

# French Language Services Act

R.S.O. 1990, CHAPTER F.32

**Consolidation Period:** From June 1, 2011 to the [e-Laws currency date](#).

Last amendment: 2009, c. 33, Sched. 6, s. 60.

## Preamble

Whereas the French language is an historic and honoured language in Ontario and recognized by the Constitution as an official language in Canada; and whereas in Ontario the French language is recognized as an official language in the courts and in education; and whereas the Legislative Assembly recognizes the contribution of the cultural heritage of the French speaking population and wishes to preserve it for future generations; and whereas it is desirable to guarantee the use of the French language in institutions of the Legislature and the Government of Ontario, as provided in this Act;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## Definitions

1. In this Act,

“Commissioner” means the French Language Services Commissioner appointed under section 12.1; (“commissaire”)

“government agency” means,

- (a) a ministry of the Government of Ontario, except that a psychiatric facility, residential facility or college of applied arts and technology that is administered by a ministry is not included unless it is designated as a public service agency by the regulations,
- (b) a board, commission or corporation the majority of whose members or directors are appointed by the Lieutenant Governor in Council,
- (c) a non-profit corporation or similar entity that provides a service to the public, is subsidized in whole or in part by public money and is designated as a public service agency by the regulations,
- (d) a long-term care home as defined in the *Long-Term Care Homes Act, 2007* that is designated as a public service agency by the regulations, other than a municipal home or joint home established under Part VIII of the *Long-Term Care Homes Act, 2007*, or a home for special care as defined in the *Homes for Special Care Act* that is designated as a public service agency by the regulations,
- (e) a service provider as defined in the *Child and Family Services Act* or a board as defined in the *District Social Services Administration Boards Act* that is designated as a public service agency by the regulations,

and does not include a municipality, or a local board as defined in the *Municipal Affairs Act*, other than a local board that is designated under clause (e); (“organisme gouvernemental”)

“service” means any service or procedure that is provided to the public by a government agency or institution of the Legislature and includes all communications for the purpose. (“service”) R.S.O. 1990, c. F.32, s. 1; 1997, c. 25, Sched. E, s. 3; 2007, c. 7, Sched. 16, s. 1; 2007, c. 8, s. 204.

## Provision of services in French

2. The Government of Ontario shall ensure that services are provided in French in accordance with this Act. R.S.O. 1990, c. F.32, s. 2.

## Use of English or French in Legislative Assembly

3. (1) Everyone has the right to use English or French in the debates and other proceedings of the Legislative Assembly. R.S.O. 1990, c. F.32, s. 3 (1).

## Bills and Acts of the Assembly

(2) The public Bills of the Legislative Assembly introduced after the 1st day of January, 1991 shall be introduced and enacted in both English and French. R.S.O. 1990, c. F.32, s. 3 (2).

## Translation of Statutes

4. (1) Before the 31st day of December, 1991, the Attorney General shall cause to be translated into French a consolidation of the public general statutes of Ontario that were re-enacted in the Revised Statutes of Ontario, 1980, or

enacted in English only after the coming into force of the Revised Statutes of Ontario, 1980, and that are in force on the 31st day of December, 1990. R.S.O. 1990, c. F.32, s. 4 (1).

#### **Enactment**

(2) The Attorney General shall present the translations referred to in subsection (1) to the Legislative Assembly for enactment. R.S.O. 1990, c. F.32, s. 4 (2).

#### **Translation of regulations**

(3) The Attorney General shall cause to be translated into French such regulations as the Attorney General considers appropriate and shall recommend the translations to the Executive Council or other regulation-making authority for adoption. R.S.O. 1990, c. F.32, s. 4 (3).

#### **Right to services in French**

**5.** (1) A person has the right in accordance with this Act to communicate in French with, and to receive available services in French from, any head or central office of a government agency or institution of the Legislature, and has the same right in respect of any other office of such agency or institution that is located in or serves an area designated in the Schedule. R.S.O. 1990, c. F.32, s. 5 (1).

#### **Duplication of services**

(2) When the same service is provided by more than one office in a designated area, the Lieutenant Governor in Council may designate one or more of those offices to provide the service in French if the Lieutenant Governor in Council is of the opinion that the public in the designated area will thereby have reasonable access to the service in French. R.S.O. 1990, c. F.32, s. 5 (2).

#### **Idem**

(3) If one or more offices are designated under subsection (2), subsection (1) does not apply in respect of the service provided by the other offices in the designated area. R.S.O. 1990, c. F.32, s. 5 (3).

#### **Existing practice protected**

**6.** This Act shall not be construed to limit the use of the English or French language outside of the application of this Act. R.S.O. 1990, c. F.32, s. 6.

#### **Limitation of obligations of government agencies, etc.**

**7.** The obligations of government agencies and institutions of the Legislature under this Act are subject to such limits as circumstances make reasonable and necessary, if all reasonable measures and plans for compliance with this Act have been taken or made. R.S.O. 1990, c. F.32, s. 7.

#### **Regulations**

**8.** The Lieutenant Governor in Council may make regulations,

- (a) designating public service agencies for the purpose of the definition of “government agency”;
- (b) amending the Schedule by adding areas to it;
- (c) exempting services from the application of sections 2 and 5 where, in the opinion of the Lieutenant Governor in Council, it is reasonable and necessary to do so and where the exemption does not derogate from the general purpose and intent of this Act. R.S.O. 1990, c. F.32, s. 8.

#### **Public service agencies; limited designation**

**9.** (1) A regulation designating a public service agency may limit the designation to apply only in respect of specified services provided by the agency, or may specify services that are excluded from the designation. R.S.O. 1990, c. F.32, s. 9 (1).

#### **Consent of university**

(2) A regulation made under this Act that applies to a university is not effective without the university’s consent. R.S.O. 1990, c. F.32, s. 9 (2).

#### **Notice and comment re exempting regulation, etc.**

**10.** (1) This section applies to a regulation,

- (a) exempting a service under clause 8 (c);
- (b) revoking the designation of a public service agency;
- (c) amending a regulation designating a public service agency so as to exclude or remove a service from the designation. R.S.O. 1990, c. F.32, s. 10 (1).

**Idem**

(2) A regulation to which this section applies shall not be made until at least forty-five days after a notice has been published in *The Ontario Gazette* and a newspaper of general circulation in Ontario setting forth the substance of the proposed regulation and inviting comments to be submitted to the Minister responsible for Francophone Affairs. R.S.O. 1990, c. F.32, s. 10 (2).

**Idem**

(3) After the expiration of the forty-five day period, the regulation with such changes as are considered advisable may be made without further notice. R.S.O. 1990, c. F.32, s. 10 (3).

**Responsible Minister**

**11.** (1) The Minister responsible for Francophone Affairs is responsible for the administration of this Act. R.S.O. 1990, c. F.32, s. 11 (1).

**Functions**

(2) The functions of the Minister are to develop and co-ordinate the policies and programs of the government relating to Francophone Affairs and the provision of French language services and for the purpose, the Minister may,

- (a) prepare and recommend government plans, policies and priorities for the provision of French language services;
- (b) co-ordinate, monitor and oversee the implementation of programs of the government for the provision of French language services by government agencies and of programs relating to the use of the French language;
- (c) make recommendations in connection with the financing of government programs for the provision of French language services;
- (d) REPEALED: 2007, c. 7, Sched. 16, s. 2 (1).
- (e) require the formulation and submission of government plans for the implementation of this Act and fix time limits for their formulation and submission,

and shall perform such duties as are assigned to the Minister by order in council or by any other Act. R.S.O. 1990, c. F.32, s. 11 (2); 1993, c. 27, Sched.; 2007, c. 7, Sched. 16, s. 2 (1).

**Annual report**

(3) The Minister, after the close of each fiscal year, shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Office of Francophone Affairs and shall then lay the report before the Assembly if it is in session or, if not, at the next session. R.S.O. 1990, c. F.32, s. 11 (3).

**Regulations**

(4) Subject to the approval of the Lieutenant Governor in Council, the Minister responsible for Francophone Affairs may make regulations generally for the better administration of this Act and, without limiting the generality of the foregoing,

- (a) governing the publication of government documents in French;
- (b) governing the provision of services in French under a contract with a person who has agreed to provide services on behalf of a government agency, including the circumstances in which the agency may enter into such a contract. 2007, c. 7, Sched. 16, s. 2 (2).

**Office for Francophone Affairs**

**12.** (1) Such employees as are considered necessary shall be appointed under Part III of the *Public Service of Ontario Act, 2006* for the administration of the functions of the Minister responsible for Francophone Affairs, and shall be known as the Office of Francophone Affairs. R.S.O. 1990, c. F.32, s. 12 (1); 2006, c. 35, Sched. C, s. 48.

**Function of Office of Francophone Affairs**

- (2) The Office of Francophone Affairs may,
- (a) review the availability and quality of French language services and make recommendations for their improvement;
  - (b) recommend the designation of public service agencies and the addition of designated areas to the Schedule;
  - (c) require non-profit corporations and similar entities, facilities, homes and colleges referred to in the definition of “government agency” to furnish to the Office information that may be relevant in the formulation of recommendations respecting their designation as public service agencies;
  - (d) recommend changes in the plans of government agencies for the provision of French language services;
  - (e) make recommendations in respect of an exemption or proposed exemption of services under clause 8 (c),

and shall perform any other function assigned to it by the Minister responsible for Francophone Affairs, the Executive Council or the Legislative Assembly. R.S.O. 1990, c. F.32, s. 12 (2); 1993, c. 27, Sched.

### **French Language Services Commissioner**

**12.1** (1) The Lieutenant Governor in Council shall appoint an individual to act as French Language Services Commissioner. 2007, c. 7, Sched. 16, s. 3.

#### **Official name**

(2) The person appointed shall be known in English as the French Language Services Commissioner and in French as commissaire aux services en français. 2007, c. 7, Sched. 16, s. 3.

#### **Office established**

(3) There is hereby established an office to be known in English as the Office of the French Language Services Commissioner and in French as Commissariat aux services en français. 2007, c. 7, Sched. 16, s. 3.

#### **Employees**

(4) Such employees as are considered necessary shall be appointed under the *Public Service of Ontario Act, 2006* for the administration of the functions of the Office of the French Language Services Commissioner. 2007, c. 7, Sched. 16, s. 3, 4.

#### **Temporary replacement**

(5) The Commissioner may designate in writing an employee in his or her office to act on a temporary basis in his or her place when the Commissioner is for any reason unable to carry out his or her functions and, when acting in that capacity, the designate has all the powers of the Commissioner, subject to any conditions, limitations or restrictions set out in the designation. 2007, c. 7, Sched. 16, s. 3.

#### **Immunity**

(6) No proceeding shall be commenced against the Commissioner or any employee in the Commissioner's office for any act done or omitted in good faith in the execution or intended execution of his or her duties under this Act. 2007, c. 7, Sched. 16, s. 3.

#### **Crown liability**

(7) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (6) does not relieve the Crown of any liability to which the Crown would otherwise be subject. 2007, c. 7, Sched. 16, s. 3.

#### **Functions of Commissioner**

**12.2** It is the function of the Commissioner to encourage compliance with this Act by,

- (a) conducting investigations into the extent and quality of compliance with this Act, pursuant to complaints relating to French language services made by any person or on the Commissioner's own initiative;
- (b) preparing reports on investigations, including recommendations for improving the provision of French language services;
- (c) monitoring the progress made by government agencies in providing French language services;
- (d) advising the Minister on matters related to the administration of this Act; and
- (e) performing such other functions as may be assigned to the Commissioner by the Lieutenant Governor in Council. 2007, c. 7, Sched. 16, s. 3.

#### **Commissioner's discretion to investigate complaints**

**12.3** (1) The Commissioner may, in his or her discretion, decide not to take any action based on a complaint relating to French language services, including refusing to investigate or ceasing to investigate any complaint, if, in his or her opinion,

- (a) the subject-matter of the complaint is trivial;
- (b) the complaint is frivolous or vexatious or is not made in good faith;
- (c) the subject-matter of the complaint has already been investigated and dealt with;
- (d) the subject-matter of the complaint does not involve a contravention of or failure to comply with this Act or, for any other reason, does not come within the authority of the Commissioner under this Act. 2007, c. 7, Sched. 16, s. 3.

#### **Notice to complainant**

(2) If the Commissioner decides not to act on a complaint, or to take no further actions with regard to a complaint, he or she shall give the complainant notice in writing of the decision, and of the reasons for it. 2007, c. 7, Sched. 16, s. 3.

#### **Investigations**

**12.4** (1) Subject to this Act, the Commissioner may determine the procedure to be followed in conducting an investigation. 2007, c. 7, Sched. 16, s. 3.

**Notice to be given to deputy head**

(2) Before beginning an investigation, the Commissioner shall inform the deputy head or other administrative head of the government agency concerned of his or her intention to conduct an investigation. 2007, c. 7, Sched. 16, s. 3.

**Application of *Public Inquiries Act, 2009***

(3) Section 33 of the *Public Inquiries Act, 2009* applies to an investigation by the Commissioner. 2009, c. 33, Sched. 6, s. 60.

**Report on results of investigation**

(4) The Commissioner shall report the results of an investigation,

(a) where the investigation arises from a complaint, to the complainant, the deputy head or other administrative head of the government agency concerned and the Minister;

(b) where the investigation is at the Commissioner's own initiative, to the deputy head or other administrative head of the government agency concerned and the Minister. 2007, c. 7, Sched. 16, s. 3.

**Annual and special reports**

**12.5** (1) The Commissioner shall prepare and submit to the Minister responsible for Francophone Affairs an annual report on his or her activities, which may include recommendations for improving the provision of French language services. 2007, c. 7, Sched. 16, s. 3.

**Special report**

(2) The Commissioner may at any time make a special report to the Minister on any matter related to this Act that, in the opinion of the Commissioner, should not be deferred until the annual report and may request the Minister to submit it to the Speaker of the Assembly to be laid before the Assembly. 2007, c. 7, Sched. 16, s. 3.

**Tabling of report**

(3) The Minister shall, without delay, submit to the Speaker the annual report and any special report that the Commissioner requests the Minister to submit under subsection (2), and the Speaker shall lay it before the Assembly forthwith if it is in session or, if not, at the next session. 2007, c. 7, Sched. 16, s. 3.

**Publication of report**

**12.6** The Commissioner may publish, in any manner he or she considers appropriate, a report mentioned in this Act 30 days after it has been given to the Minister, unless the Minister consents to the report's earlier publication. 2007, c. 7, Sched. 16, s. 3.

**French language services co-ordinators**

**13.** (1) A French language services co-ordinator shall be appointed for each ministry of the government. R.S.O. 1990, c. F.32, s. 13 (1).

**Committee**

(2) There shall be a committee consisting of the French language services co-ordinators, presided over by the senior official of the Office of Francophone Affairs. R.S.O. 1990, c. F.32, s. 13 (2).

**Communication**

(3) Each French language services co-ordinator may communicate directly with his or her deputy minister. R.S.O. 1990, c. F.32, s. 13 (3).

**Deputy minister**

(4) Each deputy minister is accountable to the Executive Council for the implementation of this Act and the quality of the French language services in the ministry. R.S.O. 1990, c. F.32, s. 13 (4).

**Municipal by-laws re official languages**

**14.** (1) The council of a municipality that is in an area designated in the Schedule 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. R.S.O. 1990, c. F.32, s. 14 (1).

**Right to services in English and French**

(2) When a by-law referred to in subsection (1) is in effect, a person has the right to communicate in English or French with any office of the municipality, and to receive available services to which the by-law applies, in either language. R.S.O. 1990, c. F.32, s. 14 (2).

### Regional councils

(3) Where an area designated in the Schedule is in a regional municipality and the council of a municipality in the area passes a by-law under subsection (1), the council of the regional municipality may also pass a by-law under subsection (1) in respect of its administration and services. 2002, c. 17, Sched. F, Table.

### SCHEDULE

MUNICIPALITY OR DISTRICT	AREA
City of Greater Sudbury	All
City of Hamilton	All of the City of Hamilton as it exists on December 31, 2000
City of Ottawa	All
City of Toronto	All
Regional Municipality of Niagara	Cities of: Port Colborne and Welland
Regional Municipality of Peel	City of Brampton
Regional Municipality of Peel	City of Mississauga
County of Dundas	Township of Winchester
County of Essex	City of Windsor
	Towns of: Belle River and Tecumseh
	Townships of: Anderdon, Colchester North, Maidstone, Sandwich South, Sandwich West, Tilbury North, Tilbury West and Rochester
County of Frontenac	City of Kingston
County of Glengarry	All
County of Kent	Town of Tilbury
	Townships of: Dover and Tilbury East
County of Middlesex	City of London
County of Prescott	All
County of Renfrew	City of Pembroke
	Townships of: Stafford and Westmeath
County of Russell	All
County of Simcoe	Town of Penetanguishene
	Townships of: Tiny and Essa
County of Stormont	All
District of Algoma	All
District of Cochrane	All
District of Kenora	Township of Ignace
District of Nippissing	All
District of Parry Sound	Municipality of Callander
District of Sudbury	All
District of Thunder Bay	Towns of: Geraldton, Longlac and Marathon
	Townships of: Manitouwadge, Beardmore, Nakina and Terrace Bay
District of Timiskaming	All

R.S.O. 1990, c. F.32, Sched.; O. Reg. 407/94, s. 1; 1997, c. 26, Sched.; 1999, c. 14, Sched. F, s. 4; 2000, c. 5, s. 12; O. Reg. 407/94, s. 2 (as remade by O. Reg. 405/04, s. 1); O. Reg. 407/94, s. 3 (as made by O. Reg. 184/06, s. 1).