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# Brief from the French Language Health Services Network of Eastern Ontario

**Subject: Consideration of Bill 276: *An Act to enact and amend various Acts***

Presented to the Standing Committee on General Government,  
Ontario Legislative Assembly, May 19, 2021

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French Language  
Health Services Network  
of Eastern Ontario



Living Healthy Lives In French

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## Background

As part of its consideration of Bill 276, the Standing Committee on General Government has requested comments on amendments to a number of Acts, including the *French Language Services Act (FLSA)*. The proposed change to the *FLSA* would amend the definition of “government agency” to include municipal homes and joint homes, which would render them eligible to be designated as public service agencies under the *FLSA* (Schedule 9). (Ontario Legislative Assembly, n.d.)

## Introduction

In the Champlain and South East regions, out of a total of 100 long-term care homes (LTCHs), there are 18 municipal long-term care homes that are not subject to the *FLSA*. These 18 homes account for over 2,500 beds, including almost 1,500 beds in areas designated under the *FLSA*<sup>1</sup>. (Ministry of Health and Long-Term Care, n.d.; Ontario Government, 2019)

With this brief, the **French Language Health Services Network of Eastern Ontario** (the *Réseau*) wishes to support the proposed amendment to the *FLSA* contained in Bill 276. We will show how this change benefits the Francophone community; in fact, guaranteeing – via designation under the *FLSA* – the active offer of French-language services on a permanent basis in municipal and joint homes is a concrete solution that will allow more Francophones to receive safe long-term care (LTC) in a linguistically appropriate setting. We are specifically of the opinion that adoption of Bill 276 will modernize the *FLSA* and broaden its scope.

To support the implementation of this amendment to the *FLSA*, the *Réseau* would like to make the following two recommendations:

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<sup>1</sup> The Champlain region includes several areas designated under the *FLSA*: City of Ottawa, Prescott, Russell, Glengarry, and Stormont counties, Dundas County (Winchester Township only), Renfrew County (City of Pembroke and Stafford and Westmeath townships only). In the South East region, Frontenac County (City of Kingston only) is designated under the *FLSA*.

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- 1) That the *Réseau* be involved in implementation of a provincial strategy for improving long-term care services in French for Francophones, in the Champlain and South-East regions.**
  - 2) That the *Réseau* be involved in implementation of the designation of municipal homes under the *FLSA*.**

The *Réseau* is making these recommendations to foster efficient provision of French-language health services by municipal LTCHs and thus improve access to long-term care in French in Ontario.

## **Two Complementary Legislative Frameworks**

It has been clearly demonstrated that access to long-term care in French is a factor in quality and safety of care for Francophone seniors (Bowen, S., 2015; Nieboer, 2012; de Moissac & Bowen, 2019; Alzheimer Society of Canada, n.d.). Furthermore, long-term care homes are more than health service providers; for their residents, they are homes. That is why it is important that Francophones living in LTCHs have access to services in their own language: it is a matter of safety and quality care. This is especially true for this vulnerable clientele who may have difficulty communicating in a language other than their mother tongue because of health issues (like dementia). A recent story on ICI Radio-Canada focused on the negative repercussions of language barriers for Francophone seniors in Ontario LTCHs during the COVID-19 pandemic (MacDonald-Dupuis, 2021).

In the recommendations of its recent report, Ontario's Long-Term Care COVID-19 Commission (2021) highlighted the need to implement a provincial French-language services strategy in the long-term care sector : *"... the Ministry of Long-Term Care should ...design and implement a provincial strategy to increase French-language long-term care services and increase the number of French-language beds through prioritization of designations under the French Language Services Act, and cultural designations under section 173 of Ontario Regulation 79/10."*

As the preceding excerpt shows, there are currently two legislative frameworks that give Francophones access to long-term care in French in Ontario, the *Long-Term Care Homes*

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Act and its Regulation 79/10, and designation under the *French Language Services Act* (Ontario Government, 2019; Ontario Government, 2021).

Under the provisions of the *Long-Term Care Homes Act* and Regulation 79/10, certain residents have priority access – on the basis of their linguistic origin – to certain homes recognized for their cultural character. The provisions of Regulation 79/10 thus permit the alignment of human resources with French-language skills and Francophone residents requiring a linguistically appropriate living environment.

The Pavillon Omer Deslauriers at Bendale Acres Long-Term Care Home in Scarborough is an example of a home with a Francophone character, where Francophones have priority access (L-Express.ca, 2013). However, this provision of the Act is underused, and its implementation is variable across the province.

Designation under the *French Language Services Act* is a legal and administrative process governed by the rules and procedures set out in the *FLSA*, Ontario Regulation 398/93, and the Ontario Ministry of Francophone Affairs guidelines. This procedure, which currently includes 34 requirements, allows health service providers to demonstrate that they have the capacity to actively provide French-language services on a permanent basis while meeting the specific needs of the Francophone population they serve.

Both of these legislative frameworks (priority access to a home on the basis of linguistic origin as permitted by Regulation 79/10 and designation under the *FLSA*) are important and necessary for Francophones experiencing a loss of independence to have access to the long-term care they need in their own language.

The two acts and their French-language services provisions are complementary and, as Ontario's Long-Term Care COVID-19 Commission pointed out in its recommendations, it is precisely their combined use that is needed in order to plan and implement a provincial French-language services strategy for LTCHs.

At this time, there are long-term care homes whose cultural character has been recognized under the *Long-Term Care Homes Act* and Regulation 79/10 that cannot be designated under the *FLSA* due to their status as municipal homes. An example is the Centre d'accueil Champlain, operated by the City of Ottawa. In 2020-2021, this facility had 155 Francophone residents (out of 189 residents), and 197 employees with French-language skills. On the

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basis of the data collected through the OZi portal, we can say that over 82% of the residents were Francophone, and that a large majority of staff members were bilingual (OZi, 2021). However, notwithstanding its critical mass of Francophone residents and its significant French-language services capacity, this facility is not subject to the *FLSA*.

If Bill 276 is adopted, municipal homes serving Francophone populations – like the Centre d'accueil Champlain – would become eligible for designation under the *FLSA*. This means that both residents AND service providers could eventually benefit from the advantages of designation.

## **Advantages of Designation**

Designation offers many advantages, for both the Francophone community and health service providers, including long-term care homes:

- **Advantages for the Francophone community:** designation under the *FLSA* ensures that French-language services are accessible and indicates to the Francophone community which long-term care homes are able to offer them French-language services.
- **Advantages for health service providers:** designation under the *FLSA* is a systemic tool for meeting the needs of Francophone clients and patients. The designation process allows for the effective integration of delivery of French-language services in the provider's practice and implementation of mechanisms for monitoring and maintaining the quality of French-language services. Designated and identified providers also have access to certain specific resources (including translation and language training services) to improve their provision of French-language services.

If the *FLSA* serves as the legal framework for the provision of French-language services in Ontario, it is important to note that this Act dates back to 1986. However, the public system – including the health care system – is constantly changing; this means that the *FLSA* needs to be modernized. There has been demand for such a modernization for a number of years, from both French Language Services Commissioners and the Francophone community (Office of the Ombudsman of Ontario, 2020; Office of the French Language Services Commissioner of Ontario, 2016; Office of the French Language Services Commissioner of Ontario, 2016; Assemblée de la francophonie de l'Ontario, 2019).

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Broadening the scope of the Act to include municipal homes is thus a step in the right direction. This provision would allow more Francophones and more service providers to benefit from the advantages of designation.

## **Supporting Providers to Improve the Quality of Care Provided**

There are many resources available to support both service providers designated under the *FLSA* and service providers identified for designation<sup>2</sup>. In particular, French Language Health Planning Entities are responsible for “[e]ncouraging, educating, and supporting HSPs to plan and deliver FLHS”. The Planning Entities also have an obligation to work with health system partners. (Ministry of Health and Long-Term Care, 2017)

For over 20 years, the *Réseau* has worked with health service providers and the Francophone community to improve access to French-language health services in the Champlain and South East regions. As a Planning Entity, we have developed two vital areas of expertise: data collection and analysis on the health care system’s capacity to provide French-language health services, and designation support services for health service providers. These two areas of expertise have enabled us to:

- Publish a capacity analysis on long-term care needs in French in the Champlain region (October 2020). This analysis revealed **a gap of over 400 long-term care beds** for the local Francophone community (based on the ratios set by the Ministry of Long-Term Care and the local Francophone population aged 75 and over as reported by Statistics Canada) (French Language Health Services Network of Eastern Ontario, 2020).
- Develop consultation services on designation for health service providers. At present, **the Réseau is helping 59 health service providers** in the Champlain and South East regions develop their French-language services. This support model has allowed providers to benefit from best practices in French-language services, thus promoting compliance with designation requirements. This service could also be available to municipal homes newly eligible for designation.

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<sup>2</sup> Health service providers “identified for designation” (or “identified to provide FLS”) have an obligation to work towards improving FLS capacity for designation under the *FLSA*.

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Given these two areas of expertise – and in order to foster the implementation of a strategy to increase French-language long-term care services that meet the needs of Francophones in the Champlain and South East regions, the *Réseau* would like to make the following recommendations:

- 1) That the *Réseau* be involved in implementation of a provincial strategy for improving long-term care services in French for Francophones, in the Champlain and South-East regions.**
- 2) That the *Réseau* be involved in implementation of the designation of municipal homes under the *FLSA*.**

## Summary

- The *Réseau* supports Bill 276, and more specifically, the provisions extending the *French Language Services Act* to include municipal homes and joint homes.
- This broadening of the scope of the *French Language Services Act* is a step in the right direction; the *FLSA*, which dates back to 1986, needs to be modernized, as French Language Services Commissioners have pointed out and as the Francophone community has demanded.
- In Ontario, two legislative frameworks give Francophones access to long-term care in French – the *Long-Term Care Homes Act* and its Regulation 79/10, and designation under the *French Language Services Act*. These legislative frameworks are complementary and should be used together to foster the provision of long-term care in French.
- Currently, there are municipal homes with a recognized Francophone character under Regulation 79/10, that can not be designated under the *FLSA*. Adoption of Bill 276 would make them eligible for designation under the *FLSA*; service providers and residents could then both benefit from the advantages of designation.
- Ontario's Long-Term Care COVID-19 Commission recently recommended that the Ministry of Long-Term Care develop a provincial strategy for long-term care in French, based on both designation under the *FLSA* and recognition of the Francophone character of certain facilities, as stipulated in the *Long-Term Care Homes Act* and Ontario Regulation 79/10.

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- To support implementation of this strategy, the *Réseau* is also making two recommendations:
    - 1) That the *Réseau* be involved in implementation of a provincial strategy for improving long-term care services in French for Francophones, in the Champlain and South-East regions.
    - 2) That the *Réseau* be involved in implementation of the designation of municipal homes under the *FLSA*.
  
  - These recommendations are based on the *Réseau's* expertise in designation under the *French Language Services Act* as well as its expertise in data collection and analysis for French-language health services planning.



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The French Language Health Services Network of Eastern Ontario (the *Réseau*) is a Francophone organization that engages the community in all its diversity and the health system to improve active offer and access to a continuum of quality health services in French.

The *Réseau* has been recognized by the province as the **French Language Health Planning Entity for the Champlain and South East regions of Ontario** since 2010.

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