

# National Joint Council

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## Bilingualism Bonus Directive

This directive is now hosted by the National Joint Council, where it was co-developed by participating bargaining agents and public service employers. The document **has not** been changed and continues to apply.

### [Communiqués](#)

## General

### Collective agreement

This directive is deemed to be part of collective agreements between the parties to the National Joint Council, and employees are to be afforded ready access to this directive.

### Grievance procedure

In cases of alleged misinterpretation or misapplication arising out of these directives, the grievance procedure, for all represented employees, within the meaning of the *Public Service Labour Relations Act*, will be in accordance with Section 14.0 of the *National Joint Council By-Laws*. For unrepresented employees, the departmental grievance procedure applies. (revised April 1, 2005)

### Effective date

This directive became effective January 16, 1987, and was amended further to the *Public Service Reform Act* to reflect the new definition of employee which became effective June 1, 1993.

### Purpose

This directive sets forth the conditions under which employees are eligible for the bilingualism bonus.

## Application

The directive applies to departments, agencies and Crown corporations listed in Schedules I and IV of the Financial Administration Act, as well as to the National Research Council and the Canadian Institutes of Health Research (revised January 23, 2006)

## Definitions

**Acting assignment** (*Affectation intérimaire*) - means a compensation mechanism for employees temporarily performing higher level duties. It occurs when an employee is required to substantially perform the duties of a higher position for at least the qualifying period stipulated by the relevant collective agreement, or applicable terms and conditions directives.

**Bilingualism bonus** (*Prime au bilinguisme*) - means a sum of money paid to eligible employees occupying bilingual positions.

**Bilingual position** (*Poste bilingue*) - means a position for which there is a clear requirement for the use of both official languages by the incumbent in the performance of the duties of the position. The identification of a position as bilingual is done in accordance with Treasury Board criteria.

**Linguistic profile** (*Profil linguistique*) - means a coded summary which represents the second language proficiency required for a bilingual position in each official language. In each of three language skills (reading, writing and oral interaction), a level of proficiency is indicated.

**Other assignment** (*Autre affectation*) - means a situation where an employee is required to substantially perform temporarily the duties of a position of the same pay level.

**Second Language Evaluation (SLE)** (*Évaluation de langue seconde (ELS)*) - means an examination administered and scored by the Public Service Commission (or departments on its behalf), to establish a candidate's proficiency in his/her second language in a work-related context, in each of the three following skills: reading,

writing and oral interaction. Note: In 1984, the SLE replaced the Language Knowledge Examination (LKE). Results on the LKE (or the Special Evaluation) which are still valid are recognized for the present confirmation directive purposes.

**Special assignment** (*Affectation spéciale*) - means an assignment usually longer than one year (such as CAP or long-term detachments), for which there is usually a specific agreement between management and the employee stipulating that, at the end of the assignment(s) the employee will not return to perform his/her former duties.

**Written notice** (*Avis écrit*) - means a written notice sent by a manager to an employee informing him/her of a test failure or of the re-identification or raised profile of his/her position.

## Directive

### 1.1 Eligibility

1.1.1 An employee is eligible for the bilingualism bonus from the date on which the Deputy Head certifies that the following conditions are being met:

- (a) the employee occupies a position which has been identified bilingual; and
- (b) the employee has Second Language Evaluation (SLE) results confirming that he/she meets the language requirements of his/her position (or in the case of professional requirements - code "P", the employee meets that code at the time of staffing of the position).

1.1.2 The bilingualism bonus shall not be payable to the following:

- (a) employees in the Translation Group, unless their positions are identified bilingual for reasons other than translation;
- (b) employees who continue to receive the frozen ST bilingual differential, under conditions specified in section 1.7 of this directive;
- (c) employees who are classified in the Executive Group of the Management Category. However, all EX equivalents are eligible for the bonus, provided that they meet the eligibility conditions (for equivalences, see Personnel Management Manual (PMM), Volume 2, Chapter 2-2, Appendix A, Amendment 86-3);
- (d) persons appointed by Governor in Council;

- (e) persons locally engaged outside Canada;
- (f) persons ordinarily working one-third or less of the normal working hours for the same group and category;
- (g) persons employed on a temporary basis for three months or less; and
- (h) persons under professional or personal service contracts.

## 1.2 Failures - Responsibilities

1.2.1 If the results of an SLE show that an employee does not meet the linguistic requirements of his/her position, the department will provide written notice that he/she will cease to receive the bonus two months after the date of written notice. The written notice shall be given within 10 working days from the date of the decision. Negative test results create responsibilities on the part of managers and employees.

### Departments

1.2.2 As a first step, it is incumbent on departments or agencies to review the linguistic identification of the position in terms of the real requirements of the position, and the bilingual capacity of the work unit.

1.2.3 Departments and agencies will re-identify the position as unilingual if the requirements can be effectively absorbed by the work unit.

1.2.4 If the position must remain bilingual, it is incumbent upon the department or agency to provide the bilingual services by other means.

### Employees

1.2.5 The employee who did not succeed in establishing that he/she still meets the language requirements of his/her position may remain in his/her position.

1.2.6 The employee may seek a review of SLE testing results in accordance with the Public Service Commission administrative recourse mechanisms.

1.2.7 The employee whose position remains bilingual may become re-eligible for the bonus and may have recourse to language training at public expense according to the terms set out in section 1.10 of the directive.

## 1.3 Other bonus situations

### 1.3.1 If the language profile of a bilingual position is raised:

- (a) payment of the bonus continues if the employee meets the higher linguistic profile;
- (b) if the employee does not meet the new linguistic profile of the position, payment of the bonus ceases two months after the written notice;
- (c) language training would be available in accordance with the directive in force.

### 1.3.2 An employee must be notified within ten (10) working days of a management decision:

- to raise the proficiency profile of a bilingual position occupied by the employee, where the incumbent is in receipt of the bonus; or
- to re-identify a position from bilingual to unilingual where the incumbent is in receipt of the bonus.

### 1.3.3 When a bilingual position is re-identified as unilingual, payment of the bonus ceases two months after the employee is notified, or two months after the position is re-identified, whichever comes later.

## 1.4 Assignments

1.4.1 An employee who receives the bonus and who is temporarily assigned to another bilingual position shall continue to receive the bonus, regardless of the linguistic profile of the new position (or functions). However, the bonus ceases in the case of acting assignments in the executive group (EX) of the management category with the exception of EX equivalents.

1.4.2 An employee who receives the bonus and who is temporarily assigned to a unilingual position shall continue to receive the bonus only if the basic monthly salary of the new position is less than, or equal to, the basic monthly salary of the regular position plus the bonus.

1.4.3 Employees on special assignment will receive the bonus if they meet the language requirements of the bilingual position (or functions) to which they are

assigned.

1.4.4 Employees on Interchange Canada Program assignments to organizations outside the federal Public Service will continue to receive the bilingualism bonus if they have been in receipt of the bilingualism bonus immediately prior to beginning the assignment, and if a senior official of the host organization specifies in writing that the assignees are required to use both official languages on an on-going basis during the assignments.

1.4.5 An employee receiving the bonus who is required to perform temporarily most of the duties of a position that has the same pay level continues to receive the bonus, regardless of the linguistic identification and profile of the position.

## 1.5 Leave

1.5.1 An employee is entitled to the bonus applicable to his/her substantive position when on paid leave but not when he/she is on educational or sabbatical leave.

## 1.6 Term employees

1.6.1 An individual appointed to a bilingual position for a specified term exceeding three months, shall receive the bilingualism bonus from the date of appointment.

1.6.2 An individual appointed to a bilingual position for a term of three months or less is not entitled to the bonus.

1.6.3 An individual appointed to a bilingual position for a term of three months or less who remains in a bilingual position beyond the three-month period, shall receive the bonus for the period in excess of three months.

1.6.4 An employee who receives the bonus and who is appointed, without a break in service, to another bilingual term position continues to receive the bonus regardless of the duration of the term position.

## 1.7 ST differential

1.7.1 The Treasury Board directive relative to the payment of the seven per cent differential to the Secretariat, Stenographic and Typing Group was rescinded October 15, 1977, and the seven per cent differential was frozen on that date. As long as they occupy the same bilingual positions in the ST group and meet the eligibility criteria

described in section 1.1, members of that group who received the seven per cent differential before October 15, 1977, continue to be entitled to it or to the bonus, whichever is greater.

## 1.8 Payment

1.8.1 The bilingualism bonus consists of an annual payment of \$800, calculated on a monthly basis and paid on the same basis as regular pay.

1.8.2 An eligible employee shall be entitled to receive the bilingualism bonus for the full month for any month in which the employee receives a minimum of ten (10) days' pay in a position(s) to which the bilingualism bonus applies.

1.8.3 Part-time employees who work more than one-third of the normal period are paid the bonus on a prorata basis to be calculated in reference to the normal hours these employees are expected to work.

## 1.9 Pay considerations

1.9.1 The bilingualism bonus is considered part of an employee's salary only in respect of the following:

- (a) Public Service Superannuation Act
- (b) Public Service Disability Insurance Plan
- (c) Canada Pension Plan
- (d) Quebec Pension Plan
- (e) Unemployment Insurance
- (f) Government Employees' Compensation Act
- (g) Flying Accident Compensation Regulations
- (h) Supplementary Retirement Benefit Act
- (i) Supplementary Death Benefit
- (j) Long-Term Disability Insurance



(k) Public Service Management Insurance Plan

(l) Quebec Health Insurance Plan

(m) Federal and Provincial Income Taxes.

1.9.2 The bilingualism bonus is not considered part of an employee's salary nor is it used to compute an employee's salary entitlements for the following:

(a) Transfer

(b) Promotion

(c) Overtime Calculation

(d) Severance Pay

(e) Pay in Lieu of Unfulfilled Surplus Period

(f) Demotion

(g) Payment of unused vacation leave on layoff, resignation or retirement.

## 1.10 Reinstatement of the bonus

1.10.1 An employee who has ceased to receive the bilingualism bonus whose position remains bilingual could become eligible again. Such eligibility would require a personal commitment as well as sustained individual efforts on the part of the employee. In addition, a special measure as described in 1.11.2 will be taken by the employer in order to support the employee's commitment and efforts.

1.10.2 Rotational foreign service officers and other employees, while on posting abroad are excluded from those measures of reinstatement.

## 1.11 Reinstatement procedures

1.11.1 It is incumbent on the employee, subject to the approval of the manager, to determine the most appropriate way to regain his/her knowledge of the second language.

1.11.2 Access to language training during working hours will be authorized up to a maximum of 200 hours for an employee already trained at government expense for a



similar level. These hours of language training will not be calculated against the maximum number of hours allotted during an employee's career. However, this special measure can only apply once during the career of an employee for the same linguistic profile.

1.11.3 Initiatives will have to be taken by the employee who remains in the same position to use his/her knowledge of the second language in the workplace, and the employee will not be allowed to take the SLE again for the purpose of receiving the bonus before one year following the date of the unsuccessful test.

1.11.4 In cases where an employee takes an SLE for a purpose other than the bonus (for example, staffing) and whose test results confirm that he/she meets the language requirements of his/her substantive position, the bonus will be reinstated effective from the date of test confirmation.

## 1.12 Accountability

1.12.1 The Treasury Board Secretariat is responsible for policies on the bilingualism bonus, and is accountable to Treasury Board for the soundness and relevance of these policies.

1.12.2 More specifically, the Treasury Board Secretariat is responsible for:

(a) developing and reviewing policies governing employees' eligibility for the bilingualism bonus, including exceptions;

(b) developing procedures concerning the ability of employees to meet the language requirements of their bilingual positions on a continuing basis, in accordance with policies regarding entitlements to the bilingualism bonus; and

(c) setting up control mechanisms regarding payment of the bonus to Public Service employees.

1.12.3 The Public Service Commission is responsible for the development of second language evaluation tests and for establishing and implementing policies regarding the application and administration of these tests.

1.12.4 More specifically, with respect to the bilingualism bonus, the Public Service Commission is responsible for:

(a) developing tests to measure whether candidates meet the second language profile of their positions; and

(b) assessing the second language proficiency of public servants where departments are not authorized to do so.

1.12.5 Deputy Heads are responsible for authorizing payment of the bonus to their employees in accordance with established policies and guidelines, and are accountable to their Minister and to Treasury Board for the proper administration of affairs concerning the bilingualism bonus. In addition, those who have accepted delegated language assessment authority are expected to exercise it to the maximum practicable extent.

1.12.6 More specifically, Deputy Heads are responsible for ensuring that:

(a) employees are certified, by means of valid second language test results, as still meeting the language requirements of their positions, according to the procedures set out in section 1;

(b) employees are informed of policies related to the bilingualism bonus;

(c) payment of the bilingualism bonus is initiated or stopped in accordance with established policies and procedures; and

(d) those employees concerned are notified of such changes as the raising of linguistic profiles of positions, the re-identification of positions from bilingual to unilingual or vice-versa.

## 1.13 Directive administration

1.13.1 The Treasury Board Secretariat will periodically evaluate the bilingualism bonus directive.

## 1.14 Enquiries

1.14.1 All enquiries relating to this directive should be directed to the departmental director of Official Languages or the departmental senior official in charge of the Official Languages Program who may, if necessary, contact the Official Languages and Employment Equity Branch of the Treasury Board Secretariat.