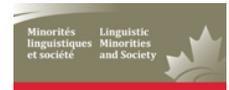


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# Towards Equal Status: English-Speaking Minority Communities in Canada and the *Official Languages Act*

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### Article abstract

The introduction of the Report of the Royal Commission on Bilingualism and Biculturalism lays the foundation for two official language minority communities in Canada, and the principle of equality, which “implies respect for the idea of minority status, both in the country as a whole and in each of its regions.” However, the *Official Languages Act* that flowed from the ‘Bi and Bi Commission, and the structures that oversee it, have not reflected an approach based on equality. The English-speaking community of Quebec—Canada’s English linguistic minority community—has not received “generous treatment” in the implementation of the Act. This paper based on my presentation at the 87<sup>th</sup> annual Acfas congress, offers some ideas about why this situation has developed and the impact this has had on the vitality of Quebec’s English-speaking community. I conclude that equality for both official language minority communities—the outcome envisioned by the Commissioners—must be achieved through the modernization of the *Official Languages Act*.

# Towards Equal Status: English-Speaking Minority Communities in Canada and the *Official Languages Act*

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## Abstract

The introduction of the Report of the Royal Commission on Bilingualism and Biculturalism lays the foundation for two official language minority communities in Canada, and the principle of equality, which “implies respect for the idea of minority status, both in the country as a whole and in each of its regions.” However, the *Official Languages Act* that flowed from the ‘Bi and Bi Commission, and the structures that oversee it, have not reflected an approach based on equality. The English-speaking community of Quebec—Canada’s English linguistic minority community—has not received “generous treatment” in the implementation of the Act. This paper based on my presentation at the 87<sup>th</sup> annual Acfas congress, offers some ideas about why this situation has developed and the impact this has had on the vitality of Quebec’s English-speaking community. I conclude that equality for both official language minority communities—the outcome envisioned by the Commissioners—must be achieved through the modernization of the *Official Languages Act*.

## Résumé

L’introduction de la Commission royale d’enquête sur le bilinguisme et le biculturalisme jette les bases des deux communautés de langue officielle en situation minoritaire au Canada et du principe d’égalité, qui « valorise la notion de minorité non seulement dans l’ensemble du pays, mais également dans chacune de ses régions ». Toutefois, la *Loi sur les langues officielles*, issue de la Commission, de même que les structures conçues pour l’appuyer ne reflètent pas une approche fondée sur l’égalité. La communauté d’expression anglaise du Québec – ou communauté anglophone minoritaire du Canada – n’a pas reçu « un traitement généreux » lors de la mise en vigueur de la Loi. Cet article propose des pistes de réflexion sur les causes de cette situation et examine son impact sur la vitalité de la communauté anglophone du Québec. Je conclus que l’égalité entre les deux communautés de langue officielle en situation minoritaire – résultat souhaité par la Commission – doit passer par la modernisation de la *Loi sur les langues officielles*.

For more than three decades, I have been privileged to work in support of the *Official Languages Act*, which is a cornerstone of our national identity and unity. The Act is designed to support the development of English and French linguistic minority communities and generally advance the equality of status and the use of the English and French languages within Canadian society. My work has been that of influencing and implementing official languages policy at the federal, provincial, and now at the community level, and I have worked to support both English and French linguistic minority communities.<sup>1</sup>

I can tell you it is not a level playing field. By way of example, just look at the national leadership within the sphere of official languages. Francophones dominate parliamentary committees in the House of Commons and Senate. Only one English-speaking parliamentarian has chaired either of these committees in the last decade. The Official Languages Branch at Canadian Heritage and the Office of the Commissioner of Official Languages (OCOL), two organizations that should be leaders for other government departments and agencies, do not employ an equitable number of Anglophones and Francophones. According to data from the Treasury Board Secretariat (Government of Canada, 2019a), the OCOL employed two dozen Anglophones compared to 149 Francophones, while Canadian Heritage employed 1,095 French speakers compared to 643 English speakers. Our lack of representation and influence in these key institutions has an impact on the understanding of English-speaking Canadians living in minority situations and the creation of policies that support English-speaking minority communities.

As a result, we often say that official languages is code for supporting French-speaking Canadians. Most of Canada's official languages strategy, policy, and program spending is directed at Francophone communities outside Quebec. One need only look at the 2018-2023 Action Plan for Official Languages, which marked the creation of a special fund dedicated to English-speaking Quebec of \$5.3 million over five years (Government of Canada, 2018). This was excellent news for our community. However, funding allocation to our community pale in comparison to the resources allocated to Francophone communities. Francophone minority communities were provided with an additional \$20 million over five years for early childhood development daycares and childcare services. Additionally, more than \$40 million was allocated to support Francophone immigration and integration. These are just some examples of Action Plan funding discrepancies.

Indisputably, in the past, French-speaking minority communities were in greater need of support. The foundation of our current understanding of official languages—the Royal Commission on Bilingualism and Biculturalism—was struck to accommodate French Canadians within the federal space (1967). From the pan-Canadian perspective, French is

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1. This paper is based on my presentation at the 87<sup>th</sup> annual Acfas congress.

the minority language. But realities have changed for English-speaking Quebecers over the last half century. It is no longer inconceivable for an English-speaking Canadian to have trouble receiving service from a federal department or agency in English due to a lack of representation. According to the 2019 federal Public Service Employee Survey (Government of Canada, 2019b), English speakers report that, at times, using English at work in federal agencies and departments in Quebec can be challenging, and some are being hindered from employment opportunities within the federal civil service.

But is there really an English minority in Quebec? Isn't Quebec's linguistic minority just an Anglophone isthmus connected to Ontario through Montreal's largely English-speaking West Island? After all, our linguistic minority has its own public school system, three universities, a network of junior colleges, as well as hospitals and health and social service institutions, making it the best treated minority in the world! In the words of one recent commentator in *Le Devoir*, what do we have to complain about when some Francophone children in British Columbia are being forced to go to schools that don't have running water?

I am not trying to prove that English-speaking Quebecers are a minority. We are a minority, no matter how inconvenient. For there to be a Francophone minority in Canada and in the provinces and territories outside of Quebec, an Anglophone minority in Quebec must exist. To quote from the general introduction of Book 1 of the Report of the Royal Commission on Bilingualism and Biculturalism (1967):

The principle of equality implies respect for the idea of minority status, both in the country as a whole and in each of its regions. Within the provinces or smaller administrative entities, both Anglophones and Francophones live in some cases as a majority, in some cases as a minority. Since the English-speaking population is larger across the country, its members are less often in the minority; but they are the minority in some areas, especially in the province of Quebec. In either case, the principle of equality requires that the minority receive generous treatment. (p. xlvi)

We are a linguistic minority community that lives in a province which, in 2019, legally required that the words "Emergency Room" be taped over at a hospital in accordance with provincial language laws, despite opposition from elected officials in the area (Scott, 2019).

We are a linguistic minority within a province that, like other jurisdictions, has lost management and control of our health and social service institutions which, incidentally, were built by our community, for our community and are not English only, but rather points of service that offer services in both languages. Meanwhile, we are in the midst of a legal challenge that will decide whether or not we are able to retain effective control of our education system. Bill 40, which modifies the governance of school boards in Quebec, effectively removes our minority community's constitutional right to manage minority education (QCGN, 2019). These are some examples of how we have lost *par et pour*, or services by and for our community.

Yes, English-speaking Quebecers have three universities that were founded and funded by members of our community in the days when Montreal was the academic centre of Canada and attendance at Catholic post-secondary institutions was restricted. However, one quarter of Bishop University's students are English-speaking Quebecers, whereas twenty-five percent are French-speaking Quebecers, and 50 percent are from outside the province. Moreover, the decline in the English-language school system is threatening the vitality of our community. Since 1971, enrollment in the English system has declined by over 60 percent (Bourhis, 2019), and unless language laws are relaxed this trend will continue.

According to a 2019 report by the Quebec English-Speaking Communities Research Network (QUESCREN), the proportion of mother-tongue English speakers in Quebec's civil service has languished at around one percent since the 1970s, despite multiple pledges by governments to deal with this chronic underrepresentation (Cooper, Donovan, & O'Donnell, 2019).

Additionally, although Quebec's courts have a legal obligation to work in both official languages, there are nowhere near enough bilingual individuals working in the justice system to provide services to English-speaking Quebecers. According to an evaluation conducted by Justice Canada (Government of Canada, 2016), accessing justice in English in Quebec is a real challenge. The obstacles faced by English-speaking Quebecers related to the issue of access to justice differ somewhat from those of other official language minority communities. Bilingual judges, lawyers, and notaries are generally available in major population centres. However, the lack of bilingual court staff, especially clerks and stenographers, and the difficulty of empaneling enough English speakers to form a jury pose obstacles to conducting legal proceedings in English.

Furthermore, the historical narrative that English-speaking Quebecers are wealthier and better off than the Francophone majority is no longer true. Our median annual income lags behind that of our Francophone counterparts, and we face additional hurdles to employment in our province which puts our unemployment rate 2 percent higher than that of the majority (Bourhis, 2019). Poverty and unemployment rates for Anglophones in Quebec demonstrate our declining economic position.

According to the results of the 2019 Public Service Employee Survey (Government of Canada, 2019b), through a regional lens, English-speaking Quebecers are experiencing the same challenges using their official language in the workplace as their Francophone colleagues in the rest of Canada. English-speaking Quebec makes up 13.7 percent of the Quebec population but, if we look at data from the Treasury Board Secretariat again (Government of Canada, 2019a), there are 25 federal institutions in Quebec (outside the National Capital Region) where the percentage of English-speaking employees is far lower than their demographic weight within the community. In 2018, the Correctional Service of

Canada employed 3,632 people in Quebec, only 120 (3.3%) of whom were English-speaking Quebecers. Canada's Economic Development for Quebec Regions (DEC) employed nine English-speaking Quebecers out of a staff of 270 (3.3%). The lack of representation in these institutions impacts the level of services being offered by the federal government to members of our community.

I am not illustrating these realities to elicit sympathy. I want to emphasize that English-speaking Quebecers are part of a linguistic minority—one that is within a French-speaking majority that is itself a national minority.

It is not in the interests of French-speaking Canadians for official languages strategies to be only supportive of Francophone communities outside Quebec. Put differently, there are over 1 million English-speaking Canadians who understand the challenges of living as a linguistic minority in Quebec. We get it! The authors of the Dunton-Laurendeau report understood this. To accommodate French federally, both languages had to be protected from sea to sea to sea. The contemporary narrative about Canadian Confederation and the task of the Royal Commission on Bilingualism and Biculturalism was to recommend steps necessary to develop the Confederation based on an equal partnership between Canada's two founding peoples.

The issues discussed within this paper are vital as we reconsider the architecture around official languages. The QCGN is of the opinion that the Act as well as the regulations, guidelines, policies and programs that emanate from it must not favour one language or one official linguistic minority community over another. As Canada moves forward on the all-important modernization of the *Official Languages Act*, it is critical that the vitality of both national official language minority communities be equitably considered. The *Official Languages Act* is a lifeline for English-speaking Quebec, as it is the only language rights legislation that protects the interests of English-speaking Quebecers as a community. The Act sets out quasi-constitutional rights for English-speaking Quebecers, including the right to access federal services in English, the representation of English speakers in the federal public service, and the right to work in English in the federal public service. Further, it provides the framework for much-needed financial support for the community's institutions and networks. The QCGN has always asserted that the central guiding principle of the *Official Languages Act* must be the equality of status of English and French. But we have also been insistent on ensuring that substantive equality is enshrined in the Act to respond to the different needs of linguistic minorities (QCGN, 2018).

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## Keywords

English-speaking minority, linguistic minority, *Official Languages Act*, implementation of linguistic rights, interpretation of linguistic rights

## Mots clés

minorité de langue anglaise, minorité linguistique, *Loi sur les langues officielles du Canada*, mise en œuvre des droits linguistiques, interprétation des droits linguistiques

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