



*Report on the Consultations of
APEX Members on the Official
Languages Policy Review*

*Results of
APEX 2003 National Consultations*

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Background

1. In the summer of 2003, APEX was asked by the Official Languages Branch, Treasury Board Secretariat (TBS), to find out how executives were reacting to implementation of official languages policies.
2. The Association duly put the question to about 300 executives who attended our 15 sessions across the country.
3. Comments from participants generally fell under five discrete headings:
 - ▶ policy objectives
 - ▶ identification of positions and imperative versus non-imperative staffing
 - ▶ access to and quality of training
 - ▶ language testing
 - ▶ retention of language skills

Policy Objectives

4. Our findings confirm TBS' 2002 survey of employee attitudes on the use of both official languages. There is wide-spread acceptance among executives of the goals of the policy and support for the premise that a bilingual country requires a bilingual federal administration.
5. At the same time, the impact and effectiveness of bilingualism policies can still arouse emotions, both for Anglophone and Francophone executives.
6. In the National Capital Region (NCR) and Quebec, Francophone consultation participants tended to be frustrated with what they consider the slow pace of implementation of the language of work provisions. They also felt that there had been too much leeway given to some of their Anglophone colleagues who are not able to function in their second language. This frustration was considerably attenuated outside Ottawa, even in bilingual regions. However, some Francophones in Quebec expressed the same concerns as their Anglophone colleagues in other regions about their ability to practice and retain their skills in the second official language.
7. The reaction of Anglophone consultation participants was more varied. In the NCR, the group was split. Some had learned French with little difficulty and did not understand why anyone would object to the way the policy was being applied. Others, often older than 50, had struggled through the training and seemed somewhat demoralized by the process. This latter group thought that at career's end, it was a poor investment both for themselves and the Public Service to remove them from the workplace for a substantial period of time in order to meet their position's language requirements.

8. A number of participants in the NCR, Ontario and B.C. regions asked whether the Public Service was having difficulty recruiting Anglophone members of visible minority groups because of the requirement for French-language skills. However in the NCR, executives from these visible minority groups responded that this was not an important factor.
9. Outside Quebec, New Brunswick and the National Capital Region, acceptance of the policy's goals by Anglophone executives and senior managers is under some pressure because of the difficulties they have in accessing training, uncertainty about the appropriateness of the testing process, and the significant challenges of retaining language skills. In most cases, executives in these locations reported only rarely being able to use their second language.
10. There were also numerous comments about the effect of greater imperative staffing on mobility. If positions in the NCR all become bilingual imperative, this will have a significant impact on the capacity of regional executives to accept transfers or promotions to Ottawa.
11. The one exception to general acceptance of the policy is its non-application to Deputy Ministers. This is a significant irritant for executives. They noted that having a functionally unilingual DM prevents any significant progress towards a bilingual work environment.

Identification of positions and imperative vs. non-imperative staffing

12. In the NCR, bilingual regions and headquarters operations outside the NCR, executives have no objection to seeing senior positions designated as "CBC" – the logic in terms of both serving the public and supervising staff in their preferred official language is evident.
13. However, consultation participants in places like Newfoundland and Saskatchewan do not accept that the CBC level is always appropriate. They cite the cases of a few of their ADM colleagues who have been displaced from their positions for having failed to attain that level by March 31, 2003. By and large, these are positions whose incumbents do not directly serve the public, who have no obligation to supervise staff of the other official language and whose only need for second language skills is to participate in national, departmental meetings.
14. Some executives in those regions of the country told APEX that just acquiring the CBC level is extremely difficult. They think that a "CBB" designation would be attainable, more than adequate for these positions and an acknowledgment of regional realities. They also suggest that the Public Service should be promoting more *receptive*

bilingualism. By that they mean that each employee is encouraged to speak in their first official language in the full confidence that they are being understood by their colleagues.

15. As for the expansion of imperative staffing for executive positions, there is general acceptance of the principle, but a number of cautions were expressed:
 - ▶ introduction of more imperative staffing should be on a phased-in basis
 - ▶ there will be an impact on mobility and that has to be addressed
 - ▶ is it reasonable to expect that the Public Service can attract senior level people from outside the Public Service if positions are being staffed on an imperative basis?
16. Consultation participants said that the Public Service would be wise to invest now and offer language training to the next generation of senior managers and executives. This will create a pool of employees who can move immediately into imperatively-staffed bilingual positions.
17. In addition, the message that “being a federal public servant means working in a bilingual institution and that senior positions will be staffed imperatively” should be clearly and consistently communicated to communities of potential recruits. Executives believe the Public Service has to be able to convince Canadians that skills in the second official language are just another necessary competency, not an unexpected burden or a barrier to joining the Public Service.

Access to and quality of training

18. Even in the NCR, executives’ perception is that the quality of training varies a great deal. There was a strong sense that it is mainly geared to passing the language test rather than to learning sound fundamentals or preparing to function in practical work situations. They wonder how consistency is ensured between the curriculum and instructors offered by the Public Service Commission and those available through private language schools and tutors.
19. Organizationally, having a senior person away on language training for an extended period is a burden, especially in smaller regions. Not only does the money have to be found from within already tight budgets, but someone has to be re-assigned to back-fill the position for the duration.
20. Executives in some centres have to leave home for extended periods of time to take language courses. Apparently reasonable requests to get training a little closer to home are sometimes refused. For example, it would make sense for Newfoundland executives to make the short trip to St. Pierre and Miquelon for a stint of immersion. However,

those who make the request are denied on the basis of this being international travel – and are sent instead to places like Chicoutimi at greater cost.

21. Simple access to training is a significant impediment to career development in some regions of the country. We were told that unless someone is in a staffing process for a non-imperative bilingual position, there are no funds available to develop second language skills. Financial support for anticipatory language training would have to be found from within the employee's current organizational unit: even if the money could be found, executives wonder what organization will be enthusiastic about investing in a mere possibility?
22. Executives endorse the notion that the French or English learned by public servants as their second language should be a reflection of the community they serve. This means for example that the linguistic norms of Montreal or Quebec City should not be imposed through language training on the Acadian environment of New Brunswick or Nova Scotia.

Language testing

23. During consultations, we heard a small number of anecdotal complaints in the NCR about delays in getting tested. While we were able to dispel some of this perception as myth, there may in fact have been some slight delays due to a scramble just prior to the March 31, 2003 deadline.
24. A number of executives who had been through the training/testing cycle were not convinced that the right things were being evaluated and thought that the standards need to be reviewed.
25. They wonder, for instance, whether the testing – like the training – recognizes regional linguistic particularities. The emphasis has to be on the quality of the communication in a particular context, not on making comparisons to a universal norm. Managers and executives just have to be readily understood by those they serve and supervise.
26. Executives who had been through the process asked whether the test determines an employee's real capacity to understand complex, job-related issues and communicate with others on the subject at hand. In fact, is too much emphasis placed on the ability to use fairly sophisticated vocabulary and grammatical structures? Are candidates' natural communications styles taken into account in the evaluation?
27. In almost every session, executives said that a wider range of language testing options should be made available. They noted that individuals' different learning styles had been accommodated through offering flexible language training options. The same

accommodation could be made for the testing phase. Testing by phone seems to be the only option in many regions, but whether in the NCR or elsewhere across the country, executives did not view it as an adequate alternative.

Retention of Language Skills

28. Perhaps the greatest consensus during the discussions was around the difficulty many executives have in retaining their second-language skills. We noted that those who had second language skills coming into the job seemed to have had more success in maintaining their capacity.
29. Certainly the example set by the employee's Deputy Minister and the senior management team is seen as key. Those who actively support communications in both languages – from running bilingual meetings to launching programs of alternate “French” or “English days” – are infinitely more effective in supporting executives who are trying to develop and retain their second-language knowledge.
30. However, Deputy Ministers who are unilingual are unlikely to preside over bilingual meetings with their executives. This has clear implications both for those executives – in reality, mostly Francophones – who wish to use their first official language in these fora and for those – mostly Anglophone – who need practical DM support to entrench their newly acquired language skills.
31. In bilingual regions, executives of both official language groups have access to a broad array of activities and media which they can use to bolster their second official language competencies.
32. It's a different story in other areas of the country. Executives in many regions are at a loss as to how to go about retaining their skills. They are using their second language only rarely on the job, most often to communicate with colleagues at headquarters. They are willing to put in the effort to make sure their own and the Public Service's investment is not wasted, but are unsure how to proceed.

Conclusions and recommendations

33. Like the vast majority of executives, APEX strongly supports the Public Service's official languages policy. Our only reserve is with regard to its application, which needs to be practical and offer some appropriate flexibility.
34. It is APEX's conclusion that it may never be possible to attain a perfectly bilingual Public Service. ***The common sense approach is the best way forward.***

35. For example, it is currently the case that all ADMs – no matter where they are located – must attain a proficiency level of *CBC* or lose their position. The slightly less stringent requirement of *CBB* may be more appropriate outside officially bilingual regions – regions where these ADMs do not directly serve the public, have no obligation to supervise staff of the other official language and whose only need for second language skills is to participate in national, departmental meetings.
36. At the same time, the government must be willing to make a significant investment in three critical areas in order to respect the intent of the Official Languages Act and related policies. The investment would be in:
- ▶ ensuring access to high quality language training, with an emphasis on radically increasing training capacity outside the NCR and on developing a pool of bilingual EX minus 1, 2 and 3
 - ▶ revising the language testing to make it more responsive to local realities and providing a range of testing options
 - ▶ actively supporting departments in their efforts to help employees maintain their second language skills

LANGUAGE TRAINING

37. APEX encourages the new Canada School of Public Service to establish campuses across the country, so that regional executives will have better access to good quality language training and to the other educational services provided by the School.
38. The language training program should be adaptable enough to accommodate the different learning needs and styles of students.

LANGUAGE TESTING

39. **APEX recommends** that in regions outside the NCR that do not benefit from full-time language testers, provision be made to have evaluators visit on a regular basis. This will offer executives in these locations the same testing options that are available to their colleagues. Assessment by telephone is not a universally acceptable answer.
40. Language testing norms should be reviewed so that they recognize regional linguistic characteristics and place emphasis on the quality of the communication in a particular context, rather than making comparisons to a universal norm.
41. Some executives fail the language test over and over again, despite being declared ready by their teachers. Many may simply not perform well with the examination model being used. APEX suggests that removing these people from their positions should be a last resort. Other testing options should be explored first to give the employee and the Public Service the best chances of being able to capitalize on the investment both have made in language training.

42. **APEX therefore recommends** that after three failures, employees be re-assessed for their capacity to learn. Alternate learning and testing options should be offered before any administrative action is taken.

RETENTION

43. By far the greatest challenge executives have is in retaining their skills in the second language. Even in the NCR and bilingual regions, there appears to be little institutional support for executives whose comprehension may be at a high level, but who need to practice speaking. The obstacles outside those regions are even greater: often, a unilingual environment at work is set in the context of a community in which there is little minority official language presence to help reinforce learning.
44. Executives who have had a year or two of language training say it is the presence or absence of support in the day-to-day work environment which is the primary determinant of their ability to maintain their skills. If members of the department or agency's senior management team are not bilingual and do not actively promote development of a bilingual environment, employees' retention efforts are severely hampered.
45. **APEX recommends** that TBS make funds available to departments so that they can offer intensive retention programs to employees, especially outside the National Capital Region. Approaches could include short-term immersion in a bilingual region and refresher courses in a variety of settings. On an on-going basis, departments could designate alternate French and English days or team meetings.
46. **APEX recommends** that the Public Service actively promote *receptive bilingualism*, but only if certain conditions prevail. Anglophone employees in Quebec and Francophone employees elsewhere must be absolutely confident that they will be understood when they express themselves in their first official language.

DEVELOPING CAPACITY

47. Based on what we heard this summer, there is a risk that immediately implementing more imperative staffing will drain moral support both within the Public Service and among unilingual citizens with aspirations to public service employment.
48. Nonetheless, it is clear that in the long term, the only way to create and maintain a functionally bilingual management cadre is to designate as bilingual all executive positions in the NCR and bilingual regions, staff them imperatively and commit to energetic retention measures. This will require significant financial investment and strong political will.
49. **APEX recommends** a phased approach to increased imperative staffing that would see all EX-2 and 3 positions in the NCR and bilingual regions staffed imperatively within the

next 2 to 3 years. Most current executives will be retiring during the next five to seven years, but there is not yet a sufficient pool of bilingual senior managers who are ready to step into imperatively-staffed, entry level executive positions. In APEX's view, more time and resources have to be devoted to developing the language skills of those at the EX minus 1,2 and 3 levels.

50. The Public Service should invest heavily in training employees who aspire to senior positions. This will create a larger pool of bilingual managers at the EX minus 1 and 2 levels who can replace the many executives who will leave the Public Service in the next few years. It will also take some pressure off executives in their 50's who may be nearing the end of their Public Service career.

SUSTAINING PROGRESS

51. At the same time the government is supporting development of a more bilingual Public Service from within, it must also guard against diluting the successes.
52. For instance, when the Public Service staffs bilingual executive positions from outside the institution, including on interchange programs, the candidates should be assessed for their ability to learn the second official language prior to appointment. In some cases, these positions could be staffed on a non-imperative basis. However, appointment would be made conditional upon the candidate successfully completing language training within a year.
53. Given the impact on cost and productivity, it may not always be a wise investment to enrol **public servants who are within three years of (unreduced) pension eligibility** in extended language training.
54. Prior to being appointed, executives in this group should be assessed on their capacity to attain a working level proficiency in the other official language within a reasonable, fixed time frame. If the assessment yields a positive result, the candidate will commence training. The candidate would not be appointed in the few cases where the assessment will be negative.
55. It was brought to APEX's attention that **contractors** who manage teams of public servants are often not providing supervision in the employees' language of choice. TBS should insist that the companies providing this personnel be required to abide by the provisions of the *Official Languages Act*.
56. Finally, **Deputy Ministers, heads of agency and all ADMs** appointed through Interchange Canada have to be made subject to the policy. They must also be made accountable for implementation of the policy and for setting the tone in the work environment. For in the absence of a bilingual work environment, even a significant investment in training will prove ineffective in the long run – disenchantment with the official language policies will only grow.

