

HEIA

Health **Equity** Impact Assessment

French Language Services Supplement

Table of Contents

Introduction	3
<i>French Language Services Act</i>	3
<i>Local Health System Integration Act</i>	5
LHINs play a key role in delivering on legislated FLS commitments	5
Key FLS considerations for both MOHLTC and LHIN staff	6

Integration of French Language Considerations: Guide for the Ministry of Health and Long-Term Care and the Local Health Integration Networks

Introduction

Health Equity Impact Assessment (HEIA) is a flexible and practical tool used to identify and respond to *unintended* potential health impacts (positive or negative) of a policy, program, or initiative 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 the Ministry of Health and Long-Term Care (MOHLTC) and the Local Health Integration Networks (LHINs) to support the effective integration of French language service (FLS) considerations in 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 HEIA, including those impacting francophone populations.

French Language Services Act

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 per cent of Franco-Ontarians live in a designated area.

The FLSA can be accessed at:

- French: www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_90f32_f.htm
- English: 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 and third-party designated agencies, that are located in and/or serve the 25 designated areas 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 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 legislation, refer to s. 1 of the FLSA which defines “government agency”.

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 legislation. The role of the Commissioner is defined in the FLSA, s. 12.1(1).

TIPS:

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

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 FLSA Schedule (last updated January 7, 2011):

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

Local Health System Integration Act

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)).

The LHSIA can be accessed at:

- French: www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_06104_f.htm
- English: www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_06104_e.htm

LHINs play a key role in delivering on legislated FLS commitments

To meet their commitment to equity and community diversity, and to respect the requirements of the FLSA in serving Ontario’s French-speaking community, the 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 FLSA. Designation guarantees that services will be available in French. Currently, there are 84 partially or fully designated HSPs across Ontario. The 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 Service Accountability Agreements (SAAs) align with FLSA requirements**

The 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 1, 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 accessed at:

- French: www.e-laws.gov.on.ca/html/regs/french/elaws_regs_090515_f.htm
- English: 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: www.health.gov.on.ca/french/publicf/programf/flhsf/health_planning_entitiesf.html
- English: 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 (i.e., news releases, public announcements and posts on MOHLTC or LHIN websites etc.)?

The *Communications in French Guidelines* can be accessed at:

- French: http://www.agnes.gov.on.ca/directives%20and%20Policies/PDF/GuidelinesCommunicationsinFrench20110511_FR.pdf
- English: http://www.agnes.gov.on.ca/directives%20and%20Policies/PDF/Guidelines_Communications_in_%20French_%20FINAL_12-5-2011_EN.pdf

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 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:

For support using these guidelines you can contact: the MOHLTC French Language Health Services Office at (416) 327-8975.

TIP:

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

