



Department of Justice
Canada

Ministère de la Justice
Canada

DEPARTMENTAL ACTION PLAN FOR OFFICIAL LANGUAGES

2017-2022

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GENERAL INFORMATION

Federal Institution	Department of Justice Canada
Designated senior official	Nathalie G. Drouin , Ad. E. Deputy Minister of Justice and Deputy Attorney General of Canada
Official Languages Champion	Isabelle T. Jacques Assistant Deputy Minister, Central Agencies Portfolio
General mandate	The mission of the Department of Justice is to support the Minister of Justice in working to ensure that Canada is a just and law-abiding society with an accessible, efficient and fair system of justice; provide high-quality legal services and counsel to the government and to client departments and agencies; and promote respect for rights and freedoms, the law and the Constitution.
Scope	Official Languages Act: Part III – Administration of Justice Part IV – Communications with and Services to the Public Part V – Language of Work Part VI – Participation of English-speaking Canadians and French-speaking Canadians Part VII – Advancement of English and French (section 41); Part XI – General (section 91 – Staffing generally)
Responsible – Part III	Assistant Deputy Attorney General – National Litigation Sector Official Languages Directorate – Public Law and Legislative Services Sector
Responsible – Parts IV, V, VI and XI	Human Resources Branch – Management Sector
Responsible – Part VII	Official Languages Directorate – Public Law and Legislative Services Sector
PCH and TBS reporting to Parliament – (articles 44 and 48 of the <i>Official Languages Act</i>)	Human Resources Branch – Management Sector Official Languages Directorate – Public Law and Legislative Services Sector

This *Action Plan for Official Languages* of the Department of Justice Canada took effect in September 2017.

1. Vision

The *Departmental Action Plan for Official Languages* is inspired by best practices advocated by the federal government and incorporates policies adopted by the Department of Justice of Canada (the Department) with respect to official languages. It has been designed to facilitate the understanding of issues that pertain to Parts III, IV, V, VI, VII and XI of the *Official Languages Act* (OLA) and its related obligations. This tool is intended as a guide to help employees, managers and senior management to ensure the OLA's full implementation and to do even more to respect and promote linguistic duality.

The Department must ensure that the country's justice system is fair, efficient and accessible to all. Therefore, the Department is called upon to take a leadership role by promoting an organizational culture that recognizes the right of all Canadians to be served and informed in the official language of their choice. Such a culture must also foster an exemplary work environment that respects the language rights of employees.

In addition, for this action plan to be successful, the Department will continue to take positive measures toward the implementation of Part VII of the OLA. Working in collaboration with various legal and community partners, as well as with various levels of government, the Department will continue to encourage partnerships to support the development and vitality of official-language minority communities (OLMCs) and the promotion of English and French in Canadian society.

Senior management, managers and employees are encouraged to systematically address considerations related to the OLA in their professional practice so as to incorporate the objectives set out in this *Action Plan*.

2. Background

Linguistic duality is a fundamental characteristic of Canadian identity. Language rights are recognized in the *Canadian Charter of Rights and Freedoms* (the Charter), in section 133 of the *Constitution Act, 1867*, and in the *Official Languages Act* (OLA). More specifically, subsection 16(1) of the Charter states that English and French have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and Government of Canada.

When the 1969 OLA was superseded by the 1988 OLA, the role of federal institutions in supporting official-language minority communities (OLMCs) was redefined: the government committed itself to supporting the development and vitality of these communities. Further to legislative amendments made to the OLA in 2005, section 41 of Part VII can now be the subject of court remedies, and federal institutions (including the Department of Justice) must take positive measures to implement the federal government's commitment to the communities.

The Department of Justice Canada is responsible for implementing the OLA in collaboration with Canadian Heritage (PCH) and the Treasury Board Secretariat (TBS) and, in this capacity, the Department played a key role in drafting the 1988 OLA and its 2005 amendment. Today, the

Department continues to play a leadership role in the implementation of the OLA on both legal and policy issues faced by the government and federal institutions.

3. Considerations

The government has a set of mechanisms from which federal institutions draw broad federal policy guidelines. In keeping with its mandate, the Department must continually rise to new challenges whenever the government articulates its priorities, whether through the Speech from the Throne, the federal budget, or the Minister's mandate letter, or through government-wide initiatives such as the Public Service Employee Survey, Blueprint 2020, or horizontal official languages strategies, to mention just a few examples.

In its role as the federal institution responsible for supporting the Minister of Justice and Attorney General of Canada, the Department has a mission that includes supporting a just and law-abiding Canadian society and providing legal services to the government and to federal departments and agencies to ensure compliance with Canada's legal framework and to preserve public trust and confidence in the integrity of the justice system.

As a federal institution subject to the OLA, the Department must ensure that this quasi-constitutional legislation is applied in accordance with the following principles:

- Senior management provides official languages leadership within the Department of Justice.
- English and French are the official languages of the federal courts, and the representatives of the Attorney General of Canada must respect the right of others to use either language in verbal and written pleadings and use the official language chosen by the other parties (pursuant to Part III).
- Any member of the public in Canada has the right to communicate with the Department's offices (including the regional offices, departmental legal services units, offices located in the National Capital Region, and Headquarters) and receive services in the official language of their choice (pursuant to Part IV).
- Employees of federal institutions have the right to use either official language at work (pursuant to Part V).
- English-speaking Canadians and French-speaking Canadians should have equal opportunities to obtain employment and advancement within the Department, and the composition of the work force shall reflect equal representation of both official language communities as in the general population (pursuant to Part VI).
- The language requirements of positions to be staffed are to be established objectively based on the duties to be performed under Parts IV and V of the OLA (pursuant to section 91 of Part XI).
- The Department takes positive measures to implement the government's commitment to enhancing the vitality of English and French linguistic minority communities and supporting and assisting their development and fostering the full recognition and use of both English and French in Canadian society (pursuant to Part VII).
- Federal institutions provide detailed information to the Department of Canadian Heritage (PCH) and the Treasury Board Secretariat (TBS) for the drafting of their *Annual Report on Official Languages* and other outcome reports to Parliament (pursuant to sections 44 and 48 in the OLA's Parts VII and VIII).

The Department of Justice Canada's *Departmental Action Plan for Official Languages* is a flexible, open framework that can be easily adapted to the government's key policy directions and to the concrete actions that the Department is planning to take in the years to come regarding official

languages. Through the actions outlined here, the Department will be able to fulfill its responsibilities to comply with the OLA.

4. Official languages governance – Departmental roles and responsibilities

In accord with sections 6.11 to 6.14 of the TBS Policy on Official Languages, the designated units that ensure the coordination of institutional obligations in official languages matters in the Department of Justice are the Human Resources Branch (for Parts IV, V, VI and XI of the OLA) and the Official Languages Directorate (for Part VII). The designated responsible persons are the Senior Advisor, Official Languages, at Human Resources Branch's Corporate Human Resources Planning, Programs and Systems Division, and the Director and General Counsel of the Official Languages Directorate (OLAD).

4.1) Human Resources Branch

The Human Resources Branch (HRB) is the office of primary interest for implementation of Parts IV, V, VI and XI (section 91) of the OLA, the *Official Languages Regulations (Communications with and Services to the Public)*, and related regulations, policies and directives issued by the Treasury Board (TB) and the Department. The HRB ensures the application of official language requirements in all staffing and classification actions, including application of the *Public Service Official Languages Exclusion Approval Order*.

The HRB's Corporate Human Resources Planning, Programs and Systems Division is responsible for managing, promoting and monitoring the official languages program and for developing policies, directives and other departmental documents pertaining to official languages, including reports to agencies involved in accountability process such as the Public Service Commission (PSC), TBS and PCH. It offers advice and guidance to management and employees to ensure the Department is fulfilling its language obligations. The Division also represents the Department on intra- and inter-departmental official languages committees (Champions Network, Official Languages Steering Committee, among others).

The HRB's Professional Development Division is responsible for developing, delivering and promoting language training and skills-retention activities that meet individual and organizational learning needs.

4.2) Official Languages Directorate

As a component of the Public Law and Legislative Services Sector, the Official Languages Directorate (OLAD) supports the mission of the Department by providing high-quality legal and policy advice to the government and all departments and agencies in several areas, including official languages and access to Justice.

First, the Justice in Official Languages Team (JOL Team) acts as an office of primary responsibility accountable for the implementation of section 41 of the OLA, specifically by preparing the departmental review for the *Annual Report on Official Languages* and other outcome reports to Parliament under the auspices of PCH and TBS. As part of this

accountability process, the JOL Team works closely with other sectors, particularly the HRB, the Programs Branch, and the Finance and Planning Branch.

The JOL Team also serves as a department-wide reference centre on the application of Part VII of the OLA. In this respect, the JOL Team coordinates the work of collaboration networks, work groups and advisory committees listed below. Moreover, the JOL Team offers strategic advice, performs analyses, designs customized training sessions, and manages a resource centre with documentation, statistics and presentations to inform Justice's employees about their obligations under Part VII of the OLA.

With regard to Federal Official Languages Strategies pertaining to OLMCs, the JOL Team facilitates feedback from various stakeholders during the development and assessment of policies, programs and services.

Secondly, the OLAD's Law Team provides the government and all departments and agencies with legal advice on all matters related to language rights, including the OLA. The Law Team is also responsible for developing and coordinating the Attorney General's position in all cases involving language rights.

With regard to positive measures aimed at helping the federal government meet its commitment under section 41, the OLAD manages the following internal and external coordination and consultation mechanisms:

- **Advisory Committee on Access to Justice in Both Official Languages:** an external committee responsible for maintaining the Department's ties with organizations in the legal community, including OLMCs.
- **Departmental Network of Coordinators for the Implementation of Section 41 (Network 41):** an internal network intended to raise awareness among Justice employees of the needs and priorities of OLMCs and to foster information sharing and liaison on departmental matters that affect the vitality of OLMCs and the promotion of English and French in Canadian society. Network 41 contributes to the Department's leadership on official languages by promoting personalized contact with OLMCs at the regional level and by liaising with Canadian Heritage regional offices. The OLAD manages Network 41 and acts as national coordinator in the implementation of section 41 on behalf of the Department.
- **Federal-Provincial-Territorial Working Group (FPT Working Group):** another external consultation mechanisms for the implementation of section 41 of the OLA. It is co-chaired by the Department of Justice and one representative from a province or territory who is a member of the working group. Its mandate is dedicated to issues related to the implementation of the language provisions of the *Criminal Code*, in particular Part XVII concerning the language of the accused. The working group's role is to identify issues on access to justice in both official languages and exchange information on best practices in each of the jurisdictions. The FPT Working Group has close relationships with provinces and territories and also plays an important role in promoting synergy in the establishment of interprovincial collaborative agreements.

- **Specialized interdepartmental network – Justice and Security Network:** The Network of Stakeholders Working in the Field of Justice and Security (Justice and Security Network) is an example of a partnership between several federal institutions about specific issues. The Justice in Official Languages Team will participate in new networks in other areas of activity of the Department of Justice, where applicable.

4.3) Assistant Deputy Attorney General and National Litigation Sector

The Assistant Deputy Attorney General (ADAG) is the government's chief legal advisor in matters affecting litigation by and against the Crown. The ADAG provides substantive and strategic advice to the Minister, the Deputy Minister and the Privy Council Office on a wide range of issues arising from the conduct of litigation. The ADAG leads the National Litigation Sector and thus has functional responsibility for anticipated or ongoing litigation involving the Government of Canada. The ADAG also coordinates litigation conducted by legal services units that report to a different departmental assistant deputy minister. In litigation before the federal courts, litigants have the right to use either official language and representatives of the Attorney General of Canada (AGC) must use the official language chosen by the other parties in their written and verbal pleadings (in compliance with Part III).

5. Official languages governance – Disclaimer

Accountability processes regarding the exercise of the powers, duties and functions assigned to the Attorney General of Canada pursuant to section 5 of the Department of Justice Act are excluded from the *Departmental Action Plan for Official Languages*. Therefore, Part III of the OLA will not appear in the annual review on official languages or other outcome reports to Parliament under the responsibility of Canadian Heritage (PCH) and the Treasury Board Secretariat (TBS). (See also the note at Section 8, "Accountability.")

6. Objectives

The Department of Justice intends to continue the programs and initiatives set out in its Department Results Framework (DRF), including the transfer payment programs, based on Government of Canada priorities and imperatives. In this respect, the Department will pursue the following objectives:

- 1) Continue to provide leadership in the administration of official languages programs and sub-programs within the Department.
- 2) Continue to ensure compliance with Part III of the OLA relating to the administration of justice.
- 3) Continue to provide exemplary service to the public (OLA, Part IV).
- 4) At offices in regions designated bilingual for language-of-work purposes (New Brunswick, NCR, Eastern Townships, Gaspésie, Outaouais, North East Ontario), continue to maintain a departmental culture that promotes the use of both official languages and a work environment where employees feel comfortable using the official language of their choice (OLA, Part V).
- 5) Continue to ensure that employees from other federal institutions can use the official language of their choice when receiving services from the Department of Justice (OLA, Part V).

- 6) Continue to offer second language training and skills retention opportunities to employees of the Department.
- 7) Continue to provide English-speaking Canadians and French-speaking Canadians with equal opportunities for employment and advancement and work towards an equitable participation of both language groups within the Department (OLA, Part VI).
- 8) Ensure that the language requirements of positions to be staffed are established objectively based on the duties to be performed under Parts IV and V of the OLA (OLA, part XI, section 91).
- 9) Ensure implementation of section 41 of the OLA by:
 - creating awareness among Justice employees of their obligations under section 41;
 - integrating section 41 into the Department's organizational culture; and
 - collaborating and consulting with partners, particularly OLMCs, as well as other federal institutions and other levels of government, in matters pertaining to the development and application of positive measures.
- 10) Ensure accountability to various federal authorities and the Parliament of Canada.

These objectives will be achieved through the Action Plan activities described below.

7. Action Plan activities

The activities described in the subsections below are related to the mission, vision and services of the Department of Justice. They provide tangible, long-term benefits for Canadians. However, the Department reserves the right to modify activities to ensure sound stewardship and resource optimization.

7.1. Official Languages Program management – Leadership

The Official Languages Champion supports the Deputy Minister in achieving the Department's official languages vision and provides leadership within the Department. The Champion's role is to foster a bilingual culture based not only on rights and obligations but also on values that enrich the Department. The Champion chairs and supports the Departmental Network of Sectoral and Regional Official Languages Champions and chairs the Department's Official Languages Steering Committee (see Appendix B).

Office of primary interest: HRB and OLAD, under the leadership of the Official Languages Champion.

Consideration: Senior management provides leadership on official languages within the Department of Justice.

Objective 1: Continue to provide leadership in the administration of official languages programs and sub-programs within the Department.

Expected Outcomes	Activities	Lead	Timeline / Progress
The Champion provides strong leadership and reports on the application of the OLA within the Department	Provide senior management with status updates on implementation of the <i>Departmental Action Plan for Official Languages</i> .	Champion	Annually
	Chair meetings of the Departmental Network of Sectoral and Regional Official Languages Champions.	Champion	3 times a year
	Chair meetings of the Departmental Official Languages Steering Committee.	Champion	3 times a year
	Attend the Conference of Official Languages Champions. (See the Osez ! Dare! website link in the References section.)	Champion	3 times a year
	Attend the meetings of the Council of the Network of Official Languages Champions. (See the Osez ! Dare! website link in the References section.)	Champion / OLAD (Director and General Counsel)	3 times a year
	Encourage all sectors to help implement the Action Plan, to take its requirements into account while developing sectoral business plans, and to support the offices of primary responsibility in preparing the departmental <i>Annual Review on Official Languages</i> .	Champion / All sectors / Champions Network	Annually
	Update the departmental Official Languages Policy.	DGRH / Champions Network	2018-2019

7.2 OLA – Part III: Administration of Justice

Office of Primary Interest: ADAG, NLS

Consideration: English and French are the official languages of the federal courts, and representatives of the Attorney General of Canada must respect the right of others to use either language in verbal and written pleadings and to use the official language chosen by the other parties.

Objective 2: Continue to ensure compliance with Part III of the OLA relating to the administration of justice.

Expected Outcomes	Activities	Lead	Timeline / Progress
Pleadings and proceedings of representatives of the Attorney General of	Assign litigation files to litigators able to speak, write and understand the official language chosen by the other parties in civil litigation in federal courts.	ADAG / NLS	Ongoing

Canada (AGC) in civil litigation in federal courts are in the official language chosen by the other parties¹	Remind litigators once a year about their obligation to respect the official language chosen by other parties in pleadings and proceedings.	ADAG / NLS	Annually
Language rights under Part III of the OLA in the context of civil litigation in federal courts are known by the representatives of the AGC	Send an annual reminder to representatives of the AGC with respect to language rights of litigants and witnesses before federal courts, including the right to interpretation services, the right to a judge who understands the official language of the parties without the assistance of an interpreter, and the availability of judgments in both official languages.	ADAG / NLS	Annually
The bilingual pre-printed portion of any form employed in proceedings before a federal court and required to be served by a federal institution on any other party is used; a translation of its contents is prepared if a request is made by another party	Send an annual reminder to representatives of the AGC stating that the practice is to serve the judicial proceedings in the official language of choice of other parties (pre-printed form and content). When the official language of choice is unknown, representatives of the AGC will use a bilingual pre-printed form and translate the content of the proceeding if requested by the other party.	ADAG / NLS	Ongoing
The Official Languages Directorate develops and coordinates the AGC's position in all language rights cases in close collaboration with representatives of the AGC and client departments legal services units	Ensure that representatives of the AGC involve the OLAD in all litigation involving languages rights and on all questions pertaining to these rights.	ADAG / NLS OLAD, Law Team	Ongoing

¹ See Section 7.7, "Part VII," regarding proceedings before provincial and territorial courts.

7.3 OLA – Part IV: Communications with and services to the public

Office of primary interest: HRB

Consideration: Any member of the public in Canada has the right to communicate with the Department's offices (including the regional offices, departmental legal services units, offices located in the National Capital Region, and Headquarters) and receive services in the official language of their choice.

Objective 3: Continue to provide exemplary service to the public.

Expected Outcomes	Activities	Lead	Timeline / Progress
Members of the public receive services and communications in the official language of their choice	Continue to display the Department's website in English and French simultaneously and ensure that the content in both languages is of equal quality.	Communications	Ongoing
	Ensure that employees working in reception at departmental offices offer service in both official languages (i.e. an active bilingual invitation such as " Bonjour / Hello ") when dealing directly with the public in person or on the telephone.	Managers (NCR, regional offices and Headquarters)	Ongoing
	Continue to ensure that the Department's communications with and services to the public are always available in both official languages of equal quality.	Managers (NCR, regional offices and Headquarters)	Ongoing
	Promote the Office of the Commissioner of Official Languages' new guide, <i>Active offer: A culture of respect, a culture of excellence</i> , and any other tools available to help the Department meet its Part IV obligations.	Champion's Network	2017-2018 New activity
	Promote the use of the following statement (as a best practice) in the signature blocks of employees in bilingual positions: " Please do not hesitate to reply in the official language of your choice. / N'hésitez pas à répondre dans la langue officielle de votre choix. "	HRB	Annually
	Promote the use of bilingual templates for email and voicemail.	HRB	Biannually
	Ensure the accuracy of the list of offices providing services to the public.	HRB	Annually

7.4 OLA – Part V: Language of work

Office of primary interest: HRB

Consideration: Employees of federal institutions have the right to use either official language at work.

Objective 4: At offices in regions designated bilingual for language-of-work purposes (New Brunswick, NCR, Eastern Townships, Gaspésie, Outaouais, North East Ontario), continue to maintain a departmental culture that promotes the use of both official languages and a work environment where employees feel comfortable using the official language of their choice.

Objective 5: Continue to ensure that employees from other federal institutions can use the official language of their choice when receiving services from the Department of Justice.

Objective 6: Continue to offer second language training and skills retention opportunities to employees of the Department.

Expected Outcomes	Activities	Lead	Timeline / Progress
Leaders maintain a work environment conducive to the effective use of both official languages	Implement mandatory language requirements of CBC for certain supervisory EX and EX minus 1 equivalent positions as per new requirements established in the Directive on the Language Requirements of Positions and the Staffing of Bilingual Positions so that employees in bilingual regions are adequately supervised in the official language of their choice (for immediate application to vacancies and application to positions when they become vacant).	Managers / HRB	2017-2022
	Ensure that managers and supervisors in bilingual positions working in bilingual regions supervise their employees in the official language of each employee's choice.	Managers	Ongoing
	Issue messages, via senior management, to remind managers about their obligation to maintain a bilingual work environment where employees feel free to use the official language of their choice (bilingual regions).	Champion / Senior Management	Biannually
	Encourage employees to use the official language of their choice during meetings and when drafting documents (bilingual regions).	Managers	Ongoing
	Organize and promote Linguistic Duality Day (September).	HRB / OLAD / Champion/ Regions	Annually
	Continue to acknowledge excellence in the promotion of linguistic duality (OL Champions Award) during the annual celebration of Linguistic Duality Day.	Champion	Annually

Expected Outcomes	Activities	Lead	Timeline / Progress
The Department's employees know their language-of-work rights and obligations and are incited to exercise them	Offer presentations or information sessions to employees and managers regarding their language-of-work rights and obligations.	HRB, in consultation with OLAD	On request
	Publish internal bulletins in <i>JustInfo</i> to inform employees and managers of their language-of-work rights and obligations.	HRB	Ongoing
	Promote tools and best practices to encourage the use of both official languages in the workplace. Develop new tools as needed.	HRB	Ongoing
	Promote the use of bilingual templates for email and voicemail.	HRB	Biannually
	Update the official languages website on JUSnet.	HRB / OLAD	Ongoing
	Analyze the results of the Public Service Employee Survey (PSES) and report on findings to senior management.	HRB / Champions	2018-2019
	Prepare and implement an action plan to correct deficiencies identified by the PSES.		
	Develop and implement an internal survey on language of work and report on findings to senior management.	HRB	2019-2020
	Prepare and implement an action plan to correct deficiencies identified by the internal survey.		
Employees of federal institutions receive central services in the official language of their choice and the Department's employees have the tools they need to fulfill their obligations	Ensure that employees communicate with other departments located in bilingual regions in both official languages or in the official language chosen by the client or stakeholder and that legal opinions or advice are provided in the official language of the client's choice.	Managers	Ongoing
	Ensure that training and regularly and widely used work instruments are available to employees in both official languages (bilingual regions).	Managers	Ongoing
	Ensure that employees in bilingual or "either/or" positions located in bilingual regions are supervised in the official language of their choice.	Managers	Ongoing

Expected Outcomes	Activities	Lead	Timeline / Progress
Second-language training and skills retention opportunities are offered to the Department's employees	Invest in the development and maintenance of employees' second language skills.	Managers	Ongoing
	<p>Give employees the option of including workshops from the NCR Non-Statutory Language Training Program in their Public Service Performance Management Agreements in addition to participating in other less formal, non-classroom training activities, as follows:</p> <ul style="list-style-type: none"> • preliminary evaluations to confirm retention of a language level; • semi-annual meetings with participants in the language training and skills retention program (follow-up, encouragement, tools, feedback, overviews, etc.); and • online language training courses and tools offered by the Canada School of Public Service and the second-language tools offered by the Public Service Commission. 	HRB and Managers	Quarterly
		HRB	Ongoing
		HRB	Twice a year
		HRB	Ongoing
	Maintain and promote the Linguistic Skills Development Kit to guide employees and their managers in searching new linguistic training and learning tools.	HRB	Ongoing
	Offer employees informal language evaluations during and after language training to measure progress in their second language.	HRB	Ongoing
	Ensure that efforts made by employees to maintain their second language after receiving formal training are considered in their performance agreements.	Managers	Ongoing
	Conduct a review of the language training program to ensure that the current provision of non-statutory language training meets the needs of employees. This program review will also ensure that employees in regions have access to non-statutory language training, and will include recommendations for improvement to senior management.	HRB	2017-2018
	Explore new avenues for second-language training and retention.	HRB	2017-2018
Update the Language Training Directive (following the review of the Program).	HRB	To be determined	

7.5 OLA – Part VI: Participation of English-speaking Canadians and French-speaking Canadians

Office of primary interest: HRB

Consideration: English-speaking Canadians and French-speaking Canadians should have equal opportunities to obtain employment and advancement within the Department, and the composition of the work force shall reflect equal representation of both official language communities as in the general population.

Objective 7: Continue to provide English-speaking Canadians and French-speaking Canadians with equal opportunities for employment and advancement and work towards an equitable participation of both language groups within the Department.

Expected Outcomes	Activities	Lead	Timeline / Progress
The Department provides equal opportunities for employment and advancement to English-speaking Canadians and French-speaking Canadians and the composition of its offices is representative of the English-speaking and French-speaking populations	Ensure that the composition of the Department's work force tends to reflect the presence of both the official language communities of Canada, taking into account the characteristics of its individual context, including its mandate, the public it serves, and the location of its facilities	HRB	Annually
	Take action to correct any deficiencies that are identified	Managers / HRB	As needed

7.6 OLA – Part XI – Section 91: Staffing and language requirements of positions

Office of primary interest: HRB

Consideration: The language requirements of positions to be staffed are established objectively based on the duties to be performed under Parts IV and V of the OLA.

Objective 8: Ensure that the language requirements of positions to be staffed are established objectively based on the duties to be performed under Parts IV and V of the OLA.

Expected Outcomes	Activities	Lead	Timeline / Progress
The language requirements of the Department's positions are established consistently and objectively	Identify language requirements of all positions in the Department in accordance with the Directive on Language Requirements of Positions and the Staffing of Bilingual Positions.	Managers	Ongoing
	Monitor the implementation of the Directive on Language Requirements of Positions and Staffing of Bilingual Positions.	HRB	Bi-annually

Expected Outcomes	Activities	Lead	Timeline / Progress
	Revise the Directive on Language Requirements of Positions and Staffing of Bilingual Positions.	HRB	2017-2018

7.7 OLA – Part VII – Promotion of English and French (implementation of section 41)

Office of primary interest: Official Languages Directorate (OLAD)

Remarks: The implementation of section 41 is mandatory for all federal institutions (under subsection 41(2) of the OLA). Pursuant to subsection 77(1) of the OLA, Part VII can be the object of federal court remedies in cases of non-compliance with Part VII by federal institutions (see also section 2. “Context”).

As part of the *Departmental Action Plan for Official Languages*, the Department will continue to incorporate section 41 into its organizational culture. To that end, the OLAD, in cooperation with members of Network 41 (see section 4. “Official languages governance – Departmental roles and responsibilities” and Appendix B), will direct its efforts toward informing the entire Department about the specific issues pertaining to the development of official-language minority communities as well as the issues involved in promoting English and French in Canadian society. The regional program and policy coordinators who are members of Network 41 will also help maintain ties between the Department and OLMCs as part of their usual responsibilities.

The Department of Justice will continue to work at strengthening its leadership among stakeholders from legal and community organizations. The Department will periodically analyze how the context is likely to influence its policies and programs in order to take positive measures to implement section 41. To that end, the Department will regularly hold consultation sessions with various stakeholders, particularly OLMCs, and will document the process followed to take into account OLMC needs and to incorporate these needs, as fully as possible, into its policies and programs, according to government’s priorities.

Consideration: The Department takes positive measures to implement the government’s commitment to enhancing the vitality of English and French linguistic minority communities and supporting and assisting their development and fostering the full recognition and use of both English and French in Canadian society.

Objective 9: Ensure implementation of section 41 of the OLA by:

- creating awareness among Justice employees of their obligations under section 41;
- integrating section 41 into the Department’s organizational culture; and
- collaborating and consulting with partners, particularly OLMCs, as well as other federal institutions and other levels of government, in matters pertaining to the development and application of positive measures.

Expected Outcomes	Activities	Lead	Timeline / Progress
<p>Employees of the Department of Justice Canada are aware of the obligations under section 41 of the OLA, namely the obligation to take positive measures to implement the Government of Canada’s commitment to the development and vitality of official-language minority communities (OLMCs) and the promotion of English and French in Canadian society</p>	Regularly publicize the Department’s official languages obligations.	OLAD	Ongoing
	Disseminate the <i>Departmental Action Plan for Official Languages</i> through various means of communication (web pages, <i>Justice in Official Languages</i> newsletter, official communications, social media, etc.).	OLAD / Communications	Once this <i>Action Plan</i> is adopted
	Provide training and support to Department employees on issues pertaining to the implementation of section 41:	OLAD / Network 41	Ongoing
	<ul style="list-style-type: none"> Offer information sessions, annually or on request, to program and policy employees, including disseminating key policy directions from agencies responsible for OLA implementation (PCH, TBS, etc.). 	OLAD / Network 41	Annually or on request
	<ul style="list-style-type: none"> Make the Department of Justice Canada’s <i>Annual Review on Official Languages</i> available to employees and the general public, including OLMCs (online posting). 	OLAD / Communications	Annually
	<ul style="list-style-type: none"> Regularly update Department of Justice Canada web pages to ensure that employees and members of OLMCs are aware of the Department’s key official languages priorities and initiatives. 	OLAD / Communications	Ongoing
	<p>Departmental Network of Coordinators Responsible for the Implementation of Section 41 of the OLA</p> <p>Periodically review the network’s operation in order to maximize its effectiveness:</p> <ul style="list-style-type: none"> Develop an empirical knowledge base on OLMCs: data screening and update of the SharePoint platform to facilitate the transition to the new digital workspace in order to contribute to innovation initiatives. Develop a Reference Guide for members of Network 41. Conduct, upon request, presentations to other sectors of the Department about obligations related to Part VII of the OLA. 	OLAD	2017-2022

Expected Outcomes	Activities	Lead	Timeline / Progress
	<p>Support to promote the development and to enhance the vitality of Official Language Minority Communities:</p> <ul style="list-style-type: none"> - Integrate government priorities into the management of the Access to Justice in Both Official Languages Support Fund (e.g. those that could be set out in the federal <i>Action Plan for Official Languages – 2018-2023</i>). - Update the study entitled "Environmental Scan: Access to Justice in Both Official Languages (2003)." 	OLAD	2018-2022
	<p>Promotion of English and French in Canadian society</p> <p>Publish the <i>Annotated Language Laws of Canada: Constitutional, Federal, Provincial and Territorial Laws</i>:</p> <ul style="list-style-type: none"> - Launch the book in the context of Canada 150. - Progressively download on CanLII associated laws and case law (over 1000 laws and 1000 judgments). - Disseminate the book via the Open Government Portal. (see References section). - Provide annual updates and website traffic statistics. 	OLAD	2017-2022
	<p>Promotion of English and French in Canadian society</p> <p>Charter checklist (including language rights):</p> <ul style="list-style-type: none"> - Disseminate on the Department of Justice Canada's website. - Provide quarterly updates of the Charter checklist. 	OLAD	2017-2022

Expected Outcomes	Activities	Lead	Timeline / Progress
Section 41 is an integral part of the Department's organizational culture	Take positive measures with OLMCs and promote English and French in Canadian society.	All sectors	Ongoing
	When the federal Crown is a party to civil proceedings before a provincial or territorial tribunal where the use of either official language is permitted, the representatives of the Attorney General of Canada, if possible, use the official language chosen by the other party (subject to the practice of representing employees involved in a provincial court in the official language of their choice).	NLS / ADAG	Ongoing
	Representatives of the Attorney General of Canada file the factum in both official languages in cases under appeal, when appropriate, where the public or the media have significant interest in the case.	NLS / ADAG	Ongoing
	Manage a Department-wide Network of Coordinators for the Implementation of Section 41 of the <i>Official Languages Act</i> (Network 41), made up of representatives from regional offices as well as from program and policy sectors.	OLAD / Network 41	Ongoing
	Network 41 holds an annual meeting and teleconferences throughout the year.	OLAD / Network 41	Ongoing
	Involve employees designated as "Coordinators 41" in Network 41 activities.	Network 41 / Policy Sector	Ongoing
	Ensure that the Department's regional offices are represented within Network 41 by coordinators responsible for liaising regionally with OLMCs and other federal institutions, among other responsibilities.	Network 41 / Any other sector concerned	Ongoing
	When analyzing funding applications under transfer payment programs, Justice employees take into consideration the impact of departmental policy actions and decisions on OLMCs.	All sectors concerned	Ongoing
	When conducting program or expenditure reviews or audits, Justice employees take into consideration the impact of departmental decisions on OLMCs.	All sectors concerned	As needed
	As needed, Web pages and promotional or informational materials describing transfer payment programs include a reference to section 41.	OLAD / Communications	Ongoing
Collaborate, organize and promote Linguistic Duality Day (September) and Rendez-vous de la Francophonie (March).	HRB / OLAD / Champion/Regions	Annually	

Expected Outcomes	Activities	Lead	Timeline / Progress
	The Official Languages Directorate's name appears as the Department of Justice Canada's national coordinator for Part VII of the OLA, and this information is communicated to central agencies and OLMCs.	OLAD	Ongoing
	<p>Complete the implementation of the Protocol on Legal Advisory Services in Official Languages Law:</p> <p>Centralize within OLAD legal advisory services that are provided directly to client departments on official languages law.</p>	OLAD	2017-2019
<p>The Department of Justice Canada establishes productive partnerships and consults, communicates and collaborates with its partners, namely OLMCs, other federal institutions and other levels of government, on matters pertaining to OL when developing or implementing positive measures</p>	<p>Establish a dialogue with key stakeholders (OLMCs, post-secondary education institutions, PCH, TBS):</p> <ul style="list-style-type: none"> • Consult with OLMC national representatives and other civil society representatives on key departmental official languages initiatives to find out what their concerns are and what issues are affecting them. • Organize an annual meeting in partnership with representatives of OLMCs and other civil society organizations 	OLAD – Advisory Committee	Ongoing
		OLAD – Advisory Committee	As needed
	Represent the Department of Justice at PCH conferences and meetings of section 41 national coordinators.	OLAD	Ongoing
	Collaborate with any other federal or Canadian institution on initiatives, actions or projects pertaining to OLMCs and official languages.	OLAD	As needed

8. Accountability

Office or primary interest – Part III: NLS (see section 5 “Official Languages Governance – Disclaimer”)

Office of primary interest – Parts IV, V, VI and XI: HRB

Office of primary interest – Part VII: OLAD

Consideration: Federal institutions provide detailed information to the Department of Canadian Heritage (PCH) and the Treasury Board Secretariat (TBS) for the drafting of their *Annual Report on Official Languages* and other outcome reports to Parliament (pursuant to sections 44 and 48 of Parts VII and VIII of the OLA).

Objective 9: Ensure accountability to various federal authorities and to Parliament of Canada.

Expected Outcomes	Activities	Lead	Timeline/Progress
Accountability mechanisms are in place and outcome reports are delivered on time	HRB and OLAD collaborate to ensure proper accountability and to draft outcome reports, including the Department of Justice Canada’s <i>Annual Review on Official Languages</i> , to guide preparation of the <i>Annual Report on Official Languages</i> to Parliament (under the responsibility of PCH and the TBS).	OLAD, HRB	Ongoing
	Ensure accountability and report to the PSC on the application of the <i>Public Service Official Languages Exclusion Approval Order</i> .	HRB	Ongoing
	Prepare a status report on section 41 implementation and send it to the Official Languages Champion to report to the Executive Council.	OLAD	Annually (See also section 7.1 “Leadership”)

Nathalie G. Drouin, Ad. E.

Deputy Minister of Justice and Deputy Attorney General of Canada

Isabelle T. Jacques

Assistant Deputy Minister, Central Agencies Portfolio, and Official Languages Champion

Department of Justice Canada

APPENDIX A – Departmental Policies

The Department of Justice Canada's *Action Plan for Official Languages* is a continuation of departmental policies that have been in effect since 2011.

Part III: In order to implement Part III of the OLA, the Department has adopted the Practice Directive 4.0 Litigation Branch. This internal directive addresses (1) coordination and development of the AGC's position by OLAD in all language rights cases, in collaboration with litigation counsel and LSU; and (2) the official languages obligations of the Attorney General of Canada as a litigant. Best practices in the field of civil litigation adopted by the Department complement this internal Practice Directive 4.0.

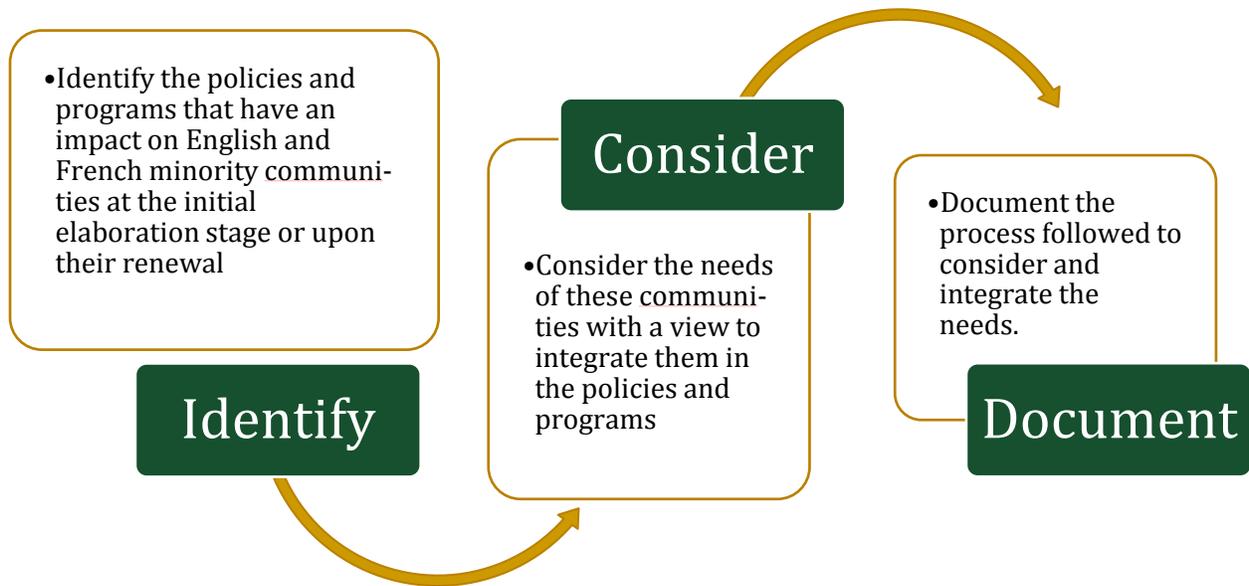
Parts IV, V, VI and XI: Linguistic duality remains central to departmental values. The Department will continue to apply the *Official Languages Policy*² and is determined to do the following:

- Provide a workplace where employees can freely exercise their language-of-work rights and are encouraged to use the official language of their choice (pursuant to Parts IV and V and section 91 of Part XI).
- Ensure that official languages are an integral part of the development and application of its programs and policies as well as service delivery and human resources management (pursuant to Parts IV, V and VII).
- Invest in the acquisition and retention of employees' second-language skills, specifically by providing employees who have a disability (including learning disabilities) with the resources and services they need to acquire second-language skills in accordance with the *Language Training Directive*.

Part VII: In connection with section 41 implementation, the *2017–2022 Action Plan for Official Languages* draws on the following policy statements:

- The implementation of Part VII, section 41, is mandatory because it arises out of statutory provisions contained in a quasi-constitutional act. In addition, under subsection 77(1) of the OLA, Part VII can be the object of a court remedy. The adoption of departmental policies and a departmental action plan on official languages also falls within this legislative framework and aims to strengthen application of the OLA within the Department.
- With respect to programs, including transfer-payment programs, the Department will identify the initiatives affecting official language communities, particularly English- and French-speaking minorities, as they are being developed or at the time of their renewal.
- Once the Department has determined that a policy or program has an impact on English-language or French-language minority communities, the needs of these communities will be considered with a view to integrating them into the Department's policies and programs when appropriate.
- The Department will analyze the context and document the process it uses to factor in and integrate these needs.
- Also, pursuant to section 41, the Department will focus on collaborating and forming productive partnerships with various stakeholders, including OLMCs, other federal authorities, other levels of government, non-profit organizations, and representatives from academia, communities and civil society.

2. Official Languages Policy of the Department of Justice Canada - version revised on November 19, 2012 [internal document].



APPENDIX B – Internal Governance and Roles pertaining to Official Languages

Leaders

Deputy Minister

- With respect to official languages, the Deputy Minister of Justice promotes Department-wide leadership to create a bilingual culture based on the spirit of the *Official Languages Act*.
- The Deputy Minister ensures compliance with the spirit and the letter of official languages legislation and policies, ensures effective management of official languages programs, and ensures that tangible results are achieved.
- The Deputy Minister approves requests for non-imperative staffing of EX and LC positions, requests for extension of the exclusion period for employees of the EX group or equivalent level, and requests for exclusion on medical grounds for submission to the Public Service Commission.

Executive Committee and Management Committee

- Members of the Executive Committee and the Management Committee of the Department of Justice Canada diligently incorporate official languages into the organization's culture, values and planning processes, ensuring that official languages obligations and policies are respected.
- Members also ensure that official languages are part of departmental action plans on human resources management.

Official Languages Champion

- The Official Languages Champion supports the Deputy Minister in achieving the Department's official languages vision and provides leadership within the Department.
- The OL Champion's fosters a bilingual culture based not only on rights and obligations, but also on values that enrich the Department and the country.

Official Languages Steering Committee

- The mandate of the Steering Committee is to provide leadership in the implementation of the Department's Official Languages Program as well as its official languages policies and directives by coordinating official languages activities and responsibilities within the Department.
- The Committee meets at least three times a year. It is made up of individuals responsible for implementing the *Official Languages Act* and chaired by the Official Languages Champion. This Committee provides a framework for mobilizing senior executives and giving them a forum where they can discuss official languages issues affecting the Department. The Committee reports annually to the Executive Committee via the Champion.

Departmental Network of Sectoral and Regional Official Languages Champions

- The Network of Sectoral and Regional Champions consists of representatives from each portfolio, sector and division in the NCR and the regions. The role of this network and its members is to support the departmental champion in fulfilling his or her mandate, to provide leadership, and to foster a bilingual culture based on the spirit and the letter of the OLA.

Departmental Network of Coordinators for the Implementation of Section 41 (Network 41)

- Network 41 is an internal network intended to raise awareness among the Department's employees on the needs and priorities of OLMCs and to foster information sharing and liaison on departmental matters that affect the vitality of OLMCs and the promotion of English and French in Canadian society. Network 41 contributes to the Department's leadership on official languages by promoting personalized contact with OLMCs at the regional level and by liaising with Canadian Heritage regional offices. The OLAD manages Network 41 and acts as national coordinator in the implementation of section 41 on behalf of the Department.

Senior managers and managers

- Senior managers (EX-03 to EX-05, LC-03 and LC-04) incorporate official languages into the culture and values of their units, fulfill their official languages obligations, and apply the corresponding legislation, policies and directives.
- Managers are responsible for applying official languages legislation and regulations and for implementing related policies and directives. The Department encourages them to implement innovative practices that promote the use of both official languages in the workplace.
- Senior managers from every sector encourage employees to take positive measures toward implementing section 41 of the OLA in their areas of activity when appropriate.

Employees

Employees at all levels of the Department of Justice are encouraged to:

- contribute to and participate in creating an environment conducive to the use of both official languages;
- bring questions, problems and suggestions to managers;
- use their first or second official language to encourage the use of both official languages; and
- participate in events organized to promote linguistic duality and official languages.

References

Active offer: A culture of respect, a culture of excellence – Office of the Commissioner of Official Languages

<http://www.ocol-clo.gc.ca/en/resources/public-servants/active-offer-tool>

Canadian Charter of Rights and Freedoms

<http://laws-lois.justice.gc.ca/eng/Const/page-15.html>

Council of the Network of Official Languages Champions – Osez ! Dare!

<http://osez-dare.aadnc-aandc.gc.ca/eng/1380732103233/1380732134447>

Guide for Federal Institutions on Part VII (Promotion of French and English) of the *Official Languages Act* – Canadian Heritage

<https://www.canada.ca/en/canadian-heritage/services/official-languages-bilingualism/policy-research/guide-vii-act.html>

Government of Canada – Open data

<http://open.canada.ca/en/open-data>

Official Languages Act

<http://laws-lois.justice.gc.ca/eng/acts/O-3.01/>

Policy on Official Languages – Treasury Board Secretariat

<https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=26160>

Public Service Employee Surveys

<https://www.canada.ca/en/treasury-board-secretariat/services/innovation/public-service-employee-survey.html>

Abbreviations

ADAG: Assistant Deputy Attorney General

Charter: *Canadian Charter of Rights and Freedoms*

DM: Deputy Minister

DRF: Department Results Framework

EX positions: Executive positions

HRB: Human Resources Branch

OL: Official Languages

OLA: *Official Languages Act*

OLAD: Official Languages Directorate

OLMC: Official-Language Minority Communities

NCR: National Capital Region

Network 41: Network of Coordinators Responsible for the Implementation of Section 41 of the OLA

NLS: National Litigation Sector

PAA: Program Activity Architecture

PCH: Canadian Heritage

PSC: Public Service Commission

PSPM: Public Service Performance Management

TBS: Treasury Board Secretariat