



Government  
of Canada

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# Part VII of the *Official Languages Act* Advancement of Equality of Status and Use of English and French

Official Languages Centre of Excellence  
Treasury Board of Canada Secretariat

June 5, 2024



# Outline

- Modernized *Official Languages Act*
  - ✓ Role of the Treasury Board and its President
  - ✓ Role of the Minister of Canadian Heritage
- Part VII of the *Official Languages Act*
  - ✓ Government commitments
  - ✓ Positive measures
  - ✓ Consultations
  - ✓ Language clauses
  - ✓ Other requirements
- Role of the Section 41 Coordinator
- Tools and resources



# Treasury Board responsibilities under the *Official Languages Act*

The Treasury Board is responsible for giving general direction for the application of the parts of the Act listed below, and for the overall coordination of the implementation of these parts by the 200 or so institutions subject to the Act.



## Part IV

### Communications with and services to the public

- 10,000+ points of service
- All types of communications
- Official Languages (Communications with and Services to the Public) Regulations



## Part V

### Language of Work

- English and French are the languages of work in federal institutions
- The work environment in bilingual regions is conducive to the use of both official languages



## Part VI

### Participation of English-speaking and French-speaking Canadians

- Equitable representation
- Equal advancement opportunities

## Part XI

### Section 91 – Staffing

- Language requirements of positions must be established objectively, based on the duties of the position

## Part VII

### Advancement of Equality of Status and Use of English and French

- Regulations
- Positive measures

# Modernization of the *Official Languages Act*

## New responsibilities for Treasury Board

Here are the key legislative changes under the President of the Treasury Board's responsibilities:

### Leadership and horizontal coordination

- ✓ The President of the Treasury Board is now the minister responsible for exercising leadership within the federal government for the **implementation, coordination and good governance** of the OLA.

### Compliance monitoring

- ✓ Treasury Board's previous discretionary policy authorities for communications with the public (Part IV), language of work (Part V) and equitable participation of English and French-speakers in the federal public service (Part VI) have now become mandatory, meaning that TBS must monitor the compliance of federal institutions, and evaluate and audit the OL policies and programs of federal institutions.
- ✓ The new OLA also includes an obligation to monitor whether federal institutions are considering the inclusion of language clauses in Federal-provincial/territorial (FPT) agreements, whether they are taking positive measures to support the development of official language minority communities (OLMC), and whether they have considered OLMC' needs when disposing of real estate.

### Regulations for Part VII

- ✓ Treasury Board has the authority to lead the development of regulations for Part VII (in consultation with Canadian Heritage), defining the positive measures that departments should take to benefit OLMC development, as well as how to consult communities.

# Modernization of the *Official Languages Act*

## Role of the Minister of Canadian Heritage\*

### The Minister must:

- ✓ develop a government-wide strategy on official languages, in consultation with the President of the Treasury Board
- ✓ develop a process for estimating the number of children of rights-holder parents
- ✓ undertake a ten-year review of the OLA, in consultation with the President of the Treasury Board

### The Minister must advance the equality of status and use of English and French in Canadian society (Part VII). To this end, the minister may take measures to:

- ✓ support the development and promotion of Francophone culture
- ✓ encourage, assist and induce P-T governments, organizations and others to offer services in both English and French
- ✓ encourage everyone in Canada to learn both English and French, and assist in providing opportunities to that end
- ✓ foster an acceptance and appreciation of both languages
- ✓ implement programs in support of official languages

### The Minister must inform Canadians about policies and programs related to the promotion and achievement of equality of status and use of English and French in Canadian society (Part VII).

*\*The responsibilities of the Minister of Canadian Heritage that relate specifically to official languages have been delegated to the Minister of Employment, Workforce Development and Official Languages.*

# Part VII

## Government commitments



**41(1)**

### **Enhancing vitality of communities and fostering English and French**

- ✓ Enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development, taking into account their uniqueness, diversity and historical and cultural contributions to Canadian society.
- ✓ Fostering the full recognition and use of both English and French in Canadian society.



**41(2)**

### **Protection and promotion of French**

- ✓ The Government of Canada, recognizing and taking into account that French is in a minority situation in Canada and North America due to the predominant use of English, is committed to protecting and promoting the French language.



**41(3)**

### **Learning in minority language**

- ✓ The Government of Canada is committed to advancing formal, non-formal and informal opportunities for members of English and French linguistic minority communities to pursue quality learning in their own language throughout their lives, including from early childhood to post-secondary education.



**41(4)**

### **Section 23 of the Canadian Charter of Rights and Freedoms**

- ✓ The Government of Canada shall estimate periodically, using the necessary tools, the number of children whose parents have, under section 23 of the Canadian Charter of Rights and Freedoms, the right to have their children receive their instruction in the language of the English or French linguistic minority population of a province or territory, including the right to have them receive that instruction in minority language educational facilities.

# Official Language Minority Communities (OLMC)

- ✓ Anglophone official language minority communities refers to **English speakers in Quebec.**
- ✓ Francophone official language minority communities refers to **French speakers outside of Quebec.**

[Map of OLMCs](#)

[OLMC Dashboard](#)

## Part VII

### Positive measures

All federal institutions must take positive measures to promote the development of OLMCs and foster recognition and use of English and French in Canadian society.

Positive measures support the **implementation of the government's commitments** under Sections 41(1), 41(2) and 41(3) of the OLA.

Measures must be concrete and taken with the intention of having a positive impact on OLMCs or in the advancement of English and French.

Measures must be evidence based, taken after analysis, dialogue and consultation with OLMCs.

Institutions must consider the potentially negative impacts of their decisions on the vitality of OLMCs and develop strategies for mitigating these negative effects.

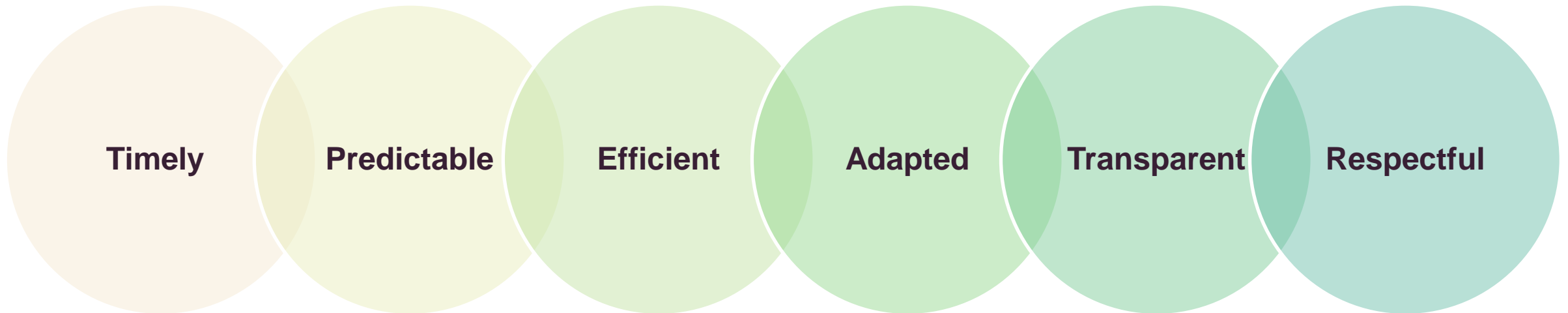


## Part VII

# Consultations with Official Language Minority Communities

- Institutions must understand the needs of the communities they serve to identify positive measures.
- The OLA provides additional details on the consultation process for taking positive measures.
- Future Part VII Regulations will address the specific procedures in greater detail.

**Consultations should be conducted by the following guiding principles:**



## Part VII

# Language clauses

Federal institutions are required to take the necessary measures to promote the inclusion of language clauses in Federal-provincial/territorial (FPT) agreements, including funding agreements [41(7)(a.1)]. A language clause can be identified as a positive measure or a measure to avoid or mitigate a negative impact on OLMCs.

The OLA specifies that:

- ✓ agreements including language clauses must be made public on the Internet or by other means the institution considers appropriate
- ✓ TBS has an obligation to monitor whether federal institutions are considering the inclusion of language clauses in FPT agreements
- ✓ institutions must establish monitoring and evaluating mechanisms for positive measures

**Examples of immediate measures institutions can take to increase compliance:**

Establish **procedures** to favour the inclusion of language clauses in **new agreements** and **agreement renewals**

Establish **evaluation mechanisms** for measuring the impacts of language clauses

## Part VII

### Other requirements

#### 41.1 (1)

##### Disposal strategy

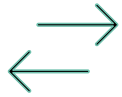
- ✓ In developing a disposal strategy for a **surplus federal real property or a federal immovable**, every department and supporting federal institution shall take into account the needs and priorities of the English or French linguistic minority communities of the province or territory where the federal real property or federal immovable is located
- ✓ This provision applies when developing a disposal strategy for surplus federal real property (outside Quebec) or a surplus federal immovable (in Quebec)

#### 44.1 (1)

##### Francophone immigration

- ✓ Recognizes the importance of addressing the demographic decline of French linguistic minority communities, including by restoring and increasing their demographic weight
- ✓ Requirement for the Minister of Immigration, Refugees and Citizenship to adopt a policy on Francophone immigration
  - [Policy on Francophone Immigration - Canada.ca](https://www.canada.ca/en/immigration-refugees-citizenship/15292.aspx)
- ✓ Requirement that policy on Francophone immigration include objectives, targets, indicators and two statements
- ✓ Definition of "restoration" as a return to the demographic weight reported in the 1971 Census of Canada
- ✓ Reference that any measure that could be taken by federal institutions with potential to restore and increase demographic weight is an example of positive measures

# Role of Section 41 Coordinators



## Coordination

- ✓ Network, cooperate and participate in liaison activities within the federal institution, with other federal institutions or other levels of government
- ✓ Participate in meetings of the Network of Section 41 Coordinators
- ✓ Where appropriate, establish a network of regional/sectoral coordinators for the implementation of section 41



## Accountability

- ✓ Coordinate the institutions data collection exercise for the Part VII OL Annual Review questionnaire
- ✓ Establish mechanisms to apply a “Part VII” lens to departmental planning and reporting exercises
- ✓ Develop or participate in the development of internal official languages action plans, official languages reviews, internal evaluations, policy reviews and departmental processes of the federal institution



## Education and awareness

- ✓ Provide learning opportunities and information sessions to the institution on Part VII obligations
- ✓ Know, create and promote tools to educate about the institutions Part VII obligations
- ✓ Work with your institutions Official Languages Champion to provide leadership on Part VII
- ✓ Memoranda to Cabinet



## Funding and program delivery

- ✓ Ensure that the federal institution, alone or in collaboration, delivers programs, services and funding to community organizations
- ✓ Establish mechanisms for ensuring language clauses in F/PT contracts, where appropriate
- ✓ Integrate the needs of official language minority communities into the planning of programs and services of the federal institution

## Communication

- ✓ Considerations for advertising and use of media
- ✓ Including community organizations in the distribution list for external communications
- ✓ Building and maintaining relationships with community organizations
- ✓ Liaising with the Official Languages Centre of Excellence on Part VII

## Consultations

- ✓ Establish mechanisms to identify and address the priorities of OLMCs in the development of policies, programs and services
- ✓ Periodically consult community organizations on initiatives of the institution that may be of interest to them
- ✓ Participate in activities organized by community groups

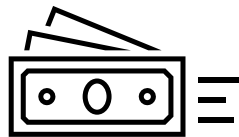
# Tools and resources



Overview of roles and responsibilities of Section 41 Coordinators



Best Practices Digest: Enhancing the Vitality of OLMCs and Supporting Their Development



Official Language Requirements for Transfer Payments



Inventory of Federal Programs of Interest to Official Language Minority Communities

Browse other resources here: [Publications — Official languages - Canada.ca](#)

# Questions?

## Contact the Official Languages Centre of Excellence:

- General Inquiries: [OLCEInformationCELO@tbs-sct.gc.ca](mailto:OLCEInformationCELO@tbs-sct.gc.ca)
- Annual Review Exercise: [OLReview-BilanLO@tbs-sct.gc.ca](mailto:OLReview-BilanLO@tbs-sct.gc.ca) and [portail41-gateway41@pch.gc.ca](mailto:portail41-gateway41@pch.gc.ca)
- Part VII Regulations: [PartVIIOLReg-RegLOpartieVII@tbs-sct.gc.ca](mailto:PartVIIOLReg-RegLOpartieVII@tbs-sct.gc.ca)