

 <p>Winnipeg Regional Health Authority Office régional de la santé de Winnipeg Caring for Health À l'écoute de notre santé</p> <p style="text-align: center;">POLICY</p>	<p>REGIONAL</p> <p>Applicable to all WRHA governed sites and facilities (including hospitals and personal care homes), and all funded hospitals and personal care homes. All other funded entities are excluded unless set out within a particular Service Purchase Agreement.</p>		<p>Level:</p> <p style="text-align: center;">1</p>
	<p>Policy Name:</p> <p style="text-align: center;">French Language Services – Designation of Bilingual Sites and Positions</p>	<p>Policy Number:</p> <p style="text-align: center;">10.40.240</p>	<p>Page</p> <p style="text-align: center;">1 of 6</p>
	<p>Approval Signature:</p> <p style="text-align: center;"><i>Original signed by Vickie Kaminski</i></p>	<p>Section:</p> <p style="text-align: center;">LANGUAGE SERVICES</p>	
	<p>Date:</p> <p style="text-align: center;">August 2020</p>	<p>Supercedes:</p> <p style="text-align: center;">February 2013</p>	

1.0 PURPOSE:

- 1.1 To ensure regular and permanent Active Offer of health and social services in both official languages to the general public, clients, patients, residents and families with integrity, compassion, dignity, respect, equity, accountability and excellence in a linguistically and culturally competent way that ensures the quality of services and patient safety.
- 1.2 To facilitate the designation of bilingual sites according to the provincial legislation.
- 1.3 To facilitate the designation of bilingual positions while ensuring a bona fide process that is relevant to the service provided in accordance with provincial policy.

2.0 DEFINITIONS:

- 2.1 Active Offer: An offer of services in French which reflects the set of measures taken to ensure that services in French are visible, readily available, easily accessible (whether provided by verbal, written or electronic methods) and of comparable quality to those offered in English. The Active Offer of French-language health and social services ensures easy access in both official languages in designated areas where there is a large Francophone population.
- 2.2 Bilingual or Bilingualism: The ability to communicate proficiently in both Official Languages (French and English).
- 2.3 Bilingual-Designated Regional Health Authority: A regional health authority that has the obligation of providing health services in the French language in areas where the French-speaking population is concentrated.
- 2.3 Bilingualism Required: The requirement to communicate in both Official Languages, qualifying as a *bona fide* occupational requirement for a Designated Bilingual Position. The provincial policy *Human Resources French Language Policy for Health Care Services* defines bilingualism required as a legitimate qualification for all positions where French language proficiency is a requirement.

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- 2.4 Communications in Official Languages: The set of written, verbal, audiovisual and digital communications by which information or assistance is provided to the Francophone community, and which are comparable to those offered in English.
- 2.5 Designated Bilingual Facilities, Sites, Programs, and Services: Generic term for WRHA designated sites, programs and services that are required to actively offer services in both French and English, pursuant to the Government of Manitoba French Language Services Policy. Designated Bilingual sites, programs and services can be defined by three (3) levels of bilingualism:
- Designated Bilingual or Francophone Site: One hundred percent (100%) of services and positions are designated bilingual (French/English);
 - Designated Bilingual Service Area: A negotiated percentage of provincial, intermediate, district or local services are designated bilingual (French/English); and
 - Designated Bilingual Positions: Specific positions are identified for bilingual designation (French/English).
- 2.6 Designated Bilingual or Francophone Site: One hundred percent (100%) of services and positions are designated bilingual (French/English);
- 2.7 Designated Bilingual Position(s): A position that is to be filled by an individual who is proficient in both Official Languages (French and English) and who is able to adequately deliver comparable service in both Official Languages, in accordance with the requirements of the Manitoba French Language Services Policy, the Active Offer of French-language health and social services concept and the WRHA French Language Services policies.
- 2.8 Designated Bilingual Service Area (Target Designation): A negotiated percentage of a provincial, intermediate, district or local health and social services are designated bilingual (French/English). Where an optimal target number of Designated Bilingual employees are identified to offer/deliver health services in both Official Languages within a regional facility, program, service or agency.
- 2.9 Francophones: As per the Francophone Community Enhancement and Support Act, Francophones are defined as: “Persons in Manitoba whose mother tongue is French and those persons in Manitoba whose mother tongue is not French but who have a special affinity for the French language and who use it on a regular basis in their daily life.”
- 2.10 Francophone Vitality: A set of characteristics or resources that promote or contribute to the linguistic advancement of the community.
- 2.11 Linguistic Profile: Description of linguistic skills required in French. This includes a proficiency level for speaking (oral expression), comprehension (listening skills), reading and writing, as applicable for a Designated Bilingual Position.
- 2.12 Manitoba's Francophone Community: Refers to all peoples and communities anywhere in Manitoba that have French as their mother tongue or customary language.

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- 2.13 Official Languages: English and French are the Official Languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and Government of Canada. The Government of Manitoba’s French Language Services Policy recognizes the fact that the French-speaking population of Manitoba is a constituent of one of the fundamental characteristics of Canada.
- 2.14 Priority Populations: Based on past research, including The Manitoba Centre for Health Policy (MCHP) study, several population groups have been identified as being most at-risk if culturally and linguistically appropriate services are not available. They are young children, maternal care (pre- and post-partum), seniors, individuals living with mental health concerns, individuals experiencing an acute health issue or those receiving palliative care, and the newcomer population.
- 2.15 WRHA FLS Plan: An outline of the practical ways and means by which Designated Bilingual or Francophone sites, programs and services can actively offer and effectively provide services in French through designated service areas and by using bilingual and French-language information materials in the Winnipeg - Churchill Health Region. The Plan typically consists of a 5-year strategic plan and an annual operational plan.

3.0 **POLICY:**

- 3.1 The WRHA shall designate bilingual sites and positions in accordance with the:
- 3.1.1 Government of Manitoba French Language Services Policy;
 - 3.1.2 Government of Manitoba Human Resources French Language Policy for Health Care Services;
 - 3.1.3 Regional Health Authorities Act (C.C.S.M. c. R34) - French Language Services Regulation (135/2013);
 - 3.1.4 Regional Health Authorities Act (C.C.S.M. c. R34) - Bilingual and Francophone Facilities and Programs Designation Regulation (RR46/98);
 - 3.1.5 The concentration of Francophone population in the WRHA, as indicated in the Government of Manitoba French Language Services Policy and current census data.
- 3.2 In accordance with the provincial policy ‘Human Resources French Language Policy of Health Care Services’, the WRHA recognizes that bilingualism is a bona fide qualification within all designated bilingual positions. A bilingual incumbent hired into a designated bilingual position accepts responsibility to provide services in both official languages.
- 3.3 A consistent, regional approach is used in the designation process of bilingual sites and positions in the WRHA aligning with the Chartier Report Above All, Common Sense (1998) and the provincial vision. Evidence-informed metrics such as complaints, language preference data, interpretation usage, language utilization data, census data, occurrences and critical incidents, Canadian Patient Experience Survey – Inpatient Care data, client satisfaction surveys, community health assessments, etc.,

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shall be used to determine the need of bilingual designations. The framework for the designation of bilingual positions in the WRHA address three (3) types of designations:

- 3.3.1 Site Designation: Where the bilingual designation is applied within an institution located in an area with a higher concentration of Francophone population, all positions are designated bilingual.
- 3.3.2 Position Designation: Where a specific position within a site, program or service is designated bilingual to offer and deliver health and social services in both official languages.
- 3.3.3 Target Designation: Where an optimal number on the percentage of designated bilingual positions are identified to offer and deliver health and social services in both official languages within a regional program or service.

3.4 Bilingual designations principles include, but are not limited to:

- 3.4.1 Health centres, personal care homes and other sites located in areas with a higher concentration of Francophone population;
- 3.4.2 Programs and services serving areas with a higher concentration of Francophone population as per the Government of Manitoba French Language Services Policy;
- 3.4.3 Sufficient number of positions to offer and deliver health and social services in both official languages in areas with a higher concentration of Francophone population;

4.0 **PROCEDURE:**

4.1 **Needs Assessment**

- 4.1.1 The WRHA FLS department, in collaboration with the leadership of the respective sites, programs and services shall determine the bilingual designations in accordance with policy statements herein and with the provincial “Designation policy of Francophone and Bilingual Facilities, Programs and Services.”
- 4.1.2 Before the creation of Designated Bilingual Positions, each of the sites, programs and services in collaboration with its Human Resources Department and WRHA FLS representative shall assess its particular situation with respect to the offer and delivery of health and social services in French. In particular, each of the sites, programs and services shall act upon the Bilingual Designations as per the recommendations contained in the Gauthier Report and the Chartier Report, and as proposed by the Government of Manitoba. Evidence-informed metrics such as complaints, language preference data, interpretation usage, language utilization data, census data, occurrences and critical incidents, Canadian Patient Experience Survey – Inpatient Care data, client satisfaction surveys, community health assessments, etc., shall be used to determine the need of bilingual designations.

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- 4.1.3 The director of a site, program or service shall consult the WRHA FLS department to determine the requirement for bilingual designation when:
 - 4.1.3.1 A vacancy occurs in a target designation within a regional program or service;
 - 4.1.3.2 A new position is identified; and
 - 4.1.3.3 Organizational changes or restructuring occur.
- 4.1.4 Each of the sites, programs and services shall review the following in relation to the bilingual designation and consult with its Human Resources Department as appropriate:
 - 4.1.4.1 Collective agreement provisions;
 - 4.1.4.2 Pending, existing or previous grievances/grievance settlements;
 - 4.1.4.3 Ancillary agreements with the collective bargaining unit; and
 - 4.1.4.4 Prior practice within the WRHA facility, program, service or agency.

4.2 Designating Bilingual Positions

- 4.2.1 Once the review is complete and there is a clear understanding of French Language Services Plans, as well as any restrictions imposed through collective agreements, ancillary agreements or by prior practice, each of the sites, programs or services shall proceed with the creation of Designated Bilingual Positions in collaboration with the WRHA FLS department.
- 4.2.2 Decisions to create a Designated Bilingual Position shall be objective, in good faith, and relevant to the service provided. The site, program or service shall review the day-to-day practice of a given program, area or service and:
 - 4.2.2.1 Identify objectively which positions require proficiency in both official languages for effective offer and delivery of health and social services in French. As a minimum, positions to be designated are those that serve clients, patients, residents or the public directly whether in a receiving, clerical or professional capacity; and
 - 4.2.2.2 Consider which job classifications require a bilingual designation (including positions required to provide back-up or relief duties) and determine the number of positions required for each classification.
- 4.2.3 Each of the sites, programs and services shall establish all anticipated Designated Bilingual Positions, in collaboration with its Human Resources Department and the WRHA FLS representative, and:
 - 4.2.3.1 Seek Human Resources assistance and counsel when

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considering a change to prior practice;

4.2.3.2 Finalize the list and seek final approval as required; and

4.2.3.3 Communicate the final list to interested or affected parties.

4.2.4 A newly created Designated Bilingual Position shall proceed on a move-forward basis. The creation of a Designated Bilingual Position will not affect the incumbent. The requirements related to a Designated Bilingual Position come into effect when the position is next vacated.

4.2.5 In accordance with the WRHA FLS Plan, sites, programs and services shall review every five years, at minimum, the number and type of Designated Bilingual Positions as per WRHA FLS Plan. Changes shall be communicated to interested parties.

5.0 **REFERENCES:**

- 5.1 Government of Manitoba - [French Language Services Policy](#)
- 5.2 Government of Manitoba - Human Resources French Language Policy for Health Care Services
- 5.3 Regional Health Authorities Act (C.C.S.M. c. R34) - [French Language Services Regulation](#) (135/2013)
- 5.4 Regional Health Authorities Act (C.C.S.M. c. R34) - [Bilingual and Francophone Facilities and Programs Designation Regulation](#) (R.M. 131/2013)
- 5.5 [The Francophone Community Enhancement and Support Act](#) (C.C.S.M. F157)
- 5.6 [The Accessibility for Manitobans Act](#) (C.C.S.M. c. A1.7)
- 5.7 Canadian Heritage (Sections 16-22) [Official Languages of Canada](#)
- 5.8 Government of Manitoba - [Guidelines Manual for the Implementation of French Language Services](#)
- 5.9 WRHA French Language Services (FLS) Plan
- 5.10 Chartier, Honourable Judge Richard. [Above All, Common Sense](#) – Report and Recommendations on French Language Services within the Government of Manitoba (Commissioned by the Government of Manitoba). May 1998
- 5.11 [Gauthier Report](#) - Study of French-Language Services in Manitoba's Health Care Facilities (1990)

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