



**Submission to the Ministry of Francophone
Affairs regarding the designation of areas
under the *French Language Services Act***

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Overview

The Ministry of Francophone Affairs is seeking input on its plan to amend the list of areas designated under the *French Language Services Act*.¹

The proposed amendments are meant to reflect certain changes to the now-amalgamated municipal borders of six areas: Hamilton; Stormont, Dundas and Glengarry; Essex; Chatham-Kent; Renfrew; and Thunder Bay. Overall, the amendments expand several areas designated under the *French Language Services Act*.

The Ministry's efforts highlight the important role of the Schedule to the *French Language Services Act*, which guarantees access to a number of French-language services in designated areas. However, the proposed amendments do not take into account certain amalgamations or changes to the names and borders of municipalities, so that even if the proposed amendments are made, the list of designated areas would not be fully up to date.

We also note that several of our previous recommendations apply to the implementation of the Ministry's proposed changes.

This submission is intended to help the Ministry ensure that the information it provides the public is fully up to date and easily accessible.

Ombudsman Ontario's role and authority regarding French language services

Since May 1, 2019, the Ontario Ombudsman has been responsible for monitoring the administration of the *French Language Services Act*. The French Language Services Commissioner, as part of the Ombudsman's Office, encourages compliance with the government's obligations under the *French Language Services Act*. Ombudsman Ontario is a non-partisan organization independent of the government, individual complainants and interest groups.

To carry out our mandate, we engage in outreach, review and analyse public complaints and trends, conduct investigations related to compliance with the *French Language Services Act*, prepare reports which include recommendations on improving the government's provision of French-language services, and monitor implementation of our recommendations.

¹RSO 1990, c F.32.

The *French Language Services Act* guarantees the right to receive services in French anywhere in the province from the head or central office of a government agency, as well from their offices that are located in or serve a designated area. The map of designated areas therefore plays a key role in respect for language rights.

Government agencies subject to the Act 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. Designated areas can be found in a Schedule to the Act, and new areas are added by regulation.

As stated in the French Language Services Commissioner's *2023-2024 Annual Report*, Ombudsman Ontario's French Language Services Unit received 395 complaints and inquiries between October 1, 2023, and September 30, 2024.² These cases raised important questions about the language rights of Francophones in Ontario.

Ensuring that the list of designated areas is fully up to date

The Commissioner is encouraged by the government's efforts to update the list of designated areas.

In our *2019-2020 Annual Report* on French-language services, we identified the fact that the Schedule to the *French Language Services Act* is not up to date as a barrier to compliance. The Schedule's outdated information makes it difficult to understand government agencies' obligations to provide French-language services in specific areas.³

To fix this, the Ministry of Francophone Affairs has proposed updating a significant portion of the designated areas to reflect the current physical boundaries of these areas, with the exception of the County of Essex.

² French Language Services Commissioner's *2023-2024 Annual Report*, p. 18, online: <<https://www.ombudsman.on.ca/resources/reports,-cases-and-submissions/annual-reports/2023-2024-annual-report-of-the-french-language-services-commissioner-of-ontario#2023-2024%20HIGHLIGHTS>>.

³ French Language Services Commissioner's *2019-2020 Annual Report*, p. 44, online: <<https://www.ombudsman.on.ca/resources/reports,-cases-and-submissions/annual-reports/2019-2020-annual-report-of-the-french-language-services-commissioner-of-ontario#French%20Language%20Services%20Act>>.

The proposed addition of the Towns of Amherstburg and Essex do not take into account all of the amalgamations and changes to the names and borders of municipalities that have occurred. Based on our research into the available historical data:

- **The Schedule continues to refer to the Town of Belle River, and to the Townships of Maidstone, Tilbury North and Tilbury West. These communities were amalgamated and are now part of the Municipality of Lakeshore. Belle River, Maidstone, Tilbury North and Tilbury West should be removed and replaced by the Municipality of Lakeshore.**
- **The Schedule continues to refer to the Township of Sandwich South, which is now part of the already designated Town of Tecumseh and City of Windsor. The township's name should be removed, as its obligations now belong to these two other areas.**
- **The Schedule continues to refer to the Township of Sandwich West, which is now part of the Town of Lasalle. The township should be removed and replaced by the Town of Lasalle.**

To fully update the list of designated areas, the Ministry should employ a standardized approach. In light of our research, we suggest that the Ministry of Francophone Affairs consult the Ministry of Municipal Affairs and Housing to confirm the detailed locations of these former municipalities and ensure that the new version of the Schedule contains accurate geographic information.

This standardized approach would make the Schedule clearer and better communicate where the government of Ontario provides services in French. It would also help with future updates that are needed to keep the list accurate.

Given that the government is proposing amendments to update certain designated areas, we suggest that it undertake a full review of the Schedule to ensure that the update is exhaustive and takes into account all amalgamations and changes to the names and borders of municipalities.

Proposal: The Ministry should consult the Ministry of Municipal Affairs and Housing to ensure that the review of the Schedule to the *French Language Services Act* is comprehensive and provides an exhaustive update of the list of designated areas that is consistent with the current names and borders of municipalities.

Developing a plan

If the Ministry is to implement its proposal, it has to develop a comprehensive plan to establish the new French language services that will need to be provided.

Our Annual Reports on French services have contained several examples of best practices that could help with this planning:

- **Capacity assessment**
- **Training front-line staff on their obligations to provide services in French, including an active offer**
- **Guidelines for how government agencies should communicate with the public (for example, job opportunities and communications on social media)**
- **Assessment methods based on specific criteria**

Training and assessment should be organized regularly to establish an ongoing dialogue between ministries and government agencies in designated areas. This would allow the Ministry of Francophone Affairs, in its role as administrator of the *French Language Services Act*, to ensure that language obligations continue to be met.

Proposal: The Ministry of Francophone Affairs should coordinate the development of a government-wide strategy to ensure that French language services covered by the *French Language Services Act* are available in all designated areas.

The Ministry is proposing a three-year time period before the current proposal comes into effect to give ministries time to arrange for the provision of French language services in the expanded designated areas. Given this delay, we encourage the Ministry to provide updates in its annual reports on the progress that has been made. We also encourage other affected ministries to provide regular updates to the Ministry of Francophone Affairs, and to include this information in their reports to the Executive Council, as outlined in section 12.0.1 of the *French Language Services Act*.

Proposal: The Ministry of Francophone Affairs should provide updates in its annual reports on the overall progress made implementing the changes. All ministries affected by these changes should provide updates on their progress to the Ministry of Francophone Affairs and in their reports to the Executive Council, as outlined in section 12.0.1 of the *French Language Services Act*.

Developing a digital index of designated organizations and areas

In the French Language Services Commissioner's *2023-2024 Annual Report*, we stated that many Ontarians have no idea that the Act (or its regulations) exist or how to access French language resources:⁴ “*In an ideal world, Francophones would be able to easily identify and locate where government services are offered in French with the help of a digital solution. This is all the more important because French is not an official language in Ontario.*”⁵

That is why we recommended that the Ministry of Francophone Affairs compile a comprehensive digital index of French language services covered by the *French Language Services Act*, as well as their geographic locations, and that this index be easily accessible to the public.

The data gathered to expand the areas designated under the *French Language Services Act* should also help the Ministry of Francophone Affairs assess the compliance of designated government agencies under O. Reg. 398/93, update public information on the location of these services, and help develop the recommended digital index.

Proposal: The Ministry of Francophone Affairs should take the opportunity to update public information not only on designated areas, but also on government agencies designated under O. Reg. 398/93, and create a comprehensive digital tool that would help the public clearly identify where government services covered by the *French Language Services Act* are available.

Conclusion

The amendments proposed by the Ministry of Francophone Affairs will broaden French language services in Ontario. This submission seeks to contribute to the proposal's objective by improving the provision of French language services in Ontario through the adoption of a standardized approach to updating the Schedule

⁴ French Language Services Commissioner's *2023-2024 Annual Report*, p. 8, online: <<https://www.ombudsman.on.ca/resources/reports,-cases-and-submissions/annual-reports/2023-2024-annual-report-of-the-french-language-services-commissioner-of-ontario#Five%20years%20of%20contributions%20to%20Ontario%E2%80%99s%20vibrant%20Francophone%20community>>.

⁵ French Language Services Commissioner's *2023-2024 Annual Report*, p. 45, online: <<https://www.ombudsman.on.ca/resources/reports,-cases-and-submissions/annual-reports/2023-2024-annual-report-of-the-french-language-services-commissioner-of-ontario#The%20Commissioner%E2%80%99s%20recommendations>>.

of the *French Language Services Act* and to clearly communicating language rights in these areas.

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