

Section 7

Legislation regarding French Language Services

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Our two official languages, English and French, are fundamental characteristics of our Canadian identity. This is why throughout its history, our country has passed laws and adopted policies to better protect and promote its official languages. In Ontario, the *French Language Services Act* (FLSA) guarantees the rights of the Franco-Ontarian population.

French Language Services Act

The *French Language Services Act, R.S.O. 1990* guarantees an individual's right to receive services in French from Government of Ontario ministries and agencies in 25 designated areas (see pages 249–250).

The preamble of the FLSA *recognizes the contribution of the cultural heritage of the French-speaking population and wishes to preserve it for future generations.*¹³

*“In the Lalonde case (also known as the Montfort case), the Ontario Court of Appeal established that... the FLSA must be interpreted in light of the fundamental constitutional principle of respect for and protection of minorities. Consequently, it must be interpreted broadly and liberally, in accordance with its objectives of promoting and protecting Ontario’s Francophone community. The Ontario Court of Appeal also recognized the quasi constitutional nature of the FLSA.”*¹⁴

Under the FLSA, all services that are provided to the public by a ministry or agency of the Government of Ontario should be made available in French in the government offices located in or serving a designated area. In the Erie St. Clair LHIN, designated areas include the City of Windsor, the towns of Belle River and Tecumseh, the townships of Anderdon, Colchester North, Maidstone, Sandwich South, Sandwich West, Tilbury North, Tilbury West and Rochester as well as the town of Tilbury and the townships of Dover and Tilbury East. In the South West LHIN, designated areas include the City of London. As crown corporations of the Government of Ontario, Local Health Integration Networks (LHINs) are subject to the FLSA. They must ensure that their services and the services they fund are available in French to the Francophone population.

¹³ *French Language Services Act, R.S.O. 1990.*

¹⁴ *Special Report on French Language Health Services Planning in Ontario*, p. 13.

Agencies that are partially funded by the province (hospitals, daycare centers, group homes, etc.) are not automatically subject to the FLSA. These agencies may ask to be officially designated, in which case Cabinet will pass a regulation to designate them as official providers of services in French.¹⁵

As just noted, health service providers are not automatically subject to the FLSA. The LHIN has the authority to identify any or all of its providers, as recipients of public funding, to plan and deliver their services in French and to report on their progress to the LHIN. The long-term goal is to bring these “identified” providers to ask for designation under the FLSA.

Please refer to the FLSA and its regulations on pages 225–247.

Local Health System Integration Act, 2006

In its preamble, the *Local Health System Integration Act* (LHSIA) declares 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.” The Erie St. Clair and South West LHINs, as all LHINs in Ontario, work to support both the LHSIA and the FLSA.

Please refer to the LHSIA and regulation 284/11 on pages 251–276.

French Language Health Planning Entities

Under LHSIA, LHINs have an obligation to engage the French Language Health Planning Entity (FLHPE) in their geographic area. Six entities have been created across the province. Locally, one entity covers both Erie St. Clair and South West LHIN areas.

The mandate of FLHPEs is to advise the LHINS on:

- *methods of engaging the Francophone community in the area;*
- *the health needs and priorities of the Francophone community in the area, including the needs and priorities of diverse groups within that community;*
- *the health services available to the Francophone community in the area.*
- *the identification and designation of health service providers for the provision of French language health services in the area;*
- *strategies to improve access to, accessibility of and integration of French language health services in the local health system; and*
- *the planning for and integration of health services in the area.¹⁶*

¹⁵ Office of Francophone Affairs,
www.ofa.gov.on.ca/en/flsa.html

¹⁶ O. Reg. 515/09, s.3 (1).

For more information on the Erie St. Clair/South West French Language Health Planning Entity, please see pages 277–278 or visit their website at www.entite1.ca.

Office of Francophone Affairs

The Office of Francophone Affairs (OFA) works with the ministries to ensure that the FLSA is applied. It ensures that the public has access to services in French in the 25 designated areas and provides information on the province's Francophone population to other levels of government and the public.

Specifically, the OFA:

- *Supports the Minister Responsible for Francophone Affairs in the development of French-language services, policies and programs that meet the needs of Ontario's Francophones;*
- *Provides expert advice on matters relating to Francophones and the delivery of French-language services;*
- *Gathers and provides information on Ontario's Francophone community;*
- *Acts as a link between the Francophone community and government ministries and their agencies.¹⁷*

To read more on the OFA, visit www.ofa.gov.on.ca/en/ofa.html.

French Language Services Commissioner

The Office of the French Language Services Commissioner is an agency of the Government of Ontario. Its primary mandate is to ensure compliance with the FLSA in the delivery of government services. As such, the French Language Services Commissioner conducts independent investigations under the FLSA, either in response to complaints or on his own initiative, prepares reports on his investigations and monitors the progress made by government agencies in the delivery of French-language services in Ontario.

The French Language Services Commissioner reports directly to the Minister Responsible for Francophone Affairs. He advises the Minister and makes recommendations to the Minister with respect to the application of the Act. Working independently of the Office of Francophone Affairs, the Office of the French Language Services Commissioner's primary roles are:

- *To listen to the Francophone population;*
- *To receive and handle complaints and to follow up on them;*

¹⁷ Office of Francophone Affairs,
www.ofa.gov.on.ca/en/ofa.html.

- To increase the public service's awareness of the public's expectations;
- To exercise its powers of investigation and to make recommendations with respect to the delivery of French-language services;
- To advise the Minister and make recommendations to her.¹⁸

To learn more about the French Language Services Commissioner and to read his annual and special reports, please visit www.flsc.gov.on.ca/en.

Health Equity Impact Assessment (HEIA)

The Ministry of Health and Long-Term Care has identified equity as a key component of quality care. The Ministry has developed HEIA to support improved health equity, including the reduction of avoidable health disparities between population groups. HEIA also supports improved targeting of health care investments—the right care, at the right place, at the right time.

HEIA is a decision support tool which walks users through the steps of identifying how a program, policy or similar initiative will impact population groups in different ways. HEIA surfaces unintended potential impacts. The end goal is to maximize positive impacts and reduce negative impacts that could potentially widen health disparities between population groups—in short, more equitable delivery of the program, service, policy etc. Effective use of HEIA is dependent on good evidence.

The HEIA tool that has been developed by MOHLTC has four key objectives:

1. *Help identify unintended potential health equity impacts of decision-making (positive and negative) on specific population groups;*
2. *Support equity-based improvements in policy, planning, program or service design;*
3. *Embed equity in an organization's decision-making processes;*
4. *Build capacity and raise awareness about health equity throughout the organization.*¹⁹

For more information, please see the HEIA Tool on pages 279–332 or visit www.health.gov.on.ca/en/pro/programs/hea/tool.aspx.

Impact of Language Barriers

Language barriers put not only the patient at risk, but also the health service provider, and they jeopardize the safety of the patient. Communication problems may lead to:

- *reduced patient compliance;*

¹⁸ French Language Services Commissioner, www.csf.gouv.on.ca/en/mandat/.

¹⁹ MOHLTC, www.health.gov.on.ca/en/pro/programs/hea/.

- *reduced access to preventative care/services;*
- *mistaken diagnosis/medical errors;*
- *increased numbers of tests/medical consultations;*
- *negative health repercussions;*
- *critical incidents;*
- *lower patient and provider satisfaction; and*
- *higher healthcare costs.*²⁰

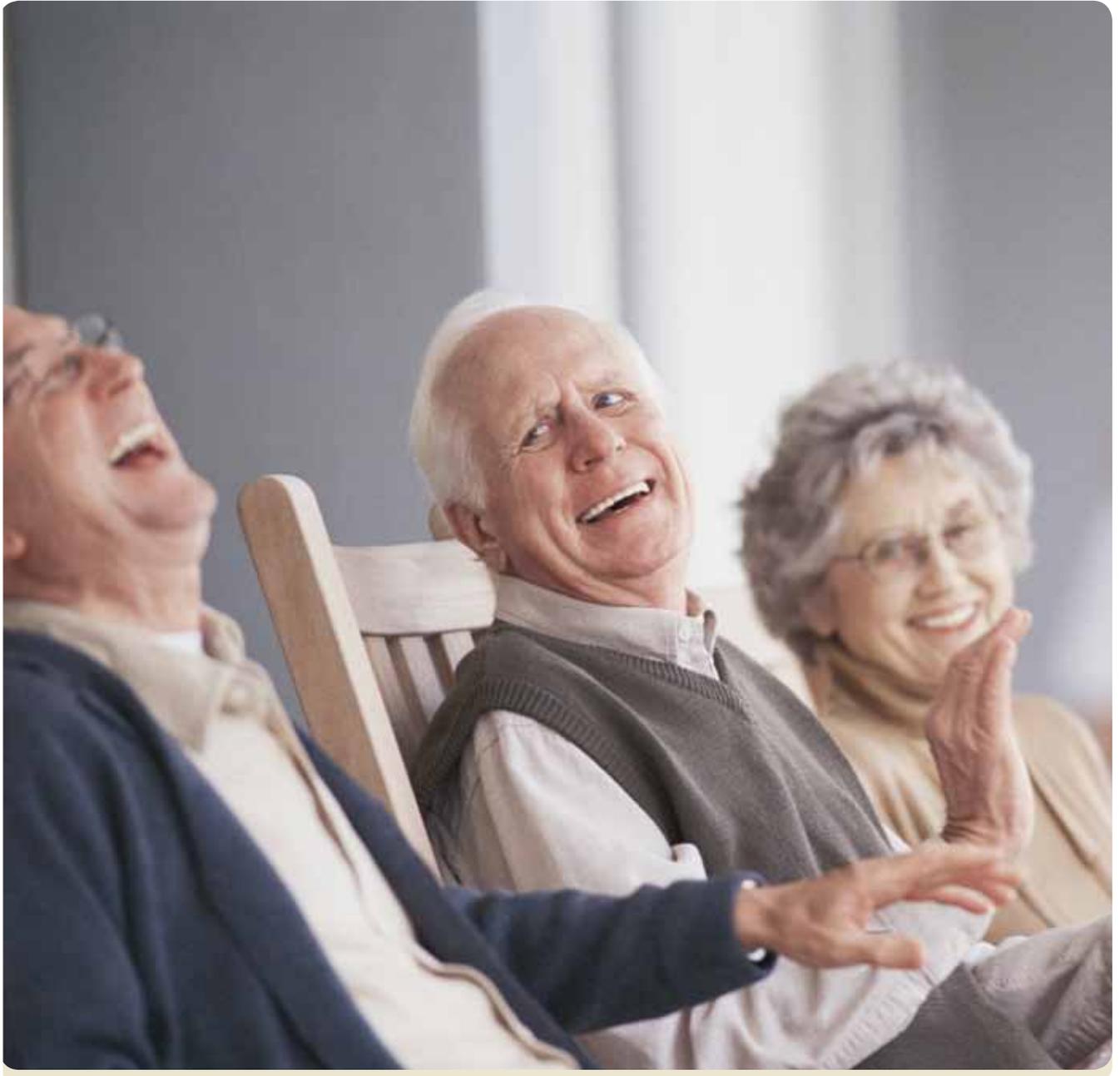
By removing language barriers, health service providers will not only improve health outcomes of the Francophone population but also contribute to the betterment of the health status of the whole community.



Language barriers have been demonstrated to have adverse effects on access to health care, quality of care, rights of patients, patient and provider satisfaction, and most importantly, on patient health outcomes. ((...)) There is also evidence that language barriers contribute to inefficiencies within the health system.”

Sarah Bowen, *Language Barriers in Access to Health Care*, Health Canada, 2001.

20 Bowen, S. and J. Roy. *Intégration des services d'interprétation dans la gestion des risques*, p. 6.



Section 7

List of Appendixes

French Language Services Act

Ontario Regulation 407/94

Ontario Regulation 398/93

Ontario Regulation 671/92

Ontario Regulation 284/11

Map of Designated Areas

Local Health System Integration Act

Ontario Regulation 515/09

Erie St. Clair/South West French Language Health Planning Entity

Health Equity Impact Assessment (HEIA) Workbook

French Language Services Supplement

HEIA Template