

Bilingual Designation and Bonus Guidelines

PURPOSE

Operational guidelines are required to assist Deputy Heads and Senior Managers in the Government of the Northwest Territories (GNWT) to designate positions within the public service as bilingual required; evaluate and assess employee language proficiency; and determine whether an employee should be assigned a bilingual preferred status.

POLICY BASE

These Guidelines are consistent with, and support the implementation of the GNWT's Bilingual Designation Policy.

SCOPE

These Guidelines apply to all GNWT public servants except:

- Members of the Northwest Territories Teachers' Association;
- Employees of the Northwest Territories Power Corporation;
- Physicians as per Northwest Territories Medical Association;
- Translators and interpreters tasked with providing translation services for the public; and

DEFINITIONS

Bilingual Required refers to a position which has been designated as requiring the use of multiple languages, and where this requirement has been included in the job description for the position.

Bilingual Preferred refers to an employee who is able to, and occasionally provides government services in an official language in addition to English, who is not in a position designated as bilingual required.

Official Languages as defined in the *Official Languages Act*: Chipewyan, Cree, English, French, Gwich'in, Inuinnaqtun, Inuktitut, Inuvialuktun, North Slavey, South Slavey and Tłı̨chǫ.

Indigenous Languages refers to official Indigenous languages as defined in the *Official Languages Act*: Chipewyan, Cree, Gwich'in, Inuinnaqtun, Inuvialuktun, Inuktitut, North Slavey, South Slavey and Tłı̨chǫ.

Deputy Head as defined in the *Public Service Act*: the Deputy Minister of a department, the chief executive officer of a public committee, board or council, or such a person may be appointed or designated as deputy head.

GUIDELINES

Deputy Heads are responsible for establishing levels of service and for meeting commitments under the *Official Languages Act*. Deputy Heads determine how services in official languages other than English will be provided within their Department or Agency.

Bilingual employees in bilingual required positions, or who have been designated with bilingual preferred status; will receive a bilingual bonus, subject to the following guidelines:

Bilingual Required Positions

1. *Establishing Bilingual Required Positions*

- a. Deputy Heads determine which positions within their department or agency will be designated as bilingual required. Positions designated as bilingual required are positions which require the regular use of any of the official languages of the NWT, in addition to English. This language requirement will be included in the position job description.
- b. To designate a position bilingual required, the Department or Agency, in consultation with the Official Languages Coordinator, works with the Department of Finance to determine the appropriate language proficiency levels required, depending on the nature of the position. Once identified, these language proficiency levels are included in the position job description.
- c. Employees appointed to bilingual required positions **must** meet the *bona fide* operational language requirements established in their job descriptions (see Language Proficiency Assessment below).
- d. As the bilingual bonus is tied to a position and not the person, if an employee in a bilingual required position leaves that position (i.e. resignation, termination, transfer assignment, promotion etc.) they will cease to receive the bilingual bonus, unless they are transferring to another bilingual required position.

2. *Acting and Transfer Assignments*

- a. An employee receiving responsibility allowance for a bilingual required position **must** meet the established language proficiency levels of that position.
- b. An employee on a transfer assignment into a bilingual required position **must** meet the established language proficiency levels of that position.

3. *Verifying Language Skills during the Hiring Process*

- a. Individuals who are being appointed to a bilingual required position **must** undergo an assessment to confirm their language proficiency. The assessment process used to confirm

language proficiency may vary by official language. This language proficiency assessment **must** be completed to confirm acceptable proficiency levels prior to a job offer being made.

- b. An existing employee who has a valid language proficiency assessment on file does not need to be retested when being considered for a bilingual required position, as long as their language proficiency is at or above the level required of the position. An employee must be reassessed if they are applying for or transferring to a bilingual required position that involves higher language skills than attained in their most recent language proficiency assessment, unless their Language Assessment results shows complete fluency in French.
- c. The Department of Finance organizes and manages the language proficiency assessment process as a part of the hiring process.

4. *Existing Employees in bilingual required positions*

- a. Where an employee, in an existing bilingual required position, does not meet the proficiency level required for that position, a Language Proficiency Attainment Agreement **must** be developed and signed by the employee and supervisor, outlining what the employee will do and what support or training (if any) will be provided, so that the employee may reach the desired level within one year. The Department of Finance will support the development of this type of Agreement.
- b. An employee who has entered into a Language Proficiency Attainment Agreement will continue to receive the bilingual bonus.
- c. Where an employee in an existing bilingual required position, is unable to achieve the required proficiency after having had an opportunity to participate in a Language Proficiency Attainment Agreement a reasonable job offer will be provided to the employee. If a reasonable job offer cannot be made to the employee the 'Staff Retention Policy' will apply.

Bilingual Preferred Status

5. *Application and Eligibility*

- a. Employees who use more than one official language occasionally during their regular workday in positions that are not designated as bilingual required may be designated bilingual preferred.
- b. In order to be considered for bilingual preferred status, an employee **must** request conditional approval from their supervisor and then from their Deputy Head.
- c. Departments and Agencies will review an employee's request:

- i. To determine whether the employee occasionally uses a language other than English to provide services as a part of their job.
- ii. Using the established internal criteria, including Language Operating Plans, where they exist, for the provision of services in the NWT's official languages.

d. Once an employee has received conditional approval from their Deputy Head, they **must** demonstrate a minimum level of language competence through the completion of language proficiency assessment established and delivered by the Department of Finance.

e. Where an employee with bilingual preferred status is unable to achieve the required proficiency after having had an opportunity to do so through a Language Proficiency Attainment Agreement, the department may immediately discontinue the preferred status and cease providing the bilingual bonus.

f. Where an employee refuses to be assessed, they will not be granted bilingual preferred status.

g. An employee is entitled to receive bilingual bonus from the time they start providing services in an Official language other than English, provided that the language proficiency assessment is completed and the employee has been deemed successful in achieving the required levels.

h. Deputy Heads may, from time to time, review the bilingual preferred status of employees within their department or agency:

- i. To determine if employees continue to be required to occasionally use a language other than English during the course of their work; and
- ii. Using established internal criteria, including Language Operating Plans, where they exist, for the provision of services in the NWT's official languages.
- iii. Employees may have their bilingual preferred status removed as a part of these operational reviews.

Indigenous Language Proficiency Assessment

In order to receive a bilingual bonus for using an Indigenous language (whether in a bilingual required position or as a result of acquiring bilingual preferred status), an employee **must** be considered by a fluent speaker of that language to have sufficient knowledge and skill to engage in conversation or communication in that language.

6. Process to Evaluate Indigenous Language Abilities

Departments or Agencies will work with their Human Resources Service Centre and Official Languages Coordinator to evaluate the language skills of an employee to be appointed to a bilingual required position or designated as bilingual preferred status.

French Language Proficiency Assessment

In order to receive a bilingual bonus for the use of French (whether in a bilingual required position or designated as bilingual preferred), an employee's ability to effectively communicate in French will be formally assessed. While other testing instruments exist, in order to qualify for a bilingual bonus, employees **must** be assessed with the exams developed for the GNWT.

7. *Minimum Language Standards*

- a. Positions that have been identified as French bilingual required **must** have the minimum language requirements included in the job description. These requirements will vary by position.
- b. The minimum proficiency levels required in order to qualify for French bilingual preferred status, unless specified otherwise by the employing Department or Agency, are:
 - intermediate level of oral expression and comprehension;
 - basic level in reading comprehension; and
 - basic level in writing expression.

8. *Proficiency Assessment Results*

- a. The results of the GNWT French Language Proficiency tests are valid for 5 years, unless the employee's results indicate that the employee has complete fluency in French such that speech in all of its features, including breadth of vocabulary, colloquialisms and pertinent cultural references is equivalent to that of a native speaker. In that case, the validity of the results of the test is indeterminate.
- b. An employee can be re-assessed before the end of the 5 year period. However, where an employee is not successful in the re-assessment, there will be a **90-day** waiting period before an employee can undergo a subsequent re-assessment. The Deputy Head may waive the 90-day waiting period requirement.
- c. Department of Finance will maintain a registry of employees receiving bilingual bonus, which includes their assessment results and the date of their next assessment.