TOWARD TRULY EQUAL VOICE AND EQUITABLE TREATMENT:

QUEBEC'S ENGLISH-SPEAKING MINORITY COMMUNITY AND THE *OFFICIAL LANGUAGES ACT*

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More than three decades of work to support and apply the *Official Languages Act* have driven home, at least for me, an obvious truth.

Yes, the *Official Languages Act* provides an admirable cornerstone for our national identity and unity. Yes, this legislative framework supports the development of both the English and French linguistic minority communities. And yes, across federal jurisdictions the Act formally enshrines equality of status, equality of support, and equality of voice in the use of English and French. Yet over the past half-century, the benefits that have flowed from the Act have proven of far greater scope and positive effect for French-speaking communities outside Quebec than for the English-speaking community within Quebec. Simply put, after 50 years in operation the Act has failed to create a level playing field between Canada's two minority-language groups.

For decades, English-speaking Quebec has focussed on the unsettling reverberations of Bill 101. Even individual bilingualism is questioned, as the 'Bonjour-Hi' controversy demonstrates. English is habitually portrayed as a growing threat to the French language. Relentless institutional erosion continues to diminish our community's governance over education, health, social services, and other areas of provincial jurisdiction. So, for our linguistic minority, the *Official Languages Act* has largely been perceived as a less than tangible presence, distant and with little discernable or immediate influence or impact on our day to day lives. We have failed to fully recognize the Act's value and its potential – both as a framework and as a beacon.

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>
> – Sylvia Martin-Laforge

Our French-language counterparts outside Quebec, however, have taken the opposite tack: national leadership within official languages is comprised almost entirely of Francophones. Those with French mother tongue dominate the relevant Parliamentary committees in the House of Commons and the Senate; the Official Languages divisions of federal departments; the Office of the Commissioner of Official Languages; and all functional areas within federal institutions and agencies responsible for implementing the *Official Languages Act*.

In practice, official languages policy is seen and treated as code for supporting the needs and aspirations of Francophone communities outside Quebec. This has been demonstrated to me throughout decades of work on official languages policy at the federal, provincial, and now community level, in the context of both English and French linguistic minority communities.

Francophones in the rest of Canada have embraced the Act,

adopting an energetic, assertive approach. Over the years they have strongly influenced the design and implementation of policies and programs as well as the evolution of the Act itself. In contrast, Quebec's English-speaking community have not judged the Act could prove equally powerful for us. We ended up on the sidelines, generally absent from the conversation. Ottawa hasn't treated us as a full partner under the Act. Nor have the provinces. Nor have Francophones outside Quebec.

As a result, the bulk of Canada's official languages strategy, policy, and program spending continues to be focussed on and directed toward Francophone communities outside Quebec.

With its 1963 report, the Royal Commission on Bilingualism and Biculturalism established the foundation for our nation's current approach to official languages. Across the federal space, it carved out generous room for French Canadians; the *Official Languages Act* was broadly structured to apply to proceedings of Parliament; administration of justice; services to the public; and language of work.

The Act was a legislative creature in the context of its era; it was inconceivable a half century ago that any English-speaking Canadian would encounter difficulties receiving service in English from a federal department or agency; face obstacles using English working inside the federal civil service; or be hindered from seeking employment opportunities within public-service ranks.

There were other factors particular to Quebec. Equipped with our own public-school system, three universities, a network of junior colleges as well as hospitals and health and social service institutions, for many years the English language community in Quebec simply hadn't truly considered itself or viewed itself as a minority. The needle on that has moved. Many have come to grips with the reality of our minority linguistic status. English-speaking Quebecers have finally begun to recognize that, in sharp contrast to our Francophone counterparts outside Quebec, our community has not sufficiently understood, employed or properly developed many of the tools the Act provides.

The general introduction of Book 1 of the Laurendeau-Dunton report serves as our beacon:

> "The principle of equality implies respect for the idea of minority status, both in the country as a whole and in each of its regions. Within the provinces or smaller administrative entities, both Anglophones and Francophones live in some cases as a majority, in some cases as a minority. Since the English-speaking population is larger across the country, its members are less often in the minority; but they are the minority in some areas, especially in the province of Quebec. **In either case, the principle of equality requires that the minority receive generous treatment**."



Laurendeau et Dunton
Courtesy of the Office of the Commissioner of Official Languages

The English-speaking minority language community within Quebec comprises 13.7 % of Quebec's population. With just over 1 million people, English-speaking Quebecers very slightly outnumber the total French-speaking population distributed through the rest of Canada. So, our nation's two linguistic minorities are virtually of the same population size. But the circumstances under which our two linguistic minorities live vary dramatically. So do the challenges to community vitality and sometimes viability with which each group must grapple.

At its core, the Act entrenches the principle of equitable treatment. But equitable treatment does not mean identical treatment. It means equivalent treatment, appropriate to the needs.

This means equivalent resources are made available and channeled to address obstacles to vitality and viability brought forward by and from each community. For instance, an English-speaking senior in the Eastern Townships who never learned to carry on a conversation in French has a completely different issue from a French-mother-tongue Manitoban who gets by in English but has little or no access to health and social services in his or her own language.

EQUITABLE DOES NOT MEAN IDENTICAL

Their individual problems are entirely different. So are the individual solutions to surmount them. But under the guidance and framework provided by the Act, the unifying principle is that each has an equal opportunity to receive the most effective possible assistance, distributed in an equitable but rarely identical way.

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counterparts across the rest of Canada. We do not face their level of linguistic insecurity. But our vitality and our ability to access services in our own language are compromised.

We now live in a province that requires the words "Emergency Room" be taped over on some hospital signs that have long been bilingual. Our premier recently mused that perhaps our language rights should be restricted to "Historic Anglos." Quebec has increasingly centralized management and control of our health and social service institutions and, most recently, our school board system. Deeply rooted institutions that our community built and nurtured – and on which our community is largely dependent – have been systematically dismantled or absorbed. Their governance structures have been discarded. The long-time 'par et pour' approach to our services has been eliminated.

In 21 federal institutions in Quebec outside the National Capital Region, the percentage of English-speaking employees is far lower than their demographic weight in the community. Correctional Services Canada employed 3,713 people in Quebec in 2015. Only 110 (2.9%) were English-speaking Quebecers. Clearly, for our English-speaking linguistic minority, this does not constitute "generous treatment."

A glaring example of our inability to access services in our own language is in the area of justice. While Quebec's courts have a formal legal obligation to work in both official languages, this official right is crippled by a disastrous shortage of bilingual staff across our provincial justice system – outside Montreal in particular.

We are learning from our Francophone counterparts who have benefitted from official language programs in many sectors still underdeveloped in Quebec. Over the past decade, a youth group and a senior group have emerged from our ranks. With an access to justice group mobilized, Justice Canada has invested over the past five years to begin to address the chronic issue of poor access in English to Quebec's justice system.

AN EQUAL PARTNERSHIP BETWEEN THE TWO FOUNDING PEOPLES

The Laurendeau-Dunton report got it right: to ensure generous space for French federally, both language groups have to be protected from sea to sea to sea, embodying "an equal partnership between the two founding" peoples, as Prime Minister Lester B. Pearson phrased it. Our linguistic duality is a fundamental Canadian value. As we reconsider and reinvigorate the legislative, policy and process architecture around official languages, let us bind together those components with the guiding principles of equal voice and equitable treatment.

QCGN believes the Act as well as the regulations, guidelines, policies and programs that flow from it, must not favour one language or one official linguistic minority community over another. There is a long way to go. But we are confident this approach will help bring the situation into balance. Our goal is to ensure symmetry of both official language communities. Equivalence of treatment will ensure that the vitality and viability of both national official language minority communities is fostered and fully protected on an equitable basis.

With Canada moving forward on the all-important modernization of the *Official Languages Act*, it is critical that the vitality of both national official language minority communities be fostered and protected on an equitable basis.



Bilingual signage at Lachute Hospital
Photo courtesy of Jim Warbanks