

**RESPONSE TO THE RECOMMENDATIONS
IN THE 2011-2012 ANNUAL REPORT OF
THE FRENCH LANGUAGE SERVICES COMMISSIONER**

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.

Response:

- The creation of the Office of the French Language Services Commissioner is one of my proudest achievements as Minister Responsible for Francophone Affairs.
- Although the French Language Services Commissioner does not report directly to the Legislative Assembly, the government has provided him with a broad mandate and significant independence of action.
- For example, in undertaking investigations and preparing reports, the Commissioner can require that documents be submitted and ask questions of witnesses under oath.
- Annual and designated special reports submitted to the Minister Responsible for Francophone Affairs by the Commissioner are tabled in the Legislative Assembly.
- The Commissioner also has the authority to independently publish any of his reports and he has not shied away from doing so.
- The fact is the Commissioner has had a tremendous impact on French-language services in Ontario, whether we talk about the health, education or justice sectors. It is evident that we are much further ahead of where we were prior to the creation of this office in 2007.
- That said, I can appreciate the points raised both by the private member's bills introduced in the Legislative Assembly in May 2011 and March 2012, and the Commissioner's recommendation. 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.

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 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.**

Response:

- The designation of public service agencies under the *French Language Services Act* is important as it provides the government with a means of meeting its commitment to ensure that Francophones have access to government services in French in the 25 designated areas of the province when those services are provided by a non-profit, corporation, or similar entity, which is subsidized in whole or in part by the government to provide a service to the public on its behalf.
- Designation is sought by agencies as a means of confirming their commitment to serve their Francophone clients in their language.
- The current designation process was established after the *French Language Services Act* came into force on November 19, 1989 to ensure full compliance with the Act and an effective use of Cabinet's time. At the time, guidance was provided to ministries in a document entitled the Guide to Subordinate Legislation under the French Language Services Act, developed by the Office of Francophone Affairs.

- ❑ Before recommending the designation of a public service agency, the Office of Francophone Affairs assesses the request of the ministry against the five designation criteria established by the Ontario French Language Services Commission and made public by the Minister Responsible for Francophone Affairs in June 1987:
 - ❑ Service must be permanent and of high quality;
 - ❑ Access must be adequate;
 - ❑ Effective representation of Francophones on the board of directors and its committees;
 - ❑ Effective representation of Francophones at management levels;
 - ❑ Accountability of the board of directors and senior management for French-language services.

- ❑ The Office of Francophone Affairs is prepared to undertake a review of the current designation process, including designation criteria, in collaboration with its partner ministries and representatives of the Francophone community in order to modernize the current practices and processes of ministries and ensure a consistent approach across government.

Additional information sent to the Commissioner's Office subsequently:

- ❑ In January 2013, the Office of Francophone Affairs created a working group responsible for examining the current designation process, including the criteria for designation, in order to modernize the practices and processes being used by ministries and to ensure a consistent approach across government. This group is comprised of several French Language Services Cluster Managers and Coordinators, and including representatives from the Franco-Ontarian community.

- ❑ The discussions of the group will enable the Office to develop options and recommendations, with a view to modernizing and harmonizing the process for designating organizations, by the end of March 2013. The proposed approach will then be shared with the members of the Provincial Advisory Committee on Francophone Affairs in order to include them in the process and to benefit from their perspective on this issue. Our objective is to find the best approach for meeting the needs of the Francophone community, while at the same time respecting the spirit and the letter of 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.**

Response:

- The Ontario government is committed to continuing to improve access to French-language services and thus will continue to identify opportunities and needs to invest strategically in the work of the OFA and in improvements to the delivery of French-language services, as we have done since 2003.
- We intend to undertake an evaluation of the structures and processes which support the delivery of French-language services within the Ontario government.

Additional information sent to the Commissioner's Office subsequently:

- The Office of Francophone Affairs has just launched a call for submissions to identify consultants to undertake the evaluation of the structures and processes which support the delivery of French-language services within the Ontario government.
- This process will enable us to both update the October 2004 report mentioned in the French Language Services Commissioner's report and to evaluate the new French-language services cluster governance structure established in April 2009. The process will be completed by the end of the year.
- I would also like to mention that, after careful consideration, we have decided not to include the Office of the French Language Services Commissioner in this evaluation. The independence of the French Language Services Commissioner and his Office are crucial and it is, therefore, essential to avoid any appearance of interference in the administration and operations of the Commissioner's Office.

Recommendation 4

The Commissioner recommends that the Minister of Citizenship and Immigration:

Set up an advisory committee by the end of the 2012-2013 year, which will be responsible for guiding ministry efforts related to the Francophone immigration file in Ontario.

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.

Response:

- In recognition of the fact that much of Ontario's future prosperity will come from immigration, the Ministry of Citizenship and Immigration has developed Ontario's first ever Immigration Strategy. This important and pioneering initiative was undertaken in collaboration with key community and government stakeholders, including the Francophone community and the Office of Francophone Affairs.
- Francophone immigration is a crucial component of the long-term flourishing of the Francophone community in this province. We also believe that Francophone immigration is an important element of the prosperity of the province as a whole, as the language skills these immigrants bring to the province are important to economic prosperity in many sectors, such as banking, financial services, communications, education, health and many others. For this reason, Ontario's newly-released Immigration Strategy addresses Francophone immigration and the challenges faced by Francophone immigrants.
- We are particularly proud that we have decided to take the bold step of establishing a target of 5% for Francophone immigration as a total of all immigrants. We will also ensure that the Strategy is implemented in a manner that complies with the *French Language Services Act*.
- The Ministry of Citizenship and Immigration is firmly committed to working with the Office of Francophone Affairs, partner ministries (including the Ministries of Economic Development and Innovation; Training, Colleges, and Universities; and Municipal Affairs and Housing), the Federal government and the Francophone community throughout the implementation of the new Immigration Strategy with a view to developing better recruitment, settlement and integration programs on an on-going basis.

- ❑ The Ministry of Citizenship and Immigration does not plan to create a separate advisory committee to guide its efforts related to Francophone immigration in Ontario. The Ministry of Citizenship and Immigration is, however, committed to establishing an annual Ministers' Forum on Immigration to drive a "no wrong door" approach to immigrant services across government, jointly work towards stated goals of the Immigration Strategy, and release an annual progress report. The Ministers' Forum will include colleague ministers from across government, including the Minister Responsible for Francophone Affairs. We believe that the whole-of-government approach exemplified by the Ministers' Forum, combined with annual reporting, continued Francophone stakeholder consultation, and the ministry's continued participation on multiple intergovernmental advisory committees dedicated exclusively to the issue of Francophone immigration, will effectively ensure that the needs of Francophone immigrants and the Franco-Ontarian community are considered in the implementation of the Immigration Strategy.

Recommendation 5

The Commissioner recommends that the Minister Responsible for Francophone Affairs ensures 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*.

Response:

- ❑ The Government of Ontario has clearly demonstrated its commitment to serving the province's French-speaking citizens in their own language and in a proactive manner.
- ❑ Therefore, while managing the province's current economic challenges, our government will not lose sight of its commitment towards the Franco-Ontarian community and its obligations under the *French Language Services Act*, whether the role of the private sector in delivering government services is expanded or not.
- ❑ In fact, in February 2012, the Minister of Finance stated that where the private sector is called upon to deliver a greater number of government services, French-language services will remain in order to better serve our Franco-Ontarian community.
- ❑ We will give the French Language Services Commissioner's recommendation careful consideration as we continue to ensure the delivery of high-quality, cost-effective services for all Ontarians.

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*.

Response:

- ❑ The Delegated Administrative Authority (DAA) model provides significantly more independence from legislative and non-legislative requirements that apply to government and its agencies. DAAs are not controlled by the government, and do not deliver services on behalf of the government. DAAs are delegated authorities which directly administer and enforce legislation in place of the government.
- ❑ For this reason, in recognition of the importance of ensuring that French-language services are maintained when making the transition to new service delivery models, the government proposed the addition of a French-language services clause during the clause-by-clause Committee review of the *Delegated Administrative Authorities Act* (schedule 11 of the Budget Bill), which followed second reading. The government's motion was carried.
- ❑ As a significant number of amendments were made during Committee review of this legislation, the Government is currently examining how best to proceed. However, the Government has made a commitment to include French-language services in DAA legislation.