THE LAURENDEAU-DUNTON COMMISSION: THE SITUATION OF FRANCOPHONES IN ONTARIO

M^R. FRANÇOIS BOILEAU is currently pursuing his third mandate as the French Language Services Commissioner of Ontario. His role is to receive complaints from members of the public and present recommendations regarding the application of the *French Language Services Act*. Prior to beginning his mandate as Commissioner in August 2007, Mr. Boileau acted as legal counsel for the Office of the Commissioner of Official Languages where he defended landmark cases before the Supreme Court of Canada. He also played a key role in defending French-language rights by representing the *Fédération des communautés francophones et acadienne du Canada* (FCFA) in the Montfort case before the Ontario Court of Appeal. In 2011, François Boileau was awarded the Order of Merit of the *Association des juristes d'expression française de l'Ontario* (AJEFO).

ABSTRACT

After many years of debates and consultations, the Royal Commission on Bilingualism and Biculturalism, also known as the Laurendeau-Dunton Commission (named after its co-presidents), published a final six volume report comprised of countless recommendations. However, its most resounding recommendation remains that French and English should be granted official language status at the federal level in Canada, but also at the provincial levels in Ontario and New-Brunswick.

Fifty years later almost to the day, legitimate questions remain: Has Ontario found its balance between strengthening the rights of its French-speaking minority without becoming an officially bilingual province? How was Ontario able to reconcile multiculturalism and the francophonie?

THE FRENCH LANGUAGE SERVICES ACT: AN ALMOST-OFFICIAL ACT

As soon as 1969, the federal government followed-up on the Laurendeau-Dunton Commission's key recommendations by adopting the Official Languages Act. The impact of this act on the rights of Francophones, and especially on the ones living in Ontario, was not instantaneous but is undeniable. Following an approach of slow but incremental steps, reforms have been undertaken in Ontario under the leaderships of Robarts and Davis.

Thus, in 1972, the Ontario government adopted a French-language services delivery policy. This policy not only created the first designated areas, but also forced the government to make all of its communications available in both languages.

In 1978, Ottawa MP Albert Roy submitted a private bill (Bill 89) to the Legislative Assembly, the forerunner to the French Language Services Act, whose aim was to enable Franco-Ontarians to have access to services in their language based on a framework law. Although this bill was supported by French community leaders, it was ultimately dropped given the inauspicious political climate at the time.

It was only in 1986 that the French Language Services Act (FLSA) was unanimously adopted by the Legislative Assembly of Ontario, following difficult negotiations and behind-the-scenes dealings.

Nonetheless, the FLSA is much more than an act on the delivery of services in French. It has an almost constitutional status, as it was proven by the Montfort case before the Ontario Court of Appeal. Furthermore, the FLSA makes sure that the laws being passed at the Legislative Assembly are passed in both languages and that every citizen has the right to be tried in either French or English under the Courts of Justice Act.

In essence there is nothing really missing in this act for it to be considered an official languages act …apart for the word "official" in its title!

Admittedly, Ontario's FLSA is not as detailed as the Official Languages Act; this does not however prevent it from accomplishing great feats. The notion of active offer of services in both languages is nowadays understood by the provincial government as being an integral part of the Act.

Moreover, since 2011, the province has a regulatory framework for services offered by third parties, in order to put an end to loopholes.

Following the Montfort episode, many leaders of the Franco-Ontarian community have undertaken an initiative called *Opération Constitution*[1], the goal of which is to include, in the Constitution, the equality of the French and English languages in Ontario. This subject has also resurfaced during the *Colloque sur les 25 ans de la loi sur les services en français* held at the University of Ottawa in November 2011.

Nevertheless, given the lack of enthusiasm with which constitutional reforms are met by Canadians and their governments, this initiative has not yet successfully materialized. However, since Franco-Ontarians are keenly aware of the value of small steps, it would not be surprising that this initiative might pick up again in the not-so-distant future.

But despite not living in an officially bilingual province, Franco-Ontarians benefit from many accomplishments that bring support to the FLSA and which contribute to the vitality of their community.

REINFORCING FRENCH LANGUAGE RIGHTS

The history of Franco-Ontarians is not one of undisturbed peace and harmony. Indeed, the community's achievements have often come from hard-won struggles. This was the case with Regulation 17. Then there was the educational crisis of Sturgeon Falls in 1971 and the one in Penetanguishene in 1976. More recently, the Montfort hospital saga[2] has shown what a strong and proud Franco-Ontarian community can accomplish when faced with an unacceptable situation.

However, a great number of initiatives and positive steps have been taken by the government of Ontario during the last decades, and which have enabled the francophone community to develop and blossom. Such successes need to be remembered in order for us to better assess the progress that has been made while planning for our future.

In October 2004, Ontario's Minister of Education launched the *Politique d'aménagement linguistique* (PAL). This first-of-its-kind policy in the country aimed to help protect the culture, reinforce the pride and improve the academic performance of French-speaking students in Ontario by providing them with an educational system in their mother tongue, that met the specific needs of the community. That same year, the government adopted the Courts of Justice Act which gave official language status to both French and English in Ontario's judicial system.

Three years later, even though it was not caught in a linguistic crisis, the provincial government proposed to modify the FLSA to appoint an independent ombudsman to help it better apply the text and the spirit of the FLSA. The position of French Language Services Commissioner was thus created, the second provincial office to be established after the one in New-Brunswick.

In 2008, TFO (TVOntario's French television channel) became a financially autonomous independent station. The station, which was officially launched in 1987, has an important role in the development and vitality of Ontario's francophone community, mostly because of its educational television shows created for French-language schools, which are also available online.

In 2010, the Legislative Assembly unanimously made September 25th the Franco-Ontarian Day. This significant gesture was undertaken to acknowledge the francophone community's contributions to Ontario. The chosen date coincides with the first time the Franco-Ontarian flag was raised in 1975. But despite these sustained progresses, the francophone community is still faced with numerous challenges, particularly in terms of postsecondary education.

THE IMPORTANCE OF A CONTINUUM IN EDUCATION

Of course, since 1982, section 23 of the Canadian Charter of Rights and Freedoms recognizes the right of official language minorities to enroll their children in schools in their mother tongue (where numbers warrant it). But it was only in 1998 that the first French language school boards were created.

In a minority setting, providing education in the French language functions as a measure to protect and pass on the French language and culture, conditions which are necessary to sustain Franco-Ontarian communities. Colleges and universities are integral parts of the education continuum. They play an important role in community development by training future francophone leaders, nursing staff, doctors, technicians, entrepreneurs, investors, all of whom contribute to the well-being of the province and the competitiveness of its economy. In a situation where the French-language is in a minority position, such programs give students at the elementary and high school level the opportunity to continue their education in their own language and give parents an incentive to commit to the idea of schooling their children in French from the beginning.

However, at the present time, while Franco-Ontarians account for 600 000 of the province's population[3], only 36% of postsecondary education programs are being offered in French in eastern Ontario, 33% in northern Ontario and 3% in central southwestern Ontario[4]. These numbers speak for themselves.

Indeed, unlike Francophones living in Nova Scotia, New Brunswick and Manitoba, who are half as numerous as Francophones in Ontario, Franco-Ontarians still do not have their own university, aside from Hearst[5].

It is thus quite obvious that more postsecondary programs in French are necessary; a Franco-Ontarian university should possibly even be created at some point in the future. This does not however take anything away from bilingual universities such as Laurentian University and the University of Ottawa; both universities have a great reputation across the country and even internationally.

Creating a Franco-Ontarian university does not necessarily imply building new facilities, especially if we consider the difficult economic situation the provinces finds itself in these days. A Franco-Ontarian university could become the place where the community congregates in order to participate in the decision-making process involved in choosing programs to better prepare students and society for the future.

Indeed, depriving Francophones and Francophile students from such options negatively affects Ontario's society as a whole; it renders it progressively less successful to provide equivalent services in French because of the lack of bilingual and French-speaking professionals. Students could potentially come to consider French language schooling at the elementary and high school level as being an exercise in futility.

FRANCOPHONIE AND MULTIPLE IDENTITIES

The Laurendeau-Dunton Commission devoted an entire book to the *Cultural Contributions of the Other Ethnic Groups*[6]. Following the Commission's recommendations, the federal government adopted its policy on multiculturalism in 1971; one of the policy's main goals was to encourage immigrants to learn at least one of Canada's two official languages, to help them become contributing members of Canadian society.

At that same time, we are witnessing the emergence of a French regional identity claim. Indeed, it is towards the end of the 1960s that the term "French Canadian" as it was understood then started disappearing and began being replaced by terms like "Franco-Manitoban", "Franco-Albertan" and "Franco-Ontarian", to name a few[7]. In 1969, the Association canadienne-française de l'Ontario (ACFO) boycotted the Estates General of

French Canada, thus putting an end to the solidarity of the *French-Canadian family*[8].

The Franco-Ontarian flag flew in 1975 and this act reinforced the community's desire to appropriate their cultural and linguistic identity in the province. It marked the beginning of a pluralistic social project undertaken by the French-speaking community of Ontario.

In 2009, the government of Ontario adopted a more inclusive definition of francophone (DIF), a first in Canada, adding yet another building block to this pluralistic project that characterises the contemporary Franco-Ontarian society.

The DIF includes, in addition to people that have French as a mother tongue, individuals that have neither French nor English as mother tongue, hence allophones, but who have a certain degree of knowledge of French as an official language and use it at home.

Beyond the natural and predictable impact such a redefinition has on statistical data, this definition mainly enabled members of different ethno-cultural communities to become officially recognized and included as being part of the Francophone community living in the province, reinforcing their sense of belonging to the community.

The DIF also includes exogamous families where either one of the parents is francophone. The percentage of exogamous families is constantly on the rise. Today, these families represent slightly more than two-thirds of francophone households even though the transmission of the French language from parent to child has more than doubled over the past 35 years.[9]

Indeed, a good proportion of children from exogamous families attend French-language schools. It was thus important that these households be taken into account and be recognized as Francophone.

Children from exogamous families define themselves primarily as being "bilingual"[10]. Some researchers consider the identity of Franco-Ontarian youth as being double or as constituting a new or hybrid definition of identity, with its obvious advantages[11]. These young people identify more readily with two, even three, communities.

Additionally, there is another segment of the population that is often overlooked, underestimated even, although it represents a real natural ally on which Francophones should rely: the Francophiles. Citizens belonging to this group appreciate and consider linguistic duality as an advantage for their children and for Ontario's society as a whole. And because they adhere to this ideal, Francophiles try to take part in the activities of the Franco-Ontarian community, even though it is not always an easy task.

The Francophone community has to continue recognizing the contributions made by Francophiles to its development. The future of French Ontario has to rhyme with success, failure cannot be an option. In today's world, where the existence of multiple identities should no longer be a source of anxiety, Francophones and Francophiles have to work together to ensure the vitality of the French language in the province.

In conclusion, the Laurendeau-Dunton Commission has had an undeniable impact on Canadian society, particularly if we consider the French-services acts that have been adopted in Ontario, Nova Scotia and in Prince-Edward Island. Ontario's francophone community can certainly rely on tangible progresses that have been made and institutions that have been put in place in order to further its development and vitality. However, numerous challenges remain and minorities will never have the same amount of power the majority has. Protecting their legislative and constitutional rights will thus always remain a priority in order to maintain the linguistic duality and cultural diversity that define Canada.

NOTES

1 Created in 1997, in the aftermath of the Montfort case's success, the *Opération Constitution's* goal was to include the rights of Franco-Ontarians in the Canadian Constitution. In its beginning, the movement was made up of about fifty members representing the francophone community; lawyers, seniors, youth and academics from across the province.

2 See Lalonde vs Ontario (Health Services Restructuring Commission) (2001) 56 O.R. (3rd) 577.

3 For more details, see http://www.ofa.gov.on.ca/fr/franc0-recensement-2011.html (page visited in April 2013).

4 Office of the French Language Services Commissioner. The State of the French-Language Postsecondary Education in Central Southwestern Ontario: No Access, No Future, final report, Toronto, 2012.

5 Le Collège de Hearst is also known as l'Université de Hearst.

6 This is the title of the Commission's fourth book, published in 1969.

7 Michel Bock and Gaétan Gervais, *L'Ontario français: Des Pays-d'en-Haut à nos jours*, Centre franco-ontarien de ressources pédagogiques, 2004 Bock and Gervais, p. 183.

8 Gaétan Gervais, "L'histoire de l'Ontario français (1610-1997)", dans Joseph Yvon Thériault, dir. *Francophonies minoritaires au Canada – L'état des lieux*. Moncton, Éditions d'Acadie, 1999, p. 157.

9 Jean-Pierre Corbeil and Sylvie Lafrenière, *Portrait des minorités de langue officielle au Canada: les francophones de l'Ontario*, Ottawa, Statistique Canada, 2010.

10 Dallaire, Christine, "'I am English too': Francophone Youth Hybridities in Canada." In Nilan, P. and Feixa, *C. Global Youth? Hybrid Identities, Plural Worlds*, (pp. 32-52). London and New York: Routledge, 2006.

11 According to a recent study done at York University, bilingualism could delay the onset of Alzheimer's disease by a few years. For more details, see http://www.lapresse.ca/sciences/medecine/201102/18/01-4371966-lebilinguisme-reduirait-les-effets-de-lalzheimer.php (page visited in April 2013).



La Fédération canadienne des enseignantes et des enseignants (FCE) contribue activement à offrir aux élèves des écoles de langue française la meilleure éducation qui soit.