

Bilingual Staffing Guidelines

Introduction

In accordance with the Yukon *Languages Act*, the Yukon government is committed to ensuring the public can receive government services in English or in French from head or central offices, and from those offices for which there is significant demand for French communication and services, or for which it is reasonable that communications with and services from that office, be in both English and French owing to the nature of the office.

Notwithstanding these commitments, the administrative language of work in the Yukon public service is English as stated in the General Administrative Manual (GAM) Policy 1.7.

A series of supporting documents and forms are part of these guidelines and included as annexes.

Application

These guidelines apply to all Departments within the Yukon government, including the Yukon Liquor Corporation, the Yukon Housing Corporation, the Yukon Development Corporation, and the Workers' Compensation Health and Safety Board. For the purpose of these guidelines, the use of "Departments" also refers to and includes corporations and any other government agencies.

Purpose

These guidelines support the *Languages Act* and French Language Policy by outlining the requirements for the identification, recruitment, selection and appointment processes related to imperative designated bilingual positions and non-imperative bilingual positions within the Yukon government filled under the *Public Service Act*.

Definitions

- **Active Offer:** offering French language services in a proactive way, by ensuring those services are available, accessible, publicized and comparable in quality to services in English.
- **Bilingual:** being functional, at a level commensurate with the requirements of the position and in the mode required for the position [i.e. oral (speaking and listening) and written (reading and writing)], in providing services in both English and French.
- **Language profile:** the pre-determined level of French and English language proficiency assigned to a position for oral and written skills.
- **Imperative designated bilingual position:** a position within the public service that a Department identifies as requiring a knowledge and use of English and French in order for the duties of the position to be performed satisfactorily; that is identified as bilingual in the job description; and for which the competition is restricted.
- **Non-imperative bilingual position:** a position within the public service for which the knowledge and use of English and French would be preferred but is not required in order for the duties of the position to be performed satisfactorily.
- **Preference Competition:** a competition open to bilingual and non-bilingual applicants, but in which the highest ranked certified bilingual applicant will be offered the position (or, where there is no certified bilingual applicant, the highest ranked non-bilingual applicant will be offered the position).

- **Restricted Competition:** a competition for which only bilingual applicants will be considered, and which will be closed if there are no certified bilingual applicants.

Principles

In keeping with the commitment stated above, the following principles govern the provision of French language services in Yukon:

- Strategic human resource management in the medium and long-term can be the most effective method for ensuring French language service requirements are met.
- The recruitment and staffing of all identified bilingual positions will be in accordance with the Collective Agreement and Staffing Manual, and based on merit as defined in the *Public Service Act*.
- French language service provision is the responsibility of all Yukon government Departments.
- The French Language Services Directorate (FLSD) is recognized as a key resource in the identification and staffing of bilingual positions.

Responsibilities

Departments are responsible for:

- assessing their French language service requirements and capacities;
- identifying opportunities to close known gaps in bilingual services to ensure these service requirements are met in a reasonable and strategic fashion;
- proceeding with the staffing of new and existing imperative designated bilingual positions;
- determining the level of language proficiency for an imperative designated position, in consultation with FLSD and the Public Service Commission (PSC); and
- seeking the advice of and consulting with FLSD as needed to support these activities.

Departments' human resources staff are responsible for providing advice in addressing bilingual human resource requirements, including recruitment, retention and bilingual language proficiency assessment and language training strategies.

PSC is responsible for:

- providing support and advice to Departments and FLSD with respect to the recruitment of imperative designated and non-imperative bilingual positions;
- monitoring, tracking, and reporting (annually to the Advisory Committee on French Language Services) on the recruitment and staffing of imperative designated and non-imperative bilingual positions in each Department;
- developing French and English language profiles, and language proficiency assessment processes, with the assistance of FLSD; and
- qualifying assessors to conduct English language proficiency assessments.

FLSD is responsible for:

- providing advice and support to Departments, when requested, in the identification, recruitment and staffing of new and existing imperative designated bilingual positions and non-imperative bilingual positions;
- working with Departments and the francophone community to develop an annual government level staffing plan on bilingual staffing and present to various committees, including Human Resources Management Advisory Committee (HRMAC); Deputy Minister Review Committee (DMRC), and Advisory Committee on French Language Services (ACFLS);
- working with the PSC to develop French and English language profiles for bilingual positions, as well as assessment tools and processes;
- qualifying assessors to conduct French language proficiency assessments;

- conducting French language assessments;
- assisting Departments with the identification of language profile requirements for bilingual positions;
- providing analysis of and advice on bilingual recruitment and staffing reports issued by PSC;
- translating any staffing documents required by these guidelines;
- developing and offering French language, and active offer training options; and
- providing financial assistance depending upon availability of funds.

Identification of Bilingual Positions

Strategic human resource planning is the most effective method of ensuring Departments meet the Yukon government's French language service requirements. Planning should consider medium and long-term implications. FLSD will provide advice and assist departments to identify bilingual staffing priorities; and will present an annual bilingual staffing plan to the Human Resources Management Advisory Committee (HRMAC), the Deputy Minister Review Committee (DMRC), and the Advisory Committee on French Language Services (ACFLS).

In determining whether to identify a position as an imperative designated bilingual position or non-imperative bilingual position, the priorities outlined in the Yukon Strategic Framework for FLS should also be considered, along with the following:

According to the Yukon *Languages Act*, members of the public in the Yukon have the right to communicate with, and to receive services from, any head office of the government of Yukon or institution of the legislative assembly in either English or French. That also applies to any other office of such institutions where there is significant demand, or due to the nature of the office it is reasonable that services and communications be in both languages.

Consequently, the following position profiles are to be used to identify bilingual positions:

Imperative Designated Bilingual Positions

Where it is determined that services are required to be delivered in both English and French, the following may constitute reasons for identifying a position as imperative designated bilingual: the position is one of the few in a central office that provides services to the public;

- there is significant need or demand for French communication/ services;
- it is reasonable that communications with and services from that office be in both English and French owing to the nature of the office; and/or
- the position is the only one that provides certain services to the public.

Non-Imperative Bilingual (Preference) Positions

Where it is determined that services should be delivered in both English and French, the following may constitute reasons for identifying a position as non-imperative bilingual as opposed to imperative designated bilingual:

- the position is a backup to an imperative designated bilingual position;
- the position is one of several in an office that provides services to the public;
- the applicant pool is very limited due to the highly specialized nature of the duties and the knowledge needed for the position;
- the department has received an insufficient number of applicants from members of the official language community;
- the position is for a short-term assignment; and/or,
- the position is one of several providing similar services but there are not enough employees who meet the language requirements to ensure service in both official languages.

Language Profile

Once a position has been identified bilingual, the bilingual language profile (level of language proficiency) will be established prior to proceeding with the staffing process. Departments will ensure the bilingual language profile reflects the functions and duties required of the position, and will consult FLSD to determine the language requirements. Bilingual language profiles should be developed based on the following:

- the linguistic composition of the client base;
- the nature of the services provided;
- the functions accomplished by employees in the delivery of the services referred to above (e.g. inform, facilitate training, negotiate settlements, etc.); and,
- the manner in which services are usually accessed and provided (in person, phone, mail, etc.).

Staffing of Bilingual Positions

Staffing of all bilingual positions within the Yukon government is performed in accordance with the *Public Service Act*, the Collective Agreement, and human resource policies and procedures, including the Yukon government "Staffing Manual".

The simplest way to fill new imperative designated positions (already filled) with bilingual staff is to wait for such positions to be vacated; however, Departments may consider transferring or rotating existing staff with their consent. Under no circumstances will an existing employee be laid off or demoted because of these guidelines.

There are three options for ensuring bilingual positions are staffed with employees who are able to provide French language services required for the position:

- to fill vacant positions with qualified candidates using the staffing process;
- to transfer a non-bilingual employee, with his/her consent, (or on a voluntary basis) in order to create a vacancy which would be filled by either recruitment or transferring an existing bilingual person; or
- to upgrade the French language skills of an existing employee.

Posting and Selection

When recruiting for an imperative designated or non-imperative bilingual position, Departments must ensure that:

- the level of language proficiency necessary for the position is determined prior to the posting of the position and evaluation of the candidates;
- imperative designated bilingual and non-imperative bilingual positions are advertised in both English and French simultaneously;
- all job postings indicate resumes must be submitted in English and that the administrative language in the Government of Yukon is English;
- job postings for non-imperative bilingual positions state that bilingual capacity is preferred;
- all job descriptions for imperative designated bilingual and non-imperative bilingual positions are available in both English and French;
- the selection board is satisfied, through the assessment and interview, that candidates have met the bilingual communication requirements of the position; and,
- offer letters explain that though a position is imperative designated bilingual or non-imperative bilingual, the administrative language in the Government of Yukon is English.

Departments may resort to restricted or preference competition for imperative designated bilingual positions. The selection board does not require a participating bilingual chair or board member. The language proficiency of candidates must be assessed by a certified assessor, using standardized assessment methodology.

Restricted Competitions

Applicants, who do not meet the language requirements and qualifications identified in the job posting of an imperative designated bilingual position, will not be offered the position. The selection board should consider that, within reason, it is often easier to learn the skill of a position (e.g. entry-level or administrative position), than it is to learn another language. If no applicants apply or certify on a restricted competition, the competition will be considered closed.

Preference Competitions

Applicants who meet the required language requirements and qualifications identified on the job posting must be assessed, in addition to language proficiency, before other applicants are considered, with the exception of competitions for which eligibility list for non-bilingual positions may be established.

The highest ranked certified bilingual applicant will be offered the position. If there is no certified bilingual applicant, other non-bilingual applicants may be assessed and/or offered the position.

Offer of Employment

The bilingual designation of a position entails no supplementary premium or benefit.

The offer of employment shall be in English and shall include a statement reminding the individual of the obligations of the imperative designated bilingual position or the non-imperative bilingual position. The statement may be worded as follows:

For an imperative designated bilingual position:

“This position is imperative designated bilingual. A condition of employment is that you have and maintain a sound knowledge and command of English and French, and that you are able and willing to function satisfactorily in both languages in accordance with the pre-determined levels of French and English language proficiency for this position.”

A candidate must meet the language proficiency standards required for an imperative designated bilingual position prior to an offer being made.

“This position is designated with a bilingual preference. You should work towards achieving the required level of proficiency in English and French through language training and other means.”

The offer of employment should also include any identified training required (e.g. “Active Offer” orientation training) as determined by the Department, PSC or FLSD.

Language Assessment

The selection board will ensure that no candidate will be offered a position for an imperative designated bilingual position without confirmation from PSC that the candidate's language skills have met the French and English language profile requirements identified in the job posting.

Formal language assessments will consist of a standardized methodology, determined by FLSD and PSC. Language assessments may include French and/or English, and must be completed by a certified assessor within Yukon government.

Unsuccessful Recruitment

If a competition for an imperative designated bilingual position is not successful, due to the lack of qualified candidates or the fact that no candidates certified, the department will contact the PSC.

The PSC will provide advice and support, and will consult with the FLSD to identify possible solutions or other recruitment strategies, including strategic re-advertisement (utilizing French language networks), temporary hire (such as a term, AOC or casual), under-fill hire, voluntary transfer of bilingual and non-bilingual staff, or other alternative service delivery options, e.g. sharing a bilingual employee with another unit or branch.

Appendix

Supporting Forms and Documents (available electronically on PSC YG Intranet Website)

- French & English Language Proficiency Assessment (Step-By-Step Process)
- Oral Proficiency Rating Scale
- Language Profile Determination (Oral Interaction – Speaking and Listening)
- Language Profile Determination (Reading Comprehension and Writing Skills)
- Request for Testing (French Language Proficiency)
- Request for Testing (English Language Proficiency)
- Language Proficiency Assessment Results