

 <p>Winnipeg Regional Health Authority Office régional de la santé de Winnipeg Caring for Health À l'écoute de notre santé</p> <p>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>		Level: 1
	Policy Name: French Language Services – Recruitment to Designated Bilingual (English/French) Positions	Policy Number: 10.40.250	Page 1 of 13
	Approval Signature: <i>Original Signed by Vickie Kaminski</i>	Section: LANGUAGE SERVICES	
	Date: August 2020	Supersedes: February 2013	

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 provide guidance to the WRHA and its designated sites, programs and services to offer a consistent approach in the management and planning of human resources related to the offer and delivery of French-language services in designated health and social service sites, programs and services.
- 1.3 To facilitate a standardized recruitment process into to Designated Bilingual Positions in keeping with the WRHA's general recruitment processes.

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).

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- 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.
- 2.4 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.
- 2.5 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.
- 2.6 Condition of Employment: Set of criteria an employee is required to maintain or undertake to meet the terms of their employment contract. For recruitment into Designated Bilingual Positions, a Condition of Employment indicates a provision whereby an employee with a minimum level of French proficiency can be successfully hired into a Designated Bilingual Position subject to specific upgrading criteria, including level(s) of French proficiency and timeline requirements.
- 2.7 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).
- 2.8 Designated Bilingual or Francophone Site: One hundred percent (100%) of services and positions are designated bilingual (French/English);
- 2.9 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.
- 2.10 Designated Bilingual Service Area (Target Designation): A negotiated percentage

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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.

- 2.11 External Posting: A posting that is open to both internal and external candidates.
- 2.12 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."
- 2.13 Francophone Vitality: A set of characteristics or resources that promote or contribute to the linguistic advancement of the community.
- 2.14 Internal Posting: A posting that is open only to internal candidates.
- 2.15 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.
- 2.16 Manitoba's Francophone Community: Refers to all peoples and communities anywhere in Manitoba that have French as their mother tongue or customary language.
- 2.17 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.
- 2.18 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.
- 2.19 Provincially Designated Bilingual and Francophone Facilities and Programs: Health corporations and health care organizations provincially designated as a bilingual or Francophone facility or program. Bilingual or Francophone facilities or programs designated under the Bilingual and Francophone Facilities and Programs Designation Regulation (R34 - R.M. 131/2013) must comply with the government's French Language Services Policy and hold a special status in

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regard to the country's official languages.

2.20 Target Designation: Where an optimal target number on the percentage of Designated Bilingual employees are identified to offer/deliver health services in both Official Languages within a regional facility, program, service or agency.

2.21 WRHA FLS Plan: An outline of the practical ways and means by which Designated Bilingual sites, programs and services 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 consists of a 5-year strategic plan and an annual business plan.

3.0 **POLICY:**

3.1 The WRHA and its designated bilingual sites, programs and services shall actively recruit into Designated Bilingual 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 The WRHA and its designated bilingual sites, programs and services shall facilitate recruitment to Designated Bilingual Positions in accordance with existing recruitment policies and the provisions outlined in this policy.

3.3 The WRHA and its designated bilingual sites, programs and services recognize that bilingualism (fluency in French/English) is a legitimate qualification for all positions where French language proficiency is a requirement thus incorporating French-language competence as an essential hiring criterion.

4.0 **PROCEDURE:**

4.1 **WRHA Bilingual Designation Framework**

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4.1.1 The WRHA and its designated bilingual sites, programs and services shall adhere to the established bilingual designation framework. The framework for the designation of bilingual positions in the WRHA address three (3) types of designations:

4.1.1.1 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.

4.1.1.2 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.

4.1.1.3 Target Designation: Where an optimal number of designated bilingual positions are identified to offer and deliver health and social services in both official languages within a regional program or service.

4.2 Linguistic Profiles

4.2.1 Concurrent with the consideration of which positions shall become Designated Bilingual Positions, a Linguistic Profile shall be prepared for each such position.

4.2.2 Each of the sites, programs, services shall:

4.2.2.1 Confirm specific language skills (speaking, comprehension, reading and writing) and proficiency levels required, in consultation with the site or WRHA FLS representative and the manager responsible for a given Designated Bilingual Position (assessment is based on current and anticipated duties as outlined in the job description for the position); and

4.2.2.2 Finalize the Linguistic Profiles for all anticipated Designated Bilingual Positions.

4.3 Requisition for Staff and Job Posting for Designated Bilingual Positions – Site and Target Designation

4.3.1 Following approval of a requisition for staff for a posting a Designated Bilingual Position, the hiring manager shall email the posting to advise the WRHA FLS department.

4.3.2 Compensation Services shall determine if a bilingual version of the

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posting has been translated. If so, the posting shall be provided to Human Resources in a bilingual format. If it does not exist or if additions and changes have been made to the English posting from the previously translated version, the WRHA FLS department shall coordinate the translation and send the posting in a bilingual format to Compensation Services.

- 4.3.3 Job postings for Designated Bilingual Positions on the WRHA website shall be in a bilingual format.

4.4 Job Descriptions

- 4.4.1 WRHA website, program and services shall ensure that each job description relating to a Designated Bilingual Position includes:

- 4.4.1.1 An appropriate level of qualification requirements including Bilingualism; and

- 4.4.1.2 Job descriptions and job postings are consistent.

4.5 Recruitment in a Permanent Designated Bilingual Position – Target Designation

- 4.5.1 A permanent Designated Bilingual Position, with a linguistic profile and an established job description reflecting all qualifications and requirements, including the level of bilingualism as identified in the Linguistic Profile, shall be posted in both Official Languages.
- 4.5.2 At the discretion of the hiring manager, a permanent Designated Bilingual Position may initially be an Internal Posting. If unsuccessful in hiring a bilingual incumbent on the first posting, the course of action outlined in 4.4.3 shall be followed.
- 4.5.3 If the first posting proves unsuccessful, the Designated Bilingual Position shall be posted a second time by way of both an Internal Posting and an External Posting. If unsuccessful in hiring a bilingual incumbent on the second posting, the course of action outlined in 4.4.4 shall be followed.
- 4.5.4 If the second posting proves unsuccessful, the Designated Bilingual Position shall be posted a third time as an Internal Posting and as an External Posting with underfill language. The third posting shall contain the following underfill language: *If no candidates satisfy the bilingualism requirement, candidates meeting all other requirements and qualifications may be considered for the position.* On the third posting for a permanent Designated Bilingual Position, a non-bilingual incumbent may be considered if they meet the other minimum qualifications and if underfill

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language was added to the posting.

4.5.5 The following factors shall be taken into account when considering a non-bilingual incumbent for a Designated Bilingual Position: hiring history for that classification; length of term (if applicable); available candidate pool; impact upon service and/or internal functioning of unit or program.

4.5.6 If the third posting is unsuccessful, and the position is filled by a non-bilingual incumbent, the next permanent position of the same classification and FTE shall be posted as a Designated Bilingual Position, as outlined in this policy.

4.6 Recruitment in a Permanent Designated Bilingual Position – Site Designation

4.6.1 Designated sites within the WRHA shall post the permanent Designated Bilingual Position indefinitely by way of both an Internal Posting and an External Posting until the position is filled. Only in extenuating circumstances where patient or client safety is at risk and at the discretion of the COO/ED or designate, may the permanent Designated Bilingual Position be underfilled as outlined in 4.4.

4.7 Recruitment in a Term Designated Bilingual Positions – Target Designation

4.7.1 A term Designated Bilingual Position, with a Linguistic Profile and established job description reflecting all qualifications and requirements, including bilingualism as identified in the Linguistic Profile, shall be posted in both Official Languages.

4.7.2 At the discretion of the hiring manager, a term position may initially be an Internal Posting only. If unsuccessful in hiring a bilingual incumbent on the first posting, the course of action outlined in 4.5.3 shall be followed.

4.7.3 If the first posting proves unsuccessful, the term Designated Bilingual Position may be posted a second time by way of both an Internal Posting and an External Posting with underfill language. The term Designated Bilingual Positions may be posted a second time with the following underfill language: *If no candidates satisfy the bilingualism requirement, candidates meeting all other requirements and qualifications may be considered for the position.* On a second posting for a term Designated Bilingual Position, a non-bilingual incumbent may be considered if they meet the other minimum qualifications and if underfill language was added to the posting.

4.7.4 Candidates with a basic knowledge of French being considered for term positions shall be tested for linguistic ability. However, if they do not

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meet the established Linguistic Profile, their hiring shall not be subject to a Condition of Employment. The hiring manager may encourage the incumbent to take advantage of French-language educational opportunities; however, the decision remains the choice of the incumbent.

4.7.5 The following factors shall be taken into account when considering a non-bilingual incumbent for a Designated Bilingual Position: hiring history for that classification; length of term (if applicable); available candidate pool; impact upon service and/or internal functioning of unit or program.

4.7.6 When a term Designated Bilingual Position becomes permanent, it shall be posted as a Designated Bilingual Position as outlined in this policy.

4.8 Recruitment in a Term Designated Bilingual Positions – Site Designation

4.8.1 Designated sites within the WRHA shall post the permanent Designated Bilingual Position indefinitely by way of both an Internal Posting and an External Posting until the position is filled. Only in extenuating circumstances where patient or client safety is at risk and at the discretion of the COO/ED or designate, may the permanent Designated Bilingual Position be underfilled as outlined in 4.4.

4.9 Job Applications Assessment and Selection

4.9.1 The WRHA site, program or service initiating the posting shall be responsible for assessing qualifications, shortlisting applicants, conducting interviews, assessing the candidates' English and French-language competencies and making the final selection. Where applicable, the WRHA site, program or service shall refer to the provisions of the relevant collective agreement. Human resources shall provide assistance upon request.

4.10 French-language Proficiency Evaluations

4.10.1 The WRHA FLS department shall conduct the French-language proficiency evaluations using a standardized tool of language competency to ensure equity and rigour for the candidates and for the resulting quality of services according to the principles of consistency, transparency and accountability.

4.10.2 It is the responsibility of WRHA FLS department or an outside independent source as approved by WRHA FLS department, to evaluate the candidates' French-language proficiency as determined by the Linguistic Profile of the Designated Bilingual Position.

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- 4.10.3 The WRHA site, program or service initiating the posting shall submit a French-language proficiency evaluation request form to the WRHA FLS department before a job interview is scheduled with the candidate.
- 4.10.4 Upon completion, the French-language evaluation results shall be sent to the site, program or service Human Resources Consultant and/or the hiring manager in a timely fashion. The results shall indicate one of the following scenarios:
 - 4.10.4.1 Pass: The candidate passed all the required French-language proficiency evaluations for the Designated Bilingual Position;
 - 4.10.4.2 Condition of Employment: The candidate did not pass all the required French-language proficiency evaluations of the Designated Bilingual Position, however, may be hired on Condition of Employment;
 - 4.10.4.3 Fail: The candidate did not pass the French-language proficiency evaluation for the Designated Bilingual Position.
- 4.10.5 Candidates are entitled to receive a copy of their French-language proficiency evaluation results upon request. Initiating appeals of the test results shall be the responsibility of the candidate by contacting the WRHA FLS department within one month of the testing date.
- 4.10.6 If the incumbent meets the linguistic profile of the position, the results remain valid while they remain in their position, or if they move to a Designated Bilingual Position with an equivalent or lower Linguistic Profile.
- 4.10.7 If a candidate applies for a position with a higher Linguistic Profile or contains a competency not previously required and the results of their most recent test do not meet this profile, the candidate shall be re-evaluated by the WRHA FLS department. If the candidate does not meet the minimum requirement of the Linguistic Profile, but has intermediate French language proficiency (as determined by the WRHA FLS department) and is prepared to undertake French-language training, they may be hired with a Condition of Employment for the French-language proficiency requirement of a Designated Bilingual Position as outlined in 4.11.
- 4.10.8 If an employee is appointed to a Designated Bilingual Position in an acting or interim capacity and the employee has a basic knowledge of French, their language skills shall be evaluated at the time of the appointment by the WRHA FLS department. If the employee is later awarded the position in a permanent capacity, and the employee did not

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meet the established Linguistic Profile, the employee shall be re-evaluated. If the employee does not meet the established Linguistic Profile at that time but does meet the minimum level of French proficiency, any offer shall include a Condition of Employment as outlined in 4.11.

4.10.9 If no formal interview is held with the candidate, a French-language Proficiency Evaluation shall still be conducted as outlined in 4.9.

4.11 Selection Process

4.11.1 All other required factors and qualifications being equal, preference will be given to the candidate that meets the qualifications outlined in the Linguistic Profile of the Designated Bilingual Position. All other provisions applicable in the collective agreements remain in effect.

4.11.2 If there are multiple candidates under consideration, all of whom would require a Condition of Employment, the hiring manager may choose the successful candidate based on the applicable selection process.

4.11.3 The hiring manager shall submit the Recruitment Results Form for Designated Bilingual Positions to the WRHA FLS department as soon as a job offer has been made in order to track Designated Bilingual Positions hiring results and for the employee to receive an FLS orientation letter and support.

4.12 Condition of Employment for Designated Bilingual Positions – Site and Target Designations

4.12.1 In circumstances where there is no qualified bilingual candidate who meets the linguistic profile of the Designated Bilingual Position, the hiring manager shall obtain approval from the COO/ED or designate of the site or program and the WRHA FLS representative to proceed with a course of action as outlined below.

4.12.2 The hiring manager shall discuss the details of the Condition of Employment process with the candidate before sending the Letter of Offer (LOO). If the candidate accepts the Condition of Employment, the hiring manager informs the candidate that the WRHA FLS department will be their contact for French-language training and any questions related to the required French-language proficiencies.

4.12.3 A candidate with intermediate French language proficiency in accordance to the established Linguistic Profile (as determined by the WRHA FLS department) who is prepared to undertake French-language training may fill the vacancy with a Condition of Employment. The Condition of

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Employment for the French-language proficiency requirements of the designated bilingual position shall be included in the letter of offer (LOO) and include the following:

- 4.12.3.1 Immediate enrolment in a French-language training program approved by the WRHA FLS department;
 - 4.12.3.2 Timeline: Two (2) years commencing on the date of hire for candidates to satisfactorily meet the French-language proficiency requirement of the Designated Bilingual Position;
 - 4.12.3.3 A French-language proficiency evaluation shall be conducted by the WRHA FLS department every six (6) months until the Condition of Employment is satisfied or unmet;
 - 4.12.3.4 French-language training is to be completed on the employee's own time in accordance with applicable administrative practices unless sites and programs operate otherwise;
 - 4.12.3.5 Confirmation that if an employee fails to meet the required French-language proficiency requirements consistent with the established timeline, the Condition of Employment may be extended or employment in that position may cease.
- 4.12.4 An employee hired with a Condition of Employment shall be considered a successful hire into a Designated Bilingual Position.
- 4.12.5 The timeline for a Condition of Employment, as set out in section 4.11.2.2 shall not be extended if the employee changes Designated Bilingual Positions unless the Linguistic Profile of the new Designated Bilingual Position requires a different or higher level of French-language proficiency. In this case, the employee shall be evaluated for new or higher-level French-language proficiency that was not required on the previous Linguistic Profile and a new two (2) year condition of employment shall be implemented.
- 4.12.6 To ensure success in building a proficient bilingual workforce, the WRHA FLS department and WRHA sites, programs and services shall collaborate effectively by implementing the following:
- 4.12.6.1 The WRHA FLS department shall track and monitor employees on condition of employment for the French-language proficiency requirement in Designated Bilingual Positions;

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4.12.6.2 All communication with the Employees on Condition of employment (re-evaluations, French-language training, etc.) shall include the hiring manager;

4.12.6.3 After every re-evaluation, the WRHA FLS department shall inform the hiring manager if the employee has demonstrated progress, regression or remains status quo in regards to French-language proficiency over the course of the Condition of Employment; and

4.12.6.4 The WRHA FLS department shall develop a French-language education plan with employees in Designated Bilingual Positions who need further assistance improving their French-language competencies and proficiency. The French-language education plan shall be shared with the hiring manager, the employee and the site or program Human Resources.

4.12.7 The WRHA FLS department shall inform the hiring manager, human resources once the employee has met the Condition of Employment. Human Resources shall send a letter releasing the employee from the Condition of Employment with copies to the hiring manager and to the WRHA FLS department for employee FLS file.

4.13 **General Information**

4.13.1 When WRHA Designated sites, programs and services are recruiting to positions that are not designated bilingual, the ability to communicate in both official languages shall be considered an asset and included in job postings where applicable.

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)

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- 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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