



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

Best Practices Forum – February 8, 2023

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, in which case it must be designated 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 in English, in French or in both official languages:

- ✓ 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.

These criteria are included in the Regulations through three different kinds of rules:

- General rules
- Specific rules
- Nature of office rules

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?

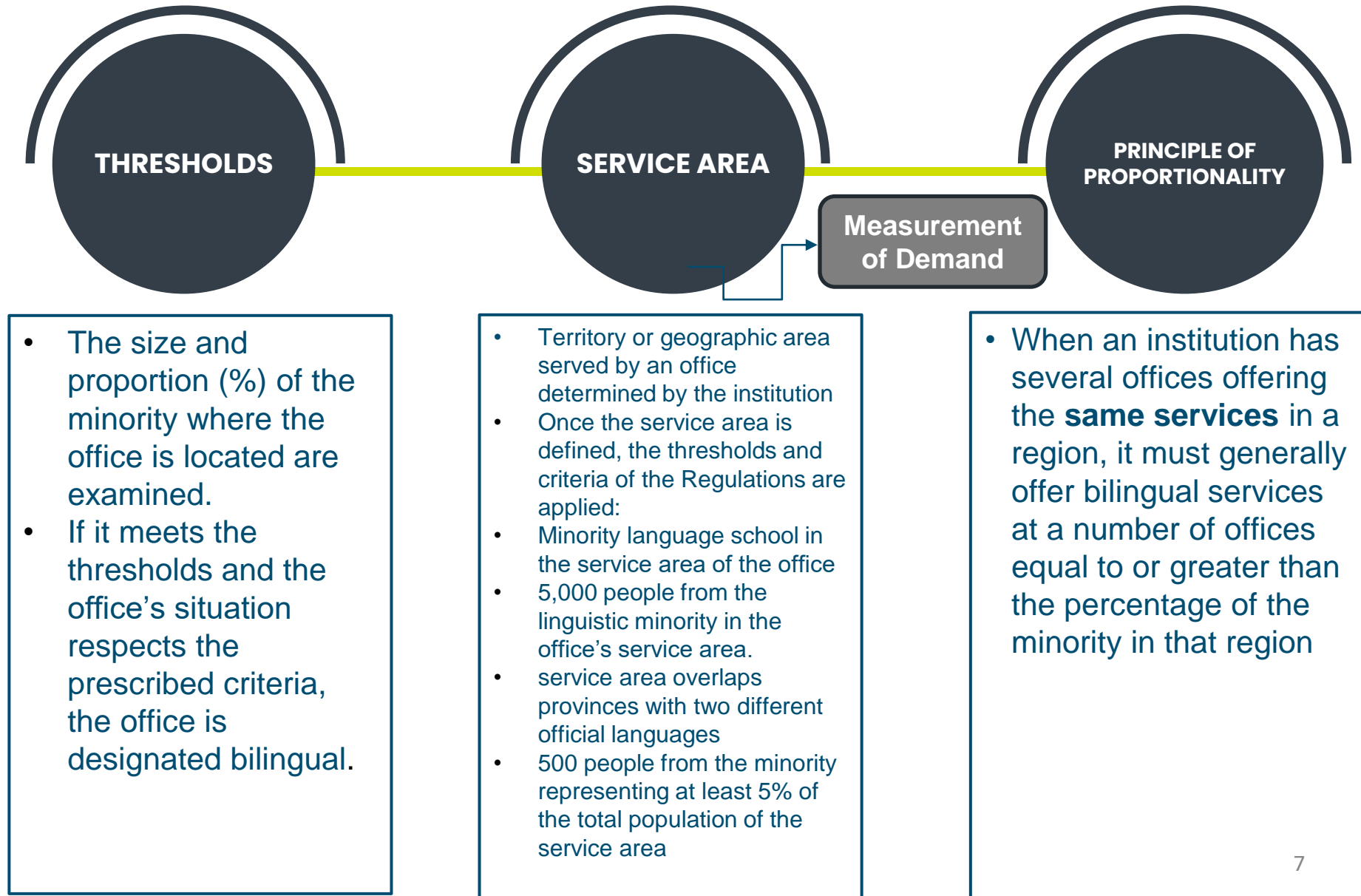


Since 1991, language data were obtained through the decennial census using a calculation method that takes into account answers to questions regarding knowledge of official languages, mother tongue and the language spoken most often at home.



A new calculation method based on **mother tongue** and **languages spoken at home** was developed during the regulatory review (2019). It came into effect in August 2022 and will increase the number and proportion (%) of the minority.

General Rules



- The size and proportion (%) of the minority where the office is located are examined.
- If it meets the thresholds and the office's situation respects the prescribed criteria, the office is designated bilingual.

- Territory or geographic area served by an office determined by the institution
- Once the service area is defined, the thresholds and criteria of the Regulations are applied:
- Minority language school in the service area of the office
- 5,000 people from the linguistic minority in the office's service area.
- service area overlaps provinces with two different official languages
- 500 people from the minority representing at least 5% of the total population of the service area

- When an institution has several offices offering the **same services** in a region, it must generally offer bilingual services at a number of offices equal to or greater than the percentage of the minority in that region

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.

E.g.:

Offices serving a restricted and identifiable clientele:

- must ask each of its clients their language preference

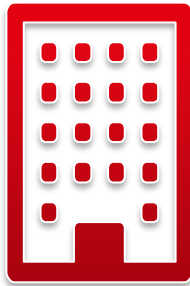
If at least 5% of the clientele over the course of a year prefers to receive their communications and services in French and at least 5% in English = bilingual.

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.

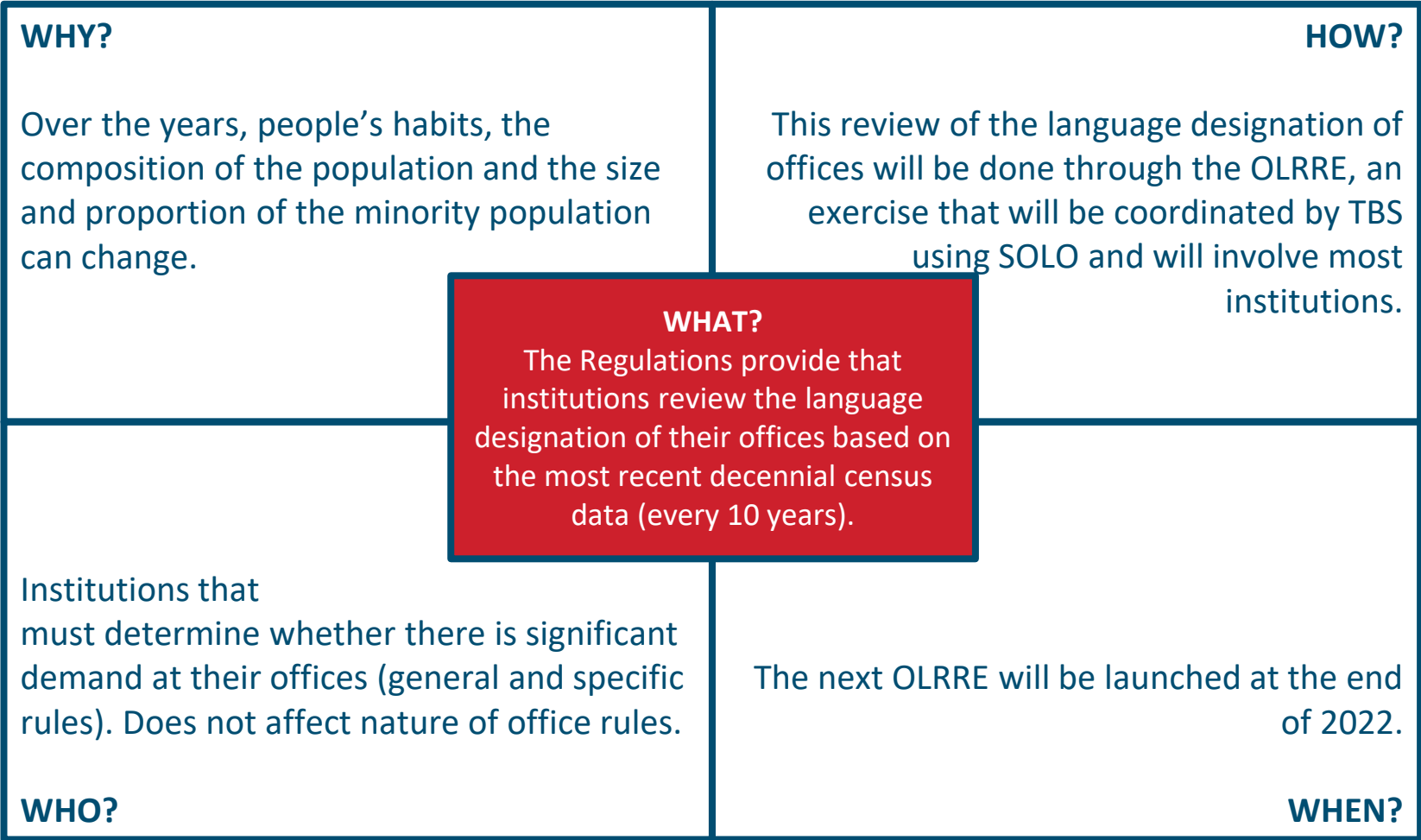
MONTH/ MOIS						
SUN	MON	TUE	WED	THU	FRI	SAT
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7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

WHEN?

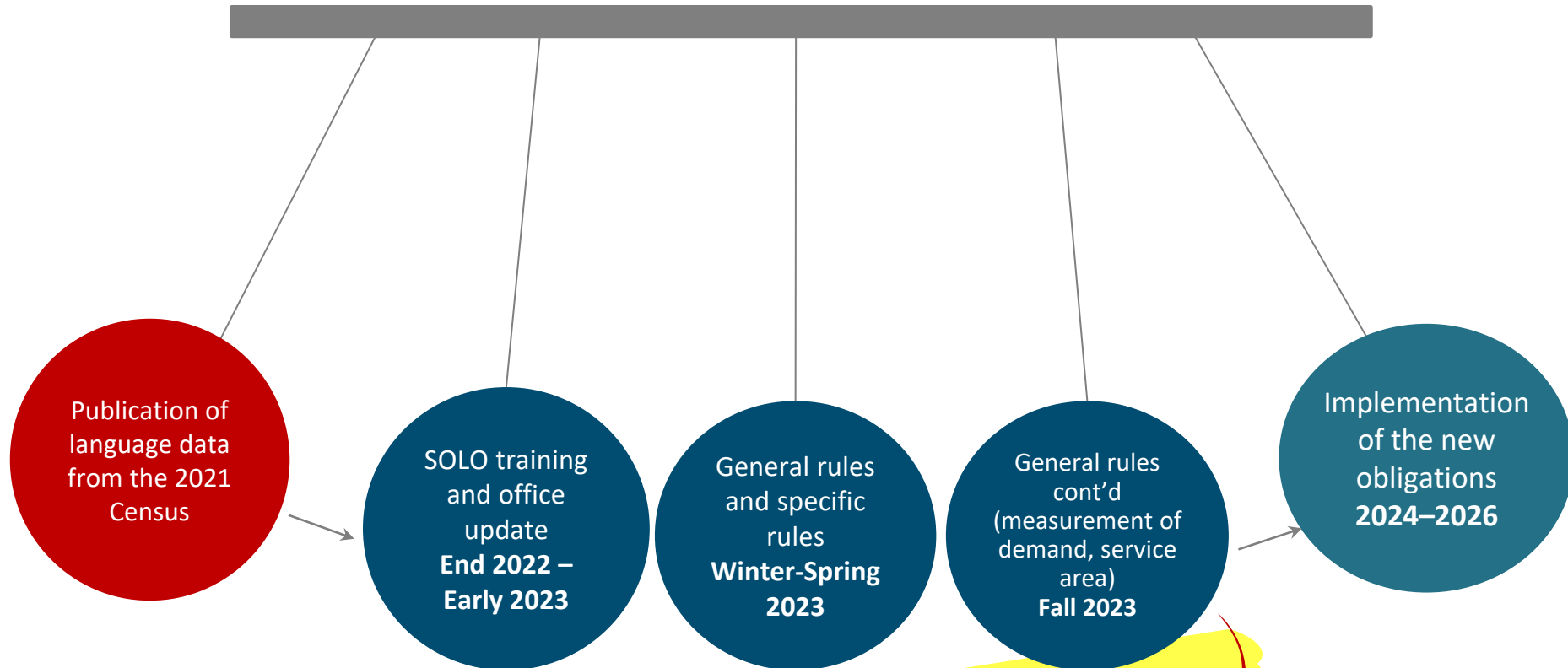
The Regulations must be applied or their application verified:

- ✓ 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 – OLRRE



Prior to each of these steps, TBS will offer to impacted institutions an information session on what needs to be done

Key Language Provisions of Policy Instruments

Policy on Official Languages

Directive on Official Languages for Communications and Services

- Establishes requirements related to communications with the public and employees of institutions, as well as service delivery, specifically:
 - The order of official languages
 - Active offer
 - Use of media
 - Use of third parties
 - Communications and services to employees
 - Communications between employees of different institutions
 - Use of official languages on Web sites

Directive on Official Languages for People Management

- Establishes requirements related to:
 - Language of work
 - Linguistic identification of positions
 - Staffing of bilingual positions
 - Equitable participation of English-speaking and French-speaking Canadians in federal institutions

Directive on the Implementation of the Official Languages Regulations

- Covers with the various operational aspects associated with the implementation of the Regulations, namely :
 - Measurement of demand
 - Restricted clientele
 - Time frame for fulfilling new obligations
 - Terms and conditions that apply in situation where offices are no longer required to provide services in both official languages
 - Principle of proportionality
 - Cycle for updating language obligations

Contact Us

Contact the Regulations team at:

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