



Questions and Answers

The Amendments to the *Directive on the Implementation of the Official Languages (Communications with and Services to the Public) Regulations*

- 1- What drivers are behind the amendments to the Directive?
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1- What drivers are behind these amendments?

The *Directive on the Implementation of the Official Languages (Communications with and Services to the Public) Regulations* (the Directive) was reviewed to address the amendments made to the *Official Languages (Communications with and Services to the Public) Regulations* (Regulations) in 2019. The Directive helps institutions comply with the Regulations by providing the terms, conditions, and timelines for implementing the rules.

2- How is the amended Directive linked to the legislation and other official languages instruments and tools?

The *Directive on the Implementation of the Official Languages (Communications with and Services to the Public) Regulations* is related to the following legislation, official languages instruments, and tools:

- Together, the **Canadian Charter of Rights and Freedoms** and the *Official Languages Act* ensure to members of the public the right to communicate with federal institutions and to



receive services in the official language of their choice where the nature of the office justifies bilingual services and where there is significant demand in both official languages.

- The ***Official Languages (Communications with and Services to the Public) Regulations*** (Regulations) define the circumstances and criteria under which federal offices must provide services in English, French or both official languages based on significant demand or the nature of the office. The Regulations apply to nearly 200 federal institutions and determine the language designation of nearly 11,000 federal offices.
- The **System for Official Languages Obligations (SOLO)** is an application which enables federal institutions to keep their list of offices up-to-date and to apply the Regulations. It automatically provides the provision of the Regulations that applies to an office and the steps to follow.
- The **Official Languages Regulations Re-application Exercise (OLRRE)** aims to reapply the Regulations using the most recent decennial Census linguistic data in order to update the linguistic designation of federal offices communicating with and providing services to the public.
- The ***Directive on official languages for communications and services*** helps institutions implement their language obligations in offices that have been designated bilingual. It sets out the requirements related to services as well as communications involving the public or employees of institutions.
- **Burolis** is the Government's website where the public can find the linguistic designation and location of federal offices.

3- How are the amendments to the Directive linked to Bill C-13 an Act to Amend the *Official Languages Act*?

The amendments to the *Directive on the Implementation of the Official Languages (Communications with and Services to the Public) Regulations* (Directive) are not related to the modernization of the *Official Languages Act*. They follow the 2019 regulatory amendments. Changes to the *Official Languages (Communications with and Services to the Public) Regulations* and the Directive were the first, but are certainly not the last, step to adapt the federal language regime to today's realities.

4- What has changed in this Directive?

The amendments to the *Directive on the Implementation of the Official Languages (Communications with and Services to the Public) Regulations* (Directive) address the provisions of the *Official Languages (Communications with and Services to the Public) Regulations* (Regulations) pertaining to consultations with the linguistic minority population, measurement of demand, the new calculation method to estimate significant demand, the linguistic minority schools, and the demographic protection. They also include general updates.

Consultations

When more than one office of an institution offers the same services in a region, only a number of offices equal to the proportion of the minority population of this region must be designated bilingual

(principle of proportionality). Institutions must then consult official language minority communities regarding the location of those bilingual offices.

The Directive amendment specifies that institutions have 6 months to complete these consultations and identify the location of bilingual office or offices.

Measurement of demand

To determine their language designation, some offices must measure the demand by the public for service in English, French or both official languages. The amendments to the Directive specify that when surveying their clientele to measure the demand, institutions must:

- Inform respondents that their choice will be used to determine the office's language designation;
- Where respondents choose both English and French as their preferred languages, include these responses in the data in favour of the minority language;
- Provide the Treasury Board Secretariat (TBS) with the full results and the methodology; and
- Measure the demand again when the circumstances surrounding an office have changed - for offices subject to specific rules.

New calculation method

At the end of 2022, the Regulations will be re-applied using the 2021 Census linguistic data based on the new and more inclusive calculation method developed during the 2019 regulatory review. This data — on the potential demand for federal communications and services in the minority official language — will help federal institutions determine whether there is significant demand in their offices.

The amendment to the directive requires TBS to provide institutions with the linguistic minority data extracted from the most recent decennial Census using the new calculation method as well as the list of minority language schools. This will be done through the System of Official Languages Obligations.

Linguistic minority schools

The amended Regulations of 2019 include a new qualitative criterion that takes into account the vitality of official language minority communities to determine the language designation of offices. This provision will ensure bilingual services when a primary or secondary school of the linguistic minority that is publicly funded is within an office's service area.

The amended Directive requirement specifies that the provision on minority schools must be applied:

- Every 5 years for school openings (offices could become bilingual);
- Every 10 years for school closures (at the time of the decennial census) (offices could become unilingual).

Demographic protection

The amended Regulations provide that certain offices remain bilingual – or be “protected” – when the minority official language population has stayed the same or increased, even if its proportion relative to the total population has decreased.

The amended Directive requirement specifies that this demographic protection should be applied:

- Before consultations for offices applying the proportionality principle;
- Before an office starts implementing a change from bilingual to unilingual obligations (for offices under other rules).

General updates

Certain elements of the Directive were also updated to reflect the amended Regulations, such as the definition of Key Services.

5- Who was consulted during the review of the Directive?

Consultations on the amendments to the *Directive on the Implementation of the Official Languages (Communications with and Services to the Public) Regulations* were completed in February 2022. Consulted stakeholders included Persons Responsible for Official Languages in institutions, Official Languages Minority Communities, the Office of the Commissioner of Official Languages, Official Languages Champions, and various committees such as the Committee of Assistant Deputy Ministers on Official Languages, the Human Resources Council, and the Intergovernmental Network on the Canadian Francophonie.

6- How will members of the public be made aware of the changes made to the Directive?

Members of the Official Languages Minority Communities have been consulted on the amendments to the *Directive on the Implementation of the Official Languages (Communications with and Services to the Public) Regulations* (Directive) and will be informed of its coming into effect. The amended Directive will also be made available to the public on the Treasury Board Secretariat website with its other official languages policy instruments.

7- When will the amended Directive be implemented and how?

The amended *Directive on the Implementation of the Official Languages (Communications with and Services to the Public) Regulations* (Directive) and its related tools will be used to help reapply the *Official Languages (Communications with and Services to the Public) Regulations* (Regulations) during the next Official Languages Regulations Re-application Exercise (OLRRE). The OLRRE process is set to launch at the end of 2022. The amended Directive can also be used now to apply the Regulations on new offices and determine their language designation. The steps, timelines and terms outlined in the Directive have been programmed in the System for Official Languages Obligations (SOLO). When institutions register a new office or review their offices' language designation during the OLRRE in SOLO, they will be guided through the process by the application.

8- How does the amended Directive affect my institution?

Institutions will need to take new requirements and timelines of the *Directive on the Implementation of the Official Languages (Communications with and Services to the Public) Regulations* into account when determining or updating the language designation of their offices and take into consideration that some of their offices may need to review their language designation between Official Languages Regulations Re-application Exercises where new linguistic minority schools have opened.

9- What support is offered to federal institutions?

The collaborative and supportive approach taken by the Official Languages Centre of Excellence (OLCE) with the federal institutions continues with the implementation of the amended *Directive on the Implementation of the Official Languages (Communications with and Services to the Public) Regulations*. The OLCE is committed to:

- Develop policy tools and training sessions for persons responsible for official languages;
- Communicate regularly with institutions in preparation for the Official Languages Regulations Re-application Exercise;
- Provide advice to federal institutions; and
- Follow-up with institutions to ensure correct application of the *Official Languages (Communications with and Services to the Public) Regulations* and implementation of the new obligations.