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2019
Letter to the Speaker

April 16, 2019

The Honourable Ted Arnott
Speaker
Legislative Assembly
Province of Ontario
Queen’s Park

Mr. Speaker,

In accordance with section 12.5(1) of the French Language Services Act, I am pleased to submit to you the twelfth Annual Report of the French Language Services Commissioner of Ontario.

This activity report covers the period from April 1, 2018, to March 31, 2019. Please table this report in the Legislative Assembly, as specified in section 12.5(3) of the Act.

Respectfully,

François Boileau
French Language Services Commissioner of Ontario
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It is not without emotion that I present herewith my final annual report as French Language Services Commissioner of Ontario. Throughout my time as Commissioner, there was only one concern that guided my every step: making my successor’s job easier. It will not happen. It never crossed my mind, especially after the Commissioner was made an independent Officer of the Legislative Assembly in January 2014, that I might be the last Commissioner.

Let’s be clear about the facts. The Office of the French Language Services Commissioner of Ontario no longer exists – because the position of independent commissioner has been abolished. Of course, under the French Language Services Act (FLSA), there is now a commissioner acting as a Deputy Ombudsman responsible for French Language Services who reports directly to the Ombudsman of Ontario as an employee. The title of that position is French Language Services Commissioner, but the Commissioner’s Office, as a pioneering and independent driving force for the development of consistent new policies to foster the full development of Francophone communities in every part of the province, is no more. Hence, the title of this last report, *Epilogue of a Franco-Ontarian Institution*.

The disappearance of the Commissioner’s Office is a great loss for the Francophone community, for all of Ontario’s Francophile well-wishers (and there are so many of them!) and for society as a whole. This institution was highly effective in serving Ontarians. In very little time, it secured a special place for itself in the hearts and minds of Franco-Ontarians – and it became a credible actor in the eyes of the government as well as in the eyes of both French- and English-language media.

Non-partisan and independent, the Commissioner’s Office always took its role of providing advice to the government very seriously, with the development of the Franco-Ontarian community and society as a whole in mind. The recommendations I made were always realistic and feasible because I made a point of putting forward pragmatic, non-dogmatic solutions. Using the influence of a Commissioner is like having an elastic band between your hands. You have to stretch it judiciously, being careful not to break it by pulling too hard, too far or too fast.

That said, despite the circumstances, I cannot help but be extremely grateful. First, never in my wildest dreams did I imagine having such a wonderful job. These past 11 years serving the people of Ontario have been by far the greatest privilege I have experienced. Having had the good fortune of surrounding myself with exceptional co-workers, whose dedication is matched with their skills, was an extraordinary experience. In addition, I had the opportunity to visit communities across the province, and had stimulating meetings with leaders of Ontario’s Francophonie, individuals who are vitally engaged. This was an incredible honour. I would be remiss if I did not also mention our Anglophone compatriots, many of them Francophiles, with whom I had discussions and conversations on the importance of providing quality French-language services to the Francophone community. “Don’t provide French-language services because you’re obligated to,
but because it’s the right thing to do,” I would say at the end of every speech and presentation. And I believe it worked!

I also had the unique opportunity of working with three ministers. Having my recommendations taken seriously by the government was of paramount importance. I could have made the best recommendations in the world, but had they not been acted upon, nothing would have come of them. So I leave with a deep sense of accomplishment and a simple but very important phrase: Thank you!

I extend my best wishes to my colleague Paul Dubé, Ombudsman of Ontario, who will now carry the torch. Take good care of your new employees, Paul. You’re lucky to have them! They’re highly skilled, dedicated, intelligent and innovative. They’ll be an asset to the Office of the Ombudsman.

Regards,

François Boileau
French Language Services Commissioner of Ontario
Elimination of the Commissioner’s Office
4.1 Chronology of events

The 2018 Ontario Economic Outlook and Fiscal Review presented by the Minister of Finance, the Honourable Victor Fedeli, in the Legislature on Thursday, November 15, 2018, contained the following passage:

Improving Legislative Accountability

The government is acting to improve both political and legislative accountability in Ontario.

To reduce unnecessary costs while preserving critical functions, the government is proposing amendments to statutes governing the Officers of the Legislative Assembly. This will include reducing the number of Legislative Officers from nine to six, effective no later than May 1, 2019.

Specifically, section 2 of Bill 57, Restoring Trust, Transparency and Accountability Act, 2018, stated that:

[...] sections 12.1 to 12.1.6 of the Act are repealed [..].

Section 12.1.3 (1) of the French Language Services Act established the Commissioner’s Office.

It was with these simple words that the government eliminated the Office of the French Language Services Commissioner, an institution that had served the people of Ontario since September 2007 and had been independent of the government, reporting to the Legislative Assembly, since January 2014: a pillar of Ontario’s Francophone community, defending the rights set out in the French Language Services Act and providing expert advice to the government on public policy development and implementation.

The Commissioner’s Office received a telephone call half an hour before the fateful 1 p.m. announcement; the shock and surprise were real for the Commissioner and all the members of his team. That evening, the Commissioner spoke with the Minister of (then responsible for) Francophone Affairs, the Honourable Caroline Mulroney.

The government also announced the elimination of funding for the Université de l’Ontario français (UOF), which is discussed in this report.

The same day, the government tabled Bill 57 in the Legislative Assembly. Schedule 20 of the bill contains the provisions that eliminate the Commissioner’s position and the Office of the French Language Services Commissioner.

It is ironic that all efforts to make the French Language Services Commissioner an independent officer of the Legislative Assembly and thus safeguard the position from political interference, ultimately failed to protect the office.
In Question Period on Thursday, November 22, 2018, the Official Opposition chose to devote all of its questions to the announced cuts affecting the Commissioner’s Office and the UOF. It also introduced a motion to reverse the cuts, which was defeated in the House.

In response to the general outcry from Franco-Ontarians, Quebecers and other French-speaking Canadians, the government announced a few measures in an effort to calm the storm. Specifically, on Friday, November 23, 2018, the government:

- reinstated the Ministry of Francophone Affairs, which it had downgraded in the swearing-in of the new Cabinet in July 2018;
- indicated that the "Deputy Ombudsman for French Language Services" would be referred to as the "French Language Services Commissioner"; and
- announced the appointment of a Francophone affairs advisor working directly with the Office of the Premier.

On Saturday, December 1, 2018, the Assemblée de la francophonie de l’Ontario (AFO) led a movement named La Résistance, and mobilized more than 14,400 people in protest against the Francophone cuts in about 40 provincial ridings. Social media pages criticizing the cuts proliferated, and there was widespread discontent around the province and across the country.

On December 3 and 4, 2018, the Standing Committee on Finance and Economic Affairs heard testimonies, including from the French Language Services Commissioner, concerning the changes announced in Bill 57.

On December 6, 2018, Bill 57 was finally passed; it received Royal Assent the same day, sealing the fate of an essential institution serving all Ontarians.

4.2 An inexplicable decision

The official reason for eliminating the French Language Services Commissioner’s position and Office was based strictly on budgetary considerations. Because of the estimated $15 billion deficit left by the previous government, the new government insisted that difficult choices had to be made. For reasons of alleged inefficiency, the Commissioner’s Office was abolished.

To this day, there has been no evidence to support that explanation.

It is important to note that two other positions of Officer of the Legislature were eliminated by Bill 57. One of them was the Provincial Advocate for Children and Youth, for which only a part of the team investigating complaints will, in all probability, be absorbed by the Office of the Ontario Ombudsman. As for the position of Environmental Commissioner, it too was eliminated, with responsibilities handed to the Auditor General; the members of the Commissioner’s team are also to be transferred, at the discretion of the Auditor General.
Since the *Restoring Trust, Transparency and Accountability Act, 2018* provides that all 13 employees of the Commissioner’s Office, except for the Commissioner himself, will be transferred to the Office of the Ombudsman of Ontario, it is up to the government to demonstrate the savings and efficiencies expected from this change. To date, no such proof has been provided by anyone in the government – not the Minister of Finance, not the Minister of Francophone Affairs, not the Premier.

In his media interviews, the Commissioner stated that if the Board of Internal Economy, which is responsible for allocating budgets to officers of the Legislature, had instructed him to make budget reductions, the expenses of the Commissioner’s Office could probably have been reduced by about $350,000 annually, while preserving the institution. Of course, this would have had implications for the level of service provided by the Commissioner’s Office. The Commissioner’s Office was never approached about this possibility, and the Commissioner never had an opportunity to submit a revised budget, as the government preferred to simply abolish the Commissioner’s Office and position.

The government therefore has an obligation to explain why it abolished the Commissioner’s Office and position.

### 4.3 Briefs presented by the OFLSC

The announcements about creating a Deputy Ombudsman position and protecting the jobs of OFLSC employees failed to defuse the crisis, which became national in scope. As a result, the Commissioner was invited to appear, along with his colleague from New Brunswick, Michel Carrier, before the House of Commons Standing Committee on Official Languages on **November 29, 2018**. He answered MPs’ questions for more than two hours, presented a brief and provided copies of his annual reports and studies prepared over the last 11 years.

On **Monday, December 3, 2018**, the Commissioner testified before the Ontario Legislative Assembly’s Standing Committee on Finance and Economic Affairs. He delivered a speech and submitted a brief.

In his testimony, the Commissioner demonstrated that the Ombudsman of Ontario would not be able to adequately fulfil his mandate under the FLSA. In truth, while these cuts were supposedly based on fiscal and efficiency considerations, the government will simply not be able to achieve its budgetary goals by abolishing the Office of the French Language Services Commissioner and the independent Commissioner position.

Obviously, Franco-Ontarians will suffer the most, as they will lose a strong, impartial voice capable of lobbying the Legislative Assembly to ensure compliance with the FLSA and to ensure the community’s vitality.
The French Language Services Commissioner is an ombudsman. He receives complaints and uses different mediation and investigative tools to resolve them. However, as a language commissioner, dealing with complaints is only a component, not the entirety, of his mandate as protector of the rights in the FLSA.

Subsection 12.2 (d) of the FLSA mandates the Commissioner to advise “the Minister on matters related to the administration of this Act.” This function is crucial and central to the Commissioner’s vision of an effective cog in the public system. At the heart of this concept is proactivity – a complaint is a reaction to a defect in the public service machine, one that can be remedied by expert advice and pragmatic recommendations to public policies.

The current Commissioner champions a proactive approach to fulfilling his mandate. Through consulting communities, mandating or reviewing academic studies about the state of French-language services and maintaining a professional network of stakeholders who work in the field, the Commissioner can prevent violations of the FLSA and also prevent subsequent complaints.

Being proactive can take many forms. For example, from 2015 to 2018, the Commissioner had 13 meetings with ministers, 21 meetings with deputy ministers and 22 meetings with assistant deputy ministers, in addition to 52 meetings with other senior public servants in different ministries. In total, he had 108 high-level meetings on strengthening French-language services.

Either by advising on upcoming bills or recommending effective public policy, the Commissioner has an important role to play.

In addition to high-level meetings, the Commissioner’s office published 11 annual reports containing recommendations, and 16 special reports and studies, with the goal of always providing proactive advice on the best course of action to implement French-language services.
The purpose of annual, investigative and special reports is twofold: First to demonstrate transparency and inform the public, and second to advise government. The work done to draft these reports is independent and on the Commissioner’s own initiative. His expertise and his community consultations allow him to better understand current challenges that often require systemic recommendations and continued follow-ups.

The Ombudsman will not be able to continue this work – it is not in his mandate or DNA to proactively consult communities, draft special reports on improving the implementation of the FLSA and advise government through constant high-level meetings on all subjects, from health, to children services, to justice. There is a difference between an ombudsman of general jurisdiction and of last resort, and an independent language commissioner tasked with safeguarding the application of its founding statute, in this case the FLSA.

Furthermore, the Office of the Ombudsman only deals with complaints when they are last resort – complainants must use all available remedies within the organization at fault before benefiting from the resolution or investigative teams at the Office of the Ombudsman. In other words, the office is an ombudsman of last resort. The OFLSC, on the other hand, can receive, investigate and resolve complaints without having complainants go through internal procedures – it is an ombudsman of first resort. Considering that these institutions are structured differently, the Commissioner does not know how the resolution of complaints concerning the FLSA will be impacted.

In sum, the government will lose a trusted cost-effective expert on the creation and implementation of public policies regarding the Franco-Ontarian community. The 108 meetings with Ministers and other high-ranking public servants in the past years yielded concrete and positive results.

This new Deputy or Commissioner will not have authority over his/her budget, human resources or priorities. He/she will not have the liberty of choosing his/her priorities. Finally, as further explained in this brief, the hallmarks of an effective commissioner are the ability to consult, promote and advise – in this new scenario, given its lack of independence, the new deputy or commissioner will not be able to perform these functions.

The Office of the French Language Services Commissioner is also an institution. A vital institution. By abolishing it, the Franco-Ontarian community is losing a pillar for its future aspirations, its voice in halls of government, and a symbol of the contribution of its cultural heritage, to the great detriment of future generations.
List of annual reports, special reports and investigation reports issued by the Commissioner’s Office:

- Special Report - French-Language Health Services Planning in Ontario, May 2009
- Investigation Report - Peel-Halton French-Language Health Services, March 2010
- Annual Report 2009-2010 - Open for Solutions, June 2010
- Study - Ontario’s French-Language Community Radio Stations, April 2011
- Investigation Report - English-Only H1N1 Flyer: From communication crash to communication coup, May 2011
- Investigation Report - French-Language Schools in the Greater Toronto Area: When the most elementary becomes secondary, June 2011
- Annual Report 2011-2012 - Straight Forward, June 2012
- Investigation Report - The State of French-Language Postsecondary Education in Central-Southwestern Ontario: No access, no future, June 2012
- Summary - Panel Discussions: Conference on 25 years of the French Language Services Act, July 2012
- Study - Access to Justice in Both Official Languages: Improving the bilingual capacity of the Superior Court judiciary, August 2013
- Investigation Report - Cancellation of the Fellowships for Studying in French: It pays to do your homework, October 2013
- Joint Report - Time to Act for the Future of Francophone Communities: Redressing the immigration imbalance, November 2014
- Special Report - Active Offer of Services in French: The cornerstone for achieving the objectives of Ontario’s French Language Services Act, May 2016
- Annual Report 2015-2016 - FLSA 2.0, June 2016
- Follow-up on the Report - When the Most Elementary Becomes Secondary: Homework incomplete, July 2016
- Special Study - Designation: Revitalizing the provision of French-language services, March 2018
- Annual Report 2017-2018 - Looking Ahead, Getting Ready, July 2018
The Commissioner issued the following **statement** on **December 7, 2018**, the day after Bill 57 was passed:

Yesterday evening, the Legislative Assembly adopted a statute that abolishes the Office of the French Language Services Commissioner, and at the same time an institution that is vital to the development of the Franco-Ontarian community. This decision, hard to justify in terms of budgetary efficiency, violates the language rights of the Francophone population and is a **prima facie** setback for all of Ontario.

A Commissioner who is the employee of the Office of the Ombudsman will never have the independence required to carry out all of the tasks of the mandate conferred on him or her by the French Language Services Act. By adopting the **Restoring Trust, Transparency and Accountability Act, 2018**, the government of Ontario unquestionably undermines the statutory scheme of language rights in a province where, just yesterday, it was leading the way.

That being said, the legislator has spoken and, as an Officer of the Assembly, I will respect its voice, even if important questions concerning the compatibility of the Office of the French Language Services Commissioner and the Ombudsman’s respective enabling statutes and mandates remain. In addition, regardless of the circumstances, the Ombudsman of Ontario, Mr. Paul Dubé, in whom I have the utmost confidence, can count on the professionalism of our office in ensuring a transition that is as smooth and harmonious as possible. He is lucky to suddenly find himself with a team that is made up of devoted, engaged, extremely competent, and fully bilingual professionals!

### 4.4 Media response

The elimination of the Commissioner’s Office and position did not go unnoticed. Nearly 400 articles were collected about the elimination of the Commissioner’s Office, published between November 15 and December 31, 2018, regarding the fall 2018 crisis.

- Seven in *The Globe and Mail*, and about 30 in *The Toronto Star* and *The National Post*.
- About 10 in *The Ottawa Citizen*, and more than 90 in *Le Droit* and *The London Free Press*.
- #ONfr and *ICI Radio-Canada*, each published 80 articles on their sites.
- In Quebec, *La Presse* and *Le Devoir* each published 15 articles on the subject, while *The Montreal Gazette* published seven.
- Internationally, reporters or contributors of *Le Monde*, *Courrier International*, *The Washington Post* and *The New York Times* (in January 2019) wrote articles or opinion pieces on the events of fall 2018. In Japan, too, there was an article on the subject in *The Japan Times*. 
Editorials:

**Le Droit: (Translation)**

- **November 15, Ford's cuts: The bombshell, by Pierre Jury**
  
  [https://www.ledroit.com/opinions/pierre-jury/coupes-de-ford-la-commotion-8b1724c3803b3a4dfb0019c3f3ae9750](https://www.ledroit.com/opinions/pierre-jury/coupes-de-ford-la-commotion-8b1724c3803b3a4dfb0019c3f3ae9750)

- **November 16, Ford's cuts: The reaction, by Pierre Jury**

  “How does one respond to Doug Ford’s knockout blow against the Office of the French Language Services Commissioner and the Université de l’Ontario français?”

  [https://www.ledroit.com/opinions/pierre-jury/coupes-de-ford-la-reaction-d5a4e3cd557d896869f1628c2e6a47405](https://www.ledroit.com/opinions/pierre-jury/coupes-de-ford-la-reaction-d5a4e3cd557d896869f1628c2e6a47405)

- **November 23, Doug Ford’s calculated retreat, by Pierre Jury**

  “Yesterday, the Ford government tried to mend fences with Franco-Ontarians. But it didn’t offer enough. They shouldn’t be placated by these lame changes.”

  [https://www.ledroit.com/opinions/pierre-jury/le-recul-calcule-de-doug-ford-ad982056884dc403b1f7ea3af38533b](https://www.ledroit.com/opinions/pierre-jury/le-recul-calcule-de-doug-ford-ad982056884dc403b1f7ea3af38533b)

**The Montreal Gazette**

- **November 16, Standing in solidarity with Franco-Ontarians**

  “The Ontario government’s decision to abolish the Office of the French Language Services Commissioner and cancel plans to create a French-language university is a bitter setback to Franco-Ontarians, whose long and valiant struggle for services in their language has inspired official-language minorities across the country.”


**Le Devoir: (Translation)**

- **November 20, Legault and the Franco-Ontarians: That damn business, by Robert Dutrisac**

**The Toronto Star**

- November 21, *Ford has delivered a slap in the face to Ontario’s Francophones*
  
  “By abolishing the office that looks out for the interests of Ontario’s French-speaking population, the Ford government hasn’t just delivered a slap in the face to the province’s more than 600,000 Francophones.

  On top of that insult, the government has tarnished the image of Ontario among French-speakers right across Canada.”


**The Globe and Mail**

- November 25, *Cutting Ontario’s Francophone office is a case of big offence, small savings*
  

**The Ottawa Citizen**

- December 1, *Ontario Francophones deserve better*
  
The Special Role of a Language Ombudsman
The elimination of the Commissioner’s Office and the creation of a new “commissioner” as an employee of the Office of the Ombudsman of Ontario demonstrate the government’s flagrant misunderstanding of the role of an independent language commissioner.

The Ombudsman of Ontario does not have the legislative mandate to properly fulfil the mission assigned to him by the French Language Services Act. For general ombudsmen such as the Ombudsman of Ontario, the work is mainly focused on citizens’ individual experiences with government bodies: a shocking complaint or a number of similar complaints, potentially reflecting a systemic problem, trigger an investigation process.

In contrast, because of its identity and cultural dimension, the French language brings together communities of individuals; and French-language services target these communities. As a result, a language commissioner also looks at the status of collective rights, assessing public policy proactively and advocating for:

- compliance with legislative obligations; and
- development of the linguistic minority’s communities.

The approach taken by the Commissioner’s Office fits this paradigm, through its complaint resolution philosophy, proactive initiatives and the holding of public events to engage and inform.

5.1 Language commissioner: Not a traditional ombudsman

The language commissioner is an ombudsman whose specific mandate is to ensure that the rights of a given linguistic minority are preserved and protected by monitoring the quality of the services provided in that minority’s language by the government and its agencies.

Of course, a language commissioner has the powers of a traditional ombudsman to:

- receive complaints from the public;
- conduct independent investigations arising from complaints; and
- make recommendations to improve the effectiveness of the public administration.

However, the approach embraced by a language commissioner goes beyond merely receiving complaints and conducting investigations. It also includes the functions of monitoring, promoting, educating and advising the government.

This expanded role stems from the fact that, in contrast to a traditional ombudsman, the language commissioner is, to some extent, responsible for the development and growth of the minority communities from which it derives its mandate. So it cannot be reactive in its approach, since inaction or delayed action could have profound and serious
consequences on the quality of life of the communities it is protecting, and consequently for their future. It must be proactive. Many specialists suggest that this proactive approach is also preferred for ombudsmen in general when they resolve systemic issues that are brought to their attention. They suggest that such an approach ensures, when possible, that recommendations are taken into serious consideration by public administrators.

It is also important to note that the French Language Services Commissioner of Ontario is an ombudsman of first resort. This makes it even more critical for him to take action to ensure that Francophones’ needs and priorities are considered in advance in the application of the FLSA.

In addition, monitoring compliance with the letter and spirit of the Act is not limited to receiving complaints. Indeed, because changes that take place in public administration often have no immediate effect on the delivery of public services, the oversight role becomes even more relevant.

This is the dynamic on which the strategic and operational plan of the Commissioner’s Office was built. It is also consistent with the actions taken by the Commissioner himself throughout his term, and the interventions he has made in various areas affecting the vitality of Ontario’s Francophone communities. In so doing, he has contributed to the full execution of his role and functions.

Again, this proactive approach by the Commissioner’s Office does not mean abandoning its basic ombudsman functions; rather, it requires that they be adjusted to reflect the importance of protecting the rights of Ontario’s Francophone minority while carrying out the functions of promoter and protector. In other words, this means being able to anticipate the issues associated with the proper implementation of the French Language Services Act by providing the government with recommendations based on a systemic analysis of complaints and broader issues before further complaints arise.

5.2 The Commissioner’s Office on the international stage: The June 2019 conference of the International Association of Language Commissioners

Further reaffirming its commitment to minority language protection and as a founding member of the International Association of Language Commissioners (IALC), the Office of the French Language Services Commissioner was set to host the 2019 International Conference in Toronto in June. However, in view of the legislative changes, the conference will now be hosted by the Ombudsman of Ontario, who has since then become a member of the IALC.

Founded in 2014, the IALC is an independent body made up of language commissioners and ombudsmen from around the world. Members include Ireland, Catalonia, the Basque Country, Kosovo, Flanders, Wales and Canada, including Ontario, New Brunswick, the Northwest Territories and Nunavut. The IALC’s mission is to support language commissioners and advance the rights of linguistic minorities, equality and diversity by sharing experiences, knowledge and best practices, and cooperating with like-minded organizations that embrace the promotion and protection of human and language rights.

The main goal of the conference will be to showcase the essential role played by independent language commissioners and ombudsmen not only in protecting linguistic minority communities but also as an instrument of societal integration and conflict prevention in multiethnic and multilingual societies. The IALC also intends to produce an academic publication on the topic, with contributions from its members and subject-matter experts.

In addition, as 2019 was declared the International Year of Indigenous Languages by the United Nations, the conference will highlight the activities of institutions that promote and protect Indigenous languages.

Through this conference, which will be attended by the Right Honourable Richard Wagner, Chief Justice of the Supreme Court of Canada, and Perry Bellegarde, President of the Assembly of First Nations, as keynote speakers, the IALC hopes to strengthen the international network of minority language rights organizations. Accordingly, the IALC has invited other countries that are currently developing and exploring various systems and legislative frameworks for establishing their own minority language protection agencies to attend the conference and contribute to the discussion.
Impact of the OFLSC Activities on the Quality of Life of Francophones
Complaints as windows into the lives of Ontario’s Francophones

Since the Commissioner’s Office was established in 2007, Ontarians have gained an understanding of the valuable advice provided by the Office to government ministries and agencies to ensure that they are fully aware of their linguistic obligations.

The Commissioner’s interventions, whether responding to a complaint, conducting an investigation or dealing with senior officials in various ministries, have brought to light some systemic issues that could be damaging to Ontario’s Francophones.

Such actions have led to an improvement in the provision of services to citizens and to the development of services that address the needs of Ontario’s Francophone community. Improving French-language services is essential to enhancing the relationship between Ontario’s citizens and their provincial government.

For example, the Commissioner has intervened directly with the Ministry of the Attorney General to ensure that Francophone defendants can have their court appearances in French in designated regions. Since those who find themselves in court are often vulnerable citizens, in the administration of justice, every detail matters.

Filing a complaint is meant to be a mechanism for citizens to provide direct feedback about government activities. The activities may be specific and involve a single instance, or they may affect a set of circumstances, a system or even be recurrent. Filing a complaint is the most effective way for a member of the public to indicate his or her discontent, concerns and frustrations about the absence of services in French or the poor quality of such services.2

Even though specific complaints to the Commissioner’s Office often involve the settlement of a single case, the solution to a specific matter can often be applied to all Ontario citizens. The following are a few sample interventions by the Commissioner that have had an impact on them.

6.1 Health

6.1.1 Referral to a psychiatric unit for having spoken French

A complainant had a reaction to a medication and had to be rushed to a hospital, an establishment “identified” under the French Language Services Act. The ambulance trip went smoothly. The ambulance attendants provided excellent services in French. At the emergency department, the complainant, whose symptoms were similar to those presented by people suffering from a stroke, understood what the nurses were saying in English, but she found herself unable to speak English. All she could do was repeat what she wanted to say in French. The attending nurse insisted that she speak English. According to the complainant, one of the nurses even made fun of her and said, “I know

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you can speak in English; we speak English here." As a result, the patient was transferred from the emergency department to a room in the psychiatric unit, monitored by a security officer. The stated reason for the transfer: aggression, hysteria and non-compliance because she only spoke French. Following an intervention by the Commissioner’s Office, the hospital apologized in person to the patient. This case also demonstrated that the hospital did not have any systemic mechanisms in place for providing services in French or for the active offer thereof. Having been identified as a health institution, the hospital should have had a French-language services plan in place as well as the ability to offer some services in French. Following the Commissioner’s Office’s intervention, the hospital took concrete action, including hiring an assistant to move the French-language services plan forward, adding signage and notices about the availability of services in French, and having an officer from the local French-language health planning entity take part in the institution’s French-language services committee meetings.

6.1.2 Aging with dignity in French

An elderly Francophone complainant living in a designated region suffering from many health problems wanted to receive homecare from a nurse who could speak French. The Commissioner’s Office contacted the Local Health Integration Networks (LHIN) to follow up. On the day of the assessment, an English-speaking care coordinator went to the Francophone complainant’s home accompanied by a translator. The conversation quickly reverted to English. When the Commissioner’s Office acted on the complaint, the complainant explained that the ability to request and receive homecare in French was never raised in the interview.

The Commissioner’s Office followed up once again with the LHIN and found that the care coordinator’s assessment matrix did not have an option for requesting French-language services. The situation was rectified and the complainant received homecare services in French for approximately one year. The complainant contacted the Commissioner’s office several months after his initial complaint and indicated that the homecare services he was receiving were no longer provided in French. He indicated that a unilingual Anglophone nurse was now making use of an interpreter’s services by telephone.

This situation highlights a number of issues, including the shortage of qualified bilingual health professionals in areas served by LHINs and also the need for LHINs to systemically identify the bilingual capacity of their service providers. This identification is critical to ensure that enough bilingual staff members are available to respond to clients’ needs. In this instance, the complainant once again began receiving homecare services from a French-speaking nurse following a second intervention by the Commissioner’s Office. In light of this situation, it is certainly worth asking how many Francophone citizens in similarly vulnerable circumstances do not file a complaint with the Commissioner’s Office, and receive compromised and limited care as a result.
6.2 Eliminating barriers to access to justice in French

The Commissioner’s Office has, from the very outset, received several complaints concerning access to justice. Significant progress was made, especially with the implementation of a pilot project concerning access to justice in French at the Ottawa Courthouse. Nevertheless, complaints about access to justice complaints continue to keep members of the Commissioner’s Office team busy.

6.2.1 When housing hangs by a thread

The Commissioner’s Office was notified about a case in which a vulnerable Francophone had just been evicted from his home. In connection with this case, the Clinique juridique francophone de l’Est d’Ottawa had previously sent a request for a review of the eviction order to the Landlord and Tenant Board. Despite this, the tenant was evicted shortly thereafter on the basis of administrative deadlines. The Commissioner’s Office found that the eviction order review form was available in English only and had not been translated into French in time.

Further to action by the Commissioner’s Office, the Landlord and Tenant Board agreed to prepare 40 forms in French to ensure that equivalent services could be provided and that the need to translate such documents would not cause administrative delays affecting vulnerable citizens involved in the justice system.

“We are satisfied with the proposed solution and do not believe that this matter should be taken further ... Thank you for your assistance in this matter and for your attention.”

Clinique juridique francophone de l’Est d’Ottawa

6.2.2 Legal proceedings in French

A complainant was arrested and taken to a police station where she was held for the night. When she appeared before a justice of the peace, she asked whether it would be possible to have a bilingual hearing, but was told that this would be complicated and might take some time, and that she might spend a second night in prison. So she agreed to have the hearing in English. Eligible for Legal Aid, she retained the services of an English-speaking lawyer without ever having been advised that she was entitled to a bilingual lawyer. The complainant was particularly vulnerable and did not speak English.

Several months afterward, the complainant called the Commissioner’s Office to ask for assistance because she had suddenly realized that she had the right to services in French at her trial.

The Commissioner’s Office launched an investigation with the Ministry of the Attorney General and Legal Aid Ontario to obtain details about the complainant’s case. The intervention by the Office of the Commissioner with the Ministry and Legal Aid led to
the complainant being authorized to change lawyers and retain the services of a bilingual lawyer so that she could be understood in French. The Commissioner’s Office also advised the complainant that she had language rights with respect to legal proceedings and that she should discuss them with her lawyer.

This story illustrates the vulnerability of Francophones with respect to the criminal justice system. All the players involved in the legal and judicial system – Legal Aid Ontario, lawyers, judges – must understand their statutory obligations with regard to language rights and French-language services. But even more importantly, they must be held accountable and eliminate barriers to access to justice in French.

6.3 Education

6.3.1 Centre Jules-Léger: By and for Francophones

In 2014, unlike most French-language educational institutions in Ontario, Centre Jules-Léger did not have its own board of directors, a state of affairs lamented by the parents of children attending the Centre who had no power to make decisions about their institution. Dissatisfied with the management structure, parents sent many complaints about the Centre’s governance to the Office of the French Language Services Commissioner. The Commissioner therefore decided to conduct an investigation.

In its investigation report, published in 2015, the Commissioner’s Office concluded that the Centre Jules-Léger’s governance model was in violation of section 23 of the Canadian Charter of Rights and Freedoms and infringed upon the integrity and mission of the Centre. The government took note and decided to remedy the situation so that the Centre could be administered by the Francophone school boards.

In response to the recommendations made by the Commissioner’s Office in 2015, the government transferred the governance structure of the Centre Jules-Léger from the Ministry to a consortium of the 12 French-language school boards. The purpose was to have a governance structure “by and for Francophones” and to assign to the Centre Jules-Léger’s Consortium the same powers and duties granted to a French-language school board.

It is absolutely essential to continue to monitor progress with respect to the Centre Jules-Léger because the implications for the Francophone community are important. It is the only Centre providing services to young Franco-Ontarians with varying degrees of learning disabilities, and hearing and vision impairments. Without the Centre, the parents and families of these children would have to leave Ontario in order to attend institutions that could address their needs in French.
6.3.2 Improving access to elementary and secondary schools

Over the years, the Commissioner’s Office has taken action in a number of education-related matters. In June 2011, the report *When the Most Elementary Becomes Secondary* was released in response to 70 complaints about the perceived shortage of French-language schools in the Greater Toronto Area. The report generated discussion about the absence of equivalent French-language educational institutions in the eastern part of the city. Eight months later, the Ministry released funds for the construction or purchase of nine French-language schools. More recently, after receiving several complaints about the shortage of space in two Francophone schools in Kingston, the Commissioner played an active role in discussions that ended with the construction of a cultural meeting place and a new school to be shared by the two French-language school boards.

"As parents of children who attend this school, we are very pleased about this morning’s announcement, even though our children will not benefit immediately. It is encouraging news for the Francophone community. Having a community space in the new school will provide equivalent facilities to those in the Anglophone community."

Éric Galarneau, former member of the parents’ association of Mille-Îles public secondary school.

6.3.3 More inclusive policies governing admission to French-language schools

In his investigation report entitled *French-Language Schools in the Greater Toronto Area: When the most elementary becomes secondary*, published in 2011, the Commissioner reported on the policy changes governing admission to French-language schools in Ontario (Policy/Programs Note No. 148), under which French-language school boards were required to restructure and rationalize the procedures of their admissions committees prior to January 15, 2010, to speed up the processing of applications from:

- Francophone immigrants;
- children whose grandparents are entitled to Francophone education (rightsholders); and
- children of immigrants whose mother tongue is neither French nor English.

In the Commissioner’s first annual report in 2007-2008, his recommendation concerning the Inclusive Definition of Francophone (IDF) was acted on, as the government adopted the new definition in 2009.

This IDF was adopted as part of the Ministry of Education’s policy on admission to French-language schools in Ontario that allowed for more inclusive admission, taking into account the new make-up of French-language communities.

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Current Issues
By May 1, 2019, the Commissioner’s Office will no longer exist. Yet several issues remain to be dealt with.

### 7.1 Improvements to the Language Rights Legislative Framework

#### 7.1.1 Complete modernization of the FLSA

In his *Annual Report 2015-2016 - FLSA 2.0*, the Commissioner demonstrated the need for a revision of the *French Language Services Act*. He pointed out that:

The *Act* is obsolete and outdated. Ontario cannot pull back in an area where, in 1986, it led the way by passing the *French Language Services Act*. Thirty years later, the Francophonie has evolved, but the *Act* has not. It no longer reflects today’s reality. In other provinces and territories, laws have been modernized to better address the needs of minority language communities. It is high time the Ontario government got with the program.

The Franco-Ontarian community no longer has an independent commissioner. It is now more essential than ever to modernize the *Act*, clarify the obligations of government agencies and strengthen community rights.

In 2019, the Commissioner will continue to advocate for revisions to the *Act* that match the dynamic forces of the province’s Francophonie. It is a Francophonie for which the boundaries of designated regions are no longer appropriate. These boundaries simply do not reflect the evolution and the ever-changing nature of the French-speaking population. A Francophonie in which communication and transactions with the government are possible using new digital technologies, including social media; a Francophonie in which the concept of active offer is needed; a Francophonie for which the delivery of government services is so varied that the definition of “government agency” also needs to be revised.

The Commissioner believes that a revision of the *French Language Services Act* must begin by consulting the community and its stakeholders. They must be involved from the very outset of the process.

Several years after the publication of the *Annual Report FLSA 2.0*, with a change of government, the Commissioner is delighted to see that the current Minister of Francophone Affairs, the Honourable Caroline Mulroney, has made a public commitment to review the *Act* and to try to modernize it. Indeed, during the Legislative Assembly debates on Franco-Ontarian Day, September 25, 2018, the Minister said:

[translation] Finally, we will also study how we can modernize the *French Language Services Act* to ensure that it reflects today’s reality and needs.

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8 A person has the right in accordance with this Act to communicate in French with, and to receive available services in French from, any head or central office of a government agency or institution of the Legislature and has the same right in respect of any other office of such agency or institution that is located in or serves an area designated in the Schedule. R.S.O. 1990, c. F.32, s. 5 (1). [https://www.ontario.ca/laws/statutef32](https://www.ontario.ca/laws/statutef32) (Accessed March 19, 2019).
However, the Commissioner does not perceive that the recent elimination of the Commissioner’s position and of the Office of the Commissioner represents a positive step toward the modernization of the *French Language Services Act*.

### 7.1.2 Designation of public service agencies under the FLSA

In February 2018, the Office of the Commissioner published its *Study on Designation: Revitalizing the provision of French-language services*. Its purpose was to explain the designation process as it currently stands, to identify its shortcomings in terms of the experience of service providers and to suggest concrete ways to improve it. The issues identified included the cumbersome implementation process, the opacity of designation deadlines, the lack of accountability mechanisms and the lack of support and guidance mechanisms. Based on a rigorous methodology, literature review, interviews with stakeholders, and analysis of quantitative data, the Commissioner recommended to the government, via the Ministry of Francophone Affairs, specific measures to address the issues mentioned above. These were:

- adding value to designation;
- reviewing the designation criteria;
- reviewing the timelines for designation;
- providing pre- and post-designation support and guidance.

Furthermore, as the number of designated organizations has not grown for several years now, particularly in the health and long-term care field, a sector where only 88 out of 1,500 service providers funded by the Ministry have been designated, the Commissioner recommended formalizing the partial designation process to encourage public service agencies to proceed with their designation.

The Ministry of Francophone Affairs endorsed the recommendations of the study by the Commissioner’s Office and decided to initiate pilot projects to test the effectiveness of a renewed designation process. In debates in the Legislative Assembly on Franco-Ontarian Day on September 25, 2018, the Minister of Francophone Affairs, the Honourable Caroline Mulroney, stated:

[translation] We will also review the designation mechanism in order to make the process more effective.

**The Commissioner recommends** that the Minister follow the recommendations included in the special study, and complete the exercise of reviewing the designation process by March 2020.
7.1.3 Active offer: A missing component in the delivery of French-language services

Franco-Ontarian clients do not always ask for service in French. Sometimes, out of habit, Francophones and Francophiles go along with English-language services to speed up the process or when faced with an emergency. By failing to actively offer services in French, service providers, particularly in the justice and healthcare fields, place the responsibility of ensuring good communication between users and service providers on the users themselves. Vulnerable Francophone citizens are therefore the most seriously affected by this shortcoming. In 2016, the Commissioner released his Special Report – Active Offer of Services in French: the cornerstone for achieving the objectives of Ontario’s French Language Services Act. In this report he pointed out the following:

When the Act was passed in 1986, its purpose was to provide the right to communicate in French with, and to receive available services in French from, any head or central office of a government agency or institution of the Legislature, or any other office of such agency or institution that is located in an area designated by the Act. Since it became law, Franco-Ontarians have gained much greater access to services from public bodies in the language of their choice. However, there remains a significant deficiency in the province’s language regime, a deficiency that stands in the way of the full achievement of the Act’s objectives: the absence of active offer of these services to the Francophone population.9

In the absence of an explicit reference to this obligation in the Act, however, progress in relation to active offer may be difficult and slow. It is also now well known that the absence of active offer has detrimental effects on the quality of the services offered, with sometimes tragic consequences in emergency or crisis situations. Francophone Ontarians in positions of vulnerability (the elderly, children, victims of physical or psychological violence, newcomers, people dealing with authority figures [the justice system and children’s aid societies, for example], individuals who have mental or physical illnesses, social assistance recipients, and others) are hardest hit by this shortcoming, as the extensive testimony gathered during this study illustrates.10

This is the backdrop against which the French Language Services Commissioner ... recommends that the Minister Responsible for Francophone Affairs take the necessary steps to ensure that: 1) the Act is amended to include a provision relating to active offer. [...] In addition, the changes to the Act should 2) [be] based on an action plan setting forth clear directives and best practices to guide directors and managers responsible for implementing the active offer of services in French.

3) The Commissioner also recommends the development of a provincial strategy to promote the active offer of services in French with government agencies and institutions subject to the Act. The strategy should be developed in cooperation with community partners that can provide useful expertise and invaluable help in achieving the objectives.

That being the case, on April 5, 2018, the Réseau du mieux-être Francophone du Nord de l’Ontario launched an interactive online training program on the active offer of health services in French, available to everyone free of charge in French and English. This program includes examples of best and innovative practices. It is important to note that the six modules were based on the priorities set by the Office of the French Language Services Commissioner in the above-mentioned special report. This training was designed to raise awareness among those who work or study in the health field in Ontario about the concept of active offer. Its purpose was to make people aware of the important role they can play to provide a sustainable improvement in active offer.

Provincial support for this training module would be the first step in the above-mentioned strategy.

Any modernization of the French Language Services Act would be drastically incomplete without the addition of clear and precise information about active offer. The clearer the obligations of government ministries, agencies and third parties, the more likely it will be that citizens avail themselves of the active offer of services in French.

### 7.2 Adequate healthcare for Francophones: The last frontier

From the very beginning of his mandate, the Commissioner made access to healthcare services in French a top priority. He quickly realized that linguistic and cultural barriers were present in the healthcare system and were having a negative effect on the quality of services and the efficacy and efficiency of the healthcare system for Francophones. These barriers reduce access to preventive services and affect the quality and effectiveness of communications between patients and caregivers. They increase consultation times, the number of diagnostic tests ordered, and the probability of diagnostic and treatment errors. Linguistic and cultural barriers also reduce the probability of compliance with treatment and users’ satisfaction with the care and services they receive.

One way to eliminate these barriers was to include Francophones in health services planning and integration. *This is where the French Language Health Planning Entities (“Entities”) come into play.*

The government is currently revamping the healthcare system, and this will impact the role and responsibilities of the Entities.
7.2.1 Strengthening French-language health services by empowering French-language health planning entities

The Local Health System Integration Act (LHSIA), adopted in 2006, transformed the entire healthcare system. The statute was also a major change for Francophones: it created the French Language Health Planning Entities.\(^{11}\)

The creation of the Entities followed the publication by the Commissioner of his Special Report on French Language Health Services Planning in Ontario, in 2009. The report was written in response to more than 100 complaints.

This report remains one of the key documents produced by the Commissioner’s Office. In one of eight recommendations in his report, the Commissioner proposed the establishment of efficient planning entities for Francophone services.

In response to this special report, the Ministry of Health and Long-Term Care established six entities. In addition to planning, integrating and coordinating equivalent health services in French in their assigned geographical areas, Entities are essential in establishing innovative and collaborative measures that help French-speaking citizens navigate the healthcare system through community engagement. The Entities play a vital role in identifying health service providers able to offer services in French and in connecting community members with the services they need.

Francophone patients do not know where to get health services in French. To this day, there are so few service providers offering services in French, and most health service providers have no legal obligation to offer services in French. The quality and availability of services suffer.\(^{12}\) The Entities are key to finding ways to fill these gaps and find solutions to the obvious deficiencies in the system. Thanks to the development of the web-based reporting portal OZi, a tool allowing health service providers to report on French-language services for both patients and staff, the French Language Services Network of Eastern Ontario has contributed to major strides in safeguarding French-language health services.

7.2.2 Health reform 2019

This spring, the government introduced Bill 74, The People’s Health Care Act, 2019 (PHCA). If adopted, this act will have a deep impact on how health services are planned, coordinated, funded and provided, and will have major implications for French-language health services. More importantly, Bill 74 creates Ontario Health, a single agency to operate and oversee services throughout the province, eliminating the 14 Local Health Integration Networks.

Ontario Health will designate Ontario Health Teams at the local level. These teams will be responsible for coordinating and providing care to specific populations and geographic areas. These teams will include, for example, hospitals, long-term care homes, community

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care agencies and community health centres. They will be clinically and fiscally accountable for delivering a coordinated continuum of care.

Several proposed initiatives may have a positive impact on accessing French-language health services. First, the government will introduce new tools to improve how patients and their families navigate the health system. This is promising for Francophones who face access barriers. Second, the government wants to optimize the use of digital resources to increase access to specialists. This is also a promising initiative for Francophones living in smaller, more isolated communities. Third, the Minister of Health and Long-Term Care has also insisted on the need to improve access to online health records.

In establishing these new processes and mechanisms, it will be critical to ensure that such tools are fully accessible in French. The Commissioner knows too well, from past experiences, how difficult and costly it is to propose administrative modifications and program revisions.

The Minister reiterated numerous times that this new system would let patients have a say in their healthcare journey. For Francophones, this ability to influence the provision of healthcare services in French will be established by maintaining the French Language Health Services Council and the French Language Health Planning Entities.

What is not clear at this stage is the scope of responsibility of the Entities, and to whom they will be able to provide advice. Their voices must be equally heard at the local and the provincial levels. Their role in the planning, design, delivery and evaluation stages is crucial. Section 44 of Bill 74 seems promising in terms of the relationship between the Entities and Ontario Health. But their role goes deeper, as they need to be able to interact directly with the newly created Ontario Health teams across the province.

In its preamble, Bill 74 outlines the obligation to respect the requirements of the French Language Services Act, but provides little language on how this will be done. The Commissioner’s Office would like to see this part of the bill amended to clarify that this requirement applies to the planning, design, delivery and evaluation of French-language health services.

While the Commissioner’s Office agrees that centralizing the planning and coordination of health services may be beneficial to issue stronger, more systemic directives with regard to French-language health services, it will be up to the senior management of Ontario Health to issue and implement such directives.

When Ontario Health Teams are established, and the integration of community health service providers within these teams takes place, the government will have to ensure that health services providers that are fully or partially designated under the French Language Services Act maintain the designation of these services. This obligation should be clearly specified in Bill 74 so that no French-language services are eliminated.

As in all transitions, the process of designating Ontario Health teams and integrating service providers may also provide an opportunity to evaluate and vet the capacity of service providers to provide French-language services. Through this process, health services providers that have some capacity to provide French-language services should be supported in seeking their designation under the FLSA.
test the new designation process under the *French Language Services Act*, a matter the Commissioner raised with the Minister when she took office.

The new legislation unveiled by the Minister of Health and Long-Term Care creates mechanisms for collaboration between the new Ontario Health agency and the existing French Language Health Planning Entities. The Commissioner applauds the fact that Bill 74, *The People’s Health Care Act, 2019*, recognizes the important role that Entities can play in advising Ontario Health.

**This role must be further clarified to include all aspects of the planning, delivery, evaluation and deployment of health services for French-speaking communities. In addition, while the Bill confirms that their voices will be heard at the provincial level, the Commissioner strongly recommends that provisions be added to confirm the role of Entities at the local level and their ability to guide the integration and coordination of services by Ontario Health Teams. Finally, it will be critical that the reform ensures that Entities have adequate resources to carry out their mandate.**

As this reform unfolds, it will be important for the Commissioner to be proactive, to continue to provide constructive advice and to collaborate with the Ministry to ensure the best possible outcomes for the provision of improved French-language health services in the province.

### 7.3 Immigration is a mainstay for Ontario’s Francophone Community

The French Language Services Commissioner took an early interest in immigration and became proactively involved in this area. Of particular note is the fact that the Commissioner examined the impact of immigration on the health system, on education and on social services.

Given general Canadian demographic trends, immigration is critical to preserving communities, including the Franco-Ontarian community. In the French Language Services Commissioner’s 2017-2018 annual report, *Looking Ahead, Getting Ready*, the Commissioner and various experts concluded that Ontario’s Francophone community was facing some major demographic issues and that Francophone immigration was the most appropriate way of maintaining the vitality and drive of the Franco-Ontarian community. That being the case, seven out of the 14 recommendations in the annual report addressed immigration. These recommendations touched upon the six steps applicable to Francophone immigration: promotion, selection, settlement, integration, training and retention.

Francophone immigrants currently represent 15% of Ontario’s Francophone population and 63.5% are visible minorities.\(^{13}\) However, the annual effective Francophone immigration rate does not reflect the demographic weight of the Franco-Ontarian community.

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Currently, the government target is a Francophone immigration rate of 5%. This rate needs to be considerably higher if it is to revitalize Franco-Ontarian communities. One critical factor impacting the Ontario Francophone immigration issue is the Ontario Immigrant Nominee Program (OINP), under which the provincial government can identify specific immigrants and invite them to settle in Ontario.

This initiative is an excellent opportunity for the province to play its role as the engine of the Ontario Francophonie and to select Francophone immigrants. There was, in fact, an increase in the number of places allocated under the OINP in 2018 compared to 2017, and the province requested a larger allocation for 2019. However, there was no significant increase in the number of Francophone immigrants in these years.

Immigration is a shared responsibility: it is largely administered by Immigration, Refugees and Citizenship Canada (IRCC), but it is provincial governments that ensure that immigrants are welcomed, settled and integrated appropriately.

Once settled, Francophone immigrants face major challenges. By improving settlement and integration conditions for Francophone newcomers, it is possible to secure their contribution to society more quickly and fully. An initial measure to meet this need will be the establishment of a Francophone reception service at Toronto’s Pearson Airport, which was officially announced in 2019 by the federal government. This new service, coordinated by the Centre francophone de Toronto, will provide information about French-language services to immigrants from the moment they arrive in Canada so that they can find an initial job, a French-language school where they can enrol their children, and have their settlement needs addressed, all in French.

A second initiative is the launch of the pilot project designed to create an environment where “French-speaking newcomers will feel welcome” in 14 host communities selected “just about everywhere in Canada.” At least three of these will be in Ontario.

Immigrants also face significant career challenges, including recognition of their credentials, diplomas and degrees from abroad. This is particularly true in the healthcare field, where there are professional governing bodies.

French-speaking immigrants are not often aware of the very existence of Francophone communities in Ontario, nor of how vibrant they are.

As for Francophone refugees, the absence of services in French forces these vulnerable individuals to resort to using English as they settle in the province, which leads to their assimilation. Accordingly, the immigration process becomes painful and difficult for them.
Given the demographic trends facing Ontario’s Francophone community, it is critical to assist Francophone refugees to integrate effectively into their host communities.

Ontario has made a great deal of progress in recent years in introducing measures that promote Francophone immigration. It is important to continue to be proactive in monitoring the Francophone immigration situation if a vibrant Francophone community is to survive in Ontario.

In light of this, the Commissioner wishes to reiterate a number of the recommendations he has made about immigration, which are still relevant today.

- The Commissioner recommends that the Minister of Economic Development, Job Creation and Trade, working together with the Canadian Minister of Immigration, Refugees and Citizenship, significantly increase the number of applicants that the province could designate under the Ontario Immigrant Nominee Program (OINP), so that the program can truly contribute to the development and growth of Ontario’s Francophone communities over the next decade. Increasing the number of immigrants selected under the OINP would definitely contribute to the development and growth of Francophone communities.

- The Commissioner recommends that the Minister of Economic Development, Job Creation and Trade:
  - explicitly call the initiative Destination Ontario Français in order to place an emphasis on the Francophone aspect;
  - make Destination Ontario Français a permanent initiative; and
  - include Francophone organizations that are familiar with the community in the Ontario Delegation.

- The Commissioner recommends that the Minister of Training, Colleges and Universities:
  - commission research that could provide a better understanding of the challenges faced by Francophone immigrants with regard to their integration into the workforce and assess, especially, how their place of study may influence the recognition of their credentials, diplomas and degrees;
  - take advantage of the establishment of the Université de l’Ontario Français in Toronto to develop new credential assessment services for French-language diplomas and degrees for the recognition of the education and career experience of immigrants, in collaboration with the professional accrediting bodies.

- The Commissioner recommends that the Minister of Economic Development, Job Creation and Trade:
  - review the criteria of the French-speaking Skilled Workers Stream of the Ontario Express Entry Program in order to remove the English-proficiency requirement for French-speaking applicants by 2019-2020; this should be accompanied by appropriate and targeted information for applicants about Ontario’s linguistic reality and language training available on site;
award additional points to French-speaking applicants with children who wish to have their families immigrate to Ontario.

The Commissioner recommends that the Minister of Children, Social and Community Services:
- review the funding formula for service delivery organizations to ensure that they better match the needs of linguistic minority communities and decrease the weighting assigned to the number of people served.

The Commissioner recommends that the Minister of Government Services, together with the Minister of Children, Social and Community Services and stakeholders in the Francophone community, develop a “Francophone immigrant guide” for inclusion in a welcome package for all newcomers who apply to Service Ontario for a health card or driver’s licence.

The Commissioner recommends that the Minister of Children, Social and Community Services:
- develop a proper Francophone immigration strategy with respect to promotion, recruitment, selection, welcoming, integration, training and retention, including objectives, concrete measures and timelines for each of these components;
- include as part of this strategy, a schedule for reaching and maintaining the 5% target.

7.4 Access to Justice in French

7.4.1 The Access to Justice in the French Advisory Committee

The development and implementation of measures to improve access to justice in French are often disjointed because of the number of parties involved, including the Ministry of the Attorney General, the Bench, the Bar, universities, the AJEFO (Association of French Speaking Jurists of Ontario) and the federal government.

To remedy this shortcoming, the Thorburn Committee recommended the creation of an access to justice in French advisory committee. The committee was struck in February 2018. It met at least once and established priority issues.

The Commissioner recommends that the government continues to support this committee and ensure that it is independent and has the resources needed to fulfil its mandate. The committee must have enough latitude to study matters that have an impact on the delivery of equivalent services in French and on access to justice in French. It must also have the power to meet individuals, teams and government or private agencies that influence the delivery of equivalent justice-related services in French.

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7.4.2 Investigation of Tribunals Ontario

Workplace harassment; eviction from an apartment; withholding of benefits under the Ontario Works program. Tribunals have a bearing on a variety of fields and address issues that affect people’s everyday lives. The Commissioner has received a large number of complaints about these tribunals. Accordingly, in March 2018, the Commissioner launched an investigation of the Social Justice Division, a group of tribunals and boards that reports to the Ministry of the Attorney General. More specifically, three tribunals are being investigated:

- The Human Rights Tribunal of Ontario;
- The Landlord and Tenant Board; and
- The Social Benefits Tribunal.

The investigation examined access to justice in French for Francophones appearing before these tribunals, who are often vulnerable. As a lawyer from a legal clinic stated, these are people “with complicated lives.”

The investigative team spoke to many individuals to learn about their stories and check other sources to understand the barriers with respect to access to justice in French before the tribunals.

In January 2019, the Minister announced that all tribunal groups, including those being investigated, would be merged into a single organization, Tribunals Ontario. The Commissioner’s office’s view is that this decision is an opportunity to plan services in French upstream and to ensure that they are an integral part of the organization.

In Southwestern Ontario, the Landlord and Tenant Board fined a Francophone $200 for requesting a hearing in French. According to the adjudicator, the application was submitted too late and caused a delay. Although the decision was subsequently rescinded, it is nevertheless indicative of a thorough lack of understanding of language rights and obligations on the part of some members of the Landlord and Tenant Board.

The Commissioner’s stated objective was first, to ensure that Francophones no longer have their rights infringed upon, but also, to advise Tribunals Ontario and make pragmatic recommendations on how to improve the delivery of quality services in French.

The investigation is still in progress, and a report will be published by the Ontario Ombudsman in May 2019 or shortly thereafter.
7.5 Education continuum

7.5.1 Absence of a French-language secondary school in eastern Toronto

The Commissioner has frequently received complaints about the shortage of French-language high schools in the province. The dilemma faced by many parents is whether to send their children to an already overcrowded French-language schools some distance from their home, or to an English-language school nearby.

In spring of 2016, the Conseil scolaire catholique du district Centre-Sud (now called the Conseil scolaire catholique MonAvenir) received funding to build a new 500-student school in Scarborough. The allocated funds are part of the more than $700 million being invested by the Ontario government to build and renovate schools. Approximately $80 million have been set aside for nine Francophone school board projects. In September 2017, the new Père-Philippe-Lamarche Catholic high school opened its doors and welcomed its first students.

In 2017, the situation in eastern Toronto has changed. The Conseil scolaire Viamonde has submitted an interest in acquiring Greenwood Secondary School as a location for a future francophone public high school. In January 2018, the Ontario government allocated $16 million in funding to the Conseil scolaire Viamonde for the creation of a new secondary school in the Greenwood building.

The Commissioner fervently believes that it is essential to provide an equivalent education experience to ensure retention and to guarantee the long-term viability of the Francophone community in the Greater Toronto Area and Ontario.

In consideration of the above, the Commissioner recommends that, in order to guarantee access to French-language education in the Greater Toronto Area, and to ensure the students who begin their studies in a French-language institution are not obligated to leave for an English-language school, the Minister of Education provides more support to French-language school boards to acquire land and build new schools in identified areas of need.

7.5.2 Postsecondary education

The elimination of the Commissioner’s Office was one of two major events occurring in the Francophonie in 2018. The other is indisputably the cancellation of the financial commitment for the new Université de l’Ontario français (UOF). Given that the Commissioner’s Office was instrumental in the genesis of the UOF, some perspective is needed to recall the genuine needs of the Francophone population in Central-Southwestern Ontario in terms of expanded French-language postsecondary programs.

Cancelling the Université de l’Ontario français: A major setback

In light of these inherited budget challenges, on October 23, 2018, the Province announced that it would not be proceeding with funding three university campus expansions within the Greater Toronto Area (GTA). Upon further review of the
Province’s fiscal situation, the government will also be cancelling plans to proceed with a new French-language university.\textsuperscript{20}

It is with these few lines from his \textit{A Plan for the People} that Ontario’s Minister of Finance sealed the fate of the French-language University (UOF). The purpose of this decision was to optimize resources in postsecondary education in Ontario. The decision surprised Ontarians because only a few months earlier, the new government had confirmed that a French-language university in Ontario would go forward.\textsuperscript{21} The Ontario government said that it was fully committed to ensuring the UOF would be a success, acknowledged the importance of this new university for Ontario’s Francophone community, and wanted to give it the attention and support it deserved.

The Commissioner’s Office still condemns this decision. The Commissioner outlined these shortcomings in 2011 in his investigation report, \textit{The State of French-Language Postsecondary Education in Central–Southwestern Ontario: No access, no future}.\textsuperscript{22} He pointed out in the report that access to postsecondary education in French varied from 0\% in Southwestern Ontario to 3\% in Central Ontario relative to the number of programs offered in English.\textsuperscript{23}

The report added that “for the Francophone community, the absence of French-language postsecondary programs has negative impacts on students’ ability to study and work in French. The implications of those missed opportunities are felt throughout the entire francophone community.”\textsuperscript{24} The Commissioner also recommended that the government do a better job at assessing the number of students and taking the necessary actions to increase the number of postsecondary programs in Central–Southwestern Ontario.\textsuperscript{25}

The decision, expressed publicly in the budget statement, has led to turbulence in the Francophone community of Ontario, now worried about the future of its youth and the protection of its rights. The creation of a French-language university in Central–Southwestern Ontario was in response to a request from Francophone and Francophile communities in that region to have a continuum of learning in French at the high school and postsecondary levels. The need for such a continuum had indeed been acknowledged by all of the main political parties when it was tabled in the legislature. The university was the “missing link” in Ontario’s French-language education continuum.\textsuperscript{26}

In 2019, although there are two French-language colleges, Collège Boréal and Cité Collégiale, as well as a regional university in Hearst (a federated school of Laurentian University), the 622,415 Francophones and Francophiles of Ontario still do not have a completely independent French-language university.

\textsuperscript{23} French-Language Education Policies and Programs Division, Études des écarts: Les systèmes d’éducation postsecondaire et de formation de langue française et de langue anglaise, Toronto, Ministry of Training, Colleges and Universities, 2008.
\textsuperscript{25} Ibid, p. 3-4.
\textsuperscript{26} The 800,000 Anglophones in Quebec have three universities that offer programs entirely in English; the 40,000 Francophones of Manitoba have one university (Saint-Boniface); the 235,000 Francophones of New Brunswick have one university (University of Moncton on three campuses); the 30,000 Francophones of Nova Scotia have one university (Ste-Anne).
With its broad provincial mission, the UOF’s mandate was to provide postsecondary education in French for the purpose of creating, transmitting and getting people engaged in knowledge, research and innovation, while always considering the cultural and socioeconomic development of Ontario’s Francophone communities.27

After attempting to give an economic rationale for not funding the university,28 the government once again justified its decision by stating that the proposed model was not viable because it would not train qualified workers in the fields where they were needed. This direct intervention by the provincial government in choosing the programs that an institution of learning wishes to provide remains of concern.

In his very first annual report, the French Language Services Commissioner had underscored the fact that beyond providing recognition for language rights, Ontario’s Francophone community needed to be able to rely on institutions for their development and prosperity29. Public recognition of the French language, as enshrined in the Act makes the Ontario government responsible for the development of its Francophone community. When the provincial government presented economic arguments to justify the withdrawal of funding for the very first Francophone university, it was inconsistent with the intentions of the Legislative Assembly and sent a very negative message to the province’s Francophones and Francophiles.

### 7.5.3 Relevance of the Université de l’Ontario français in the 21st Century

The relevance of and need for a French-language university for Francophones in Central-Southwestern Ontario are clearly stated in the preamble to the Université de l’Ontario français Act, 2017:

> The French language is an historic and honoured language in Ontario. The establishment of a university with a mission to serve the French-speaking community will help to promote a strong, vibrant, inclusive Francophone culture that further enriches civic life in Ontario.

According to the Ministry of Training, Colleges and Universities, demographic growth in the region justifies the establishment of such a higher education institution. The Ministry’s rationale for its decision to ensure the long-term viability of the French-language university30 was based on the fact that the region was experiencing the strongest demographic growth in the province.

The province’s Central-Southwestern region now has a significant demographic presence in Ontario, with approximately 225,000 Francophones, just over 36% of the province’s Francophone population.31 This demographic trend is having a major impact on school boards.
in the region, which have recorded a 43% increase in the number of students between 1998-1999 and 2014-2015. This led to the establishment of 32 new schools in that period.32

Alongside this increase in the number of students in French-language school boards, Canadian Parents for French revealed that enrolment in immersion programs in 2015-2016 had increased by 5.7% in the 11 previous years. According to the Ministry of Education, in 2014-2015, more than 16,000 students had enrolled in high school immersion programs.33

“What is the impact of this almost non-existent offer of postsecondary programs in French? The answer is rather simple: No access, no future. In other words, for the Francophone community, it is slow death. And for society as a whole, it is an incredibly sad missed opportunity.”


The University as a building block of a community

The Université de l’Ontario français Act, 2017, identified the special mission of the University to offer a range of university degrees and education in French to promote the linguistic, cultural, economic and social well-being of its students and of Ontario's French-speaking community. The Act also specifies the objects of the university, as follows:

- the pursuit of learning through scholarship, teaching and research within a spirit of free enquiry and expression;
- the provision of French-language undergraduate and graduate university programs that are innovative and respond to the needs of students, the community and employers, and that advance the values of pluralism and inclusiveness; and
- the support of governance by and for the French-speaking community by conducting the affairs of the University in French.34

The principle of governance by and for Francophones is clearly considered by the legislator to be included in the objects of the UOF. That being the case, the recognition of an independent Francophone university was established by Ontario’s elected representatives, who saw it as a place of emancipated learning for the province’s language minority in general and in Central-Southwestern Ontario in particular.

The community’s determination to establish an institutional beacon is evident in the Planning Board’s desire for a French-language university, which, in its 2017 report,
recommended that the new university should work collaboratively to create a Francophone Knowledge and Innovation Hub.

The Commissioner had indicated that he was in favour of creating such a Francophone Knowledge and Innovation Hub because doing so would definitely give it a high profile within the province and internationally. This shared vision is inspiring and exciting because it is an approach that goes beyond training, by creating opportunities for productive exchanges and collaborations with other institutions.

The UOF’s mission, as stated by the legislator, once again gives it the power to suggest disciplines and fields of study that go beyond the usual programs of study.

**Market response**

In his 2017-2018 annual report, *Looking Ahead, Getting Ready*, the French Language Services Commissioner pointed out that the creation of the UOF would be a response to the needs of French workers as stated by the province’s business sector. Moreover, the Malatest study conducted on behalf of the Ontario Ministry of Advanced Education and Skills Development in 2017 confirmed that there was a significant increase in demand for Francophone postsecondary graduates in Central-Southwestern Ontario. According to the study, market demand will increase by 61%, creating a need for 109,772 more French-speaking graduates by the year 2030. These numbers, coupled with the fact that within the same time frame 59,000 Francophone postsecondary graduates are expected to retire, creates a total shortage of 170,000 Francophone graduates.

This highly eloquent data is indicative of the need to establish a Francophone postsecondary institution in the region to meet the growing demand for Francophone skilled workers. At the moment, in order to fill these positions, Ontario firms need to look to applicants from outside the province, in Quebec and New Brunswick.

The UOF would be a response to this shortage of bilingual workers and enable young bilingual Ontarians to enter the labour market and contribute to the province’s economy as a result of their French-language university education. The programs developed by the UOF would be a direct response to our changing society by educating young professionals capable of responding to the job market.

**Federal participation**

On January 15, 2019, the federal government contributed $1.9 million in funding to the UOF to support the work of implementing the Francophone Knowledge and Innovation Hub in downtown Toronto. In its proposal, the federal government further agreed to provide funding for the university’s first few years on the condition that the Ontario government guarantee funding for subsequent years.

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36 Ibid, p.49.
While the federal government funding allows the UOF team to continue its activities until 2020, the team needs to remind the various governments of their responsibilities with respect to the protection of minority community language rights. At this stage, it is paradoxical that the federal government has taken a leading role in postsecondary minority-language education.

The need for a French-language university in Central-Southwestern Ontario is irrefutable. All stakeholders have agreed on the need to position such an institution in a region where the Francophone community is undergoing strong demographic growth. The legislator has ratified the foundations of the Université de l’Ontario français by assigning it a unique mandate that acknowledges its special mission and establishes the foundations for the development of an institution that would become a beacon for a vibrant and diverse community.

7.6 City of Ottawa

From the outset, the Commissioner strove to collaborate with the City of Ottawa to discuss complaints received by his office with regard to municipal services. He contacted City officials twice in 2011 to work out a complaint management protocol to ensure that the City could respond positively to enquiries from the Commissioner’s Office about the handling of complaints. Since then, the Commissioner met with the Mayor of Ottawa and senior municipal officials to underscore the importance of establishing a long-term collaborative process through a formal protocol.

In May 2015, the Commissioner even took steps to assess the budget adoption process which had only taken place in English. Ever since, the City of Ottawa has claimed that the Commissioner does not have the jurisdiction to investigate the City.

Even though relations have been strained in recent years, the Commissioner’s goal has always been to ensure that the citizens of Ottawa have equitable access to services in French. This goal is consistent with the provincial statutes, regulations and policies adopted by the City, such as the City of Ottawa Act, 1999, the Bilingualism Policy, City of Ottawa By-law no. 2001–170 and the French Language Services Act. Unfortunately, the Office of the Commissioner is still awaiting the City of Ottawa’s collaboration.

Working with the City has been very difficult in recent years. It would appear to be rather obvious that, in spite of the repeated explanations provided by the Commissioner, the City does not seem to understand that the Office of the Commissioner is not an ombudsman of last resort; complainants can turn to the Commissioner’s Office first.

To this day, the Office of the French Language Services Commissioner’s Investigations Unit and the French Language Services Branch have regretfully been unable to establish a productive relationship.

Given that the Ontario Ombudsman has investigative powers over municipalities, the Commissioner advocates reopening dialogue with the City about a possible protocol that would lead to a more harmonious and productive complaint resolution process.
8
Looking Ahead, Getting Ready
8.1 2018 OFLSC Symposium: Mobilizing Expertise to Plan for the Future

On November 26, 2018, the Commissioner’s office held its first symposium entitled Looking Ahead, Getting Ready, with the goal of addressing critical challenges that will affect society, French-language services and Francophone communities over the next 10 years. The event, centered around the main findings published in the OFLSC 2017-2018 annual report, mobilized influential stakeholders from various instances, ranging from public policy decision-makers, to community leaders to discuss the crucial transformations that will impact society over the next few years. More than 25 Anglophone and Francophone experts and researchers held impactful discussions with some 250 participants. This gathering broadened the knowledge-sharing already initiated in our annual report on issues that will affect French-language services and Francophones for years to come.

8.2 Four Symposium Panels: A Summary

8.2.1 Demographics

The first major issue focuses on the demographic trends affecting Francophone communities in Ontario. While it is expected that their number will grow to 659,031 from 622,415 by 2028, Francophones will only represent 3.9% of Ontario’s global population.

Transmission of the French language will continue to decline. In endogamous families, transmission of French stands at 91%, while it falls to 31% in exogamous families which constitute 70% of Francophone families.

Furthermore, the proportion of French-speaking immigrants who settle in Ontario cannot counter this trend. Only 2.4% of immigrants in Ontario are Francophones.
To maintain numbers reported in 2016, the proportion of Francophone immigrants should considerably surpass the government’s 5% goal. As well, initiatives should be developed centering around the quality of education provided in French, free daycare services in French, and the enrichment of high school and postsecondary programs.

In Northern areas, population migration and aging will accelerate the rate of decline of Francophone communities. This will inevitably lead to a reduction in the number of institutions capable of serving this population.

Nevertheless, there are employment opportunities in Northern Ontario and great possibilities for Francophone immigrant entrepreneurs.

We must therefore support the development of initiatives to attract and integrate French-speaking immigrants in Northern Ontario.

8.2.2 An aging population

In 2016, the number of Francophone seniors was proportionately higher (19.5% are older than 65 years of age) than Anglophone seniors (16.2%). In 2016, more than 10,000 cases of dementia were reported among Francophone seniors. In 2028, it is estimated that 14,648 Francophones will suffer from dementia. All forms of this disease affect the state of health in general, and patients can exhibit less perseverance in communicating clearly with health professionals.

In Canada, being part of a linguistic minority increases isolation for Francophone seniors and is compounded by the fact that dementia is often accompanied by the loss of one’s

"We are 20 years too late; plans and targets make no sense anymore... we need remediation strategies. In the North, our program matching candidates with employers has been successful in integrating newcomers. Increasing the number of Francophones in the provincial nominee program would also be a good strategy.

As a result of my participation today, we have already had three separate requests to partner on expanded research relating to Francophone immigration, demographics and population change in Ontario’s northern regions."

Charles Cirtwell, Founding President and CEO of Northern Policy Institute

"Homecare in French becomes even more crucial because if a patient is placed in a long-term care facility where only English is spoken, isolation will increase.

It is always critical to ensure that the language of Francophone patients is correctly identified in order to offer seamless integrated services."

Estelle Duchon, Executive Director at Entité 4, French Language Health Services Planning
second language. This will affect more than 16% of seniors. Increased isolation will in turn increase depression among these patients and will affect their quality of life.

Access to long-term care will remain a significant issue for Francophones. In 2018, only a few facilities, either offering services entirely or partially in French, existed. Long-term care homes will have to develop strategies that focus on designating a critical number of beds for Francophones, as well as deploying bilingual health teams. Even if these strategies are successful and even if municipalities comply with their obligation to offer culturally and linguistically adapted services, the number of Francophone beds available will remain lower than the demand.

**Public policies must therefore be developed for this aging population. Best practices must include successful models such as regional bilingual interdisciplinary teams. Key stakeholders must be involved in finding solutions, including French Language Health Planning Entities that will continue to be responsible for planning local health services in French.**

### 8.2.3 Digital transformation of government/citizen relationship

Over the next ten years, Francophones would benefit if the Government of Ontario maximized their access to digital solutions. As it stands, 20% of Francophones must travel significant distances to access essential government services or simply do not receive services in French.

Digital services cost a fraction of what traditional services delivered in person cost and provide the same level of service to all patients.

There are however certain risks associated with digitalization for Francophones who live in remote areas, seniors and newcomers who may not have easy access to technology or do not have sufficient knowledge to use it. Furthermore, real-time updates could marginalize Francophones, as this might lead to a delay in accessing the same quality and timely information in French. Vigilance is crucial.

"The role of local structures in coordinating community services will be critical to ensure access to beds for Francophones.

In 2018, municipalities had 30,000 long-term care beds at their disposal. However, this translates to 1 Francophone bed for 3,400 Francophones."

_Bahar Karimi, Administrator, Bendale Acres, City of Toronto_

"Digitalization, such as telemedicine, holds great promise in broadening access to bilingual professionals."

_Ed Brown, Founder and CEO, Ontario Telemedicine Network (OTN)"
As demand for health services increases, improving the availability of digital platforms that provide access to health professionals capable of offering services in French will be a priority. Clearly, these platforms will have to include linguistic data on professionals and Francophone patients alike.

In the health sector as well as other sectors, digital technology should be used to optimize access to available expertise by creating networks of providers with bilingual capacity throughout the province. This should initiate the development and implementation of a comprehensive strategy to train, coordinate and deploy bilingual health workers and other professionals able to provide services in French.

Furthermore, budgetary constraints will compel the government to review how services are delivered in person. This review will lead to mergers, transfers of responsibility and the growing use of publically funded private service providers.

As they proceed with the creation of new agencies and regional office centralization, ministries must ensure that existing French-language services are maintained and must continue to offer services in French that meet the needs of Francophones. This is particularly true for the health sector, where major changes have been announced for 2019.

8.2.4 Production and broadcast of digital content in French

In Ontario and in Canada, local media are losing audiences and revenue to multinational companies whose financial means are much greater. This problem is compounded by the fact that advertising revenues from ministries and governmental agencies are declining in French-language media.

In April 2018, the Office of the French Language Services
Commissioner published an investigative report entitled _A Directive without Direction: Challenges of advertising in the Francophone media of Ontario_. It revealed that sponsors are inexorably directing their advertising dollars towards digital media at the expense of traditional media. Between 2011 and 2016, internet advertising increased by 123%. Since 2008, 244 regional media outlets have disappeared because 90% of their Canadian advertising income has been diverted to foreign platforms and websites, with 2/3 of it going to platforms such as Google, YouTube and Facebook.

As they are more vulnerable than mass media, Francophone media sources are more severely affected by this change. The economic logic driving this shift towards mass media is directly contributing to the gradual decline of French media in Ontario. The challenge facing French media will be to find solutions that will ensure its long-term viability.

Where French media are concerned, one must develop, prioritize and recommend tangible measures to ensure that these media sources continue to produce content in French for Ontarians and other Canadians. A pilot project offering financial support to French media in Ontario could be considered. Other measures should also be developed to stimulate the production of French content by Francophone youth.

"The challenge is that there is so much content out there today ... it makes it hard to find good quality content. Everyone wants to get the attention. Accessing the information one wants is the new challenge."

*Mladen Raickovic, Head of Canada, Global Partnerships - Google*
Statistics Since 2016
9.1 Statistics on complaints

From April 1, 2018, to March 31, 2019, the Office of the Commissioner received 435 complaints and requests for information. As in previous years, a large number of individual complaints concerned real, tangible issues and touched a plethora of diverse problems, ranging from being unable to obtain services in French in a particular location, to public consultations being held in English only, to the unavailability of equivalent services in French compared to those available in English.

Over the same period, 52 requests for information were received on a variety of subjects. Most of these concerned French-language services, interpretation and legal obligations under the French Language Services Act. To determine whether public and community organizations were compliant with their legal obligations or to get information about communications with private corporations, a number of individuals turned to us to obtain more information.

In 2017-2018, the Office of the Commissioner developed a client portal. This platform allows citizens to track their complaints online, contact the investigation unit quickly, and file complaints directly from the portal. In turn, this allows our staff to act efficiently and diligently on all complaints and requests for information forwarded to us.

### Complaints received during fiscal years 2016-2017 and 2017-2018

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<tr>
<th>Complaints received by institution</th>
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<th>2017-2018</th>
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<tr>
<td>Legislative Assembly*a</td>
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<td>Ministry of Education</td>
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<td>Ministry of Finance</td>
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<td>Ministry of Francophone Affairs</td>
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<td>Ministry of Health and Long-Term Care</td>
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Complaints received by institution

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<td>Ministry of Municipal Affairs</td>
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<td>Ministry of Natural Resources and Forestry</td>
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<td>Ministry of Tourism, Culture and Sport</td>
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<td>Ministry of Transportation</td>
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<td>Municipalities**</td>
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<td>Other institutions***</td>
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<td>Treasury Board Secretariat</td>
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</table>

TOTAL 213 186

* Complaints related to entities that report directly to the Legislative Assembly.
** Complaints deemed admissible when they are brought against a municipality that has a by-law that guarantees the provision of French-language services.
*** Complaints in the sphere of control of the provincial government. They pertain to organizations that have been created or mandated by departments to provide programs and services that, in the case of transfer of responsibilities, were previously under the jurisdiction of the province.

Complaints received during fiscal year 2018-2019

<table>
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<th>Category</th>
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<td>Inadmissible</td>
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<tr>
<td>Admissible</td>
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Total 435
### Inadmissible complaints

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<td><strong>Total</strong></td>
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*Complaints not pertaining to the mandate of the Commissioner’s Office.

### Geographic distribution of complaints

<table>
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<td>Southwestern Ontario</td>
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<td>Other*</td>
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*Complaints about online services, toll-free numbers and non-designated areas.

### Admissible complaints by type of service

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<td>Documents</td>
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<td>Signage</td>
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<td>Social media</td>
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<td>Service by phone</td>
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<tr>
<td>Others</td>
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<tr>
<td>Admissible Complaints by Institution</td>
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<td>------------------------------------------------------------</td>
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<td>Legislative Assembly*</td>
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</tr>
<tr>
<td>Ministry of Finance</td>
<td>12</td>
</tr>
<tr>
<td>Ministry of Francophone Affairs</td>
<td>2</td>
</tr>
<tr>
<td>Ministry of Government and Consumer Services</td>
<td>17</td>
</tr>
<tr>
<td>Ministry of Health and Long-Term Care</td>
<td>53</td>
</tr>
<tr>
<td>Ministry of Indigenous Affairs</td>
<td>1</td>
</tr>
<tr>
<td>Ministry of Infrastructure</td>
<td>1</td>
</tr>
<tr>
<td>Ministry of Labour</td>
<td>4</td>
</tr>
<tr>
<td>Ministry of Municipal Affairs and Housing</td>
<td>3</td>
</tr>
<tr>
<td>Ministry of Natural Resources and Forestry</td>
<td>2</td>
</tr>
<tr>
<td>Ministry for Seniors and Accessibility</td>
<td>0</td>
</tr>
<tr>
<td>Ministry of the Attorney General</td>
<td>24</td>
</tr>
<tr>
<td>Ministry of the Environment, Conservation and Parks</td>
<td>10</td>
</tr>
<tr>
<td>Ministry of Tourism, Culture and Sport</td>
<td>2</td>
</tr>
<tr>
<td>Ministry of Training, Colleges and Universities</td>
<td>13</td>
</tr>
<tr>
<td>Ministry of Transportation</td>
<td>15</td>
</tr>
<tr>
<td>Municipalities**</td>
<td>8</td>
</tr>
<tr>
<td>Other Organizations***</td>
<td>1</td>
</tr>
<tr>
<td>Cabinet Office</td>
<td>18</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>230</td>
</tr>
</tbody>
</table>

* Complaints related to entities that report directly to the Legislative Assembly

** Complaints deemed admissible when they are brought against a municipality that has a by-law that guarantees the provision of French-language services.

*** Complaints in the sphere of control of the provincial government. They pertain to organizations that have been created or mandated by departments to provide programs and services that, in the case of transfer of responsibilities, were previously under the jurisdiction of the province.
9.2 **Statistics on speeches and presentations since April 2016**

<table>
<thead>
<tr>
<th></th>
<th>Speeches and presentations</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 1, 2016 to December 31, 2016</td>
<td>17</td>
</tr>
<tr>
<td>2017</td>
<td>34</td>
</tr>
<tr>
<td>As of December 31, 2018</td>
<td>23</td>
</tr>
</tbody>
</table>

9.3 **Statistics on meetings and interventions**

<table>
<thead>
<tr>
<th></th>
<th>Participation in public events</th>
<th>Meetings with agencies, organizations and associations</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 1, 2016 to December 31, 2016</td>
<td>22</td>
<td>83</td>
</tr>
<tr>
<td>2017</td>
<td>37</td>
<td>116</td>
</tr>
<tr>
<td>As at December 31, 2018</td>
<td>26</td>
<td>103</td>
</tr>
</tbody>
</table>

Since his appointment, the Commissioner visited more than 65 towns and municipalities in Ontario, from Windsor in Western Ontario to Cornwall in the East and from Welland in the South to Thunder Bay in the North-West.

9.4 **Statistics on meetings with government authorities**

Excerpt from a speech given by Commissioner François Boileau, during the Permanent Committee of Finance and Economic Affairs, Monday, December 3, 2018

Over the last three years alone, I have had 13 meetings with Ministers, 21 meetings with Deputy Ministers and 74 meetings with other high-ranking civil servants from various ministries. In total, we had 108 high-level meetings to reinforce French-language services.
### 9.5 Statistics on Interviews with Media

Please refer to section 4.4 for details of various interviews that took place in the fall of 2018.

<table>
<thead>
<tr>
<th>Media</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>June 1, 2016 to December 31, 2016</td>
<td>48</td>
</tr>
<tr>
<td>2017</td>
<td>65</td>
</tr>
<tr>
<td>2018</td>
<td>102</td>
</tr>
<tr>
<td>– January 2018 – November 14, 2018</td>
<td>48</td>
</tr>
<tr>
<td>– November 15, 2018 – December 31, 2018</td>
<td>54</td>
</tr>
<tr>
<td><strong>Total 2018</strong></td>
<td><strong>102</strong></td>
</tr>
</tbody>
</table>
Conclusion
In the foreword of my first annual report, I stated that I would spare no effort in making the Office of the French Language Services Commissioner as visible as possible, mainly to raise awareness about the French Language Services Act, which is still misunderstood. I also added that I would treat complaints pragmatically by maintaining an open and continuous dialogue with public administrators because Francophones and Francophiles in Ontario are part of the solution, not the problem. Eleven years after making this commitment, my team and I have worked tirelessly to keep our word. Through community engagement activities and my travels throughout Ontario, we have informed the public about the mandate given to the Office of the French Language Services Commissioner and, above all, the French Language Services Act.

At an annual general meeting of the Union des cultivateurs franco-ontariens in Casselman, I was asked what I thought the community would look like in 50 years’ time, if it would still exist. Honestly, I don’t know the answer. What I said was that 50 years ago, other people had asked themselves the same question. And even though they didn’t know the answer, like so many people before them, they took up the challenge of creating institutions for the development of their community in the areas of education, health, economy and culture. Today, the result is that the Francophone community is vibrant and dynamic.

The Office of the French Language Services Commissioner has been very attentive to treating complaints from the public diligently and efficiently. Acting as an agent of change, dealing with systemic issues raised by these complaints, the Office has approached government officials constructively and proactively. It has outlined some of these successes in this report as they have allowed it to be at the forefront of debates concerning the well-being and future of Francophone communities in Ontario. Thanks to my investigative report on the state of postsecondary education in Central-Southwestern Ontario, many government initiatives ensued, namely the creation of a committee to plan and conceive l’Université de l’Ontario français.

Along the same lines, my 2009 special report on planning health services in French led to the creation of French Language Health Planning Entities. Immigration, education, community and social services as well as justice in French are sectors where I issued recommendations that resulted in many new government initiatives with real benefits for Francophone communities in Ontario.

I believe the protests that followed the government announcement dissolving the Office of the French Language Services Commissioner are evidence that our office contributed to improving the quality of life for Francophones in Ontario through pertinent and appropriate actions in keeping with the mandate I was given by the Legislative Assembly.

Although I feel the dissolution of the Office of the French Language Services Commissioner as an institution and the integration of its role and responsibilities within the Office of the Ombudsman of Ontario is a major setback for the protection of Francophone minority rights, we must not lose sight of the challenges Francophones will likely face in the future. In particular, as the advocate for the French Language Services Act from the moment I was appointed, I have spoken of the necessity to reform this
legislation. Now more than 30 years old, it must be adapted to present-day challenges and issues facing a new and very vibrant Francophone community. I speak also of the upcoming reform of the health system. Health is a major concern for all Ontarians, including Francophones. I hope that present discussions will lead to preserving the institutional rights of Francophones and integrating their needs and priorities into the new health strategies developed by the government.

Immigration challenges remain controversial. Access to justice in French will only become a reality when appropriate measures are taken, as was the case of the Ottawa Courthouse, which is a resounding success. Community and social services, as well as children aid services, are acute issues that can only be addressed by developing a strong and well prioritized strategy to improve results for vulnerable groups. I applaud the provincial government’s commitment expressed by the Hon. Caroline Mulroney, to develop an action plan for the growth and development of Francophone communities as well the promotion of French in Ontario.

In the end, and I can assure you all commissioners will agree, if there is no true political commitment, change will not happen. The best laws can be in place, precise and solid regulations can support them and clear directives can be issued, but if no political will underlies the legislation and ensures implementation and compliance, French-language services will suffer. It is that simple. High ranking civil servants, who are often pulled in many directions by conflicting priorities must, in the end, follow the priorities of the elected politicians.

I am sure I speak for all my staff when I say that, beyond the publication of all our annual or investigative reports, what remains our greatest source of satisfaction was to be able to help real people in their day-to-day lives. These individuals trusted the Commissioner’s Office, although sometimes they faced very troubling situations over and above accessing services in their language. I thank them for trusting us. And most of all, for having changed us, helping us become better people.

More than 11 years ago, I stated that I was very grateful to have the privilege of contributing to the establishment of a solid base for government institutions to develop and expand Francophone communities in Ontario.

I am still grateful today.