

Guideline on Identifying Language Requirements of Positions

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- **1.0 Objective**

To ensure that, within Employment and Social Development Canada (ESDC), language requirements for all positions are established in accordance with the Treasury Board Secretariat (TBS) official languages policy and directive in order to fulfill the organization's official language obligations to the public and to its employees.

- **2.0 Definitions**

Refer to [Appendix B](#) for definitions.

- **3.0 Guideline**

The language requirements of positions must be objectively established in accordance with Section 91 of the *Official Languages Act* (OLA) to ensure that the Department complies with its official language obligations to the public and to its employees.

Managers are responsible for reviewing the language requirements of positions or functions during staffing, reorganization, reclassification or any other human resources activity to ensure the language requirements of the position still reflect the duties to be performed. Please refer to the ESDC Table of Human Resources Authorities to confirm the delegation level required to change the language requirements of positions.

In identifying the language requirements for a position, managers should follow a four step process:

Step 1: Determining Official Languages Obligations

Managers must first determine the official language obligations applicable to their operations and establish the language requirements of their positions accordingly.

Official languages obligations are based on the following considerations:

Location of the position:

- Whether the position is in a designated bilingual office or a point of service; and
- Whether the position is in a region designated bilingual for language-of-work purposes.

If one of the above applies, management must assess if the position provides any of the following services (refer to Appendix B for definitions):

- c. Services to the public
 - d. Central services
 - e. Personal services
 - f. Supervisory functions
 - g. Formal level in grievance process

If the position provides one of the above-noted services, management must assess the bilingual capacity of the work unit.

Positions in unilingual regions that supervise employees in designated bilingual regions must be bilingual.

Step 2: Assessing Bilingual Capacity of the Work Unit

Managers are responsible for organizing their resources and for developing and maintaining a linguistic capacity within their work unit to fulfill their linguistic obligations to the public and to other employees, taking into account the following considerations:

- Are there any positions in the work unit providing similar services to the same public or group of employees?
- Is there enough bilingual capacity within the work unit to deliver your business?

If the answer to either of the above-noted questions is "no", the language requirement of the position must be bilingual.

Step 3: Determining Language Requirements

Once the official languages obligations are determined, managers must 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 should follow sound management practices based on their operations and particular situations to develop and maintain a bilingual capacity within

their work unit to fulfill their official language obligations to the public and to employees.

- j. When the functions must be carried out in English and in French to meet official languages obligations, the language requirement must be bilingual. The proportion of duties to be performed in one language or in the other has no impact on the language requirement of the position.
 - k. When the functions must be carried out essentially in English, the language requirement is English-essential.
 - l. When the functions must be carried out essentially in French, the language requirement is French-essential.
 - m. When the functions may be carried out either in English only or in French only, the language requirement is either English or French (either/or). Note that this requirement has **limited** application in ESDC. Due to the mandate of the Department, positions where functions can be carried out only in one or the other language at the choice of incumbent (for example, a storage room clerk) are not numerous.

Step 4: Determining the Linguistic Profile 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: Written Comprehension, Written Expression and Oral Proficiency.

No matter where the position is located, the second official language proficiency level must reflect the tasks to be carried out in order to ensure that services are always of comparable quality in both official languages.

When determining the linguistic profile of a bilingual position, managers can access the TBS tool [Determining the Linguistic Profile of Bilingual Positions](#). The results of this review will be accepted by the Human Resources Services Branch as a rationale to modify the language requirements of a position.

Managers should take into consideration the following when determining the linguistic profiles of bilingual positions:

- n. A description of the second official language proficiency levels A, B and C can be found in the [TBS Qualification Standards in Relation to Official Languages](#). These levels must be equivalent for both official languages, for example, CCC in English and CCC in French.
 - o. At ESDC, the level B is the minimum level required for the written comprehension, written expression and oral proficiency.

- p. Code P is used in the linguistic profile of positions to designate specific language skills normally acquired through specialized training in either the first or the second official language, for example, in the case of editor or professional writer positions.
- q. Positions at the Assistant Deputy Minister level and equivalent throughout Canada must, at a minimum, be established at the CBC level.
- r. Positions in the Executive Group (EX) in designated bilingual regions for language of-work purposes must, at a minimum, be set at levels CBC if the position includes the following:
 - the supervision of employees in bilingual positions or employees in positions with varying language requirements (e.g. English-essential AND French-essential positions or English/French essential AND bilingual positions);
 - participation as a regular member in the institution's management team;
 - significant role in exercising the institution's authority to direct, or to provide services to, other institutions;
 - significant functions related to representing the institution to the public or employees of the institution; or
 - a significant role in the co-ordination of programs or activities of employees in bilingual regions.
- s. Bilingual executive feeder group positions at the EX minus 1 and EX minus 2 levels (Appendix A) located in designated bilingual regions for language of work purposes that supervise must be set at the CBC level.
- t. Executive feeder group positions at the EX minus 1 and EX minus 2 levels located in unilingual regions that supervise employees in designated bilingual regions must be set at the CBC level.
- u. Executive feeder group positions at the EX minus 1 and EX minus 2 levels located in designated bilingual regions for language of work purposes that do not supervise must be determined objectively based on the duties of the position as per the work description.

When the language requirements of a position change, a rationale must be provided at all times. If an incumbent occupies the position, they must be informed in writing within ten (10) working days of the modification.

- **4.0 Roles and Responsibilities**

Managers are responsible for:

- Objectively identifying the linguistic profiles of positions;
- Respecting the OLA, TBS official languages policy, directives, qualification standards as well as information provided in this guideline when identifying linguistic requirements of positions; and

- Reviewing the linguistic requirements of positions when undertaking any human resources action by completing the TBS tool – Determining the Linguistic Profile of Bilingual Positions.

Human Resources Services Branch is responsible for:

- Providing advice and guidance to management on the identification of language requirements; and
- Processing requests for identification/modification of linguistic requirements of positions
- **5.0 Inquiries**

All inquiries relating to this guideline should be directed to the Centre of Expertise, Workforce Strategies, Human Resources Services Branch.

References:

- [Official Languages Act](#)
- [Treasury Board of Canada Secretariat - Policy on Official Languages](#)
- [Treasury Board of Canada Secretariat - Directive on Official Languages for People Management](#)
- [ESDC Table of Human Resources Authorities](#)

- **Appendix A - Executive Feeder Groups - EX Minus One and EX Minus Two**

Executive Feeder Groups - EX Minus One and EX Minus Two

Occupational Group	Level(s)
AS	6-7
CS	3-4
EC	6-7
EN-ENG	5-6
FI	3-4

Executive Feeder Groups - EX Minus One and EX Minus Two

Occupational Group	Level(s)
IS	5-6
LA	All
PE	5
PG	5-6
PM	5-6

- **Appendix B - Definitions**

Central Services

are services that are essential for employees to carry out their responsibilities. Examples of central services are: accounting, budget and financial management services; advice and direction on the implementation of national programs; administrative services; informatics services; evaluation and audit services; legal services; library and records; information/ communications services; material management services; purchasing and supply services; property management services; security services; Human Resources services; technical services; translation services.

Designated bilingual office or point of service

is defined as a physical location where a member of the **public** can communicate with or receive a service from the Department in both official languages. According to the *Official Languages Act* and the *Regulations on Communications with and Services to the Public*, a given physical location of the department may have more than one "office" with different functions. The number of "offices" within one given physical location depends on "what services" are offered and to "what clientele".

Designated Bilingual Regions for Language-of-Work Purposes

are specific geographic areas where both English and French are considered languages of work in the offices. The designated regions include the National Capital Region; **parts of Northern and Eastern Ontario; the Montreal area; parts of the Eastern Townships, the Gaspé and West Quebec; and New**

Brunswick. A [detailed list of the bilingual regions for Language-of-Work purposes](#) is available at the following Web site.

Grievances:

Deputy heads of their delegates are responsible for ensuring that employees can file a grievance in the official language of their choice anywhere in Canada.

Indispensable

refers to an indeterminate position that is located in an office required to provide services in both official languages to the public or to employees and whose incumbent must be able to provide these services in both languages at all times, for example:

- when the bilingual position is one of the very few in an office that provides services to the public or to employees;
- when the bilingual position is the only one that provides certain services;
- when the bilingual position is one of several providing similar services but there are not enough incumbents who meet the language requirements to ensure service in both official languages at all times;
- when the functions of the position require the capacity to communicate promptly and accurately in both languages in situations where the communication has a direct bearing on the health, safety or security of the public or the occupants of the office (e.g. a position responsible for communicating instructions within the context of internal security services or for the management of emergency situations).

Personal services:

are services, which concern an employee's health or well-being, or their personal or professional development such as compensation (pay and benefits) services, career counselling services and occupational health and safety services.

Public

is defined as an individual or group of individuals outside the federal Public Service; a professional association or organization outside the federal Public Service; a private company other than a Crown Corporation outside the federal Public Service; or another level of government.

Services to the public

are any communication, information or product provided to the public by written, oral or electronic means either free of charge, on a cost recovery basis, or on a revenue-generation basis.

Supervisory functions:

Managers with employees located in bilingual regions must provide supervision in the official language of the employee's choice when they occupy bilingual or either/or positions, and in the language of the position when they occupy unilingual positions. Managers and supervisors who occupy bilingual positions in bilingual regions supervise each employee in the language chosen by that employee regardless of the linguistic identification of the employee's position.

Unilingual office or point of service

is defined as a physical location where, according to the *Official Languages Act*, communications and services to the public may be provided in one official language only. The language used will be that of the majority of the province.

Unilingual Regions for Language-of-Work Purposes

identify geographic areas other than bilingual regions for language of work purposes where Departmental offices are located. The language of work in unilingual regions for language of work purposes will be that which predominates: French in Quebec and English elsewhere.