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Bridging the Gap Between the Politics of Recognition and the Politics of Language Service Delivery in Ontario and Wales

The aim of the article is to start mapping the variety of approaches and instruments which guide the delivery of services to linguistic minorities. The argument suggests that different institutional processes in Ontario and Wales inform the delivery of selected services and calls for more research on how the politics of recognition is implemented in institutions serving official linguistic minorities.

Keywords: politics of recognition, linguistic minorities, language service delivery, Ontario, Wales.

Premoščanje razkoraka med politiko priznavanja in jezikovno politiko pri opravljanju storitev v Ontariu in v Walesu

Namen članka je predstaviti različne pristope in orodja, ki jih uporabljajo službe, ki opravljajo storitve (tudi) za jezikovne manjšine. V Ontariu in Walesu se tovrstne službe poslužujejo različnih institucionalnih procesov, zato avtorja ugotavljata, da je potrebno raziskati, kako je politika priznavanja vgrajena v institucije, ki služijo uradnim jezikovnim manjšinam.

Ključne besede: politika prepoznavanja, jezikovne manjšine, dostavne službe, Ontario, Wales.

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1. Introduction

Recognition of linguistic and national minorities in multinational and multilingual societies is very topical as evidenced in the on-going debates on multilingualism in the context of the European Union and in other parts of the world (Kraus & Grin 2018). The literature shows that recognition of linguistic and national minorities requires institutional redesign in order to improve representation at the political level.² Multinational and multilingual states also need to incorporate some significant representation from linguistic and national minorities within their operations in order to remain legitimate.³ However, few studies focus on the internal processes within those states charged with delivering governmental services to linguistic and national minorities (Cardinal 2007; Mattar & Gratton 2001). How are officially recognized minorities provided with services in their languages? In order for the politics of recognition to be more than just a type of symbolic politics for those minorities, the article argues that it is necessary to focus on the instruments used by states or sub-states and regional administrations to implement officially and sanctioned bilingual or multilingual services. In particular, it discusses the different institutional factors that come into play in explaining the process leading to service delivery in a variety of policy sectors, looking at the role of state traditions, norms and administrative principles.

The article focusses on two regions, Ontario (Canada) and Wales (United Kingdom), from 2000 to 2018. In both cases substantive developments and progress were made in the delivery of services to its officially recognized linguistic minorities, Francophones in Ontario and Welsh-speakers in Wales, during that period. In particular, the article discusses such progress in the Ontario justice sector, while the Welsh case looks at a wider range of sectors using data collected in both regions during the period under consideration.⁴ The general aim of the article is to start mapping the different approaches and instruments which guide the delivery of services to linguistic minorities and to discuss the factors at play in their development as well as their strengths and weaknesses. More specifically, it suggests that different institutional processes inform the approaches to the delivery of services to linguistic minorities. The article recommends that it is necessary to pay closer attention to those processes because the politics of recognition takes a different form from one region to another. It is not a one size fits all solution.

There are three main reasons for focussing on Ontario and Wales. First, at a demo-linguistic level, the 2011 UK census reported that 562,000 people, 19 per cent of usual residents in Wales aged three and over reported that they could speak Welsh (ONS 2012). Thirty per cent (169,000) of this group were aged between three and 15 years old. The estimate of Welsh speakers is a decrease of two percentage points on the 2001 estimate of 21 per cent (576,000), although in 2001, the estimate of people who “Can speak Welsh” did not include those

who listed speaking Welsh as one of their skills in the “Other combination of skills” category.⁵ There is approximately the same number of French speakers in Ontario as there are Welsh speakers in Wales, although, of course they constitute a smaller proportion of the overall 14.28 million provincial residents, that is 5 per cent of the population.⁶ Secondly, Ontario and Wales both constitute a sub-state or regional administration within multicultural and multinational countries, Canada and the UK. Devolution has transformed the UK into a quasi-federal state in which sub-state administrations such as Wales have, since 1998, been given greater responsibility for the Welsh language (Welsh Office 1997; Rawlings 2003, Bogadnor 2009). Similarly, Canada is a federation comprised of two official languages and 60 indigenous languages as well as many immigrant languages (Cardinal & Léger 2019). Language is an ancillary competence in Canada (Cardinal 2015). This means that all provinces and territories can also adopt language legislations. This is the case for Ontario which since the 1960’s, has committed itself towards the promotion of French language services. Thirdly, Ontario and Wales have similar political cultures characterised by the predominance of the English language and of Protestantism (Williams 2013a; Turpin & Tomkins 2011). A politics of accommodation of other languages in both societies has been possible “where reasonable and practical” (Cardinal & Normand 2013; Welsh Language Act 1993). In both Ontario and Wales, this principle has been built into the delivery of bilingual services at different levels of the public service throughout their history. Significantly, as of the 1980’s, Ontario has added a new dimension to this approach. The politics of recognition in Ontario has been translated into a rights-based approach to language which found its way in the 1986 French Language Services Act (FLSA) granting Ontario’s French-speaking minority the right to receive governmental services in French in 26 designated bilingual areas.⁷ Since then, the Ontario government has had the obligation to offer its services in French – not only in English – instead of delivering them on demand only. The new rights-based framework has also provided the impetus which has resulted in the incorporation of the concept of active offer into the delivery of services to Ontario’s French-speaking population. As such, it constitutes an important change in the path on which its linguistic regime had been built. The case presented in this article focusses on the justice sector because it has been at the forefront of these developments since the early 1980’s. Furthermore, in 2006, twenty years after the adoption of the FLSA, the Ontario justice sector adopted its first strategic plan for the active offer of French language services.⁸ In 2011 and in 2016 the plan was reconducted by the Ontario government.

In contrast, since 1993, Westminster has favoured institutional responsibility to deliver bilingual services in Wales (Williams 2008). The Welsh Language Board (WLB), until its demise in 2012, had developed language schemes as the principal mechanism by which both English and Welsh may be treated on the

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basis of equality (Welsh Language Act 1993; Williams 2013b). Such schemes place an obligation on a designated public body to offer bilingual services. Some 562 schemes have been approved and, in this article, we review the operation of such schemes in eight Welsh public bodies such as County Councils, National Parks and Health Boards and a range of UK government departments and agencies. Instilling a common approach to language service delivery systems required a change in institutional behaviour (Williams 2010). Much of this was shaped by Welsh Language Board guidelines and advice on the preparation of language schemes, together with the co-operation and transfer of good practice from one sector to another as the schemes unfolded (Welsh Language Board 1996). The Board had the power to approve schemes and should a lack of agreement on the terms of the scheme arise between the Board and a public body, the final decision on the terms rested with the Secretary of State for Wales.

The structure of the article is as follows: first it reviews the literature on language service delivery. Secondly it identifies those factors which help interpret the similarities and distinctiveness of Ontario and Wales' approaches to language service delivery. Thirdly, it discusses evidence gathered in the two surveys of language service delivery in Ontario and Wales. These in turn provide an empirical basis whereby we will address the processes which guide language service delivery in both regions.

2. The Delivery of Services to Linguistic Minorities

There are three particular areas of research pertinent to any discussion of language service delivery. The first is largely descriptive and may be referenced through a literature review of language service delivery systems which Cardinal and Sauvé (2010) categorise into the following services as being integrated, parallel, holistic or multi-service, mobile or itinerant and technological as illustrated in Table 1.

Table 1: Models of Service Delivery for Linguistic Minorities⁹

Models of Service Delivery	Description
Integrated services	General public services offered by civil servants in designated areas.
Parallel services	Services that have to do with the personal life whose structure supports the offer of services managed by and for members of a linguistic minority community.
Holistic or multi-service centres	Service points where a range of services are being offered in partnership with government.
Itinerant services	Services offered by civil servants travelling to different communities or by a mobile team.
Technological and electronic services	Services offered through computer and electronic equipment.

Source: Cardinal & Sauvé (2010).

As discussed by Cardinal and Sauvé (2010), the integrated model, which is the most common type of approach, includes services offered bilingually by governments for which it is, via its departments, directly responsible. In contrast, a parallel service is managed by the members of the group to which it is offered. An organisation can be designated to provide services in the language of the minority parallel to the integrated services available. This approach is often preferred by linguistic minorities because it gives them certain control over the design and the delivery of services (Chartier 1998). A multi-service or single-window centre serves to “improve accessibility by acting as ‘gateways’; improve access convenience by offering ‘multi-service centers’; overcome jurisdictional divisions by providing ‘seamless service’ ” (Bent et al. 1999). The model is widely adopted within the United Kingdom where it is also advocated as a holistic approach, as compared to the silo approach.¹⁰ The British government also favours the possibility of partnerships with community organizations so as to further develop this holistic approach to delivering services. The existing trust in, and reliance on, community organizations makes them natural partners with legal service providers for a holistic approach to multiple problems.¹¹ An itinerant service is another model which is mentioned by Cardinal and Sauvé (2010) as a way to help deal with the lack of services in remote areas. For example, they explain that the Canadian government, from its Service Canada office in Stephenville, has been servicing the surrounding French-speaking communities of Anse-à-Canards, Grand Terre and Cap St. George. Similarly, in north-west Wales, sparsely populated rural locations have been served by a twice weekly mobile office, housed in a bus, serving as a mini resource centre, through which a range of bilingual public services and skills training courses can be delivered. Web sites have also become important places for the offer of language services. Commenting on minority languages in Europe, Nic Craith argues that “[t]he advantage of communication on the Internet is that it has become de-territorialized. / ... / Although migration has traditionally impacted negatively on lesser-used languages, the Internet has provided a new and easy mode of communication that is not dependent on location” (Nic Craith 2007, 177–178). A detailed examination of both Canadian and European websites by Deere and Cunliffe (2009) has demonstrated the ease and fluency by which such communication tools have been adopted to serve the needs of minority language customers, mainly by government departments and official agencies.

Cardinal and Sauvé’s typology is largely descriptive. Their survey is also limited to the Canadian situation with some references to the United Kingdom. It needs to be tested in other countries. However, it is a useful point of departure for mapping the different approaches to language service delivery. First, it provides a base for comparative analyses with other jurisdictions and secondly, it can facilitate more explanatory approaches.

The second approach, which is more analytical, involves research investigations which are concerned with processes and regular evaluation of bilingual services in order to see how they can be improved. The most conventional way of ascertaining to what extent the new opportunities provided meet the needs of the citizen is to undertake a quantitative survey of consumer expectations, needs, experiences and levels of satisfaction with bilingual services (Azurmendi et al. 2008). This is a common approach adopted in many jurisdictions such as Canada, Catalonia, the Basque Country and Wales where several research enquiries have demonstrated the increasing importance of services being offered in a person's own language, particularly within health care provision, legal services and consumer affairs (Williams 2007; Huws 2009; Drolet et al. 2017). When cognitive and emotional factors are accounted for in decision making, the language in which the product or service is displayed and presented can influence a clients' subsequent choice. Puntoni et al. (2009) demonstrate that it is invariably preferable to communicate in a client's first language.

An ancillary approach is to study the institutional support apparatus from within an ethno-linguistic vitality perspective. This approach is favoured by social psychologists such as Bourhis and Landry (2008) who have argued that an important part of a group's vitality is the degree to which it can control or determine key parts of an institutional framework within a majority environment. Thus, they aver that those minorities who have representation and a degree of autonomous control in a broad range of private and state institutions enjoy a stronger institutional vitality than language minorities whose representation exists in only a few less critical institutional domains or is limited to informal domains of a society. Formal and informal representation in the public bodies and organisations of society constitutes a group's institutional support. When this element is evaluated alongside the demographic and status support elements a schematic account of the prospects of a minority to flourish may be ascertained. This approach is valuable in order to provide a macro-sociological account of vitality or morbidity and has been used in a variety of case studies across Canada and Europe. For example, Deveault et al. (2009) have applied an ethno-linguistic vitality methodology to study the behaviour of French speakers in Nova Scotia when asking for government services. They argued that the more customers asked for their services in French the greater the resultant ethno-linguistic vitality. Such studies offer significant insights in the behaviour patterns and organisational structure of minority communities, but they tend not to address the internal workings of institutions themselves, at least in so far as they have been applied to date.

A third supplementary approach focuses on state traditions, i.e. the normative, institutional and administrative contexts which guide the path taken by different states or sub-state in delivering services to their linguistic minorities (Cardinal & Normand 2013). This approach recognizes that any service deli-

very is informed by a certain institutional path or trajectory. More broadly put, Loughlin (2005) has identified four state traditions which inform our understanding of language policies since the 18th century: British, European, French, German and Scandinavian. For example, the British tradition has been characterized by a mixture of administrative centralism and pluralism, whose legacy can be best seen in Wales. The Welsh language was prohibited as early as 1536 by the Henrican Acts of Union 1536–1543, but it was also tolerated in the religious domain, most especially by the Elizabethan injunction to have the Scriptures translated into Welsh in 1588 (revised in 1620), which in many ways guaranteed an elegant and standardised form of the language for other purposes subsequently. However, as a result of both anglicisation and industrialisation, by the late 19th century it was largely replaced by English in most aspect of social and economic life (Williams 2000). During the second part of the 20th century, Welsh was promoted and used most especially within the statutory education system and public administration. Since 1999 Welsh devolution has provided the impetus for a renewed attitude towards the Welsh language. However, language policy-making and planning in Wales remains embedded in the British tradition of granting services in Welsh only where reasonable and practical (Welsh Language Act 1993). Until quite recently Welsh-speakers had few specific language rights a feature to which we shall return.

In contrast, the more recent European model, is characterised by a network approach and plurilingualism. The latter is defined as the recognition of historical languages and the promotion of national languages (Loughlin & Williams 2007; Kraus & Grin 2018). It might be too early to talk of a specific tradition or pattern of language policy-making and planning which could influence the delivery of services. However, studies show that English dominates as a lingua franca alongside other languages including national ones whose precise function and role within a plurilingual Europe are the subject of an ongoing debate (Jostes 2007).

The French approach is informed by its Jacobin tradition (Harguindéguy & Coles 2009). Despite the presence of other historical languages in France such as Breton, Alsatian, Catalan, Basque, Occitan or Picard, the post-revolutionary heritage insists on the idea that a French citizen is an abstract individual and that its ethnic, linguistic, religious, sexual or cultural specificities should be relegated to the private sphere. By contrast, Loughlin (2005) suggests that the German and Scandinavian tradition is characterized by the corporatist and federal nature of its language regime. Despite Germany's insistence on linguistic unity, it has allowed other languages to coexist with German, such as Danish, Sorb and the eastern and northern varieties of Frisian. Agreements with Denmark have also made some form of accommodation of languages possible on both sides of the border. Finland is officially bilingual, Finnish and Swedish, while Sweden recognizes Sami, Norwegian and Finish. However, there are still tensions regarding the status and use of Meänkieli in the Tornedalen border region (Loughlin 2005).

The importance of these traditions should not be undermined. We argue that historical patterns of state intervention are important for the understanding the workings of the politics of service delivery to linguistic minorities even today. The four models identified help address the dependency of language policy-making on the specific paths taken by different states. Our study of Ontario and Wales provides some basis for looking at the way normative, institutional and administrative processes inform the capacity of both governments to deliver bilingual services while patterns of change also need to be addressed. We argue that the legislative context and the culture of public administration both influence the path trajectory of language services and in turn help to manage the expectations of policy makers and citizens alike as to what is appropriate and equitable.

3. Ontario and Wales

It is important to understand how different approaches to language policy-making and planning evolve over time and adapt to change. We pursue this discussion in this section by looking more specifically at the way Ontario and Wales have addressed language issues historically, so as to better understand the similarities and differences between Ontario and Wales' approaches to service delivery.

3.1 Ontario

Ontario is the home of the largest French-speaking minority outside of the province of Quebec,¹² numbering circa 622,415 speakers in 2016 a proportionate drop from 5.2 per cent in 1996 to 4.7 per cent in 2016.¹³ Historically, Ontario's language regime has been characterized as being both oppressive and accommodating towards the French language.¹⁴ For example, in 1912, the Ontario government prohibited the French language in its school system. Following much unrest, it gradually allowed French in primary schools as of the 1920's. The situation started to change more rapidly in the 1960's in the context of Canada's debates on the status of Quebec in the federation (Cardinal 2015; Cardinal & Normand 2013). In 1961, in a gesture to impress Quebecers, the Prime Minister at the time, the Honourable John Robarts, announced that it would offer French language services "where reasonable and practical". Robarts's declaration marked a significant break with the past in recognizing that its French-speaking population could receive services in their language from their government. However, in declaring that those services would be offered only "where reasonable and practical" he remained true to its ideological conception of the nature of government and the character of Ontario. Robarts' attitude was informed by the idea that Canada was founded on a political compromise. He

never promised that Ontario would become a bilingual province, neither was his approach to the French language embedded within any legislative framework.

An important turning point in Ontario's language regime came in 1984 in the context of Canada's ongoing constitutional debates on the status of Quebec, when the Ontario government amended its Courts of Justice Act, proclaiming that French and English would henceforth be the official languages of the province's justice system. Furthermore, in 1986, the French Language Services Act (FLSA) was adopted. The FLSA does not grant official status to French in Ontario and will be applied only "where numbers warrants", but the preamble does stipulate that, "/ ... / the French language is an historic and honoured language in Ontario" and that "the Legislative Assembly recognizes the contribution of the cultural heritage of the French speaking population and wishes to preserve it for future generations" (French Language Services Act, 1990).¹⁵

With the adoption of the FLSA, the Ontario government created the Office of Francophone Affairs whose role is to assist and advise the government on how to best apply the FLSA in designated areas. The Ontario government gave three years to all its departments to make the necessary adjustments (Cardinal & Normand 2013). For example, designated bilingual positions were created in order to be able to be proactive in serving its French-speaking citizens. More French-language coordinators were hired in order to assist different departments. The government also mandated some agencies to offer services actively to its French-speaking population (Cardinal & Normand 2013).

Finally, in 2007, the Ontario government appointed the first French Language Services Commissioner. The new position was enshrined in the FLSA, which defined the role of the Commissioner as: "responsible for investigating whether the Act is being complied with, at his or her own initiative or in response to complaints; reporting on the results of investigations; and monitoring the progress of government agencies in providing French-language services" (Office of the French Language Services Commissioner 2008, 12). At the beginning, the Commissioner reported directly to the Minister Responsible for Francophone Affairs. In 2011, he was given the authority to report to the Ontario parliament. In 2018, the Ontario government abolished the position of Commissioner as well as the Office of the Commissioner. Instead it created a new section for French Language services in the Office of the Ontario Ombudsman and appointed a new assistant Ombudsman responsible for the Act.¹⁶

These key dates represent important steps forward in recognizing the role of the French language in the history of the province of Ontario. Moreover, despite the fact that French does not have official status with the exception of the justice sector, the rights approach elevates the status of FLSA to a quasi-constitutional document (Cardinal & Normand 2013). It recognizes the right of French-speaking individuals to services in their own language, therefore accepting the logic of recognition, i.e. that linguistic rights are quasi human rights not only

political rights. Thus, the FLSA has begun to alter the path on which the Ontario linguistic regime had rested since the early 19th century. Furthermore, the rights approach institutionalised the concept of active offer and demanded new methods of service delivery.

3.2 Wales

While French is an international language able to draw upon significant resources elsewhere in Canada and the Francophone world, Welsh is autochthonous. Outside Wales the only other significant concentration of speakers is the approximate 120, 000 Welsh speakers who reside elsewhere within the UK together with a global diaspora, mainly within the EU, North America, Australia and Patagonia whose numbers cannot be gauged with any great accuracy.

Restricted to some particular spheres of Welsh society since the Acts of Union, the Laws in Wales Acts, 1535 and 1543, the Welsh language remained an important language of communication until the 19th century and the acceleration of industrialisation which saw a significant net immigration to the coalfields, ports and urban areas of Wales such as Cardiff and Swansea from the rest of the UK and Europe (Daunton 1977; Williams 1990). In 1942, a Welsh Courts Act and in 1944, an Education Act were adopted, both of which recognized some use of the Welsh language in these domains. In 1967, a first Welsh Language Act allowed for the use of the language in the public sector generally. In 1988, a non-statutory advisory Welsh Language Board (WLB) was created to promote the use of Welsh “where practical and reasonable”. In 1993, a new Welsh Language Act through its Part 2, and sections 22, 24, 25, 26, and 27(1) and (2) sought to strengthen this promotional effort and make Welsh an integral element of public administration Wales. The status of the Welsh language was further strengthened with UK devolution and the Government of Wales Act 1998, followed by a further Government of Wales Act 2006, whose sections 35(1), 78(1) and (2) and 156(1), and paragraph 8(3) of Schedule 2 specified the duties and obligations of public institutions and heralded a more robust language regime (Williams 2008).

Concomitantly, the Assembly for Wales recognised that it “may do anything it considers appropriate to support the Welsh language” (Government of Wales Act 1998). In 2002, the Assembly Government issued a policy statement *Dyfodol Dwyieithog/Bilingual Future* which affirmed its commitment to revitalise the Welsh language and to create a bilingual Wales. In 2003, the publication of *Iaith Pawb: A National Plan for a Bilingual Wales* (Welsh Assembly Government 2003) built on these developments and was followed by a revised strategy *Iaith Fyw: Iaith Byw (A Living Language: A Language for Living)* which was operational from April 2012 to March 2017 (Welsh Government 2012). These developments had been informed in part by the WLB strategy for the Welsh

language (Bwrdd yr Iaith Gymraeg 2005) and fitted in to a broader framework on how Wales could be governed better (Wales Office 2005) as part of the devolution settlement (Rawlings 2003).

Following a referendum in 2011, the National Assembly gained primary law-making powers in relation to specific subjects without involvement from Westminster or Whitehall. Schedule 7 to GOWA 2006 listed the subjects to which a provision in an Act of the Assembly must relate to, in order to be within the Assembly's legislative powers (Government of Wales Act 2006). The UK Government established the Silk Commission to consider the future of the devolution settlement in Wales. The Wales Act 2014 gave the National Assembly enhanced law-making powers and responsibility for twenty policy areas, including the Welsh language, while a further strengthening of the Assembly's powers occurred as a result of the Wales Act 2017, which changed the model of devolution to a Reserved Powers Model. The Local Government Byelaws (Wales) Act 2012, Local Government Democracy Wales Act 2013 and the Local Government (Wales) Act 2015 are all examples of primary legislation made during the Fourth Assembly (May 2011 – May 2016).

Following the transformation of the National Assembly for Wales from a secondary to a primary legislative body it has passed the Welsh Language (Wales) Measure 2011, which established a Welsh Language Commissioner and transferred responsibility for language policy from the Welsh Language Board into the government's Welsh Language Unit.¹⁷ A far-reaching Well Being of Future Generations (Wales) Act 2015 (Welsh Government 2015a) made the interests of the Welsh language a core feature of all government programmes, complementing the Welsh Education Measure (2011) which sought to make the teaching of Welsh a more integral element of the statutory educational provision.¹⁸ The current Welsh Language Strategy (2017) *Cymraeg 2050: A million Welsh speakers* has the ambition of creating a million Welsh speakers by 2050, up from the figure of c. 562,000 in 2011, and 898,700 in 2019 (Welsh Government 2017).¹⁹

Six key action areas are identified in the Strategy, namely, Planning and Language Policy; Normalization; Education; Language Transmission in the Family and Workplace; A Supportive Infrastructure; Improved Legislation and Stronger Language Rights. The government proposals offer clear objectives for these action areas and are supplemented by detailed recommendations. The operative requirement is how best to mainstream the language across all government activities and policy domains. Williams (2017) teases out the intriguing question as to how the anticipated growth in speakers will be produced.²⁰

The distinct feature of the UK's response to language movements in Wales is that it has used an administrative approach. Ontario also followed the same path until the 1980's. Despite the fact that there have been long-standing demands for language rights in Wales, no government at either Westminster or

Cardiff has been minded to grant many as yet. On March 4, 2010, the Welsh Assembly Government introduced the Welsh Language (Wales) Measure 2011. It made provision for establishing the official status for the Welsh language and was committed to abolishing the arms-length Welsh Language Board and establishing a Language Commissioner, supported by an Advisory Panel, with recourse to an Appeals Tribunal. It was anticipated that the Commissioner would regulate the compliance behaviour of a new suite of language rights. In the event, despite intense scrutiny by Assembly Legislative and Financial Committees, no comprehensive legislation specifying a range of Welsh language rights was forthcoming. In 2018 the government adopted the Welsh Language Standards (No. 7) Regulations of which more below.²¹

Thus, for much of the contemporary period of Welsh language planning, c. 1993 until today, the principal instrument for the delivery of services in Welsh was the Welsh Language Scheme, a mechanism which was introduced under the Westminster Welsh Language Act 1993. Section 11 of the Act notes that the Welsh Language Scheme applies to public bodies (all sectors) and Crown bodies, as well as organisations eligible under the public service remit e.g. water companies (Welsh Language Act 1993). Sections 5 to 16 concentrate on institutional duties, and on the form, content and process of the preparation, consultation, approval and review of language schemes. Sections 12 and 13 of the Welsh Language Act specify that it is compulsory for a scheme to note a schedule for action, to offer a description of the manner in which a named body would ensure publicity for its scheme and how it would seek consultation with the public in accordance with the statutory guidance offered by Board. The Board maintained the right to review the guidelines and to review the schemes every three years for local authorities and every five years for educational bodies.

A single statutory guideline (section 9 of the Act) for all public bodies in Wales deals with the following: a bilingual scheme; approach to service provision (in line with the principle of equality); new policies and initiatives; steps for the introduction of services; quality standards – for Welsh language services: dealing with the Welsh-speaking public; the public face of the institution and the implementation and supervision of the scheme.

The supervisory and implementation guidelines contain measures on evaluation and regulation in relation to human resources, language and vocational training, the administration of third-party agreement schemes, the supervision of the scheme, achieving targets, and the publication of information. Compliance is the basic principle underlying Sections 17 to 20 where four specific aspects are discussed, namely investigations (section 17), complaints about non-compliance (section 18), reports on investigations (section 19) and directives from the Secretary of State (section 20).

Between 1995 and 1999, 67 language schemes had been approved including all 22 local authorities. By 1999 notices had been issued to a further 59 bodies to

prepare schemes. By 2012 when the Welsh Language Board was abolished some 543 schemes were in operation (Williams 2014). Certain core elements are common to all language schemes and are comprised of the following components each of which have to be agreed and implemented as a statutory obligation. They are service delivery; language choice; customer-driven; departmental plans; monitoring; internal customer; translation; recruitment and training.

However, geo-linguistic factors may also determine the scope of the schemes as those institutions located within predominantly Welsh speaking areas or who have a significant proportion of users of Welsh will tend to offer a wider range of services and a more thoroughgoing bilingual service. Typically, predominantly Welsh-speaking areas are characterised by having over 60 per cent of their resident population enumerated as Welsh speakers. Most such areas are in the west and north-west of Wales. In such areas, there is a tendency to go above and beyond the minimum scheme requirement to suit the vagaries of the local situation and of course this trend was encouraged by the WLB in both its review and agreement processes.

Today the schemes remain as an important element of the language regime but have been supplemented by a comprehensive series of Language Standards, as specified in the Welsh Language (Wales) Measure 2011. The Standards are designed to ensure clarity to organisations in relation to the Welsh language; to ensure clarity to Welsh speakers on what services they can expect to receive in Welsh and to ensure greater consistency in Welsh language services and improve quality to users. Public service organisations are required to comply with language duties and this compliance function is regulated by the Welsh Language Commissioner's office (Welsh Language Commissioner 2020). This is an interesting model, quite distinct from many other variants within a comparative perspective which tend to rely more on a suite of language rights rather than institutional duties and obligations, as perhaps befits the British approach to public services.

4. Internal Operations of Language Services Delivery: From Compromise to Active Offer?

We are conscious that both Ontario and Wales have different state traditions. By adopting a state-centered approach, we may usefully examine the way that central features of both systems operate concretely in order to increase our understanding of the implementation of the politics of recognition in both contexts. To that end, the article uses data provided from a national evaluation of Wales' language schemes together with current evidence pertaining to the operation of the active offer of French language services (FLS) in Ontario's justice sector.

4.1 Ontario

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The justice sector has been officially bilingual since 1984. However, in the 1990's studies in the justice sector showed that the legal system was not responding to the needs of its French-speaking population. It remained predominantly English and services were not offered systematically in French despite its linguistic requirement to be officially bilingual and despite the FLSA (Cousineau 1996). Furthermore, in 2005, an Environmental Scan of the justice sector revealed that French language services were accepted in theory but that the situation was quite different in practice (Cardinal et al. 2015). Twenty years after the adoption of the FLSA, it was still not clear how the Ontario government really proceeded in order to incorporate the active offer of French language services in its planning of service delivery including in the justice sector. In 2006, twenty years after the adoption of the FLSA, the Ontario government published a first strategic plan for the active delivery of services to its French-speaking population in the justice sector. Evidence-based research was also incorporated in the plan in order to insure monitoring and improve the planning process. The fact that the justice sector has a special status in the Ontario context and a French language coordinator with a status close to that of assistant deputy minister help understand why it was targeted. The Ontario government itself was experimenting with new modes of delivery of services, a situation which created a window of opportunity for more strategic planning in the area of French language services and a review of its capacity to offer those services actively to its French-speaking population.²² A coalition composed of the major French-speaking groups involved in the justice sector was set up with the explicit objective of improving the delivery of services in French.²³ It became a major partner in developing Ontario's first strategic plan for the active offer of French language services in the justice sector. However, the fact that such a plan took so long to make its way into the operations of the Ontario civil service is an example which invites more attention in understanding the gaps between the politics of recognition and that of the politics of delivery.

In 2008, a first study on the operation of active offer was conducted.²⁴ The working definition of active offer which was used relied on the definition provided by the Office of the Commissioner of Official Languages for Canada. According to the Commissioner, actively offering services in the minority language means "communicating spontaneously and clearly to members of the public that they will receive services of comparable quality in either official language at designated offices or service points" (Office of the Commissioner of Official Languages 2005, 12). Of the 20,000 positions in the justice sector, some 1,182 are designated bilingual which means that public servants working in those positions have the obligation to offer language services actively to the French-speaking citizens of the province. A survey was sent to all civil servants working in a designated position to offer services and to middle managers whose responsibility is to plan the delivery of services in the justice sector. Almost 40

per cent of all public servants working in designated positions in the justice sector took part in the study. The results of a qualitative focus group study of 46 users of FLS services also served to identify opportunities for offering services in a more sustained way.

Briefly put, the survey addressed the usefulness and effectiveness of mechanisms of active offer in terms of making public servants more aware of their obligations and supporting them in their work. According to the data, public servants working in designated bilingual positions in the justice sector responded that they have a good understanding of their obligations to offer FLS actively.

However, an important proportion of them recognized that they were not aware that in every office, there should be a plan to offer FLS actively. Furthermore, despite the claim that they actively offer FLS, a significant proportion of respondents would not offer the service if French speakers did not ask for it. In other words, not only is it important to provide public servants with the tools to enable them to do their work, but we are also reminded that capacity building is not sufficient. A certain administrative culture and subjective elements such as attitudes towards French speakers, including non-verbal communication also need to be acknowledged.

The results of the focus group discussions confirmed the importance of these issues. They revealed that a majority of French speakers are more often than not convinced that the environment is not favourable to them. Even when they understand that they have a right to services in French, they are often afraid to ask for such service, because they do not want to appear as a nuisance element by getting in the way of an apparently smooth operation. They also feel that asking for a service in their language involves a struggle within which they are not always ready to engage. There is clearly a problem of perception on the part of the minority that the public service is not user friendly.

4.2 Wales

We can identify some of the strengths and weakness of the Welsh model by reference to ongoing work on the implementation of language schemes and standards. An initial investigation carried out between 2005 and 2008 concerned a sample of the extant 350 language schemes. Within each of the institutions in the sample the investigation sought detailed information about those features which were most likely to affect the quality and nature of the bilingual service provided. The seven aspects concerned testing data on the scope of the Language Act(s); national supervision methods; implementation of the Language Scheme; supervision of the Language Scheme; the range of services; do the Language Schemes work? What improvements are needed?

Much of the investigation was concerned with gathering examples of best practice together with identifying those barriers which limited or at times nulli-

fied the impact of services.²⁵ Consequently an important element of the study was an evaluation of the professional climate within which schemes operated. Clearly the organisational culture within which the duty to prepare a bilingual service is handled is vital, since attitude, service and performance are all interrelated. In addition, an evaluation was conducted on how public bodies organised their public consultation since this is a statutory requirement of the ratification process for any scheme.

The results reported here are based on case study material from eight Welsh public bodies and a range of UK government departments and agencies.²⁶ Generally, the interview data demonstrate that there is strong evidence of compliance with the Welsh Language Schemes (WLS guidelines). Leading county councils in predominantly Welsh speaking areas readily engage in Welsh medium written documentation, the discussion of complex matters in Welsh, together with effective correspondence and the creation of a positive and supportive bilingual work culture. By contrast, most of the other organisations in the sample provided an incomplete service. Until very recently the vast majority of front-line staff in Welsh public institutions served the public in English only. But the requirements of the WLS guidelines together with pressure and advice from the WLB have resulted in the appointment of language officers and the delivery of Welsh language awareness training courses (Welsh Language Board 2008). This has led to a gradual improvement where language awareness training in sectors such as the social care and childcare is beginning to have a definite impact. Such awareness raising courses are either offered in-house by local authorities or by professional bodies such as IAITH: The Welsh Centre for Language Planning.²⁷

However, the common practice of designating bilingual positions per se is not as widespread as one might have anticipated given the steady growth in the numbers of public employees and customers able to speak Welsh. The WLB justified its original investment in language training by arguing that it contributed to the improvement in the standard of public service delivery. Most local authorities had been content to appoint staff in the expectation that they would make an effort to learn or improve their Welsh. However, several County Councils and police authorities have taken language skills into consideration when appointing public servants, new members to the force or to civil support posts. A case in point is the decision in 2009 of Dyfed Powys Police Force to designate all posts in their new customer service centre as Welsh essential posts and to adopt Welsh as the working language of the unit and not just of the front-line service only. Naturally such institutional reform strengthens the capacity of organisations to operate bilingually. Consequently, as one of the six designated performance indicators, public authorities are required to record their success in evaluating the number of staff who had received language awareness training and higher-level Welsh skills training.

Front line services tend not to be provided to the extent that would be expected in many situations. Welsh speakers have had to make special arrangements to use Welsh and on a number of occasions evidence was obtained that the required material or service was available to the public in English only. What was more revealing was that when questioned many staff did not see this as an issue, merely an extension of an institutional norm, namely that in reality the body operated as an English medium organisation, but when so required they consciously catered for the needs of our Welsh speaking customers. Clearly then not all the measures contained in a language scheme are implemented and there are examples of Welsh language services suffering because of a lack of staff, lack of finance and lack of commitment. As a result, one does not necessarily receive a high-quality service. In general County Councils ensure a commitment to their language schemes when they lead partnerships and contract third party operators. But in the case of other organisations there is strong evidence to show that when this is not the case there is a corresponding increase in the number of complaints regarding poor quality service.

The evidence indicates that language scheme objectives are sometimes hindered by a number of factors which are common across many institutions. These would include the reticence shown by middle management to fully implement the requirements of the scheme, a lack of practice/confidence among staff to operate bilingually and a lack of mainstreaming strategies by which Welsh could be given greater visibility and purchase in delivering services. One clear organisational question concerns the manner in which the administrative culture is established and managed. If the Welsh language is regarded as being integral to the function of the body, then clearly language officers and their colleagues have a far higher probability of implementing the scheme. Several senior managers had concerns about the exposure to pressure which some language officers experienced, especially with regards to perceived or possible political interference in scheme review and extension discussions.

Undoubtedly the introduction of Welsh Language Schemes has transformed public administration in Wales by ensuring a new mindset with regard to operating bilingually. The language agenda is now part of the routine professional development of the public sector. However, the sector continues to face several challenges, notably in relation to the wide variation identified in the operation and implementation of language schemes. Such inconsistencies called into question the sufficiency of those arrangements, put in place under the Welsh Language Act, 1993 in guaranteeing minimum expectations of adequate service delivery. In consequence the adoption of a set of language standards as mandated by the Welsh Language (Wales) Measure 2011 and as regulated by the Welsh Language Commissioner are intended to provide a more comprehensive and consistent service delivery system, further refining the Welsh model of language intervention and support.

5. Discussion

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In both case studies it is evident that the internal values, beliefs and structure of the administrative systems have had a profound effect on the decisions taken as regards the development of service delivery systems. History matters in conditioning the range of options considered by decision makers. Thus, we recognise the path dependant nature of the internal processes involved in shaping the development of a system.

In the Ontario case study, a gap between the rights framework and the practice of service delivery was identified. We acknowledge that the active offer instrument needs particular instruments in order to be implemented. Civil servants need proper tools in order to surmount the path dependant features of the system. More generally, there is an administrative culture in the justice sector which is not conducive to active offer. The conclusion was relevant in 2008 and it is still relevant in 2020. For example, in 2016, the Attorney General in charge of the justice sector implemented a pilot project to provide French language services to its clients.²⁸ More recent studies in the area of violence against women continue to show how difficult it is for French-speaking women to receive French language services (Cardinal et al. 2015; Sirois & Garceau 2007). In other words, looking at the internal processes of implementation of the principle of active offer shows how it is path dependant despite changes in the policy framework. The gap between the politics of recognition and the politics of service delivery remains important.

In Wales much of the relative success of the language schemes was due to the active tutoring to public bodies by specialist staff members of the WLB prior to the drafting of scheme together with the sharing of knowledge through public authority networks such as Rhwydwaith and other facilitating agencies such as IAITH. The statutory obligations contained within the 1996 Welsh Language Schemes Guidelines also established a core common approach to both the formulation and the implementation of the schemes, although as we have seen successive iterations of the schemes could be inconsistent.

Where there has been evident political leadership at UK Ministerial and Government Department level, County Council level or Police Authority level, there have been significant advances recorded. Putting language legislation into operative effect, as was seen by the long evolution of implementing the Welsh Language Act 1993, or as characterises the evolving implementation of National Assembly language legislation and language regime refinement, is a slow, complex process. Some will interpret the reticence of bureaucrats and others to honour the language schemes in full as an expression of ill-will towards the language. Be that as it may a more balanced approach would accept this reticence as part of the necessary organisational change which many institutions had to undergo in order to comply fully with the 1993 legislation and the manner in which the WLB had interpreted its own mandate.

Finally, the comparative analytical approach reaffirms the centrality of evaluating institutional working practices and also identify critical deficiencies within the delivery service system. Our investigations have identified the critical role which directors of such services play in Ontario and the key influence of middle-range managers within Wales in implementing the full range of services as required by language schemes in Wales. Whilst it is accepted that legislators and Ministers determine the contours of bilingual services, it is evident that the fine detail, pace, allocation of time, energy and resources required relies a great deal on the professional judgement and/or disposition of those in authority within the public sector who are charged with the implementation of such services. Accordingly, we suggest that extensive research be conducted in how these central agents of change or resistance execute their responsibilities.

Reporting on the Ontario and Wales's studies of service delivery helps demonstrate that the granting of language rights as in Ontario is not a sufficient guarantor of the delivery of high quality, consistent, language services. In order to be effective such rights and their corresponding services need to be constantly reaffirmed within the administrative culture of the local state. This involves far more than consciousness raising and language awareness and emphasises the critical role of personnel planning, skills acquisition, regular monitoring and evaluation and a periodic assessment of the impact which such services have on community vitality and engagement with the province or local state.

Given the importance of institutional frameworks which guide the delivery of services, in both cases it is evident that further research and a more systematic comparison of service provision in a range of sectors would prove valuable. This, however, presupposes a positive answer to a more fundamental question as to whether it is possible to export practices from one administrative system to another. For example, we need to explore to what extent the governance framework of Ontario, if transposed in part, would aid the implementation of language policy in Wales. In contrast, Ontario has service providers, but it does not evaluate the designated services systematically.

6. Conclusion

How a government attends to the needs and make sure minorities are not alienated and are treated as fully functional citizens is an important part of the politics of recognition. When services are not offered in an appropriate manner, this can lead to cynicism among many that the government is not really even-handed. Rather it is content with a situation which allows official language minority members to conceive of themselves as second class citizens subject to a regime in which the politics of recognition is largely symbolic rather than substantive and enabling.

This article sought to explore the delivery of language services in Ontario and in Wales given the importance taken by the debate on the politics of recognition in the area of linguistic minority rights. It sought to address the internal processes by which the delivery of language services is made possible in states which gave official status to their linguistic and national minorities. There is a dearth of research on the concrete ways in which the politics of recognition is implemented in those states. Our work sought to address some of the issues raised by the different contexts in which the delivery of language services takes place. Using Ontario and Wales as case study, the paper shows the relevance for further research and a more systematic comparison of service provisions.

We need to further research into how active offer is an important mechanism within multilingual, multiethnic and multinational societies.²⁹ It is equally important to recognise that how a government relates to its constituent minorities is critical for social harmony. How it pays attention to their needs and make sure minorities are not alienated and are treated as fully functional citizens is an important part of the politics of recognition. When services are not offered in this manner, this contributes to cynicism in society, that governments are not there for minorities, and that they remain second class citizens or that recognition is only symbolic, not real.

References

- Azurmendi, M.-J., Larrañaga, N. & Apalategi, J., 2008. Bilingualism, Identity, and Citizenship in the Basque Country. In M. Niño-Murcia & J. Rothman (eds.) *Bilingualism and Identity: Spanish at the Crossroads with Other Languages*. J. Benjamins Publishing, Amsterdam, Philadelphia, 35–62.
- Bent, S., Kernaghan, K. & Marson D. B., 1999. *Les guichets uniques: innovations et bonnes pratiques*. Réseau du service axé sur les citoyens, Centre canadien de gestion, Ottawa.
- Bogadnor, V., 2009. *The New British Constitution*. Bloomsbury, London.
- Bourhis, R. Y. & Landry, R., 2008. Group Vitality, Cultural Autonomy and the Wellness of Language Minorities. In R. Y. Bourhis (ed.) *The Vitality of the English-Speaking Communities of Quebec: From Community Decline to Revival*. Université de Montréal, CEETUM, Montreal, 185–212.
- Bwrdd yr Iaith Gymraeg, 2005. *Dyfodol y Gymraeg-Cynllun Strategol/The Future of Welsh-A Strategic Plan*. Bwrdd yr Iaith Gymraeg, Caerdydd.
- Cardinal, L., 2007. New Approaches for the Empowerment of Linguistic Minorities: A Study of Language Policy Innovations in Canada Since the 1980s. In C. H. Williams (ed.) *Language and Governance*. University of Wales Press, Cardiff, 434–459.
- Cardinal, L., 2015. Language Regime and Language Politics in Canada. In L. Cardinal & S. Sonntag (eds.) *Language Regimes and State Traditions*. McGill-Queen's University Press, Montréal, 29–43.
- Cardinal, L. & Léger, R., 2019. Ethnocultural and Linguistic Diversity: New Challenges to Canada's Language Regime. In T. Ricento (ed.) *Language policies in Canada and in the United States*, Cambridge University Press, Cambridge, 300–317.

- Cardinal, L. & Normand, M., 2013. Distinct Accents. In J.-F. Savard, A. Brassard & L. Côté (eds.) *Quebec-Ontario Relations: A Shared Destiny?* Les Presses de l'Université du Québec, Montréal, 119–144.
- Cardinal, L. & Sauvé A., 2010. *From Theory to Practice. Mechanisms for the Offer of French Language Services in Ontario's Justice Sector*. Chaire de recherche sur la francophonie et les politiques publiques, Ottawa.
- Cardinal, L., Garceau, M.-L., Sirois, G. & Plante, N., 2015. Le rôle des intervenantes du secteur de la violence faite aux femmes dans le développement des services en français en Ontario: une étude exploratoire. *Reflets* 21 (1), 40–72.
- Chartier, R., 1998. *Avant toute chose, le bon sens: un rapport et des recommandations sur les services en français au sein du gouvernement du Manitoba*. Francophone Affairs Secretariat, Manitoba, <https://www.gov.mb.ca/fls-slf/report/toc.html> (accessed 20 January 2020).
- Cohl, K. & Thomson, G., 2008. *Connecting Across Language and Distance: Linguistic and Rural Access to Legal Information and Services*. The Law Foundation of Ontario, Toronto.
- Daunton, M. J., 1977. *Coal Metropolis: Cardiff 1870–1914*. Leicester University Press, Leicester.
- Deere, A. & Cunliffe, D., 2009. Bilingual Websites in Jurisdictions Requiring Minority Language Use: Effective Implementation of Policies and Guidelines. In S. Pertot, T. Priestly & C. H. Williams (eds.) *Promotion, Rights and Integration Issues in the Enlarged European Union*. Palgrave, Basingstoke, 74–88.
- Deveault, K., Landry, R. & Allard, R., 2009. Utilisation des services gouvernementaux en français: résultats d'une enquête auprès des Acadiens et francophones de la Nouvelle-Écosse. At 77th Congress of Association francophone pour l'avancement du savoir (ACFAS), University of Ottawa, 12 May 2009.
- Drolet, M., Bouchard, M.-P. & Savard, J., 2017. *Accessibility and Active Offer: Health Care and Social Services in Linguistic Minority Communities*. University of Ottawa Press, Ottawa.
- French Language Services Act, R.S.O. 1990, c. F. 32.*, 1990. Government of Ontario, <https://www.ontario.ca/laws/statute/90f32#BK0> (accessed 22 May 2020).
- Gagnon, S.-G., Turgeon, L. & De Champlain, O., 2006. La bureaucratie représentative au sein des états multinationaux. *Revue française d'administration publique* 2 (118), 291–306.
- Government of Wales Act 1998*. UK Government Legislation, 31 July 1998.
- Government of Wales Act 2006*. UK Government Legislation, 25 July 2006.
- Harguindéguy, J. B. & Coles, A., 2009. La politique linguistique de la France à l'épreuve des revendications ethnoterritoriales. *Revue française de science politique* 59 (5), 939–966.
- Huws, C. F., 2009. Does Legislation Change Perception and Behaviour? Attitudes and Perceptions of the Welsh Language in Legal Proceedings. In S. Pertot, T. Priestly & C. H. Williams (eds.) *Promotion, Rights and Integration Issues in the Enlarged European Union*. Palgrave, Basingstoke, 60–73.
- Jostes, B., 2007. Union européenne et apprentissage des langues. En quête d'un espace communicationnel européen. In M. Werner (ed.) *Politiques et usages de la langue en Europe*. Édition de la Maison des sciences de l'homme, Paris
- Kingsley, D., 1944. *Representative Bureaucracy: An Interpretation of the British Civil Service*. Antioch Press, Yellow Springs (OH).
- Kraus, P. A. & Grin, F. (eds.), 2018. *The Politics of Multilingualism: Europeanisation, Globalization and Linguistic Governance*. John Benjamins Publishing, Amsterdam.
- Loughlin, J. 2005. Les changements de paradigmes de l'État et les politiques publiques envers les minorités linguistiques et culturelles en Europe de l'Ouest. In J.-P. Wallot (ed.) *La gouvernance linguistique: le Canada en perspective*. Presses de l'Universitaire d'Ottawa, Ottawa, 19–38.

- Loughlin, J. & Williams, C. H. 2007. Governance and Language: The Intellectual Foundations. In C. H. Williams (ed.) *Language and Governance*. University of Wales Press, Cardiff, 57–103.
- Mattar, S. & Gratton, M., 2001. *Bilan des services au public en français et en anglais: un changement de culture s'impose*. Commissariat aux langues officielles, Ministère des Travaux publics et Services gouvernementaux Canada, Ottawa.
- Nic Craith, M., 2007. Rethinking Language Policies: Challenges and Opportunities. In C. H. Williams (ed.) *Language and Governance*. University of Wales Press, Cardiff. 159–186.
- Office of the Commissioner of Official Languages, 2005. *Annual Report 2004–2005: Volume II*. Office of the Commissioner of Official Languages, Ottawa.
- Office of the French Language Services Commissioner, 2008. *Rapport annuel 2007–2008*, Office of the French Language Services Commissioner, Toronto.
- ONS – Office for National Statistics, 2012. *2011 Census: Key Statistics for Wales, March 2011*. Office for National Statistics, Newport, <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/2011censuskeystatisticsforwales/2012-12-11#proficiency-in-welsh> (accessed 10 January 2020).
- Puntoni, S., De Langhe, B. & Van Osselaer, S. M. J., 2009. Bilingualism and the Emotional Intensity of Advertising Language. *Journal of Consumer Research* 35 (6), 1012–1025.
- Rawlings, R., 2003. *Delineating Wales*. University of Wales Press, Cardiff.
- Sirois, G. & Garceau, M.-L., 2007. Le développement des services en français en matière de violence faite aux femmes: des pratiques à notre image. *Reflets* 13 (1), 98–111.
- Turpin, C. & Tomkins, A., 2011. *British Government and the Constitution*, Cambridge University Press, Cambridge.
- Wales Office, 2005. *Better Governance for Wales* (The White Paper, 15 June 2005). Wales Office, UK Government, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/272153/6582.pdf (accessed 10 January 2020).
- Welsh Assembly Government, 2003. *Iaith Pawb: A National Action Plan for a Bilingual Wales*. Welsh Assembly Government, Cardiff.
- Welsh Government, 2012. *A Living Language: A Language for Living – Welsh Language Strategy 2012–2017*. Welsh Government, Cardiff.
- Welsh Government, 2015a. *Well Being of Future Generations (Wales) Act 2015*. Welsh Government, Cardiff.
- Welsh Government, 2015b. *More than Just Words: Delivering the Active Offer Information Pack*, Welsh Government, Cardiff.
- Welsh Government, 2017. *Cymraeg 2050: A Million Welsh Speakers*. Welsh Government, Cardiff.
- Welsh Language Act 1993*. UK Government Legislation, 21 December 1993.
- Welsh Language Board, 1996. *Welsh Language Schemes: Their Preparation and Approval in Accordance with the Welsh Language Act 1993*. Welsh Language Board, Cardiff.
- Welsh Language Board, 2008. *Language Awareness Training Pack*. Welsh Language Board, Cardiff.
- Welsh Language Commissioner, <http://www.comisiynyddygyraeg.cymru/english/Pages/Home.aspx> (accessed 10 March 2020).
- Welsh Language (Wales) Measure 2011*. UK Government Legislation, 9 February 2011.
- Welsh Office, 1997. *A Voice for Wales: the government's proposals for a Welsh Assembly*. Welsh Office, Cardiff, London.

- Williams, C. H., 1990. The Anglicisation of Wales. In N. Coupland (ed.) *English in Wales. Multilingual Matters*, Clevedon, 19–47.
- Williams, C. H., 2000. Restoring the Language. In G. H. Jenkins & M. A. Williams (eds.) *Let's Do Our Best for the Ancient Tongue: The Social History of the Welsh Language*. The University of Wales Press, Cardiff, 657–681.
- Williams, C. H., 2007. Els drets linguistics com a factor d'inclusió social. *Europa de les Nacions* 62, 12–22.
- Williams, C. H., 2008. *Linguistic Minorities in Democratic Context*. Palgrave, Basingstoke.
- Williams, C. H., 2010. From Act to Action in Wales. In D. Morris (ed.) *Welsh in the Twenty-First Century*, University of Wales Press, Cardiff, 36–60.
- Williams, C. H., 2013a. *Minority Language Promotion, Protection and Regulation*. Palgrave, Basingstoke.
- Williams, C. H., 2013b. Perfidious Hope: The Legislative Turn in Official Language Regimes. *Journal of Regional and Federal Studies* 23 (1), 101–122.
- Williams, C. H., 2014. The Lightning Veil: Language Revitalization in Wales. *Review of Research in Education* 38 (1), 242–272.
- Williams, C. H., 2017. Policy Review: Wake me up in 2050! Formulating Language Policy in Wales. *Language, Society and Policy*, 19 May 2017, <http://www.meits.org/policy-papers/paper/wake-me-up-in-2050-formulating-language-policy-in-wales> (accessed 10 January 2020).

Notes

- ¹ We would like to thank the Social Sciences Humanities Research Council of Canada (SSHRC) for its support in the preparation of this paper.
- ² Liu, A. H., 2011. Linguistic Effects of Political Institutions. *The Journal of Politics* 73 (1), 125–139.
- ³ See especially, Kingsley (1944), which can be considered the first publication on the management of diversity in public administration, and Gagnon et al. (2006).
- ⁴ Sandberg, S., Ó Flatharta, P. & Williams, C. H., 2014. *From Act to Action: Implementing Language Legislation in Finland, Ireland and Wales. Policy Report*. Dublin City University, Dublin.
- ⁵ In 2001 the Census reported that 582,400 people (20.8 per cent) of the Welsh population of just over 3 million claimed a knowledge of Welsh, see <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/2011censuskeystatisticsforwales/2012-12-11#proficiency-in-welsh> (accessed 15 March 2020).
- ⁶ For more details on language data for Ontario, see www.ontario.ca/page/profile-francophone-population-ontario-2016 (accessed 15 March 2020).
- ⁷ <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/2011censuskeystatisticsforwales/2012-12-11#proficiency-in-welsh> (accessed 15 March 2020).
- ⁸ For details, see https://www.attorneygeneral.jus.gov.on.ca/english/service_standards/service_standards_french_language_services.php (accessed 12 March 2020).
- ⁹ Adapted from Cardinal and Sauvé (2010, 12).
- ¹⁰ British experience had identified that individuals with a multitude of problems are often subject to numerous referrals tied to specialist institutions – and this reliance on a “silo” approach can lead to “referral fatigue” which leaves many problems unresolved (Cohl & Thomson 2008, 48).

- ¹¹ The United Kingdom's Citizens Advice Bureaus are a well-established example of this holistic approach.
- ¹² By contrast, Quebec has a population of over 7 million of which 85 per cent is French speaking, the majority of whom are functionally unilingual French. The other important French-speaking minority in Canada is located in New-Brunswick where a population of 320,000 represent 30 per cent of the provincial total. New-Brunswick is also the only officially bilingual province and is thus markedly different from both Quebec and Ontario.
- ¹³ <https://www.cbc.ca/news/canada/toronto/francophone-population-reducing-alarming-rate-1.4754261> (accessed 15 March 2020).
- ¹⁴ For details, see Cardinal and Normand (2011).
- ¹⁵ Municipal governments are exempt from the application of the act, as are public agencies, hospitals, and retirement homes. Municipal governments can choose to adopt a policy for the delivery of French language services, which is the case in Ottawa.
- ¹⁶ <https://ipolitics.ca/2020/01/15/new-ontario-french-language-services-commissioner-attempts-to-quell-concerns-about-authority-independence/> (accessed 15 March 2020).
- ¹⁷ Since 1st April 2018 the Reserved Powers Model allows the Assembly to make laws on matters that are not reserved to the UK Parliament, <http://www.assembly.wales/en/abthome/role-of-assembly-how-it-works/Pages/Powers.aspx> (accessed 10 March 2020).
- ¹⁸ <http://www.legislation.gov.uk/mwa/2011/7/contents> (accessed 10 March 2020).
- ¹⁹ These higher figures will come as a surprise to many who doubt their veracity, <https://stats.wales.gov.wales/Catalogue/Welsh-Language/AnnualPopulationSurveyEstimatesOfPersonsAged3andOverWhoSayTheyCanSpeakWelsh-by-LocalAuthority-Measure> (accessed 10 March 2020).
- ²⁰ See <https://www.repository.cam.ac.uk/bitstream/handle/1810/264336/Williams%20JLSP%202017.pdf?sequence=6&isAllowed=y> (accessed 10 March 2020).
- ²¹ <http://www.legislation.gov.uk/wsi/2018/441/made> (accessed 10 March 2020).
- ²² Cardinal et al. (2015). In the Spring 2011, the Ontario government announced a new review of its modes of service delivery. A committee has been put in place with the specific mandate to propose new ways of delivering services to Ontarians. At the same time, the Ontario Commissioner for French Language Services published a report advocating that the delivery of French language services be devolved to French speaking groups. Reference to report.
- ²³ The Coalition comprises the following stakeholders: Association des juristes d'expression française de l'Ontario, Action ontarienne contre la violence faite aux femmes, Fédération des aînées et aînés francophones de l'Ontario, Fédération de la jeunesse franco-ontarienne (à compléter). The French Language Coordinator for the Justice sector is also a member of the Coalition and representatives from the Ontario Provincial Police and the Canadian Department of Justice as well as from the University of Ottawa.
- ²⁴ In Ontario, the justice sector comprises two ministries: the Attorney General and Community Safety and Correctional Services, which are comprised of different divisions. Some divisions have to provide direct services to the public including services in French in the 25 designated bilingual areas in the province. Within the Ministry of the Attorney General, the Strategic Plan targets the Court Services Division, including the Provincial Offences Act Unit; the Criminal Law Division; the Ontario Victim Services Secretariat; the Office of the Public Guardian and Trustee; and the Office of the Children's Lawyer; and for the Ministry of Community Safety and Correctional Services: the Ontario Provincial Police; Emergency Management Ontario; Adult Community Corrections; Adult Institutional Services; and the Public Safety Division. An area is designated to offer services in French if it has at least 5,000 French speakers or if the latter make up 10 per cent of the population.

- ²⁵ The data sources for public bodies involved the completion of 65 in-depth interviews, the perusal of relevant files and reports and participant observation within the institutions and the WLB over a three-year period. Interviews were also held with language officers, senior managers, and selected staff not directly responsible for the schemes together with politicians and other decision-makers at a national and a local level. Unlike in the Ontario case, no interviews were conducted with customers as the remit of the investigation was to examine the internal workings of the language schemes and their legislative context.
- ²⁶ Welsh bodies comprised five County Councils, one National Park Authority, a Health Board and a Policy Authority. The UK Department of State and Crown Bodies included the Home Office, the Department of Works and Pensions, the Central Office of Information and a number of subsidiary agencies which have a UK mandate.
- ²⁷ Please visit <https://www.iaith.cymru/en> (accessed 12 March 2020).
- ²⁸ For details, https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/access_to_justice_in_french/ (accessed 15 March 2020).
- ²⁹ It should be noted that certain sectors in Wales have adopted the active offer mechanism, most notably within the social care system, where the More than Just Words: Delivering the Active Offer Information Pack (Welsh Government 2015b) is a good example.