



**ACCOUNTABILITY AND COORDINATION FRAMEWORK OF
THE *ROADMAP FOR CANADA'S LINGUISTIC DUALITY* –
JUSTICE CANADA COMPONENT
EVALUATION
Final Report**

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EXECUTIVE SUMMARY

1. Introduction

This document reports on the evaluation of the Accountability and Coordination Framework of the *Roadmap for Canada's Linguistic Duality* – Justice Canada Component. Its main purpose is to determine the relevance, effectiveness, efficiency and economy of the Official Languages Law Section under the mandate conferred by the Framework.

2. Program Description

The Framework is part of the Roadmap, and its main goal is to enhance horizontal coordination of the Official Languages Program. It is of particular importance because it is connected with all of the Roadmap's initiatives.

The horizontal coordination function mentioned in the Framework is a shared responsibility between two departments. First, the Department of Canadian Heritage, through the Official Languages Secretariat (OLS), plays a leading role in coordinating the implementation of the Roadmap. Second, the Department of Justice, through its Official Languages Law Section (OLLS), supports the coordination activities undertaken by the OLS under the Roadmap. Specifically, the coordination functions assigned to the OLLS are specified in the Accountability and Coordination Framework that provides for the OLLS to prepare and coordinate the federal government's position in litigation involving language rights, to prepare directions regarding language rights, and to review initiatives, programs and policy directions likely to influence official languages in order to identify the legal implications. As well as supporting the OLS, the OLLS provides legal advice on issues involving the *Official Languages Act*, the constitutional provisions dealing with language rights, and the other federal, provincial and territorial legislation and regulations pertaining to language rights.

3. Methodology

The evaluation of this initiative is based on two main research methods:

- An analysis of all the documentation pertaining to the Framework;
- Interviews with the key federal informants that were involved in the OLLS's work or in coordinating the Roadmap.

4. Relevance

The evaluation found that the mandate and functions carried out by the OLLS under the Roadmap are consistent with the priorities and roles of the Government of Canada and the Department of Justice with respect to official languages. The work accomplished by the OLLS aims at supporting the federal government and the Official Languages Program (OLP) towards respect of linguistic obligations relating to the associated legal framework. Also, these functions comply with the Department's role set out in the Roadmap and its Accountability and Coordination Framework. Since the OLLS is a specialized legal service, the functions assigned to it align with the Department's second strategic outcome: "a federal government supported by effective and responsive legal services".

One of the Department's operational priorities for 2011-12 is to provide "direct and indirect support for implementation of all government priorities". This priority means that critical legal services will be provided to support departments in implementing priorities related to the four core government spending areas, which are Government Affairs, Economic Affairs, Social Affairs and International Affairs. Since linguistic obligations have an impact on all these areas, the OLLS, by the nature of its functions, is contributing to this departmental priority.

The functions carried out by the OLLS are widely perceived as still necessary. In particular, the proactive nature of the advice provided by the OLLS is recognized, as well as its impact on minimizing the legal risks in the official languages sector. Also recognized is its contribution to the consistency of the federal government's positions in litigation involving official languages.

5. Effectiveness

The horizontal role that the OLLS plays is well recognized by official languages stakeholders in the federal government. In recent years, the OLLS has established a strong role for itself in

litigation cases that drew on a number of federal institutions, or as an advisor on the Committee of Assistant Deputy Ministers on Official Languages, which ensures coordination of the Official Languages Program.

There is still uncertainty about whether there has been in recent years any improvement in coordination of the Official Languages Program in general, but the role of the OLLS is not questioned in this regard. However, the coordination role that the OLLS plays is not clear for many. It is recognized that it guides the Roadmap coordination bodies on legal issues, but the OLLS's positioning under the Coordination component of the Official Languages Program seems to give it more responsibilities in this regard. Therefore, it would be useful to better communicate the OLLS' coordination role.

Some resources provided by the OLLS emerge as highly used and valued, especially the litigation summaries and legal opinions. These tools are intended for the key federal stakeholders, some of whom were interviewed during this evaluation. Other activities such as the training, the practice group and the on-line information also generate interest. However, the number of training activities that have been evaluated is limited. To obtain more structured feedback, it would be important for the OLLS to consider developing feedback mechanisms that are relevant to the different forums where training activities are held.

Since the OLLS played a key role in communicating the issues around official languages litigations, the evaluation shows that it contributed to better knowledge of the spirit and intent of the *Official Languages Act* within federal institutions.

6. Efficiency and Economy

The evaluation found that value-for-money resulting from the OLLS performing its duties in fulfilling its responsibilities under the Framework has been achieved. Although the financial resources represented under the Roadmap are relatively modest, they enabled the OLLS to strengthen its capacity and, therefore, take on a more proactive role in the area of official languages and add a number of outcomes to its achievements.

Given the current language rights context, the OLLS's workload has increased over time. Without necessarily resorting to additional resources, the OLLS adopted approaches for optimizing its resources. In concrete terms, it established an information-sharing system and optimized the duties of assistants and paralegals for supporting the lawyers in their functions. These measures also help ensure the quality of the services that the OLLS provides.

Lastly, there does not appear to be any other more cost-effective way to achieve the goals sought by the OLLS.

1. INTRODUCTION

This document is the final report from the evaluation of the Accountability and Coordination Framework of the *Roadmap for Canada's Linguistic Duality* – Justice Canada Component (hereinafter called the “Framework”). The horizontal coordination function mentioned in the Framework is a responsibility shared by the Official Languages Secretariat of Canadian Heritage (hereinafter the “OLS”) and by the Official Languages Law Section of the Department of Justice Canada (hereinafter called the “OLLS”). The OLLS’s role in connection with the Framework was first incorporated into the 2003 *Action Plan for Official Languages* and then into the *Roadmap for Canada's Linguistic Duality 2008-2013*. In keeping with the reporting requirements of the Roadmap, the Department of Justice undertook this evaluation.

1.1. Context of the Evaluation

In 2007, Canadian Heritage conducted two evaluations of the Accountability and Coordination Framework: one for the OLS component and the other for the OLLS component (then called the Official Languages Law Group). In keeping with the reporting requirements, the Department of Justice component must undergo another evaluation for the activities carried out under the Roadmap, which is the purpose of this report. However, unlike the previous one, this evaluation was conducted for the first time entirely by the Department of Justice.

1.2. Evaluation Objectives and Scope

This evaluation pertains to the Justice Canada component of the Accountability and Coordination Framework of the Roadmap and is not directly concerned with the Canadian Heritage component. It targets the accomplishments between 2008 and today. The main purpose of the evaluation is to determine the relevance, effectiveness and efficiency of the OLLS in fulfilling its responsibilities under the Framework.

Since the funds provided under the Roadmap are directly incorporated into the OLLS’s budget, all of its activities are based on a single commitment. As such, it is impossible to easily

differentiate the activities arising from the Roadmap from those resulting from the OLLS's usual mandate. Therefore, this evaluation reflects all of the OLLS's activities.

The evaluation incorporates the requirements of the Performance Measurement Strategy of the Roadmap and of the Treasury Board's Evaluation Policy (2009).

1.3. Structure of the Report

This report contains six main sections, including this one. Section 2 provides a detailed portrait of the OLLS, i.e. its mandate, functions and expected outcomes. Section 3 describes the methodology used for carrying out this evaluation. Section 4 presents the main findings from the study based on the topics covered by the evaluation. Section 5 presents the study's conclusions. Lastly, section 6 gives the recommendations from the study as well as the management response.

2. PROGRAM DESCRIPTION

The subject of the evaluation is the Official Languages Law Section, specifically its involvement in the Accountability and Coordination Framework of the *Roadmap for Canada's Linguistic Duality*. This section describes the Framework, the implication of the OLLS, its management structure as well as its resources.

2.1. Accountability and Coordination Framework

The Roadmap, which was announced in 2008, is a financial commitment of \$1.1 billion spread over a five-year period, which is added to the many aspects of the Government of Canada's Official Languages Program¹ (hereinafter referred to as the "OLP"). The Framework is part of the Roadmap and is primarily intended to strengthen the OLP's horizontal coordination. It also defines the procedures for implementing the obligations set out under parts IV, V and VII, and the commitments set out under Part VI of the *Official Languages Act* (hereinafter called the "OLA"). It also outlines the responsibilities of federal institutions in this regard and government-wide communications procedures for all official languages activities. It is of particular importance because it is connected with all of the Roadmap's initiatives.

The coordination function mentioned in the Framework is a shared responsibility between two departments. First, the Department of Canadian Heritage, through the OLS, plays a prominent role in coordinating the implementation of the Roadmap. The latter provided the amount of \$13.5 million over five years to help the OLS fulfill its role, which includes promoting coordinated government action by facilitating interdepartmental cooperation.

Second, the Department of Justice, through the OLLS, supports the coordination activities undertaken by the OLS under the Roadmap. These support activities are presented in detail in the subsequent subsections. In addition to supporting the OLS, the OLLS provides legal advice on

¹ The Official Languages Program covers all activities that enable the federal government to meet the Government of Canada's obligations and commitments under the *Official Languages Act*.

issues involving the OLA, the constitutional provisions on language rights, and the other federal, provincial and territorial legislation and regulations pertaining to language rights.

2.2. Official Languages Law Section

The OLLS existed before the Roadmap, but the latter confirmed its particular mandate. The following subsections present its core mandate as well as its functions under the Framework, and the expected outcomes.

2.2.1. Core Mandate

The OLLS's mission is to ensure “ (...) that the positions and opinions of the Department of Justice on language rights are coordinated, consistent and respectful of the purposes and letter of the applicable constitutional and legislative provisions”². Based on that mission, the OLLS has four main roles:

- Advisory role: to inform and advise all federal players on the interpretation of language rights;
- Litigation support role: to develop and coordinate the position of the Attorney General of Canada and the government in language litigation and to provide support to counsel involved in that litigation;
- Policy development role: to prepare and coordinate, in partnership with the departments responsible, opinions and advice on language policy directions, particularly with regard to any proposed legislative amendments affecting language rights;
- Training role: to provide legal training on language rights, including those provided for by the *Canadian Charter of Rights and Freedoms*, the *Official Languages Act* and the *Criminal Code*.

² Canada. Department of Justice. (2011). *Public Law Sector. Evaluation Strategy. Final Report*. Ottawa, March. pg. 13.

2.2.2. Functions under the Roadmap and Expected Outcomes

Beyond these basic roles, the Roadmap instructs the OLLS to play a role in implementing its Accountability and Coordination Framework along with the OLS. Under the Framework, the OLLS:

- Actively monitors official languages issues likely to affect the federal government. These activities include monitoring legislation, case law and the media to identify, early in the process, legal risks related to official languages that could affect the federal government;
- Supports legal counsel in the various Departmental Legal Services Units (DLSUs) in their efforts to address legal issues related to official languages;
- As needed and as applicable, promotes awareness within federal departments of the requirements under the Horizontal Results-Based Management and Accountability Framework and the *Official Languages Act*. This includes developing appropriate tools to assist federal departments;
- Examines initiatives, programs and policies (including Memoranda to Cabinet and Treasury Board submissions) that could have an impact on official languages to ensure consistency with constitutional, statutory, and other requirements relating to official languages;
- Supports the work of the Committee of Assistant Deputy Ministers on Official Languages (hereinafter referred to as the “CADMOL”), as well as federal ministers involved in official language issues.

These functions are intended to support the Roadmap achieve the following outcomes:

- Immediate: coordination of the Official Languages Program;
- Intermediate: the strengthened capacity of the Government of Canada relating to official languages;
- Ultimate: Canadians enjoy the benefits of linguistic duality; live and work in communities that reflect Canadian values with respect to the use of English and French; and have access to government services in the language of their choice.³

³ Canada. (2009). *Roadmap for Canada's Linguistic Duality, 2008-2013: Acting for the Future. Horizontal Results-Based Management and Accountability Framework*. Ottawa, pg. 8.

2.3. Management Structure

The Official Languages Law Section, within the Public Law Sector of the Department of Justice Canada, manages the resources allocated to the Department through the Framework. The General Counsel and Director of the OLLS manages these resources.

2.4. Resources

As table 1 indicates, the Roadmap includes the amount of \$2.5 million over five years (from 2008-09 to 2012-13) for the OLLS's activities.⁴ All resources are Vote 1 resources, applicable to salary, operating, and other related expenditures. As with several other Roadmap initiatives, this amount is henceforth considered ongoing, in addition to the OLLS's budget outside the Roadmap. Its total annual budget (salaries and operations) is approximately \$1 million. The share represented under the Roadmap therefore amounts to nearly half of its financial resources. In 2011-12, the OLLS consisted of ten full-time equivalents, seven of whom are lawyers.

Table 1: Financial Resources for the Accountability and Coordination Framework – Justice Canada Component, under the Roadmap, 2008-09 to 2012-13 (millions of dollars)

Fiscal Year	Budget
2008-09	0.50
2009-10	0.50
2010-11	0.50
2011-12	0.50
2012-13	0.50
TOTAL	2.50

Source: administrative data.

⁴ The Accountability and Coordination Framework is one of the three initiatives of the Department of Justice under the *Roadmap*. The other two are Access to Justice in Both Official Languages (\$41 million) and the *Contraventions Act* Fund for Implementation of Language Obligations (\$49.5 million).

3. METHODOLOGY

Given the relatively small amount of resources allocated to this initiative, a modest methodological approach has been developed for the evaluation. The methodology used was based on two main sources of information: a literature review and a series of interviews.

3.1. Literature Review

A list of documents likely to help answer the evaluation questions was prepared. All those documents were carefully and systematically reviewed to extract the relevant information. These documents can be grouped under the following categories:

- official documents on the Roadmap and the Framework;
- information pertaining to strategic planning of the Department of Justice and the Official Languages Law Section;
- documents pertaining to consultations of federal government employees;
- various evaluation reports about official languages and other related subjects;
- data and documents related to the activities conducted by the OLLS;
- information pertaining to the *Official Languages Act*, the *Canadian Charter of Rights and Freedoms*, the *Criminal Code* and the *Constitution Act (1982)*;
- official languages and justice-related documents published by the Department of Justice and the federal government.

3.2. Interviews with Key Informants

A list of key informants targeted for the evaluation was prepared. This list contains three categories of contact people:

- Key staff from the OLLS (Department of Justice) and the OLS (Department of Canadian Heritage);
- Senior managers, official language champions and key staff from federal institutions involved in implementing the Roadmap or to which the OLLS provided services due to its responsibilities under the Accountability and Coordination Framework;
- Legal advisors from the Department of Justice and other federal institutions.

It was possible to interview 21 individuals. The interviews were conducted using previously prepared interview guides. Those guides are found in Appendix B. Approximately half of the interviews were conducted in person and the other half by telephone. The answers were aggregated by question and recorded into a results matrix.

3.3. Methodological Challenges

Two main methodological challenges arose in connection with this evaluation: the limited number of lines of evidence and the difficulty to differentiate OLLS's activities under and outside the Roadmap.

- ***Limited number of lines of evidence.*** The evaluation relies on findings from available documents and the interviews. The limited number of individuals involved in the implementation of the Accountability and Coordination Framework could not justify the use of a survey or other tools aiming to a large audience. Also, since the cases related to litigation and to legal opinions provided contain confidential information, it has not been possible to analyze individual legal cases. However, the documents reviewed and the interviews with key informants have provided valuable information to adequately address the evaluation questions.
- ***Difficulty to differentiate the OLLS's activities under and outside the Roadmap.*** The OLLS existed within the Department before the creation of the 2003 *Action Plan* and the 2008 Roadmap. These two strategies have added responsibilities to the OLLS in order to implement the Accountability and Coordination Framework. However, the OLLS's activities are based on a single commitment. Since this evaluation is intended to report on the activities under the Roadmap, it was not possible to easily differentiate the activities aiming at the objectives of its traditional mandate to the ones under the Framework. Therefore, this evaluation presents the results pertaining to all the activities carried out by the OLLS, while highlighting its support to the horizontal coordination of the Roadmap.

4. MAIN EVALUATION FINDINGS

This section describes the main findings from the evaluation. The information was grouped by the topics of the relevance, effectiveness, and efficiency and economy of the OLLS in fulfilling its responsibilities under the Framework.

4.1. Relevance

This subsection presents the findings related to relevance and closely examines the OLLS's alignment with government priorities and the continued need for its involvement in implementing the Framework.

4.1.1. Alignment with Government Priorities

Overall, the evaluation found that the mandate and functions of the OLLS under the Roadmap align with the priorities of the Government of Canada and the Department of Justice.

The Roadmap tasks the OLLS with performing the following functions in implementing its Accountability and Coordination Framework:

- Review files with a potential impact on the federal government's constitutional and legal obligations in official languages;
- Monitor potentially controversial files;
- Ensure that policies, programs, initiatives and government documents are compliant with the OLA and the Constitution;
- Review government documents from the viewpoint of risk management and legal implications.⁵

⁵ According to the *Accountability and Coordination Framework for Official Languages*. Version of January 28, 2010.

This evaluation found that these functions fit into the federal government's broad policies on official languages.

The Canadian government's official language obligations as well as the OLP are based on a legal framework which includes the *Constitution Act (1982)*, the *Canadian Charter of Rights and Freedoms* and the OLA. To navigate within this legal context, federal institutions need continued support to better understand and fulfill the legal obligations arising from this framework. The functions assigned to the OLLS were designed to help federal institutions in these aspects.

Also, under the Roadmap, the Department of Justice:

*"(...) will continue to offer advice on the language provisions of the Constitution, as well as the overall implementation of the Official Languages Act, and work together with Canadian Heritage and the Treasury Board Secretariat to ensure increased information sharing, and the compliance of policies, programs, initiatives and government documents with the language provisions of the Constitution and the Act."*⁶

Moreover, the Accountability and Coordination Framework on Official Languages assigns the Minister responsible for Official Languages and the Minister of Justice with responsibilities for horizontal coordination of the Official Languages Program. That framework tasks the Minister responsible for Official Languages with the responsibility of consulting minority communities and other key stakeholders such as the Commissioner of Official Languages, conveying to the government the stakeholders' action priorities and any issue pertaining to official languages, and informing the public of the government's viewpoint on official languages. The Department of Justice is specifically tasked with:

"(...) guiding the federal government in interpreting language rights, formulating the government's position in disputes involving language rights, and fulfilling specific responsibilities with respect to legislative drafting and access to justice in both official languages, examining initiatives, programs and policy directions that may affect official languages in order to identify their legal implications."

The functions assigned to the OLLS are therefore supporting the Department's role pertaining to the horizontal coordination of the federal agenda in the area of official languages.

⁶ Canada. (2008). *Roadmap for Canada's Linguistic Duality 2008-13: Acting for the Future*.

Since the OLLS is a specialized legal service, the functions assigned to it align with the Department's second strategic outcome: "a federal government supported by effective and responsive legal services".⁷

One of the Department's operational priorities for 2011-12 is to provide "direct and indirect support for implementation of all government priorities"⁸. This priority means that critical legal services will be provided to support departments in implementing priorities related to the four core government spending areas, which are Government Affairs, Economic Affairs, Social Affairs and International Affairs. Since linguistic obligations have an impact on all these areas, the OLLS, by the nature of its functions, is contributing to this departmental priority.

All individuals consulted as part of this evaluation agree that the mandate and functions assigned to the OLLS under the Accountability and Coordination Framework are still relevant. The area of official languages is a particularly complex one, both legally and in terms of policy. The constitutional and quasi-constitutional nature of language rights, the many government policies, the initiatives of all types and the abundant case law are among these complexity factors. It is also an area of law that changes quickly and goes beyond the public service. This context means that lawyers from the Departmental Legal Services Units – usually generalists – and partners in implementing the OLP must be able to rely on a legal expertise centre.

4.1.2. Continued Need for the OLLS's Involvement in Implementing the Framework

Based on the information gathered, it can be concluded that the OLLS's involvement in implementing the Framework is still needed.

The OLLS's main functions in implementing the Framework are:

- To closely monitor issues arising in legislation, case law and the media that present legal risks relating to official languages that are likely to affect the federal government;
- To review initiatives, programs and policies (including Memoranda to Cabinet and Treasury Board submissions) to ensure that they comply with the official language requirements;
- To support lawyers from the various Departmental Legal Service Units in handling legal matters relating to official languages;

⁷ Canada. Department of Justice. (2011). *Report on Plans and Priorities 2011-12*, pg. 4.

⁸ *Ibid.*, pg. 7

- To coordinate the development of the government's position in litigation involving language rights;
- To educate federal institutions about the requirements under the OLA and the Official Languages Program by providing them with training and various information materials;
- To provide legal guidance to the CADMOL and other bodies with an official languages coordination role.

In closely monitoring issues arising in legislation, case law and the media, a number of key respondents feel that the OLLS is proactive. It is acknowledged that the OLLS's proactive nature is the value-added provided by the Roadmap to the OLLS's mandate. This function is needed to ensure that the legal risks associated with the official languages file are properly managed.

Regarding the second function, reviewing initiatives, programs and policies, it should be said *a priori* that the OLLS does not review all key documents. At present, the departments are not required to convey those documents to the OLLS, and there is no systematic transmission structure in place. However, some departments do send the OLLS key documents regarding new programs, initiatives and policies. Among the documents received, the OLLS sorts the Memoranda to Cabinet and Treasury Board submissions to determine which ones are most likely to be problematic from an official languages standpoint. Although most of the key respondents consider this function necessary, some of them express reserve. One respondent is of the view that the OLLS does not always have the opportunity to step in early in the initiative, program or policy-development process. One other respondent stated that if the capacity exists within their departments, the responsibility for reviewing initiatives, programs and policies should fall mainly to the lawyers from the Departmental Legal Service Units, and not to the OLLS.

The third function, which involves supporting the lawyers from the various DLSUs, is central to the OLLS's role. All respondents consulted acknowledge this function as being essential.

Most of the key respondents also believe that it is necessary to coordinate the preparation of the government's position in litigation involving language rights. This role is also identified by the *Federal Prosecution Service Deskbook* (chapter 34, directive 14)⁹. Indeed, the federal government has a strong interest in presenting a cohesive position in litigation involving the Attorney General and in opinions intended for the lawyers from the DLSUs. This function helps minimize the official language-related risks for the federal government.

⁹ Canada. Department of Justice. (2002). "Official Languages in Prosecutions", in the *Federal Prosecution Service Deskbook*. Chapter 34.

As for educating the federal institutions, it is recognized that there is an ongoing need for refreshing official language knowledge within the federal public service. One of the key respondents recalled, for example, that an average of 50 new people join the Departmental Official Language Champions Network every year. An ongoing education effort is needed for new members, but also to keep older members up to date. The OLLS, as a centre of official languages expertise, and in cooperation with its partners, is well suited for providing ongoing training and awareness to all levels of the federal government.

Lastly, the function that involves providing legal guidance to the CADMOL and its subcommittees that play a coordination role is considered useful by most key respondents, although it is less essential for some. It should be said that the function of guiding the horizontal coordination bodies is shared among the OLLS and its partners, including the OLS. The OLLS's contribution to coordination mainly involves providing legal opinions to the coordination bodies, as it does to the departments.

These findings are generally consistent with the key findings from the last OLLS evaluation in 2007. Specifically, the evaluation report points out: "As the federal government pursues its implementation of the Accountability and Coordination Framework, it will require the support of the Official Languages Law Group" (the OLLS's name at the time).¹⁰ Moreover, nearly all key respondents consulted were not able to identify another forum for these functions.

On the whole, the OLLS's functions are widely seen as still necessary at present. The pro-active nature of the advice provided by the OLLS and its impact on reducing the legal risks in the official languages sector are well recognized by stakeholders. Also acknowledged is its contribution to the consistency of the federal government's position in official languages litigation.

4.2. Effectiveness

This subsection presents the findings regarding the effectiveness of the OLLS in fulfilling its responsibilities under the Framework. It looks at three major activities for the OLLS: monitoring of official languages issues, legal advice and activities associated with litigation, as well as training initiatives and practice groups. This subsection also reports on the OLLS support to the horizontal coordination of the Roadmap.

¹⁰ Canada. Department of Justice. (2007). *Summative Evaluation of the Action Plan for Official Languages Coordination Program*, October, pg. 19.

The OLLS conducted a number of activities between 2008 and the present, as indicated in Table 2.

Table 2: Count of the OLLS's Activities between 2008 and 2012

Activities	2008-09	2009-10	2010-11	2011-12	Total
Committee meetings	13	13	14	10	50
Litigation	32	36	17	16	48 ¹¹
Training sessions	16	18	30	19	83
Practice group	2	1	2	1	6
Legal opinions (formal and email)	104	72	88	120	384
Framework opinions	0	3	0	1	4
Charter-related information notes (16 to 23)	0	8	7	1	16 ¹²
Litigation summaries	3	4	4	4	15

Source: administrative data.

4.2.1. Monitoring of Official Languages Issues

The OLLS has a system in place which enables the monitoring of issues arising at multiple levels. This system enables the close monitoring of issues in legislation, case law and the media. It has allowed the lawyers to remain up to date on emerging issues related to official languages that could have an impact on the federal government. It has also helped them to better anticipate legal risks. Since the official languages area evolves rapidly, many key informants believe that this practice is effective.

Monitoring of official languages issues also takes place at another level: the review of key documents related to new programs, initiatives or policies to be implemented by the federal government. Even if not all documents can be reviewed, the OLLS selects the ones that potentially involve higher risks related to official languages. The most important documents reviewed are Memoranda to Cabinet and Treasury Board submissions. This practice enables the OLLS to work with the departments concerned in order to minimize legal risks.

¹¹ The litigation total is 48 instead of 101. This reflects the fact that some cases stretch over more than a year and are counted only once overall.

¹² The information notes deal with eight sections of the Charter (16 to 23).

4.2.2. Language-related Litigation and Legal Opinions

Language-related litigation

The OLLS becomes involved in litigation pertaining to language rights. When the Attorney General of Canada is a party to or intervener in a language-related dispute, the OLLS can either provide legal opinions to the litigators or take part in preparing the submission, if it is fundamentally a language-related dispute. Very often, the OLLS is involved in the submission. When the Attorney General is not an intervener, the OLLS performs the function of monitoring and analyzing the case law and distributes it within its networks, including via the language-related litigation summaries.

The OLLS monitored about 50 litigation cases during the period covered by this evaluation. The data shown in Table 2 reflect the fact that some cases extend over more than one fiscal year and are therefore accounted for over more than one year. The data include the cases that the Attorney General of Canada was a party to or intervener in during the 2008-12 period, cases where the OLLS provided advice to litigators as well as the other cases tracked under the OLLS's monitoring role.

The reports that document the coordination of the Roadmap gave significant importance to the role played by the OLLS around one particular case. This case pertained to Canadians' access to services of equal quality in both official languages and the federal government's obligations in that regard. The reach of this Supreme Court ruling extended to all federal institutions.

The OLLS provided particular support as legal advisor to a working group on managing the legal risks arising from this case. That working group was the driver behind an assessment grid issued by the Treasury Board Secretariat for helping federal institutions apply the principle of true equality to their institution's programs and services. With that grid, each institution can, by taking into account its mandate and the range of its programs and services, more easily determine the best way to comply with the ruling. The CADMOL, which is the highest Roadmap coordination body, relied heavily on the OLLS's contribution in order to identify the key issues represented by this case and to develop a reactive strategy.

Although the case required important efforts from the OLLS, the section has been involved in many other important litigation cases. Several key respondents mentioned some cases that have been debated at the Federal Court or the Supreme Court. In these cases, the OLLS was able to quickly assist litigants in preparing their case.

Language-related Litigation Summaries

Language-related litigation summaries are documents published three or four times a year. They are summaries of cases before the courts that involve language rights. Summaries are prepared for cases for which the Attorney General of Canada is a party to or intervener in, other cases that are likely to draw attention, new cases, decisions issued and significant developments that have occurred. The OLLS produced 15 summaries during the period covered by this evaluation.

All informants consulted for this evaluation, including lawyers from DSLUs, are familiar with this tool, and most find it very useful. It is an important tool for staying current in official languages. Some key informants indicated that they do not systematically read these summaries, but they know where to find them when needed.

Legal opinions

One of the OLLS's main functions is to provide legal opinions on specific issues involving official languages. The OLLS provided 354 formal or email opinions during the period covered by the evaluation, which is slightly less than 100 per year.¹³ These opinions, which are intended for many federal departments, are among the most well-known tools and are considered very useful. Since 2008, the OLLS has also updated and developed its framework opinions that deal with different key sections of the OLA. The OLLS's formal legal opinions and framework opinions are placed in the Department of Justice's databank available through the Intranet. A number of informants consulted found this resource, which allows keyword searches, to be very useful. A satisfaction survey among the OLLS's clients indicates that it widely met expectations regarding the breadth and nature of the legal advice provided (a score of 8.6 out of 10) and the appropriateness of the legal decisions issued.¹⁴ This survey also indicates that the OLLS promptly handles requests for legal services (a score of 8.9 out of 10).

¹³ Information on the specifics of these legal opinions cannot be published, as they are subject to solicitor-client privilege.

¹⁴ Canada. Department of Justice. Public Law Sector. (2010). *Client satisfaction survey prepared by the Office of Strategic Planning and Performance Management*, December.

4.2.3. Training Activities

Training sessions and practice group

The OLLS provided training in several formats during the period reviewed. In total, it delivered 79 training activities, including in-class presentations and conferences at academic colloquia, presentations to official language champions, Section 41 coordinators or management committees of various departments, training workshops and information sessions for new Department of Justice employees, and presentations to foreign delegations. These activities were all intended to explain the basics, the issues and developments with regard to languages rights.

In addition, the OLLS facilitates a language rights practice group that meets one or two times a year, or more if required (a total of six times since 2008). This practice group enables Department of Justice lawyers interested in language rights to fine-tune their knowledge, share information and create a coordinated approach. This working group had existed since 2004, but was reinvigorated under the Roadmap.

Most key respondents said they are aware of the OLLS's training sessions and the practice group meetings on language rights arranged by the OLLS. These tools are considered effective ways of keeping employees informed of new developments in official languages. An uncontrolled sample of 20 individual evaluations of two training sessions given by the OLLS shows very high satisfaction among the participants, with an average score of 5.4/6.¹⁵ However, the number of training activities that have been evaluated is limited. To obtain more structured feedback, it would be important for the OLLS to consider developing feedback mechanisms that are relevant to the different forums where training activities are held.

On-line resources

The OLLS has also been involved in the development of on-line resources such as Justipedia and *JUSnet* Intranet.

Justipedia is an on-line resource centre of the Department of Justice, accessible to the Department's lawyers. It provides access to the Department's expertise directory and the practice groups' pages. It contains 38 legal practice areas, including the one for official languages. This resource had been under development for several years and was recently opened to lawyers. The OLLS actively participated in the pre-testing of Justipedia by gradually transferring its data

¹⁵ Twenty individual evaluations of two training sessions given by the OLLS.

there. Today, the official languages area has several hundred documents. This resource is not yet well known, but it required significant effort by the OLLS during the period evaluated.

The OLLS has also developed a section on the Department of Justice's *JUSnet* Intranet. It contains up-to-date information on the OLLS and its mandate as well as on the products and reference tools that it provides within its area of expertise, for example backgrounders on sections of the *Canadian Charter of Rights and Freedoms* and other constitutional, legislative and regulatory provisions, its framework opinions, its litigation summaries, guidelines on litigation, as well as the texts of its presentations or publications.

A number of positive comments were made about the information on the OLLS Intranet site, even though this resource appears not well known. The OLLS site, which is accessible only to Department of Justice employees, logs roughly 100,000 requests annually, from roughly 1,000 users.¹⁶

The resources that are less well known by the key respondents are:

- The information on the *Osez! Dare!* site of the Official Language Champions Network;
- The OLLS sheet explaining official language governance;
- Publications associated with the 40th anniversary conference of the *Official Languages Act* in 2009.

That being said, most of the key informants who are aware of these resources consider them useful.

4.2.4. Support to Horizontal Coordination of the Roadmap

Horizontal coordination

The horizontal roles played by the OLLS as an expert group are well recognized among key informants consulted during the evaluation. These roles include litigation involving multiple federal institutions and as advisor on various committees for coordinating the Official Languages Program.

The OLLS staff has sat on a number of horizontal committees such as the CADMOL and its Management Subcommittee, the Official Languages Program Interdepartmental Coordination

¹⁶ According to the data from *Webtrends Yearly Report. Official Languages Law Section*, 2010 and 2011.

Steering Committee, the Departmental Advisory Committee on Official Languages, the Council of the Network of Departmental Official Language Champions, the Department of Justice Policy Committee and its Working Group, as well as the Network of Justice Official Languages Champions. A number of key respondents stated that the OLLS is effective in playing an horizontal role, especially with its active involvement on the CADMOL.

They state that the OLLS's role in the major case mentioned earlier is the most telling example of this interdepartmental work. According to several key respondents, the OLLS has played a significant role in educating all federal institutions about the importance of complying with this ruling.

Key respondents feel that neither the Treasury Board Secretariat nor Canadian Heritage could have played the role that the OLLS did since Treasury Board Secretariat works mainly with human resource teams on Parts IV, V and VI of the OLA and does not advise the entire government on major cases. Since the judicial aspect of this major case did not involve part VII, Canadian Heritage did not play a prominent role. This situation illustrates the value-added of the OLLS, which was able to step in and help coordinate the government's response.

However, the analysis of the data gathered for this evaluation shows that, although the OLLS's contribution to coordinating the Roadmap is not in question, there is still some uncertainty about the clarity of that coordination overall.

Divided opinions were seen on whether the functions carried out by the OLLS have led to better horizontal coordination among federal institutions in implementing the Official Languages Program.

On one hand, a number of key informants stated that they were under the impression that horizontal coordination had improved since 2008 and that the OLLS played a role. They suggest that official languages had a higher profile within the public service for some time now. This increased reach is seen to be attributable in part to the OLLS's training sessions, on-line services, litigation summaries and its other services, and to the fact that these efforts have contributed to better official language horizontal coordination.

On the other hand, almost the same high number of key informants are of the opinion that horizontal coordination on the whole has not improved in the past few years. However, none of these respondents identified the OLLS as responsible for this lack of progress. It is apparently attributable instead to ongoing confusion around governance of the OLP. The roles of the other

players seem to still be poorly understood. This confusion inevitably affects the horizontal coordination of the Roadmap and, therefore, the OLLS's role in it.

Therefore, the OLLS's coordination role is not clear for many. It is recognized that it guides the Roadmap coordination bodies on legal issues, but the OLLS's positioning under the Coordination component of the Official Languages Program seems to create coordination expectations that do not come under its mandate. Those expectations create some confusion between the OLLS and the OLS in terms of coordination-related responsibilities. Therefore, it would be useful to better communicate the OLLS' coordination role.

Knowledge of the spirit and intent of the OLA

Most people interviewed as part of this evaluation are of the view that the spirit and intent of the OLA are better known than ever, especially among executives in federal institutions.

A number of respondents suggested that it is often court decisions that underly knowledge advancement in official languages. Since 2008, one major Supreme Court is the event that has made the greatest mark on the official languages landscape in the public service. That decision boosted interest in the matter.

The OLLS has improved knowledge of the spirit and intent of the OLA in that it informed the federal government in preparation for and in reaction to major court decisions. By carrying out its functions, the OLLS led federal institutions to consider the impact of these decisions on their programs and services. In doing so, it disseminated knowledge in several formats and enabled officials to better grasp the essence of the OLA. According to a number of key informants, the persons responsible for official languages, Deputy Ministers, Assistant Deputy Ministers and official language champions currently have access to more information than ever on official languages. The champions in particular are apparently better equipped to fulfill their role.

4.3. Efficiency and Economy

4.3.1. Benefits and Costs

The evaluation found that value-for-money resulting from the OLLS performing its duties in fulfilling its responsibilities under the Framework has been achieved. Several key respondents

consulted during this evaluation stated that the amount allocated to the OLLS under the Roadmap is modest, given the importance of its mandate and its outcomes.

Roughly half of the OLLS's annual financial resources (i.e. \$500,000) are represented under the Roadmap. This was already the case under the 2003 *Action Plan for Official Languages*. With this financial contribution, the OLLS was able to keep two lawyer positions and one paralegal position on its staff. This staff adds capacity to the existing personnel. However, it is the OLLS's entire staff, not just these three positions, that shares the tasks that this evaluation reports on. Therefore, we cannot attribute the results obtained by the OLLS to the specific work of the added staff. Yet we note that, with its strengthened capacity, while fulfilling its core mandate, the OLLS has been able to take on a more proactive role, in particular by actively monitoring official languages issues that can affect the federal government. This strengthened capacity allowed the OLLS to add a number of outcomes to its count, including a richer, more up-to-date space on the *JUSnet* site, facilitation of the language rights practice group, involvement in preparing *Justipedia*, and active involvement on several horizontal bodies.

Unlike the Department of Justice's other specialized legal service units, the OLLS does not operate on a cost-recovery basis. According to such a service-delivery basis, the Department of Justice bills the federal departments that request legal advice from a lawyer of a specialized service unit. Since the OLLS plays a number of roles and provides a variety of services, with legal opinions being only one aspect, the evaluation was unable to estimate what the benefits or disadvantages would be of a cost-recovery system for legal opinions. However, it should be noted that such a recovery system records the costs of the legal opinions given, and also generates its own administrative costs (computer system, time devoted to entering the billable time and administrative support staff). Several key respondents were of the view that, if the OLLS were to operate this way, the annual operating cost would amount to much more than \$500,000.

4.3.2. Management Practices

This evaluation found that the OLLS is influenced by many factors that are increasing the demand for its services. That increase in demand prompted the OLLS to refine its management practices with the aim of improving its efficiency.

In its most recent Operational Plan, the OLLS identifies certain trends that may impact the demand for services¹⁷:

- Government transformations;
- Increased requests in connection with the legislative process (e.g. bills by Members of Parliament and Senators, requests from the Office of the Commissioner of Official Languages for amendments to the OLA and its Regulations);
- Case law and litigation files;
- Policy reforms (e.g. Treasury Board Secretariat and Department of Justice policies).

In addition, according to the information gathered by this evaluation, several other factors have had a determinative influence on the OLLS's activities over the past few years.

Firstly, the fact that Parliament made Part VII of the OLA justiciable in 2005 had a significant impact. This legislative amendment led to the realization that today, official languages are taken more seriously. For the OLLS, this increased interest in official languages means an ever-increasing number of service requests.

Secondly, a number of emerging topics are helping increase the OLLS's work. Among the topics mentioned are the social media, the expenditure review process and government transparency. Official languages law must be reflected in all these major changes. Therefore, the OLLS has become involved in the networks that treat this matter.

Lastly, the OLLS's volume of work has also been marked by a greater number of private member's bills.

Therefore, the OLLS is increasingly called upon as a centre of expertise for limiting the legal risks and, where applicable, assisting in litigation. Since it does not have more resources to rely on, the OLLS has focused on efficiency in its work methods.

This efficiency comes about through two main approaches: information sharing and support for the lawyers. These measures also help ensure the quality of the services that the OLLS provides.

The purpose of information sharing is to enable OLLS employees to rely on complete, up-to-date information to make it easier for them to perform their daily tasks. As such, a number of tools or

¹⁷ Canada. Department of Justice. Official Languages Law Section. (2011). *2012-13 OLLS Operational Plan*.

mechanisms exist: a database on previously issued legal opinions and on case law and relevant doctrine, a SharePoint site, the Intranet site and Justipedia, a weekly table on active files as well as weekly team meetings and annual strategic planning retreats since 2010. That approach enabled OLLS lawyers to stay current on new language rights developments and boost the section's team work.

The second aspect (support for lawyers) aims to provide lawyers with support in performing their functions. Thus, the number of duties assigned to assistants and the paralegal were maximized. Essentially, those duties involve regularly populating the information systems used by the OLLS, including the Intranet site and Justipedia, and performing legal research to support the lawyers. That research mostly involves monitoring various areas for identifying language-related litigation. Moreover, the OLLS established a language rights practice group.

Lastly, all legal opinions are reviewed by the general counsel before they are sent to clients. This measure ensures the quality of the legal opinions issued. To minimize the time incurred by this practice, an inter-colleague consultation system exists for finalizing the opinions. Thus, only the final draft is reviewed by the general counsel.

4.3.3. Other ways to achieve the same objectives

There appears to be no other more cost-effective way to achieve the OLLS objectives. An official languages centre of expertise is considered a key aspect of horizontal coordination of official languages. The government has a stake in having the OLLS's functions centralized to ensure the desired coherence. The DLSUs do not currently have the capacity or expertise to take on the OLLS's official languages role. In addition, the OLLS's credibility ensures that its clients operate in accordance with their official language obligations. According to some key respondents, reducing the OLLS's role would lead to increased legal risks for the entire federal government.

5. CONCLUSIONS

The preceding pages present the main findings of the evaluation of the Accountability and Coordination Framework of the *Roadmap for Canada's Linguistic Duality* – Justice Canada component. The evaluation makes it possible to draw conclusions based on three key topics: relevance, effectiveness, as well as efficiency and economy.

5.1. Relevance

This evaluation found that the mandate of and functions carried out by the Official Languages Law Section under the Roadmap fit adequately into the federal government's broad policies on official languages. Since the OLP and the Canadian government's official language obligations are based on a legal framework, federal institutions need continued support to navigate in this context. The functions assigned to the OLLS within the Framework were designed to help these institutions in this aspect. These functions also comply with the Department of Justice's role set out in the Roadmap and its Accountability and Coordination Framework.

Moreover, by the nature of its work, the OLLS contributes to the second strategic outcome for the Department which requires "a federal government supported by effective and responsive legal services". The OLLS, by its involvement in official languages, also aligns with one of the departmental priorities for 2011-12 which is to provide "direct and indirect support for implementation of all government priorities".

It was also possible to observe the essential nature of the functions carried out by the OLLS. These are seen to be necessary to support the horizontal coordination of the Roadmap. In particular, by being proactive, the OLLS is able to minimize the legal risks connected with the official languages sector. It is also acknowledged with contributing to consistency in the federal government's positions in litigation involving official languages.

5.2. Effectiveness

In terms of its support to horizontal management of official languages, the OLLS has made its mark in recent few years. This is especially true in several major cases, which called upon a number of federal institutions, or as an advisor with the CADMOL, which coordinates the OLP. Official language stakeholders in the federal government recognize the value of the OLLS's horizontal role.

This evaluation found that there is still some uncertainty about whether there has been – in recent years – any improvement in coordination of the Official Languages Program overall. The lag is apparently attributable to lingering confusion around governance of the OLP and the roles of other players. That being said, this confusion may influence indirectly on the OLLS's role in it.

In fact, although it is generally recognized that the OLLS guides the Roadmap coordination bodies on legal issues, its positioning under the Official Languages Program Coordination component still appears to attribute it more responsibilities in this regard. The OLLS should better communicate its coordination role.

The evaluation also identified that some of the resources provided by the OLLS generate a great deal of interest and are proving to be much used. The evaluation identified the value-added of tools like the litigation summaries and legal opinions. The training sessions, practice group and on-line information are also among the activities or services that are known and regarded as useful. However, the number of training activities that have been evaluated is limited. To obtain more structured feedback, it would be important for the OLLS to consider developing feedback mechanisms that are relevant to the different forums where training activities are held.

Moreover, since the OLLS played a key role in publicizing the issues around major litigation, it has greatly contributed to a better knowledge of the spirit and intent of the OLA within federal institutions. However, the OLLS has challenges expanding its audience and influence beyond a fairly small circle.

5.3. Efficiency and Economy

The evaluation found that value-for-money resulting from the OLLS performing its duties in fulfilling its responsibilities under the Framework has been achieved. The Roadmap has enabled the OLLS to strengthen its ability to play its expected role. The amount allocated seems modest, given the importance of its mandate and outcomes.

Moreover, the recent change in the federal landscape, noted mainly through the broadening of the scope of Part VII of the OLA and government transformations, has required the OLLS to become increasingly involved by expanding and enhancing the range of services it provides. Since its resources are relatively limited, the OLLS has improved its management practices in order to reinforce its efficiency in delivering its services.

6. RECOMMENDATION AND MANAGEMENT RESPONSE

Issue 1: There is some confusion regarding governance of the Official Languages Program and the coordination roles of its various bodies, including the Official Languages Law Section.

Recommendation 1: The OLLS should better communicate its coordination role under the Roadmap.

Management Response:

Management agrees with this recommendation. The OLLS recognizes the importance of providing sufficient information on its coordination role. It will continue in its efforts to make this role even better known.

Issue 2: The OLLS provided training in various formats during the period reviewed. In total, it delivered 79 training activities. However, the number of training activities that have been evaluated is limited.

Recommendation 2: The OLLS should consider developing appropriate feedback mechanisms in the various forums in which the OLLS holds its training in order to get more structured feedback.

Management Response:

Management agrees with this recommendation. The feedback mechanisms will have to reflect the various types of forums in which the OLLS provides training.

Appendix A:

Evaluation Framework

Evaluation Framework

Criteria	Questions	Indicators	Sources / methods
a) Relevance	1. Do the duties assigned to the OLLS under the Accountability and Coordination Framework align with the official language priorities of the federal government and the Department of Justice?	Degree of alignment of the OLLS's duties under the Framework with the official language priorities set out by the federal government and Justice Canada and perceptions of Framework stakeholders on this	Literature review Interviews
	2. Is the OLLS's involvement in implementing the Framework still necessary?	Change in official language coaching at the federal level Perceptions of Framework stakeholders on the relevance of the OLLS's duties	Literature review Interviews
b) Performance – effectiveness	3. Is the OLLS recognized as playing an important overall (horizontal) role in facilitating the implementation of the <i>Official Languages Act</i> in its entirety?	Perceptions of Framework stakeholders on the overall (horizontal) role played by the OLLS.	Interviews
	4. Have the OLLS's duties contributed to better horizontal coordination among the federal institutions in implementing the Official Languages Program?	Evidence of the OLLS's contribution to coordination of the federal institutions in terms of official languages and perceptions of Framework stakeholders on this	Literature review Interviews
	5. Have the instruments and resources provided by the OLLS been useful to the federal institutions for fulfilling their responsibilities under the <i>Official Languages Act</i> ?	Description of the instruments and resources produced, type and frequency of the offering, level of increase in demand and evidence of their use and perceptions of Framework stakeholders regarding their usefulness	Literature review Interviews
	6. To what extent have the OLLS's duties contributed to better knowledge of the spirit and intent of the <i>Official Languages Act</i> within the federal institutions?	Evidence of the dissemination of knowledge about the spirit and intent of the OLA in the federal institutions. Perceptions of Framework stakeholders on this	Literature review Interviews
	7. Have the duties carried out by the OLLS had any unintended positive or negative impacts?	Evidence of unintended positive or negative impacts from the OLLS carrying out its duties and perceptions of Framework stakeholders on this	Literature review Interviews

Criteria	Questions	Indicators	Sources / methods
c) Performance – efficiency and economy	8. Do the benefits resulting from the OLLS performing its duties outweigh the costs?	Comparison between changes in costs and changes in resulting impacts Evidence of duplication of initiatives and perceptions of Framework stakeholders on these topics	Literature review Interviews
	9. Are there other more cost-effective ways of achieving the intended objectives?	Evidence of more cost-effective ways and perceptions of Framework stakeholders on this	Literature review Interviews
	10. Are there any emerging realities with official languages and its governance structure that have required the OLLS's activities to change?	Evidence of unanticipated changes that have affected the OLLS's activities and perceptions of Framework stakeholders on this	Literature review Interviews

Appendix B:

Interview Guides

Evaluation of the activities of the Official Languages Law Section under the *Roadmap for Linguistic Duality 2008-2013*

Interview guide

(Key staff from the Official Languages Law Section of Justice Canada and from the Official Languages Secretariat at the Department of Canadian Heritage)

The Department of Justice Canada hired the firm Universalis to conduct an evaluation of the activities of the Official Languages Law Section (OLLS), which helps coordinate the Official Languages Program of the Government of Canada and the Roadmap for Linguistic Duality 2008-2013. This coordination is provided by the Official Languages Secretariat of the Department of Canadian Heritage and the OLLS. The evaluation looks at the relevance of the mandate assigned to the OLLS under the Roadmap, as well as its performance in that connection. In the box below, we set out the mandate and specific duties of the OLLS. The evaluation covers the period from 2008 to today.

As part of this evaluation, we are conducting interviews with key stakeholders in the area of official languages. Thank you again for accepting our invitation. Before we start, be aware that we will keep your answers strictly confidential. All answers will be presented in aggregate form. Also, we are asking that you not disclose information on the content of the legal opinions issued by the OLLS. Our interview should take no longer than 60 minutes.

Introduction

1. Please describe the role you play in implementing the Accountability and Coordination Framework.

Relevance

The mandate and duties of the OLLS under the Roadmap's Accountability and Coordination Framework are shown in the box.

2. With reference to the changes in the official language priorities of the federal government and the Department of Justice since 2008, do you feel that this mandate and each of these duties assigned to the OLLS are still relevant? (Q1)
3. Do you consider it necessary to keep each of these duties for the purposes of Canada's Official Languages Program? If applicable, should these duties continue to be the responsibility of the OLLS? (Q2)

The OLLS's mandate: The OLLS is a centre of expertise on language rights that responds to requests for legal opinions, guidance and training from federal institutions, including coordination of the Official Languages Program, and that proactively ensures consistency in government positions and anticipates litigation risks.

Duties of the OLLS:

1. To closely monitor issues arising in legislation, case law and the media that present legal risks relating to official languages that are likely to affect the federal government;
2. To systematically review initiatives, programs and policies (including Memoranda to Cabinet and Treasury Board submissions) to ensure that they comply with the official language requirements;
3. To support lawyers from the various departmental legal services units in handling legal matters relating to official languages;
4. To coordinate the development of the government's position in litigation involving language rights;
5. To educate federal institutions about the requirements under the *Official Languages Act* and the Official Languages Program by providing them with training and various information materials;
6. To provide legal guidance to the Committee of Assistant Deputy Ministers on Official Languages and to other bodies with an official languages coordination role.

Performance – effectiveness

4. Can you describe the instruments and resources that were provided to federal institutions by the OLLS to help them fulfill their responsibilities under the Official Languages Act? (Q5)
5. In your opinion, has the OLLS played a significant horizontal role (for all federal institutions) for facilitating implementation of the Official Languages Act in its entirety? Please explain. (Q3)
6. Have you seen an improvement in horizontal coordination among federal institutions in implementation of the Official Languages Program since 2008? If yes, to what extent has the OLLS contributed to that? Please support your answer with examples. (Q4)

7. How helpful have the instruments and resources provided by the OLLS been for the federal institutions? (Q5)
8. In your opinion, have the federal institutions acquired a better understanding of the spirit and intent of the Official Languages Act since 2008? If yes, to what extent have the duties carried out by the OLLS contributed to that? Please support your answer with examples. (Q6)
9. Have you noticed any unexpected impacts – favourable or unfavourable – arising from the duties carried out by the OLLS? (Q7)

Performance – efficiency and economy

10. The OLLS received the amount of \$2.5 million over five years to enable it to fulfill its Roadmap coordination responsibilities. In your opinion, given the results produced by the OLLS in carrying out its duties, was this investment worth it? Please explain your answer. (Q8)
11. Can you think of other ways of achieving similar results at a lower cost? If yes, what are they? (Q9)
12. In your opinion, are there any factors or trends that may have had an impact on the OLLS's role and activities since 2008? If yes, what are they and what has that changed in the OLLS? (Q10)
13. Beyond what we have discussed, do you have any other comments to make about the Justice component of the Accountability and Coordination Framework?

Thank you!

Evaluation of the activities of the Official Languages Law Section under the *Roadmap for Linguistic Duality 2008-2013*

Interview guide

(Senior managers, official language champions and key staff from federal institutions)

The Department of Justice Canada hired the firm Universalis to conduct an evaluation of the activities of the Official Languages Law Section (OLLS), which helps coordinate the Official Languages Program of the Government of Canada and the Roadmap for Linguistic Duality 2008-2013. This coordination is provided by the Official Languages Secretariat of the Department of Canadian Heritage and the OLLS. The evaluation looks at the relevance of the mandate assigned to the OLLS under the Roadmap, as well as its performance in that connection. In the box below, we set out the mandate and specific duties of the OLLS. The evaluation covers the period from 2008 to today.

As part of this evaluation, we are conducting interviews with key stakeholders in the area of official languages. Thank you again for accepting our invitation. Before we start, be aware that we will keep your answers strictly confidential. All answers will be presented in aggregate form. Also, we are asking that you not disclose information on the content of the legal opinions issued by the OLLS. Our interview should take no longer than 60 minutes.

Introduction

1. Please describe your role and the relationship you have with the OLLS.

Relevance

The mandate and duties of the OLLS under the Roadmap's Accountability and Coordination Framework are shown in the box.

2. With reference to the changes in the official language priorities of the federal government and the Department of Justice since 2008, do you feel that this mandate and each of these duties assigned to the OLLS are still relevant? (Q1)
3. Do you consider it necessary to keep each of these duties for the purposes of Canada's Official Languages Program? If applicable, should these duties continue to be the responsibility of the OLLS? (Q2)

The OLLS's mandate: The OLLS is a centre of expertise on language rights that responds to requests for legal opinions, guidance and training from federal institutions, including coordination of the Official Languages Program, and that proactively ensures consistency in government positions and anticipates litigation risks.

Duties of the OLLS:

1. To closely monitor issues arising in legislation, case law and the media that present legal risks relating to official languages that are likely to affect the federal government;
2. To systematically review initiatives, programs and policies (including Memoranda to Cabinet and Treasury Board submissions) to ensure that they comply with the official language requirements;
3. To support lawyers from the various departmental legal services units in handling legal matters relating to official languages;
4. To coordinate the development of the government's position in litigation involving language rights;
5. To educate federal institutions about the requirements under the *Official Languages Act* and the Official Languages Program by providing them with training and various information materials;
6. To provide legal guidance to the Committee of Assistant Deputy Ministers on Official Languages and to other bodies with an official languages coordination role.

Performance – effectiveness

4. The OLLS has produced a variety of tools and resources for helping federal institutions fulfill their official language responsibilities. Which of the following items do you know about or have you used? Where applicable, how useful do you consider them to be? (Q5)
 - The information in the space reserved for the OLLS on the Department of Justice's *JUSnet* intranet site, such as fact sheets, annotated federal language legislation, framework opinions and articles published by the OLLS;
 - The information on the Osez! Dare! site of the Official Language Champions Network;
 - Legal opinions from the OLLS on specific matters involving official languages;
 - The summaries from language-related litigation regularly published by the OLLS;

- The sheet from the OLLS explaining official language governance;
 - The presentations given to the horizontal coordination bodies of the Official Languages Program (CADMOL, DACOL and their support committees);
 - The language rights practice group meetings arranged by the OLLS;
 - The training given by OLLS staff;
 - The 40th anniversary conference of the *Official Languages Act* in 2009.
5. In your opinion, has the OLLS played a significant horizontal role (for all federal institutions) for facilitating implementation of the Official Languages Act in its entirety? Please explain. (Q3)
 6. Have you seen an improvement in horizontal coordination among federal institutions in implementation of the Official Languages Program since 2008? If yes, to what extent has the OLLS contributed to that? Please support your answer with examples. (Q4)
 7. In your opinion, have your Department and the other federal institutions acquired a better understanding of the spirit and intent of the Official Languages Act since 2008? If yes, to what extent have the duties carried out by the OLLS contributed to that? Please support your answer with examples. (Q6)
 8. Have you noticed any unexpected impacts – favourable or unfavourable – arising from the duties carried out by the OLLS? (Q7)

Performance – efficiency and economy

9. The OLLS received the amount of \$2.5 million over five years to enable it to fulfill its *Roadmap* coordination responsibilities. In your opinion, given the results produced by the OLLS in carrying out its duties, was this investment worth it? Please explain your answer. (Q8)
10. Can you think of other ways of achieving similar results at a lower cost? If yes, what are they? (Q9)
11. In your opinion, are there any factors or trends that may have had an impact on the OLLS's role and activities since 2008? If yes, what are they and what has that changed in the OLLS? (Q10)
12. Beyond what we have discussed, do you have any other comments to make about the Justice component of the Accountability and Coordination Framework?

Thank you!

Evaluation of the activities of the Official Languages Law Section under the *Roadmap for Linguistic Duality 2008-2013*

Interview guide

(Legal advisors from the Department of Justice and other federal institutions)

The Department of Justice Canada hired the firm Universalis to conduct an evaluation of the activities of the Official Languages Law Section (OLLS), which helps coordinate the Official Languages Program of the Government of Canada and the Roadmap for Linguistic Duality 2008-2013. This coordination is provided by the Official Languages Secretariat of the Department of Canadian Heritage and the OLLS. The evaluation looks at the relevance of the mandate assigned to the OLLS under the Roadmap, as well as its performance in that connection. In the box below, we set out the mandate and specific duties of the OLLS. The evaluation covers the period from 2008 to today.

As part of this evaluation, we are conducting interviews with key stakeholders in the area of official languages. Thank you again for accepting our invitation. Before we start, be aware that we will keep your answers strictly confidential. All answers will be presented in aggregate form. Also, we are asking that you not disclose information on the content of the legal opinions issued by the OLLS. Our interview should take no longer than 60 minutes.

Introduction

1. Please describe your role and the relationship you have with the OLLS.

Relevance

2. Based on your understanding of the current priorities of the federal government and the Department of Justice regarding official languages, do you feel that the mandate and duties assigned to the OLLS (see box) are still relevant? (Q1)
3. Which of the duties carried out by the OLLS address your needs? (Q2)

Performance – effectiveness

4. Have you been in a position to identify whether the OLLS has played a horizontal role (for all federal institutions) in facilitating the implementation of the Official Languages Act in its entirety? If yes, how positive have the outcomes been? (Q3)
5. Have you seen an improvement in horizontal coordination among federal institutions in the implementation of the Official Languages Program since 2008? If yes, to what extent has the OLLS contributed to that? Can you provide examples? (Q4)
6. The OLLS has produced a variety of tools and resources for helping federal institutions fulfill their official language responsibilities. Which of the following items do you know about or have you used? Where applicable, how useful do you consider them to be? (Q5)
 - The information in the space reserved for the OLLS on the Department of Justice's *JUSnet* intranet site, such as fact sheets; annotated federal language legislation; framework opinions and articles published by the OLLS;
 - The information on the Osez! Dare! site of the Official Language Champions Network;

The OLLS's mandate: The OLLS is a centre of expertise on language rights that responds to requests for legal opinions, guidance and training from federal institutions, including coordination of the Official Languages Program, and that proactively ensures consistency in government positions and anticipates litigation risks.

Duties of the OLLS:

1. To closely monitor issues arising in legislation, case law and the media that present legal risks relating to official languages that are likely to affect the federal government;
2. To systematically review initiatives, programs and policies (including Memoranda to Cabinet and Treasury Board submissions) to ensure that they comply with the official language requirements;
3. To support lawyers from the various departmental legal services units in handling legal matters relating to official languages;
4. To coordinate the development of the government's position in litigation involving language rights;
5. To educate federal institutions about the requirements under the *Official Languages Act* and the Official Languages Program by providing them with training and various information materials;
6. To provide legal guidance to the Committee of Assistant Deputy Ministers on Official Languages and to other bodies with an official languages coordination role.

- Legal opinions from the OLLS on specific matters involving official languages;
 - The summaries from language-related litigation regularly published by the OLLS;
 - The sheet from the OLLS explaining official language governance;
 - The presentations given to the horizontal coordination bodies of the Official Languages Program (CADMOL, DACOL and their support committees);
 - The language rights practice group meetings arranged by the OLLS;
 - The training given by OLLS staff;
 - The 40th anniversary conference of the *Official Languages Act* in 2009.
7. In your opinion, has your Department and the other federal institutions acquired a better understanding of the spirit and intent of the Official Languages Act since 2008? If yes, to what extent have the duties carried out by the OLLS contributed to that? Please support your answer with examples. (Q6)
 8. Have you noticed any unexpected impacts – favourable or unfavourable – arising from the duties carried out by the OLLS? (Q7)
 9. Beyond what we have discussed, do you have any other comments to make about the Justice component of the Accountability and Coordination Framework?

Thank you!