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| Designation Policy for Francophone and Bilingual Facilities, Programs and Services | Applicable to | Manitoba Health |
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| Director, Corporate Services | | Page 1 of 7 |

1.0 POLICY STATEMENT

“The French Language Services Policy of the Government of Manitoba recognizes the fact that the French-speaking population of Manitoba is a constituent of one of the fundamental characteristics of Canada. The policy’s purpose is to allow this community and the institutions serving it to access comparable government services in the language of the laws of Manitoba. The services provided by the Government of Manitoba are offered, to the extent possible, in both official languages in areas where the French-speaking population is concentrated.” (excerpt from the Manitoba Government Policy on French-Language Services). The Regional Health Authorities (RHAs) that are designated bilingual must follow the FLS policy.

2.0 BACKGROUND

- 2.1 The Gauthier Report (1990) contains a series of recommendations submitted to the Government of Manitoba with respect to the establishment of a system for the designation of bilingual and francophone health and social services institutions and agencies. It was followed by the Chartier Report (1998) which contains a series of recommendations submitted to the Government of Manitoba with respect to the enhancement of the French Language Services Policy.
- 2.2 Recommendation No. 12 of the Chartier Report indicates that all institutions that fall under Category 1 in the Gauthier Report be designated as bilingual institutions. (www.gov.mb.ca/fls-slf/report/pdf/recommend.pdf)
- 2.3 Since 1998 many facilities, programs and services have been designated as either francophone or bilingual but there is neither a formal process for these designations nor a clear indication of the responsibilities that such a designation entails.
- 2.4 In October 2004 the Conseil communauté en santé (CCS) was granted the mandate by the Government of Manitoba to be the official representative of the Francophone community in the areas of health and social services, and to play a leadership and coordination role to help foster access to quality French Language Services (FLS) in these areas. In this role, the CCS informed the Government of Manitoba about the lack of a designation process for the above and proposed to work with Manitoba Health and the Francophone Affairs Secretariat (FAS) to conceive and implement a designation process.
- 2.5 To support the offer of health services in French, Manitoba Health has developed a policy that clearly indicates which facilities, programs and services with a health related mandate (offered locally or provincially) are to be designated and the mechanism to achieve a bilingual or a francophone designation.

3.0 PURPOSE

- 3.1 To provide direction to bilingual-designated RHAs, as well as facilities, programs and services with a health related mandate (offered locally or provincially), on the mechanism to achieve a bilingual or francophone designation.

4.0 DEFINITIONS

Bilingual facility: a facility that delivers its services in both English and French and whose primary language of operation is English.

Community Centre: a physical space that is the property of the community in which an RHA provides services with the participation of other public or private providers.

Designation:

- in the case of a facility, the granting of responsibility by the government of Manitoba respecting the delivery of all or some of its programs and services in accordance with the provincial policy on French-language services;
- in the case of a program or service, the formal undertaking by the organization administratively responsible for such a program or service to deliver it in accordance with the provincial policy on French-language services.

Francophone Affairs Secretariat (FAS): established in 1981, has a mandate to advise the Government of Manitoba, and the Minister responsible for Francophone Affairs in particular, on the development of government services in the French language, and on matters relating to the French Language Services (FLS) policy in general. The FAS facilitates, guides and monitors all government department activity concerning FLS. It serves as a liaison between the Government and French-speaking populations in the province.

Francophone facility: a facility that delivers its services in both English and French, or in French only, and whose primary language of operation is French.

Independent facility: an independent legal entity, that is to say, a non-devolved institution that is not directly administered by a department or an RHA.

Parapublic organization: essentially public (as in services rendered, functions performed, or source of income received), although under private ownership or control (ex. Diagnostic Services of Manitoba).

Program: a general or major division of responsibility within a public or parapublic organization that is made up of a number of distinct, specialized or related services.

Provincial program: all programs which are offered across the province of Manitoba.

Services: the performance of an organized set of activities for the benefit or well-being of members of the community at large or individuals within specific groups of the community.

5.0 Policy

That all independent facilities, facilities reporting directly to RHAs, community centres and provincial programs that offer services to Manitoba's French-speaking population be officially designated either francophone or bilingual.

6.0 CORE SUPPORTING DOCUMENTS: Standards, Procedures, Guidelines

6.1 STANDARDS –

- 6.1.1 Designated francophone or bilingual institutions must provide their services in accordance with the Manitoba government policy on French-language services and the concept of active offer.

6.2 Procedures for designation:

6.2.1 This affects all four categories (**Independent Facilities, Facilities reporting directly to RHAs, Community Centres and Provincial Programs**) of health facilities, programs and services.

Health facilities, programs and services are reviewed according to the following criteria:

- the size of the Francophone population in the institution's catchment area
- the size of the Francophone population served currently by the institution and likely to be served by it in the future
- the type of services provided (essential services, or centralized/specialized services not available through other institutions)
- the history of the facility, program or service, including traditional links with the Francophone community, if applicable

Facilities, programs and services may have their designation removed or be designated (bilingual or francophone) further to the above review.

6.2.2 **Any of the following entities may apply for the designation of a facility, program or service:**

- the facility;
- the department having jurisdiction with respect to the facility, program or service;
- the *Conseil communauté en santé du Manitoba*;
- the RHA responsible for the facility, program or service, if applicable.

6.2.3. The CCS reviews the applications for designation from these entities and makes recommendations to the Minister of Health.

When reviewing the applications for designation, the CCS shall consult with Manitoba Health, the relevant RHA, the establishment, program or service, and other entities whose point of view is considered beneficial.

The CCS considers the applications for designation using a form that includes standard questions to be answered.

If all parties concerned agree as to the advisability of the designation, a summary review of the application can be carried out.

The FAS shall participate in the review of all applications for designation.

6.3 Guidelines for Designation

6.3.1 **Independent Facilities:**

i) Existing or new facilities

- Establish how the facility receives its mandate - from the Province or from an RHA.
- Establish the type of document under which the facility carries out its mandate (ex. Service Purchase Agreement (SPA), a letter or a memorandum of operation from the Province, etc.).
- If there is an SPA, a language clause is included in the agreement to denote the designation and to list the obligations of the facility with regard to its offer of FLS. (See Appendix 1)
- Designated francophone and bilingual facilities have a public notice visible in the affected service areas indicating their designation. The notice should be clearly visible to the public. (See Appendix 2)
- In collaboration with the CCS, independent facilities will create an FLS Plan, including mechanisms to evaluate its progress and success (with performance measures as established by the CCS, Manitoba Health and the FAS). The plan will be based on the model currently used by the RHAs. The plan is published on the institution's website.

6.3.2 Institutions reporting directly to RHAs:

- Each designated bilingual RHA maintains a list of all the facilities reporting directly to it and, in consultation with the CCS, reviews the list to determine which facilities need to be designated as francophone or bilingual. This may involve changes in the designation of certain facilities, i.e. additions or deletions from the list.
- Once reviewed, the list of designated francophone and bilingual facilities is appended to the RHA's FLS Plan.
- The lists for all the designated RHAs must also be appended to the modified *French Language Services Regulation (RR46/98)* under *The Regional Health Authorities Act*.
- Designated francophone and bilingual facilities require a public notice visible in the affected service areas indicating their designation. The notice should be clearly visible to the public. (See Appendix 2)
- Each designated RHA must create an FLS Plan taking into consideration the amendments to the *French Language Services Regulation (RR46/98)* under *The Regional Health Authorities Act* with regard to the content of its FLS Plan, including mechanisms for evaluation of its progress and success.

6.3.3. Community Centres:

- Where a community centre in a designated bilingual region rents space to a number of tenants, a Memorandum of Agreement (MOA) between the RHA, the FAS, the CCS and the owner/manager of the community centre is required in order to designate the building (See Appendix 1).
- Language clauses must be included in the lease agreements signed between the centre and its tenants (See appendix 1) identifying the designation of the building and listing the obligations of the tenant with regard to the provision of FLS.
- Designated francophone and bilingual facilities have a public notice visible in the affected service areas indicating their designation. The notice should be clearly visible to the public. (See Appendix 2)

6.3.4. Provincial Programs:

- i) Programs developed by the provincial government and delivered by RHA or other parapublic organization.
 - All programs developed by the provincial government are subject to the requirements set out in the French Language Services Policy.
- ii) Programs made available province-wide by an RHA
 - These programs are delivered by RHAs under a mandate prescribed by the provincial government.
- iii) Programs made available province-wide by a 3rd Party
 - These programs are delivered by a third party (other than a RHA), mandated by the provincial government, through a centralized office.
 - The Letter / Memorandum of Agreement between the government and the third party service provider is required to include a clause clearly establishing that the program is designated (francophone or bilingual) and listing the obligations of the party delivering the program with regard to the offer of French Language Services (See Appendix 1).
 - Designated francophone and bilingual programs are required to provide a public notice which is to be clearly visible in the service areas indicating their designation. (See Appendix 2)

7.0 GUIDELINES – N/A

8.0 POLICY DOCUMENTS

- **FRENCH LANGUAGE SERVICES REGULATION (RR46/98)**
- **THE REGIONAL HEALTH AUTHORITIES ACT**
- **FRENCH LANGUAGE SERVICES POLICY**
- **FRANCOPHONE AND BILINGUAL FACILITIES DESIGNATION REGULATIONS (...)**

9.0 REFERENCE DOCUMENTS

- GAUTHIER REPORT (1990)
- CHARTIER REPORT (1998)
- MANITOBA GOVERNMENT POLICY ON FRENCH-LANGUAGE SERVICES (WWW.GOV.MB.CA/FLS-SLF/FLS_POLICY.PDF)
- ACTIVE OFFER POLICY (WWW.GOV.MB.CA/FLS-SLF/ACTIVEOFFER.HTML)

APPENDIX 1

Templates for Language Clauses to be included in Service Purchase Agreements, Memoranda of Agreement and Leases

Service Purchase Agreement

The Service Provider shall:

ensure that any services to the public to be provided in delivering the Program are available in either official language where, in the opinion of the Government of Manitoba, there is significant demand for the services in both official languages; and

comply with the terms and conditions of the French Language Services Policy of the Government of Manitoba, including (but not limited to): adherence to the Active Offer of French language services, whether provided by oral, written or electronic methods; the provision of evident, readily available and easily accessible French language services of comparable quality to those offered in English; the use of appropriate bilingual signage and reception messages; all communication and correspondence with individuals or groups is in the official language preferred by the recipient.

The Government of Manitoba reserves the right to:

evaluate the quality and quantity of French language services provided by the Service Provider in accordance with the standards required under its French Language Services Policy.

Memorandum of Agreement (language clause to be included in the document)

The Owner/manager of this community centre recognizes and accepts the bilingual designation of the building by the *Conseil communauté en santé*, the Francophone Affairs Secretariat and the [NAME of RHA], and therefore shall:

ensure that all lease agreements between the community centre and its tenants include a language clause denoting the tenant's obligations and responsibilities with regard to the provision of service in English and French; and

ensure that clearly visible signage is placed in the community centre (including bilingual posters and documentation where applicable) indicating that it is a bilingual building and services can be requested in both English and French.

Lease Agreement

Whereas this building has been designated as bilingual by the Regional Health Authority, the *Conseil communauté en santé du Manitoba*, the Francophone Affairs Secretariat and the owner/manager, the Tenant agrees:

to comply with the terms and conditions of the French Language Services Policy of the Government of Manitoba, including (but not limited to): the Active Offer of French language services, whether provided by oral, written or electronic methods, will be respected; evident, readily available and easily accessible French language services of comparable quality to those offered in English will be provided; appropriate bilingual signage and reception messages will be used; all correspondence with individuals or groups will be sent in the official language preferred by the recipient; and

to undergo occasional evaluation of the quality and quantity of the French language services it provides, based on the requirements of the French Language Services Policy of the Government of Manitoba.

APPENDIX 2

Template for Public Notice

In accordance with the “Designation Policy for Francophone and Bilingual Facilities, Programs and Services”, designated francophone and bilingual facilities will have a public notice visible in the affected service areas indicating their designation. The notice should be clearly visible to the public.

The notice should adhere to the template below.

(NAME OF FACILITY, PROGRAM OR SERVICE)

This (facility, program or service) is designated as (bilingual or francophone).

As such, it shall:

comply with the terms and conditions of the French Language Services Policy of the Government of Manitoba, including (but not limited to):

- adherence to the Active Offer of French language services, whether provided by oral, written or electronic methods; the provision of evident, readily available and easily accessible French language services of comparable quality to those offered in English;
- the use of appropriate bilingual signage and reception messages;
- all communication and correspondence with individuals or groups is in the official language preferred by the recipient.

The French Language Services Policy of the Government of Manitoba can be found here: www.gov.mb.ca/fls-slf/pdf/fls_policy.pdf.

Please contact the administration of this (facility, program or service) if you have any questions or concerns about the designation.