



COMMISSARIAT AUX
SERVICES EN FRANÇAIS

OFFICE OF THE FRENCH LANGUAGE
SERVICES COMMISSIONER

Commission on the Reform of Ontario's Public Services

Overview – *French Language Services Act*

Ottawa – December 19, 2011

François Boileau
Commissioner

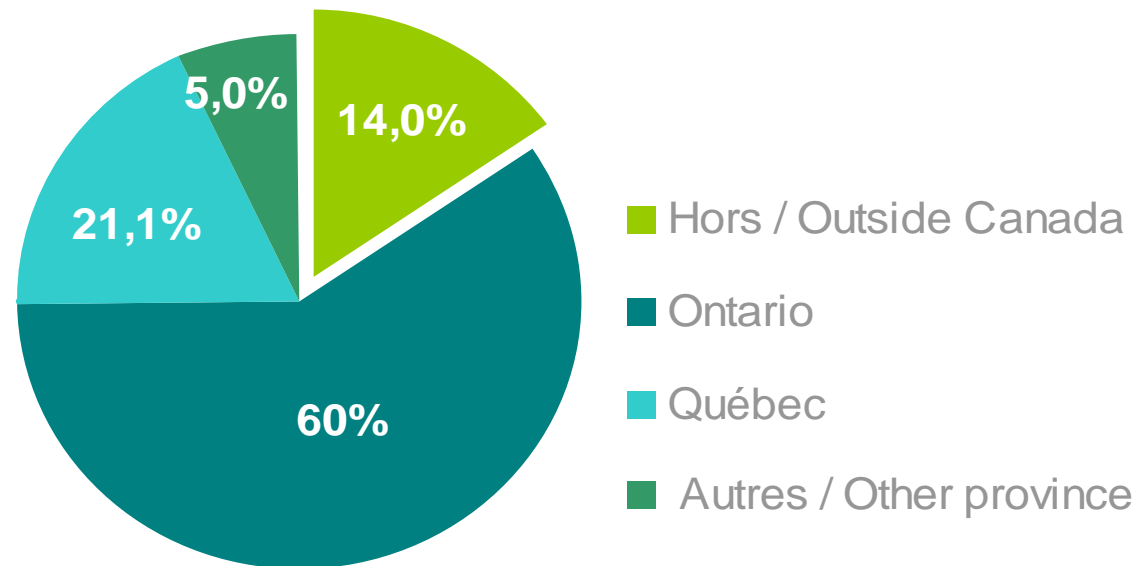


**La voix
d'accès.**

Your Voice
Matters.

A diverse and growing community

- Dates back 400 years in Ontario
- Approximately 600,000 Francophones (4.8% of the province's total population)
- 60% of Francophones were born in Ontario, while 14% were born outside of Canada, mainly in Europe and Africa
- In Toronto, nearly half of all Francophones were born outside of Canada



Goal of the *French Language Services Act*

- The Act's preamble states that, "...the French language is an historic and honoured language in Ontario and recognized by the Constitution as an official language of Canada," and that, "... the Legislative Assembly recognizes the contribution of the cultural heritage of the French speaking population and **wishes to preserve it for future generations.**"
- This means that all government ministries and agencies have an important role to play in the preservation and enhancement of Francophone communities throughout Ontario.
- A community's development depends on the services that it is offered. A community is much more likely to thrive if it has access to **services that are adapted to its needs.**

Interpretation of the *FLSA*

- “The Bill was the result of years of successive steps toward the goal of providing services to francophones in their own language. The Bill received the unanimous support of all three political parties represented in the Legislative Assembly, and amendments were proposed with a view to ensuring its protections would be met.”
- “One of the **underlying purposes and objectives of the *Act*** was the **protection of the minority francophone population in Ontario...**”
- “... **another was the advancement of the French language and promotion of its equality with English.** These purposes coincide with the underlying unwritten principles of the Constitution of Canada.”

Lalonde v. Ontario (Commission de restructuration des services de santé), (2001), 56 O.R. (3d) 577

Interpretation of “services”

- Offering FLS is more than a matter of translation; it means developing services responsive to the needs of Ontario’s Francophone community so that it can grow and prosper.
- Equivalent services are those that meet the needs of the communities served.
- In accordance with the norm of **substantive equality**, services must be equal in quality, though differently offered.
- “Depending on the nature of the service in question... substantive equality will not result from the development and implementation of identical services for each language community. The content of the principle of linguistic equality in government services is not necessarily uniform. It must be defined in light of the nature and purpose of the service in question.”

DesRochers v. Canada (Industry), 2009 SCC 8

Key elements of French Language Services (FLS)

- Planning and integrating services in French as soon as a governmental initiative arises.
- Adapt FLS to the specific needs of the Francophone population (health, immigration, education, employment, etc...).
- Active offer and substantive equality of services delivered to the population.

Active offer

Active offer of FLS requires the creation of an environment conducive to requests for such services and anticipates the specific needs of Francophones.

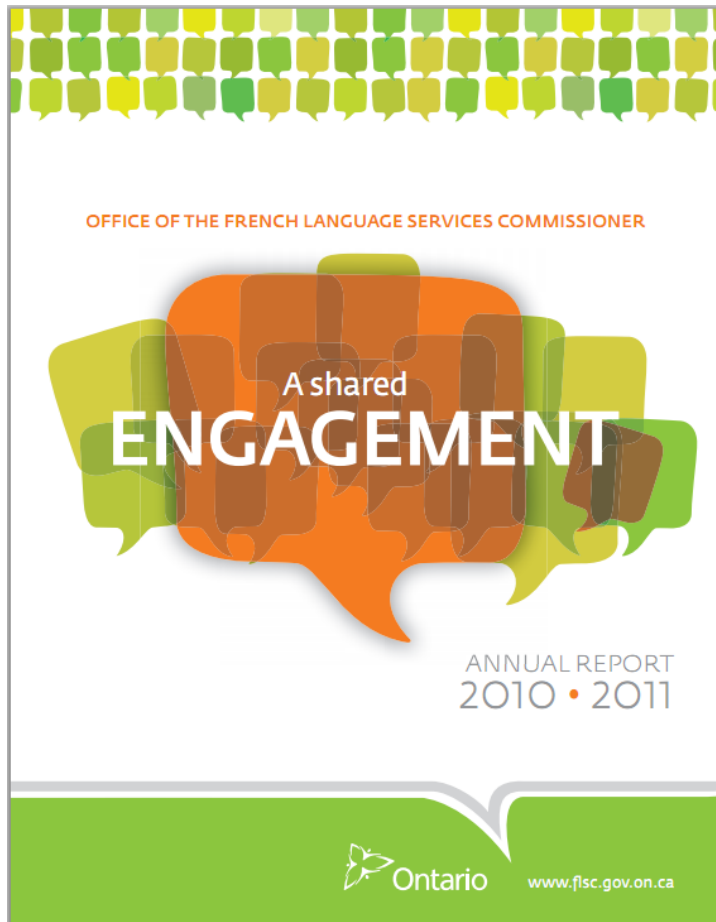
Active offer must be...

- ✓ results-oriented;
- ✓ integrated into an overall service delivery model;
- ✓ proactive;
- ✓ the result of a dialogue with the population served and ultimately reflective of their needs;
- ✓ in place for the lifecycle of the service, activity or initiative.

FLS by third-party agencies: Reg. 284/11

- **2. (1)** ... every government agency shall ensure that all services that a third party provides to the public on its behalf under an agreement between the agency and the third party are provided in accordance with the Act.
- **2. (2)** ... every government agency shall ensure that a third party providing a service in French to the public on its behalf shall take appropriate measures, including providing signs, notices and other information on services and initiating communication with the public, to make it known to members of the public that the service is available in French at the choice of any member of the public.

Franco-Ontarians as engaged partners



RECOMMENDATION 1

The Commissioner recommends that the **Franco-Ontarian community** take an active part in renewing the delivery of government services by proposing innovative, pragmatic, results-oriented means and methods to ensure its development.

The 2011 Budget – *Turning the corner*

- The Government has stated it will focus on outcomes rather than on how the programs and services are delivered.
- If outcomes are what counts, how services are delivered is key to their effectiveness for the enhancement of the Franco-Ontarian community.
- Privatization is not the optimal solution in the context of a linguistic minority; private entities that provide “bilingual services” rarely work – cannot be the easy fix:
 - Private sector services are typically run on a fee-for-service basis
 - FLS are seen as a hurdle, with little incentive to comply
 - ‘Active offer’ of FLS is a difficult concept to comprehend and implement

Part of the solution

- Creation of workspaces, in designated areas, where the language of work would be French, but where service delivery could be offered in both English and French.
 - [Bilingual Service Centres](#) in Manitoba
 - *Single window approach*
 - *Regional characteristics and services that correspond*
 - *Federal, provincial, municipal, community-based services*
 - *Promoting the use of French as the language of work and day-to-day operations/interactions within the Centres*
 - *Creation of a hub for bilingual government services in designated areas*
 - [ACFOMI Employment Services](#) in Kingston
 - [Service Ontario](#) in New Liskeard

Part of the solution (cont'd)

- These centres would not only serve as a consolidated access point for services, but they would also provide the community with a place where French is the dominant language.
- We need to break down the culture of silos between ministries
 - Multi-service Centre Project cannot see the light of day in Thunder Bay because no one can pick up the tab for capital costs, though many government projects are possible:
 - Community Centre
 - Health Services, including Mental Health
 - Justice Sector, including services for women
 - Postsecondary courses

Suggested recommendation (draft)

Government must break down the culture of silos within its ministries and departments and work with Franco-Ontarian stakeholders to develop innovative, pragmatic and results-oriented means of delivering services.

Questions, comments, suggestions?

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