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RESPECT FOR LANGUAGE RIGHTS IN ONTARIO: AN ISSUE FOR ALL OF CANADA

Report of the Standing Committee on Official Languages

The Honourable Denis Paradis, Chair

**JUNE 2019
42nd PARLIAMENT, 1st SESSION**

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Chair**

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NOTICE TO READER

Reports from committee presented to the House of Commons

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

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has the honour to present its

SIXTEENTH REPORT

Pursuant to its mandate under Standing Order 108(3)(f), the Committee has studied the state of Canada's Francophonie and has agreed to report the following:

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LIST OF RECOMMENDATIONS

As a result of their deliberations committees may make recommendations which they include in their reports for the consideration of the House of Commons or the Government. Recommendations related to this study are listed below.

Recommendation 1

That the Prime Minister of Canada make language rights and the vitality of official language minority communities permanent agenda items for meetings of the Council of the Federation. 28

Recommendation 2

That, at the Ministerial Conference on the Canadian Francophonie, the Minister of Tourism, Official Languages and La Francophonie ask the members of the conference to add the issue of language rights and the federal, provincial and territorial governments’ duties to official language minority communities to its agenda on a permanent basis. 28

Recommendation 3

That the Minister of Tourism, Official Languages and La Francophonie:

- **ask the members of the Ministerial Conference on the Canadian Francophonie to invite the Minister responsible for Relations with English-Speaking Quebecers and the Quebec Community Groups Network to attend the conference in June on an exceptional basis, given the language rights situation, to discuss the language rights of official language minority communities; and**
- **take measures to create a permanent mechanism to give Quebec’s english-speaking communities a voice on the national stage..... 29**

Recommendation 4

That the Minister of Public Services and Procurement and Accessibility mandate the Canada Lands Company to work with the Board of Governors of the Université de l’Ontario français to find appropriate land and facilities for the university..... 30

Recommendation 5

That the Minister of Tourism, Official Languages and La Francophonie work with the Université de l'Ontario français's Board of Governors to identify various ways to support the Université and that she consider the possibility of creating a federal loans and grants program, financed by matching funds, to address the needs of the Université de l'Ontario français..... 30

Recommendation 6

That the Minister of Immigration, Refugees and Citizenship invite his Ontario counterpart to negotiate with a view to adding an annex to the Canada-Ontario Immigration Agreement on French-speaking immigrants and an annex on international students, taking into account the needs of the Université de l'Ontario français..... 30



RESPECT FOR LANGUAGE RIGHTS IN ONTARIO: AN ISSUE FOR ALL OF CANADA

ONTARIO'S "LANGUAGE CRISIS"

On 15 November 2018, the Government of Ontario tabled Bill 57, the Restoring Trust, Transparency and Accountability Act, 2018. Schedule 20 to this omnibus bill would have amended the *French Language Services Act*: the position of French Language Services Commissioner would be eliminated and part of the Commissioner's mandate would be transferred to the Ontario Ombudsman. The Office of the Commissioner was established in August 2007.

In its Fall Economic Statement, the Ontario government also confirmed that it would be suspending "plans to proceed with a new French-language university,"¹ the Université de l'Ontario français. It was to open its doors in 2020 in Toronto.

According to Carol Jolin, President of the Assemblée de la francophonie de l'Ontario (AFO), these "two decisions have led to our province's biggest linguistic crisis since they tried to shut down the Montfort hospital in 1997."²

The decisions sparked an outcry and the Ontario government amended Bill 57 in response.³ In the spring of 2019, the position of French Language Services Commissioner was placed under the responsibility of the Ontario Ombudsman.

The Honourable Doug Ford, Premier of Ontario, also re-established the Ministry of Francophone Affairs and appointed a senior policy advisor on francophone affairs. He also stated publicly that he would learn French.

These concessions have not calmed Franco-Ontarians. The AFO and other community organizations quickly mounted "La Résistance": a protest movement seeking to reinstate the Office of the French Language Services Commissioner in its original form and ensure

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- 1 Government of Ontario, A plan for the people. Ontario economic outlook and fiscal review, 2018, p. 20.
 - 2 House of Commons, Standing Committee on Official Languages [LANG], *Evidence*, 42nd Parliament, 1st Session, 4 December 2018, 0850 (Carol Jolin, President, Assemblée de la francophonie de l'Ontario).
 - 3 Bill 57, as amended, received royal sanction on 6 December 2018: *Restoring Trust, Transparency and Accountability Act, 2018*, S.O. 2018, c. 17.



the future of the Université de l'Ontario français. This mobilization led to protests across the province and in cities elsewhere in Canada on 1 December 2018.

THE COMMITTEE'S ACTIVITIES

The House of Commons Standing Committee on Official Languages (the Committee) is concerned about the potential effect of the Ontario government's decisions on the vitality of the Franco-Ontarian community. It is also worried that linguistic gains in other provinces may be eroded.⁴

Given that the Committee is concerned with protecting language rights across the country, the Committee unanimously decided to put aside its study on modernizing the *Official Languages Act* to examine the Government of Ontario's recent decisions.⁵ It held seven meetings and heard from 17 witnesses on this subject.

THE ECONOMIC ARGUMENT

On 7 February 2019, deputy ministers from the Government of Ontario Marie-Lison Fougère, Deputy Minister Responsible for Francophone Affairs and Deputy Minister for Seniors and Accessibility, and George Zegarac, Deputy Minister of Training, Colleges and Universities, appeared before the Committee to discuss the recent decisions made by the Ontario government about the Office of the French Language Services Commissioner and the Université de l'Ontario français. The two deputy ministers confirmed that repositioning the Office of the French Language Services Commissioner and withdrawing funding from the Université de l'Ontario français are part of the Government of Ontario's strategy to manage Ontario's economic situation. Mr. Zegarac made the following statement:

Part of the decision is to look at what the impacts are across the board. These are projects that have not progressed. Therefore, the decision was not to proceed with the projects you didn't have funding for.⁶

4 Some witnesses gave examples of this problem. See the section "Decisions with Concerning Implications for Language Rights."

5 LANG, *Evidence*, 42nd Parliament, 1st Session, 22 November 2018.

6 LANG, *Evidence*, 42nd Parliament, 1st Session, 7 February 2019, 1150 (George Zegarac, Deputy Minister of Training, Colleges and Universities, Government of Ontario).

The two deputy ministers also emphasized that the Government of Ontario is not calling into question the need for a French-language post-secondary institution in the Toronto region. According to Mr. Zegarac:

The challenge is that you have to have funding to sustain a university. There's no sense for us to proceed if we're not going to have the funding to actually complete this project. That is really the premise of the decision to postpone. As I said, it's not cancelled. It's postponed. When the fiscal reality allows the government to engage us again to consider the options going forward, we're happy to do that.⁷

A number of witnesses questioned the Ontario government's economic argument. Wages and benefits make up more than half of the budget of the Office of the French Language Services Commissioner. Schedule 20 to the *Restoring Trust, Transparency and Accountability Act, 2018*, states that all the employees in the Office of the Commissioner will become employees of the Office of the Ombudsman.⁸

As for the Université de l'Ontario français, Ontario has already invested in this university, and the institution has just issued a report on its first year of operation.⁹ The province will have no return on its investment if it withdraws its support. Moreover, post-secondary institutions are hubs of economic growth. The presence of an institution of higher learning cannot help but generate positive economic results for the region it serves. According to Normand Labrie, former President of the Université de l'Ontario français, this post-secondary institution could help to structure the economy of central-southwestern Ontario.¹⁰ However, it does not appear as though the Government of Ontario conducted a study to assess the impact on francophones' needs and measure the economic benefits the university could bring to central-southwestern Ontario before making its decision. Mr. Zegarac explained: "There were some studies done in terms of the locations, but I believe, not necessarily detailed economic impact studies."¹¹

Nadia Effendi, President of the Association des juristes d'expression française de l'Ontario (AJEFO), told the Committee that the Ontario government cannot use a

7 Ibid., 1135.

8 *Restoring Trust, Transparency and Accountability Act, 2018*, S.O. 2018, c. 17.

9 Université de l'Ontario français, *Rapport de la première année d'opération de l'Université de l'Ontario français*, 20 November 2018. [AVAILABLE IN FRENCH ONLY]

10 LANG, *Evidence*, 42nd Parliament, 1st Session, 4 December 2018, 1040 (Normand Labrie, Interim President, Université de l'Ontario français).

11 LANG, *Evidence*, 42nd Parliament, 1st Session, 7 February 2019, 1135 (George Zegarac, Deputy Minister of Training, Colleges and Universities, Government of Ontario).



financial argument to justify changing the Office of the French Language Services Commissioner or postponing funding for the Université de l'Ontario français:

Financial arguments cannot serve as a pretext for undermining francophones' rights. That principle was confirmed in the Montfort affair, with which you are very familiar. The Court of Appeal for Ontario confirmed at the time that the government could not rely solely on arguments of administrative convenience or vague funding concerns to justify closing Montfort Hospital.¹²

DECISIONS WITH IMPLICATIONS FOR LANGUAGE RIGHTS

The AFO called the Government of Ontario's decisions an attack on two institutions of major importance to Ontario francophones and, therefore, an attack on the French presence in Ontario.¹³ However, the organization refused to focus solely on the underlying ideology:

We didn't stop at these ideological considerations. For us, it was more important to move the issue forward financially. To be able to talk to the government, you have to speak its language, and its language is the economy.

What happened was seen as an attack on the Francophonie because it was the Université de l'Ontario français and the Office of the Commissioner of French Language Services that were targeted. For us, these two institutions are important.... What happened was a direct attack that meant a decline in the rights of francophones. Our organization was created to advance francophone issues politically and to protect our gains when necessary, and that is exactly what we are doing.¹⁴

The two deputy ministers from the government of Ontario emphasized that these decisions were not based on prejudices against francophones:

Governments have had to make tough decisions. I think all governments struggle with making sure that they're sensitive, and these are difficult decisions to make, but I've certainly had no indication that there's any bad intent.¹⁵

12 LANG, *Evidence*, 42nd Parliament, 1st Session, 6 December 2018, 0900 (Nadia Effendi, Chair, Association des juristes d'expression française de l'Ontario).

13 LANG, *Evidence*, 42nd Parliament, 1st Session, 4 December 2018, 0850 (Carol Jolin, President, Assemblée de la francophonie de l'Ontario).

14 Ibid., 0935.

15 LANG, *Evidence*, 42nd Parliament, 1st Session, 7 February 2019, 1245 (George Zegarac, Deputy Minister of Training, Colleges and Universities, Government of Ontario).

Based on my experience and all of the discussions that took place, I'd like to assure you beyond any doubt that I never felt any hostility toward the francophonie; quite the opposite, in fact.¹⁶

Dyane Adam, Chair of the Board of Governors of the Université de l'Ontario français, called the Ontario government's action "a very unfortunate decision, one which is deplorable for Ontario's francophonie."¹⁷

Raymond Thériège, federal Commissioner of Official Languages, commented that Ontario's language crisis results from the fact that language rights across the country have been declining for some time:

Here are a few examples of the worrisome events that have taken place throughout the country: the Government of Manitoba announced that it had changed the status of the Bureau de l'éducation française within the Department of Education; it also announced that it was eliminating 11 full-time translator positions; and the Federal Court dismissed the application of the Fédération des francophones de la Colombie-Britannique. Plus, there is a lot of uncertainty about the future of linguistic duality in New Brunswick following the most recent provincial election.¹⁸

The situation in Ontario and "events that are happening across the country" led the federal Commissioner of Official Languages to conclude that "provincial leaders have lost sight of constitutional principles like language rights."¹⁹ The Commissioner attributes this situation to governments' failure to recognize the special nature of official language minority communities:

[T]he basic problem is attributable to the fact that the specificity of a francophone minority community or an anglophone community in Quebec, for example, isn't recognized. There's a history behind that specificity, and the linguistic communities make an enormous contribution to the development of their province and society.

If there's no change in the role of Ontario's commissioner, that means the importance of that community is still unrecognized. We've resolved the financial issue regarding the

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- 16 LANG, *Evidence*, 42nd Parliament, 1st Session, 7 February 2019, 1245 (Marie-Lison Fougère, Deputy Minister Responsible for Francophone Affairs and Deputy Minister for Seniors and Accessibility, Government of Ontario).
- 17 LANG, *Evidence*, 42nd Parliament, 1st Session, 13 December 2018, 0920 (Dyane Adam, Chair, Board of Governors, Université de l'Ontario français).
- 18 LANG, *Evidence*, 42nd Parliament, 1st Session, 6 December 2018, 0940 (Raymond Thériège, Commissioner of Official Languages).
- 19 Ibid.



university, but are we recognizing the francophone community's place in Ontario? I think that's the problem.²⁰

Mr. Théberge also stated that the Ontario government “doesn't clearly understand the place the Franco-Ontarian community, an official language minority community, occupies in Ontario.”²¹ He believes this lack of understanding stems from a misinterpretation of linguistic duality: “[W]e've strayed from the concept of linguistic duality and what it means today.”²²

François Boileau, Ontario's former French Language Services Commissioner, stated that there is “a movement”²³ related to “eroding rights.”²⁴

As the federal Commissioner of Official Languages noted, this movement is not restricted to Ontario. According to Michel Doucet, New Brunswick Acadians also see “a troubling decline in political commitment to language rights”²⁵ and “the rise of the People's Alliance [of New Brunswick] on the political stage increases that concern.”²⁶ For this reason, Ronald F. Caza made the following statement:

[I]t's now or never.... [T]he wolf is at the door in Ontario and New Brunswick, and maybe in other provinces too. We cannot back down. Our institutions, such as the Université de l'Ontario français and the role the French Language Services Commissioner should be playing, must be preserved. They are essential.²⁷

The central issue, according to Mr. Boileau, is that misperceptions about delivering French services could supplant respect for language rights:

20 Ibid., 1025.

21 Ibid.

22 Ibid.

23 LANG, *Evidence*, 42nd Parliament, 1st Session, 29 November 2018, 0925 (François Boileau, French Language Services Commissioner of Ontario).

24 Ibid.

25 LANG, *Evidence*, 42nd Parliament, 1st Session, 27 November 2018, 0855 (Michel Doucet, As an Individual).

26 Ibid.

27 LANG, *Evidence*, 42nd Parliament, 1st Session, 11 December 2018, 0900 (Ronald F. Caza, Lawyer, Caza Saikaley LLP).

What's the issue when people are told that official languages cost billions and billions of dollars? The issue is the truth. It's to make those people understand that this isn't entirely the case and that it would cost more not to offer services in French.²⁸

He used the following examples as an illustration:

[I]f a senior goes to the doctor and doesn't understand instructions, returns home and has to go back to the doctor's office or, even worse, to the emergency department, health costs have just tripled.

The same thing applies to mental health and young people. There are many potential situations of this kind. The point of the official languages issue is not just to allow communication in both languages; it's to provide service that's appropriate to those individuals.²⁹

Michel Carrier, Interim Commissioner of Official Languages for New Brunswick, shares the same view:

So if we want to approach these people, and if we want them to understand the situation more clearly, we'll have to demystify a lot of things. Myths persist. Earlier we talked about billions of dollars in spending, but you also have to talk about the benefits.

The Conference Board of Canada recently published a study stating that the contribution of bilingualism to Canada and Ontario amounts to billions of dollars.

I think one feature of a democratic system is that we continue to dialogue with people who consider these questions.³⁰

The Committee would like to mention that the anglophone minority community in Quebec also faces significant challenges. For example, in January 2019, the Quebec Minister of Education and Higher Education used his executive power in a rare occurrence to close the anglophone Riverdale High School and transfer the building to the Marguerite-Bourgeoys school board. In another incident, further to instructions from Quebec's Office de la langue française, the Lachute hospital was forced to remove its bilingual signs. The Quebec Community Groups Network (QCGN) sees the Riverdale High School case as a breach of the anglophone minority's right to control its educational institutions. When appearing before the Committee as part of its study on the modernization of the *Official Languages Act*, QCGN representatives explained that

28 LANG, *Evidence*, 42nd Parliament, 1st Session, 29 November 2018, 0925 (François Boileau, French Language Services Commissioner of Ontario).

29 Ibid.

30 LANG, *Evidence*, 42nd Parliament, 1st Session, 29 November 2018, 1000 (Michel Carrier, Interim Commissioner of Official Languages for New Brunswick).



the community has been deeply affected by recent events. Regarding Riverdale High School, Geoffrey Chambers, President of the QCGN, explained as follows:

It [Riverdale High School] was already there to serve the francophone population, which did not have enough resources. There was already an agreement.

To transfer a school, the legislation governing education in Quebec requires a very well-defined process, which takes about 18 months. There are 6 months of consultation and one year of planning. In so doing, parents, students and communities in general have the opportunity to provide input on the issue and have a planning period.

That was simply set aside because the minister decided to use a power that has existed for 20 years but has only been used once.

We were more shocked by the process than the outcome. It is important to emphasize that this was not a question of empty classrooms not being used to meet needs. There was already an agreement between the school boards. It was an unexpected intervention and it was very difficult for the community.³¹

Regarding the removal of bilingual signage at the Lachute hospital, the QCGN had the following comment to make:

The act that was done by the hospital administration— which, as you have probably read, was condemned by the local mayors and quite a few other members of the majority population—reversed a practice that had been in place for 50 years and, more interestingly, for 40 years under the provisions of Bill 101. Several previous governments had reviewed the situation and found that the practice was entirely in compliance with Bill 101, so arguing, as this government did, that they were just enforcing the law is just not how we see it.

We actually have quite a lot of expertise in regard to the internal structure of the obligations under the law. In our sense—and this is concurred in by the people running the hospital and many other hospitals around the province—the signs that were up were justified under the health and safety exemption. Basically, when you arrive at the hospital, there aren't that many unilingual anglophones who couldn't read urgency for emergency, but if there's one who is going to die in the parking lot, that's a very bad result. The same example would apply to all the internal signs, which were taken down as well. It's not as good an image for the TV spots, but the signs taken down internally make a real difference for the safe functioning of this institution.

For the benefit and with the understanding and complete buy-in of the community, nobody is talking about the French character of the institution being compromised in any way, but that there should be an English sign as well—lower down, to the right and in smaller letters—as has been tolerated, and as has been permitted under the law and

31 LANG, *Evidence*, 42nd Parliament, 1st Session, 26 February 2019, 1120 (Geoffrey Chambers, President, Quebec Community Groups Network).

as a matter of social consensus. It's a really big disappointment if we're going to move in this direction of effacing the language for no local social reason; there wasn't conflict.³²

The Committee is aware that Quebec's anglophone communities have distinct needs and face different challenges than francophones in minority communities, and it plans to undertake a more detailed review in the future.

INSTITUTIONS: THE BEATING HEART OF OFFICIAL LANGUAGE COMMUNITIES

Institutions are central to the vitality of official language minority communities. As Alain Dupuis, Director General of the Fédération des communautés francophones et acadienne du Canada (FCFA), pointed out, "As you know, linguistic minorities have no government or state to protect their rights. Our institutions are the only spaces we have to decide our future, influence our communities, educate our youth and shape the way forward."³³ Ms. Effendi explained that, when "one of their institutions is eliminated, it directly affects the core and advancement of those francophone communities."³⁴ This principle was upheld by the Court of Appeal for Ontario in the Montfort Hospital case.³⁵ Moreover, the Court ruled that it is not the principal mandate of an institution that determines its importance to the community but its broader role of "maintaining the French language, transmitting Francophone culture, and fostering solidarity in the Franco-Ontarian minority."³⁶

POSSIBLE REPERCUSSIONS

Most witnesses stated that the Government of Ontario's decisions regarding the Office of the French Language Services Commissioner and the Université de l'Ontario français would cause irreparable harm to the Franco-Ontarian community, the province and French Canada as a whole.

32 Ibid., 1125.

33 LANG, *Evidence*, 42nd Parliament, 1st Session, 22 November 2018, 0930 (Alain Dupuis, Director General, Fédération des communautés francophones et acadienne du Canada).

34 LANG, *Evidence*, 42nd Parliament, 1st Session, 6 December 2018, 0910 (Nadia Effendi, Chair, Association des juristes d'expression française de l'Ontario).

35 Ibid.

36 LANG, *Evidence*, 42nd Parliament, 1st Session, 11 December 2018, 0900 (Ronald F. Caza, Lawyer, Caza Saikaley LLP).



The Commissioner's Independence Called Into Question

Ms. Fougère explained the transformation of the Office of the French Language Services Commissioner as follows:

The position of French Language Services Commissioner as it stood, meaning the position of officer who reported directly to the Legislative Assembly, has been eliminated. The commissioner position has been transferred to the Office of the Ombudsman. However, the French Language Services Commissioner position remains independent. The French Language Services Commissioner will be incorporated into the Office of the Ombudsman, along with, to my knowledge, the team that supports the commissioner.³⁷

In his last annual report, Mr. Boileau interprets the facts differently:

Let's be clear about the facts. The Office of the French Language Services Commissioner of Ontario no longer exists—because the position of independent commissioner has been abolished. Of course, under the *French Language Services Act* (FLSA), there is now a commissioner acting as a Deputy Ombudsman responsible for French Language Services who reports directly to the Ombudsman of Ontario as an employee. The title of that position is French Language Services Commissioner, but the Commissioner's Office, as a pioneering and independent driving force for the development of consistent new policies to foster the full development of Francophone communities in every part of the province, is no more.³⁸

Several witnesses condemned the Commissioner's loss of independence. Ms. Effendi considers it a "serious blow to francophones' status,"³⁹ given that the Franco-Ontarian community is losing a defender and an advocate as well as an advisor to the Ontario government on language rights.⁴⁰ Mr. Théberge concurred with this view, stating that the decision eliminated the Commissioner's ability "to strengthen the public's right to French services in Ontario, to suggest improvements and to ensure the development of French-speaking communities."⁴¹

37 LANG, *Evidence*, 42nd Parliament, 1st Session, 7 February 2019, 1215 (Marie-Lison Fougère, Deputy Minister Responsible for Francophone Affairs and Deputy Minister for Seniors and Accessibility, Government of Ontario).

38 Office of the French Language Services Commissioner, *Epilogue of a Franco-Ontarian Institution*. Annual Report 2018-2019, Toronto, 2019, p. 5.

39 LANG, *Evidence*, 42nd Parliament, 1st Session, 6 December 2018, 0900 (Nadia Effendi, Chair, Association des juristes d'expression française de l'Ontario).

40 *Ibid.*, 0915.

41 LANG, *Evidence*, 42nd Parliament, 1st Session, 6 December 2018, 0940 (Raymond Théberge, Commissioner of Official Languages).

As a number of witnesses explained, the role of the French Language Services Commissioner is not simply to receive complaints and conduct investigations. As Mr. Boileau explained, there are basic differences between his former role and that of the Ombudsman:

However, another aspect is much more important. The Office of the French Language Services Commissioner isn't an organization of last resort like the Office of the Ontario Ombudsman.

Our mandate is to prevent; we're proactive. We do an ombudsman's work, and we receive complaints, but we don't do just that. We play a protective and promotional role.⁴²

Many initiatives, such as the Université de l'Ontario français, have come to fruition thanks to the work of the French Language Services Commissioner. As Mr. Boileau noted, "The ombudsman won't be able to do that; it's not in his DNA to do it."⁴³

Lastly, Ms. Effendi noted that transferring the Office of the French Language Services Commissioner is a step backward in terms of access to justice:

Without that office, and particularly without its independence—which is currently at stake—we have no remedy.

What will Ontario's francophone community do if it no longer has an organization to turn to when a problem arises and there's a shortage of services in French?⁴⁴

The Decision to Postpone Funding for the Université de l'Ontario français

Franco-Ontarians have expressed a desire to establish a francophone university in Ontario since the 1950s. During the 1970s and 1980s, Franco-Ontarians successfully fought to obtain French-language secondary schools and, in the 1990s, French-language colleges. In the 2000s, with the French-language education continuum nearly complete, the community turned its attention to establishing a French-language university.

42 LANG, *Evidence*, 42nd Parliament, 1st Session, 29 November 2018, 0930 (François Boileau, French Language Services Commissioner of Ontario).

43 Ibid.

44 LANG, *Evidence*, 42nd Parliament, 1st Session, 6 December 2018, 0900 (Nadia Effendi, Chair, Association des juristes d'expression française de l'Ontario).



The initiative began in June 2012 with the tabling of the French Language Services Commissioner's investigation report entitled *The State of French-Language Postsecondary Education in Central-Southwestern Ontario: No access, no future*. The Commissioner concluded that limited French-language post-secondary opportunities in that region were weakening the Franco-Ontarian community. That same year, the government established the Expert Panel on French-Language Postsecondary Education. In January 2013, the panel submitted a report titled *Moving Forward: Increasing the Capacity of the Ontario Education System to Deliver French-Language Postsecondary Education in Central and Southwestern Ontario*. In October 2013, the Ontario government adopted the Action Plan for French-Language Postsecondary Education. One of the outcomes of the action plan was the creation of the Advisory Committee on French-Language Postsecondary Education in Central-Southwestern Ontario in February 2014.

On 5 October 2014, the Franco-Ontarian student movement – the Fédération de la jeunesse franco-ontarienne (FESFO) and the Regroupement étudiant franco-ontarien (RÉFO) – with the support of the AFO, held the Provincial Summit on French-Language Postsecondary Education in Ontario. The event was a broad consultation on French-language post-secondary education. A report on the summit was published in February 2015. Unsurprisingly, it recommended the creation of a French-language university, ideally located in central-southwestern Ontario.

In May 2015, the New Democratic Party of Ontario introduced a private member's bill in the Ontario legislature: Bill 104, the Université de l'Ontario français Act, 2015. It passed second reading in November 2015, but died on the *Orders and Notices Paper* because of a prorogation.

In February 2016, the Advisory Committee on French-Language Postsecondary Education in Central-Southwestern Ontario submitted its report entitled *Time to Act!* The Ontario government subsequently created the French-Language University Planning Board. The board held its first meeting in December 2016.

The Ontario government also commissioned Malatest, an independent research firm, to conduct a study on student interest in and market demand for a francophone university. On 6 May 2017, Malatest submitted a final report that supported the creation of a French-language university. In June of that year, the French-Language University Planning Board unveiled its recommendations for establishing a French-language university managed by and for francophones.

The project was well underway. In November 2017, the Ontario government introduced an omnibus bill in the legislature (Bill 177, the *Stronger, Fairer Ontario Act (Budget*

Measures, 2017) that included provisions to create the Université de l'Ontario français. The university's first employees started work in November 2017, one month before the Legislative Assembly of Ontario passed the *Université de l'Ontario français Act, 2017*. The Act came into force on 9 April 2018, and the Ontario government appointed the university's first board of governors. On 21 November 2018, the Université de l'Ontario français submitted its first annual report, only a few days after the provincial government announced it would suspend the university's funding.

The federal Commissioner of Official Languages did not hesitate to call the Ontario government's decision to postpone funding for the Université de l'Ontario français "a major setback that shows a lack of vision on the part of Ontario's elected officials."⁴⁵

A number of witnesses told the Committee that the decision to postpone funding for the Université de l'Ontario français undermines the French education continuum in central-southwestern Ontario. The region faces a critical lack of French post-secondary institutions. This observation is nothing new; the Ontario Commissioner of French Language Services tabled a report on this subject in 2012.⁴⁶

An increase in the francophone population in that region has created a demand for French-language schools. Ms. Adam stated that it is "the region with the most significant growth of francophone minorities in the country."⁴⁷ It is anticipated that "more than 50% of Ontario's francophone population will reside there in the next decade."⁴⁸ Enrolment in French-language primary and secondary schools and in French immersion programs is growing rapidly as a result. What is missing is a genuine French university to ensure that rights-holders and francophiles can complete their studies in French.

The presence of a French-language university in the region would help to counter assimilation. According to the AFO, French-English assimilation rates in this region are "between 60% and 70%."⁴⁹

45 LANG, *Evidence*, 42nd Parliament, 1st Session, 6 December 2018, 0940 (Raymond Thériège, Commissioner of Official Languages).

46 Office of the French Language Services Commissioner, *Investigation Report—French-Language Postsecondary Education in Central-Southwestern Ontario: No Access, No Future*, Toronto, June 2012.

47 LANG, *Evidence*, 42nd Parliament, 1st Session, 13 December 2018, 0940 (Dyane Adam, Chair, Board of Governors, Université de l'Ontario français).

48 Ibid.

49 LANG, *Evidence*, 42nd Parliament, 1st Session, 4 December 2018, 0910 (Carol Jolin, President, Assemblée de la francophonie de l'Ontario).



In the minds of many, the Université de l'Ontario français has the potential to become for Franco-Ontarians what the Université de Moncton is for Acadians. Mr. Théberge explained that “the Université de Moncton transformed Acadie.... The influential figures in the Acadian community come from there. It’s what has enabled Acadie to transform.”⁵⁰ Mr. Caza made a similar point, noting that one of “the greatest achievements of any university is shaping future leaders.... Our future leaders must absolutely get their education in francophone institutions. That is important.”⁵¹

The federal Commissioner of Official Languages criticized the decision to postpone funding for the university because it was “a project that brought hope and that was to fulfill an essential need of the Franco-Ontarian community, the largest French-speaking community in Canada outside of Quebec.”⁵² Mr. Caza agreed, saying that the Ontario government’s decision sends a contradictory and disappointing message to young people regarding the francophone cause:

This situation is an example of the irreparable harm I was talking about. Based on the roadmap detailing everything it needed to do in preparation for opening its doors in 2020, the university was on track. If it does not open its doors in 2020 as planned, many young Ontario francophones who are now in Grade 11 and who were planning to go study at the Université de l'Ontario français will have to go to either bilingual or anglophone universities. The painfully clear message they will all be getting is that it may not be worth continuing to work so hard to live their lives in French.⁵³

Mr. Boileau described the impact of the decision to postpone funding to the Université de l'Ontario français as follows:

The francophone community deserves better. The diversified francophone community of central-southwest Ontario also deserves better. The government also deserves better. We talk about bilingual jobs, and we talk about employees who will be trained in French, but who will learn the terminology in both languages, as they do in our colleges, whether it be Cité collégiale or Collège Boréal.

50 LANG, *Evidence*, 42nd Parliament, 1st Session, 6 December 2018, 0955 (Raymond Théberge, Commissioner of Official Languages).

51 LANG, *Evidence*, 42nd Parliament, 1st Session, 11 December 2018, 0930 (Ronald F. Caza, Lawyer, Caza Saikaley LLP).

52 LANG, *Evidence*, 42nd Parliament, 1st Session, 6 December 2018, 0940 (Raymond Théberge, Commissioner of Official Languages).

53 LANG, *Evidence*, 42nd Parliament, 1st Session, 11 December 2018, 0905 (Ronald F. Caza, Lawyer, Caza Saikaley LLP).

The result will be employees who provide us with health, justice and education services. That's what we need, a bilingual labour force that will truly help Ontario stay at the level where it should be.

All these billions of dollars—I'm not just talking about billions of dollars for French-language education, but also for immersion education for our francophile friends—all these investments stop before the postsecondary level. Then we hope these people that we've trained at the elementary and secondary levels will become functionally bilingual. It makes no sense not to head in that direction.⁵⁴

CANADA'S LINGUISTIC DUALITY IS EVERYONE'S BUSINESS!

The language crisis that is shaking Ontario has repercussions throughout Canada. The Commissioner of Official Languages believes there is no doubt that “[s]etbacks like the one we've just seen in Ontario call that social contract into question.”⁵⁵ At the very least, they raise questions about bilingualism being a part of identity. Ms. Adam believes that is the main reason why many Canadians have reacted to the situation in Ontario: “[L]inguistic duality and the protection of minorities are at the heart of the Canadian identity. The situation has really captured the imagination of all Canadians.”⁵⁶

Like other witnesses, Mr. Caza noted that there is an upside to Ontario's language crisis. It enables the majority to discover the cultural and linguistic richness of official language minority communities and their key role in promoting Canada's linguistic duality:

The existence of our linguistic minorities is good news for Canada. The main reason we want Canada to remain bilingual is the tremendous benefit these linguistic minorities represent across Canada.⁵⁷

Mr. Doucet also noted that “[l]anguage rights and the *Official Languages Act* are perceived as solely a minority problem, whereas it concerns everyone, the majority as well as the minority. We don't emphasize that fact.”⁵⁸ A number of witnesses believe the federal, provincial and territorial governments must show leadership to convince the

54 LANG, *Evidence*, 42nd Parliament, 1st Session, 29 November 2018, 1025 (François Boileau, French Language Services Commissioner of Ontario).

55 LANG, *Evidence*, 42nd Parliament, 1st Session, 6 December 2018, 0940 (Raymond Thériège, Commissioner of Official Languages).

56 LANG, *Evidence*, 42nd Parliament, 1st Session, 13 December 2018, 0855 (Dyane Adam, Chair, Board of Governors, Université de l'Ontario français).

57 LANG, *Evidence*, 42nd Parliament, 1st Session, 11 December 2018, 0935 (Ronald F. Caza, Lawyer, Caza Saikaley LLP).

58 LANG, *Evidence*, 42nd Parliament, 1st Session, 27 November 2018, 0910 (Michel Doucet, As an Individual).



majority that linguistic duality is a core value of our federation. However, as Mr. Doucet explained, there must be the political will to do so:

What has to be changed in Ottawa and in certain provinces is the majority perception of linguistic equality. In other words, language rights are not merely the business of the minorities; they are also the business of the majority, whose perception must be changed. Unfortunately, that change will come from neither an act nor the courts; it will come from a political message and the political commitment of all political stakeholders.⁵⁹

Internationally, Canada has always been a leader in language promotion and the protection of minority languages. For that reason, Canada “must continue to be a leader and a beacon for linguistic duality and support for official language minority communities.”⁶⁰ Mr. Caza said much the same thing:

It is an extraordinary example for humanity and all the other countries around the world. People would see that we are capable of respecting our linguistic minorities in a positive manner, which benefits everyone and that we were not just doing this out of obligation to the Constitution, for example.⁶¹

It is a given that this activity requires leadership on the part of the federal government. However, as Mr. Doucet explained, the provinces and territories must also take responsibility:

[I]t’s essential that the provinces also shoulder their responsibility to protect the official language minority communities, particularly the francophone communities outside Quebec. We shouldn’t give the impression that official languages issues are solely a federal government responsibility. Provinces such as New Brunswick must fully accept their responsibilities in this field.⁶²

59 LANG, *Evidence*, 42nd Parliament, 1st Session, 27 November 2018, 0855 (Michel Doucet, As an Individual).

60 LANG, *Evidence*, 42nd Parliament, 1st Session, 6 December 2018, 0945 (Raymond Th  berge, Commissioner of Official Languages).

61 LANG, *Evidence*, 42nd Parliament, 1st Session, 11 December 2018, 0935 (Ronald F. Caza, Lawyer, Caza Saikaley LLP).

62 LANG, *Evidence*, 42nd Parliament, 1st Session, 27 November 2018, 0850 (Michel Doucet, As an Individual).

WHAT IS THE FUTURE OF THE UNIVERSITÉ DE L'ONTARIO FRANÇAIS?

As Carol Jolin explained, Premier Ford apparently stated that the province “will be able to fund the Université de l’Ontario français once its finances are in order.”⁶³ But advocates say the university cannot wait for the province to balance its budget. They argue that the university is at a critical stage in its development. A tremendous amount of work has been accomplished in recent years.

In terms of curriculum, four transdisciplinary programs—specialized undergraduate programs—have been established. They were developed with the help of “some 100 consultants, who are among the best university professors in their fields in Canada.”⁶⁴

On 1 October 2018, the undergraduate programs were submitted to the Ontario Ministry of Training, Colleges and Universities. The Minister usually approves the budget for the programs and then sends the curriculum to the Postsecondary Education Quality Assessment Board (PEQAB). The university cannot open until PEQAB has approved the programs. However, as of early December 2018, the ministry had still not sent the file to PEQAB. Mr. Labrie believes this delay compromises the quality of the university’s planned curriculum over the medium and long terms:

A lot of energy went into creating those programs so they could be among the best in the academic community, given the current state of the world, and they will definitely improve over time. It’s a bit like a cake that’s taken out of the oven too soon and collapses. If we stop the project, we won’t be able to restore it to the level of quality we have today.⁶⁵

The university’s credibility would be challenged: “This university project has gained the trust of the best people in the country and around the world.... If the project were terminated or suspended for three years, I think all that confidence would vanish as well.”⁶⁶

63 LANG, *Evidence*, 42nd Parliament, 1st Session, 4 December 2018, 0850 (Carol Jolin, President, Assemblée de la francophonie de l’Ontario).

64 LANG, *Evidence*, 42nd Parliament, 1st Session, 4 December 2018, 1020 (Normand Labrie, Interim President, Université de l’Ontario français).

65 Ibid.

66 Ibid.



It should also be noted that the university had negotiated a lease on facilities in an ideal location. The lease conditions were also favourable and consistent with Treasury Board rules. However, the Ontario government did not give its approval, and the university has lost its exclusive arrangement as a result. The university had until 18 January 2019 to sign the rental agreement or the offer would expire.⁶⁷

As of 13 December 2018, the Board of Governors of the Université de l'Ontario français still had not “been able to meet with Minister Mulroney [Francophone Affairs and Attorney General] or Minister Fullerton [Training, Colleges and Universities].”⁶⁸ Ms. Adam said that she received a call shortly after the provincial election but she “didn’t really have any quality time to explain the project.”⁶⁹ Ms. Adam finds this situation “deplorable.”⁷⁰ As she told the Committee, “If we had had some time, we may have been able to convey the full significance of the issue.”⁷¹

The announced funding cancellation and the delays in approving the undergraduate degree programs and the lease all indicate that the Ontario government is firmly resolved to postpone funding for the Université de l'Ontario français. As Mr. Caza stated, “For all practical purposes, the government’s decision spells the end of the Université de l'Ontario français.”⁷²

FEDERAL INTERVENTION

Many witnesses called on the Government of Canada to play a leadership role and ensure that the Université de l'Ontario français welcomes its first students in 2020. In Mr. Caza’s view, “The federal government holds the key, given that the solution is a financial one. The only reason given by Premier Ford was money. The federal government could contribute funding, which would then remove this argument or this concern, so the university could then be established.”⁷³

67 Ibid., 1025.

68 LANG, *Evidence*, 42nd Parliament, 1st Session, 13 December 2018, 0930 (Dyane Adam, Chair, Board of Governors, Université de l'Ontario français).

69 Ibid.

70 Ibid.

71 Ibid.

72 LANG, *Evidence*, 42nd Parliament, 1st Session, 11 December 2018, 0905 (Ronald F. Caza, Lawyer, Caza Saikaley LLP).

73 Ibid., 0910.

The Government of Canada and all the parties in the House of Commons immediately approached the Government of Ontario to find a solution regarding the funding for the Université de l'Ontario français. In fact, in mid-November, shortly after the Government of Ontario's announcement, the Hon. Mélanie Joly, Minister of Tourism, Official Languages and La Francophonie, "indicated her concern about the Government of Ontario's decisions to Minister Mulroney in writing. ... She also asked for a meeting with Minister Mulroney as soon as possible in order to discuss the situation"⁷⁴ (see Appendix A). The leaders of every federal political party attended a summit on 28 November 2018 to discuss the issue.

A STALEMATE

In response to the Université de l'Ontario français situation, federal officials redoubled their efforts to convince Ontario government officials to apply for funding through the Government of Canada. According to Guylaine F. Roy, federal Deputy Minister of Tourism, Official Languages and La Francophonie:

In mid-November, we became aware of the Government of Ontario's decision. So my program people communicated directly with the officials in the Ontario Ministry of Education to tell them that they had issued a call for proposals and that they were ready to receive a proposal from them. They also told them not to forget that they had to apply by the deadline of December 17.⁷⁵

The deadline of 17 December 2018 arrived and, according to Ms. Roy, "Ontario submitted projects in education, but nothing to do with the Université de l'Ontario français."⁷⁶ Federal officials continued to contact Government of Ontario officials to encourage them to apply for funding for the Université de l'Ontario français, "even though the deadline had passed."⁷⁷ Finally, toward "the end of December or at the beginning of January, my officials communicated with them again, saying that they were still ready to consider a project from them for the Université de l'Ontario français. The Ontario officials replied that they did not intend to submit a funding request. It was very clear on their part."⁷⁸

74 LANG, *Evidence*, 42nd Parliament, 1st Session, 21 February 2019, 1110 (Guylaine F. Roy, Deputy Minister, Tourism, Official Languages and La Francophonie, Department of Industry).

75 Ibid., 1115.

76 Ibid., 1120.

77 Ibid.

78 Ibid.



Provincial officials appeared to see the matter quite differently. Deputy Minister Zegarac said “I have no documentation requesting a meeting, nor do I have any detailed proposal.”⁷⁹ He did mention that he had a message for federal officials:

The only thing I would say is that if there are proposals that they would like us to consider, they should submit them. We’d be happy to look at any proposals, not only from her but from the communities. We’ll take a look at them.⁸⁰

On 13 January 2019, Minister Joly sent a second letter to Ms. Mulroney (see Appendix B). In this letter, she announced that the Government of Canada would grant \$1.9 million to the Université de l’Ontario français for its Francophone Knowledge and Innovation Hub project. This contribution allowed the team from the Université de l’Ontario français to continue its work.⁸¹ In addition, Minister Joly’s letter stated that the federal government has programs to support the planned Université de l’Ontario français provided that a funding application is made and the province commits to cover at least 50% of the total costs. The minister added that, if such a contribution agreement were reached, federal programs would be flexible enough to cover the start-up costs of the Université de l’Ontario français during the project’s early years.⁸²

In the normal course of events, federal transfer payments for minority language education—even at the post-secondary level—are made through bilateral agreements. As part of these agreements, the federal government pays 50% of the total amount determined by the province or territory.

In order to respect provincial/territorial jurisdiction, the Government of Canada maintains that the Government of Ontario is responsible for starting the process by submitting an official request for funding.

79 LANG, *Evidence*, 42nd Parliament, 1st Session, 7 February 2019, 1145 (George Zegarac, Deputy Minister of Training, Colleges and Universities, Government of Ontario).

80 Ibid.

81 The idea of funding the Francophone Knowledge and Innovation Hub project in Toronto was put forward by Ms. Adam when she appeared before the Committee. See: LANG, *Evidence*, 42nd Parliament, 1st Session, 13 December 2018, 0900 (Dyane Adam, Chair, Board of Governors, Université de l’Ontario français).

82 LANG, *Evidence*, 42nd Parliament, 1st Session, 21 February 2019, 1105 (Guylaine F. Roy, Deputy Minister, Tourism, Official Languages and La Francophonie, Department of Industry).

Finding Innovative Solutions

As regards support for the Université de l'Ontario français, the Committee believes that the Government of Canada can take action in several ways.

Mr. Caza believes the federal government should commit to “contributing half the funding for the first four years. That would mean that during the first four years, the provincial government would not have to disburse anything.”⁸³ The province would have a hard time refusing such an offer: “Today, the province is arguing that it doesn't want to spend the money, but in this case that argument wouldn't be valid.”⁸⁴

According to Ms. Adam, the federal government could fund the university on its own, given that “the federal government has created institutions outright, notably the Canadian Institute for Research on Linguistic Minorities in Moncton.”⁸⁵ There is no doubt that the “federal government has a number of institutions, a number of jurisdictions.”⁸⁶

A university is a place of innovation, an economic development tool, a place of creation, research and knowledge, a place of synergy and community development, and a place of intersection and partnerships between the private and the public. The federal government operates in all those spheres and in many others.⁸⁷

Ms. Adam believes that federal support could be temporary “until all the decision-makers have had a chance to rethink the project, to potentially get to a more permanent agreement.”⁸⁸

Lastly, the federal government could opt to affiliate the university with a federal institution, similar to its solution to the Montfort Hospital crisis:

[T]he federal level gave us a good hand up. If I remember correctly, it transferred [soldiers'] health services to the Montfort Hospital. It really had an important impact at

83 LANG, *Evidence*, 42nd Parliament, 1st Session, 11 December 2018, 0945 (Ronald F. Caza, Lawyer, Caza Saikaley LLP).

84 Ibid.

85 LANG, *Evidence*, 42nd Parliament, 1st Session, 13 December 2018, 0920 (Dyane Adam, Chair, Board of Governors, Université de l'Ontario français).

86 Ibid., 0855.

87 Ibid.

88 Ibid., 0905.



that time. This indirectly strengthened that institution, which serves the francophone minority.⁸⁹

Canada's Linguistic Duality: A Basic Value and Priority Issue

At the time witnesses appeared before the Committee, the priority was to ensure a source of funding so that the Université de l'Ontario français could receive its first cohort of students in 2020.

According to some witnesses, the federal government is also responsible for promoting linguistic duality as a basic Canadian value. Mr. Caza believes that the federal government has a moral responsibility to act:

When a province causes irreparable harm to the linguistic minority, all Canadians are harmed. That is the reality. To say that this can't be done, that it's unacceptable and that it must stop is a moral responsibility. It's important to discuss what the province is going to do to prevent that from happening. That is basically the essence of the responsibility. What is happening in Ontario affects individuals in every part of the country. If decisions made by the provincial government lead to assimilation, then all Canadians are assimilated, and not just Franco-Ontarians.⁹⁰

It is important to note that the provinces and territories, which also have constitutional responsibilities toward official language minority communities, must also demonstrate that they respect the language rights of their citizens.

The FCFA suggested that the Prime Minister hold a special conference of provincial and territorial first ministers to reaffirm the obligations of the federal government and the provincial and territorial governments regarding the rights and entitlements of minority francophones.⁹¹ The federal Commissioner of Official Languages also supports the idea of holding a federal–provincial/territorial summit. Mr. Caza believes this meeting needs to take place quickly:

It should be done sooner rather than later, so that everyone is on the right track. We can't wait for more unfortunate decisions to be made. Two unfortunate decisions have

89 Ibid., 0920.

90 LANG, *Evidence*, 42nd Parliament, 1st Session, 11 December 2018, 0930 (Ronald F. Caza, Lawyer, Caza Saikaley LLP).

91 Fédération des communautés francophones et acadienne du Canada (FCFA), Email from FCFA President Jean Johnson to LANG members, 10 December 2018.

been made in Ontario, and we need to make sure that doesn't happen in any other provinces.⁹²

At her last appearance before the Committee, Ms. Joly mentioned that the Ministerial Conference on the Canadian Francophonie will be held in Iqaluit on 27 and 28 June 2019. She announced that the FCFA will be in attendance "since all the ministers of the Canadian francophonie and, of course, the federal government have invited them to take part in our discussions."⁹³ The minister also stated that the government is a firm believer in "the importance of engaging in a major dialogue on official languages on the occasion of the 50th anniversary of the act"⁹⁴ and that the "national symposium and the ministerial conference will be the high points of this dialogue."⁹⁵

UPDATE ON THE ISSUE

Ms. Adam appeared for a second time on 30 April 2019 to update the Committee about the Université de l'Ontario français.

In terms of communications with the province of Ontario, Ms. Adam noted some improvement. She said that the Université de l'Ontario français has been in ongoing talks with "the offices of the Premier and Minister Mulroney, who is responsible for the file."⁹⁶ Together, they are looking to "find ways to shorten this break and to make it as brief as possible ... and to start up the Université in a way that fits within the province's financial constraints."⁹⁷

The Université de l'Ontario français still maintains close ties with the Government of Canada. It is very grateful for the \$1.9 million provided in early 2019. This funding has made it possible to expand the Université's team and to launch the Carrefour francophone project.⁹⁸

92 LANG, *Evidence*, 42nd Parliament, 1st Session, 11 December 2018, 0915 (Ronald F. Caza, Lawyer, Caza Saikaley LLP).

93 LANG, *Evidence*, 42nd Parliament, 1st Session, 4 April 2019, 1225 (Mélanie Joly, Minister of Tourism, Official Languages and La Francophonie).

94 Ibid.

95 Ibid.

96 LANG, *Evidence*, 42nd Parliament, 1st Session, 30 April 2019, 1115 (Dyane Adam, Chair, Board of Governors, Université de l'Ontario français).

97 Ibid.

98 Ibid., 1100.



In terms of funding, the Université's management team is reviewing its business model in light of Ontario's priorities.⁹⁹ It is seeking to diversify its revenue sources. As it has been designated as a registered charity, the Université will launch a fundraising campaign in the coming months.¹⁰⁰

Thanks to the support of its partners, including other post-secondary institutions, the Université de l'Ontario français is pursuing its academic mission. With its Carrefour partners, it will be launching a summer school very soon.¹⁰¹

The Université de l'Ontario français believes that the Government of Canada can make a greater contribution to the project, particularly in terms of infrastructure. Ms. Adam said that the Université is working "closely with the Department of Canadian Heritage."¹⁰² The department is facilitating communication between the Université and the various departments disposing of surplus real property. That said, Ms. Adam maintains that the "federal government could ... cooperate with other orders of government to find a suitable property for Le Carrefour."¹⁰³ She told the Committee that in the past, the Government of Canada has supported educational and research institutions by leasing land for the symbolic sum of \$1.¹⁰⁴ She also said that there are a number of federal programs, such as cultural and social infrastructure programs, that could support the Université.¹⁰⁵ Lastly, the Université is considering a private-public partnership: "The private partnership advances a portion of the construction and maintenance costs, but when you are the owner of a parcel of land, you can cut the bill by quite a lot."¹⁰⁶

As previously mentioned, the Université de l'Ontario français will soon be launching a fundraising campaign. The Government of Canada could commit to providing matching funds. She gave the example of "millennium scholarships, a federal matching-funds program that largely benefited all post-secondary institutions at the time."¹⁰⁷

99 Ibid.
100 Ibid.
101 Ibid.
102 Ibid., 1115.
103 Ibid., 1100.
104 Ibid., 1105.
105 Ibid.
106 Ibid., 1130.
107 Ibid., 1105.

Ms. Adam also believes that the Government of Canada could support the Université de l'Ontario français by providing its future students with loans and scholarships:

There are a number of funds aimed at specific populations with special needs. The same could be done for francophone students attending the Université. We are a university that is starting up, so we don't have the scholarship funds that several universities have been able to build up over decades. It's always a tragedy for minority community institutions arriving much later; they have not enjoyed the many government investments over decades, or even centuries in some cases.¹⁰⁸

The Government of Canada could also help with recruiting international students. These students are an important source of immigration:

Statistics show that, among Ontario students, there are about 60,000 international students, of which 60% say they intend to apply for permanent residence status in Canada once they graduate. We can say that about 50% of international post-secondary students intend to settle permanently in Canada after graduation.¹⁰⁹

It is obvious that Toronto is a top destination for newcomers and many international students, regardless of language. The Université de l'Ontario français and its Carrefour partners, in the heart of Toronto, "could become a major driver of international student recruitment and, of course, francophone immigration in Ontario and the country."¹¹⁰ With its partners, particularly the Centre francophone de Toronto — a multiservice centre that delivers services in French to immigrants, the Université has the potential to become "a living laboratory to experiment with new ways to welcome newcomers."¹¹¹ According to Immigration, Refugees and Citizenship Canada, 2,500 francophone newcomers land at Pearson International Airport every year. The Government of Canada has therefore helped build the capacity of the Centre francophone de Toronto to deliver services in French to immigrants at the airport and support the settlement and immigration process as soon as francophone immigrants arrive.

That said, the Université needs to offer certificate and degree programs if it wishes to attract international students. However, according to Ms. Adam, the process for establishing undergraduate degree programs has not changed since December 2018. These programs are apparently still awaiting approval by PEQAB. For now, the Université is focusing on a higher education teaching certificate program. This program could be

108 Ibid.

109 Ibid.

110 Ibid., 1110.

111 Ibid.



offered with a partner. According to Ms. Adam, offering programs is vital in order to “maintain the Université’s momentum.”¹¹²

In November 2017, the governments of Canada and Ontario signed a new Canada-Ontario Immigration Agreement. This agreement includes commitments regarding francophone immigration. It states that the Government of Canada and the province of Ontario agree to “negotiate in good faith and in a timely fashion, additional annexes to this Agreement that reflect the broad objectives of this Agreement, including: French-speaking immigrants; municipal partnership; and international students.”

OBSERVATIONS, RECOMMENDATIONS AND CONCLUSION

The provinces, the territories and the federal government have a duty to ensure that the constitutional rights of official language minority communities are respected, to remedy past wrongs and to promote a broad and generous interpretation of language rights in the interest of all Canadians.

The Committee believes that the Government of Ontario should take immediate steps to ensure that the decisions it has taken on the Office of the French Language Services Commissioner and the Université de l’Ontario français do not cause irreparable harm to Franco-Ontarians, francophiles and all Ontarians who believe in linguistic duality. The Committee therefore recommends:

Recommendation 1

That the Prime Minister of Canada make language rights and the vitality of official language minority communities permanent agenda items for meetings of the Council of the Federation.

The Committee also believes that the Ministerial Conference on the Canadian Francophonie to be held in Nunavut in June is an opportunity to discuss the language rights of Canadians, particularly those who live in francophone minority communities, as well as the duties that both levels of government owe them. The Committee therefore recommends:

Recommendation 2

That, at the Ministerial Conference on the Canadian Francophonie, the Minister of Tourism, Official Languages and La Francophonie ask the members of the conference to

112 ibid., 1115.

add the issue of language rights and the federal, provincial and territorial governments' duties to official language minority communities to its agenda on a permanent basis.

The conference concerns only the Canadian Francophonie. Quebec's anglophone communities have no voice on the national stage at a key moment in the development of language rights in Canada. While they face different challenges and have distinct needs, Quebec's anglophone communities still have much in common with francophones in minority communities. Accordingly, the Quebec Minister responsible for the Secretariat for Relations with English-Speaking Quebecers should attend, along with the Quebec Community Groups Network, on the same basis as the FCFA. The Committee therefore recommends:

Recommendation 3

That the Minister of Tourism, Official Languages and La Francophonie:

- **ask the members of the Ministerial Conference on the Canadian Francophonie to invite the Minister responsible for Relations with English-Speaking Quebecers and the Quebec Community Groups Network to attend the conference in June on an exceptional basis, given the language rights situation, to discuss the language rights of official language minority communities; and**
- **take measures to create a permanent mechanism to give Quebec's english-speaking communities a voice on the national stage.**

The Committee commends the Government of Canada's commitment and actions on these two issues of importance to French Ontario. It calls on the Government of Canada to continue these efforts.

With respect to infrastructure, the Committee acknowledges the work of Canadian Heritage to facilitate communication between the Université de l'Ontario français and the various federal institutions with surplus real property to sell, lease or transfer. However, the Committee believes that this should be the responsibility of the department with the relevant expertise, one that also has obligations under Part VII of the *Official Languages Act*. Consequently, the Committee recommends:



Recommendation 4

That the Minister of Public Services and Procurement and Accessibility mandate the Canada Lands Company to work with the Board of Governors of the Université de l'Ontario français to find appropriate land and facilities for the university.

As we have seen in this report, the Government of Canada can financially support the Université de l'Ontario français in a variety of ways. The Committee therefore recommends the following:

Recommendation 5

That the Minister of Tourism, Official Languages and La Francophonie work with the Université de l'Ontario français's Board of Governors to identify various ways to support the Université and that she consider the possibility of creating a federal loans and grants program, financed by matching funds, to address the needs of the Université de l'Ontario français.

The governments of Canada and Ontario signed an agreement on immigration that includes provisions to promote francophone immigration in Ontario. The agreement stipulates that "in a timely fashion," both governments will negotiate annexes concerning French-speaking immigrants and international students. The Committee believes that immigration initiatives can contribute to opening the Université de l'Ontario français and to its related projects. The Committee therefore recommends:

Recommendation 6

That the Minister of Immigration, Refugees and Citizenship invite his Ontario counterpart to negotiate with a view to adding an annex to the Canada-Ontario Immigration Agreement on French-speaking immigrants and an annex on international students, taking into account the needs of the Université de l'Ontario français.

In conclusion, the Committee wishes to express its deep gratitude to the witnesses who participated in this study, and it reiterates its commitment to all official language communities across the country.

APPENDIX A

**Ministre du Tourisme,
des Langues officielles
et de la Francophonie**



**Minister of Tourism,
Official Languages
and La Francophonie**

The Honorable Caroline Mulroney
Minister Responsible for Francophone Affairs and
Attorney General
Government of Ontario
700 Bay Street, 25th Floor, Suite 200
Toronto, Ontario
M7A 0A2

Madam Minister,

I feel compelled to express my sincere disappointment with the Ontario government's decision to cancel the creation of a Francophone university in Ontario and its move to eliminate the province's French Language Services Commissioner position. These are devastating decisions that will have a lasting impact on the more than 600,000 Franco-Ontarians and the more than 7.9 million Francophones across Canada.

My concerns are particularly poignant considering that over the last 20 years, Ontario has played a leadership role in promoting Francophonie in Canada, especially at the Ministerial Conference on the Canadian Francophonie.

The promotion of the Canadian Francophonie is central to our common approach of supporting our two official languages and defending the rights of minorities in Canada. I am confident that by working together, we can continue to guarantee ongoing support for French in Ontario and across the country.

As a first step towards our common goal, allow me to request a meeting with you as soon as possible so that we may discuss this situation, which I believe will have severe consequences on the vitality of the Franco-Ontarian community and the Canadian Francophonie.

Trust that Government of Canada remains firmly committed to fostering fruitful collaboration between our two levels of government so that we may implement programs and initiatives in support of the Francophonie in Ontario.

I look forward to hearing from you at your earliest convenience.

Cordially,

A handwritten signature in black ink, appearing to read 'M. Joly'.

The Honorable Mélanie Joly, P.C., M.P.

APPENDIX B

Ministre du Tourisme,
des Langues officielles
et de la Francophonie



Minister of Tourism,
Official Languages
and La Francophonie

The Honourable Caroline Mulroney, M.P.P.
Minister of Francophone Affairs and Attorney
General Government of Ontario
700 Bay Street
200-25th Floor
Toronto, Ontario
M7A 0A2

Dear Ms. Mulroney:

I am writing to you in regards to the decision announced last November by your government to stop funding the Université de l'Ontario français project. I note that the provincial funding for the Université de l'Ontario français will end on January 15, 2019 and that, as a result, the organization's staff will be laid off, jeopardizing the preparatory work already completed. This project is greatly supported by the community, and enjoys support across the country. I am concerned about the impact of this decision on the vitality of the Franco-Ontarian community.

As part of the federal government's new Action Plan for Official Languages 2018-2023: Investing in Our Future, with historical funding of more than \$ 2.7 billion over five years, there are programs that can support unifying projects like this one across the country. In the past, the Government of Canada has already provided financial support to establish postsecondary institutions for official-language minority communities and is ready to do so again for this new institution.

However, a contribution from the federal government to the University's project is conditional upon the province applying for funding and committing to a minimum of 50 percent of the total costs. I remind you that in the event that such an agreement is concluded, federal programs have the flexibility to cover the start-up costs of the University in the first years of the project, as long as provincial contribution is paid in subsequent years.

Let us be clear, the responsibility to carry out this project lies with the Government of Ontario. That being said, the Franco-Ontarian community will always be able to count on the Government of Canada's unwavering support as a partner in this project and to help ensure the vitality of the Francophone community in Ontario and across Canada.

In light of that, the Government of Canada has received a request for one-time funding directly from the team that is developing the Université de l'Ontario français project concerning preliminary work to be done for the establishment of a Francophone Knowledge and Innovation Hub in Toronto. This unifying project will help develop closer links between the agencies and organizations serving the Francophone community. The Hub could host the Université de l'Ontario français once established.

Through our Action Plan, I approved \$ 1.9 million in funding to support the activities of the task force until January 2020. Note that this funding would be part of the federal government's contribution towards the greater project of the Université de l'Ontario français, once completed.

We are both well aware that Canada's official languages and the place of bilingualism in the lives of Canadians and Ontarians enable greater openness to the world and provide for a formidable passport into the working world.

Together, let's celebrate and support the Francophone community in Ontario and the vitality of the French language across the country.

Please accept my best wishes.

Sincerely,



The Honourable Mélanie Joly, P.C., M.P.
Minister of Tourism, Official Languages and La Francophonie

c.c.: Dyane Adam, Chair, Board of governors, Université de l'Ontario français
The Honourable Merrilee Fullerton, M.P.P., Minister of Training, Colleges
and Universities The Honourable Dominic Leblanc, P.C., M.P., Minister of
Intergovernmental and Northern Affairs and Internal Trade

APPENDIX C LIST OF WITNESSES

The following table lists the witnesses who appeared before the Committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the Committee’s [webpage for this study](#).

Organizations and Individuals	Date	Meeting
Assemblée de la francophonie de l'Ontario Peter Hominuk, Executive Director Carol Jolin, President	2018/12/04	124
Université de l'Ontario français Normand Labrie, Interim President Florence Ngenzebuhoro, Member of the Governance Council	2018/12/04	124
Association des juristes d'expression française de l'Ontario Nadia Effendi, Chair	2018/12/06	125
Office of the Commissioner of Official Languages Raymond Théberge, Commissioner of Official Languages Pierre Leduc, Assistant Commissioner Policy and Communications Branch Ghislaine Saikaley, Assistant Commissioner Compliance Assurance Branch Pascale Giguère, General Counsel Legal Affairs Branch	2018/12/06	125
Caza Saikaley LLP Ronald F. Caza, Lawyer	2018/12/11	126
Université de l'Ontario français Dyane Adam, Chair Board of Governors	2018/12/13	127

Organizations and Individuals	Date	Meeting
Government of Ontario Marie-Lison Fougère, Deputy Minister Ministry of Francophone Affairs, Accessibility, Francophone Affairs and Seniors Affairs George Zegarac, Deputy Minister Ministry of Training, Colleges and Universities	2019/02/07	131
Department of Canadian Heritage Charles Slowey, Assistant Deputy Minister Citizenship, Heritage and Regions Denis Racine, Director General Official Languages Branch	2019/02/21	133
Department of Industry Guylaine F. Roy, Deputy Minister Tourism, Official Languages and La Francophonie	2019/02/21	133
Université de l'Ontario français Dyane Adam, Chair, Board of Governors	2019/04/30	141

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* ([Meetings Nos. 124, 125, 126, 127, 131, 133, 141, 144, 145, 146 and 147](#)) is tabled.

Respectfully submitted,

Hon. Denis Paradis, P.C., M.P.
Chair

**SUPPLEMENTARY REPORT, NEW DEMOCRATIC PARTY OF CANADA, ON THE STATE OF
CANADA’S FRANCOPHONIE**

The New Democratic Party (NDP) would like to thank everyone who testified or submitted a brief to the Standing Committee on Official Languages regarding the state of Canada’s Francophonie.

The NDP supports the report and all of the recommendations made by the Committee. However, we wish to make the following comments about the situation in Ontario and the more general issue of official languages governance in the machinery of government.

Without being overly pessimistic, we note that the situation of Canada’s Francophonie is a source of concern, in view of the attacks in recent years: the threat to the *Université de l’Ontario français* project, the election to the New Brunswick Legislature of a party that is openly hostile to the Francophonie, the loss of independence for the Office of the French Language Services Commissioner, the questionable quality of translations on the government’s official website, and so on.

With its ongoing interest in promoting and protecting the French language, the NDP believes that the government must acknowledge its fundamental leadership role in this battle for Canada’s linguistic duality. We therefore call on the government to implement the Committee’s recommendations as soon as possible.

We welcome the progress made with the initial funding for the Innovation Hub, but more needs to be done. In this regard, the NDP would like to point out the recurring criticism of the Liberal government’s lack of official languages leadership in the testimony heard by the Committee.

“[B]efore I begin, I would like to come back to a message I have often repeated here, when I was Commissioner of Official Languages. The federal government must show clear and proactive leadership in Canadian linguistic duality, especially when it comes to the growth and development of official language minority communities.” – Dyane Adam¹

¹ Canada. Parliament. House of Commons. Standing Committee on Official Language. Evidence. (Meeting No. 127, December 13, 2018) 42nd Parliament, 1st Session.

“[T]he federal government could do even more. It could exercise its leadership in Ontario so that the Université de l'Ontario français may see the light of day. [...] I'm here today to ask the federal government to show leadership, to take the bull by the horns and to take on the file.” – Carol Jolin²

Like a number of stakeholders, including the Fédération des communautés francophones et acadienne du Canada (FCFA), the Quebec Community Groups Network (QCGN) and the Commissioner of Official Languages, we would like to see a first ministers conference on Canada's official languages. In fact, the Standing Committee on Official Languages unanimously supported a motion calling for such a meeting. Since language matters have not been on the agenda of recent first ministers meetings, including the one in December, we would like these issues to be a regular, compulsory item on the political calendar.

Despite government recommendations and the efforts made to address the problem, the fact is that the francophone population's demographic weight is static or even inexorably declining as the total population grows. More francophones are needed, and immigration is one of the remedies for this linguistic imbalance. In addition to beneficial programs such as *Mobilité francophone*, action should be taken to recognize foreign students' contribution to population growth and support those who are able to subsequently settle here and integrate into Canadian society.

“We are discovering that foreign students are a major source of immigration. Statistics show that Ontario has about 60,000 foreign students and that 60% of them intend to apply for permanent resident status once their studies are complete. We can say with confidence that about 50% of foreign post-secondary students intend to settle permanently in Canada after their studies.” – Dyane Adam³

² Canada. Parliament. House of Commons. Standing Committee on Official Language. Evidence. (Meeting No. 124, December 4, 2018) 42nd Parliament, 1st Session.

³ Canada. Parliament. House of Commons. Standing Committee on Official Language. Evidence. (Meeting No. 141, April 30, 2019) 42nd Parliament, 1st Session.

Lastly, we would also like to draw attention to the key issue of the education continuum. As the Commissioner of Official Languages points out in his report, it is extremely important for French-language instruction to be accessible and encouraged from early childhood to the postsecondary level. Studies have shown that continuous instruction appreciably increases the chances of using the language regularly in adulthood, while significantly reducing the sense of linguistic insecurity. For the government, in addition to the need for French-language education in early childhood, this requirement for a major postsecondary institution in itself justifies the need to establish the *Université de l'Ontario français*.

“When a province causes irreparable harm to the linguistic minority, all Canadians are harmed. That is the reality. To say that this can't be done, that it's unacceptable and that it must stop is a moral responsibility. It's important to discuss what the province is going to do to prevent that from happening. That is basically the essence of the responsibility. What is happening in Ontario affects individuals in every part of the country. If decisions made by the provincial government lead to assimilation, then all Canadians are assimilated, and not just Franco-Ontarians. The worst is yet to come.” – Ronald Caza⁴

The situation of Canada's Francophonie is very troubling, and the NDP urges the government to exercise leadership in official languages by implementing the Committee's recommendations and the recommendations in this supplementary report.

⁴ Canada. Parliament. House of Commons. Standing Committee on Official Language. Evidence. (Meeting No. 126, December 11, 2018) 42nd Parliament, 1st Session.

