



Office of the
Commissioner of
Official Languages

Commissariat
aux langues
officielles

AUDIT

OF THE IMPLEMENTATION OF PART VII OF THE
OFFICIAL LANGUAGES ACT AT INDUSTRY CANADA

FOLLOW-UP

July 2014



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Cat. No.: SF31-110/1-2014E-PDF
ISBN: 978-1-100-24727-4

In May 2012, the Office of the Commissioner of Official Languages published an audit report on Industry Canada's implementation of Part VII of the *Official Languages Act* (the Act). The report examined elements of the Act relating to the vitality and development of official language minority communities (OLMCs) and the full recognition of the use of English and French in Canadian society, as well as the obligation to take positive measures to fulfill the government's commitment under Part VII of the Act.

The audit included six recommendations to help the institution improve its performance under Part VII of the Act.

The six recommendations focused on the following objectives:

- Ensure that Industry Canada has established a governance framework for the implementation of Part VII of the *Official Languages Act*.
- Ensure that Industry Canada takes concrete measures that have a real and positive effect on the vitality and development of OLMCs and on the promotion of linguistic duality in Canada.
- Ensure that OLMCs and other partners in Canadian society participate actively and continuously in the development of Industry Canada programs that affect the vitality and development of these communities and linguistic duality in Canada.
- Ensure that Industry Canada has an ongoing performance measurement process involving departmental or external authorities that can evaluate the effectiveness of the measures taken under Part VII.

In April 2014, the Office of the Commissioner completed a follow-up of the measures Industry Canada had taken to implement the audit recommendations.

Our analysis of Industry Canada's progress report and supporting documents, as well as additional information obtained from the institution and interviews with some OLMCs, revealed the following:

RECOMMENDATION 1

(SATISFACTORILY IMPLEMENTED)

The Commissioner of Official Languages recommends that Industry Canada establish an integrated official languages policy (including Part VII) that is specific to its activities, in order to underpin the Department's implementation of the *Official Languages Act* and emphasize the values, benefits, interactions and scope of the different parts of the Act. Industry Canada must communicate the new policy to all concerned parties.

- Industry Canada established an official languages policy that was approved by senior management in January 2013. This policy outlines the Department's commitment to meet the obligations under the Act, particularly under Parts IV, V, VI and VII. It also complements the Department's updated 2013–2016 official languages action plan. We have examined the official languages policy and the 2013–2016 official languages action plan and are satisfied that their contents respond to the Commissioner's recommendation.
- The official languages policy was presented to Industry Canada's Official Languages Discussion Network in January 2013. Both the official languages policy and the official languages action plan were communicated to management and employees in March 2013 via a departmental on-line wiki article and via Industry Canada's Human Resources Branch intranet site.

RECOMMENDATION 2

(SATISFACTORILY IMPLEMENTED)

The Commissioner of Official Languages recommends that Industry Canada:

- a) clarify the definition of a positive measure under Part VII of the *Official Languages Act* as it relates to the implementation of its programs, and that it clearly differentiate between which measures fall under Part IV and which fall under Part VII when analyzing actions to be taken;
- b) use its integrated awareness campaign to clearly explain the requirements of Parts IV and VII and the differences between them so that it may reduce ambiguity in its staff's interpretation of these two parts of the Act.

- Industry Canada has clarified the definition of a positive measure in its presentation to employees of its integrated awareness campaign on official languages. The employee presentation, updated in June 2012, clearly differentiates between Part IV and Part VII obligations and measures to be taken.

The Department defines a “positive measure” as an action taken that has “a direct effect on an official language minority community and which promotes its participation and development of the Canadian economy in its official language or which has a measurable effect on its development.”

As a next step, the Department should include in its definition of positive measures that these are actions that are taken that must be planned, implemented and followed up on.

- The Department’s integrated awareness campaign on official languages was set in motion in March 2011. Between June 2012 and March 2014 (inclusive), the campaign reached 2,573 employees through 88 sessions.

RECOMMENDATION 3

(SATISFACTORILY IMPLEMENTED)

The Commissioner of Official Languages recommends that Industry Canada review the Part VII section of its Official Languages Filter in order to make it compliant with all of the requirements of Part VII of the *Official Languages Act*.

- Industry Canada reviewed the Part VII section of its Official Languages Filter, which was approved by senior management in June 2012 following the publication of the May 2012 audit report. The Department’s sectors and branches use the filter when creating a Treasury Board submission or a Memorandum to the Cabinet, as well as for policy development, program development and program delivery. The Part VII section asks questions on consultations with OLMCs, positive measures, the impact of initiatives on OLMCs’ economic development, performance measures and ensuring the equality of English and French in Canadian society.
- We have examined the Part VII section of the Official Languages Filter and are satisfied with its content.

RECOMMENDATION 4

(PARTIALLY IMPLEMENTED)

Given the importance of linguistic duality as a Canadian value and the synergy between the two components of Part VII of the *Official Languages Act*, the Commissioner of Official Languages recommends that Industry Canada:

- a) develop a departmental strategy for the promotion of the linguistic duality component of Part VII in its areas of expertise;
- b) identify specific projects related to this strategy in its integrated official languages action plan; and
- c) effectively communicate the new strategy to all concerned parties.

- Industry Canada developed a linguistic duality strategy, which was approved in July 2013 and implemented in September 2013. The strategy states that its intention is to guide the Department’s activities with regard to the promotion and use of English and French in Canadian society and that its objective is to promote the full recognition and use of English and French in departmental areas of expertise.
- Industry Canada identified an area of action related to its linguistic duality strategy in its official languages action plan. The Department plans to enhance the understanding among senior officers and managers of priority programs of the requirements of section 41, thereby heightening awareness among senior management and staff of the relevance and benefits of linguistic duality and the Department’s language obligations.

Industry Canada’s official languages action plan refers to projects, studies and partnerships that are broadly related to OLMCs’ development. To fully implement the second part of this recommendation, Industry Canada must include specific projects in its official languages action plan that precisely target the promotion of linguistic duality in Canadian society.

- The new strategy was communicated to staff in September 2013 via an e-mail regarding Linguistic Duality Day.

RECOMMENDATION 5

(PARTIALLY IMPLEMENTED)

The Commissioner of Official Languages recommends that Industry Canada:

- a) through FedNor, consider official language minority communities to be its primary partners in the Environmental Scan of the Economic Development of OLMCs in Northern Ontario project, and expand the scope of the project's objectives to include the creation of a permanent, structured regional consultation and feedback mechanism for these communities;
- b) through its regional offices, develop structured official language minority community consultation mechanisms, incorporate the needs and issues of these communities into its analyses and propose concrete measures to enhance their vitality and development;
- c) on a national level, create a mechanism to encourage key partners, including representatives of regional offices and other sectors that affect official language minority communities, to discuss and share information on Part VII.
 - We noted that the authors of the final report of the Environmental Scan of the Economic Development of OLMCs in Northern Ontario were unable to expand the project's objectives to include the creation of consultation and feedback mechanisms because the project ended before the recommendation was published. However, FedNor approved an engagement strategy in September 2013 that includes the implementation of a new regular regional consultation mechanism: Northern Ontario Dialogue Day. This Dialogue Day, planned for every two years in person or via teleconference, would start in May or June 2014. At the time of the audit follow-up, FedNor was in the process of organizing this as a feedback mechanism with the OLMCs in Northern Ontario.
 - For the first part of the recommendation (5 a), we are satisfied with FedNor's OLMC engagement strategy and with the steps taken to initiate the creation of a permanent, structured regional consultation and feedback mechanism with OLMCs in Northern Ontario.

- At the regional level, Industry Canada noted that it supported regional offices' efforts to identify possibilities for cooperation with OLMCs. For example, in January 2013, the Department's regional offices were consulted on the implementation of structured consultation mechanisms. From this, a March 2013 presentation to Industry Canada's regional executive directors proposed inclusion of regional office representatives in meetings of departmental follow-up committees with OLMCs, identification of one project or strategic activity with OLMCs in each region and consideration of the economic development of OLMCs in regional analysis. We recognize that Industry Canada's representatives from headquarters have met with various OLMCs since the May 2012 audit, and have taken initial steps in providing suggestions to regional executive directors regarding OLMCs, as well as initiated two regional pilot projects to develop a more structured mechanism with regional offices.

We are partially satisfied with the measures taken for the second part (5 b) of this recommendation, however.

To more fully implement this part of the recommendation, Industry Canada regional offices need to develop a mechanism that ensures regular involvement of OLMC representatives and that goes beyond an as-needed, case-by-case basis. For example, regional offices could create a mechanism in the form of an OLMC consultation framework.

- During the initial audit, Industry Canada had an Official Languages Discussion Network. The Department still has this discussion network that serves as an internal mechanism for identifying, studying, implementing and evaluating official languages-related activities, issues, policies and practices. Departmental sectors and regions are part of the network. Meetings are held three times a year, with the most recent meeting in October 2013. In addition, the Department still uses mechanisms established in 2010, such as its follow-up committees that meet with representatives of Francophone and Anglophone minority organizations. These committees are now also used to discuss and share information on Part VII with key partners (national OLMC organizations, the provincial Quebec Community Groups Network [QCGN] and federal institutions).

We are satisfied with the measures taken for the third part (5 c) of this recommendation.

RECOMMENDATION 6

(SATISFACTORILY IMPLEMENTED)

The Commissioner of Official Languages recommends that Industry Canada review its current and upcoming communications initiatives and, in consultation with the official language minority communities, develop components targeted to meet the specific needs of these communities.

- Industry Canada has reviewed its CommunAction Web site since the May 2012 audit and now uses it for official languages-related topics. The Web site is now a means for the Department to “provide [OLMCs] with quick and easy access to encourage their participation in Industry Canada and federal government economic development programs and services.” Also, information is distributed through an electronic bulletin called *IC Express*. This electronic bulletin, which users need to subscribe to via the CommunAction Web site, contains information for OLMCs from the Department, federal contributing partners, community partners and other interested parties. The first bulletin was released in November 2013 and is planned for release three times per year.
- Another communications initiative that Industry Canada is planning is a series of information webinars on specific topics for OLMCs. The Department asks national and provincial OLMC organizations, such as the Community Economic Development and Employability Committees (CEDEC), the Réseau de développement économique et d’employabilité (RDÉE), the Fédération des communautés francophones et acadienne du Canada (FCFA) and the QCGN, for input on what topics to cover in the sessions.
- We believe that the above initiatives contribute to the satisfactory implementation of this recommendation.

CONCLUSION

We are encouraged by the measures Industry Canada has adopted to improve its performance under Part VII of the Act. However, a few actions can still be taken to fully implement the recommendations of the May 2012 audit.

The Commissioner of Official Languages is satisfied with Industry Canada’s efforts to implement recommendations 1, 2, 3 and 6. However, the Commissioner is only partially satisfied with the efforts on recommendations 4 and 5.

The Commissioner believes that Industry Canada can improve its measures to fully implement recommendations 4 and 5. For example, Industry Canada could include specific projects in its official languages action plan that precisely target linguistic duality, separate from initiatives related to OLMCs and economic development. Also, the regional offices must establish a structured and coordinated approach for regular consultation with OLMC representatives. This would keep the institution’s regional offices apprised of the needs and issues in the regions on a regular and structured basis.

We are encouraged by the institution’s plan to use webinars. We believe it will be a positive step in ensuring the communication of important information to OLMCs. We are also encouraged by the institution’s use of its CommunAction Web site and the *IC Express* electronic bulletin to inform OLMCs.

We will maintain regular communications with the institution to monitor progress.

We would like to thank Industry Canada for the excellent collaboration we received throughout this audit follow-up.