



**HOUSE OF COMMONS
CANADA**

BILINGUALISM IN PUBLIC SERVICE OF CANADA

Report of the Standing Committee on Official Languages

**Pablo Rodriguez, M.P.
Chair**

May 2005

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has the honour to present its

SECOND REPORT

Pursuant to Standing Order 108(3)(f), in its study on bilingualism in Public Service of Canada, the Standing Committee on Official Languages has agreed to the following observations and recommendations:

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GENERAL INTRODUCTION

In 1969, Parliament adopted the first *Official Languages Act*, which proclaimed the equality of French and English and assured Canadian citizens of the availability of federal services in both English and French across the country. More than 35 years later, it is clear that bilingualism in the federal public service has made great strides. In 1974, 38,164 of 182,789 (21%) of positions in the federal public service were designated bilingual.¹ Thirty years later, this figure had almost doubled: 64,938 of 166,679 positions in the federal public service, that is 39%, were now designated bilingual positions.² In the same vein, barely 70% of incumbents of bilingual positions satisfied the language requirements of their position in 1978 and 27% had an exemption from meeting the requirements. In 2003-2004, 85% of employees now satisfied the (bilingual) language requirements of their position and 8% were exempt. As for the representation of Francophones and Anglophones in federal institutions, the federal public service is more representative of the two groups than it was 35 years ago and “reflect[s] their presence in Canadian society reasonably well,”³ as the Commissioner of Official Languages affirmed in her most recent annual report in 2003-2004.

Despite all this, it became clear to the House of Commons Standing Committee on Official Languages during the course of its work that the complete implementation of the official languages program within the federal public service remains an unattained ideal. Our study focuses on six subjects that were recurring topics of discussion during our work. In section 1, we will examine the question of the language of work within the federal government. We will take the opportunity to discuss the move of the headquarters of the Canadian Tourism Commission (CTC) and the impacts of this administrative reorganization on the language rights of federal employees, as provided for in Part V of the *Official Languages Act*. In section 2, we take stock of the language training services offered in the federal public service. In section 3, we will be looking at the language testing that the Public Service Commission (PSC) administers to federal employees. In section 4, we will make a few comments on the staffing of bilingual positions and the Official Languages Exclusion Order (OLEO) that is currently being reviewed by the PSC. Section 5 will look at strengthening the language requirements for members of the management group. Finally in section 6, we will consider the bilingualism bonus and its relevance 28 years after it was instituted in 1977.

¹ Treasury Board, *Official Languages in Federal Institutions*, Annual Report 1990-1991, Department of Supply and Services Canada, p. 33.

² Public Service Human Resources Management Agency of Canada, *Annual Report on Official Languages 2003-2004*, p. 42.

³ Commissioner of Official Languages, *Annual Report 2003-2004*, Minister of Public Works and Government Services Canada 2004, p. 42.

The Committee would like to take this opportunity to thank the witnesses who participated in our work and who suggested a number of improvements to the official languages program within the federal public service. Their help was very valuable. For our part, we do not claim to have covered all the issues relating to bilingualism in the federal public service, but we do hope our work will stimulate reflection on these issues.

1. THE LANGUAGE OF WORK IN THE PUBLIC SERVICE

Part V of the OLA of 1988 states that French and English are the languages of work of federal institutions and that these institutions must ensure that, in regions designated bilingual, federal public servants can work in the official language of their choice, subject to certain conditions. These bilingual regions are the northern and eastern Ontario sectors, the National Capital Region (NCR), Montréal, certain parts of the Eastern Townships, Gaspé and western Quebec, and the entire province of New Brunswick.

Our work allowed us to see that there still seems to be a great deal of work to be done before we have a federal public service in which both official languages are equal in the workplace. There is a general consensus that French is underused as a language of work, particularly in the NCR. The Public Service Human Resources Management Agency of Canada (PSHRMAC), which is responsible for the general application of the official languages program in the federal public service, recognizes that we “have to make a cultural change within the public service.”⁴ For its part, the Public Service Alliance of Canada (PSAC) points out that being able to work in French in the NCR is not yet a given and managers must act as agents of change in this matter:

I would say that the members we represent often say that they cannot speak French in their workplace in the National Capital Region. It's quite simple — they speak English, because it is the language of work. That does nothing to help change the culture. People say that we cannot impose a language of work, but I do not agree with that. The manager at any level can decide that, from now on, people will have to respect each employee's preferred language.⁵

The Professional Institute of the Public Service of Canada (PIPSC) says essentially the same thing as PSAC and also stresses the importance of “bring[ing] about a positive culture change.”⁶ Many of the witnesses we heard state that it is the members of the management group who are best placed to be these agents of change. The people who occupy positions at the top of the federal public service must demonstrate **leadership**, by exerting a top-down influence with respect to language of work. The Commissioner of Official Languages stresses that “leadership is needed from above”⁷ and that “managers must be made aware of their responsibilities”⁸ with respect to language of work. In a study

⁴ *Evidence*, Standing Committee on Official Languages, Meeting No. 11, 38th Parliament, 1st session, 9 December 2004 (1025).

⁵ *Ibid.*, Meeting No. 16, 38th Parliament, 1st session, 10 February 2005 (0955).

⁶ *Ibid.*, Meeting No. 23, 38th Parliament, 1st session, 24 March 2005 (0930).

⁷ *Ibid.*, Meeting No. 19, 38th Parliament, 1st session, 24 February 2005 (0925).

⁸ *Ibid.*

published in March 2004 on the language of work in the public service, the Office of the Commissioner of Official Languages defines leadership as an aptitude for producing change:

Leadership implies sharing a vision with all parties involved, with the result that the vision is understood and believed. Leadership also creates an environment that inspires and motivates people to overcome obstacles that may be encountered along the way.⁹

The Association of Professional Executives of the Public Service of Canada (APEX), which represents half of the managers in the Public Service of Canada, is quick to acknowledge that members of the senior levels of the public service have a special role to play in this area:

APEX feels that top management of the public service, namely the deputy ministers and the associate deputy ministers — and we would include heads of agencies — need to set the example by being functionally bilingual. They should also be held responsible for setting the tone in the workplace.¹⁰

This statement is particularly revealing given that the four member managers of APEX who gave evidence before our committee openly stated that they use French barely 5 to 10% of the time in their own workplace.¹¹

The Committee is convinced that the commitment of the senior public service is a *sine qua non* for the establishment of workplaces conducive to greater use of French in the federal public service. Leadership is essential to that end. This “culture change” called for by a number of witnesses is not an easy objective to attain and cannot be achieved through restrictive regulations or strict directives. A culture change occurs when everyone takes an open-minded approach and those in a position of authority exert their influence:

RECOMMENDATION 1

The Committee recommends that people newly appointed to management positions take a formal training session given by the Canada School of Public Service, in cooperation with the Office of the Commissioner of Official Languages, on the importance of creating and maintaining a workplace conducive to the effective use of both official languages.

⁹ Office of the Commissioner of Official Languages, *Walking the Talk: Language of Work in the Federal Public Service*, March 2004, p. 10.

¹⁰ *Evidence*, Standing Committee on Official Languages, Meeting No. 14, 38th Parliament, 1st session, 3 February 2005 (0905).

¹¹ *Ibid.* (1020).

RECOMMENDATION 2

The Committee recommends that PSHRMAC develop an appropriate audit mechanism to ensure that the federal public service is a workplace that is conducive to the effective use of both official languages, and that it report on the audit in its annual report to Parliament.

The administrative and legislative tools are unequivocal: a new *Language of Work Policy* came into effect on 1 April 2004 and the provisions of the OLA on language of work set out the rights of federal employees. All that is needed now is renewed leadership from senior management for a full and complete implementation.

1.1 Recent issue: the move of the headquarters of the Canadian Tourism Commission (CTC)

On 1 April 2005, the Government of Canada announced that the headquarters of the CTC was being moved from Ottawa to Vancouver. The news release issued by the government says that “[r]elocating the Canadian Tourism Commission head office to Vancouver follows through on a commitment ... to promote a public service that draws on the talents and commitment of Canadians from every region.”¹² The expected increase in tourism from the Asia-Pacific region and the holding of the 2010 Winter Olympic and Paralympic Games in Whistler and Vancouver also help explain the move. During her appearance last April 7, the Commissioner of Official Languages expressed fears about the repercussions this decision will have on the language rights of CTC employees. Moving the CTC headquarters to a region that is not designated bilingual for language of work could have negative repercussions for half of CTC employees who are Francophone — even though Francophones in British Columbia have a vibrant community that is served by dynamic network of associations in almost every part of the province.¹³ A few days later, the Commissioner of Official Languages asked that an order be adopted that would maintain all the language rights of CTC employees even if the headquarters were no longer in the NCR.¹⁴ The issues surrounding the move of the CTC are sufficient to demonstrate how a government transformation can have unexpected effects on the language rights of one of the official languages groups. In 1999, a task force chaired by the Rector of the University of Moncton, Yvon Fontaine, reported on the negative effects that certain government transformations, such as privatizations or transfers of powers to the provinces, had on service to the public, language of work, equitable participation and the development of official-language minority communities.¹⁵ Six years later, the Fontaine

¹² See Industry Canada News Releases: www.ic.gc.ca.

¹³ Fédération des communautés francophones et acadienne du Canada, *Profil de la communauté francophone de la Colombie-Britannique* (2nd Edition), March 2004, p. 11.

¹⁴ *Evidence*, Standing Committee on Industry, Natural Resources, Science and Technology, Meeting No. 29, 38th Parliament, 1st session, 11 April 2005 (1705).

¹⁵ Task Force on Government Transformations and Official Languages, *Turning Back: Official Languages in the Face of Government Transformations*, Ottawa, January 1999 (commonly called the Fontaine Report).

Report's conclusions still hold true and we think it is essential that the government meticulously evaluate the effects on the official languages of administrative reorganizations like the one decided on in the case of the CTC:

RECOMMENDATION 3

The Committee recommends that the federal government ensure that there are no negative repercussions on service to the public in the official language of the client's choice, on the language of work of federal employees and on the development of official language minority communities, when there are major administrative reorganizations, such as the move of the headquarters of a federal institution.

RECOMMENDATION 4

The Committee recommends that the Governor in Council pass an order guaranteeing the right of federal employees to work in the official language of their choice, when the headquarters of a federal department or agency is moved to a region that is not designated bilingual for the purposes of language of work.

This recommendation is simply a reminder of the obligations that the federal government has given itself over the years. For example, Annex C of the 2002 *Policy on Alternative Service Delivery*¹⁶ clearly sets out the guiding principle on official languages that must be respected when the government diversifies the ways in which it offers services to the public. We should add that the accountability framework for the *Action Plan for Official Languages* (March 2003) recently served as a reminder of the Government of Canada's responsibilities in this area.¹⁷

2. THE LANGUAGE TRAINING PROGRAM OF THE FEDERAL PUBLIC SERVICE

Since 1964, the federal government has offered its employees access to language training during working hours. This language training is offered to unilingual public servants and to people outside the public service who are appointed to bilingual positions and who do not meet the language requirements of their position when they are appointed.

For many years, the PSC was responsible for language training. A short while ago, that responsibility was transferred to the Canada School of Public Service. This transfer of responsibilities occurred at the end of 2003, a few months after the announcement of the *Action Plan for Official Languages*. In the Action Plan, the government of Canada asked the PSC to emphasize the recruiting of candidates who were already bilingual, to offer

¹⁶ Treasury Board Secretariat, *Policy on Alternative Service Delivery*, 2002, (http://www.tbs-sct.gc.ca/pubs_pol/ojepubs/TB_B4/asd-dmps_e.asp).

¹⁷ Government of Canada, *The Next Act: New Momentum for Canada's Linguistic Duality: the Action Plan for Official Languages*, 2003, Annex A, p. 63-72.

public servants who are not yet bilingual better access to language training courses at the start of their careers, and to accentuate the efforts to retain and enhance language skills. The PSC plans to spend \$38.6 million in the next five years to attain these objectives.

In her appearance before the Committee, PSHRMAC President Michelle Chartrand stated that “[t]he entire language training system [had] aged and [needed] to be updated. It is outdated. What met our needs 30 years ago must now be modernized.”¹⁸ The origin of the Committee’s interest in questions relating to language training is a study produced by Jim Mitchell on the language training services within the federal government. When he appeared during our first public hearing in 2005, Mr. Mitchell made an observation similar to that of Ms. Chartrand’s:

[T]he language training system today is costly, inefficient, and inflexible; it is not producing people who are truly bilingual or who have a continuing personal engagement with their second official language; too many of those who exit language training quickly lose whatever fluency they had acquired; and too many come out with their attitude toward their second language soured by months of language training and successive failures on the language test.¹⁹

Mr. Mitchell raised serious points, and the Committee feels that they must be considered. Two issues grabbed our attention: the problem of waiting lists and the call from some witnesses for increased spending on language training programs.

2.1 Waiting lists and spending on language training

A number of witnesses mentioned how long it takes to be admitted to a language course. According to PIPSC, the Canada School of Public Service is not meeting the current demand. That is why there are apparently hundreds of employees on waiting lists for language training.²⁰ It seems that the *Policy concerning the language requirements for members of the executive group*, which came into effect in 1998, is responsible for the non-availability of language training for certain categories of employees:

[M]ost of them who have pointed out problems with official languages were people who did not have access to language training. We have been told, both by our members and by departmental representatives, that most funding went to training employees in the EX category, since they had to acquire the second-language skills within some very specific deadlines.²¹

PSAC shares the same position as PIPSC. It claims that the investments of \$38.6 million from the *Action Plan for Official Languages* are "mainly benefiting managers and not employees at lower levels who could learn the official language."²² We feel that, as

¹⁸ *Evidence*, Standing Committee on Official Languages, Meeting No. 11, 38th Parliament, 1st session, 9 December 2005 (1025).

¹⁹ *Ibid.*, Meeting No. 13, 38th Parliament, 1st session, 1 February 2005 (0905).

²⁰ *Ibid.*, Meeting No. 23, 38th Parliament, 1st session, 24 March 2005 (0915).

²¹ *Ibid.* (0925).

²² *Ibid.*, Meeting No. 16, 38th Parliament, 1st session, 10 February 2005 (0940).

the years pass, accessibility problems will be less and less acceptable inasmuch as the *Action Plan for Official Languages* is designed to resolve them. It is essential that the government ensure that all Francophone and Anglophone employees, regardless of their occupational group, have access to quality language training courses in a shorter period of time.

RECOMMENDATION 5

The Committee recommends that the Canada School of Public Service promote its language training services and that these services be accessible to all federal employees within a reasonable time frame, without any restriction in terms of specific groups of employees.

However, we feel that responsibility for the full implementation of the official languages program in the federal public service must not rest solely with the employer. Employees themselves must take responsibility and integrate language training in their training and professional development action plan, as both PSHRMAC²³ and APEX²⁴ mentioned in their evidence.

In our work, we have tried to learn more about the performance of the language training program and the results attained over the years. The study by Mr. Jim Mitchell, while interesting, does not constitute in-depth research on the issue but is instead an individual point of view based on a sampling of 20 people, as the author himself admits:

It was not a research study, or a scientific study, or a survey of the opinions of a large number of officials. It was not that at all. Rather, as the title indicates, it was a coherent proposal setting out a vision of language training in the public service in the future. These are the ideas of a single individual, myself.²⁵

For the moment, it is premature to propose a vision of the future without a more detailed portrait of the performance of the current language training program. The data that the federal government provides on the language training services are rather piecemeal. For example, the PSHRMAC and PSC annual reports say nothing about the number of employees who have taken language training or those who have attained the necessary level of competence in their second language after training or about the number of hours of language training needed to reach that point. We feel it is necessary to clearly identify the reasons for the waiting lists. We are asking the PSHRMAC to conduct a detailed study that will collect data based on the indicators that the Treasury Board developed in its *Directive on Language Training and Learning Retention*,²⁶ which came into effect on 1 April 2004:

²³ Ibid., Meeting No. 11, 38th Parliament, 1st session, 9 December 2004 (1000).

²⁴ Ibid., Meeting No. 14, 38th Parliament, 1st session, 3 February 2005 (1025).

²⁵ Ibid., Meeting No. 13, 38th Parliament, 1st session, 1 February 2005 (0935).

²⁶ These indicators are listed in Annex A.

RECOMMENDATION 6

The Committee recommends that the federal government resolve the waiting-list problem that is reducing accessibility to language training services.

A number of our witnesses claimed that a lack of money is the reason for the waiting lists for language training and that it was necessary to increase spending in this area to eliminate them. That is the viewpoint expressed by APEX²⁷, PSAC²⁸ and PIPSC.²⁹ However, the author of a study on language training, Jim Mitchell, advanced the opposite position, maintaining that the language training program could operate “more cheaply while better meeting students' needs.”³⁰ In response to this variety of positions, the Committee asked itself a number of questions:

- Should new funds in fact be invested in the language training program?
- Are private sector language schools better positioned to meet the current demand?
- Will the additional funds provided through the *Action Plan for Official Languages* make it possible to reduce the current waiting lists?

The Committee is not in a position to answer these questions at this time. It would have difficulty doing so given that the PSHRMAC informed the Committee that it does not know the annual expenditures on the language training program since 1999. Until 1998-1999, the Treasury Board Secretariat's annual reports on official languages provided this type of information.³¹ In 1999, the Treasury Board ceased collecting this type of data in its central data system on the number of hours of language training. This information should again be available in 2004-2005 based on the PSHRMAC's response, provided to the Committee, to a request from the Information and Research Service at the Library of Parliament (see Annex B).

²⁷ *Evidence*, Standing Committee on Official Languages, Meeting No. 14, 38th Parliament, 1st session, 3 February 2005 (0905).

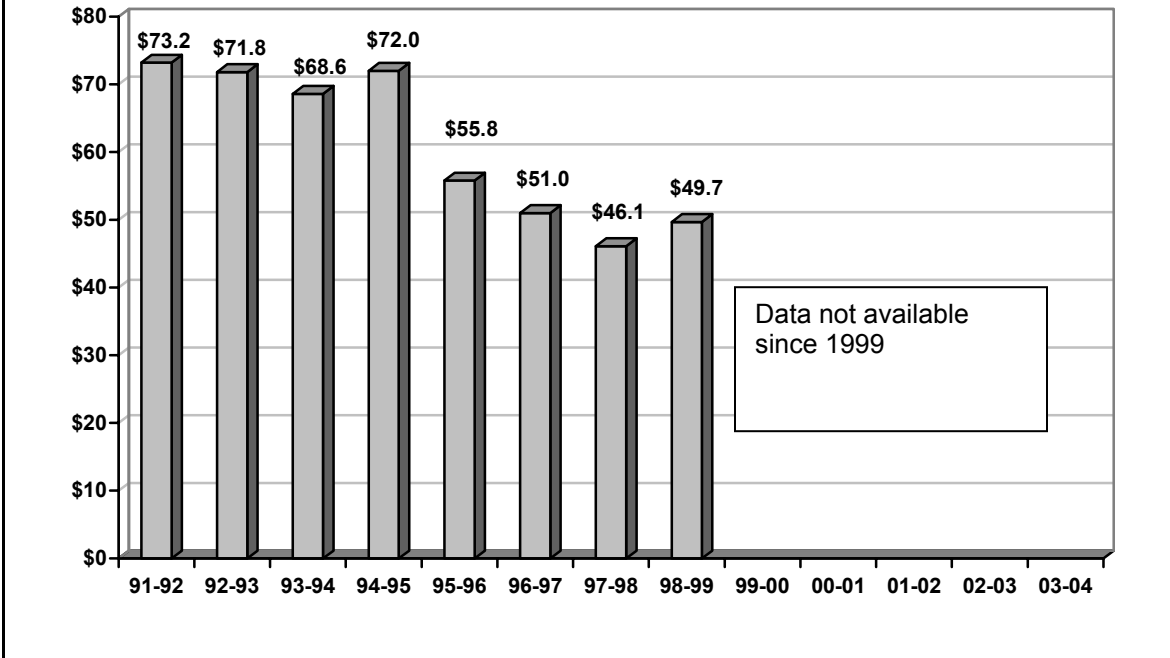
²⁸ *Ibid.*, Meeting No. 16, 38th Parliament, 1st session, 10 February 2005 (0940).

²⁹ *Ibid.*, Meeting No. 23, 38th Parliament, 1st session, 24 March 2005 (0950).

³⁰ *Ibid.*, Meeting No. 13, 38th Parliament, 1st session, 1 February 2005 (0935).

³¹ It is no longer possible to determine the number of hours of training, since the central data system on the number of hours of language training was eliminated in 1996-1997.

Table 1: Evolution of the cost of language training services, 1991 -1999 (in millions of dollars)



Source: Treasury Board Secretariat, annual reports on official languages, 1991 to 1999.

The Committee is not the first to want to tally up these costs. APEX stated that it did not “know the statistics”³² on this subject and PIPSC distributed a questionnaire to 24 departments and agencies in order to obtain quantitative and qualitative data on the language training program. The union encountered the same difficulties as the Committee, as its president explained at the March 24 meeting:

Some departments stated that they did not have the capability to count the number of employees taking language training, or the capability to determine how many employees were part time or only taking language training after hours. The same holds true for tracking the budget allocation for language training.³³

We feel that language training is the keystone to a public service that is truly bilingual in terms of both language of service and language of work. Thus, before making a statement on injecting new funds into this sector, the Committee prefers to have all the necessary information on hand so that it can judge whether this program is working under real effective conditions. The performance and quality of language training services have to be evaluated in relation to the amounts spent on them. Given the investment of public funds that language training requires, we are asking the PSHRMAC to once again collect this type of data, in a spirit of increased accountability to Parliament.

³² Evidence, Standing Committee on Official Languages, Meeting No. 14, 38th Parliament, 1st session, 3 February 2005 (0935).

³³ Ibid., Meeting No. 23, 38th Parliament, 1st session, 24 March 2005 (0915).

RECOMMENDATION 7

The Committee recommends that the PSHRMAC provide the data required on language training services, both those offered by public and by private suppliers, and that it report on this in its annual report on official languages tabled in Parliament, as Treasury Board did until 1999. In particular, departments and agencies must provide PSHRMAC with the financial and non-financial data that it needs to conduct analyses of real and forecasted outcomes.

RECOMMENDATION 8

The Committee recommends that all federal departments and agencies earmark specific funds (dedicated funds) for language training and that a specific and separate budget item be identified for expenditures incurred in this regard.

We note that the absence of such data is contrary to the recommendations of the Commissioner of Official Languages, who, in her latest annual report, reminded everyone that efficient governance of official languages required “clear individual and collective responsibility, adequate resources and transparent, detailed responsibility.”³⁴ When more data is available on this subject, the Committee will be better placed to determine whether it is necessary to recommend the addition of new funding for language training services in the federal public service. The Committee intends to return to the question of language training services in the years to come, when it will be necessary to determine whether the investments provided for in the *Action Plan for Official Languages* have indeed resolved the waiting lists problem.

3. LANGUAGE TESTING BY THE PUBLIC SERVICE COMMISSION

The Public Service Commission sets the standards that define the skill levels for each of the three levels: Level A — minimum proficiency; Level B — intermediate proficiency; and Level C — superior proficiency, in the areas of reading, writing and oral interaction. However, the deputy heads of federal institutions determine the language requirements of positions within their organization. If a position is designated bilingual, the manager sets the required level of language proficiency using the A, B, and C ratings mentioned above. The PSC is responsible for assessing an individual’s second-language proficiency, and this is where language testing comes in.

On 30 November 2004, PSC President Maria Barrados told the members of the Committee that the agency she heads had received complaints, particularly from executives taking language training, they felt “the French oral interaction test had become more difficult, that it was very stressful, that the waiting period for taking the test was too long and that the teaching and testing staff were not delivering the same message about

³⁴ Commissioner of Official Languages, *Annual Report 2003-2004*, Minister of Public Works and Government Services Canada 2004, p. 96.

the criteria assessed by the test.”³⁵ The pass rate on the French oral interaction test has dropped significantly over the past few years. The drop has been greatest for tests at the C level — “from a pass rate of 51% in 2001-2002 to 33% in 2003-2004.”³⁶ In contrast, 82% of Francophones passed the oral interaction test for English the first time and obtained the same level. This drop in pass rates on the French oral interaction test occurred at the same time as the Treasury Board policy decision to increase the use of the CBC level for EX positions and the 31 March 2003 deadline for attaining that level. The pass rates are evidence that there are problems with either French second-language proficiency tests or language training, which may have an impact on equal opportunities for Anglophones. Clearly, these results are not satisfactory and the PSC will have to pay close attention to this situation in the coming years. The Public Service Commission must provide suitable definitions for second-language proficiency levels and set appropriate second-language tests, without lowering the language requirements of bilingual positions.

RECOMMENDATION 9

The Committee recommends that the Public Service Commission identify the reasons for the high failure rate on French second-language evaluation tests for oral communication skills, and that it present a plan for remedying the situation to the House of Commons Standing Committee on Official Languages.

4. STAFFING OF BILINGUAL POSITIONS

Positions in the Public Service are assigned to one of four linguistic categories:

- Bilingual — a position in which all, or part, of the duties must be performed in both English and French;
- English essential — a position in which all the duties must be performed in English;
- French essential — a position in which all the duties must be performed in French; and
- either English or French essential ("either/or") — a position in which all the duties can be performed in English or French.

³⁵ *Evidence*, Standing Committee on Official Languages, Meeting No. 8, 38th Parliament, 1st session, 30 November 2004 (0910).

³⁶ *Ibid.*

In 2003-2004, public service positions were broken down according to their language requirements as follows:

Bilingual	English	French Essential	English or French Essential	Incomplete Files	Total
39%	50%	5%	6%	0%	100%
64,938	83,354	8,010	9,009	368	165,679

Source: PSHRMAC, Annual Report on Official Languages 2003-04, p. 46.

The deputy heads of federal departments are responsible for determining the language requirements of positions to be staffed. Non-imperative staffing is a measure used to fill a bilingual position with a candidate who does not meet the language requirements but is eligible for language training or is otherwise excluded. For instance, a position open to candidates from the general public does not need to be staffed on an imperative basis, and this makes it possible for a candidate who does not know the second language to have two years in which to meet the language requirement. Imperative staffing, on the other hand, means that the position is bilingual and the successful candidate must meet the language requirements at the time of appointment.

At the Committee meeting on 9 December 2004, PSHRMAC President Michelle Chartrand discussed the new policies that came into effect on 1 April 2004 to support the use of imperative staffing for bilingual positions, and said, "As imperative staffing becomes the norm, the order will be used less and less."³⁷

The Committee welcomes the implementation of these new policies, which can only strengthen bilingualism in the public service. However, the Committee feels it is important that the deputy heads responsible for staffing in federal institutions exercise caution and judgment in determining the language requirements for positions. They must be sure that the use of both official languages is objectively a requirement for performing the duties of the position to be staffed.

4.1 The Official Languages Exclusion Approval Order

The *Public Service Employment Act* defines language proficiency as a qualification, similar to experience, training and other types of qualities. When a deputy head determines that a bilingual position does not immediately require someone with a knowledge of both official languages, the Public Service Official Languages Exclusion Approval Order can be invoked to allow for a unilingual person to be appointed to the position, subject to certain conditions. The exclusion order allows individuals to be excluded for a period of two years under the following conditions:

³⁷ Ibid., Meeting No. 11, 38th Parliament, 1st session, 9 December 2004, (1010).

- They are willing to undertake language training.
- They demonstrate the potential for attaining the required level of language proficiency, currently assessed via the diagnostic test.
- And they agree that, should they fail to attain the level by the end of the exemption period, they will be appointed or deployed to another position for which they meet all the qualifications, including official language requirements.

In its evidence to the Committee last November, the PSC acknowledged that “the use of exclusions [had] not been well monitored”³⁸ and that “insufficient attention [had] been paid to the application of the conditions of the order.”³⁹ To remedy this situation, the PSC is completing an assessment of the application of the exclusion order. The Committee expects that the exclusion order will be used with circumspection by federal institutions. It is a measure to be used in exceptional cases and must not be used as a means of circumventing the Act, producing negative effects on the quality of the services delivered in French and in English. We also urge deputy heads responsible for staffing bilingual positions to make use of other options before deciding to use the exclusion order, primarily by broadening the area of selection for candidates.

RECOMMENDATION 10

The Committee recommends that the PSC ensure that the exclusion order is used only in exceptional cases and, if it is used by federal departments and agencies, the PSC must ensure that the right of members of the public to receive services in the official language of their choice is protected.

RECOMMENDATION 11

The Committee recommends that, in staffing bilingual positions, federal departments and agencies broaden the geographical area of selection for candidates, before making use of the exclusion order.

RECOMMENDATION 12

The Committee asks that the PSC report on the use of the exclusion order in its annual report to Parliament.

³⁸ Ibid., Meeting No. 8, 38th Parliament, 1st session, 30 November 2004 (0915).

³⁹ Ibid.

5. STRENGTHENING LANGUAGE REQUIREMENTS FOR MEMBERS OF THE EXECUTIVE GROUP

On 1 May 1, 1998, the Treasury Board issued the *Policy Concerning Language Requirements for Members of the Executive Group*. With the coming into force of this policy, senior managers in the public service were required to meet the language requirements of their positions (level CBC⁴⁰) by 31 March 2003. Since April 2005, staffing has been imperative for bilingual positions in the public service at the EX-03 level and will be imperative for the EX-02 level in 2007 in the regions designated as bilingual for language-of-work purposes and in unilingual regions if the duties of the position include supervising the incumbents of bilingual positions in a bilingual region. Over the years, imperative staffing has become possible at the higher levels of the public service because most of the candidates are career public servants who have already acquired the language skills required by the government.

In its evidence, APEX stated that, in general, it welcomed the strengthening of language requirements for members of the Executive Group. However, the association expressed concerns regarding the “level of bilingualism for EX-04 and EX-05 positions in regions of the country that are designated unilingual since people cannot maintain their skills in a language that they seldom use.”⁴¹ The Committee disagrees with APEX on this matter. Deputy ministers have a definite impact on the creation of a work environment that encourages the use of both official languages. These deputy ministers are role models and must reflect the image of a public service where both official languages are valued. The Committee is of the view that, given their positions, deputy ministers must have a good knowledge of English and French, at a level of bilingualism that is comparable if not higher than that required of other public service managers (EX-02 and EX-03). We find it difficult to understand how public servants can reach the senior echelons of the public service without an adequate knowledge of their second official language. Furthermore, since executives at the EX-3 level constitute the largest pool of replacement candidates for Assistant Deputy Minister positions, it is of the utmost importance that they learn a second official language.

RECOMMENDATION 13

The Committee recommends that the Privy Council Office require that those appointed to deputy minister positions meet the CBC⁴² requirements in the second official language.

Learning both official languages must be an objective in the career training plan for federal employees who are preparing for positions at senior levels of the federal public service. The message must be clear. Access to positions at senior levels of the federal

⁴⁰ "CBC" means level C (superior) for reading, level B (intermediate) for writing, and level C (superior) for oral interaction.

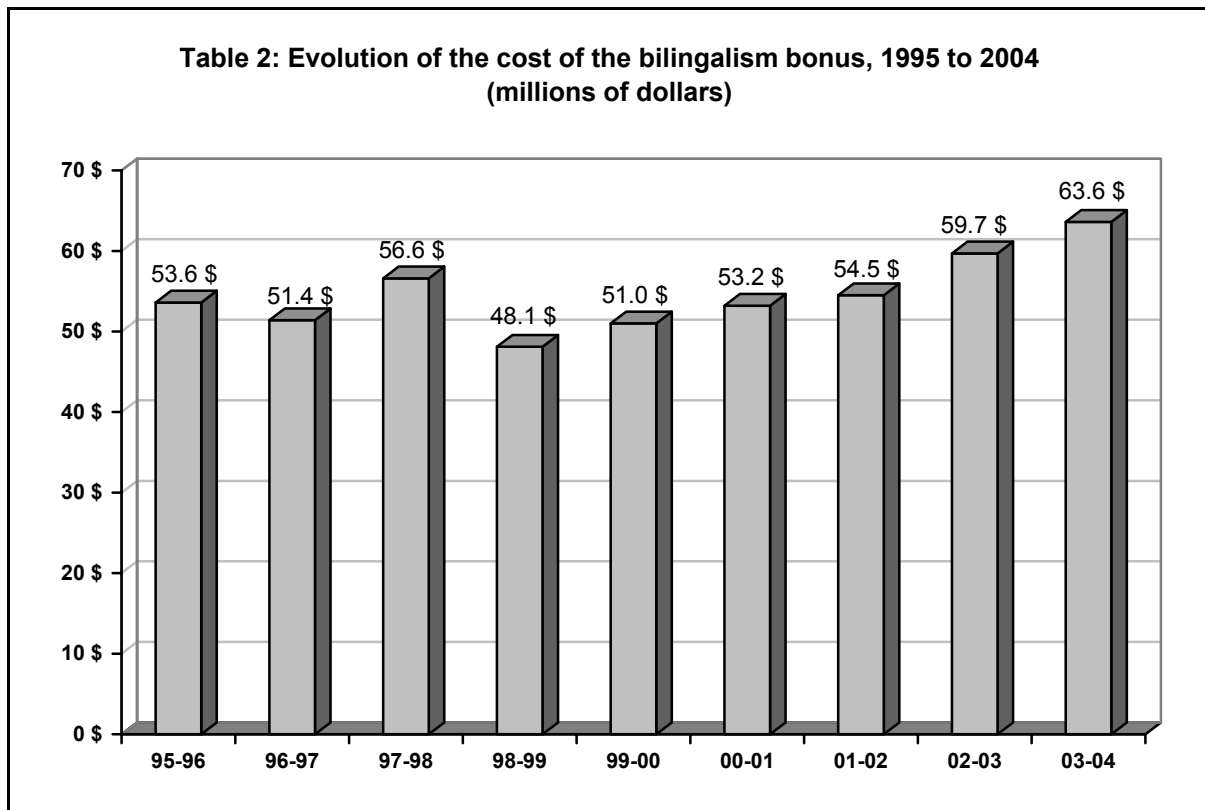
⁴¹ Presentation to the House of Commons Standing Committee on Official Languages by APEX, Ottawa, 3 February 2005.

⁴² "CBC" means level C (superior) for reading, level B (intermediate) for writing, and level C (superior) for oral interaction.

public service will be possible only if the candidates have a superior knowledge of the two official languages. Their duties will entail directing employees of both language groups and communicating with other federal employees across the country. Senior managers are role models for employees in other categories.

6. THE BILINGUALISM BONUS

A federal government employee who occupies a position that has been identified bilingual and who meets the language requirements of his position is eligible for the bilingualism bonus. The bilingualism bonus consists of an annual payment of \$800, calculated on a monthly basis and paid on the same basis as regular pay. The bonus was introduced in 1977 and was intended to be a temporary measure designed to encourage learning of the second official language. In 2003-2004, the government spent \$63.6 million on the bilingualism bonus and this expenditure has been rising steadily since 1998-1999 (Table 2).



Source: Treasury Board, annual official languages reports from 1995 to 1998 and request for information by the Library of Parliament Parliamentary Information and Research Services to the PSHRMAC. (Reply dated 8 February 2005)

APEX is opposed to keeping the bilingualism bonus and believes that the money would be better spent if it were invested in language training:

In our opinion, if we set aside the bilingualism bonus and invested more in training young people in their 20s or 30s, when they enter the public service, we would end up having a bilingual pool of public servants who would be at one, two or three levels below that of managers. If that were the case, imperative staffing would not be setting the bar too high; it would simply be a natural transition.⁴³

Unions hold the opposite view. When PSAC President Nycole Turmel appeared before the Committee, she reiterated PSAC's view that the bilingualism bonus should be paid "and recognized as salary for pension purposes."⁴⁴ PIPSC goes even further, claiming that an increase in the bilingualism bonus would be an incentive that would encourage federal employees to learn a second official language:

The bilingual bonus should be more than a symbolic payment. It must genuinely reflect the value of the additional skill and the actual service rendered. This requires revisiting the antiquated bilingual bonus of \$800 per year, which does not reflect today's market reality (...) The institute is strongly opposed to any unilateral action by the government, either directly or through its various employers, to change the bilingualism bonus (and) to any attempt to factor in the costs of official bilingualism at the bargaining table.⁴⁵

Since 1980, all the commissioners of official languages have asked that the bilingualism bonus be abolished. In 2002-2003, in her annual report on official languages, Treasury Board President Lucienne Robillard said that it was necessary to "rethink whether [the bonus] remains relevant."⁴⁶

Like past parliamentary committees, the Committee is not convinced that there is a clear correlation between the bilingualism bonus and increased bilingual capacity in the federal public service. However, the Committee feels that bilingualism is a specific skill that requires a suitable recognition. We believe it would be more appropriate to consider this qualification in federal employees' salaries. The increase in pay would be based on an evaluation process confirming, throughout their careers, that the recipients have maintained an adequate knowledge of their second language, either by means of a statement from their immediate supervisor or a language test.

RECOMMENDATION 14

The Committee recommends that Treasury Board eliminate the bilingualism bonus and that the knowledge of the two official languages be considered a professional skill that is reflected in the salaries of federal employees.

⁴³ Evidence, Standing Committee on Official Languages, Meeting No.14, 38th Parliament, 1st session, 3 February 2005 (1025).

⁴⁴ Ibid., Meeting No.16, 38th Parliament, 1st session, 10 February 2005 (1020).

⁴⁵ Ibid., Meeting No.23, 38th Parliament, 1st session, 24 March 2005 (0915).

⁴⁶ Treasury Board Secretariat, *2002-2003 Annual Report on Official Languages*, p. 44.

CONCLUSION

Through the *Action Plan for Official Languages*, the Government of Canada will be investing \$64.6 million in new funding over five years in creating an exemplary public service in terms of official languages. The Committee will closely monitor the situation over the coming years to ensure that these investments have the expected outcomes. During our study, we noted that there are still many weaknesses and areas that require improvement. English is still the dominant language of work both in the National Capital Region and in designated bilingual regions, and leadership by members of the EX group is necessary to produce a paradigm shift. Leadership must come from the senior levels of the federal public service and in this regard we expect deputy ministers to be subjected to the same bilingualism requirements as other managers. With regard to language training services, waiting lists discourage potential participants from attending and it is necessary to identify and resolve the underlying reasons for the long waits. Furthermore, there is a lack of accountability in terms of language training and federal departments must be more transparent in this area. Finally, we recommend that the bilingualism bonus be eliminated and that the salaries of bilingual federal employees be adjusted accordingly.

LIST OF RECOMMENDATIONS

RECOMMENDATION 1

The Committee recommends that people newly appointed to management positions take a formal training session given by the Canada School of Public Service, in cooperation with the Office of the Commissioner of Official Languages, on the importance of creating and maintaining a workplace conducive to the effective use of both official languages.

RECOMMENDATION 2

The Committee recommends that PSHRMAC develop an appropriate audit mechanism to ensure that the federal public service is a workplace that is conducive to the effective use of both official languages, and that it report on the audit in its annual report to Parliament.

RECOMMENDATION 3

The Committee recommends that the federal government ensure that there are no negative repercussions on service to the public in the official language of the client's choice, on the language of work of federal employees and on the development of official language minority communities, when there are major administrative reorganizations, such as the move of the headquarters of a federal institution.

RECOMMENDATION 4

The Committee recommends that the Governor in Council pass an order guaranteeing the right of federal employees to work in the official language of their choice, when the headquarters of a federal department or agency is moved to a region that is not designated bilingual for the purposes of language of work.

RECOMMENDATION 5

The Committee recommends that the Canada School of Public Service promote its language training services and that these services be accessible to all federal employees within a reasonable time frame, without any restriction in terms of specific groups of employees.

RECOMMENDATION 6

The Committee recommends that the federal government resolve the waiting-list problem that is reducing accessibility to language training services.

RECOMMENDATION 7

The Committee recommends that the PSHRMAC provide the data required on language training services, both those offered by public and by private suppliers, and that it report on this in its annual report on official languages tabled in Parliament, as Treasury Board did until 1999. In particular, departments and agencies must provide PSHRMAC with the financial and non-financial data that it needs to conduct analyses of real and forecasted outcomes.

RECOMMENDATION 8

The Committee recommends that all federal departments and agencies earmark specific funds (dedicated funds) for language training and that a specific and separate budget item be identified for expenditures incurred in this regard.

RECOMMENDATION 9

The Committee recommends that the Public Service Commission identify the reasons for the high failure rate on French second-language evaluation tests for oral communication skills, and that it present a plan for remedying the situation to the House of Commons Standing Committee on Official Languages.

RECOMMENDATION 10

The Committee recommends that the PSC ensure that the exclusion order is used only in exceptional cases and, if it is used by federal departments and agencies, the PSC must ensure that the right of members of the public to receive services in the official language of their choice is protected.

RECOMMENDATION 11

The Committee recommends that, in staffing bilingual positions, federal departments and agencies broaden the geographical area of selection for candidates, before making use of the exclusion order.

RECOMMENDATION 12

The Committee asks that the PSC report on the use of the exclusion order in its annual report to Parliament.

RECOMMENDATION 13

The Committee recommends that the Privy Council Office require that those appointed to deputy minister positions meet the CBC¹ requirements in the second official language.

RECOMMENDATION 14

The Committee recommends that Treasury Board eliminate the bilingualism bonus and that the knowledge of the two official languages be considered a professional skill that is reflected in the salaries of federal employees.

¹ "CBC" means level C (superior) for reading, level B (intermediate) for writing, and level C (superior) for oral interaction.

Part of the Directive on *Language Training and Learning Retention* (Effective date April 1, 2004)

Each institution is responsible for keeping its records and information systems up to date and assessing results in order to report on them to TBS on request. At a minimum, the institution uses the following indicators to assess its situation:

- number of employees who have taken language training during the year for career development purposes;
- number of employees who have taken language training upon appointment or deployment;
- number of employees who have taken language training to meet the language requirements of a position and:
 - have achieved the required second-language proficiency level
 - have not achieved the required second-language proficiency level
 - have been deployed to positions for which they meet the language requirements;
- number of employees who have taken language training for learning retention;
- number of hours of language training used:
 - for staffing purposes
 - for career development purposes;
 - costs associated with language training;
- effectiveness of learning retention measures.

Source: Treasury Board

(http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/OffLang/dltlr-dflma1_e.asp#_Toc53453930)

APPENDIX B

De : Alexandre.Pascale@hrma-agrh.gc.ca [mailto:Alexandre.Pascale@hrma-agrh.gc.ca]
Envoyé : mercredi 13 avril 2005 12:52 PM
À : Ménard, Marion
Cc : Trim.Katharine@hrma-agrh.gc.ca
Objet : FW: Dépenses annuelles pour la formation linguistique

Mr. Ménard,

Here is some information to respond to your request. The Official Languages Branch maintained a database on the costs of the Official Languages Programs (OLP) on a fiscal-year basis until March 31, 1999. This database was the only centralized system with respect to the costs of the OLP for expenditures within the Public Service. A decision was made to stop capturing this information because it was an expensive process. As a result, there is no information on cost training available or traceable between 2000 and 2004.

The Directive on Language Training and Learning Retention, effective April 1 2004, stipulates, "Each institution is responsible for keeping its records and information systems up to date and assessing results in order to report on them on request." Within this Directive, each department is responsible for monitoring the costs associated with language training and we will be able to better capture costs in the future. Since the fiscal year just ended such information is still not yet available for the year 2004-2005.

The funds allocated to training provided by private schools, or training which departments organize internally are integrated into the overall operational budgets of each government department as are the replacement costs for the employees absent on language training. Language training is one component of each department's training budget and frequently is not reported separately. This issue has been raised frequently and it is our intention to apprise the Committee of new developments as they become available.

Pascale Alexandre
Media / Parliamentary Monitoring Officer | Agent, surveillance Médias et Affaires
parlementaires
Media Relations and Parliamentary Affairs | Relations avec les médias et affaires
parlementaires
Communications | Communications
Public Service Human Resources Management Agency of Canada | Agence de gestion
des ressources humaines de la fonction publique du Canada
Ottawa, Canada K1A 0G5
613-952-3008 | Alexandre.Pascale@hrma-agrh.gc.ca | facsimile/télécopieur
613-954-1018



From: Ménard, Marion [mailto:MenarM@parl.gc.ca]
Sent: April 4, 2005 1:37 PM
To: Trim, Katharine
Subject: Annual expenditures on language training

Hello Ms. Trim,

The House of Commons Standing Committee on Official Languages is considering various issues relating to bilingualism in the federal public service. Since the start of proceedings, the amount spent on language training for federal employees has been raised a number of times.

The amounts invested in this sector are shown in Treasury Board's annual report on official languages (see attached spread sheet). This information is apparently not available from 1999-2000 onward.

<<Funding OL 95 - 04.xls>>

Could Treasury Board (or the Public Service Human Resources Management Agency) provide the annual expenditures on language training since 1999-2000?

Thank you very much for your assistance.

Marion Ménard
Analyst, Parliamentary Information and Research Service
Library of Parliament
151 Sparks Street
La Promenade Building
Ottawa, K1A 0A9
Telephone: (613) 995-771
Fax: (613) 992-5015
menarm@parl.gc.ca

APPENDIX C LIST OF WITNESSES

Associations and Individuals	Date	Meeting
Sussex Circle Inc. James Mitchell, Partner	2005/02/01	13
Association of Professional Executives of the Public Service of Canada Paul Choquette, Visiting Executive Pierre de Blois, Executive Director Robert Emond, President Colette Nault, Special Advisor to Executives	2005/02/03	14
Public Service Alliance of Canada Lisa Addario, Employment Equity Officer Nycole Turmel, National President	2005/02/10	16
Office of the Commissioner of Official Languages Dyane Adam, Commissioner G�rard Finn, Advisor JoAnn Myer, Director General, Policy and Communications Branch Michel Robichaud, Director General, Investigations Branch	2005/02/24	19
House of Commons Reg Alcock, President of the Treasury Board	2005/03/22	22
Public Service Human Resources Management Agency of Canada Diana Monnet, Vice-President, Official Languages		
Professional Institute of the Public Service of Canada Mich�le Demers, President Robert McIntosh, Policy Advisor	2005/03/24	23

APPENDIX D LIST OF ABBREVIATIONS

PSAC	Public Service Alliance of Canada
PSHRMAC	Public Service Human Resources Management Agency of Canada
APEX	Association Of Professional Executives of the Public Service of Canada
PSC	Public Service Commission
CTC	Canadian Tourism Commission
OLEO	Official Languages Exclusion Order
PIPSC	Professional Institute of the Public Service of Canada
OLA	<i>Official Languages Act</i>
NCR	National Capital Region

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests the government to table a comprehensive response to this report.

A copy of the relevant Minutes of Proceedings (*Meetings Nos. 13, 14, 16, 19, 22, 23, 31, 32 and 34 which includes this report*) is tabled.

Respectfully submitted,

Pablo Rodriguez, M.P.
Chair

MINUTES OF PROCEEDINGS

Thursday, May 19, 2005
(Meeting No. 34)

The Standing Committee on Official Languages met *in camera* at 9:15 a.m. this day, in Room 371 West Block, the Chair, Pablo Rodriguez, presiding.

Members of the Committee present: Guy André, Stéphane Bergeron, Françoise Boivin, Jean-Claude D'Amours, Marc Godbout, Yvon Godin, Guy Lauzon, Pablo Rodriguez, Andrew Scheer and Raymond Simard.

In attendance: Library of Parliament: Marion Ménard, Analyst.

Pursuant to Standing Order 108(3)(f), the Committee resumed consideration of the study on Bilingualism in Public Service of Canada.

It was agreed, — That the draft report, as amended, be adopted.

It was agreed, — That the Chair present the report to the House.

It was agreed, — That, pursuant to Standing Order 109, the Committee request that the Government table a comprehensive response to the report.

It was agreed, — That the Chair, Clerk and Analyst be authorized to make such grammatical and editorial changes as may be necessary without changing the substance of the report.

It was agreed, — That the Committee print 550 copies of its report in a bilingual format.

At 9:49 a.m., the Committee adjourned to the call of the Chair.

Mark D'Amore
Clerk of the Committee