

SECTION 6

CLASSIFICATION AND POSITION MANAGEMENT

6.01A DESIGNATION OF BILINGUAL POSITIONS

AUTHORITY: CIVIL SERVICE ACT AND REGULATIONS
FRENCH LANGUAGE SERVICES ACT

ADMINISTRATION: P.E.I. PUBLIC SERVICE COMMISSION

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1. PURPOSE

- 1.01 The purpose of this policy is to outline the process used for the designation of bilingual positions, including how to determine the appropriate French language proficiency requirements to be assigned to such positions and the process for the identification of bilingual positions for future designation. This policy also guides modifications to bilingual positions in order to respect the provisions of the *French Language Services Act*.

Under the *French Language Services Act*, Section 10, Article 1 reads:

Each fiscal year, commencing in the fiscal year in which this subsection comes into force, every government institution shall prepare and submit to the Minister, within such time, in such form and containing such information, as the Minister may request, an annual plan for the next fiscal year.

These plans must include information on the capacity of government to provide services in French and also aims, in part, to build additional capacity within the civil service.

2. INTERPRETATION/DEFINITIONS

- 2.01 Designated Bilingual Position: A classified position within the civil service requiring the knowledge and use of both English and French to satisfactorily perform the duties.
- 2.02 Identified Area: An area within a department/division/section where there is bilingual capacity or a need for bilingual capacity to allow government institutions to provide quality services in both English and French.

3. PROCESS

- 3.01 Bilingual designation, identification of areas for future designation and changes to designated bilingual positions

The bilingual designation or identification of areas within a government institution for future bilingual designation, as well as the associated French language proficiency requirements, are determined in relation to the

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institution's obligations in meeting the requirements of the *French Language Services Act*.

The description of the obligations and conditions below will enable government institutions to determine whether a position is to be designated as bilingual and includes the appropriate French language proficiency requirements. The same checklist can be used to determine whether an area of a department should be identified as requiring a future designated bilingual position. Can be viewed at https://psc.gpei.ca/sites/psc.gpei.ca/files/Checklist_Bil%20designation.pdf

a) Part 1: Determining French Language Obligations and Conditions

The following is a description of the various obligations and conditions to be considered by senior management:

i) Clientele served

Government institutions shall consider the composition, location and language preferences of target audiences being served, as well as the priorities identified annually by the Acadian and Francophone community, when determining their French language obligations. Some departments serve specific client groups or segments of the population which may be different from the overall population of the region or province and, hence, may have different language preferences or requirements.

ii) General public's health, safety or security

Where the consequence of misunderstanding, or lack of French language communication, compromises the welfare, safety and/or security of the general public, greater consideration should be given to providing a comparable quality of services to the general public in English and in French.

iii) Nature of the services provided

Designated bilingual services as well as mandatory and/or essential services being offered to the general public through either legislative or regulatory requirements are to be considered.

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iv) Building French language capacity

Building French language capacity to respond to existing requests for services, programs and inquiries in French as well as increased requests for French services that cannot be adequately met by existing designated bilingual positions or bilingual resources.

An existing position assigned responsibilities for the delivery of services and programs in French or to support the development and enhancement of the Acadian and Francophone community may also warrant a bilingual designation.

v) Organizational changes

Organizational changes, such as restructuring or program changes, sometimes occur and may adversely affect a department's capacity to respond to requests for services in French. Such organizational changes should not negatively impact the availability and accessibility of French language services delivered through designated bilingual positions or bilingual human resources.

Though restructuring and downsizing exercises are sometimes necessary, government institutions must still consider their obligations under the *French Language Services Act* (FLSA). It is essential that when such exercises are undertaken by government, French language services be appropriately taken into consideration. Government institutions with designated bilingual services are required to have the means to provide comparable quality services in French to the general public. The Public Service Commission, in collaboration with the Acadian and Francophone Affairs Secretariat, can assist departments in ensuring that any organizational changes comply with the FLSA.

b) Part 2: Determining French Language Proficiency Requirements

When a government institution has approval to create a Designated Bilingual Position or has identified a position to become a Designated Bilingual Position, the French language proficiency requirements for the position shall then be determined.

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Advanced oral proficiency is the minimum standard for all designated bilingual positions. There may also be requirements for reading comprehension and writing abilities. (See Sub-Section 8.04 FRENCH LANGUAGE PROFICIENCY EVALUATIONS of the Human Resource Policy and Procedures Manual for detailed descriptions of proficiency levels.)

The specific duties and responsibilities required of a designated bilingual position must be developed on the position questionnaire before making a determination on the actual French language proficiency requirements for the job. Duties must accurately reflect any additional tasks or unique tasks because the position is bilingual.

To accurately determine the French language proficiency requirements for a designated bilingual position, review the position questionnaire to note the following:

Step 1: Beside each major task, indicate the English or French language skill (oral, writing and reading) and skill level (low, moderate, high) required to carry out the task.

Both English and French language proficiency shall be mandatory qualifications for designated bilingual positions.

Step 2: Determine the levels of French language proficiency required.

Government institutions shall assign the appropriate level of French language proficiency that will be required by incumbents to fulfill the duties and responsibilities of the position.

In assigning the most appropriate level of French language proficiency for oral, writing and reading skills and associated tasks for such positions, government institutions should consult the "Description of the French language proficiency levels" document. French Language Services at the PSC can assist in this determination.

3.02 Adding, Changing or Removing Bilingual Designation

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If the employing authority wishes to add a new designated bilingual position, the classification process is the same as for any new position. See HR Policy 6.01 Classification.

When the employing authority proposes to make changes to designated bilingual positions, the cover letter attached to the updated position questionnaire must also clearly demonstrate why the changes are being proposed and how French language service delivery will continue to be adequately provided to the public. This will be reviewed by Classification and French Language Services, as well as the Acadian and Francophone Affairs Secretariat, to determine the impact of the change.

This must be done when:

- identifying a need for additional bilingual capacity ;
- transferring a bilingual designation from one position to another;
- removing the bilingual designation from a position.

If all parties are in agreement with the proposed change, the requesting department shall proceed with the next steps of Treasury Board approval.

3.03 Changing a unilingual position to a designated bilingual position

The employing authority shall advise the incumbent in a newly designated bilingual position of the changes being proposed. The incumbent shall also be advised in writing of the impacts on their job requirements with respect to French language services. A revised position questionnaire must also be provided to the incumbent.

3.04 Abolishing a designated bilingual position

See HR Policy 6.02 Abolishment of positions