MODERNISATION OF THE OFFICIAL LANGUAGES ACT:
A practical perspective

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GVMC
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MODERNISATION OF THE OFFICIAL LANGUAGES ACT:
A practical perspective

PREAMBLE

The Senate Standing Committee on Official Languages (the Committee) is consulting different categories of stakeholders in the realisation of the mandate received from the Government, including “witnesses of the evolution of the OLA”. GVMC’s brief brings a practical perspective to the implementation of the Official Languages Act (OLA or the Act) which is based on experience acquired over many years. The author had the privilege of having seen all the facets of the OLA’s implementation: as a client who uses services offered by the government, as a federal employee and as manager responsible for the departmental coordination of the official languages program, as a consultant specialised in the optimal implementation of the Act for a variety of federal institutions, and as an individual deeply committed in the Franco-Ontarian community.

The first part of the document focuses on the sections of the OLA that could be improved, whereas the second addresses the management of the program in federal institutions, such as leadership and the required infrastructure to ensure robust implementation of the OLA. Included are also recommendations humbly presented to the Honourable Members of the Committee for their consideration: some target the OLA and others, policies that should support its implementation.

INTRODUCTION

A law is as good as its implementation. Many individuals and organisations who participated to the various consultations on the subject of official languages—whether conducted by the Senate Committee, the Treasury Board Secretariat (TBS) or the Office of the Commissioner of Official Languages (OCOL) – mostly focused on the wording of the legislation, without elaborating on how their suggestions would translate in the day-to-day operations of a federal institution or the impact they could have for Canadians, whether they are a member of the public or a federal employee.

Although the mandate of the Committee is to recommend amendments to the OLA, it is important to also factor the management framework and tools that will be required to increase chances of success. Elements presented in this brief offer suggestions and a framework for a successful implementation of the Official Languages Act in federal institutions.

However, if the purpose for modernising the OLA is to ensure a more rigorous implementation, the Committee should also look at other related legislation that support the implementation of the OLA, such as the Public Service Employment Act\(^1\), the Public Service Official Languages Exclusion Approval Order\(^2\), as well as other relevant policies and guidelines.

It is a matter of finding the balance point: if the OLA is weakened, it will be easy to conclude that its implementation is optional. On the other hand, if the new version of the Act it too rigid, as many of the organisations consulted are requesting, it then becomes a maximum which often results in an implementation based on the smallest common denominator, to the detriment of Canada’s linguistic duality.

\(^1\) [http://laws-lois.justice.gc.ca/eng/acts/p-33.01/](http://laws-lois.justice.gc.ca/eng/acts/p-33.01/)

PART IV Service to the public

The Act wants to ensure that Canadians can communicate with the federal government and receive services in the official language of their choice, including French-speaking Quebeckers and Anglophones in Ontario and in other provinces and territories. However, for the past last ten years or so, the discourse held by parliamentarians, public servants and representatives of official language community minorities seems to limit the impact of the OLA strictly to members of the official language minorities. Yet, the notion of “official language minority communities” was introduced in the overhauling of the OLA in 1988. The Act protects all Canadians’ linguistic rights, no matter what the status of their official language in the region where they live. The public served by the government of Canada is much broader: the OLA also ensures that visitors can use one of the two official languages when they are welcomed and served in Canada.

Many employees of the Crown, including managers and executives, forget that if positions serving the public are required to be bilingual, it is to offer Canadians quality services. The notion of service should be the absolute priority, especially as it is an integral part of all federal institutions’ mandate: the OLA supports them in providing quality services, as many of them include service in the client’s official language as one of their indicators for quality customer services.

Equality of delivery: principles and reality

The concept of equality of service rather than a service that is comparable is important, but its implementation brings its series of challenges. It is an issue that touches mostly Western Canada. For example, all federal institutions will tell you that recruiting bilingual staff is more difficult in that region of Canada, mostly because most Francophones live in Eastern Canada, alleging that the required “raw material” is rarer. On the other hand, graduates from immersion schools are more and more available, thanks to the work of Canadian Parents for French. There is hope on that front and it is just a matter of time to have a larger pool of bilingual individuals to serve the public on behalf of Canada.

Furthermore, regional economic realities also contribute to complicate matters. Departments, agencies and Crown corporations with offices located in Vancouver will also tell you that when they can find bilingual staff, it is the high cost of housing that will torpedo their efforts. Frontline positions are often more junior in the hierarchy.

It all comes back to what is acceptable from the client’s point of view. For example, travellers who want quick service could be willing to use a phone or a designated terminal to purchase their ticket in their preferred official language provided they receive it in the same timeframe as their fellow citizens from that linguistic majority who were served by flesh and blood individuals.

Active offer: managing expectations

Section 28 of the OLA describes federal institutions’ obligations regarding making an active offer of services in the two official languages, as follows:

28 Every federal institution that is required under this Part to ensure that any member of the public can communicate with and obtain available services from an office or facility of that institution, or of another person or organization on behalf of that institution, in either official language shall ensure that appropriate measures are taken, including the provision of signs, notices and other information on services and the initiation of communication with the public, to make it known to members of the public that those services are available in either official language at the choice of any member of the public. 3

However, the OCOL’s report on active offer begins with the following sentence:

3 http://laws-lois.justice.gc.ca/eng/acts/o-3.01/FullText.html
The Office of the Commissioner, which does not have the mandate to interpret the OLA nor the policies issued by the Treasury Board Secretariat, is contributing to the confusion by insisting on an active offer that is verbal and individual: there is a strong probability that most complaints they receive deal with the absence of a verbal and individual active offer of services⁵. Yet, as section 28 of the Act indicates, there is no obligation on the part of federal institutions to make a verbal individual active offer provided that the visible environment as well as all announcements are bilingual and thus constitute an active offer of service. Circumstances and the nature of communications between an individual and a representative of the Crown should dictate the manner in which active offer is made. For example, the right to an individual offer undoubtedly applies when transactions concern only the individual, such as: arriving at customs, questions regarding filling their income tax report, being arrested by the RCMP, etc.

On the other hand, the rules could be more flexible when dealing with a group of individuals, like passengers on board of a plane or on a train, or visitors waiting in line to enter one of our national parks: if all announcements are made in the two languages, if all signage is bilingual, if employees assigned to serve the public address themselves in English and in French to other clients, it can be considered that an active offer has been made even though there has not been an individual greeting, especially when employees subsequently provide their service in the client’s official language.

**PART V Language of work**

As service to the public in the two official languages is doing relatively well in most of the federal institutions, many have been investing their efforts in the implementation of the section of the OLA dealing with language of work. It is also one of the key messages that the Clerk of the Privy Council has been reiterating in his annual report to the Prime Minister for the past years.

Many individuals who want to serve the Crown seem to forget that bilingualism and the promotion of Canada’s linguistic duality are corporate values in federal institutions, and claim they are frustrated to have to become bilingual to obtain a position or promotion within governmental organisations. And yet, the Act and policies are clear: the right of the public to be served in the official language of their choice trumps the privilege of some to work in a department, agency of a corporation of the government of Canada.

Paradoxically, many federal institutions choose to create national committees composed of employees coming from all parts of Canada; some of the members are bilingual and have a quasi-constitutional right to work in the official language of their choice whereas their colleagues are unilingual and come from a region designated unilingual for language of work purposes. The result: everything takes place in English, as interpretation costs are not only astronomical, and interpretation as such complicates the team dynamics. Another negative consequence of this approach is to limit the contribution that French-speaking unilingual employees from the province of Quebec could make. Furthermore, the fact that all drafts of documents are circulated in English only restricts even more their participation to in-depth discussions on a variety of subjects on which they are experts.

Rights come with responsibilities. Although legislators cannot force individuals to use their rights, it might be timely to remind federal employees that they have a duty to communicate in the official language of their choice. Many managers will affirm that they do everything possible to create a working environment that is conducive to bilingualism, and that often, French-speaking employees will still speak English. For them, it is often a question of rapidity or politeness, or they want to be certain that they are understood. Their colleagues will sometimes feel upset because they are not allowed to practice their linguistic skills and conclude that bilingualism is not that important in their work place.

Central agencies, such as the TBS and OCOL, base their evaluation of the health of language of work in the public service on responses to the *Public Service Employee Survey*. But the questions in the survey can be easily

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⁵ The annual report of the Commissioner presents only a global number for complaints under Part IV of the OLA.
misinterpreted by employees. For example, the question “can you work in the official language of your choice”, invites a negative answer when employees must serve the public 90% of the time. The question could be more specific and add “when you are not serving a customer”.

The survey does not qualify negative answers: they only give a general picture of the situation and make it difficult to identify the underlying problems nor solutions to improve the situation. For example, VIA Rail conducted its own survey on language of work: when asked if they can use the language of their choice in meetings, many employees answered “no”. They were also asked to explain why, they said it was a matter of courtesy or speed, which means that these individuals chose deliberately to use their second official language. This approach can make a difference of 30 to 40 percentage points in the results.

With all due respect to the authors of the report The Next level: normalizing a culture of inclusive linguistic duality in the federal public service workplace⁶, tabled in September 2017, language training and translation are not the panacea to make the workplace more conducive to the use of the two official languages. They are basically crutches that minimise the motivation for using the two official languages when the whole environment offers a multitude of tools to make things simpler for unilingual employees as well as those whose skills in their second official language leave to be desired. Employees’ attitude and the initiative they show make an enormous difference.

Adding the notion of active offer for personal and central services, as well as for supervision, could contribute to make the work environment more bilingual. For example:

**RECOMMENDATION:** The new and improved version of the OLA could introduce the notion of active offer to employees from colleagues who provide personal and central services, as well as from supervisors.

As in Part IV, Part V could also reiterate the principle that employees’ rights to be served in their preferred official language, in regions designated bilingual for language of work purposes, take precedence over those serving them, including supervisors. For example, a new article could read:

**RECOMMENDATION:** Precedence of internal customers’ rights over employees’ rights: The institution informs employees, according to section ABC of the OLA, that internal customers’ right to communicate with and receive personal or central services from the institution in the official language their choice takes precedence over the language-of-work rights of employees. This also applies to supervision.

**PART VI Equitable participation**

Part VI of the OLA, in short, is the orphan of the OLA. From a strategic perspective, it is the crucial part of the Act on which the success of all other parts depends, and yet, it is the one that receives the least attention. In 2017-2018, 16 of the 894 (1.8%) complaints received by the Office of the Commissioner of Official Languages⁷ dealt with equitable participation.

If the presence of Anglophones and Francophones generally corresponded to their representation in the Canadian population and if these employees had adequate linguistic skills, the working environment would be more conducive to the use of the two official languages (Part V) and, since employees have the opportunity to work in the language of their choice, they would have the necessary vocabulary in their second language which would then translate in a better quality of service to the population (Part IV). Furthermore, with a solid participation of members from an official language minority community, the organisation would be more sensitive to the needs and expectations of the community and adjust their service offer accordingly (Part VII).

Presently, the OLA does not permit federal institutions to take special measures to recruit or promote employees to equilibrate linguistic representation in their organisation, contrary to the Employment Equity Act. Participation must “tend” to be equitable, hoping that results happen by osmosis.

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⁶ [www.canada.ca/content/dam/pco-bcp/documents/pdfs/clerk-greffier/The_Next_Level_Official_Languages2.pdf](http://www.canada.ca/content/dam/pco-bcp/documents/pdfs/clerk-greffier/The_Next_Level_Official_Languages2.pdf)

RECOMMENDATION: It might be time to consider official language groups similarly to those designated groups for targeted for employment equity measure in the OLA or add them to the other designated groups (women, persons with disabilities, Indigenous people and members of visible minorities) under the Employment Equity Act.

Statistically, except for members of the Anglophone community in Quebec, federal institutions do not really have to account for Francophone participation in the “Rest of Canada”. This would mean that offices located in Ontario, for example, should have at least 5% if their staff composed of individuals whose first official language is French and who live in Ontario. It could also mean looking at workforce availability for some types of jobs, instead of looking at general demographics.

PART VII Promotion of linguistic duality and contribution to the development and enhancement of official languages minority communities

The OLA stipulates that federal institutions must promote Canada’s linguistic duality in line with their mandate. Many choose to limit themselves to the parameters of the legislation by which they were created, when they also have corporate responsibilities and they can use the Crown’s purse and its purchasing power to contribute to the economic development and prosperity of official language minority communities.

RECOMMENDATION: Federal institutions could use the Crown’s purchasing power to favour the acquisition of goods and services from official languages minority communities’ businesses.

The federal government has already done a good part of the work required to operationalise this measure: it could take an approach similar to its Procurement Strategy for Aboriginal Business and adapt it to reflect English-speaking and French-speaking minority communities’ situation.

Regarding the different associations representing official language minority communities, although they are not subject to the OLA, policies on grants and contributions could make them even more accountable for the impact of the funds obtained from the Canadian government under Part VII. For example, many Francophone organisations will use their official language community status to obtain federal funding for various projects: once the projects are approved, they will hire suppliers from the province of Quebec, when they could contribute to the economic development of their own community. The situation is particularly prevalent in “border” regions, as is the case in the National Capital Region.

RECOMMENDATION: Policies regarding grants and contributions for projects or activities under Part VII should require a commitment as well as an obligation to report from official languages minority organisations that received federal funding to divulge how they invested the money within their own community. For example, it could be a matter of indicating the number of contracts and the percentage of the funds that were paid to suppliers of goods and services from official languages minority communities.

The Act entrusts a coordination function to Canadian Heritage (PCH), whereas the Treasury Board Secretariat (TBS), as the employer, can issue and interpret policies and be more demanding with federal institutions. For the past years, TBS and PCH have combined their process for the annual report federal institutions must present regarding their implementation of the OLA. If the TBS was to become responsible for the implementation of Part VII, it could be a question of transferring resources from one organisation to the other and continuing to harmonise the required tools to guide the official languages program in federal departments, agencies and Crown corporations.

RECOMMENDATION: Section 46 of the OLA could be amended to add the responsibility for the implementation of Part VII to the Treasury Board Secretariat; the central agency would then be responsible for parts IV to VII of the Act.

Francophone immigration

The issue of Francophone immigration is all the rage these days, especially in associations in a minority situation. One of the challenges these organisations must face is conciliating stakes that are sometimes incompatible. On one side, communities want to be welcoming while acknowledging their ancestral values. On the other, newly arrived individuals are in transition, torn between integration to the community or maintaining their roots. As well, official

8 http://www.aadnc-aandc.gc.ca/eng/1354798736570/1354798836012
language minority organisation must meet the funding criteria of the federal government that impose its priorities which are not always realistic nor attainable for a smaller organisation, particularly in isolated regions.

SECTION 91

The availability and the quality of services in the two official languages, as well as the possibility for employees to work in the official language of their choice, rest entirely on the implementation of Section 91 of the OLA. This section stipulates that managers must establish the linguistic designation of positions in an objective manner according to the position’s communication requirements and, in the case of bilingual positions, that the method of staffing should also be objective. The wording of the section could be more direct: here is the section as it reads:

91 Nothing in Part IV or V authorizes the application of official language requirements to a particular staffing action unless those requirements are objectively required to perform the functions for which the staffing action is undertaken⁹.

It could be so simple if Section 91 described clearly managers’ obligations when creating or staffing a position or when revising linguistic profiles. The new Section 91 could read:

RECOMMENDATION: Proposed 91: Managers, or the delegated authority, must establish linguistic requirements of positions in an objective manner according to the communications needs of the position and, in the case of bilingual positions, staffing method chosen must also be objective.

In spite repeated recommendations from the Commissioner of Official Languages to require a higher level of bilingualism for supervisory positions, policies remain static and allow for a designation at the medium level. The following table describes the bilingualism proficiency at level B, considered by the majority of federal institutions as the minimum level. Depending on the position’s hierarchical level, the B level may be adequate for Reading and Writing to supervise employees, but it is not so for verbal communication. For example, how can a supervisor who has a minimal level of bilingualism communicate adequately with employees he has to coach or when he has to take disciplinary measures if he does not understand the subtlety of the language or if his vocabulary is limited?

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<th>Oral Proficiency in the Second Official Language - Level B</th>
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<td><strong>Standard Description</strong></td>
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<td>Level B is the minimum level of second language oral proficiency for positions that require departure from routine use of the second language.</td>
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<td>A person speaking at this level can:</td>
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<tr>
<td>• sustain a conversation on concrete topics;</td>
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<tr>
<td>• report on actions taken;</td>
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<tr>
<td>• give straightforward instructions to employees;</td>
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<tr>
<td>• provide factual descriptions and explanations.</td>
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<tr>
<td>A person at this level may have deficiencies in grammar, pronunciation, vocabulary and fluency that do not seriously interfere with communication.</td>
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<tr>
<td>A person at this level would have a limited ability to deal with situations involving hypothetical ideas.</td>
</tr>
<tr>
<td>A person at this level should not be expected to cope with situations that are sensitive or that require the understanding or expression of subtle or abstract ideas.</td>
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There are at least two schools of thoughts regarding positions’ linguistic requirements: some managers identify many positions as bilingual, but at a medium level (BBB), whereas others prefer to provide bilingual services by designating fewer positions as bilingual and at a superior level (CCC). This second approach should be encouraged as it increases the chances that employees who have been on language training maintain or improve their language skills, and also to provide a better bilingual service.

Some groups targeted for employment equity measures, particularly members of visible minorities, affirm that the requirement for bilingualism as well as the level of proficiency required in the second official language limit their possibility for career progression in federal institutions. However, a study conducted by the Treasury Board Secretariat on that subject, several years ago, concluded that bilingualism requirements could potentially limit career progression for unilingual individual, including immigrants, but that it did not have a racial bias. Newcomers to Canada who want a career in the federal public service should be strongly encouraged to acquire and perfect their knowledge of their second official language.

**STRATEGIC POSITIONING OF OFFICIAL LANGUAGES**

In the past years, the Privy Council Office and the Treasury Board Secretariat give the impression of wanting to subordinate the constitutional issue of official languages to multiculturalism. The language used refers to the respect of official languages in a context of “diversity and inclusion”, but seldom we hear the promotion of diversity and inclusion in the respect of Canada’s linguistic duality. The Canadian linguistic duality is a matter of national pride: it is not of a specific race, but its face is many. This concept should be added to the notion of diversity and inclusion.

We often hear individuals who work in official languages talk about the implementation of the Act as a cause or a movement; it is an important governmental priority. An executive used to say that managers hated missionaries, which is very clear when talking about official languages.

**MANAGEMENT OF THE PROGRAM**

**Leadership**

The implementation of the OLA is part of the obligations that federal institutions must carry out. However, the notion of “institutional responsibility” is often seen by many managers as exonerating them from being individually responsible. They justify themselves by saying that it is up to the department to do what it must do to respect the *Official languages act*, when they are one of the instruments their federal institution possesses to deliver on its mandate. To fully respect its institutional obligations, the department, the agency or the Crown corporation must impose an obligation on their employees, for example by designating their position bilingual at an adequate level to provide quality services in both official languages. It may be time to launch an information campaign to remind federal employees, particularly executives, of their own institutional responsibilities and accountability regarding linguistic duality.

Federal institutions’ success in implementing the OLA rests on the quality of the leadership demonstrated by the deputy heads and the executives he entrusted with their authority. Generally, when departmental leaders fully assume their responsibilities under the OLA, the organisation becomes a model: services are offered in the client’s official language, employees can participate in meetings in the language of their choice, programs and budgets take into consideration specific needs of official language minority communities, complaints are few and the departments receives a favourable report card from the Commissioner of Official Languages.

On the other hand, in other organisations, senior management will adopt a minimalist approach, fearing antagonising their executive colleagues by asking them to report on what they did to implement the OLA. What also happens in organisations where the implementation of official languages is doing well, senior management will decide to take a “calculated” risk by removing resources allotted to the coordination of the program to invest them somewhere else, hoping that the department will be able to keep the momentum for 2 or 3 years before problems arise and they are obligated to take necessary measures to put things back on track. Often, budgetary considerations will take priority over respecting quasi constitutional legislation.
Although the OLA places great responsibility on managers regarding the creation of a climate favourable to the enhancement of linguistic duality in the workplace, results are taking their time. Only a few institutions will as for managers input when preparing their annual report or their action plan on official languages. Practically none will give them feedback on their performance, the quality of the measures put in place or on their results, even if some managers have been submitting the same report year after year. There is a major lack of leadership on the part of deputy heads and managers they have sub-delegated their authority to on matters of official languages.

Leadership must come from the employer, the Treasury Board Secretariat (TBS), because as such, it can take a more rigorous approach with federal institutions than a plain Department of Official Languages. Also, federal institutions already recognize its role and its authority. Unfortunately, the former Official Languages Branch gradually lost resources as well as its prestige – we now have an Official Languages Centre of Excellence part of the Governance, Planning and Policy Sector in the Human Resources Branch, with a staff that went from fifty to twenty or so. There must be an Official Languages Branch whose top manager is at the level of an assistant-deputy minister: it also must have access to necessary resources and full authority to exercise its mandate.

In the culture of the public service, the message was clear: if resources are removed from the implementation of the OLA within the employer, this means that it is not a governmental priority. This undermines federal institutions’ success: for example, rather than obtaining clear guidance from TBS, departments and agencies are invited to talk with their own counsel for interpretation of sections of the Act or policies, which results in a multitude of approaches and interpretations from one organisation to the next. One of the adverse effects of federal institutions’ autonomy is a leadership aimed at the smallest common denominator.

**Policies**

In the past years, the Treasury Board Secretariat has been issuing “light” versions of its policies to simplify federal institutions’ administrative burden. This approach created a vacuum as well as inconsistencies in the implementation of the OLA and related policies. The fact that there is a high turnover rate of individuals working in the field of official languages translates in the absence of corporate memory within departments, agencies and Crown Corporations and on the quality of the advice provided to delegated managers. The light policies are assuredly more practical for departments, but it is to the detriment of Canadians, whether they are clients or employees of the federal government.

Increased authority and accountability to federal institutions is a good thing provided managers make well-informed decisions, with all relevant information. There should also be as much weighting on accountability as there is on authority.

Managers also need complete and practical tools. In the “olden days”, departments had access to a tool issued by the TBS: the Personnel Management Manual (PMM). This manual was infinitely precious because it provided a uniform direction for all institutions. It was also useful in training new practitioners in the field of official languages, and guide other human resources professionals (staffing, classification, training, language training, staff relations, pay, etc.). These documents should be updated and be part of every manager’s toolkit.

**Language training and retention**

The Public Service Employment Act\(^\text{10}\) clearly stipulates that linguistic requirements of positions are part of the merit principle: which means that all bilingual positions must be filled with a person who already meets the language requirements at the time of appointment. It is the Public Service Official Languages Exclusion Approval Order\(^\text{11}\) (Exclusion Order) that permits the appointment of unilingual individuals in a bilingual position, and the Public Service Official Languages Appointment Regulations\(^\text{12}\) that outlines the conditions of appointment to a bilingual position and access to language training. The Exclusion Order was originally to be revoked in 1988 and all bilingual positions were then to be staffed on an imperative basis. And here we are, thirty years later.

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\(^{10}\) [http://laws-lois.justice.gc.ca/eng/acts/p-33.01/](http://laws-lois.justice.gc.ca/eng/acts/p-33.01/)


RECOMMENDATION: The Committee could consider the repealing of the Public Service Official Languages Exclusion Approval Order.

Those who question the raison d’être of official languages in the federal public service will point out the costs for language training. Are they right? For many public servants, the purpose of language training is limited to passing the Second Language Evaluation (SLE) and get paid the bilingualism bonus. Whereas it is a means to give federal employees the required competencies to provide quality services in the clients’ or colleagues preferred official language.

Federal institutions would benefit from following the Department of Global Affairs’ practice when recruiting foreign service officers. The Department attracts its future ambassadors from all parts on Canada: these new recruits are called Ab initio – they are not “permanent” employees as they must meet a variety of conditions, such as meeting a superior level of bilingualism. By offering language training at the entry level, the Department also invests in its resources for the longer term. Another advantage is that there are savings on salaries paid; we all know that executive salaries are higher than those of entry positions.

Furthermore, a report called Embracing Change in the Federal Public Service by the Task Force on the Participation of Visible Minorities in the Federal Public Service, published in 2000, suggested that: “with respect to such (entry level) positions, departments should regard language training as an investment in an otherwise qualified candidate”. This would also be an excellent manner to promote one of the Crown’s corporate value of linguistic duality in a climate of inclusion and diversity.

The first policies on language training prescribed the total number of hours employees were entitled to for language training for their whole career; today, employees could take language training for thousands of hours, as long as their organisation is willing to pay the costs. In the meantime, as there is no clear direction from the employer, organisations wonder when to end access to fruitless language training, especially when individual careers are on the line; they are stuck between the principle of judicious management of the public purse and a grievance from the employee.

Knowledge of the second official language may erode over time. Policies refer to retention: the objective is to motivate employees who were trained at the expense of the Crown to maintain or improved their newly acquired linguistic competencies. However, they are rarely implemented, which means that there is no incentive to make any effort to remain bilingual.

Translation

Translation, or rather its high costs, has become the ideal excuse to avoid producing draft documents in French – which goes against Part V of the OLA. What if it was more an issue of poor project management? Individuals or teams who write reports, policies and any other types of documents know the deadline of their project at the start of the work. However, they wait at the last minute to have their document translated: translation firms will not hesitate to charge over 300% of their regular fees to produce a document in record time. After that, a member of the team will still have to revise the translation to ensure that the translator captured correctly the essence of what they wanted to say.

An executive whose office in Quebec said that he collected and printed all drafts received from Head Office for consultation and that were written only in English. He brought his box of documents when he met with his supervisor in Ottawa as a gift. According to him, this was a good way to illustrate that the department chose to ignore the contribution his employees who preferred to work in French or with a basic level of bilingualism. To add insult to injury, these documents came with the mention “French to follow”, which is like admitting culpability in breaking the Official Languages Act.

The solution is so simple: include the production of bilingual documents in the projects’ milestones and amend the two versions as the work evolves. It would be a matter of having the first draft translated and to entrust updates to

a member of the team, just as it is done for the original version. The translation envelope will be reduced to a minimum.

CONCLUSION

The modernised Official Languages Act must be the best possible law for the promotion of our linguistic duality. It must conciliate expectations from Canadians of either official languages and protect minority, as intended by the Canadian Charter of Rights and Freedoms. It must also consider how it will impact the governmental apparatus tasked with implementing it in a manner that is reasonable, realistic and feasible, while respecting the spirit of the Charter and the principles of sound financial management.
SUMMARY OF RECOMMENDATIONS

Part V

**RECOMMENDATION:** The new and improved version of the OLA could introduce the notion of active offer to employees from colleagues who provide personal and central services, as well as from supervisors.

**RECOMMENDATION:** Precedence of internal customers’ rights over employees’ rights: The institution informs employees, according to section ABC of the OLA, that internal customers’ right to communicate with and receive personal or central services from the institution in the official language their choice takes precedence over the language-of-work rights of employees. This also applies to supervision.

Part VI

**RECOMMENDATION:** It might be time to consider official language groups similarly to those designated groups for targeted for employment equity measure in the OLA or add them to the other designated groups (women, persons with disabilities, Indigenous people and members of visible minorities) under the Employment Equity Act.

Part VII

**RECOMMENDATION:** Federal institutions could use the Crown’s purchasing power to favour the acquisition of goods and services from official languages minority communities’ businesses.

**RECOMMENDATION:** Policies regarding grants and contributions for projects or activities under Part VII should require a commitment as well as an obligation to report from official languages minority organisations that received federal funding to divulge how they invested the money within their own community. For example, it could be a matter of indicating the number of contracts and the percentage of the funds that were paid to suppliers of goods and services from official languages minority communities.

**RECOMMENDATION:** Section 46 of the OLA could be amended to add the responsibility for the implementation of Part VII to the Treasury Board Secretariat; the central agency would then be responsible for parts IV to VII of the Act.

Article 91

**RECOMMENDATION:** Proposed 91: Managers, or the delegated authority, must establish linguistic requirements of positions in an objective manner according to the communications needs of the position and, in the case of bilingual positions, staffing method chosen must also be objective.

Language training

**RECOMMENDATION:** The Committee could consider the repealing of the Public Service Official Languages Exclusion Approval Order.
Annexe

DIANE DESAULNIERS, GVMC : PROFILE

Groupe Vision management consulting (GVMC) offers a high-end range of services in strategic planning, as well as services dealing with dynamic human resources management, such as change management, effective communication, priority and time management, working as a team, quality management (including incentives and rewards programs), career planning, the administration and interpretation of the Myers-Briggs Type Indicator, diversity, official languages and employment equity. GVMC’s star product is a Bootcamp on official languages®, an intensive session for managers and human resources practitioners on the implementation of official languages in federal institutions.

Clients include: VIA Rail Canada Inc., Public Safety Canada, the Parks Canada Agency, the Treasury Board Secretariat, Passport Canada, the Department of Foreign Affairs and International Trade, Agriculture and Agri-Food Canada, Centraide of the Greater Montréal, Montfort Hospital Foundation, Télébec Inc., the Fédération des caisses populaires de l’Ontario, the Supreme Court of Canada, Fisheries and Oceans Canada as well as other public and private sector organizations. Diane Desaulniers was a Master Trainer for Achieve Global inc. and an associate with KPMG. She managed La Cité des affaires of La Cité Collégiale, contributing to the launch of about thirty small businesses.

She published Abracadabra; comment se transformer en in bon gestionnaire et un grand leader, about the challenges facing managers, employees and youth in the labour market. The book was a finalist to the prestigious Prix du livre d’affaires 2005. In association with Esther Matte, she developed the concept Discoverer™ / Explore™, and published Vivre au cœur de la tornade, based on her experience as a manager who has had to manage a departmental and sectorial reorganization and as someone who has had to manage her own transition. Her practical experience of change management, of career transition and of entrepreneurship makes her a credible consultant with employees who have to live in the eye of the storm.

Diane Desaulniers is also very active in her community. President of Association canadienne-française de l’Ontario (ACFO) Ottawa-Carleton, from November 1995 to June 1997, she still fully participates in the development of the francophone community in the region. She was Co-Chair of the Citizens Panel on Governance in Ottawa-Carleton, tasked with recommending a new government structure for the Region, from September 1997 to March 1998. She was a member of the Board of Director of the Caisse populaire Trillium inc. and chaired the Audit and Ethics Committee. She also sat on the board of the Montfort Hospital Foundation. She was a member of the board of the Office de la télécommunication éducative en français de l’Ontario (TFO).

As a business woman, she has been a member of the Regroupement des gens d’affaires de la capitale nationale (RGA) since 1995, and was elected chair in 2000-2002. She also was a member of The Ottawa Partnership (TOP), mandated to draft Ottawa’s master plan for economic development.

She hosted a weekly business show on Television Rogers, Projet: ENTREPRISE and D’une page à l’autre, then only weekly literary show in French in Canada. She also presented segment on leadership on Unique FM, Francophones’ community radio in Eastern Ontario.

Before launching her business GVMC, Diane Desaulniers was Director of the Official languages, Employment equity and Diversity Directorate. She has been an Analyst at the Official Languages Branch of the Treasury Board Secretariat where she advised various departments and Crown corporations regarding the implementation of the Official Languages Act and related policies, such as the Policy on Language Training.