



Official Languages Policies

2004-2005



Our vision: Make the Public Service a model of linguistic duality in Canada

- Canadians receive services of equal quality in the official language (OL) of their choice;
- The Public Service enthusiastically takes up the challenge of enabling employees to work and be managed in the OL of their choice;
- Full and equitable participation;
- The Public Service supports the OL minority communities;
- OL are embedded in the fundamental values of the Public Service;
- Senior management demonstrates leadership and commitment to the OL;
- Measurable progress – language of work and quality of service;
- French is an integral part of the workplace (English in Quebec) in bilingual regions.



Our vision:

- Make the Public Service a model of linguistic duality in Canada. To achieve this vision, we must promote OL in the Public Service in order to:
 - Allow Canadians to communicate with and receive services from the government in the OL of their choice, in accordance with the *Official Languages Act* (OLA);
 - Raise awareness among public servants about their attitudes and behaviour, and by encouraging managers to demonstrate ongoing leadership and to work with their employees to strengthen linguistic duality in the workplace;
 - Ensure the equitable participation of both linguistic groups in the Public Service.

Policy review objectives

- Update, simplify and integrate policies;
- Adapt them to user needs;
- Clarify roles and responsibilities;
- Specify expected results;
- Clarify expectations, monitoring, and the consequences of failing to comply with obligations.



The OL policy review was undertaken as part of Treasury Board's (TB) commitment to reviewing its policies.

The goal was to:

- Reduce the number of policy instruments and reports and enhance their relevance;
- Better link policies and reports with priorities and results;
- Improve the accessibility of policy instruments and adapt them to target audiences.

Policy review orientation

- The new policies and directives follow the Treasury Board Secretariat directions set out in the *Policy and Reporting Review Project: Directions for Treasury Board Policy*.
- Including:
 - requirements based on expected results;
 - monitoring and reporting;
 - accountability.



The Official Languages Branch took the lead by initiating the policy review in fall 2002. The entire initiative, while taking into account the directions provided in the *Policy and Reporting Review Project* for TB policies, was carried out as part of the vision of creating an exemplary Public Service in the area of OL, where the use of both OL would become second nature and not a compromise.

The number of policy instruments has gone from 22 to 11.

Restructuring of content

- 22 policy instruments have been reduced to one framework, three policies and six directives;
- The **framework** is a one-stop frame of reference that explains what the responsibilities are within departments and what deputy heads are accountable for;
- The **three** policies apply to all institutions subject to the OLA;
- The **directives** on human resources management apply to the departments for which TB is the employer, and certain other institutions, subject to the OLA, while the directives on Web sites and electronic communications apply to all institutions subject to the OLA.



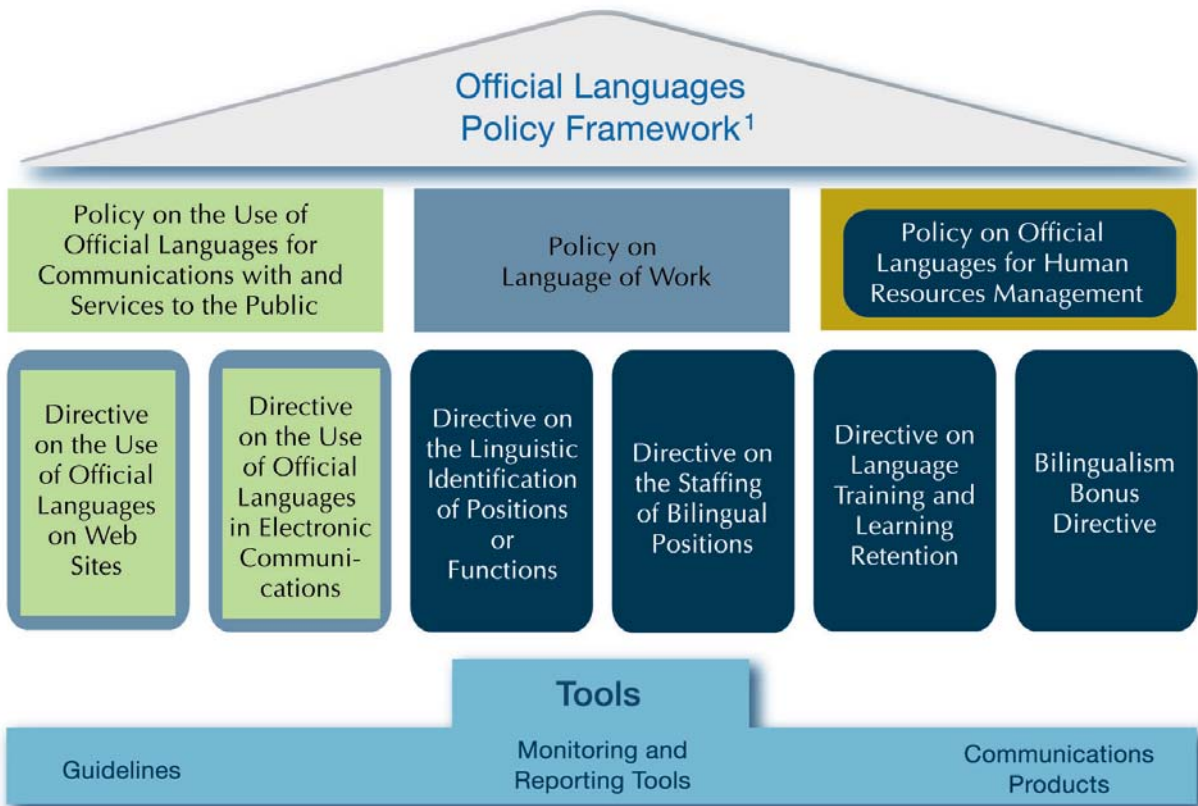
The policy suite has been restructured, reducing the 22 policy instruments to one framework, three policies and six directives. Only the *Policy on Grants and Contributions* remains to be revised and is now the responsibility of the Office of the Comptroller General.

The **framework** is a one-stop frame of reference that explains what the responsibilities are within departments and what deputy heads are accountable for.

The **three** policies apply to all institutions subject to the OLA. They clearly set out the expected results without going into the details of how to achieve them.

The **directives** on human resources management apply primarily to the departments for which TB is the employer. The other directives apply to all institutions subject to the OLA. They set out the measures required for institutions to fulfill their responsibilities. The directives deal more specifically with implementation procedures.

Official Languages at a Glance



¹ The Policy on Grants and Contributions is under review

You will find a more detailed version of this diagram on www.hrma-agrh.gc.ca/ollo

Official Languages Policy Framework

In effect as of April 1, 2004

- One-stop frame of reference;
- Highlights the primary objectives of the OL program;
- Establishes a link between the policies, the OLA, its Regulations and the *Canadian Charter of Rights and Freedoms*;
- The OLA and the policies flowing from it convey fundamental values of Canadian society and the Public Service, such as equality, respect and inclusion.



Background

- The policy framework is a one-stop frame of reference that highlights the primary objectives of the OL program;
- It establishes a link between the policies, the OLA, its Regulations and the *Canadian Charter of Rights and Freedoms*;
- It emphasizes the fact that the OLA and the policies flowing from it convey fundamental values of Canadian society.

Accountability

Deputy heads play a key role in the implementation of the OL program. They are accountable for ensuring compliance with the OLA and for implementing the policies that flow from it.

The framework lists each policy with its policy statement. The policies can be accessed from the framework by clicking on the appropriate hyperlink.

Assessment of results

Responsibility for assessing results is shared between the institutions and the central policy authority.

Consequences

The consequences of failing to comply with the policies are clearly set out.

Policy on the Use of Official Languages for Communications with and Services to the Public

In effect as of July 15, 2005

- The public receives services and communications in the OL of its choice, in accordance with the OLA;
- Services and communications are actively offered in both OL;
- Third parties acting on behalf of institutions comply with the same obligations;
- Institutions ensure that their linguistic obligations are met when they:
 - use the media;
 - participate in or host events of national or international scope;
 - distribute documents nationally.



- The policy closely follows the wording in the OLA. There are no new policy requirements;
- Institutions communicate with and provide services the public in the OL of the public's choice;
- A contract or agreement with a third party includes clauses setting out the office or facility's linguistic obligations with which the third party must comply;
- When using media, offices or facilities designated bilingual communicate with members of the public in the OL of their choice in an effective and efficient manner;
- All documents produced by an institution for national distribution are in both OL and reflect the equality of status of the two OL, regardless of the method of dissemination;
- All communications with and services to the public in circumstances related to events of national or international scope open to the public are in both OL.

Directive on the Use of Official Languages on Web Sites

In effect as of July 15, 2005

- A Web site respects the institution's obligations regarding service to the public and language of work;
- It reflects the equality of status of the two OL;
- The English and French versions are of equal quality and are available simultaneously;
- Result: the majority of Web sites (intended for the public or for employees) are in both OL.



The directive sets out the criteria used to identify those Web sites that are required to be in English or in French. The majority of Web sites are available in both OL. The directive does not introduce any new obligations and is aimed primarily at employees who work in the field of information technology.

Services to the public:

- An office or facility designated bilingual respects the public's right to communicate and receive services in the OL of the public's choice; thus, the office or facility's Web site is available simultaneously in both OL;
- A Web site of a unilingual office or facility is available in the OL of the majority of the population of the province or territory where the office or facility is located when, and only when, the content of the site is intended exclusively for the public served by that office or facility. It is estimated that only a few sites are unilingual.

Language of work:

- Linguistic obligations are based on where the employees are located and not on where those providing services to the employees are located;
- A Web site intended for employees located in regions designated as bilingual for language-of-work purposes may post information in only one OL in certain circumstances set out in the directive:
For example: comments from entities not subject to the OLA, a hyperlink to a unilingual Web site of an entity not subject to the OLA.

Directive on the Use of Official Languages in Electronic Communications

In effect as of July 15, 2005

- Electronic communications include:
 - electronic bulletin boards;
 - e-mail;
 - discussion forums;
 - chat rooms;
 - voice mail.
- Electronic communications respect the institution's linguistic obligations regarding service to the public and language of work;
- They reflect the equality of status of the two OL;
- The English and French versions are of equal quality and are available simultaneously.



This directive is new and is aimed at all employees. In particular, it provides information on which OL to use in e-mails.

Services to the public:

- Offices or facilities designated bilingual respect the public's right to communicate and receive services in the OL of the public's choice;
- Unilingual offices or facilities provide communications and services in the predominant OL of the public served.

Language of work: When using electronic communications to communicate with or provide services to employees located in regions designated as bilingual for language-of-work purposes, institutions respect the employees' language preference.

- Communications with employees located outside these regions are in the OL that predominates in the province or territory where the employees work;
- Central and common services agencies respect employee's language-of-work rights in institutions over which they have authority or that they serve;
- An institution may communicate in only one OL with employees located in a region designated bilingual if those employees share the same language preference.

Policy on Language of Work

In effect as of April 1, 2004

The focus is on the institution's responsibilities:

- Create and maintain a conducive work environment to enable employees to use the OL of their choice;
- Ensure that senior management provides leadership in this area;
- Enable employees to communicate effectively with one another;
- Assess compliance with policy requirements using pre-established performance indicators.



The *Policy on Language of Work* sets out the broad principles and clearly lists the expected results.

The focus is on the institution's responsibilities:

- Create and maintain a conducive work environment and implement concrete measures to that end;
- Ensure that senior management provides leadership in this area;
- Implement measures to enable employees to communicate effectively with one another;
- Assess compliance with policy requirements using pre-established performance indicators.

Regions designated as bilingual for language-of-work purposes

The institution creates and maintains a work environment conducive to the effective use of both OL to enable its staff to use either language.

The institution implements measures to enable employees to use their preferred OL.

The obligations apply to institutions even if the office that supervises or provides personal and central services to employees in a bilingual region is located outside that region.

Unilingual regions for language-of-work purposes

The language of work is the one that predominates in the province or territory where the work unit is located.

Communications between regions

A diagram illustrating the main provisions is provided in the notes for the reader of the policy.

Policy on Official Languages for Human Resources Management

In effect as of April 1, 2004

- The institution determines:
 - the language requirements of positions or functions;
 - the level of proficiency required in both OL.
- Bilingual positions are staffed by candidates who meet the language requirements of the position. In exceptional cases, it is possible to depart from this rule;
- The institution is responsible for providing language training as quickly as possible;
- The institution is responsible for putting in place interim administrative measures to ensure bilingual service and supervision (as required);
- Institutions provide, to the extent possible, language training to employees who wish to advance their careers;
- The institution and employees are responsible for creating work conditions conducive to the use of both OL in order to promote second language retention;
- The institution ensures equitable participation of both OL communities.



The policy clearly establishes that bilingual positions are staffed by bilingual candidates.

This is obligatory when the position is for a specified term, requires technical or specialized skills, or is indispensable for providing services to the public or to federal employees.

In exceptional cases, it is possible to depart from this rule. The institution is then responsible for providing employees with the necessary training as quickly as possible, and preferably before they assume the duties of their positions. The institution is also responsible for putting in place interim administrative measures to ensure bilingual service and supervision (as required).

Institutions provide, to the extent possible, language training to employees who wish to advance their careers when advancement means accessing a bilingual position.

The institution and employees are responsible for creating work conditions conducive to the use of both OL in order to promote second language retention.

Directive on the Linguistic Identification of Positions or Functions

In effect as of April 1, 2004

- The language requirements of positions or functions are determined objectively, they reflect obligations with respect to service to the public and language of work;
- Positions or functions at the assistant deputy minister level or equivalent across Canada and those of members of the Executive Group in regions designated as bilingual for language-of-work purposes are identified as bilingual at the “CBC” level;
- Positions for service to the public or employees and supervisory positions are identified at the “BBB” level or higher.



- The language requirements of positions or functions are determined objectively.
- They reflect the duties of employees or their work units as well as obligations with respect to service to the public and language of work.
- Owing to their supervisory and leadership role in institutions, positions or functions at the assistant deputy minister level and other assistant deputy head titles across Canada and bilingual positions of members of the Executive Group (EX) in regions designated as bilingual for language-of-work purposes are identified as bilingual at the “CBC” level.

Directive on the Staffing of Bilingual Positions

In effect as of April 1, 2004

Imperative staffing

- Is the norm;
- Mandatory for some bilingual positions or functions:
 - that are for a specified period;
 - that require technical or specialized language skills;
 - that are indispensable for providing services to the public or employees in both OL;
 - EX-05 to EX-02 in bilingual regions;
 - EX-05 to EX-02 in unilingual regions if the functions include supervision of incumbents of bilingual or either/or positions in a bilingual region.
- Progressive implementation:
 - 2007 for EX-02s.



Bilingual positions are to be staffed imperatively. Therefore, a position that requires the incumbent to be immediately able to use both OL must be filled by a candidate who meets the language requirements of the position at the time of appointment or deployment.

Imperative staffing is the normal staffing method, and it is mandatory in some cases: positions that are indispensable for providing services to the public or employees in both OL, executive positions from the EX-02 to EX-05 levels in bilingual regions, and executive positions from the EX-02 to EX-05 levels in unilingual regions that include supervision of bilingual incumbents of bilingual positions.

A progressive approach was taken to avoid creating major imbalances in the workforce: assistant deputy minister positions (EX-04 and EX-05) have been staffed imperatively since 1998. Imperative staffing is now mandatory for bilingual positions at the EX-03 level in bilingual regions, and will become mandatory in 2007 for bilingual positions at the EX-02 level in bilingual regions. However, it is important to retain flexibility at the EX-01 level because bilingual capacity within the feeder groups is insufficient.

Imperative staffing is used for all term positions, those requiring technical or specialized skills and those indispensable for providing services to the public or employees in both OL.

Directive on the Staffing of Bilingual Positions (cont.)

Non-imperative staffing

- As an exception, it may be used for:
 - EX-01 positions and below;
 - all positions open to the public.

- The use of non-imperative staffing must be supported by a written justification, and approved by the deputy minister for EX positions and by the assistant deputy minister for all other positions.



Non-imperative staffing can be used for external recruitment at all levels, including the assistant deputy minister level, and for other positions not subject to the obligations of imperative staffing (this includes the EX-01 level). The Canadian population is not as bilingual as the public service workforce and because current bilingual capacity within the feeder groups has been judged insufficient.

The use of non-imperative staffing to fill an EX position must be justified in writing by the manager and approved by the deputy minister. For all other positions, approval is at the assistant deputy minister level. Senior executives must demonstrate leadership in promoting this directive.

Directive on Language Training and Learning Retention

In effect as of April 1, 2004

- Following a non-imperative staffing action, language training upon appointment:
 - for EXs and;
 - as soon as possible for other positions.
- Language training is integrated into career development and recruitment and development programs;
- Hour limits apply to all employees, including EXs and CAP participants:
 - 1,210 hours for level A;
 - 1,710 hours for level B;
 - 2,270 hours for level C.



Members of the Executive Group must take language training before they assume their duties – unless there is an important and immediate operational need or unless language training is not immediately available in a region. It is also strongly recommended that this measure be adopted with respect to other employees.

Hour limits, although higher, (an extra 410 hours for levels B and C and an extra 210 hours for level A) were maintained in order to provide some control over costs. All employees, including EXs and CAP participants, are subject to the hour limits (the same requirements for everyone).

The issue of language training capacity is a concern to which we are giving all the necessary attention. The Canada School of the Public Service has received funds to eliminate waiting lists and develop self-directed learning and distance teaching tools. The private sector also has capacity to meet the needs.

Language training must be integrated into employees' training plans. This is an integral part of career development plans. We encourage a holistic approach. The directive is designed to enable employees to develop their language skills so they can advance within the Public Service.

Employees currently have two years to meet the language requirements of their bilingual positions after a non-imperative staffing action. The Public Service Commission reviewed the Exclusion Approval Order and the conditions for being excluded from meeting the language requirements after a non-imperative staffing action.

Tools

- Currently available:
 - Communications Between Employees;
 - Can you get 110% on your bilingual service checklist?;
 - What's New? New Official Languages Policy Instruments;
 - Frequently Asked Questions;
 - Comparative Table Before/After;
 - Policy Notification on Official Languages;
 - Major Changes (Phase I);
 - Official Languages at a Glance.
- Future tools:
 - Guidelines on Producing Texts in Both Official Languages;
 - Guide on service to the public;
 - Self-evaluation performance indicators.
- These tools are all available at: www.hrma-agrh.gc.ca/ollo

Why these changes?

- To create an exemplary Public Service that is:
 - respectful of the language rights of the public and employees;
 - representative of the Canadians it serves;
 - supportive of linguistic duality;
 - in which clear accountabilities have been established – better understanding of the values, rights and obligations associated with OL.
- These changes contribute to the creation of an exemplary Public Service and the implementation of our vision.

For more information:
www.hrma-agrh.gc.ca/ollo