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Canada

Ministère de la Justice
Canada

REVIEW ON OFFICIAL LANGUAGES 2021-2022

**Prepared by:
Official Languages Directorate –
Public Law and Legislative Services Sector**

Department of Justice Canada

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IMPLEMENTATION OF SECTION 41

Part VII of the Official Languages Act

Tombstone Data

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Institution's Code: JUS

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Part VII of the Act¹

Enhancing the vitality and development of official language minority communities (OLMCs) and the advancement of English and French in Canadian society.

All federal institutions should answer all of the following questions. Information collected through this process is used by Canadian Heritage to prepare the Annual Report on Official Languages, the Best Practices Digests for part VII and various other tools to support federal institutions with the implementation of part VII of the *Official Languages Act*.

Ongoing Dialogue

1. How does your institution ensure that it is aware of the priorities and needs of French-speaking communities outside Quebec and English-speaking communities within Quebec?

Please specify the methods used, list the organizations/communities with whom you were in contact, as well as how you took the priorities and needs of these communities into account when planning your activities.

¹ Effective before Royal Assent to Bill C-13 was granted to amend the *Official Languages Act*, on June 20th, 2023.

Departmental Network of Coordinators Responsible for the Implementation of Section 41

In order to keep abreast of the priorities of OLMCs, Justice Canada, through the Official Languages Directorate (OLAD), provides for certain consultative and engagement mechanisms. For example, OLAD coordinates the activities of the Departmental Network of Coordinators for the Implementation of Section 41 of the OLA (Network 41). Network 41 liaises with OLMC organizations across Canada and contributes to the implementation of section 41 of the OLA. Through their work, the members of Network 41 are connected to OLMCs and can speak to their priorities.

Network 41 coordinators made themselves available to OLMC members to answer their specific questions or inform them about the services provided by Justice Canada in the course of different activities.

Some examples of OLMC organizations with whom Network 41 Coordinators were in contact are:

- Québec Community Groups Network (QCGN)
- Association des juristes d'expression française de l'Ontario (AJEFO)
- Association des juristes d'expression française du Manitoba (AJEFM)
- Association des juristes d'expression française de l'Alberta (AJEFA)
- Association des juristes d'expression française de la Saskatchewan (AJEFS)

Advisory Committee on Access to Justice in Both Official Languages

The Advisory Committee on Access to Justice in Both Official Languages (Advisory Committee), is another mechanism through which Justice Canada keeps informed of OLMC priorities. The role of the Advisory Committee is to:

- Act as a liaison between the legal representatives of OLMCs, spokespersons for these communities, and the Department of Justice Canada;
- Help the Department identify and take into account issues that particularly affect OLMCs;
- Help the Department to make known the considerations that guide its actions in this area;
- Encourage the dialogue between the legal community, the OLMCs as well as the governmental organizations represented on the Committee;
- Develop strategies to educate OLMCs on their rights;
- Devise new tools to improve access to justice in both official languages; and,
- Identify partners who can best help implement the proposed strategies and tools.

The Advisory Committee has made it possible to assemble and be in communication with representatives of the federal government and the following organizations and institutions:

- Association des juristes d'expression française de l'Alberta (AJEFA)
- Association des juristes d'expression française de l'Ontario (AJEFO)

- Association des juristes d'expression française de la Colombie-Britannique (AJEFCB)
- Association des juristes d'expression française de la Nouvelle-Écosse (AJEFNÉ)
- Association des juristes d'expression française de la Saskatchewan (AJEFS)
- Association des juristes d'expression française du Manitoba (AJEFM)
- Association des juristes d'expression française du Nouveau-Brunswick (AJEFNB)
- Fédération des associations de juristes d'expression française de common law (FAJEF)
- Éducaloi
- Fédération des communautés francophones et acadienne du Canada (FCFA)
- Quebec Community Groups Network (QCGN)
- University of Ottawa (Faculty of Law)
- Université de Saint-Boniface
- Centre de traduction et de terminologie juridiques (Université de Moncton)
- Centre for Legal Translation and Documentation (University of Ottawa)
- Paul-André Crépeau Centre for Private and Comparative Law (McGill University)
- Department of Canadian Heritage
- Office of the Commissioner of Official Languages
- Fédération des francophones de Terre-Neuve et du Labrador (FFTNL)
- Université de Moncton (Faculty of Law)
- Association des francophones du Nunavut
- Association franco-yukonnaise
- Fédération franco-ténoise

Justice Canada has taken into account the priorities of OLMCs by consulting their various representatives at the Advisory Committee's annual meeting because of the pandemic (the June 2021 meeting was held virtually).

Apart from the abovementioned initiatives, Justice Canada's Programs Branch maintains close relations with OLMCs by means of project agreements funded by the Access to Justice in Both Official Languages Support Fund (Support Fund).

Tangible Results

2. Please highlight the positive measures taken by your institution to enhance the vitality and development of official language minority communities. Please ensure to include activities taking place in the regions, where applicable.

Please include in your response a description of the initiatives, the impacts, the results and the success factors.

Justice Canada has provided funding to several projects of OLMC organizations through various programs.

In its funding application forms, the Department of Justice asks applicants to describe how their project takes into consideration the needs of French-speaking communities outside of Quebec or the English-speaking community of Quebec, if applicable.

Under the Youth Justice Services Funding Program, there is an expectation set out in the funding agreements that federal contributions provided to the provinces and territories should be spent on the development and operation of youth justice services and programs in an inclusive and non-discriminatory manner that responds, in particular, to the needs of Indigenous youth as well as youth from French and English linguistic minority communities.

Agreements under the Legal Aid Program include a clause that requires the provincial governments to endeavour to ensure the provision of legal aid services in both official languages is aligned with the needs of OLMCs in the province. This helps support the provision of legal aid services to English and French OLMCs across Canada.

Justice Canada also supports the operation of Public Legal Education and Information (PLEI) organizations in each province. As part of this funding, PLEI organizations are required to respect the spirit and intent of the *Official Languages Act* when providing services to the public.

The Department of Justice has also funded various projects that have enhanced the vitality and development of OLMCs. Below you will find some examples.

- [Access to Justice in Both Official Languages Support Fund](#)

The Support Fund supports projects designed to improve access to justice in both official languages, notably by creating legal and linguistic tools, by offering workshops and training to jurists and other bilingual justice system stakeholders, by developing teaching material, and by providing legal information to the public.

Le réseau des chercheuses africaines : J'apprends à augmenter mon savoir-faire juridique afin d'avoir accès à la justice (RECAF)

Description: This project consisted of offering legal information workshops to under-represented members of an OLMC, in order to develop their knowledge about legal matters and increase their access to justice. These workshops were led by subject matter experts who conveyed complex information in an accessible manner, to the benefit of the project's participants.

Impact: This project equipped racialized members of an OLMC to support their respective approaches to access to justice.

Results: Through eight interactive learning exercises, (five Learning Circles and three focus groups addressing family law, labour law, and criminal law), this project involved approximately 425 learners.

Success factors: The contribution of the legal experts consulted to develop the learning exercises offered during this project, the relevance of the topics that were addressed, and the ability of the

organisation to reach learners from the target community, were all factors that contributed to the success of this project.

Éducaloi: Access to Justice for English-Speaking Quebecers

Description: This project provided support to Éducaloi to undertake activities to improve services to English-speaking Quebecers (including vulnerable and hard-to-reach clientele). This included building the capacity of other organizations to offer services in English, aligning Éducaloi's work with that of partner organizations to have a greater impact, and conducting an evaluation of existing products and services.

Impact: The activities undertaken by Éducaloi have made it possible to meet important needs in terms of access to justice for English-speaking Quebecers, particularly isolated seniors, newcomers, and racialized youth.

Results: Apart from the regular information services offered by Éducaloi, including a website that was accessed more than 900,000 times in 2021-2022, and on which there are 1,500 information items to consult freely, the key results of this programming included: the facilitation of 5 workshops with senior clients; 9 legal information workshops with adult education centres; a workshop for community organizations for access to reliable legal resources; 3 workshops for the general public in collaboration with a community organization for a total of thirty participants; 3 workshops for young BIPOC on the theme of entrepreneurship; adaptation and enhancement in English of about 70 news items, 45 articles, educational kits, and several guides and newsletters; the production of 2 new videos and a job aid; and the organization and animation of 10 Facebook Live sessions.

Success factors: The quality and relevance of the legal information provided, as well as the ability to reach the communities targeted by these activities, were the two elements that contributed the most to the success of this programming.

Auberge francophone d'accueil et des services aux immigrants : Access to Justice for Linguistic Minorities in Toronto

Description: The project consisted of offering legal information workshops to underserved Francophone clientele from ethno-cultural communities to facilitate their access to justice. The project increased participants' awareness concerning their rights and issues related to justice in both official languages.

Impact: This project increased the knowledge of racialized members of an OLMC about their legal rights and obligations.

Results: This project included the facilitation of 14 virtual workshops during which legal information on five topics was disseminated to 214 participants: wills, estates, the role of the trustee, trusts and racism, and discrimination in social life.

Success factors: The quality and relevance of the information offered during these workshops and the ability to ensure the attendance and participation of the learners were the two factors that most contributed to this project's success.

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- [Victims Fund](#)

The Victims Fund provides grants and contributions to support projects and activities that encourage the development of new approaches, promote access to justice, improve the capacity of service providers, foster the establishment of referral networks, and increase awareness of services available to victims of crime and their families.

The Canadian Centre for Elder Law: A Practical Guide to Elder Abuse and Neglect Law in Canada

Description: This project enabled the Canadian Centre for Elder Law (at the University of British Columbia) to update, enhance, and promote their popular resource entitled “A Practical Guide to Elder Abuse and Neglect Law in Canada” and to develop additional educational resources.

Impact: Stakeholders will better understand and apply federal, provincial, and territorial laws related to elder abuse and neglect.

Results: The Canadian Centre for Elder Law will publish the guide online and distribute it through its key allies and its social media network, which has over 400 newsletter subscribers and over 1,500 Twitter followers.

Success factors: Over the years, the Canadian Centre for Elder Law has collaborated with several key allied organizations that now consider the Centre as the national leader in the development of tools to counter elder abuse.

L’Escale MadaVic: Intervention Program

Description: In collaboration with more than 28 public, private, and community service providers, l’Escale MadaVic implemented an intervention program aimed at improving access to community intervention services for women and girls victims of sexual violence in northwestern New Brunswick. The program also aims at establishing a relationship of trust and reinforcing the collaboration with indigenous communities.

Impact: This program helped guide service providers to the necessary support and resources offering specialized interventions in order to meet the specific needs of sexual assault victims. The program also sought to implement awareness and education strategies in order to demystify and reduce stereotypes related to sexual violence.

Results: L’Escale MadaVic completed over 6,900 individual interventions, 8 group session interventions, helped 606 individuals through service activities and 1483 individuals through schools and communities, and provided training to 198 individuals.

Success factors: L’Escale MadaVic is still growing because of the involvement of their funders, the regional resources and/or services, and the support shown by the community. Through this project, the new service was able to work closely with the shelter in order to meet the growing needs of sexual assault victims. This partnership enabled improvements to the shelter’s website, where the project’s results will be published.

3. Please highlight the positive measures taken by your institution that contributed to fostering the full recognition and use of both English and French in Canadian society. Please include activities taking place in the regions, if applicable.

Please include in your response a description of the initiatives, the impacts, the success factors and the results.

Four projects funded by Justice Canada contributed to developing language skills in both English and French for justice system professionals, thereby fostering the full recognition and use of both official languages across Canada:

Centre canadien de français juridique: Canada-wide training project for various provincial and territorial stakeholders working in the justice system

Description: The project consisted of two online courses and one in-person training on French-language legal vocabulary related to the *Divorce Act*, custody and access, and child support. The training targeted employees from English-speaking provinces and the three territories (Legal aid lawyers, court staff, court interpreters, lawyers, mediators, clerks, etc.), as well as other stakeholders in the field of Family Law.

Impact: This project contributed to increasing the capacity of the justice system and its stakeholders to provide services in both official languages.

Success factors: The quality and relevance of the information offered during these workshops and the ability to ensure the presence and participation of the learners were the two factors that contributed the most to the success of this project.

Result: In fiscal year 2021-22, 27 webinars on criminal law and French-language legal terminology were delivered to 193 learners.

Centre de traduction et de terminologie juridiques de Moncton (CTTJ): Translation of important unilingual judgments into the other official language

Description: The project involved the translation and publication of judgments into the other official language. The CTTJ also engaged with provincial and territorial partners to update the list of court decisions recommended for translation into the other official language. The project sought to increase the number of judgments available in both official languages in Canadian provinces and territories primarily, but not exclusively, in the areas of criminal law and family law.

Impact: The main impact of the project was to increase the number of court decisions available in both official languages in the provinces and territories primarily in criminal law and family law, two areas of the law that directly affect the lives of litigants and which partly fall under federal jurisdiction (criminal law and divorce). By increasing the number of court decisions available in both official languages, the capacity of the justice system to provide services to OLMCs was enhanced.

Success factors: The organization's expertise in translation and terminology, not to mention its many years of experience translating the decisions of the New Brunswick Court of Appeal and important decisions of the Court of Queen's Bench, contributed to the success of the project.

Result: In fiscal year 2021-2022, 35 decisions, representing nearly 220,580 words, were selected, prepared, translated, and revised.

Ministry of the Attorney General Ontario - Office of the Coordinator of French Language Services: French Language Institute for Professional Development (FLIPD) - training intended for professionals working in the justice system

Description: The project supported the renewal of the FLIPD. The FLIPD provides an annual one-week intensive training course on French-language legal terminology to justice professionals. Participants include crown attorneys, court support staff, legal aid duty counsels, and police officers, as well as some social services agency staff dealing with victim's issues.

Impact: By providing language training to stakeholders in the justice system, this project helped to increase the availability of justice-related services in both official languages.

Success factors: The quality and relevance of the training provided and the ability to ensure the presence and participation of learners were the two factors that contributed most to the success of this project.

Results: This project supported French-language professional development for 130 provincial justice system stakeholders.

Conseil de la magistrature du Québec: Programme de perfectionnement en langue anglaise pour les juges de nomination provinciale

Description: The project consisted of English-language legal terminology training for judges, justices of the peace, and municipal judges who deal with criminal matters and who have an intermediate knowledge of English. The project contributed towards improving the quality of justice services provided to the English-speaking community of Québec specifically, and towards access to justice more broadly.

Impact: By providing language training to judges, this project has helped to increase the availability of justice-related services in both official languages.

Success factors: The quality and relevance of the training offered and the ability to ensure the presence and participation of the learners were the two principal factors that contributed to the success of this project.

Results: This project consisted of English- language legal terminology training for provincially-appointed Quebec judges.

Key Collaborations

4. Did your institution collaborate with other federal institutions or with partners (sectoral working groups, municipalities, provinces/territories, post-secondary institutions, the private sector) on a program, project or other initiative to enhance the vitality and development of official language minority communities and/or the advancement of English and French in Canadian society?

Please include in your response a description of these collaborations and partnerships, the results achieved as well as the success factors.

Justice Canada has collaborated with federal institutions or partners through the following initiatives:

- [Federal-Provincial-Territorial Working Group on Access to Justice in Both Official Languages](#)

The Federal-Provincial-Territorial Working Group on Access to Justice in Both Official Languages (FPT Working Group) is one of the advisory mechanisms provided for the implementation of section 41 of the OLA. It is co-chaired by the Department of Justice Canada and by a provincial/territorial representative. The role of the FPT Working Group is to consider issues surrounding access to justice in both official languages and to discuss best practices. The FPT Working Group also plays an important role in implementing solutions designed to improve access to justice in various areas.

In 2021-2022, the following entities participated in the spring and fall meetings of the FPT Working Group:

Government of Canada

- Department of Justice
- Public Prosecution Service of Canada

Government of Alberta

- Department of Justice
- Francophone Secretariat

Government of British Columbia

- British Columbia Prosecution Service
- Intergovernmental Relations Secretariat

Government of Prince Edward Island

- Department of Justice and Public Safety
- Acadian and Francophone Affairs Secretariat

Government of Manitoba

- Department of Justice
- Francophone Affairs Secretariat

Government of New Brunswick

- Department of Justice and Public Safety
- Corporate Communications, Intergovernmental Affairs

Government of Nova Scotia

- Department of Justice
- Acadian Affairs and Francophonie, Communities, Culture and Heritage

Government of Nunavut

- Department of Culture and Heritage

Government of Ontario

- Ministry of Francophone Affairs
- Ministry of the Attorney General

Government of Quebec

- Ministère de la Justice
- Secretariat for relations with English-speaking Quebecers

Government of Saskatchewan

- Department of Justice and Attorney General
- Ministry of Parks, Culture, and Sport

Government of Newfoundland and Labrador

- Department of Justice and Public Safety
- Office of French Services

Government of Northwest Territories

- Department of Justice
- Francophone Affairs Secretariat

Government of Yukon

- Department of Justice
- French Language Services Directorate

Results: The spring and fall 2021 meetings of the FPT Working Group were, among other things, an opportunity to share best practices regarding access to justice in both official languages. This allowed working group members to learn about and discuss links between access to justice and mental health issues affecting members of OLMCs. The Working Group also considered the issue of evaluations of linguistic competencies in the judicial professions.

Success factors: Interesting presentations on topics highly relevant to OLMCs, such as mental health, and thorough event planning contributed to the success of these meetings.

- [Advisory Committee on Access to Justice in Both Official Languages](#)

Consultative activities through the Advisory Committee are described in Question 1.

Results: Through the annual meeting of the Advisory Committee, participants from across Canada learned about initiatives by and for OLMCs.

Success factors: Interesting presentations on topics highly relevant to OLMCs and thorough event planning contributed to the success of this event.

COVID-19

5. Does your institution have measures in place to respond to the COVID-19 pandemic (including measures related to economic recovery)? If so, how did you consider the needs of official language minority communities and the advancement of English and French in the implementation of these measures?

Please describe your activities as well as the results.

Activity: The permanent mechanism for consultations for the Access to Justice in Both Official Languages Initiative conducted its ongoing activities by adapting meeting formats to virtual mode. As such, discussions with stakeholders to mitigate the repercussions of COVID-19 on the activities of their projects continued throughout the year.

Results: Some stakeholders indicated that some in-person training activities were impacted by COVID-19. Alternative options were explored and where no alternatives could be identified, budgets were adjusted and surplus funding, to the extent possible, was reallocated to other stakeholders/projects, including by way of amendment of existing agreements.