



## Frequently asked Questions and Answers Linguistic requirements for bilingual supervisory positions in bilingual regions

### Context

The Treasury Board [Directive on Official Languages for People Management](#) currently stipulates that the minimum level of second language proficiency required for bilingual positions involving the supervision of employees is BBB.

On February 19, 2021, the Government of Canada announced its proposed official languages reform in the document [English and French: Towards a substantive equality of official languages in Canada](#). The reform measures included revising the minimum second language proficiency requirements for supervisory positions in bilingual regions.

On June 20, 2023, the modernized [Official Languages Act](#) received Royal Assent. Section 36 of the new Act gives all employees in bilingual regions the right to be supervised in the official language of their choice, regardless of the linguistic identification of their position, as of June 20, 2025.

### Proposed Policy Amendment

To meet the official languages reform commitment, the Treasury Board of Canada Secretariat (TBS) proposes to increase the minimum second-language proficiency requirements for bilingual positions responsible for the supervision of employees in bilingual regions. This would ensure that supervisors have the second-language proficiency needed to carry out more complex supervisory tasks in both official languages, such as conducting performance evaluations, having sensitive conversations, and fostering and maintaining a workplace where employees feel comfortable using the official language of their choice.

The new minimum requirement would be CBC, or an equivalent level for institutions not required to use the [Qualification Standards in Relation to Official Languages](#), and would apply only to new appointments as of June 20, 2025, to align with the entry into force of Section 36 of the modernized [Official Languages Act](#).

The proposal has yet to be approved by the President of the Treasury Board. Once approved, TBS will provide institutions with guidance on the implementation of the new requirement.

## Frequently asked Questions and Answers

### 1. How would the new requirement be applied?

- Once approved, the new requirement would apply to new appointments to bilingual positions involving the supervision of employees occupying positions in bilingual regions, as of June 20, 2025.
- Supervisory positions with linguistic profiles below CBC occupied by incumbents with second language evaluation (SLE) results below CBC before June 2025 would remain unchanged until the existing incumbent leaves the position to avoid an impact on both the employee and the institution (i.e. financial, HR and operational impacts).
- Existing incumbents of bilingual supervisory positions would not be required to meet the new CBC requirement and therefore would not need to take language training.
- However, incumbents who do not meet the CBC level would be strongly encouraged to take language training to support their career progression and mobility.

### 2. How would the new requirement apply to Crown Corporations and separate agencies?

- All institutions are subject to the [Official Languages Act](#). They are also subject to Treasury Board policy instruments, with a few exceptions indicated in the appendices of the Treasury Board's official languages directives.
- The [Directive on Official Languages for People Management](#) requires managers to objectively determine:
  - the linguistic identification of positions, ensuring that it reflects the duties and tasks related to the position; and
  - or bilingual positions, the level of language proficiency required in the second official language.
- For institutions that are not required to use the [Qualification Standards in Relation to Official Languages](#), once the CBC initiative is implemented, all employees appointed to bilingual positions involving the supervision of employees in bilingual regions would be required to have a higher level of second language proficiency based on the tools and standards used by these institutions.
- Actions and decisions related to staffing and the linguistic designation of positions should be well documented in all institutions in the event of a complaint.

### 3. What will be the impact of the amendment to Section 36 of the modernized [Official Languages Act](#) on supervisory positions?

- Section 36 of the modernized [Official Languages Act](#) gives all employees in bilingual regions the right to be supervised in the official language of their choice, regardless of the linguistic identification of their position, as of June 20, 2025.
- We are waiting for a complete legal interpretation; however, we expect that all or most positions responsible for the supervision of employees in bilingual regions will have to be designated bilingual as of June 20, 2025.
- While the modernized [Official Languages Act](#) provides protection for existing incumbents of supervisory positions who might be affected by the amendment to Section 36, institutions will

need to put measures in place to ensure respect for the right of employees in bilingual regions to be supervised in their preferred official language.

4. What definition of “supervisory position” would be used for the application of the new requirement in the [Directive on Official Languages for People Management](#)? What levels would be considered supervisory positions?

- The [Official Languages Act](#) does not provide a definition of supervision.
- From a policy perspective, the term supervisor (or supervisory position) is used across various policy instruments and various sectors (i.e. classification) and there is no clear and consistent definition for the term.
- The Official Languages Centre of Excellence (OLCE) cannot impose a definition that could have implications for other sectors or policies. We would, however, provide guidance to federal institutions by indicating the types of tasks that would be considered supervisory duties from an official languages’ perspective. These include assigning and reviewing work; providing feedback on employees’ performance within the context of the institution’s performance management; having complex and/or sensitive discussions; and reporting on the unit or the team’s results.
- Institutions should enter into the Position and Classification Information System (PCIS)\* a supervisory requirement for any position that carries out tasks considered to be supervisory functions from an official languages perspective.

\*The PCIS is designed to collect the information of institutions in the Core Public Administration on various subjects, including official languages. Statistics for the Annual Report on Official Languages are taken from the PCIS at the end of March of each year. Departments must submit their PCIS file each month.

5. Would the requirement apply to all bilingual supervisory positions that supervise positions in bilingual regions, regardless of where the supervisory position is located?

- Yes. Since language of work rights correspond to employees, supervisors must supervise employees occupying positions in bilingual regions in the official language of the employee’s choice, regardless of the location of the supervisory position.
- The right of an employee to be supervised in their preferred official language, whether working remotely or not, is based on the location of the employee’s position (the office they report to). A dispersed workforce does not impact language of work rights.
- Institutions can consult the tool on [Language of Work Rights while Teleworking](#) for further information and related scenarios.

6. Would unilingual supervisory positions be possible in bilingual regions if they do not supervise bilingual positions?

- As per the new requirement under Section 36 of the modernized [Official Languages Act](#), all employees, regardless of the linguistic designation of their positions, will have the right to be supervised in the official language of their choice as of June 20, 2025. We expect that most, if not all, supervisory positions in bilingual regions will need to be identified as bilingual after June 2025.

- The possibility of creating unilingual teams in bilingual regions will be confirmed once a full legal analysis is received.
- However, if a supervisor whose position is located in a bilingual region supervises only employees whose positions are located in unilingual regions, their position could be identified as unilingual, in the language of the region of the employees he or she supervises.
- It is important to note that a supervisory position could require second-language proficiency for duties other than supervision. Section 91 of the [Official Languages Act](#) must always be applied and respected.

7. How does this approach align with the government's commitment to diversity and inclusion, given that some members of equity-seeking groups have indicated that acquiring second-language proficiency is a barrier to career advancement? Would there be flexibilities to hire members of equity-seeking groups?

- This initiative is part of an integrated approach that aims to strengthen requirements that will enable work environments where employees feel comfortable using their preferred official language while also providing federal institutions and employees with the tools they need to meet these requirements.
- As part of the official languages reform, TBS is also developing a new language training framework for the public service that will promote a standardized approach across the public service with a focus on equitable access to second official language training for all employees, including designated employment equity groups.. The framework will be launched in June 2024.
- For the development of this framework, the OLCE undertook extensive consultations with various committees, including the Designated Senior Officials for Employment Equity, Diversity & Inclusion Community of Practice and the Committee of representatives of equity-seeking groups. Two main issues were raised by equity-seeking groups:
  - a. A one-size-fits-all language training does not address the needs of diverse of an increasingly divers Public Service; and,
  - b. Access to second official language training for equity-seeking groups needs to be improved so that language requirements are not a barrier to recruitment and career advancement.
- In 2023, the OLCE established an Advisory committee on second official language learning for equity-seeking groups to review the language learning framework tools and resources with a specific lens to removing barriers.

8. Has consideration been given to recurring challenges with the recruitment of bilingual candidates for supervisory positions of more technical and specialized natures?

- Yes, TBS has considered and continues to study this issue. However, these positions would also need to comply with the new requirement.
- To comply with the [Official Languages Act](#), Deputy Heads must ensure that their federal institutions have sufficient capacity and resources in both official languages.
- Under the [Directive on Official Languages for People Management](#), non-imperative staffing is still possible in exceptional staffing situations, such as when the pool of available bilingual candidates is very limited because of the highly specialized nature of the duties and knowledge required for a position. However, managers must provide adequate justification for the use of non-imperative staffing and specify the measures they will take to ensure the bilingual duties of

the position are carried out while the incumbent does not meet the language requirements of the position.

- To help federal institutions and employees meet official language requirements, TBS is developing a language training framework for the public service that will include guidelines, an implementation handbook and a playbook that provides learning paths and resources for second official language learning and retention. The framework will be launched in June 2024.

9. Would the use of non-imperative staffing still be permitted?

- Imperative staffing would continue to be the norm, as indicated in the [Directive on Official Languages for People Management](#).
- Non-imperative staffing would remain possible in exceptional staffing situations and should continue to be supported with written justification from managers. Administrative measures would need to be implemented to ensure that the bilingual functions of the position staffed non-imperatively are carried out while the incumbent does not meet the linguistic requirements of the position.
- The provisions of the [Public Service Official Languages Exclusion Approval Order](#) and of the [Public Service Official Languages Appointment Regulations](#) would continue to apply in instances of non-imperative staffing.
- The OLCE has prepared a backgrounder and questions and answers document regarding [non-imperative staffing](#).

10. If they do not change positions, would current incumbents of bilingual supervisory positions be required to confirm their second-language proficiency levels when their results expire?

- No. The SLE results of an incumbent of a bilingual position are deemed valid for an indefinite period as long as the incumbent remains in their position and the linguistic profile of the position is not raised above the employee's skill level.
- Incumbents who have SLE results of CBC or higher, even if expired, would be deemed to meet the CBC requirement for their current position.
- Since the new requirement would apply only to new appointments, the linguistic profile of an existing position would not be changed until the position becomes vacant.

11. What would happen if an employee in a supervisory position in a bilingual region lost their second-language proficiency levels following a reassessment by the Public Service Commission (PSC) and no longer met the language requirements of their position?

- In accordance with the National Joint Council [Bilingual Bonus Directive](#), an employee who is retested and no longer meets the language requirements of their position may remain in that position (Section 1.2.5).
- However, the employee loses its bilingualism bonus, and it is up to the institution to take measures to ensure bilingual services are provided.

12. How would the delays for accessing the PSC's language tests be reduced?

- TBS is in close contact with the PSC to ensure they are aware of the potential increase in demand for language testing as employees plan for career mobility.

- The PSC is working on measures to address current delays and the potential increase in testing demand.
- However, it is important to note that current incumbents of supervisory positions who do not currently meet the CBC level would only need to be tested when they move to a new supervisory position.

### 13. What is your approach to support institutions with language training?

- TBS is developing a language training framework for the public service. The key elements of the framework will be launched in June 2024:
  - Guidelines for second official language training that will support federal institutions in providing equitable access to inclusive and standardized language training approaches;
  - A handbook on second official language training that will include best practices to support institutions and managers in fostering a workplace conducive to the use and learning of both OL; and
  - A playbook for employees that will provide various learning paths and resources to support second language learning and retention in a variety of organizational contexts.

### 14. Will the language training framework apply to separate agencies and Crown Corporations?

- The language training framework will promote a standardized approach across the public service with a focus on equitable access to second official language training for all employees, including designated employment equity groups.
- The language training framework will provide various tools and resources to support second language learning and retention in a variety of organizational contexts.. Although optional, the framework may also be used by separate agencies and Crown Corporations.

### 15. Will there be funding available to implement Section 36 of the [Official Languages Act](#), the new CBC requirement and for language training?

- Additional funding will not be provided, but current incumbents of supervisory positions who do not have the required second language proficiency levels would not need to meet the CBC requirement until they change positions. This would limit the need for language training.
- The second language training framework will also offer a variety of self-directed tools at no cost and some at a lower cost than classroom training. These will provide greater flexibility in terms of operations since the learner can choose their own learning schedule and is not restricted to a specific timetable.

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