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Ce document traduit est disponible dans sa version originale en français sous le titre **Collaborer avec les francophones en Ontario : Partie 2 – Législation et appuis institutionnels**

Working Together With Francophones in Ontario

PART 2: LEGISLATION AND INSTITUTIONAL SUPPORT

Why work with Francophones?

Equity, inclusion and a sense of belonging have become priorities for governments and for society in general. They contribute to a healthier population, better social cohesion, stronger communities and a more equitable and prosperous society.

Why offer services in French?

Francophones in Ontario have the right to demand and receive services in their language by provincial and government offices as well as by certain entities receiving funding from the provincial government.

Clients receiving services in their language follow health advice and instructions more closely, have less need for hospital services and stay healthier ².

Service-providers who offer services in French have a better understanding of their Francophone clients and can offer higher

Did You Know?

- Ontario has the highest number of Francophones outside Quebec.
- The presence of Francophones in Ontario dates back more than 400 years.



quality services that are more closely suited to their needs. Being bilingual allows organizations to reach more of their target audience, develop closer links with the community and put their organizational commitments to equity into action.

What are the rights of Francophones in Ontario?

Francophones in Ontario have the right to request and receive services in their own language under provincial and federal legislation. However, this right may vary according to the area of the province where they live and the type of services involved.

PROVINCIAL LAWS

The **French Language Services Act (FLSA)** guarantees the public the right to receive services in French from Government of Ontario ministries and agencies in 25 designated areas.

The Minister Responsible for Francophone Affairs oversees the implementation of the FLSA, but each ministry is responsible for the provision of services in French in its offices. The Act was amended in 2007 to create the position of French Language Services Commissioner.

Ontario Regulation 284/11 for the Provision of French-language Services on Behalf of Government Agencies, which came into effect in July 2011, made the active offer of French-language services a fundamental principle to be respected by **third parties** who receive transfer payment funding by the provincial government. The regulation must be followed for any new contract and, for existing agreements, must begin within the next three years.

What is meant by the principle of active offer of French language services?⁵

An active offer can be considered as an invitation, verbal or written for people to access services in the language of their choice, and must precede their service request.

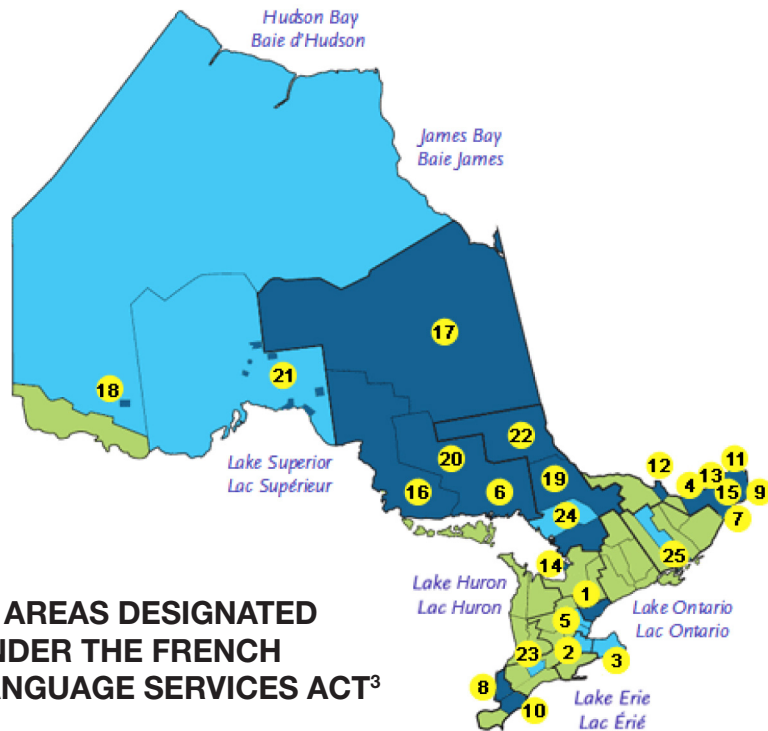
To be considered an active offer, it must be visible, audible, accessible (in terms of language) and obvious, for clients. The offer must be an automatic reflex, offered without any hesitation.

The Local Health System Integration Act of 2006, which created the Local Health Integration Networks (LHINs), requires them to offer their own services in French and to involve the community through the creation of Francophone health planning entities.

The Education Act gives Francophone students the right to be educated in French at the elementary and secondary school levels, and makes French-language district school boards responsible for managing French-language schools.

The Child and Family Services Act provides that, where appropriate, service providers offer their services to children and families in French⁶.

The Courts of Justice Act identifies English and French as official languages of the courts of Ontario.



25 AREAS DESIGNATED UNDER THE FRENCH LANGUAGE SERVICES ACT³

- Administrative regions in which the area is designated in its entirety.
- Administrative regions where only a portion of the area is designated.
- **Non-designated areas.**
To obtain the designation, an area must be at least 10% Francophone or, in urban centres, have 5,000 Francophones.

FEDERAL LAWS

At the federal level, the guiding principles of linguistic duality are embodied in two regulatory frameworks:

The objective of the **Official Languages Act** is to ensure that French and English are respected as the official languages of Canada; that the English and French languages have equal status and equality of rights and privileges with regard to their use in federal institutions; that there is support for the development of Francophone and Anglophone minorities, and that federal institutions have clear responsibilities with regard to official languages.

The Canadian Charter of Rights and Freedoms is a constitutional law that enshrines English and French as the two official languages in Canada and defines the rights to education in the language of the linguistic minority.

What institutional support exists for the provision of services in French?

OFFICE OF FRANCOPHONE AFFAIRS

Created to conform with to the French Language Services Act, the Office of Francophone Affairs (OFA):

- Supports the Minister Responsible for Francophone Affairs in the development of services in French, and in the development of policies and programs that respond to the needs of Francophones in Ontario;
- Offers expert advice on issues that affect Francophones and the provision of French language services;
- Collects and provides information on the Francophone community in Ontario;
- Serves as a liaison between the Francophone community, other provincial ministries and government agencies.



FRENCH LANGUAGE SERVICES COMMISSIONER

The French Language Services Commissioner is accountable to the Minister Responsible for Francophone Affairs, but is independent of the Office of Francophone Affairs:

- Leads independent investigations following official complaints, or initiated by the Commissioner;
- Prepares reports on investigations;
- Monitors progress of government organizations to provide French language services;
- Advises the minister and makes recommendations about how the French Language Services Act is applied.

PROVINCIAL MINISTRIES AND GOVERNMENT ORGANIZATIONS

A network of French-language services coordinators helps provincial ministries and government organizations to set up, maintain and evaluate services in French. Their role is to:

- Answer questions about how a particular ministry is delivering French language services;
- Support government ministries and agencies to improve their services in French.

Some ministries also offer support at the regional level.

Within the health care system, each Local Health Integration Network (LHIN) coordinates services in French for their own region. This coordinated approach helps health service providers offering services in French to improve their services for French-speaking clients and patients.

HEALTH PLANNING ENTITIES FOR HEALTH SERVICES IN FRENCH

Six new planning entities were created in 2011 in accordance with a regulation under the Local Health System Integration Act, 2006. These new entities were created across the province to engage Francophones in an ongoing and meaningful way to support local health system planning. Their mandate is to advise the 14 LHINs on the health needs and priorities of the Francophone community, including how to engage Francophones, and improve access to services in French.

References

1. Sarah Bowen, Language Barriers in access to health care, Health Canada, Ottawa, 2001.
2. Louise Picard and Gratien Allaire, directors. Second Report on the Health of Francophones in Ontario, Public Health Research, Education & Development (PHRED) program, Sudbury and District Health Unit and Institut franco-ontarien, Laurentian University, Sudbury, December 2005.
3. [Office of Francophone Affairs/Ontario Trillium Foundation, Profile of Francophone communities](#)
4. [French Language Services Commissioner, Open for Solutions, annual report 2009-2010, Toronto, 2010.](#)
5. [Réseau de recherche appliquée sur la santé des francophones de l'Ontario, L'offre active de services de santé en français en Ontario : Une mesure d'équité. Rapport préparé pour le Bureau des services en français du ministère de la Santé et des Soins de longue durée de l'Ontario, 2011](#) (only available in French)
6. [French Language Services Commissioner, Special Report on French Language Health Services Planning in Ontario, 2009](#)



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Resources

[HC Link, Working Together With Francophones In Ontario: Understanding The Context And Using Promising Practices, Toronto, 2011.](#)

Legislation

[French Language Services Act \(1986\)](#)

[Ontario Regulation 284/11 created pursuant to the French Language Services Act \(2011\)](#)

[Local Health System Integration Act of 2006 \(2006\)](#)

[Education Act \(1990\)](#)

[Child and Family Services Act \(1990\)](#)

[Courts of Justice Act \(1990\)](#)

[Official Languages Act \(1985\)](#)

[Canadian Charter of Rights and Freedoms \(1982\)](#)

Institutional support

[The Office of Francophone Affairs \(OFA\)](#)

[French Language Services Commissioner](#)

[List of French Language Services Coordinators](#)

Part 1: Understanding the Context

The previous issue of the series Working Together With Francophones in Ontario covers the history of Franco-Ontarians, their socio-demographic profile and life in a minority situation.