

Analysis of Responses to the Recommendations in the 2011-2012 Annual Report

RECOMMENDATION 1

The Commissioner recommends to the Minister Responsible for Francophone Affairs that an amendment to the *French Language Services Act* be introduced by March 31, 2013, specifying that the Commissioner will report directly to the Legislative Assembly.

In her response to the Commissioner, the Minister Responsible for Francophone Affairs states that one of her proudest accomplishments in this portfolio was establishing the post of French Language Services Commissioner. She says, rightly, that although the Commissioner does not currently report to the Legislative Assembly, the Ontario government has given the Commissioner a broad mandate and significant freedom of action. For example, in his investigations and reports, the Commissioner can demand that documents be submitted and that persons be questioned under oath. All that is quite true.

The Minister adds that the annual and special reports that the Commissioner submits to the Minister are tabled in the Legislative Assembly (if the Commissioner so requests, in accordance with the Act, which he has done in every case since taking office). The Minister also states that the Commissioner has the authority to publish his reports independently, which he does not hesitate to do. The Commissioner is in full agreement with these statements.

The Minister appreciates the points made in the private bills introduced in the Legislative Assembly in May 2011 and March 2012, and in the Commissioner's recommendation in June 2012. "For this reason, as I mentioned at the Standing Committee on Estimates on July 23 and 24, I will be looking into potential options further," she stated.

In essence, this means that the government has yet to make up its mind on the question. The Commissioner is hopeful that the arguments presented in the 2011-2012 Annual Report will persuade the new premier and her government to go ahead and introduce a government bill in the Legislative Assembly to protect the Commissioner from any partisan political interference in the future and to make him accountable to all parliamentarians.

RECOMMENDATION 2

The Commissioner recommends to the Minister Responsible for Francophone Affairs that a mandatory directive on the designation process for agencies be established in compliance with the *French Language Services Act*, after due consultations with representatives from the community and designated agencies. This directive should be implemented by 2013-2014 and should include:

- a. Consistent designation criteria that, in particular, provide for a minimum representation of Francophones on their boards of directors and executives;**
- b. Accountability mechanisms that are transparent and accessible to the public;**
- c. A mechanism for resolving disputes that is made available to the users of services;**
- d. A mandatory and independent assessment, every three years, based on all of the designation criteria, including criteria dealing with governance; this assessment should also include corrective measures, when necessary.**

The Commissioner is pleased that the government has agreed to review the current designation process with a view to correcting irregularities both in consistency within the ministries and in the criteria being applied, while blowing the dust off a mechanism established more than a quarter-century ago.

It is also encouraging to see that the government has already initiated the process by forming a working group. This group includes all parties involved in the issue – French-language services managers, French-language services coordinators and representatives of the Francophone community.

Moreover, the Commissioner is hopeful that this working group will produce effective, pragmatic recommendations for modernizing a designation process that sorely needs updating. The modernization would include accountability mechanisms and, in particular, a mandatory triennial assessment.

Lastly, although it was not mentioned in the government's response, the Commissioner hopes that this entire exercise will lead to the adoption of a mandatory directive on the designation process for agencies under the *French Language Services Act*.

RECOMMENDATION 3

The Commissioner recommends that the Minister Responsible for Francophone Affairs:

- a. Conduct an independent and interministerial assessment, by the end of the 2013-2014 fiscal year, of the government structures and processes designed to support the implementation of French language services within the government;**
- b. Ensure that this assessment focuses notably on the roles, responsibilities and hierarchical relationships of the Office of Francophone Affairs and the French language services coordinators;**
- c. Include the Office of the French Language Services Commissioner in this assessment.**

The Commissioner is delighted to hear that the government has accepted this recommendation to conduct an independent assessment of the structures and processes that support the provision of French-language services within the Ontario government.

As the government indicates in its response, this process will update the evaluation report mentioned in the 2011-2012 Annual Report and assess the new structure of the French language services clusters established in April 2009. It has been announced that this process should be completed by the end of 2013.

On the other hand, the Office of the French Language Services Commissioner will not be included in the assessment. For the government, [TRANSLATION] “the independence of the French Language Services Commissioner and his Office is of paramount importance, and it is essential to avoid any appearance of interfering in the administration and operation of your office.” The Commissioner accepts this explanation.

Nevertheless, an important note of caution regarding the government’s response: the independent assessment of the structures and processes will not address the question of what resources are allocated to them. This seems inconsistent, to say the least, since it would appear to be rather difficult to qualify or quantify the work being done without measuring the resources made available to do the work. For example, a French language services coordinator who serves two or three ministries can easily be inundated by the endless demands of his/her many and varied professional responsibilities.

RECOMMENDATION 4

The Commissioner recommends that the Minister of Citizenship and Immigration:

- a. Set up an advisory committee by the end of the 2012-2013 year, that will be responsible for guiding ministry efforts related to the Francophone immigration file in Ontario;**
- b. Use a consultative and interministerial approach to develop a strategy, by the end of the 2013-2014 year, to welcome Francophone newcomers, to provide them with language training and to integrate them into the labour market.**

In his 2011-2012 Annual Report, the Commissioner recommended that the Minister of Citizenship and Immigration establish an advisory committee to guide the Ministry's efforts with regard to Francophone immigration in Ontario and, through a consultative, interministerial approach, develop a strategy for welcoming Francophone newcomers, providing them with language training and integrating them into the labour market. This recommendation is perfectly consistent with the government's new priority of adopting its first immigration strategy, which includes a 5% target for Francophone immigration.

Nevertheless, the Ministry stated that it had no intention of establishing a separate Francophone advisory committee to guide its efforts related to Francophone immigration in Ontario, focusing instead on the creation of an annual Ministers' Forum on immigration that will publish a report each year.

Thus, while the government has stated its willingness to work with all parties concerned in implementing this strategy, the Commissioner notes that some questions remain unanswered at the moment. It is still unclear how the Ministry intends to specifically involve the sector's Francophone stakeholders and take the community's needs and priorities into account so as to effectively determine the development of programs and services for selecting, welcoming, training and integrating Francophone newcomers.

A provincial responsibility, integration often, perhaps always, hinges on access to the labour market for newcomers. However, that access is often impeded and circumscribed by a series of requirements that apply specifically to foreign-trained Francophone professionals. As a result, the Commissioner's Office has received a number of complaints from newcomers from Quebec as well as French-speaking countries. All the complainants were critical of the fact that the organizations regulating their professions provided no service in French and, in particular, that all of their documents (academic transcripts, diplomas, credentials and various types of certificates) had to be translated from French to English before their files could be reviewed. This is yet another barrier for Francophone professionals in the process of obtaining a licence to practise their profession. This issue is not glossed over in the government's immigration strategy.

In its strategy, the government recognizes the importance of integrating immigrants promptly into the province's economy. To that end, a number of potential solutions are advanced,

including the introduction of a unified settlement services system to help immigrants get the assistance they need. Another suggestion is to improve the recognition of foreign credentials. All these approaches are steps in the right direction.

However, it is important to ensure that immigration experts working in the field are fully involved from the outset in designing the Francophone component of the government's immigration strategy so that programs and services that are fine-tuned and customized to meet the needs of Francophone newcomers are developed and delivered.

Lastly, in the Commissioner's view, the Ministry must establish transparent accountability mechanisms for Francophone immigration so that it can report tangible results in achieving the objectives set in the annual progress report produced by the Ministers' Forum. This is a file that the Commissioner intends to monitor closely.

RECOMMENDATION 5

The Commissioner recommends that the Minister Responsible for Francophone Affairs ensure that all proposed legislation or any other measure leading to the creation of a public-private partnership that includes a component to deliver public services incorporates provisions which would make any entity associated with these partnerships subject to the *French Language Services Act*.

The government states that in managing the current economic challenges facing the province, it will not lose sight of its commitments to the Franco-Ontarian community and its obligations toward the *French Language Services Act*, whether the private sector's role in delivering government services is expanded or not.

The Commissioner made this recommendation in the context of the increasing discussions concerning various ways of delivering government services, as mentioned in the 2012 Budget. That said, the Commissioner is satisfied with the government's commitment, especially since, in its project to privatize **Ontario Northland**, the government included a French-language services clause in the request for proposals to protect the public in the event that this Ontario agency was sold. This is a good example of concrete action.

RECOMMENDATION 6

The Commissioner recommends that the Minister of Consumer Services take all the necessary measures to ensure that all newly-created delegated administrative authorities, or other similar entities, are fully subject to the provisions of the *French Language Services Act*.

The Commissioner recognizes that delegated administrative authorities are not controlled by the government and do not provide any actual services on the government's behalf. Rather, they manage the implementation of laws in the government's stead.

Recognizing the importance of maintaining French-language services when changes are made in the service delivery models, the government proposed the addition of a French-language services clause during the clause-by-clause review of the *Delegated Administrative Authorities Act, 2012* (Schedule 11 of the 2012 Budget Bill). The government's motion was carried.

However, the debate on the 2012 Budget was such that this addition does not seem to have made it through. On the other hand, the government has promised to include a French-language services clause in a future revision of the legislation on delegated administrative authorities. The Commissioner is satisfied with this unequivocal commitment.