



# A Directive Without Direction:

Challenges of advertising in the  
Francophone media in Ontario

April 2018

Commissariat aux  
services en français  
de l'Ontario



Office of the  
French Language Services  
Commissioner of Ontario

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# 1. SUMMARY

This report from the Office of the French Language Services Commissioner of Ontario addresses advertising by government ministries and agencies in the province's Francophone media.

In view of the many complaints about recurring irregularities in advertising by government ministries and agencies in Ontario's Francophone media, the French Language Services Commissioner decided to conduct an investigation into the level of government compliance with the *French Language Services Act*<sup>1</sup> and the Communications in French Directive in its advertisements.

When he was investigating the distribution of an English-only H1N1 flyer in 2011<sup>2</sup>, the Commissioner was delighted over the adoption of the Communications in French Directive. At the time, he felt that the new Directive and its accompanying Guidelines would provide a regulatory framework that would incorporate French language services into the strategic and operational planning of government ministries and agencies.

Seven years on, many government ministries and agencies continue to breach their obligations under the *French Language Services Act* and the Communications in French Directive and Guidelines by repeatedly failing to publish their communications in French in the French-language media. As a result, Ontario's Francophones have not had the same access as Anglophones to government information. These breaches have also had a major impact on the survival of the Francophone media, which are so essential to the vitality of Francophone culture in Ontario.

The systemic failure to comply with the *French Language Services Act* and the Communications in French Directive and Guidelines have forced the Commissioner to review his position on the effectiveness of the normative framework established at the time the Directive was adopted. It is clear that the proliferation of such breaches is partly the result of the fact that there is no accountability mechanism and no sensitivity to Francophone realities among those involved in developing and disseminating government advertising.

## Recommendation 1

The French Language Services Commissioner recommends to the Secretary of the Cabinet and Clerk of the Executive Council, and the Minister of Francophone Affairs, that the Communications in French Guidelines be amended to include the following:

- a. an accountability mechanism that would assess the level of compliance with legislative requirements and the extent to which the specific needs of Francophones are taken into account when preparing government communications and advertisements;
- b. communications in French obligations in the Advertising Content Directive; and
- c. communications in French obligations in other directives pertaining to communications in French.

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1 *French Language Services Act*, RSO 1990, c F.32 ("*French Language Services Act*").

2 Office of the French Language Services Commissioner, *Investigation Report Regarding an English-Only H1N1 Flyer: From communication crash to communication coup*, Toronto, 2011.

## Recommendation 2

The French Language Services Commissioner recommends to the Minister of Francophone Affairs that in the 2018-2019 fiscal year she propose the adoption of a communications in French regulation that includes the additional content from the Communications in French Directive and incorporates by reference the amended Communications in French Guidelines.

## Recommendation 3

The French Language Services Commissioner recommends to the Secretary of the Cabinet and Clerk of the Executive Council that an annual report on the rate of compliance with the new regulation and the amended guidelines be published annually, beginning in the 2018-2019 fiscal year.

## Recommendation 4

The French Language Services Commissioner recommends to the Secretary of the Cabinet and Clerk of the Executive Council that a new media brief model be developed and that it should clearly ensure compliance with a regulatory framework that specifies:

- a. the requirements under the *French Language Services Act*
- b. the obligations under the new communications in French regulation, as stipulated in Recommendation 3; and
- c. the language requirements of the Advertising Content Directive.

## Recommendation 5

The French Language Services Commissioner recommends the following to the Secretary of the Cabinet and Clerk of the Executive Council, and the Minister of Francophone Affairs:

- a. On a regular periodic basis, provide employees and heads of communications sections in the public service with training on the requirements of the new communications in French regulation and the amended guidelines.
- b. Provide advertising agencies with training on communications in French to make them more aware of Franco-Ontarian realities, as well as the requirements of the *French Language Services Act* and the new communications in French regulation.
- c. As of the end of the 2018-2019 fiscal year, prepare a regular periodic report on the number of government officials and employees of advertising agencies who have taken the training, and evaluate the training provided.

The media in minority-language communities play an essential role in the very survival of these communities. They are responsible for the dissemination of information that contributes to each community's vitality. For Francophones, they also contribute to identity building. The Francophone media now face significant funding cuts, caused in part by the absence of government advertising. These repeated breaches of the *French Language Services Act* in government advertising deprive Ontario's Francophone media of the funds they need to survive.

## Recommendation 6

The French Language Services Commissioner recommends that the Minister of Francophone Affairs, before the end of the 2018-2019 fiscal year, establish an advisory committee to provide the government, and in particular the Ministry, with guidance on Francophone media:

- a. The committee would be asked to develop a strategy to:
  - i. ensure the development and longevity of Francophone media in Ontario;
  - ii. implement positive, pragmatic and realistic measures, including the establishment of regional Francophone-media support funds for print, community radio and a web presence; and
  - iii. establish a digital transition support fund.
- b. The committee is to include representatives from the various government ministries and/or agencies, as well as Francophone media stakeholders.

## 2. INTRODUCTION

From its inception, the Office of the French Language Services Commissioner has received numerous complaints about advertising by government ministries and agencies in the Ontario Francophone media.

These complaints are indicative of ongoing concern within the Francophone community regarding the proliferation of unilingual English public-awareness campaigns and advertising by government agencies for the people of Ontario that are not reflected in the French-language media. They point to possible shortcomings in the respect of the *French Language Services Act* and the application of the Ontario government's Communications in French Directive and Guidelines.

The Communications in French Directive was adopted by the government's Management Board and the Treasury Board further to the recommendation from the French Language Services Commissioner following his investigation into the dissemination of an English-only flyer about H1N1 influenza<sup>3</sup> in 2009. At the time, the investigation conducted by the Commissioner's Office showed the poor integration of French language services into the strategic and operational planning of ministries as well as inadequacies in the Communications in French Guidelines. Seven years on, the complaints received by the Office of the French Language Services Commissioner concerning the absence of equivalent advertising in Ontario's Francophone media indicate a failure to comply with established protocols further to the adoption of the Communications in French Directive and Guidelines.

Although some of these complaints were addressed and appear to have been settled on a case-by-case basis, often as a result of the intervention of the Commissioner's Office, the many complaints received in recent years indicate that the problem has become systemic and that the Commissioner can no longer consider them isolated instances.

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<sup>3</sup> Office of the French Language Services Commissioner, *Investigation Report Regarding an English-Only H1N1 Flyer: From communication crash to communication coup*, Toronto, 2011.

## 2.1 Authority of the Commissioner

Under the *French Language Services Act*, the Commissioner is responsible for conducting investigations into the extent and quality of compliance with the Act, pursuant to complaints relating to French language services made by any person or on the Commissioner's own initiative. He is also responsible for preparing investigation reports, including recommendations for improving the provision of French language services and monitoring the progress made by government agencies in providing French language services.<sup>4</sup>

## 2.2 Complaints

The Commissioner's Office received more than 30 complaints about the use of English-only advertising between April 2014 and March 2016. After receiving these complaints about irregularities with respect to advertising by provincial institutions in the Francophone media in Ontario, the French Language Services Commissioner decided to conduct an investigation into the level of government advertising compliance with the *French Language Services Act* and the Communications in French Directive.

## 2.3 Role of the media

In societies generally, the normative affirmation of a majority or minority community's values is heightened by the role and number of agents of socialization, including the media. The media, which truly reflect a linguistic community's societal values, not only disseminate the inherent values of belonging to a community, but also promote them. The media are places for the production, reproduction and dissemination of a culture.<sup>5</sup> Accordingly, their presence is even more important in a minority context because of the role they play in preserving the community's linguistic and cultural identity:

"Community media play an essential role in the development and growth of official language minority communities. They enable Anglophone and Francophone minorities to see and hear themselves. They provide a means to reach a variety of audiences: Anglophones, Francophones and Francophiles, young and old. In short, these communication tools are the key to reflecting, enhancing and developing the minority language culture."<sup>6</sup>

In Ontario, the Francophone media contribute to a stronger identity for Francophone communities, whether by disseminating local French-language cultural products or informative content that gives

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4 *French Language Services Act*, s. 12.2.

5 Fernand Harvey, et al., *Médias francophones hors Québec et identités*, Institut québécois de recherche sur la culture, Québec City, 1992, p. 84.

6 Report of the Standing Committee on Canadian Heritage, *Disruption: Change and Churning in Canada's Media Landscape*, House of Commons of Canada, 42nd Parliament, 1st Session, June 2017, p. 16. Also available at <https://nmc-mic.ca/wp-content/uploads/2017/07/Heritage-Committee-Report-June-2017.pdf>.

the communities not only a reflection of themselves, but a voice. The local Francophone media are the drivers of Francophone issues.<sup>7</sup>

To properly perform their role of reflecting and conveying Franco-Ontarian societal values, the Francophone media need to be able to develop within the overall Ontario media context. As a showcase for minority-language communities, the Franco-Ontarian media, while they may not be in the forefront of the broader Ontario media landscape, nevertheless contribute to the province's French-speaking communities. Community radio stations and Franco-Ontarian newspapers play an overwhelming role in disseminating information to the community and contribute enormously to its vitality.

In the past, Franco-Ontarian media were the voice of the Francophone community in some of its major battles. In an editorial published on June 22, 1912, only a few days prior to the adoption of Regulation 17,<sup>8</sup> Jules Tremblay wrote that the government could take it as a given that the vast majority of French Canadians would not pay taxes unless French were taught as it obviously ought to be.<sup>9</sup> The province's mass media are of course unlikely to be interested in such issues, which are specific to the Francophone community. Indeed, even today, the major media in the province, whether radio, television or newspapers, rarely address issues pertaining to the Francophone community. Even now, although we are no longer dealing with protest newspapers, as was the case in the past, the political climate still demands that certain media respond to the call to battle.<sup>10</sup> Indeed, in the late 1990s the newspaper *Le Droit* publicly took a stand to prevent the Ontario government from closing Ottawa's Montfort Hospital.

Needless to say, the fourth Industrial Revolution is having an impact on the media as well, including media in minority settings. It has changed everything for newspapers. People now get their information from a wide variety of platforms and social media. It appears to be a difficult transition, as indicated by the many newspaper closings and mergers resulting from declining revenue.

## 2.4 Definition of government advertising

Advertising, which is often understood to be a tool for the promotion of consumer goods, may also convey positive societal values or warn against dangerous behaviour. A campaign against drinking and driving, or the distribution of information flyers about how to reduce energy consumption, are considered government advertising.

Advertising by the government or by institutions acting on its behalf can inform people about government policy decisions and changes. Government advertising is defined as advertising from services of a local, provincial or federal government pertaining to its policies, practices or programs.

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7 Annie Bédard, *Les médias et les organismes porte-parole des communautés francophones et acadiennes : rapports, synergie et tensions*, Thèmes canadiens, 2007, p. 20.

8 Circular of Instruction no. 17, adopted by the Ontario Ministry of Education in June 1912, and commonly called Regulation 17, restricted the use of French as a language of instruction to the first two years of elementary school and was later amended to allow only one hour of instruction per day.

9 Paul-François Sylvestre, *Les journaux de l'Ontario français 1858-1983*. Société historique du Nouvel-Ontario, University of Sudbury, 1984, p. 5, Documents historiques no 81.

10 *Ibid.*, p. 7.

However, it differs from “political advertising” and “election advertising.”

In the Ontario context, government advertising is defined by the government as any form of print or written promotional material distributed by a government ministry or organization.<sup>11</sup> According to the definition in the provincial government’s Advertising Content Directive,<sup>12</sup> government advertising includes every form of advertising published by a government ministry or agency in a newspaper, magazine or billboard, or broadcast on radio or television. It also includes printed material distributed to Ontario households by mail, as well as all print or electronic promotional material.

According to the Ontario government’s Advertising Content Directive, an advertising item disseminated by the provincial government can inform the public of existing or proposed government policies, programs or services. Government advertising can also inform people of their rights and obligations, in addition to encouraging or discouraging certain specific types of social behaviour in the public interest. From this standpoint, government advertising is an indispensable cog in the machinery that transmits government information to Ontarians.

### 3. METHODOLOGY

The Office of the French Language Services Commissioner’s investigation into services in French concerns advertising by Ontario government ministries and agencies in the Francophone media throughout Ontario, within the limits of its mandate.

The purpose of the investigation is to determine how and with what degree of effectiveness the Communications in French Directive has been incorporated into the process of developing, processing and disseminating advertising. To meet these objectives, the Commissioner’s Office completed the following:

- Analysis of complaints received by the Office the French Language Services Commissioner
- Study and analysis of relevant documentation, including:
  - *Government Advertising Act, 2004*
  - *Communications in French Directive and Guidelines* (2010)
  - *Advertising Content Directive* (2006)
  - *Report of the Auditor General of Ontario, “Government Advertising Review”* (2015)
  - *Study of the media consumption habits of Franco-Ontarians* (2012), Office of Francophone Affairs
- Meetings, consultations and interviews

The Commissioner’s Office met and questioned several persons who had complained about the absence of a French version of government public-awareness campaign material or about English-only government advertising.

To properly understand the challenges faced by the province’s Francophone media, the team met

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<sup>11</sup> *Government Advertising Act, 2004*, SO 2004, c. 20.

<sup>12</sup> Management Board of Cabinet, *Advertising Content Directive*, Toronto, 2006. Available in English only.

representatives from six Francophone media and two Francophone media associations (one in Ontario and one national Francophone media association). The team also called upon the expertise of media specialists and observers, and advertising experts.

In accordance with the powers conferred on the French Language Services Commissioner under Section 12.4 of the *French Language Services Act*, the Commissioner's Office collected information from the ministries being investigated.

The Commissioner's Office staff met representatives of the Ministry of Government and Consumer Services, accompanied by representatives of the Advertising Review Board. The staff also held discussions with representatives of the Cabinet Office. All of the representatives consulted then replied in writing to requests for clarification, and provided documents relevant to the investigation.

It is important to stress that the Commissioner's Office had the full and wholehearted cooperation of these ministries in question throughout the process.

A meeting was also arranged with representatives of the Ministry of Francophone Affairs (formerly the Office of Francophone Affairs).

## 4. GOVERNMENT ADVERTISING IN ONTARIO

In spite of declining expenditures for the past 10 years,<sup>13</sup> the government's advertising budget remains significant in Ontario. Approximately \$44 million was allocated to advertising by the provincial government in 2016.<sup>14</sup>

Expenditures on this scale are indicative of the importance assigned to government advertising in the provincial government's strategy to keep Ontarians properly informed.

### 4.1 Steps in developing advertising

Once a government ministry or agency has established the need to inform the public, and hence to launch an advertising campaign, the communications branch of the ministry or agency in question is tasked with coordinating the preparation and dissemination of the government advertisement<sup>15</sup>.

The communications branch then completes the *Strategic Media Brief* form,<sup>16</sup> and forwards it to Pattison-Horswell-Durden (PHD), the strategic-marketing planning agency of record hired by the provincial government to provide strategic advice to the communications branch.

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13 Office of the Auditor General of Ontario, *2016 Annual Report*, "Review of Government Advertising", Toronto, 2016, volume 1 of 2, p. 761. Available at <http://www.auditor.on.ca/en/content/annualreports/arbyyear/ar2016.html>.

14 *Ibid.*, p. 761. These expenditures are related to advertising that is subject to review under the *Government Advertising Act, 2004*, SO 2004, c. 20.

15 See the steps for government advertising in Ontario in Appendix D.

16 See *Strategic Media Brief* in Appendix C.

The brief sent to PHD includes a section in which the communications branch must state the French-language requirements. The communications branch must therefore ensure that the suggested campaign complies with the requirements of the *French Language Services Act*. The Advertising Review Board then sends a project brief to the creative advertising agency to which the campaign will be awarded.

According to information provided by the Ministry of Government and Consumer Services, to which the Advertising Review Board reports, the creative advertising agency is made aware of the design requirements for French-language advertising when these have been determined, because these requirements are included in the media brief. Senior officials of the Board have confirmed that the ability of advertising agencies to develop French language services is among the selection criteria in all the invitations to tender.<sup>17</sup>

Once the advertisement has been designed, the government ministry or agency communications branch checks that all instructions in the media brief have been followed prior to releasing the advertisement to the media.<sup>18</sup>

## 5. RESPONSIBILITIES OF KEY STAKEHOLDERS

### 5.1 Cabinet Office

Ontario's Cabinet Office provides advisory and analysis services to the Office of the Premier. It administers the government's decision-making process and works with the ministries to coordinate policies and communications and the intergovernmental strategy.

The Cabinet Office's Communications Division works with the Office of the Premier and the ministries to strategically communicate the government's priorities, initiatives and programs. The Division has traditionally provided full communications services to the Premier and the Premier's Office, including strategic planning, writing, digital communications, media monitoring, issues management, marketing and correspondence.<sup>19</sup>

The Cabinet Office plays an essential role in the ministries' understanding of the Communications in French Directive. It is the ministry responsible for organizing and providing training and professional development to the communications sector within Ontario's public service. The Cabinet Office works with the Ministry of Francophone Affairs to review and recommend to the Management Board all amendments, updates or exemptions to the Communications in French Directive. Part of its collaborative work with the Ministry of Francophone Affairs involves drafting documents related to the Directive and ensuring that the ministries are aware of any amendments, updates or exemptions to it.

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<sup>17</sup> Every three years, the Advertising Review Board launches new invitations to tender in order to establish a new list of suppliers. This process includes an evaluation of the capacity of the agencies to provide services in French and to produce French-language content.

<sup>18</sup> See Appendix C.

<sup>19</sup> For further details, see: <https://www.ontario.ca/page/published-plan-and-annual-report-cabinet-office> (page consulted in January 2018).

## 5.2 Ministry of Government and Consumer Services

The Ministry of Government and Consumer Services is responsible for providing advice on any amendments, updates or exemptions to the Communications in French Directive. It is the Ministry to which the Advertising Review Board reports.

### 5.2.1 Advertising Review Board

The Advertising Review Board acts as an intermediary between the provincial government and the advertising and communications sectors. It is a regulatory agency that reports to the Ministry of Government and Consumer Services. The Board is designated as a mandatory common service for the provision of provincial government advertising and communication services. Its role is therefore to ensure that the services are provided to government ministries and agencies in an equitable, open, transparent and accessible manner by qualified suppliers.

The Board has the authority to sign agreements with advertising and creative communication services suppliers through open, competitive processes, including contracts with qualified media-planning and buying agencies. It is also responsible for monitoring and producing reports on compliance with relevant government policies and Management Board directives.<sup>20</sup>

### 5.2.2 Ministerial Communications Fund

The Board administers the Ministerial Communications Fund,<sup>21</sup> whose purpose is to encourage government advertising campaigns in a variety of Indigenous and ethnic media. The fund can also be used to introduce ministerial initiatives. The ministries need to submit a grant application to the Board for funds under this program. The Board receives and approves four to six applications each year.<sup>22</sup>

## 5.3 The Ministry of Francophone Affairs

The mandate of the Ministry of Francophone Affairs is to ensure that the Francophone community is recognized and celebrated for its culture and contributions, and that its needs are taken into account and incorporated into the provincial government's plans and strategies.

Accordingly, the Ministry works with the Cabinet Office to review and recommend any amendments, updates or exemptions to the Communications in French Directive. The Ministry, in concert with the Cabinet Office, provides training and advice, as necessary, to government ministries and agencies concerning the implementation of the Communications in French Directive and Guidelines.

The Ministry also works with the Cabinet Office to disseminate information on updates or amendments to the Directive or related documents.

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20 Ministry of Government and Consumer Services, *Memorandum of understanding between the Ministry of Government and Consumer Services and the Advertising Review Board*, Toronto, p. 3.

21 *Advertising Review Board, Business Plan for 2016-2017 to 2018-2019*. Available at <https://www.ontario.ca/page/advertising-review-board-business-plan-2016-2017-2018-2019>

22 The Ministerial Communications Fund was \$343,520 for the 2013-2014 fiscal year and has remained unchanged.

## 6. NORMATIVE FRAMEWORK

### 6.1 The *French Language Services Act*

The *French Language Services Act*, a quasi-constitutional statute which came into force in 1989, states that everyone is entitled to use French to communicate with and receive services from any head or central office of a government agency and from offices located in designated areas.<sup>23</sup>

In this matter, the provincial government showed that it was ahead of the curve in a number of its initiatives and accomplishments over the past few years, including the passage, following an investigation by the Commissioner's Office,<sup>24</sup> of the Communications in French Directive.

As the Office of the French Language Services Commissioner pointed out in its investigation report regarding an English-only flyer about H1N1 influenza in Ontario homes, information in government communications must be released in both languages at the same time, as provided in the Ontario government's Communications in French Directive.<sup>25</sup>

### 6.2 *Government Advertising Act*

Subsection 1.1(2) of the *Government Advertising Act*<sup>26</sup> lists the various reasons for using advertising to communicate with the public:

- a. Informing the public about existing, new or proposed government programs, plans, services or policies, including fiscal policies, such as policies respecting pensions or taxes;
- b. informing the public about changes or proposed changes to existing government programs, plans, services or policies;
- c. informing the public about of the goals, objectives, expected outcomes, or results of, or rationale for, a matter referred to in clause a) or b);
- d. informing the public of their rights and responsibilities under the law;
- e. encouraging or discouraging specific social behaviour, in the public interest;
- f. promoting Ontario or any part of Ontario as a good place to live, work, invest, study or visit;
- g. promoting any economic activity or sector of Ontario's economy or the government's plans to support that economic activity or sector; and
- h. informing the public about Ontario's relationships with other Canadian governments, including promoting Ontario's interests in relation to those governments.

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<sup>23</sup> *French Language Services Act*, s. 5.

<sup>24</sup> Office of the French Language Services Commissioner, *Investigation Report regarding an English-only H1N1 flyer: From communication crash to communication coup*, Toronto, 2011.

<sup>25</sup> *Ibid.*, p. 25.

<sup>26</sup> *Government Advertising Act, 2004*, SO 2004, c. 20.

Under the *Government Advertising Act*, the Auditor General is entitled to examine and approve government advertisements ahead of time, except for advertising via social media, to ensure they meet the standards and are nonpartisan.

The Act is applicable to all paid advertising that a ministry or agency intends to disseminate, whether on radio or television, or in a cinema, newspapers or magazines. It also applies to advertising content on billboards or in printed matter distributed to Ontario homes or displayed digitally.

It is important to point out that public notices, announcements about urgent health matters or public safety, offers of employment and invitations to tender are not covered by the *Government Advertising Act*.

### 6.3 The Communications in French Directive

On May 13, 2010, following the Commissioner's decision to investigate the English-only H1N1 flyer, the government's Management Board and the Treasury Board adopted a mandatory directive for all ministries and classified agencies with respect to communications in French. The clear guidelines that followed the Directive represented a genuine advance with respect to the Government of Ontario's communications in French.<sup>27</sup>

The guidelines on communications in French that had previously been developed by the Ministry of Francophone Affairs were not mandatory, and ministries could get around them on economic grounds or marketing imperatives.

The Commissioner therefore recommended in his *Investigation Report Regarding an English-Only H1N1 Flyer* that the Management Board and Treasury Board adopt a directive that would make communications in French guidelines, policies and procedures mandatory for all ministries and classified agencies. The recommendation was acted upon.

Not only did the Directive provide very specific French-language communication obligations, but it also underscored the need to properly understand the target Francophone population and its specific needs, from the planning stage onward. The goal was clearly to avoid reliving a disastrous episode like the English-only H1N1 influenza flyer sent to all homes in the province, and for which, the Premier at the time, the Honourable Dalton McGuinty, publicly apologized.

According to the Commissioner, the words used in the directive were not chosen haphazardly. The principles referred to the "Francophone community," which assumes an exercise that goes well beyond straightforward translation. The concept of community is very important and implies that it is necessary to be equipped with communications tools that will enable the Francophone community, and not only individuals, to develop and prosper, in accordance with the legislative intent stipulated in the preamble to the *French Language Services Act*.

The Directive applies to all Ontario ministries and classified agencies with respect to their communication plans and strategies for clients of Ontario's public service.

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<sup>27</sup> See Communications in French Directive in Appendix A.

Two important factors need to be taken into consideration in analyzing the application and scope of the Communications in French Directive. First, the Directive is not limited to ministries: it applies to all classified agencies. Second, in all communication plans, due regard must be given to the distinctive features of the Francophone community. It is therefore no longer a matter of just hastily translating documents into French at the very end of the process, because it is now a requirement to begin at the planning stage.

The Directive reminds ministries and classified agencies of the requirements to comply with the *French Language Services Act* and to actively offer services in French to the Francophone community.

## 6.4 Advertising Content Directive

The aim of this Directive is for all government ministries and organizations to develop equitable and objective advertising campaigns while complying with the requirements of the *Government Advertising Act* and established policies.

The Directive applies to all government ministries and agencies, as established in the September 1997 Accountability Directive.

It applies to all advertising content that a ministry or agency intends to publish in a newspaper or magazine, on a billboard, or in radio or television advertisements. It is also applicable to advertising content distributed to Ontario homes in mass mailings, or any other print or electronic material.

According to the principles set out in the Directive, government advertising must be fair and equitable. Government ministries and agencies can use advertising as an effective means of reaching out to Ontarians to inform them of government policies and programs or to encourage or discourage certain types of social behaviour. Still in accordance with these principles, government advertising must be accessible to all Ontarians

The Directive clearly establishes that all advertising by a Government of Ontario ministry or agency must comply with the obligations of the *French Language Services Act* and the Communications in French Directive,<sup>28</sup> and stated as one of the Directive's requirements.

The Directive further makes deputy ministers and program managers accountable to their minister, to the Management Board of Cabinet and to their respective branches in matters pertaining to the *French Language Services Act*.

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28 Management Board of Cabinet, Advertising Content Directive, Toronto, 2006, p. 3. Available in English only.

## 7. COMPLAINTS AND ANALYSIS

### 7.1 Examples of complaints received over the years

The Commissioner's Office has received a number of complaints about English-only government advertisements published in English language media that deprive Francophone Ontarians of access to the information in question in their language. The following cases illustrate the complaints received by the Commissioner's Office over the years, together with measures and commitments made by government authorities to address these situations reported by the public.

#### 7.1.1 Metrolinx

In 2012, the Commissioner's Office received a complaint about advertisements for GO Transit that were placed only in Toronto area English newspapers. The Ministry of Transportation replied tersely to the Commissioner's team that Metrolinx had been reminded of its obligation to advertise in both languages in compliance with the Communications in French Directive.

Three years later the Commissioner's team received a complaint to the effect that Metrolinx had, for a number of months, been advertising in the Toronto area English language dailies *The Toronto Star* and *Metro News*. Further to an investigation, the Ministry of Transportation promised that future Metrolinx marketing campaigns would be of comparable quality in English and French, and advertised in the French-language media.

The fact that the same agency relapsed and continued to publish English-only advertisements in the same area after being called to order by its line ministry shows that there is no proper accountability mechanism to deal with advertising responsibilities and obligations.

#### 7.1.2 LCBO (Liquor Control Board of Ontario)

In 2014, a complaint was received about three large English-only LCBO billboards placed side-by-side in a Toronto subway station. Further to an investigation, the Ministry of Finance, to which the LCBO reports, explained this breach by saying that the normative framework for communication in French merely required that public information be available in English and French at the same time. The Ministry felt that it had complied with the framework by including the following French-language message for the public in its English language ads in Toronto area daily newspapers: "*Le contenu de cette publication est offert en français sur notre site Web.*"

Although the Office of the Commissioner acknowledges that the organization's referral to the website for access to such advertisements in French may constitute an additional way of reaching the Francophone public, it breached the underlying principle according to which the *French Language Services Act* guarantees Francophones the right to receive services in French equivalent to those available in English, at the same time and of the same quality. While these advertisements were available in both languages on the website, they were posted only in English in newspapers and a subway station in the Toronto area. This demonstrated that certain ministries had misunderstood the concept of simultaneous availability of messages for the public.

Furthermore, the Ministry pointed out that there were no French language daily newspapers in the Toronto area in which the LCBO could have placed advertisements in French, adding that the government agency had begun to advertise regularly in *Le Droit*. Needless to say, the Commissioner's Office can only encourage initiatives like these, which attempt to reach out to the Francophone public. However, it would have been enough to simply apply the guidelines from the current Communications in French Directive, which clearly state that: "Ministries must develop the reflex to include considerations specific to the Francophone population in their communication plans and strategies."<sup>29</sup> For distribution/media placement in the Francophone media, "The particularities and deadlines of French publications must be taken into account (generally not published daily)."<sup>30</sup> In other words, while it is true that there are no French-language dailies in the Toronto area, there are certainly, as there are virtually everywhere in Ontario, French-language weekly newspapers.

It is worth noting that, in that same year, the Commissioner's Office was given the identical response in connection with a complaint about a similar advertising violation.

### 7.1.3 The Ontario Science Centre

In 2014, the Commissioner's Office received a complaint about an Ontario Science Centre advertisement in a major English-language daily newspaper. The person making the complaint contacted the planning agency hired by the province to provide strategic marketing advice to communication services. The agency candidly replied that unlike ministries, which were required to comply with the obligations under the *French Language Services Act*, other government agencies were not required to do so.

The investigation of the Ministry of Tourism, Culture and Sport conducted by the Commissioner's Office concluded that the Science Centre had taken a number of steps to comply with its obligations under the *French Language Services Act*. However, the agency admitted that it had been wrong about this advertising campaign and corrected the shortcomings in various ways, including by placing messages in two French-language weekly newspapers. The government agency promised to continue to serve the Francophone community by drawing upon regular budgets for advertising in the French-language media.

Nevertheless, this new case once again illustrates the fact that not everyone involved in the advertising process, whether in the government or working for its providers, is aware of the responsibilities and obligations under the *French Language Services Act*, which guarantees Francophone Ontarians French-language government communications and services equivalent to those in English, at the same time and of the same quality.

### 7.1.4 OLG

In 2013, the Office of the Commissioner received a complaint about an English-only advertisement for the Ontario Lottery and Gaming Corporation (OLG), in an English language daily newspaper. The information gathered for this case clearly indicated that the marketing-strategy planning agency hired by the

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29 Management Board of Cabinet, *Communications in French Directive*, Guideline Document, 2010. Available at [http://intra.cabinetoffice.gov.on.ca/intranet/docs/communications/guides/Communication\\_s\\_in\\_French\\_Guidelines.pdf](http://intra.cabinetoffice.gov.on.ca/intranet/docs/communications/guides/Communication_s_in_French_Guidelines.pdf)

30 *Ibid.*

government had misunderstood the obligations set out in the *French Language Services Act*. According to the agency, the OLG, unlike ministries, is not subject to the Act and had no obligation to include French in the advertisement. The decision in question was made by the agency that hired the company.

In its investigation, the Ministry of Finance informed the Commissioner's Office that the OLG was in the process of developing a new framework, with policies and procedures regarding services in French that would lead to the development of compliance and training tools. Advertisements in the French-language media would be included in these new policies.

Despite the OLG's commitment to acquire tools that would allow it to comply better with the *French Language Services Act* and the Communications in French Directive, the Commissioner's Office continued to receive complaints about the OLG. In 2016, the Office of the Commissioner received complaints about English-only advertising in a Toronto Transportation Commission subway car and the lack of equivalent French-language gaming advertisements in Francophone media.

## 7.2 Systemic omissions

Following the publication of the Office of the Commissioner's investigation report on the distribution of the English-only H1N1 influenza flyer, the Commissioner commended the introduction of a regulatory framework that would require French language services in government communications, and in the preparation and distribution of government advertising.

Unfortunately, the continued influx of complaints about the absence of French-language versions of various government advertisements and communications constitutes a breach of the *French Language Services Act*, showing that the framework is not always observed within the public service and that there is no accountability mechanism.

Each time a government ministry or agency fails to comply with the measures set out in the Communications in French Directive and Guidelines, there is a contravention of the provisions of the *French Language Services Act*. The many complaints reporting such violations demonstrate the systemic nature of this practice.

The mandatory requirements were clearly stated in the Communications in French Directive when it was adopted:

All ministries and classified agencies are required:

- a. to seek out improvements in how they communicate with Francophones.
- b. to adhere to all relevant processes and legislative requirements, notably the *French Language Services Act*, in the active offer and delivery of French-language services to Ontario's Francophone community.
- c. to consider the Francophone community's specific needs when developing strategic communication plans and incorporate appropriate approaches into the communications activities to reach Francophone audiences effectively.<sup>31</sup>

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<sup>31</sup> See Communications in French Directive in Appendix A.

The Office of the French Language Services Commissioner considers any failure to prepare advertisements in French to be a violation of the mandatory requirements of the Communications in French Directive and the *French Language Services Act*. Every such omission fails to improve the manner in which the government communicates with Francophones and constitutes a breach of the statutory requirements, including the *French Language Services Act*. Furthermore, every breach is indicative of disregard for the specific needs of the Francophone community when strategic communications plans are being drawn up and a lack of a targeted approach for communicating with Francophones.

The Commissioner is concerned about this situation given his high expectations after the Communications in French Directive was adopted following his investigation report "*From communication crash to communication coup*." It was thought at the time that the adoption of a new mandatory directive would enhance the integration of French language services into the strategic and operational planning of government ministries and agencies.

Sadly, seven years later, the integration of French language services is clearly not universal. In fact, the proliferation of complaints received by the Office of the French Language Services Commissioner demonstrates that the problem is systemic and that none of the cases reported can be treated as isolated instances. The complaints drawn to the attention of the Commissioner show that there is no accountability mechanism for observing the mandatory requirements stated in the Communications in French Directive. Since the adoption of this Directive, there have been numerous instances of government ministries or agencies failing repeatedly to meet these mandatory requirements.

**Given that** the government has established a framework to guarantee the inclusion of French language services in the preparation and distribution of government advertising through the adoption of the Communications in French Directive and Guidelines;

**Whereas** some government ministries and agencies are not complying with their obligations as stated in the Directive and Guidelines;

**Whereas** the Communications in French Directive and Guidelines have little normative force;

### **Recommendation 1**

**The French Language Services Commissioner recommends to the Secretary of the Cabinet and Clerk of the Executive Council, and the Minister of Francophone Affairs, that the Communications in French Guidelines be amended to include the following:**

- **an accountability mechanism that would assess the level of compliance with legislative requirements and the extent to which the specific needs of Francophones are taken into account when preparing government communications and advertisements;**
- **communications in French obligations in the Advertising Content Directive;**
- **communications in French obligations in other directives pertaining to communications in French.**

The Communications in French Directive states the major principles, roles and responsibilities for communicating in French with external clients of Ontario's public service. The Communications in French Guidelines were designed to facilitate compliance with the mandatory requirements, while remaining more flexible. Their intent was to make it possible to identify the most effective and consistent practices for reaching out to Francophones.

Unlike the Directive itself, the Guidelines are not mandatory. They are there to provide guidance to "communicators." The Commissioner had previously mentioned *this state of affairs in his investigation report*, "From communication crash to communication coup," in which he said he was convinced that when the mandatory directive was adopted, the intent of the Management Board and Treasury Board had been to make the guidelines mandatory as well.

It is now clear that the absence of any accountability mechanism is what allows the many breaches of the mandatory requirements in the Directive. The time has therefore come to develop a new normative framework that would reduce the number of breaches by government ministries and agencies. For these reasons, the Commissioner recommends to the Minister of Francophone Affairs that a communications in French regulation which incorporates the Guidelines by reference be adopted.<sup>32</sup>

### **Recommendation 2**

**The French Language Services Commissioner recommends to the Minister of Francophone Affairs that in the 2018-2019 fiscal year she propose the adoption of a communications in French regulation that includes the additional content from the Communications in French Directive and incorporates by reference the amended Communications in French Guidelines.**

### **Recommendation 3**

**The French Language Services Commissioner recommends to the Secretary of the Cabinet and Clerk of the Executive Council that an annual report on the rate of compliance with the new regulation and the amended guidelines be published annually, beginning in the 2018-2019 fiscal year.**

## 7.3 A new media brief

The media brief provides guidance to advertising agencies to ensure that the advertisements they develop comply with the requirements and limitations set by the communications branch of the government ministry or agency. The communications branch sets out the requirements and needs stipulated in the *French Language Services Act* in the brief.

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<sup>32</sup> The Minister can recommend such a regulation to the Lieutenant Governor in Council pursuant to subsection 11(4) of the *French Language Services Act*:  
11(4) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations generally for the better administration of this Act [...]

This is how the requirements are transmitted to the marketing-planning and creative advertising agencies, both of which are essential in the design of government advertisements.<sup>33</sup> They are the agencies that create the message to be transmitted to the public. Unless they are made aware of the Francophone realities in Ontario and the obligations under the *French Language Services Act*, the message transmitted may well prove to be unsuitable for Ontario Francophones.

The statutory obligations under the *French Language Services Act* and the Communications in French Directive are not currently incorporated into the media brief. The communications branch must therefore specify the requirements as they complete the brief. The full integration of French language services into the very process of creating government advertisements requires the involvement of all stakeholders in the preparation of these ads. The Commissioner therefore believes that the advertising agencies must also be accountable for incorporating French language services into the creative process itself. This means that the statutory obligations for the provision of French language services must be built into the media brief and the brief would then provide guidance regarding what measures to take to comply with these obligations and the normative framework.

#### **Recommendation 4**

**Whereas** the inclusion of French language services can only be accomplished with the involvement of all stakeholders in the process of developing advertisements;

**Whereas** the media brief is the document by means of which communications branches transmit their instructions to the advertising planning and creative agencies;

**The French Language Services Commissioner recommends to the Secretary of the Cabinet and Clerk of the Executive Council that a new media brief model be developed and that it should clearly ensure compliance with a regulatory framework that specifies:**

- **the requirements under the *French Language Services Act*;**
- **the obligations under the new communications in French regulation, as stipulated in recommendation 3; and**
- **the language requirements of the Advertising Content Directive.**

## 7.4 Training

One of the first stages in the analysis consisted of evaluating the stakeholders' understanding of the normative framework with respect to the requirements of producing French-language versions of government advertisements. This meant determining whether training<sup>34</sup> for public service employees on the content and requirements of the Communications in French Directive and Guidelines had been provided.

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<sup>33</sup> See Appendix C, Strategic Media Brief (Available in English only).

<sup>34</sup> Office of the French Language Services Commissioner, *Investigation Report Regarding an English-Only H1N1 Flyer: From communication crash to communication coup*, Toronto, 2011, p. 18. In his report, the Commissioner recommended that the Ministry of Francophone Affairs (formerly the Office of Francophone Affairs), in collaboration with the Cabinet Office Policy and Delivery Division, be assigned the task of providing ongoing training on the Communications in French Directive to all teams responsible for developing policies, programs or services in all the classified ministries.

The Cabinet Office ensures that it is mandatory for every employee of a branch of the public service to take an online training course prepared by the Ministry of Francophone Affairs (MFA). However, in its response to questions about the subject, the Cabinet Office said that it had worked with the Ministry of Francophone Affairs on an initial series of training sessions in 2011, and that these had familiarized 107 public service officials with the requirements of the Directive. In 2014, 726 communications employees had received a half-hour of online training on the Communications in French Directive and Guidelines.

Although some training of this kind has been given, the frequency with which it is given is not sufficient to ensure the full integration of French language services when planning communication strategies for government ministries and agencies. Staff turnover within the public service requires more frequent and sustained training. For example, in the course of the investigation, one official who had received training in 2011 on the requirements of the Communications in French Directive said he could no longer recall having taken this training five years later.

The lack of periodic training for employees and officials involved in the government advertising process leads to misunderstanding and a lack of awareness of the requirements for preparing French-language versions of government advertisements. Employees cannot implement measures of which they are unaware.

In his investigation of the English-only flyer distributed during the H1N1 influenza A pandemic information and prevention campaign, the Commissioner pointed out that the Communications in French Guidelines that had been developed by the Office of Francophone Affairs were superficial, and amounted to a wish rather than an obligation.<sup>35</sup> Seven years on, the situation had clearly not improved very much. Although the adoption of the Communications in French Directive was a major step forward at the time, the absence of an accountability mechanism significantly reduced its impact.

The ministries investigated confirmed that the advertising agencies selected by the provincial government were thoroughly familiar with “Canadian bilingualism” and that their international reputation gave them unique expertise. However, the agencies did not receive the training on the Communications in French directive provided within the Ontario public service, even though they were working for government ministries and agencies and played a leading role in the implementation of the government’s communications strategy. Just because the agencies selected by the provincial government were familiar with Canadian bilingualism did nothing to guarantee that they were properly informed about Francophone realities in Ontario or that they were sensitive to them.

Are the requirements included in the media briefs enough to give them a knowledge of the Franco-Ontarian situation? The answers given by some ministries in response to complaints forwarded to them by the Commissioner’s Office tended to show that the linguistic requirements as transmitted to the advertising agencies were insufficient. Advertising agencies should be given some training or, at least, made aware of Franco-Ontarian realities so that they can develop effective strategies to reach out to Francophones in the province. A mere translation cannot be considered an adequate mechanism for properly reaching out to Francophone Ontarians. The preparation of localized versions applicable to the circumstances of the province’s Francophones would enable the provincial government to achieve its goals by communicating effectively with the public and preserving the cultural heritage of the Francophone population, as prescribed in the *French Language Services Act*.

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35 *Ibid.*, p. 18.

## Recommendation 5

**Given** the wording of the preamble to the *French Language Services Act*, which states that the Legislative Assembly recognizes the contribution of the cultural heritage of the French speaking population and wishes to preserve it for future generations;

**Whereas** the Communications in French Directive requires that the specific needs of the Francophone community during the communications-planning process be considered and incorporated to effectively reach out to Francophones in the implementation process;

**Whereas** advertising agencies have a key role to play in planning the government of Ontario's marketing strategy;

**Whereas** the Cabinet Office and the Ministry of Francophone Affairs have organized training for public service employees on the content and requirements of the Communications in French Directive and Guidelines;

**The French Language Services Commissioner recommends the following to the Secretary of the Cabinet and Clerk of the Executive Council, and the Minister of Francophone Affairs:**

- a. On a regular periodic basis, provide employees and heads of communications sections in the public service with training on the requirements of the new amended Communications in French Regulation and Guidelines.
- b. Provide advertising agencies with training on communications in French to make them more aware of Franco-Ontarian realities, as well as the requirements of the *French Language Services Act* and the new communications in French regulation.
- c. As of the end of the 2018-2019 fiscal year, prepare a regular periodic report on the number of government officials and employees of advertising agencies who took the training, and evaluate the training provided.

## 8. Societal Debate: Francophone community media in Canada are at risk

The issue surrounding government advertising in official-language minority communities goes well beyond the complaints received, the Office of the Commissioner's investigation, and even the government's obligation to communicate in French under section 5 of the *French Language Services Act*. The media in these communities are facing a significant decline in revenue, causing many to disappear or to teeter on the edge.<sup>36</sup> As the complaints mentioned in this report show, numerous ministries and agencies omitted to publish ads in Francophone media, which denied them an important source of funds. There are many causes to the Francophone media's precarious situation, but one of them is undoubtedly the non-compliance with the *French Language Services Act* and the Directive. This societal debate is a hot-button issue in Canada.<sup>37</sup>

There is no doubt about the fact that the media in official-language minority communities are essential to the very survival of these communities. The *Disruption: Change and Churning in Canada's Media Landscape* report emphasized that: "The media serving official-language minority communities... support the development and vitality of minority language communities and help to bring them out of isolation. Governments also use this branch of the media to communicate with the public in both official languages."<sup>38</sup> They, in fact, are the custodians in charge of disseminating the information that underpins the community's vitality. For Francophones, they represent an identity-building tool, as Statistics Canada discovered:

"[Translation] Research has shown that the use of French-language media is closely tied to Francophone identity and the desire to be part of the Francophone community [...]. These results are not proof of a cause-and-effect relationship. It is possible that French-language media use contributes to Francophone identity building, but it is also likely that people who already have a strong Francophone identity choose French-language media more often than people with a weaker Francophone identity. We believe that this is in fact a two-way relationship – in other words, that the use of French-language minority media is both a cause and an effect of Francophone identity."<sup>39</sup>

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36 In giving testimony before the Standing Committee on Canadian Heritage, Sylviane Lanthier, the FCFA president at the time, made the following point:

However, our media are suffering today. Last year, one of our newspapers, *L'Express d'Ottawa*, folded and another, *L'Eau Vive* in Saskatchewan, suspended publication for a few months. A benefit concert for this newspaper will take place next week, in fact. When it comes to radio, three of the ARC member stations no longer have paid staff. In places like Halifax and Peace River, the problems are so serious that the station's survival is at risk.

(Standing Committee on Canadian Heritage, Number 006, 42nd Parliament, 1st Session, March 8, 2016).

37 See Office of the Commissioner of Official Languages, *Preliminary Investigation Report of the Commissioner of Official Languages*, September 2016, file 2015-0636; Report of the Standing Committee on Canadian Heritage, *Disruption: Change and Churning in Canada's Media Landscape*, June 2017, 42nd Parliament, 1st Session; Report of the Standing Committee on Government Operations and Estimates, *Reaching Canadians with Effective Government Advertising*, December 2017, 42nd Parliament, 1st Session; Francopresse, *Médias communautaires : Les journaux et radios au pied du mur fédéral*, January 15, 2018, <https://www.francopresse.ca/2018/01/15/medias-communautaires-les-journaux-et-radios-au-pied-du-mur-federal/> ; Acadie Nouvelle, *Des obligations à respecter en toute urgence*, January 9, 2018, <https://www.acadienouvelle.com/mon-opinion/2018/01/09/obligations-a-respecter-toute-urgence/>.

38 Report of the Standing Committee on Canadian Heritage, *Disruption: Change and Churning in Canada's Media Landscape*, June 2017, 42nd Parliament, 1st Session, p. 5.

39 Statistics Canada, *Survey on the Vitality of Official-Language Minorities*, Ottawa, 2007.

The Francophone media promote the cultural vitality and outreach of Ontario-Francophone activities and issues. This Francophone presence, which has a 400-year history, is something the Ontario government recently celebrated. For Ontarians who choose to live their lives in the French language, the Francophone media are essential to their development. It is these media that give them access to information about the French language services available from the public and private sectors. Ontario-Francophone media are also the only source of information on issues affecting Francophone communities in the province.

Like educational institutions,<sup>40</sup> community centres, public municipal postings<sup>41</sup> or even healthcare institutions,<sup>42</sup> the presence and vitality of the Francophone media boost the development and protection of the identity of Ontario's Francophone communities.<sup>43</sup> They bring together Francophone readers and audiences, thereby strengthening Franco-Ontarian and community identity, and bringing Francophone issues to the forefront. Conversely, those who have been assimilated by the attraction of the majority language contribute to the gradual disintegration of an already fragile minority community.<sup>44</sup>

The mass media do not give Francophones access to information typical of their identity. These media do not address issues of importance to Ontario's Francophones. Thus, issues like education, early childhood and health services in French are rarely discussed in Ontario's mass media. If people in these communities want to know what is going on in their community, the only sources of useful information are the local or community media. It is not by reading the *Toronto Star*, the *Globe and Mail* or even *Lapresse.ca* that a resident of Kapuskasing will learn about regional initiatives and activities.

## 8.1. Proactive government obligations

### 8.1.1 Preamble and section 5 of the *French Language Services Act*

The Preamble of the *French Language Services Act* confirms that:

Whereas the French language is an historic and honoured language in Ontario and recognized by the Constitution as an official language in Canada; and whereas in Ontario the French language is recognized as an official language in the courts and in education; and whereas the Legislative Assembly recognizes the contribution of the cultural heritage of the French speaking population and wishes to preserve it for future generations; and whereas it is desirable to guarantee the use of the French language in institutions of the Legislature and the Government of Ontario, as provided in this Act ...<sup>45</sup>

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40 *Mahé v Alberta*, [1990] 1 SCR 342, *Arsenault-Cameron v PEI*, [2000] 1 SCR 3 and *Doucet –Boudreau v Nova Scotia*, [2003] 3 SCR 3.

41 *Galganov v Russell (Township)*, 2012 ONCA 409, para. 34-39, 75-77.

42 *Lalonde v Ontario (Ontario Health Services Restructuring Commission)*, 2001 CanLII 21164 (ON CA); *Lalonde v Ontario (Ontario Health Services Restructuring Commission)*, 1999 CanLII 19910 (ON SCDC).

43 Raymond Breton, "Institutional Completeness of Ethnic Communities and the Personal Relations of Immigrants," *American Journal of Sociology*, 70, 2, 1964, pp. 193-205.

44 Office of the French Language Services Commissioner, *A study of Ontario's French-Language Community Radio Stations: Key components of the vitality of francophone communities*, Toronto, 2011, p. 8.

45 *French Language Services Act*, Preamble.

In other words, the *French Language Services Act* crystallizes the government's interest in taking steps to protect the language and culture of Francophones for future generations.<sup>46</sup> The Office of the French Language Services Commissioner believes that section 5 of the *French Language Services Act* constitutes an obligation for the government to take concrete action if it is to meet its commitment in the Preamble. Both the letter and spirit of the *French Language Services Act* need to be taken into consideration by the communications branches of government ministries and agencies, as well as by advertising agencies when they are working on provincial government advertising campaigns. Providing information to Francophone Ontarians in their own language, and supporting Francophone media, must be considered a duty within the meaning of the *French Language Services Act*.

## 8.2 The Ontario government is responsible for inequitable advertising in the Francophone community media

### 8.2.1 Print media

It is a constant pattern across Canada: overall, the media have seen a strong decline in advertising revenue over the past decade. The print media have been hardest hit. Media experts consulted for this investigation found that the media in general and the Francophone media in particular, are currently undergoing a difficult and critical period because of reduced spending by advertisers.

While reports about job losses in the media make the front pages of the major national newspapers, there is little in the media about the impact of lost advertising revenue on small regional newspapers, including their threatened disappearance.

The decline in government advertising in minority Francophone media has become a major issue for Francophone newspapers. Ontario Francophone newspapers, which also saw a definite decline in government advertising, as indicated by the complaints discussed in this investigation, are no exception. They feel that government ministries and agencies have frequently forgotten about the Francophone media in their advertising strategies. They point out that advertisements in the Anglophone media often do not appear in the Francophone media.<sup>47</sup>

Francophone media representatives also believe that some officials are insensitive to Francophone realities and to the need to reach out to the Franco-Ontarian population via Ontario's Francophone media. A number of them have told the Commissioner's Office that they had discussed the matter with the provincial government's mandated agencies in attempts to understand why they were not included as part of the media deployment of government advertising campaigns. They allege that they were told

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46 In Ontario, there are best practices for providing support to media that target certain communities. Examples include the Corporate Communications Fund administered by the Advertising Review Board, which funds advertising in ethnic and Indigenous media.

47 At meetings between the Commissioner's Office and representatives of Ontario's Francophone print media, the latter pointed out that the use of the online Merx bidding system had significantly altered the playing field and reduced their share of advertising revenue because of fewer government calls for tender being advertised in Francophone newspapers. While they understood why the private sector would prefer the mass media for their advertising campaigns, experts felt that the government's decision to develop a similar marketing strategy was contradictory. As the goal of government advertising is educating and informing the public, they felt that governments should be adopting a proximity marketing strategy that would of necessity make use of regional and community media.

repeatedly that the Francophone media should conduct readership surveys; however, none of them has the funds required to pay for surveys of this kind.

### 8.2.2 Francophone community radio stations

Ontario's community radio stations have long had to deal with financial problems. In 1998, a study commissioned by the provincial government acknowledged that the problem for community radio stations was the absence of consistent integrated policies and planning at both the federal and provincial levels.<sup>48</sup>

When the provincial government withdrew financial assistance for community radio (\$25,000/year) in 1995, it made their already precarious financial circumstances worse. The Commissioner's Office had already pointed this out in its study of Francophone community radio stations in Ontario.<sup>49</sup> In this report, the Commissioner had recommended that the government develop a new study to paint an accurate picture of the situation of Ontario's French-language community radio stations and that the study also propose concrete, permanent solutions to meet the specific needs of Francophones in the area of community radio.

The circumstances for Francophone radio stations are even more precarious, as they are required, like most other media, to supply Numeris statistical data at the request of advertising agencies. However, Francophone radio stations do not have enough revenue from the sale of advertising, unlike most majority-language radio stations, to pay for Numeris services.

Indeed, Francophone community radio stations draw their revenue primarily from the sale of advertising and from their own fundraising campaigns. This means that their financial health depends largely on the economic status of their markets as well as the generosity of listeners who are asked to make contributions via radiothons and other fundraising events.<sup>50</sup>

Ontario's Francophone community radio stations believe they are at risk owing to financial imperatives caused by increases in their administrative fees and operations at a time when their revenue is flat or declining.

It is true that the Community Radio Ontario program (CRO)<sup>51</sup> was eliminated in 1995. However, the province still has the Corporate Communications Fund, which funds government advertising for Indigenous and cultural communities. This budget provides financial assistance to support ministries in their advertising campaigns in Ontario's Indigenous and cultural media. There is no comparable initiative for the Francophone media.

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48 Kealy Wilkinson and Associates, *La radio communautaire en Ontario : une ressource dynamique, un avenir incertain*, Ministry of Culture and Communications, Ontario, 1988, p. 62.

49 Office of the French Language Services Commissioner, *A study of Ontario's French-Language Community Radio Stations: Key components of the vitality of francophone communities*, Toronto, 2011, p. 13.

50 *Ibid*, p. 13.

51 In 1987, Ontario's Ministry of Culture and Communications undertook a study of the status and development of community radio over a 15-year period. In response to this study, the provincial Ministry of Economic Development and Trade introduced the Community Radio Ontario program (CRO), whose role was to encourage and support the establishment of community radio stations and to make existing radio stations more stable. The program was eliminated in 1995 as a result of a number of budget cuts.

### 8.2.3 Web advertising

Several representatives of the Francophone media interviewed during his investigation expressed their concerns over the increase in government advertising on the web.

According to the experts consulted, in Ontario, government advertising on the web now represents a significant share (28%) of overall advertising by government ministries and agencies. For the 2015-2016 period, digital advertising by the government totalled \$11.7 million, almost double the amount spent on government advertising in print media.<sup>52</sup> This new set of circumstances is part of the provincial government's comprehensive digital policy, which is to make the most of the digital highway to reach as many people as possible, a trend that is also evident in federal government advertising, as the Commissioner's Office was able to determine when it studied the matter.<sup>53</sup>

The vast majority of government advertisements found on Francophone media websites are placed by search engine marketing services like Google Adwords. These are automated systems that use algorithms that can reach users based on the chosen audience's behaviour. Advertisers use keywords to filter the web and advertisements appear alongside relevant content in a way that better targets potential consumers.<sup>54</sup>

With this type of advertising, there are no contracts between the medium and the government ministry or agency that provides financial compensation to the medium. The government agency deals directly with the marketing service, which, in turn, pays a dividend to the medium. The advertisements are therefore based on visits to the medium's website.

According to data shared by the communications branch of the Cabinet Office, four per cent of government francophone advertising purchases in 2016-2017 represented advertising via Google's search engine, while 35 per cent of advertising purchases were made via digital banners and advertising on social networks. It is important to note that advertising via social networks is also based on algorithms and does not represent advertising placed directly in a francophone medium.

These kinds of advertisements generate significant savings for the government, but deprive media like the Francophone media of revenue that is crucial to their survival — advertising revenue that they might have been able to use to enhance their digital content. In its white paper, "Les médias francophones en Ontario," the Assemblée de la francophonie de l'Ontario (AFO) recognized how important it was for the Francophone media to improve their digital content, and noted that if direct government advertising were to return to previous levels, the costs involved in maintaining high quality digital content could be covered in the medium term.<sup>55</sup>

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52 Office of the Auditor General of Ontario, 2016 *Annual Report*, "Review of Government Advertising," Toronto, 2016, volume 1 of 2, p. 761. Available online at <http://www.auditor.on.ca/en/content/annualreports/arbyyear/ar2016.html>

53 Office of the Commissioner of Official Languages, *Preliminary Investigation Report of the Commissioner of Official Languages*, September 2016, file 2015-0636.

54 Pierre-Yves Robert, "Crise publicitaire chez Google : une histoire de « brand safety »." *Infopresse*, 2017. Available online at <http://www.infopresse.com/article/2017/3/28/crise-publicitaire-chez-google-une-histoire-de-brand-safety> (page consulted in January 2018).

55 Assemblée de la francophonie de l'Ontario, White Paper, "Les médias francophones en Ontario," 2017, p. 23

Several experts who were consulted said that most Francophone media definitely had to find innovative solutions to make their digital content more attractive to the general public. This modernization of digital content may well prove to be a major challenge for the Francophone media in areas with limited or no access at all to high-speed Internet services.

When it comes to the Francophone media, the government needs to factor in the demographic realities of the community. The obvious question is relatively simple. Should we advertise in French to meet the requirements of the *French Language Services Act* or should we mainly advertise in French in an effort to reach out to people where they live? For the Commissioner, there can be no doubt that an interpretation of the letter and spirit of the Act demands that government and government agencies advertise at the local level where Francophones live. For this minority, whose cultural, economic and social vitality depend on local media for their transmission, a different strategy is required. As mentioned earlier, the mass media of the linguistic majority only very infrequently mention Francophone community or cultural events. This is also true for Francophone websites like *Lapresse.ca*, where advertisements in French can be very useful, but are inadequate to properly reach out to Francophones in their own communities. It therefore makes sense for government ministries and agencies to target the Francophone media if they wish to reach Ontario Francophones effectively.

### 8.3 Establishment of an advisory committee on Francophone community media

In the course of this investigation, several experts interviewed by the Commissioner's Office confirmed that it is essential for the government and the media in minority-language communities to work together to secure their future.<sup>56</sup> This approach is applicable in Ontario. The government needs the Francophone media to properly reach out to Francophone Ontarians and achieve the government's statutory objectives. The media need a productive structure that would be conducive to their development.

In his study of community radio stations, the Commissioner had already mentioned that a partnership between the provincial government and the Francophone media would be appropriate and desirable.<sup>57</sup>

Needless to say, the matter of advertising and the future of the Francophone media is complex. Not all of the solutions can focus on increased public funding to revive and support media that are at risk or have disappeared — what the government should do instead is rethink its approach. A restructuring of the government's position and the adoption of new public policies with respect to such an important issue also require, among other things, consultation and input from specialists.

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<sup>56</sup> While experts interviewed in the course of this investigation were unanimous on the importance of such a collaboration, they were all convinced that the Francophone media also needed to think about developing more efficient and innovative economic models.

<sup>57</sup> Office of the French Language Services Commissioner, *Study of Ontario's French-Language Community Radio Stations*, 2011, p. 14.

## Recommendation 6

**Given** the wording of the preamble to the *French Language Services Act*, which states that the Legislative Assembly recognizes the contribution of the cultural heritage of the French speaking population and wishes to preserve it for future generations;

**Whereas** the Francophone media contribute to identity building in Francophone communities, whether by disseminating local French-language cultural products, or content and information;

**Whereas** the Francophone media are an important tool for the development of the Francophone community and contribute to the cultural enrichment of Ontario;

**Whereas** the provincial government needs the Francophone media to reach out effectively to its Francophone population;

**Whereas** there is a Corporate Communications Fund administered by the Advertising Review Board, whose mandate is to fund advertising campaigns in the ethnic and Indigenous media;

**The French Language Services Commissioner recommends that the Minister of Francophone Affairs, before the end of the 2018-2019 fiscal year, establish an advisory committee to provide the government, and in particular the Ministry, with guidance on the Francophone media:**

- a. **The committee would be asked to develop a strategy to:**
  - i. **ensure the development and contribute to the longevity of the Francophone media in Ontario;**
  - ii. **implement positive, pragmatic and realistic measures, including the establishment of regional Francophone-media support funds for print, community radio and a web presence; and**
  - iii. **establish a digital-transition support fund.**
- b. **The committee is to include representatives from the various government ministries and/or agencies, as well as Francophone media stakeholders.**

## 9. CONCLUSION

When the investigation report on the distribution of the English-only H1N1 virus was being published, the Commissioner applauded the government on its leadership, and in particular on its development of the Communications in French Directive and Guidelines. The requirements for the inclusion of French language services in government communications were also embedded in other mechanisms and directives like the Advertising Content Directive. Since then, the number of complaints with respect to communications has declined, particularly for government organization websites, but the Commissioner's Office continues to receive complaints about English-only advertising, which can only mean that the established framework is not being complied with.

Government ministries and agencies have a responsibility to the Francophone community to distribute government advertising systematically via the Francophone media. Unfortunately, the regular complaints brought to the attention of the Commissioner's Office clearly indicate that certain

government ministries and agencies are misinterpreting their linguistic obligations. The vast majority of complaints received by the Commissioner's Office pertain to advertisements or messages in the majority-language mass media that do not appear in the Francophone media.

The Office of the Commissioner believes that in such instances, a government ministry or agency is breaching the *French Language Services Act* if it advertises in a majority-language medium without publishing the same advertisement in an Ontario Francophone medium.

In 2011, the Commissioner pointed out that the corporate culture paid little attention to the real integration of French language services. He had also mentioned that the adoption of the Communications in French Directive was a major step forward.<sup>58</sup> Unfortunately, seven years down the road, the proliferation of complaints indicates that much remains to be done to change the corporate culture in government communications if full compliance with the Communications in French Directive is to be achieved. A considerable effort is required for the normative framework to be systematically understood and to be observed by all stakeholders that contribute to the development and dissemination of government advertising. The right of Francophone Ontarians to be informed in their own language must take precedence over any economic considerations.

Only two sets of training sessions have since been given to certain public service employees. This is clearly inadequate for ensuring that everyone is aware of the need to include French language services in the design, production and deployment of all government advertising.

Despite the government's good intentions, the underlying economic considerations that make advertising in the mass media more appealing contribute to the vulnerability of the Francophone media in Ontario. The precarious financial health of these media is detrimental to the future of the Francophone community.

The Ontario government must begin now to develop constructive measures that would encourage ongoing collaboration with the Francophone media and community representatives. Their development would enable the government to comply with the spirit of the *French Language Services Act*, which recognizes the contribution of the cultural heritage of the French speaking population and wishes to preserve it for future generations.<sup>59</sup> Turning a blind eye to the problems being faced by the Francophone media would send an unequivocal message to the Francophone community about the protection of its heritage and the long-term survival of its future. Their heritage is also the province's heritage. The Francophone media are also the custodians of much of Ontario's history, having been privileged witnesses to the great events that shaped the Ontario we know today.

The Commissioner believes that adopting a new communications in French regulation, formulating constructive measures, and systematically implementing French language services at the design and distribution stages of producing government advertisements are preconditions for compliance with the Province of Ontario's statutory commitments to promote the vitality of the Francophone community.

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<sup>58</sup> Office of the French Language Services Commissioner, *Investigation Report Regarding an English-Only H1N1 Flyer: From communication crash to communication coup*, p. 30.

<sup>59</sup> *French Language Services Act*, s. 1.

# APPENDIX A: COMMUNICATIONS IN FRENCH DIRECTIVE

## INTRODUCTION

The Ontario government respects the long history and vibrant culture of the Francophone community in this province. To meet their unique cultural and language needs, the government is committed to proactively offering quality communication services to them.

### **Legislative Requirements**

- The *French Language Services Act* (FLSA) guarantees to French speaking individuals, as well as Francophone organizations and municipalities, the right to receive communications services in French equivalent to those offered in English, at the same time, and of the same quality.

### **Customer Service**

- The Ontario Public Service (OPS) is a professional service organization committed to providing high-quality, cost-effective services that keep pace with rising public expectations.

### **Impact of Changing Technology**

- As new technologies transform the way we interact with Ontarians, communication from government must evolve and adjust to new formats to ensure that all Ontarians receive information in a timely and effective manner.

### **Communications in French Guidelines**

- In addition to this directive, the Ontario government has created a guideline document about communications in French. The purpose of this document is to help identify the best and most consistent practices for external communications with the Francophone population.

## PURPOSE

The purpose of this directive is to set out the principles, roles and responsibilities regarding communications in French for external customers of the Ontario Public Service.

## PRINCIPLES

- Ministries and classified agencies consider and incorporate the specific needs of the Francophone community during the communications planning process to effectively reach out to Francophones in the implementation process.
- Communications are effective, relevant and targeted to their audience appropriately.

## APPLICATION AND SCOPE

This directive applies to all Ontario ministries and classified agencies with respect to their communication plans and strategies for external customers of the Ontario Public Service.

## MANDATORY REQUIREMENTS

- All ministries and classified agencies are required:
- To seek out improvements in how they communicate with Francophones.
- To adhere to all relevant processes and legislative requirements, notably the *French Language Services Act*, in the active offer and delivery of French-language services to Ontario's francophone community.
- To consider the Francophone community's specific needs when developing strategic communication plans, and incorporate appropriate approaches into the communications activities, to reach Francophone audiences effectively.

## EXEMPTIONS

Any exemptions to this directive must be approved by Treasury Board/Management Board of Cabinet.

## GUIDELINES

To help achieve compliance with the mandatory requirements, ministries and classified agencies should refer to the guideline document. It can be found at:

[http://intra.cabinetoffice.gov.on.ca/intranet/docs/communications/guides/Communications\\_in\\_French\\_Guidelines.pdf](http://intra.cabinetoffice.gov.on.ca/intranet/docs/communications/guides/Communications_in_French_Guidelines.pdf)

## RESPONSIBILITIES

### Treasury Board/Management Board of Cabinet:

- Approve any amendment, update or exemption to this directive.

### Cabinet Office Communications:

- Work with the Ministry of Francophone Affairs to review and recommend to Treasury Board/Management Board of Cabinet any update, amendment or exemption to the directive.
- Work with the Ministry of Francophone Affairs to develop support materials relating to this directive.
- Provide information on any update, amendment to the directive, or supporting material to ministries, working with the Ministry of Francophone Affairs to distribute the above.

### The Ministry of Francophone Affairs:

- Work with Cabinet Office to review and recommend to Treasury Board/Management Board of Cabinet any update, amendment or exemption to the directive.
- Work with Cabinet Office Communications to develop support materials relating to this directive.
- Provide advice and training to ministries and classified agencies as needed.
- Work with Cabinet Office Communications to help distribute information, as appropriate on any update, amendment to the directive or supporting material.
- Liaise with the Provincial Advisory Committee on Francophone Affairs, the network of French language service coordinators and communications directors in the Ontario Public Service.

### Deputy Ministers:

- Ensure that this directive is implemented by their ministries.
- Ensure that their staff are aware of and adhere to this directive.

### Classified Agency Chairs and Chief Executive Officers:

- Ensure that this directive is implemented by their agencies.
- Ensure that their staff are aware of and adhere to this directive.

### Ministry of Government Services:

- Provide advice and guidance for any update, amendment or exemption to this directive.
- Provide advice and guidance with respect to the authority and mandate of Treasury Board/Management Board of Cabinet.

### Communications Directors:

- Ensure that this directive is adhered to by their communications staff.

# APPENDIX B: COMMUNICATIONS IN FRENCH - GUIDELINES

## **About These Guidelines**

In the context of rapidly evolving communications practices and technologies, the Ontario government is adapting its overall communications approach. Through this ongoing process, the government has reiterated its commitment to proactive and quality communications with its Francophone community.

Ministries and classified agencies must consider and incorporate the specific needs of the Francophone community during the communications planning process to effectively reach out to Francophones in the implementation process.

These guidelines are intended to help government communicators identify the best and most consistent practices for reaching their Francophone population.

In conventional formats (especially the print medium), the guidelines do not change past expectations and requirements. In other newer formats, these guidelines simply clarify what common sense dictates. Overall, these guidelines aim at moving away from a model of simple translation to a model of adaptation to effectively reach this target audience.

Within the government, there is a trend where policy and program departments are engaging in communications activities (for example, producing web or video content).

These guidelines also apply to these activities.

French Language Services Coordinators can assist communicators in complying with these guidelines through the provision of advice and insight into the requirements of the FLSA, best practices and knowledge of the Francophone community. Responsibilities such as translations, adaptations, précis-writing, searches for French websites and references, event planning and video production should be assumed by staff fluent in French and, ideally, familiar with the Francophone community.

The development of these guidelines was led by the Ministry of Francophone Affairs. Cabinet Office, the French Language Services Commissioner and many government communication staff also provided feedback and support.

## **Context**

The Ontario government respects the long history and vibrant culture of the Francophone community in this province. To meet its unique cultural and language needs, the government is committed to proactively offering quality communication services to them.

## LEGISLATIVE REQUIREMENTS AND BACKGROUND

The *French Language Services Act* (FLSA) guarantees to French-speaking individuals, as well as Francophone organizations and municipalities, the right to receive communications services in French equivalent to those offered in English, at the same time, and of the same quality.

The Act is available at <http://www.ofa.gov.on.ca/en/flsa.html>.

The Communications in French Directive - which came into effect on May 13, 2010 - supports the government's commitment of building a stronger relationship with the Francophone community and reinforces the importance to comply with these guidelines to ensure staff meet and/or exceed the requirements in the FLSA.

The full Directive is available at: [http://intra.ops.myops.gov.on.ca/cms/tiles.nsf\(vwReadResourcesByRefId\\_Content\)/cpd2010.10.05.14.36.12.PTP\\_res/\\$File/Communications%20in%20French%20Directive.pdf](http://intra.ops.myops.gov.on.ca/cms/tiles.nsf(vwReadResourcesByRefId_Content)/cpd2010.10.05.14.36.12.PTP_res/$File/Communications%20in%20French%20Directive.pdf).

Recent court decisions have strengthened the legal requirements, and have given the *French Language Services Act* a quasi-constitutional status, and have confirmed that, to be useful and effective, policies and programs must be conceived and adapted to the needs of the Francophone population.

## FRENCH-LANGUAGE SERVICES COMMISSIONER

The French Language Services Commissioner has a mandate to conduct independent investigations under the *French Language Services Act*, either in response to complaints or on his own initiative, to prepare reports on his investigations, and to monitor the progress made by government agencies in the delivery of French-language services in Ontario.

The commissioner's website is <http://www.flsc.gov.on.ca>.

## CUSTOMER SERVICE

The Ontario Public Service (OPS) is a professional service organization committed to providing high quality, cost-effective services that keep pace with rising public expectations.

## ACTIVE OFFER

High-quality modern public services also include an active offer and delivery of French language services to Ontario's Francophone citizens. The OPS is effective at fulfilling its responsibility under the *French Language Services Act* when Francophone members of the public are informed about available services in French, have access to these services, and are satisfied with the quality of these services.

## IMPACT OF CHANGING TECHNOLOGY

As new technologies transform the way we interact with Ontarians, communication from government must evolve and adjust to new formats to ensure that all Ontarians receive information in a timely and effective manner.

### Francophone Community

The Francophone community is quite diverse. While it encompasses an aging population that is not bilingual, Francophone youth are being assimilated and prefer to use English on a daily basis. One out of five Francophones comes from Quebec bringing new perspectives. On the other hand, about 15 per cent of Francophones were born outside Canada. As a result, Ontario's Francophones share the same language but not necessarily the same cultural references.

Ontario's Francophones have access to limited mass media, with two local/provincial television networks: *Radio-Canada* and TFO. *Le Droit* is published on a daily basis and there are numerous regional/weekly newspapers are published throughout the province.

Public relations and stakeholders relations are thus key to reaching out to Francophones. Social media is also changing the way people and organizations communicate. Numerous websites outside of the province have also become key sources of information for Francophones in Ontario. This is why it is important to adopt a broader, innovative and targeted approach when reaching out to Francophones.

### Definitions

Below are some important definitions used throughout these guidelines:

- Bilingual format: The same document is produced with both French and English.
- In both languages: Two separate documents are produced – one in French, one in English.
- Important speeches/events/announcements: These include the Throne Speech, the Budget, statements on the economy and other province wide initiatives that have significant impacts on the general public. Cabinet Office can provide input based on its corporate perspective on priorities and announcements that have a broad impact.

### Printed Format

#### NEWS RELEASE AND BACKGROUNDER

They must be distributed in both languages at the same time. For some announcements, ministries may consider quoting an Anglophone stakeholder in the English release and a Francophone stakeholder in the French release.

#### SPEECH TRANSCRIPT

If a ministry decides to distribute a transcript for an important speech, it should be made available in both languages simultaneously. Other speech transcripts should be available in French on demand in a timely manner.

## HOUSE STATEMENT

These statements in the legislature must be printed in both languages and delivered to the Government House Leader's Office. It is recommended that the minister's reading copy includes at least a few phrases in the other language.

## CORRESPONDENCE

All letters from the public must be answered in the language of request.

## STATIONERY AND FORMS

These must be provided in a bilingual format or in both languages.

## BUSINESS CARDS

Cards must be in a bilingual format or in both languages for designated bilingual staff.

## PUBLICATIONS

Reports, studies or documents printed for the general public must be distributed or made available in a bilingual format or in both languages. There are exemptions for technical or scholarly documents only; however, an executive summary in French would be helpful to Francophone audiences.

## ADVERTISING

Any province wide print advertising campaign to the general public must publish English ads in English publications and French ads in French publications. Similar actions should be taken with television, radio and online campaigns.

Advertising targeted to a specific community or region must use Francophone media if it is appropriate and available in the area.

The deadlines of French print publications must be taken into account since they are generally not published daily.

## MARKETING MATERIALS

Postcards, posters, brochures and their display stands must be produced in a bilingual format or in both languages.

## HOUSEHOLDERS

Any unaddressed mail sent to the general public must be printed and distributed in a bilingual format.

## **Electronic Format**

### WEBSITE CONTENT

Website information for the general public must be posted in both languages simultaneously. Hyperlinks to third-party websites should send the user to content posted in the same language if available. If the third-party website is not available in French, an alternative website with similar content in French should be considered, or a note should be included beside the hyperlink that the website is only available in English.

## CORRESPONDENCE

All emails from the general public must be answered in the language of request and within the same turnaround time as English correspondence.

## SPEECH TRANSCRIPT

If a ministry decides to post a transcript for an important speech on a website, it should be posted in both languages simultaneously. Other speech transcripts should be available in French on demand in a timely manner.

## PUBLICATIONS

Reports, studies or documents posted on a website for the general public must be published in a bilingual format or in both languages. There are exemptions for technical or scholarly documents only; however, an executive summary in French would be helpful to Francophone audiences.

## SOCIAL MEDIA

Blogs, journals, RSS feeds, Twitter webpages, Facebook webpages, discussion forums or other social media should be published in both languages or in a bilingual format. The content can be different in both languages to make it more relevant to the Anglophone or Francophone audiences.

Any online users leaving comments or submitting questions must be answered in the language submitted.

If a government spokesperson (e.g., Minister, subject expert) has a personalized social media site and does not speak or write French, then a regular summary of their ongoing comments should be provided in French and an offer to fully translate all of their comments should be made.

A large component of social media is sharing hyperlinks to third-party sites. These should send the user to content posted in the same language if available. If the third-party website is not available in French, an alternative website with similar content in French should be considered, or a note should be included beside the hyperlink that the website is only available in English.

## VIDEO AND AUDIO RECORDINGS OF EVENTS

Videos should be produced and posted in the language of the event with a transcript available in the other language. Important events and announcements should have separate French and English videos produced or contain some content in both languages.

*See Appendix A for more details and recommendations.*

## SCRIPTED VIDEO AND PODCASTS

Videos and podcasts should be produced and posted in both languages for important events and announcements. Other events and announcements can be produced in English, French or both languages; however, at minimum a transcript must be posted if the video or podcast is only available in one language. For events/announcements of particular interest to the Francophone community, a French video should be strongly considered.

*See Appendix A for more details and recommendations.*

## **Oral Format**

### **PUBLIC INQUIRIES**

All questions in person and on the telephone from the public must be proactively answered in the language of request.

### **MEDIA RELATIONS**

All questions from the media at events or on the phone can be answered in either English or French depending on the spokesperson's language skills. For a major announcement, a bilingual spokesperson should be made available if possible.

### **SPEECH**

Remarks at events, public announcements or statements in the legislature should be delivered in the language of the speaker with passages in the other language, if they have sufficient knowledge and comfort. For important speeches by Anglophones, 10 to 20 percent of the content should be delivered in French if possible.

*See Appendix B for more details and recommendations.*

### **CONSULTATIONS**

Documents should be available in both languages or in a bilingual format. Bilingual staff or interpretation services should be available if appropriate for the audience. Separate discussion groups or consultations for subjects of particular interest to the Francophone community should be organized. When relevant, compile and analyze the views of Francophones separately, because they may have different concerns.

## Appendix A: Videos

### GENERAL RULES

- When the speaker has adequate language skills (especially if he or she is a minister), film a French version if possible. A message delivered by the speaker, even with an accent, is preferable to subtitles or a voice-over.
- When posting transcriptions, ensure they appear on the same screen as the video, or in a separate window, so as to allow simultaneous viewing of the video and transcription.
- If a video is only available in English, always indicate that it is the case. However, post the video, not simply the transcription.

### VIDEO RECORDINGS OF EVENTS

- When recording an event in both languages, ensure that visual elements and moments that occur in French are also recorded and used in production. For important events, consider editing two different versions, with a greater proportion of “French moments” in the video produced for French speakers.
- For events of particular interest to the Francophone community, produce a French video where possible.

### SCRIPTED VIDEO

#### Videos produced in both languages, subtitled or voiced over

- While the script for the English and French version of a video may be the same, substitute French interviews/testimonials from bilingual people if available (filming them in each language) or from different people. Avoid voice-over or subtitles.
- Identify Francophones to take part in those videos so they can testify to the benefits of a given announcement.
- For English parts, a voice-over is preferable to subtitles. Subtitles are preferable to transcriptions.
- Videos that involve filming several different people can be a mix of both, i.e., those who can speak French will speak in French and others’ comments could be voiced over.
- Remember to translate all graphics, maps, and images. If a video has subtitles, plan to replace any visual elements in English with visual elements in French.
  - > If necessary, adapt the content.

#### Videos in one language

- Videos in “blog” style, i.e., personal journals of individuals other than the Premier, may be produced in the language of the speaker.

#### Educational and informative videos

- Some videos are produced for distribution in the community, with the participation of stakeholders or professional actors. For example, videos for the Ontario Provincial Police on the prevention of extortion or videos for the Ministry of Education on healthy nutrition.
- These videos should be produced in both languages using Francophone stakeholders or professional actors for the French version. Generally, when subtitles and voice-overs are used, the final product is not equal in quality to the English version.

Communication directors and assistant directors can advise on their minister's fluency and proficiency in French when planning videos or other communication tactics.

## Appendix B: Speeches

Speakers are encouraged to incorporate at least a few French phrases at any speaking engagement to reflect the active presence of the Francophone community in Ontario and its institution. A Francophone audience will appreciate a short speech in French as opposed to a longer speech in English.

The percentage of French content should depend on:

- the audience: if there are Francophones in the audience, this fact should be acknowledged with a few carefully-chosen phrases;
- the speaker's ability: the more limited the speaker's fluency in French, the shorter these passages in French should be. Attention should also be paid to choosing French words that are easier to pronounce;
- the subject matter: the more the subject is of interest to the Francophone community (or to Francophones in the audience), the more French there should be in the speech.

# APPENDIX C: STRATEGIC MEDIA BRIEF

(AVAILABLE IN ENGLISH ONLY)

\*To be provided with the ARB project brief (and inform creative brief)

Campaign	File, Ministry	
Key Contacts	Ministry: Name, phone number, email	Cabinet Office: Name, phone number, email

CAMPAIGN AND MEDIA INFORMATION FOR PHD	
What process is involved? In-Market Timing	Air date, flex on lead medium, length of buy
What process is involved? Media Budget	
Marketing Objective	Is the objective SMART?
Campaign Type	Awareness, Engagement, Action
Target Audience Demographics	Be as specific as possible: <ul style="list-style-type: none"> <li>• Include primary and secondary targets.</li> <li>• Include sub-groups: multicultural, people with disabilities, Indigenous.</li> </ul>
Psychographics	Factors include values, opinions, attitudes, interests and lifestyles. (academic journals, online research, market research, perceptions and awareness testing) *Can be collected through a survey if not available.
Audience Research <i>(List any research reports that may be of use.)</i>	Key audience insights: <ul style="list-style-type: none"> <li>• market research</li> <li>• behavioral insights</li> </ul>
French Language	Indicate French-language requirements in accordance with FLSA.
Multicultural and Accessibility Requirements	Indicate language needs: Multicultural, Indigenous, highlight any extra focus for key multicultural groups.

<p>Seasonality or Campaign Timing</p> <p><i>(List any key periods that may have a bearing on the plan.):</i></p>	<p>e.g., a selling period, like OSBs, policy or program drivers, alignment with announcements or key events, international/national weeks/months/day with a certain topic or theme (e.g., mental health week), mindset drivers or search trends data</p>
<p>Geography</p> <p><i>(What are the key areas for focus?)</i></p>	<p>Is there a geo-targeted or local need for the plan?</p>
<p>Assets</p> <p><i>(List any assets that are potential channels – owned or earned channels.)</i></p>	<p>Includes current creative assets we plan to use, photography, designated webpages, social media platforms or channels, YouTube channel.</p>
<p>Metrics/KPIs</p>	<p>Link to the Ontario/PHD KPIs. Include other specific measureable metrics, e.g., completed applications or uptake on a new program</p>
<p>Reporting Requirements</p>	<ul style="list-style-type: none"> <li>• Weekly digital report (topline to CO Marketing)</li> <li>• Bi-weekly digital reports (ministry and CO Marketing)</li> <li>• Full post-report and presentation (ministry and CO marketing)</li> <li>• Include reporting start/end dates</li> </ul>
<p>Anticipated Creative Briefs</p>	<p>e.g.,</p> <ul style="list-style-type: none"> <li>• Production TV/Video</li> <li>• Digital/Social</li> <li>• Event</li> </ul>

**MEDIA NEUTRAL STRATEGIC PLAN**  
**INFORMATION FROM PHD TO CLIENT (7-10 BUSINESS DAYS)**

Media consumption habits	This is what we know about the audience. Illustrate through a “day in the life of” example.
Target Audience Psychographics	Information about the target’s values, opinions, attitudes, interests and lifestyle
Competitive Considerations	High-level overview of media competition (regardless of creative and spend) Considerations if others brands are advertising in the same space/time? (e.g., pharmacies advertising the flu shot at the same time as we are)
ROI and Learning from Previous Campaigns/ Audience	Lessons learned from campaigns with similar target or creative considerations
Search Data	Learning or insights from previous search campaigns to help define timing or key messages that resonated, search trends/google trends
Device or Output Considerations	Any special focus or considerations? <ul style="list-style-type: none"> <li>• Mobile heavy?</li> <li>• Any key/high-profile programming media timing in the winter</li> <li>• Anything we should be aware of?</li> </ul> Note: follow up item/circle back to target audience and psychographics and media insights (e.g., a day in the life)
Free Surveys or other Value-Add Tools	Google or YouTube surveys and other value-added opportunities from platforms

## APPENDIX D: THE STEPS FOR GOVERNMENT ADVERTISING IN ONTARIO

Steps	Lead	Notes
Campaign need is identified	Cabinet Office (CO) and/or Ministry	
Marketing Strategy is initiated	CO and Ministry	French language requirements are identified as part of the Marketing Strategy template
PHD is engaged to develop early insights into target audience	CO and Ministry	
ARB Project Brief is developed to procure a creative advertising agency	CO and Ministry	French Language Requirements are part of the ARB project brief
Advertising agency is procured	ARB, Ministry and CO	
Advertising agency is on boarded	CO and Ministry	Onboarding consists of sharing and discussing French language requirements and guidelines
Marketing Strategy Brief is finalized and shared with creative advertising agency and PHD	CO and Ministry	Considerations for French language requirements are included in the brief
Creative agency presents creative concepts and PHD presents media plan	Advertising Agency PHD	Creative concepts include campaign execution in French and media plan includes French media
Creative concepts are tested (if required)	Ad agency, CO and ministry	Creative testing includes testing French creative with Francophone audiences
Media plan is finalized	PHD, CO and ministry	
Campaign is produced	Ad agency, CO and ministry	

Source: Cabinet Office

