



REPORT TO: Co-Chairs and Members of
Public Health and Social Services Committee

SUBJECT: French Language Services Act

RECOMMENDATION

That this Committee recommends to Regional Council that this report be received for information.

EXECUTIVE SUMMARY

- The French Language Services Commissioner of Ontario is recommending that the Minister Responsible for Francophone Affairs propose a clear regulation to govern the delivery of French-language services under a contract with a third party who has agreed to provide services on behalf of a government agency or under a new public-private partnership.
- The Region of Niagara as a municipality is exempt from the French Language Services Act (FLSA).
- The Ministries of Children and Youth Services (MCYS) and Community and Social Services (MCSS) have indicated that the FLSA applies to third-party service providers in a CMSM role (The Region) in all head or central offices and where the service resides in the 25 designated areas.
- The designated areas in Ontario include Welland and Port Colborne, however neither municipality has passed a by-law providing for the services to the public to be offered in both French and English.
- Under the FLSA services must be of equal quality and accessibility to those offered in English.

FINANCIAL IMPLICATIONS

This report is an information only report on the developments regarding the application of the FLSA and services provided by the Niagara Region on behalf of the MCYS and MCSS, and as such there are no financial implications.

Should the requirements for FLSA be fully required by the Niagara Region offering services associated with MCYS and MCSS and in other third party arrangements where the Region provides services on behalf of the Provincial government, additional costs will be required in order to ensure all service publications, internet information and correspondence are available in French.

PURPOSE

The purpose of this report is to provide Committee and Council with information in regards to the potential direction of the offering of French Language Services by the Niagara Region various program areas as a result of the direction of the French Language Services Commissioner of Ontario.

BACKGROUND

The French Language Services Commissioner of Ontario in his report for the period ended March 31, 2008, has made a recommendation that the Minister propose a clear regulation to govern the delivery of French-language services under a contract with a third party who has agreed to provide services on behalf of a government agency or under a new public-private partnership.

REPORT

Currently under the French Language Services Act municipalities are not named as a government agency or institution of the Legislature, and as such are not required to provide services in French. The Act also speaks to designated areas in Ontario, which in the region of Niagara include the City of Port Colborne and The City of Welland, however the Act indicates that these municipalities "may" pass a by-law providing that the administration of the municipality shall be conducted in both English and French and that all or specified municipal services to the public shall be made available in both languages. Currently, neither the City of Port Colborne nor the City of Welland have passed such by-laws.

In the report of the French Language Services Commissioner of Ontario, he indicates that he believes the definition of government agency in the French Language Services Act does allow for the inclusion of municipalities when acting on behalf of the Government of Ontario through a transfer of responsibility. As a result, the French Language Services Commissioner of Ontario has made a recommendation that the Minister propose a clear regulation to govern the

delivery of French-language services under a contract with a third party who has agreed to provide services on behalf of a government agency or under a new public-private partnership.

Services delivered by the Niagara Region that could be impacted by such regulations include Social Assistance and Employment Opportunities (Ontario Works), Children's Services, Provincial Offences Administration, Ambulance Operations, Ambulance Dispatch and Niagara Region Housing Services which are operated by Niagara Regional Housing.

The MCSS and MCYS have indicated that they believe that the French Languages Services Act applies to third-party service providers in all head or central offices and where the service resides in one of the 25 designated areas in Ontario. The anticipated expectations of the Ministries are that the Niagara Region for Ontario Works and Children's Services would be required to provide services in French and submit annually to the Regional office a plan that ensures accountability including:

- Quality of service
- Access to services
- Communication with stakeholders including correspondence, telephone and over the counter services, signage, public consultations, translation or written material, complaints resolution.

The MCSS and MCYS and the French Language Services Commissioner of Ontario have defined services in French to be an "active offer" and not just translation. An active offer includes direct services with sufficient bilingual staff in strategic positions to offer quality service, bilingual signage (interior and exterior), bilingual public inquiry lines, recordings and menus.

In the event that new regulations are passed to govern the delivery of French-language services by third party providers the Niagara Region would experience additional costs in the areas of signage, communication and translation efforts in a number of operational areas. In addition, there will be labour impacts in an effort to designate positions as bilingual or French as required across the impacted departments and boards to ensure the ability to deliver French language services in an Active manner. Potentially impacted offices of operation would include reception at Campbell East, Social Assistance and Employment Opportunities in St. Catharines, Welland and Port Colborne, Children's Services in Campbell East, Niagara Regional Housing, Provincial Offences in St. Catharines and Welland, Emergency Management Services at Foster Wheeler in administration, dispatch and paramedics.

In the event that positions would need to be identified as French or bilingual, the Niagara Region would need to address several human resources issues. For example, when recruiting for a vacant position, the best candidate based on the core competencies of the position taking into account seniority in a union environment would ordinarily be selected. If a position is designated as requiring bilingual or French language skills, this language requirement must be met first, thereby potentially relegating the core competencies of the position to secondary consideration.

Service delivery contracts for 2009 with the MCSS and the MYCS have not been received by the Niagara Region, however these contracts may reflect changes in the delivery service respecting the need for French language.

Submitted by:

Approved by:

Brian Hutchings
Commissioner, Community Services

Mike Trojan
Chief Administrative Officer

This report was prepared by Cathy Cousins, Director, Operational Support Services, Community Services and reviewed by John Cunnane, Director Emergency Management Services, Public Health and Michael Kyne, Director Legal Services, Corporate Services.