



# Annual Report of the French Language Services Commissioner of Ontario

OFFICE OF THE OMBUDSMAN OF ONTARIO

2020 | 2021





## Office of the Ombudsman of Ontario

### WHO WE ARE:

An independent, impartial Office of the Ontario Legislature that resolves and investigates public complaints about provincial government bodies, as well as French language services, child protection services, municipalities, universities and school boards.

The Ombudsman recommends solutions to individual and systemic administrative problems. The French Language Services Commissioner makes recommendations to improve the delivery of French language services.

### OUR VALUES:

**F**air treatment  
**A**ccountable administration  
**I**ndependence, impartiality  
**R**esults: 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.

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December 2021

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 second Annual Report on the activities of our Office under that Act, so that you may table it before the Legislative Assembly.

This report covers the period from October 1, 2020 to September 30, 2021.

I fully support the recommendation made herein by Commissioner Burke. 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

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# COMMISSIONER'S MESSAGE

## Taking Care of Ontario's Linguistic Health

This is the second Annual Report of the French Language Services Commissioner presented by the Office of the Ombudsman of Ontario. As we look back on the past year, we are more motivated than ever by the opportunity we have, even amid the COVID-19 pandemic, to find effective solutions to the challenges we confront.



Kelly Burke, French Language Services Commissioner of Ontario.

The French Language Services Unit within our Office has been in existence for more than two and a half years, and has helped hundreds of people access services in French.

We received **351 cases between October 1, 2020 and September 30, 2021**. This number represents a 15% increase in cases compared to last year. More than 68% of these cases have been resolved.

Throughout the public health crisis, we have worked diligently to maintain strong ties with Ontario's Francophones and to resolve important issues. We continued our efforts to integrate and develop the French Language Services Unit within the Office of the Ombudsman, and to promote language rights in Ontario.

In 2020-2021, public health remained a top priority for our province and nations around the globe. We continued to witness a rapidly changing world, as a direct result of the pandemic affecting every aspect of our daily lives.

Linguistic health is also affected by the COVID-19 crisis. I have had several opportunities to discuss language issues related to the pandemic with my colleagues at the federal level, and from New Brunswick, Nunavut and the Northwest Territories. I have also had the opportunity to discuss these issues with my counterparts at the International Association of Language Commissioners. It is clear that the issues facing official language minority communities are similar regardless of jurisdiction.

Language commissioners play a key role in ensuring that vulnerable languages are protected and that governments plan, strengthen and improve services in those languages.

As you will read in this report, we received a large number of complaints related to the difficulty or impossibility of obtaining services in French regarding matters that have a direct impact on the health and safety of Francophones in Ontario.

For example, in January 2021, we received several complaints about lockdown measures announced by the government, including extended school closures, which were issued sometimes in English only, and sometimes in French after significant delays.

The pandemic has also highlighted the limitations of the *French Language Services Act*, in particular the fact that local public health units and several service providers involved in screening and vaccination are excluded. The limitations of the *French Language Services Act* raise important issues that can have a significant impact on public health and safety.

Despite these limitations, we worked proactively with Ontario's Chief Medical Officer of Health and many ministries and agencies to find solutions and reiterate the importance for Francophones of receiving health-related information in French. This report contains examples of constructive solutions that were developed thanks to our intervention.

In the coming months, I will be paying particular attention to how the French language services plans of the ministries will include this recommendation from my 2019-2020 report: "That the government ensure that the communication of all public health information be provided in French and English simultaneously."

It is important to note that the assessment of Ontario's linguistic health is not limited to health services. As this report demonstrates, we received numerous complaints about government communications and frontline services that were often absent in French, or of very poor quality. We also received a substantial number of complaints about cuts to French-language programs at Laurentian University. Accordingly, I launched my first formal investigation to assess whether the university and the ministries involved fulfilled their obligations under the *French Language Services Act*.

Last year, I reported that most of the complaints we received could have been averted through proper planning. I made eight recommendations to the

“ We received a large number of complaints related to the difficulty or impossibility of obtaining services in French regarding matters that have a direct impact on the health and safety of Francophones in Ontario.”

government, including that each ministry be responsible for producing a plan for French language services, and that these plans be included in an annual report by the Minister of Francophone Affairs to the Ontario Legislature, starting in April 2022.

Just recently, in November 2021, the government unveiled its plan for modernizing the *French Language Services Act*, as well as its French language services strategy. I welcomed the proposal that will, among other changes, make ministers responsible for the application of the Act and the quality of services in French, and provide for reporting to Cabinet.

In the spirit of helping the government plan for these reports, I am recommending in this Annual Report that it employ a tool developed by our Office to evaluate French language services:

**The French Language Services Commissioner’s Compass (FLSC Compass).** This tool is based on the definition of active offer in the designation form developed by the Ministry of Francophone Affairs. It has guided our work and thinking in this report.



The complaints we received illustrate recurring themes, showing that government services in French are often absent or of poor quality, not ready for immediate use, or that using these services turns out to be frustrating. As a result, Francophones who are bilingual end up using English for convenience. These are concrete examples of a pervasive lack of planning on the part of the government. They also demonstrate that the government lacks information about what is happening in the field regarding the availability and quality of services provided on its behalf.

Where the *French Language Services Act* applies, government communications and services in French should be equivalent to those available to the general public, and without delay.

This is where the FLSC Compass comes in. It is a guide based on four criteria: **F**airness, **L**ogistics, **S**atisfaction and **C**ommunication. These criteria show where French language services are at, in a given moment in time, compared to the objective of providing equivalent services without delay for Francophones.

“ The complaints we received illustrate recurring themes, showing that government services in French are often absent or of poor quality...”

Assessment is a crucial step to ensure good planning and to make it an evolving exercise, suited to the specific needs of Francophones.”

We will further explain the FLSC Compass throughout this report, giving examples of its use.

In many ways, this is a logical follow-up to my first report, in which we identified gaps in planning by Ontario ministries for the provision of services in French.

Assessment is a crucial step to ensure good planning and to make it an evolving exercise, suited to the specific needs of Francophones.



**September 24, 2021:** Commissioner Burke and Toronto Mayor John Tory (left) at the Franco-Ontarian Day flag-raising at Toronto City Hall.

When we evaluate French language services, we look at both the legal obligations under the *French Language Services Act* and the moral obligations we all have to protect Francophone cultural heritage for future generations. This is a provincial and national responsibility that is close to my heart. With nearly two-thirds of Francophones in a minority context living in Ontario, the province is not only the economic heart of the country, but also the lungs of the Canadian Francophonie.

**This is how we can ensure good linguistic health: By working both preventively and continuously, and by devoting extra attention to the issues that require it.**

We have been privileged to receive many positive comments about our interventions. Many of you have thanked us, and I have highlighted some of the comments that you sent to us throughout this report. My thanks to all of you.

I invite Francophones and the government to continue to communicate with us, to provide us with relevant facts and opportunities to act as catalysts for positive change, in order to strengthen French language services in Ontario.

**Together, let's take care of our linguistic health!**

Happy reading,

**Kelly Burke**

French Language Services Commissioner of Ontario



# OUR WORK AND METHODS

## 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.



Paul Dubé, Ombudsman of Ontario, and Kelly Burke, French Language Services Commissioner.

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. We also have 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*.

Our Office handles more than 20,000 complaints per year, most of which are resolved without formal investigation. The Ombudsman publishes reports with recommendations when he conducts individual and systemic investigations. He also publishes an Annual Report each June, which includes complaint statistics and highlights of the work of all areas of our Office – including the French Language Services Unit.

## 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 citizens.

The ombudsman institution – also known as *protecteur du citoyen*, *défenseur des droits*, or *médiateur* in Francophone countries, and as citizen’s representative, public protector or human rights defender in many others – has evolved over 200 years and proliferated around the world. It has proven itself as one of the most effective features of democracy for enhancing governance and protecting and promoting rights.

The institution of the parliamentary ombudsman – independent of government and responsible to the legislative assembly – originated in Sweden. The title of “Ombudsman” is Swedish for “citizen’s representative” and is considered to be gender-neutral. Promoting language rights is part of the ombudsman’s role in many countries.

The hallmarks of the ombudsman institution are:

- **Independence** – The Ombudsman is independent of government, political parties and stakeholders.
- **Impartiality** – The Ombudsman does not advocate for individual complainants, groups or public sector bodies; the Ombudsman only advocates for fairness, and for recommendations he makes based on evidence.
- **Confidentiality** – All complaints to the Ombudsman are confidential, and investigations are conducted in private.
- **Procedural fairness** – The Ombudsman’s complaint handling and investigative processes are evidence-based, and organizations under investigation are given the opportunity to respond.
- **Power to investigate and to recommend, not enforce** – Public sector bodies are required to co-operate with the Ombudsman’s investigations, but the Ombudsman can only make recommendations for change. Most of the Ombudsman’s recommendations are accepted and implemented, because they are evidence-based, constructive, feasible and stem from effective investigative methods.

## 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 in designated areas throughout the province.

The role of French Language Services Commissioner was established in 2007 to review public complaints and ensure compliance with the Act.

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. Like the Ombudsman, the Commissioner has the power to make recommendations, and uses moral suasion – not legal authority – to ensure they are accepted. These recommendations are based on evidence gathered through the assessment of complaints and interaction with citizens, government agencies, and officials as well as an analysis of relevant legislation.

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.

“ I think we have a strong and competent Commissioner who understands the challenges of French language services very well. I would even say that the capacity to investigate complaints is bolstered by having this role within the Office of the Ombudsman.”

– Caroline Mulroney, Minister of Francophone Affairs,  
quoted by Radio-Canada, November 4, 2021  
(translated from French)

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 three areas in particular:

- Creating productive and appropriate relationships;
- Being proactive through education and by disseminating information; and
- Managing complaints.

## The importance of complaints

Complaints allow us to:

- Inform Franco-Ontarians of their rights;
- Explain the role of the French Language Services Unit;
- Gain a unique perspective on the state of French language services in Ontario by engaging directly with citizens on the challenges they face in accessing these services;
- 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; and
- Promote equity in language rights.

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.

Complaints are therefore essential. They bring issues to light and give us the opportunity to resolve them by suggesting solutions based on concrete evidence.

This is why complaints and complainants are at the heart of all that we do. Our role is to improve governance by promoting fairness and respect for the rights of citizens. We are committed to our mission and we welcome complaints from people who feel their rights have been ignored.

We seek to fully understand each complaint, 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 complaints in this preventive fashion, and formal investigations are the exception, not the norm.

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 directly concerned.

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 complaints 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.

This complaint handling process is based on best practices for which ombudsman offices are internationally recognized. This approach also allows us to deal with public complaints in a timely manner. Last year, the Office of the Ombudsman handled **20,015** complaints, of which 34% were resolved within one week and 50% within two weeks.

Complaints also allow us to have conversations based on concrete facts. Facts are catalysts for change. With facts, we can point out to government, its agencies and third parties where improvements are needed. The recommendations we make are based on facts, and this allows us to successfully exercise moral suasion.

““ When you make a complaint, you never know what will happen. We have to keep our heads high and be proud of our Francophone culture. I thank you for your efforts.””

– Message from a member of the public

## 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 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.

In addition to receiving complaints and grievances from Francophones who feel that their rights to French language services have not been respected, we 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.

Between October 1, 2020 and September 30, 2021, the Commissioner had more than **60** exchanges with senior government officials, representing most Ontario ministries, numerous public servants and many members and officers of the Legislative Assembly.

The Commissioner not only meets with and listens to citizens, as well as 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.

She meets regularly with her counterparts across the country and around the world, such as the Official Languages Commissioners of Canada, New Brunswick, Northwest Territories and Nunavut, and the members of the International Association of Language Commissioners, of which she is an executive member. She also meets with stakeholders, individually and at public events.

Thanks to these relationships and the information gathered by the Office of the Ombudsman, the Commissioner is uniquely positioned. She can inform the government of the concerns of Francophones in Ontario and their experiences with government services in French, and recommend changes – all based on concrete facts.

## Communications and outreach

The COVID-19 pandemic continued to force organizations to conduct outreach via videoconference, video messages and online events this past year.

“ I am always impressed with your efficiency and your ability to make a difference.”

– Message from a member of the public

The Commissioner’s efforts to raise awareness of and promote linguistic rights have continued without interruption, from virtual meetings with members of the provincial government to gathering online with various stakeholders and members of the Francophone community.

During the period covered by this report, the Commissioner participated in **15** events as a keynote speaker or panellist. She held **57** virtual meetings with counterparts or representatives of Canadian or international organizations, and **37** meetings or online interactions with Franco-Ontarian stakeholders and community organizations. On September 24, 2021, she spoke in person at a ceremony to mark Franco-Ontarian Day outside Toronto City Hall.

The Commissioner – supported by our Office’s communications team – also recorded **two** videos at the request of Francophone community stakeholders and published **three** statements on matters in the public interest on our website. She also posted **25** signed messages on the Office’s social media channels, and participated in **eight** media interviews with print and radio journalists, in addition to responding regularly to media questions about French language services.





Our publications and online resources on French language services include our poster-brochure (available from our Office) and the Commissioner's series of short question-and-answer videos.

# 2020-2021 HIGHLIGHTS

## Complaints and inquiries received

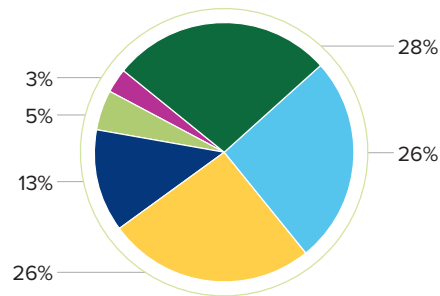
October 1, 2020 – September 30, 2021

**351**  
cases



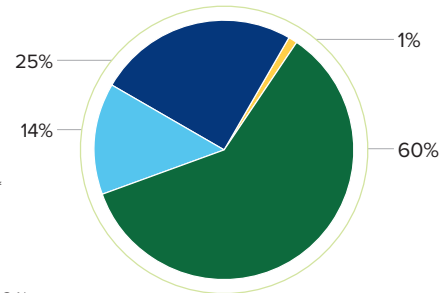
### Types of cases received

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



### 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

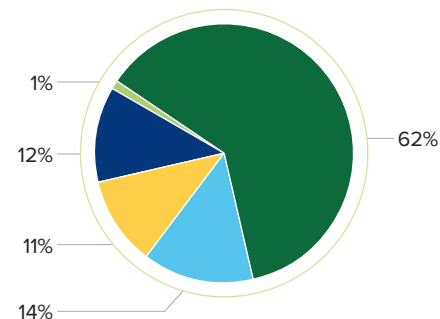


\*Complaints and inquiries regarding Ontario ministries, third parties and agencies designated under the *French Language Services Act (FLSA)*.

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

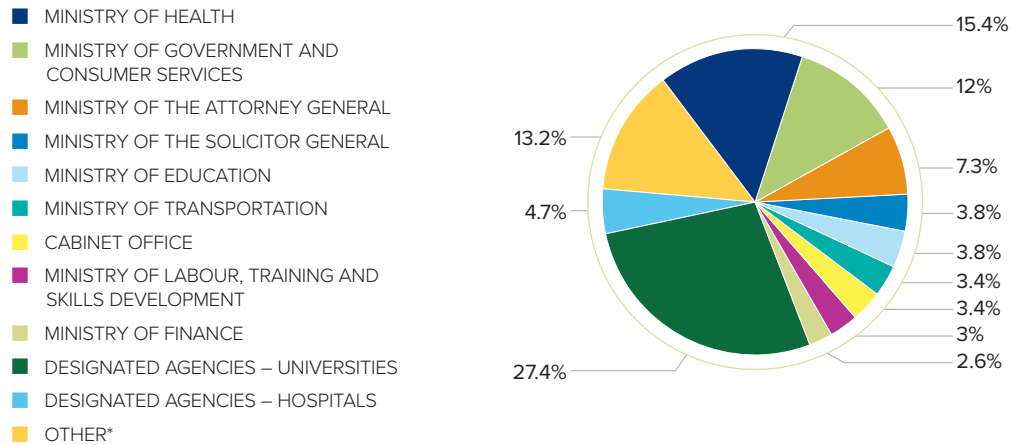
### Disposition of cases closed under the *French Language Services Act (FLSA)*

- 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



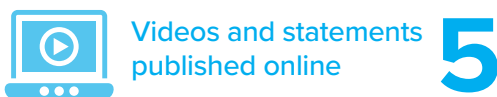
# 2020-2021 HIGHLIGHTS

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



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

## Communications and outreach



# 2020-2021 AT A GLANCE

**Ontario Ombudsman**  
@Ont\_Ombudsman

Today, French language services Commissioner Kelly Burke met with her counterparts at the federal level and in New Brunswick to discuss the recommendations recently made by the @OCOLCanada to ensure that official languages are fully respected in times of crisis @OCOLNB



2020-11-18

**Ontario Ombudsman**  
@Ont\_Ombudsman

“Equivalent service, without delay”: In her first annual report, French Language Services Commissioner Kelly Burke recommends that each ministry table a plan for the improvement of French language services. Read her full report here: [ow.ly/hm4Q50CHt7g](https://ow.ly/hm4Q50CHt7g) #onfr



2020-12-10

**Ontario Ombudsman**  
@Ont\_Ombudsman

Thank you to @ClubCanadienTO for organizing yesterday's event, and to all participants for their many questions: [ow.ly/ON2k50DFW40](https://ow.ly/ON2k50DFW40) (French only). Francophone issues impact all of us! Contact my Office if you have a complaint. (KB)



2021-01-22

**Ontario Ombudsman**  
@Ont\_Ombudsman

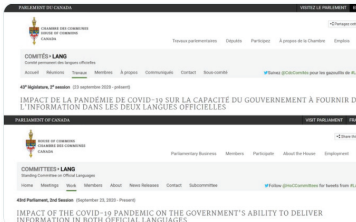
Thank you @ajefo\_justice @OBALawyers @LawSocietyLSO for inviting me to take part in this in-depth discussion on official languages and French language services. Stay tuned for the recording to come. (KB) #InternationalFrancophonieDay



2021-03-24

**Ontario Ombudsman**  
@Ont\_Ombudsman

Today at 3:30-French Language Services Commissioner Burke invited to appear before the House of Commons Standing Committee on Official Languages to share her experience monitoring the provision of government services in French during the pandemic. Webcast: [ow.ly/a7a150E8B6V](https://ow.ly/a7a150E8B6V)



2021-03-25

**Ontario Ombudsman**  
@Ont\_Ombudsman

Read the message from French Language Services Commissioner Kelly Burke on #InternationalFrancophonieDay 2021: “A celebration that provides an opportunity for Francophones of this province and around the world to express their identity and belonging”:  
[ow.ly/Lz0S50E3F8A](https://ow.ly/Lz0S50E3F8A)



2021-03-30

**Ontario Ombudsman**  
@Ont\_Ombudsman

#FrancoOntarianDay: Read Commissioner Burke's statement. “The French Language Services Act is the foundation of Ontario's Francophonie [...]. We must use it and preserve it to protect and enhance French language rights for future generations.” [ombudsman.on.ca/what-we-do/the...](https://ombudsman.on.ca/what-we-do/the...)



2021-03-30

**Ontario Ombudsman**  
@Ont\_Ombudsman

Commissioners Kelly Burke and Raymond Thérberge @CLOduCanada will give a presentation on language rights oversight this afternoon to @GlendonSPIA students, with Centre for Research on Language and Culture Contact @RobartsCentre @CanLangMuseum @Marco\_Fiolo



2021-10-22

**Ontario Ombudsman**  
@Ont\_Ombudsman

#FrancoOntarianDay: Commissioner Burke gave a speech on the podium roof top at City Hall for the flag-raising co-organized with ACFTO-Toronto and @TorontosMayor, Coun. Jennifer McKelvie, @EdithDumont1, @tudoralex1s1. Watch it on YouTube: [youtu.be/6MAcEGHrjH4](https://youtu.be/6MAcEGHrjH4) (in French)



2021-09-24

## Summary

In a period still dominated by the COVID-19 pandemic, our Office continued to focus on issues related to the provision of important health information in French. This period also saw the release of the Commissioner's first Annual Report, with eight recommendations to help the government plan for French language services in a systematic way and report regularly on the status of these plans.

In June 2021, the Commissioner also launched the first formal investigation led by the French Language Services Unit, as a result of a large number of complaints about cuts to French-language programs at Laurentian University.

In total, the French Language Services Unit received **351** cases between **October 1, 2020 and September 30, 2021**.

For organizations subject to the *French Language Services Act*, the most common cases were as follows:

### **Agencies designated under the *French Language Services Act* (32.1%):**

- Most of these cases related to cuts at Laurentian University.
- 4.7% of cases related to designated hospitals, with a majority involving in-person services.

### **Ministry of Health (15.4%):**

- One quarter of cases related to Ontario Health, 40% of which were about online services.
- One in five cases related to Public Health Ontario.

### **Ministry of Government and Consumer Services (12%):**

- Nine out of 10 cases related to ServiceOntario, 75% of which were about in-person services.

**The following sections of this report summarize the trends we observed in the complaints we reviewed – illustrated by numerous case examples. Additional selected cases\* – as well as some cases where the *French Language Services Act* did not explicitly apply, but where we worked with the organizations involved to find possible resolutions – are found towards the end of the report.**

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\*Note: To protect the privacy of complainants, we anonymize case summaries. Identifying details, including gender, may have been removed or changed.



## First Annual Report of the French Language Services Commissioner

Commissioner Burke released her first Annual Report on December 10, 2020 at a press conference at Queen’s Park, with a live broadcast on our website. She made eight recommendations, urging the government to improve planning for French language service delivery across all ministries, to avert future complaints.

“The majority of the complaints we dealt with could have been resolved if adequate planning for the provision of French language services had been done. The pandemic has exacerbated these issues and has highlighted the need for the government to assess how planning for the provision of French language services is being carried out.”

– Commissioner Kelly Burke, speaking to media at Queen’s Park, December 10, 2020



Her two main recommendations were that the government require each ministry to produce a plan for improving French language services, and that the Minister of Francophone Affairs report annually on the implementation of these plans starting in the spring of 2022. As mentioned in the report, under the *French Language Services Act*, each deputy minister is accountable to the Executive Council for the availability and quality of French language services within their ministry. The Act also provides for French language services co-ordinators to assist deputy ministers in fulfilling their obligations. However, we found that there was no standardized process in place to assist deputy ministers in meeting their obligations.

The Minister responded immediately after the Commissioner’s report that the government would adapt an “existing mechanism” to submit an annual report to the Legislative Assembly. She also thanked Commissioner Burke for her “excellent work and recommendations.”

The Commissioner’s other recommendations dealt with good human resources management, regular verification of staff skills and knowledge, and strategies for the simultaneous dissemination of information in both languages. (The complete list of recommendations can be found in the **Appendix** to this report.)

In order to monitor the implementation of these recommendations, the Commissioner and her management team met regularly with senior officials in the public service, including the Deputy Minister responsible for Francophone Affairs. The Commissioner also met with the new Secretary of the Cabinet, Michelle DiEmanuele, to reiterate the importance of planning to protect and promote French language services.

In November 2021, the government presented the details of its plan to reform the *French Language Services Act*, some of which responded to the Commissioner's recommendations:



**December 10, 2020:** Commissioner Burke presents her first Annual Report at Queen's Park, Toronto.

“ [If adopted, these amendments would] require government agencies, including ministries, and institutions as set out under the Act to ensure that services are readily available according to the principle of active offer as set out in the legislation. [...]

Changes to improve access to and quality of French language services:

[...]

- Create new accountability tools to better prescribe the provision of French-language services and communications
- Increase accountability for the translation of government regulations of public interest
- Require all ministers to report on the implementation of the Act and quality of services to support an annual progress report by the Minister of Francophone Affairs to the Legislative Assembly [...]

– Excerpt from Ministry of Francophone Affairs press release, November 5, 2021

The Commissioner reacted on Twitter that she welcomed the announcement and that she would review all the proposed changes in detail and with great interest.



## The French Language Services Commissioner's Compass (FLSC Compass)

As indicated in the Commissioner's Message, we developed the FLSC Compass as a tool to assist government in planning and evaluating French language services.

Assessment is a crucial step in applying a Francophone lens. The FLSC Compass is a practical tool with reference points designed to guide government towards the goal of providing equivalent services without delay.



Our Office developed this tool based on our experience with hundreds of cases where Franco-Ontarians described the many ways in which they were affected by a lack of timely, good quality services in their language. This tool was built from their lived experience.

The FLSC Compass identifies where government planning for French language services meets the specific needs of Francophones and where improvements are needed.

It comprises the main reference points that we use when we assess the quality of services provided to the French-speaking community:

- ▶ **F – Fairness:** Is the service in French equivalent to that offered to the general population?
- ▶ **L – Logistics:** Is service in French available and provided at all times?
- ▶ **S – Satisfaction:** Is the experience of Francophones with the service positive?
- ▶ **C – Communication:** Is the service in French well identified, communicated and known within the community?

In many of the cases we handle, the services or communications provided by the government meet some of these criteria, but not all. It is particularly common for government agencies to fail to plan for Fairness and Satisfaction. For example, a French translation of a communication may be provided hours or even days after the English version. Or in-person service in French may be available, but only at limited times, or by phone (after a long wait), and may be of poor quality.

The next sections of this report show several examples of the Compass being used to assess issues arising from individual cases we handled in 2020-2021.





Similarly, this diagnostic tool can guide the government by identifying areas that require further attention, so that Francophones can truly have access to services in their language as prescribed by law.

## CASE STUDY: The FLSC Compass at work

### No protection for French

A woman contacted the Ontario Animal Protection Call Centre (under the Ministry of the Solicitor General) to alert them to a case of animal abuse that she had observed. She tried several times, without success, to speak with a bilingual officer. She also did not have access to the Internet, and was unable to obtain a complaint form in French from the Centre. She was frustrated by this situation and decided to share her experience with us.



ASSESSMENT		
	<b>Fairness:</b> Is the service in French equivalent to that offered to the general population?	No
	<b>Logistics:</b> Is service in French available and provided at all times?	Yes - the organization had the human resources capacity to respond to calls in French.
	<b>Satisfaction:</b> Is the experience of Francophones with the service positive?	No
	<b>Communication:</b> Is the service in French well identified, communicated and known within the community?	No

The Compass shows that three criteria were not met, and this guided our intervention. After we raised the issue with the organization, it implemented a new automated telephone system with an option for French services that redirects calls in French directly to bilingual agents. The system ensures that the availability of services in French is clearly identified, that they are equivalent and can be used at all times, and that the experience of Francophones is positive. As for the complaint form, as a result of our intervention, this document was sent to the woman by mail.

## Trends in cases – Communications and services related to the COVID-19 pandemic

Pandemic issues have naturally been a priority for Ontarians and their government over the past year. While this can be a complex area due to some of the limitations of the *French Language Services Act* with regard to certain organizations, we have been able to resolve complaints and improve services to Francophones by raising these issues with the appropriate officials. We have often been able to identify gaps in government communications and services and have highlighted the serious impact that these have had on the people who contacted us.

This section summarizes some of the key pandemic-related issues we identified, and examples of the solutions we found.

### Press releases on the health crisis

From the outset of the COVID-19 pandemic, Commissioner Burke has pointed out – and provincial leaders have acknowledged – that public health information in times of crisis must also be communicated in French, without delay. The first two recommendations in her Annual Report last year were:

- That the government systematically plan to offer services in French at press briefings.
- That the government ensure that the communication of all public health information be provided in French and English simultaneously.

In January 2021, we were contacted by several people about delays in issuing the French version of government press releases about new measures against COVID-19.

On January 7 and 12, the French press releases were issued 4 to 7 hours after the English ones.

Several of the people who contacted us were:

- Parents who felt that not only should all information be available at the same time in both languages, but especially information about schools and instructions for restrictions. One mother commented that the English instructions were not clear and that she wanted to have access to them in French to ensure that she understood them.
- Spokespersons for communities, families or workplaces who have a professional or personal responsibility to relay the information provided by the government. They expressed frustration that they had to wait for French versions to be issued, and that this delayed the communications work required of them.

In other words, those who contacted us expressed frustration that the government seemed to be using the state of emergency as a justification for not meeting its obligations to communicate in both languages. They expected the state of emergency to increase the government's obligation to communicate in both languages. They rightly believed that it was all the more important in times of a public health crisis to have access to information in French, without delay, to reassure them and keep them informed of successive instructions.

We raised the issue with the Cabinet Office, which identified issues related to planning and co-ordination for issuing press releases in emergency situations. In one case, the translation process was not initiated until after the publication of the English press release.

In her last Annual Report, the Commissioner noted that most issues related to French language communications could be resolved, and even prevented, with better planning. The Commissioner expects the Cabinet Office to take these delays into account and to implement the recommendations contained in her 2019-2020 report.





We have also been able to resolve several complaints about the lack of French language services related to the pandemic by raising them with the Ministry of Health and the Ministry of Education. For example:

- We were contacted by a person who wanted to use the French version of a portal for scheduling COVID-19 testing for asymptomatic students and teachers. Although the Ministry of Education had commissioned the portal in two languages to serve the 72 school boards across the province, it was only available in English. We raised the issue with the Ministry, which closed the site in English and found a new provider with the capacity to offer services in French.

## CASE STUDY: The FLSC Compass at work

### Linguistic isolation

A recent traveller contacted us after receiving a call in English from the Ontario Ministry of Health. The Ministry made such calls to people who were placed in preventive isolation after trips abroad, to ensure that they were complying with the conditions of their quarantine (reminding them not to leave home, to follow up with testing, etc.). The person’s request for service in French was denied.

ASSESSMENT		
	<b>Fairness:</b> Is the service in French equivalent to that offered to the general population?	No
	<b>Logistics:</b> Is service in French available and provided at all times?	No
	<b>Satisfaction:</b> Is the experience of Francophones with the service positive?	No
	<b>Communication:</b> Is the service in French well identified, communicated and known within the community?	No



The Compass shows that all four criteria were unsatisfied, and this guided our intervention. We raised the issue with the Ministry, which explained that the federal government was in charge of the initial collection of information from travellers at airports. This information was then shared with the province, which performed the follow-up. As a result of our intervention, the Ministry collaborated with the federal government to obtain the language preferences of travellers and reviewed its policies and procedures to contact them in their preferred language.

## COVID-19 testing, vaccination clinics and public health units

In her 2019-2020 Annual Report, the Commissioner indicated that the *French Language Services Act* does not apply to local public health units, over which she therefore has no jurisdiction. These units do not meet the definition of a government agency under the *French Language Services Act*. Furthermore, as noted by Ombudsman Paul Dubé in his Annual Report in June 2021, public health units are not subject to independent oversight, either by our Office or by the province's Patient Ombudsman.

However, these same units played a leading role in administering COVID-19 vaccination centres. We received **27** complaints about local public health units, which represents close to 8% of the total cases we handled.

Despite the limitations of the *French Language Services Act*, we have been able to rely on the support of the provincial Chief Medical Officer of Health, Ontario Health, the Ministry of Health and some municipalities to partially address some of these issues. Here are some examples:

- We were contacted by a mother who had attempted to schedule an appointment at a COVID-19 testing centre because her daughter had at least one symptom. The website for booking appointments at the testing centre (operated by a regional hospital and a local family health team) was only available in English. We raised the issue with Ontario Health, which deemed it necessary to translate the site, which is now available in French.
- We were contacted by a woman who had been tested for COVID-19 at a centre administered by a hospital designated under the *French Language Services Act*. To receive her test result, she could use the “MyChart” mobile application. However, the result displayed on the application was only available in English. (The governance structure of the centre did not meet the definition of a government agency, nor did it meet the definition of a third party of the designated hospital, and the results displayed on the mobile application were from a private third party.) We raised the issue with the hospital and they offered a solution. Information in French was added to the testing information booklets to help patients understand the test results that appear in the “MyChart” application. The woman who contacted us was pleased that a solution could be found to help Francophones, despite the challenges posed by the governance structure of the centre.

- A person contacted us after noticing that the French information on the website of a local public health unit in a designated region was not equivalent to the information available on the English website. While the English website of the local public health unit included links to the vaccine reservation and appointment system, the page of the French website only contained general information about COVID-19. The person, who intended to get vaccinated against COVID-19 in the near future, was disappointed not to find the information in French for this purpose on the site. We raised this issue with the province's Chief Medical Officer of Health. In light of our intervention, the dates and times of the temporary vaccination clinics were added to the French website of the local public health unit. The regional office of Ontario Health facilitated a telephone line set up by a local community organization to provide support for making appointments at a vaccination centre, to compensate for the lack of French language services on the part of the local public health unit.
- A person contacted us after trying to obtain information in French about COVID-19 on the website of a local public health unit. We raised the issue with the province's Chief Medical Officer of Health, who contacted the unit's staff to encourage them to provide services in French during this health crisis.

## Long-Term Care COVID-19 Commission

In her 2019-2020 Annual Report, the Commissioner raised concerns about the independent Long-Term Care COVID-19 Commission. She had detected in its mandate potential issues for Francophones that she proactively raised with the government and the Commission.

In July 2020, Commissioner Burke informed the Premier that the Commission's mandate did not include any explicit expectations regarding French language services or the representation of the specific needs of Francophones. She recommended that the Premier ensure the Commission's report be produced simultaneously in French and English to avoid any delay. She also recommended that he ensure the government's expectations regarding French language services were clearly expressed to the Commission.

Our Office contacted the commissioners, who assured us of their determination to take into consideration the needs and interests of Francophones in the work of the Commission. They indicated that the Commission would obtain the necessary expertise regarding the experience and the needs of Ontario's Francophone community in the health care area.

In April 2021, the Commission tabled its final report and fulfilled its commitments with respect to French language services, including inviting Francophones to appear before the Commission, analyzing the specific issues affecting the Francophone community and identifying solutions.

In its report, the Commission recognized that Francophone long-term care residents must receive culturally and linguistically appropriate care and services, and made two specific recommendations for French language services:

To protect the rights of Francophone residents in long-term care, the Ministry of Long-Term Care should:

- Design and implement a provincial strategy to increase French-language long-term care services and increase the number of French-language beds through the prioritization of designations under the *French Language Services Act*, and cultural designations under section 173 of Ontario Regulation 79/10; and
- Adopt a clear definition of “Francophone beds” that excludes long-term care homes that have not demonstrated their capacity to provide services in French.

The Commission's work can serve as an example for similar initiatives in the future. Commissioner Burke noted, however, an opportunity to improve planning for French language services. The Commission submitted its final report in English, on April 30, along with a summary in French. The full report in French was not released until May 25. The Commissioner still expects these reports to be submitted simultaneously in both languages.



“ I communicated with the Chair, Commissioner Frank Marrocco, and informed him that I am pleased with the Commission for responding to my recommendations and for keeping my team engaged throughout their essential and historic work.

“ Although [...] the entire report ideally should have been made available in French and English at the same time, I appreciate the effort made to ensure that the executive summary and recommendations were available in French in time for the government’s deadline.

“ I will continue to emphasize the importance of planning to ensure that Franco-Ontarians receive equivalent information from their government without delay.”

– Statement by Commissioner Burke, May 3, 2021

## Trends in cases – Government communications

Communications from the government continue to be the primary source of the complaints we receive, accounting for nearly three out of five complaints we handled in 2020-2021. These include written communications (such as press releases), as well as social media accounts and government websites.

We observed three trends in these communications:

- The quality of French;
- The lack of policies and procedures; and
- The lack of bilingual staff.

In the majority of cases, we were able to resolve the issues quickly by contacting the organization involved. We also encouraged several organizations to improve their planning, as recommended by the Commissioner, to avert future complaints. Some worked proactively with us in formulating and updating their communications, such as Ontario Health.

Other communication problems have taken longer to resolve due to their complexity, such as those related to Amber Alerts, and we have continued to monitor progress on this matter. Thanks to improved technology and training resources, these alerts are now issued in English and French simultaneously.

A longstanding “communication” problem concerning the availability of French language services that continues to challenge citizens and public servants, however, is the outdated regulation of the *French Language Services Act*. The new version of the Act proposed by the government in November 2021 contains measures to address these issues, and the Commissioner will monitor them closely.

## Amber Alerts: Now bilingual

In our Annual Report last year, we raised issues related to Amber Alerts. The French version of these alerts that report child abductions was systematically late or missing.

In 2020, the Commissioner recommended that the Ministry of the Solicitor General and the Ontario Provincial Police (OPP) continue their efforts to ensure equivalent services in French, without delay, when issuing emergency alerts. The Ministry accepted this recommendation and implemented the following measures to ensure that Amber Alerts are issued in both languages:





- The OPP has worked with the Royal Canadian Mounted Police and the Sûreté du Québec to add pre-translated sections to the Amber Alert form that will eliminate the need for extensive translation;
- The OPP has also made significant progress in integrating French translation software to reduce translation time; and
- The OPP has identified staff members with advanced writing skills in French who will be responsible for translation should the automated translation system become unavailable.



## CASE STUDY: The FLSC Compass at work

### Document not found

After the tabling of the Ontario government’s 2021 budget, we were contacted by a member of an organization who received a letter by email containing budget-related information from the Ministry of Children, Community and Social Services. The text of the email was bilingual while the explanatory letter itself was in English only. The person told us that their organization was outraged and found it unacceptable to receive such a memo in English only.

ASSESSMENT		
	<b>Fairness:</b> Is the service in French equivalent to that offered to the general population?	No
	<b>Logistics:</b> Is service in French available and provided at all times?	No
	<b>Satisfaction:</b> Is the experience of Francophones with the service positive?	No
	<b>Communication:</b> Is the service in French well identified, communicated and known within the community?	Yes



The Compass indicates that three criteria were not met, and this guided our intervention. We raised the issue with the Ministry which, after sending a translated version of the letter, assessed its internal processes and procedures. The Ministry committed to increasing its bilingual workforce capacity to ensure that services are available and ready at all times, that they are equivalent and that the experience of Francophones is positive.

## Update of regulations under the *French Language Services Act*

In her 2019-2020 report, the Commissioner stated:

“Regulation 398/93 (Designation of Public Service Agencies) is not up to date, making it difficult, if not impossible in some cases, to follow the French language services obligations of designated bodies. The regions of Ontario have changed, there have been amalgamations, and the map of designated regions, in many cases, no longer corresponds to the current regions. In many respects, it is therefore difficult to understand the obligations that the government has set for itself, hence the importance of having up-to-date laws and regulations.”

We were recently contacted by a woman who was dealing with issues relative to the incomplete updates to the designated agencies list in Regulation 398/93. She lamented the fact that many agencies no longer exist and that the list does not reflect changes, such as name changes, dissolutions or mergers. She noted that the failure to update the regulation had an impact on her work with agencies that no longer know whether they are in compliance with the *French Language Services Act* or not. This confusion has a significant impact, leading in particular to some loss of French language services.

We raised the issue again with the Ministry of Francophone Affairs, which assured us that the government’s proposed modernization of the Act would permit updates to the regulation and Schedule. The Commissioner will continue to monitor this issue over the next year and to insist that these updates be made.

“I had the opportunity to be consulted by the Minister of Francophone Affairs, Caroline Mulroney. I pointed out to her that the *FLSA* must ensure the delivery of equivalent French language services, without delay. I also recommended that she review the section of my Annual Report that identifies the limitations of the Act, in order to build on them and to strengthen and improve the offer of services in French in Ontario.”

– Statement by Commissioner Burke, September 25, 2021

## Ontario Health

Since its inception, Ontario Health has consulted with our Office to build on our observations of the needs of Francophones in Ontario and to seek best practices for serving them well.

Ontario Health is an agency created by the Ontario government to co-ordinate the province's health care system and connect its various components so that Ontarians can receive the best possible care.

In our report last year, we documented the fact that Ontario Health had developed its framework for French language services. Commissioner Burke is pleased with Ontario Health's efforts to operationalize these guidelines, which include principles of good planning, with multi-level objectives, and which take into account performance evaluation.

Ontario Health's collaboration has been instrumental in resolving several cases in 2020-2021, **9** of which were directly related to this agency.

## Trends in cases – Government services

Government services – delivered directly and in person – accounted for nearly 40% of the cases we handled in 2020-2021.

The subject of most complaints and inquiries about in-person services was ServiceOntario. We also resolved numerous cases about a lack of access to justice in French, regarding various legal services and proceedings.

The single largest source of complaints over the past year was Laurentian University, which announced major cuts to its programs – including 28 of its French-language programs – in February 2021. These complaints prompted the Commissioner to launch her first formal investigation, which is ongoing.

## ServiceOntario

We received **28** cases about the Ministry of Government Services, almost all of which involved ServiceOntario. These included complaints about a lack of frontline service in French, from people seeking services such as driver's licences and vehicle registrations, health cards and other types of identification.

For example:

- A business owner contacted us after filing her company's incorporation forms in French with ServiceOntario. The instructions for completing the forms, contained in a letter in French issued and signed by an English-speaking officer, were inadequate and resulted in the woman having to complete the form several times. She expressed concern that she would have to call her clients back and ask them to make payments to her personally, as the exchanges with the Ministry could delay the creation of her business. We raised the issue with ServiceOntario, which resolved it by reminding staff of policies and procedures, increasing existing bilingual capacity, and strengthening processes and policies for written communications.
- A man seeking a fishing permit went to a ServiceOntario centre, where a security guard gave him a ticket that said he would have to make an appointment by phone to obtain service in French. Upon returning home, the man called to make an appointment for the next day. When he arrived, he was welcomed in French and directed to a counter. But the clerk assigned to the counter was a unilingual Anglophone and had to ask someone from the reception staff to act as an interpreter. The man, disappointed by the situation, pursued the matter in English. Our intervention in this case allowed us to identify several issues related to planning for specialized services, including issuing fishing permits. In this case, the service could only be delivered in French with simultaneous interpretation because no bilingual employees at the ServiceOntario location had been trained for it. The pandemic had also exacerbated issues of human resources planning. The Commissioner will monitor how her recommendations regarding human resources (Recommendations 4 and 5; see p. 48) are implemented as part of ServiceOntario's planning for French language services.

## CASE STUDY: The FLSC Compass at work





### From injury to insult

We were contacted by a man who experienced problems accessing services in French from the Workplace Safety and Insurance Board (WSIB). He requested services in French, but the Board assigned him a unilingual English-speaking case manager, and its written communications with him were in English.

“I’m glad something could be done to help Francophones.”

– Message from a member of the public

The WSIB also required a medical assessment of his health by a physician to determine his ability to return to work. Once at the hospital, this man realized that the doctor did not speak French. The man was worried about his ability to express himself in English, with proper medical terms, and feared the impact of this lack of ability on the doctor’s assessment. The assessment was conducted in English and the man subsequently disputed the physician’s conclusions.

ASSESSMENT		
	<b>Fairness:</b> Is the service in French equivalent to that offered to the general population?	No
	<b>Logistics:</b> Is service in French available and provided at all times?	No
	<b>Satisfaction:</b> Is the experience of Francophones with the service positive?	No
	<b>Communication:</b> Is the service in French well identified, communicated and known within the community?	No



The Compass shows that the WSIB did not meet any of the four criteria, and this guided our intervention. We raised the issues of access to French language services with the WSIB. The WSIB arranged a second medical assessment, this time with a French-speaking physician, and sent the man all of its communications in French. The WSIB also informed us that it would remind its bilingual working group to assign a bilingual case manager to Francophone clients, to provide written communications in French and, if necessary, to ensure that a medical assessment is done in French.

## Access to justice in French

Progress has been made in recent years in improving the availability of French language services in the justice sector, including court services and court hearings. In the past year, the government has introduced legislation to allow documents to be filed in French in all courthouses and to expand access to document translation, effective February 2022.

We have successfully resolved several complaints from Franco-Ontarians regarding inadequate or unavailable service from the courts. For example:

- We were contacted by a person who requested a bilingual hearing at a courthouse in Northern Ontario. However, at the time of the hearing, the judge present could only speak English and no other means of providing services in French were available. The self-represented person could not follow the hearing adequately or participate in it in French, so the judge decided to suspend the hearing. We raised the case with the Ministry of the Attorney General, and were told this was a scheduling error. As a result of our intervention, the Ministry reminded courthouse staff of the procedure for scheduling a bilingual hearing, to ensure services are available and equivalent at all times.
- We were contacted by a man who was unable to get services in French at the counter for civil cases at a courthouse in Eastern Ontario. Although the employee who served this person spoke French, she was not familiar with the procedures required to process the man's request, and had to rely on a unilingual English-speaking coworker. We raised the issue with the courthouse and they reminded their staff of the procedures to follow to ensure adequate services in French.



## Investigation into cuts at Laurentian University

On April 12, 2021, the financially troubled Sudbury-based university announced plans to cut 69 of its programs, including 28 French-language programs. We received numerous complaints about the elimination of these programs, which raised questions about the fairness and transparency of the processes that led to the cuts.

Many Franco-Ontarian students and others in the community told us that the situation profoundly affected their opportunity to be educated and to work in French.

On June 16, 2021, the Commissioner announced her first formal investigation, into cuts to French-language programming made by Laurentian University.

As of September 30, 2021, we had received **60** complaints concerning this investigation.

The investigation focuses on three questions:

- Has Laurentian University met its obligations as a partially designated agency under the *French Language Services Act (FLSA)*?
- Has the Ministry of Colleges and Universities met its obligations under the *FLSA* during the financial restructuring of Laurentian University?; and
- Has the Ministry of Francophone Affairs fulfilled its role as administrator of the *FLSA* during the financial restructuring of Laurentian University?

At the time of writing this report, the French Language Services Unit had conducted several interviews and reviewed a large number of documents related to this investigation. The Commissioner's findings and any necessary recommendations will be released in the coming months, once the investigation is completed.



# SELECTED CASES

## Errors identified

In February 2021, the government launched an online consultation to get ideas and feedback on its plan to introduce a digital ID (digital identification). The goal of the program is to make it easy and completely secure for individuals and businesses in Ontario to prove their identity online. A person contacted us to let us know that the consultation questionnaire contained translation errors.

After examining the questionnaire and making the same observation, we worked with the Treasury Board to understand the translation process used. Following our intervention, corrections were made to the French version of the survey.

## The award goes to...

We were contacted by a person who watched the Trillium Awards ceremony on Facebook on June 17, 2020, which was held in English only. This person was particularly offended by the fact that the portion of the awards ceremony for French-speaking artists was in English only.

**Ontario Ombudsman** @Ont\_Ombudsman

A Francophone man complained to our French Language Services Unit that he waited an hour for service in French when he called the disability eligibility decision unit of the Ministry of Children, Community and Social Services. Here is how we helped: [ow.ly/zNg15ODLfjO](https://ow.ly/zNg15ODLfjO)

www.ombudsman.on.ca | f @ombudsman.on.ca | 1 888 246 6292

2021-09-09

**Ontario Ombudsman** @Ont\_Ombudsman

A Francophone student seeking information about scholarships via the Ontario Student Assistance Program (OSAP) contacted us when he discovered there was no option to select services in French in their automated phone system. Find out how we helped. [bit.ly/2SIO2QN](https://bit.ly/2SIO2QN)

www.ombudsman.on.ca | f @ombudsman.on.ca | 1 888 246 6292

2021-09-08

To learn more about these and many other cases, look for “French language services – Selected cases” on our website.

We raised the issue with Ontario Creates, an agency of the Ministry of Heritage, Sport, Tourism and Culture Industries, which was responsible for the event. As a result of our intervention, the agency added French subtitles to the online videos of the 2020 ceremony on the Facebook page and committed to reviewing its procedures to strengthen planning for French language services at future ceremonies. The latest ceremony, on June 15, 2021, included French and did not generate any complaints.

## Improvements on track

We were contacted by a Francophone woman after she tried to call Metrolinx. Although she chose the French phone line, she said the agent who took the call could only speak English. The agent asked if she was able to continue the conversation in English, which she declined to do. The agent then offered to use a translation service. The woman told us she found it unacceptable that an equivalent service was not offered in French at all times when calling an Ontario government agency.

We raised the issue with Metrolinx, which has begun the process of hiring six to eight bilingual agents to fill the bilingual staffing gap and has reminded its agents of the protocol for responding to Francophone clients. To date, Metrolinx is on track to meet this goal.



## Cured by translation

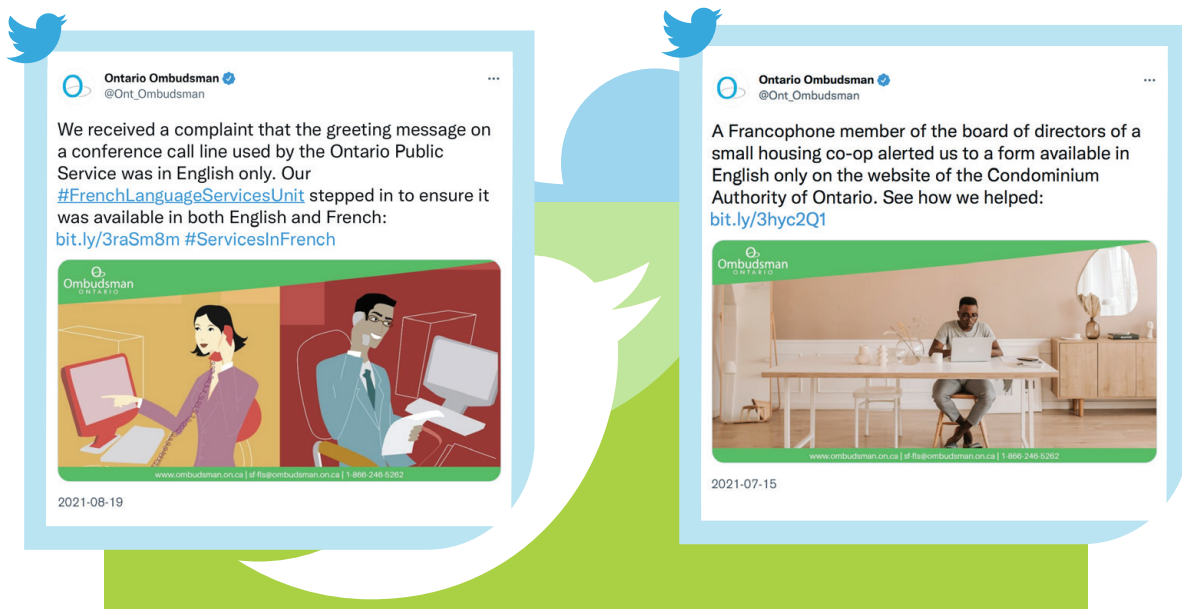
We were contacted by a person who visited the Ontario Health Data Platform website to learn more about a Ministry of Health research project – only to discover the site was only available in English.

We raised the issue with the Ministry, which explained that the site and the platform were not for the general public and were run by a consortium that did not meet the definition of a government agency, and was not a third party of the Ministry of Health.

However, the Ministry has since translated the information deemed relevant to the public and now offers services in French to researchers regarding the application process for accessing the platform.

## Problem extinguished

A man working at a French-language school board contacted us because he wanted to obtain the French version of the Fire Code (Regulation 213/07 of the *Fire Protection and Prevention Act*) in order to know the provisions that apply to school facilities. The regulation is only available in English. He told us that since many provincial government regulations are already bilingual, this one should



also be available to French-speaking people. It should be noted that there is no obligation under the *French Language Services Act* to translate regulations. However, the Act indicates that this is a decision for the Attorney General.

We raised the issue with the Office of the Fire Marshal of Ontario, which reports to the Ministry of the Solicitor General. As a result of our intervention, the Fire Marshal committed to translating the regulation by 2023, when a new version will be drafted once the ongoing harmonization of the various provincial, territorial and federal codes is completed. In the meantime, Francophones can contact their local fire department to obtain a translation of certain sections of the regulation.

## Electrifying solution

We were contacted by a person living in a designated area of Eastern Ontario who requested the French version of an inspection report conducted by the Electrical Safety Authority (ESA). The ESA is a Delegated Administrative Authority that does not meet the definition of a government agency under the *French Language Services Act* and is therefore not subject to it. We raised the issue with the Ministry of Government and Consumer Services, which is responsible for legislation related to Delegated Administrative Authorities. We referred the person to a Francophone contact at ESA, allowing them to obtain the requested documentation in French.



# CONCLUSION

In December 2020, the Commissioner made eight recommendations to the government with respect to planning for French language services. In 2020-2021, government communications and frontline services continued to be key sources of frustration for Franco-Ontarians. The cases presented in this report provide compelling evidence that the ability to meet the specific needs of Francophones relies on both proper planning and the goodwill of government.

Two important trends emerge from the cases we received in 2020-2021:

- Services in French are often not equivalent to those offered in English.
- Whether or not services are offered in French, the experience Francophones have with them is not always positive.

Through our interventions, we led the government to correct these gaps and to resolve cases brought to our attention.

The Commissioner welcomes the government's recent proposals to amend the *French Language Services Act* that would require ministers to submit reports to Cabinet on the state of services in French. She reiterates the importance of planning, and is hopeful that this report will inspire the Minister of Francophone Affairs in the implementation of these changes.

Based on our observations over the past year, our direct engagement with Francophones and the more than 350 cases we received, the Commissioner recommends that the government use this report to conduct its own self-assessment and develop appropriate performance measures for its reports on French language services.



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

By conducting this self-assessment, the government will be able to optimize its objectives to offer a positive experience to Francophones who use government services in French. This evaluation will also provide the government with evidence of the areas where its planning meets its objectives, and where it needs to be improved in order to provide equivalent services without delay.

# 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

NOTE: The Ombudsman was given jurisdiction over French language services effective **May 1, 2019**. Cases received during the remaining **11 months** of this 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 this 17-month period**.

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



# APPENDIX

## LIST OF RECOMMENDATIONS

### 2020-2021

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

### 2019-2020



**RECOMMENDATION 1:** That the government systematically plan to offer services in French at press briefings.



**RECOMMENDATION 2:** That the government ensure that the communication of all public health information be provided in French and English simultaneously.



**RECOMMENDATION 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.



**RECOMMENDATION 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.



**RECOMMENDATION 5:** That the government regularly assess its capacity to offer services in French, particularly for frontline services.



**RECOMMENDATION 6:** That the government ensure that regular updates are provided to staff, particularly frontline staff, on French language services policies and practices.



**RECOMMENDATION 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.



**RECOMMENDATION 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.



# APPENDIX

## CASES RECEIVED ABOUT ORGANIZATIONS SUBJECT TO THE *FRENCH LANGUAGE SERVICES ACT*\*, OCTOBER 1, 2020 – SEPTEMBER 30, 2021\*\*

MINISTRIES	%
MINISTRY OF HEALTH	15.4%
MINISTRY OF GOVERNMENT AND CONSUMER SERVICES	12%
MINISTRY OF THE ATTORNEY GENERAL	7.3%
MINISTRY OF THE SOLICITOR GENERAL	3.8%
MINISTRY OF EDUCATION	3.8%
MINISTRY OF TRANSPORTATION	3.4%
CABINET OFFICE	3.4%
MINISTRY OF LABOUR, TRAINING AND SKILLS DEVELOPMENT	3%
MINISTRY OF FINANCE	2.6%
MINISTRY OF FRANCOPHONE AFFAIRS	2.1%
MINISTRY OF HERITAGE, SPORT, TOURISM AND CULTURE INDUSTRIES	2.1%
MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS	1.7%
MINISTRY OF COLLEGES AND UNIVERSITIES	1.3%
MINISTRY OF CHILDREN, COMMUNITY AND SOCIAL SERVICES	1.3%
OFFICES OF THE LEGISLATURE	1.7%
DESIGNATED AGENCIES	
UNIVERSITIES	27.4%
HOSPITALS	4.7%

\*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%).

# APPENDIX

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



The following is a snapshot of the Commissioner's key outreach activities, from October 1, 2020 through September 30, 2021.

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**Toronto, October 6, 2020** – Interview with CHOQ-FM reviewing the Commissioner's first 10 months in office, as well as the impact of COVID-19 on the advancement of Francophone issues.

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**Ottawa, October 19, 2020** – Interview for the Assemblée de la francophonie de l'Ontario's online program, "Sous les projecteurs."

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**Ottawa, November 26, 2020** – Speech via videoconference to members of the seniors' group Retraite en action, about the Commissioner's role and work, and the importance of complaints.

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**Toronto, January 21, 2021** – Speech to the first Club Canadien virtual gathering of 2021, following the publication of the Commissioner's first Annual Report.

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**Toronto, March 6, 2021** – Video message greeting participants in the Black History Month 2021 Gala, organized by the Centre francophone du Grand Toronto.

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**Ottawa-Toronto, March 8, 2021** – Speech to participants in the virtual event for International Women's Day, "The Resilience of Female Francophone Entrepreneurs," organized by the Société Économique de l'Ontario.

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**Toronto, March 9, 2021** – Interview for the podcast "Info Matters/L'Info ça compte," hosted by Ontario Information and Privacy Commissioner Patricia Kosseim, to discuss reaching out to Franco-Ontarians and promoting their linguistic rights, in advance of International Francophonie Day.

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**Winnipeg, March 10, 2021** – Virtual presentation on Ontario's *French Language Services Act* to law students at the University of Manitoba, as part of an online course examining provincial language regimes and the language of public services provided across Canada.

# APPENDIX

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

**Ottawa, March 23, 2021** – Panellist at the online International Francophonie Day conference organized by the Association des juristes d’expression française de l’Ontario and Ontario Bar Association.

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**Ottawa, March 25, 2021** – Witness before the House of Commons Standing Committee on Official Languages, via videoconference, to discuss how government services in French in Ontario have been affected by the pandemic.

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**Ottawa, May 14, 2021** – Speaker at the Canadian Study of Parliament webinar on “Languages in Parliament: How does Canada’s linguistic diversity find expression in its legislative institutions?” alongside the federal and New Brunswick official languages commissioners.

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**Ottawa, May 31, 2021** – Feature interview with Unique-FM for the program “Confidences d’un Leader.”

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**Toronto, June 10, 2021** – Participation in webinar on the availability of health services in French, organized by the Association des communautés francophones de l’Ontario à Toronto and Toronto French-language health services planning entity, l’Entité3.

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**Ottawa, June 21, 2021** – Feature interview with Unique-FM, on the program “Le Retour” with Michel Picard.

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**Toronto, September 21, 2021** – Presentation on the *French Language Services Act* and the importance of providing services in French, to staff of 14 homeless shelters in Toronto, organized by the Violence Against Women Network.

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**Ottawa, September 24, 2021** – Video greeting on the occasion of Franco-Ontarian Day, for the virtual celebration organized by l’Assemblée de la francophonie de l’Ontario.

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**Toronto, September 24, 2021** – In-person speech at the flag-raising ceremony for Franco-Ontarian Day at Toronto City Hall, organized by the Association des communautés francophones de l’Ontario à Toronto and the City of Toronto.



  
**Ombudsman**  
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