



**OFFICIAL LANGUAGES IN THE PUBLIC SERVICE:
FROM 1973 TO THE PRESENT**

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OFFICIAL LANGUAGES IN THE PUBLIC SERVICE: FROM 1973 TO THE PRESENT

In 1969, following through on recommendations made in the report of the Royal Commission of Inquiry on Bilingualism and Biculturalism, Canada's Parliament passed the first *Official Languages Act*. The Act recognized French and English as the official languages of all federal institutions in Canada, but it did not explicitly grant public servants the right, upon certain conditions, to work in the official language of their choice.

This report summarizes the evolving status of official languages in the public service over the past 30 years, with an emphasis on the change in culture that is required for true bilingualism within the Government of Canada.

THE SEVENTIES

A. The 1973 Resolution

In June 1973, Parliament passed the *Parliamentary Resolution on Official Languages in the Public Service* (hereafter, the "1973 Resolution"), which reiterates the principles of the 1969 *Official Languages Act* and confirms the right of public servants to work in the official language of their choice, subject to certain conditions. The intent of the resolution, which provided for the language designation of public service positions, was to increase the use of the French language at all levels of the public service through an intensified recruitment effort, the provision of French language training programs and the development of projects designed to enhance bilingualism in the National Capital Region. The idea was to ensure the equitable participation of members of the anglophone and francophone communities, while at the same

time giving due regard to the merit principle.⁽¹⁾ In short, the public service was to be a functionally bilingual institution that could serve members of the public in the language of their choice.

It is important to note that generous arrangements were included in the 1973 resolution for unilingual employees so that they would not lose their jobs if they could not or did not wish to learn the other official language. For example, article 6 of the resolution provided that any unilingual incumbent of a bilingual position could choose to take language training at public expense, accept a transfer to an equivalent unilingual position, or remain in his or her current position despite not being bilingual. In addition, unilingual employees aged 55 or over could be appointed to a bilingual position without being required to take language training. The same measure applied to long-serving unilingual employees (i.e., those with 10 or more years of service prior to 6 April 1966, and who had been continuously employed in the public service since that date).

The Treasury Board (TB) and the Public Service Commission (PSC) were designated the institutions responsible for implementing the resolution. Specifically, the PSC is responsible for recruitment, staffing and training, while the TB is responsible for administering the official languages policy within the public service.

B. Measures Taken to Implement the 1973 Resolution

The measures taken to implement the 1973 Resolution included the designation of bilingual regions, working tools, language requirements, training, the bilingualism bonus and the delegation of powers to departments.

In 1973, the TB designated bilingual regions in which both French and English were to be the languages of work for public servants.⁽²⁾ In 1974, the TB tabled its *Report on the Implementation of the Resolution on Official Languages Passed by Parliament in 1973*, which stated the federal government's intentions with respect to the language of work. The report

(1) The merit principle was initially adopted to prevent favouritism and to make the public service more efficient. The principle underpins staffing in the public service and is one of the pillars of the *Public Service Employment Act*, which is administered by the Public Service Commission. Although it is not clearly set out in the Act, the merit principle provides for the hiring of the best-qualified applicants through a competitive process designed to evaluate their knowledge, experience and abilities. The 1973 Resolution states in article 3 that “a knowledge of English and French is one of the elements of merit in the selection of candidates for bilingual positions.”

(2) These regions included the National Capital Region, the province of New Brunswick, Montréal and some parts of the Eastern Townships, the Outaouais and Gaspé regions in Quebec, and a number of regions in northern and eastern Ontario.

recommended a program that would increase the number of units with French as the language of work at every level of the public service. It mentioned the need to provide employees with work instruments in both languages, to encourage the full participation of francophone and anglophone communities in the public service, and to clarify the difference between public servants' freedom to communicate with their colleagues in the official language of their choice, and their responsibilities in terms of service to the public.

In 1975, the TB stated that the public service must make French and English versions of all its work instruments available to its employees. In 1977, the TB published a document entitled *A National Understanding*, and adopted a set of newly revised official languages guidelines. The guidelines established temporary measures, in effect until 31 December 1983, designed to make the process of implementing the official languages policy more flexible. They included guidelines on the conditional appointment of unilingual employees to bilingual positions (provided that they agreed to take language training), the reorganization of basic language training at public expense, and the bilingualism bonus.⁽³⁾ It was also decided that the Official Languages Program would be incorporated into other government programs, including Crown corporations, and that it would now be up to departments to comply with the many different aspects of the Official Languages Program.⁽⁴⁾ The guidelines retained the concept of units working in French, but left it to the discretion of each department to decide where these units would be most likely to encourage broader use of French. In the event, this concept was to remain at the planning stage.

C. Proposed Public Service Reform

In 1979, two important reports on reform of the federal public service were tabled in Parliament. The first was submitted by the Royal Commission on Financial Management and Accountability, chaired by Allen T. Lambert (the Lambert Commission). According to this

(3) In 1966, the government introduced a bilingualism bonus program for employees in the "Secretarial, Stenographic and Typing" group. In 1977, it was decided that federal public servants in positions designated bilingual would receive an annual bilingualism bonus of \$800. The measure was initially considered temporary.

(4) Beginning in 1978, departments had to set their own official languages objectives, approve the language requirements of positions and manage their language training program. The delegation of this responsibility led to increased reporting requirements, and deputy ministers were asked to submit an official languages plan and an annual report to the Treasury Board for review and approval. The TB and the PSC continued to develop guidelines, to provide general guidance to departments and agencies, to evaluate progress and to review departments' and agencies' annual action plans and reports with respect to implementation of official languages programs.

report, the government was required to be accountable for and maintain the high standard of the public service by maintaining the quality and effectiveness of government programs and services and by increasing the efficiency and cost-effectiveness of their management. The Office of the Commissioner of Official Languages (OCOL) submitted a brief to the Lambert Commission on how its findings could affect the implementation of the Official Languages Policy within the public service. In its final report, the Commission simply made a recommendation about how the official languages rules should be complied with in internal auditing.

The second report was tabled by the Special Committee on Personnel Management and the Merit Principle, chaired by Guy R. D'Avignon (the D'Avignon Committee). The Committee recommended improvements to personnel management methods within the public service with respect to merit, staffing, appointments and training. At the time, there was a great deal of debate concerning whether the merit principle allowed for special treatment for members of groups that were under-represented in the public service. The report recognized that if the bilingualism program were to be implemented, there would need to be some changes in the way that the merit principle was applied. It also recognized that there were four subsidiary factors to the merit principle: efficiency and effectiveness, sensitivity and flexibility, equity, and equality of access to employment opportunities in the public service for all groups of Canadians. The D'Avignon Committee did not specifically discuss the impact of its recommendations on the implementation of the Official Languages Policy in the public service, despite a brief submitted by the OCOL. It simply urged the government to recognize the need to give special treatment to disadvantaged groups: women, Aboriginal people and people with disabilities.

Also in 1979, the TB tabled a report entitled *Language Reform in Federal Institutions*, which described the results achieved by the 78 departments that had submitted a plan for implementing language reform. It concluded that senior management must take the initiative to consolidate progress made to date and take whatever action was needed to promote the equitable use of both official languages.

THE EIGHTIES

A. Imperative Staffing and Public Service Appointments

In 1981, the TB adopted the *Public Service Official Languages Appointment Regulations* as well as a staffing policy for bilingual positions, with the intent of enabling the

government to serve Canadians better in French and English, and for its employees to work more in their first official language. One aspect of the policy related to “imperative staffing,” which made a command of both French and English a condition of appointment to certain bilingual positions. The TB also decided that all senior management positions in bilingual regions were to be designated bilingual (at the intermediate level); it made managers responsible for management with respect to all linguistic matters; and it redefined the conditions applying to the bilingualism bonus and language training with due regard to the requirements of positions.⁽⁵⁾ The TB also advocated a commitment to actively provide the public with services in French and English in the main bilingual regions, in addition to a more effective use of resources to rationalize translation.

B. Development of Official Languages Within the Public Service: A Question of Mindset

In 1982, the Special Joint Committee on Official Languages tabled a report on language of work and equitable participation. It concluded that the official languages guidelines introduced some years earlier had not achieved the goals of the recommendations made in the 1973 Resolution because departments had not been implementing the policy consistently. It asked the OCOL to review government guidelines and programs with respect to language of work. The Commissioner’s study found that improvements in the human and material conditions related to the possibility of choosing one’s language of work depended on the readiness of managers and employees to advance the issue, and on the creation of an environment that encouraged employees to work in their first language. Two other studies – the first on staffing methods in New Brunswick and in bilingual regions of Quebec and Ontario, and the second on the notably weak representation of francophones in the “Scientific and Professional” and “Technical” categories – raised important questions about methods that departments could legitimately use to accelerate the recruitment of qualified applicants who spoke the minority language, and about the target percentage they could reasonably hope for. It was therefore necessary to determine how the merit principle could be complied with while eliminating

(5) The *Public Service Official Languages Exclusion Approval Order*, introduced in 1981, confirmed the exemptions announced in the 1973 Resolution with respect to unilingual incumbents of bilingual positions: seniority (i.e., those with 10 or more years of service prior to 6 April 1966, and continuous employment in the public service) and age (i.e., unilingual employees aged 55 or over). Under this order, the PSC could also exempt anyone on compassionate grounds from the linguistic requirements for appointment to a bilingual position.

barriers that could prevent members of a given language group from having access to positions within the public service.

Contrary to the provisions of the 1977 guidelines, the special provisions with respect to conditional appointments, basic language training and the bilingualism bonus were not eliminated in 1983. Ten years after the adoption of the 1973 Resolution, it was clear that initiatives intended to increase opportunities for work in the minority language had not completely achieved the desired results, largely because the necessary change in mindset and attitude within departments had not taken place.

In 1986, the TB introduced measures authorizing the PSC to extend the time allowed to incumbents of non-imperative bilingual positions to meet the prescribed requirements and to allow departments to exempt members of the Executive Category and deputy ministers from the requirement that they be able to perform at the intermediate level in their second language at the time of appointment. The OCOL condemned these initiatives and recommended that the government comply with the language requirements, particularly with respect to the imperative staffing rules. According to the OCOL, the level of second-language competence for supervisors was the main barrier to linguistic equality in the workplace. In the late 1980s, it was evident that English remained the most widely used language in certain areas: management, science and technology, meetings, the development of work instruments and the drafting of internal documents.

C. The New *Official Languages Act* (1988)

From 1985 to 1988, the OCOL recommended that the *Official Languages Act* be reviewed to incorporate the principle of equality of both working languages. The new *Official Languages Act*, passed in 1988, contains provisions for service to the public, language of work and the participation of both French- and English-speaking Canadians in the federal public service. With respect to language of work, the Act states that federal institutions in bilingual regions have a duty to encourage a workplace that is conducive to the use of both official languages (Part V of the Act). This means providing employees with standard work instruments and computer systems in both languages and requiring that superiors (supervisors and managers) and senior management be able to communicate with their subordinates and function in both languages. With respect to the principle of full participation of English-speaking and French-

speaking Canadians (Part VI of the Act), the law provides that both should, within the parameters of the merit principle, have equal opportunity for employment and advancement within federal institutions.⁽⁶⁾ Each group's rate of participation in the public service must approximate its respective demographic weight. The Act further provides that the designation of bilingual positions (imperative staffing) must identify objective criteria only; those who consider themselves adversely affected may complain to the Commissioner of Official Languages or to the courts. The linguistic requirements are not to depend on access to language training or any other operational considerations.⁽⁷⁾

D. Letters of Understanding and a New Attempt to Reform the Public Service

Beginning in 1988, the TB began to sign letters of understanding with the departments covered by the Act in order to make them accountable for managing the Official Languages Program within their own organizations. Similar letters of understanding were signed with Crown corporations in the early 1990s to help them improve the use of French and English as languages of work. These letters of understanding required that an annual report be prepared to enable the TB to assess the progress being made by federal institutions.

In the years following the passage of the new *Official Languages Act*, the government, through the TB, worked on developing regulations to specify how the Act was to be applied with respect to communications and service to the public. The OCOL, for its part, urged the government to introduce language of work regulations. According to the OCOL, the government needed to define what had to be done in order to create working environments in which employees could use their own language, and to ensure that the composition of the workforce equitably reflected the presence of both language communities. In 1988, the TB adopted a policy recommending that senior executives in the public service meet the requirements of their positions (i.e., the "CBC" profile)⁽⁸⁾ by 31 March 1998.

(6) The concept of "federal institutions" is broader than the concept of agencies and departments mentioned in the 1973 Resolution. Under the 1988 Act, federal institutions include the administrative structure of Parliament and the federal courts, Crown corporations, the Armed Forces and the Royal Canadian Mounted Police, as well as departments and agencies proper.

(7) Managers must comply with the provisions concerning services to the public and language of work, but budget cuts may sometimes limit their employees' access to language training. Abusive use of imperative staffing may affect equality of access to employment by unilingual applicants from both official language communities.

(8) The "CBC" profile means level C (superior) for reading, B (intermediate) for writing and C (superior) for oral interaction.

In 1989, the government announced *Public Service 2000: The Renewal of the Public Service of Canada*. The purpose of this program was to renew the federal public service through improved efficiency measures and enhanced management. A report tabled in the following year advocated a change in culture in the public service in order to enhance the quality of services provided to the public. The report called for the active offer of services in both official languages, and emphasized the role of the TB in ensuring that managers truly understood the spirit and application of the Official Languages Program. Thus, beginning in the late 1980s, the TB began to review and simplify its policies, guidelines and procedures in order to help federal institutions implement the Official Languages Program.

THE NINETIES TO THE PRESENT

A. Implementing the Requirements of the Act

The 1988 *Official Languages Act* required federal institutions to make available to their employees in both languages, by 1 January 1991, any standard and widely used computer systems acquired or produced by the institution. Following the release of a TB policy on this matter, most institutions covered by the Act prepared plans to meet the requirement by the specified deadline.

The regulations concerning communications with and services to the public were tabled in Parliament in 1991 and came into force in 1992. These regulations set out the “significant demand” principle stipulated in the *Canadian Charter of Rights and Freedoms* and the *Official Languages Act*. They also clarified the linguistic duties of federal institutions, and specified the circumstances under which members of the public may expect to be served in the language of their choice (nature of the office). Departments affected by the regulations were required to take steps to provide language training, personnel staffing and an active offer of service in both official languages, and to provide information to members of the public concerning where they could be served in the language of their choice.

In 1993, the TB published the *Treasury Board Manual*, which consolidated and updated most official languages policies and guidelines. The manual provided guidelines on

language of work and equitable participation.⁽⁹⁾ The manual specified the responsibilities of senior management, supervisors and employees with respect to the creation of a working environment that is truly conducive to the use of both official languages, but it was flexible with respect to the language requirements for managers. Managers were “normally” to be bilingual when they supervised employees working in both languages. However, the low level of bilingualism among supervisors definitely constituted a barrier to the effective application of the *Official Languages Act*. The OCOL therefore recommended that senior management in federal agencies be held accountable for the application of the provisions of the Act and related guidelines with respect to language of work. The TB reaffirmed its 1988 commitment by developing a new policy that reiterated the need for senior managers to meet the language requirements of their position (i.e., the “CBC” level) by 31 March 1998.

In the same year, a new standard governing the use of computer keyboards in federal institutions came into effect, making it possible to type all diacriticals currently in use in both languages. Since then, all standard and widely used computer systems have been required to have such keyboards. In addition, a new *Public Service Employment Act* was passed, giving the PSC less responsibility for staffing activities; the Commission’s role in this area was restricted thenceforth to recruitment (i.e., staffing from outside the public service), language testing and promotions. The TB’s role was now to support, consult and cooperate with federal institutions in ensuring the application of official languages policy concerning services to the public, language of work, and the equitable participation of both language groups. Federal institutions were given greater latitude with respect to appointments, staffing and training.

B. Public Service Reform and Human Resources Rationalization

In 1992, the *Public Service Reform Act* was passed in order to implement recommendations made under the *Public Service 2000* program. The purpose of the Act was to rationalize human resources management in the public service and to give managers more flexibility with respect to staffing. However, managers and employees continued to lack essential information about their linguistic obligations and rights. The application of the

(9) Contrary to the OCOL’s recommendations, language of work and equitable participation were not covered by regulations that would have required federal institutions to implement the relevant provisions of the *Official Languages Act*. The guidelines permit considerable flexibility, and simply suggest specific steps that can be taken to help these institutions comply with their duties under the Act.

language of work provisions depended on the support of senior management and the introduction of regulations setting out the rights of federal employees.

From 1993 to 1997, the public service was subject to restructuring, downsizing, privatization and strict staffing limitations. In the circumstances, the federal government did not consider it useful to introduce guidelines setting out the importance of language rights for public servants. Although the reshaping of the public service involved the risk of further detracting from the equitable participation of the two language groups in the public service, it does not appear to have had this effect. However, there was a decrease in spending on official languages and in the number of offices designated bilingual.

In 1998, the OCOL tabled a study entitled *Government Transformations: The Impact on Canada's Official Languages Program*, which confirmed these findings. The study spelled out five guiding principles, one of which concerned the language rights of public servants, and it emphasized that the government must adopt them as an official policy for future government transformations. It also recommended the establishment of a working group on official languages that would be responsible for developing the strategies, policies and criteria needed to ensure that all departments, agencies and Crown corporations recognized and fully applied the *Official Languages Act* and related regulations in the context of the restructured federal administration. The group, chaired by Yvon Fontaine, tabled its report, entitled *No Turning Back: Official Languages in the Face of Government Transformations*, in 1999. The report recognized that federal departments and agencies had a growing responsibility for the implementation of the *Official Languages Act*, in terms of services to the public, language of work and equitable participation. It concluded that these transformations must not be used to justify any lack of responsibility on the part of the federal government in ensuring that institutions subject to the Act met their obligations. Senior executives in the public service must provide clear, effective and consistent leadership, and take responsibility for their actions in support of linguistic duality. However, the report did not make any recommendations concerning language of work.

In 1997, a government initiative called "La Relève" was introduced to make the federal public service more effective and streamlined. The PSC, the TB, the Privy Council Office and the Canadian Centre for Management Development worked together to make the initiative a success. In 1998, the government agreed to ensure that those involved in the accelerated development program for senior executives, an important component of "La Relève," acquire "CBC" language skills during their training. In the same year, the TB adopted a guideline requiring that institutions subject to the Act appoint an official languages champion

who would be responsible for ensuring that the Official Languages Program was implemented within the institution, and to report on this implementation to the deputy minister.

C. Management Bilingualism and the Role of the Treasury Board Secretariat

As a result of a study on language of work in the National Capital Region, the OCOL formulated recommendations for the government in 1994-1995 to ensure that steps were taken to enable employees to write, attend meetings, take training, and use software and other standard and widely used tools in the official language of their choice. In light of the 1988 policy (reiterated in 1993) that senior managers must meet the language requirements of their positions, the Treasury Board Secretariat (TBS) contacted deputy ministers, heads of central agencies and directors of Crown corporations to remind them of their commitment. It asked federal institutions to report on the administration and implementation of this policy, and undertook to ensure that the measures taken achieved the desired results. The TBS also undertook to ensure that the letters of understanding it signed with federal institutions with regard to official languages included commitments concerning the language of work.⁽¹⁰⁾

Nonetheless, the TBS was unable to meet the deadlines set out in its policy. In March 1998, it announced that executives would have until 31 March 2003 to comply with the language requirements of their position. The new policy requires that assistant deputy minister positions in departments and agencies for which TB is the employer be staffed non-imperatively at the “CBC” level. According to the OCOL, the TBS’s inability to meet the deadlines in its policy indicates that the delegation of authority to departments has undermined the effectiveness of the Official Languages Program. Consequently, the OCOL requires that any new measures include effective monitoring and accountability mechanisms.

Since assuming her duties in 1999, the new Commissioner of Official Languages has been advocating a culture of change in the federal public service in the name of respect for the distinctiveness, language and culture of the country’s two official languages communities. The best way to promote the use of both official languages in the federal public service is through corporate leadership, implementation of the official languages policy and concrete

(10) The system of letters of understanding between the TBS and departments and other federal agencies was virtually abandoned in 1997, when the annual management reports submitted by these institutions began gradually to replace the letters and memoranda of understanding. Since then, the TBS has not been required to approve these management reports, but it uses the data contained in them to prepare its own annual report, which is tabled annually in Parliament.

action. The TB must monitor the application of the Official Languages Program in federal institutions more actively.

In the OCOL's 2000-2001 annual report, the Commissioner indicated that the President of the Treasury Board had agreed to work with the OCOL to urge federal managers to do everything possible to create a working climate that is conducive to the use of both official languages. For example, the TBS agreed to ensure that managers in federal institutions achieved the "CBC" proficiency level in their second language by 31 March 2003. It also promised to develop a monitoring framework that would require federal institutions to report annually on their progress in meeting the objectives of the Official Languages Program. In the OCOL's 2001-2002 annual report, the Commissioner recommended that the government allocate sufficient resources to the TBS to enable it to effectively perform its role of monitoring and evaluating federal agencies.

A survey of federal public servants in September 2002 showed that the vast majority supported the basic principles underlying the Official Languages Program. However, not all of them had an accurate grasp of their rights and obligations with respect to official languages. The Commissioner of Official Languages and the President of the Treasury Board have stated that making public servants more aware of their rights and requiring that senior management set an example would help to promote greater use of French as a language of work in bilingual regions.

SOME STATISTICAL DATA⁽¹¹⁾

A. Language Requirements of Positions

Since the adoption of the 1973 Resolution, federal public service positions may be designated bilingual or unilingual, depending on the specific language requirements. In 1974, one year after the resolution was adopted, 19% of positions in the federal public service had been designated bilingual. This percentage increased steadily over the years, from 25% in 1978 to

(11) The data in this section come from the following sources: Treasury Board, *Report on the Implementation of the Resolution on Official Languages Passed by Parliament in June 1973*, the Honourable Jean Chrétien, President of the Treasury Board, 21 November 1974; Treasury Board Secretariat, *Annual Report on Official Languages 2001-2002*, Ottawa, 2002; Commissioner of Official Languages, *Annual Report 2001-2002*, Public Works and Government Services Canada, Ottawa, 2002.

37% in 2002. Table 1 illustrates the changing pattern in language requirements for positions in the public service over the years.

Table 1: Language Requirements of Positions in the Public Service (1978-2002)

<i>Year</i>	<i>Bilingual</i>	<i>English Essential</i>	<i>French Essential</i>	<i>English or French Essential</i>	<i>Incomplete Records</i>	<i>Total</i>
1978	25% 52,300	60% 128,196	8% 17,260	7% 14,129	0% 0	211,885
1984	28% 63,163	59% 134,916	7% 16,688	6% 13,175	0% 0	227,942
2001	37% 54,952	52% 77,087	5% 7,915	5% 7,254	1% 1,176	148,384
2002	37% 59,790	51% 81,823	6% 8,977	5% 8,380	1% 978	159,948

Source: Position and Classification Information System (PCIS), in Treasury Board Secretariat, *Annual Report on Official Languages 2001-2002*, p. 31.

The percentage of bilingual or unilingual positions varies considerably from region to region. Most bilingual positions are in regions that have been designated bilingual.⁽¹²⁾ In the National Capital Region, this percentage was 45% in 1974 and 63% in 2002. Table 2 (following page) clearly illustrates the current diversity by region.

The percentage of bilingual or unilingual positions also varies from one employment category to another. Bilingualism is required primarily in “Executive,”⁽¹³⁾ “Administrative” and “Administrative Support” positions. This is because these employment categories are more involved in providing service to the public. In Executive positions, managers are required to carry on working relations in the language(s) of the employees who report to them. The bilingualism requirements for “Scientific,” “Technical” and “Operational” positions are much lower, even though they have tended to rise over the years.

(12) See note (2) above.

(13) According to the public service classification standards, the “Executive” group includes all members of senior management (EX-1 to EX-5, including assistant deputy ministers). Deputy ministers and associate deputy ministers are appointed by order of the Governor in Council. Such appointees are not subject to the obligations of Executive group members to meet the language requirements of their position by 31 March 2003. According to the Commissioner of Official Languages, “Paradoxically, the government demands that its executives (members of the EX group), but not its topmost officials, be bilingual” (*Annual Report 2001-2002*, p. 67).

Table 2: Language Requirements of Positions in the Public Service by Region (2002)

<i>Region</i>	<i>Bilingual Positions</i>	<i>Unilingual Positions</i>	<i>Incomplete Records</i>	<i>Total</i>
Western provinces and Northern Canada	4% 1,553	96% 33,513	0% 21	35,087
Ontario (excluding NCR)	10% 1,974	90% 18,302	0% 19	20,295
National Capital Region	63% 40,694	36% 23,216	1% 654	64,564
Quebec (excluding NCR)	57% 11,471	43% 8,573	0% 92	20,136
New Brunswick	46% 2,506	52% 2,795	2% 85	5,386
Other Atlantic provinces	10% 1,347	89% 11,732	1% 107	13,186
Outside Canada (linguistic capacity)	78% 1,009	22% 285	0% 0	1,294
Region not specified	0% 0	0% 0	0% 0	0

Source: Position and Classification Information System (PCIS), in Treasury Board Secretariat, *Annual Report on Official Languages 2001-2002*, p. 33.

Not all public service employees meet the requirements of their position, even though, over the years, the language proficiency of the incumbents of bilingual positions has improved, with the rate of compliance rising from 70% in 1978 to 84% in 2002. As previously mentioned, some unilingual public servants were excluded from the requirements for appointment to a bilingual position under the *Public Service Official Languages Exclusion Approval Order*. The number of excluded employees has nevertheless decreased over the years, from 27% in 1978 to 8% in 2002. Table 3 shows the progress in the language status of incumbents of bilingual positions over the years.

Table 3: Linguistic Status of Incumbents of Bilingual Positions in the Public Service (1978-2002)

<i>Year</i>	<i>Meet</i>	<i>Do Not Meet</i>		<i>Incomplete Records</i>	<i>Total</i>
		<i>Exempted</i>	<i>Must Meet</i>		
1978	70% 36,446	27% 14,462	3% 1,392	0% 0	52,300
1984	86% 54,266	10% 6,050	4% 2,847	0% 0	63,163
2001	82% 45,053	10% 5,566	3% 1,345	5% 2,988	54,952
2002	84% 50,180	8% 4,847	3% 1,490	5% 3,273	59,790

Source: Position and Classification Information System (PCIS), in Treasury Board Secretariat, *Annual Report on Official Languages 2001-2002*, p. 34.

Even today, not all incumbents of bilingual positions with supervisory responsibilities meet the requirements of their position. However, the percentage has definitely improved over the years. Whereas in 1978 only 64% met the language requirements of their position, this had risen to 82% by 2002. Furthermore, an ever-diminishing number of supervisors are exempted from the language requirements of their position. Table 4 illustrates the improvement since 1978 in the language status of incumbents of bilingual positions who have supervisory responsibilities.

Table 4: Language of Work – Supervision – Bilingual Positions in the Public Service – Linguistic Status of Incumbents (1978-2002)

<i>Year</i>	<i>Meet</i>	<i>Do Not Meet</i>		<i>Incomplete Records</i>	<i>Total</i>
		<i>Exempted</i>	<i>Must Meet</i>		
1978	64% 9,639	32% 4,804	4% 567	0% 0	15,010
1984	80% 14,922	15% 2,763	5% 1,021	0% 0	18,706
2001	80% 9,947	9% 1,065	6% 702	5% 669	12,383
2002	82% 10,801	7% 992	6% 747	5% 665	13,205

Source: Position and Classification Information System (PCIS), in Treasury Board Secretariat, *Annual Report on Official Languages 2001-2002*, p. 40.

In March 2002, one year before the deadline for senior executives to meet the “CBC” level of bilingualism, 20% of assistant deputy ministers (at the EX-4 and EX-5 levels) had still not met the language requirements of their position. However, these requirements do not apply to deputy minister and associate deputy minister positions.

B. Equitable Participation

As previously mentioned, since the adoption of the 1973 Resolution, the federal government has made an effort to ensure that the workforce in the public service tends to reflect the presence of both official languages communities in Canada. Over the years, equitable participation by both linguistic communities has been achieved throughout the public service, with due regard to their representation within the total population of Canada. Francophone participation increased from 25% in 1978 to 31% in 2002. Anglophone participation dropped from 75% in 1978 to 69% in 2002.⁽¹⁴⁾ Generally speaking, francophone participation was favoured, particularly when compared to the actual percentage of francophones in the total population of Canada. According to 2001 Census data, the percentage of francophones, anglophones and allophones within the population of Canada was 23%, 59% and 18%, respectively. However, the representation of the two language groups in the public service varies considerably by region and occupational category.

From the regional standpoint, francophone participation is highest in Quebec, New Brunswick and the National Capital Region. Given the percentage of francophones in the population of these three regions, they may even be over-represented in the public service. In the other regions, the proportion of francophones is approximately equivalent to their percentage of the population. Table 5 illustrates trends in the participation of the two language groups by region since 1978.

(14) In federal institutions subject to the *Official Languages Act*, the presence of the two language groups remained stable from 1991 to 2002, with francophones at 27% and anglophones at 72%.

Table 5: Participation of Anglophones and Francophones in the Public Service by Region (1978-2002)

<i>Region</i>	<i>1978</i>		<i>1984</i>		<i>2001</i>		<i>2002</i>	
	<i>Anglo.</i>	<i>Franco.</i>	<i>Anglo.</i>	<i>Franco.</i>	<i>Anglo</i>	<i>Franco.</i>	<i>Anglo.</i>	<i>Franco.</i>
Canada and outside Canada	75%	25%	72%	28%	69%	31%	69%	31%
Total	211,885		227,942		148,384		159,948	
Western provinces and Northern Canada	99%	1%	98%	2%	98%	2%	98%	2%
Total	49,395		52,651		33,003		35,087	
Ontario (excluding NCR)	97%	3%	95%	5%	95%	5%	95%	5%
Total	34,524		36,673		18,949		20,295	
National Capital Region	68%	32%	64%	36%	59%	41%	59%	41%
Total	70,340		75,427		58,524		64,564	
Quebec (excluding NCR)	8%	92%	6%	94%	8%	92%	8%	92%
Total	29,922		32,114		18,706		20,136	
New Brunswick	84%	16%	73%	27%	62%	38%	61%	39%
Total	6,763		7,698		5,505		5,386	
Other Atlantic provinces	98%	2%	96%	4%	95%	5%	96%	4%
Total	19,212		21,802		12,715		13,186	
Outside Canada	76%	24%	74%	26%	71%	29%	71%	29%
Total	1,729		1,577		982		1,294	

Source: Position and Classification Information System (PCIS), in Treasury Board Secretariat, *Annual Report on Official Languages 2001-2002*, p. 42.

From the standpoint of occupational categories, francophones are still significantly over-represented in the “Administrative” and “Administrative Support” categories. The percentage of francophone employees has improved considerably over the years in the “Management” category, and also in the “Scientific” and “Technical” categories. Table 6 shows the participation trends for the two language groups by occupational category since 1978.

Table 6: Participation of Anglophones and Francophones in the Public Service by Occupational Category (1978-2002)

	<i>1978</i>	<i>1984</i>	<i>2001</i>	<i>2002</i>
Canada				
Anglophones	75%	72%	69%	69%
Francophones	25%	28%	31%	31%
Total	211,885	227,942	148,384	159,948
Management				
Anglophones	82%	80%	73%	72%
Francophones	18%	20%	27%	28%
Total	1,119	4,023	3,272	3,533
Scientific and Professional				
Anglophones	81%	78%	74%	75%
Francophones	19%	22%	26%	25%
Total	22,633	22,826	19,277	21,601
Administrative and Foreign Service				
Anglophones	74%	71%	64%	64%
Francophones	26%	29%	36%	36%
Total	47,710	56,513	56,502	62,564
Technical				
Anglophones	82%	79%	76%	76%
Francophones	18%	21%	24%	24%
Total	25,595	27,824	15,931	16,744
Administrative Support				
Anglophones	70%	67%	67%	67%
Francophones	30%	33%	33%	33%
Total	65,931	72,057	34,282	35,340
Operational				
Anglophones	76%	75%	76%	75%
Francophones	24%	25%	24%	25%
Total	48,897	44,699	19,120	20,166

Source: Position and Classification Information System (PCIS), in Treasury Board Secretariat, *Annual Report on Official Languages 2001-2002*, p. 43.

The participation of francophones and anglophones is reasonably equitable in terms of senior public service positions. In 2002, approximately 32% of deputy ministers (and associate deputy ministers) and approximately 25% of assistant deputy ministers were francophone. As the group of deputy ministers is small, minor fluctuations in the numbers of francophones and anglophones can lead to some imbalance in representation. This may explain the fact that in 2000, less than 16% of deputy ministers were francophone.

C. Language of Work

Just because an employee's mother tongue is French does not mean that he or she will use French as the language of work. Employees whose mother tongue is English, however, almost always use English as the language of work. In a survey conducted in 1974 by the Treasury Board, one year after the adoption of the 1973 Resolution, 75% of employees said that they used English as their language of work, 12% French and 9% both languages. The main language of work for incumbents of positions designated bilingual was English for 57%, French for 11% and both for 28%. These figures show that just because a position is designated bilingual does not mean that the incumbent will necessarily use both languages in the workplace.

According to a 2002 Treasury Board study entitled *Attitudes Towards the Use of Both Official Languages Within the Public Service of Canada*, anglophones working in a bilingual environment spend 14% of their time speaking French. On the other hand, francophones working in a bilingual environment spend 43% of their time speaking English. According to the study, even today, francophones do not feel completely at ease in using French at meetings, writing documents or communicating with their colleagues or supervisors. For example, in bilingual regions, most documents are prepared in English (72%) even though a high percentage of the employees in these regions is francophone (e.g., francophones represent 43% of the workforce in the National Capital Region and 48% in New Brunswick).

PLANS TO MODERNIZE THE PUBLIC SERVICE, AND CURRENT ISSUES

A. Bill C-25

In April 2001, the federal government launched a vast exercise to modernize human resources management by mandating a working group, chaired by Ranald Quail, to study the issue. In the course of the consultations, the Commissioner of Official Languages asked the government

to ensure that the modernization project would contribute to meeting the objectives of the *Official Languages Act*. The Commissioner called for a change in institutional corporate culture that would lead to greater accountability in achieving linguistic duality within the public service. She asked that managers be more accountable for their organizations' performance in terms of official languages, and called for the TBS to monitor the results. She wanted bilingualism considered a basic skill in the public service, and recommended the elimination of the bilingualism bonus. She recommended that language training be reoriented to focus more on the everyday working needs of public servants. Lastly, she emphasized the need to develop a receptive form of bilingualism that would enable public servants to acquire a good understanding of the second language, and at the same time feel at ease working in a bilingual environment.

After the working group had completed its report, Lucienne Robillard, President of the TB, tabled a bill on 6 February 2003 to modernize the Canadian public service. Bill C-25 constitutes a major legislative reform of human resources management that acts on the many recommendations for change made over the years (e.g., the Lambert Commission and the D'Avignon Committee in the 1970s, and the *Public Service 2000* initiative in the 1990s).

Specifically, the goal of the proposed reform is to maintain a non-partisan public service based on merit, a more flexible staffing system, harmonious relations with bargaining agents and a better organized system of learning and training. It would entail redrafting two key statutes concerning the public service – the *Public Service Employment Act* and the *Public Service Staff Relations Act* – and amending a third, the *Financial Administration Act*. Amendments to the *Public Service Employment Act* would define the merit principle broadly to allow executives to hire people whose professional qualifications most closely match the requirements of a position (by drawing on a pool of prequalified applicants), without necessarily having to hire the most qualified person. This value-based approach would give managers greater scope and enable them to hire qualified applicants more quickly.

The bill provides that the federal public service must be “capable of serving the population with integrity in the official language of its choice.” It reaffirms the power of federal institutions to determine official languages requirements, and the PSC's authority to evaluate official language skills. However, it does not introduce any new requirements with respect to the bilingualism of federal employees. According to Ms. Robillard, these problems need to be dealt with through TB policies and not through the bill that is currently before Parliament.

B. The Requirement That Public Servants in Managerial Positions and Members of the Executive Group Meet the Language Requirements of Their Positions

Since 1978, managers have been able to decide on the language requirements of positions. Imperative staffing means that the person selected must meet the language requirements at the time of appointment. Non-imperative staffing means that the position may be filled by someone who is entitled to language training at public expense. For many years, it was believed that raising the language requirements for bilingual positions and increasing the number of such positions would encourage the use of both official languages in the public service by requiring that public servants who are hired for a bilingual position have the required second language skills at the time of hiring. However, beginning in 1973-1974, the OCOL recognized that the use of both official languages in the public service depended on a change in attitude on the part of both employees and senior executives: everyone had to genuinely want French to be used more as a language of work.

The President of the TB's announcement that all deputy ministers should meet the language requirements of their position by March 2003 was nothing new. Since the adoption of the 1973 Resolution, successive Commissioners of Official Languages have criticized the ongoing indifference of senior executives towards bilingualism as an integral part of their departments' activities. Clearly, the linguistic competence of supervisors is essential if a working environment is to be conducive to the equitable use of French and English. According to the President of the Treasury Board and the Commissioner of Official Languages, any further postponement of the deadline requiring executives to meet the language requirements of their positions by 31 March 2003 would weaken the message that must be sent about the importance of meeting objectives for the use of both official languages in the public service. In November 2002, Ms. Robillard therefore reaffirmed her commitment to the deadline, stating that those who did not meet the language requirements of their position might face financial penalties, or transfers to positions at the same level with lower language requirements, or even early retirement. According to Ms. Robillard, official languages must from now on be incorporated into the career plans of managers in the federal public service.

C. Elimination of the Bilingualism Bonus

Since 1977, any employee meeting the language requirements of his or her bilingual position has been entitled to a bilingualism bonus of \$800 per year. This bonus has not been indexed to the cost of living since its introduction in 1977. Although it was originally designed as an incentive, the bonus may over time have become an obstacle to achieving equity in linguistic designation within the public service. As early as 1979, the Commissioner of Official Languages argued for the elimination of the bilingualism bonus. Every Commissioner since then has urged the government to reduce the growing amount of money spent on these bonuses and recommended that the program be ended, because many government employees receiving the bonus do not meet the language requirements of their position. The alternative would be to incorporate recognition for the additional difficulties involved in working in both languages into the pay system rather than through a bonus. The bilingualism bonus was initially introduced to reverse the trend towards a predominance of English in the public service. In view of the growth of bilingualism in the public service over the past three decades, many now believe it is no longer necessary to maintain the bonus.

However, members of the Public Service Alliance of Canada, the largest federal public service union, oppose the elimination of the bilingualism bonus. They recommend increasing the amount so that federal public servants are paid according to their level of knowledge of their second language.

CONCLUSION

Equitable representation for both language groups in the public service does not guarantee increased use of French in the working environment, or improved service to the public in both official languages. As successive Commissioners of Official Languages have pointed out, strong leadership is needed, in addition to a change in culture with respect to attitudes towards official languages in the public service. Senior executives have a crucial role to play in effecting this culture change, and it is in this context that the OCOL and the TB are requiring that executives meet the language requirements of their positions.

The federal public service now faces a dual challenge. First of all, the workforce is aging. The government must therefore find innovative ways to renew it by hiring young people

who want a career in the public service. Furthermore, the pool of bilingual people in Canada's population has increased considerably in recent years. The government needs to take advantage of the situation to increase the number of bilingual employees in the public service. As the Commissioner of Official Languages pointed out in tabling her 2000-2001 annual report, only a change in culture can effectively support compliance with the *Official Languages Act* in terms of service, language of work and equitable participation. Employees at all levels of the public service must do their share to effect this change in culture.

The TB's efforts to modernize the public service are ambitious and attempt to respond to the many different proposals to renew the public service over the past 30 years. From the official languages standpoint, many questions remain. How to encourage a change in culture within the public service that would support the promotion and effective use of both official languages? How to make managers recognize the importance of the two languages within their institutions and encourage their practical use? How to ensure that services to the public are equivalent and of equal quality in both languages? How to encourage bilingual public servants to use both languages effectively in their working environment, whether in communicating with colleagues and supervisors, or in drafting documents? How to ensure that the federal government allocates the resources needed to make the use of French and English in the workplace a genuine priority? Once again, these questions highlight the need to change attitudes and behaviour in terms of respecting both official languages in federal institutions subject to the *Official Languages Act*.

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