



Secrétariat du Conseil du Trésor
du Canada

Treasury Board of Canada
Secretariat

Canada

*The Official Languages (Communications with
and Services to the Public) Regulations*
and the
Official Languages Regulations
Re-Application Exercise

October 2020

Background

- Together, the *Charter of Rights and Freedoms* and the *Official Languages Act (OLA)* give members of the public the right to federal communications and services in the official language of their choice:
 - in the National Capital Region;
 - in the institutions of Parliament;
 - at the head offices of the institutions;
 - where there is **significant demand**; and
 - where justified by the **nature of the office**.



Not all offices are bilingual. In fact,
more than half are unilingual!

The role of the Regulations

- Amendments to the 1991 Regulations were made in 2019.
- Approximately 11,300 offices are subject to the OLA and the Regulations.
- Using various criteria and thresholds in the form of numbers and percentages, the Regulations define, **for an existing office**,:
 - the circumstances where there is **significant demand** in the minority language and it must therefore be bilingual; and
 - cases where the nature of the office justifies it being bilingual.



The Regulations do not determine the operations of an institution or the location, opening and closing of its offices.

1



Minority language = English in Quebec and French in the rest of Canada

2

What is meant by “office” and “public”

- An **office** is a location where a federal institution offers services to, or communicates with, the public.
- The **public** is any person, group of persons, organization or business that receives services from, or communicates with, a federal institution including representatives of other levels of government.

E.g.:

- Toll-free number (1-800)
- Train or plane route
- Border offices
- Service Canada Centre
- Post Office
- RCMP detachment
- Ferry terminal
- Services by videoconference



- Does not include employees of institutions subject to the OLA in the course of their duties.
- The rights of the public take precedence over the rights of public servants.

Significant Demand

Under the OLA, the Governor in Council may, by regulation, consider the following criteria in determining whether there is significant demand:

- ✓ The size of the linguistic minority in the area served and its proportion to the total population of the area;
- ✓ The particular characteristics of the minority;
- ✓ The volume of communications or services between an office and its users; and
- ✓ any other criteria deemed appropriate.

General rules – Calculation method



How do we determine the size and % of the minority and majority populations in the region where the office is located?



Since 1991, language data have been obtained through the decennial census using a calculation method that takes into account answers to questions regarding knowledge of official languages, mother tongue and the language spoken most often at home.



A new calculation method based on mother tongue and languages spoken at home was developed during the regulatory review (2016–2019). It will come into effect in 2021 and will increase the number and proportion (%) of the minority.

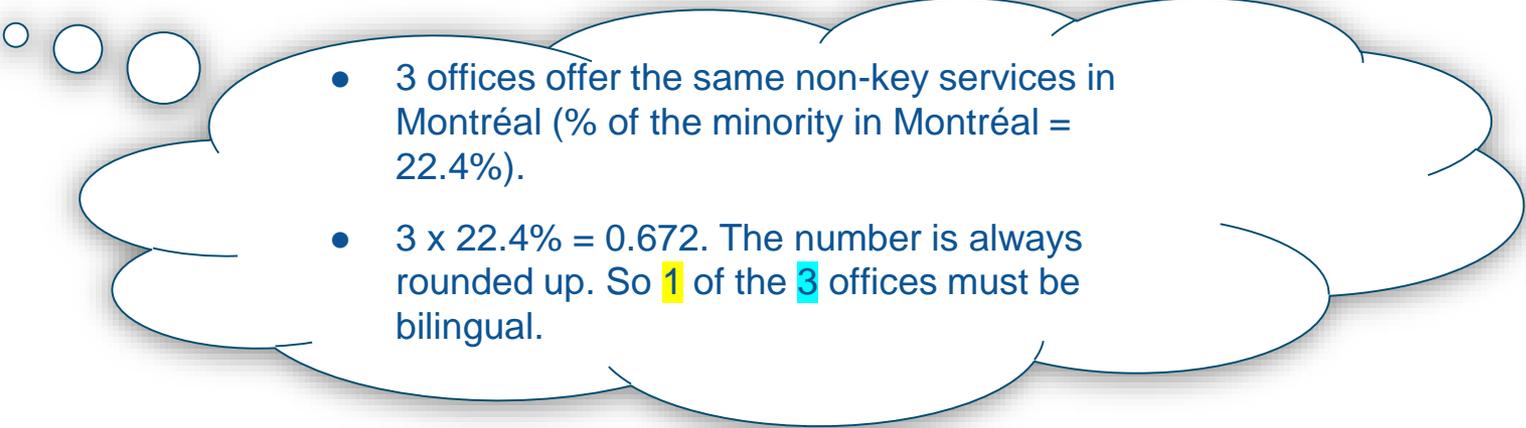
General Rules – Thresholds

- We examine the size and proportion (%) of the minority where the office is located.
- If it meets the thresholds and if the office's situation respects the prescribed criteria (e.g. it offers key services or is the only one to offer a service), we deem that there is significant demand for service in the minority language and the office is designated bilingual.

For example, an office is the only one to offer its services in Fredericton, a census subdivision in which the minority is >500, representing >5% of the total population in the area = bilingual.

General Rules – Principle of Proportionality

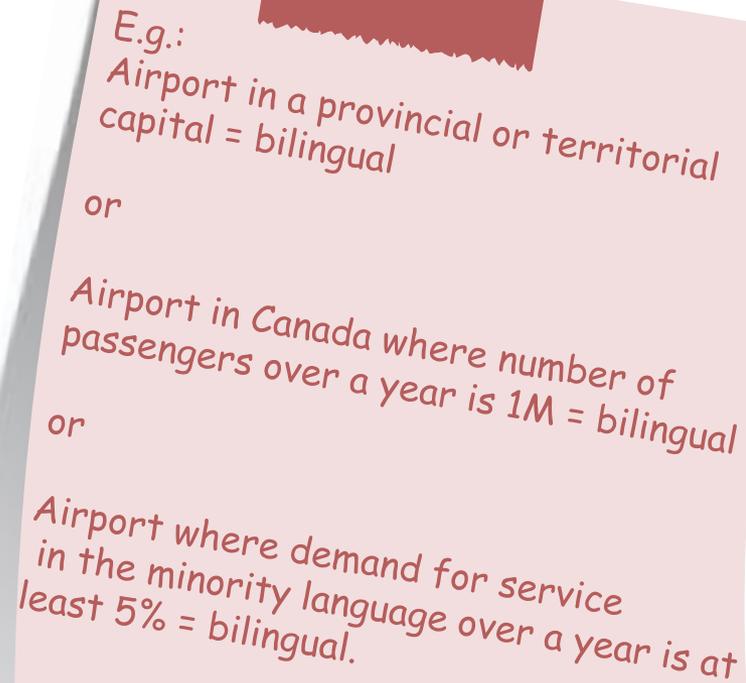
1. If an institution has several offices offering the same services in a region, it must generally offer bilingual services in a number of offices equal to or greater than the proportion of the minority in that region.

- 
- 3 offices offer the same non-key services in Montréal (% of the minority in Montréal = 22.4%).
 - $3 \times 22.4\% = 0.672$. The number is always rounded up. So **1** of the **3** offices must be bilingual.

2. Once the number of bilingual offices has been determined, the institution must consider the offices' mandate, the distribution of the minority, and opinions obtained from consultations with the minority when choosing which office is to be designated bilingual (**1**) among the offices involved (**3**).

Specific Rules

- Other methods are used to determine if there is significant demand at an office when the population data is not relevant.



E.g.:
Airport in a provincial or territorial capital = bilingual

or

Airport in Canada where number of passengers over a year is 1M = bilingual

or

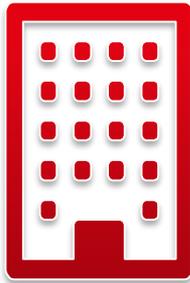
Airport where demand for service in the minority language over a year is at least 5% = bilingual.

Nature of the Office

- In some cases, the very nature of the office or its mandate is such that it must automatically be designated bilingual. For example:
 - An embassy or consulate;
 - A first aid clinic at an airport;
 - A toll-free telephone number;
 - Services offered by videoconference; or
 - An office at a national park.



Application of the Regulations



WHO?

Institutions are responsible for keeping the list of their offices up to date and for applying the Regulations to determine or verify the language designation of their offices.



HOW?

The new System for Official Languages Obligations (SOLO) makes applying the Regulations easier. It indicates, based on the type of office and its address, the steps to take in order to determine the office's language designation.

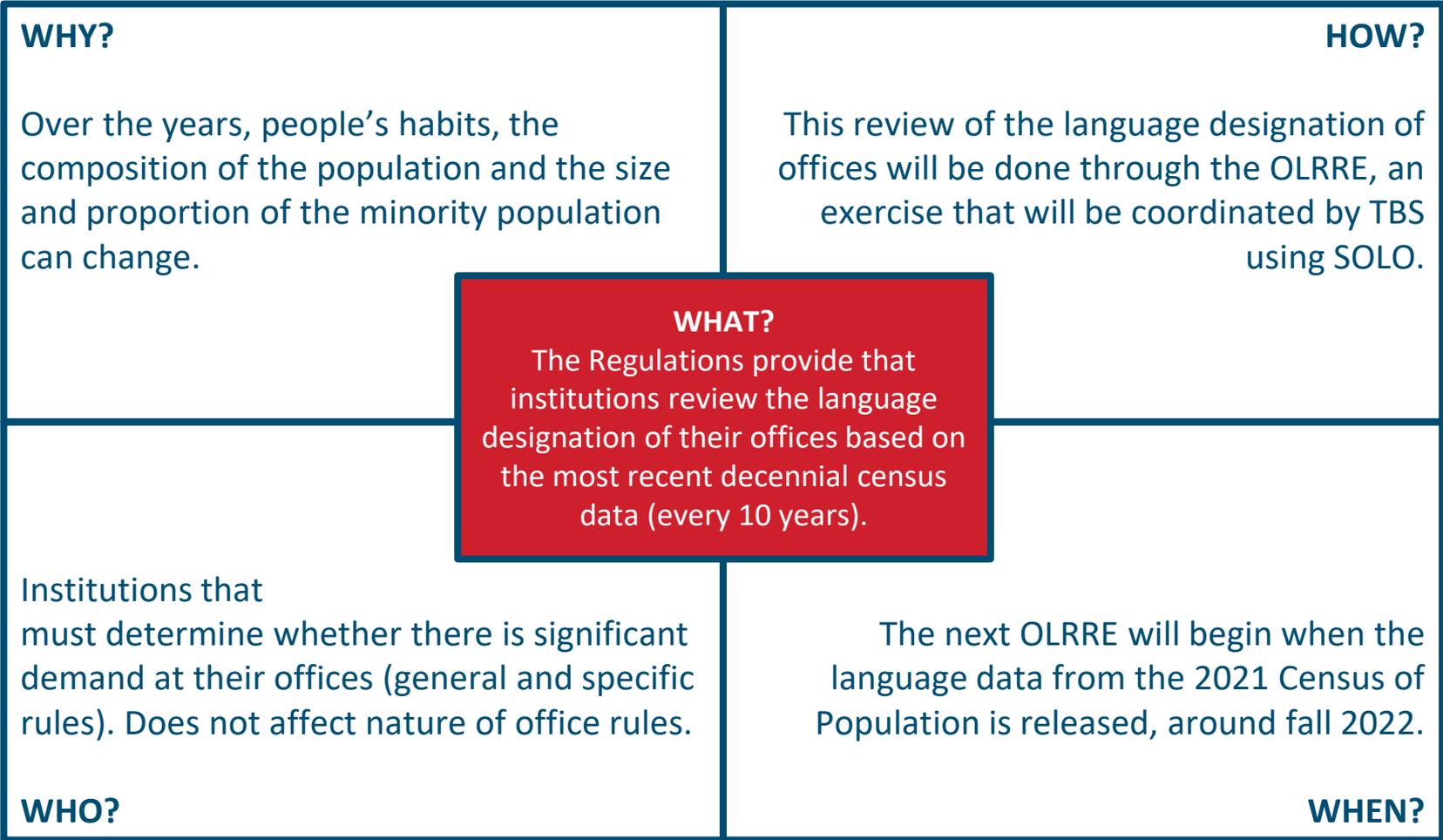
MONTH/ MOIS						
SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

WHEN?

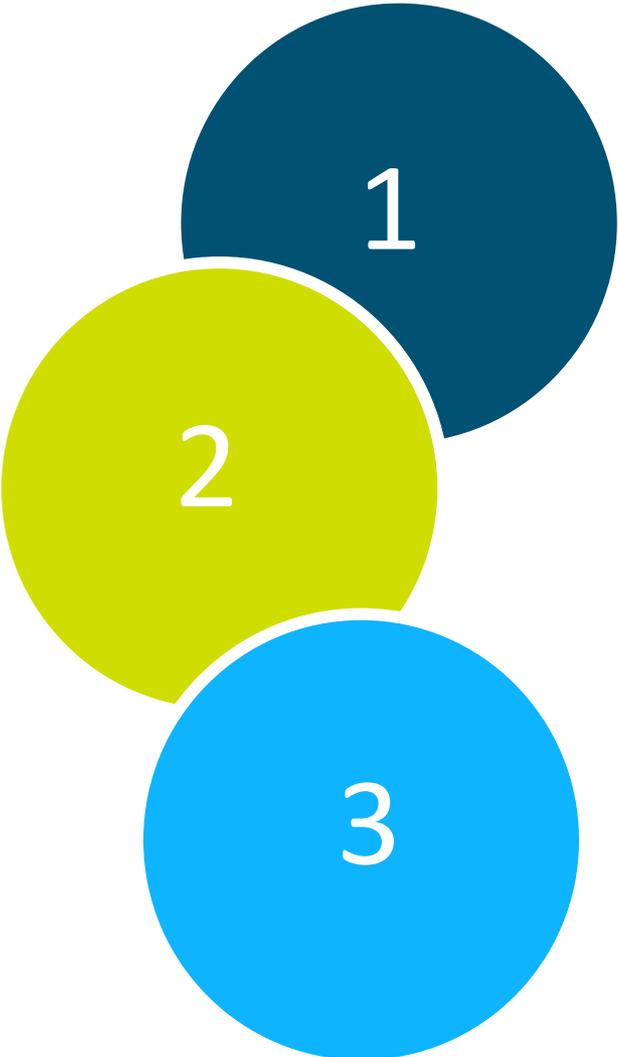
The Regulations must be applied or their application verified:

- ✓ When an office opens, closes or moves, or when its functions change.
- ✓ During the Official Languages Regulations Reapplication Exercise (OLRRE)

The Official Languages Regulations Re-application Exercise (OLRRE)



Next Steps – Before the OLRRE



1

Winter 2020-2021 – SOLO training will be provided by TBS to Persons responsible for official languages in institutions. User support tools will also be provided.

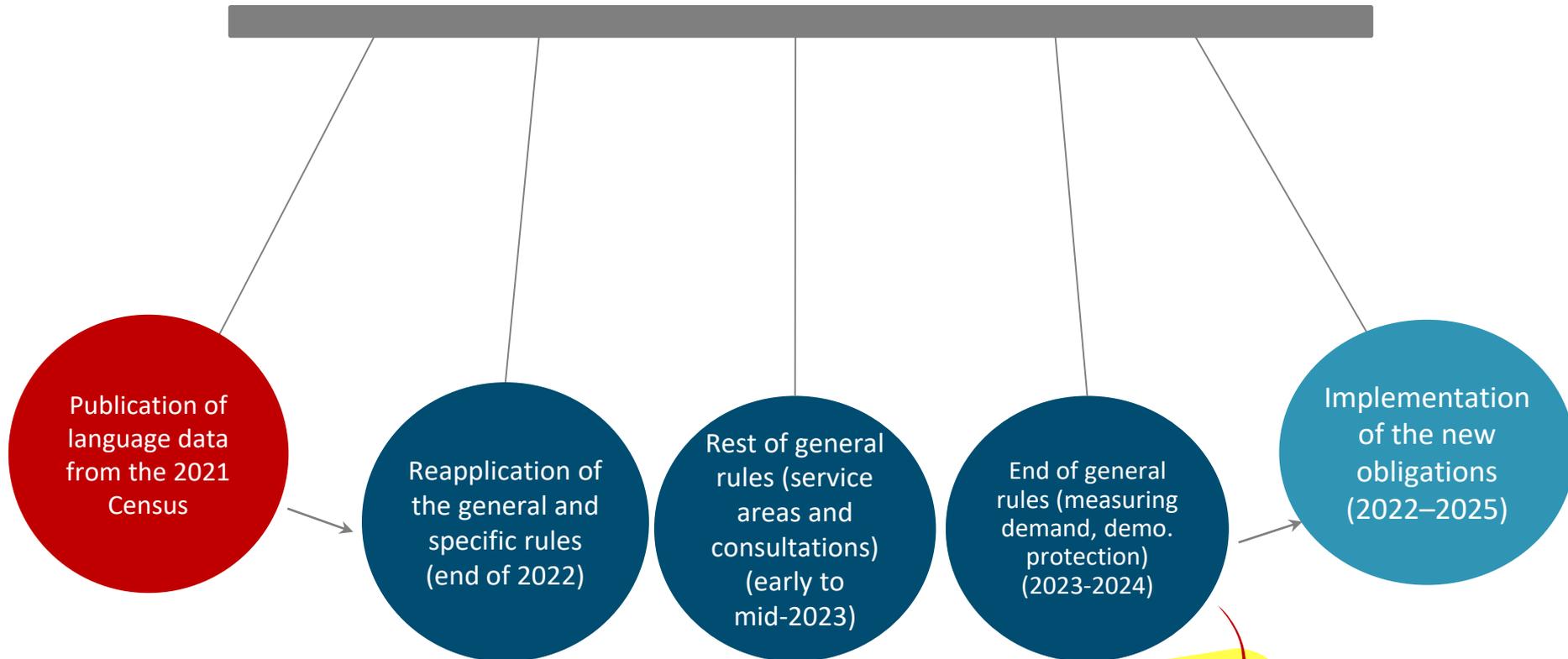
2

Winter 2020-2021 – TBS will send a request to institutions to update their offices in SOLO.

3

Winter 2021-2022 or Spring 2022 – TBS will send an email to deputy heads and PROs to advise them of the start of the OLRRE, to allow institutions to plan for the necessary resources.

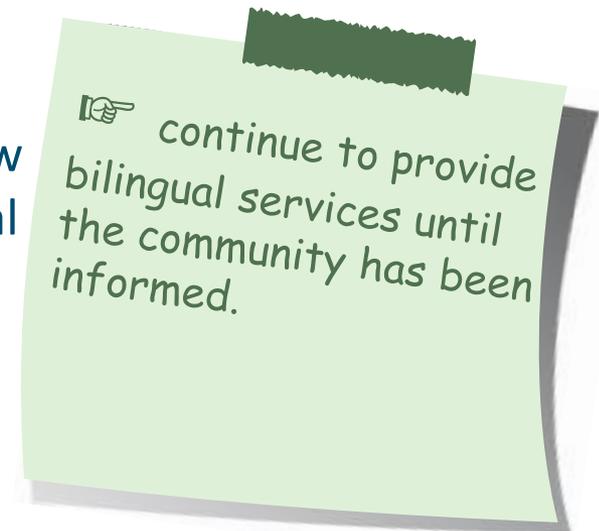
Next Steps – OLRRE



Prior to each of these steps, TBS will offer to institutions involved a presentation on the provisions that directly affect them.

Once the OLRRE has been completed

- When the language designations of offices have been determined, the *Directive on the Implementation of the Official Languages (Communications with and Services to the Public) Regulations* provide for:
 - up to 1 year to implement new bilingual obligations;
 - up to 2 years to inform the minority served by the offices of the date scheduled for the discontinuation of bilingual services and how they can now receive services in their official language;
 - one year for an office that has become unilingual following a measurement of demand to stop bilingual services.



A bilingual office

- At a bilingual office, the institution must organize its resources to communicate with the public and offer them services of equal quality in both official languages.



- e.g. a service cannot be offered in English in person while the French is only available by telephone.

- For proper implementation of its language obligations, such as active offer of service or equal quality, or for monitoring the application of its obligations, the institution must refer to:
 - The *Policy on Official Languages*; and
 - The *Directive on Official Languages for Communications and Services*.



The Directive – Overview of the changes being considered

Consultations

Clarifications on consultations with official language minority communities

Measurement of demand

Addition of requirements for measuring the demand for service in the minority language for more accurate results

Vitality/Schools

Addition of terms for implementing the new rule regarding the presence of a minority school in the area served by an office.

Demographic protection

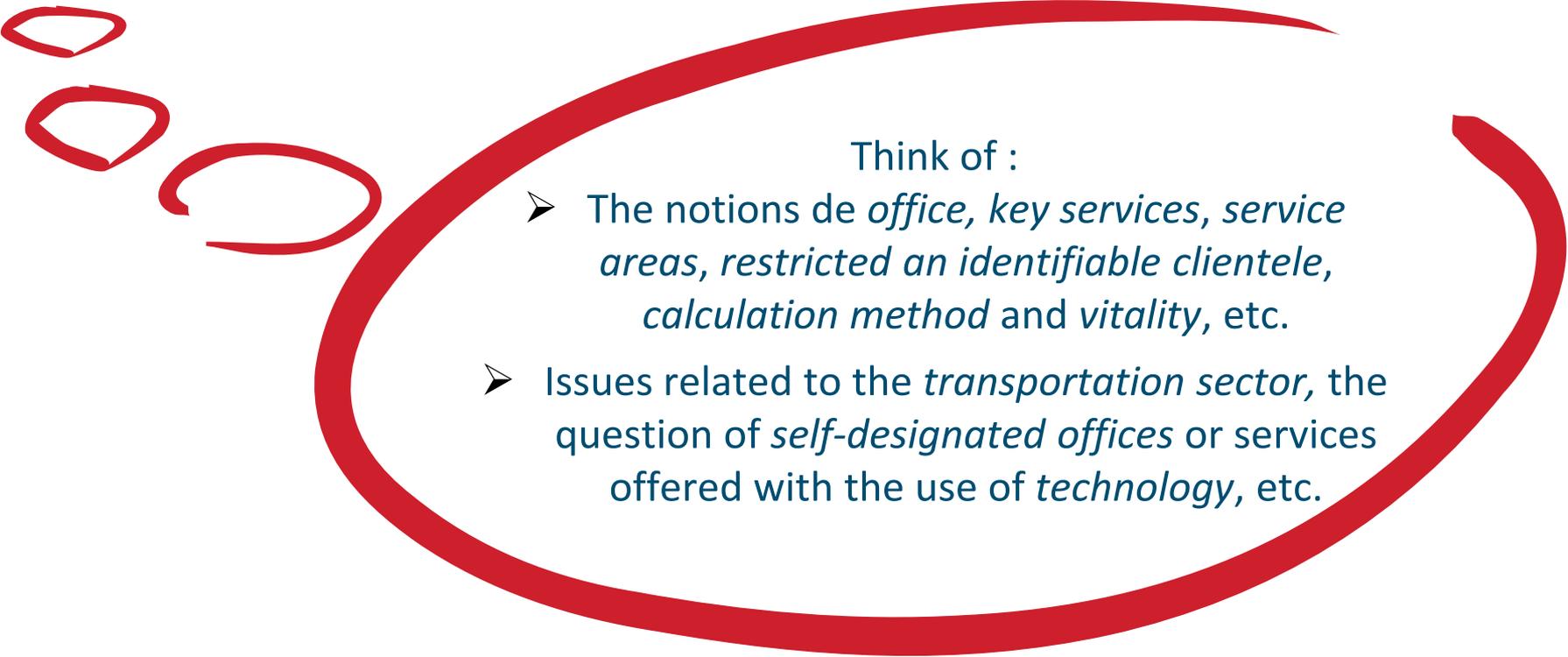
Addition of terms for implementing the new rule on demographic protection.

General update

Update to certain elements of the Directive to reflect the regulatory amendments (e.g. the name of the calculation method)

Discussion

- Do you have any questions about what you have heard today?
- Are there elements that you like and others that you dislike in the Regulations and its directive?
- What were your thoughts when you read these texts or when you worked with these tools?



Think of :

- The notions de *office*, *key services*, *service areas*, *restricted an identifiable clientele*, *calculation method* and *vitality*, etc.
- Issues related to the *transportation sector*, the question of *self-designated offices* or services offered with the use of *technology*, etc.

Contact Us

For SOLO

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For application of the Regulations

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