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# Evaluation of the Language Rights Support Program

**Evaluation Services Directorate**

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## List of Acronyms

|        |  |
|--------|--|
| COL    | Commissioner of Official Languages                                     |
| OLMC   | Official Language Minority Communities                                 |
| IPPMEC | Integrated Planning, Performance, Measurement and Evaluation Committee |
| DOLC   | Development of Official-Language Communities                           |
| ESD    | Canadian Heritage Evaluation Services Directorate                      |
| FCFA   | Fédération des communautés francophones et acadienne du Canada         |
| PRG    | Canadian Heritage Policy Research Group                                |
| EWG    | Evaluation Working Group   |
| OLA    | <i>Official Languages Act</i>  |
| ADR    | Alternative Dispute Resolution   |
| EOL    | Enhancement of Official Languages                                      |
| LRSP   | Language Rights Support Program  |
| OLSP   | Official Languages Support Programs                                    |
| PCH    | Canadian Heritage  |
| CCP    | Court Challenges Program   |
| PRA    | Prairie Research Associates, Inc.                                      |
| QCGN   | Quebec Community Groups Network  |
| TBS    | Treasury Board Secretariat   |
| UO     | University of Ottawa   |

# Summary

## Overview of the program and evaluation

The Language Rights Support Program (LRSP) was created following an out of court agreement reached in 2008 between the Canadian federal government, the Fédération des communautés francophones et acadienne du Canada (FCFA) and the Commissioner of Official Languages (COL). This out of court agreement occurred as part of a legal remedy initiated by the FCFA in response to the Canadian government's decision to eliminate the Court Challenges Program (CCP) in 2006.

The LRSP's three objectives are to:

- promote awareness of language rights through public education, particularly among official language minority communities (OLMCs);
- offer access to an alternative dispute resolution process to settle disputes out of court; and
- support litigation that helps to advance and clarify constitutional language when test cases are involved and dispute resolution efforts have not resolved matters.

Pursuant to these objectives, the LRSP targets official languages rights guaranteed by the interpretation or application of section 93 or 133 of the *Constitution Act*, 1867 or guaranteed by section 23 of the *Manitoba Act*, 1870 or by sections 16 to 23 of the *Constitution Act*, 1982 or by equivalent constitutional provisions or clarification of the freedom of expression guaranteed by section 2 of the *Canadian Charter of Rights and Freedoms* when this freedom is invoked in a significant official language minority case.

Three operational components reflect the LRSP's three objectives:

- Component 1 "Information and promotion" which is dedicated to: outreach, dissemination of knowledge and impact studies;
- Component 2 "Alternative Dispute Resolution (ADR)" which is dedicated to: mediation, arbitration and consensual resolution of disputes involving rights covered under the LRSP; and
- Component 3 "Legal remedies" which is dedicated to: financing test cases before the courts involving rights covered under the LRSP.

The LRSP is under the general responsibility of Canadian Heritage (PCH). Following a competitive process, the University of Ottawa (UO) was selected as manager of the LRSP and a first contribution agreement was signed in 2009. The UO is responsible for the implementation and management of the program. A committee of external experts, created specifically for the LRSP and consisting of legal experts, representatives from linguistic minority communities and a conflict resolution specialist, complete the management structure. The committee members are appointed by the Minister of Canadian Heritage and Official Languages.

This evaluation covers the 2009-10 to 2013-14 fiscal years. For this period, the LRSP actual expenditures reflected the planned budget of \$7.1 million for five years.<sup>1</sup>

The evaluation was conducted in accordance with the *Financial Administration Act* and aims to report on the results obtained since the launch of the LRSP in order to support decision-making by executives. The evaluation addresses issues of relevance and performance, including effectiveness, efficiency and economy, in accordance with the Treasury Board Secretariat (TBS) *Policy on Evaluation*, 2009.

This evaluation of the LRSP was included in the Departmental Evaluation Plan 2014-15 to 2018-19 and was conducted internally by the Evaluation Services Directorate (ESD) with support from Canadian Heritage's Policy Research Group (PRG) and external consultants. An Evaluation Working Group (EWG) was set up to guide this evaluation. The evaluation uses three sources of information:

- A documentary review, including the LRSP's Web sites and administrative files;
- A literature review; and
- Interviews with key stakeholders, including three experts that are members of the Canadian Bar.

The evaluation examined a series of issues regarding the LRSP's relevance (continued program need, alignment with government priorities and alignment with federal roles and responsibilities) and its performance (achievement of expected outcomes and demonstration of efficiency and economy).

### **Continued program need**

The LRSP is the result of an out of court agreement between the federal government, the FCFA and the COL. Since this agreement asserts permanent status, the program meets a considerable need expressed by the signatory parties. The LRSP received a total of 161 requests for financing of which 123 were funded from 2009-10 to 2013-14. These numbers show the continued need for the LRSP. The unanimous opinion of key stakeholders interviewed confirms this need. According to them, the LRSP is necessary for the equality of both official languages and, since the number of cases remains steady, there is still a need to provide financial support. Without financial support, many of them would not file a complaint with the courts. Consequently, many OLMCs test cases would never be brought before the courts. According to key stakeholders, the aging population in some OLMCs and the increase of interprovincial emigration and the number of new immigrants has created an increase in needs at the same rate of the increase in population in number and diversity. Visible minority Francophone immigrations face considerable challenges regarding access to justice, and like newcomers, they do not always know the nature and scope of their rights.<sup>2</sup> The challenges faced regarding constitutional language rights also attest to the current needs met by the LRSP.

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<sup>1</sup> Source: Financial report of the revenues and expenditures from 2009-10 to 2013-14

<sup>2</sup> University of Ottawa community legal clinic (2000), visible minority francophones and access to justice in Ontario, Ottawa, University of Ottawa.

## **Alignment with government priorities**

The federal government renewed the contribution agreement with the UO for management of the LRSP until 2017 and the Roadmap for Canada's Official Languages until 2017-18 thereby emphasizing the importance it places on official languages issues. The LRSP, by encouraging the vitality of Canada's English and French minorities, also contributes to achieving the PCH Strategic Outcome 2 "Canadians share, express and appreciate their Canadian identity" (see Appendix E).

## **Alignment with federal roles and responsibilities**

The LRSP enables the federal government to fulfill its national and international responsibilities regarding the protection of language rights. Nationally, the federal government's action is guided by the *Constitution Act, 1867*, the *Canadian Charter of Rights and Freedoms* and the *Manitoba Act, 1870*, documents specifying fundamental constitutional rights that cannot be ignored by the Government. In addition, the *Official Languages Act (OLA)* guarantees additional language rights that are not included in the constitutional documents. The International Covenant on Civil and Political Rights, ratified by Canada, guarantees all persons equal and effective protection against discrimination on any ground, such as language, and also specifically protects the rights of linguistic minorities.

PCH has the mandate to ensure the advancement of the equality of status and use of both English and French, promoting and developing Canada's English and French minorities and to ensure the implementation of certain sections of the OLA with respect to promoting the use of English and French.

Some key stakeholders believe that the federal government has a constitutional obligation to promote and protect language rights.<sup>3</sup> Since it promotes ongoing awareness and understanding of language rights and supports complainants who wish to assert their rights, in their opinion, the LRSP is an adequate method for protecting these rights and contributing to the vitality of OLMCs.

## **Achievement of expected outcomes**

The key stakeholders consulted recognize that the LRSP is making significant and targeted efforts under Component 1 "Information and promotion", particularly through developing tools with the OLMCs. These efforts resulted in the organization of roundtables, annual meetings and regional meetings across Canada that covered various topics of interest for the ultimate recipients. During the period covered by the evaluation, a dozen meetings were organized on 15 key themes for Canadians, such as health, justice, education, media and culture, and involving the participation of more than 700 individuals. Although a large number of

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<sup>3</sup> The Government does not have a constitutional obligation related to the promotion and protection of language rights. This obligation is imposed by the *Official Languages Act* that, while quasi-constitutional, is not integrated in the Constitution of Canada as such.



stakeholders have been invited to participate in the roundtables and annual meetings since the LRSP was started, participation rates have decreased, but still remain above the anticipated targets.

Information concerning the existence of the LRSP and the role it plays was disseminated through many media reports and articles, the distribution of various advertising material and the Web site whose traffic (around 500 visits per month on average) exceeded the anticipated targets, despite some stagnation in recent years.

Component 1 "Information and promotion" of the LRSP resulted in the financing of 18 impact studies out of the 19 files received, or around 4.5 requests financed per year. This small number nevertheless exceeds the target of two to four financed requests per year.

Key stakeholders have differing views on some aspects of Component 1 "Information and Promotion", particularly on the relevance of raising awareness among the general population. Others suggest reducing the budgets allocated to this component or even completely eliminating the budget and transferring it to Component 3 "Legal Remedies."

For Component 2 "ADR", 36 requests for financing were received and 27 were approved during the period evaluated. The national list of ARD professionals was eliminated from the LRSP because those requesting funding were not using it. The majority of key stakeholders noted that very few ADRs led to an out of court settlement agreement (only two). The lack of strong results has led a majority of key stakeholders to recommend making Component 2 "ADR" optional, or even eliminating it. This opinion is strengthened by the reservations expressed by the legal community who believes that the area of constitutional rights does not lend itself well to mediation exercises.

Component 3 "Legal Remedies" is the most significant for the LRSP in terms of requests received (106) and financed (78) from 2009-10 to 2013-14 and concerns education law, views of equality, services and communications and legislative and legal aspects. The number of requests received has been increasing whereas the approval percentage has been decreasing since 2011-12. This can be explained by the fact that in December 2010, the committee of experts adopted a proposal to increase the maximum amount planned for trial litigation from \$85,000 to \$125,000. Increased financing for this component could help increase the number of requests financed and thereby increase the approval percentage or even increase the financing amount of approved requests.

Key stakeholders interviewed have differing opinions regarding the contribution of Component 3 "Legal Remedies" to the advancement and clarification of language rights. Some believe that the LRSP already has an impact and could continue to have an impact by supporting a number of test cases. Whereas others find that given the increased complexity and duration of cases, the program is more symbolic in nature. However, many key stakeholders believe that, although it is relatively modest, the LRSP's financial support is not insignificant and could cause a ripple effect by encouraging individuals and organizations to assert their language rights.

## **Demonstration of efficiency and economy**

The LRSP's expenditures of \$6,935,950 were within the anticipated budget of \$7,100,100 for the evaluation period. The administrative cost of 24.3 percent on average remained below the budget's 30 percent limit, i.e. \$450,000 per year as anticipated in the out of court agreement.

The LRSP is a unique initiative. There is no program that targets similar results in terms of constitutional language rights, which limits the analysis on the appropriate use of resources allocated to the LRSP.

Key stakeholders believe that the LRSP's resources are used in a relevant and appropriate manner, but that they are insufficient overall. In their opinion, the budgets do not reflect the current legal costs. Some key stakeholders recommend the transfer of funds from components 1 "Information and Promotion" and 2 "ARD" to component 3 "Legal Remedies" or even the complete elimination of the two first components in favour of the third.

However, program documents and interviews with key stakeholders showed the flexibility of the contribution agreement that enabled the redistribution of funds assigned to Components 1 "Information and Promotion" and 2 "ADR" to Component 3 "Legal Remedies" in order to meet the influx of financing requests for legal remedies over the years. Key stakeholders note effective program management by the UO and the LRSP in ensuring follow-up on the processes and standards.

Key stakeholders did not identify other methods that would be more effective. They noted that it is still early in the LRSP's implementation to change the terms and conditions, even though they suggest eliminating components 1 "Information and Promotion" and 2 "ADR" in favour of component 3 "Legal Remedies." The LRSP is complementary to other official languages promotion activities carried out by the Government of Canada and the provinces and territories.

## **Recommendation**

### **Recommendation 1**

In preparation for the next contribution agreement, the Assistant Deputy Minister of Citizenship, Heritage and Regions should consult the stakeholders in order to better target his intervention to increase the impact of each component of the program, particularly the "ADR" Component.

# 1. Introduction and background

This report details the evaluation results of the Language Rights Support Program (LRSP) administered by Canadian Heritage (PCH). The following pages provide an overview of the LRSP, specify the context in which the evaluation was conducted and summarize the related objectives and issues.

Following the report, there is a description of the evaluation's methodology, the main observations related to the LRSP's relevance and performance, the significant conclusions of the study and recommendations for decision-makers. The report concludes with appendices that provide further program information.

## 1.1 Overview of the LRSP

### 1.1.1 Origin

The Court Challenges Program was initiated in 1978 for language rights and expanded in 1985 to cover the equality rights under the Canadian Charter of Rights and Freedoms. It supported access to justice for marginalized communities and promoted the awareness and understanding of Canadian's rights under the Charter.

The CCP funded test cases of national significance to clarify constitutional language rights and equality rights in relation to federal legislation, policy, programs and practices.

The cancellation of the CCP in 2006 resulted in a suit in court. The Fédération des communautés francophones et acadienne du Canada (FCFA) filing an application in Federal Court stating that the decision to abolish the program was a violation of the *Official Languages Act*. It is within this context that the LRSP, funded by PCH, was created in 2008, following an out-of-court agreement negotiated between the FCFA, the Government of Canada and the Commissioner of Official Languages (COL). At that time the Government had committed to honor all commitments towards the recipients that had been approved by the CCP before September 25, 2006 and until the exhaustion of available legal remedies.

The out of court agreement outlines the LRSP's implementation methods (i.e. the three program components, the language rights covered, how the LRSP is administered, budget etc.). It was agreed that the Minister of PCH would finance this new program within the existing resources of the Official Languages Support Programs (OLSP) as of 2009-10.

### 1.1.2 Objectives

The LRSP's objectives are to:

- promote awareness of language rights through public education;
- offer access to alternative dispute resolution processes to settle disputes out of court;
- support litigation that helps to advance and clarify constitutional language rights when test cases are involved and dispute resolution efforts have not resolved matters.

Pursuant to these objectives, the LRSP targets the official languages rights guaranteed by the interpretation or application of section 93 or 133 of the *Constitution Act*, 1867 or guaranteed by section 23 of the *Manitoba Act*, 1870 or by sections 16 to 23 of the *Constitution Act*, 1982 or by equivalent constitutional provisions or clarification of the freedom of expression guaranteed by section 2 of the *Canadian Charter of Rights and Freedoms* when this freedom is invoked in a significant official language minority case.<sup>4</sup>

### 1.1.3 Activities

Three operational components reflect the LRSP's three objectives:

1. **Information and Promotion:** This component is intended for the Canadian public in general and more specifically, official language minority communities (OLMCs). It helps support initiatives that promote the outreach and dissemination of information on language rights. The LRSP carries out projects to improve overall knowledge of constitutional language rights in Canada. To do so, it may conduct strategic consultations, create information and communication tools, and conduct impact studies on legal decisions. A second set of activities will group the promotion measures of the LRSP itself. The manager will be responsible for maintaining a LRSP brand that will be used on all promotional items and that will help distinguish the LRSP activities from those of its manager.<sup>5</sup>
2. **Alternative Dispute Resolution (ADR) including exploratory studies:** The objective of this component is to resolve conflicts related to language rights targeted by the LRSP by promoting out of court resolution (i.e. mediation, negotiation). The LRSP will contribute to reimbursing the preparation of conflict resolution professional services and applicant files. Financial assistance is granted as long as the requests concern constitutional language rights and are accepted by the committee of experts.<sup>6</sup>
3. **Legal Remedies:** The intent of this component is to help individuals or groups representing individuals or groups bring to court or to intervene in an unresolved dispute concerning a targeted language right by the LRSP. The dispute must be a test case that is likely to advance the state of law. A test case was defined by the LRSP's committee of experts as a case that raises an issue or a question that has not yet been addressed by the courts; or brings an issue that a lower-level court has already rendered a decision but that is likely to be appealed; or an issue that was decided more than once by the courts but the judgements remain contradictory. The importance of the litigation and its funding will be re-examined at each step of the legal process. To be eligible for the assistance listed in Component 3 "Legal Remedies", it will have to be determined that conflict resolution efforts were carried out in good faith and failed.<sup>7</sup>

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<sup>4</sup> Accord de contribution du PADL.

<sup>5</sup> Brynaert & Associé. e. s. (2011), Language Rights Support Program: Mid-point Evaluation Report, Ottawa, Report prepared by Matthieu Brennan.

<sup>6</sup> Accord de contribution du PADL.

<sup>7</sup> *Ibid.*

## **1.1.4 Governance**

### **1.1.4.1 PCH/University of Ottawa**

The LRSP is implemented under the general responsibility of PCH and is administered by the University of Ottawa (UO), which was named the LRSP's managing institution following a competitive process, on September 9, 2009.<sup>8</sup>

The manager must report to PCH on its activities and appropriate use of the allocated funds. More specifically, the manager's roles and responsibilities are the following:

- implement and ensure delivery of the LRSP;
- manage the LRSP's overall annual budget;
- provide periodic reports to PCH on activities;
- ensure that all contribution agreement conditions are met;
- determine and implement communication and consultation mechanisms to ensure continued liaison with the communities;
- ensure a dedicated team for the implementation of the LRSP exists that:
  - provides Secretariat services to the committee of experts;
  - develops and recommends program documents;
  - develops and recommends documents for approval by the committee of experts;
  - analyzes files and makes recommendations to the committee of experts to support the LRSP's three components;
  - implements and manages LRSP's activities; and
  - participates in the internal evaluation of LRSP activities.

### **1.1.4.2 Committee of experts**

The external committee of experts, created specifically for the LRSP, plays an essential role in its implementation and ongoing activities. Roles and responsibilities of the committee of experts are the following:

- Select files to be supported by the three Program components based on expert knowledge of the state of law, the communities' needs and LRSP guidelines and objectives;
- Provide guidance for the development of and approve file assessment grids and funding parameters for the three LRSP components;
- Advise the managing institution with respect to the budget allocations for the different components of the LRSP;
- Advise the managing institution on appropriate communication and collaboration mechanisms to ensure ongoing links to the communities; and
- Provide guidance and feedback to the Program staff on their support to Panel activities.

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<sup>8</sup> Language Rights Support Program. 2009-2010 Annual Report.

The Panel is composed of nine members appointed by the Minister of PCH after soliciting nomination proposals from organizations such as the FCFA, the Quebec Community Groups Network (QCGN) and the Canadian Bar Association. Once appointed, the Panel members are totally independent from the Minister and only report to the LRSP manager.

The nine members of the Panel include:

- Four lawyers;
- Three representatives from the Francophone and Acadian minority community;
- One representative from the Anglophone minority community; and
- One representative specializing in alternative dispute resolution.

The nine members comprise balanced representation (skills, region and language). It is proposed that the regular mandate of the Panel members be three years and that the original Panel is composed in such a way so that no more than three members complete their mandate at the same time.

### 1.1.5 Resources

As prescribed in the out of court agreement, the LRSP's funding rose to \$1.5 million annually (except for the first year where the LRSP received \$1.1 million from PCH).<sup>9</sup> Table 1 shows the LRSP's detailed budget and annual expenditures from 2009-10 to 2013-14.

**Table 1: Financial Report of LRSP's Revenues and Expenditures from 2009-10 to 2013-14**

| Category                                 | 2009-2010        | 2010-2011        | 2011-2012        | 2012-2013 <sup>10</sup> | 2013-2014        | TOTAL            |
|--|------------------|------------------|------------------|-------------------------|------------------|------------------|
| <b>Budget approved</b>                   | <b>1,100,000</b> | <b>1,500,000</b> | <b>1,500,000</b> | <b>1,500,000</b>        | <b>1,500,000</b> | <b>7,100,000</b> |
| <b>Expenditures</b>                      |                  |                  |                  |                         |                  |                  |
| Administration                           | 155,935          | 383,345          | 450,000          | 393,750                 | 342,048          | 1,725,078        |
| Exceptional start-up costs               | 230,000          |                  |                  |                         |                  | 230,000          |
| Component 1: "Information and Promotion" | 63,392           | 226,364          | 241,204          | 220,149                 | 190,699          | 941,808          |
| Component 2: "ADR"                       | 69,555           | 31,613           | 114,446          | 68,837                  | 285,903          | 570,354          |
| Component 3: "Legal Remedies"            | 546,396          | 733,281          | 690,420          | 817,264                 | 681,350          | 3,468,710        |
| <b>Total expenditures</b>                | <b>1,065,278</b> | <b>1,374,603</b> | <b>1,496,070</b> | <b>1,500,000</b>        | <b>1 500,000</b> | <b>6,935,950</b> |

Source: This data is from the UO's annual reports and the data provided by the program to PCH.

<sup>9</sup> Source: Financial report of the revenues and expenditures from 2009-10 to 2013-14.

<sup>10</sup> Note — In order to facilitate the financial management for the "ADR" and "Legal Remedies" components, the contribution agreement was changed as of March 9, 2010 to provide the recipient with the possibility of transferring funds to the lawyers' Trust Accounts for which the case was approved by the LRSP up to 100 percent of the amount. This enables the UO to use the funds for the current year for a case approved by the committee of experts during that same year, even if a portion of the expenditures will be made in the following years. If the case ends without the Trust Account funds being fully used, the remaining amounts will be reimbursed to the program in order to be reinvested in different components. In 2012-13, the LRSP spent \$336,116 from the reimbursement of Trust Account funds. Of this amount, \$24,253 was allocated to administration fees, \$40,618 to the "ADR" component and \$271,245 to the "Legal Remedies" component. These amounts are indicated in the LRSP's public Annual Report.

## 1.2 Evaluation issues, objectives and context

This evaluation of the LRSP was planned in the Departmental Evaluation Plan 2014-15 to 2018-19 and is conducted, in part, internally by the Evaluation Services Directorate (ESD) with support from Canadian Heritage's Policy Research Group (PRG) and external consultants. An Evaluation Working Group (EWG) was set up to guide this evaluation.

The evaluation was conducted in accordance with the and the *Financial Administration Act* and aims to report on the results obtained since the launch of LRSP in order to support decision-making by executives.

This evaluation covers the period from when the LRSP was implemented, i.e. from 2009-10 until 2013-14. Since the documentary analysis conducted for this evaluation was carried out at the end of 2014, the quantitative data available for the 2014-15 fiscal year was not taken into account to ensure comparability between the years. This is particularly true for the data related to the number of funding requests received and approved, which could have been underestimated since the fiscal year was not yet over. The qualitative data for 2014-15 was taken into account in the analysis.

The evaluation will address issues of relevance and performance, including effectiveness, efficiency and economy, in accordance with the Treasury Board Secretariat (TBS) *Policy on Evaluation, 2009*.

More specifically, the evaluation will answer the following questions (see Appendix A for the evaluation matrix):

### ***Continued need***

1. How does the LRSP meet a demonstrable need?

### ***Alignment with government priorities***

2. How does the LRSP align with the federal government's priorities and the PCH's strategic outcomes?

### ***Alignment with federal roles and responsibilities***

3. How does the LRSP align with federal roles and responsibilities?

### ***Achievement of expected outcomes***

4. To what extent did the LRSP promote awareness of constitutional language rights by educating Canadians, more specifically, OLMCs?
5. Did the ADR enable better conflict management through coaching and conflict resolution resources provided by the LRSP?
6. How did the LRSP support legal remedies that enable the advancement and clarification of constitutional language rights in test cases and when the conflict resolution process has failed?
7. Did the LRSP have unplanned impacts (positive or negative)?

***Demonstration of efficiency and economy***

- 8a. Are the resources allocated to the LRSP used appropriately in order to produce the expected outcomes?
- 8b. Did the terms of the contribution agreement allow for optimal management of the funds allocated to the LRSP?
- 9. Are there more effective ways of achieving the outcomes?
- 10. Did the LRSP overlap with, duplicate or complete the efforts of other public or private organizations?



## 2. Evaluation methodology

This chapter provides an overview of the methodological framework behind the evaluation of the LRSP. It will also cover the main constraints and limitations of the study.

### 2.1 Methodological framework

Before undertaking the evaluation, preliminary discussions were held with the Program team, which led to the development of a Terms of Reference for the evaluation that includes a program description, the evaluation scope and issues, the methodological approach and a detailed evaluation framework. The Terms of Reference was approved by PCH's Integrated Planning, Performance Measurement and Evaluation Committee (IPPMEC) in November 2014.

The evaluators conducted the work in compliance with the *Standard on Evaluation* for the Government of Canada (2009) in order to ensure the quality, neutrality and utility of the LRSP evaluation. The evaluators used a variety of techniques and tools in order to comply with standards for evaluation processes and activities; evaluation design and planning; evaluation project management and disclosure and use of evaluations.

The evaluation approach adopted was also based on the calibration process as defined by the TBS Centre of Excellence for Evaluation<sup>11</sup> to produce economical, quality evaluations. The evaluation of the LRSP was calibrated as follows:

- **Previous evaluations:** Use of observations, conclusions and recommendations from the mid-term evaluation of the LRSP to provide content for this evaluation.
- **Evaluation approach and model:** Use of an approach combining the sources of quantitative and qualitative data and maximizing the use of secondary data sources.
- **Data collection methods:** The evaluators used existing data as much as possible and only had to collect missing data.
- **Report:** A short strategic evaluation report was produced.
- **Governance and project management:** To increase efficiency, this evaluation used PCH's internal resources as much as possible. A detailed schedule was developed outlining timelines and approval process.

The evaluation of the LRSP used three sources of information: 1) a document review including the Program's Web sites and administrative files; 2) a literature review and; 3) interviews with key stakeholders, including three experts members of the Canadian Bar.<sup>12</sup>

**Documents review.** The comprehensive review of LRSP documents was carried out for the period of 2009-2010 to 2014-2015, but since the data for 2014-15 was incomplete, only data up to 2013-14 was presented to ensure comparability of data between the years. These documents include (but not limited to):

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<sup>11</sup> Treasury Board of Canada Secretariat. What to consider when calibrating evaluations, November, 30 2015.

<sup>12</sup> Should not be confused with the members of the LRSP's committee of experts.

- LRSP's annual reports;
- contribution agreements;
- the OLSP Results-based Management and Accountability Framework and Risk-based Audit Framework: Development of Official-Language Communities (DOLC) and Enhancement of Official Languages (EOL);
- reports on internal evaluations conducted by the LRSP;
- administrative files, among others:
  - progress and final reports on activities and outcomes;
  - meeting minutes;
  - e-mails and communications between PCH and UO;
  - project sheets;
  - working group and annual meeting minutes; and
  - documents related to roundtables.

The quantitative and qualitative information obtained was compiled in a matrix for each of the evaluation questions and a summary was prepared in a technical report.

***Literature review:*** The literature review was conducted using the documentary analysis method, which consists of literature search of quantitative and qualitative information, tabulation, analysis and synthesis of this information. This method sets out the context in which the Program evolves.

More specifically, this analysis addressed the following evaluation questions:

- How does the LRSP meet a demonstrable need? (Question 1);
- Are the resources allocated to the LRSP used appropriately in order to produce the expected outcomes? (Question 8a);
- Are there more effective ways of achieving the outcomes? (Question 9);
- Did the LRSP overlap with, duplicate or complete the efforts of other public or private organizations? (Question 10).

***Interviews with key stakeholders:*** Fifteen interviews were held with 19 key stakeholders:

- LRSP officials at UO (3);
- contribution agreement officials at PCH (5);
- representatives from advocacy organizations: the FCFA (1) and the Quebec Community Groups Network (3);
- members of the Canadian Bar (3); and
- members of the LRSP's committee of experts (current and former) (4).

The questions discussed with each respondent essentially repeated the evaluation questions listed in section 1.2.

The information drawn from the three sources identified above helped to answer all the evaluation questions and to determine the extent to which the expected outcomes in the PCH-UO

contribution agreement were achieved (Appendix B) when the targets were clearly listed and the data was available.

## **2.2 Evaluation constraints and limitations**

Although the methodology had a number of strengths, such as the combination of qualitative and quantitative data sources as well as primary and secondary data, some constraints and limitations of the evaluation should be noted:

- Even though the evaluation process used the three sources of information described above, some evaluation questions were not systematically addressed by all lines of evidence. It was therefore not always possible to support all the observations with more than one source as applied using the triangulation method.
- Due to the inherent confidentiality of this Program, the objectives did not include consulting the ultimate recipients of the LRSP. However, we can assume that their views on relevance and efficiency would have been useful.
- The PCH-UO contribution agreement identifies performance indicators and activities with a few targets, but not for all indicators. The ESD recognizes the significant efforts in terms of performance in the first contribution agreement (i.e. development of outcome indicators, identification of certain targets) and encourages the Program to continue with improvements in this regard.
- Some data, particularly for the number of requests received and approved, are not consistent from one source of information to another. The source of data presented in the report is indicated to eliminate any misunderstandings.
- The 2014-15 data was not available for all facets of the LRSP, specifically related to the budget and number of requests received and approved. The evaluation therefore covers the period from 2009-10 to 2013-14, while taking into account the qualitative nature for 2014-15, until the documentary review was prepared in November 2014.

These constraints and limitations were mitigated whenever possible and do not impact the conclusions of this evaluation.

### 3. Findings

This chapter summarizes the key observations identified in the underlying three lines of evidence for the evaluation. It relies on the relevance of the LRSP, discussed from a continued program need perspective, alignment with government priorities and alignment with federal roles and responsibilities. The performance of the LRSP (i.e. achievement of the expected outcomes and the demonstration of efficiency and economy) was also examined.

Based on the accumulation and triangulation of information obtained through the lines of investigation, the findings are summarized in the conclusion section outlined in Chapter 4.

#### 3.1 Relevance

The following pages address the LRSP's relevance, discussed from a continued program need perspective of the program, alignment with government priorities and alignment with federal roles and responsibilities.

##### 3.1.1 *Continued program need*

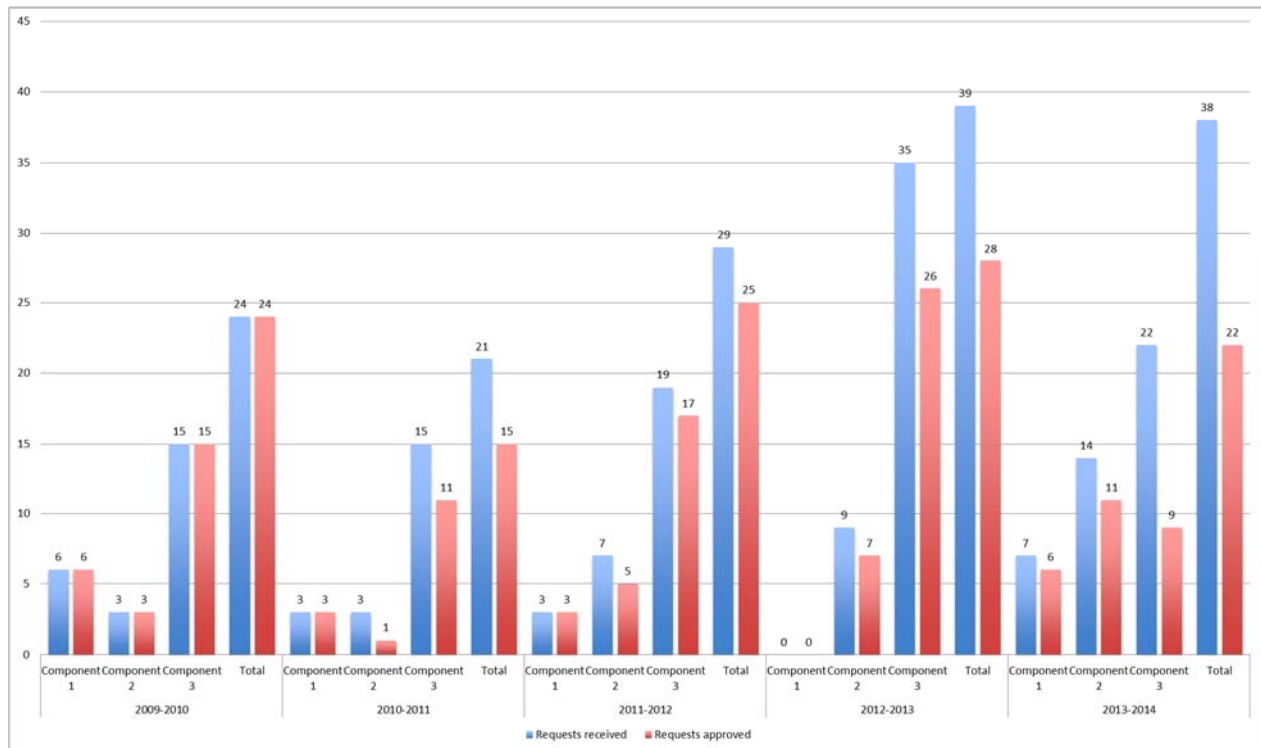
###### KEY FINDINGS

- A total of 161 funding requests were identified in the information sources from 2009-10 to 2013-14 and 123 requests were approved (76 percent).
- The overall trend in the number of requests is on the rise.
- Seniors and newcomers to Canada in linguistic minority communities constitute a potential growing clientele.
- Visible minority Francophone immigrants face considerable challenges concerning equitable access to justice.
- The key stakeholders consulted acknowledge the existence of a current and future continued need.

The LRSP is the result of an out of court agreement between the federal government, the FCFA and the CLO. Since this agreement gives it permanent status, the Program meets a clear need expressed by the signatory parties.

Diagram 1 outlines the number of requests received and approved for the LRSP's three components. Generally, the total number of requests received increased from 2009-10 to 2013-14 while the number of requests approved remained stable for the same period. The number of requests received and approved for Component 3 "Legal Remedies" significantly decreased between 2012-13 and 2013-14, however, for the other two components, there was a slight increase. This decrease can be attributed to the increase in the maximum amounts allowed for trials that rose from \$85,000 to \$125,000.

**Diagram 1: Number of funding requests received and approved based on the LRSP component and fiscal year**



The number of total requests received and approved since 2009-10 (161 and 123 respectively) suggest an actual continued need for the LRSP. Excluding 2013-14, there is an increase in requests for funding, which gives a sense of the changing needs and their current state.

The literature review and interviews with key stakeholders identified the evolution of emerging needs. The key stakeholders interviewed noted that the LRSP is necessary for the equality of both official languages and the legal proceedings attest to this. They maintain that the complainants' need for funding will always exist and without financial support, many people would not file complaints with the courts. Consequently, many OLMC test cases would not have been brought before the courts. The aging population in some OLMCs, as well as the increase in interprovincial emigration and the number of newcomers means that the needs are increasing at the same rate as the population in number and in diversity. Some key stakeholders also cited a study from the Community Legal Clinic at the University of Ottawa that stressed the fact that visible minority Francophone immigrants face considerable challenges in terms of access to justice. As newcomers, they do not always know the nature and scope of their rights and do not necessarily know how to assert them. This creates potential challenges in fulfilling language rights that demonstrates an even greater actual need that the LRSP meets.

### **3.1.2 Alignment with government priorities**

#### **KEY FINDINGS**

- The LRSP is in alignment with government priorities, to the extent that it has approved some programs targeting language rights and official languages.
- The link between the LRSP and PCH's strategic outcomes is recognized in Program documents and by the key stakeholders.

The Program documents and interviews provide support for the LRSP's alignment with government priorities and the PCH's strategic outcomes.

#### **3.1.2.1 Government priorities**

Although the last Speech from the Throne (2013) focused on economic recovery and did not mention official languages or constitutional language rights, the federal government has shown interest in this subject by extending some key programs.

In fact, the government renewed the contribution agreement with the University of Ottawa for the management of the LRSP until 2016-17 and also renewed the Roadmap for Canada's Official Languages until 2018. Despite the fact that the Roadmap does not fund the LRSP, it is in the same vein by supporting the vitality of official language communities and promotion of linguistic duality, particularly in terms of justice. Official languages support is included in the Budget 2013 priorities and in the government's spending estimates for the same year.

Some key stakeholders did not answer this question on the LRSP's alignment with government priorities, but instead referred to their perception of its constitutional obligations,<sup>13</sup> which is more closely related to evaluation question #3 discussed in the next section.

#### **3.1.2.2 PCH's strategic outcomes**

The LRSP is part of PCH's Official Languages Support Programs (OLSP), i.e. the EOL program (for Component 1 "Information and Promotion") and the DOLC program (for Components 2 "ADR" and 3 "Legal Remedies"). The OLSPs directly support PCH's strategic outcome 2 to ensure that "Canadians share, express and appreciate their Canadian identity."

Appendix C outlines the EOL's Program Logic Model while Appendix D outlines the one for the DOLC. Appendix E outlines the PCH Program Alignment Architecture for 2014-15. These appendices clearly summarize the LRSP's alignment to PCH's strategic outcome 2.

According to key stakeholders, the connection between the LRSP and the PCH's outcomes is clear. In their opinion, the LRSP ultimately contributes to the departmental priority to invest in Canadian communities.

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<sup>13</sup> The government does not have a constitutional obligation to promote and protect language rights. This obligation is imposed by the *Official Languages Act* which, while quasi-constitutional in nature, is not included in the Constitution of Canada as such.

### **3.1.3 Alignment with federal roles and responsibilities**

#### **KEY FINDING**

- The LRSP is in alignment with the federal government's national and international obligations.

The three lines of evidence converge to show the following: PCH and the federal government's roles and responsibilities regarding civil rights and policies (including language rights) are of national and international nature and scope.

#### **3.1.3.1 Federal government roles and responsibilities**

Nationally, the government's action is guided by the *Constitution Act, 1867*, the *Canadian Charter of Rights and Freedoms* and the *Manitoba Act, 1970*. These documents set out the fundamental language rights that, due to their constitutional nature, cannot be easily modified, thereby giving them a permanence that the government cannot ignore. The OLA guarantees additional language rights that are not included in the constitutional documents, particularly the obligation to look after the OLMCs.

Internationally, the International Covenant on Civil and Political Rights, ratified by Canada, guarantees all persons equal and effective protection against discrimination on any ground, such as language (Article 26). Article 27 also protects the rights of linguistic minorities, particularly to enjoy their own culture and use their own language.

#### **3.1.3.2 PCH's roles and responsibilities**

Aside from the federal government's legal obligations outlined above, PCH also has mandate relating to Canadian identity and values, cultural development and heritage, particularly to advance the equality of status and use of the English and French languages as well as the promotion and development of Anglophone and Francophone minorities in Canada. In addition, PCH has a mandate to ensure implementation of certain sections of the OLA related to the promotion of English and French.

Some key stakeholders noted their perception of the government's constitutional obligation related to the promotion and protection of language rights.<sup>14</sup> According to them, the LRSP is the appropriate method for protecting these rights and ensuring the vitality of OLMCs since it promotes increased awareness and understanding of language rights and supports complainants who wish to assert their rights.

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<sup>14</sup> The government has no constitutional obligation related to the promotion and protection of language rights. This obligation is imposed by the *Official Languages Act* which, while quasi-constitutional in nature, is not included in the Constitution of Canada as such.

## 3.2 Performance (Effectiveness, efficiency and economy)

This section describes the findings related to two sub-questions discussed in the evaluation, i.e.: the achievement of the expected outcomes and the demonstration of efficiency and economy.

### 3.2.1 Achievement of expected outcomes

#### 3.2.1.1 Component 1 "Information and Promotion"

##### KEY FINDINGS

- Roundtables, annual and regional meetings were organized on a regular basis, in all regions of Canada and helped address many areas of interest for recipients.
- Although a large number of stakeholders were invited to participate in roundtables and annual meetings since the beginning of the LRSP, the participation percentage has decreased, but still remains above the anticipated targets.
- The participation rate to regional meetings during the first two years increased despite the fact that the absolute number of guests and participants seemed to have decreased in the Atlantic and Quebec regions. After the contribution agreement was renewed, this activity was cancelled.
- The participant satisfaction rate for activities organized as part of the LRSP varies from "high" to "very high" for roundtables and annual meetings.
- The participant satisfaction rate for regional meetings is lower, on average, for meetings held in the Atlantic and Quebec regions than those held in the Western and Northern, as well as in Ontario.
- The number of LRSP Website visits has remained stable since 2011-12, while the number of pages visited has increased.
- The average annual number of impact study funding requests received (4.75) and approved (4.5) is higher than the target of two to four studies per year.
- Key stakeholders recognize the significant and well-targeted efforts of the LRSP in terms of information and promotion, particularly in developing tools with the OLMCs. However, they differing opinions on many other aspects of Component 1 "Information and Promotion", particularly the relevance of raising awareness among the general population.

**Promotional activities.** Two items were considered: 1) roundtables and annual and regional meetings and 2: promotional tools, i.e. material disseminated to the Canadian public.

Diagram 2 and Table 2 show the statistics related to the roundtables and annual meetings.<sup>15</sup> Four roundtables and annual meetings were organized from 2009-10 to 2013-14. There was a significant drop in the participation percentage to the two events even though, at least in the case of annual meetings, the number of guests is increasing. The average participation rate for the period evaluated is 41.8 percent for roundtables and 20 percent for annual meetings, i.e. above

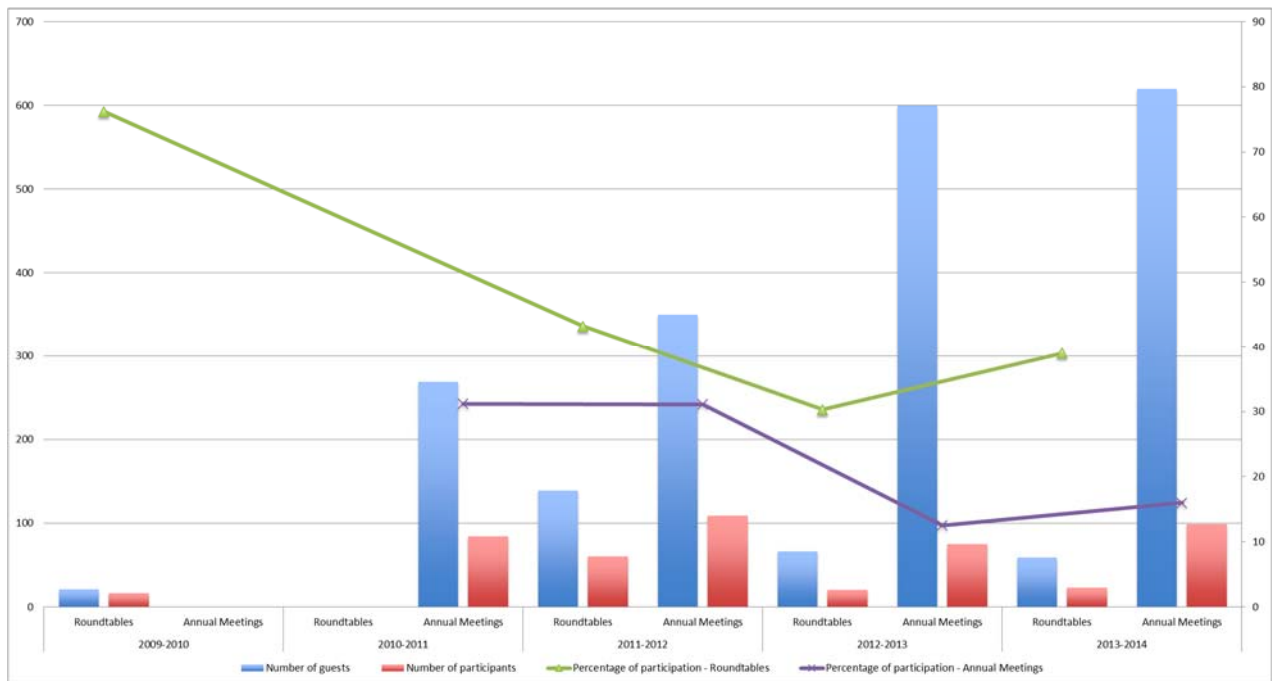
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<sup>15</sup> OLMC and media representatives are invited to roundtables, whereas federal government and municipality stakeholders, legal experts, mediators, community officers and other individuals interested in the LRSP are invited to participate in annual meetings.



the anticipated targets in the PCH-UO contribution agreement, i.e. 35 percent for roundtables and 10 percent for annual meetings. The targets were exceeded each year except in 2012-13 for roundtables (participation percentage: 30.3 percent). The satisfaction rate for these meetings varies between "high" and "very high" for the LRSP evaluation period. The number of unique sectors (or different themes) discussed varies from 4 to 12 annually for a total of 17 after five years for roundtables and from 6 to 9 for a total of 12 for annual meetings, i.e. more than the three sectors anticipated in the contribution agreement.

**Diagram 2: Number of guests, participants and participation percentage to roundtables and annual meetings by fiscal year**



**Table 2: Participant satisfaction and number of sectors discussed during roundtables and annual meetings organized by the LRSP<sup>16</sup>**

| Statistic                             | 2009-2010   | 2010-2011  | 2011-2012  | 2012-2013   | 2013-2014   | TOTAL  |
|---------------------------------------|---|--|--|---|---|--|
| <b>Roundtable</b>                     |   |  |  |   |   |  |
| Participant satisfaction <sup>a</sup> | 3.0   | N/A  | 2.0  | 2.5   | 3.0   | 2.4 <sup>b</sup>   |
| Unique sectors                        | 5   | N/A  | 10   | 2   | 0   | 17   |
| Sectors/yr                            | 5   | N/A  | 12   | 9   | 4   | 7.5  |
| Sectors <sup>c</sup>                  | Health<br>Justice<br>Academic<br>Community<br>Media | N/A  | Education<br>Parents<br>Culture<br>Media<br>Women<br>Seniors<br>Literacy<br>Justice<br>Youth<br>Health<br>Advocacy organizations<br>Federal government | Education<br>Parents<br>Arts and culture<br>Media<br>Literacy<br>Youth<br>Health<br>Community<br>Economic | Education<br>Arts and culture<br>Community<br>Economic                                    | Health<br>Justice<br>Academic<br>Community<br>Media<br>Education<br>Parents<br>Culture<br>Media<br>Women<br>Seniors<br>Literacy<br>Youth<br>Advocacy organizations<br>Federal government<br>Arts and culture<br>Economic |
| <b>Annual meeting</b>                 |   |  |  |   |   |  |
| Participant satisfaction <sup>a</sup> | N/A   | 2.5  |  | 2.5   | 2.0   | 2.2 <sup>b</sup>   |
| Unique sectors                        | N/A   | 6  | 2  | N/A   | 4   | 12   |
| Sectors/yr                            | N/A   | 6  | 6  | N/A   | 9   | 7  |
| Sectors <sup>c</sup>                  | N/A   | Federal and provincial government<br>Justice<br>Education<br>Media<br>Youth<br>Parents | Federal and provincial government<br>Justice<br>Education<br>Parents<br>Women<br>Economic  | N/A   | Legal<br>Education<br>Health<br>Media<br>Scholar<br>Research<br>Youth<br>Parents<br>Women | Federal and provincial government<br>Justice<br>Education<br>Media<br>Youth<br>Parents<br>Women<br>Economic<br>Legal<br>Health<br>Scholar<br>Research  |

<sup>a</sup> 1 = average satisfaction, 2 = high satisfaction, 3 = very high satisfaction

<sup>b</sup> Formula used:  $((n_{an1} \times \text{satisfaction}_{an1}) + (n_{an2} \times \text{satisfaction}_{an2}) + \dots + (n_{ann} \times \text{satisfaction}_{ann})) / n_{an1} + n_{an2} + \dots + n_{ann}$

<sup>c</sup> **Bold**: the sectors that are repeated in previous years are repeated the following years

Table 3 shows similar statistics for regional meetings. Since these events were held only for two consecutive years (2010-11 and 2011-12), it is not possible to identify any major trends. A very low participation rate (< 25 percent) and even lower participant satisfaction rates in the Atlantic and Quebec regions were noted. It was also found that the number of sectors discussed during meetings varied from 3 to 9, thereby in line with the three sectors listed in the PCH-UO contribution agreement.

Overall, the LRSP covered all Canadian regions during its four regional meetings, but also during roundtables and annual meetings, in which stakeholders from all the provinces and territories could participate. These results exceeded the anticipated outcomes of only two regions being represented as part of the PCH-UO contribution agreement. The LRSP's efforts have therefore been successful in reaching the anticipated targets.

<sup>16</sup> Source: LRSP administrative files from PCH.

**Table 3: Statistics on participation, satisfaction and sectors discussed during regional meetings organized by the LRSP<sup>17</sup>**

| Statistics  | 2009-2010 | 2010-2011  | 2011-2012  | 2012-2013 | 2013-2014 | TOTAL   |
|---|-----------|--|--|-----------|-----------|---|
| <b>Quebec regional consultations</b>                      |           |  |  |           |           |   |
| Number of guests  |           | 230  | 19   |           |           | 249   |
| Number of participants                                    |           | 50   | 11   |           |           | 61  |
| % of participation  |           | 21.7   | 57.9   |           |           | 24.5  |
| Participant satisfaction <sup>a</sup>                     |           | 2.0  | 2.5  |           |           | 2.1 <sup>b</sup>  |
| Unique sectors  |           | 5  | 0  |           |           | 5   |
| Sectors/yr  |           | 5  | 3  |           |           |   |
| Sectors <sup>c</sup>                                      |           | Federal and provincial government<br>Community<br>Media<br>Education<br>Parents          | <b>Education<br/>Community organizations</b>   |           |           | Federal and provincial government<br>Community<br>Media<br>Education<br>Parents   |
| <b>Atlantic regional consultations</b>                    |           |  |  |           |           |   |
| Number of guests  |           | 426  | 110  |           |           | 536   |
| Number of participants                                    |           | 30   | 34   |           |           | 64  |
| % of participation  |           | 7.0  | 30.9   |           |           | 11.9  |
| Participant satisfaction <sup>a</sup>                     |           | 1.5  | 2.5  |           |           | 2.0 <sup>b</sup>  |
| Unique sectors  |           | 6  |  |           |           | 6   |
| Sectors/yr  |           | 6  |  |           |           |   |
| Sectors <sup>c</sup>                                      |           | Federal and provincial government<br>Community<br>Media<br>Education<br>Parents<br>Youth |  |           |           | Federal and provincial government<br>Community<br>Media<br>Education<br>Parents<br>Youth  |
| <b>Western and Northern Canada regional consultations</b> |           |  |  |           |           |   |
| Number of guests  |           | 155  | 159  |           |           | 314   |
| Number of participants                                    |           | 15   | 34   |           |           | 49  |
| % of participation  |           | 9.7  | 21.4   |           |           | 15.6  |
| Participant satisfaction <sup>a</sup>                     |           | 2  | 2.5  |           |           | 2.3 <sup>b</sup>  |
| Unique sectors  |           | 4  | 7  |           |           | 11  |
| Sectors/yr  |           | 4  | 9  |           |           |   |
| Sectors <sup>c</sup>                                      |           | Community<br>Education<br>Reconcilers<br>ADR   | <b>Education<br/>Parents<br/>Justice<br/>Economic<br/>Culture<br/>Women<br/>Health<br/>Community organizations<br/>Federal and provincial government</b> |           |           | Community<br>Education<br>Reconcilers<br>ADR<br>Parents<br>Justice<br>Economic<br>Culture<br>Women<br>Health<br>Federal and provincial government |
| <b>Ontario regional consultations</b>                     |           |  |  |           |           |   |
| Number of guests  |           | 110  | 171  |           |           | 281   |
| Number of participants                                    |           | 22   | 44   |           |           | 66  |
| % of participation  |           | 20.0   | 25.7   |           |           | 23.5  |
| Participant satisfaction <sup>a</sup>                     |           | 3  | 2.5  |           |           | 2.7 <sup>b</sup>  |
| Unique sectors  |           | 4  | 7  |           |           | 11  |
| Sectors/yr  |           | 4  | 9  |           |           |   |
| Sectors <sup>c</sup>                                      |           | Mediation<br>Arbitration<br>Education<br>Community                                       | <b>Education<br/>Justice<br/>Economic<br/>Culture<br/>Seniors<br/>Women<br/>Health<br/>Immigration<br/>Community organizations</b>                       |           |           | Mediation<br>Arbitration<br>Education<br>Community<br>Justice<br>Economic<br>Culture<br>Seniors<br>Women<br>Health<br>Immigration                 |

<sup>a</sup> 1 = average satisfaction, 2 = high satisfaction, 3 = very high satisfaction

<sup>b</sup> Formula used:  $((n_{an1} \times \text{satisfaction}_{an1}) + (n_{an2} \times \text{satisfaction}_{an2}) + \dots + (n_{ann} \times \text{satisfaction}_{ann})) / n_{an1} + n_{an2} + \dots + n_{ann}$

<sup>c</sup>**Bold**: sectors that were repeated in previous years

<sup>17</sup> Source: LRSP administrative files from PCH.

**Promotional tools:** The LRSP has been promoted in several different ways since 2009-10. However, since there was a lot of missing data or data that was compiled differently in the documents consulted, it is difficult to draw clear and definitive conclusions. The information available demonstrates the LRSP's effort in reaching and educating the Canadian public:

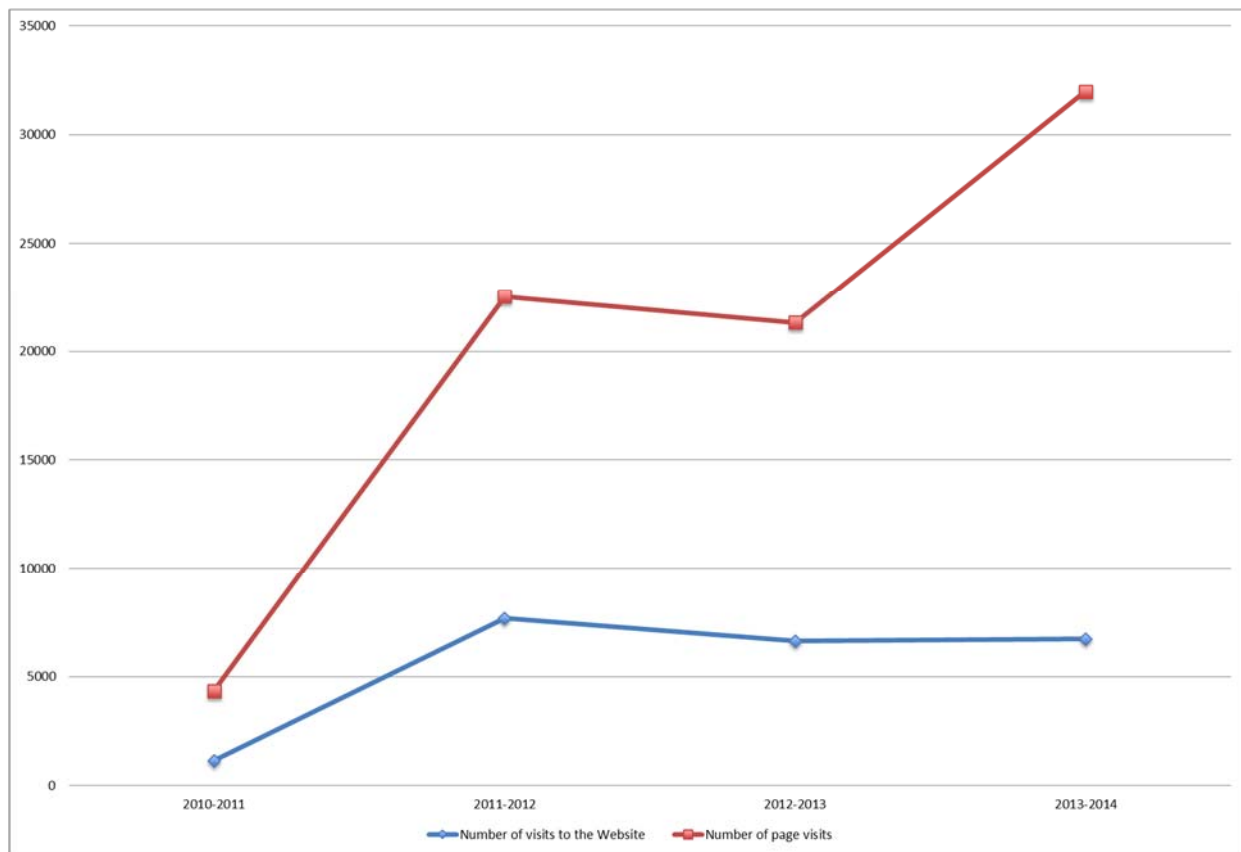
- The LRSP took advantage of several advertisement opportunities since its implementation, i.e. radio and telephone interviews (2 or 3 per year and over 35 journalists have subscribed to the LRSP's distribution lists), newspaper articles (27 for the evaluation period), and presentations, fairs and booths (32 for the same period);
- As for disseminated material, the LRSP's annual reports and brochures were distributed, blogs were posted online, press releases went out and advertisements were printed in newspapers, especially in the initial years of implementation. Advertising material, such as notepads, USB keys and LRSP logo pens were distributed mainly in 2011-12, whereas the Information Hub<sup>18</sup> was advertised in 2012-13.
- The LRSP uses multiple communication channels, including extensive use of social media, with a Website (and a microsite for the Information Hub), Twitter and YouTube accounts, and a RSS feed etc.

**Web site:** The number of visits to the Website increased after its launch in 2010-11 and has stabilized to around 6,000 visits/year, i.e. 500 visits/month. This is more than the anticipated target in the PCH-UO contribution agreement, which was 450 visits/month on average. The number of page visits has since increased significantly, reaching over 22,000 visits in 2013-14 (Diagram 3).

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<sup>18</sup> The Information Hub is a unique portal that provides plain language information on constitutional language rights.

**Diagram 3: LRSP Website visits statistics**



**Impact studies:** The number of requests for funding of impact studies received and approved remained consistent with the objectives for the entire period evaluated, with a total of 19 requests received (4.75 on average per year) and 18 requests approved (4.5 on average per year), for an approval rate of 94.7 percent (Table 4). These numbers, however, are higher than the targets identified in the PCH-UO contribution agreement, which was two to four studies per year.

**Table 4: Number of requests for funding received and approved for Component 1 "Information and Promotion" of the LRSP by fiscal year**

|                   | 2009-2010 | 2010-2011 | 2011-2012 | 2012-2013 | 2013-2014 | TOTAL |
|-------------------|-----------|-----------|-----------|-----------|-----------|-------|
| Requests received | 6         | 3         | 3         | N/A       | 7         | 19    |
| Requests approved | 6         | 3         | 3         | N/A       | 6         | 18    |
| Percent approved  | 100.0     | 100.0     | 100.0     | N/A       | 85.7      | 94.7  |

Source: LRSP administrative files from PCH.

According to the key stakeholders interviewed, the LRSP has made significant and well-targeted efforts in terms of information and promotion, particularly via the Web site, annual meetings, information sessions and the development of tools with the OLMC organizations. The impact studies funded by the LRSP are viewed as very positive by the organizations that carried them out, by the stakeholders interested in the issue of constitutional language rights and by potential complainants who use them to determine whether or not their rights have been violated, or to

support their case when they seek redress. However, the key stakeholders are divided regarding the relevance of the outreach work for the linguistic majority in the general population. Some believe that this is not part of the LRSP's mandate, which does not have the appropriate means to focus on this subject, whereas others believe it is important for the LRSP to raise awareness among the majority about the minority's language rights, and thereby promote compliance with them.

### **3.2.1.2 Component 2 "Alternative Dspute Resolution"**

#### **KEY FINDINGS**

- The number of funding requests received (36) and approved (27) remained low from 2009-10 to 2013-14, i.e. an approval percentage of 75 percent.
- It is not possible to breakdown the information based on areas of law.
- The rate of satisfaction for applicants who received funding for ADR has increased since 2011-12 and was very high in 2013-14.
- The number of ADR professionals on the LRSP's list varied from 11 to 17 from 2011-12 to 2013-14.
- The percentage of ADR professionals who participate in training fell from 94.4 percent in 2011-12 to 60.7 percent in 2013-14.
- The LRSP's list of ADR professionals is no longer maintained since it was not used by the funding applicants and the annual meetings were cancelled.
- Due to the lack of meaningful results, the majority of key stakeholders propose that Component 2 "ADR" be optional or completely eliminated.

***Requests for funding and applicant satisfaction rate:*** The number of requests for funding received and approved for ADR remained low since the LRSP started, but has increased since 2010-11. Seventy-five percent of requests were approved (27 of 36 requests). One memorandum was received in 2010-11, four in 2011-12 and three professional reports were received in 2011-12. No memorandum or report was received for the other years during the period evaluated.

As of 2012-13, Component 2 "ADR" has helped fund exploratory studies and dispute settlement. The exploratory studies help individuals or organizations determine whether an ADR process would be useful in their case whereas dispute settlement enables out of court conflict resolution. The inclusion of these supports explains the increase in requests received and approved after 2011-12. The applicant satisfaction rate has increased since 2011-12 (first year available), from moderate/high to very high in 2013-14 (Table 5).

**Table 5: Number of funding requests<sup>19</sup> received and approved and applicant satisfaction rate based by fiscal year for Component 2 "ADR" of the LRSP**

|                        | 2009-2010 | 2010-2011 | 2011-2012               | 2012-2013 | 2013-2014 | TOTAL |
|------------------------|-----------|-----------|-------------------------|-----------|-----------|-------|
| Requests received      | 3         | 3         | 7                       | 9         | 14        | 36    |
| Requests approved      | 3         | 1         | 5                       | 7         | 11        | 27    |
| Percent approved       | 100       | 33.3      | 71.4                    | 77.8      | 78.6      | 75    |
| Applicant satisfaction | N/A       | N/A       | (moderate to high)<br>1 | 2         | 3         | 1.9   |

Source: LRSP administrative files from PCH.

<sup>a</sup> 1 = moderate satisfaction, 2 = high satisfaction, 3 = very high satisfaction

<sup>b</sup> Formula used:  $((n_{an1} \times \text{satisfaction}_{an1}) + (n_{an2} \times \text{satisfaction}_{an2}) + \dots + (n_{ann} \times \text{satisfaction}_{ann})) / (n_{an1} + n_{an2} + \dots + n_{ann})$

**National list of ADR professionals.** The LRSP aimed to maintain a national list of bilingual mediators and to organize annual meetings with these professionals. The number of professionals in the national list went from 12 in 2011-12 to 11 in 2012-13 and to 17 in 2013-14. These results are higher than the anticipated target of 10 set out in the PCH-UO contribution agreement. Similarly, the participation rate for the annual meetings of ADR professionals continued to decline, from 90.4 percent in 2011-12 to 65.2 percent in 2012-13, and 60.7 percent in 2013-14. This activity was eliminated in 2013-14 due to the limited use of the list of ADR professionals by funding applicants and the LRSP's limited budget.

**Opinion of key stakeholders.** The majority of key stakeholders noted that very few ADRs led to an out of court agreement (only 2). According to them, the situation is due to the fact that an information negotiation process was already held between the parties before the funding application was made with the LRSP. Some key stakeholders interviewed recommend that this step be optional or even eliminated. Since mediation is part of the procedures before many court proceedings, providing access to the ADR process through the LRSP no longer meets such a significant need. The LRSP's desired impact to advance and clarify language rights is also limited by the confidential nature of out of court agreements within Component 2 "ADR." However, Component 2 helps to achieve the program's second objective to "offer access to an alternative dispute resolution process to settle disputes out of court."

The legal community has also expressed concerns regarding Component 2 "ADR" since the LRSP was first launched. It believes that the area of constitutional law does not lend itself well to mediation exercises.

<sup>19</sup> Including exploratory studies and conflict resolution within a court action.

### 3.2.1.3 Component 3 "Legal Remedies"

#### KEY FINDINGS

- The number of funding requests received (106) and approved (78) for Component 3 "Legal Remedies" is the highest of the three LRSP components with an approval rate of 73.6 percent.
- The satisfaction rate for applicants who received funding for Component 3 "Legal Remedies" was only documented for 2012-13 and 2013-14 and was high.
- Key stakeholders have differing opinions on Component 3 "Legal Remedies." Many think that the LRSP has a significant impact in terms of advancing and clarifying language rights, while others think that the financial support granted is not sufficient, giving the LRSP a merely symbolic role.

**Funding requests and applicant satisfaction rate.** The number of funding requests received and approved for Component 3 "Legal Remedies" is the highest of the LRSP's three components, with a total of 106 requests received and 78 requests approved for the entire evaluation period, i.e. an approval rate of 73.6 percent. The requests often pertain to education law at the trial stage (Table 6, Diagram 4). The number of requests received has increased whereas the approval rate has decreased since 2011-12. This can be explained by the fact that in December 2010, the committee of experts adopted a proposal to increase the maximum amount anticipated for litigation at trial from \$85,000 to \$125,000. Increased funding for this Component would help increase the number of requests funded and increase the approval percentage or increase the funding amount for requests approved.

The applicant satisfaction rate has only been documented since 2012-13 and is high.

**Table 6: Number of requests for Component 3 "Legal Remedies" received and approved based on the legal area, type of remedy and implementation year**

| Requests   | 2009-2010 |     |     |     | 2010-2011 |     |      |      | 2011-2012 |     |      |      | 2012-2013 |      |      |      | 2013-2014 |      |     |      | T    |
|------------|-----------|-----|-----|-----|-----------|-----|------|------|-----------|-----|------|------|-----------|------|------|------|-----------|------|-----|------|------|
|            | TR        | AP  | INT | T   | TR        | AP  | INT  | T    | TR        | AP  | INT  | T    | TR        | AP   | INT  | T    | TR        | AP   | INT | T    |      |
| Received   | N/A       | N/A | N/A | 15  | 8         | 3   | 4    | 15   | 3         | 6   | 10   | 19   | 11        | 12   | 12   | 35   | 16        | 3    | 3   | 22   | 106  |
| Approved   | 9         | 2   | 4   | 15  | 6         | 3   | 2    | 11   | 3         | 6   | 8    | 17   | 7         | 11   | 8    | 26   | 7         | 2    | 0   | 9    | 78   |
| ER         | 4         | 0   | 2   | 6   | 3         | 2   | 0    | 5    | 1         | 2   | 6    | 9    | 1         | 9    | 4    | 10   | 2         | 2    | 0   | 4    | 38   |
| ESC        | 2         | 0   | 0   | 2   | 2         | 0   | 0    | 2    | 1         | 2   | 0    | 3    | 3         | 2    | 2    | 7    | 4         | 0    | 0   | 4    | 18   |
| LS         | 3         | 2   | 2   | 7   | 1         | 1   | 2    | 4    | 1         | 2   | 2    | 5    | 3         | 0    | 2    | 5    | 1         | 0    | 0   | 1    | 22   |
| Approval % | N/A       | N/A | N/A | 100 | 75.0      | 100 | 50.0 | 73.3 | 100       | 100 | 80.0 | 89.5 | 63.6      | 91.7 | 66.7 | 74.3 | 43.8      | 66.7 | 0.0 | 40.9 | 73.6 |

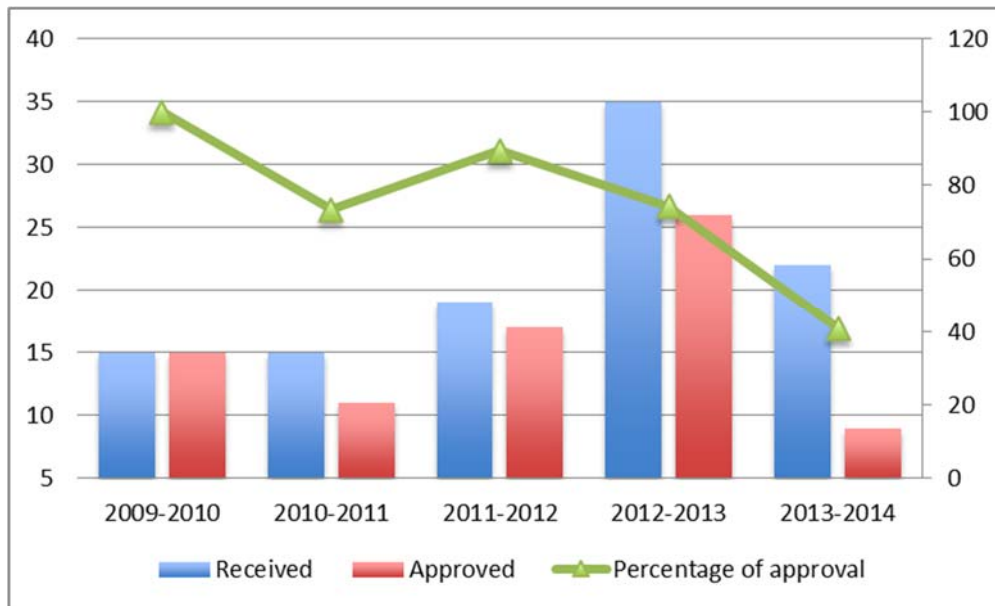
Source: LRSP administrative files from PCH.

TR: Trial, AP: Authorization to appeal and appeal, INT: Authorization to intervene and intervention, T: Total

ER: Education rights, ESC: Equality, services and communications, LS: Legislative and judiciary



**Diagram 4: Number of funding requests received and approved and percent approved for Component 3 "Legal Remedies"**



The opinions of key stakeholders interviewed are divided regarding the contribution of Component 3 "Legal Remedies" to the advancement and clarification of language rights. Some believe that the LRSP contributes or ultimately contributes to them through the number of test cases supported over the years, which continues to increase. There are even many still in progress.

However, others believe that the LRSP plays a merely symbolic role since the financial support represents a small proportion of costs related to legal remedies at this time. The LRSP grants \$125,000 for litigation and \$35,000 for an appeal, financial support that is considered completely insufficient when considering the actual costs of legal remedies.<sup>20</sup> In addition, in the past, litigation was less complex and of a reasonable duration (from a few days to two weeks maximum), today consumes resources for several weeks (5 to 9 weeks) and can last months, even years. Furthermore, constitutional rights litigation often goes through an appeal process, sometimes up to the Supreme Court, which results in multiple – and costly – procedures that last several years. However, despite these financial pitfalls, many key stakeholders believe that, while low, the LRSP's financial support is still significant (especially at the beginning of proceedings) and can create a ripple effect by encouraging individuals and organizations to assert their language rights.

<sup>20</sup> In 1980, the former Court Challenges Program granted \$60,000, i.e. approximately 90 percent of the total cost of a 2-week litigation that cost \$67,000. A typical 5-week trial in 2008 cost \$1.3 million. The LRSP's maximum contribution of \$125,000 only represents 9.6 percent of the total cost.

### **3.2.1.4 Unanticipated impacts**

#### **KEY FINDINGS**

- No unanticipated impact was identified in the documents or literature. In response to this question, only some key stakeholders referred to the fact that ADRs are less effective than expected at the beginning of the program.

### **3.2.2 Demonstration of efficiency and economy**

The findings in this section relate to the efficiency of the LRSP's delivery and the risk of duplication or overlap between this program and others.

#### **3.2.2.1 Appropriate use of resources**

#### **KEY FINDINGS**

- For the targeted period, the LRSP's annual expenditures remained within the limits set by the approved budget.
- At 24.3 percent on average, the administrative costs remained below the budget's 30 percent limit, i.e. \$450,000 per year.
- Key stakeholders think that LRSP resources are used appropriately, but that the overall budget is not sufficient.
- Some key stakeholders recommend a partial or total transfer of funds from the LRSP's Components 1 "Information and Promotion" and 2 "ADR" towards Component 3 "Legal Remedies".

Table 7 shows an annual LRSP budget that remained below the anticipated budgetary limits. The administrative costs, calculated by dividing the administrative expenditures by the anticipated budget, remained below the \$450,000 limit or 30 percent of the anticipated budget. From 2009-10 to 2013-14, the percentage of administrative costs was 24.3 percent on average.

The question regarding the appropriate use of financial resources was discussed in the literature review and was compared with other initiatives similar to the LRSP. The LRSP was compared to programs from three Canadian and American organizations.<sup>21</sup> Of these programs, only the LRSP focuses on constitutional language rights. The other organizations only address these rights somewhat or not at all. The budgetary comparisons conducted between these organizations and the LRSP with the literature review do not enable us to determine whether or not there was appropriate use of resources allocated to the LRSP, which occupies a particular niche. The literature review also compares the LRSP to programs from various Canadian and American government and paragonovernmental institutions. However, since these programs are administered in a significantly different manner, it is difficult to draw conclusions on the LRSP's efficiency and economy.

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<sup>21</sup> The David Asper Centre for Constitutional Rights (a Canadian organization), the Canadian Constitution Foundation, and the American Civil Liberties Union programs.

The key stakeholders' perspective suggests that LRSP resources are used appropriately, but that the overall budget is not sufficient. The budgets for cases are too low and do not reflect today's legal costs (see also section 3.2.1.3). Some key stakeholders therefore recommend the partial or total transfer of funds from the LRSP's Components 1 "Information and Promotion" and 2 "ADR" to Component 3 "Legal Remedies".

**Table 7: Calculation of the percentage of administrative costs based on the approved budget**

|   | 2009-2010 | 2010-2011 | 2011-2012 | 2012-2013 | 2013-2014 | Total            |
|---|-----------|-----------|-----------|-----------|-----------|------------------|
| Approved budget (\$)                                      | 1,100,000 | 1,500,000 | 1,500,000 | 1,500,000 | 1,500,000 | <b>7,100,000</b> |
| Actual expenditures (\$)                                  | 1,065,279 | 1,374,603 | 1,496,070 | 1 500,000 | 1 500,000 | <b>6,935,950</b> |
| Administrative costs (\$)                                 | 155,935   | 383,345   | 450,000   | 393,750   | 342,048   | <b>1 725,078</b> |
| Percentage of administrative costs of the approved budget | 14.2      | 25.6      | 30.0      | 26.3      | 22.8      | <b>24.3</b>      |

Source: LRSP administrative files from PCH.

### 3.2.2.2 Optimal management of funds

#### KEY FINDINGS

- The Terms and Conditions of the contribution agreement are flexible enough to allow for a transfer among LRSP components to ensure that the program can meet needs as they arise.
- Key stakeholders agree and recognize that the contribution agreement allows the target clientele's needs to be met while being flexible in the allocation of funds among the three components. They also mentioned that the "LRSP's main strength is its effective program management."

Both the program documents and key stakeholders confirm the contribution agreement's flexibility that allowed for the reallocation of funds from Components 1 "Information and Promotion" and 2 "ADR" to Component 3 "Legal Remedies" in order to meet the increase of funding requests for legal remedies and the needs of the target clientele.

The key stakeholders interviewed noted that the LRSP's main strength is its effective program management, more specifically, its current manager, the UO. This is reflected in the documents review, which shows that the processes and services standards established by the LRSP are followed by LRSP personnel and that the reports and invoices are submitted in accordance with the funding agreement's obligations.

### 3.2.2.3 Alternative ways of achieving the outcomes

#### KEY FINDINGS

- The key stakeholders suggest that it is too early in the LRSP's implementation to amend the Terms and Conditions, thereby contradicting their proposal to eliminate the ADRs.
- The key stakeholders' opinions are divided regarding the impact of each of the program's components and some recommend the transfer of funds from one component to another in order to optimize the impact of the component they believe is most important.

Only the interviews contributed to drawing conclusions in this regard. The key stakeholders are formal: there are no mechanisms aside from the LRSP that achieve the expected outcomes. In addition, they note that since the LRSP is in its first years of implementation, it is still too early to amend the Terms and Conditions.

Despite the fact that the LRSP achieved the targets identified in the PCH-UO contribution, key stakeholders' opinions are divided regarding the impact of each of the program's components. As mentioned previously, they think that the overall budget is not sufficient and some recommend the transfer of funds from one component to another in order to optimize the impact of the component they believe to be most important.

#### **3.2.2.4 Duplication or overlap with other programs**

##### **KEY FINDINGS**

- The LRSP is complementary to other similar initiatives such as those of the Office of the Commissioner of Official Languages.
- Key stakeholders maintain that the LRSP is the only program of its kind and as such, there is no potential overlap with other initiatives.

Both the literature review and the key stakeholders confirm that the LRSP is complementary to other similar initiatives, such as those of OLMC school boards and advocacy organizations, and that no overlap or duplication has been observed.

## 4. Conclusions

The sources of information used to conduct this evaluation, including a literature review, documents review, administrative files, the LRSP Website and the results of interviews with key program stakeholders, identified a number of findings discussed in the previous sections. The following conclusions are based on these findings for each major theme covered in the evaluation:

### *Relevance*

- The LRSP, which is the result of an out of court agreement between the federal government, the FCFA and the CLO, meets a real, continued, current and future need, highlighted by the increasing number of funding requests received and by the unanimous opinion of key stakeholders consulted regarding its necessity for the equality of both official languages. The need to protect the language rights of newcomers, who are not always aware of the nature and scope of their rights, constitutes an emerging reality.
- The federal government strengthened its commitment towards official languages by renewing funding for the contribution agreement with the UO for the management of the LRSP until 2017 and for the Roadmap for Canada's Official Languages until 2017-18. The LRSP also contributes to achieving PCH's strategic outcomes.
- The LRSP enables the federal government and PCH to meet their national and international obligations regarding the promotion and protection of linguistic minorities.

### *Performance*

The PCH-UO contribution agreement sets out activities and performance indicators, including some with targets. The evaluation recognizes the significant efforts made in terms of performance since the first contribution agreement and that the program could benefit from continuing to improve in this area. Based on the data obtained, it was difficult to rigorously determine whether all the performance targets were achieved by the LRSP. However, the sources of information identified the following observations and findings:

#### *Component 1 "Information and Promotion"*

- The LRSP has made significant and well-targeted efforts in Component 1 "Information and Promotion", particularly with the development of tools with the OLMCs.
- The organization of regular meetings across the country allowed for many important issues to be discussed for the ultimate recipients.
- The participation rate at these meetings, as well as the number of sectors discussed and the regional representation of participants meet the targets identified in the PCH-UO contribution agreement.
- The LRSP was also highlighted in many media reports, through the distribution of advertising material and the increasing number of page visits on their Website, for which the average number of monthly visits remained above the anticipated targets in the PCH-UO contribution agreement.

- The number of funding requests for impact studies through the LRSP's Component 1 "Information and Promotion" is above the anticipated target in the PCH-UO contribution agreement.

### *Component 2 "Alternative Dispute Resolution (ADR)"*

- The number of funding requests received and approved for the "ADR" component remained low since the LRSP was launched, but has increased since 2010-11.
- Even if the number of professionals anticipated in the PCH-UO contribution agreement was met, the national list of ADR professionals was eliminated, as well as the annual meetings of these professionals, since the funding applicants did not use their services.
- Some key stakeholders recommend making this mechanism optional or eliminating it.
- The legal community believes that the area of constitutional rights does not lend itself well to mediation exercises.

### *Component 3 "Legal Remedies"*

- This component is the most important in terms of the funding requests received and approved and the annual budget.
- The number of requests received has increased whereas the percent approved has decreased since 2011-12. An increase in funding for this component could help increase the rate of approval or even increase the amount granted to approved requests.
- There is no consensus on the actual contribution of Component 3 "Legal Remedies" to advance and clarify language rights through the support of legal remedies: Does this support significantly contribute to their advancement and clarification with the litigations that it helps settle? Or does it play a symbolic role due to the program's modest funding that is not consistent with the magnitude of actual costs associated with such remedies?

### ***Demonstration of efficiency and economy***

The following observations were identified in the analysis of the LRSP's efficiency and economy based on the available sources:

#### *Appropriate use of resources*

- The LRSP's expenditures were within the anticipated budget for each of the years of the evaluated period.
- The administrative costs of 24.3 percent on average remained below the authorized maximum of 30 percent.
- The LRSP could not be compared to similar initiatives because their nature and mandate are too different.
- The key stakeholders interviewed agree that LRSP resources are used appropriately, but are not sufficient. Some suggest the transfer of funds from Components 1 "Information and Promotion" and 2 "ADR" to Component 3 "Legal Remedies", which the LRSP's Terms and conditions already allow, or the elimination of Components 1 "Information and Promotion" and 2 "ADR."

*Optimal management of funds/Alternative ways of achieving the outcomes*

- The contribution agreement allows for the flexibility necessary to transfer the amounts between the LRSP's components and thereby adapt to the evolving needs.
- The quality of the LRSP's and the UO's management is a key part of the program's success.
- The LRSP's processes and service standards are followed by personnel, and the reports and invoices are submitted based on the financial agreement's obligations.
- According to the key stakeholders, no other mechanism could achieve the outcomes more effectively.
- Since the LRSP is a relatively new program, key stakeholders suggest that it is preferable to wait before amending the Terms and Conditions, even if some nevertheless recommend the elimination of components 1 "Information and Promotion" and 2 "ADR."
- The key stakeholders are divided regarding the impact of each of the program's components and some recommend the transfer of funds from one component to another in order to optimize the impact of the component they believe to be the most important.

*Duplication or overlap with other programs*

- The LRSP's promotional activities are complementary to other official languages promotional initiatives, particularly in the provinces and territories. The evaluation did not identify any evidence of overlap.

## 5. Recommendation

The proposed recommendation below emerges from the analysis of information sources.

|   |                 |   |
|---|-----------------|---|
| <b>Recommendation 1</b>   |                 |   |
| In preparation for the next contribution agreement, the Assistant Deputy Minister of the Citizenship, Heritage and Regions sector should consult with stakeholders to better target his actions to maximize the impact of each program component, especially the ADR component. |                 |   |
| <b>Statement of Agreement/Disagreement</b>  |                 |   |
| Agree   |                 |   |
| <b>Management Response</b>  |                 |   |
| The Department will consider follow-up to this recommendation in the context of the implementation of the Government's commitment "to update and reinstate the Court Challenges Program".   |                 |   |
| <b>Expected outcomes</b>  | <b>Deadline</b> | <b>OPI</b>  |
| Consultations with key stakeholders.  | March 31, 2017  | Director General,<br>Official Languages<br>Branch |



## Appendix A – Evaluation matrix

| Evaluation questions  | Indicators  | Sources  | Methods   |
|---|---|--|---|
| <b>Continued need</b>   |   |  |   |
| 1. How does the LRSP meet a demonstrable need?  | <ul style="list-style-type: none"> <li>- Number and % of funding requests for ADR exploratory studies and conflict resolution received, eligible and funded by the LRSP</li> <li>- Number and % of requests for legal remedies received, eligible and funded by the LRSP</li> <li>- Current status of needs</li> <li>- Evolving needs and emerging needs</li> </ul> | <ul style="list-style-type: none"> <li>- Administrative files, including progress and final reports</li> <li>- Out of court agreement</li> <li>- Documents from the roundtable</li> <li>- Studies and research on language rights</li> </ul> | <ul style="list-style-type: none"> <li>- Review of administrative files</li> <li>- Documents review</li> <li>- Literature review</li> </ul> |
|   | <ul style="list-style-type: none"> <li>- Perception of key stakeholders on whether the LRSP meets current and future needs</li> </ul>   | <ul style="list-style-type: none"> <li>- Key stakeholders</li> </ul>   | <ul style="list-style-type: none"> <li>- Interviews with key stakeholders</li> </ul>  |
| <b>Alignment with government priorities</b>   |   |  |   |
| 2. How does the LRSP align with the federal government's priorities and the PCH's strategic outcomes? | <ul style="list-style-type: none"> <li>- Links between the LRSP's objectives and the federal government's priorities</li> <li>- Links between the LRSP's objectives and the PCH's strategic outcomes</li> </ul>   | <ul style="list-style-type: none"> <li>- Speech from the Throne, Federal Budget, Program Alignment Architecture, Report on Plans and Priorities (RPP), Departmental Performance Report (DPR)</li> <li>- Out of court agreement</li> </ul>    | <ul style="list-style-type: none"> <li>- Documents review</li> </ul>  |
|   | <ul style="list-style-type: none"> <li>- Perception of PCH representatives</li> </ul>   | <ul style="list-style-type: none"> <li>- PCH stakeholders</li> </ul>   | <ul style="list-style-type: none"> <li>- Interviews with PCH stakeholders</li> </ul>  |
| <b>Alignment with government roles and responsibilities</b>   |   |  |   |
| 3. How does the LRSP align with federal roles and responsibilities?                                   | <ul style="list-style-type: none"> <li>- Link between the LRSP and the federal government's role and responsibilities in terms of language rights</li> </ul>  | <ul style="list-style-type: none"> <li>- Administrative files</li> <li>- Speech from the Throne, Federal Budget, contribution agreements, RPP, DPR etc.</li> </ul>   | <ul style="list-style-type: none"> <li>- Review of administrative files</li> <li>- Documents review</li> </ul>                              |
|   | <ul style="list-style-type: none"> <li>- Perception of key stakeholders</li> </ul>  | <ul style="list-style-type: none"> <li>- Key stakeholders</li> </ul>   | <ul style="list-style-type: none"> <li>- Interviews with key stakeholders</li> </ul>  |

| <b>Achievement of expected outcomes</b>   |   |   |  |
|---|---|---|--|
| 4. To what extent did the LRSP promote knowledge of constitutional language rights by educating Canadians, more specifically, official language minority communities (OLMCs)? | <ul style="list-style-type: none"> <li>- Number and % of promotional tools or activities</li> <li>- Participation rate to various activities</li> <li>- Usage rate of promotional tools</li> <li>- Diversity of sectors and regions represented</li> <li>- Number of visits and unique visits on the LRSP Website and the Information Hub, blog</li> <li>- Number of funding requests for impact studies received, eligible and completed as well as their scope</li> <li>- Participant satisfaction rate for activities</li> </ul> | <ul style="list-style-type: none"> <li>- Promotional tools or activities (videos, conference, seminar, presentations, workshops, visits, e-newsletter etc.)</li> <li>- Activity reports</li> <li>- Annual reports</li> <li>- Statistics on the LRSP Website</li> <li>- Statistics on the Information Hub (Website)</li> <li>- Impact studies</li> <li>- Satisfaction evaluation form</li> </ul> | <ul style="list-style-type: none"> <li>- Documents review</li> <li>- Analysis of Website statistics</li> </ul> |
|   | <ul style="list-style-type: none"> <li>- Perception of key stakeholders</li> </ul>  | <ul style="list-style-type: none"> <li>- Key stakeholders</li> </ul>  | <ul style="list-style-type: none"> <li>- Interviews with key stakeholders</li> </ul>                           |
| 5. Did the ADR enable better conflict management through coaching and conflict resolution resources provided by the LRSP?   | <ul style="list-style-type: none"> <li>- Evidence that the process is followed (compliance with the steps and their sequence)</li> <li>- Evidence that the service standards are followed</li> <li>- Number and % of funding requests for ADR exploratory studies and conflict resolution received, eligible, funded based on the area of law (education etc.)</li> <li>- Level of satisfaction of applicants</li> <li>- Time required to obtain a response on funding</li> </ul>   | <ul style="list-style-type: none"> <li>- Annual reports</li> <li>- Administrative files, including progress and final reports</li> <li>- Satisfaction evaluation form</li> </ul>  | <ul style="list-style-type: none"> <li>- Documents review</li> <li>- Review of administrative files</li> </ul> |
|   | <ul style="list-style-type: none"> <li>- Perception of key stakeholders</li> </ul>  | <ul style="list-style-type: none"> <li>- Key stakeholders</li> </ul>  | <ul style="list-style-type: none"> <li>- Interviews with key stakeholders</li> </ul>                           |

|  |  |  |   |
|--|--|--|---|
| 6. How did the LRSP support litigation that helps to advance and clarify constitutional language rights when dealing with test cases and dispute resolution efforts have not resolved matters? | <ul style="list-style-type: none"> <li>- Evidence that the process is followed (compliance with steps and their sequence)</li> <li>- Evidence that the service standards are followed</li> <li>- Number and % of funding requests received, eligible and funded based on the area of law (education etc.)</li> <li>- Type (trial, appeal etc.) of requests received and approved</li> <li>- Level of satisfaction of applicants</li> <li>- Time required to obtain a response on funding</li> </ul>                | <ul style="list-style-type: none"> <li>- Requests received and approved</li> <li>- Administrative files</li> <li>- Satisfaction evaluation form</li> </ul>   | <ul style="list-style-type: none"> <li>- Review of administrative files</li> <li>- Documents review</li> </ul>  |
|  | <ul style="list-style-type: none"> <li>- Perception of key stakeholders</li> </ul>   | <ul style="list-style-type: none"> <li>- Key stakeholders</li> </ul>   | <ul style="list-style-type: none"> <li>- Interviews with key stakeholders</li> </ul>  |
| 7. Did the LRSP have unintended impacts (positive or negative)?  | <ul style="list-style-type: none"> <li>- Evidence of unintended impacts</li> </ul>   | <ul style="list-style-type: none"> <li>- Administrative files</li> <li>- Other relevant documents</li> </ul>   | <ul style="list-style-type: none"> <li>- Documents review and review of administrative files</li> </ul>   |
|  | <ul style="list-style-type: none"> <li>- Perception of key stakeholders</li> </ul>   | <ul style="list-style-type: none"> <li>- Key stakeholders</li> </ul>   | <ul style="list-style-type: none"> <li>- Interviews with key stakeholders</li> </ul>  |
| <b>Demonstration of efficiency and economy</b>   |  |  |   |
| 8. Are the resources allocated to the LRSP used appropriately in order to produce the expected outcomes?   | <ul style="list-style-type: none"> <li>- Allocation of program resources in relation to the achieved outcomes</li> <li>- Use of resources (comparison of anticipated and actual costs)</li> <li>- Trends observed regarding costs and the ratio of administrative fees, the number of FTEs, salary costs, compliance with anticipated resources</li> <li>- LRSP delivery costs</li> <li>- Delivery costs compared to results</li> <li>- LRSP delivery costs compared to similar initiatives or programs</li> </ul> | <ul style="list-style-type: none"> <li>- LRSP Annual reports</li> <li>- Financial data</li> <li>- Contribution agreements between PCH and the LRSP</li> <li>- Administrative files</li> <li>- Other programs or initiatives</li> </ul> | <ul style="list-style-type: none"> <li>- Documents review</li> <li>- Analysis of financial data</li> <li>- Review of administrative files</li> <li>- Literature review</li> </ul> |
|  | <ul style="list-style-type: none"> <li>- Perception of key stakeholders</li> </ul>   | <ul style="list-style-type: none"> <li>- Key stakeholders</li> </ul>   | <ul style="list-style-type: none"> <li>- Interviews with key stakeholders</li> </ul>  |

|  |  |  |  |
|--|--|--|--|
| 9. Did the terms and conditions of the contribution agreement allow for optimal management of the funds allocated to the LRSP? | - Evidence that the contribution agreement was adapted to the LRSP's specific needs or characteristics while in accordance with the payment transfer regulations | - Contribution agreement<br>- Summary of meetings/discussions with the PCH Centre of Expertise | - Review of administrative files                                     |
|  | - Perception of key stakeholders   | - Key stakeholders   | - Interviews with key stakeholders                                   |
| 10. Are there more effective ways to achieve the outcomes?   | - Evidence of other mechanisms that could help obtain similar outcomes<br>- Feasibility and value of other methods to achieve the same outcomes                  | - Other existing delivery mechanisms or programs   | - Literature review  |
|  | - Perception of key stakeholders concerning the LRSP's efficiency in achieving its outcomes compared to other similar delivery methods or programs               | - Key stakeholders   | - Interviews with key stakeholders                                   |
| 11. Did the LRSP overlap, duplicate or complete the efforts of other public or private organizations?                          | - Evidence of similarity with other initiatives or programs  | - Other programs or initiatives  | - Literature review<br>- Documents review<br>- Administrative review |
|  | - Perception of key stakeholders on the existence of other sources of funding  | - Key stakeholders   | - Interviews with key stakeholders                                   |

## Appendix B – The LRSP's expected outcomes, key activities, performance indicators and targets

*Taken from the PCH-UO contribution agreement*

### Component "Information and Promotion" — Promote awareness of language rights through public education

Key activities:

- i. Organize a LRSP national roundtable meeting and public annual meeting;
- ii. Promote the LRSP and constitutional language rights through various presentations;
- iii. Promote the LRSP and constitutional language rights with provincial and territorial visits with official language minority community stakeholders;
- iv. Design and develop special information and promotion projects for communities to meet the needs they expressed;
- v. Develop a toolbox available online for each of the four areas of constitutional language rights;
- vi. Develop the promotional material and communications tools that are not related to special projects;
- vii. Maintain a positive image of the LRSP;
- viii. Maintain the LRSP Website;
- ix. Conduct or fund impact studies on cases of national importance and their distribution;
- x. Prepare and publish an annual report;
- xi. Promote ADRs within the activities targeted by the LRSP.

Performance indicators:

- i. Number of participants compared to the number of guests and organizations (*minimum 35% roundtable, 10% annual meeting*);
- ii. Diversity of sectors (*minimum three*) and regions represented (*minimum two*);
- iii. Participant satisfaction rate (*evaluation form*);
- iv. Number of unpaid advertisement opportunities (*minimum one per year*);
- v. Number of LRSP presentations (*minimum two per year*);
- vi. Number of visits (*minimum: two in person, two provinces/territories per year*);
- vii. Special projects started, completed and number of communication channels used (*minimum three channels*);
- viii. Distribution of a toolbox: four areas of constitutional language rights (*minimum one area per year*); including a workshop, accompanying documents, presentations, a video and questions and answers;
- ix. Number of visits to the microsite (*minimum 50 visits per year as of 2013-2014*);
- x. Appreciation of the toolbox (*online feedback and survey*);
- xi. Number of workshops (*at least one the first year*);
- xii. Number of documents created (*minimum of one per year*) and number of communication channels used (*minimum of two channels per year*);
- xiii. Use of logo and image on all LRSP material;
- xiv. Number of Website visits (*450 per month on average*);

- xv. Number of funding requests for impact studies received, eligible and funded (*minimum of two studies per year*) and the number posted on the Website (*minimum two per year*);
- xvi. Publication of an annual report each year;
- xvii. Number of LRSP targeted activities to promote ADRs (*minimum two activities*).

**Component "Alternative Dispute Resolution" — Provide access to an alternative dispute resolution process to settle disputes out of court**

Key activities:

- i. Follow the conflict resolution process based on the diagrams attached to this agreement;
- ii. Maintain the service standards;
- iii. Evaluate the requests to determine eligibility to the component and provide financial support to applicants approved by the committee of experts;
- iv. Ensure the required reports and documents are submitted by the applicants;
- v. Maintain a national list of bilingual mediators;
- vi. Organize an annual meeting of ADR professionals.

Performance indicators:

- i. The process is followed;
- ii. The service standards are followed;
- iii. Number of funding requests for ADRs received, eligible and funded;
- iv. Applicant satisfaction level;
- v. Number and % of cases settled;
- vi. 100% of reports and documents requested are submitted;
- vii. Number of ADR professionals on the list (minimum 10);
- viii. Number of participants compared to the number of guests among the ADR professionals (50% of people invited participated in the annual meeting of ADR professionals);
- ix. Participant satisfaction level (evaluation form).

**Component "Legal Remedies" — Support litigation that helps to advance and clarify constitutional language rights when test cases are involved and dispute resolution efforts have not resolved matters.**

Key activities:

- i. Follow the legal remedy process based on the diagrams attached to this agreement;
- ii. Maintain the service standards;
- iii. Evaluate requests to determine eligibility to the LR component and provide financial support to applicants approved by the committee of experts.

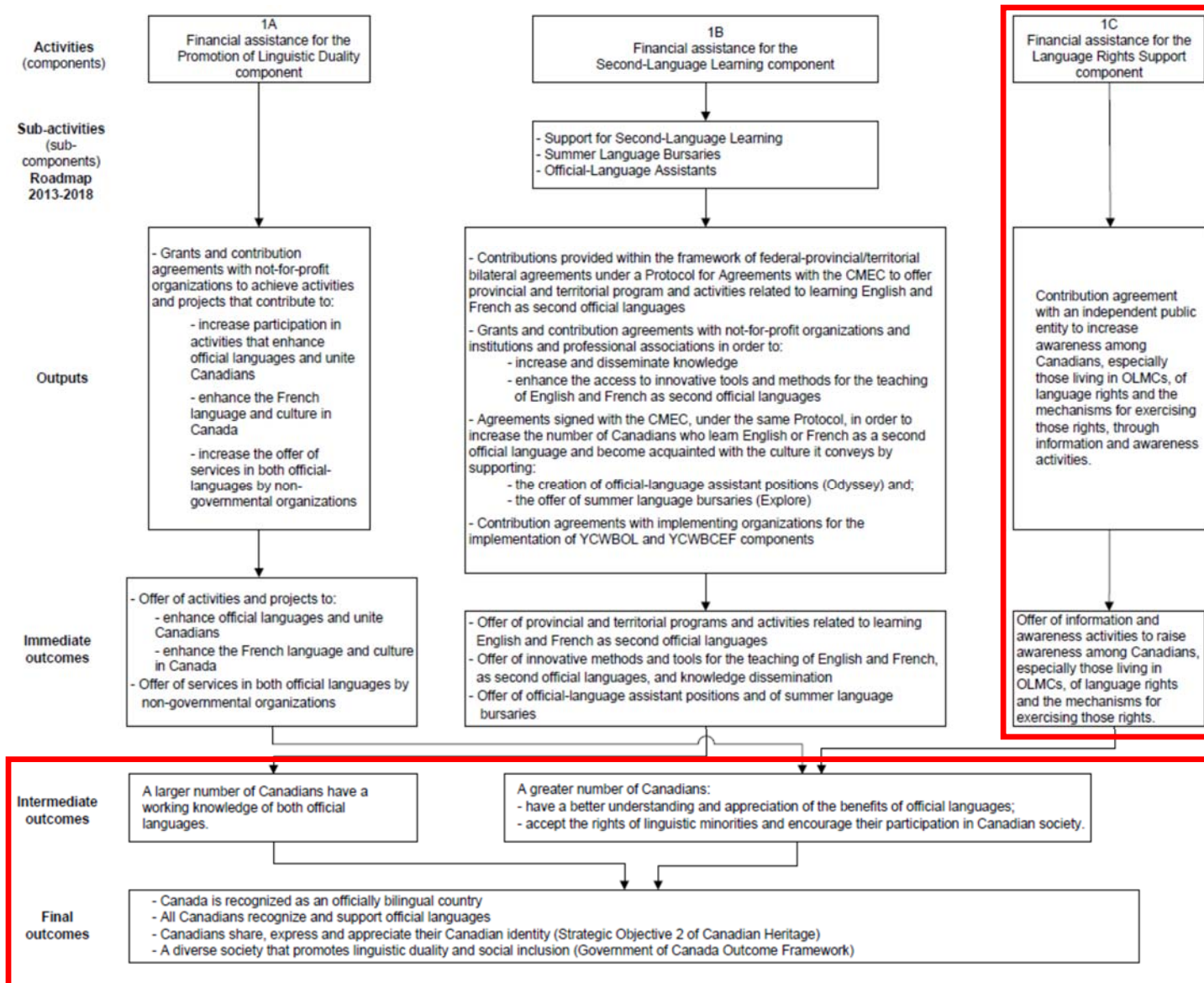
Performance indicators:

- i. The process is followed;
- ii. The services standards are followed;
- iii. Number of requests for funding of legal remedies received, eligible and funded;

- iv. Applicant satisfaction level;
- v. Number and % of cases settled;
- vi. 100% of reports and documents requested are submitted.

# Appendix C – Program Logic Model Enhancement of Official Languages

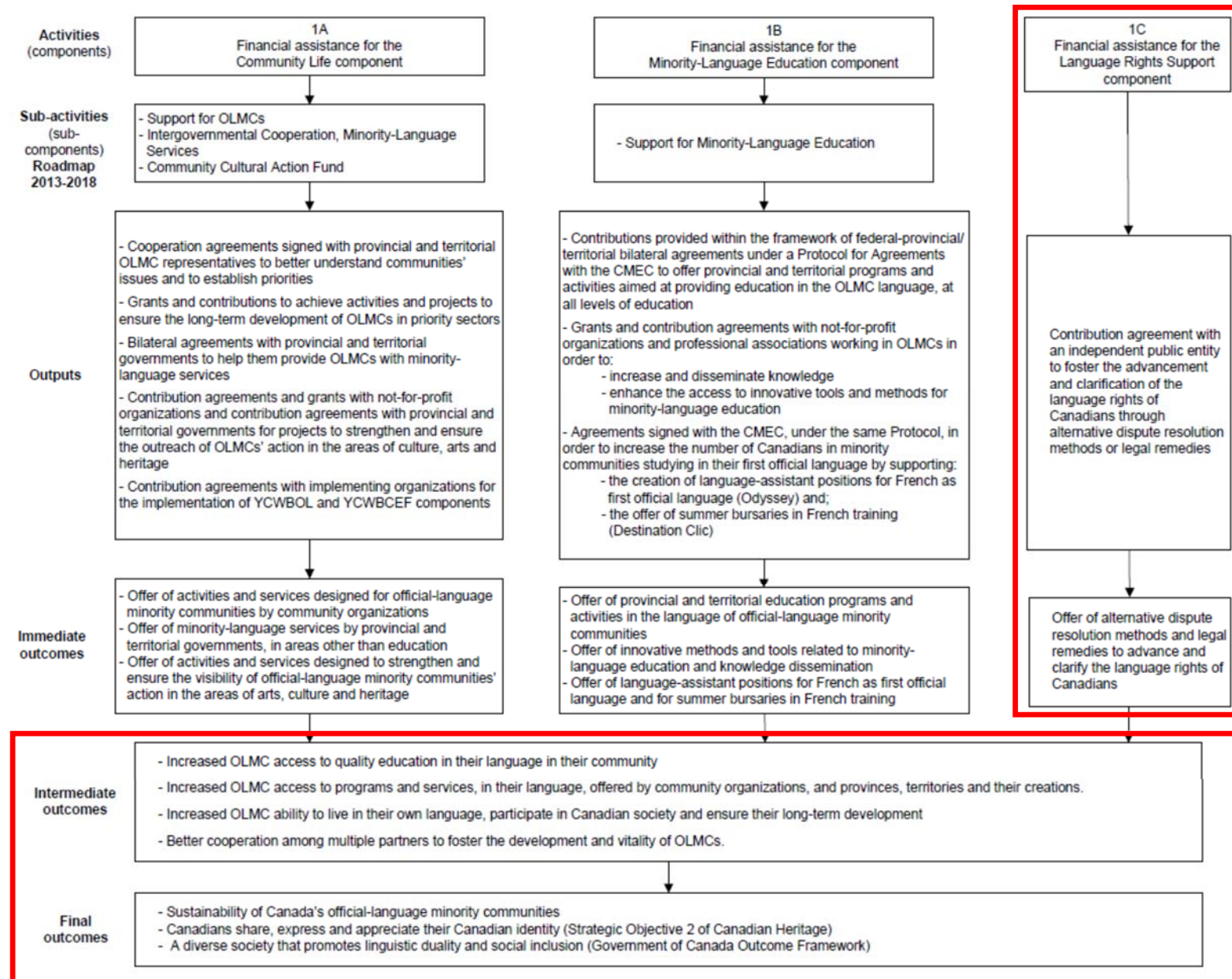
(In red, the LRSP's Components 2 "ADR" and 3 "Legal Remedies")





# Appendix D – Program Logic Model Development of Official-Language Communities

(In red, the LRSP's Component 1 "Information and Promotion")



# Appendix E – PCH Program Alignment Architecture for 2014-2015

Effective April 1<sup>st</sup>, 2014

