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Departmental Policy on Official Languages

January 1979

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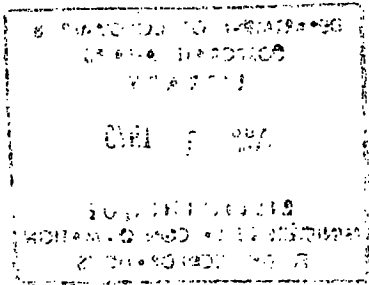
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Foreword

Departmental Policy on Official Languages

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Revised policy on Official
Languages
Consumer and Corporate Affairs
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Foreword

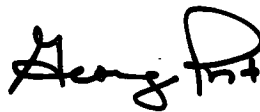
A year ago, the government announced a number of revisions to the Official Languages Policies and Programs in the Public Service. While reaffirming the three fundamental principles of the Official Languages Program, these revisions, in essence, were designed to: introduce more flexibility into the implementation process; correct anomalies; and respond positively to valid internal and external criticism of the Program.

It was time to move from a centrally controlled implementation to one that allowed departments more flexibility in adapting the required measures to particular situations prevailing in their organization. Deputy Heads of departments were given delegated authority and will be held accountable for several areas including the implementation of the policies on official languages.

This Department, fully adhering to the principle of the equality of status of Canada's two official languages and wishing to respect its obligations to the Act and to Parliamentary Resolutions on Official Languages, and in order to comply with Treasury Board and Public Service Commission directives, has established a Policy on Official Languages. This policy is stated in this document.

It is Departmental policy to promote by all feasible means the spirit of the Law and of the Resolution on Official Languages. It is the employee's responsibility to ensure that this spirit is fully respected.

I urge all employees of the Department to carefully read this document and to do their part so that a functional and equitable state of bilingualism, suitable to both anglophones and francophones, be established within our Department.



Deputy Minister



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Chapter I

Service to the public

General

The most important obligation of our department with respect to the use of both official languages is to implement those sections of the Official Languages Act which determine the linguistic rights of Canadians when dealing with the federal government. Not only is this obligation important because of its legal foundation, but also because the essential function of our department is to serve the citizens of Canada. For the concept of service to the public in the official language of its choice to be meaningful, such services should be available to the public at all appropriate levels and in all programs. To this end, the following policy will apply.

Bilingual regions and significant demand

The department must establish and maintain a bilingual capacity so the public can obtain available services and communicate with it, in both official languages in the National Capital Region and the following regional or district offices: Winnipeg, Toronto, Sault-Ste-Marie, Sudbury, North Bay, Windsor, Montreal, Sherbrooke, Halifax, Bathurst, Moncton, Fredericton, St-John's.

Service to the public in all other locations

The department must ensure that at least one bilingual employee is included in the staff of the following offices: Vancouver, Edmonton, Calgary, Saskatoon, Regina, Thunder Bay, Hamilton, Quebec, Trois-Rivières, Chicoutimi, Rimouski, Sydney, Yarmouth, Saint-Jean, Charlottetown.

Contractual arrangements

When the department must make contractual arrangements with the private sector to provide services to the public, it must ensure that these services will be provided in strict accordance with the provisions of the official languages policy.

Written communication

Any documentation from the department intended for the public must be distributed simultaneously in both official languages. Information to media reaching both language communities throughout the country, must also be distributed in both official languages. More specifically, written communication received by the department and requiring a reply must be transmitted directly to an employee capable of answering in the appropriate language. When the first contact with an individual is made by the department, it must be clearly indicated that further correspondence and documentation sent to the individual

can be provided in the other official language if the individual so requests.

Verbal communication

In bilingual regions or where there is significant demand, persons answering the telephone must identify their service, and receptionists must greet visitors, in both official languages. Ensuing conversations must be in the language of the individual with whom they are speaking, and, where necessary, the individual should be directed to an employee who can provide the service required in the appropriate language.

Exhibitions and office tours

When the department participates in government or private exhibitions, its displays must be bilingual. In addition, all posters, labelling and explanatory notes must be in both official languages. The representatives of the department must be bilingual or include both English and French speaking employees. Employees acting as guides for tours of the department's offices must be capable of expressing themselves in the language of the visitors.

Audio-visual material

Audio-visual material made available to the public (films, slides, posters, illustrations, sound and video recordings and so on) must be printed or recorded in both English and French, or must be accompanied by comments or instructions in both languages.

Printed title of department or services

Whenever the title of the department or its services must be produced in printed form by the department, such as posters, information boards, temporary or permanent notices, entries in telephone directories, business cards, stationery and rubber stamps, both official languages must be used. The printing must be equally legible in both languages, and the type used must be identical. The French title will appear first in Quebec, and in the department's head office. The English title must be first in all other provinces.

Departmental participation in conferences

To ensure that meetings in which the department participates are of greater utility to both language communities in Canada and that the department's participation reflects the bilingual character of the country, the departmental delegation for both national and international conferences, symposiums or congresses should include bilingual employees.

Departmental advertising

All departmental advertising in newspapers and magazines, on the radio or on television, whether paid or not, should concurrently reach both language communities in Canada.

Chapter II

Use of both official languages in internal administration

General

In view of the concept of service to the public in both official languages, our department must ensure that Canadians of both official language groups are given the opportunity to work in the official language of their choice, where offices are located in bilingual regions* and in head office.

In other regions of Canada, the language of work of our department must be the official language of the majority of the population of the province in which the work unit is located.

"Personal" services

In designated bilingual regions and in head office, departmental employees must be able to obtain "personal" services such as pay, counselling and medical services in the official language of their choice.

"Central" services

In designated bilingual regions and in head office, "central" services must be available to employees in both official languages, but only according to the linguistic identification of the employee's position. Our department's "central" services include:

- administrative services
- financial services
- data processing services
- library services
- material management services
- purchasing and supply services
- property management services
- security services
- translation services
- legal services
- personnel services
- organization and review services

Note: Where personal or central services are contracted out, the department must ensure compliance with the provisions of the policy.

Grievances

Public servants have the right to present grievances, and have them dealt with, in the official language of their choice, regardless of the location of their work unit or the language requirements of their position.

Supervision

Within designated bilingual regions and in head office, supervision must be provided according to the language requirements of the subordinate position. In other words:

1. Incumbents of English-essential positions will be supervised by a person who can express himself/herself adequately in English.
2. Incumbents of French-essential positions will be supervised by a person who can express himself/herself adequately in French.
3. Incumbents of either English or French-essential positions will be supervised by a person who can express himself/herself adequately in either English or French, in the indicated first official language of the incumbent.
4. Incumbents of bilingual positions will be supervised by a person who speaks English or French. The supervisor must speak the language of choice of the incumbent.

Offices located in unilingual regions which provide services to employees in bilingual regions or which supervise these employees, must be capable of doing so in both official languages. This policy applies to the regional offices in Halifax and Toronto.

Language of meetings

In designated bilingual regions and in head office meetings of departmental management committees and of other committees must be carried out in both official languages.

General distribution of material

All documents such as circulars, bulletins, texts, manuals, job descriptions (or drafts) and information for the use of employees in bilingual regions or head office must be distributed simultaneously in both official languages. When material is prepared for the exclusive use of offices in unilingual regions, it need not be distributed in both official languages. However, when material or information has been prepared in both official languages, it must be distributed in both official languages to offices in unilingual regions of the country.

Printing formats

Texts must be published according to one of the following formats:

*Bilingual regions: National Capital Region, province of New Brunswick, city of Montreal, and Northern and Eastern Ontario.

- a) The French and English versions must be printed side by side on the same page. The English version should be on the left side of the page, and the French version on the right. When a publication originates in Quebec or at head office, however, the French text must be on the left.
- b) If technical problems make side by side printing impractical, the texts may be printed back to back or in tumble format. Where the back to back format is used, the English version should be printed on one side, and the French on the other side. When the publication originates in Quebec or in head office however, the French text should be placed face up.
- c) Where, in the opinion of the Director of Communication Services, the printing formats described in paragraphs (a) and (b) would make the text too large and cumbersome, two distinct versions may, in exceptional circumstances, be printed. They should, however, be published and made available simultaneously to all the offices which use them, distribute them or have them on public display. An indication that the text is available in the other official language and the address where it can be obtained must appear inside the cover page of each version. The content of the French and English texts must be identical. The printing must be equally legible in both languages and the type-face must be identical.

Availability of work instruments

Regardless of the work location of the public servant, "work instruments" must be available in either official language, as required by the language requirements of the position of the public servant using the document. These will include all studies, analyses and other reports for internal use, as well as all guides, manuals, regulations or other texts of a technical, scientific or administrative nature produced by the Department and which are used by employees in order to accomplish their work.

All drafts of work instruments which are circulated for comments must be bilingual.

Where work instruments not published by the department are available only in one language, management must provide staff with equivalent texts in the other official language.

Supply contracts

In bilingual regions and in head office, supply contracts must include a clause requiring the supplier to provide bilingual directions and instructions.

All new typewriters must have bilingual keyboards. All rubber stamps, business cards, labels and so on must be

bilingual. The directors and heads of services must ensure that the quality of written texts is the same in both languages.

Library

Employees must be able to carry out research in the departmental library on specific subjects in either official language. The library card catalogue must be bilingual.

To ensure that the library program respects the equal status of both official languages, library staff must be in regular contact with publishers and distributors to keep abreast of current bibliographical additions in both official languages.

Translation

Assistant Deputy Ministers must designate and maintain within their offices an officer in charge of drawing up and continually reviewing a priority list for texts to be sent to the translation service.

In order to assure and to prevent delays in the simultaneous distribution of all documentation, Assistant Deputy Ministers, directors and heads of services must encourage bilingual employees to write in both languages instead of having texts translated, and to make use of the departmental revision service when required.

Professional training and development

All departmental professional training and development courses must be offered in both official languages and be equally available to employees of both language groups. The manager in charge of the courses must ensure that no more than 30 days are allowed to elapse between the English and French courses.

Communications between offices with different languages of work

Communications between offices in the National Capital Region and offices in Quebec must be in French. English is normally used when communicating with offices in other provinces.

Communications between offices in designated bilingual regions may be in either official language.

Communications between offices in unilingual regions of the same province must be carried out in the official language of the majority of the population of the province.

Communications between offices in designated bilingual regions and other offices in the same province must normally be in the language of the majority of the population of the province.

Communications in all other instances may be in either official language.



Chapter III

Full participation of both official language communities

General

The department's official languages objectives cannot be properly achieved without the full participation of both official language communities. Therefore, progress will be particularly required from those offices where Francophone participation is low. These offices will, in addition, be expected to increase the number of work opportunities in French through increasing the number and percentage of French-essential positions.

Identification of unilingual positions

In staffing, when the language requirements of positions are modified, managers should consider the possibilities for unilingual employees of both official language groups to work in their first official language. Particular attention should be paid to arrangements which could contribute to increasing the number and percentage of French-essential positions and to ensuring that these are more evenly distributed at all levels.

Chapter IV

Policies related to employee entitlements and obligations

General

In overall terms, the official languages policies and programs can be interpreted as guaranteeing certain linguistic rights and privileges to employees. It is one of the major intentions of this policy to clarify the relationship between the prerogatives of the individual employees concerning choice of language of work, and the obligations of the same employee to carry out certain duties of the position in conformance with the work-related need for language use.

Language usage and the language requirements of a position

The language or languages used by departmental employees in the performance of their duties will be the language or languages required by the tasks to be performed. As job descriptions are prepared or amended, appropriate language requirements will be included, effective January 1, 1979.

Language usage in bilingual positions in designated bilingual regions and in head office

Incumbents of bilingual positions in bilingual regions and in head office must receive supervision and "personal" services in the official language of their choice. Work instruments will be available in both official languages.

Language usage in bilingual positions in unilingual regions

In unilingual regions, bilingual positions will be identified for purposes of the provision of services, whether to the public, or to public servants in bilingual regions. All other work-related duties, including supervision, will be carried out in the official language of the majority of the population of the province in which the unit is located. Work instruments will be available according to the identification of positions.

Language usage in unilingual positions

The three types of unilingual positions are English-essential, French-essential and Either/or. Incumbents of English-essential positions or French-essential positions will expect to carry out the duties of their position either in English or in French respectively. Incumbents of Either/or positions will expect to carry out their duties in their first official language.

Staffing of bilingual positions on an imperative or non-imperative basis

For any proposed staffing action, information on the language requirements of the position must be made available to possible candidates.

Where the position is bilingual, the language proficiency required in each official language must be included as well as an indication of whether the staffing is on an imperative or non-imperative basis.

Imperative staffing actions

Only those applicants who satisfy the language requirements of bilingual positions may be considered for appointment.

Non-imperative staffing actions

Unilingual applicants may be appointed to bilingual positions without meeting the language requirements of the position at the time of the appointment. Such candidates must, however, provide a statement in writing expressing their willingness to acquire the second-language proficiency required for the position within the required time limit.

Certain employees, however, are not required to attain the level of second-language proficiency required by non-imperative positions. Such employees include:

- a) employees having a long-service entitlement, that is, who had 10 years of continuous service at any time prior to April 6, 1966 and who have been continuously employed by the Public Service (including service in the Canadian Armed Forces and the RCMP) since that time. The definition of "long service" may be expanded to include time served in Crown corporations, commissions or agencies;
- b) Age-exempted employees, that is, employees aged 55 or over on October 31, 1977;
- c) Employees exempted on compassionate grounds, that is, those with a physical or mental handicap which could cause a serious impediment to their ability to learn a second language.

Entitlements of unilingual incumbents of bilingual positions

Incumbents of positions which are re-identified from unilingual to bilingual during their incumbency, or incum-



bents of bilingual positions for which the required proficiency is significantly raised, may elect to:

- a) Undertake language training in order to meet the language proficiency of the position;
- b) Remain in the position without meeting the required language proficiency; or
- c) Request a transfer to a position for which they are qualified, and for which they meet language requirements.

Rights and obligations of incumbents resulting from a reorganization or from a transfer of control or supervision

When an employee ceases involuntarily to occupy a position because of a departmental organization change, or because of a transfer of control or supervision, that employee retains all linguistic rights and/or obligations in the new position, provided the new position is of an occupational nature and level similar to the former position.

Rights and obligations of incumbents resulting from lay-offs

When an employee ceases to occupy a position as a result of a lay-off, that employee retains any linguistic rights and/or obligations when appointed to a new position as were required in his/her former position.

Chapter V

Basic language training at government expense

General

Basic language training includes any part of a language training program designed to: enable an employee to attain a given level of proficiency in the second language, in order to be certified by the Public Service Commission as meeting the required proficiency; or help and employee increase his proficiency in the second language, in order to be certified by the Public Service Commission as meeting a higher level of proficiency.

Time entitlement for attaining required level of proficiency

Appointees to, and incumbents of bilingual positions staffed on a non-imperative basis who do not meet the required proficiency in the second official language are entitled to up to the equivalent of 12 months of language training at government expense.

Additional time entitlements for attaining significantly higher levels of proficiency

Public servants are entitled to additional basic language training at government expense when:

- a) they are appointed on a non-imperative basis to a bilingual position which has a significantly higher linguistic profile in the second official language than that of the bilingual position currently or previously occupied; or
- b) the linguistic profile of the bilingual position occupied by the employee is significantly raised.

The total allowable basic language training at government expense for any employee is the equivalent of 18 months continuous full-time training. Basic language training provided to any employee after January 1, 1978, will be included in the 18 month entitlement.



Chapter VI

Government's planned termination of policies

Government's planned termination of policies

Knowledge of the two official languages will, over time, be considered a basic skill for some jobs, and acquisition of bilingual proficiency should be a factor to be considered among Canadians who are planning a career in the Public Service. Accordingly, the Government plans to terminate the policies of staffing positions on a non-imperative basis and universal basic language training programs for public servants on December 31, 1983. However, after December 31, 1983:

- a) unilingual employees having long-service or age-exempted entitlements may, until their retirement, apply for, and be appointed to, any bilingual position while remaining unilingual, except to those positions where the circumstances are similar to those of the present imperative bilingual positions; and
- b) the Government will retain programs for the provision of specialized language training in each of the official languages as part of its professional training programs.

Chapter VII

Responsibilities of deputy minister, managers and employees

Deputy Minister

The Deputy Minister is responsible for ensuring that provisions of the Official Languages Act are complied with, that Government objectives regarding official languages are met, that the policies set out in this document are implemented, and that an annual report on projects and progress is submitted to Treasury Board. The Deputy Minister must report progress made to both Treasury Board and the Government.

Managers

All departmental managers are responsible for establishing objectives and goals regarding official languages policy appropriate to their circumstances and purposes, and in accordance with the department's policy. They are

also responsible for evaluating, planning, undertaking and carrying out activities and measures required in this respect. Managers must report progress to their superiors, up to the Deputy Minister level. They must also take these policies into account when identifying language requirements of positions and setting up language training programs for employees.

Employees

All employees in the department are responsible for applying these policies and complying with them in the performance of their duties. All employees are responsible for maintaining their proficiency in the second language and for using it in the application of policies set out in this document.



Chapter VIII

Role of the official languages division

The work of the Official Languages Division consists mainly of advising the administrators and members of the Executive Committee on the interpretation and application of the government's official languages policy and on the guidelines and directives issued by the Treasury Board. The division is available to departmental employees for discussing all questions pertaining to the use of official languages within the department.

The division assists managers in the evaluation of the language requirements and profiles for bilingual positions to ensure there is compliance with the spirit of the Official Languages Act. It also coordinates the language development program for the public servants working in the department; manages the departmental teaching module, composed of nine teachers; organizes and coordinates special courses in administrative writing, telephone conversations, etc.; and coordinates the departmental official languages policies.

It is in charge of developing official languages policies and procedures, informing employees on the subject, administering language tests, coordinating translations and language test exemptions, managing and editing service for texts written in French, handling complaints, taking inventory of work instruments and implementing special projects such as exhibitions and conference speakers.

A new section has been created in the official languages Division as a result of this revised policy. It is responsible for the control and evaluation of progress made in the area of official languages.

The Deputy Minister has delegated to senior managers the responsibility of identifying and establishing linguistic profiles for positions. These profiles are then submitted to the Official Languages Division to ensure they are in line with the government's and the department's objectives regarding official languages.