



Strengthen the Capacity of the Federal Public Sector to Consolidate its Status as Official Languages Champion

Submission as part of the study of bill C-13; An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts

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Summary

The Federal Public Sector is one of the most powerful symbols of national linguistic duality and plays a leading role in the promotion, protection and influence of official languages in the country. It is the ideal embodiment of Canadian bilingualism.

However, over the past several years, the Federal Public Sector has encountered certain obstacles that prevent it from complying with the language requirements put forward by the *Official Languages Act* (that Act) and that jeopardize its status as Official Languages Champion. This situation impinges on the right of Canadians to communicate or receive communications from the Government in the language of their choice, whether as citizens or public service employees.

This situation also has the effect of undermining the credibility of the federal government regarding previous and current commitments to protect and promote official languages. The number of promises, study committees, working groups and consultations have multiplied without concrete corrective actions ever really being adopted.

For the past several years, the Federal Public Sector has barely managed the known problems, even though achievable solutions already exist.¹ In short:

- **The quality and uniformity of translation and interpretation are in constant decline:** Since 1995, not all translations have been quality controlled by a central body. This compromises the quality and uniformity of communications in the two official languages and results in additional human and financial costs².
- **Unilingual public service employees do not have support to improve their language skills:** because language training is not readily accessible and periodic verification of language skills is nonexistent, a truly bilingual public service cannot be guaranteed³.

The review of the Act obliges us to pay greater attention to federal institutions, which are supposed to be guarantors of bilingualism in federal services. Yet the organizational and implementation problems they face are short-circuiting the efforts deployed to promote and protect our two official languages, thus rendering certain parts of the Act null and void.

CAPE's Key Recommendations

1. By 2025, make the Translation Bureau the Federal Government's Official Language Centre of Excellence.
2. By 2024, implement an action plan to give public sector employees the opportunity to become proficient and maintain their proficiency in a second official language.

¹ Presentation by CAPE to the House of Commons Standing Committee on Official Languages on April 11, 2016

² Translation Bureau – Economic Assessment of the Service Delivery Model. PWC. September 2018.

³ Official Languages Committee Report on the State of Bilingualism in the Public Service. National Joint Council, September 4, 2018.

Recommendations

1. By 2025 make the Translation Bureau the Federal Government's Official Language Centre of Excellence⁴

A prestigious institution, the Translation Bureau is both the emblem and the protector of federal bilingualism. It is also one of the world's leading language services. Over 900 language professionals make their careers in the Government and their specialized expertise, focused on Canadian government activities, has developed through specialized training and through practice within the Government.

Thanks to the translation, interpretation, and terminology services it provides to the federal administration, the Translation Bureau is a key player in the promotion, protection and influence of official languages. The Translation Bureau is designed to enable the Federal Public Sector to communicate accurately and correctly with the public and between public service employees, in the two official languages.

In theory, these characteristics should make the Translation Bureau the federal administration's Official Languages Centre of Excellence. However, for the time being, its current mandate and its place in the government apparatus jeopardize its ability to play this role.

Main problems

- **Partial absence of quality control:** Since 1995, not all translations have been quality controlled by a central body, which compromises the quality and uniformity of communications in the two official languages, as well as resulting in additional costs⁵ for the work to be redone.
- **Service provider instead of an official Centre of Excellence:** The Translation Bureau is part of the Public Services and Procurement Canada portfolio, which makes it a mere service provider competing with private sector service providers that are not always able to comply with the government's quality and linguistic requirements. The Translation Bureau is therefore unable to prevent private service providers from delivering subpar products because these providers deal directly with the federal ministries and agencies that elected to contract out the work instead of going to the Translation Bureau for those same services. The Translation Bureau can only step in to redo the work downstream, at clients' requests, if they happen to be dissatisfied with the work delivered by their private sector service providers.

⁴ The Official Language Centre of Excellence Initiative (OLCE Initiative) is currently the Federal Government's only official languages centre of excellence. It reports to the Office of the Chief Human Resources Officer of the Treasury Board of Canada Secretariat. Its mandate can be likened primarily to that of an oversight agency rather than a central agency of language expertise, such as we would like to see officialized for the Translation Bureau.

⁵ Translation Bureau – Economic Assessment of the Service Delivery Model. PWC. September 2018

Foreseeable solutions

To make the Translation Bureau the Federal Government's Official Languages Centre of Excellence by 2025 and restore its prestige, it is necessary to:

- **Return to the mandatory service delivery model** that existed before 1995 so that it regains its role as the sole contracting authority for translation and interpretation services and so that it is again completely responsible for quality control and uniformity;
 - **Transport the Translation Bureau into** an independent federal agency, which will send a strong message to consolidate its status as the official languages Centre of Excellence and expertise throughout the federal administration.
- 2. By 2024, implement an action plan to give public sector employees the opportunity to master and maintain their proficiency in a second official language**

The Government's credibility regarding its commitment to promote and protect Canada's official languages largely depends on the Federal Public Sector's ability to communicate in both English and French with Canadian citizens. This credibility also depends on the ability of public service employees to work in the language of their choice.

The responsibility for ensuring the bilingualism of Government communications, both internally and externally, rests on the shoulders of federal public sector employees. They therefore expect to receive their employer's support to fulfill their official language obligations.

In the course of their Federal Public Sector career, public service employees recruited on a unilingual basis or who have partial proficiency in a second language may need to increase their language skill level in order to offer bilingual or better-quality services to Canadians and other unilingual public servants, and to ensure their professional mobility. Yet the system in place is not designed to achieve this.

In its 2018 report⁶, the Official Languages Committee of the National Joint Council comments the results of a survey of public service employees on the state of bilingualism in the Federal Public Sector, to which more than 9,000 employees responded. This report revealed many deficiencies concerning access to training, use and maintenance of second language skills, and language assessment. The results suggest that the promise of maintenance and promotion of the linguistic duality is not fulfilled in the Federal Public Sector.

Main problems

- **Maintaining and promoting the linguistic duality is not a priority for all executives:** ministerial support and the will of senior management to support the linguistic duality are unequal throughout the Federal Public Sector; maintenance and promotion of the linguistic duality primarily depend on the good will of executives;

⁶ Report of the Official Languages Committee of the National Joint Council on the State of Bilingualism in the Public Service. National Joint Council. September 4, 2018

- **Access to language training is strewn with pitfalls:** employees are often refused language courses due to financial constraints or for reasons related to operational needs;
- **Control of the language performance of federal public sector employees holding bilingual positions is inadequate:** second language proficiency in senior management positions or positions for which a higher language classification standard exists is not reassessed periodically during a career to verify that the proficiency level is maintained and progresses. Second language proficiency is assessed only at the recruitment stage or during a change of position.

Foreseeable solutions

A strategy that may give public sector employees the opportunity to become proficient in and use a second official language will have to include the following actions:

- **Prioritize resources to allow better access to language training** to remedy the time and budget constraints that hinder access to language training. The Act must provide for measures that will guarantee the allocation of the funds necessary for language training of federal public sector employees, while also freeing them from their work to participate in the training, despite the operational needs. By doing this, the Act will give priority to language training for employees of Canada's public institutions, which increases the public service employees' second language proficiency level.
- **Empower the departments to foster a culture of maintenance and promotion of the linguistic duality.** To achieve this, the Act should institute and apply a control mechanism and monitoring measures so that each department increase the resources for programs to maintain and strengthen language skills. The Act will also have to provide for penalties at the department level for absence of monitoring and maintenance processes.
- **Integrate the recommendations issued by the Official Languages Committee of the National Joint Council** in its 2018 report, because they go into more detail, rely on consultations and in-depth research, and offer practical and concrete solutions to correct the problems raised.

About CAPE

With over 23, 000 members, the Canadian Association of Professional Employees (CAPE) is the third-largest federal public sector union in Canada that is dedicated to advocating on behalf of federal employees in the Economics and Social Science Services (EC) and Translation (TR) groups, as well as employees of the Library of Parliament (LoP), the Office of the Parliamentary Budget Officer (OPBO) and civilian members of the RCMP (ESS and TRL).