



# CORRECTIONAL SERVICE CANADA

CHANGING LIVES. PROTECTING CANADIANS.



## Official Languages and Human Resources Activities

**HUMAN RESOURCES PLANNING, OFFICIAL LANGUAGES AND  
EMPLOYMENT EQUITY**

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## INTRODUCTION

This document provides human resources advisors and managers with an overview of official languages as they apply to human resource management. Its purpose is to ensure that the language requirements of positions are established in accordance with the [Official Languages Act \(OLA\)](#) and the [Official Language Qualification Standards](#) in order for the Correctional Service of Canada (CSC) to meet its obligations to the public (including offenders) and to employees.

This document includes information on determining official languages obligations, language requirements of positions, linguistic profiles of positions, changes to the language requirements or linguistic profile of a position, exemptions from the obligation to meet the language requirements of a bilingual position, staffing of a bilingual position, etc.

## 1 – DETERMINING OFFICIAL LANGUAGES OBLIGATIONS

Managers determine the official languages obligations applicable to their operations and establish the language requirements of their positions accordingly. The official language obligations are based on the following considerations:

### Location of the position

- a. in a designated bilingual office or a point of service;
- b. in a region designated bilingual for language-of-work purposes.

### Service to be provided

- services to the public;
- central services;
- personal services;
- supervisory functions;
- formal level in the grievance procedure.

### 1.1 - Linguistic Requirements of Positions

- Once the official languages obligations are determined, managers objectively establish the language requirements of positions to meet these obligations. While there are no guidelines on how many positions are needed to carry out a given amount of work in each official language, managers must, based on their operations and particular situations, develop and maintain a linguistic capacity within their work unit to fulfil their official language obligations to the public and to employees.

The language requirements of a position are determined based on the languages required to carry out the functions and responsibilities of a position:

- bilingual, if the functions must be carried out in English and in French;
- English essential, if the functions must be carried out in English only;

- French essential, if the functions must be carried out in French only and;
- English or French, if the functions may be carried out in English or French, in accordance with the employee's choice.

## **1.2 – Determining the Level of Proficiency of a Bilingual Position**

When the language requirement of a position is bilingual, the manager must determine the levels required in both official languages for each of the three language skills: Reading Comprehension, Written Expression and Oral Proficiency.

There are two types of language qualifications for bilingual positions:

- general second official language qualifications A, B or C; and
- specific language qualifications requiring code P.

Official language qualifications are identified objectively and are relevant to the duties and responsibilities of the position as they relate to communications with and services to the public and language of work.

Linguistic profiles of bilingual positions are normally the same in both languages, as the tasks to be accomplished in one official language are different from those in the other only in exceptional circumstances. Proficiency levels can vary from one language skill to another (e.g. CBC/CBC).

In some cases, a proficiency level may not be required in all skills. In this case a dash “-” is used to indicate the non-required skills (e.g. --B/--B).

Code P is used for bilingual positions requiring the use of technical or specialized official language skills. These skills are normally acquired through specialized training or experience, for example, in the case of translator positions.

In regions designated bilingual for language-of-work purposes, the language proficiency of the EX group is set at CBC/CBC, while those positions involving service to the public or to employees, as well as the supervision of employees, are identified at the BBB level or higher in accordance with [Treasury Board Secretariat policies](#).

The table below provides an overview of the evaluation of linguistic skills for a position:  
 Note: The level A is not included in the table, as it is not applied to the linguistic profiles of CSC positions.

<i>The language proficiency levels must reflect the functions of the position and the principle of equal status of the two official languages.</i>	Level B	Level C	Level P
<b>Written Comprehension</b>			
Do the functions of the position require:			
a. comprehension of most descriptive or factual material on work-related subjects and understanding the main idea of most work-related texts, locate specific details and distinguish main from subsidiary ideas?	Yes	N/A	N/A
b. comprehension of texts dealing with a wide variety of work-related topics and understanding most complex details, inferences and fine points of meaning?	N/A	Yes	N/A
c. reading articles, brochures, speeches; press releases, and other documents on technical or specialized topics; revising scientific and technical documents in terms of their literary presentation; providing an editing service for, or ensuring the linguistic quality of, technical or specialized texts, documents and publications; or providing translation services?	N/A	N/A	Yes
<b>Written Expression</b>			
Do the functions of the position require:			
a. writing short descriptive or factual texts dealing with explicit information on work-related topics; have sufficient mastery of grammar and vocabulary?	Yes	N/A	N/A
b. writing explanations or descriptions in a variety of informal and formal work-related situations; write texts where ideas are developed and presented in a coherent manner?	N/A	Yes	N/A
c. writing articles, brochures, speeches; press releases, and other documents on technical or specialized topics; revising and rewriting scientific and technical documents in terms of their literary presentation; providing an editing service for, or ensuring the linguistic quality of, technical or specialized texts, documents and publications; or providing translation services?	N/A	N/A	Yes
<b>Oral Proficiency</b>			
Do the functions of the position require:			
a. Sustaining a conversation on concrete topics, report on actions taken, give straightforward instructions to employees, and provide factual descriptions and explanations?	Yes	N/A	N/A
b. Handling sensitive situations where the understanding and expression of subtle, abstract, or complicated ideas is required or where unfamiliar work-related topics must be dealt with? Is the incumbent required to support opinions or understand and express hypothetical and conditional ideas?	N/A	Yes	N/A
c. Simultaneously interpreting from one language to another?	N/A	N/A	Yes

For more information on linguistic profiles, please consult the [Directive on Official Languages for People Management](#) and the [Qualification Standards in Relation to Official Languages](#). You can also use the Web tool [Determining the Linguistic Profile of a Position](#) or [Tool for the linguistic identification of positions](#).

## 2 - STAFFING BILINGUAL POSITIONS

Bilingual positions can be staffed on an imperative or non-imperative basis. The norm at CSC, as in the federal public service, is to use imperative staffing. Some possible recruitment measures include the following:

- extending the area of selection in order to include candidates from both official language groups;
- adopting a recruitment strategy for an official language group when it may improve its participation in the staffing process; and
- ensuring the linguistic composition of the assessment committee reflects the range of candidates.

### 2.1 - Imperative Staffing

An imperative staffing of a bilingual position means that an applicant must meet the language requirements at the time of their appointment or deployment. Imperative staffing to bilingual positions is used to ensure that services of comparable quality are provided at all times to the public and employees in both official languages. It is used for staffing:

- a bilingual position for indeterminate or specified periods;
- a bilingual position that requires technical or specialized language skills; and
- a bilingual position that is indispensable for providing services to the public or to employees in both official languages.

In Executive positions, imperative staffing is mandatory in the following circumstances:

- Throughout Canada, for assistant deputy minister level or equivalent positions;
- In bilingual regions, for all EX-02 to EX-05 positions;
- In unilingual regions, for all EX-02 to EX-05 positions that include supervision of employees located in bilingual regions who occupy bilingual positions or positions with varying language requirements.

#### Exceptions:

1. For EX-02 to EX-05 positions, mandatory imperative staffing does not apply to external ("open to the public") appointment processes for indeterminate positions. Such positions may be staffed on an imperative or non-imperative basis.
2. When administrative measures can be put in place to ensure that the language requirements are fulfilled, imperative staffing is not mandatory for EX-02 to EX-05 positions of their equivalent. This applied when a candidate has received from the Public Service Commission (PSC), an exclusion for a medical reason confirming a long-term or recurring physical, mental or learning impairment that prevents them from attaining, through language training, including with accommodation, the required second official language (OL) proficiency.

## 2.2 - Non-Imperative Staffing (indeterminate appointments or deployments only)

Non-imperative staffing of a bilingual position means that applicants who do not meet the language requirements at the time of an indeterminate appointment or deployment may apply and be considered for the position. **Non-imperative staffing can be used** exceptionally in the following situations:

- to staff positions open to the public;
- to staff highly specialized positions, such as scientific positions when the potential applicant pool is very limited and where imperative staffing might unduly limit applications for the position.

If a position is staffed by a candidate who does not meet the language requirements of the position, the organization must provide language training to allow the candidate to acquire these skills before taking on the new functions or as soon as possible. The manager must ensure that the bilingual functions of the position are carried out in the interim by implementing administrative measures.

Non-imperative staffing must be justified using the [Form 1286E Justification of Non-imperative Staffing](#) and approved by the Commissioner for executive positions and by level two delegated manager for non-executive positions, as per the [Instrument of Delegation of Authorities in the Area of Human Resource Management](#).

## 3 – EXCLUSIONS FROM MEETING LINGUISTIC PROFILES OF A BILINGUAL POSITION

The [Public Service Official Languages Exclusion Approval Order](#) (PSOLEAO) allows for the non-imperative indeterminate appointment to a bilingual position of an individual who does not meet the language requirements of the position. The PSOLEAO provides for the following exclusions:

- Exclusion as the result of an agreement to become bilingual;
- Exclusion for medical reasons; or
- Exclusion for persons who are eligible for an immediate annuity.

CSC's non-imperative staffing process is provided in Annex I.

### 3.1- Agreement to Become Bilingual

An employee who enters into an agreement to become bilingual has two years to attain the required level of proficiency. The person and the hiring manager must sign the PSC 3565 E [Statement of Agreement to Become Bilingual](#) form. The person:

- Agrees to attain the level of OL proficiency required for a bilingual position, through language training at public expense, within a period of two years; and
- 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 by the end of the two-year agreement period, they



must be appointed or deployed to another position for which they meet the essential qualifications and which does not constitute a promotion or a demotion.

However, under the [Public Service Official Languages Appointment Regulations](#) (PSOLAR), the two-year period can be extended for the following reasons:

- exceptional operational requirements unforeseeable at the time of appointment;
- exceptional personal circumstances unforeseeable at the time of appointment;
- physical, mental or learning impairment; or
- inability to obtain language training at the expense of the organization.

This extension cannot exceed two years and must be approved in accordance with the [Instrument of Delegation of Authorities in the Area of Human Resource Management](#).

### **3.2- Exclusion for Medical Reasons**

Under the PSOLEAO, the PSC may exclude a person, with a long-term or recurring physical, mental or learning impairment from having to meet the language requirements of his position. In order to be excluded, the employee must be appointed indeterminately to a bilingual position on a non-imperative basis.

The organization must demonstrate that the individual has received a sufficient amount of language training and has made every effort to reach the required level. In the case of learning disabilities, the individual must have received accommodation measures, if required and justified. A request for exclusion on medical grounds must be submitted as a last resort when all reasonable accommodations related to learning and evaluation have proven unsuccessful.

The PSC has the authority to approve exclusions for medical reasons. If the employee provides their consent to submit such a request, a form is completed and signed by the manager with the proper authority delegation and sent to the PSC for analysis. After analysis, the PSC will send a referral note so that the employee may undergo an assessment with Health Canada (HC) or with the Canadian Hearing Society (CHS). The assessment report from HC or CHS will be sent to the PSC, who will inform CSC of its decision.

The [Request for Exclusion on Medical Grounds form](#) is available online.

### **3.3- Exclusion for Persons Eligible for an Immediate Annuity**

Under the PSOLEAO, it is possible, under certain conditions, to exclude persons eligible for an immediate annuity from meeting the linguistic requirements of a bilingual position. The conditions are as follows:

- A unilingual individual may be appointed or deployed indeterminately to a bilingual position through non-imperative staffing; and

- In accordance with the *Public Service Superannuation Act*, the individual is eligible to immediate annuity within two years after a non-imperative appointment/deployment to a bilingual position; and
- Before publishing the notification of consideration (1<sup>st</sup> notification) for an internal appointment or prior to appointing or deploying an employee when there is no notification required, the individual submits an irrevocable resignation to take effect no later than the end-date of the two-year exclusion period. The resignation letter must be accepted by the sub-delegated manager and a copy must be placed on the staffing file.

#### **4 - ADMINISTRATIVE MEASURES**

A manager must put in place administrative measures within their work unit each time a bilingual position is occupied by an employee who does not meet or no longer meets the language requirements or the linguistic profile of the position.

These measures involve identifying another employee in the work unit who can carry out the bilingual functions of the position to ensure that the bilingual services can be delivered.

#### **5 - ACTING APPOINTMENTS**

An acting appointment occurs when, at the request of a manager, an employee temporarily performs the duties of a position that would constitute a promotion if the employee were appointed to that position.

Employees in an acting appointment situation (for an initial acting appointment or an acting extension) must normally meet the language requirements of the position. However, as per the [\*Public Service Employment Regulations\*](#) (PSER), where an acting appointment cannot be filled by a person with the requisite language proficiency, that person is exempted from meeting the language requirements of the position in the situations listed in the table below:

<b>Cumulative period of all acting appointments in the position*</b>	<b>Vacant Bilingual Position</b>	<b>Encumbered Bilingual Position</b>	<b>Incumbent on Language Training</b>
Cumulative period of acting of all employees acting in the position is less than four months.	If management is unable to fill the position with a candidate who has the required language skills, the candidate can be exempted for a maximum cumulative period of four months less one day.	The candidate is exempted from meeting the language requirements of the position for a maximum cumulative period of 12 months.	The candidate is exempted from meeting the language requirements of the position for a maximum cumulative period of 18 months.
Cumulative period of acting appointments of all employees acting in the position is between 4 and 12 months.	The candidate must meet the language requirements of the position.	If management is unable to fill the position with a candidate who has the required language skills, the candidate can be exempted for a maximum cumulative period of 12 months.	If management is unable to fill the position with a candidate who has the required language skills, the candidate can be exempted for a maximum cumulative period of 18 months.
Cumulative period of acting appointments of all employees acting in the position is more than 12 months.	The candidate must meet the language requirements of the position.	The candidate must meet the language requirements of the position.	If management is unable to fill the position with a candidate who has the required language skills, the candidate can be exempted for a maximum cumulative period of 18 months.

\*The cumulative period of all acting appointments in the position includes acting appointments of employees who met or did not meet the language requirements of the position.

Only two situations would allow to restart the calculation of a period of exclusion from the application of merit: (1) the incumbent returns to his position, then leaves again or (2) the incumbent vacates his position and a new incumbent is appointed into the position.

**The notion of “effort” to fill a bilingual position with a bilingual employee**

Sections 14 to 16 of the [Public Service Employment Regulations](#) (PSER) state that the hiring manager must make an effort to staff his bilingual position with a bilingual employee before an official language exclusion can be applied.

Situation	Effort
Vacant position - Section 14	An effort is required if the cumulative period in this position is at most four months less one day.
Encumbered position - Section 15	An effort is required if the cumulative period in this position is between 4 and 12 months.
Encumbered position (language training) - Section 16	An effort is required if the cumulative period in this position is between 4 and 18 months.

Making an effort to find a bilingual employee does not refer to testing a particular employee to see if they meet the official language requirements of a position, but rather should include consideration of candidates, qualified in existing pools and other employees in the workplace who meet the essential qualifications of the acting position ([Burt v. Deputy Minister of Veterans Affairs, 2019 FPLSREB 31](#)).

In order to satisfy the requirements of the PSER, demonstration of the efforts made by the hiring manager must be documented in the staffing file.

**6 - RECLASSIFICATION**

A reclassification is considered a staffing action and falls under the [Public Service Employment Act](#) (PSEA).

If the linguistic profile of a reclassified bilingual position remains unchanged and the employee is reclassified to their own position, the employee’s second language evaluation results remain valid, even if the validity period extends beyond 5 years.

If the linguistic profile of a bilingual reclassified position is raised, the manager may staff the position on an imperative or a non-imperative basis:

- If the position is staffed on an imperative basis, the incumbent must meet the language proficiency of the position at the time of the appointment.
- If the position is staffed on a non-imperative basis, the PSOLEAO may be applied. According to the PSOLEAO, the employee may undertake the language training to meet the language requirements of the position within the allocated two years.

## 7 - MODIFICATION TO THE LANGUAGE REQUIREMENTS

Requests to change the language requirements of a position from unilingual to bilingual (e.g. from English essential to BBB), or to raise or lower the linguistic profile of a bilingual position (e.g. from BBB to CBC or from CBC to CBB), must be sent to Human Resources Planning, Official Languages and Employment Equity by email to [OL-LO.GEN-NAT@CSC-SCC.GC.CA](mailto:OL-LO.GEN-NAT@CSC-SCC.GC.CA). The manager must provide a written justification that incorporates a rationale based on the [Qualification Standards in Relation to Official Languages](#), along with the required documentation such as the work description and the organizational chart of the work unit. The following considerations must be taken into account:

- the change does not negatively impact the organization's capacity to serve its clients and employees in both official languages;
- the work description allows for the change without affecting the duties; and
- the process for modifying or creating the language profile of position is posted on the [Hub](#).

Whenever the language requirements or the linguistic profile of a position are modified or the linguistic profile is raised, the incumbent is informed in writing within 10 business days following the date of the modification.

### 7.1 - Procedures to be Used to Establish or Re-identify Linguistic Profiles of Positions

Generally, the manager reviews the linguistic profile of a position each time there is a staffing action, establishes or re-identifies the linguistic requirements of a position, he or she sends the supporting documents (amended work description, updated organizational chart, and explanatory memo) to the regional official languages coordinator who will take the following actions:

- examine the new linguistic identification proposed by the manager; and after reading the work description, ensure that it complies with the principles of the official languages policy. If it has to be amended to meet identification criteria, the regional official languages advisor communicates with the manager to discuss the matter and remind the manager of the possible impacts of the action on the employee. In fact, the employee may no longer meet the linguistic profile and thus lose the bilingualism bonus.

If the position is encumbered, four types of action are possible, based on the incumbent's linguistic status:

1. the employee meets the new language requirements and is already receiving the bilingualism bonus: notify the employee of the changes made;
2. the employee meets the new requirements and does not receive the bonus: notify the employee and the pay service of the changes made and begin paying the bilingualism bonus;
3. the employee does not meet the new language requirements and receives the bilingualism bonus: notify the employee of the changes made and ask if he or she wants to undergo a [Second Language Evaluation](#) (SLE). If the employee refuses, instruct the pay service to stop bilingualism bonus payments two months later and consider the options below. If the employee

agrees to be tested, make the necessary arrangements and notify the pay service if the employee fails the test in order to stop the bilingualism bonus payments; or

4. the employee does not meet the new language requirements and does not receive the bilingualism bonus: notify the employee of the changes made and ask if he or she wants to undergo a [Second Language Evaluation](#) (SLE). If the employee refuses, consider the options below. If the employee agrees to be tested and fails, consider the options below. If the employee agrees to be tested, make the necessary arrangements. If the employee passes, notify the pay service of the changes made and begin paying the bilingualism bonus.

### **Options when the employee does not meet the new language requirements of their position**

When the language requirements or the linguistic profile of an encumbered position are changed and the employee does not meet the new language requirements of a bilingual position, the employee has the right to be assessed and:

- stay in the position without meeting the new language requirements of the position;
- stay in the position and request language training; or
- request a transfer to another position for which the employee is qualified and meets the language requirements.

If the employee opts for language training, no deadline is imposed; however, the employee is encouraged to take language training and meet the linguistic profile of the bilingual position as soon as possible.

If the employee does not meet the language requirements or linguistic profile of the bilingual position, measures must be put into place to ensure that another employee carries out the bilingual functions of the position and that the bilingual services attached to the position can be delivered.

## **8 - FIRST OFFICIAL LANGUAGE**

It is up to the employee to determine which language is his/her first and second official language and not the manager.

The first official language should not be confused with mother tongue, which may be a language other than French or English. It is important to identify the first official language because it is used to determine representation of both linguistic groups and identify the testing language.

## **9 - LINGUISTIC PROFICIENCY EVALUATION**

### **9.1 Assessment of linguistic proficiency for unilingual positions**

Hiring managers are responsible for assessing a candidate's proficiency in the language required for the position and for determining the assessment method to do so. They may conduct the assessment with:

- the same method(s) as those used to assess the other qualifications (such as an interview or written exam) if the assessment was conducted in the language of the position; or
- a separate assessment method to assess only the language of the position.
- A candidate applying for a unilingual position may participate in the selection process in the official language of his/her choice, regardless of the language designation of the position.
- The manager cannot use the PSC's SLE to assess a candidate's language proficiency in the language required for the position when choosing the other for the selection process.

Before assessing candidates' proficiency in the official language required for the position, hiring managers must determine the language skills and proficiency required for the work to be performed. Hiring managers are not required to reflect the B and C levels in all three language skills (reading comprehension, written expression and oral proficiency) as established for second official language proficiency in the Treasury Board Secretariat's [Qualification Standards for Second Language Evaluation](#). The language proficiency assessment for a unilingual position can be assessed in the same manner as any other merit criteria such as knowledge, ability or competency.

Other standardized tests such as the PSC's Grammar, Spelling and Punctuation Test and the [Written Communication Proficiency Test](#) may be useful in assessing the official language proficiency required for the position, where appropriate.

## **9.2 First official language evaluation for bilingual positions**

For bilingual positions, hiring managers are responsible for choosing the assessment method to assess the first official language of candidates and determining whether the official language proficiency is met. To do so, they may conduct the assessment with:

- the same method(s) as those used to assess the other qualifications (such as interviews or written exams) if the assessment was conducted in the first official language; or
- a separate method to assess only the first official language.

Before assessing the first official language, hiring managers must determine the language skills and proficiency required for the work to be performed. Hiring managers are not required to reflect the A, B, C levels in all three language skills (reading comprehension, written expression and oral proficiency) as established for second official language proficiency in the TBS's [Qualification Standards in Relation to Official Languages](#). The proficiency in the first official language can be assessed in the same manner as any other merit criteria, such as knowledge, ability or competency.

Other standardized tests, such as the PSC's [Grammar, Spelling and Punctuation Test](#) and the [Written Communication Proficiency Test](#), may be useful in assessing skills in the first official language, where appropriate.

## **9.3 - Second Language Evaluation for bilingual positions (levels B and C)**

The PSC [Appointment Policy](#) requires that only the [SLE](#) tests approved by the PSC be used to assess a candidate's second official language proficiency. The SLE includes three types of test:

- reading comprehension;
- writing expression; and
- oral proficiency.

The candidate's linguistic skills are classified at various general levels, i.e., B, and C, C the highest level of linguistic proficiency. There are three other codes X, E and P:

- **X** indicates that the person does not meet the minimum requirement of level A;
- **E** indicates that the person is exempted from further OL testing; and
- **P** is a specific linguistic designation used in exceptional situations requiring expert or specialized linguistic proficiency for a position. This proficiency is not measured by the PSC's SLE tests.

Please visit the following site for an explanation of the various levels of linguistic proficiency:

[Official Languages Qualification Standards](#).

Should you wish to schedule Second Language Assessment, please contact the Human Resources Service Centre at [Gen-NATHRSERVICESRH@csc-scc.gc](mailto:Gen-NATHRSERVICESRH@csc-scc.gc).

#### **9.4 - Assessment of expert or specialized linguistic proficiency for a position (Code P)**

The PSC second language evaluation tests cannot be used to assess specialized or expert proficiency. Hiring managers are responsible for developing the assessment method for code P and for conducting the assessment. Those conducting the assessment must have the technical or specialized official language skills to assess code P. If the candidate is assessed for their specialized or expert proficiency level as part of another process, the result of the previous assessment is not transferable from one position to another.

Before the assessment, hiring managers determine the specialized or expert proficiency level in the language required for the position, based on the TBS's [Qualification Standards in Relation to Official Languages](#).

#### **9.5- Validity of SLE Results**

The results of SLE tests are valid for five years. When this time period expires, the SLE results of an employee are deemed to be valid for an indefinite period solely with regard to the position held by the person, as long as the linguistic profile of the position has not been raised above the employee's skill level.

However, SLE results that are over five years old will be deemed valid where:

- the candidate is exempted from further second official language examinations (meaning they obtained E results);
- when the results were valid at the time the notification of appointment or proposal of appointment (second notification) was posted, but may have expired after the second notification



for internal processes (for external processes, the results must be valid at the start date agreed to in writing by the parties);

- if the candidate is stationed abroad and unable to take SLE tests during the regular working hours of the PSC's offices;
- when an incumbent of a bilingual position is appointed to their own reclassified position, as long as the linguistic profile of the position has not been raised above their results.

However, while the employee remains in his or her substantive position, if he or she applies for a bilingual position and is required to take the SLE as part of a staffing process, the new results will replace the previous ones. The new results may show that the employee no longer meets the language requirements of the position.

## **9.6 - Re-Evaluation Restrictions**

Staffing processes:

Depending on the circumstances, hiring managers have the discretion to make decisions about whether or not to assess official language proficiency (or any other qualifications) more than once in the same process. Here are some considerations when making this decision:

- The appointment process has no closing date or is a continuous intake of candidates.
- The potential of new experience or improved proficiency being acquired by the individual since the initial assessment.
- New SLE results are available as part of another process.
- Perceptions of fairness:
  - impact on other candidates who were eliminated because they did not meet this qualification;
  - equal opportunity to all candidates; and
  - impact on those who did not apply because they did not meet the qualification at the time of the advertisement, but would meet it at the time of re-assessment.
- For employees on language training, the language training service provider will help decide when the time is right to take the test again.
- Since the retesting period is one month, employees must wait at least 30 calendar days before taking the test again.

## **9.7 - Rescoring**

Regardless of why they underwent an SLE, employees may ask that the tests be rescored if they feel that the level assigned does not reflect their true level of proficiency. The employee submits the request to the person who requested the language test within 10 business days following the date the results were sent out.

## **9.8 - Listening of Recording**

A candidate may listen to the recording of his/her oral proficiency test for more detailed feedback. Test centres generally keep the tapes for four months.

## 10 - LANGUAGE TRAINING

The management of language training at CSC is decentralized. Managers are responsible for ensuring that employees obtain the training required for the language requirements of their position. The order of priority for language training is as follows:

- **Non-imperative appointment or deployment to a designated bilingual position.** Second language learning is provided in order for the employee to meet the language requirements of his or her position within the two-year time frame specified in the PSOLEAO.
- **Re-identification of the language requirements of a position from unilingual to bilingual or raised linguistic profile of a position.** Although this category is not covered by the PSOLEAO, it is recommended that the employee make every effort to meet the new language requirements of the new linguistic profile of his/her position within two years. The employee should be provided training opportunities in order to meet the new requirements. It is also recommended that an employee who has opted to take second language learning begin as soon as possible.
- **Regaining second language proficiency when the new SLE results indicate that the employee no longer meets the language requirements of his or her position.** Although the responsibility of maintaining second language proficiency levels rests with the employee, second language learning may be provided in order for the employee to regain the second language proficiency levels required of his/her bilingual position.

Language training can also be offered to employees to assist them in developing or improving their second language proficiency for the purpose of responding to the organization's priorities and future organizational needs, and to support employees' career development.

## 11 - BILINGUALISM BONUS

The bilingualism bonus is a sum of money paid to eligible employees occupying bilingual positions. It consists of an annual payment of \$800, calculated on a monthly basis and paid on the same basis as regular pay.

All employees (with the exception of executives, casuals, students, part-time workers, contractual agency employees, term employees of three months or less) who are appointed or deployed to bilingual positions, including acting appointments, are eligible to receive the bilingualism bonus if they meet the following conditions:

1. The employee is appointed or deployed to a position, which has been identified bilingual;
2. The employee has SLE results confirming that he/she meets the language requirements of the position to which they are being appointed.

When an employee is temporarily acting in a bilingual position (assuming the responsibilities of a higher level position), to be eligible to the bilingual bonus, he or she must have valid SLE results at the level identified in the acting position. The acting appointment is considered a promotion.

The bilingual bonus is administered differently for assignments and secondments. For a complete summary of the situations concerning the eligibility for the bilingualism bonus, consult Annex II.

CSC is required to monitor payment of the bonus and ensure that employees who occupy bilingual positions and who have valid SLE results receive the bonus. The manager is responsible for initiating or stopping the payment of the bonus. Employees must work 10 business days in their position before receiving the bonus; otherwise, payment begins the following month.

### **11.1 - Termination of the Bilingualism Bonus**

If the incumbent of a bilingual position undergoes the SLE and the results show that the employee no longer meets the linguistic profile of the position, the employee will receive a written notice stating that his or her bilingualism bonus will cease two months from the date of the notice. Employees can undertake language training to obtain the required proficiency and, when successful, their bilingual bonus will be reinstated.

When a bilingual position is re-identified as unilingual, payment of the bonus ceases two months after the employee is notified, or two months after the position is re-identified, whichever comes later.

Please refer to the [Bilingualism Bonus Directive](#) for additional information on the bilingualism bonus.

## **12 - POSITION AND CLASSIFICATION INFORMATION SYSTEM**

The Position and Classification Information System (PCIS) is the Treasury Board of Canada Secretariat (TBS) system containing official languages data on all federal organizations. CSC feeds data to the PCIS through the Human Resources Management System (HRMS).

## **13 - ANOMALIES**

TBS produces a monthly anomalies report on incorrect data from the organization, which is sent to the organizational representative from the HRMS. Each federal organization is responsible for correcting the anomalies and ensuring that the data are accurate. The anomalies report will include both incorrect and missing data. As a result, data missing from an information field will be included as an anomaly in the report. Data entered into HRMS must be accurate because it reflects the actual official languages status of human resources.

## **14 - BUROLIS**

[Burolis](#) is an automated directory listing all offices of federal institutions subject to the OLA and the [Official Languages \(Communications with and Services to the Public\) Regulations](#) (OLR). For offices and points of service that serve the public, Burolis clearly indicates whether or not they are required to serve the public in both official languages. Burolis is managed by the Office of the Chief Human Resources Officer. However, organizations subject to the OLA are responsible for annually updating data on their offices and points of service.

The OLR standardize and define the obligations of federal institutions regarding both aspects of service to the public: significant demand and the nature of the office (health - safety - location - national or international mandate).

## Annex I - NON-IMPERATIVE STAFFING PROCEDURES

Before proceeding with a non-imperative appointment or deployment, the hiring manager must consult with his or her staffing advisor. The advisor will be able to assist in determining whether the circumstances justify non-imperative staffing. This justification must demonstrate that the manager has taken steps to attract qualified, bilingual candidates, that exceptional circumstances apply and that there is a difficulty in finding qualified candidates who meet the language requirements of the position.

The hiring manager must obtain the appropriate approval in accordance with the Instrument of Delegation of Authorities in the Area of Human Resource Management: he/she is a hiring manager at level two for non-EX positions and level one for executive positions. To do this, the following steps must be taken:

- The hiring manager:
  - completes [Form 1286e Justification of Non-imperative Staffing](#) and [1286-01 Official Languages Obligations: The manager agrees to put in place administrative measures for the bilingual functions of the position in the event that the person selected is not bilingual.](#)
  - seeks the recommendation of the Director General, Classification Resourcing and Operations (DG CRO), through the Corporate Official Languages generic email address: [OL-LO.GEN-NAT@CSC-SCC.GC.CA](mailto:OL-LO.GEN-NAT@CSC-SCC.GC.CA)
- Corporate OL sends the recommendation (or questions for clarification, if required) back to the hiring manager.
  - The hiring manager obtains the approval of the appropriate delegated authority for the non-imperative staffing action.
  - The candidate and the hiring manager must sign the [PSC 3565 E Statement of Agreement to Become Bilingual](#) form prior to the non-imperative appointment.
  - The hiring manager sends the justification form (1286) to their staffing advisor to include it in the staffing file.
  - The hiring manager completes the form 1286-03 to specify the temporary administrative measures put in place to ensure the language requirements of the position are fulfilled. These measures are communicated to all employees of the division as soon as the appointment is made.

Once the appointment is made, the hiring manager must send the signed documents: Forms 1286, PSC 3565E, 1286-01, 1286-03, the letter of offer and other related documents, including the message communicating the administrative measures to employees of the division to Corporate OL for monitoring and reporting purposes at [OL-LO.GEN-NAT@CSC-SCC.GC.CA](mailto:OL-LO.GEN-NAT@CSC-SCC.GC.CA).

### Language Training

Once the appointment on a non-imperative basis is made, the hiring manager must provide the language training to the employee as soon as possible to maximize the chance for the employee to reach the required level within the initial exemption period. The hiring manager must forward a copy of the employee's learning plan once completed, to Corporate Official Languages at the following address: [OL-LO.GEN-NAT@CSC-SCC.GC.CA](mailto:OL-LO.GEN-NAT@CSC-SCC.GC.CA).

The hiring manager must identify the best language training program for the employee. The hiring manager should contact Contracting Services for information, including consulting the Department of Public Services and Procurement's list of standing offers.

The manager communicates with [Contracting and Material Services](#) for additional information on procedures.

### **Extension of the Exemption Period**

Six months prior to the expiry of the exemption period, if the employee has not reached the required proficiency level, the hiring manager completes the [Form 1286-02e Request for an Extension of the Exemption Period](#) with an explanatory note (note to file or briefing) to seek DG CRO's recommendation through the Corporate OL generic email address: [OL-LO.GEN-NAT@CSC-SCC.GC.CA](mailto:OL-LO.GEN-NAT@CSC-SCC.GC.CA).

DG CRO's decision (recommendation or not) is shared with the hiring manager, who will proceed to obtain the approval of the appropriate delegated authority.

Once approved, a copy of the [Form 1286-02e Request for an Extension of the Exemption Period](#) is sent to Corporate OL at [OL-LO.GEN-NAT@CSC-SCC.GC.CA](mailto:OL-LO.GEN-NAT@CSC-SCC.GC.CA) for monitoring and reporting purposes by the hiring manager.

If the extension of the exemption period is not approved, and the employee still does not meet the language requirements of the position by the target date, the delegated authority must, within two months of the said date appoint or deploy the employee to a position for which he or she is qualified and meets the language requirements.

### **Exclusion on Medical Grounds**

Once the employee has obtained sufficient language training to attain the required level and that all possible accommodation measures related to learning and evaluation have been unsuccessful, the hiring manager completes the [Request for Exclusion on Medical Grounds form](#) in collaboration with the employee and Corporate OL at [OL-LO.GEN-NAT@CSC-SCC.GC.CA](mailto:OL-LO.GEN-NAT@CSC-SCC.GC.CA).

The hiring manager sends the request and supporting documents (note to file or briefing note) to DG CRO for recommendation of approval as per the Instrument of Delegation of Authorities in the Area of Human Resource Management via Corporate OL.

Once signed by the hiring manager, the form is sent to the Public Service Commission (PSC) by Corporate OL.

The PSC analyzes the request and sends to CSC a referral note inviting the individual to undergo either a Health Canada medical assessment or Canadian Hearing Society hearing assessment. The PSC will provide its decision on the exclusion via a letter to the Commissioner.

When a response is received from the PSC, Corporate OL informs the appropriate delegated authority and the hiring manager.

A copy of the exclusion is kept on the employee's file.

The hiring manager completes the form 1286-03 to specify the temporary administrative measures put in place to ensure the language requirements of the position are fulfilled. These measures must be communicated to all employees of the division as soon as the decision is known and a copy sent to Corporate Official Languages for filing and monitoring.

### **Exclusions for Persons Eligible for an Immediate Annuity**

The hiring manager informs their staffing advisor of their decision to staff a bilingual position with a unilingual person eligible for an immediate annuity. The staffing advisor verifies whether the following conditions are met:

- The person became a pension plan member on or before December 31, 2012 when they submit an irrevocable resignation, and if at the time of appointment, they are at least 58 years old, or between 53 and 58 years old with at least 28 years of pensionable service; or
- The person became a pension plan member on or after January 1, 2013 when they submit an irrevocable resignation, and if at the time of appointment, they are at least 63 years old, or between 58 and 63 years of age with at least 28 years of pensionable service
- The hiring manager completes the [Form 1286e Justification of Non-imperative Staffing](#) and [1286-01 Official Languages Obligations](#) (Management's Commitment to put administrative measures in place for the bilingual functions of the position) and seeks the recommendation of the DG CRO, via the Corporate Official Languages generic email address: [OL-LO.GEN-NAT@CSC-SCC.GC.CA](mailto:OL-LO.GEN-NAT@CSC-SCC.GC.CA).
- Corporate OL shares the decision with the hiring manager.
  - The hiring manager obtains the approval of the appropriate delegated authority for the non-imperative staffing action.
  - The hiring manager sends the request and supporting documents to their staffing advisor for the staffing action.
  - The hiring manager completes the form 1286-03 to specify the temporary administrative measures put in place to ensure the language requirements of the position are fulfilled. These measures must be communicated to all employees of the division as soon as the appointment is made.
  - Once the appointment is made, the hiring manager sends copies of all signed documents: Forms 1286, 1286-01, 1286-03, the signed letters (resignation, acceptance and offer) and the message communicating the administrative measures to employees of the division to Corporate OL for monitoring and reporting purposes.

**ANNEX II - ELIGIBILITY FOR BILINGUALISM BONUS**

ELIGIBILITY TO THE BILINGUALISM BONUS (BB): BY TYPE OF POSITION, HUMAN RESOURCE PROCESS AND OFFICIAL LANGUAGE PROFICIENCY				
<p><b>APPOINTMENT (nomination)</b> An action taken to confer a position or set of duties on a person. Appointments to and within the public service made pursuant to the Public Service Employment Act are based on merit and non-partisanship.</p>		<p><b>*ACTING* APPOINTMENT (nomination intérimaire)</b> "The temporary performance of the duties of another position by an employee, if the performance of those duties would have constituted a promotion had they been appointed to the position." <a href="#">PSER – Section 1</a></p>		<p><b>ASSIGNMENT (affectation)</b> Temporary move; same level; <b>same institution</b>; duties of existing position or special project. <a href="#">Secondments and assignments</a> The term <b>ACTING ASSIGNMENT</b> (affectation intérimaire) no longer exists - see Acting Appointment</p>
<p><b>SECONDMENT (détachement)</b> Temporary move; same level; <b>different institution</b>; duties of existing position or special project. <a href="#">Secondments and assignments</a></p>		<ul style="list-style-type: none"> <li>✓ Offer made in writing</li> <li>✓ Change in position (same or different classification/level): indeterminate or term employment OR appointment to an employee's reclassified position.</li> <li>✓ Conditions of employment may differ</li> <li>✓ Salary may differ</li> <li>✓ May be a PROMOTION</li> <li>✓ Employee receives BB if conditions of the <a href="#">Bilingualism Bonus Directive</a> are met - see table below for EXCEPTIONS</li> </ul>		
<p>✓ Employee remains in his/her substantive position</p> <p>✓ Same conditions of employment</p> <p>✓ Continues to receive bilingualism bonus (BB) if receives in substantive position</p> <p>✓ Employee receives BB if conditions of the <a href="#">Bilingualism Bonus Directive</a> are met</p> <p>✓ Existing SLE results are considered valid, <u>even if expired</u>, as employee remains in his/her substantive position</p>				
<p><b>GENERAL RULE: EMPLOYEE RECEIVES BB IF CONDITIONS OF THE <a href="#">BILINGUALISM BONUS DIRECTIVE</a> ARE MET)</b></p>				
<p><b>EXCEPTIONS ARE AS FOLLOWS</b> based on Public Service Employment Regulations (<a href="#">PSER</a>)</p>				
TYPE OF POSITION	LESS THAN FOUR (4) MONTHS	FOUR (4) MONTHS OR MORE BUT NOT MORE THAN TWELVE (12) MONTHS	MORE THAN TWELVE (12) MONTHS BUT NOT MORE THAN EIGHTEEN (18) MONTHS	MORE THAN EIGHTEEN (18) MONTHS
UNILINGUAL POSITION	← NOT APPLICABLE ~ NO Bilingualism Bonus →			
VACANT BILINGUAL POSITION	If the position cannot be filled by a person who meets the OL language proficiency qualification: NO Bilingualism Bonus <a href="#">PSER 14(1) and 14(2)(a)</a>	← MUST MEET – employee gets BB → <a href="#">PSER 14(2)(b)</a>		
ENCUMBERED (NON VACANT) BILINGUAL POSITION	The position does not have to be filled by a person who meets the OL language proficiency qualification: NO Bilingualism Bonus <a href="#">PSER 14(1)</a>	If the position cannot be filled by a person who meets the OL language proficiency qualification: NO Bilingualism Bonus <a href="#">PSER 15(1)</a>	← MUST MEET – employee gets BB → <a href="#">PSER 15(2)</a>	
BILINGUAL POSITION WHILE THE INCUMBENT IS ON LANGUAGE TRAINING	NO Bilingualism Bonus <a href="#">PSER 14(1)</a>	← If the position cannot be filled by a person who meets the OL language proficiency qualification: NO Bilingualism Bonus <a href="#">PSER 16(1)</a> →		MUST MEET – employee gets BB <a href="#">PSER 16(2)</a>
<p><b>TEMPORARY FUNCTIONS OR DUTIES SUCH AS MICRO-MISSIONS, WORKING GROUPS, TASK FORCES AND TIGER TEAMS, etc. (équipe spéciale)</b> Short-term, voluntary, task-based opportunities; no formal HR process involved; <b>no funds exchanged</b></p> <ul style="list-style-type: none"> <li>✓ Employee remains in his/her substantive position</li> <li>✓ Same conditions of employment</li> <li>✓ Continues to receive bilingualism bonus (BB) if employee already receives in his/her substantive position</li> </ul>				
<p><b>DEPLOYMENT (mutation)</b> A person moves from one position to another; not an appointment; cannot be a promotion; the person is no longer the incumbent of their previous position. <a href="#">PSEA – Section 2 and Part 3</a></p> <ul style="list-style-type: none"> <li>✓ Employee Leaves Substantive Position for another Position</li> <li>✓ Conditions of employment are set out by Deputy Head of organization</li> <li>✓ Employee receives BB if conditions of the <a href="#">Bilingualism Bonus Directive</a> are met</li> </ul>				
<p><b>ACTING APPOINTMENT - EXECUTIVE GROUP</b> The bonus ceases in the case of acting appointments in the executive group (ex). In the case of ex equivalents, employee receives bb if the conditions of the <a href="#">Bilingualism Bonus Directive</a> are met.</p>				



## REFERENCES

### Legal Framework

- [Canadian Charter of Rights and Freedoms](#)
- [Official Languages Act](#)
- [Official Languages \(Communications with and Services to the Public\) Regulations](#)
- [Public Service Employment Act](#)
- [Public Service Employment Regulations](#)
- [Public Service Official Languages Appointment Regulations](#)
- [Public Service Official Languages Exclusion Approval Order](#)
- [Policy on Official Languages](#)
- [Directive on Official Languages for People Management](#)
- [Directive on Official Languages for Communications and Services](#)
- [Bilingualism Bonus Directive](#)
- [Public Service Commission – Appointment Policy](#)

### Resources

- [Determining the Linguistic Profile of a Position](#)
- [Tool for the linguistic identification of positions](#)
- [Instrument of Delegation of Authorities in the Area of Human Resource Management](#)
- [Request for Exclusion on Medical Grounds form](#)
- [Public Service Commission – Second Language Evaluation](#)
- [Office of the Commissioner of Official Languages](#)
- [Qualification Standards in Relation to Official Languages](#)

