

SPECIAL STUDY

Designation:
[Re]vitalize French Language Services

March 2018

Commissariat aux
services en français
de l'Ontario



Office of the
French Language Services
Commissioner of Ontario

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INTRODUCTION

Purpose and relevance of the study on designation of agencies

The *French Language Services Act*¹ makes it possible for an agency to obtain designation to ensure the permanent provision of French language services. This process is a means of guaranteeing the active and ongoing provision of French language services while meeting the specific needs of the Francophone population being served.²

However, now that the mechanism has been in place for a number of years, it has become clear that the offer of services in French has not increased, or is of lesser quality, in several key sectors.³ Indeed, some designated agencies no longer fulfill several of the requirements of their designation or are not receiving, following designation, appropriate support⁴ to help them maintain quality French language services. Furthermore, agencies interested in obtaining designation are sometimes deterred by the rigidity of the criteria and the lack of clarity about the designation process itself. This of course affects the provision of services in French and, accordingly, impacts how Francophone communities flourish in Ontario.

Over the past 10 years, the French Language Services Commissioner has made many recommendations on the designation of agencies in Ontario. In his first annual report, he pointed out that, although designation guarantees ongoing provision of services, it is undermined by the absence of an accountability process, which affects the quality of French language services provided by designated agencies.⁵ In his 2011-2012 Annual Report, he spoke at length about the process, including the harmonization of designation criteria and the introduction of a more consistent accountability mechanism. He recommended to

“the Minister Responsible for Francophone Affairs that a mandatory directive on the designation process for agencies be established in compliance with the *French Language Services Act*, after due consultations with representatives from the community and designated agencies. This directive should be implemented by 2013-2014 and should include:

- a. Consistent designation criteria (...);
- b. Accountability mechanisms that are transparent and accessible to the public;
- c. A mechanism for resolving disputes that is made available to the users of services;
- d. A mandatory and independent assessment, every three years, based on all of the designation criteria, including criteria dealing with governance; this assessment should also include corrective measures, when necessary.”⁶

1 *French Language Services Act*, RSO 1990, c F.32 (“*French Language Services Act*”).

2 Office of the French Language Services Commissioner, *Annual Report 2011-2012: Straight Forward* (“*Annual Report 2011-2012*”), http://csfontario.ca/wp-content/uploads/2012/06/FLSC_annual_report_2011_2012.pdf, p. 14.

3 In the health field, for example, few specialized health service providers in the Greater Toronto Area have applied for designation.

4 The interviews conducted during this study confirmed this lack of support following designation.

5 Office of the French Language Services Commissioner, *Annual Report 2007-2008: Paving the Way*, http://csfontario.ca/wp-content/uploads/2008/06/FLSC_AnnualReport_0708.pdf, p. 13.

6 *Annual Report 2011-2012*, p. 4.

Further to this report, the government responded to the recommendations by establishing a working group in 2012 to reform the designation process. From the conclusions reached by this working group, a new designation process with harmonized criteria was adopted. An accountability framework was also established, in the form of a certificate of compliance issued to designated organizations every three years. Despite all of these government measures, the designation process still exhibits a number of problems that make it less attractive to service providers. These include the rigidity of evaluation criteria, a lack of familiarity with the process of revoking a designation, the absence of pre- and post-designation support and accountability of designated service providers. The Commissioner was therefore justified, in his 10th annual report, to recommend

“that the Minister Responsible for Francophone Affairs, develop and implement, for fiscal year 2017-2018, a directive supporting the new designation plan developed by the Office of Francophone Affairs, which includes simplified criteria, an independent mandatory triennial evaluation, as well as transparent accountability mechanisms and accessible evaluation reports following designation.”⁷

Following this recommendation, and in alignment with its new strategic directions, the Office of the French Language Services Commissioner initiated this special study on designation in Ontario. It is also important to point out that this reform of the designation process is mentioned in the mandate letter from the Premier to the Minister Responsible for Francophone Affairs.⁸

The overall objective of this special study is to take stock of the designation process under the *French Language Services Act* and *Regulation 398/93*⁹ in its current version, but above all, to formulate recommendations for its improvement based on the experience of those involved, i.e. government stakeholders and heads of designated agencies, or agencies wishing to obtain designation. In view of the constant changes in services provided to Ontarians, it seems essential to update this important mechanism to increase availability of French language services and thus contribute to the vitality of Ontario's Francophone community.

Methodology of the study

The methodology for this study consists of three components. The first is a literature review, which provides information about the designation process as it is currently practised and the designation criteria, in addition to a description of the roles played by each stakeholder and available support tools.

The second component took the form of interviews with 25 interviews with stakeholders who play a role in the designation process. They include those who assist agencies with the application for

7 Office of the French Language Services Commissioner, *Annual Report 2016-2017: Taking a Stand*, http://csfontario.ca/wp-content/uploads/2017/06/OFLSC_Annual-Report-2016-ENG_Final-version_-2017-06-07_Secured.pdf, p. 25.

8 <https://www.ontario.ca/page/september-2016-mandate-letter-francophone-affairs> (page consulted in October 2017).

9 *Designation of Public Service Agencies*, O. Reg 398/93 (“Regulation 398/93”).

designation, and senior management teams of designated or identified agencies, or ones who are in the process of obtaining designation. These interviews provided a perspective from those directly involved in the designation process. The Office of the Commissioner used a specially prepared questionnaire to obtain their opinion on challenges within the designation process and on possible improvements to adapt it to today's environment.

The third component of the methodology consists of analyzing quantitative data. The Réseau des services de santé en français de l'Est de l'Ontario provided a detailed assessment of how 149 designated and identified health-related agencies comply with the designation criteria.¹⁰ This quantitative study identified which designation criteria and requirements were the most difficult or easiest to fulfill for designated and identified agencies, and which factors affect compliance or non-compliance with these criteria and requirements.

This study is divided into three main sections. The first describes the designation process and framework in Ontario as it now stands. The second section contains a discussion of the findings, challenges and potential solutions and recommendations identified during the course of the analysis, including interviews with stakeholders and heads of designated agencies or agencies that have applied for designation. The third section gives a detailed list of recommendations for strengthening the designation process.

¹⁰ The Ministry of Francophone Affairs issued instructions specifying 5 criteria and 34 requirements that must be met to obtain designated agency status under the *French Language Services Act* (Appendix 2).

I - CONCEPTUAL APPROACH: WHAT IS DESIGNATION IN ONTARIO? WHAT PROCESS IS INVOLVED?

1. The legislative and regulatory framework for designation in Ontario

In Ontario, the designation of an agency is a legal and administrative process subject to the rules and procedures prescribed by the *French Language Services Act* and *Regulation 398/93*, as well as directions from the Ministry of Francophone Affairs.

1.1 The *French Language Services Act*

The *French Language Services Act*, which was unanimously adopted on November 18, 1986, and came into force in 1989, acknowledges the historical and cultural importance of the French language in Ontario and guarantees its use in government institutions and agencies in Ontario. It is also well entrenched in Ontario's legal framework owing to the broad and generous interpretation of the Ontario Court of Appeal, which itself relies on the structural principle of respect for and protection of minorities.¹¹ The terms of the designation process are therefore set out in the *French Language Services Act*.

1.2 Definitions according to the *French Language Services Act*

Two terms are essential to define the designation process under the *French Language Services Act*: they are "government agency" and "services." Hence, according to the *French Language Services Act*, a government agency is:

- (a) a ministry of the Government of Ontario, except that a psychiatric facility, residential facility or college of applied arts and technology that is administered by a ministry is not included unless it is designated as a public service agency by the regulations;
- (b) a board, commission or corporation the majority of whose members or directors are appointed by the Lieutenant Governor in Council;
- (c) a non-profit corporation or similar entity that provides a service to the public, is subsidized in whole or in part by public money and is designated as a public service agency by the regulations;

¹¹ See *Lalonde v. Ontario (Commission de restructuration des services de santé)*, 2001 CanLII 21164 (ONCA), paras 127-187, ("*Lalonde v Ontario, ONCA*").

(d) a long-term care home as defined in the *Long-Term Care Homes Act, 2007* that is designated as a public service agency by the *Regulations*, other than a municipal home or joint home established under Part VIII of the *Long-Term Care Homes Act, 2007*, or a home for special care as defined in the *Homes for Special Care Act* that is designated as a public service agency by the regulations;

(e) a service provider as defined in the *Child and Family Services Act* or a board as defined in the *District Social Services Administration Boards Act* that is designated as a public service agency by the regulations.¹²

The term “service” is defined in the *French Language Services Act* as “any service or procedure that is provided to the public by a government agency or institution of the Legislature and includes all communications for the purpose.”¹³ With these two terms now clarified, designation is therefore the process by which the Lieutenant Governor in Council designates an agency to provide services in French. In other words, it amounts to an official recognition by the province that an agency is capable of providing French language services.¹⁴ This recognition results from the agency’s demonstration that it meets the criteria and requirements defined by the Ontario Ministry of Francophone Affairs.¹⁵

The Court of Appeal of Ontario highlighted a section of the Divisional Court of Ontario’s decision in *Lalonde v. Ontario (Commission de restructuration des services de santé)* and confirmed that Montfort’s designation as a public service agency under the *French Language Services Act* meant that:

“[T]he francophone community of Ontario had acquired a legislatively recognized entitlement to receive health services in a truly francophone environment at Hôpital Monfort, and an expectation that those services would be provided in at least the quality and extent offered by Monfort, including the existence of a training centre that guaranteed the instruction of medical professionals in French.”¹⁶

According to section 9 of the *French Language Services Act*, this designation may be restricted to specific services available from the designated agency; this is referred to as limited or partial designation. In such instances, *Regulation 398/93* sets out the specific services for which the agency is designated under the Act. In its current form, this limited or partial designation does not reduce the number of criteria (5) or the number of requirements (34) to be met to obtain designation.

Designation is based on two fundamental pillars: the transactional pillar and the identity pillar.

¹² *French Language Services Act*, s. 1.

¹³ *French Language Services Act*, s. 1.

¹⁴ <http://www.rssfes.on.ca/en/our-priorities/supporting-designation/what-is-designation/> (page consulted in September 2017).

¹⁵ <https://www.ontario.ca/page/government-services-french> (page consulted in July 2017).

¹⁶ *Lalonde v Ontario*, ONCA, para 127.

On the transactional level, the government, through *Regulation 398/93*, designates agencies, to ensure the sustainability of French language services. The public then has the right, guaranteed by the Act, to receive French language services from these agencies. This service is deemed essential, if not critical, especially in the areas of health, education, justice, social and community services, or to serve vulnerable individuals like the elderly and children. In other words, through a designation, the government announces to the public that a specific service is available, important, necessary, and protected. This commitment is not taken lightly since sections 7 and 10 of the Act provide a strict framework for revoking the status of a designated agency.

On the identity level, in addition to improving French language services, the designation contributes to the development and growth of the Francophone community. In fact, designated agencies are a network of institutions where Francophones can actively receive French language services. Whether it is in educational establishments, community centres, or even hospitals, this network supports and helps Francophones in their daily activities. Indeed, the Ontario Court of Appeal confirmed in the *Lalonde* decision that agencies are more than services providers; they are also symbols and reflections of the Francophone community's vitality.

The *French Language Services Act* shares the same pillars. On the transactional side, pursuant to section 5, the public has the right to receive French language services from government ministries and agencies and to communicate in French with them. The ministries, for example, must ensure that services they provide are fair and adapted to Francophones' needs. However, these services are not provided in a vacuum; they are enshrined in the preamble of the Act. The Act states explicitly that:

“the Legislative Assembly recognizes the contribution of the cultural heritage of the French speaking population and wishes to preserve it for future generations; and it is desirable to guarantee the use of the French language in institutions of the Legislature and the Government of Ontario”.

The Act also has an identity component since it serves as the basis for establishing the network of designated agencies that help protect the French language in Ontario. This is illustrated by the establishment, through legislation, of Francophone institutions such as the *Université de l'Ontario français* or the *Office of the French Language Services Commissioner of Ontario*. The majority of Francophones are aware of the Act, see themselves in the Act, and associate the protection of their language and culture with various government obligations contained in the Act.

1.3 Is designation voluntary?

Since the enactment of the *French Language Services Act*, the Government of Ontario has received designation applications from agencies strictly on a voluntary basis. This interpretation would not appear to correspond to the letter or spirit of the Act, for three fundamental reasons. Firstly, it is perfectly plausible that the legislator simply wanted to allow the government to choose for designation certain publicly funded agencies that had capacity to provide French language services. Moreover, it is

explicitly stated that only universities have the power to refuse designation under subsection 9(2) of the *French Language Services Act*, universities must consent to designation. The purpose of this subsection was to protect universities from the imposition of a designation, which means that other agencies do not have such protection and, accordingly, may be obligated to accept designation.

Secondly, the Ministry of Francophone Affairs has the power to recommend that agencies be designated pursuant to paragraph 12(2)(b) of the *French Language Services Act*. To a certain extent, this confirms that designation was never intended to be a wholly voluntary process.

Finally, designated agencies receive public funds to offer service to the public. Their governing bodies and funding are not exempt from audits and accountability, as is the case for public entities like ministries and Crown corporations.

For example, in the health sector, although some health services providers are partially or fully designated, there are over 200 providers whose services have been identified¹⁷ but who never applied for designation. Identification was attributed to them given the importance and specialized nature of the services they provide. It then becomes the responsibility of the Local Health Integration Networks (LHINs) in collaboration with their French Language Health Planning Entities to plan and fund the services delivered by these providers to support regional planning and build capacity of French language health services. To guarantee the delivery of French language services, the LHINs can request partial designation for health service providers to ensure the sustainability of specific French language services.

2. Designation criteria and process

2.1 Designation criteria

An agency receives designation status in Ontario based on the criteria and requirements defined by the Ontario Ministry of Francophone Affairs (Appendix 2), which according to the Ministry were developed following consultations with other Government of Ontario ministries and members of the Francophone community. Five (5) criteria and thirty-four (34) requirements serve as a framework for the designation process. They are:

- 1. Services must be of high quality and offered on a permanent basis by employees who possess the required French language skills.**

The agency must ensure the permanence of the French-Language services offered to the public. It must incorporate delivery of French-Language services into its bylaws, policies and quality control processes.¹⁸

¹⁷ Identification will be discussed in section 4 of this study.

¹⁸ http://rssfe.on.ca/upload-ck/guide_designation_2013.pdf, p. 10 (page consulted in September 2017).

- II. **Access to services must be guaranteed and follow the principles of the active offer of French language services.**
- III. **Francophone representation on the agency's board of directors and committees must be included in the bylaws and be proportionate to the percentage of Francophones within the population served.**
- IV. **There must be effective representation of Francophones on the senior management team.**
- V. **The board and senior management must be accountable for the quality of French language services provided.**

In other words, to achieve designation under the terms of the *French Language Services Act*, the agency must ensure adequate representation of the Francophone community on its board of directors and within its management team.¹⁹

An agency applying for designation demonstrates its fulfillment of these criteria by meeting thirty-four (34) compliance requirements (Appendix 2). These compliance requirements are more specific and elaborate on the following major topics:

- Direct services to clients;
- Governance and accountability;
- Composition of the board of directors;
- Francophone representation in senior management;
- Visual identity of the organization, including signage and communications;
- Human resources, including recruitment and training of bilingual staff; and
- Endorsement from the community through letters of support from community leaders.

Although there is a degree of alignment in the form itself between the criteria and the requirements, it is important to clearly explain how and why the thirty-four (34) requirements provide a framework for the five (5) criteria and contribute to compliance.

2.2 Designation process

The process of applying for designation varies from one ministry to another with respect to support, evaluation and processing time. However, generally speaking, there are four major stages (Appendix 2):

- Preliminary application for designation;
- Evaluation by the ministry responsible for, or which funds, the agency;
- Evaluation by the Ministry of Francophone Affairs;
- Official designation.

¹⁹ http://rssfe.on.ca/upload-ck/guide_designation_2013.pdf, p. 11 (page consulted in September 2017).

Preliminary application for designation

This is the stage at which the agency states its intention to apply for designation. For the Ministry of Health and Long-Term Care, this statement of intent can be made to the French language services coordinators of the LHINs or to staff of the French Language Health Planning Entities. For the Ministry of Children and Youth Services and the Ministry of Community and Social Services, the application is made to the program supervisors at the regional level. For other ministries, the French language services coordinators within each ministry are approached.

Generally speaking, the agency applying for designation is either an identified agency in the case of the health sector²⁰ or an agency that has developed the ability to provide services in French over the years.²¹ Once intent has been expressed, the agency works with the support structures, namely French Language Health Planning Entities and LHIN coordinators, to complete the application and ensure that the Ministry of Francophone Affairs' criteria and requirements are met. At the end of this phase, the agency may in some instances receive the approval of the next reporting level, the LHIN, in the case of the Ministry of Health and Long-Term Care, or a program supervisor for the Ministry of Children and Youth Services or the Ministry of Community and Social Services. The application is then forwarded for the second phase. If there is no immediate reporting level, the completed application is sent directly by the agency to the ministry responsible or the funding ministry.

Evaluation by the ministry responsible for, or which funds, the agency

Once the agency considers its application complete, or once the application has been approved by the support structure and the next reporting level,²² it is forwarded to the funding ministry for further evaluation. This second evaluation is again based on the Ministry of Francophone Affairs' criteria and requirements. The purpose of the second evaluation is to ensure that the application meets all designation requirements and criteria. Following approval by the ministry involved at this stage, the application is forwarded to the Ministry of Francophone Affairs.

Evaluation by the Ministry of Francophone Affairs

The Ministry of Francophone Affairs concludes the process with a final evaluation of the application. Once this has been completed, it approves the application for designation and forwards it to the Minister's Office for official confirmation.

Official designation

The Minister of Francophone Affairs confirms the designation and forwards it to Cabinet for approval, following which it is sent to the Lieutenant Governor for formal approval. The confirmation is then made official in the Ontario Gazette.

20 The matter of identification will be discussed in section 4.

21 It may be at Clause 2 or 3 in the Ministry of Children and Youth Services system, which tracks agencies' progress in their capacity to provide French language services. The clauses mechanism will be described in section 3.

22 Several ministries (such as the Attorney General and Education) have no support or accountability structure. In such instances, once the application has been completed, it is forwarded to the funding ministry for evaluation and approval.

As described above, the designation process consists of three evaluations, all of which are based on the same criteria and requirements. The redundancy in this process has an impact on processing times. In addition, it has not been possible to identify the methodology or scales used for each evaluation.

2.3 Designation application timelines

No timelines are specified for completing a designation application. No timelines are mentioned for each of the four (4) stages in the designation process. The interviews conducted during this study showed that it could take an agency up to two years after applying to the appropriate ministry before officially obtaining designation. This slow process may even affect the ability to meet some of the requirements, such as those pertaining to human resources. Moreover, little feedback is provided to the applicant about the status of the application, which increases uncertainty of management and staff due to lack of information.

2.4 Revocation of designation²³

An agency may ask its funding ministry or government institution to revoke its designation. In doing so, it must comply with sections 7 and 10 of the *French Language Services Act*. Section 7 prescribes that:

“7. The obligations of government agencies and institutions of the Legislature under this Act are subject to such limits as circumstances make reasonable and necessary, if all reasonable measures and plans for compliance with this Act have been taken or made.”²⁴

Thus, pursuant to its obligations under section 7, the ministry responsible for supervising the designated organization must be able to demonstrate that “all reasonable measures and plans for compliance with this Act have been taken or made” before proceeding with the revocation of a designation. Hence, if the ministry is forced to restrict the services being provided, it must ensure that this limitation is essential within the meaning of the act and, where applicable, take corrective action to prevent any loss of services to the Francophone community. It is worth noting that the threshold for justifying a revocation of, or decrease in, services is high.²⁵

23 Refer to the brief from the Office of the French Language Services Commissioner to the Minister of Francophone Affairs concerning the revision of *Regulation 398/93* and the revocation of the Hôpital général de Penetanguishene’s designation. See Office of the French Language Services Commissioner, *Brief concerning the revision of Ontario Regulation 398/93 and revocation of the designation of Penetanguishene General Hospital*, August 2017.

24 *French Language Services Act*, section 7.

25 The Ontario Court of Appeal pointed out in *Lalonde v. Ontario, ONCA* that in Section 7 of the *French Language Services Act* the word “necessary” implies that existing services can only be limited when this is “the only course of action that can be taken.” and that “Although it is impossible to specify precisely what is encompassed by the words “reasonable and necessary” and “all reasonable measures”, at a minimum they require some justification or explanation for the directions limiting the rights of Francophones to benefit from Montfort as a community hospital.” See *Lalonde v. Ontario, ONCA*, at para. 164.

Although the Ministry can justify a revocation, it must discharge its obligations under section 10, which means publishing a notice for at least 45 days in *The Ontario Gazette* announcing the amendment to the regulation, as well as in a newspaper of general circulation in Ontario.

“10. (1) This section applies to a regulation,

- (a) exempting a service under clause 8(c);
- (b) revoking the designation of a public service agency;
- (c) amending a regulation designating a public service agency so as to exclude or remove a service from the designation.

(2) A regulation to which this section applies shall not be made until at least forty-five days after a notice has been published in *The Ontario Gazette* and a newspaper of general circulation in Ontario setting forth the substance of the proposed regulation and inviting comments to be submitted to the Minister.

(3) After the expiration of the forty-five day period, the regulation with such changes as are considered advisable may be made without further notice.”²⁶

Ultimately then, to revoke a designation, the agency at issue or the ministry that funds it must:

- Demonstrate that all measures in compliance with this Act were considered and that the revocation is absolutely necessary; and
- Publish a notice in *The Ontario Gazette* and a newspaper of general circulation inviting comments from the community.

It is essential for each designated agency and the ministry that funds it to properly understand the issues and implications of revoking a designation insofar as any misunderstanding about the procedure may have serious consequences for the public. The recent case involving the closure of Penetanguishene General Hospital demonstrates the importance of being thoroughly familiar with the designation revocation process. Indeed, since 2008, several mergers, transfers of service and changes in status have been effected between Penetanguishene General Hospital and Georgian Bay General Hospital (GBGH). The Ministry of Francophone Affairs and the Ministry of Health and Long-Term Care should in this instance have triggered the designation revocation process for Penetanguishene General Hospital. Because they did not, there was a serious impact on the delivery of French language health services in the region.

The Ministry of Francophone Affairs is responsible for advising ministries and government agencies during the revocation process, for approving the request, and for taking appropriate action to amend Regulation 398/93.

A transfer of services between a designated agency and a non-designated agency is also possible, in which case two amendments to Regulation 398/93 are needed:

²⁶ *French Language Services Act*, section 10.

1. An amendment to designate the non-designated agency as a government agency under Regulation 398/93 (provided that all the prerequisites are met); and
2. An amendment to revoke the designation of the designated agency, in compliance with the revocation procedure provided in sections 7 and 10 of the *Act*.²⁷ Finally, the provision of designated services cannot be reduced in terms of frequency or quality during the process of transferring these from the designated agency to another that is not designated.

3. Designation support tools and guidance process

This study has identified two tools or processes used to provide agencies with support during the designation process. For the health sector, it is a tool implemented by the Réseau des services de santé en français de l'Est de l'Ontario and for children, youth and community social services, there is a "clauses" mechanism.

3.1 Tool developed by the Réseau des services de santé en français de l'Est de l'Ontario

The Réseau des services de santé en français de l'Est de l'Ontario has developed an Excel-based tool²⁸ to assist agencies in preparing their designation applications (Appendix 1). It consists of four (4) sections:

- Information about the agency's profile;
- The type of designation being applied for by the agency;
- Information about the Francophone community served by the agency;
- Performance in meeting the criteria and requirements of the Ministry of Francophone Affairs.

The tool is helpful in three ways:

1. It allows agencies applying for designation to self-assess on criteria fulfillment by providing four (4) levels of performance;
2. It then identifies which designation criteria and requirements need to be upgraded to progress further;
3. Then, through a detailed designation action plan, it outlines targeted support based on results from the previous evaluation.

In addition, it provides helpful assistance in preparing the agency's designation plan, and to some extent facilitates future evaluations of the application.

²⁷ The Court of Appeal has stated in *Lalonde v. Ontario, ONCA* that the mere fact of ordering the agency that will be taking on the services to apply for designation does not constitute a "reasonable measure" within the meaning of section 7. The government cannot limit its action to making arbitrary regulatory amendments. Indeed, the Court emphasized that the discretion of the Lieutenant Governor with respect to regulation is not absolute in matters of linguistic rights. Moreover, to limit services offered in French "it cannot simply invoke administrative convenience and vague funding concerns" any downgrading of linguistic rights may be subject to review, based not only on compliance with the act, but also on the unwritten constitutional principle of protecting minorities (at paras 167-168).

²⁸ <http://www.rssfe.on.ca/ressources/boites-a-outils-designation/> (page consulted in July 2017).

3.2 The “clauses” mechanism, or the compliance report, by the Ministry of Children and Youth Services and the Ministry of Community and Social Services

To implement *Regulation 284/11* of the *French Language Services Act* ²⁹, the Ministry of Children and Youth Services and the Ministry of Community and Social Services have introduced a gradual step-by-step approach for developing French language services for all service providers receiving transfer payments. The approach provides for guidance and support at four different progress levels, based on an annual assessment of the capacity to offer services in French. The levels or *clauses* are:

1. The “referral” clause ;
2. Clause I (planning);
3. Clause II ; and
4. Clause III.

The “referral” clause is used for agencies that do not have the capacity to offer services in French or that are only starting the process of providing French language services. Clause 1 applies to agencies with a limited capacity to offer French language services. Clause 2 is for agencies that have the capacity to offer services in French. Clause 3 applies to agencies that have developed tools and have qualified staff to provide French language services.

Agencies use an Excel file to conduct an annual self-assessment of each service or program funded, and develop an action plan for improving capacity on the basis of the results achieved. For each clause or level, the topics covered by the assessment are:

- Active offer;
- Accountability mechanisms and management practices;
- Active promotion of collaborating with the community and strategic planning.

The program supervisors in each region are responsible for coaching agencies and for checking on the progress being made under each clause. The decision to go forward with an application for designation is made voluntarily by agencies at the clause 2 or 3 stages, as they are required to have developed the ability to provide quality French language services. This mechanism is the preferred support tool for both Ministries. The advantage of this approach is that it allows each agency to gradually develop its ability to offer French language services with annual support from the program supervisors.

²⁹ *Provision of French Language Services on behalf of Government Agencies, O. Reg 284/11 (“Regulation 284/11”).*

3.3 Statements of compliance as a formal assessment tool for designation

On January 1, 2014, the Ministry of Francophone Affairs established an evaluation framework³⁰ for designated agencies through statements of compliance. Thus, every three years, designated agencies must submit the MFA “Agency designation Plan and Evaluation tool” including supporting documents and a resolution from their board of directors on the status of French language services. The instructions state that “any changes to French language services offered to clients must be accompanied by the relevant supporting documents.” However, Francophone agencies which operate exclusively in French (for a francophone clientele) are exempted from completing the evaluation tool but need to submit an attestation of designation form. The Ministry of Francophone Affairs developed this framework to be implemented by the Ministry responsible for each of the designated agencies. The first year for designated agencies to submit initial compliance reports was 2017.

4. Identification of the agencies

The Ministry of Health and Long-Term Care adopted an administrative procedure that consists of identifying health service providers for the provision of French language services. This procedure is not in the *French Language Services Act*, but is considered by government stakeholders to be a transitional or preparatory step towards designation. However, for the past 30 years, many agencies, including several specialized hospitals in the Greater Toronto Area, have remained at this initial stage without ever applying for full or even partial designation for the programs and services for which they were identified.

4.1 Definition

Identification is the process by which the LHIN or before it, the Ministry of Health and Long-Term Care, chooses a service provider to deliver specific services in French. The decision not only takes into consideration the location of Francophone communities, but also their health care needs, gaps in existing services, and the capacity of the identified service provider to deliver quality services in French. The LHIN consults the agencies concerned and the French Language Health Planning Entity, but ultimately, the LHIN is responsible for the decision to identify an agency.

4.2 Stakeholders and the identification process

Three players are involved in the identification process – the health service provider, the LHIN of that territory, and the French Language Health Planning Entity. There is no consistent province-wide process to identify an agency. Generally speaking, the LHINs currently use the Identifying Health Service Providers to Provide Services in French – A Guide for LHINs that was developed in August 2015. This document was also shared with the French Language Health Planning Entity. Following a recommendation from the French Language Health Planning Entity; the LHIN identifies a provider

³⁰ See appendix 2.

to offer specific French language services. Once the identification has been made official, the LHIN includes it in the accountability agreement that links it to this provider and informs the Ministry of Health and Long-Term Care, and the Ministry of Francophone Affairs, that the agency in question has been identified. The success of this procedure depends on knowledge about agencies that are capable of providing services in French. Assessing this capability is the responsibility of the French Language Health Planning Entities, and it applies to all health care service providers in their respective territories.

4.3 Issues in identifying health agencies

The lack of accountability regarding identified services results in challenges in identifying health service providers. Although identified providers are required to produce an annual report on performance against commitments related to their identification, very few in fact comply with this requirement. Many identified agencies no longer know which services were identified. This has serious consequences for the provision of services in French. Moreover, the identified agency has no legal obligation under the *French Language Services Act*, thus preventing the public from using the Office of the French Language Services Commissioner's complaint mechanism. It is now imperative that this shortcoming in the provision of French language services be dealt with through stricter controls over the commitments made by identified agencies through accountability agreements with their LHIN.

5. The role of government and community authorities in the designation process

Many government and community stakeholders are involved in the designation process. Generally speaking, they play a role in evaluating and supporting agencies applying for a designation.

5.1 The Ministry of Francophone Affairs

The Ministry of Francophone Affairs is key to the designation process in Ontario. It establishes the designation process under the *French Language Services Act*. Accordingly, it sets the designation criteria and requirements, provides the documentation needed by the various ministries regarding designation, conducts the final evaluation of the application and recommends the official designation of an agency to the Lieutenant Governor.³¹ The Ministry of Francophone Affairs also develops the evaluation framework for designated agencies to ensure compliance with designation requirements. Instructions from the Ministry of Francophone Affairs in this regard require the submission of supporting documents for the designation application..

³¹ Paragraphs 12(1)(b) and (c) are particularly edifying:

- (b) recommend the designation of public service agencies and the addition of designated areas to the Schedule;
- (c) require non-profit corporations and similar entities, facilities, homes and colleges referred to in the definition of "government agency" to furnish to the Office information that may be relevant in the formulation of recommendations respecting their designation as public service agencies.

5.2 Other ministries/French language services coordinators /Program supervisors

Section 13 of the *French Language Services Act* is very succinct about the roles and duties of French language services coordinators. It provides that a French language services coordinator be appointed for each ministry. It further provides that the Ministry of Francophone Affairs should coordinate a committee consisting of all the coordinators. It then states that each French language services coordinator is authorized to communicate directly with his or her deputy minister. Thus, it would seem logical and appropriate for these coordinators to play a leading role in the designation of agencies under the *French Language services Act*.

Ministries are therefore partners in the designation process. In some instances, they support various agencies applying for designation through their French language services coordinators or their program supervisors. They provide agencies with information and details on designation criteria and requirements and sometimes make on-site visits to review human resources plans. As part of the designation process, they evaluate the application before forwarding it to the Ministry of Francophone Affairs.

5.3 Local Health Integration Networks

Since the adoption of the *Local Health System Integration Act, 2006*,³² the Ministry of Health and Long-Term Care established 14 Local Health Integration Networks to plan, fund, and integrate health services at the local level. The *Patients First Act, 2016*, amended LHSIA to expand the role and mandate of the LHINs to include management and delivery of home and community care services, formerly the function of Ontario's fourteen Community Care Access Centres (CCACs), as well as planning for primary health care.

This entails that LHINs are responsible for ensuring that each service provider they fund complies with their commitments. They must also coordinate local and provincial initiatives to improve the health system. During the designation process, they work with the French language health planning entity to evaluate and approve applications for designation before forwarding them to the Ministry of Health and Long-Term Care.

5.4 French Language Health Planning Entities

In 2010, the Ministry of Health and Long-term Care established six (6) French Language Health Planning Entities whose primary mandate was to make recommendations to the LHINs on all health matters affecting Francophones in a given region. As provided in *Regulation 515/09*, they advise the networks on:

³² *Local Health System Integration Act, 2006, SO 2006, c 4.*

- 3.(1)(a) methods of engaging the Francophone community in the area;
- (b) the health needs and priorities of the Francophone community in the area, including the needs and priorities of diverse groups within that community;
- (c) the health services available to the Francophone community in the area;
- (d) the identification and designation of health service providers for the provision of French language health services in the area;
- (e) strategies to improve access to, accessibility of and integration of French language health services in the local health system; and
- (f) the planning for and integration of health services in the area.³³

In this capacity, the Entities support the agency identification process, by working with health system partners to provide advice to LHINs on the readiness of identified health service providers (HSPs) who applied for designation.

5.5 Office of the French Language Services Commissioner

The Office of the French Language Services Commissioner ensures that designated agencies fulfill their commitments through its public complaints and service audit processes. It also proactively advises ministries and designated agencies on the implementation of contingency plans to prevent any gaps in designated services. These interventions are particularly appropriate in view of frequent mergers of agencies and mobility of French-speaking human resources.

Citizens can file a complaint with the Office of the French Language Services Commissioner at any time. The Commissioner has authority under the *French Language Services Act* to investigate and handle complaints, promote the quality of services and ensure citizens' rights to French language services. The Commissioner may then contact the service provider's complaints department or the regulatory body concerned and follow up on complaints received.

Designated agencies within the definition of the *French Language Services Act* are organizations that the Commissioner may investigate. This is also the case for LHINs, which meet the definition of a "government agency" under the Act.

The Commissioner's primary role is to ensure that all stakeholders in the system shoulder their responsibilities in the provision of French language services which are integrated and meet the needs of French-speaking clients.

³³ *Engagement with the Francophone Community Under Section 16 of the Act*, O. Reg. 515/09, s. 3 (1) ("Regulation 515/09").

5.6 Francophone community organizations

Francophone organizations play an important role in the designation process because they are the primary beneficiaries of an agency's designation. They support service providers that request designation by working with them in a variety of community engagement activities. They play an active role in the application process, as each agency applying for designation must provide letters from community organizations supporting the application.

II - THE DESIGNATION PROCESS: FINDINGS, ISSUES, POTENTIAL SOLUTIONS AND RECOMMENDATIONS

This section presents issues identified following an analysis of the designation process as it currently stands. It is based on interviews conducted with stakeholders and agencies, and on an analysis of the quantitative data produced by the Réseau des services de santé en français de l'Est de l'Ontario. Six issues were identified. They affect the designation process and call for concerted action.

1. The value of designation

The first issue identified by stakeholders and service providers interviewed as part of this study was the value of designation. Designation must have an added-value if the concept is to be made attractive to agencies (service providers). Indeed, designating an agency gives it some prominence and underscores its commitment to lowering language barriers in the provision of services. It officialises the provision of quality French language services to the public.

Several studies, including a number in the health sector, have demonstrated the impact of reduced language barriers in establishing a quality therapeutic relationship and in enhancing client satisfaction.³⁴ Far from constituting a risk factor for agencies that embark on the process, designation is a seal of quality that should be promoted by the government of Ontario because it demonstrates the agency's willingness to improve the quality of the French language services it is offering. Moreover, as Raymond

34 Green, A. (2007), "The impact of Language Barriers on Health Care," 3e Rendez-vous Santé en français, Faire la différence; Woloshin et al. (1997), "Is Language a barrier to the use of preventive services", *Journal of General Internal medicine*, volume 12, pp. 472-477; Bauer, A. M., & Alegria, M. (2010), "Impact of patient language proficiency and interpreter service use on the quality of psychiatric care: A systematic review," *Psychiatric Services* (Washington, D.C.), 61(8), 765-773, <http://rssfe.on.ca/upload-ck/Les-services-de-sant%C3%A9-en-français-un-facteur-de-qualite-29oct2012.pdf> (page consulted in September 2017).

Breton demonstrated in his analysis of the symbolic importance of the designation in the SOS Montfort affair, designation contributes to the provision of comprehensive services to Ontario's Francophone community because it plays a part in its vitality and survival.³⁵ Lastly, because of the institutional security it provides, designation guarantees the government's long-term support. However, interviews showed that few service providers understood designation from this standpoint and were never made fully aware of the benefits by their respective ministries. In addition, process shortcomings, in terms of time required for an evaluation and relevance of certain criteria, have made the idea less attractive.

Potential solution:

To address this shortcoming, the Government of Ontario could elevate designation to make it a "service quality seal" for all ministries and service suppliers that it funds. This action would make designation much more attractive to service providers and government agencies. Although this may not have been considered possible 30 years ago, this approach is now essential.

During interviews, some stakeholders and agencies mentioned and even complained about how little attention is given to the issuance of designation certificates, which, to some extent, is not commensurate with efforts made by an agency to obtain designation. The Ministry of Francophone Affairs should organize a public event when delivering a designation certificate. The determination and efforts of key stakeholders in achieving designation would then be officially recognized, and would give meaning to the process. Other partner agencies involved in the designation process, such as the planning entities and French language services coordinators, should maximize efforts in promoting and highlighting the benefits of designation for an agency as well as for Francophone communities.

"My agency has been designated since July 2015. My board of directors and I view designation as a factor that improves quality of the services we offer. We are totally dedicated to meeting all the criteria and requirements of our designation. Today, we have become an accessible centre that delivers quality services to all Francophone and Anglophone children and families in Cochrane and Temiskaming."

Marie Rouleau, Executive Director of the Cochrane Temiskaming Children's Treatment Centre.

Recommendation 1:

The Commissioner recommends that the Minister of Francophone Affairs take specific action to ensure that an agency's designation under the *French Language Services Act* is valued, celebrated and acknowledged as a commitment to service quality for citizens of the province.

³⁵ Raymond Breton, "Institutional Completeness of Ethnic Communities and the Personal Relations of Immigrants," *American Journal of Sociology*, 70, 2, 1964, pp.193-205.

2. Designation criteria

The second issue raised by various stakeholders and agencies interviewed as part of this study was the designation criteria and requirements. Most interviewees referred to the difficulty of meeting some of the criteria, and to the systemic alignment gap between certain operational criteria and local realities. To properly understand the issues raised, the Réseau des services de santé en français de l'Est de l'Ontario was asked to provide the Office of the French Language Services Commissioner (OFLSC) with the results of its evaluation of designated and identified agencies across five LHINs. This data was extracted from the Réseau's assessment tool, which has been in use since 2014-2015. The OFLSC's case is largely based on the Réseau's analysis.

Analysis sample

There were 76 designated agencies and 73 identified agencies working in the health sector. These agencies submitted French language services' reports to the LHIN with which they had an agreement in one of the last three years. The 76 designated agencies represent 71% of all currently designated health agencies in the province. The sample is therefore representative.

	Identified	Designated	Total
Number	73	76	149

Data supplied by the Réseau des services de santé en français de l'Est de l'Ontario.

Method for calculating the designation criteria compliance rate

Data provided is self-assessed by the agencies, which can select from the following four status options to describe the French language services they provide:

- "Completed", which means that the HSP considers that it has met all the conditions for a given requirement. In this report, we considered that the requirement was met;
- "In progress", which means that action or activities are currently in progress to meet the requirement, but that they have not yet been completed;
- "Deferred", which means that the HSP has voluntarily postponed the work needed to meet a requirement;
- "Not begun", which means that the HSP has not performed the action or work needed to meet the requirement.

The compliance rate is calculated as a percentage of the 34 designation requirements considered to have been met. For example, an HSP that indicated completed status for 17 of the 34 requirements would have a compliance rate of 50%.

The compliance rate for a group (e.g. identified agencies) is the average of the compliance rates for each agency in the group or in a given region. The overall compliance rate is the average of the compliance rates for all agencies (identified and designated) which are part of the study.

Results

The table below lists compliance rates for identified and designated agencies, as well as the overall compliance rate for the five regions sampled.

Region	Compliance rate for identified agencies	Compliance rate for designated agencies	Overall compliance rate
Region 1	35.29%	N/A	
Region 2	28.68%	91.18%	35.62%
Region 3	36.03%	N/A	36.03%
Region 4	29.64%	50.50%	44.85%
Region 5	22.68%	71.84%	47.89%
Total	27.12%	62.27%	45.05%

Data supplied by the Réseau des services de santé en français de l'Est de l'Ontario.

Based on the data supplied, compliance rates for identified HSPs vary from 22% to 35%, with an average of 27%, which can be explained by the fact that these agencies did not officially apply for designation, and did not have to meet all of the designation requirements.

Compliance rates for designated agencies varied from 51% to 91%, with an average of 62%. Given that the compliance rate for designated agencies should always be 100%, this score might be considered surprising. The Réseau des services de santé en français de l'Est de l'Ontario suggested that this divergence could be explained by changes or shifts in the health system. In other words, it could be the result of daily challenges that agencies must face. This data shows that even designated agencies have difficulty meeting and maintaining compliance with all 34 designation requirements.

What follows is an analysis of which compliance rates are highest and lowest for designated and identified agencies.

Requirements for which the compliance rates are highest and lowest for all agencies in the sample

Based on the results from the sample supplied, requirements pertaining to signage, visual identity, answering correspondence and active offer of services in French showed the highest levels of compliance for all agencies. On the other hand, those pertaining to human resources, i.e. the assessment of language proficiency in staff, Francophone representation on the board of directors, and contracts signed with third parties, were at the lowest levels of compliance for all designated and identified agencies. Specific issues related to human resources make it difficult to meet all the criteria and requirements. However, they are central to the delivery of French language services.

Requirements	Compliance rate (%)
4.2.3 A mechanism is in place to determine linguistic identity	68
4.3.9 French correspondence is answered in French	67
4.4.3 A senior manager is responsible for French language services (FLS)	66
4.3.2 Exterior signage is available in both languages	65
4.2.2 Reception and services are actively offered in French at each stage	61
4.3.5 French-speaking staff wear a badge	41
4.5.5 Language proficiency is assessed by an accredited firm	40
4.4.1 A report on the status of FLS is submitted to the board of directors each year	35
4.1.3 There is Francophone representation on the board and on board committees	31
4.2.6 Third-party contracts	30

Data supplied by the Réseau des services de santé en français de l'Est de l'Ontario.

Requirements for which compliance rates are highest and lowest for designated agencies

Requirements	Compliance rate (%)
4.2.2 Reception and services are actively offered in French at each stage	91
4.3.2 Exterior signage	91
4.3.3 Interior signage	91
4.3.9 French correspondence is answered in French	91
4.2.3 A mechanism is in place to determine linguistic identity	89
4.3.1 Website	59
4.3.5 French-speaking staff wear a badge	59
4.4.1 A report on the status of FLS is submitted to the board of directors each year	54
4.1.3 There is Francophone representation on the board and on board committees	51
4.2.6 Third-party contracts	49

Data supplied by the Réseau des services de santé en français de l'Est de l'Ontario.

Detailed analysis of the results for designated agencies again confirms that, generally speaking, the highest levels of compliance are reached with signage and visual identity, and the lowest pertain to human resources. These results corroborate the comments gathered during interviews. All of the stakeholders and agencies interviewed confirmed that the requirements for human resources, as well as those concerning Francophone representation on the board of directors and in senior management, are the most difficult to meet due to the high mobility of specialized bilingual staff, and challenges in recruiting Francophone employees.

Possible solution:

The Ministry of Francophone Affairs, in collaboration with stakeholders working in the field, should conduct an in-depth review of all designation criteria and requirements with a view to adapting them to the daily realities of providing French language services. For example, a re-evaluation of the criteria and requirements, particularly those related to human resources, should be done to adjust them to the challenging realities of recruiting and retaining French-speaking staff. This exercise should include developing contingency plans to mitigate impact on the public in the event of staff shortages. The certificate of compliance to be submitted by fully Francophone agencies should be accompanied by a detailed report describing the requirements met (the criteria are discussed below in section III - 2).

Recommendation 2:

The Commissioner recommends that the Minister of Francophone Affairs undertake a complete review of designation criteria and requirements to adapt them to the realities of providing French language services in all regions of Ontario in order to increase French language services.

3. Designation timelines

As mentioned in the previous section, the application process consists of a series of evaluations. However, no timelines have ever been established for each of these evaluations. In other words, an agency applying for designation has no idea of the timeline involved in obtaining it. Interviews conducted revealed that none of the designated agencies had any idea of how long it would take to obtain their designation prior to initiating the process. Some applications took more than 2 years to process. This absence of a timetable reduces the appeal of the process because it makes it very challenging for applicants to plan properly. Moreover, the designated agencies interviewed raised the lack of communication and updates on the status of their application. They fell into a black hole.

Potential solution:

In view of the resources and planning required to apply for designation, a more accurate timeline should be provided to applying agencies. The Ministry of Francophone Affairs could develop a timeline in collaboration with the other ministries that estimates the time required for each step in the process. As well, they could also agree on an ongoing communication plan to update agencies on the status of their application. This would make the process more attractive and make processing timelines more transparent. In fact, in these days of advanced technology and transparency, it would be possible to develop an Internet portal through which applicants could see the status of their application in real time.

Recommendation 3:

The Commissioner recommends that the Minister of Francophone Affairs establish a transparent and precise framework, with clearly identified stages and timelines, to guide and support agencies seeking designation throughout the entire process.

4. The role of designation stakeholders

Applying for designation involves several stakeholders, including support structures and various levels of accountability, responsible ministries along with the Ministry of Francophone Affairs. To some degree, all of them have a role to play in assessing designation applications. The number of stakeholders and evaluations may be a source of confusion for agencies applying for designation. Interviews revealed that several agencies had no idea which roles and responsibilities were held by the various stakeholders involved in the process. This lack of knowledge caused delays in a number of cases because applicants did not know precisely where to turn to for assistance with their application or who to speak to about developing French language services.

In his *Annual Report 2008-2009*, the Commissioner recommended that:

“The Office of Francophone Affairs (OFA) and the French Language Services coordinators can and must play a crucial role in developing programs and services that are adapted and delivered to Francophone communities across the province. These government resources may also play a determining role in finding innovative and effective methods for delivering the services that are required for the preservation and prosperity of Ontario’s Francophone communities.”³⁶

The designation process is clearly an essential component of planning French language services and this role should be the responsibility of French language services coordinators.

Potential solution:

In collaboration with the appropriate stakeholders involved throughout the designation process, as well as the French language service coordinators from the various ministries, the Ministry of Francophone Affairs should prepare a guide for agencies applying for designation. The guide could include a description of the criteria, the time required to process an application, and a clear explanation of the roles and responsibilities of each stakeholder in the application process. The guide could answer a number of questions applicants might have. The guide could also be used by all ministries and government agencies, such as the LHINs, for the steps involved in the designation process.

Recommendation 4:

The Commissioner recommends that the Minister of Francophone Affairs prepare a complete guide on designation.

³⁶ Office of the French Language Services Commissioner, *Annual Report 2008-2009: One Voice, Many Changes* (“*Annual Report 2008-2009*”), p. 18.

5. Support prior to designation

The designation process requires the mobilization of considerable resources by the agencies that commit to it, including financial and human resources, which in some instances need to be entirely dedicated to preparing the application, meeting the criteria and requirements, and shepherding the application through the entire process. Meeting the designation criteria also requires a number of changes within applying agencies. Interviews showed that few organizations could afford the luxury of doing so. Financial constraints within the vast majority of these agencies make it difficult if not impossible to bring to bear the financial and human resources needed to prepare and follow through on a designation application, even a partial one.

Nearly all of the designated agencies received a certain amount of assistance in preparing their application. The data supplied by the Réseau des services de santé en français de l'Est de l'Ontario confirmed that those agencies which fully met designation requirements and criteria were precisely those that had received, and continue to receive, support in developing their capacity to deliver French language services, and with their designation application. The case of Kingston's Hotel Dieu Hospital is remarkable because it was rapidly able to comply with many of the designation requirements, including bilingual public signage and the evaluation of the language proficiency of its staff thanks to non-recurring funding by the LHIN.

“Thanks to non-recurring funding from the southeast LHIN, we were able to make significant progress in developing French language services at Kingston's Hotel Dieu Hospital. Even small budget allocations like these could help all regions in the province face the challenges of providing French language services in Ontario.”

Elizabeth Bardon, Vice President, Missions, Strategy & Communications, Hotel Dieu Hospital, Kingston.

Possible solution:

It is therefore essential for the ministries responsible for designating agencies, and the Ministry of Francophone Affairs, to develop a designation support framework in collaboration with partner organizations like French Language Health Planning Entities and LHINs. In view of the funds required to work through the application process, the Ministry of Francophone Affairs, and LHINs in the health sector, could make non-recurring funding available for applicants to cover some of the costs related to compliance, including signage and evaluating staff language proficiency.

Recommendation 5:

The Commissioner recommends that the Minister of Francophone Affairs ensure that the ministries and other government agencies supporting a designation application within their respective sectors equip itself with the means required to financially support agencies applying for designation.

6. Evaluation of the designation process

Further to one of the recommendations from the 2011-2012 Commissioner's report about the accountability of designated agencies, the Ministry of Francophone Affairs established an evaluation which requires ministries to verify the compliance of designated organizations every three years. It was not possible, in the context of this study, to access the assessment scales used to establish that framework. Moreover, it is worth noting that the evaluation of agencies that operate only in French for an exclusively Francophone clientele will not be as strict as other designated agencies. The various stakeholders interviewed agreed on the importance of a formal evaluation for all designated agencies.

However, they indicated that the three-year evaluation, in its current form, is in fact a repetition of the designation process, to the extent that they must submit all the documents that were filed when they applied for designation. For them, it is preferable that all designated agencies be subject to the same evaluation process. Indeed, the three-year nature of the current evaluation was identified as a possible concern when considering the maintenance of designated services. Some stakeholders felt that the period was too long and that it would be desirable to consider an annual evaluation instead.

Possible solution:

Designated agencies should be assessed every year. The Ministry of Francophone Affairs should also decentralize this process. In other words, ministries and accountability agencies, like the LHIN through their French language services coordinators, would be responsible for ensuring that the designated agencies meet their commitments. This assessment should be combined with the annual performance assessment of all their agencies. This would have the advantage of avoiding duplication, as this could be part of the annual evaluation. Every three years, the annual assessment reports should be sent to the Ministry of Francophone Affairs so that a compliance certificate can be issued to the designated agency.

The evaluation of designated agencies is a key factor in keeping the designation mechanism functioning properly. More than ever, the Ministry of Francophone Affairs and other ministries need to rigorously ensure that the evaluation framework guarantees the quality of French language services by ensuring that designated service providers comply with their agreements.

Recommendation 6:

The Commissioner recommends that Ministry of Francophone Affairs ensure that the government ministries and agencies assess, annually, the performance of designated agencies pursuant to the *French Language Services Act*. It is also recommended that every three years, the assessment reports be sent to the Ministry of Francophone Affairs for the issuance of a compliance certificate.

III - PROPOSED SOLUTIONS FOR A DESIGNATION SYSTEM THAT ADDRESSES ISSUES IN PROVIDING SERVICES TO THE PUBLIC

This section describes two changes that should be made to the current designation application process in order to adapt it to current circumstances. The recommended changes are also in response to challenges and possible solutions listed in the previous section.

1. Designation renewal by means of an improved process

The designation of agencies is a key mechanism for increasing and spreading French language services in Ontario. The Ministry of Francophone Affairs, which is responsible for this mechanism, started a working group whose role was to review existing criteria and requirements and develop a new evaluation framework. However, despite the Ministry's goodwill in achieving this, several persistent shortcomings have affected the entire process.

Interviews conducted as part of this study demonstrated the relevance of designation, but also the need to modernize it and adapt it to the challenges of providing French language services in Ontario. The modernization process should address:

- Promoting the value of designation.
- Reviewing and adopting designation criteria and requirements.
- Establishing application timelines and a mechanism for providing applicants with updates on the status of their applications.
- Formalizing the designation support process.
- Clarification of post-designation evaluation mechanisms.

The process should begin by establishing a working group of stakeholders and service providers whose mandate would be to quickly come up with a new designation process which gives due consideration to the issues and possible solutions raised in this study. It is essential to make these adjustments to the designation process if it is to properly identify and address the challenges of providing French language services to citizens in Ontario.

2. Making partial designation truly partial

Section 9 (1) of the *French Language Services Act* provides that: "A regulation designating a public service agency may limit the designation to apply only in respect of specified services provided by the agency, or may specify services that are excluded from the designation." In other words, an agency's designation may be limited to a specific service or program. This means partial designation, because it does not cover all the services available from the agency in question.

In practice, however, partial designation is limited only in name because an agency that wishes to designate one of its programs or services must meet the same 5 criteria and 34 requirements as an agency applying for full designation. This imbalance in the process was raised by many of the stakeholders and service providers who were interviewed.

This inconsistency in the application of all 34 requirements for partial designation is particularly incompatible with the structure and environment of agencies in central and southwestern Ontario, where most of the community, health and social service providers in the province are located, and where full designation would be difficult if not impossible in view of their organizational complexity and the shortcomings of the current process as listed in this study. For example, it would be very difficult for Princess Margaret Hospital in Toronto, which has 26 sites and 3,000 employees, to apply for even partial designation for one of its cancer treatment programs when it would have to meet all of the 34 requirements and 5 criteria.

Instead, it would be desirable to come up with a truly limited form of designation in which agencies could comply with reviewed and limited criteria established based on the kinds of services that would be provided to the public. This would have the advantage of ensuring that the specific service or program to be provided in French, in terms of physical and human resources, could be sustained over the long-term without completely changing the organizational structure. Many of the executive directors of agencies interviewed regarding this study underlined that they would be interested in applying for partial designation of a specific program or service for which they had, or were willing to develop, the capacity to provide services in French.

“The possibility of obtaining partial designation on the basis of criteria aimed at improving patient services would be an opportunity for Women’s College Hospital to consider programs that it might be able to offer in French. It would obviously be easier to obtain designation for specific programs rather than for the entire hospital. It could expand French language health services.”

Dr. Danielle Martin, Vice-President Medical Affairs and Health System Solutions, Women’s College, Toronto.

Potential solution:

- **Partial designation**

The Ministry of Francophone Affairs needs to convert the limited or partial designation status provided for in the *French Language Services Act* into a true form of partial designation by aligning the designation criteria and requirements with the limited nature of such applications.

There would accordingly be two types of designation:

- Complete or full designation
- Limited or partial designation

An agency applying for complete or full designation would have to meet all five (5) of the designation criteria and 34 requirements currently required as part of the process. But an agency applying for partial designation would have to meet a smaller number of requirements and criteria established on the basis of their capacity to truly increase French language services to the public.

The Ministry of Francophone affairs should consider establishing criteria and requirements which could apply to partial designation and full designation. In identifying criteria and requirements for these two forms of designation, it would be essential to determine which requirements and criteria would be most appropriate for the permanency and quality of French language services. According to the study carried out by the Réseau des services de santé en français de l'Est de l'Ontario, the five requirements with the highest rate of compliance should be considered, in addition to requirements 4.1.4 and 4.4.1 on governance and criterion 1 (requirements 4.5.1 to 4.5.8) for each specific designated program. These requirements would constitute a good starting point for discussion.³⁷

Options to consider for the criteria and requirements of a partial designation

Criteria	Statut
The agency must offer quality services in French on a permanent basis, which is ensured by employees with requisite French language skills. (See Requirements 4.5.1 – 4.5.8).	Mandatory for the designated service or program
The board of directors and the senior management team must be accountable with respect to the quality of French language services.	Mandatory for the designated service or program

Requirements	Statut
Access to services must be guaranteed and follow the principle of active offer (see requirements 4.2 - 4.3)	Mandatory for the designated service or program
4.1.4. A statement describing the responsibilities of the board of directors and the senior management team with respect to French language services	Mandatory for the designated service or program
4.2.2. The reception and services, at the time of initial greeting and at each subsequent point of contact, are actively offered in French.	Mandatory at reception / Mandatory for the designated service or program
4.2.3. A mechanism is in place to determine the linguistic identity of the client from the very first point of contact.	Mandatory at reception / Mandatory for the designated service or program
4.3. Visual identity and communication. (All requirements)	Mandatory at reception / Mandatory for the designated service or program /
4.4.1. A report on the status of French language services is submitted annually to the board of directors for approval.	Mandatory at reception / Mandatory for the designated service or program
4.5. The human resources policy incorporates specific measures and mechanisms concerning. (All requirements)	Mandatory at reception / Mandatory for the designated service or program /

37 The compliance criteria and requirements are available on Appendix 2.

One of the consequences of this change would be that a number of agencies which have been identified for many years could proceed with a partial designation for one or more of their programs and services. Compliance plans with new requirements and criteria could lead to the permanence of certain French language services. In the health sector, a referral/navigation service for these identified services could be introduced by the planning entities in collaboration with the LHINs to make them accessible to the Francophone population of that particular region.

In an increasingly complex organizational context, it is essential to facilitate partial designations to speed up effective access to the French language services and programs needed by Francophone communities.

Partial designation recommended for the health sector

To facilitate the effective implementation of this new partial form of designation within the health sector, the Commissioner recommends an administrative obligation be created between identification and the new partial designation. In other words, an agency's identification would automatically lead to its acquiring partial designation status in the future.

According to *Regulation 515/09*, French Language Health Planning Entities should work with the LHINs to determine the capacity of health service providers to offer services in French in each of their territories. Moreover, each provider is to receive support from its French Language Health Planning Entity to develop or improve capacity to offer French language services. Those providers that have had such support are then officially identified by their LHIN on the recommendation of the French Language Health Planning Entity.

This official identification of a service provider would then be followed by an application for partial designation within a time period determined by all parties involved in the process, but in any event not exceeding 3 years. This requirement to proceed with partial designation should be included in accountability agreements with the LHIN.

If a LHIN were to decide not to act on the recommendation of a French Language Health Planning Entity with respect to an official identification leading to partial designation, then justification for this decision would have to be submitted in writing.

French Language Health Planning Entities, LHINs and health services providers would work together to prepare partial designation applications for submission to the Ministry of Health and Long-Term Care, and then to the Ministry of Francophone Affairs for its evaluation and approval. While awaiting partial designation, health service providers would remain identified agencies which must comply with the clauses pertaining to the provision of French language services currently in their accountability agreement with their LHIN. No amendments to the *French Language Services Act* are required.

“Providing long-term care in French to Francophone seniors and other vulnerable residents of Pavillon Omer Deslauriers requires an ongoing commitment to retaining our bilingual staff and ensuring that our French language services are well known within the community.”

Margaret Aerola, Executive Director, Bendale Acres Long-Term Care Nursing Home, Toronto.

Recommendation 7:

The Commissioner recommends that the Minister of Health and Long-Term Care allow LHINs to work together with their French Language Health Planning Entities to identify health services providers which should, within three years or less, obtain partial designation under the *French Language Service Act*.

IV – CONCLUSION

The designation process pursuant to the *French Language Services Act* contributes to increasing the quality of French language services. And yet, more than 30 years after its introduction, this key mechanism appears to be running out of steam. In view of the recommendations made by the Commissioner in his 10th Annual Report, it would appear essential to carry out an in-depth analysis of why this may be the case, and at the same time explore possible ways of modernizing it. Many shortcomings in the current process have made it less attractive to service providers, and consequently have limited the availability of French language services. This is partly the result of the government's failure to promote and value it, the absence of a timeline for processing applications, the disparity in support provided to agencies wishing to obtain a designation, and the flawed accountability mechanism for designated agencies. It is also clearly necessary to analyse the issues and challenges posed by the "identified" status of health agencies.

This study offers pragmatic solutions to each of the known shortcomings within the designation process with the objective not only to increase the number of designated agencies in the province, but also to significantly expand the availability of French language services and programs in many fields.

Considering the far-reaching changes being made in the services provided to Ontarians, it has become absolutely essential for the government to modernize the designation mechanism to ensure that it is aligned with the expectations and needs of Ontario's Francophone populations.

V - APPENDICES

APPENDIX 1 - REPORT OF THE RÉSEAU DES SERVICES DE SANTÉ EN FRANÇAIS DE L'EST DE L'ONTARIO

**Réseau des services de santé en français
de l'Est de l'Ontario**

Preliminary Overview of Compliance to Designation Criteria within the Health Care System

**Report for the Office of the French Language
Services Commissioner of Ontario**

Prepared by

**Jean-François Pagé and Ghislain Sangwa-Lugoma
September 15, 2017**

www.rssfes.on.ca

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A- Background

The Office of the French Language Services Commissioner is preparing a special report on designation in Ontario under the *French Language Services Act*. For this purpose, it requested the collaboration of the Réseau to obtain data on compliance with designation requirements, the status of designation, the most and least met requirements, and factors that contributed the most to progress made by French language health service providers (HSPs) in recent years.

The French Language Health Services Network of Eastern Ontario (the Réseau) is a not-for-profit Francophone organization that engages the Francophone community in all its diversity as well as the healthcare community to improve the active offer and access to a continuum of quality health care services in French. Over the past few years, the Réseau has developed an information collection and analysis tool (known as OZi), which can be used to support organizations involved in developing and maintaining their designation, and to compile information about these organizations. This tool, designed to be used by identified and designated HSPs, is based on the designation plan and its 34 compliance requirements.

B- Methodology

1. Collection of data on French language services

Data was collected using the French language services report template developed by the Réseau for identified and designated HSPs. This report provides information about progress being made in meeting designation requirements, on the methods used by providers to meet the needs of their Francophone clients, and on staff who are proficient in French.

The French language services (FLS) report is one of the requirements in the accountability agreements between the LHINs and the HSPs. HSPs who requested it received support from the Planning Entity during the data collection process. The data collected consisted of information self-reported by the HSPs on the status of French language services within the organization. The data were afterwards reviewed by the Entity's planning agents.

2. Data used

These data was collected using the template developed by the Réseau. The template was gradually deployed in five regions, from 2014-2015 to 2016-2017 in this report. Table 1 summarizes the number of identified or designated HSPs that submitted their French language services reports by means of this template over the past three years. Twelve HSPs used the template in 2014-2015, and by 2016-2017, this number had reached 149. Of these 149 HSPs, the number of designated HSPs was approximately the same as the number of identified HSPs.

Table 1: Identified or designated HSPs that submitted their French language services report using the Réseau's template.

Year	Number of identified HSPs	Number of designated HSPs	Total
2014-2015	12	0	12
2015-2016	35	35	70
2016-2017	73	76	149

The compliance rates were based on the most recent data. The French language services reports were submitted in the spring of 2016 or 2017, depending on the regions. For the analyses of annual compliance progress, the data came from the reports submitted in the spring of 2016 and 2017.

3. Samples used

The total number of identified and designated HSPs in the five regions surveyed was 170. The table below summarizes the total breakdown of HSPs by designation status.

Table 2: Distribution and sample of HSPs by designation status in the five regions surveyed.

	Identified HSPs	Designated HSPs	Total
Eligible HSPs	92	78	170
HSPs sampled	73	76	149

The sample used represents 88% (149/170) of the HSPs involved in the designation process in the five regions. Furthermore, according to the *French Language Services Regulations*, 107 of the 243 agencies currently designated in the province (for all ministries) carry out operations on behalf of the Ministry of Health and Long-Term Care. The sample of organizations included in this report consists of HSPs that submitted their FLS reports to the LHINs during the years under review. There were 73 identified HSPs and 76 designated HSPs working on behalf of the Ministry. The 76 designated agencies in this report thus represent 71% (76/107) of currently designated health agencies in the province.

4. Calculation of compliance rates

When completing their reports, the HSPs are required to identify, to the best of their knowledge, the status of each of the 34 designation requirements (section 4 of the designation plan). To ensure a mutual or standardized understanding of what is expected for each requirement, fact sheets were provided for each requirement.

HSPs could identify the state of advancement of each requirement by choosing one of the following responses:

1. “Completed”, when the HSP considers that it has met all the conditions for a given requirement. In this report, we considered that such a requirement was met ;
2. “In progress”, when action or activities are currently in progress to meet the requirement, but that they have not yet been completed.
3. “Deferred”, when the HSP has voluntarily postponed the work needed to meet a requirement.
4. “Not started”, when the HSP has not performed the action or work needed to meet the requirement.

Accordingly, the percentage of the 34 designation requirements considered to have been met by an HSP was used to establish that HSP's compliance rate. For example, an HSP which indicated a “completed” status for 17 of the 34 requirements would have a compliance rate of 50%. The compliance rate for a group (e.g. the identified HSPs) is the average of the compliance rates for each HSP in this group or in a given region. The overall compliance rate is the average of the compliance rates for all HSPs (identified and designated) studied.

C- Results

1. Compliance with designation requirements

The table below lists the compliance rates for identified and designated HSPs, as well as the overall compliance rate for the 149 HSPs in the five regions sampled.

Table 3: HSP compliance rates by designation status and by region

Region	Compliance rates for identified HSPs	Compliance rates for designated HSPs	Overall compliance rate
Region 1	35%	N/A	35%
Region 2	29%	91%	36%
Region 3	36%	N/A	36%
Region 4	30%	51%	45%
Region 5	23%	72%	48%
Total	27%	62%	45%

The compliance rates for identified HSPs varied from 22% to 35% (average: 27%). Measuring this rate over time can provide information about an identified HSP's progress towards designation.

The compliance rates for designated HSPs varied from 51% to 91% (average: 62%). These compliance rates for designated HSPs can provide information about the capacity for the HSPs to continue to comply with the requirements over time, and to cope with the pressures and changes within the health system. Measuring these rates regularly could identify a reasonable range within which designated HSPs could operate. Ideally, the compliance rate for designated HSPs should always be 100%.

The overall compliance rate varied from 35% to 48% (average: 45%). This rate gives an overview of compliance by all providers involved in the designation process (identified and designated). Measuring the overall compliance rate over time could accordingly provide a Local Health Integration Network (LHIN) with information about the overall progress being made in achieving this objective for its region.

Charts 1 and 2 show the HSP compliance rates by region and by designation status.

Chart 1: Regional distribution of compliance rates

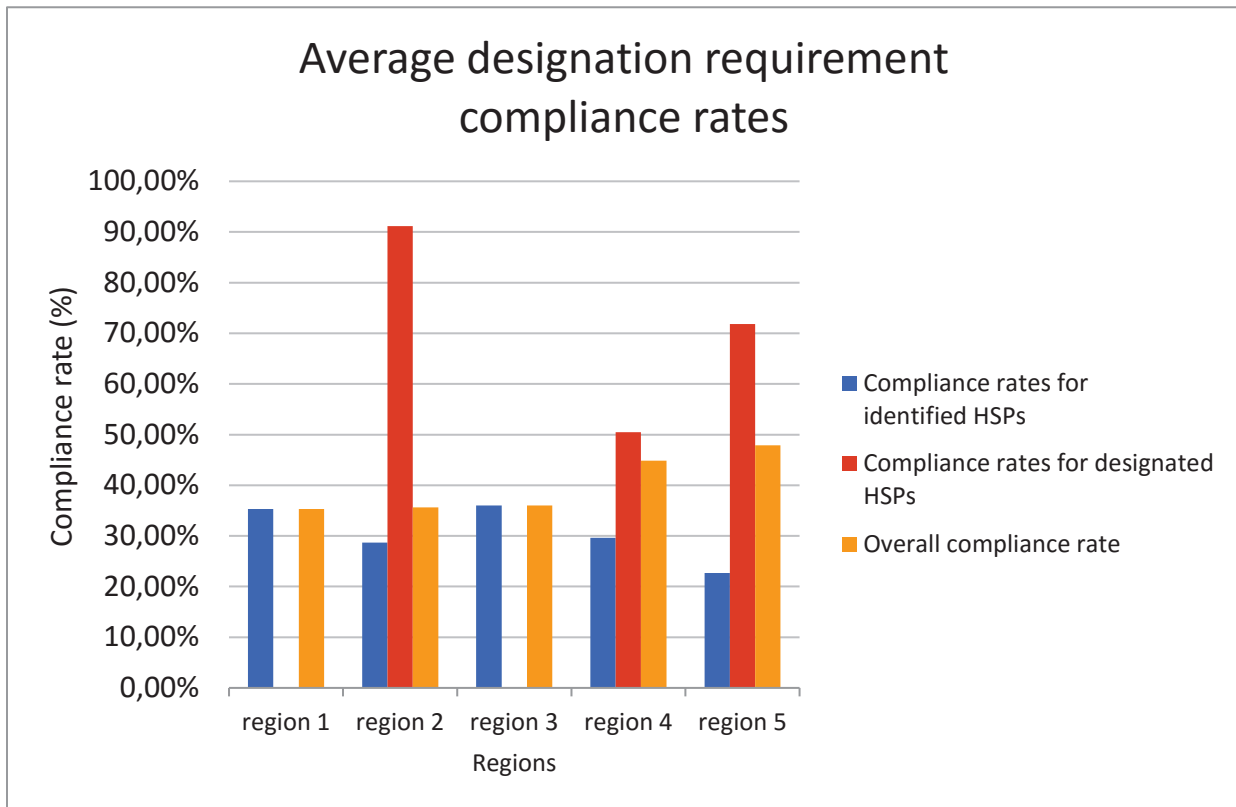
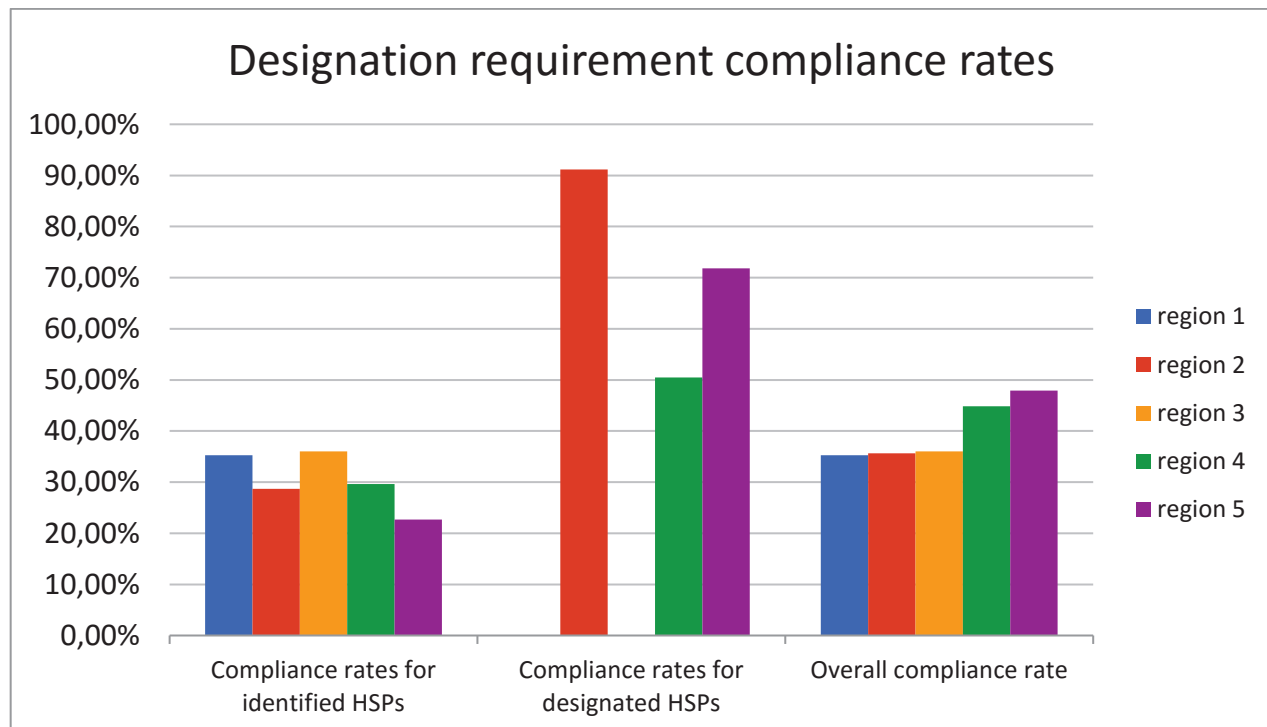


Chart 2: Distribution of compliance rates by designated status



2. Percentage of designated HSPs that meet the criteria

Chart 3 shows the distribution of designated HSPs by compliance rate (distribution of compliance rates for the 76 Designated HSPs, in four segments). In 66% of instances, the compliance rates for these HSPs are in the 75-100% segment. In 7%, 8% and 20% of cases, the reported compliance rates are, respectively, in the 0-25%, 25-50% and 50 to 75% segments.

Chart 3: Compliance rates for the 76 designated HSPs

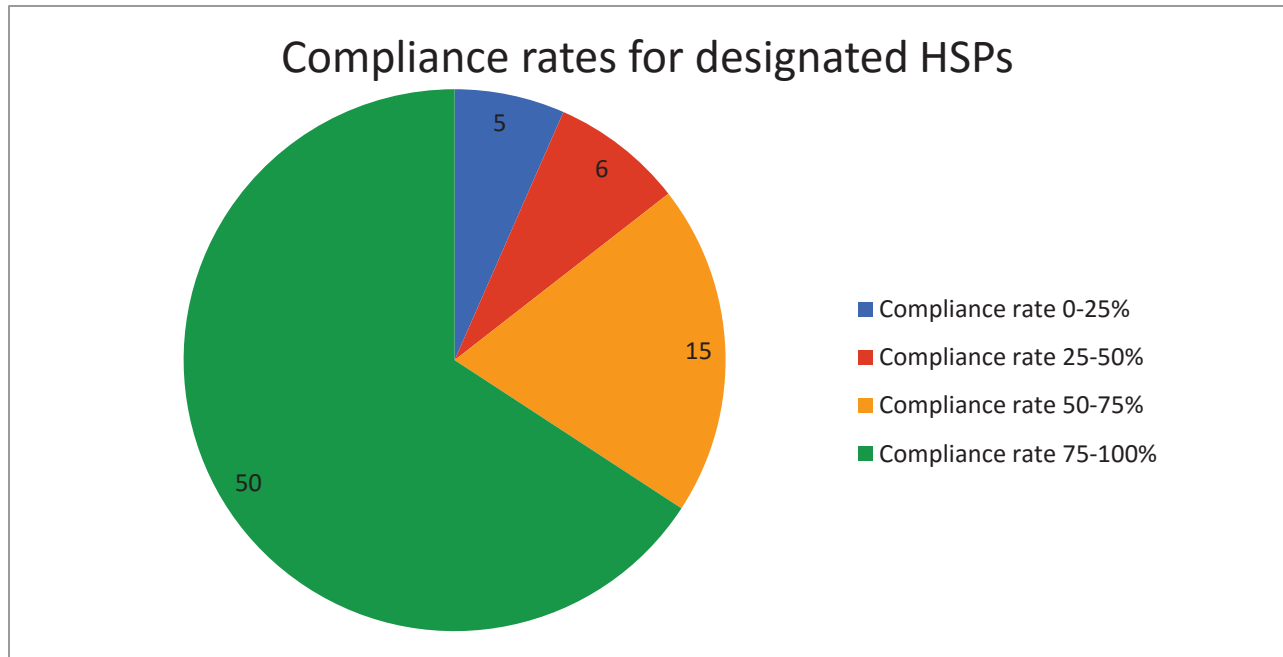


Table 4 shows that 52% of HSPs in the 75% to 100% segment have a compliance rate between 70% and 90%, while 48% of them have a compliance rate higher than 90%.

Table 4: Distribution of compliance rates for designated HSPs whose rates are above 75%

Compliance rate (%)	Segment	Number of HSPs	% within the segment of HSPs whose compliance rate is 75-100% (N=50)	% in comparison to all HSPs (N=76)
75% to 100%	75% to 89.9%	26	52%	34%(26/76)
	90 % to 99.9%	12	24%	16%(12/76)
	100%	12	24%	16% (12/76)
	Total	50	100%	66% (50/76)

3. Highest and lowest compliance rates

Table 5 shows the five requirements for which the reported compliance rates are highest (in green) and lowest (in red) for all HSPs. The detailed list of compliance rates for all 34 requirements is shown in Appendix 1.

Table 5: Requirements for which the compliance rates are highest and lowest for all HSPs

Requirements	Compliance rate (%)
4.2.3 - A mechanism is in place to determine linguistic identity	68
4.3.9 - French correspondence is answered in French	67
4.4.3 - A senior manager is responsible for French language services (FLS)	66
4.3.2 - Exterior signage is available in both languages	65
4.2.2 - Reception and services are actively offered in French at each stage	61
4.3.5 - French-speaking staff wear a badge	41
4.5.5 - Language proficiency is assessed by an accredited firm	40
4.4.1 - A report on the status of FLS is submitted to the board of directors each year	35
4.1.3 - There is Francophone representation on the board and on board committees	31
4.2.6 - Contracts are signed with third parties	30

Table 6 lists the five requirements for which the reported compliance rates are highest (in green) and lowest (in red) for identified HSPs. The complete list of compliance rates for all 34 requirements is shown in Appendix II.

Table 6: Requirements for which the compliance rates are highest and lowest for identified HSPs

Requirements	Compliance rate (%)
4.4.03 - A senior manager is responsible for French language services (FLS)	49
4.2.03 - A mechanism is in place to determine linguistic identity	47
4.3.09 - French correspondence is answered in French	44
4.3.02 - Exterior signage	38
4.3.07 - Letterheads on correspondence	36
4.2.07 - A mechanism has been identified to support resolution of complaints/issues pertaining to the delivery of FLS	12
4.5.02 - Number of designated positions has been identified	12
4.5.05 - Language proficiency is assessed by an accredited firm	12
4.1.03 - There is Francophone representation on the board and on board committees	11
4.2.06 - Contracts are signed with third parties	10

Table 7 lists the five requirements for which the reported compliance rates are highest (in green) and lowest (in red) for designated HSPs. The complete list of compliance rates for all 34 requirements is shown in Appendix III.

Table 7: Requirements for which the compliance rates are highest and lowest for designated HSPs

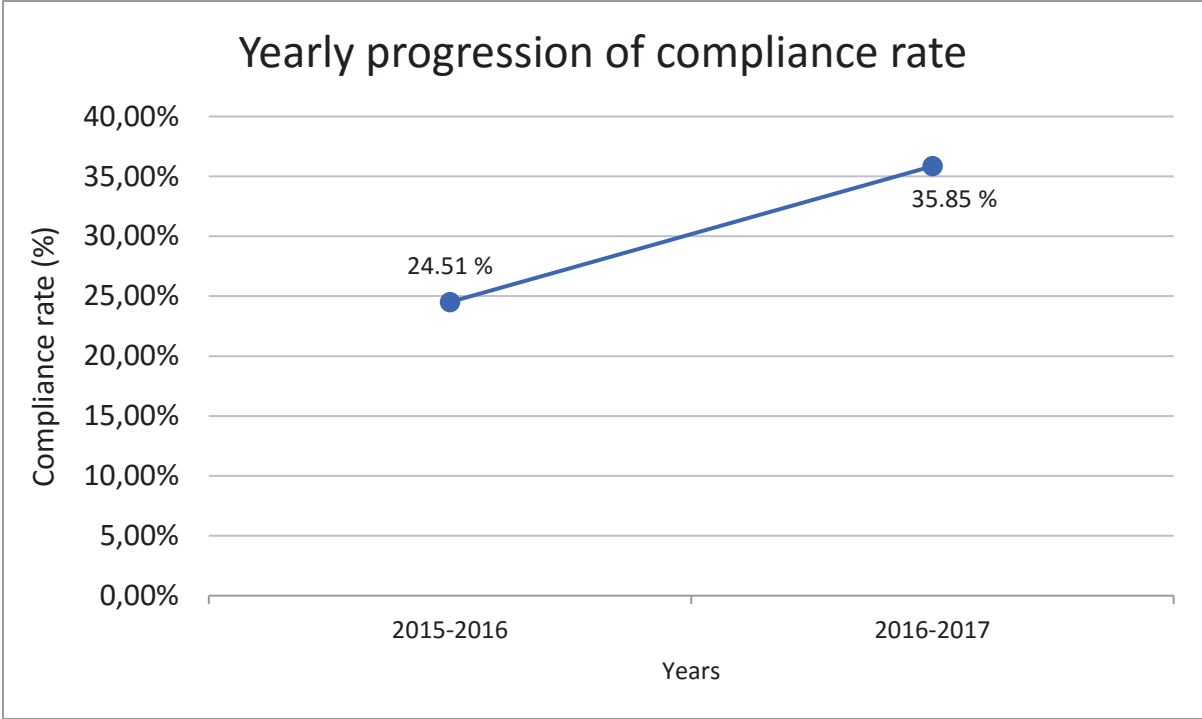
Requirements	Compliance rate (%)
4.2.02 - Reception and services are actively offered in French at each stage	91
4.3.02 - Exterior signage is available in both languages	91
4.3.03 - Interior signage	91
4.3.09 - French correspondence is answered in French	91
4.2.03 - A mechanism is in place to determine linguistic identity	89
4.3.01 - Website	59
4.3.05 - French-speaking staff wear a badge	59
4.4.1 - A report on the status of FLS is submitted to the board of directors each year	54
4.1.3 - There is Francophone representation on the board and on board committees	51
4.2.6 - Contracts are signed with third parties	49

4. Yearly progression of compliance rate

Over the past few years, the Réseau’s tools have been deployed at various times in different regions. This limits the ability to provide analyses over several years. However, we can analyze yearly progress of the compliance rate, and the variation in this rate by HSP based on a sample of 21 HSPs. These 21 HSPs are located in regions where the Francophone population represents less than 5% of the overall population, and 20 of the 21 HSPs are identified HSPs.

Chart 4 shows annual progress in the compliance rate for the 21 HSPs between 2015-2016 and 2016-2017.

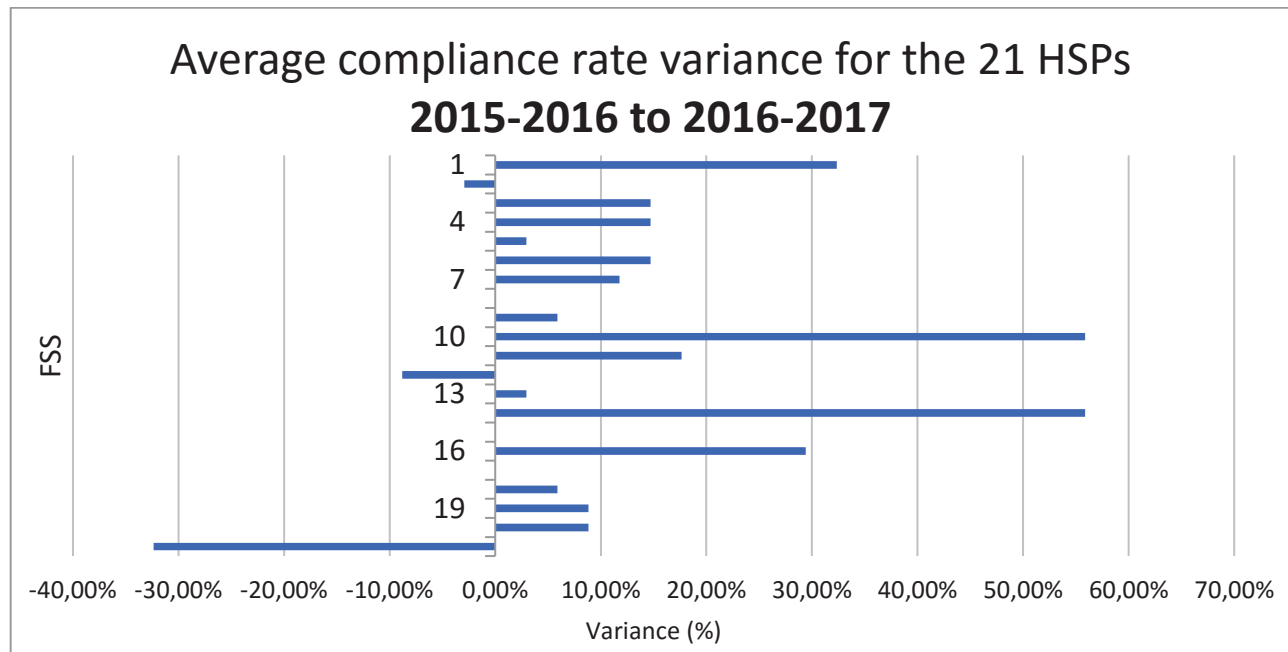
Chart 4: Compliance rates for the 21 HSPs in 2015-2016 and 2016-2017



Over a period of a year, the compliance rate increased by 11.34%. We also observed that an identified HSP in a very small minority region tends to progress more slowly than in a region where there is a stronger Francophone presence. It would therefore be interesting to compare the compliance rate progress from region to region in order to better identify what we might consider to be a reasonable rate of annual progress for a specific region. We also acknowledge that several factors can affect progress and have provided a number of examples of this in the next section.

Chart 5 shows the variance in compliance rates for each of the 21 HSPs.

Chart 5: Compliance rate variance by HSP (N=21)



5. Factors that affect compliance rate progress

This section brings together the Réseau's observations concerning the factors that might affect progress in the compliance rate of an HSP involved in the designation process. These observations are based on the Réseau's experience in supporting and evaluating identified and designated HSP compliance, the Réseau's discussions with HSPs and those providing support or assistance in other regions during the implementation of OZi, and analysis of data gathered in recent years. These observations all led to the identification of five major factors (listed below):

Use of Réseau tools

The Réseau tools for HSPs were designed to structure the process of developing, updating and maintaining the designation plan. Our observations showed that the plan enabled the HSPs to better understand the objectives and expectations pertaining to designation, to more effectively plan the tasks to be performed, and to reduce the ambiguity and complexity of these tasks. Moreover, the HSPs greatly appreciated the immediate feedback they received about their progress.

Involvement of senior management and governance

We found that the involvement of senior management and governance appears to be a determining factor in working towards and achieving designation. When they endorse the development of the designation plan, and closely monitor advancement and the extent to which compliance is being maintained, progress is faster.

Support by the Entity

Assistance to HSPs provides them with support and expertise in dealing with the designation process. This can take a variety of forms, depending on the needs of the HSP, who often indicate their appreciation of this support. From the point of view of those providing the assistance, support can improve the efficiency of the process by guiding the HSPs towards solutions or options that are suited to their needs. This adaptability allows for the introduction of more effective and more sustainable measures by the HSP.

Stricter accountability

When LHINs recognize the relevance of designation and include it as a local condition within the HSP accountability agreements, it has a positive impact on rapid and steady progress towards achieving designation status.

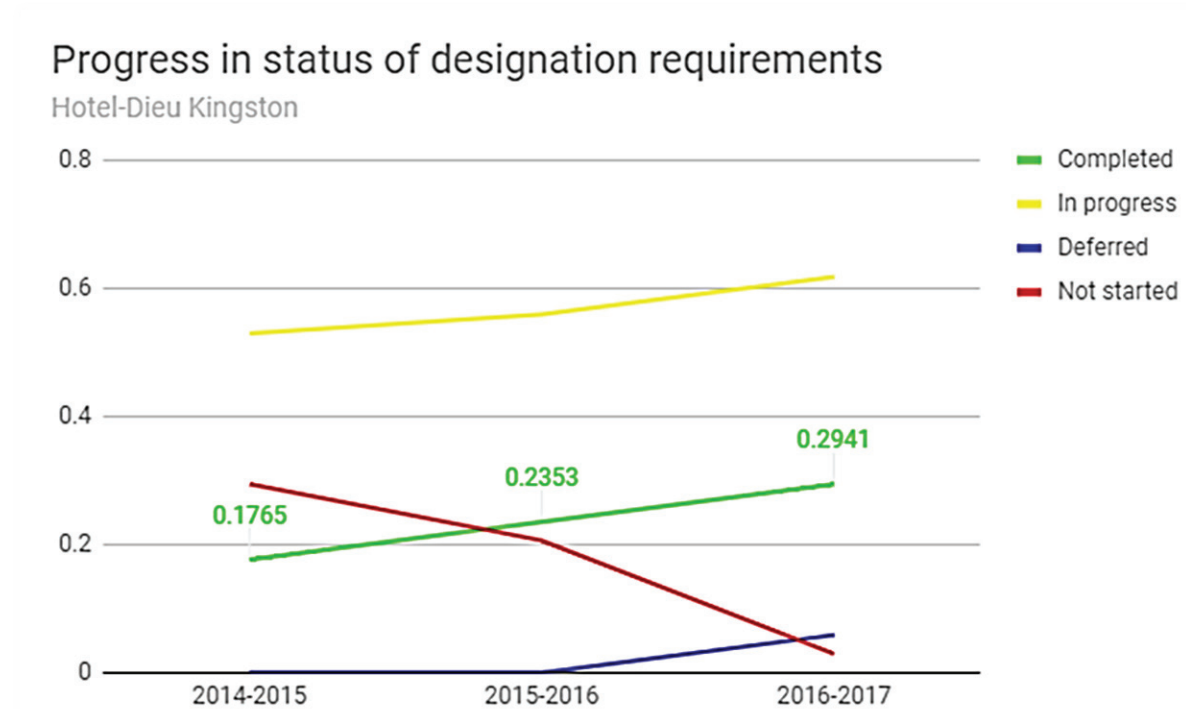
From awareness to action

When an identified HSP is beginning to develop a designation plan, there is a period during which the HSP learns more about the concept of French language services, and the fundamental nature of designation. During this learning period, the identified HSP does not accomplish much concrete work towards meeting the designation criteria and progress comes to a standstill. When the four previous factors are combined, HSPs seem to more quickly grasp the concepts that enable them to structure designation as a project. In these instances, we generally saw some progress.

6. Specific case: Hotel Dieu Hospital in Kingston

Chart 6 illustrates progress made in terms of achieving the 34 requirements towards designation at Hotel Dieu Hospital over the past three years.

Chart 6: Progress in status of designation requirements at Kingston Hotel Dieu Hospital



The above chart illustrates progress. The compliance rate (shown in green for "completed" requirements) increased each year. The chart also shows a considerable drop in the number of requirements that have not yet been addressed and an increase in the number of requirements "in progress".

The number of requirements whose status is "deferred" also remained low. This shows that Hotel Dieu has structured its approach to meet the designation requirements and has made progress at several levels, as illustrated in Appendix IV (which lists the requirements and the respective level of progress being made for each requirement).

D- Final comments

Implementing designation at the regional level means attempting to target, develop and maintain a range of services provided in French in order to provide the Francophone population with equitable access to health services.

The compliance rates observed in this report provide an overview of the capacity of HSPs to meet the designation criteria. Variations in these rates illustrate the potential impact of the factors listed on page 14.

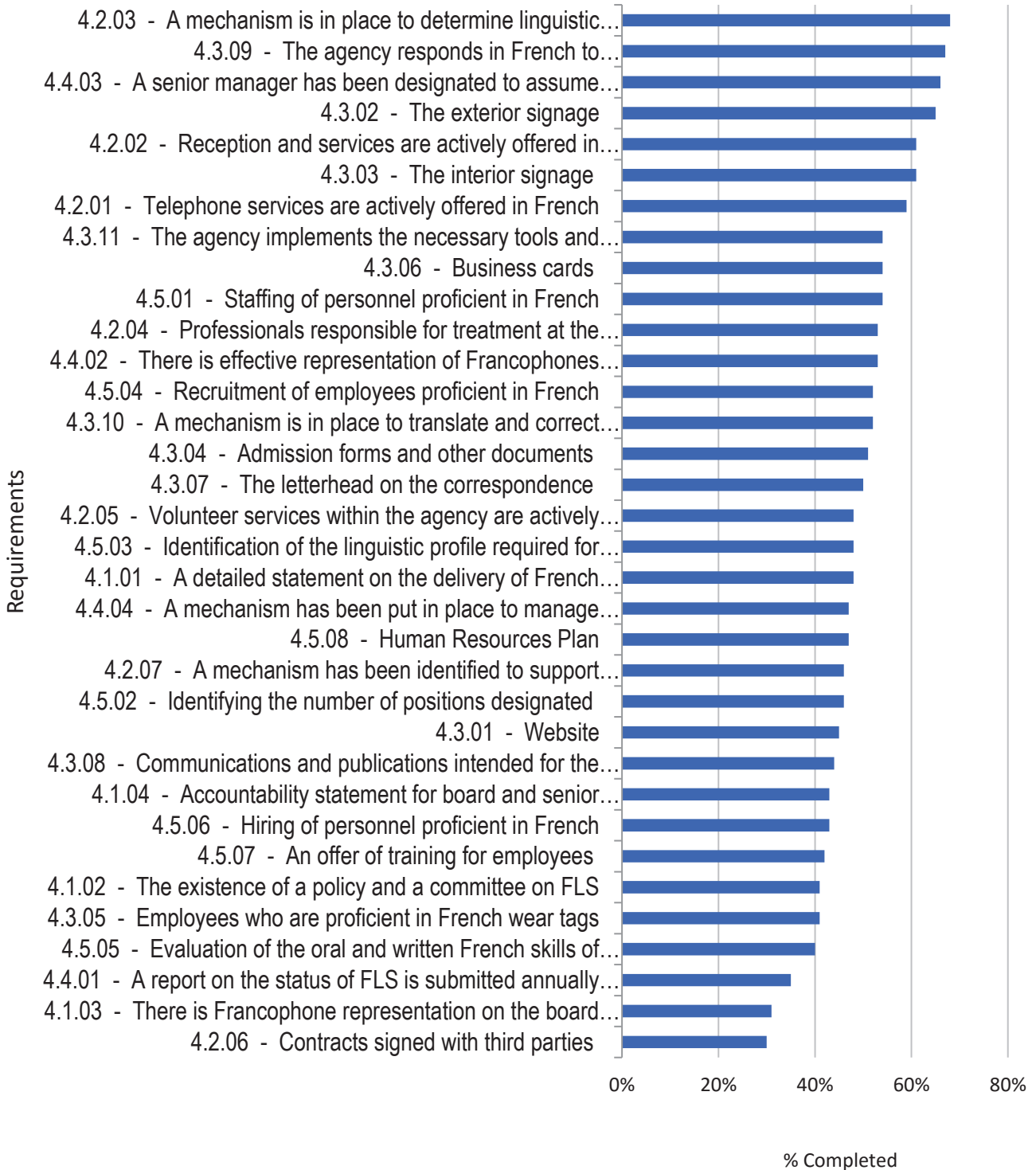
Although only preliminary, we believe that the findings in this report provide a representative overview of the realities of the health care designation process in the province, and a description of some of the factors that can affect its development.

The implementation of OZi gives us ways to stimulate ideas and enhance decision making in ways that can improve designation, the active offer of French language services, and access to FLS for Ontario's Francophone community.

E- Appendices

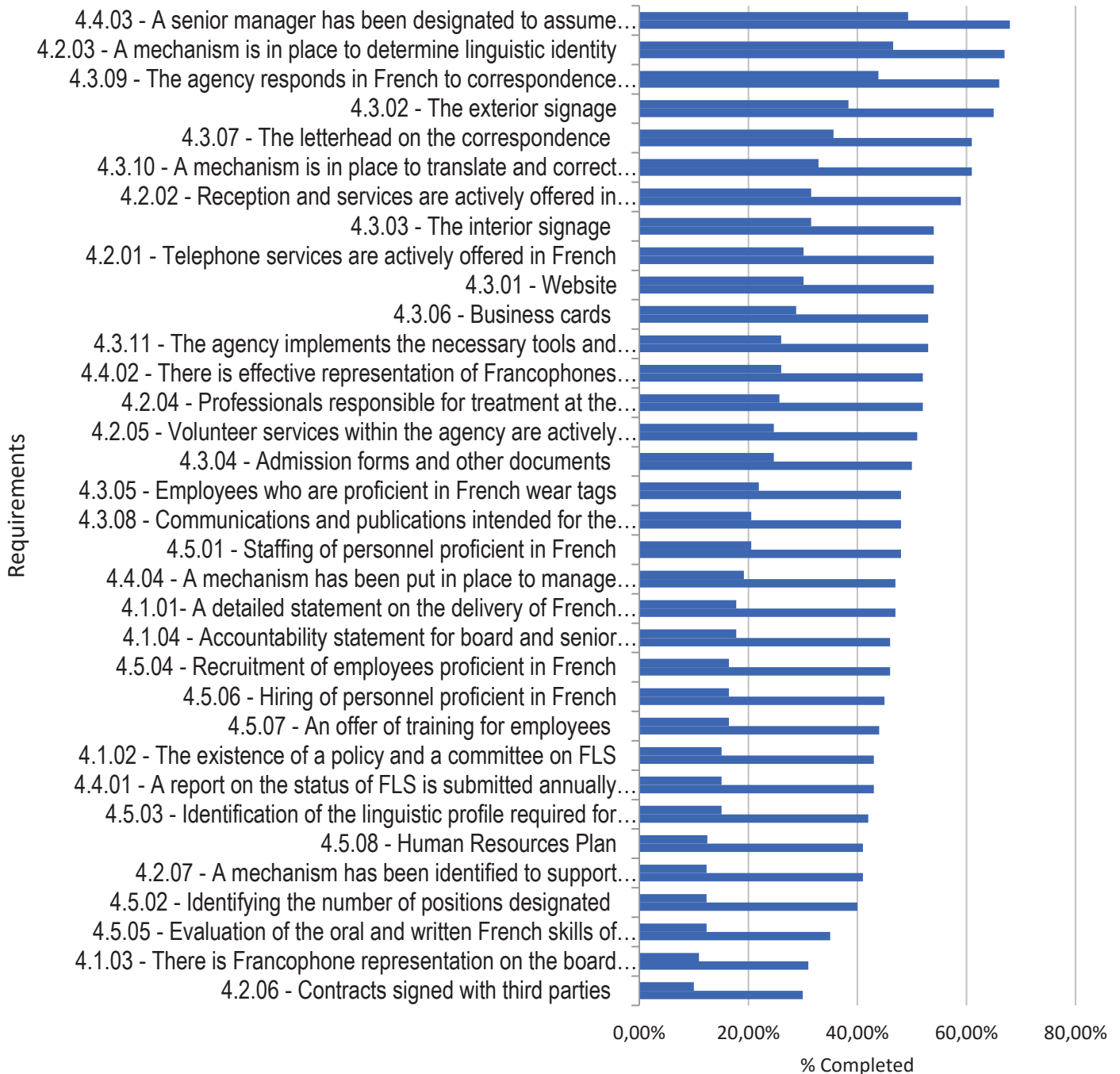
Appendix I: Distribution of compliance rates with designation requirements for all HSPs

Percentage of requirements completed for all HSPs
(identified and designated)



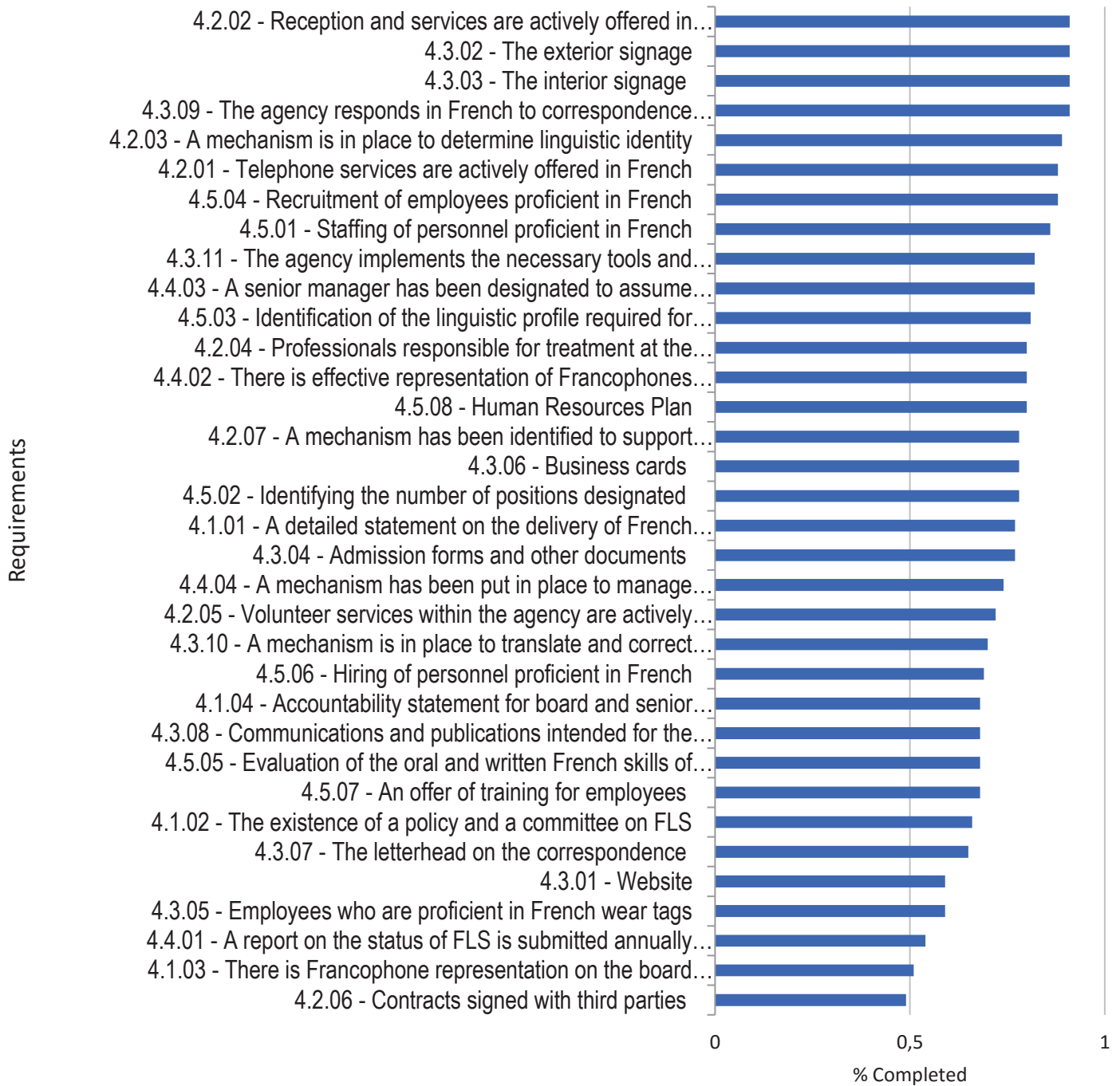
Appendix II: Distribution of compliance rates with designation requirements for identified HSPs

Percentage of requirements completed for identified HSPs



Appendix III: Distribution of compliance rates with designation requirements for designated HSPs

Percentage of requirements completed for designated HSPs



Appendix IV: Status of each designation requirement at Hotel Dieu Hospital in July 2017

Requirements for Compliance	Status
4.1 The following elements are incorporated in the agency's administrative bylaws	
4.1.1 A detailed statement on the delivery of French language services (FLS)	In progress
4.1.2 The existence of a policy and a committee on FLS	In progress
4.1.3 There is Francophone representation on the board and on board committees	In progress
4.1.4 Accountability statement for board and senior management	Completed
4.2 4.2 Direct client services directs à la clientèle	
4.2.1 Telephone services are actively offered in French	In progress
4.2.2 Reception and services are actively offered in French at each stage	In progress
4.2.3 A mechanism is in place to determine linguistic identity	Completed
4.2.4 Professionals responsible for treatment at the agency are proficient in French	Not started
4.2.5 Volunteer services within the agency are actively offered in French	In progress
4.2.6 Contracts signed with third parties	In progress
4.2.7 A mechanism has been identified to support resolution of complaints/issues pertaining to the delivery of FLS	In progress
4.3 Visual identity and communications	
4.3.1 Website	Completed
4.3.2 The exterior signage	Completed
4.3.3 The interior signage	In progress
4.3.4 Admission forms and other documents	Not started
4.3.5 Employees who are proficient in French wear tags	Completed
4.3.6 Business cards	Completed

4.3.7 The letterhead on the correspondence	Deferred
4.3.8 Communications and publications intended for the public	In progress
4.3.9 The agency responds in French to correspondence received in French.	Completed
4.3.10 A mechanism is in place to translate and correct documents in French intended for the public	Completed
4.3.11 The agency implements the necessary tools and software required for quality communication in French	Completed
4.4 Governance and Accountability	
4.4.1 A report on the status of FLS is submitted annually to the board of directors for approval	In progress
4.4.2 There is effective representation of Francophones within the senior management team	Deferred
4.4.3 A senior manager has been designated to assume responsibility for the delivery of FLS	Completed
4.4.4 A mechanism has been put in place to manage complaints concerning FLS	Completed
4.5 Human resources policies	
4.5.1 Staffing of personnel proficient in French	In progress
4.5.2 Identifying the number of positions designated	In progress
4.5.3 Identification of the linguistic profile required for each position	In progress
4.5.4 Recruitment of employees proficient in French	In progress
4.5.5 Evaluation of the oral and written French skills of candidates by accredited language assessment services	In progress
4.5.6 Hiring of personnel proficient in French	In progress
4.5.7 An offer of training for employees who do not meet the linguistic requirements for the position	In progress
4.5.8 Human Resources Plan	In progress

APPENDIX 2 -

Designation forms from the Ministry of Francophone Affairs

Agency Designation Plan and Evaluation Tool	
Introduction and Implementation	
New Requests for Designation	Evaluation of existing designated agencies
<p>The designation plan is a tool which is made available to agencies that receive transfer payments from the government of Ontario and wish to obtain official designation under the <i>French Language Services Act</i> or expand their existing designation to cover additional services or ministries. This designation constitutes legal recognition which the provincial government uses to confirm an agency's ability to offer all or some public services in French, in accordance with the criteria established by the Office of Francophone Affairs (OFA).</p> <p>Please complete the form by inserting the requested information, except in the section marked with "evaluation only". The proposal, approved by your board of directors, must be accompanied by a letter confirming the agency's intention to obtain official designation and indicating that all relevant services and communications for which the agency would like to obtain official designation are available on a permanent basis. The required human resources plan and documents are intended to support the application for designation.</p> <p>This plan must be submitted to the ministry or ministries which provide funding for the agency, where it will be reviewed before it is forwarded to the Office of Francophone Affairs, which will undertake the process of making legislative amendments to reflect designations twice a year, i.e., in the spring and in the fall. Before you start to complete the form, please contact a representative at your ministry for additional information.</p>	<p>Designated agencies under the <i>French Language Services Act</i> are required to complete and submit this evaluation tool, including the human resources plan and other supporting documents, every three years, in accordance with the schedules established by the sponsoring ministry or ministries, in order to confirm compliance with the requirements for designation. Any changes to French language services offered to clients must be accompanied by the relevant supporting documents.</p> <p>Please complete the form by inserting the requested information, except in those sections marked with "new designation only". The form must also be submitted with a resolution by your board of directors, attesting that the agency has remained compliant with the criteria for designation and that the board of directors and senior management team are aware of the legal consequences of submitting a false attestation, including the possibility of having complaints filed with the French Language Services Commissioner.</p> <p>This evaluation tool must be submitted to the ministry or ministries which provide funding to the agency. Before you start to complete the form, please contact a representative at your ministry for additional information.</p>
Partial exemption from requirements	
New Requests for Designation	Evaluation of existing designated agencies
<p>Agencies which operate exclusively in French and serve a clientele that is fully Francophone can request to obtain an exemption from completing all sections of the form. In this case, please submit a supporting document for consideration by the ministry, explaining why you did not respond to all of the questions.</p>	<p>Agencies which operate exclusively in French and serve a clientele that is fully Francophone are exempted to complete this evaluation tool and should request an Attestation of designation form. Please contact your ministry representative.</p>

Sponsoring Ministry/Ministries:
Section 1 Information on the Agency:

1.1	Name according to the letters patent:
1.2	Address:
1.3	Name, title and telephone number of the agency's representative:
1.4	Name, title and telephone number of the resource person if different from the one indicated above:
Sections 1.5 to 1.7: <u>new designation only</u>	
1.5	Organizational type or category (e.g., non-profit, community organization):
1.6	The services covered by the designation are offered to a clientele that is (chose <u>one</u> of the four options provided below) :
a)	Fully Francophone
b)	Mostly Francophone
c)	Both Anglophone and Francophone
d)	A Francophone minority
1.7	Brief description of the agency's background:

Section 2 Information on the Designation :

2.1	Specify the type of application or existing designation:	a)	Full designation:		b)	Partial designation:	
		c)	Expansion to full:		d)	Expansion to partial:	
2.2	List of all programs/services offered by the agency (in the case of more than one sponsoring ministry, please note the ministry abbreviation in brackets beside each of the programs/services) :						
	<ul style="list-style-type: none"> • • • • 	<ul style="list-style-type: none"> • • • • 					
2.3	In the case of partial designation, indicate the programs/services covered by the application (in the case of more than one sponsoring ministry, please note the ministry abbreviation in brackets beside each of the programs/services):						
	<ul style="list-style-type: none"> • • • • 	<ul style="list-style-type: none"> • • • • 					

2.4	Indicate if the agency offers services - which are not covered by this application - on behalf of another ministry (<u>new designation only</u>):
2.5	Indicate if the agency offers services on behalf of another ministry under its designation (<u>evaluation only</u>):
2.6	Provide a brief description of any expertise or unique service offered by the agency (<u>new designation only</u>):

Section 3 Information on the Community:

3.1	Name of the city(ies) and/or region(s) served :			
	<ul style="list-style-type: none"> • • • 			
3.2	Electoral districts:			
	<ul style="list-style-type: none"> • • 			
3.3	Population*:	Total	Francophones	%
	*Only include data from Statistics Canada based on the Inclusive Definition of Francophone (IDF) indicating the census year.			
3.4	Clientele:	Year	Total	Francophones
				%

Further to a consultation process involving the ministries and members of the Francophone community, the Office of Francophone Affairs has established a number of criteria which agencies are required to comply with in order to obtain and maintain their designation:

1	The agency must offer quality services in French on a permanent basis, which is ensured by employees with the requisite French language skills.
2	Access to services must be guaranteed and follow the principle of an active offer.*
3	Provisions for effective representation of Francophones on the board of directors and its committees are included in the administrative by-laws and must reflect the proportion of the Francophone population within the community served.
4	The senior management team must have an effective representation of Francophones.
5	The board of directors and the senior management team must be accountable with respect to the quality of French language services.

(*) An active offer refers to the set of measures taken by government agencies to ensure that French-language services are clearly visible, readily available, easily accessible and publicized, and that the quality of these services is equivalent to that of services offered in English. This includes such measures as all communications, i.e. signs, notices, social media and other information on services, as well as the initiation of communication with French-speaking clients.

Section 4 Requirements for Compliance with the Designation Criteria (C)			
4.1	The following elements are incorporated in the agency's administrative bylaws (provide a copy of the relevant documents in Appendix 5):	Yes	C
4.1.1	A detailed statement on the delivery of French language services (FLS).		1
4.1.2	The existence of a policy and a committee on FLS.		1-2
4.1.3	Choose one of the three options below:		3
	If the agency serves a community with a Francophone population greater than 10%:		
	a) The number of Francophones on the board of directors and the committees of the board of directors reflects the proportion in the community served.		
	If the agency serves a community with a Francophone population that is less than 10% and the board of directors has less than 10 members:		
	b) The board of directors and the committees of the board of directors have at least one Francophone member.		
	If the agency serves a community with a Francophone population that is less than 10% and the Board of Directors has 10 or more members:		
c) The board of directors and the committees of the board of directors have at least two Francophone members.			
	Based on the proportions identified in section 3.3 and in the section above, indicate the current composition of the board of directors of the agency:		
	Total number of members	Number of Francophone members	%
4.1.4	A statement describing the responsibilities of the board of directors and the senior management team with respect to FLS.		5
4.2	Direct services to clients (Provide schedules as well as a detailed description of how these services are offered in French and include a copy of the relevant documents in Appendix 6):	Yes	C
4.2.1	All telephone services, including voice messages and interactive response systems, are actively offered* in French.		1-2
4.2.2	The reception and services, at the time of the initial greeting and at each subsequent point of contact are actively offered* in French.		1-2
4.2.3	A mechanism is in place to determine the linguistic identity of the client from the very first point of contact.		1-2
4.2.4	Professionals responsible for treatment at the agency are proficient in French.		1-2
4.2.5	Volunteer services within the agency are actively offered* in French.		1-2
4.2.6	Contracts signed with third parties that offer services on behalf of the agency contain a clause stating their obligation to ensure the offer of FLS. (if no contract was signed with a third party, indicate "not applicable" (NA) in the box to the right) →		1-2
4.2.7	A mechanism, such as a survey or complaint process, is available in French and is clearly communicated to clients so that they can evaluate the quality of FLS offered.		1-2

4.3	Visual identity and communications (provide samples or photographs and identify the mechanisms used in Appendix 7):		Yes	C
4.3.1	The website of the organization is available in French.			1-2
4.3.2	The exterior signage is available in French. If the name of the agency is in English, the signage must indicate that FLS are available.			1-2
4.3.3	The interior signage is available in French or features pictograms. If the agency offers partial FLS, French signage must guide the public to the locations where FLS are offered.			1-2
4.3.4	Admission forms and other documents intended for clients are available in French and actively offered to the French-speaking clientele.			1-2
4.3.5	Employees who are proficient in French wear tags which clearly allow members of the public to identify them.			1-2
4.3.6	Business cards of employees who are proficient in French are available in French or printed in French and in English on each side of the card.			1-2
4.3.7	The letterhead on the correspondence of the agency is available in French or in French and in English.			1-2
4.3.8	Communications and publications intended for the public concerning services covered by the designation, such as pamphlets, brochures, public notices and press releases are available in French.			1-2
4.3.9	The agency responds in French to correspondence received in French.			1-2
4.3.10	A mechanism is in place to translate and correct documents in French intended for the public.			1-2
4.3.11	The agency implements the necessary tools and software required for quality communication in French.			1-2
4.4	Governance and Accountability		Yes	C
4.4.1	A report on the status of FLS is submitted annually to the board of directors for approval. (provide a copy of the relevant policy or regulation in Appendix 8)			5
4.4.2	There is effective representation of Francophones within the senior management team. (identify the positions in Appendix 8):			4
4.4.3	A senior manager has been designated to assume responsibility for the delivery of FLS:			5
	Name:	Position:		
4.4.4	A mechanism has been put in place to manage complaints concerning FLS. (provide a copy in Appendix 8)			2-5
4.5	The human resources policy incorporates specific measures and mechanisms concerning: (provide a copy of the relevant documents in Appendix 9.1)		Yes	C
4.5.1	Staffing of personnel proficient in French in order to guarantee that FLS are offered on a permanent basis during business hours.			1-2
4.5.2	Identifying the number of positions designated as bilingual and the number of employees required for delivery of FLS.			1-2

4.5.3	Identification of the linguistic profile required for each position.		1-2
4.5.4	Recruitment of employees proficient in French.		1-2
4.5.5	Evaluation of the oral and written French skills of candidates by accredited language assessment services.		1-2
4.5.6	Hiring of personnel proficient in French.		1-2
4.5.7	An offer of training for employees who do not meet the linguistic requirements for the position.		1-2
4.5.8	In the human resources plan, identify each of the positions designated as bilingual, indicating the required linguistic profile and the number of employees with the requisite level of proficiency in French. (please consult your sponsoring ministry if you need to complete Appendix 9.2.1 or Appendix 9.2.2, based on the size of your agency and the proportion of Francophones in the community served)		1-2

Section 5	Community Support (<u>new designation only</u>)	Yes
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5.1	Please submit letters of support for your application for designation from recognized Francophone individuals or institutions in the region served. (Appendix 10)	
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Document Checklist		Yes
Appendix 1	Copy of the agency's certificate of incorporation (<u>new designation only</u>)	
Appendix 2	Copy of the letters patent (<u>new designation only</u>)	
Appendix 3	Letter from the agency to the relevant ministry or ministries* requesting designation (<u>new designation only</u>) * Health service providers must consult the Ministry of Health and Long-Term Care to determine whether the application needs to be submitted to the planning entity or to the responsible local health integration network.	
Appendix 4	Resolution by the Board of Directors approving the request for designation (<u>new designation only</u>)	
Appendix 5	Documents required for section 4.1	
Appendix 6	Documents required for section 4.2	
Appendix 7	Documents required for section 4.3	
Appendix 8	Documents required for section 4.4	
Appendix 9.1	Documents required for section 4.5	
Appendix 9.2	Human Resources Plan	
Appendix 10	Letters of support from the community (<u>new designation only</u>)	

French Language Proficiency	
Oral	Written
1 Advanced-Minus level	1 Advanced-Minus level
At this level, the individual has the ability to handle a variety of communication tasks. The individual is able to describe and explain in all timeframes in most informal and some formal situations across a variety of familiar topics. The vocabulary often lacks specificity. Nevertheless, the individual is able to use rephrasing and paraphrasing. Although grammatical, lexical and pronunciation errors are evident, the individual can speak with enough accuracy to be understood.	At this level, the individual is able to meet basic work-related writing needs. The individual is able to narrate and describe in major verb forms or tenses and is able to compose simple summaries on familiar topics. The individual is able to combine and link sentences into paragraphs to form full texts. Writing is understood although some additional effort may be required.
2 Advanced level	2 Advanced level
At this level, the individual has the ability to participate in conversations and satisfy many work requirements. The individual can discuss work-related matters with some ease and facility, expressing opinions and offering views. The individual is able to take part in a variety of verbal exchanges and to participate in meetings and discussion groups. However, the individual still needs help with handling complicated issues or situations. The individual is generally good in either grammar or vocabulary but not in both.	At this level, the individual is able to use a variety of sentence types to express general ideas and opinions on non-specialized topics. The individual can write simple letters and reports required by the position. The individual experiences few problems with either grammar or spelling. However, the writing style may represent literal translations. Nevertheless, a sense of organization is emerging and the individual is beginning to sense what is stylistically and grammatically correct in French.
3 Advanced-Plus level	3 Advanced-Plus level
At this level, the individual is able to give oral presentations in both formal and informal settings. The individual is able to present a fairly detailed outline of his/her line of reasoning on general or work-related topics in formal and informal settings, in meetings and in discussion groups. Some mastery of idioms and of specific vocabulary appropriate to a variety of contexts is evident. Grammar is generally appropriate. Deficiencies in vocabulary are compensated for by synonyms and paraphrases. Problems may be encountered when discussing more specialized topics, but the individual at this level has very little difficulty in making himself / herself understood.	At this level, the individual is able to write about a variety of topics with significant precision and detail. The individual can handle informal and formal correspondence according to appropriate conventions, and write summaries and reports of a factual nature. The individual can also write extensively about topics relating to particular interests and specialized areas of competence, although their writing tends to emphasize the concrete aspects of such topics.
4 Superior level	4 Superior level
At this level, the individual has the ability to speak the language with sufficient structural accuracy, fluency and vocabulary to participate effectively in most formal and informal conversations on practical, social and professional topics. The individual is able to use idioms and specific vocabulary relevant to a variety of contexts and to give verbal presentations in both formal and informal settings.	At this level, the individual is able to express him/herself effectively and accurately in most formal and informal writing tasks/assignments on practical, social and professional topics. The individual is able to recognize awkwardness in sentence structure and paragraphs. Errors in grammar and spelling are minor and infrequent.

APPENDIX 3 - PROFILES OF SOME ORGANIZATIONS

COCHRANE TEMISKAMING CHILDREN'S TREATMENT CENTRE

Agency profile

Funded by the Ministry of Children and Youth Services (MCYS), the Centre provides speech language therapy, occupational therapy, recreational rehabilitation, physiotherapy and social work services for children. It has about 30 employees, most of whom are in Timmins; the remaining employees live in communities where there are service outlets – Kapuskasing, Kirkland Lake, Moose Factory and New Liskeard – which enables the Centre to serve a very large area. It is one of 22 treatment centres funded by MCYS.

Some members of the board of directors are unilingual Anglophones, but most members are bilingual. Almost all of its employees are bilingual, and its internal operations are conducted mostly in French. All services are available in French and English.

It has a budget of \$2.7 million (2017-2018).

Challenges and best practices for designation or provision of French language services

The agency received full designation under the FLSA in July 2015.

The designation process was led by Executive Director Marie Rouleau, who took office in 2011. The Centre progressed from a “clause 1 agency”¹ in 2012 to a “clause 3 agency” in 2014-2015, notably by implementing the principle of active offer. It is this progression through the Clause system which facilitated the designation process.

The application for designation was submitted to the Ministry in November 2013, but the announcement was not made until July 2015. The Centre first applied to the District Health Council in 1993, but failure to obtain designation at that time left executives discouraged, and they subsequently determined that “it was too much work.”

Motivation for the application lies in the Executive Director's determination to do more for the Centre's

¹ The approach that the Ministry of Children and Youth Services takes with its third parties is to specify the level of French-language services offered in each Ministry-funded program each year. There are four levels: referral clause, clause 1, clause 2, and clause 3. Once an agency reaches clause 3, it is essentially ready to apply for designation. Annual reports are required, so that progression through the levels can be tracked and encouraged.

Francophone clients and offer quality services. She herself is from Northern Ontario, and there is a non-negligible element of pride associated with being designated.

To ensure that designation would not be perceived as a threat to the Centre's employees, and in view of the reservations expressed by the board's Anglophone members, the Executive Director presented this whole exercise as part of a global organizational quality process; she had to make her case and dispel unjustified concerns. In other words, designation had to be presented as an advantage to the organization.

The Centre received valuable support from the MCYS Regional Office, whose supervisors took the time to discuss procedures and requirements related to designation.

The process required assessing employees' language proficiency to identify training needs for Anglophone staff with intermediate proficiency in French.

Designation is now a symbol of quality for the Centre, setting it apart from other agencies in deploying new programs by the Ministry.

Although the Centre is a bilingual agency, the process was not a "slam dunk." The greatest challenges were managing to recruit bilingual professionals and convincing the board and staff members that the goal was not to provide preferential treatment to Francophone clients.

The Executive Director notes, however, that financial support for such things as translating forms and signage would be beneficial for agencies with tight budgets.

She also regrets that the designation was not announced publicly and celebrated in the same manner as an accreditation might be.

HAMILTON COMMUNITY LEGAL CLINIC

Agency profile

The Clinic is a not-for-profit agency governed by a community board of directors. It provides legal advice in French and English to low-income individuals in the Hamilton area.

It is funded by Legal Aid Ontario and provides legal advice on issues such as housing, disabilities, work accidents, labour, immigration and victim compensation.

It employs 34 people and has three positions designated under the FLS Act: a lawyer, a legal worker and an administrative assistant. There is also a bilingual intern. The employees who provide FLS are split between the main office in downtown Hamilton and the satellite office located in the Hamilton/Niagara Community Health Centre in Hamilton.

Challenges and best practices for designation or provision of French language services

The Clinic has been designated since 2012.

Following a resolution passed by the board, MéliSSa Loizou, a bilingual lawyer who manages FLS, spearheaded the process and, with the assistance of her team and the Clinic's FLS committee, completed the application for designation.

For the Clinic, this status is important because it demonstrates a strong commitment to the Francophone community.

The Clinic's FLS team learned about the possibility of obtaining designation through conversations with the managers of the Community Health Centre at their satellite office; the managers were very helpful partners in completing the designation process.

The Clinic also received support and advice from the office of Sabine Derbier, French Language Services Manager at the Ministry of the Attorney General, and Chantal Gagnon, French language services coordinator at Legal Aid Ontario. The MAG kit was very useful.

The role of the Clinic's Executive Director was critical, as he persuaded employees and board members to go along with the designation process. He is a Francophile and appreciates the use of French. He has also given presentations to Anglophone agencies from the area about the value of applying for designation.

The most significant challenges lay in finding staff with excellent oral and written proficiency in both languages, and in recruiting Francophone board members.

With regard to the process, the application was submitted one year after the board carried the appropriate motion, to allow the Clinic time to comply with requirements. After that, it took several months for the announcement to be published in the Ontario Gazette, because there was a provincial election. The Clinic never received a notice indicating that it was officially designated. This fact was discovered when someone did a Google search.

The Clinic submitted its first compliance report to the Ministry of the Attorney General in October 2017. The Clinic does not expect to have any difficulty in meeting the 34 requirements. The FLS team provides an orientation briefing for all new employees and issues regular reminders to staff, particularly about active offer.

According to the Executive Director of the Clinic, a number of community agencies he contacted are reluctant to apply for designation because they are worried about the consequences if they fail to maintain compliance with the 34 requirements at all times. Partial designation, which is less demanding, would be appropriate and would enable more agencies to offer specific programs in French.

KINGSTON HEALTH SCIENCES CENTRE

Organisational profile

Hôtel Dieu Hospital is located in Kingston, home to a population of 5,235 Francophones¹. With a staff of 800, Hotel Dieu's emergency and ambulatory departments are identified under *The French Language services Act*.

In April 2017, the hospital merged with the Cancer Centre of Southeastern Ontario, two other research institutes and the Kingston General Hospital which is also identified. The new facility, now known as the Kingston Health Sciences Centre (KHSC), is now Southeastern Ontario's largest acute-care university hospital. The Centre employs 5,000 staff and serve more than 500,000 patients.

Elisabeth Bardon, Vice-president of Mission, Strategy and Communications at KHSC was the vice-president of Hotel Dieu Hospital prior to the merger. She indicated that Hotel Dieu had nurses, physicians and physiotherapists able to provide care in French in those departments at the time.

The South East LHIN funds Hotel Dieu, through the ministry of Health and Long-term Care.

Promising practices with regard to the provision of French language services

Last year, the South East LHIN had an budget of \$150,000 to enhance French language services. This was used to encourage identified agencies to progress towards designation under the *French Language services Act*. Elisabeth Bardon points out that Hotel Dieu received three distinct grants (each between \$40,000 and 50,000) to enhance French language services. The hospital, identified under the *French Language services Act*, was therefore able to install bilingual signage, to work on its French language corporate policies and to develop specific French language by-laws which were approved by Hotel Dieu's board of directors.

She adds that the hospital found creative ways to use these funds. Management sent an internal email to its 800 staff, inviting them to test their French oral skills for free. The invitation resonated with about 80 employees. Identifying bilingual human resources was previously seen as a burden, but it was no longer an issue. "If we had not received this additional source of funding (from the LHIN), we could not have done all that we did" underlines Bardon today, reflecting on the work accomplished so far. She estimates that progress toward designation was well under way and adds that 60% of the criteria had been met.

¹ For more details, see Office of Francophone Affairs and Statistics Canada, Census of Population, 2011.

Challenges in the provision of French language services

According to Elizabeth Bardon, the merger did not come without obstacles. Even though Hotel Dieu Hospital put a lot of effort into the development and adoption of its French language services bylaws, the Kingston Health Science Centre did not adopt them. This now leaves a potential legal vacuum. Previously, in similar situations, the OFLSC has shared concerns about the consequences of a closure or a merger for identified or partially designated institutions that do not follow due process².

In addition, due to the fact that more than 5,000 employees work at the Kingston Health Sciences Centre, the number of designated positions represents a much smaller proportion of individuals. This clearly makes it more complicated to pursue designation.

Elizabeth Bardon believes that there is a need for more education on the legal aspects related to French language services. She explains that there is currently no mention of French language services in the Ontario Hospital Association's *Guide to Good Governance*³, a document which outlines obligations for hospitals and hospital boards across the province. Law offices hired to support OHA members when undergoing a merger are not informed about French language services requirements and ensuing implications, and consequently do not provide member hospitals with the proper advice.

"There is a need for change in organizational culture to integrate the concepts of identification, designation and, more broadly, French language services from the beginning of any merger process and throughout. It must be imbedded in signage policies, in governance policies and bylaws, and should be part of *the Guide to Good governance*. CEOs need to understand that it's the right thing to do," she concludes.

² For more details, see *Brief concerning the revision of Ontario Regulation 398/93 and revocation of the designation of Penetanguishene General Hospital* (page consulted in October 2017).

³ For more details, see <https://www.thegce.ca/RESOURCES/Goodgovernance/Documents/Table%20of%20Contents.pdf> (page consulted in October 2017).

THE CATHOLIC CHILDREN'S AID SOCIETY OF HAMILTON (CCAS HAMILTON)

Organisational profile

The CCAS Hamilton (CCASH) is mandated and regulated under the *Child and Family Services Act (1984)*. CCASH is required to investigate all complaints of alleged abuse or neglect and situations putting children at risk. It offers a number of support programs for families. 98% of children are supported in their family home. Where that is not possible, children are placed with members of the extended family or in foster care. A small percentage of children are permanently placed through adoption.

Guided by Catholic values and teachings, CCASH serves children and youth within the Hamilton community by protecting them, keeping them safe and well-cared for, strengthening families and nurturing lifelong relationships. Funding is provided by the Ministry of Children and Youth Service and services are provided to Catholic families in the City of Hamilton. Currently, CCASH provides ongoing services to 425 families to ensure protection of children, handles 260 children in their care, and supports more than 100 foster families. They are conducting 168 investigations.

With a staff of 171, CCASH boasts a team of French-speaking staff which includes two case workers, one intake worker, a receptionist and an administrative assistant. In addition, there are two bilingual supervisors and some of the other staff members are upgrading their French language capacity.

Challenges and best practices in providing French language services

CCASH is not designated under the French Language services Act. However, with the passing of O. Reg. 284/11, it is now classified as a transfer payment agency, and is therefore subject to a new requirement regarding the implementation of an active offer of French language services.

At the time, Rocco Gizzarelli, who is now the CCASH'S Executive Director, was the Lead Service Director responsible for implementing this requirement. He collaborated with the Hamilton CAS and Family Services Niagara, the two local French Language School Boards and the Centre de Santé to structure the offer of French language services for children at risk in the region.

Together, they received three separate grants through the Canada-Ontario Agreement and the Trillium Foundation to perform an environmental scan of French language services capacity in the region, develop a French language services' plan, increase translation of documents and public signage, and develop inter-agency service agreements. Any internal doubts about whether there would be sufficient demand for French language services were quickly dispelled.

Today, services in French are offered in schools, and CCASH fulfills requirements of MCYS's CLAUSE 3¹. Its French-speaking staff have formed a French language resource group to sustain the ongoing implementation of active offer.

Under the leadership of Mr. Gizzarelli, CCASH recently considered applying for designation under the French Language services Act. However, after a presentation by MCYS's regional manager to the board of directors on the 34 requirements for designation, CCASH elected, with board approval, to postpone submitting a request for partial designation.

The Executive Director who sits on the French language sub-group under the Ontario Association of Children's Aid Societies is now reconsidering applying for CCASH's designation. He underlines that it is "the right thing to do", but stresses that the organisational requirements are a significant barrier. While being a designated organization is clearly seen as a sign of excellence, he notes that there are increased organisational and reputational risks entailed when compliance issues lead to complaints with the OFLSC. Negative media backlash is also a concern.

To this day, the most pressing challenges in implementing French language services are related to hiring and retaining qualified French-speaking staff. For this reason, it is essential to stress the importance of implementing remedial action plans to address staffing shortfalls, rather than implementing strict complaint processes more focused on highlighting shortfalls.

¹ The Ministry of Children and Youth Services has implemented an approach with its transfer payment agencies whereby agencies assess annually the level of French language services available for each of its ministry- funded programs. There are four levels: Referring agency, Clause 1, Clause 2 and Clause 3. At Clause 3, an agency is essentially ready to seek its designation under the French Language services Act. Through this reporting process, agencies are encouraged to proceed from one level to the next.