



The Regional Municipality of Durham
To: The Joint Finance & Administration and Health & Social
Services Committee
From: Chief Administrative Officer
Report No.: 2013-J-24
Date: September 5, 2013

SUBJECT:

French Language Services Act

RECOMMENDATIONS:

THAT the Joint Finance & Administration and Health & Social Services recommends to Regional Council:

- a) THAT Regional Council not support the geographic area of Durham being a designated area; and
 - b) THAT Report 2013-J-24 be forwarded to the Minister responsible for Francophone Affairs, all local MPPs and the eight local municipalities.
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REPORT:

1. PURPOSE

The purpose of this report is to provide additional information to Regional Council regarding anticipated impacts on the Regional Municipality of Durham should Durham be designated under the *French Language Services Act* (1986) (FLSA). See Appendix 1 for the FLSA, 1986 and Appendix 2 for Regulation 284/11.

2. BACKGROUND

- 2.1 Report 2012-J-46 was submitted to Regional Council in December 2012, which outlined possible implications for the Regional Municipality of Durham should any part of the geographic area of Durham be designated under the *French Language Services Act* (1986).
- 2.2 Several delegations were heard, and Regional Council directed staff to investigate further the potential impacts to the corporation associated with being in a designated area.
- 2.3 This report seeks to further explore and clarify Regional obligations should

designation under FLSA occur. It should be noted that this report does not consider the philosophical implications of offering service in both official languages, but merely provides an analysis of potential impacts to the Region of Durham.

- 2.4 It should be noted that **municipalities cannot be designated under the FLSA**. It is the geographic area that receives the designation. However, once the area has been designated then services provided on behalf of the province **must** be available in French.

3. DEFINITIONS

- 3.1 **Active Offer** – Services in French must be **obvious, easily available and accessible, and publicized**, so that Ontario Francophones are informed about the services available in French and can access those services.
- 3.2 **Third Party** – Agencies and individuals who are under agreement with the Province of Ontario to deliver services to the public on behalf of ministries and other government agencies.
- 3.3 **Service** – Any service or procedure provided to the public by a government agency or institution of the legislature, and includes communications to that effect.
- 3.4 **The Public** – Includes individuals, businesses, not-for-profit organizations, municipalities, community stakeholders, etc.
- 3.5 **Government Agency** – There are five entities that may be “government agencies” under the Act:
1. Ministries
 2. Boards, commissions and corporations
 3. Non-profit corporations that provide a service to the public which is subsidized in whole or in part by public money
 4. A long-term care home, where designated as a public service agency, except for municipal homes or joint homes established under Part VIII of the Long-Term Care Homes Act, 2007
 5. A service provider as defined in the Child and Family Services Act, or a board as defined in the District Social Services Administration Boards Act
- 3.6 Municipalities are not included in the definition of “government agency”. However, in practical terms municipalities are contracted by the Province to deliver a number of essential programs and services on behalf of various ministries. There is no question that in these program areas, municipalities would be fully subject to the requirements of the FLSA.

4. LANGUAGE PROFILE OF THE REGION OF DURHAM

- 4.1 According to the 2011 Census of Population data, almost all of Durham's residents (99.4%) claimed to have knowledge of English or the ability to have a conversation in English.
- 4.2 English was the first official language spoken at home for 97.6% of Durham residents, followed by French at 1.6%.
- 4.3 English was also the home language of over 94% of Durham's population, where home language refers to the language spoken most often or on a regular basis at home. This compares with 3,745 residents (0.6%) whose home language was French, and 30,425 residents (5.2%) whose home language was something other than English or French.
- 4.4 There are 385 people in Durham region who speak only French. They live predominantly in the City of Oshawa (155).
- 4.5 Durham region does not meet either of the population thresholds for automatic designation under the Act. The province determined these population thresholds as a measure of the level of need for French services in a community. There is no urban area in Durham region that has 5,000 Francophone residents. Oshawa has the highest number of residents whose home language is French (1200 people). The total Francophone population of Durham region (1.3%) also falls well below the required 10 percent threshold under the Act.

5. CURRENT LANGUAGE PROVISIONS IN DURHAM

- 5.1 At the present time accommodations are made for clients seeking service in a language other than English in Social Services, Health and POA.

Income and Employment Support Division

- 5.2 Clients access service by applying online or by telephone through the Central Intake line. These calls come into the Regional Call Centre, which has no established capacity to respond to calls in French. The online application is accessed through the MCSS provincial gateway, and can be completed in French. The telephone application takes 20-25 minutes and then a face-to-face appointment is booked with a Caseworker. Presently, if a client requires an interpreter this is identified during the Intake call (or via the online application) and one is provided for the first appointment.
- 5.3 The division makes use of the AT&T language line which is equipped to provide on-demand interpreter services in over 170 different languages. This

method is a very cost-effective way to address client communication needs given the diverse client population that is served. The division will normally use professional interpreter and translation services where required, to help ensure the level of translation is professional and accurate. Still, the need for interpreters is quite small compared to the volume of clients served. In 2012, the Ontario Works program spent \$9054 for AT&T language services. **There were 40-45 requests for service in French across all 4 offices. This compares with 30 requests for service in other languages.**

Children's Services Division

- 5.4 The Children's Services division is already involved in a number of activities to improve access to services for the francophone community of Durham. The Region provides funding to a French childcare provider (Les Lucioles), which operates programs at multiple Durham locations. Currently, the Infant program at Les Lucioles is undersubscribed and at risk of being closed.
- 5.5 Translated materials are also made available to regional childcare operators through the Best Start Network - Durham's planning body for Early Learning. In addition, the division participates in the Central East French Language Best Start Network.
- 5.6 For a number of years, Best Start funding has included \$10,000 per year for translation. Funds have been used to translate Best Start Network materials as well as a limited number of publications, including the Funding Guide for Young Children and Families and the Childcare Centre Operator Regulations. Some of these dollars were also directed to support the translation needs of Durham's French language childcare operator (Les Lucioles).
- 5.7 Significant investments have been made by the Region to support the creation of new French language childcare spaces in Durham. Forty-six new spaces were created in the French public school board and forty-nine new spaces in the French Catholic school board. Additional spaces were also added at French immersion elementary schools in the Durham Catholic school board.
- 5.8 Durham Behaviour Management Services (DBMS) has two specialists with the capacity to provide French language service in childcare and school settings.

In 2012 one request was made at the intake level for service in French, but the client did not follow through.

Social Housing

- 5.9 A similar process would be available should clients request service in French, i.e. through the intake process. In 2012 **there were no requests for such services.**

Family Services

- 5.10 A similar process would be available should clients request service in French, i.e. through the intake process. In 2012 **there were no requests for such services.**

Long Term Care

- 5.11 A similar process would be available should clients request service in French, i.e. through the intake process. In 2012 **there were no requests for such services.** However, there were requests for service in three other languages.

Public Health

- 5.12 Demand for public health services in French has been minimal. For example, in 2012:
- The Epidemiology & Evaluation unit had **1 letter translated for French school boards;**
 - The Oral Health division served **1 family in French and performed work in 5 French schools** with approximately 100 students per school;
 - The Infant and Child Development program **had zero requests for French** but responded to requests for Cantonese and Persian. It was identified that Farsi, Urdu, and Hindi would have been helpful in a number of situations.
- 5.13 Currently there are 60 print resources available from the Health Department in French. These resources are either generated by the province, or translation can be obtained from the Ministry of Health and Long-Term Care at little to no cost to the Region. This is not the case for programs funded by Ministry of Children and Youth Services. In 2012, the Infant and Child Development program spent \$617 to translate print resources.

POA

- 5.14 Durham POA court service area meets the criteria of being designated as a French Court Service area under the Provincial Offences Act and the Ontario Courts of Justice Act. The Region was therefore directed to comply on November 4, 2003. Costs are recoverable from the Ministry of Attorney

General.

- 5.15 It is the Region's obligation to ensure that there is no delay, obstacle or hesitation attached to the use of French language services.
- 5.16 Provincial Offences forms, tickets and court information are regulated forms and are produced in both official languages by the Ministry of the Attorney General. Therefore these are not additional costs to the Region.
- 5.17 Designated French staff are paid at the Grade 6 category at the same rate as court clerks not performing French functions.
- 5.18 There are five designated French court dates each year. French Court hearings have all parties such as the Justice of the Peace, the prosecutor and court clerk conducting the process in French. A French Interpreter is still required for the benefit of the enforcement officer, to translate the French hearing to English.

6. IMPACTS FOR REGIONAL PROGRAMS AND SERVICES

- 6.1 Staff met with provincial staff from the following ministries:
- Community and Social Services
 - Children and Youth Services
 - Attorney General
 - Municipal Affairs and Housing
 - Health and Long-Term Care
- 6.2 Through this meeting, and many other consultations with ministry staff via telephone and email, it was determined that the following areas would be impacted:
- Social Services
 - Income and Employment Supports
 - Social Housing
 - Children's Services
 - Family Services
- 6.3 While staff gained more information through this meeting, there is still a lack of clarity around some of the funding, and certainly there is great variance among ministries. This will be further outlined in section 8, Financial Implications.
- 6.4 Despite repeated correspondence from the CAO to the Ministry of Community and Social Services (May 23, 2012, June 22, 2012, August 3, 2012, December 19, 2012 and March 6, 2013), Mr. Cubitt has not received a

written response to his enquiries regarding costs, service delivery impacts, staffing expectations and impact on service contracts.

6.5 Notwithstanding a previous letter received from MOHLTC, (see Appendix 3) the representative during the multi-ministry meeting indicated that **the following services were not considered to be in scope of the Act:**

- Public Health
- EMS
- Long-Term Care

6.6 However, it should be noted that this is a reflection of **current** requirements, which can be modified at will by the Province (as indeed the legislation was previously amended upon the recommendation of the French Language Services Commissioner, see section 9 below). Notably, the Commissioner has twice recommended that Public Health Units be required to implement the French Language Services Act, despite the fact that Boards of Health are defined as “local boards” under the Municipal Affairs Act and thus exempted.

7. IMPLICATIONS ON SPECIFIC PROGRAM AREAS

7.1 The following program areas will be impacted by designation:

- Children’s Services
- Income and Employment Support (Ontario Works)
- Family Services (Partner Assault Response, Adult Community Support Services, and Passport programs only)
- Housing and Homelessness Services
- Provincial Offences (already compliant)

Children’s Services

7.2 Children’s services are currently funded in a block funding arrangement with the Ministry of Children and Youth Services. However, a new funding formula and framework is being rolled out by the Ministry of Education, who will assume responsibility for services related to the province’s Early Learning agenda.

7.3 Block funding from the province supports the following activities:

- Childcare subsidies for eligible families
- Directly operated childcare centers
- Special needs resourcing
- Wage subsidies to build capacity in local childcare centers
- Behaviour management services
- Childcare for Ontario Works clients
- Special projects

- 7.4 Clients access the system to apply for childcare subsidy through an online application or by phoning the Children's Services Division directly. The online application is not currently available in French. There is no French language capacity among existing staff to process telephone applications in French, or to deliver community screening programs such as the "Ready, Set, Grow" check-ups which occur 10 times per year across the region.

Income and Employment Support

- 7.5 The impact of designation will be significant on the Ontario Works program. Ontario Works services are currently delivered in English at all offices, with clients having the option to receive language support through an interpreter.
- 7.6 All forms, brochures, documents and client correspondence are currently produced in English only. The case management information system used by the division (SDMT) has the capability of generating letters and case notes in French, provided the data is entered in French. This functionality is currently not utilized due to a lack of staff capacity to enter client data in French.
- 7.7 There is some limited capacity within the division to provide service in French; however the language proficiency of staff has not been formally assessed. The standard required for compliance with the FLSA would be oral and written communication skills at the Advanced or Superior level. Existing staff would need to be assessed to benchmark their French proficiency.
- 7.8 The Ontario Works program is funded by the Ministry of Community and Social Services and also by the municipality. The province pays 85.8% of costs associated with program delivery and mandatory client benefits. Discretionary client benefits are funded by the province at 73.2% up to the cap of \$10 per case. Some costs (e.g. funerals and burials, family counselling) are 100% municipal. Homemaker services are cost-shared 80/20 between the province and the Region. Program administration is cost-shared on a 50/50 basis, and the province has indicated that costs related to French language delivery will be funded at this rate, with no provincial commitment to fund ongoing costs beyond the 3-year transition period.
- 7.9 To meet the requirements of the FLSA, staffing would have to be reviewed to determine the appropriate number and level of bilingual positions. Ontario Works programs in other communities subject to the FLSA have implemented French-designated staff positions. In some cases municipalities are paying bilingual staff a premium rate. This has not been the Region's approach with POA clerks who are in bilingual positions.
- 7.10 Staffing in the Ontario Works program includes:
- Family Support Workers

- Eligibility Review Officers
- Appeals Specialists
- Caseworkers
- Employment Counsellors
- Clerks
- Trainers
- Supervisors
- Managers
- Policy Analysts

- 7.11 Group workshops would have to be reviewed and workshop materials translated. A parallel system of French workshops could be developed, however it is anticipated that demand would be low, resulting in longer wait times for clients and less frequent groups being scheduled.
- 7.12 Due to the statutory nature of the program, Ontario Works clients are entitled to have decisions reviewed by management, and may appeal decisions to the Ontario Social Benefits Tribunal. As such, it will not be sufficient to address French language requirements through bilingual frontline positions alone. Oral and written French capacity would need to be developed right up through the management hierarchy, in order to fulfill the necessary auditing and regulatory requirements.

Family Services

- 7.13 The Family Services division contains several programs that will be impacted by designation, including the Partner Assault Response (PAR) program, Adult Community Support Services (ACSS), and the Passport Initiative.
- 7.14 PAR is a court-ordered domestic violence program funded 100% by the Ministry of the Attorney General. There are 22+ groups per year, which run on a continuous intake model. All groups are currently delivered in English.
- 7.15 PAR facilitators are not all permanent Regional staff – only the Program Administrator and Supervisor positions are Regional employees. Group facilitators are contracted to run a certain number of PAR groups per year, and none have any capacity to facilitate these sessions in French. A bilingual group facilitator would need to be recruited.
- 7.16 The PAR curriculum is developed locally by each program delivery agent, and would require translation into French. Locally developed brochures and consent forms would also need translation. The initial cost of this is estimated at \$32,000, with additional translation required when any changes are made in content.

- 7.17 PAR group participants are referred by the courts. The Region currently does not track whether the client is French-speaking or English-speaking. There has never been a request for French language service in the PAR program. It would be challenging to create a delivery model that would meet FLS criteria under the Act. One approach would be to run a separate PAR group for francophone clients; however a low number of referrals may lead to francophone clients waiting much longer for service. As these are court ordered referrals, there may be expectations that clients attend within a specified timeframe.
- 7.18 The Ministry of Community and Social Services funds both the ACSS program (71.3%), and the Passport Initiative (100%). The Region serves 750+ clients across these programs. There has been only 1 instance where a client involved with these programs spoke only French and required an interpreter.
- 7.19 The ACSS program has 4 Caseworkers that cover a specific geographic region. If any part of Durham becomes designated, there would need to be some capacity developed in this program to deliver French language services. This could be achieved by creating a designated French-Caseworker position.
- 7.20 There will be implications for the Region's Finance Department should the Passport Program be subject to FLSA requirements. The Finance Department provides quality control for invoicing and record-keeping, and deposits cheques for Passport clients.
- 7.21 The Administration/Reception and Intake functions for these programs are blended with other Family Services programs that would not be subject to the Act (e.g. EAP services, mediation, family counselling). Nonetheless, there would have to be an ability to provide bilingual Reception and Intake services. There is currently no staff capacity to meet this requirement.

Housing and Homelessness Services

- 7.22 Housing services are currently funded 100% by the municipality, plus a Federal/Provincial grant of \$56 million over 6 years. Homeless services are funded by the province, for which \$5.4 million dollars is received by the Region. The waitlist for housing is currently 4-6 years long with 4600 households waiting for accommodation.
- 7.23 If Durham region is designated under the FLSA, there are significant impacts for housing and homelessness programs administered by the Region. Both Regional operations and those of a number of community partners will be impacted.
- 7.24 Specifically, there are implications with respect to the provision of services under the:

- Housing Services Act (HSA)
 - Investment in Affordable Housing (IAH) Program
 - Consolidated Homelessness Prevention Program (CHPI)
- 7.25 Should the Region enter into future agreements with the Ministry of Municipal Affairs and Housing (MMAH) for provincial funding to administer any new provincial housing or homelessness programs or services, there would be similar expectations for French language delivery.
- 7.26 There are 23 sites and 365 townhomes in the Housing Services portfolio. There are 12 community agencies involved in the delivery of Homelessness programs that would also be expected to comply with the FLSA requirements. Over the past several years, the Housing Services division has received zero requests for French translation/interpretation services, out of 4500 applicants and 2000+ tenants. A number of requests were received for service in non-official languages, including Urdu, Farsi, and Gujarati.
- 7.27 If any part of the geographic area of Durham region is designated under the FLSA, the Regional Municipality of Durham (as service manager) will be required under Section 18 of the *Housing Services Act* to provide all services that relate to housing in both English and French. It will not matter whether the service is 100% municipally funded or involves a federal/provincial cost-share.
- 7.28 The services that will be impacted include:
- Administration of the centralized waiting list including processing applications, reviewing eligibility, determining priority and responding to applicant inquiries
 - Rent-geared-to-income (RGI) administration for Durham Regional Local Housing Corporation (DRLHC) properties, rent supplement programs and municipal and private non-profit housing providers
 - Eligibility Review Officer (ERO) support for housing providers (fraud investigations)
 - Family Support Worker (FSW) support for tenants (pursuit of support income)
 - Region Review Panel for appeals of decisions under the HSA
 - Housing and Homelessness Plan consultations and communications
 - Administration of transferred housing programs, including operational reviews, enforcement procedures, subsidies and other financial matters concerning housing providers
 - Policy direction, communication and training.
- 7.29 Under section 18 of the Housing Services Act, if any part of Durham region is designated under the FLSA, those housing providers who are under service agreement with the Region to administer RGI on the Region's behalf would also have to provide service in English and French.

- 7.30 The Region of Durham has service agreements with 33 social housing providers to administer RGI on the Region's behalf, and with an additional 6 federal housing providers to administer RGI under the OCHAP or CSHP rent supplement programs. All RGI service agreements with housing providers would need to be amended to include the requirement for the provision of bilingual services.
- 7.31 Most housing providers have limited staff (generally only one housing co-ordinator or administrator) and zero current capacity to offer bilingual services. Housing providers that hire external property management companies will need to review these contracts to ensure the company is able to provide bilingual services. Housing providers are likely to incur additional costs – both one time/transitional costs and ongoing costs - related to the provision of bilingual services (e.g. signage, increased staffing costs).
- 7.32 The Region also has a service agreement with Durham Region Non-Profit Housing Corporation (DRNPHC) to operate a satellite office for the centralized waiting list. DRNPHC would need to offer these services in both English and French.
- 7.33 Under the **Investment in Affordable Housing (IAH) Program**, if any part of Durham region is designated under the FLSA, the Region will be required to ensure that services provided to the public in connection with the IAH program are available in French. Bilingual services and communications will apply to all IAH program components administered by the Region of Durham (Rental Housing, Home Ownership and Rent Supplement). The Region will be required to report annually to MMAH confirming its compliance with the IAH French language services requirement. Regional operations will be affected in both the Housing Services Division and the Finance Department in relation to all IAH program components.
- 7.34 Durham Mental Health Association, Canadian Mental Health Association (CMHA), Cornerstone Community Association, North House, and the Denise House will need to plan for French language service and communication with respect to the Rent Supplement shared delivery component. Habitat for Humanity will need to ensure French language service and communication with respect to the Home Ownership component.
- 7.35 Habitat for Humanity and CMHA may have some capacity to provide French language service by drawing resources of their larger respective organizations. Other community partners administering the Rent Supplement shared delivery component have zero current capacity to provide bilingual services and will require significant support from the Region.

- 7.36 Under the **Community Homelessness Prevention Initiative (CHPI)**, if any part of the geographic region of Durham is designated under the FLSA, the Region will be required under the current Community Homelessness Prevention Initiative (CHPI) service agreement with MMAH to provide bilingual services and communications. The Region will be required to complete a French Language Services Report annually to MMAH confirming its compliance with the CHPI French language services requirement, as it pertains to direct delivery by the Region or by a subcontractor with the Region. Failure to do so could affect payments for program.
- 7.37 The Region provides CHPI funding for a number of homelessness initiatives, all of which will be subject to French language services. These include:
- Emergency Shelter Solutions – emergency hostels and related services
 - Housing and Related Supports – domiciliary and transitional housing
 - Services and Supports – street outreach and referral, case management
 - Homelessness Prevention – housing related arrears, rent/utility deposits
- 7.38 These CHPI initiatives are administered by the Housing Services Division in conjunction with a number of internal and community partners. The Income and Employment Support Division provides homelessness prevention supports to recipients of Ontario Works and ODSP through the Housing Stability Program (HSP). Community Development Council Durham (CDCD) provides housing outreach and homelessness prevention supports. Cornerstone Community Association, Muslim Welfare Home, and Joanne's Place provide emergency shelter services and housing outreach supports. Five additional community agencies provide housing outreach supports. There is one domiciliary hostel in Durham. There will be costs to the Region to conduct a full review of French language capacity in purchase of service shelters, and third party providers of housing supports. Should existing providers be unable to meet the requirements, there would be additional costs associated with initiating an RFP process to identify alternatives and generate new contracts.
- 7.39 Regional operations will be affected in the Income and Employment Support Division with respect to the provision of HSP benefits – in addition to any French language requirements that may be imposed under the Ontario Works program. Community Development Council Durham (CDCD) may have some capacity to provide French language services as it also currently provides Settlement Services for newcomers to Canada. Most other community partners providing emergency hostel, housing outreach and homelessness prevention services have limited to no capacity to offer French language services and will require significant supports from the Region to meet this requirement.

8. FINANCIAL IMPLICATIONS FOR DURHAM

- 8.1 The level of funding the province is willing to provide to support any transition to French language services remains unclear. The program areas that will be affected are not all funded by the same ministry. Each ministry has discretion to negotiate its own funding rate for French language services, which would be done when the Region negotiates the Annual Service Agreements.
- 8.2 There is great disparity between how different ministries are funding French language services. This makes calculation of cost impacts to Durham difficult to estimate.
- 8.3.1 For example, the Ministry of the Attorney General funds 100% of the Region's costs associated with providing French services in the Provincial Offences courts. These costs include one-time costs and ongoing expenses for staff salaries, language training, language testing for new hires, and translation of documents. However, the same ministry has indicated there will be no funding for French services in the Partner Assault Response (PAR) program, which is delivered by the Family Services Division.
- 8.4 The Ministry of Community and Social Services is willing to fund 50% of the start-up costs, with no commitment to fund any ongoing costs. The Ministry of Children and Youth Services provides an annual funding allocation for things like translation as part of the block funding transfer, with no commitment for any ongoing costs. The Ministry of Municipal Affairs and Housing has indicated that no additional funding is made available. One-time and ongoing costs for French services would have to be covered by the existing allocation the Region receives for Social Housing Administration. However, these funds are fully allocated to cover existing expenses.
- 8.4 There will be program-specific and corporate-wide costs associated with compliance. At a high-level, these include:
- Signage on exterior and interior of buildings
 - Translation of administrative forms and documents
 - Translation of correspondence to program clients
 - Translation of leaflets, brochures, and newsletters
 - Translation of client feedback documents and quality assurance mechanisms
 - Telephony system adaptations to allow for bilingual messaging and voicemail prompts
 - Website adaptations to enable the public to more easily access program information in French
 - Core staffing costs and related premiums (if any), for designated French language positions

- Language training for existing program staff, to ensure adequate French competency across all levels where contact with the public may occur
- Advertising and recruitment of French-speaking staff for designated positions
- French language interpretation at public consultations or focus groups
- Separate French language workshops for clients
- Translation and purchase of additional public display materials (e.g. display boards or banners)

Human Resources

- 8.5 Currently, there is no capacity in the corporate Human Resources division to manage recruitment and selection of candidates for bilingual positions. There are some resources available that could help with recruiting bilingual candidates (e.g. Rifssso HR Support Kit which is geared to health and social services professions). There is also no capacity to verify the French language proficiency of candidates who might apply for designated French positions. Job descriptions are currently only available in English. Job advertising is currently only done through English language media.
- 8.6 It is difficult to determine the full cost of running a recruitment campaign to fill a designated French language position. The Human Resources division does not cost job competitions from cradle to grave, nor track the time their staff spend on the file. They can provide an average time to fill rate, but this is based on number of weeks, and a consultant is typically managing more than one job competition at a time. They do not 'bill' or track their time by job competition or by division. Therefore it would be more difficult to assign any of the related costs to individual ministries.
- 8.7 On average in 2012, the advertising cost for a vacancy was \$4,000 per position. This cost would more than double to \$8,800 for any positions which need to be advertised in both French and English. Based on an estimate from the Region's recruitment ad company, French job advertisements cost 20% more than English ads due to the additional copy that is required. There would also be a \$150 charge for translation of the original advert from English to French.
- 8.8 In 2012, approximately 50 positions were advertised in various media (paper, online, niche job boards or publications etc.) As an estimate, if 10% of these positions were French-designated, it would cost the Region an extra \$20,000 per year to advertise these vacancies in French. **These costs are ongoing, not one-time.**
- 8.9 Assessing the language proficiency of existing staff will cost approximately \$8,000, based on 50 evaluations @ \$160 per assessment. There would be additional costs for French language training should staff not meet the required

proficiency level, estimated at \$50,000 - \$75,000 per level for approximately 50 staff, **plus** the cost of staff salaries for those participating, **plus** the cost of additional staff coverage to maintain service levels. Some staff would need to complete three levels of language training to meet the required proficiency for their job role. Staff training would also be required on the French Language Services Act and regulations, with a one-time cost of \$1,000 to develop the curriculum, plus ongoing costs of \$700-\$800 per year.

- 8.10 Each social service program area will need to review operational requirements to determine the number of designated-French speaking positions that will be required. In addition, some bilingual staff will be required in Finance and Human Resources. Regional costs must also include the salaries and time spent by staff to conduct operational reviews and fully implement a parallel French service. These are difficult to estimate before becoming fully engaged with the process.
- 8.11 There are other costs that will be incurred which are currently unquantifiable. These include:
- Additional staff time to review operational requirements, develop and implement French language service plans for each program area.
 - Additional salaries to provide coverage while staff undergo up to 3 years of language training.
 - Language training for Corporate Human Resources staff. Translation of existing job descriptions. Cost of additional recruitment campaigns to fill French-designated positions. Language proficiency assessments for future job applicants.
 - Any costs incurred by community agencies who provide services on behalf of the Region (e.g. housing and homelessness supports).

Signage and Communications

- 8.12 It will cost \$30,000 to address bilingual signage requirements at Regional Headquarters alone. The extent to which signage must be changed at other offices will depend on whether French language service will be offered from these locations. This is hard to anticipate until a full delivery plan is developed by each program area. There would be some flexibility for Regional departments to decide how best to operationalize French language services.
- 8.13 The corporate website will require minor adaptations to improve the ease of content translation into French. This will be a one-time cost of \$1,500.
- 8.14 Public consultations and stakeholder meetings for affected programs would have to incorporate simultaneous French interpretation and translation of documents. The cost of this service is \$500 per hour.

- 8.15 Translation of existing forms, letters, brochures and guides for the Income and Employment Support program would cost approximately \$33,000 initially, plus ongoing costs for amendments.
- 8.16 Translation of existing forms, letters, brochures, and curriculum for the Family Services PAR program would cost approximately \$32,000 initially, plus ongoing costs for amendments.
- 8.17 Translation of existing forms, tenant letters and notices, newsletters, leases and the tenant information package for Housing Services would cost approximately \$10,000 initially, plus ongoing costs for amendments.

9. FRENCH LANGUAGE SERVICES COMMISSIONER OF ONTARIO

- 9.1 The office of the French Language Services Commissioner of Ontario was established to support Ontario Francophones by ensuring active, integrated delivery of French language services. A recent Private Members Bill (Bill 31) was introduced on March 20, 2013, which would amend the FLSA with respect to the Commissioner's reporting requirements. Currently the Commissioner reports to the Minister responsible for Francophone Affairs. Should Bill 31 be passed the Commissioner would report directly to the legislature. This raises the profile of the Commissioner, and any recommendations included in future reports will receive direct attention by MPPs.
- 9.2 It should be noted that the legislation is not static. In 2011, a recommendation by M. Boileau was adopted as a regulation "which compels third parties that provide services on the government's behalf to do so in French as well as English."
- 9.3 M. Boileau raises the lack of French-language services in some public health units and in both his 2009-2010 and 2010-2011 reports recommended that public health units which are partly or fully funded by the province should implement the FLSA. Moreover, the Ontario Public Health Standards, 2008 require boards of health to "bear in mind that in keeping with the French Language Services Act, services in French should be made available to French-speaking Ontarians located in designated areas."
- 9.4 It should therefore be recognized that while services such as EMS, Public Health and Long-Term Care are currently out of scope under the FLSA that may not always be the case.

10. CONCLUSION AND RECOMMENDATION

- 10.1 The geographic region of Durham does not meet either of the population thresholds for automatic designation under the Act. The Province determined

these population thresholds as a measure of the level of need for French services in a community. There is no urban area in Durham region that has 5,000 Francophone residents. Oshawa has the highest number of residents whose home language is French (1200 people). The total Francophone population of Durham region (1.3%) also falls well below the required 10 percent threshold.

- 10.2 Durham currently provides translation services upon request for other languages, including French, for Regional services not included in the FLSA (e.g. Public Health). The additional costs associated with **actively** offering services in French would inevitably divert funds from other program areas, along with introducing a new layer of responsibility for ongoing monitoring and reporting. Any future regulations that expand the scope of the Act, at the discretion of the Province, would require Regional compliance.
- 10.3 It is staff's recommendation that Regional Council not support Durham being designated under the FLSA.

R.J. Kyle, MD, MHSc, CCFP, FRCPC
Commissioner & Medical Officer of Health

Dr. Hugh Drouin
Commissioner of Social Services

G.H. Cubitt, M.S.W.
Chief Administrative Officer

Appendix 1 to Report 2013-J-24 French Language Services Act
Appendix 2 to Report 2013-J-24 Ontario Regulation 284/11
Appendix 3 to Report 2013-J-24 Letter from Ministry of Health and Long-Term
Care



Français

French Language Services Act

R.S.O. 1990, CHAPTER F.32

Consolidation Period: From June 1, 2011 to the e-Laws currency date.

Last amendment: 2009, c. 33, Sched. 6, s. 60.

Preamble

Whereas the French language is an historic and honoured language in Ontario and recognized by the Constitution as an official language in Canada; and whereas in Ontario the French language is recognized as an official language in the courts and in education; and whereas the Legislative Assembly recognizes the contribution of the cultural heritage of the French speaking population and wishes to preserve it for future generations; and whereas it is desirable to guarantee the use of the French language in institutions of the Legislature and the Government of Ontario, as provided in this Act;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

“Commissioner” means the French Language Services Commissioner appointed under section 12.1; (“commissaire”)

“government agency” means,

- (a) a ministry of the Government of Ontario, except that a psychiatric facility, residential facility or college of applied arts and technology that is administered by a ministry is not included unless it is designated as a public service agency by the regulations,
- (b) a board, commission or corporation the majority of whose members or directors are appointed by the Lieutenant Governor in Council,
- (c) a non-profit corporation or similar entity that provides a service to the public, is subsidized in whole or in part by public money and is designated as a public service agency by the regulations,
- (d) a long-term care home as defined in the *Long-Term Care Homes Act, 2007* that is designated as a public service agency by the regulations, other than a municipal home

or joint home established under Part VIII of the *Long-Term Care Homes Act, 2007*, or a home for special care as defined in the *Homes for Special Care Act* that is designated as a public service agency by the regulations,

(e) a service provider as defined in the *Child and Family Services Act* or a board as defined in the *District Social Services Administration Boards Act* that is designated as a public service agency by the regulations,

and does not include a municipality, or a local board as defined in the *Municipal Affairs Act*, other than a local board that is designated under clause (e); (“organisme gouvernemental”)

“service” means any service or procedure that is provided to the public by a government agency or institution of the Legislature and includes all communications for the purpose. (“service”) R.S.O. 1990, c. F.32, s. 1; 1997, c. 25, Sched. E, s. 3; 2007, c. 7, Sched. 16, s. 1; 2007, c. 8, s. 204.

Provision of services in French

2. The Government of Ontario shall ensure that services are provided in French in accordance with this Act. R.S.O. 1990, c. F.32, s. 2.

Use of English or French in Legislative Assembly

3. (1) Everyone has the right to use English or French in the debates and other proceedings of the Legislative Assembly. R.S.O. 1990, c. F.32, s. 3 (1).

Bills and Acts of the Assembly

(2) The public Bills of the Legislative Assembly introduced after the 1st day of January, 1991 shall be introduced and enacted in both English and French. R.S.O. 1990, c. F.32, s. 3 (2).

Translation of Statutes

4. (1) Before the 31st day of December, 1991, the Attorney General shall cause to be translated into French a consolidation of the public general statutes of Ontario that were re-enacted in the Revised Statutes of Ontario, 1980, or enacted in English only after the coming into force of the Revised Statutes of Ontario, 1980, and that are in force on the 31st day of December, 1990. R.S.O. 1990, c. F.32, s. 4 (1).

Enactment

(2) The Attorney General shall present the translations referred to in subsection (1) to the Legislative Assembly for enactment. R.S.O. 1990, c. F.32, s. 4 (2).

Translation of regulations

(3) The Attorney General shall cause to be translated into French such regulations as the Attorney General considers appropriate and shall recommend the translations to the Executive Council or other regulation-making authority for adoption. R.S.O. 1990, c. F.32, s. 4 (3).

Right to services in French

5. (1) A person has the right in accordance with this Act to communicate in French with, and to receive available services in French from, any head or central office of a government agency or institution of the Legislature, and has the same right in respect of any other office of such agency or institution that is located in or serves an area designated in the Schedule. R.S.O. 1990, c. F.32, s. 5 (1).

Duplication of services

(2) When the same service is provided by more than one office in a designated area, the Lieutenant Governor in Council may designate one or more of those offices to provide the service in French if the Lieutenant Governor in Council is of the opinion that the public in the designated area will thereby have reasonable access to the service in French. R.S.O. 1990, c. F.32, s. 5 (2).

Idem

(3) If one or more offices are designated under subsection (2), subsection (1) does not apply in respect of the service provided by the other offices in the designated area. R.S.O. 1990, c. F.32, s. 5 (3).

Existing practice protected

6. This Act shall not be construed to limit the use of the English or French language outside of the application of this Act. R.S.O. 1990, c. F.32, s. 6.

Limitation of obligations of government agencies, etc.

7. The obligations of government agencies and institutions of the Legislature under this Act are subject to such limits as circumstances make reasonable and necessary, if all reasonable measures and plans for compliance with this Act have been taken or made. R.S.O. 1990, c. F.32, s. 7.

Regulations

8. The Lieutenant Governor in Council may make regulations,

- (a) designating public service agencies for the purpose of the definition of "government agency";
 - (b) amending the Schedule by adding areas to it;
 - (c) exempting services from the application of sections 2 and 5 where, in the opinion of the Lieutenant Governor in Council, it is reasonable and necessary to do so and where the exemption does not derogate from the general purpose and intent of this Act.
- R.S.O. 1990, c. F.32, s. 8.

Public service agencies; limited designation

9. (1) A regulation designating a public service agency may limit the designation to apply only in respect of specified services provided by the agency, or may specify services that are excluded from the designation. R.S.O. 1990, c. F.32, s. 9 (1).

Consent of university

(2) A regulation made under this Act that applies to a university is not effective without the university's consent. R.S.O. 1990, c. F.32, s. 9 (2).

Notice and comment re exempting regulation, etc.

10. (1) This section applies to a regulation,

- (a) exempting a service under clause 8 (c);
- (b) revoking the designation of a public service agency;
- (c) amending a regulation designating a public service agency so as to exclude or remove a service from the designation. R.S.O. 1990, c. F.32, s. 10 (1).

Idem

(2) A regulation to which this section applies shall not be made until at least forty-five

days after a notice has been published in *The Ontario Gazette* and a newspaper of general circulation in Ontario setting forth the substance of the proposed regulation and inviting comments to be submitted to the Minister responsible for Francophone Affairs. R.S.O. 1990, c. F.32, s. 10 (2).

Idem

(3) After the expiration of the forty-five day period, the regulation with such changes as are considered advisable may be made without further notice. R.S.O. 1990, c. F.32, s. 10 (3).

Responsible Minister

11. (1) The Minister responsible for Francophone Affairs is responsible for the administration of this Act. R.S.O. 1990, c. F.32, s. 11 (1).

Functions

(2) The functions of the Minister are to develop and co-ordinate the policies and programs of the government relating to Francophone Affairs and the provision of French language services and for the purpose, the Minister may,

- (a) prepare and recommend government plans, policies and priorities for the provision of French language services;
- (b) co-ordinate, monitor and oversee the implementation of programs of the government for the provision of French language services by government agencies and of programs relating to the use of the French language;
- (c) make recommendations in connection with the financing of government programs for the provision of French language services;
- (d) Repealed: 2007, c. 7, Sched. 16, s. 2 (1).
- (e) require the formulation and submission of government plans for the implementation of this Act and fix time limits for their formulation and submission,

and shall perform such duties as are assigned to the Minister by order in council or by any other Act. R.S.O. 1990, c. F.32, s. 11 (2); 1993, c. 27, Sched.; 2007, c. 7, Sched. 16, s. 2 (1).

Annual report

(3) The Minister, after the close of each fiscal year, shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Office of Francophone Affairs and shall then lay the report before the Assembly if it is in session or, if not, at the next session. R.S.O. 1990, c. F.32, s. 11 (3).

Regulations

(4) Subject to the approval of the Lieutenant Governor in Council, the Minister responsible for Francophone Affairs may make regulations generally for the better administration of this Act and, without limiting the generality of the foregoing,

- (a) governing the publication of government documents in French;
- (b) governing the provision of services in French under a contract with a person who has agreed to provide services on behalf of a government agency, including the circumstances in which the agency may enter into such a contract. 2007, c. 7, Sched. 16, s. 2 (2).

Office for Francophone Affairs

12. (1) Such employees as are considered necessary shall be appointed under Part III of the *Public Service of Ontario Act, 2006* for the administration of the functions of the Minister responsible for Francophone Affairs, and shall be known as the Office of Francophone Affairs. R.S.O. 1990, c. F.32, s. 12 (1); 2006, c. 35, Sched. C, s. 48.

Function of Office of Francophone Affairs

(2) The Office of Francophone Affairs may,

- (a) review the availability and quality of French language services and make recommendations for their improvement;
- (b) recommend the designation of public service agencies and the addition of designated areas to the Schedule;
- (c) require non-profit corporations and similar entities, facilities, homes and colleges referred to in the definition of "government agency" to furnish to the Office information that may be relevant in the formulation of recommendations respecting their designation as public service agencies;
- (d) recommend changes in the plans of government agencies for the provision of French language services;
- (e) make recommendations in respect of an exemption or proposed exemption of services under clause 8 (c),

and shall perform any other function assigned to it by the Minister responsible for Francophone Affairs, the Executive Council or the Legislative Assembly. R.S.O. 1990, c. F.32, s. 12 (2); 1993, c. 27, Sched.

French Language Services Commissioner

12.1 (1) The Lieutenant Governor in Council shall appoint an individual to act as French Language Services Commissioner. 2007, c. 7, Sched. 16, s. 3.

Official name

(2) The person appointed shall be known in English as the French Language Services Commissioner and in French as commissaire aux services en français. 2007, c. 7, Sched. 16, s. 3.

Office established

(3) There is hereby established an office to be known in English as the Office of the French Language Services Commissioner and in French as Commissariat aux services en français. 2007, c. 7, Sched. 16, s. 3.

Employees

(4) Such employees as are considered necessary shall be appointed under the *Public Service of Ontario Act, 2006* for the administration of the functions of the Office of the French Language Services Commissioner. 2007, c. 7, Sched. 16, s. 3, 4.

Temporary replacement

(5) The Commissioner may designate in writing an employee in his or her office to act on a temporary basis in his or her place when the Commissioner is for any reason unable to carry out his or her functions and, when acting in that capacity, the designate has all the powers of the Commissioner, subject to any conditions, limitations or restrictions set out in the designation. 2007, c. 7, Sched. 16, s. 3.

Immunity

(6) No proceeding shall be commenced against the Commissioner or any employee in the Commissioner's office for any act done or omitted in good faith in the execution or intended execution of his or her duties under this Act. 2007, c. 7, Sched. 16, s. 3.

Crown liability

(7) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (6) does not relieve the Crown of any liability to which the Crown would otherwise be subject. 2007, c. 7, Sched. 16, s. 3.

Functions of Commissioner

12.2 It is the function of the Commissioner to encourage compliance with this Act by,

- (a) conducting investigations into the extent and quality of compliance with this Act, pursuant to complaints relating to French language services made by any person or on the Commissioner's own initiative;
- (b) preparing reports on investigations, including recommendations for improving the provision of French language services;
- (c) monitoring the progress made by government agencies in providing French language services;
- (d) advising the Minister on matters related to the administration of this Act; and
- (e) performing such other functions as may be assigned to the Commissioner by the Lieutenant Governor in Council. 2007, c. 7, Sched. 16, s. 3.

Commissioner's discretion to investigate complaints

12.3 (1) The Commissioner may, in his or her discretion, decide not to take any action based on a complaint relating to French language services, including refusing to investigate or ceasing to investigate any complaint, if, in his or her opinion,

- (a) the subject-matter of the complaint is trivial;
- (b) the complaint is frivolous or vexatious or is not made in good faith;
- (c) the subject-matter of the complaint has already been investigated and dealt with;
- (d) the subject-matter of the complaint does not involve a contravention of or failure to comply with this Act or, for any other reason, does not come within the authority of the Commissioner under this Act. 2007, c. 7, Sched. 16, s. 3.

Notice to complainant

(2) If the Commissioner decides not to act on a complaint, or to take no further actions with regard to a complaint, he or she shall give the complainant notice in writing of the decision, and of the reasons for it. 2007, c. 7, Sched. 16, s. 3.

Investigations

12.4 (1) Subject to this Act, the Commissioner may determine the procedure to be followed in conducting an investigation. 2007, c. 7, Sched. 16, s. 3.

Notice to be given to deputy head

(2) Before beginning an investigation, the Commissioner shall inform the deputy head or other administrative head of the government agency concerned of his or her intention to conduct an investigation. 2007, c. 7, Sched. 16, s. 3.

Application of *Public Inquiries Act, 2009*

(3) Section 33 of the *Public Inquiries Act, 2009* applies to an investigation by the Commissioner. 2009, c. 33, Sched. 6, s. 60.

Report on results of investigation

(4) The Commissioner shall report the results of an investigation,

- (a) where the investigation arises from a complaint, to the complainant, the deputy head or other administrative head of the government agency concerned and the Minister;
 - (b) where the investigation is at the Commissioner's own initiative, to the deputy head or other administrative head of the government agency concerned and the Minister.
- 2007, c. 7, Sched. 16, s. 3.

Annual and special reports

12.5 (1) The Commissioner shall prepare and submit to the Minister responsible for Francophone Affairs an annual report on his or her activities, which may include recommendations for improving the provision of French language services. 2007, c. 7, Sched. 16, s. 3.

Special report

(2) The Commissioner may at any time make a special report to the Minister on any matter related to this Act that, in the opinion of the Commissioner, should not be deferred until the annual report and may request the Minister to submit it to the Speaker of the Assembly to be laid before the Assembly. 2007, c. 7, Sched. 16, s. 3.

Tabling of report

(3) The Minister shall, without delay, submit to the Speaker the annual report and any special report that the Commissioner requests the Minister to submit under subsection (2), and the Speaker shall lay it before the Assembly forthwith if it is in session or, if not, at the next session. 2007, c. 7, Sched. 16, s. 3.

Publication of report

12.6 The Commissioner may publish, in any manner he or she considers appropriate, a report mentioned in this Act 30 days after it has been given to the Minister, unless the Minister consents to the report's earlier publication. 2007, c. 7, Sched. 16, s. 3.

French language services co-ordinators

13. (1) A French language services co-ordinator shall be appointed for each ministry of the government. R.S.O. 1990, c. F.32, s. 13 (1).

Committee

(2) There shall be a committee consisting of the French language services co-ordinators, presided over by the senior official of the Office of Francophone Affairs. R.S.O. 1990, c. F.32, s. 13 (2).

Communication

(3) Each French language services co-ordinator may communicate directly with his or her deputy minister. R.S.O. 1990, c. F.32, s. 13 (3).

Deputy minister

(4) Each deputy minister is accountable to the Executive Council for the implementation of this Act and the quality of the French language services in the ministry. R.S.O. 1990, c. F.32,

s. 13 (4).

Municipal by-laws re official languages

14. (1) The council of a municipality that is in an area designated in the Schedule may pass a by-law providing that the administration of the municipality shall be conducted in both English and French and that all or specified municipal services to the public shall be made available in both languages. R.S.O. 1990, c. F.32, s. 14 (1).

Right to services in English and French

(2) When a by-law referred to in subsection (1) is in effect, a person has the right to communicate in English or French with any office of the municipality, and to receive available services to which the by-law applies, in either language. R.S.O. 1990, c. F.32, s. 14 (2).

Regional councils

(3) Where an area designated in the Schedule is in a regional municipality and the council of a municipality in the area passes a by-law under subsection (1), the council of the regional municipality may also pass a by-law under subsection (1) in respect of its administration and services. 2002, c. 17, Sched. F, Table.

SCHEDULE

MUNICIPALITY OR DISTRICT	AREA
City of Greater Sudbury	All
City of Hamilton	All of the City of Hamilton as it exists on December 31, 2000
City of Ottawa	All
City of Toronto	All
Regional Municipality of Niagara	Cities of: Port Colborne and Welland
Regional Municipality of Peel	City of Brampton
Regional Municipality of Peel	City of Mississauga
County of Dundas	Township of Winchester
County of Essex	City of Windsor
	Towns of: Belle River and Tecumseh
	Townships of: Anderdon, Colchester North, Maidstone, Sandwich South, Sandwich West, Tilbury North, Tilbury West and Rochester
County of Frontenac	City of Kingston
County of Glengarry	All
County of Kent	Town of Tilbury Townships of: Dover and Tilbury East
County of Middlesex	City of London
County of Prescott	All
County of Renfrew	City of Pembroke
	Townships of: Stafford and Westmeath
County of Russell	All
County of Simcoe	Town of Penetanguishene
	Townships of: Tiny and Essa
County of Stormont	All

District of Algoma	All
District of Cochrane	All
District of Kenora	Township of Ignace
District of Nipissing	All
District of Parry Sound	Municipality of Callander
District of Sudbury	All
District of Thunder Bay	Towns of: Geraldton, Longlac and Marathon
	Townships of: Manitouwadge, Beardmore, Nakina and Terrace Bay
District of Timiskaming	All

R.S.O. 1990, c. F.32, Sched.; O. Reg. 407/94, s. 1; 1997, c. 26, Sched.; 1999, c. 14, Sched. F, s. 4; 2000, c. 5, s. 12; O. Reg. 407/94, s. 2 (as remade by O. Reg. 405/04, s. 1); O. Reg. 407/94, s. 3 (as made by O. Reg. 184/06, s. 1).

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Français

French Language Services Act

ONTARIO REGULATION 284/11

PROVISION OF FRENCH LANGUAGE SERVICES ON BEHALF OF GOVERNMENT AGENCIES

Consolidation Period: From July 1, 2011 to the e-Laws currency date.

No amendments.

This is the English version of a bilingual regulation.

Definition

1. In this Regulation,

“third party” means a person or entity that has agreed with a government agency to provide a service on behalf of the agency. O. Reg. 284/11, s. 1.

Provision of services in French

2. (1) By the day specified in subsection (3), 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. O. Reg. 284/11, s. 2 (1).

(2) By the day specified in subsection (3), 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. O. Reg. 284/11, s. 2 (2).

(3) Subject to section 7 of the Act, the day mentioned in subsection (1) or (2) is,

(a) the three-year anniversary of the day this Regulation comes into force, if the agreement that the government agency has entered into with the third party comes into force before the day this Regulation comes into force; or

(b) the day the agreement that the government agency has entered into with the third party comes into force, if it comes into force on or after the day this Regulation comes into force. O. Reg. 284/11, s. 2 (3).

Report

3. (1) By 30 days after the day specified in subsection 2 (3), every government agency

that retains a third party to provide a service to the public on behalf of the agency shall file a report in accordance with subsection (2) setting out,

- (a) the name of the agency and the name and contact information of a contact person in the agency for the purposes of the report;
- (b) a statement whether the Act requires the agency to provide the service to the public in French;
- (c) if the Act requires the agency to provide the service to the public in French, a description of the service provided and a statement whether the agency has complied with section 2. O. Reg. 284/11, s. 3 (1).

(2) A government agency shall file the report with,

- (a) the Minister responsible for Francophone Affairs, if the agency is a ministry or if the agency is not a ministry and does not have a minister responsible for it; or
- (b) the minister responsible for the agency, if the agency is not a ministry and has a minister responsible for it. O. Reg. 284/11, s. 3 (2).

(3) A minister who receives a report of a government agency for which the minister is responsible shall promptly forward the report to the Minister responsible for Francophone Affairs. O. Reg. 284/11, s. 3 (3).

4. Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 284/11, s. 4.

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Ministry of Health and
Long-Term Care

Ministère de la Santé
et des Soins de longue durée



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Services en français
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Téléphone : 416 327-8974
Télécopieur : 416 212-3755

August 13, 2012

Mr. Gary S. Cubitt, M.S.W.
Chief Administrative Officer
The Regional Municipality of Durham
605 Rossland Road East
Whitby ON L1N 6A3

Dear Mr. Cubitt:

Re: French Language Services Act and Municipal Services

Thank you for your letter dated June 22, 2012 regarding the *French Language Services Act* (FLSA) and its potential impact on municipal services, including Public Health Services, Emergency Medical Services and Long-Term Care (LTC) Services, should the region of Durham be added to the Schedule of designated areas in the FLSA.

I would like to take this opportunity to reiterate the message communicated by the Office of Francophone Affairs that residents in designated areas have a right under the FLSA to communicate with, and receive available services from, the provincial government in French as well as in English. Although a municipality's own services are excluded from the provisions of the FLSA, a municipality that provides services in a designated area on behalf of the ministry will be required to provide those services in accordance with the FLSA.

Further, even where a municipality is providing services in a designated area on its *own* behalf, it is viewed in a positive light when its services are available in French to ensure that the needs of French-speaking Ontarians located in the designated area are met. Consider the following examples:

- Public Health Services – Ontario's Public Health Standards (OPHS) specify that "boards of health should bear in mind that in keeping with the FLSA, services in French should be made available to French-speaking Ontarians located in designated areas". The OPHS also require Public Health Units to consider the needs of unique populations in the planning, delivery and evaluation of public health programs and services. Under the Foundational Standard, Public Health Units are required to "tailor public health programs and services to meet local population health needs." Need is established by assessing the distribution of determinants of health (including language), health status, and incidence of disease and injury.

.../2

Mr. Gary S. Cubitt

- **LTC Services – Local Health Integration Networks (LHINs)** are responsible for the planning, integration and funding of LTC services at the local level. As such, the ministry encourages LTC homes located within a designated area to work with their LHIN to ensure that the French-speaking needs of LTC residents are well understood by all stakeholders in the LTC sector and that system resources are maximized to improve access to French language services in LTC homes. This applies to LTC homes operated by municipalities.
- **Emergency Medical Services – Under the *Ambulance Act*, every municipality is responsible for ensuring the proper provision of land ambulance services in its geographic area in accordance with the needs of persons in the municipality, including language needs.**

Based on the foregoing, it is possible that the designation of the region of Durham under the FLSA could have some financial and service implications on Public Health Services, LTC Services and Emergency Medical Services. That said, the implications for a municipal government are not of the same order as those related to the provincial government and it is expected that the municipal government would serve its francophone population on a best efforts basis, as indicated in the examples above, as opposed to being strictly required to do so such as is the case with provincial government services.

Thank you for taking the time to write. Should you have any questions regarding French Language Services, please feel free to contact me at (416) 327-8974.

Sincerely,

Marc Despatie
Manager
French Language Services

C : Daniel Cayen, Assistant Deputy Minister, Office of Francophone Affairs