



Message to the Media – Annual Report 2015-2016

Good morning, ladies and gentlemen.

I am pleased to present today my ninth annual report as French Language Services Commissioner of Ontario.

I could tell you that this report covers the activities of the Commissioner's Office during 2015-2016, but that would be only partly true. This report is in fact a plea with but one goal.

In the 2015-2016 annual report, I recommend that the government undertake the huge task of completely overhauling the *French Language Services Act* so that it will better meet the needs and aspirations of the 612,000 citizens who make up Ontario's Francophone community. As you will have realized, that is the reason the report is entitled simply *FLSA 2.0*.

Why revise the Act? Because it's 2016, to paraphrase our Prime Minister, and it is past time the Act was updated. Incidentally, as you know, 2016 is the 30th anniversary of the passage of Bill 8. In 1986, the Ontario government passed a law guaranteeing Ontarians the right to receive services in French from ministries and government service providers at head offices and in designated areas of the province. It was a great step forward for Franco-Ontarians.

And we've made a lot of progress since then! Ontario now has 25 designated areas, with another coming soon.

While the Act was progressive in 1986, it is no longer so today. The face of the Francophonie has changed. Cultural diversity has taken hold. Attitudes are different, as are modes of communication for that matter.

That is why, in this report, I make three main recommendations concerning a revision of the Act.

In developing these recommendations, I have done my best to identify the Act's current shortcomings and to determine the most direct and effective means of remedying them.

The first recommendation is the simplest in its wording: I recommend that the Minister Responsible for Francophone Affairs propose to the Legislative Assembly a comprehensive revision of the *French Language Services Act*.

But it is also the most detailed, since it is accompanied by other recommendations concerning a number of issues that I believe are crucial to updating the Act.



Message to the Media – Annual Report 2015-2016

I will not recite chapter and verse here: there are 16 recommendations on 16 different issues. They are all important, in my view, but I will mention only a few of them.

There are two concepts that I would like to see in the amended Act. First, the Inclusive Definition of Francophone, or IDF. It is not always used systemically by all government ministries and agencies as a common or uniform yardstick for counting the number of Francophones in Ontario. A revision of the Act might resolve this consistency problem, and it would probably also encourage the Ontario government to try to persuade the federal government to add the IDF to the list of basic variables for ordering statistical data. Such a change would also be beneficial on other levels, including the integration of newcomers. Including the IDF in the Act would confirm the presence of a diverse community recognized by lawmakers.

I would also like the Act to contain an obligation requiring government ministries and agencies to actively offer services in French. I will stop there, but you can see that we are very focused in our ideas, since, after all, we published a special report on active offer specifically on this issue, which I consider absolutely essential.

Two large pieces of these issues that are by no means secondary but which I combine under the heading “revision of the Act”, are government agencies and designation of areas.

Like the Act itself, the definition of government agency was developed 30 years ago. We should now take advantage of a revision of the Act to update the definition and ensure that it reflects today’s reality and has no loopholes. A number of transformations have altered the means by which government services are delivered: not only delegation and devolution to so-called arm’s-length bodies, but also transfer of responsibilities to agencies mandated by government ministries to provide programs and services that used to be delivered by the province. In view of these changes, the definition of government agency, particularly the part concerning the number of board members appointed by the government, is outdated.

Every year, the Commissioner’s Office receives an average of 25 to 30 complaints that fall into the “Other” category. These complaints are difficult to classify, because they are associated with agencies created or mandated by ministries to deliver programs and services that, in responsibility transfer cases, used to be provided by the province. These so-called arm’s-length agencies are not subject to the obligations in the Act. This legal gap should be eliminated so that Francophone citizens have equitable access to French-language services.



Message to the Media – Annual Report 2015-2016

Essentially, my opinion is that Ontario taxpayers' money has to be watched regardless of whether the majority of the board of directors is appointed by the government.

In addition, the area designation process needs to be revised. There are currently 25 designated areas, and the Markham area will be the 26th when it is designated in 2018. Yet, despite repeated requests, the Francophone residents of the Oshawa area are still waiting their turn. As are residents of the Niagara area. And the same goes for Kitchener-Waterloo. Even though 85% of Franco-Ontarians live in designated areas, you have to wonder whether such areas are still relevant today, in this era of technological change.

We can now go online to renew our driver's licence, register the birth of a child, complete a student loan application, and so on.

Yet I feel that online services, though often very convenient, distance the government from the public. French-language services in an office, in person, are absolutely essential and appropriate today for all members of vulnerable groups.

The simplest solution for all users would be to emulate New Brunswick and have just one designated area instead of 26. Then we could finally stop playing the game of determining whether we are in a designated area or not by looking at the road signs put up by the Ministry of Transportation!

In any case, interactions between the government and citizens are increasingly taking place via electronic media and social media. Provincial ministries and agencies are using the Web, blogs, Facebook, Twitter and so on to get their message out quickly. Yet social media are also a form of direct communication with citizens. That being the case, I repeat that all communications from ministries and agencies should be initiated in both languages. I have made this a recommendation. As for politicians themselves, if they use social media to disseminate information whose message is of a governmental nature, it is important to make such messages accessible in both languages.

I cannot talk about the recommendations in this report without mentioning those affecting the roles of the Minister Responsible for Francophone Affairs, the French-language services coordinators as well as mine.



Message to the Media – Annual Report 2015-2016

With regard to the Minister, I recommend that the amended Act enhance her promotional mandate.

The coordinators' role needs to be more clearly defined so that they have an influential and strategic role in the design and development of any program or service that a government ministry or agency wants to initiate. They need to be able to do their work more at the beginning of the process with Francophone communities and within their government ministries and agencies.

Lastly, with respect to my own role, I request that the government respond to my special, follow-up, investigation or annual reports within 90 days of their publication.

All of this – believe it or not – was part of my first recommendation!

I will now turn to my second and third recommendations.

The second recommendation consists of one sentence and concerns the timeline for the extensive revision project described in the report. I recommend that the Minister Responsible for Francophone Affairs initiate the process of revising the *French Language Services Act* during the current session of parliament, no later than the fall of 2016, as part of the Act's 30th anniversary.

The third recommendation is absolutely critical, in my view. I urge the Minister to launch, without delay, a mechanism for consulting the residents of Ontario, particularly the Francophone community, as a first step in the process of revising the Act.

Nevertheless, the annual report has other content besides arguments for the revision of the *French Language Services Act*. I will provide an overview of these other sections.

Since the establishment of the Commissioner's Office, receiving complaints from the public concerning the provision of French-language services by the provincial government has been the core of its mission. As you can see in the annual report, we handled 229 complaints this year.



Message to the Media – Annual Report 2015-2016

In nine years, the Commissioner's Office has received a total of 2,706 complaints. Of those, 2,047, or more than 81%, were investigated. That includes admissible complaints, low-impact complaints, and indirect complaints or "other types of complaints". Only 497 complaints (18%) have been deemed inadmissible over the years. These cases show that Francophones are increasingly aware of their rights, and that they are asserting them and are not reluctant to complain when they feel it is necessary. I am very happy about this.

As has been the case in each of our editions, the annual report also documents good moves by the government. There are always plenty of them, so we have to choose. We could not overlook the celebrations surrounding the 400th anniversary of the French presence in Ontario. The Office of Francophone Affairs worked very hard in 2015 with more than 100 governmental and non-governmental partners putting together key initiatives to mark this historic event.

Meanwhile, the entire team was moved by two initiatives to combat violence against women. The community organization Le Phénix did outstanding work by presenting a course for more than 20 Francophone front-line employees of nine Northern Ontario organizations dedicated to this issue.

The 2015 Summit on Sexual Violence and Harassment, organized as part of the Ontario action plan *It's Never Okay*, is also one of the best practices selected. The organizers planned the inclusion of active offer of French-language services in every aspect of the Summit, resulting in a pan-Canadian bilingual event.

Lastly, a number of ministries designed and conducted an audit of the active offer of their French-language services. For some of them, it was a first. Naturally, I encourage them to repeat the exercise.

It is on these positive notes that I will conclude my address.

Thank you for your attention.

Now I will be happy to take questions from the media.