



UNCLASSIFIED

# 2014-2017 Official Languages Parts V, VI and Section 91 Action Plan



## Introduction

The Human Resources Services Branch, Centre of Expertise – Workforce Strategies, is responsible for managing the implementation of Parts V, VI and Section 91 of the *Official Languages Act* (OLA) within Employment and Social Development Canada (ESDC).

- Part V sets out the circumstances in which employees have the right to use English or French as their language of work in federal institutions, when they are not serving the public;
- Part VI sets out the Government of Canada's commitment to ensuring that English-speaking and French-speaking Canadians have equal opportunities to obtain employment and advancement in federal institutions;
- Section 91 emphasizes the need for objectivity in the application of the official language requirements to perform the functions of the position, for the purposes of a particular staffing action.

ESDC's 2014-2017 Official Languages (OL) Action Plan supports the Department's ongoing commitment to:

- Help all employees to work in an environment that is conducive to the actual, everyday use of both OL and enables them to use either OL;
- Be able to recruit and retain employees to maintain departmental capacity to offer quality services in both OL; and
- Ensure that employees are aware of their OL rights and managers aware of their OL obligations.

ESDC's 2014-2017 OL Action plan for Part V, VI, Section 91 builds on the progress, achievements and results of ESDC'S 2013-2014 Action Plan and sets new objectives to address remaining areas of focus by the Department.

ESDC is in the process of developing a three to five year Workforce Plan which, starting in 2015-2016, will serve to situate human resources strategies and activities that contribute to supporting the Department as it advances towards the goal of a High Performing Organization. The 2014-2017 OL Action Plan for Part V, VI, and Section 91 is an integral strategy forming part of the Departmental Workforce Plan.

## Organizational Structure and Context

On April 1, 2014, ESDC had approximately 24,000 active employees. In very tangible ways, ESDC employees touch the lives of Canadians across the entire country with operations spanning Canada, with 68 percent of employees working outside of the National Capital Region.

As part of its workforce analysis, ESDC produces [People Management Dashboards](#) every quarter at the departmental, portfolio, region, branch and directorate levels. These statistical reports contain demographics and specific human resources indicators. The information displayed is designed to provide managers with the statistical workforce information required to make evidence-based decisions which will assist with developing Human Resources (HR) planning strategies.

With respect to OL at ESDC, as of October 1, 2014, the Dashboards show that:

- The composition of ESDC's workforce is composed of 66.1% Anglophones and 33.9% Francophones – comparable to the core public administration (70.0% and 30.0% respectively);
- Bilingual Capacity: 62.9% of position language requirements are unilingual compared with 37.1% bilingual;
- 97% of ESDC employees meet the language requirements of their position;
- 97% of the executives in ESDC meet the language requirements of their position; and
- Currently, 99.9% of bilingual positions are staffed on an imperative basis, which means that incumbents must meet the language requirements of the position upon appointment.

The following are key factors that have an impact on the official language priorities to be established to support the implementation of Parts V, VI and Section 91 of the OLA within ESDC during the 2014-2017 timeframe:

### Increase in Virtual Management

The increase in virtual management and national teams pose a challenge within the Department; management must be cognizant of the language-of-work rights of employees working in regions that are designated bilingual for language of work purposes.

ESDC is fully committed to providing a workplace that encourages and fully supports the use of both OL. This means, for instance, employees having access to work tools and training in their preferred official language, being able to speak in their official language of choice during meetings, and employees in designated bilingual regions being supervised in the official language of their choice.

### Atlantic Region Complaints to the Office of the Commissioner of OL

On October 24, 2013, the Office of the Commissioner of OL (OCOL) released its investigation report related to a series of OL complaints following the creation of the Atlantic Region within the Service Canada delivery network. The report concluded that complaints relating to Part V (language of work) were founded and that the creation of the Atlantic Region had a negative impact on the language of work rights of Service Canada employees in New Brunswick. The Commissioner made six (6) recommendations to improve the situation, which the region is currently implementing.

### Second Language Learning

ESDC offers second language training to its employees to help them acquire and maintain the required level of linguistic competencies for their position. In 2013-2014, over \$1.8 million was invested in language training.

The departmental *Second Language Learning Guidelines*, which came into effect February 6, 2013, describe the mandatory and non-mandatory categories for determining the conditions for accessing second language learning and the order of priority that second language learning will be granted in order to respect the *OLA* and HR management obligations.

Non-mandatory second language learning is offered to employees in order to develop or improve their second language proficiency for the purpose of responding to the Department's priorities and future organizational needs, and to support employee career development.

### Equitable Participation

One of the requirements of the *OLA* is that the composition of the workforce tends to reflect the presence of both OL communities of Canada. Across Canada, the total population of ESDC is 33.9% francophone, which exceeds the 23.2% target. ESDC's workforce reflects the percentage of both OL communities in all regions.

### Section 91

The Department adheres to the departmental *Guidelines on Language Requirements of Positions and Staffing of Bilingual Positions* and the *Departmental Procedures on the Application of the Public Service Official Languages Exclusion Approval Order* in order to fulfill its OL obligations to the public and to employees.

- The Department has 12,423 unilingual positions (62.9%) and 7,339 (37.1%) bilingual positions;

- Currently, 99.9% of bilingual positions are staffed on an imperative basis, which means that incumbents must meet the language requirements of the position upon appointment;
- 97% of ESDC employees meet the language requirements of their position;
- 97% of the executives in ESDC meet the language requirements of their position.

#### Audit of the Delivery of Bilingual Services to the Public by Service Canada

In December 2010, the OCOL published the results of his *Audit of the Delivery of Bilingual Services to the Public by Service Canada*. Seven recommendations were issued to help Service Canada improve its delivery of services in both OL. One of these recommendations was to examine the number of designated bilingual positions in designated bilingual points of service across Canada and define the language profile required to perform the tasks in the job descriptions of employees who directly serve the public in both OL.

During FY 2014-2015, specific focus will be brought to the implementation of senior management's decision that the language profile of all bilingual positions providing service to the public in bilingual Service Canada Centres (PM-01, PM-02 and PM-03) be identified and staffed at the CBC/CBC level. To ensure a seamless transition and to provide bilingual employees with opportunities to improve their language skills, the changes will occur gradually over several years.

#### Language Requirements of EX Minus One and EX Minus Two Levels

The bilingual CBC language designation of EX positions is identified as a potential barrier to the readiness of many EX minus one and EX minus two feeder group employees at ESDC advancing to the EX cadre. Focus will be brought to ensure that the language requirements and linguistic profiles of EX minus 1 and minus 2 positions in designated bilingual regions are staffed at the CBC level.

Active monitoring of departmental staffing actions advertised on Publiservice and requests for intervention by OCOL indicates that the Department has made recent improvements in identifying bilingual positions at the appropriate linguistic proficiency level prior to proceeding with job postings. Continued attention in this area is required to ensure that positions at the EX minus 1 and minus 2 levels in bilingual regions are identified at the CBC level based on job functions.

## **Key Objectives of the 2014-2017 Plan**

The 2014-2017 OL Action Plan table of activities (Annex A) takes into consideration current departmental human resources priorities and operational context and are grouped into 5 key objectives:

- 1) Ensuring the appropriate language designation of positions;
- 2) Leadership in promoting and fostering the use of both OL in ESDC workplaces;
- 3) Management of OL Complaints;
- 4) Monitoring of the OL situation;
- 5) Reporting on OL; and
- 6) Communications.

## **Conclusion**

The 2014-2017 OL Action Plan outlines a cohesive approach and focus to OL activities related to Parts V, VI and Section 91 of the OLA within the ESDC portfolio over 2014-2017 timeframe.

The objectives and activities outlined in the 2014-2017 OL Action Plan will assist ESDC to continue to be a high-performing organization by: enabling employees to work in an environment that is conducive to the actual, everyday use of both OL; recruiting and retaining employees to maintain departmental capacity to offer quality services to Canadians in both OL.

ESDC will record annual accomplishments for *2014-2017 OL Action Plan* by way of a year-end Report of Accomplishments.

UNCLASSIFIED

Annex A – Table of Activities

OBJECTIVE (S)	ACTIVITIES	EXPECTED OUTCOMES	RESPONSIBILITY
<p>Ensure the appropriate language designation of positions</p>	<ul style="list-style-type: none"> <li>• Analyze and review language requirements and linguistic profiles of EX minus one and minus 2 positions for all bilingual regions</li> <li>• Focus on establishing branch/regional plans to re-identify EX minus one and EX minus two positions to CBC levels where warranted by the position.</li> <li>• Remind managers and human resources advisors of policy requirements related to the language designation of positions.</li> <li>• Revise the <i>Guidelines on Language Requirements and Staffing of Bilingual Positions</i>.</li> <li>• Support the ongoing identification and implementation of standard linguistic profiles for areas of direct service to the public.</li> </ul>	<ul style="list-style-type: none"> <li>• Issues requiring attention are identified at the branch/regional level.</li> <li>• Plans are established, for each branch, to re-identify EX minus 1 and minus 2 positions to the CBC level.</li> <li>• Managers objectively review the language designation of positions prior to staffing.</li> <li>• HR advisors are able to provide accurate and consistent advice.</li> <li>• Updated <i>Guideline</i> explicitly indicates that EX minus 1 and 2 positions in bilingual regions must be identified at the CBC level.</li> <li>• Linguistic profiles for positions providing direct service to the public are appropriately identified.</li> </ul>	<p>HRSB - COE - Workforce Strategies</p> <p>Branches HRSB - Operations HRSB – COE - Workforce Strategies</p> <p>HRSB - COE - Workforce Strategies</p> <p>HRSB - COE - Workforce Strategies</p> <p>Citizen Services Branch HRSB - Operations</p>

OBJECTIVE (S)	ACTIVITIES	EXPECTED OUTCOMES	RESPONSIBILITY
<p>Leadership in promoting and fostering the use of both OL in ESDC workplaces</p>	<ul style="list-style-type: none"> <li>• Development of a communications plan to promote the use of both OL within ESDC:               <ul style="list-style-type: none"> <li>- Messages to Portfolio Management Board and Corporate Management Committees by OL Champion(s).</li> <li>- Promotion of available tools to support bilingualism in work activities.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Senior management activities in the Department are carried out in both OL.</li> <li>• Senior managers exercise leadership in modelling language of work responsibilities and in fostering a corporate culture where the use of both OL is encouraged and valued.</li> <li>• Supervisors in bilingual regions are equipped to foster the everyday use of OL within their teams.</li> </ul>	<p>OL Champion - with support from HRSB - COE - Workforce Strategies</p> <p>Senior Managers across the Department</p>
<p>Management of OL Complaints (Part V, VI, Section 91)</p>	<ul style="list-style-type: none"> <li>• Work with management on a case-by-case basis to address current complaints.</li> <li>• Trend analysis completed of OL complaints.</li> </ul>	<ul style="list-style-type: none"> <li>• Complaints resolved within timelines prescribed by OCOL.</li> <li>• Trend analysis informs future activities to be taken by the Department.</li> </ul>	<p>HRSB - COE - Workforce Strategies Branches</p> <p>HRSB - COE - Workforce Strategies</p>



OBJECTIVE (S)	ACTIVITIES	EXPECTED OUTCOMES	RESPONSIBILITY
Monitor OL situation	<ul style="list-style-type: none"> <li>• Monitor OL statistics via the People Management Dashboards (PMDs).</li> <li>• Maintain log of Public Service OL Exclusion Approval Order (PSOLEAO) situations and conduct follow-up as required.</li> <li>• Monitor Publiservice departmental postings and early intervention undertaken where language requirements do not meet statutory or departmental requirements.</li> <li>• Monitor OL situation via People Component of the Management Accountability Framework and Public Service Employee Survey.</li> <li>• Monitor implementation of language profiles changes regarding the OCOL Audit 2010 of Service Canada bilingual services.</li> </ul>	<ul style="list-style-type: none"> <li>• Sufficient bilingual capacity.</li> <li>• Equitable representation of OL groups.</li> <li>• Appropriate application of the PSOLEAO.</li> <li>• Decreased number of section 91 OL complaints.</li> <li>• Action plans are developed to address identified issues (as required).</li> <li>• Bilingual client facing employees in Service Canada Centers are identified at the CBC level.</li> <li>• New staffing for client facing positions in SCCs is undertaken at the CBC level.</li> </ul>	<p>HRSB - COE - Workforce Strategies HRSB Operations HRSB - COE - Workforce Strategies</p> <p>HRSB - COE - Workforce Strategies</p> <p>HRSB - COE - Workforce Strategies</p> <p>Citizen Service Branch HRSB - Operations</p>
Reporting on OL	<ul style="list-style-type: none"> <li>• Regular reporting to senior management and central agencies.</li> </ul>	<ul style="list-style-type: none"> <li>• Reporting to management via the PMDs.</li> <li>• Annual Review on OL to TBS and PSOLEAO Monitoring Report to PSC is completed.</li> </ul>	<p>HRSB - COE - Workforce Strategies</p>

OBJECTIVE (S)	ACTIVITIES	EXPECTED OUTCOMES	RESPONSIBILITY
		<ul style="list-style-type: none"> <li>• Input for Plan and Priorities and Departmental Performance Reports.</li> <li>• Reporting to senior management on contentious OL complaint situations.</li> </ul>	
<p>Communication to employees, managers and other OL stakeholders.</p>	<ul style="list-style-type: none"> <li>• Articles in HR Info RH Bulletin and Intersection (i.e.; professional training, supervision, bilingual meetings, obligations during an appointment process, PSOLEAO and others as required).</li> <li>• Messages to Portfolio Management Board and Corporate Management Committees (as required).</li> <li>• Promote on-line OL courses.</li> <li>• Train HR Managers and HR Advisors in Operations on OL.</li> <li>• Ongoing participation in OL governance within ESDC including support to the ESDC OL Champion.</li> </ul>	<ul style="list-style-type: none"> <li>• Managers are aware of their obligations.</li> <li>• Employees are aware of the rights.</li> <li>• HR Advisors are better able to provide advice and guidance on OL to clients.</li> <li>• Parts V, VI and Section 91 are well represented in the Department's OL strategies and activities.</li> </ul>	<p>HRSB - COE - Workforce Strategies</p>