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# **Linguistic diversity and equality within the public administration: Issues and challenges**

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REAL

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# Linguistic diversity and equality within the public administration: Issues and challenges

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## **Abstract**

When government staff from different linguistic backgrounds work together, inequalities within the state apparatus and the public administration may arise – and very different approaches to tackle them exist across public administrations around the globe. This report aims at providing an interdisciplinary analytical and structured overview of the different approaches discussed in the academic and institutional literature to the study of linguistic diversity and equality in the public administration. The focus is set on the question of inequalities arising from linguistic diversity between members of staff working for government agencies, and how governance models, public policies and public management practices can minimise them.

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## INTRODUCTION

As their traditional definition as civil or public *servants*<sup>1</sup> suggests, the communities surveyed in this study are intended to *serve* a broader, multilingual community. Hence, most contributions in the academic literature in language policy and planning (LPP) focus on the role of public administrations to achieve a set of policy objectives in terms of linguistic justice in a society as a whole rather than in the public administration (see Alcalde 2018 for a review of the literature). Narrowing down the scope of the study to the issues language management *within* the public administration has nonetheless a double political dimension (Ongaro and Van Thiel 2018). On the one hand, public-sector employees, especially those at the core of central administration play a significant role in shaping and implementing public policies, although the final political decision is usually made by elected officials. On the other hand, the public sector plays a significant role as an employer, leading to possible structural imbalances on the labour market, thus contributing to rebalance job opportunities for different communities in the one or the other way.

There is not a general definition for the public administration, and the organisation and competences of the public sector present significant differences between different countries as well within the countries themselves (Haveman 1987). For the purpose of this study, we identified five broad functions of the public administration, which are present in almost all public administrations in liberal democracies (Lijphart 2012; Shields 1998). The first one is the *central administration*, supporting the executive branch of government in shaping, drafting, and implementing public policies. It is usually geographically concentrated in or around the capital, even if some agencies may be dislocated elsewhere. Its external communication is primarily addressed to stakeholders or the media, while its internal communication needs to address the issue of overcoming possible language barriers within the agency, between agencies, or with other branches or levels of government – usually the communication between the executive branch of government and the legislative, which is intended to represent all citizens and may therefore use more procedural languages than the executive branch, or an upper or lower layer of government. The other four functions, where most of the staff is concentrated, are usually scattered all over the territory and are mostly characterised by being in contact with citizens and other users in daily business.

- *Relations with the public*: The staff processing requests by and to citizens, such as tax returns, permits, and official documents.
- *Sovereign functions*: The areas of competence most strictly related to the ‘monopoly of violence’ by the government, such as the military, the police, the judicial system, the diplomacy, the intelligence, or the central bank. Some of these policy areas may be characterised by very peculiar and protected career tracks.
- *Education and social policies*: In most contemporary states, most of government spending is allocated to education, healthcare, and social security. Nonetheless, the

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<sup>1</sup> The words civil or public servant and public-sector employees are used as synonyms, unless it is specified that in a given public administration there is a distinction in employment status between some categories of civil servants and other public-sector employees.

implementation of these policies is not always carried by government agencies, but can be delegated to self-governed organisations such as chartered schools, religious organisations, or charities, as well as healthcare and pension funds.

- *Networks and utilities*: A last bunch of public sector may cover infrastructures and networks that are not or not entirely funded through taxpayers money, but which are subject to a direct or indirect control of a government due to their status as natural monopolies.

The drawing line between the public and the private sector is often fuzzy, as many staff-intensive ancillary and standardised activities, such as facility management or the processing of documents, may or may not be subcontracted to private operators through public procurement – with the possible obligation of keeping some hiring and communication standards. Additionally, it is not uncommon that research, consulting, and auditing activities are contracted to external providers, which may eventually play a significant role on policy design. Finally, some broadly commercial activities – such as parts of the defence industry – may be placed under the direct control of the public administration for strategic reasons.

Another methodological challenge is related to the status of the public sector staff, as there are very different hiring and career approaches across Europe and the world (Lodge 2002; Peters 2018). Civil servants may be collectively selected through centralised examination and assessment procedures intended for a mostly internal career track (*career-based approach*), or through conventional decentralised hiring procedures for a specific job, with the possibility of multiple switches between the public and private sector (*position-based approach*). Although both models – including hybrid approaches between the two – coexist in most public administrations, the share of jobs between a ‘protected’ civil servants career track and ‘open’ private sector jobs may considerably vary (OECD 2012).

However, when it comes to diversity management, the two approaches lead to quite different challenges. Career-based hiring policies tend to focus on general skills to foster cross-government values (OECD 2012), which may include the knowledge of a set of official language as a factor of cohesion. Position-based hiring procedures focus on the operational fitness for a specific position (OECD 2012). Language skills may be assessed in the context of the specific tasks of the job.

Equal treatment is usually promoted through diversity management measures, such as the inclusion of a diversity expert in the hiring process and language skills may be caught up through specific provisions in the individual job contract. In more recent years, diverse teams have been increasingly recognised to be an asset for corporate performance (see Ellemers and Rink 2016 for a meta-study on the relevant literature).

In this comparative study based on a review of literature, we will focus on the two main aspects. The first one is the representation of staff within the public administration at large. The second aspect are the communication practices within government agencies. At this level, we will limit the purpose of our research to the core of the central administration. While the management of multilingual communication in rather comparable central agencies in charge of drafting policies and planning their implementation narrows down the scope of the study to rather comparable

cases, an examination of communicational contexts as different as the army, primary schools, or nursery homes would go far beyond the purpose of this study. The relations with the public can be organised through different approaches. They may be integrated in the central administration or delegated to local administrations.

In order to focus on comparable cases, we also narrowed down the study to administrations in which the languages have a rather comparable status and the civil or public servants a rather comparable sociolinguistic profile. First, the issues described in this report are usually related to the functioning of central administrations ('bureaucracies') and up to a lesser extent to the relations with the public. We excluded cases like the military, the police, education, or healthcare, which would have broadened the analysis beyond the scope of this project. Moreover, our set of cases includes multilingual administrations, whose working language are used for both, vernacular and vehicular purposes, that means languages that are spoken in daily life, but which also have an established legal and academic corpus and can therefore be used for drafting and discussing technical policy papers.

On the one hand, this implied to exclude cases characterised by some regional or minority languages without an established corpus, which are mostly used for vernacular purposes and fall short of being used for all purposes in public administration, especially to draft legally binding regulations or correspondence with citizens. Although there may be legitimate case to upgrade the status of these languages through targeted status and acquisition planning measures, it needs to be acknowledged that the implications of language (re)vitalisation policies would clearly overshadow the two issues at the core of this study.

On the other hand, this overview will not cover administrations based on predominantly vehicular languages, such as those of some international organisations as well as of post-colonial states. In fact, in those cases it has been deliberately decided that working in the own language is not the purpose of the language regime, defined as the conceptual link between an institutional tradition and language policy choices (Sonntag and Cardinal 2015), while a fair representation is usually based on national – and in some cases ethnic – quotas. The surveyed cases have been selected among multilingual national and autonomous regional administrations of member states of the Organisation for Economic Cooperation and Development (OECD), which provides standardised surveys of the public sector (Tepe, Gottschall, and Kittel 2010). The purpose of this meta-study is not to provide any new empirical evidence, but to propose an overview of existing studies in order to promote a comparative approach.

The report is structured as follows: A first section will draw a theoretical framework for the analyses of linguistic inequalities. A second section will discuss a series of case studies found in the literature. A third section will propose a tentative grid to define language management policies in the public administration.

## 1 IDENTIFYING AND REVIEWING THE FORMS OF INEQUALITIES ASSOCIATED WITH LINGUISTIC DIVERSITY WITHIN THE PUBLIC ADMINISTRATION

The economic concept of ‘inequality’ is rooted in the discussions on redistributive justice. From a methodological perspective, inequalities can be measured by comparing the distribution of resources or opportunities between two or more identified groups. Inequalities arise when resources or opportunities are unevenly distributed between the surveyed groups. In this section, we will assess language-based inequalities in the public administration at two different levels. The first level relates to equal treatment regarding the access to the public administration, especially concerning the hiring policies: Are all groups evenly represented, and if not, why? The second level relates to equal treatment between the groups represented in the public administration. Do they have equal working standards and career opportunities?

#### ASSESSING LINGUISTIC JUSTICE IN THE PUBLIC ADMINISTRATION

A first necessary step to design and evaluate employment equity policy in public administrations it is necessary to understand the underpinning approach to social justice that defines the employment equity goal. Civil or public *service* is intended to *serve* a sovereign body, which is rooted in an institutional tradition reflecting a normative approach to citizenship and to social justice (Sonntag and Cardinal 2015). This implies that a language regime, defined as the set of basic principles of language policies, may reflect alternative approaches on the recognition of the status of a language and of the community speaking it. *Fairness* can be considered as a technical concept to assess the distributive effects of a language policy (Gazzola and Grin 2013), but it is not sufficient to assess if the goals of the policy are met. In this section we will sketch an assessment grid based on the approaches to citizenship and multilingualism that helps classifying language regimes – in order to understand if employment equity policies based on language correspond to comparable goals or not.

For the purposes of public policy evaluation, the mere existence of an uneven distribution does not necessarily imply the failure of meeting a policy target in terms of equal treatment. First, it needs to be stressed that there are alternative approaches to define social justice, and that an uneven distribution may be the expected policy outcome. Secondly, the causality of the uneven distribution may be completely exogenous. In the contemporary discussion on redistributive justice, the model spelled out in Rawls’s *Theory of Justice* (1999) clearly stands out.

1. ‘Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.’
2. ‘Social and economic inequalities are to be arranged so that they are both:  
(a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and  
(b) attached to offices and positions open to all under conditions of fair equality of opportunity.’

To assess the justice of the hiring and management policies of a public administration, it is first necessary to analyse the implications of what ‘each person’ means in this context. A first step is to identify the foundation of a citizenship regime which ‘encodes within it a paradigmatic representation of identities, of the ‘national’ as well as the ‘model citizen’, the ‘second-class citizen’ and the ‘non-citizen’ (Jenson 1997). Understanding who is a citizen, and if this citizen has a full status to qualify for public service is essential to understand alternative approaches to employment equity.

This group of ‘full citizens’ may be encompassed by one of the following approaches:

- *Cosmopolitan approach*: The community of citizens is defined as the community of residents or prospective residents in the country, without discriminations based on one’s ideology, nationality, ethnicity, or any other affiliation. To assess inequality, it is necessary to consider all potential attributes, which may explain or lead to uneven treatment. In our case, the fact that some citizens do not speak any of the official languages shall also be considered.
- *Republican approach*: The community of citizens encompasses all the persons that are linked to a political project by birth or wish to opt into it – which may imply learning one or more languages. The assessment of inequalities should consider all attributes complying with the political project, while it can be accepted that groups, who deliberately opted out of the political project are disregarded. As an example, it can be considered as acceptable to discriminate against people, who refused to learn one official language.
- *Communitarian approach*: The community to be considered encompasses all the persons, who belong to one or more pre-defined communities based on specific ethnic, linguistic, cultural, or religious attributes. The assessment of inequalities from that perspective implies to exclude the members of communities, which are not considered as ‘owners’ of the state institutions to which the public administration belongs.

From a methodological point of view, it is therefore important to first assess if the set of indicators chosen to evaluate the fairness of a policy complies with the approach to social justice of the evaluated policy. In principle, a language regime should be consistent with the guiding principles of a citizenship regime, while independent or academic studies may reassess this distribution based on an alternative approach to social justice. To make an extreme example, an evaluation of the fairness of the public administration in Apartheid South Africa which excludes the non-white population would not have been methodologically flawed, as social ‘justice’ was defined by the regime on an openly racist theory restricting its scope to white persons only. Yet, it would have been perfectly legitimate to publish academic studies showing the inequalities of this system based on a non-racist approach.

By combining these three approaches to citizenship with monolingual, multilingual and mixed language regimes, it is possible to define different approaches to language policy:

Table 1: **Citizenship and language regimes**

<i>Language regime</i>	<i>Monolingual</i>	<i>Multilingual</i>	<i>Asymmetric</i>
<i>Approach to citizenship</i>			
<i>Cosmopolitan</i>	Permissive	Inclusive	Integrative
<i>Republican</i>	Proscriptive	Cross-cultural	Preservationist
<i>Communitarian</i>		Consociationalist	Protectionist

Official monolingualism is the standard language regime in most OECD countries, although many of them may recognise specific rights to ancestral language minorities at local level. The first model, which we call *permissive* (Burckhardt, Coakley, and Máracz forthcoming) can correspond

to a cosmopolitan model to citizenship combined with a rather weak functionalist monolingual language regime. It does not enforce strong language planning measures and leaves a rather broad space to communities to organise themselves around language-specific organisations. This theoretical approach tends to comply with a liberal approach to multiculturalism, and involves the original concept of ‘institutional completeness’, which assumed that all communities should be able to build up their own non-territorial institutions (Breton 1964). In this model, the public administration is usually restricted to steering functions while the implementation is delegated to self-governed agencies, such as confessional or communitarian school boards and health-care organisations.

The multilingual version of this approach may be defined as *inclusive*. Its guiding principle is that language minorities deserve a specific treatment, regardless of their ancestral presence in the territory, as long as they reach a specific threshold. There is no public administration that consistently enforces this language regime, but it needs to be stressed that the US Voting Rights Act of 1965 recognises the right of receiving the voting material and instructions in any minority language, as long as a threshold is met (Hall 2003). Such an approach, based on asymmetric language rights for a community may be considered as *integrative* rather than *inclusive*: minorities are not entitled to have full language rights, but language skills in the majority language are not considered as a condition for full citizenship.

In Europe, there is usually a clearer distinction between autochthonous and immigrant languages, a principle that is established in the European Charter on Regional or Minority Languages (ECRML). The historical dichotomy between civic (republican) and ethnic (communitarian) nationalism has implications for language regimes. In the former case, a monolingual state is the result of a political project aiming at promoting a common language for a diverse population through assimilation. In the second case, the political project consists in creating state institutions for an existing linguistically homogenous community in order to promote a monolingual context of choice. In both cases, a monolingual public administration has its own legitimacy.

Multilingual European and North American countries are rooted in state traditions that also relate to republican and communitarian approaches. The republican approach prevails in the official narrative of the Swiss and Canadian federal governments. In both cases the fact of being at the intersection of two or three ‘great cultures’ is considered as a landmark element of the respective public administrations, which therefore have a duty to practice and promote bilingualism<sup>2</sup>. An alternative approach can be found in a more communitarian narrative, in which the state institutions are considered as the expression of a joint government of two or more overlapping ethnolinguistic communities, with no ambition of overcoming a historical segregation. We will define the republican approach as *cross-cultural*, as it defines the *res publica* as a community encompassing all citizens, regardless of their cultural or linguistic background, and the communitarian approach as *consociational*, as it implies that there are

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<sup>2</sup> Switzerland is officially trilingual *de jure*, but it needs to be stressed that the acquisition planning regime of the cantons and the *de facto* language regime in most federal institutions are based on the target of German-French bilingualism (Coray et al. 2015).



formal or informal mediators such as religious institutions, political parties, or sub-national entities representing the interests of different communities to negotiate public policies.

The divide between republican and communitarian approaches can also be seen in the approach towards language minorities. In republican regimes the *preservation* of a cultural heritage tends to overshadow the expectations of the language community, which is not recognised beyond the addition of individuals, while in a communitarian approach the *protection* of the community interests comes first, regardless of the value given to the linguistic heritage by the national community as a whole (Burckhardt, Coakley, and Máracz forthcoming).

The fact of understanding which community can be considered as the ‘legitimate owner’ of the public administration is essential to understand the underpinning approach to linguistic justice and the acceptance of possible inequalities in terms of representation and communication within government. *Proscriptive regimes* are language regimes that considers that only the citizens that are able to speak one specific language can be considered as ‘full citizens’ and prospective civil or public servants of the given polity. This may be based on a communitarian approach, historically linked to the German tradition, which defines the nation as the community of speakers of a given language, or by a republican approach, historically linked to the French tradition, which considers that learning the national language is a right and a duty to be recognised as full citizen.

## REPRESENTATIVE BUREAUCRACY

A first big strand of literature on inequalities in the public administration is based on the representation of different groups in different sectors and hierarchical positions within the public administration (Bishu and Kennedy 2020; Dolan and Rosenbloom 2003; Kennedy 2014). Studies on representative bureaucracy are based on indicators on attributes that civil or public servants may have, such as being ‘black’ and/or ‘Hispanic’, being a woman and/or LGBTIQ+, and/or declaring one language as the own first language. A bureaucracy is considered as representative if the representation of groups within the public administration resembles to the representation of the population entitled to access it.

Affirmative action policies promoting a fair representation in the public administration are usually designed by setting quotas or target values for the representation of each group and evaluated by measuring the gap between the registered value and the target value over time. The policies may be based on strong preferential treatments such as quotas, which imply to narrow down the competition between members of a specific group if the target value is not met, or weak preferential treatment measures such as supporting members of a minority by giving additional points in a competition or chose the member of the minority in the case of equal qualifications (Kravitz 1995; Stojanović 2014).

In recent years, the approach to representative bureaucracy has been challenged from a methodological point of view. First, it is often objected that by targeting a disadvantaged group, no distinction is made between privileged and unprivileged subgroups within it, and between overlapping categories of disadvantaged groups (Agarin and McCulloch 2020; Mikhael 2021; Stojanović 2018). A second objection relates to the fact that such ‘minority attributes’ are usually measured through checkboxes on questionnaires and used as dummy variables in

regression analyses. Yet, this approach usually only work in deeply segregated societies, while the enforcement of anti-discrimination policies usually has the wanted or unwanted side-effect of promoting intermarriage and a more mixed society, characterised by shades of gray rather than a black-and-white distinction (Coray et al. 2015; Rishel Elias 2013). Thirdly, it needs to be considered that within the studies communities there are very diverse profiles, and that some wide-spread labels tend to blind out other factors of discrimination or forget small minorities (Yael Peled 2015; Stojanović 2018). The most common one is the duality between gender and ethnocultural attributes, but there are also other disparities that may come into play, such as physical abilities, the social background, or the regional origin. In these contexts of complex diversity, it becomes more complex to design suitable policies.

In the growing literature on representative bureaucracy, linguistic diversity usually plays a rather marginal role, and may be completely disregarded in the mainstream literature, which tends to focus on aspects like ethnicity, gender, or socioeconomic background (Bishu and Kennedy 2020). In most of the policies and the literature, language is used as an ethnocultural attribute disconnected to the communicational needs, although this dimension is usually considered by other measures. The linguistic communities of reference, within the administration and the respective polity, are measured on the responses asking to indicate one's native or first language.

## COMMUNICATIONAL JUSTICE

While the literature linguistic diversity and representative bureaucracy usually considers language as an ethnic attribute, its communicational dimension plays a more important role when it comes to the assessment of language rights *within* the public administration. As a matter of fact, the simple presence of persons, who may identify with a language community based on their first or native language does not imply that they are able to work in that language. First, there is an issue of personal competences: the declaration on the 'native' or 'first' language, sometimes defined as 'mother tongue', implies that this language or a related dialect or idiom was spoken at home during the first years of life. However, this declaration does not necessarily imply that all the persons, who are assigned to this language group based on their self-declaration, are able to write in that language and that they know the relevant language-specific terminology to accomplish their tasks. This issue may be particularly relevant if this language has a limited status in the area. Secondly, even if a civil or public servant has fully-fledged professional competences in one language it is does not mean that there are the opportunities to use this language within one's team, as it usually implies that the colleagues have at least comprehension skills in that language and that there are some good practices to accomplish collaborative activities in more than one language. Thirdly, it needs to be stressed that in a setting with more than one official languages demanding an equal treatment between the languages there is an imbalance between the input in terms of language skills and the requested output in terms of documents. This can imply that the members of the minority group are overrepresented in mediation and delivery activities (e.g., spokespersons, translation, proofreading) (Coray et al. 2015). Public employees with a language minority background may completely blind out – or rather shut up – their skills in the minority language to avoid any involvement in these unrewarding activities. Policies, measures, and good practices to promote

minority languages should be designed to avoid any backlash dragging out their qualified speakers from decision-making tasks to communicational tasks.

## 2. PRESENTING PUBLIC POLICIES IMPLEMENTED IN DIFFERENT COUNTRIES TO ADDRESS SUCH INEQUALITIES

In this section we will describe the principles related to the management of multilingualism in a set of OECD countries in which several languages have a co-official status in a central or regional government. For each government, we will identify the approach to citizenship and linguistic justice underpinning the language regime, as well as the policies on representative bureaucracy and internal language use. At the end of the section, we will open up the discussion on some interesting cases of supranational organisations.

### BELGIUM

From an institutional perspective, Belgium stands out for different reasons. Its constitution dates to 1830 and predates the discussion on civic vs. ethnic nationalism emerged in Europe in the 19<sup>th</sup> century. One of the distinctive characters of the Belgian political system since its beginning is the ‘Pillarisation’ of society, which was inherited from the Dutch period (Andeweg 2019). ‘Pillarisation’ implies that citizens are usually affiliated to a non-territorial ‘Pillar’ – usually related to a religious or ideological legacy – which provide a full set of educational and social services. The tasks of the central and local governments have been traditionally restricted to policies, which cannot be personalised, such as infrastructures and public security, and to provide direct services to the non-pillarised population<sup>3</sup> (Deschouwer 2012). Civil service in the central administration has been characterised by a strong involvement of political parties expressing the different ‘pillars’, and playing a pivotal role in appointing civil servants. This system is sometimes described as ‘partitocracy’, in the sense that the power is kept by the party secretariats and that the role of the formal state institutions is limited to putting a rubber stamp on decisions and appointments resulting from the negotiation between the parties (Deschouwer 1999).

However, this consociationalist model did not prevent the emergence of a Flemish nationalist movement, claiming full bilingualism in the federal institutions and Dutch unilingualism in Flanders. After a long negotiation, the institutional makeup of Belgium was redesigned along the boundaries of four language regions (Dutch-speaking, French-speaking, German-speaking, and bilingual French- and Dutch-speaking), while civil servants were assigned to one of the three linguistic roles corresponding to one of the official languages (Deschouwer 2004; Toonen 2000).

### REPRESENTATIVE BUREAUCRACY

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<sup>3</sup> In Belgium, the so-called ‘official sector’ in education and healthcare denotes the institutions that are directly managed by government agencies without being affiliated to the Catholic sector or to the ‘free’ sector. Historically it was associated to the working class, and therefore considered as a ‘Socialist’ pillar completing the ‘Catholic’ pillar usually associated to the Christian-Democratic parties and the ‘free’ pillar, usually associated to the liberal parties.

Since the establishment of linguistic federalism in the mid-20<sup>th</sup> century, Belgium is the Western political system in which the principle of representative bureaucracy is implemented in the most consistent way. Each position in the Belgian civil service is assigned to one of the three linguistic roles (French, Dutch, or German), and the positions requiring multilingual skills are explicitly defined<sup>4</sup>. This system implies that every job opening is clearly limited to applicants from a language group. The affiliation to a language role cannot be changed, unless it can be proved that there was a clear error in the initial assignment (Turgeon and Gagnon 2013; Van de Walle, Groeneveld, and Vandenbussche 2013).

A specific aspect of the Belgian approach to representative bureaucracy is that there has not been a language census since 1947, and that the linguistic make-up of the country is considered to be permanent. Moreover, it needs to be stressed that even though Belgium is formally considered as a federal state, the regulations on civil service – including the language requirements – are defined in federal law and need to be consistently implemented by all layers of government.

#### INTERNAL COMMUNICATION

The Belgian public administration has the characteristics of being organised in language-specific units, thus significantly reducing the contacts between civil servants coming from different language communities and thus the need of personal bilingualism (Turgeon and Gagnon 2013). Positions in which language skills in the second official language are required are usually senior position with a higher pay. In the federal government and in the bilingual Brussels-Capital region, where bilingualism may be required also for junior staff, there is a *bilingualism bonus*. This bonus is paid on the employee's monthly salary and can vary between €20 and €110 multiplied by a factor of 1.7410<sup>5</sup> depending on the level of the achieved test<sup>6</sup>.

One criticism toward the Belgian system based on language roles addresses the fact that the language skills required for a position usually do not correspond to those prescribed by the legislation. One issue relates to the fact that the officially bilingual staff is concentrated in the Brussels-Capital region, in which the share of Dutch native speakers is rather low (5% of non-bilingual Dutch-speakers). By opposition, the law formally bans public administrations in Flanders from recognising their staff as bilingual, although language skills in French or in English are *de facto* required to accomplish some tasks, even if *de jure* they are supposed to work in Dutch only according to the wishes of the legislator. As a consequence, the *bilingual bonus* can be rather considered as a questionable bonus for Brussels-based staff (Van Herck and Vermandere 2016).

## CANADA

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<sup>4</sup> See [Lois sur l'emploi des langues en matière administrative](#) du 18 juillet 1966.

<sup>5</sup> See SPF Stratégie & Appui, Allocation linguistique. Online: [https://fedweb.belgium.be/fr/remuneration\\_et\\_avantages/allocation/allocation-linguistique](https://fedweb.belgium.be/fr/remuneration_et_avantages/allocation/allocation-linguistique). Accessed 2021-10-12.

<sup>6</sup> See Arrêté royal du 8 mars 2001 fixant les conditions de délivrance des certificats de connaissances linguistiques prévus à l'article 53 des lois sur l'emploi des langues en matière administrative coordonnées le 18 juillet 1966 (Online: [https://fedweb.belgium.be/sites/default/files/2001-03-08%20KB\\_AR\\_taalkennis\\_connaissance%20linguistique.pdf](https://fedweb.belgium.be/sites/default/files/2001-03-08%20KB_AR_taalkennis_connaissance%20linguistique.pdf), accessed on 2021-09-10).

Canada is a federal state composed by the federal government, 10 provinces, and 2 territories. The status of public sector employees is largely defined by their respective legislation, even if some specific jobs within the provincial administrations may be subject to some federal provisions (Broschek 2009, 2020). The federal government of Canada has a rather broad set of competences, which imply regular contacts with citizens. Moreover, some public services such as Post Canada as well as some privatised crown companies, such as Air Canada, fall under the scope of the federal Official Languages Act (TBCS 2019).

The Canadian federal government is by far the public administration in which the issues related to language policy and language management have been more extensively investigated and discussed (Cardinal and Léger 2018). The Canadian official language regime is based on the British North America Act (BNA Act) of 1867 – later rebranded as Constitution Act and completed by the Charter of Rights and Freedoms – and on the Official Languages Act (OLA) of 1969<sup>7</sup> and its associated regulations. The former recognises the Canadian federal government as bilingual and sets some principles of the official language regimes of the founding provinces, while the latter sets the regulatory principles of a federal language regime based on the personality principle. The Canadian language regime is therefore characterised by parallel administrations of the federal government and the provinces in their respective areas of competence.

#### FEDERAL GOVERNMENT

The Official Languages Act is one of the most ambitious pieces of legislation to implement a specific language regime within a public administration. Prior to 1962, the only requirement for Canadian civil servants was to be able to speak the ‘local language’ if they were detached to a ‘local office’, without mentioning the possible presence of a minority (Gosselin 1963; Turgeon and Gagnon 2013). While the initial purpose was to strengthen the share of French native speakers within the widely unilingual federal public service by transforming it into a bilingual and bicultural administration, the purpose was later overshadowed by the concept of a bilingual and multicultural nation overarching the whole country promoted by the liberal governments led by Pierre-Elliott Trudeau (Gaspard 2019; Turgeon and Gagnon 2013). In this perspective, the initial plan to promote French-language units (FLU) was discarded in favour of the principle of the generalisation of bilingualism across all units (Gaspard 2019). The discursive shift from representative bureaucracy to institutional bilingualism can be considered as symptomatic of the shift from a consociationalist towards a republican approach, championing Canada as a bilingual and multicultural nation.

A characteristic of the Canadian federal system is the direct implementation of relatively extensive federal competences at local level by the federal government, and the extension of the official language regime to state-owned enterprises, including privatised ones (such as the Canadian National Railway or Air Canada) through grandfathering rules. This implies that the bilingual language regimes is not only restricted to the central administration, but that it is also implemented at territorial level in places like post offices, airports, or tax administrations. At this level the personality principle is restricted to areas with a threshold of at least 5% of minority language speakers (TBCS 2019).

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<sup>7</sup> Official Languages Act (R.S.C., 1985, c. 31 (4th Supp.))

As in most federal systems, the vast majority of educational, health and social work competences in which most of the public sector staff is employed lay in the area of competence of Canadian provinces. Although most of them have unilingual central administrations, a substantial share of the public sector staff implementing provincial policies may be employed by self-governed school boards, health centres, or social work agencies with an alternative language regime.

#### REPRESENTATIVE BUREAUCRACY

In the mid-20th century, there have been several attempts to achieve an ‘effectively balanced participation’ of francophones in the federal public service (Wilson and Mullins 1978). However, policies with a strong preferential treatment such as quota would have been in contradiction to the meritocratic principle that characterises the Canadian public service. The representation of the linguistic duality of the country is achieved through the requirement of being bilingual to access a significant number of positions within the public service (Kübler, Kobelt, and Andrey 2011), while ‘it is strictly forbidden to set or implement quotas’ (Turgeon and Gagnon 2013, 409). Considering that the share of bilinguals is much higher among French native speakers than among English native speakers, this requirement has the side-effect of boosting the representation of the linguistic minority within the public administration. It needs nonetheless to be stressed that this policy is based on the principle that bilingualism is a skill, and it is therefore considered as a meritocratic tool in the hiring process rather than an employment equity measure (Kübler, Kobelt, and Andrey 2011).

According to the 2016 census, 75.4% of the Canadian population declared English while 22.8% declared French as their first official language. In 2019, the participation rate in the core public administration was 69.1% for Anglophones and 30.9% for Francophones. In all institutions subject to the act, the participation rate was 73.8% for Anglophones and 26.1% for Francophones (TBCS 2020). The French-speaking population is therefore overrepresented in the civil service.

An explicit ‘employment equity’ policy, aiming to promote the representation of disadvantaged communities, such as the First Nations, visible minorities or people with disabilities, exists along the official languages policy (Benhamadi 2003; Employment and Social Development Canada 2021).

#### HIRING POLICY

In the Canadian federal government, public servants are hired through conventional hiring policies (job advertisement, application, interview, and possible assessment), but they must be formally appointed by the Public Service Commission or a deputy head acting on their behalf. The linguistic profile (English-speaking, French-speaking, or bilingual) is pre-determined before the position is opened. Applicants from outside the Public Service are requested to take a standardised test to assess their French or English level (Government of Canada 2008). Bilingual staff are rewarded with a ‘bilingualism bonus’ (CAD 800/year)<sup>8</sup>. However, there is no evidence that this bonus plays an incentive for language acquisition by non bilingual staff (Maltais 2018). On top of this rather symbolic bonus, the language requirement to access

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<sup>8</sup> Bilingualism Bonus Directive (see <https://www.njc-cnm.gc.ca/directive/d1/en>, accessed 2021-09-10)

the public sector imply a much higher earning differential due to foreign-language skills in respect to the one that can be found in the private sector (Christofides and Swidinsky 2006).

#### LANGUAGE USE

The right to work in the official language of one's choice – provided that the position is considered as bilingual – is one of the cornerstones of the Canadian OLA of 1969, and it is considered as a claimable right since 1988, with the establishment of an Official Language Commissioner in charge of ensuring the equality of English and French in the public administration (MacMillan 2006). The Official Language Commissioner is supported by staff acting as *bilingualism champions* in the departments. The actual enforcement of this principle should be cautiously assessed. The surveys by the Treasury Board on the use of official languages indicate that clear majorities of respondents indicate to be able to work in the language of their choice in different contexts, although the share among French speakers is somewhat lower than among English speakers (Clerk of the Privy Council 2017). Yet, a more detailed analysis shows that the Public Service is a predominantly English-speaking environment and that French-speaking public servants feel uncomfortable to speak in their language, and that a plurality of both French- and English-speaking employees declare that they wish to speak more French at their workplace (Office of the Commissioner of Official Languages 2021).

Although the enforcement of bilingual competences has significantly increased over the last two decades, there seems to be a clear path dependency that keeps English as the default procedural language within the Canadian Public Service (Gaspard 2019). The seemingly contradiction between the highly satisfactory responses about the possibility to work in the official language of their choice by French-speaking employees and the findings showing a clear hegemony of English in communication may be explained by the fact that employees do not fully embrace the French-speaking cause as language planners and activists would expect them to do. Moreover, the status of English in Canada may have evolved from being associated to one of the two founding language communities to be a more neutral 'lingua franca' (Grenier and Nadeau 2016). So-called 'Millennials'<sup>9</sup> consider a more inclusive work environment and having diverse colleagues to be important factors when accepting employment. Yet, it may be question if the official language divide is what best describes workplace diversity today (Ng and Gossett 2013).

#### NEW BRUNSWICK

The province of New Brunswick is the only officially bilingual province of Canada, and it is inhabited by a long-established insular French-speaking minority (the Acadians). Research carried on this community allows to identify a series of challenges related to linguistic insularity, such as the incidence of peripheral vernacular characteristics in a professional setting, as well as the implications of a close contact with the dominant official language (LeBlanc 2010). In such a context, bilingualism is not necessarily an asset, but official bilingualism in the public sector opens up opportunity for the linguistic minority (LeBlanc 2014).

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<sup>9</sup> The term 'Millennial' usually refers to the age cohorts born between 1980 and 2000.

## ONTARIO

Ontario is not an officially bilingual province, but it is home of a large established French-speaking minority scattered across its territory. Providing French-language services to this population has led to an innovative area research based on a redefinition of the concept of ‘institutional completeness’, which is based on the idea that a citizens should get access to a full range of institutional services (Cardinal and González Hidalgo 2012).

## FINLAND

Although the demographic distribution between the two official language communities is very uneven (88.3% of Finnish-speakers vs 5.3% of Swedish speakers), Finland is – with Belgium and Switzerland – one of the only European countries having a fully symmetric language regime at least *de jure*. The equality of status between Swedish and Finnish is historically rooted. When Finland was established as an independent country in 1917, Swedish used to be the language of the intellectual elites, while Finnish was still a mostly vernacular language. During the second half of the 20<sup>th</sup> century, Swedish progressively lost its historical status becoming *de facto* a regional language concentrated in a limited number of coastal municipalities with a strong presence of a population of Swedish descent (Saukkonen 2013). The relations between official language communities are not a political issue in Finland, and the status quo is not considered as controversial, although the analysis of grass-roots debates on informal fora hints to the fact that the support for the equal status of Swedish in the average population is lower than admitted in public discourse (Pöyhönen and Saarinen 2015). The language regime of Finnish municipalities is defined based on the demolinguistic census. If the demolinguistic balance evolves, the language regime will follow.

For the intermediate level of government, the language regime is defined based on the official languages of the municipalities encompassed within the area of competence of a specific authority.

Bilingual municipalities and bilingual district work with bilingual administrative units, unless they are explicitly designed to ‘meet the needs of the linguistic minority in a district’.

Finnish civil servants are evaluated according to their language skills and assigned to a specific unit depending on the linguistic needs (see Act on the Knowledge of Languages Required of Personnel in Public Bodies<sup>10</sup>). Language policies are designed to ensure that citizens can be served in the official language of their choice, but there are not specific provisions on the language regime *within* the public administration. Considering that Finnish and Swedish are part of the compulsory subject in the Finnish curriculum (Hult and Pietikainen 2014), it can be assumed that all staff have minimal competences in both languages.

## ISRAEL

Within the OECD, Israel is the only country involved in an on-going ethnic conflict, which overshadows the issues related to language policy and language management in the public

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<sup>10</sup> Act on the Knowledge of Languages Required of Personnel in Public Bodies (see <https://www.finlex.fi/en/laki/kaannokset/2003/en20030424>, accessed 2021-09-10).



administration. Nonetheless, there are several reasons to include this Middle Eastern country in this survey. First, the revitalisation process of Hebrew is one of the most outstanding experiences of language planning in recent history (Safran 2005). Secondly, the institutional tradition is partly rooted in the Ottoman millet system, which is one of the most interesting experiences of non-territorial autonomy (Sezgin 2010). Thirdly, the political landscape of Israel is characterised by a permanent controversy surrounding its founding ideology, secular Zionism – leading to a system in which public policies are partly defined through compromises with non-Zionist<sup>11</sup> and even anti-Zionist<sup>12</sup> minorities, leading to an institutional arrangement sometimes qualified as consociationalist (Dowty 1998).

The legal system of Israel is based on the principles of the common law introduced during the British Mandate of Palestine (1922-1948) and a legal corpus that includes Ottoman law, the legislation adopted during the mandate, and legislation adopted by the State of Israel (Sezgin 2010). The Supreme Court plays an extensive role in interpreting and prioritising legal acts and the case law. The language regime was initially defined by an order-in-council<sup>13</sup> adopted by the British mandate, which recognised English, Arabic, and Hebrew as official languages, while the English version prevailed in the case of conflict of interpretation. The obligation of using English was voided by the Law and Administration Ordinance of 1948, leaving Arabic and Hebrew as co-official languages on formally equal footing. This principle was enforced by the case law of the Supreme Court (Deutch 2005).

The controversial Basic Law on the Nation State<sup>14</sup> reviewed these provisions by differentiating the status of the two languages:

#### 4 — Language

A. The state's language is Hebrew.

B. The Arabic language has a special status in the state; Regulating the use of Arabic in state institutions or by them will be set in law.

C. This clause does not harm the status given to the Arabic language before this law came into effect.

The Law on the Nation State has been discussed very controversially in academic literature, as it is considered as shift in Israel's citizenship from a nominally republican approach, with no distinction between citizens based on their ethnicity to a citizenship based on Jewish ethnicity

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<sup>11</sup> The segregated ultraorthodox (*haredi*) communities reject the Zionist project for religious reasons and is therefore defined as 'non-Zionist', they usually do not serve in the Israel Defence Forces (IDF). Ultraorthodox parties participated in coalitions with Zionist parties in exchange of financial support and the recognition of self-government of their communitarian institutions.

<sup>12</sup> The representative parties of the Palestinian-Arab citizens of Israel usually reject the Zionist project, but are involved in the democratic institutions as a way to defend the interests of the community they represent. Since May 2021, an Arab party is part of the government coalition. This study does not address the governance of the occupied Palestinian territory (oPt).

<sup>13</sup> Palestine Order-in-Council, 1922-1947 [As Currently in Force in the State of Israel] (see [https://en.wikisource.org/wiki/Palestine\\_Order-in-Council](https://en.wikisource.org/wiki/Palestine_Order-in-Council), accessed 2021-09-10)

<sup>14</sup> Basic Law: Israel – The Nation State of the Jewish People (see <https://main.knesset.gov.il/EN/activity/Documents/BasicLawsPDF/BasicLawNationState.pdf>, accessed 2021-09-10)

(Jamal and Kensicki 2020; Waxman and Peleg 2020). This shift may have some consequences on the design of language policies, as the right to an adequate representation within the public administration and the status of a language depends on whether or not a community is considered to enjoy an equal status within the state.

The Basic Law is part of the Israeli constitutional corpus, but it is not directly enforced. Since its adoption, there have not been significant changes on regulations on citizenship and language rights. Notwithstanding this new legal basis, Israel's complex legal system is hardly comparable to most of its North American and European equivalents. In fact, there are partly overlapping groups based on ethnicity, religion, citizenship, and language (Yoav Peled 2013). One legacy of the Ottoman rule is the parallel coexistence of different legal systems applying to the members of different ethnic and religious communities. This implies that some legal matters, mostly related to family law, are not a competence of the secular state judiciary, but that religious and clerical courts have the exclusive competence on this matters regarding members of their communities. All ethnic Jews, which constitute about 80% of the population are subject to the Orthodox courts, regardless of the fact that they may not be religious or identify with an unrecognised Reform or Liberal community (Sezgin 2010). Muslims are subject to *sharia*-based courts, and the Druze community has its own courts. The relatively tiny Palestinian Christian community is divided between eight recognised denominations, all of which have their own clerical courts.

The Ultra-Orthodox (Haredi) community is usually considered as a minority within the Israeli society. One of the reasons is that it does not accept the legitimacy of the State of Israel as a Jewish state for theological reasons, and therefor refuses to serve in the Israel Defence Forces. A part of the community also refuses to use Modern Hebrew in daily life and uses Yiddish for secular communication and vernacular purposes (Safran 2005).

The second-largest ethnic group is composed by Palestinian Arabs, sometimes referred to as Israeli Arabs, Arab citizens of Israel, or Palestinians of Israel (Peleg and Waxman 2011). 84% are recognised as Muslims and subject to the sharia law, while the remaining ones are split between Christians of different denominations (6%) with their respective clerical courts, and the remaining (6%) belong to the ethnoreligious group of Druzes. Arabic is the common language of all these groups, but in terms of citizenship status there is a difference between the Muslims and Christians on the one hand, and the Druze community on the other. Last but not least, it is worth mentioning the tiny Circassian minority, which is Muslim but not ethnic Arab and enjoys a similar status as the Druze community. As the leadership of the Druze and Circassian communities fully recognised the legitimacy of the newly established State of Israel, their male members are usually conscribed to the IDF. This implies that the State recognises a subgroup within the community of citizens, encompassing Muslim and Christian Arabs as well as Ultra-Orthodox Jews that does not support the political project underpinning the State of Israel.

Although all Israeli citizenship have the same voting and residence rights, some privileges – including the access to some positions in the public administration – are reserved to those, who have served in the Israeli Defence Forces. Moreover, a large part of (Muslim and Christian) Arabs and Ultra-Orthodox Jews do not vote for mainstream parties, but rather for ethnic or religious party representing their community and defending their interest in the Knesset (the

national parliament). Moreover, the predominantly Russian-speaking community of new immigrants has a strong representation in a political party often considered as the tiebreaker. This implies that language policies towards minorities (Arabic-speaking, Yiddish-speaking, and Russian-speaking) are often the result of horsetrading between parties rather than the outcome of a consistent system of linguistic justice – which could be hardly supported in Israel’s fractionalised political and ethnic landscape.

## REPRESENTATIVE BUREAUCRACY

The Civil Service (Appointments) Law, 1959 stipulates that the civil service must ensure the appropriate representation of several population groups - including Arabs - at every rank, in every profession, and in all ministries and auxiliary units (Prager 2020). The Israeli government promotes the representation of minorities in the public sector through target values, which do not necessarily correspond to the actual share of the population. The public sector includes parts of the healthcare system.

The legislation recognises five disadvantaged groups:

- The *Arab Sector*, including the Druze and the Circassians, which are a linguistic minority.
- *The people of Ethiopian descent*: It includes a community of ethnic Jews of African descent, which have been traditionally marginalised (Offer 2004).
- The *Ultra-Orthodox*, who have traditionally a low labor market participation, due to their religious lifestyle, and partly belong to the Yiddish language minority.
- *New Immigrants*, who are usually ethnic Jews that recently obtained the Israeli citizenship and mostly have limited proficiency in Hebrew.
- *People with disabilities*

The representation of the disadvantaged groups in 2019 in the general public service was as follows (Civil Service Commission 2020).

**Table 2: Recognized disadvantaged groups in Israel**

Group	Demographic weight (working age)	Target value in the public sector	Share of employees
Arab sector	20.2%	10%	12.2%
Ethiopian descent	1.8%	1.8%	2.8%
Ultra-Orthodox	8.6%	7%	1.2%
New immigrant	3.4%	n/a	1.3%
People with disabilities	3.4%	5%	3.8%

A more detailed discussion provides additional information about the representation of the disadvantaged communities at different hierarchical levels of governments (students, entry level, professional administrative level, mid-level, and senior level), it also makes a distinction between the government health service and the government ministries and auxiliary units.

The Arab sector is the only group that can be considered as a recognised language minority, as Arabic is the only officially recognised language next to Hebrew. The findings of the most recent report show a general progression of the representation of the Arab population in public service in the last five years. However, some points need to be stressed. First, it needs to be acknowledged that the target value of 10% corresponds to nearly half the share of the Arab adult population and it has not been reviewed since 2007 (Prager 2020). This may be explained by a government change in 2009 and the accession to power of a right-wing government promoting Israel as the homeland of Jews rather than a democratic multicultural and multiethnic state. Moreover, the representation target is missed by all ministries but three (health, interior, and social services). Finally, the Arab sector is clearly underrepresented in mid- and senior level positions.

#### RECRUITMENT POLICY

In Israel, the share of public sector positions filled through a career-based system is relatively high (around 66%) (OECD 2012). Hiring policies for the public sector are quite long procedures, which can take several months. They involve several standardised assessments, including intelligence and psychological exams, but it is also stressed that the meritocratic aspect is outbalanced by connections and that the military record plays a role in the hiring process (Nefesh B’Nefesh n.d.).

Disadvantage groups, including the Arab minority, are supported by a series of measures to support their opportunities to be hired, as listed in the 2020 report on diversity and representation (Civil Service Commission 2021)<sup>15</sup>.

#### TARGETED ADVERTISING

- Monitoring and supporting the hiring process by the human resources departments of the ministries.
- Active advertising in social networks.
- Active advertising in collaboration with associations and key organizations
- Employment fairs and virtual spotlight days for integrating different populations in the labor market
- Contact with head-hunters and alumni organisations

#### SELECTION PROCEDURES

- Promoting online job interviews (accelerated by the Covid-19 pandemics), which favours applicants from peripheral regions
- Screening the selection and interview process by the ministries (by members of the Commission)
- Adjustment of the exam procedures to the applicants, involving the possibility of taking the exams in Arabic, Russian, English, French, Spanish.
- Affirmative action mechanisms between the screening stages

#### SUPPORT TO CANDIDATES DURING THE WHOLE HIRING PROCESS

#### SUPERVISION AND CONTROL OVER THE PROCEDURES

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<sup>15</sup> The report is only available in Hebrew. The contents was translated by the author through Google Translate.

## INTERNAL COMMUNICATION

Although Hebrew and Arab have the same status as official languages in Israel, the enforcement of this principle does not ensure the equal status of the two languages within the public administration. The case law of the Supreme Court expanded the right of the Arabic-speaking population to access specific language rights in the name of the ‘freedom of religion, conscience, language, education and culture’ proclaimed in the declaration of independence (Deutch 2005). A non-representative qualitative study on the attitudes of Jewish and Arab Israelis towards the status of Arabic in the public administration has shown a rather ambivalent attitude (Yitzhaki 2010). Although most respondents did not reject the option outright, the responses indicate an ambiguous position between the ‘communicational efficiency’ argument and the ‘symbolic’ argument. The first one assumes that promoting language rights for Arab Israeli would not significantly improve their quality of life, due to the fact that ‘most of them’ have already the necessary language skills in Hebrew to communicate without problems with the administration. Moreover, multilingualism would deteriorate the quality of internal communication, and the introduction of language-specific positions would undermine the meritocratic character of the civil service. The opposite position claims that ‘symbolically’ it is important for Arab Israelis to communicate with the public administration in their language (Yitzhaki 2010).

## ITALY

The central public administration of Italy is a classical monolingual civil service. The standard hiring procedure is career-based and implies collective standardised examinations to fill a predefined number of standardised positions according to the ranking of the examinations results. Affirmative action and diversity management procedures are rather unconventional in these procedures although there are some guidelines and monitoring mechanisms to avoid gender-bias. For the purpose of our study, there are two cases that are particularly relevant to understand the implications of language diversity in public administrations in two autonomous local government: Aosta Valley and South Tyrol.

### AOSTA VALLEY

The language regime of this tiny Alpine region is peculiar, because it is one of the rare cases which aims at promoting personal bilingualism of the whole population and at all levels of the public administration. This includes a bilingual curriculum in the school system, bilingual healthcare networks, and a bilingual local administration encompassing the detached services of the central government, the autonomous regional government, and the municipal administrations (Puolato 2006).

### REPRESENTATIVE BUREAUCRACY

The goal of representative bureaucracy in the public administrations of all levels in Aosta Valley is full personal bilingualism, which is tested through a standardised examination during the hiring procedure (*accertamento*). Bilingual civil servants are entitled to a monthly

bilingualism bonus (*indennità di bilinguismo*)<sup>16</sup> of €151 to €226. Although the linguistic bonus can be formally considered as a meritocratic advantage to promote language skills that are needed to fulfill the job requirements, it can also be considered that it is a way to make public-sector jobs more financially attractive for the local population – regardless of the job requirements. In fact, the regional wage imbalances in Italy are much higher in the private sector than in the public sector, which tends to make public sector jobs comparatively more attractive for residents of deprived areas in Southern Italy than for residents of affluent areas such as the Aosta Valley.

#### INTERNAL COMMUNICATION

The language regime of Aosta Valley is based on the target that all civil servants have professional competences in both French and Italian, meaning that they can work in the language of their choice in any position, there is no formal distinction between language communities and the regional citizenship regime is based on the idea of a bilingual citizen.

#### SOUTH TYROL

The citizenship regime of South Tyrol is based on a radically different conception of bilingualism. Whereas in Aosta Valley all citizens and civil servants are expected to be bilingual up and no distinction is made between language groups, in South Tyrol all residents are required to identify with one of the three language communities (German, Italian or Ladin) in a system which is defined as ‘ethnic proportionality’ (Peterlini 1980).

#### REPRESENTATIVE BUREAUCRACY

Based on the general census carried every ten years, the provincial administration defines a linguistic quota for each of the three language communities, which needs to be respected by all public administrations of all levels to hire staff in the province (Peterlini 1980, 2012). The peculiarity of the South Tyrolean system is that the provincial quotas need to be respected by all municipalities, regardless of the linguistic makeup at municipal level. This implies that in the capital of Bolzano, ethnic Germans are entitled to about 70% of public sector jobs, despite the fact that about 74% of the population are ethnic Italians. In the same time, ethnic Italians are entitled to around 26% of public sectors jobs even in municipalities where there are no Italian-speaking residents. The distortions of this ‘provincial approach’ are alleviated by the soft implementation of the ethnic proportionality principle, which enables to fill a vacancy with an applicant of another ethnic group if no qualified candidate applied (Giovanetti 2001). The ethnic proportionality system has been controversial since its introduction, as it obliges all residents to have one single ethnic belonging or affiliation and excludes the possibility of declaring oneself as fully bilingual thus promoting ethnic segregation, at least in symbolic terms (Langer 1996).

#### INTERNAL COMMUNICATION

The Autonomous Province of Bolzano has rather extensive decision-making powers, but most public sector jobs are operative jobs in local administrations, education, healthcare, and utilities. Except for the school system, which is organised in three parallel networks, most public services

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<sup>16</sup> Legge regionale 9 novembre 1988, n. 58. Norme per l'attribuzione dell'indennità di bilinguismo al personale della Regione. (B.U. 22 novembre 1988, n. 13, 2° S.S. al n. 26 del 10 novembre 1988).

are dedicated to the whole population, even if there may be specialised desks to provide language-specific services in some contexts.

Skills in the other official language are rewarded with a rather generous bilingualism bonus to all public sector employees with certified language skills - €2,354.86 yearly for a B2 level according to the Common European Framework and €2,821.14 for a C1 level<sup>17</sup>. Besides the declared goal to reward bilingualism, the generous bonus can be considered as a tool to make public sector wages more competitive and make the local branches of the Italian public administration attractive for autochthonous ethnic Germans and Ladins, who have traditionally been underrepresented in the public sector and who usually have good language skills in Italian.

## SWITZERLAND

The institutional tradition of Switzerland is mostly based on the legacy of its constituent states (cantons), which belong to the oldest existing polities worldwide. Although the institutional frameworks of Swiss cantons have been extensively harmonised in the last two centuries, each of the 26 cantonal administrations are guided by their own language and human resources policies. The public sector jobs are largely assimilated to private sector jobs. Apart from some jobs strictly related to the implementation of the sovereign powers of the state, such as diplomats or police officers, most vacancies are filled through position-based hiring procedures by the direct prospective supervisors according to their own priorities, with a rather weak involvement of the human resources officers (Coray et al. 2015).

### REPRESENTATIVE BUREAUCRACY

The Swiss federal government was established in 1848 by a majority of Protestant and liberal cantons against the opposition of a core of conservative Catholic cantons (*Sonderbund*). The democratic<sup>18</sup> federal constitution was rooted in a political project seeing Switzerland as a multilingual and multiconfessional polity based on individual freedom. However, this republican approach was initially not shared by the defied opponents with a Catholic background, which maintained the control over many cantonal institutions through the Catholic-Conservative party. The opposition between the proponents of a Swiss republican model and the proponents of cantonal sovereignty was progressively narrowed down thanks to a system of power-sharing at federal and cantonal level, which may be described as a consociationalist model rooted in a republican narrative. Since both, the liberal and the conservative camp encompassed German, French, and Italian-speaking citizens, the linguistic issue was relatively marginal in the Swiss political discourse.

This power-sharing model implied a rather weak civil service fragmentated between federal departments and cantonal governments placed under the partial control of different parties. Until today, professional judges in Switzerland are appointed through a system of proportional representation of political parties, and that many senior positions in the public service or in

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<sup>17</sup> Zweisprachigkeitszulage, Fachgewerkschaft Bildung und Wissenschaft (see <http://www.gbw-flc.it/de/page/zweisprachigkeitszulage>, accessed 2021-09-10)

<sup>18</sup> The first federal constitution introduced equal voting rights for all Christian citizens, which were extended to Jewish citizens (and indirectly to other non-Christian men) in 1866 and to all female citizens in 1971.

state-owned enterprises are filled with political appointees. With the exception of the diplomatic service and some jobs in the defence and security system, position-based recruitment is the standard at all levels of government.

Until the early 1990s, the staff of the Federal Administration was a largely dominated by state-owned enterprises, such as the Swiss Federal Railways or the Post, Telegraphs and Telephones company. These agencies were organised in rather autonomous regional directions. Most French-speaking employees were included in detached directions in charge of areas which broadly corresponded to the French-speaking language region, which was generally dominated by a French-speaking hierarchy. The representation of language communities was indirectly achieved through a territorial approach.

The nature of the federal administration significantly changed in the end of the 20<sup>th</sup> century. On the one hand, the staff-intensive state-owned enterprises were spun off the federal administration and organised as private companies, although the federal government remained the single or at least the majority shareholder in most cases. On the other hand, an increasing number of regulatory or executive competences were transferred from the cantons to the federal government, with the result of blowing up the federal bureaucracy.

In the same period, the political divide between the French- and German-speaking regions became increasingly apparent, and the under-representation of the French-speaking cantons in some federal departments (Andrey and Kübler 2008; Kübler, Papadoupoulos, and Mazzoleni 2009) combined with a lack of motivation among non-German-speaking employees (Ritz and Brewer 2013) turned into a political issue, which was addressed by the new Languages Act in 2007 and through ensuing ordinances. This approach uses the census of the *resident* population to define the size of language communities and set target values for the representation of each of the language groups accordingly. All positions in the federal administration remain open for applicants from all language groups, but the human resources departments of each administrative unit are requested to deploy all efforts to meet the expected distribution of language groups at all hierarchical level.

The approaches to meet the expected distribution can be summed up in three points. The first step consists in a regular monitoring of the linguistic profile of all federal employees under the supervision of a delegate responding directly to the cabinet (Federal Council). Thanks to this transparency, members of Parliament can pressure the ministers (Federal Councillors) to take action within their departments to target values set in an ordinance<sup>19</sup>.

**Table 2: Linguistic groups in Switzerland and target ranges in the federal public administration**

	German	French	Italian	Roma nsh	Total national languages	Engl ish	Other languages
Population	63%	23%	8.3%	0.51%	94%	6.5 %	18%

<sup>19</sup> Ordinance on the National Languages and Understanding between the Linguistic Communities (Languages Ordinance, LangO) of 4 June 2010 (Status as of 1 October 2014).



Swiss nationals	72%	24%	6.1%	0.66%	102%	4.4 %	7.4%
Swiss nationals without migration background	76%	23%	4.5%	0.79%	104%	3.3 %	0.9%
Language region	71%	24%	4.4%	0.3%			
Target values in the Ordonnance	68.5 – 70.5%	21.5 – 23.5%	6.5 – 8.5%	0.5 – 1.0%			

Data: Own calculations based on FSO, Target values Languages Ordinance

Secondly, a series of good practices has been identified to avoid a structural discrimination during the hiring process. The screening of applications and the conduction of interviews is usually made by the prospective supervisor, who may not be familiar with some cultural differences about the format of applications and the behaviour of interviews. The involvement of human resources specialists and the introduction of good practices may improve the chances of better defining the assets of an applicant with a minority background. Thirdly, there are proactive measures to advertise the positions in such a way that the members of the underrepresented group are more likely to apply. This may imply mentioning that applications from an underrepresented group are highly appreciated or proactively advertising the position through channels explicitly targeting potential applicants with a specific linguistic background.

The first findings on the representativeness of federal bureaucracy, based on studies carried before the implementation of a formal policy, showed two different patterns within the Federal Administration. In some department, there was a rather fair representation at least of the two largest language communities, while in other departments were clearly dominated by Swiss Germans (Coray et al. 2015; Kübler, Papadoupoulos, and Mazzoleni 2009). An evaluation of an ensuing quantitative study shows that the chances that a member of an underrepresented community is hired increases if the hiring person has a minority background or is a woman, but also if there is already a rather high level of diversity in the unit (Zwicky and Kübler 2019).

Although the goal of promoting multilingualism and achieving a fair representation of the language groups within the administration is rooted in a well-established institutional tradition, the methodological approach implied a series of conceptual innovations that are quite exogenous to the Swiss political discourse. The first one was the move from a territorial to a personal approach. The new legislation introduced the concept of ‘language communities’ to define the group of people sharing a same first language. Although this tool was intended to perpetuate a functioning Swiss model, it marks a critical juncture in respect to the common practices, according to which the linguistic profile was rather determined by the place of residence than by one’s family background.

For the German- and for the French-speaking communities, this conceptual innovation did not play a significant change, as the large majority of declared first-language speakers lives within the boundaries of the respective language region. For the Italian-speaking community, this regulation implied creating a pool of existing and prospective civil servants with very different sociolinguistic profiles, and up to a certain extent setting a too ambitious target (Coray et al. 2015). In fact, the Italian-speaking population residing in the Italian-speaking region of

Switzerland represents slightly less than half of the respondents indicating Italian as their first language. The other half is composed by a very heterogeneous group living in the German- and French-speaking regions. It includes elderly first-generation immigrants with a rather low level of formal education, second-generation immigrants, who completed all their education in German or French, and a growing group of young qualified immigrants, who may not have an extensive knowledge of the Swiss institutional system. Empirical qualitative studies show two substantial obstacles to the implementation of policies favouring the representation of prospective civil servants declaring Italian as their first language. The first one is that the underrepresentation of Italian native speakers in the Federal Administration is not considered as a political issue in Swiss political discourse. The second one is related to the fact that the heterogeneity of the target group makes it very difficult to develop good practices to promote a fair representation. Consequently, it should be questioned if the definition of the language communities and the derived indicators are an adequate measure to support this policy (Coray et al. 2015).

The implementation of the revised Languages Ordinance (LangO) in 2014 and the appointment of a Delegate for Multilingualism enabled to enhance the measures and especially the monitoring tools to achieve the targets. The evaluation of 2019 shows a slight trend towards a better representation of the French-speaking community, while the representation of the Italian- and Romansh-speaking population remains within the spread of the target values (Federal Delegate for Plurilingualism 2019). The report also shows an enduring over-representation of German native speakers among the upper and top management. However, a more accurate analysis leads to a slightly different conclusion.

The first observation is that there is an enduring difference between departments. The Federal Department of Foreign Affairs (FDFA) is clearly an outlier, as the under-representation of the German-speaking majority increased during the period of observation (2008-2019), and especially after the implementation of the new ordinance. There may be three approaches to explain this anomaly. First, it needs to be stressed that it is the only department applying a French-style career-based hiring procedure with a competitive examination (*concours diplomatique*) including standardised language tests for its permanent staff. Secondly, the department has been led by French- or Italian-speaking heads of department (ministers) since 1970, with a trend to appoint French- or Italian senior civil servants. Thirdly, it is less Bern-based than other departments, with Geneva as an important hub in international affairs. The hypothesis on the impact of the first language of the head of department can be corroborated by the figures of the Federal Department of Defence, Civil Protection, and Sports (DDPS). The literature identified this department as the one with a strong over-representation of Swiss Germans. In 2015, a French-speaking minister was appointed as head of department for the first time since 1986.

The relevance approach with fixed target values based on the general demography of the country to be applied to all departments and their internal agencies (federal offices) has been questioned in the literature (Coray et al. 2015). In fact, the geographical location of the office has a significant impact on the linguistic makeup of the staff. As a matter of fact, the large Federal Statistical Office (FSO), based in the French-speaking city of Neuchâtel has a majority

of French-speaking staff, while the Federal Office for Building and Logistics (FOBL), which is responsible for the maintenance of all federal buildings – mostly based in the German-speaking metropolitan area of Bern – employs an overwhelming majority of German-speaking ancillary staff.

From a methodological point of view, there is a clear issue concerning the Italian-speaking community. The target values are set based on the demographic weight of the *resident* population declaring Italian as (one of) their first language(s) (8.3%, see table) and set a target of 6.5 to 8.5% of total employment for Italian speakers. However, this figure is higher than the share of the Italian-speaking population among Swiss nationals (6.1%) and Swiss nationals without migration background (4.3%). Moreover, a significant share of this population is composed by people declaring more than one first language. Consequently, it is not clear if missing these targets implies an unfair hiring procedure towards Italian native speakers, or if it is rather the consequence of the underrepresentation of all foreigners, which correspond 4.5% of the total workforce in the Federal Administration<sup>20</sup>, and 1% among senior and top managers (Zwicky 2015), while they constitute 32% of the total workforce (FSO 2020).

Although the issue of the representation of the Italian-speaking population plays a rather prominent role in the official documents on employment equity in the Federal Administration (Federal Delegate for Plurilingualism 2019), the issue of the sociolinguistic heterogeneity of this group is not addressed. The current statistics do not make a distinction between so-called *Secondas* and *Secondos*, that is the descendants of Italian-speaking immigrants educated in German- and French-speaking Switzerland on the one hand and those who received their complete education in Italian on the other. While it is uncontested that the around 4.4% of the population educated in Italian-speaking Switzerland should be covered by employment equity measures, there is no evidence in literature on a preferential treatment for immigrants of Italian descent in respect to other descents.

## HIRING POLICIES

With the notable exception of the diplomatic and consular staff, which are selected through competitive examinations and trained internally before entering a protected career, as well as some military staff, which is appointed on the basis of the military record, all positions in the Swiss federal administration are filled through *ad hoc* job offers on an individual basis. There are slight variations in the hiring procedure. Generally speaking, the prospective supervisors are required to draft a job offer, which is screened by a human resources officer to check their compliance with some institutional requirements, namely requirement of employment equity between language communities. Around six shortlisted applicants are invited to a first interview round, and between one and three of them are invited for a further assessment. The language regime in the Swiss federal institutions is widely based on intercomprehension between Standard German and French – and the senior staff is usually expected to have both active and passive skills in these languages. It implies that most questions can be answered in the one's preferred language, even if they may be asked in the interviewer's first language.

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<sup>20</sup> Answer of the Federal Council to the Interpellation 16.4168 <https://www.parlament.ch/de/ratsbetrieb/suche-curia-vista/geschaefte?AffairId=20164168> (accessed on 2021-09-10).

Swiss-German dialects are only used if there are only Swiss-German native speakers around the table. From a probabilistic point of view however, this is not an unlikely event. If there are two interviewers and one interviewee around the table, and there are no proactive measures to have linguistically mixed teams, based on the current linguistic makeup of the Federal Administration there are quite high chances that a German-speaking interviewee can conduct most of the interview in their dialect.

#### INTERNAL COMMUNICATION

In the allegedly trilingual Swiss federal administration, enforcing the right to work in the official language of one's choice proves to be a rather challenging issue for at least two reasons. The first one relates to the fact that the standard language regime in German-speaking Switzerland, representing almost three quarters of the country is characterised by functional diglossia (Keller 1982; Studler 2017). This implies that oral communication is conducted in one of the mutually intelligible Alemannic dialects while the written standard (*Hochdeutsch*) is only used for written communication or in situation involving non-native speakers. Although German is taught in all French- and Italian-speaking schools in Switzerland, formal education only involves the written standard. This implies that the vast majority of French- and Italian-speaking Swiss citizens are excluded from most oral communicational settings in the country, and that their inclusion implies a code-switching towards the written standard.

Code-switching from Swiss German to standard German in an oral conversation is a rather wide-spread behaviour, but it needs to be acknowledged that the oral proficiency in standard German also depends on the educational and professional background. Including a French or Italian native speaker in a team that was used to systematically hold meetings in Swiss-German implies an enduring change in the practical language regime. The regime based on mutual understanding (intercomprehension) between Standard German and French can be considered as a balanced compromise, considered that Swiss-Germans need to make the effort to speak a non-native variety of German, while French native speakers can speak their native variety, but need to understand German texts or talks in about 75% of situations. Nonetheless, since the late 1970s there has been a perceived loss of status of the French language, which was seen as a threat for the historical symmetry between the two main languages, considered as a cornerstone of Swiss federal statehood (FDHA 1989).

A more complex issue relates to the status of Italian, in Switzerland and within the Federal Administration. The recognition of Italian in the first federal constitution was purely declaratory, it took several decades before laws started being systematically published in Italian and it is not until very recently that procedural and working documents are translated. In the second half of the 20<sup>th</sup> century, there was a big immigration wave of mostly low qualified Italian immigrants without any foreign-language skills to the German- and French-speaking regions of Switzerland. Especially in German-speaking areas, Italian became the vehicular language at many workplaces, including those with a close contact with the general public, such as restaurants and cleaning jobs, and up to a certain extent it was taken over by Spanish- and Portuguese-speaking immigrants as a *lingua franca*. Combined with the increasing popularity of Italy and the Italian-speaking part of Switzerland as holiday destination. These two factors contributed to the spread of mostly oral competences in Italian in daily life situations (Moretti

2000), raising the number of mostly German-speaking respondents declaring to have Italian language skills. However, this does not imply that non-Italian-speaking federal civil servants ever had a *working* proficiency in this language, including writing skills and a knowledge of a technical vocabulary (Andrey and Kübler 2008). In demographic terms, the Italian-speaking immigration contributed to narrow the gap between French and Italian, providing some legitimacy in favour of an improved status of the Italian language. The new Languages Act<sup>21</sup> enshrined the perfect legal symmetry in terms of status on the federal level, regardless of the fact that the acquisition planning policies of cantons target another kind of trilingualism, involving German, French, and English. This implies that all Swiss-educated persons can be expected to have at least some knowledge in German and French, but that only a small minority received formal education in Italian.

By virtue of this law, executive branch of government is therefore asked to provide the framework conditions to make sure that all federal employees can work in their own language. According to the ordinance adopted to implement this principle<sup>22</sup>, all mid-level staff is expected to have at least a passive knowledge in a second national language, while all senior level staff is expected to have an active knowledge in a second national language, and a passive knowledge in a third national language. This implies that all senior level civil servants are expected to understand Italian.

According to an ethnographic study (Coray et al. 2015), prospective civil servants are usually expected to have a good level in German and acceptable level in French. On the top of it, English language skills are usually required, although they are mostly quite irrelevant for the position, and are rather mentioned as a default requirement. However, such a job description spelling out German and French would be considered as discriminatory towards Italian native speakers, unless the advertised job is of linguistic nature (spokesperson or translator). Hence, the draft of such a job advertisement is usually rephrased in a neutral wording (working proficiency in one national language, and good knowledge of a second national language) by the HR department. Nonetheless, the selection is eventually made by the prospective supervisors, whose ‘hidden agenda’ is to make sure that the prospective employees fit to the language regime of the team (German and French). It is thus highly unlikely that someone without any competences in one the two *de facto* working languages could be hired (Coray et al. 2015). On the top of it, in the application submitted by prospective staff declaring Italian as first language, there is usually a mismatch between the first language declaration, the preferred language of correspondence (to be declared in the application form) – about 13% declared another language –, and especially the language in which the application was submitted – 75% of applications by candidates declaring Italian as their first language were submitted in German or French (Coray et al. 2015).

The linguistic requirements for the senior staff may also be based on a lack of realism. In the Swiss federal administration, the senior staff is either hired through internal promotions or from

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<sup>21</sup> Federal Act on the National Languages and Understanding between the Linguistic Communities (Languages Act, LangA) of 5 October 2007 (Status as 1 February 2021).

<sup>22</sup> Ordinance on the National Languages and Understanding between the Linguistic Communities (Languages Ordinance, LangO) of 4 June 2010 (Status as of 1 October 2014).

other administrations or the private sector. There is not a *in house* school for prospective managers within the federal administration, and managers are usually hired upon a rather short notice. Since foreign language skills in Italian are quite scarce among the German- and French-speaking population, and they are not a requirement for mid-level positions, the requirement of passive Italian skills for senior positions implies that the prospective managers need to invest time to catch up with those skills during their transition towards the new position. The declared goal of acquiring these skills is to enable their Italian-speaking staff to address them in Italian, which remains a rather unlikely event. In fact, if the target value for Italian-speaking staff is 6.5-8.5%, it means that only one out of 15 civil servants identifies Italian as (one of) the own first language(s). Considering that only half of this population was educated in Italian, the probability that a civil servant has a full working proficiency in Italian is one out of 30. With an average size of a team of five persons, this implies that in five out of six team there is no employee able to work in Italian. Moreover, there are relatively few settings in which the supervisor engages in a bilateral discussion with an employee. In most team meetings, there will be the presence of other colleagues – including those in charge of taking the minutes – who will most likely not understand Italian, or at least not in a professional setting.

By international comparison, the Swiss federal administration is among the polities that adopted the most comprehensive and ambitious policies to promote internal multilingualism. However, it is also among those where the enforcement of the policies is the lowest (Turgeon and Gagnon 2013). First, there is a discursive gap between the federal policies promoting official trilingualism on the one hand, and a public discourse reflected in cantonal education policies based on Franco-German biculturalism on the other. Secondly, there is a gap between the legal framework based on the understanding between (undefined and heterogeneous) language communities and an internal discourse rather focussing on the needs of language regions. Thirdly, there is a mismatch between a comprehensive approach across departments and the administrations in terms of target values, and the very decentralised functioning of the public administration, based on small teams with a wide organisational latitude, including in the hiring process. The new regulation improves the horizontal coordination, but it is based on the principle of self-regulation of each administrative unit, which is asked to adopt measures to improve dysfunctional aspects. This can be considered as characteristic element of a consociationalist system, in which power is shared between different communities and parties, with very limited centralised coordination. The imbalances in terms of representation mirror the fact that the key to representative democracy is based on the distribution of federal departments among members of different linguistic communities, who tend to promote members of their own community or region within their department in a rather consensual way. Recent evidence shows that the new regulation increased the number of public employees enrolled in language classes, but there is no evidence about the effect on effective language skills and language use in the administrative units (DFP 2015, DFP 2019).

However, the only *hard* data available for all public employees across the units relate to their self-declared first language, which can be defined from very different approaches – and may say little about one's linguistic repertoire and cultural background. Moreover, the – scarce – information about language skills, is widely based on self-assessments rather than on standardised tests. Finally, the internal and external literature provides rather little information

about the expectations of federal employees themselves. Although German-, French-, and Italian-speaking employees are assumed to have the same expectations about the capacity to work in the own language, the ethnographic studies show that in practice the projected status of the own language by the speakers themselves does not correspond to the one set by the law.

## BERN

The canton of Bern is the largest of the bilingual cantons of Switzerland. It is also the only Swiss canton that has experienced a partly successful secessionist movement due to language issues. As a consequence, the cantonal administration implemented rather comprehensive language policies in respect to the standards of the other bilingual cantons in Switzerland. In a recent report, it stressed the need to focus on the representation of the French-speaking minority in all cantonal departments, on a fair hiring policy, and on good practices to enable French-speaking employees to work in their language (Commission d'experts sur le bilinguisme 2018). The recommendations are broadly modeled on the experience of the Federal Administration and of rather well-known approaches to diversity management, such as targeted job advertisings, mentoring, and monitoring.

## VALAIS

### REPRESENTATIVE BUREAUCRACY

The bilingual canton of Valais does neither stand out for a burning language issue nor for its approach to language management. Nonetheless, there is an ongoing constitutional process, in which rather ground-breaking approaches to fairly represent complex diversity thanks to complex algorithms (Rochel and Evéquoz 2019).

## EUROPEAN UNION

A comprehensive account of the management of multilingualism and of the complex hiring practices of the institutions of the European Union would go far beyond the purpose of this study. This section will be limited to mentioning some patterns with a clear relevance for traditional public administrations at state or substate level.

### REPRESENTATIVE BUREAUCRACY

Due to its status as supranational organisation, the European Union has a hiring policy aiming at achieving a fair representation of public servants from all Member States, which is systematically monitored and supported by measures to target applicants from the newly accessed or underrepresented states. Yet, the statistics show that the European Commission has systematically failed to fill the quota for some member states, more specifically the United Kingdom – which now left the Union – as well as the Nordic Countries (Denmark, Sweden, and Finland), the Netherlands, and Austria. The hypothesis that the Commission abstained from targeting civil servant from countries – sometimes nicknamed as the ‘New Hanseatic League’ or the ‘Frugal Four’ – should be rejected, as a part of the underrepresentation can be explained by the high level of resignations due to a ‘mismatch’ with the institutional working culture of the Commission. A more plausible hypothesis is the ‘rejection’ of representation (Gravier and Roth 2020).

Although the surveyed literature does not focus on linguistic issue, these findings may seem somewhat paradoxical under consideration of the fact that English is the default procedural

language at the European Commission and that the highest proficiency in English as a foreign language is found in the Netherlands and in the Nordic Countries (EF 2021).

#### LANGUAGE USE

In the rather extensive literature on the language regime of the European Union institutions, one of the most puzzling issue is the role played by English as the default procedural language (Archibugi 2005; Gazzola 2006; Ginsburgh and Weber 2005; Van Parijs 2004). The role played by English seems to come at odds with the self-declared objective of achieving ‘unity in diversity’ (Quell 1997). An interesting path of research consists in exploring the sociolinguistic profile and the language practices of public servants and lobbyists outside the framework of the workplace. It turns out that among the Brussels-based staff, English is not only a vehicular language at work, but for many non-native speakers it is also the vernacular language spoken at home and in a broader private context (Krizsán and Erkkilä 2014)

### 3. DEVELOPING TYPOLOGIES TO CLASSIFY POLICY MEASURES ADDRESSING INEQUALITIES IN A COMPARATIVE PERSPECTIVE.

This comparative study surveyed several employment equity policies to ensure equal treatment between civil and public servants across different multilingual OECD member states by analysing two different dimensions: (i) measures favouring representative bureaucracy in the hiring process and (ii) measures promoting a fair communication at the workplace. In this last section, we develop different typologies to classify these policies. First, we propose different approaches to assess if there is a link between the selective hiring policies and the internal management policies. Second, we propose different typologies to define employment equity policies in the hiring process. Third, we will identify different approaches to promote a linguistically fair work environment.

#### ETHNIC ATTRIBUTE, COMMUNICATION SKILLS, OR BOTH?

In respect to other forms of diversity, such as gender or ethnicity, language is not only an attribute related to some obstacles in the hiring process, but also has substantial implications for the accomplishment of tasks and internal communication. A first distinction shall assess if the employment equity measures exclusively focus on the one or the other dimension or on both.

#### ETHNIC APPROACH

The link between language, ethnicity, and culture is often strong – and language may be the identity marker for disadvantaged populations. In our survey, the ethnic approach is clearly present in the employment equity policies targeting the Arab community in Israel. Although the status of the Arabic language plays a key role in the Israeli political debate, this communicational dimension is blinded out from the diversity policies, which comprehensively target a series of disadvantaged groups.

#### COMMUNICATIONAL APPROACH

A purely communicational approach prevails in some polities in which the inclusion of affirmative action measures targeting a community that is not considered as socially disadvantaged could have been considered as a threat to a meritocratic system. This



communicational approach is characteristic for the Canadian system, in which the whole attention is devoted to promoting linguistically fair hiring and employment conditions. A similar approach can be identified in Aosta Valley and in Finland, where language skills are considered as a human capital factor to accomplish the tasks. Yet, it needs to be stressed that despite the fact that the *discourse* that underpins these policies may be focussed on meritocracy or performance, it does not necessarily mean that the reasoning behind it is to find a way to bypass a more controversial debate on the ethnolinguistic balance in the public administration.

#### COMPREHENSIVE APPROACHES

A third group of study cases includes measures to ensure an adequate representation of linguistic communities and to promote a fair communication setting in the hiring process and at the workplace. This group includes Belgium, South Tyrol, and Switzerland, although the policy mix used to achieve this goal considerably changes from one case to the other.

#### REPRESENTATIVE BUREAUCRACIES

In the systems in which a fair representation is explicitly spelled out, a distinction can be made based on the adopted measures.

#### QUOTA APPROACH

In Belgium and South Tyrol, the linguistic makeup of the public administration is based on *legally binding quota* and the assignment of each position to a linguistic role, meaning that prospective civil servants can only apply for openings within their specific linguistic roles.

#### TARGET VALUE APPROACH

Israel and Switzerland also spell out a share of the position which *should* be occupied by people with a minority background, but they do not define *which* positions should be assigned to these communities. In order to achieve this goal, they deploy a series of measures aiming to advertise some positions among the targeted communities and to enhance the fairness and the inclusiveness of the hiring procedures.

#### DIVERSITY MANAGEMENT MODELS

Once the public employees are hired, there are different approaches to ensure employment equity at the workplace, in other words to ensure fair conditions to carry out the job. Our survey shows that there are antithetic ways of approaching this issue, which we will describe as segregationist, integrationist and inclusive.

#### SEGREGATIONIST APPROACH

Among the models in our survey, Belgium stands out for trying to avoid any contact between public employees of different language roles by setting up monolingual teams within a multilingual administration.

#### INTEGRATIONIST APPROACH

A second approach consists in creating a professional framework favouring the collaborative work between employees coming from different linguistic backgrounds thanks to a consistent communicational scheme to ensure mutual understanding. This approach is particularly present in Canada and in Aosta Valley, where language skills are extensively scrutinised in the hiring process, and up to a lesser extent in Switzerland and in Finland, where bilingualism is taken for

granted due to the compulsory teaching of two official languages in the educational system, and in any case assessed during the hiring process.

#### INCLUSIVE APPROACH

In terms of policy design, but less in terms of enforcement, Israel stands out for adopting a rather inclusive approach towards minorities. The aim of these policies is neither to create a separate civil service for the Arab sector, nor to integrate the Arab community in a Zionist bilingual civil service. Its aim is limited to promoting the inclusion of communities that do not check all the boxes for having a fair access to public sector jobs based on the standard hiring procedures. This implies to promote linguistic accommodations for the Arabs and for new immigrants, technical or technological accommodations for disabled people, and accommodations at the level of the gender makeup and possible dietary needs for the Ultra-Orthodox community.

#### PROMOTION OF LANGUAGE SKILLS

A major obstacle to the management of linguistically diverse teams is the lack of linguistic competences. One of the goals of multilingual bureaucracies based on integrationist and inclusive approaches is to enhance language skills through specific measures, which have been identified by Gazzola (2006, 2021): regulation, incentive, persuasion, and direct supply.

#### REGULATION

It is possible to adopt *binding regulations* that staff without specific language skills is banned from being eligible some positions. The downside of this approach is that some vacancies may be left unfilled or occupied by unqualified staff, however in our survey we found several cases in which this regulation is enforced. In Canada, South Tyrol, Aosta Valley, and up to a lesser extent Finland and Belgium it is mandatory to pass standardised language examinations to be eligible for some public sector jobs.

#### INCENTIVES

Financial rewards for specific language skills are also a common feature of many surveyed cases. The Language bonus policy exists in Belgium, Canada, South Tyrol, and Aosta Valley, although their fairness and their efficiency are questioned by several studies.

#### PERSUASION

Information campaigns and event aiming at persuading the management and the staff about the importance of employment equity and diversity management, which implies acquiring language skills in the context of language diversity, is a ‘soft’ policy measure that is increasingly present in both the private and the public sector. It has a paramount presence in Canada through the activities of the Official Language Commissioner, and up to a lesser extent in Switzerland.

#### DIRECT SUPPLY

An allegedly effective approach is to ‘supply’ the staff with language skills, by including language training activities during office times. Such programmes are provided by the federal administrations in Canada and in Switzerland in the form of free language courses or vouchers.

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