



Department of Justice
Canada

Ministère de la Justice
Canada

**REVIEW ON THE IMPLEMENTATION OF SECTION 41
OF THE *OFFICIAL LANGUAGES ACT***

**Department of Justice Canada
2013-2014**

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Development of official language minority communities
and promotion of English and French in Canadian society
(Section 41, Part VII of the *Official Languages Act*)

TANGIBLE RESULTS

1. What key initiatives does your institution want to highlight in relation to the development of **official language minority communities**? What are the tangible impacts of these initiatives on/in the official language minority communities? What is the determining success factor for these initiatives?

The Department continues to provide financial support to projects and activities of organizations from official language minority communities as well as organizations dedicated to promoting English and French in Canadian society. The success of these initiatives is tied to departmental values that are reflected in the Department's strategic outcomes which, for their part, seek to ensure that Canada is a just and law-abiding society with an accessible, efficient and fair system of justice.

Here are a few examples of key initiatives:

Auberge francophone d'accueil et des services aux immigrants (Toronto, Ontario)

Funding of \$59,893 for 2013-2014 was provided from the Policy Sector's *Supporting Families Fund* for the creation of education and information workshops on family law for immigrants experiencing separation or divorce. The project offers workshops to newcomers on themes such as separation and divorce, custody, alimony, parental rights and responsibilities, the impact of separation or divorce on children, recourses in cases of violence, and emergency assistance services. In addition, the project includes the creation of tools and promotional materials such as videos, brochures and community newspapers.

This initiative was designed by and for official language minority communities. It facilitates access to the family justice system for parents experiencing separation or divorce by providing them with the information they need to comply with their obligations concerning alimony, custody and visitation rights.

Provincial Court of New Brunswick

Under the guidance of the Canadian Council of Chief Judges (provincial courts), the Provincial Court of New Brunswick has developed an applied training program in French legal terminology (in the form of a moot court) and language skills evaluations for the provincial and territorial court judiciary. Provincial courts are the point of entry for the majority of individuals accused of offences under the *Criminal Code* and, as such, are among the main mechanisms of access to justice in both official languages and of the right to be judged in one's own official language. To this end, the *Access to Justice in Both Official Languages Support Fund* of the *Roadmap for Canada's Official Languages*

2013-2018: *Education, Immigration, Communities* has provided \$1,138,452 in funding to the project over three years (2013-2016).

The project includes practical training sessions, the implementation of a skills evaluation program, the implementation of a consultation forum made up of a judge from each province and territory, as well as the development of a mentoring program.

One of the main success factors of the project is the close cooperation between the Provincial Court of New Brunswick and the various key stakeholders, including provincially and territorially appointed judges from other provinces and territories, the Centre canadien de français juridique and the Acadian Peninsula local community. This collaboration is characterized by the development of training content and teaching materials as well as the creation of a total French immersion experience between the judges-in-training and the local community.

Long-term, the project aims to extend its activities to include an English legal terminology component for Francophone judges in Quebec, as well as French-speaking judges from Canadian provinces and territories who need to improve their knowledge of terminology in that language.

In concrete terms, the project helps judges acquire the language skills they need to be able to work in the courtroom in both official languages, so as to ensure that a litigant's right to a trial in his/her own official language is upheld across the country. It also allows for an evaluation of each judge's language skills, in order to determine his/her level of linguistic ease based on the types of hearings to which s/he may be assigned (e.g. court appearance, trial, bail hearing, etc.) This last tool may be used by chief judges to help them in assigning resources to the right place at the right time within the court system.

The ultimate impact of this project will be that Francophones outside Quebec and Anglophones in Quebec will receive more legal services in their language, giving them better access to the court system.

Centre canadien de français juridique inc. (Winnipeg, Manitoba)

As part of the *Access to Justice in Both Official Languages Support Fund of the Roadmap for Canada's Official Languages 2013-2018: Education, Immigration, Communities*, funding in the amount of \$671,228 for fiscal 2013-2014 was provided to the *Centre canadien de français juridique* (CCFJ) for its pan-Canadian training program for provincial and territorial stakeholders working within the court system.

This organization offers training in French legal terminology and provides intensive, targeted and ongoing training for clerks, probation officers, provincial Crown prosecutors and legal aid lawyers (excluding Quebec and Ontario). Evaluation activities and self-learning resources are also made available to participants.

The Centre already enjoys a solid reputation for the quality of its legal terminology training. The interest of court stakeholders for learning French legal terminology is

evident from the popularity of the program and the high level of commitment on the part of participants. Through this applied training program, the Centre makes a positive and concrete contribution to increasing the number of court stakeholders able to offer judicial and extra-judicial services in both official languages. Each training workshop is adapted and designed to meet the particular needs of each stakeholder group. Among other methods, the training uses workplace simulation activities, language development sessions, and webinars.

Faculty of Law, University of Manitoba

As part of the *Roadmap for Canada's Official Languages 2013-2018: Education, Immigration, Communities*, a three-year funding contribution (2013-2016) from the *Access to Justice in Both Official Languages Support Fund* in the amount of \$481,465 was provided to the University of Manitoba (Robson Hall) Faculty of Law in order to strengthen their ability to offer legal training to students in French.

The project consists of offering law students a program consisting of mandatory and optional courses in French. These courses are made available, in part, thanks to the contribution of Francophone jurists from the Association des juristes d'expression française du Manitoba (AJEFM) who act as instructors. In addition, the project offers a workplace pairing program with judges, as well as internships at the Saint-Boniface Provincial Court. Project funding is also used to develop tools and resources, to explore student interest for pursuing legal studies in French in Manitoba, and to assist in identifying the needs of Manitoba's population for legal services in French.

This is the second phase of a project initiated in September 2011 by the Faculty of Law to meet the needs expressed by the community for increased legal services in French. Through this project, Francophone and Anglophone bilingual students who wish to practice law in both official languages will have the opportunity to acquire legal knowledge in French. The project also helps meet the needs of Francophone citizens in Manitoba and neighboring areas (Northern Ontario and Saskatchewan).

Once these students graduate and become lawyers, they will be able to serve Francophone citizens from Manitoba and neighbouring areas in their own language.

As such, this project creates learning opportunities for students who wish to acquire legal training in French in order to one day be able to practice law in French. This will enable them to meet the needs of members of the region's Francophone community, who will have access to a larger pool of lawyers to serve them in the official language of their choice.

2. What key initiatives does your institution want to highlight in relation to the **promotion of English and French in Canadian society**? What are the tangible results of these initiatives in Canadian society? What is the determining success factor for these initiatives?

Linguistic Duality Day 2013

On September 12, 2013, the Department of Justice marked Linguistic Duality Day 2013 by organizing several activities, both in the National Capital Region and in regional offices across the country. Working under the departmental theme of new communication technologies, Department employees were invited to use the bilingual hashtag **#ollo2013** on Twitter to take part in live discussion on official languages and in the day's activities.

At a gathering in the Atrium of the East Memorial Building, Department employees listened to remarks by the Official Languages Champion and Co-Champion, as well as a presentation by the Office of the Commissioner of Official Languages on the use of social media within federal institutions.

Regional offices also contributed to the promotion of linguistic duality by organizing various cultural and educational activities and games, including a sampling of Quebec dishes, presentations by employees on their life experience within official language minority communities, cultural exchanges, and various interactive games.

For their part, employees from the Ontario region, came together on Linguistic Duality Day by organizing a local activity called *Café Dualité*. This gathering encouraged employees to celebrate the Day with Francophone music, presentations and speeches. Held in Toronto, this activity was a great success and was attended by over 75 participants. Speakers from the *Centre Francophone de Toronto* and from *Toronto 2015 Pan Am/ParaPan Am* were on hand to discuss the great number of cultural events and volunteering opportunities that allow Canadians to practice and improve their skills in their second language throughout the year.

The success of Linguistic Duality Day 2013 is largely due to the considerable and enthusiastic support of the regions: some three-quarters of the 250 employees and community guests who participated in the celebrations were from the regions. In addition to being emblematic of the commitment of Department employees in all regions, both unilingual and bilingual, it also shows that linguistic duality is at the heart of our departmental values. With the added benefit of the use of social media, the Department was able to promote the importance of linguistic duality within Canadian society.

25th anniversary celebration of the Official Languages Act of 1988

On January 9, 2014, the Department of Justice held a special celebration to mark the 25th anniversary of the enactment of the current *Official Languages Act* (OLA) of 1988. One of the main figures involved in the drafting of the OLA, Warren J. Newman, Senior

General Counsel in the Constitutional, Administrative and International Law Section, agreed to offer his reflections on the main events that led to the adoption of this legislation. By way of an informal fireside discussion facilitated by Michel Francoeur, General Counsel and Director of the Official Languages Directorate, Mr. Newman summed up the great debates of the time and his personal involvement as a jurist assigned to the file. This event took place before an audience gathered at the Atrium of the East Memorial Building in Ottawa and was streamed live in all regions via videoconference.

This interview helped heighten the audience's understanding of linguistic duality, which applies to all federal institutions as defined in section 3 of the *OLA*. As Mr. Newman so eloquently conveyed, the *OLA* remains a source of inspiration for countless people both in the public sector and society in general. Linguistic duality is an essential element of what it means to live in a country where the central government has two official languages.

To close the ceremony, the Associate Deputy Minister and Official Languages Champion, Pierre Legault, presented Mr. Newman with a plaque to commemorate his role in the development and adoption of the *OLA*.

An article capturing the highlights of the interview and of the 25th anniversary celebration was published in the *Justice in Official Languages* electronic newsletter. This newsletter, which will henceforth be available in electronic version only on the Justice website, is published three times a year and distributed to over 680 subscribers. It presents various issues related to access to justice in both official languages and highlights inspiring practices that drive progress in this area.

Jurilinguistic Centres

The Department of Justice, as part of the *Access to Justice in Both Official Languages Support Fund of the Roadmap for Canada's Official Languages 2013-2018: Education, Immigration, Communities*, has been providing financial support for several years to four jurilinguistic centres in order to increase the court system's capacity to offer services in French and English. The funding is used, among other things, for the production of lexicons, including the standardization of common law terminology in French. It also helps to improve access to justice in English in Quebec via the production of language and legal tools designed specifically for Anglophone jurists in this province.

Cumulative funding totalling \$860,437 for the year 2013-2014 was provided to the four centres, which include: the Centre de traduction et de terminologie juridiques de Moncton; the Centre for legal translation and documentation of the University of Ottawa; the Division de l'éducation permanente et service de perfectionnement linguistique de l'Université de Saint-Boniface; and, McGill University's Paul-André Crépeau Centre for Private and Comparative Law.

The development of jurilinguistic tools allows professors to publish research and doctrine in French and in English, lawyers to defend the interests of their clients with

the appropriate terminology, and legislative services at various government levels to use proper terminology when drafting laws and regulations. The four centres also collaborate within the Network of Jurilinguistic Centres in order to coordinate their efforts for the advancement of jurilinguistics in both official languages.

3. What key achievements with a **regional impact** does your institution want to highlight?

The Department supports several innovative projects that have a regional impact. Three of these projects are noteworthy:

Ontario Justice Education Network

As part of the *Access to Justice in Both Official Languages Support Fund*, the Department provided multi-year (2013-2015) financial support totalling \$173,600 to the Ontario Justice Education Network for education sessions on justice for Francophone youth living in high-risk communities and Francophone newcomer youth. This organization normally serves a mostly English-speaking clientele. As a result of the funding received, it now offers its Francophone clientele sessions in their language. As part of the current project, the target clientele has access to education sessions on skills development, knowledge building and attitude changes. It also includes useful information on the right to a trial in French and on career opportunities in the field of justice. The sessions allow youth to have a positive experience with the justice system and to challenge their misconceptions of the court system.

The purpose of the project, in addition to educating marginalized French-speaking youth about Canada's justice system and issues related to access to justice in both official languages, is to serve as a platform to broaden the networks of Francophone jurists by encouraging them to collaborate with organizations that serve this young clientele.

Éducaloi

The Department provided funding of \$2,390,500 over five years (2013-2018) to Éducaloi, an organization whose mission is to inform Quebecers of their rights and obligations by providing them with quality legal information, made available in simple and accessible language.

With the contribution of the *Access to Justice in Both Official Languages Support Fund* of the *Roadmap for Canada's Official Languages 2013-2018: Education, Immigration, Communities*, Éducaloi offers services to Québec's English-speaking community. It produces tools that are accessible to all, with content that is adapted to the cultural references of Quebec's Anglophone community.

The objectives of the project are to:

- improve legal information services to Québec's English-speaking communities;
- strengthen ties with the community network of English-speaking communities;
- develop partnerships with the legal community to better serve English-speaking citizens;
- develop tools for English community stakeholders;
- develop tools and training for the legal field; and

- expand its legal education services, particularly among teenagers, newcomers and low literacy citizens from the English-speaking community.

Association des juristes d'expression française de l'Alberta

Funding of \$22,063 for 2013-2014 was provided from the Policy Sector's *Youth Justice Fund* in order to engage community partners and stakeholders for a project dealing with the phenomenon of street gangs in Alberta.

The project involved organizing and holding a consultation on issues relating to youth who have had trouble with the law and are involved in, or vulnerable to, street gangs. Additionally, the project served to identify deficiencies in programs and services for this vulnerable population. The consultation brought together various key stakeholders interested in setting up an appropriate and well-balanced community intervention program to face the gang problem in the Edmonton area. This consultation also helped develop knowledge, increase awareness, reinforce partnerships, and pool information in order to develop an innovative strategy to support youth.

The project helped raise awareness of the needs, realities and challenges of youth Francophones involved with the justice system. It also dealt with the lack of resources, programs and services to help their integration or reintegration into the community. The community consultation also brought together key Anglophone stakeholders who have developed an expertise with youth involved in the justice system.

Association des juristes d'expression française de la Saskatchewan

The Department provided funding of \$38,666 for 2013-2014 for a project entitled "Infos-Jeunesse", aimed at organizing activities to inform youth about various justice-related topics. To achieve this objective, the Association organized various educational activities and developed tools and resources, including the creation of a debate guide adapted to their study programs, a series of mini-debates organized by the Conseil des écoles fransaskoises, a moot court workshop with seniors, participation in a provincial debate competition, and a conference by a guest jurist.

These activities target youth in grades 5-12. In addition to encouraging them to play an active role as citizens, the activities also seek to spark their interest for careers in the justice field. By meeting legal professionals and stakeholders that are passionate about their work, youth are able to see that a future career in law can be synonymous with a fulfilling life.