



**MINORITY LANGUAGE RIGHTS
IN A TIME OF CRISIS (FEDERAL)**
The state of French language services
in Ontario

December 2020



Ottawa, December 10, 2020

The hon. Mélanie Joly

MP for Ahuntsic-Cartierville

Minister of Economic Development and Official Languages

House of Commons

Ottawa (Ontario) K1A 0A6

Dear Minister,

We are nearing the end of a year that has been challenging, to say the least. The COVID-19 pandemic that reached Canada in March plunged the entire country into an unprecedented crisis.

Governments, communities and organizations of all sorts had to adjust very quickly to a variety of restrictions put in place to protect the population and reduce the spread of the virus.

The Assemblée de la francophonie de l'Ontario (AFO) wishes to acknowledge the Government of Canada's continuous efforts to maintain communication with our Franco-Ontarian network during the pandemic. In the AFO's [survey on the impacts of COVID-19](#) on community organizations, Franco-Ontarian not-for-profit organizations (NPOs) expressed satisfaction with the governmental response to the crisis and communications with Ontario's Francophone NPOs, and they expressed this opinion to a slightly greater degree than majority-language organizations.

- More than 9 in 10 Franco-Ontarian NPOs (93.21%) described the Government of Canada's response to the crisis and its communications with NPOs as minimally acceptable. This result is 8% higher than among Ontario's Anglophone NPOs.
- Almost 9 in 10 Franco-Ontarian NPOs (86.21%) described the Government of Ontario's response to the crisis and its communications with NPOs as minimally acceptable. This result is 11% higher than among Ontario's Anglophone NPOs.

In passing, we wish to thank you, as well as the Minister of Middle Class Prosperity, the Hon. Mona Fortier, and both your teams, for your participation in a videoconference with our members to present federal programs and discuss the impacts of COVID-19 on their organizations.

However, the public health crisis has demonstrated that there are weaknesses and limits to our constitutional right to receive various communications in French from our governments. Based on our observations in the field and comments we received from Ontario Francophones, either proactively or during a workshop on that topic at our last annual conference, this report identifies observed problems and proposes solutions to address them.

As Dr. Stéphanie Chouinard, professor of political science at the Royal Military College of Canada, wisely stated to the House of Commons' Standing Committee on Official Languages on November 26, the country's official languages are not an obstacle to protecting Canadians, but rather a means to that end.

In a workshop on "language rights in a time of crisis" held at the AFO's 2020 annual conference, François Laroque, who holds the University of Ottawa's research chair on language rights and issues, and Bryan Michaud, the AFO's political analyst, asked a survey question to which 50% of the 100 or so participants responded that they had witnessed at least one violation of language rights during the public health crisis.

Unarguably, in times of major crisis like we've experienced this year, the importance of understanding the government's messages greatly magnifies the importance of respecting our language rights. Languages are the essential vectors of messaging, not a chore that impedes timely communication.

Recommendation 1

- The Government of Canada should modernize the Official Languages Act with consideration for the AFO's recommendations contained in this report.

Note

This report aims to identify problems and solutions involving government communications at the federal level only. A similar report regarding the provincial (Ontario) level of government will be released in the coming days.

Travelers returning to Canada

It was brought to our attention that access to French language services was difficult or impossible for travelers returning to Canada in the early days of the pandemic. This information was shared with the AFO on two separate occasions, but many more Canadians submitted complaints about this problem to the Office of the Commissioner of Official Languages. The Commissioner has tabled an excellent report to this effect, which is mentioned below in this report.

These instances of failure to provide French language services mainly involve designated bilingual airports and their inability to serve clients in the official language of their choice, the Canada Border Services Agency and the information and documentation on COVID-19 it provides in airports, and the Public Health Agency of Canada's surveillance calls to confined travellers.

If they could not understand English, many Francophone travelers could not understand the rules and procedures that were meant to ensure their security and the security of others. It was nonetheless vitally important to transmit clear, precise and comprehensible messages to travelers re-entering the country in order to curb the spread of COVID-19, especially in the initial stages of the pandemic.

In its follow-up calls to returning travelers in self-isolation, the Public Health Agency of Canada did not always actively offer French languages services. Here we quote a respondent's reply to a questionnaire distributed by the AFO in its workshop on language rights in times of crisis (our translation):

"When I returned from our trip in March, the Public Health Agency of Canada contacted us in English only, but we demanded that a Francophone person

communicate with us during our 14 days of self-isolation. After that, we did obtain French language services.”

The Public Health Agency of Canada’s initial contact with this returning traveler was in English only and French language services were not actively offered. The respondent also said that slightly more than 10 hours elapsed between the first English-language call and the second call, which was in French. So, in addition to not abiding by the *Official Languages Act* in regards to active offer, the Public Health Agency of Canada did not provide truly equal service, as the Francophone client received less timely service than if he had been Anglophone.

Recommendation 2


The Assemblée de la francophonie de l’Ontario supports Recommendation 2 contained in the report of the Office of the Commissioner of Official Languages entitled [A Matter of Respect and Safety: The Impact of Emergency Situations on Official Languages](#), which asks the Treasury Board to implement a crisis preparedness strategy including communications plans and procedures for each federal institution.

Government press briefings

The amount of French content in press briefings provided by the governments of Canada, Ontario and other provinces across the country was a topic of discussion, particularly in the first month of the crisis.

The mandate of Société Radio-Canada is vitally important for our official language minority community. It provides us with opportunities for communication, information and entertainment. In many regions, the only available option for information in French is Société Radio-Canada. In the context of a health crisis like COVID-19, its role is essential.

In the early days of the COVID-19 crisis, the AFO was in regular contact with senior management of Radio-Canada Ontario and Radio-Canada Ottawa-Gatineau to discuss two concerns: broadcasting government of Canada and Ontario press briefings and providing simultaneous translation on both cable and digital platforms. In this regard, I would like to acknowledge Radio-Canada’s regional



managers for their hard work and commitment to properly informing Franco-Ontarians. As stated in our [brief submitted to the Canadian Radio-television and Telecommunications Commission \(CRTC\)](#) in February regarding the Broadcasting Notice of Consultation 2019-379 (renewal of licence for Société Radio-Canada – Canadian Broadcasting Corporation), Franco-Ontarians are generally satisfied with the work of Ontario’s regional stations.


Francophones in eastern Ontario demonstrated their attachment to their regional station when the corporation announced on March 20, 2020, that it would reduce the duration of its *Téléjournal Ottawa-Gatineau* newscast by half in an effort to adapt to social distancing measures. Fortunately, this decision was reversed five days later.

Radio-Canada’s management has been proactive regarding the presentation of government press briefings on digital platforms. At our very first discussion, we were told that Radio-Canada was working to provide government of Canada and Ontario press briefings with simultaneous translation in its web pages and social media and they were in fact provided in the first week of the crisis. For that, we raised our hats to Radio-Canada. Aside from the discoverability of press briefings (they are easy to find in the corporation’s Facebook pages, but much less so in the regional stations’ web pages), this initiative allowed Radio-Canada to reach a much larger number of people.

On the other hand, many Franco-Ontarians lack Internet access or sufficient bandwidth to view the press briefings that Radio-Canada provides digitally. This concern is stated in our [White Paper on Francophone Media in Ontario](#). Many Franco-Ontarians live in isolated or rural areas.

As for the Government of Ontario’s press briefings, it is unfortunate that Radio-Canada has televised very few of them as of yet.

Anecdotally, it has been reported to the AFO that Franco-Ontarians are obtaining their information on COVID-19 through Government of Quebec press briefings, or in English through the CBC. Some people have therefore had to obtain information from a province where the directives are not the same as in Ontario, or had to turn to English sources to get the information they needed.



Initially, press briefings by different governments were held at irregular times. Here we would like to raise a few examples of editorial decisions made by the RDI network that are questionable, considering Radio-Canada's national mandate.

- On Thursday, March 19, RDI interrupted the Government of Canada's press briefing two minutes after it had begun in order to broadcast live the reaction of Quebec opposition parties to their government's press briefing.
- On Friday, March 20, RDI gave priority to a panel discussion on the leadership race of Quebec's fourth-ranking opposition party, the Parti québécois, rather than broadcasting the Government of Ontario's press briefing.

Since the end of the second week of the crisis, the governments of Quebec and Ontario have held their press briefings simultaneously and RDI has prioritized the Government of Quebec's briefings.

Meanwhile, we have had daily discussions with the Government of Ontario to find a solution to the absence of French in its press briefings. Thanks in part to our collaboration with the Office of the Premier of Ontario and the Ministry of Francophone Affairs, the Government of Ontario began to provide its broadcast signal with subtitles on Sunday, April 12 and a simultaneous translation option on Thursday, April 16. This government initiative was a first in the history of the province. This signal, which is provided in the Government of Ontario's YouTube channel, is also available as a source for use by broadcasters.

Because the Government of Ontario and Radio-Canada offer press briefings with simultaneous translation on the web, many Francophones are able to obtain information on COVID-19 in real time and keep their finger on the pulse of public service provided by elected officials and civil servants in Ontario's Ministry of Health. However, a large part of our community still depends on television for its information.

In keeping with its mandate, in our era of instantaneous communications, Radio-Canada has the duty to present the press briefings of the governments of Canada and Ontario to audiences that depend on television for their information.

In this regard, on April 17, the AFO asked the directors of French language services at Radio-Canada Ontario and the Ottawa-Gatineau regional channel to broadcast the Government of Ontario's press

briefings on the Ontario and Ottawa-Gatineau regional television networks. Another alternative we proposed was that the RDI network broadcast the Government of Ontario's press briefings following the Government of Quebec's. We are disappointed that our proposals were met with a negative response.

Therefore, in this report we wish to reiterate two recommendations drawn from our brief to the CRTC on the renewal of Radio-Canada's broadcasting license.

Recommendation 3

The Canadian Radio-television and Telecommunications Commission (CRTC) should renew the Société Radio-Canada's broadcasting licence under the condition that the crown corporation make major changes to its culture, starting with the aim of becoming a truly pan-Canadian broadcaster.

Recommendation 4

Société Radio-Canada's Francophone division should modify its governance structure to create four autonomous regional entities (Atlantic, Quebec, Ontario and West) with responsibility for operating budgets and programming in their respective territories.

In the early days of the pandemic, the AFO also received comments from Franco-Ontarians on the amount of French spoken in the Government of Ontario and the Public Health Agency of Canada's press briefings. Many people noted that the Government of Canada's press briefings were largely conducted in English. As for the Public Health Agency of Canada, the country's chief public health officer was not able to communicate in both official languages.

Recommendation 5

The Government of Canada should designate the position of chief public health officer as a bilingual position.

Language Labelling Requirements for consumer goods

On March 19, not long after the lockdown had begun in Ontario, Health Canada removed the requirement for bilingual labelling on some containers of disinfectants and antiseptics. On April 27, another directive from this same ministry eliminated the requirement for businesses to provide bilingual labelling on other types of products sold across the country. The ministry's stated aim was to facilitate and accelerate imports of certain products, a number of which are for health purposes. On May 12, Health Canada backtracked and rescinded these directives, restoring the applicable standards for bilingual labeling.

Legislated requirements for bilingual product labelling are currently set out by two regulations, the Consumer Packaging and Labelling Regulations and the Food and Drug Regulations. It is much too easy for the government of Canada to avoid respecting its linguistic obligations by unilaterally suspending the relevant Governor-in-Council regulations. Had bilingual labeling standards been based in the Official Languages Act, it would have been more difficult to violate the language rights of francophones and by extent, endanger public health and safety.

Recommendation 6

The Government of Canada should clarify its obligations regarding labelling as part of an overhaul of the Official Languages Act.


Funding for Franco-Ontarian organizations

As part of our discussions with the Government of Canada leading up to the latest Action Plan for Official Languages – 2018-2023: Investing in Our Future, the AFO has raised the issue of chronic underfunding for Franco-Ontarian community organizations compared to funding levels in the rest of the country.

Heritage Canada funding for community organizations per province (2015-2016)

Regions	Program funding	Project funding	Strategic funding 2015-2016	Total 2015-2016	% of Canada's Franco-phones outside of Quebec	Total % (minus national and Quebec)	# OL minority	Funding per OL person
National	\$3,863,300.00	\$310,525.00	\$1,155,495.00	\$5,329,320.00			1,007,583	\$5.29
Newfoundland and Labrador (NL)	\$1,048,745.00	\$165,635.00	\$0.00	\$1,214,380.00	0.2	4.89	2,100	\$578.28
Prince Edward Island (PEI)	\$1,029,200.00	\$188,642.00	\$46,900.00	\$1,264,742.00	0.5	5.09	4,813	\$262.80
Nova Scotia (NS)	\$1,592,500.00	\$297,221.00	\$34,088.00	\$1,923,809.00	3	7.75	30,330	\$63.43
New-Brunswick (NB)	\$2,025,300.00	\$561,062.00	\$186,011.00	\$2,772,373.00	23.4	11.17	235,698	\$11.76
Quebec (QC)	\$2,982,687.00	\$834,068.00	\$0.00	\$3,816,755.00			1,058,250	\$3.61
Ontario (ON)	\$4,712,050.00	\$917,650.00	\$82,035.00	\$5,711,735.00	53.8	23.00	542,383	\$10.53
Manitoba (MB)	\$2,177,475.00	\$605,245.00	\$0.00	\$2,782,720.00	4.1	11.21	41,370	\$67.26
Saskatchewan (SK)	\$1,994,600.00	\$362,090.00	\$8,335.00	\$2,365,025.00	1.4	9.52	14,293	\$165.47
Alberta (AB)	\$2,344,500.00	\$450,971.00	\$0.00	\$2,795,471.00	7.1	11.26	71,368	\$39.17
British Columbia (CB)	\$2,174,000.00	\$388,305.00	\$0.00	\$2,562,305.00	6.2	10.32	62,190	\$41.20
Yukon (YK)	\$538,560.00	\$0.00	\$0.00	\$538,560.00	0.1	2.17	1,483	\$363.28
Northwest Territories (TNO)	\$499,040.00	\$131,200.00	\$0.00	\$630,240.00	0.1	2.54	1,080	\$583.56
Nunavut (NU)	\$176,545.00	\$92,735.00	\$0.00	\$269,280.00	0	1.08	478	\$563.94
Total	\$27,158,502.00	\$5,305,349.00	\$1,512,864.00	\$33,976,715.00				
Total - National	\$23,295,202.00	\$4,994,824.00	\$357,369.00	\$28,647,395.00				
Total - National - Quebec	\$20,312,515.00	\$4,160,756.00	\$357,369.00	\$24,830,640.00				

The above table paints a clear picture: Franco-Ontarian nonprofit organizations are financially disadvantaged compared to the rest of the country. In 2015-2016, Ontario received just **23% of the funds provided** to community organizations outside of Quebec, even though Ontario has **one third of all Francophone NPOs outside of Quebec** and **54% of the country's Francophone population outside of Quebec**, not to mention a higher cost of living compared to other provinces.



This chronic underfunding, which was not addressed in the last action plan, is one of the factors that have weakened the network of Franco-Ontarian organizations during the pandemic, thus undermining French language services in many regions of the province.

Since the start of the pandemic, the AFO published the findings of three surveys of its members. Two of these three studies were conducted in partnership with other organizations.

- [Analysis of the survey on the impact of the COVID-19 crisis on Franco-Ontarian not-for-profit organizations, for-profit organizations and institutions](#)
- [Analysis of the survey on economic recovery in French-speaking Ontario](#) (with precious assistance from the Club canadien de Toronto, the Regroupement des gens d'affaires and Niagara Venture)
- [Risk, resilience and rebuilding communities: The state of Ontario nonprofits three months into the pandemic](#) (study conducted in partnership with the Ontario NonProfit Network)

These surveys show that Franco-Ontarian organizations fall into three categories.

- Approximately one third of Franco-Ontarian nonprofits report that they have not experienced financial hardship due to the public health crisis.
- Approximately one half of nonprofits are on their way to regaining a certain balance or will be able to do so with light to moderate financial support.
- Approximately 10% of Franco-Ontarian nonprofits are currently in a critical situation that could cause them to close down in the short term.

Our latest study indicates that between March and June 2020, Franco-Ontarian organizations experienced budgetary losses averaging \$80,000. Many of them countered these new financial pressures by reducing hours and staff and accessing government support funds. Coupled with the chronic underfunding experienced by the Franco-Ontarian network, these additional financial pressures have made many Franco-Ontarian nonprofits more vulnerable than they were earlier.

Even so, these organizations play a central role in ensuring the French language's place in Ontario. In some regions, these organizations provide the only Francophone environment outside of French schools. Many of these organizations provide services on behalf of the governments of Canada or

Ontario and have deep knowledge of their local environment and clients.

We recognize that governments are committed to supporting our organizations. Since the start of the public health crisis, the Government of Canada, through FedDev, has invested \$1.5 million in emergency funds for Franco-Ontarian nonprofits with the creation of the FAREOSO, an aid and recovery fund for the Francophone businesses and organizations in southern Ontario. For its part, the Government of Ontario has invested \$3 M in funds targeting Franco-Ontarians since the start of the crisis. Two of the three million were announced in the last budget with the creation of the COVID-19 Relief Fund for Francophone Non-Profit Organizations. The remaining million comes from the province's Francophone Community Grants Program, which was remodeled this year in response to the crisis.

Recommendation 7

The Heritage Canada should increase its funding to Franco-Ontarian organizations so that they receive one third of the community funds available from Heritage Canada, without penalty or reduction of funding to Francophone organizations in other provinces.

Translation and social network communications

It is not surprising that the Official Languages Act is silent on its application to social media since it was last modernized in the pre-digital era. The use of social media as sources of information has gained momentum in recent years.

- 19 million Canadians are on Facebook and almost 7 million are on Twitter.
- According to Comscore, time spent on social media increased by 70% in Canada from February 3 to 9 and from March 16 to 22, namely during the first days of lock-down.
 - This same study found that the consumption of government information saw its highest jump in that same period, increasing by 83%. Also, the consumption of new information through social media rose by 40%.

At the November 26, 2020, meeting of the House of Commons' Standing Committee on Official Languages, Dr. Chouinard reported an observation she made with her colleague, Professor Martin

Normand, on the use of official languages by the Government of Canada during the pandemic. Their findings indicate that the Government of Canada's social media communications in English represent 79.4% of the total, compared to 20.6% in French.

Recommendation 8

The Government of Canada, in its modernization of the Official Languages Act, should legislate to ensure that French and English digital communications are truly equal.

Finally the Office of the Commissioner of Official Languages reports that it received 72 admissible complaints related to the public health crisis. The report [A Matter of Respect and Safety: The Impact of Emergency Situations on Official Languages](#) states that the complaints concerned “the lack of communications or services in both official languages from the government of Canada and the language-of-work rights of federal public servants in designated bilingual regions.”

It is unfortunate that language obligations are sometimes relegated to the background in the push to achieve an objective. As the information era continues to profoundly transform our means of communication, language obligations should be considered as a key factor in the success and clarity of a message, not as a burden or an impediment to communication.

The AFO believes that the Translation Bureau and the entire federal apparatus should reflect on the challenges brought about by our era of continuous communication and should propose and implement solutions to overcome them.

Recommendation 9

In the spirit of Recommendation 1 in the above-mentioned report of Office of the Commissioner of Official Languages, the Translation Bureau, in collaboration with the federal institutions, should establish an express translation service to reduce the wait time between writing and translating a message and review its procedures to ensure continuous government communications in both official languages.

If you wish to obtain further information or if you have questions or comments, I invite you to contact the AFO's policy analyst, Bryan Michaud, either by phone at 613-889-5324 or by email at bmichaud@monassemblee.ca.

Best regards,



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