



CHAPTER O-0.5

CHAPITRE O-0.5

Loi sur les langues officielles

Sanctionnée le 7 juin 2002

Official Languages Act

Assented to June 7, 2002

Sommaire

Chapter Outline

Définitions. 1
agent de la paix — peace officer
cité — city
communauté linguistique — linguistic community
communication et communiquer — communication and
communicate

Office of the Commissioner of
Official Languages for New Brunswick

2014-2015

ANNUAL REPORT

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OFFICE OF THE COMMISSIONER
OF OFFICIAL LANGUAGES
FOR NEW BRUNSWICK



COMMISSARIAT AUX
LANGUES OFFICIELLES DU
NOUVEAU-BRUNSWICK

2014-2015 Annual Report

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OFFICE OF THE COMMISSIONER
OF OFFICIAL LANGUAGES
FOR NEW BRUNSWICK



COMMISSARIAT AUX
LANGUES OFFICIELLES DU
NOUVEAU-BRUNSWICK

June 2015

The Honourable Chris Collins
Speaker of the Legislative Assembly

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 from April 1, 2014, to March 31, 2015.

Respectfully submitted,

A handwritten signature in dark ink, reading 'Katherine d'Entremont'.

Katherine d'Entremont, M.P.A.
Commissioner of Official Languages for New Brunswick

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Foreword

New Brunswick: Only Officially Bilingual Province

The Constitution of Canada states that English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the Legislature and Government of New Brunswick.

Official Languages Act

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

- Legislative Assembly and offices of Legislative Officers (e.g., Office of the Commissioner of Official Languages for New Brunswick),
- provincial departments,
- regional health authorities and hospitals,
- Crown corporations (e.g., 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 the following:

- cities (Bathurst, Campbellton, Dieppe, Edmundston, Fredericton, Miramichi, Moncton, and Saint John),
- municipalities with an official language minority of at least 20% of the population (Atholville, Charlo, Dalhousie, Eel River Crossing, Rexton, Richibucto, Shediac, and Tide Head),
- Regional Service Commissions 1, 2, 3, 5, 6, 7, 9, and 11.

It should be noted that the OLA does not apply to distinct educational institutions. School districts, public schools, community centres, community colleges, and universities do not have to offer services in both official languages. Moreover, the OLA does not apply to the English and French sections of the Department of Education and Early Childhood Development.

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 services in their language, it is the institution's obligation 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 established the position of Commissioner of Official Languages in 2002.

Katherine d'Entremont was appointed to this position in June 2013 for a non-renewable seven-year term.

The Commissioner has a dual mission: to investigate and make recommendations with respect 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.

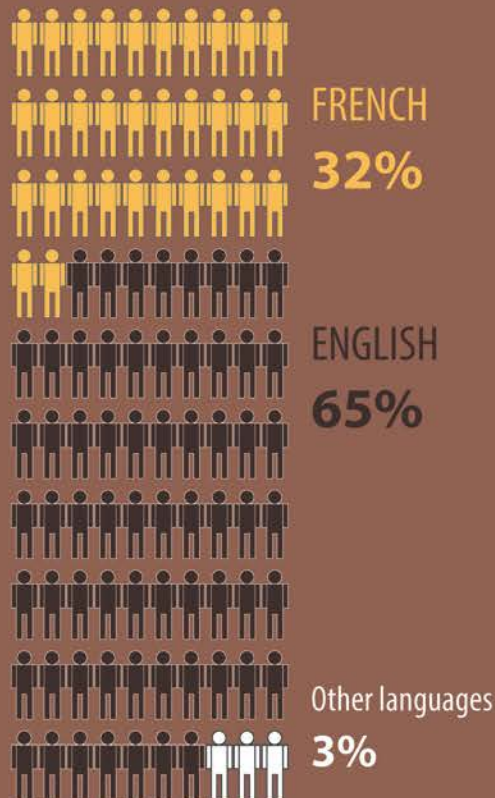
Annual Report

The OLA provides that the Commissioner of Official Languages must prepare and submit to the Legislative Assembly an annual report outlining its activities. This twelfth report provides a description of the activities carried out between April 1, 2014, and March 31, 2015.

Official Languages: Facts and Figures

Prepared with data from Statistics Canada and analyses by the Canadian Institute for Research on Linguistic Minorities*

Share of official languages in New Brunswick by mother tongue

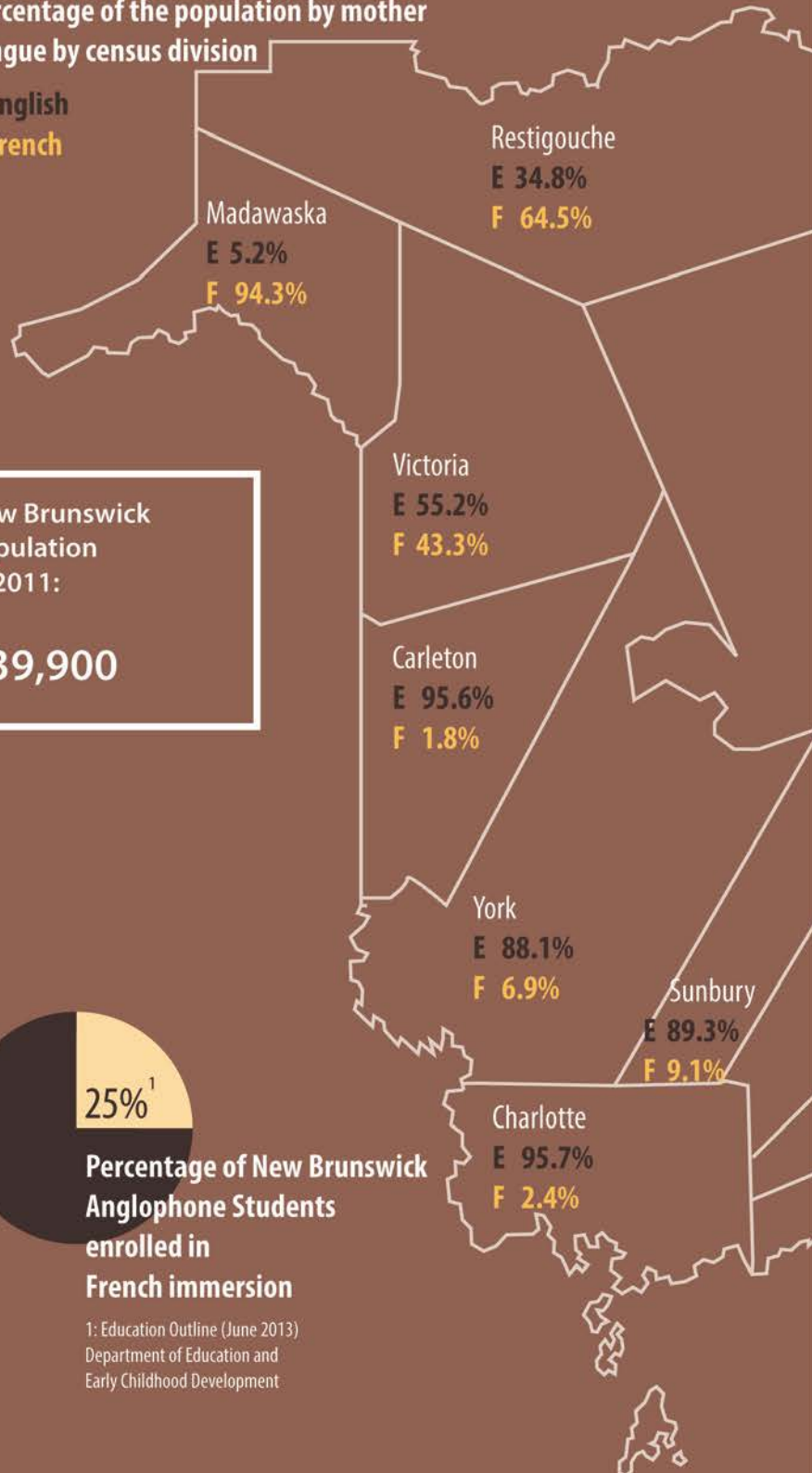


Percentage of the population by mother tongue by census division

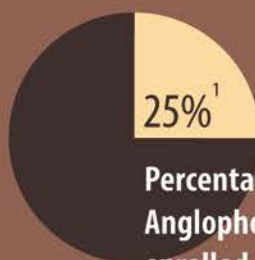
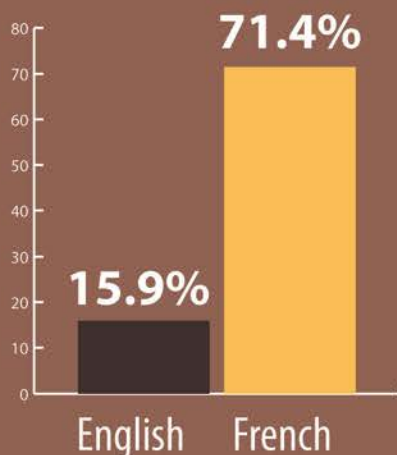
E English
F French

New Brunswick
Population
in 2011:

739,900



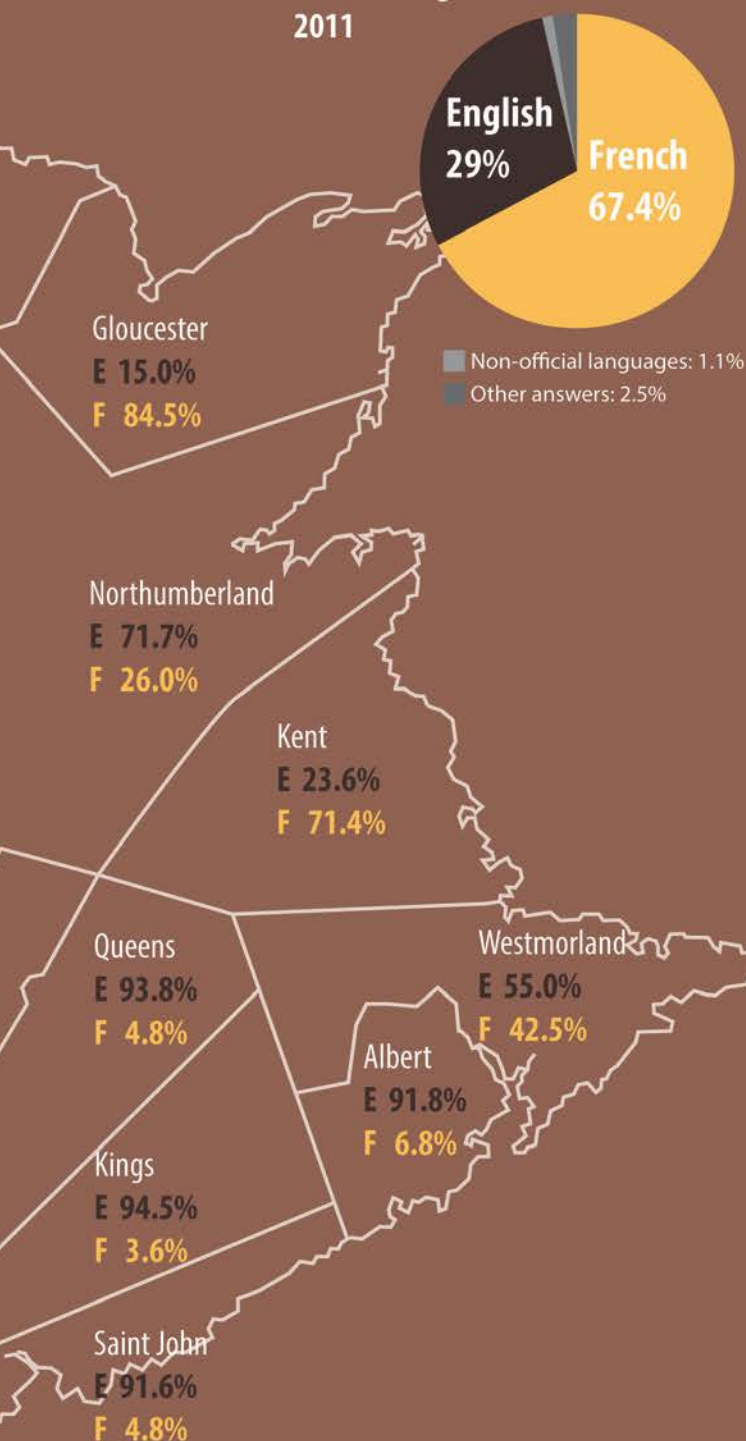
Bilingualism rates in New Brunswick by mother tongue



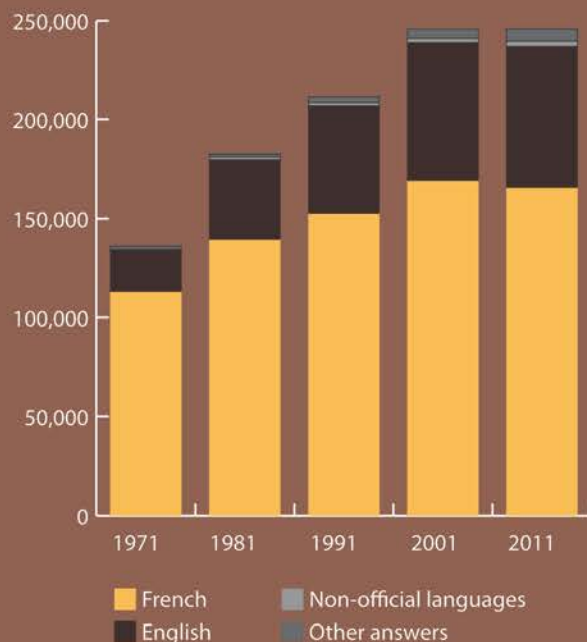
Percentage of New Brunswick
Anglophone Students
enrolled in
French immersion

1: Education Outline (June 2013)
Department of Education and
Early Childhood Development

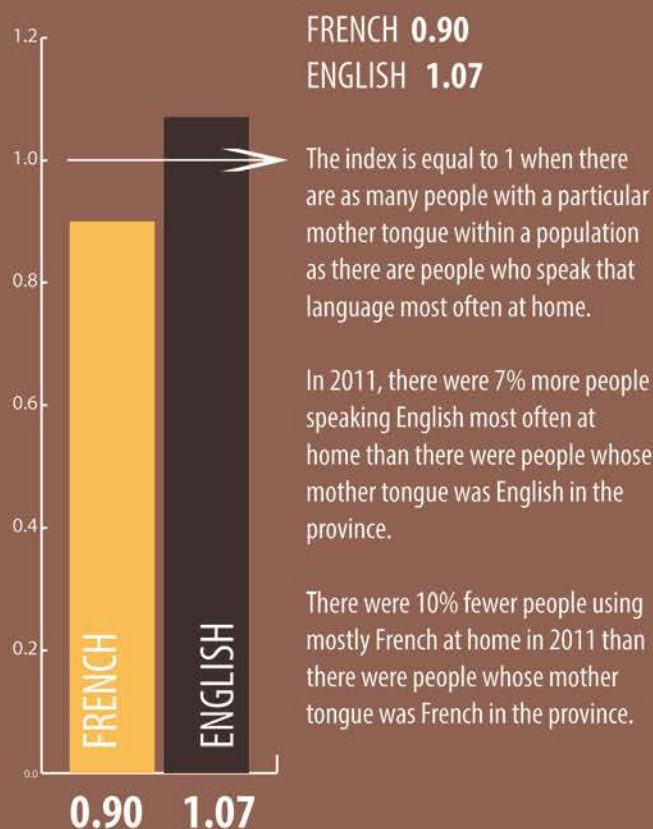
Proportion of bilingual people by mother tongue in New Brunswick, 2011



Number of bilingual people by mother tongue, New Brunswick, 1971 to 2011



Language vitality



* D. Pépin-Filion, Profile of Linguistic Situation in New Brunswick, prepared for the Commissioner of Official Languages for New Brunswick (Moncton: Canadian Institute for Research on Linguistic Minorities, 2013).

D. Pépin-Filion. Evolution of Bilingualism in New Brunswick, prepared for the Office of the Commissioner of Official Languages for New Brunswick (Moncton: Canadian Institute for Research on Linguistic Minorities, 2014).

From the Commissioner



This annual report represents far more than an account of our activities: it contains a wealth of information about various aspects of official languages in our province.

The summary of the study on the evolution of bilingualism in New Brunswick (on page 38) shows that the number of bilingual people in the province more than doubled between 1951 and 2001, settling at slightly more than one-third (34.2%) of the population. And it will surprise many to learn that Anglophones now represent nearly 30% of all bilingual New Brunswickers. It is clear that efforts in learning a second language have yielded positive results. In fact, the authors of the study estimate that French immersion has contributed to the bilingualism of three-quarters of young bilingual Anglophone adults. However, since the early 2000s, the rate of bilingualism in New Brunswick has been stagnating, and now appears to be decreasing slightly. How can such a situation be explained? How can we ensure renewed growth in the bilingualism rate?

Over the past few months, we have focused on the bilingual capacity of the senior public service in the province. Our study (on page 18) presents an interesting finding: approximately 50% of senior officials from government departments and agencies (Part I) are able to perform their duties in both official languages. Given that no data were available prior to this study, we cannot determine whether there has been a progression or a regression in this area. That said, given the nearly 50 years since the adoption of the first *Official Languages Act*, how is it that all of our senior public servants are not bilingual?

In March 2015, the Office of the Commissioner of Official Languages for New Brunswick published a study on the economic benefits of bilingualism in the province (on page 33). Prepared by economist Pierre-Marcel Desjardins and economic development specialist David Campbell, the study documents the significant economic spinoffs generated by New Brunswick's bilingual character and workforce.

Taking advantage of our two official languages requires thinking and acting differently.

Thus we learn that bilingualism has played a fundamental role in the development of key sectors, such as customer contact centres, language industries, and professional services. The analysis also shows that the economic spinoffs of bilingualism benefit unilingual and bilingual people alike. In fact, companies that have come to the province for its bilingual workforce have created two unilingual jobs for each bilingual position. Bilingualism has also helped to develop stronger trade relations and more significant investments with Quebec and Francophone countries. In reviewing this study, I was left with the clear impression that these spinoffs could be much more significant if a more concerted approach were to be used to take advantage of our two official languages. In that regard, the authors of the study recommend the establishment of a public and private sector board whose mandate would be to identify concrete actions to increase the economic spinoffs of bilingualism.

While these three studies tackle very different subjects, they demonstrate that our province's bilingual character is not being exploited to its fullest potential.

Expectations have changed

When the first *Official Languages Act* (OLA) was passed in 1969, one of the main objectives was to ensure that both linguistic groups had access to public services in the language of their choice. Over time, the provincial government has broadened its range of bilingual services. Once a language spoken mainly in the private sphere, French has expanded into the public sphere, including government offices. At the same time, New Brunswick has acquired a unique status within the Canadian federation by becoming the only officially bilingual province. French immersion programs started to appear. The equality of our two linguistic communities and their right to distinct institutions have been recognized. Moreover, leaders have been able to exploit this bilingual character to diversify our economy.

It has been nearly half a century since the first OLA was passed, and expectations have changed. Members of our two linguistic communities have an expectation to not merely be accommodated, but rather, they expect equal quality services in both official languages throughout the province. They know it is their right under the OLA and they want it to be fully respected.

Parents want their children to become proficient in their second language so they can qualify for jobs that require knowledge of English and French. Provincial public servants expect to be able to work and be supervised in the official language of their choice. As a minimum, companies in New Brunswick expect to be able to count on having a bilingual workforce, since many competing jurisdictions have a multilingual workforce to offer. In short, the paradigm has shifted considerably over the past several decades. Have the government's vision and its practices in terms of official languages evolved to reflect this paradigm shift?

An investigation of the delivery of bilingual services by Service New Brunswick (on page 64) reveals that some service centres have no bilingual employees. If clients require services in French, they have to use the telephone. An evaluation of the Government Plan on Official Languages (on page 47) – a plan that was meant to give new momentum to official languages – reveals that very few concrete measures have been implemented. Four years after an investigation report on *Official Languages Act* violations was tabled, the City of Miramichi (see page 71) remains non-compliant with almost all of its language obligations.

These troubling findings are the result of government attitudes and practices that have seemingly not evolved in decades: fear of talking about bilingualism, tolerance for repeated and ongoing violations of the *Official Languages Act*, reticence to promote the use of French in governmental workplaces, reluctance to publicly

promote the respect of the constitutional rights of New Brunswickers, and discomfort in explaining the purpose of duality in education.

Such attitudes and practices lead to misunderstandings within certain segments of the population about the purpose of official bilingualism and linguistic duality, hence the myths and attacks that resurface periodically, in particular when the economy weakens. Worse still, these attitudes and practices fuel a culture that prevents us from advancing and taking full advantage of our province's bilingual character.

Thinking and acting differently

Everyone knows that New Brunswick is the only officially bilingual province. We are proud of this fact, and for good reason. This status is first and foremost a sign of respect and equality for our two official linguistic communities. However, apart from the government's obligation to serve citizens in the official language of their choice, what is the purpose of New Brunswick's bilingual status? How could it be used to its full advantage? How can bilingualism be used to leverage social and economic development? How can we improve the bilingualism rate of the population? These are all questions that many people shy away from asking themselves, yet the answers have the potential to give New Brunswick a fresh impetus.

Taking advantage of our two official languages requires thinking and acting differently.



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Official Languages Act

Assented to June 7, 2002

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BILINGUALISM IN THE SENIOR PUBLIC SERVICE: A KEY COMPETENCY

There are several reasons why New Brunswick senior public servants need to be able to speak both official languages. First, these leaders perform duties requiring constant interaction with members of the two linguistic communities. Second, these men and women are the ones who are primarily responsible for applying the *Official Languages Act* (OLA). Their knowledge of the two languages enables them to ensure that services are of equal quality in English and French. Third, senior public servants supervise Anglophone and Francophone employees. Therefore, they have to be able to communicate with them in their language. Finally, senior public servants represent New Brunswick. Accordingly, they must embody one of its most important values: official bilingualism. Notwithstanding the above, bilingualism is not a requirement for senior management positions. The Commissioner believes that this situation has to change.

Introduction

In 1969, when the first *Official Languages Act* was passed, the Government of New Brunswick made a commitment to provide its services to the public in English and French. Since then, the public service has become more bilingual to meet its language obligations.

Official bilingualism has never meant that every government employee must speak both languages. On the contrary, according to the most recent government data, only 41% of government department and agency employees (Part I of the public service) must be bilingual. However, one would expect those primarily responsible for applying the OLA, i.e., senior public servants, to be required to speak both languages. But, in Canada's only officially bilingual province, no policies or guidelines make it a requirement.

In recent years, the government's position with respect to bilingualism in the senior public service seems to have evolved. In fact, the provincial government has publicly committed to "improving the bilingual capacity of the senior public service." This commitment first appeared in the Plan on Official Languages entitled *Official Bilingualism – A Strength 2011–2013*. It was subsequently incorporated into the implementation plan for the OLA, now a requirement under the *Official Languages Act*.

Excerpt from the *Official Languages Act*:

5.1(1) The Province shall prepare a plan setting out how it will meet its obligations under this Act, and the plan shall include the following:
(e) measures to improve the bilingual capacity of senior management in the public service;

Although this government commitment is rather vague and is void of any targets, it is a clear indication of the importance of bilingualism for senior government officials in New Brunswick. There are several reasons why bilingualism is a skill that they need to do their jobs. Those reasons are fourfold:

1. Communicating with the two linguistic communities
2. Ensuring the quality of bilingual services provided to the public
3. Creating a bilingual work environment
4. Embodying one of the province's fundamental values.

Who are senior public servants?

According to the *Government of New Brunswick's Staffing Policy Manual*, senior executives are employees in Pay Bands 8 to 12.

In view of that definition, the Office of the Commissioner considers deputy ministers, assistant deputy ministers, and employees in Pay Bands 8 to 12 to be senior public servants.

Senior public servants account for roughly three percent of the total number of provincial department and agency employees (Part I).

PART 1

Many reasons why senior public servants should be bilingual

1. Communicating with the two linguistic communities

Communication is central to the work of senior public servants. They must speak with political leaders, other public servants, citizens and interest groups on a daily basis. It should therefore come as no surprise that three of the six competencies the government looks for when recruiting senior executives are communication-based (see text box on page 23). In a province with two official language communities, unilingualism of senior public servants is a significant impediment. Indeed, unilingual executives are unable to manage some employees in their language of choice. The language barrier prevents them from communicating directly with members of the other linguistic community. They are not able to directly access media reports pertaining to their department in the other official language.

Moreover, unilingualism may greatly compromise clear communication between senior public servants and their ministers.

It must also be mentioned that unilingual senior public servants are unable to directly access various information sources (letters, briefs, reports, studies, briefing notes) written in the other language. Consequently, their analytical work—an essential component of their role as advisors to political leaders—can be incomplete.

Since English and French have equality of status in New Brunswick, unilingualism among senior public servants also creates a situation of inequality towards a linguistic group that will therefore have to use the other language to communicate with them. A paradoxical situation results: A government employee who, by definition, serves the public, imposes a language different from the one of the group he or she is supposed to serve.

2. Ensuring the quality of bilingual services provided to the public

The *Official Languages Act* requires government institutions to serve citizens in the official language of their choice. In that respect, senior public servants are the ones who are primarily responsible for ensuring compliance with the Act in their organizations. Accordingly, they will supervise the planning, delivery, monitoring, and assessment of bilingual services to the public.

Senior public servants must also ensure that their organizations fulfil related language obligations, including those pertaining to

- fulfilment of the implementation plan for the OLA;
- the Language of Service policy;
- the provisions of the OLA regarding services provided by third parties.

Bilingualism is an essential competency for fulfilling these duties. Without a knowledge of both official languages, senior public servants cannot determine for themselves if services provided to the public are of equal quality in English and French. In addition, being unilingual will prevent them from communicating with members of one of the two linguistic communities to determine their level of satisfaction with services provided to them in their language. In short, unilingual senior public servants will be unable to monitor the quality of bilingual services. Furthermore, how can unilingual senior public servants demonstrate the importance of bilingual services to their employees if they have not made the effort to learn the other official language?

A senior public servant can ask a bilingual subordinate to perform that role. However, in that case, the senior public servant is no longer performing his or her own duties, thereby compromising the principle of accountability.

3. Creating a bilingual work environment

Under the Language of Work policy, employees of departments and other government agencies (Part I of the Public Service) can choose the official language in which they wish to work and be supervised. In practice, they can exercise that choice only if the work environment actively supports the use of both official languages. In that regard, studies have drawn attention to the key role senior management plays in creating a work environment that promotes the use of English and French. For example, senior public servants will

- ensure that the organizational structure and membership of the work teams are such that each employee can work in the official language of his or her choice;
- ensure that both languages are treated equally in every aspect of work (oral communications, documents, work tools, meetings, etc.);
- ensure that second-language training is provided to employees.

Leadership by senior public servants with regard to language of work comes down to their own knowledge of both official languages and their desire to use them in the workplace. It would be utopian to believe that a senior public servant can create a truly bilingual work environment if he or she does not speak both languages. That does not mean that a unilingual senior public servant will act in bad faith. On the contrary. However, unilingual senior public servants face a significant obstacle, as they cannot practice what they preach.

4. Embodying one of the province's fundamental values

Nearly half a century ago, New Brunswick became an officially bilingual province. Following the passage of its first *Official Languages Act* in 1969, New Brunswick was successful in having the equality of English and French enshrined in the *Constitution Act, 1982*. Some 10 years later, the status of the equality of New Brunswick's two official linguistic communities was in turn added to Canada's Constitution. In 2002, New Brunswick passed a new *Official Languages Act*.

Those few historical benchmarks clearly show that the equality of New Brunswick's two official languages and two official linguistic communities has been a fundamental value in this province.

As representatives of the province and its two linguistic communities, senior public servants must embody this fundamental value of equality by being able to speak both languages.

Bilingualism should be stated as an essential competency for those aspiring to higher level positions in the provincial public service. Public servants aspiring to lead employees from the two linguistic communities would thus know that they cannot expect such privilege if they do not speak English and French. Public servants wishing to directly advise elected officials would recognize that they have to speak their respective language in order to perform such duties. And public servants wishing to influence the future of this province would know that, in order to fulfil that role, they have to speak both of the official languages of New Brunswick.

Communication: At the Heart of Leadership Competencies

This excerpt from a Government of New Brunswick document presents three of the six leadership competencies that are sought after when selecting and training senior executives. They clearly demonstrate that communication is at the heart of leadership.

Coaching and Team Development

Develops effective, highly motivated individuals and teams to achieve common goals. Respects, acknowledges and recognizes the contribution of each individual. Encourages individuals to develop and grow, to work to the best of their skills and competencies, and supports opportunities to use these competencies. Models Public Service values and coaches others on the importance of demonstrating these values. Willingly shares personal experience and knowledge and provides feedback to improve individual and team performance. Empowers others through delegation of responsibility, authority and accountability. Champions new initiatives, and stimulates others to change.

Organizational Awareness

Understands the business and all key relationships in the public sector environment, including the decision-makers, partners and stakeholders who influence them. Remains open-minded, respectful and flexible when presented with different perspectives. Quickly adapts his or her approach as the requirements of a situation change.

Relationship Building

Builds effective working relationships, networks of contacts and partnerships with individuals at all levels as well as with organizations inside and outside government. Actively listens to what others have to say and responds in a clear, concise and diplomatic manner, adapts communication style as appropriate. Is self aware, respectful, perceptive and sensitive to the attitudes, feelings and concerns of others. Acts with fairness, honesty and transparency, honours his or her commitments to others and upholds Public Service values.

Source: Executive Leadership Competencies, Government of New Brunswick

PART 2

An unclear stance

While it is clear that bilingualism should be a requirement for every senior public service position in New Brunswick, the provincial government has never decreed it officially. In fact, its stance on this issue is ambiguous, if not contradictory as the following examples demonstrate.

The team approach

In order to provide the public with bilingual services, the provincial government uses a “team approach.” As its name indicates, this approach involves utilizing the language skills of everyone on the team to provide services to the public in both official languages. A linguistic profile is established for each team. It identifies the number of unilingual English, unilingual French, and bilingual employees required.

It should be noted that positions on teams are not designated bilingual or unilingual. A position whose incumbent is bilingual could be filled later on by a unilingual person if the linguistic profile—the total number of unilingual and bilingual employees needed for the team—is met. Therefore, it will be difficult for the government to make parts of the public service bilingual if it does not attach language requirements directly to positions.

Advancement for unilingual employees

According to government documents, a unilingual person can become a supervisor if the linguistic profile of the team is maintained (see page 26). Such a practice poses two major problems. First, pursuant to the Language of Work policy, employees can choose to be supervised and to work in the official language of their choice.

The fact that a unilingual employee can become a supervisor could prevent public servants from working in their language. Second, by saying that unilingual persons can be promoted to senior positions, the government is compromising its efforts to make its senior public service bilingual, with senior public servants having started out as supervisors and then becoming middle managers.

Recruitment of Legislative Officers

In the spring of 2013, a competition was held to staff three Legislative Officer positions: the Ombudsman of New Brunswick, the Child and Youth Advocate, and the Commissioner of Official Languages. Many people were taken aback at the time to see that only the Commissioner of Official Languages position required knowledge of English and French. Even though, in the end, the successful candidates for all three positions speak both official languages, it is surprising to say the least that proficiency in both official languages was not indicated as a requirement for all of the positions.

A similar situation occurred again during the winter of 2015. The notice of competition for the New Brunswick Consumer Advocate for Insurance did not require a knowledge of both official languages. Rather, it indicated that bilingualism was an asset.

In the Commissioner’s view, practices such as these cannot continue. The Legislative Assembly should take the Parliament of Canada’s lead, which adopted the *Language Skills Act* in June 2013. Pursuant to the Act, the ability to speak and understand clearly both official languages is a requirement for the appointment of Officers of Parliament.

Bilingualism: A value?

The Plan on Official Languages entitled *Official Bilingualism – A Strength* contained the following measure:

The government ensures that official bilingualism is included as a fundamental value of the public service and is clearly included in the Code of Conduct of the employees of the public service.

A review of the document entitled *Public Service Values and Conduct Guide* shows that the government has followed through on the commitment in the Plan. However, the wording does not make it clear that proficiency in both official languages is a desired qualification.

Value: Respect

Public servants value diversity within the public service and within the communities they serve, including respect for New Brunswick's two official languages.

While positive, this statement does not demonstrate that knowledge of both official languages is a value in the public service.

Bilingualism: A conspicuously absent competency

To recruit and manage its employees, the provincial government uses a series of key competencies. Among them, six leadership competencies were developed for executive positions:

- Coaching and Team Development
- Organizational Awareness
- Organizational Commitment
- Relationship Building
- Results Orientation
- Strategic Thinking

As indicated above, half of these leadership competencies (Coaching and Team Development, Organizational Awareness, and Relationship Building) require communication with various groups. However, even though English and French are New Brunswick's official languages, bilingualism is not one of the key executive competencies.

Legislative Officers and their very public role: One more reason to require bilingualism

The work of officers of the Legislative Assembly (e.g., Commissioner of Official Languages, Ombudsman, Auditor General) is often of great interest for the media. This is especially true when they hold news conferences to present their annual reports or the findings of an investigation. At such events, where the officer and the organization he or she leads are one and the same, having spokespersons relay the information to reporters in the other official language is not an option. Unilingual officers are therefore confronted with an obstacle. Although they could use a simultaneous interpretation service during news conferences, this is clearly not an option for in-person, studio, or telephone interviews.

Excerpt from the Government document *Official Languages: Straight Talk on Language of Work*

If I'm a unilingual employee, how will the language of work policy affect my chances for promotion?

Unilingual employees will continue to have opportunities for advancement. Let's say you're a unilingual employee and there are three people above you on the ladder; one bilingual and two unilingual. When one of the jobs becomes vacant you can be promoted, as long as the team meets the linguistic requirements – and provided you're the most qualified for the job.

If unilingual employees aspire to be supervisors, won't they automatically be passed over if a bilingual candidate is also competing for that position?

It will depend on whether or not the bilingual requirements of the team are met at the time when the job is advertised. If there are a sufficient number of employees in the team with the required bilingual capacity, the job would be advertised with a unilingual requirement and you would then be able to compete. Other employees who are bilingual could also apply, but the requirements would be unilingual and as such, they would not gain an advantage over you. The fact that they are bilingual would not be assessed as part of the evaluation process.

Source: Government of New Brunswick

PART III

Benchmark for measuring the bilingual capacity of senior management

Pursuant to section 5.1 of the *Official Languages Act*, the government has to develop an implementation plan for the Act. That plan must include “measures to improve the bilingual capacity of senior management in the public service.”

To measure progress in that regard, it is essential to have a picture of the current status of the bilingual capacity of senior management. Since that information does not appear in any official documents, the Commissioner set out to measure that capacity. A survey was developed and sent to every department and to the Office of the Premier (see summary below).

Survey in a Nutshell

The purpose of the survey is to identify the number of unilingual and bilingual senior public servants in government departments and agencies (Part I of the provincial public service). According to the New Brunswick *Staffing Policy Manual*, a senior executive is an employee in Pay Bands 8 to 12. Deputy ministers, assistant deputy ministers, and employees in Pay Bands 8 to 12 are therefore considered senior executives.

For the purposes of this exercise, a senior executive is considered bilingual if he or she holds a valid certificate of oral competency at level 3 (Advanced, General Professional Proficiency) or higher. In the absence of a valid certificate, senior public servants will be considered bilingual if they can, orally, do all of the following, in both official languages:

- give detailed explanations and descriptions with precision,
- deal with hypothetical issues,
- defend an opinion, convey a point of view, or justify an action,
- give advice and counsel,
- deal with complex work-related situations.

If the bilingual capacity of the senior executive cannot be determined from the above description, it must be established using the following scenario:

At meetings of the Department’s Senior Management Committee, can this employee, despite his or her second-language imperfections,

- understand the English and French versions of documents being reviewed?
- understand discussions taking place around the table in both languages?
- deliver an oral presentation on one of his or her files in English and French?
- answer questions from colleagues in both languages?

If the answer to any of these questions is no, the employee cannot be considered bilingual for the purposes of this exercise.

Only the public servant’s job title is required on the survey.

A snapshot of the bilingual capacity of the senior public service

The tables below illustrate various aspects of the bilingual capacity of the senior public service (Part I). The data, which were compiled between January and March 2015, come from responses to a survey the Office of the Commissioner sent to the Office of the Premier (deputy ministers' language skills) and

to all departments and agencies in Part I (language skills of other executives). For each senior public servant position, respondents had to indicate the incumbents' current ability to perform their duties in English, in French, or in both languages (see box titled Survey in a Nutshell).

BILINGUAL CAPACITY OF THE SENIOR PUBLIC SERVICE IN NEW BRUNSWICK (PART I)

Bilingual capacity of senior public servants: 49%
Number of bilingual senior public servants: 159
Total number of senior public servants*: 328
*Senior public servants account for roughly 3% of the total number of provincial department and agency employees (Part I).

BILINGUAL CAPACITY OF THE SENIOR PUBLIC SERVICE, BY SENIOR PUBLIC SERVANT CATEGORIES

Position category	Employees		Bilingual capacity in %
	Number of bilingual senior public servants	Total number of senior public servants	Ratio of number of bilingual senior public servants to total number of senior public servants
Deputy Ministers	11	17	61%
Assistant Deputy Ministers	29	52	55%
Senior executives reporting directly to Deputy Ministers	16	32	50%
Other senior executives (Pay Bands 8 to 12)	103	227	45%

Bilingual capacity of senior public servants, by department/agency

Department/agency	Employees		Bilingual capacity in %
	Number of bilingual senior public servants	Total number of senior public servants	Ratio of bilingual senior public servants to total number of senior public servants
Agriculture, Aquaculture and Fisheries	6	14	43%
Economic Development	4	4	100%
Education and Early Childhood Development ¹	10	10	100%
Efficiency NB	3	4	75%
Energy and Mines	1	6	17%
Environment and Local Government	5	12	42%
Executive Council Office	19	36	53%
Finance	2	19	11%
Government Services	4	7	57%
Health	16	29	55%
Healthy and Inclusive Communities	4	6	67%
Human Resources	6	11	55%
Internal Services Agency	5	14	36%
Justice	7	11	64%
Natural Resources	6	16	38%
Office of the Attorney General	10	20	50%
Post-Secondary Education, Training and Labour	12	19	63%
Public Safety	8	16	50%
Service New Brunswick	5	16	31%
Social Development	12	25	48%
Tourism, Heritage and Culture	4	9	44%
Transportation and Infrastructure	12	30	40%

¹ The English and French sections of the Department of Education and Early Childhood Development are not considered institutions for the purposes of the application of the *Official Languages Act* of New Brunswick. Consequently, senior public servants in the two sections at the Department were not considered when these data were compiled. Only those serving the two sections were considered.

Language Skills of Senior Public Servants by Pay Band (PB)

(deputy ministers and vacant positions not included)

Language Skills	Pay Band								Total
	PB6	PB7	PB8	PB9	PB10	PB11	PB12	Other categories*	
Bilingual	1		67 (45%)	32 (46%)	10 (53%)	18 (56%)	3 (43%)	16 (50%)	147 (47%)
English	1	1	81 (55%)	37 (54%)	9 (47%)	14 (44%)	4 (57%)	16 (50%)	163 (52%)
French	1								1
Total	3	1	148	69	19	32	7	32	311

*Pay grades for specialized occupations: lawyers, health professionals, engineers.

Notes

- Senior public servants not considered bilingual for the purposes of this exercise may have abilities in the other official language, but at a level lower than the minimum established for this exercise, i.e., level 3 oral (Advanced – General Professional Proficiency). In addition, they may also speak one or more non-official languages.
- Vacant positions were not counted.
- Deputy ministers responsible for more than one department or agency were counted only once to determine deputy ministers' bilingual capacity.

Part IV

Recommendations

The time has come for New Brunswick to live up to its constitutional status and take decisive action to ensure that all senior public servants in the province are bilingual.

The Commissioner realizes that such a process must respect the fact that many unilingual senior public servants moved into their current positions when bilingualism was not required. Those employees

must therefore be able to remain in their positions. In addition, unilingual senior public servants should be offered intensive second-language training in order to qualify for other senior management positions if they wish.

The Commissioner therefore recommends the following:

Legislative Officers

That the Legislative Assembly of New Brunswick enact legislation establishing that the ability to speak and understand both official languages (level 3, oral, in the second language) be a requirement for the appointment of all new officers of the Legislative Assembly.

Deputy Ministers, Assistant Deputy Ministers and other Senior Public Servants*

That, over the next four years, all competitions for and staffing of deputy minister, assistant deputy minister and other executive positions (Pay Bands 8 to 12) include

- a requirement to speak and understand both official languages (level 3, oral, in the second language)
or
- a requirement to attain a level 3, oral, in the second language, within three years from the date of appointment.

That, beginning in 2020, the ability to speak and understand both official languages (level 3, oral, in the second language) be a requirement for the appointment of all deputy minister, assistant deputy minister and other executive positions (Pay Bands 8 to 12).

Second-language training

Although senior public servants account for roughly three percent of all of employees in government departments and agencies (Part 1), these men and women play a key leadership role in the smooth operation of government. Their professional skills, their work experience, and their expertise in various fields are a tremendous asset for New Brunswick.

Therefore, it is essential that the provincial government of Canada's only officially bilingual province have the tools that will allow its senior public servants to develop and maintain their second-language skills. Consequently, the Commissioner recommends the following:

That the government establish an intensive second-language training program tailored to the needs of senior public servants.

*Excluding positions within the English and French sections of the Department of Education and Early Childhood Development.

Two Languages: It's Good for Business

The Office of the Commissioner of Official Languages for New Brunswick published a study on the economic benefits of bilingualism in the province in March 2015. The following is a summary of this important study by economist Pierre-Marcel Desjardins and economic development specialist David Campbell. To consult the full report, visit the website of the Office of the Commissioner (Publications section).

Two Languages: It's Good for Business was prepared to highlight the economic benefits of bilingualism in New Brunswick. It reveals that the province's bilingual character and workforce have played a key role in the development of key industries such as customer contact centres, language industries, and professional services. The report also finds that unilingual New Brunswickers have benefited as most of the firms attracted to the province by the bilingual workforce only require that a portion of their employees speak both languages.

The bilingual workforce has also helped build stronger trade, investment, and tourism activity with French-speaking jurisdictions. Being a bilingual province makes it easier to attract French-speaking post-secondary education students and immigrants.

New Brunswick needs to find new industries and new opportunities to facilitate economic growth. This report also reviews potential ways the province could leverage its bilingual workforce for future economic growth.

EIGHT ECONOMIC BENEFITS ARISING FROM NEW BRUNSWICK'S BILINGUALISM ADVANTAGE

Benefit #1: The bilingual workforce has been a key reason why New Brunswick has attracted big corporate players including ExxonMobil, Xerox, IBM, FedEx, UPS, RBC, TD Insurance, Unilever, and SNC-Lavalin to set up in the province.

- New Brunswick has a customer contact centre and back office industry generating \$1.4 billion worth of interprovincial and international export revenue annually for the province. The province also has the highest proportion of people employed in this industry compared to all other provinces.
- Of the 15,400 people employed in the New Brunswick administrative services sector, only 32 percent speak both English and French. The rest speak either English (66 percent) or French (2 percent) only. The development of the customer contact centre and back office industry in New Brunswick has benefited thousands of unilingual New Brunswickers.

Benefit #2: Bilingualism has led to the development of a vibrant language industry in the province.

- New Brunswick has the second highest concentration of translators, terminologists, and interpreters in the workforce among the 10 provinces across Canada.
- There are 65 registered business establishments in the industry group Translation and Interpretation Services.

Benefit #3: Bilingualism has been key to developing the Quebec market for trade and investment.

- The ability to serve the Quebec market in French is one of the key reasons why New Brunswick firms are able to build their markets in Quebec.
- On a per capita basis, no other province generates more export revenue from Quebec than does New Brunswick.
- Between 2007 and 2011, New Brunswick generated nearly \$1.2 billion worth of services revenue per year from the Quebec market. On a per capita basis, only Ontario generates more services sector revenue from Quebec than does New Brunswick.
- New Brunswick's transportation sector also derives significant revenue from Quebec. Between 2007 and 2011, the transportation and related services sector generated an average \$148 million in revenue per year.
- Between 2007 and 2011, New Brunswick generated nearly \$1.2 billion worth of services

Benefit #4: Bilingualism has been a major reason why national finance and insurance firms are serving their customers across the country from New Brunswick.

- According to a recent study, half of insurance carriers in New Brunswick are serving markets outside the province. The survey asked insurance carriers to describe the value proposition for their New Brunswick operations. The bilingual workforce was one of the top cited reasons why the firms were expanding in the province.
- Being able to serve Francophone customers has been a key reason why the insurance carriers have expanded their employment in the province by 55 percent between 2006 and 2013.
- Because of the province's bilingual workforce, New Brunswick has attracted the back offices and customer support centres for a number of Canada's national banks.

Benefit #5: Bilingualism has been key to developing the Quebec market for New Brunswick's professional services.

- New Brunswick ranks eighth among the 10 provinces across Canada for interprovincial professional services revenue. By contrast, New Brunswick ranks second among the 10 provinces for professional services export revenue from the Quebec market - 53 percent more than the average across Canada when adjusted for population size. It is clear the province's bilingualism enables increased professional services-based trade in the Quebec market.

Benefit #6: Bilingualism has been an important reason why New Brunswick has been able to attract significant tourism revenue from the Quebec market.

- In 2011, the accommodation and food services sector generated \$123.3 million in revenue from Quebec tourists (classified as interprovincial export revenue). This was second behind Prince Edward Island in the amount of revenue generated from Quebec in this sector adjusted for the size of the population. It was more than twice as much revenue compared to Ontario and three times as much compared to Nova Scotia on a per capita basis.

Benefit #7: Bilingualism has been an important reason why New Brunswick has attracted national and international post-secondary students to study in the province.

- New Brunswick already ranks third among the 10 provinces in Canada for interprovincial export revenue from the educational services sector (students bringing revenue to the province).
- In 2013-2014, New Brunswick's universities had 13.2 percent international students.
- The percentage of international students studying at New Brunswick universities has increased by 53 percent between 2009-10 and 2013-14.

Benefit #8: Bilingualism has been an important reason why New Brunswick has attracted a higher share of bilingual immigrants compared to most other provinces.

- In 2006, of the 26,400 immigrants living in New Brunswick, nearly a quarter spoke both English and French, twice the national average.

KEY FACTS ABOUT NEW BRUNSWICK'S BILINGUALISM ADVANTAGE

New Brunswick has a large proportion of bilingual adults.

- New Brunswick ranks second among the 10 provinces with respect to the percentage of adults with a knowledge of English and French, at 35.1 percent.
- New Brunswick has nearly double the percentage of bilingual adults as Canada as a whole.

Bilingualism is generally correlated with educational achievement.

- Nearly half of adults with a university certificate, diploma, or degree at the bachelor level or above are bilingual. The trend is that bilingualism decreases for lower levels of educational achievement.

Not all sectors have a similar proportion of bilingual workers.

- Eight of the province's 20 economic sectors (NAICS 2-digit) have a proportion of bilingual

workers above the provincial average, led by public administration, educational services, finance and insurance, and arts, entertainment and recreation.

- The public administration sector does not have the greatest proportion of bilingual workers, compared to the national average. Several sectors managed by the private sector have a relatively higher proportion of bilingual workers, compared to the Canadian average.

There is a bilingual occupational labour market advantage.

- This is the case for the participation rate (percentage of the adult population employed or looking for a job) and for the employment rate (percentage of the adult population employed).
- It is generally more important in New Brunswick than in Canada, and more important when compared to French only speakers as opposed to English only speakers.

NEW BRUNSWICK'S BILINGUALISM ADVANTAGE: FUTURE OPPORTUNITIES

New Brunswick's bilingual workforce and communities could be leveraged to develop a number of future economic opportunities that would boost the province's GDP, employment, and tax base. These include the following:

Customer contact centres and social media. Social media is driving the development of a multi-channel next generation customer contact centre industry. New Brunswick could leverage its bilingual workforce to provide services to national and international markets.

Language industries and information technologies. The new trade agreement with Europe opens up potential new markets. The integration of new information technologies (IT) into language industries also creates new opportunities that build on New Brunswick's bilingualism.

Bolstering international tourism, trade, and investment. While New Brunswick has generated incremental trade and investment benefits as a result of its bilingual workforce, there is much more potential for growth outside Canada.

Strengthening economic ties with Quebec. The report shows New Brunswick already generates

significant benefits from its economic relationship with Quebec. There are additional opportunities to expand investment, increase exports, and foster more tourism from the Quebec market.

Expanding educational services export revenue. The local population base for New Brunswick's post-secondary education system is in decline. Attracting significantly more international students could be a good source of export revenue for the province and ensure a high quality post-secondary education system into the future.

Attracting more immigrants, including French-speaking entrepreneurs. For French-speaking immigrants, New Brunswick's bilingualism helps make the province an attractive option within North America. This applies to the many French-speaking entrepreneurs who move to North America each year to set up new businesses.

RECOMMENDATION BY THE AUTHORS OF THE STUDY

The creation of an industry/government council with the objective of further leveraging the economic benefits of bilingualism.

Evolution of Bilingualism in New Brunswick

This section presents several excerpts from the study entitled *Evolution of Bilingualism in New Brunswick*, conducted by Dominique Pépin-Filion of the Canadian Institute for Research on Linguistic Minorities (CIRLM) for the Office of the Commissioner of Official Languages for New Brunswick. To consult the full report, visit the website of the Office of the Commissioner (Publications section) or the website of the CIRLM.

Highlights of the study

- The number of bilingual people in New Brunswick more than doubled during the second half of the last century, increasing from fewer than 100,000 people in 1951 to almost 250,000 in 2001.
- Bilingualism, demonstrated by less than one-fifth (19%) of the population in the 1950s and 1960s, increased continuously throughout the 1960s, 1970s, 1980s, and 1990s, reaching a peak in 2001, when slightly more than one-third (34.2%) of the population reported knowing both English and French.
- The number of bilingual people has been stagnating since the early 2000s, and the bilingualism rate now appears to be decreasing slightly.
- The number of bilingual people in New Brunswick went from 136,000 in 1971 to 246,000 in 2011. Note that this increase of 110,000 bilingual people since 1971 is equally attributable to the French-language community (52,795, or 48.1%) and the English-language community (50,410, or 45.9%) even though the first is two times smaller.
- The relative rise of bilingualism among Anglophones has enabled them to almost double their presence within the ranks of bilingual New Brunswickers, going from 15% of bilingual people in 1971 to 29% in 2011.
- It is estimated that, since the mid-2000s, French immersion has contributed to the bilingualism of three-quarters of young bilingual Anglophone adults.
- The number of bilingual people in New Brunswick has been stagnating since the early 2000s, because the increase in the province's population (2.8%) has been cancelled out by an equivalent drop in the bilingualism rate (-2.7%). This decline in bilingualism is the result of a combination of the decline in the Francophone population, which is the most bilingual, a decrease in its bilingualism, and the decline in bilingualism among Anglophones and persons whose mother tongue is a non-official language.

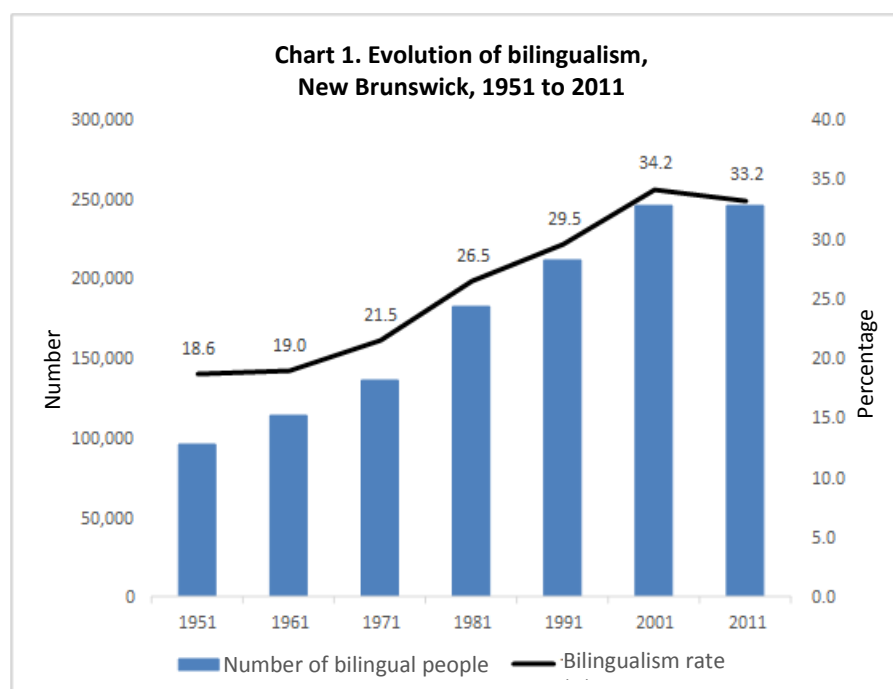
1. Individual Bilingualism: A Reversal in the Historical Trend?

The number of bilingual people in New Brunswick more than doubled during the second half of the last century, increasing from fewer than 100,000 people in 1951 to almost 250,000 in 2001, as shown in Chart 1 below. However, the number of bilingual people has been stagnating since the early 2000s, and the bilingualism rate now appears to be decreasing slightly because the province's population is growing again. This would be a reversal in the historical trend, as bilingualism had been increasing in this province, and doing so without interruption, since at least 1951.

Bilingualism, demonstrated by less than one-fifth (19%) of the population in the 1950s and 1960s, increased continuously in terms of weight within the population of New Brunswick throughout the 1960s, 1970s, 1980s,

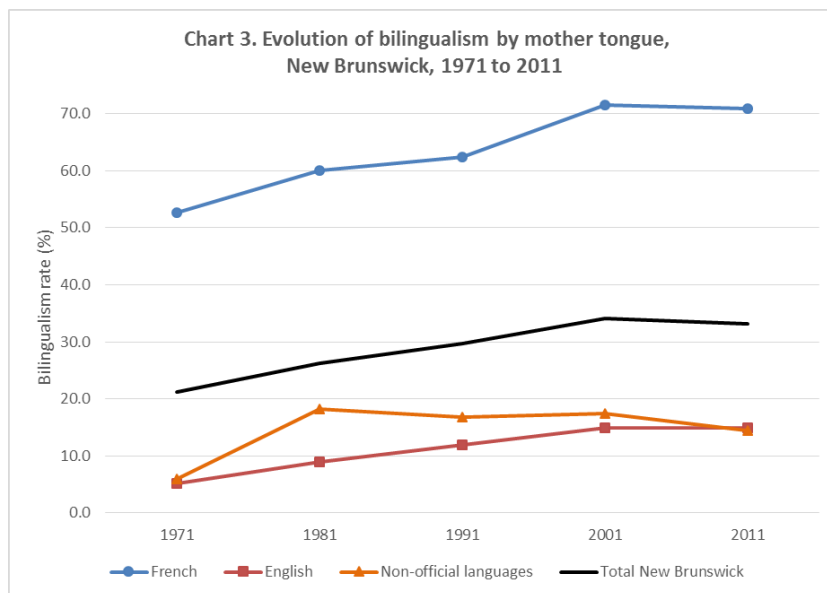
and 1990s, reaching a peak in 2001, when slightly more than one-third (34.2%) of the population reported knowing both English and French. This represents a considerable increase of 15 percentage points (15.2) between 1961 and 2001, for an average growth of almost 4 percentage points (3.8) per decade.

This upward trend then seems to have reversed itself sometime in the early 2000s³, such that the only officially bilingual province in Canada saw its bilingualism rate sink below one-third (33.2%) of the population in 2011. Although this was a decrease of less than one percentage point (-0.9) in a decade, it contrasts with advances four times greater observed during the previous 40 years.



Source: Statistics Canada, censuses of population, 1951, 1961, 1971, 1981, 1991, 2001, and 2011

2. Bilingualism of Language Groups: Language Status and Minority Situation



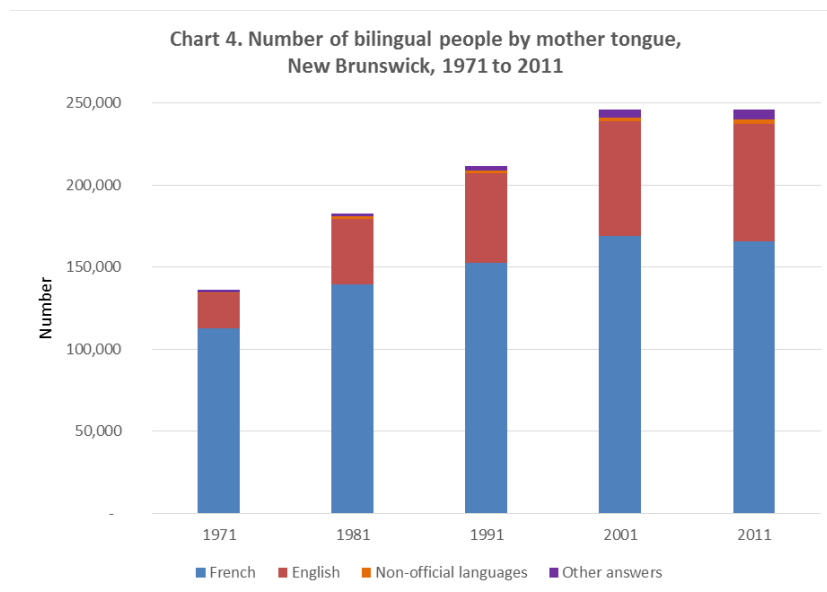
Source: Statistics Canada, censuses of population, 1971, 1981, 1991, 2001, and 2011.

Individual bilingualism rates differ tremendously by language group,^{4,5} and such has been the case in New Brunswick over the past few decades. The evolution of bilingualism within the province's population as a whole therefore represents an average that masks very different rates depending on the language group, as shown in Chart 3.

In 1971, more than half (52.6%) of New Brunswickers with French as their mother tongue said they were bilingual, compared with a rate that is 10 times smaller (5.1%) among those with English as their mother tongue. Bilingualism rates in the province's two official language communities then increased until 2001, to 71.5% among Francophones and 15.0% among Anglophones, before dropping slightly to 71.0% and 14.9%, respectively, in 2011.

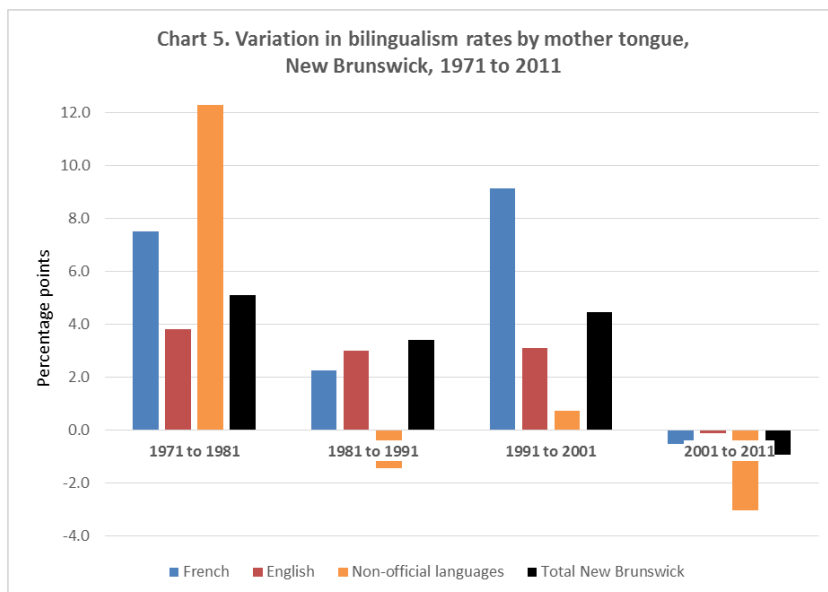
The Anglophone bilingualism rate almost tripled, while that of Francophones rose by a third, such that, since 2001, Anglophones are about five times less bilingual than Francophones.

The number of bilingual people in New Brunswick went from 136,000 in 1971 to 246,000 in 2011 (Chart 4). Note that this increase of 110,000 bilingual people since



Source: Statistics Canada, censuses of population, 1971, 1981, 1991, 2001, and 2011.

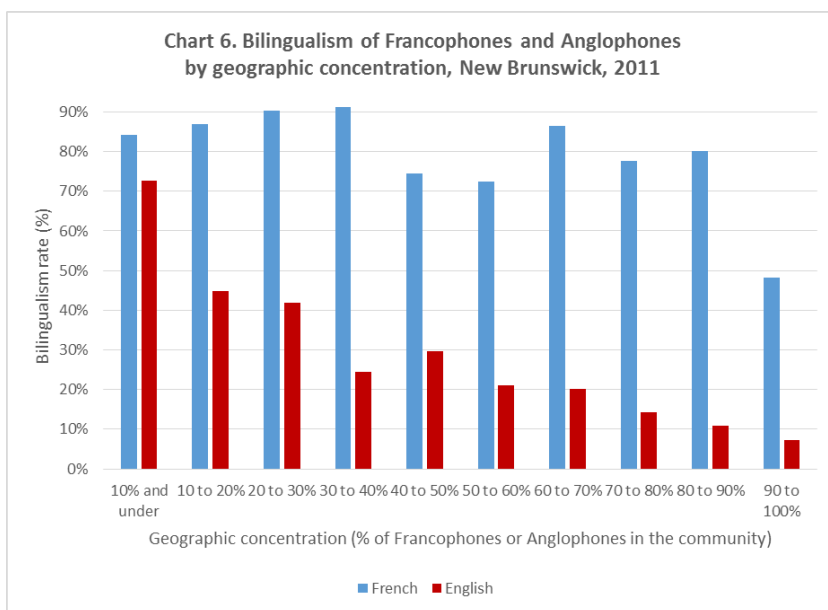
1971 is equally attributable to the French-language community (52,795, or 48.1%) and the English-language community (50,410, or 45.9%) even though the first is two times smaller.



Source: Statistics Canada, Censuses of Population, 1971, 1981, 1991, 2001, and 2011

Francophones have represented only one-third of the population of New Brunswick since 1971,⁴ although they accounted for the vast majority (82.9%) of bilingual people at that time and still represented two-thirds (67.4%) of them in 2011.

The relative rise of bilingualism among Anglophones has enabled them to almost double their presence within the ranks of bilingual New Brunswickers, going from 15% of bilingual people in 1971 to 29% in 2011. The gap between Francophones and Anglophones has therefore been closing continuously since 1971, although the pace has been slowing down progressively since the 1980s. This closing of the gap has actually been on the decline every decade since 1981 and has even seemed on the verge of tapering off entirely since 2001.



Source: Statistics Canada, Census of Population, 2011

English-French bilingualism among people whose mother tongue is a non-official language underwent a fairly significant increase in the 1970s, followed by a more gradual decline starting in the 1980s, reaching levels similar to Anglophones since the 2000s (Chart 3). Chart 5 compares the variations in bilingualism among the language groups.

The number of bilingual people in New Brunswick has been stagnating since the early 2000s, because the increase in the province's population (2.8%) has been cancelled out by an equivalent drop in the bilingualism rate (-2.7%). This decline in the bilingualism rate is the result of a combination of the decline in the Francophone population, which is the most bilingual, a decrease in its bilingualism, and the decline in bilingualism among Anglophones and persons whose mother tongue is a non-official language.

The two main factors explaining the persistent gaps between the bilingualism of the official language communities are probably the status of their language

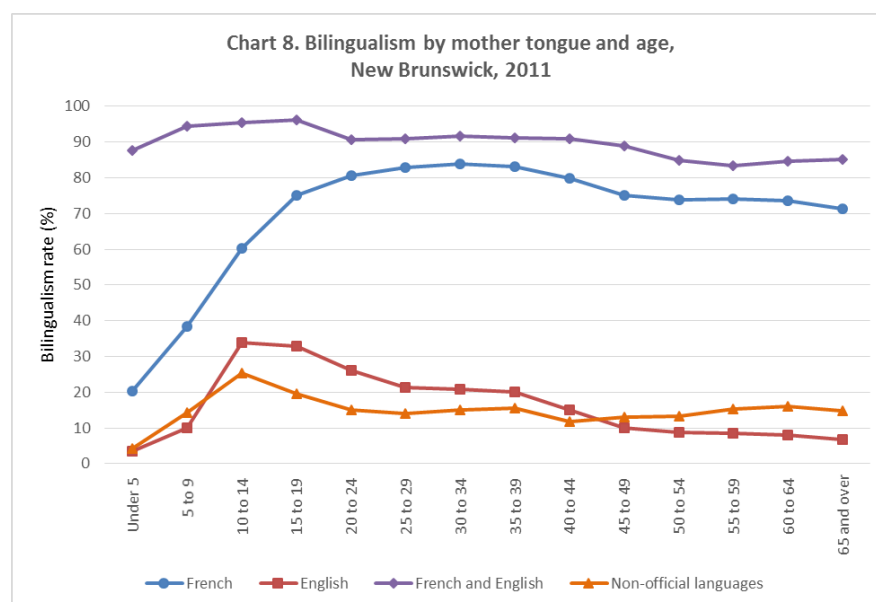
and the extent of their exposure to their second language, which is very often dependent on geographic concentration. It would appear that people in minority situations and speakers of the minority official language – French – are therefore more likely to be bilingual.

Such is the case with respect to geographic concentration in New Brunswick, even for the English language. In fact, the bilingualism rate among New Brunswickers with English as their mother tongue varies almost systematically depending on their weight in the population of their municipality or community (Chart 6).

3. French Immersion and Bilingualism

Bilingualism increases during the school years in all language groups and even reaches its highest level at that time in three language groups. This applies to almost all young people (96.2%) aged 15 to 19 with two official first languages, about one-third of Anglophones aged 10 to 14 (34.0%) and 15 to 19 (32.9%), and one-quarter (25.3%) of allophones aged 10 to 14. These results are consistent with findings indicating that Anglophones and allophones outside Quebec learn French mainly at school,⁴ whereas

Francophones in New Brunswick acquire English through contact with those around them, as well as through the media and cultural products, and must continue to learn English until they enter the job market,⁸ achieving their highest level of bilingualism (83.9%) between the ages of 30 and 34. On the contrary, bilingualism in the other language groups seems to decrease when they make the transition from school to the labour market, particularly for Anglophones who seem to lose their French with the passage of time after the age of 20.⁴



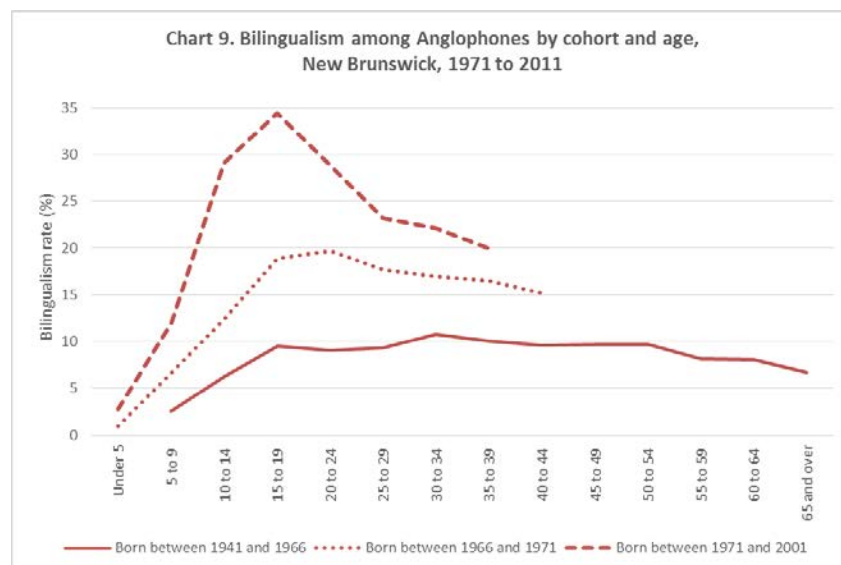
Source: Statistics Canada, Census of Population, 2011

Note as well that a recent decrease in bilingualism among young Anglophone adults was observed between 2006 and 2011. A similar decrease was observed between 2001 and 2011 among young Francophone adults, as well as among Francophones nearing the end of their careers, i.e., those aged 45 to 59.

A recent longitudinal study notes that young people who took French immersion are about 10 times more likely to be bilingual.⁶ More than half (57%) of young non-Francophones outside Quebec who took French immersion reported still being able to carry on a conversation in French at age 21, compared with only 6% of those who did not take immersion.⁶ Chart 9 illustrates the effect of the development of second-language immersion programs in New Brunswick in the mid-1970s.

The middle curve represents the first cohorts of Anglophone students who had partial access to French immersion programs as these were gradually being implemented. The cohorts born since 1971 had access to immersion programs throughout their elementary and secondary school years and therefore present

bilingualism rates that are clearly higher than those of their predecessors and that remain higher even after age 20. Generally, the effects of immersion programs seem to remain long after the school years are over, despite the loss of the second language among some. The largest increases in bilingualism among Anglophones reported in the last census correspond to the arrival of the first immersion cohorts in the 35-to-39 and 40-to-44 age groups.² Bilingualism has therefore almost doubled among those in their late 30s, going from 10.5% in 2001 to 20% in 2011. The increase was about 50% in the 40-44 age group, i.e., the very first cohort, which had only partial access to immersion programs while these were being developed (see Chart 9).



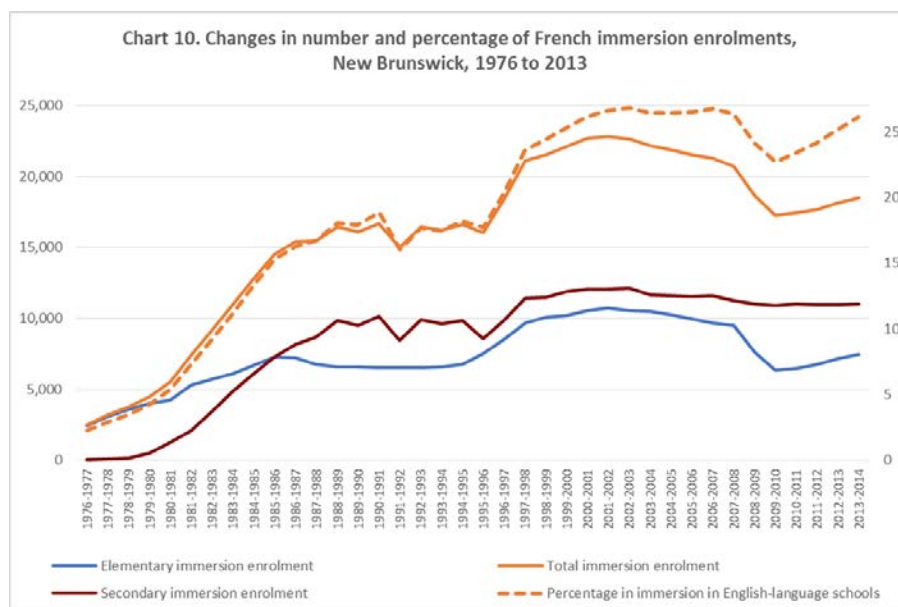
Source: Statistics Canada, censuses of population, 1971, 1981, 1986, 1991, 1996, 2001, 2006, and 2011.

We can get an even better understanding of the contribution of French immersion programs to Anglophone bilingualism by examining the enrolment figures for these programs since they were first established in the mid-1970s, almost 40 years ago (Chart 10).

Enrolments increased considerably during the different periods of immersion program expansion, despite stagnation in the late 1980s to the mid-1990s and even a decline in the 2000s.⁹ This contemporary decrease in numbers can be attributed first to the drop in the number of students in New Brunswick⁷ rather than to a decline in the popularity of these programs, as shown by the percentage of enrolments that continued until 2008. The more significant drop in numbers and percentage then observed between 2008 and 2010 is a direct consequence of the reform of the early French immersion program, which came into effect in 2008 in the province's English-language schools. This unusual decline is concentrated mainly at the elementary level,

as shown in Chart 10. The most significant decline in bilingualism among Anglophones reported in the censuses in the 2000s affects children aged 5 to 9 among whom the bilingual rate dropped by more than a third between 2006 and 2011² (see Chart 8).

The age of entry and consequently the amount of time spent in an immersion program are, however, directly related to the level of bilingualism achieved.¹⁰ During the previously mentioned longitudinal study,⁶ three-quarters (75.8%) of young non-Francophones outside Quebec who took French immersion for at least seven years prior to age 15 reported being able to carry on a conversation in both official languages at age 21, compared with 41% who took immersion for fewer than seven years. If we consider these results in the light of the high rates of program changes in secondary school, it seems obvious that early entry into French immersion in elementary school, even in kindergarten, is more likely to foster bilingualism among Anglophones.



Source: Statistics Canada, ESSE, ESES. Department of Education and Early Childhood Development, GNB.

More than a quarter of enrolments in English-language schools were therefore in immersion from the early to mid-2000s, despite the population decline (Chart 10). These appear to be the highest participation rates in French immersion programs observed outside Quebec.¹¹ When programs are accessible, there is every indication that Anglophones in the province are continuing to participate in them in large numbers. The potential for an increase in bilingualism in New Brunswick has been, in this case, limited by political decisions rather than by population decline.

We can gain a more direct appreciation of the contribution of French immersion programs to Anglophone and allophone bilingualism by estimating the percentage of bilingual non-Francophones who took immersion. The data available enable us to make such an estimate for the last three censuses for the 20-to-24 age group, i.e., the one that has just completed high school.¹²

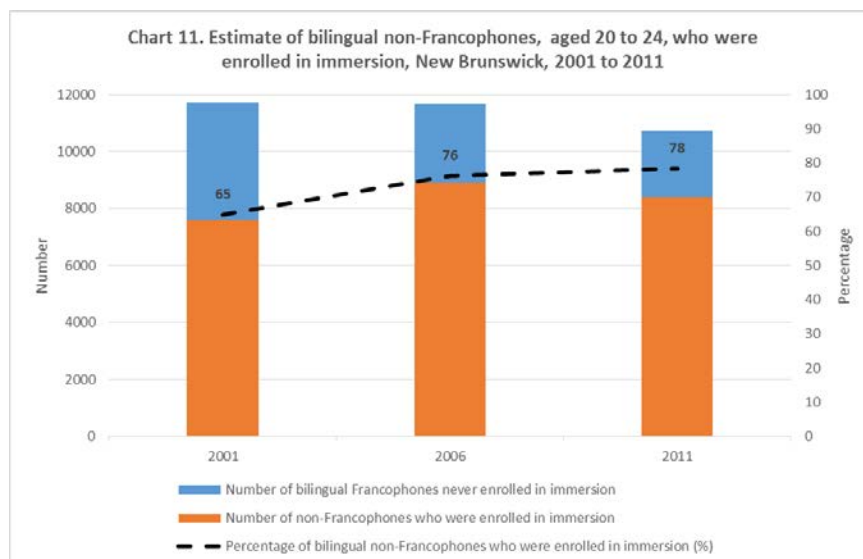
According to this estimate, in 2001, about two-thirds (65%) of bilingual Anglophones and allophones between the ages of 20 and 24 had been enrolled in immersion (Chart 11). This percentage then appears to have increased as a result of the rise in the immersion

program participation rate in the second half of the 1990s (Chart 10), with about three-quarters of bilingual Anglophones and allophones aged 20 to 24 having taken immersion, or 76% and 78%, respectively, in 2006 and 2011, despite the decline in this age group (Chart 11).

It seems clear that the contribution of immersion programs to the evolution of bilingualism in New Brunswick has been growing, at least since the mid-1990s, the effects of which can be seen in the data for the 2000s. We can therefore estimate that, since the mid-2000s, French immersion has contributed to the bilingualism of three-quarters of young bilingual Anglophone adults. We have seen that the number of bilingual people just barely remained steady since 2001, so it can be concluded that, if not for immersion programs, the number of bilingual people would already have started to decrease in New Brunswick.

The results of this section confirm that French immersion programs have therefore contributed to the rise in Anglophone bilingualism since they were implemented, and even more significantly since the 1990s. These results also seem to indicate that structural changes such as mass education and

urbanization may have gone hand in hand with the development of immersion programs and the rise in bilingualism, particularly in the 1970s and 1980s. Further research may clarify this, but it is unlikely that this changes the general finding that clearly emerges from these preliminary results.



Source: Statistics Canada, Census, 2001, 2006, and 2011. ESSE, 1976 to 1997, and ESES, 1997 to 2012

Notes and References

- 1 Jean-François Lepage and Jean-Pierre Corbeil, *The evolution of English-French bilingualism in Canada from 1961 to 2011* (Ottawa: Statistics Canada, 2013).
- 2 D. Pépin-Filion, *Profile of Linguistic Situation in New Brunswick*, prepared for the Commissioner of Official Languages for New Brunswick (Moncton: Canadian Institute for Research on Linguistic Minorities, 2013).
- 3 Réjean Lachapelle and Jean-François Lepage, *Languages in Canada: 2006 Census* (Ottawa: Statistics Canada, 2010).
- 4 Official language unilingualism refers to people knowing only English or only French, whether or not they know or do not know any non-official languages.
- 5 Mary Allen, *Youth Bilingualism in Canada* (Ottawa: Statistics Canada, Centre for Educational Statistics, 2008).
- 6 Jean-François Lepage, Camille Bouchard-Coulombe and Brigitte Chavez, *Portrait of Official-Language Minorities in Canada: Francophones in New Brunswick* (Ottawa: Statistics Canada, 2011).
- 7 Rodrigue Landry and Réal Allard, *A sociolinguistic profile of New Brunswick francophones* (Moncton: Centre de recherche et de développement en éducation, Université de Moncton, 1994).
- 8 Rodrigue Landry, *Petite enfance et autonomie culturelle. Là où le nombre le justifie... V* (Moncton: Institut canadien de recherche sur les minorités linguistiques, 2010).
- 9 The comparison of enrolments over time may be affected by changes in data collection.
- 10 In fact, "Forty years of research and evaluation have identified four interrelated variables that affect second-language attainment in school settings: age of entry to the program, the degree of intensity of language instruction, the total cumulative time spent in the target language, and the pedagogical approach to language teaching." See Joseph Dicks and Paula Lee Kristmanson, "French Immersion: When and Why?," in *The State of French-Second-Language Education in Canada 2008 / L'état de l'enseignement du français langue seconde au Canada de l'an 2008* (Ottawa: Canadian Parents for French, 2008), p. 16.
- 11 Canadian Council on Learning, *French-Immersion Education in Canada* (N.p.: CCL, 2007).
- 12 The estimate was obtained by applying to the number of non-Francophones in the 20-to-24-year-old age group in the censuses the average of the French immersion participation rates observed during their school years in the surveys of elementary and secondary enrolments (ESSE and ESES) of Statistics Canada, adjusting for the immersion cohort attrition factor at that time, and then applying the bilingualism rate observed at age 21 among young non-Francophones outside Quebec who were enrolled in immersion (Allen, 2008). Since this national bilingualism rate is probably lower than New Brunswick's, the estimate actually under-estimates the number and percentage of bilingual Anglophones and allophones in Brunswick who took immersion. The estimate is therefore a conservative one and could even be revised upwards once new data specific to New Brunswick become available.
- 13 For a detailed analysis of the factors affecting the comparability of language data among censuses, see Statistics Canada, *Methodology Document on the 2011 Census Language Data* (Ottawa: Statistics Canada, 2013).

GOVERNMENT PLAN ON OFFICIAL LANGUAGES

Few Concrete Outcomes

In December 2014, the provincial government sent Commissioner d'Entremont a copy of the evaluation report of the *Government Plan on Official Languages: Official Bilingualism – A Strength 2011-2013*. This evaluation, commissioned by the Executive Council Office, provides a far-from-glowing account of an initiative that inspired a lot of hope. In light of the report's conclusions and her own analysis of the situation, the Commissioner believes that three conditions must be met to ensure the success of the next plan.

A PLAN TO BRIDGE THE GAP BETWEEN COMMITMENTS AND RESULTS

On December 1, 2011, the provincial government unveiled the *Government Plan on Official Languages: Official Bilingualism – A Strength 2011-2013*. The purpose of this initiative was to fully achieve the government's commitments with respect to official languages and equality between the two linguistic communities. The Plan, which applies to all government departments and agencies (Part I), was divided into four areas of involvement relating to the following overall outcomes:

Language of service

Overall anticipated outcome: New Brunswickers will have access to service of equal quality in English and French, throughout the province.

Language of work

Overall anticipated outcome: All employees will work in an environment and climate that will encourage them to use the official language of their choice in their workplace.

Promotion of official languages

Overall anticipated outcome: New and revised government programs and policies will take into account the realities of the province's official language communities.

Knowledge of the *Official Languages Act*

Overall anticipated outcome: Public service employees will have a thorough knowledge and understanding of the Act, policies, and regulations and the province's obligations with respect to official languages.

Each department and agency had to develop its own action plan in support of the Plan on Official Languages. In addition, some departments were tasked with implementing measures directed at government as a whole (e.g., review of the language training program).

The Plan on Official Languages was certainly ambitious, containing some thirty strategic means, including the following:

- Development of mechanisms to improve the bilingual capacity of the Province's senior public service;
- Review of all linguistic profiles to enable all employees to work in their language of choice;
- Review of the language training program to make it more strategic and effective;

- Incorporation into all briefs submitted to the Executive Council of a section discussing the potential impact of the program or policy on the Anglophone and Francophone communities;
- Development of a government signage policy;
- Introduction of an annual activity within the public service to celebrate bilingualism and the equality of the two linguistic communities.

Initially, the Plan covered a two-year period, which made it possible to connect the Plan's outcomes to the revision process of the *Official Languages Act*. Over these two years, the provincial government had to "establish a mechanism to satisfactorily evaluate the overall progress made in the province to proceed with an enlightened review of the Act and the development of its next plan." However, that is not what happened. The revision of the OLA was not completed by March 31, 2013, and as a result, the Plan on Official Languages was extended, first into the 2013-2014 fiscal year, then into the following one.

EVALUATION REPORT

Prepared by the Consortia Development Group on behalf of the Intergovernmental Affairs Division of the Executive Council Office, the evaluation report analyzes the Plan in terms of three topics and draws the following conclusions:

Relevance and implementation

On the whole, this evaluation confirms the relevance of the New Brunswick Government Plan on Official Languages. According to the results, the Government Plan on Official Languages was generally well designed in terms of the four sectors of activity, even if that method of defining departmental obligations has certain disadvantages or weaknesses. Analysis of all of the data collected allows us to conclude that the Government Plan on Official Languages was only partially implemented as planned. In particular, this evaluation reveals certain weaknesses in the areas of leadership, follow-up and accountability. It also shows that certain activities planned simply did not take place.

Performance

Since the Government Plan on Official Languages came into effect, the clearest evidence of change in Part I lies in the level of awareness of government employees. The information collected indicates that employees are more aware of and knowledgeable about the government's official languages obligations.

However this evaluation reveals no significant changes with respect to language of service or language of work in Part I of the provincial public service. Despite improved awareness and what is apparently a fairly high level of knowledge of the subject, we cannot speak of a change in culture.

Cost-effectiveness

The Government Plan could possibly produce better outcomes without further spending if the following conditions are observed:

- *increased commitment and accountability from senior officials for the implementation of obligations under the OLA;*
- *more pronounced emphasis on creativity in that implementation, and more opportunities to participate in social activities;*
- *promotion of greater cooperation among all stakeholders responsible for implementation of the Plan.*

Disappointing results in terms of substance

Pages 17, 18, and 19 of the evaluation report show a table listing the most important strategic measures of the Plan. The table reveals a troubling fact – almost none of the measures have been implemented.

The report's authors suggest various factors that could have "impeded" the implementation of the Plan. Administrative restructuring and challenges in the recruitment of bilingual staff are mentioned. Still, in reading the report, it appears that a lack of leadership on the part of the senior civil service largely explains the disappointing outcomes of the Plan.

Many members of the senior public service have not mastered the Government Plan on Official Languages and have not played the leadership role which the Plan appears to assign to them. Many designated official languages coordinators have not felt any executive direction and support, and have been left to their own devices to develop and implement their departmental action plan.

Recommendations

The authors of the evaluation report made five recommendations:

Recommendation 1: That the wording of the four focuses of the Government Plan on Official Languages be maintained, but that the overall anticipated outcome for the "promotion of the official languages" focus be redefined in the interest of greater conceptual coherence.

Recommendation 2: That the reporting mechanisms in the Government Plan on Official Languages be strengthened so as to solidify and give shape to the accountability of deputy ministers in the provincial government.

Recommendation 3: In connection with the preceding recommendation, that each department appoint a coordinator from the senior management, and that this person's role be redefined so that his or her responsibilities, powers and accountability are made more consistent.

Recommendation 4: That the provincial government reconsider the recommendations on language training in recent studies, as well as a return to a centralized mode of funding.

Recommendation 5: That Intergovernmental Affairs and the Office of Human Resources, with the support of the performance measurement framework for the Government Plan on Official Languages, work together on developing a data collection approach in accordance with the chosen indicators.

COMMISSIONER'S POSITION

The Commissioner considers the findings of the evaluation report extremely disappointing. She believes that these conclusions do not challenge the relevance of the Plan, but rather show that the government did not put words into action.

Under the new provisions of the *Official Languages Act*, adopted in June 2013 [subsection 1(3)], the provincial government must now “prepare a plan setting out how it will meet its obligations” under the Act.

In light of the evaluation report's conclusions and her own analysis of the situation, the Commissioner believes that three conditions must be met to ensure the success of the next Plan.

1. The success of a plan on official languages starts with a clear, visible, and sustained commitment from government

The Plan on Official Languages was supposed to lead to major changes in the public service. The measures relating to the language of work in the public service are an example of the magnitude of the planned changes under the Plan:

All departments and agencies will review the linguistic profile of their section to enable all employees to work in the language of their choice.

The authors of the Plan themselves recognized the significance of the planned changes in their document when they wrote the following:

We should bear in mind that the government Plan extends over a two-year period. That is a short amount of time in which to make a significant shift with respect to official languages, especially when looking at the development of areas as complex as attitudes, social climate, and environment.

In order to ensure that such ambitious objectives are achieved, the Commissioner believes that a clear, visible, and sustained political commitment is needed first. Henceforth, the Office of the Premier must play a key role in the implementation of this strategy, all the more so since the Premier is responsible for the administration of the *Official Languages Act*. The establishment of a committee to oversee the Plan, chaired by the Premier himself, would have clearly shown all of government that the implementation of this Plan within the departments was a priority and not an option, as some seem to have thought.

2. Government must find ways to implement the measures of the Plan

Have adequate resources to coordinate and oversee the implementation

According to the Plan on Official Languages, one central agency or department had to coordinate the implementation of the activities in the Plan at the provincial level. The former Department of Intergovernmental Affairs (now a division of the Executive Council Office) was given this mandate.

This coordination effort was defined as follows:

- Coordinate the preparation of action plans in every department and agency and their evaluation;
- Offer advice and assistance as requested for the preparation of action plans;
- Review the government Plan as needed;
- Suggest means or actions arising from the Plan that require the attention of the central administration;
- Follow up with departments and agencies on a regular basis;
- Ensure preparation of components arising from overall accountability for government as a whole.

The evaluation report underscores the good work of the organization responsible for coordinating the Plan. However, in view of the poor outcomes obtained in the implementation of the Plan, the Commissioner questions the effectiveness of the coordination structure.

Have adequate resources to implement the Plan

According to the evaluation report, there was no overall budget for the implementation of the government initiative. This is surprising given the very large number of measures set out in the Plan.

The Government Plan on Official Languages was not given a budget of its own. This assumes that the government was expecting each department or agency to draw from its own resources to implement its action plan. The total cost of implementing the Plan is not reported.

The evaluation report does, however, show certain expenditures for carrying out activities involving all of government, i.e., the central coordination, the review of the second-language training program, and the review of linguistic profiles.

The departments were therefore supposed to implement the measures of the Plan from their regular operating budgets. That said, in a time of budgetary restraint, the Commissioner believes that some departments may have given priority to other measures over those set out in the Plan. The Commissioner also noted the following excerpt from the evaluation report on the Plan:

Many designated official languages coordinators have not felt any executive direction and support, and have been left to their own devices to develop and implement their departmental action plan.

3. A solid accountability process must be implemented in order to measure progress and ensure ongoing progress towards the objectives of the Plan

The deputy ministers must exercise strong leadership and accountability in terms of progress on a regular basis

The Plan on Official Languages had clearly established the responsibilities of the deputy ministers with respect to achieving the objectives of the Plan:

With respect to the accountability of departments, the support process is based on the commitment of senior officials in each department and agency. Deputy Ministers will be responsible to meet government's official languages objectives and report on their contribution during their annual performance review.

The evaluation report of the Plan is clear: Some deputy ministers did not assume their responsibilities with respect to carrying out the Plan's objectives.

According to the information collected, however, many members of the senior public service have not mastered the Government Plan on Official Languages and have not played the leadership role which the Plan appears to assign to them.

The research team collected comments to the effect that senior management in certain departments and agencies received the action plan with a mixture of skepticism and disinterest.

How could such a situation be tolerated? Clearly, if the government commitment to the Plan was weak, some deputy ministers drew conclusions from that.

The Commissioner believes that the role of the Executive Council Office should also be examined. Given that the Plan on Official Languages applies to all government departments and agencies in Part I, it was up to the Executive Council Office to ensure that each department was making progress in implementing the Plan. This oversight role seems to have been flawed.

To report regularly

In order to implement the Plan on Official Languages, each department and agency had to adopt its own action plan containing a list of activities or measures as well as a time frame, i.e., the end of the first or the second year of the initiative.

The Commissioner believes that this approach did not provide adequate oversight of the implementation of the Plan. In fact, once a department planned to complete a measure at the end of the second year of implementation, it became very difficult to evaluate progress, identify problems, and find solutions. The Commissioner believes that the Plan should have required all departments to submit progress reports at regular intervals to the Executive Council Office to better track progress in the implementation of the Plan.

The government must establish reliable mechanisms to measure progress

The authors of the Plan's evaluation report indicated that they were faced with a considerable challenge in carrying out their work in terms of data availability and reliability.

This evaluation has been an opportunity to shed some light on the extent to which the Government Plan on Official Languages has suffered from a lack of rigour in the areas of follow-up and performance measurement. For example, it seems inconceivable that the Office of Human Resources should have so little information on the linguistic capacities of senior officials or the number of employees who have taken second-language training in recent years. Being faced with a data availability and reliability problem, this evaluation has not been able to present outcomes for all of the performance indicators.

How can we measure progress on official languages if we do not have the reference data and tools to determine how the situation is evolving? Any plan designed to enable the government to meet its linguistic obligations must include the development of effective tools to measure various quality indicators of bilingual services and language vitality.

CONCLUSION

There was no legal requirement for the provincial government to implement the *Government Plan on Official Languages: Official Bilingualism – A Strength 2011-2013*.

The situation has changed, however, because under a new provision of the *Official Languages Act*,

[Section 5.1], the provincial government must now “prepare a plan setting out how it will meet its obligations” under the Act. This provision came into force in December 2013.

At the time of going to press with this report (early June 2015), the provincial government had not yet published its new Implementation Plan, thereby contravening the OLA.

Immigration to New Brunswick

One of the responsibilities of the Commissioner of Official Languages for New Brunswick is to promote the advancement of English and French in the province. In that respect, immigration plays an increasing role in the vitality of the two official languages. The Commissioner's actions with respect to immigration are therefore aligned with this promotional role. Also, it should be recalled that the *Canadian Charter of Rights and Freedoms* affirms that New Brunswick's Anglophone and Francophone linguistic communities have equality of status. Government immigration policies and programs must therefore benefit both communities equally.

Provincial government adopts Francophone Immigration Action Plan 2014-2017

On July 3, 2014, the provincial government released its first Francophone Immigration Action Plan. The aim of the plan is for immigration to better reflect the linguistic makeup of the province. New Brunswick will therefore try to ensure that 33% of newcomers under the New Brunswick Provincial Nominee Program are Francophone or Francophiles by 2020. To do this, an annual increase of 3% is planned, with an intermediate target of 23% for 2017.

The action plan contains some 30 actions that are spread over three years and divided into three priority areas: promotion and attraction, settlement and retention, and partnerships (see the box opposite).

The Commissioner is delighted that the provincial government has responded favourably to the two recommendations made by the Commissioner's office with respect to immigration. First, the government has made a commitment for the first time to maintain the province's linguistic makeup by setting a specific target for the recruitment of Francophone immigrants. Second, New Brunswick finally has a plan aimed at enabling it to achieve its objectives in this area.

The Commissioner's office will be monitoring the implementation of the action plan very closely.

Some of the measures of the Francophone Immigration Action Plan

- The Department of Post-Secondary Education, Training and Labour (PETL) will lead and participate in a minimum of three annual recruitment events in francophone markets, according to labour market demand and the availability of skilled labour in francophone countries.
- Government will work with CIC, supported by a Francophone Annexe to the new Federal Immigration Framework, to introduce a francophone stream to the NBPNP, allowing for greater flexibility when recruiting francophone and francophile immigrants with preferred socio-economic profiles.
- PETL will develop a strategy to promote succession planning opportunities for francophone immigrant entrepreneurs by working with partners such as the Conseil économique du Nouveau-Brunswick, Chambers of Commerce, Community Business Development Corporations (CBDC) and the Department of Economic Development.
- The provincial government will negotiate with the federal government to ensure New Brunswick's unique linguistic duality is recognized in an official immigration framework.
- The provincial government will negotiate with the federal government to ensure settlement funding reflects the long-term targeted increase for francophone immigration.
- PETL will create an interdepartmental working group on francophone immigration to ensure a coordinated approach to service delivery to francophone newcomers. This group will include: Economic Development, Education and Early Childhood Development, Social Development, Healthy and Inclusive Communities, Intergovernmental Affairs, and Women's Equality and Health.
- PETL will work with the CCNB and the Université de Moncton to leverage existing partnerships in francophone markets by ensuring New Brunswick students who work/study abroad have the tools to promote New Brunswick as a destination to study, work and live.

Source: *New Brunswick Francophone Immigration Action Plan*, Province of New Brunswick, June 2014

Commissioner meets with ministers responsible for immigration

In November 2014, Commissioner d'Entremont met with the provincial and federal ministers responsible for immigration, Francine Landry and Chris Alexander.

Those discussions enabled the Commissioner to outline her position on this matter in person. She reminded them that the constitutional status of equality between New Brunswick's two official linguistic communities requires that government immigration policies and programs benefit both groups equally. In that regard, the Commissioner noted that recent data show that immigration to New Brunswick has placed the Francophone community at a disadvantage for a number of years.

To correct this situation, the Commissioner encouraged the two levels of government to adopt a framework agreement on Francophone immigration. That agreement would

- affirm New Brunswick's unique linguistic status and recognize that the immigration policies and programs of the two levels of government must absolutely maintain the demographic weight of the two official linguistic communities and make up for past imbalances in the immigration rates;
- make it possible to capitalize on federal and provincial resources to create a strong synergy of action;
- contain a series of measures adapted to the socio-economic context and needs of the Francophone community of New Brunswick;
- provide long-term funding for the recruitment, settlement, and retention of Francophone immigrants and establish an evaluation framework for measuring progress.

The Commissioner believes that such a framework agreement would serve the objectives of the new Francophone Immigration Action Plan most effectively (see page 54).

Language commissioners urge governments to increase Francophone immigration outside Quebec

On October 30, 2014, Canada's Commissioner of Official Languages, Graham Fraser, his New Brunswick counterpart, Katherine d'Entremont, and the Ontario French Language Services Commissioner, François Boileau, issued a joint news release urging the federal and provincial governments to step up their efforts to increase immigration to Francophone communities outside Quebec. They proposed the adoption of four guiding principles to ensure that immigration contributes to the development and vitality of these communities.

"Immigration is crucial to the vitality, indeed the future, of official language minority communities," said Commissioner Fraser. To benefit from immigration, Francophone and Acadian communities must attract immigrants in proportions equal to or greater than their demographic weight. But these communities are the big losers in terms of immigration, because only 2% of immigrants who settle outside Quebec are French-speaking, whereas these communities make up 4% of the population, or approximately 1 million Canadians. The commissioners see this situation as worrisome.

The three language ombudsmen believe that the federal immigration framework should be tailored to the specific objectives of the provincial and territorial governments for the selection, recruitment, integration, and retention of Francophone immigrants. Such measures would help address the different socio-economic contexts of minority communities.

“Ontario has led the way by setting a 5% target for Francophone immigration. The government must now make sure it has all the necessary tools, including a pan-governmental-community approach and cooperation with the federal government, to reach that target and address the needs and priorities of not only Francophone newcomers, but also those of the host communities in Ontario,” said Commissioner Boileau.

Commissioner of Official Languages Katherine d’Entremont welcomes the Government of New Brunswick’s commitment to ensuring 33% of the province’s immigrants are Francophone by 2020. Commissioner d’Entremont urges the two levels of government to work closely together to preserve the vitality of the province’s Francophone community. “Immigration is a shared jurisdiction. For Francophones in New Brunswick to maintain their 33% share of the population, the federal and

provincial governments must adopt a long-term concerted approach.”

While acknowledging government efforts with regard to Francophone immigration in Canada, the commissioners feel that results have been slow in coming. Consequently, they believe it is imperative that the following four guiding principles be adopted:

1. Immigration must help maintain, and even increase, the demographic weight of Francophone minority communities in Canada.
2. Federal and provincial immigration policies and programs must be designed and tailored to address Francophone immigrant recruitment, integration, and retention needs specific to the different contexts of Francophone minority communities across Canada.
3. Strong federal-provincial-community partnerships, long-term strategies for the selection, recruitment, welcoming, education, integration, and retention of immigrants, and sufficient resources are needed to ensure that immigration supports the development and vitality of Francophone minority communities.
4. Governments must develop an evaluation and accountability framework to measure progress achieved and ensure attainment of immigration objectives in Francophone minority communities.

Snapshot of provincial results regarding immigration and language

The New Brunswick Provincial Nominee Program (NBPNP) is the main provincial immigration program. It is made possible through an agreement with the Government of Canada. Through the NBPNP, New Brunswick selects and nominates qualified business people and skilled workers from around the world who want to live in New Brunswick and contribute to the local economy.

Here is the number of nominee certificates delivered through the NBPNP, broken down according to the official language(s) spoken by candidates for the 2013-2014 and 2014-2015 fiscal years.

New Brunswick Provincial Nominee Program

NUMBER OF NOMINEE CERTIFICATES DELIVERED
(BROKEN DOWN ACCORDING TO LANGUAGE(S) SPOKEN AND YEAR)

French-Speaking Candidates

2013-2014: 1.3%
2014-2015: 7.4%

Bilingual Candidates (English and French)

2013-2014: 6.9%
2014-2015: 5.3%

English-Speaking Candidates

2013-2014: 91.8%
2014-2015: 87.3%

Source: Government of New Brunswick



CHAPTER O-0.5

CHAPITRE O-0.5

Loi sur les langues officielles

Sanctionnée le 7 juin 2002

Official Languages Act

Assented to June 7, 2002

Chapter Outline

Compliance with the Official Languages Act

Definitions.....	
city — cité	
communication and communicate — communiquer	
court — tribunaux	
Crown corporation — sociétés de la Couronne	
department — ministère	
institution — institution	
linguistic community — communauté linguistique	
municipality — municipalité	
official languages — langues officielles	
peace officer — agent de la paix	
publication and published — publication et publier	
public service — services publics	
Purpose.....	1.1
Interpretation	
Minister responsible.....	2
Act prevails.....	3(1)
Exception.....	3(2)
Distinct institutions.....	4
Authority of Legislature.....	5
Implementation plan.....	5.1
Proceedings of the Legislative Assembly	
Language of the Legislature.....	6
Interpretation of proceedings of the Legislative Assembly.....	7
Records and journals of the Legislative Assembly.....	8
Legislative and other instruments	
Language of legislation.....	9
Equal authority of both language versions.....	10
Introduction of bills.....	11
Acts of the Legislature.....	12
Acts of the Legislature in <i>The Royal Gazette</i>	13
Acts of the Legislature under an Act of the Province.....	14
Acts of the Legislature published.....	15
Définitions.....	
agent de la paix — peace officer	
city — cité	
communiquer — communication	
communiquer — communicate	
institution — institution	
langues officielles — official languages	
ministère — department	
municipalité — municipality	
publication et publier — publication and published	
services publics — public service	
sociétés de la Couronne — Crown Corporation	
tribunaux — court	
Objet.....	
Interprétation	
Ministre responsable.....	
Primauté de la Loi.....	
Cas d'exception.....	
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Introduction

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

The Commissioner conducts and carries out investigations with respect to the application of the OLA, either pursuant to a complaint made to the Commissioner or on her own initiative. If the Commissioner determines that a complaint is founded, she may make recommendations in her 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.

Filing of Complaints

Anyone wishing to file a complaint may do so either in person, in writing, or by phone. 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 her 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.

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 OLA 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.

Finally, 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. As part of her promotional mandate, the Commissioner may make the institution concerned aware of this situation.

Complaints received between April 1, 2014, and March 31, 2015

Between April 1, 2014, and March 31, 2015, the Commissioner's office received 170 complaints. Of that number, 80 were admissible, with 56 based on lack of service in French and 24 on lack of service in English. A total of 47 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 43 complaints were referred to other institutions for consideration. In addition, the Commissioner's office responded to 108 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 her intention to investigate. It should be noted that the Commissioner may, when she considers it appropriate, attempt to resolve a complaint informally.
- The investigation is carried out.
- At the end of her investigation, the Commissioner forwards her report to the Premier, the administrative head of the institution concerned, and the complainant. She may also send it to other stakeholders as deemed appropriate. The Commissioner may include in her report any recommendations she deems appropriate as well as any opinion or reasons supporting her recommendations.

Statistics 2014-2015

TABLE 1 Complaints and requests for information (April 1, 2014, to March 31, 2015)

Category	Services in French	Services in English	Total
Admissible complaints	56	24	80
Inadmissible complaints	21	26	47
Complaints referred elsewhere ¹	12	31	43
Total complaints	89	81	170
Requests for information	42	66	108

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

TABLE 2 Admissible complaints by category (April 1, 2014, to March 31, 2015)

Category	Services in French	Services in English	Total
In person	24	3	27
Signage	7	2	9
Telephone communication	9	4	13
Website	3	0	3
Documentation	11	5	16
Other	2	10	12
Total	56	24	80

TABLE 3 Status of admissible complaints (As of March 31, 2015)

Status	Services in French	Services in English	Total
Complaints under investigation or completed	40	6	46
Investigations not initiated (pending additional information from the complainant and/or institution)	4	4	8
Complaints not investigated by the Commissioner (pursuant to subsection 43(11)(c) of the OLA) or withdrawn by the complainant	12	14	26
Total	56	24	80

TABLE 4 Status of complaints handled (As of March 31, 2015)

Institution	Number of admissible complaints		Status of admissible complaints			Conclusion	
	Complaints received in 2014-2015	Complaints carried over from the previous year	Investigations under way	Investigations completed	Resolved informally	Complaints founded	Complaints unfounded
Ambulance New Brunswick	5	0	2	3	0	3	0
Atlantic Lottery Corporation	1	0	1	0	0	0	0
Education and Early Childhood Development	1	0	0	1	0	1	0
Elections New Brunswick	5	0	0	5	0	5	0
FacilicorpNB	0	1	0	1	0	1	0
Finance	1	0	0	1	0	0	1
Fredericton	2	0	1	1	0	1	0
Health	1	0	0	1	0	0	1
Horizon Health Network	3	0	1	2	1	1	0
Justice	2	1	0	3	0	3	0
Kent Regional Service Commission	1	0	0	1	0	0	1
Legislative Assembly	1	0	1	0	0	0	0
Miramichi	1	1	1	1	0	1	0
Moncton	3	1	0	4	0	3	1
NB Liquor	3	0	1	2	1	1	0
NB Power	1	0	0	1	0	1	0
Office of the Access to Information and Privacy Commissioner	1	0	0	1	0	1	0
Office of the Lieutenant-Governor	1	0	1	0	0	0	0
Post-Secondary Education, Training and Labour	3	0	0	3	1	1	1
Public Safety	2	0	0	2	0	2	0
Social Development	1	0	0	1	0	1	0
Saint John	1	0	0	1	0	0	1
Service New Brunswick	4	0	1	3	0	3	0
Transportation and Infrastructure	1	1	0	2	0	2	0
Vitalité Health Network	1	4	0	5	0	5	0
Total	46	9	10	45	3	36	6

Selected investigations conducted by the Commissioner's office

The following are summaries of some of the investigation reports prepared in 2014-2015. They reflect the wide range of complaints submitted to the Commissioner's office. The full investigation reports can be consulted on the website of the Commissioner's office (Publications section).

For service in French, we'll need to call...

INSTITUTION CONCERNED: SERVICE NEW BRUNSWICK

Complaint summary

A Service New Brunswick client in Hampton was unable to obtain service in French. The employee did not make the active offer of service in both languages, and the client's *bonjour* had no effect; the conversation was carried out in English.

Key issue

Under the *Official Languages Act*, Service NB must provide all of its services in both official languages across the province. Can a service centre serving a predominantly Anglophone region do without bilingual employees and rely on the telephone to serve Francophone clients?

Outcome of investigation

In addition to establishing that the complaint was founded, the investigation also revealed that the Hampton Service Centre had no bilingual employees. To provide services in French, an accommodation was planned, i.e., to call a bilingual employee at the Saint John Service Centre. What's more, an audit of all linguistic profiles in all of SNB's service centres revealed that seven other centres had only unilingual Anglophone staff members.

The Commissioner finds such a practice unacceptable given the equal status of the two languages and the two official linguistic communities. At all times, all SNB service centres must have bilingual employees in order to ensure quality service in both official languages.

The Commissioner formulated four recommendations:

1. That Service New Brunswick, in cooperation with the Department of Human Resources, review the linguistic profiles of all its service centres so that, regardless of their location, the established linguistic profiles provide enough capacity to serve the public in both official languages.
2. That Service New Brunswick, after identifying its needs in terms of human resources, adopt a targeted recruitment strategy in order to make up for shortcomings with respect to bilingual staff.
3. That Service New Brunswick, at regular intervals, give its front-line employees clear and firm instructions designed to ensure that service delivery complies with the OLA.
4. That, on a regular basis, Service New Brunswick conduct random checks on the active offer and the delivery of service in both official languages at its service centres.

Excerpt from investigation report

Looking at the plan that was supposed to be followed at the Hampton Service Centre when someone asked to be served in French, we note that it included the possibility of calling client service representatives in Saint John. That option leads us to invoke the remarks made by Mr. Justice Blanchard when he rendered a decision in a case involving the Royal Canadian Mounted Police (RCMP)¹:

[43] Sgt. [...] testified with respect to the protocol established by the RCMP for meeting the needs of Francophone travellers. I would like to point out that, however well-intentioned it may be, the service is limited. Sgt. [...] testified that, on occasion, a unilingual English officer meets someone who speaks only French. Arrangements are made for such individuals to communicate via radio to a bilingual member who is on the air. In my view, such an arrangement is by no means sufficient for the RCMP to fulfill its obligations under the Charter and the OLA so that any member of the public is entitled to communicate with a federal institution in the official language of his or her choice.

[Our emphasis]

Following that same logic, relying on a telephone line is therefore not an acceptable measure that allows SNB to meet its obligations under the OLA. In fact, such a practice does not provide Francophone customers with service equal to what is available to English-speaking clients. Furthermore, given the wide range of services provided by SNB and the fact that most of those services are offered over the phone or via the Internet, if someone makes the effort to go to a Service Centre, it's because they want to receive a service in person.

Although the complaint here concerns only the Hampton Service Centre, this case caused us to question the language profiles of all service centres across the province, hence the follow-up questions we asked SNB in that regard.

The answers received reveal that a number of service centres are in the same situation as the one in Hampton, i.e., they have only unilingual Anglophone staff. According to the information provided with regard to the linguistic composition on September 2, 2014, that is the case at the service centres in Chipman, Doaktown, Florenceville-Bristol, Gagetown, McAdam, Plaster Rock, and Woodstock. That is not surprising, since at those locations, the required linguistic profiles include only positions designated as "English essential." What is surprising, however, is that such profiles could have been established and approved without ever being questioned. Does that mean that it was concluded that those teams could, despite a complete lack of capacity in French, provide the public with service that complies with the requirements of the OLA? We doubt that and find such a situation unacceptable.

We note that SNB is able to deliver services in English throughout New Brunswick, which is not the case when it comes to the other official language. In other words, a person wishing to be served in English will be able to do so at any of the service centres across the province, while obtaining service in French, in person, will be impossible in at least eight of these centres. Such a reality reflects an imbalance in SNB's ability to provide its customers with services of equal quality in both official languages throughout the province.

¹*Doucet v. Canada*, [2005] 1 FCR 671, 2004 FC 1444

Action required at the hospital

INSTITUTION IN QUESTION: VITALITÉ HEALTH
NETWORK - EDMUNDSTON REGIONAL HOSPITAL

Brief summary of complaint

Between November 2013 and March 2014, the Commissioner's office received three complaints concerning the Edmundston Regional Hospital. Those complaints concerned the lack of services in English and deficiencies in the provision of services in that language.

Key issue

The three complaints point to the need for health care facilities to exercise rigour in the planning, provision, and assessment of their bilingual services.

Outcome of investigation

The investigation identified a number of problems: employees' lack of understanding of their linguistic obligations, insufficient bilingual staff, absence of procedures to help unilingual staff deal with service requests in the other language, and lack of courtesy towards people who are merely exercising their linguistic rights.

The Commissioner deemed that these complaints were founded and made the following recommendations:

Recommendation 1 (Linguistic Obligations)

- That Vitalité develop and implement an effective monitoring system to assess and verify the effectiveness of e-learning modules on staff's understanding and compliance with its linguistic obligations. This system should include unannounced checks of service provision and the actual ability of work teams to provide services of equal quality in both official languages on a continual basis.

- That Vitalité use the information gathered above to incorporate changes when warranted to ensure that it is compliant with its linguistic obligations at all times.

Recommendation 2 (Lack of Capacity of Human Resources)

- That Vitalité establish the required levels of second-language proficiency for work teams for different categories of bilingual positions.
- That Vitalité assess its staffing needs for each work team and assess its actual personnel complement.
- That Vitalité use the information gathered above to identify its actual staffing deficiencies for each work team and develop a plan to fill the gaps in a timely manner.

Recommendation 3 (Lack of Procedures)

- That Vitalité establish internal procedures for staff use outlining specific steps employees must take to ensure the delivery of services in the language of choice of all members of the public at all times.
- That Vitalité develop and implement effective monitoring mechanisms to assess the use of the procedures in the provision of services of equal quality in both official languages.

Recommendation 4 (Attitude)

- That Vitalité continue to hold training sessions to educate its staff with respect to its linguistic obligations including how respectful behaviour can impact quality service in both official languages.

Choice of language gets lost... in the chain of communication

INSTITUTION IN QUESTION: DEPARTMENT OF PUBLIC SAFETY (RCMP)

Brief summary of complaint

After speaking in French to an RCMP dispatch operator, the complainant received a call from a police officer who spoke in English only. The complainant deplored the fact that his choice of language was not respected by the officer in question.

Key issue

Section 31 of the OLA provides that members of the public have the right, when communicating with a police officer, to receive service in the official language of their choice. In addition, they must be informed of that right.

Outcome of investigation

The investigation found two elements that contributed to the incident:

- First, when following up on the complainant's request, the dispatcher did not take into account the language chosen by the complainant during his call;
- Second, the complainant did not receive an active offer of service from the officer who called him back.

The Commissioner deemed that the complaint was founded. In addition, she made two recommendations concerning this case.

As the institution responsible for co-ordinating police services across New Brunswick, that the Department of Public Safety

1. require that RCMP dispatch operators record, at the time of first contact, the language preference of clients to ensure continuity in the chain of communication;
2. ensure that the authorities in RCMP J Division stress the importance of the principle and rationale of active offer to its members.

Excerpt from investigation report

The dispatch operators play a determining role in the chain of communication between the public and RCMP officers. Indeed, they are the first link in this chain, because they are the ones who speak to citizens first. The dispatch operators should be able to answer calls from members of the public in the official language chosen by these members and ensure that officers with the language capacity required follow up on those calls. Also, it seems fundamental that dispatch operators specify to the officers the language preference of the members of the public so they know in which language communication should take place. In the matter of concern to us here, it therefore seems obvious that the dispatch operator committed a breach.

[...]

The breach of the dispatch operator therefore explains why, when phoning the complainant, the RCMP officer did not know the official language that individual had chosen during his original call. For this reason, to be safe, he should have made an active offer of service to the complainant, that is, he should have offered him the choice of being served in French or in English. According to the allegations set out in the complaint and the information provided by the Department, there is every reason to believe that an active offer was not made. However, subsection 31(1) cited above provides that a peace officer is responsible for informing members of the public that they have this choice. In other words, members of the public do not need to ask for service in the official language of their choice.

A request for proposals not intended for... the general public!

INSTITUTION IN QUESTION: FACILICORPNB

Brief summary of complaint

The complainant reported that FacilicorpNB had posted an online document requesting proposals for services or products (RFP) in English only. In addition, an official request had to be made to obtain a translation of that RFP. The complainant believed this was in violation of the *Official Languages Act*.

Key issue

Section 29 of the *Official Languages Act* requires that institutions use both official languages in all communications intended for the general public. In this case, FacilicorpNB was of the opinion that a request for proposals intended for suppliers was not a communication intended for the general public.

Outcome of investigation

The Commissioner deemed that the complaint was founded and made two recommendations concerning this case:

1. That from now on, FacilicorpNB issue its calls for tenders in both official languages at the same time;
2. That in its day-to-day practices, FacilicorpNB recognize the equality of the status and rights of French and English in New Brunswick.

Excerpt from investigation report

According to FacilicorpNB, RFPs do not fall into the category of publications and communications intended for the general public, as they are addressed to “suppliers of specific services or products” who, in order to access the New Brunswick Opportunities Network (NBON), “must become registered users”. In other words, FacilicorpNB considers that RFPs have an exclusive nature, which calls into question the relevance of section 29.

However, we did not have to register with the NBON in order to consult the tender notice issued by FacilicorpNB in October 2012. Therefore, the general public had access to it. Moreover, the Department of Government Services confirmed that the general public can read current business possibilities by visiting the NBON Website. Certainly, it is necessary to be a registered user to see the full RFPs, but the registration conditions do not seem to be restrictive.

[...]

In any event, there is every reason to believe that English is the default language in the tender processes and that suppliers who wish to obtain information in French have to wait. We believe that this practice gives a certain advantage to sellers presenting a tender in English, as they do not have to wait to prepare their files. Consequently, this situation does not guarantee equal treatment of bidders whether they be Francophones or Anglophones.

[...]

The notion of equality of the status and rights of French and English in New Brunswick as to their use in all institutions of the Legislature and the government of New Brunswick is essential in this case. This matter gives the impression that priority is always given to English, while French comes in second position or is simply ignored.

“Poisson,” not “poison”

INSTITUTION IN QUESTION: CITY OF FREDERICTON

Brief summary of complaint

The complainant deplored the fact that the French version of a visitor guide published by the City of Fredericton contained a number of flagrant errors.

Key issue

Section 36 of the OLA and the regulation require that cities and certain municipalities publish information intended for the general public in both official languages. This implies content of good quality in both French and English.

Outcome of investigation

During the investigation, the City of Fredericton informed the Commissioner’s office that it was reviewing the process with respect to proofing the visitor guide and said it was “open” to any recommendations the Commissioner might have.

The Commissioner deemed that the complaint was founded and made the following recommendation:

That the City of Fredericton implement a rigorous quality control process for information documents intended for the general public so that the French and English versions of these documents are as error-free as possible.

Excerpt from investigation report

The City of Fredericton Visitor Guide, a brochure published by the municipality, is a document of an official nature. We understand that the Guide is mainly of benefit to Fredericton’s tourism industry. That said, in undertaking to produce the brochure, the City of Fredericton has to live up to its responsibility and provide quality content in both official languages.

We would like to point out that it did not take an exhaustive review of the City of Fredericton Visitor Guide to find obvious errors. We are of the opinion that such errors may raise doubts in the minds of readers, thereby affecting the City’s credibility and reputation. These errors may also give the impression that the City lacks respect for the French-speaking community, which would not make it very welcoming to members of that community.

[...]

Upon reading the words “poison” and “sales” written, respectively, in place of the words “poisson” and “salles,” to mention only these examples, one might wonder about the good faith of the publisher of the publication in which the ad appears.

We note with interest, however, that the Tourism Division has been working with the New Brunswick government’s Translation Bureau since March 2014. We trust that this will enable the City to produce quality documents in both official languages.

Wave your hand... in French only

INSTITUTION IN QUESTION: CITY OF MONCTON

Brief summary of complaint

A customer of the Moncton Public Transit System (Codiac Transpo) noted that the signage intended to inform passengers of the features of the bus (opening of rear doors, emergency exits) was in French only. Other signage was bilingual, but French predominated.

Key issue

The requirement that cities and certain other municipalities in the province publish information intended for the general public in both official languages.

Outcome of investigation

The Commissioner deemed that the complaint was founded. In light of the measures taken by the City of Moncton (see excerpt below), the Commissioner did not consider it necessary to make formal recommendations in this case. However, she did inform the City that she would appreciate being updated once the signage has been replaced. To

correct the situation, the municipality took the following measures:

Excerpt from a letter from the City of Moncton

Since last fall, Codiac Transpo requested quotes from several sign companies in order to undertake a full audit of all signs, on each bus within the fleet. This audit included photos, number of signs and measurements of each.

Next, an internal working team was created to review each sign assessing them for: legality, what signs are missing from one series of bus to another, what signs were needed to be added, what signs needed to be removed etc. (...)

This group has already met on several occasions, and their review is still underway, to ensure consistency among all signage, with the final goal being the development of a full catalogue.

(...)

The final steps will be the new design of signage that was deemed essential, the removal and/or replacement of others, and establishing guidelines for signage for all future buses being added to the fleet.

Widespread Violations in Miramichi

Despite a number of interventions carried out by the Office of the Commissioner over several years, the City of Miramichi remains non-compliant with almost all of its official languages obligations. In addition, the information provided by the City during the course of a recent investigation leads the Commissioner to conclude that Miramichi will not be compliant if it continues on its present course. Such a situation requires a different approach.

In 2013, the Commissioner of Official Languages initiated a review of government institutions and other organizations that have obligations under the OLA with a view to identifying areas where persistent non-compliance was occurring. Given that the City of Miramichi ("City") had been the subject of a number of complaints spanning several years, the City was identified as requiring follow-up in this regard.

A new investigation revealed that the issues that gave rise to the complaints dealt with in the 2011 investigative report by the former Commissioner remain unaddressed four years later. By-laws are still not published in both official languages on the City website, which itself is still non-compliant. Minutes of meetings are still not published in both official languages. City staff does not provide service or make the active offer of service via telephone. The City Manager has not denied any of the allegations made against it and concedes that none of the former Commissioner's recommendations have been implemented.

Longstanding and widespread violations occurring across all facets of the City's obligations are certainly not indicative of a City committed to the respect of the OLA. This situation is not acceptable.

Given that the Premier is responsible for the administration of the *Official Languages Act*, it is imperative that he be fully apprised of the situation

with respect to the City of Miramichi's compliance with its linguistic obligations.

The Commissioner therefore makes the following recommendations:

Recommendation no 1:

That the City develop and implement a comprehensive official languages plan informed by the information contained in this investigation report. This plan must clearly outline the path to full compliance with each of its linguistic obligations under the *Official Languages Act* and the Services and Communications Regulation 2002-63 under the OLA.

Recommendation no 2:

That the City provide a copy of its comprehensive official languages plan to the Premier, to the Minister of Environment and Local Government, and to the Official Languages Commissioner no later than October 31, 2015.

Recommendation no 3:

That the City prepare an annual status report on its compliance with each of its linguistic obligations under the *Official Languages Act* and the Services and Communications Regulation 2002-63 under the OLA as of October 31 of each year starting in 2016 and provide it to the Premier, to the Minister of Environment and Local Government, and to the Official Languages Commissioner no later than November 30, 2016, and each year thereafter.



CHAPTER O-0.5

Official Languages Act

Assented to June 7, 2002

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CHAPITRE O-0.5

Loi sur les langues officielles

Sanctionnée le 7 juin 2002

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Legal Matters

New provisions of the OLA

In June 2013, following a review process, the Legislative Assembly adopted revisions to the *Official Languages Act*. The following section deals with the Commissioner's actions with respect to the implementation of some of these new provisions that have yet to come into force.

Linguistic obligations of professional associations

The new OLA provisions on the linguistic obligations of professional associations stipulate that they must provide services in both official languages. However, only members of the associations are expressly

named in the legislation as beneficiaries of this measure. On October 27, 2014, Commissioner d'Entremont wrote to the Premier of New Brunswick asking that he extend the linguistic obligations of professional associations to the general public. Below is an excerpt from the Commissioner's letter.

Excerpt of a letter from the Commissioner to the Premier of New Brunswick

In June 2013, the members of the Legislative Assembly adopted significant amendments to the *Official Languages Act* (OLA). One of them brings professional associations under the OLA "following a two-year transition period and a consultation process." This is excellent news, particularly since my predecessor, Michel Carrier, had recommended such a measure.

However, the wording of the section of the Act pertaining to professional associations limits the scope of the obligations imposed upon such associations. In fact, they will be required to provide bilingual services only to their members:

Professional associations

41.1(1) In this section, "professional association" means an organization of persons that by an Act of the Legislature has the power to admit, suspend, expel or direct persons in the practice of a profession or an occupation.

41.1(2) A professional association shall provide the services prescribed by regulation to its members in both official languages. [Our emphasis.]

An Act Respecting Official Languages (Bill 72)

As you are aware, the primary role of a professional association is to protect the public by regulating the practice of a profession. How then can we justify the fact that professional associations have linguistic obligations only towards their members? Certainly, by providing bilingual services to their members, associations will also have the capacity to provide these services to the public. Yet the wording of paragraph 2 of section 41.1, as adopted in June 2013, does not require them to do this.

It is important to note that the report of the Select Committee on the Revision of the *Official Languages Act* did not recommend that the linguistic obligations of professional associations be limited to their members. Here is the exact wording of the report:

Professional associations

The committee recognizes that several professional associations are able to offer services in both official languages. However, the committee feels that private associations that were created by an Act of the Legislative Assembly and were mandated by government to regulate a profession act almost like administrative tribunals. The committee is of the opinion that these associations should be subject to the *Official Languages Act*.

The committee recommends

- that professional associations created by an Act of the Legislative Assembly and mandated to regulate a profession be brought under the *Official Languages Act* and
- that the range of services to be provided in both official languages be determined by regulation on the basis of the association's nature or activities.

The committee realizes that this recommendation may present challenges to certain associations and that consultations on the implementation process and a two-year transition period are needed. The committee also proposes certain criteria to be considered in determining which associations will be brought under the Act.

Report of the Select Committee on the Revision of the Official Languages Act, Legislative Assembly of New Brunswick, Spring 2013, p. 18

Furthermore, on July 9, 2012, the former commissioner, Mr. Carrier, wrote to the Chair of the Select Committee on the Revision of the *Official Languages Act*, the Hon. Marie-Claude Blais, to remind the committee members that "it is important to ensure that the linguistic obligations imposed upon such associations protect their members, candidates for admission, and New Brunswickers."

It should be noted that certain professional associations have already recognized the critical importance of offering bilingual services to the public. As an example, I am attaching hereto an excerpt from the *Law Society Act, 1996*. You will note that this act specifies that "services shall be provided to members and to the public in both official languages." [4(2)] [Our emphasis.] [...]

Given that the primary role of professional associations is to protect the public by regulating a profession, it is illogical to limit their language obligations to their members.

According to the news release announcing the changes to the OLA, consultations must be held before section 41.1 is implemented. It is therefore essential that paragraph 2 of section 41.1 be corrected prior to the beginning of these consultations.

Protection of complainants from reprisal

One of the new provisions of the OLA concerns the protection from reprisal of complainants or people who cooperate in an investigation conducted by the Commissioner. Two years after the adoption of the changes to the OLA, this section has still not come into force.

The Commissioner wrote to the Clerk of the Executive Council on January 23, 2015, to reiterate the importance of implementing this section as soon as possible.

On February 20, 2015, the Clerk informed the Commissioner that the government hopes to implement this section prior to the fall of 2015.

Translation of medical information

The Commissioner participated in the legislative review of the *Personal Health Information Privacy and Access Act*, given that section 9 of the Act deals with the translation of information related to

medical records. Below is an excerpt from the letter the Commissioner sent on March 23, 2015, to those responsible for reviewing the Act.

Excerpt of the Commissioner's letter

This office has received a number of complaints dealing with medical records. In particular, complainants have claimed having requested a translation of their medical records which was not provided in their language of choice. Not being able to understand the language in which the medical documents were provided, complainants requested a translation which was denied.

Subsequently, this office informed these complainants that the *Official Languages Act* of New Brunswick (OLA) does not impose an obligation on hospitals in our province to provide written translations of medical files since a hospital can use one official language in its daily operation which includes medical files as a work product pursuant to section 34 of the OLA:

34. Subject to the obligation to serve members of the public in the official language of their choice, section 33 does not limit the use of one official language in the daily operations of a hospital or other facility as defined in the *Regional Health Authorities Act*.

However it is our understanding that section 9 of the *Personal Health Information Privacy and Access Act* (PHIPAA) was adopted to bridge the gap between the obligation to provide services in the language of choice of members and the public and the hospitals' right to operate in the language of its choice. Section 9 outlines the following:

Application of the *Official Languages Act*

9. A custodian to whom the *Official Languages Act* applies shall, if an individual's record containing personal health information is not available in the individual's official language of choice, accommodate the individual's official language needs by

- (a) providing the individual with access to a physician or other health care provider to assist the individual in interpreting his or her record, or
- (b) translating or causing to be translated the relevant provisions of the individual's record for the purpose of a unilingual physician treating the individual if the record is in an official language the physician cannot understand.

That said, it seems clear to this office that individuals who receive their medical file in a language other than the one of their choice are not aware of their right to assistance under subsection 9(a). Nor are medical doctors seemingly aware of their rights pursuant to subsection 9(b). In addition, the custodians to whom the OLA applies seem to be unaware of their obligations under this section. Thus, in our view this section should be amended to ensure that the custodians to whom the OLA applies communicate clearly with individuals who have rights under this section. Additionally, the title of this section should be abbreviated to "Official Languages" to prevent the misleading assumption that there is an obligation under the *Official Languages Act* to provide medical records in the official language of choice of an individual. As such, we suggest the following revised provisions for consideration:

Official Languages

9 A custodian to whom the *Official Languages Act* applies shall, if an individual's record containing personal health information is not available in the individual's official language of choice, accommodate the individual's official language needs by

- (a) informing the individual of his or her options under (b) and (c) below
- (b) providing the individual with access to a physician or other health care provider to assist the individual in interpreting his or her record, or
- (c) translating or causing to be translated the relevant provisions of the individual's record for the purpose of a unilingual physician treating the individual if the record is in an official language the physician cannot understand.



CHAPTER O-0.5

Official Languages Act

Assented to June 7, 2002

Chapter Outline

Definitions.	
city — cité	
communication and communicate — communication et communiquer	
court — tribunaux	
Crown corporation — sociétés de la Couronne	
department — ministère	
institution — institution	
linguistic community — communauté linguistique	
municipality — municipalité	
official languages — langues officielles	
peace officer — agent de la paix	
publication and published — publication et publier	
public service — services publics	
Purpose.	1.1
Interpretation	
Minister responsible.	2
Act prevails.	3(1)
Exception.	3(2)
Distinct institutions.	4
Authority of Legislature.	5
Implementation plan.	5.1
Proceedings of the Legislative Assembly	
Language of the Legislature.	6
Interpretation of proceedings of the Legislative Assembly.	7
Records and journals of the Legislative Assembly.	8
Legislative and other instruments	
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Equal authority of both language versions.	10
Introduction of bills.	11
Acts of the Legislature.	12
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Acts of the Legislature.	15

CHAPITRE O-0.5

Loi sur les langues officielles

Sanctionnée le 7 juin 2002

Sommaire

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department — ministère	
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linguistic community — communauté linguistique	
municipality — municipalité	
official languages — langues officielles	
peace officer — agent de la paix	
publication and published — publication et publier	
public service — services publics	
sociétés de la Couronne — Crown Corporation	
tribunaux — court	
Objet.	
Interprétation	
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Primauté de la Loi.	
Cas d'exception.	
Institutions distinctes.	
Pouvoir de la Législature.	
Plan de mise en application.	
Débats et travaux de l'Assemblée législative	
Langues de la Législature.	
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Procès-verbaux et autres documents de l'Assemblée législative.	
Actes législatifs et autres	
Langues de la législation.	
Authenticité des deux versions.	
Adoption des projets de lois.	
Lois de la Législature.	
Publication obligatoire dans la Gazette officielle.	
Documents officiels.	
Documents publiés en vertu d'une loi.	

Operational Matters

Chronic underfunding of the Office of the Commissioner

In order to carry out its legislated mandate, which is mainly to protect the constitutional language rights of New Brunswickers, it is imperative that the Office of the Commissioner be funded at a sufficient level. In that regard, it is worth noting that the Office of the Commissioner of Official Languages opened its doors on April 1, 2003 with an annual budget of \$501,000. Over the past 11 years, (2003-2015) budget expenditures for the Office of the Commissioner of Official Languages have increased by only 1.0%.

While recognizing the current fiscal context, the independence, effectiveness and sustainability of the Office of the Commissioner is nevertheless severely compromised by the chronic underfunding of its budget. Moreover, given the recent changes to the *Official Languages Act*, which will add considerably more responsibilities to the Office of the Commissioner, the need for an increase in funding is even more pressing.

On February 11, 2015, the Commissioner was given 10 minutes to appear before the Legislative Administration Committee to present the 2015-2016 budget submission for the Office. The Commissioner respectfully requested that, as members considered the submission, they do so in the context of the 11-year budget history of the office, during which expenditures have increased by a mere 1.0%. The Commissioner called on members of the Committee to be cognizant of the fact that the sustainability of this office is at risk as a full 92.3% of the budget is required to fund the salaries and benefits of the Office staff.

In a letter dated March 18, 2015, the Clerk of the Legislative Assembly informed the Commissioner that the Committee did not agree to an increase in the budget and had determined that the budget for the Office of the Commissioner of Official Languages for New Brunswick would remain at \$506,000 for the 2015-2016 fiscal year.

Absence of forum for Legislative Officers

The Commissioner of Official Languages for New Brunswick is one of eight officers of the Legislative Assembly. Legislative Officers are independent of government, exercise oversight functions, and are mandated to assist the Legislative Assembly in holding government, ministers, and the bureaucracy to account. Legislative Officers protect the various kinds of rights of individual New Brunswickers and are appointed by and accountable to the Legislative Assembly.

Through rule changes adopted in March 2015, the Standing Committee on Procedure, Privileges and Legislative Officers was established. This new committee combines the Standing Committee on Procedure, the Standing Committee on Privileges, and the Standing Committee on Legislative Officers.

With respect to the Legislative Officers, all reports to the House of Legislative Officers stand permanently referred to this committee. According to the Legislative Assembly website, “the committee provides a forum through which the Legislative Officers are accountable to the Legislative Assembly and ensures that their offices function effectively and meet the objectives of their respective Acts.”

The various reports of *Legislative Activities*, *Legislative Assembly of New Brunswick* describe the

mandate of the Standing Committee on Legislative Officers as follows:

“The Committee reviews reports to the House from the Legislative Officers, which includes the Access to Information and Privacy Commissioner, Auditor General, Chief Electoral Officer, Child and Youth Advocate, Commissioner of Official Languages, Conflict of Interest Commissioner, Consumer Advocate for Insurance, and Ombudsman.”

It has been four years – back in June 2011 – since the committee mandated to provide a forum through which the Legislative Officers are accountable to the Legislature held its last meeting.

The Commissioner considers the lack of contact with the former committee of the Legislative Assembly as regrettable and looks forward to presenting this report and subsequent annual reports to the newly formed Standing Committee on Procedure, Privileges and Legislative Officers.

The Commissioner is hopeful that the new committee will recognize the importance of taking on a more active role in ensuring that reports of Legislative Officers are used more effectively in the work of the Legislative Assembly. Transparency and accountability will be improved by meeting with Legislative Officers at least once a year.



CHAPTER O-0.5

Official Languages Act

Assented to June 7, 2002

Chapter Outline

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peace officer — agent de la paix	
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CHAPITRE O-0.5

Loi sur les langues officielles

Sanctionnée le 7 juin 2002

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cité — city	
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institution — institution	
langues officielles — official languages	
ministère — department	
municipalité — municipality	
publication et publier — publication and published	
services publics — public service	
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Publication obligatoire dans la <i>Gazette royale</i>	
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Promotion

Two Official Languages, Many Inspiring Practices

Going beyond the obligations set out in the *Official Languages Act*. Creating work environments where employees feel comfortable working in the official language of their choice. Finding original ways of enabling employees to improve their second-language skills. These are inspiring practices that must be publicly recognized to pay tribute to the authors of these practices and also to encourage all government employees to have a hand in fully achieving the vision of the *Official Languages Act*.

In the fall of 2014, Commissioner d'Entremont invited leaders of institutions to which the Act applies to nominate employees who demonstrate inspiring practices related to official bilingualism.

We are pleased to present the selected nominees here.

The Health Workforce Planning Branch

Éric Levesque, Nicole Newman, Michèle Roussel

DEPARTMENT OF HEALTH

The Health Workforce Planning Branch promotes and coordinates student clinical placements in various health professions such as Occupational Therapy, Audiology, and Speech Language Pathology, both within and outside New Brunswick. This is done in close collaboration with front-line clinicians and staff of both Regional Health Authorities (RHAs) as well as university clinical education coordinators.



Éric Levesque, Nicole Newman, Michèle Roussel,
Katherine d'Entremont

The Branch ensures that students have access to quality clinical placements in their language of choice. In that regard, it should be noted that students can complete their clinical placement in their second language. Special arrangements are then made to have the RHAs conduct interviews to determine the students' language proficiency and ensure that it is adequate to meet the necessary standards. If that is the case, students have the opportunity to learn medical terms, apply medical practices, and interact on a professional level in the other official language.

The opportunity to complete the placement in their second language prepares students to provide medical care in both official languages, hence improving access to bilingual health care in the province. In addition, students can experience the diversity and richness of New Brunswick's Anglophone and Francophone communities. This, in turn, greatly assists the RHAs in their recruitment efforts of bilingual health service providers.

Eric Nadeau

Manager

SERVICE NEW BRUNSWICK

Eric Nadeau is a manager with Service New Brunswick. He oversees about 20 employees working for the Land Registry. Each day, Eric Nadeau tries to create a work environment where his employees feel comfortable working in English or French.



Eric Nadeau and Katherine d'Entremont

He does this for a number of reasons. First, it's a sign of respect for his employees. But there's more. It's also a way for Francophone employees to learn the French terminology associated with their work and offer quality services to the public in that language.

In addition, having employees use both languages in internal communications helps avoid misunderstandings or errors in interpreting instructions they're given. Last of all, a bilingual environment allows employees who wish to do so to keep up their skills in their second official language.

To ensure balanced use of both languages at work, Eric Nadeau sets an example by using English and French in all communications meant for all staff. When emails addressed to Anglophone and Francophone employees circulate, Eric doesn't hesitate to translate the information into the other language. This manager regularly encourages Francophone staff to write in their language. At staff meetings, he makes sure both languages are used and that French discussion groups are established. He's not reluctant to discuss the place of both official languages during his meetings with his staff. And he invites bilingual Anglophone employees to keep up their French skills by using this language in internal communications.

Eric Nadeau believes that the vitality of the French language in New Brunswick requires its regular use at work. That's why he makes every effort to ensure the balanced use of both official languages within his unit. It's become a daily thing for him. A sign of respect for both linguistic communities; a sign of the future for the French language.

Edith Tippet

Customer Service Representative
Service Centre - Saint John
SERVICE NEW BRUNSWICK

As a Customer Service Representative, Edith is responsible for delivering over 350 services to the citizens of New Brunswick. Edith strives for excellence in all that she does and this attitude combined with her academic background sets her clearly in the "over achiever" group in the Saint John Service Centre. No challenge is too big for her: becoming fluently bilingual among them!



Edith Tippet and Katherine d'Entremont

Edith actively practices the use of French as her second language. She does not shy away from using her French and she likes to speak and write French at every opportunity. Edith takes French training every year at her own expense. Moreover, she always goes beyond the active offer to converse in French with a customer and if required she will direct the customer to a bilingual representative and will do this in French. She has improved her competency: from unilingual to basic to the most recent rating of intermediate level 2. She has also recently asked for assistance to establish a schedule that will allow her to attend another French course. Her commitment to becoming bilingual is unwavering.

Edith was an inspiration to the Assistant Manager, Laura Merrithew, who signed up for French language training this past fall. Laura is a French immersion high school graduate who has not actively used her French in 20 years. As a result of Edith's joy and enthusiasm to speak a second language Laura decided to dust off her second language and get in the game of speaking French. Edith also encourages her bilingual colleagues in the Saint John Centre to speak to her in French so she can practice more often.

Edith's willingness and enthusiasm to speak French to her customers is remarkable.

Did you know?

New Brunswick Acts are co-drafted in both official languages

The Legislative Services Branch is responsible for providing a bilingual drafting service to all government departments and agencies and the production, publication, and consolidation of all of New Brunswick's acts and regulations.

The Legislative Services Branch provides its bilingual drafting services in a unique system of co-drafting. This involves a Francophone and Anglophone Legislative Solicitor assigned to the drafting of every file. This is a unique system that has been perfected over the years and has been the subject of study by legal academics. Unlike many other jurisdictions that simply translate and review the French-language versions of their legislation, the bilingual team of solicitors assigned to each file work closely together to ensure a superb legislative product in both languages for all New Brunswickers.

They work tirelessly, in both languages, to ensure a proper understanding of their colleagues' drafts to create legislation that meets the standards required of legislation in both official languages. Further work in this regard has also been done through the statute revision process, wherein they have worked

to revise and refine the text of both language versions to ensure consistency and respect for the nuances of our two official languages. The work of Legislative Services provides the very legal foundation on which our bilingual province is built. The excellent working relationship, the give and take between bilingual solicitors representing both of our official languages, is an example for all to follow. The public is provided with exceptional legislation in both official languages prepared by Anglophone and Francophone solicitors working together.

Any GNB employee who has a question regarding legislation or is working on a legislative proposal can work with the teams of Legislative Solicitors in his or her language of choice and be assured that they can receive a response that is mindful of the legislative impacts on both versions of their legislative text.

The process of co-drafting implemented in Legislative Services approximately two decades ago was seen as so integral to New Brunswick's obligations as an officially bilingual province that it was incorporated into the *Official Languages Act* in 2013.



QUESTION PERIOD AT THE LEGISLATIVE ASSEMBLY

Same results as last year: 82% in English

The vitality of a language is not only related to the number

of speakers. Several other factors play a role: its status (official language or not), its instruction in the schools, its use in the workplace, its presence in the media. Also, public use of a language, particularly within large institutions, can have an influence on public perceptions with respect to its importance or place within society. We can therefore understand that a balanced use of both official languages in the Legislative Assembly is very important.

Question period is definitely one of the highlights of the activities in the Legislature. Webcast and closely monitored by journalists, it has a direct impact on current affairs in the province. Although simultaneous interpretation is available during

question period, the choice of languages used during a debate has a very symbolic value that cannot be underestimated.

A review of the question period transcripts from **December 4, 2014, to March 27, 2015** (28 days), shows that, on average, debates were carried out 82% of the time in English. This is the same result as last year for the review of the question period transcripts from November 6 to December 13, 2013.

The Commissioner recognizes and respects the right of MLAs to use their language of choice during debates. Yet she notes the important role elected officials can play in the vitality of both official languages in the province. She therefore encourages all MLAs to strive for a more balanced use of French and English in the Legislature.

Presentations by the Commissioner

As part of her mandate, the Commissioner is often invited to speak and make presentations to different groups. Below is a list of the main speeches given by the Commissioner during the 2014-2015 fiscal year.

- Presentation to Deputy Minister Committee
- Canadian Parents for French – Public speaking competition
- French for the Future – Moncton Forum
- Annual Conference of the Association of Municipal Administrators of New Brunswick
- Congrès mondial acadien 2014
- Université Sainte-Anne (Pointe-de-l'Église, Nova Scotia)
- Bilingualism in Moncton Committee and Frye Festival

- Symposium on the Translation Industry (Alianco)
- Presentation UNB Saint John
- Presentation to Parliamentary Delegation from Wales
- 5th Annual Meeting of the Language Rights Support Program (LRSP)
- Standing Committee on Official Languages of the House of Commons

Language rights explained

During the 2014-2015 fiscal year, the Office of the Commissioner of Official Languages for New Brunswick produced five factsheets on the language rights of New Brunswickers. These factsheets, which are available on the Office of the Commissioner's website, mainly describe the linguistic obligations that institutions have towards citizens.

This initiative ties in with the Commissioner's mandate to promote the advancement of both

official languages. The initiative also seeks to follow up on the 2013 Report of the Select Committee on the Revision of the *Official Languages Act* in which the Committee expressed hope that "the Commissioner would make greater efforts to improve public awareness of [her] role."

The factsheets are reproduced on the following pages.

Your language rights in New Brunswick

A summary of your rights under the
Official Languages Act of New Brunswick

1 The government and public services

What you need to know

English and French are the official languages of New Brunswick. The provincial government and most public bodies must therefore serve you in the official language of your choice.

Examples of public bodies that must serve you in the official language of your choice:

- Provincial departments (for example, the Department of Transportation and Infrastructure, the Department of Natural Resources, etc.)
- NB Liquor
- NB Power
- Office of the Child and Youth Advocate
- Office of the Ombudsman
- Service New Brunswick
- WorkSafeNB



Official languages in everyday use

Examples of government programs and services that must be provided in the official language of your choice:

- Driver's licence
- Hunting licence
- Medicare
- Property assessment
- Public libraries
- Road conditions
- Social Assistance
- Student financial services
- Weigh stations

Across the province

Throughout New Brunswick, the provincial government and most public bodies must serve you in the official language of your choice.



All communications

Your language rights apply to all types of communication.



Active offer of service

From the moment of first contact, you must be offered service in both English and French.



Services of equal quality

Government services must be of equal quality in both official languages.



A wise choice

No matter where you are in the province, making use of a service in the official language of your choice contributes to the improvement of bilingual services. That's something that benefits everyone.

Active offer: how it works

Organizations subject to the *Official Languages Act* must inform the public that their services are available in English and French from the moment of first contact. That's what is called the active offer of service. Greeting the public in both languages and having bilingual signs are examples of active offer. Once a member of the public has chosen a language, that choice must be respected throughout the chain of service.

The goal of the active offer is to ensure that members of the public know they have the right to use the official language of their choice when dealing with the provincial government and public bodies.

It's not up to citizens to request a service in their own language, employees must offer it to them.

Education: an exception

In New Brunswick, each linguistic community (Anglophone and Francophone) has the right to its own schools and educational institutions. That right exists in order to protect the vitality and ensure the development of each community.

Consequently, the following are not required to provide their services in both official languages:

- the provincial school system, including the English and French sectors of the Department of Education and Early Childhood Development
- schools and their committees
- district education councils
- community centres
- community colleges
- universities

Beware of myths

Official bilingualism means that all government employees must be bilingual...

False. As of March 31, 2013, the provincial government required that 39% of its employees be bilingual.

Source: New Brunswick Department of Human Resources

If your rights are not respected

Despite progress made with regard to official languages, there may be circumstances when public bodies do not respect your language rights. If that is the case, we invite you to contact us. Filing a complaint is easy and the investigations we conduct help improve the quality of bilingual services. To learn more, simply click on this link.

How to contact us

Office of the Commissioner of Official Languages
for New Brunswick
Telephone: 1-888-651-6444
Email: complaints@officiallanguages.nb.ca
Website: officiallanguages.nb.ca
Address:
Kings Place, 440 King Street, King Tower, Suite 646
Fredericton E3B 5H8

OFFICE OF THE COMMISSIONER
OF OFFICIAL LANGUAGES
FOR NEW BRUNSWICK



COMMISSARIAT AUX
LANGUES OFFICIELLES DU
NOUVEAU-BRUNSWICK

To find out more about your language rights, visit
www.officiallanguages.nb.ca.

Your language rights in New Brunswick

A summary of your rights under the
Official Languages Act of New Brunswick

2 Health Care

What you need to know

English and French are the official languages of New Brunswick. You therefore have the right to receive health care services in either of these languages.

Examples of bodies that must serve you in the official language of your choice:

- Ambulance New Brunswick
- Department of Health
- Extra-Mural Program
- Horizon and Vitalité Health Networks
- Hospitals
- Mental health centres
- New Brunswick Heart Centre
- Public Health Services
- Stan Cassidy Rehabilitation Centre



Attention: exceptions

The New Brunswick *Official Languages Act* does not apply to

- Pharmacies
- Private health care providers
- Private health clinics
- Private physicians' offices.

Across the province

Throughout New Brunswick, hospital and health services staff must serve you in the official language of your choice.



All communications

Your language rights apply to all types of communication.



Active offer of service

From the moment of first contact, hospital and health services staff must offer to serve you in both languages. Furthermore, your choice of language must be respected throughout the continuum of care.

Hello!
Bonjour!

Services of equal quality

Health services and programs must be of equal quality in both official languages.



Health Networks

New Brunswick has two Health Networks: Horizon and Vitalité. They manage hospitals and provide health care services. Each Network has an internal working language (English for Horizon and French for Vitalité). **However, both networks must provide their services to the public in both official languages.**

Importance of language

“Providing quality health services goes beyond the technical acts involved in providing people with care. Quality is, in fact, closely tied to the ability of the workers to assist, advise, guide and educate the service users. The ability to understand and to be understood is therefore a crucial part of an effective relationship between health professionals and users of health services.”

REPORT TO THE FEDERAL MINISTER OF HEALTH
Consultative Committee for French-Speaking Minority Communities

Answers to your questions

Why does the *Official Languages Act* apply across New Brunswick?

In adopting the *Official Languages Act*, the Legislative Assembly recognized an important principle: all citizens must have access to government services in the official language of their choice regardless of where they are in the province.

About the Commissioner

The Commissioner of Official Languages for New Brunswick is an independent officer of the Legislative Assembly. Her role is to protect the language rights of members of the Anglophone and Francophone communities and to promote the advancement of both official languages.

If your rights are not respected

Despite progress made with regard to official languages, there may be circumstances when public bodies do not respect your language rights. If that is the case, we invite you to contact us. Filing a complaint is easy, and the investigations we conduct help improve the quality of bilingual services. To learn more, simply click on this link.

How to contact us

Office of the Commissioner of Official Languages
for New Brunswick

Telephone: 1-888-651-6444

Email: complaints@officiallanguages.nb.ca

Website: officiallanguages.nb.ca

Address:

Kings Place, 440 King Street, King Tower, Suite 646
Fredericton E3B 5H8

OFFICE OF THE COMMISSIONER
OF OFFICIAL LANGUAGES
FOR NEW BRUNSWICK



COMMISSARIAT AUX
LANGUES OFFICIELLES DU
NOUVEAU-BRUNSWICK

To find out more about
your language rights, visit
www.officiallanguages.nb.ca.

Your language rights in New Brunswick

A summary of your rights under the
Official Languages Act of New Brunswick

3 Policing Services

What you need to know

English and French are the official languages of New Brunswick. You therefore have the right to communicate with all police services in either one of these languages.

Police forces that must serve you in the official language of your choice:

RCMP (Royal Canadian Mounted Police)

- All detachments in New Brunswick

Municipal police services

- Bathurst City Police
- Edmundston Police Force
- Fredericton Police Force
- Grand Falls Police Force
- Miramichi Police Force
- Saint John Police Force
- Woodstock Police Force

Regional police services

- BNPP Regional Police Force
- Kennebecasis Regional Police Force

"One moment, please."

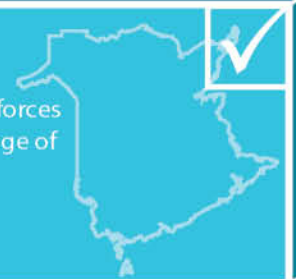
When the police officer does not speak your language...

From the moment of first contact, police officers must inform you that you have the right to communicate with them in the official language of your choice. Generally, they do this by greeting you in both languages: "Hello, bonjour." This is called the active offer of service.

If a police officer cannot continue the conversation in your language, he/she must take the necessary measures, within a reasonable time frame, to comply with your choice of language. The officer may call upon another officer who is bilingual.

Across the province

Throughout New Brunswick, police forces must serve you in the official language of your choice.



All communications

Your language rights apply to all types of communication.



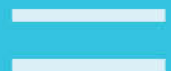
Active offer of service

From the moment of first contact, a police officer must offer you service in both official languages.

Hello!
Bonjour!

Services of equal quality

Police services must be of equal quality in both official languages.



Services of equal quality

The Canadian Constitution states that English and French are equal as to their use in all institutions of the Legislature and Government of New Brunswick. Accordingly, government services must be of equal quality in both official languages.

Did you know?

The role of the Commissioner of Official Languages is to protect the language rights of New Brunswickers and promote the two official languages.

To find out more about
your language rights, visit
www.officiallanguages.nb.ca.

If your rights are not respected

Despite progress made with regard to official languages, there may be circumstances when public bodies do not respect your language rights. If this is the case, we invite you to contact us. Filing a complaint is easy, and the investigations we conduct help improve the quality of bilingual services. To learn more, simply click on this link.

How to contact us

Office of the Commissioner of Official Languages
for New Brunswick

Telephone: 1-888-651-6444

Email: complaints@officiallanguages.nb.ca

Website: officiallanguages.nb.ca

Address:

Kings Place, 440 King Street, King Tower, Suite 646
Fredericton NB E3B 5H8

OFFICE OF THE COMMISSIONER
OF OFFICIAL LANGUAGES
FOR NEW BRUNSWICK



COMMISSARIAT AUX
LANGUES OFFICIELLES DU
NOUVEAU-BRUNSWICK

Your language rights in New Brunswick

A summary of your rights under the
Official Languages Act of New Brunswick

4 The justice system

What you need to know

English and French are the official languages of the New Brunswick courts. This means, among other things, that:

- you have the right to use the official language of your choice in court;
- you cannot be placed at a disadvantage by reason of your choice of language;
- if you are a party to a matter, the judge must understand the language you have chosen without relying on an interpreter;
- a person who is alleged to have committed an offence has the right to have the proceedings conducted in the language of his or her choice and shall be informed of that right by the judge. Moreover, the judge must understand the language chosen by this person without relying on an interpreter.

Official languages in everyday use

Examples of public bodies that must serve you in the official language of your choice:

- Administrative tribunals (for example: Assessment and Planning Appeal Board, the Appeals Tribunal under the *Workplace Health, Safety and Compensation Commission Act*)
- Legal Aid Services Commission
- Provincial courts
- Sheriff services

Answers to your questions

I have to appear as a witness in a trial that is being held in French. Can I testify in English?

Yes. The *Official Languages Act* states that all witnesses have the right to be heard in the official language of their choice. The Court will use an interpretation service so that the other parties can understand you in the other language.

Across the province

In New Brunswick, you have the right to use English or French in any matter before the courts.



All communications

Your language rights apply to all types of communication.



Active offer of service

From the moment of first contact, you must be offered service in both official languages.

Hello!
Bonjour!

Services of equal quality

Administration of justice must be of equal quality in both official languages.



Language Rights: Fundamental Rights

Your language rights are important! Judge for yourself:

- The language rights of New Brunswickers are guaranteed by an Act: the *Official Languages Act* (OLA) of New Brunswick.
- The Premier of New Brunswick is responsible for the administration of the OLA.
- If there is a conflict between the OLA and another provincial Act, the OLA prevails.
- The language rights of New Brunswickers have been strengthened by their inclusion in the *Canadian Charter of Rights and Freedoms*, which is part of the Canadian Constitution.

A few historical benchmarks

- | | |
|------|---|
| 1969 | Passage of the Province's first official languages act |
| 1982 | The language rights of New Brunswickers are enshrined in the <i>Canadian Charter of Rights and Freedoms</i> |
| 1988 | Enactment of the <i>Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick</i> |
| 1993 | The Charter was amended by the insertion of section 16.1 guaranteeing the equality of the Anglophone and Francophone communities of New Brunswick |
| 2002 | Adoption of a new official languages act for New Brunswick |

About the Commissioner

The Commissioner of Official Languages for New Brunswick is an independent officer of the Legislative Assembly. Her role is to protect the language rights of members of the Anglophone and Francophone communities and to promote the advancement of both official languages.

If your rights are not respected

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Your language rights in New Brunswick

5 Municipal and regional services

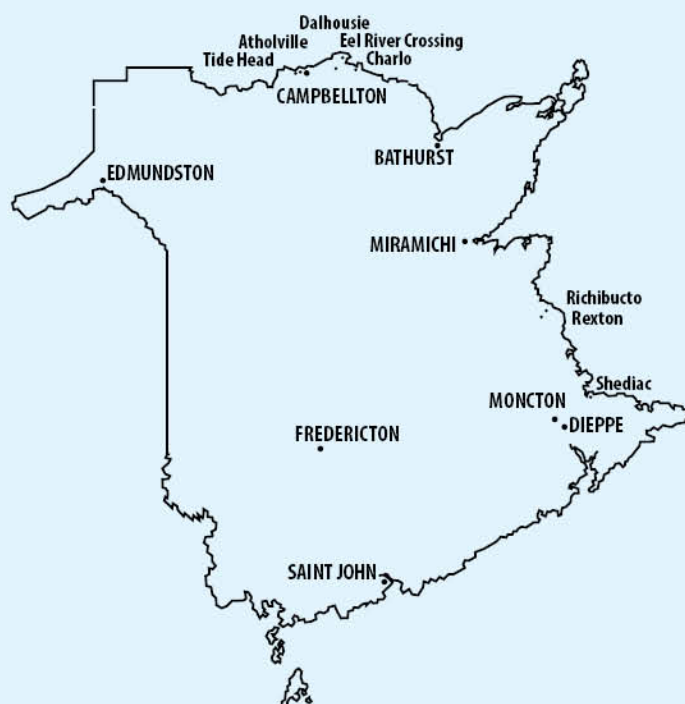
A summary of your rights under the
Official Languages Act of New Brunswick

Municipal services: what you need to know!

New Brunswick's cities and eight other municipalities (see provincial map) have language obligations. They must adopt and publish their by-laws and minutes of council proceedings in both official languages. They must also publish information and offer services in English and French, specifically:

- public notices of a general nature, including tender notifications, advertisements, public education material and council agendas
- websites
- building and facility signs
- traffic signs
- responses to public inquiries, whether verbal, written or electronic, including reception services, complaints and reported incidents
- invoices and responses to inquiries related to billing services
- tickets, warnings and public notices, information and responses to inquiries related to by-law enforcement services
- public notices, information and responses to inquiries related to:
 - recreational, leisure and cultural services
 - public works and utilities
 - public transit services
- licences, licence applications and public notices, information and responses to inquiries related to municipal licensing services
- inspection services, permits, permit applications and public notices, information and responses to inquiries related to building inspection services
- public notices, information, educational programs and responses to inquiries related to crime prevention services and fire prevention services
- public notices, information and responses to inquiries related to community planning and development services and services related to the administration of the *Community Planning Act*

CITIES and other municipalities
with language obligations



Answers to your questions

Since when do cities and some other municipalities have language obligations?

In 2002, the New Brunswick Legislative Assembly adopted a new official languages act. This act established language obligations for all cities, as well as for municipalities whose official language minority population represents at least 20% of its total population.

Regional services: what you need to know

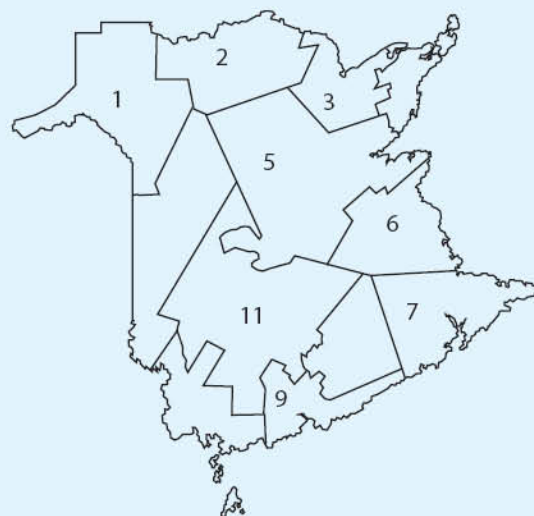
Eight of the twelve Regional Service Commissions* (see map) must offer the following services and communications in both official languages:

- All public notices of a general nature, including building and facility signs, tender notifications, advertisements and public education material
- Minutes and agendas of regular and special meetings of a regional service commission
- Responses to public inquiries, whether verbal, written or electronic, including reception services, complaints and reported incidents
- Invoices and responses to inquiries related to billing services

*Regional Service Commissions that have language obligations are

- those serving an area with an official language minority population of at least 20% of the total population,
- those whose area includes a city,
- those whose area includes a municipality with an official language minority population representing at least 20% of its total population.

Eight of the twelve Regional Service Commissions that have language obligations:



Northwest Regional Service Commission (1)
Restigouche Regional Service Commission (2)
Chaleur Regional Service Commission (3)
Greater Miramichi Regional Service Commission (5)
Kent Regional Service Commission (6)
Southeast Regional Service Commission (7)
Fundy Regional Service Commission (9)
Regional Service Commission 11

If your rights are not respected...

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