

# Road Map

**Towards Excellence**

in

**the Application**

of the

**City of Ottawa's Bilingualism Policy**

**Report Submitted**

to the

**City of Ottawa**

**Study prepared by:**

**PRAXIS, Management Consultants**

**and**

**Jean-Claude Le Blanc, Consultant, Language Policy and Management**

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## Preface

Countries, not to mention civilizations, are judged by how they treat their minorities. Canada was forged through its ability to accommodate the other, and the ensuing capacity to work together. North American Natives and the French found a way to co-exist, as later did the English and the French, which set the foundations for bilingualism. The recognition of the two official languages enabled our country to welcome people from other parts of the world who arrived, generation after generation, enriching Canada's social fibre and helping their new country grow strong. Today, Canada's two official languages are a source of pride and prosperity. Abroad, the language rights of Canadians are seen as an indication of an advanced civilization, one that is the envy of the great majority of human beings who are deprived of the advantages inherent to a land of freedom such as ours.

This study aims to assist City of Ottawa elected officials and senior staff in their efforts to achieve true equality between Anglophones and Francophones in the nation's capital. It seeks to help members of the municipal public service, dedicated people who have chosen to serve their fellow residents, to be more of what they are and can be. This study addresses many topics, some of them quite complex. In a number of cases it can do no more than mention the issues because its scope is limited. Hence, in order to achieve its objectives, it has relied on the professionalism and good will of municipal leaders, elected officials and senior staff, as well as on the generosity of those who are privileged to live in this corner of the country.

The strengths that readers will find in this study are the outcome of the exceptional cooperation that my partner and I received from individuals, leaders and employees in the municipal administration and community members, who graciously agreed to take part in individual and group interviews. We are tremendously grateful to them for this. The undersigned assumes sole responsibility for any errors, redundancies or omissions it may still contain. However, without the ongoing support and insightful comments of the French Language Services Division and the French Language Services Advisory Committee, especially its two co-chairs, there would be many more. In fact, this study simply could not have been completed.

It is our hope that with the help of this study, gearing services to the public—internally and externally—to Anglophones or Francophones or both, and realizing that to this end they must be well understood if they are to be properly served, will become second nature. For the people who are entrusted with the responsibility, serving the public well is always a source of pride and personal satisfaction.

*Jean-Claude Le Blanc*

*Ottawa, December 3, 2007*

## Summary

This study, which started in January 2007, helped identify the key issues in the move towards true equality between English and French in the City of Ottawa:

- ✓ The sustained commitment of municipal leaders, including both elected officials and senior staff, starting at the highest levels, is indispensable; this commitment must be regularly conveyed in clear terms to both the employees and the public, and day-to-day actions must always confirm its authenticity.
- ✓ The proper understanding of the legal framework for “equality of rights and privileges for both linguistic groups” (Bilingualism Policy, section R.1) is the first step in triggering a process of commitment in this regard.
- ✓ A thorough understanding of the specific characteristics and needs of the Anglophone and Francophone language communities being served, both of which are becoming increasingly diversified, as well as of their respective territorial distributions, is essential to the informed commitment, effective leadership and administrative involvement needed to achieve excellence in delivering services to the public in English and French.

The biggest obstacle to full implementation of the City of Ottawa’s Bilingualism Policy—a well-designed policy whose validity has been recognized by the Ontario Superior Court of Justice—lies in the lack of knowledge about the Policy throughout the municipal administration. Clearly, it is impossible to implement a legislative policy whose contents and scope are unknown.

Herein lies the most important finding of this study, which gets to map the route to follow, the one that will lead to the goals of legality and excellence.

This is precisely the reason why this report takes the time to properly outline the parameters of the legal framework. Unless municipal leaders, elected officials and senior staff master its contents, bilingualism in the City of Ottawa, the nation’s capital, will remain window dressing. This would encourage the linguistic and cultural assimilation of the Francophone minority rather than its development, which in turn would undermine the Canadian identity of residents and visitors.

However, in order to succeed, municipal leaders will have to display effective, committed and sustainable leadership. Their leadership will have to be exemplary, through both words and actions: in this regard it is important that they assume the associated management responsibilities at every level.

These leaders will have to orchestrate the implementation of the following three key recommendations, and then implement **an appropriate implementation scheme** the City of

Ottawa's Bilingualism Policy, one that will guarantee that it achieves its purpose. They will have to start by focusing on:

- the development of an Annual Plan on Official Languages, which would include a Plan for Promoting the Bilingualism Policy among residents and employees, in accordance with sections R.1.1 and R.1.6 of the Bilingualism Policy;
- the development and implementation of an appropriate and effective accountability framework that will enable the City to meet its statutory obligations under the Bilingualism Policy;
- the implementation of a strategy for gradually aligning the City's organizational culture with the requirements of its Bilingualism Policy, including an appropriate compensation plan; and
- the adjustment of the City's policies, programs, mechanisms, processes and practices in order to foster the attainment of true equality in terms of the municipal services received by Anglophones and Francophones.

The Bilingualism Policy is a horizontal binding policy, and all of its provisions must be applied within three years. In its first Annual Plan on Official Languages, the City of Ottawa must focus on section 1 of the Policy, which has 20 sub-sections.

The City must set up new management mechanisms and introduce a series of tangible measures to correct the current inequalities in municipal services provided to Anglophones and Francophones residing in Ottawa or visiting their nation's capital.

This study contains a summary implementation schedule, criteria that must be met to provide services of equal quality to Anglophones and Francophones, and a Development Framework for the Annual Plan on Official Languages. These tools are designed to help the responsible individuals—elected officials and senior staff—to meet their obligations.

# 1. General introduction

It is important to start by looking at the overall picture of the origins of Ottawa—both the former and the new—including the official recognition of English and French, to present the objectives and methodology of this study and to provide an overview of the current situation.

## 1.1 Background

A long time ago, many Aboriginal nations inhabited the Ottawa River valley. The French settled there in the 17<sup>th</sup> century, and in the following century, immigrants from Great Britain and then the United States, and later, thanks to the capacity it had developed to welcome and accommodate different peoples as a result of this co-existence of Anglophones and Francophones, immigrants started arriving from practically every country around the world.

In 1857, Ottawa was chosen as Canada's capital by Queen Victoria. This decision was later entrenched by Canada's Fathers of Confederation through section 16 of the *Constitution Act, 1867*, thereby making it the Seat of Government. The choice of Ottawa stemmed from the city's location at the border between Francophone Lower Canada and Anglophone Upper Canada, as well as to the presence—150 years ago, as today—of the nation's two main linguistic groups. Over time, they each developed their own institutions and became more and more diversified.

The new City of Ottawa was created in January 2001. It is the result of the amalgamation of eleven (11) neighbouring municipalities in the region, which considerably increased the national capital's territory and population. In many regards, the new City of Ottawa is a very young municipality, because its administration integrated twelve (12) separate municipal administrations, which is to say the eleven former amalgamated municipalities and the former Regional Municipality of Ottawa-Carleton. From a management standpoint, this presented quite a challenge because it called for the integration of groups that had their own ways of doing things and different organizational cultures. Great progress has been made in standardizing the City's management and service delivery practices.

As is often the case, legislation eventually catches up with reality, or as in this case, the fundamental principles on which the target societies have to be structured. Thus, on May 9, 2001, the City of Ottawa passed a by-law that essentially repeated the wording of its 1970 by-law (By-law No. 358-70), which recognized that English and French are the official languages of the City of Ottawa and have the same status, rights and privileges in regard to their use by City Council and the administration in conducting the City's business.

In March 2005, following repeated requests by the City, the Legislative Assembly of Ontario passed *Bill 163*, which entrenched in the new City's act of incorporation the obligation to have a bilingualism policy.

The French Language Services Advisory Committee (FLSAC), with the support of the French Language Services Division (FLSD), is mandated to advise the City of Ottawa so it can strengthen its capacity to design and implement quality Services in French. Thus, in 2005 and 2006 the City commissioned two studies from the Ronald Bisson and Associates consulting firm, one on childcare services and the other on recreational services. These studies revealed significant shortfalls in these two areas, which are creating issues of equity in the services received by Anglophones and Francophones. The data from these studies prompted the consultants to recommend to the City that it develop and adopt a general policy on the delivery of French language childcare and recreational services that would include guiding principles, objectives, implementation factors and performance indicators.

In November 2006, the French Language Services Advisory Committee recommended to the Clerk responsible for supporting the City Council in the implementation of the Bilingualism Policy that an effort be made to increase awareness in several different areas simultaneously, which led to this study.

The purpose of the current exercise is to help the City set the foundations for an appropriate implementation scheme for its by-law of May 9, 2001, thereby ensuring the achievement of the purpose of the Bilingualism Policy brought into force through this by-law.

In the context of the changes in the local Francophone community, which includes more and more members of racial and ethnocultural groups, it is important to review the existing delivery models for French language municipal services, to consolidate French language services and to plan their future development in light of the changing needs of an increasingly diversified Francophone population.

Thus, in January 2007, six years after its creation, the new City of Ottawa would like to scan the important issue of the fundamental equality of Anglophones and Francophones in municipal affairs and in the services it provides to the residents within its territory. This approach was deemed particularly timely at a time when it is preparing, for the very first time across the entire municipal administration, to designate its bilingual positions and to specify the proficiency levels required for each one. Every year, the City invests in language training for the simple practical goal of enhancing its employees' skills and furthering equal use of English and French in the workplace. The employees availing themselves of this training have a personal and corporate responsibility towards these two objectives. The designation is all the more timely that it has been expected by employees for some time already, and it will help standardize the practices related to language requirements for positions in the recruitment and staffing process, as well as language training, throughout the administration.

## **1.2 Purpose of the study**

The City would like to take advantage of the momentum from standardizing human resource management processes through the implementation of the designation of language requirements for positions to strengthen the implementation scheme of the Bilingualism Policy.

This study aims to review the application of the City's Bilingualism Policy, analyze the main obstacles it faces and the dynamics of its implementation, and identify the highest priority and most opportune directions to take at this critical time in the City's evolution.

The goal is to map out the road to take in order to make it through the next stages as effectively and efficiently as possible. It is important for managers to know which direction they should take and to understand the best methods to use to succeed. In this regard, the Policy requires that every department prepare an annual plan setting its objectives and a performance report on its accomplishments in regard to English and French in that organizational unit. Given that it has been proposed that this requirement first be implemented in 2008, this study will also aim to help these officials to do the best possible job in this regard.

In essence, this study has to draw the road map to equal access to municipal services of equal quality for Anglophones and Francophones that meet their respective needs. The idea is not to treat all residents the same, without regard for their individual needs, which would only increase inequalities. Given the different situations, characteristics and needs at the outset, the road map must focus on achieving equal results, which is to say true equality between Anglophones and Francophones when they are communicating with the City or receiving services from it.

## **1.3 Methodology**

The consultants in charge of this study agreed with the City to conduct an in-depth analysis of a large number of relevant documents and to discuss the current issues and practices through individual interviews and group discussions.

Some fifty individual interviews and group brainstorming and discussion sessions were conducted in the winter and spring of 2007. The exercise provided the opportunity to think out loud, together, about the delivery of municipal services with a sample of senior staff and employees from the different sectors and levels of the municipal administration. This approach also helped integrate a series of consultations with the City's residents, institutions, community organizations, partners or clients into the implementation of French language municipal services. The cross-sectional analysis of the knowledge developed in this way and the cross-checking of certain data helped identify the current status of the application of the City's Bilingualism Policy, as well as a solid appreciation of the strengths and weaknesses inherent to the dynamics of its implementation and to its implementation scheme.

## **1.4 Situation summary**

As our study progressed, it became increasingly clear that most senior staff and employees were not aware of the contents of the City's Bilingualism Policy and that, with a few exceptions, those who were familiar with the main features understood neither its legal or practical implications.

Under the circumstances, it was not surprising that at the end of the day, bilingualism in the City of Ottawa was found to be little more than window-dressing. Moreover, this was most often the kind of window-dressing that was only available on demand. For all practical purposes, this means that the active offer—whereby English-speaking and French-speaking Ottawans are entirely free to choose which official language they prefer to use in their communications with the City and to receive services—is nothing more than an illusion inscribed in the City's statutory bilingualism policy.

Thus, at first glance, the main reception services, Call Centre (311 line), public documents and public consultation policy are bilingual. The Call Centre, for instance, claims to have integrated the rules of the art of bilingual service. However, the proportion of French language calls is so low that this raises legitimate questions. Experience shows that even with a negative image at the outset, bilingual identification, courteous greetings and active offer of service reveal a desire to offer services of equal quality in both English and French, which quickly leads to expressed demand that comes close to potential demand.

The City communicates with its residents in both English and French, even though its staff are occasionally somewhat hesitant, and the front line services, phone greeting and staff at City Hall, publications and Web site, for instance, are generally bilingual. At this point, in addition to continuing to provide information about the services it provides in both languages, it has to ensure the delivery of more complex services, for instance services to homeless people and vulnerable tenants, emergency services and public health services.

The harsh reality of bilingualism for municipal services in the City of Ottawa, the nation's capital, is as follows: as soon as a taxpayer crosses the reception line, as soon as the receptionist refers him or her to the appropriate service, getting this service in French is rather a hit or miss proposition, even when expressly requested, and in many cases it will only be available in English. "You don't speak English?" is often the startled response. In contrast, true active offer is a rare thing indeed. In so doing, the City is contributing to the assimilation of its Francophone community.

Under such circumstances, when it is known that the situation is no better in professional services and private businesses, it is surprising to see that a certain level of demand for French language services persists. From the behavioural psychology point of view, this is almost a miracle.

## 2. Legal framework

This chapter addresses the public's rights and the government's obligations, including the guiding principles of a constitutional nature that are indispensable to a proper understanding of their scope. It then presents the architecture of the City's Bilingualism Policy. The purpose of this chapter is to help City Council and City of Ottawa administrators to fully understand their statutory linguistic obligations in this regard and their practical implications.

### 2.1 *The public's rights*

As we will see below, in Canada, language rights, which determine the status and use of English and French, the nation's two official languages, as well as the rights and privileges of Anglophones and Francophones, form a whole and are to be interpreted as such.

Language rights must be considered, understood and implemented as a whole, whether they stem from:

- a municipal regulation or by-law;
- a law passed by a provincial or territorial legislative assembly;
- an order-in-council or regulation of a provincial or territorial government;
- a law passed by the Parliament of Canada;
- an order or regulation passed by the Governor in Council;
- the constitution of a province or that of Canada; or
- one of the four fundamental principles of the Canadian Constitution.

At first glance, language rights seem to vary between the different parts of the country given that the legislation that gave rise to them differs from province to province and, within a given province, from municipality to municipality. Yet, this is an illusion.

In Canada, every member of the public has the same language rights; they just have to be in the same place. If they move around, their language rights decrease or increase, depending on where they are. Language rights can also change from place to place because the conditions of their application have not been entrenched throughout the territory. Good examples of this are the criterion of "significant demand" in relation to the right to communicate with the federal government in the official language of our choice and to receive its services, or that of "where numbers warrant" in relation to minority language educational rights to receive instruction in the

language of the minority of one's province of residence in minority language educational facilities provided out of public funds.

Language rights also form a whole in the eyes of the Supreme Court of Canada because, in a 1999 landmark decision, *Beaulac*, it ruled that:

***“Language rights must in all cases be interpreted purposively, in a manner consistent with the preservation and development of official language communities in Canada.”***

In fact, through this single sentence, the Supreme Court of Canada defined the purpose of the country's entire language rights regime. Simply stated, language rights serve the same goal in every jurisdiction, which is to preserve and develop Anglophone and Francophone communities, particularly the ones that are vulnerable by virtue of being minorities. There are no exceptions.

Consequently, as we shall see below, language rights must in all cases be implemented in a manner that will achieve this result, which is the preservation and development of the two official language communities in Canada.

If the goal of language rights, whatever they may be and whatever their nature or origin, is always the same, every single language right of the public is complementary with the other rights.

Thus, language rights also form a whole, regardless of the source, when they are considered from the perspective of a member of the public. For instance, as Ottawa residents, you benefit from a whole range of language rights because you live in:

- a country whose Constitution states that “English and French are the official languages of Canada;<sup>1</sup>” (Our underline.)
- a designated region for the purpose of Ontario's *French Language Services Act*, which entitles you to receive services from the province in the official language of your choice;
- Canada's capital, under section 16 of *The Constitution Act, 1867*, a unique situation in the country; and
- a city that recognizes the equality of Anglophones and Francophones<sup>2</sup> through its Bilingualism Policy of 2001 and by-law 2001-170, as well as a tradition that goes back to 1970.

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<sup>1</sup> The *Constitution Act 1982*, section 16. This provision, which applies to all of Canada, is without doubt the foundation for all language rights across the country. It should be noted that the *Constitution Act 1982* was passed by the Parliament of Canada and every legislature in the country other than the National Assembly of Quebec.

<sup>2</sup> The only other jurisdiction in the country that explicitly recognizes the equality of the Anglophone and Francophone communities (not to mention their right to separate educational and cultural institutions) is

Clearly, if the preservation and development of the Francophone minority community cannot be achieved in Ottawa, despite the size of the community and all the rights it has, it is foolish to think that it could happen anywhere outside Quebec. The same holds for this province's Anglophone minority community.

## **2.2 The governments' obligations**

The limitations imposed on this study require that we confine ourselves to a few fundamental principles so as to better explain the nature and interdependency of the obligations of each of the three levels of government in Canada. The specific obligations of each level of government must be assumed by the elected officials and employees of this government, whether it be federal, provincial, territorial or municipal. Every level has to meet its own obligations because, given their interdependence, inaction by any level of government can have significant consequences on compliance by the others. This situation also involves a degree of financial interdependence. As a designated region in Ontario and given its status as the nation's capital, the City of Ottawa should expect the two higher levels of government to share some the additional costs that may stem from the application of its Bilingualism Policy.

### **2.2.1 The fundamental principles of Canada's constitutional framework**

It is important to review the four fundamental principles of Canada's constitutional framework, which the Supreme Court affirmed in 1998 in its Opinion on the secession of Quebec.

These four fundamental principles are the unwritten and equal principles that underlie rights in Canada and entail positive obligations. They are:

- *federalism;*
- *democracy;*
- *constitutionalism and the rule of law; and*
- *respect for minorities.*

It should be noted that in a federation, the State consists of several levels of government. Together, the federal government, the provincial and local governments, and the municipalities make up the Canadian State. Together, with their individual or shared areas of jurisdiction, in practice mostly interdependent and complementary, they make up the government of Canada. Together, they must fulfil the above-mentioned goal of language rights.

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New Brunswick, since its adoption in 1984 of Bill 88 and the entrenchment in 1993 of its principles in subsection 16(2) of the *Canadian Charter of Rights and Freedoms*.

## 2.2.2 The *Montfort* ruling

When the Ontario Court of Appeal proceeded with the application of the principle of respect for and protection of minorities in *Montfort*, in February 2002, it ruled that the *French Language Services Act*, which was passed in 1986, was a quasi-constitutional act. The rationale for the *Act* is clearly stated in its preamble:

- *Whereas the French language is an historic and honoured language in Ontario and recognized by the Constitution as an official language in Canada; and*
- *whereas in Ontario the French language is recognized as an official language in the courts and in education; and*
- *whereas the Legislative Assembly recognizes the contribution of the cultural heritage of the French speaking population and wishes to preserve it for future generations; and*
- *whereas it is desirable to guarantee the use of the French language in institutions of the Legislature and the Government of Ontario, as provided in this Act.*

In this regard, this *Act* has precedence over any other *Act* by the province's Legislature. It directly binds the government to Canada's Constitution and to the fundamental principle of respect for and protection of minorities. It also binds to this principle all of the public institutions and organizations that have a public mandate<sup>3</sup>, whether that be in the sphere of the Canadian government's federal, provincial or municipal jurisdiction. Every organization that carries a public mandate or provides a public service is required to do so in the **public interest**. The Court determined that respect for and the protection of minorities, namely official language minorities, is an integral part of the public interest.

Thus, in practice, the elected officials and employees of the City of Ottawa, including those serving in organizations that provide municipal services within the City—police, power, library or community housing<sup>4</sup> services—must therefore act in the public interest, in a manner that respects and protects Ottawa's Francophone community. The City of Ottawa must act consistently with the government of Canada's linguistic responsibilities stemming from its status as the nation's capital, creature of the province of Ontario, and the constitutional values inherent to its Bilingualism Policy. The City's political and administrative officials must set up, within the boundaries of the City's jurisdiction, including the latest transfers of responsibilities from the province for ambulance services and social and community services, institutional measures for the preservation of French, the transmission of the French culture, the promotion of solidarity

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<sup>3</sup> In its 1997 decision on *Eldrige*, which addressed equality of access to public services, namely in regard to the effectiveness of communications in the delivery of medical services, the Supreme Court of Canada established the principle that government bodies that have a public mandate or administer a public service inherit the attached public responsibilities.

<sup>4</sup> These services exist pursuant to a provincial act, which is subject to the *French Language Services Act*, whose quasi-constitutional status has been recognized by the courts. The administrative independence of these City of Ottawa services must be protected against any malicious or partisan political interference. However, these services are not above the law, including when the time comes to serving Anglophones and Francophones in their language. In this regard, the Supreme Court of Canada is not above the law.

within the Franco-Ontarian minority and the protection of this culture from assimilation. Finally, as an institution, the City of Ottawa belongs to both of its official language communities; it must protect the Francophone minority community, reflect its identity, and thereby actively contribute to its preservation and development.

### 2.2.3 Constitutional governing principles

Coming back to the goal of the entire language rights regime in Canada, as stated in *Beaulac*, in practice it means that the City of Ottawa's elected officials and administration have to carry out their functions so as to preserve and develop Ottawa's French speaking community, as well as that of Ontario and Canada. Assimilatory practices, which is to say those that inadvertently attribute a lower status to French or to those—whether individuals or groups—who speak it, must be replaced by positive active support measures that will ensure the survival and growth of the minority Francophone community throughout their sphere of influence.

The principles established by the Supreme Court of Canada in *Beaulac* are clear. Equality between Ottawa's two official languages aims for **true equality**. These constitutional principles, which form a valuable road map for the City's leaders, are as follows:

- *The City of Ottawa is required to be institutionally bilingual in order to provide for the equal use of the two official languages of Canada.*
- *This principle of substantive equality has meaning. It provides in particular that language rights that are institutionally based require government action for their implementation and therefore create obligations for the State.*
- *It also means that the exercise of language rights must not be considered exceptional, or as something in the nature of a request for an accommodation.*
- *Mere administrative inconvenience is not a relevant factor. The availability of staff, the workload and additional financial costs or rescheduling are not to be considered because the existence of language rights requires that the government comply with the provisions of the Act by maintaining a proper institutional infrastructure and providing services in both official languages on an equal basis.*
- *In the context of institutional bilingualism, an application for service in the language of the official minority language group must not be treated as though there was one primary official language and a duty to accommodate with regard to the use of the other official language. The governing principle is that of equality of both official languages.*
- *The ability to speak English is irrelevant because the choice of language is meant to assist in gaining equal access to a public service that is responsive to the client's linguistic and cultural identity.*
- *The mere ability of a member of the public to speak an official language gives that person the freedom to choose the official language that government employees will have to use*

*in communicating with him or her, responding to his or her request or providing him or her with the service he or she requires.*

- *The legislator's intent is not to restrict the right of bilingual Canadians when in fact official language minorities, who have the highest incidence of bilingualism, are the first persons that language rights are designed to assist.*
- *Language rights have a totally distinct origin and role. They are meant to protect official language minorities in this country and to insure the equality of status of French and English.*
- *Language rights must be implemented in light of their remedial character, their substantive nature and their purpose, which is foremost to assist members of the two official language communities to enjoy equal access to specific services in their own language. (Extracts from Beaulac)*

City of Ottawa leaders, managers and employees have to be aware of the scope of their legal—i.e. fundamental—responsibility to the Francophone community, and to carry out their functions so as to foster the development and growth of this community, which is in a minority situation within the City's territory. This responsibility entails taking positive measures for this purpose, and is aimed at ensuring the City of Ottawa's participation in the development of true equality between Anglophones and Francophones in the nation's capital.

## **2.2.4 The status as the nation's capital**

The unique status of Canada's capital, a country whose supreme law entrenches the equality of English and French as its two official languages<sup>5</sup>, carries a multitude of benefits. These benefits have only grown over time.

This special status necessarily entails unique responsibilities. Reflecting the equality of English and French, and expressing and living it are part of it. Being able to greet Anglophones and Francophones from every part of the country in **their** national capital while treating their identity and culture with respect to ensure that the experience of their visit confirms that they are indeed living in a bilingual country and visiting its capital, the City of Ottawa, which is also bilingual. A city where Anglophones and Francophones can feel at home. A city that helps preserve and develop the country's two main language communities and handles this responsibility with honour. Doing so carries another major benefit: it is one of the exemplary practices of the expansion of the City's tourism and economic development.

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<sup>5</sup> These are not the federal government's official languages but **those of Canada**.

## **2.3 The architecture of the Bilingualism Policy**

This section aims to identify the main elements of the Bilingualism Policy in order to enable the City's leaders—both elected officials and senior staff in the administration—and employees, as well as its residents, to familiarize themselves with its key provisions and gradually master its content, both in regard to the public's rights and the City's obligations. A solid understanding of the legal meaning and scope of this legislative policy, which prevails over all of the City's ordinary laws, is indispensable to fulfilling its purpose.

Ottawa's bilingual nature, which has been a reality for more than two centuries, as well as the equality of rights, status and privileges of the two official language groups, is the fundamental principle underlying the City's entire Bilingualism Policy. This Policy gives effect to subsection 16(3) of the *Constitution Act 1982* and serves to foster the advancement of the equality of status and use of English and French. It was to achieve this equality and shape it into true equality, based on the purpose of all language rights in Canada as established by the Supreme Court of Canada and the Court's governing principles listed above, that the Policy stipulates the following:

*To this end, the City of Ottawa must:*

- *Encourage employees to work in the official language of their choice.*
- *Take the necessary steps to provide at all times the appropriate number of bilingual employees.*
- *Appoint employees meeting the language requirements of the unit where the vacancy occurs or provide language training to new incumbents.<sup>6</sup>*
- *Ensure that cultural programs aimed at one official language group are developed by employees having a full knowledge of the appropriate culture.*
- *Ensure that the Secretariat Services Branch (French Language Services Division) follows up on citizens' complaints concerning services in both official languages.*

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<sup>6</sup> "If a unilingual employee hired prior to January 1, 2001, from the former municipalities of the Region of Ottawa-Carleton, Ottawa, West Carleton, Goulbourn, Kanata, Rideau, Nepean, Osgoode, Gloucester, Cumberland, Vanier or Rockcliffe Park, applies for a position designated bilingual and is appointed to that position; the appointment will be for a period of not less than six months; the employee must however undergo language training. -- The appointment will be confirmed if it is determined that the employee is able to become, and is making reasonable effort to become, proficient in the second language; if not, the employee will revert to his/her former classification. – Employees hired after January 1, 2001 and outside candidates must meet the posted language requirements. – The career development of employees hired after January 1, 2001 could be related to their language skills."

- *Ensure that all documents published by the City of Ottawa or its agencies and intended for the public (internal and external) are published in both official languages.*

These general provisions are supported by a series of specific directives. The following are those that must be fully understood because they provide the essential components of the structure of the *Policy's implementation scheme*, including the *accountability framework*:

- *That the City of Ottawa reaffirm to the community and to its employees its commitment to bilingualism and that it develop a plan and measures for furthering its policy on bilingualism.*
- *That the City Manager submit a report indicating the (approximate) cost of carrying out the recommendations contained in this policy.*
- *That the City Manager, the General Managers, directors and managers all be accountable for the implementation of this action plan and related measures.*
- *That each year, the General Manager of each department prepare an annual plan on official languages describing the accomplishments during the last twelve months, submit plans or goals for the next twelve months and that they be approved with or without amendments, by City Council and made public.*
- *That annual performance appraisals include language objectives for employees occupying positions requiring a second language in order to evaluate progress in language training of employees who have been confirmed in their positions without first having met the language requirements of those positions.*
- *That annual employee performance appraisals and departmental assessments reflect progress made in implementing the policy, and that quarterly and annual reports include statements on progress.*

Supporting directives are reproduced in Appendix 1. They are all equally clear and help understand the *legislator's intent*.

Other provisions clearly show the full significance of equality of opportunity for both Anglophones and Francophones, in regard to employment and advancement in Canada's capital's municipal public service.

City's Council and senior staff are responsible for creating and maintaining a workplace that respects the status of English and French and is conducive to the use of both languages. Every employee is personally responsible for acquiring and perfecting language skills, but also, most importantly, to keep firming up skills that have been newly acquired, in part or in whole at the cost of the municipal government, by fully applying them in the workplace. After all, what is the use of acquiring a skill if it is not used in the public interest, which, in this case clearly promotes personal and professional interests and career advancement.

### 3. Main issues, findings and observations

This chapter first shows the main issues identified through this study, including the in-depth discussions with the administration's senior manager, internal and external groups and the French Language Services Advisory Committee, whose unique skills and experience proved most useful. As a complement to the situation summary contained in the general introduction (see 1.4), this chapter provides a set of findings and analyses that help explain the administration's and the public's behaviour. In some cases, this will shed light on the underlying attitudes and help to better understand the origins of the key issues that emerged during this study.

#### 3.1 Key issues identified

The analysis of several documents related to the City of Ottawa's Bilingualism Policy and the delivery of English language and French language municipal services, as well as the 50 individual interviews and group discussions conducted in the first half of 2007, both within the administration and with clients and community partners, helped identify the key issues in the move towards true equality of English and French in the delivery of municipal services:

- ✓ The ongoing commitment of the City's leaders, both elected officials and senior staff in the administration, starting with the highest levels, is absolutely indispensable. This commitment must be regularly and clearly communicated to employees and to the public<sup>7</sup> and day-to-day actions must clearly confirm its authenticity.
- ✓ The proper understanding of the scope of the legal framework of the equality of "rights and privileges" of the two official language groups is the first step on the way to a process of commitment in this regard.
- ✓ A thorough understanding of the specific characteristics and needs of the Anglophone and Francophone communities that are to be served, both of which are increasingly diversified, as well as their respective territorial distributions, is essential to informed commitment, effective leadership and administrative involvement that can lead to excellence in services to the public in English and French.

In order to succeed, it is important to address these three issues head on while at the same time strengthening the implementation scheme for the City of Ottawa's Bilingualism Policy, in particular by:

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<sup>7</sup> This fundamental provision "That the City of Ottawa reiterate the bilingual character of the City as well as equality of rights and privileges for both linguistic groups in light of services offered." (Bilingualism Policy, section R.1) must be **central to the vision** of the responsible officials at every level of the administration and be constantly applied.

- The development of an *annual plan on official languages*, including a plan for promoting the Bilingualism Policy among residents and employees, in accordance with sections R.1.1 and R.1.6 of the Bilingualism Policy.
- The development and implementation of an appropriate and effective accountability framework that will enable the City to fulfill its obligations under the Bilingualism Policy.
- The introduction of a strategy for gradually aligning the City’s organizational culture with the requirements of its Bilingualism Policy, including an appropriate reward system.
- The adjustment of the City’s policies, programs, mechanisms, procedures and practices to foster equality in English and French language services.

The biggest obstacle to the full implementation of the City of Ottawa’s Bilingualism Policy—a well-designed policy that was endorsed by the Court—lies in the lack of awareness of it throughout the municipal administration.

It is impossible to implement a legislative policy whose content and scope are not understood. This is the most important conclusion of this study. Its advantage is that it draws the path to take, which is that of excellence. This is precisely why this report takes the time to properly outline the parameters of the legal framework. Unless the City’s leaders and employees master and adopt its contents, bilingualism in the City of Ottawa, the nation’s capital, will remain nothing more than window-dressing.

## **3.2 Observations and analysis**

The following observations and analysis will help the reader to better understand the current situation, from the points of view of both the recipients of municipal services and the members of the public who have the legal right to receive these services in the official language of their choice. The expression “members of the public” refers to the external public, including residents and visitors to the national capital, and the internal public, comprising municipal employees who are supposed to be able to work in the official language of their choice.

### **3.2.1 Progress and setbacks since 2001**

An overview of equal access to services in English and French within the municipal territory reveals both progress and setbacks in relation to the situation that existed prior to 2001. The adoption of the Bilingualism Policy that followed the creation of the new City of Ottawa broadened the associated rights of the target population. Thus, people living within the territories of the former municipalities that had no bilingualism policy were only entitled to the municipal services provided by the Regional Municipality of Ottawa-Carleton; however, in practice, the bilingual employees in these municipalities were always willing to offer their services in French

to any resident who so requested. The fact is that these residents can now often communicate with their municipal administration in the official language of their choice, and have access to a wider range of bilingual municipal services, including recreational services that before were only available in English. However, this range of services remains significantly more limited than those available to residents in the former cities of Ottawa, Vanier, Gloucester and Cumberland.

Moreover, the access that the residents of these four former municipalities had to equal services in English and French is not nearly what it was before 2001. Yet, they constitute the majority of the City's Francophones. Government restructuring related to the creation of the new City of Ottawa, the integration of the employees and organizational cultures of the 12 former municipalities, delays in the adoption of the Bilingualism Policy and the general apathy surrounding its application, especially in the first few years, are the main factors accounting for this decline. As well, the municipal machinery's ability to provide equal services in English and in French has slipped for the former, even though it has increased for the other residents in the more western parts of the municipal territory.

### **3.2.2 Reduced bilingual capacity**

Bilingual employees, whether Anglophones or Francophones, do not cost more than unilingual employees. Moreover, the pool of bilingual candidates in the national capital is well stocked. Yet several bilingual Francophone senior employees and middle managers of the former City of Ottawa were replaced by unilingual Anglophones. The recruitment practices after the creation of the new City of Ottawa resulted in an unequal mosaic of services. Nonetheless, while some departments managed to preserve their determination to provide services in English and French, the composition, workplace and culture of many others became strongly Anglophone.

The practical outcome of such a situation is that French and municipal services to the Francophone public in their official language have completely disappeared from the administration's planning process and from the program delivery decision-making process. It should be remembered that these departments operate in a corporate culture that has become heavily anglicized as far as four (4) of the eleven (11) former cities—Ottawa, Vanier, Gloucester and Cumberland—are concerned. When one lives in a purely Anglophone universe, one takes it for granted that everyone is Anglophone, both in the administration and among the public. This leads to the Anglicisation of Francophones and their cultural assimilation, as well as a growing insensitivity to the needs of residents, which leads to a gradual deterioration in the quality of services to the public. This is quite the opposite of excellence. At the end of the day, the final outcome is sheer disaster.

Moreover, footnote 6 cites a provision in the Bilingualism Policy that is designed to ensure that positions that are designated bilingual are staffed by people who meet the requirements. The legislator's intent is clear and in line with the above-noted constitutional guiding principles. Implementation of the position designations starting in January 2008 will finally ensure that it is applied with the appropriate determination. However, this delay in applying the Policy has already caused a tremendous setback in the City's ability to meet its obligations. As a result, the curve for correcting the situation has just become much steeper. The remedial character of

language rights therefore calls for more rigorous redress measures. Appropriate controls will have to be applied to ensure that the City fulfills its obligations in this regard. Responsible officials at every level of the chain of accountability must be aware of this and act accordingly.

Employee Services has certainly not displayed leadership in terms of its responsibilities under the Bilingualism Policy. It is still not too late to correct a major weakness in the area of language skills before the new position designation system is implemented. This study has revealed that one of the four language skills<sup>8</sup>, which is written expression in the second language, is excluded from the language requirements of bilingual positions whose designation is practically complete. This measure would have resulted from the quite honourable intent to avoid inferior quality documents written in the second language. However the measure is ill-advised and inconsistent with the Policy. Unless it is promptly corrected, it will amplify the current unequal use of English and French, not to mention the inferior status of French. Francophone employees are already losing confidence in their French writing skills because they so seldom use them, and Anglophone employees, who constitute the large majority of current candidates and employees, will have fewer opportunities to develop their second language skills, including those acquired in part or in whole at taxpayers' expense. This is completely inconsistent with the message that the "system" should be sending the public and the administration, and only increases reliance on translation.

### **3.2.3 Translation**

The fusion of the 12 municipalities generated a greater demand for translation because of the need to standardize a large number of documents, including the new City of Ottawa's communications<sup>9</sup>. There is a far greater proportion of unilingual Anglophones than unilingual Francophones, both among the public and in the administration. However, these unilingual individuals have to be able to understand the information directed at them as well as the bilingual individuals, because they have to be able to access municipal services of equal quality. This equality cannot be achieved without translation and simultaneous or consecutive interpretation. Interpretation and translation services are essential to ensuring that public consultations treat residents respectfully and guarantee the equality of all participants in the Council and committee debates.

The real cost of translation, which includes interpretation, includes freelancers and internal costs, and are constantly rising. Translation currently accounts for 70% of the French Language Services Division's budget. Yet, the quality of the French versions of documents, even now, is

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<sup>8</sup> The three other language skills are oral comprehension, written comprehension and oral expression.

<sup>9</sup> Officials in charge of the City's communications play a key role. They must constantly ensure that the City is communicating with the public simultaneously in English and in French, both internally and externally, and that these communications are of equal quality. They have to manage the risks inherent to urgent or sensitive communications, which must be every bit as effective when the safety and well-being of individuals is at stake, whether these are seniors, immigrants or other people who would be vulnerable under the circumstances.

clearly inferior to that of the English versions. Resources have not been provided to ensure equal quality of the City's French and English documents. This situation jeopardizes the fundamental equality of the two official languages as well as of the members of the public—both external and internal—who use them.

The inferior quality of written French must be addressed as soon as possible because of its many other consequences. For instance, it creates the impression not only among taxpayers but also among bilingual employees—whether Anglophones or Francophones—that French has an inferior status. This inferior social status of French is felt by Francophones and easily transmitted to the people at whom the information (or service) is directed. It also undermines the legitimacy of providing Francophones with services in their own official language that is of equal quality to those received by Anglophones. This could have negative repercussions for the quality of the workplace and the social fabric of the City's residents, as well as the strength of their cultural identity. The same applies to other Canadians who follow the news or visit their national capital because it erodes their sense of belonging to the country.

It is not unusual to “forget” that documents have to be simultaneously available in both official languages. The person who brings up this obligation is often seen as someone who throws the cog in the wheels or the one who is responsible for delays. The same applies in the case of improper planning for the production of documents, which often happens, involving the failure to factor in the linguistic revision of the original version, translation, revision of the translated version and comparative reading of the two versions. It is not unusual for the official in charge of these tasks to ask bilingual Francophone employees to translate the documents. It is wrong to assume that a bilingual person can necessarily translate a document, particularly when it is urgent and time is short. Francophone employees comply, because they want to meet the requirements of the workplace. But that is when mistranslations occur because, other than in a few rare cases, the quality suffers, even with the best intentions in the world at every level. Translators who are capable of accurately translating complex documents only attain that level of skill after many years, most often by specializing in a specific area. And revisers have their own skill-sets that enable them to ensure that the quality of the documents meets the characteristics of each language. Without the application of those skills, French is a “translation language,” which should not be the case for either of Canada's two official languages or in its national capital. Becoming aware of these realities is key to achieving the level of excellence warranted.

### **3.2.4 The two languages of work**

The achievement of the fundamental purpose of Canada's system of language rights, including the City's Bilingualism Policy, must not be compromised. Yet, the City's Francophone employees are being Anglicized by virtue of the fact that for all intents and purposes they only work in English. They live in a work environment where English clearly predominates, to the point where this language leaves practically no room for French expression. This reality, which prevails throughout the administration, makes it impossible to apply the Bilingualism Policy.

City Council and senior City staff are responsible for creating and maintaining a workplace that respects the equal status of English and French and is conducive to the use of both official

languages. Their responsibility also includes creating and nurturing a professional culture that respects the fundamental equality of English and French. This does happen in some of the smaller work units that are close to their clients and work in the community. It is important to extend this organizational sub-culture, which continues to resist assimilation, into the dominant culture, and make it the dominant culture prevailing throughout the administration. This will inevitably lead to excellence throughout the City of Ottawa.

Every employee is personally responsible for acquiring and perfecting language skills, but also, most importantly, for firming up skills that have been newly acquired, in part or in whole at the cost of the municipal government, by fully applying them in the workplace. After all, what is the use of acquiring a skill if it is not used in the public interest, which, in this case clearly promotes personal and professional interests and career advancement.

### **3.2.5 The offer and demand for bilingual services**

When it comes to services in the language of the official language minority group, especially when these are public services, the offer must always precede the demand. Moreover, the offer of services must without exception be active, available at all times and reliable. It must also be provided long enough, even when expressed demand is very low, to help the service become entrenched and gradually change the minority's behaviour. It is neither fair nor realistic to expect a Francophone community that for years, even decades, has been deprived of access to services in their language of a quality that equals those provided in English, to suddenly change their ways after a precarious start, and stop settling for relying on getting their services in English. This is particularly true for individuals who are vulnerable and in the case of services that are greatly or urgently needed. Moreover, getting accustomed to a new approach to consuming municipal services in French instead of in English is made all the more difficult by the fact that the French language service still falls short in many other public and private-sector services. Thus, a given service must be used frequently enough to gradually develop a new approach to this service and to have it prevail.

In terms of one's perception to the demand for French language services, once again there are a number of accepted views. One thing is for certain: nobody can ask for a service in a language that he/she cannot speak. Similarly, the potential demand in a given official language consists of all the people who speak that language. Once again, although in the City of Ottawa's case the figures have no legal validity<sup>10</sup>, the Supreme Court of Canada has something to offer:

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<sup>10</sup> The City of Ottawa does not use the federal concept of "significant demand" in its Bilingualism Policy. The proportion of Francophones has nonetheless been used as a parameter to set the number of French daycares spots. According to the 2001 Census, the latest available official figures at this time, Ottawa has 160,550 Francophones, which is 21% of its total population. These include people for whom French was the first language learned and is still understood, which is to say their mother tongue, as well as people whose mother tongue is neither English nor French but whose first official language spoken is French. (Source: Statistics Canada)

*“A simple approach, such as maternal language (...) does not provide a solution for many situations encountered in a multicultural society and does not respond to the fact that language is not a static characteristic. Some persons insist that they have two maternal languages. Some persons have a maternal language that is neither French nor English, and use in the home either the maternal language, or the maternal language and French, or English, or both English and French. Their language at work may be English or French. Their language in social contacts may not be the same as their language of work. Language of use can change when a person changes employment, marries or divorces, or makes new friends. (...) The principles upon which the language right is founded, the fact that the basic right is absolute, the requirement of equality with regard to the provision of services in both official languages of Canada and the substantive nature of the right all point to the freedom of Canadians to freely assert which official language is their own language. (...) It does not have to be the dominant language.”* (Extracts from *Beaulac*)

In short, it is enough if the client can speak it.

### **3.2.6 Language, identity and dignity**

The majority of Canadians speak English, and even if it is spoken by 38% of the population in the Americas, compared to 40% for Spanish, it is a dominant language, mainly because of the unique standing in the United States on the world stage. This is without doubt the main reason why it is essentially seen by most Anglophones as the only language of communication because, in their minds, “everyone speaks English.”

It is quite a different story with French. Francophones’ attachment to it is without doubt partly due to the fact that it is threatened in their environment, where it is spoken by a minority. In the eyes of Francophones, their language is central to their cultural identity. It also comes down to lifestyle and basic courtesy.

In this situation, unless it has been frequently experienced, it is difficult to understand to what extent, without wanting or even realizing it, an individual responsible for providing a service to the public can harm the client’s dignity when he/she replies in English to the client’s first few French words with “I don’t speak French.” When this is an official of any level of the government of the Canadian State, who is responsible for serving a taxpayer in the official language chosen by the latter, he/she creates the impression of a situation in which people pay to be insulted – especially when the citizen speaking in one of the country’s two official languages does so with a smile and the utmost courtesy.

The situation gets complicated when a vulnerable person is involved, someone who needs a job to feed his/her children, or who is sick and has to search for the words to explain his/her pain, or only catches a third of the explanations he/she is being given about the many implications of a particular municipal measure. Without clear and direct access to French language services of a quality equal to those in English, Francophones are, by definition, disadvantaged when it comes to communicating with the City or receiving services paid for with their taxes.

Inasmuch as they are assured to equal opportunities, fewer and fewer Canadians would be renouncing their own identities to blend with the majority<sup>11</sup>. Assimilation would no longer be the bane it is today. It would no longer weaken communities and Canada.

The City's leaders and employees must become more aware of the role of language, particularly for the Francophone community: French is the means whereby the individuals who make up this community express their personal identity, their individuality and cultural identity. In 1985, the Supreme Court of Canada reminded us in *Re Manitoba language rights*:

*“The importance of language rights is grounded in the essential role that language plays in human existence, development and dignity. It is through language that we are able to form concepts, to structure and order the world around us. Language bridges the gap between isolation and community, allowing humans to delineate the rights and duties they hold in respect of one another, and thus to live in society.”*

The respect or lack thereof demonstrated by people in the public service towards Francophones who choose to express themselves in French directly impacts their human dignity. In this same Canada, which has English and French as its official languages, the harm from failure to respect their identity is deep when it comes to employees of the Canadian State who treat their taxpayers this way despite their constitutional obligations towards Anglophones and Francophones.

Individuals who, directly or indirectly represent the City of Ottawa must be aware of these realities, which hold particular significance because of their City's unique position. Fulfilling the purpose of the Bilingualism Policy, which is their responsibility, is:

*“(...) a goal that is particularly important given the City's historical, political and symbolic significance. The City states that Canada is a country with two official languages and an international reputation for its acceptance of diversity. As the capital of Canada, Ottawa is, by extension, a powerful symbol for all Canadians, as well as for the rest of the world, of the bilingual status of our state.”<sup>12</sup>*

### **3.3 The path of excellence versus that of expediency**

Excellence, particularly in the municipal services offered to the public, is at the centre of the vision that the City of Ottawa's Mayor and Council have for the future of Ottawa, the nation's capital.

In reality, excellence in the application of the Bilingualism Policy is only achievable inasmuch as the equality of English and French is respected on a day-to-day basis in the workplace. This is the only way that employees will be able to develop and preserve the **sensitivity** needed to treat Anglophone and Francophone taxpayers courteously, a sine qua non for excellence in service

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<sup>11</sup> See the concept of linguistically and culturally appropriate services in Appendix 2.

<sup>12</sup> The Honourable JPR Métivier; *Canadians for Language Fairness v. City of Ottawa*, Superior Court of Justice, October 2006.

delivery. As well, seen from the opposite point of view, the requirements inherent to achieving excellence in the application of the Bilingualism Policy constitute a guarantee of excellence in service to the public for the City of Ottawa.

It is important not to underestimate the importance of the equality of English and French in the municipal administration's workplace. It is unrealistic to think about achieving equality in the use of English and French despite the objective stated in section 16(3) of the *Constitution Act 1982*, whose wording is clearly that of the shift towards (true) equality in the status and use of both official languages. The reason is quite simple: the number of people using English is proportionally too high compared to those using French for equality to be possible in use throughout the City of Ottawa or within its administration.

In practice, in both cases there should be a certain number of areas where French dominates, a much larger number where the equal use of both languages generally prevails and will prevail and an even larger number of areas where the use of English prevails and will continue to prevail. It is simple arithmetic. However, it is quite possible and realistic to show equal respect for English and French and for Canadians who speak one or the other, or even both official languages (and one or more non-official languages). It is also highly desirable, even indispensable, to any organizational culture in a bilingual setting that aspires to excellence.

Excellence will not be found on the road of indifference, laziness, expediency or mediocrity. Excellence requires a strong and unrelenting personal and institutional commitment. Excellence requires tremendous integrity, intellectual strength, discipline, a commitment to doing work well and humanitarian values, such as commitment and sense of service to the public. An employee, a department, a service or an administration that does not display true respect for the human dignity of the public being served, whether it be Anglophone, Francophone or allophone, cannot hope to achieve excellence or the profound personal satisfaction that goes along with its achievement.

### **3.4 A culture of refusal**

In several sectors of the City of Ottawa's municipal public service, at every level of the administration, there are employees who believe the Bilingualism Policy to be unjustified and, consequently, that they are not required to apply it. Whether or not they are aware of it, they consider themselves above the law. This is the right they have assumed. This means that for all practical purposes, they refuse to fulfill the obligations that fall to their position and for which they are paid out of public funds.

A few examples might be useful. These could be analyzed to better explain the potential ramifications of an organizational culture.

The Bilingualism Policy gives Employee Services extensive operational responsibilities for its application. The Policy provides a multitude of directives that it is required to carry out. This is

the law. Paradoxically, it is exactly in this Branch, closely followed by Communications<sup>13</sup>, that this study uncovered the greatest active resistance to the implementation of the Bilingualism Policy, in spite of its constitutional foundation. The organizational culture that was in place verged on total refusal.

Without doubt less visible in the public forum, but nonetheless important because of its cumulative repercussions, are the instances of unequal treatment given to Francophones by the City's business development and procurement departments. Francophone entrepreneurs do not get the same support as Anglophone entrepreneurs, and they are also at a disadvantage when it comes to offering their services in French. Why are they at a disadvantage? Because the officials who are in charge do not have the linguistic and cultural skills they need to properly carry out the functional responsibilities that the City has given them and the legal obligations that fall to them under the Bilingualism Policy.

### 3.4.1 Parliamentary and legislative bilingualism

This study has revealed that the City of Ottawa is using only English by-laws instead of English and French ones, as required under its Bilingualism Policy<sup>14</sup>. Moreover, although incorrect, only the English version of municipal by-laws are deemed to have the force of law, with the French version being nothing more than a translation for the purpose of convenience. In addition the minutes of meetings of the City Council, which wields the legislative power at this level of the government of Canada, as well as those of the standing and advisory committees are drafted only in English.

Paradoxically, this practice stems from the *French Language Services Procedure Manual* that Council adopted in May 2003, on the heels of the first report tabled by the City Manager on the application of the Bilingualism Policy in November 2002, in accordance with the latter. Yet this is an instrument for the application of the Bilingualism Policy, supposedly intended to serve its objective. This type of reductionism is not unusual when developing legislation to give effect to the Constitution, and even less so when comes the time to develop administrative procedures intended to give effect to legislation and serve their objectives. Section 1.5 of this *Manual*, which is in direct contradiction to the Bilingualism Policy, is based on the *Municipal Act* of Ontario. Yet, this Act does not prohibit parliamentary and legislative bilingualism, and there are many other

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<sup>13</sup> French media relations are the poor relations, with a frequently inadequate French communication instruments and little apparent concern about adapting the French versions, and even less so about designing communications for the public, including promotional campaigns, in both official languages, based on the each language's own features, in accordance with the Policy. Occasionally, Francophones are even forgotten in the planning of special events.

<sup>14</sup> The risk related to such practices is reminiscent of the Manitoba case and the *Forest and Bilodeau* decisions of the Supreme Court of Canada, restoring legislative and parliamentary bilingualism and overturning legislation that had been unlawfully passed only in English over a period of approximately 90 years.

constitutional and quasi-constitutional linguistic provisions at the three levels of government in question that support the equality of English and French.

### **3.4.2 The front for Ontario's legislation**

The laws of the Legislative Assembly of Ontario are often treated selectively by individuals seeking to eschew their legal obligations. At such times, they offer a very narrow interpretation of certain provisions, without regard for the *French language Services Act* and its status as quasi-constitutional legislation, to justify the unlawfulness to which they resort under the cover of authoritative arguments.

The impact of an incorrect interpretation of the *Municipal Act* can best be illustrated by an example. A few months ago, City of Ottawa officials went as far as to request that the evacuation plan submitted to them in French by the Mouvement d'implication francophone d'Orléans (MIFO) be submitted in English pursuant to a requirement by the Fire Marshal under provincial legislation. This attitude of hiding behind a false cover to avoid meeting its language obligations, is widespread to the point of being part of the organizational sub-culture of several parts of the municipal administration. When an organization has gotten this far, its employees stop reflecting on what they are doing. They no longer act consciously but automatically. This new way of doing things becomes the norm. And the increasingly widespread tendency to "forget" about the French is becoming the organization's new cultural standard.

How else can we explain the City Council's oversight during the visioning process in the spring of 2007? It was not until the very end of this process, when they realized that the 52 recommendations and 30 amendments did not contain a single reference to French, Francophones or French language services, that the Council added a sentence in this regard.

Exemplary leadership and outstanding ingenuity are sometimes displayed in side-stepping the law and finding ways to avoid or bureaucratic screens to hide behind and avoid meeting legal obligations under the Policy. Worse yet, the organizational culture tolerates, allows and sometimes rewards such behaviour!

Everyone—elected officials, senior staff and employees—should ask themselves in all honesty, on a scale of minus 10 to plus 10 "where do I fit?" on the continuum between refusal and authentic personal commitment. That is where the organizational change that leads to excellence in the delivery of services to the public starts. After that, depending on how far they fall short, it is up to everyone to adjust their outlook, revise their positions, redirect their attitudes and act accordingly.

### **3.5 Exemplary practices**

The portrait of the situation presented so far may leave the impression that it is only grey or dark grey. In fact, there are some small pink patches, albeit sparsely spread. The following are examples of the occasional exemplary practices that have been identified:

- ✓ The Francophone Health Program team, which uses community resource centres to get close to the public, is without a doubt a pearl in terms of the quality of services it provides to the vulnerable residents who make up its target clients. Its staff does what is required, in the field, to meet people in need and make it easier for them to gain access to the public help and support available to them. Ottawa Public Health nurses offer Francophones linguistically and culturally appropriate services, as described in Appendix 2.
- ✓ The municipal employees in charge of social and financial assistance, who are also part of Community and Protective Services, are in a similar situation. They do outstanding work with essentially modest resources. These are committed people, who put everything they have into helping Ottawa's more vulnerable residents.
- ✓ In the Building Department, the setting for the human interactions related to the municipal plan, the Building Code and environmental protection, we met a team that relies on cooperation and collaboration, a strong sense of duty and commitment to serving the public in the official language of its choice. This is an area with a culture of service to the public and shared leadership that could serve as a role model.
- ✓ The Centre multiservices francophone project in west Ottawa, which the City supports, is based on proven development principles. Thanks to its many partners, this Centre will bring together a large range of professional, community, cultural, and health and recreation services, including a pharmacy, a financial institution, a day-care operation and employment and entrepreneurship centre. This future francophone multiservice centre is poised to become one of the preferred places for social activities and encounters in French for French speakers living in the western part of the city. In 2001, there were already 100,000, after the Francophone population grew by 25% in five years. This project carries tremendous potential: by identifying the priority services needed by a population of some 30,000 inhabitants, such an efficient grouping of services will make a significant contribution to achieving language rights for Canadians, including the Bilingualism Policy, in western Ottawa.
- ✓ The remarkable thing about the Sports and Recreation Services is the approach taken once the decision was made to provide quality French language services, in accordance with the recommendations contained in the study into this area conducted for the City. Officials set up a Francophone working group to help them identify the priority needs and ways to go about providing services that would not leave French in second place, and thereby assimilate young Francophones through sports and games. This approach, which had the benefit of providing officials with feedback during the implementation of the measures selected, helped minimize efforts and optimize results.

These practices deserve to be identified as **principles** for personal services, such as social services, health care, recreation, education and sport. The nature of these services, which are part of Community and Protective Services, is not the same as for services associated with roads or the water supply and sewer systems. In the case of personal services, the responsible manager can only achieve excellence by setting up a separate Francophone advisory committee to help in the planning and delivery of services to the public under that manager's purview. This is practically the only way one can hope to be able to provide the public with linguistically and culturally appropriate services.

In this sample, as in the other cases of exemplary practices, officials in charge must show outstanding leadership because they do not always get the support they should from their organizations, given that their teams' culture is at odds with the dominant bureaucratic culture in the surrounding organization.

## 4. Public support

It is very reassuring for City of Ottawa officials, at both the political and administrative levels, to know how much the public's support for bilingualism is entrenched and increasingly widespread. Bilingualism is part of the everyday life of Canadians. It has become a source of pride, even for unilingual citizens, because it is associated with their national identity.

A public opinion survey conducted by Decima Research covering 2,000 Canadians—with an additional sample of 1,000 respondents in Quebec for certain questions—which was published by Canada's Office of the Commissioner of Official Languages in the fall of 2006, reveals unequalled support for Canada's official language policy, which is increasingly part of the country's social fabric and part of what defines us as a country.

In summary:

- ✓ A strong majority of Canadians say they personally favour bilingualism for the entire country (72%) as well as for their own province (70%)
- ✓ This represents a significant increase since 2003, due to greater support from Anglophones. Among young adults aged 18 to 34 years, support for bilingualism is 80 %.
- ✓ Certain additional questions make it possible to better evaluate the basis for support for bilingualism and linguistic equality. For example, 77% of Canadians feel that if more resources are required to guarantee the same quality of education for a Francophone minority (or an Anglophone minority in Quebec) as that provided to the children of the majority, such resources should be made available.
- ✓ Not only have the two official languages made 21<sup>st</sup> century Canada a more open society, they have also encouraged greater solidarity among the two official language groups. 82% of Francophones and 74% of Anglophones believe that the two official language groups should enjoy equality of education, and are willing to provide more resources to the minority in order to meet that standard.
- ✓ Moreover, the Canadian public continues to view bilingualism as an advantage, both in personal and economic terms. Bilingualism is one of the most fulfilling things one can do for oneself (84%) and constitutes a success factor, within the country (84%) and around the world (89%).
- ✓ For most Canadians, bilingualism means learning a second official language, although interest in learning other languages is on the rise.
- ✓ Finally, 7 out of 10 Canadians think that living in a country with two official languages is one of the things that really defines what it means to be Canadian.

It is important to remember that these are pan-Canadian averages, and that traditionally, the highest levels of support are in Quebec, the Atlantic and Ontario, respectively. Finally, as revealed by many other public opinion studies, in particular those conducted during the 2003 and 2006 municipal election campaigns, the national capital regions has one of the highest rates of support in the country.

Thus, by using appropriate means to apply the letter and spirit of the City of Ottawa's Bilingualism Policy and achieving its purpose, the City's senior staff will merely be reflecting public opinion and living up to clear values, fundamental Canadian values, such as equal opportunity for Anglophones and Francophones.

The residents of the different parts of the new City of Ottawa, where, for all practical purposes, English unilingualism reigns, and the unilingual Anglophone employees of the former cities that did not have bilingualism policies in place, have over the past six years understood that they have not lost anything because of bilingualism. On the contrary, it provides added value to our region, and we all benefit from it. These same individuals must now understand that it is the one and only way to treat the capital's Anglophones and Francophones equitably. Thus, the time has come for the City to take the horse by the reins on this path. All the more because we have gone quite a ways off course, and the City has already set up a large majority of its policies, programs and management practices.

## **5. Conclusion and recommendations**

The application of the City of Ottawa's Bilingualism Policy and the achievement of its fundamental purpose in the nation's capital, which are the preservation and development of the official language communities, require above all informed and exemplary leadership by its leaders, starting with the Mayor and municipal councillors as well as the senior staff at the top three levels of the administration.

They must study the contents of this report, starting with the *raison d'être* and scope of the language rights in question. In this regard, it should be noted that this study and its analysis of the public's language rights and the governments' obligations, illustrate the constitutional and legal legitimacy and validity of the City of Ottawa's Bilingualism Policy, as acknowledged by the Superior Court of Ontario on October 3, 2006 in its decision on a proceeding brought against the City by *Canadians for Language Fairness*.

The appropriate communication tools will have to be developed and the required measures will have to be introduced to ensure that senior management and employees fully understand their obligations under the City's Bilingualism Policy, as well as the practical measures they will have to take to carry them out, and thereby ensure the equality of English and French. Senior managers at every level of the administration, and employees who directly or indirectly provide services to

the public—both internal and external—will also have to repeatedly ask themselves, as they become more aware, the following fundamental question:

**What is the series of priority measures that I have to take at this point to ensure true equality for Anglophones and Francophones in their dealings with me or the administrative unit for which I am responsible?**

The answer to this question will give everyone the opportunity to propose for adoption the objectives that must be met for their area under the annual plan on official languages. The *Framework for the development of the Annual Plan on Official Languages* presented in Appendix 3 sets the overall guidelines, planning principles and components making up an annual plan on official languages aimed at correcting inequalities in service delivery within three years. This Framework also applies to the development of the Plan to ensure equal services to Anglophones and Francophones by a department, which will then provide the highlights for its divisions. Departmental plans will have to be submitted to the deputy city managers, who will then have to submit theirs to the City Manager for approval. The horizontal nature of the Plan demands team work in both the development and implementation stages. The City of Ottawa’s Annual Plan on Official Languages will have to be approved by City Council, as will the progress report and the report on the accomplishments during the previous twelve months.

In addition to the other recommendations in this report, three priorities emerge from this study:

1. The sustained commitment of municipal leaders, including both elected officials and senior staff, starting at the highest levels, is indispensable; this commitment must be regularly conveyed in clear terms to both employees and the public<sup>15</sup>, and the day-to-day actions must always confirm its authenticity.

In this regard, an appropriate long-term internal and external communication plan must be developed, its implementation monitored, and the plan must be regularly updated.

2. The proper understanding of the legal framework for “equality of rights and privileges for both linguistic groups” (Bilingualism Policy, section R.1) is the first step in triggering a process of commitment in this regard.

This first step must involve a joint review session in which the City Council and the French Language Services Advisory Committee will take part. It must also involve mandatory training—with no exceptions—ordered by the City Manager for all departmental managers.

Answers will have to be provided to the legitimate questions asked by the responsible officials seeking to fully understand the meaning and scope of the Bilingualism Policy. It

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<sup>15</sup> This fundamental provision “That the City of Ottawa reiterate the bilingual character of the City as well as equality of rights and privileges for both linguistic groups in light of services offered.” (Bilingualism Policy, section R.1) must be **central to the vision** of the responsible officials at every level of the administration and be constantly applied.

is important to smooth out any obstacles there might be in their path towards a solid understanding of the concepts and of their practical implications, as well as to the adoption of the underlying fundamental values. This measure will help ensure that the new Policy is mastered and that the new mind-set and perceptions become firmly rooted, which will be essential to the required shift and to the excellence sought in terms of the delivery of services to the public.

3. A thorough understanding of the specific characteristics and needs of the Anglophone and Francophone language communities being served, both of which are becoming increasingly diversified, as well as of their respective territorial distributions, is essential to the informed commitment, effective leadership and administrative involvement that are needed to achieve excellence in internal and external services to the public in English and French.

To this end, the officials in charge of the main municipal services to the public have to develop a strategy for engaging a suitable group of community leaders with recognized skills in the target areas, who will be able to provide advice and guidance. They must join with them in partnerships that can validate the relevance of their definition of the issues at hand to ensure true equality between Anglophones and Francophones in the municipal activities under their responsibility. They will also have to validate the rationale for the strategies they are proposing for achieving this equality throughout the City. These partners will also be able to provide the officials in charge of services with feedback that will enable them to check whether the established targets are the right ones, whether the target results are being achieved, and whether their outcomes are contributing to a sufficient degree to achieving true equality between Anglophones and Francophones. When implemented with an open-minded attitude, careful attention and the required degree of professionalism, this kind of guidance will generate tremendous benefits for all interested parties.

In practice, the French Language Services Advisory Committee (FLSAC), as the guardian of the principles of English and French equality under the Bilingualism Policy, could be the one that ends up recruiting a group of experts and beneficiaries from the Francophone community to assist the officials in charge of each service sector. The chairs of these sectoral groups should then serve on the FLSAC in order to ensure proper continuity for the efforts aimed at ensuring services of equal quality to Anglophones and Francophones.<sup>16</sup>

The Bilingualism Policy is not discretionary. The City is responsible for applying it and for allocating the necessary resources to it. The constitutional guiding principles that the Supreme Court has established, which are summarized in section 2. 2. 3 of this report, are clear on that point.

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<sup>16</sup> The FLSAC could then properly be called the English and French Equality Advisory Committee.

Management practices will have to be adjusted accordingly. In the budgetary process for instance, there is clearly a far more prevalent practice that has to end. This is the practice whereby the administration delegates to the Francophone minority the burden of having to defend every one of its programs to City Council and to have to justify this or that service over and over. What we need instead is a sub-committee of Council that will be in charge of conducting the necessary studies to ensure equal results for Anglophones and Francophones everywhere. This new approach must become integral to the annual budgeting exercise, which must factor in any inequalities that are to be corrected within three years, and include the implementation schedule that will guarantee that it will be done.

Implementation of section 1.6 of the Bilingualism Policy will enable the City to take an important step forward in the integrated implementation of these three key recommendations. It should be noted that this provision requires:

*“That each year, the General Manager of each department prepare an annual plan on official languages describing the accomplishments during the last twelve months, submit plans or goals for the next twelve months and that they be approved with or without amendments, by City Council and made public.*

*That the City Manager, the General Managers, directors and managers all be accountable for the implementation of this action plan and related measures.”*

The first Annual Plan on Official Languages is to be published in September 2008. This will require that the recommendations in this study be implemented according to the following **implementation schedule**:

1. The designation of the existing positions effective January 4, 2008. The assessment of the language skills of the incumbents of the designated positions must be completed within 90 days thereafter. This will help determine the scope of the challenge involved in guaranteeing that the services that have to be provided in English and in French will effectively be provided and will be of equal quality.
2. The training and engagement of leaders, elected officials and senior managers must be completed by March 31, 2008.
3. Managers will have to submit their proposal for the Annual Plan on Official Languages to their directors no later than April 25, and directors to their deputy city managers no later than May 23, 2008.
4. The 2009 Annual Plan on Official Languages will aim to meet all of the requirements of section 1 of the Bilingualism Policy, which has 20 specific binding provisions. Every necessary measure will have to be anticipated to ensure the full application of the Bilingualism Policy before the end of the period covered by the third annual plan on official languages, which will be the 2011 one.
5. The 2009 Annual Plan on Official Languages will have to be submitted to City Council no later than June 30, 2008 and published by September 20, 2008.

6. A champion of equality for English and French working group will have to be set up no later than October 1, 2008. Chaired by the Mayor, it will have to comprise three councillors, three senior managers, three members of the FLSAC and three members of the public. This working group will be in charge of ensuring the integration of the 2009 Annual Plan on Official Languages into the preparation of the municipal budget. It will also look after setting up the decision-making mechanisms required for the implementation of this first annual plan on official languages, its monitored implementation and its assessment. It will also establish the revised process for developing the second annual plan on official languages. The revision and update of the instruments used to support the development, monitoring and execution of the annual plans on official languages, including the *Framework for the Development of the Annual Plan on Official Languages* will be part of this process, which will be supported by the French Language Services Division.

Every senior manager will have to monitor the Policy's implementation in the sector under their responsibility and assess the impact of the Annual Plan on Official Languages under the oversight of the City Manager. Finally, after a while, the time will come to conduct an overall assessment of the Policy's application in order to help officials identify and, if necessary, adjust their approach. In his last annual report, the City of Ottawa's Auditor General had indicated his intention to conduct such an assessment. This would be entirely appropriate, given that the Bilingualism Policy is a horizontal policy with very significant implications. Thus, it applies to the whole City and its activities.

The French Language Services Division (FLSD) will have a central role to play in advising and assisting the officials in charge of planning, executing and evaluating the measures required to ensure that Anglophones and Francophones get municipal services of equal quality. In this regard, it will need the necessary resources and support. The FLSD's name will also have to be changed to better support the new mindset that will be needed to achieve the purpose of the City's Bilingualism Policy.

The City must also commit to introducing **an appropriate implementation scheme** for the City of Ottawa's Bilingualism Policy. This scheme will have to include everything that might be needed to achieve the Policy's objective. To this end, the City will have to:

- Develop and implement an appropriate and effective accountability framework under which it can meet all of its obligations under the Bilingualism Policy.
- Implement a strategy that will enable it to gradually align its organizational culture with the Policy's requirements, including an appropriate reward program.
- Bring to its policies, programs, mechanisms, processes and practices the necessary adjustments to achieve true equality for Anglophones and Francophones interacting with it.

Bilingualism is a unique asset! The City of Ottawa has everything to gain from making the most of its two official languages. All the more so because English and French are international

languages, spoken throughout the world. English French bilingualism is an extraordinary resource that can stimulate the City of Ottawa's economic, cultural, social and political growth. As the capital of a Canada that is increasingly proud of its two official languages, the City should make it its trademark.

In British Columbia in 2005, Coquitlam won a national marketing award for its **Flaunt your Frenchness** campaign. In the space of only three years, Manitoba's bilingual municipalities have gained significant benefits from their two official languages ever since their "branding", which sparked a new energy, a source of prosperity, under the heading of: **C'est si bon! Ensemble. Together**

The shift begun by the City to ensure a significant step towards equality for English and French by 2007-2008 in the capital will occur in tandem with the one launched by the federal government for Canada, as was the case during the major advances in 1970-1971 and 1981-1982. Such is the course of history.

## **Appendix 1: Extracts from the Bilingualism Policy**

The following extracts from the City of Ottawa's Bilingualism Policy are aimed at helping the City's leaders and employees to understand the full extent of their responsibilities. Becoming aware of these provisions and thinking about the ensuing responsibilities will not only help them become more aware but also to see the responsibilities incumbent on everyone. These responsibilities include not only the personal responsibility of every employee to take steps to acquire and perfect their language skills, but also, and this is of paramount importance, to keep firming up skills that have been newly acquired, in part or in whole at the cost of the municipal government, by fully applying them in the workplace. After all, what is the use of acquiring a skill if it is not used in the public interest, which, in this case clearly promotes personal and professional interests and career advancement.

- *That the City of Ottawa inform the community of the availability of services.*
- *That the City distribute to employees the information pertaining to the City's Policy on bilingualism and its provisions dealing with their rights and obligations.*
- *That the English and French languages be accepted as languages of work within the municipal administration.*
- *That the City make every effort to appoint bilingual people to all management positions and especially those of General Manager.*
- *That Francophone employees working in related fields at the City be strongly encouraged to meet on a formal basis to discuss programs that could result in better services to the population.*
- *That each Department with whom the public has contact have a bilingual capacity in order to provide services in both official languages.*
- *That the City actively promote its services in both official languages.*
- *That City Council reiterate its wish to offer to both official language groups comparable services and programs in their mother tongue and take the necessary action to achieve this objective.*
- *That the quality and level of services provided in French be equal to those in English.*
- *That work instruments (circulars, books and texts required for performance of duties) be made available simultaneously in both official languages.*

- *That the City of Ottawa lobby provincial authorities so that legal documents, regulations and legislation be available in French and that the French text be recognized as legal at the local level.*
- *That each of the employee associations and unions be consulted as detailed plans are developed for the implementation of the recommendations in this report.*
- *That the necessary action be taken to ensure that action taken by the City Council in French is recognized officially in French.*
- *That City Council clearly give the mandate to its delegates on the Police Services Board to present in the form of recommendations all relevant aspects of the bilingualism policy adopted by City Council and to ensure that appropriate mechanism of application are developed or implemented.*
- *That policies respecting bilingual postings and publications apply to all purchase of service groups providing services directly to the public and to community associations and groups whose activities are funded by the City of Ottawa at a rate of more than 30%. Such groups are to provide a minimum of bilingual personnel at the activity site.*
- *That a clause respecting the spirit of this section be included in agreements with associations receiving grants from the City of Ottawa and in contracts signed by the City where appropriate in accordance with the intent of this policy.*
- *That adherence/compliance of this section be monitored.*

Certain provisions in the Policy are more specifically related to language training:

- *That each year the municipal administration encourage its unilingual employees to acquire second language skills and advise them of available programs.*
- *That the priority for language training be given to work units whose main functions involve:*
  - i) *communicating with the public;*
  - ii) *advising employees;*
  - iii) *providing services essential to the effective operation of other Departments (administrative services, central registry, etc.).*
- *That language training be given to intermediate and senior staff in order to ensure that the following goals are met:*
  - i) *service to the public in both official languages at all levels;*
  - ii) *the use of both official languages in the work place.*
- *That the City offer each year to some employees who have attained level 3 in the second official language, the opportunity to take during their working hours courses given by the City of Ottawa or other public organizations.*

- *That all employees who have reached levels 1 to 3 (proficiency levels: beginner, intermediate and advanced) in the second language be reimbursed any fees paid for courses taken after working hours and completed in any educational institution.*
- *That the Organizational Effectiveness Branch provide assistance to employees who either want or need to use written French. (This will help make cost effective use of existing resources).*
- *That concrete measures be developed to ensure that employees registered for language training and occupying positions having a bilingual requirement use their second language at work. (The Organizational Effectiveness Branch could elicit the cooperation of Francophones within the work units to support the training program by providing employees with opportunities to use their French or by providing work instruments in French).*
- *That the City of Ottawa encourage meetings to be chaired by bilingual persons, so that civic employees be able to use the official language of their choice at internal meetings, and depending on the type of meeting, that interpretation services be provided.*

Other provisions concerning professional development for the City's employees.

- *That professional training and development programs necessary for employee competence on the job be available in both official languages (either through courses given by the City or through other organizations).*
- *That courses offered in French be equal in quality to those in English.*
- *That employees be advised of the availability of these services and use of these services be encouraged.*

The City chose the work unit approach to ensure equal access to quality English and French language services.

- *That those units whose primary function is to deal directly with the public on a full-time basis, have a full complement of bilingual staff or at least that the majority be bilingual.*
- *That this bilingual capacity in each work unit be available at all levels including management, administration leaders and support staff.*
- *That each work unit at the City representing a separate and specific service to the public and/or employees be able to communicate in both official languages at all times.*
- *That the use of services in both official languages be actively promoted.*
- *That the media be used to inform the public.*
  - (i) *That all Executive and Senior Management Group positions be designated bilingual.*

(ii) *That the City Manager set a target to achieve a 50% rate of bilingualism among all incumbents of Executive and Senior Management Groups by January 1, 2004.*

(iii) *Current incumbents who could not achieve level 3 proficiency in oral interaction and reading at least three (3) years prior to their earliest possible retirement date at full pension would be excluded from calculations in the achievement of the 50% target.*

- *That all positions with a wide range of activities related to cultural programs directed to either of the two cultural groups be staffed by employees of the respective cultural groups.*
- *That all work units with a wide range of activities related to cultural programs directed to either of the two cultural groups be sufficiently staffed by employees having full knowledge of the appropriate cultural group.*

These extracts from the Policy clearly and explicitly show the results that the City of Ottawa expects and the spirit in which they should be achieved.

## **Appendix 2: French language services of equal quality**

For the City of Ottawa to be able to provide its Francophone population services of equal quality to those that it provides to its Anglophone population, in accordance with its Bilingualism Policy, it must ensure that its French language services are appropriate from both the linguistic and cultural points of view. This concept merits some elaboration in order to be fully understood and properly applied.

### **Linguistically and culturally appropriate French language services?**

The public authorities and organizations associated with the City of Ottawa must take the necessary measures to ensure that not only the services but also the organization of these services are linguistically and culturally appropriate. This means that services delivered to the public must strengthen the identity of the recipients and enhance the vitality of the minority Francophone community by exerting a positive influence on it.

Language and cultural barriers have a negative impact on the well-being of residents. These barriers end up depriving residents of some of the information directed at them and they are less well understood. They are at a disadvantage when it comes to expressing their needs. They have limited access to services. Moreover, the socio-cultural determinants of well-being have an impact on a person's condition, whether through genetic baggage, social customs, financial means or others. Consequently, the sharing of information, access to places that reflect their own culture and working with professionals who share their language and culture will affect the well-being of individuals and their community.

This principle not only applies to services but also to how they are organized. For Francophones, the prototype of a linguistically and culturally appropriate service is a Francophone organization operated by and for Francophones, with the human and financial resources needed to ensure its success. Where this option is impractical, it is essential that the solution applied reflects its main components, including the active participation of Francophones in its governance.

### **Cultural competence**

Cultural competence<sup>17</sup> is defined as “a set of congruent behaviors, attitudes, and policies that come together in a system, agency or among professionals and enable that system, agency or those professionals to work effectively in cross-cultural situations. The word “culture” is used because it implies the integrated pattern of human behavior that includes thoughts, communications, actions, customs, beliefs, values and institutions of a racial, ethnic, religious or social group. The word “competence” is used because it implies having the capacity to function effectively.”

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<sup>17</sup> Cross, TL, Bazron, Kw, Isaacs Mr. Towards a Culturally Competent System of Care: Vol. I., Georgetown University Child Development Center, 1989.

This concept applies systemically to the entire City of Ottawa. It also applies to each of its branches and services. The City must take the necessary steps to ensure that its leaders acquire the cultural competence that will enable them to effectively apply its Bilingualism Policy and achieve its objective.

## Appendix 3: Framework for the Development of the Annual Plan on Official Languages

### Four Guiding Contextual Components

- Legal environment: *Constitution Act 1982*; *Reference re secession of Quebec*; *Beaulac* decision; *French Language Services Act*; *Montfort* decision; *Métivier* decision
- Bill 163: An Act to Amend the *City of Ottawa Act* to require that it develop a policy on bilingualism
- City of Ottawa Bilingualism Policy
- Ottawa – a designated region and the national capital of an officially bilingual country

### Principles for the Planning of Equal Quality French Language Services

#### Focus planning on the specific needs of Francophones

- Transform the approach and reconfigure delivery into linguistically and culturally appropriate services for Anglophones and Francophones
- Ensure active participation in decision-making by the Francophone community through its own advisory or decision-making networks
- Tear down barriers to access to City programs faced by numerous Francophone initiatives and correct unequal results for Anglophone and Francophones
- Improve the Francophone community's material and social infrastructures
- Provide equitable funding for Francophone initiatives and French language services so that they are equal to those provided to Anglophones

### Key Components of the Plan on Official Languages by Each Municipal Department

1. (The production of the annual report summarizes and assesses the accomplishments of the previous year and serves as a starting point for planning.)
2. Description of the nature and extent of involvement of Francophones in planning and implementation, including the definition of the community mechanism for every activity area
3. Collection, compilation and analysis of data for the planning of English and French language services for the Department in question
4. Monitoring of Francophone initiatives with a positive impact on the Francophone community, on culturally appropriate French services and on the Francophone community's material, social and community infrastructure
5. Identification of horizontal policies and initiatives that can improve the responsibility centre's services
6. Implementation of measures that will help transform these initiatives into sustainable practices
7. Integration of these initiatives by the Department in question into the City's Plan on Official Languages
8. Assignment of the implementation of every initiative to the appropriate responsibility centre, and allocation of the appropriate human resources
9. Development of a budget that will allow it to be fully carried out
10. Definition of the terms and conditions for ongoing assessment of the component in the Plan on Official Languages of the Branch in question
11. Demonstration that the proposed measures will all contribute, to the full extent of the potential flowing from the area of responsibility of the Branch in question, to the preservation and development of Ottawa's Francophone minority
12. Ensuring the proposed measures are supported by the French Language Services Division and the French Language Services Advisory