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Language Regimes in the Provinces and Territories

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Language Regimes in the Provinces and Territories
(Background Paper)

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LANGUAGE REGIMES IN THE PROVINCES AND TERRITORIES

1 INTRODUCTION

Canada's Constitution contains no provision relating to jurisdiction over language. In a 1988 decision, the Supreme Court of Canada affirmed that "language is not an independent matter of legislation but is rather 'ancillary' to the exercise of jurisdiction with respect to some class of subject matter assigned to Parliament or the provincial legislatures by the *Constitution Act, 1867*."¹ The power to legislate with regard to language therefore belongs to both the federal and provincial levels of government, under their respective legislative authority.

The provinces and territories play an important role in the protection of linguistic minorities in sectors falling under their exclusive or shared jurisdiction. Although until recently researchers have most often referred to the lack of respect by provincial and territorial governments for the rights of linguistic minorities, it appears that official language initiatives by those levels of government are now better known than in the past.

Recent studies have highlighted the efforts made by the provinces and territories to support the development of official-language minority communities.² Practices are continually evolving, as evidenced by the recent enactment of the *Official Languages Act* and the *Inuit Protection Act* in Nunavut and the review of the language regimes in New Brunswick and Prince Edward Island.³

This document summarizes the provincial and territorial language regimes as well as current practices in the intergovernmental collaboration sector.

2 PROVINCIAL AND TERRITORIAL LANGUAGE REGIMES

2.1 GENERAL PROVISIONS

Language regimes vary significantly from one province or territory to another. Only Quebec and Manitoba were subject to linguistic obligations when they entered Confederation. In 1969, New Brunswick adopted the first *Official Languages Act*.

Today, every province except British Columbia and Newfoundland and Labrador has implemented measures to recognize the official languages or the provision of French-language services.

- In some cases, they are legislative measures: New Brunswick, Ontario, Nova Scotia, Prince Edward Island and the three territories.
- In others, these are policy measures: Manitoba and Saskatchewan. Yukon and the Northwest Territories have adopted policies in addition to their existing legislation.

- Only one province has entrenched language provisions in the Constitution: New Brunswick. As mentioned earlier, Quebec and Manitoba also had linguistic obligations entrenched in the Constitution when they entered Confederation.
- Three provinces and one territory have adopted regulatory measures: Nova Scotia, Prince Edward Island, Ontario and the Northwest Territories.
- Some language statutes recognize only one official language and restrict the use of minority language to very specific contexts: Quebec, Saskatchewan and Alberta.⁴
- Other language statutes recognize more than two official languages: the three territories.
- Lastly, two jurisdictions have introduced strategic plans to ensure linguistic obligations are met: New Brunswick and the Northwest Territories.

Table 1 (see the appendix) summarizes provincial/territorial legislation and governance structure dealing with official languages.

In addition to these general provisions, the provinces and territories have adopted specific linguistic measures relating to such sectors as education, justice and municipal affairs.

2.2 EDUCATION

With regard to education, every province and territory has implemented legislative measures to ensure compliance with section 23 of the *Canadian Charter of Rights and Freedoms*. Section 23 guarantees the right of parents to have their children receive primary and secondary school instruction in the minority language, where numbers warrant. It also guarantees parents the right to manage the minority-language schools.

Since 1970, the federal government has offered financial support to provinces and territories to cover the additional costs incurred for minority-language education and second-language instruction. A protocol signed between the Government of Canada and the Council of Ministers of Education (Canada) governs the management of funding in education. Each province and territory establishes its own action plan identifying funding commitments and performance indicators.⁵

2.3 JUSTICE

Judicially, section 530 of the *Criminal Code*⁶ guarantees the right of every accused to be tried in his or her language of choice. The provinces and territories, which are obligated to meet this requirement, have, for the most part, implemented legislative provisions to that effect.

- In some cases, provisions recognizing the right to use French before the provincial courts is part of the official languages legislation: Saskatchewan, Alberta⁷ and the three territories.

- In one case, separate legislation has been adopted recognizing the status of French before the provincial courts: Ontario.
- In other cases, these rights are entrenched in the Constitution: New Brunswick, Quebec and Manitoba.
- In other cases, provisions on the status of French in the provincial courts do not exist: Nova Scotia, Newfoundland and Labrador, British Columbia⁸ and Prince Edward Island.⁹

2.4 MUNICIPALITIES

At the municipal level, only Quebec and New Brunswick have adopted language regimes that recognize official-language communities in a minority setting. Nunavut has established Inuit language rights and duties at the municipal level. Elsewhere in Canada, certain municipalities have been given bilingual status or provide services in both official languages; this is the case in Prince Edward Island, Nova Scotia, Ontario, Manitoba, Saskatchewan, Alberta and the Northwest Territories.

In some provinces, municipalities have formed associations to ensure that services in French are preserved and delivered. These include the Francophone Association of Municipalities of Ontario, the *Association francophone des municipalités du Nouveau-Brunswick* and the Association of Manitoba's Bilingual Municipalities.

2.5 OMBUDSMAN

Two provinces (Ontario and New Brunswick) and two territories (Northwest Territories and Nunavut) have established a linguistic ombudsman. The ombudsman's role is to ensure compliance both with official languages legislation and with measures regarding the provision of French-language services. Informal discussions between the provincial/territorial ombudsmen and the federal Commissioner of Official Languages may occur. Since March 2013, there has been a formal national cooperation structure in the form of three memoranda of understanding – between the federal commissioner and each of his counterparts in Ontario and New Brunswick, and between the Ontario and New Brunswick commissioners.

- In Ontario, the Office of the French Language Services Commissioner was created in 2007 by an order in council. The Commissioner reported to the Minister Responsible for Francophone Affairs until the *French Language Services Amendment Act (French Language Services Commissioner), 2013* came into force; this Act allowed the Commissioner to report directly to the Legislative Assembly. A request for such an amendment had been presented in the Commissioner's 2011–2012 annual report.¹⁰
- In New Brunswick, the Office of the Commissioner of Official Languages was established by the 2002 *Official Languages Act*. In this province, the Commissioner is an officer of the legislative assembly and is independent of government.

- In the territories, the ombudsman positions have a longer history. Their responsibilities range from French and English to Aboriginal languages.
 - The Office of the Languages Commissioner of the Northwest Territories was created in 1990. The Commissioner is appointed by the legislative assembly and is independent from government.
 - The Office of the Languages Commissioner of Nunavut was established when the territory was created in 1999. Here, as well, the Commissioner is an independent officer of the territory's legislative assembly. It should be noted that a separate office, the Inuit Uqausinginnik Taiguusiliuqtiit, has authority on services offered in the Inuit language.

3 INTERGOVERNMENTAL COOPERATION

3.1 FEDERAL–PROVINCIAL COOPERATION

Beginning in the mid-1990s, the federal government signed cooperative agreements to promote French-language services in the provinces and territories.¹¹ The goal of these agreements was to increase the capacity of the provincial and territorial governments to develop, improve and provide services, including municipal services, in the language of the minority population.

The funds allocated enable the implementation of initiatives such as the *Official Languages Act* in New Brunswick and the *French-language Services Act* in Nova Scotia. They are also used to promote the delivery of services in all areas (other than education) deemed essential to the development of official-language communities in a minority setting (e.g., justice, health, youth and the arts). Each province and territory establishes a strategic plan describing planned actions and expected results.¹²

All provincial and territorial governments have set up offices responsible for Francophone affairs. Most of the time, those offices are under the responsibility of the Minister responsible for Francophone affairs; in some cases, they come under another ministerial portfolio (e.g., a provincial secretariat or intergovernmental affairs). It is interesting to note that the management of affairs connected with the English-speaking population in Quebec does not come under a particular ministerial portfolio.¹³

In the *Roadmap for Canada's Linguistic Duality*, released in June 2008, the federal departments had pledged to “extend and enhance service delivery in both official languages in the provinces and territories.”¹⁴ In the *Roadmap for Canada's Official Languages* released in March 2013, the Government of Canada restated its desire to work with other orders of government to strengthen Canada's linguistic duality.¹⁵

3.2 INTERPROVINCIAL COOPERATION

Since the late 1980s, the Government of Quebec has signed cooperative agreements with the governments of other provinces and territories in order to improve the provision of services in French.¹⁶ The prioritized sectors include culture, communications, education, economic development and health. Help is also provided in other sectors, such as early childhood education, youth, immigration, justice, sustainable development and information technologies.

The *Politique du Québec en matière de francophonie canadienne*¹⁷ was updated in 2006. When the new policy was announced, the Quebec *Secrétariat aux affaires intergouvernementales canadiennes* explained the rationale behind it in this way:

The policy became necessary to better convey the Quebec government's desire to resume its leadership role within the Canadian federation and fully assume its historical and specific responsibility to Francophones in all regions of Canada. It was also important to reinforce solidarity between Francophones in Quebec and Francophones elsewhere in Canada, and strengthen our position in light of the risks and opportunities created by globalization for the future of the French language. Finally, it was necessary to consider changes concerning equity with regard to language rights in Canada.¹⁸

In concrete terms, this commitment has involved activities such as the creation of the *Comité interministériel québécois sur la francophonie canadienne*, the management of financial support programs, the introduction of a Canadian Francophonie Day in Quebec and the implementation of the *Centre de la francophonie des Amériques*. Other activities will take place by 2017 to strengthen ties between francophones in Quebec and those across Canada, as set out in the action plan released by the Quebec government in May 2012.¹⁹

3.3 NATIONAL COOPERATION MECHANISMS

Since 1994, the provinces and territories have participated annually in the Ministerial Conference on the Canadian Francophonie.²⁰ This body is committed to strengthening intergovernmental cooperation on issues relating to francophone affairs in Canada. It also works to improve the coordination of provincial and territorial actions with those of the federal government. Each province and territory is represented at the conferences by a minister responsible for francophone affairs. The federal government has been represented since 2005. In a consultation report published in 2006, the Canadian Francophonie leaders said that they were relying on the conference to:

- [c]ontribute to the articulation of a mobilizing vision statement and directions that would garner the support of the entire Canadian Francophonie;
- [a]ctively promote the Canadian Francophonie and communicate its current and future relevance at high-media events;
- [e]xercise leadership in matters of youth and immigration, through large-scale, concrete projects with multiple spinoff effects.²¹

3.4 INTERNATIONAL COOPERATION MECHANISMS

Two provincial governments (Quebec and New Brunswick) have the status of participating governments at the *Organisation internationale de la Francophonie*. Their participation gives the two provinces the political leverage to influence a number of international issues related to the Francophonie. The other provinces and territories are represented by the federal government, which has the status of Member State.

Some Quebec municipalities and the *Association francophone des Municipalités du Nouveau-Brunswick* sit on the *Association Internationale des Maires Francophones*, an international network of locally elected representatives from countries where the place of French is formally recognized.²²

NOTES

1. [Devine v. Quebec \(Attorney General\)](#), [1988] 2 S.C.R. 790.
2. See Daniel Bourgeois et al., [Provincial and Territorial Government Contributions to the Development of Francophone Minority Communities: Assessment and Projections](#), Report prepared for the Ministerial Conference on the Canadian Francophonie, Canadian Institute for Research on Linguistic Minorities, Moncton, July 2007; and the Ministerial Conference on the Canadian Francophonie, [The Canadian Francophonie: An Overview of Government Initiatives](#), September 2008.
3. The New Brunswick *Official Languages Act*, as amended in 2002, provided for a review of this Act before 31 December 2012. After two years of work and consultation, the provincial government tabled a bill on 14 June 2013 to amend the *Official Languages Act*. *An Act Respecting Official Languages* was enacted one week later. See Government of New Brunswick, Office of the Premier, [“Provincial government proposes amendments to Official Languages Act,”](#) News release, 14 June 2013. On 8 May 2013, the government of Prince Edward Island passed a new *French Services Act*. Its proclamation on 14 December 2013 repealed the previous statute passed in 1988. See Office of the Premier of Prince Edward Island, [“French Language Services Act proclaimed on December 14,”](#) News release, 12 December 2013.
4. With respect to Alberta and Saskatchewan, rules may change in the future. In November 2010, the Court of Appeal of Alberta allowed an appeal of a case examining the legality of language provisions in force in that province; the Court’s decision could have an impact on its neighbouring province, Saskatchewan. For details on this case, see Office of the Commissioner of Official Languages, *Language Rights 2009–2011*, particularly Chapter 2, Section 2.1, [“Legislative and judicial bilingualism in Alberta.”](#)
5. See Canadian Heritage, [“Federal–Provincial–Territorial Agreements in the Area of Education,”](#) *Education*, for the most recent action plans of the provinces and territories.
6. [Criminal Code](#), R.S.C., 1985, c. C-46.
7. In Saskatchewan and Alberta, the right to use French or English before certain courts is restricted by the fact that individuals have no guarantee that they will be understood or that the statutes of the two provinces will be available in French.

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8. A Supreme Court ruling in the summer of 2013 upheld an 18th-century statute requiring that English be used in the province's courts. In a split decision (4 to 3) the Court ruled that constitutional rights did not apply to the tendering of documents and that it was the responsibility of the British Columbia government to pass a legislative or policy framework allowing French to be used before the provincial courts. See [Conseil scolaire francophone de la Colombie-Britannique v. British Columbia](#), 2013 SCC 42.
9. Prince Edward Island's new *French Services Act* does not directly address the issue of French services in the province's courts. However, the Act makes clear that the legislative intent was not to restrict the use of French in cases not covered by the Act.
10. Office of the French Language Services Commissioner, [2011–2012 Annual Report: Straight Forward](#), Toronto, 2012, p. 4.
11. The first cooperation agreement was concluded in 1984 between the Government of Canada and the Government of the Northwest Territories. Other agreements were signed at the end of the 1980s, and such agreements became standard by the middle of the 1990s.
12. See Canadian Heritage, "[Federal–Provincial–Territorial Agreements on the Provision of Services in Minority Official Language](#)," *Agreements – Services*, for the most recent strategic plans of the provinces and territories.
13. In September 2012, the Government of Quebec for the first time gave one of its ministers the mandate to connect with the English-speaking community, asking him to act as a designated contact person.
14. Canadian Heritage, [Roadmap for Canada's Linguistic Duality 2008–2013: Acting for the Future](#), Ottawa, 2008.
15. Canadian Heritage, [Roadmap for Canada's Official Languages 2013–2018: Education, Immigration, Communities](#), Ottawa, 2013.
16. The first interprovincial agreement for cooperation and trading was concluded in June 1969 between the Government of Ontario and the Government of Quebec. This agreement still exists and has been updated since then.
17. Government of Quebec, Secrétariat aux affaires intergouvernementales canadiennes, [L'avenir en français – Politique du Québec en matière de francophonie canadienne](#), 2006.
18. Government of Quebec, Secrétariat aux affaires intergouvernementales canadiennes, "[Nouvelle Politique du Québec en matière de francophonie canadienne: Le Québec s'engage auprès des francophones du Canada](#)," News release, City of Québec, 7 November 2006 [TRANSLATION].
19. Government of Quebec, Canadian Intergovernmental Affairs, [La francophonie @ cœur. Politique du Québec en matière de francophonie canadienne – Actions à l'appui](#), 2nd ed., 2012.
20. See the [Ministerial Conference on the Canadian Francophonie](#) website.
21. Ministerial Conference on the Canadian Francophonie, [Canadian Francophonie: Issues, Challenges and Future Directions](#), October 2006, p. iv.
22. See the [Association Internationale des Maires Francophones](#) website.

APPENDIX – PROVINCIAL/TERRITORIAL LEGISLATION AND GOVERNANCE STRUCTURE DEALING WITH OFFICIAL LANGUAGES

**Table 1 – Provincial/Territorial Legislation
and Governance Structure Dealing With Official Languages**

Province/ Territory	Law/Policy/ Constitutional Provision	Content	Francophone Affairs Offices	Ministers	Ombudsmen
N.L.	–	–	Office of French Services	Minister responsible for Francophone Affairs	–
P.E.I.	<p>French Language Services Act, (1988, 1999, repealed)</p> <p>French Language Services Act (2013)</p> <p>French Language Services Act – General Regulations (2013)</p>	<ul style="list-style-type: none"> • The Act broadly defines the Acadian and francophone community as including “people within the province who have a common knowledge and understanding of the French language.” • Government institutions are to provide designated services of comparable quality in French and in English. Each year, the institutions are to table a plan and a report describing their activities to meet their obligations. Institutions are to have a French language services coordinator. • Appointments to an agency, board or commission must take into account representation of members of the Acadian and francophone community. • The Minister is advised by the Acadian and Francophone Community Advisory Committee, which carries out ongoing consultations related to the community’s key requirements. • The Minister will appoint a Complaints Officer to investigate and report on complaints received. • The Act does not deal with the status of French in the courts. • The Act does not restrict the offer of service in French for non-designated services or the use of French in cases not covered by the Act, nor does it deal with the language of work in the government. • Regulations identify the government institutions that are required to apply the Act and describes measures related to the active offer of services. 	Acadian and Francophone Affairs Secretariat	Minister responsible for Acadian and Francophone Affairs	–

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Province/ Territory	Law/Policy/ Constitutional Provision	Content	Francophone Affairs Offices	Ministers	Ombudsmen
N.S.	<p>An Act Respecting the Delivery of French-language Services by the Public Service (2004, 2011)</p> <p>French-language Services Regulations (2006)</p>	<ul style="list-style-type: none"> French-language services are provided by certain designated government institutions. The provision of services is subject to regulations. The institutions prepare an annual plan for the provision of French-language services. They have a French-language services co-ordinator. The development of the Acadian and francophone community is encouraged. The Minister of Communities, Culture and Heritage ensures that the government, departments and agencies consider the needs of this community when developing policies, programs and services. The Act does not deal with the status of French in the courts. 	<p>Office of Acadian Affairs</p>	<p>Minister of Acadian Affairs</p>	<p>–</p>
N.B.	<p>An Act Respecting Official Languages (1969, 2002, 2013)</p> <p>An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick (1981, 2011)</p> <p>Sections 16 to 20 of the Canadian Charter of Rights and Freedoms (1982)</p> <p>Government Plan on Official Languages, Official Bilingualism – A Strength, 2011–2013</p>	<ul style="list-style-type: none"> French and English are the official languages of the Legislative Assembly, legislation and the courts. The purpose of the Act is to ensure respect for the two official languages, ensure they have equality of status and equal rights and privileges, and set out the powers and duties of provincial institutions in their regard. The statement of purpose is designed to facilitate interpretation of the Act. Members of the public have the right to communicate with and to receive services from provincial institutions in the official language of their choice. Services in the two official languages are provided in the following areas, subject to certain conditions: policing, health, and municipal services. A municipality whose official-language minority population represents at least 20% of its total population is required to adopt and publish its by-laws in both official languages. Under the Act, professional associations and third parties are now required to provide services in both official languages. Review timeframe is set out in the Act. 	<p>Francophonie and Official Languages Branch – Intergovernmental Affairs</p>	<p>Minister responsible for la Francophonie</p>	<p>Commissioner of Official Languages for New Brunswick</p>

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Province/ Territory	Law/Policy/ Constitutional Provision	Content	Francophone Affairs Offices	Ministers	Ombudsmen
N.B. (cont'd)		<ul style="list-style-type: none"> • There is a Commissioner of Official Languages for New Brunswick. The Commissioner's roles are to investigate complaints, make recommendations in order to ensure compliance with the Act, and promote the advancement of both official languages in the province. • The government is required to develop and establish a comprehensive plan for meeting its linguistic obligations. • The equal status, rights and privileges of the French and English linguistic communities are recognized in another Act. • The principles contained in the two above-mentioned Acts are guaranteed by or under the Constitution of Canada. • Under the Constitution, New Brunswick is the only officially bilingual province. 			
Que.	<p>Charter of the French Language (1977, 2010)</p> <p>Section 133 of the Constitution Act, 1867 (1867)</p>	<ul style="list-style-type: none"> • French is the official language of Quebec. • The English-speaking community is entitled to services in English in the areas of justice, health and education. Services in English are offered in municipalities in which more than half of the residents have English as their mother tongue. • Under the Constitution, the use of French and English is permitted in legislative proceedings, before the courts, and for the printing and publication of Acts of the Legislature and records and journals of the Legislative Assembly. 	<p>Secrétariat aux affaires intergouvernementales canadiennes</p>	<p>Minister responsible for the Canadian Francophonie</p>	<p>–</p>
Ont.	<p>French Language Services Act (1986, 2007, 2013)</p> <p>Ontario Regulation 284/11 made under the French Language Services Act (2011)</p> <p>Courts of Justice Act (1990)</p>	<ul style="list-style-type: none"> • The use of French and English is permitted in the Legislative Assembly and for the printing and publication of Acts of the Legislature. • Services in French are provided in 25 designated areas where the concentration of francophones is at least 10% or represents at least 5,000 people. The agencies required to provide services in French are designated by law. Regulations enact provisions for the supply of French-language services on behalf of government agencies. 	<p>Office of Francophone Affairs</p>	<p>Minister responsible for Francophone Affairs</p>	<p>French Language Services Commissioner</p>

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Province/ Territory	Law/Policy/ Constitutional Provision	Content	Francophone Affairs Offices	Ministers	Ombudsmen
Ont. (cont'd)		<ul style="list-style-type: none"> • There is a French Language Services Commissioner for Ontario. The main functions of the Commissioner include investigating compliance with the Act, on the initiative of the Commissioner or in response to complaints; reporting on the results of the investigations; monitoring the progress of government agencies in providing French-language services; and advising the Minister responsible for Francophone Affairs on the administration of the Act. • English and French are the official languages of the courts of Ontario, and a party to a proceeding who speaks French has the right to require that it be conducted as a bilingual proceeding. Simultaneous interpretation services are provided on request. • Special rules apply to written pleadings and to processes that are conducted as bilingual proceedings. 			
Man.	<p>French Language Services Policy (1989, 1999)</p> <p>Section 23, <i>Manitoba Act</i> (1870)</p>	<ul style="list-style-type: none"> • Services in French are provided in a number of designated areas where the French-speaking population is concentrated. French-language services are actively offered by fully or partially bilingual service centres. • French-language services coordinators oversee the policy's implementation. • Under the Constitution, the use of French and English is permitted in parliamentary debates, before the courts, and for the printing and publication of Acts of the Legislature and records and journals of the Legislative Assembly. 	<p>Francophone Affairs Secretariat</p>	<p>Minister responsible for Francophone Affairs</p>	<p>–</p>
Sask.	<p>The Language Act (1988)</p> <p>Government of Saskatchewan French-Language Services Policy (2003)</p>	<ul style="list-style-type: none"> • English is the official language of Saskatchewan. • The use of French is permitted in the Legislative Assembly and before certain courts. The right to use French before certain courts does not guarantee that one will be understood in that language or will be able to access statutes in French. • All Acts and regulations may be enacted in English only or in English and French. 	<p>Francophone Affairs Branch – Intergovernmental Affairs</p>	<p>Provincial Secretary</p>	<p>–</p>

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Province/ Territory	Law/Policy/ Constitutional Provision	Content	Francophone Affairs Offices	Ministers	Ombudsmen
Sask. (<i>cont'd</i>)		<ul style="list-style-type: none"> • All documents of the Legislative Assembly are produced, printed and published in English only. • Communication with the public and service delivery are provided in the two official languages where appropriate. • Provisions have been made for consultations with the francophone community. • Policy guidelines exist to facilitate the implementation of the language policy by government departments and agencies. • An advisory committee on francophone affairs helps to implement the policy. In June 2012, it recommended that the government and the community review the policy every three years. 			
Alta.	<p>Languages Act (1988, 2000)</p> <p>Languages in the Courts Regulation (2013)</p>	<ul style="list-style-type: none"> • English is the official language of Alberta. • The use of French is permitted in legislative proceedings and before certain courts. The right to use French before certain courts does not guarantee that one will be understood in that language or will be able to access statutes in French. • All Acts and regulations are enacted, printed and published in English. • Legislative Assembly documents are produced, printed and published in English only. • A regulation defines the use of French in court proceedings. 	Francophone Secretariat	Minister responsible for the Francophone Secretariat	–
B.C.	–	–	Francophone Affairs Program – Intergovernmental Relations Secretariat	Parliamentary Secretary to the Premier for Intergovernmental Affairs	–
Y.T.	<p>Languages Act (1988)</p> <p>French Language Policy (1994, 2010)</p>	<ul style="list-style-type: none"> • The Act deals with the use of French, English and Aboriginal languages. The Act cannot be amended, repealed or defeated without the assent of the Parliament of Canada. • The use of French and English is permitted in legislative proceedings, before the courts, and for the printing and publication of Acts of the Legislature. 	French Language Services Directorate	Parliamentary Secretary to the Premier responsible for intergovernmental affairs	–

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Province/ Territory	Law/Policy/ Constitutional Provision	Content	Francophone Affairs Offices	Ministers	Ombudsmen
Y.T. (cont'd)		<ul style="list-style-type: none"> • Services are provided in both official languages by government institutions if there is significant demand and depending on the nature of the office. • Even though English is the language of work in the Yukon public service, services in French are provided to the public for Legislative Assembly's and government's central offices and some designated offices. The policy provides for measures to ensure the quality of services in English and French and the consultation of francophone communities in the design and implementation of those services. • Federal government is responsible for funding costs incurred for the creation, improvement and implementation of French services to which francophones in Yukon are entitled. 			
N.W.T.	<p>Official Languages Act (1988, 1990, 2003)</p> <p>Official Languages Policy (1997)</p> <p>Government Institution Regulations (2006, 2008)</p> <p>Strategic Plan on French Language Communications and Services (2012)</p>	<ul style="list-style-type: none"> • English, French and nine Aboriginal languages are the official languages of the Northwest Territories. The Act cannot be amended, repealed or defeated without the assent of the Parliament of Canada. • The use of French and English is permitted in legislative proceedings, before the courts, and for the printing and publication of Acts of the Legislature. The use of Aboriginal languages is also permitted in legislative proceedings and before certain courts. • Services are provided by government institutions according to the rules and guidelines established by policy, the intent of which is to ensure that members of the public have reasonable access to government programs and services in the official languages. • There is a Languages Commissioner for the N.W.T. The Commissioner's roles are to conduct and carry out investigations, on the initiative of the Commissioner or in response to complaints, to prepare reports and to make recommendations to ensure compliance with the Act. 	Francophone Affairs Secretariat	Minister responsible for Official Languages	Languages Commissioner of the N.W.T.

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Province/ Territory	Law/Policy/ Constitutional Provision	Content	Francophone Affairs Offices	Ministers	Ombudsmen
N.W.T. (cont'd)		<ul style="list-style-type: none"> • There is a Minister Responsible for Official Languages. He or she has the role of promoting and preserving the N.W.T.'s official languages. The Minister oversees the development of policies and regulations necessary to implement the Act and considers advice given by the Official Languages Board and the Aboriginal Languages Revitalization Board. • A review timeframe is set out in the Act. The territorial government initiated a review of the Act in the winter of 2008, which led to the tabling of a report in 2009 entitled, <i>Reality Check: Securing a Future for the Official Languages of the Northwest Territories</i>, along with the development of an official languages strategy and implementation plans. The Standing Committee on Government Operations launched a new review and should table its findings in the winter of 2014. • A strategic plan aims to improve communication and service delivery in French to the public across the territorial government. Four communities are entitled to French-language services based on "significant demand." These services can also be offered on the basis of "nature of the office." Implementation of the plan is supported by a consultation/cooperation committee made up of community and government representatives. • Guidelines have been developed to assist in the application of the Act. They include the establishment of a Francophone Affairs Secretariat. Departments and agencies are required to table an operational plan and an annual plan regarding the implementation of their linguistic obligations. • Regulations identify the government institutions that are required to apply the Act. 			

LANGUAGE REGIMES IN THE PROVINCES AND TERRITORIES

Province/ Territory	Law/Policy/ Constitutional Provision	Content	Francophone Affairs Offices	Ministers	Ombudsmen
Nun.	<p>Official Languages Act (2000, 2008, entered into force 1 April 2013)</p> <p>Inuit Language Protection Act (2008)</p>	<ul style="list-style-type: none"> • After its creation in 1999, Nunavut inherited from the N.W.T's <i>Official Languages Act</i>. The new Act adopted by the Legislative Assembly in 2008 repeals and replaces the former Act. The Act cannot be amended, repealed or defeated without the assent of the Parliament of Canada. • English, French and Inuit (Inuktitut/Inuinnaqtun) are the official languages of Nunavut. • The use of official languages is permitted in legislative proceedings, before the courts, and for the printing and publication of legislation. • Services are provided to the public in the official languages by government institutions if there is significant demand and depending on the nature of the office. • Review timeframe is set out in the Act. • The Minister of Languages is responsible for carrying out the Act and ensuring its promotion and implementation. • There is a Languages Commissioner for Nunavut. The Commissioner's roles are to investigate complaints from the public regarding violations of the language rights contained in the Act; to monitor the territorial government's progress in meeting its linguistic obligations; to consult communities; to promote the use of official languages throughout Nunavut; to report on and make recommendations for improving programs and services in the official languages. • Inuit language rights and duties are set out in a separate legislation, which makes provisions for government services, municipal services, education, public servants rights or promotion of Inuit language. An Inuit language authority called Uqausinginnik Taiguusiliuqtiit is established. 	<p>Official Languages Division</p>	<p>Minister of Languages</p>	<p>Languages Commissioner of Nunavut</p> <p>Inuit Uqausinginnik Taiguusiliuqtiit</p>

Note: a. Educational measures adopted by each province and territory in the 1990s, commonly referred to as "Education Act" or "School Act," could also have a place in this table. In addition, provinces and territories are subject to the stipulations in the *Criminal Code* that provide for criminal proceedings in the minority language.