



Financial Services Tribunal

French Language Services Policy

Ce document est également disponible en français

1.0 Introduction

The Financial Services Tribunal is an independent, adjudicative body which has exclusive jurisdiction to exercise the powers conferred under the [Financial Services Tribunal Act, 2017](#) and related Acts. The Financial Services Tribunal is a designated tribunal under the [Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009](#) and plays an important role in the administration of justice in Ontario by serving the needs of the public in the financial services sectors regulated by the Financial Services Regulatory Authority of Ontario.

The Financial Services Tribunal has a commitment to providing French language services in compliance with its obligations under the [French Language Services Act](#) and regulations¹.

2.0 Purpose

The purpose of this Policy is to:

- acknowledge the Financial Services Tribunal's commitment to provide French language services in compliance with the [French Language Services Act's](#) requirements to uphold the right to receive services in French; and
- inform the public about the manner in which the Financial Services Tribunal provides French language services.

If there is any conflict between this Policy and the Rules of Practice and Procedure for Proceedings before the Financial Services Tribunal, this Policy will prevail. If there is any conflict between this Policy or the Rules and the [French Language Services Act](#), the [French Language Services Act](#) will prevail.

¹ Note – O. Reg. 544/22 effective December 5, 2022, in force April 1, 2023

3.0 Principles

The Financial Services Tribunal recognizes the importance of offering French language services as set out in the *French Language Services Act* and in accordance with the principles referred to in its preamble.

The Financial Services Tribunal makes an active offer of French language services at first contact with an individual, which includes taking measures that it considers appropriate to make the individual aware of those services. An active offer means that French language services are clearly **visible**, readily **available**, easily **accessible**, **publicized**, and of **equivalent quality** to services offered in English.

The Financial Services Tribunal is mindful of the cultural diversity in Ontario and the importance of recruiting employees and adjudicators from diverse groups, including those with French language competencies.

In fulfilling its commitment to providing French language services, the Financial Services Tribunal understands the importance of its employees and adjudicators recognizing and carrying out their role in delivering French language services.

4.0 Policy

4.1 Communication

The Financial Services Tribunal will communicate in the proceeding participant's language of choice (French or English) notwithstanding the fact that a participant's representative may speak the other language. A participant may change the language of his or her communication with the Financial Services Tribunal by notifying the Registrar in writing.

4.2 Written Communication

All written materials generated by the Financial Services Tribunal for the public, including the Financial Services Tribunal's website, social media content, publications, documents, forms, notices, signs, rules, and policies, whether in electronic or hard copy format, will be available simultaneously in French and in English and will be equivalent in quality and content.

All file-related correspondence initiated by the Tribunal, as well as any electronic versions of such materials, will be provided in the proceeding participant's language of choice (French or English). All forms and other documents and communications which provide information about the Financial Services Tribunal's services, whether in electronic or hard copy format, will include the notice that they are also available in the other language.

4.3 Oral Communication

When proceeding participants contact, or are contacted by, the Financial Services Tribunal by phone, in-person or electronically, the point of first contact will greet the client in both languages (French and English) and continue in the party's language of choice (French or English). If the first point of contact is not able to communicate to an individual in their language of choice (French or English), they will direct the person to a French-speaking person without unreasonable delay.

The voicemail of the Financial Services Tribunal's general telephone line will provide information in both French and English.

4.4 Financial Services Tribunal Proceedings

A French-speaking or bilingual staff member, adjudicator or Financial Services Tribunal third-party translation services provider will be assigned to proceedings whenever:

- an application or appeal is submitted in French;
- a participant requests that the proceeding be conducted wholly or partly in French; or
- a participant requests to communicate in French at any time in the proceeding process.

Participants requesting French services will have equal access to all types of proceedings available before the Financial Services Tribunal and the quality of French language services will be of equivalent quality to the same service provided in English.

Participants will provide as much notice as possible, in advance of a proceeding, to advise the Financial Services Tribunal that they are requesting French or bilingual services OR that they no longer require the requested French or bilingual services. Where a request for French or bilingual services is raised during any stage of a proceeding, the panel adjudicators in consultation with all proceeding participants and the Financial Services Tribunal translation services provider(s) will consider each request and will provide equal access to French language services in accordance with the Financial Services Tribunal rules and procedures, this Policy and the [French Language Services Act](#). In responding to these requests, the Financial Services Tribunal will consider the requester's language rights and the circumstances of the proceeding.

A French-English interpreter will be provided by the Financial Services Tribunal for a party or witness who does not understand the other language. The Financial Services Tribunal will schedule bilingual and French language proceedings within timeframes equivalent to those applicable to proceedings in English.

4.5 Decisions

Financial Services Tribunal decisions will be released in the language of the hearing (including motions). Decisions relating to hearings where the clients have participated in both French and English will be released in both languages simultaneously.

All other decisions and proceeding transcripts will be translated into the language of the proceeding, or otherwise, as determined by the Financial Services Tribunal in the circumstances, in accordance with the Financial Services Tribunal's Rules.

4.6 Documents & Translations

Proceeding participants must submit written submissions or evidence either in French or in English, or both, depending upon the language of the proceeding as ordered by the Tribunal. These documents will form part of the proceeding record in the language in which they are submitted. As a general practice, the Financial Services Tribunal will not translate documents submitted to the Financial Services Tribunal by a participant. The Tribunal may provide such translations or may order a participant to provide such translations at the submitting participant's own expense, if the Tribunal considers it necessary for the fair determination of the matter.

4.7 Third Party Agreements

Where the Financial Services Tribunal makes an arrangement with a third-party services provider to provide translation or other services to the public or proceeding participants on its behalf, the third-party services provider will be required to provide its services in accordance with the [French Language Services Act](#) and the provider will take appropriate measures to provide an active offer of French to the public/proceeding participant.

5.0 Review

The Financial Services Tribunal will review this Policy at least once every three years and will update the Policy, as required, to confirm that it continues to reflect the most recent legal developments.

6.0 Feedback, Inquiries, and Complaints

Feedback, inquiries, and complaints about the quality of French language services or application of this Policy can be sent to contact@fstontario.ca. Complaints will be processed pursuant to the Financial Services Tribunal Complaints Policy and Process under the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*.

Complaints can also be sent to the [Office of the Ombudsman of Ontario](#). For more information or to submit a complaint, visit their website. The Ombudsman's Office promotes fairness,

accountability and transparency in the public sector by resolving and investigating public complaints and systemic issues within its jurisdiction. The [Ombudsman's](#) jurisdiction and powers of investigation also include ensuring that the rights of Ontarians and the obligations of government agencies are respected according to the [*French Language Services Act*](#).

Effective as of June 2023