

The proportionality principle and consultations

The Official Languages (Communications with and Services to the Public) Regulations Reapplication Exercise (OLRRE)

Presentation notes – February 20, 2024

Slide 1- The proportionality principle and consultations and the OLRRE

- This presentation deals with the provisions of the *Official Languages (Communications with and Services to the Public) Regulations* on proportionality and consultations; and
- The Official Languages Regulations Reapplication Exercise, that we usually call the OLRRE.
- In this presentation, we will outline the steps and requirements involved in the proportionality principle and consultations and demonstrate how to record your results in the System for Official Languages Obligations (SOLO).
- If you have any general questions, you can ask them in the chat, and my colleagues will be happy to answer them. Please feel free to ask your questions in the official language of your choice.
- If you have any specific questions about your institution or requests for interpretation, please write to us at our address info-ollo@tbs-sct.gc.ca and we'll get back to you as soon as possible. The material used during this session, namely the PowerPoint presentation and notes, is also posted in the Regulations' Toolbox on GCwiki.

Slide 2 - OLRRE - Updates

- The OLRRE was officially launched on September 21, 2023.
- The OLRRE module has been activated in SOLO, and the Treasury Board of Canada Secretariat (TBS) has completed the testing of the initial application of the *Official Languages (Communications with and Services to the Public) Regulations*.
- The Regulations team worked with the IT group responsible for SOLO to finalize the necessary technical adjustments to the OLRRE module to ensure proper application of the Regulations.
- You have received an invitation to one or more targeted information sessions, depending on the group of provisions that apply to your institution's offices. The information session on automatic rules was delivered on February 13, and the one on service areas for certain institutions was presented on February 15.
- For those who missed both sessions, PowerPoint presentations and notes can be found in the Regulations' Toolbox on GCwiki.

- We've now reached the third in a series of four information sessions. Today's session deals with the proportionality principle and consultations. And tomorrow's presentation will be on measurement of demand for certain institutions.
- SOLO will be accessible to all users again the week of **February 26**, once all information sessions have been completed. As a Person responsible for official languages, you'll have attended the information sessions before taking the next steps in the OLRRE. You'll receive a message when SOLO is available.
- We are counting on your collaboration to perfect SOLO and ensure a smooth OLRRE. As this is a new Web application, we invite you to report any errors, whether they are technical problems, incorrect links or bugs related to the language of the interface.

Slide 3 - Steps of the OLRRE

- To give you an idea of where you stand in the exercise, let's look at our infographic illustrating the main steps of the OLRRE.
- At this point, you should have completed the SOLO training and updated your offices in the system. If you have not yet taken the SOLO training, please contact us after this training session and we will provide you with the links to the online training.
- This brings us to the third sphere of the pendulum. The OLRRE covers both general and specific rules, which includes the proportionality principle and consultations.

Slide 4- General Rules- Proportionality Principle

- The Regulations make provisions for all kinds of circumstances. For example, there is a special rule when an institution has more than one office offering the same services in the same region. This is known as the proportionality principle.
- The proportionality principle is another way of using linguistic data: when an institution has several offices offering the same services in a region, in general, it must offer bilingual services in a number of offices equal to or greater than the percentage of the minority in that region.
- SOLO will have notified you of your offices that must apply the proportionality principle and the subsequent consultations, by assigning you a task in the system for each of the offices concerned.
- Therefore, if you have been invited to attend the information session today, it's because proportionality has been applied to a group of offices within your institution that offer the same services, and that a consultation is required to identify which ones will be designated bilingual.
- Let's take a closer look at the example on the slide.
 - Let's say three offices offer the same non-key services in Montreal. The percentage of the minority in Montreal is 30.3%.

- We then multiply three by 30.3%, which gives us 0.909. We always round up, so one of these three offices must be bilingual.

Slide 5- Consultations

- Once SOLO has determined the number of bilingual offices required within the same service group, you will need to determine which ones will be designated bilingual. In order to do this, the Regulations require you to take into account the mandate of the offices, the distribution of the minority and the advice received after consultation with the minority to identify which office or offices will be designated bilingual.
- Consultations enable the participants to inform decision makers about their opinions and perspectives. They can take various forms, and the degree of involvement can vary depending on the circumstances.
- SOLO will ask you to provide details of the consultation.
- We recommend that you consult the [Guide regarding the Obligation to Consult or Inform the English or French Linguistic Minority Population](#), which can be found in the Regulations' toolbox of the GCWiki page, for further information on good consultation practices. The guide also contains contact points in official language minority communities.
- The 6-month deadline for consulting and identifying in SOLO which offices are designated bilingual will start from the date of the proportionality calculation, i.e., from the date SOLO reopens.

Slide 6 - SOLO - Navigating the General Rules

- To access your proportionality tasks in SOLO, you must first select the "OLRRE" module in the system. Here's a screenshot of how to find this function.
- Then select "Review OLRRE changes"; find your institution in the drop-down menu and click "View".

Slide 7 - SOLO – Calculating Proportionality

- The next page will show all the tasks assigned to you in the OLRRE - which ones are for measurement of demand, service areas, consultations and so on. But for the purposes of this presentation, we'll concentrate on proportionality calculations and consultations.
- Here, the example in the screenshot 4 shows you a task entitled "OLRRE Consult community".
- Click on the word "View" in the "View" column to generate the window shown in screenshot 5. Here you can see the results of the proportionality calculation. In our

example, 1 of the 2 offices offering the same services must be designated bilingual. You now need to consult the community to determine which of the two offices will be designated bilingual.

Slide 8 - SOLO – Community Consultations

- Based on the total number of bilingual offices required, and following your consultations, you will need to identify which of the offices in this same service group are bilingual and which are unilingual. Once your choices are made, you must select the designation from the drop-down list under the "Designation" column for each office in the same service group.
- Screenshot 7 shows you the questions to answer to demonstrate the methodology used to carry out your consultations with the minority communities served by the offices concerned.
- This is where you complete a questionnaire and provide details about your consultative approach. Once you've answered the questions, you can "Submit".

Slide 9 - SOLO – Community Consultations (cont'd)

- If you are satisfied, you can click "Acknowledge". A green rectangle as in screenshot 9 will appear to indicate that the office is now with TBS for review.
- We remind you that the [Guide regarding the Obligation to Consult or Inform the English or French Minority Population](#) is available to help you in your consultation process.

Slide 10 - SOLO – Signal an Issue

- If, while reviewing the office details, you have any questions about the results, you can click on "Signal an issue" (red rectangle). An email will be generated (screenshot 11) and you can write us the details that concern you for the office in question.
- You'll see that a notice will be generated when signalling an issue (green box in screenshot 12). Once you've sent us the email with the details of your concern, you can simply click "Return to tasks" to continue your work. TBS will contact you once we have reviewed the office in question.

Slide 11 - Once the Language Designation Has Been Confirmed

- Once an office's linguistic designation has been confirmed, the Directive on the implementation of the Regulations gives newly designated bilingual offices up to one year to comply with and implement their new obligations.
- As for offices that were not identified as bilingual when proportionality was applied - **the "residual" offices** - there are two possible scenarios:
 - In certain circumstances, residual offices will remain or become unilingual, as no other rules apply. For offices that become unilingual, you will have up to one year to inform the minority served by the office of the date on which bilingual services will no longer be available and where they will be able to obtain services in their preferred official language.
 - In other cases, residual offices will have to go one step further and identify their service areas to confirm their linguistic designation. In such cases, a new task will be assigned to these offices in SOLO when you enter your selection of designated bilingual offices on a proportional basis.
- Rest assured that another presentation on service areas will be offered in approximately 6 months, after the end of the consultations, for PROLs required to define service areas as a result of proportionality.

Slide 12 - OLRRE Critical Path

- For illustrative purposes, the tentative critical path is featured in this slide to provide a *general idea* of the deadlines you can expect.
- This critical path is tentative. The time period for activities of each group is subject to change.
- To coordinate the OLRRE across the federal government, there are compliance deadlines by rules group. This means that the one-year countdown for an office to implement its new language obligations will begin at the end of the rules group's application period. Therefore, the start of the countdown depends entirely on the rule that applies to the office in question.
- By way of example, you can see from the graph that the period for application of the consultations runs from winter 2024 to summer 2024. Thus, the six-month deadline to consult the community and identify in SOLO which offices are designated bilingual will begin when SOLO reopens in the week of February 26.
- Rest assured that TBS will communicate exact deadlines and dates by rules group in due time as the OLRRE progresses and update the critical path and supporting material accordingly.

Slide 13 - Questions?

- As mentioned, this PowerPoint presentation and notes are available in the Regulations' Toolbox on the GCwiki page. On this slide you will also find a collection of the resources mentioned during the session.
- If you have any questions about this presentation, the OLRRE, or any questions specific to your institution, please feel free to contact us via our generic email.