

Office of the Commissioner of Official Languages

**Performance Report for the period ending
March 31, 2005**

The Right Honourable Paul Martin
Prime Minister of Canada

Table of Contents

SECTION I – OVERVIEW	1
COMMISSIONER’S MESSAGE.....	3
MANAGEMENT REPRESENTATION STATEMENT.....	5
SUMMARY INFORMATION	7
<i>Reason for Existence</i>	7
<i>Commissioner’s roles as an agent of change</i>	8
PLANS	9
SECTION II - ANALYSIS OF PERFORMANCE BY STRATEGIC OUTCOME	11
STRATEGIC OUTCOME: COMPLIANCE WITH AND RESPECT FOR THE <i>OFFICIAL LANGUAGES ACT</i> BY FEDERAL INSTITUTIONS AND OTHER ORGANIZATIONS SUBJECT TO THE ACT.....	13
<i>Business Line: Investigations</i>	13
<i>Business Line: Policy and Communications</i>	14
<i>Business Line: Corporate Services</i>	15
OVERALL PERFORMANCE.	16
<i>Strategic Priority 1: Equality of English and French within the institutions subject to the Act.</i>	16
<i>Strategic Priority 2: Equality of English and French as a fundamental value in our increasingly diverse Canadian society.</i>	21
<i>Strategic Priority 3: Vitality of official language minority communities in Canada</i>	25
<i>Strategic Priority 4: Development of an exemplary workplace and efficient, effective management.</i>	27
SECTION III – SUPPLEMENTARY INFORMATION	29
ORGANIZATIONAL INFORMATION.....	31
<i>Table 1: Comparison of Planned Spending and Full Time Equivalents by Business Line</i>	32
<i>Table 2: Use of Resources by Business Line</i>	33
<i>Table 3: Voted and Statutory Items</i>	34
<i>Table 4: Net Cost</i>	35
<i>Table 5: Resource Requirements by Branch</i>	36
<i>Table 6: Financial Statements</i>	37
SECTION IV – OTHER ITEMS OF INTEREST	51
STUDIES AND REPORTS	53
NEWS RELEASES	54
CONTACT INFORMATION FOR THE NATIONAL OFFICE AND REGIONAL OFFICES	55

SECTION I – OVERVIEW

Commissioner's Message

I am pleased to present to Parliament the *Performance Report for the period ending March 31, 2005* for the Office of the Commissioner of Official Languages.

As an officer of Parliament and Commissioner of Official Languages, it is my duty to take all necessary measures to ensure full recognition of the equal status of both official languages and compliance with the spirit and the letter of the [Official Languages Act](#) (the Act). It is also my duty to work toward ensuring compliance with legislative intent regarding administration of the affairs of federal institutions and other organizations subject to the Act, including the advancement of English and French in Canadian society.



In 2004-2005, we celebrated the 35th anniversary of the Act and the Office of the Commissioner of Official Languages (OCOL). Since OCOL began its work in 1970, Canadians have witnessed distinct improvements in nearly all aspects of their daily lives as they relate to official languages. This progress is the outcome of efforts by different levels of government, increasing public openness, interest in learning the other official language, the mobilization of official language minority communities, and increasing understanding and recognition of the importance of linguistic duality to the Canadian identity. This Performance Report focuses on the progress made during 2004-2005 in these critical areas.

During this past year, my staff and I have focussed our efforts on striving towards clear, demonstrable results by the institutions subject to the Act and, increasingly, in our own efforts. The four strategic priorities pursued by OCOL during 2004-2005 were:

- The equality of English and French within the institutions subject to the Act;
- The equality of English and French as a fundamental value of our increasingly diverse Canadian society;
- The vitality of official language minority communities in Canada; and
- The development of an exemplary workplace and efficient, effective management.

While OCOL has made progress in a number of areas, I am particularly proud of our new compliance tool, the Performance Report Card, as a way of highlighting the performance of federal departments and agencies in fulfilling their obligations under the Act. The Performance Report Card also provides an easy-to-understand means of monitoring progress towards achieving the different objectives of the Act, such as delivering services to the public in both official languages and supporting the vitality of official language minority communities.

Increasingly, OCOL is devoting more energy to highlighting the pivotal role of the federal government in creating and supporting a respectful, bilingual workplace, as well as the importance of linguistic duality to the Canadian identity. It is my strong belief that linguistic duality is achieved by having English and French speaking Canadians live and work side by side, while embracing each other's culture and values.

In this sixth year of my seven-year mandate, I am proud that my organization's achievements have contributed to the advancement of both official languages in Canada. In collaboration with OCOL's stakeholders, I would like to express my appreciation to staff and others who work tirelessly to advance Canada's linguistic duality. Their dedication and commitment to quality continues a long tradition of service to Canadians.

I invite you to read this report, which sets out our achievements.

Dyane Adam

Management Representation Statement

I submit for tabling in Parliament the *Performance Report for the period ending March 31, 2005* for the Office of the Commissioner of Official Languages.

This document has been prepared according to the reporting principles contained in the Treasury Board of Canada Secretariat's *Guide for the Preparation of 2004-2005 Departmental Performance Reports*:

- It adheres to specific reporting requirements;
- It uses an approved Business Lines structure;
- It presents consistent, comprehensive, balanced and accurate information;
- It provides a basis of accountability for the results pursued or achieved with the resources and authorities entrusted to it; and
- It reports finances based on approved numbers from the Estimates and the Public Accounts of Canada.

Louise Guertin
Director General, Corporate Services Branch
August 11, 2005

Summary Information

Reason for Existence

As an officer of Parliament and agent of change, the Commissioner is mandated to promote the *Official Languages Act* (the Act) and oversee its full implementation, protect the language rights of Canadians and promote linguistic duality and bilingualism in Canada.

The Commissioner works on behalf of Parliament and Canadians to ensure that the three key objectives of the Act are achieved, and takes all necessary measures in that regard. The objectives of the Act are:

- The equality of English and French within federal institutions and other organizations subject to the Act;
- The development and vitality of official language minority communities in Canada; and
- The equal status and use of English and French in Canadian society.

These three objectives of the Act are reflected in the first three of our four strategic priorities.

In pursuing these three objectives and the corresponding priorities, the Commissioner plays the following six roles:

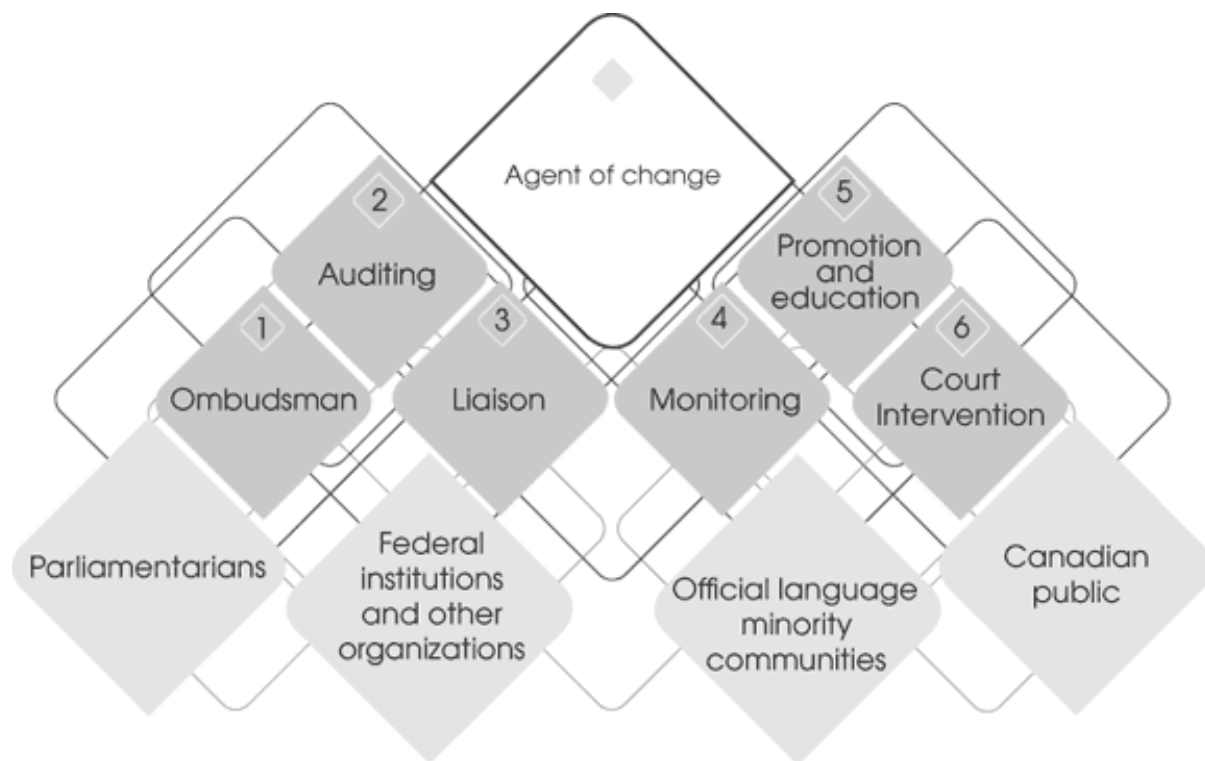
1. **Ombudsman role** – The Commissioner receives and reviews complaints and, if required, investigates and makes necessary recommendations. In this role, she also conducts investigations at her own initiative as she deems advisable.
2. **Auditing role** – The Commissioner plays a proactive role by conducting audits to measure compliance with the requirements of the Act and proposing recommendations relating to the existing management framework within organizations.
3. **Liaison role** – With support from the regional offices and headquarters, the Commissioner works with federal institutions and other organizations, various levels of government and official language minority communities throughout the country. Through that interchange, she gains a better understanding of the needs and concerns of linguistic communities, makes relevant recommendations and intervenes judiciously in major official language issues.
4. **Monitoring role** – The Commissioner acts preventively by intervening at the stage where laws, regulations and policies are developed so as to ensure that language rights remain a primary concern of leaders.
5. **Promotion and education role** – The Commissioner heightens Canadians' awareness of the benefits of linguistic duality, works together with community organizations, takes appropriate action to have organizations subject to the Act pay official languages and linguistic communities the attention they deserve, and contributes toward the development and enhancement of the vitality of official language minority communities. This role consists

of conducting research, studies and public awareness activities. She delivers speeches and participates in conferences and workshops to inform all Canadians of the status and importance of the official languages.

6. **Court intervention role** – The Commissioner aids in advancing Canadians’ language rights by seeking leave to intervene, when appropriate, in adjudicative proceedings relating to the status or use of English or French and to ensure that language rights are respected.

The chart below illustrates the interaction among the Commissioner's six roles as an agent of change with parliamentarians and her three other main groups of stakeholders: federal institutions and other organizations subject to the Act, official language minority communities and the Canadian public.

Commissioner’s roles as an agent of change



The Office of the Commissioner of Official Languages (OCOL) supports the Commissioner in her duties as an officer of Parliament. More specifically, OCOL:

- Works to ensure that federal institutions and other organizations subject to the Act administer their affairs according to the spirit and the letter of the Act by reviewing their priorities in matters of official languages, measuring their results and working with them to achieve those results;
- Receives, investigates, follows-up and resolves official language complaints;
- Conducts audits, studies, research and analyses to gain a better understanding of changes in the status and use of English and French in Canada;

- Responds to requests for information and other communications from the public;
- Monitors the advancement of English and French within the federal government and Canadian society; and
- Contributes to the development and vitality of official language minority communities.

Total Financial Resources (in thousands of dollars)

Planned	Authorities	Actual
\$18,528.0	\$19,010.1	\$18,295.9

Total Human Resources

Planned	Authorities	Actual
164.0	164.0	152.9

Plans

Operating environment

The overall planning framework for OCOL reflects the Commissioner's independence from government. As an officer of Parliament, the Commissioner exercises her ombudsman and auditing roles to urge compliance among organizations subject to the Act. The Commissioner increasingly acts as an agent of change, attempting to influence other federal organizations, as well as other levels of government, to take action that respects and advances the requirements of the Act.

The purpose of the Act – equality of English and French in Parliament, within the government of Canada and federal institutions, the development and vitality of language minority communities in Canada, as well as the equal status and use of English and French in Canadian society – can be achieved only through actions undertaken and carried out by federal institutions and other organizations subject to the Act. That is why OCOL is constantly seeking effective, innovative methods to encourage decision-makers to achieve these results on behalf of Canadians.

OCOL works closely with these organizations so that they gain a better understanding of the importance of linguistic duality. By encouraging federal institutions and other organizations subject to the Act to serve Canadians in the official language of their choice, OCOL assists in changing the government's organizational culture and improving the quality of service.

Internal and external factors

OCOL's primary resources as an agent of change are its staff (at headquarters and in the regions), parliamentarians, and its other stakeholders, along with the relationships established in its day-to-day activities. OCOL's staff members are provided with the appropriate tools to carry out the organization's mandate while serving the Canadian public.

OCOL relies on the actions of its many stakeholders. In this respect, OCOL's approach must be flexible, without losing its focus, in order to take into account, and act upon, shifts in the political, social and economic environment.

Like other federal institutions, OCOL espouses modern management principles and practices and is taking measures to become a learning organization. These principles and practices are reflected in its fourth priority area. More specifically, OCOL's management practices incorporate the main elements of the Treasury Board Secretariat's Management Accountability Framework:

- Thinking about citizens first;
- Applying a rigorous policy analysis;
- Considering key risks;
- Having the right work force;
- Ensuring that public resources are managed with probity; and
- Assigning clear accountabilities, with due regard to capability.

**SECTION II - ANALYSIS OF PERFORMANCE BY
STRATEGIC OUTCOME**

Strategic Outcome: Compliance with and respect for the *Official Languages Act* by federal institutions and other organizations subject to the Act.

Business Line: Investigations

Financial Resources (in thousands of dollars)

Planned Spending	Authorities	Actual Spending
\$6,434.0	\$6,301.7	\$6,661.1

Human Resources

Planned	Authorities	Actuals
68.0	68.0	68.2

Investigations highlights the need for sustainable solutions to address issues relating to the respect for, compliance with and implementation of the *Official Languages Act* by federal institutions and other organizations subject to the Act. By investigating complaints, conducting audits and performance measurements and maintaining a working relationship with these institutions, OCOL reinforces and monitors compliance with the Act.

Investigations activity includes the following three sub-activities:

1. Complaints, Investigations

Conducts investigations and makes recommendations aimed at ensuring compliance with and enhancing the acceptance and implementation of the Act.
2. Audits and Performance Measurement

Conducts external audits, performance measurement and other compliance assessments for the purpose of finding solutions to systemic problems and establishing the extent to which the Act is being implemented in institutions subject to the Act.
3. Legal Affairs

Provides legal advice and legal analyses to support investigations. Represents the Commissioner in court proceedings under Part X of the Act when such intervention is appropriate to ensure that institutions fully respect the Act.

Business Line: Policy and Communications

Financial Resources (in thousands of dollars)

Planned Spending	Authorities	Actual Spending
\$7,004.0	\$6,746.6	\$6,115.0

Human Resources

Planned	Authorities	Actuals
55.0	55.0	45.3

Policy and Communications serves as a liaison with the various levels of government agencies and organizations active in the area of official languages. Through its regional, policy and communications representatives, Policy and Communications informs parliamentarians, governments, community stakeholders and members of the public about the provisions and scope of the Act and the role of the Commissioner. It conducts research and studies and prepares reports to Parliament, such as the Commissioner's Annual Report, on progress and challenges in complying with the Act. It also provides information directly to the public through its inquiries function and the OCOL Web site.

Policy and Communications includes the following three sub-activities:

- Policy, Research

Conducts research, studies and detailed analyses of government policies that include linguistic aspects. Explores the evolution and impact of socio-economic factors, such as Canadian demographics and current events, in order to provide strategic advice to the Commissioner and to inform the policy-making process. Develops strategies to influence key decision-makers in Canadian governments and society. Acts as a liaison with central agencies. Undertakes liaison activities through OCOL's regional offices with regional associations, interest groups concerned with official language issues, and government institutions and public servants across Canada.

- Communications

Provides strategic communications advice to the Commissioner and undertakes communications and outreach activities aimed at the public, parliamentarians, other stakeholders, and the media. Receives and manages information requests and provides information to the public on a wide variety of topics related to official languages using print and electronic means, as well as media relations.

- Parliamentary Relations

Provides ongoing support to the Commissioner in her dealings with Parliament in general and with the House of Commons Standing Committee on Official Languages and the Senate Standing Committee on Official Languages in particular. Examines relevant bills in order to ensure that they reflect linguistic duality, and intervenes with parliamentary committees if the need arises.

Business Line: Corporate Services

Financial Resources (in thousands of dollars)

Planned Spending	Authorities	Actual Spending
\$5,090.0	\$5,961.8	\$5,519.8

Human Resources

Planned	Authorities	Actuals
41.0	41.0	39.4

Corporate Services provides a wide variety of services and support to all of OCOL to allow it to fully carry out its mandate and responsibilities. Corporate Services provides both the national office and the regional offices with strategic advice, services and products relating to financial management and planning, internal audits and evaluations, human resources management, information management and information technology, and administrative services. The Commissioner's Office is included in this business line.

Overall Performance

Strategic Priority 1: Equality of English and French within the institutions subject to the Act.

OCOL uses three primary tools to ensure compliance with the *Official Languages Act* (the Act): audits; investigations (most respond to complaints and some are undertaken proactively by OCOL); and performance measurement, being strengthened this year with a new tool, the Performance Report Card.

Audits and Study

This year, the Office of the Commissioner published its second and third audits, as it completed a second round under its revived external audit function:

- [Audit of the Implementation of Section 41 of Part VII of the *Official Languages Act* by the Canadian Tourism Commission](#); and
- [Audit of the Community Futures Development Corporations and Community Business Development Corporations](#).

In August 2004, OCOL undertook an audit of the Canadian Tourism Commission (CTC) to evaluate CTC's implementation of Part VII of the Act in terms of how the CTC fosters the use of English and French in Canada and projects Canada's bilingual character. The audit revealed that the CTC did not yet have a policy on official languages and that most of its managers know little about the Commission's linguistic obligations. Although the CTC has an action plan for implementing Part VII, it does not include precise and measurable objectives. The Commissioner has formulated eight recommendations to help the CTC fulfill its obligations under Part VII of the Act more effectively. These include establishing an official languages policy and disseminating it to all employees, drawing up an appropriate action plan for implementing section 41, taking into account the CTC's obligations in its partnership agreements, consulting official language minority communities, and adopting mechanisms to monitor the performance and accountability of managers. The Commission's senior managers must demonstrate more leadership and take the steps needed to rectify the shortcomings identified in this report.

The audit of the Community Futures Program (CFP) assessed how well the CFP fulfilled responsibilities under two Parts of the Act: Part IV (services to the public in the official language of choice); and Part VII (commitment of the government in supporting the strengthening and development of the Anglophone and Francophone minority communities and in promoting the full recognition and use of the two official languages in Canadian society). The CFP is administered by the Atlantic Canada Opportunities Agency, Canada Economic Development for Quebec Regions, Industry Canada's Federal Economic Development Initiative in Northern Ontario and Western Economic Diversification. The audit found that services offered by the Program in Quebec, Ontario, and Atlantic Canada were inadequate. The Commissioner submitted 18 recommendations to the four federal institutions concerned in order to improve service delivery by Community Futures Development Corporations and by Community Business Development Corporations designated to provide bilingual services, and to ensure that they

account for the specific needs and concerns of official languages minority communities when implementing their programs and services. Eleven recommendations concerned the Atlantic Canada Opportunities Agency, 14 involved Canada Economic Development for Quebec Regions, 11 concerned Industry Canada and 3 recommendations involved Western Economic Diversification Canada.

OCOL also launched three other audits concerning the language of work at the Headquarters of the Department of National Defence, public services offered by the Canada Border Services Agency at border crossings and management of the official languages program at Public Works and Government Services Canada. The results of these audits will be released in 2005-2006.

In April 2005, OCOL released a study entitled: [Making it Real: Promoting Respectful Co-existence of the Two Official Languages at Work](#). This study is the second in a series of studies on the issues surrounding the use of the two official languages in bilingual work environments. Its purpose is twofold: to obtain greater insight into the factors that directly affect the use of the two official languages in the workplace and the nature of the challenges faced by Anglophones and Francophones with careers in the federal government; and to identify the essential components of a workplace that respects the language rights of its employees in order to foster the harmonious co-existence of both official languages on a daily basis. This study includes eight recommendations for the Clerk of the Privy Council, the Public Service Human Resources Management Agency of Canada, the Canada School of Public Service, Treasury Board Secretariat, and heads of Crown corporations and other organizations subject to the Act. Of these recommendations, four were already brought to the attention of the government of Canada in the report [Walking the Talk: Language of Work in the Federal Public Service](#) released in March 2004. The study revealed:

- Despite progress, the equality of both official languages has yet to be fully attained and remains a work in progress;
- Following the example of senior management, supervisors at all levels also play a key role, since they directly influence the organizational culture of their immediate work environment;
- A large percentage of public servants have a good working knowledge of their second official language. However, lack of awareness, self-consciousness or the surrounding environment, prevent them from practising their second language sufficiently; and
- Bilingualism enjoys strong support among both English-speaking and French-speaking federal public servants. A large majority of respondents shared the view that bilingualism is an asset for Canadian society as a whole and stated that they are proud to have the opportunity to work in a bilingual workplace. At the end of the day, bilingualism provides for the better delivery of services to Canadians.

As mentioned in her report [Walking the Talk: Language of Work in the Federal Public Service](#), the Commissioner pointed out that Deputy heads of departments and Crown corporations have a critical role to play. Concrete actions and role models, not words, are what shape the organizational culture. In order for a workplace to be truly conducive to the effective use of both official languages, senior management must make it a priority. Without this commitment, the spirit of the Act often goes unheeded.

Performance Measurement

This initial Performance Report Card is a follow-up to a recommendation by the Senate Standing Committee on Official Languages about promoting a better understanding of successes and weaknesses in implementing the Act. The Performance Report Card also fits into a larger context of improved accountability and the need to measure progress as set out in the Treasury Board Secretariat Management Accountability Framework.

Henceforth, the Commissioner will use it as an additional means of informing the public and parliamentarians about the relative performance of a number of federal institutions subject to the Act. The Performance Report Card was designed to provide senior management with information on the performance of their institutions regarding official languages and help them decide on appropriate action to improve in this area. It also allows a quick comparison of similar institutions. The Commissioner intends to publish it annually to ensure closer scrutiny of the implementation among federal institutions and other organizations subject to the Act.

In 2004-2005, the Performance Report Card assessed 29 federal institutions subject to the Act and identified comparative successes and areas where improvements are needed.

Feedback on the initial Performance Report Card has confirmed that it meets a need for the clarification of responsibilities under the Act. It will also be useful in identifying areas for future audits or studies by OCOL.

More details of the first Performance Report Card are included in Volume II of the [Commissioner's Annual Report released in May 2005](#).

Investigations

As linguistic ombudsman, the Commissioner receives complaints from the public concerning the respect, compliance and implementation of the Act. In seeking to resolve complaints deemed founded following investigation, OCOL looks for solutions that produce lasting change. To do this, OCOL's investigators work closely with federal institutions during the investigation process to actively engage managers and decision-makers in finding lasting solutions.

In order to continuously improve service to clients, OCOL explores and experiments with investigative and resolution – generating methods of intervention that are most effective and efficient in meeting its mandate. In 2004-2005, OCOL introduced a “rapid resolution of complaints” process, which identifies complaints that can be processed and achieve results within an average of 30 days. Based on the results obtained during this pilot project in 2004-2005, the new approach will be fully operational in 2005-2006. Generally, complaints handled using the rapid resolution process involved “service to the public” (Part IV of the Act) or “language of work” (Part V).

During this reporting period, OCOL received a total 1,151 complaints, up 12% from the previous year. Of that amount, 74% complaints were admissible, about the same percentage as in previous years. The present level of complaints reflects the general trend of the last four years. Additional details can be found in the [Commissioner's Annual Report 2004-2005](#).

Security Guard Services: As one example of a change in behavior following identification of a pattern in a series of complaints that suggested an underlying problem, OCOL investigated a situation where a National Master Standing Offer (NMSO) used by federal departments to contract security services from the Canadian Corps of Commissionaires was inadvertently preventing departments from obtaining bilingual security guard services. Under the NMSO, the Corps had first right of refusal to supply security guard services; institutions were permitted to go elsewhere only if the Corps could not meet demand. When it was discovered that the Corps was not refusing requests for bilingual commissionaires even when it knew it could not supply bilingual personnel, and was thereby preventing client departments from obtaining bilingual security guard services, OCOL undertook an investigation in July 2004 involving Public Works and Government Services Canada (PWGSC). As a result of the investigation, the NMSO was modified so that federal agencies that require bilingual commissionaire services could get them. PWGSC cooperated and modified the NMSO, effective April 1, 2005.

Monitoring

The Commissioner appeared before the House of Commons and Senate Committees on Official Languages, interacted with a number of parliamentarians, administrators, and key federal ministers responsible for official languages. For example:

In 2004-2005, the Commissioner met with members of the House of Commons Standing Committee on Official Languages and the Senate Standing Committee on Official Languages to present the following publications issued by OCOL during this reporting period: studies on commercial leases in federal buildings, on the language of work, on the service to the public, on the implementation of the *Action Plan for Official Languages* and on the education for Francophones outside Quebec. An audit of the Canada Post Corporation was also presented to the members of both Standing Committees. As well, in October 2004, shortly after tabling her Annual Report, the Commissioner appeared before both Standing Committees. This allowed her to reinforce her major recommendations to the government, in particular the request that all resources associated with the Official Languages Program as a whole be excluded from the spending review exercise.

Details on all of the [Commissioners' appearances](#) can be found on OCOL's Web site.

The Commissioner met with the Deputy Ministers of major departments, to discuss issues raised during investigations, audits, evaluations (including the Performance Report Card) and studies in order to increase their awareness of their responsibilities under the Act. Special attention was paid to the need for Deputy Ministers to show more leadership towards changing the organizational culture of their respective institution to ensure that work environments respect the language rights of employees and that the new Service Canada organization announced in the federal budget strengthens the ability of Canadians to obtain services in the official language of their choice.

Regions Working with Partners

OCOL's regional offices carry out a wide variety of actions with the public and official language communities to promote Canada's linguistic duality. They also work closely with the regional federal councils and their official languages committees to organize opportunities such as conferences, meetings and roundtables to promote linguistic duality. At the same time, OCOL informs organizations about the provisions of the Act, and encourages them to provide better quality service to Canadians, and to change the organizational culture within the public service. Following are some examples:

- In June 2004, the forum entitled: *Toward an Exemplary Public Service*, was held in Nova Scotia. The goal was to encourage improvements in service to the public and heighten the use of both official languages in the workplace. The forum allowed an opportunity to share information and better practices, and to identify the challenges involved in implementation.
- The Ontario Regional Office kicked off development of a forum project for members of the Federal Council of Ontario. The forum's purpose is to gather together senior federal public servants, and official languages advocates and coordinators from across the region, to develop a strategic plan for coordinating activities in support of the official languages issue. In particular, this plan will try to identify regional initiatives within the framework of the *Action Plan for Official Languages* and to ensure the development of partnerships among federal institutions.
- With the support of the OCOL, the Federal Councils of the West approved a Western strategic plan for official languages arising from the 4-2-1 Forum held in November 2003 (4 provinces – 2 official languages – 1 plan) and from the national Action Plan. Implementation of this plan will enable federal departments and agencies in the region to more effectively meet their official language requirements.
- The Quebec Federal Council held a forum on linguistic duality on February 22, 2005. The first of its kind in the Quebec Region, the forum's theme, "Parle-moi, I'm listening," was meant to allow time for reflection and information on the official languages issues facing the federal Public Service in Quebec Region, and an opportunity to discuss best practices. All sections of the Act were discussed. However, participants paid special attention to language of work and equitable participation within federal institutions, two extremely important issues in Quebec Region.

Follow-up to the Commissioner's Annual Reports

In response to the recommendations put forward by the Commissioner in her annual reports and at her meetings with the heads of institutions, various organizations committed to or carried out specific projects to improve the quality of their services within the public service. Details are outlined in the [Commissioner's Annual Report 2004-2005](#). Following are a few examples:

- The Public Service Human Resources Management Agency of Canada completed its review of official languages policies relating to human resources management and language of work.
- Some federal institutions created language training programs, including one voluntary language training program, a virtual centre for maintaining language skills, and a twinning incentive campaign, and also organized festivities.

- Following action by the Commissioner, the government of Canada instituted new requirements regarding the staffing of bilingual positions. Since April 1, 2004, imperative staffing has become the norm for bilingual positions up to the assistant deputy minister level, thereby placing bilingualism on an equal footing with the other skills required to perform the duties of a position. This improvement in the language skills of incumbents is meant to ensure greater respect for the language rights of Canadians and federal employees. However, non-imperative staffing is still used for hiring entry-level managers (EX-01) in designated bilingual regions. Furthermore, the government has restricted language requirements among senior managers (CBC) to EX-category managers. Senior managers in job categories equivalent to those of EX employees are not affected. All senior managers performing management duties must be subject to CBC language requirements and imperative staffing. This is an important issue because, as shown by the study, [Walking the Talk: Language of Work in the Federal Public Service](#), unilingualism among senior management is a major obstacle to the use of both official languages. The Commissioner has the support of parliamentarians on official languages committees to extend these requirements to deputy minister and associate deputy minister positions, given their influence on the organizational culture of their respective institutions.
- In 2004-2005, the Commissioner expressed to the Minister of Transport her expectations concerning the principles that should guide the federal government in its legislative review process. It is therefore important that the legislative changes made to the *Air Canada Public Participation Act* clearly state the language obligations of the corporate entities associated with ACE Aviation Holdings Inc. in order to avoid, as much as possible, judicial recourse aimed at clarifying the scope of the legislative amendments and the application of the *Official Languages Act*. In the spring, the government tabled a bill with the goal of modifying the *Air Canada Public Participation Act*. OCOL is currently analyzing the proposed changes and will, if needed, submit the relevant modifications to the legislative committee responsible.

Strategic Priority 2: Equality of English and French as a fundamental value in our increasingly diverse Canadian society.

In 2004-2005, OCOL heightened the profile of linguistic duality as a fundamental value of Canadian society. One objective is to engage a broad spectrum of Canadians in the issue of official bilingualism.

Research and Analysis

OCOL published a comprehensive study entitled: [Doorway to the world: Linguistic duality in Canada's international relations](#) (November 2004). The study goes beyond official bilingualism to look at the role of linguistic duality, as a domestic policy and a core value, in Canada's international policy. The study highlighted five major aspects of Canada's international relations and identified strengths and weaknesses in each. It examined policy direction, key programs and initiatives, support infrastructure, Canada's foreign missions abroad and the services they provide. Much has been done to build upon Canada's bilingual identity. The federal government is working within international organizations such as UNESCO to support cultural diversity.

Canada's prominent role in *La Francophonie* helps to embed linguistic duality in the worldview of Canada. In addition, certain funding programs, such as the Public Diplomacy Program and the Canadian Studies Program, encourage a proactive approach to Canada's linguistic duality in cultural promotion while favouring the pan-Canadian character of our linguistic communities.

The inclusion of linguistic duality in policies, programs and activities in this sector of government operations is nonetheless far from complete. Key issues include the following:

- Large gaps between departmental programs promoting linguistic duality and their application by certain diplomatic missions;
- The absence of linguistic duality in Foreign Affairs Canada's strategic plans and priorities, other than as a human resource issue;
- The value of linguistic duality to Canada's economic development is not being fully realized; and
- Inadequate guidance, resources and monitoring between headquarters and Canada's diplomatic missions adversely affect linguistic duality's most basic ingredient: service and the availability of information in both official languages.

OCOL also published a study on [Official Languages on the Internet – Web Sites of Diplomatic Missions and International Organizations: Follow-up](#) (January 2005). The purpose of this follow-up was to identify the progress Foreign Affairs Canada has made in implementing the recommendations contained in the study [Official Languages on the Internet: Web Sites of Diplomatic Missions and International Organizations](#), published in April 2002. OCOL's follow-up revealed that all 44 Web sites of Canadian diplomatic missions abroad that were surveyed are in both official languages. However, of the 44 Web sites of foreign diplomatic missions surveyed, 21 still do not offer content in French. The analysis of 26 Web sites of international organizations revealed that improvement has been made in according equal weight to Canada's two official languages. The study recommended specific action that Foreign Affairs Canada could take to ensure the equal status of English and French on the Web sites of Canadian missions abroad, foreign diplomatic missions in Canada, and international organizations. It was concluded that the Department has taken action to ensure that both official languages have equal standing on the Web sites of Canadian diplomatic missions abroad. Yet, it needs to encourage and prompt foreign missions in Canada to increase the French content on their Web sites. It should also do the same for international organizations. The Department views Canada's linguistic duality as an advantage in pursuing our international policy strategy objectives. It has informed OCOL that it will continue to encourage foreign countries to use both official languages on their mission Web sites and to promote the use of French within international organizations whenever the opportunity arises.

In April 2004, OCOL organized a Round Table on the federal language rights regime, which brought together participants from all regions of the country representing a broad range of professions, including community development, academia, the law, and government service. The Round Table examined difficulties in implementing the linguistic legal framework, discussed whether the current framework could adequately respond to future challenges, and sought to consider options to improve the framework of language rights for Canada.

The Commissioner also heightened the profile of linguistic duality as a fundamental value of Canadian society and identity through international appearances. As an example, the Commissioner was invited to a number of high-profile, international events to explain the unique challenges facing Canada and Canadians, to highlight progress being made to promote the value of linguistic duality, and to explore how Canada's approach might apply in other countries. In this regard, the Commissioner participated in a colloquium in Ireland in late April, 2004 where she met with her Irish counterpart and shared Canada's experience in implementing an official languages regime and spoke at an international conference on linguistic rights in China in late August.

Promotion

The Commissioner reached out to Canadians both directly through speeches at various public forums and through media interviews.

In 2004-2005, the Commissioner gave 46 speeches at various events in Canada as well as in Ireland, China, United States and Cuba. Audiences included academics, immersion and minority-language teachers, leaders from the various official language minority communities, public servants, parliamentary committees, and others. An estimated total of 6,500 people heard the Commissioner speak.

Among repercussions of those speeches, Human Resources and Skills Development Canada issued a note to its managers in Quebec to remind them of their obligations under the *Official languages Act*, following the Commissioner's presentation at the Forum on Linguistic Duality held in Montréal on February 22, 2005, where she addressed 150 federal government employees.

The Commissioner gave a total of 136 media interviews on various topics related to official languages. Coverage of the launch of the 2003-2004 Annual Report in November 2004 alone generated a total reach of 6.9 million. In addition to those interview requests, OCOL responded to 109 requests for information from the media.

Some direct results from the Commissioner's interviews:

- Responding to a series of interviews the Commissioner gave on Air Canada, the Minister of Transport Canada pledged to maintain the airline's linguistic obligations. Indeed, the Bill tabled by the government in the spring of 2005 contains such guarantees.
- The Commissioner gave interviews on January 24 about the poor quality of French on the new Cybertip.ca/Cyberaide.ca Web site. The Web site was pulled offline in the afternoon and corrected within 24 hours.

Details on all of the [Commissioners' speeches](#) can be found on OCOL's Web site.

With respect to the 2010 Olympics, the Commissioner met with Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games and Sport Canada to ensure that linguistic duality is not overlooked and remains a priority because the Olympics offer Canada an ideal opportunity to showcase its linguistic duality and the excellence of its athletes. The Commissioner also supported the efforts of the *Fédération des communautés francophones et acadienne du Canada* to ensure French-language coverage of the 2010 and 2012 Olympics

across Canada. All Canadians should have free access to the Olympics coverage even in remote regions.

OCOL also participated in the creation of the Ronald Duhamel Prize, under the aegis of the Manitoba Federal Council, the Province of Manitoba and the Société franco-manitobaine. The prize will be used by the three partner organizations to recognize a federal or provincial public servant who worked in an exemplary way to promote linguistic duality or to offer services in both official languages to minority communities.

A coalition for the promotion of the French language and the French-speaking culture in Saskatchewan was created with the active support of the OCOL. This coalition will be responsible for the implementation of a five-year strategy. OCOL worked with several community organizations to survey partners and develop a co-operative model for promoting the French fact in Saskatchewan. This project sparked change among the various governmental partners and, for the first time in this country, brought together stakeholders from all levels of French as a first and second language education sectors, such as: the provincial Department of Learning and the Office of French Language Co-ordination; the Department of Canadian Heritage; Canadian Parents for French; the Francophone education network; and all of the province's Francophone community organizations.

OCOL also participated in a three-year pilot project on French-Language Renewal in Alberta, with the objective to increase the student enrolment in French immersion and in FSL programs by 100% in five years. The Commissioner recognized the accomplishment of over 500 French second language Grade 12 students in northern and southern Alberta by providing them with special certificates of achievement distributed at ceremonies in Calgary and Edmonton in the summer and fall of 2004.

During the summer of 2004, the Fulbright-Hays Seminars Abroad American Program organized a seminar for educators entitled "Getting to Know America's Neighbours: Nationhood, Culture, and Identity in Mexico and Canada" that took place in both Canada and Mexico. This initiative is part of an American program that provides opportunities for educators and administrators involved in developing curricula in the humanities and language fields. The seminars are designed to provide a broad and introductory cultural orientation to a particular country. After visiting Ottawa, Iqualuit and Kimmirut, on Baffin Island, the 16 educators proceeded to Montréal, Québec City and Toronto. While in Montréal, the group met with officials from OCOL. This meeting gave the 16 visiting American educators an opportunity to explore the Canadian national and cultural identity by learning what the *Official Languages Act* means and what it stands for in Canada.

Strategic Priority 3: Vitality of official language minority communities in Canada.

Under Part VII of the Act, the federal government is committed to enhancing the vitality of the English and French linguistic minority communities in Canada and to supporting and assisting their development, and to foster the full recognition and use of both English and French in Canadian society. This year, the Commissioner intervened at various levels to ensure that this commitment was carried out.

OCOL also published two studies, one of which was a follow-up to an earlier study:

- [Going Forward: The Evolution of Quebec's English-Speaking Community](#) (November 2004). This study was intended to help community leaders and policy-makers design strategies better suited to the needs of Quebec's English-speaking population. The study concluded that the Quebec English-speaking community has adapted to many changes in the last few years and that is in search of its identity. It needs continuous support in order to ensure its enduring vitality.
- [Use of the Official Language Minority Press by Federal Institutions: Follow-up](#) (January 2005). This follow-up report indicated that there had been improvements since the initial study in 2002, but it criticized the slow rate of progress – only 5 of the 18 original recommendations have been implemented. Among the more positive elements, the Communications Policy of the government of Canada now sets out official languages obligations with respect to advertising. However, the study found that Public Works and Government Services Canada still had not added the necessary clarifications to its guidelines on the advertising activities of all departments. In addition, the responsible agencies were not considered to be doing an adequate job of monitoring compliance with the language objectives for advertising.

Through its Performance Report Card activities, the Commissioner also assessed the mechanisms that federal institutions use to contribute to the vitality of official language minority communities. In many instances, the exercise was an eye opener on what federal institutions are expected to do in this regard.

The Government's Action Plan for Official Languages

OCOL also monitored improvements in the policies and programs of all levels of government in such areas as education, health, justice, transportation and immigration, as part of its effort to monitor implementation of the government's Action Plan. While the Commissioner has criticized the federal government for its slow pace in implementing the Action Plan and for the lack of performance measurements, some accomplishments were achieved.

Education

The Commissioner met with and wrote to the federal Minister of Social Development in early 2005 to stress the importance of ensuring that the Early Childhood and Child Care national initiative meet the needs of linguistic communities. Subsequent Early Learning and Child Care

Bilateral Agreements, signed with six provinces, included specific provisions aimed at ensuring that Francophone communities have access to services in their language, taking into account their program development needs and reporting on improvements in the availability of early learning and child care services in French.

In March 2005, two important judgements were issued by the Supreme Court of Canada with respect to the right to minority language instruction guaranteed by section 23 of the *Canadian Charter of Rights and Freedoms*. The Commissioner has intervened in both of these cases because of their impact on the English-speaking community of Quebec and the French-speaking communities elsewhere in Canada.

- In the *Solsky (Casimir)* case, the Court clarified the right governing conditions for registering at English-language schools in Quebec after parents challenged the validity of section 73 of Quebec's *Charter of the French Language* which requires that a child receive the “major part” of his or her schooling in the language of the minority. While the Supreme Court did not declare unconstitutional the Quebec linguistic framework, it concluded that Quebec’s current quantitative approach to section 73 of the *Charter of the French Language* did not meet the standard required by section 23(2) of the *Canadian Charter of Rights and Freedoms*.
- In the *Gosselin et al.* case, Quebec French-speaking parents claimed that the *Charter of the French Language* was discriminatory because it did not allow them to choose to enroll their children in English-language schools. The Supreme Court found that the position of the appellants – who demanded unrestricted access to Anglophone minority schools – would transform these schools into immersion institutions, thus jeopardizing the objectives of section 23 of the *Canadian Charter of Rights and Freedoms*. The Supreme Court therefore drew a distinction between the right to minority language instruction guaranteed under article 23 of the *Charter* and access to instruction in a second language that is regulated by a provincial law.

Health

For two consecutive years, the Commissioner has recommended that the government take steps to ensure that federal-provincial-territorial agreements in the health sector are adapted to the needs of official language minority communities and that they include language provisions. During discussions with the Commissioner, the Minister of Health displayed openness to this issue, and intended to discuss it with his provincial and territorial counterparts. In September 2004, the agreement reflected the government of Canada’s commitment to the availability of health care in official language communities. The agreement includes alternatives to support training for health professionals in minority communities.

Justice

The Commissioner expressed concern to the federal government about its lack of progress in ensuring an equitable system of justice for both Anglophones and Francophones. She pursued her request for a sufficient number of judges who have the language skills required to hear cases in both official languages since one of the principal and persistent barriers to access to justice in

both official languages is a shortage of bilingual judges. True access to justice in both official languages across Canada can only be achieved if the linguistic skills of judicial candidates is given sufficient weight in assessing potential candidates against the requirements for each judicial vacancy to be filled. In this regard, such an important objective should be formally incorporated into the judicial appointment process. Although there have been some appointments of bilingual judges this past year, judicial appointments are made on a case-by-case basis and the existing mechanism does not adequately address the importance of appointing judges with bilingual skills. The Commissioner encouraged Justice Canada to re-examine the judicial appointment process to ensure an adequate bilingual capacity among superior court justices. However, the government insists that the current appointment process effectively addresses the need to improve access to justice in both official languages.

Following is an example of another accomplishment on this third priority in 2004-2005. The Nova Scotia government adopted a law on the French-language services, which recognizes the Acadian and Francophone communities' contribution and confirms the government's commitment to their development. The Commissioner had supported this legislative initiative and was satisfied that the government will consult the Acadian and Francophone communities when the time comes to adopt regulations on designating institutions subject to the Act.

Strategic Priority 4: Development of an exemplary workplace and efficient, effective management.

OCOL's credibility with Parliament and Canadians rests largely on the quality of its work. In 2004-2005, OCOL was involved in three key initiatives to improve its management practices: to continue to introduce a modern management culture within the Office of the Commissioner; to make the Office of the Commissioner a learning organization; and to make the Office of the Commissioner a more client-oriented organization.

OCOL establishes priorities through consultation, focussing on expected outcomes, emphasizing performance – measurement activities, and the integrity of data collection for planning, reporting and measuring purposes.

In keeping with custom, the Commissioner met with the House of Commons Standing Committee on Official Languages and the Senate Standing Committee on Official Languages in February 2005 to review OCOL's achievements and budget. She also took the opportunity to discuss OCOL's strategic priorities, its mandate and management practices.

During the same period, the Commissioner met with members of the House of Commons Standing Committee on Access to Information, Privacy and Ethics to comment on Treasury Board's proposed options to address the funding and accountability requirements of officers of Parliament. Because this is a newly formed Committee, the Commissioner took the opportunity to present OCOL's strategic priorities, its mandate and management practices.

As part of its framework development process, OCOL is also integrating effective risk management into the organization's planning process. The audit and evaluation functions are key elements of the framework. In this regard, the positive outcome of the external audit by the

Office of the Auditor General of Canada of OCOL's 2003-2004 financial statements represents a significant reduction in risk in these areas.

Use of the *Values and Ethics Code for the Public Service* by staff is being promoted within the OCOL to ensure a smooth-running organization and better service for internal and external clients.

OCOL is making progress toward becoming a learning organization. More than ever, OCOL must deal with rapid change in many areas, and display creativity and attentiveness. The care that the organization takes in managing information has translated into investments that will ensure a rigorous framework for the long term of benefit to both staff and managers at OCOL. OCOL is a knowledge-based organization. The sharing of and the access to information are crucial factors in ensuring that the organization remains efficient and reliable and thus retains its integrity. For example, a three-year information management strategic plan has been established and has already addressed the issues of governance and the accountability framework.

This year, progress was achieved toward instituting a culture of continuous learning and improvement. Promotion of the management program, *La Relève*, learning plans, performance appraisals and general meetings are examples of initiatives that advanced this approach at OCOL.

OCOL continues to promote the importance of applying client-oriented principles and practices. An internal assessment of current services delivery against desired services was performed by reviewing some corporate functions within OCOL. Already, a gradual transformation in OCOL service delivery and strategic advice is becoming apparent, while existing resources are maximized and service standards enforced.

SECTION III – SUPPLEMENTARY INFORMATION

Organizational Information

In carrying out her mission of ensuring full recognition and widespread use of English and French within Canadian society and federal institutions and other organizations subject to the Act, the Commissioner of Official Languages is supported by the Office of the Commissioner's staff, which is based in the National Capital Region and in regional offices across Canada.



Parliament

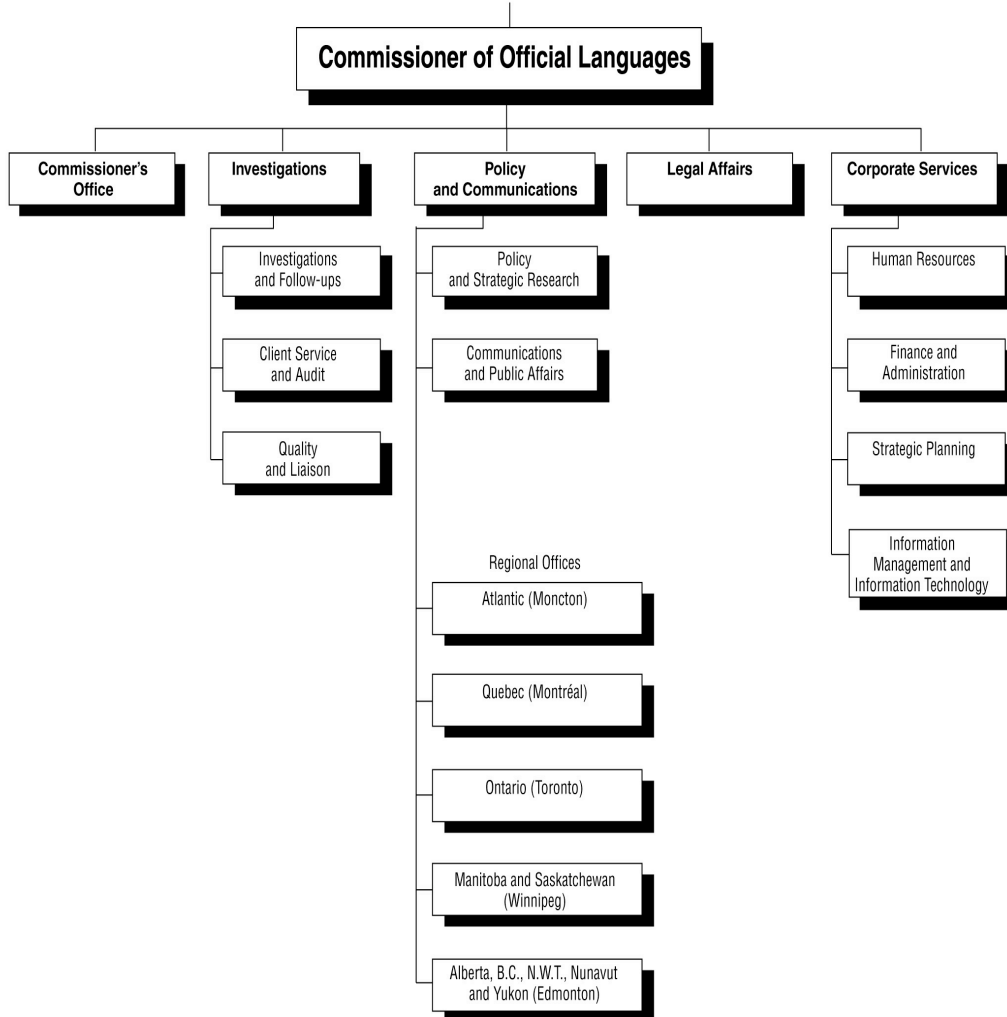


Table 1: Comparison of Planned Spending and Full Time Equivalents by Business Line

(in thousands of dollars)

	2002-03 Actual	2003-04 Actual	2004-2005			
			Main Estimates	Planned Spending	Total Authorities (1)	Actual
Investigations	4,798.0	6,392.8	6,434.0	6,434.0	6,301.7	6,661.1
Policy and Communications	4,263.2	5,880.2	7,004.0	7,004.0	6,746.6	6,115.0
Corporate Services	7,623.8	5,939.4	5,090.0	5,090.0	5,961.8	5,519.8
Total	16,685.0	18,212.4	18,528.0	18,528.0	19,010.1	18,295.9

Total	16,685.0	18,212.4	18,528.0	18,528.0	19,010.1	18,295.9
Less: Non-Responsible revenue	-	-	-	-	-	-
Plus: Cost of services received without charge (2)	1,885.4	2,653.0	2,450.0	2,450.0	2,671.7	2,671.7
Net cost of the program	18,570.4	20,865.4	20,978.0	20,978.0	21,681.8	20,967.6

Full Time Equivalents	129.9	146.0	164.0	164.0	164.0	152.9
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(1) The carry-forward of \$735.4 is included in Corporate Services and was not distributed; however business lines were allowed to overspend.

(2) Services received without charge include accommodation provided by PWGSC, the employer's share of employees' insurance premiums, Payroll services provided by PWGSC, Worker's Compensation coverage provided by Social Development Canada, and audit services provided by the Office of the Auditor General of Canada.

Table 2: Use of Resources by Business Line

(in thousands of dollars)

2004–2005					
Business Lines	Budgetary				
	FTEs*	Operating**	Total: Gross Budgetary Expenditures	Less: Respendable Revenue	Total: Net Budgetary Expenditures
Investigations					
Main Estimates	68.0	6,434.0	6,434.0	-	6,434.0
Planned Spending	68.0	6,434.0	6,434.0	-	6,434.0
Total Authorities	68.0	6,301.7	6,301.7	-	6,301.7
Actual Spending	68.2	6,661.1	6,661.1	-	6,661.1
Policy and Communications					
Main Estimates	55.0	7,004.0	7,004.0	-	7,004.0
Planned Spending	55.0	7,004.0	7,004.0	-	7,004.0
Total Authorities	55.0	6,746.6	6,746.6	-	6,746.6
Actual Spending	45.3	6,115.0	6,115.0	-	6,115.0
Corporate Services					
Main Estimates	41.0	5,090.0	5,090.0	-	5,090.0
Planned Spending	41.0	5,090.0	5,090.0	-	5,090.0
Total Authorities	41.0	5,961.8	5,961.8	-	5,961.8
Actual Spending	39.4	5,519.8	5,519.8	-	5,519.8

*Full-time equivalents

** Includes contributions to employee benefit plans

Table 3: Voted and Statutory Items

(in thousands of dollars)

Vote or Statutory Item	Truncated Vote or Statutory Wording	2004–2005			
		Main Estimates	Planned Spending	Total Authorities*	Actual
30	Operating expenditures	16,284.0	16,284.0	17,104.4	16,393.0
(S)	Crown Assets Surplus	-	-	2.8	-
(S)	Contributions to employee benefit plans	2,244.0	2,244.0	1,902.9	1,902.9
	Total	18,528.0	18,528.0	19,010.1	18,295.9

*Total authorities correspond to the Main Estimates plus Supplementary Estimates and other authorities.

Table 4: Net Cost

(in thousands of dollars)

	2004–2005
Total Actual Spending	18,295.9
<i>Plus: Services Received without Charge</i>	-
Accommodation provided by Public Works and Government Services Canada (PWGSC)	1,676.1
Contributions covering employers' share of employees' insurance premiums and expenditures paid by TBS (excluding revolving funds)	879.6
Worker's compensation coverage provided by Social Development Canada	-
Audit Services provided by the Office of the Auditor General of Canada	110.0
Cost of Payroll provided by PWGSC	6.0
<i>Less: Non-responsible Revenue</i>	-
2004–2005 Net cost	20,967.6

Table 5: Resource Requirements by Branch

(in thousands of dollars)

2004-2005				
Branches	Business Lines			Total
	Investigations	Policy and Communications	Corporate Services	
Investigations				
Main Estimates	5,379.5			5,379.5
Planned Spending	5,379.5			5,379.5
Total Authorities	5,269.6			5,269.6
Actual Spending	5,782.7			5,782.7
Policy and Communications				
Main Estimates		7,004.0		7,004.0
Planned Spending		7,004.0		7,004.0
Total Authorities		6,746.6		6,746.6
Actual Spending		6,115.0		6,115.0
Legal Affairs				
Main Estimates	1,054.5			1,054.5
Planned Spending	1,054.5			1,054.5
Total Authorities	1,032.1			1,032.1
Actual Spending	878.4			878.4
Corporate Services				
Main Estimates			5,090.0	5,090.0
Planned Spending			5,090.0	5,090.0
Total Authorities			5,961.8	5,961.8
Actual Spending			5,519.8	5,519.8
Total Business Lines				
Main Estimates	6,434.0	7,004.0	5,090.0	18,528.0
Planned Spending	6,434.0	7,004.0	5,090.0	18,528.0
Total Authorities	6,301.7	6,746.6	5,961.8	19,010.1
Actual Spending	6,661.1	6,115.0	5,519.8	18,295.9

Table 6: Financial Statements

OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES

Management Responsibility for Financial Statements

Responsibility for the integrity and objectivity of the accompanying financial statements of the Office of the Commissioner of Official Languages (OCOL) for the year ended March 31, 2005 and all information contained in this report rests with OCOL's management.

These financial statements have been prepared by management in accordance with accounting standards issued by the Treasury Board of Canada Secretariat which are consistent with Canadian generally accepted accounting principles for the public sector.

Management has developed and maintains financial and management controls and practices, and information systems, designed to provide reasonable assurance that OCOL's assets are safeguarded and controlled, resources are managed economically and efficiently in the attainment of corporate objectives, and that transactions are in accordance with the *Financial Administration Act* and regulations as well as OCOL's policies and statutory requirements.

The Auditor General of Canada conducts an independent audit and expresses an opinion on the accompanying financial statements.

Dyane Adam
Commissioner of Official Languages

Louise Guertin
Senior Financial Officer
Director General, Corporate Services

Ottawa, Canada
July 22, 2005



Auditor General of Canada
Vérificatrice générale du Canada

AUDITOR'S REPORT

To the Speaker of the House of Commons and the Speaker of the Senate

I have audited the statement of financial position of the Office of the Commissioner of Official Languages as at March 31, 2005 and the statements of operations, accumulated deficit, and cash flows for the year then ended. These financial statements are the responsibility of the Office's management. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, these financial statements present fairly, in all material respects, the financial position of the Office as at March 31, 2005 and the results of its operations and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.

Further, in my opinion, the transactions of the Office that have come to my notice during my audit of the financial statements have, in all significant respects, been in accordance with the *Financial Administration Act* and regulations and the *Official Languages Act*.

Sheila Fraser, FCA
Auditor General of Canada

Ottawa, Canada
July 22, 2005

OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES
Statement of Financial Position
As at 31 March

	2005	2004
Assets		
Financial assets		
Cash	\$ 4,041	\$ 3,275
Due from the Consolidated Revenue Fund	1,521,797	2,127,035
Accounts receivable	439,081	395,219
Prepaid expenses	27,309	-
	1,992,228	2,525,529
Capital assets (Note 4)	1,707,095	2,063,864
Total assets	\$ 3,699,323	\$ 4,589,393
Liabilities and Accumulated Deficit		
Current liabilities		
Accounts payable and accrued liabilities		
Federal government departments and agencies	\$ 248,175	\$ 263,707
Other accounts payable	1,458,176	1,823,665
Accrued salary and wages	234,592	230,535
Provision for vacation pay	651,131	645,113
Accrued employee severance benefits-current portion (Note 5)	659,768	405,773
	3,251,842	3,368,793
Long-term liabilities		
Accrued employee severance benefits (Note 5)	1,518,103	1,707,326
Total liabilities	4,769,945	5,076,119
Accumulated deficit (Note 9)	(1,070,622)	(486,726)
Total liabilities and accumulated deficit	\$ 3,699,323	\$ 4,589,393

Contingent liabilities (Note 10) and Commitments (Note 11)

The accompanying notes are an integral part of these financial statements.

Dyane Adam
Commissioner of Official Languages

Louise Guertin
Senior Financial Officer
Director General, Corporate Services

OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES

**Statement of Operations
For the year ended 31 March**

	2005	2004
Expenses (Note 6)		
Investigations	\$ 7,081,449	\$ 6,668,080
Policy and Communications	6,373,807	6,092,572
Corporate Services	7,907,461	8,461,011
Net cost of operations	\$ 21,362,717	\$ 21,221,663

The accompanying notes are an integral part of these financial statements.

OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES

**Statement of Accumulated Deficit
For the year ended 31 March**

	2005	2004
Surplus (deficit), beginning of the year	\$ (486,726)	\$ 44,855
Net cost of operations	(21,362,717)	(21,221,663)
Services provided without charge (Note 8)	2,672,226	2,653,384
Net cash provided by Government	18,711,833	17,644,837
Increase (decrease) in Due from the Consolidated Revenue Fund	(605,238)	391,861
Deficit, end of the year	\$ (1,070,622)	\$ (486,726)

The accompanying notes are an integral part of these financial statements.

OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES

Statement of Cash Flows
For the year ended 31 March

	2005	2004
Operating activities		
Net cost of operations	\$ 21,362,717	\$ 21,221,663
Adjustments for items not affecting cash		
Statement of Operations		
Amortization of capital assets	(655,695)	(655,663)
Services provided without charge (Note 8)	(2,672,226)	(2,653,384)
Capital asset adjustments	58,768	-
Statement of Financial Position		
Decrease (increase) in liabilities	306,174	(554,145)
Increase (decrease) in cash, receivables, and prepaids	71,937	(105,536)
Cash applied to operating activities	18,471,675	17,252,935
Capital transactions		
Acquisition of capital assets	240,158	391,902
Net cash provided by Government	\$ 18,711,833	\$ 17,644,837

The accompanying notes are an integral part of these financial statements.

OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES

Notes to the Financial Statements For the year ended 31 March 2005

1. Authority and Objectives

The Parliament of Canada adopted the first *Official Languages Act* in 1969. This *Act* provided that English and French would henceforth have “equality of status and equal rights and privileges as to their use in all the institutions of the Parliament and Government of Canada.”

A new *Official Languages Act* came into force in 1988. The *Act* sets out three basic objectives of the Government of Canada:

- (a) ensure respect for English and French as official languages of Canada, and ensure equality of status and equal rights and privileges as to their use in all federal institutions;
- (b) set out the powers, duties and functions of federal institutions with respect to the official languages of Canada;
- (c) support the development of English and French linguistic minority communities and generally advance the equality of status and use of the English and French languages within Canadian society.

The Office of the Commissioner of Official Languages (OCOL), which serves the public from its offices in Ottawa and its five regional offices, supports the Commissioner of Official Languages in fulfilling her mandate. The mandate of the Commissioner consists of taking all necessary measures to ensure recognition of the status of each of the official languages and compliance with the letter and the spirit of the *Official Languages Act* in the administration of the affairs of federal institutions and other organizations subject to the Act, including any of their activities relating to the advancement of English and French in Canadian society.

OCOL is named in Schedule I.1 of the *Financial Administration Act* (FAA) and is funded through annual appropriations.

The Commissioner of Official Languages is appointed after approval of the appointment by resolution of the Senate and the House of Commons for a seven-year term (renewable) and holds office during good behaviour. The Commissioner reports directly to Parliament.

2. Significant Accounting Policies

(a) Basis of presentation

These financial statements have been prepared on an accrual basis of accounting in accordance with accounting standards issued by the Treasury Board of Canada Secretariat which are consistent with Canadian generally accepted accounting principles for the public sector.

(b) Parliamentary appropriations

OCOL is funded through annual parliamentary appropriations. Appropriations provided to OCOL do not parallel financial reporting according to Canadian generally accepted accounting principles for the public sector. They are based in a large part on cash flow requirements. Consequently, items recognized in the statement of operations and the statement of financial position are not necessarily the same as those provided through appropriations from Parliament. Note 3 provides information regarding the source and disposition of these authorities and provides a high-level reconciliation between the two bases of reporting.

(c) Due from the Consolidated Revenue Fund

OCOL operates within the Consolidated Revenue Fund (CRF). The CRF is administered by the Receiver General for Canada. All cash received by OCOL is deposited to the CRF and all cash disbursements made by OCOL are paid from the CRF. Due from the CRF represents amounts of cash that OCOL is entitled to draw from the Consolidated Revenue Fund, without further appropriations, in order to discharge its liabilities. Net cash provided by government is the difference between all cash receipts and all cash disbursements including transactions involving departments and agencies.

(d) Receivables

Receivables are stated at amounts expected to be ultimately realized. A provision is made for receivables where recovery is considered uncertain.

(e) Capital assets

OCOL records as capital assets all expenses providing multi year benefits to OCOL and having an initial cost of \$1,000 or more. Similar items under \$1,000 are expensed in the Statement of Operations.

Amortization of capital assets is done on a straight-line basis over the estimated useful life of the capital asset as follows:

Asset	Amortization period
Machinery and equipment	5 years
Informatics hardware	4 years
Furniture	4 years
Informatics software	3 years
Motor vehicle	7 years
Leasehold improvements	Term of the lease

(f) Vacation pay and compensatory leave

Employee vacation pay and compensatory leave are expensed as the benefit accrues to employees under their respective terms of employment. The liability for vacation pay and compensatory leave is calculated at the salary levels in effect at the end of the year for all unused vacation pay and compensatory leave benefits accruing to employees. Employee vacation pay liabilities payable on cessation of employment represent obligations of OCOL that are normally funded through future years' appropriations.

(g) Employee severance benefits

Employees are entitled to severance benefits, as provided for under labour contracts and conditions of employment. The cost of these benefits is accrued as employees render the services necessary to earn them. The cost of the benefits earned by employees is calculated using information derived from the results of the actuarially determined liability for employee severance benefits for the Government as a whole.

(h) Services provided without charge by governments departments and agencies

Services provided without charge by government departments and agencies are recorded as operating expenses at their estimated cost. A corresponding amount is reported directly in the Statement of Accumulated Deficit.

(i) Contributions to pension plan

OCOL's eligible employees participate in the Public Service Pension Plan administered by the Government of Canada. OCOL's contributions reflect the full cost as employer. This amount is currently based on a multiple of an employee's contribution and may change over time depending on the experience of the Plan. OCOL's contributions are expensed during the year in which the services are rendered and represent the total pension obligation of OCOL. OCOL is not currently required to make contributions with respect to any actuarial deficiencies of the Public Service Pension Plan.

(j) Employee benefit plan

The Government of Canada sponsors an employee benefit plan (Health and Dental) in which OCOL participates. As a participant, contributions by OCOL are recorded at cost and are charged to expenses in the period incurred and represent the total obligation of OCOL to the plan. OCOL is not required under present legislation to make contributions with respect to any future unfunded liabilities of the plan.

(k) Measurement uncertainty

Preparing financial statements in accordance with Canadian generally accepted accounting principles for the public sector requires management to make estimates and assumptions that affect the reported amounts of assets, liabilities, revenues and expenses reported in the financial statements. At the time of preparation of these statements, management believes the estimates and assumptions to be reasonable. Actual results could differ from these estimates. The most significant items where estimates are used are in determining the expected useful life of capital assets and in determining employee severance benefits.

3. Parliamentary Appropriations

(a) Reconciliation of net cost of operations to total Parliamentary appropriations used

	2005	2004
Net cost of operations	\$ 21,362,717	\$ 21,221,663
Less: Expenses not affecting appropriations		
Amortization of capital assets	(655,695)	(655,663)
Services provided without charge	(2,672,226)	(2,653,384)
Other adjustments	71,998	9,518
	<u>18,106,794</u>	<u>17,922,134</u>
Changes in provision for vacation pay and accrued employee severance benefits not affecting the current year use of appropriations	(70,790)	(197,936)
Parliamentary appropriations applied to operations	<u>18,036,004</u>	<u>17,724,198</u>
Plus: Items not affecting net cost of operations but affecting appropriations		
Prepaid expenses	27,309	-
Capital asset acquisitions	240,158	391,902
Total Parliamentary appropriations used	<u>\$ 18,303,471</u>	<u>\$ 18,116,100</u>

(b) Reconciliation of net cash provided by Government to Parliamentary appropriations used

	2005	2004
Net cash provided by Government	\$ 18,711,833	\$ 17,644,837
Net change in Statement of Financial Position - accounts payable and accrued liabilities and accrued salary and wages	(376,964)	356,209
Net change in Statement of Financial Position - cash and accounts receivable	(44,628)	105,536
Other adjustments	13,230	9,518
Total Parliamentary appropriations used	<u>\$ 18,303,471</u>	<u>\$ 18,116,100</u>

(c) Reconciliation of Parliamentary appropriations provided to Parliamentary appropriations used

	2005	2004
Parliamentary appropriations provided	\$ 19,010,081	\$ 18,753,472
Less:		
Lapsed appropriations	(705,722)	(635,443)
Available for use in subsequent years	(888)	(1,929)
Parliamentary appropriations used	<u>\$ 18,303,471</u>	<u>\$ 18,116,100</u>

4. Capital Assets

Cost	31 March 2004	Additions and adjustments	Disposals	31 March 2005
Machinery and equipment	\$ 212,572	\$ (22,509)	\$	\$ 190,063
Informatics hardware	1,710,390	319,430	(580,917)	1,448,903
Furniture	586,220	48,984		635,204
Informatics software	341,708	49,724		391,432
Motor vehicle	23,697			23,697
Leasehold improvements	892,036			892,036
	<u>\$ 3,766,623</u>	<u>\$ 395,629</u>	<u>\$ (580,917)</u>	<u>\$ 3,581,335</u>

Accumulated amortization	31 March 2004	Amortization and adjustments	Disposals	31 March 2005
Machinery and equipment	\$ 49,240	\$ 27,145	\$	\$ 76,385
Informatics hardware	1,148,916	351,302	(580,917)	919,301
Furniture	185,096	162,685		347,781
Informatics software	218,596	118,223		336,819
Motor vehicle	15,798	3,385		19,183
Leasehold improvements	85,113	89,658		174,771
	<u>\$ 1,702,759</u>	<u>\$ 752,398</u>	<u>\$ (580,917)</u>	<u>\$ 1,874,240</u>

Net Book Value	<u>\$ 2,063,864</u>	<u>\$ 1,707,095</u>
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5. Employee future benefits

(a) Pension benefits

OCOL and all eligible employees contribute to the Public Service Pension Plan. This pension plan provides benefits based on years of service and average earnings at retirement. The benefits are fully indexed to the increase in the Consumer Price index. OCOL's and employees' contributions to the Public Service Pension Plan for the year were as follows:

	2005	2004
OCOL's contributions	\$ 1,394,814	\$ 1,251,494
Employees' contributions	542,428	486,692

(b) Accrued employee severance benefits

OCOL provides severance benefits to its employees based on years of service and final salaries. This benefit plan is not pre-funded and therefore has no assets, resulting in a plan deficit equal to the employee severance benefit liability. Benefits will be paid from future appropriations. Information about the plan is as follows:

	2005		2004
Obligation, beginning of the year	\$ 2,113,099	\$	1,860,945
Expense for the year	196,604		320,553
Benefits paid during the year	(131,832)		(68,399)
Obligation, end of the year	\$ 2,177,871	\$	2,113,099
Current portion	\$ 659,768	\$	405,773
Long-term portion	1,518,103		1,707,326
Obligation, end of the year	\$ 2,177,871	\$	2,113,099

6. Expenses by major classification

	2005		2004
Salaries and employee benefits	\$ 13,818,361	\$	13,118,184
Professional and special services	3,308,888		3,570,311
Accommodation	1,676,000		1,670,149
Transportation and telecommunications	1,052,518		907,835
Amortization of capital assets	655,695		655,663
Communications and printing	312,661		681,284
Utilities, materials and supplies	261,830		435,970
Rentals of photocopiers and other items	139,209		117,344
Repairs and maintenance	115,427		63,331
Other	22,128		1,592
Total	\$ 21,362,717	\$	21,221,663

7. Related party transactions

OCOL is related in terms of common ownership to all Government of Canada departments, agencies and Crown corporations. OCOL enters into transactions with these entities in the normal course of business.

During the year, OCOL expensed \$5,919,738 (\$5,406,423 in 2004) from transactions in the normal course of business with other Government departments, agencies and Crown corporations. These expenses include services provided without charge of \$2,672,226 (\$2,653,384 in 2004) as described in Note 8.

8. Services provided without charge

During the year, OCOL received services that were obtained without charge from other government departments and agencies. These are recorded at their estimated costs in the financial statements as follows:

Services provided without charge (\$000)

	2005	2004
Public Works and Government Services Canada-accommodation	\$ 1,676	\$ 1,670
Treasury Board Secretariat-employer's share of insurance premiums	880	789
Office of the Auditor General of Canada-audit services	110	100
Treasury Board Secretariat-Absorption of employee benefit plan costs	-	89
Public Works and Government Services Canada-payroll services	6	5
Total	<u>\$ 2,672</u>	<u>\$ 2,653</u>

9. Accumulated deficit

The accumulated deficit represents liabilities incurred by OCOL, net of capital assets, that have not yet been funded through appropriations. Significant components of this amount are employees' severance benefits and vacation pay liabilities. These amounts are expected to be funded by appropriations in future years as they are paid.

10. Contingent liabilities

In the normal course of its operations, OCOL may become involved in various legal actions. Some of these legal actions may result in actual liabilities when one or more future events occurs. To the extent that the future event is likely to occur, and a reasonable estimate of the loss can be made, a liability is accrued and an expense recorded in the financial statements. No contingent liabilities relating to OCOL are recognized in OCOL's financial statements for the fiscal year ended 31 March 2005.

The death of an employee has resulted in death benefits being payable over the next 11 years totalling approximately \$410,625. OCOL has expensed and paid \$186,302 to date.

Determination of responsibility for these payments has yet to be decided. Should it be determined that the final and full responsibility rests with OCOL, this commitment will be recorded as a liability with corresponding charges to expenses. Should it be determined that final and full responsibility does not rest with OCOL, it intends to recover the amounts paid.

11. Commitments

OCOL has commitments arising in the normal course of operations for future years. Minimum annual payments under these agreements are as follows:

Fiscal year	(\$000)
2005-2006	114
2006-2007	107
2007-2008	91
2008-2009	42
2009-2010	24
Total	378

12. Comparative Figures

Certain comparative figures have been reclassified to conform with the presentation adopted in the current year.

SECTION IV – OTHER ITEMS OF INTEREST

Studies and Reports

[Audit of Canada Post Corporation Services to the Public at Bilingual Postal Outlets](#) (May 2004)

[Report on the Symposium on Official Languages](#) (July 2004)

[2003-2004 Annual Report of the Commissioner of Official Languages](#) (October 2004)

[Performance Report 2003-2004 for the Period Ending March 31, 2004](#) (October 2004)

[Going Forward: The Evolution of Quebec's English-Speaking Community](#) (November 2004)

[Doorway to the world: Linguistic duality in Canada's international relations](#) (November 2004)

[Use of the Official Language Minority Press by Federal Institutions: Follow-up](#) (January 2005)

[Official Languages on the Internet – Web Sites of Diplomatic Missions and International Organizations: Follow-up](#) (January 2005)

[Report on Plans and Priorities 2005-2006](#) (March 2005)

[Audit of the Implementation of Section 41 of Part VII of the *Official Languages Act* by the Canadian Tourism Commission](#) (April 2005)

[Making it Real: Promoting Respectful Co-existence of the Two Official Languages at Work](#) (April 2005)

[Audit of the Community Futures Development Corporations and Community Business Development Corporations](#) (May 2005)

Many of the Office of the Commissioner of Official Languages publications are available in HTML or PDF format on its Web site, at the following address: <http://www.ocolclo.gc.ca/publications.asp?Lang=English>

News Releases

[Audit of Canada Post Corporation Services to the Public at Bilingual Postal Outlets](#)

(May 10, 2004)

[2003-2004 Annual Report of the Commissioner of Official Languages: A Slow-Paced Year that Raises Questions](#) (October 19, 2004)

[Going Forward: The Evolution of Quebec's English-Speaking Community](#) (November 5, 2004)

[Doorway to the world: Linguistic duality in Canada's international relations](#) (November 9, 2004)

[The use of minority language press: government misses deadline](#) (January 20, 2005)

[Atlantic Regional Office: Commissioner of Official Languages' New Representative](#)

(January 31, 2005)

Many of the Office of the Commissioner of Official Languages news releases and speeches are available in HTML or PDF format on its Web site, at the following address: http://www.ocolclo.gc.ca/news_nouvelles.asp

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