

Annual Report of the French Language Services Commissioner
2020-2021 – December 7, 2021
Opening Remarks – Commissioner Kelly Burke

Thank you all very much for participating today, whether in person or online, in the release of the second Annual Report of the French Language Services Commissioner, of the Office of the Ombudsman of Ontario.

First, let us recognize that the land on which we gather, here at Queen's Park, is the traditional territory of many nations, including the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee and the Wendat, and is now home to many diverse First Nations, Inuit and Métis peoples. We also acknowledge that Toronto is covered by Treaty 13, signed with the Mississaugas of the Credit.

Linguistic health: This is the central theme of this Annual Report. What is linguistic health? Good linguistic health means that we can live and develop to the fullest in French in Ontario. It means that, through our actions, we ensure the vitality of the province's Francophone community.

In my Annual Report last year, I presented eight recommendations. In particular, I recommended that the government standardize and strengthen planning for the provision of French language services and report annually to the Legislative Assembly about this planning and its progress, beginning in April 2022.

Of the eight recommendations I made, I note one particular crucial achievement by the Ministry of the Solicitor General, which responded to my recommendation to work with the Ontario Provincial Police to ensure equivalent services in French, without delay, when issuing emergency alerts. Amber Alerts are now issued simultaneously in both languages.

As well, the government's bill to modernize the *French Language Services Act* includes elements suggesting that it has listened to our recommendations, which it has included in its review process.

For example, last year I stressed that communications, including press briefings and public health communications, must be made in French as well. This bill would empower the Treasury Board to issue guidelines for framing government communications.

As for planning for service delivery, several provisions in the bill deal with this, but those of particular interest to me are:

- The obligation of Ministers to account for and report on the application of the *French Language Services Act* and the quality of services to the Executive Council; and
- The obligation to abide by an active offer of services in French, which suggests an equivalent offer of services in French, without delay.

This year, among the 351 cases we handled, we found that government communications and direct services continued to be the principal issues with regard to accessing quality services in French without delay.

- Post-secondary education is the sector which triggered the most complaints, due to the cuts to francophone programming at Laurentian University, which we are formally investigating.
- The Ministry of Health is the ministry that generated the most complaints, in particular about hospital services.
- ServiceOntario continues to be a major source of complaints about in-person services.

This year, due to the COVID-19 pandemic and the vaccination rollout, we also saw the devastating impact of the limitations of the *French Language Services Act* on the lives of Francophones. The most striking example is found in the service delivery of local public health units. These units do not meet the definition of a designated government agency and are therefore exempt from the *French Language Services Act*.

We received many complaints about the COVID-19 vaccination clinics administered by local public health units. By working with the Chief Medical Officer of Health and the Ministry of Health, and even with some municipalities such as the City of Ottawa, we have been able to resolve several issues. But the fact that we cannot directly deal with complaints about public health units limits our power to act and the quality of the solutions we can achieve.

These cases, and many others included in our report, demonstrate that the experience of Francophones who use government services and contact us about them is negative, even very negative. People told us they were left feeling uncomfortable, humiliated, and often opted or had to switch to English to put an end to such a negative experience.

I will give you an example, which is cited in the report: A man wanted to buy a fishing licence and went to a ServiceOntario location. Even after following the procedures to receive service in French, he received a service that was not equivalent, and opted to continue in English.

Our intervention resolved the issues leading to this situation for future cases. But the experience of trying to use French language services was negative for this Francophone. The experience of Francophones must be positive. It must encourage them to use the services to which they are entitled.

The recommendations we made last year are equally relevant this year, and vitally important. In this report, we provide a tool to guide the government in its planning of services and to enable it to conduct self-evaluations. This tool is called the French Language Services Commissioner's Compass, or the FLSC Compass.

It is based on the definition of an active offer of services contained in the designation form developed by the Ministry of Francophone Affairs. This is what guided our work and our reflection throughout this report.

Four essential criteria must be met to ensure good linguistic health, which we have grouped under the acronym FLSC for ease of understanding:

- **Fairness:** The services in French must be equivalent to those offered to the general population.
- **Logistics:** The services in French must be available and provided at all times.
- **Satisfaction:** The experience of those who access the services in French must be positive.
- **Communication:** The services in French must be well identified, communicated and known to the public.

Using this compass, the government can develop its own performance indicators and proactively monitor its performance in implementing the *French Language Services Act*, as well as the quality of services offered by its ministries.

This is the one recommendation I am making in this report: That the government evaluate its services in French using the French Language Services Commissioner's Compass. In the coming year, we will pay close attention to the government's planning exercise and its use of the FLSC Compass for self-assessment.

This exercise will allow us to observe how the government structures itself to ensure the application and enforcement of the *French Language Services Act*, and the quality of French language services offered by its ministries.

I will also continue to ask the government to update Regulation 398/93, which lists designated agencies, and the Schedule to the *French Language Services Act*, which still includes regions that no longer exist.

As you can see, the cases you raise are of central importance to us, and we treat each case seriously and with rigour. I encourage all of you to continue to contact us, so we can help you get the services that you are entitled to.

Through our good personal and collective habits, we can reinforce our good linguistic health in Ontario.

Check against delivery