The Future of Canada’s Official-Language Minorities

Sina Muscati and Nicolas M. Rouleau

I. INTRODUCTION

A Canadian travelling the world will encounter many citizens of other countries who speak more than one language. The Dutch and the Germans often speak excellent English. Luxembourgers go even further: some speak Luxembourgish, French, German, English and Italian. The Chinese may speak more than one dialect or language, as do the Senegalese, Malians, and Nigerians, who can additionally generally converse in French and rudimentary English. Even the Americans, frequently criticized by Canadians for their unilingualism, increasingly speak Spanish in response to the immigration of Hispanics to the United States. When encountering all these citizens of the world, the Canadian speaking only English or only French does not impress.

1 The issue of whether Chinese is subdivided into dialects or languages is controversial: Victor H. Mair, "What Is a Chinese 'Dialect/Topolect'? Reflections on Some Key Sino-English Linguistic Terms" (1991) 29 Sino-Platonic Papers, online: Sino-Platonic Papers <http://sino-platonic.org/completer/ssp029_chinese_dialect.pdf>

2 According to the 2001 Canadian Census, 17.7 per cent of Canadians have knowledge of both French and English: Statistics Canada, Detailed Mother Tongue (80), Knowledge of Official Languages (5) and Sex (3) for Population, for Canada, Provinces, Territories, Census Metropolitan Areas and Census Agglomerations (2001 Census) (Ottawa: Minister of Industry, 2001), online: Statistics Canada <http://www12.statcan.ca/english/census01/products/standard/themes/RetrieveProductTable.cfm?Temporal=2001&pid=55670&kpath=3&gid=431515&meth=1&type=55430&herne=41&focus=0&aid=0&placename=0&province=0&search=0&g=0&gks=0&gk=0&vid=0&vname=d1&d=0&r=0&f=0>. The term "knowledge of official languages" refers to "the ability to conduct a conversation ... in both English and French": Statistics Canada, 2001 Census Dictionary — Internet Version (Ottawa: Minister of Industry, 2003), online: Statistics Canada <http://www12.statcan.ca/english/census01/Products/Reference/dict/appendices/92-378-XIE02002.pdf>. This percentage varies greatly by province and territory, from highs of 40.8 per cent in Quebec and
Why, then, if Canadians are no more bilingual than anyone else, does Canadian bilingualism seem to constitute a significant component of Canada’s identity?

The answer may begin with the fact that, unlike Germany, unlike the United States, and unlike a vast number of other countries whose citizens may speak more than one language, Canada is an officially bilingual country. In Germany, even though citizens may speak other languages, they do not do so because these languages form part of their constitution, national or personal identity. Germans typically speak English in response to the pressures of globalization. They do so despite the fact that English enjoys no privileged status in Germany.

Recognizing that Canada is officially bilingual does not fully answer the question. Many other countries are officially bilingual, even officially multilingual. Luxembourg has three de facto official languages. Belgium has three official languages and Switzerland has four. These countries have more official languages than Canada. The fact that Canada has two constitutionally entrenched official languages does not distinguish it in the world.

The deeper answer to the question may lie in the powerful symbolic and practical dimensions of Canada’s minority-language rights regime. Canada’s language rights are of constitutional significance, having been reaffirmed and expanded in the Canadian Charter of Rights and Freedoms. They are fraught with symbolism. They have profound institutional impact.

Canada’s language rights are intensely practical. Their extent and consequences are unique to Canada. They intend to support minority-language communities throughout the country. This contrasts with countries such as Belgium, Switzerland, China and Senegal, where linguistic communities are grouped together in critical mass. The dense populations who speak the same lan;
the same territory promote the surv;
culture. Governments may ev gran
language rights refer to designated under
tstanding that a language is be
region.

Alternatively, personal language Professor William F. Mackey explai
ights:

According to the first [personal accommodates the individual; ac
individual who accommodates tl
Canada, for example, where each ser
served by the government in th
(according to the provisions of th
the principle of personality. Count
citizen’s relations with the state are
canton, are governed by the prin
cwhich, cuisi regio, eisius lingua, the
ruler.

The Charter protects exten Canadians. All Canadians, wherem those living in small minority-lan;
language rights. The Charter aims
minorities to flourish in their lang

---

6. Constitution fédérale de la Confédération suisse du 18 avril 1999 (RS 101), brought into force January 1, 2000 (German, French, Italian and Romansh).
more bilingual than anyone else, constitute a significant component

fact that, unlike Germany, unlike 
number of other countries whose 
language, Canada is an officially 
though citizens may speak other 
these languages form part of their 
identity. Germans typically speak 
globalization. They do so despite 
aged status in Germany.

tially bilingual does not fully answer 
e officially bilingual, even officially 
e facto official languages. Belgium 
Switzerland has four. These countries 
Canada. The fact that Canada has two 
languages does not distinguish it in 
may lie in the powerful symbolic 
its minority-language rights regime. 
stitutional significance, having been 
Canadian Charter of Rights and 
h symbolism. They have profound 
intensely practical. Their extent and 
a. They intend to support minority-
the country. This contrasts with 
land, China and Senegal, where 
together in critical mass. The dense

1 3.8 per cent in Nunavut and 4.1 per cent in 

Charter of Rights and Freedoms, Part I of the 
Canada Act 1982 (U.K.), 1982, c. 11 [hereinafter 

des langues (Mém. A - 16 du 27 février 1984, 

ques en matière administrative, Arrêté royal du 18 

nd German).

ration suisse du 18 avril 1999 (RS 101), brought 

ian and Romansh).

being Schedule B to the Canada Act 1982 (U.K.),

populations who speak the same language and share the same culture on 
the same territory promote the survival and relevance of the language 
and culture. Governments may even afford language rights to these 
groups if their concentrated numbers justify doing so.

Language rights are either territorial or personal. Territorial 
language rights refer to designated regions. They exist pursuant to an 
understanding that a language is best preserved if it predominates in a 
region.4

Alternatively, personal language rights belong to linguistic minorities.9 
Professor William F. Mackey explained the distinction between both sets 
of rights:

According to the first [personal rights], it is the institution that 
accommodates the individual; according to the second, it is the 
individual who accommodates the institution. Countries such as 
Canada, for example, where each person has the statutory right to be 
served by the government in the official language of preference, 
(according to the provisions of the Languages Act), are governed by 
the principle of personality. Countries such as Switzerland, where the 
citizen’s relations with the state are in the language or languages of the 
canton, are governed by the principle of territoriality according to 
which, cuius regio, eius lingua, the language of the region is that of its 
ruler.10

The Charter protects extensive personal language rights for 
Canadians. All Canadians, wherever their location in the country, even 
those living in small minority-language settings, benefit from certain 
language rights. The Charter aims to allow Canada’s official-language 
minorities to flourish in their language.11 Quebec, with a francophone

8 See Joseph Eliot Magnet, “Chapter 6: The Future of Canada’s Official Language Minorities” in 

Official Languages of Canada: Perspectives from Law, Policy and the Future 
(Cowansville, Qc.: Yvon Blais, 1995) 219, at 233-34; Michel Bastarache, “Chapter 1: Introduction” 
in Michel Bastarache, ed., Language Rights in Canada, 2d ed. (Cowansville, Qc.: Yvon Blais, 
2004) 1, at 14-20; William F. Mackey, “Prolegomena to Language Policy Analysis” (1979) 30 Word 
5, at 9; Richard Y. Bourhis, “Language Policies in Multilingual Settings” in Richard Y. Bourhis, 
ed., Conflict and Language Planning in Quebec (Cleveland, Eng.: Multilingual Matters, 1984) 1, at 
14; R. Silver, “The Right to English Health and Social Services in Quebec: A Legal and Political 
linguistiques” (1990) 31 C. de D. 642.

9 Michel Bastarache, “Chapter 1: Introduction” in Michel Bastarache, ed., Language 
Rights in Canada, 2d ed. (Cowansville, Qc.: Yvon Blais, 2004) 1, at 15.


Reference re Public Schools Act (Man.), s. 79(3), (4) and (7), [1993] S.C.J. No. 26, [1993] 1 S.C.R. 
839, at 850 (S.C.C.).
majority, has a strong anglophone community entitled to significant language rights in English. All other provinces, with an anglophone majority, have francophone communities entitled to significant language rights in French. The existence and vibrancy of these minority-language communities, embedded throughout Canada, is what makes Canada unique in the world.

There are two prospects for the future of Canada's official-language minorities. The first, consistent with the approach taken in many other countries, would separate the country geographically into its constituent language communities. Belgium, for example, has a French-speaking region, a Dutch-speaking region, a tiny bilingual region (French and Dutch — in the national capital) and a German-speaking region. Switzerland is divided mostly into unilingual cantons. Minority-language individuals are essentially subjected to linguistic assimilation. This approach has its advantages. Critical masses of people in specific geographical locations allow the upkeep of the language with greater ease. This prospect, applied in Canada, would posit that francophones should be at home in Quebec and anglophones should be at home outside Quebec. It would divide both linguistic groups. De facto, it would create two countries. Official-language minorities, under this approach, would bring no added value; they would be condemned to extinction. In fact, the constitutions of Switzerland and Belgium do not recognize the notion of a minority.

Proponents of this prospect argue that it would "stabilize" relations in Canada between francophones and anglophones. Professor Joseph Magent responded by observing that 941,560 francophones and 557,040 anglophones living in a minority-language setting "is a lot of people (5% of the total Canadian population) to strongly expressed will because they Dividing Canada's official-language that Canada is, in reality, two nat country.

The second prospect is "that possible, in provinces where it is population". Bringing this prospect Working towards it is justified by t l minorities embedded throughout C and perspectives with the majo experiences of Canadian citizens implemented, it will confer upon C and give it credibility as a defender.

This paper discusses Canada's Part II outlines the present situation facing Canada's official-language r several areas that impact the lives c communities. Individuals and con official language of their choice Languages Act. This statute mark government to allow all Canadian: their choice. This initiative is insu principal factors dividing Canada: presents a roadmap for improve language minorities to flourish thro

II. OUTLINE OF THE

Population trends alone can official-language minorities. Minor recently received the Charter rig
community entitled to significantier provinces, with an anglophoneities entitled to significant languagervibrancy of these minority-languageat Canada, is what makes Canada future of Canada’s official-language the approach taken in many othery geographically into its constituent or example, has a French-speaking tiny bilingual region (French and ) and a German-speaking region.onto unilingual cantons. Minority-subjected to linguistic assimilation.12Critical masses of people in specificpkeep of the language with greaterieda, would posit that francophonesd anglophones should be at home both linguistic groups. De facto, itcial-language minorities, under thisvalue; they would be condemned tos of Switzerland and Belgium do notuse that it would “stabilize” relations and anglophones.15 Professor Joseph at 941,560 francophones and 557,040 language setting “is a lot of people (5%of the total Canadian population) to condemn to extinction against theirstrongly expressed will because they do not fit in with academic theory”.17Dividing Canada’s official-language groups would also legitimate claims that Canada is, in reality, two nations bound together in an artificialcountry.

The second prospect is “that each language flourishes, as far aspossible, in provinces where it is not spoken by the majority of thepopulation”.18 Bringing this prospect about is an ambitious undertaking. Working towards it is justified by the view that strong official-language minorities embedded throughout Canada, exchanging cultures, ideas, and perspectives with the majority populations, will enrich the experiences of Canadian citizens. If this approach is successfullyimplemented, it will confer upon Canada a status unique in the world, and give it credibility as a defender of minority rights.

This paper discusses Canada’s potential under the second prospect. Part II outlines the present situation and identifies the current difficulties facing Canada’s official-language minorities. These difficulties arise in several areas that impact the lives of minority-language individuals and communities. Individuals and communities are unable to live in theofficial language of their choice. Part III discusses the Official Languages Act.19 This statute marks the efforts of the Canadian federal government to allow all Canadians to live in the official language of their choice. This initiative is insufficient. It does not account for the principal factors dividing Canada’s linguistic populations. Part IV presents a roadmap for improvement that would permit official-language minorities to flourish throughout Canada.

II. OUTLINE OF THE PRESENT SITUATION

Population trends alone cannot reveal the status of Canada’sofficial-language minorities. Minority-language communities have onlyrecently received the Charter rights that intend their survival. The
impact of these rights on demographics is still unclear. Positive demographic trends are counterbalanced by negative demographic trends. Canada’s francophone communities outside Quebec have increased in population from 923,605 in 1981 to 980,270 in 2001. In that same period, they have shrunk as a percentage of the population from 5.2 per cent to 4.4 per cent.\textsuperscript{21} Intergenerational transmission of mother tongue among francophones was substantially higher nationally in 1996 than it had been in 1971.\textsuperscript{22} But it was very low in Saskatchewan,\textsuperscript{23} where 10,000 Saskatchewan residents used French in the home in 1981, compared to only 7,000 in 1991. By 2001, French was a home language to only 4,400 — a relentless decline. Reciprocally, the number of francophones has increased from 1991 to 2001 in Prince Edward Island, Ontario, Alberta, British Columbia and the Yukon.\textsuperscript{24} Certainly, francophone communities are better positioned than in the 1960s, when assimilation was rampant, menacing the survival of the French language and culture.\textsuperscript{25}

In Quebec, the anglophone population has fallen from 693,600 in 1981 to 591,365 in 2001, a reduction of 102,235, as well as 2.6 per cent in their share of Quebec’s total population.\textsuperscript{26} But assimilation is not responsible. Emigration to other provinces is the primary factor. In this same 20-year period, Quebec suffered a net loss of over 116,000 anglophones from interprovincial increasingly francophone and tlingitophone, Canada will be divi Canada’s personal language rights. Canada will lose its particular status.

Several factors impact the size language minorities. They are use minorities.

1. Minority-Language Education

Prior to 1982, enrollment is declining rapidly throughout Canada a minority-language education in minority-language communities in 1982 may have been to grant a right through section 23.\textsuperscript{27} Crucially for

\textsuperscript{20} While there are many possible definitions for “francophones” and “anglophones”, francophones in this paper are defined as individuals who have French as a mother tongue and anglophones are defined as individuals who have English as a mother tongue.


\textsuperscript{22} Michael C’Keefe, Francophone Minorities: Assimilation and Community Vitality, 2d ed. (Ottawa: The Department of Canadian Heritage, 2001), at 60.

\textsuperscript{23} Michael C’Keefe, Francophone Minorities: Assimilation and Community Vitality, 2d ed. (Ottawa: The Department of Canadian Heritage, 2001), at 63.


\textsuperscript{27} Jack Jedwab, Going Forward: The Ev (Ottawa: Office of the Commissioner of Official Commissioner of Official Languages <http://www.oct)

\textsuperscript{28} See Nicolas M. Rouleau, “Section 2 Rights”, in this volume.


\textsuperscript{30} Section 23 of the Canadian Charter: Act, 1982, being Schedule B to the Canadian Act 1 (23(1) Citizens of Canada
(a) whose first language learned French linguistic minority reside, or
(b) who received either their pri or French and reside in a
Intergenerational transmission of language is still unclear. Positive dynamics among Francophone communities outside Quebec have increased from 980,270 in 1981 to 1,120,000 in 2001. In contrast, the number of Francophones in English Canada has remained relatively stable, with a slight decline in recent years. The proportion of Francophones in the Canadian population has fallen from 693,600 in 2001 to 612,000 in 2007, as well as 2.6 per cent of the total population. But assimilation is not complete, and the Francophone minority remains the primary factor in this decline. In this context, the definition of "Francophone" and "Anglophone" is crucial. Francophones are individuals who have French as their mother tongue and English as a second language. Anglophones are individuals who have English as their mother tongue and French as a second language.

1. Minority-Language Education

Prior to 1982, enrolment in minority-language schools was declining rapidly throughout Canada. Both demographic factors and the absence of a right to minority-language education were responsible. For minority-language communities, the Charter's greatest achievement in 1982 may have been to grant a right to minority-language education, section 23. Crucially for the survival of Canada's official-language minorities. They are useful to assess the future of these minorities.


30 Section 23 of the Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (U.K.), 1982, c. 11 states: 23(1) Citizens of Canada (a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or (b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they
language minorities, two of section 23's fundamental purposes are the prevention of assimilation and the remedying of past injustices by actively promoting the flourishing of minority languages. Theoretically, the prospects for survival of Canada's minority-language communities were enhanced in 1982. Minority-language education rights, particularly, are "the means by which the goals of linguistic and cultural preservation are achieved".

From a practical perspective, however, section 23's results have been mixed. The 1986 Canadian Census found 152,225 children in French minority-language programs (French-language schools, mixed or bilingual schools, and French-language programs in English-language schools) at that time, compared to 271,914 children eligible to attend these programs under section 23 of the Charter. As such, 56 per cent of eligible minority-language francophone students were enrolled in minority-language programs. Fifteen years later, the 2001 Canadian Census found 149,042 children in French minority-language programs and 219,860 children eligible for these programs, a ratio of 68 per cent. The French minority-language system has increasingly succeeded in attracting its target population. In the target population dropped from 271 fertility rates are partly responsible program enrolments dropped, and: Canadian Census. Assimilation in significant threat to minority-language

In Quebec, English-language programs increased, rebounding from 122,834 children in 2002-2003. In Quebec more successfully attrac minority-language education in other modes.

There appear to be two reasons as enticing to minority-language programs. First, English is predominant in Canada with French in the world. French-language schools instead of attracting their success in university and attracting French minority-language have been staying in English majority-language program before attending university (whic

34 Angéline Martel, Rights, Schools at Toward the Development of French Through Commissioner of Official Languages, 2001>
23’s fundamental purposes are the remedying of past injustices by hinging of minority languages. Section 23’s results have
Census found 152,225 children in (French-language schools, mixed or
programs in English-language programs, a ratio of 68 per cent. The

the language of the English or French of the province,
receive primary and secondary school
child has received or is receiving primary
lish or French in Canada, have the right to
and secondary school instruction in the
a under subsections (1) and (2) to have their
school instruction in the language of the
ince the number of children of citizens who
ent to warrant the provision to them out of
right to instruction in minority language education

(a (Minister of Education), [2003] S.C.J. No. 63,
re Public Schools Act (Man.), s. 79(3), (4) and tied

Plan for Official Languages (Ottawa: Minister of
1, online: Privy Council Office <http://www.pco.
cetion&doc=cover_e.htm>.

attracting its target population. In the same period of time, however, the target population dropped from 271,914 children to 219,860. Decreased
fertility rates are partly responsible. Total French minority-language
program enrolments dropped, and have continued to drop since the 2001
Canadian Census. Assimilation into the anglophone majority is still a
significant threat to minority-language francophones.

In Quebec, English-language programs attracted 94 per cent of their
target population in 2001. In raw numbers, however, enrollment in
English-language schools decreased steadily throughout the 1970s and
1980s. This is partly a result of emigration and partly a result of more
restrictive language laws. More recently, enrollment in English-language
schools increased, rebounding from 111,392 children in 1991-1992 to
in Quebec more successfully attracts its target population than French
minority-language education in other provinces.

There appear to be two reasons why education in French may not be
as enticing to minority-language francophones as education in English.
First, English is predominant in Canada and North America, and more
prevalent than French in the world. Francophones perceive that going to
French-language schools instead of English-language schools will harm
their success in university and in the job market. Many students
attending French minority-language school choose to transfer to the
English majority-language program from grade 11 to grade 12, one year
before attending university (which is customarily in English). All

levels of government have failed to convincingly dispel the myth that English-language education is more useful. They have also failed to promote French's economic value.

The second reason is that the quality of minority-language education is not yet as high as that of majority-language education. Majority-language education profits from economies of scale. The more students are enrolled in a program, the more the program will save on long-run average costs. Bulk purchases of textbooks, school materials and services become cheaper per unit cost. Since majority-language programs have more students than minority-language programs, the cost of education per student is lower. In addition, majority-language programs have easier access to resources such as libraries, psychologists, speech therapists, and teachers. With its cost savings, a majority-language program will finance more extra-curricular programs, better means of transportation, smaller class sizes and a broader selection of courses than the minority.  

Minority-language education is at a natural disadvantage. The Supreme Court of Canada noted this problem when it laid down that the quality of education in the minority language must be equal to the quality of education in the majority language:

First, the matter of the quality of education to be provided to the minority students was not dealt with above because, strictly speaking, it does not pertain to the issue of management and control. It is, of course, an important issue and one which was raised in this appeal. I think it should be self-evident that in situations where the above degree of management and control is warranted the quality of education provided to the minority should in principle be on a basis of equality with the majority. This proposition follows directly from the purpose of s 23. However, the specific form of educational system provided to the minority need not be identical to that provided to the majority. The different circumstances under which various schools find themselves, as well as the demands of a minority language education itself, make such a requirement impractical and undesirable. It should be stressed that the funds allocated for the minority language schools must be at least equivalent on a per student basis to the funds allocated to the majority schools. Special circumstances may warrant an allocation for minority language schools that exceeds the per capita allocation for majority schools. I am into account not only in the enabling discussions of the board.  

This concept is called “equivalence” to use minority-language education, a minority-language educational ex majoriy language. Since implement governments have made significan educations in French-language an objective should be completely fulfil. 

An aspect of quality is access theorectically accessible. Section 23 access is more problematic. Minorit travel great distances to attend mir them from attending. Provincial proximity when they consider equiv.

Ultimately, the future of Ca depends on the ability of minorit target populations. Currently, francophones attend minority-lar requires that the quality of minority and that minority-language edu population must have confidence in future lives.

2. Second-Language Immersion

In addition to minority-lang schools offer second-language immersio programs are defined a the second language by receiving education in that language.  

immersion schools outside of Qt

---

43 For a detailed discussion of equiv Charter: Minority-Language Education Rights*.
convincingly dispel the myth that effective minority-language education necessarily demands of scale. The more students the program will save on long-run textbooks, school materials and it cost. Since majority-language minority-language programs, the cost er. In addition, majority-language to resources such as libraries, ad teachers. With its cost savings, a a more extra-curricular programs, smaller class sizes and a broader ty, is at a natural disadvantage. The problem when it laid down that the

language must be equal to the language:

of education to be provided to the ith above because, strictly speaking, f management and control. It is, of se which was raised in this appeal. I that in situations where the above ntrol is warranted the quality of should in principle be on a basis of proposition follows directly from the specific form of educational system t be identical to that provided to the ances under which various schools demands of a minority language irement impractical and undesirable. Is allocated for the minority language nt on a per student basis to the funds. Special circumstances may warrant ge schools that exceeds the per capita

allocation for majority schools. I am confident that this will be taken into account not only in the enabling legislation, but in budgetary discussions of the board.42

This concept is called “equivalence”.43 For the full target population to use minority-language education, provincial governments must offer a minority-language educational experience equivalent to that of the majority language. Since implementation of the Charter, provincial governments have made significant strides in promoting equivalent educations in French-language and English-language schools. This objective should be completely fulfilled.

An aspect of quality is access. Minority-language education is theoretically accessible. Section 23 of the Charter ensures this. Practical access is more problematic. Minority-language individuals often have to travel great distances to attend minority-language schools. This deters them from attending. Provincial governments must account for proximity when they consider equivalence.

Ultimately, the future of Canada’s official-language minorities depends on the ability of minority-language schools to attract their target populations. Currently, not enough minority-language francophones attend minority-language schools. Attracting them requires that the quality of minority-language education be competitive and that minority-language education be accessible. The target population must have confidence in the value of this education to their future lives.

2. Second-Language Immersion Programs

In addition to minority-language education, certain Canadian schools offer second-language immersion programs. Second-language immersion programs are defined as programs “whereby students learn the second language by receiving a minimum of 25 per cent of their education in that language”.44 In practice, for French-language immersion schools outside of Quebec, the percentage of education

43 For a detailed discussion of equivalence, see Nicolas M. Rouleau, “Section 23 of the Charter: Minority-Language Education Rights”.
provided in the minority language is much higher. Quebec does not offer an English immersion program. Politically, offering such a program would be inadmissible. Many francophone parents would enrol their children, potentially jeopardizing French as the dominant provincial language.

Even if a program immerses its students in the minority language for the greater part of the day, this education should not be equated with minority-language education. Immersion programs provide minority-language instruction in majority-language schools, aimed for children adopting the language of the majority. Immersion programs lack the "cultural element that is vital to minority language education". Minority-language children who attend immersion programs assimilate into the language and culture of the majority rather than the reverse.

Immersion programs conflict with the efforts of minority-language education. They enrol students who might otherwise attend French-language schools. Does this conclusion imply that immersion programs should be discouraged? Not necessarily. The answer depends upon whether the benefits of immersion programs outweigh their disadvantages.

A number of studies have assessed the performances of children enrolled in French-immersion programs throughout Canada. Overall, results suggest that children enrolled in immersion programs perform well. Professor Jim Cummins summarized a number of consistent findings throughout Canada:

- In early immersion programs, s French at no apparent cost to the
- Within a year of the introduction, students catch up in most as performance.
- Usually students require addit spelling. By grade 5 there are test performance between im groups whose instruction has be
- The few studies that have exa specifically show no eviden students in this regard.
- There is no evidence of any 1 matter taught through French programs.

With respect to the performa language:
- Students’ receptive skills in Fre to native speaker norms) than at
- By the end of elementary scho level of native speakers in unde there are significant gaps bet spoken and written French. grammatical aspects of the lang

Professor Cummins cautiously additive bilingual and biliteracy skill for children’s academic, linguistic, contrary, although not conclusive, t

---

45 Statistics Canada, Minority and Second Language Education, Elementary and Secondary Levels (Ottawa: Minister of Industry, 1992), at 38. (On average, in 1992, French immersion programs provided 68 per cent of the instruction in French; the percentages ranged from a high of 82 per cent in the Yukon to a low of 37 per cent in Prince Edward Island.)


s much higher. Quebec does not ram. Politically, offering such a
ny francophone parents would enrol
izing French as the dominant

students in the minority language
culation should not be equated with
ersion programs provide minority-
language schools, aimed for children
ity. Immersion programs lack the

minority language education”, end immersion programs assimilate
majority rather than the reverse.”
ith the efforts of minority-language
might otherwise attend French-
sion imply that immersion programs
arily. The answer depends upon
grams outweigh their disadvantages.
essed the performances of children
grams throughout Canada. Overall,
ed in immersion programs perform
arized a number of consistent

Language Education, Elementary and Secondary
(On average, in 1992, French immersion programs
percentages ranged from a high of 82 per cent in
Island.)


n for the millennium: What have we learned from
version?” in M.R. Childs & R.M. Bostwick, eds.,
nd Practice (Numazu, Jp.: Second Katoh Gakuen
Bilingual Education, 1998), at 34. Also see:
cation: Aspects of Theory, Research and Practice
Learning Through Two Languages: Studies of
ge, MA: Newbury House, 1987); F. Genesee, “A
in School Program” (1978) 3 Canadian Journal of
Education: The St. Lambert
re, 1972); B. Harley, “Transfer in the Written
H.W. Dechert & M. Raupach, eds., Transfer In
wards & M.C. Casserly, Research and Evaluation of

- In early immersion programs, students gain fluency and literacy in
French at no apparent cost to their English academic skills.

- Within a year of the introduction of formal English language arts,
students catch up in most aspects of English standardized test
performance.

- Usually students require additional time to catch up in English
spelling. By grade 5 there are normally no differences in English
test performance between immersion students and comparison
groups whose instruction has been totally through English.

- The few studies that have examined English writing development
specifically show no evidence of problems among immersion
students in this regard.

- There is no evidence of any long-term lag in mastery of subject
matter taught through French in early, middle or late immersion
programs.

With respect to the performance of the children in the French
language:

- Students’ receptive skills in French are better developed (in relation
to native speaker norms) than are their expressive skills.

- By the end of elementary school (grade 6) students are close to the
level of native speakers in understanding and reading of French but
there are significant gaps between them and native speakers in
spoken and written French. The gap is particularly evident in
grammatical aspects of the language.

Professor Cummins cautiously declared that “[t]he development of
additive bilingual and biliteracy skills entails no negative consequences
for children’s academic, linguistic, or intellectual development. On the
contrary, although not conclusive, the evidence points in the direction of

Second Language (French) Programs in the Schools of the Ottawa Roman Catholic Separate
School Board: Annual Reports 1971-72 and 1972-73 (Toronto: Ontario Ministry of Education,
1976); M. Turnbull, S. Lapkin & D. Hart, “Grade 3 Immersion Students’ Performance in Literacy

See M. Swain, “Writing Skills of Grade Three French Immersion Pupils” (1975) 7

See B. Harley et al., The Development of Second Language Proficiency (Cambridge, UK: Cambridge
subtle metalinguistic, academic and intellectual benefits for bilingual children.\textsuperscript{51} Several studies suggest that French immersion — and, broadly, bilingualism — boosts academic and cognitive performance.\textsuperscript{52}

The studies show that children in immersion programs lack fluency to the levels of native speakers. This is a significant problem, since communication may be the most important ability linked to a language. Educators will hopefully resolve this problem over time, perhaps by increasingly orienting immersion programs toward development of communications skills in the minority language. Overall, immersion programs appear to impact positively on the performance of children. These benefits justify the existence of immersion programs.

Second-language immersion has also brought majority-language and minority-language communities into greater contact with each other, an indirect benefit. Anglophones are increasingly open-minded toward French.\textsuperscript{53} The effects of this benefit should increase as better educational methods strengthen the ability of participants to speak their second language, and as French-language immersion becomes entrenched in Canada. Second-language immersion also strengthens Canada's bilingual base. Increased French-language services become available. Children in francophone-anglophone exogamous marriages become more likely to speak French.\textsuperscript{54}

Aside from a brief period of stagnation in the 1990s, French-language immersion has gained in popularity since its inception. Participation rates have varied according to grade level. Scotia and New Brunswick, the part at the 4–12 level is lower than that also vary greatly by province. For popular in the Maritimes, with fewer enrolment rate in 2000). Overall enrolment rates consistently decrease.

Immersion programs do not operate outside of Quebec per se. Rather than intend to promote bilingualism, better ways to teach conversational efforts must be made to retain students. The fact that students in immersion programs make immersion programs have a net positive effect on Canada, and should be encouraged substitute for minority-language education.

3. Culture

Culture and language are so intertwined that provides economic support for the variety of languages used in Canada. To address this, the Canada Council for the Arts and the Canadian Museums Act ("CBC") promote and develop the Canadian Corporation ("CBC"), Telefilm Canada, the Canada Council for the Arts, and the museums and art galleries. Th museums to provide services to Canadians. The Broadcasting Act guarantees all Canadians subject to availability.


\textsuperscript{54} Exogamous marriages are marriages between people from different cultures.
1 intellectual benefits for bilingual
t that French immersion — and,
mic and cognitive performance. Immersion programs lack fluency to
is a significant problem, since
portant ability linked to a language.
is problem over time, perhaps by
programs toward development of
language. Overall, immersion
ly on the performance of children.
Immersion programs.
also brought majority-language and
greater contact with each other, an
increasingly open-minded toward
should increase as better educational
participants to speak their second
immersion becomes entrenched in
also strengthens Canada’s bilingual
services become available. Children in
marriages become more likely to

ignation in the 1990s, French-language
since its inception. Participation rates

52 for the millennium: What have we learned from
stitution” in M.R. Childs & R.M. Bostwick, eds.,
and Practice (Numazu, Jp.: Second Katoh Gakuen
ngual Education, 1998), at 34.

53 Achievement of Students in French Immersion
view 25 (French immersion may improve reading
ilingualism for Cognitive Development” in J.F.
ilingualism: Psycholinguistic Approaches (Oxford:
ilinguals more adept at problem solving than
Bilingualism, Creativity, and Social Problem-
iversity, 1997) in 58:04 Dissertation Abstracts
problem solving than monolinguals); M. Turnbull,
eds’ Performance in Literacy and Mathematics:
ints on science and mathematics tests); M. Bournoti-
ited: Mathematics Achievement in an Intensified
adian Modern Language Review 27 (French

54 the Larger Community” (1984) 12 Language and
between people from different cultures.

have varied according to grade level. In every province except for Nova
Scotia and New Brunswick, the participation rate in immersion programs
at the 4-12 level is lower than that at the K-3 level. Participation rates
also vary greatly by province. French immersion appears to be most
popular in the Maritimes, with New Brunswick leading the way (32 per
cent enrolment rate in 2000). Heading further west, French immersion
enrolment rates consistently decrease, to a low of 2 per cent in British
Columbia.

Immersion programs do not increase the francophone population
outside of Quebec per se. Rather, immersion programs in Canadian
schools intend to promote bilingualism growth. Educators must find
better ways to teach conversational skills to participants. In addition, more
efforts must be made to retain students in the programs until university.
The fact that students in immersion perform better academically than other
students should make immersion programs more enticing. Immersion
programs have a net positive effect on minority-language communities in
Canada, and should be encouraged. But immersion programs are not a
substitute for minority-language education.

3. Culture

Culture and language are symbiotic. The federal government
provides economic support for the francophone and anglophone cultures
via various grants and program expenditures. This includes money and
tax-based support for programs and agencies mandated to preserve,
promote, and develop the Canadian culture: the Canadian Broadcasting
Corporation (“CBC”), Telefilm Canada, the Canadian Television Fund,
the Canada Council for the Arts, Library and Archives Canada,
museums and art galleries. The Museums Act requires national
museums to provide services to Canadians in both official languages.
The Broadcasting Act guarantees services in English and French to
all Canadians subject to availability of public funds. Often, the reality

55 Statistics Canada, French Immersion 30 Years Later (Ottawa: Minister of Industry, 2004)
the total participation rate, excluding Quebec, is 9 per cent at the elementary level and 5.3 per cent at
the secondary level).
56 Statistics Canada, French Immersion 30 Years Later (Ottawa: Minister of Industry, 2004).
57 Many students drop out of immersion programs before university to achieve higher grades.
59 Nordicity Group Ltd., Analysis of Government Support for Public Broadcasting and
Other Culture in Canada (Prepared for CBC, June 2006), online: CBC Radio-Canada <http://www.cbc.
60 S.C. 1990, c. 3, s. 3(b).
61 S.C. 1991, c. 11, s. 3(k).
falls short of the promises. In the past, the Fédération des francophones hors Québec stigmatized the CBC for refusing to provide francophones outside of Quebec with programming catering to their communities. Today’s Broadcasting Act recognizes “the different needs and circumstances of each official language community, including the particular needs and circumstances of English and French linguistic minorities”. A 9 per cent decline in federal government support between 1995 and 2004 will make it challenging for the CBC to realize its objectives. Television viewers are also at the mercy of cable distributors, which means that the availability of French programming can vary greatly from province to province, and region to region. Shrinkage of official-language minority populations could exacerbate the problem of limited demand. Increasing Internet broadcasts could counterbalance this problem.

There has been progress in other areas. Between 1995 and 2004, the federal government’s expenditures on culture (excluding the CBC) increased by 39 per cent, from $1.75 billion to $2.43 billion. In 1996, it established the Canadian Television Fund (“CTF”) to strengthen the production and distribution of distinctive Canadian television programming. Still, by 2000, CTF funding for productions from minority-language communities was not proportional to the size of these minority-language communities.

Reading the newspaper is a great activity to transmit culture. Minority-language communities are taking advantage of it. Over 90 per cent of Quebec’s anglophones are reading newspapers. Francophones avidly read the wide range of French-language dailies to such an extent

4. Immigration

Immigration in the 21st century Canada’s real population growth minorities are to grow and flourish. The general population, immigration will not. Immigration to Canada has not been Canada’s two official languages. It is the population of Canada’s anglophone communities. Before 1960, 1.8 per cent of the population was of French origin. This proportion has increased in Quebec, with active recruitment of French-speaking people. From 1995 to 2005, 5.3 per cent of immigrants to Canada were English-speaking. In 2004, 4.6 per cent of immigrants to Canada were of French origin. Almost all of them settled in Quebec.


Broadcasting Act, S.C. 1991, c. 11, s. 3 (m)(iv); also see s. 3(c) (“English and French language broadcasting, while sharing common aspects, operate under different conditions and may have different requirements”).


63

64

65

66

67

68

69

70

71
that French-language dailies were the only Canadian dailies to post a circulation increase in 2006.68

The Internet has revolutionized access to minority-language publications. Official-language communities in virtually every corner of Canada have access to digital publications in their language from all corners of the globe. The Internet allows Canada’s scattered minority-language communities to converse with each other. This dialogue helps communities to preserve their languages and cultures.

4. Immigration

Immigration in the 21st century will be the greatest contributor to Canada’s real population growth.69 If Canada’s official-language minorities are to grow and flourish in the 21st century along with the general population, immigration will be significantly responsible.

Immigration to Canada has not spread its benefits equally between Canada’s two official languages. It has contributed more to the vitality of Canada’s anglophone communities than to that of the francophone communities. Before 1960, 1.8 per cent of immigrants to Canada spoke French only. This proportion has increased since then, but only because Quebec has actively recruited francophone immigrants.70 Between 1991 and 1995, 5.3 per cent of immigrants to Canada spoke French only. In addition, 4.6 per cent, spoke English and French. Thus, only 9.6 per cent of immigrants to Canada between 1991 and 1995 were French-speaking. Almost all of them settled in Quebec. This low proportion has declined since then: of the immigrants who arrived between 1996 and 2000, only 7.4 per cent were French-speaking.71 For every recent immigrant today who speaks French only, there are 14 who speak English only. In contrast, for every Canadian who speaks French only, there are four

68 Canadian Newspaper Association, Canadian Daily Newspaper Circulation Data (Toronto, 2006) (Canada’s 11 French-language dailies, which account for about 10 per cent of the total number of dailies in Canada, account for 19 per cent of the total weekly or average-daily circulation levels).
who speak English only. For every Canadian whose mother tongue is French, there are two and a half whose mother tongue is English. The proportion of English-speaking immigrants entering Canada is much greater than the proportion of anglophones already in Canada.

**Table 1**


<table>
<thead>
<tr>
<th>English only</th>
<th>French only</th>
<th>English and French</th>
<th>Neither English nor French</th>
</tr>
</thead>
<tbody>
<tr>
<td>84%</td>
<td>3%</td>
<td>5.5%</td>
<td>9.3%</td>
</tr>
<tr>
<td>83.3%</td>
<td>6.5%</td>
<td>10.9%</td>
<td>9.9%</td>
</tr>
</tbody>
</table>

![Bar chart showing percentages of language knowledge among immigrants.]


Few of Canada’s French-speaking immigrants are positioned to help Canada’s francophone minority-language communities: nearly all (96 per cent) of French-speaking immigrants settle in Quebec. Elsewhere, the disproportionate ratio of English-speaking immigrants can aggravate the relative decline of francophone minorities. Very few of the immigrants to provinces with an anglophone majority ever learn to speak French. The current immigration policy is dividing Canada into a French-speaking landmass (Quebec) and an English-speaking landmass (all other provinces). T Canadians should strive to avoid.

Not only do most immigrants to few who speak French largely end language. Language transfer statistic New Brunswick demonstrate that 1 settle outside Quebec drop French a arrival. As such, immigrants to Can contribute to an increasingly angliciz.

Recent numbers suggest impr francophone immigrants increasing! outside Quebec. Although it will ne may represent improved availabili; incorporation of the immigrants Alternatively, it may simply indicate yet had the time to switch home lang

---


Canadian whose mother tongue is
use mother tongue is English. The
migrants entering Canada is much
hones already in Canada.

Table 1

<table>
<thead>
<tr>
<th>Immigrants in the 1970s</th>
<th>Immigrants in the 1980s</th>
<th>Immigrants in the 1990s</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>English and French</th>
<th>Neither English nor French</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.4</td>
<td>5.5</td>
</tr>
<tr>
<td>5.6</td>
<td>10.9</td>
</tr>
<tr>
<td>9.3</td>
<td>9.9</td>
</tr>
</tbody>
</table>

2001 censuses.

ing immigrants are positioned to help
igave communities: nearly all (96
grants settle in Quebec. Elsewhere,
t-speaking immigrants can aggravate
one minorities. Very few of the
ongophone majority ever learn to
ation policy is dividing Canada into
uebec) and an English-speaking

yes in Canada: English, French and Many Others
istics Canada, 2002), online: Statistics Canada
ct/Analytic/companion/lang/provs.cfm>,
mittee on Official Languages, “Immigration as a
Minority Communities” in Journals, No. 8510-
ality of Canada’s Official Language Communities:
ice of the Commissioner of Official Languages,
ioner of Official Languages <http://www.ocol-
tality of Canada’s Official Language Communities:
ice of the Commissioner of Official Languages,
sioner of Official Languages <http://www.ocol-

Table 2

| Language Transfer among Immigrants in Canada with French as a Mother Tongue and French as a Home Language in Selected Provinces, to 1996 |
|---------------------------------|-----|-----|-----|-----|-----|
|                                | MT  | LSH | D%  | MT  | LSH | D%  | MT  | LSH | D%  | MT  | LSH | D%  |
| Pre-1961                       | 16115 | 22915 | 40.0 | 615 | 185 | -70.0 | 3920 | 1515 | -61.0 | 320 | 320 | 0   |
| 1961-70                        | 22205 | 30695 | 37.1 | 575 | 240 | -57.9 | 4160 | 2170 | -48.0 | 320 | 360 | 9.8 |
| 1971-80                        | 29150 | 44525 | 40.0 | 720 | 280 | -61.2 | 3970 | 2395 | -40.0 | 1150 | 1290 | 12.5 |
| 1981-90                        | 25110 | 41905 | 60.0 | 430 | 185 | -57.0 | 4035 | 3005 | -23.7 | 430 | 480 | 11.0 |
| 1991-96                        | 24415 | 36290 | 50.0 | 205 | 195 | -5.0  | 3040 | 2805 | -6.7  | 150 | 175 | 16.8 |
| Total                          | 116995 | 176330 | 52.0 | 2545 | 1090 | -57.1 | 19120 | 11890 | -37.5 | 2380 | 2625 | 10.3 |

(MT) Mother Tongue
(LSH) Language Spoken at Home
(D%) Difference

Source: Statistics Canada, Special Compilation, Censuses of Canada, 1996.

---

In Quebec, many immigrants whose mother tongue was not French adopted French as their home language. Between 1968 and 1999, 310,000 French-speaking immigrants entered the province. The knowledge of French among Quebec’s immigrant population increased from slightly over 50 per cent in 1971 to approximately 73 per cent in 1996.77 Immigrants also succeeded in invigorating Quebec’s anglophone minority-language community. The number of English-speaking immigrants to the province consistently remained higher than the anglophone community’s share of the provincial population. The influx of immigrants stabilized the anglophone community’s demographic situation in the face of high rates of emigration to other provinces.78 Quebec’s anglophone community will need to continue attracting English-speaking immigrants.

Without the benefit of French-speaking immigrants, the population in francophone minority-language communities is declining. Provincial governments have the opportunity to strengthen their francophone minorities by requesting more involvement in the federal immigration scheme, such as Quebec has successfully done. Should provinces increase involvement in immigration policy, and should more French-speaking immigrants settle in provinces with an anglophone majority, francophone minority-language communities must respond by embracing multiculturalism. Currently, certain “traditionalist” members of the minority-language communities believe that multiculturalism threatens their identity. They warn that a minority-language francophone de souche is different from a minority-language francophone immigrant. They argue that the culture of French-Canadian minorities should not be diluted by the various cultures of new francophone immigrants. This position has tainted some relations between Canada’s established francophone minorities and immigrant groups. Professor Monica Heller has noted that “it becomes increasingly difficult to rally all components of the population to the Franco-Ontarian cause of fighting common oppression when certain groups within that population themselves feel oppressed by others; this is notably the case of immigrant groups who feel shut out of the educational population.”79 Other academics hav

The fears of “traditionalists” are synonymous with assimilation, cultures can be fused into a single founding cultures. If French-Cana Haitian or Senegalese immigrants, of the original French-Canadian cul

Culture is a fluid concept that the experiences of its people. Fren history of long-settled French C francophone immigrants settle in C the French-Canadian cultural mc members of the French-Canadian experiences are reflected in the cul relevance if its members artificially

While Canada is officially multicultural — not bicultural, cultures are not singled out for par conflicts with the Supreme Court rights cases, that the purpose of se and promote the two official langu cultures”. On a more profound reconciled. The Charter promote: preserves and promotes the two di French and English languages: backgrounds integrate in a langue culture to the cultural mosaic. T Charter does not dispel, nor multiculturalism on minority-lang

A legal analysis of the Cha purpose of section 23 is to “pres

---

79 Monica Heller, “The School Sys Ethnicity in Ontario” in Crosswords (Berlin: M
80 Carsten Quell, Speaking the Langu for Studies in Education, University of Toronto
ose mother tongue was not French guaage. Between 1968 and 1999, nts entered the province. The c’s immigrant population increased 71 to approximately 73 per cent in n invigorating Québec’s anglophone e number of English-speaking stently remained higher than the e provincial population. The influx phone community’s demographic of emigration to other provinces, will need to continue attracting eaking immigrants, the population omunities is declining. Provincial / to strengthen their francophone vement in the federal immigration cessfully done. Should provinces n policy, and should more French-inces with an anglophone majority, imities must respond by embracing n “traditionalists” members of the e that multiculturalism threatens minority-language francophone de y-language francophone immigrant. h-Canadian minorities should not be new francophone immigrants. This ns between Canada’s established ant groups. Professor Monica Heller difficult to rally all components centarian cause of fighting common thin that population themselves feel / the case of immigrant groups who

feel shut out of the educational process by the locally-established population”. Other academics have made similar observations.

The fears of “traditionalists” are unfounded. While linguistic fusion is synonymous with assimilation, cultural fusion is enriching. Many cultures can be fused into a single one without losing anything of the founding cultures. If French-Canadian culture becomes influenced by Haitian or Senegalese immigrants, it is enriched. Nothing must be lost of the original French-Canadian culture.

Culture is a fluid concept that reflects not only the history but also the experiences of its people. French-Canadian culture reflects the rich history of long-settled French Canadians. It always will. As more francophone immigrants settle in Canada, they add their own history to the French-Canadian cultural mosaic. Over time, as old and new members of the French-Canadian culture share new experiences, these experiences are reflected in the cultural mosaic. A culture would lose its relevance if its members artificially fought against change.

While Canada is officially bilingual, it is also officially multicultural — not bicultural. French-Canadian and English-Canadian cultures are not singled out for particular treatment. On the surface, this conflicts with the Supreme Court of Canada’s affirmation, in language rights cases, that the purpose of section 23 of the Charter is to “preserve and promote the two official languages of Canada, and their respective cultures”. On a more profound level, these two statements can be reconciled. The Charter promotes multiculturalism. The Charter also preserves and promotes the two distinct mosaics of culture related to the French and English languages. As immigrants from different backgrounds integrate in a language group, they add elements of their culture to the cultural mosaic. The cultural mosaic is enriched. The Charter does not dispel, nor should it dispel, the influences of multiculturalism on minority-language cultures.

A legal analysis of the Charter supports this interpretation. The purpose of section 23 is to “preserve and promote” the cultures of the

official languages of Canada. A culture cannot and should not be shielded from any change. A culture on a remote island, free from any multicultural influence, would still evolve over time: it would respond to the experiences of its members. Culture is fluid. Similarly, a minority-language culture evolves over time. Certain changes are driven by time and new experiences. Other changes are driven by immigration. It is impossible to parse a culture’s changes into different categories. It is equally impossible to affirm that certain changes should be accepted because they are “natural”, while other changes should be rejected because they are “imported”. And who is to safeguard the “purity” of culture?

The concept of a “pure” minority culture “preserved” from outside influence is unrealistic. The Charter endows minority-language communities with the tools necessary to preserve their culture from assimilation into the culture of the majority-language community. The minority-language community as a whole crafts a cultural mosaic distinct from the majority’s cultural mosaic. Minority-language culture acts as a feedstock for the minority language. This approach reconciles section 27 with section 23’s interpretation. It also affirms that immigration is beneficial to minority-language communities. If the federal government is to allow minority-language communities to flourish, a better immigration policy is necessary.

<table>
<thead>
<tr>
<th>Country</th>
<th>United States</th>
<th>Canada</th>
<th>Quebec</th>
<th>Rest of Canada</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Africa</td>
<td>11,785</td>
<td>10,505</td>
<td>9,080</td>
<td>1,425</td>
</tr>
<tr>
<td>France</td>
<td>29,063</td>
<td>11,890</td>
<td>9,890</td>
<td>2,000</td>
</tr>
<tr>
<td>Haiti</td>
<td>141,181</td>
<td>11,585</td>
<td>10,435</td>
<td>1,150</td>
</tr>
</tbody>
</table>


5. Fertility Rates

For several years, analysts wo Quebec would erode Canada’s francophone and French influence, the fertility rate among the anglophones for the first time. In 1986, the fertility rate among francophones was 2.20 per cent lower than in the other provinces. The Allowance for Newborn Children in Quebec was a bonus scheme that provided tax-free birth of a child. The measure was Quebec’s finance minister at the time, François Legault, who introduced it in 1997, after it did not appear to have an impact on fertility rates in the province.

By 2003, fertility rates in the same level as Quebec’s and those of other provinces. The drop in fertility rate is less pronounced in francophone provinces. These provinces have a different approach to immigration policy. They focus on attracting the right immigrants to their communities.

6. Interprovincial Migration

The Canadian Charter of Rights and Freedoms empowers Canadians to move freely within a province, but areas throughout the 1970s, 1980s and 1990s, “interprovincial migration is no longer a major factor in the growth of the population.”

---

83 Réjean Lachapelle, “Changes in Fertility Among Canadian Women,” Statistics Canada, 11-008-X19880021174-
84 “Baisse d’impôts pour tous” La Presse, 1985.
85 Statistics Canada, “Other Releases”, 1982, 1982, 11-008-X19880021174-
86 Part I of the Constitution Act, 1982, c. 11.

ulture cannot and should not be on a remote island, free from any volve over time: it would respond s. Culture is fluid. Similarly, a er time. Certain changes are driven changes are driven by immigration changes into different categories. It certain changes should be accepted other changes should be rejected who is to safekeep the “purity” of y culture “preserved” from outsidearter endows minority-language ary to preserve their culture from majority-language community. The a whole crafts a cultural mosaic mosaic. Minority-language culture language. This approach reconciles terpretation. It also affirms that rity-language communities. If the minority-language communities to is necessary.

<table>
<thead>
<tr>
<th>Year</th>
<th>Quebec</th>
<th>Rest of Canada</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,505</td>
<td>9,080</td>
<td>1,425</td>
</tr>
<tr>
<td>1,890</td>
<td>9,890</td>
<td>2,000</td>
</tr>
<tr>
<td>1,585</td>
<td>10,435</td>
<td>1,150</td>
</tr>
</tbody>
</table>

The Charter of Rights and Freedoms, protects the right of Canadians to move freely within Canada. Anglophones began an exodus from Quebec to other provinces, moving in large numbers throughout the 1970s, 1980s and 1990s. Richard Joy commented that “interprovincial migration is no longer promoting a blending of Canada’s two major language groups and that, on the contrary, recent migration

5. Fertility Rates

For several years, analysts worried that the low fertility rate in Quebec would erode Canada’s francophone population. Between 1981 and 1986, the fertility rate among francophones dropped below that of anglophones for the first time. In 1986, the fertility rate in Quebec was 20 per cent lower than in the other provinces. Quebec introduced the Allowance for Newborn Children in 1988. The Allowance was a baby bonus scheme that provided tax-free cash subsidies to families after the birth of a child. The measure was intended to encourage fertility. Quebec’s finance minister at the time, Gerard D. Lévesque, stated: “La dénatalité, c’est la décadence d’un peuple.” The scheme was cancelled in 1997, after it did not appear to have had an impact on the decline in fertility rates in the province.

By 2003, fertility rates in the other provinces had declined to the same level as Quebec’s or lower (approximately 1.5 children per woman). The drop in fertility rates in other provinces eliminated the fear that francophones would disappear at a faster rate than anglophones. It places the onus on the federal government, however, to plan a coherent immigration strategy benefiting francophones and anglophones alike.

6. Interprovincial Migration

The Charter of Rights and Freedoms, protects the right of Canadians to move freely within Canada. Anglophones began an exodus from Quebec to other provinces, moving in large numbers throughout the 1970s, 1980s and 1990s. Richard Joy commented that “interprovincial migration is no longer promoting a blending of Canada’s two major language groups and that, on the contrary, recent migration
has actually been acting to increase polarization, with those who prefer to use the English language moving out of Quebec and with francophones tending to concentrate within the province.88

More recently, interprovincial migration between Quebec and other provinces has begun evening out.89 Should the trend hold, emigration would no longer constitute a significant issue for Quebec’s anglophone minority. Currently, emigration of anglophones from Quebec is balanced by large numbers of international anglophone immigrants moving to Quebec.90 They replenish the ranks of the anglophone minority-language communities.

7. French as a Language of Work91

To convince official-language minorities to enrol their children in minority-language education, it is critical that the language have economic value and an economic future. Languages cannot be sustained over time when they are limited to the home. The 2001 Canadian Census suggests that there is room for improvement in this respect.92 Slightly over 67 per cent of the 566,000 francophone workers outside Quebec used French at work in 2001.93 While New Brunswick and Ontario were both above this national average,94 less than 30 per cent of francophone workers in Saskatchewan, Alberta and British Columbia

88 Richard Joy, Canada’s Official Languages: The Progress of Bilingualism (Toronto: University of Toronto Press, 1992), at 49.
91 In this section the terms “anglophone” and “francophone” are based on mother tongue. As well, only single responses are considered. This decision is based on the rationale that individuals who are able to speak both official languages will be more marketable and therefore will skew the results for the “pure” language groups.
93 Forty per cent used French most often and an additional 27 per cent used French regularly.
94 The use of French was most widespread (92 per cent) among francophone workers in New Brunswick. Almost 76 per cent of them used it most often while 16 per cent used it regularly. Among Ontario’s 289,000 francophone workers, 69 per cent used French at work. About 35 per cent used it most often, while 34 per cent used it regularly.

used French at work.95 These results, Quebec the numbers are much higher, workers used English at work.96 It appears that francophone min.

whether they will use French at work, that francophone workers outside (had a greater tendency to use French)

The federal government has not the language of work. The federal law relates to the federal civil service successful. A study of the federal the Office of the Official Language conclusions highlighting the fact that of work:98

- Bilingual anglophones use Fre.

- In the case of work documents were prepared in English compi.

- The lack of confidence in wo anglophones to resort to Engi

hand, a better knowledge of E exists.

- English is recognized as the la.

- The frequent recourse to E discourage many anglophones.

95 Less than 14 per cent of francophone
96 Seventy-eight per cent of anglophone
97 Of the 57 per cent of francophone w
98 cent also used it at work (61 per cent most often of francophones who spoke French regularly at l
often and 44 per cent regularly). Among the French at least regularly at home, only 29 per c
21 per cent regularly). Office of the Commissioner of Off
99 Work in the Federal Public Service (Ottawa: C
100 2004), online: Office of the Commissioner of Off
polarization, with those who prefer moving out of Quebec and with within the province.\textsuperscript{98} Immigration between Quebec and other Should the trend hold, emigration ant issue for Quebec’s anglophone f anglophones from Quebec is national anglophone immigrants ish the ranks of the anglophone minorities to enrol their children in critical that the language have ure. Languages cannot be sustained to the home. The 2001 Canadian for improvement in this respect.\textsuperscript{92} 6,000 francophone workers outside 001.\textsuperscript{93} While New Brunswick and al average,\textsuperscript{94} less than 30 per cent of van, Alberta and British Columbia "

\textit{The Progress of Bilingualism} (Toronto: 

\textbf{Conclusion of Quebec’s English-Speaking Community} 1 Languages, 2004), at 15, online: Office of the w.oocl-clo.gc.ca/html/stu_etu_evolution_112004_ 


and “francophone” are based on mother tongue. Ass cision is based on the rationale that individuals who re marketable and therefore will skew the results for


and an additional 27 per cent used French regularly. 
ed (92 per cent) among francophone workers in d it most often while 16 per cent used it regularly. , 69 per cent used French at work. About 35 per regularly.

used French at work.\textsuperscript{95} These results were the lowest in Canada. In Quebec, the numbers are much higher: 93 per cent of anglophone workers used English at work.\textsuperscript{96} It appears that francophone minorities have a degree of control over whether they will use French at work. The 2001 Canadian Census found that francophone workers outside Quebec who spoke French at home had a greater tendency to use French at work.\textsuperscript{97} The federal government has not done nearly enough with respect to the language of work. The federal government’s only significant effort relates to the federal civil service. It has not been overwhelmingly successful. A study of the federal public service performed in 2003 by the Office of the Official Language Commissioner reached several conclusions highlighting the fact that French is underused as a language of work.\textsuperscript{98} 

\begin{itemize}
  \item Bilingual anglophones use French 13 per cent of the time, while bilingual francophones use English 54 per cent of the time.
  \item In the case of work documents of bilingual respondents, 78 per cent were prepared in English compared to 22 per cent in French.
  \item The lack of confidence in work performed in French encourages anglophones to resort to English. For francophones, on the other hand, a better knowledge of English seems to confirm an already existing tendency towards greater use of English.
  \item English is recognized as the language that offers the best chance of professional advancement.
  \item The frequent recourse to English by francophones tends to discourage many anglophones.
\end{itemize}

\textsuperscript{95} Less than 14 per cent of francophone workers in these provinces used French. 
\textsuperscript{96} Seventy-eight per cent of anglophone workers use English most often. 
\textsuperscript{97} Of the 57 per cent of francophone workers who used French most often at home, 79 per cent also used it at work (61 per cent most often and 18 per cent regularly). Among the 18 per cent of francophones who spoke French regularly at home, 62 per cent used it at work (18 per cent most often and 44 per cent regularly). Among the francophones outside Quebec who did not speak French at least regularly at home, only 29 per cent indicated that they used French at work (8 per cent using it most often and 21 per cent regularly). 
• In general, respondents work in an environment where 98 per cent of the staff can communicate in English and where 28 per cent of anglophones are unilingual. Anglophones are therefore rarely faced with the need to interact with unilingual francophone colleagues.

With respect to Quebec, the federal government has made no substantial effort in the private sector and no serious attempt to cooperate with Quebec’s initiative to make French the language of work in that province, despite the recommendations of the 1968 Report of the Royal Commission on Bilingualism and Biculturalism to this effect.99 Professor Joseph Magnet suggested that “[t]he failure of Ottawa to support Quebec’s language of work initiatives by complementary legislation for firms outside of Quebec impedes Quebec’s efforts to give French economic value. Quebec is placed in the position of erecting defensive linguistic barriers around the province, a strategy that could contribute to the further weakening of Quebec’s economy and the ghettoization of French in Quebec.”100

Outside Quebec, the failure of federal and provincial governments to promote French as a language of work in the private sector means that francophone minorities — especially where bilingual — continue to assimilate into the anglophone communities. French has little economic value. Consequently, anglophones earn, on average, higher incomes than francophones within Canada ($32,975 compared with $29,738 in 2000).101 Regional variations are naturally significant. For example, francophone Ontarians have the highest incomes with an average of $32,300; Western francophones earn an average of $29,700; Acadians are last, earning an average of $23,000.102 Francophone minorities enjoy socio-economic conditions at least equal to those of Quebec francophones.

99. Laurendeau et al., Report of the Royal Commission on Bilingualism and Biculturalism, vol. 3 (Ottawa: Queen’s Printer, 1969), at 554 (“We recommend that in the private sector in Quebec, governments and industry adopt the objective that French become the principal language of work at all levels”).


While there are fewer wealthy pec there are also proportionately fewe French must gain a stronger ec minorities to flourish.

The federal and provincial government as a language of work in the private the increasingly globalizing world. as an official language. As they de trade with and invest in France rat an anglophone majority. The more business in French, the more Canaan with French-speaking countries traditionally strong), as well as ac investors hoping to penetrate the Ai

Part II has identified several communities. To summarize, franco much better today than before the still being assimilated into th Domestically, fertility rates are l generally. As Canada’s population immigrants, provincial and federa federal immigration policy to repli outside Quebec. The current imm Canada in two, funnelising francor outside of Quebec. Provincial gov the interests of their francophone n market these communities abr governments have failed to significantly in the private sec potential as a trade and inves countries and encourages the frat children in English. Even the increase French in the public s federal government’s cultural c adequately fulfil the needs of the o

an environment where 98 per cent of English and where 28 per cent of
ophones are therefore rarely faced
ingual francophone colleagues.

eederal government has made no
ector and no serious attempt to
ake French the language of work
ations of the 1968 Report of the
and Biculturalism to this effect. That "[t]he failure of Ottawa to
ork initiatives by complementary
impedes Quebec's efforts to give
aced in the position of erecting
the province, a strategy that could
of Quebec's economy and the
eederal and provincial governments
work in the private sector means
ially where bilingual — continue to
unities. French has little economic
ean, on average, higher incomes
$32,975 compared with $29,738 in
aturally significant. For example,
comes with an average of $32,300;
age of $29,700; Acadians are last,
cophone minorities enjoy socio-
to those of Quebec francophones.

Commission on Bilingualism and Biculturalism, vol. 6: The Future of Canada's Official Language Perspectives from Law, Policy and the Future
2 Groups (22) in Constant (2000) Dollars, Sex (3),
egex (5) and Mother Tongue (6) for Population 15
1 Census) (Ottawa: Minister of Industry, 2001).

While there are fewer wealthy people among francophone minorities, there are also proportionately fewer poor people. Overall, however, French must gain a stronger economic foothold for francophone minorities to flourish.

The federal and provincial governments' failure to promote French as a language of work in the private sector could leave Canada behind in the increasingly globalizing world. Many African countries have French as an official language. As they develop, these countries will choose to trade with and invest in France rather than in Canadian provinces with an anglophone majority. The more Canadians develop their ability to do business in French, the more Canada has the potential to increase trade with French-speaking countries (in sectors where Quebec is not traditionally strong), as well as act as a gateway for French-speaking investors hoping to penetrate the American market.

Part II has identified several problems facing minority-language communities. To summarize, francophone communities, while performing much better today than before the implementation of the Charter, are still being assimilated into the English language and culture. Domestically, fertility rates are low among the Canadian population generally. As Canada's population growth is increasingly dependent on immigrants, provincial and federal governments have not revised the federal immigration policy to replenish declining francophone numbers outside Quebec. The current immigration policy linguistically divides Canada in two, funnelling francophones into Quebec and anglophones outside of Quebec. Provincial governments make no efforts to promote the interests of their francophone minority-language communities and to market these communities abroad. The federal and provincial governments have failed to increase French's economic value significantly in the private sector. This failure ignores Canada's potential as a trade and investment partner for French-speaking countries and encourages the francophone minorities to educate their children in English. Even the federal government's initiatives to increase French in the public sector have been disappointing. The federal government's cultural efforts, though improving, do not adequately fulfill the needs of the official-language minorities.

There are shining lights in Canada’s efforts so far. While Quebec’s anglophone population emigrates out of the province at a rapid rate, it appears to be balanced by the influx of international anglophone immigrants to the province. Minority-language education is structurally in place throughout Canada, and today, provincial governments generally comply with their obligations. Second-language immersion programs are growing. An increasing number of Canadians are buying into the idea of bilingualism. While in the past the survival of Canadian minority-language communities appeared in doubt, today minority-language communities are on firmer ground. Manitoba provides an example of a francophone community once on the brink of extinction that has been revived by Canadian efforts. The issue today appears to be whether both federal and provincial governments will provide Canada’s official-language minorities with the mechanisms to flourish, preventing a Quebec/rest-of-Canada separation along linguistic lines.

III. THE OFFICIAL LANGUAGES ACT

Perhaps the federal government’s most important tool for promoting the French and English languages and minority-language communities throughout Canada has been the Official Languages Act. The first Official Languages Act, enacted in 1969, sought “to resist the blandishments of a Canada split along language lines … [and] to construct a society in which the minorities can expect to live much of their lives in their own language”. The Act instituted a comprehensive program of language equality, including providing for bilingual services to the public, the use of English and French as languages of work in the public service, and the equitable participation of anglophones and francophones in public service employment. It succeeded in turning what was then essentially an anglophone public service into one where francophones were represented in proportion to their national representation.

---

105 R.S.C. 1985 c. 31 (4th Supp.).
da’s efforts so far. While Quebec’s t of the province at a rapid rate, it flux of international anglophone language education is structurally 1 today, provincial governments. Second-language immersion g number of Canadians are buyi n the past the survival of Canadian beared in doubt, today minority- er ground. Manitoba provides an ty once on the brink of extinction efforts. The issue today appears to vincial governments will provide s with the mechanisms to flourish, separation along linguistic lines.

**LANGUAGES ACT**

s most important tool for promoting nd minority-language communities Official Languages Act. The first in 1969 sought “to resist the along language lines ... [and] to norities can expect to live much of The Act instituted a comprehensive ling providing for bilingual services French as languages of work in the participation of anglophones and ployment. It succeeded in turning one public service into one where in proportion to their national

---

(Cowansville, Que.: Yvon Blais, 1995) 219, at 227. However, many more positions were considered English essential (59 per cent in 1992) than were considered French essential (5 per cent) or bilingual (30 per cent).


110 SOR/92-48.


113 R.S.C. 1985, c. 31 (4th Supp.).
institutions and the government with regard to official languages. The framework stipulated that departments must consult with official-language communities and consider their needs when developing and implementing policies and programs.

In November 2005, Bill S-3 (An Act to Amend the Official Languages Act) was enacted with the aim of improving the effectiveness of Canada’s Official Languages Policy. The bill strengthened the Official Languages Act by imposing new obligations on federal institutions. Today, these institutions must take “positive measures” to enhance the vitality of official-language communities in Canada and to foster full recognition and use of both official languages in Canadian society (the promotion of linguistic duality). Federal departments and agencies must demonstrate that their policies, programs, guidelines, and priorities account for the interests and needs of official-language minority communities and contribute to promoting full recognition of both official languages in Canadian society. Violations of these obligations can have legal consequences. Plaintiffs can apply to courts for a remedy.

In the words of the Commissioner of Official Languages, this amendment represented “a positive turning point”. Federal institutions must now consider how they plan to ensure the vitality and development of official-language communities, and must craft concrete measures that promote linguistic duality in Canadian society throughout the country.

The Official Languages Act has made significant progress in allowing linguistic minorities to access and participate in the civil service. Traditionally, however, it has failed to address the problems that, today, prevent official-language minorities from flourishing. Some of its recent reforms may be targeted in the proper direction. There are significant additional steps to take. Progress on the next four issues will greatly strengthen official-language minorities and prevent Canada from separating into linguistic enclaves.


115 R.S.C. 1985, c. 31 (4th Supp.).


117 Official Languages Act, R.S.C. 1985, c. 31 (4th Supp.), s. 77.


119 R.S.C. 1985, c. 31 (4th Supp.).

120 Official Languages Act, R.S.C. 1985

121 Official Languages Act, R.S.C. 1985

122 House of Commons, Standing C

123 Television Production in Minority Environment
IV. Pathway for the Future

1. Culture

The federal government has the positive obligation to enhance the vitality of the English and French linguistic minority communities in Canada while supporting and assisting their development. The obligation is subject to legal remedy. Culture is one of the tools that the federal government can use to enhance the vitality of the minority-language communities.

To fulfill its obligation, the federal government could promote television production and broadcasting catered to minority-language communities. In a 2003 report, the Standing Committee on Official Languages noted that francophone television productions in minority-language communities generate economic activity and cultural vitality. In the four years prior to 2003-2004, the number of francophone minority-language productions receiving Canadian Television Fund support increased considerably, with contributions rising in value from $4.8 million in 1999-2000 to over $10 million in 2002-2003. The CTFC should increase funding toward francophone minority-language productions to a figure at least representing the proportion of francophone minority-language communities within Canada. Preferably, the figure should be even higher. The francophone minority is at greater risk than majority populations.

A common objective toward minority-language communities increases results. Federal departments and their provincial counterparts have the ability to define this common objective by cooperating. Canadian Heritage’s Interdepartmental Partnership with Official Language Communities is a positive development. It has triggered activities in project development and training for television writers and directors with Téléfilm Canada and the Société Radio-Canada. The Department of Canadian Heritage is also cooperating with TFO (La télévision éducative et culturelle de l’Ontario français), a major supporter of francophone productions originating outside of Quebec.

---


31 (4th Supp.), s. 41.
31 (4th Supp.), s. 77.

120 Official Languages Act, R.S.C. 1985, c. 31 (4th Supp.), s. 41.
121 Official Languages Act, R.S.C. 1985, c. 31 (4th Supp.), s. 77.
should undertake similar initiatives with other provinces. The National Film Board of Canada is increasingly supporting filmmakers from official-language minority communities.

Increased promotion of minority-language culture will achieve two objectives. First, it will allow minority-language communities to maintain their culture. Second, presenting the minority-language communities' cultures to the majority will connect the minority and majority cultures.

2. Immigration Policy

Traditionally, English-speaking immigrants have dominated Canadian immigration. In light of Canada's reliance on immigrants for population growth, the Canadian immigration policy will influence the demographic vitality and sustainability of official-language communities. Because Quebec insisted on recruiting more French-speaking immigrants, the federal government relinquished control of immigration for Quebec. Since then, Quebec's immigration policy has attracted increasing numbers of French-speaking immigrants.124

Outside of Quebec, there are few French-speaking immigrants. If these provinces follow in Quebec's footsteps by demanding more control over immigration, they have the opportunity to strengthen their francophone minorities. Francophone minorities will have the opportunity to pressure their provincial governments into recruiting more French-speaking immigrants.

A report of the Standing Committee on Official Languages has made a number of recommendations aimed at informing potential French-speaking immigrants of Canada's linguistic duality and of the existence of minority-language communities throughout the country.125 The federal government and the provinces with an anglophone majority should construct an immigration policy in consultation with the francophone minority-language communities. This policy should establish benchmarks to increase immigration of French-speakers and review these benchmarks annually to ensure progress.126 It is society impacting immigrants, such are enough French-speaking immigrants of Quebec and francophone minority would welcome the provinces' French throughout Canada.

Another option is to teach F immigrants upon their arrival in chosen, the federal government sl language communities to bring imm members of the linguistic communiti

Eventual integration into the mini-institutional vitality of these communities is greatly affected by structures in place to respond to communities the tools they require instruments they need to favour the

The Société franco-manitoba speaking immigrants should obtain will better integrate in provinces wit

---


125 House of Commons, Standing Committee on Official Languages, "Immigration as a Tool for the Development of Official Language Minority Communities" in Journals, No. 8510-372-71 (May 8, 2003) Table 1.


with other provinces. The National Film Board supports filmmakers from all regions and languages. A strong language culture will achieve two goals: language communities to maintain their identity and minority and majority communities to thrive.

Immigrants have dominated Canada’s reliance on immigrants for economic and social development. More French-speaking immigrants control immigration for Quebec. The increased attractiveness of French-speaking immigrants is due to a cultural shift in demand for French skills by employers. If there is a need to strengthen their skills, the federal government should establish centres in official-language communities to bring immigrants into closer contact with the French-speaking community. As Jack Jedwab noted:

> Eventual integration into the minority communities is linked to the institutional vitality of these communities. The capacity to receive immigrants is greatly affected by the resources, institutions and structures in place to respond to their needs. We need to give the communities the tools they require to fully develop, including the instruments they need to favour the integration of immigrants.


The Société Fransaskois also suggested that French-speaking immigrants should obtain training in English. As such, they will better integrate in provinces with an anglophone majority.
3. Education and Education Institutions

The Charter has been particularly helpful in promoting minority-language communities through education. Interpreting section 23 of the Charter, the Supreme Court of Canada recognized that education is “vital ... in preserving and encouraging linguistic and cultural vitality”.\(^{131}\) Professor Joseph Magnent added in *Official Languages of Canada* that:

> [E]ducation is central to the socialization of individuals. Education shapes the individual’s values, morality, reasoning processes and perceptions of the world. Like language, education colours the person’s mode of being in the world. For that reason, minority language education under the control of the minority language community is critical in reproducing the language and culture of minority language communities by forming the mindset of its children. Cultural continuity is an important key to community survival.\(^{132}\)

Where provincial governments refused to fulfill their section 23 obligations toward minority-language communities, courts forced them to act. In *Mahe v. Alberta*\(^{133}\) and *Doucet-Boudreau*,\(^{134}\) the Supreme Court emphasized that governments have positive obligations to mobilize resources and enact legislation for the development of major institutional structures for minorities. The minorities control these facilities, and these facilities reflect the minority’s social and cultural fabric.\(^{135}\) The result today is a strong minority-language education structure throughout Canada.

Now that this structure exists, federal\(^{136}\) and provincial governments must take the necessary initiatives to convince the target population of the value of minority-language education. Convincing the target population implies ensuring (1) equivalence between minority-language and majority-language education education will be as useful as major.

Equivalence arises on a case-by-case basis. Under objective education, to the level necessary to achieve standards, therefore eliminate the education. Objective standards require population that there are no discrimination minority-language schools. When language schools perform equally minority-language schools will offer education.\(^{137}\) Target minority-language attend minority-language schools.

The target population must be as useful as majority-language francophone minorities. Many students in grade 11 or 12, to prepare for university, Churchill observed that the language post-secondary education and secondary education in French secondary education if they have. Conversely, the existence of secondary institutions will increase the value for their primary.

French-language post-secondary education is the primary. The existence working in French will encourage language services. In turn, increase will encourage francophone professors to teach in francophone


\(^{136}\) While education is of provincial jurisdiction, the federal government contributes through grants.

\(^{137}\) Because of the majority language’s schools can generally also fluently speak the minority language.

and majority-language education; and (2) that minority-language education will be as useful as majority-language education.

Equivalence arises on a case-by-case basis. Provincial governments must consult with minority-language communities to ensure that minority-language students attending every school in the province receive funding, schooling options and experiences equivalent to those of the majority. On the issue of minority-language student performance, provincial governments should advance toward objective education standards. Under objective education standards, every school is funded to the level necessary to achieve specific education targets. Objective standards therefore eliminate the increased cost of minority-language education. Objective standards transparently illustrate to the target population that there are no disadvantages in sending children to minority-language schools. When majority-language and minority-language schools perform equally and offer equivalent experiences, minority-language schools will offer the additional benefits of bilingual education. Target minority-language populations will increasingly attend minority-language schools.

The target population must perceive minority-language education to be as useful as majority-language education. This is a great problem for francophone minorities. Many students choose to leave French-language school in grade 11 or 12, to prepare for university in English. Professor Stacy Churchill observed that there is a dearth of quality French-language post-secondary education. Individuals who attended primary and secondary school in French are more inclined to pursue post-secondary education if they have the option of doing so in French. Conversely, the existence of recognized French-language post-secondary institutions will increase the likelihood of the francophone minorities completing their primary and secondary education in French.

French-language post-secondary education increases the economic value of French. The existence of university graduates capable of working in French will encourage francophones to request French-language services. In turn, increased demand for francophone services will encourage francophone professionals, from Canada and abroad, to practise and teach in francophone minority-language communities.

---


137 Because of the majority language’s predominance, children attending minority-language schools can generally also fluently speak the majority language.

Increased federal and provincial government contributions should push post-secondary institutions, such as the Collège St-Boniface, the University of Ottawa, Laurentian University, the Faculté Saint-Jean at the University of Alberta and Glendon College at York University, to support a French-language economy in provinces with an anglophone majority. The University of Ottawa has the responsibility to help. It has the legislated purpose to “further bilingualism and biculturalism and to preserve and develop French culture in Ontario”. The large French-language population in Ontario may also warrant a French-language university.

The federal government could decentralize French-language research centres and specialized services, such as laboratories and data processing centres. Research centres could blend into minority-language institutions, such as St-Boniface Hospital or Laurentian University. The Collège St-Boniface could become a major research centre, networking and contracting with compatible French-language institutions throughout Western Canada. The Collège St-Boniface could even become self-supporting through research contracts. University involvement would generate economic opportunities and attract French-language immigrants to provinces with an anglophone majority.

4. Economic Structures

Economic opportunities come not only from universities, but also through other public and private entities. The technological revolution has increased linkages between communities. Linkages agglomerate the critical masses of people necessary to make language initiatives viable economically. For Professor Magnet:

The information and communications revolutions makes feasible the linking of communities together in ways that isolated linguistic communities have never before experienced. The information and communications revolutions also universities, libraries, hospital di centres, media production and dist: communities would also be suppo the central state that, on langu minorities on the same basis as the the English-speaking and French without Quebec. Many linguistic linked in this way — St-Boniface, Gravelbourg, and other sub-prov groupings where official language they could be linked also to Brunswick.

The federal and provincial gove companies to promote bilingualism including French-language training this regard has been the creation Language Minority Communities, financial support for community ca resources and economic developm provide $12 million a year over the possibility of extension. Initiative increased economic and job gr minority communities.

Alternatively, where there is governments could impose bilir insurance sector in New Brunswic Insurance Act requires insur Brunswick to provide forms and French and English. The health se have sufficient bilingual demand to of the minority.
Government contributions should push the Collège Saint-Boniface, the University, the Faculté Saint-Jean at College at York University, to in provinces with an anglophone as the responsibility to help. It has bilingualism and multiculturalism and to Ontario. The large French- also warrant a French-language decentralized French-language services, such as laboratories and data sets could blend into minority-Boniface Hospital or Laurentian could become a major research with compatible French-language ada. The Collège Saint-Boniface could high research contracts. University-specific opportunities and attract French- an anglophone majority.

not only from universities, but also activities. The technological revolution unites. Linkages agglomerate the to make language initiatives viable trans- revolutions makes feasible the in ways that isolated linguistic experienced. The information and

965, c. 137, s. 4(c).

Franco-Ontarian: L'Université franco-ontarienne: for Ontario: A Leader in Learning, Report &

Canadian Business Responses to the Legislation on Howe Institute, 1980), at 43ff (a discussion of ion in various organizational units).

Future of Canada's Official Language Minorities" in Law, Policy and the Future (Cowansville, Qc.:}

communications revolutions also allow the communities to share communications, libraries, hospital diagnostic services, data processing centres, media production and distribution services, and the like. The communities would also be supported by overarching institutions in the central state that, on language matters, deal with linguistic minorities on the same basis as they deal with Canada's two nations, the English-speaking and French-speaking majorities within and without Quebec. Many linguistic minority communities could be linked in this way — St-Boniface, Mattawa, Sudbury, eastern Ontario, Gravelbourg, and other sub-provincial, municipal or sub-municipal groupings where official language minorities are concentrated — and they could be linked also to institutions in Quebec and New Brunswick.

The federal and provincial governments could provide incentives for companies to promote bilingualism with subsidies of various kinds, including French-language training for employees. One positive step in this regard has been the creation of the Enabling Fund for Official Language Minority Communities. This fund is intended to provide financial support for community capacity building in the areas of human resources and economic development. Starting in 2005, it aimed to provide $12 million a year over three years in funding money, with the possibility of extension. Initiatives like these will hopefully lead to increased economic and job growth within the official-language minority communities.

Alternatively, where there is demand, federal and provincial governments could impose bilingualism in specific sectors. The insurance sector in New Brunswick is bilingual. Section 20.1(1) of the Insurance Act requires insurers carrying on business in New Brunswick to provide forms and documents relating to insurance in French and English. The health sectors in certain provinces may also have sufficient bilingual demand to legislate for services in the language of the minority.


146 In Ontario and Quebec, particularly. In fact, access to health care is the primary concern of the anglophone minority in Quebec: see generally Jack Jedwab, Going Forward: The Evolution
English-French bilingualism has obvious economic advantages both in Canada and in the world. Because language defines and is defined by the world around us, learning another language opens individuals to new ideas, and new ways of understanding and interpreting the world. Bilingualism facilitates cross-cultural communication and understanding, both between Canada’s linguistic communities and with the wider world. Bilingualism increases the economic marketability of individuals. Most business leaders believe that bilingualism enriches and would be an asset to an organization.\textsuperscript{147} Worldwide studies indicate that bilingual persons are less likely to be unemployed, and more likely to receive higher salaries than their unilingual counterparts.\textsuperscript{148} Bilingualism also appears to boost academic and cognitive performance.\textsuperscript{149}

English has become the global lingua franca and is the dominant language in science, business, entertainment and diplomacy.\textsuperscript{150} Over a billion people in the world speak English, at least basically. French, too, is one of the main world languages, having almost 300 million primary and secondary speakers. It is an official language in 33 countries, and has become the lingua franca in many fields of culture: art, cuisine, dance and fashion. English and French are taught second languages in the world. The United Nations and dozens of other international organizations and the World Trade Organization, the International Red Cross.

Strong minority-language capacity of provinces. Bilingualism p able to trade with and investment from France. While francophone countries and trade with Quebec, they are generally strong. It would be a distinct Canadian opportunity for countries seeking to diversify, traditionally strong in other sectors.

If Canada promotes its official economic benefits for Canada are economic and political benefits is prompt governmental action.

V. CONCLUSION

The immediate aftermath of the to minority language rights protecti on important watershed. Among the important elaboration by the Supreme Court of equality for language communities:


\textsuperscript{150} “The Triumph of English” \textit{The Economist} (December 20, 2001), at 65.


obvious economic advantages both language defines and is defined by. Communication and understanding, communities and with the wider economic marketability of individuals. Bilingualism enriches and would be wide studies indicate that bilingual oyned, and more likely to receive l counterparts.149 Bilingualism also tive performance.149 

lingua franca and is the dominant tanment and diplomacy.150 Over a glish, at least basically. French, too, having almost 300 million primary iclal language in 33 countries, and any fields of culture: art, cuisine, 

aw: Office of the Commissioner of Official utions*. Addressing this concern may allay some course, political concerns also imply that the for bilingual health services. Whether or not this can be debated. 

(CIBCC/Chamber Weekly CEO/Business Leader oblication December 1, 2003), online: COMPAS gualism-PB.pdf>.


nise (December 20, 2001), at 65.

dance and fashion. English and French are the two most commonly taught second languages in the world.151 They are official languages of the United Nations and dozens of other international organizations such as the World Trade Organization, International Olympic Committee and International Red Cross.

Strong minority-language communities increase the bilingual capacity of provinces. Bilingual provinces can profit from increased trade with and investment from francophone and anglophone countries. While francophone countries and companies currently invest in and trade with Quebec, they are generally limited to sectors where Quebec is strong. It would be a distinct Canadian advantage to create additional opportunities for countries seeking to invest in or trade with other sectors, traditionally strong in other provinces.

If Canada promotes its official-language minorities, additional economic benefits for Canada are likely to flow. This combination of economic and political benefits is a winning combination that should prompt governmental action.

V. CONCLUSION

The immediate aftermath of the Charter witnessed a rocky beginning to minority language rights protection.152 In the years since, courts came to champion minority-language communities.153 R. v. Beaulac,154 was an important watershed. Among the important achievements of Beaulac was elaboration by the Supreme Court of Canada of the concept of substantive equality for language communities:

This principle of substantive equality has meaning. It provides in particular that language rights that are institutionally based require government action for their implementation and therefore create obligations for the State... It also means that the exercise of language rights must not be considered exceptional, or as something in the nature of a request for an accommodation.  

Effectively, the Supreme Court required governmental action to respond to new constitutional imperatives.

Governments are responding. Provincial governments erected the minority-language education structure that will allow official-language minorities to survive, grow and flourish. The federal government unequivocally recognized in its 2001 Speech from the Throne that "Canada’s linguistic duality is fundamental to our Canadian identity and is a key element of our vibrant society." It continued:

The protection and promotion of our two official languages is a priority of the Government — from coast to coast. The Government reaffirms its commitment to support sustainable official language minority communities and a strong French culture and language. And it will mobilize its efforts to ensure that all Canadians can interact with the Government of Canada in either official language.

The federal and provincial governments must continue to reinforce Canada’s official-language minorities. Promoting official-language minorities harmonizes relations between Canada’s francophones and anglophones. It encourages Canadians to become bilingual. It promotes the Canadian economy domestically and globally. It turns Canada into an international model, which can then advise other countries on minority rights.

For decades, groups of Canadian francophones and anglophones fought vigorously against each other. They complained that the “other” language community lacked understanding and good faith. Conflict occasionally flared into talks about Quebec secession. Separatist parties in Quebec were born at the national and provincial levels. By promoting French everywhere in Canada, through vibrant embedded minority-language communities, Canada demonstrates the possibility for Canadians to live in French. Canada alleviates its francophone citizens in Quebec; majorities. Canada strengthens ties its chances of staying unified.

A strong diverse federation language minorities may be difficult to maintain. Encouraging Canada’s linguistic territorial lines may be easier to achieve if it signifies its failure. It would be a fail effort to succeed. As stated by fori Elliot Trudeau, “Canada is not immune with a bang rather than a whimper.”

156 Speech from the Throne to Open the First Session of the 37th Parliament of Canada (January 30, 2001).
ity has meaning. It provides in
are institutionally based require
mentation and therefore create
eans that the exercise of language
optional, or as something in the
ation.\textsuperscript{155}

required governmental action to
tives.
provincial governments erected the
that will allow official-language
flourish. The federal government
\textit{Speech from the Throne that
mental to our Canadian identity and
y." It continued:
our two official languages is a
coast to coast. The Government
ort sustainable official language
French culture and language. And
that all Canadians can interact with
official language.\textsuperscript{156}
rnments must continue to reinforce
ities. Promoting official-language
tween Canada’s francophones and
ns to become bilingual. It promotes
and globally. It turns Canada into
then advise other countries on
ian francophones and anglophones
r. They complained that the “other”
standing and good faith. Conflict
Quebec secession. Separatist parties
and provincial levels. By promoting
ough vibrant embedded minority-
strates the possibility for Canadians
to live in French.\textsuperscript{157} Canada alleviates the language and cultural fears of
its francophone citizens in Quebec; it establishes that minorities enrich
majorities. Canada strengthens ties between all provinces and increases
its chances of staying unified.
A strong diverse federation that forcefully promotes official-
language minorities may be difficult to build. It may require work to
maintain. Encouraging Canada’s linguistic communities to divide along
territorial lines may be easier to achieve. But a divided Canada would
signify its failure. It would be a failure without having first made a true
effort to succeed. As stated by former Canadian Prime Minister Pierre
Elliot Trudeau, “Canada is not immortal. But if it is going to go, let it go
with a bang rather than a whimper.”

\textsuperscript{157} Quebec has reacted favourably to Canada’s recent efforts to strengthen minority-
language communities. Quebec has stated that it wishes to reassume its position as a leader in the
Canadian francophonie: see \textit{Politique du Québec en matière de francophonie canadienne : L’avenir
en français} (Quebec, Secrétariat aux affaires intergouvernementales canadiennes du ministère du
Conseil exécutif, 2006). (On May 2, 2004, Minister Benoît Pelletier stated at the Forum de la
francophonie: “Amis francophones du Canada, tenez-vous-le pour dit, à compter d’aujourd’hui, le
Québec est de retour” at 2.) See also \textit{Loi sur le Centre de la francophonie des Amériques}, R.S.Q.
c. C-7.1.