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**Official
Languages Centre
of Excellence**

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

November 2022

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.
- 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.



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

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.

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 – Thresholds

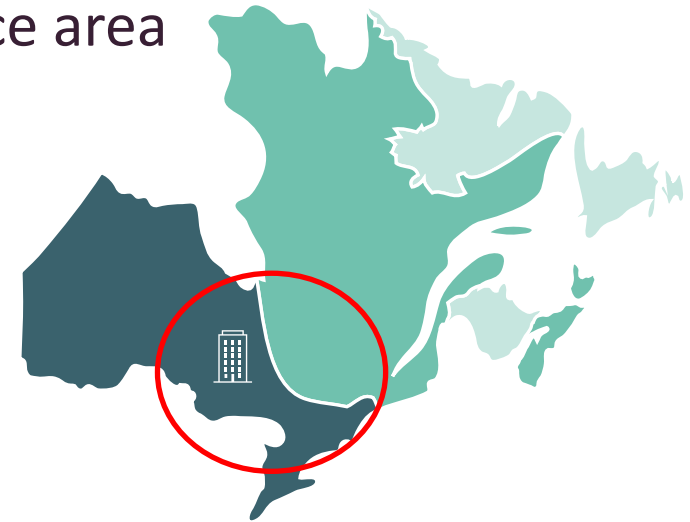
- We examine the size and proportion (%) of the minority where the office is located.
- If it meets the thresholds and if the office's situation respects the prescribed criteria (e.g. it offers key services or is the only one to offer a service), we deem that there is significant demand for service in the minority language and the office is designated bilingual.

For example, an office is the only one to offer its services in Bathurst, a census subdivision in which the minority is 500+, representing 5%+ of the total population in the area = bilingual.

General Rules – Service Area

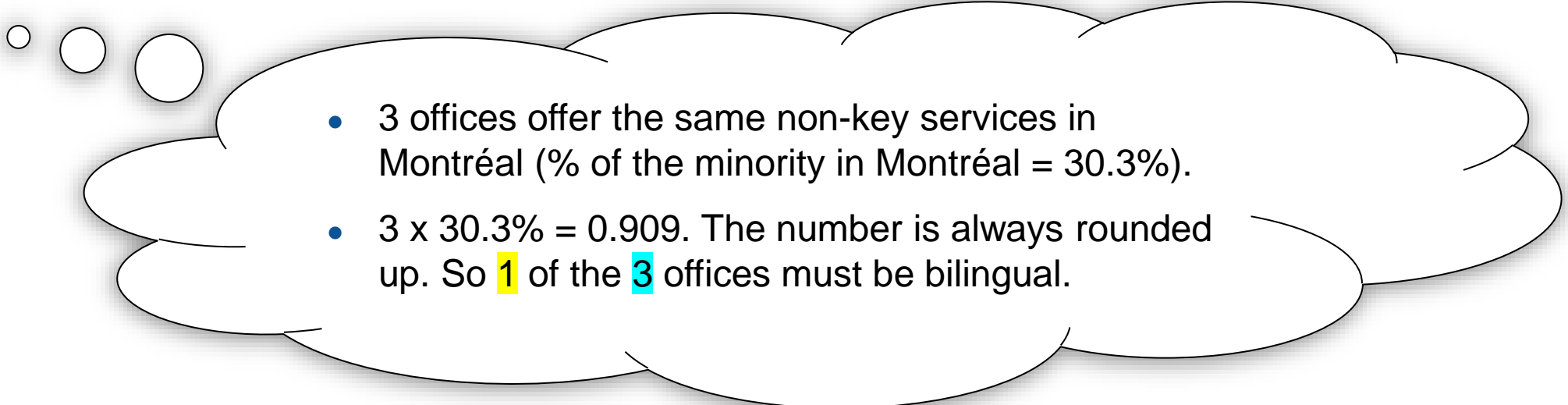
- Service area:
 - Territory or geographic zone served by an office
 - Determined by the institution
- Once the service area is defined, we apply the thresholds and criteria of the Regulations:
 - Minority language school in the service area
 - 5,000 people of the linguistic minority in the service area
 - Service area overlaps provinces with two different minority official language
 - 500 persons of the linguistic minority representing at least 5% of the total population in the service area

**Office
designated
bilingual**



General Rules – Principle of Proportionality

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

- 
- 3 offices offer the same non-key services in Montréal (% of the minority in Montréal = 30.3%).
 - $3 \times 30.3\% = 0.909$. The number is always rounded up. So **1** of the **3** offices must be bilingual.

- Once the number of bilingual offices has been determined, the institution must consider the offices' mandate, the distribution of the minority, and opinions obtained from consultations with the minority when choosing which office is to be designated bilingual (**1**) among the offices involved (**3**).

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.

Measurement of Demand

- Measurement of demand = survey of an office's clientele to determine their language preference for communications and services.
- 5% + of demand for services in a language = services offered in that language. E.g.:

- 34.4% demand in English
- 96.6% demand in French



Unilingual French

- 94.5% demand in English
- 5.5% demand in French



Bilingual

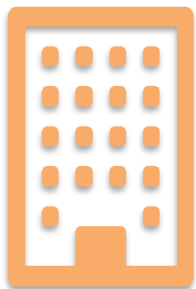
- Measurement of demand from the general public = survey overall clientele
- Measurement of demand from a restricted and identifiable clientele = survey each client

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
	1	2	3	4	5	6
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)

WHY? Over the years, people’s habits, the composition of the population and the size and proportion of the minority population can change.	HOW? This review of the language designation of offices will be done through the OLRRE, an exercise that will be coordinated by TBS using SOLO and will involve most institutions.
WHAT? The Regulations provide that institutions review the language designation of their offices based on the most recent decennial census data (every 10 years).	
Institutions that must determine whether there is significant demand at their offices (general and specific rules). Does not affect nature of office rules. WHO?	The next OLRRE will be launched at the end of 2022. WHEN?



Next Steps – Before the OLRRE



1

Late 2022/Early 2023 – Training on the System for Official Languages Obligations (SOLO) will be provided by TBS to Persons responsible for official languages (PROL) in institutions. User support tools will also be provided.

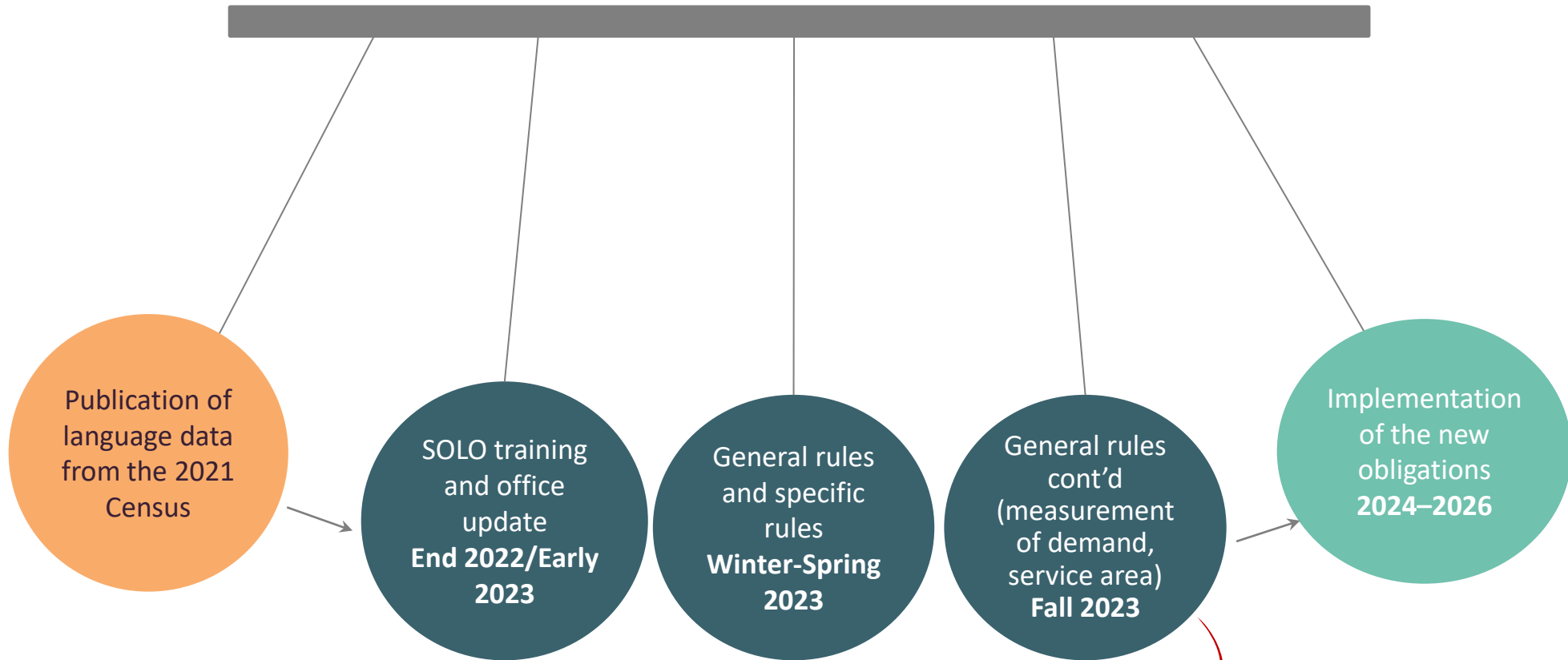
2

Late 2022 – TBS will send an email to PROL asking them to start obtaining the information required to update their institution's list of offices.

3

Winter/Spring 2023 – TBS will send an email to deputy heads and PROL to advise them of the launch of the OLRRE process.

Next Steps – OLRRE

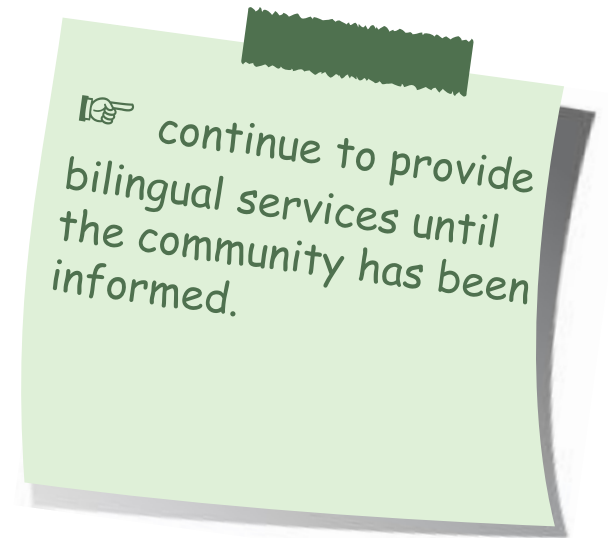


Prior to each of these steps, TBS will offer to impacted institutions an information session on what needs to be done



Once the OLRRE has been completed

- When the language designations of offices have been determined, the *Directive on the Implementation of the Official Languages (Communications with and Services to the Public) Regulations* provide for:
 - up to 1 year to comply and implement new bilingual obligations;
 - up to 1 year to inform the minority population served by the offices of the date scheduled for the discontinuation of bilingual services and how they can now receive services in their official language.



A Bilingual Office

- At a bilingual office, the institution must organize its resources to communicate with the public and offer them services of equal quality in both official languages.
 - e.g. a service cannot be offered in English in person while the French is only available by telephone.



- For proper implementation of its language obligations, such as active offer of service or equal quality, or for monitoring the application of its obligations, the institution must refer to:
 - The *Policy on Official Languages*; and
 - The *Directive on Official Languages for Communications and Services*.





Contact the Regulations team at:
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