



SUPPORT TOOL FOR APPLYING PART VII OF THE OFFICIAL LANGUAGES ACT IN HEALTH CANADA TRANSFER PAYMENT PROGRAMS

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**Official Language Community Development Bureau
Health Care Programs and Policy Directorate
Strategic Policy Branch**

YOUR HEALTH AND SAFETY... OUR PRIORITY.

VOTRE SANTÉ ET VOTRE SÉCURITÉ... NOTRE PRIORITÉ.






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ACRONYMS

OLCDB: Official Language Community Development Bureau

OLMC: Official Language Minority Community

OLA: Official Languages Act

OL: Official Language



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PURPOSE OF THE SUPPORT TOOL

The purpose of this guide is to provide terms of reference for managers, program officers, and Health Canada policy analysts with regard to applying part VII (section 41) of the *Official Languages Act* (OLA) in the development and implementation of transfer payment programs¹ and the implementation of funding agreements between the Department and recipients.

The terms of reference will make it possible to explore:

- Ways to enhance the vitality of Official Language Minority Communities (OLMCs) and support their development;
- Opportunities to promote the full recognition and use of English and French in Canadian society.

In accordance with this guide, Health Canada employees are expected to apply the official languages lens (part VII) in each step of the transfer payment program development, management, and renewal processes in order to implement section 41 of the OLA.

The Treasury Board Secretariat's Policy on Transfer Payments (2008) and its related directive remind federal departments of the OLA requirements that apply to transfer payment programs, from design through to implementation, and to the funding agreements that arise from these programs. The policy also sets out the parameters for a program that supports activities that benefit OLMC members.

To this end, the terms and conditions of Health Canada's transfer payment programs are aligned with the aforementioned policy and directive to "implement programs, projects or activities for the general public in both official languages and for OLMCs, as applicable, so that they can participate in these activities on a basis comparable to the linguistic-majority community."

¹ Note that according to the Treasury Board Directive on Transfer Payments (2008), transfer payments other than a grant or contribution include "transfers to other orders of government, such as equalization payments and Canada Health and Canada Social Transfer payments."

Similar to the application of Gender Based Analysis plus (GBA+) that takes into account factors that shape the identity and diversity of the transfer payment programs' target population, recipients of these programs are also required to consider how the OLA applies to their initiatives, where applicable.

BACKGROUND

With regard to part VII (section 41) of the OLA, Health Canada is committed to enhancing the vitality and development of Francophone and Anglophone minority communities across the country and to fostering the full recognition and use of both English and French in Canadian society through **positive measures**. Section 41 commits federal institutions to ensuring that positive measures are taken for the implementation of that commitment, while respecting the jurisdiction and powers of the provinces and territories. Consequently, each Department program must determine whether positive measures are relevant and how they will be taken so as to meet the obligations set out in part VII (section 41) of the OLA.

IMPLEMENTATION OF POSITIVE MEASURES

One way that positive measures can be realized is through transfer payment programs that include the funding of activities that fully benefit OLMCs. Additionally, the Treasury Board Directive on Transfer Payments (2008) states that:

"In cases where the terms and conditions have identified that the transfer payment program may have an impact on members of either official language community (the agreements take into account the following element when applicable):

- *A provision, where appropriate, outlining the manner in which the recipient's activities will support the Government of Canada's obligation to enhance the vitality of the official language minorities in Canada and support and assist their development as well as foster the full recognition and use of both English and French in Canadian society."*

Thus, positive measures can take various forms depending on the role and mandate of each federal institution and the nature of the transfer payment programs. For example, one positive measure would be additional efforts to ensure that the target population of a Health Canada-funded program can access initiatives in the OL of its choice, and these initiatives take into account the specific needs of OLMCs to ensure that they can take full advantage of these initiatives.

APPLICATION OF THE OL LENS (PART VII) IN TRANSFER PAYMENT PROGRAMS

The development and implementation of a transfer payment program involve the analysis of considerations related to OL in order to examine how the positive measures can advance the intentions and objectives behind the obligations prescribed in part VII of the OLA and determine the usefulness, relevance and application of the OL clauses. This method can be applied to existing transfer payment programs and those still in development.

The description of OL-related measures must be adapted to the particular circumstances of a program and agreement. For example, *Appendix A*, which accompanies Health Canada funding agreements, offers some points to consider when striving to provide transfer payment program recipients with guidance on how to address the health needs of OLMCs and encourage the participation of the project's target population in both official languages, where relevant.

(EXAMPLE OF AN INITIATIVE)	
DESCRIPTION OF OFFICIAL LANGUAGES MEASURES	
The recipient ensures that their project takes OLMC mental health needs into account	
Examples of points to consider	Examples of questions aimed at developing the financial agreement
Example of activity: Creating a mental health crisis help line Target: General public Location: Accessible province-wide	<ul style="list-style-type: none">• Will the recipient consult OLMCs to understand their needs and eventually provide a mental health crisis help line in the official minority language?• Does the recipient take into account the diversity of the populations they serve, including (if applicable) OLMC members?• Under the project, will the services take into account the needs of OLMCs in the minority OL?• What measures will be put in place if the recipient is not able to offer OLMCs the service in the minority OL? (For example, would a service agreement be reached with another organization?)

Conditions for the application of official languages provisions in funding agreements

Section 25.4 of standard Health Canada contribution agreements, regarding the language of communication, states that “the recipient shall carry out the initiative and provide to the public oral and written communications related to the initiative in both of Canada’s official languages (English and French), unless otherwise stated in Appendix A².”

To ensure the application of this clause in funded projects, program officers must ensure that the recipient:

- Is informed of the presence of OL clauses in their funding agreement;
- Understands their obligations;
- Is able to uphold them;
- Is able to develop positive measures to respond to the needs of OLMCs, if applicable;
- Must notify Health Canada without delay if the recipient is unable to meet their obligations in whole or in part.

KEY QUESTIONS REGARDING THE APPLICATION OF THE OL LENS (PART VII) IN TRANSFER PAYMENT PROGRAMS

The following key questions can help program managers and policy analysts determine how to apply an OL lens in the development and implementation of transfer payment programs and how to help program recipients better reflect them in their projects.

² See the “Application of the OL lens (part VII) in transfer payment programs” section for a description of Appendix A.

KEY QUESTIONS
<p>Should the transfer payment program take the specific needs of OLMCs into consideration? If so, how? If not, why not?</p> <p>For example, if the goal is to try to ensure equal access to health services, did you know that Anglophones in Quebec have less access to family doctors than Francophones outside of Quebec? In all, 12.2% of Francophones outside of Quebec don't have access to a family doctor, compared to 27.6% of Anglophones in Quebec. (Health Canada et al (2014) <i>Health Profile of English-speaking minorities in Quebec</i>).</p>
<p>Should the transfer payment program ensure services are offered in both official languages?</p> <p>For example, if the goal is to inform the population of the dangers of cannabis use, did you know that Francophones in British Columbia (13.5%) are more likely to consume cannabis than those in other provinces outside of Quebec (4.7%)? (Health Canada et al (2014) <i>Health Profile of French-speaking Minority Communities in Canada</i>).</p>
<p>Are OLMCs identified as target or vulnerable populations in transfer payment programs?</p> <p>For example, if the goal is to better serve the elderly, did you know that seniors in high-stress or crisis situations tend to revert to their mother tongue and that providing services in French or English could be required? (Muray, M. (2020) <i>Recension des écrits : Comprendre les perspectives des professionnels de la santé et des patients des communautés de langue officielle en situation minoritaire au sujet de l'accès aux soins de santé</i>. University of Ottawa)</p>
<p>Will the transfer payment program enable funded initiatives to improve health care access for OLMC members?</p> <p>For example, if a funded initiative seeks to improve the health of OLMC members, did you know that visible minority OLMC members suffering from chronic diseases like HIV/AIDS face unique barriers to accessing health care? (Djiadeu, P., et al. (2019). <i>Barriers to HIV care among Francophone African, Caribbean and Black immigrant people living with HIV in Canada: a protocol for a scoping systematic review</i>. BMJ Open, 9(1), e027440. Available from: https://bmjopen.bmj.com/content/bmjopen/9/1/e027440.full.pdf)</p>
<p>Does the transfer payment program have admission criteria specific to OLMCs?</p> <p>For example, the program could include a funding stream to meet the specific needs of an entire population identified as vulnerable, including OLMCs.</p>

Should the recipients include organizations representing OLMCs in their project to ensure that their needs and priorities are taken into account?

For example, the recipients could ensure that organizations representing OLMCs or OLMC members are included in any public consultations.

Will factors that enable OLMCs to fully benefit from the initiatives also be considered?

For example, the initiative will ensure that information about the project will be shared with OLMC members and that someone is available and able to answer any questions.

Could the program have an impact (positive or negative) on OLMCs? If so, what are the possible repercussions (positive or negative) of the initiative on OLMCs?

For example, a project that seeks to improve home-care services could ensure a thorough understanding of the needs of OLMCs in this domain and allocate its human resources accordingly to better meet OLMC needs.

Does the current program offer an opportunity to promote the full use and recognition of French and English in Canadian society?

For example, the program recognizes the specific needs of certain vulnerable populations, including OLMCs, takes measures to ensure that they are included in the implemented initiatives, and distributes information about the initiatives in both OLs.


Are there mechanisms in place to monitor the initiative's progress and impact in terms of OLMC access to programs and/or health services?

For example, have the expected outcomes with regard to the initiative's impact on OLMCs and measurement indicators been pre-defined?

MONITORING COMPLIANCE WITH OFFICIAL LANGUAGE CLAUSES

Monitoring compliance with OL clauses is a key part of the progress and performance reports related to transfer payment programs and their associated funding agreements. Each year, Health Canada is required to submit various reports on its official languages obligations. For example, under sections 44 and 48 of the OLA, the Department must provide the minister of Canadian Heritage and Treasury Board President with an update on its achievements that have had a positive impact on OLMCs, for inclusion in an annual report to Parliament.

This means that departmental mechanisms for planning, implementation and tracking progress toward achieving identified outcomes, as well as departmental reporting, must be able to report results, on an annual basis, demonstrating the extent to which transfer payment programs met the



specific needs of OLMCs. The reports must also indicate, where applicable, how the funding programs have fulfilled their commitments to OLMCs, impacted these communities, contributed to their vitality and development, and promoted the full recognition and use of French and English in Canadian society.

CONTACT PERSON

Because there are so many factors involved in determining how to best reflect OL considerations associated with transfer payment programs, managers, program officers and policy analysts can communicate with the Official Language Community Development Bureau (OLCDB) at hc.olcdb-baclo@canada.ca for more information.

The OLCDB can provide guidance and additional resources, such as training and tools on part VII of the OLA to support Health Canada employees in analyzing OL impacts relating to their programs.

Excerpt from *Appendix A* regarding standard Health Canada funding agreement OL clauses

OFFICIAL LANGUAGES <<MANDATORY>>

Describe how both linguistic communities will be targeted.

Where applicable based on the proposed initiative, consider the following:

- i) Is the targeted population composed of individuals or groups belonging to both linguistic communities?*
- ii) In the general public, what is the level of potential demand for services in both official languages?*
- iii) If, by its very nature, the initiative is aimed at only one linguistic group, could it be promoted to the other group to encourage understanding between the two groups?*
- iv) Is the initiative national in scope and likely to reach both linguistic groups?*
- v) Do the key activities relate to the visibility of Canadian identity abroad?*
- vi) Is the recipient a national organization that should clearly have a concern for official languages?*

If the answer to any of the above questions is yes, both linguistic communities should be targeted.

Examples:

- The recognition of the Department's support will be expressed in both official languages.*
- All public signage, communication (oral and written), products and services will be developed and offered in both official languages.*
- The official-language minority community will be invited to participate where appropriate.*

OR

Provide a justification if the two linguistic groups WILL NOT be targeted.

Examples:

- The initiative was developed to respond to the specific needs of the Francophone population in Manitoba, and as such it does not target the Anglophone population.*
- The initiative is piloting a new training approach and curriculum and would like to target a single linguistic community before adapting them and investing in translation.*