2.2.8.1 Remedies in Relation to Communications with and Services to Consumers

Section 15 of the UFFRPBA allows any individual or group of individuals to make a complaint to the Commissioner if they believe that a federally regulated private business has failed to comply with its obligations towards consumers under section 7 of the Act.

Under section 16 of the UFFRPBA, Part IX of the OLA applies in respect of rights and duties under section 7 of the UFFRPBA. Furthermore, in applying Part IX of the OLA:

- references to a federal institution are to be read as references to a federally regulated private business;
- references to a deputy head or other administrative head of a federal institution are to be read as references to the chief executive officer of a federally regulated private business or the person designated by the chief executive officer;
- references in new subsection 64.5(1) of the OLA to Part IV or V of the OLA are to be read as references to section 7 of the UFFRPBA;
- references to "this Act" are to be read as references to the UFFRPBA;

- the Commissioner’s report on a complaint must be made only to the chief executive officer of the federally regulated private business or to the person designated by the chief executive officer; and
- the Commissioner’s duties or functions set out in section 56 and subsections 65(3) and 65(4) of the OLA do not apply to complaints or investigations concerning an obligation or a right under section 7 of the UFFRPBA.

Section 17 of the UFFRPBA provides that Part X of the OLA applies to complaints made in respect of a right or duty under section 7 of the UFFRPBA. Furthermore, in applying Part X of the OLA:

- references to a federal institution are to be read as references to a federally regulated private business;
- references to a deputy head or other administrative head of a federal institution are to be read as references to the chief executive officer of a federally regulated private business or the person designated by the chief executive officer; and
- references to “this Act” are to be read as references to the UFFRPBA.

2.2.8.2 Remedies in Relation to Language of Work

Section 18 of the UFFRPBA limits the right of an employee referred to in any of sections 9 to 11 to make a complaint to the Commissioner to within 90 days of the date when, in the Commissioner’s opinion, the employee ought to have become aware of the act or omission. The Commissioner may extend this period in certain circumstances. **This right also applies to former employees and potential employees with a “demonstrable interest” in a position, in specific circumstances.**

Section 19 of the UFFRPBA provides that Part IX of the OLA applies, **subject to certain provisions,¹²² to complaints made in respect of a right or duty under section 18(1), 18(1.1) or 18(1.2) of the UFFRPBA as though the federally regulated private business that is the subject of the complaint were a federal institution.** Furthermore, in applying Part IX of the OLA:

- the Commissioner is prohibited from conducting an investigation on their own initiative with respect to the language of work rights of employees of federally regulated private businesses (sections 9 to 11 of the UFFRPBA);
- references to a deputy head or other administrative head of a federal institution are to be read as references to the chief executive officer of a federally regulated private business or the person designated by the chief executive officer;

- the Commissioner’s report on a complaint must be made only to the chief executive officer of the federally regulated private business or the person designated by the chief executive officer;
- references in new subsection 64.5(1) of the OLA to Part IV or V of the OLA are to be read as references to the language-of-work rights of employees of federally regulated private businesses set out in sections 9 to 11 of the UFFRPBA;
- complaints are not subject to the Commissioner’s duties or functions set out in section 56 of the OLA and no complaint within the meaning of section 65(3) of the OLA or an institution’s response to that complaint within the meaning of section 65(4) of the OLA may be discussed in a report to Parliament;
- a special report may be tabled in Parliament only after the Board has decided whether the complaint referred to in the report is well-founded; and
- references to “this Act” are to be read as references to the UFFRPBA.

Section 20 of the UFFRPBA provides that Part X of the OLA is applicable to complaints made in respect of a right or duty under sections 9 to 11. However, section 21(5) specifies that Part X no longer applies to a complaint once it is referred to the Board. Furthermore, in applying Part X:

- references to a federal institution are to be read as references to a federally regulated private business;
- references to a deputy head or other administrative head of a federal institution are to be read as references to the chief executive officer of a federally regulated private business or the person designated by the chief executive officer; and
- references to “this Act” are to be read as references to the UFFRPBA.

Section 21 of the UFFRPBA specifies that, except where a compliance agreement has been entered into or an order respecting the business has been made, the Commissioner may, with the consent of the complainant, after attempting to resolve the complaint and after giving notice, refer a complaint to the Board if the Commissioner is of the opinion that the Board is better placed to deal with the complaint either because of its nature or complexity, or the seriousness of the failure to comply, along with the relevant evidence. Part X of the OLA no longer applies with respect to the complaint after it has been referred to the Board.

Section 22 of the UFFRPBA stipulates that the Board is responsible for deciding whether a complaint that the Commissioner has referred to it is well-founded. The complaint is subsequently dealt with by one or more members of the Board or an adjudicator.

Section 23 of the UFFRPBA provides that the Board deals with complaints informally and expeditiously. The Board is not bound by legal or technical rules of evidence.

Section 24 of the UFFRPBA lists the powers of the Board, including summoning and enforcing the attendance of witnesses, producing documents, receiving evidence, adjourning or postponing the proceedings, handling complaints and making decisions. The Board may also delegate to any person some or all of its powers, merge complaints that relate to the same subject and review, rescind or alter any of its orders or decisions. These powers are similar to those set out in section 16 of the CLC.

Section 25 of the UFFRPBA enables members of the Board and external adjudicators to consult with any member of the Board or any employee of the Administrative Tribunals Support Service of Canada regarding any complaint referred to the Board.

Section 26 of the UFFRPBA provides that the Board may make regulations defining its powers, duties and functions under this Act and that the Commissioner may not initiate a review of them. The list of powers, duties and functions that may be the subject of regulations is based in part on the one in section 15 of the CLC.

Section 27 of the UFFRPBA sets out the seven situations in which the Board may reject a complaint, in whole or in part. The Board must notify the parties in writing of the reasons for rejecting the complaint.

Section 28 of the UFFRPBA stipulates that the Board may make an order to require a federally regulated private business that is the subject of a well-founded complaint to comply with this Act. Depending on the circumstances, the Board may order the business to permit the complainant to return to the duties of their employment or reinstate their employment, or pay compensation to the complainant. It may also take other measures to remedy or counteract the effects of the failure to comply with the UFFRPBA.

Section 29 of the UFFRPBA specifies that the Board must provide a copy of its decision on the merits of a complaint and any order made under section 28, with reasons, to the parties and the Commissioner.

Section 30 of the UFFRPBA provides that an order by the Board made under section 28 may be filed with the Federal Court in the 14 days following the date it is made or its implementation date. The order is registered in the court, meaning that it has the same force and effect as if it were a judgment of that court and all proceedings may be taken as if it were.

Section 31 of the UFFRPBA specifies that the provisions in this Act do not prevent an employee from seeking a civil remedy against an employer.

Section 32 of the UFFRPBA grants the Governor in Council the power to make regulations for the purposes of sections 21 to 31 of this Act.

In sum, with the enactment of the UFFRPBA, Bill C-13 provides for a different approach to receiving, dealing with and resolving complaints regarding language of work in federally regulated private businesses than that for complaints about the communications of, and services provided by, these businesses.

2.2.9 Regulations

Section 33 of the UFFRPBA enables the Governor in Council to make regulations to:

- specify the number of employees referred to in the definition of “federally regulated private business”;
- define the scope of terms and expressions used in sections 5 to 13 of the UFFRPBA that are not defined in section 2, including the terms “close to retirement,” “condition that could impede the learning of French,” “consumer,” “employee,” “many years of service” and “treat adversely”;
- govern notices respecting the application of the Quebec’s *Charter of the French Language*;
- set out circumstances where the Commissioner may extend the 90-day period for complaints;
- direct the establishment and operation of a committee to support the management group responsible for fostering the use of French within businesses; and
- exempt businesses from the application of any provision of the UFFRPBA or its regulations, with or without conditions.

Sections 34 to 42 of the UFFRPBA detail various aspects surrounding the making of regulations implementing this Act, including:

- mandatory consultations on proposed regulations with the public and organizations representing employees or employers of federally regulated private businesses;
- the tabling of draft proposed regulations in the House of Commons at least 30 sitting days before publication in the *Canada Gazette*, which mirrors the provisions in section 85 of the OLA;
- publication in the *Canada Gazette* at least 30 sitting days before their proposed effective date, which mirrors the existing provisions in section 86 of the OLA;
- a reasonable opportunity for interested parties to make representations to the Minister with respect to the proposed regulations after publication in the *Canada Gazette*;

- permanent review of the administration of the UFFRPBA and its regulations by any designated committee of the Senate, House of Commons, or any joint committee of both chambers, similar to what it is provided for in section 88 of the OLA;
- non-applicability of the *Criminal Code* provision respecting contraventions of a federal Act to the UFFRPBA's implementing regulations, just as it does not apply to similar provisions in the amended section 89 of the OLA;¹²³
- recognition of parliamentary and judicial powers, privileges and immunities, rights relating to Indigenous languages and the maintenance of linguistic heritage, similar to what it is provided in the amended section 83 of the OLA;
- a first statutory review 10 years after the UFFRPBA comes into force and every 10 years following, as well as the tabling of a review report by the Minister within the first 30 days after the report has been completed, which mirrors the provisions in new section 93.1 of the OLA; and
- the specifying in section 41 of the UFFRPBA that the powers of the Commissioner to enter into compliance agreements with, and make orders respecting, federally regulated private businesses in Quebec will apply on a date fixed by order of the Governor in Council. Clause 63 of Bill C-13 adds similar provisions after section 41 of the UFFRPBA for regions with a strong francophone presence, which will come into force two years after those of section 41.

The February 2021 reform proposal included a number of details on the forthcoming legislative amendments, while noting that no requirements regarding the use of the official languages as languages of service and work within federally regulated private businesses currently exist.¹²⁴ In March 2021, the federal government appointed an expert panel to study criteria for inclusion in future legislation and regulations.¹²⁵ The expert panel's findings had not yet been made public at the time of writing.

2.2.10 Amendments to the Use of French in Federally Regulated Private Businesses Act, Related Amendments to the *Canada Labour Code* and Transitional Provision (Clauses 55 to 68)

Clauses 55 to 63 of Bill C-13 make amendments to sections 4, 7(1), 9(1), 9(2.1), 9.2(1), 10(1), 10(1.1), 11, 16(1), 19(1), 33(1)(b) and 33(2) of the UFFRPBA to extend its application to regions outside Quebec with a strong francophone presence. These amendments come into force two years after the UFFRPBA does, by order of the Governor in Council, in order to give affected businesses more time to comply with the new provisions.

The bill also provides for subsequent amendments to sections 11(1), 11(3) and 11(4) of the UFFRPBA, which will come into force two years after the initial order. The provision imposing minimum conditions that federally regulated

private businesses must fulfill before they can require their employees to know a language other than French is to apply first in Quebec only and then in regions with a strong francophone presence. The provisions concerning adverse treatment set out in sections 11(6) and 11(7) of the UFFRPBA are to apply to regions with a strong francophone presence. They will come into force two years after the initial order.

In addition, clause 63 adds section 41.1 to the UFFRPBA to specify that the powers of the Commissioner of Official Languages to enter into compliance agreements with and make orders respecting federally regulated private businesses in regions with a strong francophone presence will apply on the date fixed by order of the Governor in Council.

Clauses 64 to 67 provide for related amendments to the CLC in order to:

- add to the list of members of the Board in section 9(2) of the CLC to account for the UFFRPBA's new language-of-work duties for federally regulated private businesses (clause 64);
- add to section 10(3) of the CLC the requirement for these new members and any others appointed to assist the Board in carrying out its functions under the UFFRPBA, and add new section 10(3.1) of the CLC to specify that these new members must have experience and expertise in official language rights (clause 65);
- amend section 11(2) of the CLC to account for these new provisions and the application of the UFFRPBA (clause 66); and
- specify in section 12.02 of the CLC a clarification that the members referred to in its new section 9(2)(f) are not allowed to vote on the making of regulations of general application respecting the Board (clause 67).

Clause 68 provides that, before the UFFRPBA comes into force, the Minister of Canadian Heritage may take any measures or carry out any activity in Canada that the Minister considers necessary for the administration of the UFFRPBA, for promoting the rights set out in sections 7(1) and 9(1) and for providing assistance, education and information to federally regulated private businesses in relation to those rights.

2.3 PART 3 – COORDINATING AMENDMENTS AND COMING INTO FORCE (CLAUSES 69 TO 71)

Clause 69 provides for a coordinating amendment relating to the coming into force by order of the Governor in Council of provisions on administrative monetary penalties in the OLA, clarifying that these provisions do not apply to the UFFRPBA.

Clause 70 provides for a coordinating amendment relating to Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts.¹²⁶ If it is passed, new section 42.1 of the OLA, which recognizes the role of the Canadian Broadcasting Corporation, will take effect the day on which clause 21 of Bill C-13 and clause 30 of Bill C-11 both come into force. Furthermore, once Bill C-13 receives Royal Assent, section 2(3)(b) of the *Broadcasting Act* will be amended to take into account clauses 2 and 21 of Bill C-13, which recognize the uniqueness and diversity of official language minority communities and their historical and cultural contributions to Canadian society. **Bill C-11 received Royal Assent on 27 April 2023.**

Clause 71 provides for a phased coming into force for the clauses addressing the OLA:

- the provisions on federal court decisions that have precedential value will come into force one year after Royal Assent is given (clause 71(1));
- **the provisions on supervisors and managers will come into force two years after Royal Assent (clause 71(1.1));**
- the provision on the duty to adopt a francophone immigration policy **came into force by order of the Governor in Council on 15 December 2023** (clause 71(2));
- the provisions on administrative monetary penalties, **the order-making power respecting certain provisions of Part VII of the OLA and the new language-of-work duties** will come into force by order of the Governor in Council (clause 71(3));
- the provisions of the new UFFRPBA that apply to Quebec will come into force by order of the Governor in Council, while the provisions that apply to regions with a strong francophone presence will come into force two years later (clauses 71(4) and 71(5));
- **the provision on generalizing the use of French in the workplaces of federally regulated private businesses in Quebec will come into force by order of the Governor in Council (clause 71(6));** and
- **the provision dealing with the minimum conditions that federally regulated private businesses in Quebec must meet to require knowledge of a language other than French will come into force by order of the Governor in Council (clause 71(7)).**

3 COMMENTARY

3.1 REACTIONS TO BILL C-13 AFTER ROYAL ASSENT

Most organizations representing francophone minority communities welcomed the passage of Bill C-13. The primary voice for these communities, the Fédération des communautés francophones et acadienne du Canada, first urged the federal government, while Bill C-13 was under parliamentary consideration, to make the inclusion of language clauses in intergovernmental agreements mandatory and to strengthen francophone immigration policy measures, among others, then calling its passage a historic moment.¹²⁷

Meanwhile, organizations representing Quebec’s English-speaking communities were less enthusiastic about Bill C-13’s passage. The leading organization representing these communities, the Quebec Community Groups Network (QCGN), had published a preliminary analysis of Bill C-13 in which it argued that the bill could undermine the equality of status and use of the two official languages.¹²⁸ The QCGN opposed the bill for three main reasons:¹²⁹

- The new OLA should not include references to the Quebec’s *Charter of the French Language*, as amended in June 2022 by the newly adopted *An Act respecting French, the official and common language of Quebec*, as the latter law emphasizes French unilingualism rather than the equality of status and use of English and French in Quebec.
- *An Act respecting French, the official and common language of Quebec*, provides for the broad and pre-emptive use of the notwithstanding clause, making the Quebec’s *Charter of the French Language* – and thus, according to the QCGN and its members, the OLA – immune from challenges under the *Canadian Charter of Rights and Freedoms* and the *Charter of Human Rights and Freedoms*.¹³⁰
- The QCGN expressed doubt about the bill’s approach to federally regulated private businesses, which promotes only French, ignoring the rights of Quebec’s English-speaking workers and consumers.

Five days before Bill C-13 received Royal Assent, the QCGN issued a news release expressing its deep disappointment: “Canada’s *Official Languages Act* and the *Charter of the French Language* are now inextricably linked, creating a framework where one minority-language group is treated differently than another.”¹³¹

The Commissioner of Official Languages, Raymond Théberge, initially made suggestions to improve Bill C-13 while Parliament considered it and then called the new OLA “more robust and better adapted to today’s linguistic reality” once the bill had passed.¹³² He also acknowledged the concerns expressed by Quebec’s English-speaking communities. On this point, he said he would “listen to

communities” and “closely monitor the implementation of the modernized Act using specific performance indicators to clearly identify any issues that may arise.”¹³³ In addition, the Commissioner published a backgrounder summarizing his position’s new tools and powers to ensure better compliance with the OLA.¹³⁴

The Government of Quebec reacted to the introduction of Bill C-13 by imposing its own language regime on federally regulated private businesses. The Quebec’s *Charter of the French Language* now requires all federally regulated private businesses to register with the Office québécois de la langue française and undertake a francization process. Businesses subject to the OLA such as Air Canada and CN have moved to comply by voluntarily registering.¹³⁵ The Quebec government submitted a brief to the House of Commons Standing Committee on Official Languages outlining how it would have liked to see Bill C-13 amended.¹³⁶ A significant number of these recommendations were adopted at the committee stage in the winter of 2023, following talks between Ginette Petitpas Taylor, Minister of Official Languages, and Jean-François Roberge, the Quebec Minister of the French Language.¹³⁷ In Quebec, the regime that applies to federally regulated private businesses under the UFFRPBA will therefore be similar to that of the Quebec’s *Charter of the French Language*.

3.2 NEXT STEPS

Organizations representing anglophone and francophone minority communities are eagerly awaiting the making of implementing regulations for Part VII of the OLA. This is a major issue, because it could more clearly define a “positive measure,” which is a key concept in Part VII. The new regulations would also govern the content of provisions relating to federal–provincial/territorial agreements, for which expectations are very high. The Honourable Randy Boissonnault, Minister of Official Languages, expressed the hope that consultations would begin in the fall of 2023, but the regulation-making process can take between two and three years.¹³⁸

The provisions on administrative monetary penalties will come into force by order of the Governor in Council, and their content must be specified by making regulations, for which no time frame has been set. As a result, the Commissioner of Official Languages cannot use this new power for the moment. The Commissioner stated that the “new tools will be implemented gradually, and my team is working to put in place the structures and determine the resources that will be needed to use these new powers as quickly as possible.”¹³⁹ Appearing before the House of Commons Standing Committee on Official Languages, the Commissioner explained that a special working group is examining the impact the new powers will have on his office’s resources and organizational structure and on its relationship with communities.¹⁴⁰ The Commissioner told the

Standing Senate Committee on Official Languages that his new responsibilities will require new resources.¹⁴¹

Likewise, the UFFRPBA will not come into force until the Governor in Council makes an order to that effect. The government will then need to define the term “region with a strong francophone presence” by regulation. This new concept will determine where, other than Quebec, customers and employees of federally regulated private businesses will be able to communicate with and obtain services in French from those businesses. Isabelle Mondou, Deputy Minister at Canadian Heritage, said that this definition is not part of Bill C-13 because it requires consulting with communities.¹⁴² She added that an expert panel has considered the issue.¹⁴³ Furthermore, Mr. Boissonnault stated that federally regulated private businesses will be consulted on this definition.¹⁴⁴ In addition, the eventual regulations will define “federally regulated private business,” the employee threshold and the criteria for the volume and type of communications covered by the UFFRPBA.

Lastly, an order requiring the Minister of Citizenship and Immigration to adopt a francophone immigration policy was made on 15 December 2023.¹⁴⁵ The policy was released on 17 January 2024.¹⁴⁶ Francophone organizations were pressing the government to act and wanted clear commitments to a higher target for francophone immigration in order to restore the demographic weight of francophone minority communities to what it was in 1971. However, the government took a phased approach to measurable targets: 6% of total immigration in 2024, 7% in 2025 and 8% in 2026.¹⁴⁷ The policy focuses on five action areas and includes a five-year implementation plan that is aligned with Immigration, Refugees and Citizenship Canada’s Multi-Year Immigration Levels Plan.¹⁴⁸

3.3 ISSUES TO WATCH

In its report adopting Bill C-13, the Standing Senate Committee on Official Languages made observations on eight issues to watch in the years ahead:¹⁴⁹

- **oversight of the OLA’s implementation;**
- **the bill’s impact on Quebec’s English-speaking communities;**
- **the enumeration of rights-holders;**
- **the creation of a coherent and equitable rights regime for the travelling public;**
- **the adoption of a fully bilingual Constitution;**
- **the discoverability of French in the digital realm;**

- the role of the Translation Bureau; and
- the links between the official languages regime and that of Indigenous languages.

As regards oversight and governance mechanisms, the federal government committed to establishing a centre for strengthening Part VII of the OLA, while the Commissioner of Official Languages is working to implement his new powers.¹⁵⁰

Regarding the links between the official languages regime and the Indigenous languages regime, the modernized OLA confirms that advancing official languages cannot occur at the expense of advancing Indigenous languages. The Minister of Official Languages, the Commissioner of Official Languages, organizations representing anglophone and francophone minority communities and legal experts all told the Standing Senate Committee on Official Languages that the *Indigenous Languages Act* remains the best means of advancing Indigenous languages.¹⁵¹ However, Senator Michelle Audette publicly expressed disappointment in her colleagues' refusal to recommend that Bill C-13 recognize article 13 of the *United Nations Declaration on the Rights of Indigenous Peoples*, which pertains to Indigenous languages.¹⁵²

In addition, since 2019 the Commissioner of Official Languages has been highlighting the inconsistent application of parts IV and V of the OLA, an issue that the passage of Bill C-13 did not resolve. More recently, the effects of telework on the language rights of federal public servants have led to complaints to his office. In his annual report released in June 2023, the Commissioner underscored the importance of modernizing the federal government's approach to language of work, which could involve updating the list of bilingual regions for language-of-work purposes, which was created in 1977 but has not been changed since.¹⁵³

Finally, the provisions of the *Official Languages (Communications with and Services to the Public) Regulations*, as updated in 2019, will gradually come into force in 2024. Bill C-13 amends some provisions relating to services to the travelling public, services provided by third parties and the definitions of "communication," "publication" and "service" covered by the OLA. Their implementation merits particular attention, especially where the provisions of the UFFRPBA and the OLA differ in respect of certain carriers, particularly in the air transportation sector.

NOTES

1. [Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts](#), 44th Parliament, 1st Session (S.C. 2023, c. 15).
2. House of Commons, Standing Committee on Official Languages (LANG), [Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts](#), First report, 18 April 2023.
3. Senate, Standing Committee on Official Languages (OLLO), [Report on the Subject Matter of Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts](#), First report, 17 November 2022.
4. OLLO, [Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts](#), Third report, 13 June 2023.
5. Government of Canada, [Bill C-13: An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts – Charter Statement](#), 5 April 2022.
6. [Bill C-32, An Act to amend the Official Languages Act and to make related and consequential amendments to other Acts](#), 43rd Parliament, 2nd Session.
7. Government of Canada, [English and French: Towards a substantive equality of official languages in Canada](#), 2021.
8. [Official Languages Act](#) (OLA), R.S.C. 1985, c. 31 (4th Supp.).
9. Canadian Heritage, [Tabling of the improved Bill entitled An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts](#), News release, 1 March 2022.
10. [Lavigne v. Canada \(Office of the Commissioner of Official Languages\)](#), 2002 SCC 53, para. 23; and [Thibodeau v. Air Canada](#), 2014 SCC 67, paras. 12 and 112.
11. [Mahe v. Alberta](#), [1990] 1 S.C.R. 342; [R. v. Beaulac](#), [1999] 1 S.C.R. 768, paras. 22–24; [Arsenault-Cameron v. Prince Edward Island](#), 2000 SCC 1, paras. 26–31; [Association des parents de l'école Rose-des-vents v. British Columbia \(Education\)](#), 2015 SCC 21; [DesRochers v. Canada \(Industry\)](#), 2009 SCC 8, paras. 31 and 51; and [Conseil scolaire francophone de la Colombie-Britannique v. British Columbia](#), 2020 SCC 13.
12. [An Act to amend the Official Languages Act \(promotion of English and French\)](#), S.C. 2005, c. 41.
13. Senate, “[Official Languages](#),” *Debates*, 6 April 2017.
14. Office of the Commissioner of Official Languages (OCOL), [2016–2017 Annual Report](#), p. 10.
15. LANG, [Modernization of the Official Languages Act](#), Seventeenth report, 19 June 2019.
16. OLLO, [Modernizing the Official Languages Act: The Views of Federal Institutions and Recommendations](#), Final report, June 2019; OCOL, [1969–2019: Modernizing the Official Languages Act – The Commissioner of Official Languages’ Recommendations for an Act that is Relevant, Dynamic and Strong](#), May 2019; LANG, [Modernization of the Official Languages Act](#), Seventeenth report, June 2019; Fédération des communautés francophones et acadienne du Canada (FCFA), [Time for Action: The FCFA Proposes a new Wording of the Official Languages Act](#), Brief to the OLLO Committee, 5 March 2019; and Quebec Community Groups Network (QCGN), [English-speaking Quebec and the Modernization of the Official Languages Act](#), Brief submitted to the OLLO Committee, 28 May 2018.
17. Prime Minister of Canada, Justin Trudeau, [Minister of Tourism, Official Languages and La Francophonie Mandate Letter](#), 28 August 2018.
18. Government of Canada, [Summary Document: Engaging Canadians as a Step Towards Modernizing the Official Languages Act](#), 2019.

19. Prime Minister of Canada, Justin Trudeau, [Minister of Economic Development and Official Languages Mandate Letter](#), 13 December 2019; and Prime Minister of Canada, Justin Trudeau, [Minister of Economic Development and Official Languages Supplementary Mandate Letter](#), 15 January 2021.
20. Government of Canada, [A Stronger and More Resilient Canada: Speech from the Throne to Open the Second Session of the Forty-Third Parliament of Canada](#), 23 September 2020, pp. 28–29:

The Government of Canada must also recognize that the situation of French is unique. There are almost 8 million Francophones in Canada within a [North American] region of over 360 million inhabitants who are almost exclusively Anglophone. The Government therefore has the responsibility to protect and promote French not only outside of Quebec, but also within Quebec.

In this vein, 51 years after the passage of the *Official Languages Act*, the Government is committed to strengthening this legislation among other things, taking into consideration the unique reality of French.
21. Government of Canada, [“Part 3: A Resilient and Inclusive Recovery – Promoting Official Languages,” A Recovery Plan for Jobs, Growth, and Resilience](#), Budget 2021.
22. Quebec, [Position du gouvernement du Québec – Modernisation de la Loi sur les langues officielles](#) [IN FRENCH].
23. Government of Canada, [Building a Resilient Economy: A Cleaner & Healthier Future for Our Kids – Speech from the Throne to Open the First Session of the 44th Parliament of Canada](#), 23 November 2021, p. 20; Prime Minister of Canada, Justin Trudeau, [Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency Mandate Letter](#), 16 December 2021; and Department of Finance Canada, [Economic and Fiscal Update 2021](#), p. 69.
24. Government of Canada, [“Chapter 8: Safe and Inclusive Communities – Key Ongoing Actions,” A Plan to Grow Our Economy and Make Life More Affordable](#), Budget 2022; and Government of Canada, [“Chapter 4: Advancing Reconciliation and Building a Canada That Works for Everyone – 4.4 Stronger and More Inclusive Communities,” A Made-in-Canada Plan: Strong Middle Class, Affordable Economy, Healthy Future](#), Budget 2023.
25. Government of Canada, [English and French: Towards a substantive equality of official languages in Canada](#), 2021.
26. Ibid.
27. OLLO, [Study on the proposed Official Languages reform](#).
28. FCFA, [FCFA Welcomes Minister Joly’s Blueprint for Official Languages Overhaul](#), News release, 19 February 2021; and OCOL, [Statement from the Commissioner of Official Languages on the Government of Canada’s reform document, English and French: Towards a Substantive Equality of Official Languages in Canada](#), News release, 19 February 2021.
29. OCOL, [Statement by the Commissioner of Official Languages of Canada on the government of Canada’s reform document, French and English: Towards substantive equality of official languages in Canada](#), News release, 10 May 2021; and QCGN, [QCGN Cautiously Optimistic About Ottawa’s Plan to Overhaul the Official Languages Act](#), News release, 19 February 2021.
30. [Canada \(Commissioner of Official Languages\) v. Canada \(Employment and Social Development\)](#), 2022 FCA 14, paras. 124–196.
31. Quebec, National Assembly, [Bill 96. An Act respecting French, the official and common language of Québec](#), 42nd Legislature, 1st Session. This bill was reinstated in the National Assembly in the 2nd Session of the 42nd Legislature, on 20 October 2021.
32. Quebec, [Charter of the French language](#), c. C-11.
33. On 4 November 2021, a motion was adopted by the National Assembly of Quebec to emphasize the importance of having the *Charter of the French Language* apply to federally regulated private businesses. See Quebec, National Assembly, [“Rappeler que le français est la seule langue commune et officielle du Québec, condamner le manque de considération de la compagnie aérienne Air Canada et de son président à l’égard de sa langue et de sa culture francophone et réitérer l’importance d’appliquer la Charte de la langue française aux entreprises à charte fédérale,” Journal des débats de l’Assemblée nationale](#), 4 November 2021 [IN FRENCH].

34. New Brunswick, [Official Languages Act](#), S.N.B. 2002, c. O-0.5, s. 42(1). That section reads as follows: “The Premier shall initiate a review of this Act, and the review shall be completed no later than December 31, 2021.”
35. Judge Yvette Finn and John McLaughlin, Commissioners, [Report of the 2021 Review of the Official Languages Act of New Brunswick – Organization, Communication and Commitment](#), December 2021.
36. Judge Yvette Finn and John McLaughlin, Commissioners, [2021 Review of the Official Languages Act of New Brunswick – Report on second-language learning](#), January 2022.
37. **New Brunswick, Legislative Assembly, [Bill 37, An Act Respecting the Official Languages Act](#), 60th Legislature, 2nd Session.**
38. Ontario, Legislative Assembly, [Bill 43, An Act to implement Budget measures and to enact and amend various statutes](#), 42nd Legislature, 2nd Session, Schedule 13 (S.O. 2021, c. 40).
39. Northwest Territories, [Official Languages Act](#), R.S.N.W.T. 1988, c. O-1, s. 35(1) (version in force from 27 October 2020 to 29 March 2023) (CanLII):
- The Legislative Assembly or a committee of the Legislative Assembly designated or established by it shall review the provisions and operation of the *Official Languages Act* at the next session following December 31, 2007, and subsequently at the next session following each successive fifth anniversary of that date.
- The last review took place in 2014.
40. **Northwest Territories, Legislative Assembly, [Bill 63, An Act to amend the Official Languages Act](#), 19th Legislative Assembly, 2nd Session.**
41. Northwest Territories, [Official Languages Act](#), R.S.N.W.T. 1988, c. O-1, s. 35(1) (version in force since 30 March 2023) (CanLII):
- The provisions and operation of this Act must be reviewed within two years after the commencement of the Twenty-first Legislative Assembly and within the first two years of every second Legislative Assembly thereafter, by the Legislative Assembly or a committee of the Legislative Assembly designated or established by it.
42. Northwest Territories, Standing Committee on Government Operations, [Report on the 2021–22 Review of the Official Languages Act](#), 19th Legislative Assembly, 27 March 2023.
43. Nunavut, Standing Committee on Legislation, [Committee Transcripts, Reports and Government Responses – Sixth Legislative Assembly](#).
44. [Broadcasting Act](#), S.C. 1991, c. 11. Pursuant to sections 3(1)(m)(iv) and 3(1)(m)(v) of this legislation, Canadian Broadcasting Corporation programming should “be in English and in French, reflecting the different needs and circumstances of each official language community, including the particular needs and circumstances of English and French linguistic minorities” and “strive to be of equivalent quality in English and in French.” Pursuant to sections 2(3)(b) and 2(3)(c), the *Broadcasting Act* must be construed in a way that is consistent with:
- the commitment of the Government of Canada to enhance the vitality of English and French linguistic minority communities in Canada and to support and assist their development, taking into account their uniqueness, diversity and historical and cultural contributions to Canadian society, as well as to foster the full recognition and use of both English and French in Canadian society;
- the commitment of the Government of Canada to enhance the vitality of official language minority communities and to support and assist their development, as well as to foster the full recognition and use of both English and French in Canadian society.
45. [Canada \(Commissioner of Official Languages\) v. CBC](#), 2014 FC 849, para. 33:
- [T]he Court declares that the Corporation is subject to the OLA, in particular Part VII (sections 41 to 45). It has an obligation to take positive measures to enhance the vitality and support and assist the development of [official language minority communities] under Part VII of the OLA, specifically 41, which imposes an obligation to act in a manner that does not hinder the development and vitality of Canada’s Anglophone and Francophone minorities.
46. [Immigration and Refugee Protection Act](#), S.C. 2001, c. 27. Pursuant to s. 3(3)(e), this legislation is to be construed and applied in a way that “supports the commitment of the Government of Canada to enhance the vitality of the English and French linguistic minority communities in Canada.”
47. The federal government set a target to increase the proportion of French-speaking immigrants who settle outside Quebec to 4.4% by 2023. In 2019, the government established a francophone immigration

strategy. In addition, the two latest government-wide official languages strategies contain commitments to strengthen the vitality of francophone minority communities through immigration. The Minister of Immigration, Refugees and Citizenship's December 2021 mandate letter called on the minister to "continue to implement an ambitious national strategy to support Francophone immigration across the country." **In the fall of 2023, the federal government made commitments to set new francophone immigration targets of 6% in 2024, 7% in 2025 and 8% in 2026.** See Immigration, Refugees and Citizenship Canada (IRCC), [Meeting our objectives: Francophone Immigration Strategy 2018–2023](#), 2019; Government of Canada, ["Enhancing the vitality of Francophone minority communities through immigration: A national strategy," Action Plan for Official Languages – 2018–2023: Investing in Our Future](#); Prime Minister of Canada, Justin Trudeau, [Minister of Immigration, Refugees and Citizenship Mandate Letter](#), 16 December 2021; **Government of Canada, "Pillar 1: Francophone Immigration: Towards the Re-establishment of the Demographic Weight of Francophones," Action Plan for Official Languages 2023–2028: Protection-Promotion-Collaboration**; and IRCC, [Stabilizing Canada's immigration targets to support sustainable growth](#), News release, 1 November 2023.

48. [Constitution Act, 1867](#), 30 & 31 Victoria, c. 3 (U.K.), s. 133:

Either the English or the French Language may be used by any Person in the Debates of the Houses of the Parliament of Canada and of the Houses of the Legislature of Quebec; 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 this Act, and in or from all or any of the Courts of Quebec.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those Languages.

[Manitoba Act, 1870](#), 33 Victoria, c. 3, s. 23:

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 British North America 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.

49. Quebec, [Charter of the French Language](#), c. C-11. Note that this is the only provincial legislation explicitly named in the OLA. **This legislation was amended when the Quebec National Assembly passed Bill 96, An Act respecting French, the official and common language of Québec.**

50. [Canadian Charter of Rights and Freedoms](#) (Charter), Part I of the [Constitution Act, 1982](#), being Schedule B to the [Canada Act, 1982](#) (U.K.), 1982, c. 11, ss. 16(2), 16.1(1), 16.1(2), 17(2) and 18(2):

16(2) English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of New Brunswick.

16.1(1) 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.

16.1(2) The role of the legislature and government of New Brunswick to preserve and promote the status, rights and privileges referred to in subsection (1) is affirmed.

17(2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick.

18(2) 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.

Note that, similarly to Bill C-32, Bill C-13 does not refer to ss. 19(2) and 20(2) of the Charter, which apply to New Brunswick.

51. [Indigenous Languages Act](#), S.C. 2019, c. 23.

52. The COVID-19 pandemic has highlighted the challenges federal institutions face in fulfilling their obligations respecting communications with and services to the public, leading the Commissioner of Official Languages to make recommendations on this matter. See OCOL, [A Matter of Respect and Safety: The Impact of Emergency Situations on Official Languages](#).

53. A parliamentary committee studied the impact of the COVID-19 pandemic, and in a report published in June 2021, it recommended that the OLA be amended so that it takes precedence over all laws and regulations governing communications. See LANG, [Impact of the COVID-19 Pandemic on the Government's Ability to Deliver Information and Services in Both Official Languages](#), Fifth report, June 2021.
- In the reform document, the government indicated that it would take administrative measures to help federal institutions meet their obligations during emergencies. Bill C-32 did not include any such legislative measures, but Bill C-13 took into account the expectations of stakeholders. Note that the reference in the bill to emergencies appears only in the Preamble, but not elsewhere.
54. [Reference re Secession of Quebec](#), [1998] 2 S.C.R. 217, paras. 79–82; and [Lalonde v. Ontario \(Commission de restructuration des services de santé\)](#), 2001 CanLII 21164 (ON CA), paras. 111–125.
55. For example, since 1951, the percentage of the population of Canada and Quebec with French as a mother tongue has been declining steadily. See Statistics Canada, [The evolution of language populations in Canada, by mother tongue, from 1901 to 2016](#), Canadian Megatrends, 21 February 2018, pp. 3–4. Language projections show that this downward trend will continue over the next 15 years. See René Houle and Jean-Pierre Corbeil, [Language Projections for Canada, 2011 to 2036](#), Ethnicity, Language and Immigration Thematic Series, Statistics Canada, 25 January 2017, p. 14.
56. The OLLO Committee, the FCFA and the QCGN took a position on which central agency should be given this role – the Treasury Board – and they asked for more binding obligations. **The initial version of Bill C-13 did not implement these proposals, but it was amended at committee in the House of Commons to include them.** See OLLO, [Modernizing the Official Languages Act: The Views of Federal Institutions and Recommendations](#), Final report, June 2019, pp. 49–50; FCFA, [Time for Action: The FCFA Proposes a new Wording of the Official Languages Act](#), Brief submitted to the OLLO Committee, 5 March 2019, pp. 12–14; and QCGN, [English-speaking Quebec and the Modernization of the Official Languages Act](#), Brief submitted to the OLLO Committee, 28 May 2018, p. 34.
57. Government of Canada, [English and French: Towards a substantive equality of official languages in Canada](#), 2021.
58. In 2003, the federal government adopted its first five-year official languages plan, the Action Plan for Official Languages (2003–2008). Others followed:
- the [Roadmap for Canada's Linguistic Duality 2008–2013: Acting for the Future](#);
 - the [Roadmap for Canada's Official Languages 2013–2018: Education, Immigration, Communities](#);
 - the [Action Plan for Official Languages – 2018–2023: Investing in Our Future](#); and
 - the [Action Plan for Official Languages 2023–2028: Protection-Promotion-Collaboration](#).
- In the debate on modernizing the OLA, all stakeholders called for entrenching this mechanism in the OLA.
59. This principle for interpreting the OLA was not included in Bill C-32.
60. Private members' bills were previously introduced in Parliament to amend the Supreme Court Act to require that all Supreme Court judges be able to understand English and French without the aid of an interpreter at the time of their appointment. Such an amendment would require each individual judge to be bilingual rather than the court as a whole, as provided in Bill C-13. See the [Supreme Court Act](#), R.S.C. 1985, c. S-26.
61. Supreme Court of Canada, “[9. How many judges are assigned to hear an appeal?](#),” *Frequently Asked Questions (FAQ)*.
62. Government of Canada, [English and French: Towards a substantive equality of official languages in Canada](#), 2021.
63. Ibid. On the eligibility requirements for appointment to the Supreme Court of Canada, see [Reference re Supreme Court Act, ss. 5 and 6](#), 2014 SCC 21.
64. Department of Justice Canada, [Action Plan: Enhancing the Bilingual Capacity of the Superior Court Judiciary](#).
65. Government of Canada, [English and French: Towards a substantive equality of official languages in Canada](#), 2021.

66. In 2018, a case was brought before the Federal Court regarding the publication times and translation quality of federal court decisions, but it did not proceed because of the applicant's death. See *Pierre Devinat v. Courts Administration Service*, File T-1296-18 before the Federal Court of Canada. See also Marie-Ève Hudon, *Bilingualism in Canada's Court System: The Role of the Federal Government*, Publication no. 2017-33-E, Library of Parliament, 26 November 2020, pp. 7–9.
67. [*Thibodeau v. St. John's International Airport Authority*, 2022 FC 563.](#)
68. [*Canada \(Commissioner of Official Languages\) v. Canada \(Employment and Social Development\)*, 2022 FCA 14.](#)
69. Clause 16 of Bill C-13 makes minor amendments to sections 36(1)(a), 36(1)(b) and 36(2) of the OLA. In the summer of 2021, the Federal Court of Appeal interpreted the minimum duties set out in these three provisions and confirmed that federal institutions must create mechanisms to ensure these duties are fulfilled. See [*Canada \(Commissioner of Official Languages\) v. Office of the Superintendent of Financial Institutions*, 2021 FCA 159.](#)
70. [*Financial Administration Act*, R.S.C. 1985, c. F-11, Schedule 1.](#)
71. Government of Canada, [*English and French: Towards a Substantive Equality of Official Languages in Canada*](#), 2021.
72. Patrick Borbey and Matthew Mendelsohn, [*The Next Level: Normalizing a Culture of Inclusive Linguistic Duality in the Federal Public Service Workplace*](#).
73. In 2020, the Supreme Court of Canada confirmed that section 23 of the Charter grants official language minority communities the right to education of equal quality to that received by the majority. The Supreme Court noted that a truly equivalent educational experience is possible only if teachers are properly trained. In a minority-language school, that means teachers need adequate language and pedagogical skills to meet the needs of minority-language students. See [*Conseil scolaire francophone de la Colombie-Britannique v. British Columbia*](#), 2020 SCC 13.

During consideration of Bill C-13, the Réseau pour le développement de l'alphabétisme et des compétences (RESDAC) provided the following definition of learning environments in its [brief](#) to LANG:

Formal settings refers to institutions such as pre-schools, primary and secondary schools, colleges and universities that deliver structured, recognized learning. Non-formal learning also tends to occur in an intentional and structured manner, but it often occurs in the workplace or in the community and is less supported and recognized. The same applies to informal learning, which refers to any other unstructured situation, whether in the workplace or with family, through civic or community engagement, or in recreational activities.

74. In response to pressure from official language minority school boards and parliamentary committees, the federal government committed, in Census 2021, to taking measures to enumerate the three categories of rights-holders described in section 23 of the Charter for the first time. See LANG, [*The Enumeration of Rights-Holders Under Section 23 of the Canadian Charter of Rights and Freedoms: Toward a Census that Supports the Charter*](#), Fifth report, May 2017, pp. 9–13; OLLO, [*Horizon 2018: Toward Stronger Support of French-Language Learning in British Columbia*](#), May 2017, pp. 57–58; and Prime Minister of Canada, Justin Trudeau, [*Minister of Economic Development and Official Languages Mandate Letter*](#), 13 December 2019.

While the initial version of Bill C-13 included the wording “contributing periodically to an estimate” of the number of rights-holders, amendments made at the committee stage employed “estimate periodically, using the necessary tools.” As noted at the end of section 2.1.2 of this legislative summary, data collection requires the federal government, which conducts the census, and provincial and territorial governments, which provide data on school attendance, to collaborate.

75. In the debate on modernizing the OLA and during consideration of Bill C-13, stakeholders asked that duties respecting the development, management and implementation of agreements between the federal government and provincial and territorial governments, especially in the area of education, be added to the OLA. In the reform proposal of February 2021, the federal government promised to take administrative measures to improve transparency, accountability and consultation for these agreements. See Government of Canada, [*English and French: Towards a Substantive Equality of Official Languages in Canada*](#), 2021.

New section 41(7)(a.1) is subject to regulations and does not require language-related provisions to be included in intergovernmental agreement. It does not create a duty to include them, but rather a duty to discuss including them.

76. The wording of new section 41(9.1) reprises the main components of Bill C-11, *An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts*, but does not include the following two elements:

- propose policies, decisions and initiatives that have not been finalized; and
- provide communities with feedback, both during the consultation process and after a decision has been made.

See [Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts](#), 44th Parliament, 1st Session (S.C. 2023, c. 8).

77. [Canada \(Commissioner of Official Languages\) v. Canada \(Employment and Social Development\)](#), 2022 FCA 14, paras. 124 to 196.

Since the amendments made to Part VII of the OLA in 2005, the government has clarified positive measures through administrative means instead of legislative or regulatory means. In 2003, an accountability and coordination framework established the following key principles that each federal institution must comply with in relation to the implementation of Part VII:

- raise employees' awareness of the needs of minority official-language communities and the government's commitments under Part VII;
 - determine whether its policies and programs have impacts on the promotion of linguistic duality and the development of minority communities, from the initial elaboration of policies through to their implementation, including devolution of services;
 - consult affected publics as required, especially representatives of official language minority communities, in connection with the development or implementation of policies or programs;
 - be able to describe its actions and demonstrate that it has considered the needs of minority communities; and
- ...
- when it has been decided that impacts do exist, the institution will have to plan activities accordingly for the following year and in the longer term; present the expected outcomes, taking into account funding provisions, to the greatest extent possible; and provide for results assessment mechanisms.

Then, in 2007, Canadian Heritage published a guide so that federal institutions could have a common understanding of their duties. This guide repeated the same principles, which were maintained in its 2019 update. See Government of Canada, "Annex A: Official Languages Accountability and Coordination Framework," [The Next Act: New Momentum for Canada's Linguistic Duality](#), 2003, p. 66; Canadian Heritage, [Guide for Federal Institutions – Official Languages Act: Part VII – Promotion of English and French](#), 2007; and Canadian Heritage, [Guide on Part VII of the Official Languages Act: Support to communities and promotion of English and French](#).

78. The employment sector was not included in Bill C-32 as an example of an essential sector.

79. [Access to Information Act](#), R.S.C. 1985, c. A-1. Reasons for not publishing agreements may include information obtained in confidence from a provincial government and the disclosure of records relating to federal-provincial affairs.

80. [Fédération des francophones de la Colombie-Britannique v. Canada \(Employment and Social Development\)](#), 2018 FC 530, para. 293:

It is undeniable, in my opinion, that the scope of the duty contained in section 41 is hamstrung by the absence of regulations. And, it must be said, this regulatory silence and the resulting vagueness are probably detrimental to the linguistic minorities in Canada, who may be losing a potential benefit under Part VII.

The Federal Court of Appeal reversed this decision on 28 January 2022. See [Canada \(Commissioner of Official Languages\) v. Canada \(Employment and Social Development\)](#), 2022 FCA 14.

81. Government of Canada, [English and French: Towards a Substantive Equality of Official Languages in Canada](#), 2021.

82. These measures draw on the Official Languages Accountability and Coordination Framework, which was appended to the 2003 Action Plan for Official Languages. See Government of Canada, [The Next Act: New Momentum for Canada's Linguistic Duality – The Action Plan for Official Languages](#), 2003, p. 66.

83. Government of Canada, [Introduction of the bill – An Act for the Substantive Equality of Canada's Official Languages](#).

84. Although a guide on Part VII sets out the duties of all federal institutions, the implementation of this part of the OLA remains a challenge for a number of these institutions. See Canadian Heritage, [Guide on Part VII of the Official Languages Act: Support to communities and promotion of English and French](#).
85. The [Directive on the Management of Real Property](#) provides only that official language minority communities need to be notified of the intent to dispose of real property. Some stakeholders argued that these provisions are too lax. Reports produced in 2019 by the OLLO Committee, the LANG Committee, the FCFA and the QCGN contained recommendations that the OLA clarify the duties to consult with official language minority communities.
86. During the debate on modernizing the OLA, the LANG committee recommended that the updated OLA promote French in Canada and abroad. See LANG, [Modernization of the Official Languages Act](#), Seventeenth report, June 2019, p. 69.
87. Government of Canada, [English and French: Towards a Substantive Equality of Official Languages in Canada](#), 2021.
88. Government of Canada, [Official Languages Support Programs](#).
89. Government of Canada, [English and French: Towards a Substantive Equality of Official Languages in Canada](#), 2021; and IRCC, [Meeting Our Objectives: Francophone Immigration Strategy](#), 2019, p. 2.
- New targets were set for 2024, 2025 and 2026, as described in endnote 47.**
90. OCOL, [Statistical analysis of the 4.4% immigration target for French-speaking immigrants in Francophone minority communities: Almost 20 years after setting the target, it is time to do more and do better](#), Final report, November 2021, p. 71.
- In the winter of 2022, both standing committees on official languages began studies on francophone immigration. See OLLO, [Order of Reference](#), 10 February 2022; and LANG, [Minutes of Proceedings](#), 31 January 2023. The OLLO Committee tabled its report in March 2023, while the LANG Committee expanded its study by examining the issue of increasing francophone immigration. See OLLO, [Francophone Immigration to Minority Communities: Towards a Bold, Strong and Coordinated Approach](#), March 2023; Marc Miller, the Minister of Citizenship and Immigration, [Government response to the Standing Senate Committee on Official Languages' second report titled "Francophone immigration to minority communities: Towards a bold, strong and coordinated approach"](#), 22 September 2023; and LANG, [Minutes of Proceedings](#), 21 April 2023.
91. This was not specified in Bill C-32. The amendments to Bill C-13 made at committee strengthened the duties relating to the restoration of the demographic weight of francophone minority communities.
92. Government of Canada, [English and French: Towards a Substantive Equality of Official Languages in Canada](#), 2021.
- Commitments on these two issues were made in the policy released in January 2024. See Government of Canada, [Policy on Francophone Immigration](#), 2024.**
93. Government of Canada, [Action Plan for Official Languages – 2018–2023: Investing in Our Future](#); IRCC, [Meeting Our Objectives: Francophone Immigration Strategy](#); and Government of Canada, ["Pillar 1: Francophone Immigration: Towards the Re-establishment of the Demographic Weight of Francophones," Action Plan for Official Languages 2023–2028: Protection-Promotion-Collaboration](#).
94. Government of Canada, [Canada–Québec Accord Relating to Immigration and Temporary Admission of Aliens](#), 5 February 1991.
95. **Privy Council Office, [Order in Council PC 2023-1301](#), 15 December 2023; and Government of Canada, [Policy on Francophone Immigration](#), 2024.**
96. The OLLO Committee, the FCFA and the QCGN took a position on which central agency should be given this role – the Treasury Board – but Bill C-13 only partly addresses these requests.
97. Bill C-32 did not include such monetary penalties.
98. OCOL, [Special Report to Parliament – Air Canada: On the Road to Increased Compliance Through an Effective Enforcement Regime](#), June 2016, pp. 24–27.
99. Government of Canada, [English and French: Towards a Substantive Equality of Official Languages in Canada](#), 2021; and [Indigenous Languages Act](#), S.C. 2019, c. 23.

100. OLLO, [Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts](#), Third report, 13 June 2023; Senate, [Debates](#), 14 June 2023; and Senate, [Debates](#), 15 June 2023.
101. This was not specified in Bill C-32.
102. [Criminal Code](#), R.S.C. 1985, c. C-46, s. 126:
- 126(1) Every person who, without lawful excuse, contravenes an Act of Parliament by intentionally doing anything that it forbids or by intentionally omitting to do anything that it requires to be done is, unless a punishment is expressly provided by law, guilty of
- (a) an indictable offence and liable to imprisonment for a term of not more than two years; or
- (b) an offence punishable on summary conviction.
- ...
- (2) Any proceedings in respect of a contravention of or conspiracy to contravene an Act mentioned in subsection (1), other than this Act, may be instituted at the instance of the Government of Canada and conducted by or on behalf of that Government.
103. OCOL, [Implementing Section 91 of the Official Languages Act: A Systemic Problem](#), November 2020.
104. OCOL, [Annual Report 2020–2021](#), p. 24; and OCOL, [Annual Report 2022–2023](#).
105. OCOL, [Annual Report 2022–2023](#).
106. New section 93.1 of the OLA does not refer to amendments, recommendations of amendments or referral to a review committee as is the case in New Brunswick and Nunavut. See New Brunswick, [Official Languages Act](#), S.N.B. 2002, c. O-0.5, s. 42(1); and Nunavut, [Official Consolidation of Official Languages Act](#), S.Nu. 2008, c. 10, s. 37.
107. [Department of Canadian Heritage Act](#), S.C. 1995, c. 11.
108. [C.N.R. Company Exemption Order](#), C.R.C., c. 1244.
109. [CN Commercialization Act](#), S.C. 1995, c. 24.
110. [Use of French in Federally Regulated Private Businesses Act](#), S.C. 2023, c. 15, s. 54.
111. Rather than enacting a standalone Act, Bill C-32 would have added new Parts VII.1 and X.1 to the OLA concerning federally regulated private businesses.
112. The official-languages reform proposal stated that this measure could affect some 73,500 people working in this type of business in Quebec, or 1.7% of the province's workforce. See Government of Canada, [English and French: Towards a Substantive Equality of Official Languages in Canada](#), 2021.
- In 2013, the federal government released a detailed account of the language-of-work situation in federally regulated private businesses in Quebec. This report showed that employees of these businesses could generally work in French and have access to tools in French. It did not show a need to subject existing businesses to either the federal or provincial language regimes. That said, employees who are not covered by either language regime but wish to assert their right to work in French currently have no legal basis to do so. See Government of Canada, [Language of Work in Federally Regulated Private Businesses in Quebec Not Subject to the Official Languages Act](#).
113. According to the official-languages reform proposal, about 815,000 people in Canada work for federally regulated private businesses, making up 6.6% of the country's private-sector workforce. However, it is unclear how many of these businesses operate in regions with a strong francophone presence. See Government of Canada, [English and French: Towards a Substantive Equality of Official Languages in Canada](#), 2021.
114. **These amendments were subsequent to discussions between the Honourable Jean-François Roberge, Quebec Minister of the French Language, and the Honourable Ginette Petitpas Taylor, Minister of Official Languages.**
115. [Canada Labour Code](#), R.S.C. 1985, c. L-2, s. 2:
- federal work, undertaking or business* means any work, undertaking or business that is within the legislative authority of Parliament, including, without restricting the generality of the foregoing,

- (a) a work, undertaking or business operated or carried on for or in connection with navigation and shipping, whether inland or maritime, including the operation of ships and transportation by ship anywhere in Canada,
- (b) a railway, canal, telegraph or other work or undertaking connecting any province with any other province, or extending beyond the limits of a province,
- (c) a line of ships connecting a province with any other province, or extending beyond the limits of a province,
- (d) a ferry between any province and any other province or between any province and any country other than Canada,
- (e) aerodromes, aircraft or a line of air transportation,
- (f) a radio broadcasting station,
- (g) a bank or an authorized foreign bank within the meaning of section 2 of the *Bank Act*,
- (h) a work or undertaking that, although wholly situated within a province, is before or after its execution declared by Parliament to be for the general advantage of Canada or for the advantage of two or more of the provinces,
- (i) a work, undertaking or business outside the exclusive legislative authority of the legislatures of the provinces, and
- (j) a work, undertaking or activity in respect of which federal laws within the meaning of section 2 of the *Oceans Act* apply pursuant to section 20 of that Act and any regulations made pursuant to paragraph 26(1)(k) of that Act.

116. This provision is similar to the exclusion of “any ... body established to perform a governmental function in relation to an Indian band or other group of aboriginal people” in the current definition of “federal institution” in the OLA. See [Official Languages Act](#), R.S.C. 1985, c. 31 (4th Supp.), s. 3(1)(j).
117. [Canada Labour Code](#), R.S.C. 1985, c. L-2, ss. 9(2)(c) and 9(2)(d).
118. These principles for interpreting the OLA are the same as those being added to the OLA in c. 7 of Bill C-13, **excluding the principle of substantive equality and the consideration of the differing needs of minority communities.**
119. Quebec, [Charter of the French Language](#), c. C-11.
 In Quebec, federally regulated private businesses can voluntarily obtain a francization certificate from the Office québécois de la langue française. The official-languages reform proposal noted that nearly 40% of businesses with 50 or more employees hold such a certificate.
120. **As passed, [Bill 96. An Act respecting French, the official and common language of Québec](#), subjects businesses with 25 or more employees to Québec’s legislation. See Office québécois de la langue française, “[Entreprises de 25 personnes ou plus](#),” *Entreprises* [in FRENCH].**
121. In Quebec, the *Charter of the French Language* provides for establishing a francization committee in businesses with 100 or more employees. This committee manages the business’s francization programs, taking into account specific situations such as employees on the verge of retirement.
122. **Specifically, these provisions are sections 18, 19(2) to 19(8), 21, 26(2), 41(2) and 41(4) of the UFFRPBA.**
123. [Criminal Code](#), R.S.C. 1985, c. C-46, s. 126:
 126(1) Every person who, without lawful excuse, contravenes an Act of Parliament by intentionally doing anything that it forbids or by intentionally omitting to do anything that it requires to be done is, unless a punishment is expressly provided by law, guilty of
 (a) an indictable offence and liable to imprisonment for a term of not more than two years; or
 (b) an offence punishable on summary conviction.
 ...
 (2) Any proceedings in respect of a contravention of or conspiracy to contravene an Act mentioned in subsection (1), other than this Act, may be instituted at the instance of the Government of Canada and conducted by or on behalf of that Government.

124. Government of Canada, [English and French: Towards a Substantive Equality of Official Languages in Canada](#), 2021.
Private members' bills to amend the *Canada Labour Code*, the *Official Languages Act* and the *Canada Business Corporations Act* were previously introduced in Parliament to specify the language requirements for federally regulated private businesses. Introduced during the 2nd Session of the 43rd Parliament, Bill C-254, An Act to amend the *Canada Labour Code*, the *Official Languages Act* and the *Canada Business Corporations Act*, sought to stipulate that the Charter of the French Language applies in Quebec, including for businesses operating there. This bill died on the *Order Paper* at the committee stage. See [Bill C-254, An Act to amend the Canada Labour Code, the Official Languages Act and the Canada Business Corporations Act](#), 43rd Parliament, 2nd Session.
125. Canadian Heritage, [Modernization of Official Languages Act: Appointment of Expert Panel on Language of Work and Service in Federally Regulated Private Businesses](#), News release, 5 March 2021. The expert panel was mandated to recommend to the Minister of Economic Development and Official Languages the criteria for determining remedies for potential language-of-service and language-of-work rights violations in federally regulated private businesses and for designating regions with a strong francophone presence outside Quebec.
126. [Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts](#), 44th Parliament, 1st Session.
This bill was preceded by Bill C-10, which died on the *Order Paper* at committee stage in the Senate. See [Bill C-10, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts](#), 43rd Parliament, 2nd Session.
127. FCFA, [Projet de loi C-13 : des gains importants, mais encore des éléments à travailler](#), News release, 1 March 2022 [IN FRENCH]; and FCFA, [Le projet de loi C-13 franchit la ligne d'arrivée : une soirée historique pour la francophonie](#), News release, 16 June 2023 [IN FRENCH].
128. QCGN, [Preliminary Analysis of Bill C-13, An Act for the Substantive Equality of Canada's Official Languages](#), 22 March 2021.
129. QCGN, [QCGN Reacts to An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act](#), News release, 1 March 2022; and QCGN, [Brief to House of Commons Standing Committee on Official Languages: Bill C-13, An Act for the Substantive Equality of Canada's Official Languages](#), May 2022.
130. Since *An Act respecting French, the official and common language of Québec* was passed, it has been criticized and challenged by Quebec's anglophone, immigrant and Indigenous communities.
131. QCGN, [QCGN deeply disappointed Canada's Official Language Act will contain references to Quebec's Charter of the French Language](#), News release, 15 June 2023.
132. OCOL, [Seizing a Historic Opportunity: For a Complete Modernization of the OLA](#); and OCOL, [Statement from the Commissioner regarding the passage of Bill C-13 to modernize the Official Languages Act](#), News release, 20 June 2023.
133. OCOL, [Statement from the Commissioner regarding the passage of Bill C-13 to modernize the Official Languages Act](#), News release, 20 June 2023.
134. OCOL, [Backgrounder: Modernizing the Official Languages Act](#).
135. Air Canada, [Air Canada Registers With the Office québécois de la langue française](#), News release, 20 March 2023; and CN, [CN announces its official registration with the Office québécois de la langue française](#), News release, 16 March 2023.
136. Government of Quebec, [The Government of Quebec's Proposed Amendments to Bill C-13, An Act to Amend the Official Languages Act, to Enact the Use of French in Federally Regulated Businesses Act and to make related amendments to other Acts](#).
137. The Canadian Press, ["Loi sur les langues officielles : Québec et Ottawa trouvent un compromis," Radio-Canada](#), 31 March 2023 [IN FRENCH].
138. Inès Lombardo, ["Langues officielles : les dossiers chauds de Randy Boissonnault," Francopresse](#), 8 August 2023; Pascal Vachon, ["Langues officielles : deux à trois ans avant l'application de l'une des plus importantes parties de la Loi," ONFR TFO](#), 31 October 2023; and OLLO, [Evidence](#), 30 October 2023 (The Honourable Anita Anand, P.C., M.P., President of the Treasury Board).
139. OCOL, [Statement from the Commissioner regarding the passage of Bill C-13 to modernize the Official Languages Act](#), News release, 20 June 2023.

140. LANG, [Evidence](#), 16 June 2023, 1040 (Raymond Th  berge, Commissioner of Official Languages).
141. OLLO, [Evidence](#), 5 June 2023 (Raymond Th  berge, Commissioner of Official Languages, Office of the Commissioner of Official Languages).
142. LANG, [Evidence](#), 23 March 2022, 1710 (Isabelle Mondou, Deputy Minister, Department of Canadian Heritage).
143. Canadian Heritage, [Modernization of Official Languages Act: Appointment of Expert Panel on Language of Work and Service in Federally Regulated Private Businesses](#), News release, 5 March 2021. At the time of writing, the findings of the expert panel had not yet been released.
144. In  s Lombardo, "[Langues officielles : les dossiers chauds de Randy Boissonnault](#)," *Francopresse*, 8 August 2023.
145. Privy Council Office, [Order in Council PC 2023-1301](#), 15 December 2023.
146. Government of Canada, [Policy on Francophone Immigration](#), 2024.
147. FCFA, [La FCFA inqui  te de l'absence d'engagement ferme pour une cible plus   lev  e en immigration francophone](#), News release, 12 September 2023 [IN FRENCH]; and IRCC, [Stabilizing Canada's immigration targets to support sustainable growth](#), News release, 1 November 2023.
148. The action areas are as follows: a francophone lens; admissions targets for French-speaking permanent residents; actions across the immigration continuum; multi-stakeholder collaboration; and data and research. See Government of Canada, [Policy on Francophone Immigration](#), 2024.
149. OLLO, [Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts](#), Third report, 13 June 2023.
150. Government of Canada, "[Centre for Strengthening Part VII of the Official Languages Act at the federal level](#)," *Action Plan for Official Languages 2023–2028: Protection-Promotion-Collaboration*; OLLO, [Evidence](#), 30 October 2023 (Isabelle Mondou, Deputy Minister, Canadian Heritage); and OCOL, [Backgrounder: Modernizing the Official Languages Act](#).
151. OLLO, [Evidence](#), 5 June 2023 (Raymond Th  berge, Commissioner of Official Languages, Office of the Commissioner of Official Languages; the Honourable Ginette Petitpas Taylor, P.C., M.P., Minister of Official Languages; Marion Sandilands, Counsel, QCGN; and Liane Roy, President, FCFA); and OLLO, [Evidence](#), 12 June 2023 (Michel Doucet, Professor emeritus, Faculty of Law, Universit   de Moncton, as an individual; and Warren J. Newman, Senior General Counsel, Constitutional, Administrative and International Law Section, Public Law and Legislative Services Sector, Department of Justice Canada).
152. In  s Lombardo, "[Langues autochtones : C-13 a « manqu   le bateau »](#)," *Francopresse*, 27 July 2023 [IN FRENCH].
- Note that the *United Nations Declaration on the Rights of Indigenous Peoples Act* received Royal Assent on 21 June 2021 and came into force immediately. See [United Nations Declaration on the Rights of Indigenous Peoples Act](#), S.C. 2021, c. 14; and Government of Canada, [Backgrounder: United Nations Declaration on the Rights of Indigenous Peoples Act](#).
- Bill S-13, An Act to amend the Interpretation Act and to make related amendments to other Acts, was introduced in the Senate on 8 June 2023 and would provide that Acts of Parliament and regulations uphold the Aboriginal and treaty rights of Indigenous peoples that are recognized and affirmed by section 35 of the *Constitution Act, 1982*, and do not abrogate or derogate from them. See [Bill S-13, An Act to amend the Interpretation Act and to make related amendments to other Acts](#), 44th Parliament, 1st Session; and [Constitution Act, 1982](#), being Schedule B to the *Canada Act, 1982*, 1982, c. 11 (U.K.).
153. OCOL, [Annual Report 2022–2023](#); and Government of Canada, [List of Bilingual Regions of Canada for Language-of-Work Purposes](#).