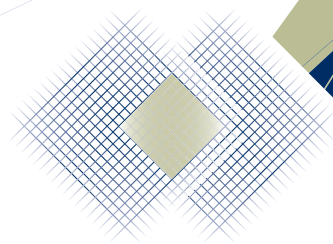




Office of the
Commissioner of
Official Languages

Commissariat
aux langues
officielles



Audit

Service to the public at Agriculture
and Agri-Food Canada

March 2009

To reach the Office of the Commissioner of Official Languages
or to obtain a copy in an alternative format,
dial toll-free 1-877-996-6368.
www.officiallanguages.gc.ca

© Minister of Public Works and Government Services Canada 2009
Cat. No.: SF31-##/####
ISBN: ###-#-###-#####-#

HIGHLIGHTS

The Office of the Commissioner of Official Languages conducted an audit between November 2006 and November 2007 to evaluate the services offered in both official languages by Agriculture and Agri-Food Canada's designated bilingual offices. The audit also aimed to examine the management framework and mechanisms implemented by the Department to fulfill its obligations in this regard, pursuant to the *Official Languages Act* (the Act). Under the terms of the audit and based on identified improvements, recommendations have been made to Agriculture and Agri-Food Canada to help it ensure a provision of services that tends towards excellence and that respects Canada's linguistic duality.

The audit revealed that the Department has a structure in place to administer the official languages program, and members of its senior management committee discuss official languages matters and make important decisions in relation to this subject several times per year. Furthermore, certain efforts have been made to familiarize staff with the requirements of Part IV of the Act (communications with and services to the public). Despite these actions, Agriculture and Agri-Food Canada must take additional measures to ensure a more effective implementation of Part IV.

The bilingual capacity of offices responsible for providing services in both official languages falls short at times, particularly in Western Canada, and mostly in offices

of the Prairie Farm Rehabilitation Administration. Furthermore, major weaknesses were noted in the active offer in person at all offices visited; approximately 40% of these offices could not provide satisfactory services in person or over the telephone in the local minority official language. In Quebec, all the offices that were audited were able to provide satisfactory service over the telephone and in person in English.

Weaknesses were noted concerning the language clauses included in implementation agreements, collateral agreements and contribution agreements negotiated with other organizations. The renewal of these agreements offers the Department a chance to clarify the expectations concerning communications and services in both official languages. While the Department has a few mechanisms in place to monitor compliance with regard to official languages, it does not have any formal mechanism for measuring and monitoring compliance of its designated offices in terms of bilingual services to the public.

The Commissioner has made eight recommendations to Agriculture and Agri-Food Canada to improve service delivery in both official languages by its designated bilingual offices. The Department has already taken several steps to implement these recommendations.

TABLE OF CONTENTS

INTRODUCTION	1
OBJECTIVES AND METHODOLOGY	2
OBSERVATIONS AND RECOMMENDATIONS	2
Objective 1	
a) Accountability framework	2
b) Official languages action plan	3
c) Accountability measures	3
d) Official languages policy or guidelines on service to the public	3
Objective 2	
a) Communication to staff of requirements to provide services in both official languages	4
b) Bilingual capacity of offices designated to provide services in both official languages	4
c) Bilingual signage and publications, active offer and delivery of services in both official languages	5
Objective 3	
Consultation of official language minority communities regarding services	7
Objective 4	
Responsibilities regarding service to the public under partnership and contribution agreements	8
Objective 5	
a) Monitoring of services provided to the public in both official languages	9
b) Use of monitoring results to manage service quality	10
CONCLUSION	10
APPENDIX A	
Recommendations to Agriculture & Agri-Food Canada (AAFC) for each objective, AAFC's action plan and our comments ..	11
APPENDIX B	
Audit objectives and criteria	17
APPENDIX C	
Principles concerning the inclusion of a language clause in different types of agreements	19

INTRODUCTION

Agriculture and Agri-Food Canada (AAFC) provides information, research and technology, as well as policies and programs to achieve security of the food system, health of the environment and innovation to foster growth. In Canada, agriculture is a jurisdiction shared by the federal, provincial and territorial governments. Canada's agriculture ministers meet a few times a year to discuss and make decisions on agriculture and agri-food issues.

In June 2001, the federal, provincial and territorial agriculture ministers developed the Agricultural Policy Framework (APF), an strategy to help the agriculture and agri-food sector chart a course toward long-term prosperity and increased profitability.

The APF is the result of consultation between governments and a wide range of groups and individuals. It is comprised of the following five integrated pillars:

- **Business Risk Management** to help farmers better manage the risks that come with the business of farming;
- **Food Safety and Quality** to increase consumers' confidence in the safety and quality of Canadian agri-food products;
- **Science and Innovation** to create new food and non-food opportunities for the sector and for Canada;
- **Environment** to enhance soil, water, air and biodiversity;
- **Renewal** to ensure producers have the skills they need to capitalize on new opportunities.

The APF also supports action in the international arena to help the sector capitalize on domestic strengths and success.

The APF is a five-year plan (2008–2012) under which the federal, provincial and territorial agriculture ministers have pledged to work together. Their goal is to ensure the new agriculture and agri-food policy, which was adopted in July 2008, paves the way for a more stable, predictable and profitable sector.

AAFC recognized that, to continue serving Canadians effectively, it had to change its approach by focusing more on results. Using the APF, the Department set its sights on the following program activities: business risk management, food safety and quality, international issues, the environment, innovation and renewal.

The agriculture and agri-food sector plays a key role in Canada. Through farming families all across the country and through researchers, manufacturers, distributors, retailers and other stakeholders, Canada's economic and social prosperity is directly linked to the success of the agriculture and agri-food sector. The industry contributes to a healthy economy: it accounts for 8% of the annual gross domestic product. Moreover, it creates one in eight jobs in Canada and brings in approximately \$151 billion in annual revenue in the retail and restaurant sectors, including more than \$26 billion in exports. It plays an equally important role in Canada's social fabric by ensuring the welfare and vitality of rural and remote communities in all parts of the country. In 2006–2007, AAFC had 6,257 employees and a budget of \$3,853 million.

OBJECTIVES AND METHODOLOGY

The purpose of the audit was to determine whether AAFC offers services to the public in both official languages, specifically to Canadian producers and citizens in rural areas, and to establish whether the existing management framework allows the Department to fulfill its service-to-the-public obligations pursuant to the Act. The audit objectives and criteria are described in Appendix B.

One of the goals of the audit was to ensure that the Department consults representatives of Canadian producers and representatives of the official language minority communities in rural regions, and that it takes the results of these consultations into account in developing its bilingual services. While this objective is usually included in audits on Part VII of the Act (supporting and assisting the development of official language minority communities and fostering the full recognition and use of English and French in Canadian society), Part IV, interpreted according to the principle of substantive equality, requires in some circumstances that the specific characteristics and needs of official language minority communities be taken into account when developing services for both official language communities. In this case, given the nature of the services offered by AAFC, the Department must consult these communities to properly identify their needs and provide services of equal quality in both official languages.

The audit was conducted at AAFC's national headquarters and in the regional offices of six provinces (Alberta, Saskatchewan, Manitoba, Ontario, Quebec and New Brunswick) between November 2006 and April 2007. In addition to other elements, the Department's policies, documentation, information to staff, partnership agreements, monitoring systems and key reports were examined. Meetings were also held with several managers and staff members at national headquarters and many regional offices.

A spot check audit was conducted of 42 offices responsible for providing bilingual services. Twenty-three offices in all provinces were assessed in the summer of 2006 as part of data collection for the Office of the Commissioner's report cards. In the winter of 2007, 19 additional offices in the six provinces mentioned previously were audited. The results of both exercises have been taken into account for this audit.

The spot checks focused on three components: written materials (signage and publications), active offer and service over the telephone and in person. The goal was to determine if these services were offered in both official languages. Service over the telephone and in person were checked only in the minority official language.

Telephone interviews were also conducted with representatives of Canadian producers and official language minority communities in rural regions.

OBSERVATIONS AND RECOMMENDATIONS

Recommendations to AAFC for each audit objective, the Department's action plan and our comments are presented in Appendix A.

OBJECTIVE 1: Ensure that Agriculture and Agri-Food Canada's senior management is committed to the official languages program to provide appropriate bilingual services to the public, in particular to Canadian producers and to citizens living in rural regions

a) Accountability framework

At the time of the audit, AAFC did not have an official languages accountability framework, but the Department committed to developing one in 2007–2008.

AAFC has a structure to administer the official languages program: a senior consultant, a national coordinator for Part VII of the Act and four employees responsible for language training and program support. Moreover, AAFC has an official languages champion responsible for Parts IV, V and VI of the Act, and another champion responsible for Part VII. These two individuals have taken a number of measures to promote official languages within the Department (for example, publishing two articles on official languages in the internal magazine, making a few presentations a year to the Senior Management Committee and giving a presentation on bilingualism at the annual leadership conference). The champions also chair the Official Languages Governance Team. This group is comprised of national headquarters and regional staff. In addition to providing strategic advice and recommendations on official languages to committee chairs, the team members discuss priorities and progress several times throughout the year.

In our opinion, the implementation of an accountability framework would allow the Department to clearly define its official languages roles and responsibilities and to give the program its due importance.

b) Official languages action plan

AAFC has an official languages action plan that was approved by the Executive Committee in February 2007. The plan describes goals and deadlines, and indicates the sector responsible for the implementation of each goal associated with different parts of the Act.

The plan contains a few Part IV objectives: make employees aware of their obligations, update Burolis, review the language profiles of positions providing services to the public, assess significant demand at some offices and establish monitoring mechanisms. We believe this plan could be strengthened to eliminate certain weaknesses found in the Office of the Commissioner's previous report cards (verbal active offer, service in person, language clauses in partnership and contribution agreements).

c) Accountability measures

Accountability is mainly ensured through management agreements. All assistant deputy ministers and director generals have commitments to respect in their agreements regarding the language capacity of their branches and measures to improve the situation. Moreover, those who do not meet the language requirements of their position have been given personal language training objectives. A number of directors have the same commitments in their performance agreements. These commitments are contained in the three-year human resources plan prepared by each branch for 2006–2009. Furthermore, official languages issues are discussed a few times a year by the Senior Management Committee, and decisions are made to correct weaknesses.

We noted that, beyond the measures taken to improve bilingual capacity, the Department does not have a mechanism for evaluating how managers are fulfilling their responsibilities under Part IV of the Act. It is our opinion that the managers of designated bilingual offices should be required to report on the quality of services in both official languages. One way to do this would be to add this responsibility to the formal performance evaluation process.

d) Official languages policy or guidelines on service to the public

The Department does not have an internal official languages policy or guidelines on service to the public; it follows the policy and directives of the Canada Public Service Agency. However, some internal guidelines do exist for language of work and language training.

In our opinion, these measures are insufficient. AAFC should develop an internal policy or guidelines to manage communications with and services to the public in both official languages offered by departmental employees.

In view of the preceding observations, the Commissioner has made the following recommendations:

RECOMMENDATION 1

The Commissioner recommends that Agriculture and Agri-Food Canada:

- develop an accountability framework that addresses official languages roles and responsibilities, coordination mechanisms and how supervisors are held accountable in this regard, and distribute this framework to all staff;
- revise its official languages action plan to include additional objectives for ensuring the full and effective implementation of Part IV of the *Official Languages Act* (communications with and services to the public).

RECOMMENDATION 2

The Commissioner recommends that Agriculture and Agri-Food Canada take the necessary steps to ensure that the quality of bilingual services to the public is a performance objective of managers responsible for offices that are required to offer services in both official languages.

RECOMMENDATION 3

The Commissioner recommends that Agriculture and Agri-Food Canada develop a policy or guidelines to better manage communications with and services to the public in both official languages offered by departmental employees.

OBJECTIVE 2: Ensure that designated bilingual offices actively offer and provide appropriate bilingual services to the public, in particular to Canadian producers and to citizens living in rural regions (in person, by telephone and in signage and publications)

a) Communication to staff of requirements to provide services in both official languages

A practical guide titled *Bilingualism at Agriculture and Agri-Food Canada* was distributed to all employees in 2006. This guide contains few indications on service to the public, dealing mostly with the active offer of service. The rest of the document deals with language of work.

In June 2006, information kits outlining the obligations of each office as regards active offer and service delivery in both official languages were distributed to all managers of designated bilingual offices. The Department's intranet site also contains a large amount of information on the various components of the official languages program.

However, most of the managers and employees interviewed did not recall having been given this practical guide or the directives on the language obligations of their office. Furthermore, during the interviews, some managers were surprised to learn that their office was required to provide service in both official languages.

According to its official languages action plan, the Department intends to hold information sessions to make staff aware of their language rights and obligations. More in-depth information kits and tools will be developed and distributed to all staff at offices required to provide services in both official languages. The Department could use as a guide the official languages information tools prepared by the Canada Public Service Agency.

b) Bilingual capacity of offices designated to provide services in both official languages

Table 1 clearly shows that in several provinces there are not enough designated bilingual positions to provide services in both official languages, and that many of the incumbents of bilingual positions do not meet the language requirements of their position. For example, in Alberta, 11 offices must offer services in both official languages, yet only 11 positions are designated as bilingual. Moreover, two incumbents of these positions do not meet the language requirements of their position. In Newfoundland and Labrador, there are no designated bilingual positions, while only 60% of incumbents of bilingual positions in Saskatchewan meet the language requirements of their position. In Quebec, the number of designated bilingual positions is high for service to the public.

TABLE 1 – BILINGUAL CAPACITY

Province	Bilingual Offices	Bilingual Positions	Bilingual Incumbents	% of Qualified Incumbents
British Columbia	3	10	7	70.0
Alberta	11	11	9	81.9
Saskatchewan	9	25	15	60.0
Manitoba	9	62	49	79.0
Ontario	5	29	23	79.3
National Capital Region	all	852	731	85.8
Quebec	7	238	225	94.5
New Brunswick	5	43	37	86.0
Nova Scotia	3	6	6	100
Prince Edward Island	3	8	8	100
Newfoundland and Labrador	1	0	0	0

Source: AAFC, PeopleSoft, January 2007.

In Western Canada, the majority of the Prairie Farm Rehabilitation Administration (PFRA) offices visited had no bilingual capacity. Furthermore, an internal document distributed to members of the Senior Management Committee in May 2006 stated that 60.9% of employees in bilingual positions at the PFRA did not meet the language requirements of their position. Several PFRA managers said it is very difficult to hire bilingual staff with the required specialized skills in the small communities where their offices are located.

AAFC is aware of these weaknesses in language capacity. Furthermore, specific goals to improve language capacity were included in the human resources plans prepared by each branch. In addition, AAFC will determine the best way to continue its language training plan so that unilingual incumbents in bilingual positions can meet the language requirements of their position as quickly as possible. The Department is also developing guidelines to ensure that administrative measures are implemented to fulfill the bilingual duties of positions held by employees who do not meet the language requirements.

The *Language Profiler* was distributed to managers to help them correctly determine the language requirements of positions, and all employees were informed of language training guidelines. In 2005–2006, several hundred employees in unilingual positions registered for the Department’s “Our Bilingualism” program.

The PFRA also set up an official languages committee, which was given the mandate to develop a strategy for meeting the language obligations of the Act.

We believe the Department should review the language designation of all positions responsible for providing service to the public to ensure that a sufficient number of bilingual positions are present in its offices designated to offer services in both official languages. Moreover, AAFC should allocate the necessary resources to language training so that incumbents in bilingual positions can meet their language requirements as soon as possible. It should also implement the required administrative measures when incumbents in these positions are not capable of providing service in both official languages.

c) Bilingual signage and publications, active offer and delivery of services in both official languages

These components were verified during visits in summer 2006 and winter 2007 to the 42 offices designated to provide services in both official languages (seven in the Atlantic provinces, six in Quebec, six in Ontario and 23 in Western Canada). The results of this exercise are presented in the following sections.

Signage and publications

Almost all the offices visited had exterior signage in both official languages, and interior signage was bilingual in 70% of the cases (see Table 2).

Only two out of five offices in Atlantic Canada and seven out of 22 offices in Western Canada had publications in both official languages. Publications were generally available in both official languages in Quebec and Ontario.

TABLE 2 - SIGNAGE AND PUBLICATIONS IN BOTH OFFICIAL LANGUAGES

Region	Exterior signage			Interior signage			Publications		
	Audited Offices ¹	Offices Respecting Requirements ²	% of success	Audited Offices ¹	Offices Respecting Requirements ²	% of success	Audited Offices ¹	Offices Respecting Requirements ²	% of success
Atlantic Canada	5	5	100	5	3	60	5	2	40
Quebec	6	6	100	5	4	80	6	6	100
Ontario	6	5	83	6	6	100	6	5	83
Western Canada	23	21	91	18	11	61	22	7	32
Total	40	37	93	34	24	70	39	20	51

1 Some offices had no signage or publications. Therefore, they were subtracted from the column indicating the total number of offices visited.

2 Exterior signage, interior signage and publications were partially bilingual in some offices. These do not appear in the column indicating the number of offices meeting requirements.

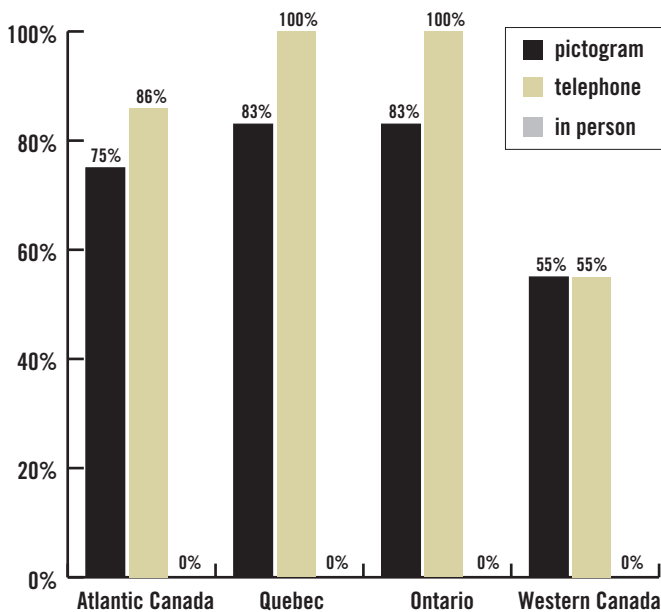
Active offer

The vast majority of offices visited in Atlantic Canada, Quebec and Ontario had a pictogram at the reception indicating that service is offered in both official languages. However, in Western Canada, only 55% of offices had this type of pictogram at the reception (see Graph 1).

The situation was better in terms of active offer over the phone. In almost all cases, the greeting over the telephone was in both languages, with the exception of Western Canada, where this was the case in only 55% of offices. The situation did not improve during the observations carried out in the summer of 2007: only six of the 13 offices audited in Western Canada greeted clients in both official languages over the telephone.

With regard to active offer in person, during our visits, no offices greeted clients in both official languages. However, a slight improvement was noted in the observations of summer 2007. Three of the 18 offices visited across Canada made an active offer of service in person.

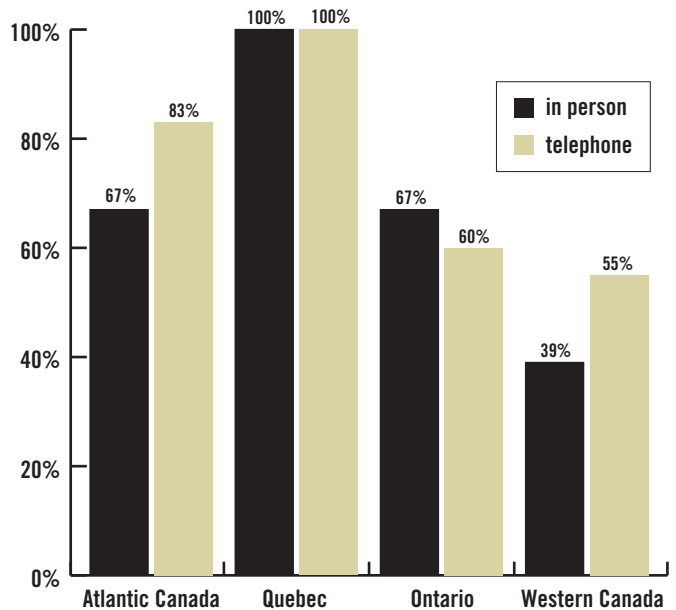
GRAPH 1 – ACTIVE OFFER RESULTS



Service delivery

Some weaknesses were noted in Atlantic Canada and Ontario, and major problems were noted in Western Canada with regard to service over the telephone and in person. However, satisfactory service in English was obtained at all Quebec offices. The details of our findings by region are presented in Graph 2.

GRAPH 2 – PERCENTAGE OF BILINGUAL OFFICES PROVIDING SATISFACTORY SERVICE IN PERSON AND OVER THE TELEPHONE IN THE MINORITY OFFICIAL LANGUAGE



Of all the offices audited, only 23 (56%) were able to provide satisfactory service in person in the minority official language (the auditor was not able to check service in person for one of the 42 offices). Of the 18 offices that could not provide service in French, 11 were PFRA offices in Western Canada.

The situation was slightly better with regard to service over the telephone: 65% of offices could serve clients satisfactorily in the minority official language. Of the 14 offices that could not, six were PFRA offices.

As mentioned in the previous section, the majority of PFRA offices that could not serve clients in French had no bilingual staff. We believe this situation needs to be corrected as soon as possible, since these offices have been designated bilingual, and their clients expect service in the official language of their choice.

In view of the preceding observations, the Commissioner has made the following recommendations:

RECOMMENDATION 4

The Commissioner recommends that Agriculture and Agri-Food Canada:

- launch an efficient awareness-raising campaign for staff at offices designated to provide service in both official languages. The aim of this campaign would be to clearly explain language-of-service obligations and to equip staff members with the necessary tools to help them fulfill their language obligations;
- ensure that all its managers of designated bilingual offices take mandatory awareness sessions on requirements regarding communications with and services to the public in both official languages.

RECOMMENDATION 5

The Commissioner recommends that Agriculture and Agri-Food Canada:

- review the language designation of all positions providing service to the public, with priority given to offices of the Prairie Farm Rehabilitation Administration;
- take measures to offer language training as soon as possible to incumbents of designated bilingual positions who do not meet the language requirements of their position;
- implement the required administrative measures when incumbents of bilingual positions are unable to provide services in both official languages.

OBJECTIVE 3: Ensure that Agriculture and Agri-Food Canada consults representatives of Canadian producers and representatives of the official language minority communities in rural regions and takes into account the results of these consultations in the delivery of bilingual services

Consultation of official language minority communities regarding services

The national coordinator tasked with implementing Part VII of the Act is responsible for consulting official language minority communities (OLMCs). National and regional liaison with OLMCs occurs through interdepartmental meetings of national Part VII coordinators organized by Canadian Heritage. During these meetings, OLMC representatives are invited to express their needs to federal institution representatives. Moreover, the national coordinator participates in the meetings of the government table of the Réseau de développement économique et d'employabilité for Francophones outside Quebec, and the Community Table for Anglophones in Quebec. The goal of these meetings is to find ways to optimize the economic potential of OLMCs.

The staff of AAFC's Rural Secretariat also consults representative associations in the regions to exchange ideas with OLMCs and better understand their needs. For example, after discussions with representatives from the Community Table, the Rural Secretariat held an information session with the Community Economic Development and Employability Committees in Quebec on the use of the Communities Database. The committee members very much appreciated the exercise, as they now have access to timely, consistent and reliable information on the economic and demographic factors of their communities.

Despite the Department's efforts, the Office of the Commissioner has learned that regular discussions with OLMCs do not take place. These discussions would allow AAFC to obtain information about their specific service needs and to find out if the services offered by AAFC's designated offices meet their expectations. In our opinion, these types of discussions should take place with national and regional OLMC representatives, especially those representing Canadian producers and rural areas, to find out their service to the public needs, which may differ from one region to another.

The results of the 2001 Census led to changes to the list of locations required to provide bilingual services, which forced federal institutions, including AAFC, to update their lists of bilingual points of service. As a result, three new AAFC offices in the Atlantic region were designated bilingual. Despite this, the Department did not hold meetings with local OLMC representatives to inform them of these changes and to determine whether the services offered were meeting their needs.

The next section of the report deals with partnership agreements. During the audit, we found that the Department had negotiated hundreds of partnership and contribution agreements with other levels of government and with non-profit or private sector organizations. In the vast majority of cases, the organizations receiving AAFC funds must communicate with the public or provide services. The OLMC representatives interviewed mentioned that the Department did not consult them when negotiating partnership and contribution agreements that might have an impact on the services offered to minority communities.

In its current official languages action plan, AAFC specifies that it intends to expand and formalize the Department's network of regional officers responsible for consulting OLMCs to develop a better understanding of the needs and priorities of these communities all regions across the country. This is an opportunity for AAFC to ensure that the members of this new network also consult OLMCs regularly, particularly the representatives of Canadian producers and rural areas, in order to collect information on their specific service needs. AAFC should also develop an ongoing feedback mechanism for those persons consulted.

In view of the preceding observations, the Commissioner has made the following recommendation:

RECOMMENDATION 6

The Commissioner recommends that Agriculture and Agri-Food Canada consult the national and regional representatives of official language minority communities, in particular those representing Canadian producers and rural areas, to find out their specific needs as regards service to the public.

OBJECTIVE 4: Ensure that Agriculture and Agri-Food Canada takes into account its responsibilities under Part IV of the *Official Languages Act* in its partnership and contribution agreements with other institutions

Responsibilities regarding service to the public under partnership and contribution agreements

As previously mentioned, the federal, provincial and territorial agriculture ministers developed the APF in 2001 and signed a framework agreement for the strategy. AAFC and each province and territory also signed an implementation agreement to follow up on the APF. This opens the way to cost sharing between the federal government and the provinces and territories, and specifies how new programs supporting the five components of the APF will be administered. The agreement also determines the programs that will be launched, establishes implementation mechanisms and indicates which level of government will monitor application.

In each of the implementation agreements, there is a language clause under the "Communications" section, as well as in some of the schedules. This clause is similar for all provinces and territories, except for Quebec. It stipulates that written information and public announcements must be in both official languages, but says nothing about the provision of services. For Quebec, the clause specifies that service delivery and communications must respect the *Charter of the French Language*.

Moreover, the federal government and each province and territory have signed collateral agreements for the implementation of different components of the APF. With the exception of the agreement signed with Quebec, all the collateral agreements examined had language clauses on written communications and public announcements, but nothing on service delivery in both official languages.

AAFC has also signed hundreds of contribution agreements with non-profit agencies and private sector companies. Federal contributions normally account for 50% to 100% of the amount required for the activity or project (e.g., training, consulting services and guidance for producers, implementation of agricultural initiatives, research projects). We reviewed 22 contribution agreements and found that the language clause is not the same in all agreements. In several agreements, it states that communication materials must comply with the *Official Languages Act*. In others, the clause states that

communication materials must comply with the Act and with Treasury Board policies and directives and that all public communication must be in both official languages simultaneously, that advertising must appear in minority-language media and that key documents must be posted on the Web site in both official languages. As for the other cases, the language clause varies from one agreement to another.

Agriculture is a shared jurisdiction, meaning the federal and provincial and territorial governments are responsible under the *Constitution Act, 1867*. Consequently, the specific facts should be reviewed to determine the nature of AAFC language obligations in agricultural agreements. To accurately identify the nature of these obligations and the type of language clause to be included, AAFC should determine the following elements at the beginning of negotiations for a partnership or contribution agreement for a given program or activity:

- a) the jurisdiction of the program or activity (federal, provincial or shared);
- b) which institution will provide services for the program or activity.

Appendix C presents an analytical grid designed to assist AAFC in effectively determining the nature of its language obligations, which must be considered in the negotiation of partnership and contribution agreements.

The Office of the Commissioner learned that the framework agreement and implementation agreements expired at the end of March 2008, and that new agreements would be signed between the federal government and the provincial and territorial governments in April 2008. In addition, collateral agreements would flow from these agreements. Therefore, this was a good time to make necessary changes to the language clauses.

In view of the preceding observations, the Commissioner has made the following recommendation:

RECOMMENDATION 7

The Commissioner recommends that Agriculture and Agri-Food Canada include in its new partnership and contribution agreements language clauses that comply with the provisions of Parts IV and VII, if applicable, in order to fully comply with the *Official Languages Act*.

OBJECTIVE 5: Ensure that Agriculture and Agri-Food Canada closely monitors its performance with regard to the provision of services in both official languages

a) Monitoring of services provided to the public in both official languages

The Department has certain mechanisms in place to monitor official languages compliance. For example, the Governance Committee, chaired by the official languages champions, meets a few times a year to discuss official languages issues and to propose corrective action as needed. Moreover, official languages are discussed by the Senior Management Committee and decisions are often made to improve the situation.

The Office of Audit and Evaluation also carried out a preliminary evaluation of the official languages program in 2003. This analysis found that the program falls short, and that senior management was aware of this. Consequently, the people in charge of the audit decided not to undertake an enhanced audit. Instead, they made several recommendations to the Human Resources Branch with a view to improving the different components of the official languages program, such as service to the public. No follow-up of recommendations has been carried out to date. The Office of Audit and Evaluation agreed to add this follow-up to its three-year audit plan.

In winter 2006–2007, AAFC conducted its own informal audit of active offer and delivery of service over the telephone in both official languages in offices designated bilingual for service to the public. Measures will be taken to correct the weaknesses identified during this exercise.

Despite the mechanisms in place for monitoring compliance, there is no formal monitoring mechanism to determine whether the services offered by the Department and by the organizations that have signed a partnership or contribution agreement with AAFC and have language obligations are in fact provided in both official languages, and whether these services are of good quality. According to the official languages action plan, AAFC plans to develop performance measurement tools to evaluate services to the public in both official languages, and plans to add an official languages component to internal audits.

b) Use of monitoring results to manage service quality

Since the Department does not have a mechanism to monitor compliance with Part IV of the *Official Languages Act*, it cannot improve the quality of service in both official languages through monitoring activities.

The adoption of such a mechanism would allow AAFC to collect relevant information on service delivery in both official languages. This information could then be used to improve the situation, as needed, and to report on results.

In view of the preceding observations, the Commissioner has made the following recommendation:

RECOMMENDATION 8

The Commissioner recommends that Agriculture and Agri-Food Canada:

- implement a formal monitoring mechanism to ensure compliance with its language obligations concerning the provision of bilingual services;
- periodically measure, once the monitoring mechanism is in place, the quality of service provided in both official languages, and that it use this information to manage service quality and report on results.

CONCLUSION

During the audit, we sought to determine whether AAFC provides service to the public in both official languages, specifically to Canadian producers and citizens in rural areas, and whether the existing management framework and mechanisms allow the Department to fulfill its service-to-the-public obligations pursuant to the *Official Languages Act*.

It was noted that the Department has a structure in place to administer the official languages program, and that it has identified two champions for the program. These champions also chair an internal official languages committee. However, the audit revealed that AAFC does not have an accountability framework or a policy or guidelines for official languages, and that the goals of the existing action plan are insufficient to effectively implement Part IV of the Act.

With regard to accountability, managers of offices required to provide services in both official languages are not evaluated on the bilingual capacity or the quality of bilingual services provided by their offices.

Despite the efforts to familiarize staff with official language requirements, personnel are not all aware of their language responsibilities in terms of service delivery. Moreover, the language capacity of several offices in Western Canada falls short, particularly at the PFRA.

The results of our observations showed that most of the offices visited had exterior and interior signage in both official languages. With regard to the availability of publications in both official languages, there were problems in Atlantic and Western Canada. Several offices in Western Canada had no pictogram at the reception indicating that service is offered in both official languages. Furthermore, the staff answering the telephone in this region greeted clients in both official languages in only 55% of the offices. Finally, major shortcomings were noted concerning active offer in person across the country.

It was found that only 56% of the offices visited could provide satisfactory services in person in the official language of the minority, and only 65% over the telephone. The fact that a number of PFRA offices could not provide services in person and over the telephone in the official language of the minority undermines the Department's overall performance. In Quebec, all the offices that were audited were able to provide satisfactory services in person and over the telephone in English.

Finally, AAFC does not consult the national and regional representatives of OLMCs to identify their particular needs as regards service to the public. Weaknesses were also noted concerning the language clauses in implementation, collateral and contribution agreements negotiated with other organizations. Moreover, the Department has no formal monitoring mechanism to ensure that it meets its language obligations when providing services.

The Commissioner has made eight recommendations to AAFC to improve service in both official languages at its designated bilingual offices. Certain measures have already been initiated by the Department to implement these recommendations.

APPENDIX A

RECOMMENDATIONS TO AGRICULTURE & AGRI-FOOD CANADA (AAFC) FOR EACH OBJECTIVE, AAFC'S ACTION PLAN AND OUR COMMENTS

Generally speaking, AAFC's action plan and the approach AAFC has taken or plans to take to implement the recommendations are satisfactory. In cases where the measures proposed by the institution appear to fall short, comments have been added to this effect. We will assess the implementation of the recommendations at the time of our audit follow-up. We would like to thank AAFC representatives for the constructive dialogue that took place with them throughout this audit.

We maintain that full implementation of the recommendations should allow AAFC to effectively meet its obligations when providing service to the public in both official languages.

OBJECTIVE 1: Ensure that Agriculture and Agri-Food Canada's senior management is committed to the official languages program to provide appropriate bilingual services to the public, in particular to Canadian producers and to citizens living in rural regions

RECOMMENDATION 1

The Commissioner recommends that Agriculture and Agri-Food Canada:

- develop an accountability framework that addresses official languages roles and responsibilities, coordination mechanisms and how supervisors are held accountable in this regard, and distribute this framework to all staff;
- revise its official languages action plan to include additional objectives for ensuring the full and effective implementation of Part IV of the *Official Languages Act* (communications with and services to the public).

Action plan and timeframes

AAFC developed an accountability framework that was submitted to the Corporate Services and Systems Board on April 24, 2008. The Department will return to the Board at the end of the summer or early in the fall to ensure it has quorum for final approval before presenting to the Executive Council. Once it has been approved, the framework will be distributed to all employees.

In addition, a task team was created within the Human Resources Branch with the mandate to review AAFC's official language environment and to deliver official language tools for employees, managers and executives, to create an accountability framework for the use of official languages in the day-to-day work of the Department and to develop a communications strategy to inculcate official languages into the culture at AAFC.

AAFC will continue to review its action plan semi-annually and amend its elements (service to the public – Part IV) as circumstances and requirements dictate. On June 5, 2008, the Deputy Minister hosted an Official Languages/Employment Equity Action Plan Day where assistant deputy ministers (ADMs) identified concrete actions to embrace and demonstrate their accountability. Each branch head is to submit his or her commitments for 2008–2009 in writing prior to October 30, 2008 for follow-up. At the June 5 meeting, the Deputy Minister requested options for the provision of a non-financial award to the three branch heads who showed the best progress towards employment equity and official languages.

Growing Forward is Canada's new policy framework for the agriculture and agri-food sector, based on a five-year agreement with the provinces and territories that replaces the Agricultural Policy Framework (APF). Continuity agreements have been signed to allow existing APF programming to continue into 2008–2009. During this transition year, the Department will develop substantially revised policy and program directions, including a new suite of business risk management programs as it continues to improve client service under the Service Transformation initiative. Since this transition requires re-negotiation of a wide range of service delivery agreements, it provides an opportunity to review compliance with the *Official Languages Act*. The new AAFC official languages accountability framework, due for presentation to Executive Council in October 2008, sets out responsibilities for ensuring compliance with the requirements of the *Official Languages Act*. Growing Forward was endorsed by Canada's federal, provincial and territorial ministers of agriculture on July 11, 2008, for implementation on April 1, 2009.

AAFC's official languages advisory committee is called the "Official Languages Governance Team." Its 20 members meet quarterly and provide advice and recommendations concerning the implementation of the Department's official languages action plan. This plan includes specific measures to ensure that service delivery fully complies with official languages obligations. These measures are:

- 1) A new official languages accountability framework. It defines the roles and responsibilities of managers and employees throughout the Department, and will be promulgated with messaging that includes a strong theme that "official languages at AAFC is everyone's business." The framework was presented for approval to Executive Council during the first quarter of 2007–2008.
- 2) A new policy on language of work. Official Languages will work with Internal Communications to finalize this new policy, which will clarify the rights of employees as well as accountabilities of managers for complying with the Department's obligations in offices and facilities designated bilingual. Once this is complete, the information about the policy will be communicated to all AAFC employees through a forthcoming *news@work* story. To familiarize AAFC employees, the policy will be made into a PowerPoint presentation and included in the training package.
- 3) A branch-by-branch review of the linguistic profiles of all positions in the Department. The review encompasses all seven communications requirements included in PeopleSoft. AAFC will use this information to target its official languages initiatives more effectively and to improve the quality of reports to central agencies. This is scheduled for completion in the third or fourth quarter of 2008–2009. The review of Prairie Farm Rehabilitation Administration (PFRA) was carried out in March 2008, and the classification team is making corrections to position data inconsistencies. During a May meeting of the Human Resources Management Team, the classification and service delivery teams were assigned responsibility for reviewing the positions in the remaining branches.
- 4) An update of the Department's listings in Burolis. Further to a meeting with officials from the Canada Public Service Agency on June 26, 2008, it has become clear that a thorough review of AAFC's regional work sites is required. As part of this review, the official languages team will confirm the physical addresses

and telephone numbers of the bilingual offices as well as the physical addresses of unilingual offices. The Official Languages Team will also need to re-assess the designation of certain work sites. Once the team has an up-to-date list of all the offices and facilities, along with their appropriate designations, it can then develop more rigorous processes for ensuring compliance with official language requirements. Since the June 26 meeting, the official languages team has compiled a master list of all AAFC offices and facilities with their appropriate coordinates. AAFC is now assessing the linguistic designation of all the offices in accordance with the policies and regulations of the Canada Public Service Agency. The objective is to have this completed before the end of November 2008.

RECOMMENDATION 2

The Commissioner recommends that Agriculture and Agri-Food Canada take the necessary steps to ensure that the quality of bilingual services to the public is a performance objective of managers responsible for offices that are required to offer services in both official languages.

Action plan and timeframes

AAFC will continue to review its action plan semi-annually and amend its elements (service to the public – Part IV) as circumstances and requirements dictate. On June 5, 2008, the Deputy Minister hosted an Official Languages/Employment Equity Action Plan Day where ADMs were asked to identify concrete actions to embrace and demonstrate their official languages accountability. Each branch head is to submit his or her commitments for 2008–2009 in writing prior to October 30, 2008 for follow-up.

The Official Languages Team is actively updating its office code data through a branch-by-branch review and verification of the entire listing. Working with the Office of the Commissioner of Official Languages, AAFC is acting to ensure that offices are appropriately designated and that managers are aware of and comply with their service-to-the-public obligations. At a meeting with officials from the Canada Public Service Agency on June 26, official languages officials took note of the appropriate processes to review and update the information about the Department's offices and facilities in Burolis. However, the Canada Public Service Agency is launching a new database in 2009 tentatively identified (in French) as the *Système de gestion des règlements (SGR)*. The updates that AAFC will be making to Burolis will comply with the requirements of the SGR.

Our comments

We are partially satisfied with the measures proposed by AAFC to implement this recommendation. We recognize the importance of ensuring that AAFC's bilingual points of service are correctly identified in Burolis and appreciate the time involved in this exercise. However, we are of the view that more concrete measures must be taken by the Department in the short term to ensure that its managers of those offices or points of service correctly designated bilingual for service to the public have relevant performance objectives reflected in their performance agreements. We will assess the implementation of this recommendation at the time of our audit follow-up.

RECOMMENDATION 3

The Commissioner recommends that Agriculture and Agri-Food Canada develop a policy or guidelines to better manage communications with and services to the public in both official languages offered by departmental employees.

Action plan and timeframes

The Official Languages Team will work with Internal Communications to finalize the policy on communications with and services to the public. Once this is completed, information about the policy will be communicated to all AAFC employees through a forthcoming *news@work* communiqué. To help inform AAFC employees, the policy will be converted into a PowerPoint presentation and delivered jointly by line managers and Human Resources, beginning in December 2008.

OBJECTIVE 2: Ensure that designated bilingual offices actively offer and provide appropriate bilingual services to the public, in particular to Canadian producers and to citizens living in rural regions (in person, by telephone and in signage and publications)

RECOMMENDATION 4

The Commissioner recommends that Agriculture and Agri-Food Canada:

- launch an efficient awareness-raising campaign for staff at offices designated to provide service in both official languages. The aim of this campaign would be to clearly explain language-of-service obligations and to equip staff members with the necessary tools to help them fulfill their language obligations;
- ensure that all its managers of designated bilingual offices take mandatory awareness sessions on requirements regarding communications with and services to the public in both official languages.

Action plan and timeframes

In calendar year 2009, AAFC will be developing a presentation outlining the roles and obligations of its employees in offices providing services in both official languages. This presentation will be delivered in partnership with regional managers.

Canada Public Service Agency tools will be made available to employees in December 2008 via the corporate communications newsletter *news@work*.

The accountability framework's description of roles and responsibilities and tool kits on roles and responsibilities as well as management tools have been prepared and will be distributed to all regional managers by December 2008.

Once these steps have been completed, AAFC will work with Internal Communications to promote and distribute these documents within the Department. In order to facilitate the dissemination of this information to all levels of the organization, a memo from the ADM, Human Resources Branch, to his colleagues (branch heads) enlisting their cooperation and support will be drafted. A memo from branch heads to their respective directors general and directors will also be prepared. To ensure consistency of the message and a comprehensive understanding, official languages obligations are now featured in all AAFC training packages, learning maps and orientation sessions.

RECOMMENDATION 5

The Commissioner recommends that Agriculture and Agri-Food Canada:

- review the language designation of all positions providing service to the public, with priority given to offices of the Prairie Farm Rehabilitation Administration;
- take measures to offer language training as soon as possible to incumbents of designated bilingual positions who do not meet the language requirements of their position;
- implement the required administrative measures when incumbents of bilingual positions are unable to provide services in both official languages.

Action plan and timeframes

In March 2008, a review of PFRA's linguistic profiles of all of its positions was completed. The review encompasses all seven communications requirements included in PeopleSoft. AAFC will use this information to target

its official languages initiatives more effectively and to improve the quality of reports to central agencies. This exercise is scheduled for completion in the third or fourth quarter of 2008–2009. During a May meeting of the Human Resources Management Team, the classification and service delivery teams were assigned the responsibility for reviewing the positions in the remaining branches.

Follow-ups will be carried out with managers via a quarterly report to each branch head to confirm that employees appointed to a position on a non-imperative basis have a learning plan and respect the two-year timeframe to meet the language proficiency of their position. Officers of the official languages team have access to the staffing log where it indicates all appointments made on a non-imperative basis (verified daily). Following a non-imperative appointment, the letter of offer is also sent to the official languages representative (ongoing basis). The official languages representative also has access to the PeopleSoft reports (monthly).

Human resources advisors in the service delivery (staffing) team enter the details of every appointment, including the language profile, into the Department's "Integrated Staffing Log" on a daily basis. The language training coordinator of the official languages team reviews this log daily and initiates the training process by contacting the employee to arrange for assessment by an external language trainer. The coordinator also ensures completion of the Consent to Language Training form, and reviews the letter of offer for every non-imperative bilingual position. The official languages team monitors the progress of employees in their training program and creates quarterly exception reports to inform managers about problem cases. The human resources planning team informs branch heads about non-imperative appointments during its quarterly briefings and through dashboards provided to every branch.

Upon the appointment of an employee on a non-imperative basis, managers are reminded of their duty to implement administrative measures to ensure that services for the specific work area are provided in both official languages.

OBJECTIVE 3: Ensure that Agriculture and Agri-Food Canada consults representatives of Canadian producers and representatives of the official language minority communities in rural regions and takes into account the results of these consultations in the delivery of bilingual services

RECOMMENDATION 6

The Commissioner recommends that Agriculture and Agri-Food Canada consult the national and regional representatives of official language minority communities, in particular those representing Canadian producers and rural areas, to find out their specific needs as regards service to the public.

Action plan and timeframes

AAFC consults with official language minority communities regularly to contribute to community development (Part VII). In 2007–2008, AAFC will have disbursed \$700,000 in official language community projects, in excess of \$2 million in the last four years and an additional \$1.4 million in the previous three years.

AAFC does not agree with the belief that "Part IV, interpreted based on the principle of substantive equality, requires in some circumstances that the specific characteristics and needs of official language minority communities be taken into account when developing services for both official language communities."

Our comments

We recognize the efforts demonstrated by the institution to consult with official language minority communities, and encourage the Department to pursue any initiative aimed at fostering the development of these communities. As an example, we encourage AAFC to consult the representatives of official language minority communities and agricultural producers, in particular those representing Canadian producers and rural areas, to find out their needs in terms of education-related services (training). On the strength of the information gathered, the Department could exercise a stronger influence on provincial and territorial governments (while recognizing their jurisdiction in education matters) in order to meet those needs. This influence could then be reflected in its collateral agreements with the provinces and territories or in its contribution agreements with non-profit agencies.

The Office of the Commissioner recognizes that a difference of opinion between the federal government and the Office of the Commissioner of Official Languages existed with regard to the scope of the obligations flowing from Part IV of the *Official Languages Act*, as to whether the specific characteristics and needs of official language minority communities need be taken into account when developing services for these communities. This question has recently been settled by the Supreme Court of Canada, which indicated that linguistic equality in the provision of government services requires that the needs of official language minority communities be taken into account in the development of services when justified by the nature of the service.

We will assess the implementation of this recommendation at the time of our audit follow-up.

OBJECTIVE 4: Ensure that Agriculture and Agri-Food Canada takes into account its responsibilities under Part IV of the *Official Languages Act* in its partnership and contribution agreements with other institutions

RECOMMENDATION 7

The Commissioner recommends that Agriculture and Agri-Food Canada include in its new partnership and contribution agreements language clauses that comply with the provisions of Parts IV and VII, if applicable, in order to fully comply with the *Official Languages Act*.

Action plan and timeframes

Jurisdiction over agriculture is shared between the federal and provincial governments. Agreements between AAFC and the provinces give consideration to the official languages policies of each jurisdiction, but AAFC's position is that it cannot impose its obligations under the *Official Languages Act* on the provinces.

When third parties receive contributions or grants but do not deliver services to the public, AAFC's policy is to respect the language preference of each recipient, and it does not impose any official languages obligations in the associated agreements.

When third parties enter into agreements to deliver programs on behalf of AAFC, they are bound by the *Official Languages Act*, and their responsibility for compliance is set out in official languages clauses in

the relevant agreements. Officials who approve these agreements are responsible for inclusion of appropriate terms and conditions. Under the new AAFC official languages accountability framework, heads of branches that deliver services to the public are ultimately accountable for compliance. The framework includes an oversight component to ensure that branches or teams responsible for official languages functions are meeting their responsibilities.

Notwithstanding the above limitations in the reach of the *Official Languages Act*, where specific needs have been identified, officials responsible for negotiating contracts request third parties to provide services or communications in both official languages at federal expense.

AAFC recognizes its obligations under Part VII of the Act to take "positive measures" to promote and enhance linguistic minorities in Canada. The Department endeavours to engage third parties in this effort wherever possible, but it is not in a position to force them to do so, except when they are contracted to deliver services to the public.

Our comments

We are partially satisfied with the measures proposed by AAFC to implement this recommendation. Although we agree that the provinces and territories do not have obligations under the federal *Official Languages Act*, it is AAFC's duty to ensure that where services are provided or made available on its behalf by another person or organization, including provinces and territories, these services are delivered in accordance with the requirements of Part IV of the *Official Languages Act*. Also, language clauses should be designed to ensure compliance with all of the duties set forth in Part IV of the Act, in terms of communications with the public as well as the provision of services.

Even in a shared area of jurisdiction between the federal government and the provinces, such as agriculture, it is the federal institution's responsibility to impose the linguistic obligation on its provincial counterpart where the province is acting on its behalf. For instance, in a similar situation which arose in the case of *Canada (Commissioner of Official Languages) v. Canada (Department of Justice)*, 2001 FCT 239, the Federal Court found that the Government of Ontario was acting on behalf of the federal government in the prosecution of federal offences, which is an area of federal jurisdiction. Therefore, Part IV of the Act was found to apply. We will assess the implementation of this recommendation at the time of our audit follow-up.

OBJECTIVE 5: Ensure that Agriculture and Agri-Food Canada closely monitors its performance with regard to the provision of services in both official languages

RECOMMENDATION 8

The Commissioner recommends that Agriculture and Agri-Food Canada:

- implement a formal monitoring mechanism to ensure compliance with its language obligations concerning the provision of bilingual services;
- periodically measure, once the monitoring mechanism is in place, the quality of service provided in both official languages, and that it use this information to manage service quality and to report on results.

Action plan and timeframes

The accountability framework has an oversight component by which departmental official languages obligations will be monitored.

AAFC has created an action-register to ensure that managers are following through on their commitments. The template of this action-register states the responsibilities for the site manager, the appropriate branch ADM and the Human Resources Branch.

A component on service to the public was added on June 5, 2008, to the performance agreements of executives whose positions are designated bilingual for service to the public.

The Official Languages Team is creating the action-register to measure the demand for bilingual services in offices and facilities that are designated bilingual for services to the public. Beginning in the third quarter of 2008–2009, AAFC requires managers at each of these sites to direct employees to record the number of requests for services in English and French as well as the number of services that are delivered in each language. Managers are required to submit their register to the Official Languages Team regularly. The Team will analyze results and provide a quarterly report to the ADM, Human Resources, who will communicate the results to the Office of Audit and Evaluation where appropriate.

The oversight function will include periodic monitoring and measuring. On June 5, 2008, the Deputy Minister hosted an Official Languages/Employment Equity Action Plan Day where ADMs were asked to identify concrete actions to embrace and demonstrate their accountability. The ADM of the Human Resources Branch requested that each branch head submit his or her written commitments by October 30, 2008 for follow-up.

Official languages champions act as advocates and promoters of official languages in the Department, and are instrumental in reporting ongoing departmental progress.

Measurement of the quality of services provided in both official languages requires the proactive involvement of senior executives and managers responsible for service delivery. AAFC will therefore engage branch heads in the process of designing the quality-assessment process. They participated in an Official Languages/Employment Equity Action Plan meeting on June 5, 2008 to determine specific monitoring actions, including the activities and results to be measured, the means and frequency of collecting data, and the analytical procedures to be used. The branch heads also approved measures to systematically interpret this information and present it regularly to CSSB to drive actions leading to sustainable improvement.

The Official Languages Team will incorporate these decisions into a formal monitoring plan that will include, at a minimum, descriptions of each element of the monitoring initiative, definitions of roles and accountabilities, and details of a reporting and review process. This plan will be distributed to branch heads and implemented during the third quarter of 2008–2009.

The Official Languages Team will collaborate with the Human Resources Planning Team to incorporate quality assessments of bilingual services into the regular quarterly branch-level reviews that planners deliver in person to each ADM. Department-wide results will be systematically reported and provided to managers responsible for the departmental audit and evaluation program.

Our comments

We are partially satisfied with the measures proposed by AAFC to use the information provided by the action-register to manage service quality and report on results. Beyond measuring the demand for second-language services, the Department must demonstrate its commitment to ensuring that, where obligations exist, an active offer of bilingual services is made at all times, and that its services are available and of equal quality in both official languages. The absence of an active offer often results in a reduction of instances where the use of the minority language would occur. The action-register should therefore contain an element that would record that the active offer was made in every instance. In addition, when a request for service in the language of the minority is made, the register should track the manner in which the service was provided, including whether or not an administrative measure was required. We will assess the implementation of this recommendation at the time of our audit follow-up.

APPENDIX B

AUDIT OBJECTIVES AND CRITERIA

OBJECTIVES	CRITERIA
<p>1. Ensure that Agriculture and Agri-Food Canada's senior management is committed to the official languages program to provide appropriate bilingual services to the public, in particular to Canadian producers and citizens living in rural regions</p>	<ol style="list-style-type: none"> 1. Determine whether Agriculture and Agri-Food Canada has put in place an appropriate accountability framework for official languages; 2. Determine whether Agriculture and Agri-Food Canada's action plan ensures an effective implementation of Part IV of the <i>Official Languages Act</i>; 3. Determine whether Agriculture and Agri-Food Canada has an appropriate accountability mechanism in place to measure the implementation of objectives related to Part IV of the <i>Official Languages Act</i>; 4. Determine whether Agriculture and Agri-Food Canada has an official languages policy or guidelines on service to the public that have been approved by senior management and whether they comply with the <i>Official Languages Act</i> and the Regulations.
<p>2. Ensure that designated bilingual offices actively offer and provide appropriate bilingual services to the public, in particular to Canadian producers and to citizens living in rural regions (in person, by telephone and in signage and publications)</p>	<ol style="list-style-type: none"> 1. Determine whether Agriculture and Agri-Food Canada effectively communicates the requirements regarding the provision of services in both official languages to staff responsible for providing services to the public; 2. Determine whether the bilingual capacity at Agriculture and Agri-Food Canada is sufficient in order to provide appropriate services in both official languages; 3. Determine whether the designated bilingual offices at Agriculture and Agri-Food Canada offer and provide services in both official languages.

AUDIT OBJECTIVES AND CRITERIA (cont.)

OBJECTIVES	CRITERIA
<p>3. Ensure that Agriculture and Agri-Food Canada consults representatives of Canadian producers and representatives of the official language minority communities in rural regions and takes into account the results of these consultations in the delivery of bilingual services</p>	<p>1. Determine whether Agriculture and Agri-Food Canada consults representatives of Canadian producers and representatives of the official language minority communities in rural regions to determine their service needs, including the location of its designated bilingual points of service, and whether it informs them of the decisions taken.</p>
<p>4. Ensure that Agriculture and Agri-Food Canada takes into account its responsibilities under Part IV of the <i>Official Languages Act</i> in its partnership and contribution agreements with other institutions</p>	<p>1. Determine whether Agriculture and Agri-Food Canada takes into account its responsibilities related to service to the public when negotiating partnership and contribution agreements with other organizations.</p>
<p>5. Ensure that Agriculture and Agri-Food Canada closely monitors its performance with regard to the provision of services in both official languages</p>	<p>1. Determine whether Agriculture and Agri-Food Canada has appropriate controls in place (including internal audits) to monitor whether members of the public are served in the official language of their choice at designated bilingual offices;</p> <p>2. Determine whether monitoring results are used in managing service quality in order to continuously improve the situation.</p>

APPENDIX C

PRINCIPLES CONCERNING THE INCLUSION OF A LANGUAGE CLAUSE IN DIFFERENT TYPES OF AGREEMENTS

		WHO OWNS THE PROGRAM?		
		Federal	Provincial *	Shared Jurisdiction Fed./Prov.
WHO PROVIDES THE SERVICE?	Federal	AAFC must comply with Part IV.	AAFC must comply with Part IV.	AAFC must comply with Part IV.
	Provincial	There is an obligation to include a language clause under Part IV. The province acts on behalf of AAFC.	There is no obligation to include a language clause. The provincial language regime applies.	AAFC encourages the addition of a language clause under Part VII. The province does not act on behalf of AAFC.
	Federal-Provincial	There is an obligation to include a language clause under Part IV. The province acts on behalf of AAFC.	AAFC must comply with Part IV.	AAFC encourages the addition of a language clause under Part VII. The province does not act on behalf of AAFC.
	Private organization	There is an obligation to include a language clause if the organization is a third party acting on behalf of AAFC, under Part IV.	There is no obligation to include a language clause. However, where an organization receives funds from the federal government, the <i>Policy on Transfer Payments</i> applies.	There is an obligation to include a language clause if the organization is a third party acting on behalf of AAFC, under Part IV.

*NOTE: This table also applies to the three territories.

If the program falls under federal jurisdiction, AAFC is required to include a language clause pursuant to Part IV of the Act. If the service is provided by the province, the province will be considered to be a third party acting on behalf of AAFC. In this case, the Department, pursuant to section 25¹ of the Act, must ensure that its provincial stakeholder offers services and communicates with the public in both official languages, in accordance with the requirements of the *Official Languages (Communications with and Services to the Public) Regulations*. The same would be true if services were provided by a private agency. Part IV of the Act must also be respected when the federal government itself offers services for a program or activity under provincial or shared jurisdiction.

When a voluntary non-governmental organization receives federal funds, and the organization is not acting on behalf of AAFC, the Department must ensure that the organization

respects the official language provisions of the Treasury Board’s Policy on Grants and Contributions. According to this policy, voluntary non-governmental organizations receiving federal funds must communicate with the public and provide services in both official languages, where numbers warrant.

We believe that, in the case where a province or territory is responsible for administering a program or activity under shared jurisdiction, AAFC’s language obligations would not stem from Part IV but rather from Part VII of the Act. Pursuant to these obligations, AAFC would be responsible for taking measures to foster, encourage and assist in offering services in both official languages and to provide resources and contribute as much as possible to the process of ensuring bilingual service delivery. The negotiation of language clauses as regards service to the public in these agreements would be, in our opinion, a positive measure within the meaning of Part VII of the Act.

1 This section specifies that every federal institution has the duty to ensure that, where services are provided or made available by another person or organization on its behalf, members of the public can communicate with and obtain those services from that person or organization in either official language, in any case where those services, if provided by the institution, would be required under Part IV to be provided in either official language.