50 YEARS AFTER FIRST *OFFICIAL LANGUAGES ACT*, STATUS OF FRENCH IN CANADA IS RECEDING

JEAN JOHNSON

Jean Johnson is president of the Fédération des communautés francophones et acadienne du Canada, the national voice of Francophone minority communities in nine provinces and three territories.

Fifty years ago, French became one of our country's two official languages. The *Official Languages Act* which came into effect on September 7, 1969 – and the one which replaced it in 1988 – aimed at achieving equality of status for French in English, primarily within government, but also before the courts and in Canadian society. Half a century later, has French achieved this equality with English? The answer is self-evident.

In 2019, the place of French in public and commercial spaces is receding, even in Quebec. The legitimacy of French as an official language of Canada is being questioned anew in various regions of the country. Arguments on the cost of bilingualism are once more arising.

All of this comes at the tail end of decades marked by lack of progression in the implementation of the *Official Languages Act*. From issues related to the presence of French at the Vancouver Olympics in 2010 to the lack of French-language services Francophone travellers continually experience at airport security or customs, to poor-quality translations still frequent on federal websites, the impression is that French remains a language of accommodation rather than an official language.

Francophone minority communities are well-acquainted with this reality. Despite the *Act* requiring the government to support the development of these communities and enhance their vitality, federal institutions too often have a blind spot regarding these minorities. Francophone minority communities rarely benefit from federal fund transfers to the provinces and territories in areas such as infrastructure or job training.

The two successive incarnations of the *Official Languages Act* have undeniably generated positive

impacts for Canada's Francophone and Acadian communities. The 1969 *Act* provided Francophone associations – including the Fédération des francophones hors Québec, later renamed the FCFA – with levers to lobby for and obtain support for the development of French-speaking minority communities. It also paved the way for the inclusion, in the *Canadian Charter of Rights of Freedoms*, of rights that proved pivotal for our communities, such as the right to education in French.

But the history of these two incarnations of the *Act* is also the story of five decades of poorly applied or poorly understood obligations, and sometimes the downright lack of political will to see to it that the equality of our two official languages is truly respected. Reports by successive official languages commissioners are particularly eloquent in this regard. From Keith Spicer in 1970 to Raymond Théberge in 2019, the same findings of stagnation, of lack of coherence, of inefficiency in the implementation of the *Act* appear as regularly as Canada geese in springtime.

In his latest report, Commissioner Théberge voiced his concern about the blows inflicted on French in political decisions in some provinces, not to mention the election in New Brunswick of three MLAs from a party that wants to roll back the rights and gains of Acadians.

One could make the case that there is a link between the lack of seriousness in the implementation of the *Official Languages Act* by the federal government and the lack of seriousness with which some governments perceive the status of French as an official language of this country.

However, after five decades of the same findings, every year, on the implementation of *Official Languages Act*, the obvious conclusion, beyond any doubt, is that the issue is with the *Act* itself. Ensuring that the *Act* is fully respected, once and for all, requires thoroughly modernizing it. It requires designating an institution with the power to demand results from all government departments and agencies. It requires creating an administrative tribunal with the mandate to hear complaints on violations of the *Act* and the power to issue sanctions. It requires demanding that all Supreme Court judges be bilingual and that all federal fund transfers to provinces and territories systematically include language clauses with some muscle.

Modernizing the *Official Languages Act* does not simply mean updating a piece of legislation that hasn't been overhauled in 30 years. It also means sending a strong and urgently needed message on the status and legitimacy of French as an official language of Canada, and its place in the country's future.