

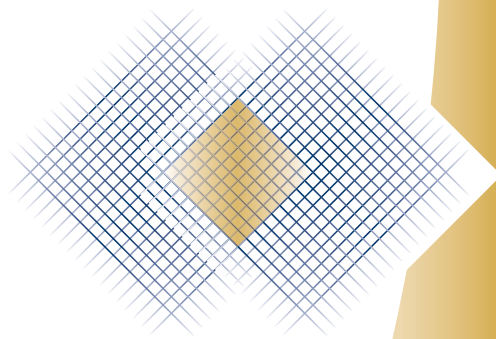


Office of the  
Commissioner of  
Official Languages

Commissariat  
aux langues  
officielles

# Audit

of Services to the Public at  
Highway Border Crossings of the  
Canada Border Services Agency



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As a new department under the *Financial Administration Act*, the Canada Border Services Agency (CBSA) is under the obligation to comply with the *Official Languages Act* and the *Official Languages (Communications with and Services to the Public) Regulations*. The CBSA operates 119 highway border crossings in Canada, just over half of which are designated bilingual under the Act and the Regulations. At many of these crossings, the Agency provides services 24 hours a day, 7 days a week.

## Methodology

The Office of the Commissioner of Official Languages conducted an audit of the CBSA between February 2005 and June 2005, to assess whether the Agency offers satisfactory customs services to clients in the official language of their choice at bilingual border crossings. The audit did not include activities related to immigration and food inspection. We specifically studied managers' commitment to providing services in both official languages. We also analysed existing systems and procedures that deal with the promotion and supervision of the provision of services in both official languages, and we evaluated the services provided at 17 border crossings designated bilingual.

In undertaking this audit, we took several factors into account. Among these were the fact that the CBSA manages bilingual border crossings from coast to coast in Canada, and that every year we receive complaints from clients who have difficulty obtaining satisfactory service in the language of their choice. Although the total number of complaints has decreased, their recurrent nature has led us to believe that a detailed study could lead to recommendations that would help improve service delivery at border crossings.

## Observations

With regard to management, our audit revealed that managers are committed to offering services in both official languages at designated bilingual border crossings. The CBSA has established an official languages group and has appointed official languages co-ordinators at each of its eight regional offices. Positive practices have also been adopted at border crossings in Southern Ontario to respond to the Commissioner's recommendations following repeated complaints over more than two decades.


However, our assessment indicated that the CBSA has no official languages policies or guidelines that are specific to its activities, no official languages action plan, and no language signage standards. The Agency should convey its requirements for service delivery to its employees across Canada more clearly and provide language training aimed at, and easily accessible to, border services officers. To date, the Agency has not established a formal mechanism to assess the number of bilingual positions required to respond to public demand at each designated bilingual border crossing, nor has it adopted mechanisms to evaluate service quality. Specifically, the CBSA should be more sensitive to official languages and make greater efforts to respond to its obligations. Since the events of September 11, 2001, Canadians may be hesitant to exercise their language rights in the context of strengthened security measures.

With regard to front-line bilingual services, site audits showed variable results among the border crossings visited. We found that three times out of four, staff at border crossings could provide satisfactory service in person in the language of the linguistic minority. In New Brunswick and Quebec the results were good, while elsewhere they varied widely. Overall, only 41% of border services officers at posts identified as bilingual made an active direct offer to us at primary inspection. During our telephone audits, 76% of respondents made an active offer. The Agency should establish formal mechanisms to assess and monitor compliance with language of service requirements at border crossings. It should ensure that it takes formal, rather than informal, measures to correct all the deficiencies that were identified.

## **Recommendations**

The Commissioner has made 12 recommendations with a view to helping the CBSA improve delivery of the full range of services that it is required to offer in both official languages at designated bilingual border crossings, in accordance with Part IV of the Act and the Regulations. The recommendations made apply not just to customs but to immigration and food inspection as well, as the three functions are now the responsibility of a single position: the border services officers.

The Agency should improve the management of its official languages program by establishing, among other things, a policy, an action plan, and adequate monitoring mechanisms. At border crossings, it should assess and strengthen its bilingual capability and take the necessary measures to improve the active offer of service in both languages. Senior management should demonstrate more leadership by integrating the concept of linguistic duality into the CBSA's mission and values



statement, by ensuring that management committee meetings include regular discussions on the delivery of bilingual services, and by properly assessing the performance of senior and middle managers with regard to official languages.

We are satisfied with CBSA's action plan for implementing 7 of the 12 recommendations. However, the measures proposed to implement recommendations 5, 7, 8, 9, 12 are only partially satisfactory. Some deadlines will come too late and some of the measures are incomplete. In order to make reasonable progress, the Agency will have to undertake, as soon as possible, concrete and more aggressive actions.

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# INTRODUCTION

## Organizational profile

The Canada Border Services Agency (CBSA) was created as a department on December 12, 2003. It brings together the major players involved in facilitating legitimate cross-border traffic while intercepting people and goods that might pose a threat to Canada. The role of the CBSA is to manage the border, administering more than 90 federal acts regulating international trade and travel, as well as international agreements and conventions.

Border services are essential services in today's world, and the CBSA is the first line of defence in managing the movement of people and goods entering and leaving Canada. Its mission is "to ensure the security and prosperity of Canada by managing the access of people and goods to and from Canada."

The Agency provides services at 1,369 points in Canada and 39 strategic locations abroad. It operates in a real-time environment and provides services in airports, ports and 119 highway border crossings throughout Canada, just over half of which are designated bilingual. At many border crossings, the CBSA provides services 24 hours a day, 7 days a week. Its workforce of approximately 12,000 persons serves some 170,000 commercial importers and more than 92 million travellers every year. Over 70 million of these are highway travellers. The Agency's budget for these programs in 2004–2005 was \$1.2 billion. Over 90% of this amount was devoted to the provision or direct support of front-line services.

The President of the CBSA reports directly to the Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness. The Agency comprises seven branches: Strategy and Coordination; Admissibility; Law Enforcement; Innovation, Science and Technology; Operations; Human Resources; and Comptrollership.

The Operations Branch is the largest and most visible branch—the face of the CBSA at the border. Its activities are organized throughout Canada into eight regions: Atlantic, Quebec, Northern Ontario, Greater Toronto, Windsor/St. Clair, Niagara/Fort Erie, Prairies and Pacific.

## Background

Since December 2003, the CBSA has integrated functions previously spread among three organizations: the Customs program from the former Canada Customs and Revenue Agency, and parts of the Appeals Branch and the Compliance Programs Branch supporting customs; the Intelligence, Interdiction and Enforcement programs from Citizenship and Immigration Canada; and the Import Inspection at Ports of Entry program from the Canadian Food Inspection Agency. All these relate to essential areas of border management. According to the Agency, centralizing the majority of these functions in one organization means that services can be provided more effectively, thus increasing the Government of Canada's ability to protect Canadians. At the time of conducting this audit, the CBSA stated that it is still in a transition period.

## Legal, regulatory and administrative framework

The objective of Canada's *Official Languages Act* is to ensure respect for English and French as the official languages of Canada, their equality of status, and equal rights and privileges as to their use in all federal institutions. The Act guarantees the right of the public to communicate with and receive available services from federal institutions in either official language. This obligation applies to the head or central office of federal institutions and to offices where there is a significant demand for the use of English or French. The Act applies to all federal institutions, including the CBSA.

The Agency is responsible for taking the necessary measures to comply with its obligations under the *Official Languages Act* and related Regulations, and to implement the policies in the context of its own mandate.



Under the Act and the Regulations, some 60 border crossings across Canada are designated bilingual according to the following specific circumstances defined in the Regulations:

Article 6 (1) (d): “the office or facility provides services other than immigration services and is located at a place of entry into Canada, other than an airport or a ferry terminal, in a province in which the English or French linguistic minority population is equal to at least 5 per cent of the total population in the province, and at that office or facility over a year at least 5 per cent of the demand from the public for services is in that language”.

Article 6 (2) (c): “the office or facility provides services other than immigration services and is located at a place of entry into Canada, other than an airport or ferry terminal, in a province in which the English or French linguistic minority population is equal to at least 5 per cent of the total population in the province, and at that place of entry at least 500,000 persons come into Canada in a year”.

**Purpose of the audit**

Although the CBSA has several responsibilities under the Act, the audit focussed essentially on services to the public at border crossings under Part IV of the *Official Languages Act*. This audit dealt exclusively with customs functions at highway border crossings; thus, it did not include immigration and food inspection functions, or sea and air entry points. That said, the recommendations made apply not just to customs but to immigration and food inspection as well, as the three functions are now the responsibility of a single position: the border services officer.

The CBSA was informed on August 6, 2004, that this audit would be conducted. In February 2005, we presented the audit objectives, criteria and process to members of the CBSA Management Committee. The audit was conducted between February 2005 and June 2005, at the Agency headquarters and 17 highway border crossings with the obligation to provide services in both official languages. We made two visits to the Maritimes, four to Quebec, seven to Ontario and one visit at each of the designated bilingual highway border crossings in Manitoba, Saskatchewan, Alberta and British Columbia. These audits covered written material (signage, forms and federal publications), bilingual service signage, the active offer of service on the telephone and in person, and respect for choice of language in person and on the telephone. The objective was to determine whether these services were offered in both English and French. It should be noted that the audit of services on the telephone and in person was done only in the local language of the linguistic minority. We conducted many interviews with the Director General of Special Projects for the Operations Branch, the Official Languages Champion, employees responsible for the official languages program, regional official languages co-ordinators, directors, superintendents and border services officers. We also interviewed representatives of community associations representing official language minorities in different regions.

Our comments and recommendations are also the result of a study and analysis of documentation provided by the Agency and key reports, such as the Report on Plans and Priorities and the annual reports on official languages submitted to the Public Service Human Resources Management Agency of Canada (PSHRMAC). We verified whether the Agency had established procedures and systems to monitor its performance. A reporting session was held on July 12, 2005, with the Director General of Special Projects for the Operations Branch, the Official Languages Champion and employees responsible for the official languages program.

We are grateful for the co-operation of everyone who took part in the audit.

# AUDIT RESULTS

## Official languages at the CBSA

### *Official languages policy*

At the time of the audit, the Agency had not drawn up its own policy covering the entire official languages program; it was applying the Treasury Board official languages policies.

Now that the CBSA is a separate organization with specific responsibilities and a broader mandate, it should develop and implement a policy for its activities that takes account of the new context and all elements of the *Official Languages Act* and reflects the commitment of its senior management to the objectives of the Act.

#### **Recommendation 1**

**The Commissioner recommends that the CBSA develop its own official languages policy, encompassing all elements of the *Official Languages Act*. The Agency should demonstrate the increased emphasis it places on services to the public in both official languages at the border, and on internal monitoring mechanisms. The Agency should communicate its new policy effectively to all its employees.**

Like all federal institutions, the CBSA must provide the PSHRMAC with an annual progress report on its implementation of Parts IV, V and VI of the Act.

The PSHRMAC provides a template covering specific aspects such as leadership, services to the public, monitoring activities, and so on. The information sought primarily concerns quantitative criteria and institutional achievements in the area of official languages. The template does not specifically deal with issues that could bring to light substantive problems and their causes.

The CBSA has presented its first report to PSHRMAC, covering January through March 2004. The Official Languages Division will present a second report on CBSA achievements in late 2005. It plans to include regional updates in the report.

### *Official languages action plan*

Since its inception, the CBSA has been working on its first official languages action plan, to be approved by the Management Committee in the near future. We were also informed that the Agency is currently finalizing the data systems it needs to produce some quantitative reports.

The Agency's official languages action plan should include objectives and benchmarks to raise awareness of the department's responsibilities under Part IV of the Act among staff working at border crossings. The action plan should include objectives that are specific to the Agency's operational activities, taking into account the particular concerns and needs of travellers crossing the border. The provision of services in both official languages directly affects Canadians' confidence in their government, especially since the CBSA has assumed a role with greater focus on security. The CBSA must establish performance indicators that make it possible to assess measures taken and results achieved.

#### **Recommendation 2**

**The Commissioner recommends that the CBSA include in its action plan a section focussing on Part IV of the *Official Languages Act*, including specific measures to improve the provision of services in both official languages at all designated bilingual border crossings. The plan should include a timetable, performance indicators and an accountability mechanism.**

### *Official languages group*

The Agency's Official Languages Division has eight employees. In addition, a network of regional official languages co-ordinators, reporting to a manager in each of the regions, was established during the first quarter of 2004. The official languages program representatives have also mentioned that this network will include co-ordinators for each branch in the near future. Despite the efforts of this division and the members of the network, many directors, superintendents and border services officers working in the regions, except for those in Southern Ontario, say they do not receive sufficient support from the division and their respective regional coordinators to allow them to perform effectively with regard to official languages. It appears that the division and the network members could do more. Moreover, the regional co-ordinators spend only part of their time on official languages, except for the Southern Ontario regional co-ordinator, who devotes all of her time to this matter.

Although the Agency determined the roles and responsibilities of the official languages co-ordinators, they stated during the interviews that they had received no guidelines, specific objectives or defined strategies for preparing and implementing official languages activities in their regions. Furthermore, the network of co-ordinators appears to be poorly structured, each member working in isolation without formal exchanges with his or her counterparts. The Official Languages Division does not formally consult the regional offices about the management of services to the public in both official languages. The co-ordinators must nevertheless complete an annual report on their achievements, using the PSHRMAC template; these reports are forwarded to the national official languages co-ordinator and used to complete the national report. On the other hand, some regional official languages co-ordinators mentioned that they were members of the interdepartmental official languages network in their region. In our view, the CBSA should provide appropriate training to all its official languages co-ordinators, covering their role, the Agency’s language priorities and the *Official Languages Act*, among other issues.

*“There is a need to take a better approach at the national level and find new ways to deliver training.”* — A director

*“We do the best we can, without a lot of help from official languages in Ottawa—they should do more—we need tools and funding, but we are left on our own.”* — A director

*“I have to admit that we have not had the corporate support we used to have before we became an agency.”*  
— A director

**Recommendation 3**

**The Commissioner recommends that the CBSA clarify the roles and responsibilities of the Official Languages Division and its regional official languages co-ordinators, and improve their network structure, in order to better meet the needs and expectations of the personnel responsible for providing services in both official languages at designated bilingual border crossings.**

## *Operations*

The Operations Branch is the Agency's central program. Among other things, the branch must ensure the delivery of services of equal quality in both official languages. Official languages activities in the regions are heavily decentralized. Managers at border crossings with significant demand must provide services in both official languages, and are also responsible for developing and implementing measures and practices encouraging respect for the right of the public to be served in the official language of its choice.

All the directors, superintendents and border services officers that we met across Canada recognized that the Agency does not have enough bilingual employees to meet its obligations with regard to services to the public. They were unanimous in stating that the situation is caused by difficulties in recruiting and retaining bilingual staff, and they identified the need for language training and related financial resources. Bilingual capacity and the resources needed to increase that capacity are one of the Agency's greatest challenges.

## **Communication of language of service requirements**

### *Information to employees*

Although the training program in Rigaud for new border services officers includes a module on the *Official Languages Act*, the vast majority of employees we met said they had not received information on official languages, except for the personnel working at border crossings in Southern Ontario. The information would ordinarily be sent by e-mail or through memoranda from directors. Employees said they referred to the intranet site to get departmental information about official languages policies. In fact, the Agency's intranet site has an official languages tab with links to pages on these policies on the PSHRMAC Web site, reports and summaries, mandate of the Official Languages Division, language and translation tools, and a list of contact persons. This division has also informed us that it will continue to update its intranet site by adding information, documents and tools that will help employees. Departmental policies and work instruments are also available in both official languages, and posters promoting both official languages are sometimes put up in meeting rooms.

Following the publication of the Commissioner’s 13 recommendations in a follow-up report on an investigation in February 2004, the CBSA prepared an action plan specifically aimed at improving services in both official languages at border crossings in Southern Ontario. These border crossings initiated the following activities: information sessions on the Agency’s obligations with regard to official languages were offered to bilingual border services officers working in the Niagara/Fort Erie and Windsor/St. Clair regions; information sessions about the active offer of service were presented to around 300 employees at these border crossings, and the Agency plans to provide these again in the same regions over the coming year; awareness sessions are provided to all new employees and students by the regional official languages co-ordinator. Last year, monthly sessions entitled *L’heure de la causerie* were organized to enable bilingual border services officers to practise their second language and retain their skills. This approach was also adopted at one Quebec border crossing. Reminders about the active offer of service, through memoranda signed by directors, are sent to all border services officers. In addition, a pop-up promoting the active offer of service appears on all computers of employees working in Southern Ontario.



In order to better integrate official languages into its organizational culture, the Agency needs to regularly transmit information on official languages and its obligations under Part IV of the Act to all employees at designated bilingual border crossings. Much remains to be done in this area.

*“Some Anglophone agents can, at times, be rude to Francophone clients.”* — An employee

*“We need to promote the benefit of official languages, tolerance and acceptance of the situation.”* — An employee

Our study indicates that the CBSA must provide consistent, proactive information to all its employees about the Agency’s obligations and the language rights of the public.

#### **Recommendation 4**

**The Commissioner recommends that the CBSA reassess its communications strategy and the relevance of its communications tools to ensure that all its employees at designated bilingual border crossings have a shared understanding of their responsibilities for providing services in both official languages. The Agency should also extend the initiatives taken in Southern Ontario to all regions.**

#### ***Language training***

The outcome of interviews clearly shows that the Agency has not done enough to provide the language training that border services officers need to become bilingual or to retain their language skills. Moreover, employees and superintendents indicated that language training is encouraged in theory as long as employees take courses outside working hours so as not to interfere with operational requirements. This approach makes things more difficult for those working in shifts or on rotation, and even more so in rural areas. As an alternative, the Quebec regional office has provided its employees with a list of Web sites for studying English and has made English books available, as well as several copies of the *Tell Me More* software, to assist employees in learning their second language.

The CBSA must take measures to provide language training in the workplace, taking into account that the lack of language training adapted to the needs of border services officers has negative effects on the language quality of the services offered. More emphasis has been placed in recent years on language training for directors and superintendents, so they may attain the language profile their positions require or retain their skills.



### **Recommendation 5**

**The Commissioner recommends that the CBSA develop a plan for language training and retention, and identify innovative methods to provide more easily accessible training that better suits the needs of its border services officers. The Agency must encourage and support its employees in this regard.**

## **Active offer and provision of services**

### *Bilingual signs and documentation*

At all border crossings visited, bilingual signs were displayed in advance of the posts.

Documents, including CBSA and federal government publications and forms, were available in both official languages at all border crossings visited.

### *Bilingual service signage*

The following table (Figure 1) presents an assessment of the quality of bilingual service signage across Canada. Signage at border crossings is presented through the official languages pictogram.

**Figure 1:**  
**RESULTS BY BORDER CROSSING OF FINDINGS CONCERNING BILINGUAL SERVICE SIGNAGE**

Border crossings visited	Bilingual service signage at posts identified as bilingual at primary inspection	Bilingual service signage at secondary inspection	Bilingual service signage in offices
<b>New Brunswick</b>			
- St. Stephen	++	-	++
- Woodstock	++	-	++
<b>Quebec</b>			
- Hemmingford	++	-	-
- Lacolle	++	-	+
- Stanstead	++	-	++
- Armstrong	-	-	-
<b>Ontario</b>			
- Cornwall (International Bridge)	++	-	++
- Lansdowne (Thousand Islands Bridge)	++	-	++
- Niagara Falls (Rainbow Bridge)	++	-	++
- Fort Erie (Peace Plaza Bridge)	++	-	++
- Sarnia (Bluewater Bridge)	++	-	-
- Windsor/St. Clair (Ambassador Bridge and Detroit Tunnel)	++	n/a	n/a
<b>Manitoba</b>			
- Emerson	-	-	-
<b>Saskatchewan</b>			
- North Portal	+	-	++
<b>Alberta</b>			
- Coutts	+	-	-
<b>British Columbia</b>			
- Surrey (Douglas)	+	-	++
<b>Total</b>			
- 17 border crossings	88% (15 of 17) of border crossings visited had bilingual service signage at posts identified as bilingual.	None of the 16 border crossings visited had bilingual service signage at secondary inspection.	69% (11 of 16) of border crossings visited had bilingual service signage in offices.

**LEGEND**

- ++ Good
- + Fair
- Poor
- n/a Not Applicable (Not Checked)

Making an active offer of service in both official languages means communicating spontaneously and clearly to clients that they will have equal access to services of equal quality in either official language at designated bilingual offices or points of service.

A key component of the active offer of service at the CBSA is the placement and format of the official languages pictogram. The Agency has not set standards for the placement of pictograms or for the format to be used; this is problematic. Our site audits at border crossings in the West confirmed that pictograms are placed on the side of the post and are visible only when travellers address the border services agent. This method does not show travellers that there is a designated bilingual post. The CBSA should take this observation into account and set up a system to ensure that bilingual service signage is the same throughout Canada, and that the system is strictly adhered to.

Among the border crossings visited, the one in Douglas, British Columbia, displayed pictograms on the side of all the posts. However, no specific post was designated bilingual, and all the border services officers had to make an active direct offer, then call a colleague to communicate in the minority language with travellers who so requested (see the following section of this report). We also observed that the border crossing in Armstrong, Quebec, displayed no bilingual services pictogram, perhaps due to recent major renovations. The CBSA should install pictograms as soon as possible at this border crossing. As for the other border crossings audited, generally just one of many posts was identified as bilingual by means of the official languages pictogram. When we visited the offices at border crossings, we also noted that service counters for travellers on buses had no official languages pictograms.

With regard to secondary inspections, which normally take place outdoors under a shelter, we found no signage indicating an active offer of service. We are therefore at square one with this aspect of the service.

Our visits indicated that 69% of offices had placed counter pictograms in offices where the customer service counter was located.

Another active offer component for the Agency is the door and window sticker. The use of these stickers at posts also advises travellers of the availability of bilingual services. However, we found that not many of the border crossings visited had them.

We salute the CBSA's commitment to indicating the availability of services in both official languages to clients through large-format and counter pictograms at certain locations. Nevertheless, there is room for improvement.

#### **Recommendation 6**

**The Commissioner recommends that the CBSA study bilingual service signage at designated bilingual border crossings in order to establish uniform standards and a monitoring mechanism to ensure these standards are observed.**

#### ***Active offer in person and on the telephone***

The following table (Figure 2) presents an assessment of bilingual active offer in person and on the telephone.

**Figure 2:**  
**RESULTS BY BORDER CROSSING OF FINDINGS CONCERNING ACTIVE OFFER**  
**IN PERSON AND ON THE TELEPHONE**

Border crossings visited	Active offer in person at posts identified as bilingual at primary inspection	Active offer in person at secondary inspection	Active offer in person in offices	Active offer on the phone
<b>New Brunswick</b>				
- St. Stephen	++	++	++	++
- Woodstock	++	++	++	++
<b>Quebec</b>				
- Hemmingford	-	-	-	++
- Lacolle	++	-	-	-
- Stanstead	-	-	-	++
- Armstrong	++	++	++	++
<b>Ontario</b>				
- Cornwall (International Bridge)	-	-	++	++
- Lansdowne (Thousand Islands Bridge)	-	-	-	++
- Niagara Falls (Rainbow Bridge)	-	n/a	-	++
- Fort Erie (Peace Plaza Bridge)	-	-	-	++
- Sarnia (Bluewater Bridge)	++	-	-	++
- Windsor/St. Clair (Ambassador Bridge and Detroit Tunnel)	- <sup>1</sup>	-	-	-
	++	n/a	n/a	-
<b>Manitoba</b>				
- Emerson	-	n/a	n/a	++
<b>Saskatchewan</b>				
- North Portal	-	-	n/a	-
<b>Alberta</b>				
- Coutts	-	-	-	++
<b>British Columbia</b>				
- Surrey (Douglas)	++	++	n/a	++
<b>Total</b>				
- 17 border crossings	41% (7 of 17) of border crossings visited made an active offer in person at posts identified as bilingual.	29% (4 of 14) of border crossings visited made an active offer in person at secondary inspection.	31% (4 of 13) of border crossings visited made an active offer in person in offices.	76% (13 of 17) of border crossings made an active offer on the telephone

**LEGEND**

- ++ Good
- + Fair
- Poor
- n/a Not Applicable (Not Checked)

1. The auditor was unable to access the post identified as bilingual due to traffic.

Only 41% of border services officers at posts identified as bilingual welcomed us at primary inspection in both official languages, which is far from satisfactory.

Only 4 of 14 offices made an active offer in person when we went to a secondary inspection, which is not satisfactory.

Results were similar for an active offer in person at the customer service counter in offices; only 4 of 13 border services officers made us an active offer. We had expected better results.

An active offer in person is important because it puts members of the public at ease and encourages interaction in the official language of their choice with the person serving them. This obligation is especially crucial at border crossings, as members of the public may be hesitant to exercise their language rights because of the Agency's security enforcement at border crossings following the events of September 11, 2001. Furthermore, an active offer in person is the first contact with travellers about to enter Canada, and shows that linguistic duality is an integral part of the Canadian personality.

Interviews with employees working at border crossings across Canada indicate that opinions are divided as to the obligation of making an active offer of bilingual service. For example, border services officers think the demand is low, and that they are wasting their time making an active offer to American travellers. Nevertheless, "Hello/Bonjour" is a simple and effective standard greeting. Another example of current practice is making an active offer only to travellers with Quebec licence plates. Once again, these actions lead us to conclude that employees are poorly informed about the Agency's obligations relating to active offer.

In all cases, and in particular when the government exercises its powers and could give the impression that it uses its authority for enforcement purposes, citizens need to have communications in the official language of their choice and should not have to ask for this service. Besides, the Act creates an obligation to make an active offer of bilingual service at all points of service that have official languages obligations.

### **Recommendation 7**

**The Commissioner recommends that the CBSA develop a strategy to ensure that border services officers working at posts designated as bilingual understand the justification for a bilingual greeting and make an active offer at primary and secondary inspections and in offices to comply fully with the requirements of the Act.**

As the previous table shows, our telephone audits confirmed that 13 of 17 offices made an active offer of bilingual service.

### ***Respect for choice of language***

The following table (Figure 3) presents an assessment of the respect provided for choice of language on our visits to border crossings.

**Figure 3:**  
**RESULTS BY BORDER CROSSING OF FINDINGS CONCERNING**  
**RESPECT FOR CHOICE OF LANGUAGE**

Border crossings visited	Respect for choice of language at posts identified as bilingual at primary inspection	Respect for choice of language at secondary inspection	Respect for choice of language in offices	Respect for choice of language on the phone
<b>New Brunswick</b>				
- St. Stephen	++	++	++	++
- Woodstock	++	++	++	++
<b>Quebec</b>				
- Hemmingford	++	++	++	++
- Lacolle	++	++	++	++
- Stanstead	++	++	++	++
- Armstrong	++	++	++	++
<b>Ontario</b>				
- Cornwall (International Bridge)	++	++	++	++
- Lansdowne (Thousand Islands Bridge)	-	++	++	++
- Niagara Falls (Rainbow Bridge)	-	n/a	-	++
- Fort Erie (Peace Plaza Bridge)	+	++	-	++
- Sarnia (Bluewater Bridge)	+	++	-	++
- Windsor/St. Clair (Ambassador Bridge and Detroit Tunnel)	- <sup>1</sup>	++	++	++
	++	n/a	n/a	++
<b>Manitoba</b>				
- Emerson	-	++	++	++
<b>Saskatchewan</b>				
- North Portal	-	-	-	++
<b>Alberta</b>				
- Coutts	++	-	++	++
<b>British Columbia</b>				
- Surrey (Douglas)	++	++	++	++
<b>Total</b>				
- 17 border crossings	71% (12 of 17) of border crossings visited respected the choice of language at posts identified as bilingual.	87% (13 of 15) of border crossings visited respected the choice of language at secondary inspection.	75% (12 of 16) of border crossings visited respected the choice of language in offices.	100% of border crossings respected the choice of language on the phone.

**LEGEND**

- ++ Good
- + Fair
- Poor
- n/a Not Applicable (Not Checked)

1. The auditor was unable to access the post identified as bilingual due to traffic.



Services were effective in 71% of cases at designated bilingual posts visited across Canada. Still, there were major variations among the regions. Both border crossings visited in New Brunswick provided very good service in French. All border crossings in Quebec provided adequate service in English; in Ontario, only 57% were able to provide service in French, and in half of these cases, service provided in French was of poor quality.

We also evaluated the respect provided for the language preference of members of the public at secondary inspection. Results were much more positive. Only on two occasions did border services officers have to call on bilingual colleagues, and in both cases, they were already there to serve us.

Respect for choice of language in offices was noted in 75% of cases, while service delivery was very effective in 69% of these cases. It was only at the North Portal border crossing in Saskatchewan that the border services agent had to call a colleague from another border crossing to respond to our needs. This practice is not acceptable, as it does not make it possible to provide equal access to services of equal quality, particularly in the case of a search.

Our findings from telephone audits indicated that respect for choice of language was adequate in 100% of cases. We noted that delivery of bilingual services was effective when respondents called on colleagues.

The Agency must develop a better capacity to provide equal access to services of equal quality in both official languages at border crossings.

The CBSA requires that its border services officers possess a basic level (A) of language proficiency (the lowest level) for reading and writing in the second language, and level B (intermediate) for speaking in the second language. As the Agency does not impose new language tests on its employees, any deterioration of their skills creates, in our opinion, an inability to provide satisfactory service. Thus, it is important to retain existing language skills.

Although the vast majority of public service positions that involve serving the public in both official languages require level B proficiency for speaking, the Agency informed us that it would examine the linguistic skills required for customs inspector positions at the time of reclassification to border services agent positions. We encourage the Agency to take advantage of this opportunity to reassess level B for spoken proficiency, due to the diversity of new functions covering customs, immigration and food inspection. The CBSA could choose to identify varying linguistic skills at levels B and C at each border crossing.

Management is responsible for determining or reviewing linguistic requirements every time a position is created or a vacant position is to be staffed, using the PSHRMAC guidelines and the Public Service Commission of Canada guide to determining the linguistic profile.

The CBSA has stated that it hires bilingual students for the summer, and that their language level is not tested. Our visits enabled us to observe, on two occasions, that the service offered in the language of the local linguistic minority by students working at posts identified as bilingual at primary inspection was of poor quality. The Agency's hiring policy does not enable it to ensure that clients have equal access to services of equal quality in both official languages. Permanent part-time employees, however, are formally tested to ensure that they meet the linguistic requirements for their positions.

It often happens that bilingual service is not available during certain shifts at some border crossings, especially at night, and when there is a lack of bilingual border services officers because of vacation or sick leave. The CBSA has established measures to ensure bilingual service delivery in these cases, for example, by communicating by phone with the closest border crossing. This approach clearly does not make it possible to provide service of equal quality and goes against the Agency's service standards, which assess quality of service primarily in terms of waiting time at the border. The Agency should explore innovative options to ensure that adequate services in both official languages are provided at all times at designated bilingual border crossings.

Despite a slight decrease in the number of complaints (47 over the last four years concerning service to the public at customs posts), the same problems have been recurring at border crossings for more than two decades. The main causes for these complaints, according to the employees we met, are the insufficient number of bilingual border services officers and certain attitude problems concerning service in both official languages. The latter finding leads us to question employees' understanding of the Agency's obligations to offer services in both official languages. Moreover, the main themes of the complaints lodged with the Office of the Commissioner of Official Languages under Part IV of the Act are the lack of active offer, unavailable service and poor quality of the second language of the officers. Although we did not analyse the Agency's bilingual capacity in detail, our interviews indicated that there is an insufficient number of bilingual employees at many border crossings.

*“Increasing the automatic response of providing service in both official languages is a challenge.” — A manager*

*“Work schedules do not always reflect the abilities of the personnel assigned to telephone service lines.” — An employee*

The results of the 2001 Census led to changes in the list of sites required to provide bilingual services and obliged federal institutions, including the CBSA, to update their lists of bilingual points of service. In response to this requirement, the Agency has called on the services of Statistics Canada to conduct surveys in 62 of its offices. This exercise will help the Agency determine which of its offices should provide services to the public in both official languages.

Once the Agency has identified the border crossings that should provide services in both official languages, we encourage it to take advantage of the opportunity to consult official language minority communities, following PSHRMAC guidelines.

### ***Specific situation in Ontario***

Service to the public in both official languages remains problematic in both parts of Ontario (north and south). The majority of complaints received about the CBSA come from border crossings in Southern Ontario (Niagara/Fort Erie and Windsor/St. Clair), followed by the Northern Ontario (Lansdowne) region. Aside from the other border crossings, the offices in Southern Ontario have taken some measures to try to correct the situation. The lack of bilingual staff decreases operational flexibility. Border services officers are sometimes obliged to work overtime and are even denied leave. Moreover, we were informed that there is a demand for bilingual services on the goods management side. Our observations show that not all border crossings have a designated bilingual commercial post. Furthermore, during our site audit in Sarnia, a post identified as bilingual on the commercial side was occupied by a unilingual border services agent.

In light of successive investigation and follow-up reports since 2001, our assessment of services to the public at bilingual border crossings leads us to conclude that there are still some problems in the Southern Ontario region, apart from signage. Although the number of complaints has dropped, the Agency has not established formal mechanisms to measure the demand for bilingual services in order to establish the number of bilingual employees required to ensure full delivery of bilingual services at border crossings.

### **Recommendation 8**

**The Commissioner recommends that the CBSA assess the bilingual capacity of all designated bilingual border crossings to determine whether they are able to offer services in both official languages at all times. The Agency must take the necessary measures to increase this capacity if necessary. It should also:**

- a) review and determine the level of language proficiency required for the functions of border services officers and determine the number of bilingual superintendents required for all designated bilingual border crossings; and**
- b) review its work scheduling procedures to ensure the presence of sufficient numbers of bilingual employees during all work shifts.**

## **Leadership and management of services to the public**

### *Monitoring mechanisms*

The Agency has no mechanism to assess the number of bilingual positions required to meet the demand at each designated bilingual border crossing. Moreover, the CBSA has no mechanism to measure the quality of services offered in both official languages. At present, it relies on the perceptions of staff in that regard.

A good number of those interviewed perceive the process of responding to complaints, managed by the Official Languages Division, as a monitoring mechanism. We believe the Agency must take complaints into consideration, but it also needs formal monitoring mechanisms. The CBSA has established service standards that assess quality of service primarily in terms of waiting time at border crossings, as well as the skills of customs officers at primary and secondary inspections. In its Report on Plans and Priorities for 2004–2005, the CBSA states that it will try to develop and implement integrated service standards for its operations. The Agency should include bilingual service delivery in its new service standards. However, the superintendents we met said they take official languages into consideration when they plan work schedules, to ensure that bilingual border services officers work at designated bilingual posts.

The CBSA is currently developing an integrated border services program. We studied its mission and values, and believe that the following statement should also include a clear reference to linguistic duality as a Canadian reality.

“Respect—We are courteous to each other and to the clients we serve. The dignity of diversity and each individual’s worth are of the highest importance to us. We listen to others to understand their point of view and we act fairly, politely and reasonably. We respect the private life of Canadians and we are proud to support the *Canadian Charter of Rights and Freedoms*.”

### **Recommendation 9**

**The Commissioner recommends that the CBSA integrate bilingual services delivery in its new service standards and add the concept of Canadian linguistic duality to its mission and values statement.**

We note that the CBSA has taken measures to monitor its performance, mainly at border crossings in Southern Ontario. In response to recommendations that the Commissioner made following an investigation and successive follow-ups, the Agency prepared an official languages checklist that superintendents must fill out daily during their shift. The various items on the form cover active offer in person and on the telephone, service delivery, signs, and work scheduling for border services officers assigned to bilingual posts. The checklists are sent to the two Southern Ontario official languages co-ordinators, the director and then to the Official Languages Division. Our interviews did not allow us to obtain relevant information on the evaluation of the data gathered or the follow-up to this monitoring.

The Agency should use other assessment methods for official languages, such as internal audits, program evaluations and performance monitoring studies.

### **Recommendation 10**

**The Commissioner recommends that the CBSA establish a mechanism to formally monitor services offered in both official languages at bilingual border crossings, and that it take the necessary measures to correct any deficiencies noted through this monitoring.**

### ***Leadership***

Our meetings with some superintendents showed that members of the senior management team are not fully informed of the official languages problems that arise in daily regional operations at border crossings. We wanted to check how often official languages issues were discussed at Management Committee meetings by looking at the minutes. In response to our request, we were told that there were no minutes. Some directors working in the regions informed us that official languages were brought up at regional management meetings only when there were complaints. Official languages and services to the public should be discussed regularly at these committees.

*“Official languages issues are not part of the agenda on a regular basis at regional meetings.” — A director*

### **Recommendation 11**

**The Commissioner recommends that the CBSA ensure that the members of the CBSA Management Committee and regional management committees regularly discuss the management of the official languages program, and in particular the provision of bilingual services at designated bilingual border crossings.**

We were informed of the need for a system to recognize and reward the special efforts some border services officers and superintendents make to meet their obligations and ensure exemplary service delivery. We support this observation, and call on the Agency to move forward on this issue.

Interviews confirmed that there has been a will to improve the official languages situation ever since the Agency was created. Senior management must pursue this commitment through specific actions with regard to official languages, all the more since the Agency has greater powers.

*“We need to evaluate our commitment to provide training, and get more time and funding for this.” — A director*

### ***Performance management of senior managers***

All directors interviewed confirmed they had responsibilities for official languages, which are part of their performance agreement.

Documents provided by the CBSA show that it did not develop an in-house performance review system for members of the EX category in 2004–2005. In the meantime, the Agency uses a performance review agreement developed by the former Canada Customs and Revenue Agency that includes special commitments, including commitments linked to official languages. Accountability for official languages is included in performance agreements for senior managers, and has a trickle-down effect on team heads. Corrective steps, including cuts in performance bonuses, could be applied in circumstances where senior managers have not met this objective.

### *Performance management reports for managers and employees*

The CBSA prepared a new template to measure the performance of superintendents and employees for the 2004–2005 review period, including objectives linked to the promotion of linguistic duality in Canada.

The new template will be used later this year. The performance reviews we studied covered the 2003–2004 period and included only one reference to active offer of bilingual service. The superintendents we met confirmed that measures, such as a verbal warning, could be taken in situations where border services officers do not make an active offer or do not provide service in the language of the local linguistic minority.

We are aware that the Agency has incorporated the official languages aspect into its performance review process for managers and employees. We still believe, however, that it should incorporate all aspects of service to the public in the process.

#### **Recommendation 12**

**The Commissioner recommends that the CBSA:**

- a) develop its own system to review the performance of its senior managers, including clear, measurable objectives for language of service, accompanied by clear assessment criteria; and**
- b) include responsibilities for language of service in its new performance review template for middle managers and employees, and measure compliance with these responsibilities.**

# CONCLUSION

In the course of this audit, we attempted to determine to what degree the CBSA provides satisfactory services in the official language of the clients' choice at border crossings.

We observed that since its creation in 2003, the CBSA has taken various measures concerning official languages. The Agency has established an official languages group and appointed official languages co-ordinators in regional offices. Managers are accountable for reaching official languages goals through special commitments. Official languages are also an element of employee performance reviews. Nonetheless, we believe that performance reviews must take greater account of the Agency's expectations for bilingual service delivery. Positive practices have also been adopted in Southern Ontario to respond to recommendations of the Commissioner following many complaints. These observations indicate that a proactive approach is needed to settle long-standing problems.

Our assessment of border crossings produced varying results. Although the majority meet the requirements for signs, bilingual service signage and documents, we noted deficiencies in bilingual service signage in certain locations, and in the provision of an active offer in person at primary and secondary inspections and in offices. We found that 24% of border crossings did not provide satisfactory services in person in the language of the clients' choice.

The Agency still has much to do to respond to its obligations and improve delivery of the full range of services (customs, immigration and food inspection) that it is required to offer in both official languages at designated bilingual border crossings, in accordance with Part IV of the Act and the Regulations. The Agency should improve the management of its official languages program by establishing, among other things, a policy, an action plan and adequate monitoring mechanisms. At border crossings, it should assess and strengthen its bilingual capability and take the necessary measures to improve the active offer of service in both languages. Senior management should demonstrate greater leadership by integrating the concept of linguistic duality into the CBSA's mission and values statement, by ensuring that management committee meetings include regular discussions on the delivery of bilingual services, and by properly assessing the performance of senior and middle managers with regard to their official languages responsibilities.

## Audit Team

- Chantal Bois
- Catherine Gendron



# APPENDIX A

We are satisfied with the Agency's proposed measures and implementation schedules for seven of our 12 recommendations (1, 2, 3, 4, 6, 10 and 11). However, we are only partially satisfied with the measures and/or schedules proposed for recommendations 5, 7, 8, 9 and 12. We have prepared a response in these five cases.

Senior managers verbally committed themselves to quickly advance the Agency's official languages program.

We maintain that full implementation of the 12 recommendations is needed to enable the CBSA to adequately meet its obligation to provide services in both official languages at designated bilingual highway border crossings. When we follow up on this audit, we expect to see significant improvements to the CBSA's performance.

## List of recommendations, CBSA's action plan and our responses

### Recommendation 1

**The Commissioner recommends that the CBSA develop its own official languages policy, encompassing all elements of the *Official Languages Act*. The Agency should demonstrate the increased emphasis it places on services to the public in both official languages at the border, and on internal monitoring mechanisms. The Agency should communicate its new policy effectively to all its employees.**

### *Measures proposed by CBSA relating to its action plan*

Since its creation, less than two years ago, CBSA continues to carry out the set up of its official languages network, the development of its official languages policy framework (taking into account all the components of the *Official Languages Act*), as well as the development of guidelines which will demonstrate the increased emphasis it places not only on service to the public, but also on language of work and equitable participation.

By March 31, 2006, the CBSA will finalize its official languages policy and guidelines.

By June 30, 2006, the Executive Management Committee will have reviewed and approved the policy and its guidelines.

By September 30, 2006, the CBSA will have shared the official languages policy and guidelines with all employees.

### **Recommendation 2**

**The Commissioner recommends that the CBSA include in its action plan a section focussing on Part IV of the *Official Languages Act*, including specific measures to improve the provision of services in both official languages at all designated bilingual border crossings. The plan should include a timetable, performance indicators and an accountability mechanism.**

#### ***Measures proposed by CBSA relating to its action plan***

The CBSA is committed to include in its Action Plan, currently being developed, components that will include specific measures seeking to improve the provision of services in both official languages at all designated bilingual border crossings. This plan will include specific target dates, performance indicators and accountability measures.

By April 1, 2006, CBSA will have included, in its action plan on official languages, a section on Part IV of the Act which will include specific measures mentioned above.

### **Recommendation 3**

**The Commissioner recommends that the CBSA clarify the roles and responsibilities of the Official Languages Division and its regional official languages co-ordinators, and improve their network structure, in order to better meet the needs and expectations of the personnel responsible for providing services in both official languages at designated bilingual border crossings.**

#### ***Measures proposed by CBSA relating to its action plan***

In accordance with the proposed measures under the Commissioner's Recommendation 1, CBSA is proceeding with the set up of its official languages network, which will help the Agency to better meet its official languages obligations.

By December 31, 2005, CBSA will have built its Official Languages Division and will have identified official languages co-ordinators for each branch.

The Official Languages Division will organize official discussions on a regular basis, at a minimum every three months, with all co-ordinators. For its first meeting, discussions will be on the implementation of the action plan on official languages and the application of the policy and guidelines. The Champion of Official Languages as well as other special guests will be invited. Discussions and consultations will be held in the course of the next few months to talk about the roles and responsibilities of each co-ordinator and to provide an opportunity to exchange best practices.

The Official Languages Division, in partnership with Information Technology personnel, will ensure that the roles and responsibilities, as well as the list of regional co-ordinators contact list, are posted on the Intranet site.

#### **Recommendation 4**

**The Commissioner recommends that the CBSA reassess its communications strategy and the relevance of its communications tools to ensure that all its employees at designated bilingual border crossings have a shared understanding of their responsibilities for providing services in both official languages. The Agency should also extend the initiatives taken in Southern Ontario to all regions.**

#### ***Measures proposed by CBSA relating to its action plan***

The official languages action plan as well as the policies and guidelines being developed will take into account all the components of the *Official Languages Act* and will also enable employees to better understand their responsibilities in terms of providing services in both official languages.

Initiatives taken in Windsor/St.Clair and Niagara Falls/Fort Erie regions have already been implemented in the Northern Ontario Region. They will be part of a presentation offered to all regions in the course of November 2005 that will surround discussions on the implementation of similar initiatives in their region.

The major challenge for the implementation of these initiatives in all regions is whether they can be simply transported to other regions and the availability of funds. CBSA will initiate in the Fall 2005 a feasibility analysis and will elaborate a business case in order to seek appropriate funding for broader implementation during fiscal year 2006-2007.

### **Recommendation 5**

**The Commissioner recommends that the CBSA develop a plan for language training and retention, and identify innovative methods to provide more easily accessible training that better suits the needs of its border services officers. The Agency must encourage and support its employees in this regard.**

#### *Measures proposed by CBSA relating to its action plan*

By reason of the amalgamation of customs, immigration and food inspection functions, CBSA must review its organizational structure. In doing so, the new Border Services Officer (BSO) positions are currently being developed. All bilingual positions will be staffed imperatively. The innovative measures concerning language training of Border Services Officers will therefore be geared towards maintenance.

In November 2004, CBSA issued its first call letter, a language training directory and a registration form for training retention courses offered by its three language training instructors. The directory included training in preparation for the oral interaction examination (in person and over the phone training) and training retention courses. The Official Languages Division received over 120 requests for training retention courses which will begin in November 2005. Courses in preparation for exams were offered for both statutory and career development reasons.

In addition, for employees seeking language training for career development, funds are available under the CBSA's Education Assistance Program. Guidelines for this program are available on the CBSA Intranet.

The greatest challenge CBSA faces in providing Border Services Officers with retention training is the work schedule involved. However, the CBSA continually searches for innovative solutions to satisfy requests for training specific to retention and career development.

CBSA will, by March 2006, meet with the responsible central agency to discuss ways or find solutions to accommodate the different work shifts of Border Services Officers.

The Agency looks at best practices from other departments and agencies as well as initiatives taken in the Quebec and Southern Ontario regions in establishing different approaches to language training for its border services officers, for example on-line language training. An implementation plan will be elaborated.

CBSA will also consider in 2006-2007 the implementation of an exchange program that will allow officers from different regions, wishing to improve or maintain their second language, to work in that second language in another region. For example, an exchange could be done between an employee from the Pacific Region and an employee from the Quebec Region. It is currently being tried amongst the Niagara/Fort Erie, Windsor/St.Clair and the Quebec regions.

The initiatives mentioned above are already part of the CBSA draft official languages action plan that will be submitted for approval at the beginning of fiscal year 2006-2007.

With regard to the maintenance language training, CBSA will propose an action plan for the implementation of the language training for its border services officers at the beginning of fiscal year 2006-2007.

### *Our response*

We are satisfied with CBSA's proposed measures concerning the language retention training. However, we believe that the adoption of a language training plan is essential to significantly improve the bilingual capacity, which based on our observations is presently inadequate, and to follow up on the measures the Agency will take in response to Recommendation 8. In our view, imperative staffing of bilingual positions alone is insufficient to bridge the gaps and produce the expected results with regard to service to the public in both official languages.

### **Recommendation 6**

**The Commissioner recommends that the CBSA study bilingual service signage at designated bilingual border crossings in order to establish uniform standards and a monitoring mechanism to ensure these standards are observed.**

### *Measures proposed by CBSA relating to its action plan*

In order to ensure uniformity of its signage, CBSA continues to call on the cooperation of its partners at services points where it does not own the site (for example: bridge authorities).

As mentioned under Recommendation 4, in view of costs and expenses involved in implementing this recommendation, CBSA will conduct an analysis starting in October 2005 to determine the applicability of specific measures in regions and to elaborate a business case in order to seek appropriate funding for broader implementation. This analysis will be completed in June 2006. In the summer of 2006, the Agency will begin to put in place some of these measures.

A guide on signage is being currently being developed in CBSA.

#### **Recommendation 7**

**The Commissioner recommends that the CBSA develop a strategy to ensure that border services officers working at posts designated as bilingual understand the justification for a bilingual greeting and make an active offer at primary and secondary inspections and in offices to comply fully with the requirements of the Act.**

### *Measures proposed by CBSA relating to its action plan*

The Official Languages Division will develop a service to the public information kit for all managers, which will ensure they fully understand and that they comply with the *Official Languages Act's* obligations, including the active offer of service.

Reminders are sent to employees working at posts designated as bilingual and will continue to be provided. Initiatives put forth in Windsor/St.Clair, Niagara Falls/Fort Erie and the Northern Ontario regions will be shared with all other regions. They will be encouraged to implement such measures as soon as possible.

As mentioned under Recommendation 4, in view of costs and expenses involved in implementing this recommendation, CBSA will conduct an analysis to determine the applicability of specific measures in regions and to elaborate a business case in order to seek appropriate funding for broader implementation, and in 2006-2007, set adequate measures at locations requiring corrective measures.

The CBSA draft official languages action plan will include a component on the active offer of service. As of July 2006, training on the active offer of service will be part of the training program provided to the new Border Services Officers.

### *Our response*

We believe that the information kit for managers on service to the public is a good thing that should also target employees and be completed before June 30, 2006. As well, the Agency must remind its Border Services Officers to actively offer bilingual services, not only at posts designated bilingual, but also at secondary inspections and within the office.

### **Recommendation 8**

**The Commissioner recommends that the CBSA assess the bilingual capacity of all designated bilingual border crossings to determine whether they are able to offer services in both official languages at all times. The Agency must take the necessary measures to increase this capacity if necessary. It should also:**

- a) **review and determine the level of language proficiency required for the functions of border services officers and determine the number of bilingual superintendents required for all designated bilingual border crossings; and**
- b) **review its work scheduling procedures to ensure the presence of sufficient numbers of bilingual employees during all work shifts.**

### *Measures proposed by CBSA relating to its action plan*

Combining all the border functions was a new starting point for the Canadian border services. The integration of three legacy organizations, each with its own administrative regime, was a tremendous challenge considering the heightened security climate.

The CBSA is currently developing a Human Resources Planning Framework, which consists of a workforce analysis, an environment scan and an analysis of our operational business goals. This framework will allow the agency to determine its bilingual capacity and its gaps. This will in turn result in a proposal establishing the necessary funding to close those gaps in early 2006-2007.

By March 31, 2006, CBSA will have reviewed the profiles and determined the new Border Services Officer linguistic profile reflecting the true duties to be carried out.

CBSA will share with all managers the “Designator” tool provided by the Public Service Human Resources Management Agency, before the end of December 2005. Managers will be encouraged to use this tool to help them determine bilingual capacity, and where applicable, identify the gaps. By the end of September 2006, an action plan will be developed in order to ensure a sufficient number of employees in bilingual positions, at every shift, in all designated border crossings.

### *Our response*

The Agency must insist that managers determine the required bilingual capacity of the posts for which they are responsible rather than simply encourage them to do so.



### **Recommendation 9**

**The Commissioner recommends that the CBSA integrate bilingual services delivery in its new service standards and add the concept of Canadian linguistic duality to its mission and values statement.**

#### *Measures proposed by CBSA relating to its action plan*

On July 11, 2005, the CBSA launched consultations on a New Fairness Initiative in order to ensure that Canadians and visitors to Canada are treated fairly and receive the best possible service in all of their dealings with the CBSA.

The New Fairness Initiative's commitments is centered on: respect and courtesy, fair application of the law, privacy and confidentiality, bilingual service, accurate information about entitlements and obligations, and review of CBSA actions or decisions.

With regard to the service standards, the Agency is committed to developing service standards, including the provisions of bilingual services standards.

#### *Our response*

Although we are satisfied with the Agency's commitment to integrate the official languages issue in its new service standards, we believe that this should be done before the end of 2006. Furthermore, we maintain that the addition of the notion of linguistic duality to the mission and values statement would give it the visibility it deserves by sending a clear message to all of its staff.

### **Recommendation 10**

**The Commissioner recommends that the CBSA establish a mechanism to formally monitor services offered in both official languages at bilingual border crossings, and that it take the necessary measures to correct any deficiencies noted through this monitoring.**

*Measures proposed by CBSA relating to its action plan*

Initiatives in the Windsor/St.Clair and Niagara Falls/Fort Erie regions, which include a mechanism to formally monitor services offered in both official languages at bilingual border crossings and implement measures to correct any deficiencies, will be shared with all regions. They will be encouraged, in November 2005, to implement similar initiatives within their region.

As mentioned under Recommendation 4, in view of costs involved in implementing this recommendation, CBSA will conduct an analysis to determine the applicability of specific measures in regions and to elaborate a business case in order to seek appropriate funding for broader implementation in 2006-2007.

The CBSA will work with its Internal Audit Division to include official languages, services to the public components, in its audit activities.

The Agency will research best practices and measures and, by the end of March 2006, begin to develop an approach towards a mechanism to formally monitor services offered in both official languages at bilingual border crossings, and take the necessary measures to correct any deficiencies.

**Recommendation 11**

**The Commissioner recommends that the CBSA ensure that the members of the CBSA Management Committee and regional management committees regularly discuss the management of the official languages program, and in particular the provision of bilingual services at designated bilingual border crossings.**

*Measures proposed by CBSA relating to its action plan*

Members of the CBSA Management Committee and regional management committees proactively discuss the management of the official languages program on a regular basis.

The presence of both the Official Languages Champion and Co-champion at the Executive Management Committee meetings ensures that official languages, including trends, challenges and accomplishments of the program are part of the discussions on a regular basis.

## **Recommendation 12**

**The Commissioner recommends that the CBSA:**


- a) develop its own system to review the performance of its senior managers, including clear, measurable objectives for language of service, accompanied by clear assessment criteria; and**
- b) include responsibilities for language of service in its new performance review template for middle managers and employees, and measure compliance with these responsibilities.**

### *Measures proposed by CBSA relating to its action plan*

CBSA has developed a performance management template to measure the performance of superintendents and employees. One of the objectives is linked to the promotion of linguistic duality in Canada.

Responsibilities for language of service are included in the performance agreements of senior management, and will be subject of revision committee focus at the assessment phase. The Agency will work towards including these responsibilities for language of service to all levels of the organization.

Managers feed into an action plan on official languages yearly and measure the progress of their compliance under the service-to-the-public component. These reports are compiled by the regional coordinators and submitted to the Official Languages Division as an annual report on official languages.



CBSA is committed to ensuring consistency throughout its organization and will share initiatives taken in Southern Ontario with all regions and encourage them to adopt, as soon as possible, some of these initiatives.

***Our response***

We believe that the Agency's proposed measures should be implemented before April 1, 2006 so that this aspect of the performance can be assessed as of April 1, 2007.

# APPENDIX B

## Audit objectives and criteria

### *Objectives*

1. Ensure that CBSA senior management is committed to providing services to the public of comparable quality in both official languages at highway border crossings designated bilingual;
2. Ensure that the CBSA has suitable systems and methods in place at border crossings designated bilingual in order to offer the public services in both official languages;
3. Ensure that the border crossings designated bilingual actively offer and provide suitable services (in person, by telephone, through signage, in written communications) in both official languages; and
4. Ensure that the CBSA monitors the performance of its border crossings designated bilingual for the provision of services in both official languages and drafts an official report on this monitoring.

### *Criteria*<sup>\*</sup>

1. The CBSA has an official languages policy or guidelines on service to the public that are approved by senior management and comply with the *Official Languages Act* and its implementing regulations (1);
2. Senior managers receive information regularly on CBSA's compliance with its policies or guidelines and direct the necessary measures to ensure compliance (1);
3. The CBSA has designated a person/group responsible for ensuring that the agency meets its official languages requirements, and this person/group has the ability to perform this function (1);
4. The CBSA provides effective information regarding the official languages to staff working at highway border crossings designated bilingual and makes them aware of the related values (2);

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\*. Please note that the objective related to each criterion is indicated in parentheses.

5. The CBSA has appropriate procedures and systems in place to monitor whether members of the public are served in their preferred official language at highway border crossings designated bilingual (2);
6. The CBSA ensures that highway border crossings designated bilingual have the capacity to actively offer and provide services in both official languages (3);
7. CBSA highway border crossings designated bilingual offer services (in person, by telephone, through signage, in writing) in both official languages (3);
8. The CBSA monitors whether services are offered and provided in both official languages at highway border crossings designated bilingual and whether these services are of comparable quality (4); and
9. The monitoring results are used in managing service quality, in performance reports and in the performance evaluations of the appropriate managers (4).

# APPENDIX C

## Organization chart

