

Manager's Guide: Modification to the Language Requirements

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- **Overview**

The following types of actions can be requested using this form:

- Modification to the language requirements of a position
- Modification of a linguistic profile of a bilingual position

The modification of language requirements of positions must be objectively established in accordance with Section 91 of the *Official Languages Act (OLA)* to ensure that the Department complies with its official language obligations to the public and to its employees. The manager is responsible for reviewing the language requirements of positions or functions during staffing, reorganization, reclassification or any other human resources activity to ensure the language requirements of the position still reflects the duties to be performed.

A Complaint under Section 91 of the OLA may be lodged at the Office of the Commissioner of Official Languages if objectivity is omitted in the application of the official language requirements for the purposes of a particular staffing action.

- **Notes and Helpful Hints**

Delegation of HR Authorities:

The level of authority required for establishing or modifying language requirements and/or the linguistic profile of a position as well as administering the Bilingualism Bonus Directive is indicated in the [ESDC Table of Human Resources Authorities](#).

Language requirements and/or linguistic profile of the bilingual positions must be established objectively based on the functions of the position.

The [TBS Qualification Standards in Relation to Official Languages](#) define the levels of proficiency required in the second official language (A, B, C and P) for each of the three language skills. The webbased tool [Determining the Linguistic Profile of Bilingual Positions](#) is available to help managers in establishing the linguistic profile of positions.

Justification

The manager must provide a written justification when modifying the language requirements of a position and/or the linguistic profile of a bilingual position. The justification should include the duties of the position for which communication in the second official language is required, the audience, and the level of complexity of the communication. Use and provision of an Analysis Grid is recommended.

NB: The written justification shall be included in the request form by selecting the "Other, Please specify" box in Section C of the form and inserting the justification in the space provided.

If the request is to lower the language requirements (i.e.: from bilingual to unilingual) or the linguistic profile (i.e.: from CBC to BBB), consultation must take place with a Human Resources Advisor.

Notification Obligations to the Incumbent of the Position

Whenever the language requirements (e.g., English Essential to Bilingual) or the linguistic profile (e.g., BBB to CBC) of a position are modified, the incumbent must be informed in writing within ten working days following the date of the modification. Following the change in language requirement, clients will be provided with a notice to be forwarded to the employee.

Acting appointments in a bilingual position

In situations where the employee acting in the position does not meet the new language requirements of the position, the manager should consult his Human Resources Advisor to determine the impact on this employee and possible options.

- **Process Overview**

Step 1: Gather Information

After consultation with an HR Advisor, gather and enter the information required to complete the request form. The form may be saved in draft until all the necessary information is obtained.

You may have additional materials or comments you would like to include (i.e.; the analysis grid). Please include them as an attachment to your request.

Step 2: Submit Request

Once the request form is complete, submit it to initiate the action. The sub-delegated manager assumes full responsibility for the request.

NOTE: The sub-delegated manager identified on the request form will be provided with a copy of the request.

Step 3: Only if the position is encumbered

1. Provide a written notice to the employee (incumbent). The HRSC will provide a drafted copy of the Notice to Employee to the manager, who then signs and remits to their employee
2. Inform employee, of the Cessation of Bilingualism Bonus if applicable. The HRSC will provide a drafted copy of "Reclassification of linguistic profile and bilingual bonus payment" letter to the manager, who then signs and remits to their employee.
3. Put in place administrative measures, if applicable.
4. During an acting appointment, if the employee does not meet the new language requirements of the position, the manager must consult the Human Resources Advisor.

Upon receipt of your request, HR will be in contact to discuss next steps.

- **Authorities, Policies and Guidelines**

- [Table of Human Resources Authorities](#)
- [Official Languages Act](#)
- [Directive on Official Languages for People Management](#) – Treasury Board Secretariat
- [Bilingualism Bonus Directive](#) - National Joint Council
- [Guideline on Identifying the Language Requirements of Positions](#)

- **Required Documentation**

Signed explanation of Administrative Measures implemented to ensure bilingual functions of the position (**if applicable**).

- **Service Standard**

The request will be completed within 2 business days from receipt of complete and accurate required documentation and request form.