

 <p>Winnipeg Regional Health Authority Office régional de la santé de Winnipeg Caring for Health À l'écoute de notre santé</p> <p style="text-align: center;">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>		<p>Level:</p> <p style="font-size: 24pt;">1</p>
	<p>Policy Name:</p> <p>French Language Services – Designation of Bilingual Positions</p>	<p>Policy Number:</p> <p style="text-align: center;">10.40.240</p>	<p>Page</p> <p style="text-align: center;">1 of 4</p>
	<p>Approval Signature:</p> <p style="text-align: center;"><i>Original signed by A. Wilgosh</i></p>	<p>Section:</p> <p style="text-align: center;">GOVERNANCE & GENERAL ADMINISTRATION</p>	
	<p>Date:</p> <p style="text-align: center;">February 2013</p>	<p>Supersedes:</p> <p style="text-align: center;">June 2008</p>	

1.0 **PURPOSE:**

- 1.1 To facilitate the designation of bilingual (English/French) positions, in accordance with WRHA policy 10.40.220 *French Language Services – General Policy*, following a standard procedure that is relevant to the service provided.
- 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.

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 **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 Language Services Policy (“Manitoba FLS Policy”).
- 2.5 **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 FLS Plan.
- 2.6 **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.

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- 2.7 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.
- 2.8 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.
- 2.9 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 consists of a 5-year strategic plan and an annual business plan.

3.0 **POLICY:**

In accordance with the WRHA FLS Plan and WRHA policy 10.40.220 *French Language Services – General Policy*, Designated Bilingual Facilities, Programs, Services and Agencies and Designated Francophone Facilities, Programs Services and Agencies shall create Designated Bilingual Positions in accordance with a standard procedure that is relevant to the service provided. The creation of a Designated Bilingual Position shall be based on the need for French language services, as determined by client, patient, resident or public needs.

4.0 **PROCEDURE:**

4.1 **Assessment**

- 4.1.1 Prior to the creation of Designated Bilingual Positions each of the Designated Bilingual Facilities, Programs, Services and Agencies and Francophone Facilities, Programs, Services and Agencies, in collaboration with its human resources department and the site or regional FLS representative, shall undertake an assessment of its particular situation with respect to French Language Services. In particular, each of the Designated Bilingual Facilities, Programs, Services and Agencies and Designated Francophone Facilities, Programs, Services and Agencies shall act upon the Bilingual designations as per the recommendations contained in the Gauthier Report and the Chartier Report, and as proposed by the Government of Manitoba.
- 4.1.2 Each of the Designated Bilingual Facilities, Programs, Services and Agencies or Designated Francophone Facilities, Programs, Services and Agencies shall review the following and consult with human resources as appropriate:
 - collective agreement provisions;
 - pending, existing or previous grievances/grievance settlements.
 - ancillary agreements with the collective bargaining unit;
 - prior practice within the WRHA facility, program, service or agency.

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4.2 **Designating Bilingual Positions**

- 4.2.1 Once the review is complete and there is a clear understanding of FLS Plans as well as any restrictions imposed through collective agreements, ancillary agreements or by prior practice, each of the Designated Bilingual Facilities, Programs, Services and Agencies or Francophone Facilities, Programs, Services and Agencies shall proceed with the creation of Designated Bilingual Positions.
- 4.2.2 Decisions to create a Designated Bilingual Position shall be objective, in good faith, and relevant to the service provided. The facility, program, service or agency shall review the day-to-day practice of a given program, area or service and:
- identify objectively which positions require proficiency in both Official Languages for effective delivery of services. As a minimum, positions to be designated are those that serve clients, patients, residents or the public directly whether in a receiving, clerical or professional capacity;
 - consider which job classifications require a bilingual designation (including positions required to provide back-up or relief duties) and determine the number of positions required for each classification.
- 4.2.3 Each of the Designated Bilingual Facilities, Programs, Services and Agencies and Designated Francophone Facilities, Programs, Services and Agencies shall establish all anticipated Designated Bilingual Positions, in collaboration with its human resources department and the site or regional FLS representative, and:
- consult with collective bargaining agents as required by collective agreements and other labour related obligations;
 - seek human resources assistance when considering a change to prior practice;
 - finalize the list and seek final approval as required;
 - communicate the final list to interested or affected parties.
- 4.2.4 A newly created Designated Bilingual Position shall proceed on a move-forward basis. The creation of a Designated Bilingual Position will not affect the current incumbent. The requirements related to a Designated Bilingual Position come into effect when the position is next vacated.
- 4.2.5 In accordance with the WRHA FLS Plan, Designated Bilingual Facilities, Programs, Services and Agencies and Designated Francophone Facilities, Programs, Services and Agencies shall review every two years, at minimum, the number and type of Designated Bilingual Positions as per the site and regional FLS Plans. Changes shall be communicated to interested parties.

4.3 **Linguistic Profiles**

- 4.3.1 Concurrent with the consideration of which positions shall become Designated Bilingual Positions, a Linguistic Profile shall be prepared for each such position.

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- 4.3.2 Each of the Designated Bilingual Facilities, Programs, Services and Agencies and Francophone Facilities, Programs, Services and Agencies shall:
- confirm specific language skills (speaking, comprehension, reading and writing) and proficiency levels required, in consultation with the site or regional FLS representative and the manager responsible for a given Designated Bilingual Position (assessment is based on current and anticipated duties as outlined in the job description for the position);
 - finalize the Linguistic Profiles for all anticipated Designated Bilingual Positions;
 - inform collective bargaining agents as required.

4.4 **Job Descriptions**

Designated Bilingual Facilities, Programs, Services and Agencies and Designated Francophone Facilities, Programs, Services and Agencies shall ensure that each job description relating to a Designated Bilingual Position includes an appropriate reference to all qualifications and requirements including Bilingualism; and that:

- job descriptions and job postings are consistent; and
- collective bargaining agents are informed as required.

5.0 **REFERENCES:**

- 5.1 Chartier, Honourable Judge Richard. Above All, Common Sense – Report and Recommendations on French Language Services within the Government of Manitoba. May 1998.
- 5.2 Gauthier, Maurice A. Study of French-Language Services in Manitoba’s Health Care Facilities: Present Situation, Needs, and Recommendations. October 1990.
- 5.3 The French Language Services Policy of the Government of Manitoba.
- 5.4 Canadian Heritage – Section 16 – 22: Official Languages of Canada
- 5.5 Francophone Affairs Secretariat.

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