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|  <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 5 |
| | Approval Signature: <i>Original Signed by A. Wilgosh</i> | Section: Governance & General Administration | |
| | Date: February 2013 | Supercedes: June 2008 | |

1.0 **PURPOSE:**

- 1.1 To facilitate recruitment to designated bilingual (English/French) positions in keeping with general recruitment processes.
- 1.2 To actively offer services of the WRHA in both Official Languages to the general public, clients, patients, residents and families pursuant to the WRHA French Language Services (FLS) Plan (see 2.12).

2.0 **DEFINITIONS:**

- 2.1 Active Offer: An offer of services in French which reflects measures taken to ensure that services in French are evident, readily available, easily accessible (whether provided by oral, written or electronic methods) and of comparable quality to those offered in English.
- 2.2 Bilingual or Bilingualism: The ability to communicate proficiently in both Official Languages.
- 2.3 Bilingualism Required: The requirement to communicate in both Official Languages, qualifying as a *bona fide* occupational requirement for a Designated Bilingual Position.
- 2.4 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 an underfill provision whereby an employee with a minimum level of French proficiency can be hired into a Designated Bilingual Position subject to specific upgrading criteria, including level(s) of French proficiency and timeline requirements.
- 2.5 Designated Bilingual Facilities, Programs, Services and Agencies: WRHA facilities, programs, services and agencies, including WRHA Corporate Office (Board of Directors and corporate (non-clinical) services such as Quality, Finance, Human Resources, Communications), that are required to actively offer services in both French and English, pursuant to the Government of Manitoba French

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| WRHA Policy Name: Recruitment to Designated Bilingual Positions | Policy Number: 10.40.250 | Page 2 of 5 |
|--|-----------------------------|----------------|

Language Services Policy (“Manitoba FLS Policy”).

- 2.6 Designated Bilingual Position(s): A position or positions that is to be filled by an individual who speaks both Official Languages and who is able to adequately deliver comparable service in both Official Languages, in accordance with the requirements of the Manitoba FLS Policy, the Active Offer concept and the WRHA French Language Services Plan.
- 2.7 Designated Francophone Facilities, Programs, Services and Agencies: WRHA facilities, programs, services and agencies that are required, pursuant to the Manitoba FLS Policy, to actively offer services in French, and whose working language is French.
- 2.8 External Posting: A posting that is open to both internal and external candidates.
- 2.9 Internal Posting: A posting that is open only to internal candidates.
- 2.10 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.
- 2.11 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.
- 2.12 WRHA French Language Services (FLS) Plan: An outline of the practical ways and means by which Designated Bilingual Facilities, Programs, Services and Agencies or Designated Francophone Facilities, Programs, Services and Agencies actively offer and effectively provide services in French through designated service areas and by bilingual and French language information materials in the Winnipeg Health Region. The Plan will consists of a 5-year strategic plan and an annual business plan.

3.0 **POLICY:**

The WRHA and its Designated Bilingual Facilities, Programs, Services and Agencies and Designated Francophone Facilities, Programs, Services and Agencies shall facilitate recruitment to Designated Bilingual (English/French) Positions in accordance with existing recruitment policies and the provisions of this policy.

4.0 **PROCEDURE:**

4.1 **Requisition for Staff and Job Posting**

- 4.1.1 Following approval of a requisition for staff and consultation between human resources of the site or facility and the hiring manager, human resources shall obtain a translation of the job posting from French Language Services.

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| WRHA Policy Name: Recruitment to Designated Bilingual Positions | Policy Number: 10.40.250 | Page 3 of 5 |
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PERMANENT POSITIONS:

- 4.1.2 A permanent position designated bilingual, with a Linguistic Profile and established job description reflecting all qualifications and requirements, including Bilingualism as identified in the Linguistic Profile (see policy 10.40.240 *French Language Services – Designation of Bilingual Positions*), shall be posted simultaneously in both Official Languages.
- 4.1.3 At the discretion of the hiring manager, a permanent position may initially be an Internal Posting only. However, if unsuccessful in hiring a bilingual incumbent, a course of action as outlined in 4.1.4 shall be followed.
- 4.1.4 If the initial posting proves unsuccessful, the Designated Bilingual Position shall be posted a second time by way of both an Internal Posting and an External Posting.
- 4.1.5 On a second posting for a permanent Designated Bilingual Position, a non-Bilingual incumbent may be considered. The 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.
- 4.1.6 If the second posting is unsuccessful, and the position is filled by a non-Bilingual incumbent, the next permanent position of the same classification and EFT shall be posted as a Designated Bilingual Position, as outlined in this policy.

TERM POSITIONS:

- 4.1.7 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 (see policy 10.40.240 *French Language Services – Designation of Bilingual Positions*), shall be posted simultaneously in both Official Languages.
- 4.1.8 At the discretion of the hiring manager, a term position may initially be an Internal Posting only.
- 4.1.9 Term Designated Bilingual Positions may be initially posted 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.
- 4.1.10 Candidates with a basic knowledge of French being considered for term positions shall be tested for linguistic ability. However, if they do not 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.
- 4.1.11 When a term Designated Bilingual Position becomes permanent, it shall be posted as a Designated Bilingual Position as outlined in this policy.

GENERAL INFORMATION:

- 4.1.1 An employee hired with a Condition of Employment shall be considered a successful hire into a Designated Bilingual Position.
- 4.1.1 The timeline for a Condition of Employment, as set out in section 4.3.8,

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| WRHA Policy Name: Recruitment to Designated Bilingual Positions | Policy Number: 10.40.250 | Page 4 of 5 |
|---|------------------------------------|-----------------------|

- 3 shall not be extended if the employee changes positions unless the Linguistic Profile of the new position requires a higher level of proficiency. In this case, a new two year time line will be implemented.
- 4.1.13.1 The employee shall be evaluated for new competencies (writing or reading) that were not required on the previous Linguistic Profile.
- 4.1.13.2 If a Condition of Employment is required for a new competency (writing or reading) a new 2 year timeline shall be implemented.
- 4.1.1 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. If the employee is later awarded the position in a permanent capacity, and the employee did not meet the established Linguistic Profile, the employee shall be re-evaluated. If the employee does not meet the established Linguistic Profile at this time, but does meet the minimum level of French proficiency, any offer shall include a Condition of Employment.
- 4.1.1 The following factors shall be taken into account when considering a non-5 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.

4.2 **Job Applications**

The department initiating the posting is responsible for assessing qualifications, short-listing applicants, conducting interviews, assessing the candidates' English language competency and making the final selection. Where applicable, refer to the provisions of the relevant collective agreement. Human resources shall provide assistance upon request.

4.3 **Selection Process**

- 4.3.1 It is the responsibility of WRHA French Language Services, or an outside independent source as approved by FLS, to evaluate the candidates' French language proficiency as determined by the Linguistic Profile for the position.
- 4.3.2 Language proficiency evaluation shall be completed by FLS before a formal or informal offer of employment is made to the candidate.
- 4.3.3 Evaluation results shall be sent to human resources and the hiring manager in a timely fashion.
- 4.3.4 Candidates are entitled to receive a copy of their language proficiency evaluation results upon request. Initiating appeals of the test results shall be the responsibility of the candidate by contacting FLS within one month of the testing date.
- 4.3.5 All other required factors and qualifications being equal, preference will be given to the candidate that meets the Linguistic Profile. All other provisions in applicable collective agreements remain in effect.
- 4.3.6 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 position with an equivalent or lower Linguistic Profile.

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| WRHA Policy Name: Recruitment to Designated Bilingual Positions | Policy Number: 10.40.250 | Page 5 of 5 |
|---|------------------------------------|-----------------------|

4.3.7 If a candidate applies for a position with a higher Linguistic Profile and the results of their most recent test do not meet this profile, the candidate shall be re-evaluated by FLS. If the candidate does not meet the profile, they may be hired with a Condition of Employment.

- If a candidate applies to a position where the Linguistic Profile contains a competency not previously required (reading or writing), they shall be evaluated by FLS for that competency.

4.3.8 In circumstances where there is no bilingual candidate who meets the Linguistic Profile of the position, the hiring manager shall obtain approval from the Human Resources Director/Executive Director/CEO of the facility or agency, and the site or regional FLS representative to proceed with a course of action as outlined below.

- A candidate with intermediate proficiency (B- minimum) who is prepared to undertake second language training may fill the vacancy. Conditions of employment shall include the following:
 - immediate enrolment in a language training program approved by site or regional FLS representative;
 - time line (maximum of 2 years commencing as of the date of hire, or as detailed above) for satisfactorily meeting the requirement, as determined by the hiring manager in consultation with Human Resources and the site or regional FLS representative;
 - statement that training is to be completed on employee's own time in accordance with applicable administrative practices;
 - confirmation that if employee fails to meet the required proficiency levels consistent with the established time line, employment in that position shall cease.

4.4 **Non Designated Positions**

When Designated Bilingual Facilities, Programs, Services and Agencies or Designated Francophone Facilities, Programs, Services and Agencies are recruiting to positions that are not designated bilingual, the ability to communicate in both Official Languages may be considered an asset.

5.0 **REFERENCES:**

- 5.1 The French Language Services Policy of the Government of Manitoba.
- 5.2 French Language Services Regulation 46/98, *The Regional Health Authorities Act* (Manitoba).
- 5.3 Canadian Heritage – Section 16 – 22: Official Languages of Canada
- 5.4 Francophone Affairs Secretariat

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