



## Frequently asked Questions and Answers Linguistic requirements for bilingual supervisory positions of employees in bilingual regions

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## Context

The Treasury Board [Directive on Official Languages for People Management](#) currently requires that bilingual positions involving the supervision of employees have a minimum linguistic profile of BBB in institutions that apply the [Qualification Standards in Relation to Official Languages](#).

In February 2021, the Government of Canada announced its proposed official languages reform in the document [English and French: Towards a substantive equality of official languages in Canada](#). The reform measures included revising the minimum second language proficiency requirements for supervisory positions in bilingual regions.

In June 2023, the modernized [Official Languages Act](#) received Royal Assent. Section 36 of the new Act gives all employees in bilingual regions the right to be supervised in the official language of their choice, regardless of the linguistic identification of their position, as of June 20, 2025.

## Policy Amendment

To meet the official languages reform commitment, the Treasury Board of Canada Secretariat (TBS) proposed a policy amendment to the [Directive on Official Languages for People Management](#) to increase the minimum second-language proficiency requirements for bilingual positions responsible for the supervision of employees occupying positions in bilingual regions. This would ensure that supervisors have the second-language proficiency needed to carry out more complex supervisory tasks in both official languages, such as conducting performance evaluations, having sensitive conversations, and fostering and maintaining a workplace where employees feel comfortable using the official language of their choice.

In September 2024, the proposed policy amendment was approved by the President of the Treasury Board. To align with the entry into force of Section 36 of the modernized [Official Languages Act](#), as of June 20, 2025, the new minimum requirement will be CBC, or an equivalent level for institutions not required to use the [Qualification Standards in Relation to Official Languages](#). This requirement will apply only to new appointments.

## Frequently asked Questions and Answers

### Applying the new requirement

#### 1. How will the new requirement be applied?

- The new requirement will apply to new appointments to bilingual positions involving the supervision of employees who occupy positions in bilingual regions, as of June 20, 2025.
- Supervisory positions with linguistic profiles below CBC (or equivalent) that are occupied by incumbents with second language proficiency levels below CBC (or equivalent) before June 2025 will remain unchanged until the existing incumbents leave their positions to avoid an impact on both employees and institutions (i.e. financial, HR and operational impacts).
- Existing incumbents of bilingual supervisory positions will not be required to meet the new requirement and therefore will not need to take language training.
- However, incumbents who do not meet the CBC (or equivalent) level will be strongly encouraged to take language training to support their career progression and mobility.
- It should be noted that the increase in the minimum second-language requirements applies only to bilingual supervisory positions that supervise employees who occupy positions in bilingual regions. This policy change will not change the unilingual or bilingual designation of a position.

#### 2. How will the new requirement apply to Crown Corporations and separate agencies?

- All institutions are subject to the [Official Languages Act](#). They are also subject to Treasury Board policy instruments, with a few exceptions indicated in the appendices of the Treasury Board's official languages directives.
- The [Directive on Official Languages for People Management](#) requires managers to objectively determine:
  - the linguistic identification of positions, ensuring that it reflects the duties and tasks related to the position; and
  - for bilingual positions, the level of language proficiency required in the second official language.
- For institutions that are not required to use the [Qualification Standards in Relation to Official Languages](#), as of June 20, 2025, all employees appointed to bilingual positions involving the supervision of employees in bilingual regions will be required to have a superior level of second language proficiency based on the tools and standards used by these institutions.
- Actions and decisions related to staffing and the linguistic designation of positions should at all times be well documented in all institutions so that the justification for the linguistic designation is available in the event of a complaint.

#### 3. Will the requirement apply to all bilingual supervisory positions that supervise employees in bilingual regions, regardless of where the supervisory positions are located?

- Yes. Since language-of-work rights correspond to employees, supervisors must supervise employees occupying positions in bilingual regions in the official language of the employee's choice, regardless of the location of the supervisory position.

- The right of an employee to be supervised in their preferred official language, whether working remotely or not, is based on the location of the employee's position (the office they report to). A dispersed workforce does not impact language of work rights.
- Institutions can consult the tool on [Language of Work Rights while Teleworking](#) for further information and related scenarios.

#### **4. Will the new policy requirement apply to unilingual teams across all regions?**

- The objective of the policy change is to ensure that supervisors of employees in bilingual regions have the second-language proficiency required to provide supervision in both official languages.
- Since, as of June 20, 2025, all employees in bilingual regions will have the right to be supervised in the official language of their choice, whether they occupy a bilingual or unilingual position, the new requirement will apply to all bilingual positions responsible for the supervision of employees who occupy positions in any bilingual region.
- Employees who occupy positions in unilingual regions are and will continue to be supervised in the language of the region; therefore, a supervisor of a team whose employees hold positions only in unilingual regions would not be required to occupy a bilingual position for the purpose of supervision. The language requirements and the linguistic profiles of such supervisory positions would be determined by the other duties required by the position, in accordance with Section 91 of the [Official Languages Act](#).
- A list of bilingual regions can be found here: [List of Bilingual Regions of Canada for Language-of-Work Purposes](#).

#### **5. Will there be incumbent rights for supervisors of unilingual teams?**

- The policy change would not require incumbent rights as it applies only to new appointments made as of June 20, 2025. The linguistic profiles of any existing supervisory positions will not be changed if the incumbent has second language proficiency levels below CBC (or equivalent) until the position becomes vacant and a new appointment is made. Incumbents with second language proficiency levels of CBC (or equivalent) or higher, even if expired, will be deemed to meet the new requirement for their current positions.
- Members of a team that is entirely unilingual but whose employees are located in a bilingual region would still have the right to be supervised in their preferred official language.
- It is important to note that the right of employees to be supervised in their preferred official language regardless of the linguistic designation of their position is a legislative requirement that comes into effect on June 20, 2025. While the [Official Languages Act](#) provides protection for any current incumbents of unilingual supervisory positions who may be impacted by this requirement, institutions remain responsible for ensuring the language rights of its employees are met via administrative measures.

## Correlation with other parts of the *Official Languages Act*

### 6. How does this policy amendment correspond with upcoming changes to Section 36 of the modernized *Official Languages Act*?

- Section 36 of the modernized *Official Languages Act* gives all employees in bilingual regions the right to be supervised in the official language of their choice, regardless of the linguistic identification of their position, as of June 20, 2025.
- TBS is waiting for a complete legal interpretation; however, it is expected that to meet this right, most positions responsible for the supervision of employees in bilingual regions will have to be designated bilingual as of June 20, 2025.
- Although the modernized *Official Languages Act* provides protection for existing incumbents of unilingual supervisory positions who could be impacted by Section 36 requirements, institutions will need to put measures in place to ensure respect for the right of employees in bilingual regions to be supervised in their preferred official language.
- By establishing the minimum level of second-language proficiency required for bilingual positions responsible for the supervision of employees in bilingual regions, the policy amendment ensures that supervisors can carry out complex supervisory tasks in both official languages, such as conducting performance evaluations, having sensitive conversations, and fostering and maintaining a workplace where employees feel comfortable using the official language of their choice.

### 7. How does this policy amendment correspond with Section 91 of the *Official Languages Act*?

- Section 91 of the *Official Languages Act* establishes the obligation to determine objectively official language requirements for the performance of duties of positions in federal institutions.
- A minimum requirement for bilingual positions responsible for the supervision of employees in bilingual regions has been established based on the common duties associated with supervisory tasks which require superior language proficiency skills (such as conducting performance evaluations, having sensitive conversations, and fostering and maintaining a workplace where employees feel comfortable using the official language of their choice).
- However, it is important to note that Section 91 of the *Official Languages Act* must always be applied and respected. A supervisory position could require a level of second-language proficiency above the minimum requirement for duties other than those commonly associated with supervision.

## Administrative measures

### 8. Will administrative measures need to be put in place for bilingual supervisors at the BBB (or equivalent) level?

- Institutions will need to determine on a case-by-case basis whether administrative measures are needed to ensure that the language of work rights of employees are met.
- Administrative measures are normally required when an incumbent does not meet the language requirements of their position.
- Supervisors who do not currently have CBC (or equivalent) proficiency levels will continue to meet the linguistic profiles of their positions as they will remain unchanged as long as the

incumbents remain in their position. As such, there is no mandatory requirement to implement administrative measures.

- However, if the institution deems that the incumbent of a supervisory position with second-language proficiency levels below CBC (or equivalent) is unable to supervise employees in their preferred official language, the institution will be responsible for identifying and implementing appropriate administrative measures to ensure that the employees' supervisory language of work rights are met.

## Definition of supervision

### 9. What definition of “supervisory position” will be used for the application of the new requirement in the [Directive on Official Languages for People Management](#)?

- The [Official Languages Act](#) does not provide a definition of supervision.
- From a policy perspective, the term supervisor (or supervisory position) is used across various policy instruments and various sectors (e.g. classification) but there is no clear and consistent definition for the term.
- The Official Languages Centre of Excellence (OLCE) cannot impose a definition that could have implications for other sectors or policies. The OLCE will, however, provide guidance to federal institutions by indicating the types of tasks that are considered supervisory duties from an official languages' perspective. These include assigning and reviewing work; providing feedback on employees' performance within the context of the institution's performance management; having complex and/or sensitive discussions; and reporting on the unit or the team's results.
- Institutions must enter into the Position and Classification Information System (PCIS)\* a supervisory requirement for any position that carries out tasks considered to be supervisory functions from an official languages perspective.

\*The PCIS is designed to collect the information of institutions in the Core Public Administration on various subjects, including official languages. Statistics for the Annual Report on Official Languages are taken from the PCIS at the end of March of each year. Departments must submit their PCIS file each month.

## Diversity and inclusion

### 10. How does this policy change align with the government's commitment to diversity and inclusion, given that some members of equity-seeking groups have indicated that acquiring second-language proficiency is a barrier to career advancement? Will there be flexibilities to hire members of equity-seeking groups?

- This initiative is part of an integrated approach that aims to strengthen requirements that will enable work environments where employees feel comfortable using their preferred official language while also providing federal institutions and employees with the tools they need to meet these requirements.
- As part of the official languages reform, TBS also published in June 2024 a [language training framework](#) for the public service that promotes a standardized approach across the public service with a focus on equitable access to second official language training for all employees, including designated employment equity groups.

- For the development of this framework, the OLCE undertook extensive consultations with various committees, including the Designated Senior Officials for Employment Equity, Diversity & Inclusion Community of Practice and the Committee of representatives of equity-seeking groups.
- In 2023, the OLCE established an Advisory committee on second official language learning for equity-seeking groups to review the language learning framework tools and resources with a specific lens to removing barriers.

## Staffing

### **11. Has consideration been given to recurring challenges with the recruitment of bilingual candidates for supervisory positions of more technical and specialized natures?**

- Yes, TBS has considered and continues to study this issue. However, these positions will also need to comply with the new requirement.
- To comply with the [Official Languages Act](#), Deputy Heads must ensure that their federal institutions have sufficient capacity and resources in both official languages.
- Under the [Directive on Official Languages for People Management](#), non-imperative staffing is still possible in exceptional staffing situations, such as when the pool of available bilingual candidates is very limited because of the highly specialized nature of the duties and knowledge required for a position. However, managers must provide adequate justification for the use of non-imperative staffing and specify the measures they will take to ensure the bilingual duties of the position are carried out while the incumbent does not meet the language requirements of the position.
- To help federal institutions and employees meet official language requirements, TBS published in June 2024 a [language training framework](#) for the public service that includes guidelines, an implementation handbook and a playbook that provides learning paths and resources for second official language learning and retention.

### **12. Will the use of non-imperative staffing still be permitted?**

- Imperative staffing will continue to be the norm, as indicated in the [Directive on Official Languages for People Management](#).
- Non-imperative staffing will remain possible in exceptional staffing situations and will continue to be supported with written justification from managers. Administrative measures must be implemented to ensure that the bilingual functions of a position staffed non-imperatively continue to be carried out while the incumbent does not meet the linguistic requirements of the position.
- The provisions of the [Public Service Official Languages Exclusion Approval Order](#) and of the [Public Service Official Languages Appointment Regulations](#) will continue to apply in instances of non-imperative staffing.
- The OLCE has prepared a backgrounder and questions and answers document regarding [non-imperative staffing](#).

**13. What happens when an employee who was appointed on a non-imperative basis does not meet the language requirements of their position at the end of their agreement to become bilingual?**

- It is the responsibility of the institution to appoint or deploy the employee to a position for which he possesses the essential qualifications, provided this does not constitute a promotion or demotion.
- Section 1.b) of the [Public Service Official Languages Exclusion Approval Order](#) states as follows: **(b)** agrees that if, at the end of the two-year period, the person has not attained the level of language proficiency required for the bilingual position, the person will be appointed or deployed on an indeterminate basis to a position for which the person meets the essential qualifications referred to in paragraph 30(2)(a) of the Act and **that is of a similar level and salary** as the bilingual position.
- Institutions are encouraged to ensure that they have positions of similar level and salary and whose linguistic profile will allow the person to be appointed or deployed.

**14. Will employees who have signed an agreement to become bilingual at BBB (or equivalent) level for a position supervising employees in bilingual regions as part of a non-imperative appointment before June 20, 2025, be required to attain CBC (or equivalent) level after that date?**

- No. Employees appointed on a non-imperative basis and who have signed an agreement to become bilingual under section 3 of the [Public Service Official Languages Exclusion Approval Order](#) at the BBB (or equivalent) level for a supervisory position of employees occupying positions in bilingual regions before June 20, 2025, will not be affected by the new policy requirement.
- The linguistic profiles of these positions should only be upgraded to CBC (or equivalent) when they become vacant or when a new appointment is made.

**15. Can valid candidate pools created before June 20, 2025, be used if candidates do not meet the new requirement for bilingual positions involving the supervision of employees occupying positions in bilingual regions?**

- It is up to the institutions to choose how they want to manage the pools.
- Hiring managers should discuss their options with their human resources staffing units. The [Hiring from pools - Advertised or non-advertised appointment](#) website provides information to help managers make a decision.
- For example, a manager might decide to re-evaluate candidates who do not have second-language proficiency levels that meet the new requirement, as they would be considered partially qualified.
- However, institutions are encouraged to inform candidates in existing pools affected by the increase in language requirements for positions related to the established pool, in order to give candidates as much time as possible to prepare for a potential second-language evaluation.
- Institutions are also encouraged to plan their staffing process in advance and to already establish the language level at minimum CBC (or equivalent) for positions that will be affected by the new requirement after June 2025.



**16. What happens to employees occupying acting bilingual positions supervising employees in bilingual regions with linguistic profiles under CBC (or equivalent) and who were appointed before June 20, 2025?**

- Employees who were appointed on an acting basis to bilingual supervisory positions before June 20, 2025, will be able to complete their acting periods on the scheduled date, even if it is after June 2025, since the new policy requirement only affects new appointments after that date.
- However, these acting appointments cannot be extended if employees do not have second-language proficiency levels that meet the new requirement, as the linguistic profiles of these supervisory positions will have to be raised to minimum CBC (or equivalent) before any new appointment after June 20, 2025, since the extension of an acting appointment is considered a new appointment.

**17. When a person is excluded from the application of merit respecting the official language proficiency as per the [Public Service Employment Regulations](#) (PSER), would an increase to CBC (or equivalent) of a supervisory position result in a reset to the number of months allowed under the various PSER official languages exemptions?**

- No. The cumulative period of all acting appointments does not reset with the change in the linguistic profile to CBC (or equivalent).
  - For vacant positions, the clock resets only when the position is staffed on a determinate or indeterminate basis.
  - For encumbered positions, the clock resets only when the incumbent returns and leaves again the substantive position.

### Second language evaluation

**18. If they do not change positions, will current incumbents of bilingual supervisory positions be required to confirm their second-language proficiency levels when their results expire?**

- No. Second language proficiency levels of incumbents of bilingual positions will continue to be deemed valid for an indefinite period as long as the incumbents remain in their positions and the linguistic profiles of the positions are not raised above the employees' skill level.
- Incumbents with second language proficiency levels of CBC (or equivalent) or higher, even if expired, will be deemed to meet the new requirement for their current positions.

**19. What happens when an employee occupying a supervisory position in a bilingual region loses their second-language proficiency levels following a reassessment by the Public Service Commission (PSC) and no longer meets the language requirements of their position?**

- In accordance with the National Joint Council [Bilingual Bonus Directive](#), an employee who is retested and no longer meets the language requirements of their position may remain in that position (Section 1.2.5).
- However, the employee will no longer be entitled to the bilingualism bonus, and it is up to the institution to take measures to ensure bilingual services are provided.

## 20. How will the delays for accessing the PSC's language tests be reduced?

- The PSC is working on measures to address current delays and the potential increase in testing demand.
  - The [Candidate Assessment Tool](#) for Second Language Assessments allows institutions to administer remotely unsupervised second language tests for reading comprehension and written expression.
  - As of August 1, 2024, at the discretion of deputy heads or their sub-delegated managers, levels A and B results obtained from alternative methods of evaluating oral proficiency may be transferred between departments and agencies subject to the [Public Service Employment Act](#).
  - Oral proficiency results at level C are not transferable between departments and agencies. Until further notice, departments and agencies authorized by PSC to use an alternative method of evaluating oral proficiency (temporary measure 3) at levels A, B and C may continue to do so to meet their needs.
- It is important to note that current incumbents of supervisory positions who do not meet the CBC level will only need to be tested when they move to a new position that involves supervision of employees in bilingual regions.

## Language training

### 21. What is your approach to support institutions with language training?

- TBS published in June 2024 a [language training framework](#) for the public service. The key elements of the framework include:
  - Guidelines for second official language training that support federal institutions in providing equitable access to inclusive and standardized language training approaches;
  - A handbook on second official language training that include best practices to support institutions and managers in fostering a workplace conducive to the use and learning of both official languages; and
  - A playbook for employees that provide various learning paths and resources to support second official language learning and retention in a variety of organizational contexts.

### 22. Does the language training framework apply to separate agencies and Crown Corporations?

- The [language training framework](#) promotes a standardized approach across the public service with a focus on equitable access to second official language training for all employees, including designated employment equity groups.
- The [language training framework](#) provides various tools and resources to support second official language learning and retention in a variety of organizational contexts. Although optional, the framework may also be used by separate agencies and Crown Corporations.

## Funding

### **23. Will there be funding available to implement Section 36 of the [Official Languages Act](#), the new CBC requirement and for language training?**

- Additional funding will not be provided, but current incumbents of supervisory positions who do not have the required second language proficiency levels will not need to meet the CBC requirement until they change positions. This will limit the need for language training.
- The [second language training framework](#) also offers a variety of self-directed tools at no cost and some at a lower cost than classroom training. These provide greater flexibility in terms of operations since the learner can choose their own learning schedule and is not restricted to a specific timetable.

**Please do not hesitate to contact the OLCE at [OLCEInformationCELO@tbs-sct.gc.ca](mailto:OLCEInformationCELO@tbs-sct.gc.ca) if you have additional questions that have not been addressed in this document.**

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