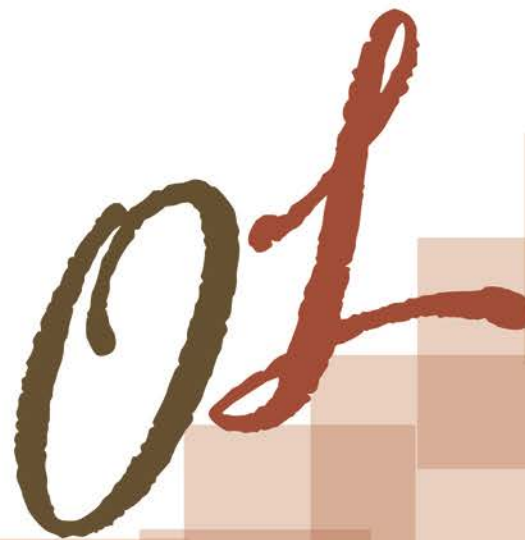


Official Languages

***Aim Higher,
Go Further!***



2012-2013 Annual Report

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COMMISSIONER OF
OFFICIAL LANGUAGES
FOR NEW BRUNSWICK



COMMISSAIRE AUX
LANGUES OFFICIELLES DU
NOUVEAU-BRUNSWICK

Aim Higher, Go Further!

2012-2013 Annual Report

Office of the Commissioner of Official Languages for New Brunswick

June 2013

Hon. Dale Graham
Speaker of the Legislative Assembly of New Brunswick

Mr. Speaker:

Pursuant to Section 43(21) of the *Official Languages Act*, I am pleased to submit the report concerning the activities of the Office of the Commissioner of Official Languages for New Brunswick for the period of April 1, 2012 to March 31, 2013.

Respectfully submitted,

Michel A. Carrier, Q.C.
Commissioner of Official Languages for New Brunswick

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FOREWORD

New Brunswick: Only Officially Bilingual Province

English and French are the official languages of New Brunswick; they have equality of status and equal rights and privileges. According to the 2011 Census, 65.4% of New Brunswickers have English as their mother tongue. French is the mother tongue of 32% of the province's residents.

Official Languages Act

The *Official Languages Act* (OLA) requires the following institutions to offer and provide their services in both official languages:

- Legislative Assembly and its agencies (e.g., the Office of the Commissioner of Official Languages for New Brunswick),
- provincial departments,
- regional health authorities and hospitals,
- Crown corporations (e.g., NB Liquor, NB Power, Service New Brunswick),
- the province's courts,
- policing services,
- any board, commission or council, or other body or office, established to perform a governmental function.

In addition, the OLA imposes obligations on:

- cities (Bathurst, Campbellton, Dieppe, Edmundston, Fredericton, Miramichi, Moncton and Saint John),
- municipalities with an official language minority of at least 20% of the population (Charlo, Dalhousie, Eel River Crossing, Rexton, Richibucto, Shediac and Tide Head),
- planning commissions and solid waste commissions serving an area with an official language minority of at least 20% of its population.

The OLA does not apply to private-sector enterprises, except in cases where they offer services to the public on behalf of the provincial government.

Active Offer

Institutions bound by the OLA have an obligation to inform citizens that their services are available in both official languages. As a result, it is not up to citizens to request service in their language, it is up to the institution to make that offer. Examples of active offer include answering the telephone or greeting someone in both official languages.

Commissioner of Official Languages

The OLA has established the position of Commissioner of Official Languages. The Commissioner has a dual mission: to investigate and make recommendations with regard to compliance with the Act, and to promote the advancement of both official languages in the province. The Commissioner of Official Languages is an officer of the Legislative Assembly and is independent of government.

Annual Report

The Act provides that the Commissioner of Official Languages must report on his or her activities each year. This tenth Annual Report presents a description of the activities carried out between April 1, 2012, and March 31, 2013.

FROM THE COMMISSIONER

AIM HIGHER, GO FURTHER!

THE *CANADIAN CHARTER OF RIGHTS AND FREEDOMS*, PILLAR OF THE CANADIAN CONSTITUTION, CONTAINS VERY FEW ELEMENTS SPECIFIC TO ANY ONE PROVINCE. THERE IS, HOWEVER, AN EXCEPTION: THE SECTIONS PERTAINING TO NEW BRUNSWICK. AT THE REQUEST OF OUR PROVINCE, THESE WERE INCLUDED IN THE CHARTER IN 1982, ANOTHER ONE IN 1993. NOT ONLY DO THESE SECTIONS PROTECT LANGUAGE RIGHTS, THEY ARE ALSO A COMMITMENT TO ACHIEVING THE NOBLE GOAL OF EQUALITY.

AS THE FIRST COMMISSIONER OF OFFICIAL LANGUAGES FOR NEW BRUNSWICK, MY ROLE IN A WAY WAS TO ENSURE THAT THE GOVERNMENT AND ITS INSTITUTIONS CONTINUED TO WORK TOWARDS THIS GOAL OF EQUALITY. TO THAT END, I HAD TO TAKE AN INTEREST IN MANY ISSUES OVER THE LAST DECADE.

Official bilingualism

I have always considered the *Official Languages Act* as a promise – one made by the government to ensure that people are served in the official language of their choice. This commitment was initially made in 1969 with the passage of the first Act. In 2002, the promise was reiterated with a new Act, which established, among other things, the position of Commissioner of Official Languages to ensure respect of the Act.

Over the course of my investigations, I quickly found that breaches of the Act occurred within organizations where official bilingualism was not fully integrated into the organizational culture. No one had bothered to ensure that official languages were recognized as a value by all employees, from senior managers to summer students. Very little planning had been done to ensure the provision of bilingual services, and these services were not subject to systematic evaluation. Language training for employees was wanting or lacking. In short, no one had bothered to make the Act *operational*. That is why, on a number of occasions, I recommended that the provincial government develop a comprehensive plan for implementing the OLA. In the end, the government accepted that recommendation. The Government Plan on Official Languages was launched in October 2011.

I am convinced that such a plan will help the government keep the promise of official bilingualism in our province. Moreover, the review we conducted of four departments last year leads me to believe that it can generate significant change. However, I also found uneven results between departments in the implementation of this plan.

To yield the expected results, the plan must be applied with consistency and rigour. It is up to the Premier, who is responsible for application of the OLA, to make sure that this plan does not gather dust on the desks of Deputy Ministers.

Language of work within the provincial public service

According to the data of the New Brunswick Translation Bureau, 88% of the words translated by this agency are towards French. English would therefore seem to be the language used by the majority of government employees when they write. What are the long-term implications of such a practice? Inevitably, it is the vitality of the French language that may suffer.

During my two terms, I have taken a keen interest in the issue of the use of French and English within government agencies. I also proposed significant changes to the Language of Work Policy within the provincial public service. In 2009, the government adopted a new policy that fully grants the right to New Brunswick civil servants to work and be supervised in the official language of their choice. This new policy represents a significant step forward. However, it is just one aspect of the issue. A civil servant will exercise this right only to the extent that the work culture encourages it.

To ensure an equal place for French in the public service and to enable Anglophone employees to practice their second official language, it is imperative that a truly bilingual work culture be created. For that to happen, the leadership of senior managers is essential, as is their proficiency in both languages. Indeed, it is difficult to ensure the right of employees to work in the official language of their choice when their supervisor is unilingual.

The new Government Plan on Official Languages states that the government will develop mechanisms to improve the bilingual capacity of the senior public service. This is a relevant initiative as I believe our Province is truly lagging, and this is a situation that must be corrected as soon as possible. Furthermore, it is simply no longer acceptable that in New Brunswick, Canada's only officially bilingual province, senior positions can be filled by individuals who are unilingual.

Vitality of our two linguistic communities

Data from the 2011 Census confirm that the vitality of the French language in New Brunswick cannot be taken for granted. According to an initial analysis of these data done by the Canadian Institute for Research on Linguistic Minorities (see page 27 of that report), the proportion of French in New Brunswick has declined slightly over the last decade. That finding should raise a red flag for all stakeholders, from the government and families, to those in the school system, the non-profit sector, and the business community.

I made a number of recommendations to ensure the vitality of the French language in New Brunswick. Specifically, I asked the provincial government to apply the principle of duality to childcare facilities. I also recommended that a clear provincial policy be established so that immigration practices in the province promote the two linguistic communities equally. In addition, my office proposed measures to enhance the vitality of the French language in schools. Some of those recommendations were adopted, and many are yet to be implemented.

Foster dialogue through teaching the other official language

I've always believed that a sustained dialogue between our two communities was an important touchstone on the road towards linguistic equality. In this regard, we cannot overemphasize the importance of second-language learning in our schools. My office developed the website *2tongues.ca* to encourage young people in their efforts to speak the other language, and we also supported organizations that promote second-language learning, such as Canadian Parents for French and French for the Future.

A lot has been said about the reform of the French immersion program. I will return to that topic simply to say that this reform was based on false premises, so the results were therefore disappointing. In that regard, the change in the point of entry was absolutely not necessary. The opposition to this reform, however, did show the considerable support that New Brunswickers have for the second-language learning programs.

In my 10 years as Commissioner, I met with many New Brunswick adults who wanted to participate in the official bilingualism project by learning the second language. That is why I recommended to the government that it conduct a study to determine the needs in this area, explore support measures, and examine the best avenues for delivering such training.

Making the most of our status as a bilingual province

During the last fiscal year, we conducted a study of the New Brunswick Translation Bureau (see page 16). To a large extent, the various services provided by this agency enable the provincial government to meet its linguistic obligations. However, I am concerned by certain elements that suggest that the Translation Bureau is perhaps being called on to do more than its fair share to streamline the province's public expenditures, which could compromise the quality of its services. I therefore recommend that the provincial government ensure that the Translation Bureau enjoys appropriate and stable funding.

The study enabled me to see that the Translation Bureau had developed a remarkable expertise of which more use could be made. While we are facing major economic challenges, we must question whether we have really been able to take full advantage of our bilingual capital. Whatever the case may be, it is not too late to start doing so in the new knowledge economy.

The business world and the linguistic landscape

As the Commissioner of Official Languages, I have devoted a lot of energy to promoting bilingualism in the business world. My office has supported important initiatives aimed at making businesspeople aware of the advantages of using both official languages, particularly in Saint John, Miramichi, and the Chaleur region. We also became involved in the language of external commercial signage issue in Dieppe. I believe that our intervention helped this city to pass a by-law that respects the principle of the equality of both official languages.

Regarding governmental signage, I proposed to incorporate provisions into the OLA to ensure that this signage, while giving both official languages equal prominence, reflects, through the positioning of the words in English and French, the regions' linguistic reality.

A societal project to be explained

Over the course of my two terms, I met hundreds of New Brunswickers from all across the province. A very clear conclusion emerges: official bilingualism is supported by the people of this province, both Anglophone and Francophone. Even among those who express some reservations because of the supposedly high cost of bilingualism, there is a recognition that every person in New Brunswick should be able to obtain service from the government in the language of his/her choice. That was confirmed in a 2009 survey conducted by Continuum Research.

A few years ago, the provincial government adopted a new slogan to promote the province's image. Contrary to all expectations, that slogan did not echo our bilingual status. Instead, a somewhat esoteric slogan was chosen, which, in the end, did not have a very long shelf life. Yet 84% of New Brunswickers are proud to live in the only officially bilingual province. That missed opportunity to promote our unique character may well be due to the reluctance or discomfort that the machinery of government too often attaches to official bilingualism. Such an attitude is not only unfortunate; it impedes real progress.

If the purpose of official bilingualism is understood and supported by New Brunswickers, I find, however, that the rationale for duality requires further explanation. Indeed, last October, a prominent businessman challenged the principle of duality in education. His statement, which was widely reported by the media, generated a lot of reaction within the Francophone community. I reacted publicly to set the record straight. However, many would also have liked to see a strong and clear statement from the government in support of our distinct institutions. Such a statement did not come, and some 100 Francophone personalities felt obliged to publish an open letter in support of official bilingualism and linguistic duality.

To encourage a better understanding of these two matters, my office carried out a number of public information initiatives over the past few years. Of these, I should mention the publication in 2010 of the insert *Living Together with Two Languages*, which was distributed in all of the province's daily newspapers and many of the weeklies. This year, we put together a series of vignettes, which are now on our website. These efforts must of course be continued.

Linguistic equality and political leadership go hand in hand

Progress toward linguistic equality is linked closely with political leadership. If Louis J. Robichaud was the father of the first *Official Languages Act*, the role played by Richard Hatfield was just as instrumental, as it ensured the implementation of several sections of the Act. Both of these men took decisive action, they aimed higher and went further, and today we are all the beneficiaries of their visionary thinking.

Once again, our politicians are presented with the opportunity to exercise strong leadership. Indeed, this year, the Members of the Legislative Assembly are reviewing the *Official Languages Act*. As the Commissioner, I was in a privileged position to witness the implementation of this Act and to see its strengths and weaknesses. That is why I recommended to the Legislature a dozen measures designed to further fulfill the promises contained in the Act. The right of civil servants to work in the official language of their choice, subject, to the right of citizens to be served in their language, must now be included in the *Official Languages Act*. The language rights of New Brunswickers must be better protected when the government forms partnerships with private companies. In an officially bilingual province, we must ensure that professional associations fully discharge their obligation to protect the public in both official languages. Every organization covered under the *Official Languages Act* must be responsible for developing a plan for implementing its linguistic obligations. These are a few of the important amendments that I submitted to the Legislative Assembly. I am hopeful that they will be put in place, as they are a logical extension of existing rights.

Aim higher, go further

I wish to thank Premier David Alward as well as his predecessors Shawn Graham and Bernard Lord, and all of the Members of the Legislative Assembly, past and present, for giving me their trust over the last decade. I would also like to express my gratitude to all those individuals and organizations that have supported my efforts to protect and promote language rights in our province. Lastly, I would like to offer my sincere thanks to the staff of the Office for their dedication and professionalism.

I began this report by underscoring the many references to New Brunswick in the *Canadian Charter of Rights and Freedoms*. This demonstrates both a remarkable state of affairs, but also a societal undertaking that, in many respects, we must continue to build on. At the end of this 10-year term, my conclusion is clear: we must aim higher and go further in order to achieve linguistic equality.

LANGUAGE ISSUES

New Brunswick Translation Bureau – Report Study

The New Brunswick Translation Bureau is the cornerstone of official bilingualism in the province. Its translation, interpretation, and terminology services are required to enable the provincial government to meet its linguistic obligations. In view of this crucial role, the Commissioner wants to ensure that the Translation Bureau has the necessary tools and resources to fulfill its mission effectively. He therefore undertook a study of that organization, which deals specifically with the following:

- the volume of translation requests from departments and agencies (Part 1);
- the evolution of financial and human resources allocated to the Bureau;
- human resources challenges;
- mechanisms designed to ensure editorial quality in both official languages.

The study was carried out between December 2012 and March 2013. First, a series of questions was sent to the Translation Bureau. Following an analysis of the answers by Commissioner's Office, a meeting between the Commissioner and the administration of the Translation Bureau was held. This made it possible to expand some of the answers provided by the organization. A preliminary report was produced, which was sent to the Translation Bureau for comments.

The Commissioner would like to highlight the excellent cooperation received from the Translation Bureau and the management of the Department of Government Services in the context of this study.

Translation, interpretation, and terminology: DEFINITIONS

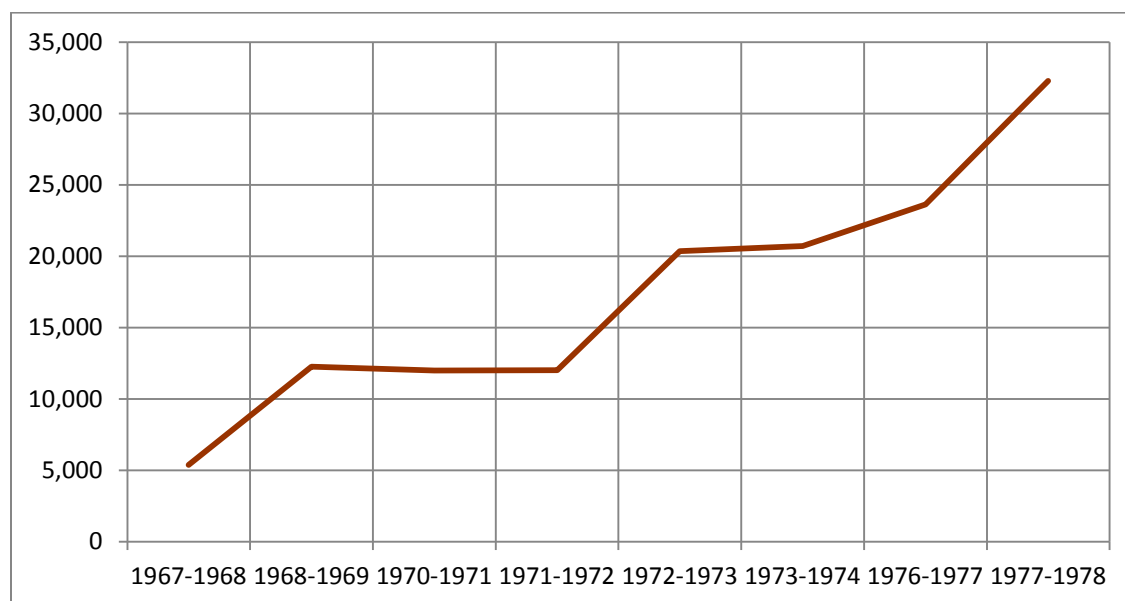
Translation means the rendition, in writing, of a French or English text into the other official language. *Interpretation* means oral translation, which includes simultaneous and consecutive interpretation. Simultaneous interpretation is performed at the same time that the speaker is speaking. Consecutive interpretation is performed after the person has finished speaking. *Terminology* involves documentary research on vocabulary related to various fields of activity in order to develop lexicons, create new words, or help writers.

1. Background

The New Brunswick Translation Bureau opened on August 15, 1967¹ to provide translation, interpretation, and terminology services to the Legislative Assembly and provincial government departments.

The Translation Bureau's workload has grown constantly over the decades. In its first year of existence, the Bureau translated 5,378 pages. Ten years later, in 1977, that number had increased to 32,286 pages. The growth can be explained by the adoption of the first official languages legislation in 1969, and in 1977, the implementation of the last sections of this act led to a boom in the volume of translation.

Table 1 Number of pages translated by the Translation Bureau between 1967 and 1978



Source: Annual reports of the Government of New Brunswick.

It should be noted that, in 1984, the Translation Bureau transferred the Debates Translation Service to the Legislative Assembly, which led to a decrease in volume of about 4.3 million words. Today, the New Brunswick Translation Bureau's mandate remains ostensibly the same as it was when it was established in 1967. It provides services to all provincial government departments and agencies. As of March 31, 2013, the Translation Bureau was under the Department of Government Services.

¹ PROVINCE OF NEW BRUNSWICK. 1968 Annual Report

Government policy on translation and interpretation

The use of translation and interpretation services by provincial government departments and agencies is determined by a government policy (AD-1502, Translation and Interpretation Services), whose objective is to “establish the principles for a working relationship between Departments and the Translation Bureau, in order that public expectations and legal requirements regarding the availability and quality of communication in the official languages are expediently met.”

This policy specifies as follows:

The Translation Bureau will provide quality translation, interpretation and terminology services as required by government departments as well as interpretation for the Legislative Assembly and its committees.

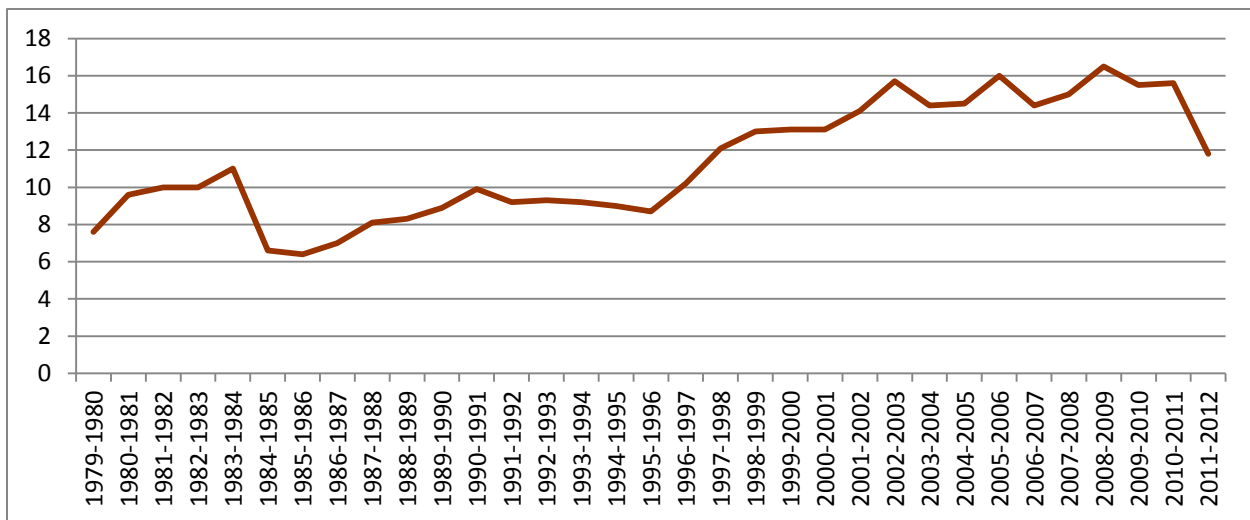
Whenever possible, Departments will use their own staff to deal with the public on a day-to-day basis in both official languages. Departments should develop the ability to handle routine matters such as correspondence, interviews with clientele and work of a short and minor nature in the official language preferred by the client. Where departmental staff do not have sufficient capability to handle such routine matters in either official language, the services of the Translation Bureau should be used.

2. Findings

IN 2012, THE TRANSLATION BUREAU TRANSLATED NEARLY 12 MILLION WORDS

There are approximately 50 employees at the Translation Bureau, 24 of whom are translators. During the 2011-2012 fiscal year, the Bureau translated 11.8 million words, which represents a decrease of 3.7 million words compared to the previous year.

Table 2 Number of words translated by the Translation Bureau between 1979 and 2012
(in millions of words)



Note: In 1984, the Translation Bureau transferred Debates Translation to the Legislative Assembly.

Source: Annual reports of the Government of New Brunswick.

It should be noted that the Translation Bureau often uses private service providers. Documents of over 1,000 words are generally sent to these suppliers. The workforce at the Translation Bureau does not enable it to handle larger texts. All private translation service providers are recruited by invitation to tender. They must meet specific criteria, which include having their accreditation and providing quality texts. As indicated in Table 3, in the past few years, the volume allocated to these private suppliers has decreased considerably.

Table 3 Words translated by the Translation Bureau staff and private service providers

Fiscal year	Total number of words translated by the Translation Bureau	Number of words distributed to Translation Bureau staff	Number of words distributed to private service providers
2006-2007	14,451,874	4,675,860 (32%)	9,776,014 (68%)
2007-2008	15,081,052	5,020,883 (33%)	10,060,169 (67%)
2008-2009	16,556,341	4,854,837 (29%)	11,701,504 (71%)
2009-2010	15,549,739	4,985,843 (32%)	10,563,896 (68%)
2010-2011	15,612,818	5,112,751 (32%)	10,500,067 (68%)
2011-2012	11,834,912	5,044,906 (42%)	6,790,006 (58%)

Source: New Brunswick Translation Bureau.

12% OF WORDS TRANSLATED INTO ENGLISH, 88% INTO FRENCH

Over the past six fiscal years, on average, 12% of the words translated by the Translation Bureau were into English and 88% were into French. According to the Translation Bureau administration, the type of documents translated into English is similar to those translated into French.

The Commissioner believes that these percentages could indicate a disproportionate usage of the English language in the preparation of written materials in the provincial public service, which he finds worrisome. As he has already pointed out, the vitality of the French language within the public service is directly related to its oral and written use by government employees.

It should be noted here that the Language of Work Policy in the provincial public service specifies that government employees can draft documents in either of the two official languages.

These percentages therefore seem to indicate that an increased sensitivity to the importance of a more balanced usage of the two official languages within the public service is required.

EFFORTS TO RECRUIT NEW INTERPRETERS PROVE SUCCESSFUL

Translation Bureau interpretation staff and freelancers work mainly in the Legislative Assembly (debates and committees) and in the provincial courts. Their services are also required at government conferences. During the 2010-2011 fiscal year, the Bureau provided 1,296.5 days of simultaneous interpretation and 831 days of consecutive interpretation.

Interpreters are rare, and there are very few interpreter training programs in Canada. Therefore, the Translation Bureau sometimes has to train new ones by recruiting translators with an aptitude for interpretation. It also has a lab for training and professional development.

In 2012, the Translation Bureau managed to recruit two new interpreters, which brought the number of full-time interpreters to four. This increase in staff should enable the Bureau to reduce its use of private-sector interpreters.

CHANGE IN THE TRANSLATION BUREAU'S FUNDING FORMULA: UNCERTAIN RESULTS

From its inception until April 1991, the Translation Bureau received a budget that covered the costs of translation and interpretation* for all Part I departments and agencies. Over the years, the demand for the Bureau's services increased considerably, and the allocated budget proved insufficient. In April 1991, the government changed how it did things and divided the budget envelope allocated to the Translation Bureau into a basic budget and an allocation budget for client departments and agencies. If an allocation was exceeded, the Bureau billed the user for services (chargebacks) at the rates approved by Board of Management.

During the 2010-2011 fiscal year, the funding formula was changed again. Allocations to the departments and agencies were discontinued in favour of a user fee formula (chargebacks). The Translation Bureau's budget was reduced by approximately \$1.8 million, which was redistributed to the departments' operating budgets.

Did the departments use this \$1.8 million for translation? The Translation Bureau's data on chargebacks indicate that only a portion of the former allocations was used for translation in 2011-2012, i.e. \$600,000, or 35% of these allocations.

This last piece of information appears to indicate that the elimination of allocations led to a decrease in the use of the Translation Bureau's services. This seems to be confirmed by the number of words translated by the Bureau: there was a decrease of 3.7 million words in 2011-2012, which represents nearly one quarter of the average number of words translated annually. In the end, the Translation Bureau's total income decreased by a little over \$1 million in 2011-2012.

* (excluding interpreters' travel expenses)

Table 4 Evolution of the Translation Bureau's revenue and number of words translated

Fiscal year	Translation Bureau's basic budget	Allocations to departments	Translation Bureau's total budget	Charge-backs	Translation Bureau's total revenue	Number of words translated
2006-2007	\$1,427,531	\$2,175,469	\$3,615,498	\$2,445,902	\$6,061,400	14,451,874
2007-2008	\$1,504,531	\$2,175,469	\$3,680,000	\$3,081,321	\$6,761,321	15,081,052
2008-2009	\$1,690,531	\$2,045,469	\$3,739,094	\$3,861,392	\$7,600,486	16,556,341
2009-2010	\$1,713,531	\$1,858,469	\$3,572,000	\$3,923,435	\$7,495,435	15,549,739
2010-2011	\$1,712,531	\$1,799,469	\$3,513,000	\$4,129,619	\$7,642,619	15,612,818
2011-2012	\$1,673,000	\$75,000	\$1,790,508	\$4,755,133	\$6,545,641	11,834,912
2012-2013	\$1,413,000	\$0	\$1,413,000	-	-	-

Source: The data in this table were generated from various pieces of information provided by the Translation Bureau.

The Commissioner wonders whether the cancellation of the departments' translation allocations might create an unfavourable context for the use of the Translation Bureau's services. The existence of allocations reserved specifically for translation protected the departments' capacity to use the services of the Translation Bureau, especially against the backdrop of budget restrictions. Their elimination could lead to the practice of trying to save money by reducing translation costs, which could undermine the meeting of obligations under the *Official Languages Act*, the Language of Work Policy within the public service, or even the policy on Translation and Interpretation Services. The Commissioner believes that the deputy ministers must ensure that mechanisms are implemented to prevent things like this from happening.

SIGNIFICANT REDUCTION OF THE BUREAU'S BASIC BUDGET IN 2012-2013

The Translation Bureau's basic budget was reduced by \$260,000 in the 2012-2013 fiscal year. This 16% reduction from the previous year is surprising both by its size and by the fact that it largely exceeds the general 2 to 3% reductions imposed by the provincial government over the past few years.

According to the information provided by the Translation Bureau, the reduction of the basic budget is explained by the projection of increased translation revenue, which would come from increased productivity through the use of pretranslation* and word banks. Furthermore, the Bureau's administration expects new calls for tender to private service providers will result in savings.

In the light of a significant decrease in the volume of words translated by the Bureau in 2011-2012, and the resulting considerable loss of revenue, the Commissioner wonders about the relevance of such optimistic revenue projections.

The Commissioner understands the government's objective of improving efficiency in the public service, but is concerned about the consequences of unstable funding for the Translation Bureau. He believes that major budget fluctuations may be disruptive to the Bureau's planning activities, hurt its ability to recruit, and compromise its efforts to guarantee high quality translation and interpretation services.

The Translation Bureau is one of the main vehicles used by the government to comply with its linguistic obligations. In the Commissioner's view, such an obligation requires stable funding for this organization.

* Pretranslation consists of using specialized software to electronically find sentences or parts of sentences already translated by the Translation Bureau and insert them automatically in the text to be translated. This process uses data banks and accelerates the translator's work while ensuring uniform use of terminology. After the pretranslation stage, texts are sent for translation and then for quality control.

URGENT TRANSLATION REQUESTS - TRANSLATION QUALITY NOT GUARANTEED

Once a text has been translated, it is revised by the Translation Bureau staff (the two texts are compared to ensure that the translated version reflects the meaning of the original) or proofread (the spelling, grammar, and syntax of the translated text are checked) or both. However, when the deadlines do not comply with the Translation Bureau's delivery guidelines, the quality of the translation cannot be guaranteed. In those cases, the Bureau's administration indicated that the staff make every effort to revise or proofread the text, but that is often impossible owing to deadlines that are too short. For instance, in 2011-2012, the Translation Bureau received 5,538 urgent requests, or 30% of the annual volume of requests, which represents 3,150,000 words, or 27% of the annual volume of words.

The Commissioner was surprised by these data, and is of the opinion that increased awareness of the departments seems necessary in order to reduce the number of urgent requests and ensure better quality control by the Bureau's staff. However, the Commissioner recognizes that government bodies are often faced with time imperatives that require them to impose tight translation deadlines. To ensure rapid and high quality translation, the Commissioner believes that the Translation Bureau needs adequate resources.

Table 5 Translation Bureau deadline guide to ensure the best possible quality of translation

Number of words	Work days required
100 or less	2
101 to 300	3
301 to 550	4
551 to 800	5
801 to 1,200	6
1,201 to 1,800	7
1,801 to 2,500	8
2,501 to 3,750	9
3,751 to 5,000	10
5,001 to 6,500	12
6,501 to 8,000	13
8,001 to 10,000	15
10,001 to 15,000	20
15,001 to 20,000	25
Over 20,000	To be negotiated

Source: New Brunswick Translation Bureau.

GOVERNMENT POLICY ON TRANSLATION AND INTERPRETATION: CASES OF NON-COMPLIANCE FOUND

The government policy on Translation and Interpretation Services (AD-1502) stipulates that provincial government departments and agencies must use the services of the Translation Bureau.² During his study, the Commissioner learned that some departments did not follow that directive for translation as well as interpretation. Although it is not possible to determine the extent of that practice in this study, it is the Commissioner’s view that the government must step up its efforts to avoid such breaches. The use of the Translation Bureau makes it possible to provide an important quality control.

Departments will not contract translation or interpretation work out to private agencies. Only the Director of the Bureau has this authority. Foreign language translations are the only exception to this rule.

Policy AD-1502, Translation and Interpretation Services

² This policy does not apply to the translation of legal texts that are the responsibility of the Department of Justice.

INCREASE THE USE OF THE TRANSLATION BUREAU BY OTHER GOVERNMENT BODIES

Crown corporations such as NB Liquor and NB Power and several other public agencies are not subject to Policy AD-1502 on Translation and Interpretation Services, and they and other public bodies may therefore use private translation and interpretation services.

The Translation Bureau administration informed the Commissioner that it intended to recruit new clients within parts³ II, III, and IV of government to increase the volume of words translated and its revenue.

In view of the public resources already invested in the Translation Bureau and the expertise developed by that organization, the Commissioner believes that the provincial government should consider requiring all bodies subject to the *Official Languages Act* to use the Translation Bureau's services. On the one hand, it would provide better control over the quality of translation from the province's various government and public agencies. On the other hand, it could in fact increase the Bureau's translation volume and thereby its revenue.

³ Part II: School system - Part III: Hospital system - Part IV: Crown corporations

3. Conclusion

Translating while respecting the genius of the other language requires time and money

The Translation Bureau has been in existence for nearly half a century. Over the decades, it has developed an expertise that has served the needs of the provincial government well.

It has emerged from this study that the Translation Bureau is committed to providing services of the highest quality, doing its part to reduce public expenditure, and taking the necessary action to improve its efficiency. In that respect, the use of pretranslation is a worthwhile example of innovation that should be highlighted.

However, the Commissioner is concerned about certain findings that imply that this organization is perhaps being asked to do more than its fair share to streamline the province's public expenditures. The total elimination of translation allocations, the reduction of its basic budget, and the significant decrease in the volume of words translated in the past two years are all signs the Commissioner considers worrisome.

Translating while respecting the genius of the other language requires time and money. Reducing either one cannot help but compromise the quality. The equal status of the two official languages requires government communications of equal quality. In many respects, the Translation Bureau is the guarantor of that quality. It is in a sense the centre of excellence of official bilingualism in the province.

The Commissioner therefore recommends the following measures to the Premier, who is responsible for the application of the *Official Languages Act*:

- Ensure stable funding for the activities of the Translation Bureau and provide the necessary resources to enable it to process urgent translation requests more efficiently;
- Review the government policy on Translation and Interpretation Services and ensure that it is followed completely;
- Look at the possibility of requiring all bodies subject to the OLA to use the Translation Bureau's services.

2011 Census: Profile of Linguistic Situation in New Brunswick

On October 24, 2012, Statistics Canada released the 2011 Census data relating to language. These data revealed, among other things, that 64.9 % of New Brunswickers declared English as their mother tongue, 31.6% French, and 2.5% a non-official mother tongue. Furthermore, English is the first official language spoken by 68% of New Brunswickers, and French by 31.9%.

The publication of census data is an opportunity to analyze the vitality of the official languages. By comparing the Census data from 2006 and 2011, Statistics Canada confirms that “In New Brunswick, the share of French has declined somewhat, regardless of the characteristic.”

To gain a better understanding of the evolution of the state of English and French in the province, the Office of the Commissioner asked the *Canadian Institute for Research on Linguistic Minorities* to conduct an analysis of these data, placing special emphasis on the following elements:

- Retention rates of the mother tongue per age groups;
- Trends in terms of the vitality of the two official languages;
- The role of immigration in this vitality;
- The rates of bilingualism in the province.

We are reproducing here their analysis.

Profile of Linguistic Situation in New Brunswick

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Introduction

This brief analysis of the linguistic situation in New Brunswick was prepared at the request of the Office of the Commissioner of Official Languages for New Brunswick following the release of language data from the 2011 census. Each of the six sections of this report provides an initial response to the six questions submitted by the Office of the Commissioner. The sections addressing those questions therefore pertain to the retention and vitality of official languages, changes in the relative share of French and the number of people who speak the official languages, linguistic diversification and integration of immigrants, and official bilingualism. For each of these questions, an indicator for analyzing the linguistic situation was selected and additional calculations were made when necessary to ensure as much as possible the comparability over time of the results of the 2011 census with those of earlier censuses.¹

1. Slight decline in retention of French

With the data from the censuses, it is possible to estimate the retention of different mother tongues since childhood. The retention rate indicates the proportion of people who still speak their mother tongue at home. This indicator is relevant because a language spoken at home is more likely to be passed on. Fewer than 9 persons in 10 (87.3%) whose mother tongue was French spoke French most often at home in New Brunswick, compared with almost all persons (98.6%) whose mother tongue was English who spoke English most often at home in 2011. While the English retention rate has remained stable, the French retention rate has declined slightly over the past decade, going from 88.7% in 2001 to 88.1% in 2006, and sliding down to 87.3% in 2011 (Table 1 appended). An analysis of a greater number of censuses would make it possible to determine whether this decline in French retention is in fact a trend.

Since the 2001 census, it has been possible to distinguish between “complete” retention, i.e., speaking one’s mother tongue most often at home, and “partial” retention, i.e. speaking another language most often at home and speaking one’s mother tongue regularly at home, i.e., every day.² It can be seen that partial retention concerns mostly Francophones, a small proportion (6.3%) of whom spoke their mother tongue regularly rather than most often at home in 2011, whereas this phenomenon was marginal among Anglophones (0.8%). Moreover, partial retention of French appears to have increased slightly since at least 2001. The sum of full and partial retention indicates the percentage of people who speak their mother tongue at least regularly at home. This was the case for slightly more than 9 Francophones in 10 (93.6%) in the province, compared with almost all Anglophones (99.4%) in 2011. These retention rates already provide a partial overview of the linguistic vitality of the two official language communities in the province, which will be looked at in more detail in the next section.

It is also important to determine whether mother-tongue retention varies by people's age at the time of the census. Table 1 appended shows recent changes in official mother-tongue retention rates by the main age groups of the population of New Brunswick. It can be seen that complete and total French mother-tongue retention declines systematically with age regardless of the census considered, whereas this relationship is not as continuous for English. Complete retention of French therefore declined gradually from 95.2% among people under the age of 15 to 84.7% among those aged 65 and over in 2011. This decrease of about 10 percentage points may be the result of a number of factors, including exogamy and better access to French-language education, which vary over the years or with the passage of time. However, the fact that complete retention of French also decreases from census to census for all age groups suggests that it decreases with age and over time despite factors that have improved over the years. Further analysis would make it possible to confirm this trend and gain a better understanding of these relationships.

2. Language vitality: the gap between official languages is increasing

It is possible to get a general picture of the vitality of a language within a population using a simple index. The linguistic vitality index represents the ratio between populations using one main language at home and those reporting that same language as their mother tongue.³ This index synthesizes the combined effects of a language's retention and attraction factors.^{4,5} The index is equal to 1 when there are as many people with a particular mother tongue within a population as there are people who speak that language most often at home. Consequently, when a language's vitality index is less than 1, this means that the general situation is unfavourable for that language, and conversely, when the index is greater than 1, the overall situation is favourable for that language.

Table 2. Official languages vitality index in New Brunswick, 1971 to 2011

Official language	1971	1981	1991	1996	2001	2006	2011
French	0.93	0.93	0.92	0.92	0.91	0.91	0.90
English	1.05	1.04	1.06	1.05	1.06	1.07	1.07

Sources: Statistics Canada, censuses of population, 1971, 1981, 1991, 1996, 2001, 2006, and 2011.

Note: The multiple responses were equally distributed except in the 1971 census.

In New Brunswick, the vitality index for the French language was less than 1 (0.90) in 2011, while that for the English language was greater than 1 (1.07) (Table 2). In other words, there were 10% fewer people using mostly French at home in 2011 than there were people whose mother tongue was French in the province. However, there were 7% more people speaking English most often at home than there were people whose mother tongue was English. The general situation in New Brunswick was therefore favourable for the English language and unfavourable for the French language.

The French vitality index has shown a slow, yet constant, decline of about one point per decade since 1981, whereas the English vitality index has shown a slight increase of about three points since 1981. The vitality gap between the official languages in the province is therefore increasing over time. It has actually increased by more than a half, going from 11 percentage points in 1981 to 17 points 30 years later.

3. Share of French in New Brunswick: a setback on all fronts

Statistics Canada recently drew attention to the fact that the relative share of French seemed to be declining in New Brunswick, regardless of the linguistic characteristic considered.⁶ Our analysis shows that this finding based on 2006 and 2011 data applies as well to the variations observed between the 2001 and 2011 censuses (Table 3a). In addition, all declines in relative share seem to have been accelerating since the early 2000s.

The most significant decline concerns knowledge of French, which dropped by 1.4 percentage points within the provincial population between 2006 and 2011 alone. This was actually a historic reversal in the upward trend noted since the 1971 census in terms of both number and relative share (Table 3b appended).

Table 3a. Share of French in N.B. by different linguistic characteristics, 2001 to 2011

Linguistic characteristic	2001	2006	2011	Variation		
	%	%	%	2001-2006	2006-2011	2001-2011
Knowledge of French ¹	43.4	43.6	42.2	0.2	-1.4	-1.2
Language spoken most often at home ²	30.3	29.7	28.8	-0.6	-0.9	-1.5
First official language spoken ²	33.1	32.7	31.9	-0.4	-0.8	-1.2
Mother tongue ²	33.3	32.7	32.0	-0.6	-0.7	-1.3

Sources: Statistics Canada, censuses of population, 2001, 2006, and 2011.

1. Includes single and multiple responses.
2. The multiple responses were equally distributed.

The three other linguistic characteristics used to identify the relative share of French within the population declined throughout the past decade. The proportion of people speaking French most often at home declined the most (1.5 percentage points), going from 30.3% in 2001 to 28.8% in 2011. The use of French most often at home in the province actually decreased during the past three decades (Table 3b appended).

Whereas the French mother-tongue community accounted for exactly one-third (33.3%) of the New Brunswick population in 2001, it dropped to 32.0% in 2011. The percentage of people for whom French was the first official language spoken declined similarly during the 2000s, going from 33.1% in 2001 to 31.9% in 2011.

However, we should qualify these declines in the French language by stating that they were accompanied by a certain stabilization in the proportion of the population whose mother tongue was English, which hovered around 65% in 1971 and more recently in the proportion with knowledge of English, which has been about 90% since 1996 (Table 3b appended). In addition to the effects of imperfect retention and incomplete transmission,⁷ the declines in French would more likely be associated with the cumulative increases in the proportion of New Brunswickers for whom English was

the first official language spoken (66.0% in 1971 to 68.0% in 2011) or of those for whom English was the main language used at home (67.9% in 1981 to 69.8% in 2011). Furthermore, since the 1980s, there has been an increase in the relative proportion of people whose mother tongue is not an official language, which rose slightly from 1.2% in 1981 to 1.7% in 2001 and then jumped to 2.6% in the mid-2000s. The use most often at home of non-official languages also increased in the province, going from 0.7% in 2001 to 1.4% in 2011. In New Brunswick, as elsewhere, we seem to be witnessing the slow but steady advent of multilingualism, most likely due to the increasing growth and diversification of immigration since the 1980s.

4. Linguistic diversification and integration of immigrants

An analysis of immigration based on official languages in New Brunswick provides an overview of the linguistic composition and linguistic integration of immigrants to the province. Table 4a appended shows the changes in numbers and proportions by official mother tongue and first official language spoken within the province's entire immigrant population between 2001 and 2011.

First of all, we can see that fewer than 1 New Brunswick immigrant in 10 (8.9%) had French as their mother tongue, compared with more than half (52.9%) whose mother tongue was English in 2011. These percentages must be compared with the official mother tongue percentages, i.e., French (32.0%) and English (65.4%), within the entire population during the same census (Table 3b appended). The French-language community therefore had proportionally almost three times fewer (-2.9) immigrants whose mother tongue was French than the English-language community had immigrants whose mother tongue was English.⁸ The proportion of immigrants whose mother tongue was not an official language increased significantly over the past decade (8.5 percentage points), whereas the proportions of immigrants whose mother tongue was an official language showed a major decline (-7.6) for English and a slight decline (-0.7) for French since 2001. These are the consequences of the increasing linguistic diversification of immigration to the province, a trend that had been developing slowly in New Brunswick since 1981, before accelerating in the early 2000s.

The proportions of the New Brunswick immigrant population by first official language spoken provide a first indication of their linguistic integration. In 2011, the vast majority (85.7%) of immigrants reported English as their first official language spoken, compared with slightly over a tenth (11.0%) who reported French. Here again, these percentages must be looked at in terms of the respective proportions of the two official languages in the province. Relatively speaking, the French-language community would actually have linguistically integrated about five and a half times fewer (-5.5) immigrants with a non-official mother tongue than the English-language community.

We can get an indication of the current changes in this diversification and linguistic integration by observing these same proportions in Table 4b appended, but this time, only for recent immigrants, i.e., New Brunswickers who came to Canada in the five years preceding the census being considered. First of

all, we can see that recent immigrants living in New Brunswick are becoming more and more numerous. Their numbers actually increased by two-thirds in the last two censuses (67.1% in 2006 and 66.6% in 2011), going from 2,570 in 2001 to 4,295 in 2006 and 7,155 in 2011, which represents one-quarter (25.1%) of immigrants to the province.⁹ These increases, which take into account the interprovincial migration of immigrants after they arrive in the country, are consistent with the Statistics Canada finding, supported by administrative data from Citizenship and Immigration Canada, that “between 2006 and 2011, this province received twice as many immigrants as it did in the previous intercensal period.”¹⁰ New Brunswick’s immigration rate, along with Nova Scotia’s and Newfoundland and Labrador’s, remains among the lowest in the country.

The number of recent official mother tongue immigrants also rose in the 2000s, although fewer than 1 recent immigrant in 10 (7.7%) still living in the province in 2011 reported French as their mother tongue, compared with almost 3 in 10 (29.0%) who reported English. The Francophone community therefore had proportionally almost two times fewer (-1.8) newcomers whose mother tongue was French in 2011 than the Anglophone community had newcomers whose mother tongue was English. Also, about 1 recent immigrant in 10 (11.7%) reported French as their first official language spoken in 2011, whereas 8 in 10 (81.1%) reported English. Relatively speaking, the French-language community would actually have linguistically integrated four and a half times fewer (-4.5) newcomers with a non-official tongue in 2011 than the English-language community.

5. Migration and return to population growth

The 2011 census points to more positive results for official languages with the return of population growth across New Brunswick. It should be recalled that the population had been decreasing since 1996 – since 1991 for Francophones¹⁰ – whereas the growth rate (2.9%) observed between 2006 and 2011 was the highest it had been since the late 1970s.¹⁰

The province’s population grew by more than 20,000 during the last intercensal period, resulting in an increase in the number of people in almost all linguistic characteristics (Table 5 appended). The two exceptions were use of French most often at home (-743) and knowledge of French (-1,574), representing relative variations of -0.3% and -0.5% between 2006 and 2011. The number of people speaking both official languages therefore increased for French mother tongue (+1,703) and English mother tongue (+18,103), as well as for French first official language spoken (+565) and English first official language spoken (+19,485). The number of people using English most often at home (+19,439) increased as well, as did the number of people reporting a knowledge of English (+27,429) or both official languages (+5,799). However, these increases were clearly greater for the English language, relatively speaking, and the increases observed between 2006 and 2011 did not make up for the setbacks of the past decade in terms of the number of people speaking French regardless of the French linguistic characteristic considered, particularly between 2001 and 2006.

Migratory increase, i.e., immigration and interprovincial migration, probably explains a large portion of this population growth. It should be recalled that immigration to the province doubled between 2006 and 2011, whereas “New Brunswick lost fewer people as a result of interprovincial migration”¹⁰ during the same period. The 2011 data on migration were not available at the time of the analysis.

6. Official bilingualism: a reversal in the historical trend

In New Brunswick, the official bilingualism rate has been declining since the early 2000s. This is a reversal in the historical trend, as bilingualism had been rising continuously in the province for at least the entire second half of the last century.¹¹ Individual bilingualism, demonstrated by less than one-fifth (19%) of the population in the 1950s and 1960s,¹¹ increased steadily during the 1970s, 1980s, and 1990s, reaching a peak in 2001, whereas slightly more than one-third (34.2%) of the population reported a knowledge of French and English (Table 3b appended). The trend then seems to have reversed itself sometime in the early 2000s, since the percentage of bilingual residents of the only officially bilingual province in Canada was still one-third (33.4%) in 2006 but slowly slipped below the one-third (33.2%) level in 2011 (Table 6a). It should be noted that the variation was smaller during the last five-year period, but there was still a drop of nearly one percentage point (-0.9%) in a decade. This decline must be viewed in the context of an average progression of more than four percentage points per decade between 1971 in 2001 (Table 3b appended).

Table 6a. Bilingualism rates in New Brunswick by mother tongue, 2001 to 2011

Mother tongue ¹	2001	2006	2011	Variation		
	%	%	%	2001-2006	2006-2011	2001-2011
French	71.9	68.5	71.4	-3.4	3.0	-0.4
English	15.8	16.7	15.9	0.9	-0.9	0.0
Non-official languages	17.6	17.5	15.3	-0.2	-2.1	-2.3
Total New Brunswick	34.2	33.4	33.2	-0.8	-0.1	-0.9

Sources: Statistics Canada, censuses of population, 2001, 2006, and 2011.

1. Includes single and multiple responses.

Obviously, individual bilingualism rates differ significantly by linguistic group, and as might be expected, people reporting French as their mother tongue present the highest official bilingualism rates by far. Consequently, in 2011, more than two-thirds (71.4%) of mother-tongue Francophones said they could conduct a conversation in English and in French compared to less than one-sixth of those reporting that their mother tongue was English (15.9%) or a non-official language (15.3%). The bilingualism rate among Francophones is therefore 4.5 times greater than the rate among Anglophones. Although the bilingualism rate observed among Anglophones in New Brunswick was the highest outside Québec,¹¹ the imbalance reflects a persistent difference in actual status between the province's two official languages.

The variation in bilingualism by linguistic group indicates that the decline observed in the early 2000s is due mainly to a temporary, but notable, decrease in the proportion of bilingual people within the Francophone population (-3.4 percentage points) between 2001 and 2006. This may be attributable in part to economy-related interprovincial migration, which is more likely to affect Francophones with a knowledge of English, although more in-depth research would be necessary to confirm this. Another downward trend seems to be taking shape at the same time: a decrease in bilingualism among people

whose mother tongue is non-official language, particularly since 2006 (-2.1 percentage points). It may be that the relatively large increase in recent immigration to New Brunswick is combining with a poorer knowledge of both official languages in the province within this new subpopulation. Here again, further research would be required to gain a better understanding of the demolinguistic impact of the linguistic characteristics of these newcomers. Lastly, the bilingualism rate among people with English as their mother tongue remained almost unchanged in 2011 compared with 2001, although it decreased slightly in 2006 (-0.9 percentage point).

The analysis of bilingualism rates by age group and mother tongue (Table 6b appended) shows that bilingualism increases with age among the youngest, peaking at 84.2% among Francophones aged 30 to 34 and at 34.9% and 34.0% among Anglophones aged 10 to 14 and 15 to 19 who learn French primarily at school, before declining gradually to 66.6% and 6.4% among Francophones and Anglophones aged 65 and over, respectively. Starting at age 20, Anglophones seems to lose their French gradually, with the passage of time. The biggest decline observed among Anglophones in the 2000s involved children aged 5 to 9 among whom the bilingualism rate dropped by one-third between 2006 and 2011 (nearly six percentage points). This is probably the consequence of the reform of the early French immersion program, which came into effect in 2008 in the province's English-language schools. However, the greatest increases correspond to the arrival of the first immersion cohorts at the 35-to-39 (+9.6) and 40-to-44 (+5.5) age groups.

¹ For a detailed analysis of the factors affecting the language data comparability between censuses, see Statistics Canada, *Methodology Document on the 2011 Census Language Data* (Ottawa: Government of Canada, 2013).

² The postcensal Survey on the Vitality of Official-Language Minorities shows that, for people reporting the use of another language "on a regular basis" at home, this means "daily" use, i.e., usually "every day." See Statistics Canada, *Languages in Canada: 2006 Census* (Ottawa: Government of Canada, 2011), p. 48.

³ Simon Langlois, "La place du français au Québec: bilan nuancé," in Miriam Fahmy, ed., *L'état du Québec 2009* (Montréal: Fides, 2008), p. 105-112).

⁴ Rodrigue Landry, *Petite enfance et autonomie culturelle. Là où le nombre le justifie...V* (Moncton: Canadian Institute for Research on Linguistic Minorities, 2010).

⁵ Rodrigue Landry, *L'Acadie du Nouveau-Brunswick, analyse selon le modèle de l'autonomie culturelle* (forthcoming).

⁶ Statistics Canada, *French and the 'francophonie' in Canada: Language, 2011 Census of Population* (Ottawa: Statistics Canada, 2012).

⁷ Mother-tongue transmission is not analyzed in this report owing to a lack of complete data even though this is an important issue when it comes to official languages.

⁸ Which may explain in part that "Over the past 35 years in New Brunswick, international immigration has had little effect on how the size of the French mother tongue population has evolved, since the demographic contribution has been marginal." See Statistics Canada, *Portrait of Official-Language Minorities in Canada: Francophones in New Brunswick* (Ottawa: Statistics Canada, 2011), p. 25).

⁹ Statistics Canada, "New Brunswick," *Focus on Geography Series*, National Household Survey (NHS), analytical products, 2011 (Ottawa: Government of Canada, 2013).

¹⁰ Statistics Canada, *The Canadian Population in 2011: Population Counts and Growth: Population and dwelling counts, 2011 Census* (Ottawa: Government of Canada, 2012).

¹¹ Statistics Canada, *Languages in Canada: 2006 Census* (Ottawa: Government of Canada, 2011).

Additional Tables

Table 1. Official mother-tongue retention rates in New Brunswick by age group, 2001 to 2011

	Complete retention ¹			Partial retention ²			Total ³		
	2001	2006	2011	2001	2006	2011	2001	2006	2011
Mother tongue ⁴	%	%	%	%	%	%	%	%	%
French	88.7	88.1	87.3	5.4	6.1	6.3	94.1	94.2	93.6
Under 15	96.3	95.4	95.2	2.2	3.2	3.3	98.5	98.6	98.5
15 to 24	92.5	92.5	90.7	4.3	4.9	5.6	96.9	97.4	96.4
25 to 44	87.3	87.2	86.6	6.8	7.6	7.8	94.1	94.8	94.4
45 to 64	85.6	85.5	85.2	6.3	6.7	6.9	91.8	92.2	92.1
65 and over	85.5	85.0	84.7	5.2	5.8	5.6	90.7	90.8	90.2
English	98.6	98.6	98.6	0.7	0.8	0.8	99.4	99.4	99.4
Under 15	98.9	99.1	98.7	0.6	0.6	0.9	99.5	99.7	99.6
15 to 24	98.6	99.0	98.9	0.7	0.6	0.7	99.3	99.5	99.5
25 to 44	98.1	98.0	98.2	1.1	1.1	1.1	99.2	99.1	99.3
45 to 64	98.9	98.6	98.5	0.5	0.8	0.7	99.4	99.4	99.3
65 and over	99.0	98.9	98.9	0.4	0.6	0.5	99.4	99.4	99.4

Sources: Statistics Canada, censuses of population, 2001, 2006, and 2011.

1. Retention is defined as “complete” when the mother tongue is spoken most often at home.
2. Retention is defined as “partial” when the mother tongue is spoken regularly but not most often at home.
3. The sum of complete retention and partial retention indicates the percentage of people who speak their mother tongue at home at least regularly.
4. Includes single and multiple responses.

Table 3b. Share of official languages in N.B. by different linguistic characteristics, 1971 to 2011

	1971	1981	1991	1996	2001	2006	2011
Linguistic characteristic	%	%	%	%	%	%	%
Mother tongue¹	100.0	100.0	100.0	100.0	100.0	100.0	100.0
French	33.8	33.6	34.0	33.2	33.3	32.7	32.0
English	64.8	65.1	64.6	65.3	65.0	64.7	65.4
Non-official languages	1.3	1.2	1.4	1.5	1.7	2.6	2.6
First official language spoken¹	100.0	100.0	100.0	100.0	100.0	100.0	100.0
French	33.9	33.6	33.9	33.0	33.1	32.7	31.9
English	66.0	66.4	66.1	66.9	66.8	67.2	68.0
Neither French nor English	0.1	0.1	0.1	0.1	0.0	0.1	0.1
Language spoken most often at home¹	100.0	100.0	100.0	100.0	100.0	100.0	100.0
French	31.4	31.4	31.2	30.5	30.3	29.7	28.8
English	67.9	67.9	68.2	68.9	69.0	69.0	69.8
Non-official languages	0.8	0.7	0.7	0.6	0.7	1.2	1.4
Knowledge of official languages²							
French ³	37.4	39.4	42.0	42.6	43.4	43.6	42.2
English ³	84.0	87.0	87.4	89.9	90.7	89.6	90.9
French and English ³	21.5	26.5	29.5	32.6	34.2	33.4	33.2
Neither French nor English	0.1	0.1	0.1	0.1	0.1	0.1	0.1

Sources: Statistics Canada, censuses of population, 1971, 1981, 1991, 1996, 2001, 2006, and 2011.

1. The multiple responses were equally distributed among the three linguistic groups except in the 1971 census.

2. The percentages do not add up to 100% because a person may have knowledge of more than one official language.

3. Includes all people reporting knowledge of this language, alone or with other languages.

Table 4a. Mother tongue and first official language spoken by immigrants to New Brunswick, 2001 to 2011

	2001		2006		2011		Variation (2001-2006)		Variation (2006-2011)	
	Number	%	Number	%	Number	%	Number	%	Number	%
Mother tongue	22,465	100.0	26,395	100.0	28,465	100.0	3,930		2,070	
French ¹	2,170	9.7	2,435	9.2	2,530	8.9	265	-0.4	95	-0.3
English ¹	13,615	60.6	14,325	54.3	15,070	52.9	710	-6.3	745	-1.3
French and English ¹	60	0.3	120	0.5	60	0.2	60	0.2	-60	-0.2
Non-official languages ²	6,620	29.5	9,515	36.0	10,805	38.0	2,895	6.6	1,290	1.9
First official language spoken	22,465	100.0	26,395	100.0	28,465	100.0	3,930		2,070	
French	2,535	11.3	3,080	11.7	3,125	11.0	545	0.4	45	-0.7
English	19,460	86.6	22,450	85.1	24,405	85.7	2,990	-1.6	1,955	0.7
French and English	285	1.3	580	2.2	595	2.1	295	0.9	15	-0.1
Neither French nor English	185	0.8	285	1.1	340	1.2	100	0.3	55	0.1

Sources: Statistics Canada, censuses of population, 2001 and 2006, and 2011 National Household Survey.

1. Includes respondents who reported this language with or without another non-official language.

2. Includes respondents who reported a non-official language as their only mother tongue.

Tableau 4b. Mother tongue and first official language spoken by recent immigrants to New Brunswick, 2001-2011 immigration period

	1996-2001 (in 2001)		2001-2006 (in 2006)		2006-2011 (in 2011)		Variation (2001-2006)		Variation (2006-2011)	
	Number	%	Number	%	Number	%	Number	%	Number	%
Mother tongue	2,570	100.0	4,295	100.0	7,155	100.0	1,725		2,860	
French ¹	160	6.2	195	4.5	550	7.7	35	-1.7	355	3.1
English ¹	955	37.2	1,260	29.3	2,075	29.0	305	-7.8	815	-0.3
French and English ¹	10	0.4	30	0.7	20	0.3	20	0.3	-10	-0.4
Non-official languages ²	1,445	56.2	2,810	65.4	4,505	63.0	1,365	9.2	1,695	-2.5
First official language spoken	2,575	100.0	4,300	100.0	7,155	100.0	1,725		2,855	
French	295	11.5	500	11.6	835	11.7	205	0.2	335	0.0
English	2,125	82.5	3,435	79.9	5,800	81.1	1,310	-2.6	2,365	1.2
French and English	75	2.9	220	5.1	290	4.1	145	2.2	70	-1.1
Neither French nor English	80	3.1	145	3.4	230	3.2	65	0.3	85	-0.2

Sources: Statistics Canada, censuses of population, 2001 and 2006, and 2011 National Household Survey.

1. Includes respondents who reported this language with or without another non-official language.

2. Includes respondents who reported a non-official language as their only mother tongue.

Table 5. Population of New Brunswick by different linguistic characteristics, 2001 to 2011

	2001	2006	2011	Variation		
Linguistic characteristic	Number	Number	Number	2001-2006	2006-2011	2001-2011
Mother tongue¹	719,710	719,650	739,900	-60	20,250	20,190
French	239,357	235,270	236,973	-4,087	1,703	-2,385
English	468,084	465,710	483,813	-2,374	18,103	15,729
Non-official languages	12,274	18,665	19,105	6,391	440	6,831
First official language spoken¹	719,710	719,650	739,895	-60	20,245	20,185
French	238,448	235,130	235,695	-3,318	565	-2,753
English	480,918	483,843	503,328	2,925	19,485	22,410
Neither French nor English	345	680	865	335	185	520
Language spoken most often at home¹	719,710	719,650	739,900	-60	20,250	20,190
French	217,773	213,885	213,142	-3,888	-743	-4,631
English	496,681	496,855	516,294	174	19,439	19,613
Non-official languages	5 256	8 910	10 459	3 654	1 549	5 203
Knowledge of official languages²	719,710	719,650	739,900	-60	20,250	20,190
French ³	312,280	313,839	312,265	1,559	-1,574	-15
English ³	652,860	645,131	672,560	-7,729	27,429	19,700
French and English ³	245,865	240,086	245,885	-5,779	5,799	20
Neither French nor English	430	766	955	336	189	525

Sources: Statistics Canada, censuses of population, 2001, 2006, and 2011.

1. The multiple responses were equally distributed among the three linguistic groups.
2. When added together, the numbers do not match the totals since a person may have knowledge of more than one official language.
3. Includes all people reporting knowledge of this language, alone or with other languages.

Table 6b. Bilingualism rates in N.B. by mother tongue and age group, 2001 to 2011

Mother tongue ¹	2001	2006	2011	Variation		
	%	%	%	2001-2006	2006-2011	2001-2011
French	71.9	68.5	71.4	-3.4	3.0	-0.4
Under 5	22.3	22.6	25.2	0.3	2.6	2.9
5 to 9	35.5	37.5	41.0	2.0	3.5	5.4
10 to 14	55.7	55.9	61.8	0.2	5.9	6.1
15 to 19	75.8	73.4	76.0	-2.4	2.5	0.2
20 to 24	85.0	77.2	80.9	-7.7	3.6	-4.1
25 to 29	84.3	78.7	83.1	-5.7	4.4	-1.3
30 to 34	84.0	80.2	84.2	-3.8	4.0	0.1
35 to 39	78.5	77.7	83.3	-0.8	5.6	4.8
40 to 44	78.9	75.1	80.0	-3.8	4.9	1.1
45 to 49	79.6	73.1	75.3	-6.5	2.2	-4.3
50 to 54	78.7	73.8	74.0	-4.9	0.2	-4.7
55 to 59	78.5	73.2	74.3	-5.3	1.1	-4.2
60 to 64	73.9	70.0	73.8	-3.9	3.8	-0.1
65 and over	67.1	62.7	66.6	-4.4	3.9	-0.5
English	15.8	16.7	15.9	0.9	-0.9	0.0
Under 5	4.9	4.4	5.8	-0.6	1.4	0.9
5 to 9	16.7	17.4	11.6	0.7	-5.8	-5.1
10 to 14	31.2	33.8	34.9	2.5	1.2	3.7
15 to 19	35.3	35.9	34.0	0.6	-2.0	-1.3
20 to 24	31.3	31.4	27.2	0.0	-4.2	-4.1
25 to 29	24.5	25.1	22.7	0.7	-2.5	-1.8
30 to 34	17.7	24.0	22.0	6.3	-2.0	4.3
35 to 39	11.2	17.1	20.8	5.9	3.7	9.6
40 to 44	10.5	11.2	16.0	0.7	4.8	5.5
45 to 49	10.7	10.3	10.7	-0.3	0.4	0.0
50 to 54	10.3	10.9	9.6	0.6	-1.3	-0.8
55 to 59	8.3	9.4	9.2	1.1	-0.2	0.9
60 to 64	8.4	8.9	8.7	0.5	-0.1	0.3
65 and over	5.6	6.2	6.4	0.7	0.2	0.8
Non-official languages	17.6	17.5	15.3	-0.2	-2.1	-2.3
Under 5	4.6	9.6	6.7	5.0	-2.9	2.1
5 to 9	12.0	19.4	16.5	7.5	-3.0	4.5
10 to 14	27.8	26.0	27.3	-1.8	1.3	-0.5
15 to 19	21.3	29.8	22.3	8.5	-7.5	1.0
20 to 24	17.0	14.2	16.6	-2.8	2.4	-0.4
25 to 29	19.1	22.6	15.2	3.5	-7.4	-3.9
30 to 34	25.0	13.6	15.8	-11.4	2.2	-9.2
35 to 39	17.2	18.6	15.5	1.5	-3.1	-1.7
40 to 44	16.6	19.6	12.6	3.0	-7.0	-4.0

45 to 49	19.5	17.0	13.3	-2.5	-3.7	-6.3
50 to 54	14.3	17.9	13.7	3.6	-4.2	-0.6
55 to 59	17.5	12.5	15.8	-5.1	3.4	-1.7
60 to 64	18.6	16.0	16.0	-2.6	0.0	-2.5
65 and over	13.5	14.9	12.4	1.4	-2.6	-1.1
Total New Brunswick	34.2	33.4	33.2	-0.8	-0.1	-0.9

Sources: Statistics Canada, censuses of population, 2001, 2006, and 2011.

1. Includes single and multiple responses.

INVESTIGATIONS

Role of the Commissioner as regards Compliance with the *Official Languages Act*

The Commissioner conducts and carries out investigations on application of the OLA, either pursuant to any complaint made to the Commissioner or on his own initiative. If the Commissioner determines that the complaint is founded, he may make recommendations in his investigation report to improve compliance with the OLA. The Commissioner makes every effort to follow up on complaints as swiftly as possible by first ascertaining the relevance of each complaint and then, if necessary, interceding with the institutions concerned.

The Commissioner works discreetly and in a spirit of cooperation with the concerned institutions and favours a transparent approach characterized by support and collaboration. However, the Commissioner will not, if confronted by a blatant lack of cooperation on the part of an institution, shy away from publicly denouncing such resistance in his annual report.

Filing of Complaints

Anyone wishing to file a complaint may do so either in person, in writing or by phoning. The Office of the Commissioner's website (www.officiallanguages.nb.ca) describes the procedure for filing a complaint. All complaints received are considered confidential, and every effort is made to keep the complainant's identity anonymous.

The Commissioner may refuse to investigate or cease to investigate any complaint if, in his opinion, the complaint:

- is trivial, frivolous, or vexatious;
- is not made in good faith;

- does not involve a contravention or failure to comply with the Act;
- does not come within the authority of the Commissioner.

In such cases, the Commissioner must provide the complainant with reasons for the decision to do so.

Also, the Commissioner may take up a matter with an institution without there being an official investigation. For example, a situation that does not directly contravene the OLA may nonetheless adversely affect the advancement of the two official languages. Under his promotional mandate, the Commissioner may make the concerned institution aware of this situation.

Complaints handled between April 1, 2012, and March 31, 2013

Between April 1, 2012, and March 31, 2013, the Commissioner's office handled 149 complaints. Of that number, 105 were admissible, with 93 based on lack of service in French and 12 on lack of service in English. A total of 34 complaints were deemed inadmissible on the grounds that they did not come under the Commissioner's authority or did not concern an institution within the meaning of the OLA, and 10 complaints were referred to other institutions for consideration. In addition, the Commissioner's office responded to 64 requests for information.

Main steps in complaint-handling process

- The Office of the Commissioner receives the complaint and determines if it is admissible for investigation.
- If the complaint is accepted, the Commissioner notifies the institution concerned of his intention to investigate.
- The investigation is carried out.
- At the end of his investigation, the Commissioner forwards his report to the Premier, the administrative head of the institution concerned, and the person who filed the complaint. He may include in his report any recommendations he deems appropriate as well as any opinion or reasons supporting his recommendations.

If the complainant is not satisfied with the Commissioner's findings, he or she may seek redress before the Court of Queen's Bench of New Brunswick. A judge may decide on the redress that he or she deems fair and appropriate with regard to the circumstances. It should be noted that nothing in the Act precludes a complainant from applying directly to the Court of Queen's Bench instead of filing a complaint with the Commissioner of Official Languages. However, such a process entails costs for the person initiating it.

Complaint Trends since the Establishment of the Office of the Commissioner of Official Languages

The Commissioner's office notes that the grounds for the complaints filed in 2012-2013 are very similar to those of previous years.

Statistics 2012-2013

TABLE 1 Complaints and requests for information

Category	Services in French	Services in English	Total
Admissible complaints	93	12	105
Inadmissible complaints	18	16	34
Complaints referred elsewhere ¹	3	7	10
Total of complaints	114	35	149
Requests for information	23	41	64

¹ Complaints referred to: federal Office of the Commissioner of Official Languages, Human Rights Commission, Ombudsman, other.

TABLE 2 Admissible complaints by category

Category	Services in French	Services in English	Total
In person	27	4	31
Signage	6	1	7
Telephone communication	14	2	16
Website	11	0	11
Documentation	23	5	28
Other	12	0	12
Total	93	12	105

TABLE 3 Status of admissible complaints

Status	Services in French	Services in English	Total
Complaints under investigation or completed	78	4	82
Investigations not initiated (pending additional information from the complainant and/or institution)	3	3	6
Complaints not investigated by the Commissioner (pursuant to subsection 43(11)(c) of the OLA) or withdrawn by the complainant	12	5	17
Total	93	12	105

TABLE 4 Institutions targeted by a complaint, status of investigation and results

Institution	Number of Complaints	Investigations under way	Investigations completed	Founded	Unfounded
Atlantic Lottery Corporation*	1	0	1	1	0
Elections NB	1	0	1	1	0
Environment and Local Government* ¹	9	1	8	7	1
Finance	1	0	1	0	1
Health* ²	21	7	14	13	1
Justice*	5	0	5	5	0
Natural Resources	1	0	1	1	0
NB Liquor	5	0	5	5	0
NB Power	1	0	1	1	0
New Brunswick Energy and Utilities Board	1	1	0	0	0
New Brunswick Human Rights Commission	1	0	1	1	0
New Brunswick Internal Services Agency	1	1	0	0	0
Post-Secondary Education, Training and Labour*	2	0	2	1	1
Premier's Council on the Status of Disabled Persons	1	0	1	1	0
Public Safety*	6	1	5	4	1
Service New Brunswick	2	0	2	2	0
Social Development*	10	5	5	5	0
Tourism, Heritage and Culture	8	1	7	7	0
Transportation and Infrastructure	4	3	1	1	0
Westmorland-Albert Solid Waste Corporation*	1	0	1	1	0
Total	82	20	62	57	5

* Some of these complaints were resolved during the current fiscal year, although they were received previously.

¹ Seven of these complaints are related to the services of certain municipalities (Fredericton, Dieppe, Saint John and Shediac). The other two had to do with the services provided by the Greater Moncton Planning District Commission and the Department of Environment and Local Government.

² Fifteen of these complaints are related to the services provided by health care facilities. Another one is related to the services provided by the Department of Health. The other five had to do with Ambulance NB.

Selection of Complaints

The following section contains excerpts of investigation reports concerning complaints that were founded. These reports, which were tabled by the Commissioner during fiscal 2012-2013, illustrate the wide range of complaints brought to the Commissioner's attention.

Ambulance New Brunswick (ANB)

Deficiencies in the delivery of services in French

First complaint

June 20, 2012

Dieppe

The owner of a daycare called 9-1-1 when she realized that one of the children in her care was having breathing difficulties. Three ambulance attendants responded to the call and all three were unilingual Anglophones. As she spoke only French, the owner had to rely on her 18-year-old son to act as an interpreter.

Second complaint

June 23, 2012

Dieppe

While her husband was suffering from an allergic reaction, the complainant called an ambulance by dialing 9-1-1. Her conversation with the dispatcher was in French.

When the ambulance arrived, the complainant was surprised when one of the ambulance attendants asked her if she had a problem with the fact that he and his colleagues were unilingual Anglophones. The complainant says, however, that one of the attendants was able to speak very limited French, but was clearly not comfortable in that language.

Although the complainant is bilingual, she finds this situation problematic, particularly as her husband is unilingual Francophone. Hence, had he been asked to speak directly with the attendants, communication would have been difficult.

Analysis stemming from the investigation

ANB does not deny the facts reported by the complainants and recognizes that it failed to fulfill its official language obligations. The Commissioner therefore concluded that these two complaints were founded.

It is clear that ANB has been the subject of several complaints since its inception in 2007, the year in which the agency was mandated by the New Brunswick Department of Health to provide ambulance services in the province. Over the years, the Commissioner has made a number of recommendations designed to lead ANB to address the shortcomings in its delivery of services in both official languages.

The question of the composition of teams, however, seems to be a recurrent problem. To help resolve this problem, in a previous case, the Department of Health responded to some of the Commissioner's recommendations as follows:

The work schedules have been changed to ensure a better deployment of bilingual resources, and an interpretation service is also available at the medical communications hub to assist paramedics who encounter challenges in terms of official languages.

In this case, ANB suggests that the incidents at the origin of the two complaints arose from a "staffing error" that occurred over the course of a reassignment period in the Moncton administrative region. The Commissioner insists that when it comes to health matters, a simple mistake can have serious, even fatal consequences, and that such a mistake could result from a breakdown in communication between the patient and the ambulance staff. Therein lies the crucial importance of the proper allocation of paramedics across the province according to their linguistic ability. **After five years of existence, it is high time that ANB take the necessary measures to eliminate the risk of error.** The Commissioner understands the challenges associated with the leave and absences of paramedical workers, but it is ANB's responsibility to set up work teams accordingly. In that respect, the Commissioner believes that the scheduling software will prove to be an effective management tool.

The Commissioner takes due note of all of the commitments and measures, present or future, that will allow ANB to comply fully with the OLA. He notes with satisfaction that the recruitment of bilingual paramedics remains a priority and hopes that that approach will produce the expected results.

As for the use of a telephone interpretation service, the Commissioner sees it as an acceptable solution as long as it remains provisional. Indeed, he believes that reliance on this service cannot represent a permanent measure, since as an intermediate means, interpretation constitutes an extra step in communication. However, to say intermediate is to say waste of time, as time is precious when it comes to saving a life. ANB should aspire to serve all New Brunswickers fairly and without reliance on go-betweens, regardless of which official language community they belong to or where they live. Thus, the ideal would be for an Anglophone on the Acadian Peninsula to receive a service of equal quality to that of a Francophone in St. Stephen, for example, without the paramedics relying on the telephone interpretation service.

The situations described by the complainants are even more bewildering and distressing since they both occurred in Dieppe, a city with a high concentration of Francophones.

Recommendation

The Commissioner realizes that paramedics are trained to respond to a variety of emergency calls and that they have to react with composure to stressful situations faced by vulnerable people. The difficulty inherent in these situations should therefore not reside in the official language spoken by one and the other. Consequently, although the Commissioner recognizes the efforts made by ANB in addition to the other measures proposed, he reiterates his conviction that the agency should adopt a strategic approach.

The Commissioner therefore makes the following recommendation:

That Ambulance New Brunswick draw inspiration from the Government Plan on Official Languages to develop its own action plan designed, among other things, to:

- establish a schedule and identify the ways and means for it to be implemented to achieve the set objectives;
- implement a monitoring and accountability process;
- designate a person to act as official languages coordinator;
- educate staff with respect to their linguistic obligations.

Department of Justice and Consumer Affairs – Moncton Courthouse

Allegation of deficiencies with respect to the delivery of services in French

Complaint

In December 2011 and January 2012, the complainant went to the Moncton courthouse many times. He alleges that his language rights were violated by certain security officers working in the building.

Analysis stemming from the investigation

It should be noted that in the last few years, the Office of the Commissioner of Official Languages has dealt with a number of complaints filed against Sheriff Services. Indeed, a previous complaint pointed to linguistic shortcomings at the entrance to the Fredericton courthouse. The Department then took measures, which seemed to be satisfactory, but were limited, at the time, to the Regional Office in Fredericton. At that time, our recommendation to verify the effectiveness of those measures was as follows:

That the Department conduct random checks to ensure that officers at the Fredericton courthouse who communicate directly with the public comply with the requirements under the OLA.

The Department, in its response related to the current investigation, recognized that some officers “have perhaps not made an active offer of service as required under the *Official Languages Act* each time they interact with a member of the public.” The Department also presents a large number of measures it has taken to ensure bilingual communication between security guards and members of the public, including:

- The officers who are assigned to work at the main entrance on a regular basis will have to redo an online training module.
- The subject of the active offer of service will be discussed at the next staff meeting at the Sheriff’s Office in Moncton. The Sheriff will organize a presentation (question and answer session) on the subject to avoid any misunderstanding regarding what is expected of employees.
- The Chief Sheriff will distribute a bilingual memo to all employees. That memo will make it clear that all employees are required to make an active offer of service in all of their interactions with

the public and clients. The memo will state that failure to comply with the requirements of the *Official Languages Act* or the guidelines contained in the memo may result in disciplinary action up to and including dismissal.

- Every Sheriff or manager will receive written instructions to ensure that all new employees, including casual staff and students, complete the online training module before starting any other duties.

This investigation revealed that the institution made considerable efforts at the provincial level to see that Sheriff Services employees abide by the obligations under the OLA.

The Commissioner believes that the actions undertaken and those to come (reminders, training, guidelines, signage, monitoring etc.), demonstrate the Department's firm commitment with respect to official language issues. He therefore welcomes all of these measures and would like to think that they will allow all New Brunswickers to be served in the official language of their choice by the staff involved, be it in Moncton or elsewhere in the province. He will therefore not make a formal recommendation in this case.

Vitalité Health Network – Edmundston Regional Hospital

Deficiency with respect to the delivery of communication in English

July 2012

Complaint

The complainant alleges that her parent, an English-speaking patient at the Edmundston Regional Hospital, received a French-only document. The document in question appears to be an itemized list of clothing that a patient is required to have while recuperating.

Furthermore, the complainant alleges that the patient also received incorrect information "because nurses/staff do not have a good grasp of the English language."

The complainant takes issue with the fact that this situation could occur to English-speaking patients, especially to the elderly, which may cause a safety hazard.

Analysis stemming from the investigation

As outlined by the institution, "health-related situations can be stressful at times for both patients and their loved ones." Therefore, it is incumbent upon the professionals to put them at ease. Communicating with them in their official language of choice is one of the best ways to do this.

In this matter, the institution indicates that the nurse who greeted the patient and her family member "was not perfectly bilingual". Although the nurse did make an effort, which is noteworthy, to explain "to the best of her ability" how the unit operates, it did not prove to be sufficient since she was not well understood. In the Commissioner's opinion, when she realized that she was speaking with Anglophones, she should have immediately requested that a fluently bilingual nurse be assigned to them; thus

avoiding any confusion. It is therefore the Commissioner's view that the nurse's lack of proficiency in English resulted in the complainant's legitimate concerns. That being said, the intervention of the second nurse seems to have clarified any issue regarding the communication.

As for the document mentioned in the complaint, it appears to be the internal operating document referenced in the institution's letter. While the Commissioner understands this document is "at the nurses' disposal", a copy of it may be requested by a patient or a family member. Consequently, the Commissioner endorses the decision to translate the document in question and keep copies available for practical purposes.

In another matter not related to a complaint, the Vitalité Health Network informed the Commissioner that a strategy would be developed in order to improve service delivery in both official languages. The institution also indicated that it would share a copy of this plan with him. The Commissioner is confident this strategic plan will provide guidelines for the implementation of effective measures to ensure that the public is served adequately in the official language of its choice, including directions and procedures that prevent incidents such as the one reported by the complainant. In the interim, although he will not make any formal recommendations at this stage, the Commissioner strongly encourages the institution to take all the necessary steps to review the language proficiency of its front line staff in order to ensure that service of equal quality in both languages is offered and provided at all times.

Department of Social Development

Allegations of deficiencies concerning delivery of services in French

Complaint

The complainant states that the language rights of the tenants of Evelyn Grove Manor, whose mother tongue is French, are being violated because NB Housing personnel routinely communicates with all "Manor" tenants orally and in writing, in English only.

In addition, the complainant alleges that such a practice is also carried out by the Red Cross who is contracted to conduct safety evaluations on behalf of NB Housing and says that all tenants are obligated to answer questionnaires in English only.

Analysis stemming from the investigation

In its response, the Department does not deny the allegations against it. Rather it acknowledges that it mistakenly concluded that all residents at Evelyn Grove Manor chose the English language for communication. This error was made despite the language of choice of each resident being indicated in their respective files. Since the senior population is a particularly vulnerable group, the Commissioner finds this fact disconcerting.

With respect to the Canadian Red Cross, its representative indicated that no tenant at Evelyn Grove Manor "requested" service in French when the Department's records showed that at least one tenant did want French service. This leads the Commissioner to believe that there is a problem with the active offer of service. Clients should not have to request service in the language of their choice. It must be

offered at the initial point of contact. As such, the Commissioner finds that although there may be provision in the contract between the Canadian Red Cross and the Department which outlines that clients must receive services in the language of their choice, at least one tenant's choice was not respected. He also finds that although the Canadian Red Cross has bilingual questionnaires and the ability to provide services in both official languages, it did not do so in this case. The Commissioner therefore concludes that the complaint is founded.

The Commissioner welcomes the Department's undertakings in response to the complaint, including ensuring that:

- the Language of Service policy is reviewed with all regional housing staff;
- that housing staff ensures that all communication with tenants is provided in both official languages including offering tenants the option of attending meetings or information sessions in the official language of their choice;
- that all notices to tenants are posted in both official languages and that all written communication addressed to a large group of tenants is provided in both official languages.

The Department also indicates that it would conduct a review of housing clients' language of preference during annual renewals with a view to adjusting their records accordingly. In the Commissioner's opinion, the value of this measure is dependent on its application. It is essential that a procedure be put in place to ensure that staff verify the information in the files and apply it as the case may be. As such, the Commissioner makes the following recommendation:

Recommendation No.1:

The Department must put in place a procedure to ensure that the information dealing with clients' language choice contained in their files is disseminated to personnel. This procedure must also include a mechanism of verification to ensure that the clients' choice of language is being respected.

Since the Department bears the ultimate responsibility for ensuring that all services offered to the public by third parties on its behalf are delivered in both official languages pursuant to section 30 of the OLA, it must ensure that representatives such as the Canadian Red Cross understand the full scope of their official languages obligations. Special care must be taken to explain that the active offer of service must be made at each point of initial contact.

Recommendation No.2:

The Department must establish a system to ensure that any third party that offers services on its behalf fully understands the scope of its obligations under the OLA.

The Department must put in place a procedure to ensure that the information dealing with clients' language choice contained in their files is disseminated to third parties. This procedure must also include a mechanism of verification to ensure that the clients' choice of language is being respected.

Recommendation No. 3:

The Department must also establish a system to enable clients to provide feedback on the provision of services in the official language of their choice without the risk of reprisals. This feedback must guide the Department's staff in the formulation of strategies for communicating with their clients.

Horizon Health Network – Dr. Everett Chalmers Regional Hospital

Deficiencies in the delivery of services in French in the Emergency Department

Complaint

July 2012

The complainant and his wife, who was suffering from acute gastroenteritis, arrived at the Emergency Department at the Dr. Everett Chalmers Regional Hospital at 11:30 p.m., where they remained for close to four hours.

When they arrived at triage, the complainant and his wife spoke French, but a nurse told them in English that there was no one there who spoke French. She then asked them if they spoke English. The couple was asked the same question at least three times during their visit to this hospital.

The couple did receive sporadic interpretation services, particularly during the triage and the consultation with the doctor. Moreover, communication was difficult and laborious during the vast majority of interactions with the staff in the absence of an interpreter (with the exception of a nurse who was relatively at ease in French who was present toward the end of treatment in the observation room).

Analysis stemming from the investigation

This is not the first time that the Office of the Commissioner has intervened following a lack of service in French at the Emergency Department of the Dr. Everett Chalmers Hospital. Complaints dealing with other various services at this hospital have also been filed. In all of these cases, the Commissioner received the Horizon Health Network's commitment that corrective measures would be taken.

In one previous case, the Commissioner made the following recommendations:

- A. That the training [on official languages] be repeated regularly for all sectors and given especially to staff in sectors that deal with the public on a daily basis;
- B. That, in any training session, the institution focus on the importance of staff conduct when providing services in the language of choice and on the insidious effects that a disrespectful or impertinent attitude can have on persons who are simply availing themselves of their rights.

- C. That the institution pay particular attention to the effectiveness of the training and awareness sessions, that it equip itself with tools to evaluate, in a timely manner, the impact of such measures on the employees, and that it modify the sessions as needed to ensure that the message is received and understood by all.

Despite these recommendations and the commitments made by the Network in the past concerning staff training and education, the problems persist.

Once again, the Network promises to improve the delivery of services in both official languages. Although the Commissioner does not question this commitment, he believes that it will be necessary to go much further than what has been done to date. The Commissioner understands the difficulties encountered owing to the low level of bilingual employees and that it is necessary to take special measures in order to cope with these challenges. The institution indicates that the Director of Official Languages will organize training sessions to effect a culture change to cope with the fact that some staff members have expressed resistance to linguistic obligations.

While he supports that initiative, the Commissioner believes that the institution must also apply specific measures with respect to uncooperative employees. **He finds it puzzling and cannot accept that some employees are showing their resistance to the legal obligations of the employer.** He therefore recommends as follows:

That the institution issue a clear message to its employees whereby any resistance to comply with the requirements of the OLA or to respect the employer's policies and guidelines with regard to the delivery of service in both official languages will not be tolerated and that the employer intends to use all the means at its disposal to ensure that employees comply with the guidelines.

According to the information provided by the Network, "the ER's former practice of placing a star beside the name of bilingual employees on the list of staff on duty posted on the wall" will be restored. The institution adds that the list also contains "the names of people to contact if no bilingual staff is on duty in the ER." While the Commissioner applauds that measure, he wonders why the institution had stopped using it. In addition, he believes that the Network must guarantee the continuity of the mechanisms put in place in order to ensure the delivery of services in both official languages at all times.

Department of Transportation and Infrastructure

Deficiency with respect to bilingual signage

Complaint

On September 6, 2012, the complainant contacted the Office of the Commissioner alleging that on a recent automobile trip, he had noticed French-only signage warning of construction activity ahead. This was on New Brunswick Route 2, the last 5 kilometres before the Quebec border.

The complainant indicated that as the construction activity was taking place in Quebec, he assumed the warning signs were placed by that province but indicates that since the signs were erected in this province, he believes that these signs should respect New Brunswick requirements to be in both official languages.

Analysis stemming from the investigation

Although the Office of the Commissioner was not able to locate the signs subsequently mentioned by the complainant, it did receive confirmation and photographs in support of the Variable Message Board's (VMB) presence installed by the government of Quebec in New Brunswick.

The Commissioner was concerned by the fact that "no request was made [by the Department of Transportation and Infrastructure] to include bilingual messages". The fact that it was a "temporary, single, construction sign", be it a VMB or not, does not justify the lack of measures to respect the OLA. While the Ministère des Transports du Québec (MTQ) (Quebec Department of Transportation) does not have any obligations under the Act, DTI does. Therefore, this institution should have taken precautions when allowing MTQ to install its signs within New Brunswick. Consequently, the Commissioner concludes that this complaint is founded.

This matter shows how important it is for this institution to remain vigilant, especially when a situation involves external parties. In this regard, the Commissioner is glad to learn that "there are provisions within [DTI's] contracts for third party suppliers working on NB highways in which they must comply with our [OLA] in aspects of signage as well as actively offering service in the language of choice." In the event of an interprovincial agreement, as it is the case here, perhaps DTI would consider following an official procedure in order to avoid another "oversight" in the future. That being said, the Commissioner will not make any formal recommendations as he is satisfied with both the corrective and preventive actions taken by DTI in this matter.

NB Power

Complaint

On the morning of July 10, 2012, the complainant, a resident of Nashwaaksis, in Fredericton, received the following message in her voice mail from a NB Power representative:

"Good morning it's NB Power calling. I'm calling to let you know there is going to be a power outage in your area this morning, July 10th from 10 until noon. Thank you."

The complainant finds it deplorable that the message was in English only.

Analysis stemming from the investigation

NB Power substantiates the complainant's allegations, which leads the Commissioner to conclude that in this case, the institution did not respect its obligations under the OLA, with respect to communication with the public. The complaint was therefore founded.

In a letter, the institution explained the usual procedure in place to inform subscribers of a planned power outage. Thus, in principle, the affected homes receive bilingual automated messages. However, when the system omits certain clients, they are contacted by telephone by Corporation representatives who are responsible for conveying the message, as was the case for the complainant. It should be noted that there is nothing to indicate that before this complaint, the said representatives were instructed to take the clients' language preference into account. Despite the fact that the complainant had configured her voice mail system in French, it is most regrettable that the message was recorded in English. The complainant's language of choice was simply ignored by the person who communicated with her. In the final analysis, this complaint reveals deficiencies in the Corporation's communication protocol.

The Commissioner wants to make NB Power aware of the importance of developing an official languages strategic plan. Indeed, over the past few years, our exchanges with the various institutions subject to the OLA have revealed the need for such a process following repeated violations of the Act. Although certain departments took the initiative by developing their own action plan, the Government of New Brunswick sought the commitment of the civil service with the establishment of its *Government Plan on Official Languages 2011-2013: Official Bilingualism - A Strength*. Although this plan covers only Part I of the provincial Public Service, it could nonetheless inspire other institutions with linguistic obligations, including NB Power. Such an exercise makes it possible to target an organization's weaknesses and develop the necessary measures, step by step, to attain the target objective. With respect to official languages, strategic planning could prove very helpful in ensuring optimum service delivery fully consistent with the requirements of the OLA. Furthermore, by means of clear directives, this plan would raise awareness among the Corporation's employees, and they would thereby develop the proper reflexes to adequately communicate with the public in the official language of their choice. In this regard, the Commissioner strongly encourages NB Power to follow in the footsteps of institutions that have already implemented such planning.

That said, the Corporation has informed us that it has remedied the situation at the origin of this complaint: bilingual representatives from its Customer Interaction Centre (CIC) will henceforth communicate with clients in both official languages in cases of planned power outages. Certainly, the transfer of this task to the bilingual CIC staff may reduce the risk of seeing an incident such as the one reported by the complainant repeat itself. The Commissioner does not therefore deem it necessary to formulate a formal recommendation concerning this matter.

Study Report

Analysis of a decision made by the St. Stephen's Town Council

Background

On November 26, 2012, St. Stephen's Town Council decided to repeal the "language of proceedings" section in the "Provisions Governing the Procedure and Operation of the St. Stephen Substandard Properties Appeal Committee." Prior to that amendment the provisions read as follows:

G. LANGUAGE OF PROCEEDINGS

7(1) Prior to the commencement of an appeal hearing, the Chairperson shall confirm the appellant's choice of the official language for the hearing.

7(2) The "language of the appellant", for the purpose of the appeal hearing, is the official language chosen by the appellant. It does not have to be the appellant's dominant language.

7 (3) Where the appellant does not indicate to the Chairperson his language of choice, the appellant shall be deemed to have chosen the official language chosen by the Chairperson and the Chairperson shall ask if the appellant objects to the hearing being conducted in that language.

7(4) Simultaneous interpretation shall be made available in circumstances where the language of the appellant differs from the official language with which the members of the Appeal Committee are familiar.

Following the decision of Council, our office was contacted by a member of the media and by a member of the St. Stephen Town Council. They were seeking the position of the Commissioner with respect to this decision. As a result, he decided to proceed to an analysis of the situation.

Issue

The *Official Languages Act* of New Brunswick (the "OLA") imposes certain obligations on a number of municipalities. Cities, as well as municipalities whose minority population represents at least 20% of its total population, must provide a number of services and communications which are prescribed by regulation. The Town of St. Stephen is not one of those municipalities and therefore it does not have these specific legal obligations under the OLA (articles 35 and 36). While this may be so, the analysis of the question does not end there. Although the Town and its Council can operate in one official language only, if it so chooses, can the same be said for a committee established under it that appears to perform a quasi-judicial function? In other words, is the committee in this case not an administrative tribunal and if so, should it not comply with the provisions under the "administration of justice" heading in the *Official Languages Act*?

Analysis

As outlined above, the Town of St. Stephen is not one of the municipalities which has obligations under sections 35 and 36 of the OLA.

The OLA does however stipulate that court proceedings must respect the linguistic rights of citizens and it outlines practical ways and means to accomplish this. The act defines “court” as “any court or administrative tribunal in the Province” [Emphasis added.]

Without going into an exhaustive definition of what is considered an administrative tribunal, we can state that they are bodies established under legislation to perform a variety of functions including research, rulemaking and policy development, grant allocation, adjudication and standard setting.

A perusal of the relevant sections of the *Municipalities Act* under which the Town’s Appeal Committee was established, allows us to ascertain that such committees appear to fall within the definition of administrative tribunals. Therefore, should the Town’s Appeal Committee not operate in full conformity of the requirements of the *Official Languages Act*?

However in the present matter, the Town Council’s amendment could have resulted in a citizen not being able to proceed in the language of his or her choice. In our view, a Court would more than likely conclude that this would be a fundamental breach of that citizen’s rights and under these circumstances, the Committee, being an administrative tribunal, would have to conform fully to the requirements of the OLA.

During the course of our analysis of the matter, we provided our initial findings to the Chief Administrator Officer of the Town of St. Stephen and informed him that we would appreciate the Town’s position prior to concluding our analysis and drafting our report.

The Town’s response was received on February 14, 2013. The Chief administrative Officer advised us that the Town had reconsidered and that Council was to take steps to amend the by-law to ensure that the committee in question would be able to proceed in a manner that respects the official language choice of the appellant, so that the appellant can be heard and receive a decision in his language of choice.

More recently, we received an e-mail from a member of Council in which he confirmed that his colleagues had in fact recently voted unanimously to fully restore the language provision. Furthermore, that Council would be appointing bilingual members to the Appeal Committee to ensure that the Town would meet all the requirements under the law as well as doing their part to promote linguistic harmony and mutual respect in the province.

Needless to say, the Commissioner is delighted with these recent developments. He is of the opinion that the Town of St. Stephen could have argued that it was under no legal obligation to ensure that appellants could proceed in the official language of their choice. Yet, Council members, in reconsidering their original decision and in taking proactive steps to ensure that due process is available equally in both languages, have shown their openness and have demonstrated that they share the values that are so important to the majority of New Brunswickers. These are values that incite us to look after each other and to treat each other with respect and dignity.

Conclusion

In conclusion, while the Commissioner is pleased with the way Council has ultimately dealt with the issue, he recognizes that there may be a legislative void in dealing with the language of proceedings of bodies such as the Town's Appeal Committee. It is noteworthy to underscore that there are no provisions within the OLA or the Regulation that specifically deal with the operation of municipal administrative tribunals. In the hopes that government will address this issue, he has provided a copy of this report to the Premier and to the Attorney general, who is the chairperson of the Select Committee on the Revision of the *Official Languages Act*.

COURT DECISIONS

Russell Municipal By-law on Bilingual Signage Resists Legal Challenge

On December 6, 2012, the Supreme Court of Canada announced its refusal to hear the appeal of Howard Galganov and Jean-Serge Brisson. That decision ended a long legal challenge of a Russell Township by-law concerning bilingual signage. The case confirmed the authority of Ontario municipalities to pass by-laws regarding the language of commercial signage. It also enabled the courts to reiterate the validity of measures designed to protect a minority language.

In June 2008, the Ontario municipality of Russell, an Ottawa suburb, passed a by-law requiring the equal use of French and English on all new exterior commercial signs. It should be noted that this bilingualism obligation applies only to the description of the business; the business's name can be unilingual.

Howard Galganov and Jean-Serge Brisson pleaded that the municipality did not have the authority to pass such a by-law, which was infringing on their freedom of expression, a right guaranteed under the *Canadian Charter of Rights and Freedoms*. In August 2010, the Ontario Superior Court found against the two men.

In her 32-page ruling, Judge Métivier referred to a number of elements from the depositions of experts in the field of language vitality. Here is what sociolinguist Raymond Breton had to say:

**Excerpts of the decision from the
Ontario Superior Court of Justice
Galganov v. Russell (Township), 2010 ONSC 4566 (CanLII)**

[75] Dr. Raymond Breton is a sociologist with a PhD from John Hopkins University who supplied an affidavit and was cross-examined on it. He describes his field of study as the relationship between cultural groups with a particular focus on ethnic and linguistic minorities in Canada.

[76] He has an expertise, acquired over 50 years of study in the areas, in identifying factors which contribute to the survival and development of linguistic and cultural minorities or which lead to the decline of these minorities by way of progressive assimilation.

[77] He asserts that Franco-Ontarians are continually exposed to assimilative forces. The preservation of their language rests largely on the frequency with which they use that language in daily life.

[78] Minorities are linguistically vulnerable because they must use the language of the majority in many instances. For example, most Francophones in the area under discussion use English at work and this in itself exerts a strong assimilative force.

[79] The bilingual signs, says Dr. Breton, assist Francophones by providing a public and visible recognition of society's acceptance of them and of their language. This encourages them to maintain their language.

[80] On the contrary, if an individual perceives his community as having little value or worth, he will have a tendency to avoid identification with it, and will be unmotivated to use this language, and thus assimilation begins, according to Dr. Breton.

[81] He asserts that the requirements of the By-law as to the similar size and style of lettering is an affirmation of the equality of the two languages and cultures. He refers to it as a symbolic recognition in the same way as flags, monuments and ceremonies recognize the value of a culture and inspire pride in members of that community.

[82] Dr. Breton claims that an institutional or governmental recognition of linguistic diversity is based on the desire for social cohesion and the sense of belonging for all groups.

[83] His hypothesis is that the bilingual signs will contribute in meaningful ways to valuing the French language and thereby will encourage the Francophone minority to maintain its language and thus help prevent assimilation.

[84] He acknowledged that numerous factors contribute to the pressure for assimilation, including lower birth rates, etc.

[85] He analogized that setting a speed limit does not of itself reduce accidents, since other factors: alcohol use, fatigue, etc. also contribute to these.

[86] In cross-examination, he was clear that it is not the mere visual impact of a bilingual sign that is important, it is the recognition of the equality of French to English that is symbolic.

[87] Dr. Breton is a sociologist of note having received the Order of Canada and four honorary doctorates. He is a professor *emeritus* at the University of Toronto and has taught at the University of Montréal, at McGill, John Hopkins and Harvard. He has published numerous books and articles, he authored or co-authored among them WHY DISUNITY? An Analysis of Linguistic and Regional Cleavages in Canada. His article on Institutional Completeness of Ethnic Communities and the Personal Relations of Immigrants published in the American Journal of Sociology was used in the *Lalonde v. Ontario (Commission de restructuration des services de santé)* 2001 CanLII 21164 (ON CA), (2001), 56 O.R. (3d) 505 case.

[88] Dr. Breton's evidence was challenged by the applicant on the basis that he has allegedly written, in a report not tendered in evidence, that the position of the French language and the Francophone community in Québec are still in danger despite the implementation of their *Charter* over a decade ago. Therefore, the submission is that the risk to the Francophone population in the Township of Russell will still exist and the By-law will not assist in the eventual prevention of assimilation.

[89] The evidence of the respondent's experts clearly point out the significant differences in the Russell situation and that in Québec. No analogies can be drawn as the applicants suggest.

[90] I accept the evidence of this expert.

Court of Appeal for Ontario

In February 2012, Howard Galganov and Jean-Serge Brisson appeared before the Court of Appeal for Ontario. Again, the complainants' case was dismissed. After concluding that the Township of Russell had the authority to pass a by-law on bilingual signage, the Court of Appeal judge then conducted a careful examination of the issue of infringement of the right to freedom of expression. His analysis was based on four questions:

Excerpts of the decision from the Court of Appeal for Ontario Galganov v. Russell (Township), 2012 ONCA 409 (CanLII)

[51] In deciding whether the By-law infringes freedom of expression, I must undertake the two-step analysis mandated by *Irwin Toy Ltd. v. Quebec (A. G.)*, [1989] 1 S.C.R. 927. The first step is to determine whether the conduct falls within the sphere of activity protected by freedom of expression. If so, the second step is to determine whether the purpose or effect of the government action restricts freedom of expression.

[61] Having regard to the Supreme Court's holdings in *Ford* and *Devine*, by compelling the use of both French and English on new exterior commercial signs, the By-law's purpose infringes Brisson's right to freedom of expression as guaranteed by s. 2(b) of the *Charter*. I must now consider whether such infringement is justified under s. 1 of the *Charter*.

[82] In tailoring the By-law as it did, the Township has established that it dealt with the problem in a way that minimally impairs freedom of expression.

[83] One must also recall the specific facts of this case. The argument that, Brisson's freedom of expression is more than minimally impaired by requiring the description of his services on his new French only sign to also be in English, loses much of its force having regard to the following facts: the name of Brisson's business, "Independent Radiator Services", is unilingually English, and is entitled to remain so; for most of the 34 years Brisson has been in business the content of his sign has been in English only; and he continues to hand out business cards and invoices in English. Thus, in the past, Brisson has chosen to express himself only in English; he now chooses to express himself only in French on his exterior sign while continuing to employ English in other aspects of his business. To require him to employ English on his sign in addition to French is a minimal impairment of his right to freedom of expression.

[84] Having passed the minimum impairment stage, the final question asks whether the infringing effects of the By-law outweigh the importance of the objective sought. Brisson has not advanced any arguments on this aspect of the Oakes test. In light of the importance of the protection and promotion of the equal status of the French language, I would hold that the benefits of the By-law are proportional to any deleterious effect on freedom of expression or inconvenience suffered.

[85] For these reasons, although the By-law is a breach of Brisson's rights under s. 2(b) of the *Charter*, it is a breach that is demonstrably justified in a free and democratic society under s. 1 of the *Charter*.

PROMOTION

Official Languages Video Vignettes

The Office of the Commissioner of Official Languages for New Brunswick has created a new tool to explain the various aspects of official languages in the province: a series of seven video vignettes.

Featuring 15 New Brunswickers from across the province, the vignettes look at such issues as duality in education, factors influencing the vitality of languages, and relations between the two linguistic communities.

Produced by Apropos Marketing Communications in Moncton, the vignettes can be viewed on the Commissioner's website at the following address: www.officiallanguages.nb.ca.

This initiative was made possible with the financial support of the Canada-New Brunswick Agreement on the Provision of French-Language Services.

Signing of memorandums of understanding

In March 2013, Commissioner Michel Carrier signed memorandums of understanding with the Commissioner of Official Languages of Canada, Graham Fraser, and the French Language Services Commissioner of Ontario, François Boileau.

The result of an already well-established relationship among the three commissioners, the agreements provide a framework for reinforcing cooperation and thus optimizing the support offered to citizens, communities, and organizations. They also provide for a sharing of the findings and recommendations arising from investigations, as well as greater collaboration on studies of the fulfillment of linguistic obligations.

Since language rights issues and challenges are often similar, the three commissioners' offices have everything to gain from greater cooperation.

Commissioners Fraser and Carrier mark the 20th anniversary of the recognition of the principle of equality of both New Brunswick Official Language Communities in the *Charter*

On March 6, 2013, in Fredericton, the Commissioner of Official Languages of Canada, Graham Fraser, and his New Brunswick counterpart, Michel Carrier, marked the 20th anniversary of the entrenchment of section 16.1 in the *Canadian Charter of Rights and Freedoms*. This section recognizes the equality of the two official linguistic communities in New Brunswick. Moreover, it states that each community has the right to its own educational and cultural institutions.

During a public ceremony attended by Premier David Alward among other dignitaries, Commissioner Carrier stated that "Section 16.1 is key to the vitality of our English and French communities," Carrier said. "On the one hand, it protects the right of each community to have its own schools and other educational and cultural institutions. On the other, it requires the government of New Brunswick to protect and promote the equality of the two communities as well as their right to distinct institutions. Section 16.1 is not merely a statement of principles; it is a commitment to act to ensure the equality of the two official language communities, and that is what makes it so important."

According to Commissioner Fraser, "This provision of the Charter is central to the protection and promotion of the vitality of New Brunswick's official language communities, particularly in the area of education."

Section 16.1 was added to the Charter in March 1993 at the request of the Legislative Assembly of New Brunswick. It reinforces the main elements of the *Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick*, which was enacted in 1981 by the provincial Legislative Assembly.

Both commissioners lauded New Brunswick's leadership in the area of language equality. "Section 16.1 is a testament to the province's determination to ensure the vitality of its two official language communities, a gesture that brings great honour to this province and one that must be celebrated," said Commissioner Carrier.