

**FRENCH LANGUAGE SERVICES IN  
ONTARIO'S JUSTICE SECTOR**

**REPORT ON CONSULTATION WITH  
FRANCOPHONE STAKEHOLDERS  
TORONTO  
MARCH 1, 2 AND 3, 2006**

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## EXECUTIVE SUMMARY

This report presents the highlights of a consultation on French language services (FLS) conducted as part of the fifth annual meeting of francophone stakeholders in the justice sector. Organized by the justice sector ministries—the Ministry of the Attorney General and the Ministry of Community Safety and Correctional Services—, the meeting served to launch the *Environmental Scan: French Language Services in Ontario's Justice Sector*, and to validate the study's findings. Conducted by a team from the University of Ottawa's *Chaire de recherche sur la francophonie et les politiques publiques*, the study was the first step in developing a strategic plan for the development of FLS for the justice sector over the next three to five years.

The meeting had four objectives: validate the research; review FLS issues; identify and prioritize community needs; and propose guiding principles for future FLS development. Some 100 participants were divided into four groups to deliberate these questions. There was a great deal of useful dialogue. Participants identified many needs and solutions with respect to FLS development in the justice sector. They also defined principles to guide the development of the plan and expressed a desire to be involved in the next steps.

## A FEW NEEDS AND SOLUTIONS

### *General*

Demystify the justice system for the Francophone population; review the incremental approach; implement active offer of FLS; review designation; educate the Francophone population about its FLS rights.

Develop a comprehensive strategy designed to adapt training programs to make target populations, including youth, women, immigrants and seniors, aware of the availability of FLS; foster improved intergenerational cooperation in the justice sector and the restorative justice approach.

Hire qualified French-speaking staff; ensure service continuity; aim for services equal in quality to services offered in English or of exemplary quality; respect for diversity; management by and for Francophones; and conduct systematic qualitative evaluations of FLS.

Implement a governance structure incorporating community participation and interministry cooperation.

## *Specific*

### *Government*

Train officials to offer FLS, particularly those in the Ontario Provincial Police, Legal Aid Ontario, detention centres and the municipal sector.

Set up civics courses in schools; educate principals, teachers, nurses, family physicians and all those involved in the education system.

Avoid using excessively standardized French, which is frequently the product of translation, in order to get through to youth; develop sites to inform Francophones of the availability of FLS in a way that reflects their reality.

Develop a lexicon for translators working for Legal Aid and in the municipal sector; encourage municipalities to develop FLS public education tools; the Provincial Police should develop a plan for communicating in French in emergencies; create a mechanism to ensure the presence of a person responsible for FLS in every front-line emergency team.

Include language provision in service agreements or programs in which jurisdiction is shared between the federal and provincial governments; clarify the distinction between a memorandum of understanding and a law; appoint more French-speaking judges.

### *Government and community*

Need for programs and foster and group homes for Francophone youth; invest in prevention and in distribution of information about FLS within at-risk populations and create programs for them; develop programs for social workers, community groups and youth centres; need for greater access to FLS in the area of domestic violence; develop the *SupportLink* program in French; need for programs for male victims of sexual assault; and develop an awareness program for men.

### *Other*

Review the role and mandate of *Community Legal Education Ontario* (CLEO); and examine the level of knowledge of the legal profession's *Rules of Professional Conduct*.

Inform new arrivals of the possibility of living in French and the availability of FLS in Ontario; make information on FLS available to them in embassies and improve settlement services.

## **GUIDING PRINCIPLES FOR STRATEGIC PLAN DEVELOPMENT**

High-quality services, equal and universal access

Active offer: stimulate demand and integrate FLS from the start

Inclusion

Accountability

Customized models, community-government partnerships

Financial parity

Social justice

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## INTRODUCTION

On March 1, 2 and 3, 2006, Toronto was the scene of the fifth annual meeting of Francophone stakeholders in Ontario's justice sector. The goal of the meeting, which was organized by the justice sector ministries, was to make public the results of the research study, *Environmental Scan: French Language Services in Ontario's Justice Sector*, which a team from the *Chaire de recherche sur la francophonie et les politiques publiques* [Research Chair in Canadian Francophonie and Public Policies] of the University of Ottawa had carried out (Appendix 1). As its title suggests, the study presents an environmental scan as the starting point for developing a strategic plan for the development of FLS in the justice sector.

The meeting had four more specific objectives: validate the research; review FLS issues; identify and prioritize community needs; and propose guiding principles for future FLS development. These objectives were intended to complete the research through the results of the dialogue among participants and then go on to the plan development stage. Workshops were held throughout the day on March 2 and were followed by a plenary session the following morning.

This report summarizes the consultation proceedings. It is divided into six sections. The first reviews the objectives of the meeting. Parts two, three, four and five present workshop highlights. To conclude, we once again go over the meeting objectives and present participants' evaluations of the workshops.

## **1. MEETING OBJECTIVES**

### **1.1 A few reminders**

Since 2003, a network of players, including the then FLS Coordinator for the Ministry of the Attorney General, Marcel Castonguay, representatives of the network of justice sector Francophone stakeholders, including the Ontario Provincial Police and the Department of Justice Canada, had suggested that a research project be conducted as the starting point for the development of a FLS strategic plan for Ontario's justice sector.

The research was conducted between January and October 2005. An advisory committee made up of stakeholder network representatives was set up. It had been decided that the March 2006 meeting would be an opportunity to meet with the expanded network, consult all of its representatives and validate the research findings. We had already identified the issues and priorities for the development of FLS in the justice sector. It was important that we get stakeholder feedback on these issues and priorities and together define the underlying principles of the strategic plan.

Through a lucky coincidence, just prior to the meeting, the Ontario government published a document entitled *A Modern Ontario Public Service: Framework for Action 2006*, in which it undertook to better serve the province's Francophones. This document, which was signed and announced by the Secretary of Cabinet, Tony Dean, was the harbinger of a productive meeting.

### **1.2 Preparations**

The advisory committee held two teleconferences to decide the agenda and consultation format. This was when we decided that we would need to provide meeting participants with some advance training in order to meet our objectives. In the weeks following the teleconferences, Marcel Castonguay and his team conducted a series of meetings in person and by telephone with the ministry representatives and the community group managers and volunteers who were to take part in the consultation.

These discussions enabled Marcel Castonguay's team to present highlights of the study and invite people to take ownership of its findings in preparation for the meeting. A series of documents had previously been sent to participants.

Those taking part in the teleconferences included representatives of the following community organizations, which are also part of the research advisory committee: *Association des juristes d'expression française de l'Ontario (AJEFO)*; *Action ontarienne contre*

*la violence faite aux femmes* (AOcVF); *Association française des municipalités de l'Ontario* (AFMO); *Fédération des aîné(e)s et des retraité(e)s francophones de l'Ontario* (FAFO), *Fédération de la jeunesse franco-ontarienne* (FESFO)<sup>1</sup>. Marcel Castonguay and his team conducted a number of consultations in preparation for the March meeting in Toronto.

Concurrently, a preparatory meeting of the teams from the *Chaire*, the Office of the Coordinator of French Language Services (OCFLS) for the Ministry of the Attorney General, and the facilitators was held in Ottawa, followed by two teleconferences. At these meetings, the facilitation guides and workshops were prepared (Appendix 2).

We divided the day into four blocks of workshops. After going around the table and asking participants to summarize, in 15 words or less, the principal messages they had seen in the study, the facilitators would invite participants to comment on four major themes: Francophones' knowledge of their right to receive service in French in the justice sector; their needs in this area; conditions for high-quality FLS; and the guiding principles for a strategic plan for FLS development in the justice sector.

### 1.3 D-Day!

Everyone came! Some 98 people had registered for the meeting and the workshops, 47 officials and 51 community stakeholders from all parts of the province (Appendix 3). The organizers pointed out that this was the first time a FLS consultation had brought so many Ontario government and Francophone community representatives together under one roof. Under the leadership of the OCFLS, for the Ministry of the Attorney General, these people formed a stakeholder network that was beginning to demonstrate a great capacity for cooperation, collaboration and influence on development of FLS. We were in the presence of what could be called, to use academic jargon, a public policy community in the making.

The day began with an opening session that included the usual opening remarks and a review of the study findings (Appendix 4). This presentation was followed by a question period. People then moved into their workshops.

The two days were facilitated by experts in the field: Lucie Brunet of Brunet Sherwood Consultants, Lyne Bouchard, Chantal Cholette and Mila Younès of the consultant cooperative, Convergence. There were about twenty people in each workshop. A recording secretary was also assigned to each workshop: Anne-Andrée Denault, Sabine Derbier, Stéphane Lang and Anik Sauvé. Chantal Terrien of the *Chaire*

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<sup>1</sup> Andrée Duchesne of the Department of Justice, and Caroline Andrew of the University of Ottawa, are also members of the research advisory committee.

had the task of circulating from workshop to workshop to put together an overview of the meeting.

In the evening, the facilitators and the *Chaire* team met to prepare a meeting summary for the following morning's plenary session (Appendix 5). Once again, everybody came, and the plenary session became an opportunity for the group to move directly into a free and open discussion of its intention to go ahead with developing a strategic plan.

## **2. PRINCIPAL MESSAGES OF THE STUDY**

Before going on to discuss the issues involved in FLS development and delivery in the justice sector, as previously agreed, the facilitators asked all participants at the table to explain, in 15 words or less, what they had taken from the study. In this way we could see which principal messages had especially drawn participants' attention.

Three major themes were identified: the history of FLS in the justice sector is very rich; a different approach is needed to achieve active FLS offer; and the justice sector includes a wide range of FLS. We will now provide a brief overview of workshop participants' feedback.

### **2.1 A very rich history; much has been accomplished in the last thirty years**

Participants were pleased with the authors' approach, whereby they explained the current status of FLS by first reviewing the history of FLS in the justice sector and then presenting an outline of existing services. The study looked at the past, specifically the 1970s, to provide a better understanding of the present.

In addition, this approach enabled participants to better appreciate the efforts made by the provincial government and the community at the time. It also provided them with a review of the foundations of the incremental approach adopted by the government in moving forward on FLS.

Participants acknowledged that the history enabled them to recognize the successes achieved in the justice sector, and this struck them as encouraging. However, a number of participants indicated that the study showed that FLS development had not been uniform across the Ontario government.

There was a general impression that the incremental approach had produced real but mixed results; it was time to take a new approach. A number of participants pointed out that FLS quality should not vary from region to region and that it was time to put an end to the principle of designated areas.

Here are a few additional comments: "a lot of work has been done but much remains to be done"; "a very interesting and detailed history, helps to know where we are going"; "discouraged before reading the report, encouraged to see the successes celebrated in the report."

## **2.2 We need to change our approach; moving towards active offer**

Workshop participants unanimously and enthusiastically welcomed the idea that the Ontario government should make an active offer of FLS. This also means that it must take the special needs of the province's Francophone community into consideration. Several participants also thought that the needs of Ontario's Francophones must be identified and incorporated at the crucial policy development stage. Others were encouraged by Tony Dean's statement of principles. They saw it as a major commitment to FLS development by the government.

However, the active offer approach is not yet in place and participants expressed strong reservations about an approach that often reduces FLS to translation of policies and programs that already exist in English. Such an approach is not a foundation for active offer.

As one of the participants summed it up, "Translation is not what we need, we need adaptation." "Active offer must meet the special needs of Francophones."

One participant also stressed the need for urgency in breaking down barriers and especially in ending Francophones' impression that FLS are synonymous with higher costs and longer wait times.

To counter this impression, the Ministry of the Attorney General could empower the community to deliver more services. Should we conclude from this that our organizations are more « credulous » than the government, or that they have more faith in Ontario's Francophones?

## **2.3 Growing awareness of the scope of the justice sector**

For many workshop participants, the scope of the justice sector was a revelation. Generally, this growing awareness no doubt largely explains why participants in all the workshops constantly came back to the importance of educating the public and making them aware of their right to receive FLS.

Participants underscored the need to better educate Ontario's Francophone population about the importance of the justice sector in their lives. A number of them indicated that when Francophones are more aware of their rights, they are in a better position to exercise them.

Participants also discussed development of a comprehensive strategy for adapting training programs on FLS availability to target populations including youth, women, immigrants and seniors. A majority of them pointed out that it was also necessary to train officials, including the Ontario Provincial Police, which should increase the number of services provided simultaneously in French and English. In some workshops, participants also singled out Legal Aid Ontario, detention centres and the municipal sector.

### **3. ARE FRANCOPHONES AWARE OF THEIR RIGHT TO RECEIVE FLS?**

The first block of workshops gave participants an opportunity to spend some time discussing Francophones' knowledge of their right to receive FLS in the justice sector. We are dealing with perceptions here, but these perceptions are fundamental. In addition, participants believed that Francophones do not always request service in French because they do not know their rights.

The study proposes two short-term priorities to deal with this problem: increase the visibility of information about FLS on the Internet, and in particular, update the information and make it available in French; and make information on the legal framework more accessible to the Francophone population. In the medium term, we also indicated that it would be necessary to support the training of qualified staff able to work in and proactively provide justice services in French. The workshops confirmed the need to put such measures in place in addition to going forward with suggestions that are as useful as they are necessary.

To be more precise, the discussions focused on three questions. The first dealt with the best ways of informing the Francophones of their right to receive FLS and encouraging them to request FLS. In addition, what role could the Francophone community play in making the information on Francophones' FLS rights more accessible?

The second asked participants to identify Francophones' three most important FLS achievements of the last thirty years and to tell us why they were important. The third question dealt with the most urgent improvements required.

There were many answers to these questions. Furthermore, what participants said coincided with the issues we had already identified in the study, in addition to enriching them with concrete and pertinent examples.

#### **3.1 How to make information about FLS more accessible to Francophones?**

In the study we noted that there was little information available, especially on the Internet, to help Francophones clearly understand their rights and the provincial government's obligations to them. The participants confirmed our concerns.

More precisely, participants underscored the role that the Community Legal Education Fund Ontario (CLEO)—which still has no French name—should play in distributing information about FLS. Others echoed the comments in the study on the

legal profession's *Rules of Professional Conduct*. Finally, the idea of offering civics courses in schools came out strongly in the workshops.

### *CLEO*

Those participants familiar with this agency mentioned its responsibility for informing the general public about their FLS rights. It was further indicated that CLEO serves primarily vulnerable groups, thus neglecting its role in distributing information about FLS. The federal government funds CLEO to inform all of the population about their rights and about federal programs. Several people indicated that CLEO's mandate should be reviewed.

It was further pointed out that AJEFO, FAFO and FESFO are already working with Francophones on the ground. AJEFO is collaborating with FESFO to provide information to youth; AOcVF organizes workshops on women and the law; and FAFO has set up information sessions for seniors. The AJEFO-FESFO partnership has received funding for three years and is seen as a best practice by stakeholders.

### *Rules of Professional Conduct*

In the study, we mentioned that there are *Rules of Professional Conduct* for the legal profession. Since 2001, the Law Society of Upper Canada has imposed the following obligations on the legal profession:

advise a client of the client's French language rights relating to the client's matter, including where applicable [...]

(b) section 530 of the *Criminal Code* about an accused's right to a trial before a court that speaks the official language of Canada that is the language of the accused,

(c) section 126 of the *Courts of Justice Act* that requires that a proceeding in which the client is a party be conducted as a bilingual (English and French) proceeding, and

(d) subsection 5(1) of the *French Language Services Act* for services in French from Ontario government agencies and legislative institutions<sup>2</sup>.

Participants pointed out that, although the Law Society of Upper Canada's Equity Initiatives Department is supposed to inform lawyers of their obligations, it would be helpful to conduct a study to better assess the legal profession's knowledge of the *Rules*.

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<sup>2</sup> Law Society of Upper Canada, *Rules of Professional Conduct, Rule 1.03 b, c and d*, consulted on July 5, 2006, [<http://www.lsuc.on.ca/media/rpc.pdf>].

A publication informing clients of their rights to a bilingual proceeding under section 530 of the federal *Criminal Code* and under Ontario legislation is also needed.

### *Civics courses*

To reach the bulk of the population, the workshops placed a great deal of stress on the ripple effect of efforts targeting youth. As one participant explained, adults must be educated “through our children.” Francophone adults must become aware of the social impact of a request for FLS. “Use it or lose it!” as one participant summed it up, “If you don’t use it, Daddy, I’m the one who will lose it.”

One way in which participants suggested getting through to youth was through the schools, in the form of civics courses. In their view, education about FLS rights in the justice sector should start in elementary school. They also believed that schools should be used to “educate the key players”, including principals, teachers, nurses, family physicians, in short, everyone with a role in the education system.

However, participants agreed that secondary school was the primary area on which to concentrate right now. Civics courses are a mandatory part of the Grade 10 curriculum.

Participants thought that the curriculum of the civics course should be revised to present not only democratic institutions and how elections work in general, but also to “teach Franco-Ontarians about their rights.” Young people should be taught not only about the multiple facets of the justice system but also and especially about the kinds of FLS the justice system can offer them.

As one participant explained, “Even if the young person never uses FLS in the justice sector himself, he will be able to tell the people he knows, the ones who need to use these services. It is necessary to spread the message so that it will get through to young people, and through them, to all layers of society.”

Many participants thus emphasized the need for changes to the elementary and secondary school curriculum, and not only in schools attended by Francophones. For the majority of participants, all future officials of Ontario’s justice sector should be familiar with Francophones’ FLS rights. According to some, “We must change the culture of all Ontarians.” Efforts to bring about change should therefore be extended to other courses so that Anglophones will get “to know the Francophone community—its history, its culture and its social make-up.”

Participants also underscored the importance of informing immigrants of the possibility of living in French and the availability of FLS in Ontario. They mentioned, in particular, providing information on French-language schools where they can send their children.

### *Accessible language documents and Internet sites*

In the study, we expressed serious reservations about the nature of the information available on government Internet sites. They are not always up to date and a number of them provide no information in French.

In addition, according to many participants, using too high a level of language creates a real barrier to the ability of Francophones living in environments in which they are very much in the minority or disadvantaged to understand what FLS are. They believe that it is also necessary to adapt to a bilingual Francophone client base: the way the words hang together must reflect the everyday language spoken in Francophone communities.

However, some people expressed reservations about the potential downward levelling of the quality of French for older Francophones, including the better educated recently retired. On the other hand, the situation is not the same for young people. There was a consensus in the workshops that an effort should be made to avoid using overly standardized French, something which is a very frequent result of translation, in order to get through to young people.

Participants recognized that the use of translated terms that are not actually used by Francophones leads them to request service in English, even in communities in which Francophones are in the majority. As one participant said, "Things must be thought out in the language used."

This concern regarding the use of language accessible to Francophones was also evident when participants discussed the various FLS promotion tools that the government should develop. Not only should there be more public education signage, brochures and materials, but these documents should be written in a language that is accessible to everyone.

The issue of level of language is at the heart of reflections on how to get through to youth via the Internet. Participants were unanimous in saying that Internet sites are essential tools in getting through to young people and that youth must be informed of their FLS rights effectively without using overly technical terms.

Internet sites must not just be bilingual; sites that inform Francophones of the availability of FLS must be developed in a way that reflects their reality. As one participant explained, Francophone users must be able to find out “where to go to meet people who can provide FLS. Directories must present information more clearly.”

There was also agreement that there must be incentives for municipalities to develop FLS public education tools, including media releases, as municipalities have the most direct contact with the Francophones in their community.

To sum up, participants invited key players in the FLS field to demystify the justice system for the public. They also wanted FLS to be made less overwhelming for officials. According to a number of participants, many officials working in the justice sector have little understanding or knowledge of FLS rights. One participant mentioned that the OCFLS for the Ministry of the Attorney General had already provided FLS training to hundreds of staff. It might be a good idea to do a follow-up with these individuals.

Some participants also suggested that the Ontario Provincial Police should prepare a plan for communicating in French in emergencies.

Like the report’s authors, a number also indicated that the *Montfort* case is very clear regarding the Francophone community’s need to have institutions that deliver services in French, services that should be developed by and for Francophones. It would therefore be helpful to pursue this reflection with provincial government officials in order to make them more aware of the issue of governance of services for Francophones.

To sum up, we must acknowledge the importance of effective communication about FLS. A need to better understand the OCFLS’s activities with respect to French language services in the justice sector was also felt, given the Office’s key role in the creation, distribution and dissemination of information.

### **3.2 Achievements of the last thirty years**

Participants expressed their concerns in a context in which they acknowledged that progress had been made over the last thirty years. Three achievements were consistently cited: enactment of the *Courts of Justice Act* in 1984 and of the *French Language Services Act* in 1986, along with the development of Francophone organizations.

Others mentioned the development of autonomous FLS models and the end of the bilingual approach.

The *Montfort* case, the fact that 5% of Ontario lawyers can provide FLS and the improvement of FLS in the Provincial Police were also considered success stories.

These advances were deemed important by participants because they contributed to the development of high-quality FLS and especially to the potential for living in French in Ontario. As one participant explained, evoking a well-known phrase written by the Franco-Ontarian singer Paul Demers, “We are taking our place.” For another participant, it was also a question of social justice.

### **3.3 Obligations as yet unfulfilled**

The more key players are familiar with FLS, the better they are able to determine whether governments are fulfilling their obligations to the Francophone community. In addition, the study discussed the federal government’s obligations in the justice sector at the provincial level. One example is the appointment of judges. The participants also spent considerable time examining government obligations.

Some participants also mentioned the general issue of service or program delivery agreements, under which jurisdiction is shared between the federal and provincial governments. According to one participant, “Language provisions should be included in these agreements and the provinces should take the lead.”

Another important point raised by one participant: there should be a significant difference between an obligation imposed by a memorandum of understanding (MOU) and one imposed by legislation. A citizen cannot come before the courts and say that his rights have not been respected under a MOU. The issue certainly needs to be examined further. Even though legal terms are already complicated, the difference between a MOU and a law should also be explained.

Some participants also discussed, at some length, the difficulties with FLS in administrative tribunals and the problem of regulations that have never been translated.

#### ***Judicial appointments***

Access to justice in French requires judges who speak French. Participants agreed that the availability of bilingual judges is critical to the smooth operation of a bilingual justice system. This would avoid use of translation and improve access to trials.

Participants also unanimously deplored the shortage of bilingual judges. A number of regions are still awaiting the appointment of bilingual superior court judges.

Participants also found that there was a lack of cooperation between the federal and provincial governments. The province cannot respect its obligations and Francophone rights if the federal government does not live up to its responsibilities.

Some participants further deplored the lack of bilingual judges in North Bay and London, in the Southwest. These are federal appointments while the province makes appointments to administrative tribunals.

In addition to judges' proficiency in French, participants raised the issue of their availability. It is "difficult for an accused person to have a trial in French by teleconference because the judge is in another region."

### *Officials of administrative tribunals*

Participants agreed that the lack of bilingual officials, that is, panel members qualified to hear cases, is especially glaring in administrative tribunals. This gap makes it impossible for Francophones to request FLS. Another example: in the case of the Rental Housing Tribunal, we were told that "the province can appoint panel members only to administrative tribunals set up by the province." In addition to the shortage of staff able to provide high-quality FLS, some participants indicated that the rules of procedure are inadequate.

### *Untranslated regulations and statutes*

The unavailability of statutes and regulations in French makes it difficult to provide high-quality FLS. A number of participants indicated that the lack of translated materials is a barrier for jurists and officials trying to provide FLS. However, translation is not the answer. Translation must be effective and should not represent extra unpaid work. The efforts of those who attempt to provide high-quality FLS must be rewarded.

Participants pointed out that in some organizations and agencies, getting a quality translation would be a challenge. Emergency Management Ontario (EMO) has developed a lexicon for translators. Translations should be edited by qualified staff to ensure the proper terminology is used. In the medium-term, French and English versions should be developed concurrently, right from the start of the drafting.

Other participants also wanted Legal Aid Ontario to benefit from the translation of Ontario regulations. This would simplify FLS development.

Municipalities must also draft legislation. These by-laws refer to other municipal legislation. It is essential that the quality of the translations of these by-laws be improved as they often leave much to be desired.

According to participants, the most effective means of rectifying these translation problems would be to increase the number of people trained to provide high-quality FLS.

#### 4. NEEDS

A second block of workshops dealt with the needs of Francophones within the justice sector. Some of the responses to the question were similar to some of the elements mentioned above. However, the facilitators invited participants to define their concerns regarding areas where FLS access needed to be improved—legal clinics, Provincial Police, emergency services, violence against women services, victim services, child protection services, administrative tribunals, courts administration, and the judiciary—in order to identify the most prominent.

The study had identified major gaps with respect to FLS for particular populations. We had also noted the lack of specialized designated agencies to deliver FLS to these individuals, including seniors, visible minorities and youth. We therefore asked participants to select two priority FLS needs—to the best of their ability as there are many needs—for each of the following groups: women, youth, immigrants and visible minorities, seniors, families and men.

In the study we found that access to FLS varied enormously from region to region. For this reason, we asked participants to give us their opinion on the regions where more resources should be invested in order to improve FLS. Where are the most glaring gaps?

The study suggested that priority should be given to making significant improvements to the quality of services provided to the Francophone population. We also suggested developing a strategy for promoting FLS delivery to women victims of violence, immigrants, youth and seniors. We also indicated that it would be important in the medium term to review FLS delivery in emergencies.

We found that what the participants said corresponded most of the time to the issues identified in the study. Their comments added concrete examples to our analysis.

We should also mention participants' concern with the implementation of standards for measuring FLS quality. If there is a standard for English language services (ELS), why would there not also be one for measuring FLS quality? Others talked about accountability mechanisms.

## 4.1 Sectors

### *Municipalities and emergency services*

Among the sectors identified, FLS in the municipal sector often emerged as an area in which there were major needs that were not always being met. A number of participants explained that many front-line services were delivered by municipalities. Yet the devolution of services to municipalities does nothing to ensure uniformity with respect to FLS quality and availability. This is a general problem but it is critical in the delivery of emergency services in French. Participants often talked about the need to give the *French Language Services Act* “teeth” when it comes to the lack of municipal accountability for FLS development: in their view, there are no repercussions if municipalities provide poor quality FLS.

One participant brought up the possibility of creating a mechanism that would ensure the presence of a person responsible for FLS on each front-line emergency team. According to another, “Emergency personnel must have the capacity to respond to people in French, especially in an emergency requiring police or fire department intervention or the use of 911.” A program similar to the Ontario Provincial Police’s existing program should be developed in municipalities for their areas of jurisdiction.

The process for staffing bilingual positions should also be improved as in some sectors the candidates hired are not really capable of providing high-quality FLS. This is of particularly grave concern in positions providing services by telephone.

Furthermore, in a number of areas of the justice sector where FLS have been devolved to agencies or municipalities, there are no clear directives regarding the hiring of staff trained to deliver high-quality FLS. In some municipalities located in designated areas, police services do not even have constables able to speak French.

The failure to offer FLS in emergencies at the municipal level is also apparent when it comes to ambulance services. One participant explained that the *Ambulance Act* forbids the use of French in ambulances. According to the participant, “Ambulances going to Montfort that deal with French-speaking doctors must do so in English so that everyone may understand the emergency problem.”

Clear guidelines must also be developed for EMO, which does not deliver any front-line services. EMO could facilitate the coordination of training and education efforts for municipal services.

### ***Legal Aid: lack of flexibility, uniformity and openness***

At present, thirteen legal clinics are able to provide FLS. Five of them are designated under the *French Language Services Act* and two are not. Both of the latter are located in community centres designated to provide FLS.

According to a number of participants, “It is necessary to expand the range of legal services” the clinics provide by adding family law.

Several participants also pointed out the lack of Francophone or French-speaking lawyers in legal aid offices.

Overall, participants regularly raised the lack of flexibility, uniformity and openness to FLS within Legal Aid Ontario.

### ***Courts, tribunals and Children’s Aid Societies: access problems***

Access to the courts in French continues to present a challenge to Ontario’s Francophones. In some areas, the needs are glaring. For example, at the Children’s Aid Society, a problem with access to a court or tribunal in French can have dramatic consequences. According to one participant, “Children can not always be served in French by the counsellor.” “The Ministry of Community and Social Services (MCSS) should ensure there are FLS and agencies should be accountable. Currently, the obligation imposed by the Ministry is a joke.” There should therefore be an accountability mechanism for agencies.

Problems with access to courts are also related to the need for Francophone or bilingual staff – “judges, clerks, interpreters, counter services, support staff. This applies to administrative tribunals.”

According to several participants, in small municipalities, access to the courts depends on the availability of Francophone lawyers prepared to work in rural areas, which is also a big problem that is hard to surmount. The survival of FLS in rural areas is far from being guaranteed.

### ***Detention centres: no programs and lack of Francophone foster and group homes***

According to a number of participants, youth detention centres are the “poor relations” of FLS. In their view, development of adequate FLS within correctional

services presents many difficulties. Furthermore, it is impossible to bring the young people together in order to create a critical mass.

Can young Francophones in rehabilitation be served by Francophone counsellors and receive high-quality FLS? According to one participant, "Most of the programs now are short-term programs. There are no specific programs. In the 80s, there was a program for the French-speaking population in Ottawa. But now, there are no programs, neither for men nor women. There is a gap and it should be identified as a gap in the provincial system."

Specific programs should be created for different Francophone client groups. These programs should be delivered by bilingual Francophone staff. A program designed specifically for a young Francophone can facilitate his/her rehabilitation and foster his/her social integration and in this way, promote public safety.

At present, no agency has a mandate to support reintegration of Francophone youth.

In addition, there should be foster and group homes for Francophone youth and Francophone immigrants.

### ***Prison system***

Access to FLS in the prison system is difficult and should be improved. The diversity of Ontario's Francophone communities should also be factored in. As one participant explained, when a minority group is overrepresented in the prison population, it is a sign of a certain "inability to adapt to the environment" or a manifestation of "culture shock" or "a failure to integrate."

## **4.2 Special needs client groups or populations**

### ***Youth***

For a number of participants, Francophone foster and group homes for Francophone youth who are victims of violence would be helpful if they existed. On the whole, participants expressed concern about what happens to Francophone children placed in foster and group homes in mostly majority Anglophone environments where no FLS are provided. In their view, there is an urgent need for Francophone foster and group homes in all areas, whether or not they are designated.

Investments should also be made in prevention and distribution of FLS information to at-risk populations. In particular, there is an urgent need for reintegration programs for Francophone young offenders.

In addition, instead of targeting young at-risk Francophones using a program equivalent to the existing English *Youth Outreach Worker* program, the provincial government could develop programs targeting social workers, community groups and youth centres. However, it must also be acknowledged that there is still a significant shortage of Francophone and bilingual social workers.

According to a number of participants, at present there is also a need for programs to educate young people about bullying. In their view, young people must be more involved in the consultations and the Ontario Provincial Police must continue to be involved in programs of this kind. They thought that AJEFO and FAFO as well as FESFO could take part in a new *politique d'aménagement linguistique* [language development policy] and foster better intergenerational collaboration in the justice sector.

Another participant indicated that a youth justice committee will be set up in L'Original. A restorative justice formula has been tested and should be reproduced in all areas. The Department of Justice Canada, which is working on the implementation of such programs, defines restorative justice as follows:

Restorative justice is one way to respond to a criminal act. Restorative justice puts the emphasis on the wrong done to a person as well as on the wrong done to the community. It recognizes that crime is both a violation of relationships between specific people and an offence against everyone—the state.

Restorative justice programs involve the voluntary participation of the victim of the crime and the offender and ideally members of the community, in discussions. The goal is to “restore” the relationship, fix the damage that has been done and prevent further crimes from occurring.

Restorative justice requires wrongdoers to recognize the harm they have caused, to accept responsibility for their actions and to be actively involved in improving the situation. Wrongdoers must make reparation to victims, themselves and the community<sup>3</sup>.

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<sup>3</sup> Policy Centre for Victim Issues, *Restorative Justice*, Department of Justice Canada, consulted on August 29, 2006, [<http://www.justice.gc.ca/en/ps/voc/rest.pdf>].

Participants also reiterated the idea that FLS development should include programs designed to make young Francophones aware of their FLS rights.

### *Women*

Participants clearly indicated that there should be greater access to FLS in the area of domestic violence. As one participant explained, "There is a lack of FLS along the entire spectrum. A person may be served in French in one place but there is no continuity thereafter to help her from the beginning to the end."

Some people also pointed out the lack of FLS in Anglophone shelters, a situation which makes it all the more important to create more Francophone shelters.

Other participants mentioned that it would be useful to have access to family law related legal services for women. There are also few FLS in the area of addictions.

A number of people thought that the *SupportLink* program should be developed in French. Under this program, high-risk women are given cellular phones that allow them to call the police. However, according to one participant, "This also requires planning. All the programs have part-time staff. Both full-time staff and resources need to be increased. Demand greatly exceeds supply."

### *Seniors*

#### *Educating police officers and counsellors about elder abuse*

The problem of elder abuse is a stubborn taboo, especially in rural areas. Participants pointed out that statistics confirmed "the isolation of seniors in remote Northern communities." Is it also necessary to provide them with a first point of contact in French when these individuals are victims of violence? According to participants, there is no doubt that police officers "should be given training on FLS for seniors." Such a program should also deal with the "special characteristics of violence against older women."

One participant explained however that there is already a violence education project under way in the form of a play financed by the Ontario Victims Services Secretariat. This person added that "this play could be reworked to incorporate a Franco-Ontarian theme."

### *Information in French*

A number of participants explained that Francophone seniors should also have access to public education materials on the justice system and especially to general information on real estate law. An information campaign on retirement cheques, for example, would also be appropriate.

### *Seniors' knowledge of FLS*

According to several participants, Francophone seniors have a significant need to know about the FLS to which they are entitled. Stakeholders believe that it is necessary to prepare materials and create presentations designed for them. As one participant explained, "CLEO does public education in English [and in French]." Francophones need materials tailored to their needs and not just translations of English materials. According to another participant, "Legal Aid should feel a little guilty. Right now they do nothing except when the Ministry of the Attorney General forces the issue by legal means."

### *Men*

#### *Programs in French for male batterers and male victims of violence*

Participants agreed that at present there are no programs in French for male batterers. Inmates have no access to FLS." The FLS provided by the Partner Assault Response (PAR) Program "lack continuity."

There are also no programs in French for male victims of violence. As one participant explained, "There is a real need for programs for male victims of sexual assault." And as another added, public awareness programs should be developed for men "in order to convince them that they can be victims, that they too can be touched by violence."

### *General needs*

#### *Juxtaposed identities: taking overlapping needs into consideration*

A number of participants indicated that a single individual may have special needs because he/she belongs to several target groups simultaneously. It is therefore necessary to give greater recognition to the diversity found within individuals. For

example, an individual may be having problems with access to justice as a woman, as an immigrant, as a black person, and as a handicapped person, all at the same time.

### *Immigration and justice: limited capacity to receive immigrants*

For many participants, the face of French Ontario is changing and it is important that immigrants be better equipped so that they develop a sense of belonging and integrate well into the Francophone community. However, the Francophone community's capacity to receive immigrants is limited. According to participants, we need an infrastructure that will improve settlement services for immigrants. Sensitivity to language is required but also to cultural issues. Young people from new immigrant groups end up in jail because "they fail to integrate." And for some members of cultural communities, being Francophone means "being even more of a target."

Participants were in agreement in demanding "active promotion of FLS to immigrants since they are not informed that FLS exist." They think that immigrants must be informed of their rights on arrival. According to one participant, "It's an illusion to think that Canada has two languages everywhere." Immigrants must also be "provided with materials on FLS at embassies."

An effort must be paid to recruit people from the various cultural groups that make up French Ontario. To a number of participants, "the presence of Francophone persons of colour" is very important in reaching out to immigrants since many new arrivals are "shocked to see only 'white' people."

### **4.3 Underserviced areas**

FLS development in Ontario is made even more complex by the dispersal of the Francophone population across the province. Although it is difficult to identify particular underserviced areas as all regions have significant problems, participants seemed unanimous in selecting two regions that seem to have acute problems: Northwest and Southwest Ontario.

#### *Northwest Ontario*

In this region, the dispersal of the population and the great distances between different places make it difficult to establish nerve centres where FLS could be concentrated. According to participants, the population exodus resulting from "mill and mine closures" is having a devastating effect on the possibility of receiving FLS.

Northwest Ontario suffers from a general shortage of French-speaking staff. Some people underscored the need for “bilingual lawyers and legal services;” others indicated there was a significant lack of FLS in Thunder Bay and Dryden.

### *Southwest Ontario*

Francophone migration and mobility explain the emergence of new Francophone populations in this region. However, FLS infrastructures remain underdeveloped and needs are significant.

## 5. CONDITIONS FOR HIGH-QUALITY FRENCH LANGUAGE SERVICES

A third block of questions dealt with the conditions for quality FLS delivery. More precisely, we asked participants to give us five criteria for identifying quality FLS.

The question struck us as important since on a number of occasions in the course of the study we had to ask ourselves whether the FLS were truly high-quality services, especially as there are no mechanisms for evaluating the Francophone community's assessment of service quality.

The study also examined the community's role in service delivery. We found that groups often wanted nothing to do with the designation process and that the concept of designated area could also pose problems. Designated areas are not defined in the same way under the *Courts of Justice Act* and the *French Language Services Act*. In addition, the numerical criteria can penalize Francophones living in designated areas where they are not sufficiently numerous to be provided with service.

For this reason, we suggested that it would be helpful, at least in the justice sector, to clarify the logic underlying the agency designation process, including the status of designated versus non-designated agencies, and to examine the differences among services within the designated areas. We also considered it relevant for the Ministry of the Attorney General to determine whether the differences in organization of the designated areas by various services had an impact on the availability of French language services and to review the numerical criteria so as not to penalize Francophones entitled to receive services in French.

We also asked participants to indicate areas or circumstances where FLS should be provided by autonomous Francophone social and community agencies managed by and for Francophones and those where they should be integrated into bilingual or Anglophone agencies. We invited them to define the models best suited to deliver high-quality services to Francophones.

To sum up, we invited participants to tell us how the government can better work in partnership with the Francophone community. Our study would suggest that over the long term, it would be important to strengthen the FLS infrastructure in the justice sector; to propose service and governance models adapted to Francophone needs; and to fund them equitably.

Participants responded well to these questions, and their responses allowed us to clarify a number of concerns previously raised in the study. There certainly was no shortage of ideas on how to improve FLS infrastructure and coordination.

## 5.1 Criteria

Among the criteria that emerged most often in the workshops—seven rather than five were selected—we should mention the following: qualified Francophone staff; permanent service; equal or exemplary quality; respect for diversity; management by and for Francophones; active offer; systematic qualitative evaluation.

### *Qualified Francophone staff*

In general, participants explained that Francophones must receive high-quality FLS across the province. They further pointed out that the ability to speak both English and French should be an important criterion in staff recruitment, especially if the staff must provide FLS. It is also necessary to ensure that they receive adequate and appropriate training in order to support them in their work. Consideration must also be given to the contribution Francophiles can make to the delivery of a complete range of FLS.

As one participant explained, one can not accept a lower level of French in one region because “the impact is immediate and palpable.” Delivery of high-quality FLS requires an environment in which the counsellor or employee can “think in French.” The vocabulary must come naturally to the person providing FLS. The French terminology used at intake and on Internet sites must not be just straight translations but must reflect the French used by Ontario Francophones.

However, qualified staff must have access to “tools to help them maintain their skills” in French. They must be provided with ongoing training. According to one participant, “Using English tools in providing FLS leads an employee who is proficient in French to lose this proficiency over time.”

As this person went on to say,

The *Antidote* software came as a surprise to Francophone officials. We hire bilingual people who meet the standards but afterwards we forget about them. We must invest in training. Training is needed not only for new staff but also for experienced employees. When you don’t use your French, you

feel less and less comfortable providing FLS. We must invest in human resources. Not only for a few months. But according to a long-term vision.

Qualified staff means that we must also encourage Francophones to pursue a career in the justice sector. According to one participant, the *Carrières en justice* [Careers in Justice] project should make it possible to attract “more people able to provide FLS.” In this way, services will become sustainable.

### *Permanent services*

For participants, FLS permanence and availability at all times are basic requirements. As some of them explained, “FLS must be mandatory” or “services can not depend on volunteers.” Delivery of high-quality FLS relies on stable staffing.

### *Equal or exemplary quality (in the sense of model)*

Participants unanimously agreed that the current criteria set out in the *French Language Services Act* to ensure that FLS are equal in quality to services in English must be rethought. The idea of equal service should not mean services that cost more or take longer. In fact, FLS must be developed that are tailored to Francophone realities. These services could also serve as a model for government services in general.

### *Respect for diversity*

Participants were unanimously in favour of hiring practices whereby bilingual Francophone staff reflected the diversity of the Francophone population. As the participants explained, FLS must respect diversity and be accessible to a diverse population. They must be responsive to special needs.

### *Management by and for Francophones*

According to a number of participants, high-quality FLS are FLS managed by and for Francophones. Furthermore, when it is a matter of personal services, the principle of management by and for Francophones coincides with the expectations of most stakeholders. “For services that affect one’s private life, by and for is better. [...] Take the case of a person with an alcohol problem, his problem has to be treated in French.”

Organizational structure must support delivery and services managed by and for Francophones. When the leadership is French-speaking, when it includes Francophones and/or Francophiles, the climate is much more conducive to the development of FLS

tailored to Francophone populations. As one participant explained, “When it comes to justice, it has to come from the community and not just be a copy of the Anglophone system.”

With respect to general public services, integrated FLS are considered preferable. For example, it would not be practical to have unintegrated police services. At Legal Aid, it must be recognized that, “A lawyer in family law can not be segregated from his colleagues, who make an essential contribution.” FLS must be integrated in mental health services in detention centres, in 911, in administrative tribunals and courts of justice. In fact, the justice system is a bilingual system “constructed to work in both languages.” There must be a “capacity to have a tribunal in French.”

But even in this so-called bilingual system, the “fear of assimilation” persists because there is always the possibility that FLS may be set aside. According to a number of participants, the system must make sure there is a capacity to make decisions regarding Francophones in French on emergency response teams when there are no Anglophone members.

### *Active offer*

According to participants, FLS must be “guaranteed and accessible at all times.” Staff must not only be prepared to respond to requests, they must also inform clients that services are available on the spot. They must make an active offer of FLS.

Participants recognized that vulnerable groups do not always request FLS, even when they know they are entitled to receive such services. Active offer is the only way of encouraging them to exercise this right which will enable them to obtain services that are truly tailored to their needs. “Without active offer, there are fewer requests because people are afraid to make demands.”

As one participant explained, “The client must be immediately aware that he is entitled to receive FLS and that the services offered will be high-quality FLS.” In fact, in order to be “convinced that he is receiving high-quality service, a client should not have to shake the clerk for ten minutes.”

Participants also suggested that, “Francophone employees who provide FLS need to be valued.” They often have more work than others because they are fewer in number. They have “different concerns”, have “fewer tools, no bonuses, no recognition that they are doing more work.” In short, FLS need to be given recognition. We have to

avoid a situation in which employees try to avoid providing FLS and say, “Don’t give me any Francophone [clients], it’s a lot more work.”

### *Systematic qualitative evaluation of FLS*

Participants indicated that systematic evaluation of FLS was required or else that ways had to be found to “allow users to evaluate service quality.” There was also a need for specific standards for services delivered to Francophones.

On the other hand, the lack of basic FLS standards may explain the disparities among regions. According to one stakeholder, “It’s the McDonald’s hamburger principle: when you order a hamburger in a restaurant, you expect it to taste the same at all of the chain’s restaurants. Right now, the FLS hamburger does not taste the same everywhere in Ontario, and sometimes it doesn’t taste good at all.”

Some participants also pointed out that there is no real complaints mechanism. As one participant explained, “There is a process, but that doesn’t mean solutions are found. The coordinators have no power. The Office of Francophone Affairs does not have very much power. Political means must be used.”

## **5.2 The FLS models that best meet Francophone needs**

Among the FLS models best suited to the Francophone population, four were selected: one-stop shopping; multi-service centres; mobile teams; and Francophone service providers. Some of these are models that have already been tested in other provinces or other sectors.

### *One-stop shopping model*

Some participants extolled the one-stop shopping model as an approach that would foster high-quality FLS in areas where there was a concentration of Francophones. There are already one-stop shopping models in place in other provinces, particularly in St-Boniface, where a large proportion of the Franco-Manitoban population is located.

However, according to a number of participants, “The one-stop shopping concept will not work in the area of violence against women because there is concern about a dilution of services.” Furthermore, the one-stop shopping model does not encourage the emergence of activists and stakeholders from community groups.

### *Multi-service centres*

Other participants thought that integrating FLS in multi-service centres where Francophone legal clinics would be combined with community health centres could be an innovative model.

### *Mobile teams*

Some people proposed using specialty clinics as mobile teams to serve the Francophone population. One participant explained that he had had experience with mobile teams and “the model works well.” However, for others, the use of mobile teams means there will be delays and the teams may be overworked, especially if there are very large distances to be covered. Mobile teams are thus a limited and temporary solution or else a transitional solution.

### *Autonomous Francophone agencies*

According to a number of participants, we are currently in an environment where conditions are ideal for the creation of homogeneous agencies delivering high-quality FLS.

## **5.3 Which community—government partnerships?**

### *A structure incorporating community participation and interministerial cooperation*

Participants were unanimous in saying that the FLS Coordinator for the Ministry of the Attorney General had established significant relationships between this ministry and community groups. Their needs are now given more of a hearing and are better understood by the ministries and agencies involved.

Participants expressed a desire, however, to see these partnerships expanded to include other community groups and other ministries. Community groups like FAFO and AJEFO were very enthusiastic about the idea of participating in the creation of new partnerships. Furthermore, some participants thought that French-language school boards should be included in the future to ensure “delivery of high-quality FLS.” They could take part in the creation of “referral centres” directing Francophone users to FLS. The idea deserves special attention.

Participants also indicated that the needs of government and community partners must be recognized. On the government side, partnerships depend on having informed officials. Government must therefore also facilitate the study of community needs by investing more in research.

Partnerships also depend on the development of expertise on the community side. Government must make available to community groups “the tools they need” to contribute to their partnerships with government; knowledge and resources must be shared. As one participant explained, it means “setting in motion a process that could be repeated and make it possible to advance the cause,” and “a participatory process and structure for the long term.”

Partnerships must also be based on continuity. Joint strategic plans should be for the long term and include major projects, while continuing to further develop partnerships “bit by bit.” Time frames must provide the flexibility the players need in order to be able to make the necessary adjustments along the way.

For community groups, continuity would allow them “to move past the stage of just barely surviving from project to project.” Often, according to one stakeholder, “Community groups like AOcVF bear the brunt of the work.” “The contribution made by volunteers must also be recognized. At present, volunteers are virtually martyrs.”

In addition to being adequately funded, community groups must be encouraged to develop consultation forums that would enable them to learn about and “benefit from the work of other organizations within the province” and outside it. The network of French-speaking jurists’ associations and the provincial FLS coordinators’ network are examples of how know-how can be acquired through information sharing.

The community partnership process must be integrated into an interministerial approach that will encourage ministries to show leadership. Operational and annualized funding must be provided.

At present, “there is little interministerial and community collaboration regarding FLS governance and delivery.” Through “an advisory committee of some kind,” the different ministries must work together to develop standards to define “what is expected from the various divisions of government ministries.”

### *Groups working in partnership in the regions*

A fairly exact picture emerged from the workshops of the structure participants would like to see. First, a number of people underscored the need to raise the level of ministry and agency FLS coordinators and provide them with new resources. They need access to the highest levels of government. On their teams, they also need to have assistants or spokespersons reporting to the coordinator who work in the regions with all of the organizations involved with a view to fostering the emergence of new FLS.

At the local level, the work of these regional people would involve setting up working groups with community groups. Forums could be held two or three times a year at the regional level and once a year at the provincial level in order to provide access to decision-makers. Ministers and deputies could take part in the annual provincial forum.

This would ensure a regional voice within government.

### *Cooperation in public education campaigns*

According to participants, there is a need to build greater cooperation among the government, CLEO and Francophone community groups in order to inform the Francophone population about FLS availability. In their view, responsibility for FLS promotion could be shared. Information sessions on elder abuse, housing and health, for example, could be part of this public education work.

### *Involving the community in FLS*

In general, participants are in favour of creating a structure that would incorporate more community group participation in the development of FLS tailored to Francophone community needs and expectations. As one participant explained, "It must be recognized that the community has a role to play in the public policy formulation process."

To sum up, participants talked about a structure that would take the regions into account and enable community groups to participate in the development and delivery of high-quality FLS. Partnerships involve coordination, consultation and joint management. "Community groups' suggestions must be taken into account."

To ensure the smooth operation of partnerships meeting the needs of both government and community groups, a number of participants thought that joint

evaluation mechanisms should be put in place. Others brought up the appointment of an ombudsman to give Francophones and community groups direct access to decision-makers in government ministries and agencies.

According to a number of people, another requirement would be “the inclusion in government contracts for service delivery in designated areas, of a contractual provision regarding FLS delivery, based on the concepts of active offer and qualitative evaluation of FLS.”

#### **5.4 Designation**

The principle of designation is much misunderstood. Participants were cynical about the designation process, which they saw primarily as a complex process that imposed additional obligations on their agencies while they were already providing FLS.

##### *Complexity and additional obligations with no additional resources*

According to participants, the complexity of the designation process and its lack of uniformity help to create cynicism among Francophone community groups and make the designation process less credible. Some people, however, saw benefits. Designation should ensure the continuity of FLS. Once it has been designated, an agency can not stop providing FLS.

On the other hand, according to many participants, designation does not guarantee high-quality FLS. According to others, high-quality, permanence, access to services, representation and “accountability” remain valid designation criteria. Furthermore, it needs to be made clear that accountability means more than having a single Francophone on the board of directors. Language proficiency levels should also be defined for every position.

In addition, a number of people pointed out that “the fact that an agency is designated does not mean services are available. This is one of the biggest gaps. Often, and not only in the justice sector, management teams are not Francophones, often decisions about FLS are made by Anglophones.”

According to participants, it is also necessary to “go beyond the designated areas.” They agree that “there is a requirement for uniformization/simplification of the areas designated under the *Courts of Justice Act* and the *French Language Services Act*. How can anyone know his rights when it’s so complicated?”

As another participant explained, we must “break down the boundaries of the designated areas” by using the Internet, for example.

As for the numerical criteria, the words of certain participants provide a good summary of the group’s views. As they said, “Organizational capacity should not depend on numbers. In our view, I’d get rid of the whole designation issue. I want all women to have access to FLS.”

### *Some reservations*

In theory the designation process should enhance FLS quality. In addition, we must acknowledge that the *French Language Services Act* guarantees their continuity. Once it has been designated under the *Act*, an agency cannot change its bilingual identification. The process also provides guarantees that bilingual staff will be hired. A board of directors that embarks on the designation process agrees to make room for one or two Francophone board members. Participants acknowledged that designation has enabled Ontario’s Francophones to protect what they had. The Montfort Hospital saga is the most obvious example.

However, many Francophone agencies do not take the necessary steps to be designated. Hence, they are not included on the Office of Francophone Affairs’ (OFA) list of agencies providing FLS. There are several explanations for this state of affairs.

First of all, agencies do not see its usefulness. “In Eastern Ontario, people do not feel the need for it. As for myself, I view it like industries with their ISO-6000.” It constitutes value added, an affirmation of one’s Francophone character. But Francophone agencies find the process long and complicated.

In addition, too often designated agencies end up delivering lower quality FLS. Some people felt that designated agencies have “additional obligations” without having any more resources at their disposal.

Some people see designation as a simple tool that allows the government to “boast that it is collecting more trophies by announcing new agency designations.” Others are of the opinion that, “for funders, designation is not important.”

In short, participants were unanimous: in their view, designation “asks a lot and gives nothing.”

## 6. GUIDING PRINCIPLES

The study did not define any guiding principles for developing the strategic plan for FLS development in the justice sector. Our mandate was to conduct an environmental scan. We identified issues and priorities to be considered in such a plan but the job of developing the plan belongs to the government and community representatives collaborating on this project.

The workshop participants were the first in this chain of players to propose principles to guide development of the plan. In addition, we asked them, given the demographic, economic, political and social trends identified in the study, how the Ministry of the Attorney General should adjust its services to better serve the Francophone community over the next five to seven years. Finally, we asked participants to define the next steps in the strategic plan development process.

Participants had much to say and their suggestions are important for what comes next.

### 6.1 Principles

#### *High-quality services, equal and universal access*

One of the first principles suggested by participants was that the strategic plan should be built on the principle that FLS must be high-quality services with equal and universal access for all Francophones. As one participant explained, “In the early 80s within the school system, the Minister of Education had a section for French-language schools. There was a clause where numbers warrant. The Charter came along. It ruled that this clause was illegal. It seems that the authors recognized that the question is: should it [the government] continue to go along with the incremental approach. If not, what should the government do? For me, access to services in French is not equality. If you look from a Francophone point of view in the government, you cannot be satisfied.”

Participants constantly reminded us that delivery of high-quality FLS requires adequate financial and human resources.

The principle of quality must thus be associated with the objective of adequate resources, particularly in order to “be able to get a speedy trial.” We were told that having “enough resources” would, for example, help to reduce “the delays in obtaining French trials.”

It is also necessary to invest in human resources. “We must recruit, hire in order to ensure that all staff have the linguistic capabilities to enable them to make an active offer of high-quality FLS.” Ideally, this would include better language training in elementary and secondary school, on the one hand, and ongoing language training in the Ontario Public Service (OPS), on the other.

Participants also thought that the concept of designated areas was in opposition to the concept of universality. They said that “rights belong, not to a region, but to an individual.” In the regions, we should instead look at criteria for promoting universal access and increasing institutional capacity in the least well-served areas. Guaranteed FLS that respect diversity must be provided through implementation of qualitative rather than quantitative criteria. Hence, the concept of universality includes the objective of reviewing the concept of designated area.

As one participant explained, “If I am a Francophone woman in a non-designated area, I’m not entitled to FLS? That’s unfair, that’s not equality.”

#### *Active offer: stimulate demand and integrate FLS from the start*

Participants agreed that the principle of active offer must appear in the strategic plan. According to several participants, “We need to move from the passive phase to the active phase” of FLS delivery. “We must make the offer, we must anticipate needs.” Active offer “goes beyond the objective of equality [...]. The principle of active offer is much stronger than the reference to the principle of equality.” “It can be used to make the *French Language Services Act* current again.”

Active offer makes it possible to “get out of the vicious circle” whereby “Francophones do not request service because they do not know that they can.” As one participant explained, “It is necessary to encourage active offer in order to promote the vitality of Ontario’s Francophone community.”

#### *Inclusion*

The strategic plan must be based on a principle of inclusion. This means the inclusion of all components of the social diversity we find in within community groups. But another part of the notion of inclusion is the principle that FLS must be integrated right from the start in policy development and program design.

### *Accountability*

To become reality, the obligation to provide FLS imposed by a ministry must include measures and consequences if FLS are not provided or are of lesser quality. This requires an accountability mechanism. Such a mechanism must make it possible to guarantee “optimal quality services.”

### *Customized models, community-government partnerships*

One of the underlying principles of the strategic plan is that policies must reflect “the real needs of the Francophone population.” In addition to meeting obvious needs, policies would be developed in cooperation with the Francophone population and would reach segments of this population whose needs have received little recognition. As one participant explained, “At our Francophone SAC, we have far more clients than we expected. And people thought there wasn’t much demand!”

To achieve this, participants suggested that models “by and for Francophones” should be incorporated into a partnership process between Francophone community groups and the government.

Other models developed by government but tailored to the realities faced by Ontario’s Francophones fit into the same reasoning. The distribution in French of a recent video on sexual harassment is a convincing example of new opportunities for producing “adaptations” that reflect “community characteristics.”

### *Financial parity*

One essential principle for participants is that FLS must be equal in quality to services in English.

### *Social justice*

Participants rejected a narrow definition of justice. In their view, a strategic plan must be built on the principle of social justice, a broader concept of justice, the *Petit Robert* defines as “fair assessment and recognition of the rights and worth of each individual aligned with respect for them” [unofficial translation].

## 6.2 Wishes for the next five years

### *Designation of senior management positions as bilingual and creation of an assistant deputy position for FLS in the justice sector*

According to a number of people, the government must review its policy on designation of bilingual positions. It must develop principles for the designation of senior management and executive positions. "There should be bilingual positions at leadership levels, in executive positions." There should be performance criteria with bonuses for senior management so that there is leadership by example from above.

Participants suggested that a position of Francophone assistant deputy minister be created at the Ministry of the Attorney General with more power and a secretariat to manage justice in French. This should be the Francophone authority for the justice system.

Among the many suggestions, one was for greater visibility of FLS within the ministry and better representation of Francophones.

### *A change of culture*

Participants thought that a change of culture towards active and universal offer, which gives pride of place to community participation, was essential. They also wanted the OFA to play a greater role in attaining this objective.

Incrementalism, the baby-steps principle, produces services only drop by drop. As one participant explained, "If we want to take our rightful place, we need a different approach. We need to implement official bilingualism. To ensure sustainability, we need future-thinking progressive planning."

"Instead of its being the community that asks the government to consult the community in its policy development process and ask it, do you need this, the principle would come from the government from the start. At present, the government refuses to take responsibility."

"FLS should be included in the modernization of the OPS and this includes the tools of the new technologies."

### 6.3 Next steps

Among the next steps in developing the plan, a number of participants indicated that they wanted the first draft to come from the group or from the advisory committee that guided the research. After that, it would be a good idea to consult the other stakeholders. As one participant explained, “We need to have a structured process with a community committee that gives its opinion every step of the way. There must be an ongoing relationship and community-government dialogue.

Others thought that there is also a need to develop tools for validating the report at the community level in order to place Francophones in a better position to take ownership of it. In particular, it is necessary to “continue the process of reflecting, learning, discussing and seeing how the sector fits into all that.” On the other hand, participants also emphasized the need for political will at the highest level in order to carry out the plans.

## CONCLUSION

Will the fifth meeting of Francophone stakeholders in the justice sector be the opportunity to write a new page in the history of FLS development? Participants were enthusiastic about the meeting in their evaluations. Yes, they found the process demanding. But it is not everyday that so many people in government and the community come together to reflect on the future of FLS in such concrete terms.

Participants agreed that the process was serious, that the questions moved along and that the structure of the day forced people to think. Some participants also noted that collectively, people had a very good understanding of the situation. They had the necessary skills and knowledge to discuss major issues in this sector.

Some participants, primarily officials, indicated that Francophones were not the government's only clients. Although they understood the community's problems, they also had other fish to fry. Moreover, the workshops clearly demonstrated that FLS is not just a Francophone issue, that in fact FLS is an issue also for the government and for Ontario society as a whole. Government has an obligation to serve this community, even if Francophones are not the only ones requiring government services.

Everyone agreed that development of a strategic plan for FLS development in the justice sector was one way in which the government could better serve the Francophone community. According to one participant, however, "We need to get the ear of someone at the top who will help us implement the strategic plan."

The plenary session gave all participants an opportunity to renew their commitment to the next steps (Appendix 5). The summary of the previous day was well received and people left satisfied with a job well done but also with very precise expectations, including the expectation that a strategic plan would be released in November 2006.

At the end of the meeting, its objectives therefore appeared to have been met. The research was certainly validated and the issues were examined further. Many needs were identified and guiding principles for the future development of FLS were also looked at. It remains only to write them down, to identify the objectives and projects that will translate them into reality and to validate everything with those most closely involved. Then, governance principles and an evaluation mechanism will have to be defined. What structure will provide the framework for implementing the plan? Participants made meaningful suggestions regarding relations between government and

the community. The possibility of greater community engagement in public policy formulation is one of them.

Finally, everyone agreed that the FLS justice sector will have accomplished some important work by giving itself a global vision and the means to realize it. Ontario's Francophones deserve it.