



# Annual Report of the French Language Services Commissioner of Ontario

OFFICE OF THE OMBUDSMAN OF ONTARIO

# 2021 • 2022



ONTARIO'S WATCHDOG



## Office of the Ombudsman of Ontario

### We are:

An independent Office of the Legislature that resolves and investigates public complaints about services provided by Ontario public sector bodies. These include provincial government ministries, agencies, boards, commissions, corporations and tribunals, as well as municipalities, universities, school boards, child protection services and French language services.

### Land acknowledgement and commitment to reconciliation

The Ontario Ombudsman's work takes place on traditional Indigenous territories across the province we now call Ontario, and we are thankful to be able to work and live on this land. We would like to acknowledge that Toronto, where the Office of the Ontario Ombudsman is located, is the traditional territory of many nations, including the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee, and the Wendat peoples, and is now home to many First Nations, Inuit and Métis peoples.

We believe it is important to offer a land acknowledgement as a way to recognize, respect and honour this territory, the treaties, the original occupants, their ancestors, and the historic connection they still have with this territory.

As part of our commitment to reconciliation, we are providing educational opportunities to help our staff learn more about our shared history and the harms that have been inflicted on Indigenous peoples. We are working to establish mutually respectful relationships with Indigenous people across the province and will continue to incorporate recommendations from the Truth and Reconciliation Commission into our work. We are grateful for the opportunity to work across Turtle Island.

French Language Services Unit  
483 Bay Street  
10<sup>th</sup> Floor, South Tower  
Toronto, ON M5G 2C9

Complaints line: 1-866-246-5262  
Telephone: 416-847-1515  
TTY: 1-866-411-4211  
Fax: 416-586-3485  
Email: [sf-fls@ombudsman.on.ca](mailto:sf-fls@ombudsman.on.ca)  
Website: [www.ombudsman.on.ca](http://www.ombudsman.on.ca)

December 2022

Hon. Ted Arnott, Speaker  
Legislative Assembly  
Province of Ontario  
Queen's Park

Dear Mr. Speaker,

Pursuant to section 12.5 of the *French Language Services Act*, French Language Services Commissioner Kelly Burke and I are pleased to submit the third Annual Report on the activities of my Office under that Act, so that you may table it before the Legislative Assembly.

This report covers the period from October 1, 2021 to September 30, 2022.

I support the recommendations made herein by Commissioner Kelly Burke and, pursuant to s.12.5 (3) of the Act, a copy of this report will be provided to the Minister of Francophone Affairs.





Sincerely,



**Paul Dubé**  
Ombudsman

Office of the Ombudsman of Ontario  
483 Bay Street  
10<sup>th</sup> Floor, South Tower  
Toronto, ON  
M5G 2C9

[www.ombudsman.on.ca](http://www.ombudsman.on.ca)

-  @Ont\_Ombudsman and @Ont\_OmbudsmanFR
-  @OntarioOmbudsman
-  Ontario Ombudsman
-  OntOmbuds

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## The future begins now

This is already my third Annual Report as French Language Services Commissioner, within the Office of the Ombudsman of Ontario.

When I reflect on the progress we have achieved since May 1, 2019, I am proud of the work we have accomplished. My objective with this report is to take stock and to seize the opportunity to look to the future, in light of possibilities arising from the modernization of the *French Language Services Act*.



Since May 1, 2019, the French Language Services Unit of the Office of the Ombudsman has handled more than **1,000** cases (complaints and inquiries). We helped solve some major long-standing issues. Examples that come to my mind include Amber Alerts that are now bilingual, and health cards and driver's licences that can now include French-specific characters and accents.

I also think of the modernization of the *French Language Services Act*, which reflects many of the recommendations I made in my first Annual Report of 2019-2020. There is also the Long-Term Care COVID-19 Commission, which, following our intervention, included Francophones to a greater extent, and issued two recommendations specific to issues affecting the French-speaking population in Ontario. These are just a few of our accomplishments that illustrate the added value of our contribution to protecting language rights and improving the delivery of French language services in this province.

Our interventions have made a difference in people's lives and I have been moved by your comments. Here are some examples of messages we received:

“It's perfect, we see that it works and that there are clear improvements every time we report shortcomings [in services in French]!”

- A Francophone from Toronto

“Thank you very much, bravo and great work. It's really extraordinary!”

- A Francophone from Toronto

“I am very happy with the changes that were made, very pleased with the work that was done; thank you for keeping me informed of the results.”

- A Francophone from Ottawa

This year again, we worked on important issues that we resolved successfully. The French Language Services Unit received **277** cases between October 1, 2021 and September 30, 2022, several examples of which are included in this report.

I also tabled our first formal investigation report under the *French Language Services Act (FLSA)*, on our investigation into cuts to French-language programs by Laurentian University. I launched the investigation, which focused on the Ministry of Francophone Affairs, the Ministry of Colleges and Universities, and Laurentian University, in response to some 60

complaints about the impact of the university's financial situation on its obligations under the *FLSA*. We examined the issues arising from this unprecedented situation in Canada, where a university resorted to the *Companies' Creditors Arrangement Act*. I made 19 recommendations, and all were accepted by the three parties under investigation, which have committed to their implementation.

This year, we also placed a particular emphasis on connecting with all of you, Francophones in Ontario. I met with many of you, in person and virtually, by participating in several annual general meetings and events of all kinds. After two years of not being able to see each other in person due to COVID-19, I was thrilled to reconnect proactively with the Franco-Ontarian community. I met with you, listened to you, and talked to you about our services.

We also developed practical tools to improve people's understanding of our work and to evaluate French language services, such as our French Language Services Unit poster and a tent-card version of our "FLSC Compass" – featured in my 2020-2021 report. This fall I also conducted five roundtable meetings where I consulted with Francophone stakeholders from across Ontario to hear



**March 31, 2022:** French Language Services Commissioner Kelly Burke at her press conference to release her report on her investigation regarding cuts to French-language programs at Laurentian University, at the Legislative Assembly.

their concerns and ideas, which inspire us to continually improve our services and the quality of our interventions. We also launched a promotional campaign to raise awareness of our services in regional publications all across the province.

I am thrilled to see the fruits of our labour and I feel optimistic about the future.



A copy of the "FLSC Compass" - available from our Office.

The future starts now. In December 2021, the government passed amendments to the *French Language Services Act*; the first significant modernization of this Act since its adoption in 1986. As part of the modernization of the *FLSA* by the government, ministers became accountable for reporting to the Executive Council on the implementation of the Act and on the quality of services delivered by their ministries.

Since then, my team and I have been working under a modernized *FLSA*. The amendments reflect the spirit of the broad and liberal **interpretation** that language rights deserve. The **objective** of its application remains the improvement of French language services that are provided to the public by government agencies and institutions of the Legislature, **now** and **in the future**.

French is not just one of many tiles in the Canadian mosaic. It is an official language of our country, at the heart of the Canadian identity, and it encompasses a whole diversity of expressions of Francophone identity, especially in Ontario, which is home to the largest Francophone population outside of Quebec.

Francophones have unique needs and challenges. Although French is not an official language in Ontario, as French Language Services Commissioner, I believe that safeguarding our heritage requires a focus on the willingness, need, and capacity of government agencies to improve the delivery of services in French. This includes focusing on the specific responsibilities of ministers to implement the *FLSA*, among their other governmental responsibilities and priorities.

In this promising context, there is still much work to be done. This year, we continued to deal with cases of Francophones whose loved ones could not obtain vital health services in French. We also found more examples of how the outdated list of designated agencies under the *FLSA* is confusing for Francophones. And at a time when strengthening the province's bilingual workforce is more important than ever, we drew attention to the need to post more Ontario Public Service jobs in French. I am therefore asking the government to pay particular attention to robust planning for French language services.

I welcomed the government's initiative to clarify the obligation to make an active offer of services under the *French Language Services Act*, and I embraced the proposal to create a new regulation governing this concept.

The changes to the *FLSA* present great opportunities. In this annual report, I made it a point to identify the paths to follow to take full advantage of them.



**Kelly Burke**

French Language Services Commissioner of Ontario



## About the Office of the Ombudsman

Established in 1975, the Ombudsman of Ontario is an independent Officer of the Legislature, appointed by the Legislative Assembly, who resolves and investigates public complaints about the Ontario government and broader public sector services. The Ombudsman's jurisdiction includes all provincial government ministries, agencies, corporations, boards, commissions and tribunals, as well as municipalities, universities and school boards. As of May 1, 2019, the Ombudsman's jurisdiction was extended to child protection services and French language services.

## Role of the Ombudsman

The role of the Ombudsman is to enhance governance by promoting transparency, accountability, and fairness within government and the public sector, as well as promoting and protecting the rights of Ontarians. He does not overturn decisions of elected officials or set public policy, but makes recommendations to ensure administrative fairness, transparency and accountability. The Ombudsman's recommendations have been overwhelmingly accepted by the government, resulting in numerous reforms.

The Ombudsman publishes reports with recommendations when he conducts individual and systemic investigations. He also publishes an Annual Report, which includes complaint statistics and highlights of the work of all areas of our Office – including the French Language Services Unit.

Between April 1, 2021 and March 31, 2022, the Office of the Ombudsman received **25,161** cases (complaints and inquiries). Some 40% of these were resolved within one week, and 52% within two weeks.

Under the *Ombudsman Act*, the Ombudsman's jurisdiction does not include: Provincial politicians, decisions of judges or courts, patient care at hospitals and long-term care facilities, professional associations (e.g., doctors, lawyers, teachers), or police. The Ombudsman has no jurisdiction over federal government or private sector organizations. However, we can take complaints about French language services provided by certain hospitals, long-term care homes and other bodies specified in the regulations to the *French Language Services Act*.

## Role of the French Language Services Commissioner

Ontario's *French Language Services Act* has been in effect since 1989, ensuring the linguistic rights of Franco-Ontarians through the delivery of provincial government services in French at head or central government offices and in designated areas throughout the province.

The role of French Language Services Commissioner was established in 2007 to ensure compliance with the Act, by reviewing complaints from the public, conducting investigations and making recommendations to improve the delivery of government services in French.

Under the *French Language Services Act*, the Commissioner can review complaints about the offer of services in French by or on behalf of government agencies and institutions of the Legislature. These include ministries, boards, commissions and corporations that have a majority of members and directors appointed by the Lieutenant-Governor in council, as well as agencies designated in O. Reg. 398/93. The regulation specifies more than 250 hospitals, long-term care facilities, daycares, universities, and other public sector or non-profit entities.

As part of our Office, the Commissioner is completely independent of government, political parties, individual complainants and interest groups. The Commissioner has the power to investigate on her own initiative – that is, without a complaint – and to make recommendations to improve the delivery of French language services. These recommendations are based on evidence gathered through the assessment of complaints and interaction with individuals, government agencies, and officials as well as an analysis of relevant legislation.



**October 25, 2022:** Commissioner Burke and French Language Services Unit Director of Operations Carl Bouchard, with members of their team. The Unit is supported by the Ombudsman's Legal Services, Communications, Finance and IT and Human Resources teams.

The Commissioner leads the French Language Services Unit, a team of Early Resolution Officers and Investigators that is supported by the Ombudsman's Legal Services, Communications, Finance and Information Technology, and Human Resources teams.

The Commissioner and the Director of Operations, French Language Services Unit, are members of the Ombudsman's Executive Management Team.

## What we do

Beyond the Commissioner's principal focus on answering questions from our stakeholders and informing Franco-Ontarians about their rights, her work involves four areas in particular:

- Building productive and appropriate relationships;
- Being proactive through education and by disseminating information;
- Managing cases; and
- Conducting investigations.

## The importance of cases

The cases – complaints and inquiries – we receive allow us to:

- Inform Franco-Ontarians of their rights;
- Explain the role of the Commissioner, the French Language Services Unit, and the Ombudsman;
- Gain a unique perspective on the state of French language services in Ontario by engaging directly with individuals on the challenges they face in accessing these services;
- Identify systemic issues that warrant investigation;
- Gather and impartially assess evidence of the impact on Francophones of lapses or gaps in French language services, upon which credible recommendations for corrective action can be founded;
- Proactively demonstrate to the government the gaps in French language services, and build on the relationship of trust between the government and the Office of the Ombudsman;

- Demonstrate concrete results that benefit Franco-Ontarians;
- Promote equity in language rights; and
- Contribute to the improvement of the provision of French language services.

Since we operate as an independent and impartial institution, we have a special relationship with the people of Ontario. The complaints we receive allow us to hear directly from those who feel their rights are not being respected or who believe they are being treated unfairly by the government. By listening to complainants and making inquiries with public sector organizations, we have a unique perspective that allows us to assess whether services are well-matched to needs, and to make recommendations to remedy service gaps where necessary.

Our role is to improve governance by promoting fairness and respect for the rights of Ontarians. We welcome complaints from people who feel their rights have been ignored. We seek to fully understand each case, identify the facts, and measure the impact of the lack of French language services on the lives of complainants.

Our procedures and strategies for dealing with complaints are adapted to each individual case and are aimed at a quick and efficient resolution for those who are directly affected, according to our principles of early resolution. We resolve the majority of cases in this preventive fashion, and formal investigations are the exception, not the norm. This complaint handling process is based on best practices for which ombudsman offices are internationally recognized.

When we receive a complaint, we obtain the complainant's consent to communicate with the parties involved – i.e., the government, its agencies or third parties. We conduct our analysis and work to find a resolution. Our goal is to resolve complaints as quickly as possible with the people who are directly affected.

Occasionally, when cases can be handled quickly and efficiently by the organizations involved, we refer complainants to them. We are an office of last resort, but this does not mean that people cannot contact us directly regarding a lack of services in French.

Before making a referral, however, we ensure that the organization in question has a complaint mechanism and a French-speaking contact person to guide complainants. Even in cases where the complaint lies outside our jurisdiction, we still try to identify resources that complainants can use in their attempt to obtain service in French.

The concept of last resort allows us to call on the organizations involved in cases to be accountable, and to ensure that they can address issues and, if warranted, resolve them efficiently.

But we remain vigilant. Complainants who are not satisfied with the response they received can return to us for assistance. We are here to help and to seek a resolution when reasonable, by applying our legislation and the principles of fairness.

## **Proactive work**

Our role involves showing leadership in several areas. We work proactively to promote and protect rights; we educate and liaise; we resolve complaints; we investigate, we inform the government of our findings, we make recommendations, we monitor and report.

We are not content to wait for issues to come to our attention through complaints or news. By virtue of our ongoing interactions with key stakeholders, our one-on-one conversations with members of the Franco-Ontarian community, and our engagement with government and various agencies and organizations, we can often resolve issues long before they lead to complaints. It is also important to note that the Commissioner, like the Ombudsman, has the power to investigate a matter on her own initiative, without receiving a complaint.

We also build productive and appropriate relationships with the government, its agencies, third parties, Ontario's Francophone community and all those who have an interest in French language services across the province.

The Commissioner not only meets with and listens to Franco-Ontarians and many Francophone associations across the province, she also communicates regularly with the Minister of Francophone Affairs, the Premier, and the leaders of all opposition parties, as well as other elected officials.



**September 8, 2022:** Members of the International Association of Language Commissioners (IALC), including French Language Services Commissioner Kelly Burke (centre), with Canada's Official Languages Commissioner and outgoing IALC president Raymond Th  berge on her right, Bilbao, Spain.

She also meets regularly with her counterparts across the country and around the world, such as the members of the International Association of Language Commissioners (IALC), of which she is an executive member. In September 2022, she participated in the IALC's first in-person conference since our Office hosted it in 2019. At the event in Bilbao, Spain, Commissioner Burke and other IALC members discussed a variety of topics, including the impact of the COVID-19 pandemic on linguistic rights, and the role of a language commissioner within an ombudsman office.

## Communications and outreach

Raising awareness of our services within the Franco-Ontarian community, sharing our results and explaining our work continue to be priorities for us. In 2021-2022, we pursued these communications and outreach activities in a number of new ways.

### Face-to-face with Francophones again at last

As she has done since her appointment in January 2020, the Commissioner held regular exchanges with government officials in 2021-2022 (**54** meetings during the period covered by this report). She also had **51** virtual meetings with her international and Canadian counterparts. As well, the Commissioner met with **49** Francophone stakeholder and community groups.

Between October 1, 2021 and September 30, 2022, the Commissioner participated in more than **20** events organized by Francophone organizations. Eight of these were in person, and she delivered speeches at six of these. She also recorded five videos for stakeholder events, in which she thanked groups for their work in support of the community.

The Commissioner was also on hand at the opening of seven annual general meetings of Francophone organizations (both in-person and virtual) in September 2022. The objective was to introduce herself and our Office to the members of these groups and recognize their work in their respective areas – including with immigrant women, seniors and entrepreneurs, and the business and health care sectors.

Also in September, the Commissioner participated in flag-raising ceremonies for Franco-Ontarian Day at the Legislative Assembly at Queen’s Park in Toronto, accompanied by Ombudsman Paul Dubé and our French Language Services Unit staff, as well as provincial government and Opposition members, and l’Assemblée de la francophonie de l’Ontario, which organized the event. As well, the Commissioner spoke at the Franco-Ontarian flag-raising ceremony in Sarnia – an historic occasion marking the first celebration of its kind since the region was designated under the *French Language Services Act*.

She also travelled to Penetanguishene and Ottawa to speak at community networking events.

## Hearing from Francophone organizations

In September and October 2022, the Commissioner conducted a series of virtual roundtable meetings across the province (in the northern, central, eastern and southwestern regions, and at the provincewide level). Each roundtable gathered the senior leadership of Francophone organizations in these areas, with the aim of sharing our work and our results, and explaining how we handle cases. As well, they allowed the Commissioner to hear the main concerns of these groups and the issues that they and their members face with regard to French language services.

## Find us in your local paper and online

Shortly after the Commissioner released her 2020-2021 Annual Report, we reached out to several Francophone organizations, which informed their membership about our work via their electronic newsletters in early 2022.

We also placed a series of public notices (print and digital) in news and community publications across the province, to raise awareness of our work. This awareness campaign took place from February to April 2022. It reached more than **435,000** readers, more than **500** of whom visited our website in search of more information about our work and how we improve services in French throughout Ontario.

## Print materials available

Our Office provides, free of charge, printed copies of the Commissioner's reports and brochures (and those of the Ombudsman) upon request. Along with the latest version of our brochure or mini-poster, in 2022 we created a printed version of the French Language Services Commissioner's Compass (FLSC Compass) – unveiled in the Commissioner's Annual Report last year. This bilingual tool is a handy reference for the four main criteria to evaluate services in French – **F**airness, **L**ogistics, **S**ervice and **C**ommunication.

“This tool is clear, simple and can be used by everyone to assess Ontario's 'linguistic health' with regard to the government's delivery of services in French.”

- Message from the public

Copies of these documents can be requested via our website.

## News and social media

The Commissioner and the French Language Services Unit continue to engage with the public via traditional news outlets and through our Office's social media accounts. During the period covered by this report, the Commissioner gave 11 interviews to French-language media (newspapers, radio and television).

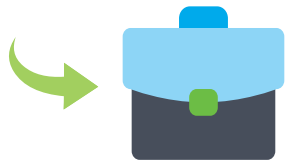
We shared these interviews and other news stories about our work, as well as the Commissioner's news conferences, case summaries and statements by the Commissioner on our Office's Facebook, Twitter, YouTube and LinkedIn accounts. Each month, we also share news about the FLS Unit in the Ombudsman's e-newsletter, “The Watchdog” (subscribe via [www.ombudsman.on.ca](http://www.ombudsman.on.ca)).



Examples of our reports, brochures, videos and our recent public awareness campaign in Francophone media. All of our resources are available on our website.



# 2021-2022 HIGHLIGHTS



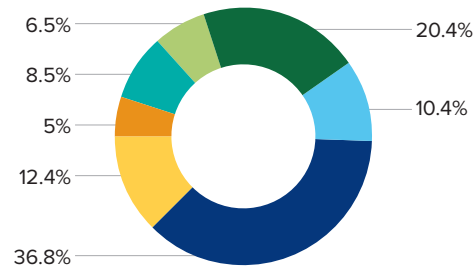
**277**  
cases

## Complaints and inquiries received

October 1, 2021 – September 30, 2022

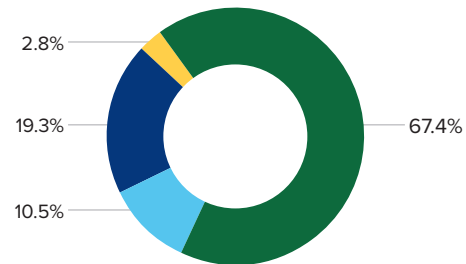
### Types of cases received

- WRITTEN COMMUNICATIONS
- ONLINE SERVICES
- IN-PERSON SERVICES
- TELEPHONE SERVICES
- SOCIAL MEDIA
- SIGNAGE
- OTHER



### Disposition of closed cases

- ORGANIZATIONS SUBJECT TO THE *FRENCH LANGUAGE SERVICES ACT (FLSA)\**
- FEDERAL, PRIVATE, OUTSIDE ONTARIO
- PROVINCIAL PUBLIC SECTOR NOT SUBJECT TO THE *FLSA\*\**
- INFORMATION SUBMISSIONS

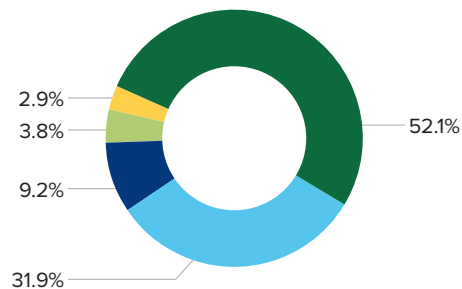


\*Complaints and inquiries regarding Ontario ministries, third parties and agencies designated under the *French Language Services Act (FLSA)*.

\*\*E.g., municipalities, school boards and agencies not designated under the *FLSA*.

### Disposition of cases closed under the *French Language Services Act (FLSA)*

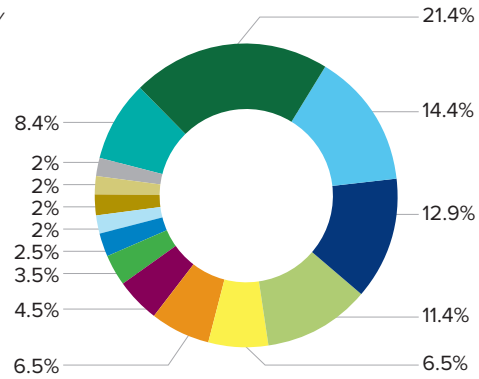
- RESOLVED WITH OUR OFFICE'S INTERVENTION
- INQUIRIES MADE OR REFERRAL GIVEN
- CLOSED AFTER OUR OFFICE'S REVIEW
- WITHDRAWN BY COMPLAINANT
- RESOLVED WITHOUT OUR OFFICE'S INTERVENTION



# 2021-2022 HIGHLIGHTS

## Top organizations (subject to the *FLSA*) by case volume

- MINISTRY OF PUBLIC AND BUSINESS SERVICE DELIVERY
- MINISTRY OF THE ATTORNEY GENERAL
- MINISTRY OF HEALTH
- MINISTRY OF TRANSPORTATION
- ELECTIONS ONTARIO
- DESIGNATED AGENCIES – HOSPITALS
- INSTITUTIONS OF THE LEGISLATURE – OTHER
- MINISTRY OF LABOUR, IMMIGRATION, TRAINING AND SKILLS DEVELOPMENT
- MINISTRY OF THE SOLICITOR GENERAL
- MINISTRY OF NATURAL RESOURCES AND FORESTRY
- MINISTRY OF FINANCE
- MINISTRY OF TOURISM, CULTURE AND SPORT
- MINISTRY OF CHILDREN, COMMUNITY AND SOCIAL SERVICES
- OTHER\*



\*See the **Appendix** of this report for a breakdown of these cases.

## Communications and outreach

Events attended

23



Meetings with Canadian and international counterparts and organizations

51



49

Meetings and discussions with Franco-Ontarian stakeholders and community organizations



54

Meetings and discussions with government ministers, deputy ministers, MPPs, judges, other ombudsmen and officers of the Legislative Assembly

Videos, statements and signed social media messages

32



Media interviews

11

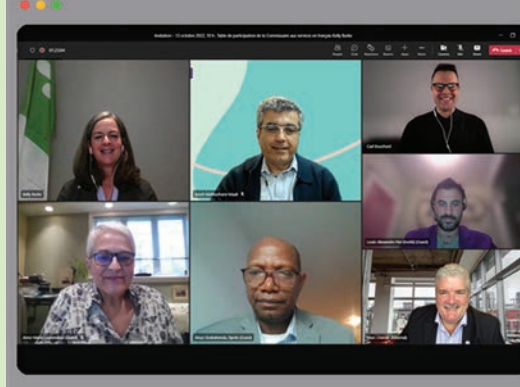
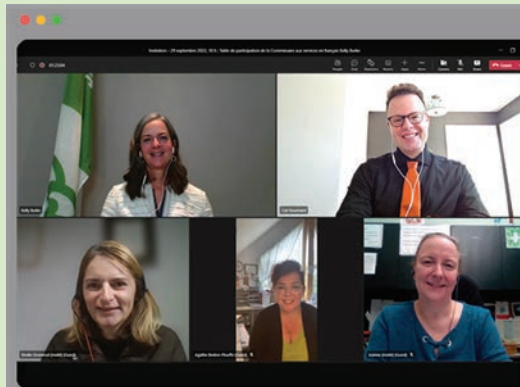


# 2021-2022 AT A GLANCE



**1.** September 19, 2022: Kelly Burke and Florence Ngenzebuhoro, executive director of the Centre francophone du Grand Toronto, at the centre's annual general meeting, Toronto. **2.** September 22, 2022: Commissioner Burke and Carl Bouchard, French Language Services Unit Director of Operations, with directors of the Clé de la Baie at the association's annual general meeting, Penetanguishene. **3.** September 23, 2022: Ombudsman Paul Dubé (right) and Commissioner Kelly Burke attend the Franco-Ontarian Day flag-raising alongside staff from our Office, at Queen's Park, Toronto. **4.** September 22, 2022: Kelly Burke (right) and Carol Jolin (left), then president of the Assemblée de la francophonie de l'Ontario (AFO), at AFO's "Day of reflection on health care in French" event, Toronto. **5.** September 27, 2022: Kelly Burke with Denis Laframboise (left), president of the Société économique de l'Ontario (SÉO), and Patrick Cloutier, executive director, at an SÉO networking event, Ottawa.

# 2021-2022 AT A GLANCE



**6.** October 15, 2022: Our staff greet visitors to our Office's booth at the annual "Franco-Foire" organized by the Association canadienne-française de l'Ontario, Conseil régional des Mille-Îles, Kingston. **7.** September 25, 2022: From left to right, French Language Services Unit Director of Operations Carl Bouchard, Sarnia Mayor Mike Bradley, and Commissioner Burke, at Franco-Ontarian Day celebrations at the Centre communautaire francophone de Sarnia-Lambton, Sarnia. **8.** June 10, 2022: French Language Services Commissioner Kelly Burke speaks to participants at the 42nd annual conference of the Association des juristes d'expression française de l'Ontario, Toronto. **9.** September 7, 2022: Commissioner Burke speaks to fellow delegates at the seventh conference of the International Association of Language Commissioners, Bilbao, Spain. **10.** September-October 2022: The Commissioner hosts virtual roundtable discussions with stakeholder groups representing Franco-Ontarians in the north, centre, east and southwest regions of the province. *A full list of the Commissioner's key outreach activities can be found in the **Appendix** to this report.*

## Summary

During this period dominated by a gradual lifting of COVID-19 pandemic-related public health measures and a return to the workplace, our Office continued to focus on French language services issues raised by the public.

This period also saw the publication of the Commissioner's second Annual Report, in December 2021, in which she recommended that government services provided in French be evaluated using a tool developed by our Office, the FLSC Compass.

In March 2022, the Commissioner released her first investigation report. This report examined the cuts to French-language programs by Laurentian University, in the wake of numerous complaints.

In total, the French Language Services Unit received **277** cases (complaints and inquiries) between October 1, 2021, and September 30, 2022.

For organizations subject to the *French Language Services Act*, the cases we handled can be grouped as follows:

### **Ministry of Public and Business Service Delivery (21.4%):**

- Four out of five cases were related to ServiceOntario
- Three out of four ServiceOntario cases were related to in-person services

### **Ministry of the Attorney General (14.4%):**

- Almost two-thirds of cases were related to Tribunals Ontario
- Half of the cases at Tribunals Ontario (including the Landlord and Tenant Board and the Human Rights Tribunal of Ontario) were related to in-person services

### **Ministry of Health (12.9%) – excluding designated hospitals:**

- Half of the cases were related to Ontario Health

### **Ministry of Transportation (11.4%):**

- Nearly one-third of cases were related to Metrolinx
- Nearly one-third of cases were related to highway signs
- Nearly one-third of cases were related to driver's licences, including tests

## Second Annual Report of the French Language Services Commissioner

Commissioner Burke released her second Annual Report in December 2021, for October 1, 2020, to September 30, 2021, a period still dominated by the COVID-19 pandemic. This report focused on issues related to the provision of important health information in French, government communications and direct services that continued to be major sources of frustration for Franco-Ontarians. The cases presented in this report demonstrated that the ability to meet the specific needs of Francophones depends on both adequate planning and government goodwill. The Commissioner reported a 15% increase in cases from her previous reporting period.

To help the government implement her 2020-2021 recommendation for more robust French language services planning, the Commissioner introduced a new tool developed by the French Language Services Unit, called the French Language Services Commissioner's Compass (FLSC Compass). This compass evaluates French language services according to four criteria: **F**airness, **L**ogistics, **S**atisfaction and **C**ommunication.

The Commissioner recommended that the government use this tool to conduct a self-assessment and develop appropriate performance measures for its French language services reporting. The purpose of this recommendation is to assist government agencies in fulfilling their obligations under the *FLSA* so that Francophones have a positive experience when they use government services in French. This tool is to be used to obtain evidence indicating where the government's planning is meeting its objectives, and where it needs to be improved in order to provide services in French that are equivalent to those provided in English to the general population, without delay.



**December 7, 2021:** Commissioner Burke with the “FLSC Compass” featured on the cover of her 2020-2021 Annual Report, at the Legislative Assembly.

In addition to recommending that government agencies use this compass, the Commissioner created a series of videos explaining how this tool works, based on real cases we resolved.

To date, all recommendations made by the Commissioner have been well received by the government.

“I want to thank the Commissioner for her work. Her commitment to communicating with our government shows that these services are indeed being provided. Our government has been able to respond to all these recommendations. We will continue to work with all ministries to ensure the provision of French language services. [Translation]”

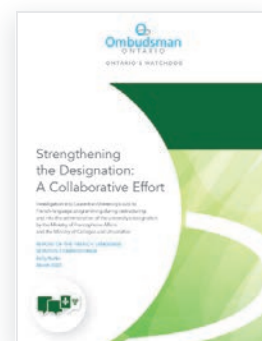
- Caroline Mulroney, Minister of Francophone Affairs, during question period at Queen's Park, December 7, 2021

In December 2021, the province took steps to modernize the *French Language Services Act*. The Commissioner welcomed the proposal, among other things, to hold ministers accountable regarding the application of the Act and the quality of French language services, and to provide for reporting to the Executive Council.

## Investigation report: Cuts to French-language programs by Laurentian University

In June 2021, the Commissioner launched an investigation into Laurentian University's cuts to French-language programs during its financial restructuring, and into the administration of the university's designation by the Ministry of Francophone Affairs and the Ministry of Colleges and Universities. This investigation was prompted by **60** complaints about the cuts, some of which came from students who could no longer pursue or complete their chosen program of study in French.

The purpose of the investigation was to determine whether the university, as well as the two ministries, fulfilled their obligations under the *French Language Services Act (FLSA)*, in light of the university's designation under that Act.





The Commissioner's report, *Strengthening the Designation: A Collaborative Effort*, released in March 2022, concluded that Laurentian University failed to meet its obligations as a designated organization under the *FLSA*, by eliminating all programs leading to two designated master's degrees. The Ministry of Francophone Affairs also failed to fulfill its role as the ministry responsible for the administration of the Act. Furthermore, the Ministry of Colleges and Universities failed to fulfill its role as the sponsoring ministry in the application of the *FLSA*.

The Commissioner made 19 recommendations to address the issues and improve the provision of French language services under the *FLSA*. Laurentian University and both ministries agreed to implement all of the recommendations addressed to them and committed to reporting on their progress to the Commissioner every six months.

In September 2022, all three organizations informed us of their progress in implementing these recommendations. For example:

- The Ministry of Colleges and Universities is developing an internal policy that will strengthen the role of French Language Services coordinator;
- The Ministry of Francophone Affairs is updating the assessment policy to ensure that compliance assessments of all designated organizations are completed proactively; and
- The Ministry of Francophone Affairs is working on a compliance protocol for situations where the government becomes aware that an organization is not in compliance with its designation.
- Laurentian University continues to work with the Ministry of Francophone Affairs to submit compliance reports. The university will go through an internal consultation process before making any changes that may impact its designation under Regulation 398/93. This process will also involve the Ministry of Colleges and Universities and the Ministry of Francophone Affairs.

We acknowledge the efforts made by the ministries and the university to respond to the Commissioner's recommendations and we continue to monitor their progress in implementing them.

## Update on recommendations – 2019-2020 and 2020-2021 Annual Reports

Under the *French Language Services Act*, the Commissioner must present annual recommendations for improving the delivery of French language services in Ontario. In 2019-2020, the Commissioner made eight recommendations to the government related to planning the delivery of French language services. In her 2020-2021 report, she made one recommendation, that the government use the FLSC Compass to evaluate the quality of its French language services. (All recommendations are listed in the **Appendix** of this report.)

As of September 30, 2022, the government had implemented two of these recommendations.

➤ **RECOMMENDATION 3 (2019-2020):** That the Ministry of the Solicitor General and the Ontario Provincial Police continue their efforts to guarantee an equivalent offer of services in French, and without delay, when issuing emergency alerts.

In accordance with the Commissioner's recommendations, the Ministry of the Solicitor General implemented the following measures in July 2021 to ensure that Amber Alerts are issued in both languages:

- The Ontario Provincial Police (OPP) worked with the Royal Canadian Mounted Police and the Sûreté du Québec to add pre-translated fields to the Amber Alert form, which eliminated the need for extensive translation;
- In November 2021, the OPP completed the modifications to the Amber Alert submission form and the integration of French translation software, thus eliminating the need for time-consuming translations and enabling simultaneous issuance of Amber Alerts in English and French; and
- The OPP also designated five of its members with superior writing skills in French to serve as back-up in case the automated system is not available.

➤ **RECOMMENDATION 8 (2019-2020):** That, as part of her obligation under the *French Language Services Act* to submit an annual report on the activities of the Ministry of Francophone Affairs to the Lieutenant Governor in Council and to the Legislative Assembly, the Minister of Francophone Affairs report annually, beginning April 1, 2022, on the plans tabled by Deputy Ministers and their implementation.

In April 2022, the Minister of Francophone Affairs tabled, in the Legislative Assembly, the first annual report on the activities of her ministry. However, her report did not contain information regarding the French language services plans to be developed by the ministries.

We will continue to monitor the government's progress in responding to the Commissioner's recommendations and to reiterate the importance for each ministry to develop a French language services plan to be presented to the Executive Council. Nonetheless, the Commissioner feels optimistic about the future. In a communication to the Commissioner in November 2022, the Minister of Francophone Affairs wrote:

“Like the French Language Services Commissioner, my priority objective is to deploy the necessary means for the continuous improvement of French language services and to ensure that the provision of these services is subject to rigorous planning. By putting forward the strategy for French language services, our government is demonstrating its determination to support seamless access to quality services and thus meet the needs of Francophones in the field.

“The modernization of the *French Language Services Act* reflects this commitment and sets the stage for the structural changes needed to ensure that services are offered in real time.

“The modernized Act responds in many respects to the Commissioner's recommendations to date and demonstrates that our government is prepared to take the necessary steps to ensure the delivery of quality French language services for generations to come and thereby strengthen the vitality of our Francophone communities. [Translation]”

- Letter to Commissioner Kelly Burke from Caroline Mulroney, Minister of Francophone Affairs, November 3, 2022

**The following sections of this report summarize the trends shown in the cases we reviewed, along with numerous examples.**

*Note: To protect the confidentiality of complainants, we anonymize case summaries. Identifying details, including gender, may be deleted or modified.*

## Trends in cases: Communications

Cases related to communications represent **44.3%** of all cases received by the French Language Services Unit from October 1, 2021, to September 30, 2022. Francophones informed our Office of many issues about written communications (e.g., reports, notices, forms, etc.) involving several government agencies and institutions of the Legislature.

### Social media and electronic communications

Social media tools are now part of our daily lives. They are used by government to communicate directly with the public as part of communication strategies. Under the *French Language Services Act*, everyone has the right to communicate in French with the head or central office of a government agency or an institution of the Legislature, and to receive services from them in French.

In March 2022, the Government of Ontario developed social media guidelines for the Ontario Public Service to educate staff on how to use social media appropriately to ensure compliance with current government legislation. According to these guidelines, government social media accounts should comply with all obligations under the *French Language Services Act*, by providing all content and creative elements in both English and French.

This year, we examined several cases related to social media. Here are some examples:

#### *French connections*

A person complained that some LinkedIn accounts of the Ontario government and its agencies, including those of the Ministry of Transportation and Ontario Health, showed a unilingual English logo and title. We contacted the Cabinet Office, which completed a ministry-wide audit to ensure that all accounts comply with the requirements of the *French Language Services Act*.

In another case, a man complained that Cancer Care Ontario's promotional messages on LinkedIn about virtual access to health care appeared in English only. We raised the issue with Ontario Health, the agency responsible for Cancer Care Ontario, which acknowledged that its promotional messages on LinkedIn were only available in English. As a result of this complaint and discussions with our Office, Cancer Care Ontario started to create and publish bilingual messages on LinkedIn.

### *Transit news, now bilingual*

A man informed us that although he had chosen to receive the Metrolinx e-newsletter about the Ontario Line in French, it was still being emailed to him in English every week. Through our discussions with Metrolinx, a government agency under the Ministry of Transportation, we found out that the e-newsletter had been available in English since February 2020, but had never been translated into French. As a result of our intervention, the e-newsletter about the Ontario Line is now published in French every week. Metrolinx also hired an additional bilingual co-ordinator to ensure that the content of the newsletter is translated and reviewed weekly. We also worked with Metrolinx to ensure that all hyperlinks in the French newsletter are connected to French content.

### *Without subtitles*

A woman informed us that French subtitles had disappeared from the videos on the Ministry of Labour, Immigration, Training and Skills Development's Facebook page entitled "Lieux de travail de l'Ontario [Ontario At Work]." Although this page is in French, the majority of the videos are in English and previously included French subtitles.

We contacted the ministry and were informed that the subtitles had been replaced with captions compatible with new accessibility guidelines. The subtitles on the video no longer appeared automatically, forcing Francophones to tweak Facebook's settings to access the features reserved for people with accessibility needs.

Following our intervention, the Ministry reinstated automatic French subtitles on its Facebook page.

## Unilingual job postings

In her 2019-2020 Annual Report, the Commissioner recommended that each ministry submit a French language services plan to the Executive Council. These should address planning for the human resources required to provide French language services at all levels.

In her 2020-2021 Annual Report, the Commissioner noted that access to a French-speaking workforce must remain a priority in order to provide French language services equivalent to services offered in English to the general public, and without delay.

The cases we handled demonstrated that Francophones have limited access to information on positions available within government agencies and institutions of the Legislature. The government informed us that it only translates postings for designated bilingual positions.

For example:

### *“Help wanted” in both languages*

A man filed a complaint about Ontario Health’s job postings. The link for applications transferred job seekers to a third-party site. That site and the job postings on it were in English only. A message at the end of each job description indicated that the French version would be available shortly. No such description was ever posted.

Ontario Health informed us that this was due to a technical posting issue and committed to improving the process. Each position posted in the future will be assessed, and it will be determined on a case-by-case basis if the position requires French language skills. Requirements will be based on the obligations related to the *French Language Services Act* and the obligations of the organization. If a need is identified, the position will be posted in both languages.

This practice is consistent with the Ontario Public Service’s hiring policy and its practical guide for managers for staffing designated bilingual positions, which states that these job advertisements and the position descriptions are to be published in English and French on the OPS Careers website and/or another outreach/sourcing site.

By posting only designated bilingual positions in French, the government does not communicate all of its employment opportunities to Francophones. At the same time, the government is seeking to increase human resources capacity with French language skills. In November 2021, the Ministry of Francophone Affairs launched Ontario's French Language Services Strategy "with a focus on increasing Francophone and bilingual workforce capacity and leveraging effective and innovative service delivery models to expand access to French language services."

The government's strategy includes modernizing the *French Language Services Act* and related supports, increasing access to the Francophone and bilingual workforce in key sectors, and increasing access to French language services and new service delivery models.

The government's strategy identifies relevant areas of action for the provision of services in French:

- Training and recruitment;
- Creating Francophone immigration corridors and professional certification recognition;
- Leveraging existing community-based service delivery models; and
- Implementing innovative digital-based delivery models.

In order to attract more Francophones and professionals with French language skills to ministries and their agencies, the Commissioner makes the following recommendation:

**➤ RECOMMENDATION 1:** That the Treasury Board Secretariat review the Ontario Public Service employment policy to ensure that job postings in French are not limited to designated bilingual positions.

## Gender identity: Towards a more inclusive world

The French language is evolving. The government of Ontario has developed bilingual resources on inclusive language, which address issues of gender in French. Within these resources, the Ontario government provides this explanation:

“For a long time, gender has been seen as a binary model, male-female. However, many people in Ontario consider themselves non-binary: they do not identify as male or female, others feel they are both, neither, or fall somewhere on the gender spectrum.

“As the concept of gender evolves in our society, the Ontario government must adapt to these changing realities, both in terms of policy and language, to better address gender diversity.”

This year, we dealt with cases of French speakers who wished to express their identity freely and who encountered administrative obstacles that we helped to resolve. Here is an example:

### *Entitled to inclusion*

We were contacted by a Francophone mother whose child identifies as female – which represented a change from the gender assigned to the child at birth. The child wanted a name change so that legal documents would reflect her identity.

The child began the name change process with the Office of the Registrar General. The mother and daughter completed the forms in French together and gathered all the required documents to submit an application.

One of the required documents was a letter from a person who has known the child for at least 12 months, and who is a member of an eligible professional group. The child’s school provided a letter signed by a person with the gender-neutral (school board approved) French title of “Direction” (equivalent to Director or Principal in English).

The Office of the Registrar General refused the child’s application, explaining that “Direction” did not meet its requirements for a sponsor’s profession; only the masculine (“Directeur”) or feminine (“Directrice”) versions were acceptable.



We contacted the Office of the Registrar General, which re-evaluated the entire application on an emergency basis, and accepted the term “Direction.” The application was eventually approved and the Office issued a new certificate to the child, reflecting her name change. In addition to adding the gender-neutral title “Direction” to its list of accepted French titles, the Office committed to reviewing this list to reflect the use of inclusive language.

## Trends in cases: In-person and telephone services

The cases we handled about in-person and telephone services accounted for **49.2%** of the total cases we received between October 1, 2021, and September 30, 2022.

Here are three examples of cases we handled:

### *Help is en route*

A Francophone man who wanted some information about renewing his licence plate contacted our Office because he was unable to obtain service in French from a ServiceOntario office in a designated area. We raised the issue with the Ministry of Public and Business Service Delivery, which ensured that the ServiceOntario office hired additional bilingual staff. As a result of our intervention, the Ministry hired two bilingual employees at this location to provide services in French over the phone and in person at all times.

### *Please try again later*

We received a complaint from a Francophone who contacted the Ministry of Finance regarding provincial property taxes in an unorganized territory in Northern Ontario. He said he had to wait on the phone for about an hour before he could reach a bilingual agent. After this call, the man tried to call back in English and got an answer within a few minutes. We raised the issue with the Ministry of Finance, and they explained that the long wait for services in French was caused by an employee who had not properly disconnected from the phone system. The employee was reminded of the procedures to follow. The Ministry also committed to hiring a second full-time bilingual agent.

### *Skills in French required*

A crane operator attempted to contact Skilled Trades Ontario (STO) to request an explanation regarding an invoice and was unable to obtain services in French. We contacted STO to raise the issue. As a result of our intervention, the telephone system was modified to ensure that clients requesting services in French are only directed to bilingual operators. Additional bilingual agents were assigned to receive calls.

## **A confusing designation: Updating Ontario Regulation 398/93**

In her 2019-2020 report, the Commissioner indicated that Regulation 398/93, which lists organizations designated to provide French language services, was not up to date. Erroneous information is often communicated to the public, making it difficult, and in some cases impossible, to assess the French language services obligations of designated organizations.

We dealt with many cases where Ontario Regulation 398/93 should have guided us, but instead left us with more questions than answers.

For example, a Francophone woman who works for an organization responsible for planning French-language health services told us she could not use Regulation 398/93 in her work. She is required to provide information on French-speaking health care providers in her area and needed to consult the regulation to indicate which providers have obligations under the *French Language Services Act*.

She noted that many of the government agencies listed in the regulation no longer exist, have changed their names or have transferred some of their designated services. She felt that this misinformation was confusing for agencies, which no longer know whether they are designated or not, and for Francophones who do not know where they can obtain services in French. She told us she has to rely on other sources of information and to do her own research to determine where French language services are offered.

We conducted an informal review of a sampling of designated agencies listed in Regulation 398/93 and found many inconsistencies.

For example:

- Under Regulation 398/93, the **Timmins and District Hospital** is a partially designated agency for certain services provided at St. Mary's General Hospital and Porcupine General Hospital.

But in fact, St. Mary's General Hospital and Porcupine General Hospital have not existed since 1996. In April 1996, the hospitals were amalgamated and all services are now offered by the Timmins and District Hospital at one site.

- Under Regulation 398/93, **The Religious Hospitallers of St. Joseph** of Cornwall is partially designated for programs and services offered by the Hotel Dieu Hospital, among others.

But in fact, the Hotel Dieu Hospital and the Cornwall General Hospital merged in 2004 to form the Cornwall Community Hospital.

- Under Regulation 398/93, the **Laurentian Hospital** in Sudbury has a full designation.

But in fact, the Laurentian Hospital merged with two other hospitals (Sudbury General and Sudbury Memorial) in 2010 to become Health Sciences North of Sudbury. The former hospital is now on the Ramsey Lake Health Centre campus of Health Sciences North.

- Under Regulation 398/93, the **Ottawa General Hospital** is fully designated and the Ottawa Civic Hospital Corporation has a partial designation.

But in fact, these two institutions no longer exist. Since 1998, they have been amalgamated as The Ottawa Hospital.

This lack of rigorous accuracy in information provided to the public is an obstacle to accessing services in French in several sectors, including health, child care, education, social and community services and long-term care.



Since the Ministry of Francophone Affairs is responsible for the administration of Regulation 398/93, the Commissioner makes the following recommendation:

➤ **RECOMMENDATION 2:** That, by September 30, 2023, the Ministry of Francophone Affairs develop a plan, addressed to the Commissioner, to update Regulation 398/93.

## Trends in cases – Health care sector

As we have seen throughout the COVID-19 pandemic, the health sector continues to be the source of a significant number of complaints and inquiries, accounting for one in five cases about organizations subject to the *French Language Services Act*. Health services affect people in their private lives, in their most vulnerable moments.

On July 11 of this year, the *Canadian Medical Association Journal* published a study by 11 researchers on language concordance between patients and their physicians and its impact on quality of care and patient safety.

The study found that:

“Patients who received most of their care from physicians who spoke the patients’ primary language had better in-hospital outcomes, suggesting that disparities across linguistic groups could be mitigated by providing patients with language-concordant care.

“Francophones who received language-concordant care were significantly less likely to have a harmful hospital admission or die in hospital [...] than Francophones who received language-discordant care. Furthermore, the average length of stay in hospital was 7% shorter for Francophones who received language-concordant care.”

Receiving health care in one’s own language can therefore be a matter of life and death in some cases. The Commissioner believes that quality of health

care and language cannot be separated. They go hand in hand. This is a crucial sector where the government must focus its efforts to remove barriers to accessing services in French.

We handled many cases related to the health care sector this year. Here are a few examples:

### *Services in French at home*

A woman contacted us because she was unable to obtain home care services in French for her spouse, who had lost the ability to speak English due to health problems. She explained to us that the health care services provided in French through her local Home and Community Care Support Services office were not consistent. She told us that often a bilingual worker would stay on for a year or two, only to be replaced by a unilingual English worker. For more than six months, her spouse did not receive any care services in French.

We raised this issue with the local agency responsible for this man's case. The agency approached the home care service provider to ensure services in French were offered. The woman confirmed that, in the wake of our intervention, her husband was receiving regular home care services in French.

### *Telephone tag*

A woman told us that she wanted to get physiotherapy care for her father. Her phone call was transferred twice before it was answered by a bilingual staff member at her local Home and Community Support Services (HCSS) office. We raised the issue with the regional agency of Ontario Health, which works closely with the HCSS .



**September 22, 2022:** Commissioner Burke speaks at the "day of reflection on health care in French" event organized by the Assemblée de la francophonie de l'Ontario, Toronto.

The agency ensured that HCSS took corrective measures. These measures include a training course for staff on handling calls in French and the addition of questions about French language services to its satisfaction survey. We communicated these measures to the woman, who was pleased with the outcome.

### *Positive result*

A man complained to us about the lack of French language services at a COVID-19 vaccination clinic. The clinic was organized and operated by a hospital partially designated under the *French Language Services Act*. We contacted the facility and they acknowledged that the recruitment and deployment of staff on site did not take service in French into account.

The hospital committed to testing the language proficiency level of on-site staff, providing a list of bilingual staff to clinic management in advance, and sharing instructions on the active offer of services in French and the distribution of bilingual staff throughout the vaccination site.

### *“Please speak in English”*

A man shared with us his family’s experience after their dying mother was admitted to a designated hospital in Northern Ontario.

On several occasions, he and his family were unable to obtain services in French when visiting their mother. They noticed that their mother received very few services in French and even found a note that asked her to **“Please speak in English”**.

Their mother died a few weeks after being admitted to the hospital.

We contacted various members of the hospital’s management. As a result of our intervention, measures were taken to remedy the lack of bilingual reception staff, among other things. An action plan was then developed that included:

- Developing standards for an active offer of services in French, which include identifying the language preference of patients and visitors;

- Assigning designated bilingual nurses when required;
- Implementing support measures to assist non-bilingual staff;
- Distributing documents in the patient's language;
- Reviewing human resources management practices within the department, including evaluating employees' language skills;
- Scheduling bilingual staff;
- Identifying designated bilingual personnel for each shift; and
- Training nursing staff on expectations regarding French language services.

These examples illustrate three key issues:

- The importance of recognizing that the definition of quality of care for Francophones in Ontario must include the ability to provide care in French;
- The importance of planning for health care services in French; and
- The importance of proactively assessing government agencies' compliance with their obligations under the *French Language Services Act*.

The Commissioner continues to reiterate the importance of robust planning for the provision of French language services based on the needs of Francophones, and on the resources available to meet them. She will continue to monitor the government's progress in responding to her recommendation in her 2019-2020 Annual Report that each ministry develop a French language services plan to be presented to the Executive Council.



The family of a hospitalized Francophone woman provided our Office with this photo of the note they say was left by staff at her bedside.

## Health cards – now available with French accents

Until September 2020, Francophones in Ontario could not obtain a driver's licence that correctly displayed their first or last name if it included special French characters (e.g., ç, è, é, ê, ë). Their names were spelled without accents, automatically.

“To me, it's a matter of basic respect [...] We have a right to be called by our name and to have our name properly written on a government identity card [Translation].”

- A Franco-Ontarian quoted by Radio-Canada, November 2019

Over the years, we dealt with several complaints about these cards. For example, a man contacted us about the lack of accents on his daughter's health card. When he went to a medical appointment for her, the secretary pronounced his daughter's name in English. He told us it was confusing, as well as disappointing.

We met on several occasions with staff from the Ministry of Health and the Ministry of Public and Business Service Delivery to inform them of the issues raised by the public with our Office. Our efforts contributed to Ontario finally allowing Francophones to get their first and last names written with accents.

In September 2020, the government made it possible for driver's licences to include French characters. In August 2022, the government extended this option to Ontario health cards. The Minister of Health thanked the Commissioner and the French Language Services Unit for their contribution to this result:

“With the introduction of French accents to health cards on July 11, 2022, Franco-Ontarians will now be able to have their names appropriately reflected on all government identification cards. Our government remains committed to improving access to frontline government services in French to meet the needs of the Franco-Ontarian community. [...] I would like to take this opportunity to recognize your important contribution to the vitality of the Francophone community.”

- Letter to the Commissioner from Sylvia Jones, deputy premier and Minister of Health, August 23, 2022



## Trends in cases: Communications and services of independent officers of the Legislature

Six independent officers report to the Legislative Assembly of Ontario: The Chief Electoral Officer, the Auditor General, the Information and Privacy Commissioner, the Integrity Commissioner, the Financial Accountability Officer, and the Ombudsman. Their reports play an important part in informing Ontarians about issues of public interest related to the government's actions.

Through these officers' public reports, publications and communications, Ontarians can follow issues such as conflicts of interest among elected officials, the proper administration of public funds, and the management of personal information that is shared with the government. These are key issues that tell Ontarians about the quality of public administration, the ability of elected officials to make impartial decisions, and issues regarding personal information and privacy.

The thorough, objective and impartial analyses made by the independent officers of the Legislature, and their findings and recommendations, are crucial for the public. Francophones must have access to this information, without delay, to be as informed as the general population.

More than one out of 10 cases we received this year were related to the provision of French language services by independent officers of the Legislature.

### *The right to vote - in French*

Half of our cases about independent officers were related to Elections Ontario and the June 2022 provincial election. Our review of these cases is still underway. Elections Ontario took a very proactive approach to providing services in French, contacting our French Language Services Unit in the fall of 2020 to discuss their preparation for the election, and to obtain best practices for French language services.

Elections Ontario developed a plan to offer service in French and worked with Francophone organizations to try to recruit enough French-speaking workers to ensure a sustained level of French services during the election. We continue to receive good co-operation from Elections Ontario in handling these cases.

### *Equivalent access to information*

A woman seeking a review as part of her work visited the website of the Information and Privacy Commissioner (IPC). While browsing the site, she noticed that its URL was in English. She also noticed translation omissions. For example, the URL for the contacts page read “Contact us” even though the page itself was called “Pour nous joindre.” It also directed French readers to fill out a “Speaking Engagement Request Form.” The woman said she also visited the IPC’s Twitter and YouTube accounts and noted that all of the Commissioner’s posts and videos were in English only.

As a result of our intervention, the office of the IPC obtained a French address for the French version of its website, and undertook to replace all URLs for French pages with French addresses. The IPC also established a policy to communicate in French in its verbal and written communications, web content, publications, and social media. As well, the office adopted a plan to improve its offer of French language services with simultaneous translation of future webcasts and podcast transcripts.

### *Language integrity*

A man saw a post in French on Twitter from the Office of the Integrity Commissioner of Ontario, indicating that the latest report from the Integrity Commissioner was available, with a link to the report “Re: The Honourable Peter Bethlenfalvy, President of the Treasury Board.” This link took him to the English version of the report, issued under the *Members’ Integrity Act*, regarding a complaint by one MPP against another. The man contacted the Office of the Integrity Commissioner, which confirmed that the document was only available in English. The man also noted that the majority of the reports, issued under the *Members’ Integrity Act*, were posted in English only and that only annual reports were available in French and English.

Given the importance of the issues raised, the Ombudsman and the French Language Services Commissioner met with the Integrity Commissioner to discuss the situation. The meeting was very productive.

Whether or not the *French Language Services Act* applies to reports under the *Members' Integrity Act*, the Integrity Commissioner recognized the importance of the issues raised and committed to issuing future reports, news releases and executive summaries in English and in French simultaneously – as a general rule – because it is the right thing to do, in his view. If the Integrity Commissioner is unable to meet this commitment due to circumstances beyond his control, in a limited number of cases, he will provide an executive summary immediately and a full translation as soon as possible. In addition, he committed to planning for the translation of all reports in the future.

### *Translation audit-y*

A man noticed a post in French on the Office of the Auditor General's Twitter account, announcing the release of its annual report on the environment. A click on the hyperlink took him to the Auditor General's website, and he noticed that only the executive summary of the report was posted on the French site. The full text of the report, as well as the appendices, were only available in English.

We received three other similar complaints about the publication of reports in English by the Auditor General. We raised the issue with the Auditor General, who stated that she generally issues all her reports in both languages simultaneously. She explained that a translation issue had caused a delay and that this issue was resolved. She reiterated her commitment to continue publishing her reports in both languages.

The French Language Services Commissioner thanks the officers of the Legislature for their offer of French language services and their consideration of the *French Language Services Act* in their respective strategic planning exercises.

# CONCLUSION

The French Language Services Commissioner believes that the government demonstrated a strong commitment to French language services by collaborating in the resolution of the cases we handled this year, by implementing several of the recommendations contained in her investigation report on cuts at Laurentian University, and by implementing two of the recommendations she made in her 2019-2020 Annual Report.

The Commissioner will continue to monitor the government's progress in implementing all of her recommendations, in particular the development of French language service plans by the ministries.

The Commissioner is making two new recommendations in this report, focused on improving the delivery of French language services:

➤ **RECOMMENDATION 1:** That the Treasury Board Secretariat review the Ontario Public Service employment policy to ensure that job postings in French are not limited to designated bilingual positions.

➤ **RECOMMENDATION 2:** That, by September 30, 2023, the Ministry of Francophone Affairs develop a plan, addressed to the Commissioner, to update Regulation 398/93.

These two new recommendations are intended to help the government look to the future. The Commissioner will continue to monitor and report on the government's progress in responding to these recommendations.

# APPENDIX

## TOTAL CASES RECEIVED BY THE FRENCH LANGUAGE SERVICES UNIT



# 321

May 1, 2019 to  
March 31, 2020



# 110

April 1, 2020 to  
September 30, 2020



# 351

October 1, 2020 to  
September 30, 2021



# 277

October 1, 2021 to  
September 30, 2022

NOTE: The Ombudsman was given jurisdiction over French language services as of **May 1, 2019**. Cases received during the remaining **11 months** of that fiscal year (through March 31, 2020) were reported in the Ombudsman's 2019-2020 Annual Report.

The French Language Services Commissioner's first Annual Report (2019-2020) reviewed these cases, **as well as those received in the following six months** (from April 1, 2020 to September 30, 2021), reporting on **431 cases received during that 17-month period**.

Beginning with her 2020-2021 report, the Commissioner's annual reports review cases on a **12-month** basis, from **October to September**.

## LIST OF RECOMMENDATIONS, 2019-2022

### 2021-2022

1. That the Treasury Board Secretariat review the Ontario Public Service employment policy to ensure that job postings in French are not limited to designated bilingual positions.
2. That, by September 30, 2023, the Ministry of Francophone Affairs develop a plan, addressed to the Commissioner, to update Regulation 398/93.

### 2020-2021

1. That Ontario government services in French be evaluated using the French Language Services Commissioner's linguistic Compass (FLSC Compass).

### 2019-2020

1. That the government systematically plan to offer services in French at press briefings.
2. That the government ensure that the communication of all public health information be provided in French and English simultaneously.
3. That the Ministry of the Solicitor General and the Ontario Provincial Police continue their efforts to guarantee an equivalent offer of services in French, and without delay, when issuing emergency alerts.
4. That the government plan for the provision of equivalent French language services, without delay, where required by the *French Language Services Act* and its Regulation 284/11 regarding third parties.
5. That the government regularly assess its capacity to offer services in French, particularly for frontline services.
6. That the government ensure that regular updates are provided to staff, particularly frontline staff, on French language services policies and practices.
7. That each Deputy Minister table a plan to the Executive Council that reports annually on the implementation of the *French Language Services Act* and the quality of French language services for the ministry for which they are responsible.
8. That, as part of her obligation under the *French Language Services Act* to submit an annual report on the activities of the Ministry of Francophone Affairs to the Lieutenant Governor in Council and to the Legislative Assembly, the Minister of Francophone Affairs report annually, beginning April 1, 2022, on the plans tabled by Deputy Ministers and their implementation.



## MEETING WITH AND LISTENING TO THE FRANCO-ONTARIAN COMMUNITY



The following is a snapshot of the Commissioner's key outreach activities, both virtual and in person, from October 1, 2021 through September 30, 2022.

**Toronto, October 22, 2021 (virtual)** – Presentation on the protection and promotion of language rights in Ontario to graduate students in Language Policy at York University's Glendon Campus.

**Toronto, November 12, 2021 (virtual)** – Participation in the inauguration of the Université de l'Ontario français, Toronto.

**Toronto, November 22, 2021 (virtual)** – Presentation on French language services to members of the Health Professions Appeal and Review Board during a training session.

**Paris, France, November 25, 2021 (virtual)** – Participation in the Annual General Meeting of the Association des Ombudsmans et des Médiateurs de la Francophonie (international Francophone ombudsman association).

**Ottawa, December 7, 2021** – Radio interview with Michel Picard, Unique-FM.

**Ottawa, December 7, 2021** – Radio interview with Philippe Marcoux, for the program "Sur le vif," Radio-Canada.

**Toronto, December 7, 2021** – Interview with Gabrielle Sabourin, Téléjournal Ontario, Radio-Canada.

**Toronto, December 7, 2021** – Radio interview with Serge Olivier, for the program "Dans la Mosaïque," Radio-Canada.

**Montreal, December 7, 2021** – Radio interview with Mario Dumont, QUB.

**Toronto, February 2, 2022 (virtual)** – Participation in meeting of the Provincial Advisory Committee on Francophone Affairs.

**Ottawa, February 24, 2022 (virtual)** – Participation in an information session provided by Parents partenaires en éducation.

**Toronto, February 26, 2022** – Video message for the 2022 Black History Month Gala organized by the Centre francophone du Grand Toronto.



## MEETING WITH AND LISTENING TO THE FRANCO-ONTARIAN COMMUNITY

**Ottawa, March 1, 2022 (virtual)** – Speech to participants at the opening ceremony of the Institut national de développement professionnel en langue française.

**Toronto, March 21, 2022 (virtual)** – Participation in a panel organized by the Association des juristes d’expression française de l’Ontario and the Ontario Bar Association for International Francophonie Day.

**Toronto, March 25, 2022** – Video message for forum on health services in French in the centre/southwest region, organized by Entité 3.

**Ottawa, March 31, 2022** – Radio interview with Michel Picard, Unique-FM.

**Sudbury, March 31, 2022** – Radio interview with Elsie Miclisse, for the program “Le matin du Nord,” Radio-Canada.

**Ottawa, April 22, 2022 (virtual)** – Participation in the Canadian Bar Association’s symposium for French-speaking common law jurists.

**Toronto, May 28, 2022 (virtual)** – Speech to delegates at the annual conference of the Association franco-ontarienne des conseils scolaires catholiques (French Catholic school boards association).

**Toronto, June 10, 2022** – Speech to delegates at the 42nd annual convention of the Association des juristes d’expression française de l’Ontario.

**Toronto, June 14, 2022 (virtual)** – Speech as part of the presentation “Bilingualism in our Public Institutions and the Responsibility of Public Sector Lawyers,” organized by the Public Sector Lawyers Section of the Canadian Bar Association.

**Bilbao, Spain, September 7-8, 2022** – Speech and participation in the panel “What role do official languages play within the context of the Ombudsperson’s functions?” at the International Association of Language Commissioners conference.

**Toronto, September 15, 2022 (virtual)** – Speech to delegates at the annual conference of the Mouvement ontarien des femmes immigrantes francophones.

**Penetanguishene, September 15, 2022** – Interview for the magazine *Le Goût de vivre*.

**Toronto, September 16, 2022 (virtual)** – Roundtable of provincewide stakeholder groups, hosted by the Commissioner. Groups represented: Assemblée de la francophonie de l’Ontario, Association des juristes d’expression française de l’Ontario, Fédération des aînés et des retraités francophones de l’Ontario, Société Économique de l’Ontario, Parents partenaires en éducation, and Fédération de la jeunesse franco-ontarienne.

## MEETING WITH AND LISTENING TO THE FRANCO-ONTARIAN COMMUNITY

**Toronto, September 19, 2022** – Participation in the Annual General Meeting of the Centre francophone du Grand Toronto.

**Toronto, September 20, 2022 (virtual)** – Speech to the delegates of the Annual General Meeting of the Cooperation Council of Ontario.

**Thunder Bay, September 21, 2022 (virtual)** – Speech to delegates at the Annual General Meeting of the Association des francophones du Nord-Ouest de l'Ontario.

**Toronto, September 22, 2022** – Speech to the participants at the “day of reflection on health care in French” organized by the Assemblée de la francophonie de l'Ontario.

**Penetanguishene, September 22, 2022** – Speech to delegates at the Annual General Meeting of La Clé de la Baie.

**Penetanguishene, September 22, 2022** – Radio interview with Marc Lalonde, Radio Huronie.

**Toronto, September 23, 2022** – Participation in the Franco-Ontarian flag raising at Queen's Park.

**Windsor, September 23, 2022** – Radio interview with Charles Lévesque, for the program “Matins sans frontières,” Radio-Canada.

**Sarnia, September 25, 2022** – Speech at Franco-Ontarian Day flag raising ceremony, co-organized by the City of Sarnia and the Centre communautaire francophone Sarnia/Lambton.

**Ottawa, September 27, 2022** – Speech to participants at networking event organized by the Société économique de l'Ontario in conjunction with the National Summit on Francophone Businesses in a Minority Environment, presented by Réseau de développement économique et d'employabilité du Canada.

**Ottawa, September 28, 2022 (virtual)** – Speech to delegates at the Annual General Meeting of the Fédération des aînés et des retraités francophones de l'Ontario.

**Toronto, September 29, 2022 (virtual)** – Roundtable of stakeholder groups in northern Ontario, hosted by the Commissioner. Groups represented: Association des communautés francophones de l'Ontario du Grand Sudbury, Association des francophones du Nord-Ouest de l'Ontario, and Association des francophones de Red Lake.

## CASES RECEIVED ABOUT ORGANIZATIONS SUBJECT TO THE *FRENCH LANGUAGE SERVICES ACT*,\* OCTOBER 1, 2021 – SEPTEMBER 30, 2022\*\*

ORGANIZATIONS	%
MINISTRY OF PUBLIC AND BUSINESS SERVICE DELIVERY	21.4%
MINISTRY OF THE ATTORNEY GENERAL	14.4%
MINISTRY OF HEALTH	12.9%
MINISTRY OF TRANSPORTATION	11.4%
ELECTIONS ONTARIO	6.5%
DESIGNATED AGENCIES – HOSPITALS	6.5%
INSTITUTIONS OF THE LEGISLATURE – OTHER	4.5%
MINISTRY OF LABOUR, IMMIGRATION, TRAINING AND SKILLS DEVELOPMENT	3.5%
MINISTRY OF THE SOLICITOR GENERAL	2.5%
MINISTRY OF NATURAL RESOURCES AND FORESTRY	2%
MINISTRY OF FINANCE	2%
MINISTRY OF TOURISM, CULTURE AND SPORT	2%
MINISTRY OF CHILDREN, COMMUNITY AND SOCIAL SERVICES	2%
MINISTRY FOR SENIORS AND ACCESSIBILITY	1.5%
CABINET OFFICE	1%
MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS	1%
MINISTRY OF EDUCATION	1%
MINISTRY OF COLLEGES AND UNIVERSITIES	1%

\*Ministries, third parties and organizations designated under the *French Language Services Act*.

\*\*Organizations that were the subject of less than 1% of cases are not listed (total – 3,1%).



## OUR VALUES, MISSION AND VISION



### OUR VALUES:

**Fair treatment**  
**Accountable administration**  
**Independence, impartiality**  
**Results: Achieving real change**



### OUR MISSION:

We strive to be an agent of positive change by enhancing fairness, accountability and transparency in the public sector, and promoting respect for French language service rights as well as the rights of children and youth.



### OUR VISION:

A public sector that serves citizens in a way that is fair, accountable, transparent and respectful of their rights.