



# A MATTER OF RESPECT AND SAFETY:

THE IMPACT OF EMERGENCY SITUATIONS  
ON OFFICIAL LANGUAGES

OCTOBER 2020

### **ABBREVIATED VERSIONS USED IN THE REPORT**

In this report, the following abbreviated versions are used for ease of reference:

- “Commissioner” for Commissioner of Official Languages
- “the Act” for the *Official Languages Act*
- “federal institution” for a federal institution or organization that is subject to the *Official Languages Act*

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Cat. No.: SF31-147/2020E-PDF  
ISBN: 978-0-660-36448-3

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## COMMISSIONER'S MESSAGE

In the past decade, Canada has seen a number of climate, health and public safety emergencies. In addition to threatening Canadians' health and safety and destabilizing our society, these emergencies have highlighted the fundamental importance of communicating with the public in both English and French in times of crisis. Each of these recent emergencies has revealed serious and recurring shortcomings in terms of official languages—shortcomings that can have harmful consequences and even put Canadians' lives at risk.

The health crisis triggered by the COVID-19 pandemic is no exception, and multiple incidents and infractions have been brought to my attention. In addition to reminding the heads of the federal institutions concerned of their official languages obligations when communicating with the public, I decided to take a closer look at these situations.

This report is the result of an in-depth analysis of emergencies that occurred between 2010 and 2020 and provides an overview of Canadians' official languages experiences during these types of situations. It also identifies potential solutions to improve the federal government's compliance with its official languages obligations in its communications with Canadians.

Ultimately, this report is intended to ensure that in times of crisis, both official languages are systematically treated equally and that Canadians are informed and reassured in the official language of their choice.

I firmly believe that changes are needed within the federal government so that during emergencies, official languages stop being an afterthought and start being an integral part of crisis management.

Beyond the *Official Languages Act*, it is a matter of respect and safety for all Canadians.



Raymond Th  berge



## INTRODUCTION

### **Objective**

Over the past few decades, Canadian society has witnessed emergencies that have required timely and extensive government communications at the local, provincial, territorial and/or federal level. These crises have underscored the importance of health and safety guidelines on the rapid response of Canadians. To encourage large-scale mobilization, heads of communications in federal institutions must consider whether they are making effective use of official languages and whether official languages are fully integrated into their operations. The answers can have far-reaching consequences, since they go beyond the usual sphere of language demands to include societal issues. We need to be aware that the unequal use of official languages during emergency situations can have disastrous and regrettable consequences for individuals, for English-speaking communities in Quebec, for French-speaking communities across the country and for society as a whole.

This report describes the government of Canada's use of official languages in emergency situations, taking into account, but not limited to, the specific context of the current COVID-19 pandemic in order to identify the most important findings and make recommendations. This report also highlights the risks posed by the unequal use of English and French by the various levels of government to the Canadian public's general understanding of directives when an emergency situation arises.

Emergencies underscore how important it is for federal institutions to ensure seamless delivery of communications and services to the public in both official languages. This also includes the use of both official languages in the workplace and involves the staffing of personnel.

At the end of this report are my recommendations for mechanisms that will help federal institutions improve compliance with their language obligations in emergency situations and thereby protect the entire Canadian public and potentially save lives.

### **Methodology**

As an ombudsman, I have tools that provide added value to the analysis contained in this report; however, my unique perspective goes beyond the parameters of my ombudsman role. As part of my duties to protect language rights, my office investigates complaints filed<sup>1</sup> and conducts activities to measure federal institutions' compliance with the *Official Languages Act*. We therefore developed a questionnaire and posted it on our website from June 8 to 26, 2020, to gather information on the public's experience with official languages during emergency situations. Through the questionnaire, we were able to consult with more than 2,000 Canadians and get a better idea of the experiences they had.

This report also draws on a review of relevant studies, data and documents from a variety of sources, including health and legal experts, and on a review of media coverage, publications from community and sectoral organizations, government publications and observations from many years of collaboration with various federal institutions.

### **Scope**

For this analysis, we looked at emergency situations from 2010 to 2020. We defined "emergency situation" as one or more events, often of a temporary nature, that are characterized by the urgency to act because they involve risks to the health, safety, life or property of the Canadian public. They may also include serious threats to the well-being of society, to the environment or to the political and economic sectors.

During emergencies, many areas of society are affected, including health, safety, the environment and more, depending on the situation. These areas can fall under provincial or territorial jurisdiction, under federal jurisdiction, or sometimes even shared jurisdiction. It is important to note, especially in the case of the COVID-19 pandemic, that health care falls under provincial and territorial jurisdiction. The federal government fosters

collaboration within the field of public health, coordinates federal policies and programs in the area of public health, promotes cooperation and consultation in the field of public health with provincial and territorial governments, and fosters cooperation in the field of public health with foreign governments and international organizations to support national readiness for public health threats.<sup>2</sup> That said, in all situations in which the federal government speaks to Canadians, it must ensure that it respects their language rights.

By their very nature, emergencies sometimes strike an entire society without warning and do not stop for language requirements that could be seen as obstacles. This report is intended to highlight the risk of not treating both official languages equally when expecting all Canadians to adjust to new health and safety standards during emergencies.

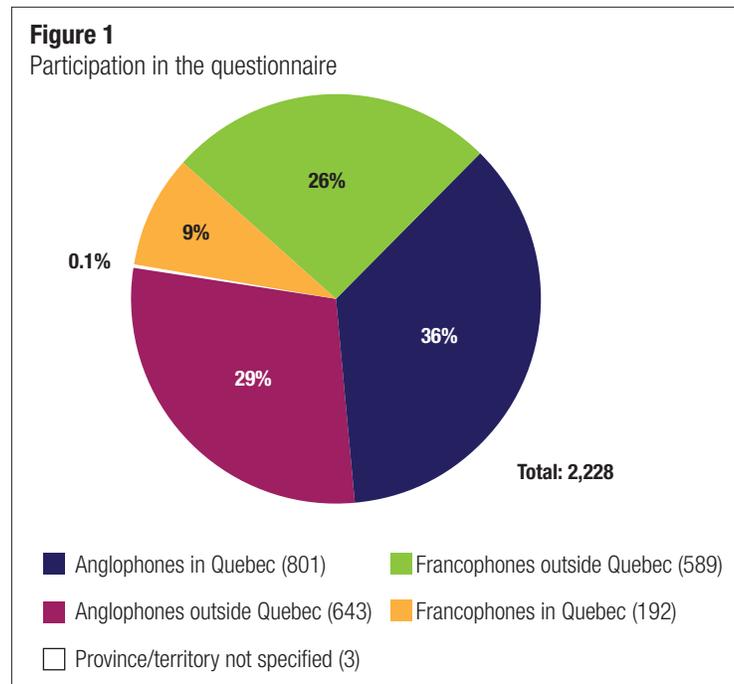
CHAPTER 2

**OBSERVATIONS AND CONSULTATIONS**

This report aims to identify obstacles to effective urgent communications by federal institutions in both official languages and to determine whether the federal government has respected Canadians' language rights in emergency situations. This necessitated an examination of the government's performance with respect to official languages in emergencies and the context in which it operates. What types of emergencies has the Canadian government had to deal with in recent years? Has it been able to meet Canadians' expectations?

In this chapter, I look at feedback received from Canadians in order to understand their official languages experiences during emergencies. As you will see, the descriptions they gave me of communications and services in both official languages also involved provincial and territorial governments.

I have several tools at my disposal to address public concerns, including the complaints process administered by my office and my ongoing liaison with official language minority community groups, representatives and institutions. To prepare this report, my office also developed an online questionnaire and conducted intensive media monitoring.



***Questionnaire on official languages in emergency situations***

My office administered a questionnaire on official languages in emergency situations from June 8 to 26, 2020. It was posted as an open link on our website and widely shared on social media, which means that it was distributed to a non-probability, non-random sample of potential respondents. Therefore, the results can be taken only as reflecting the views and experiences of the respondents themselves—they cannot be projected to the general Canadian population and no margin of error can be calculated. Nonetheless, as a means of public consultation, the questionnaire enabled me to access a wider range of opinions on issues related to emergency situations, a topic on which I have already received a variety of complaints.

The questionnaire sought to gather views and comments from Canadians and to gauge whether respondents had been able to obtain information from the federal government in the official language of their choice in emergency situations, particularly during the current COVID-19 pandemic. We received 2,228 responses from across Canada. Francophones in general and English-speaking Quebecers responded at rates exceeding their relative weight in the general population, which shows the importance language rights can hold for members of the linguistic minority.

While the questionnaire focused specifically on the federal government, many respondents made comments indicating that they were concerned with language issues at the provincial/territorial or municipal level. The data presented here must therefore be taken in this context. For those respondents, and perhaps for Canadians more generally, the distinctions between federal, provincial/territorial and municipal areas of responsibility as they relate to language of service can be perceived as confusing, blurred or immaterial. Fundamentally, what seemed to matter most to these particular respondents was the importance of receiving emergency-related information in their preferred official language, regardless of jurisdiction. It is up to federal, provincial/territorial and municipal governments to work together to find viable solutions that respect Canadians' rights and meet their needs.

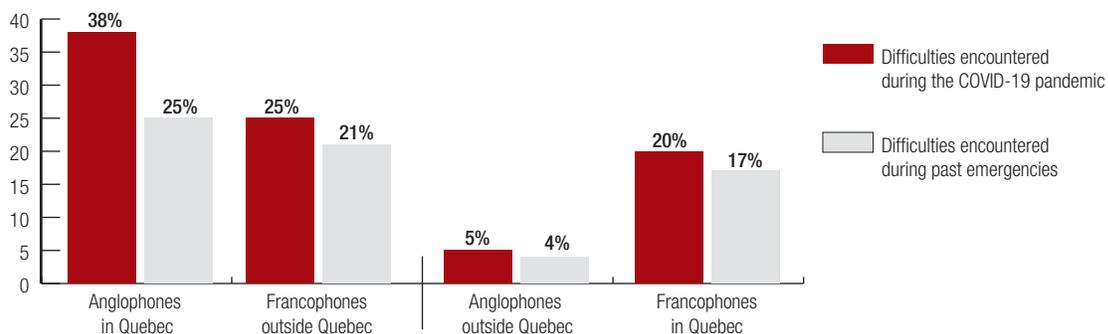
Many questionnaire respondents reported being unable to access information in their preferred official language. Out of a total of **2,228** respondents, **379** (17%) said they had difficulties accessing public health or safety information in the official language of their choice in past emergencies, and **528** (24%) reported similar difficulties during the current COVID-19 pandemic.

In each case, respondents from an official language minority community were more likely to have had difficulties accessing information in their preferred official language. English-speaking respondents from Quebec were six to eight times as likely to report difficulties accessing information in English compared to English-speaking respondents from outside Quebec, citing numerous examples of French-only communications from the provincial government. These differences were less pronounced between Francophone respondents from Quebec and those from outside Quebec, suggesting that the majority status of Quebec's French-speakers does not always prevent them from having difficulties accessing federal communications in French.

Even respondents who had not experienced difficulties obtaining information in their preferred official language nevertheless often said they were concerned that they might find themselves in that situation. The data for these respondents is similar to that of respondents who had experienced difficulties, with concern being highest among Quebec Francophones and among members of official language minority communities.

**Figure 2**

Questions: Considering official languages, have you had difficulty obtaining public health or safety information from federal institutions\* in the official language of your choice during the COVID-19 pandemic (e.g. during press conferences, on websites, on product labels and in written communications and publications)?  
Have you experienced other emergency situations in the past where you did not receive information from federal institutions\* in the official language of your choice?



\* Difficulties cited by some respondents may include situations that do not involve federal institutions.

The questionnaire asked respondents to share their experiences in writing with respect to official languages during emergencies, and I received hundreds of comments on a wide range of topics.<sup>3</sup> As with all responses to the questionnaire, comments about the federal government were mixed with those concerning provincial and territorial institutions, as well as observations that could apply equally to several levels of government.

The Act does not apply to provincial or territorial institutions, which means that I exercise my ombudsman, auditing and reporting roles entirely at the federal level. However, my duties as Commissioner include both protecting language rights and promoting linguistic duality throughout Canadian society. During the preparation of this report, issues at the provincial and territorial level were brought to my attention. The rest of this chapter presents a brief summary of these incidents and of trends outside the federal level involving official languages during emergencies, as well as an explanation of why members of official language minority communities may have been unhappy about the lack of communication in their own official language in these situations. Federal issues are discussed in chapter 3.

### **Summary of concerns at the provincial and territorial level**

#### **Press conferences**

In January 2020, the World Health Organization sounded the international alert following the outbreak of the novel coronavirus in China and its cross-border spread.<sup>4</sup> The rapid spread of COVID-19 took nations by surprise, and in the months that followed, policy makers and health authorities around the world had to mobilize quickly to provide information and prevention measures.

In Canada, provincial and territorial governments consulted with municipalities and, starting on March 13, 2020, declared states of public health emergency and states of emergency, reflecting the variations in the severity of the pandemic in different parts of the country. This resulted in an increased number of provincial and territorial press conferences led by premiers, ministers and public

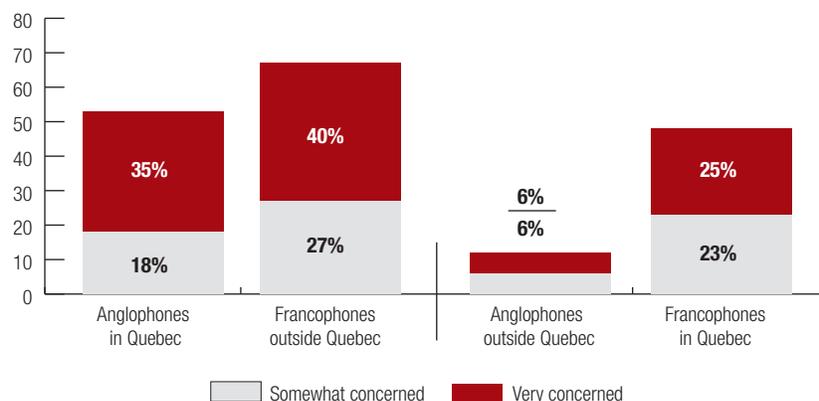
health officials. In many cases, these communications became a daily occurrence. However, members of official language minority communities in many provinces and territories quickly realized that their official language was not being used at these media events.

One of the most clear-cut findings of my office's questionnaire was respondents' nearly unanimous wish to be addressed by their political leaders in their first official language. When asked "To what extent is it important to you, personally, to hear and see your political leaders speak in your preferred official language in emergency situations (and not only through an interpreter or a translation)?", a strong majority of respondents, regardless of their official language preference, province/territory, or majority/minority status, indicated that it was "somewhat" or "very important" to them. A clear majority of respondents from official language minority communities and Francophone respondents from Quebec said that it was "very important."

Among respondents who said they had experienced difficulty obtaining public health or safety information from federal institutions in their preferred official language during the current COVID-19 pandemic, 8% cited unilingual press conferences when asked to describe the incidents in which they had had difficulties. Among Francophone respondents from outside Quebec who had experienced these difficulties during the current pandemic, 16% cited unilingual press conferences when asked to describe

**Figure 3**

Question: How concerned are you about not knowing whether you will receive information from the Government of Canada\* in the official language of your choice during emergency situations?



\* Concerns cited by some respondents may include those that do not involve the Government of Canada.

the incidents. While many of these comments described a perceived overuse of English by federal leaders (which is covered in Chapter 3), Francophone respondents from outside Quebec also said they were discouraged by the lack of French in press conferences given by various provincial governments across the country. As one Franco-Newfoundlander expressed:

*I can understand spoken English, but it's different from understanding a press conference. I understood the Chief Medical Officer, but the others . . . I had to ask someone to watch the press conferences so that they could translate them for me. I felt that I wasn't included in the emergency situation. [translation]*

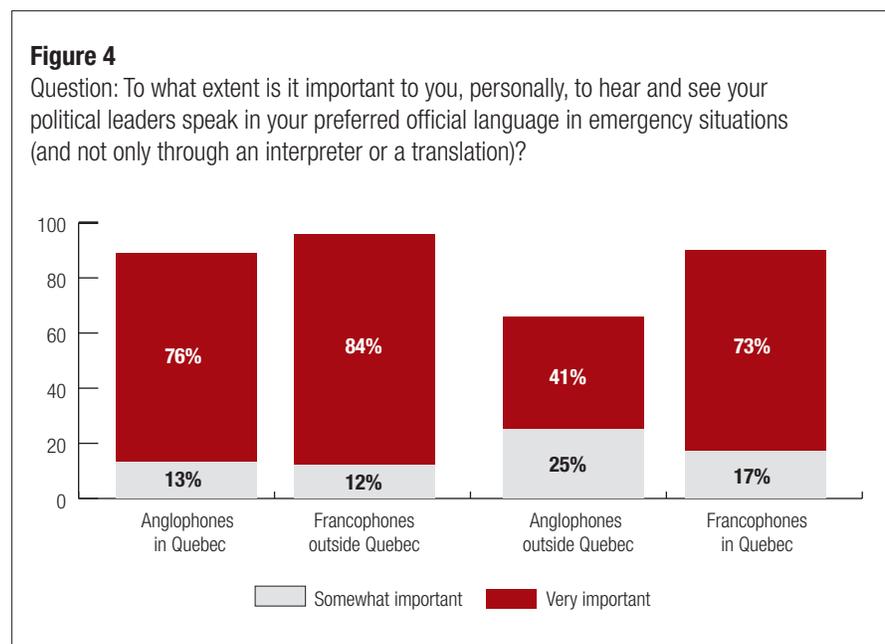
A lack of bilingualism even in jurisdictions with relatively large official language minority populations has made waves in minority media and raised concerns among official language minority community leaders.

whether there was someone available to take a question in French, only to be met with the response, “Not now,” which was not well received by the Franco-Ontarian community.<sup>6</sup> A week later, the Ontario government began to systematically address the communication needs of its French-speaking population by providing simultaneous interpretation at press conferences and posting dubbed or subtitled versions of the events to the provincial government’s YouTube channel.<sup>7</sup>

During the same period, reactions to the lack of French in press conferences held by the Government of New Brunswick were circulated in the media,<sup>8</sup> and the Société de l’Acadie du Nouveau-Brunswick formally called for a Francophone contact person to be present at these events.<sup>9</sup> As of July 2020, the New Brunswick Government had not taken action on this issue and even questioned the need for one. Premier Blaine Higgs stated the following during the June 17, 2020, sitting of the New Brunswick Legislative Assembly:

*. . . I believe we are communicating very effectively. We made changes to our structure so that we could do that. We have a system in our province in which we use interpretation. We translate every document. I do my press releases with sections in both languages. I believe that we have to recognize that the potential exists here for our province to succeed together, and the potential is not limited by whether I speak both languages or one or the other—French or English. Our potential should not be limited.<sup>10</sup>*

While media coverage on the lack of French at provincial press conferences focused mainly on New Brunswick and Ontario, a quick review of press conferences in the rest of the country revealed a variety of different approaches



In Ontario, press conferences held by provincial officials were initially held entirely in English, which drew criticism from the Franco-Ontarian community. The Assemblée de la francophonie de l’Ontario even requested the presence of a spokesperson who could respond to media questions in French without the use of an interpreter.<sup>5</sup> During one incident in mid-April, a journalist working for the Franco-Ontarian daily *Le Droit* asked

that were taken in the spring of 2020. In Nova Scotia, the provincial government’s press conferences were held entirely in English, prompting the Fédération acadienne de la Nouvelle-Écosse to file a complaint with the province’s ombudsman about the province’s obligation to use both English and French in situations involving health and safety.<sup>11</sup> In Quebec, Premier François Legault would make his opening statements in French

for about 15 minutes or so and then conclude with a summary in English lasting about two minutes. Alberta Premier Jason Kenney did not use both languages proactively during press conferences, but did occasionally speak French in response to media questions or in interviews.

The decision of whether and how to use both official languages in press conferences is one that plays out differently from one province or territory to the next, taking into account local laws,<sup>12</sup> historical practices and logistical considerations. That said, using both official languages during press conferences is something that official language minority communities across Canada are actively asking for. Simultaneous interpretation and subtitling are two easy ways to help ensure that information is provided in both languages. However, given the choice between listening to or reading a translation and hearing information delivered directly in their own official language, an overwhelming majority of Canadians would choose the latter option. Even a skilled interpreter cannot entirely eliminate factors—like a time lag—that can make listening to dubbed speech a somewhat jarring experience. Some official language minority community organizations have publicly urged their provincial governments to have a spokesperson at press conferences who can address members of official language minority communities directly in their official language. This would help ensure that those who speak the official language of the linguistic minority enjoy the same quality of effective communications as their majority counterparts.

### *Communications from government agencies*

In early April 2020, every household in Quebec received a detailed self-care guide prepared by Quebec's ministry of health and social services. The booklet provided advice on how to avoid contracting the coronavirus and suggested ways Quebecers could avoid spreading it. However, as English-speaking Quebecers quickly noticed, the pamphlet was printed and distributed solely in French. An English-language version was available only online or on request.<sup>13</sup>

The French-only mail-out was not well received by Quebec's English-speaking communities. Some noted that many senior citizens, in particular, are not comfortable with computers, while others said the lack of a printed English version was a sign of disrespect. Two weeks after the original French-only booklet was mailed out, the Quebec government responded to the criticism and announced that it would mail printed English-language

guides to households containing people who had filed English-language tax returns (656,000 households in total). This decision was welcomed by many, including the Quebec Community Groups Network, but did not undo the initial disappointment.

In comments collected through my office's June 2020 online questionnaire, French-only printed communications were by far the most-cited issue for English-speaking respondents from Quebec. Among those English-speaking Quebecers who had experienced difficulty obtaining information in the official language of their choice during the current COVID-19 pandemic, 64% cited unilingual printed material when asked to describe the incidents in which they had had difficulties. Many of these respondents linked this issue to intense frustration and discontent about the status of Quebec's English-speaking community in general. As one respondent said:

*Quebec only sent out flyers in French. This severely impacted me because the area I live in is predominantly English, and I was not given the same information as those who speak in French. . . . Furthermore, this impacted my family since my grandmother, who is not only English, but who is also part of the largest affected demographic of the pandemic, did not receive this information. . . . Seeing as Canada did not ensure that all Canadians receive all the same information regarding COVID-19, it raises the questions, 'Why did Canada not intervene?' and 'Why did Canada not provide a bilingual flyer to all Canadians?'"*

The results of my office's questionnaire showed that outside Quebec, the issue of unilingual documents and websites from provincial governments was not as pronounced, possibly because the practice is so common in so many regions of the country that it is rarely raised as an issue. That said, some respondents did report a number of examples. As one Franco-Albertan noted:

*Provincial government information is published several days after the same information is released in English. This means that people who read or listen only in French don't receive the information in a timely manner or that citizens are forced to read or listen in English in order to receive the same information in a timely manner. [translation]*

The practice can also be observed across the country through media reports and the monitoring of provincial government resources:

- In Ontario, an online portal where health care workers can volunteer to help the province in its response to the COVID-19 pandemic was launched in English only.<sup>14</sup>
- In Manitoba, a number of provincial government documents relating to the COVID-19 pandemic response, including the details for the first stage of reopening the economy, were published without a French translation.
- In Saskatchewan, the provincial government ran an English-language advertisement in the French-language *Eau Vive* newspaper, baffling its Fransaskois readership.<sup>15</sup>

While nearly all emergencies require the general population to take action to ensure their own safety and that of those around them, the current pandemic has been notable in that COVID-19's rate of transmission, and therefore its impact, has depended in large part on the actions of individual Canadians. Each of the incidents mentioned above is a missed opportunity to inform Canadians in the official language they understand best and to further inure the country against COVID-19. It is paramount that all Canadians understand information from their government when their health and safety is on the line.

### *Alert messages*

On May 14, 2018, alerts were sent out simultaneously on cellular devices across Ontario after a child went missing in the Thunder Bay area. As Ontarians checked the alert message for details on this distressing situation and to find out what they should do, some noticed that the message had been broadcast entirely in English. A French translation seemed to follow but was cut off by the edge of the message window. Half an hour later, a second alert was sent out. This one was bilingual, but the French version contained several errors: the description of the suspect's vehicle was difficult to understand, and "Amber Alert" was translated as "alerte jaune" (yellow alert—the word "Amber," which is a proper noun, was incorrectly interpreted as a colour).<sup>16</sup> According to the Canadian Centre for Child Protection, "the goal of an AMBER alert is to involve as many community members as possible in the search for an abducted child—each community member becoming the eyes and the ears of law enforcement."<sup>17</sup> Although the child involved in this incident was, thankfully, found safe a few hours later,<sup>18</sup> it is unsettling to think about the valuable intelligence that may not have been obtained because Ontario's sizeable Francophone community was given only information in English or unreadable information in French.

This is just one of many cases concerning emergency alerts broadcast via the National Public Alerting System where information was sent entirely in English, where French-language information was broadcast only after a significant delay, or where French-language text was truncated or poorly written. The National Public Alerting System is a federal-provincial-territorial initiative that provides emergency management organizations with the capability to rapidly broadcast information to the public through radio, cable and satellite television, e-mail, text services and compatible wireless devices.<sup>19</sup> It is used in situations where rapid public awareness and action may be a matter of life and death, and it is one of the most visible and high-impact ways Canadians receive information from their federal, provincial and territorial governments. In recent years, Francophones in official language minority communities have had to decode English-only alerts—sometimes in the middle of the night—about emergencies such as a possible tsunami headed for coastal British Columbia and a purported nuclear incident in Pickering, Ontario, not to mention all the cases of missing children.

It is therefore unsurprising that the issue appears to be very much on the minds of some Canadians. My office's June 2020 questionnaire on official languages in emergency situations included a question asking respondents whether they had experienced difficulties receiving communications in the official language of their choice during past emergencies. Among Francophones who answered "yes" to that question, 11% cited alert messages when asked to describe the incidents in which they had had difficulties. One Franco-Albertan even reported having to resort to Google Translate every time an alert message appeared on their phone—an extra layer of difficulty that Canadians should not have to deal with when reacting to a severe weather event, outbreak of violence, or other crisis.

I have also been made aware of the public's dissatisfaction through recurring formal complaints about the National Public Alerting System. In 2019, these complaints prompted an investigation of a series of incidents in which National Public Alerting System alerts were sent solely in English. My investigation found that the bulk of responsibility for the unilingual alerts lies with provincial and territorial emergency management organizations, which are responsible for the text of the alerts. It also noted cases where last-mile distributors broadcast information in only one official language even when the original alert was issued in both English and French. I concluded that the Canadian Radio-television and Telecommunications Commission should have banned this practice, and I formally recommended that the Commission end this practice by modifying Broadcasting Regulatory Policy CRTC 2014-444. This would remove a significant barrier to the effective use of both official languages in National Public Alerting System alerts.

I have urged provincial and territorial governments and emergency management organizations to take action on this issue in order to ensure the physical safety and equal treatment of members of the Canadian public, including those in official language minority communities across the country. Provinces and territories do not necessarily use both official languages systematically or in all situations, but in an emergency, the priority should be to reach as many people as possible. Emergency management organizations should consider using both official languages whenever feasible, even when not bound to by the Act. I am interested in meeting with the Senior Officials Responsible for Emergency Management to convey the concerns of official language minority communities.

### *First responders*

In July 2020, paramedics were called to help an elderly Francophone patient living at a local long-term care home in Cap-Pelé, a primarily French-speaking town in New Brunswick. At the scene, the paramedics were met by the patient's family, who were shocked to learn that the paramedics were unable to communicate in French, despite the fact that they had been called to help a patient in a predominantly Francophone region. Even though the paramedics were professional in providing the required care, the situation was extremely stressful for the patient and left her family wondering what would have happened if they had not been there to help translate.<sup>20</sup>

The Cap-Pelé incident is far from the only one in which members of the public were left with troubling questions after interacting with emergency response personnel or hospital staff who could not speak the official language of the person they were trying to help. Among the questionnaire respondents who said they had experienced difficulties receiving communications in the official language of their choice during past emergencies, roughly one in five mentioned difficulties communicating with police, paramedics, 911 operators and hospital staff. Nearly all of these types of comments came from members of official language minority communities. In some instances, such as the following example submitted by an English-speaking respondent from Quebec, the situations described were extremely upsetting:

*I've faced discrimination in many emergency situations such as when . . . contacting hospitals or going in person, to the point where a hospital employee left me in tears when I went in for an ectopic pregnancy. I have continuously made the effort to communicate in French as much as possible, but don't always have the level of comprehension to carry certain conversations or may request English.*

Even in cases where language barriers could be resolved, some respondents were still worried about what might have happened:

*I'm fortunate that I'm relatively bilingual; however, just as an example, my phone dialled 911 while I was driving a little while back. I quickly hung up upon realizing what was happening, and when they called back they spoke no English at all. I can't help but think how stressful that situation would be if I did need to speak to the dispatcher in an emergency situation and did not have access to someone who could help me.*

One significant factor that shows up both in the responses to my office's questionnaire and in media reporting is that language barriers like those described above are frequently reported by Canadians who consider themselves to be bilingual. It is absolutely essential that provincial and territorial agencies—and all those who are responsible for the well-being of Canadians in emergencies—understand that there is a vast difference between using one's second official language to navigate daily life, social situations and the workplace and using that same language when one is injured, intimidated, or afraid for the safety of a loved one. As one English-speaking Quebecer described it:

*I've spoken to doctors and police officers before in English, and they had no idea what I was saying . . . it's very difficult to explain something in another language, even one [you are] familiar with, when you are in pain or in a panic.*

A similar comment, submitted by a French-speaking New Brunswicker, explained:

*I speak English relatively well, but when it comes to sensitive subjects like safety and possible emergency situations, I'm more comfortable in French. It has sometimes been a challenge to get quality service in my preferred official language. [translation]*

Individual bilingualism is not absolute, and in emergency situations, it is only natural that Canadians revert to the instant ease and reassurance of their first official language.

## OVERVIEW OF OFFICIAL LANGUAGES IN EMERGENCY SITUATIONS

Canadians enjoy a stable democratic political system in which they have elected representatives at every level of government. They have a right to expect effective and transparent governance and the long-term availability of public services. Canadians' trust also depends on their governments' ability to uphold fundamental rights. This trust remains fairly stable in normal times, but in a climate of fear, insecurity and crisis, it can be tested.

According to Statistics Canada's 2016 Census, 26,007,500 Canadians speak English as their first official language, while 7,705,755 speak French as their first official language.<sup>21</sup> It should also be taken into account that of these numbers, 372,450 residents of Quebec converse only in English, and 112,055 residents of other provinces and territories converse only in French.<sup>22</sup> In addition, some newcomers depend on communications in the official language of the linguistic minority to ensure their well-being and that of their loved ones because they are not familiar with Canada's other official language. Words such as flood, attack, epidemic, fire, shooting, cyberattack, tornado, act of terrorism, pandemic, and others not only elicit strong emotions, but can also elicit the expectation that all Canadians will receive the same protection and level of information from their federal government, regardless of their official language preference.

### COVID-19 health crisis

“Language is a crucial issue in all crisis management. What is more important than being able to communicate with . . . citizens in their language in order to inform them, give them the instructions to follow and reassure them in order to maintain social cohesion and trust in public authorities? Communication is not incidental.”<sup>23</sup>

– From a letter sent to the World Health Organization co-signed by stakeholders from minority language communities in Canada, Catalonia, Basque Country and Wales

At the time of publishing this report, I have received 100 complaints about official languages issues arising from the COVID-19 pandemic. Of these complaints, 72 have been deemed admissible and are currently being investigated. These complaints concerned both the lack of communications or services in both official languages from the government of Canada and the language-of-work rights of federal public servants in designated bilingual regions.<sup>24</sup>

Some incidents at the federal level have been more evident than others. For example, some Canadians whose preferred language is French have noted that during the press conferences held by the Prime Minister of Canada and the Minister of Health in the early days of the pandemic, information was more often given in English. Voices were raised in the media against this practice, and complaints were filed with my office. I issued a statement reminding Canadians across the country that, regardless of their official language preference, they must be able to understand when their Prime Minister or senior officials address them, particularly during the current pandemic.<sup>25</sup> At the same time, my office contacted the Privy Council Office and the deputy ministers and official languages champions in federal institutions to remind them of the importance of meeting their language obligations at all times when communicating with the public and their staff not only to avoid infringing on the language rights of Canadians but also to ensure everyone's safety. Since then, I have noted that the federal government has rebalanced its press conferences in both official languages.

It was also in the early days of the pandemic that Health Canada issued a temporary exemption from certain regulatory requirements, including bilingual labelling for disinfectants and antiseptics. At the end of April, Health Canada implemented other interim policies allowing unilingual labelling of certain household cleaning products imported from the United States. The federal government justified these exemptions as being the result of “unprecedented demand and urgent need.”<sup>26</sup> The regulatory requirements for language of labelling are contained in various regulations under laws such as the *Food and Drugs Act* and the *Hazardous Products Act*. Official language minority community organizations voiced their objections to the policies and asked the federal government to reverse the interim measures. I stated that my office would be monitoring these issues and urged the government to find solutions that would not jeopardize the safety of the Canadian populace. The Minister of Economic Development and Official Languages publicly reiterated that “French is key in times of crisis because everyone needs to have access to information and follow public health guidelines. Violations of the *Official Languages Act* will always be unacceptable to me.”<sup>27</sup>

Criticism of Health Canada's loosening of restrictions on bilingual product labelling also appeared frequently in the comments submitted as part of my office's questionnaire. Of those respondents who said they had difficulty accessing information in French during the pandemic, 16% of Francophones

outside Quebec and 13% of Francophones in Quebec provided comments criticizing Health Canada's relaxation of restrictions on bilingual labelling. This is one of the issues cited the most by Francophones. One comment, submitted by a French-speaking New Brunswicker, summarizes the comments gathered through the questionnaire:

*The responses given by the federal government, when questioned on the issue of labelling certain products in only one official language (allowed on an exceptional basis during the pandemic), were in no way satisfactory and lacked respect for the French-speaking population.*

In mid-May, Health Canada issued a directive to previously authorized importers of disinfectants, hand sanitizers, certain cleaning products, and certain hand and body soaps. They had to post bilingual label text on their website no later than June 8, 2020, and provide sellers with a means to inform consumers, at the time of sale, of the availability of that bilingual information. All new importers of these products were required to meet these requirements, while Canadian manufacturers were required to use bilingual labelling and safety information.<sup>28</sup> Although this two-tiered system—one for importers and one for Canadian manufacturers—is an imperfect short-term solution, it has appeased critics.

Other recent problems in the delivery of communications and services to the public that have received less media coverage have been brought to my attention by Canadians through activities like my office's questionnaire. For example, some of the Chief Public Health Officer of Canada's public speeches and activities regarding COVID-19 took place only in English. At Canadian international airports, there was a lack of services in French and a lack of availability of services in French for Canadians returning home from abroad during the COVID-19 pandemic. And at international airports and border crossings, there was a lack of bilingual services available from the Canada Border Services Agency concerning measures related to COVID-19. In addition, federal institutions posted directives and advice on social media in both official languages, but not equally.

The COVID-19 health crisis also accentuated recurring language-of-work problems that are brought to my attention year after year by federal employees. Francophone federal public servants working in designated bilingual regions outside Quebec and English-speaking federal public servants working in designated

bilingual regions in Quebec reported receiving unilingual e-mails and briefing notes and participating in teleconferences on COVID-19 held only in one language. These communications were generally intended to provide work-related information to staff or to provide instructions or guidance to staff regarding effective service to the public.

To give credit where it is due, I would like to point out my monitoring of the situation also showed that the federal government did make an effort to meet its language obligations during the COVID-19 pandemic. The balance of official languages in the Prime Minister's daily press conferences quickly improved following my office's intervention. And Environment and Climate Change Canada posted a permanent message on its intranet site about respect for official languages. These actions are important in addressing recurring systemic issues of non-compliance with the Act, its regulations and the policies and directives that flow from it.

### **Previous emergencies**

The COVID-19 pandemic is certainly not the first crisis the federal government has come up against and, unfortunately, not the first time it has had official languages-related issues when handling communications in an emergency.

On October 22, 2014, tragedy struck the country when a gunman killed the sentry posted at the Tomb of the Unknown Soldier in Ottawa and then engaged in a shootout inside Canada's Parliament buildings.<sup>29</sup> During the incident, one federal institution sent an e-mail alert written solely in English to its staff. The same morning, a representative of a second federal institution delivered a press conference on the shootings, also only in English. Each of these events is a violation of the Act that has occurred repeatedly across emergency situations during the timeframe examined in this report.

The first incident is a textbook infringement of Part V of the Act. This part of the Act guarantees federal employees in certain regions of Canada the right to work in the official language of their choice, which includes the right to receive organization-wide e-mails in their preferred official language. The stresses and demands of the workplace can be exacerbated if an employee has to decipher a message in a language they do not understand or can read only with some effort. On October 22, 2014, when public servants urgently required guidance from their managers to know how to react to the horrifying situation developing in Ottawa, inadequate communications in French only intensified

the fear and confusion Francophone public servants were already feeling. I have also investigated English-only e-mail alerts sent to federal employees in response to a potential terror threat in 2016 and during the 2019 floods in Ontario, Quebec, New Brunswick and Manitoba. Typically, federal institutions explained that these violations of the Act were due to the urgent nature of the event and stated that the need to convey emergency information quickly did not allow time for the information to be translated.

The second incident is an infringement of Part IV of the Act, which governs communications between federal institutions and the public. The purpose of press conferences given by federal institutions is to ensure that important information is transmitted to the public. If an emergency press conference is delivered in only one official language, members of the public who do not speak that language may not understand the nature of the crisis and take the necessary precautions. In addition to the 2014 shooting on Parliament Hill, emergencies in which federal institutions failed to include adequate French-language content in their press conferences included the 2017 stabbing and vehicle-ramming attack in Edmonton and the arrival of Hurricane Dorian, which caused widespread damage and power outages throughout Atlantic Canada in September 2019. Here too, I observed that federal institutions often used the urgency of the situation to explain why it was necessary to infringe the Act. In fact, public servants often tend to stray from their usual policies and procedures during emergency situations and, in the process, end up straying from their official languages obligations as well.

I have noticed, however, that my recommendations are often well received by federal institutions that have strayed. These recommendations have also led to changes to prevent similar situations from occurring. Institutions will often review their policies and procedures to clarify the circumstances in which bilingual communications are required or to establish a process to ensure compliance. Sometimes, institutions will reach out to their employees to remind them of their obligation to comply with the Act. Unfortunately, these measures are not always successful, and I have seen federal institutions committing similar violations of the Act in successive emergencies, even after a good-faith effort to prevent just that. In chapters 4 and 5 of this report, I delve deeper into why emergency situations tend to result in failure to comply with official languages obligations and why that failure can persist even when federal institutions are acting in good faith.

The COVID-19 pandemic triggered global health emergency measures. The government of Canada tried to mobilize quickly, implemented assistance measures and provided essential information. Emergencies are inevitable, and so the public is counting on authorities to be vigilant and to put measures in place quickly. These measures must anticipate all possibilities and be reviewed periodically to ensure that they meet the needs of the population as effectively as possible.

I hope that the government understands where things went wrong in terms of official languages during past emergencies so that it can improve future preparedness measures. The alarm has been sounded: in an emergency situation, federal institutions' non-compliance with the Act risks jeopardizing public health and safety, not only for members of official language minority communities but for all Canadians.

## ROLE AND IMPACT OF GOVERNMENT ACTIONS

In Canada, the state (federal, provincial and territorial governments) has important public health responsibilities. What is unique about Canada is that each level of government has its own health and emergency laws, its own administrative structures<sup>30</sup> and sometimes even its own public health agency. This administrative overlay can create confusion if different public health authorities issue different recommendations.

At the federal level, the Public Health Agency of Canada provides advice and guidance on all national public health issues.

### ***Review of institutional bilingualism in the federal government***

Federal institutions' failure to meet their official languages obligations in emergency situations highlights what appear to be recurring and widespread compliance problems. Even in normal times, these problems have been the subject of countless disquieting investigations, analyses, studies and reports. In times of crisis, the ability of these institutions to ensure institutional bilingualism is restricted, which further undermines compliance with the federal government's language obligations in terms of providing communications and services to the public and disrupts proper language-of-work practices.

### ***Bilingual capacity and identification of positions in federal institutions***

When it is required, federal institutions are responsible for planning and ensuring that institutional bilingualism functions properly. The concept of institutional bilingualism does not mean that all public servants must be fluent in both official languages; rather, it means that federal institutions must develop the capacity to serve Canadians in the official language of their choice in regions where there is significant demand, while allowing public servants to work in the official language of their choice in designated bilingual regions. The concept, through the Act, requires managers to take official languages requirements into account in staffing processes where they are objectively necessary to perform the functions of positions. It also requires managers to plan the organizational structure that will be able to ensure that those requirements are met. A bilingual capacity to provide communications and services in both official languages is defined by the Treasury Board of Canada Secretariat as "an appropriate mix of financial, material and human resources, including bilingual and unilingual positions."<sup>31</sup>

Establishing the linguistic identification of new positions is at the heart of the *Directive on Official Languages for People Management*. To ensure ongoing bilingual capacity, the linguistic identification of positions must be reviewed before any reclassification or staffing action. When assessing language requirements, it is imperative that managers fully consider all of the duties and functions related to positions, including those needed during emergency situations. This must be evident in the positions' language requirements. Successful candidates must have the second language skills to meet the language requirements of the positions. The work environment and organizational culture in designated bilingual regions must also be conducive to encouraging the effective use of both official languages. This helps to ensure federal institutions' bilingual capacity. It therefore follows that the state of institutional bilingualism should be verified by conducting regular compliance assessments to ensure that their mechanisms are working properly and to adjust them if necessary. This approach would ensure that official languages are taken into consideration at all times, including emergency situations.

### ***Leadership, culture and governance***

An analysis of problematic situations suggests that federal institutions are aware that they should provide communications in both official languages but perceive it as an unnecessary slowdown when urgent messages need to be issued, and so they sometimes forgo translation for the sake of being expeditious. Going through a translation service is one option, but making more effective use of public servants' language skills is a viable alternative. Many federal employees have strong communication skills in English and/or French to ensure the provision of communications and services in the official language of the public's choice. This is an existing resource that could be leveraged more effectively. But are federal institutions really taking advantage of their existing bilingual capacity? And is that capacity sufficient? Are they encouraging their employees in designated bilingual regions to work in the official language of their choice?

In their September 2017 report to the Clerk of the Privy Council, senior public servants Patrick Borbey (President of the Public Service Commission) and Matthew Mendelsohn (Deputy Secretary to the Cabinet) said that, according to the 2014 Public Service Employee Survey, "employees do not always feel free to use the language of their choice" and that this experience was "the least positive" for French-speaking public servants who work either in the National Capital Region or in other designated bilingual

regions of Ontario, and for English-speaking public servants who work in designated bilingual regions of Quebec.<sup>32</sup> The Borbey-Mendelsohn report also states that one of the key concerns among federal public servants who participated in the authors' consultations is that "English is the dominant language for most daily activities . . . most written materials are prepared in English and most meetings are conducted in English."<sup>33</sup> In addition, the report notes that French-speaking public servants feel they must work in English in order to be understood on important issues, which erodes their ability to write good briefing materials in French and creates an environment where it is difficult for staff to maintain their bilingual skills.

Professor and researcher Matthieu LeBlanc echoed this sentiment in 2010 when he reported the following during his observation of a federal government office in Moncton:

*In writing, it is once again English that is largely dominant. Almost all exchanges (e-mails, letters, etc.) and documents (reports, memos, letters, etc.) are written in English. In fact, overall, about 98% of texts are written in English.*<sup>34</sup>

LeBlanc goes on to report that "the overwhelming majority of Francophones surveyed said that they had regressed in their written French since joining the department."<sup>35</sup> The public servants interviewed for this observation attributed their loss of writing skills in their mother tongue to the fact that French is marginalized in the workplace. It is in this context that the troubling new issue of language insecurity seems to be taking root—an issue that was the subject of a recent survey my office conducted of federal public servants in designated bilingual regions.

Most federal institutions have a set of policies and directives that guide their actions in applying the Act both in their communications with the public in regions where there is significant demand for services in either official language and internally with staff working in designated bilingual regions. The Treasury Board of Canada issued a *Directive on the Implementation of the Official Languages (Communications with and Services to the Public) Regulations* that:

*Enables the Government of Canada to minimize the risk of applications for remedy before the courts because of an institution's violation of the public's rights to communicate with that institution and receive services from it in the official language of their choice.*<sup>36</sup>

Official languages objectives, expected results and requirements are set out in the following policies and directives:

- *Policy on Official Languages*
- *Directive on Official Languages for Communications and Services*
- *Directive on Official Languages for People Management*
- *Policy on Communications and Federal Identity*
- *Directive on the Management of Communications*

These policy mechanisms do not offer different requirements for normal times and for emergencies. In fact, one of the expected results of the Policy on Communications and Federal Identity is that "government communications products and activities are timely, accurate, . . . in both official languages, and meet the diverse information needs of the public."<sup>37</sup> And one of that policy's requirements states that "deputy heads are responsible for . . . integrating communications into their department's emergency preparedness and crisis management planning."<sup>38</sup>

Despite having a set of policies and directives and despite their good intentions, federal institutions are failing to create a diverse and inclusive culture of linguistic duality. The Borbey-Mendelsohn report alludes to a lack of leadership or commitment on the part of leaders who could themselves use both official languages on a more regular basis and further promote—and even in some cases require—their use. The federal public service can clearly define its expectations and promote the skills that will produce the desired changes.

Once an emergency is declared, it is too late to learn English or French, and auxiliary resources—financial or material resources, translation and interpretation services—become less available than during normal times. It is therefore vital that the federal government have a sufficiently bilingual workforce at all times that is able to perform essential tasks such as supervising staff in designated bilingual regions and communicating with the public in both official languages in areas where there is significant demand.

## GOVERNMENT COMMUNICATIONS

Clear, effective communications that all Canadians can understand are crucial during times of crisis. As shown in the overview of official languages in emergency situations in chapter 2, the government of Canada does not always ensure quality and timely emergency communications in both official languages, especially in French. Since 2014, every single one of the official languages complaints that have been filed with my office concerning emergency situations involved an alleged failure to provide communications or services in French. I am also aware of reports of federal offices in bilingual regions of Quebec that have failed to include English when providing detailed information to staff during emergencies or fire drills.

An understanding of how federal institutions and official languages interact during emergency situations can help ensure the safety, rights and dignity of Canadians in both official language groups. My office has noted trends in the cases it has investigated that, when combined with the data obtained through our regular observations and Official Languages Maturity Model exercises, illuminate the cracks in the government's emergency responses through which official languages so often fall.

### ***Policies and procedures***

My office's investigations have revealed that, other than the government-wide policies issued by the Treasury Board of Canada (which themselves are not necessarily adhered to consistently across the federal public service), many federal institutions entirely lack formal guidelines for communications with the public or with employees during emergencies. Others have policies and approaches that lack clarity or use approaches that do not include mechanisms for evaluating and monitoring adherence to official languages guidelines. Public servants are well aware of the fact that the procedures they use on a daily basis need to be adjusted in an emergency, but they often lack guidance in terms of what these adjustments should look like. In such a fast-paced and rapidly changing environment, even capable and well-intentioned staff may overlook the need for bilingual communications or mistakenly conclude that communicating in only one language is an acceptable approach under the circumstances. This line of reasoning has been used frequently by federal managers during my office's investigations.

In 2019, my office introduced its Official Languages Maturity Model to determine the extent to which federal institutions integrate official languages into their business and decision-making processes. The Maturity Model includes a self-assessment exercise whereby institutions assess their level of maturity, from one to five, based on 28 indicators. Low maturity levels indicate that official languages are handled informally, which reduces the likelihood that bilingual communications will be managed effectively during emergency situations. The goal of the Maturity Model is not to assess compliance with the Act; rather, the tool examines how federal institutions integrate or take official languages into account in the planning of their activities and programs.

During the first year the Maturity Model was run, my office validated the self-assessments of 12 federal institutions, 4 of which are part of the health portfolio. The results from this exercise showed that most of these institutions are at Level 1 for the indicators related to communications with the public. More specifically, with respect to special events (which include press conferences), none of the 12 institutions were above Level 1. In other words, institutions who participated in the exercise have, at best, informal or undocumented processes and procedures in place to ensure that both official languages are used when communicating with the Canadian public.

### ***Tendencies that undermine the use of both official languages during emergency situations***

Formally entrenched policies requiring communications with the public and federal employees in both official languages are extremely important. When properly conveyed to and understood by employees, they ensure that official languages are an ingrained reflex as those employees respond to rapidly changing situations. However, the existence of formal policies is not the only factor that can ensure that a federal institution will meet its official languages obligations. In my office's experience, federal institutions have almost always shown themselves willing to act quickly to address official languages complaints stemming from emergency situations and to revise their official languages governance tools. However, the reforms and policies that federal institutions put in place during periods of calm can break down or be abridged during emergency situations, which then leads to the same problems recurring from one emergency to the next. This trend can be attributed to both the inherent nature of emergencies and tendencies within the federal government that undermine the effective use of both official languages. Reversing it will require more than reactive solutions.

First, emergencies require prompt action. Federal institutions tend to justify releasing information in only one official language during crises by noting that in an emergency, waiting for communications to be translated simply takes too long. In other words, these institutions are conducting an ad hoc cost-benefit analysis, wherein the cost of violating the Act is outweighed by the benefit of providing information quickly to at least those Canadians who can speak the official language most used by the institution. The logic of the cost-benefit analysis is, of course, of little solace to speakers of the other official language, who not only have to wait to receive important information, but also see their trust in their government begin to waver as the institutions mandated to protect them disregard their language rights and communication needs.

Clearly, I am not disputing the need to act quickly in an emergency. A delay in communications during an emergency can have harmful or even fatal results. It is for this very reason that the federal government must make every effort to remove the obstacles that could delay rapid communications with the public in both official languages. If translation is causing delays, then federal institutions should develop quicker and more agile translation procedures—for example, by building stronger communications between translators and other members of the organization, by preparing standardized tools such as templates and vocabulary data banks, or by including translators on dedicated emergency response teams.

Second, the fact remains that many federal institutions and teams tend to operate mainly in one official language, with the other relegated to secondary status. In most cases, English is the primary language of work, and French is treated as a language of translation. In some institutions, mostly based in Quebec, the reverse is true. By treating one of Canada's official languages as a language of translation, federal institutions expose themselves to translation delays. This could be addressed through new approaches to staffing, workplace culture and emergency procedures that increase bilingual capacity and harness the power of bilingual staff—for example, by drafting information in English and French at the same time.

Finally, an effective emergency response in both official languages is dependent on federal employees whose abilities to speak one or both official languages are in line with the demands of their position, as required by section 91 of the Act. This, in turn, requires federal managers to both consistently establish accurate minimum skill levels in terms of official languages and enforce these minimums when hiring new staff or assigning roles within the public service. I have observed, based on a large volume of complaints against a large number of federal institutions, that

section 91 is being applied incorrectly throughout the federal government and that virtually all failures to meet the section 91 obligation are the result of managers' underestimating the level of bilingual proficiency required for the positions they are staffing or their disregard for the need for bilingualism despite the fact that the tasks and duties of the position require it. Thus, this trend has the potential to result in large numbers of federal public servants who, when called to communicate in both official languages during an emergency, find themselves unable to do so. I am currently looking into the causes of this trend and examining potential solutions.

The federal government has a number of resources, tangible and intangible, that it relies on in order to ensure its smooth functioning in both of Canada's official languages. These include teams composed of both English-speaking and French-speaking employees, dedicated teams of translators and interpreters, incentives that foster a workplace culture that promotes linguistic duality, and policies and procedures that explain when and how to guarantee bilingual communications and services. Together, these practices ensure that millions of Canadians can interact productively with their government in English and French—in optimal conditions. However, if federal institutions are meeting their official languages obligations only on an informal level, if they lack the necessary agility to adapt their official languages practices to a rapidly changing situation, and if staffing and organizational culture do not ensure teams of public servants who are ready and able to use both official languages, the system can fall apart under stress. Institutional bilingualism is essential, and in order to meet the communication needs of English- and French-speaking Canadians during an emergency, the government's bilingualism must be built to weather any storm.

## COMMISSIONER'S VISION

Official languages are and have been a central element of the social contract that brings Canadians together, and failure to respect language rights and obligations during emergencies puts the health and safety of Canada's population at risk. Problematic situations, both past and present, reveal the difficulties many federal institutions are having in meeting their language obligations, despite the official languages governance tools and instruments that are available to them. None of these tools seem to be adapted to emergency situations, so it is imperative that federal institutions develop internal mechanisms, procedures and work tools for communications and official languages in order to reduce the odds and potential of incidents that infringe on the Act and that may have serious consequences for Canadian society.

In order to ensure federal institutions' bilingual capacity and compliance with their language obligations at all times, they need to review the linguistic profiles of positions before any staffing action, examine their translation processes, and change

the culture in their workplace to focus on effective and quality performance in both official languages. Concrete action is expected, and management has to lead by example. I cannot repeat it often enough: federal institutions must respect language rights when communicating with and providing services to the public.

I have received numerous complaints and have consulted with the Canadian public through my office's questionnaire—and the message I have heard is clear. Canadians expect better from their leaders in terms of communications in both official languages during emergency situations, and they do not distinguish between the various levels of government in those expectations. In addition to my duty to promote linguistic duality and bilingualism across the country, I also have a duty to protect the language rights of all Canadians. This chapter presents my recommendations, as Canada's official languages ombudsman, for actions that federal institutions can take to meet their obligations under the Act and to meet the expectations of the Canadian public.

### Recommendation 1

**Federal institutions have clear obligations under parts IV and V of the *Official Languages Act* to communicate in both official languages with their employees in regions designated as bilingual for language-of-work purposes and with the public in regions where there is significant demand for services in either official language. The Office of the Commissioner of Official Languages has observed that in emergency or crisis situations, many federal institutions choose to issue an immediate response in only one official language because they consider the translation process to be too long. Doing so, however, increases the risks for members of the public and staff who do not speak the official language of the linguistic majority.**

**Therefore, I recommend that the Translation Bureau and federal institutions develop and implement an action plan to ensure that appropriate tools and structures are in place to facilitate the drafting and simultaneous delivery of emergency communications of equal quality in both official languages. This could include the establishment of an expedited translation service for emergency or crisis situations.**

***Self-assessment, adjustment and optimization:  
Integrating official languages into federal  
government operations***

I am concerned about the problematic situations discussed in this report, which show how the federal government is breaching its language obligations when communicating with the public and with federal public servants in emergency situations. I see serious shortcomings in federal institutions' processes and structures that are creating major challenges in communicating promptly and equally in both official languages. Decisions are being made

on an ad hoc basis by federal institutions that are choosing to manage the risk of communicating in only one official language rather than respect the public's right to receive communications in the official language of their choice. Our investigations and the validated results of the self-assessments from the first year of the Official Languages Maturity Model indicate that the consideration of official languages is mostly informal. I am concerned to see that, both in day-to-day operations and in emergency situations, federal institutions do not have a comprehensive formal communications approach that explicitly explains what measures they need to take to meet their official languages obligations.

## **Recommendation 2**

**Federal institutions are given clear responsibilities for meeting their official languages obligations. Deputy heads are responsible for ensuring that communications are integrated into their institution's emergency preparedness and crisis management planning and that information is clear, factual, timely and available in both English and French. Heads of communications are responsible for ensuring that communications activities and products are clear, accurate, timely and available in both English and French.**

**The *Official Languages Act* sets out the responsibilities of the Treasury Board to monitor federal institutions with respect to their compliance with its policy instruments and to evaluate the effectiveness of federal institutions' policies and programs in terms of Canada's official languages.**

**Therefore, I recommend that the Treasury Board, with support from deputy heads and heads of communications, implement a strategy within 18 months of the date of this report in order to ensure that:**

- **the formal communications plans and procedures for emergency or crisis preparedness of each federal institution are reviewed;**
- **where appropriate, formal plans and procedures are amended to include clear directives to ensure that communications of equal quality are issued in both official languages simultaneously in emergency or crisis situations;**
- **all managers and public servants involved in emergency and crisis communications are trained in how to implement the plans and directives regarding emergency communications in both official languages; and**
- **the effectiveness of the measures taken by federal institutions in response to this recommendation is assessed.**

The Policy on Communications and Federal Identity directly places the obligation to “[provide] information in both official languages in accordance with the relevant sections of the *Official Languages Act*”<sup>39</sup> on deputy heads who are responsible for ensuring that their departments “[enable] communications with the public about policies, programs, services and initiatives.”<sup>40</sup> The Policy also explicitly states that deputy heads are responsible for “integrating communications into their department’s emergency preparedness and crisis management planning.”<sup>41</sup> The *Directive on the Management of Communications* applies to communications in the federal government and leaves no room for interpretation: heads of communications are responsible for being prepared for emergency or crisis situations and must ensure that their products and activities are available in both official languages.<sup>42</sup> Therefore, because the Treasury Board is responsible for evaluating the effectiveness of federal institutions’ policies and programs, it should be verifying that federal institutions are complying with the Policy and its Directive.

The Official Languages Maturity Model was designed by my office to support federal institutions in integrating official languages into their organizational structures and processes, thereby ensuring compliance with their language obligations. An institution can use the Maturity Model as a frame of reference during an objective and rigorous self-assessment that helps it to better identify its official languages strengths and weaknesses and then target areas of activity for improvement. The approach also involves the development of an action plan to clearly define the measures that the federal institution will have to take to increase its maturity level and better meet its language obligations. The aim is to encourage institutions first to put mechanisms in place to ensure that tools and procedures are used systematically, and then to establish evaluation mechanisms to verify the effectiveness of those tools and procedures during both day-to-day operations and emergency situations.

*As the Official Languages Champion in my organization, I can attest that the [Official Languages Maturity Model] exercise allowed us to identify our official languages strengths and weaknesses. This helpful tool will enable departments to advance in their efforts and ultimately to provide more bilingual services across Canada.*<sup>43</sup>

– Stéphane Lagacé, Official Languages Champion,  
Atlantic Canada Opportunities Agency

I am confident that the Official Languages Maturity Model is a way to help federal institutions make progress in terms of official languages. It will help them to be more agile and flexible so that they can better meet their language obligations all of the time. However, institutions need to make a firm commitment to establish mechanisms, processes and procedures that will help them meet those obligations. Without this commitment, I fear that situations in which official languages considerations are neglected will continue to happen. The desire to act must come from within the government. With good structures in place and leaders who lead by example, this action can be integrated into operations and become the norm.

### **Opportunities**

Public health and safety is a complex issue in our Canadian system. As federal, provincial, territorial and municipal governments prepare to learn from the current COVID-19 pandemic in order to face the next crisis, one of the factors they will have to examine is the use of official languages in emergency situations.

After more than six months of developing and implementing measures to address the COVID-19 pandemic, policy makers at all levels of government should be well into a review of their emergency management plans and should start thinking about reviewing their business continuity plans. The federal government is promoting a coordinated approach and a more uniform structure for emergency management.<sup>44</sup> In meeting its own responsibilities, it could therefore be the leader in ensuring the health and safety of all Canadians by making every effort to work with the various levels of government to plan appropriate measures to limit the risks to the public’s well-being, promote a widespread understanding of public health guidelines and engage Canadians in following those guidelines.

### Recommendation 3

**In their responses to the questionnaire administered by the Office of the Commissioner of Official Languages, Canadians made it clear that they expect to receive and need to understand communications from leaders at all levels of government during emergencies in which lives could be at risk.**

**The federal government has a wealth of expertise in official languages, and it is important to leverage this in order to serve all Canadians. Therefore, I recommend that, within one year of the date of this report, the Privy Council Office and Public Safety Canada, in consultation with Canadian Heritage, develop a strategy to encourage, support and work with the various levels of government to integrate both official languages in communications during emergency or crisis situations.**

As the official languages ombudsman, I sound the alarm when federal institutions fail to meet their language obligations in emergency situations, and I encourage leaders to conduct the necessary in-depth review of their official languages responsibilities. Canadians live their lives in the official language(s) of their choice. Ensuring that both official languages are fully integrated into normal procedures and processes should be standard practice, and including them in emergency management preparedness should be automatic.

Interestingly, a sociolinguist from Macquarie University in Sydney, Australia, reported that when the COVID-19 outbreak first started in China's Hubei province, medical assistance teams were poorly prepared to respond to the needs in the field because Standard Chinese and local dialects are mutually unintelligible. The monolingual ideology was quickly abandoned, and within two days linguists from Beijing Language and Culture University created a guidebook and audio materials in the Wuhan dialect and a handbook for doctors and patients. Since then, the needs of linguistically diverse populations appear to have been considered as part of emergency preparedness, response and recovery planning.<sup>45</sup> This kind of approach can make all the difference in ensuring the coexistence and safety of different communities during emergencies.

The solution described above is an internationally recognized example of a best practice. Multilingual approaches that have been proven successful elsewhere are readily available, and the government of Canada would do well to identify them for use in future emergency preparedness and awareness efforts.

The federal government has everything to gain by reaching out to as many Canadians as possible during emergencies. One of the ways this can be achieved is by taking both official languages into account and integrating them directly into its emergency management and business continuity plans. I hope that provincial, territorial and municipal leaders will also heed their citizens' calls for essential information in the official language of their choice during emergencies. After all, Canadians are asking for nothing more than to join together with their fellow citizens in complying with measures that will ensure everyone's health and safety during emergency situations.

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## RECOMMENDATIONS

### Recommendation 1

Federal institutions have clear obligations under parts IV and V of the *Official Languages Act* to communicate in both official languages with their employees in regions designated as bilingual for language-of-work purposes and with the public in regions where there is significant demand for services in either official language. The Office of the Commissioner of Official Languages has observed that in emergency or crisis situations, many federal institutions choose to issue an immediate response in only one official language because they consider the translation process to be too long. Doing so, however, increases the risks for members of the public and staff who do not speak the official language of the linguistic majority.

Therefore, I recommend that the Translation Bureau and federal institutions develop and implement an action plan to ensure that appropriate tools and structures are in place to facilitate the drafting and simultaneous delivery of emergency communications of equal quality in both official languages. This could include the establishment of an expedited translation service for emergency or crisis situations.

### Recommendation 2

Federal institutions are given clear responsibilities for meeting their official languages obligations. Deputy heads are responsible for ensuring that communications are integrated into their institution's emergency preparedness and crisis management planning and that information is clear, factual, timely and available in both English and French. Heads of communications are responsible for ensuring that communications activities and products are clear, accurate, timely and available in both English and French.

The *Official Languages Act* sets out the responsibilities of the Treasury Board to monitor federal institutions with respect to their compliance with its policy instruments and to evaluate the effectiveness of federal institutions' policies and programs in terms of Canada's official languages.

Therefore, I recommend that the Treasury Board, with support from deputy heads and heads of communications, implement a strategy within 18 months of the date of this report in order to ensure that:

- the formal communications plans and procedures for emergency or crisis preparedness of each federal institution are reviewed;
- where appropriate, formal plans and procedures are amended to include clear directives to ensure that communications of equal quality are issued in both official languages simultaneously in emergency or crisis situations;
- all managers and public servants involved in emergency and crisis communications are trained in how to implement the plans and directives regarding emergency communications in both official languages; and
- the effectiveness of the measures taken by federal institutions in response to this recommendation is assessed.

### **Recommendation 3**

**In their responses to the questionnaire administered by the Office of the Commissioner of Official Languages, Canadians made it clear that they expect to receive and need to understand communications from leaders at all levels of government during emergencies in which lives could be at risk.**

**The federal government has a wealth of expertise in official languages, and it is important to leverage this in order to serve all Canadians. Therefore, I recommend that, within one year of the date of this report, the Privy Council Office and Public Safety Canada, in consultation with Canadian Heritage, develop a strategy to encourage, support and work with the various levels of government to integrate both official languages in communications during emergency or crisis situations.**

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## ENDNOTES

1. As of October, 29, 2020, the Office of the Commissioner of Official Languages had received 100 complaints related to the COVID-19 pandemic. Of these, 72 have been deemed admissible and are currently being investigated.
2. Government of Canada, [Public Health Agency of Canada Act](#), S.C. 2006, c. 5, Preamble, p. 1. Online version accessed October 1, 2020.
3. The comments cited in this report have been edited to ensure consistent spelling and grammar throughout the document. Sometimes only part of a comment is cited to ensure conciseness. These changes do not affect the content of the comments.
4. World Health Organization, [“WHO Director-General’s statement on IHR Emergency Committee on Novel Coronavirus \(2019-nCoV\),”](#) January 30, 2020, accessed October 1, 2020.
5. Benjamin Vachet, [“‘Nous regardons les options pour améliorer la communication en français’, assure Mulroney,”](#) *ONFR+*, March 23, 2020, accessed October 1, 2020 (“‘We’re looking at options to improve communications in French,’ assures Mulroney” – in French only).
6. The Canadian Press, [“Ontario criticized for lack of French at COVID-19 press conferences,”](#) *CTV News*, April 14, 2020, accessed October 1, 2020.
7. Didier Pilon, [“Les points de presse traduits en français, mais l’opposition demande mieux,”](#) *ONFR+*, April 16, 2020, accessed October 1, 2020 (“Press conferences to be translated into French, but opposition demands better” – in French only).
8. Pascale Savoie-Brideau, [“Communiquer en français sur le coronavirus, un enjeu au Nouveau-Brunswick,”](#) *ICI Radio-Canada*, March 25, 2020, accessed October 1, 2020 (“Communicating in French on the coronavirus: An issue in New Brunswick” – in French only).
9. Stéphane Paquette, [“La SANB exige un intervenant francophone aux points de presse sur la COVID-19,”](#) *inforeweekend*, April 4, 2020, accessed October 1, 2020 (“SANB demands Francophone spokesperson at COVID-19 press conferences” – in French only).
10. Legislative Assembly of New Brunswick, [Oral Questions](#), 59th Legislature, 3rd Session, June 17, 2020, p. 13. Online version accessed October 1, 2020.
11. [“Santé Canada a levé l’exigence d’étiquetage bilingue pour certains produits,”](#) *ICI Radio-Canada : Le réveil – Nouvelle-Écosse et Terre-Neuve-et-Labrador*, April 30, 2020, 7:20 a.m., accessed October 1, 2020 (“Health Canada lifts requirement for bilingual labelling on some products” – in French only).
12. From official languages acts to French language services acts and policies to the *Charter of the French Language* to a Francophone Affairs Program, Canadian provinces and territories all have different ways of protecting official languages. Learn more on the Office of the Commissioner of Official Languages’ [website](#).
13. Matthew Lapierre, [“Anglos frustrated after COVID-19 pamphlet only mailed in French,”](#) *Montreal Gazette*, April 10, 2020, accessed October 1, 2020.
14. Rudy Chabannes, [“Les volontaires disponibles appelés contre la COVID-19... en anglais,”](#) *ONFR+*, April 7, 2020, accessed October 1, 2020 (“Health care workers called on to help fight COVID-19 . . . in English” – in French only).
15. Jean-Baptiste Demouy, [“Denis Simard ‘apprécie l’ouverture’ et la ‘bonne volonté’ de Mélanie Joly,”](#) *ICI Radio-Canada*, May 7, 2020, accessed October 1, 2020 (“Denis Simard appreciates Melanie Joly’s ‘openness’ and ‘good will’” – in French only).
16. Cédric Lizotte, [“L’Ontario émet une ‘alerte jaune,’”](#) *ICI Radio-Canada*, May 14, 2018, accessed October 1, 2020 (“Ontario issues a ‘yellow alert’” – in French only).
17. Canadian Centre for Child Protection, [“What is an AMBER Alert?,”](#) accessed October 1, 2020.

18. The Canadian Press, "[Amber Alert cancelled after child found safe](#)," *CityNews*, May 14, 2018, accessed October 1, 2020.
19. Public Safety Canada, "[National Public Alerting System](#)," accessed October 1, 2020.
20. Margaud Castadère, "[Ambulance NB : trois ambulanciers anglophones pour une intervention à Cap-Pelé](#)," *ICI Radio-Canada*, July 26, 2020, accessed October 1, 2020 ("Ambulance NB: Three English-speaking paramedics dispatched to Cap-Pelé" – in French only).
21. Statistics Canada, "[Population by first official language spoken and geography, 1971 to 2016](#)," accessed October 1, 2020.
22. Statistics Canada, "[Census in Brief: English, French and official language minorities in Canada](#)," August 31, 2017, pp. 6 and 2, respectively. Online version accessed October 1, 2020.
23. Canadian Institute for Research on Linguistic Minorities, "[The importance of languages of communication and services in the context of Covid-19](#)," April 21, 2020, accessed October 1, 2020.
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25. Commissioner of Official Languages of Canada, "[Beyond the Official Languages Act, it's a matter of respect and safety for all Canadians](#)," News release, April 23, 2020, accessed October 1, 2020.
26. Government of Canada, "[Labelling of hand sanitizers, disinfectants, soaps and cleaning products in the context of the COVID-19 response](#)," May 9, 2020, accessed October 1, 2020.
27. Benjamin Vachet, "[Étiquetage en anglais : 'des enjeux exceptionnels', défend Joly](#)," *ONFR+*, March 20, 2020, accessed October 1, 2020 ("English labelling: 'Exceptional circumstances' says Joly" – in French only).
28. Government of Canada, "[Labelling of hand sanitizers, disinfectants, soaps and cleaning products in the context of the COVID-19 response](#)," May 9, 2020, accessed October 1, 2020.
29. "[Ottawa shooting: A day of chaos leaves soldier, gunman dead](#)," *CBC News*, October 22, 2014, accessed October 1, 2020.
30. At the federal level, the [Emergency Management Act](#) enables the government to deal with any type of emergency. It sets out the roles that all stakeholders must play in the event of an emergency.
31. Treasury Board of Canada Secretariat, [Directive on Official Languages for Communications and Services](#), Appendix 2: Definitions, 2012, accessed October 1, 2020.
32. Patrick Borbey and Matthew Mendelsohn, [The next level: Normalizing a culture of inclusive linguistic duality in the Federal Public Service workplace](#), September 2017, p. 12. Online version accessed October 1, 2020.
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34. Matthieu LeBlanc, "[Le français, langue minoritaire en milieu de travail : des représentations linguistiques à l'insécurité linguistique](#)," *Nouvelles perspectives en sciences sociales*, Volume 6, Issue 1, December 2010, p. 35 (article in French only). Online version accessed October 1, 2020.
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36. Treasury Board of Canada, [Directive on the Implementation of the Official Languages \(Communications with and Services to the Public\) Regulations](#), 2012, accessed October 1, 2020.
37. Treasury Board of Canada, [Policy on Communications and Federal Identity](#), Subsection 5.2.2, 2016, accessed October 1, 2020.

38. Treasury Board of Canada, [Policy on Communications and Federal Identity](#), Subsection 6.4, 2016, accessed October 1, 2020.
39. Treasury Board of Canada, [Policy on Communications and Federal Identity](#), Subsection 6.3.2, 2016, accessed October 1, 2020.
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41. Treasury Board of Canada, [Policy on Communications and Federal Identity](#), Subsection 6.4, 2016, accessed October 1, 2020.
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