

REPORT CARD METHODOLOGY 2013–2014

BACKGROUND

The report card is a tool that the Office of the Commissioner of Official Languages (Office of the Commissioner) uses to assess federal institutions' compliance with their obligations under the *Official Languages Act* (the Act). The first report cards were issued in 2004 in response to a recommendation made by the Standing Senate Committee on Official Languages in October 2003.¹ The report card methodology is based on a strategic selection of institutions, an assessment of compliance according to key parts of the Act and the assignment of a rating as a performance indicator. Furthermore, it can focus on a specific part of the Act and takes jurisprudence into account. For example, the decision of the Supreme Court of Canada in the *DesRochers* case² has changed how Part IV is assessed since 2009.

SELECTION OF INSTITUTIONS

The selection is made from some 200 institutions subject to the Act. The Office of the Commissioner aims to assess the greatest number of institutions possible. The report card also tracks the progress of institutions that have previously been assessed. Other activities of the Office of the Commissioner are taken into consideration during the selection process. For example, an institution is unlikely to be selected for a report card if an audit or audit follow-up is being conducted on that institution in the same year. The selection of institutions must also meet the Office of the Commissioner's strategic objectives.

The following institutions were selected for this report card cycle:

- Canada Revenue Agency
- Canada Post Corporation
- Correctional Service Canada
- Public Health Agency of Canada
- Royal Canadian Mounted Police
- Statistics Canada
- VIA Rail Canada

WEIGHTING

The report cards focus on the results of concrete actions taken by the institutions and on statistical data collected by the Office of the Commissioner. More points are divided among the sections of the report card that evaluate institutions' performance with respect to Parts IV, V and VII of the Act. The *Rating Guide* provides a detailed explanation of how points are awarded based on the assessment criteria.

¹ See Standing Senate Committee on Official Languages, "Fostering a Proactive Approach within Institutions Responsible for Official Languages," in *Official Languages: 2002-2003 Perspective, Study of the Action Plan for Official Languages and the Annual Reports of the Office of the Commissioner of Official Languages, Treasury Board and the Department of Canadian Heritage*, 37th Parliament, 2nd Session, October 2003, www.parl.gc.ca/Content/SEN/Committee/372/offi/rep/rep04oct03-e.htm.

² The Supreme Court of Canada rendered its decision in the case of *DesRochers v Canada (Industry)*, also known as the CALDECH case, in February 2009. The Court ruled on the nature and scope of the principle of linguistic equality in communications and in the provision of services by the federal government. Federal obligations in this area stem from section 20 of the *Canadian Charter of Rights and Freedoms* and Part IV of the *Official Languages Act*. See: www.tbs-sct.gc.ca/olo/caldech/intro-eng.asp.

Official Languages Program Management: 10%
Service to the Public (Part IV): 30%
Language of Work (Part V): 25%
Participation of English-speaking and French-speaking Canadians (Part VI): 10%
Development of Official Language Minority Communities (OLMCs) and Promotion of Linguistic Duality (Part VII): 25%

Sources of information included documentation provided by the institutions and interviews conducted with institution representatives (for qualitative information), as well as statistical data (for quantitative results).

The sections of the Act on which performance is assessed ensure that compliance is measured consistently for all institutions subject to the Act.

REPORT CARD SECTIONS

Official Languages Program Management (10%)

In this section, the Office of the Commissioner evaluates the institution's official languages action plan, its response to complaints and the extent to which it takes Part VII of the Act into account when making important decisions such as eliminating programs or closing offices. Some of this information is gathered through interviews with institution representatives.

Service to the Public – Part IV of the *Official Languages Act* (30%)

This section contains the results of the Office of the Commissioner's anonymous observations of service to the public in person, by telephone and by e-mail. For observations made in person, the Office of the Commissioner evaluates the active offer of bilingual service by staff, the visual active offer of bilingual service at bilingual points of service and the availability of service in the official language of the linguistic minority. For observations made by telephone, the Office of the Commissioner evaluates the active offer of bilingual service and the availability of service in the official language of the linguistic minority. More points are allocated to service availability than to active offer. For observations made by e-mail, the Office of the Commissioner compares the institution's response rates to e-mail written in English and in French and it compares the time delays of the responses in both official languages.

The observation results are worth 25% of the overall rating. The data is gathered through anonymous observations of points of service offering bilingual services, using a sample³ identified by Statistics Canada.

Since the decision of the Supreme Court of Canada in the *DesRochers* case in 2009, the report card has included an additional criterion to assess the extent to which the institution takes the needs of OLMCs into consideration in its service delivery. This subsection is worth 5% of the overall rating.

³ Statistics Canada takes the sample from a list of bilingual points of service provided by each institution. It randomly selects points of service to undergo observations in person, by telephone and by e-mail, as well as the number of observations to be made.

Language of Work – Part V of the *Official Languages Act* (25%)

Because the most recent results of the Public Service Employee Survey (which date back to 2011) were analyzed in its 2012–2013 annual report, the Office of the Commissioner decided not to use the results of this survey's language-of-work questions regarding the satisfaction of English-speaking federal public servants in Quebec and French-speaking federal public servants in the rest of Canada. Instead, it asked each institution to show how it takes measures to encourage the use of both official languages in the workplace in bilingual regions.

This section is worth 25% of the overall rating.

Participation of English-speaking and French-speaking Canadians – Part VI of the *Official Languages Act* (10%)

This section has two parts (subsections A and B) and is worth 10% of the overall rating.

Subsection A – 6%

This subsection concerns the equitable representation of Canada's two official language communities in the federal public service. The Office of the Commissioner evaluates how well OLMCs are represented within the institution's workforce.⁴ Data on the composition of the workforce is compared with data from the most recent Census of the Population. The participation rates evaluated include Francophones outside of Quebec and the National Capital Region (NCR), Anglophones in Quebec, excluding those in the NCR and Francophones in the NCR. The evaluation of these three separate geographical areas (presented below) aims to gather detailed data to help the institution take the necessary corrective measures. It is not intended to redefine the distribution and representation of OLMCs across the country.

The detailed evaluation of this criterion breaks down as follows:

- **Percentage of Francophones outside Quebec and the National Capital Region (NCR) (1.5%)**

The French-speaking population outside Quebec and the NCR, represents 2.4% of the total population. The percentage of Francophones in the institution's workforce tends to reflect the presence of the Francophone community in this part of Canada.

A – Exemplary 2.2% and above
B – Good between 1.92% and 2.1%
C – Fair between 1.68% and 1.91%
D – Poor between 1.44% and 1.67%
E – Very Poor 1.43% and below

⁴ Data on the representation of OLMCs within an institution's workforce is collected either from the institution or through the Treasury Board of Canada Secretariat's Official Languages Information System (OLIS II). See: www.tbs-sct.gc.ca/ollo/appollo/OLIS-SILO/olisII-silolI_e.pdf.

- **Percentage of Anglophones in Quebec, excluding the NCR (3%)**

The English-speaking population of Quebec, excluding the NCR, represents 13.4% of the total population. The percentage of Anglophones in the institution's workforce tends to reflect the presence of the Anglophone community in this part of Canada.

A – Exemplary 12.1% and above
B – Good between 10.7% and 12%
C – Fair between 9.4% and 10.6%
D – Poor between 8% and 9.3%
E – Very Poor 7.9% and below

- **Percentage of Francophones in the NCR (1.5%)**

The French-speaking population of the NCR represents 34.5% of the total population. The percentage of Francophones in the institution's workforce tends to reflect the presence of the Francophone community in this part of Canada.

A – Exemplary 31.1% and above
B – Good between 27.6% and 31%
C – Fair between 24.1% and 27.5%
D – Poor between 21% and 24%
E – Very Poor 20.9% and below

Subsection B – 4%

The Office of the Commissioner is also evaluating recruitment activities intended to encourage the participation of members of English and French linguistic minority communities, where representation is not equitable, specifically targeting OLMCs.

Development of OLMCs and Promotion of Linguistic Duality – Part VII of the *Official Languages Act* (25%)

In this section, the Office of the Commissioner evaluates the tools put in place by the institution to comply with Part VII of the Act, which deals with the development of OLMCs and the promotion of linguistic duality. The aim is to determine whether the institution identifies OLMCs whether it consults or meets with them and whether it determines their needs.

The Office of the Commissioner also evaluates the extent to which the institution incorporates the requirements of Part VII (OLMCs and linguistic duality) into its programs.

It assesses the implementation of positive measures, in accordance with the institution's mandate, and the mechanism(s) used to check the impact of the positive measures taken to support community development and promote linguistic duality.

Bonus Points (5%)

Up to five percent (5%) in extra bonus points may be awarded for one or several best practices put in place by the institution if they do not fall within the Office of the Commissioner's parameters for evaluation or if they exceed the criteria mentioned above.

Overall rating

The overall rating is calculated using the weighted results for each part. For the institution, it is a tangible indicator of compliance with official languages requirements under the Act.