

IMPACT ANALYSIS TOOL

PART VII OF THE OFFICIAL LANGUAGES ACT

Objective:

The objective of this tool is to support Health Canada (HC) employees in completing the impact analysis of a new or existing initiative to ensure its compliance with Part VII of the *Official Languages Act* (OLA).

This analysis is mandatory for all Health Canada initiatives and must be approved at the Director General level.

- For budget proposals, memoranda to Cabinet and for Treasury Board submissions, the impact analysis must be provided to the Official Language Community Development Bureau (OLCDB - hc.olcddb-baclo.sc@canada.ca) for validation and to obtain the required attestation.
- For other initiatives, completing this impact analysis tool documents the analysis that was conducted leading to the development of an initiative and/or a decision and could help demonstrate that requirements under Part VII of the OLA were met in the event of a legal challenge.

Context:

Under Part VII of the modernized OLA, the Government of Canada is committed to enhancing the vitality of official language minority communities (OLMCs - French-speaking people outside Quebec or English-speaking people in Quebec), and to promoting the full recognition and use of English and French in Canadian society.

The government is also committed to protecting and promoting the French language, in addition to advancing learning opportunities for OLMC members that are in their own language, throughout their lives.

Federal institutions, including Health Canada, are required to take positive measures to implement these commitments.

As such, Initiative leads are required to:

- **Understand the priorities of OLMCs and other relevant OL stakeholders** (gathered through, to the extent possible, dialogue and consultation activities, data collection and/or research, and evidence-based findings);
- **Consider** whether positive measures could be taken to implement the commitments discussed above;
- **Alter**, as appropriate, any positive measures planned in order to incorporate the views of OLMC;

- **Consider the possibilities for avoiding**, or at least mitigating, the direct negative impacts that proposed structuring decisions (see next section for examples) may have on OLA Part VII commitments;
- **Take the necessary measures to promote** the inclusion of appropriately tailored official languages clauses in agreements with provincial and territorial governments;
- **Implement any measures** that have been decided upon to support the government's commitments mentioned above (these measures must be concrete and planned), or to avoid or mitigate negative impacts;
- **Systematically monitor and evaluate progress** towards achieving expected results
 - Use the Health Canada Monitoring and Self-Assessment Tool of Positive Measures under Part VII of the *Official Languages Act* to help you track the effectiveness of your positive measures.

For more detailed information on Part VII obligations, please consult the Health Canada Policy on the Implementation of Part VII of the *Official Languages Act* and [Part VII of the OLA](#).

Note: Other obligations under the OLA could apply to your initiative:

- E.g. Part IV obligations (communications and services to the public) may apply if a third-party organization or individual acts on behalf of the government of Canada.
- For more information, please consult the Official Languages Unit in the Corporate Services Branch at official.languages-langues.officielles@hc-sc.gc.ca and/or Legal Services.

Additional considerations:

- **On positive measures:** Translating documents, communicating with the public in both official languages or targeting "the Canadian population in general, including OLMCs" are generally not sufficient to meet Part VII of the OLA's positive measure requirements. Examples of positive measures could include, but are not limited to:
 - the development of virtual health services in the minority official language;
 - outreach to OLMCs in their preferred official language in information/communication campaigns to improve/protect their health; and,
 - support for research projects in French.
- **On grants and contributions:** The assessment of project proposals under a grant or contribution program must also consider the impact of proposed projects on Part VII commitments. To do so, the assessment form must include mandatory criteria on Part VII of the OLA.
 - OLA obligations apply directly to federal institutions (including Health Canada), not to funding recipients, including provinces or territories, third-party organizations or individuals.
 - Health Canada will be held responsible for the inclusion (or not) of measures in support of Part VII of the OLA in funded projects and the implementation and monitoring of any such measures.

- **On interdepartmental initiatives:** Part VII obligations likely apply to all federal institutions participating in a collaborative initiative, and each institution must therefore engage in the required analysis.
 - A collaborative approach may be acceptable but consultation with Legal Services is recommended to determine whether a proposed joint analytical approach could satisfy OLA Part VII obligations.
- **On agreements with provincial and territorial governments:** The obligation to promote the inclusion of official languages clauses in agreements with provincial and territorial governments must be documented in addition to other Part VII obligations related to the adoption of positive measures and avoiding/mitigating direct negative impacts.
- **On structuring decisions:** These decisions could include, for example:
 - The creation or termination of a program or policy;
 - The restructuring of a program's priorities or strategic objectives;
 - Substantial modification of the terms and conditions of a program;
 - Decisions about budget cuts; and
 - Decisions which require approval through a Memorandum to Cabinet or Treasury Board submission.
- **On potential challenges:** Information provided to the Commissioner of Official Languages or other parties must be reviewed carefully to avoid any unauthorised disclosure of Cabinet confidences.
 - Consultation with Legal Services is recommended.

IMPACT ANALYSIS

Type of process - please check among the following choices:

- ☐ Budget request
- ☐ Memorandum to Cabinet
- ☐ Treasury Board Submission
- ☐ Memorandum of Understanding
- ☐ Other (please specify) : _____
- ☐ Initiative already in place for which a Part VII impact analysis was not already conducted

Title:	
Type of initiative:	☐ Policy ☐ Grant or Contribution Program ☐ Government response ☐ Regulation ☐ Funding Transfer (e.g. to a PT or to another federal government institution) ☐ Other _____
Branch and Directorate names:	
Brief description/objective of the initiative:	
Submission date (day-month-year):	

1- Provide a summary of your analysis of the potential impacts (positive or negative) of this initiative on OLMCs and/or linguistic duality.

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2 - Summarize OLMC and/or linguistic duality research and evidence-based findings pertaining to this initiative (e.g. literature reviews, scientific reports and articles, stakeholder reports, reference documents).

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3 - List OLMC and other relevant OL stakeholder representatives or organizations that were consulted to inform the development and/or the implementation of this initiative and summarize the issues, needs and priorities that were discussed as they relate to the initiative (add rows as needed).

Stakeholder name	Type of consultation (discussion, survey, round table, etc.)	Main issues/needs/priorities discussed

Please check the appropriate option(s):

- ☐ Your analysis, research and consultation (questions 1, 2 and 3 above) demonstrate that positive measures could be taken to implement the Government of Canada's Part VII commitments - **answer question 4.**
- ☐ Your initiative concerns an agreement with one or more provincial or territorial governments - **answer question 5.**
- ☐ Your analysis, consultation, and research support that proposed structuring decisions may have a direct negative impact on the GOC's Part VII commitments - **answer question 6.**
- ☐ Your analysis, research and consultation demonstrate that the initiative does not provide an opportunity to support Government of Canada commitments respecting official languages in Part VII of the OLA – **In the space below, provide a summary supporting this response:**

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4 - Following your analysis, please list the concrete measures that will be implemented (positive measures), the expected result(s), as well as the indicator(s) and target(s). Add rows as needed.

Positive measure	Expected Result(s)	Indicator(s) / Target(s)
Fictitious example: Health Canada, in collaboration with IRCC and ESDC, will increase the recruitment of bilingual health professionals trained abroad	A higher proportion of health professionals trained abroad and recruited to work in Canada are bilingual (English and French). Increased access to health services for official language minority communities in their OL of choice.	Percentage of health professionals trained abroad and recruited to work in Canada that are bilingual (English and French). Target: 5% Percentage of bilingual health professionals trained abroad declaring serving patients in the minority official language at least occasionally one year after their arrival. Target: 50%

5 - List the necessary measures, according to the analysis conducted, to promote the inclusion of an OL clause in the proposed FPT agreement. Explain how these measures will be implemented.

6 - List the options, identified through your analysis, for avoiding or at least mitigating the direct negative impacts that your structuring decision may have on the Government of Canada's Part VII commitments.

If you have any questions or need clarifications on this tool, please contact the OLCDB at:
hc.olcdb-baclo.sc@canada.ca.

Approved by :

Director General

Signature

Date