



Office of the  
Commissioner of  
Official Languages

Commissariat  
aux langues  
officielles

# AUDIT

OF SERVICES PROVIDED TO ELECTORS IN ENGLISH AND FRENCH  
BY THE OFFICE OF THE CHIEF ELECTORAL OFFICER OF CANADA

**FINAL REPORT**  
July 2015



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## HIGHLIGHTS

### WHAT WE EXAMINED

The Office of the Commissioner of Official Languages conducted an audit of the Office of the Chief Electoral Officer of Canada, also known as Elections Canada, to determine whether it meets its language obligations towards electors.

Elections Canada is an independent, non-partisan agency led by the Chief Electoral Officer of Canada, who reports directly to Parliament. Elections Canada must be prepared at all times to conduct a federal general election, by-election or referendum in all 338 electoral districts. Its mission is to ensure that Canadians can exercise their democratic rights to vote and be a candidate. This audit focuses on Canadians' being able to exercise their right to vote in the official language of their choice as well as being able to communicate in English and French within the Elections Canada network.

Our audit had four objectives. The first objective was to determine whether Elections Canada senior management is committed to implementing Part IV of the *Official Languages Act* (the Act) in order to guarantee electors the opportunity to vote in the official language of their choice. We also verified whether Elections Canada has an official mechanism enabling it to actively offer bilingual services<sup>1</sup> to electors and whether it is taking measures to provide service of equal quality in English and French at returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places. We also verified whether Elections Canada takes official language minority communities into account when planning its election officer and worker recruitment campaigns. Lastly, we verified whether Elections Canada effectively monitors its performance in terms of providing services to ensure that they are of equal quality in both official languages.

This audit was conducted from June to August 2014. The methodology that was used can be found at the end of this report in the section titled [About the audit](#).

### WHY THIS AUDIT IS IMPORTANT

Elections Canada's mission is to inform all citizens and support their participation in Canadian democracy. As an institution, it is committed to identifying and breaking down barriers to participation in elections. Elections Canada must therefore ensure that Canadians' fundamental right to vote is upheld in the official language of their choice. Being able to express themselves in the official language of their choice can greatly influence the participation of English-speaking and French-speaking electors as well as their ability to exercise their right to vote.

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<sup>1</sup> "Bilingual services" are defined as services provided in each of Canada's official languages, i.e., English and French.

## WHAT WE FOUND

- Elections Canada has a governance structure for managing official languages that primarily focuses on the implementation of Parts V (Language of Work) and VI (Participation of English-Speaking and French-Speaking Canadians) of the Act. For Part IV (Communications With and Services to the Public) of the Act, there is no satisfactory structure for its implementation; for example, Elections Canada does not have an official languages accountability framework or an official languages policy that reflects its realities and, at the time of our audit, did not have an official languages champion. In addition, the official languages action plan is incomplete since there is a lack of concrete and specific measures to ensure electors receive services of equal quality in English and in French.
- In its official documents, Elections Canada recognizes its official languages obligations. However, the situation in the field is a different matter. Elections Canada has a plan to recruit returning officers, but their work descriptions and statements of work, and those of the field liaison officers, do not include mandatory language skills, even though their responsibilities are such that they could be called on to communicate with electors and the media in either official language.
- There is a performance evaluation process for returning officers, but it does not assess their language responsibilities.
- The institution has implemented directives and training modules for returning officers and other election officers and workers. However, official languages obligations are not addressed consistently in all of the training manuals.
- For communications aimed at raising election officers' and workers' awareness of the institution's language requirements, one or two memos are sent to returning officers by e-mail during electoral events, and the information is then forwarded to other election officers and workers.
- Elections Canada produces very high quality bilingual publications, posters, forms and ballots. The institution also has a fully bilingual Web site.
- Services are not always actively offered or provided in both official languages in returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places. Elections Canada has not taken measures to identify the election officer positions that must be bilingual in order to ensure services of equal quality can be provided in English and French at all times. There is no official process to fill election officer positions. The returning officer is responsible for this task and uses many sources, often word of mouth, and language skills are not always taken into consideration.
- Elections Canada has not established a mechanism for approaching official language minority communities to request their advice on recruiting bilingual election officers and workers. At the same time, we were informed several times that the institution has experienced difficulty recruiting bilingual election officers and workers.

- Mystery caller exercises are conducted by the institution in the returning officers' offices during general elections. However, there is no monitoring process to assess the quality of services provided in person at different points of service.

We recognize the challenges faced by Elections Canada in carrying out its mandate. Our audit found that some problems related to respecting language rights are proving to be the greatest challenge. There is still a lot of work that needs to be done to improve the bilingual services provided to Canadians within the network of Elections Canada offices. As part of this audit, the Commissioner of Official Languages has made nine recommendations. These recommendations, along with Elections Canada's comments and action plan for implementing the recommendations, and the Commissioner's comments, can be found in Appendix D of this report.

We are satisfied with the measures and timeframes proposed in Elections Canada's action plan for implementing five of the nine recommendations, namely recommendations 1, 2, 3, 5 and 8. We are only partially satisfied with the response for recommendation 9 and we are not satisfied with the response for recommendations 4, 6 and 7. We believe that Elections Canada should implement all of the recommendations to fulfill its obligations under the Act in terms of communications with electors and the delivery of bilingual services.



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## **INTRODUCTION**

### **Institution**

Elections Canada is an independent, non-partisan agency led by the Chief Electoral Officer of Canada, who reports directly to Parliament. Elections Canada must be prepared at all times to conduct a federal general election, by-election or referendum. It also has a mandate to conduct elector information and awareness campaigns. Its mission is to ensure that Canadians can exercise their democratic rights to vote and be a candidate.

During the last federal general election, the country was divided into 308 electoral districts, which were subdivided into 15,260 central polling places or polling places consisting of 64,477 ordinary polling stations and 1,669 mobile polling stations.

### **Background**

It is important to note that this audit is not the first instance of the Commissioner of Official Languages making recommendations to Elections Canada to ensure it provides services to electors in the official language of their choice. In 1994, *Special Study: Elections Canada* emphasized that the *Official Languages Act* (the Act) gives members of the public the right to receive services from Elections Canada in the official language of their choice across the country. In addition, this audit follows up on comments presented in the 2011–2012 Annual Report, specifically that “Elections Canada should . . . consider the knowledge of both official languages to be an essential employment criterion for at least some of the election workers assigned to a polling station.” Lastly, in 2011, the Commissioner also took the initiative to write to the executive directors of political parties to encourage them to add the names of bilingual people to their lists.

It is important to note that the institution is working on modernizing the field voter registration system and re-engineering voting operations. It plans to test out a new voting services model during the 2015 general election to make voting and registration more practical, reduce voting obstacles and maintain confidence in the electoral system. We believe this new approach should include measures to ensure that the electors’ experience takes place in the official language of their choice. At the time of our audit, Bill C-23, *An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to certain Acts*, had just received royal assent (June 2014).

### **Elections Canada’s obligations under the *Official Languages Act***

One of the purposes of the Act is to ensure respect for English and French as the official languages of Canada and ensure equality of status and equal rights and privileges as to their use in all federal institutions. The Act guarantees the public equal access as well as services of equal quality in English and in French.

Our audit focused on Part IV of the Act, more specifically the service provided in English and French to electors by returning officers’ and assistant returning officers’ offices, mobile polling stations and polling places, including advance and central polling places.

Subsections 24(2) and 24(3) of Part IV of the Act stipulate that “any federal institution that reports directly to Parliament on any of its activities has the duty to ensure that any member of the public can communicate with and obtain available services from all of its offices or facilities in Canada or elsewhere in either official language” where, due to the nature of the office, it is reasonable, regardless of significant demand. The Office of the Chief Electoral Officer is one of these institutions under all circumstances, including during electoral events.

Electors must be able to communicate and obtain services in English and in French at all central polling places and polling places, as well as at the institution’s other facilities. That being said, election officers and workers who provide service directly to electors are not all required to do so in both official languages across Canada, in accordance with subsection 24(2) of the Act. Elections Canada must determine an adequate number of election officers and workers who will be capable of providing service or communicating in both official languages.

The institution is also subject to section 25 of the Act, which pertains to services provided by a third party, in this case the business that acts on behalf of Elections Canada and provides information over the telephone during federal general elections.

## **ANALYSIS OF FINDINGS AND RECOMMENDATIONS**

This audit was conducted during the pre-election year and during the by-elections held on June 30, 2014, in four electoral districts in Ontario and Alberta. The section titled [About the audit](#) at the end of this report outlines the methodology, and Appendix C describes the objectives and criteria.

### ***Objective 1***

*Ensure that Elections Canada’s senior management is committed to implementing Part IV of the Official Languages Act so that electors are guaranteed the possibility of voting in the official language of their choice.*

#### **a) *Verify whether Elections Canada has an official languages governance structure, including an accountability framework, an action plan, a policy or guidelines, a recruitment and training plan, and a performance evaluation mechanism.***

##### *Governance structure*

Elections Canada has a governance structure for the implementation of its official languages program. The Chief Human Resources Officer is responsible for the official languages program. The Human Resources Policy, Planning and Reporting Branch is responsible for the application of all parts of the Act, and the Branch’s assistant director general ensures liaison with the Electoral Events Sector, especially with respect to the complaints process. However, the Branch is not responsible for providing bilingual services during electoral events. Two people from the Human Resources Branch are responsible for the official languages program. Their responsibilities focus primarily on the implementation of Part V of the Act (Language of Work) and only apply to employees

at headquarters. We believe that the existing governance structure should be reviewed and improved in order to expand the scope of responsibilities to include the requirements under Part IV of the Act.

At Elections Canada, there is no official network of coordinators, advisory committee or coordination committee responsible for official languages to guide returning officers, among others, during electoral events, particularly with regard to the recruitment of election officers and workers. At the time of our audit, the institution did not have an official languages champion. We believe that Elections Canada should quickly appoint an official languages champion, who would set the tone for all headquarters employees and election officers and workers.

#### *Official languages accountability framework*

An official languages accountability framework is a tool required to establish the guiding principles for the effective management of official languages files and to establish and define the roles and responsibilities of the official languages champion, senior management, managers, team leaders and all employees who need to communicate with the public. Elections Canada does not have such a framework; in its official languages action plan for 2012–2014, it only describes the roles and responsibilities of employees who work at headquarters. This official languages action plan makes no reference to the roles and responsibilities of returning officers or other election officers and workers.

#### Recommendation 1

The Commissioner of Official Languages recommends that Elections Canada develop an official languages accountability framework and communicate the framework to election officers and workers and employees working at headquarters and the enquiries centre. This accountability framework must:

- a) specify the roles and responsibilities of election officers and workers who must serve electors in English or French at all returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places;
- b) identify and present the roles and responsibilities of headquarters employees involved in the implementation of Part IV of the *Official Languages Act*, both in the Human Resources Branch and in the Electoral Events Sector, including enquiries centres established for returning officers' offices and electors;
- c) specify how the persons responsible will be held accountable.

#### *Official languages action plan*

Elections Canada has an official languages action plan for 2012–2014. The section in this plan titled "Background" states that "the activities of election officers (within the meaning of the [*Canada Elections Act*]), including those of returning officers, are not targeted by this plan." [translation] The plan also mentions the following: "The values associated with linguistic duality are an integral part of the organizational culture at Elections Canada. The Chief Electoral Officer is determined to create and maintain a workplace that is conducive to the use of both official languages. He is also committed to

ensuring that employees have the opportunity to develop their full professional potential in a bilingual environment.” [translation]

The action plan includes a limited number of activities that target service delivery in both official languages, including the following:

- distribution of a pamphlet titled *Guide on Incorporating Official Languages in the Workplace* to Elections Canada employees at headquarters;
- distribution of an English/Français pictogram (produced by the Treasury Board Secretariat) to people who request one;
- distribution of the *Communications With and Services to the Public – Active Offer* fact sheet;
- creation of communications tools for election officers (in 2014–2015).

We would have expected this plan to include specific measures that apply to all areas of electoral activity connected to Part IV of the Act, which pertains to communications with electors in English and French. Bilingual services for electors should be the focus of the action plan. In addition, a follow-up mechanism for this action plan should be put in place.

Finally, none of the people we met with, other than those working for the Human Resources Branch, were aware that Elections Canada had an official languages plan.

#### Recommendation 2

The Commissioner of Official Languages recommends that Elections Canada establish and implement a new action plan for Part IV of the *Official Languages Act* before the 2015 federal general election and communicate this plan to election officers holding key positions throughout the network and at headquarters. The new plan must:

- a) include deadlines, performance indicators and concrete measures that take into account all of Elections Canada’s activities related to services to electors, including the activities of election officers and workers and those related to federal by-elections, federal general elections and referendums;
- b) include an accountability and follow-up mechanism;
- c) be communicated to key persons, such as the managers responsible for ensuring bilingual operational services at headquarters, returning officers, assistant returning officers and field liaison officers.

#### *Policy and guidelines*

The institution does not have an official languages policy specific to its activities. It uses the Treasury Board Secretariat’s policy on official languages (November 19, 2012) as a guide. Given the specific nature of electoral events, we believe that Elections Canada should develop such a policy for its returning officers’ and assistant returning officers’ offices, mobile polling stations and polling places, including advance and central polling places, as well as its headquarters. Once the new official languages policy is approved by senior management, we suggest the institution develop and implement directives and procedures that focus on matters such as active offer and service delivery in both official languages, and the steps to be taken when various offices are not able to provide them.

### Recommendation 3

The Commissioner of Official Languages recommends that Elections Canada develop a new official languages policy and communicate it effectively to headquarters employees and election officers and workers, including returning officers, assistant returning officers and field liaison officers. This policy must:

- a) take into account the structure and particularities of Elections Canada and the requirements set out in Part IV of the *Official Languages Act*;
- b) be communicated, during by-elections, federal general elections and referendums, to headquarters senior management and managers, as well as returning officers, assistant returning officers and field liaison officers, who must then communicate it effectively to other election officers and workers.

#### *Recruiting returning officers*

Canada is divided into 338 electoral districts. We verified whether Elections Canada has established a plan to recruit election officers in these districts.

Returning officers hold key positions within Elections Canada, since they are the electoral administrators in the districts. There is a structured selection process in place to hire returning officers, who have a 10-year mandate. The returning officer positions are posted on the Elections Canada Web site, and notices are published in newspapers across Canada, including the official language minority media. Since 2007, the Chief Electoral Officer has been responsible for appointing a returning officer in an electoral district when that position becomes vacant, as set out in subsection 24(1) of the *Canada Elections Act*. These appointments are based on merit, and various processes can be used.

We reviewed the *Statement of Qualifications for Persons Appointed as Returning Officers* used for hiring processes and found that the ability to communicate in both official languages is part of the additional qualifications that may be used to select candidates for interviews.

That said, returning officers may be required to communicate in English and French with electors, including those from official language minority communities, as well as with the media.

The work description for a returning officer clearly indicates that the incumbent:

- “communicates information to the public, candidates, political parties and Elections Canada -- ensures that systems are in place within the returning office to respond to inquiries from the public accurately and efficiently;
- answers simple questions from media representatives and refers more complex requests to field liaison officers.”

In addition, the returning officer must possess the following:

- “conflict-resolution skills to address issues that arise between and among staff, political party/candidate representatives, the electors, the media and Elections Canada;
- communications skills (oral and written) to effectively provide instruction, to discuss issues and to provide appropriate responses;
- the ability to translate complex ideas and concepts into plain language and to convey information and messages to election officers, other people within the office and other electoral district offices, as well as externally to electors, the media, Elections Canada employees and the Chief Electoral Officer.” [translation]

We are aware of the challenges related to recruiting returning officers; Elections Canada should find ways to fully integrate its obligation to serve electors in the official language of their choice into its recruitment strategy. This strategy should include means to achieve the objective of making the ability to communicate in both official languages an essential qualification, as these positions become vacant. In addition, an appropriate linguistic profile should be established for returning officer positions.

#### *Recruiting election officers and workers*

Elections Canada assigns returning officers the responsibility to recruit, appoint and train election officers and workers. Returning officers can recruit people from the lists received from political parties under sections 34 and 35 of the *Canada Elections Act*. However, according to the provisions of this act, returning officers can use other sources if the candidates have not submitted their lists of names or if there is not a sufficient number of suitable persons recommended. Returning officers may also, on reasonable grounds, refuse to appoint a person recommended by a candidate.

Our interviews revealed that returning officers receive very few names from political parties. Throughout our site visits during the by-elections, only one office had received the names of two people. We were informed that certain regions, particularly those in Atlantic Canada and Eastern Quebec, usually receive lists of people interested in working on polling day. The returning officers we met with said that they would appreciate receiving the names of interested people, since recruiting and hiring were often difficult due to many factors, including the short-term nature of job offers, the low salary, the voting dates and polling day, as well as the scarcity of election officers and workers in some regions. According to Elections Canada, the people qualified to work during elections are usually retired or unemployed individuals and students.

There is no official staffing process for recruiting election officers and workers. Elections Canada uses various recruitment methods, such as public service announcements, posters (including those on its Web site), banners and recruitment visits to schools and community learning centres. In addition, returning officers keep lists of former employees.

The people we met during our site visits told us that it was difficult to find candidates interested in these positions and that recruitment was done primarily by word of mouth. Although work descriptions exist for all election officers, our interviews revealed that most returning officers and recruitment officers do not specifically refer to the

requirements listed in these official documents when recruiting, and generally hire whoever is available to attend training and to work.

We would have expected Elections Canada to have established a mechanism to ensure that returning officers mandatorily recruit a reasonable number of bilingual election officers and workers by identifying key positions. In this context, we would have also expected that Elections Canada would have already worked together with representatives from official language minority communities and interest groups across Canada to help recruit a sufficient number of bilingual election officers and workers. These two points are addressed in more detail later in this report in the sections titled [Bilingual capacity](#) and [Communications with official language minority communities](#).

### *Recruiting field liaison officers*

Field liaison officers are managers who provide services and expertise to returning officers in the electoral district where they are appointed. They are also responsible for communicating with local media, including the minority-language media in their region. They provide support, advice and training, during and between polls, to returning officers and election officers and workers to help them comply with the provisions and principles of the *Canada Elections Act* and the *Referendum Act*. Twenty-seven field liaison officers provide support to a specific group of electoral districts, and six backup field liaison officers provide backup services to a group of electoral districts.

Field liaison officers and backup field liaison officers are recruited by Elections Canada through the government electronic tendering service ([Buyandsell.gc.ca](#)). We reviewed a contract template, as well as a statement of work, and neither contained official languages requirements. However, the field liaison officers we met with in the electoral districts during the by-elections informed us that they sometimes communicate with the public and local media, including media from the official language minority community. Consequently, Elections Canada should ensure that the ability to communicate in both official languages is an essential qualification in its future field liaison officer recruitment activities.

### Recommendation 4

The Commissioner of Official Languages recommends that Elections Canada develop and implement a plan for recruiting bilingual returning officers and bilingual field liaison officers. This plan must:

- a) include measures to revise the work descriptions and statements of work of returning officers and field liaison officers in order to include mandatory language skills;
- b) include a provision to remind returning officers that they must designate election officer positions, particularly the position of central poll supervisor, at mobile polling stations and polling places, including advance and central polling places, in order to ensure that they can provide service of equal quality in English and French to electors at all times.

### *Training*

Returning officers receive mandatory comprehensive training, an orientation guide and a procedures manual that has a chapter on official languages. The purpose of this chapter

is to advise them on how to provide the best possible service in both official languages in accordance with the Act.

Election officers and workers also receive training specific to their duties. This training lasts two to three hours and is provided using several teaching methods, such as in-class training, multimedia training, practical exercises and role-playing. Each employee receives a bilingual training manual specifically tailored to his or her position.

In general, the designated trainers are responsible for providing training, but the returning officers and their assistant returning officer can also provide training.

Elections Canada has developed the *Training Officer's Manual* as a guide for trainers. This manual provides instructions on the active offer of bilingual services, the signs to post in both official languages and the use of bilingual cards. Elections Canada has made efforts to include official languages in the training manual; however, we observed some shortcomings related to in-person training. During our site visits, we attended a training session for 20 election officers on advance voting. During this training, Elections Canada's obligation to provide electors with service in English and French was quickly discussed. The trainer focused on the initial bilingual greeting "Hello, Bonjour," but did not discuss cases where the elector speaks the minority language. In fact, the information given in class was less detailed than what was presented in the video and the training manual. We learned that Elections Canada was planning to modify its conventional training methods by introducing on-line training sessions during the 2015 general election. The institution should take the opportunity to ensure that this new training model adequately covers its language obligations.

#### *Training manuals*

We reviewed eight training manuals for election officers. We found that Elections Canada's obligations set out in Part IV of the Act are not clearly and consistently presented in all manuals. For example, some manuals do not mention the obligation to greet electors with an active offer of bilingual services. Other training manuals have a section on bilingual services, including *The Ordinary Poll – Central Poll Supervisor's Manual* published in July 2009. However, our analysis found that the central poll supervisor's roles and responsibilities presented in this manual do not take into account Elections Canada's language obligations.

#### Recommendation 5

The Commissioner of Official Languages recommends that Elections Canada consistently add the obligations set out in Part IV of the *Official Languages Act* to all training manuals and in-person and on-line training sessions for election officers and workers.

#### *Performance evaluations*

Of all the election officers, only returning officers undergo an official performance evaluation process. However, this process does not include specific objectives to make returning officers accountable in terms of official languages or to inform them of Elections Canada's obligations in this regard, which could explain the shortcomings found throughout our audit. Given that returning officers represent the institution, it is

essential to make them accountable for improving the bilingual service provided to electors by setting specific objectives regarding Elections Canada's obligations as well as objectives related to hiring bilingual election officers and workers. See recommendation 7 further on in this report.

At headquarters, the performance evaluations of assistant directors responsible for official languages program activities do not include any official languages objectives. It is the same for the performance evaluations of the managers responsible for various files related to service to the public, including communications with the regions and the support network, electoral preparations, quality control and the enquiries centre. We believe that these assistant directors and managers should be held accountable for the services provided in both official languages. We encourage Elections Canada to take specific measures before the next federal general election to make election officers and workers, and employees working at headquarters, including third parties, accountable in terms of the requirements under Part IV of the Act.

**b) *Verify whether Elections Canada has created processes for effectively communicating the requirements of Part IV of the Official Languages Act to all election officers and workers who provide services at all returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places.***

Elections Canada uses different methods to communicate with headquarters employees and with election officers and workers.

For example, starting on the 34th day before the election, Elections Canada officially communicates its obligation to provide bilingual services by sending memorandums to returning officers by e-mail, with a carbon copy to field liaison officers. The memo, *Reminder – Bilingual services and toll-free number to obtain interpretation services*, serves as a reminder that Elections Canada is required by the Act to ensure that electors are served in the official language of their choice by greeting them in person and over the telephone with "Hello, Bonjour." This memo is also a reminder to use the *Bilingual Service Card* when necessary. It indicates that "when possible, officers assigned to polling sites must be bilingual." [translation] We believe that Elections Canada does not take all the necessary measures to meet its language obligations since it does not convey the message that Elections Canada must provide electors with services of equal quality in English and in French to meet the requirements of Part IV of the Act. This subject is presented below in the section titled [Active offer and bilingual services](#).

The internal newsletter *ECHO* is published regularly and intended for headquarters employees. It contains articles on a variety of topics of interest including, sometimes, grammar and style. The newsletters published between 2012 and 2014 include articles on Part V of the Act (Language of Work). None of these newsletters refer to Elections Canada's obligation to provide service to the public in English and in French.

The institution also publishes the newsletter *Dialogue* for election officers and workers. We reviewed the newsletters published in October 2010 and February 2013. In the first newsletter, under the heading "Did you know...", there is information on the number of complaints filed with the Office of the Commissioner of Official Languages during the 2008 general election as well as the name of the person responsible for handling

complaints during the 41st general election. Official languages were not discussed in the second newsletter.

As we previously mentioned, Elections Canada should ensure that it effectively and regularly communicates its obligations under Part IV of the Act through its new official languages policy, training manuals and in-class or on-line training sessions. Language requirements related to the provision of bilingual services to electors could also be communicated in these newsletters.

**c) *Verify whether the contracts that Elections Canada signs with third parties take into account its language obligations.***

Elections Canada only establishes contracts with third parties for services provided by telephone. The enquiries centre is responsible for those services. Our review of two agreements drawn up during the last general election and the one planned for 2015 indicated that the centre receives approximately 700,000 calls during election campaigns. Around 380,000 calls are handled by officers while the other calls are handled by the automated system that provides the requested information. The new agreement states that the contractor must provide services in both official languages during hours of operation and must have sufficient bilingual capacity to meet the volume of calls in French. In addition, it includes provisions to enable Elections Canada to assess the quality of the services being provided. We believe that Elections Canada is taking appropriate measures to comply with its language obligations under this new agreement and the established clauses.

***Objective 2***

*Ensure that Elections Canada has an official mechanism for making an active offer and providing electors with services of equal quality in English and in French at all returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places.*

***a) Verify whether Elections Canada has established official mechanisms for making an active offer and providing services in both official languages at all returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places. Verify the measures that Elections Canada takes to provide services of equal quality in English and in French in person, in writing, over the telephone, electronically (including its Web site) and through social media. Items to be verified include the following:***

- publications and posters;***
- forms and ballots;***
- instructions; and***
- regulations.***

*Publications, posters, forms, ballots and instructions*

Elections Canada does an excellent job of producing high quality documents in English and French, such as publications, posters, forms, ballots and instructions.

Some posters are printed double-sided. This presents difficulties, as we noted during our site visits, where these signs were in English only. In addition, handwritten notes giving

instructions to electors in the returning officers' offices were in English only. We encourage the institution to rectify this situation by placing posters side by side in both official languages.

#### *Web site and social media*

The content of the Elections Canada Web site is of good quality in English and in French, and information about all electoral activities is available in both languages simultaneously.

During our review of the Web site, we found that the on-line complaint form does not have a category for services provided in English and in French. We encourage Elections Canada to add an official languages category to its complaint form.

Elections Canada did not have a presence on social media at the time we conducted our audit.

#### *Active offer and delivery of bilingual services*

During electoral events, it is important for Canadians to feel welcome and be served in the official language of their choice. An election is a relatively brief event; electors expect to receive information and vote quickly, which is why it is necessary to incorporate official languages from the first contact with them by actively offering bilingual service.

The Field Readiness and Event Management Senior Directorate at headquarters is responsible for implementing many election-related activities, including the provision of bilingual services. Our audit revealed that this directorate is aware of electors' right to be served in the official language of their choice and fully recognizes its obligation to provide bilingual services.

Our site visits revealed that the instructions given to returning officers regarding official languages were not being fully implemented and the requirements of the Act were poorly understood by many of the election officers and workers. For example, in the returning officers' offices we visited, no one spoke French while, in other offices, only one person spoke French. More than half the receptionists we met with were unilingual English. However, the returning officer's manual states that, "wherever possible, receptionist services in the [Returning Officer's] office should be bilingual. A bilingual receptionist should be at the [Returning Officer's] office at all times during the [electoral] event."

The results of the interviews that we conducted at headquarters show that managers either do not know or do not fully understand Elections Canada's obligation to make an active offer of service in both official languages and then to provide service in the language spoken by the elector. However, they generally know that Elections Canada must provide bilingual services.

#### *Service of equal quality*

As mentioned in the section titled "Training," Elections Canada's official languages obligations are described in some of its training manuals. The *Ordinary Poll – Central Poll Supervisors' Manual* says that "Elections Canada is legally responsible for ensuring that every Canadian is able to obtain service in either official language, English or

French.” [translation] However, the same manual says: “If you do not understand the official language used by the person you are serving, ask if any election officers at your polling place can assist you.” [translation] It is important to emphasize that Elections Canada must not simply have employees ask an election officer for assistance; it must take the necessary measures to provide service of equal quality in English and French.

The training manuals for election officers also discuss the use of bilingual cards that give instructions to electors in the minority official language. There are three different cards:

1. A card used for door-to-door visits to update the lists of electors;
2. A card used by the central polling place to ask electors for their address in order to inform them which polling station they should vote at;
3. A card used by the polling place to ask the elector for proof of identity and address before giving them the ballot.

All of the people we met with were aware of the existence of these cards. However, we noted that the use of the cards seems to be poorly understood, since election officers and workers were confusing them. An example of these cards has been included in Appendix B.

In addition to using bilingual cards, all of the election officers and workers we met with confirmed that they could use the telephone to obtain assistance in French when electors speaking the minority official language of the region came to their office. However, despite the clear instructions given in this regard, employees confused the telephone line reserved for English and French interpretation services with the telephone line for multilingual interpretation services. In addition, to obtain assistance, some of the employees we met with said that they called the cell phone number of the returning officer or the assistant returning officer, who found a bilingual person in their office, when possible. However, in the case observed, the returning officer was hundreds of kilometres away from the office requesting assistance, which is not conducive to providing service of equal quality in English and French.

We would like to emphasize that the use of bilingual cards and the telephone may be a good temporary administrative practice for situations where the measures taken by Elections Canada have not made it possible to recruit a sufficient number of bilingual election officers and workers in certain offices. However, our interviews revealed that these administrative practices are the usual way to provide bilingual services at returning officers’ and assistant returning officers’ offices, mobile polling stations and polling places, including advance and central polling places, which does not constitute service of equal quality in English and in French. It is our opinion that Elections Canada must review this practice so that it is once again a last resort, and not a common general practice.

In 1994, the Commissioner recommended that Elections Canada use language tools. Since then, jurisprudence has confirmed that the use of these tools does not satisfy the principle of substantive equality. Elections Canada must therefore take other measures to ensure that the services it provides are of equal quality in English and French.

## Recommendation 6

The Commissioner of Official Languages recommends that Elections Canada establish an official process enabling it to effectively provide service in person of equal quality in English and in French at all times during electoral events. This process must:

- a) include the development and implementation of a service procedure that includes the active offer and delivery of services of equal quality in both official languages at all times at returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places where electors go to vote during federal by-elections, federal general elections and referendums;
- b) be communicated to returning officers, assistant returning officers and field liaison officers, who will then communicate this new process to other election officers and workers;
- c) be implemented before the 2015 general federal election.

***b) Verify the measures that Elections Canada takes to ensure that employees working at different levels at headquarters, and election officers and workers at various returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places, have the bilingual capacity required to effectively provide services of equal quality in English and in French.***

### *Bilingual capacity*

Elections Canada issues clear directives to returning officers regarding services to be provided in both official languages. For example, the returning officer's manual says that "[returning officers] must consult their [electoral district's] profile in order to adequately plan the delivery of linguistic services. The [returning officer] should then ensure that the [returning officer's] office and all areas within the [electoral district] have a sufficient level of service in both official languages." During our interviews and, in particular, our visit to a returning officer's office in Toronto, we were told that there were no Francophone communities in the electoral district, despite the fact that Elections Canada had distributed a demographic table drawn from the 2011 Census clearly indicating the presence of official language minority communities in this electoral district.

The fact that returning officers and other election officers and workers are not required to be bilingual poses a major problem, to the point that, during by-elections, general elections and referendums, there are often no bilingual employees at certain points of service and therefore no service available in the minority language. In fact, the results of our interviews indicate that this situation exists throughout the network of Elections Canada offices.

These shortcomings are attributable to recruitment difficulties and other factors such as tight deadlines surrounding an electoral event and the poor compensation of employees. They are also attributable to inadequate follow-up and the absence of an official mechanism or strategy to verify whether the number of bilingual election officers and workers hired in returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places, is sufficient to provide bilingual services of equal quality in all electoral districts on all shifts. In their

performance evaluation, returning officers are not held formally responsible for implementing the instructions and obligations related to official languages, according to the instructions given by the Chief Electoral Officer and described in their procedures manual; consequently, they are less inclined to improve the situation.

Returning officers must ensure that election officers and workers at the various returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places, have sufficient bilingual capacity to effectively provide services of equal quality in English and French at all times.

#### Recommendation 7

The Commissioner of Official Languages recommends that Elections Canada implement a process to staff election officer and worker positions that must be bilingual. This process must:

- a) identify the election officer positions that must be bilingual within its network to ensure the sufficient presence of bilingual election officers and workers on all shifts in returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places;
- b) include specific measures to staff these positions to achieve concrete results in terms of bilingual service delivery to electors;
- c) include specific measures to make returning officers accountable in this regard.

#### Objective 3

*Ensure that Elections Canada takes official language minority communities into account when planning recruitment campaigns for election officers and workers.*

- a) Verify whether Elections Canada has taken measures to obtain support and guidance from the official language minority communities concerning the recruitment of the bilingual election officers and workers needed to provide electors with services of equal quality in both official languages.**

#### *Communications with official language minority communities*

Our review revealed that Elections Canada has not put a process in place to consult official language minority communities to obtain their support or advice in preparing for federal general elections or by-elections, especially during its electoral officer recruitment campaigns. The returning officers and managers we met with at headquarters were not very aware of the existence of the various associations representing these communities throughout Canada. However, they told us that these associations could become good sources of reference, and all agreed that they had not thought of this option.

The participation of official language minority communities could be invaluable when preparing for and holding elections. Elections Canada must demonstrate leadership by taking concrete measures as quickly as possible to create ties with communities. For example, a group of employees from Elections Canada's headquarters office, along with field liaison officers, could be mandated to establish an official network of contacts between the electoral events. This group could work in collaboration with the official language minority communities in the various regions to determine activities that would

help to identify bilingual election officers and workers for recruitment campaigns during electoral events.

#### Recommendation 8

The Commissioner of Official Languages recommends that Elections Canada develop an official mechanism for creating closer ties with official language minority communities to request their advice and support and to promote the recruitment of bilingual election officers and workers. This official mechanism must:

- a) include a procedure for communicating with official language minority communities at the national, provincial and regional levels;
- b) include formal communications with official language minority communities during the planning and promotion stages of recruitment campaigns for bilingual election officers and workers.

#### **Objective 4**

*Ensure that Elections Canada effectively monitors its performance in terms of delivering services in order to ensure they are of equal quality in both official languages in all returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places.*

- a) *Verify whether Elections Canada has effective control mechanisms (including internal auditing mechanisms) to ensure that its services are of equal quality in both official languages in all returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places.***

In terms of services provided by telephone in returning officers' offices, Elections Canada uses mystery callers to check whether these offices actively offer bilingual service and provide service in the official language of the caller's choice. The mystery call exercise is carried out twice during general elections, but is not done formally during by-elections; we encourage the institution to review this situation. When negative results are reported, a follow-up is done with the returning officer of the office in question. However, Elections Canada senior management is not informed of the results. For calls taken by Elections Canada officers at headquarters outside of electoral activities, the quality of service is not assessed under the pretext that the employees who answer the telephone must have language skills at the CCC level. We encourage the institution to review its practices for assessing telephone services provided within the scope of all of its services, by election officers and workers, and by Elections Canada officers, and to keep senior management informed of the results. Such an approach would enable the institution to identify any shortcomings and take the necessary measures to correct them as quickly as possible.

According to the information and documentation received, the institution does not have an official mechanism to assess the quality of bilingual services provided in person at returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places, other than the complaint process (for which the form does not have a category for official languages). However, we have learned that there is an observer program at Elections Canada that enables

employees or consultants from all sectors of Elections Canada to familiarize themselves with the electoral process in the field. We believe that Elections Canada could benefit from integrating official languages into this program.

***b) Verify whether the monitoring results are used to manage service quality to ensure ongoing improvement and tangible results.***

As we mentioned in the previous section, Elections Canada has established a mechanism to monitor the services provided to electors by telephone, and any shortcomings observed are reported to returning officers, but not to senior management. However, Elections Canada has not yet established an official mechanism to monitor bilingual services provided in person in the field in returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places, in order to constantly improve service and obtain tangible results.

**Recommendation 9**

The Commissioner of Official Languages recommends that Elections Canada:

- a) establish a structured monitoring mechanism to ensure the availability and quality of services provided in person in English and French at all of its points of service;
- b) use the information gathered during its monitoring activities, including information obtained over the telephone, to correct any shortcomings observed and, in doing so, improve the bilingual service provided during future electoral events.

**CONCLUSION**

We have concluded that there is still a lot of work to be done to improve the services provided to Canadians in English and French so that they can use the official language of their choice at Elections Canada points of service. We are aware of the challenges that the institution needs to overcome to fulfill its language obligations, given the short duration of electoral events, the recruitment difficulties and the many election officer positions to staff throughout Canada. We believe that the institution could implement a number of measures that would enable it to achieve concrete results and make significant progress in complying with Canadians' language rights.

As part of this audit, the Commissioner of Official Languages has made nine recommendations. These recommendations, along with Elections Canada's comments and action plan for implementing the recommendations, and the Commissioner's comments, can be found in Appendix D of this report. We are satisfied with the measures and timeframes proposed in Elections Canada's action plan for implementing five of the nine recommendations, namely recommendations 1, 2, 3, 5 and 8. We are only partially satisfied with the response for recommendation 9 and we are not satisfied with the response for recommendations 4, 6 and 7. We believe that Elections Canada should implement all of the recommendations to fulfill its obligations under the Act in terms of communications with electors and the delivery of bilingual services.

## **ABOUT THE AUDIT**

Our audit was carried out in compliance with the standards set forth in the Office of the Commissioner of Official Languages' external audit policy. The results of the audit are based on an analysis with specific objectives and criteria over a given period of time and do not preclude the possibility that other problems could exist within the institution.

We began the audit at Elections Canada's headquarters, then conducted site visits and made observations by telephone between June and August 2014. We visited five returning officers' offices located in four electoral districts where federal by-elections were held in June 2014: Trinity–Spadina, Scarborough–Agincourt, Macleod and Fort McMurray–Athabasca. We did not visit central polling places and polling places during advance polls or on the day of the election.

We conducted 38 interviews with assistant directors who work in the Field Readiness and Event Management Senior Directorate and the Human Resources Branch. In the returning officers' offices in the electoral districts, we met with returning officers, assistant returning officers, field liaison officers, supervisors and revising agents, special ballot coordinators, recruiting officers and their supervisors, trainers and receptionists.

We examined a number of documents, including the official languages action plan, e-mails, templates, work descriptions, a contract and a statement of work, two contracts involving a third party, training modules, the procedures manual and the orientation guide for returning officers, work tools, a report on telephone observations of the active offer and delivery of bilingual services in returning officers' offices during the 2011 general election and internal newsletters for headquarters employees and election officers and workers. We also examined documents collected during site visits, including several publications, information and ballot kits for electors, forms and posters. We also looked at Elections Canada's Web site. Lastly, we reviewed the *Canada Elections Act*.

### **Audit team**

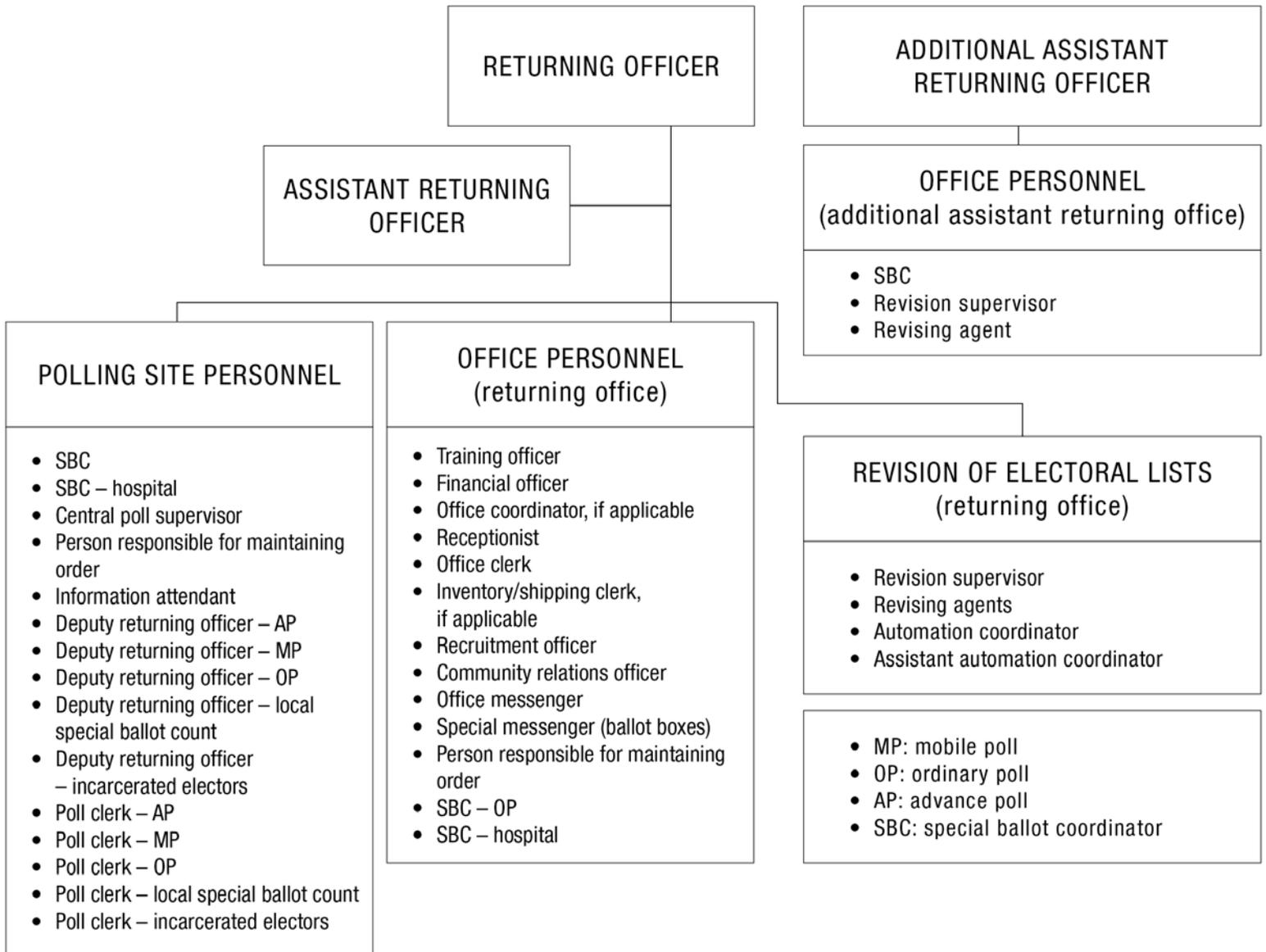
Pierre Coulombe, Director, Performance Measurement

Johanne Morin, Assistant Director, Performance Measurement

Chantal Bois, Senior Auditor

APPENDIX A

## Organization chart for the returning office



## APPENDIX B

The following bilingual cards are used when election officers and workers do not speak the minority official language.

Hello!

I represent Elections Canada. I am here to confirm that your name is on the voter's list for the federal election. You must be on this list in order to exercise your right to vote.

I do not speak English. To obtain service in English, please call

**1 800 856-1550**

and someone will tell you how to confirm that you are on the list if you are eligible to vote. He or she will also be pleased to answer your questions and provide any information on the revision of the voter's list.

Thank you.



EC 40109  
(05/00)

(Français au verso)

### ***Welcome to this polling station!***

I do not speak English. Please follow these instructions carefully.

Please state your name and address so that I may verify that your name is on the list of electors. If you have your voter information card, it will help me find your name.

Before I can give you a ballot, you will need to show your driver's licence, provincial ID card or any other government card with your photo, name and current address

**or**

two pieces of ID authorized by the Chief Electoral Officer, one with your name and another with your name and address.

If you have ID but can't prove where you live, you may have your residence attested to by another elector who knows you, who lives in the same polling division as you, and is on the list of electors or is registering to vote. In this case, you must both take an oath.

Once you have done that, I will give you a ballot.



(Français au verso)

*The non-partisan agency responsible for the conduct  
of federal elections and referendums*  
EC 50140 (11/2014)

***Welcome to this polling place!***

I do not speak English. To help me determine which polling station you should vote at, please provide me a document with your address, like your voter information card, and I will direct you to the correct polling station to cast your vote.

At the polling station, you will need to show your driver's licence, provincial ID card or any other government card with your photo, name and current address

**or**

two pieces of ID authorized by the Chief Electoral Officer, one with your name and another with your name and address.

If you have ID but can't prove where you live, you may have your residence attested to by another elector who knows you, who lives in the same polling division as you, and is on the list of electors or is registering to vote. In this case, you must both take an oath.



*The non-partisan agency responsible for the conduct of  
federal elections and referendums*  
EC 50145 (11/2014)

(Français au verso)

## APPENDIX C

### LIST OF AUDIT OBJECTIVES AND CRITERIA

OBJECTIVES	CRITERIA
<p>1. Ensure that Elections Canada's senior management is committed to implementing Part IV of the <i>Official Languages Act</i> so that electors are guaranteed the possibility of voting in the official language of their choice.</p>	<p>a) Verify whether Elections Canada has an official languages governance structure, including an accountability framework, an action plan, a policy or guidelines, a recruitment and training plan, and a performance evaluation mechanism.</p> <p>b) Verify whether Elections Canada has created processes for effectively communicating the requirements of Part IV of the <i>Official Languages Act</i> to all election officers and workers who provide services at all returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places.</p> <p>c) Verify whether the contracts that Elections Canada signs with third parties take into account its language obligations.</p>
<p>2. Ensure that Elections Canada has an official mechanism for making an active offer and providing electors with services of equal quality in English and in French at all returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places.</p>	<p>a) Verify whether Elections Canada has established official mechanisms for making an active offer and providing services in both official languages at all returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places. Verify the measures that Elections Canada takes to provide services of equal quality in English and in French in person, in writing, over the telephone, electronically (including its Web site) and through social media. Items to be verified include the following:</p> <ul style="list-style-type: none"> <li>- publications and posters;</li> <li>- forms and ballots;</li> <li>- instructions; and</li> <li>- regulations.</li> </ul> <p>b) Verify the measures that Elections Canada takes to ensure that employees working at different levels at headquarters, and election officers and workers at various returning officers' and</p>

	<p>assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places, have the bilingual capacity required to effectively provide services of equal quality in English and in French.</p>
<p>3. Ensure that Elections Canada takes official language minority communities into account when planning recruitment campaigns for election officers and workers.</p>	<p>a) Verify whether Elections Canada has taken measures to obtain support and guidance from the official language minority communities concerning the recruitment of the bilingual election officers and workers needed to provide electors with services of equal quality in both official languages.</p>
<p>4. Ensure that Elections Canada effectively monitors its performance in terms of delivering services in order to ensure they are of equal quality in both official languages in all returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places.</p>	<p>a) Verify whether Elections Canada has effective control mechanisms (including internal auditing mechanisms) to ensure that its services are of equal quality in both official languages in all returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places.</p> <p>b) Verify whether the monitoring results are used to manage service quality to ensure ongoing improvement and tangible results.</p>

## APPENDIX D

### LIST OF RECOMMENDATIONS BY OBJECTIVE, ELECTIONS CANADA'S COMMENTS AND ACTION PLAN AND THE COMMISSIONER'S COMMENTS

Elections Canada and the Office of the Commissioner of Official Languages do not share the same interpretation of subsections 24(2) and 24(3) of Part IV of the *Official Languages Act*. These subsections set out the obligations of federal institutions that report directly to Parliament regarding their activities with respect to ensuring “that any member of the public can communicate in either official language with, and obtain available services in either official language from, any of its offices or facilities in Canada or elsewhere” where, due to the nature of the office, it is reasonable, regardless of significant demand. The Office of the Chief Electoral Officer is one of these institutions, including during electoral events.

In its response, Elections Canada agrees that it is required to make every reasonable effort to provide services that are accessible to both of Canada's language communities, particularly official language minority communities. However, the institution says that it is not possible or necessary to provide services of equal quality in English and French in all circumstances and in all returning offices regardless of the presence or the significance of the official language minority community. Elections Canada also maintains that the *Canada Elections Act* is very prescriptive regarding the different activities that take place during electoral events.

The Commissioner of Official Languages is not of this view and maintains that all electors have the right to expect services in the official language of their choice throughout the Elections Canada network. However, the Commissioner recognizes the institution's commitment to improving the quality of its services in both official languages in all returning officer offices and in areas where there is significant demand. This is certainly a step in the right direction, but Elections Canada will need to do more to ensure full compliance with the *Official Languages Act*.

#### **Objective 1**

*Ensure that Elections Canada's senior management is committed to implementing Part IV of the Official Languages Act so that electors are guaranteed the possibility of voting in the official language of their choice.*

#### **Recommendation 1**

The Commissioner of Official Languages recommends that Elections Canada develop an official languages accountability framework and communicate the framework to election officers and workers and employees working at headquarters and the enquiries centre. This accountability framework must:

- a) specify the roles and responsibilities of election officers and workers who must serve electors in English or French at all returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places;
- b) identify and present the roles and responsibilities of headquarters employees involved in the implementation of Part IV of the *Official Languages Act*, both in the

- Human Resources Branch and in the Electoral Events Sector, including enquiries centres established for returning officers' offices and electors;
- c) specify how the persons responsible will be held accountable.

### ***Elections Canada's comments and action plan***

We agree with this recommendation. Following the 2015 federal general election, we will develop an official languages accountability framework that allows for the consistent implementation of Part IV of the *Official Languages Act* by both the Agency and election officers, in accordance with our response to recommendation 6. The framework will be developed in conjunction with an official languages action plan (see recommendation 2), official languages policies (see recommendation 3) and the monitoring mechanism described in our response to recommendation 9. The framework will form a pillar of a sound governance structure and, to this end, will:

- Include a clear description of the roles and responsibilities of the employees and election officers involved in delivering the respective official languages policies;
- Specify the accountability mechanisms that will be put in place;
- Describe the coordinating mechanisms which will ensure a consistent implementation of Part IV of the *Official Languages Act*; and
- Specify the monitoring measures required and the associated roles of employees, management and election officers to ensure appropriate follow-up and continued service under Part IV of the *Official Languages Act* and identify the reporting mechanisms for election officers.

The appropriate sections of the framework will be communicated to employees using our standard internal communication processes and instructed to election officers using standard field communication processes and included in training material and tools.

### ***Commissioner's comments***

We are satisfied with the measures proposed to implement this recommendation.

### **Recommendation 2**

The Commissioner of Official Languages recommends that Elections Canada establish and implement a new action plan for Part IV of the *Official Languages Act* before the 2015 federal general election and communicate this plan to election officers holding key positions throughout the network and at headquarters. The new plan must:

- a) include deadlines, performance indicators and concrete measures that take into account all of Elections Canada's activities related to services to electors, including the activities of election officers and workers and those related to federal by-elections, federal general elections, and referendums;
- b) include an accountability and follow-up mechanism;
- c) be communicated to key persons, such as the managers responsible for ensuring bilingual operational services at headquarters, returning officers, assistant returning officers and field liaison officers.

### ***Elections Canada's comments and action plan***

We agree with this recommendation and will develop new action plans relevant to the Agency's role under Part IV of the *Official Languages Act* for each general election, by-election and referendum.

Due to current election-readiness timelines, we cannot guarantee that this commitment will be fulfilled prior to the 2015 federal general election as requested. However, we will adjust our existing action plans to help achieve our commitments in regards to official languages to the greatest extent possible.

For the 2015 federal general election, our action plan will focus on identifying voting areas where there is a significant demand for services in the minority official language. As part of this action plan, we will instruct returning officers, and help them via research and analysis, to communicate with and seek advice from official language minority communities in these voting areas. This will help them recruit bilingual election officers and allow the Agency to work closely with them to monitor the progress of the recruitment activities and to resolve any issues that may arise.

Following the 2015 federal general election, we will enhance future action plans with lessons learned and best practices to help achieve our commitments in regards to official languages. The new action plans will include and be informed by our official languages accountability framework (see recommendation 1) and official languages policies (see recommendation 3). They will also set out activities, responsibilities, objectives, expected outcomes and target dates, and provide for the monitoring of the deliverables set out therein.

Relevant sections of the action plans will be communicated to the appropriate employees using our standard internal communication processes and instructed to election officers using standard field communication processes and included in training material and tools.

### ***Commissioner's comments***

We are satisfied with the measures proposed for this recommendation.

We understand that, because of the short timeframe before the 2015 general election, Elections Canada is not able to develop a new, comprehensive official languages action plan. We also note that the institution plans on taking certain measures to provide demographic data to returning officers with a view to determining the voting areas where there is a significant demand for service in the minority language as well as providing them with assistance in identifying and recruiting bilingual election officers and workers. We believe that these measures are a step in the right direction while the new, comprehensive official languages action is being developed.

### **Recommendation 3**

The Commissioner of Official Languages recommends that Elections Canada develop a new official languages policy and communicate it effectively to headquarters employees and election officers and workers, including returning officers, assistant returning officers and field liaison officers. This policy must:

- a) take into account the structure and particularities of Elections Canada and the requirements set out in Part IV of the *Official Languages Act*;
- b) be communicated, during by-elections, federal general elections and referendums, to headquarters senior management and managers, as well as returning officers, assistant returning officers and field liaison officers, who must then communicate it effectively to other election officers and workers.

#### ***Elections Canada's comments and action plan***

We agree with this recommendation. Following the 2015 federal general election, we will develop two separate official languages policies—one for the Agency and one for election officers—which will reflect the legal structure established under the *Canada Elections Act* as it relates to the provision of services to electors.

These policies will set out the obligations of the Agency and of election officers, as applicable, under Part IV of the *Official Languages Act*. They will be supported by the official languages accountability framework (see recommendation 1) and will inform future official languages action plans (see recommendation 2). Both policies will also identify the individuals to whom they apply, context and objectives, requirements and expected results and, where applicable, relevant monitoring and reporting mechanisms.

The official languages policy for election officers will be instructed to election officers using standard field communication processes and included in training material and tools. The Agency's official languages policy will be communicated to employees using standard internal communication processes.

#### ***Commissioner's comments***

We are satisfied with the follow-ups that the institution is planning for this recommendation.

#### **Recommendation 4**

The Commissioner of Official Languages recommends that Elections Canada develop and implement a plan for recruiting bilingual returning officers and bilingual field liaison officers. This plan must:

- a) include measures to revise the work descriptions and statements of work of returning officers and field liaison officers in order to include mandatory language skills;
- b) include a provision to remind returning officers that they must designate election officer positions, particularly the position of central poll supervisor, at mobile polling stations and polling places, including advance and central polling places, in order to ensure that they can provide service of equal quality in English and French to electors at all times.

#### ***Elections Canada's comments and action plan***

We do not agree with this recommendation as formulated.

Offering services of equal quality in English and in French at all times in returning officers' offices is essential and, as is more fully set out below, we will take the steps to achieve this objective in federal general elections, by-elections and referendums. In our opinion, however, requiring that every returning officer and field liaison officer be bilingual is neither practicable nor necessary to achieve this end.

For the 2015 federal general election, in addition to the measures stated in our response to recommendations 6 and 7, we will send instructions to returning officers reminding them of their obligations under the *Official Languages Act* and directing them to prioritize the recruitment of bilingual election officers, taking into account the needs of official language minority communities.

For future federal general elections, by-elections and referendums, we will continue to consider bilingualism to be an important asset in the appointment of returning officers and field liaison officers. In addition, we will instruct returning officers to develop and implement a recruitment plan for recruiting and staffing election officers capable of providing services to the public of equal quality in both official languages at all times in every returning officer's office. As for additional offices set up by returning officers, polling places and advance polling places, this plan will establish the necessary measures for equal services to be provided in the National Capital Region and where there is significant demand for services in the minority official language. Returning officers will be instructed to develop a plan for their electoral district prior to a federal election or referendum and to formalize it with their recruitment officer once the election is underway. The Agency will monitor the progress of this pre-event task. These future recruitment plans will incorporate:

- People-finding strategies, activities and communication;
- Support documents and tools to be used to identify bilingual resources within the electoral district;
- The use of automated tools such as recruitment management systems (RMS) and geographical analysis reports;
- Selection techniques; and
- Progress monitoring processes and activities.

The development and implementation of a recruitment plan will improve the ability of election officers to provide services of equal quality in both official languages to the public at all returning officers' offices and identified polling places.

### ***Commissioner's comments***

We are not satisfied with the response provided by Elections Canada. We maintain that returning officers have unique responsibilities that cannot be delegated. They must deal with complex and sensitive situations that may require communicating with electors whose preferred language is the minority language. The measures proposed by Elections Canada do not take these factors into account. We are aware of the challenges Elections Canada faces with regard to recruiting bilingual returning officers. This is why a recruitment plan is important.

However, requiring returning officers to develop plans for recruiting election officers and workers, and requiring that services be provided in English and French at all times in all returning offices is a step in the right direction.

## **Recommendation 5**

The Commissioner of Official Languages recommends that Elections Canada consistently add the obligations set out in Part IV of the *Official Languages Act* to all training manuals and in-person and on-line training sessions for election officers and workers.

### ***Elections Canada's comments and action plan***

We agree with this recommendation.

For the 2015 general federal election, we will take advantage of our current review of training manuals, guides, instructions to election officers, and in-person and on-line training curriculums to update these materials to the best of our ability to reflect election officers' obligations under Part IV of the *Official Languages Act*.

Following the 2015 federal general election, we will amend the above materials to ensure the thorough integration of our official languages accountability framework (see recommendation 1) and official languages policy for election officers (see recommendation 3). Comprehensive and complementary training materials that highlight election officers' roles and responsibilities with regard to official languages will be put in place.

### ***Commissioner's comments***

We are satisfied with the measures proposed in response to this recommendation.

## **Objective 2**

*Ensure that Elections Canada has an official mechanism for making an active offer and providing electors with services of equal quality in English and in French at all returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places.*

## **Recommendation 6**

The Commissioner of Official Languages recommends that Elections Canada establish an official process enabling it to effectively provide service in person of equal quality in English and in French at all times during electoral events. This process must:

- a) include the development and implementation of a service procedure that includes the active offer and delivery of services of equal quality in both official languages at all times at returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places where electors go to vote during federal by-elections, federal general elections and referendums;
- b) be communicated to returning officers, assistant returning officers and field liaison officers, who will then communicate this new process to other election officers and workers;
- c) be implemented before the 2015 general federal election.

### ***Elections Canada's comments and action plan***

Elections Canada did not provide a separate response for this recommendation, but rather included its response in the one provided for recommendation 7. However, the institution expressed its disagreement with this recommendation as formulated. See the comments and the institution's action plan as well as the Commissioner's comments under recommendation 7.

### **Recommendation 7**

The Commissioner of Official languages recommends that Elections Canada implement a process to staff election officer and worker positions that must be bilingual. This process must:

- a) identify the election officer positions that must be bilingual within its network to ensure the sufficient presence of bilingual election officers and workers on all shifts in the returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places;
- b) include specific measures to staff these positions to achieve concrete results in terms of bilingual service delivery to electors;
- c) include specific measures to make returning officers accountable in this regard.

### ***Elections Canada's comments and action plan (recommendations 6 and 7)***

We do not agree with recommendations 6 and 7 as formulated. We are committed to taking measures to improve the quality of services available to the public in both official languages. However, we cannot guarantee in-person service to the public of equal quality in English and in French at all times in all polling places irrespective of whether the demands for such service exist.

For the 2015 federal general election, we will:

- Conduct a demographic analysis to determine the voting areas where there is a significant demand for service in a minority official language and communicate these findings to returning officers; and
- Instruct returning officers to communicate with official language minority communities.

Following the 2015 federal general election, we agree to put in place measures to achieve the objective of offering services to Canadians in both official languages at every returning office. As for additional offices set up by returning officers, polling places and advance polling places, the necessary measures will be put in place for services of equal quality to be accessible at all times in the National Capital Region and where there is a significant demand for services in the minority official language.

As stated in our response to recommendation 4, the Agency will instruct returning officers to develop and implement a recruitment plan for recruiting and staffing bilingual election officers at all returning officers' offices. This plan will also establish the necessary measures for services of equal quality to be accessible at all times in the additional offices set up by returning officers, polling places and advance polling places in the National Capital Region and where there is significant demand for services in the

minority official language. Returning officers will be instructed to develop this plan prior to a federal election or referendum and, once an election or referendum is underway, to formalize the plan with their recruitment officer.

The development and implementation of recruitment plans will improve the ability of election officers to provide services of equal quality in both official languages to the public at all returning offices and identified polling places in accordance with obligations under Part IV of the *Official Languages Act*.

### ***Commissioner's comments (recommendations 6 and 7)***

We are not satisfied with the measures proposed in response to recommendations 6 and 7.

We note that Elections Canada does not agree with recommendations 6 and 7 as formulated, but that it has committed to taking measures. However, the fact remains that it has not provided specifics on the measures that it plans to take. We reiterate that an official procedure for the active offer of bilingual services in person and over the telephone, as well as service delivery in English and French, must be put in place in all returning officers' and assistant returning officers' offices, as well as all related offices, including polling stations, so that all employees are well informed of the procedure to be followed.

In terms of the recruitment plan, we note that Elections Canada will require returning officers to develop plans for recruiting bilingual election officers. We are of the view that this is a good start, but we maintain that the institution will need to make returning officers accountable for the effective and efficient implementation of these plans and the multiple measures required to meet its official languages obligations. In addition, we reiterate that these recruitment plans will need to take into account key positions that must be filled by bilingual personnel.

### **Objective 3**

*Ensure that Elections Canada takes official language minority communities into account when planning recruitment campaigns for election officers and workers.*

### **Recommendation 8**

The Commissioner of Official Languages recommends that Elections Canada develop an official mechanism for creating closer ties with official language minority communities to request their advice and support and to promote the recruitment of bilingual election officers and workers. This official mechanism must:

- a) include a procedure for communicating with official language minority communities at the national, provincial and regional levels;
- b) include formal communications with official language minority communities during the planning and promotion stages of recruitment campaigns for bilingual election officers and workers.

### ***Elections Canada's comments and action plan***

We agree with this recommendation. As described in our response to recommendation 2, we will:

- Identify voting areas where there is a significant number of electors in the language of the minority;
- Instruct returning officers to communicate with and seek advice from official language minority communities in these voting areas to facilitate the recruitment of bilingual election officers;
- Work closely with the returning officers to assist in demographic research and analysis as well as monitor progress of the recruitment activities and resolve issues as required; and
- Support returning officers and recruitment officers in planning and recruitment activities to find bilingual election officers.

### ***Commissioner's comments***

We are satisfied with the measures proposed to implement this recommendation.

### **Objective 4**

*Ensure that Elections Canada effectively monitors its performance in terms of delivering services in order to ensure they are of equal quality in both official languages in all returning officers' and assistant returning officers' offices, mobile polling stations and polling places, including advance and central polling places.*

### **Recommendation 9**

The Commissioner of Official Languages recommends that Elections Canada:

- a) establish a structured monitoring mechanism to ensure the availability and quality of services provided in person in English and French at all of its points of service;
- b) use the information gathered during its monitoring activities, including information obtained over the telephone, to correct any shortcomings observed and, in doing so, improve the bilingual service provided during future electoral events.

### ***Elections Canada's comments and action plan***

We agree with this recommendation. For the 2015 federal general election, we will continue to implement the action plan described in our response to recommendation 2. In support of this action plan, we will, to the extent possible:

- Monitor returning officers' offices and identified polling places to promote the availability of services in both official languages;
- Review information received by the Agency's support and complaint desks on official languages-related situations; and
- Inform returning officers of possible shortcomings and provide support as required.

A permanent monitoring mechanism will be established following the 2015 federal general election. The monitoring principles and governance mechanism will be

established in the official language policies (see Recommendation 3). The official languages accountability framework (see Recommendation 1) will provide specific information in regards to monitoring and managing the program prior to and following an election.

***Commissioner's comments***

We are partially satisfied with the measures proposed in response to this recommendation.

In its response with regard to the 2015 general election, Elections Canada focuses on the official languages monitoring that it will conduct. We would have expected the institution to establish specific control mechanisms that would be put in place during the next election campaign and during electoral events.