

# OTHER SOLITUDES

CANADIAN  
MULTICULTURAL  
FICTIONS

EDITED BY  
LINDA HUTCHEON  
& MARION RICHMOND

Toronto  
OXFORD UNIVERSITY PRESS  
1990

CANADIAN MULTICULTURALISM ACT<sup>1</sup>  
R.S.C. 1985, Chap. 24 (4th Supp.);  
[1988, c. 31, assented to 21st July, 1988]

An Act for the preservation and enhancement of multiculturalism in Canada

[1988, c. 31, assented to 21st July, 1988]

WHEREAS the Constitution of Canada provides that every individual is equal before and under the law and has the right to the equal protection and benefit of the law without discrimination and that everyone has the freedom of conscience, religion, thought, belief, opinion, expression, peaceful assembly and association and guarantees those rights and freedoms equally to male and female persons;

AND WHEREAS the Constitution of Canada recognizes the importance of preserving and enhancing the multicultural heritage of Canadians;

AND WHEREAS the Constitution of Canada recognizes rights of the aboriginal peoples of Canada;

AND WHEREAS the Constitution of Canada and the *Official Languages Act* provide that English and French are the official languages of Canada and neither abrogates or derogates from any rights or privileges acquired or enjoyed with respect to any other language;

AND WHEREAS the *Citizenship Act* provides that all Canadians, whether by birth or by choice, enjoy equal status, are entitled to the same rights, powers and privileges and are subject to the same obligations, duties and liabilities;

AND WHEREAS the *Canadian Human Rights Act* provides that every individual should have an equal opportunity with other individuals to make the life that the individual is able and wishes to have, consistent with the duties and obligations of that individual as a member of society, and, in order to secure that opportunity, establishes the Canadian Human Rights Commission to redress any pro-

*access education*

<sup>1</sup> The text of the Act that follows includes only the English-language section.

scribed discrimination, including discrimination on the basis of race, national or ethnic origin or colour;

AND WHEREAS Canada is a party to the *International Convention on the Elimination of All Forms of Racial Discrimination*, which Convention recognizes that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination, and to the *International Covenant on Civil and Political Rights*, which Covenant provides that persons belonging to ethnic, religious or linguistic minorities shall not be denied the right to enjoy their own culture, or profess and practise their own religion or to use their own language;

AND WHEREAS the Government of Canada recognizes the diversity of Canadians as regards race, national or ethnic origin, colour and religion as a fundamental characteristic of Canadian society and is committed to a policy of multiculturalism designed to preserve and enhance the multicultural heritage of Canadians while working to achieve the equality of all Canadians in the economic, social, cultural and political life of Canada;

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

#### SHORT TITLE

1. This Act may be cited as the *Canadian Multiculturalism Act*.

#### INTERPRETATION

2. In this Act, 'federal institution' means any of the following institutions of the Government of Canada:

- (a) a department, board, commission or council, or other body or office, established to perform a governmental function by or pursuant to an Act of Parliament or by or under the authority of the Governor in Council, and
- (b) a departmental corporation or Crown corporation as defined in section 2 of the *Financial Administration Act*, but does not include
- (c) any institution of the Council or government of the Northwest Territories or the Yukon Territory, or

- (d) any Indian band, band council or other body established to perform a governmental function in relation to an Indian band or other group of aboriginal people;

'Minister' means such member of the Queen's Privy Council for Canada as is designated by the Governor in Council as the Minister for the purposes of this Act.

#### MULTICULTURALISM POLICY OF CANADA

3. (1) It is hereby declared to be the policy of the Government of Canada to

- (a) recognize and promote the understanding that multiculturalism reflects the cultural and racial diversity of Canadian society and acknowledges the freedom of all members of Canadian society to preserve, enhance and share their cultural heritage;
- (b) recognize and promote the understanding that multiculturalism is a fundamental characteristic of the Canadian heritage and identity and that it provides an invaluable resource in the shaping of Canada's future;
- (c) promote the full and equitable participation of individuals and communities of all origins in the continuing evolution and shaping of all aspects of Canadian society and assist them in the elimination of any barrier to such participation;
- (d) recognize the existence of communities whose members share a common origin and their historic contribution to Canadian society, and enhance their development; *as communities of difference*
- (e) ensure that all individuals receive equal treatment and equal protection under the law, while respecting and valuing their diversity;
- (f) encourage and assist the social, cultural, economic and political institutions of Canada to be both respectful and inclusive of Canada's multicultural character; ✓
- (g) promote the understanding and creativity that arise from the interaction between individuals and communities of different origins;
- (h) foster the recognition and appreciation of the diverse cultures of Canadian society and promote the reflection and the evolving expressions of those cultures;
- (i) preserve and enhance the use of languages other than English and French, while strengthening the status and use of the official languages of Canada; and

- (j) advance multiculturalism throughout Canada in harmony with the national commitment to the official languages of Canada.
- (2) It is further declared to be the policy of the Government of Canada that all federal institutions shall
  - (a) ensure that Canadians of all origins have an equal opportunity to obtain employment and advancement in those institutions;
  - (b) promote policies, programs and practices that enhance the ability of individuals and communities of all origins to contribute to the continuing evolution of Canada;
  - (c) promote policies, programs and practices that enhance the understanding of and respect for the diversity of the members of Canadian society;
  - (d) collect statistical data in order to enable the development of policies, programs and practices that are sensitive and responsive to the multicultural reality of Canada;
  - (e) make use, as appropriate, of the language skills and cultural understanding of individuals of all origins; and
  - (f) generally, carry on their activities in a manner that is sensitive and responsive to the multicultural reality of Canada.

#### IMPLEMENTATION OF THE MULTICULTURAL POLICY OF CANADA

4. The Minister, in consultation with other ministers of the Crown, shall encourage and promote a coordinated approach to the implementation of the multiculturalism policy of Canada and may provide advice and assistance in the development and implementation of programs and practices in support of the policy.

5. (1) The Minister shall take such measures as the Minister considers appropriate to implement the multiculturalism policy of Canada and, without limiting the generality of the foregoing, may

- (a) encourage and assist individuals, organizations and institutions to project the multicultural reality of Canada in their activities in Canada and abroad;
- \* (b) undertake and assist research relating to Canadian multiculturalism and foster scholarship in the field;
- (c) encourage and promote exchanges and cooperation among the diverse communities of Canada;
- (d) encourage and assist the business community, labour organizations, voluntary and other private organizations as well as

public institutions, in ensuring full participation in Canadian society, including the social and economic aspects, of individuals of all origins and their communities, and in promoting respect and appreciation for the multicultural reality of Canada;

- (e) encourage the preservation, enhancement, sharing and evolving expression of the multicultural heritage of Canada;
- (f) facilitate the acquisition, retention and use of all languages that contribute to the multicultural heritage of Canada;
- (g) assist ethno-cultural minority communities to conduct activities with a view to overcoming any discriminatory barrier and, in particular, discrimination based on race or national or ethnic origin;
- (h) provide support to individuals, groups or organizations for the purpose of preserving, enhancing and promoting multiculturalism in Canada; and
- (i) undertake such other projects or programs in respect of multiculturalism, not by law assigned to any other federal institution, as are designed to promote the multiculturalism policy of Canada.

(2) The Minister may enter into an agreement or arrangement with any province respecting the implementation of the multiculturalism policy of Canada.

(3) The Minister may, with the approval of the Governor in Council, enter into an agreement or arrangement with the government of any foreign state in order to foster the multicultural character of Canada.

6. (1) The ministers of the Crown, other than the Minister, shall, in the execution of their respective mandates, take such measures as they consider appropriate to implement the multiculturalism policy of Canada.

(2) A minister of the Crown, other than the Minister, may enter into an agreement or arrangement with any province respecting the implementation of the multiculturalism policy of Canada.

7. (1) The Minister may establish an advisory committee to advise and assist the Minister on the implementation of this Act and any

other matter relating to multiculturalism and, in consultation with such organizations representing multicultural interests as the Minister deems appropriate, may appoint the members and designate the chairman and other officers of the committee.

(2) Each member of the advisory committee shall be paid such remuneration for the member's services as may be fixed by the Minister and is entitled to be paid the reasonable travel and living expenses incurred by the member while absent from the member's ordinary place of residence in connection with the work of the committee.

(3) The chairman of the advisory committee shall, within four months after the end of each fiscal year, submit to the Minister a report on the activities of the committee for that year and on any other matter relating to the implementation of the multiculturalism policy of Canada that the chairman considers appropriate.

#### GENERAL

8. The Minister shall cause to be laid before each House of Parliament, not later than the fifth sitting day of that House after January 31 next following the end of each fiscal year, a report on the operation of this Act for that fiscal year.

9. The operation of this Act and any report made pursuant to section 8 shall be reviewed on a permanent basis by such committee of the House, of the Senate or of both Houses of Parliament as may be designated or established for the purpose.