

Annual Report 1990-91



# Official Languages in Federal Institutions

**Annual Report 1990-91** 



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Dear Mr. Speaker:

Pursuant to Section 48 of the Official Languages Act, I hereby submit to Parliament, through your good offices, the third Annual Report of the President of the Treasury Board covering the fiscal year 1990-91.

Yours sincerely,

Gilles Loiselle

President of the Treasury Board

November 1991

# Speaker of the House of Commons

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# **Foreword**

I am very pleased to have the opportunity to report to Parliament on the status of official languages programs in federal institutions and, in particular, on the activities of the Treasury Board.

This annual report reviews the accomplishments of the Treasury Board and other federal institutions in the field of official languages from April 1, 1990 to March 31, 1991. The descriptions it provides will also make clear that the objectives of the *Official Languages Act* and related policies are limited and reasonable, and well suited to a country where by history and current realities, virtually all Canadians, whatever their cultural background, speak either English or French, or both.

One of the key elements left open by the *Official Languages Act* of 1988 was the precise definition of the circumstances under which federal government institutions would be required to communicate with the public, and provide services, in both official languages. I was pleased to take an important step toward providing this definition by laying a draft of proposed regulations before the House of Commons on November 8, 1990.

This report, the third to be submitted to Parliament under the provisions of the Act, describes the draft regulations in some detail. It also makes clear that the draft regulations, once they are in force, will bring about a consistent approach by all federal institutions to serving the public in both official languages. They will also ensure that well over 90 per cent of the members of Canada's minority official languages communities have direct access to local federal services in their official language.



The draft regulations were prepared following consultations with the representatives of the minority communities, with whom I have had discussions as well. A number of federal departments and Crown corporations also provided comments and suggestions based on their experience with the official languages program over the last two decades. I am grateful to all those who contributed to the preparation of the proposed regulations.

This report provides considerable information on the three major components of the official languages program: service to the public, language of work and the equitable participation of English-speaking and French-speaking Canadians in federal institutions. It also provides details of the activities of the Treasury Board in carrying out its responsibilities under the *Official Languages Act* for the "general direction and coordination" of the government's policies and programs in these areas. The government's commitment to the program is evident.

Like other activities, those relating to official languages took place in the context of **Public Service 2000**, the major initiative of the government designed to ensure that the Public Service, and government institutions, are prepared to meet the challenges of the 21st century. In the spirit of **Public Service 2000**, and in order to make the management of the program more efficient and more responsive to the needs of the public and of federal employees, the Secretariat's Official Languages Branch began work during 1990-91 on revising and simplifying official languages policies, guidelines and procedures.

Finally, I would like to express my admiration for the way that English-speaking and French-speaking public servants work together in real harmony. The good will and spirit of collaboration which I have observed are, I am convinced, of maximum importance in ensuring that the public is well served in both official languages and that members of each language group can make a full contribution to the work of government. Though this harmony is not without occasional discordant notes, Canadians can take pride in a public service where language has progressively become more of a bridge than a barrier.

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Gilles Loiselle

## Introduction

The Canadian Charter of Rights and Freedoms of 1982, building on Canadian history going back more than two centuries, establishes that English and French are the official languages of Canada. It also provides that any member of the public in Canada has the right, in certain circumstances, to communicate with and receive services from federal institutions in English or French. This new constitutional framework was incorporated into the revised Official Languages Act of 1988, which also gave legal effect to a number of policies which had evolved within federal institutions over the years.

The Treasury Board bears responsibility for the general direction and coordination of policies and programs relating to service to the public, language of work and equitable participation. Although each of these aspects of the official languages program has its own rationale and serves a specific purpose, together they form an interlocking whole designed to ensure equality of status of English and French in federal government institutions.

The basic principles underlying these components of the program are as follows:

- within prescribed circumstances, as set out in the Official Languages Act, the public has the right to communicate with federal institutions and to be served by these institutions in the official language of its choice;
- employees of federal institutions have the right to work in the official language of their choice in designated regions; and

 the government is committed to ensuring that English-speaking and French-speaking Canadians enjoy equal opportunities for employment and advancement in federal institutions.

Federal institutions meet their service-tothe-public obligations in various ways. For example, they may hire bilingual employees or employees of both linguistic groups to serve English-speaking and French-speaking clients respectively, or they may provide unilingual employees with language training. The rights of the public are paramount. Thus, an employee in a bilingual position must serve the public in the language of its choice whatever that employee's preferred language of work might be.

The obligation of federal institutions to make it possible for their employees to work in the official language of their choice exists only in those areas of the country where both English and French are in relatively common use in government offices and the surrounding community. Outside those areas, the language of work is that of the majority in the province. Though it is sometimes necessary to have a few bilingual employees on staff in these regions to serve the needs of the linguistic minority community, these employees generally receive their supervision, and central and personal services, in the language of the linguistic majority. Language-of-work obligations apply in all of New Brunswick, in the National Capital Region, and in parts of Ontario and Quebec.

Service to the public and language of work are legally-enforceable obligations. On the other hand, equitable participation is a commitment on the part of the Government of Canada to ensuring that the work force of federal institutions tends to reflect the presence of both official languages communities of Canada. The commitment is a relative one in that the mandate of the institution, the public it serves and its location are all to be taken into account. The Act states explicitly that the commitment to equitable

participation must not derogate from the principle of selection of personnel according to their merit.

The federal institutions themselves departments, agencies and Crown corporations – bear responsibility for ensuring that the three basic elements of the official languages program are implemented. The Treasury Board provides the policy framework, among its other responsibilities. The Public Service Commission takes official languages obligations into account as required in its staffing activities, and furnishes language training and testing. The Department of Justice provides legal advice relating to the Act and coordinates the federal government's position in language rights cases. The Department of the Secretary of State gives effect to the government's commitment under the Official Languages Act to the advancement of English and French in Canada, and is responsible for translation and interpretation services in Parliament and the Public Service. The Commissioner of Official Languages ensures compliance with the spirit and intent of the Act through his role as linguistic ombudsman and auditor.

Parliamentary review of official languages matters has been exercised by the Standing Joint Committee of the Senate and the House of Commons on Official Languages, which has now been succeeded by a standing committee of the House of Commons.

# Responsibilities of the Treasury Board

Under the *Official Languages Act*, the Treasury Board is responsible for the general direction and co-ordination of policies and programs in all federal institutions (other than the Senate, the House of Commons and the Library of Parliament) relating to the government-wide implementation of the three major program components.

In carrying out its responsibilities, the Treasury Board may, in the context of this mandate:

- establish or recommend policies to the Governor in Council;
- recommend regulations to the Governor in Council;
- · issue policy directives;
- monitor and audit federal institutions to ensure compliance with policies, directives, and Treasury Board or Governor in Council regulations relating to the official languages of Canada;
- evaluate the effectiveness and efficiency of official languages policies and programs of federal institutions;
- provide information to the public and to personnel of federal institutions on policies and programs; and
- delegate any of its powers to the deputy heads or other administrative heads of other federal institutions.

Each year the President of the Treasury Board has to submit to Parliament an annual report providing an account of his or her mandate of the previous year. This volume, the third such annual report, consists of:

- a section on the proposed regulations on service to the public;
- a section on the current situation in federal institutions;
- a section on the activities of the Treasury Board Secretariat; and
- an appendix with statistical tables relating to:
  - language requirements of positions and the linguistic status of incumbents;
  - service to the public;
  - language of work;
  - equitable participation;
  - language training;
  - translation; and
  - program costs.

# Part I

Proposed
Regulations
on Service to
the Public

In November 1990, after extensive preparatory work, the President of the Treasury Board tabled draft proposals for regulations on service to the public in the House of Commons. The government then undertook consultations involving both Parliament and the general public.

The proposed regulations would complete some of the key provisions of the *Official Languages Act*, including those relating to:

- federal offices where there is "significant demand" in both languages;
- offices whose "nature" makes it reasonable that services be provided in both languages; and
- services provided to the travelling public by a third party pursuant to a contract with a federal institution.

The public's right to receive federal services in the official language of its choice is based on the concepts of "significant demand" and "nature of the office" found in the *Canadian Charter of Rights and Freedoms*. Part IV of the *Official Languages Act* sets forth the basic parameters for regulations relating to these concepts.

## Structure of the Proposed Regulations

#### Significant Demand

The proposed regulations were designed to take into account the basic differences in the geographical distribution of the Anglophone and Francophone minorities of Canada (e.g., urban centres as opposed to rural areas). They also take into account the diversity of the various federal service networks through special provisions relating to institutions with local offices virtually throughout Canada (e.g., Canada Post and the Royal Canadian Mounted Police), as well as to institutions providing services to the travelling public.

The proposed regulations on what constitutes significant demand for service in

English and French for a given federal office include the following two sets of rules:

- rules of general application which are based, for the most part, on minority population census data with respect to the number and proportion of the linguistic minority; and
- rules on certain specific types of services which are based, for the most part, on the volume of demand in the language of the minority because, in these cases, population statistics are not relevant.

#### Nature of the Office

As for the "nature of the office", the proposed regulations would apply to specific federal services regardless of the level of demand. The provisions would cover, among other things, public health and safety signage, national parks, embassies and the principal offices of federal institutions located in the Northwest Territories and the Yukon.

# Contracted Services Offered to the Travelling Public

The proposed regulations in this area apply to certain services provided by contract in federal airports, train stations and ferry terminals where there is significant demand. The services covered include businesses such as restaurants, and services provided by air carriers.

## Scope

Once adopted, the regulations would apply uniformly to all federal institutions subject to the Act, as well as to Air Canada pursuant to section 10 of the Air Canada Public Participation Act. Federal offices in the National Capital Region as well as the headquarters of federal institutions are not covered by the proposed regulations since their obligation to serve the public in both official languages is specifically provided for in the Official Languages Act.

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# Effective Date and Possible Effects

The proposed regulations are designed to ensure that Canadians have fair and reasonable access to federal services in the official language of their choice.

The proposed regulations would take effect one year after their adoption so that federal institutions would have time to introduce the administrative measures they need to fulfil their obligations and, where necessary, to survey the level of demand in each official language.

The Canadian public, and especially the Anglophone and Francophone minorities, would benefit from the regulations once adopted. Local services would be available from federal institutions in both official languages to 94 per cent of the minority population across Canada. In addition, the proposed regulations would ensure that certain services, primarily for the benefit of the travelling public, would be available in both official languages.

Federal institutions provide the Canadian public with a vast array of services in both official languages at some 1,600 points of service. For the most part, the proposed regulations would confirm existing services. Apart from that, the regulations would have the virtue of defining, in a legal document, the circumstances under which the public would have a right to service in both official languages.

## Steps Completed in the Adoption Process

### Consultation of Parliament

The draft regulations were tabled in the House of Commons in accordance with section 85 of the *Official Languages Act* for a period of 30 sitting days of the House. During this period, the proposed regulations were reviewed by the Standing Joint Committee on Official Languages.

The testimony and briefs of numerous organizations presented a variety of points of view. Among them were the Commissioner of Official Languages, associations representing minority official language communities, others representing members of the linguistic majority, public service unions and the federal institutions most directly affected by the regulations.

Most of the witnesses expressed the opinion that, for the most part, the proposed regulations were fair and equitable, but they considered that their scope should be broadened.

# Consultation with the General Public

The regulations were pre-published in Part I of the *Canada Gazette* on March 23, 1991. In accordance with section 86 of the Act, the period of pre-publication must be at least 30 sitting days of both Houses of Parliament. During this period, members of the public have an opportunity to forward their comments to the President of the Treasury Board.

## **Next Steps**

Following the pre-publication period, the report of the Parliamentary Committee and the opinions expressed by interested parties will be carefully examined.

As with all federal regulations, the final version will be published in Part II of the *Canada Gazette*.

# Part II

The Current
Situation
in Federal
Institutions

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This chapter provides an overview of the progress achieved in implementing the three basic elements of the official languages program: service to the public, language of work and equitable participation.

For the most part, the analysis is based on the performance over time of the federal departments and agencies for which the Treasury Board is the employer. Since Crown corporations do not have uniform personnel policies and use widely differing methods of gathering and recording data, common statistical indicators have not been available. However, in the course of the year, the Treasury Board Secretariat and Crown corporations, together with a number of institutions that are separate employers, began to put in place an information system which, in due course, will provide standardized data on all three program elements. For the moment, only participation data relating to Crown corporations and to the Royal Canadian Mounted Police are available.

The information in the tables in the appendix to this report represents aggregate data. However, the performance of departments, agencies and Crown corporations is monitored on an individual basis by the Official Languages Branch.

# Official Languages Program Management

Responsibility for effective implementation of the official languages program lies with individual institutions. The Treasury Board's initial approach to program management became more decentralized in 1977, with departments assuming greater responsibility for determining their own official languages requirements. This tendency was enhanced with the introduction of Letters of Understanding on Official Languages between the Treasury Board and departments as the basic instrument to define a department's accountability in terms of the strengths and weaknesses of

its official languages program. An action plan forming part of the Letter of Understanding sets out performance indicators and deadlines where the department agrees that improvements are needed. Agreements of the same nature will be entered into with Crown corporations starting in 1991-92.

The relationship between the Treasury Board and federal institutions will continue to evolve as the government's plans for a revitalized public service – PS2000 – become a reality. Letters of Understanding will become tailored even more closely to the individual circumstances of departments. In addition, the Treasury Board will be revising and simplifying its official languages policies and directives so that institutions have greater flexibility in designing solutions to problems, while maintaining an effective accountability framework.

Also, consultative mechanisms are being reinforced so that policy development takes place in light of all the information available, and federal institutions benefit from shared experience. In this respect, a Senior Committee on Official Languages, with officials from 12 departments, agencies and Crown corporations, was created during the year to advise the Treasury Board Secretariat on the implementation of the *Official Languages Act*, on regulations and policies, and on tools to help federal institutions implement the program.

# Overview: Departments and Agencies

The number of bilingual positions within the Public Service, required for service to the public or for internal services, or both, has remained fairly constant at 29 per cent since 1984 (Table 1). As of March 31, 1991, the number of bilingual positions was 62,807. The proportion of positions classified as English-essential, French-essential, or either English- or French-essential has also changed very little.

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In all, there were about 8,000 more bilingual public servants than there were bilingual positions (Table 2), an increase of 0.6 percentage point over the previous year. The greatest increase was among those with superior second language proficiency.

As might be expected, the National Capital Region, where most Public Service departments are headquartered, had the heaviest concentration of bilingual positions, with 56 per cent of the total of almost 70,000 positions in the Region (Table 3). In Quebec, where the English-speaking minority numbers 850,000, Public Service bilingual positions (excluding those in the National Capital Region) constituted 54 per cent of the 30,000 positions. New Brunswick, where one-third of the population is Frenchspeaking, followed with 38 per cent of 7,000 positions. In the four Western provinces and the Territories, only 3 per cent of the total of 50,000 positions carried bilingual requirements.

The percentage of employees who met the linguistic requirements of their positions, which stood at 84 per cent in 1989, rose by one per cent in both 1990 and 1991 to regain the 1984 level (Table 4). This progress was achieved even though, as indicated in Table 5, second-language level requirements continued to increase, with 14 per cent of bilingual positions now requiring superior proficiency. The increase is in part a reflection of previous policy decisions requiring greater proficiency among supervisors and members of the Management Category.

#### Service to the Public

One of the most important objectives of **Public Service 2000** is to ensure that the public receives the best possible service, including service in both official languages where required. The report of the Task Force on Service to the Public (October, 1990) points out that the *Canadian Charter of Rights and Freedoms* and the *Official Languages Act* guarantee the public the right to

receive federal government services in the official language of its choice under specific circumstances. It then recommends, "the Treasury Board should ensure that Public Service managers fully understand the intent and application of the Official Languages program."

In line with the more client-oriented approach of **Public Service 2000**, Treasury Board policies will continue to require that managers obtain the views of minority official language communities, as a distinct group of stakeholders, on the linguistic aspects of services provided.

The Official Languages Act requires that services to the public must be available in both official languages from the head or central office of any federal institution, wherever located, and from any office in the National Capital Region. Services must also be provided in the language of the minority official language community where there is significant demand for these services. According to present Treasury Board policies, significant demand is deemed to exist in certain defined areas. Outside these areas, each federal institution decides for itself where demand is significant. The draft regulations described in Part I of this report, if approved by the Governor in Council, would provide standardized rules for determining where significant demand exists.

The Act also stipulates that where service is provided in both official languages, an active offer is to be made as an invitation to clients to use the official language of their choice. What this means is that, in general, the public is to be greeted in both official languages on the telephone and in person. Other methods are also used, such as bilingual signs on Customs booths.

Tables 6 and 7 make clear that the Public Service as a whole was better able to serve the public in both official languages than ever before. The number of incumbents of bilingual positions serving the public who met the language requirements of

their positions stood in 1991 at 87 per cent (Table 6), an increase of two percentage points over 1990. At the same time, the level of proficiency required by bilingual serviceto-the-public positions continued to rise. Over 15 per cent of these positions called for superior capability in the second official language in 1991, as compared with 9 per cent in 1984. The percentage of positions requiring only minimum proficiency shrank from 10 per cent in 1984 to only 3 per cent in 1991 (Table 7). These data confirm information received from a number of departments and agencies which have reviewed the adequacy of the linguistic levels of their service-to-the-public positions.

### Language of Work

The preamble to the Official Languages Act sets out the principle that "officers and employees of institutions of the Parliament or Government of Canada should have equal opportunities to use the official language of their choice while working together in pursuing the goals of those institutions." In this way, recognition is given to the Charter declaration that English and French "have equality of status and equal rights and privileges as to their use" in all federal bodies. There is, of course, a practical aspect to the language-of-work principle: in general, people work more efficiently and imaginatively in their first official language.

There is a fairly common misconception that federal employees have the right to work in the official language of their choice anywhere in Canada. In fact, the right exists only in regions designated in the *Official Languages Act*. These designated bilingual regions are the National Capital Region; Montreal and certain parts of Gaspé, the Eastern Townships and Western Quebec; Northern and Eastern Ontario; and New Brunswick. Elsewhere, the official language of work is the language of the provincial linguistic majority. Language-of-work rights must give way to the right of the public to be served in the official language of its

choice. In addition, the central agencies of the federal government must serve the employees of client departments, agencies and Crown corporations in the official language of their choice.

Federal institutions have a duty, in the designated regions, to create work environments that are "conducive to the effective use of both official languages and accommodate the use of either language by its officers and employees." More particularly, institutions are required, in these regions, to provide their employees with central and personal services in both official languages, and to ensure that "regularly and widely used work instruments" are available in both English and French. Departments. agencies and Crown corporations have used to good effect various instruments to help create "conducive environments." These include guides for senior managers, assistance in drafting documents in the employee's second official language, exchange programs and language-of-work surveys to identify weaknesses in implementing the program.

One language-of-work provision of the Act came into effect during the course of 1990-91. This clause requires federal institutions to ensure that regularly and widely used information technology systems, acquired or produced after January 1, 1991, can be used in either official language in the designated regions. Shortly after the Official Languages Act was promulgated in 1988, the Treasury Board Secretariat issued a policy with targets for acquiring information technology in both official languages. Institutions were thus able to begin preparing for the development of automated systems and integrated office-support systems that could accommodate a federal employee's choice of language of work.

Tables 8 to 11 give an overview of the progress made on language of work in the Public Service as a whole. Table 8 indicates that the percentage of incumbents of bilingual positions with internal service respon-

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sibilities who meet their second-language requirements now stands at 84 per cent, an increase of 1 percentage point for the second consecutive year. Nevertheless, the current figure is still below that of 1984, in part because the linguistic requirements of positions have been raised. In fact, Table 9 shows considerable progress since 1984 in raising second-language proficiency, with 11 per cent of positions now requiring superior proficiency, an increase of 5 percentage points.

Letters of Understanding signed with departments contain undertakings that further progress will be made in implementing the Treasury Board policy requiring members of the Executive Group in bilingual positions in bilingual regions to upgrade their language proficiency by 1998 from intermediate to superior in oral interaction (comprehension and speaking) and reading.

The Official Languages Act places particular emphasis on the ability of supervisors in regions designated bilingual for languageof-work purposes to communicate in both official languages "where it is appropriate or necessary" so that there can be a work environment conducive to the use of either language. It also requires that the management group of every federal institution be able, as a whole, to function in both English and French. Tables 10 and 11 provide an indication of the seriousness with which the Public Service has approached these obligations. The percentage of supervisors meeting the linguistic requirements of their positions rose from 78 per cent to 80 per cent in the course of the year (Table 10). At the same time, the percentage of supervisory positions calling for superior secondlanguage proficiency increased by one percentage point to 19 per cent (Table 11).

# **Participation**

The principle of equitable participation of English-speaking and French-speaking Canadians within federal institutions flows from principles set out in the report of the Royal Commission on Bilingualism and Biculturalism in 1967. The objective was affirmed in a Parliamentary Resolution of 1973 on Official Languages in the Public Service, and was included in the 1988 Official Languages Act.

That Act sets out the government's commitment to ensuring that English-speaking Canadians and French-speaking Canadians, whatever their ethnic origin, have equal opportunities to obtain employment and advancement in federal institutions. It also commits the government to ensuring that the composition of the work force of federal institutions tends to reflect the presence of both official language communities, "taking into account the characteristics of individual institutions, including their mandates, the public they serve and their location."

Finally, the Act states clearly that there can be no derogation from the merit principle when selecting personnel. Accordingly, federal institutions may not set quotas to redress perceived imbalances in Anglophone/Francophone participation. Nor may they identify the language requirements of positions with the objective of favouring one group or the other.

The proportion of Anglophones and Francophones has been stable within the Public Service as a whole since 1984 at 72 per cent/28 per cent (Table 12), and remains within 2 or 3 percentage points of national population averages. On the basis of these figures, and taking into account the factors mentioned above (namely, federal institutions' mandates, the public served and locations), it is clear that both official language communities participate equitably within the Public Service.

The slight preponderance of French-speaking public servants results in large measure from local recruitment, especially for support staff, in the National Capital Region where about one-third of the Public Service is located and where the Francophone community represents 36 per cent of the total

population. As well, the participation rate for Anglophones in the Public Service in Quebec, excluding the National Capital Region, is still fairly low at close to 6 per cent, but is improving. Table 13 gives the participation rates for the Public Service in all regions of the country.

As will be seen from Table 14, participation by occupational category did not vary between 1990 and 1991. In fact, there has been little variation since 1984, except for an increase of 2 percentage points, to 22 per cent, in the proportion of Francophone managers in the Public Service.

# Crown Corporations and Other Institutions

Crown corporations as a group include the major federal institutions that provide services to the travelling public. They also include Canada Post which, with over 8,000 postal facilities, has more individual service transactions with members of the public in the course of a year than any other federal institution. In addition, the four national museums together welcome several million visitors each year.

Some Crown corporations continue to face problems inhibiting their ability to deploy bilingual employees so as to ensure continuous service in both official languages. Nevertheless, many Crown corporations made a more active offer of service during 1990-91 by adopting the Treasury Board's active offer symbol, or by adapting it to suit their own circumstances.

As noted above, the Treasury Board Secretariat has begun for the first time to collect statistical information on a standardized basis on Crown corporations and on institutions that are separate employers. In the first instance, participation data are being obtained, with information on service to the public and language of work to follow in subsequent years.

Table 15 sets out participation rates for the approximately 135,000 English-speaking

and French-speaking employees of Crown corporations. It shows that the participation of Anglophones stood at 69 per cent in 1990, and that of Francophones at 25 per cent. The first official language of 6 per cent of the employees was unknown. An analysis of these participation rates will not be possible until data on the geographical distribution of Crown corporation employees becomes available in 1991-92.

Participation of English-speaking and French-speaking members of the Royal Canadian Mounted Police, at 81 per cent and 19 per cent respectively (Table 16), is equitable taking into account the mandate of the Force, the public it serves and the location of its members. The participation of Anglophones is reasonable in the West and the North at 94 per cent, while 84 per cent of the members in Quebec are Francophones. Table 17 provides information on the distribution by occupational category of Anglophone and Francophone members of the Force.

## **Summary of Trends**

The indicators reviewed in the foregoing pages of this report show that progress continued to be made in the implementation of official languages policies and programs in 1990-91. Program management was strengthened as Letters of Understanding on Official Languages became an increasingly effective tool for promoting a high level of performance in departments and agencies. As well, the newly established Senior Committee on Official Languages, with representation from 12 federal institutions, will allow a continuing high-level review of significant developments affecting the official languages program.

Given that the percentage of bilingual positions within the Public Service has remained virtually unchanged since 1984 at about 29 per cent, it seems clear that there is an adequate number of these positions to respond to the needs of both the public and federal employees. Upon the coming into

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force of the proposed regulations, a slight increase in the number of bilingual positions can be anticipated.

It is an encouraging note for the program that the percentage of bilingual public servants continues to rise. It is also encouraging that the percentage of public servants in bilingual positions who meet the language requirements of their positions rose again in 1990, and that a greater number can function with superior proficiency.

Over the course of the last seven years, there has been real progress in raising the linguistic requirements for bilingual language-of-work positions providing personal and central services, and supervision. Even in the last year, the proportion of positions at the "C" (superior) level rose by 0.6 percentage points. The presence of bilingual supervisors is of considerable importance in creating workplaces conducive to the use of either official language. Accordingly, the fact that the proportion of supervisors meeting their linguistic requirements increased by two percentage points is particularly noteworthy.

Participation of English-speaking and French-speaking public servants remains equitable overall, taking into account especially the concentration of French-speaking Canadians in the National Capital Region where one-third of all public servants work.

# Part III

**Activities** 

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This part of the Annual Report presents the main official languages activities of the Treasury Board and its Secretariat during fiscal year 1990-91. The Official Languages Branch of the Secretariat had 64 person-years and a budget of \$5.7 million to assist the Board in carrying out its mandate. In addition, \$1.5 million were contributed to Crown corporations under section 108 of the *Official Languages Act*.

As a result of a restructuring of the Secretariat, the Official Languages Branch reallocated its personnel within the following three divisions:

- Policy, responsible for making recommendations on the content of regulations in order to give effect to the Act; also responsible for the development and broad interpretation of official languages policies;
- Liaison and Client Services, responsible for monitoring and auditing the implementation of program policies and directives within federal institutions; also responsible for liaison with official languages minorities and provincial governments, and for the development of information programs intended for the public and federal employees;
- Program Support Services, responsible for the management of official languages support programs, program evaluation, the management of data bases, the planning of the Branch's activities, and resource management.

# Regulations, Policies and Directives

### Official Languages Regulations

On November 8, 1990, the President of the Treasury Board tabled in the House of Commons a draft of proposed regulations on service to the public in both official languages. Since then, both the general public and members of Parliament have had an

opportunity to comment on the draft regulations. For its part, the Treasury Board Secretariat reviewed the recommendations put forward by various parties, consulted with federal institutions, and studied the consequences of possible changes to the proposed regulations. (See Part I for further details on the draft regulations, especially concerning their structure and scope, and the adoption process.)

### **Policy Review**

During 1990-91, the Treasury Board Secretariat began a review of all official languages policies and directives relating to federal institutions. A preliminary analysis has been completed with a view to determining which parts should be retained, and which require modification.

Drafting of various policies has already begun. Within the context of Increased Ministerial Authority and Accountability and Public Service 2000, the new official languages policies will stress objectives and results. They will also set forth the obligations of federal institutions arising from the *Official Languages Act* of 1988 and future regulations on service to the public in both official languages.

In the meantime, the Treasury Board Secretariat will be focussing on a number of the obligations arising from the Act. One of its key tasks will be to clarify for federal institutions the use of the appropriate media for communications with the public in the official language of its choice under particular circumstances. In addition, it will be outlining some steps to be taken for the objective identification of linguistic requirements during the staffing process.

The Secretariat will also be clarifying the official languages policy that was introduced to give effect to the provisions of the Act about the introduction of new, regularly and widely used automated systems that now must be available in both official languages.

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# Official Languages and Information Technology

The Official Languages Act of 1988 requires that in the National Capital Region as well as in regions designated as bilingual for the purposes of language of work, federal institutions must ensure that new, regularly and widely used automated systems acquired or produced after January 1, 1991, be available in both official languages. The Treasury Board Secretariat issued a policy on December 30, 1988 setting out measures that federal institutions must take to implement this provision of the Act.

During 1990-91, the Treasury Board Secretariat took part in the working group of the Advisory Committee on Information Management (ACIM) relating to official languages and information technology in federal institutions. Since September 1990, this working group has held a series of meetings and surveyed a number of departments and agencies regarding their particular situations. It has also received various reports from interested departments and associations. Industry representatives have also had an opportunity to voice their opinions. The working group is expected to report to ACIM in the coming months on its evaluation of the impact of these new obligations on federal institutions. It is also expected to set deadlines for activities for which there was no implementation schedule in the 1988 policy.

The preliminary findings of this group show that departments and agencies were able to obtain software, training and documentation in both official languages.

## **Monitoring and Auditing**

In carrying out its responsibilities under the *Official Languages Act*, the Treasury Board

may monitor and audit all federal institutions, except the Senate, the House of Commons and the Library of Parliament, for their compliance with policies, directives and regulations. One of the principal monitoring tools was the Annual Management Report called for in Letters of Understanding with departments and agencies. This report will also be requested as part of the Agreements to be reached with Crown corporations. The monitoring of support programs such as language training and translation also assisted the Secretariat in ensuring that the program was being implemented in an effective manner. In addition, through continuing liaison with institutions. Secretariat officials provided advice on the management of the program.

### 1990-91 Letters of Understanding

The Official Languages Letter of Understanding is the key instrument for determining the accountability of each department and agency to the Treasury Board. Institutions must identify their goals with respect to each program obligation and prepare an action plan with a view to correcting any identified shortcomings.

The negotiation process is already well established and collaboration between the Treasury Board Secretariat and the institutions has been excellent. As of March 31, 1991, the Treasury Board had signed 48 three-year Letters of Understanding with federal institutions. Nineteen of these were approved during 1990-91.<sup>1</sup>

<sup>&</sup>lt;sup>1</sup> These 19 Letters of Understanding are with the following institutions: Agriculture Canada; Bureau of Pension Advocates Canada; Veterans Appeal Board Canada; Canada Pension Commission; Public Works Canada; Veterans Affairs Canada; Energy, Mines and Resources Canada; Department of Finance; Canadian International Development Agency; Immigration and Refugee Board; Medical Research Council of Canada; National Capital Commission; National Research Council of Canada; Natural Sciences and Engineering Research Council of Canada; Science Council Canada; Office of the Superintendent of Financial Institutions; Public Service Staff Relations Board; Clerk of the Canada Tax Court; and the National Transportation Agency of Canada.

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Of the 48 institutions which have signed Letters of Understanding, 24 submitted Annual Management Reports to the Treasury Board Secretariat outlining progress made towards achieving the objectives set out in their Letters. The Secretariat has analyzed these management reports and forwarded its comments to the institutions. In general, these institutions have reached their goals within the specified time frame. Some objectives which needed to be reformulated or delayed have been re-negotiated.

# Agreements with Crown Corporations

The accountability of Crown corporations with respect to official languages will be defined in "Agreements", which are the counterpart of the "Letters of Understanding" between the Treasury Board and departments and agencies. On the basis of draft agreements prepared voluntarily by Via Rail, Marine Atlantic and Canadian National Railways, guidelines and procedures for the negotiation of these documents were drawn up in 1990-91. The guidelines, along with an implementation schedule, were the result of close consultations with the corporations. They take into account the organizational differences between Crown corporations and departments and agencies. It is expected that some 18 agreements will be concluded during the coming year.

### **Audits and Follow-ups**

The Treasury Board Secretariat undertook two major audits during 1990-91. They covered language training purchased by federal institutions from private language schools, and the administrative provisions put in place by federal institutions when incumbents of bilingual positions no longer meet the language requirements of their positions.

The Secretariat also conducted follow-ups to six previous audits and found that, in general, the departments in question had acted upon the audit recommendations.

In keeping with the spirit of **Public Service** 2000, the Treasury Board Secretariat plans to rely increasingly on internal audits by federal institutions. In addition, the Secretariat used the annual management and progress reports received from these organizations to assess their language situation. It also relied on information obtained from its advisory committees, the members of which are drawn from a representative cross-section of institutions.

## **Support Programs**

### Language Training

Employees of departments and agencies received 1.7 million hours of language training in 1990-91. This training was provided by the Public Service Commission, private suppliers accredited by the Treasury Board, para-public bodies and in-house teaching staffs where authorized. Table 18 indicates that the number of hours of language training provided increased by 100,000 hours over 1989-90.

#### Translation

The Translation Bureau of the Department of the Secretary of State provides translation services to the Public Service. The Treasury Board Secretariat, for its part, determines the global translation envelope in consultation with the Translation Bureau, and departments and agencies. The Secretariat decides on individual allocations of numbers of words which may be translated, bearing in mind governmental priorities.

In 1990-91, the Department of the Secretary of State translated 250 million words, as compared with 237 million the previous year (Table 19). Because of the expenditure reductions introduced in the February 1991 budget, it is anticipated that the number of words translated in 1991-92 will decline to 237.5 million.

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### **Bilingualism Bonus**

Public servants who meet the language requirements of their bilingual positions receive a bilingualism bonus of \$800 per year. (The bonus is not, however, paid to a number of groups, notably the Executive Group). As of March 31, 1991, 58,382 employees were receiving the bonus in accordance with collective agreements.

Pursuant to a confirmation process, 7,544 employees were tested in 1990-91 to ensure that they had retained proficiency in their second official language. Of those tested, 90.7 per cent succeeded. The bonus was withdrawn from those who failed until such time as they requalified. A further 15,205 public servants will be tested in 1991-92.

# Assistance to Crown Corporations

By virtue of section 108 of the Act, the President of the Treasury Board may provide Crown corporations with financial assistance during the four years following the Act's entry into force. This provision was made so that Crown corporations can implement the provisions of the Act more readily. Crown corporations did not, generally speaking, have an infrastructure as well-developed as that of federal departments and agencies. Therefore, a sum of \$18 million was committed to enable them to take steps to meet their language-of-work obligations.

Since this program came into force in 1989-90, the Board has approved proposals of 14 corporations. These projects range from language training for supervisors and central services personnel to the translation of work instruments and the bilingualization of automated systems.

The Board normally reimburses up to 50 per cent of costs incurred. By the end of the second year of the program's operations, some \$7.9 million had been committed. Approximately \$2.6 million has been paid out — \$1.5 million during 1990-91. Expenditures by the Crown corporations have reached slightly more than \$9.4 million.

### **Cost of the Program**

The cost of the official languages program within federal departments, agencies and Crown corporations amounted to \$335 million (revised estimate) in 1990-91, as compared with \$308.4 million (final figure) in 1989-90 (Table 22). The increase was attributable notably to higher expenditures on language training and translation. The total amount represented only slightly more than one-quarter of one per cent of all federal program expenditures. This covered the costs of simultaneous interpretation and translation (including services provided to Parliament), language training for public servants and military personnel, the bilingualism bonus, and administration.

#### Information

### Keeping the Public Informed

During 1990-91, the Official Languages Branch remained in contact, as it had since 1983 or earlier, with the official languages minorities in all the provinces and territories, so as to understand their official languages concerns and needs better.

Shortly after the draft proposals for regulations on service to the public were tabled in the House of Commons, key organizations representing official language minorities received a set of documents relating to the proposals. At the same time, they were informed about procedures for passing on their comments to the appropriate authorities.

At the request of some of these organizations, the Official Languages Branch arranged meetings to discuss the impact of the proposed regulations on particular communities. Working meetings were held in Manitoba, New Brunswick and Ontario. Meetings were also organized to inform the appropriate authorities in the Territories of the official languages obligations that will be transferred to them.

The Treasury Board Secretariat, together with Fitness and Amateur Sport Canada,

acted as an advisor to the Organizing Committee of the Canada Games in Prince Edward Island. This was done to ensure that, in accordance with the provisions of the *Official Languages Act*, the athletes and the public would be able to receive information and communicate in the language of their choice at the Games.

### **Keeping Employees Informed**

To ensure that the draft regulations were well understood, the Treasury Board Secretariat organized information sessions during the fall of 1990 for regional directors of federal institutions in all regions of Canada. The Secretariat also held workshops on the draft regulations at the request of several departments and Crown corporations, just as it had done prior to the adoption of the Act

In addition, the Official Languages Branch continued its series of information sessions to senior officials on training courses and to regional departmental coordinators. Included as topics were the Act, the draft regulations on service to the public and other subjects of interest.

#### **Advisory Committees**

The mandate of the Departmental Advisory Committee is to provide a forum in which the central agencies and departments can consult and exchange ideas. In pursuing its activities over the past year, the Committee held five regular meetings. In addition, members were asked to comment on two letters of clarification to be sent to institutions concerning the use of the media for communications with the public in both official languages, and the objective identification of linguistic requirements during the staffing process.

The sub-committees and working groups of the Advisory Committee met on a regular basis to discuss such matters as the administration of second-language tests, the management of the official languages program, official languages initiatives taken by departments, and professional training for official languages officers. The latter sub-committee was particularly active in developing a course that was slated for a trial run in the fall of 1991.

The Crown Corporations Advisory Committee met four times during the year. All the major federal Crown corporations took part in these meetings. This enabled the Secretariat to obtain valuable consultation and feedback on a broad range of topics. Included among them were the draft regulations, several circular letters on policy topics important to Crown corporations, the financial assistance program for language-of-work projects in accordance with section 108 of the *Official Languages Act*, and the plans for a symposium to be held toward the end of 1991.

#### **Publications**

During 1990-91, the Treasury Board Secretariat published a pamphlet entitled "Pssst..." to remind Public Service managers about the use of the symbol that had been created in order to promote the active offer of service in both official languages. A poster was also prepared so that the public would be aware that services were available in the language of its choice wherever the symbol was present. Both were distributed to managers of federal department and agency offices offering services in both official languages.

The Official Languages Branch of the Treasury Board Secretariat also distributed an information kit consisting of a videocassette entitled First Item/Premier Point, and a new edition of the booklet Chairing Meetings/La présidence des réunions, first produced in 1988. The kit was prepared for managers at all levels responsible for organizing and chairing meetings in regions designated as bilingual for the purposes of the language of work. The aim was to encourage the creation of work environments conducive to the effective use of both English and French, while enabling employees to use the official language of their choice.

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# Conclusion

Towards
a Renewal of
the Official
Languages
Program

The Treasury Board was active in 1990-91 in promoting the equality of Canada's two official languages within federal institutions. It also set the stage for regulations on service to the public, and initiated a review of its policies and procedures.

Upon approval by the Governor in Council, draft regulations tabled by the President of the Board on November 8, 1990 will provide a definition of the circumstances applicable to all federal institutions under which service to the public will be required in both English and French. The change would not be radical since for more than 20 years now, departments, agencies and Crown corporations have had offices providing services in both official languages. What would be new, however, is a consistency of approach that would result in about 94 per cent of the members of the minority official language communities across Canada having direct access to federal government services in their own language.

The draft regulations were tabled at the same time as the government was giving broader consideration, in the context of **Public Service 2000**, to the renewal of the Public Service, in part by ensuring that administrative rules were good and necessary. It was in this light that the Treasury Board Secretariat began its review of its official languages policies and procedures. Similarly, it reinforced its consultative mechanisms by creating the Senior Committee on Official Languages, grouping a dozen high-ranking officials from various departments, agencies and Crown corporations.

By the end of 1990-91, Letters of Understanding on Official Languages had been signed with 48 departments and agencies. Of these, 19 were signed during the year. These Letters of Understanding are perhaps the most efficient tool for ensuring effective implementation of the official languages program, by stimulating departments and agencies to identify areas of weakness and to propose solutions for them within an established timetable. At the same time, the stage was set for the conclusion about 18 official languages agreements with Crown corporations during 1991-92.

These initiatives are being carried forward into 1991-92. The Treasury Board Secretariat will continue to provide overall direction to federal institutions in close cooperation with them so that they have all the tools they require to ensure the ongoing renewal of the program.

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# Statistical Tables

### **Public Service**

- 1. Language Requirements of Positions
- 2. Bilingual Positions and Pool of Bilingual Employees
- 3. Language Requirements of Positions by Region
- 4. Bilingual Positions: Linguistic Status of Incumbents
- 5. Bilingual Positions: Second-Language Level Requirements
- 6. Service to the Public: Bilingual Positions Linguistic Status of Incumbents
- Service to the Public: Bilingual Positions – Second-Language Level Requirements
- 8. Internal Services: Bilingual Positions Linguistic Status of Incumbents
- Internal Services: Bilingual Positions – Second-Language Level Requirements
- Supervision: Bilingual Positions Linguistic Status of Incumbents
- 11. Supervision: Bilingual Positions Second-Language Level Requirements
- 12. Participation of Anglophones and Francophones
- 13. Participation by Region
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## **Crown Corporations**

15. Participation of Anglophones and Francophones

# Royal Canadian Mounted Police

- 16. Participation of Anglophone and Francophone Members by Region
- 17. Participation by Occupational Category

### **Public Service**

- 18. Language Training (All Suppliers)
- 19. Official Languages Translation

# All Federal Institutions

20. Official Languages Program: Costs within Federal Institutions

## **Explanatory Notes**

### General

The statistical data for Public Service incumbents and their positions used in this report come from a single source: the Official Languages Information System (OLIS). This system contains information concerning those federal institutions for which the Treasury Board is the employer. These federal institutions are departments and agencies which come under Schedule I, Part I of the *Public Service Staff Relations Act* (excluded are Crown corporations and certain other institutions).

Under the Official Languages Act, the President of the Treasury Board is required to submit an annual report to Parliament on the status of programs relating to official languages in all federal institutions other than the Senate, the House of Commons and the Library of Parliament. Included are parent Crown corporations and whollyowned federally incorporated subsidiaries, the Canadian Armed Forces (uniformed members), and the Royal Canadian Mounted Police (members). The Treasury Board Secretariat is developing an official languages information system to include these other institutions; data currently available are provided in Tables 15 to 19. Future reports will provide a more complete account of the linguistic make-up of all federal institutions.

# The Official Languages Information System (OLIS)

Departments are required to provide and to maintain current data relating to official languages. It is important to note that, over the years, OLIS data have undergone changes resulting from, for example:

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- the creation and abolition of some departments and agencies;
- departments becoming Crown corporations (in particular, Canada Post Corporation);
- changes in data sources: since April 1987, employee data have been obtained from the Pay/Incumbents System;
- changes in the selection of the population for reporting purposes;
- modifications in the Public Service Commission's tests used to measure second-language proficiency.

It must also be pointed out that employees hired for a period of less than six months are not included in OLIS.

# **Technical Notes** and **Definitions**

Where statistics are provided for positions, these always pertain to *occupied positions* only. All 1991 figures are as of March 31.

# Proportion of bilingual public servants: Table 2

The proportion of bilingual public servants rose by 0.6 percentage points between 1990 and 1991. However, because of the rounding of the percentages, the Table indicates a decline of 1 per cent.

# Second-language capacity levels: Tables 2, 5, 7, 9 and 11

Knowledge of the second official language is assessed for each of the three skills: reading, writing and oral interaction. All the above tables are based on test results for oral interaction skills (understanding and speaking).

*Superior* corresponds to level C. In Table 2, the data also include those employees exempted from further testing because of their advanced proficiency.

Intermediate corresponds to level B.

Minimum corresponds to level A.

Other refers mainly to positions requiring code "P" or not requiring second language oral interaction skills. Code "P" is used for a specialized or expert proficiency in one or both official languages that cannot be acquired through language training at government expense (e.g. stenographers, translators, etc.).

Prior to 1990, the number of public servants with superior proficiency in their second official language was underestimated because the language test previously in use only determined whether an individual met the linguistic requirements of the position being staffed. The current test measures the individual's actual level of achievement.

# Language requirements of positions: Tables 1 and 3

All positions in the Public Service are identified according to one of the following categories:

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

In Table 3, figures for "Unilingual" positions were obtained by adding English-Essential, French-Essential and English-or-French positions.

# Language requirements outside Canada: Table 3

Since all rotational positions abroad of the Department of External Affairs and International Trade are identified as "Either/or", the language requirements outside Canada are described in terms of the linguistic capacity of the incumbents, rather than by reference to position requirements.

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# Linguistic status of incumbents: Tables 4, 6, 8 and 10

These tables indicate whether incumbents of positions:

- meet the language requirements of their positions;
- are exempted from meeting the language requirements of their positions. Government policy allows that, under specific circumstances, an employee may:
  - apply for a bilingual position staffed on a non-imperative basis i.e. without having to meet the language requirements of the position, e.g. employees with very long records of service, employees with a handicap preventing them from learning a second language, and employees affected by a reorganization, transfer or lay-off.
  - remain in a bilingual position without having to meet the new language requirements of the position, e.g. incumbents of unilingual positions reclassified as bilingual, or incumbents of bilingual positions where the language requirements are raised.
- must meet the language requirements of their position, in accordance with the Exclusion Order on Official Languages under the Public Service Employment Act. The Exclusion Order grants employees a period of time to acquire, through language training, the language proficiency required for their positions.

# Service to the public in both official languages: Tables 6 and 7

These tables cover incumbents of bilingual positions and bilingual positions where there is a requirement for service to the public in both official languages.

# Bilingual internal services: Tables 8 and 9

These tables cover incumbents of bilingual positions and bilingual positions where the

duties include provision of bilingual personal services (e.g. pay), or central services (e.g. library services), in those regions prescribed for the purpose of language of work in the *Official Languages Act*.

# Bilingual supervision: Tables 10 and 11

These tables cover incumbents of bilingual positions and bilingual positions with bilingual supervision responsibilities in those regions prescribed for the purpose of language of work in the *Official Languages Act*.

N.B.: Since a position may be identified bilingual for more than one requirement (e.g. service to the public and supervision), the sum total of positions in Tables 7, 9 and 11, for example, does not match the number of bilingual positions in Table 5.

# Participation: Tables 12, 13 and 14

"Anglophones" and "Francophones" are terms used to refer to employees based on their declared first official language. The first official language is that language declared by employees as the one with which they have a primary personal identification (that is, the language in which they are generally more proficient).

# Participation – Royal Canadian Mounted Police: Tables 16 and 17

Civilian employees at the Royal Canadian Mounted Police are included in the Public Service statistics.

# Costs within federal institutions: Table 20

These costs include simultaneous translation and translation of parliamentary and government documents, language training for public servants and military personnel, the bilingualism bonus and administration of policies and programs by central agencies, departments, Crown corporations and Armed Forces.

Table 1:

Language Requirements of

Positions in the Public Service

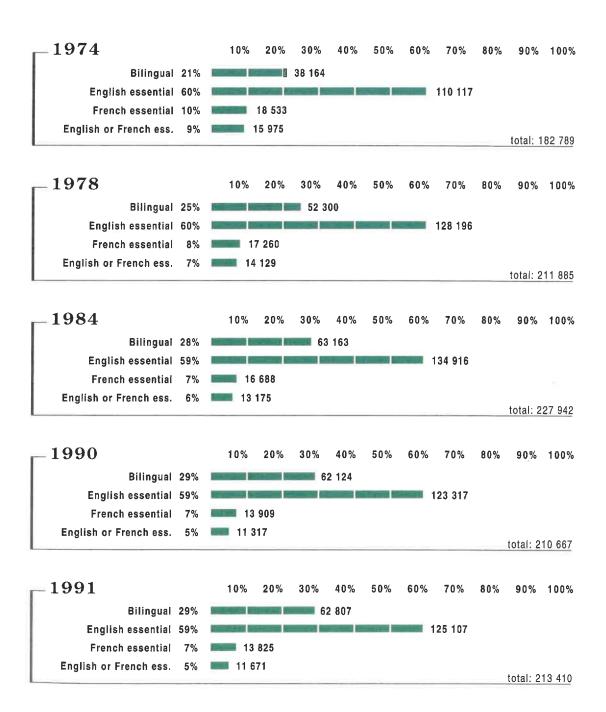
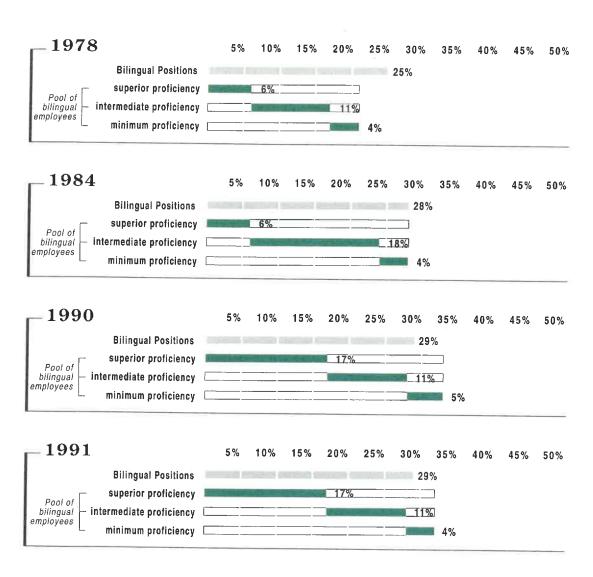


Table 2:

Bilingual Positions and Pool of Bilingual Employees in the Public Service



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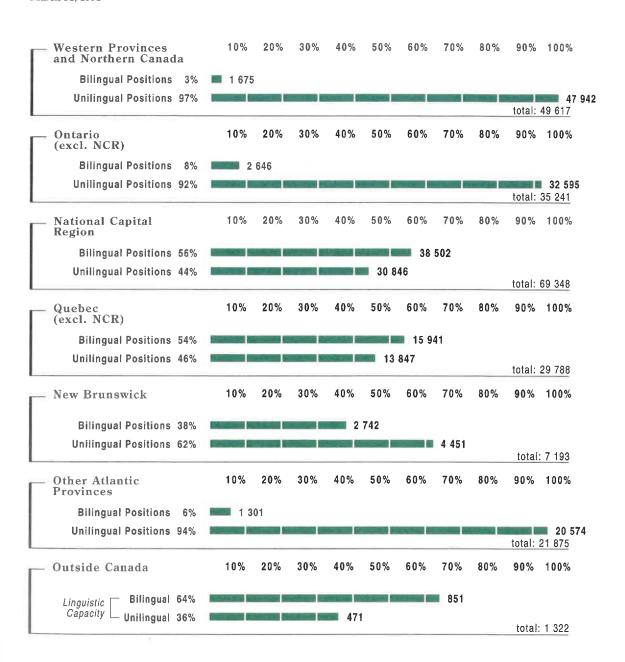
Table 3:

# Language Requirements of Positions in the Public Service

by Region March 31, 1991

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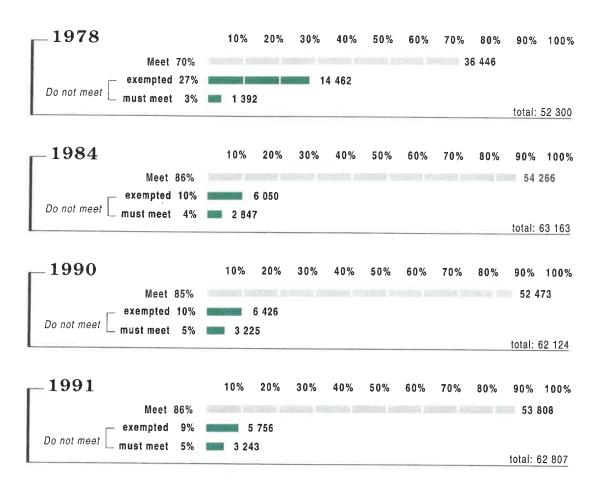
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## Table 4:

# Bilingual Positions in the Public Service

Linguistic Status of Incumbents



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### Table 5:

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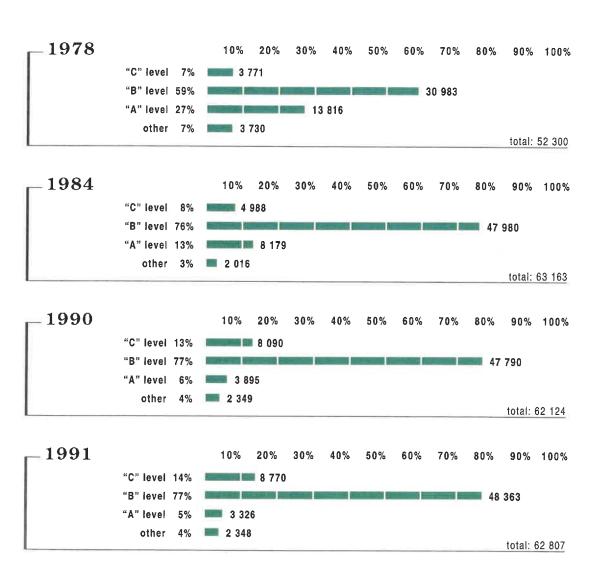
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# Bilingual Positions in the Public Service

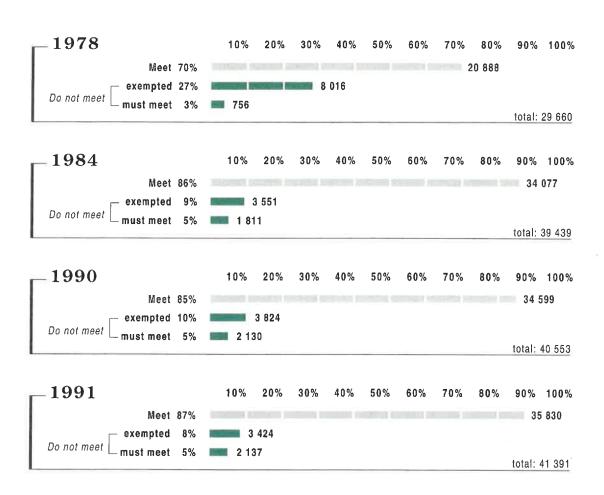
Second-Language Level Requirements



## Table 6:

### Service to the Public — Public Service

Bilingual Positions Linguistic Status of Incumbents



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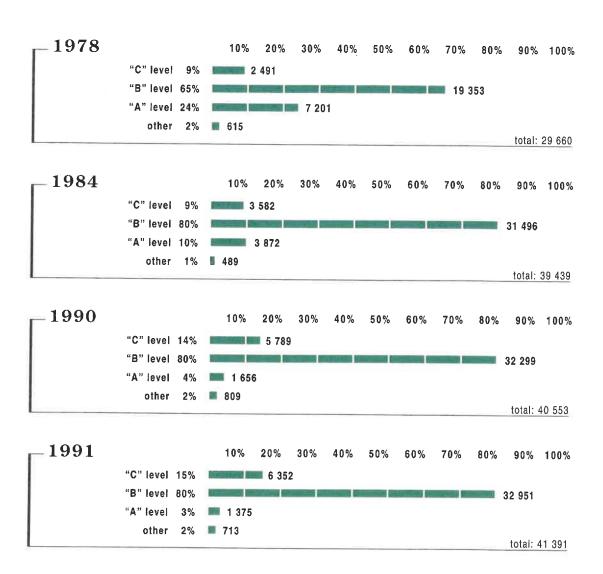
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Table 7:

## Service to the Public — Public Service

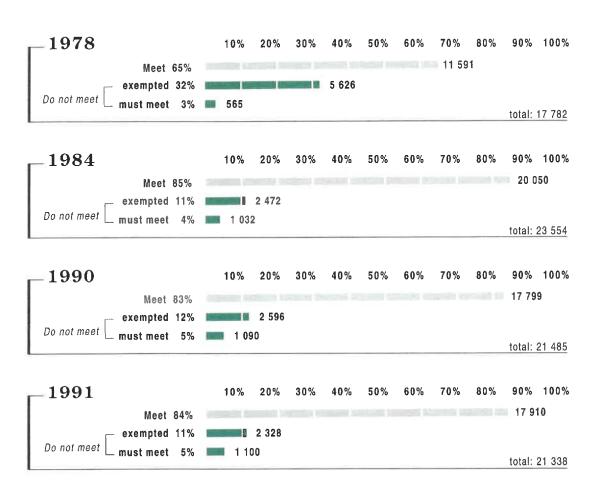
Bilingual Positions Second-Language Level Requirements



## Table 8:

## Internal Services — Public Service

Bilingual Positions Linguistic Status of Incumbents



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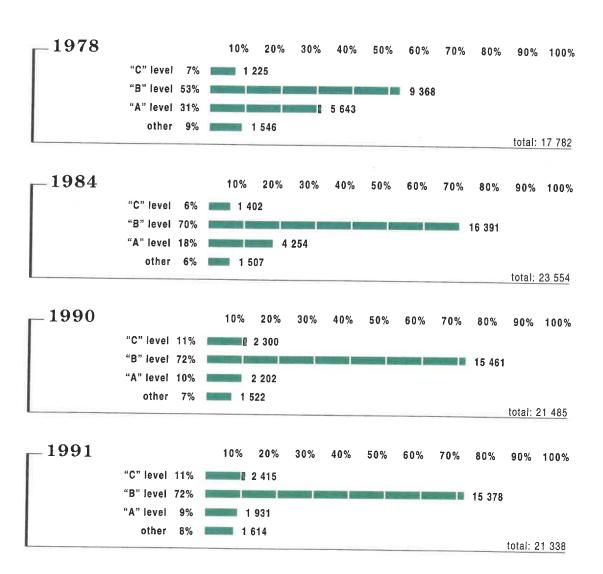
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Table 9:

## Internal Services — Public Service

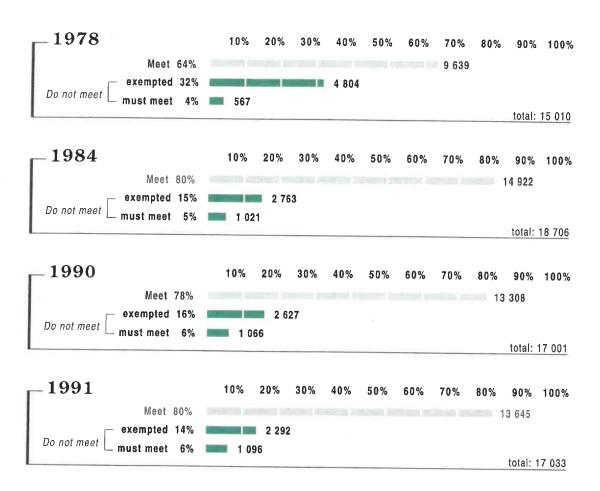
Bilingual Positions Second-Language Level Requirements



# Table 10:

## Supervision — Public Service

Bilingual Positions Linguistic Status of Incumbents



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# Table 11:

# Supervision — Public Service

Bilingual Positions Second-Language Level Requirements

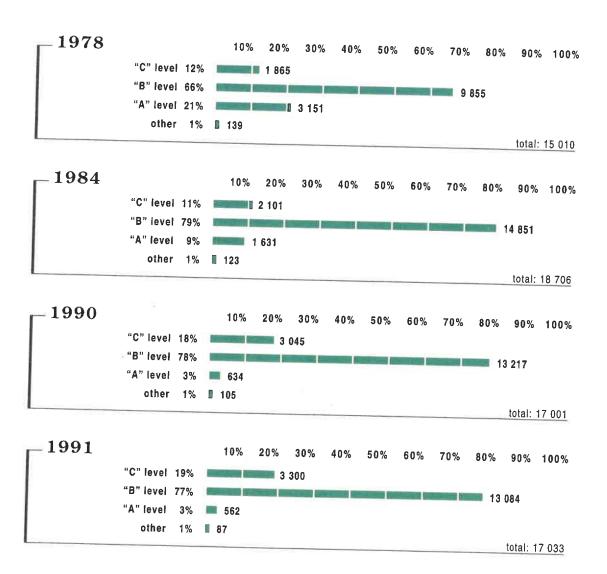
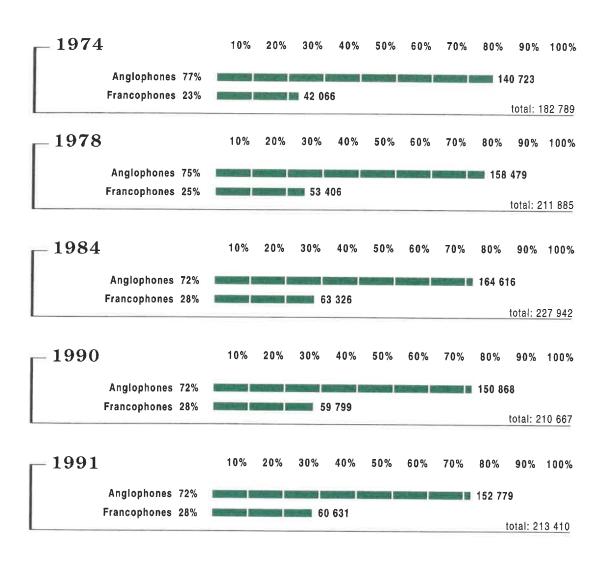


Table 12:

Participation of Anglophones and Francophones in the Public Service



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Table 13:

# Participation by Region in the Public Service

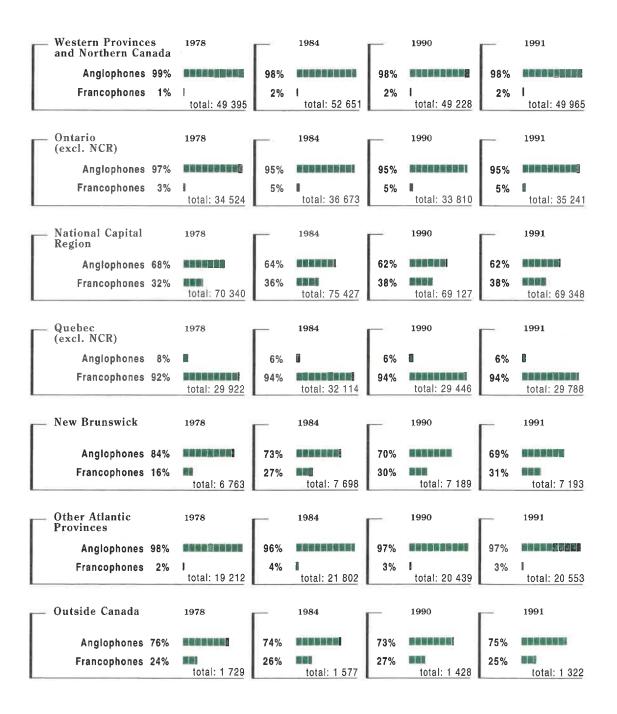


Table 14:

# Participation by Occupational Category in the Public Service

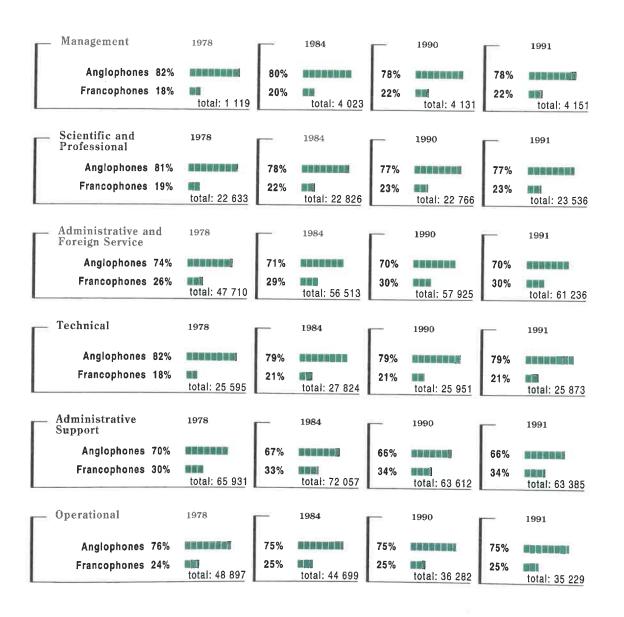
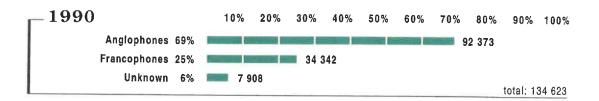


Table 15:

Participation of Anglophones and Francophones in Crown Corporations



OLIS II data

### Table 16:

Participation by Region of Anglophone and Francophone Members of the Royal Canadian Mounted Police

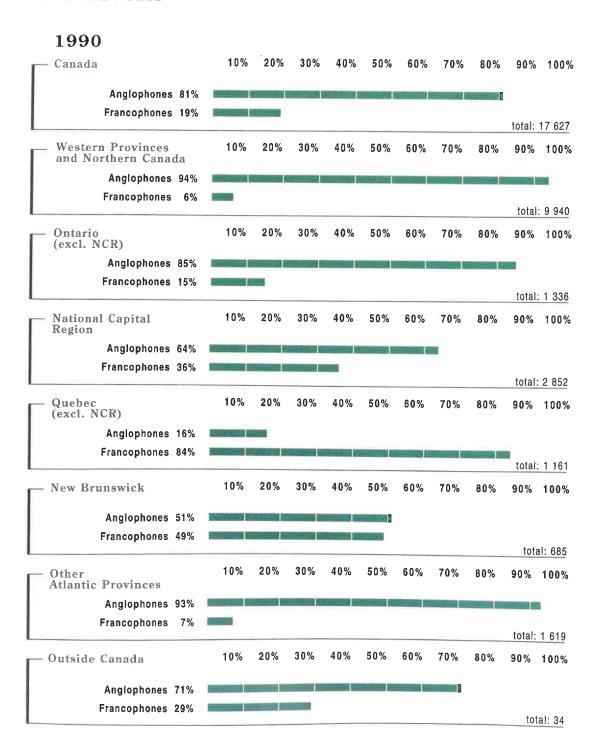
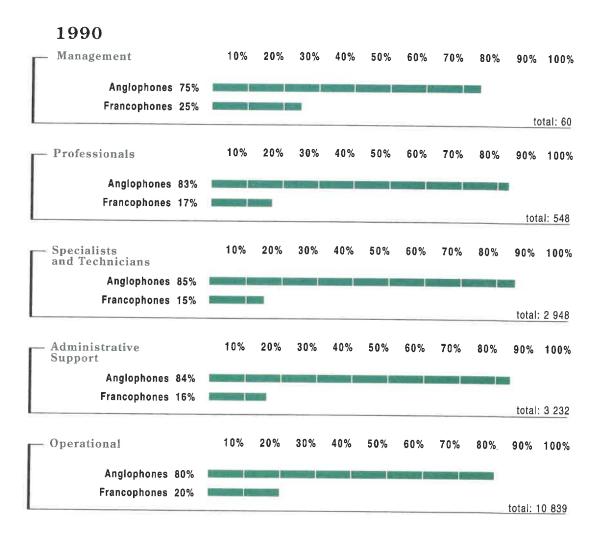


Table 17:

Participation of Members of the Royal Canadian Mounted Police by Occupational Category

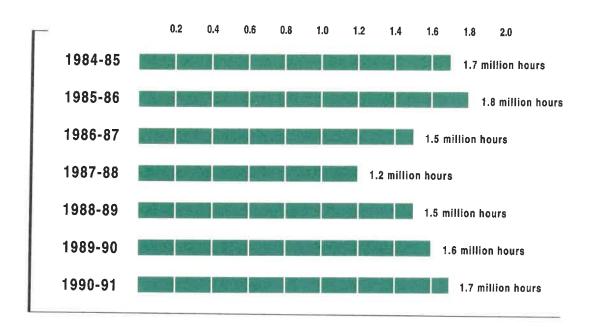


OLIS II data

Table 18:

# Language Training

All Suppliers

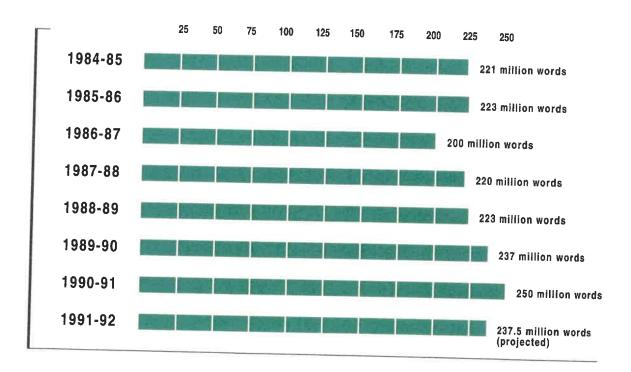


Language Training Module/Language Training System data

Table 19:

# Official Languages Translation

Departments and Agencies



Secretary of State data

### Table 20:

# Official Languages Program Costs within Federal Institutions

