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**Chair**

**Mr. Pablo Rodriguez**

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## Standing Committee on Official Languages

Tuesday, November 30, 2004

• (0905)

[Translation]

**The Chair (Mr. Pablo Rodriguez (Honoré-Mercier, Lib.)):** Good morning to everyone and welcome to this meeting. It is 09:05 a.m.; we will therefore begin immediately.

There are two items on the agenda. First of all, we will be hearing from representatives of the Public Service Commission of Canada who are with us today. Good morning, Ms. Barrados. You may introduce us to your colleagues when you make your presentation.

As for the second item on the agenda, we will be dealing with committee business. We had decided to continue giving some thought to future business, and we will be focusing primarily on the work to be done in 2005.

[English]

Welcome to all of you.

We'll start the first hour and a half with some representatives from the Public Service Commission of Canada.

[Translation]

We will begin with your presentation, and then we will go to questions. Without further ado, the floor is yours, Ms. Barrados.

[English]

**Ms. Maria Barrados (President, Public Service Commission of Canada):** Merci.

Thank you, Mr. Chairman, for this opportunity to appear before your committee to discuss the Public Service Commission's role in official languages. It is a pleasure to make my first appearance before this committee.

With me today from the Public Service Commission are Mr. Jacques Pelletier, vice-president, recruitment and assessment services branch, and Ms. Carolyn Waddell, director, resourcing policy and legislation directorate.

Today I would like to deal in particular with language testing and the public service official languages exclusion approval order.

[Translation]

The Public Service Commission is an independent agency reporting to Parliament, responsible for overseeing the merit system in federal public service staffing and promotion.

Canadians and Parliament rely on the PSC to ensure a representative, competent public service that is non-partisan and

able to serve Canadians in both official languages. In 2002-03, 38% of positions required use of both official languages, while 62% required either French or English.

According to our 2003-04 annual report, appointments are made in similar proportions. About 40% to bilingual positions and 60% to unilingual positions. Of the bilingual appointments, 80% were imperative—that is, they required the knowledge of both languages at the time of appointment—and 20% were non-imperative—that is, individuals are appointed and have up to two years to gain the knowledge.

The Public Service Commission has the exclusive authority to appoint qualified people to positions in the public service. Being deemed qualified requires having a certain level of proficiency in either or both official languages. The employer, that is Treasury Board via the Public Service Human Resources Management Agency, establishes policy on setting the language requirements of positions and whether they should be staffed on an imperative or non-imperative basis.

For example, it is Treasury Board policy that requires positions at the assistant deputy minister level to be designated as bilingual at the CBC level or higher in bilingual regions and for language of work purposes throughout Canada. These positions must also be staffed imperatively if the candidate is already in the public service—in other words, the candidate or appointed candidate must have CBC or higher on appointment. It is also TBS policy that establishes CBC requirement for EX positions in bilingual regions and establishes imperative staffing as the norm.

Language training is the responsibility of the Canada school of public service. The Public Service Commission sets the standards that define the skill levels for each of the three levels—A, B and C—in the areas of reading, writing and oral interaction.

Under the new Public Service Employment Act to be implemented in December 2005, these standards will become the responsibility of the agency. The institutions—departments and agencies—determine the language requirements of positions within their organization. If a position is designated bilingual, the manager sets the required level of language proficiency using the A, B and C ratings as defined by the PSC.

The Public Service Commission is responsible for assessing an individual's second language proficiency. This is where language testing comes in.

●(0910)

[*English*]

Most language tests—about 60%—are taken for staffing purposes. When an individual applies for a bilingual position, he or she can only be tested once for that position. Language tests are conducted for training and other purposes the remaining 40% of the time. In these cases, tests can be taken more than once. Last year, 20,000 reading tests, 22,000 writing, and 20,000 oral interaction tests were conducted.

The pass rate on the French oral interaction test has dropped over the last three years. The drop has been greatest for tests at the C level—from a pass rate of 51% in 2001-2002 to 33% in 2003-2004. This decline occurred at the same time as the Treasury Board policy decision to increase the use of CBC level for EX positions and the March 31, 2003 deadline for attaining that level.

We have received complaints, particularly from executives who are taking language training, that they felt the French oral interaction tests had become more difficult, that it was very stressful, that the waiting time for taking the test was too long, and that the teaching and testing staff were not delivering the same message about the criteria assessed by the test. We are addressing these concerns.

The oral interaction test itself has not changed, so we examined whether or not the manner in which they were assessed had changed. We had current assessors re-evaluate audio recordings of tests taken five to ten years ago without knowing the original level assigned. The assessment results given by today's assessors were essentially the same as those made five to ten years ago, demonstrating that the assessment of the test had not changed.

Given that the test and its assessment have not changed, we took a number of steps to make the oral interaction test less stressful for those being tested. We make candidates more familiar with what will happen during the test through a pre-testing briefing in the candidate's first official language, an information brochure, and a DVD. We are experimenting with different testing environments, such as testing people in their own offices. We hired more assessors to shorten the amount of time people had to wait to take the test. We also took action to ensure that both the teaching and testing staff have the same understanding of the criteria assessed by the test, and we are piloting projects to accommodate individuals with language-related learning disabilities or those who due to repeated failures on the test are very anxious about retaking it.

We are also collaborating with the Canada School of Public Service and the Public Service Human Resource Management Agency on a comprehensive review of language training and testing delivery models. A working group co-chaired by Denise Boudrias, senior vice-president of the school, and Jacques Pelletier, and made up of some 27 senior officials, was established in May of this year to explore ways to improve language training and testing in the public service. The group intends to present its findings and recommendations in March 2005.

●(0915)

[*Translation*]

I would now like to look at the second way in which the Public Service Commission fulfills its responsibilities in the realm of official languages.

The Public Service Employment Act defines linguistic proficiency as a qualification just like experience, training and other skills. When a deputy head determines that a bilingual position does not immediately require someone with a knowledge of both official languages, the public service official languages exclusion approval order can be invoked to allow for a unilingual person to be appointed to the position subject to certain conditions.

Currently, under one of the exclusions, individuals are excluded for a period of two years under the following conditions: they're willing to undertake language training; they demonstrate the potential for attaining the required level of language proficiency, currently assessed via the diagnostic test; and they agree that should they fail to attain the level by the end of the exemption period, they will be appointed or deployed to another position for which they meet all the qualifications including official language requirements.

The Order also provides for other types of exclusions—in cases of reclassifications for example. The Public Service Commission approves the exclusions for positions at the executive level and has delegated the authority to deputy heads to approve exclusions for non-executive positions.

As the Commissioner of Official Languages has pointed out in a recent complaint investigation report, the use of exclusions has not been well monitored, particularly the application of the conditions of the exclusion order.

[*English*]

We are just completing an assessment of the application of the exclusion order by deputy heads. Early results indicate that insufficient attention has been paid to the application of the conditions of the order. We will be writing to deputy heads and including the results of our assessment in our next annual report.

We are concluding a review of the order itself. Since June of last year, we have undertaken consultations with stakeholders, such as the Public Service Human Resource Management Agency, the commissioner of official languages, and unions. The PSC has agreed, in principle, to a number of changes, but is still seeking input. The essential feature of the exclusion of allowing two years to obtain the required level remains. However, the proposed changes include reducing the number of exclusions from twelve to six; putting an end to bilingual position-hopping to avoid meeting language requirements; eliminating the use of the diagnostic test for appointment purposes; an exclusion for those close to retirement; and formalizing deputy heads' responsibilities to provide the person with the necessary language training to attain the required level of language proficiency within the exclusion period, and in the event the person does not succeed, appoint or deploy the individual to another position for which he or she meets all the qualifications, including official language requirements.

I believe these proposed changes will make the order easier to understand and will minimize the instances in which it is invoked. The PSC is committed to ensuring that it continues to provide the right balance between official language proficiency as an essential qualification in the application of merit and access of unilingual Canadians to bilingual positions.

Mr. Chair, I welcome the input of members of the committee on ways we can improve language testing and provide for non-imperative staffing through the use of the exclusion order.

Thank you.

**The Chair:** Thank you very much.

We'll start the first round at seven minutes each. We'll start with Mr. Poilievre.

[*Translation*]

**Mr. Pierre Poilievre (Nepean—Carleton, CPC):** Thank you, Mr. Chairman. First of all, I would like to thank our witnesses, particularly Ms. Barrados. She works very hard and we should be very proud of the work she has done.

I would like to begin by asking a more practical question. In my opinion, this is a practical question. We should not be debating values today, because everybody agrees on the value of bilingualism. We support bilingualism and we believe that services should be provided in both official languages. The question we should be asking today is as follows: how can we do this without quashing job opportunities for public servants who are not totally bilingual?

• (0920)

[*English*]

As a result, my question really is this, Madam Barrados. You've talked a lot about changing some of the ways in which language testing is applied. Do you think the testing perhaps is too rigorous, or the number of positions for which passing the test is required is too large?

**Ms. Maria Barrados:** Thank you for the questions.

[*Translation*]

Thank you very much for your earlier comments.

[*English*]

On the issue of the numbers of positions that are designated as bilingual, that is not a responsibility of the Public Service Commission. It is the responsibility of the employer. They have set the policy on how that is done, and it is the responsibility of managers. Managers know that there is a two-part obligation. One is to provide service in the language of a citizen's choice, so they have to provide services in the two languages. The second obligation is to provide for managers to have an ability to supervise in the language of their subordinates' choice. It is for a manager to determine what the language requirements of the job are. They determine whether it should be bilingual or not, and then they have a second choice they have to make in staffing those jobs, whether the requirement is to have the language level right away or later.

On the question of whether there are too many of those positions, I'm not the one to answer that, because it's the employer who has determined those are the ones that should be there.

On the issue of whether the tests have gotten too hard, we have seen this drop-off in the success rate on the test. That drop-off came at the same time as we had a change in the policy. I think there's a relationship between the difference in the numbers of people and the requirements in terms of that test. I don't believe the test has changed. I believe the test is the same and I believe the assessment has stayed the same, but I believe the population of people taking the test has changed.

**Mr. Pierre Poilievre:** Okay. But overall, you've acknowledged that there has been a drop in the success rate to 33% among anglophones taking the French oral interaction test. Personally, I don't see how a 33% pass rate can be the mark of a successful policy; there must be something wrong with the system if only 33% are succeeding in passing this particular examination.

Do you not agree that there's something systematic here?

**Ms. Maria Barrados:** There is an issue here. We're taking it very seriously; that's why we set up these working groups.

But what we've had traditionally is pattern of the pass rate being about 50%. Now, remember, you can take this test many times, so it doesn't mean that people aren't succeeding. What's happened is that people get worried about their ability to pass the test, so they take it a number of times. At the end of the day, these people often do pass the test; so it's not an absolute kind of failure, because if they're in training they'll be taking it many times.

But I am concerned about that drop-off. We saw that drop-off at the very same time we had this huge increase in the number of people taking the test because of the new policy put in place.

**Mr. Pierre Poilievre:** Okay.

On behalf of my constituents, I want to express the view that hiring and promotions in the public service ought to be based exclusively on the merit principle, and not just on arbitrary testing. I think the challenge we all have is to find a way to provide services in both French and English on demand to citizens, while at the same time not allowing that policy to be an unnecessary obstacle to the career ambitions of public servants. I want to know how you believe this committee can best do its work in order to achieve those two goals.

**Ms. Maria Barrados:** Thank you for the question.

Merit is defined in terms of meeting the qualifications, and one of the qualifications, by law, is the language skill, so that is a legal requirement that the language skill should be met.

We have the vehicle of non-imperative staffing, which provides for non-bilingual people to enter into bilingual positions and get the training we provide. We are also looking at ways to improve training and are trying to reduce the stress from the test. I think these are all things we need to work on.

We're looking for as much input as we can to move this along, but I don't think we can say that the requirement to meet an official language should not be part of the requirements in meeting the job.

• (0925)

**Mr. Pierre Poilievre:** Right.

My overall position is that we have to do so in as practical a manner as possible and respect the fact that people come to these tests from varied backgrounds. In particular, I get a large number of complaints from recent immigrants who have struggled very hard to learn English in the hope they might be fully open to the opportunities of Canadian society, but then learn that these tests actually hold them back even further. I think it's important that we strike that balance.

I'll close on that note.

**The Chair:** Thank you, Mr. Poilievre.

[*Translation*]

We will continue with Mr. André, for seven minutes.

**Mr. Guy André (Berthier—Maskinongé, BQ):** Good morning, Ms. Barrados. Thank you for coming here today to discuss the Public Service Commission and official languages.

I would like to ask you two questions. Initially, I would like to know the percentage of francophones and anglophones who have benefited from this exclusion order.

**Ms. Maria Barrados:** I will ask Ms. Waddell to complete my answer, but I am under the impression that this exemption is used exclusively by the anglophones. There may be a few francophones, but not many.

Is that true?

**Ms. Carolyn Waddell (Director, Policy Development, Public Service Commission of Canada):** I would say that the majority of individuals benefiting from this order are anglophones. Nevertheless, some francophones benefit from it as well from time to time.

**Ms. Maria Barrados:** Who are unilingual.

**Ms. Carolyn Waddell:** Yes.

**Mr. Guy André:** I was reading a study recently prepared by the Public Service Commission for its 2003-04 annual report and which analyzed the percentage of bilingual people per province. Quebec had the highest number of bilingual people in Canada.

My intent is not to start a language war, but there is a high percentage of bilingual people in Quebec, as well as in Ontario. Why use this exclusion order when we know that there is a high rate of

bilingualism in Canada? Does this really have anything to do with qualifications?

**Ms. Maria Barrados:** Clearly language proficiency is one of the important qualifications, a qualification that people need to have. However, at the same time we want to have a public service that is representative of the entire country. While we have a percentage of bilingual people, we must give other individuals in the population, who are unilingual francophone or anglophone, the opportunity to join the public service. That is the reason behind this exclusion order. It is to enable people who do not have the required language proficiency to obtain training, to join the public service and, ultimately, obtain the required qualifications.

**Mr. Guy André:** Does the breakdown of jobs in the Public Service of Canada reflect provincial populations?

• (0930)

**Ms. Maria Barrados:** Mr. Pelletier may have the answer. I do not have the figures broken down by province, but I do have the figures with respect to francophones and anglophones. We have a good representation of francophones, but this is for the entire country, not just Quebec.

Do you have a breakdown by province?

**Mr. Jacques Pelletier (Vice-President, Recruitment & Assessment Services, Public Service Commission of Canada):** I do not have the figures. If you are asking how many public servants come from each province, I do not have this information with me.

**Mr. Guy André:** You just stated that one of your criteria was to have equitable representation by province for the entire country. However, you do not have the figures to confirm that this is so.

**Mr. Jacques Pelletier:** As far as the current demographic civil public service is concerned, we do not have figures on origin by province.

**Mr. Guy André:** The Public Service Commission 2003-04 study indicated that there was a high percentage of bilingual people in the province. Will that have an impact on public service staffing for the next few years.

**Ms. Maria Barrados:** The purpose of this study was to identify bilingual populations in the country and to provide this information to public servants. We have a network of bilingual people throughout this country. We wanted to show that there were people who were able to join the public service and that we had this network in more than one province in the country. That is why we conducted this study.

**Mr. Guy André:** To conclude, I would nevertheless be interested in finding out the representation of the provinces in public service jobs. In my opinion, this would be of interest to all provinces. For example, in Quebec, we do have a pool of bilingual people. Is it represented fairly in the public service? Are the other provinces represented fairly as well?

**Ms. Maria Barrados:** Mr. Chairman, we will ascertain whether or not we have these figures and, if we do, we will put them on file.

**The Chair:** Our clerk could then circulate them.

**Ms. Maria Barrados:** If the Public Service Commission does not have these figures, I will ask people at the agency whether they have them.

**The Chair:** Thank you very much.

Mr. Godin.

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Mr. Chairman, I would like to welcome our witness.

If I understand correctly, the commission itself has no authority to decide who it should hire, regardless of whether or not the person is bilingual. Is it the test that decides?

**Ms. Maria Barrados:** The commission is authorized to staff positions. The identification of all of the qualifications is one of the components of staffing and, included in these qualifications, there is the language proficiency required for the position. The only way to determine whether or not someone has this proficiency is to do the test. That is why we have it.

**Mr. Yvon Godin:** This is done at the request of the department, is that not right?

**Ms. Maria Barrados:** The department establishes the requirements of the position.

**Mr. Yvon Godin:** And then the commission simply administers the test. For example, should the Department of Fisheries and Oceans wish to hire people, it is the department that decides whether or not the position of bilingual. It is then up to you to administer the test.

I have a memory that has left a bit of bad taste in my mouth. A fisher in my riding had a six-year contract on a boat, the *Opilic*. Perhaps you remember this case or have heard about it? This fisher worked on contract for the federal government for six years. The job was then posted. This person was not bilingual. All of the fishers in the Halifax and Shelbourne region speak English only. They did the same type of work and they did not have any problems. The fact is that this chap from Shippagan lost his job on the *Opilic* because he was not bilingual.

This incident really left a bitter taste in my mouth. I have often gone fishing, and when I catch a cod, it didn't speak to me in either English or French. I haven't never understood why a fisher has to be bilingual. I went back out to see and once again I tried to speak to the fish: they still weren't talking. I do not understand how a fisher, who has worked his entire life at sea, can lose his job because he does not speak English. This incident has stocked in my throat, and nobody can get me to swallow it.

The question I would like to ask you or your office is as follows: Outside of Quebec, how many Government of Canada positions are unilingual English and how many are unilingual French? When I say unilingual French, I mean people who do not speak English at all.

• (0935)

**Ms. Maria Barrados:** I do not know whether we have figures with respect to unilingual French employees. It is not a very high number.

[*English*]

**Ms. Carolyn Waddell:** It's approximately 7% of the unilingual positions.

[*Translation*]

Approximately 7% of unilingual positions are unilingual French.

**Mr. Yvon Godin:** It is the job requirements that determine that position will be unilingual French, but that does not necessarily imply that the people in this 7% group do not speak English. In my region, when I go to McDonald's or Tim Hortons, all the employees speak English, but some of them do not speak French. I would think that within the 7%, the same phenomenon applies.

You do not know how many of them do not speak English at all. It is just like Air Canada, which guarantees that all of its employees speak English. However, some anglophones do not speak French. Is that the same situation in Canada, outside of Quebec? There are complaints that one group is not being treated very well. Given that we are talking about a bilingual country, I find that things are not very well balanced.

**Ms. Maria Barrados:** The 7% pertains exclusively to the positions and their requirements. Consequently, 7% of unilingual positions are designated French essential, but I cannot say whether or not the people who are in these positions are bilingual.

**Mr. Yvon Godin:** There are 7% on the French side, but how many are there on the English side?

**Ms. Maria Barrados:** The 93% that remains.

**Mr. Yvon Godin:** I do not like playing politics, but my conservative friends could perhaps understand the situation.

I have another question. Just this morning, a public service employee told me that he was given one week's notice about his test. Is that normal? Unless I am mistaking, Mr. Chairman, this test must be taken every five years. If this person were truly only given advance notification of one week, I do not think that is an acceptable situation.

**Ms. Maria Barrados:** That depends on the circumstances. Perhaps Mr. Pelletier could answer this question.

**Mr. Jacques Pelletier:** I have heard about this problem today, but I can tell you that a year ago or just a few months ago, we had the opposite problem: people wanted to do the test, but it took many weeks to get an appointment.

According to our current standards, when a person asks to do the test, we guarantee that he or she will be able to do so within two weeks.

**Mr. Yvon Godin:** Why would somebody want to do this test?

**Mr. Jacques Pelletier:** For several reasons. First of all, it may be an individual who wants to apply for a position with an imperative language requirement. In this case, the individual has to do the test to ascertain whether or not he or she meets the job requirements. It may also be that a person is on language training and believes—as does his or her professor—that the objective has been achieved. In many cases, people ask their supervisor to take the test. For human resources planning reasons, we are encouraging more and more people to become bilingual before applying for a competition. It may be a bit late to do this when the time comes to make the application. It could be that people have asked to take the test for personal training reasons.

• (0940)

**Mr. Yvon Godin:** Mr. Chairman, I see that all of these people want to take the test and are prepared to do so. I was referring to the case that I was presented with this morning. It appears that people do the test every five years. In the case I referred to, the person was only told about the test one week ahead of time.

**Mr. Jacques Pelletier:** When a person changes position...

**Mr. Yvon Godin:** This was not the case.

**Ms. Maria Barrados:** Was this person applying for a competition?

**Mr. Yvon Godin:** No.

**Ms. Maria Barrados:** I think that we should obtain a little bit more information about this case, because it does not make sense to give one week's notice.

**Mr. Yvon Godin:** That is my feeling as well.

**Ms. Maria Barrados:** We try to minimize stress, provide more information and change the circumstances under which the people take the test in order to improve their chances.

**The Chair:** I would like to clarify one point. Earlier we talked about the percentage of unilingual positions. We know that some positions require knowledge of a second language. We referred to positions that were exclusively unilingual for which people could apply.

If I understand correctly, of this total, a person speaking only English could apply for 93% of these positions and a person speaking only French could apply for 7% of these positions. Is that right?

**Ms. Maria Barrados:** Yes, and here we are talking about the 60% of positions that have been rated unilingual. Bilingual positions account for 40% and unilingual positions account for 60%. In this group of unilingual positions there is a small proportion, namely 7%, of positions that are rated unilingual French.

**The Chair:** Alright.

Ms. Boivin.

**Ms. Françoise Boivin (Gatineau, Lib.):** Thank you for coming here. I know that you are very busy and asked to appear before various committees, particularly with respect to the bill on whistleblowers. I was interested in reading your remarks on the issue and I know that you make a point of demonstrating the independence of the commission. I congratulate you on this work, and as my colleague Mr. Poilievre said, this is quite a phenomenal initiative and no easy task. The entire mentality has to change in many respects.

Bilingualism is always a hot potato. Going back to the questions raised by our conservative colleague, I would say that these are the ones that we hear in the public forum. Because of the very low success rate on the tests taken by our anglophone friends, people are saying in public that these tests are not fair, etc.

In your report, you state that the tests have not changed with respect to comprehension and oral interaction. I understood that. If there is a problem now, perhaps we should be taking a look at the candidates. So it may not be so much the tests but the candidates that pose the problem.

According to what my colleague Mr. Poilievre told you, there may be more people coming from ethnic communities, which may explain part of the problem. I would be curious to know what percentage of the people given the 44,989 new positions in the public service come from ethnic communities, namely people who had to learn English and may find it difficult to learn French.

**Ms. Maria Barrados:** One of the challenges of the public service is to increase the percentage of people belonging to a visible minority, which is not high enough. This group represents approximately 10%.

**Ms. Françoise Boivin:** I cannot believe that that justifies the number of problems with respect to the difficulties in passing the oral comprehension tests.

• (0945)

**Ms. Maria Barrados:** These figures are not high enough. They have to be higher. The people coming from the target groups are probably more in unilingual positions than in bilingual positions. People entering the public service at entry level positions have an opportunity to learn the language. Some are successful.

As far as we are concerned, it is very important that our training system enables these people to be trained and obtain the required knowledge. Our objective is to establish a *modus vivendi* without reducing standards. Our obligations with respect to the two languages and proficiency in the two languages remain.

**Ms. Françoise Boivin:** Your staffing system is, all the same, quite special. We talk about non-imperative and imperative staffing. Is that the only type of staffing that you have?

**Ms. Maria Barrados:** The division is made according to whether or not a person is bilingual or not. Bilingualism is designated as imperative or non-imperative.

**Ms. Françoise Boivin:** So you begin by establishing whether or not the position is bilingual or not. With respect to bilingual positions, you then determine whether the bilingualism is imperative or non-imperative.

**Ms. Maria Barrados:** That is correct, and the managers are the ones who establish that.

**Ms. Françoise Boivin:** In your 2003-04 annual report, you said that you were concerned by the decrease in the number of permanent employees being hired. As I have many public service employees living in my riding, in Gatineau, I have heard about this issue a great deal.

I have discussed, with people from the Public Service Alliance and others, the fact that the government often resorts to hiring temporary personnel. In your opinion, what are the direct or indirect consequences of this practice on bilingualism in the federal public service?

**Ms. Maria Barrados:** I am not sure what impact that could have on bilingualism, but it does affect all sorts of skills-related considerations. People hired temporarily are not necessarily the best candidates or the most qualified individuals. It is not the same type of competition; among other things, assessments are not done as rigorously.

As far as I am concerned, language skills remain one of the required qualifications.



**Ms. Françoise Boivin:** If, for example, a unilingual anglophone is hired for one year for a position for which the incumbent has two years to become bilingual, and if this employee is not kept and someone else is hired, is this not an indirect way of getting around bilingualism requirements?

**Ms. Maria Barrados:** This is something that is often done when the requirements of a position are assessed in a less rigorous way.

**Ms. Carolyn Waddell:** Candidates for term positions must be bilingual: this is imperative.

**Ms. Françoise Boivin:** But if that is not the case, there is a two-year grace period.

**Ms. Carolyn Waddell:** Term positions are always bilingual imperative.

**Ms. Françoise Boivin:** That is always the case?

**Ms. Carolyn Waddell:** Yes, for bilingual positions. Not all positions are necessarily bilingual.

**Ms. Françoise Boivin:** I see. Thank you.

[*English*]

**The Chair:** Thank you, Madame Boivin.

We'll run through the second round.

Mr. Poilievre, you're going to share some time with Mr. Carrie, right? You can start.

[*Translation*]

**Mr. Pierre Poilievre:** Mr. Godin made a very accurate remark; namely, that some francophones must have been faced with standards that were too high as well. We must therefore ensure that unilingual francophones are not forced to take language tests when these skills are not necessary for their work.

I have a direct question to ask, because I did not understand the figures Ms. Barrados gave us. She said that 7% of public servants were unilingual francophones and 93% were unilingual anglophones. Is that correct?

• (0950)

**Ms. Maria Barrados:** We do not talk about people, but rather about positions.

**Mr. Pierre Poilievre:** But are there no bilingual positions?

**Ms. Maria Barrados:** Yes, but we are talking here about all the groups of unilingual positions. There are a certain number of bilingual positions and a certain number of unilingual positions.

**Mr. Pierre Poilievre:** So we are talking about the group of unilingual positions.

Thank you.

[*English*]

**Mr. Colin Carrie (Oshawa, CPC):** Thank you very much for being here today.

I wanted to ask you a little bit about the language testing. You mentioned in your opening that "When an individual applies for a bilingual position, he or she can only be tested once for that position." I was wondering, why is that?

**Ms. Maria Barrados:** I'll get to your question, but what I was trying to identify was that in the group of people who have not done well on the language test, a number of them are taking it many times. But when you're staffing a position, you have to take a decision right away; so if the position is bilingual imperative and you get the population of people for the position, they can do that test only once for that position because you have to know whether they meet or do not meet the requirement. That is the population of people who can only do it one time.

If you're on language training, or if you want to know how you're doing, or you want to see what your situation is in terms of your own work, you can take the test as many times as you want.

**Mr. Colin Carrie:** Okay.

You also mentioned that of the people taking the French oral interaction test—and my colleague brought up this concern—only 33% were passing the test in 2003-04. What did you mean when you said the population changed? In what way, exactly?

**Ms. Maria Barrados:** What we had was a change in policy.

**Mr. Colin Carrie:** It was the policy that changed, or was it the population that took the test?

**Ms. Maria Barrados:** It was the policy that changed. You see, there was a change in policy that went back to 1998, and it said that by 2003 we expect you to have the required levels of French, particularly those people who are in bilingual jobs. Then the government made it clear this was serious, because we'd had different announcements in the past and they really hadn't been respected.

Then you had a whole big push of people who had avoided the training and the language test who were now all of a sudden faced with having to do it. In addition to that, there was a policy change that said bilingual imperative should be the norm and the exception should be the non-imperative. So again, that put greater pressure on the system to have those kinds of jobs and to make sure the people in those jobs met those requirements.

We saw a large, significant increase in the population of people taking the test, and they were older. They had been avoiding the test for quite some time; they had been avoiding training for some time, and now they were faced with having to do it. So we had a different group of people in there.

**Mr. Colin Carrie:** I realize one of the reasons you're here as well is to help us out and make some really good recommendations, because as my colleague mentioned, 33% is not a very good rate. I was wondering what you actually thought of that policy, because you mentioned in your opening statements that of bilingual appointments, 80% were imperative and 20% were non-imperative. I was wondering, why such a split? Do you think that was a good policy, a good decision?

It appears to me to be a little bit of an arbitrary decision, especially when further down you say, for example, that Treasury Board policy requires positions at the assistant deputy minister level to be designated as bilingual. We even had the minister here a couple of weeks ago, Monsieur Bélanger; one of the questions was whether the deputy minister had to be, and he was not clear. He said that perhaps they didn't have to be. Could you clarify that a little bit for me?

• (0955)

**Ms. Maria Barrados:** What we have is a piece of legislation that sets out the requirements for a bilingual public service, essentially. We have Treasury Board, which is the employer, saying that in their judgment it means you have to have an ability to provide service and you have to be able to manage or supervise your staff in the language of their choice. Hence, the ADMs should be bilingual and their jobs should be bilingual imperative.

Now, the judgment in terms of whether the jobs are imperative or non-imperative is really based on the managers throughout the system, who take a look at the jobs and ask, what do we need to do the jobs to meet these requirements? The Public Service Commission has a responsibility in the staffing for the ADMs and down the system. We don't have any role with respect to the deputies, but I do understand that the requirement for deputy ministers is looser.

**Mr. Colin Carrie:** Yes, I saw that as a bit of a contradiction myself, because it seemed that for the more senior bureaucrats it was imperative, whereas the deputies themselves didn't have to be.

Thank you very much.

[Translation]

**The Chair:** Mr. Desrochers.

**Mr. Odina Desrochers (Lotbinière—Chutes-de-la-Chaudière, BQ):** Thank you, Mr. Chairman.

Good morning, Ms. Barrados. I would like to congratulate you on your appointment. I met you when you held different positions in the Auditor General's office.

What role is played by the Public Service Commission and Treasury Board with respect to staffing?

**Ms. Maria Barrados:** This is a complex matter that comes under human resources. The Public Service Commission is responsible for managing staffing system, but the employer is...

**Mr. Odina Desrochers:** And when you say employer, you mean Treasury Board?

**Ms. Maria Barrados:** There is a new player now. Treasury Board and the agency decide on position descriptions and their requirements.

**Mr. Odina Desrochers:** Does Treasury Board also decides on the staffing of positions that are bilingual or unilingual?

**Ms. Maria Barrados:** That is correct, the employer makes that decision.

**Mr. Odina Desrochers:** Based on what criteria? Are you familiar with them?

**Ms. Maria Barrados:** The criteria are the same. My colleagues could perhaps provide more information. Candidates must be able to provide services in both languages and supervise employees.

**Mr. Odina Desrochers:** Are these criteria reviewed annually? Are they set out in some piece of legislation?

**Ms. Maria Barrados:** The broad directives are set out in legislation. The Employment Equity Act and the Public Service Employment Act provide that the public service must be bilingual. Our public service must be representative and able to offer services in both languages. This directive is stated clearly in the legislation.

The ways of achieving this and implementing it are set out in various policies. We just reviewed them, because a new policy has been in place since April 1.

• (1000)

**Mr. Odina Desrochers:** So Treasury Board gives you directives about hiring unilingual or bilingual individuals. Are the objectives reviewed annually. Is all of this included in the Public Service Employment Act?

**Ms. Maria Barrados:** I don't know. You should ask the employer that question. I was concerned about other matters. We must do more with respect to the current situation. It is one thing to require that a position be bilingual or unilingual and to use imperative or non-imperative staffing, but we must also ensure that people in non-imperative bilingual positions reach the required level of bilingualism. This is where we must improve the system.

**Mr. Odina Desrochers:** In other words, Ms. Barrados, questions of policy and staffing come under Treasury Board. You implement these Treasury Board directives and look after the staffing process, interviews, and so on. If I understand correctly, the Public Service Commission does not decide which incumbents are to be unilingual or bilingual.

**Ms. Maria Barrados:** Exactly.

**Mr. Odina Desrochers:** Do I still have some time left, Mr. Chairman?

**The Chair:** You have one minute left.

**Mr. Odina Desrochers:** I still have one minute.

I think we have to have the Treasury Board officials appear before us. It is all very well for us to ask you questions about staffing, but if you do not have the decision-making authority regarding bilingual and unilingual positions, you will not be able to deal with the problems we are facing in the public service.

**Ms. Maria Barrados:** To which problems are you referring?

**Mr. Odina Desrochers:** I am referring to problems related to unilingual and bilingual positions and to competitions. Who prepares the competitions, the entry examinations? Is it the Public Service Commission?

**Ms. Maria Barrados:** We prepare the tests, we are responsible for the staffing system, but, under the recent changes, the system is operating increasingly by means of delegation. We transfer staffing responsibility to the departments, but we are responsible for overseeing the system and checking that it is implemented as described. That means that the employer, Treasury Board, does the job descriptions and the descriptions of qualifications, but we determine which candidate meets the requirements of a position.

**Mr. Odina Desrochers:** Thank you very much.

**The Chair:** Thank you, Mr. Desrochers.

You have the floor, Mr. Godbout.

**Mr. Marc Godbout (Ottawa—Orléans, Lib.):** I too would like to welcome you here today, Ms. Barrados. In light of your experience, I am reassured to see you as the President of the Public Service Commission.

I would like to continue along the same lines as my colleague, Mr. Desrochers, because we need to have a clear understanding about who is responsible for what. If I understand correctly, the new legislation provides that you are to report directly to Parliament. I believe that will give you a fairly significant degree of independence. You are in the process of analyzing non-imperative positions, as they are called.

When I see the word “imperative”, Mr. Chairman, I think of the *Impératif français* movement. I find this a rather PQ term, but in any case, this is the term that is used.

Once you have completed your analysis, you may find that some departments may be somewhat delinquent—although we hope that is not the case. Can we expect your report to the House of Commons to contain the findings of your research?

**Ms. Maria Barrados:** Yes, I intend to report on that. We have some preliminary results, and it is clear that not all objectives have been met. We are reviewing the answers and analyzing the data. I intend to write to the deputy minister and to include all the answers in the annual report for this fiscal year.

**Mr. Marc Godbout:** We will therefore have an opportunity to discuss this matter with you again once this project is completed.

•(1005)

**Ms. Maria Barrados:** Definitely.

**Mr. Marc Godbout:** I will now turn to a different matter. There are many rumours around that people have lost their positions because they were still not bilingual within the required number of years. As we know, this applies particularly to people at very senior levels. This is quite a popular topic with some Ottawa radio stations, including CFRA. They are making a big deal about it. I do not think that people who do not meet the required level of bilingualism lose their jobs: they are moved. That is my first clarification, for those who are looking for sensationalism.

How many people were moved in the last year because they had not reached the level of bilingualism required for their position?

**Ms. Maria Barrados:** The agency is analyzing this question at the moment. The rules provide that if after the two-year period incumbents have not met the required level, they must be moved to a different position. Those are the rules.

The Public Service Commission grants extensions and we tend to give them to all those who are making an effort and are in training, or who are going through a difficult personal situation. To give you an exact number...

**Mr. Marc Godbout:** Let us talk just about those who have been moved. Are we talking about thousands of people, or just a few people?

**Ms. Maria Barrados:** No, there were just a few people. However, it is difficult to give you the exact number. We will try to get that. On the basis of my personal experience at the Commission in the last year, I can say that we had to tell a few individuals in the EX category that they had not succeeded and consequently we had to find them a different position.

**The Chair:** Mr. Batters will allow Mr. Poilievre to ask the first question.

[English]

**Mr. Pierre Poilievre:** I know, Ms. Barrados, you don't determine which positions are bilingual imperative and which are not. But it just occurs to me that there's an incredible double standard, in that there is a list of language requirements imposed widely on public servants that ministers and, now we learn, deputy ministers are not willing or able to live up to. I'm wondering if you share with me the concern that it is a contradiction when the government wants to impose requirements on public servants it is not willing to accept for its own ministers and now for its own deputy ministers.

**Ms. Maria Barrados:** Mr. Poilievre, in my appearances before the committees of Parliament, I've learned to resist the tendency to get into anything about my personal views. I think I'm better off just staying with what my area of responsibility is, which is staffing EX-5 positions and under in the public service.

**Mr. Pierre Poilievre:** Have you a professional view you might share with us?

**Some hon. members:** Oh, oh!

**Ms. Maria Barrados:** My professional view is exactly that of president of the Public Service Commission.

**The Chair:** Mr. Batters.

**Mr. Dave Batters (Palliser, CPC):** Thank you, Mr. Chair.

Thank you, President Barrados, and your staff as well, for being here today.

I'm going to pick up on the line of questioning by Mr. Carrie and Mr. Poilievre regarding testing and the French oral interaction test.

I am subbing on this committee today for Mr. Scheer, but it does hit me between the eyes and strike me as very odd that you'd have a 33% pass rate. I understand that the policy has changed, and therefore you have more people seeking to upgrade their language status. The test hasn't changed, and you have a 33% pass rate. Could the answer perhaps be that the level of training is not adequate or has even declined? How can we address this?

I think it's a very serious issue. President Barrados, I'd be very interested to hear your opinion on how this can be addressed. Perhaps I will throw out the suggestion that we need some level of immersion for our public servants in order that this Ferris wheel doesn't continue. I'd like your comments on that.

**Ms. Maria Barrados:** I agree. It's worrisome when the pass rate drops, and it's worrisome when a lot of public servants feel stressed about the testing process. In actual fact, it's a tremendous opportunity. You're given the opportunity to come into a public service that is a very professional public service, and not only that, you're given the opportunity to learn another language and work with others in that other language. I am concerned when we see that kind of stress.

I talked about a group we've set up that is chaired by one of the vice-presidents from the school and Jacques Pelletier from the Public Service Commission. We were putting it all on the table. We have different working groups, we've pulled in a group of assistant deputy ministers from the public service, and we're looking at all of it.

We're looking at ways to strengthen the language training. Is there a way we can strengthen language training? If we have a population of people who are older, more stressed, and perhaps not as motivated, are there other ways to address that? We need to look at that population and find the best way to train them. Currently, training takes place in a classroom. Perhaps that's not the best way. There are other ways to train adults.

We have a committee that started a lot of projects because we want to try to do what we can, and yet make the system less stressful, while meeting the requirements that are there. That committee should be finishing its work in the spring. It may be something this committee would like to hear as to the recommendations coming out of that.

●(1010)

**Mr. Dave Batters:** Thanks for your comments.

Are my seven minutes almost up?

**The Chair:** Five minutes.

**Mr. Dave Batters:** Five minutes, sorry. Every committee works in a different way.

I'd be very interested to hear those recommendations. I agree with you. It's very important to have an opportunity to learn a second language. I think it's very important that our public servants get every opportunity, and perhaps that can include some immersion.

What is the current cost to the system for language testing? Currently, we have a 66% failure rate, which consumes an abundance of resources, not only financial resources, but also stress in terms of the human cost. Financially, how much does it cost to administer the testing?

**Ms. Maria Barrados:** I don't have numbers for the whole system, but I can give you an idea of the kinds of costs involved.

We do testing on a cost-recovery basis, so we charge for giving the tests. The reading and writing tests are about \$20 per test. The oral interaction is about \$160 per test. The orders that we were doing were roughly 20,000 a year for reading, 22,000 a year for writing, and about 20,000 for oral interactions.

[*Translation*]

**The Chair:** Thank you, Mr. Batters.

I would like to remind you that this is the last round, Mr. André. So we have one intervention from the Bloc Québécois and one from the Liberal Party remaining.

You have the floor, Mr. André.

**Mr. Guy André:** Good morning, Ms. Barrados. This is the second round.

You said that individuals who benefit from the provisions of Public Service Official Languages exclusion order are entitled to language training for approximately two years. What does this training include? After these two years of training, are these people assessed to determine whether they really can provide services in both languages? Those are my questions.

**Ms. Maria Barrados:** The type of training is determined depending on the person and his or her level at the outset. The

school uses this diagnostic test to determine the number of hours of training required. However, people can choose to take a different type of training. They can take the training in a private school or in the evening. It is up to them. But they are entitled to a two-year training.

After this time, people have to take the test. That is the test that we have discussed at some length. The level of the test is determined by the position. If the position requires level B, that will be the test given, but if the requirements are higher, the test will be for level C. Those are the requirements, and they must achieve the level described for their positions.

People may be entitled to an exemption, if they are very competent in both languages. For most people, however, level C is required.

●(1015)

**Mr. Guy André:** Most people meet the objective—namely, to speak both languages after the two-year period. If they do not pass the test, what is the union's role? What type of cooperation do you get from the union? What is the union's position. I imagine that after two years the employees are permanent.

**Ms. Maria Barrados:** We do a great deal of work with the public service unions. We hold many consultations. Mr. Pelletier could probably speak a little more about these discussions with the unions about language matters.

**Mr. Jacques Pelletier:** I would say that the unions have the same concerns as those we have heard here and elsewhere. The answers would be essentially the same. After my meetings with the unions, I can state that they do not question the merits of the bilingualism policy. They do not question the fact that this must be part of the evaluation regarding the requirements of the position and that a test is required to measure employees' skills. However, they do ask us to look on reducing the anxiety of some of their members who have to take tests. They want us to try to reduce this anxiety.

For at least one year, we have been very involved in that. We are doing many more things now than a year ago to reduce this stress that any individual feels when he or she has to take any sort of a test. There is a normal level of tension, but we do not want them to be on undue pressure, which would prevent people from doing well on the test. We have studied this matter.

It is encouraging to see that the measures we introduced seem to be helping. Since August, we have asked questions of 1,100 people who took the oral tests. So our results are quite limited. By March, 15,000 will have done this, so the results will be more conclusive. We are told that those who took a test last year and again this year have noticed a difference and think the experience is less traumatic and less stressful.

[*English*]

**The Chair:** Merci.

The last intervention will be by Mr. Simard.

[*Translation*]

**Hon. Raymond Simard (Saint Boniface, Lib.):** Thank you very much, Mr. Chairman. I would like to welcome our guests. I have two questions for you.

The first is about non-imperative bilingual positions. Most people who get one of these positions already have some training in the two official languages? Can individuals who have no training in either official language be accepted for such a position? In other words, is a two-year period long enough to train someone so that they can pass the test?

My second question is about bilingual positions in the regions. I know some people who are extremely frustrated because they cannot apply for positions advertised here in the national capital region. I wanted to know whether the Commission had anything to do with determining the location of the position. I have here a table entitled [*English*]

“Language requirements of positions in the Public Service by region”.

[*Translation*]

It is important to remember that positions are designated only where numbers warrant. Consequently, the table shows clearly that in the Canadian West and in the North, only 4% of the positions are designated bilingual. Of the 34,000 positions, only 1,573 are designated bilingual. This table is for 2002-03. When bilingual people are hired in the regions, such as the Canadian West, do you insist that the people come from the region in question? Is there a certain territory involved? Must candidates come from this particular territory? Can people come from outside the region for these positions?

● (1020)

**Ms. Maria Barrados:** To answer your first question, no, there is no level required before people get training for non-imperative bilingual positions.

**Hon. Raymond Simard:** That may be the problem.

**Ms. Maria Barrados:** We think it is possible for people to achieve their level in two years, but that means two years of almost full-time training. It is very difficult for adults to be in school as

though they were back in high school day after day. Personally, this is not the route I chose when I learned French. I do not see this as being a real solution. There is no basic requirement for people embarking on language training.

With respect to your second question, we determine which regions have a bilingual population. We must be able to provide bilingual service in these regions. This is determined by Treasury Board, the agency which defines one of the elements of the policy. The objective is always to offer services in both official languages.

Your other question has to do with selection areas. Selection areas are one of the factors used in staffing a position. Under the Public Service Employment Act, we can define quite a large selection area so that we have enough candidates applying for the position. For EX-1 and EX-2 positions, the competition must be Canada-wide. The selection areas for other positions are more limited. I have received many complaints, particularly from members of Parliament who think that the areas should be made larger. We are trying to do that. However, we must have the technology and the systems to do so. Otherwise, it will be too difficult.

**Hon. Raymond Simard:** May I ask one more brief question? If you do not find a bilingual candidate in the region, is the position given to a unilingual? What is the policy on this?

**Ms. Maria Barrados:** If it is a bilingual imperative position, the incumbent must be bilingual. If we did not manage to find a bilingual, we can change the requirements of the position and fill a non-imperative bilingual position. In that case, steps must be taken so that the required services can be offered and the necessary supervision provided.

**The Chair:** Thank you very much, Ms. Barrados. I would also like to thank your colleagues who came with you this morning. Thank you very much for taking the time to answer all of our questions.

*The meeting continues in camera*

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