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Mr. Steven Blaney

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• (0905)

[Translation]

The Chair (Mr. Steven Blaney (Lévis—Bellechasse, CPC)): Good morning everyone and welcome to this 14th meeting of the Standing Committee on Official Languages.

This morning we will be completing the list of witnesses we had called who replied to our invitation to participate in the study of the Action Plan for Official Languages. We will be going back to the first phase, which is ending, and beginning the study of the phase that is starting.

This morning, we will devote the first hour of our proceedings to the representatives of the Public Service Commission of Canada. Without further delay, I will turn the floor over to them and invite them to introduce themselves.

Mr. Lemaire, you have the floor.

Mr. Donald Lemaire (Vice-President, Staffing and Assessment Services Branch, Public Service Commission of Canada): Thank you very much, Mr. Chairman. Thank you for this opportunity to appear before your Committee to discuss the Public Service Commission's role in Official Languages. The Public Service Commission was last before your committee in November 2004.

I would like to introduce two of my colleagues who are with me today: Mr. Edward Poznanski, Director General in the Policy Branch, and Dr. Henry Edwards, Director, Research and Development, Staffing and Assessment Services Branch.

We would like to update you on the following subjects: the application of merit and official languages requirements; the new Public Service Employment Act; the new Official Languages Exclusion Approval Order; and the modernizing of our language tests. As well, we will update you on our progress on recommendations on recruitment and assessment made by your committee in May 2005.

The Official Languages Act directs that members of the public must be served in the official language of their choice and that public service employees have the right to work in their preferred language in those regions of Canada designated as bilingual.

The Treasury Board, as the employer, sets the official languages policy. Departments are required to identify language levels of each position and determine if positions will be staffed on a bilingual imperative or non-imperative basis. The Canada Public Service Agency sets the standards that determine language proficiency

levels. The Canada School of Public Service is responsible for language training.

We have worked with the Public Service Agency and the School in supporting the Official Languages Action Plan. Since 2003, we have made extra presentations on the selection process and language requirements including language testing to more than 4,000 Canadians across the country per year. We created a DVD explaining second language evaluation. We have had a good response and subject to decisions on the next initiative, we could continue with this extra outreach.

[English]

The Public Service Commission recruits individuals based on merit. These individuals must meet the essential qualifications for positions, which include official language requirements.

We develop instruments to test an individual's proficiency in the second official language. These skills are evaluated through the English or French versions of the second language evaluation test. The success rate for these tests, expressed as a percentage of the total number of tests administered, is provided in the graph we have distributed.

In 2005 we started the renewal of the existing instruments by replacing them with a new suite of second language evaluation tests that were to be implemented between 2007 and 2009. The first of these tests, the second language evaluation test of written expression, was implemented in October 2007. Early results, which are outlined in figure 4, show a lower success rate, particularly for level C French. We are now assessing those results.

The new second language evaluation test for oral proficiency will be implemented by May of this year, and a new second language evaluation test of reading comprehension will be implemented in the fall of 2009. The development teams include professionals in the fields of test construction, applied linguistics, and employment equity. There is also input from stakeholder consultations.

During our 2004 appearance, we reported on the low success rate for the level C oral interaction French test. As recommended by your committee, we closely tracked the oral interaction pass rate, and in 2006-07 we noted an increase in the pass rate for tests taken in French. The level C pass rate for French oral interaction is at its highest level in five years. However, the pass rate for level C English oral interaction dipped significantly during the past year. Again, I refer you to figure 1.

The Public Service Commission has introduced new administrative features to reduce the test-taking anxiety associated with oral interaction tests. A tripartite review board is now studying the cases of candidates who fail the second language evaluation oral interaction test multiple times, despite extensive language training.

Test volume, as outlined in figure 5, increased substantially in recent years, with an oral interaction test backlog and service delays of up to 20 weeks. We have taken measures that have eliminated those backlogs and delays.

•(0910)

[Translation]

The Public Service Official Languages Exclusion Approval Order permits exclusions from language requirements under specific conditions. Your Committee recommended that the PSC ensure that the Order is used only in exceptional circumstances. As reported in our 2006-2007 Annual Report, the number of non-imperative appointments has been falling for the last five years. Details are provided in Figure 6.

The new Order has reduced the number of exclusions from 12 to 3 and capped the length of time that they can be extended. Since a monitoring system for the Order was put in place in 2003-2004, we have noted a reduction in non-compliant situations.

[English]

The Public Service Commission statistics, as explained in figures 7 and 8, show that there are many opportunities for unilingual and bilingual Canadians to join the public service.

[Translation]

Mr. Chairman, the Public Service Commission is currently celebrating its 100th anniversary. Parliament relies on the PSC to ensure a representative, competent public service that is non-partisan and able to serve Canadians in both official languages.

[English]

We welcome the input of members on how we can continue to provide assurance to Parliament of the integrity of the staffing system and political impartiality of the public service.

I would be happy now to respond to any questions.

Merci.

[Translation]

The Chair: Thank you for your presentation. I would like to request a clarification before we begin. Can you explain what imperative and non-imperative staffing are?

Mr. Donald Lemaire: Yes. If I may, I am going to ask my colleague, Mr. Poznanski, to provide you with the details.

Mr. Edward Poznanski (Director General, Delegation, Policy Branch, Public Service Commission of Canada): The Canada Public Service Agency is responsible for official languages policy in the public service. For designated bilingual positions, we have a choice. If we decide that a position will be staffed on a bilingual imperative basis, that means that the candidate must meet the language requirements for the position at the time of appointment. For non-imperative situations, under our Order, a person may be

appointed to a position and achieve the language skills needed for the position within two years.

The Chair: Okay. Thank you for the clarification. We are now going to start our first round of questions. It will be seven minutes per speaker. We will start with Mr. Bélanger.

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Thank you, Mr. Chair. When we talk about the first round, we don't mean a round in the ring, don't worry.

I would like you to help me understand a few things. In the Action Plan for Official Languages there was a whole component devoted to an exemplary public service. At about the halfway point there was an evaluation.

Has there been a recent evaluation, now that we are coming to the end of the five-year plan?

Mr. Donald Lemaire: We are in the process of completing the evaluation for the last year of the five-year plan and we have begun preparations for evaluating the results of the part associated with the Public Service Commission, which related to awareness and demystification of the meaning of bilingualism in the federal public service.

We are about to do a survey of the people we have contacted, an average of 4,000 people a year, who have agreed to participate in a survey, to see what they thought of the presentations we have done and our awareness campaigns. We are also determining the rate of candidates who report their bilingual proficiency. We ask them to self-identify as to whether they consider themselves to be more or less bilingual. We want to see what impact the awareness campaigns have had on people's perceptions of their level of bilingualism in relation to the federal requirements. That is underway now because we are in the last year of the five-year plan.

Hon. Mauril Bélanger: If I recall correctly, the evaluation was to have been done during 2007, so that when we came to where we are now the evaluations would be done and the government could decide whether to renew, expand or eliminate certain provisions. It was not done last year, however.

Mr. Donald Lemaire: I can't speak to the other components of the plan that are the responsibility of other agencies, but we are in the process of completing our own evaluation.

Hon. Mauril Bélanger: When are you going to complete it?

•(0915)

Mr. Donald Lemaire: We hope to complete it in the spring.

Hon. Mauril Bélanger: Do you have anything to indicate that there will not be a breach of continuity?

Mr. Donald Lemaire: I am not aware of whether there will be a breach of continuity in terms of our activities, awareness activities.

Hon. Mauril Bélanger: Okay. Have you had an opportunity to meet with Mr. Lord, who is conducting consultations about renewing the plan?

Mr. Donald Lemaire: No.

Hon. Mauril Bélanger: Have you submitted any remarks or comments to him?

Mr. Donald Lemaire: No.

Hon. Mauril Bélanger: Have you been invited to do that?

Mr. Donald Lemaire: No, not to my knowledge.

Hon. Mauril Bélanger: Generally speaking, do you think we are making progress?

Mr. Donald Lemaire: Being an optimist by nature, I would say we are making progress. More seriously, given the level of interest in bilingualism in the various regions, I would say we are progressing.

Hon. Mauril Bélanger: I am going to go back to a discussion that took place here last week. I would not want it to be misinterpreted by Canadians.

Some members of the committee suggested that the Public Service Commission hire bilingual people to staff bilingual imperative or bilingual positions. Is that the current policy of the Public Service Commission?

Mr. Donald Lemaire: As we said in our opening presentation, the purpose of the "non-imperative" label is to allow for broader access to the federal public service. People may be perfectly able to acquire the language proficiency required for the position as defined by the manager responsible. We believe that it is important to retain the non-imperative option in terms of accessibility.

Hon. Mauril Bélanger: So it isn't a matter of telling Canadians who might want to work in the public service of Canada that unless they are bilingual, they will not be able to get hired for one of the positions that make up a third of all positions. Is that the right figure?

Mr. Donald Lemaire: I would have to look at the statistics.

Hon. Mauril Bélanger: As a rough figure, one third of positions are designated bilingual. In the National Capital Region, that proportion is higher, but Canada-wide, one third of positions are designated bilingual. Of those positions, how many would be labeled "bilingual imperative"?

Mr. Edward Poznanski: Figure 6 says...

Hon. Mauril Bélanger: I have not had the time to read it all.

Mr. Edward Poznanski: ...that about 90% of bilingual positions were staffed on an imperative basis in 2006-2007.

Hon. Mauril Bélanger: Are one third of the 220,000 or so positions designated bilingual?

Mr. Donald Lemaire: Last year, there were 80,000 appointments, which included both internal and external appointments. Of that total, nearly 28,000 were bilingual imperative positions.

Hon. Mauril Bélanger: Okay. So 90% of those 28,000 positions were bilingual imperative positions.

Mr. Edward Poznanski: It was 80...

Hon. Mauril Bélanger: So what I am getting at is that three quarters of the Canadian population, roughly, are unilingual English-speaking or French-speaking.

Mr. Donald Lemaire: Given the number of positions available, there are a lot.

Hon. Mauril Bélanger: I would not want people to get the impression that unless they are bilingual they have no chance of joining the public service. That is the first thing. Second, once they enter the public service, they would have to learn the second language, at the start of their career and not at the end. You will undoubtedly agree with me on that. Now the comments and criticisms that were voiced were that a very large share of second language training budgets seem to be allocated to people who are close to the EX categories, which correspond to an age group about five years from retirement.

Is that correct?

Mr. Donald Lemaire: I do not have the information I would need to tell you whether that is true or not. The question would have to be put to the school that handles language training.

Hon. Mauril Bélanger: Does the Public Service Commission not have that kind of information?

Mr. Donald Lemaire: No. As I said, in view of the new legislation, we no longer have responsibility for language training. That responsibility has been transferred to the School of Public Service. So we no longer handle it.

● (0920)

Hon. Mauril Bélanger: What organization decides who will attend the school? Is it the school or the Commission?

Mr. Donald Lemaire: Each manager determines what language training is required and who has access to it, but it is the school that is responsible for the public service as a whole.

Hon. Mauril Bélanger: So it isn't the Commission that decides. Thank you.

The Chair: Thank you, Mr. Bélanger and Mr. Lemaire.

We will continue with Mr. Richard Nadeau.

Mr. Richard Nadeau (Gatineau, BQ): Thank you, Mr. Chair.

Good morning, gentlemen. In the documents we received to prepare for this meeting, it says that about 15% of designated bilingual positions are still occupied by unilingual people. That is something that catches my eye, particularly when we are living in a region where it is mainly francophones who are penalized, because the language of work is not the language they ordinarily speak.

That being said, when a person holds a bilingual imperative or non-imperative position and has two years to become bilingual, what happens if the person does not reach the desired proficiency level after that period?

Mr. Donald Lemaire: I am going to ask Mr. Poznanski to explain how the Order works, which will answer the question to a large extent.

Mr. Edward Poznanski: Mr. Nadeau, since the new Order came into effect, on December 31, 2005, public servants have two years to become bilingual. After that period, if an employee has not attained the necessary level of bilingualism, the department may authorize an extension, for very precise reasons. The extension may not exceed two years. After two years, if the employee has still not achieved the level of bilingualism required by the position, he or she must be transferred or appointed to another position for which the person has all of the essential qualifications, including the language level.

Mr. Richard Nadeau: In that case, can it also mean a reduction in pay?

Mr. Edward Poznanski: It depends on the level of the position. An employee could be transferred to a position at a lower level, which lower pay.

Mr. Donald Lemaire: Ultimately, the employee has to be transferred to a position for which he or she has the qualifications and meets the required merit criteria and qualifications.

Mr. Richard Nadeau: Is the employee's bilingualism level assessed on the basis of certain criteria? Is the training site decided by the Public Service Commission? For example, if a person lives in Ottawa or Gatineau, is he or she going to be sent for training in France or England or in Canada, be it in Halifax or somewhere else?

Funding seems to have got a bit skewed, and that could be detrimental, at some point. How does a person have to improve his or her knowledge of the second language? Suppose that someone has the desire to learn, what tools can he or she use to get to the point of meeting the criteria after two years, or after four years if an exclusion order was given?

Mr. Donald Lemaire: The School of Public Service is responsible for the assessment. Ordinarily, when an employee is to be given language training, he or she must get an assessment to determine the kind of training required and the time it will take. It is then up to the employee's manager to decide what mechanisms will be used to provide the training.

To my knowledge, there is no predetermined criterion for the kind of training and the place or situation where it will be provided. The assessment indicates the number of weeks of training needed to attain the level defined by a particular position, and a training plan is prepared with the employee's manager. That is how it works.

• (0925)

Mr. Richard Nadeau: Given the amount of money invested in training for acquiring a second language, what is the success rate after two years? Is there a high failure rate? Are there a lot of exclusions? Do you have these figures?

Your job is to recruit people who are already bilingual whenever possible. We know that this is not entirely the case, but it is the current situation. Is there an adequate understanding of the second language?

Mr. Donald Lemaire: On the first part of the question, I am not in a position to tell you the success rate for candidates who receive training for the number of weeks allowed for attaining the level required. That is a question of individual performance.

On the question of meeting the two year limit, my colleague can give you figures regarding the exclusion orders granted. There is no follow-up where the person fails. But where the person succeeds, we don't know whether it took eight or 12 weeks, or 14 or 23 months; we don't have that information.

Mr. Richard Nadeau: Would it be possible to provide us with that information? The aspect that interests me is the time it takes, particularly whether it goes beyond the two-year period. As long as a person can't function in both languages, someone else is suffering the consequences because that person can't work in his or her own

language, as the person is entitled to do. Do you see what I'm saying?

Mr. Donald Lemaire: We will note the question, Mr. Chair, and we will decide how best to reply to it. Part of the question relates to the school and the success of language training, while the other part relates to exclusion orders.

Mr. Richard Nadeau: The question is how far the elastic stretches.

But it is still you who are responsible for staffing, at the end of the day. The school gives the courses, but the person was recruited by your Commission. It is therefore important to know how much time it takes to attain a passing level. If it isn't working, then tell us and we will try to improve things.

The Chair: Thank you, Mr. Nadeau.

Mr. Richard Nadeau: Thank you, Mr. Chair.

The Chair: I will now turn the floor over to the New Democratic Party representative, Mr. Godin.

Mr. Yvon Godin (Acadie—Bathurst, NDP): Thank you, Mr. Chair, and welcome, everyone.

The Public Service Commission recruits people, is that right?

Mr. Donald Lemaire: We are the...

Mr. Yvon Godin: There are a lot of commissions. I would like to know which commission we are talking about this morning.

Mr. Donald Lemaire: We are responsible for the Public Service Employment Act. Under the new Act, the power to appoint is delegated to departments, deputy ministers and heads of agencies.

Mr. Yvon Godin: I am going to offer an example to make sure I understand correctly. In Moncton, the Commission recruits people and has them write tests. A list of people is drawn up that is valid for two years. If the federal department in Bathurst wants to staff a position, it draws from that list. Is that about right?

Mr. Donald Lemaire: The departments are responsible for the recruiting process. We provide them with support for that purpose. The new Act gives them the choice of using the services of the Commission or doing their own recruiting. They may well ask the Commission to help them administer the process, the inventory, and so on. The only requirement that departments must meet is that they post their positions on the "jobs.gc.ca" website of the Public Service Commission of Canada.

Mr. Yvon Godin: They are no longer required to go through the Commission?

• (0930)

Mr. Donald Lemaire: No, they are no longer required to do that.

Mr. Yvon Godin: In that case, who is responsible for checking that the departments are hiring people who meet the language requirements of the positions? Before, was it not the Commission that acted as watchdog for this?

Mr. Donald Lemaire: We still have responsibility for monitoring and overseeing. We have delegation agreements. My colleague can give you further details about those agreements. Some requirements are imposed in order to keep those agreements in place, and the Commission monitors to determine whether the departments are complying.

Mr. Yvon Godin: I may not be with it this morning, but I am going to try to think of some examples. Take the example of a new program the government has just set up. Suppose that under this program, people who buy a hybrid car get a \$1,500 rebate, sometimes even \$2,000. Anglophones, with respect, know that the service is available. So because of the number of calls and the number of employees providing this service, francophones can't get through when they call and so do not have access to the service.

Are you the ones who decide whether there are enough staff to provide the service, or is it the department?

Mr. Donald Lemaire: It is the departments' responsibility, not ours, to make sure that they are capable of providing the service in both official languages. The Public Service Agency itself is responsible for monitoring to determine the extent to which the departments are in compliance.

Mr. Yvon Godin: Who tells you to do the monitoring? If nobody tells you and you don't receive any complaints, you don't know.

Mr. Donald Lemaire: Receiving complaints or monitoring the ability of the departments to provide services in both official languages is not the job of the Public Service Commission. It is the responsibility of the Public Service Agency, at Treasury Board.

Mr. Yvon Godin: Has your Commission instituted a process for approaching educational institutions to inform the students that in the next few years the public service is going to have to hire 25,000 people, for example? Do your representatives go into the schools to explain that for jobs designated as bilingual, people have to be bilingual? Are the schools being encouraged, both English and French schools? These young people go to school for 12 years and then spend four years in university. It seems to me that learning a language is doable in 16 years. In their case, the government should not have to pay for them to get training later.

Mr. Donald Lemaire: That is what we did during the first phase of the Action Plan. Under what we described as an awareness program, we went into schools, universities and colleges and gave presentations about the language requirements, bilingualism in the federal government, and how to access it. One of the things involved was making students aware of the importance of bilingualism, of acquiring and being proficient in a second language.

Mr. Yvon Godin: We have universities that train doctors, nurses, engineers. Can the government not let them know that it needs bilingual candidates?

Mr. Donald Lemaire: We let them know that we need bilingual candidates. We do that as part of what I call promotion, raising awareness and providing information to potential candidates.

Mr. Yvon Godin: Has the Commission never thought of telling the universities that it absolutely wanted a course to be offered?

Mr. Donald Lemaire: We are doing some outreach in that direction, for example with the Université Sainte-Anne. We need bilingual administrative personnel, and that university provides

bilingual education. We are setting up an initial work-study program, the first co-op program. We are going to facilitate access to the public service for these people by letting the departments know that there is a pool of bilingual candidates there who have taken their degree in a work-study program, and that they would be good candidates for the federal public service. We are currently trying to determine what kind of partnership could be established with educational institutions to encourage bilingualism and make it easier to recruit bilingual candidates.

Mr. Yvon Godin: I don't know whether you also have this impression, but when I go into the schools, English and French, I see how intelligent these kids are and I think how we are missing the boat at the outset. We are letting them go along as if they did not need to become bilingual, but later we tell them they have to be. Then they have to learn a second language and a new job all at the same time.

More efforts should be made to enter into agreements with universities and secondary schools all across Canada. In this committee, we have talked about how the public service is one of the biggest employers in the country, that bilingualism is one of the requirements, and that we have to expect that requirement to be honoured. For a unilingual person, the only way to get around this is to apply for a deputy minister position. That way you're excluded for life.

• (0935)

Mr. Donald Lemaire: When it comes to the work you are talking about we are in complete agreement. That is what we did, in part, in the second phase of the Action Plan. Under the decision that will be made regarding the second phase, we would like to go farther in that direction.

The Chair: Thank you, Mr. Lemaire.

We will now go to the government side.

Mr. Pierre Lemieux.

Mr. Pierre Lemieux (Glengarry—Prescott—Russell, CPC): Thank you very much.

Thank you for your presentation. I would first like to congratulate you on the number of tests you administered last year. It is continuing to go up, and that is good news. Last week we had representatives of the language school appear before us. They told us that the number of students who were able to take courses at their school had risen. I find that encouraging.

I would now like to raise two points.

[*English*]

I often receive comments regarding access, people being able to access positions. I call that the entry level, people who want to enter the public service. Sometimes they feel there's a wall there based on language requirements, particularly if they're unilingual anglophone or unilingual francophone.

[*Translation*]

When people are bilingual, it is easier.

[*English*]

Then there's progression within the public service.

[Translation]

In figure 3, it shows about 18,000 positions for 2006-2007, but it is difficult to see the difference between entry level positions and higher positions.

[English]

I'm wondering if you track, as a commission, the accessibility of Canadians to join the public service based on language requirements and their ability to then progress once they're in the public service and have access to language training. Before they enter, they don't have access to the services of language training through the public service. Do you track those types of numbers?

Mr. Donald Lemaire: We track the number of new entrants to the public service from the official language. Figure 3 basically shows the positions. Of those positions, 58% require English. So someone unilingual, or it could be someone bilingual, could apply for these positions. So we do track at the entry level.

Mr. Pierre Lemieux: I guess what I'm asking is this. Of the 10,000 positions, or the 58%, do you track how many are entry level positions and how many are progression-type positions?

If the number is very small, for example, on the entry level, then unilingual anglophone or francophone people would say they can't get through the door because it's a very small door. Once they're in the public service, though, they have access to training facilities, training programs, and testing, and also see all the positions in the public service and are able to say which ones they want to apply for, based on their requirements.

Just taking that as an example, of those 10,000 positions, do you know which ones were entry positions and which ones were progression—you know, not CR-2 but CR-4?

Mr. Donald Lemaire: I'm sorry, these are all entry to the public service.

Mr. Pierre Lemieux: These are all entry positions?

● (0940)

Mr. Donald Lemaire: Yes.

Mr. Pierre Lemieux: Okay, that's good. Thank you.

I noticed in figure 2 that the number of employees who do not meet the requirements when appointed has also been dropping. It was at about 354 for 2006-07. One of the questions I have is this. After their two years, do you track how many of the 354 meet the requirements and how many don't meet the requirements? Can you comment on that?

Mr. Donald Lemaire: I would ask my colleague to answer that.

Mr. Edward Poznanski: Yes, we do. Since 2003-04, that fiscal year, we've introduced a monitoring system. We require departments to report on the situations of people they have appointed to bilingual positions on a non-imperative basis, so that we can track to make sure the extensions that are required are done in accordance with the exclusion order and that these people do eventually meet the language requirements.

Mr. Pierre Lemieux: In that case of 354, are you able to comment? After two years, how many meet their language requirements? I guess in 2006 and 2007, you can't comment on

that one. But from two years ago, for example, under the 454, are you able to comment on how many were able to meet the language requirements after having access to training?

Mr. Edward Poznanski: I can't tell you exactly how many met the language requirements, but people either had their exemption period extended or perhaps they received an exclusion on the basis of a medical reason. That number can go down for a number of reasons. Either they eventually meet the language requirements, or they move to another job, or they are excluded for another reason.

[Translation]

The Chair: You have one minute left, Mr. Lemieux.

Mr. Pierre Lemieux: Thank you.

I also noted that you have made changes in the tests. I would like to know why you changed the oral and written tests.

Mr. Donald Lemaire: Mr. Edwards will be happy to answer that question.

Mr. Henry Edwards (Director, Research and Development, Personnel Psychology Centre, Staffing and Assessment Services Branch, Public Service Commission of Canada): We made the decision to change the tests three years ago, one reason being that even though the tests were still valid and reliable, they dated from 1984-1985 or thereabouts. The way language is used in the government has changed since then. For example, on the written test, obviously the use of electronic mail has changed a lot of things. The style of language has also changed: it is less formal now. There is also the whole language of technology, and so on.

Because of that, the tests had to be modernized and we had to be sure we had tests that were as valid and reliable as possible, based on the best testing practices that apply today.

Mr. Pierre Lemieux: You have noticed that the results have gone down slightly. You are doing a study at the moment to find out why, but do you already have an idea of the reason why results may have gone down?

Mr. Henry Edwards: There are several possibilities. If you take a look at the graphs we have provided, you can see that in the case of the same test, over the years there have been ups and downs, sometimes significant, which are attributable not to the test itself, but rather to the characteristics of the population being assessed. Those characteristics change. Recently, for example, the introduction of a national area of selection may have had an influence. There is more diversity in the population that is applying. That might have had an influence too.

With respect specifically to the written expression test, the test we started in October 2007, even though it reflects the same standards as its predecessor, it is a different test in that more emphasis is placed on written language in a particular context. It is a test that also takes the work context into greater account. I think it is a test that gives a more complete evaluation, based on the standards, and this could be one explanation. But of course we are waiting for the results of the study.

•(0945)

The Chair: Thank you, Mr. Edwards.

Before starting the second round, I would just like to clarify something for Mr. Godin concerning his comment a few minutes ago about instruction at the university level. In the report that was distributed yesterday, recommendation 3 deals specifically with that, the importance of institutions at the postsecondary level promoting French. We can come back to that in discussion of the report.

We will now start the second round. You have five minutes, Mr. Rodriguez.

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Thank you, Mr. Chair.

Good morning, everyone.

I would like to pursue a subject raised by Mr. Godin, about your role, because I am not sure I understand it. Listening to you, I have the impression that you have delegated virtually all your responsibilities, and I am not sure that you are left with much to do. That's a joke, but I am partly serious.

What are the basic items, the major activities, that you are still involved in?

Mr. Donald Lemaire: First, we have responsibility for the Public Service Employment Act, that is, for the entire system of appointments to the public service and within the public service. The Act encouraged the Commission to delegate its powers of appointment, subject to certain requirements. That is what we have done, and at the same time we have improved our capacity for oversight, to ensure that departments are in compliance when they exercise the powers delegated to them. In terms of political activities, we have responsibility for authorizing public servants to take part in municipal, provincial or federal campaigns, as candidates in an election.

Mr. Pablo Rodriguez: So it affects people who want to stand for election, and not just do volunteer work.

Mr. Donald Lemaire: No, it affects people who want to stand for election.

Mr. Pablo Rodriguez: So they have to go and see you.

Mr. Donald Lemaire: They have to submit ... there are established procedures. So the Commission has responsibility for giving the authorization. It also manages what is called the job site of the Government of Canada for external appointments, when people apply for a job. It is responsible for language tests. In other words, the Public Service Commission is responsible for developing and conducting the language tests. That is part of our responsibilities.

Mr. Pablo Rodriguez: Is Canada "well served" by delegating that? Is this a good thing?

Mr. Donald Lemaire: The Act, the delegation scheme, has been in force since 2006. There is nothing to suggest, one way or the other, that...

Mr. Pablo Rodriguez: There is no resistance on your part, that is, you have...

Mr. Donald Lemaire: No.

Mr. Pablo Rodriguez: You say that you delegate functions, that you keep some responsibility in terms of monitoring and oversight. I wonder how real that is, what your powers within that are, for example in terms of monitoring and oversight. What happens if you monitor, you oversee, and you don't agree? Do you have any powers?

Mr. Donald Lemaire: If I may, before answering I would like to add that we also have a power to investigate. When an individual believes that there has been fraud or some action that should be investigated, the Public Service Commission has the power to investigate. It can also conduct investigations into internal processes, at the request of a deputy minister, and so on. Those are part of its powers. The Commission can — my colleague will be able to provide you with more detail on this — can withdraw the delegation or revoke an appointment.

Mr. Pablo Rodriguez: Ah, you can do that unilaterally?

Mr. Donald Lemaire: Yes, after following certain procedures.

Mr. Edward Poznanski: We have a number of tools available to us for managing the system so that we can monitor things. Of course being able to withdraw the delegation is a tool, but we also have the power to write to the Clerk of the Privy Council, we can write to the responsible deputy minister in the department, we can publish the findings in our annual report, and so on.

Mr. Pablo Rodriguez: Did you have responsibilities initially under the Action Plan? When the Action Plan was prepared, were specific responsibilities...?

Mr. Donald Lemaire: We had a responsibility to "demystify" bilingualism in the federal public service.

Mr. Pablo Rodriguez: Have you demystified it?

Mr. Donald Lemaire: We hope so. It is very difficult to evaluate the extent to which people have a better understanding of what the bilingualism level means. We also had work to do with the anglophone community in Quebec. It is very important to explain what the bilingualism level means, for example by using the DVD that gives very concrete examples of employees who have different language proficiencies, so that people can really understand...

•(0950)

Mr. Pablo Rodriguez: Is there something that could be included in the new Action Plan that would be useful to you: tools or whatever that could be useful to you, that you could use to do your work better?

Mr. Donald Lemaire: We would be very happy to pursue the initiative that started with the original Action Plan and move forward in terms of awareness and the plan to promote bilingualism at educational institutions.

Mr. Pablo Rodriguez: Okay.

The Chair: Thank you, Mr. Rodriguez.

It seems that the researcher could provide some assistance on this subject.

Mr. Jean-Rodrigue Paré (Committee Researcher): I would like to clarify one thing. In the original Action Plan, in 2003, the Commission was responsible for everything, because it was before the Agency was created. Initially, in the Action Plan, the Commission received \$38.6 million to deal with all training, with the entire bilingualism aspect. All or part of that budget was then transferred to the Agency when it was created, at the end of 2003. The Agency itself then transferred some of its budget to the school, when the school was created. That is why there may be some confusion as to their mandates.

The Chair: That is on page 17 of the French version of the report and on page 16, point 23, of the English version. Thank you.

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Chair, I have a point of order. I don't want to cut into the time allowed to my colleagues, but a moment ago you mentioned some items in the report, which is a confidential draft that we will be dealing with in camera.

The Chair: That is true, yes.

Mr. Jean-Claude D'Amours: A moment ago, you said that a particular recommendation appeared on a particular page. Again, Mr. Chair...

The Chair: That's true. Thank you, Mr. D'Amours, for reminding me that it is a confidential document. We are not in camera. Thank you, and I will take that to heart.

We will now go to a representative of the Conservative government.

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): Thank you for coming here today. We are going to talk strictly about the Action Plan for the Official Languages, but first, in the "blues" I have in front of me, I read that last week, at a public meeting, Jean-Claude D'Amours put a very good question to Michèle Demers of the Professional Institute of the Public Service of Canada, who replied as follows:

So much ground has been lost in the area of language training that it seems to have fallen off the radar of the federal public service. Nobody is talking about it anymore. Despite how much we heard about it in 2003, 2004, 2005 and even 2006, all we hear now is complete frustration from people who say there is no language training at the school anymore. Responsibility for doing language training has been delegated to the departments, but they have not been given any budget for doing the job. They have to take operating budgets that are already tight, that are in fact being cut year after year, and try to provide an hour here and there. That does not make for bilingual people.

Mr. D'Amours added: "So these are fine words, but nothing concrete is being done."

And Ms. Demers replied: "Absolutely."

Do you agree with that statement? That is someone on the inside, who said that what you are doing is... I won't say the word, but it's as simple as that. So do you agree with that statement, coming from a representative of the Professional Institute of the Public Service? According to the document you presented this morning, you are an optimist by nature. On the other hand, that is not what Ms. Demers seemed to be saying, and she is part of the system. Who's right: her or you?

I have been sitting in the House for barely two years and I want to know where I'm going. As I see it, the Public Service Commission is

the employer. On the other side is the union. Is that a union response, or a genuine response?

Mr. Donald Lemaire: I think it would be unwise for me to express a personal opinion about the validity of what Ms. Demers said. On the other hand, I can say, as you noted a few minutes ago, that all responsibility for language has been transferred. The Commission no longer has any responsibility, and as part of that transfer, we transferred \$25 million to the school for language training.

So we no longer have any actual role in language training. Like any other department, we arrange for our employees to receive training, but we have no government-wide responsibility to monitor this issue.

• (0955)

Mr. Daniel Petit: You were responsible during part of the period of the Action Plan. This lady was talking about the entire Action Plan. She is talking about the same years as we are talking about, when you were the employer. The transfers happened after that.

She said that during the time when you were the employer, you were not able to do anything, that there was frustration, pure and simple, and there was no bilingualism. Is that true or false? I wasn't there; you were.

Mr. Donald Lemaire: Unfortunately, I am not able to answer your question. I personally was not there. Ms. Demers is talking about... April 2006, that's...

Mr. Daniel Petit: She was talking about 2003, 2004, 2005 and even 2006. She was talking about the period when you were there. She said that it was... Well, I won't use the word that fits, but that's what she said, in her own words.

Mr. Donald Lemaire: I respect Ms. Demers' opinion, but I don't share it.

Mr. Daniel Petit: You don't agree with it.

Mr. Donald Lemaire: That's right.

Mr. Daniel Petit: I have one final question. Regarding the delivery of services in both languages, what improvement would you see? We have seen that your powers are in fact limited, but what would you see, apart from saying you are going to continue, which we understand: there is \$800 million at stake. But apart from saying that we should continue, what would you see as improving the plan, which you administered for two or three years?

Mr. Donald Lemaire: I am not familiar with the other components of the Action Plan that were transferred when the new Act was put in place. On the question of the role of the Public Service Commission, I think we should continue promoting bilingualism and raising the public's awareness of its importance and of learning as early as possible. So any initiative that would enable us to keep going in that direction would be very welcome, and we would be happy to be involved in that effort.

The Chair: Thank you, Mr. Petit.

We will now continue with Mr. Raymond Gravel.

Mr. Raymond Gravel (Repentigny, BQ): Thank you, Mr. Chair.

To answer Mr. Petit, Ms. Demers said that it seemed to get worse starting in 2006, which corresponds to when the Conservatives came to power. That's bizarre.

I wanted to ask you a question about unilingualism, francophone and anglophone. Is it easier for a unilingual anglophone to get hired in the public service than for a unilingual francophone? For example, according to the survey of Montreal businesses that was published in *Le Journal de Montréal*, anglophones who apply for a job are assured that if they are able to say "hello" and "how are you", francophones will be happy. Is that how it is in the public service too? Are anglophones truly bilingual or do they just know how to say a few words in French when they are hired?

Mr. Donald Lemaire: Francophone or anglophone, candidates must meet the requirements of the language profile for the position. When a position is defined as bilingual, the proficiency level in the second language is the same, whether for a francophone or an anglophone.

Mr. Raymond Gravel: Are more unilingual anglophones hired? Of course, because there are more anglophones than francophones in Canada. But is it easier for a unilingual anglophone to get hired than for a unilingual francophone?

Mr. Donald Lemaire: The question is not whether it is easier or harder. There are more unilingual anglophone positions. Based on the law of large numbers, we can expect that there will be more English first language positions available. So I don't believe that it would be easier or harder for either of the two groups.

Mr. Raymond Gravel: Okay.

For senior officials, what rules have to be followed to become bilingual, as compared to the rules for a lower level employee? Are they the same rules?

Mr. Edward Poznanski: There is a general rule now for bilingual positions: we staff the positions on an imperative basis. In some circumstances, however, with the approval of senior management, we can staff positions on a non-imperative basis.

For the management group, there are special rules. For example, bilingual assistant deputy minister positions have to be staffed on an imperative basis, regardless of the department. For director general positions, positions classified as EX-3 and EX-2, the general rule is that we staff these positions on an imperative basis if they are in the public service and are located in a bilingual region. The only way we can staff a position in the management group on a non-imperative basis is if the deputy minister approves it. I would note in passing that positions classified as EX-2 and EX-3 are open to the public. At the EX-1 level, that is, the entry level to the management group, the general rule is that the positions are staffed on an imperative basis. However, if the deputy minister approves it, we can staff those positions on a non-imperative basis.

• (1000)

Mr. Raymond Gravel: Why are there unilingual English deputy ministers?

Mr. Donald Lemaire: Deputy minister positions do not come under the Public Service Employment Act. We couldn't say why they are unilingual.

Mr. Raymond Gravel: It's the same thing for ambassadors. Some Canadian ambassadors in the world are unilingual anglophones.

Mr. Edward Poznanski: Some ambassadors are appointed by the Governor in Council and others come under the Public Service Employment Act. Those appointments have to comply with the same policy regarding official languages as apply in the rest of the public service.

Mr. Raymond Gravel: When an ambassador from a foreign country comes to Canada, is he not obliged to speak both languages? I had a similar experience. I was studying in Rome and I met the recently appointed Vatican ambassador to Canada. He didn't speak a word of French. He spoke only Italian and English.

Mr. Donald Lemaire: That is not under our jurisdiction. I would not know how to answer that question.

The Chair: Thank you, Mr. Gravel.

We will continue with Mr. Godin.

Mr. Yvon Godin: Thank you, Mr. Chair.

You said you have the power to do an investigation for monitoring purposes. I am going to talk about what Mr. Petit said earlier and what Mr. D'Amours also talked about last week. I was here and I heard him. Spending only two hours an evening to learn another language does not work very well.

What do you think about this? Are we heading in the right direction or are we on the wrong track?

Mr. Donald Lemaire: Learning a second language calls for a personal commitment, first of all. Someone has to demonstrate a certain desire and determination in order to accomplish it, and management is responsible for providing an environment that supports successful learning. That is in the interests of the organization.

Mr. Yvon Godin: You aren't being clear. You are talking almost like a politician. When someone works all day and has children at home at night and goes to school to learn another language, do you think that person is in a suitable environment for learning a second language?

Mr. Donald Lemaire: There are only so many hours in a day and so many activities a person can do.

Mr. Yvon Godin: Thank you.

Figure 5 in your document, entitled "Pass rates on the Writing Test, by level and year", shows the following figures: francophones, 67%; anglophones, 88.4%. The "New Written Expression Test, October 1, 2007 - January 15, 2008" column shows the following figures: francophones, 54.4%; anglophones, 67.1%.

We know that at National Defence the test administered to anglophones may have 30 questions, while the test for francophones has 45 or 48. I don't have the figures in front of me, but I can provide the proof for what I'm saying.

Mr. Henry Edwards: First I would like to clarify that "French" means "test in French" or "French test". So when it says "French" it is referring to the success rate for anglophones who take the test in French. The figures you are quoting represent the pass rates for the Public Service Commission of Canada with the old test, the test for 2006-2007, and with the new test that was implemented on October 1.

The tests in French administered to anglophones do indeed show a very low pass rate at level C, 33%. However, that figure is based on only 279 cases, while the test is administered nearly 30,000 times a year. We are currently doing a study to determine whether those results can be attributed to the characteristics of this particular group or there are other factors to be taken into account.

•(1005)

Mr. Yvon Godin: Was the test translated, or was it written in the language of the person who takes it?

Mr. Henry Edwards: The test is not translated. There are two professional teams that write the tests: an anglophone team and a francophone team. Similar methodology was used for writing the two parallel tests. There is no translation, but the equivalency of the English and French tests has been ascertained using statistical methods, so that they both reflect the employer's language standards. The differences must be attributable to the group that was evaluated for those results.

Mr. Yvon Godin: Have the funds spent on the Action Plan helped to bring the two groups closer together, to do studies, to change the tests and the way they are administered, to put more emphasis on bilingualism?

Mr. Donald Lemaire: We have not received any particular funding for second language evaluation tests under the Action Plan.

Mr. Yvon Godin: That is just for training. You did not receive it; the department received it, but we don't know whether it did this.

Mr. Donald Lemaire: We are in the process of updating...

Mr. Yvon Godin: You don't know whether it did this. In reality, someone has to volunteer to say it. Is it yes or no?

Mr. Donald Lemaire: The departments are responsible, in their reports...

Mr. Yvon Godin: Fine. You, the Commission, that is, don't know whether there have been complaints.

Mr. Donald Lemaire: In fact they shouldn't be complaining to us.

Mr. Yvon Godin: Previously, when you were responsible, you knew. Since 2006, you don't know, is that correct?

Mr. Donald Lemaire: We don't know.

Mr. Yvon Godin: Thank you.

The Chair: Thank you, Mr. Godin.

That concludes the second time around the table. I am going to allow a question or two before thanking our witnesses and adjourning the meeting.

Mr. Simard, you have the floor.

Hon. Raymond Simard (Saint Boniface, Lib.): Thank you, Mr. Chair. This is a subject that is very dear to my heart, and I

appreciate your giving me an opportunity to discuss it. I have just one question to ask.

We hear that there are waiting lists for language training in almost all departments, and that priority for French training is given to managers. Is it true that these waiting lists exist in almost all departments and that people with less seniority are getting frustrated? Is this a situation that you are monitoring?

Mr. Donald Lemaire: I am going to give the same answer as I gave Mr. Godin. We do not monitor language training. The Public Service Commission no longer has responsibility for language training. That would have to be checked with the School of Public Service of Canada, whether the people in charge of the school monitor waiting lists and access to language training.

Hon. Raymond Simard: Thank you.

The Chair: Do you have a question, Mr. Harvey?

Mr. Luc Harvey (Louis-Hébert, CPC): First, service has to be offered to the public in both languages. In the case of public servants, do you receive complaints from people saying they are not able to speak their first language at the office? Do you hear about problems like that? If not, are things going relatively well?

Mr. Donald Lemaire: The Commissioner of Official Languages receives the complaints; we do not receive them.

Mr. Luc Harvey: Surely the Commissioner is in contact with you.

Mr. Donald Lemaire: He can also contact the department concerned to discuss the complaint.

Mr. Luc Harvey: Have you heard about problems in this regard?

•(1010)

Mr. Donald Lemaire: I am not aware of any particular situations.

Mr. Luc Harvey: Thank you.

Mr. Daniel Petit: Mr. Chair, I would like him to explain what is represented in figure 1 that he has presented.

The Chair: I will allow you a little time, Mr. Petit.

Mr. Daniel Petit: I will have to take a look at this later. Fortunately he can explain something for us. This will take maybe 30 seconds.

The Chair: Be brief.

Mr. Daniel Petit: I would like to understand what figure 1 represents.

Mr. Donald Lemaire: It shows appointments by candidates' first language.

Mr. Daniel Petit: What exactly do you mean by first language?

Mr. Donald Lemaire: In other words, this is an anglophone, a francophone or someone else who has reported English or French as their first language.

Mr. Daniel Petit: What about the other one?

Mr. Donald Lemaire: Those are appointments from outside the public service. The second table relates to bilingual imperative appointments.

The Chair: Thank you for that clarification, Mr. Lemaire. I have just learned that you have to catch a plane at 11:00. We won't keep you any longer. Thank you for meeting with us this morning and clarifying things for us, especially regarding your mandate. There were a lot of questions on that subject.

We will suspend and continue in camera, to begin our analysis of the report.

[Proceedings continue in camera.]

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