

Equal employment opportunities and a representative federal workforce

Section 39 of the *Official Languages Act*

Federal institutions must offer equal employment opportunities to all candidates, regardless of their preferred official language. They must also ensure that their workforce reflects the presence of both of Canada's official languages.

The ability to perform the duties of the job is always the primary requirement when selecting candidates. The obligation to provide equal opportunities to English-speaking and French-speaking candidates comes into play when more than one candidate has the required skills for the position.

Federal institutions must offer the same job opportunities to English-speaking and French-speaking candidates

English-speaking and French-speaking candidates must have equal opportunities for jobs, promotions or any other career advancement in a federal institution.

Employment

Federal institutions must give equal opportunities for employment to English-speaking and French-speaking candidates. For example, they must:

- publish job postings in English and French and provide the same information in both languages regarding employment opportunities;
- ensure that information about the job is available in both official languages;
- enable candidates to write exams and interview for the job in either official language; and
- communicate with candidates in the official language of their choice (chosen during the hiring process).

Promotions and advancement

Federal institutions must give equal opportunities for promotion and advancement to English-speaking and French-speaking employees. For example, they must:

- provide training in both official languages; and
- offer the opportunity to interview for a new position in either official language.

In all federal institutions and in certain organizations (Air Canada or VIA Rail, for example), you have the right to use the official language of your choice throughout the hiring or promotion process. Contact us to find out whether an organization is required to meet this obligation.

No discrimination or harassment

The *Official Languages Act* protects you against language-based discrimination or harassment when you are applying for a job or a promotion in a federal institution.

You can file a complaint with the Office of the Commissioner of Official Languages if you think you have been discriminated against or harassed based on your official language preference during a federal institution's hiring or promotion process.

The workforce of federal institutions must reflect the presence of both of Canada's official languages

A federal institution's workforce must reflect the presence of Canada's English-speaking and French-speaking communities. Federal institutions must take action to ensure proportional representation of both official language groups within their staff. This obligation does not go so far as to impose quotas, however.

In practice, the composition of a federal institution's workforce may vary depending on three factors: location, clientele and mandate.

Location

A federal institution's location may affect the composition of its staff in terms of official languages.

For example, a federal institution whose head or central office is in Quebec often has a higher proportion of French-speaking employees.

Clientele

The first official language of the public it serves also may affect the composition of a federal institution's workforce.

For example, members of First Nations of Canada generally speak English as their first official language; therefore, offices of Crown-Indigenous Relations and Northern Affairs Canada usually have a higher proportion of English speaking employees.

Mandate

A federal institution's mandate and the nature of its work may affect:

- the language requirements of positions and
- the working language within the institution.

For example, the proportion of French-speaking employees is generally higher than English-speaking employees at Public Services and Procurement Canada's Translation Bureau because most federal government translations are from English to French, which means that more employees are needed with French-language expertise.

Federal institutions have other obligations that affect the composition of their workforce

Jobs in federal institutions must be open to all candidates, regardless of their first official language. However, federal institutions have the right to give preference to a candidate who speaks a particular official language in order to make sure that:

- their workforce has all the skills required to carry out their various functions,
- their services are provided in both official languages, and

- their workplace is bilingual.