



## Guidance Document Workforce Adjustment and Official Languages Requirements

### New Language Requirements

On June 20, 2025, two changes to the [Directive on Official Languages for People Management](#) (the Directive) came into effect.

- 1) The first change aligns the Directive with **section 36 of the modernized *Official Languages Act*** (the Act). Section 6.1.2 of the Directive was amended to reflect that, as of June 20, 2025, all employees in bilingual regions have the right to be supervised in the official language of their choice, regardless of the linguistic designation of their position.

#### IMPACTS:

- To uphold this right, most, if not all, positions responsible for supervising employees in bilingual regions will need to be designated bilingual.
- The linguistic designation (unilingual or bilingual) of these supervisory positions must be reviewed when there is a staffing action, as required by section 91 of the Act.
- Employees who, as of June 20, 2025, occupied a **unilingual position** affected by this change have **acquired rights** under section 36(3) of the Act and may remain in their position without meeting the new language requirements, if applicable.
- Federal institutions are responsible for ensuring that the right of employees in bilingual regions to be supervised in the official language of their choice is always respected. Therefore, **administrative measures** must be implemented, as needed, in situations such as:
  - Until the linguistic designation of affected supervisory positions is reviewed, if the incumbent is unable to supervise an employee in his or her official language of choice.
  - When an incumbent remains in their position without meeting the new language requirements, due to acquired rights under section 36(3) of the Act.
  - When an institution is able to demonstrate that it can organize its workforce in such a way as to respect the new right of employees to be supervised in the official language of their choice in bilingual regions, in light of

the principle of substantive equality, and maintains certain unilingual supervisory positions for employees in bilingual regions.

- 2) The second change concerns the need to raise the linguistic profiles for bilingual positions responsible for supervising employees in bilingual regions (**CBC Initiative**).

Appendix I of the Directive was amended so that, as of June 20, 2025, the linguistic profiles of bilingual positions that include supervision of employees in bilingual regions must be identified at a minimum of CBC or equivalent. Linguistic profiles for these positions that were identified below CBC before June 20, 2025, will only be increased once the position becomes vacant or is filled by a new appointment.

IMPACTS:

- Linguistic profiles for bilingual supervisory positions that include supervision of employees in bilingual regions that were identified below CBC (or equivalent) before June 20, 2025, may remain unchanged.
- Once one of these positions becomes vacant or is filled by a new appointment, the linguistic profile must be increased to a minimum of CBC or equivalent.

**Please do not hesitate to contact your institution's [person responsible for official languages \(PROL\)](#) or the Official Languages Centre of Excellence within TBS-OCHRO at [OLCEInformationCELO@tbs-sct.gc.ca](mailto:OLCEInformationCELO@tbs-sct.gc.ca) for any additional questions.**

## Application of the New Language Requirements to Workforce Adjustment Processes

Process	Application of language requirements	Resources
<p>Selection of employees for retention or lay-off (SERLO)</p>	<p><b>Considering that:</b></p> <p>The SERLO process must be carried out in accordance with the <i>Public Service Employment Regulations</i>. To be selected for retention, public servants must possess each of the essential qualifications considered by delegated managers as most relevant for the work to be performed. Proficiency in official languages must be regarded as an essential qualification. In accordance with section 91 of the <i>Official Languages Act</i> (the Act), official languages requirements must be established objectively for the duties to be performed. Before proceeding with a SERLO process, delegated managers must determine whether the language requirements continue to meet the needs of the position(s).</p> <p>The modernized Act gives all employees in designated bilingual regions the right to be supervised in the official language of their choice.</p> <p>The linguistic profiles of bilingual positions that include supervision of employees occupying positions in bilingual regions must be identified, at a minimum, at the CBC level (or equivalent).</p> <p><b>It is expected that:</b></p> <p>An objective review of the language requirements for positions under section 91 of the Act will likely conclude that <b>positions responsible for supervising employees in bilingual regions must be designated bilingual at the CBC level (or equivalent).</b></p> <p><b>Acquired rights under section 36(3) of the Act:</b></p> <p>Although official language proficiency is an essential qualification for an employee to be considered for retention, employees with acquired rights under section 36(3) of the Act may retain those rights during a SERLO under certain conditions:</p> <ol style="list-style-type: none"> <li>1) The employee occupied the <b>unilingual management/supervisory position</b> responsible for supervising employees in bilingual regions on June 20, 2025.</li> <li>2) The employee will continue to occupy the same position.</li> <li>3) The responsibilities of the position will not change.</li> <li>4) The language requirements of the position are only modified due to supervisory responsibilities.</li> </ol>	<p><a href="#"><i>Public Service Employment Regulations</i></a></p> <p><a href="#">Selection of employees for retention or lay-off: Guide for managers and human resources specialists</a></p> <p><a href="#"><i>Official Languages Act</i></a></p> <p><a href="#">Directive on Official Languages for People Management</a></p>

	<p><b>Acquired rights are not provided for incumbents of <i>bilingual</i> positions</b> responsible for supervising employees in bilingual regions whose language requirements are increased as part of a SERLO.</p>	
<p>Alternation</p>	<p><b>Considering that:</b>  The alternation process is a staffing action, and section 91 of the <i>Official Languages Act</i> (the Act) requires an objective review of the language requirements of positions when there is a staffing action.</p> <p>The modernized Act gives all employees in bilingual regions the right to be supervised in the official language of their choice.</p> <p>The linguistic profiles of bilingual position that include supervision of employees occupying positions in bilingual regions must be identified, at a minimum, at the CBC level (or equivalent).</p> <p>Section 6.3.7 of the Work Force Adjustment Directive states that : “ <i>The opting employee moving into the unaffected position must meet the requirements for appointment to the position; for greater clarity, that appointment is subject to all Public Service Commission requirements for the appointment or deployment of an affected employee from his or her surplus position into an unaffected position; this includes language requirements and the determination of applicable equivalencies for staffing purposes. The alternate moving into the opting position must meet the requirements of the position, except if the alternate will not be performing the duties of the position and the alternate will be struck off strength within five days of the alternation.</i>”</p> <p><b>It is expected that:</b>  An objective review of the language requirements for positions will conclude that <b>positions responsible for supervising employees in bilingual regions must be designated bilingual at the CBC level (or equivalent).</b></p> <p>Affected employees will have to meet the new language requirements before proceeding with an alternation.</p> <p><b>No acquired rights are provided.</b></p>	<p><a href="#">Official Languages Act</a></p> <p><a href="#">Directive on Official Languages for People Management</a></p> <p><a href="#">Work Force Adjustment Directive</a></p>