

MANAGEMENT RESPONSE AND ACTION PLAN

PROJECT TITLE: Evaluation of the Access to Justice in Both Official Languages Initiative
RESPONSIBILITY CENTRE: Official Languages Directorate

From 2003 to 2013, under two successive Government of Canada official languages strategies, the seven *Association des juristes d'expression française* (AJEFs) across Canada and the *Fédération des associations des juristes d'expression française de common law inc.* (FAJEF) each received annual core funding (ranging from \$68,000 to \$150,000 per organization) from Justice Canada's *Access to Justice in Both Official Languages Support Fund* (Support Fund). This core funding was provided only to the network of AJEFs to the exclusion of all other Support Fund beneficiaries, including other non-governmental organizations from official language minority communities (OLMCs).

The exclusive nature of this funding was first allocated to the AJEFs to assist them in the development phase of building their organizational capacity so that they could play a proactive role in the justice sector, and more precisely to improve access to justice in both official languages. It was acknowledged that the role and activities of those OLMC organizations were to a certain measure closely connected with the Support Fund's own mandate, objectives and priorities. The core funding was provided with the expectation that the AJEFs would also submit proposals for additional funding to develop specific projects geared towards improving access to justice in both official languages. However, over the course of this ten-year period, internal analysis had revealed that some AJEFs had undertaken very few projects directly related to the priorities of the Support Fund. In fact, there were some years in which AJEFs would only receive core funding and not make any other applications to the Support Fund to develop projects. Therefore, little correlation was found between receiving core funding and developing projects aimed at supporting the objectives of the Support Fund.

In March 2013, Justice Canada unveiled its reframed strategy on access to justice in both official languages, which set out a citizen-centric approach to access to justice and aimed to fund projects that would benefit members of OLMCs directly. At that time, the Department also announced that the core funding would no longer be provided to AJEFs. Going forward, funding for these associations, as it is the case with all other proponents from OLMCs, would only be available on a project-by-project basis. The rationale behind this change was to establish a funding mechanism that provided a better alignment of priorities between the activities undertaken by the AJEFs and the objectives of the Support Fund, while increasing accountability for Canadians. It was also consistent with the fact that core funding was never meant to be a perpetual funding mode; rather, it was put in place to assist in the development of a network of organizations capable of developing projects aimed at advancing the public policy goal of access to justice in both official languages. To ease the transition, bridge funding equal to the amount of core funding each organization previously received was provided to each of the AJEFs and the FAJEF for 2013-14. These associations were eligible to receive this bridge funding on the condition that they each develop a document detailing the access to justice needs of the OLMCs they serve, as well as a proposal outlining the activities they could undertake to specifically meet those needs identified by members of their community.

According to the *Association des juristes d'expression française du Nouveau-Brunswick* (AJEFNB), this change to the Support Fund funding model had a significant negative impact on its members. The Association filed a complaint with the Commissioner of Official Languages alleging Justice Canada breached Part VII of the *Official Languages Act* in ending core funding. The Final Investigation Report of the Commissioner of Official Languages states that "[i]t was not sufficient to inform the AJEFs that [core funding] might be eliminated. Justice Canada was required to take appropriate measures to evaluate the consequences of this possibility and mitigate any negative impact." As such, the Report made three recommendations: (1) that Justice Canada analyze the needs of OLMCs with respect to supporting access to justice; (2) that Justice Canada evaluate the impact on OLMCs of the planned changes to the Support Fund's objectives, taking into account their specific needs and their priorities in terms of access to justice in the language of the minority; and (3) that Justice Canada evaluate the impact of eliminating AJEF core funding on the OLMC in each province that has an AJEF and take appropriate measures if the evaluation determines that the needs of the OLMCs are not being met.

As illustrated in the Management Response and Action Plan, the Official Languages Directorate has undertaken a broad sectoral consultation with current Support Fund beneficiaries (e.g., AJEFs and FAJEF) as well as other access to justice stakeholders (e.g., *Fédération des communautés francophones et acadienne*, Quebec Community Groups Network) to identify needs under the Information pillar, as well as possible best practices and instances where coordination of projects can occur. More informal, punctual consultations continue to be held with specific stakeholders to deepen the Official Languages Directorate analysis. Discussions with other departments have also been initiated with a view to establishing interdepartmental coordination to respond to access to justice needs.

Lastly, the *Final Report of the Evaluation of the Access to Justice in Both Official Languages Initiative* (the Report) discusses the abolishment of core funding at p. 37 to 41. At p. 39, the Report states “(a)lthough AJEF representatives noted their opposition to the end of core funding, and spoke of how their associations’ activities have shifted as a result, none indicated that the needs of their OLMCs were no longer being met. Interview respondents spoke about the impact of the funding model change on their associations’ operations, but not on the OLMCs they serve. (...) The fact that most of these organizations continue to have access to similar (or greater) amounts of funding, coupled with the fact that the contribution model allows for greater oversight by the Department to ensure that funds are being spent in accordance with the objectives of the Initiative, lead the Evaluation to conclude that the current funding model is the appropriate one.”

Conclusions	Recommendation	Management Response	Action Plan	Responsible Manager (Title)	Planned Completion Date
<p>Needs assessment for the information pillar</p> <p>The evaluation evidence indicates that the Information pillar has funded valuable projects in a wide range of areas. However, projects under this pillar remain somewhat uncoordinated and face complex and expanding needs. To ensure that the Initiative makes the best use of its resources, that is by addressing needs in the most cost-efficient manner, it is recommended that a needs assessment study be conducted. The study should identify the most pressing needs (services and user groups), areas where common tools could be shared, and options for the Initiative to fund projects in a coordinated fashion.</p>	<p>Recommendation 1:</p> <p>That the Official Languages Directorate undertake a needs assessment with respect to the Initiative’s Information pillar to identify gaps and with the view of better understanding where coordination between projects can occur.</p>	<p>Agreed.</p> <p>The Official Languages Directorate has undertaken a broad sectoral consultation with current Support Fund beneficiaries as well as other access to justice stakeholders to identify needs under the Information pillar as well as possible best practices.</p> <p>The Official Languages Directorate also undertakes to continue the needs assessment, as necessary, and identify instances where coordination of projects can occur.</p>	<p>The Official Languages Directorate has undertaken a broad sectoral consultation with current Support Fund beneficiaries as well as other access to justice stakeholders to identify needs under the Information pillar, as well as possible best practices and instances where coordination of projects can occur. More informal, punctual consultations continue to be held with specific stakeholders to deepen the Official Languages Directorate analysis. Discussions with other departments have also been initiated with a view to establishing interdepartmental coordination to respond to access to justice needs.</p> <p>In addition, the Directorate undertakes to mandate a third-party study to proceed with a needs analysis to follow up on the 2003 <i>Environmental Scan: Access to Justice in Both Official Languages</i>.</p>	<p>Director and General Counsel, Official Languages Directorate</p>	<p>Sectoral consultations ended in November 2016. Consultations with stakeholders and other departments are ongoing.</p> <p>Completion of the follow up study: March 31, 2020.</p>

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<p>Scope of the Advisory Committee</p> <p>The Advisory Committee on Access to Justice in Both Official Languages results in increased cooperation between stakeholders and remains relevant. However, its mandate has not been formally updated since 2003, and members expressed an interest in seeing the Department of Justice play a greater role in terms of consulting with and coordinating between stakeholders.</p>	<p>Recommendation 2:</p> <p>That the Official Languages Directorate review the structure and mandate of the Advisory Committee, in consultation with Committee members.</p>	<p>Agreed.</p> <p>The Official Languages Directorate will review the structure and mandate of the Advisory Committee, in consultation with Committee members.</p>	<p>A working group composed of representatives of the Advisory Committee will be organized to review the Committee’s mandate and structure.</p> <p>Moreover, at the 2018 Advisory Committee, the matter of the review of the structure and mandate of the Advisory Committee will be on the agenda.</p>	<p>Director and General Counsel, Official Languages Directorate</p>	<p>March 31, 2019</p>
<p>Jurilinguistic centre activities</p> <p>Over the period covered by the evaluation, \$2.9M, or 12.5% of the total allocated Gs&Cs resources, were directed towards the jurilinguistic centres. There is evidence that the dictionaries, tools and templates developed through the jurilinguistic projects are used by the legal community. However, the projects’ impact on users of the justice system is an indirect one, and some interview respondents indicated that the work could perhaps be funded by other groups, such as academia or the Translation Bureau of Public Services and Procurement Canada.</p>	<p>Recommendation 3:</p> <p>That the Official Languages Directorate determine the extent to which the activities of the jurilinguistic centres are in line with the objectives of the Support Fund.</p>	<p>Agreed.</p> <p>The Official Languages Directorate will examine the extent to which the activities of jurilinguistic centers are in line with the Support Fund’s objectives.</p>	<p>With a view to enhancing and effectively administrating the Support Fund, the Official Languages Directorate has already begun consulting with various parties and stakeholders regarding the activities of jurilinguistic centers, in order to inform its analysis of their activities and their relevance to the objectives of the Support Fund. This analysis is ongoing and will inform funding decisions in the short, medium and long term.</p>	<p>Director and General Counsel, Official Languages Directorate</p>	<p>March 31, 2022</p>

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<p>Performance measurement</p> <p>The evaluation was challenged by the fact that the performance measurement system of the Initiative does not gather output and outcome information in a systematic manner. Although funding recipients are required to complete a project summary report, these reports are not completed using consistent indicators and do not always contain quantitative data regarding outcome achievement. As a result, the program is not able to report on the collective impact of the projects funded by the Initiative.</p>	<p>Recommendation 4:</p> <p>That the Official Languages Directorate develop a more rigorous reporting template for funded projects, including standard indicators and measures to be used by recipients to report on progress.</p>	<p>Agreed.</p> <p>The Official Languages Directorate will develop a more rigorous and results-oriented reporting template for funded projects.</p>	<p>The Official Languages Directorate has already begun reviewing its reporting templates to enhance their relevance and usefulness. Standard indicators for similar projects are being identified, and an interim project report is being developed for multi-year projects in order to assist the Official Languages Directorate in administrating ongoing funding for these projects. Finally, a pilot project with a sample of recipients is being launched this year, with a view to implementing the new reporting requirements in the 2018-19 fiscal year.</p>	<p>Director and General Counsel, Official Languages Directorate</p>	<p>March 31, 2019</p>
<p>Intellectual property</p> <p>The intellectual property clauses contained in the current contribution agreements restrict the use by third-party entities of materials and other outputs developed solely with Initiative funds. A broader license could allow organizations to benefit from materials already created by another organization, rather than develop these materials themselves.</p>	<p>Recommendation 5:</p> <p>That the Official Languages Directorate explore the possibility of modifying the intellectual property clauses in its agreements.</p>	<p>Agreed.</p> <p>The Official Languages Directorate will examine whether it should modify the intellectual property clauses in its agreements.</p>	<p>The Official Languages Directorate will review the evaluation findings and consult with stakeholders to better understand concerns surrounding the intellectual property clauses. The Official Languages Directorate will then proceed to an internal analysis of the appropriateness of modifying the clauses, in conjunction with other parts of the Department as necessary. Changes will be made depending on the outcome of this exercise.</p>	<p>Director and General Counsel, Official Languages Directorate</p>	<p>March 31, 2020</p>