



Analysis Guide:

Is My Office Subject to the Official Languages (Communications with and Services to the Public) Regulations?

Steps to follow to determine if an office is subject to the Regulations

Introduction

This document outlines the steps for an institution subject to the [Official Languages Act](#) (OLA) and the [Regulations](#) to follow if it has doubts about whether the Regulations need to be applied to one or more of its offices because the office does not seem to communicate with or provide services to the public.

The parameters suggested for the analysis of the situation are aimed at determining if, and in which circumstances, and with whom an office either provides service to or communicates with the public.

Regional Offices

Institutions have regional offices to better communicate with or serve Canadians. In this perspective, it might seem reasonable to conclude that all regional offices either communicate with or serve the public as part of their mandate.

Indeed, it would seem strange that an institution has regional offices where none of its employees would be in contact with some type of public in the course of their duties. Certain services offered by institutions or their regional offices target specific publics.

It is important to note that the term “public” is not defined in the OLA or the Regulations and therefore cannot be restricted to the meaning of “general public”. The [Policy on Official Languages](#) provides a definition of the term “public”:

“Any person, group of persons (professional associations or others) or organization or company (other than a Crown corporation) in Canada or abroad, any representative of another level of government communicating with or receiving a service from an institution, excluding officers and employees of institutions subject to the OLA when carrying out their duties.”

However, it is possible for an office not to serve the public and not to be called upon to communicate with the public, under any circumstance (e.g., a warehouse).

Caution

The analysis of the situation might reveal that an office has few external contacts. Institutions cannot use the following types of factors to impair the public's right to communicate with or receive services from an office in the language of their choice:

- low demand for service in the minority language;
- limited contact of the office's employees with the general public in the course of their duties;
- type of public served (particular group vs. general public)
- service delivery methods (by appointment, type of communication used, i.e., Internet vs. telephone);
- limited visibility or access to the office (upper floor of a building vs. street access).

Steps to follow

An institution should conduct a study to identify the duties performed by the employees working in that office, to determine whether the office communicates with or serves the public and, if so, under what circumstances.

Managers of offices can quite easily determine whether their office provides services to the public. However, it is often overlooked that the Regulations also carry obligations for offices regarding their communications with the public, either locally or otherwise.

Although there are no criteria for establishing that an office does not communicate with the public, the institution should examine, in its study, all aspects of its communications. For example, the institution should consider the following points:

- Who are the employees in contact with in the course of their duties (e.g., federal public servants, representatives of provincial or municipal governments, researchers, journalists, citizens)? For what purpose? What is the link with the institution's mandate?
- What means are available for communicating with the office in question (e.g., telephone, Internet site, e-mail, mail, in person)? Are the office's telephone numbers or addresses listed in public telephone directories or on the institution's Internet site?
- Does the office:
 - advertise in newspapers (articles, etc.)?
 - issue news releases?
 - can be reached by the media?
 - hold public consultations or other public activities aimed at informing a particular public, etc.?
 - put out publications?
 - disseminate information in newspapers or over the radio?

- have its own Internet site or a link on the site of another one of the institution's offices that is accessible to the public?
- advertise job opportunities in newspapers or through other means requiring the public to contact the office?

In short, the institution must examine the **office's communications from every angle to determine whether the Regulations apply to that office.**

Removing an office from the System for Official Languages Obligations (SOLO)

If an institution determines that the Regulations do not apply to one of its offices in the System for Official Languages Obligations (SOLO), the institution must be able to provide the analysis supporting that conclusion.

The institution must take the following steps to have an office that does not communicate with or provide services to the public removed from the SOLO:

1. The person responsible for official languages (PROL) of the institution sends an e-mail to the [Regulations and SOLO Team](#) in the Official Languages Centre of Excellence (OLCE) at the Treasury Board of Canada Secretariat.
2. The e-mail must specify that the institution:
 - Has doubts about the merits of applying the Regulations to one of its offices;
 - Has conducted an analysis to determine whether the office in question provides services to or communicates with the public;
 - Has examined all aspects of the communications issue;
 - Has concluded through his/her analysis that the office does not offer services to or communicate with the public;
 - Asks the OLCE to remove the office from the SOLO, because it is not subject to the Regulations;
 - Will take the necessary measures, if applicable, to remove information about this office (telephone number, etc.) from the institution's telephone directories or Web site.
3. The PROL is to attach to the e-mail the data relating to the affected office as well as the analysis undertaken.

Consequences

The institution could be asked to justify to the Office of the Commissioner of Official Languages its decision not to apply the Regulations to one of its offices.

Legal documents such as the [*Canadian Charter of Rights and Freedoms*](#) and the OLA acknowledge the right of the public to communicate with or receive services from an office in the language of their choice.

Any institution choosing not to apply the Regulations to an office located outside the National Capital Region which communicates with and provides services to the public impairs the public's language rights.