



EXECUTIVE *Summary*

TAKING *a stand*

ANNUAL REPORT 2016-2017



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By mail:

Office of the French Language Services Commissioner of Ontario
800 Bay Street, Suite 402
Toronto, ON M5S 3A9

By email: flsc-csf@flscontario.ca

Toll free: 1-866-246-5262
Toronto area: 416-847-1515
Fax: 416-847-1520
TTY (teletypewriter): 416-640-0093

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This document is a synopsis of the 2016-2017 annual report of the Office of the French Language Services Commissioner of Ontario. It summarizes the key elements of the report on the progress and issues of the past 10 years.

1. Executive Summary

This 2016-2017 annual report is the 10th report of the French Language Services Commissioner of Ontario, François Boileau, since he took office in 2007. To mark the occasion, the Commissioner provides a brief historical overview and reviews the early years of the Commissioner's Office.

The progress made and the concrete impact of the numerous interventions carried out by the Commissioner's Office are described in the following areas: health, justice, citizenship and immigration, education, Children and Youth Services, as well as direct services to the community. The report also highlights 20 issues that continue to persist in the area of French-language government services. In this regard, the Commissioner makes 10 recommendations and concludes by demonstrating that, over the years, the Commissioner's Office has become a credible reference in Ontario and a model for the other provinces.

2. Recommendations

The Commissioner's recommendations break down as follows: three regarding health and Francophone affairs, and one each for the Attorney General, the Ministry of Children and Youth Services, the Ministry of Citizenship and Immigration, and the Cabinet Office.

HEALTH

In 2011, the Ministry established six French-language health planning entities. In the deliberations on Bill 41, the *Patients First Act, 2016*, the Commissioner hoped that the entities' role might evolve into a true partnership with the local health integration networks (LHINs). Unfortunately, the bill was passed without amendments to address this issue.



Recommendation 1

The Commissioner recommends that the Minister of Health and Long-Term Care amend Regulation 515/09 to grant French-language health planning entities an enhanced role in planning French-language health services, notably with regard to the integrated health service plans the LHINs are required to produce.

The Ministry of Health and Long-Term Care's Health Professions Database can be used to identify practitioners who are able to provide health services in French, but its usefulness depends on the quality and accuracy of the data. However, the most recent data entries go back to 2013. Without up-to-date data, it is impossible to properly plan how many French-speaking health professionals will be needed in each region, for each regulated profession.



Recommendation 3

The Commissioner recommends that the Minister of Health and Long-Term Care elaborate innovative strategies so that individuals know where and how to obtain French-language health services. To that end, the Minister ensures to:

- (a) make public an accurate picture of practitioners who can work in French across Ontario;*
- (b) annually collect, update, and make readily accessible the data published on its website in the Health Professions Database; and*
- (c) produce easily accessible customized reports.*

Under the *Local Health System Integration Act, 2006*, the LHINs are obligated to ensure that health services are delivered in their regions, in both English and French, by service providers. But according to the LHINs and their ministry, while many of those service providers have been identified as offering French-language services and have signed service agreements, they are not third parties under Regulation 284/11. Consequently, the LHINs and officials at the Ministry of Health and Long Term Care have no legal obligation to oversee the providers identified as offering French-language health services. This interpretation is problematic. The consequences of this two-tier interpretation are real for the health system's clients and patients.



Recommendation 7

The Commissioner recommends that the Minister of Health and Long-Term Care issue a clear directive requiring LHINs to:

- (a) monitor the delivery of health services by health service providers who offer specific services targeted to be offered in French; and*
- (b) ensure that service contracts and service accountability agreements entered into with those providers contain clear obligations with respect to French-language services.*

FRANCOPHONE AFFAIRS

The Office of Francophone Affairs (OFA) revised the agency designation criteria and introduced a new designation plan that includes designation application and compliance certification forms, in place since January 1, 2014.¹ Designated agencies are now required to report to the sponsoring ministry every three years. However, no directives, processes, or policies have been developed yet to ensure compliance with this new requirement. Designated agencies that fail to honour their designation commitments often ignore their obligations.



Recommendation 2

For the 2017-2018 fiscal year, the Commissioner recommends that the Minister Responsible for Francophone Affairs develop and implement a directive that supports the new organization designation plan developed by the Office of Francophone Affairs, which includes simplified criteria, an independent mandatory triennial evaluation, transparent accountability mechanisms, and accessible evaluation reports, following designation.

Active offer is an assurance of the quality of the government services provided to the public.

In 2017, more than 30 years after the Act was passed, the availability of French-language services in Ontario still does not meet the Act's goals, even in designated areas. Time is passing and progress is slow. The Commissioner urges the government to act on his special report on active offer and include the concept of active offer in the *French Language Services Act*.



Recommendation 8

The Commissioner recommends that the Minister Responsible for Francophone Affairs act on his 2016 special report on active offer with the aim of initiating, by the spring of 2018, a process of amending the French Language Services Act to include a provision or provisions relating to the obligation of active offer, including a definition of the concept.

¹ For more details, see [http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/GetFileAttach/025-0005E-1/\\$File/0005E.pdf](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/GetFileAttach/025-0005E-1/$File/0005E.pdf) (page consulted in April 2017).

Late 2016 saw in-depth discussions concerning the Ontarian Francophonie. The conference on the 30th anniversary of the Act (Colloque sur les 30 ans de la Loi sur les services en français) dealt with the objective of the last annual report of the Commissioner's Office, *FLSA 2.0*, regarding revision of the Act.² The forward-looking discussions provided food for thought on the scope and potential of a revised Act. The Commissioner took note of the commitment made by the Minister Responsible for Francophone Affairs, the Honourable Marie-France Lalonde, to undertake a comprehensive revision of the Act, and he urges her to honour her commitment so that Ontario will remain a leader in French-language services.



Recommendation 10

After 10 years of real results and real impact for the Francophone community, the Commissioner recommends that the Minister Responsible for Francophone Affairs take this opportunity to kick-start the legislative review process without delay and, as stated in his last annual report, hold a public consultation with special emphasis on the Francophone population, which would serve as a starting point for revising the French Language Services Act.

² For more details, see <https://commonlaw.uottawa.ca/fr/events/l30> (in French only) (page consulted in March 2017).

JUSTICE

The Seamless Access to Justice in French Pilot Project was officially launched in 2015 at the Ottawa courthouse. The pilot project ended in November 2016, and an evaluation is now under way. A report will follow. Making this evaluation public will then be a priority, so that the pilot project can be exported to other regions of Ontario.



Recommendation 4

The Commissioner recommends that the Attorney General of Ontario:

- (a) make the evaluation of the Seamless Access to Justice in French Pilot Project in Ottawa public without delay, carry out the necessary follow-up to make the initiatives at the Ottawa Courthouse permanent, and apply this model promptly in other parts of Ontario to improve access to justice in French;*
- (b) instruct the Advisory Committee on Access to Justice in French to develop an implementation schedule to carry out all follow-ups to the Pilot Project.*

OTHER SECTORS

In November 2016, the Office of Francophone Affairs created a new awareness and education tool: the Francophone Lens. This tool helps ministries integrate French-language services at the early stages of the policy and program planning process. This new application includes a user guide, a tool kit providing many resources developed over the years, and an interactive online course. It is paramount that the Francophone Lens be made an exemplary training course for employees who develop policies, programs, and legislative frameworks so that the government can fulfill its legislative and regulatory obligations.



Recommendation 9

The Commissioner recommends that the Secretary of the Cabinet, Head of the Ontario Public Service, ensure that the Francophone Lens, developed by the Office of Francophone Affairs, be promoted and implemented as an exemplary training tool for public service employees, including those working in service planning and delivery, policy and program development, as well as communications. It is also recommended that the Office of Francophone Affairs report annually on progress made in the number of civil servants completing the training.

The Commissioner has repeatedly commented on the lack of a concrete action plan for Francophone immigrants in Ontario. Immigration and economic contribution opportunities for potential immigrants from Africa are on the rise. The entire province of Ontario, including French Ontario, can benefit from this. Although the government established the Group of Experts on Francophone Immigration in 2015, and the Group made key new recommendations in 2016, it has had little impact to date. The situation is especially urgent given the 5% target for Francophone immigration, which is far from having been achieved.



Recommendation 5

The Commissioner recommends that the Minister of Citizenship and Immigration:

- (a) establish, early in the 2017-2018 fiscal year, an advisory committee on Francophone immigration that would report directly to the Deputy Minister, with a mandate to facilitate the implementation of the Group of Experts' recommendations, and whose members would be:
 - a. the Deputy Minister for Francophone Affairs, as co-chair;*
 - b. senior officials from other ministries such as Education, Municipal Affairs, Advanced Education and Skills Development, and International Trade;*
 - c. representatives from Immigration, Refugees and Citizenship Canada;*
 - d. community experts and stakeholders from the Francophone immigration sector.**
- (b) develop comprehensive strategies, with specific objectives and timelines, for each of the following: promotion, selection, settlement, integration, training, and retention;*
- (c) establish an interministerial and intergovernmental strategy with Immigration, Refugees and Citizenship Canada to consistently implement the recommendations of the Group of Experts;*
- (d) publish an annual report on the progress and results achieved against the objectives.*

Bill 89³, the Supporting Children, Youth and Families Act, 2017, is a golden opportunity for the government to show leadership and remedy the problems with French-language early childhood services that the Commissioner has criticized for years. Section 15 of Bill 89, as presented, states the following: “Service providers shall, **where appropriate**, make services to children and young persons and their families available in the French language.” In the Commissioner’s view, all CASs should be required to actively offer French-language services to children, adolescents, and families, not solely where it is appropriate.



Recommendation 6

The Commissioner recommends that the Minister of Children and Youth Services propose legislative amendments to guarantee the rights of children, adolescents, and their families to receive French-language services from all Children’s Aid Societies.

³ If passed, it will become the Supporting Children, Youth and Families Act, 2017. For more details, see http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=4479&detailPage=bills_detail_the_bill (page consulted in March 2017).

3. Complaint Statistics

In the 2016-2017 fiscal year, the Commissioner's Office received 301 complaints. There are a large number of individual complaints on a wide array of issues and genuine concerns ranging from the lack of French-language services at a service counter, to English-only correspondence, to services in French that are not of equivalent quality as services provided in English.

CATEGORY	TOTAL
Low Impact	3
Inadmissible	85
Admissible	213
TOTAL	301

INADMISSIBLE COMPLAINTS	TOTAL
Province*	37
Private	19
Municipal	13
Federal	9
Frivolous/vexatious/in bad faith	7
TOTAL	85

* Complaints about services in non-designated areas.

GEOGRAPHIC DISTRIBUTION OF 2016-2017 COMPLAINTS	%
Eastern Ontario	48.5%
Central Ontario	31.6%
Northeastern Ontario	8%
Out-of-Designated-Areas	7.6%
Southwestern Ontario	3%
Northwestern Ontario	1.3%

ADMISSIBLE COMPLAINTS BY INSTITUTION	TOTAL
Legislative Assembly*	4
Ministry of Advanced Education and Skills Development	18
Ministry of the Attorney General	23
Ministry of Children and Youth Services	6
Ministry of Citizenship and Immigration	1
Ministry of Community and Social Services	1
Ministry of Community Safety and Correctional Services	2
Ministry of Education	13
Ministry of Energy	6
Ministry of the Environment and Climate Change	1
Ministry of Finance	6
Ministry of Government and Consumer Services	14
Ministry of Health and Long-Term Care	27
Ministry of Infrastructure	1
Ministry of Labour	2
Ministry of Natural Resources and Forestry	2
Ministry of Tourism, Culture and Sport	4
Ministry of Transportation	12
Municipalities**	4
Other institutions***	65
Treasury Board Secretariat	1
TOTAL	213

* Complaints relating to entities that report directly to this institution.

** Complaints that are within the provincial government's purview. They relate to agencies created or mandated by ministries to provide programs and services that, in cases of devolution, were previously delivered by the province.

*** Complaints deemed admissible because they relate to a municipality that has a French-language services by-law.

Commissariat aux
services en français
de l'Ontario



Office of the
French Language Services
Commissioner of Ontario