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**Chair**

**Mr. Pablo Rodriguez**

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Thursday, February 10, 2005

• (0910)

[Translation]

**The Chair (Mr. Pablo Rodriguez (Honoré-Mercier, Lib.)):** Good morning, everyone, and welcome to the committee's 16th meeting.

I have the impression that because we changed rooms for today, people are a bit mixed up. That must be what is going on. Ms. Turmel and Ms. Addario, please accept our apologies. We are a little bit late, which never happens at this committee, but this time we changed rooms, and that has thrown committee members off.

I will not make any further comments, since we are already 10 or 12 minutes late. You will be happy with that. We are going to go straight to our witnesses, who represent the Public Service Alliance of Canada. Thank you very much for coming this morning.

We will listen to your opening remarks, then we will go to questions from committee members.

Ms. Turmel.

**Ms. Nicole Turmel (National President, Public Service Alliance of Canada):** Thank you, Mr. Chairman.

I am accompanied by Lisa Addario, Program Officer at the Public Service Alliance of Canada.

I want first of all to thank the committee for inviting the Alliance to appear before you during your committee's study on bilingualism in the federal public sector.

At the outset, and on a personal note, I want to say that having started work in the federal public sector in an almost unilingual francophone environment, I can attest to the difficulties that individuals have in becoming fluently bilingual. I can also attest to the benefits that a bilingual workforce brings to the employer, particularly where service is the *raison d'être* of the organization, and where people have a right to communicate with their government in the language of their choice.

As the President of the Public Service Alliance of Canada, I have the privilege of representing more than 150,000 federal public sector workers, 79 % of whom have indicated English as their language preference, and 21 % of whom prefer communicating with their union in French.

As an employer, as well as a representative of workers, I well know the difficulties that employers face in the current economic environment in finding bilingual staff in many parts of the country.

My personal sense is that while progress has been made, the decade-old promise of a bilingual workforce has yet to be achieved, and future success is hampered by an education system at the provincial level that has many priorities. I come to this conclusion after hearing from many federal government employees. We know that 17 % of anglophone employees reported that the lack of access to language training has affected their career progress. Francophone employees have the same issue, only more so; in fact, only 5% of all language training is given to francophone employees.

One key problem is that language training is skewed towards employees in the EX categories to the exclusion of a wide group of workers in lower occupational groups. And this exclusive access to language training has a clear adverse impact on equity group members who are over-represented at the lower occupational levels. The majority of these workers are PSAC members.

With this, by way of introduction, I would like to outline nine building blocks to what we believe will be an effective official languages policy for the Government of Canada and the broader federal public sector.

First, the designation of bilingual positions must be transparent and fair. Bilingualism must be a bona fide requirement of the job.

Second, the identification of language requirements—the linguistic profile—must be transparent and fair to ensure that positions requiring limited exchanges in the second language have a different profile from those where native proficiency is required.

Third, language training must be available to anglophone and francophone employees throughout all occupational categories and groups. It should be available to employees throughout their career development and irrespective of their region of the country.

Fourth, access to language training should be subject to guidelines to help ensure that access is not withheld unfairly, and federal workers who believe that they have been unfairly denied training should have an appeal mechanism available to them.

Fifth, language training must also be available to help ensure that language skills, once acquired, are retained.

Sixth, leadership in the workplace is required to establish a workplace culture that promotes the use of both official languages.

Seventh, the delivery of language training should remain the responsibility of the federal government in order to provide individually tailored language training for workers.

Eighth, funding for language training should be centrally located and not vulnerable to program review.

Ninth, a graduated bilingual allowance must be paid and recognized as salary for pension purposes in order to recognize the value of the knowledge of both official languages.

● (0915)

Taken together, these nine building blocks are designed to facilitate individual learning, enhance language capacity across the public sector, and ensure compensation reflecting the value added that bilingual workers bring to the delivery of public services in communities, from coast to coast.

Thank you.

We now look forward to your questions.

**The Chair:** Thank you, Ms. Turmel. It is interesting that you have made some of these recommendations, because they appear to provide an answer to some of the problems that we had already identified. At any rate, those are issues that we will debate later on among ourselves, but some of the aspects seem directly linked to what we have heard in the past.

We will now go to questions.

Mr. Lauzon.

**Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC):** Thank you, Mr. Chairman.

Welcome, Ms. Turmel.

You said in your opening remarks that the designation of bilingual positions must be transparent. How is it done now?

**Ms. Nycole Turmel:** Quite often, the designation is done by the employers. They determine which people require training, without necessarily considering the interests and the requirements of the section, or the direction in which the department intends to go.

That is what I am talking about. The perception is that it is often a privilege for someone to go on language training.

**Mr. Guy Lauzon:** But who decides on the designation of the position? Is the union consulted when the decision is made?

**Ms. Nycole Turmel:** No, the unions are not consulted. However, I must say that we are on the working committee of the National Joint Council on Bilingualism. However, the committee has seldom met over the years, and the department's direction and requirements are not necessarily priorities.

**Mr. Guy Lauzon:** Is it linked to clients who receive service? How is it decided?

**Ms. Nycole Turmel:** It is the employer's decision. It is at the manager's discretion.

**Mr. Guy Lauzon:** Is it the manager of the office? It is not in each office.

**Ms. Nycole Turmel:** It is in all departments. Is it delegated to the lowest level? That is another story. But, for the most part, it is at the discretion of the manager, who makes recommendations based on the level. The senior manager makes the decision. There is no consultation as such. There is no transparent process to determine the

requirements of the organization and those of the people and the public, mainly as regards bilingualism.

**Mr. Guy Lauzon:** I believe that your report says that only 5 % of language training is provided to francophones. Is that correct?

**Ms. Nycole Turmel:** Yes.

● (0920)

[English]

**Ms. Lisa Addario (Employment Equity Officer, Public Service Alliance of Canada):** Only 5% of language training is given to francophones.

[Translation]

**Mr. Guy Lauzon:** Should this percentage be higher?

**Ms. Lisa Addario:** About 15 % of the francophones who responded to a survey said that the lack of access to language training represented an obstacle to their advancement in the public service.

**Mr. Guy Lauzon:** There is something else that I would like to ask you about. When someone finishes language training and returns to work, what is the second language retention rate? Do you have any statistics on that?

**Ms. Nycole Turmel:** No, we do not. Very often, we hear anecdotal comments on the success rate of employees. That is one of the major problems, particularly in the National Capital Region where, let's face it, English is the language of work. This represents quite an obstacle for someone who wants to speak his own language or learn a second one. We hear that regularly.

**Mr. Guy Lauzon:** I experienced that problem when I worked in the public service, here in Ottawa.

Last week, the same observation was made by the Association of Professional Executives of the Public Service of Canada. Can you think of anything that might help to improve the situation?

**Ms. Nycole Turmel:** I can only think of one thing: senior management will have to take the lead and show the way. I have seen cases where managers forced a section to speak the second language for a given period of time, for example, from 8:00 a.m. to 10:00 a.m. It was a matter of culture, of sharing and learning. And it helped. That should be done at all levels.

**Mr. Guy Lauzon:** Last week I heard that more than 3000 senior executives should be bilingual. It appears that all of the 3000 or 4000 EX level directors should be bilingual. Is that realistic in view of the great amount of work that would be necessary to accomplish that goal?

**Ms. Nycole Turmel:** There are two problems involved in managing bilingual positions. If I was the employer, I would wonder how employees from unilingual regions could expect to be promoted if all of the positions above theirs are bilingual. Moreover, employees at the lower levels are less likely to have access to language training. This creates two problems. We must establish a culture and take into account the learning and training needs of those who are at the lower levels—people who cannot be expected to assume their own training—so as to give them access to higher level positions. As time goes by, the problem could correct itself, at least in part.

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

Mr. Sauvageau.

**Mr. Benoît Sauvageau (Repentigny, BQ):** I'd like to welcome you. I missed the beginning of your presentation. However, I do not agree with part of your answer to Mr. Lauzon, namely the part where you said that a change in management's attitude is the only way to improve the language situation.

Too often, the problem is kicked upstairs with the expectation that a change of leadership will improve things.

I have a few questions for the Public Service Alliance. Which takes precedence: the collective agreement or the Official Languages Act?

• (0925)

**Ms. Nycole Turmel:** Which takes precedence?

**Mr. Benoît Sauvageau:** According to the Public Service Alliance.

**Ms. Nycole Turmel:** The collective agreement is our working document. However, you know as well as I do that the legislation takes precedence, the consequences of which we have experienced over the years. The law has always come before our collective agreements, which is unfortunate. It is unfortunate because some back-to-work legislation has resulted in contracts being imposed upon us. And I am not talking about the Official Languages Act.

That was the union member in me speaking.

**Mr. Benoît Sauvageau:** So it is unfortunate that the act takes precedence. Okay.

That said, how do you explain that an employee who does not meet one of the main job requirements, namely, proficiency in both languages, can hold a bilingual position?

When Treasury Board tables its annual reports, we see that with the clauses for exclusions, exceptions, seniority, positions, and clauses covering this and that, the public service has Official Languages Act non-compliance rates for bilingual positions that range from 10 to 15 to 20 %, depending on the department.

If the employees of the National Defence Department belonged to the Public Service Alliance, more than 60% of your bilingual-designated positions would be held by people who are not bilingual. Should or could the Public Service Alliance uphold the staffing of bilingual positions by bilingual employees?

**Ms. Nycole Turmel:** The Public Service Alliance has always felt that positions designated bilingual should be occupied by bilingual employees. I will go even further and say that we find it unfortunate that the federal government, as an employer, does not respect the objectives that have been set for bilingual positions and equity groups.

**Mr. Benoît Sauvageau:** So the Public Service Alliance would like to do away with non-imperative staffing.

**Ms. Nycole Turmel:** No. I have been very clear on that subject: I have never said that all positions should be designated bilingual.

**Mr. Benoît Sauvageau:** Nor have we. I am talking about positions that are designated bilingual. I would like to point out, for the benefit of the Conservative Party, that all of the jobs in the federal public service are not designated bilingual. Bilingual

positions are designated according to the region, to the representation of francophone minorities, and so on. Therefore, the National Capital Region is designated bilingual. About 5 % of the positions in British Columbia are designated bilingual, and about 8 % in Alberta. Do you feel that 100 % of the 8 % or 5 % of bilingual positions in a province, according to Treasury Board Secretariat standards, should be held by bilingual employees? At the justice department, we have lawyers who are lawyers, and at the finance department, the accountants are accountants, but a person does not need to be bilingual to hold a bilingual position. Why is that?

**Ms. Nycole Turmel:** I agree with you: if it has been determined that 8 % of the positions should be bilingual, then bilingual employees should be in those jobs.

**Mr. Benoît Sauvageau:** If a given percentage of positions in a region must be held by bilingual employees, the Public Service Alliance is prepared to fight so that bilingual employees will be put in the positions that have been designated bilingual in accordance with Treasury Board Secretariat standards. Is that indeed what you are saying?

**Ms. Nycole Turmel:** That has always been our position. There must be a bilingual representation within the public service.

**Mr. Benoît Sauvageau:** Therefore, you will agree to eliminating non-imperative staffing for positions that are designated bilingual. Personally, I would agree to maintaining non-imperative staffing, but only if its application is broadened. If we want to keep it, then the Department of Finance could hire a plumber on the undertaking that he will become an accountant, and the Department of Justice could hire a hairdresser who promises to get a law degree. Imperative staffing must not apply exclusively to francophones, but to everyone; otherwise it should be done away with. Do you agree?

• (0930)

[English]

**Ms. Lisa Addario:** I think the question you touch on is quite fundamental, because within our country, according to the most recent census data, only 17% of Canadians speak English and French. Yet we have a part of our Official Languages Act that says there must be equitable opportunities for career advancement for English-speaking and French-speaking Canadians.

That raises the question, how do we accomplish that? One of the ways in which that has been accomplished is the bilingual non-imperative designation, because it takes account of the fact that people arrive at a position and either because of their life experience or because of their geography, they do not have a foundation in English and in French. The bilingual non-imperative designation has given them the time to learn French as it's linked to their position.

Now, if access to language training takes place throughout the country—

**Mr. Benoît Sauvageau:** But you know it's bullshit.

[Translation]

Pardon my French, but you know that people do not give a tinker's dam about that. All of the presidents of the Treasury Board have told me that a person could be hired to fill a position designated bilingual provided that he or she promise to become bilingual some day. That person can celebrate his retirement party in English only, because he did not have time to learn French, because he did not have the funding, because of this or because of that.

In Quebec and in the other provinces, there is a shortage of doctors, but they do not hire people without training because there are not enough doctors. They wait until there are more. The same is true for nurses. In the case of a position designated bilingual, why hire someone who does not meet the requirements of the position? Because the position has to be filled.

**Ms. Nycole Turmel:** That takes us back to the fundamental problem of training. There must be compliance with the agreement, as it contains obligations. If a unilingual person is hired in a position that must be bilingual, the employer is obligated to train that employee, to give the employee the necessary tools, to support the employee and to ensure that the employee can learn his or her second language, make progress and work in his or her second language.

**The Chair:** Thank you.

You are in very fine form this morning, Mr. Sauvageau. I would like to know what was in your muffin. Your comments have undoubtedly given the interpreters a run for their money.

Mr. Godin.

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Thank you, Mr. Chairman.

Welcome to the committee. I am happy that you are here today as part of the study that we are currently conducting. The union's responsibility, its members, and the collective agreement are on one side, and the act is on the other, and with that mix, we sometimes have trouble knowing where we're at.

Imagine that a position opens up in your region and that it must be filled by someone who is bilingual. Let's also suppose that two or three people apply for the job. Based on the public service criteria, who will be chosen? The person who is the most qualified for the job, or another person who is a little less qualified but who is bilingual? Will the government chose the person who is the most qualified, and in that case, has the union never filed grievances to defend the person who claims to be sufficiently qualified for the job, in addition to being bilingual? I am wondering if you have ever been confronted with that problem.

**Ms. Nycole Turmel:** We will come back to that point, because in my opinion, that is a staffing issue. The problem is that if we receive a complaint, it will be addressed to the public service and we'll deal with the fact that the process was not followed. That is an appeal, and it does not come under the collective agreement.

The fact that the Public Service Staff Relations Act does not allow us to file a grievance for issues involving staffing remains a problem for us as a union. All we can do is file a complaint which is an appeal linked to the process as such, including whether or not the person chosen was the most qualified. We support our members when it

comes to enforcing employment equity and on issues of bilingualism in cases where the process has not been followed.

• (0935)

**Mr. Yvon Godin:** At the outset, to qualify for the position, the person must be bilingual. However, you are telling me that you cannot file a grievance, because even if the position requires a bilingual candidate, all you can do is file a complaint.

**Ms. Nycole Turmel:** We can file a complaint with the public service: The employer will then have to justify why the bilingual nature of the position was not respected. The employer will have to specify that the person will be sent for training.

**Mr. Yvon Godin:** Have you ever filed a grievance and had the government deem it inadmissible, since it should have been a complaint? But a complaint cannot be subject to arbitration.

**Ms. Nycole Turmel:** Staffing cannot be subject to arbitration. We have attempted to file grievances on staffing issues, but they are inadmissible at all levels. We have even obtained a policy on term employment.

**Mr. Yvon Godin:** I want to go back to what Mr. Sauvageau was saying. When you need a lawyer, you do not hire a plumber. We are talking about qualifications required for a job, and the need to be bilingual is an integral part of those qualifications.

**Ms. Nycole Turmel:** We can file complaints regarding official languages; we can also file complaints on staffing with the Public Service Commission, but we cannot file grievances on these issues. It is a policy that, like the act, does not fall within our purview.

**Mr. Yvon Godin:** Based on what you know, how many senior level positions—I could limit my question to Quebec, because in New Brunswick, people are unilingual English or bilingual—are obtained by people who do not speak both languages?

**Ms. Lisa Addario:** I do not have the answer to your question. I have checked the Treasury Board annual report, and that information has not been published.

**Mr. Yvon Godin:** You mentioned fairer bilingual allowance. How would that help have bilingual positions?

**Ms. Nycole Turmel:** To have bilingual positions, we need more than words: There must be the political will to respect the Official Languages Act; there must be the financial will to invest the amounts necessary to provide training; I would even say that there must be the cultural will to change attitudes in terms of official languages; and official languages must be respected in the workplace, at all levels of the organization.

**Mr. Yvon Godin:** I do not agree with the government having two sets of rules. An anglophone can take 40 years to learn French, but a francophone must master English to get a bilingual position. That attitude must change. Like a plumber, you have to know the work. That must be part of the job.

**Ms. Nycole Turmel:** That is true, and as a francophone, I can attest to that. A francophone is expected automatically to speak English. Francophones are expected to attend meetings conducted in English only. Francophones are expected to learn on the job.

**Mr. Yvon Godin:** How can we be respectful and accept that people hold senior positions when they are unilingual, whereas others are being required to master two languages?

**Ms. Nycole Turmel:** That is not acceptable, and that has always been our position.

Here is my own hypothesis: perhaps people are afraid of a negative reaction if they were to take measures that would resolve the situation.

• (0940)

**Mr. Yvon Godin:** Deputy ministers are perhaps afraid of losing their jobs, because many of them are not bilingual.

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

We will now go to Mr. Godbout.

**Mr. Marc Godbout (Ottawa—Orléans, Lib.):** Thank you, Mr. Chairman.

I am going to start, and my colleague, Mr. D'Amours, will use the rest of my time.

You seem to consider, and I tend to agree with you, that one of the major problems is access to training, because it is not universal. Training is subject to a quota and it is not necessarily transparent.

In several presentations, witnesses have told us that training itself was a problem. Based on your experience, if we were to extend training programs, to make them available to everyone, should the programs remain the direct responsibility of the federal government? Should the government use the services of community colleges, universities and private companies?

In your opinion, what type of training has worked the best? Based on your experience—I am not asking you for scientific research—what type of program would be the most effective in enabling someone to attain the required level of proficiency in the other official language?

**Ms. Nycole Turmel:** In our presentation, we say that language training should remain the responsibility of the federal government, that the necessary funding must be devoted to it, and that training programs should not be vulnerable to program review. That is our position.

But we go farther than that in practical terms, in terms of experience. People on training often spend three months, six months, or a year far away from their families and their workplace. That is a problem, because these people get behind; when they return to the workplace, they must get caught back up. They must also continue to practise their second language, and that is also a problem. That is where the tools are lacking to help them maintain what they have learned. We denounce that situation everywhere.

At my level, I often meet people who are trying to maintain what they have learned, but when they have to talk about their workplace and problems, they use their first language, because it is faster. The current pace of our lives prevents people from learning and continuing to learn their second language.

So there should be a follow-up program, the opportunity to go back on training for a certain period of time, and assessments

without the threat of losing it all if these people do not do well enough both in the workplace and in their second language.

**Mr. Marc Godbout:** All of these additional programs clearly cost money. The Action Plan for Official Languages does, nevertheless, contain additional funds. Has all of that money been spent? We are wondering about that. Nevertheless, based on the figures that you have seen, would it be enough to meet the requirements that you have just identified?

**Ms. Nycole Turmel:** Lisa undoubtedly has the statistics, but I would say, based on my experience, that it is not enough. There are waiting lists for people who want to go on training. That is why, at present, the budget is mainly benefiting managers and not employees at lower levels who could learn the official language, which would help change the culture.

**Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.):** Thank you, Mr. Chairman.

I would like you to clarify something for me. A little earlier, you mentioned the importance of ongoing training. Moreover, you say that it should be management's responsibility.

**Ms. Nycole Turmel:** To illustrate what I mean when I say that it should be management's responsibility, let's look at the following example. If there is a small section where we want both languages to be respected, it becomes management's responsibility to ensure that both languages are respected and practised in the workplace.

**Mr. Jean-Claude D'Amours:** Respecting both languages is one thing, and I asked the same question last week of another group. Is it not also a question of willingness? I am not just talking about the willingness of management, but also of people to use both languages. We can say that the manager should require, force or impose that, but we would prefer that it not be imposed all the time. We also want people to take initiatives, for there to be some willingness.

You represent the Public Service Alliance of Canada, in other words, unionized employees. Does this willingness exist among unionized employees, or do you have to impose the use of both languages? We know that people do not like the word "impose", but are these employees willing to help move things along?

• (0945)

**Ms. Nycole Turmel:** It would be dishonest to say that the 150,000 members of the public service that we represent are all willing to do that. We must be realistic. However, I told Mr. Godin earlier that we needed political will, the will to change the situation and leadership. If there is discrimination based on language in the workplace, the manager has a responsibility.

**Mr. Jean-Claude D'Amours:** Do you invite your members to discuss this? Do they make efforts? I am a francophone, and when I arrived here, I had not had an opportunity to practice English in my riding. The riding is for the most part francophone. My family environment was completely francophone.

Have you taken any steps?

**Ms. Nycole Turmel:** We can talk about the policies at the Public Service Alliance of Canada: I think that is the best way of proceeding. We have adopted a policy: all documents that we produce are in both official languages.

**Mr. Jean-Claude D'Amours:** Do you encourage your members to do that?

**Ms. Nycole Turmel:** Yes, it is automatic, it is part of our culture. Regardless of where I go in the country, when our members participate in meetings, when working committees meet or when there are other meetings, I ensure that everyone receives the information and can speak either official language.

**Mr. Jean-Claude D'Amours:** You are saying...

**The Chair:** That is all the time we have. It is so quick. When you talk, it goes by so quickly.

We are now going to do two five-minute rounds. We will begin with Mr. Poilievre.

**Mr. Pierre Poilievre (Nepean—Carleton, CPC):** Thank you, Ms. Turmel. I want to start by thanking you for the work that you are doing to defend whistleblowers. I know that is another matter, but it is very important and I want to congratulate you.

My question deals with the first point that you raised. You said that the designation of bilingual positions must be transparent and fair. I agree with you. You also said that bilingualism must be a bona fide requirement of a job.

I would like to ask you two questions. Firstly, is the designation system currently transparent? Secondly, I would like you to give me a more precise definition of "bona fide". At present, are there many positions designated bilingual where bilingualism is not a bona fide requirement of the job?

**Ms. Nycole Turmel:** When I used the word "transparent", I wanted to point out that the designation of bilingual positions is done at the discretion of the employer. Consequently, it is not transparent. I am going to do what you did: I am going to go a bit farther. As I told Mr. Sauvageau and Mr. Godin a little earlier, staffing is not necessarily transparent in the public service. Let me clarify that. It is not part of our collective agreement; it is governed by the Public Service Staff Relations Act.

Should all management positions in the public service be designated bilingual? I do not think so. I do not think so, because it would be unrealistic and unfair for all workers, and because it is not required given the needs of the public service. However, it is important to determine which positions must be bilingual, and ensure that they truly are. They must not still be staffed by unilingual anglophones after 40 years. Moreover, francophones are often expected to be automatically bilingual when they enter a position, and that is unfair.

• (0950)

**Mr. Pierre Poilievre:** I agree, but you said that bilingualism should be a bona fide requirement. I did not understand exactly what you meant.

[English]

Bilingualism must be a bona fide requirement. Are you saying that right now the obligation exists, but it's not being met, or the obligation exists where it should not? Which of the two are you saying?

[Translation]

**Ms. Nycole Turmel:** I would like to come back to the fact that this is not transparent. We have no reports on bilingual positions. We do not have all the data. Questions have been asked about statistics, figures and successes, and we have not been able to answer those questions because we do not have all the data. This information is important if we are to improve bilingualism and services in the federal public service.

We talk about bilingualism, but always in relation to public services. But we have the right to speak the language of our choice in the workplace as well, regardless of whether we are francophone or anglophone, in my opinion. That is what I meant.

[English]

**Mr. Pierre Poilievre:** Okay. The problem that seems to be arising here is a question on language of work.

My friend Mr. Lauzon talks frequently about the fact that people go off on language training, learn the language, come back, never use it again, and lose it. Does that mean the job should have been designated bilingual in the first place? If that person is not using the second language in the workplace but is somehow doing the job, presumably, if he or she is kept around, then why was the job designated bilingual in the first place? That's the question I'm getting at.

**Ms. Nycole Turmel:** Yes. I will partly answer your question.

First, you asked if the job should be designated. If a person doesn't practice, is it because he or she doesn't have the tools when going back to that environment or is it because there is no need for it? I cannot answer that. That's what we said. Because it's not transparent, we cannot answer that question. Mostly what we can say is if they have been sent on language training, they should have the possibility to practice and then to respond to service in both languages.

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

Madame Boivin.

[Translation]

**Ms. Françoise Boivin (Gatineau, Lib.):** Like my colleague, I am well able to appreciate the work you do. It cannot be easy to represent 150,000 people and to satisfy each and every one of them. You have so many different issues to deal with. It's unbelievable.

When it comes to official languages, the people in my riding frequently raise two issues. I should point out that I represent a riding with many public servants who are members of your union. When I go out and meet public servants, they frequently ask me a question about the impact of short-term positions. This was an issue particularly in the last election campaign. When we look at the 2003-2004 figures, we see that the public service hired 40,000 people. Of those, the number of people hired in permanent positions is ridiculously small, but we find a high number of temporary jobs, student jobs, and other short-term positions. How do these facts fit in with the bilingualism policy? How do you see all this? One of the problems of this approach is that people find it difficult to maintain consistency. Since they have temporary jobs, they don't necessarily feel included in the process as a whole. What is the impact of this problem?



The other issue is internal culture, and this is something I keep coming back to, as do many people here. In my opinion, the solution lies in the language of work. The ability to speak both languages in the workplace has an impact on the services we provide for clients and in many other areas. We feel more easily accepted, and more a part of the process; we are more involved in this excellent bilingualism concept.

Last week, when we received your colleagues from the Association of Professional Executives of the Public Service of Canada, there is something that struck me. The table was full of francophones. In answer to my question, they said that in the workplace they speak French 5% of the time. I could even ask you how many times a day you speak French. Do you end up having to speak English more than French? I would tend to think so.

There is a problem when francophones at that level end up almost always having to speak English. However, if these executives demonstrated more leadership and spoke French more often, that might have an impact on the people below them. We francophones must obviously make an effort here.

This is one of the complaints I heard during the election campaign, from public servants on the ground. They do not feel comfortable speaking French, even when they are in the workplace. They are criticized, or made uncomfortable in other ways. We often hear stories like these in the media. I would like to know how many complaints you received about not being able to use French in the workplace, about the fact that speaking French was not appreciated by a superior, for example, and the francophone employee feeling he should not be speaking French. Do you often get complaints like these, or do we just have anecdotal evidence like the stories we hear on the radio?

These are my two concerns.

● (0955)

[*English*]

**Ms. Lisa Addario:** The Commissioner of Official Languages takes complaints related to language of work. Last year the Commissioner of Official Languages took 71 complaints from francophones that they were not allowed to speak at work in the language of their choice.

[*Translation*]

**Ms. Françoise Boivin:** What happens in such cases?

**Ms. Lisa Addario:** I spoke with a lady who works with the Official Languages Commissioner. She said that, in many cases, people were afraid to file complaints. One suggestion would therefore be to expand the Official Languages Commissioner's role and mandate, so that he or she can receive complaints about the language of work.

**Ms. Nycole Turmel:** If I may add to Lisa's comments, I would say that the members we represent often say that they cannot speak French in their workplace in the National Capital Region. It's quite simple—they speak English, because it is the language of work. That does nothing to help change the culture. People say that we cannot impose a language of work, but I do not agree with that. The manager at any level can decide that, from now on, people will have

to respect each employee's preferred language. This is a very important factor.

With regard to short-term and temporary employees, there is a transparency problem. If we are required to hire a bilingual employee in order to meet short-term needs, then we can be fairly sure that the language-related job requirement is not being applied.

The whole issue of temporary employees also constitutes a different problem. We carried out a study in 2001, and I am convinced that there is an increasing number of temporary employees in the public service. This does not solve the problem.

**The Chair:** Thank you, Ms. Turmel.

Mr. André.

**Mr. Guy André (Berthier—Maskinongé, BQ):** Good morning, ladies.

I was active in the union movement for many years. I see that you have an excellent, dynamic approach. I know all the issues that you have to deal with in negotiating collective agreements for your workers, for the people you represent. There are also requirements in a variety of statutes, such as the Official Languages Act, legislation on labour standards and other legislation, that must be taken into account as well when an agreement is established. At the end of the day, concessions are made, and sometimes contradictions appear. That is the price one pays to defend union members.

I would like to explore one particular aspect of the issue with you. One of the principles in Policy No. 7 of the Public Service Alliance of Canada reads as follows: "Unilingual workers who are in bilingual positions at the time their positions are designated bilingual [...] must not be penalized in any way."

Then, we have to look at candidates for a position whose incumbent is required to be bilingual. If candidates attain an acceptable level of bilingualism, they receive a bonus—the bilingualism bonus. Why? How do you explain that?

We often hear—and often see—that some English-speaking public servants make no effort to provide service in French when dealing with francophones. Lack of effort is often a factor. That is the backdrop against which I am putting my question.

● (1000)

**Ms. Nycole Turmel:** I am trying to follow you when you say that someone who applies for a job should not be penalized. That is PSAC policy. PSAC policy is very clear on race, language and disability.

**Mr. Guy André:** I know people who apply for bilingual positions and do not attain the bilingualism level required for their duties. Is that what you are talking about?

**Ms. Nycole Turmel:** There might be a connection. I did make a comment about that at one point. When someone said that all of the positions should be designated bilingual, I said that I was against it. That is what I meant when I said that people should not be penalized.

Should a person be dismissed because he has not met the training requirements? At this point, I would say no, for the simple reason that the government, as an employer, has not provided the tools nor created the environment that would allow these employees to meet the requirements. Did they determine, from the outset, whether or not this person was able to learn a second language? That is another point. There are people who, no matter how hard they try, will never become bilingual. If the tools were not provided, then I do not see why the employee should be penalized. Can the person be transferred? Maybe. That is a broader issue.

**Mr. Guy André:** I agree with you. The employer has the responsibility to train the employees who have been given bilingual positions. Might there also be cases where an employee does not have the motivation or interest to learn the second official language? What is your position on that type of case?

**Ms. Nycole Turmel:** If the person shows no interest... I can give you the point of view of an employer. If there has been a performance review and if I see that the employee has not met his objective, it is my responsibility, as the employer, to deal with the issue, whether it involves language or something else. That is all I have to say.

**Ms. Lisa Addario:** I would like to add that the last report published by the Official Languages Commissioner confirmed that both anglophones and francophones wanted French to be used more frequently as a language of work. That was confirmed by James Mitchell, in his report.

[English]

there is almost complete endorsement by public servants...people agree that Canadians have a right to service in the official language of their choice and they agree that French should be respected and used as a language of work.

the views of anglophones on the latter point are essentially the same as those of francophones – both want to see greater use of French in the workplace and more opportunity to speak and use French.

So I think that much more is made of this malaise among public servants, among public sector workers, with respect to speaking French than we have evidence to justify.

[Translation]

**The Chair:** Thank you, Mr. André.

Time is flying.

[English]

Normally, Mr. Gaudet would follow Mr. André, but he had to step out for a couple of minutes, so Mr. Vellacott agreed to go first. Then Mr. Gaudet will speak when he comes back.

[Translation]

This will be the last round, because we have to discuss some matters and make some decisions.

Mr. Vellacott.

[English]

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC):** Thank you.

I wasn't clear, at least from your information here. You speak in terms of 79% indicating English as their language of preference and 21% indicating French as the language of preference. How many of

those are bilingual? Preference is one thing, but how many are bilingual?

• (1005)

**Ms. Lisa Addario:** That data refers to the language in which our members request receiving correspondence.

**Mr. Maurice Vellacott:** Do you have any figures in terms of your total membership as to how many are bilingual?

**Ms. Nycole Turmel:** We don't ask our members that question. It's just for the literature. If we have a conference or a convention, it would be provided in both languages. We'll have translation or we can have.... The only time we do request that is if we want to organize a bilingual workshop. Then we'll ask if they are interested in participating in both.

**Mr. Maurice Vellacott:** So you have no real idea then or have not done surveys to know or have no pulse on how many are bilingual within your membership.

**Ms. Nycole Turmel:** No, we don't.

**Mr. Maurice Vellacott:** Would that be worthwhile to undertake some time to find out?

**Ms. Nycole Turmel:** That was my second comment. I don't see it at this point unless we have a real purpose for that. I think it should be the responsibility of the employer to find that out. For us, we have to make sure we serve them in both languages. We do more, though. We have adopted at our last convention the plan to communicate with our aboriginal members in the north in their language. So we have put money aside to provide translation in other languages.

**Mr. Maurice Vellacott:** It occurred to me that if there were funds and resources for personnel to do that, then that might be something you would want to know—how many are actually bilingual—because this is obviously a concern. At least we have discussed this here today. In your negotiations with the employers obviously then you'd have your own information, your own facts, rather than going with whatever information they provided. But it's just a thought. I would think that's valuable information to know—how many are really bilingual in your union.

The other thing I was going to ask here was this. In the last week APEX made a comment, or in fact recommended or gave testimony, that they thought that for the top people in the public service, if they were within three years of retirement and were unilingual, they should be exempted from taking language training. What do you think of that? They're close to retirement and are unilingual, or as good as unilingual. The suggestion is that they be exempted from a language requirement and from having to take language training. What's your response to that?

**Ms. Nycole Turmel:** I would say that, as it is right now, it's up to the discretion of managers to send people on training. Managers could easily decide that for the last two or three years there is no point in sending someone to learn a second language. But to prevent someone from going to learn the other language...we might say they are three years from their pension, their retirement, but the only thing you know is normally they must take their retirement at 65. But do you know the exact day that they will retire? If they are 52, you could say they might be able to retire at 55, and that would be the date, but it doesn't mean they will go.

I would say that if there was a process to establish rules that were negotiated and discussed with the employer, it would be a lot easier to answer your question. Then the principle could be adopted on both sides.

**Mr. Maurice Vellacott:** You are saying that's if one knew for sure, but because one doesn't know for sure, they might extend or they might work longer by choice. In some of these positions they do have to, so they're finished. At a point, they're done whether they choose to or not, are they not?

**Ms. Nycole Turmel:** After so many years you can still work. But then you get into the pension problem. After so many years it's better to take your retirement.

But altogether, I would say there is not enough money at this point. There is not enough training. If we could at least get a commitment from government to establish a real policy that will take care of that and to make sure public sector workers can have access to this training.... I always speak of public sector workers, but the Canadian population has the right to be served in their own language.

**Mr. Maurice Vellacott:** What you are saying is that there are some limited dollars until we get up to a level that is required. It would at least permit those who are the younger ones coming up in the ranks and the middle managers and so on, with the dollars allocated for them.... If we already have a problem with a shortage of dollars and somebody is a couple of years from retirement, and he has already indicated his intent to go, then at least you would be able to have those dollars channelled to individuals who would use that training a little longer over their working career, I would think.

• (1010)

**Ms. Nycole Turmel:** I would say it is the decision of the employer to do that. The question to be answered by them is why they are sending people on training two years from retirement.

**Mr. Maurice Vellacott:** Thank you.

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

As agreed, we go back to Mr. Godin.

[Translation]

**Mr. Yvon Godin:** Thank you, Mr. Chairman.

I would like to raise something that is of concern to me. In your evidence, Ms. Turmel, you said that a manager had a responsibility. I can now see how important that is. You say that people cannot speak their mother tongue because they are told not to do so. Did you indeed say that?

**Ms. Nycole Turmel:** Yes.

**Mr. Yvon Godin:** If a francophone from Ottawa cannot speak his mother tongue, imagine how difficult it must be for a anglophone who wants to learn French. When a francophone cannot speak French, then how is an anglophone expected to practise that language?

**Ms. Nycole Turmel:** That is indeed a problem. If, in the workplace, it was understood that an employee might take five minutes longer to express himself in the second language, then the other person could speak his own language. Some things could be improved with a little give-and-take.

**Mr. Yvon Godin:** You said that some people had complained to the Official Languages Commission. There were 70 complaints. Some people are afraid to complain. Are these people entitled to file a grievance on the basis that their language was not respected and they are entitled to speak their language because their position is bilingual?

[English]

**Ms. Lisa Addario:** If they are not able to speak their language or it isn't available, what a person could do is file some kind of complaint with the Commissioner of Official Languages.

**Mr. Yvon Godin:** I understand that.

**Ms. Lisa Addario:** If they were told they couldn't speak their language, they could file a complaint of harassment, for example. Language isn't a protected ground under the Canadian Human Rights Act, but it's possible that they could bring their complaint in through another prohibited ground under the Human Rights Act.

**Mr. Yvon Godin:** But as an employee who works for the public sector, if my job posting says I have to be bilingual, I apply for the job, and I get the job. I am doing that job and I want to speak in French or in English, and somebody in management says, "No, we don't speak your language." I then say, "Look, I applied for a job that was a bilingual job. I'm going to the union and I'm putting in a grievance."

[Translation]

**Ms. Nycole Turmel:** Mr. Godin, we are currently working on precisely that type of case. A manager sent an official letter to an employee, telling him that he could not speak his own language at work, because it had a detrimental effect on the work environment. We are examining the situation and are attempting to file as many grievances as we can, in order to safeguard the official languages.

**Mr. Yvon Godin:** Ms. Turmel, I suggest that this employee send that letter to the Standing Committee on Official Languages, for his protection, and also to ensure that we can forward this letter to the appropriate authorities at the Public Service Commission. It is absolutely unacceptable. It proves that the managers are the fly in the ointment. Moreover, the government supports its managers. This has been going on for too long. Enough is enough.

There is no point in having the Standing Committee on Official Languages hold any meetings if we can't solve this problem once and for all.

• (1015)

**Ms. Nycole Turmel:** I wholeheartedly agree, which brings us back to what I was saying earlier. My position is very firm: it becomes the manager's responsibility. I, myself, am a manager. It is my responsibility to ensure that the employee's language is respected. We are dealing with the national capital, but the phenomenon is widespread; it extends across the country, in the federal public service and elsewhere.

We, the unions, have a joint responsibility—to come back to what Ms. Boivin was saying—to ensure that there is neither discrimination nor harassment, but respect for individuals in the workplace.

As to the letter that was sent to this employee, we will not forward it to you, but rest assured that when our case is ready, it will be made public. This has to be taken care of.

**The Chair:** Thank you, Mr. Godin. You will have one more turn. In any case, you are privileged.

We have Mr. Sauvageau, Mr. Simard, then Mr. Godin. We will then continue in camera for 15 minutes, to deal with certain matters. But before that, we have three interventions remaining.

Mr. Sauvageau, you have the floor.

**Mr. Benoît Sauvageau:** Following what Mr. Godin has said, I would like my kick at the can. Of course, this type of situation warrants filing a grievance with the Public Service Alliance, as well as a complaint to the Official Languages Commissioner. However, in order to send a clear message to managers, it might be necessary to include an appearance before this committee. First, it would protect the employee, and it would also make the managers' action public. Of course, confidentiality must be respected, but once their identity has been made known, the people involved must appear here, if we want employees to understand their rights and employers to understand their obligations.

I agree with everything that has been said. Earlier, I asked Mr. Godin how many unilingual francophones held bilingual positions. You probably don't have those numbers, but I think we all know the answer: there is probably not one.

Action should be taken from the very outset, when bilingual people are hired for bilingual positions. Then, there would be fewer problems relating to these positions. There is a document called "Public Service Official Languages Exclusion Approval Order" which should help with this process. The document was drafted by the Public Service Commission. Can you negotiate this exclusion approval order with the commission? Have you discussed it with them?

The exclusion approval order makes it easy for the public service to ignore the Official Languages Act. Among some of the provisions, there is an exclusion for continuous service. It states that a person "who, prior to April 6, 1966,"—I was three years old then—"has at least 10 years of continuous service in, and since that date has been continuously employed in the public service" is excluded from having to meet the language requirements. A current employee who qualifies for this exclusion would have 48 years of continuous service in the public service. There must not be too many of them around. Yet, the exclusion is still on the books.

There is also an exclusion based on age, with 39 people meeting the conditions, and the exclusion relating to humanitarian considerations, which applies to 40 more. That is not so bad. However, the exclusion based on a commitment to meet the required proficiency level applies to 2,449 people. In order to solve the problems at the end of the line, can you think of some solution that might be implemented at the beginning? For example, if we don't want to have imperative and non-imperative staffing, the commission could tighten up the exclusion order so as to hire bilingual people to fill bilingual positions. Are you authorized to negotiate the exclusion order with the Public Service Commission?

**Ms. Nycole Turmel:** We do have the authority to discuss matters with the Public Service Commission. We can make a presentation and explain our position, just as we are doing here. However, when it comes to the exclusion or exemption order, it is the government or

the concerned body which makes the decision. That is what happened in the case of term employees.

• (1020)

**Mr. Benoît Sauvageau:** Could you explain the Public Service Alliance's position on the exclusion order and on the six exemptions? Of course, I am not asking you to tell me this morning, but later.

The National Defence employees are not represented by your union, are they?

**Ms. Nycole Turmel:** The civilian employees are represented by the Public Service Alliance.

**Mr. Benoît Sauvageau:** Are you aware that a complaint about general non-compliance with the Official Languages Act by the Department of National Defence was filed with the Official Languages Commissioner?

**Ms. Nycole Turmel:** My office may be aware of it, but I did not know that.

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

Mr. Simard.

**Hon. Raymond Simard (Saint Boniface, Lib.):** Thank you very much, Mr. Chairman.

Welcome, Ms. Turmel and Ms. Addario.

I have three questions to which I would like to have an answer in the time that has been given me.

First, with respect to the 150,000 people whom you represent, I would agree with Mr. Vellacott. We would like to know what percentage of your membership is francophone, and what percentage is anglophone. If only 21 per cent of your members want to communicate with you in French, when 40 per cent of them are francophones, it might mean that there is a structural problem in the departments.

Second, I would like to hear your position on the bilingualism bonus. It is only a matter of \$60 per month, but I would like to know if you see it as an effective tool.

Third, I would like to come back to the language of work. I have learned a great deal about that recently. I was surprised to hear the APEX representatives admit that they work in French only 5 per cent of the time.

You say that people should have training during their entire career. However, it seems to me that if one were to work in both official languages, then career training would not be necessary because one would be using the second language.

You said that in some areas, two hours a day were devoted to speaking the second language. Might we consider requiring employees to speak French one or two days a week? Would that be feasible?

**Ms. Nicole Turmel:** I'm going to start by answering your question regarding the 150,000 members we represent. Our statistics indicate the number of members asking us to communicate with them either in English or in French. There is, however, no way of knowing which of our members are bilingual. Given all the work we now have to do, would it be beneficial for us to find out? I would say the government should be responsible for finding out how many people are completely bilingual and for knowing why we need this information.

**Hon. Raymond Simard:** I'm not talking about bilingual people, but either francophones or anglophones.

**Ms. Nicole Turmel:** Seventy per cent of people asked that we communicate with them in English and 21 % of them asked us to communicate with them in French, be it in Quebec or elsewhere, because we represent members throughout the country.

We believe there needs to be a bilingualism bonus. Is it adequate? That's a very big question. According to us, it should be recognized as income to be considered in calculating a person's pension. Moreover, the bonus should vary according to the level of bilingualism required of the person and the level of service the person must offer in both languages.

With respect to people who use French as a working language 5 % of the time, I can't answer your question. Perhaps Lisa has further information on that.

As we were saying earlier, often, people learn a second language by communicating or speaking with people. When I go to British Columbia, people recognize my accent and francophones come up to me. However, I'm sure they're not working in French.

**Hon. Raymond Simard:** Are you surprised to learn that in the national capital, people only work in French 5 % of the time?

**Ms. Nicole Turmel:** It comes as a shock to me, because I don't think it's normal not to be able to express oneself in one's mother tongue. What is to become of our languages in the future?

**Hon. Raymond Simard:** I think that answers Mr. Poilievre's question. People get trained and they don't use the second language. It's effectively useless. Thank you very much, Mr. Chairman.

•(1025)

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

This will be the last question. Mr. Godin, go ahead.

**Mr. Yvon Godin:** You have shed light on a number of things for myself and for the committee. Once again this demonstrates that there is a problem at the management level. Moreover, government is not making sure that managers have a positive attitude to bilingualism in the public service. It isn't positive at all. No matter how much training you give people, it is money squandered. In my opinion, we're missing the boat, even though I believe in training. What is the point of training people if they are unable to practise what they learn?

When I was 16, Ms. Turmel, I went to northern Ontario. I couldn't speak a word of English. I remember that a woman came up to me

and said: "Your restroom is clean". At the time I thought the word "restroom" meant "restaurant". So I sent her to the Esso station across the street, and I almost lost my job. If I know any English at all, it is because I practised it. It's the only way to learn a language: to practise it.

Today, I'm extremely disappointed. Never, over the course of my 10 years as a member of the Standing Committee on Official Languages, has the situation in the public service been as clear to me as it is today.

I thank you for your presence here.

**Ms. Nicole Turmel:** Mr. Sauvageau mentioned exemptions, but he also raised an issue I would like to comment upon.

It is very clear to me that one issue could easily be solved. I am referring to the staffing of positions outside the federal public service. In my opinion, bilingualism should not be a requirement for all positions, but if it is, the employer should at least state that the position requires bilingualism and uphold this requirement.

Quite often, internally, when it has to do with advancement, problems can arise, but externally, it should be upheld.

**Mr. Yvon Godin:** The public service raised another problem, that of contracts granted to people who don't have to respect the Official Languages Act. I'm reminded of a situation having to do with fish. Let me explain: a francophone from Shippigan had been hired in New Brunswick as a fisherman, after having obtained a six-year contract. He had experience at sea and worked on the ship *Opilio*. When the time came for him to apply for the position, bilingualism was a requirement. It would seem that the fish had learned either French or English. That is how he lost his position after having held it for six years.

This brings me to the issue arising from your statement, which is that even when contracts are involved, linguistic requirements should be upheld. If bilingualism is required for a position, why not from the very start?

**Ms. Nicole Turmel:** Whether it comes under Official Languages or other legislation, it is a way to circumvent the law.

**Mr. Yvon Godin:** Thank you.

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

On behalf of the committee, thank you very much, Ms. Turmel and Ms. Adarrio, for having appeared before us and having taken the time to speak to us and answer our questions. It's been very instructive in many respects for all members of the committee. Thank you very much.

We will be taking a short one-minute break, and then we'll be sitting in camera. Afterwards, I'll need you for 15 minutes to make some decisions.

[*Proceedings continue in camera*]





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