Department of Indian Affairs and Northern Development
Corporate Services
Departmental Audit and Evaluation Branch

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Official Languages Audit

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Background

Three texts constitute the foundation for the official languages program in federal institutions. The 1982 *Canadian Charter of Rights and Freedoms*, the *Official Languages Act* and the *Official Languages Regulations.* In the federal government, the official languages policies and guidelines issued by Treasury Board establish the management framework for the program and clarify the legislation by explaining the institutions' obligations in detail. DIAND's official languages policy outlines and explains the objectives of service to the public, language of work and equitable participation of the two linguistic groups. The Associate Deputy Minister, the Assistant Deputy Ministers and the Regional Directors General are responsible for implementing this policy. Managers are responsible for providing support to senior management in implementing the policy. The Director General, Human Resources, is responsible for developing and reviewing the policy, and co-ordinating and evaluating its implementation and monitoring.

Objectives, Scope and Methodology

The official languages audit project was part of the 1997-1998 departmental audit and evaluation plan approved by the Departmental Audit and Evaluation Committee. Its purpose was to examine the systems, policies, procedures and controls as they pertain to the objectives of the department's official languages program. The goal was also to ensure compliance with the policies of both DIAND and Treasury Board.

The audit extended to the systems, policies, procedures and controls in place to ensure management of the official languages program. It was conducted principally at headquarters. There was a visit to the Quebec Region and certain aspects of service to the public were also audited in several regional offices. A number of employees at headquarters were interviewed to determine whether they could use their mother tongue while carrying out their duties.

Overall Evaluation

The audit determined that, generally, DIAND satisfies the main requirements of the official languages program. However, some corrective action is required to ensure that the department fully meets its obligations in this respect.

There are a few deficiencies in the program's management framework. For instance, DIAND's official languages policy does not take into account the changes adopted recently by Treasury Board. A number of people share responsibility for the official languages program and there are some managers who do not fully understand the nature and extent of their responsibilities in this regard. Improvements must be made to ensure that the appropriate information is circulated in the department and that there is effective follow-up. Currently, senior management at DIAND is not receiving any regular assessments of the official languages situation

The department is not fully meeting its obligations with respect to the three main components of official languages. In some regional offices, DIAND is not completely satisfying the requirement to provide service to the public in both official languages, but measurable improvements have been made in language of work. For instance, there is more respect for the fact that French is the language of work in the Quebec Region. However, at headquarters, although it is a policy objective, the work environment does not enable employees from both linguistic groups to use their mother tongue as much as possible in the course of their professional duties. Specifically, in supervisory situations and in meetings, communication generally takes place in English when members of both linguistic groups are present. Personnel and central services generally have adequate bilingual capacity but do not always actively offer their services in both languages. As far as equitable participation is concerned, overall representation of the two groups is relatively stable. Approximately 82% of the employees are Anglophone and 18% are Francophone. However, there are significant disparities in the way the two linguistic groups are represented in various job categories.

The report contains three recommendations addressed to the Director General, Human Resources. The first one concerns the need to update the management framework for the official languages program; the second recommendation suggests creating an analysis framework for measuring and accounting for the department's performance in relation to its obligations, in accordance with Treasury Board policy. The third recommendation relates to the need to remind managers of their official languages obligations. In addition, management letters will be sent to certain managers to draw attention to the areas that need correcting.

Background

Three texts constitute the foundation for the official languages program in federal institutions. The 1982 *Canadian Charter of Rights and Freedoms* provides for the equality of status of the two official languages. The *Official Languages Act*, which came into force in September 1988, establishes the parameters of the delivery of services to the public, the right of employees to work in the official language of their choice and the government's commitment to the equitable participation of members of both communities. The *Official Languages Regulations* define the specific circumstances under which federal institutions are required to offer their services to the public in both official languages.

The *Official Languages Policies and Guidelines* issued by Treasury Board (TB) in 1993 establish the management framework for the official languages program and clarify the legislation by explaining the institutions' obligations in detail. More recently, Treasury Board implemented a new accountability and monitoring system which relies on the production of an annual assessment submitted to the Treasury Board Secretariat. Treasury Board also asked each department to identify a high-level responsibility centre to report to the Deputy Minister and to establish a new bilingualism policy for members of senior management (EX category).

DIAND's official languages policy outlines and explains the objectives of service to the public, language of work and equitable participation of the two linguistic groups. The Associate Deputy Minister, the Assistant Deputy Ministers and the Regional Directors General are responsible for implementing this policy. Managers are required to provide support to senior management in implementing the policy. The Director General, Human Resources, is responsible for developing and reviewing the policy and co-ordinating and evaluating its implementation.

Objectives

The purpose of the audit was to examine systems, policies, procedures and controls as they pertain to the objectives of the official languages program established by the department. The goal was also to ensure compliance with the policies of both DIAND and Treasury Board.

Approach and Scope of the Audit

The official languages audit project was part of the 1997-1998 departmental audit and evaluation plan approved by the Departmental Audit and Evaluation Committee.

The audit planning phase took place in the fall of 1997. The review, conducted between February and April 1998, covered the systems, policies, procedures and controls in place to ensure management of the official languages program. It was conducted principally at headquarters. There was a visit to the Quebec Region and certain aspects of service to the public were also audited in several regional offices. A number of employees at headquarters were interviewed to determine whether they could use their mother tongue in carrying out their duties.

For each of the audited components, our main observations were submitted to the stakeholders for comment. Their comments were taken into consideration in writing the conclusions to this report.

Section 2 - Observations and Recommendations

Management of the Official Languages Program

Observation #1 :   **Management of the official languages program is deficient in a few respects**

Within Treasury Board's accountability framework, the department has a number of options and a great deal of flexibility in choosing the way it intends to meet its obligations and to implement its official languages program. Program management sets the basic parameters for program implementation.

To manage the program, the department must have in place an internal policy and procedures in accordance with its official language obligations. It must also demonstrate management's commitment to the program and the accountability of the main stakeholders, including the managers who are responsible, among other things, for ensuring that the employees know their rights and obligations with respect to official languages and for reporting on program implementation. The department must establish a primary responsibility centre to inform and counsel senior management on any issues pertaining to official languages and provide program control and follow-up. Finally, DIAND must have an effective analysis framework in order to monitor and report on its performance.

The audit picked up a few deficiencies in program management. Shortcomings were observed in the department's official languages policy, senior management's commitment to the program, particularly where managers' responsibilities are concerned, the role of the main responsibility centre and program follow-up.

The Official Languages Policy

The department's official languages policy covers the main components of the program. The policy was last updated in June 1995. It defines the roles and responsibilities of those who are primarily responsible for its implementation such as the Associate Deputy Minister, the Assistant Deputy Ministers and the Regional Directors General, managers and the Director General, Human Resources. However, the policy does contain some ambiguities.

DIAND's policy does not reflect the role of the new "champion" of official languages. In March 1998, the Treasury Board Secretariat announced that all federal institutions should identify a high-level responsibility centre reporting to the Deputy Minister on official languages matters. The purpose of this initiative is to raise the official languages profile within federal institutions. The Deputy Minister has assigned this duty to the Assistant Deputy Minister, Corporate Services. At time of writing, the precise role and method of execution had not yet been clearly established nor was there any explanation of how this new function would fit in with responsibilities assigned to other units, particularly the Human Resources Branch.

The departmental official languages policy does not clearly define DIAND's obligations regarding service to the public in offices west of Winnipeg and north of the 60th parallel. The policy requires all regional offices to be "bilingual," namely, that they be able to *"communicate with and deliver services to the public in both official languages."* The policy further states that *"every bilingual office must ensure that any unilingual employees in contact with the public be able to refer clients who speak the other official language to a colleague who is able to serve them in the official language of their choice."* To this end, all the regional offices, including those west of Winnipeg and north of the 60th parallel (with the exception of Edmonton) have confirmed that at least one employee has been officially designated to provide service in the minority language. However, the policy also introduces the idea of a toll-free line at headquarters for Francophones wishing to communicate with regional offices in Regina, Edmonton, Vancouver, Yellowknife and Whitehorse. The policy does not mention the other aspects of their linguistic obligations. This omission creates an ambiguous situation. It implies that although all the regional offices have the same "bilingual" status, some are not required to offer the same level of service as others. The audit did not determine how or why the obligation to serve the public in French in these offices was modified. One of the reasons given was the fact that basically DIAND serves a limited, primarily English-speaking clientele in these areas and, as a result, there is little demand for service from the general public. However, this does not jibe with the obligations defined by Treasury Board.

Commitment from Management

Under DIAND's official languages policy, all managers must support senior management in implementing the policy. They are also required to ensure that their employees are informed, that they enforce the policy and that they endeavour to reach the set objectives.

The audit turned up some positive indications of commitment by senior management to the objectives of the Official Languages Act and departmental policy. For instance, all employees were sent letters reminding them of the need to communicate with the Quebec Region in French. It should also be mentioned that written communication with employees from the management group is always bilingual and that employees are generally able to function in the language of their choice at departmental and sectoral meetings.

Overall, however, DIAND's senior management is unable to operate in both official languages. In March 1998, 10 years after the announcement of the federal policy requiring all management employees in federal institutions to be bilingual, 39% of the department's management group had attained the level of bilingualism required, one of the lowest rates in the federal public service. To date, 23% of managers have been exempted from the bilingual requirement, while 26% were taking language training. On the other hand, 12% of managers still had no training plan. In May 1998, Treasury Board established a new objective and new rules for the management category. The department is continuing its efforts towards attaining this objective within the newly-established five-year time limit.

Many employees at different management levels do not understand their responsibilities well enough to fulfill them. Managers interviewed during the audit showed a lack of general knowledge of the Official Languages Act; in some cases, they were unaware of the specific components of the policy for which they are responsible. For instance, a number of managers were unaware of their obligation to take linguistic considerations into account when contracting out to firms that work at headquarters, a bilingual region. Some managers attributed this to the fact that their attention has been focused on other priorities. Indeed, we noted that managers are not assessed on their performance with respect to the official languages program, although they have primary responsibility for its implementation. Therefore, it is understandable that they attach more emphasis to the areas on which they are evaluated rather than those on which they are not and which they naturally consider less of a priority.

Responsibilities of the Human Resources Branch

Under departmental policy, the Associate Deputy Minister, the Assistant Deputy Ministers and the Regional Directors General are responsible for policy implementation. Furthermore, the Director General, Human Resources, is in charge of developing and reviewing the policy and responsible for its co-ordination and implementation. In this context, it is difficult to determine exactly who has final authority over the official languages program.

For several years, the Director General, Human Resources, has been responsible for certain aspects of official languages. However, this mainly entailed disseminating information and advising managers on an ad hoc basis. The Human Resources Branch advises managers on the linguistic aspects of some of their human resource activities, such as classification and staffing. The Branch also looks after administration of tests and language training.

Responsibility for reviewing the department's official languages policy, as well as for co-ordinating and assessing its implementation and monitoring is carried out primarily by a single individual: the Head of the Official Languages Division (who comes under the Human Resource Planning Directorate). In the regions, this person can call on an informal network of personnel officers for support; they are responsible for advising managers on human resource management, including official languages. However, there is no such support system at headquarters, as the sectors have no designated person for official languages. As headquarters is the only bilingual region in terms of language of work, the dissemination of information pertaining to application of the official languages policy is more important there than elsewhere.

Given the shared responsibility for the official languages program and the fact that managers' knowledge in this area leaves a bit to be desired, the department may not have the structure required to ensure circulation of relevant information or to provide appropriate follow-up to the program.

Program Follow-Up and Reporting Requirement

As indicated above, the actual effectiveness of the official languages program depends, in large part, on managers. In this context, the Human Resources Branch needs reliable, current data on the status of official languages in the department in order to monitor the program and must review the situation periodically to ensure that DIAND is meeting and reporting on its commitments and obligations.

The audit revealed that the Human Resources Branch keeps many basic statistics. The *People Soft* system contains data on the linguistic profile of positions and on employees' official language of choice. There are also statistics on the proportion of supervisors who meet the language requirements of their position. However, the Human Resources Branch does very little analysis of this information. For instance, although the information is available, there is no systematic monitoring of equitable participation of the two linguistic groups.

For the past two years, DIAND has submitted an annual assessment to Treasury Board in accordance with the new accountability framework. The assessment is based on an analytical grid of expected results, which every department must apply to its own situation. The assessment allows Treasury Board to monitor the situation in departments and to produce an annual official languages report for Parliament. The audit at DIAND indicated that there is no comprehensive analysis framework for producing such a report. Many aspects of the analytical grid are not covered adequately. The information is gathered from a variety of sources and some of that information is not supported by the audit's conclusions. For instance, as we noted earlier, the situation in regional offices, and the bilingual services that are actually available there, is nowhere near as clear as the latest assessment might imply. Furthermore, the 1997-1998 assessment regarding the language of work at headquarters only refers to the EX category. The situation is actually much more complex, as the following section will illustrate. Corrective measures have been limited to fairly vague statements with no mention of any specific focus of responsibility. The action plan submitted in 1996-1997 indicated that an annual report on communication between headquarters and the Quebec Region would come out in October 1997. However, it is not stated who exactly would be responsible for producing the report or what its specific contents would be, nor is there any reference to the sectors concerned. Indeed, by all indications, the report was never published. The audit did note, however, that Treasury Board approved both of the assessments submitted by DIAND.

The audit also picked out that senior management does not get any regular assessment of the official languages situation. The Human Resources Branch annual report contains data and analyses of the department's position in relation to employment equity, but no information on official languages. The departmental policy does not provide for this monitoring nor does it specify who would be responsible for it. In actual fact, however, the Human Resources Branch does just enough follow-up to produce its annual report for Treasury Board.

We believe that, in its current form, the assessment cannot be used as a departmental management tool, particularly because it does not contain enough information on the actual situation, the performance indicators or the remedial action required.

DIAND has made many changes in recent years and important initiatives are underway. The work force adjustment, the Resourcing Our Priorities (ROP) initiative and the various reorganisations could all have a potential impact on official languages. In some cases, the consequences of these changes are neither examined nor monitored. As a federal institution, the department has commitments to official languages and must ensure that it takes the necessary steps to meet them. Without appropriate monitoring mechanisms, DIAND cannot know where it stands in terms of its commitment with regard to some of its services to the public or to language of work.

Recommendations

1.   The Director General, Human Resources, should update the management framework for the official languages program. Specifically, the framework should cover:

    •   The department's official languages policy;
    •   The role of official languages "champion"; and
    •   The role of the Human Resources Branch in relation to program management and follow-up.

2.   In accordance with Treasury Board policy, the Director General, Human Resources, should establish an analytical framework covering all the relevant components of the official languages program and use that framework to measure and report on DIAND's performance with respect to its obligations.

The Department's Obligations

Observation # 2 :   **DIAND is not fully meeting its obligations with respect to the three main components of official languages**

Both the Official Languages Act and departmental policy include three main categories of obligation to official languages: service to the public, language of work and equitable participation. The department must put in place effective ways of fulfilling its obligations in concrete ways.

The audit indicated that DIAND does not fully meet its obligations. Although improvements were observed in some areas, habits acquired over the years have prevented further progress in some cases.

Service to the Public

According to the department's policy, all regional offices are "bilingual" and "*DIAND is committed to respecting the public's right to communicate with its bilingual offices and to obtain services in the official language of its choice (…)."* As we indicated earlier in this report, the policy stipulates that in some bilingual offices, these services may be provided to Francophones using a toll-free line.

The audit examined the toll-free line, the capacity of bilingual offices to serve the public in both official languages, including transactions of a commercial nature, and the degree to which the department's Internet site meets the official languages requirements contained in the "Government of Canada Internet Guide". The audit observed that the department is not fully meeting the obligation to offer service of equal quality to the official languages communities.

Headquarters

Generally, standards pertaining to bilingual signage, panels and reception services are adhered to at headquarters. Library services as well as the department's documentation centre satisfy relevant requirements. The only minor deficiencies were observed in the signage and documentation available in French at the Kumik Meeting Centre. The audit of the department's Internet site indicated that it meets the official language requirements.

In contracting out, the public tender documents and associated information issued by headquarters are generally available in both official languages. However, DIAND does not offer service in both languages spontaneously and does not seek to determine the contractor's language preference when drawing up contracts and preparing related administrative correspondence. The language used is that chosen by DIAND staff rather than the language of the firm seeking or obtaining the contract, the reverse of the active offer principle.

Regional Offices

Regional offices in Amherst, Quebec City, Toronto and Winnipeg have an obligation to offer their services in both official languages. The audit dealt mainly with service by telephone. We noted that the Quebec Region meets all requirements. The other three regions did not actively offer service in French when we contacted them but were all able to transfer the call to someone who could provide satisfactory service in French.

The telephone audit of the "bilingual offices" west of Winnipeg indicated that the service by toll-free line (1-800) is insufficient. Calls are forwarded to voice mail at the information desk at headquarters. It took up to four hours for a call to be returned. Furthermore, the desk operates during regular business hours in the eastern time zone. Given the time difference with the regions, the service is not always available the same day the call is made. With its current system, the department is not providing service of equal quality in both official languages in all "bilingual offices." This situation will have to be remedied.

Language of Work

Under DIAND's official languages policy, all regions with the exception of headquarters are unilingual with respect to language of work. French is the language of work in the Quebec Region, and English in all other regions. As a bilingual region, headquarters has specific obligations. Generally, the work environment must be conducive to the use of both official languages, allowing every employee to use either language providing the public and other employees are served in the language of their choice.

The audit dealt primarily with the specific obligations of headquarters. Specifically, it was to ensure that written and oral communication from headquarters respect the language of work in regional offices; that meetings are held in both languages when employees from both linguistic groups are present; that employees are supervised in the language of their choice; that senior management is able to function in both languages; that employees have access to personnel and central services in both languages (including services provided by third parties); that standard and general working tools are produced by or on behalf of DIAND in both languages; that training and upgrading courses are offered in the employees' language of choice; and that the employees are satisfied with the use of both official languages at work.

The audit showed that measurable progress has been made with respect to language of work at headquarters. However, although it is a policy objective, the work environment does not enable employees from both linguistic groups to use the language they wish in their professional activities. Many Francophone employees feel they are not really being encouraged to use their mother tongue and that, in actual fact, English is generally the language of work.

Communication and Supervision

Senior management is fulfilling its commitment to communicate with staff in both official languages. Any general written communication from senior management at headquarters is bilingual and, therefore, meets the requirements of the language policy. However, as indicated earlier, the low rate of bilingualism among members of the management group is a negative influence on the overall ability of management and of headquarters to function effectively in both official languages and prevents the creation of an environment that encourages the use of both official languages.

This situation is also reflected within various working units. Our survey of 30 employees showed that almost half the French-speaking respondents with an English-speaking supervisor were rarely supervised in their own language. However, the data taken from the *People Soft* system shows that 89% of bilingual supervisors meet the linguistic profile of their position.

The situation with respect to communication between headquarters and the Quebec Region has improved. According to people interviewed in the region, although there are some instances of non-compliance, it is rare that written communication with the region fails to respect the language of work there. It should be noted that in part the improvement is due to the actions and reminders

of senior management requesting that employees from headquarters respect the language of work in the region. However, the situation with respect to oral communication, primarily during meetings or national conference calls, is still not what it should be.

Conferences and meetings are a weak point. Although few formal complaints are received regarding the application of the official languages policy, most complaints and requests for information pertain to this aspect of the policy. Many meetings or conferences are held solely in English, which violates the requirement that employees from the two linguistic groups be entitled to use the language of their choice at meetings. However, in the interests of efficiency or to ensure that they are understood, French-speaking employees often waive their right to use their own language and use English because it appears to be the common language of meeting participants. There are various ways to respect their linguistic right, such as ensuring that the chairperson is bilingual and that the meeting documentation is also bilingual. However it is done, it is essential to create an environment conducive to the use of both languages.

Personnel and Central Services and Working Tools

When a working unit is responsible for providing personalized services, linguistic requirements do not apply to individuals but to the working unit as a whole. Every unit must assign staff in such a way as to respond to their clients' linguistic preference. The audit noted that the various central and personnel services in DIAND have the tools they need to meet the requirements of the official languages policy. These working units are able to offer their services to employees in the language of their choice. Furthermore, working tools such as policy documents, procedural manuals (hard copy or in electronic form), computer keyboards, software and computer systems are generally available in both languages.

We observed that services are not always actively "offered" in both official languages. For instance, although software is available in both languages, employees are not always told that they have a choice. As a result, Francophone employees have to request French-language software. This means that most of the software installed in the department is in English. This approach also spills over into computer training courses: even courses offered in French use English-language software. Employees using French software have to submit a special request to take courses using French-language software.

Training courses are also available to employees in the language of their choice. However, it is important to note that demand can sometimes be relatively low from one or other of the linguistic groups and, consequently, that emphasis is put on meeting the higher demand from the majority linguistic group.

Computer services have a bilingual capacity. However, the audit indicated that these services are not always actively offered in French. This deficiency is attributable to the fact that no active offer is made when software is installed, as indicated above, and that the support desk does not ask the user to specify a linguistic preference when requesting service. Computer services do ensure that bilingual standards are met during development and implementation of computer

programs. However, system owners may not necessarily avail themselves of this bilingual capacity. For instance, the "management table" maintained by the Finance Branch, which contains the list of all the responsibility centres, is only available in English. As a result, data does not appear in both languages in some reports.

During our examination of contracts drawn up by headquarters, we noted that DIAND does not check to see that third parties are able to provide their services in both official languages. Of the 20 files we examined, only one contained a clause specifying the contractor's obligation to provide services in both official languages. In some cases, consultants hired by headquarters are unable to provide their services in French in the Quebec Region. Furthermore, we observed a lack of knowledge on this subject among managers in general and, surprisingly, among personnel in the contract administration service. One of their working tools, the *Checklist of Contract Documentation Requirements* (for which there is no French version, incidentally) does not require any verification that the firm retained is able to provide services in the language of the region or in both languages, as the case may be.

Equitable Participation

According to departmental policy, the principle of equitable participation is intended to ensure that French-speaking and English-speaking people have equal employment and advancement opportunities and that DIAND's work force tends to reflect the existence of two official language communities, consistent with its mandate and the location of its offices.

To this end, DIAND must ensure that both linguistic groups are represented in all job categories and professional groups and at all reporting levels, monitor the linguistic make-up of its work force and, where necessary, take steps to reach a linguistic balance that is deemed satisfactory; ensure that managers take the steps required to attract candidates from both communities without discrimination or impediment and ensure that all candidates are able to use the official language of their choice in the hiring process.

The overall representation of the two language groups is relatively stable. Approximately 82% of DIAND employees are Anglophone and 18% are Francophone. This ratio does not reflect the relative weight of the two groups in Canada but is considered acceptable by DIAND and Treasury Board. The proportions can be attributed mainly to the fact that the department's target clientele is 90% English-speaking, to the location of its regional offices and to the special effort made to hire Aboriginal Canadians. (However, Treasury Board feels that the department does need to be vigilant and to monitor the rate of Francophone representation to ensure that it does not decline.)

The audit indicated that there are significant differences in representation of the two linguistic communities from one job category to another. Thus, the data pertaining to headquarters shows that Francophone representation is far higher in the administrative support group (57% of these jobs are held by Francophones), than in the management (18%), scientific (18%) and technical (20%) categories. Across the department, the proportion of Francophones in some job categories
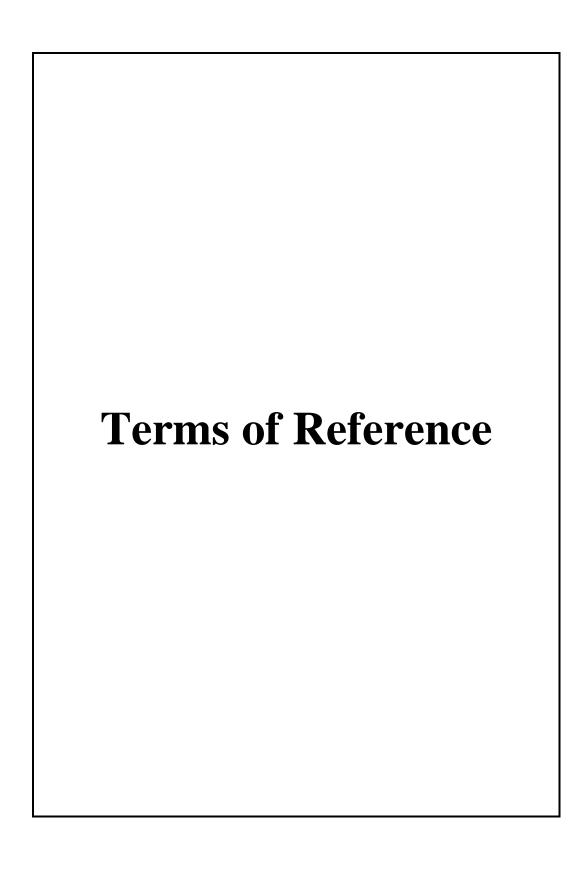
can drop to as little as 9 %. However, because the linguistic make-up of the work force is not systematically monitored in detail, there is no assurance that the current profile reflects the intended level of representation in the department.

The department satisfactorily meets its staffing obligations. Job posting and selection boards are such that candidates are able to use either official language during the selection and hiring process. The *Managers' Staffing Manual* produced by the Human Resources Branch contains all relevant staffing information and requirements. The audit did indicate that there is an occasional lack of rigour in determining the linguistic requirements of positions, a process that precedes staffing.

Managers are responsible for attracting candidates from both linguistic communities. They are also responsible for identifying the linguistic profile of positions within their units. The profile must reflect the operational responsibilities, such as service to the public or personnel and central services, and the overall language capacity of the working unit. In practice, approval of the linguistic profile often involves a, formal or informal, exchange of information among managers and human resources officers. Examination of a sample of classification files showed that there is little documentation describing how profiles are drawn up. This goes against the Treasury Board policy requiring managers to *"be able to prove, with supporting documents, that their decisions are objective*." Without the appropriate documentation, it is difficult to determine the basis on which decisions pertaining to identification or revision of a position's linguistic profile are made or how the applicable criteria are interpreted. In addition, there is no assurance that changes to linguistic profiles are based solely on the nature of the work and not on the linguistic ability of a potential candidate or group of candidates.

Recommendation

3. The Director General, Human Resources, should remind managers of their linguistic obligations, particularly with respect to meetings, applying the principle of active offer and creating linguistic profiles for positions. These reminders should be made periodically and based on observed needs.

Terms of Reference

Terms of Reference

Audit of Compliance with the Official Languages Act

Background: The Canadian approach to official languages legislation is based on the principle of institutional bilingualism. Three texts constitute the foundation for the official languages program in federal institutions. The 1982 _Canadian Charter of Rights and Freedoms_ provides for the equality of status of the two official languages by guaranteeing equal rights and privileges with respect to their use in all federal institutions. _The Official Languages Act_, which came into force in September 1988, gives effect to the guarantees of the Charter. It also establishes the parameters of the delivery of services to the public in either official language, the right of employees to work in the official language of their choice and the government's commitment to the equitable participation of members of both communities within federal institutions. The _Official Languages Regulations_, passed in December 1991, define the specific circumstances under which federal institutions are required to offer their services to the public in both official languages.

The official languages policies and guidelines issued by Treasury Board in June 1993 establish the management framework for the official languages program and clarify the legislation by explaining the institutions' obligations in detail.

In keeping with Treasury Board legislation and policies, DIAND developed and introduced an official languages policy. The Associate Deputy Minister, the Assistant Deputy Ministers and the Regional Directors General are responsible for implementing this policy. The Director General, Human Resources, is responsible for developing and reviewing the policy, and co-ordinating and evaluating its implementation and monitoring. The Chief of the Official Languages Division ensures that it is enforced.

In March 1997, Treasury Board implemented a new accountability and monitoring system which relies on the production of an annual assessment submitted to the Secretary. This assessment must cover the official languages situation in each of its three main components: service to the public, language of work and equitable participation of the two linguistic groups. The report describes the organizations' initiatives and successes as well as points to be improved. If applicable, the department head must provide an action plan which outlines the expected results, deadlines and performance indicators.

Needs: The department submitted its first annual assessment under the new accountability system for official languages in June 1997. It points out a few weaknesses, and an action plan is implemented to correct them.

As a result of the introduction of this new system, and its public nature, it is important for the department to implement adequate policies and procedures to ensure the management of the official languages program and meet its obligations in this regard.

It is in this light that the Departmental Audit and Evaluation Branch will carry out this audit project, which was approved under the Branch's 1997-1998 Plan.

Goal: The goal of this audit projet is to provide senior management with the assurance that the department has implemented the necessary policies and procedures for the official languages program and that it is meeting its obligations under the Official Languages Act and Treasury Board directives.

Scope: The audit will be extended to the systems, policies, procedures and controls in place to ensure management of the official languages program. It will cover the Quebec and Ontario (Sudbury District) regions and headquarters.

Questions :   As a guide for the audit, the project will focus on the following questions:

- What are DIAND's legal obligations and its commitments vis-à-vis official languages?

- Has DIAND implemented adequate management procedures to meet its obligations and commitments?

- Are there obstacles which prevent DIAND from meeting its obligations and commitments?

- How could DIAND's situation be improved with regard to official languages?

Approach: The methodology used will be based on the auditing manual published by Treasury Board. An audit of operations and an evaluation of managers' understanding of their roles and responsibilities in terms of official languages are planned. The project will be implemented in three distinct phases:

- ***Planning***: Review of policies and procedures in place and interviews with managers to target significant sectors for the audit. Development of appropriate auditing procedures.

- ***Review***: Implementation of auditing procedures.

- ***Report***: Analysis of results and writing of a report containing the audit findings and, as needed, recommendations to correct weaknesses or reinforce policies and procedures in place.

   The audit will be carried out primarily by an outside firm, in order to ensure the required objectivity and independence. The project will be directed and managed by the Departmental Audit and Evaluation Branch.
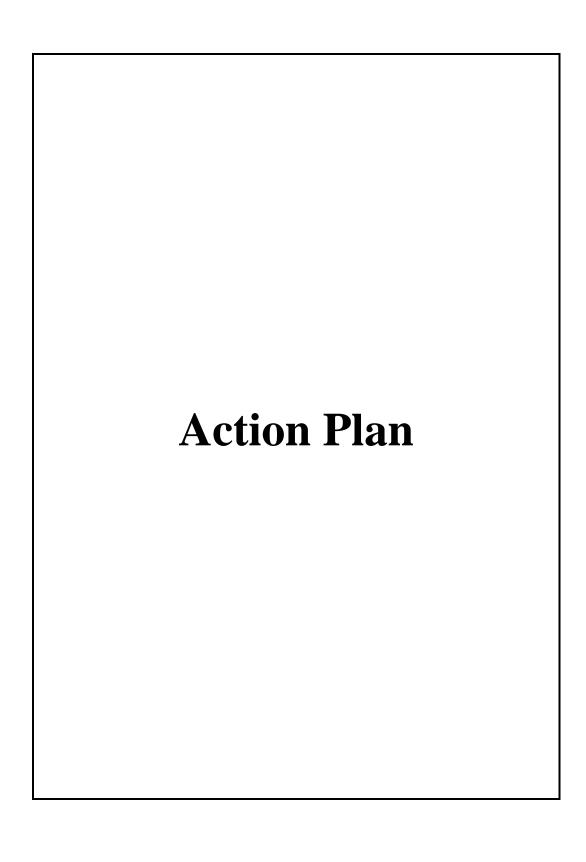
Schedule: The planning phase will begin in November 1997. A preliminary report should be available in May 1998.

Resources: A $40,000 budget has been established for the implementation of this project.

Approved by:

Brent DiBartolo
Assistant Deputy Minister
Corporate Services
October 3, 1997

Action Plan

PROJECT TITLE / TITRE DU PROJET   :   **Official Languages Audit**
REGION OR BRANCH / RÉGION OU SECTEUR   :   **Corporate Services, Human Resources**

(1) RECOMMENDATIONS / RECOMMANDATIONS	(2) REPORT / RAPPORT PAGE NO.	(3) ACTION PLAN / PLAN D'ACTION (If space provided is insufficient please continue on blank sheet. / Si vous manquez d'espace, veuillez continuer sur une page blanche.)	(4) RESPONSIBLE MANAGER / GESTIONNAIRE RESPONSABLE (TITLE / TITRE)	(5) PLANNED COMPLETION DATE / DATE PRÉVUE DE MISE EN OEUVRE
1. The Director General, Human Resources, should update the management framework for the official languages program. Specifically, the framework should cover: • The department's official languages policy; • The role of official languages "champion"; and • The role of the Human Resources Branch in relation to program management and follow-up.	7	• DIAND's Official Languages Policy will be revised in light of change made to the Official Languages Program by Treasury Board. Human Resources will ensure that it meets current departmental requirements. • A Personnel Bulletin will be sent out reminding all employees of the policy and where to access it on Human Resources Intranet. • The role of the Champion will be defined and communicated to all managers. • The role of the Human Resources will be described and communicated in the same Personnel Bulletin as the reminder of the policy. • A communications strategy regarding Human Resources (including Official Languages) will be developed.	Director Human Resources Planning and Systems	September 30, 1999
2. In accordance with Treasury Board policy, the Director General, Human Resources, should establish an analytical framework covering all the relevant components of the official languages program and use that framework to measure and report on DIAND's performance with respect to its obligations.	7	The Official Languages component of the Human Resources Performance Management framework will be developed to include performance standards to be evaluated annually.	Director Human Resources Planning and Systems	December 31, 1999

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3. The Director General, Human Resources, should remind managers of their linguistic obligations, particularly with respect to meetings, applying the principle of active offer and creating linguistic profiles for positions. These reminders should be made periodically and based on observed needs.	12	A Deputy Ministers' E-mail outlining Official Languages obligations was sent out on February 3, 1999.	Director Human Resources Planning and Systems	March 31, 1999