



Rooting for Francophones

annual report 2013–2014

Office of the French Language
Services Commissioner

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Commissariat aux
services en français
de l'Ontario



Office of the
French Language Services
Commissioner of Ontario



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By making the Commissioner an officer of the legislature, every member of the Legislative Assembly of Ontario will take on this important responsibility on behalf of all Francophones and Francophiles in the province.

Madeleine Meilleur,
Minister Responsible for Francophone Affairs

I would like to commend the work accomplished by the three parties in enabling the quick and unanimous adoption of this bill. They were able to move beyond political divides to prioritize the general interest of the Franco-Ontarian community and its language rights. By adopting this bill, the province is taking another step in recognizing the contribution of its Francophone citizens.

Denis Vaillancourt,
President, Assemblée de la francophonie de l'Ontario

In order to live up to the promise and ideal of bilingualism, we must protect minority Francophone rights in Ontario. This [adopting Bill 106] will be a lasting accomplishment [...] all Ontarians can be proud of and an inspiration to the rest of Canada, who will see that Ontario is protecting the language rights of our Francophone citizens in this exemplary manner.

Mary Cruden,
President, Canadian Parents for French (Ontario)

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NOTE: The masculine form is used in some passages for conciseness.

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2014

LETTER TO THE SPEAKER

The Honourable Dave Levac
Speaker
Legislative Assembly
Province of Ontario
Queen's Park

Mr. Speaker,

In accordance with section 12.5(1) of the *French Language Services Act*, I am pleased to submit to you herewith the seventh annual report of the French Language Services Commissioner of Ontario.

This activity report covers the period from April 1, 2013, to March 31, 2014.

Please table this report in the Legislative Assembly, as specified in section 12.5(3) of the Act.

Respectfully,



François Boileau
French Language Services Commissioner

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Summary of Recommendations

This report covers the activities of the Office of the French Language Services Commissioner from April 1, 2013, to March 31, 2014. It is the seventh annual report of Commissioner François Boileau. It contains four key recommendations.

The Commissioner's first recommendation appears in the chapter on the independence of the Commissioner's Office and is addressed to the Speaker of the Legislative Assembly. It concerns the need for an active interlocutor in the Legislative Assembly. The Commissioner believes that it is necessary to (i) establish a standing committee on French-language services, (ii) make it part of the committee's mandate to study the reports of the French Language Services Commissioner, and (iii) require the government to respond to recommendations and other official requests within 90 days.

The Commissioner's second recommendation is in the chapter on analysis of the government's response and is addressed to the Minister

Responsible for Francophone Affairs. It emphasizes the need to take the necessary measures for full compliance with the letter of the *French Language Services Act*. To that end, the Commissioner believes that the Minister should (i) table a detailed, engaged and relevant annual report on the work of the Office of Francophone Affairs, and (ii) ensure that her annual report provides updates on the actions undertaken with respect to each of the functions assigned to her and to the Office of Francophone Affairs under the Act.

The Commissioner's third recommendation is in the chapter on strategic priorities. It concerns the immigration sector and is addressed to the Ministry of Citizenship and Immigration. Specifically, the Commissioner recommends that the Ministry establish a group of experts on Francophone immigration during the 2014–2015 fiscal year. This experts group will be responsible for (i) determining a holistic strategy

for the retention of Francophone immigrants, (ii) developing a government-wide strategic plan with a specific timetable for attaining the 5% target, (iii) establishing accountability and annual evaluation mechanisms that are transparent and accessible to the public, and (iv) including certain prominent players.

The Commissioner's fourth recommendation focuses on the justice sector of the strategic priorities chapter and is addressed to the Attorney General. Thus, the Commissioner recommends that the Ministry implement a pilot project improving access to justice in French. This project should (i) be assigned to a senior and influential civil servant within the Ministry, (ii) be conducted according to a schedule, (iii) encompass a region reflecting the diversity of access to justice in French in Ontario, and (iv) be focused on a final objective of broadening access across the province.



With the independence of the French Language Services Commissioner, the Ontario Francophonie will be given a permanent presence in the Legislative Assembly of Ontario. This is a historic achievement in recognizing and protecting the rights of Ontario's Francophone citizens.



François Boileau,
French Language Services
Commissioner of Ontario

Foreword



The roots of our future will bury themselves in the ground and a canopy of hope will reach into the sky.



Wangari Muta Maathai
Nobel Peace Prize Winner
Unbowed

It is a stroke of extraordinary good fortune to experience in one's career an event so momentous that it leaves an indelible mark not only on one's memory but also on one's community. That is the good fortune that I had when, on January 1, 2014, following the adoption of [Bill 106](#), the Office of the French Language Services Commissioner left the government and became an independent body reporting to the Legislative Assembly.

Today, therefore, the Commissioner's Office is an integral part of the Legislative Assembly of Ontario. Today, Francophones have a permanent voice in Parliament. Today, an institution that operates in French for the French language is

putting down roots in the highest ground in the province. An institution of which Francophones can be proud for years, even generations, to come.

This doesn't mean that the tree wasn't already sturdy – witness the abundant harvest of past recommendations, complaints processed, and systemic changes undertaken by the government. Yet there was always the risk that it would become merely ornamental, or worse still, that it would fall victim to wholesale cuts, at the mercy of fluctuations in political power.

Not anymore. This institution is solidly planted, like the Francophone community it represents, which, need I remind you, is about to celebrate the quadricentennial of its presence in Ontario.

The continued existence of the Commissioner's Office, Franco-Ontarians' great ally, is indispensable to the full development of a [rapidly growing Francophone community](#). For while the community is expanding in number and diversity, while the rate of transmission of French from parent to child is climbing steadily, while French-language schools today are highly rated, while Francophone immigration is being encouraged more than ever, this wonderful vigour will be slightly diminished if the mechanisms that welcome and support

those who wish to communicate in French with their government – and the agencies it funds – are broken.

Ontario has the official mechanisms to give French the status it deserves as a heritage language. The *French Language Services Act* comes immediately to mind, but we also have the *Courts of Justice Act*, the *Education Act*, the *Regulated Health Professions Act*, the *Child and Family Services Act* and a number of other laws and regulations that set out the government's obligations with regard to services in French. This fertile legislative ground has nurtured countless other mechanisms – regulations, directives, policies, programs, reports, recommendations, etc. – in support of both the provision of French-language services and the full development of Ontario's Francophone community.

While some mechanisms are well oiled, others need to be fine-tuned, overhauled, or beefed up. Still others, notable for their absence, clearly need to be created. When such gaps are brought to the attention of my team, or if we suspect they exist, I intervene to the extent that I am able to do so.

As French Language Services Commissioner, I am responsible for conducting investigations and

making recommendations to ensure the proper delivery of French-language services in Ontario and the full development of the Francophone community in our province.

However, it is not my duty to see that all of the government's projects and communications take Francophone needs into account from the planning stage on. Nor do my functions involve making sure that members of the public are actively and systematically informed of their right to service in French, or that there are government employees in place, on a permanent basis, who are able to serve French-speaking Ontarians respectfully.

This responsibility belongs to the government. Moreover, it is incumbent on the government not only to carry them out diligently, proactively and intelligently but also to report any impediments to the delivery of high-quality French-language services and the full development of the Francophonie in Ontario, whether those impediments are explicit, implicit, procedural or regulatory.

Government employees must play an active role in resolving specific situations, such as the case of the mother who is unable to obtain service in French from a Children's Aid Society, the litigant whose language rights are denied by the judge assigned to hear his case or the elderly Francophones who receive critical post-operative instructions in English only.

The government must also play an active role in building a prosperous, sustainable future for Ontario's Francophonie. It must ensure that Francophone patients in Ontario receive integrated, high-quality care in their language, that government-funded agencies have iron-clad obligations regarding French-language services, that French-speaking immigrants are provided with proper guidance after their arrival, that updates of government programs do not downplay the importance of participation by Francophones in managing their own needs, and that Francophone citizens who depend on the system are not marginalized or further disadvantaged because they speak French.

It is this message about taking responsibility that I intend to continue sending to the government through my annual reports (including the one you are currently reading), my investigations and my recommendations; in short, everything at my disposal to improve the well-being of Ontario's Francophones, from the spring to the winter of their lives.

Obviously, I cannot do all this by myself. I would therefore like to recognize the indispensable support of the members of my team who decided to follow the new Commissioner's Office. I am deeply touched by the extraordinary commitment of my staff, and I extend my heartfelt thanks to them, with the promise that I will try to live up to their expectations. As an independent Commissioner, I plan to build this new Franco-Ontarian institution in conjunction with this exceptional team.

I am very hopeful that the new home of the Commissioner's Office in the Legislative Assembly will make it easier to assimilate this message, whose outcome, I maintain, can only benefit the whole of Ontarian society.

AN INDEPENDENT COMMISSIONER



The recommendation to make the Commissioner an officer reporting to the Legislative Assembly is a logical, reasoned proposal from a government that is serious about Francophone heritage and about the vitality of this province's community of 611,500 Franco-Ontarians.



The Honourable Madeleine Meilleur
Minister Responsible for Francophone Affairs

January 1, 2014, will be a day to remember in the history of Ontario's Francophonie. That is the date on which [the Office of the French Language Services Commissioner became an independent body](#), reporting to the Legislative Assembly of Ontario, and not to a minister. This key moment is an exciting time for Ontario's Francophones.

In a [public letter](#), the Commissioner thanked wholeheartedly the Honourable Madeleine Meilleur, Minister Responsible for Francophone Affairs, for tabling Bill 106 and for her leadership, her vision and her essential and crucial support.

An exciting time

Anyone who believes this independence from the government is just a "formality" should think again! The repercussions are both weighty and extremely beneficial:¹ Ontario's Francophonie now enjoys a permanent presence in the [Legislative Assembly of Ontario](#).

This is an exciting time because the citizens of Ontario now have the benefit of an institution shielded from political whims, which ensures not only equitable delivery of services in French on their behalf but also – and perhaps more important – full development of the Francophone community.

Francophone citizens will definitely be the first to benefit from this transition, but the impact on Ontario society at large must not be overlooked, especially for Francophiles, those important citizens who base the value of a language not on the number of its speakers but on its contribution to society.

A key moment

Of course, this independence from the government certainly does not mean that the Commissioner no longer has a boss. Quite the opposite, in fact. He is now accountable to 107 new ones – all Members of the Legislative Assembly. The Commissioner no longer has only a single minister as his main interlocutor, but additionally some of the most influential members of Ontario society: MPPs.

Thus, the challenges faced by Francophone citizens in asserting their entitlement to a government receptive to their needs must be made known at the highest levels in the province. Elected officials who are obligated to ensure that the government carries out its duties properly need to hear about such challenges, and the government should be held accountable for the measures it takes to address those challenges.

However, while the Act stipulates that the Commissioner shall submit to the Speaker of the Legislative Assembly annual reports and other reports containing recommendations to support compliance with the spirit and letter of the Act, it goes no further.

¹ Office of the French Language Services Commissioner, *Straight Forward*, Annual Report 2011–2012, Toronto, 2012.

In the Commissioner's view, however, the submission of a report is not the ultimate purpose of a bureaucratic exercise designed merely to discharge a legal obligation. Instead, it is part of an indispensable process of two-way accountability between the Office and MPPs. The Commissioner's reports are not documents cast in stone.

In short, as an officer of the Legislative Assembly, the Commissioner cannot preach in the wilderness: he must find in the Legislature an active, engaged counterpart expected to respond to his comments in a timely manner.

Ideally, the counterpart in question would be a [standing committee of the Legislature](#) on French-language services, specifically mandated in part to respond to the efforts made by various

parties involved. This committee could thus ensure follow-up on the Commissioner's recommendations and concerns. Given the key matters and broad issues related to the application of this quasi-constitutional act known as the *French Language Services Act*, and the need for the province to ensure the full development of the Francophonie for the integrity of Ontario's sociocultural framework, a specialized standing committee would not sit idle.

Another potential incarnation of this counterpart would be a legislative committee specifically mandated to dialogue with the officers of the Legislative Assembly. Although they play such a fundamental role for society that they were deemed worthy of being raised to the province's highest spheres of influence, they are given no

platform within the Legislature to participate in a two-way dialogue open to the public. Given the [recent proposition of the expansion of the powers of some of these officers](#), the Commissioner believes that the formation of a legislative committee assigned to hear what the officers of the Legislative Assembly have to say would be an eminently responsible action.

One thing is clear: the Commissioner cannot function without an active counterpart in the Legislative Assembly, and since the issues he handles are so wide-ranging and important for Ontario society, this counterpart should not be a standing committee that is already responsible for a wide range of portfolios.

RECOMMENDATION 1

The Commissioner makes the following recommendations to the Speaker of the Legislative Assembly:

- a. Aiming for the 2015–2016 fiscal year, appoint a standing committee on French-language services, specifically assigned to deal with issues related to the welfare and full development of Ontario's Francophone community
- b. Include in this committee's terms of reference the duty to study reports submitted by the French Language Services Commissioner
- c. Include in this committee's terms of reference the requirement for the government to respond to the French Language Services Commissioner's recommendations and other official requests within 90 days



For more information on this subject, visit www.flsc.gov.on.ca/ar1314

REACHING OUT TO MINISTERS

 To read the full version of the government's response, visit www.flsc.gov.on.ca/ar1314

As the Commissioner mentions in the previous section, the protection and expansion of French in Ontario begin with the government being accountable to the citizens. That is why the government must not only be proactive regarding the provision of services in French but also provide comprehensive answers and take concrete measures in light of the Commissioner's recommendations.

Over the years, although several of the Commissioner's recommendations were followed and resulted in tangible improvements in the delivery of French services in Ontario and, therefore, in the situation of Francophones across the province, other recommendations were less successful.

The events of last year are a prime example.

In his 2012–2013 annual report, *A New Approach*, the Commissioner made – and provided solid justification for – three key recommendations to the Government of Ontario: develop an action plan to ensure that disadvantaged populations have genuine access to French-language services; issue a directive regarding an active offer of French-language services; and issue a directive for the creation of a human resource plan for French-language services. The Commissioner received responses that were far from compelling.

Action plan for disadvantaged populations

The government's response to the first recommendation in the last annual report was both disappointing and incomprehensible, given that it was intended to provide a voice to the voiceless by requesting that an action plan be developed so that the most vulnerable groups in our society might enjoy easy access to the French-language services they need.

The Commissioner recognizes that “the development of tools and resources for front-line, policy and program staff” – as stated by the government's response – does amount to a set of initiatives that are commendable.

Nonetheless, these initiatives, which are vague and devoid of any concrete commitment, are far from enough to meet the needs of a silent class within the population. Indeed, examples abound of intervening parties that appealed directly to the Commissioner's Office on behalf of their users in order to address egregious failures to provide services in French.

The Commissioner considers that each reported case shows the tip of the iceberg, especially when it comes to ministries providing services to the most vulnerable members of society.

The Commissioner's Office is committed to looking more closely at what lies beneath the tip of the iceberg and to addressing this very important issue for disadvantaged populations. In fact, the Commissioner even intends to ask the Minister Responsible for Francophone Affairs to require action plans for the delivery of French-language services, as the law empowers her to

do, from certain ministries identified as priorities by the Commissioner's Office, the idea being that each ministry evaluates and understands the specific needs of its vulnerable Francophone clients in order to design and plan appropriate programs and services.

It is difficult to comprehend, despite the obvious stakes, why the Commissioner must continue to press the issue.

Directive on the active offer of French-language services

The Commissioner is dumbfounded by the government's response regarding his recommendation for a clear directive on the active offer of services in French.

On one hand, that response cites the new [Regulation 284/11](#), which applies to government agencies who use third parties to offer services on their behalf. Even if the active offer concept were to be viewed as an integral part of the Act, it is not yet clear enough. Regulation 284/11 does not solve the issue of needed clarity as far as governmental agencies are concerned.

On the other hand, the government proposes to develop a strategy to increase civil servants' awareness of the importance of the active offer of French-language services. This initiative, which at first may appear promising, in fact remains woefully inadequate insofar as it represents a band-aid solution to a systemic problem.

Indeed, the value of a “directive” to the government is that it is *mandatory*: civil servants

are *required* to comply. Advice, best practices, procedures, tools, etc., are, in the end, only *incentives* to implement certain measures. In short, they remain completely optional and depend on the goodwill of each government institution, or even of each office or branch within a ministry.

And yet, when it adopted its [Communications in French Directive](#), the government acted adequately and clearly. The government would be well advised to be inspired from this and to do the same towards the important concept of active offer.

If not, the current situation does not create an environment conducive to reaching those who are still hesitant to use services in French on a daily basis, nor to helping avert the constant threat of assimilation.

The Commissioner believes that many breaches of the Act could have been avoided with a decidedly active provision of services in French. And those breaches could sometimes have dramatic consequences, as in the fields of health care and access to justice.

Having failed to obtain a satisfactory outcome, the Commissioner will once again have to revisit this critical issue.

Directive on a human resource plan for French-language services

Nobody can deny that the government has, in recent years, provided tools and resources to government agencies enabling them to better comply with the *French Language Services Act*

(e.g., a policy on designated bilingual positions and a managers' guide on filling designated positions). It is true that since 2012 the government's general staffing policy for the Ontario public service has included principles and requirements for managers to follow in designating, staffing and undesignating bilingual positions. This is a step in the right direction, but it is clear that these tools and measures have so far failed to provide ministries and government agencies with real human resource plans for French-language services.

Indeed, each office or branch within a ministry has its own corporate culture. This means that within a single ministry, the approach and degree of compliance with respect to designated bilingual positions, for example, is always dependent on the goodwill of the managers in charge.

In fact, the weight of responsibility rests on the shoulders of the managers and French-language service coordinators to determine whether to maintain a position as designated, and whether to fill it with a bilingual person when staffing decisions are made. Such a practice has shown its limitations: some ministries have seen the number of bilingual positions decrease over time; positions are sometimes designated as bilingual depending on the staff that is already in place or available, rather than on the duties of the position; and the retention of staff in designated bilingual positions remains an ongoing problem.

In short, the importance of having a mandatory, specific human resource plan for French-language services goes beyond the issue of

staffing, designating or undesignating bilingual positions. First, such a plan would make it possible to inventory the programs and services provided by ministries and government agencies in order to determine their capacity to deliver them in French where the Act requires, including management positions to ensure the delivery of more complex services. This in turn would lead to the development of a list of designated positions and the number of bilingual employees and would ensure that the available numbers and skills satisfy the requirements of the positions. In the event that a ministry or government agency did not have enough bilingual employees to fill all the designated positions, an action plan would be developed to remedy the situation in the short and long term. This plan would cover personnel training, the hiring of new employees, employee retention or a transfer of responsibilities.

At the risk of repeating himself, the Commissioner insists that, whatever tools and other resources have already been developed and deployed, they cannot truly achieve their goals unless they are first designed in a consistent manner by all stakeholders and then implemented systematically with specific instructions for their use. This is something only a government directive issued by the Management Board can ensure. Also, only the board can consolidate current initiatives, contrary to what the government maintains.

On this issue, the Commissioner will not budge: a directive on the development and implementation of a government-wide human resource plan for French-language services is one of the pillars of the effective, integrated

implementation of the Act. Setting out mandatory guiding principles in a general human resources policy is one thing. Instituting a directive issued by the Management Board requiring the establishment of a human resource plan for the delivery of French-language services is something else entirely.

Lastly, in this era of transparency and open data, it would be appropriate for every government institution to publish every year the number of vacant designated bilingual positions and the number of designated bilingual positions staffed by employees who have the required language skills. This would make it possible to track trends in the staffing of designated bilingual positions and take the necessary corrective action, if any.

Leadership begins at the top

Requiring the Commissioner to keep on fighting the good fight is not a viable approach. No, the solution lies elsewhere. In fact, it is obvious since it is all there, in black and white, in the *French Language Services Act*.

The Commissioner is not responsible for the enforcement of the Act. That task belongs to the Minister Responsible for Francophone Affairs. And that task includes elements such as the presentation of an annual report, the preparation and recommendation of projects and priorities with respect to French-language services, monitoring the development of

programs for the provision of services in French and the use of the French language – and the specific request that government projects aimed at implementing the Act be prepared and presented. This last element is crucial because the implementation of the law requires the implementation of the Commissioner's recommendations arising from the performance of his duties.

The Commissioner does not seek in any way to denigrate the great work that has been done in the past and which continues to be done through the contribution of the Minister Responsible for Francophone Affairs and the Office of Francophone Affairs – far from it. But the blandness of some government responses to recommendations that are nonetheless critical for the Francophone community convinces him that such a situation would be rare, and that gains would be much more significant if the government took the steps that are needed for the letter of the *French Language Services Act* to be fully respected, while showing the backbone required for its spirit to be respected.

In fact, the Legislative Assembly's Standing Committee on Justice Policy currently has a mandate to analyze the actions undertaken by the Office of Francophone Affairs. To the Commissioner's knowledge, the Office has never been summoned by this important Standing Committee to discuss issues relating directly to the *French Languages Services Act*. It would, at

the very least, be appropriate for the Standing Committee, responsible for such matters, to be better informed on the issues relating to French-language services as well as the essential role that the Office of Francophone Affairs plays and must continue to play.

In this new age of more direct dialogue between governments and the public, transparency becomes absolutely critical. The citizens of Ontario need to be presented, at least once a year, with the government's vision for French-language services, especially with regards to the initiatives of the Minister and the Office of Francophone Affairs. The community deserves more than the current annual reports, which are buried somewhere on a website and present largely "old news". In their current format, these reports are written from a purely administrative perspective and exist solely to fulfill a legal obligation. Lacking vision, inspiration and vitality, the current annual reports constitute a missed opportunity to initiate genuine dialogue with the Franco-Ontarian community and society as a whole. The excuse of lacking time and resources no longer meets the grade. It is imperative for the Minister to use the mechanisms and opportunities instituted by the government to share her strategic reflections on the status of the Francophonie in Ontario in relation to the events, issues and circumstances of the time while remaining focused on the identified goals to be achieved in coming years.

RECOMMENDATION 2

The Commissioner recommends that the Minister Responsible for Francophone Affairs:

- a. Table in the Legislative Assembly, pursuant to section 11(3) of the *French Language Services Act*, a detailed, engaged, and relevant annual report on the business of the Office of Francophone Affairs
- b. Ensure that her annual report provides an update on the actions undertaken with respect to each duty that the Act confers upon her, particularly sections 11 (2) (a), (b), (c) and (e), and that the Act confers upon the Office of Francophone Affairs, particularly sections 12 (2) (a), (b), (c), (d) and (e)

The Commissioner also recommends that the Minister Responsible for Francophone Affairs attempt to meet, at least once a year, with the Standing Committee assigned to the Office of Francophone Affairs to discuss issues relating to Francophone affairs and the delivery of services in French.



For more information on this subject, visit www.flsc.gov.on.ca/ar1314

THREE INTERESTED PARTIES

How the Office Communicates with Stakeholders

Ontario Citizens:

- Social media
- Consultations
- Speaking engagements
- Meeting with community groups

Ontario Government:

- Cooperative contacts with public servants
- Formal contacts with senior officials
- Investigation reports and annual reports
- News releases

Members of the Provincial Parliament:

- Recommendations by the Commissioner
- Dialogue with the relevant parliamentary committee
- Officers' meetings
- Ongoing dialogue with ministers and MPPs

Vision

“The Office of the French Language Services Commissioner works to ensure active, integrated delivery of French-language services in support of the development of the Francophone community and Ontarian society.”

As much as its official role is to help citizens receive the services to which they are entitled, the ultimate goal is to see the day that offering and providing French-language services will simply be a matter of course.

For Francophones, being able to communicate in one’s mother tongue is more than a right; it is a need. The most bilingual among us still prefer to obtain services in the language known best when it comes to sensitive matters such as health care or justice, or when one’s means are diminished, be it due to social circumstances,

illness or aging. However, they will do so only if the option is available, *and* if it is actively offered.

Francophiles trying to maintain their second language, which they actively learn in classrooms, also need support and services. They may not be faced with living as a minority in Ontario, but they too are faced with similar challenges when trying to access French-language education and services.

The Commissioner’s Office has more empathy for Ontario’s most vulnerable citizens, those who are most in need of government services yet the least likely to reach out for fear of reprisals. The Commissioner’s Office believes that “the moral test of government is how that government treats children, the elderly, the sick, the needy and the handicapped”.²

Mission

“The mission of the Office of the French Language Services Commissioner is to ensure that the public receives high-quality French-language services from the Government of Ontario. Through its powers of investigation, it monitors the application of the *French Language Services Act*. It strongly encourages government ministries and agencies to proactively design policies and programs that are adapted to their Francophone clientele, notably through its power to make recommendations.”

Looking at its mission from this new perspective of independence from the government, the Commissioner’s Office has identified three groups from whom support is essential to carry out its mandate: Ontario citizens at large, the Ontario government and Members of the Legislative Assembly.

Ontario Citizens

The Commissioner’s Office invites all citizens of Ontario, regardless of their mother tongue, to communicate with his Office to address concerns they may have with regard to any gaps in the

application of the *French Language Services Act*. This is not limited to instances of poor-quality direct services. It also includes broader issues such as the systemic barriers that restrict the provision of French programs and services to those who wish to live in French, in Ontario.

The Commissioner quickly sees to the most urgent cases but does not underestimate the importance of complaints that do not require immediate intervention.

Ontario Government

The Commissioner’s Office works hard to maintain ongoing and active relations with its government partners who are responsible for the delivery of quality French-language services.

In general, the Commissioner’s Office gets involved mainly when it receives complaints from the public or suspects a problem with regard to gaps in providing French services. Government representatives should see these interventions as

opportunities to enhance the government’s services and programs.

Because it is responsible for offering direct and indirect services to the public, the government must take responsibility regarding any deficiencies

² Hubert H. Humphrey’s statement. Available online: <http://www.hhh.umn.edu/about/HHHquotes.html> (page consulted in May 2014).

in the delivery of French-language services that are brought to the Commissioner's Office. After all, the complainants that turn to the Commissioner's Office are in fact its complainants.

The government must be as proactive with its offer of French-language services as it is in prevention and service adjustments. Indeed, the government is essential to the implementation of the recommendations made by the Commissioner in his annual and investigative

reports, which implies that it must provide substantive responses and take concrete actions regarding these recommendations. For this reason, the Commissioner expects active collaboration from the Ontario government to pursue his mission.

Members of the Provincial Parliament

As the newest Officer of the Assembly reporting to the Legislature, the Commissioner's role is to assist elected parliamentarians in holding the government and its officials accountable for their

stewardship, implementation and delivery of French-language services, in keeping with the provisions and the spirit of the law.

Accordingly, the Commissioner expects the same attentive ear and sufficient resources, as well as a firm commitment from the Legislative Assembly of Ontario to pursue his mission, in addition to

ensuring that the government fulfills its statutory and regulatory obligations.

 For more information on this subject, visit www.flsc.gov.on.ca/ar1314

A FEW UPDATES

With hundreds of new complaints received each year, on top of the hundreds of files that the team is still processing, the Commissioner's Office is not short of work.

This section provides updates on some of the Office's current projects.

 For more information on this subject, visit www.flsc.gov.on.ca/ar1314

Postsecondary Education

In June 2012, the Commissioner published a special investigative report entitled *The State of French-Language Postsecondary Education in Central-Southwestern Ontario: No access, no future*,³ in which he concluded that the limited French-language postsecondary options, long

distances and fragile autonomy of some institutions undermine student recruitment and retention, resulting in a loss for the Franco-Ontarian community.

Although the Commissioner is still waiting for a response to the four recommendations in the report, it is evident that the government has

been striving to improve access to French-language postsecondary education in this underserved area.

Throughout the past year there have been many improvements in access to French-language postsecondary education, including much-needed [additional funding for increased programming](#).

³ Office of the French Language Services Commissioner, *The State of French-Language Postsecondary Education in Central-Southwestern Ontario: No access, no future*, Investigation Report, Toronto, 2012.

Other noteworthy successes include the following:

- The University of Hearst became the first Ontarian university to be designated under the *French Language Services Act*.
- La Cité collégiale became the third Ontarian postsecondary institution to be designated under the *French Language Services Act*.
- York University's Glendon Campus expanded with a Centre of Excellence for French-language and Bilingual Postsecondary Education.

Additionally, to address and improve access to French-language programming at the postsecondary level in Central-Southwestern Ontario, the government introduced an Advisory Committee consisting of area experts within the Francophone community. This was a progressive step taken in response to one of the Commissioner's recommendations.⁴ This new Advisory Committee is a step towards ensuring that the right decision makers within government will be advised with a comprehensive overview of improving French-language education at the postsecondary level in Central-Southwestern Ontario. The government did a great job of recruiting a well-rounded group of individuals for this important task. The Commissioner anticipates positive improvements to the postsecondary

landscape, promoted by this group, in collaboration with the government.

Another success, albeit on a much smaller scale, was the broadening of the eligibility criteria for the Travel and Commuting Grants. This was done in an attempt to rectify the cancelling of the Fellowships for Studying in French program, which caught the Francophone community by surprise in 2012. While this band-aid solution provides a small financial incentive towards encouraging Francophones and Francophiles to pursue their postsecondary education in French, it is far from an equitable replacement for the Fellowships for Studying in French program, which was introduced in 1975 to specifically encourage and promote postsecondary education in French. The Commissioner is nonetheless pleased with this outcome, which came as a result of the Commissioner's investigative report *Cancellation of the Fellowships for Studying in French: It pays to do your homework*.⁵

Outside the halls of government, the Francophone community came together to ensure that their voices are heard at all levels with the establishment of the États généraux sur le postsecondaire in Francophone Ontario.

With all of this progress to report, the Commissioner is hoping to see continued momentum in 2014–2015 and is looking to the Ontario government to support the following priorities that will lead towards a more equitable

postsecondary education landscape in French language:

1. Work with Ottawa and Laurentian Universities, and possibly Glendon College, to help them through the designation process.
2. Ensure not only that the new Advisory Committee is given the opportunity to present its findings and recommendations to the Deputy Minister's office but also that the government includes them in its Action Plan.
3. Provide the États généraux with the support and resources needed to carry out its mandate.

Despite the positive outlook in postsecondary education, the Commissioner would nonetheless like to put the spotlight on an important recommendation made in the investigative report *The State of French-Language Postsecondary Education in Central-Southwestern Ontario: No access, no future*,⁶ which is still waiting for government response:

4. Expand the current method of data collection, which is based on an incomplete understanding of French-language education in Ontario that includes only rights-holders.

 For more information on this subject, visit www.flsc.gov.on.ca/ar1314

⁴ Ibid.

⁵ Office of the French Language Services Commissioner, *Cancellation of the Fellowships for Studying in French: It pays to do your homework*, Investigation Report, Toronto, 2013.

⁶ Office of the French Language Services Commissioner, *The State of French-Language Postsecondary Education in Central-Southwestern Ontario: No access, no future*, Investigation Report, Toronto, 2012.

Justice

TRUE STORIES

The Office of the French Language Services Commissioner notes that there is a lack of knowledge with respect to language rights even among those charged with administering justice and enforcing the law, as evidenced by a few complaints in the past:

“A family court judge denies a litigant’s request for a bilingual proceeding, even though the request was in proper form. The litigant then hires a lawyer, who has to tell the judge that he intends to apply to the

Superior Court to force the judge to honour his client’s language rights. Only then does the judge recognize the litigant’s right to be heard in French.”

“A citizen who wishes to adopt the son of his new partner fills out all the documentation for this purpose. While this type of adoption normally requires only a week or two to be processed, the file stagnates for over three months, because the application was filed at the court office in French.”

“A family court judge refuses a bilingual trial for a defendant despite a request having been made in good and due form. The defendant then hires a lawyer, who must go so far as to tell the judge he intends to apply to the Superior Court to force the judge to respect the linguistic rights of his client before the judge in question finally recognizes the right of the defendant to be heard in French.”

The *French Language Services Act* clearly specifies the status of French as an official language of Ontario’s courts. Together with the *Courts of Justice Act* and the *Criminal Code*, the Act guarantees litigants’ right to French-language services in Ontario, including the right to have their case heard by a judge who is fluent in French, *anywhere in Ontario*. However, the complaints that the Commissioner’s Office continues to receive show that more must be done. Much more.

Access to justice in French is a key issue for the Office, which is not surprising since justice is ever-present in our lives (contracts, fines, estates, divorces, trials, etc.) and its administration has profound repercussions.

Regulations

At the risk of oversimplifying, let’s assume that acts reflect the lawmakers’ general intentions, while regulations reflect the details of how acts are to be implemented. This means that regulations are often more useful to the average citizen, since they often contain concrete information about what he or she has to do to comply with the act. However, in Ontario, while laws are valid only if they are in both official languages, regulations are valid even if they are in English only. A good example of this is Ontario’s Building Code. Although the [act that establishes the Code](#) and lays the groundwork for a healthy construction industry in Ontario is in both languages, the [Code](#) itself is in English only. In short, a Francophone in Ontario who is not fluent in English does not have access to as

complete a regulatory framework as does an Anglophone citizen. As a result of this inequitable situation, the Commissioner asked the Attorney General to ensure that regulations that are particularly useful to citizens are translated into French.

Since 2009, the Commissioner has received many positive reports in this regard, and this year is no exception. In 2013–2014, the Ministry of the Attorney General continued to invest a significant level of human and financial resources in the translation of regulations, which produced noteworthy results, as 43% of regulations now have an official French version. While the initial goal of 50% was not achieved, at the time this report was written, 40% of the remaining unilingual regulations were in the process of being translated. According to the Ministry,

it is only a matter of time before 65% of all regulations will be bilingual.

In addition, a number of ministries are expected to have almost all of their regulations available in both English and French in the near future. When this is complete, progress will have been made in a variety of areas that affect the health and working lives of Ontario's citizens.

Results of the legal experts committee's work

In response to the Commissioner's recommendation, [the French Language Services Bench and Bar Advisory Committee](#) was formed in 2010, and in 2012, it produced a [pivotal report on access to justice in French](#) that offered a wide range of possible solutions to ensure "effective and meaningful access to justice in French in Ontario".⁷ The Committee's recommendations dealt with many facets of access to justice in French, from active offer to language rights education for staff and the bilingual capacity of judges, and the Commissioner [commented at length](#) on each one in his blog in 2012 and 2013.

Since then, a steering committee was established to implement the recommendations, and in February 2013, the Commissioner received a report on some of the progress it had made, particularly in promoting the concept of active offer among court staff and educating the judiciary on language rights. The Commissioner applauds these efforts and the Ministry's obvious

determination to remedy the shortcomings documented in the report on access to justice in French.

That said, the Commissioner's Office continues to receive complaints, some of them quite disappointing, about French-language services in Ontario's courthouses. When a complaint is urgent (e.g., if the lack of French-language services threatens to disrupt the administration of justice), the Office's staff tries to intervene as quickly as possible, which consumes a great deal of resources. When the problems raised are more systemic, the Office asks complainants to be patient and explains the Ministry's step-by-step approach; however, this type of response cannot and must not continue for too long.

Bilingualism of judges

The original impetus behind the 2008–2009 recommendation to establish a committee to study access to justice in French was in fact the Commissioner's concern about the apparent shortage of bilingual judges in Ontario. Although in the end the Committee was unable, because of a lack of precise statistics, to confirm that there were not enough bilingual judges in Ontario, it nevertheless concluded that "the linguistic qualification process for judges in some courts in Ontario [...] is not adequate".⁸ Indeed, the evaluation of the language skills of judges appointed to the Ontario Court of Justice is currently an informal process. The

implementation steering committee is working to rectify the situation.

The [Court of Justice](#) is not the only court involved in the settlement of legal disputes in Ontario, though. Two other important bodies are the [Superior Court of Justice](#) and the [Court of Appeal for Ontario](#). However, the appointment of judges to these two courts is a federal responsibility. This division of powers could have complicated efforts to improve the language skills of judges and justices of the peace in Ontario, if the Commissioner of Official Languages of Canada had not himself launched an important study of the bilingual capacity of the judiciary in Canada's superior courts.

In August 2013, the Commissioner of Official Languages published the [results of an in-depth, systemic review of the issue](#), conducted in conjunction with the French Language Services Commissioner of Ontario and the Commissioner of Official Languages for New Brunswick. The study, entitled [Access to Justice in Both Official Languages](#), makes 10 recommendations for improving the appointment process and providing better language training and language rights education for the superior courts' judiciary.

One of the recommendations is particularly important for access to justice in French in Ontario: the establishment of a memorandum of understanding between the Minister of Justice of Canada and the Attorney General of Ontario to clearly define the language skills that a bilingual

⁷ Available online: http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/bench_bar_advisory_committee/full_report.pdf (page consulted in May 2014).

⁸ Ibid.

judge should have and identify the appropriate number of designated bilingual positions in the judiciary for superior courts ([Recommendation 2](#)). In light of the remarkable commitment

demonstrated by the Ministry of the Attorney General to improving access to justice in French in Ontario, the Commissioner is hopeful that this recommendation will not be ignored and that

such a memorandum of understanding will be concluded in 2014. Stay tuned.

National and International Interventions

National relations

The signing of memorandums of understanding with the official languages commissioners of [Canada](#) and [New Brunswick](#) in 2012 and 2013 boosted collaboration and information sharing with these two institutions.

In addition, the offices of the three commissioners identified Francophone immigration as a priority area warranting further study. They therefore agreed to pool their efforts and explore the possibility of working on a joint project on Francophone immigration in their respective jurisdictions.

Furthermore, in anticipation of the 2015 Pan American and Parapan American Games in Toronto, the Commissioner's Office is collaborating with its federal counterpart to open a dialogue with the organizers to ensure that the Francophone community is fully involved and plays an active role in an international sporting event that reflects the linguistic duality. This is especially important since the Games coincide with the celebration of

the 400th anniversary of the Francophone presence in Ontario.

The Commissioner is also continuing to cultivate relations with his newly appointed counterparts in other parts of Canada. He sent letters of congratulations to Ms. Snookie Catholique, Official Languages Commissioner of the Northwest Territories, and Mr. Jean-Paul Arsenault, Prince Edward Island's Complaints Officer. In addition to strengthening cooperative relations with colleagues at the national level, the Commissioner expanded his international exchanges.

International Association of Language Commissioners

In May 2013, the Commissioner attended the [International Conference on Language Rights](#) in Dublin, Ireland. This conference, whose theme was "sharing best practices", was an opportunity to discuss language policies and the implementation of each jurisdiction's laws concerning the protection of minorities and the preservation of their linguistic heritage.

In attending the conference, the Commissioner was able to share the Ontario government's exemplary practices regarding Francophones'

language rights. In particular, it provided an opportunity to talk about the concept of a minority and the definition of a Francophone in Ontario. The [first annual conference of the International Association of Language Commissioners](#) was held in Barcelona, Spain, in March 2014.

As a founding member, the Commissioner was invited to the Association's official launch, during which he gave a speech as part of a panel discussion on the impact of investigations. It was an opportunity to talk about the importance of using the powers he has under the *French Language Services Act* to conduct investigations and make recommendations in order to improve the quality and availability of the Ontario government's French-language services.

 For more information on this subject, visit www.flsc.gov.on.ca/ar1314

STRATEGIC PRIORITIES

Global Priorities

Three Rs of the Commissioner's Office – Our Strategic Focuses

Reinforce

- Post-independence transition
- Managing information and intellectual capital
- Complaints management
- Financing and budgeting
- Professional development of staff
- Next generation

Reach out

- Determining the target audience
- Expanding the presence of the Office
- Social media
- Community relations
- Government relations
- Parliamentary relations

Realize

- Emergency complaints (immediate interventions)
- Complex complaints (global interventions)
- Annual reports
- Formal investigations
- Special reports
- External evaluation of the Office

Future priorities of the Commissioner's Office

This pivotal moment for the future of the Commissioner's Office – gaining its independence from the government – was a perfect opportunity to examine exactly what that future should look like. Accordingly, in the fall of 2013, the Office undertook a strategic planning exercise whose results will help to guide its activities during the coming years.

The Office's major strategic focuses for the years to come are known as the Three Rs, because they can be summed up by three verbs: *reinforce*, *reach out* and *realize*.

Priority sectors

Following is a list of sectors to which, in the Office's view, the team would do well to pay closer attention in the coming years. Since it was

still unknown at the time this report was written exactly what resources the newly independent Commissioner's Office would have, these priority sectors are arranged on the basis of general timeframes rather than a specific schedule.⁹

⁹ Based on the resources that he hoped to have as the newly independent Commissioner's Office, the proposed timeline for the Office's strategic priorities is for planning purposes only, "short term" reflects a period of one to two years; "medium term" a period of three to four years, and the "long term" a period of one to four years.

Short term

- Improvement of the school acquisition process and amendment of the applicable regulation – Follow up on the Office's investigation report entitled [When the most elementary becomes secondary](#)
- [Children and youth services](#) – Paying special attention to Children's Aid Societies
- [Services for the elderly](#) – Particularly with a view to increasing in-home services
- [Pan American/Parapan American Games](#) – Major events that will take place in Toronto in July and August 2015, in which French must play a prominent role
- [Translation of Ontario regulations](#) – Follow up on a recommendation from the [2008-2009 annual report](#)
- Designation of areas – Continuation of discussions on the designation criteria (see section 1.4 of the [2011-2012 annual report](#))
- City of Ottawa – In its dual capacity as a municipality with a French-language services by-law and the National Capital
- [Third parties](#) – Follow up on the [implementation of Regulation 248/11](#) governing the delivery of French-language services by third parties

Medium term

- [Family law](#) – Ontario family courts' capacity to handle cases in which at least one party is Francophone
- [Administrative tribunals](#) – More than 230 tribunals settle disputes in Ontario under procedures that are sometimes incompatible with the accepted principles of providing service in French
- [Persons living with HIV/AIDS](#) – Equitable access to health and social services for this often marginalized group
- Social assistance – Especially in view of municipalities' role in delivering these services
- Occupational health and safety – Training, prevention of workplace accidents, bilingual capacity of the Workplace Safety and Insurance Board
- Specialized education – [Literacy and Basic Skills](#); [education of Francophones with a vision and/or hearing disability](#)
- Francophiles – Taking advantage of the like-mindedness of citizens who support the enhancement of the vitality of Ontario's Francophonie, whether they speak French or not

Long term

- [Immigration](#) – Including the application of the Inclusive Definition of Francophone in initiatives that [promote Francophone immigration](#) and welcome newcomers
- Health – Structural capacity of this enormous sector to ensure adequate management of Francophone patients
- [Access to justice in French](#) – Implementation of the recommendations of the provincial-level report [Access to Justice in French](#)
- Municipalities – Adoption and implementation of municipal by-laws and regulations concerning French-language services
- Follow-up on the Office's recommendations – Every year, the Commissioner makes recommendations for the improvement of French-language services in Ontario; he has to check periodically to determine what progress has been made on each one

The preceding list is obviously not complete and is certain to change with the political, social and economic climate of the day. Moreover, the projects enumerated are very ambitious in view of the team's size: six people, including the Commissioner, with only three of them working on investigations. An essential condition for

executing these projects is that **the resources allocated to the Commissioner's Office must be consistent with his mandate.**

The next few pages contain a detailed analysis of selected French-language service issues in specific priority sectors.

 **For more information on this subject, visit www.flsc.gov.on.ca/ar1314**

Health

A work in progress

The health care sector is one of the largest government portfolios, and one on which Ontarians rely heavily, so it is not surprising that the Commissioner's Office sees a significant number of complaints related to health care every year. With that being said, progress has been made in the delivery of French-language services in this sector over the past five years.

The delivery of health care in Ontario is complex.

The Ministry of Health and Long-Term Care does not deliver health care services in and of itself. It oversees the province's strategic action plan that includes the funding of health services and the dissemination of their policies. The Ministry delegates responsibility for the delivery of health care services to Local Health Integration Networks (LHINs).

Also, as a result of a recommendation from the Commissioner's *Special Report on French Language Health Services Planning in Ontario*, in May 2009, the addition of six health service Planning Entities were created to engage the Francophone community and provide strategic planning recommendations to the LHINs with regards to the delivery of French-language services. Although this added another layer to the already complex health care service delivery model, it was a necessary step towards the active delivery of French-language services. With the creation of these new Entities, there was a need for the Ministry of Health and Long-Term Care to outline and communicate the roles and responsibilities of both the LHINs and the Entities.

This past year, the Ministry of Health and Long-Term Care did a great job of doing just that. Managers from the LHINs, the Entities and the Ministry got together in a successful day-long forum in which the Ministry reaffirmed its policies, its expectations and the roles of all

parties involved. More important, it was an invaluable opportunity for networking and collaboration between the Entities and the LHINs.

 **The Commissioner's Office began receiving positive feedback in the last quarter of 2013 from Francophone leaders in the health care sector praising the Ministry's support, which fostered marked improvements in the LHINs' engagement with the Entities.**

 This forum was such a success that follow-ups are necessary. The Commissioner can only hope that it will become a biannual event to ensure ongoing communication and collaboration between the LHINs and Entities, which is important to the delivery of health care services that meet the Francophone community's needs.

Helping the most vulnerable when they need help the most – HIV/AIDS

Francophones dealing with the life-limiting illness that is HIV/AIDS are often faced with choosing between a facility that specializes in HIV/AIDS (in English), and a facility that caters to the Francophone public at large, thereby losing all the cultural sensitivities that accompany this disease.

 Anglophones living with the same life-limiting illness don't have this awkward and difficult choice to make.



The Commissioner's Office continues to receive complaints from this vulnerable community, who are a minority within a minority. Because this is an area that is so sensitive and touches on several vulnerable populations (LGBT, immigrants, women, youth, the elderly, those living with mental health issues and drug addictions), the Commissioner's Office will be looking at picking up where the 2011–2012 annual report ended, looking for a strategy from the Ministry that will fully integrate French-language services for all those living with HIV/AIDS throughout their medical journey.

To get an in-depth view of the current situation of Francophones living with HIV/AIDS, the Commissioner will look into launching a thorough province-wide investigation with a view to making carefully crafted, well-researched recommendations to the Ministry of Health and Long-Term Care that will improve the quality life for Francophone HIV/AIDS patients from all walks of life.

Taking the pulse of a community through health care

 How does providing French-language services provide cost savings in health care?



People often ask the Commissioner why providing French-language services is so important in health care, and then tend to follow that question with one related to the cost associated with providing French-language services. The Commissioner will never tire of explaining that not all Francophones are bilingual, and that even for those who are fully bilingual, when it comes to the need for more personal and sensitive services, the ability to use one's first and best language is important. Communication in one's mother tongue is instrumental when it comes to providing

information about medication, allergies, health conditions, etc. Far from costing more money, providing the right service in health care at the original point of entry saves money in the long run.

The Commissioner recently heard of a new immigrant who was bilingual, but not in English; the only official language of Canada she understood was French. She went to see an English-speaking doctor but was unable to fully understand what her health condition was, and consequently did not take her prescribed medication correctly. As a direct consequence she fell ill again and required more medical help, thus doubling the cost of health care. Had she received her services in French at the point of entry, she wouldn't have needed the additional medical help.

Unfortunately this problem is shared by many people across Ontario each and every day. While it would be impossible to provide bilingual staff all the time, there are ways to better understand the specific needs of the Francophone clientele and reallocate the scarce resources available more effectively.

- **Active offer** – Many Francophones are unaware that they can obtain French-language services from many health care providers, simply because there is no written or verbal statement to that effect. That is why it is essential to

advertise the availability of French services through systematic “active offer”.

- Human resources – It is simply impossible to provide effective health care services in French if there is no working knowledge of French among the staff. The health services providers

must develop a human resources plan to ensure the availability of bilingual staff.

The delivery of better health care to the entire Francophone population, and in fact to any population, is important in creating sustainable, healthy and strong communities, especially in an

era where we are shifting to a more holistic health care model centred on prevention.

 For more information on this subject, visit www.flsc.gov.on.ca/ar1314

Immigration

The 5% target

In 2012, the Ontario government announced the development of its first immigration strategy to attract more highly skilled workers in support of the development and enhancement of Ontarian society, including the Francophone community. This clear goal and this leadership by the government were reflected in the announcement of a 5% target for Francophone immigration, which will certainly contribute to the vitality and the social, economic and cultural development of the Francophone community if it is reached.

The Minister of Citizenship and Immigration pledged to incorporate this target into every class of federal and provincial immigration program. In fact, the province is overseeing, jointly with the federal government, the work of developing the new Expression of Interest system to be implemented sometime in 2015.

This opportunity should undoubtedly help the Ontario government promote its 5% target and incorporate in this new system the specific characteristics of Francophone immigration in Francophone minority communities.

In its recent strategic planning exercise, the Commissioner’s Office team identified Francophone immigration as a priority issue in which it intends to get involved and play an active role. This concern is shared by the language commissioners of Canada, New Brunswick and Ontario, and they are currently collaborating and pooling their efforts for a joint project in the coming months in keeping with their respective jurisdictions.

Actions undertaken

Since the publication of Ontario’s first immigration strategy in 2012, the government has undertaken a number of actions. A working group was formed to develop measures for achieving the 5% target under the leadership of the Minister of Citizenship and Immigration.

The working group has identified a number of priority action areas, such as recruitment and retention of qualified Francophone applicants in other countries and those who are already in Ontario. The working group has also initiated other priority actions, such as strengthening the partnership with Citizenship and Immigration Canada (CIC) and improving access to provincial settlement programs. In that vein, the Ministry changed the eligibility criteria for its language training programs in **November 2013** to allow Francophones whose mother tongue is French to take English as a Second Language classes.¹⁰

In addition, in February 2014, the Ministry introduced **Bill 161**,¹¹ which is intended in part to attract more qualified immigrants under the **Provincial Nominee Program** while redesigning the program to better meet community needs.¹² If passed, this bill will enable the government to commit itself to making sure that the Franco-Ontarian community also benefits fully from this program to attract, welcome and integrate new immigrants.

¹⁰ For more information: <http://news.ontario.ca/mci/en/2013/11/ontario-helping-more-francophone-immigrants-succeed.html> (page consulted in May 2014).

¹¹ For more information: http://www.ontla.on.ca/web/bills/bills_detail.do?locale=eng&Intranet=6&BillID=2938 (page consulted in May 2014).

¹² For more information: <http://www.ontarioimmigration.ca/OI/en/pnp/index.htm> (page consulted in May 2014).

In addition, the Ontario government can take pride in being the only provincial/territorial government to sit on the new CIC–Francophone Minority Communities Committee, whose mandate is to restart the national effort to increase Francophone immigration in minority areas.

The importance of accountability mechanisms and an experts group

In his last annual report, the Commissioner expressed a desire to see the government introduce transparent accountability mechanisms for Francophone immigration so that it can report tangible results in achieving the objectives. He repeated that wish over the past year.

As a result, the Ministry recently informed the Commissioner that it was planning to publish its first progress report on its government-wide efforts to reach the 5% target in the spring of 2014. The Ministry is also considering taking advantage of this opportunity to hold consultations with Francophone stakeholders in this issue.

The Commissioner recognizes the various ministerial initiatives in this area, including the establishment of the interministerial working group. Also worth mentioning are the Ministry's

continual efforts to engage representatives of the Francophone community at various events and forums of intergovernmental and community stakeholders.

All these initiatives are steps in the right direction. Nevertheless, the Ontario government currently has no transparent accountability and evaluation mechanism of its own to report its results in relation to the 5% target.

Every year, the federal government publishes statistics on admissions to Canada by province of settlement and language. As the Ministry itself admits, these statistics may present a certain challenge since the federal government uses a very different definition of Francophone and a very different computation method from Ontario.

The Commissioner is having trouble understanding how the government hopes to implement a winning strategy for achieving its 5% target without having the main players – support organizations, municipalities and employers – involved from the outset. Ad hoc consultations, even useful ones, cannot meet the need to work closely and continually with partners that are not only intimately familiar with the field but also dedicated to playing a greater role in building the new Canadian immigration system. Nor can this exercise replace the important work of addressing the

needs and priorities of both Francophone newcomers and their host communities.

It is therefore important for the government to take a holistic approach that would involve combining a number of tools and initiatives in support of the effective implementation of a strategy for promoting, recruiting, welcoming, training, integrating and retaining Francophone immigrants. Among these tools, the establishment of a group of experts on Francophone immigration and transparent accountability and annual evaluation mechanisms to make the necessary adjustments based on the results achieved is crucial. The experts group would be tasked with developing a government-wide strategic plan to achieve the 5% target within a reasonable and realistic timeframe. That plan would also take into account the regional realities of popular settlement areas for Francophone newcomers.

Moreover, the establishment of such structures, which contribute to the vitality and development of Ontario's Francophonie, is not completely unprecedented within the government. Examples include the Provincial Advisory Committee on Francophone Affairs, which reports to the Minister Responsible for Francophone Affairs; the French Language Health Services Advisory Council, which provides advice to the Minister of Health and Long-Term Care; and the Permanent Working Group of the

Minister of Education. This structure is especially critical since, unlike the Ministry of Education

and the Ministry of Health and Long-Term Care, the Ministry of Citizenship and Immigration does

not have a division or branch responsible for French-language programs and services.

RECOMMENDATION 3

The Commissioner recommends that the Ministry of Citizenship and Immigration (MCI) establish a group of experts on Francophone immigration during the 2014–2015 fiscal year. This group of experts would:

- a. Devise a holistic strategy for promoting, recruiting, welcoming, training, integrating and retaining Francophone immigrants
- b. Develop a government-wide strategic plan, with a specific timetable, for achieving the 5% target for Francophone immigration, taking into account the province's regional realities
- c. Establish annual evaluation and accountability mechanisms that are transparent and accessible to the public
- d. Include at least the following parties:
 - Representatives from concerned ministries
 - Francophone immigration stakeholders
 - University and college administrators or professionals
 - School board administrators or professionals
 - Business and chamber-of-commerce leaders
 - Municipal representatives



For more information on this subject, visit www.flsc.gov.on.ca/ar1314

Children and Youth

 For [Francophone students], showing pride entails waking up in the morning, heading to school knowing the challenges that await and, if we're lucky, pursuing our postsecondary studies in French as well. It won't be until later in life that we'll truly appreciate the gift we have. But what can I say? C'est la vie!¹³



Any organization that cares about disadvantaged populations will regard children and youth services as critical. The Commissioner's Office is no exception. Children and youth are obviously not going to demand services in French, much less file a complaint if such services are not available. The Commissioner would never be naïve enough to equate this silence with the comforting conclusion of a job well done. Like the providers of children and youth services, he has a duty to go beyond what's easy and look out for this group.

Children

[Ontario's Children's Aid Societies](#) do a remarkable job of protecting some of the most vulnerable members of our society. The Commissioner is delighted with the excellent relationships he has

with these organizations (as illustrated by his September 2013 [visit](#) to the Children's Aid Society of the Districts of Sudbury and Manitoulin) and the efforts made to improve French-language services there (for example, [meetings of various Francophone child service experts](#)).

While the Commissioner has never had, and continues not to have, any intention of deprecating the vital contribution made by Children's Aid Societies, the latter are front-line providers of social services for children. It is only natural for a Commissioner who cares about the well-being of disadvantaged Francophone populations to pay special attention to them. He is periodically reminded of the importance of remaining vigilant by complaints such as that of a Francophone mother living in a shelter who in the summer of 2013 had made a request in French for assistance for her and her young daughter and in the winter of 2014 had still only received assistance from social workers able to manage just a few words of French.

Thus, we are still a long way from full integration of active offer in the delivery of children's aid services across the province, as advocated by the Commissioner in his [2009–2010 annual report](#).¹⁴ Moreover, some reports received in the last few years point to fundamental issues in the delivery of high-quality French-language services in the children's aid sector: the constant (and tiresome) message about having to "do more with less",

the greater burden imposed on bilingual social workers (translating documents, preparing reports in both languages, searching for French-language resources for clients, more travel, etc.), and the children's aid sector's heavy dependence on volunteers (who obviously cannot be compelled to meet language skill requirements), to name only a few.

Clearly, the Commissioner will have to keep the children's aid sector in his sights for the coming years, with the aim of helping all parties involved to improve their service in the greater interest of children.

Youth

If there is a sector that illustrates how important it is to view French-language services in a much broader context – that of enhancing the vitality of Ontarian society as a whole – it is youth services.

Youths, as "adult citizens in training", already need special guidance. Add to that the reality of young Francophones in the midst of seeking their identity, with a strong need to belong, having to make decisions that will affect their linguistic and cultural future, and you can see that considering Francophones' needs from the outset in the planning of youth programs and services is absolutely critical.

¹³ Justin Dallaire, "Challenges of French youth", *St Catharines Standard*, January 5, 2010.

¹⁴ Office of the French Language Services Commissioner, *Open for solutions*, Annual Report 2009–2010, Toronto, 2010.

The government **does a lot to support youth development**. Bravo! But where there are large numbers of programs, there are also many questions. The following are a few examples:

- Have the evaluation criteria for **Francophone community organizations that provide youth services** been changed to reflect the fact that, for example, such organizations cannot reach as many young people as their Anglophone counterparts because their clients are a minority group?
- Do the **youth justice system** and other **youth support programs** provide the same or equivalent resources for young Francophones?

- Has a process been established for end-to-end case management for Francophone youths who are **in crisis, have mental health problems or are struggling with addictions**?
- Is fluency in French valued as an asset for young people and fully exploited in **youth employment assistance programs**?

Over the years, the Commissioner's Office has looked into issues of importance to young people, including the **lack of postsecondary options in French, the elimination of the fellowship that encouraged young people to study in French, and day treatment education**

programs for youth. Clearly, however, this is just the tip of the iceberg.

As the Commissioner stated in his **first annual report**, children and youth are the future of French Ontario and clients of the Commissioner's Office.¹⁵ That is why children and youth services are one of the Office's strategic priorities, and the Commissioner hopes to be able to continue making a contribution not only to improve French-language services in these sectors but also to support the development of the Francophone community of the future.

Senior Citizens

 **My mother is 92 years old; she is blind and coping with decreased autonomy. She is spoken to in English almost every day, both by nurses (who help her take her medication, and remove her hearing aid) and by support staff (who dress her and bathe her) – all in a very Francophone community. How can we speak of quality service when it is not available in the person's language, especially when that person is elderly?**



A complainant

Children and youth are not the only age group that has the Office's attention. The elderly also form a group that merits special attention when it comes to French-language services. Like their Anglophone counterparts, Francophone seniors are entitled to have programs in their language that will help them live healthy, active lives and, if their condition so requires, receive care and support services in respect and dignity.

As is the case for children and youth, **the government offers many services** to provide the province's seniors with the best possible quality of life. And as is the case for children and youth, the larger the number of programs, the greater is the risk of shortcomings in French-language services. For an aging population, such shortcomings can have dramatic effects.

It is only natural for a group whose well-being, or even survival, depends on support programs to be afraid to complain about those services. While the government does not seem to recognize the essential nature of a proactive approach, the Commissioner's Office is slowly but surely painting a picture of the remedies needed for the difficulties experienced by seniors in accessing French-language services, based not only on formal complaints but also on informal reports, active monitoring of the sector, its contacts with the groups concerned, and good old common sense.

The following are a few situations that illustrate the need for active intervention in the area of French-language services for seniors:

¹⁵ Office of the French Language Services Commissioner, *Paving the Way*, Annual Report 2007–2008, Toronto, 2008.

- In his 2008–2009 annual report, the Commissioner noted the absence of specialized long-term health care in French in Toronto. Since then, thanks to the Central and Central East Local Health Integration Networks (LHINs), the situation appears to have been rectified in Toronto. However, it took a substantial concerted effort, including extensive media coverage and petitions, to explain its importance. Such a campaign should not be necessary in other parts of Ontario to ensure that long-term care beds are managed with the needs of Francophones in mind.
- A Francophone citizen called the government's Long-Term Care ACTION Line several times to express grave concern about the way a relative was being treated in a seniors' residence. Each time, there was no service in French. The difficulties that the elderly relative was experiencing were related to the very fact that he was being marginalized because he was Francophone. Hard to imagine that the complainant would find a sympathetic ear in such circumstances. This case illustrates the need

not only to offer service in French but also to have staff, regardless of their language, who are sensitive to the reality of elderly Francophones in a minority setting.

- Motivated by the commendable intention to provide coordinated, efficient and effective care to seniors and persons with complex needs, the Ministry of Health and Long-Term Care created Community Health Links, which brings together various stakeholders, including family health care providers, specialists, hospitals and agencies that deliver long-term care, home care and other community support services. However, there are persistent doubts about how much consideration was given to the needs of Francophones in the development of this system and the system's capacity to cope, in French, with Francophone seniors and other Francophone citizens who have specific health care needs.
- In implementing its Seniors Strategy, the government has invested a considerable amount of money in enhancing the delivery of home care and personal care by community

support organizations. Once again, we have to question whether the needs of Francophones were taken into consideration in advance.

In view of the expected growth in the number of seniors in the coming years, seniors support workers will have to make proactive efforts to incorporate consideration of Francophones' needs into their services. Of course, the Commissioner intends to keep an eye on the situation, but he notes that ultimately, it is the government's responsibility.



For more information on this subject, visit www.flsc.gov.on.ca/ar1314

Justice

TRUE STORY

An Ottawa resident is one of the 70 tenants of a housing complex to receive a notice of a unilingual English hearing from the Landlord and Tenant Board, an administrative tribunal in Ontario. The hearing will be held in order to consider the landlord's request for a rent increase above the guideline.

The resident phones the Board to request a French version of the documentation. She is told this will be done, and is then invited to testify at the hearing. The citizen verbally expresses some interest in the case, without thinking, however, that in doing so, she was committing to attend the hearing.

Not having received any document or reminder that her testimony was imperative, and having determined that it was not a good idea for her to testify against her landlord in any case, the citizen considers the matter settled and resumes her daily routine.

A few months later, the citizen receives the Board's decision regarding this case in the mail. Imagine her surprise to find that not only is she specifically singled out for having requested services in French, but also that she is being charged a \$300 fee on the grounds that the Board retained the services of an interpreter in order to accommodate

her! To make matters worse, the decision in question is distributed to the 70 other tenants in her housing complex.

Having violated Ontario's Guidelines for Administrative Tribunals so blatantly, the decision to impose costs on this citizen is quickly rectified. What cannot be rectified, however, is the fact that this citizen was humiliated in her own neighbourhood simply because she asked for services in French from a body responsible for administering justice.¹⁶

Because of their scope and their impact on citizens, some sectors will undoubtedly be on the Commissioner's radar indefinitely. Justice is one of those sectors. Following are some justice-related issues that the Commissioner's Office plans to study in support of improving the quality of French-language services in the sector and, consequently, its fairness to Ontario's Francophones.

Holistic access to justice in French

In the section of this report that deals with follow-ups on [major issues](#), the Commissioner rightly congratulates the steering committee responsible for the implementation of the recommendations in the report *Access to Justice in French* on its energy and its progress. Although the Commissioner recognizes that he and the citizens have to be patient, he does not believe that being patient means being passive.

In February 2014, the Commissioner had a very constructive conversation with the Attorney General of Ontario. At that meeting, the Commissioner stated that the promising measures described by the steering committee would be enhanced if they were combined with a concrete move by the Ministry of the Attorney General, with the aim of giving real impetus to French-language services in the justice sector. The Commissioner noted that the last action of

¹⁶ These guidelines are subject to controversy, since the use of interpreters in cases involving Francophones in Ontario goes against a modern interpretation of language rights.

this kind dated back to the late 1970s, just before the *Courts of Justice Act* was passed in 1984, with its clauses guaranteeing the right to be heard in French in the courts.

The proposed momentum-building exercise would be a pilot project to implement, in one particular region, all the recommendations in the *Access to Justice in French* report – in other words, the creation of a “laboratory” whose principal experiment would involve developing and testing measures to provide Francophones with holistic access to justice.

It would be up to the Ministry of the Attorney General to determine the region concerned, but to reflect the whole of Ontario as accurately as possible, it should probably include both designated and non-designated areas under the *French Language Services Act*, as well as large urban centres and more rural areas. Whatever region is selected, it would be imperative to ensure that the project has the necessary leadership, resources and time to guarantee success, so that all of Ontario’s regions can see for themselves what a justice system that is fair to Francophones in a minority setting looks like and, most important, so that they will have a roadmap to help them make it a reality.

Family law

Although he recognizes that the efforts to implement the *Access to Justice in French*

recommendations and the holistic pilot project described above will unquestionably have positive effects on the entire justice system, the Commissioner will remain particularly keen to see substantial improvements in French-language services in family law matters.

In view of the vulnerability of some of the parties, the crisis situations involved, and concrete risks to the well-being of those embroiled in such cases, reports of problems such as the lack of staff capable of assessing the content of forms completed in French and the hasty use of ad hoc interpreters are of great concern to the Commissioner, and, if necessary, he will invest specific resources to ensure that Francophone parents and children in Ontario do not pay the price for a system that is not sufficiently responsive to them.

Administrative tribunals

Administrative tribunals are autonomous organizations whose role is to make decisions in specialized fields when citizens are unable to solve a problem themselves. There are many such tribunals (more than 230 in Ontario);¹⁷ among the best-known are the *Social Benefits Tribunal*, the *Landlord and Tenant Board* and the *Workplace Safety and Insurance Board*.

As the Commissioner stated in his 2008–2009 *annual report*, administrative tribunals were created to meet a specific need requiring

specialized knowledge, or simply to take some of the pressure off the courts, and they are government agencies within the meaning of the *French Language Services Act*. Consequently, all of the services they offer to the public must also be available in French in designated areas of the province, and their rules of evidence and procedure must be compatible with the spirit and the letter of the Act. However, complaints received by the Commissioner’s Office show clear shortcomings in this regard, from English-only correspondence to undue delays for cases to be heard in French.

The number of problems in the administration and execution of administrative justice is proportional to the size of the sector, and while the Office currently has to content itself with attending to the most urgent ones – i.e., resolving difficulties encountered by citizens on a case-by-case basis – it hopes to acquire the necessary staff and resources over the next few years to find systemic solutions to the gaps in French-language services in Ontario’s administrative tribunals.

 For more information on this subject, visit www.flsc.gov.on.ca/ar1314

¹⁷ For more information: http://sciencessociales.uottawa.ca/crfpp/pdf/annexes_10-2005.pdf (page consulted in May 2014).

RECOMMENDATION 4

The Commissioner recommends that the Attorney General implement a pilot project improving access to justice in French based on the recommendations and intentions contained in the report *Access to Justice in French*. This pilot project should:

- a. Be assigned to a senior and influential civil servant within the Ministry of the Attorney General
- b. Be conducted according to a schedule that at a very minimum includes planning and implementation steps
- c. Encompass a region as much as possible, reflecting the diversity of access to justice in French in Ontario, including areas designated under the *French Language Services Act*, non-designated areas, urban centres and rural areas
- d. Be clearly focused on a final objective of broadening access across the province – as evidenced by the priority and resources assigned to the project, its timely implementation, and its active search for solutions to the issues raised by the report *Access to Justice in French*



For more information on this subject, visit www.flsc.gov.on.ca/a17314

Francophiles

Power in numbers

Our democratic foundation is based on treating minority rights equally to those of the majority. In trying to secure services in French for one's citizens, the Commissioner's Office is very often reminded that Francophones make up just 5% of the Ontario population. That statistic doesn't account for many who choose to live and work in French. Nor does it include those who are

actively trying to ensure the continuity of the rich Franco-Ontarian heritage by striving to be bilingual: Francophile. Like the term "Francophone," "Francophile" can mean so many different things. In the context of this publication, a Francophile is a person who is "interested in French and in Canada's French-speaking communities". In many cases, the children have learned French and actively seek out French cultural activities, groups and products.

With that in mind, the Francophone and Francophile communities joining forces will help foster the growth of the Franco-Ontarian population. This partnership has already produced positive results. In fact, it is partly because of the tremendous support of the Francophile community, notably Canadian Parents for French, that the Legislative Assembly voted to amend the *French Language Services Act* and grant independence to this Office.

It will only benefit both communities to collaborate, since they share similar issues relating to all levels of education:

Student retention in secondary school:

- Only 36%¹⁸ of the original Grade 1 cohort in French Immersion (the best solution for achieving a higher level of French proficiency leading towards bilingualism) remain in the program by the time the students reach Grade 12.¹⁹ Faced with the prospect of selecting their postsecondary education and seeing few programs offered in French, especially in Central Southwestern Ontario, French Immersion students (and Francophone students alike) decide to study in English.

Lack of access to support and resources:

- Despite an ever-increasing demand for more immersion programming, school boards are slow to respond with solutions and quick to cite cost and the lack of qualified French teachers as hurdles preventing them from offering more French-language programming. Consequently, enrolling one's child in French

immersion is often a lottery-based system. Literally.

- Despite receiving grants from the Ministry of Education for providing French as a Second Language programming, school boards have complete discretion as to how they spend those grants, and what's more, they are not required to report on how they do so.
- French as a Second Language programming in schools often does not receive the same support and resources as regular English programming, leaving teachers and families to shoulder the burden.
- Distance-enrolling one's child in either a French-language school or French as a Second Language program usually involves additional commitment by the parents to commuting their child a greater distance. Free transportation (busing) to French Immersion programs is not provided by all school boards.

Lack of adequate statistics for tracking educational pathways:

- Although there are almost 165,000 immersion students in Ontario,²⁰ the Ontario government does not collect data on their pathways to postsecondary education.

An increase in partnerships and collaboration between Francophones and Francophiles can only benefit all those seeking a solid education in French, whether it is in a French-language school or French as a Second Language program. In fact, the government outlined in its Action Plan that "in order to foster a closer connection between French and English speaking communities and to promote bilingualism in Ontario, French language education and French as a Second Language programs at the elementary, secondary and postsecondary levels are now overseen by the same Division".²¹

The Commissioner would like to reiterate what he said in last year's Annual Report: "now more than ever, it makes sense for Francophones and Francophiles to work together rather than in silos".²² And he would like to add that there is only additional power to be gained by increasing the number of people working for the same cause.

¹⁸ For more information: <http://on.cpf.ca/wp-content/blogs.dir/1/files/State-of-FSL-Education-in-Ontario-August-20132.pdf> (page consulted in May 2014).

¹⁹ The drop-off rate is much higher for students enrolled in the less intensive Core and Extended French programs. It should be noted that all Ontario students are mandated to take "Core French" from Grades 4 to 9.

²⁰ For more information: <http://on.cpf.ca/wp-content/blogs.dir/1/files/State-of-FSL-Education-in-Ontario-August-20132.pdf> (page consulted in May 2014).

²¹ Canada-Ontario Agreement on Minority Language Education and Second Language Instruction 2009-2010 to 2012-2013. Available online: <http://www.pch.gc.ca>.

²² Office of the French Language Services Commissioner, *A New Approach*, Annual Report 2012-2013, Toronto, 2013.

Third Parties

In the case of government services delivered by a third party, the application of the Act may not be accurate or fully reinforced.

Annual Report 2007–2008

When a ministry receives a proposal from a private company or not-for-profit organization to participate financially in a project, services delivered to the public as part of this project fall within the letter and the spirit of the Act.

Annual Report 2008–2009

The time has come for the government to get down to business and make some very important decisions in order to eliminate the loopholes in the way the ministries meet their linguistic obligations when dealing with third parties.

Annual Report 2009–2010

[There is an] absolute necessity of closing the loopholes regarding services that private service providers provide to the public on the government's behalf.

Annual Report 2010–2011

A government ministry or agency that offers services to the public through a third party must still honour its obligation under the Act to provide French-language services.

Annual Report 2011–2012

The Commissioner is so concerned about this issue that he recommended that the government make sure that any public-private partnership take French-language services into account.

Annual Report 2012–2013

It isn't out of misguided tenaciousness that every year the Commissioner raises the issue of French-language service delivery by providers that are hired and funded by the Ontario government. His determination is due to the importance – and persistence – of the problem.

In Ontario, the government hires agencies to carry out some functions for which it would normally be responsible. Under various pretexts, however, many of them have managed to shirk the various government agencies' obligations under the *French Language Services Act*. And despite regulations designed to fix the problem, it is still not over.

For that reason, the Commissioner recommended, in [his first report](#) in 2007–2008, the adoption of “a clear regulation to govern the delivery of French-language services under a contract with a third party who has agreed to provide services on behalf of a government agency or under a new public-private partnership”. It is also for that reason that he revisited the issue in his [2009–2010 annual report](#), urging the government to “follow up on his recommendation and [...] to create a regulatory framework for services offered by third parties”.

The appeal was heard, and the government adopted [a regulation concerning services provided by third parties on behalf of ministries and other government agencies](#). The Commissioner [publicly applauded](#) the fact that the regulation required not only the provision of services in accordance with the *French Language Services Act* but also the active offer of French-

language services (which the Commissioner continues to advocate, not just for third parties but also for [government ministries and agencies](#)).

While the regulation applied to all new contracts as of July 1, 2011, contracts already in place between ministries and their third parties were given a three-year grace period. In other words, government agencies were required to comply with the regulation starting on July 1, 2014.

At the time this report was being written, the deadline was fast approaching, and the Commissioner's Office was happy to be able to say that good progress was being made.

For example, the Office of Francophone Affairs led an interministerial working group to assist government agencies through the implementation process and develop the necessary resources to guide and support the reporting process prescribed in the regulation, which seemingly helped ministries and agencies solve implementation problems in a cooperative and coordinated manner.

Moreover, it appears that the majority of government agencies introduced mechanisms and processes to ensure the adoption of a systematic approach and compliance with

accountability mechanisms throughout the implementation period.

Most ministries apparently amended the existing French-language service clauses or added one or more clauses to be inserted in new French-language service agreements with third parties providing French-language services on behalf of the ministries to ensure compliance with the requirements of the new regulation. Nevertheless, there is a serious threat on the horizon.

A serious threat

During the year, the Commissioner learned that it had been determined that health service providers were not subject to the third-party regulation because of their particular relationship with the [Local Health Integration Networks](#) (LHINs). Boiled down to its simplest form, the argument goes as follows: though funded by the government, health service providers have agreements with the LHINs. Since the LHINs have no responsibility for service delivery as such, they cannot “delegate” that responsibility to health service providers; therefore, they do not provide services “on behalf of” the government, which means, in their view, that the regulation does not apply.

Obviously, the Commissioner does not share that opinion. In fact, he even maintains that these legal gymnastics are contrary to the lawmakers' intent. After all, don't the laws refer to "public health services"?

This is a major stumbling block, since the health sector, because of its nature and size, has the largest number of third parties. (The health sector includes hospitals, psychiatric facilities, long-term care facilities, home care, community health centres, addiction centres and so on.)

In short, the third-party regulation, though still useful, supposedly does not cover the majority of the government-funded service providers.

It was a pill that the Commissioner simply could not swallow, and he immediately expressed his grave concerns to the most senior authorities of government who seemed sympathetic to his argument. At the time this report was written, the negotiations were relatively promising, suggesting the possibility of new regulations that would explicitly target certain health care providers and define their French-language service responsibilities in black and white. However, these piecemeal initiatives will take time, resources and effort that may ultimately prove fruitless.

Once bitten, twice shy, and there is, for the moment, too little movement in regulatory clarification of health care providers' obligations for the Commissioner to be happy about it. Just the opposite. But all he can do for now is to congratulate those government agencies that have understood the message conveyed by the third-party regulation and to keep a close eye on the evaders.

 For more information on this subject, visit www.flsc.gov.on.ca/ar1314

SOME GOOD MOVES

In this report, the Commissioner keeps up the tradition of recognizing best practices, noteworthy initiatives and innovation by government ministries and agencies in providing French-language services.

Best Practices

The best practices chosen by the Commissioner were selected because they were developed in partnership with the Franco-Ontarian community, or because they enhanced the vitality of disadvantaged Francophone populations in some concrete way.

Citizenship and Immigration Canada – Francophone Minority Community Committee

Citizenship and Immigration Canada has created the Francophone Minority Community Committee, a new committee that is working to increase Francophone immigration to Francophone minority communities nationally. Ontario has taken the lead by agreeing to be the only provincial/territorial representative on the committee. By participating in this committee, the government of Ontario is working with the federal government and stakeholders to achieve its target of 5% Francophone immigration as stated in Ontario's Immigration Strategy.

Consultation with Francophone social enterprises

The Office for Social Enterprise partnered with the Centre Canadien pour le Renouveau Communautaire and the Conseil de la coopération de l'Ontario to conduct a consultation session held in Ottawa entirely in French. The session was geared towards receiving input from Francophone members of Ontario's social enterprise sector on how to reduce or eliminate regulatory and administrative barriers that may be hindering the growth of the sector in Ontario. There were over 60 attendees, including the Minister Responsible for Francophone Affairs.

Ontario Open Government Initiative – Open Data Catalogue

The Open Data Government Initiative is a commitment to the people of Ontario to encourage public participation, collaboration and innovation. The Ontario Open Data team worked with Ontario Public Service (OPS) ministries and strategic partners to identify, assess, prepare and publish government data in a machine-readable catalogue at no cost to the user. The data catalogue was produced simultaneously in both French and English with the exception of raw datasets.

Towards Excellence – improving quality and results

On February 28 and March 1, 2013, Valoris Institute in collaboration with Centre Jeunesse de Québec – Institut universitaire (Québec) and Valoris for children and adults of Prescott-Russell, organized a forum called "Diriger vers l'excellence- Améliorer la qualité et les résultats".

Partner organizations shared various systems and tools that could support quality improvement initiatives pertaining to client services in multiple sectors. This event leveraged culturally and linguistically appropriate resources from Quebec and Ontario to support Ontario-based agencies delivering services in French.

LHIN-Entity-Ministry Forum

On January 17, 2014, representatives of the Local Health Integration Networks (LHINs), the French Language Health Planning Entities and the Ministry of Health and Long-Term Care (MOHLTC) held a forum to discuss the important work and collaborative efforts of the LHINs and Entities to date.

Participants were able to present and share their concrete experiences in engagement and collaboration at the local level. The Ministry is working on this initiative with the French Language Health Services Advisory Council.

Coalition for Healthy Francophone Communities in Scarborough

The Coalition for Healthy Francophone Communities in Scarborough (CHFCS) is the result of the Central East LHIN's commitment to building strong relationships with health service providers and setting the tone for a more collaborative relationship between the Central East LHIN and the Taibu Community Health Centre in Scarborough to meet Francophone needs and improve the active offer of services for the Francophone clientele in Scarborough.

Through concerted action, the Central East LHIN will continue working with agencies to build their collective capacity to deliver French-language services through collaboration and shared knowledge to provide access to French-language services across the broad range of health services to improve health and wellness.



Franco-Ontarian seniors and retirees understand the role of the French Language Services Commissioner, but the fact that he is now an independent officer gives them more reassurance about this important responsibility – to help the government improve the delivery and quality of French-language services – it is encouraging and reassuring for the future of our grandchildren!



Élizabeth Allard, President,
Fédération des aînés et des
retraités francophones de l'Ontario

Adult Day Program for Francophones in Durham Region – 2014–2015 community sector investments

The Central East LHIN was pleased to allocate funding to Les Centres d'Accueil Heritage (CAH) to implement a Francophone Adult Day Program in Durham region. With this funding, the CAH becomes the first Francophone service provider to enter into a Multi-Sector Service Accountability Agreement (M-SAA) with the Central East LHIN.

Democracy at your fingertips – tondroit.ca

The Regroupement ethnoculturel des parents francophones de l'Ontario (REPFO) and the Association française des municipalités de l'Ontario (AFMO) provide Ontario's French-speaking population, which comes from various cultural backgrounds, with an awareness program concerning community-based involvement and training in regard to municipal and school board politics.

This awareness program, tondroit.ca, provides citizens with answers to many questions and welcomes further questions regarding municipal and school board elections.

OPP Hawkesbury Detachment

The Ontario Provincial Police Hawkesbury Detachment is the first detachment in the province to be fully operational in both English and French.

All positions at the OPP Hawkesbury Detachment, both uniform and civilian, have been designated bilingual by the Office of the Coordinator of French Language Services, Ministry of Community Safety and Correctional Services, since December 1, 2012. There are 58 uniform and 8 civilian full-time members working at the detachment.

The OPP is committed to improving access to services in French for Ontario's Francophone community, since 83% of Hawkesbury residents are Francophones.

Legal Aid Ontario – study on Francophone women's needs

In February 2014, Legal Aid Ontario released a study entitled *Portrait of the Legal Needs of Francophone Women in Ontario*.

The study consists of an extensive review and analysis of relevant documentation and literature, an environmental scan of French-language services in Ontario's justice sector, and comprehensive consultations with the Francophone community.

The primary objective of this study was to recommend feasible short- and medium-term solutions to improve access to justice for Francophone women in areas of law that are within LAO's mandate.

 For more information on this subject, visit www.flsc.gov.on.ca/ar1314

Noteworthy Initiatives

The noteworthy initiatives chosen by the Commissioner were selected because they have maintained quality French-language services or because they have shown superior results without complying with legislated standards. Each one of the following initiatives is detailed in the interactive version of this report:

- Newcomer Settlement Program (NSP)
- Connexions Théâtres
- Memorandum of Understanding: Translation Criteria for the Purpose of Publication in the Environmental Assessment Process
- French Language Advisory Panel
- Community initiatives supported through the Action Research (CAR)
- Centre Passerelle

 For more information on this subject, visit www.flsc.gov.on.ca/ar1314

Honourable Mentions

The honourable mentions recognize the leadership shown by government ministries and agencies that have made efforts to expand the delivery of high-quality French-language services. Each one of the following initiatives received an honourable mention and will be the subject of a blog post by the Commissioner in the coming year.

- Commitment to Core French, Extended French and French Immersion Students in Ontario
- Ontario Job Creation Partnership for the London Francophone Consultation Group
- Grant Funding Campaigns: Seatbelt campaign, Road Safety Challenge (RSC) and Road Safety Community Partnership Program (RSCPP)
- French-Language Training for Communications Directors and Assistant Directors
- Le Français au travail: a professional development day for bilingual agency and OPS staff
- Collaborative Care Project enabling Francophone seniors to live at home longer and Senior Strategy community engagement
- French Language Services Toolkit
- Improve Access to Mental Health
- Identified Health Service Providers Group
- Strategic Plan cycle 2 – Evolution of FLS in the Justice Sector
- OLG supports nine dedicated Francophone events across the province

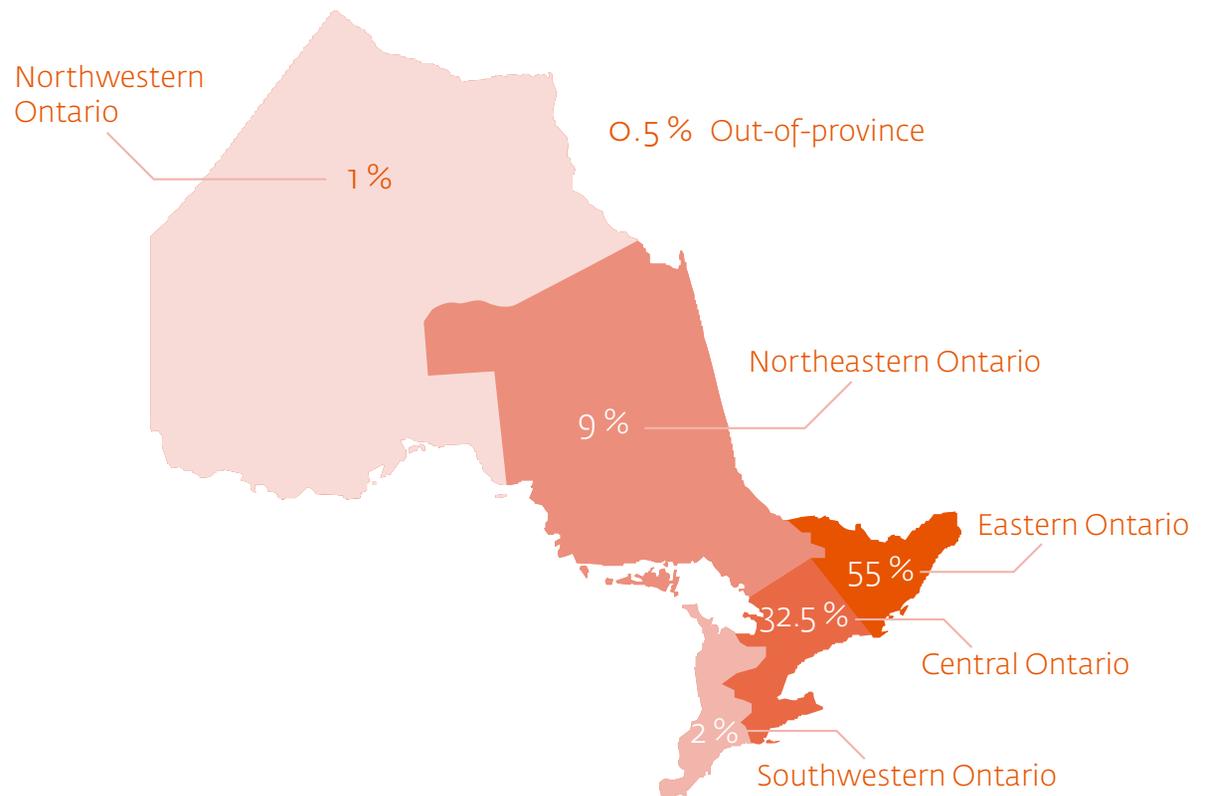
 For more information on this subject, visit www.flsc.gov.on.ca/ar1314

1
complaint
received per day
in 2013–2014

In the 2013–2014 fiscal year, the Commissioner's Office received 280 complaints. It received, again this year, a large number of individual complaints on a wide variety of issues and genuine concerns ranging from the lack of French-language service at a service counter to unilingual-English public consultations and situations where services were available but not equivalent.

STATISTICS

Geographic distribution of 2013–2014 complaints

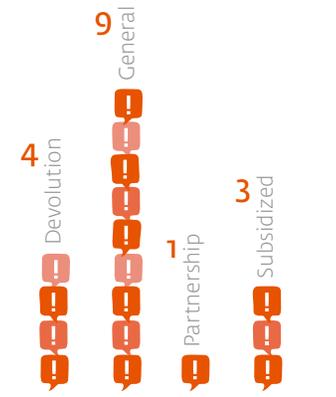




| | |
|--|----|
| Designated agencies* | 8 |
| Legislative Assembly** | 7 |
| Ministry of the Attorney General | 11 |
| Ministry of Children and Youth Services | 7 |
| Ministry of Community and Social Services | 7 |
| Ministry of Community Safety and Correctional Services | 4 |
| Ministry of Economic Development, Trade and Employment | 1 |
| Ministry of Education | 7 |
| Ministry of Energy | 3 |
| Ministry of the Environment | 1 |
| Ministry of Finance | 15 |
| Ministry of Government Services | 26 |
| Ministry of Health and Long-Term Care | 43 |
| Ministry of Infrastructure | 1 |
| Ministry of Labour | 4 |
| Ministry of Natural Resources | 4 |
| Ministry of Northern Development and Mines | 2 |
| Ministry of Research and Innovation | 1 |
| Ministry of Tourism, Culture and Sport | 11 |
| Ministry of Training, Colleges and Universities | 9 |
| Ministry of Transportation | 9 |
| Municipalities*** | 9 |

Number of Admissible Complaints by Institution

190



Other Types of Complaints****

17

9 Low-Impact

For more information on this subject, visit www.flsc.gov.on.ca/ar1314

* These complaints relate to agencies and institutions designated under the French Language Services Act.
 ** These complaints relate to entities that report directly to the Legislative Assembly.
 *** These complaints are deemed admissible when they are brought against a municipality that has a by-law that guarantees the provision of French-language services.
 **** These complaints are within the provincial government's purview and relate to agencies created or mandated by various ministries to offer programs and services that, in cases of devolution, were previously delivered by the province.

CONCLUSION

With the proclamation of its independence during its seventh year of operation, the Commissioner's Office experienced a defining moment in its history. Independence means that the organization must now stand on its own two feet, as it no longer receives support from the government. Since the Office is now separate from the government, it will have to invest considerable resources and time in building itself up over the coming years. This transition is a critical moment: the Commissioner must ensure that the Office has all the resources it needs to be able to carry out its legislative mandate, now and in the future. This transition is necessary in order to proceed directly toward the establishment of a new institution.

While the Office's independence has altered its position, permanence and influence, its vision and mission have not changed. On the contrary,

in preparing for its independence, the Office re-examined and confirmed its commitment to the public and its stakeholders.

To guide its actions over the next few years, the Office engaged in a strategic planning exercise in the fall of 2013 to define some "major strategic focuses". Thus, the Office was able to set some short-, medium- and long-term goals that remain relevant for the organization, regardless of the circumstances. This discussion also led to the identification of "priority sectors" – areas where shortcomings in French-language services are suspected, or issues that we want to keep in mind because of their importance to the advancement of the Francophone community.

There could not have been better news in Francophone affairs than the adoption of Bill 106, [French Language Services Amendment Act \(French Language Services Commissioner\)](#), 2013,

since it is so important on various levels for the Commissioner's post to report to the Legislative Assembly, in particular to guarantee freedom from political interference, engage parliamentarians, have legal independence, ensure financial accountability, and exercise administrative independence and a capacity for action.

With the establishment of a permanent institution for Francophones through the [independence of the French Language Services Commissioner](#), 2013–2014 was marked by a major step forward for the development and vitality of Ontario's Francophonie. A permanent presence in the [Legislative Assembly of Ontario](#) is a historic advance in recognizing and safeguarding the rights of Ontario's Francophones and of Ontarian society as a whole.



The Commissioner plays a key role in ensuring a broad and teleological interpretation of the rights guaranteed by the Act, and he must be fully independent to fulfill this role soundly and effectively.



Mtre. Paul LeVay, President, AJEFO

