

Integration of French Language Considerations – Guide for Ministry of Health and Long-Term Care (MOHLTC) and Local Health Integration Networks (LHINs)

HEIA is a flexible and practical tool used to identify and respond to *unintended* potential health impacts (positive or negative) of a plan, policy or program on a broad range of vulnerable or marginalized groups within the general population. This includes assessing potential impacts of decisions on francophone communities, including sub-populations of francophones. In addition, francophone populations are afforded specific constitutional and legal rights reflected in provincial legislation, including the *French Language Services Act, 1986* (FLSA).

This guide is a resource for staff at MOHLTC and LHINs to support the effective integration of French language service (FLS) considerations within decision-making, policy and program development—in particular when health equity issues are being addressed. FLS integration should be considered upfront and alongside other equity issues that may surface in a Health Equity Impact Assessment (HEIA), including those that impact francophone populations.

The French Language Services Act, 1986 (FLSA)

The FLSA contains specific obligations for Ontario government ministries and Crown Agencies, which includes the LHINs. The FLSA also identifies designated areas, defined in the Schedule. About 85% of Franco-Ontarians live in a designated area.

The FLSA can be accessed online at:

French:

http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90f32_f.htm

English:

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90f32_e.htm

The FLSA defines where individuals are guaranteed to receive services in French, stating that:

“A person has the right in accordance with this Act to communicate in French with, and 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

with respect of any other office of a government agency or institution that is located in or serves an area designated in the Schedule.”FLSA, s. 5(1)

Government of Ontario ministries and Crown agencies, including all LHINs, that are located in and/or serving the 25 designated areas as well as third-party designated agencies, are covered by the FLSA. It is important to note that third-party *health service providers* (HSPs) are not automatically subject to the FLSA. Many of the direct services provided by the Ministry of Health and Long-Term Care (MOHLTC) to the public are provided through third-party HSPs such as hospitals, long-term care homes and mental health programs. For further information on the scope of the *Act*, refer to s. 1 of the FLSA which defines “government agency”.

In addition, you may contact the French Language Health Services Office at MOHLTC, MOHLTC at (416) 327-8975 or the French Language Services Coordinator in your LHIN for further support.

The FLSA also provides for the appointment of a French Language Services Commissioner, appointed by the Minister Responsible for Francophone Affairs, to encourage compliance with the *Act*. The role of the Commissioner is defined in the FLSA, s. 12.1(1). The Commissioner is appointed by the Minister of Francophone Affairs.

TIP: *The OPS Framework for Action: A Modern Ontario Public Service (2006) promotes an ‘active offer’ of services in French. An active offer is when French language services are offered proactively, as opposed to provided only upon request.*

Ontario’s Designated Areas defined in the French Language Services Act, 1986 (FLSA) Schedule (last updated January 7, 2011)

Toronto	Tilbury North	Cochrane District
Hamilton	Tilbury West	Ignace
Port Colborne	Rochester	Nipissing District
Welland	Glengarry	Sudbury District
Ottawa	Tilbury	Geraldton
Mississauga	Dover	Longlac
Brampton	Tilbury East	Marathon
Sudbury	Prescott County	Manitouwadge
Winchester	Pembroke	Beardmore
Windsor	Stafford	Nakina
Belle River	Westmeath	Terrace Bay
Tecumseh	Russell County	Timiskaming District
Anderdon	Penetanguishene	London
Colchester North	Tiny	Callander
Maidstone	Essa	Kingston
Sandwich South	Stormont County	
Sandwich West	Algoma District	

The Local Health System Integration Act, 2006 (LHSIA)

The *Local Health System Integration Act*, 2006 (LHSIA) contains specific provisions with respect to French language services. This includes the preamble which states that:

- “*The people of Ontario and their government...believe that the health system should be guided by a commitment to equity and respect for diversity in communities in serving the people of Ontario and respect the requirements of the French Language Services Act in serving Ontario’s French-speaking community*” (LHSIA, Preamble s(f))

In addition, specific provisions are identified relating to engagement of francophone communities at both the provincial and regional level:

- **The French Language Health Services Advisory Council (Provincial)**
The establishment of a French Language Health Services Advisory Council (FLHSAC) to advise the Minister of service delivery issues related to francophone communities and priorities and strategies for the provincial strategic plan related to those communities (LHSIA, s.14(2))
- **French Language Health Planning Entities (Regional)**
The establishment and engagement of French language health planning entities at the LHIN level (LHSIA, s.16(4)(b))

LHSIA is available online at:

French:

http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_06l04_f.htm

English:

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_06l04_e.htm

LHINs play a key role in delivering on legislated FLS commitments

To meet their commitment to equity, community diversity and to respect the requirements of the *French Language Services Act* in serving Ontario’s French-speaking community, MOHLTC and LHINs have worked together to establish mechanisms to ensure effective integration of FLS requirements. Here is a snapshot of some of the work underway:

- **LHINs now play a role in identifying HSPs for designation under the FLSA**
Once an identified HSP can demonstrate that it can provide services in French on a permanent basis, it can apply for official designation under the *French Language Services Act*. Designation guarantees that services will be available in French. Currently, there are 84 partially or fully designated HSPs across Ontario.

LHINs have taken on the responsibility for identifying HSPs, or specific health services within an HSP for potential designation under the FLSA. This is the first

step toward a potential full or partial designation, which is ultimately granted through a designation by Cabinet.

- **LHINs ensure that Service Accountability Agreements (SAAs) are aligned with FLSA requirements**

LHINs have included specific FLS requirements within their *Service Accountability Agreements* (SAAs) with HSPs located or serving a designated area.

- **MOHLTC and LHINs are working together to implement the French Language Health Planning Entities**

On January 1st, 2010 the Francophone Community Engagement Regulation came into effect. The regulation elaborates on the roles and responsibilities of the French Language Health Planning Entities under LHSIA s.16(4)(b). The regulation can be viewed at:

French:

http://www.e-laws.gov.on.ca/html/regs/french/elaws_regs_090515_f.htm

English:

http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_090515_e.htm

For further status updates on the French Language Health Planning Entities go to:

French:

http://www.health.gov.on.ca/french/publicf/programf/flhsf/health_planning_entities_f.html

English:

http://www.health.gov.on.ca/english/public/program/flhs/health_planning_entities.html

Key FLS considerations for both MOHLTC and LHIN staff

French Language considerations should be incorporated upfront at the beginning of a policy or program development process in order for meaningful integration to occur. Listed below are a number of key questions designed to support ministry and LHIN staff in effective integration of FLS considerations at the onset of a policy or program development process.

1. Getting Started:

- Does the initiative fall within the parameters of the *FLSA*?
- What impact will the policy/program have on the delivery of health services and information to Ontario's French-speaking population?

2. Project Planning and Budget

- Have project timelines and budget incorporated specific activities and costs related to meeting FLS obligations (e.g. including time and adequate funding to support translation/adaptation)?

3. Consultation and Community Engagement

- Was appropriate consultation/collaboration undertaken regarding the policy/program's possible impact on francophone communities? For example with:
 - The French Language Services Office of MOHLTC
 - The appropriate LHIN FLS Coordinator/s
 - The French language health planning entities
 - Key stakeholders and/or the broader francophone community

TIP: *The French Language Health Services Office, MOHLTC and the LHIN FLS Coordinators can support you in identifying key francophone stakeholders when designing your community engagement or consultation strategy.*

4. Communications

When a MOHLTC or LHIN policy or program is directed to the public, it is a requirement that news releases, announcements and information materials must be available to the media and general public in both English and French. Here are some key questions to assist with incorporating these requirements in your project planning:

- How will the policy or program be communicated to the French-speaking population?
- Have you fully incorporated the *Communications in French Guidelines (2009)* (i.e. news releases, public announcements and posts on MOHLTC or LHIN websites etc.)?

[http://intra.ops.myops.gov.on.ca/cms/tiles.nsf/\(vwReadResourcesByRefId_Content\)/cpd2010.10.05.14.35.38.PTB_res/\\$File/Communications_in_French_Guidelines.pdf](http://intra.ops.myops.gov.on.ca/cms/tiles.nsf/(vwReadResourcesByRefId_Content)/cpd2010.10.05.14.35.38.PTB_res/$File/Communications_in_French_Guidelines.pdf)

For support using the *Communications in French Guidelines (2009)* you can contact: the French Language Health Services Office, MOHLTC at (416) 327-8975.

5. Human Resources

- If the policy or program being developed will require offering services or information directly to the public, have the FLS requirements been considered in terms of ensuring a) appropriate staffing resources (i.e. designated staff), and b) training on FLS obligations for other existing staff?
- Are there additional expenses that should be factored in during bilingual recruitment?

6. Contracts

- Some services may be provided by outside organizations, such as transfer payment agencies. Contracts must include agreements to provide the services in French if relevant, and should define the service levels.

TIP: *Contracting a service out to a third party does not negate government's (or its agencies', including LHINs') obligation to provide services in French per the FLSA.*