

# Studies in Language Policy

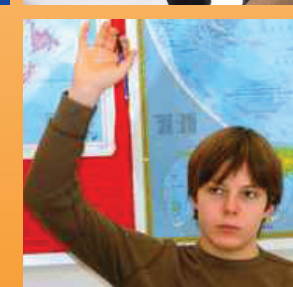


January 2012

## Official Language Policies of the Canadian Provinces

Costs and Benefits in 2006

by François Vaillancourt, Olivier Coche,  
Marc Antoine Cadieux, and Jamie Lee Ronson





# Studies in Language Policy

January 2012

## Official Language Policies of the Canadian Provinces Costs and Benefits in 2006

By François Vaillancourt, Olivier Coche,  
Marc Antoine Cadieux, and Jamie Lee Ronson

Fraser Institute

## Summary

This study examines the costs and benefits of the official language policies of the 10 Canadian provinces and calculates how much each province spends on providing services in French to a francophone minority. In Quebec's case, the report looked at the cost of providing services in English to the anglophone minority.

The study is a complement to *Official Language Policies at the Federal Level in Canada*, a study of the costs and benefits of the federal government's official language policies, published by the Fraser Institute in 2009 (Vaillancourt and Coche, 2009). *Official Language Policies of the Canadian Provinces* focuses on the costs and benefits of the official language policies in 2006 as there is no evidence of any significant change in the provincial policies towards official minorities since then.

The first chapter presents some statistics on official language minorities and explains the constitutional dimension of the question and the methodology used to calculate costs. The following chapters present the situation in the ten provinces.

# Contents

Overview / v

1 Facts, national legal framework, and methodology / 1

2 British Columbia / 9

3 Alberta / 15

4 Saskatchewan / 19

5 Manitoba / 25

6 Ontario / 39

7 Quebec / 57

8 New Brunswick / 75

9 Nova Scotia / 93

10 Prince Edward Island / 99

11 Newfoundland & Labrador / 105

12 General conclusions / 109

References / 113

About this publication / 133



## Overview

This study examines and measures the costs and benefits of official language policies of the Canadian provinces. It is a complement to a study published by the Fraser Institute, *Official Language Policies at the Federal Level in Canada: Costs and Benefits in 2006*, which estimated that the total cost of federal bilingualism at \$1.8 billion (Vaillancourt and Coche, 2009). This study first presents some statistics on official-language minorities in each of the provinces, presents the national legal framework and the methodology used to calculate costs and benefits. The legal and institutional frameworks for the provision of minority language services and the costs of these services are then examined in detail for each province. Benefits are detailed for three provinces. The paper concludes with a total estimate of the costs of the official language policies of the Canadian provinces.

### Official language minorities

The provinces of Canada can be separated into two groups differing in the importance of linguistic minorities. In one group, there are three provinces where the linguistic minority represents either a large number of individuals—Ontario and Quebec—or a large share of the population—New Brunswick—while the other seven provinces have small language minorities in both absolute and relative size. In absolute number, the largest minority is in Quebec (575,000) followed by Ontario (489,000). In terms of the size of the linguistic minority relative to the population, New Brunswick has the largest French-speaking minority at just over 30% of its population while British Columbia has the smallest at 1.3% of its population.

### National legal framework

While the initial Canadian Constitution of 1867, the British North America Act (BNA) contains little in terms of linguistic requirements at the provincial level, the adoption in 1982 of the Canadian Charter of Rights and Freedoms introduced the protection of minority language educational rights through section 23. This section provides citizens whose first language learned is that of the official linguistic minority population of the province in which they reside, or who have received their primary school instruction in Canada in English or French and reside in a province where this language of instruction is the language of the linguistic minority of the province, the right to have their children receive primary and secondary school instruction in that language in

that province.<sup>1</sup> These rights apply where “the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds”; this part of the section has been subject to judicial interpretation.

Canadian provinces can also be grouped according to the legal status of their language minorities. While six provinces operate under the national constitutional legal framework, residents of Manitoba, New Brunswick, and Quebec are covered by supplementary constitutional protection over and above section-23 Charter rights, while Ontario has a well-developed legal set of minority protection. These protections are explained below.

### **Calculating the cost and benefits of the two official languages at the provincial level**

This study calculates the incremental cost of providing services as a result of a minority language, be it English in Quebec or French in the other nine provinces. The expenditures resulting from a minority-language policy are obtained from the spending information for official language services from the public accounts or the annual reports of provincial governments. Hence, outside Quebec we are not interested in the total cost of providing education in French to francophone minority students but rather the additional cost of providing services in French given that school boards and the department of education would be providing service in English otherwise and thus would incur related costs for employees, schools, and so on.

Another type of cost is indirect or unobservable costs. These are hidden in general spending and cover items such as the printing of bilingual forms, the purchase of bilingual advertisements, and so on. Being unobservable, one must measure them indirectly. To estimate the indirect costs at the provincial level, we use a ratio of these costs estimated at the federal level to total federal program spending (Vaillancourt and Coche, 2009).

There are various benefits ascribed in the literature to an increase in the number of languages spoken in a given territory. The most common is an increase in export capability. In this case, one would argue that bilingualism allows Canada to serve world markets in two languages rather than one and that this increases export and thus GDP, employment, and so on. At best, one can argue that some exports of goods and services (tourism, university education) to France, Belgium, Switzerland, and some African countries would not have been made. In our opinion, at most 1% of exports of goods may be affected. But what would have been the supply of such exports in the absence of the provincial language policies? Since export capacity is the result of linguistic skills in private firms, a change in provincial language policies

---

<sup>1</sup> Also, citizens of whom at least one child has received instruction in English or French in Canada have the right to have all their children receive primary and secondary school instruction in the same language.



is unlikely to have any effect on this except perhaps in the long term. The main benefit of non-educational provincial language policies is that it allows unilingual Francophones (or Anglophones in Quebec), or bilingual minority members (in English or French), access to the services of the provincial government. To estimate these benefits, we will use the methodology put forward in *Official Language Policies at the Federal Level in Canada* (Vaillancourt and Coche, 2009: 21–22).

The methodology requires one to assume that the decision to do away with provincial services in English in Quebec or in French in the other provinces is made on a given date. One can imagine the following responses to this policy choice: (1) an informal supply of services in French/English by provincial civil servants; (2) a supply of English/French capacity by bilingual friends of unilingual Francophones/Anglophones; and/or (3) a supply of English/French capacity by professional interpreters and translators who would set up offices outside provincial facilities or maintain websites and so on.

For this analysis to make sense there must be a substantial supply of services in the minority language (French in nine provinces) to do away with and a reasonable number of users to begin with. If there is no supply and almost no users, the analysis while technically feasible is not very useful. The reasonable number of users makes this relevant for three provinces: New Brunswick, Ontario, and Quebec. In the remaining seven provinces, with Manitoba somewhat of an exception, the Francophones who live there do so mainly by choice and thus are satisfied living in an environment where few public services are available in French. Thus, the loss of welfare associated with this situation is low and the very few who are unilingual francophones adopt one of the coping strategies discussed above.

### **Situation in the provinces**

#### ***British Columbia***

In British Columbia, admission to French schools is determined by the guarantees of section 23 of the Charter and a provincial decision that extends section-23 rights to (non-citizen) francophone immigrants. There are college-level educational services in French. Outside of education, there is no general provision of French language services. In British Columbia, the total cost of public French language programs and services in 2006/07 was \$23.4 million—that is, \$6 per provincial resident—or \$427 per Francophone, with almost all spending on the provision of minority language education.

#### ***Alberta***

In Alberta, access to French schools is determined by section 23 of the Charter of Rights. There is also one French-language post-secondary institution, *Collège St-Jean*. With respect to non-educational policies, there are programs to facilitate access to Justice and Health services as well as document translation and

programs for arts and culture and economic development. But the Language Act of Alberta reaffirms the unilingual English nature of the province.

In Alberta, the total cost of public French-language programs and services was \$33 million—that is, \$10 per provincial resident—or \$535 per Francophone with nearly all spending on the provision of minority language education. There is no significant provision of health, municipal, or provincial public services in French in Alberta.

### ***Saskatchewan***

In Saskatchewan, admission to French schools is governed by the guarantees of section 23 of the Charter; there is also some post-secondary education available in French. There are a few services available in French and the Language Act of Saskatchewan stipulates that both French and English can be used in the debates of the Assembly. The total cost of French language programs and services to the province of Saskatchewan was \$9.65 million—that is, \$11 per provincial resident—or \$641 per Francophone in 2006/07.

### ***Manitoba***

In Manitoba, access to French schools is determined by section 23 of the Charter of Rights and by more generous provincial policies on access. There is also French language post-secondary education at the college and university level. Manitoba stands out amongst the provinces as a province with a small Francophone linguistic minority but above-average constitutional protection of this minority. A broad range of linguistic rights related to French are entrenched, for historical reasons, in the province's founding law, the Manitoba Act of 1870. But various provincial laws and policies made this act more or less inoperative until a 1985 Supreme Court judgment. In 1989, Premier Gary Filmon's government issued the first version of the French Language Services Policy (FLSP) to provide services "to the extent possible, in both official languages in areas where the French-speaking population is concentrated" (Manitoba Francophone Affairs Secretariat, 2011). This means that the government of Manitoba along with the city of Winnipeg supplies bilingual services in the designated areas.

In Manitoba, the total cost of public French-language programs and services in 2006/07 was \$16 million—that is, \$16 per provincial resident—or \$410 per Francophone, about half of this spending going to the provision of minority language education and the remainder to general government services.

### ***Ontario***

In Ontario, access to French schools is determined by both section 23 of the Charter of Rights and the province's Education Act that does away with the "number warrants" condition of that section. There are French-language post-secondary institutions at both the college and university level. Following

the recommendations of the federal Royal Commission on Bilingualism and Biculturalism that Ontario should provide bilingual public services, Ontario put in place guidelines to facilitate this. In 1986, the French Language Services Act (FLSA) was adopted. This legislation formally recognizes the language rights of the Franco-Ontarians, “replacing a variety of privileges granted under various regulations and administration arrangements” (Government of Ontario, 1990a: §§ 1, 7). The FLSA guarantees provincial services in French in parts of the province where the majority of Franco-Ontarians live.

The total costs of French-language minority services under the FLSA in Ontario are \$52 per provincial resident or \$1,275 per minority member or \$621 million in total. Approximately \$500 million of this is spending on the provision of minority language education. Other items include translation costs, the cost of the Office of Francophone Affairs and the office of the French Language Services Commissioner, costs of health services, education services, and expenses by municipalities required by their charter to provide French services (Ottawa and Toronto) and expenses of the francophone section of the Ontario Educational Communications Authority (TVO), a public educational media organization that has a francophone branch named *Télévision Francophone en Ontario (TFO)*.

The benefit of French language services is that it allows unilingual Francophones access to the services of the provincial government. If the French language Services Act and other language-related legislation—but not section 23 of the Charter (education)—were abolished, services governed by provincial law would only be offered in English. The costs of French-language minority services (not including education, which falls under section 23 of the Charter) is \$219 million. As noted in the methodology section above, if the French language Services Act and other language-related legislation were abolished, there would likely be an informal supply of services in French by provincial civil servants; a supply of English capacity by bilingual friends of unilingual Francophones; and/or a supply of English capacity by professional interpreters and translators. We estimate the private costs to unilingual Francophones of adjusting to the policy of offering services only in English (of abolishing the French language Services Act and other language-related legislation) at \$22.9 million and the costs to all Francophones (unilingual and bilingual) at \$112.1 million. Therefore, as was the case with federal services in French, our calculations show that the costs of publicly provided French language services in Ontario are higher than the estimates of the private costs of providing such services. The difference is in the distribution of these costs since the public costs are borne by all Ontarians.

### **Quebec**

In Quebec, access to English schools is determined by section 23 of the Charter of Rights for Canadians, with no access to English-language schools

for immigrants. There are both English-speaking colleges and universities. Quebec is also subject to article 133 of the BNA. However, the language policy of Quebec initiated in 1969 is primarily aimed at protecting and enhancing the use of French, the majority language: “While federal legislation has encouraged official bilingualism, Quebec ... has attempted to build a society where French is not only the official language, but also the common language of all Quebecers” (Silver, 2000: ¶31). In 1977, the government of the *Parti Québécois* introduced Bill 1, soon replaced by Bill 101, known as the Charter of the French Language (CFL), replacing Bill 22. The goal of the CFL is to narrow the accessibility to public education in English and make French the usual language of business and commerce in Quebec. As such, we are interested in the incremental cost of providing services in English since, under the Charter of the French language (CFL) and other laws and policies, French is the majority language in Quebec.

Since the per-student cost of the anglophone education system in Quebec at the primary, secondary, collegial, and university levels is lower than that of the francophone education system, there are no extra costs associated with Anglophone students. Turning to services to the anglophone community other than education, some documents are provided in English and some municipal and health services are offered in English to its anglophone minority. All told, the total costs of English-language minority services in Quebec are \$50 million—that is, \$7 per provincial resident—or \$88 per minority member, relatively speaking a much lower cost than other provinces since there are no supplementary expenses generated by the anglophone education system.

What would happen if services governed by provincial law were not offered in English but only in French? We estimate the private costs to unilingual Anglophones of adjusting to the policy of offering non-education government services only in French at \$75 million higher than the current publically provided costs at \$46.9 million. The difference is in the distribution of these costs since the public costs are borne by all Quebeckers.

### ***New Brunswick***

In New Brunswick, access to French schools is determined by both section 23 of the Charter of Rights and Official Languages Act (OLANB) and thus the “number warrants “restriction of section 23 is not binding. There are also college and university level services in French. In 1981, the New Brunswick legislature enacted the Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick, which officially declared English and French the official languages of New Brunswick. Both languages have equal status and equal rights and privileges as to their use in provincial institutions. In 1993, English and French were made the official languages of New Brunswick through a constitutional amendment. The Official Languages Act enacted in

2002 (OLANB02) guarantees even broader language rights than the previous language act. For example, under section 7, simultaneous translation must be provided in the works and debates of the legislature. In addition, OLANB02 created a Commissioner of Official Languages to investigate and report on complaints and make recommendations about the law and to promote the advancement of both official languages.

We are interested in the incremental costs of providing services as a result of the OLANB02 and, thus, since English is the majority language in New Brunswick, of providing services in French. The total costs of providing OLANB02 services is estimated at about \$85 million—that is, \$116 per provincial resident—or \$357 per minority member or about 1.5% of all provincial program spending. The main benefit of the OLANB02 is that it allows unilingual Francophones access to the services of the provincial government.

What would happen if services governed by provincial law were not offered in French but only in English? This implies that both the provisions of the Canadian Constitution specific to New Brunswick and the New Brunswick official-languages laws are abolished. We estimate the private costs to unilingual Francophones of adjusting to the policy of offering services only in English at \$26.9 million. Therefore, the public provision of services is more costly than if unilingual Francophones purchased them privately, but not if we include the demand of bilingual Francophones for French-language services. The difference is in the distribution of these costs since the public costs are borne by all New Brunswickers.

### ***Nova Scotia***

In Nova Scotia, admission to French schools is governed by the guarantees of section 23 of the Charter and there is a French-language university. Policies outside education are governed by the French Languages Services Act (2004), which supports a reasonable effort in providing services in French, if there is a significant demand for such services or if there are issues of safety associated with the provision of such services. The total cost of public French-language programs and services in 2006/07 was \$18 million—that is, \$20 per provincial resident—or \$554 per minority member, with about 60% of the spending on the provision of minority-language education.

### ***Prince Edward Island***

In Prince Edward Island, admission to French schools is determined by the guarantees of section 23 of the Charter and there is some French-language post-secondary education offered. For policies outside education, the French Language Service Act is mainly non-binding. In Prince Edward Island, the total cost of public French-language programs and services was \$5.1 million—that is, \$38 per provincial resident—or \$946 per minority member split half and half between minority language education and general government services.

### **Newfoundland & Labrador**

In Newfoundland & Labrador, admission to French schools is determined by the guarantees of section 23 of the Charter. There is no French Language Services Act in the province but there is an Office of French Services. In Newfoundland & Labrador, the total cost of public French-language programs and services was nearly \$3.4 million—that is, \$7 per provincial resident—or \$1,780 per minority member, with 75% of the spending going to the provision of minority-language education.

### **Costs of two official languages at the provincial level**

The table below presents the total costs of French-language programs and services to each of the provinces. Provincial costs are nearly \$870 million, of which 59% is incurred for minority primary and secondary education (K-12) as mandated under article 23 of the Canadian Charter and 26% for general government services. Seventy percent of the provincial costs accrue in Ontario (\$620 million). The cost per minority member is \$574 (\$872 outside Quebec). Average total costs are highest in the two provinces where the largest number of Francophones reside, Ontario and New Brunswick.

In our previous study, *Official Language Policies at the Federal Level in Canada: Costs and Benefits in 2006*, we estimated that the total cost of federal bilingualism at \$1.8 billion. Since these expenditures include transfers to provinces that are spent by them on official language programs (Vaillancourt and Coche, 2009: 25, table 1), aggregating federal, provincial, and local spending must net out these transfers to avoid double counting. Once transfers are netted out, we have \$1.5 billion at the federal level and \$868 million at the local and provincial level for a total rounded of \$2.4 billion or \$85 per capita for 2006/07.

### **Minority language spending (\$000s), total and three items for the 10 provinces and Canada, 2006/07**

	K-12 cost (article 23)	Post-secondary education cost	Other costs	Total costs
British Columbia	21,719	250	1,400	23,369
Alberta	27,747	3,952	1,040	32,739
Saskatchewan	8,949	96	1,240	10,286
Manitoba	8,083	1,257	8,690	18,031
Ontario	404,037	96,459	122,735	623,230
Quebec	3,600	0	46,900	50,500
New Brunswick	24,856	23,178	35,117	83,150
Nova Scotia	10,302	5,182	2,548	18,031
Prince Edward island	2,162	143	2,752	5,057
Newfoundland & Labrador	2,480	0	875	3,356
<b>Total for Canadian provinces</b>	<b>513,934</b>	<b>130,516</b>	<b>223,298</b>	<b>867,749</b>

# Official Language Policies of the Canadian Provinces

This study is a complement to *Official Language Policies at the Federal Level in Canada*, a study of the costs and benefits of the federal government's official language policies, published by the Fraser Institute in 2009 (Vaillancourt and Coche, 2009). *Official Language Policies of the Canadian Provinces* focuses on the costs and benefits of the official language policies in 2006 as there is no evidence of any significant change in the provincial policies towards official minorities since then. The first chapter presents some statistics on official language minorities and explains the constitutional dimension of the question and the methodology used to calculate costs. The following chapters present the situation in the ten provinces. A concluding section summarizes the findings.





# 1 Facts, national legal framework, and methodology

This chapter is divided in three parts: the first presents some statistics and observations for the ten Canadian provinces on official-language minorities—French speakers who live outside Quebec and English speakers who live in Quebec; the second, the constitutional requirements; and the third, the methodology used to establish costs and benefits.

## 1.1 The official language minorities in Canada, 2006

Table 1.1 presents some demographic information on minority language groups in Canada. We use the number of individuals with that language as their sole mother tongue. We exclude individuals with multiple mother tongues but include those who declared that they did not know their mother tongue as an official language. Table 1.1 shows that provinces differ substantially in the absolute and relative size of their official language minorities. In absolute number, the largest minority is in Quebec (575,000) followed by Ontario (489,000). In relative size, the largest minority is in New Brunswick (32%).

In general, minorities are concentrated in certain parts of each province, in part as a result of historical settlement patterns in the eighteenth, nineteenth, and early twentieth centuries. More recent migration has often been to large metropolitan areas. Examples of the first pattern is the presence of francophones in the Peace River, Bonnyville, and St. Paul areas of Alberta, in Saint Boniface in Manitoba, or on the Acadian shore (Digby, Yarmouth) in Nova Scotia. Examples of the second pattern is the fact that the largest francophone population in British Columbia is in Vancouver and, in Alberta, in Edmonton. In Quebec, Anglophones are concentrated in the Montreal area, with small groups on the Ontario border (Pontiac) and in historical settlements (Gaspé and Lower North shore). In Ontario, francophones are mainly along the border with Quebec, with Ottawa also attracting some in its role as capital of Canada. In New Brunswick, they are mainly on the north shore (Acadians) or in the Madawaska valley (Brayons).

**Table 1.1: Population size and importance of official minority language group, Canada and ten provinces, 2006**

	Population	Official language minority (%)	Unilingual minority members in population (%)
British Columbia	4,074,385	1.3%	0.03%
Alberta	3,256,355	1.9%	0.05%
Saskatchewan	953,850	1.7%	0.04%
Manitoba	1,133,510	3.9%	0.15%
Ontario	12,028,895	4.1%	0.36%
Quebec	7,435,905	7.7%	2.36%
New Brunswick	719,650	32.4%	10.15%
Nova Scotia	903,090	3.6%	0.11%
Prince Edward Island	134,205	4.0%	0.04%
Newfoundland & Labrador	500,610	0.4%	0.01%
Canada (10 provinces)	31,140,455	4.9%	0.96%

Source: Statistics Canada, 2007a [2006 census]: Detailed Mother Tongue (186), Knowledge of Official Languages (5), Age Groups (17A) and Sex (3) for the Population of Canada, Provinces, Territories, Census Metropolitan Areas and Census Agglomerations, 2001 and 2006 Censuses.

## 1.2 National legal framework

The initial Canadian Constitution of 1867, the British North America Act (BNA) contains little in terms of linguistic requirements at the provincial level. Article 133 requires a bilingual legislative assembly in Quebec as well as bilingual courts. It gives equal status to English and French in the legislature and the courts. French and English were both to be used for the drafting and publication of laws and other parliamentary documents. French and English could both be used in legislative debates and before any federal and provincial courts.

One of the major concerns of the Fathers of the Confederation regarding education was to protect Catholic minorities outside Quebec and the Protestant minority in Quebec (Privy Council Office of Canada, 1997). Thus, there is indirect protection of linguistic minorities through Section 93 of the Constitution Act of 1867. It states that, if a system of separate schools exists or is created in a province, the provincial government should not affect by its actions any rights of the religious (Catholic or Protestant) minority. If such a system did not exist, the federal government had the power to create it in spite of the opposition of the provincial government. In the same manner, the federal government had the right to intervene in this exclusive provincial jurisdiction to protect the educational rights of the religious minority. Given the relationship between language and religion in 1867 (1871 to be precise) shown in table 1.2 (Darroch and Ornstein, 1980) this can have consequences

**Table 1.2: Catholics by ethnic origin, Canada (four provinces) in 1871**

French	70.13%
Irish	22.72%
English	1.33%
Scottish	3.74%
German	1.16%
Other (European)	0.17%
Other (non-European)	0.74%
Total	100.00%

Source: Darroch and Ornstein, 1980..

for linguistic minorities. The protection of religious minorities in practice yields a limited protection for linguistic minorities.

However, as pointed out by Beaudoin (1993), section 93 had a major deficiency: judicial interpretation in Ontario in the contestation of Regulation XVII had concluded that its scope was limited to religion and did not cover language issues (*Ottawa Roman Catholic Separate School Trustees v. Mackell*). It is only in 1998 in the *Reference re Secession of Québec* (*Reference re Secession of Québec*) that the Supreme Court changed this interpretation and stated that the respect of linguistic minority rights was an unwritten principle of the Constitution. The Court ruled that section 93 is part of the constitutional principle of protection of minorities when bearing in mind that religion was a vital concern in the elaboration of the Constitution of 1867 (*Reference re Secession of Québec*; Bickerton and Gagnon, 2004).

The adoption in 1982 of the Canadian Charter of Rights and Freedoms introduced the protection of minority language educational rights through its section (also referred to as an article) 23. Given this section, citizens whose first language learned and still understood is that of the official linguistic minority population of the province in which they reside, or who have received their primary school instruction in Canada in English or French and reside in a province where this language of instruction is the language of the linguistic minority of the province, have the right to have their children receive primary and secondary school instruction in that language in that province. Also, citizens of whom at least one child has received instruction in English or French in Canada have the right to have all their children receive primary and secondary school instruction in the same language. The rights mentioned above apply wherever in the province where: “the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds (Government of Canada, 2011: Section 23).

This part of article 23 is subject to judicial interpretation in order to define the circumstances under which it applies. The province has a duty to provide minority language instruction where the numbers warrant. The sufficient number must include the population that will potentially take advantage of the service (*Arsenault-Cameron v. Prince Edward Island*). This is estimated by the Supreme Court as being somewhere between the known demand and the total number of persons who could potentially take advantage of the service (*Reference re Public Schools Act (Man.)*; *Mahe v. Alberta*). In *Mahe v. Alberta* (*Mahe v. Alberta*; *Doucet-Boudreau v. Nova Scotia*), the Supreme Court enunciated the “sliding scale” approach to determine the extent of provincial obligations: the content of the obligation will be worked out by examining the appropriate services for the students and the cost of providing these services. According to this approach, the facilities that need to be provided will depend on the number of students and the services offered. Thus, the appropriate service facilities can range from a single class to a complete network of schools. The Court also stated that “section 23 confers upon minority language parents a right to management and control over the educational facilities in which their children are taught” (Canada Legal Information Institute, 2004). The sliding scale approach for the right to management means that the extent of the control of Francophones over their school facilities will vary with the number of student and the type of services. This illustrates how judicial decisions have shaped the application of section-23 educational rights. The Supreme Court also insisted on the necessity of an education of equal quality in both languages.

The provinces of Canada can be seen as belonging to two groups differing in the importance of linguistic minorities. In one group, one finds three provinces where the linguistic minority represents either a large number of individuals—Ontario, Quebec—or a large share of the population—New Brunswick (table 1.1); while the other seven provinces have small language minorities in both absolute and relative size. The provinces can also be grouped according to the legal status of their language minorities: in Manitoba, New Brunswick, Ontario, and Quebec they receive constitutional, except in Ontario, and legal protection over and above Section-23 Charter rights.

### 1.3 Methodology used to determine costs and benefits

We are interested in the marginal cost of providing services as a result of a minority language, be it English in Quebec or French in the other nine provinces. Two methods are used. One obtains the spending information for official language services directly from the public accounts or the annual reports. The other method used is a simulated-costs approach. What this means is that it is not, for example, the total cost of providing education in French to Francophone minority students that must be included but only

the additional cost of doing this in French given that school boards and the department of education would be providing service in English otherwise and thus would incur costs for employees, schools, and so on. We ascertained these costs using information from the public accounts and from annual reports of various departments for the fiscal year 2006/07. In a few cases, analogies between provinces will be used to estimate numbers while, in others, reasonable assumptions will be made.

The simulated costs method disentangles the extra costs of programs or services in two languages and not the extra costs of serving more individuals. Thus, we establish this additional cost by computing the cost of services for one individual from the majority for a program in a given province. Then using this per-individual cost, we calculate what minority individuals would cost in total at this notional majority-unit cost. Finally, we compute the difference between the actual costs of the minority group and our majority-simulated amount; this is the extra cost of a specific language policy such as primary education. The following numerical example may help the reader see what we calculate for a province with a majority (MAJ) and a minority (MIN) group.

- 1 Assume a program with a budget of \$100,000,000 broken down into two language-specific programs, the MAJ one with \$60,000,000 spending and the MIN one with \$40,000,000 spending.
- 2 Assume a population of 1,000,000 broken down between the MAJ group (800,000) and the MIN group (200,000).
- 3 Spending per capita for a MAJ group member is \$75 ( $\$60,000,000 / 800,000$ ).
- 4 Notional spending for the MIN group (at the MAJ per-capita level) is \$15,000,000 ( $200,000 \times \$75$ ).
- 5 Surplus spending on the MIN group is \$25,000,000 ( $\$40,000,000$  [effective spending] – \$15,000,000 [notional spending]).
- 6 So, the cost of the minority language program is \$25,000,000, not \$40,000,000, as a casual reading of the expenditure budget could lead one to conclude.

These calculations assume linear unit costs (that is, constant returns to scale) associated with one additional user of the service; this is probably a reasonable assumption for educational services with teacher/student ratios and so on but would likely be less plausible for a service like public broadcasting.

Another type of cost is indirect or unobservable costs. These are hidden in general spending and cover items such as the printing of bilingual forms, the purchase of bilingual ads, and so on. Being unobservable, one

must measure them indirectly. We did this in a detailed fashion for the federal government coming up with an amount of \$440,000,000 (Vaillancourt and Coche, 2009) while total program spending (spending on debt service removed) was equal to \$188,300,000,000. This yields a ratio of 0.23%. This is of course for a given effort in terms of bilingual services. We will apply this ratio to the program spending of four provinces to obtain a first approximation of these costs. We will use this ratio unchanged for New Brunswick as the federal and provincial policies are fairly similar; we will reduce it for Manitoba, Ontario, and Quebec as their bilingualism effort is lower.

We are interested in spending by the provinces. This spending is not equal to the costs to each province since there are federal transfers for some items of spending such as minority language education. One possibility would be to net out these transfers by province. We do not do this since these transfers are paid by the residents of both the recipient province and of other provinces through federal taxes. Thus, to argue that provincial spending in Alberta on K-12 minority-language education is reduced by federal transfers is correct but to argue that the amount paid by Albertan taxpayers is reduced is not correct since they pay federal taxes. Indeed, there is most likely cross-provincial subsidization. We net these transfers out when we aggregate federal and provincial spending for Canada as a whole in the conclusion. One reason for doing this is that the information on these federal transfers is found in various federal-provincial agreements<sup>1</sup> that vary from province to province along with the information found in them. In some cases, one finds very clear aggregate amounts and in others one must add up various items. Thus, we were concerned that interprovincial comparisons could be incorrect.

### **What are the benefits of such spending?**

There are various benefits ascribed in the literature to an increase in the number of languages spoken in a given territory. The most common is an increase in export capability. In this case, one would argue that bilingualism allows Canada to serve world markets in two languages rather than one and that this increases export and thus GDP, employment, and so on. This could perhaps be relevant for some countries (knowledge of English or German in Holland) but for Canada, the evidence does not support this. Why? Because almost all exports of goods and services by Canada are made using English. This is mainly a result of the share of the US market in Canada's export and of the use of English as the language of international trade (Ku and Zussman, 2008). At best, one can argue that some exports of goods and services (tourism, university education) to France, Belgium, Switzerland, and some African countries would not have been made. In our opinion, at most 1% of exports

---

1 See the Canadian Heritage website, <<http://www.pch.gc.ca/pgm/lo-ol/entente-agreement/education/2004-09-eng.cfm>>, to peruse these agreements.

of goods may be thus affected. But what would have been the supply of such exports in the absence of the provincial language policies? Since export capacity is the result of linguistic skills in private firms, a change in provincial language policies is unlikely to have any effect on this except perhaps in the long term. So this is not a relevant argument here.

The main benefit of non-educational provincial language policies is that it allows Francophones (and Anglophones in Quebec), unilingual or bilingual (in English or French), access to the services of the provincial government in their mother tongue. A person's welfare will increase if services are available in his or her preferred language. However, it is difficult to put a money value on this. We will use the methodology put forward in *Official Language Policies at the Federal Level in Canada* (Vaillancourt and Coche, 2009: 21–22) to estimate these benefits, but will aggregate them into a single number rather than calculate minimum and maximum benefits.

The methodology requires one, first, to ascertain the amount of the services, measured in hours, that minority members are likely to receive from provincial, health, and local governments and, second, to assume that the decision to do away with provincial services in English in Quebec or in French in the other provinces is made on a given date. The amount of the services received from these public-sector entities will depend on the contacts with their employees and on the use of the forms and websites of these entities. The number of hours of contacts has a maximum determined by standard hours  $\times$  number of employees. We ascertained using Statistics Canada that assuming 35 hours per employee was a reasonable assumption for the three sectors and the three provinces for which calculations are made. Taking into account holidays, statutory and annual, sick days, and so on, we assume 48 weeks of work and thus 1,680 hours per year. Using this figure, information on employment by sector—hospitals (sector 621), provincial government (912), and municipal government (913)—one can establish the total number of hours worked, and dividing this by the population of a province, one obtains a maximum number of contact hours. This ranges from 57 in Ontario to 68 in Quebec to 73 in New Brunswick. Given these numbers, the fact that not all employees interact with the public and the use of forms and websites, we assume an average annual number of contact hours of 20 in all three provinces.<sup>2</sup> One can imagine the following responses to a cut in minority-language services.

- 1 An informal supply of services in French/English by provincial civil servants. They would help welfare users, applicants for provincial health cards, and so on fill out the various forms. This would take them away from their other duties and impose a cost on the provincial government

---

2 Data on standard hours is from CANSIM table 281-0038 while data for employment by sector is from CANSIM table 281-0024, both from Statistics Canada.

if service standards were maintained since more time and thus more employees would be required in regions with the highest concentration of Francophones/Anglophones.

- 2 A supply of English/French capacity by bilingual friends of unilingual Francophones/Anglophones. This would require expenditure in time or in money by private unilingual francophone/anglophone citizens.
- 3 A supply of English/French capacity by professional interpreters and translators that would set up offices outside provincial facilities or maintain websites and so on.

We will use an unweighted average of these three costs when we use them.

But for this analysis to make sense there must be a substantial supply of services in the minority language (French in nine provinces) to do away with and a reasonable number of users to begin with. If there is no supply and almost no users, the analysis while technically feasible is not very useful. As shown in table 1.1 above, the reasonable number of users makes this relevant for three provinces: New Brunswick, Ontario, and Quebec.

But what happens in the other seven provinces? Presumably, the francophones who live there do so mainly by choice and thus are satisfied living in an environment where few public services, with the exception of Manitoba in some specific areas, are available in French. Thus the loss of welfare associated with this situation is low and the few who are unilingual francophones adopt one of the coping strategies discussed above.

Overall, the cost of offering services in a minority language can be divided into two parts, those borne by the majority society and those borne by its minority members. The exact boundaries will vary from equal to unequal. The exact sharing may result in lower or higher overall costs depending on the production capacities of the public and private sectors.

There are also educational services offered in the minority language. The value of these services cannot be measured on a similar flow basis; they do not provide only governmental services to consumers of such services but also increase the future number of the consumers of such services compared to what it would have been in the absence of minority language education since assimilation of the minority by the majority would most likely have been higher and probably more so in provinces with smaller minorities. We will thus examine the use made of such services by comparing the observed enrolment to the potential one measured by the number of minority language individuals aged 5 to 19 (from Statistics Canada, 2007a [2006 census]). This is measured as the ratio of the number of attendees in French-minority-language schools to the number of Francophones (mother tongue) aged five to 19 reported in the 2006 Census.



## 2 British Columbia

### 2.1 The legal and institutional framework

In British Columbia, admission to French schools is determined not only by the guarantees of section 23 of the Charter but also by a provincial decision that extends section-23 rights to (non-citizen) francophone immigrants. The K-12 school system in British Columbia is divided into 60 public school districts. The *Conseil Scolaire Francophone (CSF)* is the only one that administers French unilingual schools in the province. There is a French-language college, no autonomous French-speaking university, but some French-language programs at Simon Fraser University.

Outside of education, there is no legal framework for the provision of French Language Services (FLS) and no provision for civil trials to take place in languages other than English. However, in family and civil court proceedings, interpreters can be used to translate proceedings for those who are unilingual and cannot understand English (criterion of strict necessity).

### 2.2 The costs of language requirements

#### Primary and secondary education

The Ministry of Education manages the early learning, education from pre-kindergarten to grade 12 (K-12). This includes public schools and independent schools.<sup>1</sup> For French programs, the French Programs and Language Initiatives Branch is responsible for developing the curriculum. The school system provides three French-language education programs (British Columbia, Ministry of Education, 2000): francophone program (French First language) for the entitled French population, Core French, and French Immersion program (Early and Late).

There are 555,414 full-time-equivalent (FTE)<sup>2</sup> students in the K-12 education system in British Columbia. Of these, 3,746 are enrolled with the *Conseil*

---

1 Independent schools are an alternative to public school education and are governed under the Independent School Act. Independent schools are classified into one of four groups, and the degree of provincial regulation, funding, and entitlement varies among these groups.

2 For these calculations, pupils are counted as Full Time Equivalencies (FTEs), meaning that pupils are counted on the basis of time attending school (i.e., kindergarten students are counted as one half).

*Scolaire Francophone (CSF)*. In estimating the additional cost of French schooling, we will leave aside the independent schools and will compare only the cost per student in the *CSF* and Anglophone public school districts. Operating expenditures for each School District are reported by the British Columbia Department of Education (British Columbia, Ministry of Education, 2008). We report these costs for the *CSF* and the other school districts in table 2.1.

If we focus on total expenses, we see that expenses per pupil are \$13,520 for the *CSF* and \$8,043 on average for the Anglophone districts.<sup>3</sup> Examining the expenses by function for the *CSF* and the Anglophone school districts, we note the important difference in the per-student transportation cost, which are eight times higher for *CSF* students than for students enrolled with Anglophone boards. The small number of Francophone students across the province results in fewer students per teacher and per class. In the Anglophone districts, there are 16.55 FTE students per teacher and in the *CSF*, 12.2 FTE students per teacher (British Columbia, Ministry of Education, 2007a).<sup>4</sup> As for class size, in grades 8 to 12, there are 24.2 FTE students per class in the Anglophone districts and 11.3 in the *CSF* (British Columbia, Ministry of Education, 2007b).

We want to measure the extra costs of the K-12 programs in two languages and not the extra costs of serving more individuals. We use the number of full-time equivalent (FTE) students to calculate the per-student expenses (British Columbia, Ministry of Education, 2007c). The additional cost of the *CSF*/ French First Language program calculated with the ratio approach put forward in section 1.3 is \$20,518,649.

- ◆ Per-student cost for Anglophone sector × number of Francophone students = \$8,043/FTE Anglophone × 3,746 FTE Francophone = \$30,129,078.
- ◆ Actual expenditures – \$30,129,078 = additional cost for Francophone students = \$50,647,727\$ – \$30,129,078\$ = \$20,518,649.

We were unable to find information on the costs incurred within the Department of Education with respect to minority-language education. We know that in the case of Saskatchewan, the internal administrative cost per minority student was roughly \$1,000 for 1,000 students while in Nova Scotia it was \$200 for 4,000 students. We will use \$1,200,000, that is, \$300 per student × 4,000 students.

3 Operating expenditures for elementary and secondary education: *CSF*: \$50,647,727; Anglophone districts: \$4,437,134,998. Number of FTE students: *CSF*: 3,746; Anglophone districts: 551,668. Expenses per FTE: *CSF*: \$13,520/FTE; Anglophone districts: \$8,043/FTE.

4 Anglophone districts: 555,414 FTE students/33,558 teachers = 16.55 teacher/FTE; *CSF*: 3,746 FTE students/307 teachers = 12.2 FTE/teacher.

**Table 2.1: Expenses (\$) for the *Conseil Scolaire Francophone (CSF)* and other school districts, British Columbia, 2006/07**

	Total expenses (\$)			Expenses per pupil (\$)°	
	Total	CSF	Other districts	CSF	Other districts
District administration	137,822,213	3,716,824	134,205,431	992	243
Instruction	3,728,284,074	33,286,600	3,694,997,474	8,886	6,698
Operations & maintenance	528,613,949	8,643,550	519,970,399	2,307	943
Transportation	92,692,447	5,000,753	87,961,694	1,335	159
<b>Total</b>	<b>4,487,782,725</b>	<b>50,647,727</b>	<b>4,437,134,998</b>	<b>13,520</b>	<b>8,043</b>

Note \*: For these calculations, pupils are counted as Full Time Equivalencies (FTEs), meaning that pupils are counted on the basis of time attending school (i.e., kindergarten students are counted as one half and adults are counted according to percentage of time attending).

Source: British Columbia, Ministry of Education, 2008.

### Post-secondary education

*Collège Éducacentre*, the only French college of British Columbia, offers on-line courses and programs in French through its four campuses. Also, Simon Fraser University offers some post-secondary programs through the Office of Francophone and Francophile Affairs (OFFA) (Simon Fraser University, 2011). From the enrolment statistics in the *Final Report on the Projects and Activities of the Office of Francophone and Francophile Affairs* (Simon Fraser University, 2007), we find that only 62 students were enrolled in French programs in the Faculty of Education for the year 2006/07, and 37 in the Faculty of Arts and Social Sciences. We do not have any information on the extra costs of such students nor on the composition of the student body. An examination of federal-provincial funding agreements<sup>5</sup> reveals that often these programs aim to serve both Francophones and non-Francophones graduates of French-immersion programs. If we assume 50 minority students at \$5,000, this yields an extra cost of \$250,000.

However, we can calculate the extra costs associated with French programs incurred by the *Collège Éducacentre*, which is funded by the Department of Education. We will compare the provincial funding per student.<sup>6</sup> Enrolment and provincial funding are reported for the *Collège Éducacentre* and the other colleges in table 2.2 (British Columbia, Ministry of Finance, 2007). As we can see by examining the per-student costs, there are no extra costs of providing the service to Francophones at the *Collège Éducacentre* for the government of British Columbia. This results in part from the technology used to teach students (distance learning).

5 The *Canada-British Columbia Agreement on Minority-Language Education and Second Official Language Instruction*, <<http://www.pch.gc.ca/pgm/lo-ol/entente-agreement/education/cb-bc/05-09Entente-Education-CB-eng.pdf>>, illustrates this 2005/06 to 2008/09.

6 Students are not counted as Full Time Equivalencies, as FTE statistics were not available.

**Table 2.2. Enrolment and expenses (\$) for the Collège Éducacentre and the other colleges, British Columbia, 2006/07**

	Enrolment <sup>a</sup>	Provincial funding (\$)	Provincial funding/student (\$)
<i>Collège Éducacentre</i>	1,400 <sup>b</sup>	1,210,505	865 <sup>c</sup>
Other colleges	161,640	429,520,585	2,657
<b>Total</b>	<b>162,040</b>	<b>430,731,090</b>	<b>2,657</b>

Notes: (a) See British Columbia, Ministry of Advanced Education and Labour Market Development, 2011; (b) 2007 number due to availability; (c) using 2007 enrolment.

Source: British Columbia, Ministry of Finance, 2007; British Columbia, Ministry of Advanced Education and Labour Market Development, 2011.

The total minority-education costs for British Columbia are presented in table 2.3:

### French Language Services

The public body responsible for French Language Services in British Columbia is the Intergovernmental relations, Francophone Affairs Program, which mainly coordinates the initiatives of the Francophone community. It received \$700,000 of federal money in 2006. The BC government also budgeted \$700,000 for the program in 2006.<sup>7</sup> This program includes initiatives in the provision of health services, justice and social services as well as economic development and communication initiatives for the French community. Thus, we consider \$1,400,000 to be the total expense incurred by the provincial government in the area of French Language Services. The total cost of French language programs and services are presented in table 2.4.

## 2.3 Conclusion

In British Columbia, the total cost of public French language programs and services in 2006/07 was \$23.4 million with almost all spending on the provision of minority language education. We cannot ascertain if the benefits of a larger, more vital Francophone minority are worth it or not for a typical resident but note that the take-up rate of French-language minority education is 106%. There is no significant provision of health, municipal, or provincial public services in British Columbia. Thus, as a result simulating the cost of procuring these services privately is not appropriate here. The provision of non-educational services must therefore yield mainly symbolic benefits.

<sup>7</sup> See *Canada–British Columbia Co-operation Agreement on Official Languages 2005-06* at <<http://www.patrimoinecanadien.gc.ca/pgm/lo-ol/entente-agreement/services/cb-bc/05-06/05-06-EntenteServices-CB-eng.pdf>>.

**Table 2.3: Cost (\$) of minority-language policies in education, British Columbia, 2006/07**

K-12 education	
<i>Ministry of Education</i>	1,200,000
<i>Additional cost of francophone students</i>	20,518,649
<i>Total</i>	21,718,649
Post-secondary education	
<i>Total</i>	250,000

Source: text

**Table 2.4: Total costs (\$) of French-language educational and general public services, British Columbia, 2006/07**

K-12 education	21,718,649
Post-secondary education	250,000
French-language services	1,400,000
<b>Total</b>	<b>23,368,649</b>

Source Table 2.3 and text.



## 3 Alberta

### 3.1 The legal and institutional framework

In Alberta, access to French schools is determined by section 23 of the Charter of Rights. There are five Francophone School Authorities and 35 French schools (Alberta, Ministry of Education, 2011a). There is one post-secondary institution: the St-Jean campus (Edmonton) of the University of Alberta. Turning to non-educational policies, the public body responsible for French Language Services (FLS) is the Francophone Secretariat, which is mainly an advisory board. There are programs to facilitate access to Justice and Health services as well as document translation and programs for arts and culture and economic development. The Language Act of Alberta reaffirms the unilingual English nature of the province; recognizes the right to use French in the Legislature and before the Court of Appeal, Court of Queen's Bench, Surrogate Court, and Provincial Courts; however, if one wants to use French in the Legislature, one must give warning before doing so and provide an English translation of one's speech.

### 3.2 The costs of minority language services

#### Primary and secondary education

The Ministry of Education manages the education from Early Childhood Services (ECS) to grade 12 and funds and supports school boards. The Ministry of Education is divided into six divisions. The Program Development and Standards Division develops and supports the K-12 programs in English and French. It has developed three French-language programs: Core French (French as a second language), French Immersion, and Francophone programs (French-First Language). The French-First Language program is for French students who have the right under the Section 23 of the Charter of Rights to receive their instruction in their language. Alberta recognizes in the article 10 (*Reference re Schools Act (Alb)*) of the School Act, the right for Francophone students to be taught in Francophone schools.

The K-12 education system in Alberta is divided into 62 school boards: 41 public, 16 separate, and five francophone education authorities. There are also 13 charter schools (Alberta, Ministry of Education, 2007a). The five francophone education authorities operate 35 francophone schools in the K-12 education

system in Alberta (Alberta, Ministry of Education, 2011b). There are 551,740 students in the K-12 public schools with 4,140 enrolled in French schools.

Table 3.1 reports the costs for the francophone authorities and anglophone school boards. Expenses are reported for five functions. Examining them, we find higher costs for all five functions for students of the French-language authorities, with transportation costs 400% higher than for English-language school boards. Per-pupil expenses are on average \$15,252 for the francophone authorities and \$8,840 for the anglophone boards (Alberta, Ministry of Education, 2007b). The additional total cost calculated with the ratio approach presented in section 1.3 is \$26,547,380.

- ◆ Per-student cost for anglophone sector × number of francophone students = \$8,840/anglophone student × 4,140 francophone students = \$36,597,600.
- ◆ Actual expenditures – \$36,597,600 = additional cost for francophone students = \$63,144,980 – \$36,597,600 = \$26,547,380.

We were unable to find information on the costs incurred within the department of Education as a result of this policy. We know that in the case of Saskatchewan the internal administrative costs per minority student was roughly \$1,000 for 1,000 students while, in Nova Scotia, it was \$200 for 4,000 students. We will use \$1,200,000 (\$300 per student × 4,000 students).

### Post-secondary institutions

Post-secondary education—universities, colleges and technical institutes—is managed by the Ministry of Advanced Education and Technology. There are four public universities: the University of Alberta, the University of Calgary, the University of Lethbridge, and Athabasca University. Only *Campus Saint-Jean* of the University of Alberta provides university education in French. Subsidies to universities from various provincial departments were \$1,196,210,932 for the fiscal year 2006/07 (Alberta, Treasury Board, 2007). We were unable to obtain information on the cost of a student attending *Campus Saint-Jean*. There were 70,514.3 Full-load-equivalent (FLE) students enrolled in the four universities in Alberta (Alberta, Ministry of Advanced Education and Technology, 2011). Of these, 592 were enrolled at *Campus Saint-Jean*. We know from table 3.2 that one university student in Alberta cost \$16,684. We also know that in New Brunswick (see ch. 8) the cost differential between a francophone and an anglophone student is 43% (\$7,573 and \$10,816). Applying a 40% mark-up to the overall cost in Alberta yields a higher cost of \$6,675 per francophone student or \$3,951,600 in extra costs. We use the ratio from New Brunswick even if Nova Scotia's numbers show higher per-unit costs since *Campus Saint-Jean* is not an autonomous body as St-Anne university is and thus benefits from some economies of scale and scope.



**Table 3.1. Expenses (\$) for the Francophone authorities and the Anglophone boards, Alberta, 2006/07**

	Total expenses (\$)			Expenses per pupil (\$)	
	Total	Francophone authorities	Anglophone Boards	Francophones	Anglophones
Instruction	3,693,909,934	40,875,430	3,653,034,504	9,873	6,671
Operations & maintenance	701,074,669	8,143,522	692,931,147	1,967	1,265
Transportation	260,560,572	7,593,554	252,967,018	1,834	462
Board & system administration	179,605,148	3,172,594	176,432,554	767	323
External services	68,583,579	3,359,880	65,223,699	813	119
<b>Total</b>	<b>4,903,733,902</b>	<b>63,144,980</b>	<b>4,840,588,922</b>	<b>15,252</b>	<b>8,840</b>

Source: Alberta, Ministry of Education, 2007b.

**Table 3.2. Enrolment and provincial funding (\$) for universities, Alberta, 2006/07**

	Enrolment (Full-load-equivalent)	Total provincial funding	Provincial funding / Full-load-equivalent
All universities	72,290.4	1,196,210,932	16,684

Source: Alberta, Treasury Board, 2007; Alberta, Ministry of Advanced Education and Technology, 2011.

The education costs are summarized in table 3.3. In summary, for the fiscal year 2006/07, the additional cost of francophone students is \$27,747,380 for elementary and secondary (K-12) education, and \$3,951,600 for post-secondary education (PSE).

**Table 3.3: Cost (\$) of minority-language policies in education, Alberta, 2006/07**

K-12 education	
<i>Department of Education</i>	1,200,000
<i>Additional cost of francophone students</i>	26,547,380
<i>Total</i>	27,747,380
Post-secondary education	
<i>Campus Saint-Jean</i>	3 951 600

Source: text.

### French Language Services

Alberta's public body responsible for FLS is the *Francophone Secretariat*, which is mainly an advisory board that represents the interests of Francophones in the province. The federal government budgeted \$570,000 for the *Secretariat* in 2006.<sup>1</sup> The provincial government matches this funding of \$570,000. These initiatives include programs to facilitate access to Justice and Health services as well as document translation and programs for arts and culture and economic development. We assume no unobservable costs. Total cost of French language programs and services are presented in table 3.4.

**Table 3.4: Total costs (\$) of French-language educational and general public services, Alberta, 2006/07**

K-12 education	27,747,380
Post-secondary education	3,951,600
French-language services	1,040,000
<b>Total</b>	<b>32,738,980</b>

Source: table 3.3 and text.

### 3.3 Conclusion

In Alberta, the total cost of public French-language programs and services in 2006/07 was \$33 million with nearly all spending on the provision of minority language education. We cannot ascertain if the benefits of a larger, more vital francophone minority are worth having or not for a typical Albertan but note that the take-up rate of French-language minority schooling is 79%. There is no significant provision of health, municipal, or provincial public services in French in Alberta. As a result, simulating the cost of procuring these services privately is not appropriate here. The provision of non-educational services must therefore yield mainly symbolic benefits.

<sup>1</sup> See *Canada-Alberta Agreement on French Language Services 2005-2006–2008-2009* at <<http://www.patrimoinecanadien.gc.ca/pgm/lo-ol/entente-agreement/services/ab/05-06-ententeservices-ab-eng.pdf>>.

## 4 Saskatchewan

### 4.1 The legal and institutional framework

In Saskatchewan, admission to French schools is governed by the guarantees of section 23 of the Charter and there is some post-secondary education (PSE) in French. The K-12 school system is divided in 28 divisions (Saskatchewan, Ministry of Education, 2009). The *Division scolaire francophone* (No. 310) is the only one that administers French unilingual schools in Saskatchewan. Aside from educational policy, the *Language Act* of Saskatchewan stipulates that both French and English can be used in the debates of the Assembly. In this case, records are to be kept in both languages and the legislature can adopt the law in both languages or in English only. French and English can also both be used before provincial courts. Saskatchewan's policy on French Language Services (FLS) indicates that communication can be in French if the public body finds it appropriate (subject to cost and distributional considerations), if there is a significant demand, or for security. The public body responsible for French Language Services is the Francophone Affairs Branch.

### 4.2 The public cost of French language services and programs

#### Primary and secondary education

The Ministry of Education manages the early learning and child care, and the pre-kindergarten to grade-12 education systems as well as the Provincial Library. The *Division scolaire francophone (DSF)* covers the entire province with 13 schools serving 1,063 students. We will compare the cost per student in the francophone and anglophone districts of the K-12 education system.

The school system in Saskatchewan provides four French-language education programs (Saskatchewan Learning, 2005): French First-Language, Core French, Intensive French, and French Immersion schools. The French First-Language program is for students who have French as mother tongue. French-language programs are provided by the French Education and International Languages Branch. It also supports French distance-education programs. The expenses related to this branch were \$5,790,137 for the fiscal year 2006/07 (Saskatchewan, Ministry of Finance, 2007).

We must estimate the costs associated only with the French First-Language program out of the total French Education and International Languages Branch. From this amount, we know that the French Education and International Languages Branch contributes \$2,130,427 for the *DSF*. The residual amount is \$3,659,710. Salaries surely represent a major part of this residual amount. Then, knowing that there are 30 employees in the French Education and International Languages Branch and that nine of them are working in the French First-Language programs section, we will estimate at one third the costs associated with this program:  $\$3,659,710 \times 0.3 = \$1,097,913$ .

Enrolment and expenses statistics for each school board are listed in the *Statistical Information Report* of the Ministry of Education (Saskatchewan, Ministry of Education, 2009). We report these numbers for the *DSF* and the aggregated anglophone school divisions in table 4.1, where expenses are shown by function for the *DSF* and all the other school divisions. This gives us the opportunity not only to compare the total costs per pupil for the *DSF* and for the other divisions but also for each component of expense. Since, the *DSF* manages 13 schools across the province with only 1,063 students, it incurs extra costs for governance and transportation or students.

We now need to compare the cost per student in the francophone and anglophone districts. We have a cost per student of \$8,846 for the anglophone districts and \$16,231 for the *Division scolaire francophone*.<sup>1</sup> This difference may be explained in part by the geographic distribution of the francophone and anglophone populations across the province. The distribution of Francophones across the province results in fewer students per teacher and per school. In the anglophone divisions, there are 14.01 students per FTE teacher while, in the *DSF* schools, there are 9.45 students per FTE teacher. Moreover, the average number of FTE students per anglophone school is 213.46 but 81.77 for the *DSF* schools. The *DSF* also incurs significant transportation costs.<sup>2</sup>

Knowing that there are 157,598 FTE in total with 156,895 in the anglophone divisions and 1,063 FTE students in the *DSF*, we can estimate the total extra costs due to this division. We want to measure the extra costs of the K-12 programs in two languages and not the extra costs of serving more individuals. The additional cost calculated with the ratio approach presented in section 1.3 is \$7,851,268.

- 
- 1 Expenditures for each division for the K-12 education system: *DSF*: \$17,254,566; anglophone: \$1,387,890,752. Anglophone = \$8,846/FTE; *DSF* = \$16,231/FTE.
  - 2 The *Division Scolaire Francophone* can require parents to pay a part of the transportation costs if these costs are very high. The *DSF* can also choose to reimburse a parent's mileage instead of providing transportation services if it is less costly to do so (approx 39 children or 3.61% are transported this way).

**Table 4.1: Expenses (\$) for *Division scolaire francophone (DSF)* and other divisions, Saskatchewan, 2006/07**

	Total expenses (\$)			Expenses per student	
	Total	DSF	Other divisions	DSF	Other divisions
Governance & administration	36,976,589	761,657	36,214,932	717	231
Instruction	1,052,672,309	11,160,336	1,041,511,972	10,499	6,638
Plant operation & maintenance	161,690,716	2,140,174	159,550,542	2,013	1,017
Student transportation	84,057,535	2,011,318	82,046,217	1,892	523
Tuitions & related fees	18,427,646	32,810	18,394,837	31	117
Complementary & external services	48,338,146	1,140,113	47,198,033	1,073	301
Other	2,982,377	8,158	2,974,219	8	19
<b>Total</b>	<b>1,405,145,317</b>	<b>17,254,566</b>	<b>1,387,890,751</b>	<b>16,231</b>	<b>8,846</b>

Source: Saskatchewan, Ministry of Finance, 2007.

- ◆ Per student cost for anglophone sector × number of francophone students = \$8,846/FTE × 1,063 FTE = \$9,403,298.
- ◆ Actual expenditures – \$9,403,298 = additional cost for francophone students = \$17,254,566 – \$9,403,298 = \$7,851,268.

Finally, we must also account for the administrative costs associated with this program through the French Education and International Languages Branch. As calculated above, the estimated costs are \$1,097,913. Then, the extra costs of the French First-Language program for the K-12 system increase to \$8,949,181 for the fiscal year 2006/07.

### Post-secondary institutions

Post-secondary education in Saskatchewan—universities, affiliated and federated colleges, and regional colleges—is managed by the Ministry of Advanced Education, Employment and Labour. The four federated colleges are integrated with one of the universities but financially independent. The affiliated colleges are mostly theological colleges. There are two universities: the University of Regina and the University of Saskatchewan. Of these post-secondary institutions, only the *Institut Français*, part of the University of Regina, provides university education in French.

The subsidies to universities from various provincial departments are \$345,976,123 (Saskatchewan, Ministry of Finance, 2007). From this amount, \$2,045,000 went to the *Institut français*.<sup>3</sup> We were unable to obtain the

3 The *Collège Mathieu* is both a high school and a training institution offering workshops and various language courses (mostly French for parents) around the province. We do not consider this institution here.

enrolment for the *Institut français* but, if we assume 100 students this yields a cost per student of \$20,450. We know that other institutions had an enrolment<sup>4</sup> of 31,885 students with subsidies of \$343,931,123 for a per-student subsidy of \$10,787 (Saskatchewan, Ministry of Finance, 2007). This yields, for the *Institut français*, an excess cost per student of \$9,663 and a total supplementary cost of \$96,630.

In summary, as shown in table 4.2, for the fiscal year of 2006/07 the additional cost of francophone students is \$8,949,181 for the elementary, middle, and secondary education, and \$96,630 for the *Institut Français*.

### French Language Services

The public body responsible for French Language Services (FLS) in Saskatchewan is the Francophone Affairs Branch. The federal government contributed \$620,000 to its operations in 2006 and the government of Saskatchewan provided the same amount.<sup>5</sup> We therefore use \$1,240,000 as the total provincial costs of FLS in Saskatchewan in 2006.

## 4.3 Conclusion

The total cost of French language programs and services to the province of Saskatchewan was \$9.65 million in 2006/07 (table 4.3). We cannot ascertain if a typical resident finds the benefits of a larger, more vital francophone minority worth having but note that the take-up rate for French-language minority education is 90%. There is no significant provision of health, municipal, or provincial public services in French in Saskatchewan. As a result, simulating the cost of procuring these services privately is not appropriate here. The provision of non-educational services must therefore yield mainly symbolic benefits

4 Students are not counted as FTEs (Full Time Equivalencies); FTE statistics were not available for 2006/07.

5 See *Canada-Saskatchewan Agreement on French-Language Services 2005-06–2008-09* at <<http://www.patrimoinecanadien.gc.ca/pgm/lo-ol/entente-agreement/services/sk/05-09Entente-Services-Saskatchewan-eng.pdf>>.

**Table 4.2: Cost (\$) of minority-language policies in education, Saskatchewan, 2006/07**

K-12 education costs	
<i>Department of Education</i>	1,097,913
<i>Additional cost of francophone students</i>	7,851,268
<i>Total</i>	8,949,181
Post-secondary education costs	
<i>Total</i>	96,630

Source: text.

**Table 4.3: Total costs (\$) of French-language educational and general public services, Saskatchewan, 2006/07**

K-12 education	8,949,181
Post-secondary education	96,630
French-language services	1,240,000
<b>Total</b>	<b>9,665,811</b>

Source: table 4.2 and text.





## 5 Manitoba

### 5.1 The legal and institutional framework

In Manitoba, access to French K-12 schools is determined by both Section 23 of the Charter and provincial policy. There are 35 English school boards and the *Division scolaire francophone du Manitoba (DSFM)*. There is also post-secondary education offered in French. That said, Manitoba stands out amongst the provinces as a province with a small linguistic minority but above-average constitutional protection of this minority. A broad range of linguistic rights related to French are entrenched, for historical reasons, in the province's founding law, the Manitoba Act of 1870. When Manitoba joined Canada in 1870, legal protection of religious and linguistic rights was included in the terms of union through sections 22 and 23 of that Act. Section 22, like Section 93 of the BNA Act, entrenched the denominational school system into the constitution to protect the Catholic and Protestant schools from provincial jurisdiction that would “prejudicially affect any right or privilege with respect to Denominational Schools which any class of persons have by Law or practice in the Province at the Union” (Manitoba History, 2011a). Section 23 is similar to section 133 of the BNA Act that applies to Quebec.

The inclusion of legal protection for minority rights was due to the presence of the French Métis population that made up about half of the Manitoban population at that time (Bakan and Elliot, 2003; Jourdain, 2002). During the 1800s, the French Métis and English settlers were cohabiting in a bilingual society, each community managing its own schools and religious matters (Bienvenue, 1989: 188). In 1869, facing union with Canada and fearing the loss of linguistic rights, Louis Riel set up a provisional government representing the English- and French-speaking Métis populations and the Scottish, European, and Canadian settlers of Manitoba to negotiate the terms of entry into the Canadian Confederation (Hébert, 2004: 5). These conditions for union were set out by the French Métis in the form of a list of rights that would protect their linguistic future. The linguistic provisions of this list of rights would later become sections 22 and 23 of the Manitoba Act of 1870.

Bilingualism in Manitoba would continue to be the norm in the first decade following 1870: noteworthy laws are the Act Respecting County Municipalities (1875) and the Act Respecting Jurors and Juries (1876). Respectively, they stated that municipal regulations had to be published both

in French and in English and that, in the case of a French trial, a jury composed of an equal number of French and English members could be imposed by the court (Leclerc, 2010a).

By 1890, settlers from Ontario and abroad had arrived in significant numbers in Manitoba, outnumbering the French Métis population (Chartier, 1998a). As their demographic weight decreased, their political power decreased and 1890 saw the adoption of three laws that would directly or indirectly eliminate protection of the French language in Manitoba. First, the denominational school system was abolished with the Act Respecting the Department of Education. Second, with the adoption of the Act Respecting Public Schools, this system was replaced by a nondenominational system, but in practice, schools in this system were protestant (Hébert, 2004: 11). This meant that Catholic schools were denied access to public funds, although private Catholic schools were still allowed. Finally, the Official Language Act of 1890 of the government of Thomas Greenway removed the linguistic rights guaranteed by section 23 of the Manitoba Act of 1870. English was now the official language of the legislature. This meant that laws were now passed only in English and that French was no longer used in the judicial system.

This new law was declared unconstitutional twice by lower courts in 1892 and 1909 (*Pellant v. Hebert*; *Bertrand v. Dussault*; *Forest and Registrar of Court of Appeal of Manitoba*, 1977) but these judgments were ignored by the Greenway government (Hébert, 2004: 15–16). The school question also led to challenges in the courts. Two cases (*City of Winnipeg v. Barette*; *City of Winnipeg v. Logan*; *Brophy v. Attorney-General of Manitoba*) reached the Judicial Committee of the Privy Council in London which at the time was the highest court in the Canadian judiciary system. The first judgment of 1892 maintained the validity of the Public Schools Act, stating that education was constitutionally a provincial matter and consequently that the Manitoba government did not violate section 22 of the Manitoba Act of 1870. In the second decision in 1895, the Judicial Committee established that the federal government had the authority to impose remedial laws on Manitoba to resolve the question of French and Catholic schools (Allaire, 2007: 119–121; Bakan and Elliot, 2003).

This court ruling led to an agreement between the federal government of Sir Wilfrid Laurier and the Greenway government in 1896. With this agreement, the school system was still the same for both language communities. The main component of the Laurier-Greenway compromise (The History Project, Canada History, 2011) was a modification of the Public Schools Act that included the right to Catholic education after normal school hours. In an urban area, Catholic teachers could be hired if the parents of at least 40 Catholic pupils attending a school requested it. In rural areas, the number of Catholic pupils needed was ten (The Canadian Encyclopedia, 2011a). As to the language of instruction, if more than ten children in a school spoke a

language other than English, instruction of these children could be conducted in English and in this second language (Hébert, 2004: 11–13). These dispositions applied not only to Francophones but also to all other language groups and would hold for the next 20 years.

In 1916, the government amended the Public Schools Act. The Thornton Act, apart from making elementary school mandatory, designated English as the only language to be used in schools, thus banning French and every other language from the education system. In response, the Franco-Manitoban community created the *Association d'Éducation des Canadiens-Français du Manitoba (AÉCFM)*, an organization that would develop and maintain informal French schools (Bienvenue, 1989: 189). This additional parallel education system would last until the mid-1960s when French could once again be legally used and taught in schools (Manitoba History, 2011b). In 1967, a modification of the Public Schools Act authorized teaching in French up to a maximum of half a school day, from fourth to twelfth grade (Leclerc, 2010a).

The adoption of the Official Languages Act of 1969 by the federal government strengthened the self-perception of the francophone minority of Manitoba. The French language was now widely accepted in Manitoban schools and the *Bureau d'Éducation Française* was created within the Department of Education to manage the emerging French schools (Bienvenue, 1989: 190). Also, in 1971, the City of Winnipeg Act was adopted by the legislature of Manitoba. It merged the St-Boniface municipality with a dozen other municipalities in the Winnipeg area and required the new merged municipal administration to provide bilingual services in that part of its territory. This law requires the presence of bilingual personnel in the town hall as well as in the St-Boniface precinct. Its exact application is subject to choices by Winnipeg. The City of Winnipeg Amendment in 1992 clarified the 1971 law, strengthening the requirement to provide French-language services. Finally, it was extended to the area of St-Norbert in 2003 with the adoption of the City of Winnipeg Charter.

In the mid-1970s, George Forest, a St-Boniface resident, contested a parking ticket he received on the basis that it had been issued only in English, contrary to section 80 of the City of Winnipeg Act. He lost his case before the Traffic Division of Provincial Judges (Hébert, 2004: 22) but appealed this decision to the County Court of St-Boniface, arguing that the invalidity of his ticket was due to the unconstitutionality of the Official Language Act of 1890, which violated section 23 of the Manitoba Act of 1870. Judge Armand Dureault ruled in favour of Forest, declaring the Official Language Act unconstitutional (Hébert, 2004: 22). Following this judgment, section 23 of the Manitoba Act of 1870 (*Forest v. Manitoba; R. v. Forest*) was in force. This meant that French could be used in the Parliament, legislature and courts but also that all laws passed since 1890 were invalid since they had been adopted exclusively in English. The government simply ignored this judgment. In reaction to the lack

of respect of the Dureault's judgment by the Manitoba government, Forest brought the case to the Manitoba Court of Appeal where Judge Freedman's ruling was in favour of Forest. He determined that the 1890 Official Language Act could not abrogate the rights guaranteed by section 23 of Manitoba Act of 1870 (*Forest v. Manitoba*; Hébert, 2004: 29) but declared it to be inoperative instead of unconstitutional. This implied that the 1890 Official Language Act was invalid but also meant that laws adopted after 1890 were still valid. This judgment would stand following the Supreme Court's decision, on December 13, 1979, to reject the appeal of the Manitoba government.

The Forest case encouraged other Franco-Manitobans to challenge the constitutionality of the 1890 Official Language Act. The most important of these was the Bilodeau case. Like Forest, he contested a speeding ticket because the Highway Traffic Act, as he argued, was invalid. The point was that, since the 1890 Official Language Act was now inoperative, section 23 of *Manitoba Act of 1870* thus invalidated the Highway Traffic Act. The case made its way to the Manitoba Court of Appeal in 1981. The ruling, again by Judge Freedman, was that section 23 had a suggestive effect instead of a mandatory one (*Forest v. Manitoba*; Hébert, 2004: 40); hence the English-only laws remained valid. A mandatory interpretation of section 23 would require the government to translate around 4,500 unilingual English pieces of legislature. Bilodeau sought leave to appeal this verdict to the Supreme Court. Following the Court's decision to hear Bilodeau's case, the government of Manitoba, facing the risk of a judgment in favour of a mandatory translation of all laws to conform with section 23, decided to undertake negotiations with the *Société Franco-Manitobaine* to reach an out-of-court settlement. In 1983, an agreement was reached. Bilodeau dropped his case and the government agreed to translate 500 laws instead of 4,500. The government also committed itself to providing public services in French (Bienvenue, 1989: 190–191). Opposition to this settlement came from a vast majority (as high as 75%) of the Manitoban population (Bienvenue, 1989: 192) and it was thus not implemented. Finally, the Bilodeau case was heard by the Supreme Court.

At the same time, at the request of the *Société Franco-Manitobaine*, the federal government issued a reference to the Supreme Court to clarify the Forest judgment and its implications. It consisted of four questions, three of which are relevant to this discussion:

Question 1—Are the requirements of s.133 of the Constitution Act, 1867 and of s.23 of the Manitoba Act, 1870 respecting the use of both the English and French languages in: (a) the Records and Journals of the Houses of the Parliament of Canada and of the Legislatures of Quebec and Manitoba; and (b) the Acts of the Parliament of Canada and of the Legislatures of Quebec and Manitoba, mandatory?

Question 2—Are those statutes and regulations of the Province of Manitoba that were not printed and published in both the English and French languages invalid by reason of s. 23 of the Manitoba Act, 1870?

Question 3—If the answer to question 2 is affirmative, do those enactments that were not printed and published in English and French have any legal force and effect, and if so, to what extent and under what conditions? (*Re Manitoba Language Rights*)

On June 13, 1985, the Supreme Court issued its judgment. To question 1, the Court ruled that section 23 was mandatory, meaning that all Manitoban laws had to be written in English and French. To questions 2 and 3, the Court stated that all the unilingual laws were now invalid and had no legal effect. However, the Court suspended the application of the judgment for the period of time needed to translate all the laws. Now the government of Manitoba was obligated to translate into French all the unilingual laws adopted since 1890. The government then settled with the *Société Franco-Manitobaine* on terms similar to the previous but inoperative agreement: the *Société Franco-Manitobaine* accepted limited translation of the legislation and the government committed itself to offering French-language services (Hébert, 2004: 189–191).

In 1989, Premier Gary Filmon's government issued the first version of the French Language Services Policy (FLSP), which would be revised in 1999 following the *Chartier report* on the French language services (Chartier, 1998b). The policy's purpose is to provide services "to the extent possible, in both official languages in areas where the French-speaking population is concentrated" (Manitoba Francophone Affairs Secretariat, 2011). This meant that the government of Manitoba would supply bilingual services in the designated areas. The policy applies to all bodies of the government including crown corporations, public utilities, designated health facilities, and courts (Manitoba Francophone Affairs Secretariat, 2011). These services are mainly supplied through three bilingual-services centers located in Saint-Boniface, Saint-Pierre-Jolys, et Notre-Dame-de-Lourdes, the areas where the French community is concentrated. Along with these centers came the publication of the *French Language Services Guide*, to explain in detail all the bilingual services available throughout the province (Hébert, 2004: 197). Another initiative, this time by the Ministry of Justice, was the creation of an itinerant bilingual Court in 2004 that sits in the Saint-Pierre-Jolys bilingual services center on a monthly basis (Association des juristes d'expression française du Manitoba Inc., 2009). These government policies are not the result of a strict legal requirement.

## 5.2 The costs of official language requirements

We first examine direct provincial spending, then turn to education spending, and finally to other types of spending such as that of municipalities.

### Grants and contributions

We distinguish between direct spending by the provincial government and transfer payments under the form of grants or contributions<sup>1</sup> to various bodies. For example, translation costs are direct spending and payments to the *Association des municipalités bilingues du Manitoba* are a contribution or grant because no goods or services are received in exchange by the government. Grants and contributions to various bodies for 2006/07 are reported in table 5.1; they total 3.98 million. The largest grant is made by the department of Culture, Heritage, Tourism and Sport.

### French language services

Direct spending related to official language policy includes translation costs, the cost of the Francophone Affairs Secretariat, the costs of health and education services, and expenses French language services arising from the City of Winnipeg Act. Health, education, and municipalities will be addressed in separate section. The Translation Services branch of the Manitoba Culture, Heritage and Tourism department is responsible for written and oral translation for every part of the government, including crown corporations and agencies. It also provides interpretation for the Courts and the Legislative Assembly. During 2006/07, this service translated 5,176,337 words (Manitoba Culture, Heritage and Tourism, 2007). Expenses for this branch were \$2,057,600 for 2006/07.

One of the requirements of section 23 of the Manitoba Act of 1870 is the adoption of laws in both official languages. The Legislative Counsel is the division of the Justice department that prepares all regulations texts. Also, its legal translation branch is responsible for the preparation of the French regulation texts and French documents used at the Legislative Assembly. Expenses of this division are \$2,041,000. However, according to the Counsel only six FTE of the 22 (Manitoba Justice, 2007) are working on translation work. Applying this ratio to the Counsel's expenses yields \$556,636.

The Francophone Affairs Secretariat is the branch of the Department of Finance that is responsible for the implementation of the French Language

---

1 Grants are unconditional transfer payments for which eligibility can be verified. If an individual is eligible for a grant, the payment can be made without requiring the recipient to meet any other conditions. The payment of a contribution is subject to performance conditions that are specified in a contribution agreement. The recipient must continue to show that these conditions are being met in order to be reimbursed for specific costs.

**Table 5.1: Grants and contributions (\$) for minority-language activities, Manitoba, 2006/07**

Culture, Heritage, Tourism and Sport	1,188,955
Health	100,758
Family Services and Housing	338,465
Education, Citizenship and Youth	407,513
Advanced Education and Literacy	466,244
Labour and Immigration	45,000
Science, Technology, Energy and Mines	60,000
Finance	302,412
Intergovernmental Affairs	669,539
Other departments	401,547
<b>Total</b>	<b>3,980,433</b>

Source: see text.

Services Policy (FLSP). It also manages general matters related to French. The FLSP led to the creation of three Bilingual Services Centres (BSC) serving the St-Boniface, St-Pierre-Jolys, and Notre-Dame-de-Lourdes regions. The BSC are centres where a wide range of provincial, federal, and municipal services are offered in both French and English.

Table 5.2 summarizes direct provincial spending.

### Elementary and secondary education

The department of Education, Citizenship and Youth manages elementary and secondary schools as well as kindergartens. French-language education at both this level and the post-secondary level generates costs for the provincial government. The elementary and secondary school system is divided in 36 districts. Each district is responsible for the schools that belong to its territory; the *Division Scolaire Franco-Manitobaine (DSFM)* has the province as its territory.

The school system in Manitoba provides three French-language education programs: the *Français* program (French education for the French population); French Immersion (Early Immersion, Middle and Late); and

**Table 5.2: Direct spending (\$) related to the French Language Services Policy (FLSP), Manitoba, 2006/07**

Translation Services Branch	2,057,600
Legislative counsel	556,636
<b>Total gross spending</b>	<b>2,614,236</b>

Sources See text

Basic French. Optionally, there is also the Early Start French. Total enrolment in the elementary and secondary school system is 182,185; of these, 5,338 are enrolled in the *Français* program and 176,847 in English-language education (Manitoba Education, Citizenship and Youth, 2011).

The administration and management of the French-language programs are provided by the *Bureau d'Éducation Française (BEF)*, which is also responsible for the development of the *Français*, French Immersion, and Basic French curricula. This division of the Education, Citizenship and Youth department comprises four branches: Curriculum Development and Implementation; Educational Support Services; Official Language Programs and Administrative Services; and Library and Materials Production. Table 5.3 shows the expenses of the four branches as well as administrative expenses for 2006/07. As its name implies, the Curriculum Development and Implementation branch is responsible for the development and implementation of all the French-language education programs, namely *Français*, French Immersion, and Basic French. The Educational Support Services is mainly the statistical branch of the Bureau, which monitors and calculates sums granted to schools for French-language education as well as keeping the enrolment data in these programs updated. It also develops examinations and assessment tools for French courses. Official Language Programs and Administrative Services prepares and administers the division's budget and manages the assistance programs. It is the responsibility of this branch to manage the contributions received from the federal government under the Canada-Manitoba Agreement for Minority Language Education and Second Official Language Instruction.<sup>2</sup>

Given that French Immersion and Basic French programs would still be offered without linguistic protection and promotion, we must estimate the costs associated with only the *Français* program out of the total expenditures of the *Bureau d'Éducation Française (BEF)*. Knowing that the *Français* program accounts for 6% of total *BEF* enrolment and for 23% of sums granted to French-education programs, we will consider that the share of the *BEF* costs linked to the *Français* program is the average of those two shares, which is 14.5%. This gives us a cost of \$1,218,812.

Not all students enrolled in the *Français* program are regrouped in the *DSFM*,<sup>3</sup> hence we will use a two-step procedure to establish the costs of the *Français* program. Enrolment and expenses statistics for each school division are listed in the 2006/07 FRAME report (Manitoba Education, Citizenship and Youth, 2007). We report these numbers for the *DSFM* and

2 See *Canada-Manitoba Agreement on Minority Language Education and Second Official Language Instruction 2005-2006–2008-2009* at <<http://www.pch.gc.ca/pgm/lo-ol/entente-agreement/education/mb/05-09-Entente-Education-Manitoba-eng.pdf>>.

3 4,681 out of 5,338 or 88% of all students enrolled in the *Français* program.



**Table 5.3: Expenditures (\$) of the Bureau d'Éducation Française, Manitoba, 2006/07**

Administration	209,200
Curriculum development and implementation	1,562,400
Educational support services	1,624,400
Official language programs and administrative services	4,071,900
Library and materials production	937,700
<b>Total</b>	<b>8,405,600</b>

Source: Manitoba Education, Citizenship and Youth, 2007a.

the English-language school divisions in table 5.4. For the *DSFM*, per-pupil expenses are \$10,363 and \$8,972 on average for the other divisions. The largest relative difference is transportation costs, which are about three times higher for the *DSFM*. Knowing that there are 4,681 students (FTEs) in the *DSFM* and using the ratio method presented in section 1.3, we can estimate the total extra costs associated with the *DSFM* at \$1,391 per pupil. This number multiplied by 4,681 FTE in the *DSFM* yields an extra cost of \$6,511,271.

As to the 571.5 students (FTEs) enrolled in the *Français* program outside of the *DSFM*, most of the costs associated with their schooling are those incurred for English schooling. We ascribe to them the difference in instruction costs reported in table 5.4, that is \$617. This generates an extra cost of  $571.5 \times \$617 = \$352,616$ . The estimated total increases to \$6,863,387.

**Table 5.4: Expenses (\$) for the Division Scolaire Franco-Manitobaine (DSFM) and English-language school divisions, Manitoba, 2006/07**

	Total	Expenses		Expenses per pupil*	
		<i>DSFM</i>	Other divisions	<i>DSFM</i>	Other divisions
Regular instruction	896,181,684	27,102,976	896,078,708	5,919	5,302
Student support services	273,152,587	6,874,354	266,278,233	1,469	1,575
Divisional administration	55,722,162	1,753,877	53,968,285	375	319
Instructional & other support services	56,443,767	1,427,197	55,016,570	305	326
Transportation	63,324,389	4,952,040	58,372,349	1,058	345
Operations and maintenance	191,528,767	5,507,758	186,021,009	1,177	1,101
Other	28,654,865	891,086	27,763,779	190	164
<b>Total</b>	<b>1,565,008,220</b>	<b>48,509,288</b>	<b>1,516,498,932</b>	<b>10,363</b>	<b>8,972</b>

Note \*: For these calculations, pupils are counted as Full Time Equivalencies (FTEs), meaning that pupils are counted on the basis of time attending school (i.e., kindergarten students are counted as one half and adults are counted according to percentage of time attending).

Source: Manitoba Education, Citizenship and Youth, 2007.

### Post-secondary education

In Manitoba, post-secondary education is managed by the Ministry of Advanced Education and Literacy along with the Council of Post-Secondary Education, which is responsible for the most of the funding of the four public universities and four public colleges in the province. Of these eight institutions, the *Collège Universitaire de Saint-Boniface (CUSB)* and the *École Technique Professionnelle (ETP)* provide instruction in French. The provincial subsidies to universities are \$352.2 million for 2006/07. From this amount, \$344.7 million went to anglophone universities and \$7.5 million to the *Collège universitaire de Saint-Boniface*. We obtained information on costs from the *Annual Report 2007* (Government of Manitoba, 2007). We use the number of full-time equivalent (FTE) students per university to calculate expenses per student (Manitoba Council on Post Secondary Education, 2007). Enrolment and provincial funding data for each university are reported in table 5.5. Thus:

- ◆ The unit cost for the anglophone students is the total provincial funding per FTE for the Brandon University, University of Manitoba, and University of Winnipeg =  $\$344,717,616 / 38,545 \text{ FTEs} = \$8,943/\text{FTE}$ .
- ◆ The projected expenses for the francophone/*CUSB* students at the unit cost of the anglophone students is  $\$8,943 \times 763 \text{ FTEs} = \$6,823,701$ .
- ◆ The additional cost for the francophone/*CUSB* students is then the reported expenses minus the expenses at the unit cost of the anglophone students =  $\$7,520,000 - \$6,823,701 = \$696,299$ .

Turning to colleges, enrolment and provincial funding data is reported in table 5.6 for the Red River College (RRC), the Assiniboine Community College (ACC), the University College of the North (UCN), and the *École Technique Professionnelle (ETP)*. As we can see, the funding per FTE for the UCN is significantly higher than for the other three colleges, probably because of the nature of its clientele (scattered on a vast territory). Since we want to assess the additional costs of a Francophone student compared to a typical Anglophone student, we will omit the UCN from the calculations. Using the same method as for the universities, we find that:

- ◆ The unit cost for the anglophone students is the total provincial funding per FTEs for the RRC and ACC:  $\$80,320,000 / 8,752 \text{ FTEs} = \$9,177/\text{FTE}$ .
- ◆ The projected expenses for the francophone/*ETP* students at the unit cost of the anglophone students is  $\$9,177 \times 270 \text{ FTEs} = \$2,477,879$ .
- ◆ The additional cost for the francophone/*ETP* students is the reported expenses minus the expenses at the unit cost of the anglophone students =  $\$2,994,000 - \$2,477,879 = \$516,121$ .

**Table 5.5: Enrolment and operating grants (\$) for universities, Manitoba, 2006/07**

	Enrolment in FTEs*	Provincial funding	Provincial funding/FTE
Brandon University	3,196	28,254,616	8,840
University of Manitoba	27,330	274,353,000	10,039
University of Winnipeg	8,019	42,110,000	5,261
<i>Collège Universitaire de Saint-Boniface</i>	763	7,520,000	9,856

Note \*: FTE numbers for 2006/07 are estimations using enrolment statistics for 2005/06 and average growth rate of the five preceding years from the Manitoba COPSE, Statistical Compendium for Academic Years Ending in 2006, released in fall 2007.

Source: Government of Manitoba, 2007; Manitoba Council on Post Secondary Education, 2007.

**Table 5.6: Enrolment and operating grants (\$) for colleges, Manitoba, 2006/07**

	Enrolment in FTEs*	Provincial funding	Provincial funding/FTE
Red River College (RRC)	7,387	62,573,000	8,471
Assiniboine Community College (ACC)	1,365	17,747,000	13,001
University College of the North (UCN)	723	18,513,057	25,606
<i>École Technique Professionnelle (ETP)</i>	270	2,994,000	11,088

Note \*: FTE numbers for 2006/07 are estimations using enrolment statistics for 2005/06 and average growth rate of the five preceding years from the Manitoba COPSE, Statistical Compendium for Academic Years Ending in 2006, released in fall 2007.

Source: Government of Manitoba, 2007; Manitoba Council on Post Secondary Education, 2007.

Table 5.7 summarizes for 2006/07, the extra costs associated with French language education in Manitoba.

**Table 5.7: Costs (\$) of minority-language policies in education, Manitoba, 2006/07**

K-12 education	
<i>Department of education</i>	1,218,812
<i>Additional Cost of Francophone Students</i>	6,863,387
<i>Total</i>	8,082,699
Post-secondary education (college + university)	
<i>Total</i>	1,257,419

Source: text discussion

### French language services—municipalities

At the municipal level, Winnipeg is the only city covered by legal language obligations. The costs of such requirements are found in three areas: translation and printing, municipal operating expenditures for the tri-level government Bilingual Service Centre, and French-language training. Each department of the city is responsible for budgeting for translation and printing costs, and departments have adjusted their budgets accordingly to prepare bilingual material. The operating costs for the Bilingual Service Centre in 2006/07 were \$110,217. This included staff costs for two service representatives, leasing costs, and other operating costs. The costs of French-language training were \$19,529.<sup>4</sup> As for costs of translation, 269,850 words were translated in 2006 at an approximate cost of \$0.23 per word (City of Winnipeg, 2007). This yields \$62,065. Add one full-time interpreter/translator for simultaneous interpretation of city council meetings and other translation works at \$84,000 per year (City of Winnipeg, 2008), and this yields \$275,811 for the measurable costs of Winnipeg language obligations. We assume an additional \$50,000 for bilingual printing costs for a total of \$325,811.

### Health

There is no evidence of extra spending due to the provision of health services in French so we assume a cost of zero.

### Total cost of French services and programs

The main elements of the linguistic obligations of the provincial and local public entities under the FLSP are brought together in table 5.8. These are the observable cost of language policies in Manitoba in 2006/07. But this total of \$16,260,598 is not the complete cost of the FLSP since we are missing various direct costs embedded in general departmental spending, such as the additional costs of printing reports in two languages as opposed to one and the value of the time of those officials spending some time on French-language issues. The importance of this will depend on the choice or not of hiring more individuals to compensate for this time.

### Unobservable costs

We discussed the methodology in section 1.3. Total program spending was \$11,652,000,000 in Manitoba (Canada, Department of Finance, 2011) in 2006/07 and 0.23% of this yields \$26,800,000. This surely overestimates the real unobserved costs because this percentage reflects the language policies of the federal government. The province of Manitoba, unlike the federal government, does not provide bilingual services in all head-office functions or across

4 This information was provided by the coordinator of French-language services of the city of Winnipeg.

**Table 5.8: Observable costs (\$) of French-language educational and general public services, Manitoba, 2006/07**

K-12 education	8,082,699
Post-secondary education	1,257,419
French-language services, provincial and municipal governments	6,920,480
<b>Total</b>	<b>16,260,598</b>

Source: tables and text.

the country but only in some parts of the province. Therefore, to have a more accurate picture of the real unobserved costs, we correct this by multiplying it by the share of bilingual jobs in the Manitoba civil service, that is 6.6%, since in 2006/07 there were 812.5 bilingual positions and 12,274 positions for the whole government (Manitoba Francophone Affairs Secretariat, 2007; Manitoba Civil Service Commission, 2007). Applying this ratio to the provincial inferred unobserved cost of \$26,800,000 yields \$1,770,000, a more reasonable estimate.

The total observable and unobservable real resource costs come to an overall estimate of \$18,030,598. About \$18 million or 0.15% of total program spending seems a reasonable estimate of the total costs of bilingualism for the provincial government of Manitoba for 2006/07.

### 5.3 Conclusion

As noted above, Manitoba combines the characteristics of both a province with a small official-language minority and one with constitutional protection of said minority. This implies high costs per Francophone but does not justify a full-fledged simulation of the impact of an absence of the French language services provided since, according to the 2006 Census, there are 1,930 residents of Manitoba that know only French (Statistics Canada, 2007a).

In Manitoba, the total cost of public French-language programs and services in 2006/07 was \$16 million, about half of this spending on the provision of minority language education and the remainder on general government services. We cannot ascertain if the benefits of a larger, more vital francophone minority are worth it or not for a typical resident but note that the take-up rate of French-language education is 110%.

There is some provision of health, municipal, or provincial public services in Manitoba. But given the level of provision and the number of unilingual Francophones, simulating what the cost of procuring these services privately is not appropriate here. The provision of non-educational services must therefore yield mainly symbolic benefits except perhaps in the field of access to information on public policies.



## 6 Ontario

### 6.1 The legal and institutional framework

In Ontario, admission to French schools is determined not only by Article 23 of the Charter but also by provincial policies and so the “number warrant” clause is not binding. There is also post-secondary education available in French. The constitutional obligations of Ontario with respect to its francophone minority are the educational rights of section 23. However, following the recommendations of the federal Royal Commission on Bilingualism and Biculturalism (B&B Commission) that Ontario should provide bilingual public services,<sup>1</sup> Ontario put in place guidelines to facilitate this. However, the guidelines were not binding (LeVasseur, 1993) and the initiatives remained sector-based. In 1984, with the adoption of three laws in three distinct sectors, the government introduced a legal basis to ensure the effective provision of French services.<sup>2</sup> This was followed two years later by the adoption of the first broad act addressing language issues: the French Language Services Act. This legislation formally recognizes the language rights of the Franco-Ontarians, “replacing a variety of privileges granted under various regulations and administration arrangements” (Government of Ontario, 1990a: §§ 1, 7).

In general, “until the late 1960s, the government had always had a policy of according certain privileges to Francophones, but only sparingly” (University of Ottawa, 2011b). Minority linguistic rights came in the form of successive legislative changes. This progressive approach, also called gradualism (LeVasseur, 1993), has improved the funding of the francophone school system and established bilingualism in the legislative process (Woehrling, 2004). Bilingualism was introduced into the judiciary and administrative processes in 1986 with the French Language Services Act (FLSA). The FLSA guarantees provincial services in French in parts of the province where the majority of Franco-Ontarians live. The recognition of the official status of French has been sector-based and limited to the legal system and primary

- 
- 1 The Royal Commission conveyed the following in their report, “Therefore we recommend that the provinces of New Brunswick and Ontario themselves declare that they recognize English and French as official languages and that they accept the language regimes that such recognition entails” (Government of Canada, 1967: 97).
  - 2 Child and Family Services Act; Public Libraries Act; Workers' Compensation Act.

and secondary education.<sup>3</sup> The mechanism chosen to implement the FLSA is “designation of regions, governmental agencies or private institutions entrusted with a governmental mandate” (Foucher, 2007: 53, 57) and funding.

### Education

In the period before and immediately after Confederation, education issues in Ontario were primarily focused on religion and language was an issue only indirectly (Tetley, 1982). In fact, language was not mentioned in the first laws on public schools, also called common schools; these schools were non-denominational and the choice of the language of instruction was left to the school trustees. Thus, there was no specific language requirement under the Common Schools Act of 1859 while the Separate Schools Act of 1863 left the choice of the language of instruction to the school trustees. Separate schools were denominational schools funded by local communities who asked for their establishment. A minimum of five residents could ask for the creation of a separate school. The residents elected their school board to manage the school and they were exempted from common schools taxes (Legislature of the Province of Upper Canada, 1863; LeVasseur, 1993). Therefore in the pre- and early Confederation period, Franco-Ontarians had a significant control over the use of French as a language of instruction.

By the turn of the century, denominational schools, which had been a matter of local responsibility, became increasingly subject to provincial control due to educational reforms designed to centralize and create uniformity in the school system (LeVasseur, 1993). This resulted in government intervention with respect to the language of instruction. This intervention was prompted, in part, by the hostility of some Ontarians towards Francophones as a result of the migration of Francophones from Quebec to Ontario. It culminated in a campaign mainly led by the conservative journal *The Mail* (Choquette, 1980). English was made a compulsory subject in Ontario schools in 1885. In 1890, regulations further required that English be the language of instruction in common schools, and left the choice of language only to separate schools. The mandatory language regulations were never implemented in the francophone schools.<sup>4</sup> The Merchant commission studied the teaching of English in francophone schools and noticed deficiencies in the English instruction in its report in 1912. To counter this, the government of Ontario enacted Regulation XVII in 1912. The regulation, modified in 1913, stated that teaching in French was limited to the two first years of

---

3 Preamble of the French Language Services Act (Government of Ontario, 1990a); Courts of Justice Act (Government of Ontario, 1990b), section 125.

4 There was one exception to the obligation that instruction be in English alone: it was not required if it was impracticable. The Francophones used this exception to circumvent the language requirements.



primary education. English was to be the only language of instruction and communication in all Ontarian schools, both common and separate. French could only be taught in the first two years in schools where it was taught before the enactment of the regulation and French teaching time could not exceed one hour per day (Trésor de la Langue Française au Québec, 2011). Franco-Ontarians were strongly opposed to the regulation because they saw it as a deliberate policy of assimilation (Tetley, 1982). However, Regulation XVII was supported “by Irish Catholics who feared that the continued use of French in the schools would jeopardize the status of the separate schools in the province” (Tetley, 1982: 189). Regulation XVII was contested in court. The Judicial Committee of the Privy Council refused the Francophones’ claims on the ground that the scope of section 93 of the Constitutional Act of 1867 was limited to religion and did not cover language issues. The implementation of Regulation XVII was difficult due to the opposition of Franco-Ontarians and the lack of English teachers in the Francophone regions. To break the resistance, the government enacted Regulation XVIII. This regulation provided that teachers could be fired and public funding withheld from schools if Regulation XVII was not implemented. In 1927, following the report of the Scott-Merchant-Côté commission, Regulation XVII was amended and Ontario re-established a system of bilingual schools both for common and separate schools. French was the main teaching language, however, only for primary instruction.

In 1968, the government modified the Education Act to authorize the creation of francophone schools at the secondary or high-school level. During the 1970s, there was an improvement in the francophone school system and new structures were created in the Department of Education to reinforce the francophone system. For example, in 1977, an Assistant Deputy Minister responsible for French-language education was appointed (Ontario, *Office des Affaires Francophones*, 2011a). With the adoption of the Charter in 1982, the right of Francophones to receive an education in French at the elementary and secondary levels was recognized.

The provisions of the Charter define the minimum supply of minority language education; provincial governments such as Ontario can establish a more generous regime. Part XII of the Education Act deals with the language of instruction: sections 281, 291, and 294 provide that the right of Francophones to have their children taught in French is not subject to the criteria of section 23(3) of the Charter (where the number warrants). Thus, a Francophone or a French-language rights holder<sup>5</sup> as defined by section 23 (1) and (2) of the Charter, has a right to elementary or secondary publicly funded schooling in the French language no matter how many children are eligible for this service in the relevant area.

---

5 See Section 294 of the Education Act (Government of Ontario, 1990c).

The Ontario Court of Appeal has recognized the right of Franco-Ontarians to manage and control the facilities of French-language schools as well as the exclusive right of francophone parents to manage all aspects related to instruction in French (*Reference re Education Act of Ontario and Minority Language Education Rights*; LeVasseur, 1993). Currently, there are 31 English public, 29 English Catholic, four French public, and eight French Catholic school boards. Concerning the quality of education, the Supreme Court insisted in *Mahe v. Alberta* on the necessity of its being equal in both languages and, in the *Beaulac* decision (*R. v. Beaulac*), the Supreme Court reiterated the search for substantive equality as the true purpose of language rights.

Turning to post-secondary education in Ontario, no constitutional or legal protection guarantees the provision of such service in French. The policy pursued by the government recognizes the history of creation of francophone universities; the French Language Services Act allows a university to be designated as a bilingual institution under section 8. In Ontario, there are two French-language colleges of applied arts and technology<sup>6</sup> and six bilingual universities.<sup>7</sup> Three other institutions are also offering French-language post-secondary education.<sup>8</sup> All nine receive public funding.

### Lawmaking process and Legislature

In 1970, the House Rules were amended to allow the use of French in the provincial legislature.<sup>9</sup> Prior to this amendment, all steps of the lawmaking process were conducted only in English. The full recognition of the use of French in the legislature was achieved with the adoption of the French Language Services Act (FLSA), which established the right to use both languages in the debates and proceedings. French stopped being a *privilege* (Government of Ontario, 1990a) and was legislatively protected. Since 1986 (LeVasseur, 1993), simultaneous translation of the debates has been available. Until the adoption of the FLSA in 1986, bills were adopted only in English. The French version was just an administrative translation and had no legal value. Section 3 of the FLSA requires public bills to be introduced and enacted in both languages. This disposition has granted a legal authority to the French version of law but did not confer an official status either to French or to English. The FLSA also required the government to translate provincial laws that were adopted only in English and are still in force.

6 *Collège Boréal* and *La Cité Collégiale*.

7 Hearst College University, Laurentian University, University of Ottawa, Federated Saint Paul University, Sudbury University and Glendon Campus (York University).

8 Alfred Campus (University of Guelph), Dominican College, Ontario Institute for Studies in Education.

9 See Section 13 of the House Rules.

## Justice

In 1897, the legislature of Ontario officially declared the provincial judicial system to be English unilingual (Tetley, 1986). The Administration of Justice Act of 1897 stated that English was the exclusive language of the courts and documents could only be presented in that language. In 1978, the Judicature Act was amended to grant French legal recognition in eight districts with an important francophone presence<sup>10</sup> while English remained the only official language of the judicial system in other districts. The final step towards judicial bilingualism was taken in 1984 with the adoption of the Court of Justice Act. This law recognizes French and English as the official languages of the Ontarian courts. At the request of a party, a cause could be heard before a bilingual judge or jury<sup>11</sup> and the hearing and pleading could also take place in either language. This law allowed Francophones access to provincial justice<sup>12</sup> in their language. As ruled by the Court of Appeal in *Belende v. Patel*, “English and French are the official languages of the courts in Ontario, and the court has a responsibility to ensure compliance with language rights under s.126 of the Courts of Justice Act” (*Belende v. Patel*: ¶24). In this case, which was a bilingual proceeding, no bilingual judge was available on the hearing date. Belende asked that the hearing of the case be adjourned to a later date when a bilingual judge would be available. The judge, who was not bilingual, denied the motion for an adjournment and proceeded to hear the case. According to the Court of Appeal, a violation of the rights of section 126, which are quasi-constitutional in nature and not procedural rights, constitutes a material prejudice to the Francophone minority (*Belende v. Patel*). This case highlighted the need for more bilingual judges in Ontario, particularly in Toronto, as it was pointed out in Osborne’s report on the findings of the *Civil Justice Reform Project* (Osborne, 2007). In 1998, the Provincial Offences Act transferred the responsibility for the administration and prosecution of provincial offences to the municipalities. Municipalities in designated areas agreed to maintain the provision of services in French. The legal framework was completed with the adoption in 1998 of the Legal

10 Regional municipality of Ottawa-Carleton; United counties of Prescott-Russell; United counties of Stormont-Dundas-Glengarry; Territorial district of Algoma; Territorial district of Cochrane; Territorial district of Nipissing; Territorial district of Sudbury; and Territorial district of Temiskaming.

11 The right to a bilingual jury is limited to certain regions such as the counties of Essex, Kent, Middlesex, Prescott and Russell, Renfrew, Simcoe and Stormont, Dundas and Glengarry, and the cities or regional municipalities of Peel, Sudbury, Toronto, Ottawa, and Hamilton.

12 Sections 125 and 126 cover civil cases and provincial offenses. Criminal trials are covered by the language dispositions of the Criminal Code (art 530-530.1Ccr) and the Official Language Act. The right of Francophones to a criminal trial in French in Ontario was recognized in 1979.

Aid Services Act. The employees of Legal Aid Ontario must submit upon request the names of lawyers who can take instructions in the applicant's language.<sup>13</sup>

### **Government services**

Until the end of the 1960s, no provincial public services were officially available in French in Ontario. It is only after the recommendations of the Royal Commission on Bilingualism and Biculturalism that the first steps were taken towards the delivery of French language services. In 1970, the government of Ontario created the Office of the Coordinator of Bilingualism, which is responsible for the development of French language services in the departments. In 1971, Ontario's Premier announced a broad bilingualism policy covering all provincial bodies. The provincial public sector was to translate all documents intended for public distribution and to provide written responses in French to requests for information in this language. During the 1970s, the supply of public services in French increased. However, these guidelines were not legally enshrined by a legislative instrument and their implementation relied mainly on the good will of civil servants (LeVasseur, 1993). In 1979, the Public Service Commission adopted a policy with respect to hiring bilingual staff (Ontario, French Language Services Commissioner, 2011).

### **French Language Services Act**

In 1986, the French Language Services Act (FLSA) was adopted.<sup>14</sup> Subject to some conditions, this law recognizes that each individual has the right to communicate with, and receive services from, government institutions and public bodies in French. It also created the Office of Francophone Affairs. The Office of the French Language Services Commissioner was created in 2007. The Commissioner conducts investigations on complaints related to French-language services. The Office of Francophone Affairs evaluates the availability and quality of French language services, makes recommendations for their improvement, and recommends the designation of public-service agencies and the addition of designated areas.

The preamble of the French Language Services Act explicitly states that its goal is to protect the Franco-Ontarian minority by granting the individuals the right to receive public services in their language. Under this law, each citizen has the right to use French in communicating with, and receiving services from, any head or central office of a government agency or institution of the Legislature.<sup>15</sup> Individuals have the same right in respect to any other

---

13 Section 85 (3) of the Legal Aid Services Act (Government of Ontario, 1998).

14 Originally enacted in 1986, the French Language Services Act came into effect in November 1989.

15 See Section 5 of the French Language Services Act (Government of Ontario, 1990a).

office of such agency or institution that is located in, or serves, a designated area. Ontario's FLSA is thus based on a mix of the personality and territoriality principles (Loubier 2011; LeVasseur, 1993). The personality principle allows the individual to communicate with public institutions in the language of his or her choice and it is the institution that accommodates the individual's choice given the personal right to be served in that language (Le Pourhiet, 2011). This personal right can only be exercised with head or central offices by Franco-Ontarians across Ontario. The territoriality principle means that the Legislator sets a territory within which one (or several) languages can be used by individuals to communicate with the government, with no such rights outside that territory. This is the case of the designated areas of the FLSA (LeVasseur, 1993). Outside the designated areas, a Francophone has no right to choose French as the language of interaction with local offices of the government but the FLSA guarantees the right to provincial services in French in designated areas of the province. There are currently 25 designated areas under the FLSA, which include the cities of Toronto, Ottawa, Greater Sudbury, Kingston, and Windsor among others. Around 85% of Franco-Ontarians live in these 25 areas. For an area to obtain a designation, Francophones must make up at least 10% of its population and urban centers must have at least 5,000 Francophones residing in them (Ontario, Office of Francophone Affairs, 2011b).

Section 2 of the Act requires the government to ensure that services are provided in French in accordance with the FLSA (*Lalonde v. Commission de restructuration des services de santé (Ontario)*). When the same service is provided by more than one office in a designated area, the government can designate one or more of those offices to provide the service in French. Section 7 imposes a restriction on the language requirements: these obligations are subject to "such limits as circumstances make reasonable and necessary, but requires first that all reasonable measures and plans for compliance with this Act have been taken or made" (Government of Ontario, 1990a; *Lalonde v. Commission de restructuration des services de santé (Ontario)*). As for the quality of the minority language services, the Supreme Court, in the *Beaulac* case, has enunciated the principle of substantive equality. The Court has ruled that this principle "provides ... that language rights that are institutionally based and require government action for their implementation and therefore create obligations for the State ... It also means that the exercise of language rights must not be considered exceptional, or as something in the nature of a request for an accommodation" (*R. v. Beaulac*: ¶24).

The government agencies covered by obligations in section 5 of the FLSA are: Ontario departments, boards, commissions or corporations, the majority of whose members or directors are appointed by the government; a non-profit corporation or similar entity that provides a service to the public, is subsidized in whole or in part by public money, and is designated as a public service agency by the regulations; a nursing home or a home for special care

that is designated as a public service agency by the regulations; a child and family service provider or a social service board that is designated as a public service agency by the regulations (Government of Ontario, 1990a). Under section 8, the government can make regulations designating public agencies for the purpose of the definition of government agency of section 1 and thus subjecting them to section 5's obligations to provide French language services. In 2009, there were 215 agencies designated under section 8 (Ontario, Office of Francophone Affairs, 2011c). The criteria for designating agencies under the FLSA are: the supply over time of services in French; guaranteed access to services in French; Francophone representation in the governance and management of the institution; and accountability (*Lalonde v. Commission de restructuration des services de santé (Ontario)*).

Such a designation is strictly on a voluntary basis but, with the ruling of the Court of Appeal in the *Montfort* case, this designation has acquired a new significance. Founded in 1953, the Montfort hospital was initially a solely francophone hospital unlike the majority of the hospitals in the Ottawa region, which were English or bilingual. At the time of the litigation in 1997, the hospital remained predominantly francophone with some bilingual services and it was the only hospital in Ontario to provide “a wide range of medical services and training in a francophone setting” (*Lalonde v. Commission de restructuration des services de santé (Ontario): Summary*). In 1996, the Health Services Restructuring Commission was established to restructure the health care system in Ontario. In February 1997, the Commission issued its first report indicating its intention to close the Montfort hospital. The decision was received with protests from the Franco-Ontarian community and from the Eastern and Ottawa-Carleton Regional District Health Councils, which affirmed that the closure would jeopardize the training of health professionals in French. Because of the extent of the protests, the Commission, in its final report on August 1997, reversed its decision to close Montfort but proposed a substantial reduction in the services offered at Montfort. As stated by the Court of Appeal, Montfort “would cease to function as a community hospital” (*Lalonde v. Commission de restructuration des services de santé (Ontario): Summary*). An application was brought to the Divisional Court to reject the Commission's directives. The Divisional Court and, later, the Court of Appeal granted the application and invalidated the directive. The government did not appeal to the Supreme Court.

In the decision, the Court of Appeal applied the unwritten constitutional principle of protection of language minorities to prohibit the transformation by the government of the only francophone university hospital of the Ottawa-Carleton region into a medical clinic (Cousineau, 2000–2001: ¶43). In this case, the Court ruled that the government could not diminish freely a designated service especially when it was not offered at an equivalent level in the region (Cardinal, Lang, Plante, Sauve, and Terrien, 2005). Such

services cannot be withdrawn or negatively affected unless the government shows that it is necessary and that all alternative measures have been considered as provided by section 7 of the FLSA (Foucher, 2007). The *Montfort* case is important because the Court ruled that the government was bound to provide the services offered at Montfort “as they existed at the time of its designation” (Leclair, 2002: ¶40) under the FLSA, unless it was reasonable and necessary to limit them. Furthermore, according to the Court, the Commission was required to conform to the unwritten principle of protection of language minorities (*Lalonde v. Commission de restructuration des services de santé (Ontario)*). This means that the government must seriously take into account the importance of an institution in the Franco-Ontarian community before limiting the services offered to the minority population.

In 2006, the Ontario government started an in-depth reform of the health care system. The Local Health System Integration Act, confers on the Local Health Integration Networks (LHINs) the major responsibility. Communities are now responsible for planning, funding, and integrating local health systems through the LHINs: it states that each LHIN shall engage its “French language health planning entity for the geographic area of the network that is prescribed.” The Act states that the government commits itself to respect the requirements of the FLSA in serving Ontario’s francophone community (Government of Ontario, 2006a: §14). A French-language health services advisory council was created to advise the government about health and service delivery issues related to Francophone communities.

Finally note that English is the *de facto* language of work of the provincial public sector.

### **Municipalities**

Section 1 of the FLSA explicitly excludes municipalities from the list of agencies covered by section 5’s obligations. However, the law does not prohibit the use of French at the municipal level. In fact, section 14 provides that any municipality in a designated area can adopt a by-law providing that the administration of the municipality be conducted in English and French and that all or some specified municipal services to the public should be available in both languages. Therefore, a city council has the freedom to choose the language status of the municipality and the municipalities in the designated areas are themselves responsible for deciding to provide services in French. Section 247 of the Municipal Act provides that the by-laws and resolutions of a municipality can be passed in English or in both English and French, and that councils and committees can conduct their proceedings in English or in both English and French.

Currently, 44 municipalities are officially delivering French language services to some extent to their citizens (University of Ottawa, 2011c). A city can ask the provincial government that it be designated as a bilingual institution under section 8. The designation takes place only on a voluntary basis.

It does not involve additional funding other than the usual federal grants for minority language services. Other cities, even though not officially bilingual, offer a range of services in French to their citizens. The cities of Ottawa and Toronto are the only cities in Ontario with language obligations stipulated in their charter. The city of Toronto must adopt its by-laws in French and English (Government of Ontario, 2006b) and the proceedings of the City council or other city committees can be conducted in both languages.

The city of Ottawa has a status different from that of other Ontario municipalities. Before its merger in 1999 with the 11 surrounding municipalities, the regional municipality of Ottawa-Carleton had a bilingualism policy. After the merger, however, no language status was prescribed for the new city. However, the city has the possibility to declare itself bilingual under section 14 of the FLSA. In a by-law adopted in 2001 (City of Ottawa, 2001) the city council enacted that a citizen has the right to communicate and receive services in English and French in accordance with the city bilingualism policy. This policy is comprehensive and its aim is to grant equal rights and privileges to both linguistic groups with regards to services offered (City of Ottawa, 2004). The policy encourages employees to work in the official language of their choice and provides them language training and other training programs in both languages. The policy also provides that the city should make available at all times the appropriate number of bilingual employees within work units to offer bilingual services to the public. All public and internal documents must be published in both languages. The by-law and the policy were both challenged without success in court by a group opposed to a wider use of French (*Canadians for Language Fairness v. Ottawa (City)*) on the grounds of freedom of expression (section 2b of the Charter). It was also alleged that the by-law was *ultra vires* with regards to section 14 of the FLSA. In 2005, the City of Ottawa Act (1999) was modified to include at section 11.1 an obligation to adopt a policy respecting the use of the English and French languages in the provision of public services. The FLSA only provides a possibility to adopt such a policy in designated areas. The scope and content of the policy adopted under section 11.1 is left to the discretion of the city council.

## 6.2 The costs of official language requirements

We are interested in the marginal cost<sup>16</sup> of providing services as a result of the Ontarian language regulations and thus, since English is the majority language, of providing services in French. The method most often used to

---

16 By this we mean the difference in unit cost between services provided in English and those provided in French multiplied by the number of Francophones thus served; we do this since serving Francophones in English is not costless.



measure the expenditures resulting from the FLSA and other legal instruments is to obtain directly the spending for official languages from the public accounts or the annual reports. Another method that we will use is the simulated-cost approach presented in section 3.1. We ascertained these costs using information from the *Public Accounts 2006-2007* (Ontario, Ministry of Finance, 2007a) and from annual reports of various departments for the fiscal year 2006/07.

### Grants and contributions

We distinguish between direct spending by the provincial government and transfer payments under the form of a grant or contribution<sup>17</sup> to various bodies. For example, translation costs are direct spending and payments to the *Association Française des municipalités de l'Ontario* are contributions or grants. These are mainly aimed at Franco-Ontarian cultural projects and at the promotion of French language. Grant and contribution payments to various bodies for 2006/07 are 18.4 million and are presented in table 6.1.

### Direct provincial spending

Direct spending related to language policy in Ontario includes translation costs, the cost of the Office of Francophone Affairs, the office of the French Language Services Commissioner, costs of health services, education services, and expenses for municipalities required by their charter to provide French services (Ottawa and Toronto). Health, education, and municipalities will be addressed in separate sections. Translation costs consist of simultaneous interpretation of debates and translation services for the provincial administration through the Government Translation Services (GTS) and within ministries. The costs of simultaneous interpretation of debates is \$640,000. Translation expenses for the provincial government of Ontario are \$6,451,000.<sup>18</sup> To this we need to add the translation spending of the health sector. These expenses are \$1.359 million (Ontario, Ministry of Health and Long-Term Care, 2011). The cost of the Office of Francophone Affairs and the French Language Services Commissioner are, respectively, \$4.445 million

17 Grants are unconditional transfer payments for which eligibility can be verified. If an individual is eligible for a grant, the payment can be made without requiring the recipient to meet any other conditions. The payment of a contribution is subject to performance conditions that are specified in a contribution agreement. The recipient must continue to show that these conditions are being met in order to be reimbursed for specific costs.

18 According to the Government Translation Services, there are more than 20 full-time translators distributed in various departments. At \$1,200 per week, this yields \$1.248 million. To this we need to add the translation by private firms, which cost \$5.203 million in 2006/07. We then have a total of \$6,451 million for the central government translation.

**Table 6.1: Grants and contributions (\$) linked to minority-language policy, Ontario, 2006/07**

Ministry of Culture	3,780,575
Ministry of Education	6,022,803
Ministry of Health and Long-Term Care (+ Health Promotion)	3,871,638
Ministry of Training, Colleges and Universities	1,800,850
Office of Francophone Affairs	1,688,174
Others	1,197,716
<b>Total</b>	<b>18,361,756</b>

Source: Ontario, Ministry of Finance, 2007a.

and \$788,000. To this we can add the cost of French language training for newcomers to Ontario, which is \$966,000. Table 6.2 summarizes direct provincial spending.

We add to these the expenses of the francophone section of the Ontario Educational Communications Authority (TVO), a public educational media organization that has a francophone branch named *TFO (Télévision francophone en Ontario)*. TVO reports to the Ontario legislature through the Minister of Education. In 2006/07, \$16.66 million was spent for TFO programming services (Ontario Educational Communications Authority, 2007). To this we add the proportion of technical and production support services attributable to *TFO*, \$15.17 million.<sup>19</sup> We then have \$31,832,742 for TFO for 2006/07. Note that since April 2007, *TFO* has been independent from TVO both legally and effectively (i.e., operating from a different location).

This brings the total direct spending to \$46,473,199.

### Education

For primary and secondary education, we use the simulated-costs method. In 2006, there were 82,042 students in French-language *commissions scolaires* and 1,878,230 students in English-language school boards. Using data from 12 French-language *commissions scolaires*,<sup>20</sup> we calculate a cost of \$14,652 per student. Using the data for all boards plus that information, we calculate

19 The overall cost of technical and production support services is \$36,353,000. The cost of TFO programming services is 41.74% of all programming expenses. Applying this proportion to the cost of technical and production services yields \$15,173,742.

20 We were unable to find aggregated data for English- and French-language boards separately. We thus use information from Society for Quality Education (2011) on French-language *commission scolaires*, and all boards in our calculations. We validated the data using information on the list of school boards in Ontario from Wikipedia (2011). A

**Table 6.2: Direct minority-language-related spending (\$), Ontario, 2006/07**

Office of Francophone Affairs	4,445,300
French language services Commissioner	788,000
Language Training for Newcomers (French)	966,000
Translation and Interpretation	
<i>Central Government</i>	6,451,000
<i>Debates Interpretation</i>	640,000
<i>Health Sector</i>	1,359,157
<b>Total</b>	<b>14,649,457</b>

Sources: text.

a per-student cost of \$9,776 for English-language boards. This yields a per-student cost difference of \$4,876 and a system-cost difference of \$400,036,792.

We were unable to find information on the costs incurred within the Ministry of Education as a result of Ontario's language policies for education. We know that in the case of Saskatchewan, the internal administrative cost per minority student was roughly \$1,000 for 1,000 students while in Nova Scotia it was \$200 for 4,000 students and in New Brunswick \$80 for 32,000 students. We will use \$4,000,000 (\$50 per student × 80,000 students).

In calculating the costs of post-secondary education we face the problem that, while there are bilingual universities, there are no French-only university as in New Brunswick or Nova Scotia. Thus, our standard simulated-cost method cannot be used. We thus calculate for 2006/07 the average cost per student for all universities, which is \$9,834, and the average cost for the students of the two major bilingual universities, Laurentian university and Ottawa university, which is \$11,182, for a difference of \$1,349. We then apply this difference to the total enrolment (31,652, that is 9.8%, of total enrolment of Canadian students in Ontario's universities) of these two universities for a total amount of \$42,698,548. Our hypothesis is that the cost of bilingualism is embedded in the total costs of these two institutions. Given that the additional cost of a francophone student is \$3,243 for New Brunswick (see chapter 8), this number is reasonable.

There are two French-language community colleges and 22 English language ones. We obtained graduation data for 2006/07 from the annual survey *Employment Profile*: graduates from francophone colleges number 1,792 out of 60,406 (thus 58,614 in English-speaking colleges (Ontario, Ministry of Training, Colleges and Universities, 2008). We obtain the public subsidy

---

comparison with aggregate numbers for enrolment for 2008/09 does not raise issues (Ontario, Ministry of Education, 2010).

to community colleges from the *Public Accounts* of Ontario for 2006/07. Data for specific colleges are found in volume 3 under Ministry of Training, Colleges and Universities: the two francophone colleges received \$100,689,488 (Ontario, Ministry of Finance, 2007b: 211–212) out of \$931,448,736 (thus, \$830,759,248 for the anglophone colleges (Ontario, Ministry of Finance, 2007c). We multiply the number of graduates by three (the length in years of a community-college degree) to approximate the number of students in our calculation. Students in francophone colleges receive a subsidy of \$18,729 and those in English-speaking colleges a subsidy of \$5,297 for a difference of \$13,432. This is not due to isolation or size as shown by comparing *Le Collège Boréal* and Northern College, which are of similar size and both located in the north; or *La Cité Collégiale* and Loyalist College, of similar size and located in eastern Ontario. Let us assume that some of this may be due to differences in graduation rates, they being lower in French-speaking schools and use \$10,000 as a per-student cost difference; this yields a total cost difference of \$53,760,000 for colleges. Table 6.3 summarizes the francophone minority education costs for Ontario.

### Municipalities

Turning to municipalities, as mentioned before only Toronto and Ottawa have language obligations in their charter. The city of Ottawa has more obligations than Toronto because its French-language services policy involves the provision of a large range of services in both languages. The city of Toronto provides some services in French but its legal obligations are limited to the use of French and English at city council meetings and the simultaneous interpretation of debates. Turning to costs, they are mainly expenses for translation and services. Using the 1.4% increase in general government spending observed for New Brunswick, taking into account that such spending was \$2,359,556,000 for Ontario in 2006 (Statistics Canada, 2011e) and that two large municipalities have some bilingual responsibilities, we estimate this at \$16.5 million (\$33 million with 50% population coverage).

**Table 6.3: Costs (\$) of minority-language policies in education, Ontario, 2006/07**

K-12 education	
<i>Ministry of Education</i>	4,000,000
<i>Additional cost of francophone students</i>	400,036,792
<i>Total</i>	404,036,792
Post-secondary education	
<i>Total</i>	96,458,648

Source: text

**Health**

Finally, with respect to health services, there are no obligations to provide services in French but some institutions, such as hospitals in Cornwall Hawkesbury, Ottawa, Sudbury, or Timmins, do so. We will assume these costs to be \$5 million.

**Total costs**

The main elements of the linguistic obligations of the provincial and local public entities under the FLSA are brought together in table 6.4. These are the observable cost of language policies in Ontario in 2006/07.

**Unobservable costs**

Total program spending was \$79,297 million (Canada, Department of Finance, 2011) and 0.23% of this is \$182 million. But using this amount is predicated on an effort at minority-language services by Ontario similar to that of the federal government, which is not the case. We peg this effort level at 20% of the federal one, yielding \$36,400,000 of unobservable costs.

So the total costs of French-language minority services in Ontario is \$621 million or 0.8% of program spending.

**6.3 The benefits of two official languages**

The benefit of the French Language Services Act (FLSA) is that it allows Francophones, unilingual or bilingual (in English), access to the services of the provincial government in French. A person’s welfare will increase if services are available in his or her preferred language. However, it is difficult to put a money value on this. Therefore, we concentrated our analysis on measurable costs that could be incurred following a change in the language policies in Ontario. What would happen if services governed by provincial law were not offered in French but only in English? This implies that the provisions of the

**Table 6.4: Observable costs (\$) of French-language educational and general public services, Ontario, 2006/07**

K-12 education	404,036,792
Post-secondary education	96,458,648
French-language services, provincial, municipal and health	86,334,875
<b>Total</b>	<b>586,830,315</b>

Source: table 6.3 and text.

French language Services Act and other language-related legislation—but not section 23 of the Charter—are abolished. Presumably, there would be some reduction in the demand for some provincial government services by unilingual Francophones. Say trips to provincial parks or applications for subsidies to small businesses with perhaps a substitution towards private outdoors facilities in French or private financing in French. But, for many provincial government services obtained either as an individual or as an employee or employer, such as interacting with the Department of Finance or obtaining a provincial health card, this is not feasible.

### **French-language services**

Assume that the decision to do away with provincial services in French is made on January 1, 2009. The following three scenarios were discussed in section 1.3:

- ◆ an informal supply of services in French by provincial civil servants;
- ◆ a supply of English capacity by bilingual friends of unilingual Francophones;
- ◆ a supply of English capacity by professional interpreters/translators.

What are the plausible costs of such policy? This is difficult to ascertain. We are using an average number of contact hours of 20. For unilingual francophones all these hours should be in French; for bilingual francophones, we assume half, that is 10. Such interactions result from the following.

- 1 Interacting with agencies and departments of the provincial government both directly through visits to their offices, phone calls, or use of their websites and e-government facilities. These interactions can be:
  - ◆ as individuals to obtain transfers payments (welfare, worker's compensation ...), pay taxes, use facilities (museums, parks ...) and so on;
  - ◆ as business owners/employers to obtain permits, comply with regulations, remit payments, and so on.
- 2 Interacting with public health providers (hospitals, clinics ...).
- 3 Interacting with non-K-12 education providers through taking courses ...
- 4 Interacting with municipal bodies as users of facilities (arenas, libraries, parks ...), business owners/employers (meeting regulations ...), taxpayers and so on.
- 5 Interacting with the legal system

Since there are 49,210 French unilingual citizens according to the 2006 Census, one would need to:

- ◆ Add say 492,210 hours<sup>21</sup> of public service output assuming that, as they translate, they also produce something of value to their employer and the applicant given their specialized knowledge. We arbitrarily split the difference in two. This would directly cost about \$13,220,317 as the average provincial civil-service wage in 2006/07 was \$973.86 weekly<sup>22</sup> (considering 36.25 hours per week, according to Service Ontario yields an hourly cost of \$26.85).
- ◆ Use friends who can be assumed to place a value on their time somewhere between zero and the average wage in Ontario. We will use 66% of the average wage of \$780.11<sup>23</sup> per week in 2006/07, thus yielding \$514.87 and an hourly cost of \$14.15, given a normal work week. This times 984,200 hours yields \$13,921,293<sup>24</sup> (Human Resources and Social Development Canada, 2011).
- ◆ Use translators whose average wage is about \$27.12 (Living in Canada, 2011) hourly, yielding a cost of \$26,691,504.

This yields an average cost of \$17,944,371. Thus the annual cost of a unilingual Francophone is \$364,65. As to bilingual Francophones, they number 488,815 and thus generate a demand for 4,888,150 hours of service in French at half that unit cost (10 rather than 20 hours) at \$182.32 for a total of \$89,120,751. We add that amount to the cost of unilingual Francophones to obtain the cost for all Francophones.

Turning to post-secondary education, only 4.7% of Francophones aged 20 to 24 are unilingual (Statistics Canada, 2007a) and this probably overestimates the percentage for those attending post-secondary education. Thus, given potential dropouts, at best a few hundred Francophones would move to Quebec for post-secondary education; if we assume 500 spending \$10,000 extra each, this yields a cost of \$5 million.

21 Number of French unilingual citizens (49,210) × 20 hours/citizen = 984,200 hours; divided by 2 = 492,100.

22 Statistics Canada (2011c) for Ontario, All employees, excluding overtime, provincial government public administration in 2007.

23 Statistics Canada (2011c) for Ontario, All employees, excluding overtime, industrial aggregate (excluding unclassified) in 2007.

24 In 2007, employees in Ontario worked 36.4 hours per week on average (Human Resources and Social Development Canada, 2011).

Table 6.5 brings together the various costs and benefits looking at unilingual Francophones and all francophones.

**Table 6.5: Comparison of the cost (\$) of public and private provision of minority-language post-secondary education and general public services, Ontario, 2006/07**

	Publicly provided cost	Unilingual Francophones	All Francophones
Post-secondary education	96,458,648	5,000,000	5,000,000
Government services	122,734,875	17,944,371	107,065,122
<b>Total</b>	<b>219,193,523</b>	<b>22,944,371</b>	<b>112,065,122</b>

Source: tables and text

## 6.4 Conclusion

Provincial official language services have two aims. The first is the ongoing existence—survival—of the official language minority through the provision of educational services, particularly at the K-12 level. If these services were not provided, assimilation into the anglophone majority would most likely occur at a higher rate leading to eventual disappearance. The second is the provision of services to members of the official language minority who would otherwise not be able to consume services in the official majority language or who can do so but prefer to use their minority language when communicating with various providers of public services.

In the case of Ontario, about 60% of the spending is on the provision of minority-language education with an annual cost of about \$34 per resident while the costs for all services is about \$50 per capita. We cannot ascertain if the benefits of a larger, more vital francophone minority are worth it or not for a typical resident but note that the take-up rate of francophone minority education is 118%.

The costs of publicly provided French language services (excluding K-12 education) are slightly higher than the private value of such services even if we bring these costs down to \$187 million by removing the costs of *Télévision francophone en Ontario* (\$32 million), since we did not include viewing time among the benefits received by francophones.



## 7 Quebec

### 7.1 The legal and institutional framework

In Quebec, admission to English schools is determined by the application of Section 23 of the Charter to citizens who have received primary education in Canada. There are both English colleges and universities. Quebec distinguishes itself from other provinces by a wide ranging language policy that is primarily aimed at protecting and enhancing the use of French, the majority language: “While federal legislation has encouraged official bilingualism, Quebec ... has attempted to build a society where French is not only the official language, but also the common language of all Quebecers” (Silver, 2000: ¶31). Although a majority in the province, Francophones represent a minority group at the Canadian and North American level (Silver, 2000). According to one architect of the current language policy (Rocher, 2003), the provincial intervention in favour of the French language is justified by the demographic threat to this majority status resulting from the high share of immigrants integrating into the anglophone minority because English, rather than French, is the usual and predominant language of the continent. The government felt in 1977 that its intervention was necessary since the free competition of the two languages would lead to a reduced knowledge and use of the French language.

Before the Quiet Revolution (*Révolution tranquille*) that began in 1960, Quebec laws were silent about language issues with the exception of the *Lavergne* law (Quebec, Office de la Langue Française, 2011). Enacted in 1910, this law modified the Civil Code of Lower Canada and required that transportation tickets and documents provided by public utility enterprises must be in French and English. Apart from this law, the only language requirement was in section 133 of the Constitution Act of 1867. These provisions essentially granted linguistic rights in the areas of justice and legislation. Of course, section 93 protected denominational schools associated with the two language groups. The Quiet Revolution began with the election of Jean Lesage as Premier of Quebec. This change was accompanied by attempts to redefine the status of Quebec within Canada and by the emergence of secessionist political parties such as the *Rassemblement pour l'indépendance nationale* (RIN), followed by the *Parti Québécois* (PQ). This period was characterized by growing concern on the part of French speakers about need to protect the French language; this led in some cases to protests.<sup>1</sup>

---

<sup>1</sup> Such as the 1969 protests for a McGill University français.

During this period, the following observations were made about the status of French language. First, Francophones were worried about the quality of French. Second, the majority of immigrants were integrating into the anglophone community and Francophones feared assimilation because of their recently lowered birth rate (Woehrling, 2004). Third, although Francophones were the majority language group in the province, English remained the language of prestige, business, and many signs in the Montreal area (Chevrier, 1997). Moreover, Francophones disproportionately (when compared to their overall population share) occupied low-paid jobs while higher-level positions were disproportionately occupied by unilingual Anglophones (Silver, 2000). This situation was acknowledged by two government inquiries: the federal Royal Commission on Bilingualism and Biculturalism (Laurendeau-Dunton) established in 1963 by the federal government and the provincial Gendron Commission<sup>2</sup> established in 1968 both concluded that the status of Francophones in the economy was not proportional to their population weight. Quebec's language policy was aimed at resolving these concerns. Jean Lesage's 1962 electoral slogan "Masters in our own house" (*Maîtres chez nous*) preceded this.

### Education

Quebec's first post-1960 language law was proposed in 1968 (Bill 85) but withdrawn. A revised version was adopted in 1969 under the *Union Nationale* government. This was done in reaction to the so-called St Leonard crisis. The school board operating in that suburb of Montreal decided in 1967 to replace bilingual primary school classes with French unilingual ones since they found that immigrants' children were the main attendees of such classes and that this led them to attend English high school. This led to conflicts between Italians, often immigrants, and francophone residents. The Act to Promote the French Language in Québec (also known as Bill 63) required children receiving instruction in English to acquire a working knowledge of French. At the same time, Bill 63 recognized a parent's right to choose the language of instruction for their children (Chevrier, 1997). Bill 63 also mandated the government to take measures to ensure that new immigrants in Quebec learn French.<sup>3</sup>

This policy of freedom of choice with respect to the language of schooling was strongly contested by Quebec nationalists. Bill 63 was repealed by the Liberal government of Robert Bourassa in the Official Language Act of 1974; Bill 22 ended parental freedom of choice of the K-11 language of instruction. While English schooling was still guaranteed for mother-tongue Anglophones

2 Formally, the *Commission d'enquête sur la situation de la langue française et sur les droits linguistiques au Québec*.

3 See Act to Promote the French language in Québec (Government of Quebec, 1969): § 3.

(Government of Quebec, 1974), Francophones and immigrants had to pass a test of their command of English prior to registering in English schools. If the pupils failed the proficiency test, they were required to enroll in French schools. Bill 22 was challenged under section 93 of the Constitutional Act of 1867 (*Protestant School Boards of Greater Montreal v. Minister of Education of Québec*). In ruling on this case, the Quebec Superior Court found no violation of section 93 because, it argued, that section only protected denominational rights, not language rights (*Attorney General of Quebec v. Quebec Association of Protestant School Boards et al.*). The language tests were difficult to implement and encountered strong resistance from the anglophone and allophone communities (Green, 1999).

In 1977, the government of the *Parti Québécois* introduced Bill 1, soon replaced by Bill 101, known as the Charter of the French Language (CFL). Regarding education, the goal of the CFL was to narrow the accessibility to public education in English. The CFL abolished Bill 22's language tests. Section 73 enunciated that only children whose parents had received their elementary instruction in English *in Quebec* or whose parents then residing in Quebec had received their elementary instruction in English elsewhere in Canada on the date of coming into force of the CFL could receive public instruction in Quebec in English.<sup>4</sup> Henceforth, children of immigrants and Francophones as well as children whose parents had received English instruction in Canada outside Quebec after the coming into force of the CFL were not entitled to English schooling in Quebec. This provision, called the "Quebec clause," was considered unacceptable by federal authorities because it was against the principle of free movement of persons central to the concept of federalism (Woehrling, 2004). However, at the time of its adoption, nothing in the Constitution forbade this type of legislation. This changed in 1982 with the promulgation of an amended Constitution that included Section 23 of the Charter of Rights. Recall that, under this article, citizens whose first language learned and still understood is that of the official linguistic minority population of the province in which they reside or who have received their primary school instruction *in Canada* in English or French and reside in a province where their language of instruction is the language of the linguistic minority of the province, have the right to have their children receive primary and secondary school instruction in that language in that province.

The first criterion is not in force in Quebec.<sup>5</sup> The second criterion (primary school instruction *in Canada*), also known as the "Canada clause,"

4 The right was extended to children attending English schools on the date of coming into force of the CFL and to their siblings.

5 It is important to note that the criterion of section 23(1)a) is not in force in Quebec since it requires Quebec's approbation to come into effect under section 59 of the Constitution Act of 1982.

came into conflict with the Quebec clause, which was invalidated by the Supreme Court in 1984 (*Attorney General (Québec) v. Québec Protestant School Boards*). Nevertheless, immigrants—even if English is their mother tongue—and Francophones are still required to enroll their children in French schools. Also, families in which at least one child has received school instruction in English or French in Canada have the right to have all their children receive primary and secondary school instruction in the same language.

The second paragraph of section 73 of the Charter of the French Language (CFL) refers to “a child whose father or mother is a Canadian citizen and who has received or is receiving elementary or secondary instruction in English in Canada, and the brothers and sisters of that child, provided that that instruction constitutes the major part of the elementary or secondary instruction received by the child in Canada.” Based on this provision, some residents in Quebec send a child to a non-subsidized private English school, usually for the first year(s) of primary instruction, and afterwards request the right to have that child—and siblings—admitted to the English public school system (*H.N. c. Québec (Ministre de l'Éducation)*: ¶¶ 28–51). An illustration of this practice can be seen in the case of a Montreal-based private anglophone school: “In 2000-01 [it] had 154 students in grade one, but only 14 the following academic year in grade two” (Garvey Institute, *H.N. c. Québec (Ministre de l'Éducation)*: ¶ 34). In the Solski case, the Supreme Court has ruled that section 73(2) is consistent with section 23 if the expression *major part* is given a qualitative rather than a quantitative meaning (*Solski (Tutor of) v. Quebec (Attorney General)*). Therefore, a child who was not initially entitled to English public schools under section 23 could ask with success to attend English public schools after he had completed the major part of his schooling in English. This right can then be extended to the other children of the family. In 2002, the CFL was amended to counter this phenomenon.<sup>6</sup> Bill 104 prescribes that instruction in English received in Quebec in a non-subsidized private school must be disregarded when analyzing qualitatively the “major part” criteria. This was contested in Court and the Quebec Court of Appeals ruled in 2007 that the amendment violates section 23 and that this infringement does not constitute a reasonable limit that could be justified in a free and democratic society (section 1 of the Charter) (*H.N. c. Québec (Ministre de l'Éducation)*). In October 2009, the Supreme Court of Canada upheld this decision. In the Fall of 2010, Bill 103 was adopted; it requires three-years minimum attendance for the right to English schooling to be considered for English language schooling.

<sup>6</sup> The amendment concerning the special authorizations under sections 81, 85, and 85.1 would not be addressed here. See *T.B. c. Québec (Ministre de l'Éducation)*.

## Language policies outside of education

### *General principles*

Bill 22 declared French the official language of Quebec (Chevrier, 1997; Woehrling, 2004). Thus French was to be the language of communication with the Administration and the language of work across Quebec. The *Régie de la langue française* was created and was notably responsible for programs increasing the place of French in businesses. These programs of Bill 22 were resisted by anglophone businesses while the francophone community was critical of their efficiency (Chevrier, 1997). In 1976, the *Parti Québécois* came to power and announced its intention to revise and reinforce Bill 22. It introduced the symbolically numbered Bill 1 in April 1977, withdrew it, and introduced Bill 101. In August 1977, Bill 101, formally the Charter of the French language (CFL) was adopted. French was declared the official language of the legislature, government bodies, courts and public schools as well as the usual and normal language of work. The CFL, tempered by court decisions such as the *Blaikie* and *Ford* cases (see discussion below), gives priority to the French language while not prohibiting the use of other languages. Moreover, section 89 states that, unless the exclusive use of French is prescribed by the law, other languages can be used by the Administration.

The general intention is stated explicitly in the preamble of the Charter of the French language (CFL) of 1977: “Whereas the National Assembly of Quebec recognizes that Quebecers wish to see the quality and influence of the French language assured, and is resolved therefore to make of French the language of Government and the Law, as well as the normal and everyday language of work, instruction, communication, commerce and business ...” (Government of Quebec, 1977). Section 1 of the Charter of the French language (CFL) states that French is the official language of Quebec. Thus French is the language of the whole Administration as well as that of the workplace, primary and secondary education, and the judicial system (Morin and Woehrling, 1994). However, the English speaking minority has rights derived from the CFL, the two Constitution Acts, and from various other legislative instruments. Under section 133 of the Constitution Act of 1867 and section 7 of the CFL, bills must be printed, published, and adopted<sup>7</sup> in both English and French. Statutes and parliamentary records must be published in both languages. Both versions are equally authoritative and can be used before Quebec courts (Government of Quebec, 1977). Under section 133, English and French can both be used in the debates of Quebec legislature. The minutes of these debates must be published in both languages.

<sup>7</sup> Only the Charter of the French Language states this literally. This obligation was included in section 133 requirements by the Supreme Court in the *Blaikie* (1 and 2) cases.

### **Language of laws and courts**

The CFL does not address the language of the courts.<sup>8</sup> However, section 133 makes a bilingual judicial system mandatory by allowing the use of French and English in any pleading or procedure before Quebec courts. This would be used in the first *Blaikie* case to invalidate the chapter III of the CFL, which prescribed that laws and bylaws would only be adopted in French and that an English translation was available upon request. Criminal proceedings are covered by section 530(1) of the Criminal Code. The accused has a right to be judged in the official language of his choice. This right also includes the Crown attorney conducting the proceedings.

The question of the scope of section 133 was raised before the Supreme Court in the two *Blaikie* cases (*P.G. Québec c. Blaikie*, [1979]; *P.G. Québec c. Blaikie*, [1981]). The Supreme Court ruled that the section-133 obligation of bilingualism was not limited to laws but also to any delegated legal acts such as regulations adopted by the government, a Minister, or by an administrative body but approved by one of the first two. However, the obligation does not cover municipal or school-board bylaws (*P.G. Québec c. Blaikie*, [1981]). Concerning the judicial system, the Supreme Court concluded that the administrative tribunals were covered by section-133 language requirements (Morin and Woehrling, 1994). However, in three cases, *Société des Acadiens*, *Macdonald*, and *Bilodeau*, the Supreme Court ruled that the litigant's right to choose the language used in court does not imply that the judge or any other legal officer must use this language because they are entitled to the same right under section 133 (*Société des Acadiens du Nouveau-Brunswick c. Association of Parents*; *MacDonald c. Ville de Montréal*; *Bilodeau c. P.G. Manitoba*). This is not a major issue since almost all Quebec judges understand English (Morin and Woehrling, 1994). Note that the Supreme Court invalidated on this basis the CFL's provisions that prescribe that the judgments must be written in French or have to be translated in the case of a judgment in English.

### **Public services**

Chapter IV of the CFL addresses the language of the Administration and public institutions. The internal language of the Administration and the language of interactions between public bodies is French. An appropriate knowledge of French is required to be appointed or promoted to a new position within the Administration.<sup>9</sup> The external language of the government must be French for communications with legal persons although the government *may*

8 With the exception of section 11 (now repealed), which stated that corporations use French in the courts unless otherwise agreed (University of Ottawa, 2011d).

9 This provision does not apply in the case of recognized bodies under section 29.1 of the Charter of the French Language (CFL).

interact with natural persons in French and another language. Section 29.1 of the CFL enunciates that English language school boards, municipal, health, and social-service agencies can be designated as recognized bodies by the *Office de la langue française*. This recognition is automatic for school boards while, to be recognized by the *Office*, municipalities must provide services to a population composed of more than 50% of anglophones, and health and social services care for a majority non-francophone clientele. This recognition allows the public bodies to provide their services in the language of the population served although they must also be able to provide these services in French. In addition, the designated bodies can use the other language along with French in their name, signs, advertising, and internal communications. Two recognized bodies can interact with each other in another language than French. It is important to note that the CFL opens the possibility of providing English services to some bodies but it does not create a right to such services in English or in any language other than French.

The only right to a service in English is found in the Act Respecting Health Services and Social Services (Government of Quebec, 1971). Under section 15 adopted in 1986, English-speaking persons are entitled to receive health services and social services in English. This right is tempered by the organizational structure and the resources of the institutions providing the services. Under section 348, each health and social-service agency must develop a program of access to health services and social services in English. In short, the CFL gives priority to French as the external language of the Administration while not prohibiting the use of other languages (Green, 1999). Concerning the internal language of the Administration, French is the mandatory medium of communication with the exception of public bodies recognized under section 29.1 of the CFL.

While in the *Montfort* case the Ontario Court of Appeal ruled that government actions can be evaluated in the light of the unwritten principle of protection of minorities (*Lalonde v. Commission de restructuration des services de santé (Ontario)*), anglophone municipalities that challenged their 2001 merger into one island-wide city of Montréal did not succeed (*Baie D'Urfé (Ville) c. Québec (Procureur général)*). According to the Québec Court of Appeals, the principle of protection of minorities does not by itself confer a right to a minority institution when such a right does not exist in another legislative or constitutional instrument.<sup>10</sup> Since municipalities are under the complete jurisdiction of the provincial legislature as provincial creatures, the unwritten principle cannot be used as a veto against municipal reorganization (*Baie D'Urfé (Ville) c. Québec (Procureur général)*). The Supreme Court refused to hear the appeal.

<sup>10</sup> As was the case in the Montfort Hospital legal battle; see *Baie D'Urfé (Ville) c. Québec (Procureur général)*.

**Private workplace**

The goal of the CFL is to make French the usual language of business and commerce in Quebec. Its provisions cover a large range of subjects from collective agreements to professional bodies. One of the fundamental language rights provided by the CFL is the right of workers to carry on their activities in French (Government of Quebec, 1977). A corollary to this right is section 46's interdiction of an employer's requiring a knowledge of a language other than French as a condition of employment unless the employer establishes that the language prerequisites are needed to carry out the work (Government of Quebec, 1977). Similarly, an employer cannot dismiss, layoff, demote, or transfer an employee for the sole reason that he or she has insufficient or no knowledge of a language other than French. This interdiction is not absolute since it is tempered by section 46's exception of need.

Firms with more than 50 employees must put in place a program to generalize the use of French across the firm. This includes using French as the language of work and in internal communications with the employees. Collective agreements must also be written in French. Firms undertaking such programs have a coordinator in charge of the program and must submit an annual report to the *Office de la langue française*. Once they reach their goal for the program, they receive a certification. In 2006/07, 80.7% of the corporations registered with the *Office* were certified (Quebec, Office de la Langue Française, 2007). The CFL makes French the mandatory language of work. It does not prohibit English or any other language since they can be used along with French. The programs to spread the use of French across firms also encourage the use of French in external communications such as advertising, customer service, and interactions with providers. There are specific exceptions such as that for non-profit or cultural corporations. Professional organizations and their members and public-utility corporations such as phone companies must have French-language services available for the public. Professional groups (MDs, and so on) must ensure that their members have an appropriate knowledge of French before they can become members and offer their services to the public.

**Signs**

The 1977 version of the CFL prescribed, with some exceptions, French-only public signs, commercial advertising, and company names (Government of Quebec, 1977: §§ 58, 69). This was contested under the Canadian and Quebec Charters of Rights as violating rights to freedom of expression. In 1984, anglophone businesses filed a complaint against the provisions of the CFL prescribing French-only signs. The Quebec Superior Court and the Quebec Appeal Court found that the law violated either one or both Charters. In 1988, the Supreme Court in the *Ford* case found that the dispositions of the CFL



contravened both Charters (*Ford v. Québec*). According to the Supreme Court, the freedom of expression guaranteed by the Canadian Charter includes the right to express one's ideas in the language of one's choice (*Ford v. Québec*) and, therefore, the CFL's provisions were a violation of the free expression of Anglophones "because [they] were prohibited from using the language of their choice" (Green, 1999: ¶¶19–24). This violation did not pass the test of reasonable limit<sup>11</sup> because the prohibition was judged not necessary to achieve the government's goal of protecting French.

One week after the Supreme Court judgment, Quebec's legislature adopted Bill 178. While French was still the exclusive language allowed on exterior commercial signs, English was allowed for the interior signs in small businesses but only if French was predominant. This new law was sheltered from both Charters by a "notwithstanding" clause (section 33 of the Canadian Charter and 52 of the Quebec Charter). Since no legal actions could take place in Quebec or Canada against this new law, two owners of anglophone firms (Ballantyne and Davidson) initiated in 1989 an appeal before the United Nations Human Rights Committee (UNHUC). They claimed that Bill 178 violated the freedom of expression guaranteed by section 19 of the International Covenant of Civil and Political Rights (ICCPR) and, therefore, that Canada did not respect its obligation under the ICCPR. The UNHUC in 1993 ruled that Bill 178 was a breach of Canada's international obligations under the ICCPR (*Ballantyne, Davidson, and McIntyre v. Canada*). The decision recognized that Bill 178 served a legitimate purpose but the UNHUC ruled that, even if a State could choose one or more official languages, it could not prohibit the private use of a language without transgressing the freedom of expression of its residents. UNHUC concluded by saying that the protection of the French language could have been achieved without limiting Anglophones freedom of expression (*Ballantyne, Davidson, and McIntyre v. Canada*). As the Supreme Court had done, UNHUC suggested that the law could require commercial signs and advertising to be in both French and another language (*Ballantyne, Davidson, and McIntyre v. Canada*). UNHUC's decision called for an amendment of the law. In 1993, the CFL was modified: public signs and commercial advertising can now be in French and another language if French is markedly predominant (Government of Quebec, 1993). Firm names in French can be accompanied by another language if the French name appears at least as prominently.

---

11 § 1 of the Canadian Charter.

## 7.2 The costs of language requirements

We are interested in the marginal cost<sup>12</sup> of providing services as a result of the Charter of the French language (CFL) and other laws and policies and, thus, since French is the majority language, of providing services in English. The method most often used to measure the expenditures resulting from the CFL will be to obtain directly the spending for official languages from the public accounts or the annual reports. The other method used is the simulated-cost approach described in section 1.3. We ascertained these costs using information from the Public Accounts and from annual reports of various departments for the fiscal year 2006/07.

### Elementary and secondary education

French is the language of the majority in Quebec and it is also the language of instruction. In 1977, Quebec's National Assembly adopted the Charter of the French Language (Bill 101). The Charter states that all children in Quebec must be educated in French until the end of their secondary studies. The Charter does not apply to Quebec's colleges and universities or unsubsidized private institutions, so students at these institutions are free to study in the language of their choice. In addition, French second-language instruction is taught in preschool and compulsory from grade 1 at the elementary school to the last year of secondary school; English as a second language is also compulsory from grade 1 to the last year of secondary school.<sup>13</sup> However, the Charter allows, for certain special cases, that children pursue their education in English schools.

The education system in Quebec is administered by the *Ministère de l'Éducation, du Loisir et du Sport (MELS)*. The *MELS* manages four levels of instruction: the primary (which includes preschool), secondary, collegial, and university levels. The primary, secondary, and collegial levels are divided in three education structures: public institutions—*Commissions scolaires* and *CÉGEPs (Collège d'enseignement général et professionnel)*—, private institutions, and governmental schools. The last includes schools that are managed by ministries other than the *MELS*. Quebec counts 28 governmental schools, of which 24 are managed by the federal government (mainly aboriginal schools). We do not examine the governmental schools here. At the primary and secondary public level, there are 69 school boards: 60 *Commissions*

12 By this we mean the difference in unit cost between services provided in French and those provided in English multiplied by the number of Anglophones thus served; we do this since serving Anglophones in French is not costless.

13 Before September 1, 2006, English as a second language was taught from grade 3 to Secondary 5.

*scolaires* and nine anglophone boards.<sup>14</sup> Post-secondary education outside the universities is carried out by 48 publicly supported *CÉGEPs* and colleges, of which five are anglophone; one of these, Champlain Regional College, has multiple campuses. Finally, there are 19 universities in the province; three of them are anglophone institutions (Quebec, Ministère de l'Éducation, du Loisir et du Sport, 2008a).

We want to estimate the additional cost of English schooling and not the overall expenses for Anglophone schools. For these calculations, we will use the *Indicateurs de Gestion des Commissions Scolaires 2006-07*. The total expenses for each board include components like the instruction, educational support, administration, and transportation. There are 1,034,194 full-time equivalent (FTE) students in the primary and secondary public education systems in Quebec, with 111,277 FTE enrolled in the anglophone boards (Quebec, Ministère de l'Éducation, du Loisir et du Sport, 2008b). We have a per-student cost of \$9,044/FTE for the anglophone boards and \$9,368/FTE for the *Commission scolaires*.<sup>15</sup> Thus there are no extra costs associated with anglophone minority students.

The administrative costs associated with K-12 schooling are \$32,335,000 of which we assume that 11% (the share of anglophone students in K-12 education) or \$3,600,000 is associated with the English language boards. This is equivalent to a unit cost of about \$30 per student for 110,000 students, which is in line with costs used for other provinces. Enrolment and expenditures are reported for the *Commissions scolaires* and anglophone school boards in table 7.1.

**Table 7.1. Enrolment (FTE) and expenditures (\$) for *Commissions scolaires* and anglophone boards in Quebec, 2006/07**

	Total enrolment (full-time equivalent)	Total expenditures	Expenditures/ full-time equivalent
<i>Commissions scolaires</i>	922,917	8,645,555,920	9,368
Anglophone boards	111,277	1,006,429,817	9,044
<b>Total</b>	<b>1,034,194</b>	<b>9,651,985,737</b>	<b>9,333</b>

Source: Quebec, Ministère de l'Éducation, du Loisir et du Sport, 2008b.

14 We exclude three aboriginal boards because of their clientele and location.

15 Operating expenditures for primary and secondary education: francophone = \$8,645,555,920/922,917 FTE = \$9,368/FTE; anglophone: \$1,006,429,817/111,277 FTE = \$9,044/FTE.

### Post-secondary education

Post-secondary education in Quebec consists of colleges and universities. There are 43 *CÉGEPs* and five anglophone public colleges in Quebec (Champlain Regional College, Dawson College, Heritage College, John Abbott College, and Vanier College). In 2006/07, the province allocated \$1,404,009,051 in grants to these 48 colleges; they do not levy fees on regular students. Of this total grant amount, the anglophone institutions received \$203,255,353 (Quebec, Ministère des Finances, 2007). During this period, there were 191,410 college students, of which 31,866 were enrolled in anglophone colleges (Quebec, Ministère de l'Éducation, du Loisir et du Sport, 2008a).

To evaluate the extra expenses incurred by the government for instruction in English, we will compare the provincial funding per student. Enrolment and provincial funding are reported for the *CÉGEPs* and the anglophone colleges in table 7.2. The unit cost of anglophone student is \$6,378 while that of francophone students is \$7,526. Thus, there are no extra costs associated with anglophone students.

There are 17 universities throughout Quebec.<sup>16</sup> Of these, three are anglophone: Bishop's University, McGill University, and Concordia University. We use the number of full-time equivalent (FTE) students per university (Quebec, Ministère de l'Éducation, du Loisir et du Sport, 2008c) and subsidies obtained from the *Public Accounts 2006-2007* (Québec, Ministère des Finances, 2007) and from the Annual Report of the *Université du Québec* (Université du Québec, 2007) for the fiscal year 2006/07. Enrolment and provincial funding are reported for the Anglophone universities and the Francophone universities in table 7.3. Again, there are no extra costs associated with anglophone students.

### Summary

In summary, our estimation based on the simulated-cost method, indicates that there are no supplementary expenses generated by the Anglophone education system in Quebec at the primary, secondary, collegial, and university levels except for administrative overhead. The total education costs are presented in table 7.4.

### English-language services

Turning to services to the anglophone community other than education, there are translation costs. The *Assemblée Nationale* of Quebec, through the *Direction de la traduction et de l'édition des lois*, provides the translation of the legislative documents and also meets the translation needs of other administrative units. For the fiscal year 2006/07, the costs generated by these translations were \$470,800 (Quebec, Assemblée Nationale, 2007).

16 The *Télé-Université* is included in the *Université du Québec à Montréal (UQAM)*.

**Table 7.2. Enrolment and provincial grants (\$) for the CÉGEPs and the anglophone colleges in Quebec, 2006/07**

	Enrolment*	Provincial funding	Provincial funding/student
CÉGEPs	159,544	1,200,753,698	7,526
Anglophone colleges	31,866	203,255,353	6,378
<b>Total</b>	<b>191,410</b>	<b>1,404,009,051</b>	<b>7,335</b>

Note\*: Students are not counted as Full Time Equivalencies (FTEs) as statistics were not available.

Source: Quebec, Ministère de l'Éducation, du Loisir et du Sport, 2008a; Quebec, Ministère des Finances, 2007.

**Table 7.3. Enrolment (FTE) and provincial funding (\$) for francophone and anglophone universities in Quebec, 2006/07**

	Enrolment (full-time equivalent)	Provincial funding	Provincial funding/full-time equivalent
Francophone universities	142,818	2,487,293,964	17,416
Anglophone universities	50,054	580,976,913	11,607
<b>Total</b>	<b>192,872</b>	<b>3,068,270,877\$</b>	<b>15,908</b>

Source: Quebec, Ministère des Finances du Québec, 2007; Université du Québec, 2007.

**Table 7.4: Cost (\$) of minority-language policies in education, Quebec, 2006/07**

Administrative costs, anglophone students	3,600,000
Additional cost of anglophone students (preschool to secondary levels)	0
Additional cost of anglophone students (anglophone colleges)	0
Additional cost of anglophone students (anglophone universities)	0

Source: text.

But this does not cover all translation expenses. For example, the Ministry of Education reports translating 20,095 pages in 2006/07 (Quebec, Ministère de l'Éducation, du Loisir et du Sport, 2007: 94). Assuming 200 words per page and a cost of \$0.2 per word yields a cost of \$883,800 for that ministry. Unfortunately, not all departments report this spending so it is impossible to obtain a provincial total easily.

We found that in New Brunswick the province spent \$4.2 million on translation, which is about \$18 per minority member. Applying this amount to the anglophone minority yields \$10.4 million, which is a bit high given the lower intensity of spending on bilingual services in Quebec, so we will

use \$5 million. If we assume that spending on translation by the Ministry of Education is representative of spending patterns on this item overall and given that education is 20% of total program spending, then \$5 million is a reasonable number for overall spending on translation.

### **Health services**

There is a commitment by the Quebec government to offer services in English to its anglophone minority. Various measures have been taken in this respect as documented by the Community Health and Social Services Network (Community Health and Social Services Network, 2011). Translation and training has been carried out. We will assume a cost of \$5,000,000 a year.

### **Municipalities**

As mentioned above, the language of administration is, in general, French. Under Section 29.1 of the Charter of the French language (CFL), English municipalities can be recognized by the *Office de la langue française* if the majority of the population is anglophone. As noted previously, the anglophone community in the province of Quebec is located mainly in the region of Montreal (73.9%) (Statistics Canada, 2007b). However, although the majority of residents in anglophone municipalities are anglophone, they are required to serve residents in French as well as English. We assume that the extra costs of serving the anglophone (provincial) minority are similar to those incurred in New Brunswick but somewhat lower given the linguistic composition of the municipalities; we thus assume 1% of general government spending. The wage bill of anglophone municipalities was 7.5% of the total municipal wage bill in Quebec in 2001 (Vaillancourt and Vaillancourt, 2005) while general government municipal spending was \$1,610,954,000 (Statistics Canada, 2011e), which yields \$1,208,216. Table 7.5 summarizes observable spending

### **Unobservable spending**

Program spending in 2006/07 was \$51,734 million (Canada, Department of Finance, 2011) and 0.23% is thus \$119 million. But this assumes a bilingualism effort similar to that of the federal government. We peg it at 30% or \$35.7 millions. This yields a total spending of \$50 million or 0.1% of program spending.

## **7.3 The benefits of two official languages**

In Quebec, even if French is the official language, we previously noted that the Section 29.1 of the Charter of the French language (CFL) allows municipalities to provide services in English if the majority of the population is anglophone. Also, it states that, under certain conditions mentioned previously, anglophone children can receive their instruction in English. A person's

**Table 7.5: Observable costs (\$) of English-language educational and general public services, Quebec, 2006/07**

Direct spending (translation)	5,000,000
French-first language education	3,600,000
Post-secondary education	0
Municipalities	1,200,000
Health	5,000,000
<b>Total</b>	<b>14,800,000</b>

Source: text.

welfare will increase if services are available in his or her preferred language. However, it is difficult to put a money value on it. Therefore, we concentrated our analysis on measurable costs that could occur following an abolition of the language policies in Quebec. What would happen if services governed by provincial law were not offered in English but only in French? This implies that both the Quebec-specific provisions of the Canadian Constitution and section 29.1 of the Charter of the French language are abolished. Presumably, there would be some reduction in the demand for some provincial government services by unilingual Anglophones, say, trips to provincial parks or applications for subsidies to small businesses with perhaps a substitution towards private outdoors facilities in English or private financing in English. But, for many provincial government services sought either as an individual or as an employee or employer, such as interacting with the *Ministère des Finances* or obtaining a provincial health card, this is not feasible.

### English language services

Assume that the decision to do away with provincial services in English is made on January 1, 2012. One can imagine the following scenarios:

- 1 an informal supply of services in English by provincial civil servants;
- 2 a supply of English capacity by bilingual friends of unilingual Anglophones;
- 3 a supply of English capacity by professional interpreters and translators.

What are the plausible costs of such policy? This is difficult to ascertain. We are using an average number of contact hours of 20. For unilingual Anglophones all these hours should be in English; for bilingual anglophones, we assume half, that is 10 hours. Such interactions result from:

- 1 Interacting with agencies and departments of the provincial government both directly through visits to their offices, phone calls, or use of their websites and e-government facilities. These interactions can be:

- ◆ as individuals to obtain transfers payments (welfare, worker's compensation ...), pay taxes, use facilities (museums, parks ...) and so on;
  - ◆ as business owners/employers to obtain permits, comply with regulations, remit payments, and so on.
- 2 Interacting with public health providers (hospitals, clinics ...).
  - 3 Interacting with non-K-12 education providers through taking courses ...
  - 4 Interacting with municipal bodies as users of facilities (arenas, libraries, parks ...), business owners/employers (meeting regulations ...), taxpayers and so on.
  - 5 Interacting with the legal system

There are 175,780 (336,785) unilingual Anglophones (unilingual English residents) of Quebec according to the *2006 Census*. Whether benefits should be calculated only for unilingual individuals whose mother tongue is English or for all unilingual Anglophones can be debated. We report results for both groups. One would then need to:

- Add say 1,757,800 (3,367,850) hours<sup>17</sup> of civil service output assuming that, as they translate, they also produce something of value to their employer and the applicant given their specialized knowledge. We arbitrarily split the difference in two. This would directly cost about \$54.2 (\$103.9) million as the average provincial civil-service wage in 2006/07 was \$972.03 weekly<sup>18</sup> (assuming 31.6 hours per week yields an hourly wage of \$30.85).
- Use friends who can be assumed to place a value on their time somewhere between zero and the average wage in Quebec. We will use 66% of the average wage of \$708.43<sup>19</sup> per week in 2006/07 thus yielding \$467.60. This times 3,515,600 (6,735,700) hours and yields \$52.0 (\$99.6) million with a wage rate of \$14.80 per hour.<sup>20</sup>

17 Number of English unilingual citizens (336,785) × 20 hours/citizen = 6,735,700 hours; divided by 2 = 3,367,850.

18 See Statistics Canada (2011c) for Quebec, All employees, excluding overtime, provincial and territorial public administration in 2006.

19 See Statistics Canada (2011c) for Quebec, All employees, excluding overtime, industrial aggregate (excluding unclassified) in 2006.

20 In 2006, employees in Quebec worked 35.2 hours per week on average (Canada, Dep't of Human Resources and Social Development, 2007).



- Use translators whose average wage in Montreal is about \$34.00 hourly yielding a cost of \$ 120.0 (230) million.<sup>21</sup>

Assuming that each option is used by one third of unilingual Anglophones yields an annual cost of \$75,400,000 (\$144,500,000). Thus, the annual cost of a unilingual anglophone is \$428.85. As to bilingual anglophones, they number 386,670 and thus generate a demand for 3,866,700 hours of service in English at half that unit cost at \$214.42 for a total of \$82,909,781. Adding these two totals yields a total cost to Anglophones of \$158.3 million.

### Education

Turning to post-secondary education, only 16.9% of Anglophones aged 20 to 24 years are unilingual. Thus, most anglophone students could attend francophone universities in Quebec. And, it is likely that a significant share of the unilingual Anglophones are non-Quebec residents (fee status) attending McGill;<sup>22</sup> they would simply not come. A few students would choose to be educated out of province; we assume 4,000, that is 5% of current enrolment in colleges and English-teaching universities. This would be costly given both lower university fees in Quebec and the fact that a large number probably live at home, given the location of both the anglophone minority and these institutions. So we assume higher private costs of \$10,000. We therefore assume that all remaining anglophone post-secondary students would now be educated at the francophone per-student cost.

Table 7.6 summarizes the cost and benefit of English-language services in Quebec in 2006/07 as estimated above. Table 7.6 shows that current arrangements for public provisions are advantageous, even if one limits oneself to unilingual Anglophones.

## 7.4 Conclusion

Provincial official language services have two aims. The first is the ongoing existence—survival—of the official language minority through the provision of educational services, particularly at the K-12 level. In the case of Quebec, it is not clear that, if these services were not provided, assimilation into the francophone majority would occur given the status of English in North

21 The average wages of a translator, \$34.00 per hour (Living in Canada, 2011) × total times of interaction with the provincial government and municipalities, 6,735,700.

22 In 2006 for example, 46% of McGill's new undergraduate students came from Quebec, 32% from the rest of Canada, 12% from the United States, and 10% from elsewhere (<http://www.mcgill.ca/es/admissions-profile/fall2006>).

**Table 7.6: Comparison of the cost (\$) of public and private provision of minority-language post-secondary education and general public services, Quebec, 2006/07**

	Publicly provided cost	Unilingual Anglophones	All Anglophones
Post-secondary education	0	40,000,000	40,000,000
English-language services	46,900,000	75,000,000	158,000,000
<b>Total</b>	<b>46,900,000</b>	<b>115,000,000</b>	<b>198,000,000</b>

Source: tables and text

America. And indeed, the take-up rate of minority language education is 92%. That said, there are no monetary costs to the provision of K-11 or K-13 educational services in English.

The second aim is the provision of services to members of the official language minority who would otherwise not be able to consume services in the official majority language or who can do so but prefer to use their minority language when communicating with various providers of public services. The cost of the provision of minority language services in Quebec is quite low due to the quasi-absence of education-related costs. Public provision is always less costly than private purchase, whatever the reference group used.

## 8 New Brunswick

### 8.1 The legal framework

In New Brunswick, admission to French-language schools is determined by section 23 of the Charter and by provincial language policies such that the “number warrants” clause is not binding. There is both college and university-level education available in French. That said, one must go back to the beginning of Canada to understand all the facets of language policies in New Brunswick.

#### Education

In 1871 in New Brunswick, 33.6% (96,016) of the population was Roman Catholic, of which 46.74% (44,907) were Acadians (Canada, Dep’t of Agriculture, 1886: 25, 45, 63) and a denominational school system had existed informally since the 1850s (The Canadian Encyclopedia, 2011b). Catholic schools were mainly run by religious orders and financed by local communities through donations to the Church (Couturier, 1994). They were recognized in practice but not legally by the provincial government (Savoie, 1981). However, in 1871 the government passed the Common Schools Act to reform the school system and merge denominational schools into one non-denominational public network. English was to be the only language taught and school buildings could not be used for religious instruction. Following its adoption, the law was contested by Catholics, particularly Acadians, worried about the consequences of the act since (Landry and Lang, 2001) “language and religion being close cultural associates, this was received by Acadians as an attack on their language, religion, and culture” (Allaire, 2007: 36). Despite disapproving of the law, the federal government did not intervene, deciding that the law did not violate section 93 since the denominational schools in New Brunswick had existed informally but not legally before 1867 (University of Quebec at Montreal, 2011a): “Thus, any advantage or authority enjoyed in practice but not provided for by law at Confederation is not protected, and any legal rights provided after 1867 can be withdrawn by the government at will” (Smith, 1994: § (1) (A)). However, due to the extent of the protests by Acadian, Scottish, and Irish Catholics, which led to riots in Caraquet (New Brunswick Provincial Archives, 2011; The Canadian Encyclopedia, 2011b), the 1871 Act was amended in 1875. The school system remained English, public, and non-denominational but some books could be translated in French for

the Acadians and religion could be taught outside regular class hours (Rumilly, 1955). The population elected the trustees of the school districts, who in turn were responsible for hiring teachers. This granted Francophones a large *de facto* control over their school system. This arrangement was left unchanged until the Official Languages Act of New Brunswick of 1969 made a separate public francophone system official.

### **Official Languages Act of New Brunswick**

In the 1960s, New Brunswick underwent changes in the field of English-French relations when Louis Robichaud became the first Acadian premier elected in the province. The creation of the French-language *Université de Moncton* in 1963 is one example. This increased access to post-secondary education in French for Acadians and resulted in a higher level of education for the Acadian population (Higgins and Beaudin, 1988). In 1969, Robichaud's government enacted the Official Languages Act of New Brunswick (OLANB), New Brunswick's first large-scale attempt to protect its French-speaking linguistic minority. This act had two aspects: first, a general statement of equality of status, rights, and privileges of English and French and, second, specific dispositions implementing the language rights enacted by the law. Those specific dispositions addressed the records and proceedings of the government, communications between the citizens and the government, education, and administration of justice.

Under this law, English and French were declared the official languages of New Brunswick for all matters under provincial jurisdiction (section 2). It is important to note the formulation of section 2: French and English are official languages only for matters under the jurisdiction of the legislature, which include the provincial legislature and government institutions. This is different from section 16 of the (federal) Charter enacted in 1982 that grants to English and French the status of official languages in the public institutions of New Brunswick. This difference has had significant consequences on services provided to the population by agencies such as the Royal Canadian Mounted Police (RCMP). In a decision of April 2008, the Supreme Court of Canada ruled that the RCMP while acting as a provincial police service had to be able to offer bilingual services in New Brunswick (*Société des Acadiens et Acadiennes du Nouveau-Brunswick Inc. v. Canada*). This judgement illustrated the difference between the OLANB and section 16(2) of the Charter. Under section 16, the RCMP, a federal institution, still has to comply with New Brunswick's constitutional guarantees and offer all services in that province in French and English. Without section 16, the RCMP as a federal institution, would not have been bound by provincial language legislation.

The OLANB enacted a provision that English and French could be used in the works and debate of the legislature and its committees. Before 1914, French could not be used in the legislature. In 1914, a motion was passed to

allow the use of French in the debates of the Legislature (Jean, 1973). French was then only a privilege. Furthermore, since simultaneous translation was put in place only in 1969 (Jean, 1973), MLAs using French before 1969 were understood only by some members of the Assembly. Since 1969, records and reports of any proceeding of the legislature have to be published and printed in both official languages and bills have to be introduced in both official languages. However, motions or other documents introduced into the legislature or a committee can be filed in one or both official languages. Laws have to be adopted, published, and printed in both official languages. Documents that by law are required to be published, such as annual reports of departments as well as documents published in the *Royal Gazette* have to be published in both official languages. Finally, versions of laws, regulations, records, and so on in French and English are equally authoritative. These obligations are very similar to the requirements of the federal Official Languages Act of 1969.<sup>1</sup> However, under the federal OLA, bilingualism is limited to the National Capital Region, central offices and bilingual districts (which were never implemented), whereas the OLANB extend this obligation to the entire province.

Under the OLANB, individuals have the right to communicate, or to receive services in, either official language from the government. This right imposes an obligation for civil servants to provide or make provision for services or information in the official language *requested* by the individual. Thus, unlike the federal act of 1969, the OLANB requires the provision of services in both languages only if requested by individuals. All provincial institutions, agencies, and Crown corporations are covered by this obligation. However, municipal councils could declare that either or both official languages could be used regarding any matter or in any proceeding of the council. Thus, municipalities could choose the language of communication with their citizens. Following the adoption of the Constitutional Act in 1982, however, the freedom to choose the language of communication given to the municipalities in the act of 1969 was declared unconstitutional according to section 18 of the Charter (*Charlebois v. Mowat and city of Moncton*).

Regarding the language of proceedings before the courts of New Brunswick, any person appearing or any witness can be heard in the official language of his or her choice. Also, section 13 of the OLANB states that, when requested by any party and agreed to by the court, the proceedings can be conducted totally or partially in one of the official languages. However, this disposition stating that anyone can be heard in the language of his or her choice did not mean that the judge hearing the case had the obligation to be bilingual (*Société des Acadiens du Nouveau-Brunswick Inc. v. Association of Parents for Fairness in Education*; Green, 1989). The OLANB was thus

1 For a detailed presentation of the Canadian Official Languages Act of 1969, see Vaillancourt and Coche, 2009.

modified in 1990 to clarify that a person could not only use the language of his choice before the court but also have the right to be understood by the judge without an interpreter (University of Ottawa, 2011a).

Concerning education, New Brunswick implements the principle of a dual system at the primary, secondary, and post-secondary levels; see the *Education Act*, and the *Colleges Act*, which establishes the New Brunswick Community College and the *Collège communautaire du Nouveau-Brunswick* and, of course, the independent Université de Moncton. Where “the student body is ... of mixed French and English origin ... pupils are to have their own mother tongue as the principal language of instruction” (Kerr, 1970: 479) and classes have to be arranged so.

### ***Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick***

In 1981, the legislature enacted the Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick. This act officially recognized the existence and the equality of Anglophones and Francophones as linguistic communities within the context of one province for all purposes within the provincial jurisdiction. It states that the government must ensure the protection of the equality of status and equal rights and privileges for these communities and, in particular, their right to have distinct institutions within which cultural, educational, and social activities may be carried on. The Official Languages Branch of the Intergovernmental Affairs Department and the Department of Culture fund community organizations, NGOs, and the private sector to promote the enhancement of Francophone communities. In 1993, due to the increasing popularity of political parties such as the Confederation of Regions Party (Leclerc, 2010b) calling for the end of province-wide bilingualism, New Brunswick’s legislature, led by Premier Frank McKenna, asked for the Canadian Charter to be amended. This amendment entrenched the principles of the Act of 1981 into the Constitution. Thus, section 16.1 of the Charter granted a new protection to linguistic rights in New Brunswick. It is the only province covered by such a constitutional provision.

The second paragraph of section 16 declared English and French the official languages of New Brunswick. Both languages have equal status and equal rights and privileges as to their use in provincial institutions. Sections 17 to 19 outline particular rights related to public institutions. Under these sections, English and French can be used in any proceeding or debate in the Legislature and before any court established by the province. Furthermore, statutes and official records of the legislature must be printed and published in English and French and both versions are equally authoritative. Under section 20, the public has the right to communicate and to receive services in the chosen official language when dealing with New Brunswick’s government

institutions and agencies whereas the federal government must only provide services in both languages if there is a significant demand or if the nature of the office required such services.

The adoption of these amendments to the Charter had consequences on the services offered and the laws in force in New Brunswick. For example, following this amendment to the Charter, the RCMP had to offer bilingual services all across the province. Also, in 2001, the New Brunswick Court of Appeal issued a decision, *Charlebois v. Mowat and City of Moncton*, invalidating the bylaws of Moncton because they did not meet the requirements of section 18(2) of the Charter (*Charlebois v. Mowat and city of Moncton*). In this case, which involved a building standards bylaw adopted only in English, the Court affirmed that, according to the history of linguistic protection of New Brunswick, the bylaws are covered by section 18(2) and have to be adopted and published in both official languages. In its judgement, the Court emphasized the importance of the municipalities in the day to day life of the citizens and concluded that the municipalities of New Brunswick are subject to the obligations of the Charter. Furthermore, the judgment ruled that, if cities are subject to the Charter, they should comply with all the constitutional obligations including the provision of bilingual services. However, the Court stated that language rights of an institutional nature require government action for their implementation (*Charlebois v. Mowat and City of Moncton*: para. 110), allowing the government to limit the scope of the obligation to municipalities of a certain size. Thus, the New Brunswick government adopted a new law on official languages in 2002 to implement that judgement and to modify the act of 1969.

### **Official Languages Act, 2002**

The Official Languages Act (OLANB02) enacted in 2002 guarantees broader language rights than the previous language act. For example, under section 7, simultaneous translation must be provided in the works and debates of the legislature. However, most of the dispositions of the previous language act are repeated in the OLANB02. Regarding the administration of justice, the act repeats the content of the law of 1969 with the modification of 1990, stating that the judge must be able to understand the language chosen by the parties without the assistance of an interpreter. When the Crown, the Province, or a provincial institution is a party to civil proceeding, it must use the official language chosen by the other party. Any final decision of any court must be published in both official languages if it determines a question of law of interest to the general public or if the proceedings were conducted in whole or in part in both official languages. With respect to communications with the public, institutions must take measures to inform the public that its services are available in the official language of their choice. This is similar to the principle

of active offer found in the federal OLA. Services offered by a third party on behalf of a provincial institution must comply with the obligations of the law.

A new component of the act of 2002 is the language requirement concerning the police forces in New Brunswick. Citizens have the right to receive police services in the official language of their choice and must be informed of this right. If a police officer is unable to provide service in the language chosen, the officer must take measures within a reasonable time to ensure the respect of the language choice. Hospitals must also meet the obligations of the law. However, while required to provide services in the language chosen by individual, health institutions can carry on their daily operations in the official language of their choice.

To comply with the decision of the Court of Appeal in the *Charlebois* case discussed previously, the OLANB02 defines the language obligations applying to municipalities. Thus, the municipalities whose official-language minority population represents at least 20% of the total population are required to adopt and publish their bylaws in both official languages and to offer almost all services and communications in both official languages. This applies to 15 municipalities<sup>2</sup> out of the 103 in the province (Ministerial Conference on the Canadian Francophonie, 2006; Leclerc, 2010b). Planning commissions or solid-waste commissions covering a geographical area with an official language-minority population of at least 20% of the total population must offer a wide range of services in both official languages. The 2002 act prevails over almost any other (inconsistent) provincial law, with the exception of the Educational Act and the Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick. This additional protection of linguistic rights is similar to the primacy of several parts of the federal OLA of 1988.

Finally, the Official Languages Act of 2002, created a Commissioner of official languages, who is appointed by the government on the recommendation of the legislature for a five-year term, to investigate and report on complaints and make recommendations about the law and to promote the advancement of both official languages. Reports on complaints are provided only to the Premier, the deputy head, or other administrative head of the institution concerned and the complainant. Complainant who are not satisfied with the conclusions of the commissioner can apply to the court for a remedy. The commissioner must report annually to the legislature and the Premier is responsible for the administration of the OLANB02.

The OLANB02 does not address the language of work in the provincial administration but the province has drawn up a policy covering this. The

---

2 Bathurst, Campbellton, Charlo, Dalhousie, Dieppe, Edmundston, Eel River Crossing, Fredericton, Miramichi, Moncton, Rexton, Richibouctou, Shediac, Saint John, and Tide Head (Ministerial Conference on the Canadian Francophonie, 2006).



*Province of New Brunswick Official Languages Policy* (Government of New Brunswick, 2011a) helps employees to work in their first official language and, thereby, central offices in the capital must use the appropriate official language when contacting the local offices. This means that, depending on the location of the local office, the language of internal communication will be different. For example, the central offices in Fredericton must use French for its provision of services or contacts to local offices situated in Edmundston. Personnel services and administrative services provided to employees must be provided in the preferred language of the employee. The same obligation applies to supervision, if possible. Unlike the federal government, New Brunswick does not designate individual positions as bilingual or unilingual but has chosen a team approach based on a mix of employees having the required language skills (Government of New Brunswick, 2011b). In order to ensure that they have the capability to offer services in both languages, departments, agencies, and crown corporations must be aware of the linguistic profiles of their employees and match them to needs correctly. The Official Languages Coordinator of each department is responsible for the development of such profiles (Government of New Brunswick, 2011a).

The Official Languages Act of 2002 and the *Official Languages Policy* provide a general framework for the linguistic requirements. This legal framework concerns only the provincial administration. There are also a few specific laws with linguistic significance. For example, sections 20.1 and 20.2 of the Insurance Act state that insurance contracts must be drafted in both official languages and that, in the case of litigation, the insurance company must be represented by a lawyer speaking the official language chosen by the client.

### ***Education Act***

The Education Act enacted in 1997, deals with the language issues in the education system (Government of New Brunswick, 1997). The school system in New Brunswick is characterized by an administrative duality. The Education Act establishes two education sectors distinguished by language, with a deputy minister for each language section. The francophone sector has five districts and the anglophone sector, nine. The system of separate sectors aims at providing specific programs for each language community to protect and promote the language and the culture of each community. As an example, the educational programs and services provided within an anglophone school district cannot be simply translated and provided to a francophone district (Government of New Brunswick, 1997). Each sector has to develop and oversee the implementation of its own educational programs and services. Schools and classes must be organized in the official language of the district and transportation services for pupils are managed by each district.

## 8.2 The costs of official language requirements

We are interested in the marginal cost<sup>3</sup> of providing services as a result of the OLANB02 and, thus, since English is the majority language in New Brunswick, of providing services in French. The method most often used to measure the expenditures resulting from the Official Languages Act of 2002 will be to obtain spending information for official languages directly from the public accounts or the annual reports. The other method used is the simulated-cost approach presented in section 1.3. We ascertained these costs using information from the *Public Accounts 2007* (Government of New Brunswick, 2007a) and from annual reports of various departments for the fiscal year 2006/07.

We distinguish between direct spending by the provincial government and transfer payments under the form of grants or contributions<sup>4</sup> to various bodies. For example, translation costs are direct spending and payments to the *Association francophone des municipalités du Nouveau-Brunswick* are contributions or grants. We report grants and contributions in table 8.1. They are mainly aimed at Acadian cultural projects and at the promotion of French language. Grant and contribution payments to various bodies for 2006/07 were \$8.81 million. Some of this spending is in accordance with the Canada-New Brunswick agreement on the provision of French-language services (Canadian Heritage, 2009; Government of New Brunswick, 2007b).

Direct spending related to official language policy includes translation costs, the cost of the Office of the Commissioner of Official Languages, costs of health services, education services, and OLANB02-related expenses for municipalities. Health, education, and municipalities will be addressed in separate sections. Costs of translation consist of those for translation of legislative debates and the translation for the entire provincial administration through the Translation Bureau. These expenses are \$3.49 million and \$660,900, respectively. The cost of the office of the Commissioner of Official Languages is \$472,500. Table 8.2 summarizes direct provincial spending.

### Elementary and secondary education

Concerning the educational sector, the Education Act prescribes two distinct education sectors based on language. The elaboration of educational

- 
- 3 By this we mean the difference in unit cost between services provided in English and those provided in French multiplied by the number of Francophones thus served; we do this since serving Francophones in English is not costless.
- 4 Grants are unconditional transfer payments for which eligibility can be verified. If an individual is eligible for a grant, the payment can be made without requiring the recipient to meet any other conditions. The payment of a contribution is subject to performance conditions that are specified in a contribution agreement. The recipient must continue to show that these conditions are being met in order to be reimbursed for specific costs.

**Table 8.1: Grants and contributions (\$) linked to official minority-language policies, New Brunswick, 2006/07**

Department of Education	141,050
Executive Council Office	50,000
Department of Family and Community Services	321,797
Department of Intergovernmental Affairs	4,913,453
Department of Local Government	34,000
Department of Post-Secondary Education and Training and Labour	242,633
Department of Tourism and Parks	570,000
Department of Wellness, Culture and Sport	636,215
Regional Development Corporation	1,902,913
<b>Total</b>	<b>8,812,061</b>

Source: Government of New Brunswick, 2007a.

**Table 8.2: Direct minority -language-related spending, New Brunswick, 2006/07**

Translation Bureau	3,494,900
Translation of debates	660,900
Office of the Commissioner of Official Languages	472,500
<b>Total</b>	<b>4,628,300</b>

Source: Government of New Brunswick, 2007a.

programs is conducted separately in both languages. Expenditures for corporate services represent only 0.6% of the ordinary spending for education in New Brunswick.<sup>5</sup> Thus, assuming that the education department's corporate costs are greater by 50%<sup>6</sup> because of the dual administrative structure within the Department of Education, this amounts to \$2.5 million or 0.3% of the current spending for education in the province.

Concerning the teaching costs, even though the anglophone and francophone systems operate in parallel, we are only interested in measuring the additional cost of French schooling and not the overall expenses of francophone schools. Therefore, we need to compare the cost per student in

5 Corporate services include personnel services, material, supplies, and equipment. They are administrative expenses within the department not directly for teaching purposes. Expenditures for corporate services in 2006/07 amounted to \$5,010,200 (New Brunswick, Dep't of Education, 2008).

6 We chose a percentage halfway between 0%, which is not a plausible outcome, and 100%, which assumes that having more anglophone students would have no impact on corporate costs.

the francophone and anglophone districts. After deducting corporate services from the expenditures for elementary and secondary education, we have a cost per student of \$6,619 for the students in anglophone districts compared to \$7,310 for the students in francophone districts, for a per-student difference of \$691. The smaller concentration of Francophones and their greater distribution across the province results in fewer students per teacher and per school.<sup>7</sup> We previously calculated the cost of corporate services. We want now to measure the extra costs of elementary and secondary programs in two languages and not the extra costs of serving more individuals. The additional cost calculated with the ratio approach illustrated is \$22.4 million.<sup>8</sup>

- ◆ Per-student cost for anglophone sector × number of francophone students = \$6,619/student × 32,353 students = \$214,144,507.
- ◆ Actual expenditures – \$214,144,507 = additional cost for francophone students. \$236,500,000 – \$214,144,507 = \$22,355,493.

### Universities and colleges

The province has four public universities: University of New Brunswick, *Université de Moncton*, Mount Allison University, and St' Thomas University; *Université de Moncton* is the francophone university of the province. The subsidies to universities from various provincial departments are \$155.6 million for 2006/07, of which \$105.6 million went to anglophone universities and \$50 million to the *Université de Moncton* (Government of New Brunswick, 2007a). We use the number of full-time-equivalent (FTE) students per university to calculate the per-student expenses (Maritime Provinces Higher Education Commission, 2008). The extra cost of offering higher education programs in two languages is measured as follows:

- ◆ calculate the per-individual costs for the non-targeted population, the anglophone students: (expenses/FTE students) for the Anglophone universities = \$105,662,095/13,952 FTE = \$7,573.26/FTE;
- ◆ calculate the cost of providing the service to Francophones at the unit cost of Anglophones: FTE students at *Université de Moncton* × (expenses<sub>Ang</sub>/FTE students<sub>Ang</sub>) = 4,617.18 FTE × \$7,573.26/FTE = \$34,967,095;

7 Francophone Districts: 14.1 students per FTE educator; anglophone districts: 14.6 students per FTE educator. Francophone sector: 326.8 students per school on average; anglophone sector: 347.86 students per school on average (New Brunswick, Dep't of Education, 2008).

8 Based on the New Brunswick, Department of Education, 2008.

- ◆ subtract the cost of providing the service to Francophones at the unit cost of Anglophones from the actual expenditure for Francophones; this yields the excess cost of the francophone component:  $\$49,940,109 - \$34,967,095 = \$14,973,014$ .

Thus, the surplus of spending by the government of New Brunswick for francophone university students in 2006/07 is \$14.97 million. Funding for francophone students is \$10,816.15/FTE or \$3,242.89 more than it is for Anglophones per FTE student.

The province has 11 campuses of the New Brunswick Community College that in 2006/07 received grants of \$57,723,846.<sup>9</sup> From this amount, \$25,423,173 went to the francophone campuses and \$32,300,673 to the anglophone campuses. During this period, there were 3,221 FTE students in the francophone sector and 5,198 in the anglophone sector. The per-student cost of francophone students is thus \$7,892.94 compared to \$6,214.06 per anglophone student. Using the ratio method, the additional cost of having campuses in two languages is \$5,407,692<sup>10</sup> for 2006/07. To this amount, we add the expenditure on corporate services in the same proportion as the provincial grants.<sup>11</sup> This yields a total of \$8,204,475. Minority education costs are summarized in table 8.3.

### Municipalities

As mentioned previously, 15 municipalities are subject to obligations under the OLANB02. The costs associated with these obligations are mainly for translation and bilingual services. To estimate this component of expense, we contacted these 15 municipalities by e-mail to ascertain the budgetary impact of the OLANB02 for 2006/07. Only five municipalities answered our questions<sup>12</sup> but these municipalities represent 80% of general government expenses and 74% of the population of the 15 municipalities covered by language obligations (New Brunswick, Dep't of Local Government, 2008). On average, these municipalities allocate 1.4% of their general government expenses to meeting their language obligations. These expenses include the translation of new bylaws, simultaneous translation of council meetings, and

9 Data were provided by the Department of Post-Secondary Education, Training and Labour.

10  $\$_{ANG} / \# \text{ of FTE}_{ANG} = \$32,300,673 / 5,198 = \$6,214 \text{ per FTE}_{ANG}$ ;  $\$ \text{ per FTE}_{ANG} \times \# \text{ of FTE}_{FR} = \$6,214 \times 3,221 = \$20,015,481$ ; surplus =  $\$25,423,173 - \$20,015,481 = \$5,407,692$ .

11  $\$6,350,154 \times 44.04\% = \$2,796,783$ . Data were taken from Government of New Brunswick, 2007a: 273.

12 We asked the following questions. How much does it cost for the city to translate its bylaws, and to offer services in both official languages? How much is the municipality budget increased because of the compliance with these obligations?

**Table 8.3: Cost (\$) of minority-language policies in education, New Brunswick, 2006/07**

K-12 education	
<i>Department of Education*</i>	2,500,000
<i>Additional cost of francophone students</i>	22,355,493
<i>Total</i>	24,855,493
Post-secondary education costs	
<i>Total</i>	23,177,489

Source: text discussion.

managing the provision of bilingual services. Applying this percentage to the general government expenses of the 15 municipalities obligated to provide bilingual services, we obtain an estimation of the language-related municipal costs of \$776,483<sup>13</sup> for 2006/07.

### Health

Although each hospital corporation can freely choose the language it uses internally, it must be able to provide services in both official languages upon request. Numerous factors such as the type of services available in the Regional Health Authority (RHA), the ratio of rural to urban population of the RHA, and the average age or the density of the population in the RHA can affect the expenses in the health sector. Around 25% of doctors in New Brunswick are bilingual in French and English (Fujitsu Conseil, 2003). According to the 2006 *Census*, 25,625 people worked in the health sector of which 9,150 or 35% had French as their mother tongue (Fujitsu Conseil, 2002). The provision of bilingual services is easier in regions where the proportion of Francophones is the highest while the demand is also highest there. In regions with a high concentration of Francophones, the hospital corporation will not need to establish a system of staff rotation to comply with its language obligations and its administrative costs will be lower. However, in regions with a lower concentration of Francophones, RHAs will have to organize their workforce to provide services in French.

The duality found in the Department of Education does not exist in the health system: as with all government services, all points of service must be able to serve the residents in the official language of their choice. Staffing procedures take this into account. An e-mail exchange with the Department of Health states that an estimate of no more than \$1 million would be realistic for costs related to bilingualism. These expenses would be incurred for signage and translation, for instance. Another estimate can be presented. It is

13 In 2006/07, \$55,463,044 was spent on general government by the 15 municipalities covered by the OLANB02 (New Brunswick, Dep't of Local Government, 2008).

based on the proportion of additional costs in education. The budget of education (elementary, secondary, and post-secondary) is higher by 2.914% because of OLANB02 obligations. This percentage applied to the health budget of the RHAs for 2006/07 yields \$43,707,940 (Government of New Brunswick, 2007c). This number surely overestimates the additional costs of OLANB02 in the health sector considering the parallel structure of the education system. However, we know that the real number is situated between zero and this maximum. Therefore, 0.5% of the budget of the sector or \$7.5 million for 2006/07 seems a reasonable estimate for additional cost related to OLANB02 obligations in health sector.

### **Totals and unobservable costs**

The main elements of the linguistic obligations of the provincial and local public entities under the Official Languages Act of 2002 are brought together in table 8.4. These are the observable costs of bilingualism in New Brunswick in 2006/07. But, we are missing the unobservable costs discussed in section 1.3. We calculate them at \$5,845 million  $\times$  0.23% or \$13.4 million. The total observable and unobservable real resources costs come to an overall estimate of \$83,149,826.<sup>14</sup> An estimate of about \$85 million or 1.5% of total program spending seems a reasonable estimate of the total costs of bilingualism for the provincial government of New Brunswick for 2006/07.

## **8.3 The benefits of two official languages**

The main benefit of the OLANB02 is that it allows Francophones, unilingual or bilingual in French and English, access to the services of the provincial government in French. A person's welfare will increase if services are available in his or her preferred language. However, it is difficult to put a money value on this. Therefore, we concentrated our analysis on measurable costs that could incur following an abolition of the language policies in New Brunswick and thus the sole use of the majority (English) language in the provision of all public services. What would happen if services governed by provincial law were not offered in French but only in English? This implies that both the provisions of the Canadian Constitution specific to New Brunswick and the New Brunswick official-languages law are abolished. We thus assume that article 23 remains in place. Presumably, there would be some reduction in the demand for some provincial government services by unilingual Francophones. Say trips to provincial parks or applications for subsidies to small businesses with perhaps a substitution towards private outdoors facilities in French or

<sup>14</sup> This does not include the costs of requiring insurance companies to provide insurance contracts in either official language.

**Table 8.4: Observable costs (\$) of French-language educational and general public services, New Brunswick, 2006/07**

Grants and contribution payments	8,812,061
Translation costs	4,155,800
Office of the Commissioner of Official Languages	472,500
K-12 education	24,855,493
Post-secondary education	23,177,489
Municipalities	776,483
Health	7,500,000
<b>Total</b>	<b>69,749,826</b>

Sources: text.

private financing in French. But for many provincial government services now available to Francophones either as individuals or as an employees and employers, such as interacting with the Department of Finance or obtaining a provincial health card, this is not feasible.

Assume that the decision to do away with provincial services in French is made on January 1, 2012. We presented three scenarios in section 1.3 and gave each a weight of 1/3:

- ◆ an informal supply of services in French by provincial civil servants;
- ◆ a supply of English capacity by bilingual friends of unilingual Francophones;
- ◆ a supply of English capacity by professional interpreters and translators.

What are the plausible costs of such a policy of English unilingualism? This is difficult to ascertain. We are using an average number of contact hours of 20. For unilingual Francophones, all these hours should be in French; for bilingual francophones, we assume half, that is 10 hours. Such interactions result from:

- 1 Interacting with agencies and departments of the provincial government both directly through visits to their offices, phone calls, or use of their websites and e-government facilities. These interactions can be:
  - ◆ as individuals to obtain transfers payments (welfare, worker's compensation ...), pay taxes, use facilities (museums, parks ...) and so on;
  - ◆ as business owners/employers to obtain permits, comply with regulations, remit payments, and so on.
- 2 Interacting with public health providers (hospitals, clinics ...).
- 3 Interacting with non-K-12 education providers through taking courses ...



- 4 Interacting with municipal bodies as users of facilities (arenas, libraries, parks ...), business owners/employers (meeting regulations ...), taxpayers and so on.
- 5 Interacting with the legal system

There are 73,750 French unilingual residents according to the 2006 *Census*. Then one would need to:

- Add say 737,500 hours<sup>15</sup> of public-sector output assuming that as they translate, they also produce something of value to their employer and the applicant given their specialized knowledge. We arbitrarily split the difference in two. This would be a direct cost of about 17.8 million as the average provincial wage in 2006/07 was \$881.02 weekly<sup>16</sup> (assuming 36.5 hours per week, according to the Office of Human Resources, yields an hourly wage of \$24.15) (Statistics Canada, 2011c).
- Use friends who can be assumed to place a value on their time somewhere between zero and the average wage in New Brunswick. We will use 66% of the average wage of \$674.84<sup>17</sup> (Statistics Canada, 2011c) per week in 2006/07, thus yielding \$445.39 and a wage rate of \$12 using standard hours. This times 1,475,000 hours and yields \$17.7 million.<sup>18</sup>
- Use translators whose average wage is \$16.33 hourly (Living in Canada, 2011; PayScale, 2011) yielding a cost of \$24.1 million.

As noted in section 1.3, we assume a weight of one third for each choice and thus a total cost of \$19,849,378. Thus the annual cost of a unilingual Francophone is \$269.15. As to bilingual Francophones, they number 232,980 and thus generate a demand for 2,329,8000 hours of service in French at half the unit costs (\$134.58) for a total of \$31,353,284. And, thus, for all Francophones, the cost is \$51,202,262.

Turning to higher education, what happens to the costs and benefits of the OLANB02 if both the *Université de Moncton* and francophone

15 Number of French unilingual citizens (73,750) × 20hours / citizen = 1,475,000 hours; divided by 2 = 737,500.

16 Taken from Statistics Canada, 2011c, for New Brunswick, all employees, excluding overtime, provincial government public administration in 2007.

17 Taken from Statistics Canada, 2011c for New Brunswick, all employees, excluding overtime, industrial aggregate (excluding unclassified) in 2007.

18 In 2007, employees in New Brunswick worked 37.2 hours per week on average (Canada, Dep't of Human Resources and Social Development, 2007; Statistics Canada, 2011d).

campuses of the New Brunswick Community College now operate in English? The answer depends on the demand response of francophones. If they all remain students but now study in English, the additional costs of educating them in French goes to zero. If they all drop out, then the total cost of educating them goes to zero; of course the long-term outcome is not the same but we neglect this here. In between, one can assume that some drop out, some go elsewhere to study in French, and some study in English.

We have 4,617 students at the *Université de Moncton* and 3,221 FTE in the francophone sector of the New Brunswick Community College. We must distinguish between unilingual students and bilingual students. We do not know what percentage of total students unilingual francophones represent so we use evidence on the share of bilinguals amongst the 20-to-24 age group. In New Brunswick in 2006, 13,490 persons between 20 and 24 years old had French as a mother tongue. Of these, 22.61% knew only French and 76.95% were bilingual in French and English (Statistics Canada, 2007a). Assuming this distribution holds for students in post-secondary education, we have 1,772 unilingual Francophones who would need to move to Quebec or Ontario to continue to study in French in Canada. Not all students would move and they would face different costs for studies depending on where they moved to. We will assume a combination of costs and moves such that the cost is \$10,000,000.

Table 8.5 brings together the costs and the benefits for both unilingual and all Francophones. As we can see, the public provision of services is more costly than if unilingual Francophones purchased them privately but less costly than if all Francophones purchased them privately.

**Table 8.5: Comparison of the cost (\$) of public and private provision of minority-language post-secondary education and general public services, New Brunswick, 2006/07**

	Publicly provided cost	Unilingual Francophones	All Francophones
Post-secondary education	23,177,489	10,000,000	10,000,000
Government services	35,116,844	19,849,378	51,200,000
<b>Total</b>	<b>58,294,333</b>	<b>29,849,378</b>	<b>61,200,000</b>

Source: tables and text.

## 8.4 Conclusion

Language policies in New Brunswick are political decisions expressing a societal preference (which may be strong among some citizens, weak among others, but which does reflect the specific sociopolitical experience of the province). In this publication, we attempt to measure the incremental costs of that policy. The real resource cost of providing OLANB02 services is estimated at about \$85 million. This represents about 1.5% of all provincial program spending and about 0.3% of the province's GDP in 2006/07. The main benefit of the OLANB02 is that it allows unilingual Francophones access to the services of the provincial government and bilingual Francophones access to governmental services in their preferred language. The burden of this provision falls on all the residents of New Brunswick and of Canada, depending on the importance of federal transfers for this purpose, as opposed to unilingual or all Francophones only. This is a distributional issue.



## 9 Nova Scotia

### 9.1 The legal and institutional framework

In Nova Scotia, admission to French schools is governed by the guarantees of section 23 of the Charter and there is one institution offering French-language post-secondary education institution, *Université Sainte-Anne*. There are eight school boards, including one province-wide francophone board. Policies outside education are governed by the French Languages Services Act (2004), which supports a reasonable effort in providing services in French, if there is a significant demand for such services or if there are issues of safety associated with the provision of such services. Specific requirements<sup>1</sup> are that, when public consultations are held on a given topic, at least one of the sessions must have simultaneous interpretation for Francophones; that each designated public institution must ensure: (a) that all written correspondence in French that is received by the designated public institution is replied to in French; (b) that all information issued to the public simultaneously in French and English displays a bilingual Provincial logo; (c) that reasonable and appropriate steps are taken to make members of the public aware that services are available in French and English. There are bilingual judges available in the Provincial and Supreme Courts, as well as consecutive translation in the Provincial Courts when necessary, and simultaneous translation as necessary in the Supreme Court and in the Court of Appeal. There is also a French-language Services Coordinator in the Department of Justice. The public body responsible for French Languages Services Act (FLS) is the Office of Acadian Affairs.

### 9.2 The estimated cost of language requirements

#### Elementary and secondary education

In Nova Scotia, the education system from kindergarten to post-secondary education is administrated by the Department of Education, which is divided in five branches. The Acadian and French Language Services Branch supervises and authorizes curriculum development for French First-Language programs. The Public School Branch designs, develops, implements, and evaluates

---

<sup>1</sup> Found in part in section 12 of the French Languages Services Regulations (Nova Scotia, Public Service Commission, 2006).

programs. This branch also offers second-language programs (French and English) and courses in other languages (Nova Scotia, Dep't of Education, 2011a). The Higher Education Branch funds post-secondary institutions and public libraries. It also provides services and support to these institutions. The two other branches, Corporate Policy and Corporate Services provide support and services to the department. Primary school goes from kindergarten to grade 6, junior high/middle years from grades 7 to 9, and senior high years from grades 10 to 12 (Nova Scotia, Dep't of Education, 2011b).

The education system of Nova Scotia is divided into eight school boards. Under the Education Act, each manages and administers the schools under its jurisdiction. They are part of an educational governance system that includes the Minister of Education, the boards and the schools (Nova Scotia School Boards Association, 2011). Seven of the eight school boards have a specific part of the province as their territory but the *Conseil Scolaire Acadien Provincial (CSAP)* governs all French schools across the province (19 schools with 4,130 students (Nova Scotia, Dep't of Education, 2006, 2011c). The school system in Nova Scotia provides five French-language education programs: French First-Language (offered only by the *CSAP*) for the French population entitled to section-23 minority-language educational rights; Core French; Extended Core French; French Immersion (Early and Late); and Integrated French. There are 138,661 students<sup>2</sup> at the elementary and secondary levels throughout the province (Nova Scotia, Dep't of Education, 2011c).

Enrolment and expenses statistics for each school board are reported in the Nova Scotia Department of Education's *Statistical Summary for 2006-07* (Nova Scotia, Dep't of Education, 2011c, 2011d). They are found in table 9.1, where expenses are detailed by their function for the *CSAP* and all other school boards. Costs per pupil are significantly higher for the *CSAP* for board governance and transportation. If we focus on total expenses, we see that per-pupil expenses are \$9,513 for the *CSAP* and \$7,216 on average for the other school boards.<sup>3</sup> Knowing that there are 4,130 students in the *Conseil Scolaire Acadien Provincial*, we can estimate the total extra costs due to this board (Nova Scotia, Conseil Scolaire Acadien Provincial, 2007). We want to measure the extra costs of elementary and secondary programs in two languages, and not the extra costs of serving more individuals. The additional cost calculated with the ratio approach presented in section 1.3 is \$9,486,503.

- 
- 2 Students are not counted as FTEs (Full Time Equivalencies); FTE statistics were not available for 2006/07. We can think that, at the elementary and secondary levels, students are enrolling in full-time programs.
  - 3 Expenditures by each district for primary and secondary education: *CSAP*: \$39,288,583/4,130 students = \$9,513 per student; anglophone boards: \$970,799,453/134,531 students = \$7,216 per student.

**Table 9.1: Expenses (\$) for the CSAP and the other boards, Nova Scotia, 2006/07**

	Total	Expenses		Expenses per pupil	
		CSAP	Other boards	CSAP	Other boards
Board governance	7,299,264	473,222	4,897,040	115	36
Regional management	25,542,585	1,929,002	23,613,583	467	176
School management and support	119,752,169	4,160,525	115,591,644	1,007	859
Instruction & School services	495,953,987	18,662,986	477,291,001	4,519	3,548
Student support	127,497,887	3,897,991	123,599,896	944	919
Adult and community education	3,764,124	0	3,764,124	0	28
Property services	131,218,327	5,483,268	125,735,059	1,328	935
Pupil transportation	54,750,243	4,345,173	50,405,070	1,052	375
Other	46,479,352	336,416	46,815,768	81	343
<b>Total</b>	<b>1,010,088,036</b>	<b>39,288,583</b>	<b>970,799,453</b>	<b>9,513</b>	<b>7,216</b>

Source: Nova Scotia, Dep't of Finance, 2007a.

- ◆ Per-student cost for anglophone sector × number of francophone students  
= \$7,216/anglophone student × 4,130 francophone students = \$29,802,080.
- ◆ Actual expenditures – \$29,802,080 = additional cost for francophone students = \$39,288,583 – \$29,802,080 = \$9,486,503.

Since the CSAP administers 19 schools across the province of Nova Scotia, it has to organize the transportation of its students separately for each school; this situation generates significant logistics costs and explains why the cost to the CSAP for transportation of students is greater than it is for other boards. As for the difference in regular instruction costs, they are the result of the French teachers, books, and so on required by the French First-Language program itself. We must also account for the administrative costs associated with the Acadian and French Language Services Branch. These amount to \$815,000 (Nova Scotia, Dep't of Finance, 2008). The total is thus \$10,301,503.

### Post-secondary education

Post-secondary education consists of universities and technical and vocational colleges. There are ten public universities, which are funded by the Universities and Colleges division, a part of the Higher Education Branch. As well, the Nova Scotia Community College (NSCC) has 13 campuses around the province. Of these institutions, only the *Université Sainte-Anne*, through its five campuses in the province, provides programs entirely in French. To evaluate the extra expenses incurred by the government for *Université Sainte-Anne*, we will compare the provincial funding per student. Enrolment and provincial funding are reported for the *Université Sainte-Anne* and the other universities in table 9.2 (Maritime Provinces Higher Education Commission, 2011).

To assess the additional costs of the francophone students at *Université Sainte-Anne*, we will use the ratio method.

- The unit cost for the anglophone students is the total provincial funding per FTE for the anglophone universities:  $\$266,642,703/36,170 = \$7,372$ .
- The projected expenses for the francophone students at *Université Sainte-Anne* at the unit cost of the anglophone students is  $\$7,372 \times 407 \text{ FTEs} = \$3,000,404$ .
- The additional cost for the francophone students at *Université Sainte-Anne* is then the reported expenses minus the expenses at the unit cost of the anglophone students =  $\$8,182,085 - \$3,000,404 = \$5,181,681$ .

Thus, the additional spending by the government of Nova Scotia for francophone university students in 2006/07 is \$5,181,681. The total education costs are presented in table 9.3.

### French-language services

The Office of Acadian Affairs is the main body responsible for the promotion of French-language services in Nova Scotia. They are responsible for providing translation services to provincial government departments, funding assistance and training programs for public servants, and, generally, for the implementation of the French Languages Service Act of 2004. In 2006, their estimated budget was \$2,548,000 (Nova Scotia, Office of Acadian Affairs, 2007). The total estimated cost of French language services and programs in Nova Scotia is presented in table 9.4.

The total cost of minority language public services for the government of Nova Scotia was \$18,031,184 in 2006/07. About 46% of this spending resulted from the costs of the French Language Services Act and the provision of post-secondary education in French; about 54% stems from constitutional education requirements.

**Table 9.2. Enrolment and provincial funding (\$) for universities, Nova Scotia, 2006/07**

	Enrolment (FTE)*	Provincial funding	Provincial funding/FTE
Other universities	36,170	266,642,703	7,372
<i>Université Sainte-Anne</i>	407	8,182,085	20,103
<b>Total</b>	<b>36,577</b>	<b>274,824,788</b>	<b>7,513</b>

Note \*: Headcounts as of December 1, 2006.

Source: Nova Scotia, Dept of Finance, 2007b; Maritime Provinces Higher Education Commission, 2011.



**Table 9.3: Cost (\$) of minority-language policies in education, Nova Scotia, 2006/07**

K-12 education	
<i>Department of Education</i>	815,000
<i>Additional cost of francophone students</i>	9,486,501
<i>Total</i>	10,301,503
Post-secondary education	
<i>Total</i>	5,181,681

Source: text

**Table 9.4: Total costs (\$) of French-language educational and general public services, Nova Scotia, 2006/07**

K-12 education	10,301,503
Post-secondary education	5,181,681
French-language services	2,548,000
<b>Total</b>	<b>18,031,184</b>

Sources: table 9.3 and text.

### 9.3 Conclusion

In Nova Scotia, the total cost of public French-language programs and services in 2006/07 was \$18 million, with about 60% of the spending on the provision of minority language education. We cannot ascertain how much the benefits of a larger, more vital Francophone minority are worth to a typical resident but note that the take-up rate of francophone minority education is 128%. There is no significant provision of health, municipal, or provincial public services in French in Nova Scotia. As a result, simulating the cost of procuring these services privately is not appropriate here. The provision of services other than education must therefore yield mainly symbolic benefits.



## 10 Prince Edward Island

### 10.1 The legal framework

In Prince Edward Island, admission to French schools is determined by the guarantees of section 23 of the Charter and there is a small amount of post-secondary education in French. There are three school boards, including one that is francophone. For policies outside education, the French Language Service Act is mainly non-binding but, if the francophone community can be expected to use a particular service on a regular basis, then all written correspondence sent to the government institutions is replied to in the language of the original correspondence (French or English); and all requests to communicate in English or French with a government institution are met. Also, French services are provided during at least one session of every series of public consultations, traffic signs when replaced must be bilingual (or pictographic) and FLS coordinators are required for each department. In the area of justice, civil cases can be heard before a bilingual judge provided, under agreement, by New Brunswick. The public body responsible for French Language Services (FLS) is the Francophone Affairs Division. It had three main objectives in 2006: to strengthen the administrative, policy, and legislative framework; to support service development, planning, and delivery; and to ensure formal communication and consultation with the community.

### 10.2 The estimated cost of language requirements

#### Primary and secondary education

The education system in Prince Edward Island is managed by the Department of Education and Early Childhood Development. The Public Education Branch is responsible for programs and services from kindergarten to grade 12. Grades 1 to 6 represent the elementary level, 7 to 9 are intermediate grades, and 10 to 12, the senior high grades. The province is divided in three school districts: the Western School District, the Eastern School District, and the *Commission scolaire de langue française (CSLF)* with 705 students.

The school system in Prince Edward Island provides three French-language education programs (Prince Edward Island, Dep't of Education and Early Childhood Development, 2008): the French First-Language (FFL) program, offered only in the *CSLF* (Prince Edward Island, la Commission

Scolaire de Langue Française de l'Île-du-Prince-Édouard, 2011); Core French; and French Immersion. The *CSLF* manages its own schools but the French Program Division of the Department of Education is responsible for determining and developing French First-Language and Second-Language programs for the K-12 schools. There are 21,365 (Prince Edward Island, Dep't of Education and Early Childhood Development, 2009) students in the K-12 public schools. Since all the students in the FFL program are grouped in the *CSLF*, it is rather simple to estimate the extra costs associated to this program. We report these costs for the *CSLF* and the other school districts in table 10.1.

Expenses are detailed by their function for the *CSLF* and all other school districts. If we take a closer look at table 10.1, we find that the extra costs for the *CSLF* originate mainly from the *administration* and *transportation* components. If we focus on total expenses, we see that per-pupil expenses are \$9,913 for the *CSLF* and \$7,109 on average for the anglophone boards.<sup>1</sup> We want to measure the extra cost of elementary and secondary programs in two languages and not the extra costs of serving more individuals. The additional cost is calculated with the ratio approach presented in section 1.3.

- ◆ Cost per student for the anglophone sector × number of francophone students = \$7,109/anglophone student × 705 francophone students = \$5,011,845.
- ◆ Actual expenditures – \$5,011,845 = additional cost for francophone students = \$6,988,607 – \$5,011,845 = \$1,976,762.

As noted above, the French Programs Division manages the French First-Language, French Immersion, and Core French programs in the Prince Edward Island public school system. The expenditures related to this division are \$1,797,569 for the fiscal year 2006/07 (Prince Edward Island, Dep't of the Provincial Treasury of Prince Edward Island, 2008). Given that the costs related to the French First-Language program are not available, we decided to estimate them. We know that 705 of the 12,975 students in French language programs are enrolled in the French First-Language program. But, because FFL programs are likely more expensive than other French programs, we assume the 12,270 students in Core French and French Immersion programs require half as much funding. We therefore estimate that FFL students represent a cost ratio of  $705 / (12,270/2 + 705) = 10.3\%$ . This brings the total cost related to FFL from the French Programs Division to \$185,276.

1 Ordinary expenditures: *CSLF*: \$6,988,607; other districts: \$146,883,700. Number of students: *CSLF*: 705; other districts: 20,660; *CSLF*: \$9,913/student; other districts: \$7,109/student.

**Table 10.1: Expenses (\$) for the CSLF and the other districts, Prince Edward Island, 2006/07**

	Expenses			Expenses per student	
	Total	CSLF	Other districts	CSLF	Other districts
Administration	2,413,812	308,634	2,105,178	438	102
Renovations and equipment	1,189,573	69,207	1,120,366	98	54
Instructional	2,046,914	75,369	1,971,545	107	95
Salaries and benefits	135,486,346	5,700,829	129,785,517	8,086	6,282
Maintenance and operations	9,337,257	581,487	8,755,770	825	424
Transportation	3,398,405	253,081	3,145,324	359	152
<b>Total</b>	<b>153,872,307</b>	<b>6,988,607</b>	<b>146,883,700</b>	<b>9,913</b>	<b>7,109</b>

Source: Prince Edward Island, Department of the Provincial Treasury, 2008.

### Post-secondary education

Prince Edward Island has three public post-secondary institutions: University of Prince Edward Island (UPEI), Holland College, and *La Société Éducative*. The subsidies for the UPEI and the Holland College are provided mainly through the Maritime Provinces Higher Education Commission (MPHEC), which is part of the Agency of the Council of Atlantic Premiers (Maritime Provinces Higher Education Commission, 2011). Basically, the MPHEC assists institutions and governments with post-secondary education in the Maritimes. The funds are provided to the MPHEC by the province. For the fiscal year 2006/07, the total subsidies were \$45.8 million (Prince Edward Island, Dep't of the Provincial Treasury of Prince Edward Island, 2008). From this amount, *La Société Éducative* receives \$450,000. The enrolment statistics are available in the *Annual Report* for the year 2006/07. The extra cost of offering higher education programs in two languages is measured as follows.<sup>2</sup>

- Calculate costs per student for the non-targeted population, anglophone students. Expenses per student for the anglophone institutions =  $\$45,830,814^3 / 10,746 = \$4,264.92$  per anglophone student.
- Calculate the cost of providing the service to Francophones at the unit cost of Anglophones. Students at *La Société Éducative*  $\times$  (expenses<sub>Ang</sub> / students<sub>Ang</sub>) =  $\$4,264.92 \times 436$  francophone students =  $\$1,859,505.12$ .

2 Students are not counted as Full Time Equivalencies (FTEs).

3 Because of the significant operating costs of the Atlantic Veterinary College and the few students enrolled (237 students in 2006/07), we exclude it from the cost comparison.

- ◆ Subtract the cost of providing the service to Francophones at the unit cost of Anglophones from the actual expenditure for Francophones; this yields the excess cost of the francophone component =  $\$450,000 - \$1,859,505.12 = (\$1,409,505.12)$ .

We can see, using the ratio method, that there are no extra costs of providing the service to Francophones at *La Société Éducative* for the government of Prince Edward Island. This can be explained by the fact that the 2003 agreement between the *Université Sainte-Anne* and *La Société Éducative* ended in 2006/07. Without this partnership, the *Université Sainte-Anne* became less attractive (due to higher fees) to college students from Prince Edward Island, so *La Société Éducative* saw the number of students enrolled increase suddenly. In 2005/06, only 98 students were enrolled while there were 436 in 2006/07 (Prince Edward Island, Dep't of Education and Early Childhood Development, 2009). Without this partnership, the enrolment of students increased while the financial contributions stayed at the same level. Because this cannot be the long-term outcome, we make the following correction.

- ◆ Calculate the cost of providing the service to Francophones at the unit cost of Anglophones:  $\$4,264.92 \times 98$  francophone students =  $\$417,872$ .
- ◆ Subtract the cost of providing the service to Francophones at the unit cost of Anglophones from the actual expenditure for Francophones; this yields the excess cost of the francophone component:  $\$450,000 - \$417,871 = \$32,191$  for 98 students or  $\$327.85$  per student.
- ◆ Multiply this amount by 436 yielding an excess cost of  $\$142,943$ .

Table 10.2 summarizes the education-related costs.

### French Language Services

As mentioned earlier, the public body responsible for French-language services (FLS) in Prince Edward Island is the Francophone Affairs Division. In 2006, the federal government contributed  $\$1,562,500$  to the Division while the government of Prince Edward Island contributed  $\$1,189,950$ .<sup>4</sup> We therefore consider  $\$2,752,450$  to be the total expense for French Language Services at the provincial level in Prince Edward Island. The total public cost of providing French language programs and services in PEI is shown in table 10.3: we see that the total cost to the government of Prince Edward Island of providing French-language programs and services to Francophones is  $\$5,057,430$  for 2006/07.<sup>5</sup>

4 See *Canada-Prince Edward Island Agreement on French-Language Services 2005-06–2008-09* at <http://www.pch.gc.ca/pgm/lo-ol/entente-agreement/services/ip-e/05-09Entente-Service-IP-E-eng.pdf>.

5 Using 2005/06 enrolment numbers for *La Société Éducative*.

**Table 10.2: Cost (\$) of minority-language policies in education, Prince Edward Island, 2006/07**

K-12 education costs	
<i>Department of Education</i>	185,276
<i>Additional cost of francophone students</i>	1,976,762
<i>Total</i>	2,162,038
Post-secondary education	
<i>Total</i>	142,942

Source: text.

**Table 10.3: Total costs (\$) of French-language educational and general public services, Prince Edward Island, 2006/07**

K-12 education	2,162,038
Post-secondary education	142,942
French-language services	2,752,450
<b>Total</b>	<b>5,057,430</b>

Source: table 10.2 and text.

### 10.3 Conclusion

In Prince Edward Island, the total cost of public French-language programs and services in 2006/07 was \$5.1 million split half and half between minority language education and general government services. We cannot ascertain what the benefits of a larger, more vital francophone minority are worth to a typical resident but note that the take-up for French minority education is 117%. There is no significant provision of health, municipal, or provincial public services in French in Prince Edward Island. As a result, simulating the cost of procuring these services privately is not appropriate here. The provision of non-educational services must therefore yield mainly symbolic benefits.





## 11 Newfoundland & Labrador

### 11.1 The legal and Institutional framework

In Newfoundland & Labrador, admission to French schools is determined by the guarantees of section 23 of the Charter and there are no institutions offering French-language post-secondary education. Turning to non-educational policies, there is no French Language Services Act in the province but there is an Office of French Services. Its mission is to enhance the capacity of the government of Newfoundland & Labrador and its public servants to serve the francophone community through the development and delivery of programs and services in the French language.

### 11.2 The costs of official language requirements

#### Education

The education system in Newfoundland & Labrador is administered by the Department of Education and is divided in three branches. The Primary/Elementary/Secondary Branch is responsible for school services, program development, student-support services, evaluation and research, distance learning and innovation, and early childhood learning. The Advanced Studies branch has responsibility for post-secondary education, such as institutional and industrial education, student financial services, and adult learning and literacy. In Newfoundland & Labrador, there are two post-secondary public institutions: the College of the North Atlantic and Memorial University. These institutions offer many programs but none of these are taught in French. Finally, the Corporate Services Branch controls strategic planning and annual reporting, budget preparation and monitoring, and financial services (Newfoundland & Labrador, Dep't of Education, 2011).

The elementary and secondary school system is divided in five districts: Labrador, Western, Central, Eastern, and the *Conseil Scolaire Francophone Provincial (CSFP)*.<sup>1</sup> Those districts administer schools offering kindergarten to grade 12 instruction within their geographic areas and are funded by the Department of Education. The *CSFP* covers the entire province with five

---

<sup>1</sup> Before 2004, the province was divided in 11 school districts. On September 1, 2004, nine were dissolved and three new ones were created.

French schools (Conseil Scolaire Francophone Provincial de Terre-Neuve-et-Labrador, 2011). Under the Schools Act 1997, the *CSFP* manages its own schools but the Program Development Division of the Department of Education is responsible for determining and developing educational programs for the K-12 schools in French and English across the province. This includes the planning and administration of the French First-Language and French second-language programs through the Language Programs Section (Newfoundland & Labrador, Dep't of Education, 2011).

The province of Newfoundland & Labrador offers five programs in which French is taught. They are the French First-Language program, which is French education for the French population entitled to section-23 minority-language educational rights; French Immersion (Early and Late); the Core French program (CF); Intensive Core French (ICF); and Extended Core French (ECF). As noted above, the *CSFP* offers the French First-Language program. The *CSFP* is also responsible for the transportation of French school students across the province (Conseil Scolaire Francophone Provincial de Terre-Neuve-et-Labrador, 2008).

Enrolment statistics for each school division are available from the Department of Education (Newfoundland & Labrador Department of Education, 2007a). There are 74,304 students in the elementary and secondary level in the province; 221 (210.5 FTE in the calculations) attend *CFSP* schools and 74,083 (71,729 FTE) are enrolled in the other four school districts (Newfoundland & Labrador Dep't of Education, 2007b). The expenses are listed in the *Financial Statements of Crown Corporations, Boards and Authorities 2006-2007* (Government of Newfoundland & Labrador, Dep't of Finance, 2007). We report the expenses for the *CSFP* and the four other districts in table 11.1.

We will compare the cost per student in the francophone and anglophone districts in Newfoundland & Labrador at the elementary and secondary level using data from table 11.1. We have a per-student cost of \$8,050 for students in the anglophone districts and \$17,934 for students in the francophone district.<sup>2</sup> The difference between the per-student cost for the *CSFP* and that for the anglophone districts is quite high.

We want now to measure the extra costs of elementary and secondary programs in two languages and not the extra costs of serving more individuals. The additional cost calculated with the ratio approach presented in section 1.3 is \$2,080,613.

---

2 Expenditures for each district for primary and secondary education: *CSFP*: \$4,845,787/210.5 FTE = \$23,020/FTE; anglophone district: \$577,418,017/71,724 FTE = \$8,050/FTE

**Table 11.1: Expenses (\$) for the *Conseil Scolaire Francophone Provincial (CSFP)* and the other districts, Newfoundland & Labrador, 2006/07**

	Expenses			Expenses per pupil	
	Total	CSFP	Other districts	CSFP	Other districts
Administration	11,821,745	475,953	11,345,792	2,261	158
Instruction	473,229,043	2,438,817	470,790,226	11,586	6,564
Operations and maintenance	56,933,586	482,534	56,451,052	2,292	787
Pupil transportation	37,783,835	265,580	37,518,255	1,262	523
Other	1,424,946	112,254	1,312,692	533	18
<b>Total</b>	<b>581,193,155</b>	<b>3,775,138</b>	<b>577,418,017</b>	<b>17,934</b>	<b>8,050</b>

Source: Government of Newfoundland & Labrador, Dep't of Finance, 2007.

- ◆ Cost per student for the anglophone sector × number of francophone students = \$8,050/anglophone student × 210.5 FTE francophone students = \$1,694,525.
- ◆ Actual expenditures – \$1,694,525 = additional cost for francophone students = \$3,775,138 – \$1,694,525 = \$2,080,613.

We were unable to find information on the costs incurred within the Department of Education as a result of this policy. We know that in the case of Saskatchewan the internal administrative costs per minority student was roughly \$1,000 for 1,000 students while in Nova Scotia it was \$200 for 4,000 students. We will use \$400,000, that is \$2,000 per student and 200 students.

Table 11.2 summarizes the spending on K-12 minority education language.

### French-language services

As mentioned earlier, the Office of French Services is the public body in Newfoundland & Labrador responsible for the administration of French-language service programs. Its four key objectives in 2006 were to strengthen

**Table 11.2: Cost (\$) of minority-language policies in education, Newfoundland & Labrador, 2006/07**

K-12 education costs	
<i>Department of Education</i>	400,000
<i>Additional cost of francophone students</i>	2,080,613
<i>Total</i>	2,480,613

Source: text.

the administrative framework within the public service; to support the service department's planning and delivery in key areas; to ensure formal communications with the francophone community; and to provide support to school community centers.<sup>3</sup> In 2006/07, the federal government provided \$525,000 towards these objectives while the provincial government provided \$350,342. The total estimated cost for French-language programs and services in Newfoundland & Labrador are presented in table 11.3:

**Table 11.3: Total costs (\$) of French-language educational and general public services, Newfoundland & Labrador, 2006/07**

K-12 education	2,480,613
French-language services	875,342
<b>Total</b>	<b>3,355,955</b>

Sources: table 11.2 and text.

### 11.3 Conclusion

In Newfoundland & Labrador, the total cost of public French-language programs and services in 2006/07 was \$3.6 million, with 75% of the spending going to the provision of minority language education. We cannot ascertain what the benefits of a larger, more vital francophone minority are worth to a typical Newfoundlander but note that the take-up rate of French language education is 120%. There is no significant provision of health, municipal, or provincial public services in French in Newfoundland & Labrador. As a result, simulating the cost of procuring these services privately is not appropriate here. The provision of non educational services must therefore yield mainly symbolic benefits.

<sup>3</sup> See *Canada-Newfoundland and Labrador Agreement on French-Language Services 2006-07 to 2008-09* at <<http://www.patrimoinecanadien.gc.ca/pgm/lo-ol/entente-agreement/services/nf/06-09-Entente-Services-TNL-eng.pdf>>.

## 12 General conclusion

Tables 12.1 and 12.2 present total and per-recipient or pre-capita costs of French-language programs and services to each of the provinces. Table 12.1 shows that provincial costs are \$868 million of which 59% is incurred for minority primary and secondary education (K-12) as mandated under article 23 of the Canadian Charter and 26% for general government services. This is the first attempt we are aware of at systematically measuring and comparing these provincial costs.<sup>1</sup>

On a per-person basis (table 12.2) there is a fair amount of variability in the cost of minority-language education. Figure 12.1 shows that the cost generally drops with an increase in the size of the minority student population. The average annual cost per student for Canada is \$2,097 and the average cost per Canadian (a resident of one of the 10 provinces) is \$17 per capita. The average cost per Canadian (a resident of one of the 10 provinces) of all minority-language service provision is \$28 per year while the average annual cost outside Quebec is \$34. The average cost per minority member is \$574 (\$872 outside Quebec). Average total costs are highest in the two provinces where the largest number of Francophones reside, Ontario and New Brunswick. Prince Edward Island is next, because it has a small population over which fixed costs can be spread, then Nova Scotia and Manitoba, on one hand because of the amount spent on post-secondary education and, on the other, because of constitutional requirements. Other provinces face low costs per capita on the order of \$5 to \$10.

We found that the federal expenditures on official language policies were between \$1.6 billion and \$1.8 billion for 2006/07. Since these expenditures include transfers to provinces that are spent by them on official language programs (Vaillancourt and Coche, 2009: 25, table 1) aggregating federal, provincial, and local spending must net out these transfers to avoid double counting. A reasonable estimate of the amount to be netted out is \$200 million, which is an estimate of the transfers aimed at providing minority-language

---

1 We would argue that minority-language education spending is very well measured (+/- 5% error overall mainly due to Ontario's numbers) given the availability of data at the schoolboard level, that the spending on post-secondary education is well measured but with a reasonable margin of error (+/- 10%), and that the other costs are measured as well as possible with a higher margin of error for Ontario and Quebec and fairly precise numbers for Manitoba and New Brunswick.

services as opposed to those aimed at providing other services such as learning the other official language by majority members. And thus we have \$1.5 billion at the federal level and \$860 million at the local and provincial level for a total rounded of \$2.4 billion. This is about 0.15 of 1% of GDP or about 0.5% of overall program spending or about \$85 per capita for 2006/07.

**Table 12.1: Minority language spending (\$000s), total and three items, 10 provinces and Canada, 2006/07**

	K-12 (Article 23)	Post-secondary education	Other costs	Total
British Columbia	21,719	250	1,400	23,369
Alberta	27,747	3,952	1,040	32,739
Saskatchewan	8,949	96	1,240	10,286
Manitoba	8,083	1,257	8,690	18,031
Ontario	404,037	96,459	122,735	623,230
Quebec	3,600	0	46,900	50,500
New Brunswick	24,856	23,178	35,117	83,150
Nova Scotia	10,302	5,182	2,548	18,031
Prince Edward island	2,162	143	2,752	5,057
Newfoundland & Labrador	2,480	0	875	3,356
Total for Canadian provinces	513,934	130,516	223,298	867,749

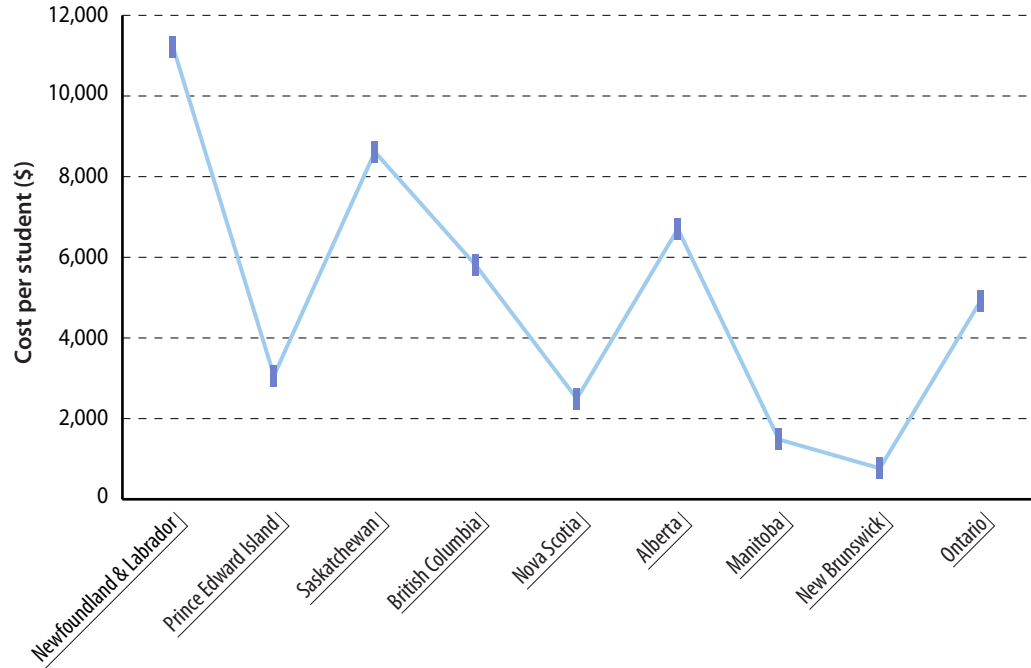
Source: Provincial tables.

**Table 12.2: Minority language spending (\$) per recipient and per capita, 10 provinces and Canada, 2006/07**

	K-12 (Article 23) per student	Total cost per capita	Total cost per minority member
British Columbia	5,798	5.7	426.9
Alberta	6,702	10.1	534.7
Saskatchewan	8,613	10.8	640.5
Manitoba	1,483	15.9	410.2
Ontario	4,925	51.8	1,275.0
Quebec	32	6.8	87.7
New Brunswick	768	115.5	356.9
Nova Scotia	2,494	20.0	554.1
Prince Edward island	3,067	37.7	946.2
Newfoundland & Labrador	11,224	6.7	1,780.3
Total for Canadian provinces	2,097	27.9	573.5

Sources: table 12.1 (numerators); provincial tables (k-12 students); and Statistics Canada population data.

**Figure 12.1: Cost (\$) per francophone minority student of K-12 education for nine Canadian provinces, ordered by increasing size of minority student population, 2006/07**



Sources: Table 12.2, text, authors' calculation.





## References

Alberta, Ministry of Advanced Education and Technology (2011). *Facts and Statistics, FLE Enrolment by Sector and Institutions*. (February). <<http://www.advancededandtech.alberta.ca/post-secondary/policy/facts-and-statistics.aspx>; <http://aet.alberta.ca/media/284678/flebysector-psi.pdf>>.

Alberta, Ministry of Education (2007a). *Annual Report 2006-2007*. <<http://education.alberta.ca/media/503158/annualreport2007complete.pdf>>.

Alberta, Ministry of Education (2007b). *Audited Financial Statement Report of Expenses by Program 2006-07*. <<http://www.education.alberta.ca/admin/funding/audited.aspx>>.

Alberta, Ministry of Education (2011a). *Ecoles Francophone*. <<http://education.alberta.ca/francais/parents/choice/lfrschools.aspx>>.

Alberta, Ministry of Education (2011b). *Student Population*. <<http://education.alberta.ca/department/stats/students.aspx>>.

Alberta, Treasury Board (2007). *Blue Book 2007*. <<http://www.treasuryboard.alberta.ca/BlueBook.cfm>>.

Allaire, Gratien (2007). From “Nouvelle-France” to “Francophonie Canadienne”: A Historical Survey. *International Journal of the Sociology of Language* 185, 25: 37.

Association des Juristes d'Expression Française du Manitoba Inc. (2009). *L'Histoire de la Justice en Français au Manitoba*. <<http://www.mondroitmonchoix.com/histoire.php>>.

Bakan, Joel, and Robin M. Elliot (2003). *Canadian Constitutional Law*, 3<sup>rd</sup> ed. Emond Montgomery.

Beaudoin, Gérald-A. (1993). Preface to Gilles LeVasseur, *Le statut juridique du français en Ontario*, t.1. Les Presses de l'Université d'Ottawa.

Bienvenue, Rita (1989). Language Politics and Social Divisions in Manitoba. *American Review of Canadian Studies* 19, 2.

Bickerton, James, and Alain-G. Gagnon (2004). *Canadian Politics*, 4<sup>th</sup> ed. Broadview Press.

British Columbia, Ministry of Advanced Education and Labour Market Development (2011). *Students Headcount by Institution by Academic Year* (May). <<http://www.aved.gov.bc.ca/datawarehouse/documents/headcount.pdf>>.

British Columbia, Ministry of Education (2000). *The Primary Program*. <[http://www.bced.gov.bc.ca/primary\\_program/primary\\_prog.pdf](http://www.bced.gov.bc.ca/primary_program/primary_prog.pdf)>.

British Columbia, Ministry of Education (2007a). *Reporting in K-12 Education*. <<http://www.bced.gov.bc.ca/reporting/enrol/class-size.php>>.

British Columbia, Ministry of Education (2007b). *Overview of Class Size and Composition in British Columbia Public Schools* (February). <[http://www.bced.gov.bc.ca/reports/pdfs/class\\_size/2006/093.pdf](http://www.bced.gov.bc.ca/reports/pdfs/class_size/2006/093.pdf)>; <[http://www.bced.gov.bc.ca/reports/pdfs/student\\_stats/prov.pdf](http://www.bced.gov.bc.ca/reports/pdfs/student_stats/prov.pdf)>; <[http://www.bced.gov.bc.ca/reports/pdfs/class\\_size/2007/public.pdf](http://www.bced.gov.bc.ca/reports/pdfs/class_size/2007/public.pdf)>.

British Columbia, Ministry of Education (2007c). *FTE Funded Enrolment, 2003/04 to 2007/08*. <<http://www.bced.gov.bc.ca/accountability/district/revenue/0708/pdf/table02.pdf>>.

British Columbia, Ministry of Education (2008). *2006/07 Actual Operating Expenditures by Function* (May). <<http://www.bced.gov.bc.ca/accountability/district/revenue/0708/>>; <<http://www.bced.gov.bc.ca/accountability/district/revenue/0708/pdf/table20.pdf>>.

British Columbia, Ministry of Finance (2007). *Consolidated Revenue Fund Detailed Schedules of Payments 2006-07* (July 11). <[http://www.fin.gov.bc.ca/ocg/pa/06\\_07/pa06\\_07.htm](http://www.fin.gov.bc.ca/ocg/pa/06_07/pa06_07.htm)>; <[http://www.fin.gov.bc.ca/OCG/pa/06\\_07/Detailed\\_Schedule\\_Pymts.pdf](http://www.fin.gov.bc.ca/OCG/pa/06_07/Detailed_Schedule_Pymts.pdf)>.

Canada, Department of Agriculture (1886). *Statistical Abstract & Record 1885*.

Canada, Department of Finance (2011). *Fiscal Reference Tables: Provincial and Territorial Governments Public Accounts*. <<http://www.fin.gc.ca/frt-trf/2009/frt0904-eng.asp#tbl23>>.

Canada, Department of Human Resources and Social Development (2007). *Work — Weekly Hours Worked 2007*. <[http://www4.hrsdc.gc.ca/3ndic.1t.4r@-eng.jsp?iid=19#M\\_4](http://www4.hrsdc.gc.ca/3ndic.1t.4r@-eng.jsp?iid=19#M_4)>.

Canadian Legal Information Institute (2004). *Canadian Charter of Rights Decisions Digest, Section 23, 3*. <[http://www.ijcan.org/en/ca/charter\\_digest/s-23-3.html](http://www.ijcan.org/en/ca/charter_digest/s-23-3.html)>.

Cardinal, Linda, Stephane Lang, Nathalie Plante, Anik Sauvé, and Chantal Terrien (2005). *Un État des Lieux: Les Services en Français dans le Domaine de la Justice en Ontario*. Chaire de Recherche sur la Francophonie et les Politiques Publiques, l'Université d'Ottawa (December). <[http://www.sciencesociales.uottawa.ca/crfpp/pdf/etat\\_des\\_lieux\\_12-2005.pdf](http://www.sciencesociales.uottawa.ca/crfpp/pdf/etat_des_lieux_12-2005.pdf)>.

Chartier, Honourable Judge Richard (1998a). *Report and Recommendations on French Language Services within the Government of Manitoba* (May). <<http://www.gov.mb.ca/fls-slf/report/histbackgrd.html>>.

Chartier, Honourable Judge Richard (1998b). *Above All, Common Sense: Report and Recommendations on French Language Services within the Government of Manitoba* (May). <<http://www.gov.mb.ca/fls-slf/report/index.html>>.

Chevrier, Marc (1997). *Laws and Language in Québec: The Principles and Means of Québec's Language Policy*. <[http://english.republiquelibre.org/The\\_principles\\_and\\_means\\_of\\_Qu%C3%A9bec%27s\\_language\\_policy](http://english.republiquelibre.org/The_principles_and_means_of_Qu%C3%A9bec%27s_language_policy)>.

Choquette, Robert (1980). *Langue et Religion: Histoire des Conflits Anglo-Français en Ontario*. 2<sup>nd</sup> ed. University of Ottawa Press.

City of Ottawa (2001). *Bilingualism By-Law No. 2001 – 170*. <[http://www.ottawa.ca/residents/bylaw/a\\_z/bilingualism\\_en.html](http://www.ottawa.ca/residents/bylaw/a_z/bilingualism_en.html)>.

City of Ottawa (2004). *Bilingualism Policy*. <[http://www.ottawa.ca/city\\_hall/policies/bilingualism\\_policy/index\\_en.html](http://www.ottawa.ca/city_hall/policies/bilingualism_policy/index_en.html)>.

City of Winnipeg (2007). *Corporate Business Planning, Organizational Support Services, Budget Discussion* (December). <<http://winnipeg.ca/cao/pdfs/BusinessPlansByService/OrgSupportSvc.pdf>>.

City of Winnipeg (2008). *Compensation Disclosure 2007* (May). <<http://www.mmcalumni.ca/v2/docs/ol/City%20of%20Winnipeg%20Salaries%202007.pdf>>.

Community Health and Social Services Network (2011). [Website.] <<http://www.chssn.org/>>.

Conseil Scolaire Francophone Provincial de Terre-Neuve-et-Labrador (2008). *Annual Report, 2006-2007* (October, 9). <<http://www.assembly.nl.ca/business/taled/CSFPAAnnualReport2006-07.pdf>>.

Conseil Scolaire Francophone Provincial de Terre-Neuve-et-Labrador (2011). *Plan de développement linguistique et culturel*. <<http://www.csfp.nf.ca/Politique4.3.pdf>; <http://www.csfp.nl.ca/index.html>>.

Cousineau, Marc (2000–2001). Survol des Droits Linguistiques: Enfin de Vrais Droits Linguistiques au Canada. *Ottawa Law Review* 32, 117.

Couturier, Jacques Paul (1994). *L'Expérience Canadienne, des Origines à Nos Jours*. Éditions d'Acadie.

Darroch, A. Gordon, and Michael D. Ornstein (1980). Ethnicity and Occupational Structure in Canada in 1871: The Vertical Mosaic in Historical Perspective. *Canadian Historical Review* 3.

Foucher, Pierre (2007). Legal Environment of Official Languages in Canada. *International Journal of the Sociology of Language* 185.

Fujitsu Conseil (Canada) Inc. (2002). *Health Human Resources Supply and Demand Analysis*. Report for the New Brunswick Department of Health and Wellness (November). <<http://www.gnb.ca/0051/pdf/HRStudy/AnalyseDemande.pdf>>.

Fujitsu Conseil (Canada) Inc. (2003). *Setting a New Direction for Planning the New Brunswick Physician Workforce* (September). <<http://www.gnb.ca/0051/pdf/HRStudy/DirectionPhysicianWorkforce-f.pdf>>.

Government of Canada (1967). *Report of the Royal Commission on Bilingualism and Biculturalism: The Official Languages* [Laurendeau-Dunton Report], Book 1. Queen's Printer.

Government of Canada (2011). *Canadian Charter of Rights and Freedoms*.

Government of Manitoba (2007). *Annual Report for the year ended March 31, 2007*, Vol. 4, (August). <<http://www.gov.mb.ca/finance/financialreports.htm>; [http://www.gov.mb.ca/finance/pdf/annualreports/pubacct\\_4s1\\_07.pdf](http://www.gov.mb.ca/finance/pdf/annualreports/pubacct_4s1_07.pdf)>.

Government of New Brunswick (1990). *An Act to Amend the Official Languages of New Brunswick Act*. <[http://www.slmc.uottawa.ca/?q=nb\\_linguistic\\_law\\_amend](http://www.slmc.uottawa.ca/?q=nb_linguistic_law_amend)>.

Government of New Brunswick (1997). *Education Act, c. E-1.12 (February)*. <<http://www.gnb.ca/0062/pdf-acts/e-01-12.pdf>>.

Government of New Brunswick (2007a). *Public Accounts 2007: for the fiscal year ended 31 March 2006*, Volume 2 Supplementary Information. <<http://www.gnb.ca/0087/pubacct/PA07v2.pdf>>.

Government of New Brunswick (2007b). *Regional Development Corporation: 2006-2007 Annual Report (December)*. <<http://www2.gnb.ca/content/dam/gnb/Departments/rdc-sdr/pdf/AnnualReport06-07.pdf>>.

Government of New Brunswick (2007c). *Public Accounts 2007: for the fiscal year ended 31 March 2006, Financial Statements of Crown Corporations, Boards, Commissions*, Volume 3. <<http://www.gnb.ca/0087/pubacct/PA06v3e.pdf>>.

Government of New Brunswick (2011a). *Province of New Brunswick Official Languages Policy – (Work Policy and Guidelines and Service Policy and Guidelines)*. New Brunswick Office of Human Resources. <[http://www2.gnb.ca/content/gnb/en/departments/human\\_resources/about\\_us/policies\\_and\\_guidelines/language\\_service.html](http://www2.gnb.ca/content/gnb/en/departments/human_resources/about_us/policies_and_guidelines/language_service.html)>; <[http://www2.gnb.ca/content/gnb/en/departments/human\\_resources/about\\_us/policies\\_and\\_guidelines/language\\_work.html](http://www2.gnb.ca/content/gnb/en/departments/human_resources/about_us/policies_and_guidelines/language_work.html)>.

Government of New Brunswick (2011b). *Official Languages: Straight Talk on Language of Service/Work - The Team Approach*. New Brunswick Office of Human Resources. <[http://www2.gnb.ca/content/gnb/en/departments/human\\_resources/about\\_us/policies\\_and\\_guidelines/talk\\_language\\_service.html](http://www2.gnb.ca/content/gnb/en/departments/human_resources/about_us/policies_and_guidelines/talk_language_service.html)>; <[http://www2.gnb.ca/content/gnb/en/departments/human\\_resources/about\\_us/policies\\_and\\_guidelines/talk\\_language\\_work.html](http://www2.gnb.ca/content/gnb/en/departments/human_resources/about_us/policies_and_guidelines/talk_language_work.html)>.

Government of Ontario (1990a). *French Language Service Act, R.S.O. CHAPTER F.32*. <[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90f32\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90f32_e.htm)>.

Government of Ontario (1990b). *Courts of Justice Act R.S.O. 1990. Chapter C.43*. <[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90c43\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90c43_e.htm)>.

Government of Ontario (1990c). *Education Act R.S.O. 1990*, Chapter E.2. <[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90e02\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90e02_e.htm)>.

Government of Ontario (1998). *Legal Aid Services Act, O. Reg. 107/99*. <[http://www.e-laws.gov.on.ca/html/regs/english/elaws\\_regs\\_990107\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_990107_e.htm)>.

Government of Ontario (2006a). *Local Health System Integration Act, S.O. 2006*, Chapter 4: Section 14. <[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_06l04\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_06l04_e.htm)>.

Government of Ontario (2006b). *City of Toronto Act, S.O. 2006*, Chapter 11. <[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_06c11\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_06c11_e.htm)>.

Government of Quebec (1969). *Act to Promote the French language in Québec, Bill 63*. <[http://www.oqlf.gouv.qc.ca/charte/reperes/Loi\\_63.pdf](http://www.oqlf.gouv.qc.ca/charte/reperes/Loi_63.pdf)>.

Government of Quebec (1971). *An Act respecting health services and social services. R.S.Q., c. S-4.2*. <[http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/S\\_4\\_2/S4\\_2\\_A.html](http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/S_4_2/S4_2_A.html)>.

Government of Quebec (1974). *Official Language Act*. <[http://www.oqlf.gouv.qc.ca/charte/reperes/Loi\\_22.pdf](http://www.oqlf.gouv.qc.ca/charte/reperes/Loi_22.pdf)>.

Government of Quebec (1977). *Charter of the French Language, L.R.Q. c-11*, Section 7.

Government of Quebec (1993). *An Act to Amend the Charter of the French Language, R.S.Q. (1993)*.

Green, Ian (1989). *The Charter of Rights*. James Lorimer.

Green, William (1999). Schools, Signs, and Separation: Quebec Anglophones, Canadian Constitutional Politics, and International Language Rights». *Denver Journal of International Law and Policy* 27, 449.

Grin, François (2002). *L'économie de la langue et de l'éducation dans la politique d'enseignement des langues*. Council of Europe. <<http://www.coe.int/t/dg4/linguistic/Source/GrinFR.pdf>>.

Hébert, Raymond (2004). *Manitoba's French Language Crisis: A Cautionary Tale*. McGill-Queen's University Press.

Higgins, Benjamin, and Maurice Beaudin (1988). *Impact de l'Université de Moncton sur les Régions de Moncton, d'Edmundston et de Shippagan*. Canadian Institute for Research on Regional Development, Moncton.

Human Resources and Social Development Canada (2011). *Work — Weekly Hours Worked*. <<http://www4.hrsdc.gc.ca/3ndic.1t.4r@-eng.jsp?iid=19>>.

Jean, Judge Bernard (1973). *Bref Historique de la Révision et de la Traduction des Lois*. Association des Juristes d'Expression Française du Nouveau-Brunswick. <<http://www.ajefnb.nb.ca/DATAUPLOAD1/docs/pdf/LeBref/12-1-article-jugejean.pdf>>.

Jourdain, Guy (2002). La Législation Bilingue au Manitoba : Le Rêve d'une Version Française Faite sur Mesure pour Son Auditoire. *Meta* 47, 2, 244.

Kerr, Robert W. (1970). Official Languages of New Brunswick Act. *University of Toronto Law Journal* 20, 4 (Autumn): 478–485.

Ku, Hvejin, and Asaf Zussman (2008). Lingua Franca: The Role of English in International Trade. *Journal of Economic Behavior & Organization* 75: 250–260. <<http://pluto.huji.ac.il/~azussman/english.pdf>>.

Landry, Nicolas. and Nicole Lang (2001). *Histoire de l'Acadie*. Septentrion.

Leclair, Jean (2002). Canada's Unfathomable Unwritten Constitutional Principles. *Queen's Law Journal* 389, 27.

Leclerc, Jacques (2010a). *L'aménagement Linguistique dans le Monde, Manitoba*. Université of Laval, Trésor de la Langue Française au Québec (June). <<http://www.tlfq.ulaval.ca/axl/amnord/manitoba.htm>>.

Leclerc, Jacques (2010b). *L'aménagement Linguistique dans le Monde, Nouveau Brunswick*. Université of Laval, Trésor de la Langue Française au Québec (September). <<http://www.tlfq.ulaval.ca/axl/amnord/nbrunswick.htm>>.

Legislature of the Province of Upper Canada (1863). An Act to Restore to Roman Catholics in Upper Canada Certain Rights in Respect to Separate Schools [Separate Schools Act] 26 Vict., Chapter. 5, section 2-7.

Le Pourhiet, Anne-Marie (2001). Langue(s) et Constitution(s). *Raisons Politiques* 2: p.207, parag. 12.

LeVasseur, Gilles (1993). *Le Statut Juridique du Français en Ontario*, t. 1. University of Ottawa Press.

*Living in Canada* (2011). *Translators, Terminologists and Interpreters: Canada Salary and Wage Guide*. <<http://www.livingin-canada.com/salaries-for-translators-terminologists-and-interpreters.html>>.

Loubier, Christiane (2011). *Politiques Linguistiques et Droit Linguistique*. Office de la Langue Française. <<http://collections.banq.qc.ca/ark:/52327/bs48264>>.

Manitoba Civil Service Commission (2007). *Annual Report 2006-2007*. <[http://www.gov.mb.ca/csc/annrpt/pdf/2006-07\\_annualrpt.pdf](http://www.gov.mb.ca/csc/annrpt/pdf/2006-07_annualrpt.pdf)>.

Manitoba Council on Post-Secondary Education (2007). *Statistical Compendium for Academic Years Ending in 2006* (Fall). <[http://www.copse.mb.ca/compendium/compendium2007/en/cover\\_page.pdf](http://www.copse.mb.ca/compendium/compendium2007/en/cover_page.pdf)>.

Manitoba Culture, Heritage and Tourism (2007). *Annual Report 2006–2007*. <[http://www.gov.mb.ca/chc/reports/pdf/2006\\_07\\_ar.pdf](http://www.gov.mb.ca/chc/reports/pdf/2006_07_ar.pdf)>.

Manitoba Education, Citizenship and Youth (2007). *Annual Report 2006-2007*. <[http://www.edu.gov.mb.ca/ar\\_0607/report.pdf](http://www.edu.gov.mb.ca/ar_0607/report.pdf)>.

Manitoba Education, Citizenship and Youth (2011). *Statistiques Scolaires*. <<http://www.edu.gov.mb.ca/m12/stat-fin/statscolaires.html>>.

Manitoba Education and Literacy (2007). *Financial Reporting and Accounting in Manitoba Education* (July). <[http://www.edu.gov.mb.ca/k12/finance/frame\\_manual/frame\\_manual.pdf](http://www.edu.gov.mb.ca/k12/finance/frame_manual/frame_manual.pdf)>.

Manitoba Francophone Affairs Secretariat (2007). *Report on French Language Services 2006-2007*. <[http://www.gov.mb.ca/fls-slf/pdf/fls\\_web.pdf](http://www.gov.mb.ca/fls-slf/pdf/fls_web.pdf)>.

Manitoba Francophone Affairs Secretariat (2011). *The French Language Services Policy*. Online. <<http://www.gov.mb.ca/fls-slf/03flspolicy.html>>.

Manitoba Justice (2007). *Annual Report 2006-2007*. <<http://www.gov.mb.ca/justice/publications/annualreports/pdf/annualreport0607.pdf>>.

Manitoba History (2011a). *The Manitoba Schools Question: 1890 to 1897*. *Manitobia: Digital Resources on Manitoba History*. <<http://manitobia.ca/cocoon/launch/en/themes/msq/1>>.



Manitoba History (2011b). "Association des Canadiens Français du Manitoba" : Son Histoire. *Manitoba: Digital Resources on Manitoba History*. <<http://manitoba.ca/content/fr/organizations/AEC>>.

Maritime Provinces Higher Education Commission [MPHEC] (2008). *Surveying the Enrolment Landscape: Update of Selected Tables and Figures* (June). <<http://www.mphec.ca/resources/TrendsSurveyingUpdten.pdf>>.

Maritime Provinces Higher Education Commission [MPHEC] (2011). *Le Mandat de la Commission de l'enseignement Supérieur des Provinces Maritimes*. <<http://www.cespm.ca/about/mandateandact.aspx>>.

Ministerial Conference on the Canadian Francophonie (2006). *Linguistic Profile New Brunswick*. <[http://www.af-ifa.ca/media\\_uploads/pdf/103.pdf](http://www.af-ifa.ca/media_uploads/pdf/103.pdf)>.

Morin, Jacques-Yvan, and Josée Woehrling (1994). *Demain, le Québec: Choix Politiques et Constitutionnels d'un Pays en Devenir*. Septentrion.

New Brunswick, Department of Education (2008). *2006-2007 Annual Report* (March). <<http://www.gnb.ca/0000/publications/comm/AnnualReport2006-2007.pdf>>.

New Brunswick, Department of Local Government (2008). *Annual Report of Municipal Statistics 2007*. <<http://www.gnb.ca/0370/0361/0004/2007.pdf>>.

New Brunswick, Department of Health (2008). *2006-2007 Annual Report* (February). <<http://www.gnb.ca/0051/pub/pdf/5068ef-final-1.pdf>>.

New Brunswick Provincial Archives (2011). *Education: The Early Years (1784–1871)*. <<http://archives.gnb.ca/APPS/ArchivalPortfolio/TextViewer.aspx?culture=en-CA&myFile=Education-1>>.

Newfoundland & Labrador, Department of Education (2007a). *Education Statistics, 2006-2007*. <<http://www.ed.gov.nl.ca/edu/publications/k12/stats/index.html#0607>>.

Newfoundland & Labrador, Department of Education (2007b). *Education Statistics, 2006-07: Enrolment Information A*. <[http://www.ed.gov.nl.ca/edu/publications/k12/stats/0607/enr\\_06\\_3.pdf](http://www.ed.gov.nl.ca/edu/publications/k12/stats/0607/enr_06_3.pdf)>.

Newfoundland & Labrador, Department of Education (2011). *Program Development Division*. <<http://www.ed.gov.nl.ca/edu/departement/branches/pes/pdd.html>>.

Newfoundland & Labrador, Department of Finance (2007). *Financial Statements of Crown Corporations, Boards and Authorities 2006-2007*. <[http://www.fin.gov.nl.ca/fin/publications/pa\\_a-m.pdf](http://www.fin.gov.nl.ca/fin/publications/pa_a-m.pdf)>.

Nova Scotia Conseil Scolaire Acadien Provincial (2007). *Inscription, 2007-08 (November)*. <<http://csap.ednet.ns.ca/pdf/ins2007.pdf>>.

Nova Scotia, Department of Education (2006). *Statistics and Data Management: Education Statistics - Statistical Summary 2005 – 2006*. <[http://www.ednet.ns.ca/pdfdocs/stats-summary/2005-06/statistical\\_summary\\_2005-06.pdf](http://www.ednet.ns.ca/pdfdocs/stats-summary/2005-06/statistical_summary_2005-06.pdf)>.

Nova Scotia, Department of Education (2011a). *Organizational Structure*. <<http://www.ednet.ns.ca/overview.shtml>>.

Nova Scotia, Department of Education (2011b). *Public School Program*. <[http://www.ednet.ns.ca/index.php?t=sub\\_pages&cat=92](http://www.ednet.ns.ca/index.php?t=sub_pages&cat=92)>.

Nova Scotia, Department of Education (2011c). Enrolments by Board (as of September 30). *Student Statistics (historical)*. <<http://stats-summary.ednet.ns.ca/EnrolmentsbyBoardhistorical.shtml>>.

Nova Scotia, Department of Education (2011d). School Board Expenditures (Millions) (historical). *Financial Statistics (historical)*. <<http://stats-summary.ednet.ns.ca/exphist.shtml>>.

Nova Scotia, Department of Finance (2007a). Public Accounts 2006-07, Volume 2, Agencies and Funds. <<http://www.gov.ns.ca/finance/publish/paccts/07vol2.pdf>>.

Nova Scotia, Department of Finance (2007b). *Public Accounts 2006-07, Volume 3, Supplementary Information*. <<http://www.gov.ns.ca/finance/site-finance/media/finance/07vol3.pdf>>.

Nova Scotia, Department of Finance (2008). *Budget documents 2008-2010, Nova Scotia Estimates 2008 -2009*. <[http://www.gov.ns.ca/finance/en/home/budget/budgetdocuments/2008\\_2010.aspx](http://www.gov.ns.ca/finance/en/home/budget/budgetdocuments/2008_2010.aspx)>; <<http://www.gov.ns.ca/finance/site-finance/media/finance/Estimates.pdf>>.

Nova Scotia, Department of Finance (2009). *Budget documents 2008-2010, Nova Scotia Estimates 2009 -2010*. <[http://www.gov.ns.ca/finance/en/home/budget/budgetdocuments/2008\\_2010.aspx](http://www.gov.ns.ca/finance/en/home/budget/budgetdocuments/2008_2010.aspx)>; <[http://www.gov.ns.ca/finance/site-finance/media/finance/budget2009/Estimates\\_Fall09.pdf](http://www.gov.ns.ca/finance/site-finance/media/finance/budget2009/Estimates_Fall09.pdf)>.

Nova Scotia, Office of Acadian Affairs (2007). *Business Plan 2007 – 2008*. <[http://www.gov.ns.ca/acadien/pub/2007-2008\\_Business\\_Plan.pdf](http://www.gov.ns.ca/acadien/pub/2007-2008_Business_Plan.pdf)>.

Nova Scotia, Public Service Commission (2006). *French Languages Services Regulations*. <[http://www.gov.ns.ca/acadien/pub/fls\\_regulations-en.pdf](http://www.gov.ns.ca/acadien/pub/fls_regulations-en.pdf)>.

Nova Scotia School Boards Association (2011). *Welcome on Board*. <<http://www.nssba.ca/new/index.php?cid=13&pid=85&lang=e>>.

Ontario Educational Communications Authority (2007). *Annual Report 2006-2007*. <[http://www.tvo.org/about/AnnualReports/TVO\\_AR\\_06\\_07\\_EN.pdf](http://www.tvo.org/about/AnnualReports/TVO_AR_06_07_EN.pdf)>.

Ontario, French Language Services Commissioner (2011). *French Language Services Act*. <<http://www.flsc.gov.on.ca/en/content/law>>.

Ontario, Ministry of the Attorney General - Court Services Division (2008). *Annual Report 2005 – 2006 and 2006/07*. <[http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/courts\\_annual\\_05\\_06/Court\\_Services\\_Annual\\_Report\\_FULL\\_EN.pdf](http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/courts_annual_05_06/Court_Services_Annual_Report_FULL_EN.pdf)>.

Ontario, Ministry of Education (2010). *School Board Funding Projections for the 2010–11 School Year (Spring)*. <<http://www.edu.gov.on.ca/eng/funding/1011/funding10.pdf>>.

Ontario, Ministry of Finance (2007a). *Public Accounts of Ontario 2006-2007 (August)*. <[http://www.fin.gov.on.ca/en/budget/paccts/2007/07\\_ar.html](http://www.fin.gov.on.ca/en/budget/paccts/2007/07_ar.html)>.

Ontario, Ministry of Finance (2007b). *Public Accounts of Ontario 2006-2007: Detailed Schedule of Payments, Volume 3 (August)*. <<http://www.fin.gov.on.ca/en/budget/paccts/2007/2006-07volume3.pdf>>.

Ontario, Ministry of Finance (2007c). *Public Accounts of Ontario 2006-2007: Ministry Statements and Schedules, Volume 1 (August)*. <<http://www.fin.gov.on.ca/en/budget/paccts/2007/2006-07volume1.pdf>>.

Ontario, Ministry of Health and Long-Term Care (2011). *French Language Health Services*. <[http://www.health.gov.on.ca/english/public/program/flhs/flhs\\_mn.html](http://www.health.gov.on.ca/english/public/program/flhs/flhs_mn.html)>.

Ontario, Ministry of Training, Colleges and Universities (2008). *Employment Profile: A Summary of the Employment Experience of 2006-2007 Graduates Six Months after Graduation*. <<http://www.tcu.gov.on.ca/pepg/audiences/colleges/serials/eprofile06-07/profile07.pdf>>.

Ontario, Office des Affaires Francophones (2011a). *L'Historique des Services en Français en Ontario*. <<http://www.ofa.gov.on.ca/fr/loi-historique.html>>.

Ontario, Office of Francophone Affairs (2011b). *French Language Services Act: Map of Designated Areas*. <<http://www.ofa.gov.on.ca/en/flsa-mapdesig.html>>.

Ontario, Office of Francophone Affairs (2011c). *Designated Agencies*. <<http://www.ofa.gov.on.ca/en/flsa-agencies.html>>.

Ontario Workplace Safety and Insurance Board (2008). *Statistical Supplement to the 2007 Annual Report*. <<http://www.wsib.on.ca/files/Content/Downloadable%20FileStatisticalSupplement07/2278A.pdf>>.

Osborne, Coulter A., Q.C., (2007). *Civil Justice Reform Project: Summary of Findings and Recommendations*. Ontario, Department of Justice, Attorney General's Office. <[http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/cjrp/CJRP-Report\\_EN.pdf](http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/cjrp/CJRP-Report_EN.pdf)>.

PayScale (2011). *Salary Survey Report for Job: Interpreter or Translator*. <[http://www.payscale.com/research/CA/Job=Interpreter\\_or\\_Translator/Salary](http://www.payscale.com/research/CA/Job=Interpreter_or_Translator/Salary)>.

Prince Edward Island, Department of Education and Early Childhood Development (2008). *Handbook for Administrators 2008 – 2009*. <[http://www.gov.pe.ca/photos/original/ed\\_edh\\_0809.pdf](http://www.gov.pe.ca/photos/original/ed_edh_0809.pdf)>.

Prince Edward Island, Department of Education and Early Childhood Development (2009). *Annual Report 2007-2008*. Special request, courtesy of M. Mark DeMone. <<http://www.gov.pe.ca/publications/getpublication.php3?number=1589>>.

Prince Edward Island, Department of the Provincial Treasury (2008). *Public Accounts of the Province of Prince Edward Island, 2006-2007, Volume 2*. <[http://www.gov.pe.ca/photos/original/pa\\_vol2\\_2007.pdf](http://www.gov.pe.ca/photos/original/pa_vol2_2007.pdf)>.

Prince Edward Island, la Commission Scolaire de Langue Française de l'Île-du-Prince-Édouard [CSLF] (2011). *Programme et Langue*. <<http://www.edu.pe.ca/csif/lacsif06.html>>.

Privy Council Office of Canada (1997). Statement by Minister Dion on the Amendment of Section 93 (Education) of the Constitution Act, 1867. <<http://www.pco-bcp.gc.ca/aia/index.asp?lang=eng&Page=archive&Sub=speeches-discours&Doc=19970422-eng.htm>>.

Quebec, Assemblée Nationale (2007). *Rapport d'activité 2006-2007*. <<http://www.assnat.qc.ca/fr/publications/fiche-rapport-activite.html>>.

Quebec, Ministère de l'Éducation, du Loisir et du Sport (2007). *Rapport annuel de gestion, 2006-2007*. <[http://www.mels.gouv.qc.ca/sections/publications/publications/BSM/rapport\\_annuel2006-2007.pdf](http://www.mels.gouv.qc.ca/sections/publications/publications/BSM/rapport_annuel2006-2007.pdf)>.

Quebec, Ministère de l'Éducation, du Loisir et du Sport (2008a). *Statistiques de l'Éducation. Enseignement primaire, Secondaire, Collégial et Universitaire*. <[http://www.mels.gouv.qc.ca/sections/publications/publications/SICA/DRSI/StatEduc\\_2008.pdf](http://www.mels.gouv.qc.ca/sections/publications/publications/SICA/DRSI/StatEduc_2008.pdf)>.

Quebec, Ministère de l'Éducation, du Loisir et du Sport (2008b). *Indicateurs de Gestion des Commissions Scolaires 2006-07*. <[http://www.mels.gouv.qc.ca/stat/ind\\_gestion\\_scol\\_08/Documents\\_fin/526537.pdf](http://www.mels.gouv.qc.ca/stat/ind_gestion_scol_08/Documents_fin/526537.pdf)>.

Quebec, Ministère de l'Éducation, du Loisir et du Sport (2008c). *Prévision pour les universités du Québec*. <<http://www.mels.gouv.qc.ca/sections/publications/medias/PrevisionsUniv2008-2009/EnsembleDesUniversites.pdf>>.

Quebec, Ministère de l'Éducation, du Loisir et du Sport (2011). *Prévision de l'effectif étudiants au collégial*. <[http://www.meq.gouv.qc.ca/sections/previsionsCollegial/pdf/Prev\\_C\\_Cegep.pdf](http://www.meq.gouv.qc.ca/sections/previsionsCollegial/pdf/Prev_C_Cegep.pdf)>.

Quebec, Ministère des Finances, (2007). *Renseignements Concernant la Rémunération, les Fournisseurs et les Bénéficiaires 2007, Volume 1*. <[http://www.finances.gouv.qc.ca/documents/Comptespublics/fr/CPTFR\\_vol1-2006-2007.pdf](http://www.finances.gouv.qc.ca/documents/Comptespublics/fr/CPTFR_vol1-2006-2007.pdf)>.

Quebec, Office de la Langue Française (2007). *Rapport Annuel de Gestion 2006-2007*. <[http://www.oqlf.gouv.qc.ca/office/rapports/rap20062007/rapport\\_annuel\\_20062007.pdf](http://www.oqlf.gouv.qc.ca/office/rapports/rap20062007/rapport_annuel_20062007.pdf)>.

Quebec, Office de la Langue Française (2011). *Repères et Jalons Historiques*. <<http://www.oqlf.gouv.qc.ca/charte/reperes/reperes.html>>.

Rocher, Guy (2003). Québec's Language Policy and Law in 1977. In Michel Hélène Duval Plourde and Pierre Georgeault (dir.), *Le Français au Québec: 400 ans d'Histoire et de Vie, Conseil Supérieur de la Langue Française* (Fides).

Rumilly, Robert (1955). *Histoire des Acadiens*, Vol. II. Fides.

Saskatchewan Learning, French Education and Languages Branch (2005). *Handbook for Administrators, French Second Language Programs*. <<http://www.sasked.gov.sk.ca/docs/francais/tronc/handbook.pdf>>.

Saskatchewan, Ministry of Education (2009). *Saskatchewan School Division Statistical Information Report 2006-2007*. <<http://www.education.gov.sk.ca/adx/asp/adxGetMedia.aspx?DocID=3055,134,107,81,1,Documents&MediaID=6793&Filename=2006-07+Stats+Package.pdf>>.

Saskatchewan, Ministry of Finance (2007). *Public Accounts 2006-07, Volume 2*. <<http://finance.gov.sk.ca/paccts/paccts07/volume2-2006-07.pdf>>.

Savoie, Alexandre-J. (1981). *Les Communautés Religieuses et l'Enseignement au Nouveau-Brunswick depuis 1872*. La Société Canadienne d'Histoire de l'Église Catholique, Sessions d'étude.

Silver, Richard (2000). The Right to English Health and Social Services in Quebec: A Legal and Political Analysis. *McGill Law Journal* 45, 3: 681–755.

Simon Fraser University (2007). *2006/07 OFFA Final Ministry Report: Final Report on the Projects and Activities of the Office of Francophone and Francophile Affairs ...*. <[http://www.sfu.ca/baff-offa/media/uploads/2006-07\\_OFFA\\_FINAL\\_MINISTRY\\_REPORT\\_web.pdf](http://www.sfu.ca/baff-offa/media/uploads/2006-07_OFFA_FINAL_MINISTRY_REPORT_web.pdf)>.

Simon Fraser University (2011). Office of Francophone and Francophile Affairs. <<http://www.sfu.ca/baff-offa/>>.

Smith, William J. (1994). Linguistic School Boards in Quebec – A Reform Whose Time Has Come: Reference *Re* Education Act of Québec (Bill 107). *McGill Law Journal* 39.

Society for Quality Education (2011). *French Language Commission Scolaires: Ontario Sunshine on Schools*. <<http://sunshineonschools.ca/default.aspx>>.

Statistics Canada (2007a). *2006 Census of Population*. Catalogue No. 97-555-XCB2006015. <<http://www12.statcan.ca/census-recensement/2006/rt-td/index-eng.cfm>>.

Statistics Canada (2007b). *2006 Community Profiles: Montréal, Québec (Code2466) 2006 Census*. CANSIM Catalogue No. 92-591-XWE. <<http://www12.statcan.ca/census-recensement/2006/dp-pd/prof/92-591/details/page.cfm?Lang=E&Geo1=CD&Code1=2466&Geo2=PR&Code2=24&Data=Count&SearchText=Montréal&SearchType=Begins&SearchPR=01&B1=All&GeoLevel=PR&GeoCode=2466>>.

Statistics Canada (2011a). *Average Weekly Hours for Employees Paid by the Hour (SEPH), Unadjusted for Seasonal Variation, for Selected Industries Classified using the North American Industry Classification System (NAICS), Annual (Hours)*. CANSIM Table No. 281-0033. <<http://www5.statcan.gc.ca/cansim/a05?lang=eng&id=2810033&paSer=&pattern=281-0033&stByVal=2&csid=>>>.

Statistics Canada (2011b). *Employment (SEPH), Unadjusted for Seasonal Variation, by Type of Employee for Selected Industries Classified Using the North American Industry Classification System (NAICS), Annual (Persons)*. CANSIM Table No. 281-0024. <<http://www5.statcan.gc.ca/cansim/a05?lang=eng&id=2810024&paSer=&pattern=2810024&stByVal=2&csid=>>>.

Statistics Canada (2011c). *Average Weekly Earnings (SEPH), Unadjusted for Seasonal Variation, by Type of Employee for Selected Industries Classified Using the North American Industry Classification System (NAICS), Annual (Current Dollars)*. CANSIM Table No. 281-0027. <<http://www5.statcan.gc.ca/cansim/a05?lang=eng&id=2810027&paSer=&pattern=2810027&stByVal=2&csid=>>>.

Statistics Canada (2011d). *Labor Force Survey Estimates (LFS), by Total and Average Usual and Actual Hours Worked, Main or All Jobs, Type of Work, Sex and Age Group, Annual*. CANSIM Table No. 282-0028. <<http://www5.statcan.gc.ca/cansim/a05?lang=eng&id=2820028>>.

Statistics Canada (2011e). *Local Government Revenue and Expenditures for Fiscal Year Ending Closest to December 31, Annual (Dollars)*. CANSIM table 385-0003. <<http://www5.statcan.gc.ca/cansim/a05?lang=eng&id=3850003&paSer=&pattern=3850003&stByVal=2&csid=>>>.

Statistics Canada (2011f). *Employment, Earnings and Hours 2007: Chronological Index*. <<http://www.statcan.gc.ca/bsolc/olc-cel/olc-cel?catno=72-002-X&lang=eng&chprog=1>>.

Tetley, William (1982). Language and Education Rights in Québec and Canada (a Legislative History and Personal Political Diary). *Law and Contemporary Problems* 45, 4 (Autumn).

Tetley, William (1986). *Les Droits Linguistiques et Scolaires au Québec et au Canada*. International Center for Research on Bilingualism, Québec.

The Canadian Encyclopedia (2011a). *Manitoba*. Historica-Dominion Institute. <<http://www.thecanadianencyclopedia.com/index.cfm?PgNm=TCE&Params=A1ARTA0005069>>.

The Canadian Encyclopedia (2011b). *New Brunswick School Question*. Historica-Dominion Institute. <<http://www.thecanadianencyclopedia.com/index.cfm?PgNm=TCE&Params=A1ARTA0005697>>.

The History Project, Canada History (2011). *Government of Canada, Library of Parliament, Sessional Papers, 1897, No. 35, 1-2*. <<http://www.canadahistory.com/sections/documents/thewest/manschoolagree.htm>>.

Trésor de la Langue Française au Québec (2011). *Règlement 17: Circular of Instructions for the School Year, September to June, 1912-1913, University of Laval*. <[http://www.tlfq.ulaval.ca/axl/amnord/ontario\\_reglement17.htm](http://www.tlfq.ulaval.ca/axl/amnord/ontario_reglement17.htm)>.

Université de Montréal (2011). *Droits de Scolarité*. <<http://www.etudes.umontreal.ca/payer-etudes/droit-scolarite.html>>.

University of Moncton (2011). *Coût d'une Année Universitaire*. <<http://www.umoncton.ca/futurs/couts>>.

University of Ottawa, Site for Language Management in Canada (SLMC) (2011a). *An Act to Amend the Official Languages of New Brunswick Act*. <[http://www.slmc.uottawa.ca/?q=nb\\_linguistic\\_law\\_amend](http://www.slmc.uottawa.ca/?q=nb_linguistic_law_amend)>.

University of Ottawa, Site for Language Management in Canada (SLMC) (2011b). *Broad-Based Language Policies in the Provinces Ontario*. <[http://www.slmc.uottawa.ca/?q=broad-based\\_policy\\_on](http://www.slmc.uottawa.ca/?q=broad-based_policy_on)>.

University of Ottawa, Site for Language Management in Canada (SLMC) (2011b). *L'Ontario, la Question des Municipalités*. <[http://www.slmc.uottawa.ca/?q=on\\_other\\_legislation](http://www.slmc.uottawa.ca/?q=on_other_legislation)>.

University of Ottawa, Site for Language Management in Canada (SLMC) (2011c). *Broad-Based Language Policies in the Provinces: New Brunswick, Ontario and Québec*. <[http://www.slmc.uottawa.ca/?q=broad-based\\_policy](http://www.slmc.uottawa.ca/?q=broad-based_policy)>.

Université du Québec (2007). *Rapports Annuels de l'Université du Québec et des ses Établissements 2006-2007*.

University of Québec at Montreal (2011a). *Loi Scolaire*. <[http://www.er.uqam.ca/nobel/m205050/loi\\_scolaire.htm](http://www.er.uqam.ca/nobel/m205050/loi_scolaire.htm)>.

University of Québec at Montreal (2011b). *Droits de scolarité*. <<http://www.unites.uqam.ca/ifinance/frais.html>>.



Vaillancourt, François, and Olivier Coche (2009). *Official Language Policies at the Federal Level in Canada: Costs and Benefits in 2006*. Fraser Institute. <<http://www.fraserinstitute.org/researchandpublications/publications/6667.aspx>>.

Vaillancourt, François, and Luc Vaillancourt (2005). *La Propriété des Employeurs au Québec en 2003 Selon le Groupe d'Appartenance Linguistique*. Québec Conseil Supérieur de la Langue Française.

Wikipedia (2011). *List of School Districts in Ontario*. <[http://en.wikipedia.org/wiki/List\\_of\\_school\\_districts\\_in\\_Ontario](http://en.wikipedia.org/wiki/List_of_school_districts_in_Ontario)>.

Woehrling, José (2004). Politiques et Législations Linguistiques au Canada : Divergences et Convergences entre le Québec, les Provinces Anglophones et les Autorité Fédérales. In Anne-Marie Le Pourhiet (ed.), *Langue(s) et Constitution(s)* (Economica).

## Legal References

*Arsenault-Cameron v. Prince Edward Island*, [2000] 1 S.C.R. 3.

*Attorney General of Quebec v. Quebec Association of Protestant School Boards et al.*, [1984] 2 S.C.R. 66.

*Baie D'Urfé (Ville) c. Québec (Procureur général)*, [2001] R.J.Q. 2520 (C.A.Q.) C.S.C.R. no 541, §§. 94, 116-118.

*Ballantyne, Davidson, and McIntyre v. Canada*, U.N. Comm. H.R., 47<sup>th</sup> Session, Communications D359/1989 and D385/1989 [CCPR/C/47/D359/D385/1989] (1993).

*Belende v. Patel*, [1989] O.R. (3d) 494 (OCA): ¶ 24.

*Bertrand v. Dussault*, January 30<sup>th</sup> 1909, County Court of St. Boniface (unreported), reproduced in *Re Forest and Registrar of Court of Appeal of Manitoba* (1977), 77 D.L.R. (3d) 445 (Man. C.A.).

*Bilodeau c. P.G. (Man.)*, [1986] 1 R.C.S. 449.

*Brophy v. Attorney-General of Manitoba*, [1895] A.C. 209.

*Canadians for Language Fairness v. Ottawa (City)* [2006] O.J. No. 3969 (QL).

- Charlebois v. Mowat and city of Moncton* [2001] N.B.J. No. 480, ¶ 110.
- City of Winnipeg v. Barette; City of Winnipeg v. Logan*, [1892] A.C. 445.
- Doucet-Boudreau v. Nova Scotia (Minister of Education)*, [2003] 3 S.C.R. 3.
- Ford v. Québec*, [1988] 2 S.C.R. 712.
- Forest v. Manitoba*, [1977] M.J. No. 106 (C.A.Man.) ¶ 44.
- H.N. c. Québec (Ministre de l'Éducation)*, 2007 QCCA 1111, 500-09-014815-047- Garvey Institute; ¶¶ 28-51, 34, 153.
- Lalonde v. Commission de restructuration des services de santé (Ontario)*, [2001] O.J. No. 4767 (OCA) ¶¶ 148, Paragraph. 151, Paragraphs 180–181, Summary.
- Mahe v. Alberta*, [1990] 1 S.C.R. 342, p. 384 & ¶¶ 371–374.
- MacDonald c. Ville de Montréal*, [1986] 1 R.C.S. 460.
- Ottawa Roman Catholic Separate School Trustees v. Mackell* (1917) A.C. 63.
- P.G. Québec c. Blaikie*, [1979] 2 R.C.S. 1016.
- P.G. Québec c. Blaikie*, [1981] 1 R.C.S. 312.
- Pellant v. Hebert*, (1892) 12 R.G.D. 242 reproduced in *Re Forest and Registrar of Court of Appeal of Manitoba* (1977), 77 D.L.R. (3d) 445 (Man. C.A.), p. 458–462.
- Protestant School Boards of Greater Montreal v. Minister of Education of Québec*, [1976] C.S. 430, 83 D.L.R. (3d) 645.
- R. v. Beaulac*, [1999] 1 S.C.R. 768., ¶ 24.
- R. v. Forest*, [1976] M.J. No. 350 (Man. County Court).
- Reference re Education Act of Ontario and Minority Language Education Rights*, [1984] 47 O.R (2d) 1 (Ont.C.A).
- Re Manitoba Language Rights*, [1985] 1 S.C.R. 721.

*Reference re Schools Act (Alb.)*, [2000] cS-3 s10.

*Reference re Public Schools Act (Man.)*, [1993] 1 S.C.R. 839, p. 850.

*Reference re Secession of Québec*, [1998] 2 S.C.R. 217.

*Reference re Secession of Québec*, [1998] 2 S.C.R. 217, ¶¶ 55–59 and 79–82.

*Société des Acadiens du Nouveau-Brunswick Inc. v. Association of Parents for Fairness in Education*, [1986] 1 R.C.S. 549, p. 552.

*Société des Acadiens du Nouveau-Brunswick c. Association of Parents*, [1986] 1 R.C.S. 549.

*Société des Acadiens et Acadiennes du Nouveau-Brunswick Inc. v. Canada*, 2008 S.C.C. 15.

*Solski (Tutor of) v. Quebec (Attorney General)*, [2005] 1 S.C.R. 201.

*T.B. c. Québec (Ministre de l'Éducation)*, 2007 QCCA 1112 (CanLII).



## About the authors

### **Marc Antoine Cadieux**

Marc Antoine Cadieux holds a B.Sc. (economics and political science) from the Université de Montréal and an M.P.A. from Université Laval.

### **Olivier Coche**

Olivier Coche holds a B.Sc. (economics and political science) and a LL.B. from the Université de Montréal.

### **Jamie Lee Ronson**

Jamie Lee Ronson holds a B.Sc. (economics and political science) and a M.Sc. (economics) from the Université de Montréal.

### **François Vaillancourt**

François Vaillancourt holds a Ph.D. from Queen's University at Kingston. He is a member of the Royal Society of Canada, a Fellow of CIRANO, and a retired Professor in the Département de sciences économiques, Université de Montréal (1976–2010). He has published extensively in the area of public policy, particularly on fiscal federalism, taxation, and language policy.

[Note: The authors are listed on the title page in the order in which they chronologically participated in the research project that produced this monograph.]

## Acknowledgments

The authors would like to thank the Fraser Institute for financing and publishing this study. In addition, we thank the numerous officials who answered various queries on language policies and in particular on the costs of specific policies. We also thank François Grin for his review of the methodology.

## About this publication

### Distribution

These publications are available from <http://www.fraserinstitute.org> in Portable Document Format (PDF) and can be read with Adobe Acrobat® 7 or Adobe Reader®, versions 7 or later. Adobe Reader® X, the most recent version, is available free of charge from Adobe Systems Inc. at <http://get.adobe.com/reader/>. Readers who have trouble viewing or printing our PDF files using applications from other manufacturers (e.g., Apple's Preview) should use Reader® or Acrobat®.

### Ordering publications

For information about ordering the printed publications of the Fraser Institute, please contact the publications coordinator:

- ◆ e-mail: [sales@fraserinstitute.org](mailto:sales@fraserinstitute.org)
- ◆ telephone: 604.688.0221 ext. 580 or, toll free, 1.800.665.3558 ext. 580
- ◆ fax: 604.688.8539.

### Media

For media enquiries, please contact our Communications Department:

- ◆ 604.714.4582
- ◆ e-mail: [communications@fraserinstitute.org](mailto:communications@fraserinstitute.org).

### Copyright

Copyright© 2012 by the Fraser Institute. All rights reserved. No part of this publication may be reproduced in any manner whatsoever without written permission except in the case of brief passages quoted in critical articles and reviews.

### ISSN

1920-0749 Studies in Language Policy

### Date of issue

January 2012

### Citation

Vaillancourt, François, Olivier Coche, Marc Antoine Cadieux, and Jamie Lee Ronson (2012). *Official Language Policies of the Canadian Provinces: Costs and Benefits in 2006*. Studies in Language Policy. Fraser Institute.

### **Cover design**

Bill Ray

### **Images for cover**

Chinese-English computer keyboard © Yali Shi; Fotolia

Teen student has answer 2 © Lorraine Swanson; Fotolia

A teacher writing do you speak english in French © Sharpshot; Fotolia

Bilingual no swimming sign © Stephen Finn; Fotolia

Teacher assisting mature student in class © Monkey Business; Fotolia

Head and assistant © Tomasz Trojanowski; Fotolia

## **Supporting the Fraser Institute**

To learn how to support the Fraser Institute, please contact

- ◆ Development Department, Fraser Institute  
Fourth Floor, 1770 Burrard Street  
Vancouver, British Columbia, V6J 3G7 Canada
- ◆ telephone, toll-free: 1.800.665.3558 ext. 586
- ◆ e-mail: [development@fraserinstitute.org](mailto:development@fraserinstitute.org)

### **Lifetime patrons**

For their long-standing and valuable support contributing to the success of the Fraser Institute, the following people have been recognized and inducted as Lifetime Patrons of the Fraser Institute.

Sonja Bata	Serge Darkazanli	Fred Mannix
Charles Barlow	John Dobson	Con Riley
Ev Berg	Raymond Heung	Catherine Windels
Art Grunder	Bill Korol	
Jim Chaplin	Bill Mackness	

## Purpose, funding & independence

The Fraser Institute provides a useful public service. We report objective information about the economic and social effects of current public policies, and we offer evidence-based research and education about policy options that can improve the quality of life.

The Institute is a non-profit organization. Our activities are funded by charitable donations, unrestricted grants, ticket sales, and sponsorships from events, the licensing of products for public distribution, and the sale of publications.

All research is subject to rigorous review by external experts, and is conducted and published separately from the Institute's Board of Trustees and its donors.

The opinions expressed by the authors are those of the individuals themselves, and do not necessarily reflect those of the Institute, its Board of Trustees, its donors and supporters, or its staff. This publication in no way implies that the Fraser Institute, its trustees, or staff are in favour of, or oppose the passage of, any bill; or that they support or oppose any particular political party or candidate.

As a healthy part of public discussion among fellow citizens who desire to improve the lives of people through better public policy, the Institute welcomes evidence-focused scrutiny of the research we publish, including verification of data sources, replication of analytical methods, and intelligent debate about the practical effects of policy recommendations.



## About the Fraser Institute

Our vision is a free and prosperous world where individuals benefit from greater choice, competitive markets, and personal responsibility. Our mission is to measure, study, and communicate the impact of competitive markets and government interventions on the welfare of individuals.

Founded in 1974, we are an independent Canadian research and educational organization with locations throughout North America and international partners in over 85 countries. Our work is financed by tax-deductible contributions from thousands of individuals, organizations, and foundations. In order to protect its independence, the Institute does not accept grants from government or contracts for research.

Nous envisageons un monde libre et prospère, où chaque personne bénéficie d'un plus grand choix, de marchés concurrentiels et de responsabilités individuelles. Notre mission consiste à mesurer, à étudier et à communiquer l'effet des marchés concurrentiels et des interventions gouvernementales sur le bien-être des individus.

### Peer review—validating the accuracy of our research

The Fraser Institute maintains a rigorous peer review process for its research. New research, major research projects, and substantively modified research conducted by the Fraser Institute are reviewed by a minimum of one internal expert and two external experts. Reviewers are expected to have a recognized expertise in the topic area being addressed. Whenever possible, external review is a blind process.

Commentaries and conference papers are reviewed by internal experts. Updates to previously reviewed research or new editions of previously reviewed research are not reviewed unless the update includes substantive or material changes in the methodology.

The review process is overseen by the directors of the Institute's research departments who are responsible for ensuring all research published by the Institute passes through the appropriate peer review. If a dispute about the recommendations of the reviewers should arise during the Institute's peer review process, the Institute has an Editorial Advisory Board, a panel of scholars from Canada, the United States, and Europe to whom it can turn for help in resolving the dispute.

## Editorial Advisory Board

### Members

Prof. Armen Alchian	Prof. Jack L. Granatstein
Prof. Terry L. Anderson	Prof. Herbert G. Grubel
Prof. Robert Barro	Prof. James Gwartney
Prof. Michael Bliss	Prof. Ronald W. Jones
Prof. James M. Buchanan <sup>†</sup>	Dr. Jerry Jordan
Prof. Jean-Pierre Centi	Prof. Ross McKittrick
Prof. John Chant	Prof. Michael Parkin
Prof. Bev Dahlby	Prof. Friedrich Schneider
Prof. Erwin Diewert	Prof. Lawrence B. Smith
Prof. Stephen Easton	Mr. Vito Tanzi
Prof. J.C. Herbert Emery	

### Past members

Prof. Friedrich A. Hayek <sup>*†</sup>	Prof. George Stigler <sup>*†</sup>
Prof. H.G. Johnson <sup>*</sup>	Sir Alan Walters <sup>*</sup>
Prof. F.G. Pennance <sup>*</sup>	Prof. Edwin G. West <sup>*</sup>

\* deceased; † Nobel Laureate