

TECHNICAL DATASHEET
AN OFFICIALLY BILINGUAL CITY OF OTTAWA: THE PROPOSED LEGISLATIVE APPROACH

SUMMARY OF THE LEGISLATIVE APPROACH

- That City Council adopt a resolution asking the Province of Ontario to pass a bill aimed at recognizing the equal status of French and English in the City of Ottawa. This resolution by the Council of the City of Ottawa includes an amendment to Bilingualism By-law no. 2001-170.
- Though Ottawa is the National Capital of Canada, it is governed by Ontario law. The legislative approach takes into account and reflects this reality. It also recognizes and acknowledges the existing linguistic legal framework in Ontario that emphasizes both pragmatism and a progression towards the equality of French and English.
- The existing legal framework has been in place since 2001 and works reasonably well. In the circumstances, adjustments and clarifications, not wholesale changes, are being proposed with a view to safeguarding the existing level of services in the long term.

PROPOSED AMENDMENTS

1. Amendment to the City of Ottawa Act, 1999

The Ontario legislature is responsible for amending the constituent Act of the City of Ottawa. We propose to replace the existing subsection 11.1 of the City of Ottawa Act, 1999 with a new version of this subsection.

In summary, the amendments to the Act aim to:

- Officially recognize the bilingual character of the City of Ottawa, its status as the capital of Canada and the equality of French and English;
- Recognize everyone's right to communicate with the City of Ottawa and receive municipal services in French and English;
- Mandate the adoption of a specific by-law which will provide that the administration of the City shall be conducted in both English and French and that all or specified municipal services to the public shall be made available in both languages.

2. Amendments to the Bilingualism By-law no. 2001-170

Given that the Bilingualism By-law ("By-law") and the Policy on Bilingualism ("Policy") are already well-known and accepted by municipal authorities, we believe that adjustments and clarifications rather than wholesale changes are required and appropriate. This legal framework, as Mayor Watson has previously stated, has been working reasonably well since 2001. It is neither necessary nor advisable to reinvent the wheel. Accordingly, the proposed approach retains nearly all of the current provisions of the by-law and the policy. The few changes being put forward would reflect the proposed changes to the City of Ottawa Act, 1999, clarify the nature of the By-law and bolster the legal status of the Policy by incorporating it directly into the By-law.

More specifically, the amendments to the By-law would:

- Acknowledge the status of the City as the National Capital and the equality of French and English, thus reflecting the new subsection 11.1 of the City of Ottawa Act, 1999 and the existing wording of the Policy.
- Recognize everyone's right to communicate with the City in French or in English;
- Recognize everyone's right to receive designated services in French. The City will be able to specify the scope of the By-Law.
- Incorporate the Policy on Bilingualism directly into the By-law, thus giving the policy the same legal force as a by-law and ensuring that it can only be amended in the future by City Council;
- Confirm that the City must make every effort to deliver municipal services in both languages but that it will not be held to account when the provision of such services in French is clearly impossible;
- Clarify that the City must develop a procedure to handle complaints relating to the application of the By-law;
- Mandate City Council to review the Policy every 5 years, in consultation with both official languages communities in Ottawa; and
- Confirm that the new By-law is a municipal by-law within the meaning of Article 14 of the French Language Services Act.

This legislative approach is proposed by the *Association des communautés francophones d'Ottawa* (ACFO), the *Fédération de la jeunesse franco-ontarienne* (FESFO), the *Fédération des aînés et retraités francophones de l'Ontario* (FARFO), the *Fédération des aînées et aînés francophones du Canada* (FAAFC), the *Movement for an officially bilingual Capital of Canada* (MOCOB) and the *Regroupement étudiant franco-ontarien* (RÉFO).

For more details on the legislative approach or for additional information, visit www.capbilcap.ca or contact Bernadette Sarazin at 613-298-4708.