

## **Summary of the Impact Study:**

### **“The Application of Section 16(1) of the *Constitution Act 1982* and Part VII of the *Official Languages Act, RSC1985 c31* to the English Speaking Community of Quebec”**

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The impact study examines the use of Section 16(1) of the *Constitution Act, 1982* to preserve, promote and enhance the language rights of the English speaking minority in Quebec. Subsidiarily, it also examines the application of Part VII of the *Official Languages Act* to the same objectives.

The impact study concludes that section 16(1) has had no material impact on the English-speaking community in Quebec. Notably the section has not been used as a substantive or interpretive device to counter the legal impact on English speakers in Quebec of the *Charter of the French language*. In fact the Supreme Court of Canada rulings concerning official language minority rights in Quebec are pronouncedly oriented around the historic and contextual threats to the French language in Quebec and in Canada as a whole. Such successes as the English-speaking community in Quebec has had in the Supreme Court are more pyrrhic and have been largely undone by Quebec government regulation, bureaucratic interpretation and obstructionism, and the political and social bias against institutional or public bilingualism in Quebec. Of the principle provisions in the Constitution Acts concerning language rights, Sections 133, 16, and 23, Section 16 is the least interpreted and applied by the Supreme Court of Canada both generally to official language minorities and in Quebec in particular.

Part VII of the *Official Languages Act*, although stating noble objectives, has had very little if any remedial effect. In fact, neither the Minister of Canadian Heritage nor the Commissioner of Official Languages has any jurisdictional, legislative, or persuasive ability to alter the policies of successive Quebec governments and the application of the *Charter of the French Language*. Such interventions as the Federal government has made in Quebec is restricted to programs and funding within federal jurisdiction, often perceived as mere lip service by English-speaking Quebecers.

Official and pan-Canadian bilingualism is utopian. The interpretation of the language provisions of the Constitution Acts may alter over generational time as the demographics of Canada and principally English Canada outside Quebec changes, to the detriment of any notion of bilingualism and the political compromises that are said to be reflected in the language provisions of the Constitution Acts.

If you wish to receive the entire impact study, please contact the LRSP at [padl-lrsp@uottawa.ca](mailto:padl-lrsp@uottawa.ca). Please note that impact studies are only available in the language in which they were written.