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Directive on Official Languages for Communications and Services

1. Effective Date

1.1 This directive takes effect on November 19, 2012 and replaces the *Directive on the Use of Official Languages on Web Sites* and the *Directive on the Use of Official Languages in Electronic Communications*.

1.2 Section 6.6.3.2 regarding Website addresses takes effect on July 31, 2013.

2. Application

2.1 This directive applies to institutions subject to Part IV (Communications with and Services to the Public) and Part V (Language of Work) of the *Official Languages Act* with the exception of the Senate, the House of Commons, the Library of Parliament, the office of the Senate Ethics Officer, and the office of the Conflict of Interest and Ethics Commissioner.

3. Context

3.1 This directive is issued to support the *Policy on Official Languages* by setting out the requirements related to services as well as communications involving the public or employees of institutions.

3.2 The *Official Languages Act* (OLA) and the *Official Languages (Communications with and Services to the Public) Regulations* (Regulations) provide that members of the public have the right to receive services from or communicate with the designated offices of an institution in the official language of their choice.

3.3 Employees play a vital role in fulfilling their institution's official language obligations when providing services to or communicating with the public or employees.

3.4 Employees of institutions have official language rights when receiving services or communicating with institutions in the exercise of their duties and functions. The *Directive on Official Languages for People Management* provides further information regarding these rights.

3.5 The OLA (Official Languages Act) specifies that the obligation to communicate with and serve members of the public in the official language of their choice takes precedence over employees' language-of-work rights.

3.6 This directive is issued by the Treasury Board pursuant to its authority under section 46 of the OLA (Official Languages Act).

3.7 This directive must be read in conjunction with Parts IV and V of the OLA (Official Languages Act), the Regulations, and related Treasury Board policy instruments, especially the *Policy on Official Languages*, the *Directive on the Implementation of the Official Languages (Communications with and Services to the Public) Regulations* and the *Directive on Official Languages for People Management*.

3.8 Additional requirements are set out in the Communications Policy of the Government of Canada, the Federal Identity Program Policy, and the Standard on Web Usability.

4. Definitions

Please refer to Appendix 2.

5. Directive Statement

5.1 Objective

To establish, across all institutions, sound and consistent practices and procedures for Deputy heads or their delegates in the area of communications with and services to the public and employees.

5.2 Expected results

It is expected that the practices and procedures contained in this directive are clearly communicated and effectively implemented by the institution so that:

- the language rights of the public are respected;
- the language rights of employees of institutions are respected when receiving services from or communicating with their institution in the exercise of their duties and functions; and
- the language rights of employees of institutions are respected when receiving services from central and common services agencies.

6. Requirements

6.1 Order of Official Languages

Deputy heads or their delegates are responsible for:

- 6.1.1 (*Order of official languages*) Ensuring that, when both official languages are used, the order in which they appear is:
 - French first when the issuing office is located in the province of Quebec; and
 - English first when the issuing office is located elsewhere in Canada.

6.2 Communications with and Services to the Public

Managers of designated offices are responsible for:

- 6.2.1 (*Active offer*) Ensuring that communications and services of their offices are actively offered in English and French, and in particular that:
 - the necessary capacity is in place to communicate with and provide services to members of the public in both official languages;
 - the choice between English and French is clearly offered to the member of the public when communication is initiated; and
 - the communication continues in the official language chosen by the member of the public.
- 6.2.2 (*Communications with and services to the public*) Ensuring that communications with and services to the

public from a designated office are in both official languages, regardless of the method of communication used. If the language preference of the recipient is known, that language is used.

- 6.2.3 (*Use of media*) When a designated office uses the media to communicate with the public in circumstances other than those covered by Section 11 of the OLA (Official Languages Act), ensuring the following:
 - Communications to the public are efficient in both official languages;
 - Communications are in different media in each language when using the same type of media would not reach targeted members of the public in the official language of their choice in an efficient manner.
- 6.2.4 (*Communications– other languages*) If communications are required to be in both official languages and another language is used, ensuring that all information is at a minimum available in English and French. The official languages appear first.

Employees with the respective authorities to initiate, sign or confirm fulfillment of contracts are responsible for:

- 6.2.5 (*Third party acting on behalf of an institution*) Ensuring that, for any contract with a third party acting on behalf of an institution:
 - Any such contract includes applicable official languages clauses that clearly identify official languages requirements with which the third party must comply;

- Any confirmation of the third party's delivery performance includes compliance with official languages obligations.

6.3 Communications Involving Employees of Institutions

Deputy heads or their delegates are responsible for:

- 6.3.1 (*Bilingual regions*) Ensuring that, subject to the requirements set out in the Directive on Official Languages for People Management, communications and services to employees in bilingual regions are in both official languages. Communications in only one official language are issued when using the preferred language of an employee.
- 6.3.2 (*Unilingual regions*) Ensuring that, subject to the requirements set out in the Directive on Official Languages for People Management, communications and services intended exclusively for employees in unilingual regions are in the official language that predominates in the province or territory where the employees are located.
- 6.3.3 (*Regions with differing languages*) Ensuring that communications with employees in regions with differing languages of work are conducted using one of the options listed in Appendix 1 of this directive.
- 6.3.4 (*Communications between employees of different institutions*) Providing guidance and taking the measures needed to ensure that employees are able to communicate with employees of other institutions who speak the other official language. In doing so, institutions respect the rights of unilingual employees and of those employees who may work in the official language of their choice.

- 6.3.5 (*E-mails and voicemails*) Ensuring that employees who occupy bilingual positions have e-mail signature blocks, voicemail messages and automated messages that are complete in each of the two official languages.

Managers in central and common services agencies are responsible for:

- 6.3.6 (*Central and Common Services Agencies*) Ensuring that central and common services agencies respect the language-of-work rights of employees in institutions to which they provide services or over which they have authority.

6.4 Signs

Planners and managers of all offices and facilities are responsible for ensuring that:

- 6.4.1 (*Signage*)
 - Signs identifying the institution's offices are in both official languages.
 - Signage regarding the health, safety or security of the public is in both official languages. This includes words and written notices as well as standardized public announcements inside or outside the institution's offices.

6.5 Events

Deputy heads or their delegates are responsible for:

- 6.5.1 (*Events of national or international scope*) Ensuring that any office that communicates with and serves the public in

circumstances related to public events of national or international scope provides communications and services in both official languages when the institution:

- organizes or hosts such an event; or
- participates in an event of this nature, including those organized or hosted by an entity not subject to the OLA (Official Languages Act).

6.6 Official Languages Use on Websites (including Web applications)

Web managers, Web content owners and equivalents are responsible for:

- 6.6.1 (*Application*) Ensuring section 6.6 is applied to:
 - all Web pages for which the institution is accountable, whether public-facing or internal, including those that facilitate on-line discussion or collaboration;
 - all Web content published by an institution that was produced by or on its behalf and any other Web content for which the institution is accountable.
- 6.6.2 (*Processes and procedures*) Establishing processes to ensure all institutional Web pages and Web content satisfy official languages obligations for communications with and services to the public and employees.
- 6.6.3 (*Technical requirements*) Ensuring that the following technical requirements are applied:
 - 6.6.3.1 (*Splash page*) Both official languages are treated equally when a splash page is used on a

Website.

- 6.6.3.2 (*Website addresses*) Primary domain names provide equal treatment to both official languages and accurately represent the Website's primary purpose in both official languages by using at least one of the following:
 - unilingual names for each official language (e.g. "youth" and "jeunesse") or
 - a term or terms with the same meaning and spelling in both official languages (e.g. "justice").
- 6.6.3.3 (*Hyperlinks*) Users are informed:
 - that links to Websites not under the control of the institution are provided solely for the convenience of users and that the content of such Websites may not be subject to the OLA (Official Languages Act);
 - of the language of the Web page being linked to whenever a hyperlink is provided to a Web page whose language is different from the current Web page.
- 6.6.3.4 (*Language selection*) Users are given the possibility to select either official language for

Web pages that are required to be in both official languages.

- 6.6.3.5 (*Metadata*) Ensuring the metadata for any given Web page is provided in the official language(s) used on the page, where technology permits. Optionally, other languages may also be used.
- 6.6.3.6 (*Diacritics*) Ensuring the character encoding used for any given Web page supports the use of diacritics. The use of all necessary diacritics is an essential criterion when evaluating the quality of both official languages.
- 6.6.4 (*Web pages required to be in both official languages*) Ensuring that, if required to be in both official languages, Web pages respect the following requirements:
 - 6.6.4.1 (*Simultaneity and equal quality*) Web content in both official languages is available simultaneously and is of equal quality. This also applies when additional languages are used.
 - 6.6.4.2 (*Interface components*) User interface components respect official languages obligations.
 - 6.6.4.3 (*Availability only in one official language*) Exceptionally, Web content provided by an entity not subject to the OLA (Official Languages Act) may be made available in only one official language if such content is:

- not produced on behalf of an institution subject to the OLA (Official Languages Act) and the content was not modified for its purposes;
 - not a regularly and widely used work instrument nor a central or personal service for employees;
 - not subject to a request for feedback from the public nor employees in bilingual regions.
- Furthermore, the institution ensures that by making such content available in only one official language, it is not contravening any of its official languages obligations.
- 6.6.5 (*Web content published by an institution on a Website not subject to the OLA (Official Languages Act)*) Ensuring that, if the institution's Web content is published on a Website not subject to the OLA (Official Languages Act), the following requirements are applied:
 - 6.6.5.1 (*Institutional Web content*) Web content for which the institution is accountable respects the institution's official languages obligations.
 - 6.6.5.2 (*Equivalent account or profile*) When using social media channels or platforms, a reference or link to the equivalent account or profile in the other official language is provided when the institution uses separate accounts or profiles for each official language.

- 6.6.5.3 (*Collaborative agreements*) Websites governed by formal or informal collaborative agreements with entities not subject to the OLA (Official Languages Act) include clauses setting out official languages obligations.

6.7 Monitoring and reporting

The monitoring and reporting requirements of this directive are set out in the respective section of the *Policy on Official Languages*.

7. Consequences

The consequences for non-compliance with this directive are set out in the respective section of the *Policy on Official Languages*.

8. Roles and responsibilities of government organizations

The roles and responsibilities of this directive are set out in the respective section of the *Policy on Official Languages*.

9. References

Legislation

- *Canadian Charter of Rights and Freedoms*
- *Official Languages Act*
- *Official Languages (Communications with and Services to the Public) Regulations*
- *Financial Administration Act*

Treasury Board Policy Instruments

- *Communications Policy of the Government of Canada*
- *Federal Identity Program Policy*
- *Contracting Policy*
- *Standard on Web Usability*
- *Policy on Information Management*
- *Common Look and Feel for the Internet 2.0*
- *Guideline for External Use of Web 2.0*
- *Guideline to Acceptable Use of Internal Wikis and Blogs Within the Government of Canada*

10. Enquiries

For questions on this directive, please contact the Person responsible for official languages in your institution or TBS Public Enquiries.

Appendix 1 – Communications between regions with differing languages of work

Deputy heads or their delegates ensure that their institution:

Communicates with employees in unilingual regions with differing languages of work by choosing one of the following two options:

- Issue one communication in both official languages for all employees to whom the communication is addressed;
- Issue two equivalent separate unilingual communications simultaneously and send the appropriate version to employees according to the official language that predominates in the provinces or territories where they are located.

Communicates with employees in bilingual and unilingual regions by choosing one of the following three options:

- Issue one communication in both official languages for all employees to whom the communication is addressed;
- For employees in bilingual regions, when their individual language preference is known, issue two equivalent separate unilingual communications simultaneously according to their language preference; or
- For employees in unilingual regions, issue two equivalent separate unilingual communications simultaneously and send them the appropriate version according to the official language that predominates in the provinces or territories where they are located.

Appendix 2: Definitions

actively offers (*active offer*)

Clearly indicate visually and verbally that members of the public can communicate with and obtain services from a designated office in either English or French. Mechanisms are in place to ensure that services are available in the official language chosen. The availability of communications and services in both official languages can be promoted in a number of ways:

- Prominently displaying the official languages symbol



in Quebec and



elsewhere in Canada

Institutions for which Treasury Board is not the employer may use this symbol or a comparable symbol.

- Greeting members of the public in both official languages, beginning with the official language of the majority of the population of the province or territory where the office is located.
- Ensuring that the office's recorded messages are entirely in both official languages.
- Displaying forms and brochures of institutions subject to the OLA (Official Languages Act) in a manner that respects the equal status of English and French.
- Using permanent or temporary signs in both official languages to direct the public within an office.
- Ensuring public-access computers permit the use of English and French software and keyboards.

capacity

Through an appropriate mix of financial, material and human resources, including bilingual and unilingual positions, the office is able to provide communications and services in both official languages.

central and common services agencies

Common service organizations are listed in Appendix B of the Common Services Policy.

The Privy Council Office, the Department of Finance and Shared Services Canada are also central agencies for the purposes of this policy instrument.

character encoding

The representation of the information circulating in the network requires use of a particular code. Among other things, the scheme used must allow for the representation of characters specific to each of the two official languages.

collaborative agreements

A collaborative agreement may be necessary in some situations, such as:

- *co-management* of a site by an institution subject to the OLA (Official Languages Act) and an entity not subject to it;

- *posting* of information belonging to an institution subject to the OLA (Official Languages Act) on the site of an entity not subject to it; or
- if the institution subject to the OLA (Official Languages Act) grants *financial support* for a site of an entity not subject to the OLA (Official Languages Act) without the institution being present on the site.

Institutions subject to the OLA (Official Languages Act) that post information on the sites of entities not subject to the OLA (Official Languages Act) comply with their linguistic obligations regarding communications with and services to the public for such information. This does not mean that the OLA (Official Languages Act) applies to information that entities not subject to the OLA (Official Languages Act) post on their sites, but the institution subject to the OLA (Official Languages Act) ensures it enters into an agreement that takes account of its linguistic obligations and of requirements under other federal legislation or policies, including:

- Privacy Act
- Communications Policy of the Government of Canada
- Federal Identity Program Policy (FIP)
- Standard on Web Usability

For example, the agreement would specify that the portion of the site that provides access to federal government information ensures an active offer of services and communications in both official languages in accordance with Part IV of the OLA (Official Languages Act) and also complies with the official languages requirements of the FIP and the Common Look and Feel.

content

The Standard on Web Usability defines content as:

Information and sensory experience to be communicated to the user by means of a user agent, including code or mark-up that defines the content's structure, presentation, and interactions

Structure

- The way the parts of a Web page are organized in relation to each other; and

- The way a collection of Web pages is organized

Presentation

Rendering of the content in a form to be perceived by users

Source: *Web Content Accessibility Guidelines (WCAG) 2.0, Appendix A: Glossary*

deputy heads

This term is equivalent to "deputy minister", "chief executive officer" and other titles denoting this level of responsibility.

designated offices

An office is designated bilingual for communications with and services to the members of the public if it meets criteria set out in the OLA (Official Languages Act) or in the Regulations such as (not an exhaustive list):

- an institution's head or central office;
- an office within the National Capital Region;
- an office of an institution that reports directly to Parliament;
- an office where there is significant demand for services in either official languages;
- an office, where due to its nature, it is reasonable that communications with and services from that office be available in both English and French.

A list of offices designated bilingual is available in *Burolis*.

events of national or international scope

Some examples are: an exposition, a fair, an exhibition, a competition, a game or sporting event in Canada or abroad.

institutions

Institution means:

- Any institution subject to Parts IV, V and VI and section 91 of the OLA (Official Languages Act), except for the Senate, the House of Commons, the Library of Parliament, the office of the Senate Ethics Officer and the office of the Conflict of Interest and Ethics

Commissioner. For a formal definition of “federal institutions”, see section 3 of the OLA (Official Languages Act); and

- Any institution whose acts of incorporation provide for the application of the OLA (Official Languages Act) (e.g. Air Canada and NavCanada).

metadata

The Chief Information Officer Branch, Information Management *Glossary – Subject: Metadata* states: Term means "data about data", or specifically in the Web context, machine-understandable information to identify, locate, and/or describe Web resources. Equivalent traditional library standards include ISBN (International Standard Book Number) and ISSN (International Standard Serial Number) (identification), shelf mark/call number (location), ISBD (International Standard Bibliographic Description) and AACR2 (Anglo-American Cataloguing Rules) (bibliographic description), LC (Library of Congress Classification) and DDC (Dewey Decimal Classification) (subject classification), LCSH (Library of Congress Subject Headings) (subject headings), and MARC (Machine-Readable Cataloging) (machine-readable communication format).

method of communication

Any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microform, sound recording, videotape, machine readable record, and any other documentary material, regardless of whether it's in physical, electronic or any other format, and any copy thereof.

public

Any person, group of persons (professional associations or others) or organization or company (other than a Crown corporation) in Canada or abroad, any representative of another level of government communicating with or receiving a service from an institution, excluding officers and employees of institutions subject to the OLA (Official Languages Act) when carrying out their duties.

Section 11 of the OLA (Official Languages Act)

Notices, advertisements or other texts that the institution is required or authorized to publish pursuant to an Act of Parliament must comply with the publishing requirements set out in Section 11 of the OLA (Official Languages Act).

Once it is determined that an Act or regulation to which an institution is subject requires the publication of a notice or advertisement, Section 11 applies, regardless of whether there is significant demand.

Web pages

For a definition of a Web page, please refer to the Standard on Web Usability.

websites

The Standard on Web Usability defines a Website as:

Websites for which the Government of Canada is accountable. The types of Websites include departmental sites, initiative sites, sub sites and Web applications.

Further definitions about the types of sites are provided below:

- **Departmental site** (*site de ministère*): A collection of Web pages that collectively represents the department (e.g., Environment Canada's Website).
- **Initiative site** (*site d'initiative*): A group of Web pages that collectively represent an initiative of the Government of Canada. Initiative sites frequently have a different domain than the departmental domain (e.g., www.youth.gc.ca is an initiative site).
- **Sub site** (*site secondaire*): A group of Web pages within a larger departmental or initiative site, where the collection of Web pages are intended for a particular audience and whose specific purpose is to feature a prominent program or service. Sub sites may have a different sub-domain or domain than their departmental domain (e.g. www.army.forces.gc.ca is a sub site).

- **Web application** (*application Web*): A Web application is one or more Web pages that allow users to interact and perform specific transactions.

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