

Knowledge-based Community Governance is a Community University Research Alliance (CURA) funded by the Social Sciences and Humanities Research Council (SSHRC), which we would like to thank for its support. We would also like to thank the University of Ottawa's Faculty of Social Sciences for its support of our work and the French Language Services Coordinator for the Justice Sector in Ontario for translating this report.

ISBN: 978-0-9938235-0-3

Copyright: 2014

Library and Archives Canada

Knowledge-based Community Governance

Linda Cardinal, Director of the Research Alliance

University of Ottawa

120 University, Room 5055

Ottawa ON K1N 6N5

www.cura.uOttawa.ca

May 2014

Table of content

Research team	i
Acknowledgements	ii
Summary	iii
Initialisms	iv
Introduction	1
1. The language Regime in Ontario’s Justice Sector: the Coalition in Context	3
1.1 Ontario’s Language Regime	3
1.2 Transformations within the Ontario Public Service	4
1.3 The debate on FLS in the Justice Sector and Language Rights in the Courts	5
1.4 The Creation of the Coalition	7
2. The Coalition: Implementation, Governance and Activities	8
2.1 The Advent of the Coalition	8
2.2 What Makes the Coalition Innovative: Implementation and Governance	10
2.3 Activities	12
3. A Decade-Long Commitment: What the Actors in the Coalition have learned	17
3.1 Understanding the ‘Problem’	17
3.2 Implementation of the Coalition	18
3.3 Evaluation and Reach of the Coalition	22
3.4 The Institutionalization of the Coalition	27
Conclusion	29
Bibliography	30
Attachment 1 – Part VII, <i>Official Languages Act</i>	35
Attachment 2 – Chronology of FLS in the Justice Sector, 1984 to 2013	37
Attachment 3 - The 25 Designated Areas of Ontario	40



Research team

Linda Cardinal

In addition to holding the Chair in Canadian Francophonie and Public Policies and being a Professor in the School of Political Studies at the University of Ottawa, Linda Cardinal is also Director of the research alliance *Knowledge-based Community Governance*. In 2005, she conducted research on French-language services in Ontario's Justice Sector, which resulted in the first Strategic Plan for the development of French-language services in this sector. This document provided the inspiration for this research.

Marie-Ève Levert

With an MA in Public Administration from the University of Ottawa, Marie-Ève Levert has collaborated on the research projects of the Chair in Canadian Francophonie and Public Policies since 2011. In 2013, she was Chair Coordinator before accepting a position as a researcher at the Association canadienne de semences biologiques [Canada Organic Seed Growers Association].

Danielle Manton

In 2010, Danielle Manton became the Executive Director of the Association des juristes d'expression française de l'Ontario (AJEFO). Since becoming a lawyer in 1994, she has worked in the professional development department of the Law Society of Upper Canada, for the Ontario Justice Education Network, and in the private sector.

Sonia Ouellet

Sonia Ouellet has been Vice-Chair of the Health Professions Appeal and Review Board since May 2010. She was Executive Director of the Association des juristes d'expression française de l'Ontario (AJEFO) from June 2003 to April 2010. She also sat on the executive committee of the Assemblée de la francophonie de l'Ontario (2006) and chaired the board of directors of the Vanier Community Service Centre (2005-2010). She is a former member of the Legal Aid Ontario French-language Services Advisory Committee (2006-2010).

Acknowledgements

This report was produced as part of the work of the research team created for this project within the Knowledge-based Community Governance Community University Research Alliance. We would like to thank Professor Caroline Andrew (University of Ottawa), Professor Nathalie Des Rosiers (University of Ottawa), Geneviève Lévesque (student, University of Ottawa), Martin Normand (doctoral student, Université de Montréal), and Nathalie Plante (Knowledge Mobilization Coordinator, University Research Alliance, University of Ottawa) for their comments and input throughout the research process. We would also like to thank two members of the Research Alliance, Christine Dallaire (University of Ottawa) and Diane Farmer (University of Toronto), and Gilles Paquet (University of Ottawa) for their careful reading of, and suggestions for, this report.

We sincerely thank those who agreed to participate in interviews for this research and those who sent us their comments, suggestions, and documents. We thank the Social Sciences and Humanities Research Council for its financial support. We also thank the University of Ottawa's Faculty of Social Sciences.

Additional thanks go to all of the other members of the Research Alliance for their support: Nathalie Bélanger (University of Ottawa), Éric Champagne (University of Ottawa), Guy Chiasson (Université du Québec en Outaouais), Geneviève Couillard (Fédération de la jeunesse franco-ontarienne, FESFO), Lori-Ann Cyr (Diversis), Éric Forgues (Canadian Institute for Research on Linguistic Minorities, CIRLM), Paulette Gagnon (Regroupement des organismes culturels de Sudbury), Magalie-France Houle (Fédération de la jeunesse franco-ontarienne, FESFO), Marc L. Johnson (Socius Research and Consulting), Édith Leclerc (University of Ottawa), Rémi Léger (Simon Fraser University), Pascal Marchand (Consortium national de formation en santé, CNFS), Martine Plourde (Option Femmes Emploi), Selma Sonntag (Humboldt State University), Mathieu Voyer (Association francophone des municipalités du Nouveau-Brunswick, AFMNB), John Walsh (National University of Ireland, Galway), and Colin Williams (Cardiff University).

Summary

The Coalition des intervenantes et intervenants francophones pour le secteur de la justice (the Coalition) was created in 2004. Representing stakeholders from the French-language Justice Sector in Ontario, the Coalition includes the Association des juristes d'expression française de l'Ontario (AJEFO), the Association française des municipalités de l'Ontario (AFMO), the Action ontarienne contre la violence faite aux femmes (AOcVF), the Fédération des aînés et des retraités francophones de l'Ontario (FAFO), and the Fédération de la jeunesse franco-ontarienne (FESFO), and provides a unique space for collaboration between these groups and the Ontario's Justice Sector.

The Coalition provides a forum for co-operation and for the mobilization of new knowledge about French-language services (FLS) in the Justice Sector. It initiates large-scale community projects that are guided by the principle that FLS in the Justice Sector must be designed and governed *by and for Francophones*. In 2005, in co-operation with the French Language Services Coordinator for the Justice Sector, it helped to prepare the first Strategic Plan for the development of FLS in that sector. In 2006, the Coalition was integrated into the steering committee responsible for follow-up to the Strategic Plan. It is the main community stakeholder on this committee and the most important quasi-formal community mechanism for French Language Services accountability in the Justice Sector.

Thanks to the Coalition, the Francophone community has made important strides in the Justice Sector, promoting the development of FLS in a manner that is more rapid, cost-efficient, and engaging than would otherwise have been possible. Through its achievements, the Coalition represents innovation in the field of governance, creating a blend of community and public governance within the Ontario's Justice Sector. This report sets out the reasons and conditions that have made this innovation possible and describes what the participants have learned from their engagement within the Coalition since 2004.

Initialisms

ACFO	Association canadienne-française de l'Ontario
AFMO	Association française des municipalités de l'Ontario
AJEFO	Association des juristes d'expression française de l'Ontario
AOcVF	Action ontarienne contre la violence faite aux femmes
Coalition	Coalition des intervenantes et intervenants francophones en justice
FAFO	Fédération des aînés et des retraités francophones de l'Ontario
FESFO	Fédération de la jeunesse franco-ontarienne
FLS	French Language Services
MOFIF	Mouvement ontarien pour les femmes immigrantes francophones
OPP	Ontario Provincial Police
POA	<i>Provincial Offences Act</i>
Strategic Plan	Strategic Plan for the Development of French Language Services in Ontario's Justice Sector
UO	University of Ottawa

Introduction

In Quebec, social innovation abounds in sectors as diverse as health, community research, and the social economy (Bouchard, 2011; 2013). Canada's Francophonie is also overflowing with potentially innovative initiatives; however, these initiatives are unknown, undervalued or specialized (Normand, 2012; Dallaire and Houle, 2013; Cardinal, Champagne and Eddie, 2013; Farmer, Bélanger and Cyr, 2013; Chiasson, Letendre and Voyer, 2013). This report examines a potentially innovative initiative in the field of French-language services (FLS) in the Justice Sector in Ontario, i.e., the Coalition des intervenantes et intervenants francophones en justice (the Coalition) and its accomplishments.

Founded in 2004 by five community groups, the Association des juristes d'expression française de l'Ontario (AJEFO), the Association française des municipalités de l'Ontario (AFMO), Action ontarienne contre la violence faite aux femmes (AOcVF), the Fédération des aînés et des retraités francophones de l'Ontario (FAFO), and the Fédération de la jeunesse franco-ontarienne (FESFO), the Coalition wants to increase the active offer of FLS and participate in the development of policies and the planning of FLS in the Justice Sector. Characterized by an informal community governance, and based on the collegiality and expertise of certain individuals, the Coalition has also entered the field of public governance by becoming a quasi-formal mechanism for FLS accountability in the Justice Sector.

This report examines the potentially innovative nature of the Coalition as a model for hybrid public community governance. While this term has yet to be coined, it defines the specific nature of the Coalition quite well. By 'community governance', we mean (Paquet; 2011: 212): "decentralized governance that is based on extensive and authentic participation of stakeholders in the coordination of actions and that is also based on attentiveness, transparency, and sharing the fruits of collaboration amongst the parties." [unofficial translation] To these, Paquet (2011: 212) adds that a "minimum level of trust and solidarity" is required, as well as "a commitment on the part of all of the stakeholders to actively contribute to the work at hand, by any means, in good faith and creatively." [both unofficial translations]

The notion of 'public governance' includes the "creation of complex networks of government and non-government stakeholders in the implementation of the State's mission, particularly in the area of public services" [unofficial translation] (Cardinal, Champagne and Eddie, 2013: 3). The aim of this form of governance is the coproduction of public services, through collaboration between different networks of stakeholders (see also Osborne, 2010; Paquet, 2011; Pollitt and Bouckært, 2011).

In his survey (2012) of the literature on social innovation and governance, Normand defines innovations as a solution to a problem in a given context and as a process that holds knowledge for the stakeholders engaged in this process. When referring to an innovation as a solution, three aspects must be taken into account: i) context, ii) innovation, and iii) implementation. Normand suggests a non-linear sequence of five moments in time to guide any analysis of the processes that underpin innovation: i) the moment when the initiative emerges; ii) its implementation; iii) its evaluation; iv) its dissemination; and v) its institutionalization. Studying these five moments in time makes it possible to take an in-depth look at the role of the stakeholders in the design and production of the innovation.

A number of authors who have written on this subject, notably, Harrisson and Klein (2007), Drejer (2004), Klein et al. (2009), and Tardif (2005), have postulated that a governance initiative can be considered innovative if it contributes to deliberation among the stakeholders, the sharing of power

amongst them, and the mobilization of new knowledge supporting increased autonomy. Governance initiatives defined in this manner are potentially innovative because they fit within a normative plan conducive to deliberative and participatory democracy (Warren, 2009).

First, in accordance with the framework for analysis suggested Normand and by Harrisson and Klein, we present the factors that contributed to the creation of the Coalition, in particular, the debate on FLS in Ontario during the 1990s and the enshrinement of language rights. Second, we examine the innovative nature of the Coalition, specifically with respect to its type of governance. Thirdly, we describe what the stakeholders have learned from their experiences within the Coalition over the past decade. Our analysis of what has been learned informs our examination of the processes that led to the creation of the Coalition, its implementation, and its normative aspects.

Documentation on the Coalition is limited. Because of this, we conducted 12 interviews between January and July 2012 with key stakeholders who had participated in the Coalition's creation and operation, as well as with government officials closely associated with the active offer of FLS in the Justice Sector. Our report draws on the scientific literature on FLS in the Justice Sector. The team of researchers for this study initially met in the winter of 2011 to validate the interview questionnaire; they met a second time in the summer of 2012 to perform an analysis of the data that had been collected and what had been learned. The report was initially presented at the annual meeting of the research alliance. Then, before the final version was prepared, the report was re-read and reviewed by members of the research team and by the individuals who had participated in the interviews.

1. The language Regime in Ontario's Justice Sector: the Coalition in Context

Ontario's Francophones make up 4.8% of the province's population, i.e., over 611,500 individuals out of a total of 13 million residents (Statistics Canada, 2011). Under the *Official Languages Act*, the Canadian government is required to support the development of, and to enhance the vitality of, the linguistic minority communities (*Attachment 1*). Ontario's Francophones form an official language minority. The Canadian government therefore has a duty to this community, particularly in the Justice Sector.

1.1 Ontario's Language Regime

Since the 1980s, the province of Ontario has made significant progress in the area of FLS (*Attachment 2*). Prior to that, Ontario's language regime was minimalistic. In the Justice Sector, it was based on loosely-defined governance, comprised of various committees and an FLS Coordinator within the Ministry of the Attorney General (Cardinal et al., 2005; Cardinal and Normand, 2011).

In 1984, the government of Ontario enacted the *Courts of Justice Act*, confirming that French and English would henceforth be the two official languages of the province's courts¹. In 1986, it enacted the *French Language Services Act*, a framework act, the objective of which would be to actively offer FLS in all sectors of government activity², within 25 areas designated as bilingual³.

The new legislation advanced the governance of FLS within the Ontario Public Service. With the formalization of the status of the FLS coordinators and their introduction in various ministries, including ministries associated with the Justice Sector such as the Ministry of the Attorney General, these new intermediaries between the Francophone community and the Ontario government were to be attentive to the needs of Francophones.

¹ Ss. 125 and 126 of the *Courts of Justice Act* of Ontario grant Francophones the right to a bilingual proceeding in the designated areas under this *Act*, though the party must make a request, otherwise the proceedings will be conducted in English (Cardinal et al, 2005:60).

² Under Section 5(1) of the *French Language Services Act*: 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. (*French Language Services Act*, R.S.O. 1990, c. F.32, s.1). [sic] Specifically, Legal Aid Ontario is subject to the *French Language Services Act*.

³ Under the *French Language Services Act*, a designated area confers on Francophones the right to receive services in French from the offices of the provincial government. There are 25 designated areas in Ontario (*Attachment 3*). For an area to be designated, it must, in principle, be comprised of at least 10% Francophones or, in urban centres, at least 5,000 Francophones. The interpretation of this numerical data is flexible in some cases, for example, in the city of Kingston (<http://www.ofa.gov.on.ca/en/flsa.html>). Site consulted: October 2, 2013.

1.2 Transformations within the Ontario Public Service

The election of the Harris government in 1995 gave rise to major debates on the future of public services in Ontario. In his election platform, Harris set out a plan to encourage the privatization of government services. He merged the offices of the FLS coordinators of two ministries, i.e., the Ministry of the Attorney General⁴ and the Ministry of Community Safety and Correctional Services⁵. Both ministries henceforth had numerous divisions, 11 of which were part of the Strategic Plan in 2006. It became necessary to review the active offer of FLS.

In 2002, the Ontario Victims Services Secretariat was added to the Justice Sector. By 2005, the number of positions designated as bilingual had increased from one to 50. The Aboriginal Affairs Secretariat was added in 2002. Legal Aid Ontario was added in 2003 and the Ontario Human Rights Commission was added in 2004 (Cardinal et al., 2005: 52).

These transformations contributed to an expansion of the mandate of the FLS Coordinator for the Justice Sector, whose office remained within the Ministry of the Attorney General. The Coordinator was now responsible for ensuring the active offer of FLS across the new sector that had resulted from the Conservative government's restructuring of services. The coordinator had to identify and develop new ways to carry out his role as effectively as possible.

When the Conservative government came to power in the province of Ontario, the Liberal government in Ottawa was also transforming the delivery of public services; in 2001, it announced that an official languages action plan would soon be published.

In 2002, the *Environmental Scan: Access to Justice in Both Official Languages* was released. It had been commissioned by the Department of Justice Canada and documented progress in the field of FLS across Canada. While significant progress had of course been made, the report pointed out that there was still room for improvement. According to one respondent: "when the environmental scan on access to justice in both official languages was conducted, as imperfect as it may have been, it acted as a catalyst in many ways and in many places across the country" (Official 2, February 24, 2012). Moreover, "the federal government resuscitated Part VII of the *Official Languages Act*, because the Department of Justice Canada also wished to expand its role in the area of FLS" (Official 2, February 24, 2012). The Department of Justice Canada succeeded in repatriating budget credits from Canadian Heritage, through the intervention of the Privy Council Office, repositioning itself in the area of FLS.

In 2003, with the arrival of the Liberal government of Ontario, the French Language Services Coordinator decided that the time had come for a change in attitudes towards FLS in the Ontario Public Service. According to one respondent, "there was a shift because, here was a new government that was open to French-language services, and that had decided they were a priority area for improvement" (AJEFO 1, February 25, 2012). The conditions were right for the development of FLS in the Justice Sector.

⁴ In 2006, the merger of the FLS portfolio within the Justice Sector resulted in the participation of five divisions of the Ministry of the Attorney General in the Strategic Plan, i.e., the Court Services Division, the Provincial Offences Act Unit, the Criminal Law Division, the Ontario Victims Services Secretariat, the Office of the Public Guardian and Trustee, and the Office of the Children's Lawyer.

⁵ The divisions of the ministry that eventually participated in the Strategic Plan: the Ontario Provincial Police, Emergency Management Ontario, Adult Community Correctional Services, Adult Settlement Services, and the Public Safety Division.

Thus, at this time, both the federal government and the government of Ontario wanted to support new initiatives in the Justice Sector to promote active offer of FLS. However, there is no going back. The changes made to the Justice Sector by the previous government would be permanent. For all of the respondents, the challenge was to find the best way to integrate FLS into policy development and planning.

Three additional factors led to the consolidation of FLS. First, “there were community organizations, like the AJEFO and the AFMO, that wanted to transform themselves and that were open to change” (Official 1, June 13, 2012). Second, there “were many senior officials within the ministries, within both justice ministries, who were new and who were also eager and open to new ideas” (Official 1, June 13, 2012). Finally, the FLS Coordinator wanted to encourage these individuals to work together to support the development of FLS.

1.3 The debate on FLS in the Justice Sector and Language Rights in the Courts

Since 1995, the Francophone community’s concerns had been growing. Francophone leaders were not happy with the direction being taken by the province’s Conservative government and were fearful for the future of FLS (Cardinal, 2001). They eagerly awaited the publication of the official languages action plan that had been announced by the Canadian government, and hoped that this new tool would offer guidance and funding in support of the active offer of FLS in Ontario.

In the field of education, the Ontario government confirmed Francophones’ right to school governance⁶. Meanwhile, the Francophone community waited impatiently for the outcome of the Montfort Hospital case. In 1999, the Health Services Restructuring Commission struck by the government of Ontario had recommended the closure of Montfort Hospital in Ottawa, a hospital that served the Francophone community of Ottawa and eastern Ontario. This announcement led to the creation SOS Montfort, a movement that turned to the courts in order to prevent the closure of the hospital.

Other, less well-publicized cases were also mobilizing the Justice Sector. These cases related to the interpretation of Sections 530 and 531.1 of the *Criminal Code*, specifically, the language rights of accused persons.

At the time, appealing to the courts to uphold the language rights of Francophones was a strategy that appeared to be an effective response to the government of Ontario’s approach to FLS, even though the legal battles were very costly in terms of time and energy. They also placed Francophones in a difficult relationship with public authorities. According to one respondent, recourse to the courts was damaging to the community.

It’s an illusion for the Francophone community to think that, legal case after legal case, the government will simply loosen the purse strings and keep giving us money to open schools and carry out projects. [...] If we can’t come together to find solutions, some groups will really suffer. The groups that make the most noise will get the money, not

⁶ “On January 17, 1997, the Minister of Education, John Snobelen, announced the creation of seven new school boards across the province” (Cardinal, 1997: 179). [unofficial translation]

necessarily the groups that will have the greatest impact on the community. I think that this attitude of advocacy is dangerous; we don't have the Supreme Court that we used to. Strong champions of the Francophonie, like Justice Bastarache, aren't on the Supreme Court any more. It's dangerous to rely on the Supreme Court to fix our problems (AJEFO 3, March 2, 2013).

For another respondent, recourse to official complaints and to the courts "makes dialogue with the government difficult" (Official 1, June 13, 2012). However, other forms of recourse for resolving conflicts did not exist.

In 2003, another conflict between the government and the Francophone community of Ontario began to develop. The AFMO and the AJEFO discovered that French language skills of police officers were not being taken into account when positions were assigned. Police officers who could speak French were being assigned to Anglophone communities when Francophone municipalities needed police officers who could speak French.

In addition, the provincial government had decided that the municipalities would administer some areas of law, specifically, provincial offences under the *Provincial Offences Act* (POA), even though the municipalities were not required to comply with the *French Language Services Act*. This situation called for urgent attention. Francophone police officers were being sent to Anglophone communities and responsibility for the administration of the POA had devolved to the municipalities – a legal situation that had the potential to become explosive.

To resolve the issue, the Ontario Provincial Police (OPP) entered into discussions with the AFMO on the active offer of FLS in the province's police services. Once the dialogue began, the AJEFO and the AOcVF were invited to join in. On September 26, 2003, in Sudbury, along with representatives of the AFMO, the AJEFO, and the AOcVF, the OPP signed a memorandum of understanding to launch the first Ontario Provincial Police Strategy for the Delivery of French Language Services. Under this agreement, the three community organizations agreed to communicate the Francophone community's priorities to the OPP and to help it to develop strategies to meet the needs of the Francophone community. The FLS Coordinator also played a pivotal role in this strategy⁷.

In its 2003-2005 Strategy for the Delivery of French Language Services, the OPP presented the strategy as follows:

We anticipate that an OPP strategy for French-language services will set out a shared understanding of responsibilities with respect to the delivery of services by the regional headquarters, detachments, communications centers, offices, and the Office of the Coordinator of French Language Services for the Justice Sector. Ideally, these will meet both the needs of clients and the challenges presented by the legislation. [...] This strategy

⁷ The objective of the Office of the Coordinator of French Language Services is to help the staff of the Ontario Provincial Police to deliver French-language services by: i) increasing its understanding of the requirements of the *French Language Services Act*; ii) offering strategic advice on the best way in which to comply with these requirements both for existing programs and when activities are restructured; iii) monitoring compliance with respect to the program requirements and reporting on it; iv) providing support services, including training; v) facilitating dialogue between the regions of the program and the internal and external stakeholders (*Ministère de la Sûreté et de la Sécurité publique*, 2003: 3). [sic]

will set benchmarks for performance that all of the parties involved will receive. It will set out the expectations for each of the parties⁸. [*Unofficial translation*]

According to one respondent, “OPP senior management was aware that it needed to offer FLS actively” (Official 3, July 4, 2012). At the time, senior management included Commissioner Gwen Boniface and four deputy commissioners. They “approved the suggestion that I had made and it [the agreement] proceeded from there.” The FLS lead for FLS within the OPP was convinced that he had the support of the Commissioner and her four deputy commissioners. “We planned to succeed and it was something that we promoted across our organization as well” (Official 3, July 4, 2012).

Early in the implementation process, this collaboration between the community signatories and the OPP was seen as a success by various government stakeholders. The then Commissioner of Official Languages congratulated the OPP for its partnership with the Francophone community, citing it as a model of collaboration in the field of FLS⁹.

Once the agreement was signed, the OPP Strategic Initiatives Office was tasked with implementing the strategy¹⁰. It was made also responsible for preparing an annual report on the strategy’s performance, a report that would be evaluated by the OPP, the Office of the Coordinator of French Language Services, and community stakeholders¹¹. Responsibility for the strategy, which has been renewed every two years since 2003, has been assigned to a permanent entity within the OPP.

1.4 The Creation of the Coalition

Governments often sign agreements with non-government stakeholders. On its own, there isn’t anything radical or innovative about the fact that the OPP signed an agreement with the Francophone community. However, the signatories saw the agreement as a first step toward a new way for the government and the Francophone community to work together. The AFMO, the AJEFO, and the AOcVF were hoping for a more robust response from the Ontario government – a response indicating that the government would fulfill its obligation to offer FLS in areas designated as bilingual, particularly in French-speaking areas. They were also hoping for action in the Justice Sector that wasn’t being imposed as a result of a legal battle.

Buoyed by this experience, the Office of the Coordinator of French Language Services wanted to continue building on it. According to one respondent, “then the [French Language Services Coordinator] said ‘it would be great to keep going. [...] Are there other areas? Could we use this coalition-type approach with other provincial bodies that are involved in the Justice Sector to see what the next step is? What the natural next step is?’” (AJEFO 1, February 25, 2012).

⁸ *Ministère de la Sûreté et de la Sécurité publique* (2003:3). [*sic*]

⁹ Commissioner of Official Languages: http://www.ocol-clo.gc.ca/html/ar_ra_2003_04_f.php Site consulted: October 2, 2013.

¹⁰ Ontario Provincial Police: <http://www.opp.ca/ecms/index.php?id=452> Site consulted: October 2, 2013.

¹¹ *Ministère de la Sûreté et de la Sécurité publique* (2003). [*sic*]

2. The Coalition: Implementation, Governance and Activities

In the 1990s, changes to the Justice Sector resulted in the need to review the governance of FLS. In order to protect the active offer of FLS, it became important to innovate and to find alternatives to using the courts to uphold language rights. This is where the creation of the Coalition represents a potentially innovative initiative.

2.1 The Advent of the Coalition

The Coalition was founded in 2004 in the context of four meetings organized by the FLS Coordinator and the publication of the *Action Plan for Official Languages*¹². The four meetings between the FLS Coordinator and such groups as the AJEFO, the AFMO, and the AOcVF resulted in the drafting of a document for a Strategic Plan for the Justice Sector in Ontario.

On November 18, 2003, an information meeting on the Justice Sector and its programs was attended by representatives from Department of Justice Canada¹³, Canadian Heritage, the Ministry of the Attorney General of Ontario, the AJEFO (Sonia Ouellet), the AOcVF (Ghislaine Sirois), and the AFMO (Réjean Nadeau). The purpose of the meeting was to open a dialogue between the stakeholders in attendance.

The FLS Coordinator and representatives from the three community groups met via a conference call on November 21, 2003 (Nadeau, 2003). They agreed on two objectives: “i) to find ways to encourage the government of Ontario to expand the application of Sections 41, 42, and 43 of the *Official Languages Act* in the Justice Sector in Ontario and ii) to focus on and give priority to projects, activities, and strategies that would make it possible to implement these sections of the *Act* in French Ontario” (Nadeau, 2003). Work began on a strategic and operational plan between the provincial partners.

The representatives asked the Ottawa firm of *Ronald Bisson et associé.e.s Inc.* to lead a one-day meeting to draft the Strategic Plan. This meeting was held on December 17, 2003, at the Chimo Hotel in Ottawa (Nadeau, 2003). It laid the groundwork for the Strategic Plan and identified the steps that would be needed to develop it (Bisson, 2003). A working document entitled *Proposition d’un processus de planification stratégique dans le domaine de la justice en langue française en Ontario* [Proposal for a French Language Strategic Planning Process in the Justice Sector] provided a starting point for the strategic planning process (Bisson, 2003).

Three years later, this planning process culminated in *Forum Justice* in Toronto, from February 18 to 20, 2004¹⁴. Over 50 people attended the meeting, including representatives from the FESFO and the FAFO.

¹² The meetings took place between November 2003 and February 2004, culminating in *Forum Justice*, which was held in Toronto from February 18 to 20, 2004.

¹³ Representatives from Department of Justice Canada were (in alphabetical order): Marie-Claude Bureau, Lucie Charron, Robin Macdonald, Mireille Provost, Nahid Roboudi, and Marc Rozon. Canadian Heritage was represented by Rachel Gauvin and Pierrette Jutras. The Ministry of the Attorney General of Ontario was represented by Marcel Castonguay and Dave Truax (Nadeau, 2003).

¹⁴ The meeting began on the evening of February 18 with a social event, followed by a full day on February 19 that focused, for the most part, on the Strategic Plan. The meeting wrapped up on February 20 with a half-day

The day of February 19 consisted mainly of a preliminary reflection on strategic planning, in order to validate the process contemplated by the French Language Services Coordinator. Meeting participants included representatives from various federal and provincial government ministries, the community, and academe (Bisson, 2004). According to one respondent, “[I] remember this huge grey room, full of people. There were people there whom I knew from the Law Society of Upper Canada. There were people there from the Faculty of Law. All kinds of people. We had cast our net wide” (Official 2, February 24, 2012).

During the meeting, the AJEFO, the AFMO, and the AOcVF, together with the FAFO and the FESFO, founded the Coalition. The first three groups had had the experience of working with the OPP, with excellent results. At the suggestion of the French Language Services Coordinator, they invited the FAFO and the FESFO to join them. In addition to founding the Coalition, the five organizations were also involved in the implementation of the Strategic Plan, having been designated, at the February 19 meeting, as members of the steering committee for the Strategic Planning process (Bisson, 2004). Thus, the members of the Coalition had been selected by the French Language Services Coordinator for this process.

The creation of the Coalition was not reported in the media¹⁵. Nor does it have founding articles or specific objectives. Among its objectives, the Coalition plans to increase the active offer of FLS in order to better meet the needs of the Francophone community. The outcome of the Montfort Hospital case and the courts’ recognition of the importance for the Francophone community of governing its own institutions had a strong impact on the members of the Coalition. The Ontario Court of Appeal had recognized that the Canadian Constitution is based on the unwritten principle of respect for Canada’s minorities. This rekindled their hopes for progress on FLS in the Justice Sector.

According to one respondent,

[I] think that Montfort, the whole Montfort case, played a major role in all of these issues [regarding the Coalition]. We see it in the way that funding applications are written; it’s obvious. It’s very, very clear. You see the principles from the Montfort case all the time. The principles of the case reinforce the notion that the community must mobilize in order to grow and in order to ensure the sustainability of French-language services. It’s like the community is in ‘business mode’. You can see it. You see the arguments. You see why they want to do it. You see how they go about gaining access to the system (Official 2, February 24, 2012).

Another respondent remembered the creation of the Coalition in a similar way:

I think that, at that time, the school boards had just been set up. There was autonomy for the school boards, in education. It felt like there were other areas, such as justice, where people were beginning to imagine that, if we could have an education system that was governed by and for Francophones, then; maybe something could be adapted in the Justice Sector. And [...] it felt like there was momentum, there were things that we could do, that could be done, by and for the community. [...] There was a feeling of hope, that’s

dedicated to the new strategy for FLS within the OPP and the Criminal Law Division. Strategic projects for the Justice Sector were also presented.

¹⁵ No text exists that sets out the Coalition’s objectives.

what I remember thinking, what I remember feeling. It was like, we can do this, so why not do it? There was this question, like, why not us? (FESFO, May 25, 2012).

2.2 What Makes the Coalition Innovative: Implementation and Governance

The implementation of the Coalition deserves special mention because it was informal and straightforward. Basically, it resulted in a network without well-defined governance structure, statutes, regulations or even a spokesperson. What is more, it is a network that does not make decisions and that does not have minutes or transcripts of its meetings. This makes the task of telling its story rather difficult. Lastly, the Coalition does not have a specific budget, secretariat or specific tools for disseminating information, other than the funding for annual meetings that comes through the French Language Services Coordinator for the Justice Sector.

In terms of its implementation, it goes without saying that the Coalition represented a collective structure characterized by minimalism. The main stakeholders in this new entity were chairs and executive directors of community groups, with overloaded schedules, who did not really have the time to dedicate to a new structure. These groups, i.e., the AFMO, the AJEFO, the AOCvF, and the FESFO and the FAFO, preferred an approach that was based primarily on collegiality, trust in the expertise of each member, and the free flow of information. Thus, this new entity was characterized more by principles than by tools or structures. Its power was not localized; it was based on the expertise of its members and on dialogue, co-operation, and consultation.

Each group was able to maintain its autonomy. According to one respondent, “Sometimes organizations negotiated on their own behalf, on the margins of the Coalition, with government agencies to advance the projects that were important to them” (AJEFO 2, June 18, 2012). In this way, the groups maintained room to manoeuvre.

You couldn't prevent someone from saying [from taking a position], because it wasn't a formal organization per se. [...] We also didn't want to take away our ability to have our own interpretation of things. It might be good for Organization X to take such and such a position, but that position on one issue, the same issue, might not work for the AJEFO. So, we made sure that we had some room to manoeuvre so that we were never tied to a specific position (AJEFO 1, February 25, 2012).

Notwithstanding its informal nature, from the time it was created, the FLS Coordinator recognized the Coalition as the voice of the Francophone community in the field of justice. When it was created, the Coalition had significant credibility with the FLS Coordinator. The new entity was important to the FLS Coordinator; they shared a common goal of changing the field of FLS.

The Coalition's members attended a general meeting all of the Francophone stakeholders in the Justice Sector, including government participants. At the initiative of the FLS Coordinator, this meeting was held every year in the offices of the Ministry of the Attorney General in Toronto. It provided a unique opportunity to share information, voice expectations and concerns, and influence decision-making. During these meetings, Coalition members had the opportunity to meet the day before or when they arrived in Toronto in order to prepare for the next day. In this way, when they met with various managers or directors of services to present their concerns, they had had an opportunity to come to a

joint position. These meetings were recorded in meeting minutes recorded by the Office of the Coordinator of French Language Services.

According to some, these initial meetings with government stakeholders were not easy.

The first meeting was a bit difficult. There wasn't much openness. We were presented with projects that seemed important to the Attorney General, but there wasn't much communication. But eventually people connected and there was more openness. There were people with very strong personalities who had important positions in the field of French language services. At the time, this was definitely identified by the AJEFO and by myself as an extraordinary opportunity to promote certain key projects and to look for supporters. But, it took time (AJEFO 3, March 2, 2012).

Over the course of the meetings, the Coalition became an important stakeholder. As one respondent suggested:

The network [the Coalition] was there as, let's say, a tool for validating an issue that continued to exist in the community with respect to access to services in French. [...] As a senior manager, I was able to make all sorts of recommendations to the Ministry. But it still needed a validation tool, and the network believed strongly in this role. [...] The network [the Coalition] became the government's advisor and partner for [identifying] needs, and a way of developing services in French; it also had that role. It was both an advisor and, let's say, an advocate. It was also the face of the Francophone community (Official 1, June 13, 2012).

Between meetings in Toronto, the Coalition members, most of whom were located in Ottawa, also met with each other, either in person or by conference call. These meetings enabled the members to work together and to prepare their interventions for the next meeting. According to one respondent, "the conference calls were a complement to the annual meetings" (AJEFO 1, February 25, 2012). There were approximately three or four conference calls a year.

The meetings were also used to plan joint activities or projects. The groups learned to work together to increase their influence within the Justice Sector and to come up with new community initiatives.

The fact that the AJEFO had core funding through the federal government's *Action Plan for Official Languages* enabled it to become a key stakeholder in the development of joint projects for the community and for co-operation between the groups. Its executive director had more room to manoeuvre than other groups, which were forced to work with funding for specific projects. The nature of the AJEFO's funding, compared to that of other members of the Coalition, conferred upon it an informal leadership role in terms of governance. In the absence of a formal structure and secretariat, the AJEFO filled the organizational void.

This core funding enabled me to draw up projects and applications for funding; I could then spend time doing this on behalf of others because we could redistribute the funds or participate, have them participate in certain projects so that we could get money. [...] We took the lead on certain projects, but it was because I was in a fairly strong position financially, in terms of funding, so I could say "Okay, listen, I'm going to work on this for two weeks, do an application for funding, then go and get letters of support, etc." I was

able to put together a project that would benefit others. [...] The coalition became an incubator for ideas because we had core funding. I would say, okay, work on your own projects and I'll try to set up what we need so that we can get the project (AJEFO 1, February 25, 2012).

2.3 Activities

2.3.1 Strategic Plan for the Development of French Language Services in Ontario's Justice Sector

One of the Coalition's most important activities, from 2004 to 2006, in co-operation with the FLS Coordinator, was research in preparation for the first Strategic Plan for the government of Ontario for the development of FLS in the Justice Sector. The AFMO and the FLS Coordinator were among the most engaged stakeholders in this initiative. According to one respondent: "At the time, the executive director of the AFMO, Réjean Nadeau, was convinced of the importance of proceeding with this plan, using evidence-based data." He wanted wide-scale research. This respondent added: "The notion of [wide-scale] research was an innovation. Research and evidence-based data provided a solid foundation for the Strategic Plan" (UO, March 12, 2012).

In 2005, with funding from the budget credits available to the government of Ontario under the Canada-Ontario Agreement for projects for the official language minority, the Chair in Canadian Francophonie and Public Policies (the Chair) was asked to conduct this research. In Spring 2006, the Chair published an exhaustive environmental scan of FLS in the Justice Sector in Ontario. It included an analysis of the situation, a statistical profile of the province's Francophone community, a series of recommendations, and a draft Strategic Plan¹⁶.

The research was conducted over nine months. The Coalition's role was crucial to this research; it provided the necessary guidance. The Coalition also led the meetings and helped to analyze the results of the research at each step of the process.

The Coalition members wanted the Strategic Plan to be based on a number of key principles that had been acknowledged by the government of Ontario. Among the most important principles for the Coalition was the existence of FLS designed and governed *by and for Francophones*. This principle was already guiding the Francophone community in the field of education and within organizations for youth and women. It was also a guiding principle in the health sector (Cardinal, 2001). Naturally, Coalition members wanted the 'by and for' principle to be applied to the Justice Sector as well.

The Strategic Plan had to represent a lasting solution that would allow for a culture of FLS within the administration of justice in Ontario. Regardless of which political party was in power, the goal of the Coalition and the FLS Coordinator was the establishment of a process that would guarantee the active offer of FLS.

In Spring 2006, during the Annual Francophone Stakeholders Meeting, organized by the Office of the Coordinator of French Language Services, all those present, including senior officials from the ministries

¹⁶ English file: http://sciencessociales.uottawa.ca/crfpp/pdf/environmental_scan_12-2005.pdf Site consulted: October 2, 2013.

concerned, acknowledged the importance and robustness of the research data (Cardinal et al., 2006). The guiding principles for the Strategic Plan were also drafted at this meeting. The guiding principles and priority areas identified at the meeting were signed by both deputy ministers in the Justice Sector (Ministry of the Attorney General and Ministry of Community Safety and Correctional Services, 2008).

In 2006, the Coalition was integrated into the governance of the Strategic Plan, along with managers and other officials in the Justice Sector. With the implementation of the Strategic Plan Advisory Committee, the Coalition was at the heart of this process.

Shortly after the Strategic Plan was drafted, the then FLS Coordinator, Marcel Castonguay, handed over the reins to Sabine Derbier. The new FLS Coordinator was quickly accepted by the members of the Coalition. Ms. Derbier came from within the Office of the Coordinator of French Language Services and understood the process that had resulted in the publication of the Strategic Plan. She was also very much liked by the members of the Coalition. According to one respondent: “A relationship of trust developed between the stakeholders and the FLS Coordinator” (AJEFO 2, June 18, 2012).

The Office of the Coordinator of French Language Services led the organization of the meetings to follow up on the Strategic Plan and, between meetings, ensured that the work was being carried out by the different divisions. The minutes of these meetings and the strategic documents were archived.

The follow-up meetings of Strategic Plan Advisory Committee provided a forum in which various community stakeholders and divisions could report on their progress. These meetings also served as a platform for sharing resources and ideas. Held over an entire day¹⁷, they provided for a recap of the priorities of the Strategic Plan, a discussion of issues encountered during the implementation of the plan, and possible solutions. Lastly, these meetings offered various divisions and stakeholders (community organizations) an opportunity to report on their progress and activities.

One respondent described the Strategic Plan Advisory Committee as follows:

The Advisory Committee is a smaller committee that meets approximately twice a year. It includes specific representatives of the community and the Coalition and representatives from the operational divisions that are part of the Strategic Plan. So, it is more restricted than the Francophone stakeholders Meeting to which the Coalition invites members of the boards of directors – where there are a lot more participants and representatives. Twice a year, the committee also meets over the phone or face-to-face. The government brings the non-governmental organizations up to date. There is discussion. The Coalition representatives designated to these meetings have the opportunity – have preferred access to these people on a very, very egalitarian basis (Official 4, April 7, 2012).

During the meetings, the Coalition was asked to approve or reject proposals put forth by the representatives of the different divisions. This created a dynamic in which the Coalition provided a forum for quasi-formal accountability. For example, during these meetings, government officials explained to the members of the Coalition what they had done to ensure that the Strategic Plan was moving forward. Then the Coalition presented the community’s challenges and concerns. Coalition members communicated their displeasure when the appropriate follow-up was not there, or when officials were

¹⁷ The meetings of the steering committee for the Strategic Plan were held from 10 a.m. to 3:30 p.m. or over two half-days and included the opportunity for a conference call for those who were not able to attend.

behind in terms of the Strategic Plan. According to one respondent, “I found it fairly easy to be clear when the community was unhappy, without being overly critical. I just said, ‘well, get back to us on this’” (UO, March 12, 2012).

The meetings of the Strategic Plan Advisory Committee also provided opportunities to commend officials for a job well done. “I think that the Coalition was working. It was sort of a celebration and congratulations on a job well done. I felt that it, it worked better in prosperous times, but there was something that worked well in... more celebrations, more visibility” (UO, March 12, 2012).

In 2010, a study by the Chair in Canadian Francophonie and Public Policies revealed that the Strategic Plan had resulted in an increased awareness of FLS within the Justice Sector (Cardinal, Sauvé and Plante, 2010). Different government stakeholders were more aware of their obligations. They knew that they had to offer FLS actively, even if that wasn’t always happening.

In 2011, the Strategic Plan was renewed until 2015. The Coalition continued to play a role in planning FLS, even though, at times, it seemed to lack the time and energy that it needed in order to assess its activities. In addition, provincial and federal government budget cuts¹⁸ in the area of official languages forced the Office of the Coordinator of French Language Services to reduce its funding for meetings with the community¹⁹. The Coalition could no longer take advantage of these opportunities to meet before the annual meetings.

As one respondent put it: “The meetings used to start on Wednesday evening, which gave the Coalition members an opportunity to go to Toronto early and to meet before the annual meeting of the stakeholders” (AJEFO 1, February 25, 2012). Working together became more challenging for community stakeholders in this new context.

2.3.2 New Community Projects

Thanks to the Coalition, the members forged new relationships built on trust. These relationships supported the development of initiatives for collaboration between community groups.

For one respondent, “The Coalition led to the addition of a new French-language sexual assault/rape crisis centre, managed ‘by and for Francophone women’ to the existing network” (AOcVF, February 23, 2012). In 2004, the AJEFO, the AFMO, and the FESFO attended the estates general on violence against women organized by the AOcVF. Their presence at the general assembly was an important indicator of the new solidarity between stakeholders in the community. It was rare, in French Ontario, for women’s groups to have such visible support. In addition, shortly after the estates general were held, French-language sexual assault/rape crisis centres were created in Cochrane, Simcoe County, Prescott-Russell, southwestern Ontario, and northwestern Ontario.

One of the best known community projects in the Justice Sector is the *Carrières en justice* initiative, for careers in the Justice Sector. Originally conceived by the AFMO, the AJEFO took over implementation of

¹⁸ The budget for the meetings of the steering committee for the Strategic Plan and the annual meeting for Francophone stakeholders was shared equally between the provincial and federal governments.

¹⁹ An examination of the minutes of the annual meetings shows that, since 2009, the number of days assigned to this meeting had decreased from the equivalent of two days (from Wednesday night to Friday noon) to one day (from Thursday noon to Friday noon).

the initiative. Phase One was rolled out from 2005 to 2008, promoting careers in justice to young Francophones in Ontario in anticipation of a shortage of qualified Francophones in this sector.

Carrières en justice included an information campaign on careers and the justice system in general. The project also offered educational support services and plain language explanations of Ontario's justice system and resulted in the creation of various educational tools such as video clips in collaboration with TFO and teachers' kits (Hacquard, 2007). According to the documentation on the project, the most successful educational tool was the *Carrières en justice* website, which provided kids, teens, the general public, and professionals with information on this sector. In 2012, thanks to the *CliquezJustice.ca* portal, *Carrières en justice* became a Canada-wide project (Department of Justice Canada, 2012).

According to one respondent, the *Carrières en justice* project brought the Coalition together:

Carrières en justice: we promoted it to the Coalition the most. When we started to talk about it [...] when I was chair, we spoke about it privately. It was a project that we were going to work on, but when we presented it to the Coalition, so many people came on board that I felt that the AJEFO project would have the most impact over the long term. The Coalition definitely helped with community contacts, which are now the driving force behind *Carrières en justice* (AJEFO 3, March 2, 2012).

Another project for youth on cyberbullying, *Cybertaxage*, also supported collaboration amongst Coalition members. It was an original idea of the AFMO, in co-operation with the AJEFO, the FESFO, and the OPP. This program was designed to increase awareness of bullying in Grade 4 to 8 students in three regions of Ontario, using communications technology²⁰ (AJEFO, 2011). It reached its objectives and was extended province-wide.

In addition to these three examples of the Coalition's expansion into the community, there were other projects, training activities, and workshops to increase awareness on issues relating to justice²¹. The FAFO has benefited from its participation in the Coalition, using the Coalition as a lever to secure new projects, in particular, projects with the Ministry of Citizenship to prevent elder abuse. The AOcVF worked with the FAFO on this issue, allowing the FAFO to take over later. The AOcVF mentored the FAFO, sharing its expertise in the area of violence against women.

Collaboration went beyond the AJEFO and its invaluable leadership, taking a horizontal approach to justice that included collaboration between all of the groups. These collaborations provided opportunities to showcase each partner's expertise.

What happened was that we worked together. Often, I would say, I don't know, five or six times a year, I'd give some legal presentations to FAFO members. It's not a financial thing. Working with those partners is something that I do through my core funding. We do the same with all of our partners (AJEFO 2, June 18, 2012).

²⁰ <http://www.taxagejeparle.com/> OPP officers regularly visit classrooms targeted by the project to speak to students about cyberbullying and its consequences. Site consulted: October 2, 2013.

²¹ We should also mention the legal information workshops for seniors (collaboration between the FAFO and the AJEFO) which exist to this day. For more information on the AJEFO's collaboration with other community groups, see its annual reports: <http://www.ajefo.ca/>. Site consulted: October 2, 2013.

In addition to helping the government to better understand the needs of Francophones in the Justice Sector, the Coalition provided a forum for collaboration and participation in community projects and for promoting a more social approach to justice. It tapped into expertise within the groups, leading to new collaborations and also a more horizontal approach to the management of issues in the Justice Sector. The core funding that the AJEFO had at the time enabled its executive director to create an informal secretariat to support joint initiatives, which also contributed to the credibility of the Coalition and its way of working.

For all of these reasons – the development of new initiatives and relationships of trust between the groups, their co-operation and collaboration – the Coalition represented a social innovation in the field of governance. Through the research, the meetings in Ottawa, and the conference calls, the Coalition provided an effective way to circulate information and deliberate on FLS. Thanks to its activities and its participation in the development of the Strategic Plan, the Coalition has contributed to the co-production and co-design of FLS in the Justice Sector. Through its role in the development of community initiatives, it has provided a space for the mobilization of new knowledge in support of a more social, community-centered approach to justice.

3. A Decade-Long Commitment: What the Actors in the Coalition have learned

The Coalition offers an interesting case study of the processes underlying social innovation in the field of FLS governance. It has 10 years of experimentation and accomplishments to its credit. It has reached a level of maturity that will enable its members to step back and evaluate the potentially innovative nature of its governance. What the stakeholders have learned from their experience within the Coalition, at each step of its development, makes it possible to evaluate its contribution to their capacity for action within the Justice Sector.

3.1 Understanding the ‘Problem’

An understanding of the ‘problem’ is central to the ability to innovate (Normand, 2012). Stakeholders must be able to define the challenge and have a shared understanding of the situation in order to envision solutions. The creation of the Coalition did not circumvent this step. Two different understandings of the situation came out of our interviews.

The first discourse involves the government and the FLS Coordinator, who wanted to open up the development of FLS by finding new ways for community and government stakeholders to work together, because the new Liberal government did not want to revisit past decisions. It also wanted to avoid a situation in which the Francophone community resorted once again to the courts to uphold their rights to FLS.

The second discourse involves groups that were influenced by the Montfort case, which was very much in the background for them. They were waiting for a change in government and for the Ontario Liberals to take power. In addition, with the federal government’s publication of the *Action Plan for Official Languages*, they expected that, at the very least, there would be an increase in funding for re-launching the development of FLS and carrying out their activities.

These two analyses converge: our respondents all agreed that the Ontario government had to take the groups seriously, because the Montfort case had proved that the Francophone community was right. The FLS Coordinator defined the challenge in terms of governance, because he had to come up with ways to actively offer FLS in a new context, while still working within the changes that had been introduced by the previous government. He saw that there was a need for change within his sector and that he couldn’t do it alone. He acknowledged that he needed the community’s help to advance the cause of FLS.

We should point out that the FLS Coordinator for the Justice Sector and the FLS Coordinator for the health sector were the only ones that had access to privileged information within the Ontario government²². This was an important distinction at the time, because not all of the FLS Coordinators within the Ontario government had the means to position themselves or to envision solutions in the area of FLS. The FLS Coordinator for the Justice Sector thus had a specific role to play, and a unique capacity

²² For more information, please visit the website of the Office of the French Language Services Commissioner of Ontario: <http://www.csf.gouv.on.ca/en> Site consulted: October 2, 2013.

for action within the Ontario government, as an intermediary between the community and the government. He wanted to equip himself with the means to do so²³.

The groups' means were more limited and they did not have access to the same sources of information as the FLS Coordinators. As a result of the Conservative government's actions, they were not in a monitoring mode; they were reactive and on the defensive. One respondent criticized the groups' approach:

I think that's one of the flaws of community organizations. In some cases, their flaw is that they don't monitor their environment. They don't monitor their own environment. I've always said that everyone should take 'Federal Government 101'. [...] They need to understand that. It's crucial. They have to understand their environment. They have to monitor it. They always need to be one or two steps ahead (Official 2, February 24, 2012).

The ability of stakeholders to really read their environment, in order position themselves and to come up with solutions, is an important challenge; however, stakeholders do not all have the same means at their disposal. It depends on whether you're an official with special status or a community stakeholder with no access to privileged information. Groups need to find other ways to access information and perform their own analysis in order to come up with solutions. The Coalition represents one solution to this problem, because it makes it possible to circulate information.

3.2 Implementation of the Coalition

The implementation of an innovation is important if we are to understand the processes underlying its development, specifically, the role of different stakeholders at each stage of its development. The respondents all agreed that the Coalition was made possible because certain events and stakeholders came together, primarily, the French Language Services Coordinator. In the community, the AJEFO and the AFMO played a key role in the creation and implementation of the Coalition.

Once the new government was in power, the FLS Coordinator was convinced that the key to expanding FLS in the Justice Sector lay in a governance model that included community groups. He encouraged groups to collaborate with the government and avoid going through the courts. The OPP's strategic agreement was the lever he needed to convince community groups to participate in his solution.

According to several respondents, the Coalition was implemented "as a result of the OPP strategy" (AJEFO 2, February 25, 2012). "The agreement with the OPP was the first step towards more sustainable collaboration" (AJEFO 1, February 25, 2012). It was the catalyst.

You know, it [the agreement with the OPP] was a positive experience because we had a result that finally confirmed for two associations that it was finally working. [...] It gave us some positive reinforcement – the ability to say "okay, they didn't do it alone". We did it together, and they were able to negotiate something. So, having a bit more bargaining power (AJEFO 1, February 25, 2012).

²³ Since then, the structure of FLS in the Ontario Public Service has become more consistent. Following a recommendation by the French Language Services Commissioner, FLS have been restructured into five groups for which FLS managers have been hired at equivalent levels.

Notwithstanding, the respondents acknowledged that the FLS Coordinator had taken some significant risks when he tried to convince senior officials of the importance of the Coalition.

You know, it was a really big deal, because in order to create it [the Coalition], Marcel Castonguay had to convince some very senior officials. And he took it upon himself to do that. He took risks, because he wasn't sure that the community would be behind him. We needed something at the beginning, someone to get it going (Official 2, February 24, 2012).

The FLS Coordinator was then able to get his superiors to approve the environmental scan on FLS in the Justice Sector. Thanks to the relationship of trust that he had built with his superiors, they allowed him to move forward with some confidence in the process. The FLS Coordinator's perspective was that the officials needed to be more plugged into the community.

I always told the senior officials that it took the network [the Coalition] to give a face to the Francophone community, because, you know what I mean, it's like, as managers, we're always sitting in our ivory towers, we aren't out in the community (Official 1, June 13, 2012).

These processes are important to understanding the Coalition's ability to make progress. Both political will and senior management-level support of the FLS Coordinator's work were crucial components of the change underway in the Justice Sector. The fact that the government stakeholders supported each other and mutually influenced each other was important. The relationship of trust and respect that existed between them guided the process that was underway.

The FLS Coordinator used his status within the government, but he also wanted it to validate the expertise of the Francophone groups. He felt engaged with the Francophone community and identified with it. The fact that he was a former community organizer who had worked with the Association canadienne-française de l'Ontario (ACFO) in northern Ontario for 15 years was also important. His search for a solution that supported the groups also came from his personal engagement to his community.

According to one respondent, the FLS Coordinator was very engaged with the groups. He was "the connector" (Official 2, February 24, 2012). He won the community's trust by engaging with organizations and by opening doors to the public service and to senior government officials. The FLS Coordinator was also convinced of his strategy to increase the visibility of the groups within the public service, through the Coalition.

I knew from the beginning that, if we could put more pressure on the Ministry, by making key provincial associations like the OPP, the AJEFO, the AOcVF and the AFMO much more visible, more present, more collaborative, the people were there to increase the pressure on the government to make changes that I would have never even hoped for on my own in 100 years (Official 1, June 13, 2012).

Thus, when the research for the environmental scan and the preparation of the Strategic Plan began, the FLS Coordinator had already done a significant amount of work to raise awareness within the government. The research also strengthened the role of the Coalition within the Justice Sector and confirmed the need for a new strategy to support the development of FLS for the Justice Sector.

In the community, stakeholders were being mobilized, and a new dynamic was emerging. At the time, AJEFO was considered the key expert and stakeholder in the field of justice, a role that no one challenged. However, according to one respondent, the signing of the agreement with the OPP showed that “The AJEFO was no longer the only player in the community in the field of justice. There were other partnerships that were fairly important, such as the AFMO and the AOcVF” (Official 1, June 13, 2012). Even though they were not as well known within the Justice Sector as the first three, the FESFO and the FAFO joined the list. Henceforth, these groups shared the power to represent the community or act as its voice in the Justice Sector.

The expansion of the Coalition to include these three groups created a new community dynamic in the Justice Sector. This precipitated a review of the role of the AJEFO. Several respondents acknowledged that the executive director of the AJEFO played an important role in transforming the organization from one that was active mainly in the legal community to one that had a more social or community-centred mandate. Instead of working in isolation, the AJEFO adopted a more inclusive and social approach to justice. It acknowledged that it had partners in the Justice Sector who had something to say about the issue. Once an association of jurists for and by jurists, the AJEFO became an organization that also served its community.

According to one respondent, the organization wanted to overcome the “parochial culture that seemed to dominate the Franco-Ontarian community”.

We are very parochial. “This is my bailiwick. Don’t touch.” I think we have managed to break through a few barriers to say that, despite the fact that the municipalities have a judicial side, the AJEFO, I think that, traditionally, the AJEFO saw itself as the protector – the only organization that could speak on behalf of the Justice Sector, but we decided that those barriers weren’t important anymore, that we were past that now. We had to work with others in order to show that the Justice Sector. [sic] So, we had to change the mentality of Franco-Ontarians a bit because I think that we have a tendency to defend our turf and to say “That’s my sector. Don’t touch.” So to break out of that and to say “We have something to say, too. There are different sides to the Justice Sector.” And to accept that as a principle, and to say we aren’t the only ones who hold the truth and to say “There are different views that need to be taken into account, we need to include them” (AJEFO 1, February 25, 2012).

The Coalition groups shared the power to represent the community and adopted an inclusive approach that would be reflected in the definition of FLS. Naturally, this didn’t happen overnight. For example, it wasn’t clear to the FESFO representative that youth should be involved in the Justice Sector; what about the field of justice would be of interest to youth? Once better informed, it was clear that youth had justice issues.

The majority of groups were located in the same area, i.e., Ottawa; this made collaboration easier.

We were able to meet, which was crucial. When you don’t know the person you’re working with or you want to speak to them and find a place to meet, it’s difficult when you have to do it over the phone. You can try to negotiate or discuss projects over the phone, but it’s not the same. [...]The fact that we were in the same city, the organizations,

basically, the key people who needed to connect, were in Ottawa. Proximity made it easier (FESFO, May 25, 2012).

However, because the Coalition still did not have a secretariat or funding, the work of coordination fell to the AJEFO. The executive director integrated his Coalition work into his other duties.

Lastly, the research stage also consolidated the links between the groups. When the research began, a meeting was organized in Ottawa to welcome a new member into the Coalition, Caroline Andrew of the University of Ottawa. She represented the research community, a partner essential to the credibility of the process. Known and respected by the community, her integration into the group was seamless.

On three other occasions, the groups met to read the work, comment on the analyses, and offer the community's viewpoint. From that point forward, the Coalition became a genuine forum in which the stakeholders could discuss the development of FLS within the Justice Sector. The groups reacted to the data and participated in the analyses, although not equally. Some of the groups, such as the AFMO, the AJEFO, and the AOCVF, often dominated the discussion due to their expertise. However, these meetings also offered genuine learning opportunities for the stakeholders; they were used to question the social relevance of data and to guide the direction in which the analysis was moving, in order to ensure that it advanced the cause of FLS.

Employees from the Office of the Coordinator of French Language Services accompanied the FLS Coordinator to these meetings. He participated in the reflection and discussions with Coalition members; he also increased the researchers' and community stakeholders' understanding of how the Justice Sector operates. Following the groups' example, he also used the researchers' data as an opportunity for learning. Indeed, the research provided the first portrait of the situation since the release of the Cousineau report in 1994.

The FLS Coordinator was able to maintain his superiors' interest in the research, thanks to the data he gave them. According to one respondent,

The political will was there and the FLS Coordinator's superiors had approved the study to improve services. So, I think that the study created an environment in which there were meetings, there was a way for people to find each other, to find each other and to talk, there was networking. The fact is that this study [acted] as the glue. I mean [...] the fact that we were all working for improvement, for the development of the Strategic Plan, the strategic planning, and the fact that there was a willingness. No one stopped the process by saying, no, you have to stop (Official 2, February 24, 2012).

By working together, the different groups seemed to have succeeded in coordinating and conceptualizing projects and initiatives and in circulating information and working more effectively in their meetings with government stakeholders. By working together, they were able to increase their ability at deliberation and reflexivity that supported a greater degree of autonomy in their dealings with the Ontario government. They were also successful in accessing the knowledge they needed and in training each other, particularly in the context of monitoring the Strategic Plan.

However, no immigrant group was represented within the Coalition. When the strategic planning process was approved at the February 19, 2004, meeting, a representative of the Francophone immigrant community was included as a member of the Strategic Plan Advisory Committee process

(Bisson, 2004). Apart from the presence of the *Mouvement ontarien pour les femmes immigrantes francophones* (MOFIF), the Ontario Movement for Francophone Immigrant Women, at one meeting of the research steering committee, the Coalition did not have one active member who represented the immigrant community. Representation was reserved for certain community groups.

Personally, I wish Francophone immigrant women had official standing [within the Coalition], but it never happened. We always said, well, yes, the AOcVF invited them. But, they weren't there officially. I would have preferred something more official (AOcVF, February 23, 2012).

The Coalition could have a procedure for expanding to include new members who want to co-operate on, and develop, projects. Given its informal nature, there is nothing preventing it from expanding. In fact, in recent years, MOFIF has been officially invited to participate in the annual meetings of the Francophone stakeholders organized by the Office of the Coordinator of French Language Services, but no additional financial resources have been provided for this purpose.

Even though it has significant credibility within the government, the Coalition actually has little visibility with other stakeholders in the broader debate on FLS in the Justice Sector. In summer 2012, a report entitled *Access to Justice in French* was released by the French Language Services Bench and Bar Advisory Committee to the Attorney General. It makes no mention of the Coalition. Members of the research steering committee include the AJEFO and the AFMO; however, the AJEFO and the AFMO do not sit on this committee for the Coalition.

Since then, the Ministry of the Attorney General has created a French Language Services Bench and Bar Response Steering Committee. It includes divisions and partners in the Justice Sector and certain community stakeholders to whom the recommendations are addressed. Two members of the Coalition, i.e., representatives of the AJEFO and the AFMO, sit on the Steering Committee. The AJEFO sits on it as a representative of French-speaking jurists. The AFMO is directly concerned with the municipal courts responsible for administration of the *Provincial Offences Act*, that are under municipal jurisdiction.

3.3 Evaluation and Reach of the Coalition

Despite having been in existence for 10 years, the Coalition has never conducted an evaluation of its own operations or accomplishments. On the other hand, in the course of this research, several respondents described its effectiveness and numerous accomplishments. Respondents pointed out that the Coalition's way of doing things had resulted in changes within the groups, particularly within the AJEFO. However, "the informal governance of the Coalition has both advantages and disadvantages" (Official 4, April 7, 2012).

With respect to the community, the respondents felt that there were significant advantages to working together.

For me, the lessons were, don't work alone on these projects and always seek out others' expertise. Often, what happens is that our expertise is justice. Others' expertise has to do with targets. So, instead of saying "I want to do such and such for youth", maybe go to the FESFO and say, "What would you think if I did it this way?" [...] In terms of decision-making, because depending on what we're doing, we'll check with the others before

making decisions about all sorts of things. I think that these were decisions that we were making on our own before (AJEFO 2, May 24, 2012).

The informal training that the groups give each other in the context of the research and during the Coalition meetings in Toronto is important. It supports their ongoing positioning on the FLS issue:

I think that, in the beginning, when the research was being done, when the studies were being done, when we were much more likely to be participating on a regular basis, maybe there wasn't any [training] at the group level, but there was definitely an exchange of information within the groups because, when we met in February of each year, we were either exchanging documentation or we were on a conference call to share what was new for that meeting: here's what we're doing, here's where we're going or here's what's going on, here's what we want to accomplish over these two days, here's our objective (AOcVF, February 23, 2012).

For the network, it was an annual meeting that had been held for several years, but now, there was new life. [...] The atmosphere was such that everyone was proud to present their new projects. [...] I learned that the Ministry of Health, other ministries, didn't necessarily have the same services in French, hadn't necessarily made FLS a priority. In some cases, we acted as a role model for the government. Also, I learned about the impact that we could have at the provincial level with our ministry and with the provincial police and also with our communities because I have to say that, at several meetings, including the AFMO annual conference, I had lots of opportunities to speak to community representatives. We had good discussions and got positive and sometimes negative comments about our French-language service delivery. For us [the OPP], created a connection with the community that I hadn't experienced before (Official 3, July 4, 2012).

On the other hand, when there were changes at the executive level, some explained, there was a loss of continuity and a certain amount of regression. "Some executive directors lost opportunities to work with the Justice Sector and to get funding for their project because they didn't understand the importance of promoting their projects during the Coalition meetings" (AJEFO 1, February 25, 2012).

To date, only the FESFO seems to have found a way to address this problem; its records constitute an institutional memory that can be passed on to representatives of the organization within the Coalition.

With the FESFO, because we work with members who are high school students, for most of them, this is their first political experience or experience as a representative. So, when we had a student or member in these delegations, for example in the network, there was always a 'briefing' session. [...] [Specifically] a 'briefing' session that lasted at least an hour to discuss the issue with [the representative] which included written material, a summary or key points, key points in the file. The material that was sent to me, I also sent it to the members. I was usually the person to whom information was sent (FESFO, May 25, 2012).

The practice has since changed. There is still a 'briefing' session, but to make sure that it's always the same person in charge of the file, it's been assigned to one of three members of the executive. So, one of the two vice-chairs or the chair. Which means that the chair always has the justice file, which includes the network (FESFO, May 25, 2012).

Despite the Coalition's effectiveness in circulating information and supporting dialogue among the stakeholders, the lack of operating resources presents a problem. According to one respondent,

I'm not sure that we went as far as we could have gone because it probably would have forced us to deal with our differences. Then, there's the issue of energy. Everyone is working in their own sector, and we already have enough to do with our own conflicts and difficult decisions (AOcVF, February 23, 2012).

For sure, in the community, with the shortage of resources, everyone takes as much as they can get, sometimes. [...]Then everyone wants to protect their turf, their clientele. [...] Everyone has their own niche, so respect my niche, you know? As much as we want to work together, sometimes, when faced with a shortage of resources, sometimes we aren't so generous. So, sometimes there were conflicts of that kind. Anyone working in the community is familiar with that, we have to talk to each other, we have to clear things up sometimes. You have to demand respect (AOcVF, February 23, 2012).

And, to conclude,

I think that we had very high ambitions, given the means at our disposal. And, I think that it continued to be a major obstacle through the entire process because in order to keep track of the Coalition and everything that was going on, the way that we should have done it, what we should have done, what it would have been better to do, I think that it required more energy than we had given our resources (AOcVF, February 23, 2012).

The respondents also took away personal lessons from their engagement within the Coalition. "The Coalition taught me that sitting down with people who do not necessarily agree with me and working to find compromises can lead to extraordinary things" (Official 1, June 13, 2012).

Others saw the impact of the Coalition's work within the public service.

In terms of our human resources, we were able to identify our Francophone staff. We were able to assess their French language skills. We were able to plan staffing strategically and to identify other candidates for promotions and more senior level positions within the Ontario Provincial Police. I could name several people who were involved in one way or another with our strategy who did very well in their careers. They all have senior level positions today (Official 3, July 4, 2012).

The informal nature of the Coalition also had important advantages in terms of its collaborative relationships with government stakeholders.

I think that the advantages are just that – that we can pick up the phone, call each other, speak to each other, ask questions. The dialogue is really open. But there are disadvantages too sometimes, because it's so informal. Sometimes the process could have been a bit tighter. Like you were saying, the fact that the stakeholders, the four of us didn't meet. What we would need, if it were more formal, there would be someone who would take the lead, and say, this is what we need to do. So, that can be a bit of a disadvantage, but I think that it just means that everyone is busy (AJEFO 2, June 18, 2012).

If we didn't have those people, of course we would try to go about it differently, to open different doors, but I think that it would be much more complicated and we would waste time on both ends. Even at their level (ministry officials), when they sometimes have concerns at the municipal level, they'll give us a call and then we can discuss it and it helps them too, to understand the other side, because I'm, I'm in the field, they are a bit further away, on another level. Sometimes going to the field for expertise is a good thing (AFMO, May 30, 2012).

When we have questions or see things in the field, we can easily bring it up [...]. It's as easy as picking up the phone and calling them or sending them an email and they get back to us, they don't ignore email. There is a lot of transparency too, very good communication with the team²⁴, with people working there, with the community (AFMO, May 30, 2012).

The Coalition has also made it possible to integrate a collaborative approach into the Justice Sector where, in the past, advocacy and litigation were the favoured approaches. The AJEFO seems to have played an important role in supporting collaboration, while also drawing important lessons from its experience.

What the AJEFO learned is three-fold: learning to work with other community organizations and understanding that legal issues affect all groups – that the Justice Sector doesn't affect just one group – and becoming more aware of the role that the AJEFO needs to play at the provincial level, not just in the Justice Sector (AJEFO 2, June 18, 2012).

According to one respondent, "I found that when they all worked together, they were 10 times more effective than when they were doing advocacy work" (Official 1, June 13, 2012). According to another respondent, "I see the accountability on paper – the reports that are handed out at each annual meeting and at each Advisory Committee Meeting" (Official 2, February 24, 2012).

The officials were accountable to the community.

If they hadn't done what they said they were going to do, they were shaking. I mean, they were really worried. The community had learned to be polite but firm, and I think that they were able to maintain good contact, and I think that the contact was something else that was innovative, I think that it expedited the changes and services in French (UO, March 12, 2012).

And now, both colleges, the Ontario Police College and the Ontario Fire College, will be part of the Strategic Plan. They will be accountable to the stakeholders. And, the stakeholders will validate or not, and push for certain priorities, etc. (Official 5, May 24, 2012).

In spite of the effectiveness of the informality of the Coalition, advocacy can sometimes be useful for advancing issues.

²⁴ The team being referred to is the team at the Office of the Coordinator of French Language Services for the Justice Sector.

Even though we worked side by side around the table [...] sometimes [we had] to play hardball. Not between the groups so much as with the funders. So it's a balance. I realized that if you don't lose it once and a while, or almost lose it, nothing really changes. At the same time, you have to pay attention to your relationship with your allies on the inside. [...] As Francophones, we don't necessarily have the same ability to attract media attention at a press conference and to use it as a way of applying pressure. [...] I can't do that. So, how do I get what I want from the government? It's a balance between losing it and creating links and constantly hammering your message with the decision-makers and making some of them your allies (AOcVF, February 23, 2012).

At times, there were disappointments that had to be overcome.

When management changes, it can quickly destroy the work that has been accomplished. That's what happened at the Ontario Victims Services Secretariat. After working together for several years, the change in management resulted in a significant loss of ground (AOcVF, February 23, 2012).

Several respondents acknowledge that the Coalition is in need of a shakeup. Usually, a coalition is a temporary structure; this coalition has existed since 2004. As one respondent explained,

There was a lot of work to do in the early years in terms of implementing and monitoring the Strategic Plan; progress was more tangible. In the second phase, the initiatives had already been integrated into the system; new initiatives were often less visible and focused more on changing the culture and on the concept of active offer (Official 5, May 24, 2012).

You know, in the first phase of the strategic planning, I could really see the enthusiasm, because I was there, because tangible things were happening. I think that we need revitalization, maybe someone else. Either someone new or a different way of doing things, because the way I see it is that there is a lot of repetition because the results are less and less visible, compared to what we are saying. And I think that the reason we're repeating ourselves is because it's often about funding issues within the ministry. It's great to say that something should happen, but what if there isn't anyone there to do it (AOcVF, February 23, 2012).

I think that the network is losing momentum right now; it's slowing down because there was a lot of energy for the first Strategic Plan, no question, lots, lots. [For the] second Strategic Plan, you can feel that there's less energy. You can feel that there's less understanding. The stakeholders have also changed in a few cases. That's the mistake. We were talking about history earlier. For those who are there now, did the others take the trouble to pass the history along to them? I don't know (Official 2, February 24, 2012).

Even though it is experiencing times where it is losing momentum, the Coalition continues to be actively involved in monitoring the Strategic Plan. It has endured. Based on our analysis, this durability appears to be strongly connected to the tireless commitment of the Coalition and the Office of the Coordinator of French Language Services to the Strategic Plan.

3.4 The Institutionalization of the Coalition

Despite the lack of energy being experienced by some of its members, the Coalition seems to have succeeded in institutionalizing itself within the planning of FLS in the Justice Sector. According to one respondent, the Coalition represents “a way of working side by side so that officials can truly understand the needs of the community and so that the community can understand the constraints under which the government is working” (UO, March 12, 2012). This way of working together has continued for 10 years.

The Coalition has also helped to bring about a change in attitude towards FLS within the government – a change that seems to have lasted over time. The respondents agreed that the Coalition has influence that has given it greater visibility within the government and that has enabled it to bring pressure to bear on the Ministry of the Attorney General when necessary. It has no decision-making power, which many regret, yet for others, the power of influence is what counts.

According to one respondent,

If the stakeholders and everyone is able to have good discussions, at least we will end up with better public policy because, you are know, the consultation should be able to reflect the needs and maybe how certain things are done (Official 1, June 13, 2012).

In spite of its informal nature, the Coalition’s contribution to the ‘formalization’ of a mechanism for consultation and participation in FLS planning within the government of Ontario has exceeded all expectations. It has helped to create a space for reflection on the best way in which to actively offer FLS in the Justice Sector. It resembles a mechanism for the co-production and co-design of FLS and has linked the Coalition to the public interest.

Thus, the Coalition acts as a quasi-formal means of communicating the concerns of the public to whom the division heads are accountable. It may seem like a paradox that although it does not participate in decision-making directly, its power of influence remains substantial. The Coalition ‘decides’ indirectly whether officials have done a good job and whether they should be congratulated or asked to review their objectives. This appears to have been institutionalized over time, which is even more important for the future because, over the past few years, the government has been cutting budgets and increasingly moving toward fiscal responsibility and program rationalization²⁵.

Through its community action and public action, the Coalition has provided a forum for experimentation that has lasted for 10 years. It has given groups new powers of influence. It has also supported a new, more inclusive and more social notion of justice in French Ontario. It has enabled the FLS Coordinator to bring about long-awaited changes in the Justice Sector. Thanks to the Strategic Plan, the Coordinator has helped to create a mechanism that is crucial for guaranteeing the active offer of FLS.

On the other hand, nothing should be taken for granted. Some respondents noted the importance of continually taking stock of one’s environment in order to anticipate new challenges. This issue remains unresolved for the Coalition; it does not have tracking tools; it has lost the opportunity to meet in Toronto prior to the meetings with government officials; and it does not train its members. In addition,

²⁵ For evidence of this, please refer to the Drummond report published in 2011. This report contains important recommendations to the government regarding the rationalization of public services.

respondents wondered why the Coalition model has not been reproduced in other ministries, when they could benefit from a similar approach.

Despite its innovative nature, it must be acknowledged that the Coalition offers only a partial alternative to the enshrinement of language rights through the courts. The Justice Sector has challenges that persist; these include the appointment of bilingual judges in the province's superior courts and the ongoing and substantial needs of community groups for funding for their activities. The challenge of the administrative tribunals is one that the government of Ontario appears to be handling with kid gloves. Despite the tireless efforts of the Coalition and its key role in the development of a collaborative approach involving the government and the Francophone community in the active offer of FLS, the challenges remain significant and, although it is no longer deemed to be the only viable approach, the enshrinement of language rights through the courts continues to be one course of action.

Conclusion

The objective of this report was to present the experience of the Coalition and to analyze the potentially innovative nature of its governance. The theoretical framework proposed by Normand (2012) and Harrisson and Klein (2007) guided our work and enabled us to identify the Coalition's contribution to the deliberation and development of individual and collective action within the Justice Sector.

A few additional conclusions are in order. First, we noted that it fell to specific individuals who had the means to innovate in order for the government and community stakeholders to learn to work together. The FLS Coordinator and the community stakeholders were able to put in place a structure conducive to new ways of thinking about, and managing, the delivery of FLS in the Justice Sector.

Authors such as Harrisson and Klein (2007) place great importance on the impact that innovations in governance have on democratic participation and deliberation. Once established, the Coalition was able to earn respect; support the participation of the groups; and produce tangible results. It became one of a multitude of stakeholders in the development of FLS for the Justice Sector. These stakeholders include the ministries in the Justice Sector, the Law Society of Upper Canada, and the judiciary, with whom it shares, albeit informally, responsibility for the delivery of FLS.

The Coalition also has a role within the notion of public governance. It is a quasi-formal mechanism for accountability in the area of FLS planning. Despite its lack of decision-making powers, it has demonstrated an unforeseen level of effectiveness.

One of the most important lessons to be drawn from the Coalition is the new way of working together within the Justice Sector and the community. Thanks to the influence of the FLS Coordinator, the collaborative approach that was developed in the Justice Sector by community groups resembles a form of innovation in governance that enhances their influence. It is a unique partnership that has been recognized as a best practice by different entities within the ministries of the Justice Sector. However, the respondents would like this practice to be adopted by all of the sectors that are governed by the *French Language Services Act*.

The informal nature of the Coalition raises the problem of training and the need for resources so that the groups can continue to contribute to the development of the Justice Sector. This is so because the lion's share of the work appears to fall to the leaders of one organization: the AJEFO. The lack of resources also raises the problem of inequality between the groups. The absence of groups representing newcomers reinforces these inequalities in terms of representation and the sharing of power. Social innovations are not solutions that solve these issues once and for all. What they do show however, in a neoliberal context, is the contribution that these innovations make to renewed collective action on identity issues such as language.

Bibliography

[Titles provided in square brackets are unofficial translations provided for information purposes only.]

Agrikoliansky, Éric. Les suages protestataires du droit [Blood, Sweat, Tears, and the Law]. In: Olivier Filieule et al. (Ed.), *Penser les mouvements sociaux. Conflits sociaux et contestations dans les sociétés contemporaines* [Social Movements. Social Conflict and Protest in Contemporary Society]. Paris: La Découverte, 2010, p. 225-43.

Association des juristes d'expression française de l'Ontario. *Cybertaxage* [Cyberbullying]. Ottawa: Association des juristes d'expression française de l'Ontario, 2010, http://www.ajefo.ca/index.cfm?Voir=sections&Id=8457&M=2668&Repertoire_No=-1325969454. Site consulted: May 10, 2013.

Bisson, Ronald. *Proposition d'un processus de planification stratégique dans le domaine de la justice en langue française* [Proposal for a French Language Strategic Planning Process in the Justice Sector]. Report by *Ronald Bisson et Associé.e.s. Inc.* presented at Forum Justice in Toronto on February 19, 2004.

Bisson, Ronald. *Ordre du jour* [Agenda]. Ottawa. Working document for a strategic planning day, prepared by *Ronald Bisson et Associé.e.s. Inc.*, Ottawa, December 17, 2003.

Bouchard, Marie (Ed.). *Innovation and the Social Economy: the Quebec Experience*. Toronto: University of Toronto Press, 2013.

Bouchard, Marie. *L'économie sociale vecteur d'innovation, l'expérience du Québec* [Innovation and the Social Economy: the Quebec Experience]. Montreal: Presses de l'Université du Québec, Collection Innovation sociale, 2011.

Cardinal, Linda, Éric Champagne, Marie-Hélène Eddie. Nouvelle gouvernance publique et innovation: le cas du Centre national de formation en santé [New Public Governance and Innovation: the Case of the National Consortium of Training in Health]. *Gouvernance* 2013;10(1):1-19.

Cardinal, Linda, Nathalie Plante. Mobilisation des connaissances au sein de la francophonie [The Mobilization of Knowledge within the Francophone Community]. In: Caroline Andrew, Ruth Hubbard, Gilles Paquet (Eds.), *Gouvernance communautaire: innovations dans le Canada français hors Québec* [Community Governance: Innovations in French Canada outside of Quebec]. Ottawa: Invenire, 2012, 95-105.

Cardinal, Linda, Martin Normand. Des accents distincts: les régimes linguistiques ontarien et québécois [Distinct Accents: Ontario's and Quebec's Language Regimes]. In: Jean-François Savard, Alexandre Brassard, Louis Côté (Eds.), *Les relations Ontario-Québec: un destin partagé* [Relations between Ontario and Quebec: A Shared Destiny]. Montreal: Presses de l'Université de Montréal, 2011, 131-58.

Cardinal, Linda, Nathalie Plante, Anik Sauvé. *From Theory to Practice: Mechanisms for the Offer of French Language Services in Ontario's Justice Sector. Volume 2: Perceptions of Public Servants and Users*. Ottawa: The Chair in Canadian Francophonie and Public Policies, 2009, 93 pp.

Cardinal, Linda. La participation des minorités francophones hors Québec à la vie politique au Canada: comment combler le déficit démocratique? [Minority Francophone Participation in Politics outside of Quebec: Overcoming the Democratic Deficit]. In: Yvon Thériault, Anne Gilbert, Linda Cardinal (Eds.). *L'espace francophone en milieu minoritaire. Nouveaux enjeux, nouvelles mobilisations* [The Francophone Space in Minority Settings. New Challenges, New Mobilizations]. Montreal: Fidès, 2008, 385-430.

Cardinal, Linda, Stéphane Lang, Anik Sauvé. *French Language Services in Ontario's Justice Sector: Report on Consultation with Francophone Stakeholders*. Ottawa: The Chair in Canadian Francophonie and Public Policies, July 2006, 76 pp.

Cardinal, Linda et al. *Environmental Scan: French Language Services in Ontario's Justice Sector*. Toronto: Ministry of the Attorney General, October 2005, 127 pp.

Cardinal, Linda. *Chroniques d'une vie politique mouvementée: l'Ontario francophone de 1986 à 1996* [Chronicles of Turbulent Political Times: Francophone Ontario from 1986 to 1996]. Ottawa: Le Nordir, 2001.

Cardinal, Linda. *L'engagement de la pensée: écrire en milieu minoritaire francophone au Canada* [Engaging Thought: Writing in a French-language Minority Community in Canada]. Ottawa: Le Nordir, 1997.

Chiasson, Guy, Simon Letendre, Mathieu Voyer. La gouvernance à la frontière: le cas du Conseil de gestion intégrée des forêts publiques du Madawaska-Restigouche [Governance on the Border. The Case of the Integrated Governance Council of Madawaska-Restigouche Public Forests]. *Gouvernance* 2013;10(1):20-35.

Dallaire, Christine, Magalie-France Houle. *La formation et la documentation des savoirs au sein de la Fédération de la jeunesse franco-ontarienne: une initiative pour appuyer l'engagement des jeunes* [The Generation and Documentation of Knowledge within the Federation of Franco-Ontarian Youth: An Initiative to Support Youth Engagement]. Ottawa: Knowledge-based Community Governance Research Alliance, University of Ottawa, 2013, 16 pp.

Drejer, Ina. Identifying Innovation in Surveys of Services: A Schumpeterian Perspective. *Research Policy* 2004;33:551-62.

Farmer, Diane, Nathalie Bélanger, Lori-Ann Cyr. Pour une gouvernance renouvelée dans le secteur de l'immigration au Nouveau-Brunswick: représentations et mobilisation autour d'un instrument d'action publique [Toward a Renewed Governance Structure in New Brunswick's Immigration Sector: Representations and Mobilization around a Tool for Public Action]. *Gouvernance* 2013;10(1):53-69.

Foucher, Pierre. Droits et lois linguistiques: le droit au service du Canada français [Language Rights and Language Legislation: The Law at the Service of French Canada]. In: Yvon Thériault, Anne Gilbert, Linda Cardinal (Eds.). *L'espace francophone en milieu minoritaire. Nouveaux enjeux, nouvelles mobilisations* [The Francophone Space in Minority Settings. New Challenges, New Mobilizations]. Montreal: Fidès, 2008, 463-513.

Gratton, Michel. *Montfort. La lutte d'un peuple* [Montfort Hospital: The Struggle of a People]. Ottawa: Centre franco-ontarien de ressources pédagogiques, 2003.

Hacquard, Angéla. *Justice en français en Ontario, Carrières en justice: 2005-2008* [Justice in French in Ontario, Careers in Justice: 2005-2008]. Ottawa: Association des juristes d'expression française de l'Ontario. PowerPoint presentation, 2007. <http://ajejo.ca/documents/CEJ-Presentation-Janv2007.ppt>. Site consulted: October 2, 2013.

Héту, Jacques. Letter from the AFMO to the Honourable Monte Kwinter thanking him for his participation in Forum Justice. Gloucester: AMFO, March 19, 2004.

Klein, Juan-Luis, Denis Harrison (Eds.), *L'innovation sociale. Émergence et effets sur la transformation des sociétés* [Social Innovation: Emergence and Impact on Transformation in Societies]. Montreal: Presses de l'Université du Québec, 2007.

Klein, Juan-Luis et al. *L'innovation sociale au Québec: un système d'innovation fondé sur la concertation* [Social Innovation in Quebec: A System of Innovation Based on Collaboration]. Montreal: Cahiers du Centre de recherche sur les innovations sociales, 2009. http://www.crisis.uqam.ca/upload/files/publications/etudes-theoriques/CRISES_ET0907.pdf. Site consulted: October 2, 2013.

Léger, Rémi. La nouvelle gouvernance des langues officielles au Canada: entre exigences et circonstances [The New Governance of Official Languages in Canada: Between Requirements and Circumstances]. *Canadian Public Administration Journal* 2013;56(3):414-32.

Department of Justice Canada. Cliquerjustice.ca: Legal Information Adapted to Everyone's Needs. *Justice in Official Languages*, June 2012;2-3.

Ministry of Public Security [sic]. *French Language Services Strategy, 2003-2005*. Ontario Provincial Police, 2003, 14 pp.

Ministry of the Attorney General and Ministry of Community Safety and Correctional Services. *A Safe, Strong, Secure Ontario. Building Awareness of the Ministry's Strategic Direction*. October 2008. <http://www.mcscs.jus.gov.on.ca/stellent/groups/public/@mcscs/@www/@com/documents/webasset/ec069601.pdf>. Site consulted: October 2, 2013.

Nadeau, Réjean. *Planification stratégique du secteur de la justice* [Strategic Planning for the Justice Sector]. Email sent to Ronald Bisson on November 24, 2003.

Normand, Martin. *L'innovation dans la gouvernance communautaire, Volume 2: Recension des écrits*. [Innovation in Community Governance. Volume 2: A Survey of the Literature]. Ottawa: Knowledge-based Community Governance Research Alliance, 2012, 23 pp.

Osborne, Stephen, Zoe Radnor, Greta Nasi. A New Theory for Public Service Management? Toward a (Public) Service-Dominant Approach. *The American Review of Public Administration* 2013;43(2):135-58.

Paquet, Gilles. *Gouvernance. Une invitation à la subversion* [Governance. An Invitation to Subversion]. Montreal: Liber, 2005.

Paquet, Gilles. *Gouvernance collaborative. Un antimanuel* [Collaborative Governance. An Anti-Manual]. Montreal: Liber, 2011.

Pollitt, Christopher, Geert Bouckaert. *Public Management Reform, A Comparative Analysis - New Public Management, Governance and the Neo-Weberian State* (3rd Edition). Oxford: Oxford University Press, 2011.

Recherche PGF. *Environmental Scan: Access to Justice in Both Official Languages*. Final report submitted to the Department of Justice Canada. Ottawa: PGF-GTA, May 20, 2002. Revised version: July 26, 2002.

Statistics Canada. 2011 Census. Population by mother tongue, by province and territory, excluding institutional residents (2011 Census). Ottawa, Report 98-314-XCB. <http://www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/demo11b-eng.htm>. Site consulted: May 20, 2013.

Tardif, Carole. *Complémentarité, convergence et transversalité: la conceptualisation de l'innovation sociale au CRISES* [Complementarity, Convergence, and Transversality: The Conceptualization of Social Innovation at CRISES, the Centre for Research on Social Innovation]. Montreal: Cahiers du Centre de recherche sur les innovations sociales, 2005.
<http://www.cris.es.uqam.ca/upload/files/publications/etudes-theoriques/ET0513.pdf>. Site consulted: October 2, 2013.

Warren, Mark E. Governance-driven democratization. *Critical Policy Studies* 2009;3(1):3-13.

Legislation

Canada Gazette Part II 2004: Vol. 138, N° 5. <http://publications.gc.ca/gazette/archives/p2/2004/2004-03-10/pdf/g2-13805.pdf>. Site consulted: October 2, 2013.

Provincial Offences Act, R.S.O. 1990. http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90p33_e.htm. Site consulted: October 2, 2013.

Official Languages (Communications with and Services to the Public) Regulations (SOR/92-48) 1991. <http://laws-lois.justice.gc.ca/eng/regulations/SOR-92-48/>. Site consulted: October 2, 2013.

French Language Services Act, R.S.O. 1990. http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90f32_e.htm. Site consulted: October 2, 2013.

Courts of Justice Act R.S.O. 1990. http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90c43_e.htm. Site consulted: October 2, 2013.

Legal Decisions

Canada (Commissioner of Official Languages) v. Canada (Department of Justice) (2001), 35 Admin. L.R. (3d) 46; 194 F.T.R. 181

Dehenne v. Dehenne, 47 O.R. (3d) 140 [1999] O.J. No. 4745.

Lalonde v. Ontario (Commission de restructuration des services de santé), [1999] O.J. No. 4489, No. 98-DV-244, Ontario Superior Court of Justice, Divisional Court.

Lalonde v. Ontario (Commission de restructuration des services de santé) 56 O.R. (3d) 505 [2001] O.J. No. 4767 Docket No. C33807 Court of Appeal for Ontario.

R. v. Beaulac, [1999] 1 S.C.R. 768.

R. c. Miljours, [2003] O.J. No. 4136; (2003) 38 M.V.R. (4^e) 229.

R. c. Miljours, 2009 ONCA 472 (CanLII).

R. c. Potvin, 2004 CanLII 73250 (ON CA).

Attachment 1 – Part VII, *Official Languages Act* (Articles 41-45) Advancement of English and French

Government policy

41. (1) The Government of Canada is committed to

- (a) enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and
- (b) fostering the full recognition and use of both English and French in Canadian society.

Duty of federal institutions

(2) Every federal institution has the duty to ensure that positive measures are taken for the implementation of the commitments under subsection (1). For greater certainty, this implementation shall be carried out while respecting the jurisdiction and powers of the provinces.

Regulations

(3) The Governor in Council may make regulations in respect of federal institutions, other than the Senate, House of Commons, Library of Parliament, office of the Senate Ethics Officer or office of the Conflict of Interest and Ethics Commissioner, prescribing the manner in which any duties of those institutions under this Part are to be carried out.

Coordination

42. The Minister of Canadian Heritage, in consultation with other ministers of the Crown, shall encourage and promote a coordinated approach to the implementation by federal institutions of the commitments set out in section 41.

Specific mandate of Minister of Canadian Heritage

43. (1) The Minister of Canadian Heritage shall take such measures as that Minister considers appropriate to advance the equality of status and use of English and French in Canadian society and, without restricting the generality of the foregoing, may take measures to

- (a) enhance the vitality of the English and French linguistic minority communities in Canada and support and assist their development;
- (b) encourage and support the learning of English and French in Canada;
- (c) foster an acceptance and appreciation of both English and French by members of the public;
- (d) encourage and assist provincial governments to support the development of English and French linguistic minority communities generally and, in particular, to offer provincial and municipal services in both English and French and to provide opportunities for members of English or French linguistic minority communities to be educated in their own language;
- (e) encourage and assist provincial governments to provide opportunities for everyone in Canada to learn both English and French;
- (f) encourage and co-operate with the business community, labour organizations, voluntary organizations and other organizations or institutions to provide services in both English and French and to foster the recognition and use of those languages;
- (g) encourage and assist organizations and institutions to project the bilingual character of Canada in their activities in Canada or elsewhere; and
- (h) with the approval of the Governor in Council, enter into agreements or arrangements that recognize and advance the bilingual character of Canada with the governments of foreign states.

Public consultation

(2) The Minister of Canadian Heritage shall take such measures as that Minister considers appropriate to ensure public consultation in the development of policies and review of programs relating to the advancement and the equality of status and use of English and French in Canadian society.

Annual report to Parliament

44. The Minister of Canadian Heritage shall, within such time as is reasonably practicable after the termination of each financial year, submit an annual report to Parliament on the matters relating to official languages for which that Minister is responsible.

Consultation and negotiation with the provinces

45. Any minister of the Crown designated by the Governor in Council may consult and may negotiate agreements with the provincial governments to ensure, to the greatest practical extent but subject to Part IV, that the provision of federal, provincial, municipal and education services in both official languages is coordinated and that regard is had to the needs of the recipients of those services.

Source: *Official Languages Act* (R.S.C., 1985, c. 31 (4th Supp.)), online: <http://laws-lois.justice.gc.ca/eng/acts/o-3.01/> . Site consulted: October 2, 2013.

Attachment 2 – Chronology of FLS in the Justice Sector, 1984 to 2013

1984

Courts of Justice Act, 1984

Provincial Government

1986

French Language Services Act, 1986

Provincial Government

1988

Official Languages Act, 1988

Federal Government

1990

Revised Statutes of Ontario, 1990

Provincial Government

Law Society Act, 1990

Provincial Government

1993

First French-language legal aid clinics

Francophone Community

First French-language sexual assault/rape crisis centres

Francophone Community

1994

Cousineau Report on Use of French in Ontario's Justice Sector

Provincial Government

Merger of the Ministry of the Solicitor General and Correctional Services
with the Ministry of the Attorney General

Provincial Government

1995

The Conservative Party returns to power, resulting in a restructuring of the
Justice Sector

Provincial Government

1997

Office of Francophone Affairs develops a Strategic Plan for services for
women who are victims of violence

Francophone Community

1999

Devolution of the administration of the *Provincial Offences Act* to Ontario's
municipalities

Provincial Government

Legal Aid Ontario becomes subject to the *French Language Services Act*

Provincial Government

R. v. Beaulac

Jurisprudence

Dehenne v. Dehenne

Jurisprudence

2000

Merger of French-language services within Ontario's Justice Sector Provincial Government

2001

Ontario Regulation 53/01 on the Courts of Justice Act Provincial Government

Franco-Ontarian Emblem Act, 2001 Provincial Government

Lalonde v. Ontario (Commission de restructuration des services de santé) Jurisprudence

Canada (Commissioner of Official Languages) v. Canada (Department of Justice) Jurisprudence

2002

Environmental Scan: French Language Services in Ontario's Justice Sector Federal Government

Environmental Scan: Access to Justice in Both Official Languages Federal Government

Merger of the Justice Sector; inclusion of the Ontario Victim Services Secretariat and the Aboriginal Affairs Secretariat Provincial Government

2003

The Next Act: New Momentum for Canada's Linguistic Duality: the Action Plan for Official Languages Federal Government

The Liberal Party is elected to power in Ontario Provincial Government

Merger of the Justice Sector; inclusion of the Democratic Renewal Secretariat and Legal Aid Ontario Provincial Government

The Coalition des intervenantes et intervenants francophones en justice Francophone Community

Tripartite agreement on FLS offered by municipal police services Francophone Community

R. v. Miljours Jurisprudence

2004

Action Plan: Implementation of Section 41 of the Official Languages Act Federal Government

Merger of the Justice Sector; inclusion of the Ontario Human Rights Commission Provincial Government

R. v. Potvin Jurisprudence

2005

Studies on the needs of the Francophone community by the Chair in Canadian Francophonie and Public Policies, University of Ottawa Francophone Community

Bolduc v. Pozzebon Jurisprudence

2006

Validation and approval of the results of the study by the network and by senior officials in the ministries in the Justice Sector
2006-2011 Strategic Plan for the Coalition

Provincial Government
Francophone Community

2008

Roadmap for Canada's Linguistic Duality 2008-2013: Acting for the Future
Belende v. Patel

Federal Government
Jurisprudence

2009

Canada-Wide Analysis of Official Language Training Needs in the Area of Justice
Bajikijaie v. Mbuyi

Federal Government
Jurisprudence

2010

Study on the Results of the Strategic Plan conducted by the Chair in Canadian Francophonie and Public Policies
Résidence St-Louis v. Association des infirmières et infirmiers de l'Ontario (Language Grievance), [2010] O.L.A.A. No. 666 (QL).
[Landry v. Law Society of Upper Canada

Francophone Community
Jurisprudence
Jurisprudence

2011

Appointment of a unilingual Anglophone judge to the Supreme Court
2011-2016 Strategic Plan for the Coalition
R. v. Sarrazin

Federal Government
Francophone Community
Jurisprudence

2012

Hawkesbury OPP Detachment becomes the first bilingual detachment in Ontario

Provincial Government

2013

Roadmap for Canada's Official Languages 2013-2018: Education, Immigration, Communities
Report of the French Language Services Bench and Bar Advisory Committee to the Attorney General
Creation of an Advisory Committee on the Administration of Justice by the Ministry of the Attorney General, in response to a build-up of complaints

Federal Government
Provincial Government
Provincial Government

Attachment 3 - The 25 Designated Areas of Ontario

City of Toronto (All)

City of Hamilton (All of the City of Hamilton as it exists on Dec. 31, 2000)

Regional Municipality of Niagara: Cities of: Port Colborne and Welland

City of Ottawa (All)

Regional Municipality of Peel: City of Mississauga, City of Brampton

City of Greater Sudbury (All)

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 Glengarry (All)

County of Kent: Town of Tilbury, Townships of Dover and Tilbury East

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 Nipissing (All)

District of Sudbury (All)

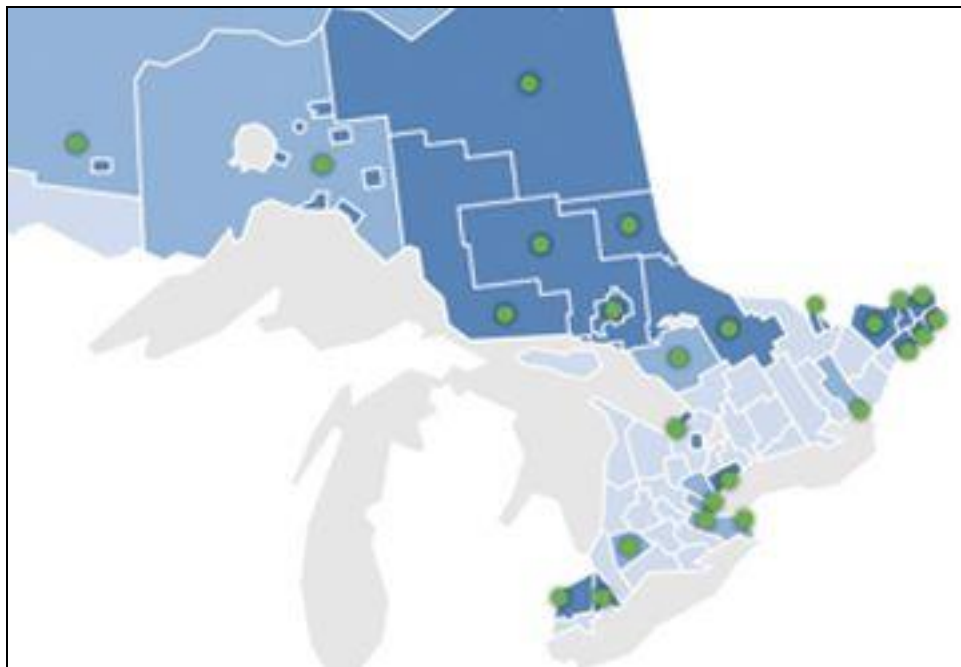
District of Thunder Bay: Towns of Geraldton, Longlac and Marathon, Townships of Manitouwadge, Beardmore, Nakina & Terrace Bay

District of Timiskaming (All)

County of Middlesex: City of London

District of Parry Sound: Municipality of Callander

County of Frontenac: City of Kingston



Source: Ontario. Office of Francophone Affairs. "Map of Designated Areas" *French Language Services Act*. Online: <http://www.ofa.gov.on.ca/en/flsa-mapdesig.html> Site consulted: May 16, 2013.