



Ontario

Office of the French Language
Services Commissioner

AN INVESTIGATION REPORT REGARDING AN
ENGLISH-ONLY H1N1 FLYER:
From communication crash to communication coup

May 2011

La voix d'accès. Your Voice Matters.



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© Queen’s Printer for Ontario, 2011
ISBN 978-1-4435-6622-3 (print)
ISBN 978-1-4435-6623-0 (HTML)
ISBN 978-1-4435-6624-7 (PDF)

May 2011

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SUMMARY

This report is about the distribution of an English-only leaflet published by the Ministry of Health and Long-Term Care as part of its Influenza A (H1N1) information and prevention campaign.

In September 2009, the Commissioner decided to launch an investigation, not to determine whether there had been a violation of the *French Language Services Act*—clearly this was the case — but rather to find out why and how such a blunder could have occurred.

The investigation revealed (i) poor integration of French-language services strategic and operational planning processes if ministries (ii) the inadequacy of the Communications in French Guidelines, as they existed when the investigation began (iii) the limited role and influence that the Office of Francophone Affairs in ministry operations, and (iv) a profound misunderstanding by public servants and ministerial staff of the *French Language Services Act* and Ontario's Francophone community.

In response to a recommendation by the Commissioner, Management Board of Cabinet and Treasury Board issued a new mandatory Communications in French Directive that applies to all ministries and classified agencies. The Commissioner is very pleased with the adoption of this directive, though it could be improved.

Following the adoption of the directive, the Commissioner continued his investigation to monitor its actual implementation. This process has led to four recommendations:

Recommendation 1

Whereas the Guidelines must also be considered as mandatory as the Communications in French Directive, it is imperative that the wording of the said Directive be clear to that effect:

The Commissioner recommends that the Communications in French Directive be amended in English by replacing the word "should" with "must" or "have to" in the first sentence of the first paragraph of the section entitled "Guidelines."

Recommendation 2

The Commissioner recommends that for all initial communications using social media channels, including those from an occupant of a public post, when these communications are governmental in nature, these communication must, without fail, be carried out in both languages simultaneously.

Recommendation 3

The Commissioner recommends that the Office of Francophone Affairs, in support of the Marketing and Communications Branch of Cabinet Office, be tasked with offering an ongoing training session on the Communications in French Directive for all communications teams in all ministries and classified agencies.

Recommendation 4

The Commissioner recommends that the Office of Francophone Affairs, in support of the Policy and Delivery Division of Cabinet Office, be tasked with offering an ongoing training session on the Communications in French Directive for all policy, program and service development teams in all ministries and classified agencies.

Chapter 1: INTRODUCTION

The *French Language Services Act* is the legislative culmination of a long series of language battles for Franco-Ontarians. It is the written acknowledgement of the official status of French enshrined in the Constitution, of the Francophone population's cultural heritage and of the need not only to recognize and safeguard that heritage but also to take a proactive approach to its long-term development.

This means that true enhancement of the vitality of Francophone communities depends on observance and promotion of the principles of the *French Language Services Act*, such as the obligation that the Ontario government and its agencies have to provide French-language services and each person's right to use French in communicating with the government. Classified agencies play a key role in enhancing vitality by incorporating French-language services into their operations.

In the context of health care, it bears repeating that the *French Language Services Act* (hereafter the "Act") should be interpreted liberally and broadly to include the role of health care institutions as agents that promote, protect and enhance the province's Francophone communities.

On September 17, 2009, the French Language Services Commissioner of Ontario launched an investigation into what he considered a direct violation of the Act: the province-wide distribution of an English-only flyer on the flu season dealing specifically with the prevention of H1N1.

For the Commissioner, it was inconceivable that a flyer sent to every household in Ontario would not be bilingual. By doing so, the provincial government, in particular the Ministry of Health and Long-Term Care (hereafter the "Ministry"), had missed an excellent opportunity to demonstrate that it was committed to offering high-quality French-language services to its French-speaking citizens.

In theory, the flyer was available in French upon request, but in reality, it was very difficult for Francophones to obtain a copy. As a result, the Commissioner made the following statements in a news release: "Clearly this flyer should have been bilingual. Was it decided, at some point, that Francophones in Ontario didn't need to be informed about the flu because they were somehow immune to it?"

"There is a bilingual website on the H1N1 flu, but there are still discrepancies between the English version and the French version. I plan to investigate on the whole matter [...]. Given the importance of this situation, this is an embarrassing state of affairs," he added.

The government reacted quickly. First, the Premier himself said that it was an embarrassing situation for him personally as an MPP and for his government. Subsequently, a new pamphlet, bilingual this time, was distributed to every household in the province.

In the meantime, the Commissioner's investigation continued. His team read, digested and analyzed thousands of pages of documents. The Commissioner took part in a few high-level meetings with a very specific purpose: to institute a mandatory directive on French-language communications with the public.

In May 2010, the government issued a clear directive on communications in French that was mandatory for all ministries and classified agencies.

Rather than declare victory and publish his report, the Commissioner decided to take the time to study the actual implementation of the new directive and determine for himself whether it had been properly assimilated by the communications teams of the government and its agencies. This report presents the findings of his investigation.

1.1 Ontario's health system

Architect of the province's overall health strategy, the Ontario government is responsible for the health system and for developing its underlying policies and programs. Health is a priority for every citizen of the province, Franco-Ontarians or otherwise. The complaints that the Commissioner receives about the health system are generally about specific failures by health service providers to provide French-language services or about systemic problems. The health system can seem complex and intimidating for members of the public who just want quality services for themselves and their loved ones. In this context, obtaining acknowledgement of one's right to receive service in French is not easy — i.e. when in a vulnerable position, it is rather unlikely that a citizen will demand that their linguistic rights be respected.¹

In view of the importance of this issue, the Commissioner decided a few years ago to publish a special report on the planning of French-language health services in Ontario.² This report, tabled in March 2009, dealt specifically with the obligations and responsibilities of the key players in the health system with regard to French-language services and emphasized the serious impacts of these measures. The health system is not exempt from the many challenges presented

¹ Office of the French Language Services Commissioner, *Paving the Way*, 2007-2008 Annual Report, Toronto, 2008, p.20. Available online at: http://www.flsc.gov.on.ca/files/4606_Eng_03LR.pdf (page consulted in April 2011).

² Office of the French Language Services Commissioner, *Special Report on French Language Health Services Planning in Ontario*, Toronto, 2009. Available online: http://www.flsc.gov.on.ca/files/Special_Report.pdf (page consulted in April 2011).

by linguistic and cultural barriers, which have a negative impact on the quality, effectiveness and efficiency of health services.

1.2 Ontario's response to a new threat

In 2009, a novel form of the influenza virus emerged which led the World Health Organization to declare the first global influenza pandemic since 1968. The potential for a large number of deaths made it clear that governments needed to take action and coordinate their efforts to raise public awareness.

The Ontario government has worked closely with the Ontario Agency for Health Protection and Promotion, the Public Health Agency of Canada, and Canada's other provinces and territories to monitor cases of H1N1 flu.

In its efforts to deal with the situation, the Ministry of Health and Long-Term Care launched an information and prevention campaign. As part of that campaign, it published a brochure on the H1N1 flu for all Ontario residents. Despite the province-wide nature of the campaign, households received only the English version of the brochure, though it included a statement to the effect that a French version was available on request. In reality, obtaining a French version was a major undertaking. Francophone Ontarians had to call a series of government offices, some of which provided service in English only, before finally getting the information they needed.

It wasn't long before the public began expressing its dissatisfaction: on September 15, 2009, just one day after the brochure was distributed, the Office of the French Language Services Commissioner received its first complaint. Deeply concerned about the situation, the Commissioner immediately notified the Ministry that he would conduct a formal investigation, not to determine whether there had been a violation of the *French Language Services Act* — that was obvious — but to determine how such a fiasco could have occurred.

Alerted by the news release issued by the Commissioner on September 17, 2009, the media ran with the story, thoroughly embarrassing the government. The Premier even issued a public apology, describing the situation as embarrassing for him and his government and stressing that the distribution of an English-only flyer was a mistake that should never have occurred. He added that important lessons would be learned from the error so that such incidents would not happen again.³

On November 23, 2009, in a letter to the Deputy Minister of Health and Long-Term Care, the Deputy Minister of Francophone Affairs and the Deputy Minister of Communications, the Commissioner formally notified the Ministry of Health and Long-Term Care, the Office of Francophone Affairs and Cabinet Office that he was conducting an investigation into a violation of the *French Language*

³ Dominique La Haye, "Des excuses du premier ministre Dalton McGuinty," *Le Droit*, September 18, 2009.

Services Act. He demanded all documents relating to the planning of the H1N1 prevention campaign. The three deputy ministers responded to the Commissioner's notice on January 29, 2010, reiterating the Premier's apology for distributing an English-only brochure. Their response reflected the government's determination to rectify the situations that led to this episode and its willingness to work with the Commissioner's Office to improve the integration of French-language services in ministry operations.

Chapter 2: THE INVESTIGATION

2.1 Investigation by the French Language Services Commissioner

The investigation was conducted within the broader context of ensuring compliance with the *French Language Services Act*. It was not intended to pass judgement on the H1N1 flu campaign *per se*. Rather, it looked at the Ministry of Health and Long-Term Care's approach as an example of communications planning that did not adequately integrate French-language services and served as a basis for recommendations applicable to all ministries and classified agencies.

2.1.1 Methodology

In accordance with the powers specified in section 12.4 of the *French Language Services Act* and the powers of a commission that he has under Part II of the *Public Inquiries Act*, the Commissioner asked the Ministry of Health and Long-Term Care, the Marketing and Communications Branch of Cabinet and the Office of Francophone Affairs to provide, within 60 days, all documents (plans, files, memorandums, emails, etc.) concerning the H1N1 flu campaign and the planning of a communications strategy for Ontario residents, for the purposes of the investigation.

A total of six binders containing about 750 pages each were delivered to the Commissioner's Office. They consisted mostly of communications planning documents regarding Ontario's H1N1 campaign, produced between July 1 and November 24, 2009. The Commissioner's Office and the government had agreed on those dates since that was the period during which all of the government's preparations for the H1N1 flu were made.

Throughout the investigation, the Commissioner had several high-level meetings with government officials. The latter cooperated fully with the Commissioner in his investigation.

2.1.2 Observations

After receiving well over a hundred complaints related to the lack of consideration given to Francophones in communications activities, after addressing these issues (see below) in each of his annual reports, after having personally witnessed numerous oversights over the years, and after studying and analyzing thousands of pages of documentation, the Commissioner was able to make a few observations:

- (1) French-language services are not properly integrated into the ministries' and classified agencies' communications planning processes.⁴
- (2) The non-mandatory Communications in French Guidelines⁵ are insufficient to ensure the integration of French in ministry operations.
- (3) The role and influence of the Office of Francophone Affairs are limited within the machinery of government. Similarly, the French Language Services Office of the Ministry of Health and Long-Term Care plays a minor role in planning French-language communications.
- (4) The public service in general and policy staff in ministers' offices in particular are profoundly ignorant of the *French Language Services Act* and its purpose, including knowledge of the Francophone community in Ontario, its history, its contribution and its future.

After analyzing the communications documents provided by the Ministry of Health and Long-Term Care, the Commissioner noted that French-language services were well down on the list of the Ministry's strategic and operational concerns. This conclusion is based on many pieces of information extracted from the documents, all of which point to the fact that much too frequently, the Ministry considers French-language services as simply a matter of "administrative convenience and vague funding concerns," to echo the description used in the *Lalonde* case.⁶

2.2 Chronology of events

To gain a clearer understanding of the sequence of events that ended with the province-wide distribution of an English-only brochure, a brief review of the events and the Ontario government's decision-making process was needed. To that end, as mentioned earlier, the Commissioner used the evidence gathered in the investigation. Since the documents covered a specific, limited period of time — July 1 to November 24, 2009 — some information is probably missing, such as correspondence exchanged before or after the period concerned.

⁴ In 2009-2010, 139 of the 294 complaints that were investigated pertained to a problem with communications; this number represents 47% of complaints. For more information see the 2009-2010 Annual Report from the Office of the French Language Services Commissioner. Available online: <http://www.flsc.gov.on.ca/files/files/FLSC-AnnualReport2010-Web-21mai.pdf> (page consulted in April 2011).

⁵ As they existed before Management Board of Cabinet and Treasury Board issued the mandatory Communications in French Directive.

⁶ *Lalonde v. Ontario (Commission de restructuration des services de santé)* (2001) 56 O.R. (3d) 577, para 168.

2.2.1 July

The situation in July

Focus of activity

Preparations for developing the strategic documents to be used to inform Ontario residents about the forthcoming flu season.

Justifications/obstacles to the production of a bilingual brochure

- The urgency of the situation
- The lack of lists of Francophone households
- The possibility of upsetting Anglophone households
- Budget restrictions

Within the scope of the H1N1 campaign, which consisted primarily in preparing materials to be used to inform Ontario residents about the forthcoming flu season and what measures to take, the month of July was mostly spent developing the strategic documents to be used in planning the necessary events and publications. Spread over several months, the 2009-2010 marketing and communications plans consisted of various materials and media activities, such as brochures, TV and radio advertisements, and newspaper articles. The Ministry's Communications Branch identified three main phases between June 2009 and January 2010 as the principal components of the public awareness campaign. In *Phase 1 - Prime* (August and September), the public would be informed of the main characteristics of the forthcoming flu season; in *Phase 2 - Remind* (October), the public would be reminded of the importance of getting an H1N1 flu shot; and in *Phase 3 - Inform/Motivate* (November to January), best practices for dealing with the particular challenges of H1N1 would be reinforced.

According to documents describing the Ministry's preferred marketing approaches, the H1N1 flu situation was not yet an emergency. H1N1 was a novel flu virus that did not represent a threat comparable to the pandemic of 1918. However, even though the Public Health Agency of Canada and the Ontario government described H1N1 as "mild", the government decided to take precautionary action to avoid a possible crisis. Moreover, by targeting the province's entire population and mobilizing health services providers, the government would make sure that its awareness campaign had a wide impact.

"We are always going to be in a position of the French [version] lagging on urgent issues like this in the interest of getting info out to the majority."

— Ministry of Health and Long-Term Care,
Communications Branch

“The risk of upsetting individuals would be rather high if we sent French material accidentally to English households.”

— Communication consultants hired by the Ministry of Health and Long-Term Care

Analysis of Ministry correspondence submitted to the Commissioner for his investigation shows that the Ministry frequently referred to the urgency of the situation and the need for an immediate response by the government. The need to reach as many people as possible as quickly as possible was often used as an excuse for the initial inaction regarding the publication of a French-language version of the brochure and for delays in its distribution to Ontario’s Francophone residents.

Toward the end of July, after raising the Francophone question in relation to the brochure and after checking with the Office of Francophone Affairs regarding previous procedures, the Premier’s Office decided to leave the matter up to the Ministry. The latter felt that the best way of reaching Francophone communities would be to design separate brochures, in part because of difficulties in developing similar bilingual documents in the past. In particular, the Ministry argued that with regard to lists of Francophone households, Canada Post and the OFA did not have precise enough data, which could lead to distribution errors. Concerned about upsetting Anglophone households that inadvertently received a French-language brochure, and about the unreliability of the lists, the Ministry concluded that the best solution was to add a sentence on the back page of the English brochure indicating that a French version was “available upon request.”

“We’ve spoken with Canada Post and their data is very unreliable. They can give us a general idea of French areas in Ontario, but not specific households.”

— Communication consultants hired by the Ministry of Health and Long-Term Care

The Ministry decided that it would be easier to ask Canada Post or the OFA for a list of postal codes for the areas with the largest Francophone population, ignoring the regions designated under the Act, which represent the official geographic distribution of Francophones in Ontario!

In late July, following development of the strategic marketing and communications plans, the Communications Branch met with the Minister's

"The Best way to manage French households would be to make it available on request."

— Integrated Marketing Services, Ministry of Health and Long-Term Care

Office to present the campaign and obtain approval for the next steps. The Minister made it clear that financial resources were not to be cited as an obstacle to meeting the campaign's

objectives, and he stressed the necessity of reaching the entire population of Ontario, with

"We did not recommend a bilingual householder as this would send up costs, e.g. of paper and printing and mail prep (folding/sorting)."

— Communications Branch, Ministry of Health and Long-Term Care

particular attention to larger groups. Even though Cabinet Office stated clearly that financial resources should not stand in the way of the H1N1 project, analysis of the documents shows that the Communications Branch justified some of its choices made during the process on budget restrictions. For example, paper, printing and mailing preparation costs were deemed too high for the Ministry to consider a bilingual brochure. Consequently, when the brochure was being developed, the idea of designing separate unilingual brochures with a mention that it was

available in the other language was deemed satisfactory by the Minister's Office and hence was accepted.

"A bilingual brochure was not produced as it would have taken an additional three weeks to order sufficient paper. The ministry felt it was important to get this information out as soon as possible."

— Communications Branch, Ministry of Health and Long-Term Care

2.2.2 August

The situation in August

Focus of activity

Implementation of the strategic plans and development of the information documents

Justifications/obstacles to the production of a bilingual brochure

- Tight deadlines
- The pace of Ministry activities

The month of August was devoted primarily to implementing the plans and developing promotional materials. In the first two weeks, activity centred on approval of the various advertisements by the Office of the Auditor General of Ontario, so that the deadline — the beginning of the new school year — could be met.

“Also, for your information, we did not produce a bilingual publication because of cost and timing (don’t think we’d have hit our deadline of back to school).”

— Communications Branch, Ministry of Health and Long-Term Care

In fact, the timeline was a major problem and often served as an excuse to rush through some of the steps in the Ministry’s project implementation process. Efficiency and cost-effectiveness are watchwords that appear in the mission and mandate statement of every ministry and classified agency. Accordingly, time is of the essence in government operations and how they are conducted.

Deadlines are extremely tight, and it is clear to the Commissioner that the blindingly rapid succession of communications and meetings in the Ministry may be the reason for the oversights in the area of French-language services. Obviously, these potential explanations are not acceptable excuses for a serious breach of the Act.

The strategic communications plans emphasize the special nature of the new flu virus and the importance of reaching all the groups that make up Ontario’s population. Yet in the documents that discuss the three phases mentioned earlier and how to reach the target audiences, the Ministry mostly refers to Aboriginal and ethnic groups. It skims over the specific points that need to be considered in the case of Francophone communities. French is mentioned only in connection with markets targeted by TV and radio advertising. According to the strategic plans that were reviewed, those markets consist primarily of the Francophone parts of Ottawa and Toronto. Furthermore, with regard to radio in particular, French is not mentioned at all in some versions of the documents.

2.2.3 *September*

The situation in September

Focus of activity

Implementation of the strategic plans, development of promotional materials and publication/distribution of those materials

Justifications/obstacles to the production of a bilingual brochure

- The lack of lists of Francophone households
- Delays resulting from a change in direction

In early September, the Ministry’s decision to produce English-only brochures with a statement that they were available in French and to distribute only the English version to households came to the attention of the Office of Francophone Affairs. Rumours had begun to fly, mostly originating in the office of the Minister of Health and Long-Term Care, which finally realized what kind of a commotion the poor judgement in distributing the brochures to Francophones was going to cause.

“Because of this change of plan the Fr household drop will follow the En version by a week or two.”

— Communications Branch, Ministry of Health and Long-Term Care

Nevertheless, the OFA questioned the Ministry about it, pointing out that the decision was a fundamental breach of the Act. The OFA had informed the Ministry of the importance of using the list of 25 regions designated in the Act, both to obey the law and to reach all recognized Francophone communities in Ontario. The Ministry was having difficulty understanding what was meant by “designated region”, reducing them to

mere lists of Francophone households, and after a number of exchanges with the OFA, it conceded that Francophones would have to be included in the brochure’s distribution, in their own language. However, there was a disconnect due to all the changes caused by this new approach, and the French brochure was to be distributed only in Eastern and North-eastern Ontario, regarded by the Ministry as key Francophone regions. Yet there had been no suggestion in the discussions with the OFA that the Ministry was free to choose only some of 25 designated regions. In any case, despite its stated intention to comply with the Act, the Ministry clearly violated it, as illustrated in the table below. The OFA’s advice was simply ignored.

Table 1

FRENCH-LANGUAGE COMMUNITIES IDENTIFIED BY THE MINISTRY FOR THE DISTRIBUTION OF FRENCH-LANGUAGE FLYER	
<u>Eastern Ontario</u>	<u>Northeastern Ontario</u>
<ul style="list-style-type: none"> ▪ Alfred and Plantagenet ▪ Champlain County ▪ Clarence-Rockland ▪ Cornwall ▪ Hawkesbury ▪ Kingston ▪ Renfrew ▪ North Glengarry ▪ Ottawa ▪ Pembroke 	<ul style="list-style-type: none"> ▪ Cochrane ▪ Elliot Lake ▪ Greater Sudbury ▪ Hearst ▪ Kapuskasing ▪ Kirkland Lake ▪ New Liskeard ▪ North Bay ▪ Sault Ste. Marie ▪ Timmins ▪ West Nippissing

Since the English brochures were mailed out in mid-September, with distribution of the French brochures scheduled for a week later, it did not take long for the first complaint to be filed. As mentioned at the beginning of this report, the Commissioner too did not waste any time notifying the Ministry of his intention to conduct a formal investigation into the cause of the affair.

Within a few days of launching the investigation, the Commissioner met with the Marketing and Communications Branch of Cabinet Office. He noted the government's determination to rectify the situation that led to this blunder and its willingness to work with the OFLSC to improve the integration of French-language services in ministry operations.

This cooperative attitude led to reconsideration of the guidelines that were supposed to provide better structure and direction for communications with Franco-Ontarians. In keeping with the strategy for modernizing the communications of the Ontario government and the Ontario public service⁷ and with its desire to ensure that communications are effective and relevant, the Office of Francophone Affairs had developed a number of procedures to follow in planning communications with Ontario's Francophone population.⁸ Those guidelines were aimed at ensuring that ministries would automatically include specific consideration of the Francophone population in their communications plans and strategies so that government communications would address Francophones' real needs.

The guidelines were not mandatory and served only as guidance for ministries and other classified agencies that wanted to know more about communications in French. The unilingual brochure error confirmed beyond any doubt that non-mandatory guidelines were ineffective.

2.2.4 October/November

The situation in October and November

Focus of activity

Implementation of the strategic plans, development of promotional materials and publication/distribution of those materials

Justifications/obstacles to full integration of French-language services

- Marketing imperatives
- The risk of needless repetition
- Lack of time

⁷ For more information: <http://www.gojobs.gov.on.ca/ModernOPS.asp> (page consulted in April 2011).

⁸ In developing the guidelines, the Office of Francophone Affairs consulted the Provincial Advisory Committee on Francophone Affairs, the Network of French Language Services Coordinators, the Communications Branch of Cabinet Office, public service communications directors and the Office of the French Language Services Commissioner.

Following the distribution of the unilingual brochure, the meetings, the cooperation of the various government bodies involved, and the implementation of the OFA's guidelines, improvements were noted in the way communications were designed. Though superficial, the sporadic interventions regarding the Francophone question helped improve subsequent planning and development of information products intended for Ontario residents. The necessity of taking French into consideration, or simply the Act in many cases, appears earlier in the planning process and more regularly for widely distributed documents. For example, because the Francophone question was taken into account earlier in the implementation of subsequent phases of the H1N1 project, significant delays in the dissemination of messages were avoided.

In fact, after the Commissioner's public intervention, the Ministry produced a second pamphlet – bilingual, this time – in November, according to schedule. Furthermore, the production of bilingual pamphlets appears to make financial sense. Analysis of the Ministry's budgets and financial statements clearly shows that despite the argument that flaws in the development of the first brochure were due to a lack of financial resources, the second brochure actually cost less. These are good reasons for designing bilingual materials or materials in both languages at the same time, from the outset. This approach is prudent, practical and efficient, and it prevents fundamental breaches of language rules, such as the case of the English-only H1N1 flyer.

In short, the efforts are commendable. Nevertheless, it is important to note that there are still obstacles in communications. For instance, even though delays in the publication of promotional materials are shorter, they have not been eliminated. Evidence from e-mails and information documents provided by the ministries involved in this investigation indicates that last-minute translations and discrepancies between the English and French versions are commonplace. All too often, so-called marketing imperatives stand in the way of excellence in service to the public. The review of the Ministry's communications documents – presentations, strategic plans, discussion papers, promotional materials – revealed that the Ministry's marketing experts are quite willing to disregard fundamental considerations for the sake of convenience. For example, concerns about meetings running longer, presentations being too repetitive or lack of space on promotional materials have resulted in many gaps in the provision of information in French. Taken together, the factors mentioned so far have led to many disparities in health services between the majority and the Francophone community.

“Because of the font size of the French text, the 2-litre milk carton can be bilingual, but the 500 ml carton will have to be in English only.”

Communication consultants hired by the Ministry of Health and Long-Term Care

2.3 The Office of Francophone Affairs and the Ministry's FLS Office

Under the *French Language Services Act*, the Office of Francophone Affairs is responsible for supporting ministries in implementing the Act. While the ministries are responsible for providing French-language services in their offices, the OFA, with assistance from the French Language Services Coordinators and the French-language services offices of groups of ministries,⁹ “ensures that the public has access to services in French in the 25 designated areas [and] provides information on the province’s Francophone population to other levels of government and the public.”¹⁰

As illustrated by the events in the H1N1 campaign, the OFA clearly did not play a prominent role in planning the Ministry’s communications materials. On several occasions, the Ministry mentioned the importance of considering various key government stakeholders and bringing them into the planning process in order to disseminate targeted, tailored, effective information about the H1N1 flu. It is surprising, to say the least, that the OFA, in its role of supporting ministries and classified agencies regarding awareness of the Francophone community and development of adequate French-language services, was not one of those key stakeholders. It was not until the Commissioner spoke out that the OFA’s input regarding the guidelines was sought and incorporated into Ministry operations.

After learning of the Ministry’s intention to distribute a unilingual brochure very late in the planning process, the OFA advised the Ministry that it would be a clear violation of the Act and would result in a backlash from the Francophone community. While the Ministry was careful to respond to the OFA’s intervention, it ignored the advice, and the OFA was simply unable to dissuade the Ministry from distributing a unilingual brochure.

It should be emphasized as well that the Minister’s policy staff also insisted on proceeding with the project, knowing full well that it contravened the FLSA.

“As I mentioned to you today we have been unsuccessful in finding anyone who has a comprehensive enough French households list.”
— Communications Branch, Ministry of Health and Long-Term Care

The OFA also pointed out the importance of the Francophone reality and the need to take it into account at every stage of the Ministry’s planning process, and it attempted – unsuccessfully – to convey the true spirit of French-language services, including the fact that the inclusion of Francophones was not just a matter of trying to apply the letter of the Act but also of

⁹ Office of the French Language Services Commissioner, *One Voice, Many Changes*, 2008-2009 Annual Report, Toronto, 2009, p. 17. Available online: http://www.flsc.gov.on.ca/files/EN_flsc_annual_report_08_09.pdf (page consulted in April 2011).

¹⁰ Available online: <http://www.ofa.gov.on.ca/en/ofa.html> (page consulted in April 2011).

developing innovative ways of reaching Franco-Ontarians effectively instead of always resorting to translation. The Ministry, however, interpreted this extremely fair-minded approach quite differently, seeing it as permission to disregard the Act's requirements and to resort exclusively to alternative ways of reaching Francophones, such as publishing advertisements only in French-language newspapers.

For its part, the French Language Health Services Office has been noticeably absent in this story. Indeed, it was involved only after the crisis erupted. This episode shows that the role of the Ministry's French Services Office is misunderstood, a problem that the Commissioner raised in his first annual report with respect to all French Language Services Coordinators.¹¹

¹¹ In his Annual Report 2007-2008, the Commissioner recommended "that the Minister revise the role of the French Language Services Coordinators to ensure that, right from the strategic planning stage, they are able to directly influence the directions and design of the policies, programs, services, and products of each government agency contemplated in the *French Language Services Act*." *supra* note 1 p. 17.

Chapter 3: A NEW DIRECTIVE¹²

On May 13, 2010, Management Board of Cabinet and Treasury Board issued a directive on communications in French that is mandatory for all ministries and classified agencies. The directive includes a set of clear guidelines and constitutes a real step forward in communications in French by the Ontario government.

As mentioned previously, the Communications in French Guidelines prepared by the Office of Francophone Affairs were an important aid in the general approach taken by ministries and the government to communications with Francophones. However, they remained a superficial concern in ministries and classified agencies – a suggestion rather than an obligation. Moreover, since the guidelines were not mandatory, the ministries could subordinate them to economic or marketing concerns.

As the Ontario public service strives “to be a world leader in public service,”¹³ aiming for quality and cost-effectiveness, it was crucial to ensure the availability and delivery of service in French. **Consequently, during the investigation, the Commissioner recommended that Management Board and Treasury Board issue a directive that would require all ministries and classified agencies to follow the guidelines, policies and procedures on communications in French.** The recommendation was implemented. We will now examine the directive’s contents and scope and whether it is actually being put into practice.

3.1 What the mandatory directive contains

First, it is important to acknowledge how quickly the government cooperated in issuing the new directive. Only a few months after the unilingual brochure affair, it is now accepted that all ministries and classified agencies must follow a clear operating procedure for communications, including communications in French. That was made possible by the existence of guidelines prepared by the Office of Francophone Affairs. Nevertheless, it must be said that the response by senior government executives was extremely efficient. The Commissioner wishes to emphasize the importance of this vigorous leadership, shown first by Cabinet but also by the deputy ministers involved, who put the directive in place in record time. It shows that major changes are possible when there is a genuine will to act. The Premier made a public apology. The public service took note and acted swiftly and effectively to present the right solution to Cabinet.

¹² The Communications in French Directive is reproduced in Appendix A.

¹³ Available online: <http://www.gojobs.gov.on.ca/WhoWeAre.asp> (page consulted in April 2011).

3.2 Principles

Ministries and classified agencies consider and incorporate the specific needs of the Francophone community during the communications planning process to effectively reach out to Francophones in the implementation process.

The Commissioner is very pleased with the principles that must now be followed in developing any plan for communications with the public. The directive not only sets out very specific obligations regarding communications in French *per se* but also emphasizes the importance of understanding the Francophone target audience and its special needs, right from the planning stage. The aim is obviously to avoid disasters such as the unilingual H1N1 brochure.

“With regard to the general public, there is one point to bear in mind: a campaign that is aimed at the public in general is doomed to fail, because you can’t speak to everyone in the same way.” [TRANSLATION]

— Bernard Dagenais

Since taking his post, the Commissioner has pointed out over and over again that, for a program or service to be effective, the needs of the clients, including Franco-Ontarians clients, must be considered in advance.¹⁴ After a plan has been devised and the ministry or classified agency is at the implementation stage, it is usually too late. With the adoption of the new mandatory directive, the Commissioner feels that his message has finally gotten through.

Taking account of the Francophone community’s specific needs means consulting that community, since its needs and characteristics must be defined in advance.

For the Commissioner, the words used in the directive were not chosen at random. The principles mention the “Francophone community,” which implies an exercise that goes beyond mere translation. The concept of community is very important here. It suggests that one needs to develop tools that will enable the Francophone community, not just individuals, to develop and enhance its vitality, in keeping with the legislative will set out in the preamble of the *French Language Services Act*.

The idea of community thus implies communications activities in support of its development. That presupposes knowledge of the community’s needs.

Such consultations are one of the roles of the French Language Services Coordinators in the ministries, including the French Language Services Office of the Ministry of Health and Long-Term Care, who can and must play an

¹⁴ Bernard Dagenais, *Le plan de communication : L’art de séduire ou de convaincre les autres*, Sainte-Foy, Les Presses de l’Université Laval, 1998, p. 225.

important part, supported by the OFA, in introducing a mechanism for consulting the Francophone community.

The Directive applies to ministries and classified agencies. The Directive also outlines the responsibilities for ensuring it is followed.

3.3 Application and scope

This directive applies to all Ontario ministries and classified agencies with respect to their communication plans and strategies for external customers of the Ontario Public Service.

Two important factors need to be considered in analyzing the application and scope of the Communications in French Directive. First, the directive is not limited to ministries; it applies to all classified agencies. That clarification is not trivial, and its impact is real and concrete. A classified agency can no longer hide behind its ministry in an effort to shirk its responsibility.

Second, all communications plans must take the Francophone community's characteristics into account. A communications plan is typically built around the following questions:

- What: What is the purpose or aim of the program or service?
- Why: What government mandate or priority is being pursued?
- To whom: What are the target audiences?
- How: What is the environmental analysis? What communications vehicles will be used? What will the media placement be?
- How much: What are the costs, including those associated with a distinct target audience, such as the Francophone community?

In other words, it is no longer acceptable to hastily translate documents into French at the very end of the process, because one has an obligation to do so. Ministries and classified agencies are now required to stop and remember that there is a Francophone population that must be reached and that the way in which it will be targeted may change the game considerably.

3.4 Requirements

One of the directive's requirements is to look for ways to improve communications with the province's Franco-Ontarians. That is consistent with the principles described above.

The directive is also intended to clearly remind ministries and classified agencies of the requirement to comply with the *French Language Services Act* and the requirement to **provide the Francophone community with an active offer of service in French**. The Commissioner cannot emphasize strongly enough the fundamental nature of the concept of active offer for all services provided to the Francophone community.¹⁵ Hence, seeing that principle enshrined in the Communications in French Directive is particularly satisfying. The only thing left to do is to define the concept clearly, so that everyone understands it in the same way and, above all, correctly.

Lastly, the Communications in French Directive requires that the specific needs of the Francophone community be taken into account in the preparation of communications plans and implementation strategies in order to effectively reach the Francophone target audience. Once again, the Commissioner agrees that such an obligation is needed, and he is particularly happy to see it in the directive.

3.5 Responsibilities

The directive also assigns specific responsibilities to a number of government actors, including Management Board, the communications directors of the ministries, the deputy minister responsible for the Marketing and Communications Branch of Cabinet Office and her team, the Office of Francophone Affairs, deputy ministers and executives of classified agencies, and the Ministry of Government Services.

Accountability is unquestionably critical to the success of this exercise. For the Commissioner, it is one of the most important and innovative aspects of the directive.

It is now clear that all deputy ministers and executives of classified agencies have a duty to ensure that the directive is implemented and that their team is not only aware of it but also in compliance with it.

¹⁵ *Supra* note 4.

3.6 Guidelines¹⁶ now supported

3.6.1 The distinction between a “directive” and a “guideline”

In the Ontario government, a directive usually comes from a central body such as Management Board of Cabinet or Treasury Board. Unless otherwise specified, such directives are mandatory for all ministries and classified agencies.

A guideline is first and foremost a suggestion. It is not binding. It is simply a “useful resource.”

The new Communications in French Directive includes the Guidelines previously prepared by the Office of Francophone Affairs. The Guidelines are both specific and flexible so that they can be readily adjusted for new circumstances, such as emerging technologies. For example, the guidelines provide procedures for communications on Twitter, Facebook or blogs (section 3.6.4).

The Commissioner is confident that the intention of Management Board of Cabinet and Treasury Board in issuing the mandatory Directive was also to make the associated guidelines mandatory. The only problem is that the wording may lead to other interpretations. This needs to be clarified once and for all. The verb ‘should’ must be changed to ‘must’ to make it clear that the Guidelines are now just as mandatory as the Directive.¹⁷

Recommendation 1

Whereas the Guidelines must also be considered as mandatory as the Communications in French Directive, it is imperative that the wording of the said Directive be clear to that effect:

The Commissioner recommends that the Communications in French Directive be amended in English by replacing the word “should” with “must” or “have to” in the first sentence of the first paragraph of the section entitled “Guidelines.”

Concerning the concept of active offer, the guidelines provide a partial explanation. They say that the Ontario public service can claim to be effective in its service delivery only when Francophone members of the public are informed of the available French-language services, when they have access to those services and when they are satisfied with the quality of those services. The Commissioner’s view is that the guidelines could have been made more specific by indicating why that is so necessary and important. **A more detailed explanation of the concept of active offer is needed. The Commissioner**

¹⁶ The Communications in French Guidelines are reproduced in Appendix B.

¹⁷ The directive, issued on May 13, 2010, states that “To help achieve compliance with the mandatory requirements, ministries and classified agencies should refer to the guideline document.”

therefore believes that Recommendation 1 of his Annual Report 2009-2010¹⁸ still stands.

The guidelines also provide a lively, honest and authentic portrait of Ontario's Francophone population. They remind ministries and classified agencies of their duty to engage Francophones, particularly through new information sources, and to be innovative in their approaches.

3.6.2 Key definitions and written documentation

The guidelines contain key definitions, especially regarding the layout of publications (bilingual, tumble format, etc.). They contain a complete section on requirements related to the distribution of printed materials, one of which clearly states that **general documents for distribution to all households in the province must be bilingual.**

The time is past for convenient excuses such as those uncovered in the investigation – and reproduced in Chapter 1 – which were used to justify the flaws in the strategy for distributing the unilingual H1N1 brochure. The Commissioner, and especially Francophone residents, will no longer hear absurd statements such as “Canada Post and the Office of Francophone Affairs failed to provide us with a complete list of Francophone households.” With Ontario's inclusive definition of Francophones, which encompasses a large number of exogamous couples, it is much simpler and less expensive to plan for bilingual distribution across Ontario from the outset than to do research to determine whether a particular postal code is in one of the 25 designated bilingual regions.

In addition, the guidelines contain procedures for electronic materials, such as documents posted on the Internet, speeches, correspondence, new media, videos and podcasting.

3.6.3 Websites

First, it is worth noting the clarity of the guidelines concerning websites. All Internet materials must be posted in both languages **simultaneously**. No ifs, ands or buts. No delays are allowed on the grounds that the document is in translation or the situation is urgent. If the situation is urgent, it is urgent for everyone, including Franco-Ontarians.

¹⁸ In this report, the “French Language Services Commissioner recommends that the Minister Responsible for Francophone Affairs ensure that:

- a. A clear directive on the active offer of French-language services is put in place by Management Board of Cabinet, within the year 2010-2011, applicable to all ministries and government agencies.
- b. The government implements an ongoing strategy to promote the offer of government services in French to Francophones throughout Ontario.” *Supra* note 4.

With regard to hyperlinks and other references to non-government sites, communications officers must look for bilingual sites. If there are none, they must find sites in the other language that offer comparable information. As a last resort, they have to add a note indicating that no French equivalent exists; this should be a very rare occurrence, in the Commissioner's view.

3.6.4 Social media

Provincial ministries and agencies are making increasing use of electronic media (web pages, blogs, Facebook, Twitter, etc.) to disseminate information quickly. These social media are also a new way of communicating directly with members of society. Such direct contacts necessarily result in responses that are just as direct and often very fast – in English or French, whichever the member of the public chooses.

However, ministries and classified agencies sometimes forget to produce a French version of their newsletters or, because of tight deadlines, they resort to automated translation systems, whose output is often inadequate, to say the least.

Yet the guidelines are clear: when social media are used, everything must be posted in both languages or in a bilingual format. The content can be different between the two languages to make it more relevant to the audience. However, the Commissioner feels that it is important to exercise caution, because while specific communications in French are sometimes necessary, most of the content of English-language messages applies to both the majority and the Francophone community and must therefore be published in both languages.

The guidelines also indicate that comments or questions from the public do not have to be translated and that answers can be in the language used by the author of the comment or question. The Commissioner considers this approach reasonable. In fact, he applies it in his blog.¹⁹ All of the Commissioner's blog entries are in both languages and are posted simultaneously, without exception, averaging about two or three entries a week.

There is a problem, however, when the Premier, a minister or another government official uses a social medium. The guidelines indicate that if the person does not speak French, his or her statements should be summarized in French, with a statement to the effect that any member of the public may request a full translation.

¹⁹ Available online: <http://www.csf.gouv.on.ca/blogue/?lang=en> (page consulted in April 2011).

In the Commissioner's view, this procedure is inadequate. The guidelines are clear concerning the use of social media by ministries and agencies: **all communications should be initiated in both languages. It is difficult to imagine why things should be any different for government officials.**

The Commissioner understands that the main reason for using social media is to communicate directly with the people, at a time when transparency and rapid response are essential. Be that as it may, in government communications, information must be published in both languages simultaneously. Even though the Ontario legislature in 1986 did not foresee the advent of social media, both the letter and the spirit of the *French Language Services Act* must be respected.

In other words, **the nature of the message must be taken into consideration.** For example, the Commissioner sees a big difference between announcing a recent speech on Twitter, with a link to the actual speech (which should be published in both languages), and commenting on the latest hockey game involving the Toronto Maple Leafs (a story that needs no translation).

In handling complaints about communications, the OFLSC will use the nature of the communication as the basis for determining whether the Premier, a minister or a government official is fulfilling the requirements of the *French Language Services Act*.

Recommendation 2

The Commissioner recommends that for all initial communications using social media channels, including those from an occupant of a public post, when these communications are governmental in nature, these communication must, without fail, be carried out in both languages simultaneously.

3.6.5 Videos

The guidelines indicate that as a general rule, if a government official, especially a minister, is fluent enough in French, any video of him or her speaking should also be produced in French. A live message, even when delivered with an accent, is preferable to subtitles or a voice-over. The exception is that if the video is part of a blog, the person may record it in his or her language.

On the other hand, including an English-only video in the French version of a blog does not make much sense. In that case, it would be best to provide subtitles, especially if it is a government announcement. **It is the Commissioner's view that the use of subtitles is desirable when videos for use in blogs are produced in English only.** This allows members of the public to listen to the government official and follow his or her message in printed form.

3.6.6 Speeches

The guidelines encourage speakers to include passages in French and excerpts that are relevant to the Francophone community in their speeches. An audience analysis will provide an indication of the percentage of French words and sentences to use. As a rule of thumb, according to OFA officials, between 10 and 20% of the content of government speeches delivered to the public should be in French.

The Commissioner fully supports this approach.

3.7 Implementation of the directive

If there is a conclusion to be drawn from the weaknesses identified in the investigation, it is that communications officers in the Ministry of Health and Long-Term Care were simply unaware of the objectives and obligations of the *French Language Services Act*. Furthermore, they did not understand why it is essential to serve Ontario's Francophone community properly and, by extension, to have a good knowledge of the community.

Consequently, efficient, effective implementation of the new Communications in French Directive is essential.

Over the past year, the OFA has presented a series of compulsory courses for the communications teams of all ministries. The comprehensive training sessions cover the Francophone community's existence, history and future and its contribution to the growth of Ontario society.

They will undoubtedly help to change provincial public servants' behaviour and attitudes toward the government's obligations under the *French Language Services Act*. They are certain to be useful in the short, medium and long term.

The course will have to be given on a regular basis, year after year, since new people are always joining the teams as others leave. That will also help refresh the memories of communications staff.

Recommendation 3

The Commissioner recommends that the Office of Francophone Affairs, in support of the Marketing and Communications Branch of Cabinet Office, be tasked with offering an ongoing training session on the Communications in French Directive for all communications teams in all ministries and classified agencies.

The course should not be limited to communications teams. It should also be taken by the policy-making teams in all ministries. Indeed, given that these teams are ultimately the ones that design the programs and services provided to the public, it would be advisable for them to have a detailed understanding of the obligations arising from the *French Language Services Act*.

Recommendation 4

The Commissioner recommends that the Office of Francophone Affairs, in support of the Policy and Delivery Division of Cabinet Office, be tasked with offering an ongoing training session on the Communications in French Directive for all policy, program and service development teams in all ministries and classified agencies.

3.8 Results

The Communications in French Directive having been issued, it remains to be determined whether it is now being duly applied and understood by all ministries and classified agencies.

The directive has already had some observable effects.

For example, if a ministry wants to mount a campaign with advertising banners on the Web, it will have to do more than simply translate the banner message in order to comply with the Communications in French Directive. It will have to make sure that if the advertising includes an Ontario emblem (such as a licence plate), it uses the French version of the emblem in advertisements aimed at Francophones (the slogan on the licence plate will have to be "*Tant à découvrir*" rather than "Yours to discover"). In addition, the ministry will have to determine which websites the banners will appear on and identify the French-language websites commonly viewed by Ontario Francophones. If it makes reference to a historical event that is significant to the Anglophone community, it will have to find a situation that is equally symbolic for the Francophone community. All of that is implied in the obligation to take the Francophone community's characteristics into account.

The advertising campaigns used by ServiceOntario, HealthCareOptions and the Ministry of Tourism and Culture, to name only a few, are perfectly consistent with the new requirements of the Communications in French Directive.

3.8.1 Case study: The new harmonized sales tax (HST)

On July 1, 2010, Ontario introduced a harmonized sales tax (HST) that applies to most purchases and transactions. The 13% HST replaces the federal goods and services tax (GST) and the provincial sales tax (PST).

The government decided to conduct a promotional campaign to tell the public what the new tax was, how it worked and what its objectives were.

In the wake of his investigation into the problems in communicating with the Franco-Ontarians caused by the H1N1 brochure, the Commissioner wanted to determine whether the campaign was in compliance not only with the *French Language Services Act* but also with the new Communications in French Directive.

The Commissioner received no complaints from the public about the HST campaign. That is no surprise since the HST brochure, which was distributed to all households in Ontario, complied with the *Act* and the directive.

The campaign also advertised in other media, including television and the Internet, and in those cases too, the materials were produced perfectly in English and French.

As for the HST website, the French version was of good quality and fully equivalent to the English version.

3.8.2 New complaints

Since the new directive was issued in May 2010, the OFLSC has continued to receive many complaints about communications with the public and lack of service in French on websites and elsewhere. In the past year alone, the OFLSC received some 20 complaints concerning government communications. The OFLSC also checked the websites of the Ministry of Health and Long-Term Care, its classified agencies and Local Health Integration Networks (LHINs) and noted that over 10 of them do not provide a French version that is equivalent to the English one. It isn't only information targeting Francophones that should to be translated, but all general public information.

It's embarrassing.

The Commissioner sincerely believes that positive changes have been made in this important ministry. In his Annual Report 2009-2010,²⁰ he noted a shift in tone toward more effective implementation of the FLSA, and that has not changed. He also reported that more than 1,500 employees were trained on the importance of providing high-quality French-language service to Francophone clients.

²⁰ *Supra* note 4, p.29.

On the other hand, the effectiveness of the training has to be questioned, since the flow of complaints has continued, particularly about Internet communications.

The Commissioner is aware that the Ministry of Health and Long-Term Care is not the only guilty party, but it is the organization he had in his sights during his investigation.

The Commissioner knows very well that there are other problems regarding compliance with the Communications in French Directive. He is requesting the active cooperation of ministries and classified agencies, and he urges them to find rapid, systemic solutions of their own accord. After all, a stitch in time saves nine.

CONCLUSION

Our investigation produced one patent observation: the violations of the *French Language Services Act* and more specifically the mistakes in Ontario's recent H1N1 flu prevention campaign reflect an organizational culture in which little attention is paid to the true integration of French-language services into ministries' planning and communications activities. The rather indifferent attitude of the parties involved toward the Francophone fact illustrates once again the many obstacles and formidable challenges that Franco-Ontarians have to overcome to enjoy the same rights and the same quality of life as Anglophones.

The Commissioner's public response and the introduction of a new mandatory directive on communications in French resulted in a substantial improvement in compliance compared with the state of affairs when the first H1N1 brochure was produced, but some aspects are still not perfect.

Production issues and the desire to get messages out to as many people as possible as quickly as possible reflect a "marketing culture" that is becoming more prevalent in ministry practices. That in itself is not necessarily bad, provided it does not undermine communications in French. Moreover, language questions are often reduced to nothing more than a translation process, a quick, last-minute solution that ministries erroneously see as adequate delivery of French-language services. It therefore remains necessary to change that view if we want to achieve genuine integration of French-language services. The French question is not merely a last-minute decision; it involves real-time collaboration, not after-the-fact editing. With this in mind and in light of the importance of increasing the presence and integration of French-language services in the ministries, the Commissioner wishes to emphasize the need for action.

Being Franco-Ontarian is a choice that has to be made every day. It is the government's duty to help keep the French fact alive and to make the Franco-Ontarian's choice to remain Francophone easier. If it fails, it will open the door to assimilation and to the impoverishment of the collective heritage. However, the government can fulfil its duty and help to stamp out assimilation with carefully considered communications in French and real active offer of service in French. The adoption of the mandatory directive represents a big step forward for the integration of French-language services into the government communications planning process.

APPENDIX A: COMMUNICATIONS IN FRENCH DIRECTIVE

INTRODUCTION

The Ontario government respects the long history and vibrant culture of the Francophone community in this province. To meet their unique cultural and language needs, the government is committed to proactively offering quality communication services to them.

Legislative Requirements

- The French Language Services Act (FLSA) guarantees to French-speaking individuals, as well as Francophone organizations and municipalities, the right to receive communications services in French equivalent to those offered in English, at the same time, and of the same quality.

Customer Service

- The Ontario Public Service (OPS) is a professional service organization committed to providing high-quality, cost-effective services that keep pace with rising public expectations.

Impact of Changing Technology

- As new technologies transform the way we interact with Ontarians, communication from government must evolve and adjust to new formats to ensure that all Ontarians receive information in a timely and effective manner.

Communications in French Guidelines

- In addition to this directive, the Ontario government has created a guideline document about communications in French. The purpose of this document is to help identify the best and most consistent practices for external communications with the Francophone population.

PURPOSE

The purpose of this directive is to set out the principles, roles and responsibilities regarding communications in French for external customers of the Ontario Public Service.

PRINCIPLES

- Ministries and classified agencies consider and incorporate the specific needs of the Francophone community during the communications planning process to effectively reach out to Francophones in the implementation process.
- Communications are effective, relevant and targeted to their audience appropriately.

APPLICATION AND SCOPE

This directive applies to all Ontario ministries and classified agencies with respect to their communication plans and strategies for external customers of the Ontario Public Service.

MANDATORY REQUIREMENTS

All ministries and classified agencies are required:

- To seek out improvements in how they communicate with Francophones.

- To adhere to all relevant processes and legislative requirements, notably the French Language Services Act, in the active offer and delivery of French-language services to Ontario's francophone community.
- To consider the Francophone community's specific needs when developing strategic communication plans, and incorporate appropriate approaches into the communications activities, to reach Francophone audiences effectively.

EXEMPTIONS

Any exemptions to this directive must be approved by Treasury Board/Management Board of Cabinet.

GUIDELINES

To help achieve compliance with the mandatory requirements, ministries and classified agencies should refer to the guideline document. It can be found at:
http://intra.cabinetoffice.gov.on.ca/intranet/docs/communications/guides/Communications_in_French_Guidelines.pdf

RESPONSIBILITIES

- Treasury Board/Management Board of Cabinet:

Approve any amendment, update or exemption to this directive.

- Cabinet Office Communications:
 - Work with the Office of Francophone Affairs to review and recommend to Treasury Board/Management Board of Cabinet any update, amendment or exemption to the directive.
 - Work with the Office of Francophone Affairs to develop support materials relating to this directive.
 - Provide information on any update, amendment to the directive, or supporting material to ministries, working with the Office of Francophone Affairs to distribute the above.
- The Office of Francophone Affairs:
 - Work with Cabinet Office to review and recommend to Treasury Board/Management Board of Cabinet any update, amendment or exemption to the directive.
 - Work with Cabinet Office Communications to develop support materials relating to this directive.
 - Provide advice and training to ministries and classified agencies as needed.
 - Work with Cabinet Office Communications to help distribute information, as appropriate on any update, amendment to the directive or supporting material.
 - Liaise with the Provincial Advisory Committee on Francophone Affairs, the network of French language service coordinators and communications directors in the Ontario Public Service.
- Deputy Ministers:
 - Ensure that this directive is implemented by their ministries.
 - Ensure that their staff are aware of and adhere to this directive.

- Classified Agency Chairs and Chief Executive Officers:
 - Ensure that this directive is implemented by their agencies.
 - Ensure that their staff are aware of and adhere to this directive.

- Ministry of Government Services:
 - Provide advice and guidance for any update, amendment or exemption to this directive.
 - Provide advice and guidance with respect to the authority and mandate of Treasury Board/Management Board of Cabinet.

- Communications Directors:
 - Ensure that this directive is adhered to by their communications staff.

APPENDIX B: COMMUNICATIONS IN FRENCH GUIDELINES

About These Guidelines

In the context of rapidly evolving communications practices and technologies, the Ontario government is adapting its overall communications approach. Through this ongoing process, the government has reiterated its commitment to proactive and quality communications with its Francophone community.

Ministries and classified agencies must consider and incorporate the specific needs of the Francophone community during the communications planning process to effectively reach out to Francophones in the implementation process.

These guidelines are intended to help government communicators identify the best and most consistent practices for reaching their Francophone population.

In conventional formats (especially the print medium), the guidelines do not change past expectations and requirements. In other, newer, formats, these guidelines simply clarify what common sense dictates. Overall, these guidelines aim at moving away from a model of simple translation to a model of adaptation to effectively reach this target audience.

Within the government there is a trend where policy and program departments are engaging in communications activities (for example, producing web or video content). These guidelines also apply to these activities.

French Language Services Coordinators can assist communicators in complying with these guidelines through the provision of advice and insight into the requirements of the French Language Services Act (FLSA), best practices and knowledge of the Francophone community. Responsibilities such as translations, adaptations, précis-writing, searches for French websites and references, event planning, and video production should be assumed by staff fluent in French and, ideally, familiar with the Francophone community.

The development of these guidelines was led by the Office of Francophone Affairs. Cabinet Office, the French Language Services Commissioner and many government communication staff also provided feedback and support.

These guidelines are available at:

http://intra.cabinetoffice.gov.on.ca/intranet/docs/communications/guides/Communications_in_French_Guidelines.pdf.

Last revised: October 2010

Context

The Ontario government respects the long history and vibrant culture of the Francophone community in this province. To meet its unique cultural and language needs, the government is committed to proactively offering quality communication services to them.

LEGISLATIVE REQUIREMENTS AND BACKGROUND

The French Language Services Act (FLSA) guarantees to French-speaking individuals, as well as Francophone organizations and municipalities, the right to receive communications services in French equivalent to those offered in English, at the same time, and of the same quality.

The Act is available at <http://www.ofa.gov.on.ca/en/flsa.html>.

The Communications in French Directive - which came into effect on May 13, 2010 - supports the government's commitment of building a stronger relationship with the Francophone community and reinforces the importance to comply with these guidelines to ensure staff meet and/or exceed the requirements in the FLSA.

The full Directive is available at [http://intra.ops.myops.gov.on.ca/cms/tiles.nsf/\(vwReadResourcesByRefId_Content\)/cpd2010.10.05.14.36.12.PTP_res/\\$File/Communications%20in%20French%20Directive.pdf](http://intra.ops.myops.gov.on.ca/cms/tiles.nsf/(vwReadResourcesByRefId_Content)/cpd2010.10.05.14.36.12.PTP_res/$File/Communications%20in%20French%20Directive.pdf).

Recent court decisions have strengthened the legal requirements, and have given the French Language Services Act a quasi-constitutional status, and have confirmed that, to be useful and effective, policies and programs must be conceived and adapted to the needs of the Francophone population.

FRENCH-LANGUAGE SERVICES COMMISSIONER

The French Language Services Commissioner has a mandate to conduct independent investigations under the French Language Services Act, either in response to complaints or on his own initiative, to prepare reports on his investigations, and to monitor the progress made by government agencies in the delivery of French-language services in Ontario.

The commissioner's website is <http://www.flsc.gov.on.ca>.

CUSTOMER SERVICE

The Ontario Public Service (OPS) is a professional service organization committed to providing high-quality, cost-effective services that keep pace with rising public expectations.

ACTIVE OFFER

High-quality modern public services also include an active offer and delivery of French-language services to Ontario's Francophone citizens. The OPS is effective at fulfilling its responsibility under the *French Language Services Act* when Francophone members of the public are informed about available services in French, have access to these services, and are satisfied with the quality of these services.

IMPACT OF CHANGING TECHNOLOGY

As new technologies transform the way we interact with Ontarians, communication from government must evolve and adjust to new formats to ensure that all Ontarians receive information in a timely and effective manner.

Francophone Community

The Francophone community is quite diverse. While it encompasses an aging population that is not bilingual, Francophone youth are being assimilated and prefer to use English on a daily basis. One out of five Francophones comes from Quebec bringing new perspectives. On the other hand, about 15 per cent of Francophones were born outside Canada. As a result, Ontario's Francophones share the same language but not necessarily the same cultural references.

Ontario's Francophones have access to limited mass media, with two local/provincial television networks: *Radio-Canada* and TFO. *Le Droit* is published on a daily basis and there are numerous regional/weekly newspapers published throughout the province.

Public relations and stakeholders relations are thus key to reaching out to Francophones. Social media is also changing the way people and organizations communicate. Numerous websites outside of the province have also become key sources of information for Francophones in Ontario. This is why it is important to adopt a broader, innovative and targeted approach when reaching out to Francophones.

Definitions

Below are some important definitions used throughout these guidelines:

- Bilingual format: The same document is produced with both French and English
- In both languages: Two separate documents are produced – one in French, one in English.
- Important speeches/events/announcements: These include the Throne Speech, the Budget, statements on the economy and other provincewide initiatives that have significant impacts on the general public. Cabinet Office can provide input based on its corporate perspective on priorities and announcements that have a broad impact.

Printed Format

NEWS RELEASE AND BACKGROUNDER

They must be distributed in both languages at the same time. For some announcements, ministries may consider quoting an Anglophone stakeholder in the English release and a Francophone stakeholder in the French release.

SPEECH TRANSCRIPT

If a ministry decides to distribute a transcript for an important speech, it should be made available in both languages simultaneously. Other speech transcripts should be available in French on demand in a timely manner.

HOUSE STATEMENT

These statements in the legislature must be printed in both languages and delivered to the Government House Leader's Office. It is recommended that the minister's reading copy includes at least a few phrases in the other language.

CORRESPONDENCE

All letters from the public must be answered in the language of request.

STATIONERY AND FORMS

These must be provided in a bilingual format or in both languages.

BUSINESS CARDS

Cards must be in a bilingual format or in both languages for designated bilingual staff.

PUBLICATIONS

Reports, studies or documents printed for the general public must be distributed or made available in a bilingual format or in both languages. There are exemptions for technical or scholarly documents only; however an executive summary in French would be helpful to Francophone audiences.

ADVERTISING

Any provincewide print advertising campaign to the general public must publish English ads in English publications and French ads in French publications. Similar actions should be taken with television, radio and online campaigns.

Advertising targeted to a specific community or region must use Francophone media if it is appropriate and available in the area.

The deadlines of French print publications must be taken into account since they are generally not published daily.

MARKETING MATERIALS

Postcards, posters, brochures and their display stands must be produced in a bilingual format or in both languages.

HOUSEHOLDERS

Any unaddressed mail sent to the general public must be printed and distributed in a bilingual format.

Electronic Format

WEBSITE CONTENT

Website information for the general public must be posted in both languages simultaneously. Hyperlinks to third-party websites should send the user to content posted in the same language if available. If the third-party website is not available in French, an alternative website with similar content in French should be considered, or a note should be included beside the hyperlink that the website is only available in English.

CORRESPONDENCE

All emails from the general public must be answered in the language of request and within the same turnaround time as English correspondence.

SPEECH TRANSCRIPT

If a ministry decides to post a transcript for an important speech on a website, it should be posted in both languages simultaneously. Other speech transcripts should be available in French on demand in a timely manner.

PUBLICATIONS

Reports, studies or documents posted on a website for the general public must be published in a bilingual format or in both languages. There are exemptions for technical or scholarly documents only; however an executive summary in French would be helpful to Francophone audiences.

SOCIAL MEDIA

Blogs, journals, RSS feeds, Twitter webpages, Facebook webpages, discussion forums or other social media should be published in both languages or in a bilingual format. The content can be different in both languages to make it more relevant to the Anglophone or Francophone audiences.

Any online users leaving comments or submitting questions must be answered in the language submitted.

If a government spokesperson (eg. Minister, subject expert) has a personalized social media site and does not speak or write French, then a regular summary of their ongoing comments should be provided in French and an offer to fully translate all of their comments should be made.

A large component of social media is sharing hyperlinks to third-party sites. These should send the user to content posted in the same language if available. If the third-party website is not available in French, an alternative website with similar content in French should be considered, or a note should be included beside the hyperlink that the website is only available in English.

VIDEO AND AUDIO RECORDINGS OF EVENTS

Videos should be produced and posted in the language of the event with a transcript available in the other language. Important events and announcements should have separate French and English videos produced or contain some content in both languages.

See Appendix A for more details and recommendations.

SCRIPTED VIDEO AND PODCASTS

Videos and podcasts should be produced and posted in both languages for important events and announcements. Other events and announcements can be produced in English, French or both languages; however at minimum a transcript must be posted if the video or podcast is only available in one language. For events/announcements of particular interest to the Francophone community, a French video should be strongly considered.

See Appendix A for more details and recommendations.

Oral Format

PUBLIC INQUIRIES

All questions in person and on the telephone from the public must be proactively answered in the language of request.

MEDIA RELATIONS

All questions from the media at events or on the phone can be answered in either English or French depending on the spokesperson's language skills. For a major announcement, a bilingual spokesperson should be made available if possible.

SPEECH

Remarks at events, public announcements or statements in the legislature should be delivered in the language of the speaker with passages in the other language, if they have sufficient knowledge and comfort. For important speeches by Anglophones 10 to 20 percent of the content should be delivered in French if possible.

See Appendix B for more details and recommendations.

CONSULTATIONS

Documents should be available in both languages or in a bilingual format. Bilingual staff or interpretation services should be available if appropriate for the audience. Separate discussion groups or consultations for subjects of particular interest to the Francophone community should be organized. When relevant, compile and analyze the views of Francophones separately, because they may have different concerns.

Appendix A: Videos

GENERAL RULES

- When the speaker has adequate language skills (especially if he or she is a minister), film a French version if possible. A message delivered by the speaker, even with an accent, is preferable to subtitles or a voice-over.
- When posting transcriptions, ensure they appear on the same screen as the video, or in a separate window, so as to allow simultaneous viewing of the video and transcription.
- If a video is only available in English, always indicate that it is the case. However, post the video, not simply the transcription.

VIDEO RECORDINGS OF EVENTS

- When recording an event in both languages, ensure that visual elements and moments that occur in French are also recorded and used in production. For important events, consider editing two different versions, with a greater proportion of “French moments” in the video produced for French speakers.
- For events of particular interest to the Francophone community, produce a French video where possible.

SCRIPTED VIDEO

Videos produced in both languages, subtitled or voiced over

- While the script for the English and French version of a video may be the same, substitute French interviews / testimonials from bilingual people if available (filming them in each language) or from different people. Avoid voice-over or subtitles.
- Identify Francophones to take part in those videos so they can testify to the benefits of a given announcement.
- For English parts, a voice-over is preferable to subtitles. Subtitles are preferable to transcriptions.
- Videos that involve filming several different people can be a mix of both, i.e., those who can speak French will speak in French and others’ comments could be voiced over.
- Remember to translate all graphics, maps, and images. If a video has subtitles, plan to replace any visual elements in English with visual elements in French.
 - If necessary, adapt the content.

Videos in one language

- Videos in “blog” style, i.e., personal journals of individuals other than the Premier, may be produced in the language of the speaker.

Educational and informative videos

- Some videos are produced for distribution in the community, with the participation of stakeholders or professional actors. For example, videos for the Ontario Provincial Police on the prevention of extortion or videos for the Ministry of Education on healthy nutrition.
- These videos should be produced in both languages using Francophone stakeholders or professional actors for the French version. Generally, when subtitles and voice-overs are used, the final product is not equal in quality to the English version.

Communication directors and assistant directors can advise on their minister’s fluency and proficiency in French when planning videos or other communication tactics.

Appendix B: Speeches

Speakers are encouraged to incorporate at least a few French phrases at any speaking engagement to reflect the active presence of the Francophone community in Ontario and its institution.

A Francophone audience will appreciate a short speech in French as opposed to a longer speech in English.

The percentage of French content should depend on:

- the audience: if there are Francophones in the audience, this fact should be acknowledged with a few carefully-chosen phrases;
- the speaker's ability: the more limited the speaker's fluency in French, the shorter these passages in French should be. Attention should also be paid to choosing French words that are easier to pronounce.
- the subject matter: the more the subject is of interest to the Francophone community (or to Francophones in the audience), the more French there should be in the speech.