



PROVINCIAL LANGUAGE RIGHTS IN A TIME OF CRISIS

The state of French language services
in Ontario

February 2021

Ottawa, February 10, 2021

The Hon. Caroline Mulroney

MPP for York-Simcoe
Minister of Francophone Affairs
Ministry of Francophone Affairs
777, Bay Street
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Dear Minister,

We have been through a challenging year. In March, COVID-19 spread throughout Ontario and threw the 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 Ontario's ongoing 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 government's response to the crisis and its communications with Ontario's Francophone NPOs, and they expressed this opinion to a slightly greater degree than did 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.
- More than 7 out of 10 Franco-Ontarian NPOs (72.88%) described as minimally acceptable the municipal governments' response to the crisis and its communications with NPOs. For this variable, the satisfaction rate is almost identical to that of Anglophone NPOs (72.53%).

In addition, we wish to thank you and your team for taking part in a videoconference with our members in May 2020 to present provincial programs and discuss the impact of COVID-19 on our

organizations. A similar exercise, including as observers political staff and public servants from the Ministry of Francophone Affairs and the Ministry of Education, was held with more than 60 managers of childcare and early childhood education centres in May.

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 provided to us by 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.

On December 10th, 2020, we also submitted a [similar report](#) to the Minister of Economic Development and Official Languages, the Hon. Mélanie Joly, and to the House of Commons' Standing Committee on Official Languages, in which we present our recommendations to the Government of Canada.

As Dr. Stéphanie Chouinard, professor of political science at the Royal Military College of Canada, wisely stated to the Standing Committee on Official Languages on November 26, 2020, 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 over 50% of the one hundred or so participants responded that they had witnessed at least one violation of language rights during the public health crisis at either the federal, provincial or municipal level,

Unarguably, in times of major crisis like we've experienced this year, the importance of understanding our government's messages greatly magnifies the importance of respecting our language rights. Languages are allies of messaging, not obstacles to timely communication.

Recommandation 1

- The Ministry of Francophone Affairs should refer to the recommendations in this report to update the French Language Services Act.

Government press briefings

The use of French during 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 Government of Ontario, like the Government of Canada and other provincial governments, has established the practice of presenting daily press briefings to inform the media and the population about the most recent developments related to the pandemic. As used to be the case in decades past for provincial press briefings, the vast majority of the briefings held during the pandemic have been in English only, except when a bilingual minister was present.

As noted by the French Language Services Commissioner of Ontario, Kelly Burke, in her [2019-2020 Annual Report](#), “the conduct and the language skills of elected officials are outside the jurisdiction of the French Language Services Act.” However, the Government of Ontario should take measures to ensure French language communications during these press briefings, which are closely followed by the public, particularly in emergency situations where important official instructions are being given.

The AFO regularly raised this concern in its communications with the Government of Ontario during the first weeks of the pandemic. On Sunday, April 12, for the first time ever, the Government of Ontario provided its broadcast signal with a French-language subtitle option. Four days later, a simultaneous translation option was added. The AFO was pleased to note this historic first and the important precedent it created. We thank the Minister of Francophone Affairs and the Premier’s Office for this accomplishment that we should now build on.

Recommendation 2

The Government of Ontario should entrench the practice of presenting its press briefing with a simultaneous translation option included in the broadcast signal.

While Franco-Ontarians with high quality Internet service were able to receive service in French during Government of Ontario press briefings, the same cannot be said for television viewers. In addition to broadcasting the government’s signal, Radio-Canada’s digital platforms, starting in the early days of the pandemic, provided the press briefings of the governments of Canada and Ontario with the language options made available by the government of Ontario.

However, many Franco-Ontarians live in distant and rural areas where quality Internet access is not as widely available as in urban centres. Therefore, broadcast television’s role in providing the press briefings was a key factor in delivering quality information in French. The Government of Ontario had done its part by offering the signal. Television broadcasters now had to do their part.

To that end, on April 17, the AFO asked the director of French language services at Radio-Canada Ontario and the director of the Ottawa-Gatineau station to broadcast the Government of Ontario’s press briefings via the Ontario and Ottawa-Gatineau regional television stations. 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.

Because Radio-Canada's mandate is to be a **national broadcaster**, it's duty was to broadcast the Government of Ontario's press briefings, in the same exemplary fashion as it did for the governments of Canada and Quebec.

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

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

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 corporate culture, starting with the aim of becoming a truly pan-Canadian broadcaster.

Recommandation 4

Société Radio-Canada's Francophone division should modify its governance structure to create four autonomous regional entities (Atlantic, Quebec, Ontario and West), each responsible for the operating budgets and programming in its own territory.

Here we should point out that Groupe Média TFO partially agreed to our request. On April 17, we had also approached the leaders of this provincial media organization to ask for the press briefings with subtitles on TFO's cable station, where they could not be broadcast live. That is because they are held at 1 PM, an inconvenient time that would interrupt children's programming. For several weeks, Groupe Média TFO presented recorded press briefings in the early evening, before its regular movie programming.

Recommendation 5

Groupe Media TFO should establish a protocol for broadcasting the government's crisis management messaging, such as press briefings, in French.

The Premier of Ontario's press briefings were not the only ones presented by the Government of Ontario. The team working with Ontario's Chief Medical Officer of Health, a senior-level public servant, was also providing very important press briefings on a daily basis. All of these briefings were held in English only, as the Chief Medical Officer of Health and his staff do not speak French.

In her latest annual report, the French Language Services Commissioner provides this important clarification: "the position of Chief Medical Officer of Health for Ontario is a government agency subject to the French Language Services Act." The Commissioner therefore notes that the Chief Medical Officer of Health's unilingual press briefings are in violation of Ontario's legislation.

Recommendation 6

The Government of Ontario should clearly state that the position of Chief Medical Officer of Health of Ontario is designated under the French Language Services Act and in relevant legislation and require that a senior manager in the CMOH's team be available to provide answers in French during press briefings.

Advertising in Franco-Ontarian media

On March 12, 2020, the Government of Ontario announced an envelope of \$10 million to put in place a public campaign to raise awareness and inform Ontarians about COVID-19. Two weeks after that announcement, not one Francophone community radio station or private radio station based in Ontario had obtained a contract for this campaign. Only a few French language radio stations in Gatineau (Quebec) were involved in this campaign.

In our view as a representative organization, this situation raises two major concerns.

1. The goal of government advertising campaigns is to inform Ontarians. In this instance, the goal was to share vital information to fight the pandemic. Francophones should have the same opportunities as the majority-language community to access this information.
2. At a time when businesses and organizations of all kinds had ceased practically all media advertising, the government's campaign was one of the only sources of revenue available to media.

The AFO and the Mouvement des intervenants en communication radio de l'Ontario (MICRO) quickly contacted the Ontario government to resolve this problem. The office of the Minister of Francophone Affairs was successful in its interventions and the problem was resolved in early April, when all

community and private radio stations in Ontario signed contracts that brought them into the campaign. Moreover, the ministry's French Language Services Unit confirmed to us that a catch-up adjustment had been made and that Francophone radio stations had received the equivalent of a 5% share of the funds spent on the Government of Ontario's summer advertising campaigns.

On May 8, 2020, the daily paper *Le Droit* informed the AFO that it not been included in a new advertising campaign in newspapers about COVID-19. *Le Droit* has just recently moved its offices to Gatineau. This second time as well, the work of the AFO and the office of the Minister of Francophone Affairs was fruitful, as on May 21, *Le Droit* informed us that it had received a contract from the Government of Ontario.

In early May, through the office of the MPP for Mushkegowak-Baie-James, Ligne Agates Marketing contacted our team to inform us that the weekly newspapers *Le Nord*, *La Tribune*, *Le Goût de vivre* and *Agricom* had not received contracts for COVID-19 advertising in April. These media were later included in the Government of Ontario's advertising campaigns.

Through our work on these issues, we learned that the Ministry of Health had hired the Toronto arm of the Québec advertising firm Cossette to manage its advertising campaigns. Because of the sudden and major increase in ad placements, the Ministry could not manage them with its regular resources.

What are the guidelines and the contractual obligations between the ministries and the ad placement agencies regarding French language services? How can the province ensure that the government apparatus is more proactive and efficient when delivering an advertising campaign via Francophone media?

Recommendation 7

The Government of Ontario should review its administrative protocols and procedures to reach Francophone audiences with its advertising campaigns and ensure that that Franco-Ontarian media are included in its campaigns from the very beginning.

Translation

Since the lockdown began, many documents provided to journalists or to the public were provided in English only at the time of publication, while the French version was sometimes published in the hours or days that followed. This practice is contrary to the provisions of the French Language Services Act, which stipulates that a person has the right "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”.

List of documents provided in English only at the time of their delivery to the public				
Document	Received in English only	French version provided in the hours or days that followed	Ministry	Date
COVID-19: Modelling Update	X		Ministry of Health	October 29, 2020
The Ministry of Education cancels EQAO testing		X	Ministry of Education	March 18, 2020
COVID-19 Modelling	X		Ministry of Health	October 31, 2020
Confirmation of essential service: Easter Bunny		X	Premier's Office	April 7, 2020
Fall preparedness Plan for Health, Long-Term Care and Education		X	Government of Ontario	September 30, 2020
Evidence to Support Further Public Health Measures in High Transmission Areas: the need to act now	X		Ministry of Health	October 8, 2020
Regulation 274 Quotes		X	Ministry of Education	October 15, 2020
COVID-19: Modelling Update	X		Ministry of Health	October 29, 2020
MOH letter in response to the Auditor General's claim	X		Ministry of Health	November 6, 2020
Press Release: Ontario Extends Teacher-Led Online Learning Until January 25 to keep students and staff safe in Southern Ontario		X	Ministry of Education	January 7, 2021
Press Release: Ontario Declares Second Provincial Emergency to Address COVID-19 Crisis and Save Lives, and its accompanying press kit		X	Government of Ontario	January 12, 2021

Though the language spoken by elected officials in press briefings is not subject to the French Language Services Act, the Act does apply to documents provided to journalists. They must be published simultaneously in both languages recognized by the Legislative Assembly of Ontario.

Having access to French language documents helps journalists to do their work. Since they are not translators by training and their mastery of English may vary, providing them with unilingual English documents hampers their work, slows the dissemination of information (which they often do in real time on social media) and increases the risk of errors caused by imprecise translation.

Moreover, two major government campaigns and one government plan were made public in English only.

An online portal to match available health care workers with employers

On April 7, 2020, the Government of Ontario launched a highly important and strategic campaign in the fight against COVID-19. The Ministry of Health published [an online portal to match available health care workers with employers](#). Less than a month into the lockdown, the healthcare system was in need of reinforcements.

Unfortunately, only the English version of the portal was available at launch. The French version was made available a few days later.

The “Ontario Made” campaign

On July 10, 2020, the Government of Ontario launched a [campaign to promote local shopping: the “Ontario Made” program](#). It should be noted that this initiative was consistent with a recommendation made by Franco-Ontarian economic stakeholders: [the analysis of our survey of the Franco-Ontarian business community](#) recommended the creation of “buy local” campaign. Led by the AFO and conducted in collaboration with the Club canadien de Toronto, the Regroupement des gens d'affaires and Entreprise Niagara, the survey report had been submitted just weeks before the announcement of the campaign was made to your ministry’s Advisory Committee on Francophone Economic Recovery.

However, the campaign’s website and logo unveiled on July 10 were in breach of the French Language Services Acts. The campaign’s logo was unveiled in English only and the campaign’s Internet site was available in English only as well. The bilingual version of the logo was made available several hours after the announcement. As for the website, a four-page French version is available... if requested. The concept of true equality of English and French was not respected.

This campaign was part of a national buy local campaign led by the firm Canadian Manufacturers & Exporters.

The plan “Keeping Ontarians Safe : Preparing for Future Waves of COVID-19”

On September 30, 2020, the Government of Ontario unveiled its plan to push back against the second wave of COVID-19. This was a very important plan in the fight to be waged against the pandemic in the following months. This plan was unveiled in English only; the French version was made public less than 24 hours later.

In addition, it was brought to our attention a number of times that government organizations had provided information in English only, despite the fact that they are operating in regions designated for French language services.

“I saw that French language signage was lacking at Health Sciences Nord in June and at Pioneer Manor in July and August. These problems were resolved. We also noted that bilingual questionnaires for COVID-19 were unavailable at Pioneer Manor in July and this problem was also resolved,” said a participant in the survey conducted by the AFO and the University of Ottawa’s Canadian Francophonie Research Chair in Language Rights and Issues.

It is regrettable that linguistic obligations sometimes take a back seat. Even though the advent of the continuous information era has profoundly changed the ways in which we communicate, language obligations should still be considered a key factor in ensuring the success and clarity of a message, and not as than obstacles to timely communication. Because the era of immediate news reporting has made translation more challenging, the Government of Ontario should explore new technologies, such as shared online word processing services, to provide real-time translation.

Recommendation 8

The Government of Ontario, with the support of the Ministry of Francophone Affairs, should establish an express translation service to shorten the turnaround time between writing and translating a message, and explore technological tools that are available to ensure continuous government communications in both languages recognized by the Legislative Assembly of Ontario.

Recommendation 9

The Government of Ontario should ensure that language clauses are spelled out in agreements with companies that provide services on behalf of the government.

Regional public health agencies

One of the consequences of the pandemic has been to raise the profile of regional public health agencies. Their work is not normally performed under the spotlight, but COVID-19 has brought them to the forefront. Many of their managers communicate regularly with the press and the general public.

An example of communication with the general public is the letter sent to parents when a COVID-19 case is reported in a school. The AFO and members of the education community have received many comments from Franco-Ontarians across the province saying that such communications were provided in English only. In at least one region (as far as we know), communications to parents were forwarded to school boards, which thus inherited the unexpected burden of translating them.

Moreover, public health agencies have regularly used Internet sites and social media to transmit important information, such as regional directives and case reports, in English only. This was the case despite the fact that much of the information they were sharing was sourced from the office of the province's Chief Medical Officer of Health, which is designated under the French Language Services Act.

“There was a lack of French language communications and a lack of translation of information provided to the community by Public Health Sudbury and District between May and August. Most of the problems have been resolved.” — A respondent to a survey conducted by the AFO and the University of Ottawa's Canadian Francophonie Research Chair in Language Rights and Issues

Regarding language legislation, the regional public health agencies are under the purview of municipalities. At this time, only ten municipalities have a legislative framework for language services. These are:

- Casselman (regulation)
- Champlain (regulation)
- Chapleau (regulation)
- Clarence-Rockland (resolution)
- Cornwall (policy)
- Hawkesbury (regulation)
- Hearst (regulation)
- Kapuskasing (regulation)
- Nipissing Ouest (regulation)
- Ottawa (regulation)
- Smooth Rock Falls (regulation)

- Sudbury (regulation)
- Toronto (policy)
- Val Rita (resolution)

Government of Ontario funding represents between 60 and 75% of the budget of regional public health agencies. This means it would be possible for the government to take action to help Ontario's Francophones access information in their language.

Recommendation 10

The Government of Ontario should bring regional public health agencies under the jurisdiction of the French Language Services Act.

Vaccination campaign

Governments across the country began to receive doses of the new vaccines as 2020 was drawing to a close. In Ontario, three phases of vaccination are planned:

- First phase: administer vaccines to vulnerable populations, persons most exposed to risk of COVID-19 and health care workers (from now until March);
- Second phase: extend vaccination to health care workers, long-term care and retirement home residents, at-home patients with chronic diseases and Indigenous communities (starting in March);
- Third phase: make vaccines available to the general public (starting in early August).

Administering vaccines is a central weapon in the government's strategy to combat the pandemic. French language services will be of great importance in this context. To properly inform the population about the vaccine and the vaccination campaign and to combat misinformation about vaccines, clear and precise French language information needs to be provided. To do so, it is essential to properly plan the French language services component within the general vaccination campaign planning.

Recommendation 11

The Government of Ontario should set out a strategy to engage and inform the French-speaking population as part of its vaccination campaigns.

This report does not present a complete list of the recommendations that the AFO wishes to submit to you. Many of the recommendations that we have put forward in our [Draft French Language Services Act](#) have become even more relevant in light of the pandemic. In particular, I would point out that the lack of accountability for organizations subject to the French Language Services Act is a factor involved in many of the challenges we have noted in this report.

As we present this report and our community-produced draft wording for the French Language Services Act, we wish to reiterate our full commitment to continue our ongoing dialogue and our important collaboration on this promising project for Ontario's Francophones and Francophiles and the province as a whole.

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.

Thank you, Minister, for your attention to this report.

Best regards,



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President

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