Collection of Institutional Best Practices for Establishing Language Requirements of Positions

Preamble

Under section 91 of the *Official Languages Act* (OLA), every institution must objectively consider official language requirements when staffing. This must be done in the context of any staffing action, including position creation, staffing, reclassification, reorganization, modification of language profiles and cyclical reviews.

This collection of best practices has been designed to help federal institutions define the language requirements of positions objectively. It contains concrete examples of best practices adopted by various federal institutions that can serve as inspiration and be applied or adapted within the mandate of other institutions. To complement this collection, a table of the best practices regrouped under different themes has also been developed.

Federal institutions must use various mechanisms and practices to facilitate and guide the process of objectively defining language requirements and to ensure that they are applied and understood. These mechanisms and practices include:

Governance
Accountability frameworks and delegation instruments
Action plans
Guidelines/directives/procedures

Tools and support documents
Tools for establishing language requirements
Analysis grids
Checklists
Forms
Job descriptions and organizational charts

Bilingual capacity
Annual human resources planning
Language training
Recruitment
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Governance

Accountability frameworks and delegation instruments

- **Elections Canada** implemented an official languages accountability framework that defines the responsibilities of the various stakeholders involved in the organization's official languages activities and duties, including establishing language requirements of positions. It covers the responsibilities of sub-delegated managers, human resources specialists and staff. Under the human resources delegation instrument, the directors of each branch are responsible for approving changes to the language profile of bilingual positions.

- The human resources delegation instrument of **Public Services and Procurement Canada** requires subdelegated managers to consult the Official Languages Program for recommendations for all requests to create a position and modify language requirements.

Action plans

- The **Canada Revenue Agency** made specific commitments related to section 91 in its 2020-2025 Action Plan for Official Languages.

- **National Defence** developed a department-wide action plan for the application of section 91.

Guidelines/directives/procedures

- Policies, guidelines and procedures for assessing language requirements objectively are in place at **Correctional Service Canada**. The guidelines on the language profiles of positions address roles and responsibilities, increasing language profiles, monitoring, and more. Another document titled Official Languages and Human Resources Activities - Human Resources Planning, Official Languages and Employment Equity provides human resources advisors and managers with guidelines on how establishing language requirements of positions, and procedures for modifying these requirements. Procedures for modifying the language profile of a position, and a graphic explaining the procedure for modifying or creating the language profile of a position are also available.

- **Employment and Social Development Canada** has guidelines for establishing the language requirements of positions. These include the various steps involved and the roles and responsibilities of the various stakeholders in the process. There is also a manager's guide to modifying the language requirements of a position, which contains a brief description of the process and the documents required. The organization also offers FAQ on establishing language profiles for positions.

- **Elections Canada** developed guidelines to help managers complete a personnel action request, which includes a comprehensive section on establishing the language profiles of positions. The document sets out the procedure to apply, the documents that must be provided and resources. It provides a review and analysis of the language requirements of positions for each of the following situations:
    - staffing, reorganization or reclassification actions
    - changes to reporting relationships
    - deactivation or reactivation of positions
    - job description updates or changes to duties
    - administrative changes to existing positions, such as language profiles.

- The **Canada Revenue Agency** developed a guide entitled "Bilingual Capacity Review for Services and Supervision", which helps managers determine the number of bilingual and unilingual positions required to meet its language obligations. The Agency has implemented a two-stage internal procedure:
    - First, managers must consult the Official Languages team before creating or modifying the language requirements or profile of management positions to get advice and guidance.
    - Second, a higher-level supervisor (Level 2, i.e., the manager who reports directly to the delegated Commissioner) must approve any request to modify language requirements or profiles (management or non-management position).

- The **Canada Border Services Agency** developed a generic email for managers on the procedure to follow when requesting a change to a language profile. The generic email includes the legislative requirements for establishing the language requirements of positions, managers'

responsibilities, internal guidelines, the steps to follow and who to forward the request to. The organization has also developed a managers' toolkit to help them establish the language profile of positions. The toolkit includes a series of questions to ask when establishing the language requirements of positions, the relevant documents to consult and a visual checklist.

- **Public Services and Procurement Canada** has a reference guide on establishing the language requirements of a position. Topics covered include roles and responsibilities, determining the linguistic profile of a bilingual position and the principle of equality of linguistic profiles in both official languages. The institution has also developed a graph on operational procedures for creation of positions or change to the language requirements of a position. The procedures require subdelegated managers to submit their request to the Classification team. The request is then evaluated by an Official Languages Program, who will communicate their recommendation to the manager and Classification team.

Tools and support documents

Tools for establishing language requirements

- The **National Research Council of Canada** developed an official languages information form that incorporates the information contained in TBS's [Determining the Linguistic Profile of Bilingual Positions](#) tool. The form is used systematically during staffing activities to ensure that the process is objective.

- **Environment and Climate Change Canada** developed its own [tool for establishing language requirements and the linguistic profile of positions](#).

- The **Canada Revenue Agency** managers must use the tools available (TBS's [Determining the Linguistic Profile of Bilingual Positions](#) tool and the Office of the Commissioner of Official Languages' [Tool for the linguistic identification of positions](#)) to clearly define the language requirements. The document obtained after using these tools enables them to justify the position's linguistic profile and provide a justification for their request in the "Justification" section of the form.

- At **Statistics Canada**, the Official Languages Policy team regularly recommends the use of TBS' [Determining the Linguistic Profile of Bilingual Positions](#) tool. Indeed, the document "Staffing Bilingual Positions: Before you get started" promotes that tool.

Analysis grids

- **Correctional Service Canada** developed an [analysis grid for establishing the language requirements of positions](#) to guide managers through the various stages of the process.

- **Shared Services Canada** has also developed an analysis grid for establishing the language requirements of positions, which must be completed when a position is created or staffed.

Checklists

- **Canadian Heritage** created several checklists for establishing language requirements:
  - [changing a reporting relationship](#)

- o [creating a generic position](#)
- o [creating a new position](#)
- o [reclassifying a position](#)
- o [reviewing and updating a position.](#)

- **Justice Canada** developed a checklist to support sub-delegated managers when creating a position or modifying language requirements.

Forms

- The **Royal Canadian Mounted Police** staff responsible for organization and classification send a memo to managers to ensure that they complete the [position information form](#), to document the establishment of linguistic profiles of positions. The form is used to create or modify language requirements.

- **Correctional Service Canada** developed a [template for submitting a request to modify the language requirements or profile of a position.](#)

- A form for modifying the language requirements or language profile of a position is available on **Employment and Social Development Canada**'s human resources portal and must be completed for all requests.

- **Public Services and Procurement Canada** developed a [form for establishing the language requirements of a position](#).

- The **Canada Revenue Agency, Agriculture and Agri-Food Canada** and **National Defence** also use forms for establishing and/or modifying the language requirements of a position.

Job descriptions and organizational charts

- At the **Royal Canadian Mounted Police**, managers are asked to provide justification for their decision, the job description for the position and the organizational chart for their work unit. The official languages coordinator reviews the documents submitted and makes recommendations to the manager. The human resources team then reviews the job description and gets clarifications from managers, as required.

- At **Correctional Service Canada**, documents required for establishing language requirements include a justification, job description and organizational chart. Regional human resources operational program advisors work with staffing advisors, who will consult with Planning, Official Languages and Employment Equity on the matter.

- At **Shared Services Canada**, managers are required to consult with human resources advisors and persons responsible for official languages officers before taking any staffing action to ensure that language requirements are appropriately defined. Since the institution has developed its own generic job descriptions, managers will be asked to define the duties associated with the position. The organizational chart is also used to identify any official languages issues.

- At **Elections Canada**, before any staffing process is launched, managers are required to review each job description to ensure that the duties match the work to be performed. All classification and staffing requests are subject to review by the human resources team, which reviews key activities of the job description and provides advice.

- At **Statistics Canada**, the Official Languages Policy, Staffing and Classification teams work closely together to review outdated job descriptions to establish the appropriate language profiles for positions.

Bilingual capacity

Annual human resources planning

- At **Correctional Service Canada**, language needs and related risks are identified by region and sector during annual human resources planning. Each regional official languages advisor meets with the official languages champion and participates in multidisciplinary human resources meetings to help recruit and hire bilingual individuals.

- As part of the annual workforce planning exercise, the **National Research Council of Canada**'s human resources generalists are encouraged to review the organizational structure and to identify the needs in the official languages within their clients' branches.

- At **Elections Canada**, a human resources planning checklist has been developed to help managers provide equivalent employment opportunities for English-speaking and French-speaking Canadians.

Language training

- **Canadian Heritage** staff have access to language training to support their professional development. The organization has entered into an agreement with a language training school that, among other things, produces highly detailed evaluation reports, enabling individuals to draw up a targeted training plan that is adapted to their needs. The institution has also established a departmental fund for language training.

- **Statistics Canada** uses a language buddy system where learners and their mentors can practice in their second language. The agency also promotes internal and external learning tools (e.g., the training offered by the Canada School of Public Service and the Mauril application).

- The **National Research Council of Canada** proactively offers language training to those interested in a promotion or demonstrating leadership skills to support them in their career development. For supervisors and managers in particular, language skills development is an integral part of their career development plans.

- At **Correctional Service Canada**, as the recruitment of bilingual people remains a concern within the organization because of its unique mandate, sectors are encouraged to focus on early-career language training to support staff development.

Recruitment

- The **Canada Revenue Agency** has set up a national division dedicated to strategic recruitment, supported by specialized strategic recruitment consultants. The team develops and implements various strategies for recruiting bilingual people, including:
    - The Federal Student Work Experience Program.
    - The LinkedIn Recruiter tool.
    - The agency's Indigenous Student Employment Program.
    - The agency's Information Technology Apprenticeship Program.
    - The agency's Human Resources Apprenticeship Program.
    - Participation in job fairs in every region across Canada.
    - Annual student pool to provide hiring managers with a pool of qualified individuals for student positions (Atlantic Region).
    - Student Ambassador Program and a Brand Ambassador Program to promote employment opportunities.
    - Social media recruitment campaign.
    - Relationships established with specific programs at post-secondary institutions with a high concentration of bilingual students (for example, Memorial University of Newfoundland's French Program).
    - Recruitment ads in French-language media and recruitment activities in French-immersion high schools and French-language universities (Prairies Region).

- **National Defence** also uses various recruitment methods to increase its bilingual capacity, including
    - conducting recruitment activities in schools with bilingual programs
    - providing information sessions to Canadian universities on the policy officer recruitment program
    - recruiting bilingual students who could then be hired as casual and indeterminate positions
    - stepping up social media recruitment activities
    - entering into telework agreements to broaden the recruitment area
    - ensuring adequate language capacity for hiring committees
    - collaborating closely with official languages coordinators and the Classification team to ensure that the statement of merit does not include any duties unrelated to the position.

- **Elections Canada** has created an area of selection guideline to ensure that areas of selection established by managers provide Canadians with reasonable access to all employment opportunities.

Language profile CBC/CBC

- At **Statistics Canada**, all staffing and classification advisors are mandated by senior management to apply section 91 and strongly recommend the CBC/CBC linguistic profile for supervisory positions and central service positions.

- At **Shared Services Canada**, an internal directive requires that the CBC/CBC language profile be attributed to all supervisory positions in bilingual regions.

Performance agreements

- At the **National Research Council of Canada**, the performance agreement of senior managers in bilingual positions must include a commitment to maintaining their language profile.

- For fiscal year 2022–23, performance agreements for **Employment and Social Development Canada** executives holding bilingual positions included the following commitment: "I will demonstrate my language skills using both official languages often and identify concrete measures to increase the use of both official languages within my team."

Translation services

- At **Elections Canada**, the Official Languages Program help managers ensure the delivery of bilingual services in offering a variety of resources, including tools, guides and translation services.

Non imperative staffing

- At the **National Research Council of Canada**, non-imperative staffing will be authorized for highly technical positions only if a language training plan has been prepared for successful candidates.

- **Statistics Canada** offers a checklist of factors to consider before resorting to non-imperative staffing or lowering a language profile. The document outlines managers' responsibilities and eliminates the need to consult other tools. In addition, according to Statistics Canada's governance framework, non-imperative appointments must be approved at Level 3, that is by the Assistant Chief Statistician.

Control mechanisms

File documentation

- At the **National Research Council of Canada**, an official languages information form is placed on file for every position, regardless of the position's linguistic profile.

- At **Canadian Heritage**, although the final decision rests with managers under their delegated authority, official languages advisors systematically document all files. Emails, and sometimes even notes, are in the position file to document the advice and guidance given. The organization also requires that the result obtained using the language profiler to be attached to the request.

- **Agriculture and Agri-Food Canada** places the discussion notes, email communications and the revised profile in the position file.

Consultation with the official languages unit

- In accordance with the **Canada Border Services Agency**'s established procedure, requests for changes to language profiles must be submitted to the Classification team. The Classification team and human resources advisors will consult the Official Languages Program if they have any doubts about whether managers' requests contradict the institution's directives.

- At **Correctional Service Canada** regional human resources operational program advisors work with staffing advisors, who will consult with Planning, Official Languages and Employment Equity, particularly when the manager goes against the advice provided.

- At **Public Services and Procurement Canada,** the subdelegated manager must consult the Official Languages Program and provide justification if the recommendation of the program has not been applied.

Compliance

- On **Employment and Social Development Canada**'s form for modifying the language requirements or language profile of a position, managers must sign a declaration of compliance stating that the request:
    - was made in consultation with a human resources advisor
    - complies with the appropriate legislation, policies and directives
    - is consistent with the institution's integrated human resources plan
    - includes the appropriate documentation and that documentation will be kept as proof.

- When submitting a request to create or modify the language requirements of a bilingual position, the **Canada Revenue Agency** managers must first complete a form and confirm that they have complied with the [Directive on Official Languages for People Management](#).

- At the **Royal Canadian Mounted Police**, if managers ignore the recommendations of the Official Languages team, they are advised that the process will be recorded on a form, and it will be noted that their decision is not endorsed by the Official Languages team in the event of a subsequent complaint.

- À At **National Defence**, an internal decision review form is used to record, document and file decisions. This form is completed when an official languages coordinator disagrees with a manager's decision. It is then up to the organization's chain of command to make the appropriate decision based on the information in the form.

Reports

- In terms of reporting, **Employment and Social Development Canada** produces a quarterly demographic profile of its workforce. The profile contains official language information by occupational group and level, including the percentage of employees who meet and do not meet the language requirements of their position and the percentage of employees with expired second language evaluation results.

- The **National Research Council of Canada** produces a biennial dashboard to inform the vice-presidents and president of the official languages status in the various sectors of the organization. The dashboard contains information on incumbents of bilingual positions who do not meet language requirements and tracks non-imperative hires undergoing two-year language training and incumbents of management positions whose language results have expired.

- At **Correctional Service Canada**, a [regional update of human resources operational programs](#) is produced monthly to inform senior management of requests relating to language profiles.

- **Shared Services Canada** produces reports on the organization's bilingual capacity for senior management. When recurring problems relating to the enforcement of section 91 are observed, the Classification team is informed.

- At the **Canada Revenue Agency**, reports are sent to managers responsible when staff members or supervisors do not meet the language requirements of their positions.

Periodic assessment

- At **Correctional Service Canada**, the Planning, Official Languages and Employment Equity Division will verify whether established language profiles comply with the guidelines and related tools at least once in the five (5) years following their effective date. As for the guidelines, they are updated if a risk or needs analysis has confirmed the requirement. In addition, the language requirements of positions are reviewed when ad hoc requests or complaints are received from the Office of the Commissioner of Official Languages.

Other methods

- The President of **Shared Services Canada** must be informed in a memo of any exceptions in the application of language requirements for positions that may be the subject of official language complaints. The memo must be approved by the Assistant Deputy Minister, which discourages many managers from proceeding with exceptions.

- **Correctional Service Canada** uses a [tracking document](#) for all language requirement related requests. Key information in the tracking document includes a summary of the justification for the request and the advice provided, and all other administrative details.

- At the **Royal Canadian Mounted Police**, compliance with parts IV and V of the OLA is also verified through **random visits** to bilingual offices.

- **Agriculture and Agri-Food Canada** regularly evaluates and monitors the quality of the services it offers to the public in both official languages. For example, a sample of procurement files is reviewed to ensure that service quality is the same in both languages. The Canadian Agriculture Library spot-checks its front-line staff to ensure that members of the public are greeted and served in the official language of their choice.

Training and awareness

Training

- The **National Research Council of Canada** has developed a mandatory course titled "Supervising at NRC: The Basics". This is a learning program for supervisors, managers and senior management that addresses language requirements. The Equity, Diversity and Inclusion and Official Languages team also offers Q&A sessions with staffing consultants and human resources generalists, who advise hiring managers on official languages issues.

- At **Environment and Climate Change Canada**, the PE Development Program includes an entire module on official languages, covering topics such as the language requirements of positions, the responsibilities of the various stakeholders and the tools required.

- At **Statistics Canada**, training offered to new sub-delegated managers includes a section on official languages outlining their obligations related to the language requirements of positions, as well as the importance of assessing candidates in the official language of their choice during a selection process. Training is also offered to human resources advisors to support the recruitment of bilingual candidates. This training—offered in both official languages—covers various aspects of human resources, including the obligation to publish job opportunities in both official languages and the creation of bilingual assessment tools.

- At **Elections Canada**, section 91 issues are highlighted through training courses at the Canada School of Public Service that cover topics like establishing language requirements for positions.

Presentations

- **Employment and Social Development Canada** has developed several presentations to support the Classification team, including Establishing the language requirements of positions for the Classification team, Issues related to section 91 and Establishing the language requirements of positions and non-imperative appointments. Other presentations have been developed for the Workforce Management Committee (whose members range from directors general to assistant deputy ministers) on issues related to either/or positions and positions designated "French essential."

- **Public Services and Procurement Canada** offers an information session on the process of establishing the language requirements of a position to help managers and human resources advisors understand how and why to establish the language requirements of a position. The

session includes useful links, operational procedures, required documents, work unit bilingual capacity, risks and expected results.

- **Justice Canada** uses a variety of means to inform its staff about section 91 issues, including:
  - information sessions
  - flash presentations
  - presentations given twice a year by the person responsible for official languages to all new staff and managers as part of an orientation session.

Intranet pages

- The **Canada Revenue Agency** has created a new intranet page, "Use of Official Languages in the Virtual Work Era," which is accessible to all staff nationwide and includes a section on establishing language requirements for positions. A manager portal has also been set up, with numerous official languages resources, including a page titled "Objectively Establishing a Position's Language Requirements". The page sets out supervisory obligations and section 91 requirements and promotes tools.

- **Public Services and Procurement Canada** regularly updates its intranet page on establishing the language requirements of a position, that sets out the procedure to create or modify the language requirements. The page includes the process to follow, the form and instructions on how to fill the form.

- Policies, guidelines and procedures for assessing language requirements objectively are available on **Correctional Service Canada's** Hub. The site also lists a generic email address where public servants can send their questions.

Newsletters

- At **Employment and Social Development Canada**, articles are published in various newsletters to raise staff awareness of issues related to establishing language requirements for positions, including Do you want to learn how to determine the language requirements of a position? and Not sure about English or French positions? Let's demystify it. Information from the human resources team is also shared with managers to raise awareness of section 91 issues.

- At **Public Services and Procurement Canada,** a newsletter on section 91 was distributed to departmental employees by the official languages co-champions to provide general information on the key elements to consider when establishing the language requirements of a position and to share resources such as the Office of the Commissioner of Official Languages' Tool for the linguistic identification of positions.

Periodic communications

- At **Shared Services Canada**, periodic messages about section 91 are sent to senior management.

- **Justice Canada** and **Elections Canada** also uses departmental communications to raise awareness of section 91 issues.

- The **National Research Council of Canada** champion regularly sends out communications to promote official languages activities or to encourage staff to take language training.

Meetings

- At **Environment and Climate Change Canada**, the organization regularly follows up with management tables, sub-delegated managers and branch heads to raise awareness of section 91 issues.

- At **Correctional Service Canada**, managers are regularly made aware of section 91 issues when dealing with complaints and requests relating to the language requirements of positions and during the human resources planning exercise. They are also made aware of these issues at regional management meetings attended by official languages champions and at multidisciplinary human resources meetings.

- At **Employment and Social Development Canada**, the Part V Centre of Expertise on Official Languages holds meetings with the Classification team. The purpose of these meetings is to provide information, guidance and tools to the Classification team, who is responsible for providing advice and guidance to managers on establishing the language requirements of positions.

Onboarding guides

- At **Environment and Climate Change Canada**, an onboarding guide has been developed that reminds briefly to managers their responsibilities in establishing the language requirements of positions.

Additional resources

- *Official Languages Act*
- Policy on Official Languages
- Directive on Official Languages for People Management
- Qualification Standards in Relation to Official Languages
- Determining the Linguistic Profile of Bilingual Positions
- Tool for the linguistic identification of positions

For more information

If you have any questions about these best practices, please contact the person responsible for official languages or OLCEInformationCELO@tbs-sct.gc.ca.

Appendix 1

Collection of Institutional Best Practices for Establishing Language Requirements of Positions
List of Themes and Links

Themes	Sub-themes	Links to documents	Federal institutions
Governance	Guidelines	Guidelines on the language profiles of positions	CSC
		Guidelines for establishing the language requirements of positions	ESDC
	Guides	Official Languages and Human Resources Activities - Human Resources Planning, Official Languages and Employment Equity	CSC
		Manager's guide to modifying the language requirements of a position	ESDC
		Managers' toolkit	CBSA
		Reference guide on establishing the language requirements of a position	PSPC
	Procedures	Procedures for modifying the language profile of a position	CSC
		Graphic explaining the procedure for modifying or creating the language profile of a position	CSC
		Graph on operational procedures	PSPC
	Frequently asked questions	FAQ on establishing language profiles for positions	ESDC
	Generic email	Generic email for managers on the procedure to follow when requesting a change to a language profile	CBSA
Tools and support documents	Tools for establishing language requirements	Determining the Linguistic Profile of Bilingual Positions	TBS
		Tool for the linguistic identification of positions	OCOL
		tool for establishing language requirements and the linguistic profile of positions	ECCC

	Analyse Grids	Analysis grid for establishing the language requirements of positions	CSC
	Checklists	Change in reporting relationship	PCH
		Creating a generic position	PCH
		Creating a new position	PCH
		Reclassifying a position	PCH
		Reviewing and updating a position	PCH
	Forms	Form for establishing the language requirements of a position	PSPC
		Position information form	RCMP
		Template for submitting a request to modify the language requirements or profile of a position	CSC
Control Mechanisms	Reports	Regional update of human resources operational programs	CSC
	Others	Tracking document	CSC
Training and Awareness	Training	PE development program	ECCC
	Presentations	Establishing the language requirements of positions for the Classification team	ESDC
		Issues related to section 91	ESDC
		Establishing the language requirements of positions and non-imperative appointments	ESDC
		Process of establishing the language requirements of a position	PSPC
	Intranet pages	Intranet page on establishing the language requirements of a position	PSPC
	Newsletters/ Articles	Do you want to learn how to determine the language requirements of a position?	ESDC
		Not sure about English or French positions? Let's demystify it	ESDC
	Onboarding guides	Onboarding guide	ECCC