

FACT SHEET

Appointment of a Greater Number of Bilingual Individuals to Quasi-Judicial Tribunals in Manitoba

August 2006 – The Honourable Greg Selinger, Minister responsible for French Language Services, recently announced ¹ on behalf of the Government of Manitoba a set of measures to promote the appointment to quasi-judicial tribunals of a greater number of individuals who are fluent in English and French.

Under section 23 of the *Manitoba Act, 1870*, all persons appearing before courts and quasi-judicial tribunals in the province may choose to use either English or French.

The phrase "quasi-judicial tribunal" refers to a body created by law with a mandate to settle matters in an impartial manner by applying rules of law without regard for expediency or administrative policy. Generally, quasi-judicial tribunals carry out their activities in specialized areas and follow rules of procedure and evidence that are more flexible than those of traditional courts. Various agencies, boards and commissions are considered to be quasi-judicial tribunals.

In the past, the customary practice in Manitoba was for quasi-judicial tribunals to hear matters in French with the assistance of translators.

The Government of Manitoba has decided within the scope of its French language services policy to increase the capacity of quasi-judicial tribunals to hear citizens directly in the official language of their choice.

Quasi-judicial tribunals that meet one or a number of the following criteria were considered to be priorities:

- Tribunals hearing matters related to an individual's eligibility to receive benefits, an indemnity or service(s).
- Tribunals hearing matters related to alleged violations of fundamental freedoms.
- Tribunals hearing matters affecting an individual's property or financial interests or ability to earn a living.

Among the tribunals deemed to be priorities, those that include a large number of members and conduct hearings in panels of three will have the capacity to hold hearings in which each tribunal member will be able to communicate with parties, witnesses and counsel directly in French or English without the assistance of a translator.

Tribunals consisting of fewer members will have at least one member capable of communicating with the parties, witnesses and lawyers directly in French without the assistance of a translator. With this second category of tribunals, translation services will however continue to be provided to allow communication between parties, witnesses and lawyers using French and panel members not proficient in that language.

In view of this initiative, a number of bilingual individuals have been appointed to various quasi-judicial tribunals in the province.

These measures based on the active offer concept ² should enable French-speaking Manitobans to more readily exercise their right to be served and heard in the official language of their choice.

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Schedule: List of tribunals affected by measures outlined in the announcement.

¹ The announcement was made on December 5, 2005 during the launch of the *MON DROIT, en français, MON CHOIX* promotional campaign of the Association des juristes d'expression française du Manitoba (AJEFM).

² The concept of active offer means that services in French, whether provided by oral, written or electronic methods, are evident, readily available and easily accessible to the general public, and of comparable quality to those offered in English.
[Source : Government of Manitoba's French Language Services Policy]

SCHEDULE

QUASI-JUDICIAL TRIBUNALS THAT INCLUDE A LARGE NUMBER OF MEMBERS AND CONDUCT HEARINGS IN PANELS OF THREE

Automobile Injury Compensation Appeal Commission
Municipal Board
Manitoba Health Appeal Board
The Residential Tenancies Commission
Vulnerable Persons Hearing Panel

QUASI-JUDICIAL TRIBUNALS CONSISTING OF A SMALL NUMBER OF MEMBERS

Certificate Review Committee (Teachers)
Day Care Staff Qualifications Review Committee
Disaster Assistance Appeal Board
Farm Mediation Board
Farm Machinery Board
Land Value Appraisal Commission
Licence Suspension Appeal Board
Manitoba Farm Lands Ownership Board
Manitoba Agricultural Services Corporation Appeal Tribunal
Mental Health Review Board
Public Schools Finance Board
Social Services Appeal Board