



政策  
Beleid  
Policy  
política  
Политика  
Саясат  
Πολιτική  
პოლიტიკა  
Chính sách  
politique  
تاسايس  
сәйәсәт  
Politik  
מדינה  
פּוֹלִיטִיקָה  
Polasáí  
Stefna

**Occasional Paper Series**

**Number 56**

# Canada's Language Policies: Well-Established, but Still Room for Improvement

**Linda Cardinal  
Miranda Huron**

The Forum of Federations, the global network on federalism and multilevel governance, supports better governance through learning among practitioners and experts. Active on six continents, it runs programs in over 20 countries including established federations, as well as countries transitioning to devolved and decentralized governance options. The Forum publishes a range of information and educational materials. It is supported by the following partner countries: Australia, Brazil, Canada, Ethiopia, Germany, India, Mexico, Nigeria, Pakistan and Switzerland.

© Forum of Federations, 2022  
ISSN: 1922-558X (online ISSN 1922-5598)

Occasional Paper Series Number 56  
Canada's Language Policies: Well-Established, but Still Room for Improvement  
By Linda Cardinal and Miranda Huron

Project Manager: Leslie Seidle  
Editorial Team: Elisabeth Alber, Linda Cardinal and Asha Sarangi

For more information about the Forum of Federations and its publications, please visit our website: [www.forumfed.org](http://www.forumfed.org).

This project has been implemented with the support of the following institutions:



Forum of Federations  
75 Albert Street, Suite 411  
Ottawa, Ontario (Canada) K1P 5E7  
Tel: (613) 244-3360  
Fax: (613) 244-3372  
[forum@forumfed.org](mailto:forum@forumfed.org)



eurac  
research



Suggested citation for this publication:

**Linda Cardinal and Miranda Huron, Canada's Language Policies: Well-Established, but Still Room for Improvement (Forum of Federations, Occasional Paper Series, 2022).**

## **LANGUAGE POLICY IN FEDERAL AND DEVOLVED COUNTRIES**

### **Project Overview**

Language is a highly significant marker of individual and collective identities. It often provides an impulse for national or community affirmation and claims to self-government. Provisions to recognize and accommodate linguistic differences can be particularly salient in federations, many of which have highly diverse populations. Indeed, in quite a few cases linguistic diversity was one of the key reasons why federalism was central to a country's founding framework or the result of its constitutional evolution.

Several federal countries have designated more than one language as official (or national) languages in the federal constitution and/or legislation. In turn, the constituent units (states, provinces, etc.) may accord a similar status to one or more languages. The different designations are not merely symbolic: they usually require or lead to policies, programs and other measures to govern language use. In some nonfederal states where more than one language is spoken, a measure of authority over language policy has sometimes been devolved to regional governments (or the equivalent).

Language rules, including for service provision, are frequently an important dimension of policy sectors that are exclusively or largely the responsibility of constituent unit governments. One such sector is education. In various countries, there are calls for teaching to be given not only in officially recognized languages but also in others that are spoken by minorities that are fearful about the future of their language. Indigenous peoples in particular have concerns about the viability of their languages, many of which have a long history of suppression.

In some countries, language policies are well established and are largely uncontested. In others, the policies and/or their application are controversial – even divisive. This may be true not only in newer federations and devolved systems but also in those with a longer history. Because of their links to identity and culture (among other factors), languages can be – indeed, quite often are – a potent basis for political mobilization.

Even when political dynamics are not highly charged, pressures to change or reform language policies and programs are not uncommon. Some demands are fundamental (e.g. additional or stronger constitutional protection), while others are more administrative or technical. In light of their salience to citizens and their relevance in a range of sectors, it is not surprising that language policies are debated, reviewed and (at least in certain cases) modified.

Although there are a number of individual case studies, particularly covering countries where language has been a flash point for political division, there is a lack of comparative research. Moreover, existing comparative studies often focus on western Europe and North America. As more countries have adopted federal or devolved structures in recent decades, there is a need to expand the scope of research on language policies in plurilingual contexts.

The focus of this project is on language policy (broadly interpreted) in a range of countries that are federations or have a significantly devolved structure of government. It aims to take a holistic perspective on language policy and its place within governance arrangements. In addition to providing an overview of the country's demography, constitutional recognitions and protections, and language laws and policies, in order to encourage comparison authors were asked to address a common set of questions:

- What potential changes to the regulation of language – constitutional, legislative, administrative – have been proposed or are currently being debated?

- What are the pressures and who are the main actors behind the proposed changes?
- Which have received the most attention and/or seem the most feasible?

We hope that the authors' responses to these questions will inform public discussion and understanding in their own countries as well as in others where similar issues are on the agenda.

This project was developed following an initial discussion with Felix Knüpling, Vice-President (Programs) of the Forum of Federations. To provide expert advice, we created an editorial team comprised of the following: Elisabeth Alber (Institute for Comparative Federalism, Eurac Research), Linda Cardinal (Université de l'Ontario français) and Asha Sarangi (Jawaharlal Nehru University). The editorial team commented on the initial outline of the program and provided suggestions for potential authors. We were fortunate to attract leading scholars from a range of disciplines. At least one member of the editorial team reviewed and provided comments on the initial version of each paper.

Felix and I are indebted to Elisabeth, Linda and Asha for their excellent cooperation throughout the process. I would also like to express my appreciation to the authors of the country papers for agreeing to join the project and for their responsiveness to comments on their draft papers. We are grateful to Carl Stieren for editing this paper. Finally, a big "thank you" to the Forum of Federations staff who administered the project and prepared the papers for publication: Olakunle Adeniran, John Light, Deanna Senko, George Stairs and Asma Zribi.

F. Leslie Seidle  
Senior Advisor  
Forum of Federations

# Canada's Language Policies: Well-Established, but Still Room for Improvement

Linda Cardinal  
Miranda Huron

CANADA



## Introduction

State intervention for the protection and promotion of languages in Canada, in particular for English and French, is well-established. The roots reach back to a political compromise established in the 19<sup>th</sup> century for national unity reasons (Smith, 2002). However, language policymaking at the federal, provincial, and territorial levels regularly gives rise to political debates and social tensions, in particular the status and roles of official (English and French), non-official languages and Indigenous languages. The hierarchy of languages, including French as an official language, is regularly questioned. Canadians are reminded of the suppression of Indigenous languages and forced assimilation of Indigenous populations (Truth and Reconciliation Commission 2015). Federalism enables Quebec and other provinces and territories to make their own policy choices since they have the authority to regulate language use within their own jurisdiction. In contrast, for official language minorities and for Indigenous populations, federalism can hinder their enhancement because national commitments towards the promotion of official minority and Indigenous languages are not automatically enforceable at the provincial level. In short, the relatively uncontested nature of state intervention in language does not mean that there is no room for improving Canada's language regime.

The first section of this paper presents data on the state of languages in Canada as well as the main elements of the framework for language recognition, protection, and service provisions at the federal level. There are language policies with the aim of providing services in French and English in all provinces and territories with the exception of British Columbia. Québec deserves special attention because of its distinct language regime where French is the only official language. Second, the paper reviews a number of current issues in language policy and planning at the federal level, particularly the renewal of the *Official Languages Act*, which is expected to be adopted in 2022, and the legislation on Indigenous languages that came into effect in 2019. Third, the paper discusses the challenges associated with these proposed changes, notably the impact of federalism and of the political context on their implementation.

## Framework for Language Recognition, Protection and Service Provision

Language recognition relies on principles, but also on data. Census data are an important source of information for helping decision-makers reach decisions in language policy and planning.<sup>1</sup>

Statistics Canada defines mother tongue as “the first language learned at home in childhood and still understood by the person at the time the data was collected” (Statistics Canada 2021a). Table 1 shows that in 2016, 19,460,855 (56%) of Canadians declared English as their mother tongue, 7,166,705 (20%) mentioned French, 7,321,060 (21%) a non-official language, and 195,700 declared an ability to speak an Aboriginal/Indigenous language (15.6% of the Indigenous population in Canada).

---

<sup>1</sup> Statistics Canada provides data for five major sets of questions on language in its census: mother tongue, first official language spoken (English and French), knowledge of official languages (English and French), language spoken most often at home, and Aboriginal/Indigenous languages. The first three questions focus on English and French while the question on language spoken most often at home includes all other languages spoken in the country. Finally, questions on Aboriginal/Indigenous languages include data on mother tongue, language spoken most often at home and language spoken regularly at home. Data are usually presented for the country as a whole but also according to the province or territory of residence as well as metropolitan areas, except for Aboriginal/Indigenous languages in the last instance.



Table 1: Mother tongue, language most often spoken at home and first official language spoken, Canada, 2016

| Language               | Mother tongue | Language most often spoken at home | First official language spoken |
|------------------------|---------------|------------------------------------|--------------------------------|
| English                | 19,460,850    | 22,162,865                         | 26,007,500                     |
| French                 | 7,166,705     | 6,943,800                          | 7,705,755                      |
| Non-official languages | 7,321,065     | 3,997,195                          | --                             |
| Aboriginal languages   | 195,700       | 118,470                            | --                             |

Source: Statistics Canada 2016.

Table 1 also includes data on the language most often spoken at home and the first official language spoken. These figures provide information on the pull of English and French on other languages. The category of first official language spoken, which is specified within the *Official Languages Act*, refers to the first official language spoken by the person (Statistics Canada 2021b). It helps capture the official language that Canadians are most likely to use in the public domain irrespective of mother tongue. In 2016, 75.4% of Canadians declared English as their first official language spoken and 22.8% declared French as their first official language spoken (Government of Canada 2019). Despite Canada's rich linguistic diversity, the prominence of English is obvious.

Table 2 shows that the majority of speakers of English as a mother tongue or first official language spoken are in Ontario (8,902,320), followed by British Columbia (3,170,110) and Alberta (2,991,480). Without any surprise, the majority of speakers of French as a mother tongue are in Quebec (6,219,665) followed by Ontario (490,720) and New Brunswick (213,110). Outside these regions, French-speaking communities are much smaller.

Table 2: Mother tongue, language most often spoken at home and first official language spoken, provinces 2016

| Provinces  | Mother tongue   | Language most often spoken at home                         | First official language spoken         |
|--|---|--|--|
| Newfoundland and Labrador  | English: 499,710<br>French: 2,350<br>Other: 11,920        | English: 505,550<br>French: 935<br>Other: 6,545            | English: 512,350<br>French: 2,255      |
| Prince Edward Island   | English: 128,015<br>French: 4,865<br>Other: 7,155         | English: 132,670<br>French: 2,260<br>Other: 4,865          | English: 135,015<br>French: 4,550      |
| Nova Scotia  | English: 830,220<br>French: 29,465<br>Other: 44,550       | English: 863,550<br>French: 14,460<br>Other: 22,740        | English: 879,465<br>French: 28,490     |
| New Brunswick  | English: 472,725<br>French: 231,110<br>Other: 23,150      | English: 505,935<br>French: 206,315<br>Other: 12,690       | English: 498,365<br>French: 232,450    |
| Québec   | English: 601,155<br>French: 6,219,665<br>Other: 1,060,830 | English: 782,185<br>French: 6,375,665<br>Other: 585,890    | English: 964,120<br>French: 6,750,945  |
| Ontario  | English: 8,902,320<br>French: 490,715<br>Other: 3,553,920 | English: 10,328,680<br>French: 277,045<br>Other: 1,916,315 | English: 12,394,325<br>French: 504,130 |
| Manitoba   | English: 900,610<br>French: 40,520<br>Other: 288,985      | English: 1,035,475<br>French: 16,865<br>Other: 144,800     | English: 1,203,025<br>French: 39,200   |
| Saskatchewan   | English: 892,615<br>French: 15 100<br>Other: 156,960      | English: 964,640<br>French: 3,985<br>Other: 80,505         | English: 1,060,225<br>French: 13,555   |
| Alberta  | English: 2,991,485<br>French: 72,150<br>Other: 870,940    | English: 3,327,255<br>French: 27,630<br>Other: 482,725     | English: 3,880,683<br>French: 71,535   |
| British Columbia   | English: 3,170,110<br>French: 57,425<br>Other: 1,267,460  | English: 3,631,700<br>French: 16,795<br>Other: 737,375     | English: 4,373,330<br>French: 55,325   |
| Yukon  | English: 29,105<br>French: 1,520<br>Other: 4,210          | English: 32,270<br>French: 860<br>Other: 1,600             | English: 33,720<br>French: 1,575       |
| Northwest Territories (NWT)  | English: 31,765<br>French: 1,175<br>Other: 7,625*         | English: 36,270<br>French: 635<br>Other: 3,885**           | English: 39,817<br>French: 1,165       |
| Nunavut  | English: 11,020<br>French: 595<br>Other: 23,345§          | English: 16,685<br>French: 345<br>Other: 18,055@           | English: 32,990<br>French: 580         |
| <p>*Includes 4,635 individuals in NWT with an Indigenous language as mother tongue.<br/> **Includes 2,065 individuals in NWT with an Indigenous language as the language most often spoken at home.<br/> § Includes 22,619 individuals in Nunavut with an Indigenous language as mother tongue.<br/> @ Includes 17,735 individuals in Nunavut with an Indigenous language as language most often spoken at home.</p> |   |  |  |

Source: Statistics Canada 2016.

Although still considered languages in crisis due to their being spoken predominantly by an aging (50+) population, Inuktitut, Nehiyaw (Cree) and Anishinaabemowin (Ojibwe) have the largest number of speakers, typically in more rural and remote regions (Walker 2017; Norris 2006). However, the category of mother tongue is limited. It needs to be compared to the 260,550 Aboriginal identity population.

Table 3: Aboriginal identity population who speak each language, by language family, main languages in families and main provincial / territorial concentrations, 2016

| Aboriginal language / families / main languages  | Population | Main provincial / territorial concentrations   |
|--|------------|--|
| Algonquian languages   | 175,825    | Manitoba (21.7%), Quebec (21.2%), Ontario (17.2%), Alberta (16.7%), Saskatchewan (16.0%) |
| Cree   | 96,575     | Saskatchewan (27.8%), Alberta (24.0%), Manitoba (21.6%), Quebec (18.0%)                  |
| Ojibway  | 28,130     | Ontario (56.6%), Manitoba (34.1%)  |
| Oji-Cree   | 15,585     | Manitoba (51.6%), Ontario (48.2%)  |
| Innu (Montagnais)  | 11,360     | Quebec (86.0%)   |
| Mi'kmaq  | 8,870      | Nova Scotia (61.9%), New Brunswick (24.6%)   |
| Atikamekw  | 6,600      | Quebec (99.9%)   |
| Blackfoot  | 5,565      | Alberta (98.7%)  |
| Inuit languages  | 42,065     | Nunavut (64.1%), Quebec (29.4%)  |
| Inuktitut  | 39,770     | Nunavut (65.0%), Quebec (30.8%)  |
| Athabaskan languages   | 23,455     | Saskatchewan (38.7%), Northwest Territories (22.9%), British Columbia (18.4%)            |
| Dene   | 13,005     | Saskatchewan (69.7%), Alberta (15.3%)  |
| Salish languages   | 5,620      | British Columbia (98.8%)   |
| Secwepemctsin (Shuswap)  | 1,290      | British Columbia (98.4%)   |
| Siouan languages   | 5,400      | Alberta (74.9%), Manitoba (14.2%)  |
| Stoney   | 3,665      | Alberta (99.3%)  |
| Iroquoian languages  | 2,715      | Ontario (68.9%), Quebec (26.9%)  |
| Mohawk   | 2,350      | Ontario (66.6%), Quebec (28.9%)  |
| Tsimshian languages  | 2,695      | British Columbia (98.1%)   |
| Gitksan (Gitksan)  | 1,285      | British Columbia (98.1%)   |
| Wakashan languages   | 1,445      | British Columbia (98.6%)   |
| Kwak'wala (Kwakiutl)   | 585        | British Columbia (98.3%)   |
| Michif   | 1,170      | Saskatchewan (41.9%), Manitoba (17.5%)   |
| Haida  | 445        | British Columbia (98.9%)   |
| Tlingit  | 255        | Yukon (76.5%), British Columbia (21.6%)  |
| Kutenai  | 170        | British Columbia (100.0%)  |
| Total Aboriginal language speakers   | 260,550    | Quebec (19.3%), Manitoba (15.5%), Alberta (13.8%), Saskatchewan (14.5%), Ontario (12.7%) |
| Note: 'Aboriginal identity' refers to whether the person identified with the Aboriginal peoples of Canada. This includes those who are First Nations (North American Indian), Métis or Inuk (Inuit) and/or those who are Registered or Treaty Indians (that is, registered under the <i>Indian Act</i> ), and/or those who have membership in a First Nation or Indian band.<br>Source: Statistics Canada 2017b. |            |  |

Canada's first framework for language recognition, protection and service provision was established in 1867 with the creation of the Canadian federation.<sup>2</sup> Language recognition and protection in the *Constitution Act, 1867* were informed by the recognition of political leaders at the time of Quebec's need to protect its language and culture, the rights of the English-speaking minority in Quebec and the moral commitment of the English Canadian provinces towards their own French speaking-minorities (Vipond 1991). In practice, this first framework was essentially limited to one section of the new constitution—section 133—which allowed English and French to be used in the Canadian Parliament and in the Quebec legislature as well as in any federal or Quebec court. However, simultaneous translation in the Canadian Parliament was only introduced in 1959 (Delisle 2009).

<sup>2</sup> For a chronology of language policies in Canada, see [https://www.clo-ocol.gc.ca/en/timeline?keys=&field\\_location\\_target\\_id=All&field\\_timeline\\_topic\\_target\\_id=249](https://www.clo-ocol.gc.ca/en/timeline?keys=&field_location_target_id=All&field_timeline_topic_target_id=249) For more details on the development of the *Official Languages Act* see Cardinal (2015).

Indigenous languages were excluded from this first framework, and they are not mentioned in the constitution. Other languages spoken by significant numbers of the population of the time, such as Gaelic, German and Irish, were also not reflected in the constitutional framework. Furthermore, in the English-Canadian provinces, French was severely restricted, if not banned outright from legislatures or as a language of instruction in public schools.

Canada's language regime started to change in the 1960s for national unity reasons, including Quebec's demands for greater autonomy and protection of French language rights. That change, the second framework for language recognition, was established by the federal government, with the adoption of the *Official Languages Act* in 1969. This law gave equal status, rights and privileges to English and French. It granted language rights to all Canadians, in particular the right to service in the official language of their choice from the federal government. The approach is informed by what is called the personality principle because of its focus on individual rights. It is also combined with a principle of non-discrimination since the new *Act* also sought to make the federal public service more representative of Canada's French-speaking population while respecting the merit principle (Turgeon and Gagnon 2013). Finally, the appointment of a commissioner for official languages was intended to ensure that federal institutions comply with the *Official Languages Act* (Office of the Commissioner of Official Languages 2012).

In the provinces, English and French were made official languages in New Brunswick in 1968. Ontario introduced minor measures for its French language minority, mostly in the education field. Other provinces did not make changes to accommodate their French language minorities. Indigenous languages were still ignored. In 1971, the Canadian government adopted its first policy on multiculturalism which recognized the rights of Canadians to preserve their cultural heritage as an essential dimension of the country (Brosseau and Dewing 2018). The new policy was supportive of non-official languages or "immigrant languages" (Canada 2012). Indigenous languages were afforded the same protections as non-official languages under the 1988 *Multiculturalism Act*, despite their unique relationship with Canada.

At the federal level, the implementation of the *Official Languages Act* gave Canadians the right to be served by the federal government in their official language of choice, but only where numbers warrant. Given the context and Canada's past traditions of granting language rights, it might have been politically necessary to devise such a principle to gain the English-speaking majority's support. The approach remained informed by the spirit of compromise, *i.e.*, a combination of politics and rights (MacMillan 1998).

In 1980, the No side won, by 59.6 to 40.4 percent, Quebec's referendum on sovereignty association—proposing a sovereign Quebec with an economic relationship with the rest of Canada. Following that referendum, the federal government was determined to amend the constitution to further reinforce language rights. In 1982, its actions led to the adoption of the *Canadian Charter of Rights and Freedoms* which guarantees individual rights and freedoms in the context of federalism. The *Charter* entrenched the equality of English and French, thus giving official languages a constitutional status (sections 16-20) and guaranteeing official language minorities the right to receive and education in their mother tongue across the country (section 23). It also recognized and affirmed "the existing Aboriginal and treaty rights" of the Aboriginal peoples of Canada (section 35). These rights, however, continue to require elaboration and clarification through Canada's judiciary system. Language as an existing right, for example, was not an assumed right within section 35 rights until its inclusion in the 2019 *Indigenous Languages Act*.

The *Charter* thus established the foundation of the third framework for the recognition, protection, and provision of services for languages in Canada. This framework moved away from the politics of compromise to adopt a human rights approach that involved promoting individual rights but also language rights, *i.e.*, language equality in all aspects of Canadian society (McMillan 1998). The new *Official Languages Act*, adopted in 1988, embraced such approach. For instance, part V of the new act granted civil servants the right to work in their official language of choice, thus focusing on the language rights of public employees for the first time since Confederation. It also required that the government actively offer its services in both official languages in geographic areas defined as bilingual. The government could thus no longer offer services simply based on demand. It had to move beyond formal equality to determine how it would anticipate such demand.

Part VII of the 1988 act is another good example of the new approach to language rights. It confirmed the federal government's obligation to promote the development and vitality of its official language minorities, which means that it needs to provide the means for those minorities to thrive. The treatment of language rights in the post-Charter era thus requires much more positive state action. Some positive action also came from the provinces. Notably, Ontario adopted its first legislation providing language rights to its French-speaking minority in 1986 (Cardinal and Normand 2013). However, the new legislation was premised on offering language services only where practical and reasonable (Cartwright 1998). It did not embrace the human rights approach. Federalism does not require that the provinces copy the federal approach. Some provinces developed programs to support non-official languages, such as in Nova Scotia where a Minister of Gaelic Affairs is tasked with the promotion of the Gaelic language and culture (Government of Nova Scotia 2022). From 2016 to 2018, New Brunswick had a minister responsible for Celtic affairs (Blanch 2016).

The territories had to comply with the federal language regime, but other languages were officially recognized in addition to English and French. In the Northwest Territories, English, French, Chipewyan, Cree, Gwich'in, Inuinnaqtun, Inuktitut, Inuvialuktun, North Slavey, South Slavey, and Tlicho were made official languages of the territory in 1984. In 2002, Yukon gave status to English and French as official languages, but its *Official Languages Act* also recognized the use of Aboriginal languages in the legislative Assembly (Office of the Commissioner for Official Languages 2012b). In 2008, Nunavut declared English, French, and Inuktitut to be official languages in what was the most comprehensive legislation to date. In 2010, Manitoba became the first province to recognize Indigenous languages officially. The *Aboriginal Languages Recognition Act* states that Cree, Dakota, Dene, Inuktitut, Ojibway and Oji-Cree are "spoken and used in Manitoba." The *Act*, however, does not include provisions to support or promote Indigenous languages.

Language is an ancillary competence in Canada, which means that provinces can adopt language policies within their jurisdictions. This may explain why there is very little coordination among the provinces to develop language policies, except by the Ministers' Council on the Canadian Francophonie, whose objective is to promote intergovernmental cooperation to strengthen linguistic duality (Ministers' Council on the Canadian Francophonie 2022). There is no similar mechanism to improve and expand upon existing legislation for Indigenous languages, which is a shortcoming within the federal system.

In 2008, the Truth and Reconciliation Commission of Canada was established to document the history and lasting impacts of the residential school system on the Indigenous peoples in Canada. The Commission's report was released in 2015, with 94 Calls to Action. The impact of these schools on Indigenous languages and cultures was addressed in its own subsection by Calls to Action numbers 13 through 17. In 2019, the Government of Canada responded to the Truth and Reconciliation

Commission's Call to Action number 14 with the adoption of the *Indigenous Languages Act* (Government of Canada 2019b). This *Act* confirmed that the commitment to reconciliation with Indigenous populations has been incorporated in the federal government approach to language policy (Government of Canada 2021). The need to enlarge the political compromise and human rights approach to Indigenous languages comes after decades of pressure from Indigenous advocacy groups. This need led to the participation in language policy co-development by the Assembly of First Nations, Inuit Tapiriit Kanatami, and the Métis National Council (the national advocacy organizations that represent the interests of the status First Nations, Inuit, and Métis populations, respectively).

### **Current Debates and Pressures for Change**

Canada's language regime has been challenged internally by actors concerned with the progression of language rights in the country. For example, opponents of official languages usually argue that the objective of Canada's language policy is to keep Quebec happy within the federation. French is also viewed as a language for the elite. Others argue that protecting language rights is costly, especially since the numbers do not warrant public resources (McCullough 2015; 2020). These arguments against the recognition of French as an official language have been used on a regular basis since Confederation (Aunger 2001). At the time, the Orange Order of Canada and the Canada First Movement were active in promoting English as a superior language (Berger 1970). Their inheritors can be found in the 1970s in the movement Bilingual Today, French Tomorrow, while in the 2000s the same type of discourse can be heard from members of groups such as Canadians for Language Fairness. The latter is particularly active in the Ottawa region because of its rejection of the concept of a bilingual federal public service. This argument is further used by opponents of measures to protect Indigenous languages, who argue that 60 or more Indigenous languages would require support.

Opponents of French as an official language like to recall that Canada is a multilingual country. Indeed, provinces and territories play a significant role in the promotion of multilingualism through education programs, which is their prerogative (Cardinal and Léger 2018). They also have a critical role to play in the promotion of Indigenous languages. However, the recognition of Indigenous languages is often pitted against the recognition of French as an official language (Haque and Patrick 2015). In this context English is usually treated as a neutral language, a tool for communication which is viewed as easier to learn than French and more useful for finding work (Hébert 2021).

While critics of the promotion of French or Indigenous languages remain vocal, surveys show that Canadians continue to support official languages, despite some variations among provinces. (Environics Institute 2020). Francophones and Anglophones in Canada are portrayed as two solitudes—after the famous 1945 novel of that name by Hugh MacLennan—but the *Official Languages Act* helps bind them together. There is also increasing support for Indigenous languages. In 2017, a survey conducted by Nanos for the Assembly of First Nations revealed that a majority of Canadians supported the proposed *Indigenous Languages Act* (Nanos 2017).

Support for Canada's language framework is necessary as important challenges remain. Official language groups, in particular Francophone communities outside of Quebec and Indigenous peoples, continue to struggle to keep their numbers growing, make sure that their voices are heard by local, provincial, and federal governments and that they can access services in their languages. The demand for French immersion programs, where all subjects are taught in the other official language, is growing and creates pressure on the federal government for more funding to help young Canadians learn

French. Postsecondary education in French outside of Quebec has become a key issue for insuring the vitality of Francophone communities.

Another key issue for the future of Francophone communities outside Quebec is their capacity to attract French-speaking immigrants (*Fédération des communautés francophones et acadienne du Canada* 2018). These communities are scattered across the country. For example, in the northern part of New Brunswick there is a strong French-speaking region—the province comprises 32 percent Francophones. In Ontario, there are around 1.5 million people who can speak French. Persons with French as a mother tongue are mostly located in the eastern and northern parts of the province, with a growing immigrant population in the Greater Toronto area. In the other provinces, there are concentrations of Francophones in Saint-Boniface (Manitoba), Edmonton, and Calgary—as well as in Vancouver. Low fertility rates and an aging population are issues of concern in all these communities, as well as in Quebec (Cardinal and Léger 2018).

In Quebec, the promotion of French as a common language and a language of work, especially among immigrant populations, is an ongoing concern for the provincial government and employers. The 1977 *Quebec French Language Charter* requires that students from an immigrant background attend primary and secondary school in French. This requirement faced a legal challenge but was confirmed by the Supreme Court of Canada. For the Canadian government, the integration of children from an immigrant background through the French school system is a necessary measure for national unity reasons (Cardinal 2000).

Although French remains the working language of the majority of the Quebec workforce, it has become an issue for the Quebec government. For example, data from Statistics Canada revealed the use of French as a language of work had diminished across Canada from 20% to 19% between 2006 and 2016 (Statistics Canada 2006; Statistics Canada 2017a). In Montréal, French as a language of work was down from 73% to 71% for the same period. Data show that in federally regulated companies only, French was down from 66% to 61% (Statistics Canada 2017a). Partly to counter these trends, in 2021, the Quebec government proposed a major reform of the *French Language Charter* through Bill 96 (National Assembly of Quebec, 2021).

Another major source of contention in Quebec has become postsecondary education, in particular the apparent lack of accountability of Quebec universities regarding their role in promoting French as a scientific language (Chevrier 2020). The need to publish in English to gain recognition by their peers, the growing attraction of English-language postsecondary education among immigrant and Francophone populations, and the quality of French among students have been identified as needing urgent attention by professors, researchers, and the Quebec government (Lacroix 2020; Chevrier 2020).

Most of those who speak an Indigenous language are above 50 years of age. Attaining academic certification was extremely difficult for this generation. Those older than 50 faced discriminatory barriers to entering post-secondary institutions and were held back by the practices of residential schools that were not focused on attaining university-level education.

In this context, access to education in Indigenous languages is an important issue. Indigenous scholars call for more immersion education for Indigenous youth, viewing the pressure to leave on-reserve education (where immersion education is more likely to be available) for mainstream schools as a leading cause of students leaving school before completion and of overall low community health (Nicholas 2011). The push towards assimilating to the dominant language, as well as the at-best

offerings of bilingual education in public schools leave students alienated and kept them behind their peers in the system. The emphasis on English and French continues to reinforce the message that Indigenous languages are lesser-than the dominant French and English languages (Nicholas 2011). However, despite the suicide crisis that plagues Indigenous communities, in communities where over 50% of the population speak their language, the suicide rates are zero (Whalen *et al.* 2016).

Education institutions require teacher certification, and the imposed barriers have meant that teachers are likely not to speak Indigenous languages and may have a limited understanding of the associated culture. The lack of teachers furthers the argument for restricting language education to one course as opposed to offering immersion education, as institutions plea that they do not have the human resources to achieve immersion programming.

In Nunavut, the *Inuit Language Protection Act* (CanLii 2022), combined with the amendments to the *Nunavut Education Act* (Government of Nunavut 2008) (both adopted in 2008) established the boldest advancements in Indigenous language rights in Canada to date. In 2020, *Bill 25: An Act to amend the Education Act and the Inuit Language Protection Act* (Legislative Assembly of Nunavut (2020) was adopted by the Legislative Assembly of Nunavut. Bill 25 lengthened language target timelines that were originally set for 2020 to 2039, and reduced education requirements from aspirations of immersion programming to offerings of single classes in Inuktitut. This resulted in an ongoing lawsuit brought by Nunavut Tunngavik Inc. for the violation of their rights under the *Canadian Charter of Rights and Freedoms*. The weakening of Nunavut's legislative framework is a significant loss in the progress of Indigenous language rights. It aligns with the incongruous nature of the overall development of Indigenous language rights, where legislation and policies do not typically expand upon past gains or work in unison as a country, but instead develop in an ad hoc manner.

### **Recent and Potential Reforms**

The federal government's focus on supporting Indigenous languages began in 2005 with the Kelowna Accord (Kelowna Accord 2005), which added to the recommendations of the Royal Commission on Aboriginal Peoples (Royal Commission on Aboriginal Peoples, 1996). These two initiatives led to the establishment of the Aboriginal Languages Initiative – an arm of the Department of Canadian Heritage that funds Indigenous languages initiatives (Canadian Heritage 2015). However, in 2006 the funding allocations were reduced from \$172 million over 10 years to \$40 million over eight years, resulting in only 28% of all Indigenous language initiatives being supported. This occurred at a critical moment for generational decline in speaker populations and highlights the critical nature of federal financial support for Indigenous languages.

The 2019 *Indigenous Languages Act* clarifies the federal government's role in the current state of the crisis in Indigenous languages and the government's responsibilities to reverse the language decline. In its preamble, the *Act* recognized Indigenous languages “as the first languages used in the lands that are now in Canada”; that they played “a significant part in the establishment of relations between Europeans and Indigenous peoples” and in the development of the country. The preamble also recognizes that Canada has a history of discriminatory government policies and practices such as residential schools that “were detrimental to Indigenous languages and contributed significantly to the erosion of those languages.” It asserts that “the Government of Canada is committed to providing adequate, sustainable and long-term funding for the reclamation, revitalization, maintenance and strengthening of Indigenous languages” and that “Indigenous peoples are best placed to take the leading role in reclaiming, revitalizing, maintaining and strengthening Indigenous languages.” It also calls for a



flexible approach “that takes into account the unique circumstances and needs of Indigenous groups, communities and peoples” (Government of Canada 2019b).

The four key provisions within the *Act* that are fundamental to the advancement of Indigenous linguistic rights are the following:

- (a) the affirmation of Indigenous languages as a right protected under section 35 of the Constitution,
- (b) the commitment of adequate, sustainable, long-term funding,
- (c) the commitment to support interjurisdictional cooperation, and
- (d) the creation of an Indigenous Languages Commissioner.

The first three elements could be considered bold within the realm of federal legislation. As mentioned, clarification of constitutional rights has historically been left to the courts. The commitment to funding language initiatives fell just short of binding the hands of future governments but was ultimately accepted by all parties. The commitment to support interjurisdictional cooperation drew criticism from Quebec, but provincial and territorial participation remains voluntary. The fourth element, the establishment of the Indigenous Languages Commissioner, remains controversial. It was identified as a call to action by the Truth and Reconciliation Commission. However, national consultation revealed concerns with the creation of another office that could potentially draw from critically needed funding for Indigenous languages (Assembly of First Nations 2017). Supporters of the establishment of a commissioner saw this as a needed move to ensure there was an agency charged with overseeing the government's accountability under the Act and to provide some form of national coordination. The legislation was nevertheless criticized for its lack of enforcement measures.

These new developments have paved the way for a fourth generation of language policy in Canada that includes recognition of the state's involvement in the attempted eradication of Indigenous languages. This new wave of policy sought to clarify and affirm that languages are a pre-existing Indigenous right under section 35 and to move towards a supportive infrastructure dedicated to reversing the decline of Indigenous language use and supporting new avenues for language use in the current society. The affirmation of language rights as being part of the section 35 inclusions continues to be an issue: there is a question as to whether it should be decided in the courts. It thus creates a potential opening for future litigation.

The development of the Act required a fine balance between clearly outlining the relationship going forward, but also allowing for the nuanced relationships required for Indigenous populations to be leading the process. The provisions within the legislation do not sufficiently acknowledge the critical role that interjurisdictional collaboration plays in supporting the resurgence of Indigenous languages. Education in Canada is a provincial/territorial matter, and Indigenous students must have access to their language in school if they are to become fluent. Skutnabb-Kangas and Phillipson (1995) speak to the barest of requirements of linguistic human rights and how they must address areas of education, health, and justice. The *Indigenous Languages Act* has not created the basis for a national movement towards the acquisition of Indigenous languages as first languages by Indigenous peoples or to create a language economy to encourage the engagement of Indigenous languages in the workplace (as the *Official Languages Act* does for French and English in the federal public service).

The legislative framework developed by the Government of Nunavut comes far closer than the new federal law to addressing linguistic human rights through its supports for service provision in Indigenous languages, workplace rights, and complementary education legislation. The federal *Indigenous Language Act* falls short in all these areas. It follows Canada's tradition of incremental legislation

development, where corrections and improvements are added during legislative reviews. However, waiting for compromises that would lead to improvement is unrealistic in a situation where Indigenous communities are losing the last of their language speakers at a critical rate.

In June 2021, the government of Canada tabled Bill C-32, an *Act for the Substantive Equality of French and English and the Strengthening of the Official Languages Act*. This was a response to demands from official languages groups to modernize the 1988 *Official Languages Act* (Canadian Heritage 2021). It recognized that French needs support in Canada, building on over 20 years of jurisprudence confirmed by the Supreme Court in *Beaulac* and *DesRochers* where the basis of the approach for the advancement of substantive equality lies.

In *DesRochers*, the Supreme Court argued that formal equality involves the identical treatment of minorities and majorities, or anglophones and francophones, whereas the concept of substantive equality is “achieved when one takes into account, where necessary, the differences in characteristics and circumstances of minority communities and provides services with distinct content or using a different method of delivery to ensure that the minority receives services of the same quality as the majority. This approach is the norm in Canadian law.” (Treasury Board of Canada 2020)

Bill C-32 proposed the adoption of new positive measures for the promotion of French in Canada, including major investments in the teaching of French as a first and second language. It recognized the need to support official language minority communities’ institutions in education, notably referring to CBC and Radio-Canada as flagship institutions for official languages. It proposed that bilingualism (French-English) be required for Supreme Court judges. It also acknowledged that French requires protection and promotion throughout Canada, including in Quebec, and that the government of Canada needs to set an example through increasing compliance of federal institutions. It proposed strengthening the powers of the Commissioner of Official Languages. It also recognized that French should be a language of work and services not only in the federal government but also in private companies under federal jurisdiction in Quebec and in regions of the country with a strong Francophone presence.

Bill C-32 was not adopted before the August 2021 federal election. Following its re-election, the Liberal government led by Prime Minister Justin Trudeau promised to introduce a similar bill. In March 2022 the government reintroduced the main elements of that bill in Bill C-13 (Government of Canada 2022). In slightly revised form, Bill C-13 reaffirms the equality of Canada’s two official languages and reiterates that, as a minority language in Canada and North America, French is in a unique situation. Unlike Bill C-32, Bill C-13 provides that language rights are to be interpreted in light of their remedial character in order to guarantee the continuity of French in Canada. It also strengthens the role of the Commissioner of Official Languages by adding the authority to impose administrative monetary penalties in the transport sector and requires that the federal government establish objectives, targets and indicators to reinforce francophone immigration. Finally, Bill C-13 will enact a new law within the Official Languages Act in order to stipulate more specifically the rights and duties of the Government of Canada respecting the use of French as a language of service and a language of work in relation to federally regulated private businesses.

Bill C-13 has been very well received by the main actors across the country. If the promised legislation is adopted, implementation of the new substantive equality provisions could pose a political challenge. Indeed, it might take years before they are properly implemented. Implementation could be affected by possible changes of government, resource requirements and the acceptance or rejection of the policy

by public servants and/or elected officials. Moreover, any new policy must be assessed to determine how it will interact with government actions in the same area and with other policies. The federal government should therefore adopt clear governance mechanisms and timelines for the implementation of the latest legislative and administrative changes.

In the provinces, Quebec's legislation to reform its *French Language Charter* has not faced much resistance from the opposition parties and should be adopted in 2022. Ontario, whose *French Language Services Act* had not been revised in 35 years (Macdonald-Dupuis 2021), adopted new measures to promote French language services more actively (Government of Ontario 2021). New Brunswick is obliged to review its Official Languages Act every 10 years, and the report from the latest review was submitted in December 2021 (Radio-Canada 2021; New Brunswick Office of the Premier 2021). The New Brunswick government has so far not acted on the report.

To promote the advancement of substantive equality outlined in *Beaulac* and *DesRochers*, modernizations should also include recognition of the unique status of Indigenous peoples in Canada, whose languages are now affirmed as rights protected under the Constitution. Within the *French Language Charter*, there are currently no provisions for service delivery in Indigenous languages. The Cree school board and the Kativik school board are encouraged to pursue French as a language of instruction (rather than considering the potential of investing in a localized Indigenous language economy). Section 97 of the *French Language Charter* exempts "Indian" reserves from the *Act*. However, exemptions to the French language requirements of the Charter are limited to the James Bay Cree and Inuit populations under their school boards, with no provisions made for other communities such as the Innu or the Haudenosaunee, among others.

Indigenous language legislation continues to make limited progress within the provinces, with only New Brunswick making advances since the enactment of the federal *Indigenous Languages Act*. Indigenous peoples, however, continue to develop their own territorial language laws to set minimum standards and aspirational benchmarks within their own territories and among their community members. Kahnawake was the first First Nation to establish territorial language laws in 1999, focused on commitments to language learning, language use by leadership (Chief and Council) and businesses, among others. First Nations that have immersion schools and advanced curricula in the language are best positioned to create these laws, and there is an underlying need for federal education funding to support immersive language education in communities to actualize many of these aspirations.

## Conclusion

Taken as a whole, Canada is moving to adapt its language policies to the needs of those most concerned by their implementation. To summarize, the Canadian language framework is moving from formal equality to substantive equality regarding the treatment of French as well as Indigenous languages. The principle of substantive equality set out in the bill to reform the *Official Languages Act* could help reconfigure the power dynamics among language groups to strike a better balance between them. It changes some of the rules of the game to revitalize the advancement of English-French equality in Canada. However, it is difficult to say whether implementation of this principle will provide Canada's francophones, in both Quebec and in French-speaking minority communities, with greater language security. The new compromise needs to supply the necessary resources to strengthen these communities and make them places where people can truly live their lives in French. Canada's language framework should also recognize the importance of French in Quebec as a language of work and education.

However, these recognitions do not sufficiently call into question the unequal relationship between Indigenous languages and Canada's official languages, or between English and French. The representation of these languages as unequal is also a feature of the language compromise between anglophones and francophones in Canada: section 133 of the *Constitution Act, 1867* applies only to Quebec and anglophones in Quebec. It does not apply to the country's other founding provinces. Furthermore, Canada's approach to Indigenous languages is wrought with challenges, as Indigenous populations work towards an equity-based approach that recognizes the critical status of Indigenous languages; languages that contain generations of accumulated knowledge from the territories they arose from; and languages that cannot be found in any other place on earth. The recently enacted legislation acts as a panacea for wounds; more is needed to heal the attempted linguicide.

To conclude, the recognition of linguistic and national minorities in multinational and multilingual societies remains a very topical issue. There is a tradition of well-established language policies in Canada, but there is always room for improvement. Language policies, like any other public policy, need to be revised and modernized in order to remain legitimate and effective. In fact, it is good practice to review language policies at regular intervals as stipulated in the recent Quebec and federal legislation and in the *Indigenous Languages Act*, and to prioritize them for discussion at federal/provincial/territorial ministers' meetings. We need more research on how the Canadian government will succeed or not in adopting its modernized legislation on official languages and implementing the new *Indigenous Languages Act*. Additional research is also needed on how the provinces and territories will move forward in developing, reviewing, and promoting their own language policies. Finally, more research is needed on internal processes within multinational and multilingual states to implement language policies informed by principles such as substantive equality.

## References

- Aunger, Ed. 2001. "Justifying the End of Official Bilingualism: Canada's North-West Assembly and the Dual-Language Question, 1889-1892." *Canadian Journal of Political Science* 34(3): 451-486.
- Assembly of First Nations. 2017. "Indigenous Language Initiative: National Engagement Sessions Report." December 5, 2017.
- Berger, T. 1970. *The Sense of Power: Studies in the Ideas of Canadian Imperialism, 1867-1914*. Toronto: University of Toronto Press.
- Blanch, Vanessa. 2016. "Brian Gallant's new Celtic affairs cabinet post blasted as 'bizarre'", June 16. <https://www.cbc.ca/news/canada/new-brunswick/celtic-affairs-gallant-mario-levesque-1.3619872>
- Brosseau, Laurence and Michael Dewing. 2018. "Canadian Multiculturalism." Library of Parliament, January 3. [https://lop.parl.ca/sites/PublicWebsite/default/en\\_CA/ResearchPublications/200920E](https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/200920E)
- Canadian Heritage. 2015. *Evaluation of the Aboriginal Languages Initiative, 2009-2010 to 2013-14*. Ottawa: Government of Canada. <https://www.canada.ca/content/dam/pch/documents/corporate/publications/evaluations/ali-july-2015-eng.pdf>
- Canadian Heritage. 2021. Introduction of Bill C-32, an Act for the Substantive Equality of French and English and the Strengthening of the *Official Languages Act*. <https://www.canada.ca/en/canadian-heritage/news/2021/06/introduction-of-bill-c-32-an-act-for-the-substantive-equality-of-french-and-english-and-the-strengthening-of-the-official-languages-act.html>
- CanLii 2022. "Inuit Language Protection Act." January 21. <https://www.canlii.org/en/nu/laws/stat/snu-2008-c-17/latest/snu-2008-c-17.html>
- Cardinal, F. 2000. 'Ottawa défend la Loi 101 devant l'UNESCO.' *Le Devoir*, July 1, 2000.
- Cardinal, L. 2015. "Language Regime and Language Politics in Canada." In L. Cardinal and S. Sonntag (eds.), *Language Regimes and State Traditions*. McGill-Queen's University Press, Montréal, 29-43.
- Cardinal, Linda and Colin Williams. 2020. "Bridging the Gap Between the Politics of Recognition and the Politics of Language Service Delivery in Ontario and Wales," *Treatises and Documents, Journal of Ethnic Studies*, no 84. <https://rig-td.si/en/issues/?function=84>
- Cardinal, Linda and Rémi Léger. 2018. "The Politics of Multilingualism in Canada. A neo-institutional approach." In François Grin and Peter Kraus (eds.), *The Politics of Multilingualism. Europeanisation, Globalisation and Linguistic Governance*, Amsterdam, John Benjamins Publishing Company, 2018, 19-37.
- Cardinal, Linda and Rémi Léger. 2019. "Ethnocultural and Linguistic Diversity: New Challenges to Canada's Language Regime." In Thomas Ricento (ed.), *Language policies in Canada and in the United States*. Cambridge, Cambridge University Press, 300-317.
- Cardinal, L. and M. Normand. 2013. "Distinct Accents". In J.-F. Savard, A. Brassard & L. Côté (eds.) *Quebec-Ontario Relations: A Shared Destiny?* Les Presses de l'Université du Québec, Montréal, 119-144.
- Cartwright, Don. 1998. "French-Language Services in Ontario: A Policy of 'Overly Prudent Gradualism'", In Thomas Ricento and Barbara Burnaby (eds.), *Language and Politics in Canada and in the United States: Myths and Realities*. Mahwa, NJ: L. Erlbaum, 273-99.
- Chevrier, Marc. 2020. "La langue invisible. Le confinement du français dans l'enseignement supérieur au Québec.", *Arguments*, texte hors-série. <http://www.revueargument.ca/article/2020-09-09/740-la-langue-invisible-le-confinement-du-francais-dans-lenseignement-superieur-au-quebec.html> 1.

Corbeil, Jean-Pierre. 2007. *L'embarras des langues*. Montreal: Québec Amériques.

Deslisle, Jean. 2009. "Cinquante ans d'interprétation parlementaire." *Revue parlementaire canadienne*, 32 (2): 26-31.

*DesRochers c. Canada (Industrie)*, 2009 CSC 8, [2009] 1 R.C.S. 194.

Environics Institute. 2020. "2020 Survey of Canadians: Report 3: Identity, Values and Language. Part III: Language." <https://www.environicsinstitute.org/docs/default-source/default-document-library/confed-survey-2020-3-part3-final4d2ec807dd0b484b8cb1c3cc69814936.pdf>

La Fédération des communautés francophones et acadienne du Canada. (2018). "Immigration francophone." <https://fcfa.ca/immigration-francophone/>

Friedrich, Doris. 2021. "Controversies Around Endangered Indigenous Languages in the Canadian Arctic (Part I)," February 4, 2021. <https://www.thearcticinstitute.org/controversies-endangered-indigenous-languages-canadian-arctic-part-i/>

Government of Canada. 2019a. "Statistics on official languages in Canada." April 3, 2019. <https://www.canada.ca/en/canadian-heritage/services/official-languages-bilingualism/publications/statistics.html>

Government of Canada. 2019b. "Indigenous Languages Act." SC 2019. <https://laws-lois.justice.gc.ca/eng/acts/I-7.85/page-1.html>

Government of Canada. 2021. *English and French: Towards a Substantive Equality of Official Languages in Canada*. [https://publications.gc.ca/collections/collection\\_2021/pcb/CH14-50-2021-eng.pdf](https://publications.gc.ca/collections/collection_2021/pcb/CH14-50-2021-eng.pdf)

Government of Canada. 2022. An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts. <https://www.parl.ca/DocumentViewer/en/44-1/bill/C-13/first-reading>

Government of Nova Scotia. 2022. "Gaelic Affairs." <https://beta.novascotia.ca/government/gaelic-affairs>

Government of Nunavut. 2008. "Nunavut Education Act." September 18, 2008. <https://www.gov.nu.ca/sites/default/files/e2008snc15.pdf>

Government of Ontario. 2021. "Ontario improving access to frontline services in French." Toronto: Ontario Newsroom. November 5. <https://news.ontario.ca/en/release/1001107/ontario-improving-access-to-frontline-services-in-french>

Haque, Eve and Donna Patrick. 2015. "Indigenous languages and the racial hierarchisation of language policy in Canada." *Journal of Multilingual and Multicultural Development*, 36:1, 27-41, DOI: 10.1080/01434632.2014.892499. <https://www.tandfonline.com/doi/abs/10.1080/01434632.2014.892499>

Hébert, Virginie. 2021. *L'anglais en débat au Québec*. Québec: Les Presses de l'Université Laval.

Kelowna Accord. 2005. A series of agreements between the Government of Canada, First Ministers of the Provinces, Territorial Leaders, and the leaders of five national Aboriginal organizations in Canada. <https://www.laws-lois.justice.gc.ca/eng/acts/K-0.65/page-1.html>

Lacroix, Frédéric. (2020). *Pourquoi la Loi 101 est un échec?* Montréal: Boréal.

Legislative Assembly of Nunavut. 2020. "An Act to Amend the Education Act and the Inuit Language Protection Act of Nunavut." <https://assembly.nu.ca/sites/default/files/Bill-25-5A2S-AATA-Education-Act-and-ILPA-EN-FR-Assent.pdf>

- Macdonald-Dupuis, Natasha, 2021. "Le gouvernement Ford présente sa réforme de la Loi sur les services en français. Radio-Canada. November 4. <https://ici.radio-canada.ca/nouvelle/1837060/mulroney-loi-service-francais-doug-ford-francophonie-afp>
- Macmillan, Michael. 1998. *The Practice of Language Rights in Canada*. Toronto: University of Toronto Press.
- McCullough, J.J. 2015. "Bilingualism is the demand of Canada's linguistic aristocracy." *National Post*, April 4. *Aristocracy* <https://nationalpost.com/opinion/j-j-mccullough-bilingualism-is-the-demand-of-canadas-linguistic-aristocracy>
- McCullough, J.J. 2020. "Opinion: Canada's French-English bilingualism is bad policy — and worse politics." *Washington Post*, January 24. <https://www.washingtonpost.com/opinions/2020/01/24/canadas-french-english-bilingualism-is-bad-policy-worse-politics/>
- Ministers' Council on the Canadian Francophonie. 2022. <https://cmfc-mccf.ca/en/>
- Nanos. 2017. "Opinions on the preservation of Indigenous languages. March, 2017." <https://nanos.co/wp-content/uploads/2017/07/2017-994-afn-language-populated-report-with-tabs-r.pdf>
- National Assembly of Quebec. 2021. An Act respecting French, the official and common language of Québec. <http://m.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-96-42-1.html>
- New Brunswick Office of the Premier. 2021. "Report on the Review of the Official Languages Act." December 21. [https://www2.gnb.ca/content/gnb/en/departments/premier/news/news\\_release.2021.12.0920.html](https://www2.gnb.ca/content/gnb/en/departments/premier/news/news_release.2021.12.0920.html)
- Nicholas, Andrea Bear. 2011. "Linguicide. Submersion education and the killing of languages in Canada." *Briarpatch*, Mar 1. <https://briarpatchmagazine.com/articles/view/linguicide>
- Norris, Mary Jane. 2006. "Aboriginal Languages in Canada: Trends and Perspectives on Maintenance and Revitalization." *Aboriginal Policy Research Consortium International*. 122. <https://ir.lib.uwo.ca/aprci/122>
- Office of the Commissioner for Official Languages. 2012a. *Language Rights*. <https://www.ocol-clo.gc.ca>
- Office of the Commissioner for Official Languages. 2012b. "Yukon adopts its Languages Act." <https://www.clo-ocol.gc.ca/en/timeline-event/yukon-adopts-its-languages-act>
- R. v. Beaulac, [1999] 1 SCR 768.
- Radio-Canada. 2021. « Révision de la Loi sur les langues officielles : les consultations publiques commencent. » May 5, 2021. <https://ici.radio-canada.ca/nouvelle/1790041/loi-langues-officielles-consultations-publiques-revision-nouveau-brunswick>
- Royal Commission on Aboriginal Peoples. 1996. *Report of the Royal Commission on Aboriginal Peoples*. <http://data2.archives.ca/e/e448/e011188230-03.pdf>
- Skuttnabb-Kangas, Tova and Robert, Phillipson (eds.). 1995) *Linguistic Human Rights: Overcoming Linguistic Discrimination*. Berlin: Mouton de Gruyter & Co.
- Smith, David E. 2010. *Federalism and the Constitution of Canada*. Toronto: University of Toronto Press.
- Smith, David E. 2002. "The Westminster Model in Ottawa: A Study in the Absence of Influence." *British Journal of Canadian Studies* 15, no. 1-2: 54-64.
- Statistics Canada. 2006. Census of the Population 2006. Labour Reference Guide. Labour (including labour market activity, industry and occupation). <https://www12.statcan.gc.ca/census-recensement/2006/rt-td/lbr-tra-fra.cfm>

Statistics Canada 2016. Data tables, 2016 census. <https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/dt-tid/Rp-eng.cfm?TABID=2&Lang=E&APATH=3&DETAIL=0&DIM=0&FL=A&FREE=0&GC=0&GID=1235625&GK=0&GRP=1&PID=109661&PRID=10&PTYPE=109445&S=0&SHOWALL=0&SUB=0&Temporal=2016&THEME=118&VID=0&VNAMEE=&VNAMEF=&D1=0&D2=0&D3=0&D4=0&D5=0&D6=0>

Statistics Canada. 2017a. Labour Reference Guide, Census of Population, 2016. <https://www12.statcan.gc.ca/census-recensement/2016/ref/guides/012/98-500-x2016012-eng.cfm>

Statistics Canada. 2017b. The Aboriginal Languages of First Nations people, Métis and Inuit. <https://www12.statcan.gc.ca/census-recensement/2016/as-sa/98-200-x/2016022/98-200-x2016022-eng.cfm>

Statistics Canada. 2021a. Mother tongue of person. <https://www23.statcan.gc.ca/imdb/p3Var.pl?Function=DEC&Id=34023>

Statistics Canada. 2021b. First official language spoken of person. <https://www23.statcan.gc.ca/imdb/p3Var.pl?Function=DEC&Id=34004>

Treasury Board of Canada. 2020. Analytical Grid (Substantive Equality). Desrochers v. Canada. <https://www.canada.ca/en/treasury-board-secretariat/services/values-ethics/official-languages/public-services/analytical-grid-substantive-equality.html>

Truth and Reconciliation Commission of Canada. 2015. *Truth and Reconciliation Commission of Canada. Calls to Action*. Winnipeg, Manitoba. Truth and Reconciliation Commission of Canada. [https://fnccaringociety.com/sites/default/files/truth\\_and\\_reconciliation\\_commission\\_of\\_canada\\_calls\\_to\\_action.pdf](https://fnccaringociety.com/sites/default/files/truth_and_reconciliation_commission_of_canada_calls_to_action.pdf)

Turgeon, Luc and Alain-G. Gagnon. 2013. "The Politics of Representative Bureaucracy in Multilingual Federations: A Comparison of Belgium, Canada and Switzerland." *Regional and Federal Studies* 23 (4): 407-425.

Vipond, Robert. 1991. *Liberty and Community and the Failure of the Canadian Constitution*. New York: State University of New York Press.

Walker, Nick. 2017. "Mapping Indigenous languages in Canada." *Canadian Geographic*, December 15. <https://www.canadiangeographic.ca/article/mapping-indigenous-languages-canada>

Whalen, D.H., Moss, M, and Baldwin, D. 2016. "Healing through language: Positive physical health effects of indigenous language use." *F1000Research*, 5 (852): 1-10. <https://doi.org/10.12688/f1000research.8656.1> <https://doi.org/10.12688/f1000research.8656.1>



## Authors

**Linda Cardinal** has been a professor at l'Université de l'Ontario français in Toronto since 2021. She is also a member of the Centre on Governance and Professor Emeritus at the School of Political Studies at the University of Ottawa. She is recognized internationally for her work on comparative language regimes and language policies.

**Miranda Huron** is the Director of Indigenous Education and Affairs at Capilano University and is completing her PhD in Indigenous policy co-development at the University of British Columbia. She is the former Director of Language and Culture at the Assembly of First Nations, where she co-developed the *Indigenous Languages Act*.

Cover design by Olakunle Adeniran

ISSN: 1922-558X (online ISSN 1922-5598)

---



Forum of Federations  
75 Albert Street, Suite 411 Ottawa, Ontario  
Canada K1P 5E7

**forumfed.org**

The Occasional Paper Series is financed in part by the following countries: Brazil, Canada, Ethiopia, Germany, India, and Switzerland