



**CORRECTIONAL SERVICE CANADA**

CHANGING LIVES. PROTECTING CANADIANS.

**SERVICE CORRECTIONNEL CANADA**

TRANSFORMONS DES VIES. PROTÉGEONS LES CANADIENS.



## **DETERMINING THE LANGUAGE PROFILE OF A POSITION**

### **Guide for Managers and Human Resources Advisors**

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### 1. CONTEXT

The purpose of this guide is to support the Treasury Board of Canada (TB)'s [Policy on official languages](#), the [Directive on official languages for people management](#) and the [Directive on official languages for Communications with and Services to the Public](#) by setting out the procedures for identifying the language requirements of positions and determining the linguistic profiles of bilingual positions.

The *Official Languages Act* (OLA) stipulates that English and French are the two languages of federal organizations and that employees have the right to use either language under [Part V of the OLA](#). The OLA confirms the government's commitment to ensuring that English-speaking and French-speaking Canadians have equal opportunities for employment and advancement in federal institutions.

Linguistic obligations flow from the following requirements:

#### 1.1 Language of communications with the public

The language used for communications with and services to the public are established for each Correctional Service of Canada (CSC) operational location and listed in Annex B of the [Commissioner's Directive - 087 Official Languages](#). In locations required to provide services in both official languages, employees are required to provide an active offer (greeting) to all clients. Members of the public are entitled to choose either English or French in accordance with Part IV of the OLA.

#### 1.2 Language of work

The language of work is determined based on geographical locations. English and French are the language of work in bilingual locations for language of work. In unilingual locations, the language of work is the one that predominates in the province or territory. See Annex B of the [Commissioner's Directive - 087 Official Languages](#).

#### 1.3 Precedence of rights

The right of the public to be served in their official language of choice has precedence over the right of employees to work in their official language of choice.

#### 1.4 Role of sub-delegated managers

Under section 91 of the OLA, objectivity must guide the establishment of the language requirements of positions for the purpose of staffing actions in federal organizations. These requirements must be necessary to perform the duties of the position primarily to serve

members of the public (including offenders) in the official language of their choice or to fulfill language-of-work obligations. Therefore, under this provision, sub-delegated managers may not arbitrarily set the language requirements of a position.

### **2. OBJECTIVE**

The purpose of this guide is to ensure that the language requirements of all functions and positions within the Correctional Service of Canada are set objectively to ensure the organization's linguistic obligations for services to the public, to restricted clientele and to employees are fulfilled.

Overall, the objective is to ensure that sound and consistent practices and procedures are applied when determining the language requirements of positions.

### **3. APPLICATION**

These guidelines apply to all positions in the CSC.

### **4. EXPECTS RESULTS**

Measures are put in place to ensure:

- respect of the rights of the public (including offenders) regarding the language of communications and services
- respect of employees' language of work rights
- the language requirements of positions are determined based on the tasks to be performed or by the pre-established requirements for supervisory positions
- a work environment conducive to the effective use of both official languages; and
- English-speaking and French-speaking Canadians without regard to their ethnic origin or first language learned, have equal opportunities in terms of employment and advancement at CSC in accordance with section 39(3) of the OLA and the merit principle as per section 30(2) of the *Public Service Employment Act*.

### **5. GUIDELINES REQUIREMENTS**

#### **5.1 Languages requirements**

A position in the federal public service is either bilingual or unilingual.

The language requirements of positions must be established objectively. They are based on the work the incumbent will undertake, their work unit, and the location of the position, and take into account obligations related to service to the public, language of work including supervision and the equitable participation of both language groups as per the OLA.

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There are four possible language requirements for a position:

- a. French essential if the functions and tasks of the position require the use of French only (unilingual French position)
- b. English essential if the functions and tasks of the position require the use of English only (unilingual English position)
- c. Bilingual if the functions and tasks of the position require the use of English and French (bilingual position)
- d. Either / or if the functions and tasks of the position require the use of one or the other official language and the position holder chooses which language to use. The language of the position is that selected by the incumbent (either /or position)

*In locations designated as bilingual for language-of-work purposes*

Positions that include supervisory functions are mandatory bilingual. Positions that include the following functions are bilingual:

- Delivery of personal services
- Delivery of central services; and
- Communication of information or advisory with employees in the same location or in other locations across the country.

Managers and supervisors who occupy bilingual positions in bilingual locations supervise each employee in the language chosen by that employee, regardless of the linguistic identification of the employee's position.

In locations designated as unilingual for language-of-work purposes, positions that include the following functions are mandatory bilingual:

- Supervision of employees located in bilingual regions for language-of-work purposes;
- Delivery of services to the public in operational units required to provide service in both official language;
- Delivery of personal or central services to employees whose positions are located in a region designated bilingual for language-of-work purposes;
- Liaison functions with locations with differing language of work.

*Across Canada*

Employees are entitled to:

- Participate in selection processes in the official language of their choice, regardless of the language requirements of the position to be staffed, across Canada
- File grievances and receive responses in the official language of their choice anywhere in Canada.

### *Service to the Public and to employees*

Sub-delegated managers must ensure they have the necessary bilingual capacity to deliver consistent and equal quality services in both languages by:

- Evaluating the volume of demands of service; and
- Ensuring there are a sufficient number of bilingual positions to provide bilingual services at all times.

## **5.2 Linguistic profile of positions**

This section provides guidance on how to establish the level of proficiency for bilingual positions.

### **5.2.1 Executive and Equivalent Positions**

Across Canada, positions at the Assistant Commissioner and Regional Deputy Commissioner or equivalent level are designated bilingual and require a higher level of proficiency in the second language, CBC.

The other executive positions are designated bilingual and require a CBC second language proficiency to ensure that the incumbents in bilingual locations can perform their duties and assume their responsibility to create a work environment conducive to the effective use of both official languages, if the position includes one or more of the following elements:

- Supervision of employees in bilingual positions or positions with differing language requirements (e.g., French essential and English essential or French/English essential and bilingual);
- Participation as a regular member of the CSC's management team;
- Significant functions related to representing the CSC to the public or employees as lead of a working group in bilingual locations of the CSC;
- Significant role in coordinating employee programs or activities in bilingual region.

### **5.2.2 Executive feeder groups**

Executive feeder groups are positions typically at the EX minus 1 and EX minus 2 levels and are defined as such for the purposes of the executive succession planning and management process.

In locations designated as bilingual for language-of-work purposes, language proficiency of executive feeder groups with supervisory functions will be established at CBC level (see Annex II for EX Equivalent and Feeder Groups).

A linguistic profile of a supervisory position below CBC in bilingual regions for language of work purposes listed in Annex B of CD-087- Official Languages will require the approval of a level 2 sub-delegated manager (creation or modification).

### **5.2.3 Other bilingual positions**

When a position is identified as bilingual, the required proficiency level in the second language must be objectively determined, based on complexity and the nature of the tasks the incumbent will be required to perform in his or her second official languages. The linguistic profile of a position that includes complex tasks requires at least the CBC proficiency level.

## **6. SETTING OR CHANGING THE LINGUISTIC PROFILE OF POSITIONS**

This section provides direction on the process to set or change a linguistic profile.

The sub-delegated manager must apply the [Qualification Standards in Relation to Official Languages](#) to determine the required levels in both official languages (see Annex III for the process) and Annex III for the summary of language proficiency of bilingual positions at a B or C levels.

The language proficiency levels of positions or functions whose incumbents provide a service to the public or to employee are set at least at BBB level.

Sub-delegated managers who change a position's language requirements, to increase or decrease the level, must always provide the HR Operational Programs with a rationale by completing the [eForm: Change the Linguistic Profile of a Position](#), and providing the work description and the organizational chart.

The incumbent of the position whose language requirements have been changed must receive written notification within ten (10) working days from the date of the decision.

The incumbent who does not meet the new language requirements for the position may remain in the position without having to meet them (incumbent's right).

If the position becomes bilingual or has its linguistic profile increased:

- the incumbent is encouraged to undertake the language training by the sub-delegated manager; and
- the sub-delegated manager must implement and communicate administrative measures to ensure that the bilingual functions of the position are performed in both official languages.

The conditions governing employee eligibility for the bilingual bonus must respect the provisions of the [Bilingualism Bonus Directive](#).

### **7. ROLES AND RESPONSIBILITIES**

#### **7.1 Sub-delegated managers:**

- Determining objectively whether the position requires the use of one or both official languages.
- If the position requires the use of both official languages, objectively determining the required level of language proficiency in the second official language.
- Objectively reviewing the identification of each position during any activity relating to human resources, including staffing, restructuring and reclassification.
- Ensuring sufficient bilingual capability in the work unit to meet official languages obligations to the public and employees.
- Considering and implementing the recommendations approved by the Executive Committee members.
- Providing to employees returning from language training an environment conducive for maintaining their new language skills.

#### **7.2 Regional HR Operations Programs Advisors:**

- Providing advice and guidance to ensure the objectivity in determining the language requirements of positions.

#### **7.3 Staffing Advisors:**



- Consulting and collaborating with Planning, Official Languages and Employment Equity (POLEE) when dealing with official languages issues such as determining or changing the linguistic profiles of positions.
- Advising POLEE of cases where the sub-delegated manager proceeds contrary to the advice provided.

### **7.4 Members of Executive Committee:**

- Ensuring CSC's compliance with these guidelines
- Taking the necessary corrective measures when deficiencies are found.

## **8. RAISING THE LINGUISTIC PROFILE OF SUPERVISORY POSITIONS THAT ARE IDENTIFIED AT A LEVEL BELOW CBC**

The linguistic profile of EX minus 1 and EX minus 2 positions with supervisory responsibilities in locations designated as bilingual for language of work purposes will be modified in a progressive manner.

## **9. MONITORING**

POLEE will monitor compliance with the guidelines and the related tools at least once within the next five (5) years after the effective date. The guidelines will be updated should a risk or need analysis confirm that it is required.

POLEE is responsible for monitoring and reporting to senior management on the progress related to the modification of the linguistic profile of supervisory positions in bilingual regions.

## **10. REQUEST FOR INFORMATION**

All inquiries concerning the guidelines should be directed to [OL-LO.GEN-NAT@CSC-SCC.GC.CA](mailto:OL-LO.GEN-NAT@CSC-SCC.GC.CA).

**REFERENCES**

1. [Official Languages Act](#)
2. [Commissioner's Directive - 087 Official Languages](#)
3. [The next level: Normalizing a culture of inclusive linguistic duality in the Federal Public Service workplace](#) (2017)
4. Government of Canada, "[Increase the linguistic profile for supervisory positions,](#)" *Dashboard on the status of the language of work recommendations*, Gatineau, 2019, last updated June 30, 2020.
5. [The Standing Senate Committee on Official Languages](#) (OTTAWA, Monday, October 30, 2017, the COL's testimony before the Senate about the supervision at CBC level)
6. [Directive on Official Languages for People Management](#) (Treasury Board of Canada)
7. [Policy on official languages](#)
8. [Implementing Section 91 of the Official Languages Act: A Systemic Problem](#) (2020)
9. [Qualification Standards in Relation to Official Languages](#)
10. [Determining the Linguistic Profile of Bilingual Positions](#)

### ANNEX I: DEFINITIONS

**Administrative measures:** arrangements made by a sub-delegated manager to meet the language obligations of a bilingual position occupied by an incumbent who does not meet the language requirements.

**Bilingual Capacity:** is the presence of an appropriate number of bilingual positions to always provide services of equal quality in both official languages, when the unit has bilingual obligations for communications and/or language of work. There are no specific guidelines on how to determine the number of bilingual positions needed to provide bilingual services. It is up to the manager to identify the demand for the use of one or both official languages and assess the unit's bilingual capacity.

**Bilingual region:** region where both English and French are the official languages of work as prescribed in paragraph 35(1)(a) of the [Official Languages Act](#). The regions of Canada set out in the Commissioner's Directive – 087 Official Languages.

**Bilingual position:** a position that requires the use of both languages for the performance of the duties of the position.

**Complex task:** task or function requiring an above average communications skills due to the complexity or sensitive nature of tasks. They may include: lead or co-lead a project team, a working group, interpret and present information to various audiences, consult, collaborate, negotiate, provide specialized or technical advice and guidance, deliver training session.

**Language Qualification Standards:** applies to all positions that require the use of both English and French. They define the level of proficiency for reading, writing, and speaking in the second official language. There are three levels of proficiency in the three distinct areas of the language qualification standards: A (lower), B and C (higher).

**Language Profile:** Refers to the level of proficiency required for a bilingual position based on the duties and responsibilities of the position. The profile for positions providing service to the public or to employees is BBB or higher. The profile for positions requiring a higher level of proficiency is normally CBC.

**Supervision:** the supervisor's responsibilities may include assigning and reviewing work, setting individual objectives, managing performance, providing guidance and training to direct reports, response to grievances, taking corrective action to improve performance and participation in the staffing process.

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**ANNEX II: EX EQUIVALENT AND FEEDER GROUPS**

Hierarchy that shows the breakdown by the management “level” based on a CSC-approved equivalence chart.

EX	EX 01, EX 02, EX 03, EX 04, EX 05
Equivalent	AR 07, AS 08, CS 05, EDEDS06, ENENG06, LP02, MDMOF02, MDMOF03, MDMOF04, MDMOF05, MDMSP01, MDMSP02, MDMSP03, PC 05, PM 07, WP 07
Minus 1	AR 06, AS 07, EC 07, EDEDS05, EG 08, EL 09, ENENG05, ENSUR05, FI 04, GT 08, HR 05, IS 06, MDMOF01, NUCHN08, NUCON01, NUHOS08, OM 06, OP 04, PC 04, PE 06, PG 06, PH 04, PM 06, PR 05, PS 05, SI 08, SWSCW05, WP 06
Minus 2	AR 05, AS 06, CS 04, CX 04, EC 06, EDEDS04, EDLAT03, EG 07, EL 08, ENENG04, ENSUR04, FI 03, GT 07, HR 04, IS 05, LA 01, NUCHN07, NUHOS07, OM 05, OP 03, PC 03, PE 05, PG 05, PH 03, PM 05, PR 04, PS 04, SI 06, WP 05

**ANNEX III: SUMMARY OF LANGUAGE PROFICIENCY LEVELS OF BILINGUAL POSITIONS**

At CSC, the minimum second language proficiency level of a bilingual position is B. In some cases, a proficiency level may not be required in all skills. A dash is used to indicate the non-required skill (“-”). For example, the linguistic profile of a position for which proficiency in the second official language is not required for reading and written expression skills, would be --B/--B (this means that the incumbent of the position will only be required to communicate orally in the second language).

**LEVEL B**

<b>WRITTEN COMPREHENSION</b> An incumbent reading at this level can	<b>WRITTEN EXPRESSION</b> An incumbent writing at this level can	<b>ORAL PROFICIENCY</b> An incumbent communicating at this level can
Read work-related documents such as: <ul style="list-style-type: none"> <li>• reference materials (including directives) reports</li> <li>• articles</li> <li>• notices</li> </ul> <p><i>In order to:</i></p> <ul style="list-style-type: none"> <li>• extract information or specific details required for the job</li> <li>• understand the general idea of the content</li> <li>• verify that the content is factually correct when the text was prepared by others</li> </ul>	Write work-related documents such as: <ul style="list-style-type: none"> <li>• short, routine messages, texts</li> <li>• short descriptions, brief comments</li> <li>• simple, factual correspondence or directives</li> </ul> <p><i>In order to:</i></p> <ul style="list-style-type: none"> <li>• adapt templates by adding a few words or slightly modifying the content</li> <li>• request or provide information, explanations or instructions</li> <li>• explain or request that action be taken</li> <li>• formulate observations</li> <li>• present conclusions</li> <li>• summarize a text or meeting in point or note form</li> </ul>	Understand the main points of clear standard speech that deals with concrete, work-related topics <p><i>In order to:</i></p> <ul style="list-style-type: none"> <li>• give and follow straightforward explanations about how work is to be done</li> <li>• give simple description of a concrete subject or situation</li> <li>• handle requests for routine information</li> <li>• take part in meetings regarding factual, concrete and non-routine topics, and/or informal meetings or work sessions</li> <li>• compare and discuss alternatives when complications arise</li> <li>• deliver presentations on concrete topics, and</li> </ul>

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		<p>answer factual follow-up questions</p> <ul style="list-style-type: none"> <li>• answer the telephone, understand simple requests, redirect calls as appropriate, and/or explain to others how to complete a form</li> </ul>
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**LEVEL C**

WRITTEN COMPREHENSION An incumbent reading at this level can	WRITTEN EXPRESSION An incumbent writing at this level can	ORAL PROFICIENCY An incumbent communicating at this level can
<p>Read work-related documents such as:</p> <ul style="list-style-type: none"> <li>• policy papers</li> <li>• research papers</li> <li>• technical reports</li> <li>• books</li> <li>• complex contracts or specifications</li> <li>• legislation or regulations</li> </ul> <p><b>In order to:</b></p> <ul style="list-style-type: none"> <li>• ensure completeness and accuracy</li> <li>• extract details for action or interpretation</li> <li>• review for meaning and tone when it was prepared by others</li> </ul>	<p>Write work-related documents such as:</p> <ul style="list-style-type: none"> <li>• correspondence; briefing notes</li> <li>• memoranda</li> <li>• recommendations</li> <li>• research papers; reports</li> <li>• comprehensive summaries</li> <li>• detailed presentations</li> </ul> <p><b>In order to:</b></p> <ul style="list-style-type: none"> <li>• provide or request detailed facts and reasons</li> <li>• provide information or comment on contentious issues</li> </ul>	<p>Understand linguistically complex speech that deals with work-related topics and is spoken in standard dialect at normal speed</p> <p><b>In order to:</b></p> <ul style="list-style-type: none"> <li>• give and understand explanations involving complicated details, hypothetical questions, or complex and abstract ideas</li> <li>• give and understand detailed accounts of events, actions taken, or procedures to be followed</li> <li>• discuss or explain policies, procedures, regulations, programs and services</li> </ul>

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<ul style="list-style-type: none"><li>• obtain an in-depth understanding of the content</li><li>• assess implications</li><li>• provide comments</li><li>• make recommendations</li></ul>		<p>relating to an area of work</p> <ul style="list-style-type: none"><li>• sustain opinions</li><li>• deliver presentations on complex topics, and answer follow-up questions and/or conduct training sessions</li><li>• counsel and give advice to employees or clients on sensitive or complex issues</li><li>• participate as a member of a selection board, interview board, or assessment team as an integral part of the job functions.</li></ul>
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