

FRENCH LANGUAGE SERVICES COMMISSIONER RECOMMENDS THAT HIS POSITION REPORT DIRECTLY TO THE LEGISLATIVE ASSEMBLY

EMBARGO: DO NOT PUBLISH BEFORE 1:30 p.m. (EDT) on WEDNESDAY, JUNE 6, 2012

TORONTO, June 6, 2012 – French Language Services Commissioner François Boileau recommends that the Government of Ontario amend the *French Language Services Act* to have the position of Commissioner report directly to the Legislative Assembly. This issue is the subject of the first recommendation in the Commissioner's annual report for 2011-2012 that was submitted today to the Minister Responsible for Francophone Affairs, the Honourable Madeleine Meilleur.

Even though the Commissioner says that he has enjoyed substantial independence of action while reporting to Minister Meilleur since he took office nearly five years ago, he firmly believes that the rights of Franco-Ontarians would be better protected if the French Language Services Commissioner were directly accountable to all Members of Parliament.

"The *French Language Services Act* is a quasi-constitutional statute that takes precedence over all other legislation passed by the Legislative Assembly, with a few exceptions. It is therefore desirable that elected representatives be asked to participate in implementing the Act in support of the development of the Francophone community and of Ontarian society," said Commissioner Boileau.

In his fifth year-end report, entitled *Annual Report 2011-2012: Straight Forward*, the Commissioner also addresses the issue of the public-private partnerships announced in the last budget. Although the Commissioner is delighted with the new *Regulation 284/11*, which governs French-language services provided by third parties, the regulation, according to the Commissioner, does not offer sufficient protection when dealing with partnerships. Consequently, the Commissioner recommends that all new public-private partnerships be subject to the *French Language Services Act*.

"*Regulation 284/11* cannot cover all of the many different forms that future partnerships could take. To protect French-language services and guarantee the delivery of services that are equivalent and of equivalent quality in both languages, it would suffice to ensure that any entity or agency created by such partnerships is subject to the *French Language Services Act*."

In another recommendation, the Commissioner asks the government to review the designation process for agencies under the *French Language Services Act*. According to the Commissioner, the deficiencies to be addressed have to do primarily with the designation criteria, the accountability of designated agencies and Francophone representation in those agencies.

In addition to presenting an overview of the investigations conducted by the Commissioner's Office and a sample of resolved complaints, the Commissioner's fifth annual report recommends, among other things, that:

- the Minister of Citizenship and Immigration set up an advisory committee by the end of 2012-2013, that will be responsible for guiding Ministry efforts related to the Francophone immigration file in Ontario;

- the government conduct an independent interministerial assessment of the roles, responsibilities and processes designed to support French-language services within the government; and
- the Minister of Consumer Services take all the necessary measures to ensure that all newly-created delegated administrative authorities or similar entities are subject to the *French Language Services Act*.

QUICK FACTS

- The position of French Language Services Commissioner was created in September 2007 following an amendment to the *French Language Services Act*.
- The French Language Services Commissioner is one of the few ombudsmen who report to a minister rather than directly to the Legislative Assembly.
- In its last budget, the government announced its intention to implement certain partnerships by engaging the private sector, not-for-profit organizations or any other third party under negotiated agreements.
- The Commissioner continues to see such partnerships as opportunities for Francophone organizations to provide bilingual services on the government's behalf.
- Designated agencies are required to provide quality French-language services just as government ministries and agencies are, but under the current process, designated agencies are not subject to any continuous assessment or monitoring by the government.
- The Commissioner's Office received 371 complaints in 2011-2012, down slightly (-2.6%) from the previous year.
- However, the Commissioner's Office processed more individual complaints on a wider variety of subjects. In addition, admissible and resolved complaints increased by 35% compared to the previous year.

The Office of the French Language Services Commissioner is an agency of the Ontario Government that is responsible for ensuring compliance with the *French Language Services Act* in the delivery of government services. The *Act* was passed unanimously by the Legislative Assembly of Ontario in November 1986.

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