



Modernization of the *Official Languages Act*

Presentation to Persons Responsible for Official Languages and
Coordinators Responsible for the Implementation of Section 41

February 2021

Objectives of the meeting

- Provide an overview of some of the proposals included in the public document released by Minister Joly on the reform of Official Languages.
- Provide additional details on the proposals, specifically as they relate to the role of Treasury Board and Language of Work.

Context

- With the contribution of Justice Canada, TBS and other key departments, PCH is leading the modernization of the *Official Languages Act* (OLA).
- Extensive consultations were held with OL stakeholders, community leaders and the Canadian public.
- On February 19, 2021, details of the proposed reform were publicly announced:

[*English and French: Towards a substantive equality of official languages in Canada*](#)

- The reform includes a series of legislative, regulatory and policy proposals to support official languages.

OLA modernization

Legislative proposals

Changes to the OLA

Regulatory proposals

Changes to the terms and conditions for applying the OLA

Administrative proposals

Other changes in support of the OLA, including policy changes

Overview of Reform Document on OL Modernization

The six pillars of the reform document:

- Recognize the linguistic dynamics in provinces and territories.
 - The government proposes that the OLA recognizes the linguistic dynamics specific to each province and territory.
- Promote the learning of both official languages.
 - Strengthen initiatives aimed at reinforcing the learning, acceptance and appreciation of both official languages.
 - Establish a new Francophone immigration corridor dedicated to recruiting Francophone and French-language education teachers.
- Support institutions of official language minority communities.
 - That the OLA promote the development of the full potential of official language minority communities by supporting the vitality of institutions in key sectors.
 - Federal institutions must take into consideration the impact of each of their decisions on the development and vitality of OLMCs.

Overview of Reform Document on OL Modernization (cont'd)

- Protect and promote French across Canada, Quebec included.
 - Promote progress towards equality of status and use of French and English.
 - Support Francophone culture through all organizations under the jurisdiction of the Government of Canada.
 - Encourage private companies under federal jurisdiction to promote the equal status of official languages, particularly with regard to work and language of service.
- Strengthen the compliance of federal institutions.
 - Strengthen and expand the powers conferred to the Treasury Board.
 - Confer the responsibility for horizontal coordination to a single minister.
 - Obligation to periodically develop a whole-of-government federal strategy on official languages.
- Periodic review of the OLA and its implementation.

Strengthening of the compliance of federal institutions

Proposals related to Language of Work:

- Develop a new second language training framework for the public service that will ensure quality instruction and be adapted to learners' specific needs.
- Review the official languages qualification standards, with impacts on second language evaluation and training.
- Increase the minimum second language requirements for bilingual supervisory positions in designated bilingual regions.
- Remove barriers for Employment Equity groups, esp. for Indigenous peoples and persons with disabilities.

Develop a new Second Language Training Framework

The Need

- A consistent enterprise-wide approach for procuring and offering language training.
- A quality oversight of language training services.
- Language training that is effective and meets the needs of a diverse public service.

The Action Proposed

- Establish a governance entity for language training, led by TBS and supported by:
 - Public Services and Procurement Canada; and,
 - The Canada School of Public Service.

The Outcome

- Training will be easier for departments to procure.
- Training will be more effective, efficient, and accessible for all public servants.
- Language training services will be consistent across the public service.

Review of the Official Languages Qualification Standards

The Need

- Standards that better reflect the tasks to be carried out in both official languages.
- Smaller steps to progress to next increment... more levels in the second language proficiency scale.
- Alignment with other recognized language frameworks.

The Action Proposed

- Identify requirements for modernized standards following internal and external consultations.

The Outcome

- External hiring will be quicker and easier.
- Career advancement in the public service will be more achievable.
- Fewer Section 91 OCOL complaints will be received.

Increase Second Language Requirements for Bilingual Supervisors

The Need

- A workplace conducive to the use of both official languages.
- An environment where employees in bilingual regions feel free to work in their preferred official language.
- A response to concerns expressed by stakeholders (OL Commissioner, Borbey-Mendelsohn report, OL minority communities, Standing Senate Committee on OL).

The Action Proposed

- Modify Treasury Board policy instruments to require minimum CBC level for bilingual supervisors in bilingual regions starting in 2024.
- Minimize financial and operational impacts on institutions by applying updated requirements to new appointments rather than all bilingual supervisory positions.

The Outcome

- Supervisors in bilingual regions will be better positioned to enable employees to work in their preferred official language.
- Second language competencies will be easier to maintain because second language will be used more regularly.

Remove barriers for Employment Equity groups

The Need

- Ensure OL requirements do not pose barriers for members of designated Employment Equity groups.
- Create language training and promotion pathways for Indigenous employees.

The Action Proposed

- Explore OL policy options for persons with disabilities and Indigenous Peoples.
- Expand ESDC pilot project for culturally-sensitive French language training for Indigenous employees.

The Outcome

- Career opportunities for Persons with Disabilities and Indigenous Peoples will increase.
- Participation in language training and career opportunities will increase for Indigenous employees.

Strengthening of the compliance of federal institutions

Proposals related to Treasury Board powers, accountability and coordination:

- Strengthen and expand the Treasury Board's powers, notably the power to monitor compliance with Part VII of the Act.
- Make certain currently discretionary powers (e.g.: information/audit/evaluation) mandatory.
- Create an accountability and reporting framework for institutions to apply the OLA.
- Strengthen the analysis of impacts that new legislation/policies/initiatives may have on OL and OLMCs.
- Update Treasury Board policy instruments to address OL requirements in emergency situations.

Next Steps

- Engagement with stakeholders following public release of Reform Document.
- Creation of the Expert Advisory Committee on language of work and language of service in federally regulated private businesses.
- Memorandum to Cabinet, including cost analysis.
- Engagement with institutions:
 - Input will be requested for cost analysis and implementation approach.
 - Updates will be provided through DACOL/CCACOL forums.
 - Questions can be directed to: OLCEInformationCELO@tbs-sct.gc.ca.