



‘Contracting out is costly, chips away at the quality and availability of translation and interpretation services and harms people and official languages.’

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Submitted to: The House of Commons Standing Committee on Government Operations and Estimates meetings on “Outsourcing of Contracts”

Submitted by: The Canadian Association of Professional Employees

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## Preamble

The Canadian Association of Professional Employees (CAPE) understands that outsourcing, to McKinsey or other firms, might have its place in the federal government and be justified from time to time, especially for special projects of short duration. However, CAPE laments the fact that the practice has become a regular default when it comes to offering core federal services such as translation and interpretation. The practice is popular due to perceived quick gains that do not consider the long-term negative and costly side effects.

In 1995, the Translation Bureau became a Special Operating Agency (SOA). Since then, vendors have been contracted out as permanent replacement to translators in various departments, with mixed results, burdening federal translators with additional corrections and rewrites that could have been avoided in the first place had they been done internally. Content coherence, consistency and quality of outsourced translation in both official languages have been enduring problems that have required constant attention and caused excess workload for federal translators, often pulled in to fix the problem.

Meanwhile, reliance on freelance interpreters became increasingly popular during the pandemic to make up for the unavailability of federally trained and accredited interpreters who were on leave or reassigned to deal with a record number of injuries due to poor practices and equipment during hybrid meetings. While this approach ensured the continuity of meeting proceedings given the government's linguistic obligations under the *Official Languages Act*, it also allowed the employer to circumvent its obligation under the *Labour Code* to ensure the health and safety of its employees, causing more harm in the long term.

For those reasons, and additionally including exorbitant financial and human costs, CAPE continues to oppose the long term and permanent use of contractors or external vendors to fill in for federally trained translators and interpreters, and to ensure core federal services more generally.

CAPE's 23,000 members includes 825 interpreters and translators combined, who fall under the TR classification, and who all report to the Translation Bureau, housed in the department of Public Services and Procurement Canada.

### I. Overview:

- Since the 2017-2018 fiscal year, spending on outsourcing has increased by over a third<sup>1</sup>.
- The size of the federal public service has increased by 28% since 2017 and sits at 335,957 employees as of 2022<sup>2</sup>.
- By contrast, the number of TR members working for the Translation Bureau has dropped to 825 from 1,200 in 2003.
- The Translation Bureau plays a critical role in supporting Canada's linguistic duality but has been dealing with issues in translation and interpretation.
- Outsourcing results in higher costs, lower quality services for Canadians, less accountability and loss of skills and knowledge.

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<sup>1</sup> Office of the Parliamentary Budget Officer, [Supplementary Estimates \(C\) 2022-23](#), February 23, 2023

<sup>2</sup> Treasury Board of Canada Secretariat, [Population of the Federal Public Service](#), Pay System as of March 31 of each year, retrieved in February, 2023

- Outsourcing allows the employer to circumvent health and safety responsibilities instead of guaranteeing their rights under the *Canadian Labour Code*.

### Key Recommendations

1. **Core government services such as translation and interpretation should be properly staffed instead of relying on external vendors: the government must invest in building the TR group capacity.**
2. **Contracting out to at-risk, unprotected labour should never be part of a plan to manage federal employees' exposure to workplace hazard: the government must live up to its obligation to ensure a safe and healthy workplace for all its employees.**

#### [PART I]

**The government needs to move away from contracting out its translation and interpretation services to regain control of costs, and to provide high quality language services for the greater benefits of parliamentarians and all Canadians.**

#### **>Outsourcing: An Established Practice at the Translation Bureau**

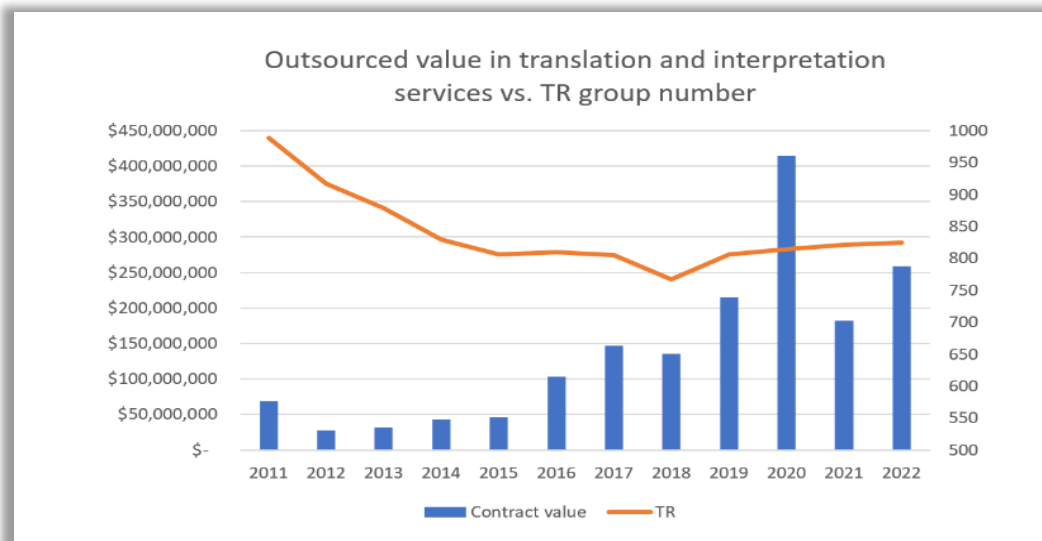
Outsourcing to the Translation Bureau is not a new practice. In a committee meeting on official languages<sup>3</sup>, the chief executive officer of the Translation Bureau stated that they "(...) are entirely capable of adapting in cooperation with our industry partners. From 40% to 44% of translation requests that we receive are forwarded to the private sector." We suspect that this percentage has increased since then.

As showed in the figure below, there is systematic and increasing use of outsourced companies in translation and interpretation services, while the number of staff in the TR group has been declining over the last ten (10) years. And this trend may gradually continue, as almost 20%<sup>4</sup> of members are retiring in the near future.

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<sup>3</sup> Standing Committee on official languages, Number 143, 1<sup>st</sup> Session, 42<sup>nd</sup> parliament, evidence presented on Tuesday, May 7, 2019: <https://www.ourcommons.ca/DocumentViewer/en/42-1/lang/meeting-143/evidence>

<sup>4</sup> CAPE bargaining survey, November 2021.



Source: Proactive disclosure- Contracts over \$10,000, Open Government, Treasury Board of Canada Secretariat, Retrieved February 13, 2023; and Canadian Association of Professional Employees, (Number of TR group) from January to December. \*Note: Data in 2020 showed almost double of contract value in 2021. We saw a large amount being procured twice by the same contractor in March and May<sup>5</sup>

It is worth noting that considering the status of the Translation Bureau as a Special Operating Agency (SOA)<sup>6</sup>, federal departments and agencies may directly use the services of the private sector, without any supervision by the Translation Bureau.

Therefore, the data showed represents the use of translation and interpretation services across the federal departments. In terms of expenditure, the following departments used most external services in translations and interpretation services<sup>7</sup> in 2022:

1. Public Services and Procurement Canada (Translation Bureau): representing more than 200 million dollars.
2. Department of Finance Canada: representing almost 19 million dollars.
3. Innovation, Science and Economic Development Canada: representing more than 7 million dollars.
4. Immigration and Refugee Board of Canada: representing more than 5 million dollars.
5. Treasury Board of Canada Secretariat: representing more than 3 million dollars.

If we compare the total value of external contracts for translation and interpretation for 2021, we estimate that it represents almost 176%<sup>8</sup> of the wages and overtime paid by the Translation Bureau for the TRs. This amount is substantial compared to the investment to internal skills and resources.

<sup>5</sup> Metaphrase Inc. contract on March 9, 2020 and May 14, 2020.

<sup>6</sup> Study of the Translation Bureau, [Report of the Standing Committee on Official Languages](#), 1<sup>st</sup> session, 42<sup>nd</sup> parliament, June 2016

<sup>7</sup> Proactive disclosure- Contracts over \$10,000, Open Government, Treasury Board of Canada Secretariat, Retrieved February 13, 2023

<sup>8</sup> Due to limited data, we compared the average earning of each 2021 steps in the TR classification with the value of outsourced expense by Public Services and Procurement Canada in 2021. Please note that this percentage is likely even higher in 2022 considering that external services has been increased.

When operating an external service, the quality of the work is also an important criterion to consider. However, if we examine the quality of the work, outsourcing could result in even higher costs.

### >> **Outsourcing: Translation Quality Jeopardized**

According to a CAPE members survey in November 2021, they responded that after the internal review process, only 66% of documents translated by freelancers are satisfactory<sup>9</sup>. In fact, half of the translators reviewing freelance documents submit an average of one to five unsatisfactory evaluations per month. In terms of numbers, this amounts to an average of **106 to over 530** reports per month.

For instance, here is an excerpt from an unsatisfactory report submitted by one of CAPE members:

**Initial text:**

Compendium of existing resources to be explored to avoid duplication and offer potential “piggy-backing” opportunities.

**Translated text:**

Recueil des ressources existantes à étudier afin d’éviter le dédoublement et d’offrir des possibilités d’accès à califourchon éventuels.

**Evaluation:**

Il ne s’agit pas ici de se faufiler derrière quelqu’un qui entre dans un lieu en utilisant une carte d’accès (« accès à califourchon »).

In addition to grammatical errors and untranslated text section, the report highlighted sections that were translated literally from the English text disregarding the meaning of the sentence in French. The poor quality of translated documents results in higher costs for the employer, as translators must also invest their time in reviewing the documents. In fact, 81% of translators stated that the quality of work done by freelancers increases their workload<sup>10</sup>.

In addition, almost half of the members surveyed (48%)<sup>11</sup> indicated that the poor quality of the work done by outsourcing has a negative effect on their well-being at work due to increased workload and related stress. Considering that TRs remain solely responsible for the quality of the document to the client whether the work was done by external services or not, it adds burden to produce a quality document.

### >> **Outsourcing: Convenience over Quality**

Outsourcing is a convenient crutch upon which the Translation Bureau can rely on to ensure the government lives up to its bilingual requirements, when facing shortages of staff. But this never guarantees the delivery of quality services in either official language. Freelancers are not subject to

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<sup>9</sup> CAPE bargaining survey, November 2021.

<sup>10</sup> CAPE bargaining survey, November 2021.

<sup>11</sup> *Ibid.*

the *Public Service Employment Act*, therefore not governed by the same rules as public servants, nor under the same performance requirements.

According to the Part II of the *Public Service Employment Act*, Article 30 (1) and (2):

### ***Appointment on basis of merit***

- **30 (1)** *Appointments by the Commission to or from within the public service shall be made on the basis of merit and must be free from political influence.*

#### ***Meaning of merit***

- **(2)** *An appointment is made on the basis of merit when*
  - **(a)** *the Commission is satisfied that the person to be appointed meets the essential qualifications for the work to be performed, as established by the deputy head, including official language proficiency; and*
  - **(b)** *the Commission has regard to*
    - **(i)** *any additional qualifications that the deputy head may consider to be an asset for the work to be performed, or for the organization, currently or in the future,*
    - **(ii)** *any current or future operational requirements of the organization that may be identified by the deputy head, and*
    - **(iii)** *any current or future needs of the organization that may be identified by the deputy head.*

## **[PART II]**

**Outsourcing should never be part of an avoidance strategy when dealing with workplace hazard, especially when it allows the employer to move the burden of risk onto external professionals excluded from all the protections that federal employees enjoy. The government must return to basic labour principles and deal with health and safety, thereby ensuring the continuity of interpretation services.**

Since the start of the pandemic in 2020, interpreters have been operating remotely or in hybrid settings. This has a negative consequence on their health and safety due to bad sound quality. Despite some of the Translation Bureau's effort to alleviate the risk, interpreters have still been injured in the workplace, causing them to go on sick leave, be reassigned or leave the profession. The Translation Bureau has, in consequence, tried to resolve the shortage of in-house interpreters by hiring more freelance interpreters, and thus, using a band-aid solution while the issue affecting the health and safety of interpreters is still ongoing.

The most direct evidence of the harms affecting the interpreters is found in the Hazardous Occurrence Investigation Reports (PSPC Form 874)<sup>12</sup> filed since the pandemic. Based on the information available to CAPE, 345 Form 874 reports, related to sound quality, were filed by interpreters between January 1, 2020, and December 12, 2022. These can be broken down as follows:

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<sup>12</sup> A 874 report is filed by interpreters when they have been in a dangerous situation affecting their health and safety in the workplace. The form details the incident and their resulted injury or illness.

	2020	2021	2022	TOTAL
<b>Total 874 reports</b>	117	99	129	248
with incapacitating injuries	40	35	35	110
in percentage (injuries)	34%	35%	27%	44%
<b>Medical leave</b>				
number of occurrence when leave is taken	24	35	31	90
Sick leave taken (# days)	103	108	66	277

Source: Translation Bureau- Services to Parliament and Interpretation

Due to these injuries, interpreters have taken a substantial amount of medical leave related to poor sound quality. Between March 2020 and October 2021, 24 interpreters—roughly one third of the staff of permanent interpreters—had to take at least one day of medical leave due to injuries caused by poor sound quality. Those 24 interpreters took a total of 280 days of sick leave tied to these issues, or an average of nearly 12 days per interpreter over 20 months.

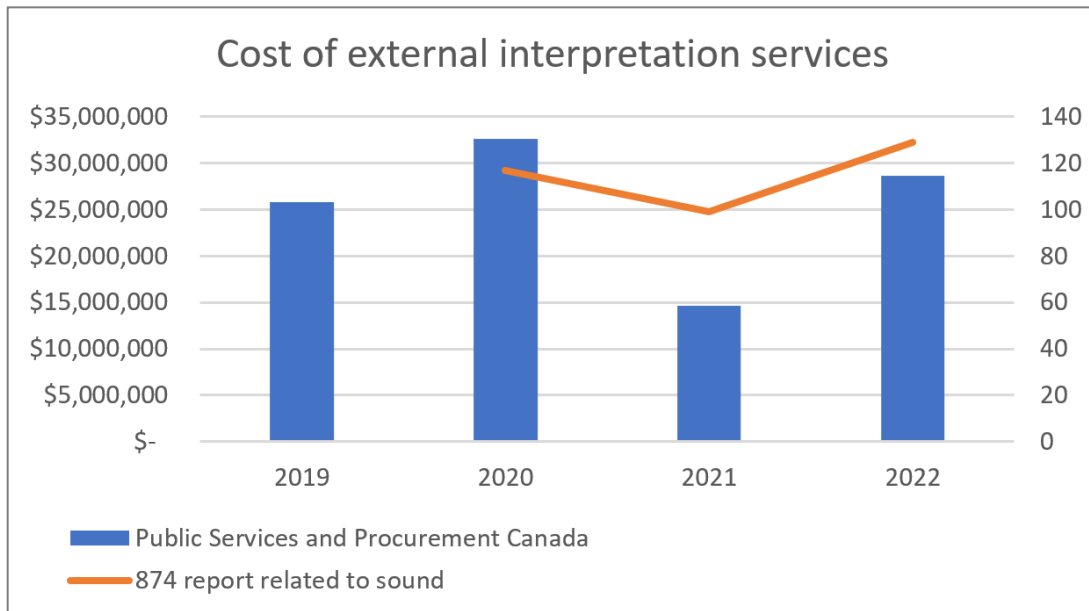
In addition, many are either unavailable or less available to interpret. As of March 2, 2022<sup>13</sup>, 8 interpreters among the 75 interpreters at the Translation Bureau were *entirely* unavailable to interpret, and another 3 interpreters were placed on modified duties, due to issues around poor sound quality.

As a result, the Translation Bureau has turned to freelancers to fill the gap. Even though an accreditation exam is implemented, we are not aware of monitoring conducted of the quality of freelancers' interpretation, likely since the Translation Bureau is already limited in capacity for its pool of interpreters. The Translation Bureau does not monitor injuries to freelance interpreters, therefore it waives its health and safety responsibilities despite serious health concerns<sup>14</sup>.

Unsurprisingly, the poor sound quality issue puts a strain on the Translation Bureau's resources, as it chooses to outsource its services when regular interpreters are no longer able to offer their services due to injuries sustained. As a result, we can see from the graph below, the impact of the interpreters' injuries (874 report) on the amounts that Public Services and Procurement Canada has invested in outsourcing the service. And this is just an overview of the cost incurred by the Translation Bureau as this does not include cost related to sick leave among others.

<sup>13</sup> This data is based on our estimate and interpreters report to CAPE. The Translation Bureau did not provide us real and updated data.

<sup>14</sup> A freelance interpreter was hospitalized for acoustic shock in October, 2022. [CBC report](#).



Source: Proactive disclosure- Contracts over \$10,000, Open Government, Treasury Board of Canada Secretariat, Retrieved February 13, 2023; and Translation Bureau- Services to Parliament and interpretation

It is also worth noting that, as with the situation in translation, other federal departments and agencies subcontract directly to private companies, and thus can circumvent accreditation and health and safety liability requirements.

### **About the Canadian Association of Professional Employees (CAPE)**

With over 23,000 members, the Canadian Association of Professional Employees (CAPE) is the third-largest federal public sector union in Canada, 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).

For more information: [www.acep-cape.ca](http://www.acep-cape.ca)